

Narcotic Drugs (Licence Charges) Amendment (Charge Amounts) Regulations 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 20 July 2023

David Hurley

Governor‑General

By His Excellency’s Command

Ged Kearney

Assistant Minister for Health and Aged Care  
Parliamentary Secretary to the Minister for Health and Aged Care

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Part 1—Amendments 2

Narcotic Drugs (Licence Charges) Regulation 2016 2

Part 2—Application of amendments 4

Narcotic Drugs (Licence Charges) Regulation 2016 4

1 Name

This instrument is the *Narcotic Drugs (Licence Charges) Amendment (Charge Amounts) Regulations 2023*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | 1 August 2023. | 1 August 2023 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Narcotic Drugs (Licence Charges) Act 2016*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments

Narcotic Drugs (Licence Charges) Regulation 2016

1 Section 4 (after the heading)

Insert:

Note: A number of expressions used in this instrument are defined in the Act, including the following:

(a) charge;

(b) licence.

2 Subsection 4(1)

Insert:

***agency of the Commonwealth, a State or a Territory*** has the same meaning as in the *Narcotic Drugs Act 1967*.

***authorised inspector*** has the same meaning as in the *Narcotic Drugs Act 1967*.

***inspection type 1*** means an inspection by an authorised inspector for the purposes of monitoring compliance with the *Narcotic Drugs Act 1967* or any instrument made under that Act by the holder of a licence that is in force*.*

***inspection type 2*** means an inspection by an authorised inspector for the purpose of verifying information in relation to a licence that is in force that is provided by:

(a) the holder of the licence; or

(b) any other person, law enforcement agency, or any other agency of the Commonwealth, a State or a Territory;

that relates to any one or more of the following:

(c) activities engaged in under, or purportedly under, the licence or a permit that relates to the licence;

(d) conditions of the licence;

(e) any other matters relating to the licence, or the holder of the licence;

(f) any other matters relating to one or more permits that relate to the licence.

***law enforcement agency*** has the same meaning as in the *Narcotic Drugs Act 1967*.

***medicinal cannabis licence*** has the same meaning as in the *Narcotic Drugs Act 1967*.

***permit*** has the same meaning as in the *Narcotic Drugs Act 1967*.

3 Section 6

Repeal the section, substitute:

6 Amount of charge on a medicinal cannabis licence

(1) This section prescribes the amount of charge on a medicinal cannabis licence for the purpose of subsection 8(1) of the Act.

Amount for commercial medicinal cannabis licences

(2) The amount of charge on a commercial medicinal cannabis licence for a licence year is $27,520.

Amount for non‑commercial medicinal cannabis licences

(3) The amount of charge on a non‑commercial medicinal cannabis licence for the first year that the licence is in force is $27,520.

(4) The amount of charge on a non‑commercial medicinal cannabis licence for any later licence year is nil.

Note: For the definition of ***commercial medicinal cannabis licence***, ***non‑commercial medicinal cannabis licence*** and ***licence year***, see section 4.

6A Amount of charge for inspections

(1) For the purpose of subsections 6(3) and 8(1) of the Act, this section prescribes amounts of charge for an inspection relating to a licence that is in force.

(2) The amount of charge for an inspection type 1 is $12,600.

(3) The amount of charge for an inspection type 2 is $4,760.

(4) To avoid doubt, more than one charge under subsection (2) or (3) is payable during a licence year if more than one inspection is carried out during the year.

Note 1: For the meaning of ***licence***, ***inspection type 1*** and ***inspection type 2***, see section 4.

Note 2: For the requirements regarding the payment of charge, see section 54B of the *Narcotic Drugs Regulation 2016*.

Part 2—Application of amendments

Narcotic Drugs (Licence Charges) Regulation 2016

4 In the appropriate position in Part 3

Insert:

11 Application of amendments made by the *Narcotic Drugs (Licence Charges) Amendment (Charge Amounts) Regulations 2023*

(1) The amendments of section 6 made by the *Narcotic Drugs (Licence Charges) Amendment (Charge Amounts) Regulations 2023* apply to licence years that start on or after 1 August 2023.

(2) The amendments of section 4 made by, and section 6A as inserted by, the *Narcotic Drugs (Licence Charges) Amendment (Charge Amounts) Regulations 2023* apply to inspections commenced on or after 1 August 2023.