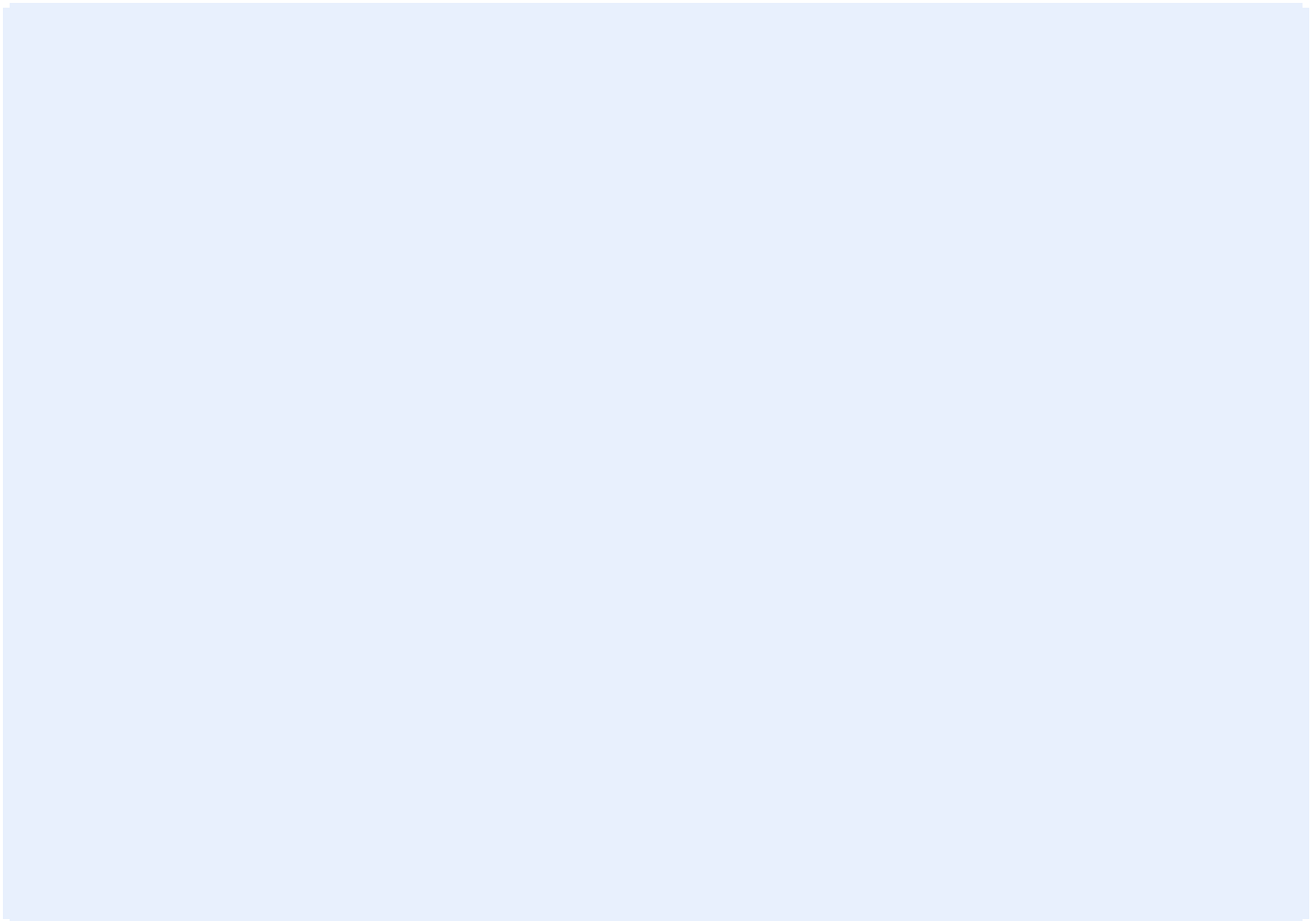




Australian Government
Department of Health
Office of Drug Control

Guidance Note: Medicinal Cannabis Scheme Specification of Variation Applications

Version 2.0, November 2020



© Commonwealth of Australia

Ownership of intellectual property rights

Unless otherwise noted, copyright (and any other intellectual property rights, if any) in this publication is owned by the Commonwealth of Australia (referred to as the Commonwealth).

Creative Commons Licence

All material in this publication is licensed under a Creative Commons Attribution 3.0 Australia Licence, save for images, content supplied by third parties, and the Commonwealth Coat of Arms.

Creative Commons Attribution 3.0 Australia Licence is a standard form licence agreement that allows you to copy, distribute, transmit and adapt this publication provided you attribute the work. A summary of the licence terms is available at creativecommons.org/licenses/by/3.0/au/deed.en. The full licence terms are available at creativecommons.org/licenses/by/3.0/au/legalcode.

This publication (and any material sourced from it) should be attributed as: *July 2020, Guidance Note: Medicinal Cannabis Scheme Specification of Variation Applications - Office of Drug Control, Canberra.*

Inquiries regarding the licence and any use of this document should be sent to: dcsc@odc.gov.au.

Office of Drug Control

Postal address:

PO Box 100
Woden
ACT, 2606
Australia

Switchboard:

(02) 6289 1555

Web:

odc.gov.au

The Australian Government acting through the Office of Drug Control has exercised due care and skill in the preparation and compilation of the information and data in this publication. Notwithstanding, the department, its employees and advisers disclaim all liability, including liability for negligence, for any loss, damage, injury, expense or cost incurred by any person as a result of accessing, using or relying upon any of the information or data in this publication to the maximum extent permitted by law.

Version control

Updates to this document will occur automatically on the Office of Drug Control website and the revision table below will list the amendments as they are approved.

Date	Version	Amendments	Approved by
15 July 2020	1.0	Original publication	ODC
1 November 2020	2.0	Amendments relating to cannabis-related manufacture licences	ODC

Table of contents

Introduction	4
Notes	4
ATTACHMENT A – SPECIFICATION OF VARIATION APPLICATIONS	5
Application to vary a licence	5
<i>Simple licence variation application</i>	5
<i>'Complex' licence variation application</i>	5
Application to vary a permit	5
<i>Simple permit variation applications</i>	5
<i>'Complex' permit variation applications</i>	6

Introduction

The *Narcotic Drugs Regulation 2016* (the Regulation) prescribes fees for various applications relating to medicinal cannabis made under the *Narcotic Drugs Act 1967* (the Act).

Attachment A is what the Regulation defines as the 'variation application classification document'; it is the [Specification of variation applications](#) published on the Department's website. It specifies whether a kind of licence or permit variation application is either a simple application and, by exclusion from this type of application, what we are calling a complex variation to work with the Regulation to determine what fee is payable for such a variation application. Those fees are set out in items 4, 5, 6 and 7 of the table in clause 1 of schedule 1 of the Regulation.

The fee you are required to pay when you make a variation application is set out in the Regulation as follows:

- **Simple licence variation applications** are subject to a fee of \$1,090, on the basis that the assessment of these applications will not require significant effort on behalf of officers of the department to assess.
- **Complex licence variation applications** are subject to a fee of \$5,460, on the basis that the assessment of such applications will require significant effort on behalf of officers of the department to assess.
- **Simple permit variation applications** are subject to a fee of \$120, on the basis that the assessment of these applications will not require significant effort on behalf of officers of the department to assess.
- **Complex permit variation applications** are subject to a fee of \$2,870, on the basis that the assessment of these applications will require significant effort on behalf of officers of the department to assess.

This document relates to applications to vary the following licence types

- Medicinal cannabis licences
- Cannabis research licences
- Cannabis-related manufacture licences.

Notes

An application for variation of a licence or a permit is not a substitute for an application for a new licence or a permit. Applicants intending to apply for a complex licence or permit variation should first contact MCS.Application@health.gov.au to determine if a new application is required.

ATTACHMENT A – SPECIFICATION OF VARIATION APPLICATIONS

Application to vary a licence

Simple licence variation application

For the purposes of item 4 of the table in clause 1 of schedule 1 of the *Narcotic Drugs Regulation 2016* (the Regulation), an application to vary a medicinal cannabis licence or a cannabis research licence granted under the *Narcotic Drugs Act 1967* (the Act) set out in in Table 1 below is specified as a **simple** application.

Table 1: Applications to vary a licence – simple

1	Application to vary the period for which a medicinal cannabis licence, cannabis research licence, or cannabis-related manufacture licence is in effect.
2	Application to add or remove persons authorised by the licence to engage in activities authorised by the licence, but only if those persons do not also need to be assessed as a fit and proper person.
3	Application to vary the trading name of the licence holder. Note: The ABN/ACN of the licence holder must remain the same.

'Complex' licence variation application

For the purposes of item 5 of the table in clause 1 of schedule 1 of the Regulation, an application to vary a medicinal cannabis licence or a cannabis research licence granted under the Act that is not specified in Table 1 above is specified as an application other than simple; for ease of reference such an application is known as a **complex** application.

Application to vary a permit

Simple permit variation applications

For the purposes of item 6 of the table in clause 1 of schedule 1 of the Regulation, an application to vary a medicinal cannabis permit or a cannabis research permit granted under the Act listed in Table 2 below is specified as a **simple** application.

Table 2: Application to vary a permit – simple

1	Application to vary any period specified on a medicinal cannabis permit or cannabis research permit is in force, but only if that application does not require a variation to any other aspect of the permit. Note: It is expected that such applications would be required to allow for a time-limited continuation of authorised activities.
2	Application to vary the trading name of the licence holder, but only if that application does not require a variation to any other aspect of the permit. Note: The ABN/ACN of the licence holder must remain the same.

3	<p>Application to vary the maximum size of one or more cannabis crops that may be cultivated under the permit, provided that none of the following exceeds the maximum specified in the permit as in force at the time the application was made:</p> <ol style="list-style-type: none">a. the number of cannabis plants in the holder's possession or control at any timeb. the quantity of cannabis or cannabis resin that may be producedc. the quantity of cannabis or cannabis resin that the licence holder has in its possession or control at any time.
---	--

'Complex' permit variation applications

For the purposes of item 7 of the table in clause 1 of schedule 1 of the Regulation, an application to vary a medicinal cannabis permit or a cannabis research permit granted under the Act that is not listed in Table 2 above is as an application other than simple; for ease of reference such an application is known as a **complex** application.