



Informed consent form

Narcotic Drugs Act 1967

This form authorises the Office of Drug Control (Department of Health) to obtain information on an individual named in an application for the grant or variation of a licence under the *Narcotic Drugs Act 1967*.

In deciding an application, the Office of Drug Control (ODC) may seek information on a person(s), identified in an application, who can potentially influence the business affairs of a licence holder (if the application were successful). Such persons may be, but not limited to, Business Associates, immediate relatives or Directors of a Body Corporate. The submission of Informed Consent forms assists the ODC to identify any person(s) of immediate interest when deciding an application.

It is important to note, that the ODC does not approach persons (connected with the application) to obtain Informed Consent. This rests with the applicant. The applicant must coordinate/ensure the submission of completed and signed (Informed Consent) form(s), for any persons(s) so identified by the ODC. Failure to do so will result in application processing delays and may lead to possible rejection.

Section 1: Personal information

Please select appropriate box only

1. Application submitted by		
<input type="checkbox"/> Applicant	<input type="checkbox"/> Business Associate	<input type="checkbox"/> Relative of Applicant
<input type="checkbox"/> Relative of business associate, director or officer of body corporate		

2. Names by which I am, or have been, known					
<i>If more room is required, list on a separate sheet, sign and attach to this form.</i>					
Primary Surname:		First:		Middle:	
<input type="checkbox"/> Maiden		<input type="checkbox"/> Alias		<input type="checkbox"/> Previous	
Surname:		First:		Middle:	
Date of Birth:	(dd/mm/yyyy)	Sex:	<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Unspecified

3. Place of birth	
Suburb/Town:	State/Territory:
Country:	

4. Permanent Residential Address over the last five years <i>If more room is required, list on a separate sheet, sign and attach the sheet to this form.</i>							
Current				Period of residence			
Number/Street:					to		
Suburb/Town:		State/Territory:		Postcode:		Country:	
Previous (if applicable)				Period of residence			
Number/Street:					to		
Suburb/Town:		State/Territory:		Postcode:		Country:	
Previous (if applicable)				Period of residence			
Number/Street:					to		
Suburb/Town:		State/Territory:		Postcode:		Country:	

Section 2: Purpose and background information on the collection, use and disclosure of information provided in this form

The *Narcotic Drugs Act 1967* (the ND Act) authorises the lawful cultivation of cannabis plants for the production of cannabis or cannabis resins for medicinal or research purposes. The ND Act also regulates the manufacture of narcotic drugs. The cultivation of cannabis plants, the production of cannabis or cannabis resins, and the manufacture of drugs without a licence and permit authorizing those activities and associated activities would be an offence under the *Criminal Code Act 1995* and relevant States and Territories legislation.

A person may apply to the Secretary of the Department of Health (the Secretary) or their delegate for any of the following licences:

- a. medicinal cannabis licence;
- b. cannabis research licence;
- c. manufacture licence.

A medicinal cannabis licence may authorise one or more of the following activities:

- a. the cultivation of cannabis plants, in accordance with one or more medicinal cannabis permits, for the purpose of producing cannabis or cannabis resin for medicinal purposes, and if appropriate, the obtaining of cannabis plants for the purpose of such cultivation;
- b. the production of cannabis or cannabis resins for medicinal purposes, in accordance with one or more medicinal cannabis permits;
- c. activities relating to such obtaining, cultivation or production.

A cannabis research licence may authorise one or more of the following activities:

- a. the cultivation of cannabis plants, in accordance with one or more cannabis research permits, for the purpose of producing cannabis or cannabis resin for research relating to medicinal cannabis, and if appropriate, the obtaining of cannabis plants for the purpose of such cultivation;
- b. the production of cannabis or cannabis resins for research relating to medicinal cannabis, in accordance with one or more medicinal cannabis permits;
- c. activities relating to such obtaining, cultivation or production, including but not limited to the supply of plants to cultivators of cannabis plants licensed under the ND Act.

A manufacture licence may authorize the manufacture of a drug in accordance with one or more manufacture permits and activities relating to such manufacture, including but not limited to the supply of the drug, the packaging, transport, storage, possession and control of the drug and the disposal or destruction of the drug.

The Secretary must refuse to grant a medicinal cannabis licence, a cannabis research licence, and a manufacture licence if the Secretary is not satisfied on reasonable grounds that:

- a. the applicant is a fit and proper person to hold the licence; and
- b. each of the applicant's relevant business associates for the application, whether in relation to a business relating to the cultivation, production or manufacture, or in relation to any other business, is a fit and proper person to be associated with the holder of the licence.

A business associate of an applicant is a relevant business associate for the application if the Secretary considers it reasonable, in the circumstances of the application to take that business associate into account.

Sections 8A and 8B of the ND Act sets out the matters that the Secretary or their delegate may have regard to when determining whether an applicant or a licence holder or any business associate of the applicant or licence holder is a fit and proper person. Section 8A concerns individuals, and section 8B relates to bodies corporate.

Sections 8A and 8B list a wide range of matters that may be taken into account by the Secretary or their delegate in making a judgement on whether a person is a “fit and proper person”. The list includes criminal convictions, imposition of civil penalties, the person’s previous business experience, financial circumstances and background, any history as a regulated entity under any law of the Commonwealth, State, Territory or another country, being a law relating to the prohibition or regulation of drugs, the person’s connections and associations (including relatives) and whether the person is of good repute taking into account their character, honesty and professional integrity.

In view of the requirement for the Secretary to refuse to grant a licence if not satisfied that the applicant is a fit and proper person to hold a licence and each of the applicant’s relevant business associates for the application is a fit and proper person to be associated with the holder of the licence, the Office of Drug Control will be disclosing information provided in the application and this consent form to law enforcement agencies that include, the Australian Criminal Intelligence Commission, the Australian Federal Police and other State and Territory agencies, to request them to provide to the Office of Drug Control information, if any, addressing the matters listed in sections 8A and 8B. The information provided by these agencies will be used by the Secretary or their delegate in making decisions in relation to an application for a licence under the Act. The information disclosed and received will not be used for any other purpose.

Two or more persons are business associates, in relation to a business, if each person:

- a. both:
 - i. holds a relevant financial interest, or is entitled to exercise a relevant power (whether on his or her own right or someone else’s behalf), in the business; and
 - ii. because of that interest of power, is able to exercise a significant influence over, or with respect to, the management or operation of the business; or
- b. holds any relevant position (whether in his or her own right or on someone else’s behalf) in the business.

Commonwealth, State and Territory law enforcement agencies consulted by the Secretary may likely hold information that could be relevant to the Secretary’s consideration of whether someone is a fit and proper person within the meaning of the ND Act. It is possible that some information if made available to the person, or to the public, could reveal sensitive details of law enforcement investigations or methodologies, including for example, information relating to human sources of intelligence in relation to criminal behaviour, controlled operations, assumed identities or the use of coercive powers. Thus, some information provided by law enforcement agencies, or already held by the Secretary through some other source will not be disclosed and safeguards are in place under the ND Act against the disclosure of such information in specified circumstances. This information is referred to as sensitive law enforcement information (SLEI). SLEI is information, which if disclosed, could prejudice law enforcement operations, intelligence collection or the safety of certain persons. Generally, administrative decisions require the provision of statement of reasons to the person affected by the decision. However, the decision-maker (the initial decision maker, the Minister or an internal reviewer) would be precluded from giving reasons to the extent that those reasons would disclose sensitive law enforcement information. Thus, an applicant or a licence holder would not be provided information that is sensitive law enforcement information

There are other matters and circumstances set out in the ND Act which, if they exist or are reasonably established, are grounds on which the Secretary may refuse to grant a licence.

Information in relation to the Department of Health’s Privacy Policy can be accessed at <https://www.health.gov.au/resources/publications/privacy-policy>.

Please note that section 14N of the ND Act provides that a disclosure by the Secretary of information is authorised for the purposes of the *Privacy Act 1988* if the disclosure is one of those circumstances set out in paragraphs 14N(a) to (h), or the information has already been lawfully made available to the public. In addition, subsection 14K(1) provides that the Secretary can request information, documents or advice relevant to an application for a licence or permit, or otherwise in relation to a licence or permit, from any source, including an agency of the Commonwealth. Section 14L authorises the Secretary to require the head of a State or Territory agency to give the Secretary, information or documents relevant to a licence or a permit (including an application for a licence or a permit). If the Secretary requests personal information about an individual, the giving of information by the person to whom the request was made, and the collection of information, is taken to be authorised by the ND Act for the purposes of the *Privacy Act 1988* and the *Australian Border Force Act 2015*.

Section 3: Consent to obtain personal information

I,		
	Surname (Primary)	First and Middle (Primary)

1. acknowledge that I have provided my personal information, have read the general information of this form and understand that information will be disclosed and used in accordance with applicable legislation (including the application of the spent conviction scheme however described in the Commonwealth, States and Territories);
2. understand that the purpose on which this information will be disclosed and used as part of an application for a licence by _____, that an exclusion from spent convictions may apply;
3. have fully and correctly completed this form, and the personal information I have provided in it relates to me, contains my full name and all names previously used by me;
4. acknowledge that the provision of false or misleading information on this form is a serious offence under the *Commonwealth Criminal Code Act 1995*;
5. acknowledge that the Office of Drug Control of the Commonwealth Department of Health is collecting the information on this form for the purpose of assessing my suitability, or the suitability of _____ to hold a licence under the *Narcotic Drugs Act 1967*, or whether I am a fit and proper person to be connected or associated with the holder of that licence, or to be connected with or associated with the applicant, licence holder or business associates of the applicant or licence holder;
6. consent to:
 - a. the Office of Drug Control of the Department of Health using and disclosing my information to the law enforcement agencies set out in subparagraph (ii) for the purposes of assessing whether I am a fit and proper person to be associated with the holder of a licence under the *Narcotic Drugs Act 1967*, whose application for a licence has now been lodged under this Act;
 - b. the Australian Criminal Intelligence Commission, the Australian Federal Police, and other State and Territory law enforcement agencies using and disclosing my personal information to conduct an assessment on whether I am a fit and proper person, or the persons associated with the applicant or business associates of the applicant/licence holder are fit and proper persons as set out in the *Narcotic Drugs Act 1967*;
 - c. the law enforcement agencies set out in subparagraph (ii) disclosing to the Office of Drug Control from their records, information that can be disclosed in accordance with the laws of the Commonwealth, States and Territories, in accordance with the relevant jurisdiction's release policies;
7. acknowledge that any information provided by me on this form relates specifically to the purpose identified in section 2 of this form;
8. acknowledge that the any information provided by the law enforcement agencies listed in subparagraph 6(ii) relates specifically to the purpose identified in Section 2 of this form;
9. acknowledge that it is usual practice for the personal information provided by me to be disclosed to law enforcement agencies listed in subparagraph 6(ii) for law enforcement purposes including the investigation of any criminal offences past or present.

Signature:

Date: