



Obtaining Cannabis genetic material from international sources

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1. Purpose

This policy has been developed to provide advice on the obtaining of cannabis seeds or cannabis genetic material from international sources through importation. There are a number of licence and permit procedures for to import cultivar starting material and this guidance is designed to outline the requirements.

2. Background

Cannabis is controlled through international agreement under the *Single Convention on Narcotic Drugs of 1961* (the Convention). To enable the trade and use of cannabis and cannabis material, countries are required to implement various provisions of the Convention. In Australia, import requirements are controlled under Regulation 5 of the *Customs (Prohibited Imports) Regulations 1956* (Customs Regulations), while cannabis cultivation and production processes are controlled under the *Narcotic Drugs Act 1967* (the Act).

The Act enables a licensee to obtain cannabis plants (including seeds) as an authorised activity under either medicinal cannabis or a cannabis research licences (hereafter referred to as cannabis licences). In order to import cannabis material under the Customs Regulations, the licensee must be able to justify that the imported cannabis material has an authorised use and that diversion or accumulation of unused material will not result. The supporting justification necessary to obtain import permission is achieved by obtaining a medicinal cannabis permit under the Act, which demonstrates you have the right to obtain cannabis seeds or genetic material.

The requirement to hold both a cannabis licence (which allows the licensee to undertake the authorised activities) and a permit under that licence (which articulates the amount of any given authorised activity under licence) is designed to allow flexibility for licensees to change cultivation and production requirements as required, via permit, as opposed to seeking variations to activities under the licence.

3. Import Requirements

3.1 Importing requirements for drugs – Cannabis and Cannabis seeds

The importation of narcotic drugs, which includes cannabis and seeds, are prohibited unless the person holds a licence and permit to import under the Customs Regulations, administered by the Office of Drug Control (ODC).

To import cannabis seeds or cannabis genetic material you need from ODC:

- a cannabis licence and a permit under the Act
- an import licence and a permit under the Customs Regulations.

You may apply for an import licence and permit at any time; however, the import permit will not be issued until you have obtained the cannabis permit under the Act.

The import permit not only authorises and enables border clearance in Australia, but is normally required by the overseas Federal Level National Authority before they will consider granting export permission. The licence holder should discuss these requirements with the nominated exporter. Please note that failure to obtain the appropriate overseas export approvals may result in cancellation of an import licence.

Details for obtaining import permission can be found on the ODC website www.odc.gov.au under the [Importers, Exporters & Travellers section](#).

3.2 Biosecurity clearances – botanic material

The Commonwealth Department of Agriculture and Water Resources administers a separate import regime for biosecurity purposes. States and territories have regulatory requirements around the distribution of imported materials.

Of most significance to potential cannabis genetics importers is the biosecurity requirement for all foreign plant genetics being brought into Australia for that material to be free of disease and/or infection. The Commonwealth Department of Agriculture and Water Resources provides advice on importation requirements for cannabis genetics and seeds on that Department's [Biosecurity import conditions system](#).

For cannabis tissue culture for example, the plants are required to be grown in closed quarantine for a minimum of 3 months for visual screening and pathogen testing. For cannabis seeds, there are a range of pre- and post-border processes that can be undertaken which result in swifter processing.

It is important that the cannabis licensee is compliant with Commonwealth Department of Agriculture and Water Resources requirements for biosecurity.

Note: A biosecurity import permit does not satisfy the requirements of the Customs Regulations to import and cannot be used by overseas Federal Level National Authorities to issue export permission; you must also obtain a licence and permit to import under the Customs Regulations (see section 3.1).

4. A linear process

Once you hold a cannabis licence under the Act, you will need to consider how to get genetic material for cultivation. The fastest way to do this is to apply for multiple licences and permit simultaneously. In other words, you can apply in advance and have licences and permits fall into place once the relevant triggers in the above order are met (assuming your applications all go well of course).

4.1 Importation

After obtaining a:

1. A cannabis licence under the Act

you can apply simultaneously to the Office of Drug Control for:

2. An import licence to import narcotics under the Customs Regulations
3. A permit to obtain cannabis under the cannabis licence
4. A permit to import narcotics under the import licence.

In doing so, you need to provide the following information with the import application:

- a) The cannabis licence number
- b) A statement that you are simultaneously applying for the permit to obtain cannabis under your cannabis licence, (provide application reference number)
- c) A clear request that the permit to import narcotics under the import licence be linked and contingent to the grant of b) above.

Import licence and import permits will be assessed by the Drug Control Section, while permits under cannabis licences will be assessed by the Medicinal Cannabis Section.

Once the assessment of the permit under the cannabis licence is finalised, the results will be provided to the Drug Control Section, which will trigger the import licence and permit. ODC will endeavour to minimise the time between the issue of the cannabis permit and import permit.

4.2 How to obtain a permit under a cannabis licence

For some applicants or licence holders, there may be a desire to initiate the import process in advance of cannabis cultivation and production facilities being in place.

This is most likely for licence holders where facilities are nearing completion and there is a desire to import tissue or cultivar stock prior to the commissioning of those facilities. This might be to allow the 13 week 'grow-out' timeframe under the biosecurity arrangements required for the Commonwealth Department of Agriculture and Water Resources.

The Office of Drug Control can issue a permit specifically for the purposes of obtaining cannabis cultivar or seed stock (under sections 8E(1)(a) and 9D(1)(a) of the Act – dependant on the licence type), but will only do so if it is clear that at the end of the biosecurity process, the cannabis cultivars or tissue will be transferred to an approved facility – i.e. the licenced facility must be ready to take cannabis by that time.

5. Further information

Further information can be found by following the below links:

- Office of Drug Control
<https://www.odc.gov.au/>
- Narcotic Drugs Act 1967
<https://www.legislation.gov.au/Details/C2016C01132>
- Narcotic Drugs Regulation 2016
<https://www.legislation.gov.au/Details/F2016C01047>
- Commonwealth Department of Agriculture and Water Resources
[BICON](#)