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The Parliament of the
Commonwealth of Australia

SENATE

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Legalising Cannabis Bill 2023

No. , 2023

(Mr Bandt)

**A Bill for an Act to provide for the registration of
cannabis strains, the regulation of cannabis and the
establishment of the Cannabis Australia National
Agency, and for related purposes**

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A Bill for an Act to provide for the registration of cannabis strains, the regulation of cannabis and the establishment of the Cannabis Australia National Agency, and for related purposes

The Parliament of Australia enacts:

Part 1—Preliminary

^{^1} Short title

This Act is the *Legalising Cannabis Act 2023*.

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^2 Commencement

- (1) Each provision of this Act 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 Act	The day after the day on which the Consolidated Revenue Fund is appropriated under an Act to the Department in which this Act is administered for payment for the purposes of the Cannabis Australia National Agency.	

Note: This table relates only to the provisions of this Act as originally enacted.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

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

^3 Simplified outline of this Act

This Act provides for cannabis strains to be registered and regulates certain activities relating to cannabis.

Part 3 requires the Cannabis Australia National Agency to keep a Register of Cannabis Strains.

Cannabis strains may be registered on the Register on the initiative of the Cannabis Australia National Agency or on application by any person (other than a person who produces or manufactures alcohol, tobacco or certain pharmaceutical products).

Division 1 of Part 4 regulates cannabis by making it an offence to do any of the following, except in certain permitted circumstances

or if the activity is authorised by a licence issued by the Cannabis Australia National Agency:

- (a) import a cannabis product;
- (b) export a cannabis product;
- (c) grow certain cannabis plants;
- (d) sell a cannabis product;
- (e) manufacture a cannabis product;
- (f) allow a minor to have access to certain cannabis products;
- (g) publish cannabis advertisements, including electronically.

Division 2 of Part 4 permits cannabis products to be possessed by minors and other persons without criminal consequence in certain circumstances.

Division 3 of Part 4 makes provision for the Cannabis Australia National Agency to issue licences that authorise regulated cannabis activities to be undertaken in accordance with the licence.

Regulated cannabis activities include the following:

- (a) growing cannabis plants;
- (b) selling cannabis products;
- (c) manufacturing cannabis products;
- (d) operating a Cannabis Café;
- (e) importing and exporting cannabis products.

Part 5 establishes the Cannabis Australia National Agency.

^4 Crown to be bound

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

^5 Extension to external Territories

This Act extends to every external Territory.

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^6 Interaction with other laws

- (1) This Act has effect despite any other law of the Commonwealth, whether enacted before or after the commencement of this Act.
- (2) This Act is not intended to exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with this Act.

Note: For example, this Act is not intended to exclude or limit the operation of any State or Territory law that prohibits or regulates smoking.

Part 2—Interpretation

[^]7 Definitions

In this Act:

Agency means the Cannabis Australia National Agency.

approved RSC training means responsible service of cannabis training approved in writing by the Agency for the purposes of this definition.

cannabis means:

- (a) a cannabis plant; or
- (b) cannabis resin; or
- (c) any other form of cannabis (including flowering or fruiting tops, leaves, seeds or stalks, but not including cannabis fibre).

cannabis advertisement: see section [^]8.

cannabis plant means any plant of the genus Cannabis.

cannabis product means:

- (a) cannabis (in any form); or
- (b) any product:
 - (i) that contains cannabis as its main or substantial ingredient; and
 - (ii) that is designed or intended for human consumption or use.

cannabis strain means a cannabis plant grouping that is distinguishable from another cannabis plant grouping on the basis of one or more botanical, ethnobotanical or genetic identifiers.

CEO means the Chief Executive Officer of the Agency.

excluded person means a person that engages in one or more of the following:

- (a) the production or manufacture of alcohol or alcohol products;

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- (b) the production or manufacture of tobacco or tobacco products;
 - (c) the production or manufacture of pharmaceutical products (other than cannabis for medicinal or scientific purposes);
- and includes any related entity (within the meaning of the *Bankruptcy Act 1966*) of such a person.

licence means a licence issued under section ²⁷.

offence against this Act includes an offence against Chapter 7 of the *Criminal Code* that relates to this Act.

police officer means a member of the Australian Federal Police or of the police force of a State or Territory.

publish a cannabis advertisement: see section ⁹.

Register means the Register of Cannabis Strains kept under section ¹¹.

registered cannabis strain means a cannabis strain registered on the Register.

regulated cannabis activity: see section ¹⁰.

regulated trade or commerce means trade or commerce:

- (a) between Australia and places outside Australia; or
- (b) among the States; or
- (c) between a State and a Territory or between 2 Territories; or
- (d) by way of the supply of goods or services to the Commonwealth or an authority or instrumentality of the Commonwealth.

State or Territory co-operatives register means the following:

- (a) the register of co-operatives established under the *Co-operatives (Adoption of National Law) Act 2012* of New South Wales;
- (b) the register of co-operatives established under the *Co-operatives National Law Application Act 2013* of Victoria;

- (c) the register of co-operatives established under the *Co-operatives National Law Act 2020* of Queensland;
- (d) the register of co-operatives established under the *Co-operatives Act 2009* of Western Australia;
- (e) the register of co-operatives established under the *Co-operatives National Law (South Australia) Act 2013* of South Australia;
- (f) the register of co-operatives established under the *Co-operatives National Law (Tasmania) Act 2015* of Tasmania;
- (g) the register of co-operatives established under the *Co-operatives National Law (ACT) Act 2017* of the Australian Capital Territory;
- (h) the register of co-operatives established under the *Co-operatives (National Uniform Legislation) Act 2015* of the Northern Territory.

[^]8 **Meaning of *cannabis advertisement***

For the purposes of this Act, a ***cannabis advertisement*** is any writing, still or moving picture, sign, symbol or other visual image, or any audible message, or any combination of 2 or more of those things, that gives publicity to, or otherwise promotes or is intended to promote:

- (a) a cannabis product; or
- (b) the purchase or use of a cannabis product.

[^]9 **Meaning of *publish a cannabis advertisement***

For the purposes of this Act, a person ***publishes a cannabis advertisement*** if the person does any of the following things:

- (a) the person includes the advertisement in a document (including, for example, a newspaper, magazine, program, leaflet or ticket) that is available, or distributed, to the public or a section of the public;
- (b) the person includes the advertisement in a film, video, television program or radio program that is, or is intended to be, seen or heard by the public or a section of the public;

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- (c) the person:
 - (i) sells, hires or supplies the advertisement, or something containing the advertisement, to the public or a section of the public; or
 - (ii) offers the advertisement, or something containing the advertisement, for sale or supply to, or hire by, the public or a section of the public;
- (d) the person displays, screens or plays the advertisement, or something that contains the advertisement, so that it can be seen or heard in or from:
 - (i) a public place; or
 - (ii) public transport; or
 - (iii) a workplace;
- (e) the person brings the advertisement, or something that contains the advertisement, to the notice of, or disseminates the advertisement, or something that contains the advertisement, to, the public, or a section of the public, by an electronic means in connection with a telegraphic, telephonic or other like service within the meaning of paragraph 51(v) of the Constitution including, for example:
 - (i) by means of the internet; or
 - (ii) by making the advertisement remotely accessible by a computer, mobile phone or any other electronic device;
- (f) the person otherwise brings the advertisement, or something that contains the advertisement, to the notice of, or disseminates the advertisement, or something that contains the advertisement, to, the public, or a section of the public, by any means (including, for example, by means of a film, video, computer disk or electronic medium).

^10 Meaning of *regulated cannabis activity*

For the purposes of this Act, each of the following is a ***regulated cannabis activity***:

- (a) producing or reproducing propagating material of a registered cannabis strain;
- (b) conditioning material of a registered cannabis strain for the purpose of propagation;

- (c) offering for sale propagating material of a registered cannabis strain;
- (d) growing a cannabis plant of a registered cannabis strain;
- (e) growing a cannabis plant for the purpose of breeding a new or novel cannabis strain that constitutes an invention for the purpose of paragraph 51(xviii) of the Constitution;
- (f) growing a cannabis plant for the purposes of sale in the course of regulated trade or commerce;
- (g) manufacturing a cannabis product:
 - (i) that contains a registered cannabis strain as its main or substantial ingredient; and
 - (ii) that is designed or intended for human consumption or use;
- (h) operating a Cannabis Café:
 - (i) that sells (onsite or online) cannabis products that consist of, or include, registered cannabis strains; and
 - (ii) at which cannabis products that consist of, or include, registered cannabis strains can be consumed;
- (i) selling a cannabis product in the course of regulated trade or commerce;
- (j) importing a cannabis product into Australia for the purpose of either or both of the following:
 - (i) growing cannabis plants;
 - (ii) breeding a new or novel cannabis strain that constitutes an invention for the purpose of paragraph 51(xviii) of the Constitution;
- (k) exporting a cannabis product from Australia.

Part 3—Registration of cannabis strains

^11 The Register

- (1) The Agency must establish and maintain a Register of Cannabis Strains.
- (2) The Register may be kept in any form that the Agency considers appropriate.
- (3) The Register is not a legislative instrument.

^12 Power to register a cannabis strain

- (1) The Agency may, either on its own initiative or on an application made in accordance with section ^13, decide to register a cannabis strain on the Register.
- (2) In deciding whether to register a cannabis strain on its own initiative, the Agency must take into account whether it is necessary to do so in order to facilitate the issuing of licences in relation to the cannabis strain.
- (3) In deciding whether to grant an application to register a cannabis strain, the Agency must take into account any matters prescribed by the regulations.
- (4) In addition to its effect apart from this subsection, subsection (1) also has the effect it would have if its application were, by express provision, confined to cannabis strains the breeding of which constitutes an invention for the purpose of paragraph 51(xviii) of the Constitution.

^13 Application to register a cannabis strain

- (1) A person (other than an excluded person) may apply to the Agency for registration of a cannabis strain.
- (2) The application must:
 - (a) be accompanied by the fee (if any) prescribed by the regulations; and

- (b) meet any other requirements prescribed by the regulations.

[^]14 Consequences of registration of a cannabis strain

The registration of a cannabis strain on the Register does not affect the intellectual property rights of any person in relation to the cannabis strain under a law of the Commonwealth or of a State or Territory, or under the general law.

[^]15 Other matters relating to the Register and registration of cannabis strains

The regulations may make provision for and in relation to any other matter relating to the Register and the registration process, including (but not limited to) the following:

- (a) details to be included on the Register;
- (b) the time limit for making registration decisions;
- (c) review by the Administrative Appeals Tribunal of decisions of the Agency to refuse applications for registration.

Part 4—Regulation of cannabis

Division 1—Offences

¹⁶ Offence—importation of cannabis products

A person commits an offence if:

- (a) the person imports a cannabis product into Australia; and
- (b) the importation is not authorised by a licence.

Penalty: 2,000 penalty units or imprisonment for 2 years, or both.

¹⁷ Offence—exportation of cannabis products

A person commits an offence if:

- (a) the person exports a cannabis product from Australia; and
- (b) the exportation is not authorised by a licence.

Penalty: 2,000 penalty units or imprisonment for 2 years, or both.

¹⁸ Offence—growing cannabis plants

(1) A person commits an offence if:

- (a) the person grows a cannabis plant; and
- (b) the growing of the cannabis plant is a regulated cannabis activity; and
- (c) the growing of the cannabis plant is not:
 - (i) permitted under subsection (2); or
 - (ii) authorised by a licence.

Penalty: 2 penalty units and confiscation of all cannabis plants.

(2) The growing of a cannabis plant by a person is permitted under this subsection if all of the following apply:

- (a) the person is 18 years of age or older;
- (b) the plant is being grown at a private residence of the person;
- (c) the plant is being grown for the purposes of personal use only;

- (d) at the time the cannabis plant is being grown, no more than 5 other cannabis plants are being grown (whether by the person or another person) at a private residence of the person.

[^]19 Offence—manufacturing cannabis products

A person commits an offence if:

- (a) the person manufactures a cannabis product; and
- (b) the manufacture of the cannabis product is a regulated cannabis activity; and
- (c) the manufacture of the cannabis product is not authorised by a licence.

Penalty: 2000 penalty units or imprisonment for 6 months, or both.

[^]20 Offence—selling cannabis products

A person commits an offence if:

- (a) the person sells a cannabis product; and
- (b) the selling of the cannabis plant is a regulated cannabis activity; and
- (c) the selling of the cannabis plant is not authorised by a licence.

Penalty: 2000 penalty units or imprisonment for 6 months, or both..

[^]21 Offence—allowing a minor to have access to a cannabis product

A person commits an offence if:

- (a) the person allows another person to have access to a cannabis product; and
- (b) the other person is under 18 years of age; and
- (c) one or more of the following apply:
 - (i) the cannabis product consists of, or includes, a registered cannabis strain;
 - (ii) the cannabis product consists of, or includes, a cannabis strain that is the subject of a licence;

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(iii) the cannabis product is the subject of a licence.

Penalty: 2000 penalty units and 6 months imprisonment.

^22 Offence—publishing cannabis advertisements

- (1) A person commits an offence if:
- (a) the person publishes something, or authorises or causes something to be published; and
 - (b) the thing is a cannabis advertisement; and
 - (c) the cannabis advertisement is published in Australia; and
 - (d) either or both of the following apply:
 - (i) the cannabis advertisement relates to a cannabis product that consists of, or includes, a registered cannabis strain;
 - (ii) the cannabis advertisement is published in the course of, or for the purposes of, regulated trade or commerce.

Penalty: 2000 penalty units or imprisonment for 6 months, or both.

- (2) Subsection (1) does not apply if:
- (a) the cannabis advertisement is displayed at or on a place where cannabis products are offered for sale to the public; and
 - (b) the selling of the cannabis products at the place is authorised by a licence; and
 - (c) the display of the advertisement complies with all applicable requirements as to the size, content, format and location of the advertisement set out in regulations made for the purposes of this paragraph.

^23 Offence—publishing cannabis advertisements electronically

- (1) A person commits an offence if:
- (a) the person publishes something, or authorises or causes something to be published; and
 - (b) the thing is a cannabis advertisement; and
 - (c) the cannabis advertisement is published electronically; and
 - (d) the cannabis advertisement is published in Australia; and

- (e) either or both of the following apply:
- (i) the cannabis advertisement relates to a cannabis product that consists of, or includes, a registered cannabis strain;
 - (ii) the cannabis advertisement is published in the course of, or for the purposes of, regulated trade or commerce.

Penalty: 2000 penalty units or imprisonment for 6 years, or both.

- (2) Section 15.2 of the *Criminal Code* (extended geographical jurisdiction—category B) applies to an offence against subsection (1).

Meaning of published in Australia

- (3) In this section, a cannabis advertisement that is published electronically is ***published in Australia*** if:
- (a) the advertisement originates in Australia; or
 - (b) all of the following apply:
 - (i) the advertisement did not originate in Australia, or the advertisement's origin cannot be determined;
 - (ii) the advertisement has an Australian link;
 - (iii) the advertisement is accessible, or intended to be accessible, by the public, or a section of the public, in Australia.
- (4) A cannabis advertisement has an ***Australian link*** if:
- (a) at a particular time, the advertisement is published, or authorised or caused to be published, by an entity, or the person or persons constituting or responsible for an entity; and
 - (b) at that time, the circumstances described in the following table apply to the entity.

Item	Entity	Applicable circumstances
1	Individual	Any of the following circumstances: <ul style="list-style-type: none">(a) the individual is an Australian citizen;(b) the individual is an individual whose continued presence in Australia is not

Part 4 Regulation of cannabis
Division 3 Licences

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Item	Entity	Applicable circumstances
		subject to a limitation as to time imposed by law; (c) the individual is physically present in Australia.
2	Body corporate	Any of the following circumstances: (a) the body corporate has been incorporated in Australia; (b) the body corporate has its central management and control in Australia.
3	Trust	The trust has been created in Australia.
4	Partnership	The partnership has been formed in Australia.
5	Unincorporated body	The unincorporated body has its central management and control in Australia.

Division 2—Other regulated conduct

[^]24 Possession of cannabis products by minors

- (1) This section applies if:
 - (a) a person is in possession of a cannabis product; and
 - (b) engaging in that conduct is an offence against a law of the Commonwealth or of a State or Territory; and
 - (c) the person is under 18 years of age; and
- (2) Despite any other law of the Commonwealth, a State or a Territory:
 - (a) the person is not criminally responsible for the offence; and
 - (b) the cannabis product may be seized and destroyed by a police officer.

[^]25 Possession of cannabis products by other persons

- (1) This section applies if:
 - (a) a person is in possession of a cannabis product; and
 - (b) engaging in that conduct is an offence against a law of the Commonwealth or of a State or Territory; and
 - (c) the person is 18 years of age or older; and
 - (d) one or more of the following apply:
 - (i) the cannabis product consists of, or includes, a registered cannabis strain;
 - (ii) the cannabis product consists of, or includes, a cannabis strain that is the subject of a licence;
 - (iii) the cannabis product is the subject of a licence.
- (2) Despite any other law of the Commonwealth, a State or a Territory, the person is not criminally responsible for the offence.

Division 3—Licences

[^]26 Applications for licences

- (1) A person may, in accordance with the regulations, apply to the Agency for a licence to be issued under section [^]27 to authorise the person to undertake one or more regulated cannabis activities.
- (2) The application must:
 - (a) be accompanied by the fee (if any) prescribed by the regulations; and
 - (b) meet any other requirements prescribed by the regulations.

[^]27 Agency may issue licences

- (1) Subject to subsection (2), the Agency may, on application made by a person under section [^]26, issue a licence to the person.
- (2) If the licence will authorise a person to undertake a regulated cannabis activity mentioned in any of paragraphs [^]10(a), (b) or (d) to (f), the Agency must not issue the licence unless the person is:
 - (a) an individual; or
 - (b) a not-for-profit co-operative that is registered on a State or Territory co-operatives register; or
 - (c) a person of a kind prescribed by the regulations
- (3) A licence cannot be issued to an excluded person
- (4) A licence authorises its holder to undertake the regulated cannabis activity or activities specified in the licence:
 - (a) in accordance with the conditions of the licence; and
 - (b) subject to the intellectual property rights of any person in relation to a cannabis strain under a law of the Commonwealth or of a State or Territory, or under the general law.

[^]28 Conditions of licences—general

- (1) A licence is subject to the following conditions:

- (a) the licence holder must not sell a cannabis product to a person who is under 18 years of age;
 - (b) the licence holder must not allow any person who is under 18 years of age to have access to a cannabis product;
 - (c) the licence holder must not provide a cannabis product as part of a commercial promotional activity;
 - (d) the licence holder, and any other person prescribed by the regulations, must undertake specified approved RSC training;
 - (e) if the licence authorises the growing of a cannabis plant, the plant must not be grown in a residential zoned area;
 - (f) any condition prescribed by the regulations;
 - (g) any condition imposed by the Agency at the time the licence is issued or at any time afterwards.
- (2) A condition imposed under paragraph (1)(g) has no effect unless it is set out in the licence or in a written notice given to the licence holder.

[^]29 Conditions of licences—operating a Cannabis Café

- (1) A licence that authorises the operation of a Cannabis Café is also subject to the following conditions:
- (a) the licence holder must ensure that any consumption of cannabis products by smoking:
 - (i) occurs in an outdoor area; and
 - (ii) does not unreasonably interfere with members of the public; and
 - (iii) complies with any other requirements that apply under a law of the State or Territory where the Café is located;
 - (b) the licence holder must ensure that the online sale of cannabis products by the Café:
 - (i) occurs only through a website that is registered with the Agency; and
 - (ii) does not exceed the sales limits specified in the licence; and
 - (iii) complies with any other requirement specified in the licence;
 - (c) any condition prescribed by the regulations;

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- (d) any condition relating to the sale or consumption of cannabis products at the Café that is imposed by the Agency at the time the licence is issued or at any time afterwards.
- (2) In specifying limits or requirements for the purposes of subparagraphs (1)(b)(ii) or (iii), the Agency must have regard to the following:
 - (a) the need for controls and information that reflect responsible service of cannabis;
 - (b) what is a reasonable quantity of cannabis for personal use, including over a period of time;
 - (c) geographical factors that limit access to a Cannabis Cafe;
 - (d) the need to protect purchase history information.
- (3) Regulations made for the purposes of paragraph (1)(c) may limit online sales by a Cannabis Cafe to specific geographical areas in proximity to the Café.
- (4) A condition imposed under paragraph (1)(d) has no effect unless it is set out in the licence or in a written notice given to the licence holder.

^30 Other matters relating to licences

The regulations may make provision for and in relation to any other matter relating to licences, including (but not limited to) the following:

- (a) the time limit for making licence decisions;
- (b) review by the Administrative Appeals Tribunal of decisions of the Agency to refuse applications for licences;
- (c) the establishment of a register that sets out particulars of licences issued;
- (d) the duration of licences;
- (e) the transfer of licences;
- (f) the suspension and cancellation of licences.

Part 5—Cannabis Australia National Agency

Division 1—Agency's establishment, functions, powers and liabilities

^{^31} Cannabis Australia National Agency

- (1) The Cannabis Australia National Agency is established by this section.
- (2) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
 - (a) the Agency is a listed entity; and
 - (b) the CEO is the accountable authority of the Agency; and
 - (c) the following persons are officials of the Agency:
 - (i) the CEO;
 - (ii) the staff of the Agency referred to in section ^{^46};
 - (iii) persons assisting the Agency referred to in section ^{^47};
 - (iv) consultants engaged under section ^{^48}; and
 - (d) the purposes of the Agency include:
 - (i) the functions of the Agency referred to in section ^{^33};
and
 - (ii) the functions of the CEO referred to in section ^{^37}.

^{^32} Constitution of the Agency

The Agency consists of:

- (a) the CEO; and
- (b) the staff of the Agency referred to in section ^{^46}.

^{^33} Functions of the Agency

The Agency has the following functions:

- (a) to establish and maintain the Register;
- (b) to register cannabis strains on the Register;
- (c) to issue licences authorising regulated cannabis activities;
- (d) to oversee activities authorised by licences;

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- (e) to approve responsible service of cannabis training and to register training providers authorised to deliver the training;
- (f) any other functions conferred on the Agency by this Act, the regulations or another law of the Commonwealth;
- (g) to do anything incidental or conducive to the performance of any of the above functions.

^34 Powers of the Agency

The Agency has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Note: The CEO may enter into contracts and other arrangements on behalf of the Commonwealth. See section 23 of the *Public Governance, Performance and Accountability Act 2013*.

^35 Agency has privileges and immunities of the Crown

The Agency has the privileges and immunities of the Crown in right of the Commonwealth.

Division 2—Chief Executive Officer

[^]36 Chief Executive Officer

There is to be a Chief Executive Officer of the Agency.

[^]37 Functions of the CEO

- (1) The functions of the CEO are:
 - (a) to manage the affairs of the Agency; and
 - (b) to ensure the Agency performs its functions.
- (2) The CEO has power to do all things necessary or convenient to be done for, or in connection with, the performance of the CEO's functions.

[^]38 Appointment of CEO

- (1) The CEO is to be appointed by the Minister by written instrument on a full-time basis.
- (2) The CEO holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

Note: The CEO may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

[^]39 Acting appointments

The Minister may, by written instrument, appoint a person to act as the CEO:

- (a) during a vacancy in the office of the CEO (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the CEO:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

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^40 Remuneration

- (1) The CEO is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the CEO is to be paid the remuneration that is prescribed by the regulations.
- (2) The CEO is to be paid the allowances that are prescribed by the regulations.
- (3) Subsections 7(9) and (13) of the *Remuneration Tribunal Act 1973* do not apply in relation to the office of the CEO.

Note: The effect of this subsection is that remuneration or allowances of the CEO will be paid out of money appropriated by an Act other than the *Remuneration Tribunal Act 1973*.

- (4) This section has effect subject to the *Remuneration Tribunal Act 1973* (except as provided by subsection (3)).

^41 Leave

- (1) The CEO has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Minister may grant the CEO leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

^42 Engaging in other paid work

The CEO must not engage in paid work outside the duties of the CEO's office without the Minister's approval.

^43 Resignation

- (1) The CEO may resign the CEO's appointment by giving the Minister a written resignation.
- (2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

^44 Termination of appointment

- (1) The Minister may terminate the appointment of the CEO:
 - (a) for misbehaviour; or
 - (b) if the CEO is unable to perform the duties of the CEO's office because of physical or mental incapacity.
- (2) The Minister may terminate the appointment of the CEO if:
 - (a) the CEO:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with the CEO's creditors; or
 - (iv) makes an assignment of the CEO's remuneration for the benefit of the CEO's creditors; or
 - (b) the CEO is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
 - (c) the CEO fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section; or
 - (d) the CEO engages, except with the approval of the Minister, in paid work outside the duties of the CEO's office (see section ^42).

^45 Other terms and conditions

The CEO holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

Division 3—Staff of the Agency etc.

^46 Staff

- (1) The staff of the Agency must be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
 - (a) the CEO and the staff of the Agency together constitute a Statutory Agency; and
 - (b) the CEO is the Head of that Statutory Agency.

^47 Persons assisting the Agency

- (1) The Agency may be assisted:
 - (a) by officers and employees of Agencies (within the meaning of the *Public Service Act 1999*); or
 - (b) by officers and employees of authorities of the Commonwealth; or
 - (c) by officers and employees of a State or Territory; or
 - (d) by officers and employees of authorities of a State or Territory;whose services are made available to the Agency in connection with the performance of any of its functions.
- (2) When performing services for the Agency, the officers and employees are subject to the directions of the CEO.

^48 Consultants

- (1) The CEO may, on behalf of the Commonwealth, engage consultants to assist in the performance of the Agency's functions.
- (2) The consultants are to be engaged on the terms and conditions that the CEO determines in writing.

Part 6—Miscellaneous

[^]49 Delegation by the CEO

- (1) The CEO may, by writing, delegate any or all of the CEO's functions and powers to an SES employee, or acting SES employee, who is a member of the staff of the Agency referred to in section [^]46.

Note: The expressions *SES employee* and *acting SES employee* are defined in section 2B of the *Acts Interpretation Act 1901*.

- (2) In performing a delegated function or exercising a delegated power, the delegate must comply with any written directions of the CEO.

[^]50 Protection from liability

The following persons are not liable to civil proceedings in relation to an act done, or omitted to be done, in good faith, in the performance or purported performance, or exercise or purported exercise, of the person's functions, powers or duties under or in relation to this Act:

- (a) the CEO;
- (b) a member of the staff of the Agency referred to in section [^]46;
- (c) a person assisting the Agency referred to in section [^]47;
- (d) a consultant engaged under section [^]48.

[^]51 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Act to be prescribed by the regulations; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may:

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- (a) make provision for and in relation to the seizure and forfeiture of anything used or otherwise involved in the commission of an offence against this Act; and
- (b) impose penalties, not exceeding 50 penalty units, for a contravention of the regulations; and
- (c) prescribe labelling requirements for cannabis products that are the subject of a licence; and
- (d) prescribe requirements for the approval of responsible service of cannabis training, and the registration of training providers, by the Agency including requirements relating to fees payable in respect of applications for approval and registration.