

# Drugs Misuse (Fees for Commercial Production of Industrial Cannabis) Amendment Regulation 2022

## Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Furner MP, Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities, provide this human rights certificate with respect to the *Drugs Misuse (Fees for Commercial Production of Industrial Cannabis) Amendment Regulation 2022* (Amendment Regulation) made under the *Drugs Misuse Act 1986*.

In my opinion, the *Drugs Misuse (Fees for Commercial Production of Industrial Cannabis) Amendment Regulation 2022*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The Amendment Regulation is made under the *Drugs Misuse Act 1986*.

The authorising law for the regulation is:

Sections 54, 65, 70, 110G and 134 of the *Drugs Misuse Act 1986*.

The main objective of the Amendment Regulation is to prescribe a revised and restructured fee schedule for the licensing of commercial production of industrial cannabis to achieve full cost recovery. Accordingly, the Amendment Regulation prescribes separate licence fees for different licence types of grower, researcher, and seed handler and for new licence applications, licence renewal applications and licence amendment applications. The licence fees for each licence and application type will be commensurate to the regulatory cost associated with assessing different types of applications. New monitoring fees are introduced by the Amendment Regulation to recover the costs of an inspector monitoring an activity performed under a relevant authority and, where applicable, to recover the costs to the Department of Agriculture and Fisheries for analysing samples taken by inspectors. The new monitoring fees replace previous statutory licence conditions requiring a licensee to pay the 'reasonable costs' of monitoring activities.

## Human Rights Issues

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Amendment Regulation has been considered with regard to the *Human Rights Act 2019* and it has been determined that it does not raise a human rights issue.

## Conclusion

I consider that the *Drugs Misuse (Fees for Commercial Production of Industrial Cannabis) Amendment Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**MARK FURNER MP**  
MINISTER FOR AGRICULTURAL INDUSTRY DEVELOPMENT AND FISHERIES  
AND MINISTER FOR RURAL COMMUNITIES

© The State of Queensland 2022