

Medical Cannabis Manufacturing Chemist Licence

Manufacturing chemist licences for medical cannabis are issued under Section 16 of the *Poisons Act 1971*.

To be licensed, a natural person or a corporation must meet the suitability criteria contained in the Act.

Suitability of applicant

The responsible licensing authority must not grant a licence to a person, or renew a licence granted to a person, unless satisfied the person is a fit and proper person to hold the licence.

The responsible licensing authority may refuse to grant to a person a licence, or to renew a licence granted to a person, if:

- a) the person has been found guilty of an offence that, in the opinion of the responsible licensing authority, makes the person unsuitable to be involved in any activity authorised by, or associated with, the licence.

Fit and proper person test

The following matters may be taken into account in deciding whether a natural person is a fit and proper person:

- (a) any conviction of the person for an indictable offence
- (b) any civil penalty (however described) imposed upon the person under a law of the Commonwealth, a state or a territory

- (c) any revocation or suspension of a licence or permit (however described) held by the person under a law of the Commonwealth, a state, a territory or another country, being a law relating to the prohibition or regulation of drugs
- (d) the connections and associations the person has with other persons (including but not limited to the person's relatives)
- (e) the person's previous business experience
- (f) the capacity of the person to comply with conditions of the licence
- (g) whether the person has a sound and stable financial background or is in financial circumstances that may significantly limit the person's capacity to comply with his or her obligations under a licence
- (h) whether the person is of good repute, having regard to matters going to their character, honesty and professional and personal integrity
- (i) the person's history of compliance with this Act.

The following matters may be taken into account in deciding whether a body corporate is a fit and proper person:

- (a) any conviction of the body corporate for an offence against a law of the Commonwealth, a state or a territory

- (b) any civil penalty (however described) imposed upon the body corporate under a law of the Commonwealth, a state or a territory
- (c) if there is such a conviction or imposition of a civil penalty upon the body corporate
 - (i) whether the offence concerned was committed, or the conduct to which the civil penalty relates occurred, at a time when any person who is presently a director or officer of the body corporate was such a director or officer
 - (ii) whether the offence concerned was committed, or the conduct to which the civil penalty relates occurred, at a time when any shareholder of the body corporate who is presently in a position to influence the management of the body corporate was such a shareholder.
- (d) any revocation or suspension of a licence or permit (however described) held by the body corporate under a law of the Commonwealth, a state, a territory or another country, being a law relating to the prohibition or regulation of drugs
- (e) whether a person who is, or is to be, the responsible officer in relation to the licence is a fit and proper person
- (f) whether
 - (i) each director of the corporation is a fit and proper person
 - (ii) more than 10 per cent of the corporation is owned by a person who is not a fit and proper person.
- (g) the connections and associations that the body corporate, and its directors and officers, have with other persons (including but not limited to relatives of such directors and officers)
- (h) the previous business experience of the directors and officers of the body corporate, and of the shareholders of the body corporate who are presently in a

position to influence the management of the body corporate

- (i) whether the body corporate has a sound and stable financial background or is in financial circumstances that may significantly limit the capacity of the body corporate to comply with its obligations under a licence
- (j) the capacity of the body corporate to meet the conditions of the licence
- (k) whether the directors and officers of the body corporate are of good repute, having regard to matters going to their character, honesty and professional and personal integrity
- (l) the body corporate's history of compliance with this Act.

Responsible officers

A holder of a licence who is not a natural person is to appoint a natural person as the responsible officer in relation to the licence.

If the holder of a licence fails to appoint a responsible officer in relation to the licence, the person responsible for the direction and management of the business of the holder of the licence is taken to have been appointed as the responsible officer in relation to the licence.

A holder of a licence is to ensure a responsible officer has sufficient authority to perform the duties of a responsible officer under this Act.

A responsible officer must perform the responsibilities of the holder of the licence.

This includes the duties imposed on the holder of a licence under this Act and any conditions or restrictions specified in the licence.