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Certification of Narcotic Goods

Key Points

- The Department of Agriculture, Fisheries and Forestry (the department) can issue government certificates, such as phytosanitary certificates, for narcotic goods under the *Export Control Act 2020* (the Act) and the Export Control (Plants and Plant Products) Rules 2021.
- Narcotic goods include plant and plant products derived from *Cannabis* spp.
- This does not supersede or change existing regulations of the Office of Drug Control or the Department of Home Affairs relating to the lawful export of narcotic products.
- Phytosanitary and other government certification requirements are determined by each importing country. Exporters will need to apply to the department for certification if the importing country requires phytosanitary (plant health) or other government certification.

What has changed?

Upon commencement of the Act on 28 March 2021, government certificates, such as phytosanitary certificates, can now be issued by the department for narcotic good exports where needed to meet importing country requirements.

Why was the change needed?

The department was previously unable to provide government certification for plants and plant products that are also narcotic goods within the meaning of the *Customs Act 1901*. This presented a challenge for exporters because government certification, such as phytosanitary certification, may be required by overseas countries to certify the import of the consignments does not pose any phytosanitary risks.

The commencement of the Act addressed this gap in the department's ability to issue official certification for certain plants and plant products. It also facilitates legitimate export of narcotic products.

The change provides confidence for exporters to pursue lucrative export opportunities for narcotic products, such as hemp products and medicinal cannabis products. They can do this with the knowledge the department has the legislative authority to issue such certification if it is needed.

The change allows the department, as Australia's National Plant Protection Organisation (NPPO), to ensure Australia can meet its international obligations to the International Plant Protection Convention.

Do I need phytosanitary certification?

The Certification of Narcotics Act does not mandate that an exporter apply to the department to obtain a phytosanitary certificate for their goods. Whether an exporter will require a phytosanitary certification depends on the import requirements of the destination country.

Exporters must engage with their importer and the NPPO of the destination country to determine the official import requirements.

Guidance for hemp product exports

The following applies if you are exporting a hemp (*Cannabis* spp.) product listed below with a cannabidiol and tetrahydrocannabinol (THC) content below thresholds specified by the Australia New Zealand Food Standards Code and relevant state/territory laws:

- hemp seed for consumption
- hemp seed for sowing
- hemp fibre for industrial use
- hemp seed oil for human consumption
- other products containing hulled hemp seeds and/or hemp seed oil, or derived from hemp plant (e.g. hemp protein powder).

If the destination country requires a phytosanitary certificate to accompany the goods, the exporter can confirm the detailed import requirements on the department's Manual of Importing Country Requirements (Micor). They can then apply for a certificate via the department's electronic export documentation system (EXDOC). If there is no Micor case for the destination country, the exporter should contact Micor Plants and provide evidence of the official import requirements.

Guidance for medicinal cannabis product exports

If you are exporting plants or plant products of *Cannabis* spp. other than those listed above and require a government certification to meet the import requirements of a destination country, contact grain.export@agriculture.gov.au.

What has not changed

The Certification of Narcotics Act does not supersede existing regulations of the Office of Drug Control or the Department of Home Affairs on the export of narcotic products. There have been no changes to the existing regulatory framework provided under the *Narcotic Drugs Act 1967* and *Customs (Prohibited Exports) Regulation 1958* for the export of narcotic products because of the Certification of Narcotic Act.

The competent Australian Government authorities for determining the legality of narcotic good exports remain the Office of Drug Control in the Department of Health, and the Department of Home Affairs.

Useful links

Step-by-step guidelines for exporting plants and plant products:

agriculture.gov.au/export/controlled-goods/plants-plant-products/exportersguide

Manual of Importing Country Requirements: micor.agriculture.gov.au/Plants

The Office of Drug Control: odc.gov.au

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