

CLAUSE NOTES

Industrial Hemp Amendment Bill 2023

PART I - PRELIMINARY

Clause 1 **Short Title**

Provides that the Act may be cited as the *Industrial Hemp Amendment Act 2023*.

Clause 2 **Commencement**

Provides that the Act will commence on Royal Assent.

PART 2 – INDUSTRIAL HEMP ACT 2015 AMENDED

Clause 3 **Principal Act**

Provides that the Principal Act being amended in Part 2 is the *Industrial Hemp Act 2015*.

Clause 4 **Section 4 amended (Interpretation)**

The interpretation section of the Principal Act is amended by:

(a) inserting the following definition after the definition of *drug-related offence*:

Fit and proper, in relation to a person – see section 4A;

(b) omitting the definition of “inspector” and substituting the following definition:

(a) a person appointed to hold the office of inspector under section 22; or

(b) a police officer;

(c) inserting “research” after “special” in the definition of *licence* to clarify the specific research purpose of these licences;

(d) inserting the following definition after the definition of *regulations*:

responsible officer, in relation to a licence, means the person who is appointed as the responsible officer in relation to the licence under section 21A;

(e) omitting the definition of special licence and substituting the following definition:

special research licence means a special research licence issued in accordance with section 14;

Clause 5	<p>Section 4A inserted</p> <p>This clause inserts a new provision into the Principal Act to define the meaning of <i>fit and proper</i>, specifying those matters the Secretary may take into account in determining, for the purposes of Act, if a natural person or a body corporate is a fit and proper person.</p>
Clause 6	<p>Section 7 amended (Application for licence)</p> <p>Amends section 7(1) of the Principal Act by inserting “research” after “special”.</p>
Clause 7	<p>Section 8 amended (Investigation of application)</p> <p>Amends section 8 of the Principal Act by inserting an information-sharing provision for the purposes of assessing the suitability of an applicant.</p>
Clause 8	<p>Section 11 amended (Secretary must consult Minister)</p> <p>This clause makes a technical amendment and requires the Secretary to consult with the Minister administering the <i>Poisons Act 1971</i> or a person appointed by the Minister, before determining special research licence applications.</p>
Clause 9	<p>Section 12 amended (Determination of licence application)</p> <p>This clause makes a technical amendment to the provision concerning the granting of special research licences.</p>
Clause 10	<p>Section 13 amended (Industrial hemp licence)</p> <p>This amendment provides for an industrial hemp licence to be granted for the purpose of horticultural use.</p>
Clause 11	<p>Section 14 amended (Special research licence)</p> <p>Amends section 14 of the Principal Act by inserting “research” after “special”.</p>
Clause 12	<p>Section 18 amended (Suspension or cancellation of licence)</p> <p>Amends section 18(1) of the Principal Act by inserting “research” after “special”.</p>
Clause 13	<p>Sections 21A, 21B and 21C inserted</p> <p>This clause provides for the appointment of a responsible officer where the licensee is not a natural person, and provides for penalties for failure to so appoint, and specifies the responsibilities to be performed by a responsible officer.</p> <p>An offence of obstruction of a responsible officer in the performance of the responsible officer’s responsibilities is inserted in the Principal Act, and provides penalties for any such obstruction.</p>

- Clause 14** **Section 22 amended (Inspectors)**
- This clause makes a technical amendment to section 22(4) of the Principal Act to insert “appointed under this section” after “inspector”.
- Clause 15** **Section 23 amended (Powers of inspectors)**
- This clause amends section 23(1)(c) of the Principal Act by omitting “test” and inserting “test, or cause to be tested”.
- Clause 16** **Section 24 amended (Hemp to be tested)**
- This clause amends section 24(1) of the Principal Act by omitting “test” and substituting “test, or cause to be tested,”.
- Clause 17** **Section 24A inserted**
- This clause inserts a new provision into the Principal Act to allow the Secretary to direct certain actions where a crop has a concentration of THC above 1 per cent, and provides a penalty for non-compliance. It also allows the Secretary to seek the advice of the Commissioner of Police before directing certain actions be taken, and requires the Secretary to provide notification of certain directions given.
- Clause 18** **Section 25 amended (Search warrants)**
- This clause removes subsection (4) from the Principal Act.
- Clause 19** **Section 35A inserted**
- This clause inserts a new provision into the Principal Act to provide authorisation for police officers to possess and supply hemp for specified purposes.
- Clause 20** **Section 37 amended (Regulations)**
- This clause inserts a new provision in the Principal Act to allow the types of activities that may, or may not, be carried out under an industrial hemp licence or a special research licence to be prescribed in regulations.
- Clause 21** **Section 37A inserted**
- This clause inserts a new provision in the Principal Act to facilitate an efficient transition process for an existing “special licence” currently in force to be taken to be a “special research licence” on the commencement of the amendment Act.

PART 3 – INDUSTRIAL HEMP REGULATIONS 2016 AMENDED

Clause 22 **Principal Regulations**

Provides that the Principal Regulations being amended in Part 3 are the *Industrial Hemp Regulations 2016*.

Clause 23 **Regulation 6 rescinded**

This clause rescinds regulation 6 of the Principal Regulations, which lists the types of licences that may be issued under the Act.

Clause 24 **Regulation 7A inserted**

This clause inserts a new regulation in the Principal Regulations prohibiting the Secretary from granting a special research licence unless satisfied that the applicant has demonstrated specified matters, providing improved transparency and clarity for industry and researchers on the criteria used to assess applications.

PART 4 – MISCELLANEOUS

Clause 25 **Consequential amendments of regulations do not prevent subsequent amendment**

This clause provides that the amendment by this Act of a provision of any regulations does not prevent that, or any other provision of those regulations, from being amended or rescinded by a subsequent regulation.

Clause 26 **Repeal of Act**

This clause automatically repeals the amending legislation on the first anniversary of the day it commenced. The provisions that the amending legislation inserts into the Principal Act and Principal Regulations still remain in force after the repeal of the amending Act.