

FACT SHEET

Industrial Hemp Amendment Bill 2023

Consistent with the intent of the original Act, the Bill is drafted to retain sufficient flexibility in its operations to respond to emerging industry priorities, while providing improved clarity, transparency and efficiency for certain parts of the Act.

The Bill will support greater industry growth and value-adding potential by including horticultural use as an explicit licence purpose. It will address regulatory gaps and improve transparency with respect to actions where a crop tests above 1 per cent tetrahydrocannabinol (THC) and special research licences. It will improve efficiency, clarity and consistency with existing legislation with respect to police powers, the assessment of suitability of applicants, and definitions for fit and proper persons and responsible officers.

The key elements of the Bill provide for:

- the granting of industrial hemp licences for the purpose of horticultural use to support industry value-adding and enable hemp by-product to be better used in a circular economy, for example as horticultural mulch or compost; and streamline the Regulations to remove duplication;
- the renaming of a “special licence” to a “special research licence” to better reflect the specific research purpose of these licences, which are granted for research into hemp varieties which have more than 1 per cent THC;
- more efficient assessment of applications for special research licences and establish criteria under the Regulations that must be met before the Secretary (of the Department of Natural Resources and Environment Tasmania) determines an application for a special research licence;
- the inclusion of police officers under the definition of Inspectors under the Act, to enable police officers to conduct investigations without needing to be appointed by the Secretary, and provide authorisation for police officers to possess and supply hemp;
- the Secretary to direct actions where a crop has tested above 1 per cent THC, including crop destruction, or alternative actions where for example, a crop that tests above 1 per cent THC has been grown in good faith and the licensee has otherwise complied with the licence conditions. The Act’s existing review provisions at sections 20 and 21 will apply to decisions of the Secretary under this new provision;
- the Secretary to provide a licence application to the Commissioner of Police to assist with determining the suitability of the applicant;
- the inclusion of definitions for “fit and proper person” and “responsible officer” (where the holder of a licence is not a natural person), aligned to the provisions which exist in relation to poppy licences; and
- transitional provisions on enactment of the *Industrial Hemp Amendment Act 2023* to assist with the transition of “special licences” to “special research licences”.