

Supporting Document 5

Australian and New Zealand Hemp Regulations

Australian Capital Territory

The *Hemp Fibre Industry Facilitation Act 2004* allows for the processing and marketing of, and trade in, industrial hemp fibre and fibre products, and seed and seed products, as long as seed and seed products are not for administration, consumption or smoking. Industrial hemp must not exceed 1% THC in the leaves and flowering heads, and may be cultivated under licence from certified hemp seed. Certified hemp seed must be seed harvested from a plant with a THC concentration in its leaves and flowering heads of not more than 0.5%. The difference recognises that the leaves and flowering heads of plants grown using certified hemp seed may have more than 0.5% THC because of environmental conditions beyond a grower's control.

New South Wales

The *Hemp Industry Act 2008* authorises and regulates the cultivation and supply of low-THC hemp in New South Wales, along with the Hemp Industry Regulation 2008. Low-THC hemp, being hemp with no more than 1% THC in the leaves and flowering heads of the plant, may be cultivated under licence. Seed must be supplied on the basis that it will produce hemp with no more than 0.5% THC in the leaves and flowering heads, and a licensee must not supply hemp that exceeds 1% THC.

Northern Territory

The *Misuse of Drugs Act 2010* has exemptions for processed fibre hemp products, processed products made from hemp seeds as long as they are not whole, and hemp seed oil for external use containing less than 0.005% tetrahydrocannabinols. *Cannabis* is defined as any plant of the genus *Cannabis*, and no further exemptions allowing for the legal sale and/or cultivation of low-THC varieties of hemp in the Northern Territory are made.

Queensland

In Queensland, Part 5B, *Commercial production of industrial Cannabis*, of the *Drugs Misuse Act 1986*, and Part 4, *Commercial production of industrial Cannabis*, of the *Drugs Misuse Regulation 1987*, allow for the processing and marketing of, and trade in, industrial *Cannabis* fibre and fibre products; and the processing and marketing of, and trade in, industrial *Cannabis* seed and seed products, other than for the purpose, directly or indirectly, of producing anything for administration to, or consumption or smoking by, a person. Industrial *Cannabis* may be grown under licence. Commercial industrial *Cannabis* plants grown for seed or fibre must not exceed 1% THC under the Act, and may only be grown from seed certified to produce plants with no more than 0.5% THC. The difference allows for variations in THC concentrations in the leaves and flowering heads of the plant due to environmental conditions beyond the grower's control.

South Australia

Low trial yields have been demonstrated in South Australian research into the cultivation of hemp¹, and at present there is no legislation in place in South Australia to allow for its commercial cultivation. The *Controlled Substances (General) Regulations 2000* legislate controls over controlled drugs (including delta-9 tetrahydrocannabinol) and controlled plants (including Cannabis plants). Some exemption is made under the *Controlled Substances (General) Regulations 2000* to allow for the sale of hemp seed oil for external use containing no more than 50 mg/kg THC.

Tasmania

The status of hemp under the *Poisons Act 1971* and *Misuse of Drugs Act 2001* necessitates the issue of licences for the growing of industrial hemp in Tasmania. Tasmania allows the growing of hemp plant material of up to 0.35% THC of dry weight under the conditions of licence. All hemp seed is in schedule 8 of the Tasmanian Poisons List and this allows the issue of licences to trade in the seed. Schedule 9 (Prohibited Substances) of the national Standard for the Uniform Scheduling of Medicines and Poisons allows an exemption from scheduling for “processed hemp fibre containing 0.1% or less of THC and products manufactured from such fibre”. The substance THC is also captured by Schedule 9 and an exemption is allowed for hemp seed oil containing 50 mg/kg or less of THC.

Victoria

The *Drugs, Poisons and Controlled Substances Act 1981* and the *Drugs, Poisons and Controlled Substances (Industrial Hemp) Regulations 2008* allow for the cultivation and processing of low THC Cannabis under authority in Victoria for commercial or research purposes relating to non-therapeutic use. Cannabis may be cultivated from seed harvested from low-THC Cannabis, and may be sold or supplied when substantially free of flowering heads and leaves and containing no more than 0.1% THC. Low-THC Cannabis is defined as containing no more than 0.35% THC in the leaves and flowering heads.

Under the Act processed fibre products may contain a maximum of 0.1% THC, must not contain whole Cannabis seeds, and must not be in a form suitable for ingestion, smoking or inhalation. Processed seed products may contain no more than 0.001% THC and must not contain whole seeds.

Western Australia

Western Australia’s Industrial Hemp Scheme is administered by the Department of Agriculture and Food under the *Industrial Hemp Act 2004* and the *Industrial Hemp Regulations 2005*. Suitable companies or individuals may obtain a license to cultivate, harvest and/or process industrial hemp. Industrial hemp is defined as Cannabis containing no more than 0.35% THC in the leaves and flowering heads. Industrial hemp seed is that which is certified as having been produced from industrial hemp or that which will produce industrial hemp when cultivated. Crops must be grown from approved seed sources, and seed harvested and intended for further crop production must be cleaned at a Registered Seed Works, and officially sampled, tested and labelled by the Department of Agriculture and Food.

¹ from *An Information Paper on Industrial Hemp (Industrial Cannabis)*, accessed 7 July 2010 from http://www.agric.wa.gov.au/objtwr/imported_assets/aboutus/as/information_paper_2008.pdf

Imports

The *Customs (Prohibited Imports) Regulations 1956* prohibit the import into Australia of a Schedule 4 (of the Regulations) controlled substance unless the person importing the drug holds a licence or permission to import that substance (licenses and permissions are granted by the Secretary of the Department of Health). Cannabis, Cannabis resin, and tetrahydrocannabinols, including all alkyl homologues of tetrahydrocannabinols, are all listed in Schedule 4 as controlled substances. There is no distinction in the Regulations between Cannabis and low THC hemp. All Cannabis products intended for human consumption are prohibited to be imported into Australia under the Regulations.

New Zealand

The *Misuse of Drugs (Industrial Hemp) Regulations 2006* enables the cultivation and distribution of industrial hemp under a licensing regime that ensures other forms of cannabis are not cultivated and distributed under the guise of industrial hemp.

Industrial hemp is defined as hemp in the form of:

- (a) plants with a THC content that is
 - (i) generally below 0.35%; and
 - (ii) is not above 0.5%; or
- (b) seeds harvested from plants of that kind.

A licence is required to cultivate industrial hemp. The licence is issued for 1 year but can be extended up to a maximum of 3 years. The licence details the exact activities which can be undertaken, by whom and where. Each individual along the supply chain needs to be named on the licence. In addition the licence lists which cultivars can be grown.

The licence requires various records to be kept including source, type and amount of seed, how much is planted, how much is harvested and an explanation for any discrepancy between numbers planted and yield.

It is only hemp seed oil which is permitted for human consumption as a food in New Zealand. Hemp seed oil can be produced in New Zealand providing it is derived from cannabis seed from plants that are grown in New Zealand under a licence issued by the Director-General of the Ministry of Health. Imported hemp seed oil must first be tested by an analyst working in a laboratory approved under the *Misuse of Drugs Act 1975*, before it can be authorised for sale and use.

No information was found on whether there is a limit for THC content in hemp oil approved for food use.

As hemp seeds can only be supplied under licence to another individual who has a valid licence, controls on the viability of hemp seeds has not been addressed under New Zealand legislation.

The Ministry of Health have issued Guidelines for the sampling of industrial Hemp for Testing. The objective of this testing is to ensure hemp plants have a THC content of less than 0.35%. Transport of samples for testing to an authorised laboratory is at the discretion of the grower/licence holder but needs to be fast and secure

Under Misuse Drugs regulations any reference to psychoactive activity must not appear in any advertisement associated with hemp products, including oils.