



**Australian Government**  
**Department of Health and Ageing**

**SECRETARY**

Standards Management Officer  
Food Standards Australia New Zealand  
PO Box 7186  
CANBERRA BC ACT 2610

< submissions@foodstandards.gov.au >

Dear Sir/Madam

**Submission from the Australian Government Department of Health and Ageing  
re: Application A1039 – Low THC Hemp as Food.**

I refer to Application A1039, which is currently under consideration by Food Standards Australia New Zealand (FSANZ), proposing the approval of *Cannabis sativa* with low levels of tetrahydrocannabinol (THC), in both seed and seed oil, as a food. In accord with FSANZ's public consultation process for this application the Department of Health and Ageing offers this submission in response to this application.

The Department is concerned that allowing the use of hemp seed and hemp seed oil containing low levels of THC as food, has the potential to promote a public perception that cannabis is an acceptable and safe product to consume. The health risks associated with cannabis / THC are well documented, and the Department is not aware of evidence confirming that cannabis / THC can be consumed safely at low levels.

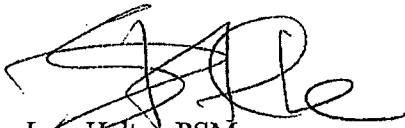
The Department also has concerns about the consistency of the application relating to consistency with the international drug control conventions. The Department considers that an amendment to *Standard 1.4.4* to permit the use of products from cannabis with a quantifiable level of THC would be inconsistent with overarching restrictions that apply under the *Single Convention on Narcotic Drugs, 1961* and the *Convention on Psychotropic Substances, 1971*, to which Australia and New Zealand are signatories. Under these conventions, Australian border control legislation, specifically the *Customs (Prohibited Imports) Regulations 1956* and *Customs (Prohibited Exports) Regulations 1958*, limits the import and export of both cannabis and THC to medical and scientific use only.

In terms of domestic control legislation within each state and territory, the proposed amendment to *Standard 1.4.4* would generate an additional burden for regulatory agencies in distinguishing between cannabis products containing high and low levels of THC.

On the basis of the issues outlined above the Department does not support the proposed application to allow the use of *Cannabis sativa* with low levels of THC as food.

Additional background material is attached which may assist FSANZ in considering the application.

Yours sincerely



Jane Halton PSM  
Secretary

28 May 2011

## ATTACHMENT

Australian legislative controls on cannabis and tetrahydrocannabinol (THC) are enforced under Australian border control legislation, specifically the *Customs (Prohibited Imports) Regulations 1956* and *Customs (Prohibited Exports) Regulations 1958*, which limit their import and export to medical and scientific use only.

Whereas domestic provisions could be made by amendment of relevant state and territory drugs and poisons control legislation, no such provision could be made under Australian import and export legislation for hemp containing any recognised level of THC. Such an amendment would be at odds with requirements under the international drug control conventions.

Specifically, Article 4 of the *Single Convention on Narcotic Drugs, 1961* requires that the manufacture export, import, distribution of, trade in, use and possession of cannabis be limited exclusively to medical and scientific purposes.

Article 7 of the *Convention on Psychotropic Substances, 1971*, similarly requires that the use of THC be prohibited, except for scientific and very limited medical purposes by duly authorised persons, in medical or scientific establishments which are directly under government control or specifically approved by government.

In addition, domestic controls on the manufacture, supply, distribution, possession and use of cannabis and THC are applied under individual Australian state and territory drugs and poisons legislation. In each jurisdiction controls are applied in accord with the (Commonwealth) *Poisons Standard 2010*, which consists of nationally agreed recommendations regarding the level of control on the availability of poisons.

Cannabis is included in Schedule 9 of the *Poisons Standard 2010*, which consists of substances which may be abused or misused, the manufacture, possession, sale or use of which should be prohibited by law except when required for medical or scientific research, or for analytical, teaching or training purposes with approval of Commonwealth and/or State or Territory Health Authorities.

THC, when specifically prepared for therapeutic use, is specifically included under Schedule 8 of the *Poisons Standard 2010*, which consists of substances which should be available for use but require restriction of manufacture, supply, distribution, possession and use to reduce abuse, misuse and physical or psychological dependence.

In addition to controls applied under State and Territory legislation, the (Commonwealth) *Criminal Code Act 1995*, describes offences relating to possession of cannabis and THC, and sets out criminal sanctions including imprisonment and fines.