

**2004**

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

# **Hemp Fibre Industry Facilitation Bill 2004**

**EXPLANATORY STATEMENT**

Circulated by authority of Jacqui Burke MLA

## OUTLINE

### NOTES ON CLAUSES

#### Part 1 Preliminary

##### **Clause 1**

This clause provides that the name of the Act is the *Hemp Fibre Industry Facilitation Act 2004*.

##### **Clause 2**

This clause provides that the Act commences on a day fixed by the Minister by written notice.

##### **Clause 3**

Clause 3 provides the dictionary pertaining to this Act.

##### **Clause 4**

Clause 4 highlights that a note included in this Act is explanatory and is not part of this Act.

##### **Clause 5**

Clause 5 indicates that other legislation applies in relation to offences against this Act.

##### **Clause 6**

Clause 6 provides for the marketing, processing and trade in industrial hemp fibre, fibre products and industrial hemp seed – ‘*Object of Act*’.

##### **Clause 7**

Clause 7 provides for the legal basis in which the commercial production of industrial hemp fibre is undertaken through production, research and plant breeding programs. This clause also addresses the legal provisions for the establishment of initial research and development activities into industrial hemp seed cultivation as well as research looking into the business and market opportunities for industrial hemp use.

## **Part 2 Licences**

### **Clause 8**

Clause 8 addresses industrial hemp licenses generally and those considered to be a close associate, related person, having a financial interest or a significant level of business influence to those holding a licence.

### **Clause 9**

Clause 9 provides for categories of 'researcher licences'.

### **Clause 10**

Clause 10 outlines the responsibilities and limitations of category 1 'research licences' including the relationship and responsibilities licence holders may have with Commonwealth Legislation.

### **Clause 11**

Clause 11 outlines the responsibilities and limitations of category 2 'research licences' including the relationship and responsibilities licence holders may have with Commonwealth Legislation.

### **Clause 12**

Clause 12 provides for the responsibilities and limitations of a 'growers licence'.

### **Clause 13**

Clause 13 provides for the application for a licence and relevant criteria to be considered by the chief executive in allocating a licence.

### **Clause 14**

Clause 14 provides for the chief executive to request relevant information from an applicant during the licence application process.

### **Clause 15**

Clause 15 provides a broad framework of eligibility criteria to be considered by the chief executive when assessing an application for a 'researcher licence'.

### **Clause 16**

Clause 16 provides for instances where an individual may not be eligible for a 'grower licence'.

**Clause 17**

Clause 17 provides for a broader range of eligibility criteria to be considered by the chief executive when assessing the suitability of an applicant applying for a licence.

**Clause 18**

Clause 18 provides a range of issues which may prevent a corporation from being granted a licence.

**Clause 19**

Clause 19 provides for the chief executive to make investigations into the suitability of an applicant seeking a licence whether they be a single applicant or corporation.

**Clause 20**

Clause 20 provides that it is a criminal offence to disclose criminal history gathered or provided to the chief executive relating to the application for a licence.

**Clause 21**

Clause 21 provides that the chief executive may refuse a licence to an applicant.

**Clause 22**

Clause 22 provides that a licence may be issued by the chief executive for a period not longer than 3 years and can also be subject to other conditions.

**Clause 23**

Clause 23 provides that it is an offence if the licence holder contravenes a condition of their licence.

**Clause 24**

Clause 24 provides for the process of renewing a licence.

**Clause 25**

Clause 24 provides that the chief executive may decide to renew or refuse a licence. This criteria applies to both individuals and corporations.

**Clause 26**

Clause 25 provides that unless other circumstances arise, a licence is taken to continue in force, during the licence renewal process.

**Clause 27**

Clause 26 provides for an offence to be committed if a licence for renewal is refused and the licence is not returned

**Clause 28, 29 and 30**

Clauses 28, 29 and 30 provide for the amendment and surrender of a licence.

**Clause 31,32,33,34,35,36,37 and 38**

Clauses 31 to 38 provide for the cancellation and or suspension of a licence.

**Clause 39, 40 and 41**

Clauses 39,40 and 41 provides for industrial hemp products including hemp plants and seed, that are left behind after a licence is cancelled or suspended.

**Clause 42**

Clause 42 provides for the chief executive to recover costs incurred as a result of licence cancellation and or suspension.

**Part 3 Enforcement****Clause 43**

Clause 43 provides for definitions for Part 3 of the Act.

**Clauses 44,45**

Clause 44 and 45 provides for the appointment of inspectors and the issuing of identity cards.

**Clauses 46,47,48, 49,50,51,52,53,54,55 and 56**

Clauses 46 to 56 provide for powers of inspectors to enter premises where industrial hemp is grown or where seed is cultivated. Specific clauses clarify responsibilities and correct procedures when entering premises, the application to obtain a warrant and power to seize property.

**Part 4 – Review of decisions****Clauses 57 and 58**

Clauses 57 and 58 sets out that certain decisions can be reviewed under the *Administrative Appeals Tribunal Act 1989*.

**Part 5 - Miscellaneous****Clauses 59,60, 61 and 62**

Clauses 59 to 62 provide for miscellaneous clauses including Evidentiary certificates, Determination of fees and approved forms pertaining to *the Act*.

## **Part 6 Amendments of Drugs of Dependence Act**

### **Clauses 63, 64 and 65**

Clauses 63 to 65 provide that holders of researcher or grower licences do not commit offences under the *Drugs of Dependence Act 1989* by carrying out research/growing in accordance with their licence.