

**INDUSTRIAL HEMP AMENDMENT BILL 2018**

*Introduction and First Reading*

Bill introduced, on motion by **Hon Alannah MacTiernan (Minister for Agriculture and Food)**, and read a first time.

*Second Reading*

**HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [4.10 pm]:**  
I move —

That the bill be now read a second time.

Interest in industrial hemp in Western Australia has never been greater. There are a multitude of end uses for industrial hemp, including food, textiles, building material, paper, cosmetics and biofuel. I have been working with growers, prospective growers, processors and builders to maximise the significant opportunities and challenges currently facing the hemp industry.

The changes to be introduced through this bill will boost the fledgling industrial hemp industry in Western Australia by loosening a legislative barrier that has limited hemp production in this state. Industry strongly supports this change, and we are keen to support the development and expansion of this exciting job-creating industry.

The Industrial Hemp Act 2004 provides a licencing system for the cultivation, harvesting and processing of industrial hemp—that is, “cannabis, the leaves and flowering heads of which do not contain more than 0.35% of tetrahydrocannabinol”, or THC. The term “cannabis” means plant of the genus *Cannabis* and therefore includes *Cannabis sativa*.

In April 2017, the Australia and New Zealand Ministerial Forum on Food Regulation approved amendments to Standard 1.4.4, “Prohibited and restricted plants and fungi”, of the Australia New Zealand Food Standards Code to permit the sale of low THC cannabis seeds as food. Under amendments to the code, “*Cannabis sativa* is low THC *Cannabis sativa* if the leaves and flowering heads of the *Cannabis sativa* do not contain more than one per cent delta 9-tetrahydrocannabinol”. In line with this change to the food standards, the bill will amend the act to enable the cultivation, harvesting and processing in Western Australia of industrial hemp with a THC content of up to one per cent. This is simply done by amending the definition of “industrial hemp” to delete “0.35% of tetrahydrocannabinol” and insert “1% of tetrahydrocannabinol”.

Although the immediate catalyst for this change in the allowable THC level was the change to the food standards, the Western Australian hemp industry has identified for some time that this change is needed. The current allowable level of THC is unnecessarily restrictive and out of step with the levels allowed in states such as Queensland, New South Wales, South Australia and Tasmania, in which THC levels of up to one per cent are already permitted. A consequential amendment to the same effect is made to the definition of “processed industrial hemp” in the Misuse of Drugs Act 1981 so that the defence provisions currently available under that act will continue to apply to processed industrial hemp with a THC content of no more than one per cent. This change will allow for a greater variety of industrial hemp crops to be bred and developed in Western Australia, under local environmental conditions and in different soil types, providing opportunities for increased yield, improved profitability, and options for integration into more established farming systems as a rotation or break crop. It will also reduce accidental exceedences of the current standards that can be brought on by external factors such as weather. This will reduce risk for growers. Although there are currently around 42 commercial hemp licences in Western Australia, focused largely on small-scale production, it is expected that this change will enable a scale-up in production to commercial levels, helping to create more jobs in agriculture and processing across the state.

Given this bill’s connection with the amendment to the national food standards, the possibility had been raised with the Standing Committee on Uniform Legislation and Statutes Review that this bill may be a uniform legislation bill within the meaning of standing order 126. However, our advice is that this is not such a bill because it neither ratifies nor gives effect to a bilateral or multilateral intergovernmental agreement to which the government of the state is a party; or, by reason of its subject matter, introduces a uniform scheme or uniform laws throughout the commonwealth. The regulation of the industrial hemp industry throughout Australia does not take the form of a uniform legislative scheme.

I commend the bill to the house and table the explanatory memorandum.

[See paper 1256.]

Debate adjourned, pursuant to standing orders.

*Sitting suspended from 4.15 to 4.30 pm*

