**Notes to assist in applying for an industrial hemp Licence**

**Includes notes relating to:**

* Application for a Licence under the [*Industrial Hemp Act 2004*](http://www.austlii.edu.au/au/legis/wa/consol_act/iha2004176/) of Western Australia (the Act) including renewal of licence and adding Relevant Persons to an existing licence
* Authorised premises covered by a licence
* Suitable seed sources to be used in Western Australia
* Notification of a sowing and inspection and testing requirements for industrial hemp crops in Western Australia
* Fees and charges
* Relevant application forms and information are available from the DPIRD website: [www.agric.wa.gov.au/industrial-hemp](http://www.agric.wa.gov.au/industrial-hemp)

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**A. Applications and applicants**

An application for a licence to cultivate, harvest or process industrial hemp is required under the Act. The term of a licence is up to three years. Applicants must provide the full name of the applicant if an individual or, if a corporation, the name of the company and the full name of its Chief Executive Officer. In addition, names and details of all Relevant Persons must be provided.

A Relevant Person in a partnership means an individual:

 (a) who is a member of the partnership; or

 (b) who is concerned in the management or conduct of a body corporate that is a member of the partnership.

A Relevant Person in a body corporate means an individual who is concerned in the management or conduct of the body corporate.

A current National Police Clearance spanning the last 10 years must be supplied. Where an applicant has lived for some or all of the last ten years outside of Australia a police clearance for the relevant country must be obtained.

Two character references must be supplied for each Relevant Person on the application. Important information that should be covered by a suitable reference includes:

* Details of the referee including name, occupation, location
* Details on the nature and length of the relationship between the referee and Relevant Person
* Examples of the Relevant Persons character including lawfulness, reliability and integrity
* Contact details including phone number and signature.

Applications will be forwarded to the Commissioner of Police to assess the suitability of the applicant and relevant persons to hold a licence.

Subject to subsection (1) of the Act, the Registrar must grant a licence if the applicant satisfies him or her that the applicant:

1. has reached 18 years of age
2. is a person of good character and repute
3. is a fit and proper person to be involved in an activity to be authorised by the licence
4. has sufficient material, human and financial resources to carry on any activity to be authorised by the licence
5. has such qualifications as may be prescribed by regulations.

The Registrar must refuse to grant a licence under this section if:

(a) the applicant has been found guilty of an external serious drug offence or a serious drug offence during the period of 10 years ending on the day on which the application was made

(b) the applicant has an association with a person who:

(i) is not of good character and repute; or

(ii) has been found guilty of an external serious drug offence or a serious drug offence during the period of 10 years ending on the day on which the application was made

(c) the means by which, the manner in which or the premises at which the applicant proposes to cultivate, harvest or process industrial hemp are not suitable for
the purpose of carrying out that activity.

Adding new Relevant Persons to an existing licence must be applied for in writing on the appropriate form (Form 604).

**B. Details of crop and premises (land and buildings) to be authorised**

Details of the land and premises to be authorised by the licence must be provided.

The applicant must also provide details of precautions that will be taken to ensure the security of the industrial hemp that will be the subject of the licence, if granted. Details should outline how the licence holder will ensure that the industrial hemp seed, crop and harvested material awaiting processing will be kept securely.

A licence will generally not be granted to cultivate commercial industrial hemp crops in an urban area and in general it will be expected that:

* A crop will be positioned to prevent easy unauthorised access to it.
* A crop or premises will be suitably fenced to prevent easy unauthorised access to it.
* A crop will not be positioned close to a public road and will preferably be close to a residence on the property.
* A sign will be erected at the premises to alert persons that the crop is low in THC content.
* Visitors to the site will be required to sign in to a Register to be kept at the premises. This register must be made available on request to an officer Authorised under the Act.
* A land lease agreement must be provided for premises not owned by the applicant. This agreement will stipulate the responsibilities of both parties relating to activities to be conducted under licence at the premises, as well as the responsibility for controlling volunteer plants in subsequent years.

Adding new premises to an existing licence must be applied for in writing on the appropriate form (Form 605).

**C. Suitable seed sources**

The Registrar, *Industrial Hemp Act 2004,* is responsible for approving new varieties for sowing in Western Australia. New varieties can be approved on request and with supporting documentation to demonstrate that seed of the variety can reliably produce plants in Western Australia that, when tested, will comply with the maximum tetrahydrocannabinol (THC) threshold.

Seed for sowing in Western Australia should be from crops tested as having THC content of up to 0.5%.

**Maintenance of seed stock records**

Licensees are obliged to keep accurate records of seed stocks. This record should be made available on request to an officer Authorised under the Act.

The record should accurately reflect all seed in stock and include details of any seed imported or purchased locally, seed used for sowing or other purposes, seed harvested and seed retained in stock.

A template for recording seed records is available to licensees on request.

**Importation of seed**

Licensees are responsible for arranging the importation of seed into Australia or Western Australia and should thoroughly investigate import requirements. More information relating to suitable seed sourcing and importing seed can be sourced in the ‘Guidelines to assist importation of industrial hemp seed into Western Australia’ document found on our website [www.agric.wa.gov.au/industrial-hemp](http://www.agric.wa.gov.au/industrial-hemp)

**D. Notification of sowing and inspection/testing requirements**

All crops of industrial hemp grown in Western Australia are required to be inspected by an officer of the Department of Primary Industries and Regional Develpoment.

A ‘Notification of sowing of industrial hemp’ form (Form 601) is required to be submitted for each crop sown. This form will detail all aspects of the crop sown including property details, variety, seed source used, date sown and purpose of the crop. The notification should be lodged within one week of sowing and should be accompanied with a map showing the exact location of the planting relevant to the property.

An inspector will conduct an inspection and collect samples of the crop, or employ other means to determine the THC level as determined appropriate by the Registrar. Usually one sample will be collected for each crop sown except where multiple crops of the same variety and seed source are sown on the same property and these sowings are sufficiently similar.

**Research trials and breeding programs**

Research trials and breeding programs with multiple treatments will still need to be inspected and tested but costs may be reduced through the use of composite sampling where appropriate. Contact the Registrar to discuss sampling regimes and indicative costs.

Other conditions of the licence will also be checked at inspection including signage, fencing, visitor register, seed records and storage.

All inspections will be charged on a fee for service basis. Additional inspections may be conducted at any time at the discretion of the Registrar.

**E. Harvest and processing**

Licences may be issued to include cultivation, harvesting and / or processing of industrial hemp.

Applicants must clearly outline in the application document, the activities for which a licence is being sought.

If a license for processing is required, details of the processes to be undertaken and the products to be produced must be explained in detail in the application.

Licensees are obliged to keep accurate harvest records and provide these to the Registrar within one week of harvest. The record should accurately reflect all harvest portions from each crop including seed, stem and any other by product harvested.

Products extracted from leaves and flowers are not able to be produced under an industrial hemp licence.

Licensees involved in processing industrial hemp must keep a record of plant material in stock (including origin) and a record of processing and any waste disposal.

These records must be made available on request to an officer Authorised under the Act.

Processing industrial hemp for medicinal use is not permitted under this Licence. Further information or enquiries regarding medicinal cannabis should be directed to the Office of Drug Control [www.odc.gov.au/medicinal-cannabis](https://www.odc.gov.au/medicinal-cannabis)

The use of industrial hemp seed oil in cosmetics and other topical applications may be regulated under the *Poisons Standard.* Further information or enquiries regarding cosmetics or other personal body products should be directed to the State Department of Health: [www.health.wa.gov.au](http://www.health.wa.gov.au).

Use of hemp as a food source is governed by other Regulation. Further information or enquiries should be directed to Food Standards Australia New Zealand: [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

Information on food safety can be found on the Department of Health Western Australia website [www.health.wa.gov.au/Health-for/Industry-trade-and-business/Food](http://ww2.health.wa.gov.au/Health-for/Industry-trade-and-business/Food).

For further information on these products please contact the relevant State or Commonwealth Department.

**F. Fees and charges**

Current fees and charges can be obtained by contacting DDLS Seed Testing and Certification on +61 (0)8 9368 3721. Indicative fees (current for the 2018/19 season including GST) are as follows:

* Application for a Licence $328.00 (GST exempt)
* Renewal of a Licence $131.00 (GST exempt)
* Inspection and sample collection (usually takes one inspector 1‑2 hours. Additional costs are incurred for travel time and car charges):
* Technical officer charge per hour $182.00 or full day rate $1,263.00
* Car hire approximately $115/day
* Kilometres charge approximately $0.32/km.

Fees apply for analysis for tetrahydrocannabinol (THC) content. Clients will be charged direct by the Chemistry Centre of WA. An indicative cost is $250.00 per sample.

DPIRD inspectors endeavour to combine activities to reduce travel time and expense.

**G. Financial statement by the applicant**

Under sections 8, 10 and 12 of the *Industrial Hemp Act 2004* the Registrar must determine that an applicant has sufficient financial resources to carry on any activity to be authorised by the licence.

Suitable evidence is a copy of the latest available financial statements certified by the applicant's accountant. A guide to preparing a financial statement is provided on page 6 and 7 for your assistance.

Where small scale activities are to be undertaken, other means of determining financial capacity may be discussed directly with the Registrar.

You may attach further written details to this form if there is not enough space to include all relevant matters.

**Financial statement guideline**

Please indicate if any or all of the items are held in joint names or by a partnership. You may attach further written details to this form if there is not enough space to include all relevant matters.

[Note: do not include intangibles such as goodwill, rights of indemnity, intellectual property such as trademarks and patents, formation expenses or borrowing expenses.]

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| --- |
| **Assets** |
| **Property Value** |
| Residential and other properties(e.g. house, flat, factory, shop, vacant land)       $           $           $           $     Value of contents $     **Cash balances** (list bank, building society, etc. and branch)       $           $     **Building related assets** Salary, annual leave accrual $     Plant & equipment (exclude leased items) $     Motor vehicles (exclude leased items) $     Tools of trade $     Stock of materials $     Trade debtors (supply list) $     **Other assets** Personal effects $     Life insurance policies $     Superannuation accrued benefit $     Boat/caravan $     Other (e.g. shares, investments)       $           $           $      |
| **Total assets ………………………………………………………. $**      |

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| **Liabilities** |
| **Properties** Owing on residential property $     Owing on other properties $     Owing on hire purchase/lease $     Owing on personal loans, credit cards $     Bank overdraft (limit ) $     Trade creditors (supply list) $     Unpaid tax liability $     Other liabilities (please specify)       $           $           $      |
| **Total liabilities $**      |
|  |
| **Summary** |
| Total Assets $     Less Total Liabilities $      |
| **Net tangible assets $**      |