



NOTES TO ASSIST IN APPLYING FOR AN INDUSTRIAL HEMP LICENSE

Includes notes relating to:

- Application for a License under the Industrial Hemp Act 2004 of Western Australia (the Act) including renewal of license and adding Relevant Persons to an existing license;
- Authorised premises covered by a license;
- 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 is available from the AGWEST Plant Laboratories website: www.agric.wa.gov.au/agwestplantlabs.

A. Applications and applicants

An application for a licence to cultivate, harvest or process industrial hemp is required under the Act (http://www.austlii.edu.au/au/legis/wa/consol_act/iha2004176/). 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 of all Relevant Persons must also 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 ten 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 of a license. Important information that should be covered by a suitable reference includes:

- Details of the referee including name, occupation, location;
- Details on the relationship of the referee to the Relevant Person including length;
- 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:

- (a) has reached 18 years of age;
- (b) is a person of good character and repute;
- (c) is a fit and proper person to be involved in an activity to be authorised by the licence;
- (d) has sufficient material, human and financial resources to carry on any activity to be authorised by the licence; and
- (e) 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 available from the website above.

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 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 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.

Adding new premises to an existing license must be applied for in writing on the appropriate form available from the website above.

C. Suitable seed sources

The Registrar, Industrial Hemp Act maintains a list of varieties approved for sowing in Western Australia. New varieties can be added to the list on request and with supporting documentation to demonstrate that seed of the variety can reliably produce plants in Western Australia that, when tested, will have tetrahydrocannabinol (THC) levels below 0.35%.

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.

Importation of seed

Licensees are responsible for arranging the importation of seed into Australia and should thoroughly investigate import requirements. The Department of Health and Aging – Office of Chemical Safety and Environmental Health is responsible for issuing import permits, additional requirements and information can be obtained through the Customs Department, AQIS and Quarantine Western Australia.

Importers should be aware that Australia and Western Australia have systems in place to restrict the import of weed seeds. Prospective seed lots must be officially sampled and tested for the presence of weed seeds. Any weed seeds present must be checked for their presence on the AQIS and QWA Permitted Seeds Lists.

Contact directory

Office of Chemical Safety and Environmental Health

- Telephone: (02) 6289 2686
- Facsimile: (02) 6289 2500
- E-mail: tmu@health.gov.au
- Website: www.health.gov.au/treaties

Customs Department

- Telephone: 1300 363 263



- Email: information@customs.gov.au

Australian Quarantine Inspection Service

- Telephone: (02) 6272 5037
- Fax: (02) 6272 3745
- E-mail: plantquar@aqis.gov.au
- Permit application form: www.aqis.gov.au/importapp
- Import conditions database : www.aqis.gov.au/ICON
http://www.aqis.gov.au/icon32/asp/ex_querycontent.asp

Quarantine Western Australia

- Telephone: (08) 9334 1800
- Facsimile: (08) 9334 1880
- E-mail: seedsofficer@agric.wa.gov.au
- Website: <http://www.agric.wa.gov.au/quarantine>

QWA requirements may be considered by AQIS. However, details of QWA permitted weed seeds can be found at:

http://www.agric.wa.gov.au/content/pw/weed/permitted_prohibited.htm

Download the zipped excel file containing names of around 14 000 species of plants.

There is also detailed information on the download page on what the list contains. Remember that even if a species is listed as OK for entry into WA it may have extra quarantine requirements and these can be obtained by contacting QWA officers.

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 Authorised under the Act.

A 'Notification of sowing of industrial hemp' form 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 1 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 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 licence will also be checked at inspection including signage and the visitor register.

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. Fees and charges

Current fees and charges can be obtained by contacting AGWEST Plant Laboratories on 9368 3721. Indicative fees (current for the 2010/11 season and inclusive of GST) are as follows:

- Application for a Licence - \$310.00;
- Renewal of a Licence - \$124.00;
- 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 \$126.00 or full day rate \$880.00
 - Car hire approximately \$100/day
 - Kilometres charge approximately \$0.23/km
- Fees apply for analysis for tetrahydrocannabinol (THC) content. Clients will be charged direct by the Chemistry Centre of WA.
 - First submitted sample \$275.00 and subsequent samples \$132.00.

F. Financial statement

FINANCIAL STATEMENT BY APPLICANT

Under section 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 below 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.]

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



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