

SUBMISSION TO DEPT OF PRIME MINISTER AND CABINET RE
AGRICULTURAL COMPETITIVENESS

From Estelle Ross

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Nationwide there have been many job losses in recent years as industries fold, however I believe a vibrant industrial hemp industry could be a boon to the Australian economy and particularly to regional areas.

There is virtually nothing you can't make from hemp; from plastics to textiles, paper, biodegradable packaging, food, biofuel, pharmaceuticals, paints, solvents, varnish, hempcrete etc. Just imagine how many manufacturing and agricultural jobs could be created? It is grown with little fertiliser and moderate irrigation and the whole of the plant can be used while at the same time sequestering carbon and improving soil quality.

However there are two major drawbacks which the federal government needs to remove if the industry is to expand.

- Firstly the Council of Australian Governments Legislative and Governance Forum on Food Regulation needs to lift the ban on the human consumption of hempseed, which it is due to review again in Canberra on Friday 2nd May 2014.
- Secondly the Federal Government needs to legislate the difference between industrial hemp and marijuana which would mean that hemp would no longer be regarded as a controlled substance and could be treated the same as any other crop and could therefore be removed from the *Standard for the Uniform Scheduling of Medicines and Poisons* and then from the *Tasmanian Poisons Act*

The Tasmanian Government established a Review into the Hemp Industry and its findings were tabled on 17th October 2013 and can be seen at <http://www.parliament.tas.gov.au/ctee/House/HAEnvResDev.htm> or <http://www.parliament.tas.gov.au/ctee/House/Reports/Inquiry%20into%20the%20Tasmanian%20Industrial%20Hemp%20Industry%20-%20Final%20Feport.pdf>

BACKGROUND TO THE FED BAN ON HEMPSEED AS A FOOD

It was declared safe for human consumption by Food Standards Australia and New Zealand in 2002 but the Howard government knocked it back and again in December 2012 when the COAG Food Forum deferred a decision and sent it to the COAG Police and Emergency Management to review. We are one of the few countries left

who do not allow this highly nutritious product to be consumed. It contains around 25% protein and the perfect balance of the essential fatty acids.

LEGISLATION CONCERNS RE HEMP

Both industrial hemp and marijuana are members of the *Cannabis Sativa* family of plants. The former contains only a small fraction of the psychoactive ingredient Tetrahydrocannabinol,(THC) of the latter. Regulations (in Tasmania) state that industrial hemp must contain no more than 0.35% THC (but according to the aforementioned Report, it is hoped that this can be raised to 1% thus allowing far more varieties to be researched.)

As it is Australia may already be breaching the UN *Single Convention on Drugs 1961* as it fails to differentiate between industrial hemp and marijuana and instead refers to both varieties under the banner of cannabis

The *Single Convention on Narcotic Drugs, 1961* prohibits the production and supply of specific narcotic drugs and drugs with similar effects, including cannabis. However, the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes is not subject to the convention.

There are 2 ways of looking at this statement

1. If we are in contravention then the production of industrial hemp should be removed from the *Standard for the Uniform Scheduling of Medicines and Poisons* and consequently could be removed from the Tasmanian *Poisons Act* which would release the police from the job of checking on hemp paddocks as it would then be regarded as any other crop.

or

2. It clearly states that seed is not subject to the convention so why has it not been allowed as a food before now?

Either way it seems to me that there should be no legal restrictions on growing hempseed and allowing its consumption. In which case I do not know why COAG's Food Forum has not lifted the ban.

The Legislative and Governance Forum on Food Regulation met on 7th December 2012 and delayed its decision issuing a communiqué see

[http://www.health.gov.au/internet/main/publishing.nsf/Content/43BABF207DB0D823CA257BF0001ACCE8/\\$File/Notice%20of%20publication%20of%20request%20for%20review%20-%207%20December%202012.pdf](http://www.health.gov.au/internet/main/publishing.nsf/Content/43BABF207DB0D823CA257BF0001ACCE8/$File/Notice%20of%20publication%20of%20request%20for%20review%20-%207%20December%202012.pdf)

I have listed below my reasons why there should be no concern. If the many other countries world-wide which allow human consumption of hemp products had found problems with it they would have banned it and as they clearly have not it seems ridiculous that we should have any concerns here.

- Here in Tasmania anyone who wishes to grow industrial hemp as a crop has to have a licence for each stage of the process. With this in mind it is obvious therefore that the low THC varieties which are grown here are constantly monitored and there is a transparent chain of custody from whoa to go. Only hemp varieties with THC content less than .035% are allowed. When the seeds are harvested from these crops they are then sold to a buyer who has already been earmarked when the grower first applied for a licence.
- There is no THC content in hemp seeds; the cannabis resin being found on flowers and buds of the female plant. If there is no THC in the seed itself it follows that there can then be no THC in the oil which is formed from crushing the seed. Furthermore any food or oil derived from this process cannot contain any THC and so could not possibly interfere with road side drug testing for cannabis/marijuana. It is possible that an infinitesimal amount of THC could contaminate the seeds when they are in the process of being cleaned and hulled but the THC content would be barely traceable.¹
- The consumption of hemp food products could be used as a legal defence against a positive THC oral fluid test result. Again, not likely as hemp seed in food contains no THC and could only have minute traces of THC if the seeds were contaminated during the hulling and cleaning process
- It was also mentioned that law enforcers would not be able to tell the difference between a crop of marijuana and industrial hemp. If marijuana were planted in a crop of industrial hemp the latter, when cross pollinating with marijuana, would render the former unviable and anyway no farmer would risk losing his licence to grow industrial hemp by infilling with marijuana. Furthermore because the police have to be informed of the GPS position of the crop before it can be planted it would be simple for them to do a quick roadside check to see if the paddock were licensed.
- Concern was expressed that it might not be possible to differentiate between hemp and marijuana seeds and this could be used to disguise illegal trafficking of marijuana seeds. Again due to strict licensing and the chain of custody rules it would be simple for the police merely to ask to see the licence from the person carrying the seed. No legitimate grower would risk losing their licence to do this and a quick police check would reveal whether the detainee was licensed or not.
- As already explained there could be no public health concerns with consuming hemp food products or drug driving reduction strategies as the seeds, from which they derive, do not contain the psychoactive ingredient, THC. Although a trace might be found if seeds had been contaminated during the cleaning and pressing of the seeds; see a study by Leson Environmental Consulting, Berkeley California www.votehemp.com/PDF/THCStudySummary.pdf
- It was thought that allowing consumption of low THC hemp as a food could undermine public health campaigns against cannabis/marijuana. Any confusion could be avoided by referring to them as non narcotic hemp and marijuana- omitting the word cannabis altogether. Similarly if food products were allowed here labels should include the words non narcotic hemp. Advertisers of these products should do the same.

¹According to a Canadian report the amount of THC contained in seed contaminated during the cleaning process would yield only around 1 part per million and the legal limit in Canada is 10 parts per million.

The US government which is paranoid about drug use allows its citizens the benefits of eating hempseed products but forbids them from growing it. However, many of the US States have enabled legislation to allow their farmers to plant this crop and the first was recently harvested in Colorado despite the Federal ban on its production. We shall miss the boat if this ridiculous ban is not lifted.

It is ironic also that the New Zealand government as a member of both COAG's Food Forum and FSANZ allows the consumption of hempseed /oil and obviously has no problems with it and yet Australians are denied the opportunity. There is no logic to the situation.

It is vital that the ban be lifted without further delay The Food Forum has asked the same questions of Food Standards Australia and New Zealand which were asked and answered satisfactorily way back in 2002 when FSANZ declared hemp safe for human consumption, so these delaying tactics from COAG are irresponsible.

Lifting of the ban would allow an exponential growth in the industry, create 100's of new clean green jobs both in manufacturing and agricultural sectors and cost the Federal Government nothing.