

2017

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

Misuse of Drugs Amendment Bill 2017

SERIAL NO. 31

EXPLANATORY STATEMENT

GENERAL OUTLINE

The Misuse of Drugs Amendment Bill 2017 amends the *Misuse of Drugs Act* to ensure it is consistent with the Food Standard, to enable Territorians to legally supply and possess, as an additional food source: low THC cannabis seeds that contain no more than 5mg/kg THC; hemp seed oil that contains less than 10mg/kg of THC; a beverage derived from seeds of low THC Cannabis sativa if the beverage contains no more than 0.2mg/kg of THC; and any other food product extracted or derived from seeds of low THC Cannabis sativa that contains no more than 5mg/kg of THC.

NOTES ON CLAUSES

Part 1 Preliminary matters

Clause 1. Short Title

This is a formal clause, which provides for the citation of the Bill. The Bill, when passed, may be cited as the *Misuse of Drugs Amendment Act 2017*.

Clause 2. Commencement

This is a formal clause which provides when the Act will commence. The Act will commence the day after the Administrator's assent is declared.

Clause 3. Act amended

This clause provides which Act is amended by the Bill, namely the *Misuse of Drugs Act*.

Clause 4. Section 3 amended

This clause inserts new definitions into section 3 of the *Misuse of Drugs Act* to define various words and expressions used in the Act.

The new definitions are 'hulled', 'low THC Cannabis sativa', 'non-viable' and 'permissible Cannabis seeds'.

- 'hulled' means a seed that has had the outer coat or hull removed;
- 'low THC Cannabis sativa' refers to the low tetrahydrocannabinol (THC) Cannabis plant varieties that have been tested as having less than 1% THC. This definition ensures that 'permissible Cannabis seeds' are only able to come from low THC varieties of Cannabis plants;
- 'non-viable' refers to a seed that is not able to germinate; and
- 'permissible Cannabis seed' is a seed that contains no more than 0.0005% (equivalent to 5mg/kg) THC, are non-viable, hulled and contain only naturally present cannabinoids. The definition has been drafted to align with section 1.4.4-6(1)(a) of the Food Standard.

Clause 5. Section 4A amended

This clause amends section 4A(1)(b), which provides an exemption from processed products made from cannabis seeds. However, as the exemption does not extend to whole cannabis seeds, amendment to section 4A(1)(b)(ii) is required to exempt permissible Cannabis seeds. This amendment is necessary as a processed product could include a seed that has gone through a process to make it hulled and non-viable.

Clause 6. Schedule 2 amended

Subclauses (1) and (2) amend the entries for Cannabis plant material and Cannabis seed in Schedule 2 to the *Misuse of Drugs Act*. To give effect to the variations to the Food Standard those entries are amended to exclude permissible Cannabis seeds.

Subclause (3) amends the entry for THC in Schedule 2 to the *Misuse of Drugs Act* to ensure that food products, beverages or hemp oil from seeds containing THC are aligned with section 1.4.4-6(2) of the Food Standard.

Clause 7. Schedule 3 amended

Subclauses (1) and (2) amend the entries for Cannabis plant material and Cannabis seed in Schedule 3 to the *Misuse of Drugs Act*. To give effect to the variations to the Food Standard those entries are amended to allow permissible Cannabis seeds.

Clause 8. Repeal of Act

This Act is repealed the day after it commences. This is a standard clause which provides that the *Misuse of Drugs Amendment Act 2017* is repealed the day after it commences. As this is an amending Act, there is no need to retain the Act on the statute book, once all the amendments to the *Misuse of Drugs Act* have been effected.