

## **8A. Defences relating to industrial hemp or industrial hemp seed**

(1) In proceedings against —

- (a) a person who may process industrial hemp under a licence granted under the *Industrial Hemp Act 2004*; or
- (b) an employee, agent or contractor of a person referred to in paragraph (a),

for an offence against section 5(1)(a)(i) involving the manufacture or preparation of a prohibited drug or prohibited plant for use, it is a defence for the person to prove that the prohibited drug or prohibited plant is industrial hemp or industrial hemp seed.

(2) In proceedings against —

- (a) a person who may cultivate, harvest or process industrial hemp under a licence granted under the *Industrial Hemp Act 2004*; or
- (b) an employee, agent or contractor of a person referred to in paragraph (a),

for an offence against section 5(1)(a)(ii) involving the manufacture, preparation, sale, supply or use of a prohibited drug or prohibited plant, it is a defence for the person to prove that the prohibited drug or prohibited plant is industrial hemp or industrial hemp seed.

(3) In proceedings against —

- (a) a person who may cultivate, harvest or process industrial hemp under a licence granted under the *Industrial Hemp Act 2004*; or
- (b) an employee, agent or contractor of a person referred to in paragraph (a),

for an offence against section 5(1)(c) involving being knowingly concerned in the management of any premises used for a purpose referred to in section 5(1)(a), it is a defence for the person to prove that the prohibited drug or prohibited plant is industrial hemp or industrial hemp seed.

(4) In proceedings against —

- (a) a person who may cultivate, harvest or process industrial hemp under a licence granted under the *Industrial Hemp Act 2004*; or
- (b) an employee, agent or contractor of a person referred to in paragraph (a),

for an offence against section 6(1)(a), it is a defence for the person to prove that the prohibited drug is industrial hemp or industrial hemp seed.

(5) In proceedings against —

- (a) a person who may process industrial hemp under a licence granted under the *Industrial Hemp Act 2004*; or
- (b) an employee, agent or contractor of a person referred to in paragraph (a),

for an offence against section 6(1)(b) involving manufacturing or preparing a prohibited drug, it is a defence for the person to prove that the prohibited drug is industrial hemp or industrial hemp seed.

- (6) In proceedings against —
- (a) a person who may cultivate, harvest or process industrial hemp under a licence granted under the *Industrial Hemp Act 2004*; or
  - (b) an employee, agent or contractor of a person referred to in paragraph (a),

for an offence against section 6(1)(c) involving selling or supplying, or offering to sell or supply a prohibited drug to another, it is a defence for the person to prove that the prohibited drug is industrial hemp or industrial hemp seed.

- (7) In proceedings against —
- (a) a person who may cultivate, harvest or process industrial hemp under a licence granted under the *Industrial Hemp Act 2004*; or
  - (b) an employee, agent or contractor of a person referred to in paragraph (a),

for an offence against section 6(2) involving possession or use of a prohibited drug, it is a defence for the person to prove that the prohibited drug is industrial hemp or industrial hemp seed.

- (8) In proceedings against —
- (a) a person who may cultivate, harvest or process industrial hemp under a licence granted under the *Industrial Hemp Act 2004*; or
  - (b) an employee, agent or contractor of a person referred to in paragraph (a),

for an offence against —

- (c) section 7(1)(a) involving possessing or cultivating a prohibited plant with intent to sell or supply the prohibited plant or any prohibited drug obtainable therefrom to another; or
- (d) section 7(1)(b) involving selling or supplying, or offering to sell or supply, a prohibited plant to another,

it is a defence for the person to prove that the prohibited plant is industrial hemp or industrial hemp seed.

- (9) In proceedings against —
- (a) a person who may cultivate, harvest or process industrial hemp under a licence granted under the *Industrial Hemp Act 2004*; or
  - (b) an employee, agent or contractor of a person referred to in paragraph (a),

for an offence against section 7(2) involving having in his or her possession or cultivating a prohibited plant, it is a defence for the person to prove that the prohibited plant is industrial hemp or industrial hemp seed.

[Section 8A inserted by No. 1 of 2004 s. 54.]