

Hemp Industry Instrument of Delegation (Secretary) 2024

I, Rebecca Fox, Secretary of the Department of Regional NSW, make this Instrument of Delegation under section 47 of the *Hemp Industry Act 2008* (the Act).

1 Delegation of functions

The functions under the Act specified in Column 1 of Schedule 1 are delegated to any person in the delegate category specified in Column 2 of Schedule 1.

2 Interpretation

(1) In this Instrument

administrative and clerical officer grade 9 or above means a person employed by the Department as an Administrative and Clerical Officer at grade 9 or above in accordance with the Crown Employees (Administrative and Clerical Officers – Salaries) Award 2007, and whose responsibilities relate to the administration or execution of the Act.

authorised officer means a person appointed under section 18 of the Act.

delegate category means the categories described in Column 1 of Schedule 2.

food safety officer grade 5 or above means a person employed by the Department as a food safety officer at a grade 5 or above in accordance with the Crown Employees (Department of Regional NSW) Food Safety Officers Award.

person in the delegate category means any person who is for the time being assigned to a role, or performing the duties and responsibilities of a role, specified in Column 2 of Schedule 2 in respect of each delegate category.

the Regulation means the Hemp Industry Regulation 2016.

role includes office, and a person **assigned** to a role includes the **holder** of an office.

Senior Executive Band 1 means a Senior Executive employed by the Department in Band 1 under the *Government Sector Employment Act 2013* or an employee with an equivalent salary level, and whose responsibilities relate to the administration or execution of the Act.

Senior Executive Band 2 means a Senior Executive employed by the Department in Band 2 under the *Government Sector Employment Act 2013* or an employee with an equivalent salary level, and whose responsibilities relate to the administration or execution of the Act.

Senior Executive Band 3 means a Senior Executive employed by the Department in Band 2 under the *Government Sector Employment Act 2013* or an employee with an equivalent salary level, and whose responsibilities relate to the administration or execution of the Act.

- (2) Words and expressions that are defined in the Regulation the same meaning in this instrument.
- (3) Unless otherwise specified, references to a role are references to a role within the Department.
- (4) The summary of a function in Column 3 of Schedule 1 is for general explanation and does not limit the delegation of functions under the provisions identified in Schedule 1.

3 Commencement

This Instrument commences on the day on which it is signed.

4 Revocation

The Hemp Industry Instrument of Delegation 2021 published in the NSW Government Gazette No. 585 of 12 November 2021 is revoked, as in any instrument revived as a result of this revocation.

Dated this 2nd day of April 2024



REBECCA FOX
SECRETARY
DEPARTMENT OF REGIONAL NSW

Schedule 1 – Delegation of functions

Column 1 Section	Column 2 Delegate category	Column 3 Summary of function delegated
The Act		
Part 1 Preliminary, the Act		
3	A	Meaning of 'corresponding authority'.
4	A	Meaning of 'close associate'.
Part 2 Licensing scheme, the Act		
5	A, B	Grant a licence authorising a person to cultivate or supply low-THC hemp.
7	A, B	Approve the form and fee for a licence application and requiring information and documents with respect to an application.
8	A, B	Investigate an application.
9	A, B	Satisfaction of suitability of applicant and close associates of the applicant.
10	A, B	Determine a licence application.
12	A, B	Impose, vary or revoke a condition on a licence at any time.
13	A, B	Determine an application for renewal of licence.
14	A, B	Determine an application for transfer of licence.
15	A, B	Suspension of licences.
16	A, B	Cancellation of a licence.
Part 3 Investigation and enforcement powers the Act		
18	A	Appointment of authorised officers.
19	A, B	Issue authorised officer with approved form of identification.
21	A, B	Require a person to provide information or records. <i>Note: section 21(1) of the Act also authorises this function to be exercised by an authorised officer</i>
23	A, B	Direct a licence holder to carry out works or other actions to rectify a breach of licence or cause the works or actions to be carried out. <i>Note: section 23(1) of the Act also authorises this function to be exercised by an authorised officer</i>
29	A, B	Require the owner or occupier of a premises to provide reasonable assistance and facilities.

Column 1 Section	Column 2 Delegate category	Column 3 Summary of function delegated
31	A, C	Require a corporation to nominate a representative for the purpose of answering questions.
Part 4 Miscellaneous, the Act		
36(3)	A, B	Provide directions for destruction of forfeited low-THC hemp.
36(4)	A	Authorise a person to take possession of low-THC hemp that has been forfeited so it can be cultivated or supplied for a specified purpose.
37	A	Enter into arrangements with a relevant agency for the supply of information.
39	A	Waive part or all of any fee payable.
The Regulation		
Part 3 Licencing conditions, the Regulation		
10(2)	A, B	Exempt a licensee from the condition in clause 10(1)(h) in the circumstances considered appropriate.
12	A, B	Notify licensee of time and manner for making annual report.
13	A, B	Direction in relation to payment of annual licence fee.

Schedule 2 – Delegate categories

Column 1 Delegate category	Column 2 Role
A	Senior Executive Band 3 Senior Executive Band 2 Senior Executive Band 1
B	Administrative and Clerical Officer Grade 9 or above (or equivalent) Food Safety Officer Grade 5 or above (or equivalent)
C	Authorised officer