1. In 2002, commercial production of industrial hemp was made possible by amendments to insert Part 5B into the *Drugs Misuse Act 1986* (the Act). Industry participants must apply for a licence to research and/or grow industrial hemp.
2. As part of the licensing process, the Queensland Police Service performs a criminal history check to assist in establishing the bona fides of licence applicants.
3. Section 61(5) requires that the applicant or licencee, and their close associates, must consent to the person’s fingerprints being taken by a police officer. It should be noted that the Act contains safeguards to an applicant or licencee's civil liberties which require that fingerprints so obtained must be destroyed as soon as possible after a person's suitability has been considered.
4. Section 61(5) is important in supporting the Queensland Government’s anti-drugs stance and deterring criminal elements from surreptitiously operating in the industrial hemp industry.
5. In the initial stages of the licensing scheme, applicants were requested, as a matter of course, to obtain fingerprints from a Queensland Police Service officer to accompany their applications. A review of the fingerprinting process undertaken by the Department of Primary Industries and Fisheries (DPI&F) in consultation with Queensland Police Service in 2003 resulted in both agencies agreeing with an interpretation of section 61(5) of the Act that required that applicants consent to fingerprinting if required, and only submit to actual fingerprinting by a police officer if requested to do so by the Commissioner for Police.
6. Section 115 of the Act required DPI&F, as the licensing authority, to review the operation of section 61(5).
7. A review of section 61(5) was undertaken by DPI&F in late 2007 to ascertain the value of maintaining or removing the requirement for licence applicants to consent to undergo fingerprinting. The review recommends that section 61(5) be retained as drafted.
8. Cabinet noted the outcomes of the review report, “Review of Section 61(5) of the *Drugs Misuse Act 1986*: Requirement for persons to consent to fingerprinting as part of the criminal history check for licence applications to research and/or grow industrial hemp”.
9. *Attachments*
* [Report - Review of Section 61(5) of the *Drugs Misuse Act 1986*: Requirement for persons to consent to fingerprinting as part of the criminal history check for licence applications to research and/or grow industrial hemp](attachments/Drugs%20Misuse%20Review%20Sect%2061%285%29_Final%20Review%20Report-Post%20Cabinet_4%20Dec.pdf)