



9 April 2025

Mr. Scott Hansen  
Chief Executive Officer  
Australian Pesticides and Veterinary Medicines Authority (APVMA)  
GPO Box 574, Canberra ACT 2601, Australia  
**BY EMAIL:** scott.hansen@apvma.gov.au  
**CC:** foi@apvma.gov.au

**Formal Complaint Regarding the APVMA's Regulatory Approach to  
Hemp-Based Animal Nutrition Products**

Dear Mr. Hansen,

The Australian Industrial Hemp Alliance Inc. (AIHA) is writing to formally express its concerns about the APVMA's regulatory approach to hemp-based animal nutrition products. These concerns stem from the recent release of 13 Freedom of Information (FOI) documents to Decide Pty Ltd, trading as HEMP PET, a corporate member of AIHA. We believe that inconsistencies in the APVMA's regulatory practices, as revealed by these documents, may not fully align with its legal obligations and have adversely affected the Australian hemp industry - a sector critical to Australia's economy, environment, and agricultural innovation.

We recognise your recent appointment as CEO and appreciate that these issues predate your leadership. We see this as an opportunity to address these matters constructively under your guidance. This letter reflects our interpretation of the available evidence, including the FOI documents, and seeks a collaborative resolution.

**Significance of the FOI Documents**

The FOI documents have raised significant concerns about the consistency and transparency of the APVMA's regulatory practices:

- **Document 13**, dated November 28, 2024, notes that the APVMA has suspended enforcement actions pending a "final determination." However, this suspension has not been communicated to affected businesses, creating uncertainty. For example, the document states: 'Enforcement actions are on hold until further notice'. This lack of communication has disrupted business planning and industry confidence.
- **Inconsistent Classifications:** Further FOI released documents reveal discrepancies in how hemp-based animal nutrition products are classified. These contradictions have undermined trust in the APVMA's decision-making.

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Additionally, the continued redaction of **Documents 8 and 10** limits our understanding of the APVMA's approach. The three documents are sent separately with this letter.

### **Impact of the APVMA's Regulatory Approach**

The current regulatory stance has had several unintended consequences for the hemp industry:

- **Stifled Growth:** Uncertainty has halted sector expansion. For example, one compliant manufacturer abandoned plans that could have generated an estimated \$20 million in revenue from FY22 to FY25.
- **Inhibited Innovation:** The absence of clear guidelines has deterred investment in research and development, limiting Australia's competitiveness in the global market.
- **Lost Opportunities:** Hemp farming offers significant export potential, yet regulatory challenges have constrained farmers, leading to economic stagnation in rural areas.

The enforcement suspension noted in Document 13, without clear communication, has compounded these issues, affecting businesses, investors, and communities.

### **Legal Concerns: Alignment with Statutory Obligations**

We are concerned that the APVMA's approach may not fully comply with its statutory obligations:

- **Agricultural and Veterinary Chemicals Code Act 1994 (Cth):**
  - *Section 5:* This provides exemptions for nutritional products under the Excluded Nutritional or Digestive (E.N.D.) criteria. We believe hemp-based products meeting these standards should be exempt from registration, yet the APVMA's classifications appear inconsistent with this provision.
  - *Section 14:* This mandates appropriate product assessments. The decision not to reassess hemp classifications, as referenced in Document 13, raises questions about compliance with this requirement.
- **Administrative Decisions (Judicial Review) Act 1977 (Cth):** The lack of clear guidance and procedural fairness may fall short of lawful decision-making standards.
- **Competition and Consumer Act 2010 (Cth):** Regulatory uncertainty has disrupted market competition, with Decide Pty Ltd estimating losses of approximately \$25 million due to these challenges.

We urge the APVMA to review its approach to ensure alignment with these legal frameworks.

### **Immediate Actions Requested**

To address these concerns, we respectfully request the following:

1. **Revise the Website Statement:** Update the APVMA's statement on cannabis in veterinary chemical products at <https://www.apvma.gov.au/resources/chemicals-news/cannabis-veterinary-chemical-products> to:
  - Clearly differentiate hemp from restricted cannabis substances.

- Confirm that hemp-based products meeting E.N.D. criteria are exempt from registration.
- Reflect global, evidence-based standards.

**Deadline:** Within 14 days of this letter.

2. **Issue a Formal Clarification of Enforcement Policies:** Publish a detailed statement that includes:

- Confirmation of the enforcement suspension referenced in Document 13.
- A timeline for the "final determination" on hemp classification.
- An explanation of the criteria for classifying hemp-based products and their alignment with the E.N.D. exemption.
- Assurance of consistent treatment for all hemp businesses.

**Deadline:** Within 30 days of this letter.

These steps will help restore industry confidence and provide much-needed clarity.

### **Conclusion**

The FOI documents highlight significant concerns about the APVMA's regulatory approach to hemp-based products. We believe that collaboration can lead to a clear, evidence-based framework that supports the hemp industry's growth while ensuring compliance with legal obligations.

We request a formal response within 30 days, detailing:

- Plans to revise the website statement.
- Steps to clarify enforcement policies.

We look forward to your prompt reply and hope to resolve this matter collaboratively, avoiding further escalation. Should a resolution not be reached, we may explore additional recourse, but we trust in your commitment to a constructive outcome.

Yours sincerely,



**Charles Kovess**  
**President, Australian Industrial Hemp Alliance (AIHA)**

**cc:**

The Hon. Minister for Agriculture, Fisheries, and Forestry, Julie Collins, (Minister.Collins@aff.gov.au)

**Disclaimer:** This letter reflects our interpretation of the available evidence, including FOI documents, and seeks a constructive resolution. All figures and estimates are based on industry data and are intended to illustrate the potential impact of the regulatory approach.