

Medicines, Poisons and Therapeutic Goods (Public Event for Kava Exemption) Declaration 2013 (No 1)

Notifiable instrument NI2013–41

made under the

Medicines, Poisons and Therapeutic Goods Regulation 2008, s 864 (Exemption of piper methysticum (kava)—Act, s 190 (1) (a))

1 Name of instrument

This instrument is the *Medicines, Poisons and Therapeutic Goods (Public Event for Kava Exemption) Declaration 2013 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Declared public event

I declare the National Multicultural Festival held in Canberra each year to be a public event to which the kava exemption applies.

4 Conditions imposed

The following conditions apply to the exemption for the public event:

4.1 Supply of kava

1. Kava is only to be served and consumed as part of a traditional kava ceremony.
2. Kava is only to be served from a traditional kava bowl, into a single use cup and must not be supplied in a container that can be sealed and removed from the location of the kava ceremony.
3. Members of the public are permitted to consume kava only if by invitation to take part in a traditional kava ceremony.
4. Kava is to be consumed at the time of serving to a person.
5. Kava is not to be supplied to persons under the age of eighteen.
6. Kava is only to be supplied for free.
7. The supply of kava by sale, or in return for a donation, is not permitted.

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8. For the purposes of this condition, *sale* includes—
- (a) barter, offer or attempt to sell; or
 - (b) receive for sale; or
 - (c) have in possession for sale; or
 - (d) display for sale; or
 - (e) cause or permit to be sold or offered for sale; or
 - (f) send, forward or deliver for sale; or
 - (g) dispose of by any method for valuable consideration; or
 - (h) dispose of to an agent for sale on consignment; or
 - (i) dispose of by way of raffle, lottery or other game of chance; or
 - (j) offer as a prize or reward; or
 - (k) give away for the purpose of advertisement or in furtherance of trade or business.

4.2 Locations

1. Kava is only to be supplied within the boundaries of the National Multicultural Festival, and not outside:
 - (a) Garema Place;
 - (b) Petrie Plaza;
 - (c) City Walk;
 - (d) Civic Square;
 - (e) Ainsle Place; and
 - (f) Akuna Street.

4.3 Dates and times of application

1. Kava may only be prepared, possessed and consumed during the National Multicultural Festival.

4.4 Advertising

1. It is not permitted to advertise or otherwise promote the supply of kava at the National Multicultural Festival.
2. It is not permitted to have written information distributed to the public that promotes the availability of kava at the National Multicultural Festival. This includes information on maps indicating where kava is being served at the festival.
3. Clauses 1 and 2 do not preclude:
 - (a) information from being provided to the public about the cultural use of kava, for example, information about kava extraction

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- methods, kava ceremonies, or the role that kava plays in Pacific Island culture;
 - (b) information from being provided to the public pertaining to the kava exemption under the *Medicines, Poisons and Therapeutic Goods Act 2008* and this declaration; and
 - (c) in accordance with the customs of the Pacific Islands, an invitation being extended to a specific person to participate in a kava ceremony.
4. For the purposes of this condition, an **advertisement** means writing, sound or a picture, symbol, light or other visible device, object or sign (or a combination of 2 or more of these) that a reasonable person would consider publicises, or otherwise promotes the supply or availability of kava at the National Multicultural Festival.

4.5 Signage

1. The following information is to be provided at all stalls where kava is to be prepared or consumed:
 - (a) When consumed kava can have a sedative or anaesthetic like effect. If affected do not drive a vehicle or operate machinery after consuming kava.
 - (b) Kava is not permitted to be supplied to persons under eighteen years of age.
2. The information referred to in clause 1 is to be provided in a notice at least A4 in size, placed at eye level in the area of the stall where kava is to be served. The text on the signs must be of a size that can be clearly read from a metre away.
3. Information referred to in clause 1 is to be provided in English, in a black sans serif font on a white background.
4. It is not permitted to have signage at a stall that promotes the availability of kava from the stall.
5. Clause 4 does not preclude information from being displayed about the cultural use of kava, for example, information about kava extraction methods, kava ceremonies, or the role that kava plays in Pacific Island culture.

Katy Gallagher MLA
Minister for Health

29 January 2013