

Medicines, Poisons and Therapeutic Goods (Public Event for Kava Exemption) Declaration 2018 (No 1)

Notifiable instrument NI2018–711

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 2018 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Expiry

This instrument expires 3 years after the date of commencement.

4 Declared public event

I declare the activities of the Toe Talatalanoa (Tongan) congregation at Canberra City Uniting Church to be a public event to which the kava exemption applies.

5 Conditions imposed

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

5.1 Supply of kava

1. Kava is permitted to be served to members of the public at the event.
2. Kava is to be served from a traditional kava bowl or 'kumete'.
3. Kava may be served into traditional kava cups (such as those made from coconut shells) however these are not to be shared amongst members of the congregation or public.
4. Single use cups must be made available for use by members of the public at all times when kava is being served.

5. Kava is only to be supplied and consumed within the Riley Hall at Canberra City Uniting Church.
6. Kava is not to be supplied to persons under the age of eighteen.
7. Kava is only to be supplied for free.
8. The supply of kava by sale, or in return for a donation, is not permitted.
9. 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.

5.2 Locations

1. Kava is only to be supplied and consumed within Riley Hall at the Canberra City Uniting Church, located at 69 Northbourne Avenue, Canberra City ACT 2601.

5.3 Dates and times of application

1. Kava may only be prepared, possessed and consumed in association with activities of the Toe Talatalanoa (Tongan) congregation that are open to the public. This includes fellowship, worship, cultural or fundraising activities held by the Toe Talatalanoa (Tongan) congregation.

5.4 Advertising and signage

1. It is not permitted to advertise or otherwise promote the supply of kava at the Canberra City Uniting Church.
2. It is not permitted to have signage at the Canberra City Uniting Church that promotes the availability of kava from the church premises.
3. Clauses 5.4.1 and 5.4.2 do not preclude:
 - (a) information from being provided to the public 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;

- (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 members of the public within the Toe Talatalanoa (Tongan) congregation to participate in a kava ceremony or consume kava.
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 Canberra City Uniting Church.

5.5 Information for members of the public

1. The current version of the ACT Health Information Sheet for kava is to be made available to members of the public within the Riley Hall whenever kava is being served.
2. The information sheet referred to in clause 1 is to be provided in a notice at least A4 in size.

Dr Kerryn Coleman
A/g Chief Health Officer
12 December 2018