



Australian Capital Territory

Medicines, Poisons and Therapeutic Goods (Kava Exemption) Amendment Regulation 2013 (No 1)

Subordinate Law SL2013-1

The Australian Capital Territory Executive makes the following regulation under the *Medicines, Poisons and Therapeutic Goods Act 2008*.

Dated 24 January 2013.

KATY GALLAGHER
Minister

SHANE RATTENBURY
Minister



Australian Capital Territory

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[Medicines, Poisons and Therapeutic Goods Act 2008](#)

1	Name of regulation
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	This regulation is the <i>Medicines, Poisons and Therapeutic Goods (Kava Exemption) Amendment Regulation 2013 (No 1)</i> .
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2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This regulation amends the [Medicines, Poisons and Therapeutic Goods Regulation 2008](#).

4 New section 864

insert

864 Exemption of piper methysticum (kava)—Act, s 190 (1) (a)

- (1) Piper methysticum (kava) in the following forms is exempt from the Act:
 - (a) raw or dried whole or peeled rhizome for use in aqueous dispersions or aqueous extracts intended for oral use by humans;
 - (b) powder made from the dried rhizome for use in aqueous dispersions or aqueous extracts intended for oral use by humans;
 - (c) preparations for oral use by humans containing aqueous dispersions or aqueous extracts of the raw or dried whole or peeled rhizome;
 - (d) preparations for oral use by humans containing aqueous dispersions or aqueous extracts of powder made from the dried rhizome.
- (2) However, the exemption applies only if—

- (a) the kava is prepared, possessed and consumed in accordance with the customs of the Pacific Islands; and

Examples—customs of the Pacific Islands relating to use of kava

- 1 consuming kava as part of a traditional ceremony, in a kava circle or otherwise
- 2 serving kava from a traditional bowl

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (b) the kava is prepared, possessed and consumed in connection with an event declared by the Minister; and
- (c) any conditions stated in the declaration are complied with.

- (3) The Minister may declare an event only if satisfied it is a public event.

Example

National Multicultural Festival

- (4) A declaration may include conditions about any of the following:
 - (a) the dates and times when the kava may be prepared or consumed;
 - (b) the way in which the kava may be prepared or consumed;
 - (c) the places where the kava may be prepared or consumed;
 - (d) the minimum age of people who may consume the kava;
 - (e) signage for the event;
 - (f) anything else the Minister considers appropriate.
- (5) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 25 January 2013.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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