

## AMSANT submission on the Australian Government Department of Health 'Pilot program to ease restrictions on the importation of kava for personal use' Consultation paper

22 March 2019

AMSANT is the peak body for Aboriginal community controlled health services (ACCHSs) in the NT. Our members provide services from Darwin to the most remote communities in the NT.

AMSANT has three member services in the East Arnhem area. Miwatj Aboriginal Health Corporation is a large ACCHS with approximately 6,500 patients and is currently expanding, taking over two more clinics in the next six months which are operated by the Northern Territory Government. The Miwatj board has representatives from across the whole East Arnhem region. Laynhapuy Homelands provides services to about 800 people in remote homelands and Marthakal also services a homelands population of around 300 as a health organisation but provides a broader range of services to a much larger population. AMSANT has consulted with these services prior to providing this submission.

AMSANT has discussed the proposal to increase the amount of kava that can be imported from two kilograms to four kilograms with member services in the East Arnhem region. The consensus is that allowing people to import four kilograms of kava for personal use is very likely to be harmful as it will increase access to kava which can then be sold illegally at very high profit margins in East Arnhem. There is support for lowering the legal amount of kava that can be imported to one kilogram so as to limit importation of kava in other States and thus reduce trafficking to the Northern Territory. There is no support for increasing the limit to four kilograms.

Given the acknowledgement in the discussion paper of a lack of data about illicit sources and the contribution of kava imported for personal use to illicit trade, AMSANT and our members strongly urge the Government not to increase the amount of kava legally able to be imported, and not to proceed with the proposed pilot program.

The Northern Territory Police report that East Arnhem is the only region in Australia with such significant harm from kava. The NT Government acted on expert advice from researchers and Aboriginal leaders and legislated in 1998 to strictly regulate the sale of kava in the NT and make trafficking kava a serious criminal offence. According to this legislation, kava can only be consumed in premises that are licensed to sell kava. Outside of licensed premises, kava can be confiscated by police even if it is not being sold. There are significant criminal penalties for selling trafficable quantities (more than two kilograms) of kava. However, as part of the Northern Territory Emergency Response legislation, the regulation of kava in licensed premises was overturned. The *Customs (Prohibited Imports) Regulation 1956* still allows the possession of two kilograms of kava in the NT if imported by an adult for their personal use. If the limit is changed to four kilograms, it will be legal to bring this amount into Australia but this same amount will be classified as "trafficable" under the

*NT Kava Act* and will attract a serious criminal penalty. This is undermining NT legislation which has been introduced to protect East Arnhem communities.

The Northern Territory police report significant profiteering from kava with one kilograms of kava costing \$15 in Fiji, \$50/60 in Sydney whilst 30 grams of kava can sell for \$50 dollars in East Arnhem, and a kilogram would sell for \$1000 (NT Police). Trafficking kava is continuing, with large seizures made in 2017 (175 kilograms), 760 kilograms seized in 2015 and 8.5 tonnes seized between 2009-2013. The large quantities of kava seized suggest that well organised crime networks are involved in trafficking kava into East Arnhem (NT Police).

### Harms from kava

There have been significant concerns about harms caused by kava in East Arnhem for more than thirty years. Long-term excessive kava has been associated with the following health problems in Aboriginal people:

- Mood swings
- Apathy
- Dry, scaly skin
- Malnutrition and severe weight loss
- Immunosuppression (with reduced lymphocyte counts) causing increased rates of infections particularly melioidosis and pneumonia
- Shortness of breath
- Liver problems especially if it is consumed in an alcohol based drink.
- Elevated cholesterol potentially linked to increased risk of heart disease (Australian Drug Foundation; Clough et al, 2003).

A study from the late 1990s found that people could spend up to 20% of their income on kava with some spending more than 14 hours on activities associated with kava (Clough et al, 2009). Professor Clough (an expert on harm caused by kava) has supported robust supply measures as an effective way to reduce harm (Clough A, 2009).

Addressing the underlying factors that lead to harmful AOD use is also important given that kava is only one of several addictive substances that cause substantial harm, with others including alcohol, cannabis and amphetamines. These factors include intergenerational trauma, poverty, unemployment, poor housing and low Western educational levels. Addressing these causative factors must be a prominent part of the strategy to address kava-related harm in East Arnhem. We also need to be aware of the potential for the harmful use of kava to spread to other regions, particularly if it was made easier to bring kava into the Northern Territory.

### Specific questions

#### Is an increase to 4 kilograms of kava a suitable quantity for personal use?

Four kilograms is clearly too high, with the TGA (Therapeutic Goods Administration) suggesting an upper limit of 250 milligrams in products containing kavalactones (TGA). Thus, four kilograms equates to years of supply for one person, and there are no limits on how often people can bring in this amount to Australia. For organised crime syndicates, it would be very easy to bring large amounts to Australia with a four-kilogram limit. We suggest a reduction to one kilogram.

### What are the health and social impacts of the proposal to increase the amount of kava that may be imported for personal use?

The harm caused by kava has been researched in East Arnhem and includes:

- 1) Physical health issues (malnutrition, increased risk of infections, liver problems particularly if mixed with alcohol, which is common)
- 2) Social issues, which include spending excessive amounts of time drinking kava with harm to relationships and capacity to work and undertake cultural activities, loss of disposable income which is likely to lead to issues buying essential items such as food and flow on effects to dependant children and the potential for family conflict and even violence.

### Is two years a sufficient period for the pilot?

The pilot to increase the limit to four kilograms should not go ahead. The limit should instead be reduced to one kilogram and this should be evaluated over a two-year period.

Should the pilot program be approved against the wishes of AMSANT and our member services and despite clear evidence of likely additional harm, it would be imperative that a robust evaluation and monitoring framework should be in place in East Arnhem given that it has been identified as a region where the harms from kava are particularly high.

Such an evaluation in East Arnhem should include quantitative data (police, health data) as well as interviews with key Aboriginal agencies including ACCHSs. The evaluator should be independent with a robust governance process that includes East Arnhem community controlled health services. ACCHSs in East Arnhem should have an opportunity to be involved in the selection of an evaluator and the design process of the evaluation in East Arnhem.

If the harms are found to be increasing in East Arnhem, the pilot should be stopped before two years (as soon as it is clear that harm is increasing). We must not make policy changes that will adversely affect Aboriginal people in the NT who have the worst health and social outcomes of any group in Australia. This is fundamentally inequitable.

### References

Australian Drug Foundation. *Drug Facts: Kava*. accessed at <https://adf.org.au/drug-facts/kava/>

Clough A (2009). Enough or too much. What is 'excessive' kava use in Arnhem Land? *Drug and Alcohol Review*. March Volume22, Issue1 43-51

Clough AR, Jacups SP, Wang Z, Burns CB, Bailie RS, Cairney SJ, Collie A, Guyula T, McDonald SP, Currie BJ (2003). Health effects of kava use in an eastern Arnhem Land Aboriginal community. *Intern Med J*. 2003 Aug; 33(8):336-4

Northern Territory Police. *Kava in the Northern Territory*.

<https://www.pfes.nt.gov.au/Police/Community-TGA:>

TGA. *Kava fact sheet*. accessed at <https://www.tga.gov.au/community-qa/kava-fact-sheet>

[REDACTED]

---

**From:**  
**Sent:**  
**Subject:**

[REDACTED]  
Friday, 15 March 2019 2:04 PM  
Kava [SEC=No Protective Marking]

Drinking Kava socially is such an extremely beneficial aspect of improving stronger bonds between family and friends. On the other hand, similar social gatherings with the presence of alcohol, often has the opposite effects and ending in violence.

[REDACTED]

[REDACTED]



[REDACTED]

---

**From:**  
**Sent:**  
**Subject:**

I support the above submission for 4 kg kava from Tonga for personal consumption.

Regards

[REDACTED]

[REDACTED]

---

**From:**  
**Sent:**  
**Subject:**

[REDACTED]

I support the submission to have 4kg kava from Tonga please

Thanks

[REDACTED]

[REDACTED]

---

**From:**  
**Sent:**  
**Subject:**

[REDACTED]  
Friday, 22 March 2019 2:00 PM  
kava usbmission [SEC=No Protective Marking]

100% support to increase to 4kgs or more.

regards

[REDACTED]

## **KAVA SUBMISSION**

1. Is an increase to 4kg of Kava a suitable quantity for personal use?
  - Yes, it is
2. What are the health and social impacts of the proposal to increase the amount of Kava that may be imported for personal use?
  - It is very useful as it contains a significant component that can be used in medicines for topical use on rectum, vaginal or throat.
  - It is very significant takes part in our cultural occasions such as wedding, funeral, graduation etc.
3. Is two years a sufficient period for the period?
  - Yes, it is
4. What methods of evaluation should apply to this pilot?  
Social impacts

## FEEDBACK FOR KAVA PROPOSAL

- 1) Is an Increase to 4 Kgs of Kava a suitable quantity for personal use?
  - Yes, this increase in quantity to 4 Kgs for Personal use is suitable for Pacific Communities. Not for commercial use but for personal use only and I think it's not bad.
  
- 2) What are the Health and Social impacts of the Proposal to Increase the amount of Kava that may be imported for personal use?
  - I think, the only bad effect of Kava for Health is from over consuming but I think it's individual, and also the quantity of 4Kgs is not as much to affect people's Health in over consuming of Kava.
  - However, the good effects of Kava for the Social, Religious, Cultural and Family Functions are very important to the Pacific Communities.
  - I think, our Pacific People will be very happy in this increasing quantity of Kava by coming with 4 Kgs of Kava to Australia is very important for Family, Churches and Pacific communities.
  
- 3) Is two years a sufficient period for the pilot?
  - Yes 2 years are sufficient period for this.
  
- 4) What methods of Evaluation should apply to this Pilot?
  - The methods of Evaluation are observing Pacific Communities for over consuming of Kava and also the selling of Kava for Commercial purposes.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Friday, 22 March 2019 12:04 PM  
**Subject:** Kava Submission [SEC=No Protective Marking]

Dear Sir/Madam

**Subject: Kava Submission**

This email serves and fully support the increase of Kava Tonga from 2kilograms to 4 kilograms per passanger travel to Australia.

Regards

[REDACTED]

## Kava Public Consultation

1. Is an increase to 4 kilograms of kava a suitable quantity for personal use?  
Yes. People take kava on their visits to use as gifts, to use for traditional culture events if they are visiting for a wedding or funeral, to use for inviting family and friends for a social gathering and also use as a pre-sermon function at church on Sundays.
2. What are the health and social impacts of the proposal to increase the amount of kava that may be imported for personal use?
  - a. Health – Kava is widely known as a stress relieve drink in Tonga. Taken in moderation is good and does not have negative health impacts. When in excessive, it can cause skin dryness. Which is not fatal as skin can return to normal when excessive drinking is ceased.
  - b. Social – It is a friendly gathering for the Tongan men. It avoids going to bars and drinking alcohol. It is a good alternative. No one becomes abusive or loud such as that invoked by alcohol.
3. Is two years a sufficient period for the pilot?  
I think so. Many Tongans travels to Australia and enough sample and information can be gathered during this period.
4. What methods of evaluation should apply to this pilot?  
Paper pen questionnaire at airport.

[REDACTED]

---

**From:**  
**Sent:**  
**Subject:**

[REDACTED]  
Thursday, 21 March 2019 4:05 PM  
Kava Submission [SEC=No Protective Marking]

I live in Vavau Tonga and i Fully support the initiative to increase kava powder from 2kg to 4kg per person travelling to australia and hope this will continue for 2 years.

Respectfully

[REDACTED]

[REDACTED]



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Thursday, 21 March 2019 2:40 PM  
**Subject:** kava submission [SEC=No Protective Marking]

Please help our Tongans with their kava to increase to 4kg

Kindest Regards

[REDACTED]

[REDACTED]

**Important Email Information:** The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. If you are not the intended addressee please contact the sender and dispose of this email.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Thursday, 21 March 2019 2:19 PM  
**Subject:** KAVA Submission [SEC=No Protective Marking]

Please allow the Tongans to bring 4kg of Kava to your country so i don't have to always go all the way to the USA.

FOr consideration please.

Kind regards  
[REDACTED]

**From:**  
**Sent:**  
**Subject:**

[REDACTED]  
Thursday, 21 March 2019 1:52 PM  
kava submission [SEC=No Protective Marking]

support increase to 4kgs

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Friday, 15 March 2019 5:08 PM  
**Subject:** KAVA SUBMISSION [SEC=No Protective Marking]

Sir,

I write to express my full support for the increase in importation of Kava into Australia.

Me and my family live at [REDACTED] and we are a family that drinks kava and have family and friends around home to share kava with us.

It is always a problem that when we want to drink kava and there is no stock left, there is no where we can go to buy it.

It is our belief that the effect of Kava has only been looked at through the prism of so called abuse by the Indigenous Aboriginal people in Arnhem Land. In that light, kava takes on a heavily negative face akin to serious and harmful narcotics. This is overkill and completely loses all the positive benefits that kava brings to social cohesion, identity and cultural rituals that promote social stability and family cohesion.

In light of this I support the relaxation of rules around increased importation of Kava into Australia.

Cheers,

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 20 March 2019 12:58 PM  
**Subject:** Kava Submission [SEC=No Protective Marking]

Dear Sir/Madam,

As a Fijian migrant leaving in Australia for the last 16 years I've found that my island connection including culture and tradition was slowly drifting away.

Fijian connection would include community and family oriented, sitting down with a bowl of kava and discuss family or community issues.

And my children were absorbed into drinking with friends and don't have time with family.

Slowly I introduced them back to their tradition where kava sessions are involved and straight away I found them grounded.

Therefore, for Fijian community benefits including church gathering I'd prefer an increase kava limits into Australia to help parents and church carry out their traditional obligation. This would include funeral, church, wedding or simply family gathering for Fijian community.

Thank You  
[REDACTED]

[REDACTED]

[REDACTED]

---

**From:**

**Sent:**

**Subject:**

[REDACTED]  
Wednesday, 20 March 2019 2:53 PM

Kava Submission [SEC=No Protective Marking]

Support to increase to 4kg to preserve the Pacific Traditional Culture of their citizenship living in Australia. Social Culture create peace on living in the community and be friendly to people in the Pacific. Supporting the Piloting in 2 year. Bilateral working together among Pacific Islands and Australia to avoid problem may happen.

Sincerely

[REDACTED]

**From:**  
**Sent:**  
**Subject:**

[REDACTED]  
Thursday, 21 March 2019 4:45 AM  
The kava Tonga and it cultural value. [SEC=No Protective Marking]

Dear sir , the value of the kava Tonga has been long broad up with us ,Tonga people. In any cultural function like wedding, the church meeting where they have to gather people and share their opinions in like 2 to four hours, sometime longer than that when more stories and ideas are still capturing their attention. So, it is so important for us Tongan people where ever we live around, that we always need to have a few kava bowl and share some fun ideas . For wedding, families must used kava bowl as they prepare for a wedding . The wedding arrangement must be organised through during this kava meeting. And it will continue right through until they meet and agree at some point where they decided to carryout and make the weeding happened. For the new king when he will come up to the thrown to be the leader of Tonga, that's how we can see the so important value of the Tongan kava. And that's the reasons of my letter to support the ideas of the kava Tonga. There were bad results I have seen before like those who had it and coursed trouble on the road in Australia, but they may be over too it , may be mixed with some alcohol which is silly, but that's not gonna changed they value of the kava Tonga as I have said above.        Regards

[REDACTED]

[REDACTED]

---

**From:**

**Sent:**

**Subject:**

[REDACTED]  
Wednesday, 20 March 2019 5:24 PM

Re: Kava industry in Australia [SEC=No Protective Marking]

I dont support the introduction of the Kava industry into the country. The excess consumption of Kava in Fiji is concerning,I don't see why our neighbours should suffer the same fate.



[REDACTED]

---

**From:**  
**Sent:**  
**Subject:**

[REDACTED]  
Thursday, 21 March 2019 1:50 PM  
KAVA SUBMISSION [SEC=No Protective Marking]

KAVA SUBMISSION.

To whom it may concern,

I just want to let you know i totally agree to increase from 2kg of kava to 4kg per person who is travel from Tonga to Australia.

Kind Regards

[REDACTED]  
[REDACTED]

---

[REDACTED]

- Is an increase to 4Kg of Kava a suitable quantity for personal use?

Base on the Tongan culture, 4Kg may not be enough however it is better than 2Kg at the current situation. Sunday gathering and Saturday get together and mingling with friends and relatives may cost more than 2 Kg of Kava therefore I supports to raise the allowance of kava from 2Kg to 4Kg

- What are the health and social impacts of the proposal to increase the amount of kava that may be imported for personal use?

Health impact may not be a problem comparing to the amount of kava consuming in Tonga and the Pacific Islands. 4Kgs is nothing comparing to what local people have in Tonga every nights. Socially, people may be closer to each other and this reduced the tension between youth and gangster as it is happening in Tonga.

- Is two years a sufficient period for the pilot?

Yes. However, the shorter the better. People are looking forward to taking 4Kgs of kava on their earliest trip to Australia. Kava is one of the best gift people may have to bring to friends, families and relatives.

What methods of evaluation should apply to this pilot?

Evaluation should include non kava consumers' view on the social impact of the kava in the family. Women and children of the kava consumer should have a say on the impact of kava in the family. Conduct a survey to analyse the Economic (productivity) trends of the kava consumers and carry out a study on the correlation of the amount of kava consumed and the productivity of the individual consumer.

**From:**  
**Sent:**  
**Subject:**

[REDACTED]  
Thursday, 21 March 2019 1:10 PM  
Kava Submission [SEC=No Protective Marking]

Support to increase from 2kg to 4 kg

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 20 March 2019 8:01 AM  
**Subject:** support for kava increase allowance for personal use [SEC=No Protective Marking]

To Whom IT May Concern

I am happy to hear of the news this morning that Australian Health department has considered increase in amount of kava from 2 kg to 4 kg upon entry to Australia.

However I would still support further increase to 10 kg limit when it was first raised as health issue in the 1990s.

Kava plays a major role in our cultural activities especially in times of funerals, weddings, birthdays and reunions. Kava is a also a central means of socialising bringing families and friends together in spirit of brotherhood and freely offering food, clothing and even money for visitors from the islands who visit families and friends.

Kava is widely used for setting up village and church clubs where they raise money or any kind of relief assistant to sent back to their families, villages or churches respectively especially when cyclones are now more often then before.

For our younger youth, who grew up in Australia, and more vulnerable to drugs and alcohol, kava for youth has become more common around families giving them space to socialise and enjoy the pride of tasting traditional drinks.

Yours

Kava Advocate  
[REDACTED]



**From:**  
**Sent:**  
**Subject:**

████████████████████  
Wednesday, 20 March 2019 10:57 PM  
Kava study [SEC=No Protective Marking]

1. Is an increase to 4 kilograms of kava a suitable quantity for personal use? This

Given kava's usage in a social context by Pacific island communities in Australia, 4 kg is very conservative and I recommend that 6 kg per person is a reasonable limit. Kava is always shared, and 6 kg will enable individuals to support the communal use of kava, and minimise the social costs of purchase of alcohol as a less affordable and more destructive social drug.

- What are the health and social impacts of the proposal to increase the amount of kava that may be imported for personal use?  
Social effects are likely to be greater cohesion of Pacific communities in Australia and reduced costs to attend hotels. People stay home with their families and share stories, rather than risking time in hotels where they are tempted to gamble. Kava is contextualised in Pacific society and condoned by many church organisations.

- Is two years a sufficient period for the pilot?  
Two years will enable some measure of social implications of kava use, but this must be contextualised with increasing kava prices, and changes in Seasonal Worker Programs, and changes in visitation rates by Pacific islanders, due to education opportunities or other family visits. Suggest that 4-5 years would provide a more stable period to assess these issues.

- What methods of evaluation should apply to this pilot?

Methods of evaluation should include baseline studies of family cohesion and living costs in Australia. Evaluation should also assess changes in global price of kava caused by changes in Australian domestic usage, and the consequent availability and continuity of use of kava within its cultural context in the Pacific. and should assess the changes in agricultural practice and implications for social, environmental and economic stability within production areas in the Pacific, and exploitation between Pacific smallholder producers and aggregators/distributors from the Pacific.

--  
████████████████████  
████████████████████  
████████████████████

**From:**  
**Sent:**  
**Subject:**

[REDACTED]  
Tuesday, 19 March 2019 6:35 PM  
Kava submission [SEC=No Protective Marking]

To whom it may concern,

Kava for us as Fijian is our cultural drink it always being treated with respect as part of our health that gets us together to enjoy ceremonies e.g wedding,funerals,wedding propersal an so much more it's a piecefull an happy drink even with friends that gets us together with peace.

Since I been drinking kava there were no violence what soo ever,it's a piecefull drink,if we had problem the best way to do it is having a kava bowl an talk about it which bring us together in peace an forgiveness, when there's kava bowl there's no violence an to introduce to our elderly with respect.

I love drinking kava it doesn't mean thats all I drink, I intend to drink alcohol as well with other Australian friend we like to share our cultures drink with my mates cause of our multicultural care to our beautiful Australia.

Thank you an I hope this email would help into some understanding of our multicultural drinks as an Australian.

Yours sincerely [REDACTED]

[REDACTED]

## **Introduction**

Thank you for the opportunity to comment and the proposed pilot program to ease restrictions on the importation of kava for personal use. We are making a submission on behalf of the informal Aotearoa/New Zealand Kava Research Network which aims at bringing together New Zealand-based academics, students and industry members who have an interest in various aspects of kava science. Over the years we have co-organised and participated in a number of scholarly conferences, research projects and workshops dedicated to kava and its consumption in both New Zealand and beyond. Some of us have been consulted by both the media and the New Zealand government on matters related to kava quality and safety. Due to the multiple links between New Zealand and Australia, frequent exchanges between our countries, shared interest in the matters of relevance to the island states of the South Pacific, the long history of regulated trade in kava (as defined and regulated by our the Food Standards Australia New Zealand) in New Zealand, we believe we are in a position to offer some comments that might be of interest and relevance to the Australian Government's inquiry into easing restrictions on the importation of kava.

We believe that a reform of the current system is both timely and needed. After a period of controversy, kava is slowly regaining good reputation as a relatively benign, relaxing beverage and a promising natural remedy for stress and anxiety. We welcome the move towards easing some of the restrictions, but express some reservations about the proposed change in the context of goals highlighted in the Consultation Paper. We also propose alternative solutions that could achieve the goal of easing the current restrictions, while at the same time providing better control over the quality and distribution of kava products available in Australia.

## **Comments regarding some of the statements presented in the Consultation Paper**

The Consultation Paper (CP) provides a good background regarding kava and the current regulations. However, it also contains some arguments and statements that we view as potentially problematic or contradictory. We believe that these should be addressed as part of our response to the proposed pilot program.

For instance, the CP notes that "However, liver toxicity is a known adverse effect with kava if consumed in high dosages and frequency, and the quality of kava is compromised". This statement is problematic in light of the scholarly consensus on kava's safety (including the documents quoted in the CP), but also in light of the character of the proposed pilot.

First of all, in its traditional form (a water-based extraction of pure kava roots), kava itself is not considered to be hepatotoxic. This has been acknowledged in numerous publications, including, for example, the Food Standards Final Assessment Report (17 March 2004 [http://www.foodstandards.gov.au/code/proposals/documents/P256\\_Kava\\_FAR.pdf](http://www.foodstandards.gov.au/code/proposals/documents/P256_Kava_FAR.pdf)):

*The safety assessment indicates that while excessive consumption of the traditional kava beverage has some adverse health effects after prolonged use such as kava dermatopathy, these are reversible and there is no indication of acute liver inflammation indicative of liver toxicity.(p.6)*

Similarly, the 2012 "Discussion Paper on the Development of a Standard for kava products" produced for the Codex Alimentarius Commission ([http://www.fao.org/tempref/codex/Meetings/CCNASWP/ccnaswp12/na12\\_08e.pdf](http://www.fao.org/tempref/codex/Meetings/CCNASWP/ccnaswp12/na12_08e.pdf)) noted that:

*The kava drink, has been consumed in Pacific Island Countries for centuries without any reported ill-effects on the liver, is made from a water extract of the root and/or rhizome of Piper methysticum. A recent WHO risk assessment concluded that "clinical trial of kava have not revealed hepatotoxicity*



*as a problem suggesting that “water extracts are devoid of toxic effects” and recommending that “products should be developed from water-based suspensions of kava”. The safety of water based kava drinks is supported by long-term ethno-pharmacological observations (p. 1).*

The scholarly consensus indicates that the reported cases of liver toxicity related to the consumption of products containing kava have likely been related to either unpredictable, rare, idiosyncratic, allergic reactions, or are due to the quality and form in which some of the kava-containing products have been sold in the Western markets.

The latter point is acknowledged by the leading organisations, including the Food Standards, which prohibits the sale of kava extracts obtained with the use of organic solvents (which are compositionally different from water-based kava) as well as the sale of the above-the-ground parts of the kava plant which have long been known to contain toxic alkaloids and which have never traditionally been consumed. Among quality issues affecting kava, scholars and industry experts have identified such issues as: the presence of adulterants (ranging from other plants, through sawdust to even cement powder); microbiological contamination (Salmonella, E. Coli, mould); the use of aerial parts of the plant; the use of unsuitable cultivars (e.g. wild kava).

Interestingly, the CP also acknowledges that toxicity might occur “when the quality of kava is compromised”. We believe that this point deserves greater attention in light of the proposed pilot program.

### **Our assessment of the proposal**

The proposal to increase the amount of kava that can be brought for personal reasons into Australia is a welcome step in the context of the fact that high quality kava in its traditional form can be regarded as a generally safe and benign product. However, in light of the fact that low quality, adulterated, improperly processed or otherwise compromised kava cannot and should not be considered to have the same safety profile as high quality kava, the proposal to merely increase the quantity of informal imports, does little to address the key concerns surrounding the use of kava in Australia.

While it is hard to estimate how much of the currently informally imported kava is for personal use and how much of it is sold to third parties, it is clear that at least some of it is offered for sale (both offline and online). All such sales occur outside the control of authorities tasked with safeguarding the safety of dietary products, including the adherence to the current Food Standard for kava. It is not unreasonable to expect that a mere increase in the personal allowance may result in even more of the informally imported kava of unknown quality being sold through these informal and unaccountable channels. In other words, we note that despite the clear difference between the safety profile of low quality kava versus high quality kava, the current proposal focuses merely on the quantity aspects.

This is a rather problematic approach. If low quality of imported kava products is recognised as the key (if not the only) factor that can turn this otherwise safe product into a public health concern, then one would expect any proposal concerning the reform of the current system, to focus on ensuring that kava consumed in Australia adheres to the sound recommendations put forward by the leading kava experts and regulators in both Australia and New Zealand (as described in the Food Standard 2.6.3.).

This point might be crucial to any assessment of the effects of the pilot program as, under the proposed rules, it might be impossible to assess whether or not any observed effects of the pilot, are due to the mere increase in quantity or the increase in the quantity of low quality products.

We acknowledge that one of the key concerns in Australia is the question of the potential impact of kava on some of the country's most vulnerable Aboriginal communities. The question of whether or not kava has mitigated or aggravated some of the social and health issues experienced in these communities is controversial. According to some scholars and leaders, kava has proven to be a safer alternative to alcohol and other substances, and most of the adverse health outcomes observed among the Aboriginal kava consumers are linked to the low quality and high price of black market kava, rather than kava itself. According to other observers, any type of kava sold at any price might be detrimental to the health and well-being of these communities. In the context of the current proposed pilot program, the key point is that the government remains committed to minimising the availability of kava (presumably poor quality kava in particular) in certain communities identified as vulnerable while at the same time not opposing the increase of its availability in other communities. The increase in the amount of kava powder that may be imported to Australia by travellers appears to us as presenting some difficulties in this respect. This is mainly because that due to the informal nature of such imports, the existing informal trade in kava and the ease of transporting goods within Australia, it may be possible that some of the additional informal imports may reach some of the vulnerable communities.

### **Alternative Solutions**

In light of the above, we would like to propose alternative solutions that would allow a far greater control over both the quality of the kava imported to Australia, as well as its availability in specific communities.

1. We propose **the establishment of a licensing regime that would allow for licensed establishments to sell or serve kava exclusively in the form of prepared beverage to be consumed exclusively within the establishment's premises under strict licensing conditions.**

Such a solution presents a number of advantages, including: 1) the control over the quality of kava imported into Australia; 2) the control over the food safety aspects of kava consumption in Australia; 3) the control over the availability of kava in specific communities; 4) greater developmental opportunities for kava producing island states; 5) a much more sustainable supply of kava used for cultural purposes; 6) creating a legal, safe and regulated kava market.

Cultural groups (e.g. churches, registered communities, etc.) and businesses could apply for a license to import kava commercially for the purpose of selling or serving it exclusively in the form of a prepared beverage to their members and customers. The granting of the license may be done at the discretion of the local state and/or municipal authorities and the requirements of granting such a license could potentially include the following:

- the requirement that any individual representing a business or group that may be interested in applying for a licence must have a proven record of involvement in either the kava industry or cultural activities involving kava and a good knowledge of the existing regulations and recommendations surrounding kava's quality standards and requirements.
- the requirement that all the kava imported into Australia must meet the requirements of the Food Standards and be free from any adulterants or contaminants.
- ensuring that kava is only sold or served to adults.
- providing adequate information/signage advising consumers about kava's effects (e.g. the mandatory warnings specified in the Food Standard 2.6.3)
- ensuring that kava is sold or served exclusively in the form of a beverage intended for consumption within premises.
- if operated for profit, to pay a licensing fee the proceeds of which would be used to finance at least some of the enforcement of the licensing regime

Such a solution, would achieve the goals of easing restrictions on kava imports, increasing economic opportunities for kava exporting countries, greatly improving the quality (and safety) or kava products available in Australia, while at the same time reducing the availability of kava to the immediate communities in which such licensed establishments might be permitted to operate.

The pilot licensing program could be limited to selected states (e.g. Tasmania, Victoria, NSW) and a low number of licensed establishments. Should such a solution prove successful, further licenses could be granted and the geographical scope of the program extended to other locations.

2. Another solution that could be implemented as an alternative to the above, or as a supplementary solution, would be **to permit the importation of commercially packaged kava for personal reasons via mail from New Zealand**. New Zealand and Australia share food regulations via the joint Food Standards Code. Among many other food products, the Code provides sound regulatory requirements for ensuring the safety and quality of kava sold for the purpose of human consumption. It bans the use of additives, aerial parts of the kava plant (due to their toxicity) and it requires that kava is extracted with nothing but water. These requirements are based on science and reflect a broad scientific consensus. It recognises that kava in its pure, traditional form (i.e. a suspension obtained via cold water extraction of pure kava roots) is a safe beverage. At the same time, it rightly notes that impure, adulterated kava or products obtained via extraction with organic solvents may represent a public health risk.

While the enforcement of the Food Standards Code 2.6.3. in New Zealand has been less than perfect, perhaps due to the largely informal nature of much of the kava consumption and sales in the country and apparent low-profile character of the industry, registered businesses selling kava appear to mostly adhere to the regulations, especially when it comes to the ban on the use of organic solvents in the manufacturing of kava products.

Even though the cases of kava being mixed with additives (e.g. flour) are not unheard of, they are largely limited to unregistered vendors or those operating without the knowledge of or license from the appropriate authorities. Importantly, thanks to the existence of the standard, such violations of the standard can be effectively dealt with by either the local councils or the Ministry for Primary Industries. Indeed, we have been informed of cases of kava vendors who had to cease trading kava when the Ministry for Primary Industries identified their products as non-compliant with the Food Standards Code. Importantly, despite New Zealand having some of the world's largest consumption rates of kava (with conservative estimates suggesting tens of thousands of regular consumers and many more occasional consumers), kava by itself is not identified as a source of any significant public health or social concerns. This is very likely to be at least partially related to the existence of the Food Standards Code for kava and the fact that kava vendors must by law adhere to broader food safety regulations.

In light of the above, it appears sensible to permit imports of commercially packaged kava for personal use by mail from New Zealand. Unlike in the case of other countries, any identified problems with any kava products imported from New Zealand could be addressed via existing legal channels and within the framework of the cooperation between Australia and New Zealand in matters related to food quality and safety. The importation of regulated kava products for personal use from New Zealand via mail to Australia could achieve the goal of easing the access to kava among its traditional and modern consumers, while at the same time improving the quality and the regulatory control over both the quantity and quality of kava imports into Australia.

[REDACTED]

---

**From:**  
**Sent:**  
**Subject:**

[REDACTED]  
Sunday, 17 March 2019 4:33 PM  
KAVA SUBMISSION [SEC=No Protective Marking]

Hi,  
I wish to support the lifting of KAVA ban in Australia from Fiji and other Pacific island countries.  
We, the Fijian people are deeply rooted with our culture and traditions. KAVA plays a significant role when it is served around any meetings or gatherings as it commands respect for all. It is around the KAVA bowl where all matters are addressed, stories are told, where agreements are met and decisions made.  
Please help us in preserving our culture and keeping that famous BULA smile that we are well known for.

Vinaka vakalevu,  
[REDACTED]

[REDACTED]

[REDACTED]

---

**From:**  
**Sent:**  
**Subject:**

[REDACTED]  
Sunday, 17 March 2019 4:57 AM  
KAVA Submission [SEC=No Protective Marking]

Good Morning,

I support the lifting of the Kava import restrictions to Australia because Kava is a natural medicine.

It is healthier to drink than alcoholic beverages.

It doesn't cause aggression and death like alcohol does

Kind Regards,

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Saturday, 16 March 2019 4:43 PM  
**Subject:** KAVA Submission [SEC=No Protective Marking]

To whom it may concern,


Dear sir,

I am from the Fiji islands and I believe that KAVA needs to be allowed some consideration by the Australian government. I believe this because I have been a KAVA trader and consumer and I appreciate the beautiful euphoria the drug creates as it is enjoyed by our multicultural society here in Fiji. It soothes the tired soul after a long day and creates a relaxing atmosphere where people never argue or fight, instead laugh and sing and enjoy the amazing sensations that the KAVA plant is known to invoke. It has a rich history regarding pacific islanders and it is our gift to the western world, as they grace our attractive shores. We will forever defend KAVA for its calming qualities and we will forever partake in KAVA ceremonies because it unites many of us around the bowl and creates many Platforms for a plethora of stories and discussions regarding the world at large. It is of no threat to anyone, if taken reasonably and in moderation and plus, it really is numbing to the soul.

Thank you for your time.

Sincerely yours,

[REDACTED]



Office of Drug Control  
Department of Health  
GPO Box 9848  
Canberra ACT 2601

**Re.: Consultation: Pilot Program to ease restrictions on the importation of kava for personal use**

I thank the Prime Minister and the Office of Drug Control for the opportunity to review and ease the current restrictions on the importation of *kava* for personal use.

For your information, I am a *kava* user and both a Pacific islander and Australian. I have been directly involved in arranging with ACT Health office certain declarations in relation to the consumption of *kava* in Canberra. I gained high appreciation of the considerations the Government afforded in the making of ACT laws, to recognise the contributions that people with Pacific background make to the broader community, for instances in rugby and net ball to mention a couple, by making provisions, subject to due processes, to enable *kava* to remain part of the Pacific island members of our communities' cultural and social activities. We certainly welcome in similar context, the Prime Minister's recent announcement of the Australian Government's goodwill in the form of the opportunity to ease the 2 kilogram restrictions on importation of *kava* for personal use.

I understand the scope of the proposed pilot program as outlined in the consultation document available at the Office's web site <https://www.odc.gov.au/consultation-pilot-program-ease-restrictions-importation-kava-personal-use#documents>. Accordingly, I make this

submission, which is basically confined to the scope of your invitation and proposed pilot program. You will note below that I have copied some of the key features from the consultation document, and provide my *comments alongside*.

### **Proposed pilot program**

The aim of the pilot is to trial easing the current restrictions on the importation of *kava* into Australia for personal use. – *Thank you. Given the current importation restrictions to a maximum of 2 kilograms of kava, the proposed increase to 4 kilograms will be a positive change for kava users from the Pacific island countries. I remember the years, prior to the restrictions, when I used to be able to bring between 5 and 10 kilograms of kava for personal use, and then the restriction was imposed which I found stressful given that we don't travel so often to and back from the Pacific islands.*

### **Proposal**

The Australian Government is proposing to increase the quantity of dried kava root or dried product that may be imported into Australia by incoming passengers for personal use (without the need for a medical prescription or import permission from the ODC) from 2 kilograms to 4 kilograms. – *Thank you. Given the current importation restrictions to a maximum of 2 kilograms of kava, the proposed increase to 4 kilograms will be a positive change for kava users from the Pacific island countries.*

This may be achieved via a legislative instrument. The PI Regulations would be amended to allow a legislative instrument to include quantity, use, age and period of effect. – *Noted with appreciation.*

Pursuant to the regulation amendment, a legislative instrument could be issued that would stipulate that 4 kilograms of dried kava, in either root or product form, could be imported for personal use, by people aged 18 years or more. – *Noted with appreciation.*

The effectiveness of the pilot program will be assessed two years after the commencement of the proposed legislative instrument, after which a report on the outcome of the pilot will be provided to the Australian Government. Feedback from interested parties will also be considered as part of the evaluation of the pilot. – *Noted with appreciation. I look forward to participate in the evaluation when we get to that stage.*



## **Effect**

With the exception of an increased import threshold, border controls in relation to kava would remain unchanged. – *Noted.*

State and territory jurisdictions would maintain authority for kava controls within their borders with no consequential amendments proposed for the regulation of kava. For example a jurisdiction might limit the use of kava or quantities that may be possessed irrespective of border controls. – *Noted.*

The scheduling of kava in the [Poisons Standard](#) and the [Australian New Zealand Food Standards Code for kava](#) would both remain unchanged. The pilot program will work in concert with the broader aspects of current kava regulation in Australia. – *Noted.*

## **Issues to consider in your submission**

### **General**

- Is an increase to 4 kilograms of kava a suitable quantity for personal use? *Yes, an increase from a maximum of 2 kilograms of kava to 4 kilograms would be readily welcome by us the kava users from the Pacific Island countries. Increase to 8 and 10 kilograms would be more suitable and preferable given our relevant cultural activities, and the cost of travel between Australia and Tonga. There is a broad range of everyday life events in our family living that come within our personal use of kava. The events include the traditional (and I note an important point here that normally mainly if not only adults take part, and normally women opt not to drink kava), greeting/welcoming/farewell of relatives to family meetings such as birthdays, weddings, achievements such as educational and work milestones, funerals, etc.*
- What are the health and social impacts of the proposal to increase the amount of kava that may be imported for personal use? *There has been no significant adverse health and social impacts of the traditional and cultural use of kava in the Pacific islands in reported history. Apart from the reported concerns that the abuse of kava was contributing to negative health and social outcomes in some Aboriginal communities, a most unfortunate concern and which I respect, there has been no such*

report from across the Globe in relation to the traditional and cultural personal use of kava by Pacific islanders. Based on the experience of the Pacific islanders, I expect the proposal to increase the amount of kava that may be imported for personal use would have positive impacts and no significant adverse health and social impacts. The ability of a family to fulfil their long traditional ways of which adults marking the significance of family gatherings with kava is one of the key elements, would lead to high morale, positive/respectful attitudes, and therefore healthy minds and bodies.

- Is two years a sufficient period for the pilot? *Eighteen months plus six months evaluation and reporting period should be sufficient for the pilot, with a view to future program developments on the basis of the pilot.*
- What methods of evaluation should apply to this pilot? *The beneficiaries of the use of kava are many and varied. I believe as a beneficiary user of kava that we all users share some relief in the easing of the importation threshold restriction. There may be no need to incur administrative costs in collecting evidence/confirmation from the kava users that the increase to 4, 8, or 10 kilograms improved their level of satisfaction with the completion of family and personal activities in traditional ways. I note that the Prime Minister's extension of goodwill to his Pacific island counterparts was in the context of international, most importantly neighbourhood diplomacy. It may be administratively easy to canvass feedback within the context of neighbouring countries diplomacy and at the diplomatic level. For example, as part of the evaluation, invite feedback from Pacific island governments in relation to the pilot program. As the pilot involves goodwill, the evaluation may need to focus and or highlight any associated positive increase in the relationship between Australia and the Pacific island countries.*

In addition, submissions might include:

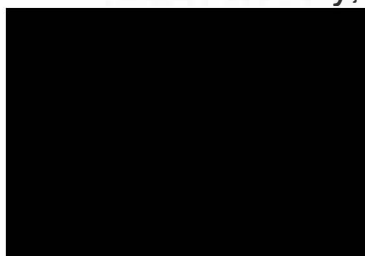
- **Suggested improvements.** *The cost of travel between Australia and Pacific island countries is not cheap. Many people can only manage to attend traditionally significant family events such as the funeral of a loved one. Then when they return to Australia they bring back their 2 kilograms, or 4 kilograms of kava under the proposed pilot. As I indicated above, the personal use for kava is a broad range of every day*

events in family lives, where the need for kava could not be met through the occasional amount of trips one take to and back from the islands. The Australian government's goodwill towards the Pacific island which is being brought about by the pilot program can be improved by making appropriate allowances for shops or suppliers to fill the gap in supply. I mean, with current measures in place to ensure that kava is only supplied to Pacific islanders and not to indigenous Australians due to the concerns that led to the current restrictions.

- Whether or not you support the proposal, including suggestions for alternatives. *I am grateful and welcome and support with appreciation the proposal, especially the Prime Minister's goodwill towards the cultures of Pacific island countries. There may be alternatives and improvements resulting from the pilot, which may emerge over the two year period. The proposed increase to 4 kilograms may readily be made more suitable and preferably to 8 to 10 kilograms; or a less preferred alternative of 6 kilograms over year 1 and increasing to 10 kilograms in the second year.*
- An assessment of how the proposal will affect you. *I and many families that I know across Australia (a rough estimate of easily more than 2,000 kava users that I know) will experience firstly, appreciation of the Prime Minister's goodwill, and secondly but not lastly or the least remarkable positive impact on life. There is a remarkable difference in my thirty year old son's conduct when he drinks beer and kava. He is noticeably very much in control when he drinks kava. This much better characteristic of kava vs beer/alcohol is well known amongst the Pacific islanders.*

I will be happy to discuss and or provide any further details that your Office may consider appropriate.

Yours Faithfully,



6<sup>th</sup> March 2019

To whom it may concern,

Firstly, I would like to express my gratitude in this initiative and would like to show my support as such.

Yagona (Grog/Kava) forms an integral part of ALL our veiqaraqaravi (customs). It is customary that a family meeting will involve a bowl (or 50) of kava per person per meet. This is over the course of the evening, about 6 – 8 hours. Taking into consideration that there will be about (at least) 10 people (ladies and men) that are involved in any one session, it is easy to see that the 2 kg allocation usually lasts us one night. A local Fijian community may be lucky to have five (if we are lucky), friends/family members (in a church group of say 100 that bring 2 kg each per month, it is a still drop in the ocean in terms of what our current demand is.

In addition, our church meeting happens every week (where the kava drinking crowd could be as large as 50), and family usually meets twice a fortnight and yes, we have more grog. With the current 2kg limit and the fact that there are other meetings, family celebrations of sorts that happen, the limit is very quickly reached.

The 4kg limit, although many fellow Fijians will claim to say is still not enough, is some relief to this issue.

The 4 kg limit will also(hopefully) prevent fellow travellers the temptation to sneak a couple of extra kilos to cater for their upcoming function(s).

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Friday, 22 March 2019 4:01 PM  
**Subject:** Kava Submission [SEC=No Protective Marking]  
**Categories:** KAVA, Red Category

I vouch for the kava allowance of 4kg per person for personal consumption. This will be a grand opportunity, the 4kg can be use for future consumption during Tongan traditional church and family gatherings.

[REDACTED]

[REDACTED]

22 March 2019

Office of Drug Control  
Department of Health  
GPO Box 9848  
Canberra ACT 2601

To whom it may concern,

RE: Pilot program to ease restrictions on the importation of kava for personal use

Thank you for the opportunity to address the aforementioned pilot program. I make this note to register my support for the program and for all measures to ease restriction of kava use in Australia.

My interest in this topic comes in two capacities: firstly, as a registered medical practitioner in Australia who has served communities in metropolitan Australia, remote Aboriginal communities and also Polynesian communities in Australia and in Fiji, and secondly as a Polynesian cultural practitioner myself who recognises the centrality of kava use for social purposes and identity amongst Pacific Islander Australians.

Kava has been much maligned as a social ill among certain communities and a potential source of physical harm in instances of misuse where doses have well exceeding those of standard use have been used. Rapid responses to these impressions have resulted in heavy restrictions being placed on kava use in Australia which has been disproportionately affected Pacific Islander Australians who feel that the demonisation of kava, rooted in some fundamental misunderstandings, is representative of wider misunderstandings of Pacific Islanders and their culture.

Processes such as the requirement for licensing or prescriptions in order to consume kava privately in customary manner, such as those in place currently in the ACT, are seen as an onerous barrier to practicing one's culture, and tantamount to policing of the Pacific Islander identity. This has had a negative impact on the sense of belonging and social cohesion for Pacific Islanders seeking to live out and assert their culture while contributing to community life here in Australia.

Increasing the quantity of kava permitted for important for personal use will be beneficial on a number of fronts. Increasing supply will discourage black market sale of imported kava, but will not be sufficient to "flood the market" and incur worse health outcomes in vulnerable communities such as among indigenous Australians. I reiterate my support and avail myself to assist in any way possible.

Sincerely yours,

[REDACTED]

[REDACTED]



Office of Drug Control  
Department of Health  
GPO Box 9848  
Canberra ACT 2601

**RE: Pilot Program to ease restrictions on the importation of kava for personal use.**

The Directors of the Aboriginal Resource and Development Services Board met on Wednesday 13 March 2019 and resolved to provide the following comment regarding the proposed pilot of the ease of restrictions of kava.

Kava has become integrated into the lives of many people from north east Arnhem Land. There have been a number of legislative regimes, both Northern Territory and Federal government, that have impacted on their communities over the last two decades.

Despite the current restrictions, there are still significant quantities of kava being sold in these remote communities. Large profits are being made and community members use unregulated amounts of black market kava.

Most of the communities in north east Arnhem Land have chosen to be free of alcohol but they still face the issues of illegal substances including kava and cannabis.

The people of north east Arnhem Land use kava in a different way than the Pacific island peoples. The Aboriginal people have no ceremonial protocols to adhere to and unfortunately the product is often misused.

One major difference between the ceremonial use of kava and the consumption in north east Arnhem Land is that Aboriginal women are very likely to engage in heavy consumption. There are concerns that the impact of kava consumption by the mothers on unborn children and those being breastfed, is not understood.

Also children may become malnourished because a large portion of the family income may be spent on kava. When parents drink kava all night, the children are left to their own devices and are not woken for school.

People who consume large quantities of kava become lethargic and lose interest in work.

The price of a bag of kava ranges from \$50 in a community close to a regional centre to around \$150 for the same bag in a more remote community.

The potential profit margins are a forceful incentive for people to sell their kava.

The Board feels that 4kg for personal use is reasonable for those that have kava as part of their ceremonial life.

However, it is clear that kava is being sold to Aboriginal people at a significant profit. With a doubling of the amount available for personal use, the Board is concerned that this may well result in a significant increase in the amount of kava smuggled into their communities.

In regards to the evaluation of the pilot program, the Board considers it imperative that an evaluation of the impact on the communities of north east Arnhem Land be included in any evaluation of the project.

Given the secretive nature of the use of illegal kava, there will need to be a number of evaluation tools utilised. One tool will be to conduct a sensitive and confidential community survey conducted in the local language.

Two years is too long to wait for the evaluation, if as the Board fears, much larger quantities will be available in their communities as a result of the pilot project.

Therefore the Board recommends an interim review be conducted one year after the commencement of the pilot to allow for harm mitigation programs to be implemented or increased measures to ensure that on selling is restricted.

Yours Faithfully







22 March 2019

Office of Drug Control  
GPO Box 9848  
Canberra ACT 2601  
Australia

**RE: Submission for Kava Review by Australian Department of Health**

1. Greetings from Biosecurity Authority of Fiji ("BAF"), the National Plant Protection Organisation for Fiji.
2. BAF had been invited to a consultative forum on Kava Stakeholders Briefing on 6<sup>th</sup> March 2019 by the Australian High Commissioner to Fiji, Mr John Feakes, together with other industry stakeholders.
3. BAF kindly thanks the Australian Government for initiating this pilot programme to ease restrictions on the importation of Kava for personal use in Australia.
4. BAF is extremely glad and thankful to note the doubling of the allowance limit from 2kg to 4kg per travelling passenger of legal Australian age from Fiji.
5. The proposed increase in the personal allowance by 100% will allow the general travelling public from Fiji to Australia to take more kava for their and their communities personal usages.
6. Furthermore, BAF understands that the travelling public taking greater quantities of Kava to Australia may not in any way equate to increased Kava drinking by Australians and shall not contribute to health risks.
7. The increase in quantities allows travellers to take Kava to Australia for various social and religious functions and have readily available stock for their usage.
8. BAF requests that the evaluation of this pilot program be based on the statistics of imported quantities that will be collected at the port of entries.
9. The proposed 2-year pilot program is sufficient time for gauging the performances and trends, however, a midway review (1-year duration) will also reveal very interesting results and trends as well, that shall be positive for rapid full implementations of the programme thereafter.
10. In the Pacific Island countries, Kava drinking is a social event for all the people and it gives a sense of belonging when the males and females, including the old and the young, gather around a "grog bowl" to share their stories and experiences of various historical and factual events.
11. BAF appreciates the kindness and thoughtfulness of this proposed programme that shall be a strong relaxing motivator to our communities in the socializing arena.
12. BAF recommends further civil education and nationwide awareness to all Australian communities on the positive effects of moderate kava usages (health linkages) for greater acceptability in all states of Australia and amongst all its communities.

13. BAF kindly supports the proposal for increased personal allowances of Kava and anticipates, after the successful implementation of this pilot project, that the derived positive outcomes will lead towards commercial imports in Australia as well.
14. BAF presents its best compliments to the Australian Government and anticipates positive results on this subject for mutual benefits to both countries.
15. For any further queries do not hesitate to contact BAF's Chief Plant Protection Officer Mr. Nilesh Chand on [nachand@baf.com.fj](mailto:nachand@baf.com.fj)

Yours faithfully 



Hillary Kumwenda  
**A/Chief Executive Officer**  
**IPPC Focal Point**





**BRISBANE TONGAN**  
COMMUNITY INC

**BRISBANE TONGAN COMMUNITY INC. IA58304**

**Submissions in support of the Pilot Program to ease restrictions on the importation of kava for personal use**

**22 March 2019**

These submissions are provided on behalf of the Tongan community residing in Brisbane, State of Queensland, to the:

Office of Drug Control  
Department of Health  
GPO Box 9848  
Canberra ACT 2601



## **A. Introduction**

1. Brisbane Tongan Community Inc. (**BTC**) represent the Tongan nationals and migrants residing in Brisbane, Queensland.
2. We wish to make these submissions in response to the invitation to comment from the Office of Drug Control (**ODC**) on the options concerning the announcement by the Prime Minister, the Hon Scott Morrison MP, to put together a pilot program easing some of the limitations on importation of kava into Australia for personal use.

## **B. Consultation**

3. For ease of reference, particularly for members of our community, we note that the ODC seeks feedback on:
  - (a) A proposal to increase the quantity of kava that may be imported for personal use to 4kg.
  - (b) Approach to evaluate the pilot program after two years; and
  - (c) The duration of the pilot program.
4. BTC members are predominantly Australian citizens of Tongan heritage, and represent a number of key stakeholders, frequent travellers to and from the Pacific, in particular to the Kingdom of Tonga.

## **C. BTC Supports the proposal**

5. On behalf of the greater Tongan community in Brisbane, BTC supports the proposal as detailed above at [3], to increase the quantity of kava that may be imported for personal use from 2kg to 4kg.
6. The Brisbane Tongan community would like to be involved in the approach or consultation to evaluate the pilot program after two years.
7. The Tongan community in Brisbane is predominantly made up of migrants from the Kingdom of Tonga, individuals and families of Tongan descent from New Zealand or were born and raised in Brisbane or relocated from inter-state.
8. The community is inter-connected with major denominational church organisations such as the Uniting Church of Australia, Wesleyan Methodist Church of Australia, Church of Tonga, Church of Jesus Christ and the Latter Day Saints, comprised of large family networks or extended family estates (*kāinga*). It has been stated that members 'of these churches are kin networks [and] also maintain additional formal and informal connections based on their village of origin, school attended in Tonga, *kava*-drinking groups, workplaces, and to a lesser extent, their residential location in

Australia'.<sup>1</sup> Apart from the churches, these informal groups are either recognised within the community by government departments or remain informal social clubs.<sup>2</sup>

#### D. Kava

9. Kava or kava kava or *piper methysticum* is a cash crop, of Pasifika (Pacific Islands / Oceania).<sup>3</sup>
10. The word *kava* is Tongan, meaning "bitter". It is a significant export for Tonga that has been used traditionally in the Kingdom of Tonga from the tenth century, thus pre-dating the effective sovereignty in Australia and is vital to Tongans in the island Kingdom and diaspora.
11. Other names for kava include:
  - 'awa (Hawai'i),
  - 'ava (Samoa),
  - yaqona (Fiji),
  - sakau (Pohnpei); and
  - malok or malogu (parts of Vanuatu).
12. Kava is consumed throughout the Pasifika cultures of Oceania, for either traditional ceremonies as in the Kingdom of Tonga and Fiji, also in recent years in social kava clubs and kava bars.
13. The root of the kava plant is used to produce an entheogenic drink with sedative, anesthetic and euphoriant properties. Its active ingredients are called kavalactones. Where clinical trials in 2013 by the University of Melbourne has concluded that it was likely to be more effective at treating anxiety and insomnia.<sup>4</sup>
14. For our Tongan community, kava is a part of our cultural traditions rooted in a long history that has thrived for centuries and is practised within the diasporic communities in New Zealand, the United States of America, and Australia.

<sup>1</sup> W Cowling, (2002) 'Motivations for Contemporary Tongan Migration' cited in P. Spickard, J.L. Rondilla, and D.H. Wright, (ed.) (2002), *Pacific Diaspora: Island Peoples in the US and Across the Pacific*, Honolulu: University of Hawai'i Press, pp. 99-117.

<sup>2</sup> L Helu, (2012), '*Taka 'i Fonua Mahu – Being Tongan; Second Generation Tongan Migrants*', QUT, Thesis submitted in fulfilment of the requirements for a Master of Arts (Research).

<sup>3</sup> C. Maxwell Churchward, (1959) *Tongan Dictionary: Tongan-English and English-Tongan*, Tonga: The Government of Tonga Printing Press, p.257.

<sup>4</sup> University of Melbourne. (2013, May 13). World first clinical trial supports use of Kava to treat anxiety. *ScienceDaily*. Retrieved March 21, 2019 from [www.sciencedaily.com/releases/2013/05/130513095750.htm](http://www.sciencedaily.com/releases/2013/05/130513095750.htm)



## E. Cultural significance of kava to Tongans in Australia

15. The significance of kava to Tongans is inherent in its traditional cultural practises (*anga fakatonga*), these include, but are not limited to the following, which are continued in the Diaspora:
- (a) Kava ceremonies – from the *taumafa kava* reserved for Royal ceremonies;
  - (b) Traditional ceremonies – weddings, funerals, birthdays, social gatherings, fundraisers;
  - (c) Kava clubs – social groups for men in the community that meet every weekend;
  - (d) Church – functions, welcoming preachers (*talitali malanga*);
  - (e) Tongan courtships – when a gentlemen visits or wishes to court a Tongan woman;
  - (f) Reconciliation – when a family member or extended family members wish to seek forgiveness from their elders, for instance, when a couple decide to get married without their respective parents' blessing.
16. These submissions will briefly cover the various ceremonies, functions and cultural practises listed above and how the easing of the quantity of kava that may be imported for personal use is vital for the growing vibrant Tongan community in Brisbane.
17. The current allowable quantity of 2kg is insufficient to support “personal use” amongst the diaspora.
18. It must also be clarified that kava is consumed or shared amongst family, church members or in a social kava club. Tongan culture dictates that kava is shared amongst members of the community and it is rare that one 2kg imported by an individual is consumed by that individual only.

### ***Taumafa Kava***

19. Kava ceremonies are centred around the preparation and drinking of kava, an infusion in water of the root of the wild pepper, *piper methysticum*, known as the *taumafa kava*.<sup>5</sup> Photos of the sacred *taumafa kava* for the coronation of His Majesty King Tupou VI is extracted at Attachment 1 to these submissions.

---

<sup>5</sup> D, Attenborough, 'The Royal Kava Ceremony, Tonga'.

20. The *taumafa kava* is only performed for Royal ceremonies held for a royal death or marriage, bestowing of a noble title or coronation. His Majesty the King of Tonga must be in attendance in such ceremonies.
21. Although dispersed around the world, Tongans are a part of extended family kinships that play a key role in continuing these cultural practises and obligations to King and country, including preparation and attendance at these kava ceremonies.

### **Traditional kava ceremonies**

22. In Australia, the kava ceremony is frequently used by Tongan families in celebrating a special occasion. This ceremony is a showcase of lineage, kingship and in celebration of the individual or a couple that, having attained, or warranted such festivities.
23. Kava ceremonies is important and maintained within the *anga fakatonga*, traditional Tongan practises. It is a custom often performed during primary cultural functions such as a weddings, birthdays, graduations, funerals, church functions, family celebrations as well as social gatherings.
24. In the example of a Tongan wedding, the elaborate kava ceremony reinforces and is symbolic of the matrimonial covenant thus legitimatising the union within the teachings of the *anga fakatonga*. This practise is frequent within a Tongan marriage in Tonga, and also in the diaspora. It depends on the couple and their respective families.
25. Photos of a traditional Tongan kava ceremony at a wedding in Brisbane is extracted at Attachment 1 to these submissions.

### **Social kava clubs**

26. The Tongan community in Brisbane is diverse. There also have been an increase in kava clubs or groups, such as the *Fōfō'anga* that act as a form of social club for men, by analogy the Australian pub. Community members meet regularly on the weekends or throughout the week over a *kumete* (Tongan word for kava bowl) with kava, to discuss (*talanoa*) community issues and current events, also hand down oral histories to the next generation.
27. Kava groups have become a popular place for younger Tongan men to perform songs, share experiences as well as stories of the past learnt from the older Tongan men of the group, and will be discussed further below. The way in way oral history is passed on from generation to generation.
28. In Brisbane there is an estimated 11 kava clubs, but this is not a complete list, given the time limitations to consult and update the clubs. There are also smaller groups

within the documented 49 churches in the table below and other community groups that meet regularly. A list of some of the kava clubs, community and church groups is set out at Attachment 2 of these submissions.

29. This is a powerful agent of cultural continuity within the Tongan community. For instance, the first generation Tongan men through their melodious serenades and reminiscent stories of the past and present, conveyed in these kava groups, teach the young Tonga men in the community about their heritage, how to respect women, given our matriarchically based society and are reprimanded if they do not adhere to these Tongan teachings.
30. Kava groups meet within the comfort of one's residence, or at a hall, or church property. With the love of music, second generation Tongan kava drinking men trial out their lyrical poetry in these settings, especially when a young female a *tou'a*<sup>6</sup> is present to serve the kava. These are based of the teachings one is raised with as a Tongan from a young age – the *fā'i kave'i koula* – the core values that we carry in the inside and the defining elements that make Tonga – “Tonga.” To be Tongan is to carry:

- (a) *faka'apa'apa* (reciprocal respect),
- (b) *lototō* (humility),
- (c) *mamahi'i me'a* (a sense of loyalty, passion tied to responsibility) and
- (d) *tauhi vā* (valuing relationships and in so doing maintaining them).

These are bound by *'ofa* (love) within the context of *kainga* (extended family), without *'ofa* all else falls.

31. Kava groups such as the *Fōfō'anga* play a vital role in maintaining the *anga fakatonga*. The *Fōfō'anga* is the largest Kava Tonga Club in the homeland and among Tongans in the diaspora, especially Sydney. The Kava Tonga Club was first established in the late 1950s by a number of Tongan men in the capital of Nuku'alofa, with the “informal objective to drink kava in a socialised and non-traditional manner, with little emphasis on traditional taboos of kava, [namely] Royal/chiefly ceremonies, but to support and help one another by applying and utilising the Tongan *kāinga* system and Christian-democratic modes of working [sic]”.<sup>7</sup> In 2012 there were 6 branches of the club in Tonga, and an estimated 3 or 4 in New Zealand with 10 in Australia.<sup>8</sup> *Fōfō'anga* is a Tongan term for volcanic

<sup>6</sup> Defined in C. M. Churchward (1959) *Tongan Dictionary: Tongan-English and English-Tongan*, Tonga: The Government of Tonga Printing Press, p. 501 as: meaning “persons whose duty it is to prepare kava for drinking, especially on ceremonial occasions”. In most cases is a female.

<sup>7</sup> L Helu, p. 97.

<sup>8</sup> *Ibid.*



pumices that float on the ocean (*moana*). Notably the late Professor Futa Helu claimed that he had named the kava club the *Fōfō'anga* because of the migration from the outer villages and islands to the capital, Nuku'alofa, living temporarily in the homes of relatives – floating around.

32. These clubs also play a prominent role in donating to the community, in the Kingdom through special lunches for the disabled and disadvantaged people from the Ālonga, OTA and Vaiola Psyche Ward on the last Thursday of every month,<sup>9</sup> and also in the diaspora. Most notably, the *Fōfō'anga* in Melbourne combined its efforts with the Tongan Dental Health Project led by Dr. David Goldsmith, that commenced in 1996 supported by various Rotary Clubs in Victoria, with the main objective of “making contacts and fostering positive relationship with relevant people and associations of the Tongan dental community, to undertake basic needs assessments of dental services and identify potential areas in which the program and Rotary may collaborate to help Tongans in the self-development of their dental health care system”.<sup>10</sup>
33. In 2004, a team of 13 volunteers also took to Tonga almost \$100,000 in donations of dental equipment, new dental drugs and material.<sup>11</sup> In addition to the dental supply, there were large amount of donated goods from St. John of God Hospital, tools for Hango College from Frankston Rotary Club, books for a library in the Tongan Niua Islands from Rotary DIK, and items from Ballarat Eye Clinic, and clothing from the Salvation Army. In 2005 there was a joint effort between the *Fōfō'anga* club with Rotary International, Rotary Australia World Community Service (RAWCS), St John of God and AusAID.<sup>12</sup>
34. In SEQ these kava clubs is quite active in providing not only a social environment for Tongan men in the area, but also assists with raising funds for groups and individuals in the homeland, in a / / (impromptu collections) mostly on the weekends, also supporting struggling migrants with payment school fees, and assisting with funding exchange programs to Tonga.
35. The *Fōfō'anga* club in Sydney for example has combined its efforts in Australia with the purchase of property to house young juveniles within the community, and to be utilised by the community. Its objectives are to teach, keep an open forum for Tongan men to debate on politics and culture, as well as sing the old traditional repertoires of the past, so as to reach into the lyrical poetry of the future. The *Fōfō'anga* expression of *Tautau 'i tu'a pea ke toki hū mai* (literally means “hang it out there before entering”) is aimed at “creating a level of interaction, without any form of discrimination due to cultural and social differences.” The club motto “alludes to the notion, to first hang everything – status, dignity, selfishness and all

<sup>9</sup> Taimi Media Network, (5 November 2010) 'Kava clubs cater to those in need', cited in L Helu (2012) p 97.

<sup>10</sup> Australian Dental Association Inc., Description of Dental Volunteer Projects (1996), cited in L Helu (2012), pp 97-99.

<sup>11</sup> Partnerships with [A Rotary RAWCS FAIM Project ongoing since 1996, Tonga Dental Project.](#)

<sup>12</sup> A Ballarat West Rotary / RAWCS / St John of God / AusAID Project, ongoing since 1996, (2005), [Tonga Dental Project – September 2005 Visit.](#)

ethos of egoistic and individualistic values outside before entering into the compound” where not one person “is to be treated higher than others in terms of sharing and distribution of material resources and social privileges. This sense of equality and fairness is different from the highly stratified characters of the Kingly and chiefly lineages (*Ha’a*) in traditional kava ceremonies and social structure”.<sup>13</sup>

36. In Brisbane, the Siamelie kava club and other clubs take on the added obligations of donating regularly to visitors and groups from Tonga to Queensland. This recently included the Tupou College Brass band visit in December 2018 that raised an estimated \$40,000AUD from fundraisers across the Tongan community in Brisbane. Another superb example of giving back to the community was also the support from the Kava club Fo’i’one’one in raising of \$22,236.90 for the Tongan Olympian Pita Taufatofua to help him get to the Rio Olympics in 2016, where he is now known as the Tongan flagbearer.

## Conclusion

37. As detailed above, kava is an essential part of our Tongan traditional practices.
38. We support the easing of the restrictions as it not only provides for the needs of our people in the diaspora, Brisbane for example, but also assists in the economic growth in Tonga, with one of our partner businesses, Feleoko ‘a Maui investments in a kava plantation in the island of ‘Eua, in the Kingdom of Tonga.
39. The cost of kava has increased tremendously over the years with the world now realising the benefits of kava extracts to alleviating various ailments that our people have known for centuries.
40. However, by opening these opportunities up, it also allows our people to expand their investment opportunities and assist in capacity building in the Kingdom of Tonga and the diaspora.
41. We are committed to working together with the ODC and the government in Australia, the Kingdom of Tonga in providing better services and opportunities for our people.

Mālō ‘aupito



For Rev. Sione Maile Molitika  
President of the Brisbane Tongan Community Inc.

---

<sup>13</sup> L Helu (2012), pp. 98-99.

## GLOSSARY

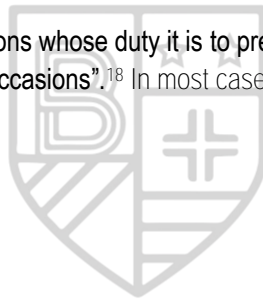
<i>Anga fakatonga</i>	Tongan way of life, tradition and culture
Diaspora	“...scattered throughout many nations” and “a history of dispersal, myths/memories of the homeland, alienation in the host country, desire for eventual return, ongoing support of the homeland, and a collective identity <b>importantly defined by this relationship.</b> ”
<i>Fahu</i>	<b>A man’s sister; in Tongan custom one’s fahu may take great liberties with one’s belongings.</b>
<i>Fakatonga</i>	Tongan, like or pertaining to Tongans, in the Tongan manner.
<i>Fāmili</i>	Tongan word for family, <b>hono fāmili means member of one’s family.</b>
<i>Faka’apa’apa</i>	Means reciprocal respect
<i>Fōfō’anga</i>	A Tongan term for volcanic pumices that float on the ocean (moana).
<i>Ha’a</i>	Descendants of kings, also refers to people, race, tribe. Is a reference to the Kingdom of Tonga.
<i>Kāinga</i>	Tongan word for relation, relative; brother or sister in the sense of comrade or compatriot. The extended family.
<i>Kalapu</i>	Means a club or group.
<i>Kava</i>	Either the plant ( <i>Piper methysticum</i> ) or the mildly narcotic beverage made from its crushed root. <sup>14</sup>
Kava Ceremony	Ceremonial presentation on a large scale and with a big piece of kava plant in the lead. That is the presentation by the people of Kolovai. Feast given in <b>someone’s honour on certain occasions, such as circumcision, marriage, winning of a prize or scholarship.</b> <sup>15</sup>
<i>Kavenga</i>	<b>A Tongan individual’s obligation to fāmili, Siasi and community.</b>
<i>Koloa</i>	Tongan goods, wealth, riches, possessions; what one values. <sup>16</sup>
<i>Lī lī</i>	To through or give, this term is used throughout the Tongan community to refer to impromptu fundraising or collections.

<sup>14</sup> C. Maxwell Churchward, (1959) *Tongan Dictionary: Tongan-English and English-Tongan*, Tonga: The Government of Tonga Printing Press, p.257.

<sup>15</sup> C. M. Churchward, *op cit.* pp. 257-258.

<sup>16</sup> C. M. Churchward, *op cit.* p. 270.

<i>Lototō</i>	Means humility or to be humble
<i>Lotu</i>	Tongan and Samoan word. As a noun: church, worship, prayer, religion (esp. Christianity); as a verb: to pray, worship or to convert to Christianity.
<i>Mamahī'i me'a</i>	a sense of loyalty, passion tied to responsibility.
<i>Mana</i>	Refers to an indigenous Pacific Islander concept of an impersonal force or quality that resides in people, animals, and inanimate objects. The word is cognate in many Oceanic languages. As a generalised concept, is often <b>understood as a precursor to formal religion. "Supernatural, superhuman, miraculous; attended or accompanied by supernatural or apparently supernatural happenings".</b> <sup>17</sup>
<i>'Ofa</i>	Means love.
<i>Tauhi vā</i>	<b>Means to maintain one's relationship with others.</b>
<i>Tou'a</i>	Means "persons whose duty it is to prepare kava for drinking, especially on ceremonial occasions". <sup>18</sup> In most cases is a female, can be a male.



BRISBANE TONGAN  
COMMUNITY INC

<sup>17</sup> C. M. Churchward, *op cit.* pp. 329-330.

<sup>18</sup> C. M. Churchward, *op cit.* pp. 501.



**ATTACHMENT 1. Photos of kava ceremonies**

***Taumafa kava***







***Kava ceremonies at a wedding ceremony in Brisbane***

***Mr Taia and Mrs Selina Lokotui***







Photo credit: Selina Lokotui



*Kava traditional performances*



Photo credit: Mamana Academy of Tongan Arts and Culture



Representatives of the Kalapu Siamelie after winning a kava club competition hosted by Mamana Academy of Tongan Arts and Culture.

***Photos from kava clubs across Brisbane***



A fundraiser by the Kalapu Siamelie supporting of the the younger youths as he embarks on a journey to Tonga, on exchange to study at Tupou College, Toloa.



*Photo credit: Rev. Maile Molitika taken of the Kalapu Siamelie*





**BRISBANE TONGAN**  
COMMUNITY INC

## ATTACHMENT 2. Community groups, clubs and churches in Brisbane<sup>19</sup>

No.	Organisation   Club	Location
<b>Tongan Churches in Brisbane, QLD</b>		
1.	Uniting Church of Australia – Highgate Hill 'Park Church' Tongan Uniting Church	Rev Sione Maile Molitika Central – Highgate Hill
2.	Uniting Church of Australia – Kingston	Rev. Esteban Liévano (Steward: 'Atuna Fe'ao)
3.	Uniting Church of Australia – Morayfield	Rev. 'Alisi Manu
4.	Uniting Church of Australia – Redlands	Rev. Viliami Mila
5.	Uniting Church of Australia – Sunnybank	Rev. Lulu Senituli
6.	Uniting Church of Australia – Mooloolaba	Rev. Dr. Hedley Fihaki
7.	Uniting Church of Australia – Australian Defence Force	Lt. Rev. 'Alamoti Lavaki
8.	Roman Catholic communities – St Pauls Woodridge	Chistopher Veamatahau
9.	Roman Catholic communities – St Mark Inala	Hola Fe'iloakitau
10.	Roman Catholic communities – St Peter (Rochedale)	Taniela Vaihu
11.	Roman Catholic communities – Lady Fatima Acacia Ridge	'Olie Naufahu
12.	Uniting Church of New Zealand & Australia - Inala	Rev. Siale Manu
13.	Uniting Church of New Zealand & Australia - Ipswich	Rev. Moala Faingata'a
14.	Wesleyan Methodist Church – Zillmere	Rev. Sakalaia Satui
15.	Wesleyan Methodist Church – Fortitude Valley	Rev. 'Epenisa Paongo
16.	Wesleyan Methodist Church – Nanago	Rev. Nuku Piukala
17.	Wesleyan Methodist Church – Bracken Ridge	Rev. Dr. Siosifa Lokotui
18.	Wesleyan Methodist Church – Inala	Rev. Pilimisolo Matalave

<sup>19</sup> Please note this is not a complete list, given the time constraints.

No.	Organisation   Club	Location
19.	Wesleyan Methodist Church – Westside	Steward Sione Mafi
20.	Wesleyan Methodist Church – Mackenzie Logan Central	Rev. Lita Haufano
21.	Wesleyan Methodist Church – Goodna	Rev. 'Ahovalu Hakohako
22.	Wesleyan Methodist Church – Wavell Heights	Rev. 'Aleksanita Satui
23.	Wesleyan Methodist Church – Munduberra	Steward Potesio Maile
24.	Siasi Fakakalisitiane 'o Brisbane – Inala	Rev. Tonga Matenoa
25.	Siasi Uesiliana Tau'atana 'o Tonga ( <b>SUTT</b> ) – Tukulolo, Kallangar	Rev. Semisi Tupou Steward Semisi Vahalahi
26.	SUTT – Nuku'alofa, Kedron	Rev. Semisi Tupou Steward 'Alani 'Akauola and Chris Mafi
27.	SUTT – Mo'unga Heamoni (Munduberra)	Rev. Semisi Tupou Steward Peni Havili
28.	SUTT – Maka Mo'ui (Mt Gravatt)	Rev. Semisi Tupou Steward Sonatane Tupou
29.	SUTT – Haohaoa (Kingaroy)	Rev. Semisi Tupou Steward Siosifa Toseni
30.	SUTT – Emerald	Rev. Semisi Tupou Steward Nokelevu
31.	Free Wesleyan Church of Tonga in Australia	Rev. Semisoni Moimoi
32.	Siasi 'o Sisu mo e kau ma'oni'oni 'o e ngaahi 'aho ki mui ni (LDS)	Bishop Lolesio Polelei
33.	Siasi Penitekosi – Marsden Pentecostal	Sione and Sela Veikoso
34.	New Life	Liufau and Hulita Manoa
35.	Woodridge AOG	'Esi and 'Amelia Molisi
36.	Breakthrough	Rev. Kaveinga Vaka
37.	Seventh Day Adventist ( <b>SDA</b> ) – Woolloowin	Taani Tupe (Elder)
38.	SDA – Acacia Ridge	Atara Mulitalo (Elder)
39.	Church of England, New Farm	Rev. 'Elenoa Halapua
40.	Siasi 'o Tonga Hou'eiki – Banyo	'Auhia Lolohea

No.	Organisation   Club	Location
41.	Siasi 'o Tonga Hou'eiki – Caboolture	Steward Taape Pule and Sunia Kivalu
42.	Siasi 'o Tonga Hou'eiki – Logan	Longani Fekitoa
43.	Siasi 'o Tonga Hou'eiki – Woodridge	Sifa
44.	Siasi 'o Tonga Tau'ataina – Parkridge	Sione Vailea
45.	Siasi 'o Tonga Tau'ataina – Acacia Ridge	Paula Latu
46.	Siasi 'o Tonga Konisitūtōne – Acacia Ridge	Siale Tupou
47.	Siasi Tōkaikolo Mo'ui 'ia Kalaisi – Inala	Tuongo Fangaake
48.	Siasi Mo'ui Fo'ou – Inala	Manase Po'uha
49.	New Christian Church – Camp Hill	Hingano Ha'unga
<b>Kava clubs</b>		
1.	Kalapu Fōfō'anga	Southside Facebook page <a href="#">here</a>
2.	Kalapu Kolo Kakala	'Amone Siale Northside Facebook page <a href="#">here</a>
3.	Kalapu Lami	Maka Tau'akoi Northside
4.	Kalapu Siamelie	Lisiate Loloma Central
5.	Kalapu Kona'i	Rev. Nuku Piukala
6.	Kalapu Tāputa	Semisi Ma'u
7.	Kalapu Fo'i'one'one	Paula Hukehuke
8.	Kalapu Lolo	Lisita Loloma
9.	Kalapu Mohetaha	Southside
10.	Kalapu 'Unga	Vili Nuku
11.	Kalapu Fetokoni'aki	Manu Molofa'a
<b>Community groups</b>		
1.	Tonga College alumni	Southside
2.	Tupou College alumni	North and southside

No.	Organisation   Club	Location
3.	Qld Tonga Netball	Brisbane
4.	Radio 4EB FM Tongan Program	Brisbane
5.	Mamana Academy of Tongan Arts and Culture	Toli Mahina Sisilia Kavapalu



**BRISBANE TONGAN**  
COMMUNITY INC

1. Is an increase to 4 kilograms of kava a suitable quantity for personal use?	Yes. The more the merrier!
2. What are the health and social impacts of the proposal to increase the amount of kava that may be imported for personal use?	There should be no significant health impact. The increase will facilitate social interactions within the communities, especially churches and clubs exchanges.
3. Is two years a sufficient period for the pilot?	Yes. But perhaps 1 year may also sufficient.
4. What methods of evaluation should apply to this pilot	Leave that to your good office



**Submission to:*****Consultation - Pilot Program to ease restrictions on the importation of kava for personal use***

I am one of a very few full time researcher/academics who focus solely on health and social issues related to the use of kava at traditionally influenced consumption volumes: that is kava extracted with water and consumed over many hours as an aqueous beverage. That experience has led to me being awarded two New Zealand Health Research Council post-doctoral fellowships in which I am currently investigating the impacts of kava on cognition, learning that is being applied to driver safety. In addition to this, I have spent the past 15 years engaging with the kava literature and have twenty plus years kava use experience in a wide variety of settings ranging from highly formal cultural spaces across the Pacific to informal European only social use environments. I have eleven peer reviewed publications (including two books) on the cultural and social use of kava. I also have a book and two papers currently in press and three papers under review. One of those under review papers draws on kava literature to addresses kava misinformation and myth, or kava information which has wrongfully been published as fact. Associate Professor Matt Tomlinson, recently of the Australia National University wrote, "*Dr Aporosa must now be considered the world's leading researcher on the social use of kava (Piper methysticum)*" (Oct. 2016). I would argue that I have appropriate knowledge and qualifications to make an informed submission to the Australian Government's request for "views on the proposed regulatory changes" to kava.

My knowledge of the kava literature and research requires me to start by pointing out several inaccuracies, common misunderstandings regarding kava, presented in the *Pilot program to ease restrictions on the importation of kava for personal use: Consultation paper* document.

1. "*liver toxicity is a known adverse effect with kava if consumed in high dosages and frequency*" (p.8). This comment is misinformed and inaccurate. Kava is vastly safer than over-the-counter pain relief. For instance, a New Zealand Medicines Classification Committee report states that in "a comparison with paracetamol-associated hepatotoxicity", kava is "dramatically" safer than the "popular non-prescription drug widely sold through grocery outlets."<sup>1</sup> Research of this nature<sup>2</sup> counters the common myth that kava use is dangerous. That misconception was the basis of the 2002 European Kava Ban. The first authoritative publication to demonstrate kava's safety following the ban was the 2007 World Health Organisation's *Assessment of the risk of hepatotoxicity with kava products*. That report was influential in the June 12, 2014, German Federal Administrative Court decision which overturned the 2002 ban stating the hypotheses and assumptions that led to the ban were unjustified and had created unsubstantiated suspicion<sup>3</sup>. In a 2016 update, the WHO's kava risk assessment report stated, "On balance, the weight-of-evidence from both a long history of use of kava beverage and from the more recent research findings indicates that it is possible for kava beverage to be consumed with an acceptably low level of health risk"<sup>4</sup>. That "acceptably low level of health risk" is also demonstrated when kava is compared with *Diazepam*, a commonly prescribed benzodiazepine in Australia. Schmidt and colleagues<sup>5</sup>, who investigated the 83 alleged kava toxicity reports that led to the European

Kava Ban, reported that “only three cases could be attributed to *kava* with high probability” and in those cases it is suspected that other factors were responsible for the negative reactions (p.182). More importantly, they added that if 12 “probable” cases had been confirmed responsible for liver failure, this would account for a toxicity rate of “0.23 cases per 1 million daily doses” (p.187). At the same time though, the researchers reported that consumers in Germany – one of the European countries who initiated the ban – were reportedly taking *Diazepam* with a toxicity rate of 2.12 cases per million daily doses (p.187). Regardless that the risks associated with *Diazepam* are vastly more concerning than kava, *Diazepam* continues to be widely prescribed in Germany and most other European country’s including Australia.

The WHO and other authoritative research<sup>6</sup> shows that concerns over kava hepatotoxicity as stated in the *Pilot program... Consultation paper* are unfounded and unnecessary. This lack of concern is also acknowledged by Australian researchers Clough & Jones<sup>7</sup> who stated “No evidence for serious liver injury in Arnhem Land kava users has emerged”. Confusingly, they immediately follow with, “however, this controversy has made for greater urgency to control kava use and to monitor its health effects”, leaving the reader with a sense of caution, and feeding kava suspicion and misinformation in a similar manner to the comment discussed here from the *Consultation paper* document. The question needs to be asked: is it possible for those with limited knowledge regarding kava safety to make an informed submission to this process when the information in the *Consultation paper* document is overstated and inaccurate?

2. “Elevated liver enzymes on exposure return to normal levels upon ceasing or reducing kava consumption.” (p.8) This comment, when presented under a section entitled ‘**Health impacts of kava use**’, is not only misleading and alarmist, it is unnecessary. Although kava use is known to elevated liver enzyme levels, namely GGT (γ-glutamyl transferase) and decreased blood lymphocytes, Australian Professor Robert Moulds formally of the Fiji School of Medicine (FSM) is clear that this is of little concern. He, together with Dr Jioji Malani (also of the FMS), addressed this matter in their publication<sup>8</sup> by asking rhetorically, “How relevant is the finding that some... heavy kava drinkers have raised serum GGT levels?” (p.452) In response they commented that the association between heavy kava consumption and “raised serum GGT levels is... difficult to determine. Alcohol causes raised serum GGT levels and can cause acute hepatitis and acute liver failure as well as chronic cirrhosis of the liver. However, other drugs (eg, phenytoin) also commonly cause raised GGT levels, reflecting CYP450 enzyme reduction, yet seldom (if ever) cause acute liver failure or cirrhosis of the liver. Hence, raised GGT levels do not necessarily imply 'subclinical' liver toxicity.” (p.452).

In 2010 I discussed “subclinical liver toxicity” with Professor Mould at the FSM. He responded that observed abnormalities “are a common concern among doctors who are unfamiliar with the liver function test results of kava drinkers”. He added that “while elevated GGT and white blood cells [lymphocytes] were abnormal [to those unfamiliar with kava's effects on the liver], this does not mean that this abnormality is of concern. Jioji [Malani] and I have written on this”, referring to the publication drawn on in the previous paragraph and a 2002 article by Dr. Malani entitled *Evaluation of the effects of Kava on the Liver*<sup>9</sup>.

Admittedly the comment in the Consultation paper includes, “Elevated liver enzymes ... return to normal levels upon ceasing or reducing kava consumption.” However, when

combined with the Moulds & Malani findings, this would suggest that the comment was unnecessary and when presented under a section entitled '**Health impacts of kava use**', does little more than feed kava misunderstanding, myth and raise suspicion.

3. *“Long term consumption of kava can lead to toxic effects, such as dry and scaly skin which is reversible on cessation.”* Although lengthy kava use (high consumption volumes over several weeks) can cause a drying of the skin (called 'kava dermatopathy' or kanikani in Fiji; tino māvaevae in Samoa; lahelahea in Tonga), experts agree this is not harmful and will subside and then disappear a week or so after the cessation of kava without leaving scarring or skin discoloration<sup>10</sup>. Moreover, for some Pacific peoples, 'kava dermatopathy' is considered a positive demonstration of their 'enthusiastic' engagement with their culture. Therefore, it is argued that care must be taken not to link harmless manifestations of culture with emotive terms such as "toxic effects". Moreover, while 'kava dermatopathy' many not appear aesthetically pleasing to some, it is nevertheless harmless. Therefore, to include this theme under a section entitled '**Health impacts of kava use**' together with alarmist language such as "toxic effects" is unnecessary and does little more than feed kava misinformation and misinform those seeking to make a submission to this process.
4. *“there is evidence to suggest that the time spent in activities related to kava use by regular kava drinkers among Pacific Islanders could create relationship distress.”* A large body of research and ethnographic comment reports that kava use, even at high volumes and regular use, is not addictive<sup>11</sup>. Of interest is kava's use in several drug-addiction therapy programmes, encapsulated in the title of Steiner's (2001)<sup>12</sup> paper, 'Kava as an anti-craving agent', which reports the preliminary results of kava to mitigate alcohol, tobacco and/or cocaine craving. Further, kava has been used as part of two District Health Board (New Zealand [NZ]) addiction rehabilitation programmes; one aimed at alcohol which is now in its seventh year<sup>13</sup> and the other, a NZ smoking cessation programme entitled 'Kava-cation' which boasts a 90% success rate<sup>14</sup>. Leading kava expert, Dr Vincent Lebot<sup>15</sup> adds weight to this discussion when he stated: 'by pharmacological standards, kava is not classified as a drug, as its consumption never leads to addiction or dependence. It has psychoactive properties but is neither an hallucinogenic nor a stupeficient.' (p. 169).

These understanding are important in light of the comment that *“time spent in activities related to kava use ... could create relationship distress”* which also appears under the title, "**Social impacts of kava use**". That *“time spent”* in kava use activities is not as a result of a need to 'sooth' addiction. Therefore, *“time spent in activities related to kava use”* results from person choice and not specifically \*kava\* or the need to consume kava. A comparison can be made with activities such as gaming, surfing, rugby and movie watching. I am familiar with situations in which *“relationship distress”* has resulted from a member of the family spending large amounts of time *“in [these] activities”*. However, unlike 'kava', the gaming console, the surfboard, the rugby ball and the TV are not criticised as being the elements responsible for *“creat[ing] relationship distress”*.

Further, Pacific Islanders spend lengthy periods of time *“in activities related to [food preparation and] use”* and in socialisation setting without kava, settings which could also lead to *“relationship distress”*. What though has become the focus is \*kava\*. This again suggests that this comment was, in a similar manner to the other statements discussed above, unnecessary and does little more than feed kava misinformation.

For more discussion on kava misinformation and myth, please consult the following conference paper, *Kava (Piper methysticum): Demythifying the Pacific's cultural keystone species*<sup>16</sup>, which has been re-written and is currently under review for publication in an authoritative journal.

Misinformation and alarmist commentary regarding kava is not new in Australia. For instance, Professor Peter d'Abbs<sup>17</sup> (Darwin School of Medicine) commented that not long after the introduction of kava to the Northern Territories (NT) in the early 1980s as part of a harm reduction measure, an approach praised at the time for reducing alcohol related violence, "anecdotal and often sensational reports circulated about all-night binges, with ensuing detriment to families' health, rising absenteeism and even breakdowns in essential community services" (p.333). In addition to this were reports that Aboriginal kava users in the NT were routinely mixing kava with other substances such as alcohol. This was regardless that a Northern Territories Drug and Alcohol Bureau investigation reported this to be incorrect<sup>18</sup>. The idea that kava is routinely mixed with alcohol in the NT persists. While there is no doubt that isolated incidents of kava-alcohol mixing does occur, my informants in the NT are clear that this is not routine practice. Further, in cases where this is done, it is \*kava\* that has been maligned when the reality is the mixing of alcohol with kava is not strictly 'kava', it is a completely different substance with very different effects in the same manner as when milk was mixed with brandy, it is no longer milk.

Further, those "sensational reports" included generalisations that NT Aborigines were (and in some cases today continue to) drink more kava than Pacific Islanders. This again is inaccurate. My doctoral studies<sup>19</sup> measured kava consumption in urban and rural Fiji. When those use levels are compared with quoted figures on Aboriginal kava consumption, urban and rural Fijians have always consumed more kava than NT Aborigine kava users. According to Professor d'Abbs<sup>20</sup>, kava regulations, when instituted in the NT, were based on little more than "bureaucratic encroachment" and "public health bureaucracy" as opposed to fact and "scientific legitimacy" (p.179). Moreover, it appears little has changed with sensationalised reporting regarding kava in Australia remaining, evidenced in the statements within the *Pilot program ... Consultation paper*.

Social scientists are clear that throughout history, humans have always used drug substances of one sort or another<sup>21</sup>. Indeed, 'Drug theory' reports that drug restrictions and prohibition results in two dominant outcomes: the creation of a black market economy and "substance switch"<sup>22</sup>. The US alcohol prohibition provides an excellent example of the creation of a black market economy, an outcome that has also resulted in the NT regarding kava. Zillman, in her recent article stated, "Pacific Islanders are here and they're selling kava... and they've been making a lot of money"<sup>23</sup>. Put simply, it appears "bureaucratic encroachment" and "public health bureaucracy" have led to Police etc being drawn away from important duties to enforce black market activities associated with a substance that is "dramatically" safer than "popular non-prescription [paracetamol]"<sup>24</sup>.

Regarding 'substance switch', Clough and colleagues<sup>25</sup> report that kava restrictions in the NT led to reports of substance switch which included solvent sniffing, increased cannabis use and the home brewing of alcohol, essentially 'drug theory 101' in action. This questions the wisdom regarding the banning of kava in the NT, particularly as the effects of kava lack marked euphoria or hallucination, do not inhibit decision making, and do not lead to violent behaviour<sup>26</sup>. Has the banning of this mild substance encouraged criminal activity in the form of

black marketeering and unnecessarily tied up law enforcement personal, not to mention the costs associated with that unnecessarily action? Additionally, has the NT kava ban also led to the use of more harmful drug substances? This appears to have occurred among Pacific peoples living outside of the NT.

Pinomi<sup>27</sup> reported that in the months following the 2007 regulation which limited imports of kava to 2 kilograms per person, "We have witnessed a sad increase in violence in the Pacific Island community ... What is now happening is alcohol has become the substitute for kava; kava's promotion of a gentle sense of contentment is being replaced with the violence so often associated with excessive drinking. The good work done with young people by fostering their traditional culture will be undone by pushing them towards alcohol." Tongan kava researcher Edmond Fekoho<sup>28</sup> explains the critical role that kava venues play in diasporic communities as "cultural classrooms", places where respect, language and traditions are taught, made possible because kava does not result in the euphoric effects or socio-cultural harm of most other drug substances<sup>29</sup>. Darwin Medical School Professor Peter d'Abbs<sup>30</sup>, discussing the benefits of kava to indigenous systems explains, "unlike alcohol it did not lead to violent behaviour; second, it did not befuddle the mind and could therefore be used to stimulate 'clear-headed' discussions..." (p.169). Fekoho also discusses the importance of kava as an alternative to alcohol in Pacific communities<sup>31</sup>, a benefit that is also encouraging kava use among Europeans<sup>32</sup>.

Alcohol is the most widely available recreational drug in the world, killing in excess of 3 million users annually (WHO, 2018). In 2014, ABC Australia reported "15 Australians die each day from alcohol-related illnesses"<sup>33</sup>. NZ addiction specialist Dr McMinn<sup>34</sup> states, "alcohol is in essence a Class B drug (meaning it has a very high risk of harm), but it is so pervasive and traditional that no one sees it like that. 'Whilst the legal approach is often to look at narrowing the focus on the user...the major approach is society's permissive, over-promotion, over-acceptance of excessive alcohol consumption'." In contrast, and countering yet again sensational reports such as Zillmans<sup>35</sup> recent article from the NT in which she stated, "Kava will kill people and it has killed people in Northeast Arnhem", kava has **not** (directly) killed a single user in the past 10 years. This statement is expanded on, and substantiated, by research and literature such as WHO's 2016 kava risk assessment in a paper I currently have under review with an authoritative publisher. Regardless of the extremes in harm level, socio-cultural impact and effects from alcohol use, particularly when compared with kava, it is kava in Australia that attracts heavier regulatory measures than alcohol. This clearly does not make sense.

While I am NOT suggesting kava is the idyllic wonder-substance, it does allow for quality discussion unimpeded by marked euphoria and the stimulation of emotions and does not have the huge social costs associated with it as does alcohol use. Additionally, it is also acknowledged that there are some in the NT who complained of incidents in which some Aboriginal users spent extreme lengths of time in kava use. In his article on kava in the NT, Professor d'Abb's<sup>36</sup> explains a post-colonial Aboriginal history of socio-cultural dysfunction exacerbated by land confiscation, Government influence legal injustices and disempowerment which led to "traumatic social change" (p.167). However, in a similar manner to the claim in the *Consultation paper* document that "*time spent in activities related to kava use ... create relationship distress*", kava has been scape-goated as contributing to Aboriginal dysfunction as opposed to the real issues.

The scape-goating of kava has also resulted in unnecessary regulations that have impacted upon Pacific peoples living in Australia. The kava issue in both the NT and rest of Australia needs to be reconsidered, with that reconsideration based on research, fact, consideration and reason as opposed to misinformation, “sensational reports ... bureaucratic encroachment ... public health bureaucracy”<sup>37</sup>. Consideration and reason can start by recognising that if humans have always used drug substances and always will (as the research shows), and ‘drug theory’ shows that the prohibition of a drug leads to ‘substance switch’ and creation of a black market economy, why have any limits at all on kava in Australia; why limit kava, a culturally significant substance that is safer than paracetamol, does not cause impairment, harm or violence in the manner of alcohol, and can “be used to stimulate ‘clear-headed’ discussions”? Moreover, why has Australia’s kava prohibition/restriction policy not been matched in equal measure with alcohol prohibition considering the huge socio-cultural and health harms associated with alcohol?

In summary, while the *Consultation paper* support document asks whether kava for person use should increase to 4 kilograms, and whether this will impact on health and social systems, and whether there should be a two year evaluated pilot programme, the bigger question is; considering the discussion above, why has kava, and not alcohol, been the focus of restrictions in Australia? And why has Australia not followed New Zealand and most other countries in recognising kava safety levels not only for Pacific users, but others seeking to interact with a very low impacting substance that allows “‘clear-headed’ discussions”?

This submission process provides the Australian Government with the opportunity to consider the facts and re-evaluate their entire kava position and completely removed all restrictions on this mild substance in line with most other countries including their neighbour who they share the *Food Standards Australia New Zealand* with, the *Standards* which NZ uses to guide kava use in that country.

Dr S. ‘Apo’ Aporosa  
Research Fellow

*2019 New Zealand Health Research Council Sir Thomas Davis Te Patu Kite Rangi Ariki Award*  
Te Huataki Waiora (School of Health, Sport and Human Performance)  
The University of Waikato

## References:

- <sup>1</sup> Rasmussen, P. (2005). Submission on proposed reclassification of kava as a prescription medicine - Medicines Classification Committee, June 2005. Auckland: New Zealand Association of Medical Herbalists (p.6-7).
- <sup>2</sup> Showman, A. F., Baker, J. D., Linares, C., Naeole, C. K., Borris, R., Johnston, E., . . . Turner, H. (2015). Contemporary Pacific and Western perspectives on `awa (Piper methysticum) toxicology. *Fitoterapia*, 100, 56–67. (p.58).
- <sup>3</sup> Oliff, H. S. (2016). German Court lifts kava ban; Hepatotoxicity may be linked to kava cultivar. *HerbClip (American Botanical Council)*, Feb. 29. Retrieved from <http://cms.herbalgram.org/herbclip/539/021651-539.html?ts=1457750546&signature=6bd228d776f8fb995d151cdeefcc9ec&ts=1457897952&signature=cf83c3f3893311a5a3c216c9a515a5ad7>
- <sup>4</sup> Abbott, P. (2016). *Kava: A review of the safety of traditional and recreational beverage consumption (Technical Report)*. Rome: Food and Agriculture Organization of the United Nations and World Health Organization.(p.26)
- <sup>5</sup> Schmidt, M., Morgan, M., Bone, K., & McMillan, J. (2005). Kava: A risk-benefit assessment. In S. Mills & K. Bone (Eds.), *The essential guide to herbal safety* (pp. 155-221). Missouri: Elsevier, Churchill, Livingstone.
- <sup>6</sup> Showman, A. F., Baker, J. D., Linares, C., Naeole, C. K., Borris, R., Johnston, E., . . . Turner, H. (2015). Contemporary Pacific and Western perspectives on `awa (Piper methysticum) toxicology. *Fitoterapia*, 100, 56–67. doi:10.1016/j.fitote.2014.11.012

- <sup>7</sup> Clough, A. R., & Jones, P. J. (2004). Policy approaches to support local community control over the supply and distribution of kava in the Northern Territory (Australia). *Drug and Alcohol Review*, 23(1), 117-126.
- <sup>8</sup> Moulds, R. F. W., & Malani, J. (2003). Kava: Herbal panacea or liver poison? *Medical Journal of Australia*, 178, 451-453.
- <sup>9</sup> Malani, J. (2002). *Evaluation of the effects of Kava on the Liver*. Suva: Fiji School of Medicine. (p.7).
- <sup>10</sup> Norton, S. A., & Ruze, P. (1994). Kava dermatopathy. *Journal of the American Academy of Dermatology*, 31(1), 89-97. (p.94)
- <sup>11</sup> Singh, Y. N. (2004). Pharmacology and toxicology of kava and kavalactones. In Y. N. Singh (Ed.), *Kava: From Ethnology to Pharmacology (Medicinal and Aromatic Plants -Industrial Profiles Volume 37)* (pp. 104-139). Boca Raton: CRC Press. (p.128-30) Keltner, N. L., & Folkes, D. G. (2005). *Psychotropic drugs* (4th ed.). Missouri: Elsevier Mosby. (p.524)
- <sup>12</sup> Aporosa, 2008; Bilia et al., 2001; Connor et al., 2001; Geier & Konstantinowicz, 2004; Keltner & Folkes, 2005; Mediherb, 2004; Scherer, 1998; Thompson, 2004
- <sup>13</sup> Steiner, G. G. (2001). Kava as an anti craving agent: Preliminary data. *Pacific Health Dialog*, 8(2), 335-339.
- <sup>14</sup> Crowley C. (2015) Kava use at Hamner Clinic, Tauranga. Phone interview, Jan. 9.
- <sup>15</sup> Daunauda S. (2016) Pacific Programmes: Kava-cation. Marlborough Primary Health Organisation. Available at: <http://www.marlboroughpho.org.nz/pacific-health/>.
- <sup>16</sup> Lebot V. (1991) Kava (Piper methysticum Forst. f.): The Polynesian dispersal of an Oceanian plant. In: Cox PA and Banack SA (eds) *Islands, plants, and Polynesians: An introduction to Polynesian ethnobotany*. Oregon: Dioscorides Press, 169-201.
- <sup>17</sup> PERMANENT LINK - <https://researchcommons.waikato.ac.nz/handle/10289/12255>
- <sup>18</sup> Hunter, E., & D'Abbs, P. (2003). In 'modest but practical ways': Medical practitioners and substance misuse in Aboriginal Australians. *Internal Medicine Journal*, 33(8), 333-335.
- <sup>19</sup> Alexander, K., Watson, C., & Fleming, J. (1987). *Kava in the North: A research report on current patterns of kava in Arnhem Land Aboriginal communities*. Darwin: Australian National University North Australia Research Unit.
- <sup>20</sup> Aporosa, S. (2014). *Yaqona (kava) and education in Fiji: Investigating 'cultural complexities' from a post-development perspective*. Albany: Massey University, Directorate Pasifika@Massey.
- <sup>21</sup> D'Abbs, P. (1995). The power of kava or the power of ideas? Kava use and kava policy in the Northern Territory, Australia. In N. J. Pollock (Ed.), *The power of kava* (Vol. 18, Canberra Anthropology (Special volume,1&2), pp. 166-183). Canberra: Australian National University.
- <sup>22</sup> Jay, M. (2012). *High society: Mind-altering drugs in history and culture*. Vermont: Park Street Press.
- <sup>23</sup> Hari, J. (2015). *Chasing the Scream*. USA: Bloomsbury Publishing.
- <sup>24</sup> Zillman, S. (2019). 'It paralyses everything': PM's kava plan flies in the face of elders' concerns and police evidence. ABC News (Australia online), Feb. 4. Retrieved from <https://www.abc.net.au/news/2019-02-04/morrison-kava-import-plan-flies-in-face-police-evidence-elders/10775068>
- <sup>25</sup> Rasmussen, P. (2005). Submission on proposed reclassification of kava as a prescription medicine - Medicines Classification Committee, June 2005. Auckland: New Zealand Association of Medical Herbalists (p.6-7).
- <sup>26</sup> Clough, A., Lee, K. S., Cairney, S., Maruff, P., O'Reilly, B., d'Abbs, P., & Conigrave, K. M. (2006). Changes in cannabis use and its consequences over 3 years in a remote indigenous population in northern Australia. *Addiction*, 101(5), 696-705.
- <sup>27</sup> Aporosa, S. (2017). Understanding cognitive functions related to driving following kava (Piper methysticum) use at traditional consumption volumes. *Journal of Psychopharmacology*, 31(8), (Supplement) A84. Permanent link: <http://researchcommons.waikato.ac.nz/handle/10289/11307>
- <sup>28</sup> Pinomi, S. (2008). Kava restriction puts an unfair burden on Pacific culture. *The Sydney Morning Herald*. May 30. p.15. Retrieved from <http://www.smh.com.au/news/opinion/kava-restriction-puts-an-unfair-burden-on-pacific-culture/2008/05/29/1211654216506.html>
- <sup>29</sup> Fehoko, E. (2014). *Pukepuka fonua: An exploratory study on the faikava as an identity marker for New Zealand-born Tongan males in Auckland, New Zealand*. (Masters), Auckland University of Technology. Retrieved from <http://aut.researchgateway.ac.nz/handle/10292/7723>
- <sup>30</sup> Fehoko, E. (2015). Social space and cultural identity: The faikava as a supplementary site for maintaining Tongan identity in New Zealand. *New Zealand Sociology*, 30(1), 131-139.
- <sup>31</sup> Aporosa, S. (2017). Understanding cognitive functions related to driving following kava (Piper methysticum) use at traditional consumption volumes. *Journal of Psychopharmacology*, 31(8), (Supplement) A84. Permanent link: <http://researchcommons.waikato.ac.nz/handle/10289/11307>
- <sup>32</sup> D'Abbs, P. (1995). The power of kava or the power of ideas? Kava use and kava policy in the Northern Territory, Australia. In N. J. Pollock (Ed.), *The power of kava* (Vol. 18, Canberra Anthropology (Special volume,1&2), pp. 166-183). Canberra: Australian National University.
- <sup>33</sup> Holt, H., & Fehoko, E. (2018). Kava consumption an 'alternative to alcohol consumption' and could be a solution to youth crime. Television New Zealand: Breakfast, March 28. Retrieved from <https://www.tvnz.co.nz/shows/breakfast/clips/kava-consumption-an-alternative-to-alcohol-consumption-and-could-be-a-solution-to-youth-crime>
- <sup>34</sup> Fast Company Studios. (2016). Is this drink disrupting the alcohol business? Kava is creating a bar experience that takes alcohol out of the equation. fast.co (online). Retrieved from <http://www.fastcompany.com/3058564/is-this-drink-disrupting-the-alcohol-business>
- <sup>35</sup> <http://www.abc.net.au/news/2014-07-31/15-australians-die-each-day-from-alcohol-related-illness-study/5637050> See actual study here- Gao, C., Ogeil, R., & Lloyd, B. (2014). *Alcohol's burden of disease in Australia*. Australia: The Foundation for Alcohol Research and Education and Victorian Health Promotion Foundation.
- <sup>36</sup> Whelan, M. (2014). A serious risk of harm. *The Wireless*, Jan. 20. Retrieved from <http://thewireless.co.nz/themes/excess/a-serious-risk-of-harm> (3-10-14)
- <sup>37</sup> Zillman, S. (2019). 'It paralyses everything': PM's kava plan flies in the face of elders' concerns and police evidence. ABC News (Australia online), Feb. 4. Retrieved from <https://www.abc.net.au/news/2019-02-04/morrison-kava-import-plan-flies-in-face-police-evidence-elders/10775068>
- <sup>38</sup> D'Abbs, P. (1995). The power of kava or the power of ideas? Kava use and kava policy in the Northern Territory, Australia. In N. J. Pollock (Ed.), *The power of kava* (Vol. 18, Canberra Anthropology (Special volume,1&2), pp. 166-183). Canberra: Australian National University.
- <sup>39</sup> D'Abbs, P. (1995). The power of kava or the power of ideas? Kava use and kava policy in the Northern Territory, Australia. In N. J. Pollock (Ed.), *The power of kava* (Vol. 18, Canberra Anthropology (Special volume,1&2), pp. 166-183). Canberra: Australian National University.





**Feleoko 'a Maui**

**Submissions in support of the Pilot Program to ease restrictions on the importation of  
kava for personal use**

**22 March 2019**

These submissions are provided on behalf of Feleoko 'a Maui to the:

Office of Drug Control  
Department of Health  
GPO Box 9848  
Canberra ACT 2601





## **A. Introduction**

1. Feleoko 'a Maui (F'aM) is a family owned business that commenced with a simple dream - to support a family, community and fonua (country), in the Kingdom of Tonga and in Australia.
2. With over 30 years of farming experience, Feleoko 'a Maui uses a traditional Tongan method of planting and cultivating crop.
3. In 2016, Feleoko 'a Maui invested in a small organic farm in the pristine untouched island of 'Eua, in the Kingdom of Tonga. This consists of over 8 acres of traditionally owned farm land in 'Eua planted with kava, talo (taro), 'ufi (yams) and kape (giant kape).
4. F'aM's farming technique is based off traditional Tongan methods handed down from generations. The crop is wholly organic. The organic produce has been sold in the market in 'Eua, also shipped overseas to consumers.
5. Feleoko 'a Maui or "Feleoko 'o Maui" the name of the marketplace in 'Eua, is sourced from Tongan oral history, known as the produce or plantations of the Tongan deity, Maui. This is also used to describe the island of 'Eua, also known as Funga Fonua. Recognised for its rich soil and organically cultivated produce.
6. It's kava plantation of over 8 acres of pristine virgin land in the island of 'Eua, receive second prize in the Royal Agricultural Show in 2018, first time it decided to enter the competition.
7. F'aM is also a corporate sponsor and member of the Brisbane Tongan Community Inc. (BTC) that represents the Tongan nationals and migrants residing in Brisbane, Queensland.
8. F'aM is based in Brisbane, Queensland, put supports a number of charities, including Brisbane Tongan Community Inc., Pasifika Lawyers Association of Queensland Inc. and migrants from Tonga, as well as supports the growers and labourers in 'Eua to maintain the business in Tonga.

## **B. Consultation**

9. We note that the ODC seeks feedback on:
  - (a) A proposal to increase the quantity of kava that may be imported for personal use to 4kg.



(b) Approach to evaluate the pilot program after two years; and

(c) The duration of the pilot program.

10. Feleoko 'a Maui has had the benefit of assisting in the preparation of the submissions provided by the BTC to the ODC and supports all the points put forth, however wishes to emphasis on the economic benefits to the Tongan kava growers and investors of Tongan heritage residing in Brisbane.

### **C. Feleoko 'a Maui supports the proposal**

11. Feleoko 'a Maui as a business, investor, supports the proposal as detailed above, to increase the quantity of kava that may be imported for personal use from 2kg to 4kg.

12. Feleoko 'a Maui would like to be involved in the approach or consultation to evaluate the pilot program after two years.

### **D. Kava**

13. Kava or kava kava or *piper methysticum* is a cash crop, of Pasifika (Pacific Islands / Oceania).<sup>1</sup>

14. The word *kava* is Tongan, meaning "bitter".

15. It is a significant export for Tonga that has been used traditionally in the Kingdom of Tonga from the tenth century, thus pre-dating the effective sovereignty in Australia and is vital to Tongans in the island Kingdom and diaspora.

16. Other names for kava include:

- 'awa (Hawai'i),
- 'ava (Samoa),
- yaqona (Fiji),
- sakau (Pohnpei); and
- malok or malogu (parts of Vanuatu).

17. Kava is consumed throughout the Pasifika cultures of Oceania, for either traditional ceremonies as in the Kingdom of Tonga and Fiji, also in recent years in social kava clubs and kava bars.

18. The root of the kava plant is used to produce an entheogenic drink with sedative, anesthetic and euphoriant properties. Its active ingredients are called kavalactones.

---

<sup>1</sup> C. Maxwell Churchward, (1959) *Tongan Dictionary: Tongan-English and English-Tongan*, Tonga: The Government of Tonga Printing Press, p.257.



Where clinical trials in 2013 by the University of Melbourne has concluded that it was likely to be more effective at treating anxiety and insomnia.<sup>2</sup>

19. For our Tongan community, kava is a part of our cultural traditions rooted in a long history that has thrived for centuries and is practised within the diasporic communities in New Zealand, the United States of America, and Australia.

#### **E. Cultural significance of kava to Tongans in Australia**

20. Feleoko 'a Maui supports the submissions put forth by the BTC on the cultural significance of kava to Tongans in Australia, in maintaining its traditional cultural practises (*anga fakatonga*), these include, but are not limited to the following, which are continued in the Diaspora:

- (d) Kava ceremonies – from the *taumafa kava* reserved for Royal ceremonies;
- (e) Traditional ceremonies – weddings, funerals, birthdays, social gatherings, fundraisers;
- (f) Kava clubs – social groups for men in the community that meet every weekend;
- (g) Church – functions, welcoming preachers (*talitali malanga*);
- (h) Tongan courtships – when a gentlemen visits or wishes to court a Tongan woman;
- (i) Reconciliation – when a family member or extended family members wish to seek forgiveness from their elders, for instance, when a couple decide to get married without their respective parents' blessing.

21. The current allowable quantity of 2kg is insufficient to support “personal use” amongst the diaspora.

#### **F. Business opportunities**

- G. Feleoko 'a Maui would requests any opportunity to import as a business to provide to the community in the diaspora.
- H. The alternative for this small business would be to apply for a licence to import under the medicinal umbrella or seek to negotiate with the major pharmaceutical companies that provide herbal medicine with kava extracts, such as TakiMai, Bioglen, Nature's Way and so forth.

---

<sup>2</sup> University of Melbourne. (2013, May 13). World first clinical trial supports use of Kava to treat anxiety. *ScienceDaily*. Retrieved March 21, 2019 from [www.sciencedaily.com/releases/2013/05/130513095750.htm](http://www.sciencedaily.com/releases/2013/05/130513095750.htm)



- I. Our aim is to expand our business in Brisbane once we are able to harvest and also assist in rebuilding family properties that were devastated during the cyclone Gita in Tonga, as well as capacity build.

**J. Conclusion**

22. As detailed above, kava is an essential part of our Tongan traditional practices.
23. We support the easing of the restrictions as it not only provides for the needs of our people in the diaspora, but also assist in the economic growth in the Kingdom of Tonga.
24. Feleoko 'a Maui is committed to working together with the ODC and the government in the Commonwealth of Australia, the Kingdom of Tonga in providing better services and opportunities for our Tongan people and greater Pasifika region.

Mālō 'aupito



## GLOSSARY

<i>Anga fakatonga</i>	Tongan way of life, tradition and culture
Diaspora	“...scattered throughout many nations” and “a history of dispersal, myths/memories of the homeland, alienation in the host country, desire for eventual return, ongoing support of the homeland, and a collective identity importantly defined by this relationship.”
<i>Fakatonga</i>	Tongan, like or pertaining to Tongans, in the Tongan manner.
<i>Fāмили</i>	Tongan word for family, hono fāмили means member of one’s family.
<i>Kāinga</i>	Tongan word for relation, relative; brother or sister in the sense of comrade or compatriot. The extended family.
<i>Kalapu</i>	Means a club or group.
<i>Kava</i>	Either the plant ( <i>Piper methysticum</i> ) or the mildly narcotic beverage made from its crushed root. <sup>3</sup>
Kava Ceremony	Ceremonial presentation on a large scale and with a big piece of kava plant in the lead. That is the presentation by the people of Kolovai. Feast given in someone’s honour on certain occasions, such as circumcision, marriage, winning of a prize or scholarship. <sup>4</sup>

---

<sup>3</sup> C. Maxwell Churchward, (1959) *Tongan Dictionary: Tongan-English and English-Tongan*, Tonga: The Government of Tonga Printing Press, p.257.

<sup>4</sup> C. M. Churchward, *op cit.* pp. 257-258.





**ATTACHMENT 1. Photos of Feleoko 'a Maui's plantation in 'Eua, Kingdom of Tonga**



*Photos from the kava farm in 'Eua*







Fine Foods Ltd makes the following submission on behalf of 13,000 growers of kava, 350 cooperatives operating in Vanuatu. Kava is consumed on a regular basis within the Pacific Island and is one of Vanuatu main exports in the region. The submission is for fresh and dried kava root as food item, defined in Codex Alimentarius.

Fine Foods Ltd is a food processing company based in Vanuatu and a licensed kava processor and exporter.

Australia TGA requires an import and export permit because it defines kava as either a *“narcotic drugs, psychotropic substances, precursor chemicals, antibiotics and androgenic/anabolic substances”*

Vanuatu Growers would like to challenge the definition of kava fresh or dried, as being any of those substances that would require an import permit under the definition that it is a *“narcotic drugs, psychotropic substances, precursor chemicals, antibiotics and androgenic/anabolic substances”* Kava is defined as a food and as such should be afforded the same access as other formulation of drinks.

We challenge the following statements made by the Australian Health Department as fact

- *“Kava (also known as kava kava or Piper methysticum) is a member of the pepper family and has traditionally been cultivated by Pacific Islanders for use as a social and ceremonial drink - either ground or chewed up and mixed with water or coconut milk. Some Aboriginal communities are also known to use kava, however kava has not been a part of their traditional systems”*

The first statement of fact:- this is prepared as a drink item and not a medicine. Why is the Australian Government singling out the Aboriginal community and implying that they can't control the use of kava? This is an internal control matter and should not affect the greater population of Australia or exporters of kava.

- *“Since 2001, the Therapeutic Goods Administration (TGA) has closely followed mounting international concerns over reports of hepatotoxicity and deaths from liver failure associated with taking some kava-containing medicines.”*

The claim is over 17 years old and refers to kava medicines and not over kava drink. The claim has been challenged in the EU court and the ban lifted. The claim has been debunked in 2018

- *“In July 2002, the TGA's Adverse Drug Reaction Unit (ADRU) received a report of a fatality in Australia, following acute liver failure, associated with a kava-containing medicine.”*

Reporting one fatality from 2002, related to kava medicine should not influence the consumption of kava juice as it is intended in 2019

- *“At its meeting in August 2003, the CMEC considered the KEG report and recommended to the TGA that only certain forms of kava were suitable for use in Listed medicines. The TGA accepted the recommendations of the CMEC and the Therapeutic Goods Regulations pertaining to Piper methysticum were amended accordingly”.*

Vanuatu Direct Plantation, Melektree road, Port Vila, Vanuatu.

P.O. Box 1503, Port Vila, Shefa Province 0000, Vanuatu.

Ph. +678 26720 Mob:+678 77 24720

[ceo@finefoods.vu](mailto:ceo@finefoods.vu)

[www.finefoods.vu](http://www.finefoods.vu)



Vanuatu kava producers request that the 16 year old report by KEA is set aside in light of the overwhelming evidence presented internationally. Kava dried or natural or drinks extracted by water may enter Australia under Codex Alimentarius description as a food item. If internal recommendation for medicine manufacture need to be assessed this should not affect the commercial importation of the Noble Kava varieties for consumption as a juice.

The consultation paper makes gross and inaccurate claims. It has no basis in fact, nor does it provide any base line evidence that 2kg of kava for personal consumption has any affect on the aboriginal population. To propose an increase to 4 kg for personal consumption over a two year pilot trial is an insult and an attempt to delay the opening of commercial trade in kava as a drink.

The consultation paper and associated references seeks to confuse the reader by quoting, in each case, that kava is a medicine. We would like to present the EU judge ruling that kava as a medicine or psychotropic substance causing liver failure was “ a Case of Ill-Defined Herbal Drug Identity, Lacking Quality Control, and Misguided Regulatory Politics”. Kava is and must be classified as a food.

The consultation paper admits that there is no evidence and statements are anecdotal. Therefore the proposed 4kg increase for personal use is a platitudinal gesture. The Australian authorities need to recognize that kava is a drink made with water.

Vanuatu growers recommend that the Australian authorities adopt a true spirit of bilateral trade and allow a pilot trial for 2 years of commercial quantities as a food item. A commercial trial will be able to assess the movement and use within a defined area eg NSW, Victoria, Queensland. If the Authorities wish to restrict the movement of kava into the Northern Territory they have it within their power to prescribe this. If the authorities adopt Codex Alimentarius definition for kava, this sets the boundaries of kava being extracted by solvents for medicines.

All food items, imported in commercial quantities require import permits and phyto certificates. This is the only method that can assess traceability, quality and conformity. Personal consignments do not require a permit or any other form of documentation and so do not add value to any argument for restricting its use.

Cornelia Wyllie

Vanuatu Direct Plantation, Melektree road, Port Vila, Vanuatu.

P.O. Box 1503, Port Vila, Shefa Province 0000, Vanuatu.

Ph. +678 26720 Mob:+678 77 24720

[ceo@finefoods.vu](mailto:ceo@finefoods.vu)

[www.finefoods.vu](http://www.finefoods.vu)

GOUVERNEMENT DE LA  
RÉPUBLIQUE DE VANUATU

MINISTÈRE DES  
AFFAIRES ÉTRANGÈRES, DE LA  
COOPÉRATION INTERNATIONALE  
ET DU COMMERCE EXTÉRIEUR



GOVERNMENT OF THE  
REPUBLIC OF VANUATU

MINISTRY OF  
FOREIGN AFFAIRS,  
INTERNATIONAL COOPERATION  
AND EXTERNAL TRADE

**To:** The Australian Government

**Response From:** The Government of the Republic of Vanuatu

**Subject:** Pilot program to ease restrictions on the importation of kava for personal use

1. The Vanuatu Government acknowledges the Australian Government for communicating its consultation paper on the Kava pilot program proposal to ease the restrictions on importation of kava for personal use into Australia, on the 28<sup>th</sup> February, 2019. Vanuatu recognises the joint statement made by both Prime Ministers of Australia and Vanuatu in January 2019 and the importance of market access of Kava into Australia. The Ministry of Foreign Affairs, International Cooperation, and External Trade on behalf of the Government and its people wishes to present its response as a collective effort provided by its kava industry stakeholders on the choices and decisions for a win-win approach for both countries.
2. Kava is known as the 'green gold' commodity within Vanuatu. It has long been and continues to be a significant primary product contributing to the domestic economy and the livelihood of the people in the rural areas who depend on kava as a source of income, and for its traditional purposes. In the first three quarters of 2018, kava amounted to 50.7% of Vanuatu's merchandise exports<sup>1</sup>, thus showcasing its importance.
3. Kava is particularly important as a lot of the income generated flows back to the rural islands, which are often left out of other aspects of the formal economy – such as services. With the benefits being clearly seen, lots of people throughout Vanuatu and the Pacific have increased their planting of the kava plant. The kava plant takes five years before it is ready for export, and so it is expected that supply will increase sharply in the coming years – especially noting the last four-year of the Tropical Cyclone Pam has just passed. TC Pam destroyed much of Vanuatu's kava crop, and so there was substantial replanting in the months and years following TC Pam.

---

<sup>1</sup> Source: Vanuatu National Statistics office

4. Vanuatu's commitment on the PACER Plus trade agreement focussed on increasing market access of products such kava into Australia during the course of the negotiation process. A traditional market and country, Australia will continue to be the closest market despite the debatable claims of health concerns from the abuse of kava responding to this effort.
5. Vanuatu's collective responses includes responses as attached from the several members of the kava industry, government, individuals, the private sector and community leaders/ chiefs from Vanuatu. The Vanuatu Government therefore submits the following comments:

**Is an increase to 4 kilograms of kava a suitable quantity for personal use?**

6. The Government of Vanuatu does not believe that 4 kilograms would be a suitable quantity for personal use.
7. The kava plant has long played a crucial role in South Pacific societies, with it being a critical part of many important occasions and ceremonies – such as weddings, funerals, or chiefly ceremonies. These ceremonies have long relied on kava to 'seal the deal', and the Government of Vanuatu believes it is of great importance that the South Pacific diaspora is able to fully commit to these ceremonies.
8. The role of kava within these communities extends far beyond just these important ceremonies however. Kava is the most popular drink within Vanuatu, and is a key social activity within the country. This is evidenced by the 250-300 kava bars based within Port Vila, a city of just 60,000 people.
9. The Government of Vanuatu believes that kava has a strong positive impact on the community and society of Vanuatu, especially when compared to alcohol.
10. Whilst the Government of Vanuatu acknowledges and is grateful for the proposed increase in the import allowance for personal use, it does not believe that the proposed quantity is sufficient:
  - i. 4 kilograms still does not make very much kava at all. For a large ceremony, this would not be sufficient;
  - ii. Because kava can only be brought in for personal consumption, if there is not someone flying in recently, then it may be the case that it is not possible to provide kava at a ceremony or event. This means that an important aspect may be missing from these ceremonies. Commercial sale of kava would correct for that purpose;

- iii. The 4kg allowance would still only allow for use at important ceremonies. However, it is the Government of Vanuatu's belief that this ignores the day-to-day trade, which is also of great importance to Ni-Vanuatu. There are thousands of Ni-Vanuatu and other Pacific islanders who travel to Australia each year as part of the Seasonal Workers Programme, and they are denied a large part of their day-to-day lifestyle by these restrictions. Kava drinking is generally very responsible, especially when compared to alcohol;
  - iv. There are many Australian citizens who would enjoy being able to drink kava, especially in a social setting. This has been seen by the rapid increase in recent years of kava consumption in America, with no reported ill effects.
11. Kava is incredibly important to Vanuatu. As well as playing a huge role in society, there are 20.000+ households in Vanuatu who continue to depend on Kava for their livelihood.
  12. The Government of Vanuatu believes therefore that the Government of Australia should reconsider its position on the 4kg kava and have options to increase the quantity to 10, 15 or 20kgs, which would have positive impacts for personal and ceremonial use. In addition to the suitcase trade of kava for personal use, Vanuatu is very interested in the commercial exports of kava and kava products to Australia.
  13. The Australia and New Zealand support on the Kava Value Chain analysis through the PHAMA program is acknowledged. The report identified the potential development of the kava industry and export industry contributing to creating employment and promoting participation of women in the industry. However, seeking and negotiating improved market access to Australia would be an advantage and beneficial to Vanuatu and the region due to its close market and high commodity price.

**What is the health and social impacts of the proposal to increase the amount of kava that may be imported for personal use?**

14. The Government of Vanuatu and its people acknowledge the complexity of the issues affecting the Indigenous Australians in Arnhem Land (Northern Australia). However, Vanuatu feels that kava is being treated unfairly as a result and this has had a flow-on negative impact on the image of kava. For example, alcohol abuse and excessive consumption of alcohol were also reported as key contributing factors the issues affecting the



Indigenous communities in Arnhem land. However, there are no restrictions being placed on the import or production of alcohol.

15. Kava consumed in the traditional form as a beverage is known for its benefits to reduce stress, promote relaxation, and meet our social and ceremonial obligations. Additionally, there have been several clinical studies that confirmed that kava performed favourably in relation to the other synthetic drugs and alcohol as a remedy of Generalised Anxiety Disorder.
16. Clinical studies conducted on Kava when consumed in its traditional form (kava extracted with water) confirmed that kava was safe as a drink. A traditional drink that does not do any harm compared to the use of alcohol and other drugs for social purposes. For example, Kava water extract is recognized as safe<sup>2</sup> and is classified as a food export to markets like New Zealand, the USA, and New Caledonia, where kava drinking places are developing rapidly without health-related issues. Its positive impact on people to avoid hefty consumption of alcohol, is compared to people consuming tea in Britain or coffee in Italy.
17. The Government of Vanuatu disputes the assertions in the consultation paper about the negative impacts of kava on health, especially with regards to liver toxicity. The Government of Vanuatu requests a dialogue between the Office of the Drug Control, the Vanuatu Government, and the Vanuatu Kava Industry Association to further study the scientific evidence for the health impacts of kava.

### **Is two years a sufficient period for the pilot?**

18. The government of Vanuatu believes that two years is excessive.
19. Vanuatu also requests further clarifications of trialling this pilot proposal. Kava had already been consumed in Australia and across the Pacific, and so it is believed this trial will not add too much to the existing situation. If a timing was proposed for this trial, Vanuatu feels that a period of six (6) months would be sufficient for the trial.
20. The concern during the government consultation with the Vanuatu kava industry and private sector raised few questions and requested the government of Australia to respond to these questions;

---

<sup>2</sup> Source: WHO report (2008), [https://apps.who.int/iris/bitstream/handle/10665/43630/9789241595761\\_eng.pdf;jsessionid=ACD7CF180D69D81074A8CF88BD5E215F?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/43630/9789241595761_eng.pdf;jsessionid=ACD7CF180D69D81074A8CF88BD5E215F?sequence=1)  
<http://www.fao.org/3/a-i5770e.pdf>

- a) What is the anticipated outcome of the proposed trial?
- b) Will the trial support the lifting of restrictions to allow commercial exports of kava?
- c) Should Australia initiate a similar trial to allow commercial imports of kava?
- d) Can Australia open up other states while restriction is imposed only to the area affected?

**What methods of evaluation should apply to this pilot?**

21. The Vanuatu Government does not have any strong belief about the best methods of evaluation, but would request that good and reliable data is gathered, where possible

**Conclusion**

22. The Vanuatu government wishes to emphasize on these points towards this proposal for consideration;

- i. Kava is an incredibly important social and economic crop for Vanuatu;
- ii. The Government of Vanuatu believes that kava is safe, and that the scientific evidence supports this assertion;
- iii. There is a very strong demand for kava within Australia from the South Pacific diaspora, both for ceremonial use, and for social use. Kava has had strong positive benefits on the ni-Vanuatu society;
- iv. The Government of Vanuatu welcomes the increased limit, but believes that this will not make any noticeable difference, and would like to strongly state its support for the opening up of the commercial market for Australia.

23. The Government of Vanuatu would like to stress its commitment to working with the Australian Government and its stakeholders in order to ensure that kava is enjoyed safely and responsibly overseas, in the same manner as it is in Vanuatu.

Sincerely,

[Redacted Signature]

for Kalfau Kaloris

Director General



Dear Sir or Madam,

Thank you for the opportunity to comment on your proposed pilot programme.

I agree with the need to ease the current restrictions on the importation of kava. Kava has a long history of safe and positive use in both Pacific Islands communities and among those who use it to relieve stress and anxiety without the risk of physical addiction associated with alcohol and pharmaceutical drugs.

As someone who uses kava for both ceremonial and therapeutic reasons I would be delighted to see the restrictions eased. I support the proposal to increase the personal limit to 4kgs. At the same time, I would like to kindly request that you consider making at least some of that limit available to those who may want to receive the kava by post. Many people who enjoy kava for customary or therapeutic purposes either can't afford to travel to the islands, or simply can't travel for health reasons. Yes, increasing the limit to 4kgs would allow extra supplies, but 4kgs of kava can also be a considerable up front expense. Besides, storing this extra amount would expose it to the risk of spoilage.

Currently, no kava can be legally sent by post from other countries. I believe this should change. For strictly personal reasons, residents of Australia should be allowed to receive kava sent by post. It doesn't have to be a large amount, just up 2 kgs, or even less, would be appropriate. It would result in the easing of restrictions for not just those who can afford to travel and buy larger quantities, but also those interested in purchasing small amounts of kava from overseas.

I hope you can consider this submission favourably.

Yours faithfully,

Henry Hori

To Whom I May Concern

Re : KAVA Submission

As a Fijian migrant leaving in Australia for the last 16 years I've found that my island connection including culture and tradition was slowly drifting away.

Fijian connection would include community and family oriented, sitting down with a bowl of kava and discuss family or community issues.

And my children were absorbed into drinking with friends and don't have time with family.

Slowly I introduced them back to their tradition where kava sessions are involved and straight away I found them grounded.

Therefore, for Fijian community benefits including church gathering I'd prefer an increase kava limits into Australia to help parents and church carry out their traditional obligation. This would include funeral, church, wedding or simply family gathering for Fijian community.

Thank You

Jitoko Sisaro



## KAVA-Submission

### **SUBMISSION TO THE AUSTRALIAN OFFICE OF DRUG CONTROL ON THE 'PROPOSED PILOT PROGRAM ON EASEMENT OF THE IMPORT OF KAVA FOR PERSONAL USE' BY THE FIJI KAVA TASK FORCE**

Established in 2014 by the Ministry of Agriculture, the Fiji Kava Task Force continues to provide the central coordination, planning and consultation mechanism for the development of the industry in Fiji. Members of the Task Force include representatives from the government's Ministry of Agriculture, Ministry of Industry, Trade & Tourism, Ministry of Health, exporters of kava, Biosecurity Authority of Fiji, Fiji Crop & Livestock Council, University of the South Pacific and the Pacific Community.

This submission is provided in response to the Consultation Paper released by the Australian Government's Office of Drug Control Version 1.0 of 22 February 2019 'Pilot program to ease restrictions on the importation of kava for personal use'. The submission provides responses against the four specific questions raised in the paper plus broader information on Fiji's interests and efforts underway in growing exports of kava, existing export markets, the importance of this sector to the economy, and commentary on health-related issues.

1. The Fiji Kava Task Force considers '*a proposal to increase the quantity of kava that may be imported for personal use to 4 kilograms*' as a welcome step in the right direction and an increase in the volume to be carried by a passenger

The significance of kava is deeply rooted and embedded in the Fijian way of life. For centuries, it was exclusively used during traditional cultural ceremonies. While it remains an integral part of Fijian customs (at births, initiation into adulthood, weddings, deaths; introductions, conflict resolutions, mediation, consultations; kava is used as a mark of acceptance, recognition, endorsement and honour), the use of the drink has extended beyond the ambits of traditional and cultural protocols. It has evolved into a popular social drink in the modern Fiji, known for its calming effects that widely appeal to working urbanites.

As outlined in his foreword to the Fiji Kava Quality Manual, the former Minister for Agriculture, Rural and Maritime Development and National Disaster Management, the Honourable Inia Seruiratu wrote that "the place of kava or '*yaqona*' in the cultural life of Fijians is so central that it is referred to as '*wai ni vanua*' (drink of the people). It has also been adopted by the Europeans, Fijians of Indian descent and other communities that have made Fiji their home. It has become the national drink of Fiji and is part of our identity as Fijians." For more information, please find attached copy of the Fiji Kava Quality Manual for your reference.

Renowned Pacific educator, Konai Helu Thaman (1992) in discussing the value of culture quoted 'we in Fiji and in the South Pacific must not allow our own cultures to be undermined. Our cultures make us what we are. Without them, we are like debris in the ocean. Culture is the soul of the people. It is what we were, what we are and with appropriate education, what we can become...'

Currently, the Fijian (and related) communities in Australia are unable to fully express their cultural uses of kava due to its unavailability and restricted use. Thus, it is considered that the proposed increase from 2kgs to 4kgs is inadequate not only in terms of meeting the needs for the personal use

of by our Fijian and Pacific Island communities in Australia for their social and ceremonial functions but also to allow for meaningful information to be collected and evaluated to address the remaining considerations for the pilot program. Kava is prepared as a beverage with the kavalactones being extracted with water for consumption during our cultural and traditional ceremonies as well as for our social gatherings. In this context, kava is seldomly consumed alone but customarily by a group of individuals or communities at a meeting or gatherings or “kava sessions”. In each of these community meetings/ social gatherings and kava sessions, it would be normal for a total of several litres of kava beverage would be consumed; with each individual consuming an estimated 500ml to 1 Litre or more of kava beverage. Depending on how the kava beverage is prepared, the general rule is around 80-100g of kava powder will make 1-1.5 Litres of kava beverage. Meaning that 4kg of kava powder could be used to prepare approximately 60Litres of kava beverage.

An increase from 2kgs to 10kgs of kava imported for personal use is considered more appropriate to test whether the pilot program has achieved its objectives including to identify key strengths and weaknesses (gaps) for further consideration and discussion.

For practical purposes in efficiently and hygienically importing the kava into Australia, an increase to 10kgs could be supported by packaging specifications including minimum labelling requirements, clean, secure and easy to handle for inspection.

2. The Fiji Kava Task Force considers ‘*any impact increasing the quantity of kava imported for personal use may have on the community*’ as positive and suitable, noting that there are different perspectives in terms of the Fijian and the Pacific diaspora. It is also acknowledged that there is uncertainty over what the current impacts are in Australian indigenous communities so that aspect would need more investigation either within or parallel to the pilot program. The increased quantity would assist with carrying out cultural and social traditions and obligations.

As outlined in the Fiji Kava Quality standard, Kava is defined by the plant species *Piper methysticum* and/or to the traditional beverage obtained by cold water extraction of the plant’s drinkable parts.

The desirable varieties of kava in Fiji are characterised by the concentration of 6 major kavalactones in the kava roots namely:

- 1) Desmethoxyyangonin;
- 2) Dihydrokavain;
- 3) Yangonin;
- 4) Kavain;
- 5) Dihydromethysticin; and
- 6) Methysticin.

The major kavalactones have been reported to have no impact to human health, which is consistent with findings of a technical report into the human health risks of kava by the Food Standards Australia and New Zealand (FSANZ 2004). In this report, it stated that the most common side effect of heavy kava consumption over an extended period is a skin rash known as kava dermatopathy or *kani kani*, characterised by flaky, dry skin with a yellowish discolouration of both the skin and nails. This condition is reversible when kava consumption is discontinued.

Study done by Balick and Lee (2002), Lebot (2006) found that the level and frequency of consumption of the kava beverage varies between individuals, between sexes, within communities, between South Pacific islanders and also depends on the social context for the kava beverage consumption. Additionally, Matthews et al (1988) estimated that on average the consumption level was classified into the following categories for intake – 100g of kava powder per week (occasional drinker), 310g/week (heavy drinker) or 400g/week (very heavy drinker). These findings were just a projection into the overview of kava beverage consumption that is common in the Pacific Islands and has been for decades since 2000 years ago and more recently in other nearby communities. Adverse health effects (such as hepatotoxicity) with heavy consumption of kava was found to be negligible provided the preparation was infused with cold water extraction only and not with any other form of organic solvents (WHO (2007), FAO (2016)). There is extensive literature in support of this which also aided in the lifting of the “European Kava Ban” following a 12-year court battle involving many kava experts in 2012.

Additionally there were three reported cases in the South Pacific that was evaluated by Russmann et al (2003) and Christl et al (2009) – (2) from New Caledonia and (1) from Samoa showing signs of elevated liver enzymes (AST, ALT, GGT, AP, LDH) and changes in their other clinical pathology parameters which were indicative of liver damage when consuming kava in large amounts. However, these individuals had a history of medications use prior to kava consumption contributing to their liver damage status. The reported individuals recovered after cessation of kava use. Interestingly Russman et al (2003) had also surveyed 27 heavy kava drinkers from New Caledonia and found that they were all in good general health with no symptoms of liver disease.

It is acknowledged high levels of kava consumption can cause drying of skin (kava demopathy or “kanikani” in Fijian) but this is reversible upon cessation and does not necessarily lead to chronic skin diseases. Positive health impacts of kava consumption include reducing anxiety stress and restlessness, providing muscle relaxant, and aiding with sleeping disorders.

On the social front the increased quantity would enable Fijians and the Pacific Islander communities in Australia in carrying out their ceremonial, cultural and social traditions and obligations which leads to communal acceptance and fostering greater traditional relationships in the manner of the occasion.

Kava is considered the best alternative to alcohol consumption for Pacific Island men as reported by Nosa and Ofanoa (2009) who conducted qualitative interviews on 12 married men of Tongan heritage aged between 30 and 75 years residing in Auckland New Zealand.

It should be noted that a Codex Regional Standard is being developed for kava and kava products for the Codex North America and the South West Pacific (NASWP) region. The support from Australia, Canada, New Zealand and the United States of America (the Quad countries) in the development of the draft sends a strong message confirming the safety of kava and kava products being prepared and consumed in the traditional form – i.e. kava beverage extracted with water.

3. The Fiji Kava Task Force considers *‘the approach to evaluate the pilot program, including health, social harms, and feedback on the program’* needs to include active participation by Fijian stakeholders including those represented on the Fiji Kava Task Force. It is considered

crucial that the approach to the planning, implementation and evaluation of the pilot program is well informed, inclusive of quantitative and qualitative data collected both in Australia and Fiji and considers multiple perspectives. Also noting that adequate resources would need to be allocated for this engagement including data collection.

Currently, there is no mandatory requirement at the Fijian side for data on personal consignments of kava being taken to Australia to be recorded. Hence no data is currently available such as on the frequency it is taken, profile of passengers carrying kava, where it is purchased or approximate value. Depending on the agreed methodology, there are a range of possible approaches to gathering data on travellers out of Fiji, bound for Australia that are carrying consignments of kava. It is anticipated that this effort would be led by the Biosecurity Authority of Fiji and the Department of Immigration with support being provided by the airlines and members of the Fiji Kava Task Force. It should be highlighted in this submission that any methodology or process being proposed or introduced to facilitate the collection of information during this trial should not be borne by the travelling public from Fiji.

To ensure the appropriate information is collected for the evaluation of the outcomes of this trial, key stakeholders (farmers, processors, exporters, BAF etc) in Fiji and other PICs would need to be invited to participate in the trial. A questionnaire would need to be developed to capture baseline information that address the key objectives of the trial such as:

- Has the increase in the amount of kava being taken to Australia via passengers improved your livelihood? If yes;
  - How? How much?
  - When?

On the Australia side, the Department of Health could request the assistance of the relevant Australian agencies (Department of Customs, Department of Agriculture and Water Resources, etc) to collect this information as the passengers are being screened on-arrival.

Consumers of kava and kava products including the community and sporting groups that use kava for ceremonial and social activities in Australia would need to be invited to participate by registering with the Department of Health. The participation of these stakeholders will allow the relevant authorities to ascertain the health and social impacts of the increase in the amount of kava being imported.

Additionally, the ODC should also reach out to leaders (men and women) of Pacific Island communities to discuss and collect information on the use of kava. Information about the use of kava and how kava has helped to address anti-social behaviors within the Pacific Island youths should be collected and be included in the evaluation of the trial outcomes.

Finally, the pilot program would also require an awareness raising campaign for the travelling public with a combination of structured information on social media. The approach and content to this campaign being something the Fiji Kava Task Force would seek to develop in collaboration with relevant Australian agencies and stakeholders.

4. The Fiji Task Force considers '*the duration of pilot program*' of one year (rather than two years) is sufficient. It is instead proposed that the pilot be implemented for one year with on-going

monitoring and a review and evaluation to be held in the first month of the second year. This is considered adequate time to collect data across the full year covering trends in passenger movements, family and community events and festivities, and potentially price fluctuations which may impact on demand. A duration of one year followed by a structured evaluation point also provide the flexibility for a further up to 12 months to amend the pilot including the associated monitoring and evaluation.

### **Further background and context**

Fiji's kava sector has grown rapidly between 2015 and 2018 with prices rising as much as 100 per cent. At this stage the sale of kava has outstripped the more traditional export crops of sugar cane and dalo in terms of foreign earnings. Kava is gaining popularity with other ethnic groups outside the Pacific Islands diaspora. Even elite athletes who are involved in physically demanding contact sports are also reported to seek the kava beverage to provide that relaxing feeling after sports or a game. The high kava prices promise a greater income for farmers in the rural communities. While the increase in price per kilogram of kava at the domestic and international markets is showing signs of slowing down, the recent lifting of the German ban on kava for the German and European markets and the expansion to the number of kava bars in the United States has highlighted the importance of maintaining the quality of kava products exported.

A value chain analysis completed in 2017 found that there are 10,400 rural Fijian households (1 in 8 rural households) that cultivate kava as their source of livelihood and there are islands and provinces (such as Kadavu, Ovalau & Gau) where kava is the principal source of income. Hence the importance of kava not only to Fijian culture and identity, but also the overall economy and livelihoods of many communities can not be underestimated.

It is, therefore, imperative to develop and adopt measures which ensure that only the highest quality kava products leave Fiji's shores and that growers and processors can meet the quantity and quality needed at home and in foreign markets. Increased productivity is needed to address demand but this must be done in conjunction with strict quality controls so Fiji maintains its credibility in the market.

The Fiji Kava Task Force is spearheading effort so that growers, middlemen, processors and exporters take on a fresh approach to kava production and processing, meeting quality standards at every point in the supply chain. Studies conducted within the industry have provided a platform from which to build a newer, better Fiji Kava Industry based on international quality standards and able to supply international markets while also producing top quality for local consumers.

It is gratefully acknowledged that this pilot program is a step in the right direction as ultimately, Fiji would like to see consumers in Australia able to enjoy the benefits of premium Fiji grown and processed kava that other countries such as New Zealand, Unites States of America, United Kingdom, Germany and other Pacific island countries are importing commercially.

In closing, the kava stakeholders in Fiji welcomes this opportunity to work with the Australian authorities on this trial. While we are unclear about the points below, we are hopeful that the outcomes from this trial will help to improve the kava use is perceived and treated in Australia.

- What happens at the end of the trial?

- Will this trial on the imports of kava for personal use lead to a trial of commercial exports of kava from Fiji and the other Pacific Island Countries?

If there are any queries or clarifications needed pertaining to this submission, please contact:

The Fiji AgTrade Unit, Ministry of Agriculture, Robinson Complex Grantham Rd, Suva, Fiji

T: +679 3384233

M: +679 990 6498

E: [vio.veretawatini@agriculture.gov.fj](mailto:vio.veretawatini@agriculture.gov.fj)

Wishing you a happy and meaningful Easter.

David Kolitagane

**Permanent Secretary for Agriculture (Chairman of the Kava Taskforce)**

## References

1. FSANZ (2004). KAVA; A Human Health Risk Assessment TECHNICAL REPORT SERIES NO. 30  
[https://www.foodstandards.gov.au/publications/documents/30\\_Kava1.pdf](https://www.foodstandards.gov.au/publications/documents/30_Kava1.pdf)
2. [http://phama.com.au/wp-content/uploads/2017/07/Kava-Quality-Manual\\_E-copy2.pdf](http://phama.com.au/wp-content/uploads/2017/07/Kava-Quality-Manual_E-copy2.pdf)
3. Thaman. K.H (1992) Mana- Interview with Konai Helu Thaman. A South Pacific Journal of Language and Literature. Vol 9 (2). Bluebird Printery Ltd. Suva. Fiji.
4. <http://95.110.167.47/tbt/doc/Final%20Report%20-%20Scientific%20and%20Legal%20Assessment%20on%20kava.pdf>
5. [http://apps.who.int/iris/bitstream/10665/43630/1/9789241595261\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/43630/1/9789241595261_eng.pdf)
6. <http://www.fao.org/3/a-i5770e.pdf>
7. [https://www.ema.europa.eu/en/documents/herbal-report/draft-assessment-report-piper-methysticum-g-forst-rhizoma\\_en.pdf](https://www.ema.europa.eu/en/documents/herbal-report/draft-assessment-report-piper-methysticum-g-forst-rhizoma_en.pdf)
8. [http://www.users.globalnet.co.uk/~ehpa/pdfs/kava11\\_01\\_02.pdf](http://www.users.globalnet.co.uk/~ehpa/pdfs/kava11_01_02.pdf)
9. <http://pacifichealth.org.nz/wp-content/uploads/2016/04/Dr-Apo-Aporosa-Research-Fellow-Waikato-University.pdf>
10. <http://www.parliament.gov.fj/wp-content/uploads/2018/03/kava-bill-2.pdf>
11. <http://phama.com.au/news/kava-taskforce-off-to-kadavu-for-training-talks/>
12. <https://fijisun.com.fj/2017/08/17/strong-demand-for-kava/>





6<sup>th</sup> June 2019. The technical regulation/ standard are being implemented by the Ministry of Health under its Food Act 2015 with the assistance of members of the Codex Committee.

The efforts of the stakeholders from the relevant Ministries of the Government of Samoa and the private sector including Farmer Associations will ensure that the Ava and Ava products from Samoa have been processed in accordance to an agreed quality food safety standard. For example: Ava quality is defined as outlined below. Furthermore, any issues relating to quality can be traced back to the origins of the Ava product. A copy of the Samoa Ava Quality Standard is attached for your information and records.

### **Ava Definition**

'Ava is defined as the plant species *Piper methysticum* Frost consisting of known noble 'Ava varieties and the traditional and ceremonial beverage 'Ava extracts made by mixing water and the plant's organs such as roots, peeled rhizome or stump or peeled stems.

The noble 'Ava varieties in Samoa are:

- i.** 'Ava Le'a
- ii.** 'Ava La'au
- iii.** 'Ava Loa
- iv.** 'Ava Talo
- v.** 'Ava Mumu

Ava products offered for direct consumption and have a history of safe traditional use in Samoa are:

- Roots unpeeled (uso)
- Stump or rhizomes- always peeled (aano fisi)
- Basal stem- always peeled (aka fisi)

### **Traceability**

Ava and Ava products shall be identified by variety, location and farmer established at all stages of the production, processing and distribution of Ava and Ava products. Ava business operators shall have in place systems and procedures, which allow information to be available to the competent authorities on demand. The requirements for Ava products under this standard are outlined in Appendix 1.

### **Name of the product**

The village or place of cultivation, the island of origin the product type: peeled basal stems (aka fisi), peeled stumps (aano fisi), or peeled roots (uso) must be appear on the labels and the bags.

The date the Ava is processed and packaged must be stated and clearly identified on the labels and bags contained 'Ava and 'Ava products.

### **Name of the Ava species**

Scientific or common name of the 'Ava that is used as raw materials must appear on the label of all 'Ava or 'Ava products

### **Labelling of non-retail container**

Information about non-retail containers must be on the container or in enclosed documents, but the name of the Ava product, lot identification and the name and address of the

manufacturer, packer or distributor, as well as storage instructions must appear on the container.

### **Increase to 4 kilograms of kava for personal use**

The Samoa 'Ava technical regulation/standard 2018 applies to all 'Ava products used as food or beverage for human consumption within its jurisdiction scope. Therefore, the MCIL supports the proposed increase in quantity of kava for personal consumption, from 2 to 4 kilograms. The increase would double the benefit to kava growing families (old and new) when they send to their relatives in Australia. It will also assist and support the Pacific regions to push for commercialization and increased exportation of 'Ava products into overseas markets in the future. The Samoan 'Ava technical regulation/standard was developed for all people involved in 'Ava production to be responsible for ensuring an efficient chain of control is maintained from planting to production of 'Ava based products and ensuring appropriate hygiene practices are applied.

### **Pilot Period**

The duration of the trial is reduced to 6 months if the increase to Ava being exported is from 2-4kg, or 12 months if the increase is from 2kg to 5 or 10kgs. It should be noted that for a similar import into Australia (herbs for therapeutic use) permits the importation of such items provided they do not exceed more than 3 months' supply in normal use during any 3 month period. Based on the calculation around 100g of Ava powder will provide 1.5litres of Ava beverage.

### **Recommendations**

The Samoa National Codex Committee recommends that:

1. Reliable data and information are collected at key points of this suitcase trade to assist with the evaluation of this trial;
  - a) Prior to departure from Samoa, the passenger may be asked if they are taking any Ava in their luggage as they check-in at the airline counter or at the immigration/customs check point.
2. Australia also considers the commercial export of Ava and Ava products following the successful completion of this trial. It should be noted that the German ban that also triggered the initial ban of commercial exports of Ava into Australia was considered unlawful and inappropriate and was lifted in 2015. Sadly, the lifting of the ban has not been reflected in the Australia's position on Ava exports from its neighboring, Pacific Island Countries. It can be argued that Ava has been consumed in the Pacific Island communities for thousands of years without any health issues. Ava is an important part of our culture, identity and ceremonies. From the income generated through the sale and export of Ava and Ava products, these have helped our people to meet their family, religion and village obligations.

## **Kava Submission**

1. Thank you Mr Morrison – The Hon. Australian PM for initiating this program of revising the personal kava allowance from Fiji to Australia.
2. Thank you for doubling the allowance limit from 2kg to 4kg.
3. Increasing the allowance by 100% will allow me to get more kava for my and our communities personal use.
4. Getting more kava to Australia does not in any way equate to increased drinking.
5. Increased quantities allows me to have kava in stock for usage for a longer period of time.
6. Evaluation of the program will be based on the imported quantities statistics that will be collected in this regards and being associated with the particular reasons for imports.
7. 2 year pilot program is sufficient time, however a midway review (1 year duration) will also reveal very interesting results and trends as well, that shall be positive for rapid full implementations.
8. Kava drinking is a very social event for all Pacific people and it really gives a sense of belonging when we (males and females) all (old and young alike) gather around a “grog bowl”.
9. Thanks for your kindness and thoughtfulness on this topic, which shall be a strong relaxing motivator to our communities.
10. Recommend further civil education to all Australian communities on the positive effects of moderate kava usages (health linkages) for greater acceptability in all states of Australia and amongst all our people.
11. Mr PM Sir, we all support your proposal for increased personal allowances of Kava and after the successful implementation of this pilot project, the derived positives will lead towards commercial imports in Australia as well.
12. Thanks once again in kind anticipation and best wishes from your supporters.

**The focus of this paper is** to seek your feedback on:

- a proposal to increase the quantity of kava that may be imported for personal use to 4 kilograms.
  - ✓ Yes I supported to increase the personal use to 4kg
- any impact increasing the quantity of kava imported for personal use may have on the community?
  - ✓ preserve their traditional culture
  - ✓ Peace of Communities
  - ✓ Knowing each of other on getting together in the community and consume Kava and discuss matter in the society.
- the approach to evaluate the pilot program, including health, social harms and feedback on the program.
  - ✓ feedback – more benefit than harm on social harm
    - i. knowing one another on getting together and consume kava
    - ii. Peace of Community
    - iii. Preserve of Traditional culture
- the duration of pilot program.
  - ✓ 2 yrs

# **Consultation: Pilot program to ease restrictions on the importation of kava for personal use**

## **Brief Submission from the National Drug Research Institute, Curtin University (NDRI)**

*March 2019*

**Dr Julia Butt, Senior Research Fellow**

National Drug Research Institute

Curtin University

Building 609 (Level 2), 7 Parker Place

Technology Park, Bentley WA 6102

(08) 9266 1600

[ndri@curtin.edu.au](mailto:ndri@curtin.edu.au)

### ***Background to this submission***

The majority of information for this submission is taken from a research report commissioned by the then-Department of Health and Aging and authored by the National Drug Research Institute in 2012. This research examined the health impacts of use among Aboriginal and Pacific Islander peoples within Australia, as well as the extent of kava use and the effects of previous kava policies. It highlighted the complexity of understanding and addressing kava use in Australia, and the range of other issues that face kava using populations in Australia. The report was not released publically. This submission also draws on an in-press publication reviewing kava use in Aboriginal communities by Edith Cowan University's HealthInfonet, which is due for release in April 2019.

### ***Summary of the current known patterns and harms associated with kava use***

In Australia, kava is primarily used by Pacific Islanders (Tongan, Samoan, and Fijian) and in limited number of Aboriginal communities in Arnhem Land. Kava use outside these groups is considered negligible; it was reported as under 2% of the population in 2005 and 2008 in the National Drug Strategy Household survey [1,2] and was not individually reported on in 2013 and 2016 [3,4].

#### ***Pacific Islander Australians***

As reported in the 2012 NDRI report among Pacific Islanders in Australia, kava use takes place in three main contexts:

- Ceremonial use: ritualised practise often associated with formalising events and as part of celebrations, common among Tongans, Fijians and Samoans.
- Social use: common among Tongan and Fijian males. Among the former, use tends to occur in organised kava clubs. Among Fijians, social use tends to occur in less formal social gatherings with friends or family. Most social use occurs in the evening and at night.
- Religious use: occurs among some members within the services of Christian denomination churches, particularly the Free Wesleyan, and is limited to Tongan men.

Among Pacific Islanders, kava is used predominantly by males over the age of 25 years and consumption by women is generally restricted to ceremonial use. The extent of use is variable but linked to the contexts of use. Data collected in the 2012 NDRI report suggests the majority of Pacific Islanders in Australia who use kava do so ceremonially. This may involve drinking kava, presenting kava or being present during a kava ceremony. Such use may occur on several occasions throughout a year and tends to include the consumption of small amounts of kava over a brief period.

Kava used in social contexts is consumed in greater quantities and more frequently. Tongan kava clubs exist across Australia, including an estimated 80 clubs in Sydney. Such clubs may be linked to a specific church congregation, location in Australia or be a broad social organisation, such as branches of the international Fofu'anga Kava Clubs. Tongan men who

regularly attend kava clubs tend to drink kava approximately 1–3 nights per week for periods of 6–8 hours. During that time, it is common for participants to drink more than 400g of kava person (over 400g per week is estimated to put drinkers at risk of harm [16]). Use does vary with some men attending kava clubs only periodically and others attending a kava club nightly. For many Tongan men, kava clubs provide a space in which they feel accepted and have the opportunity to learn about, and maintain, culture. While regular social use is not considered a ‘cultural’ practise by a large number of Pacific Islanders, the experience of kava clubs for those who attend is one in which culture is supported. NDRI’s research in 2012 showed the majority of Fijians who consume social kava do so occasionally, with many suggesting that a common pattern of use is once per month for 3–6 hours. However, there is a small proportion of people who use it socially several times per week or more.

With respect to harms, ceremonial and religious forms of kava use among Pacific Islanders are unlikely to have an impact on health. However, social use of kava may present some risks to health. The primary observed negative consequences in this context include kava dermatopathy, lethargy and tiredness following kava use, and the amount of time spent in activities related to kava use and the impact of this on families. The results of the 2012 NDRI report suggest that for many Tongan women, time spent by men at kava clubs creates relationship distress, and increased responsibilities in child caring and household chores. Tongan kava clubs are self-regulated and consequently vary greatly in their operation. The clubs have varying degrees of hygiene in the preparation and sharing of kava and the available toilet and washing facilities, which in some instances presents a risk for harm. Several clubs have taken steps to minimise harms and most require members to smoke cigarettes away from those drinking kava. Many kava club attendees report driving after drinking kava and this may present a risk.

Fijian social contexts of kava use are less formal than Tongan kava clubs, however similar health concerns arise. In addition, due to additive effects, the practise of ‘washing down’ kava with a small amount of alcohol may present a further risk – particularly in the context of driving.

It is important to acknowledge that the levels of recreational (non-ceremonial) kava use are increasing across the Pacific and public health concerns regarding heavy use are emerging across the region [6, 7, 8].

### Arnhem Land Communities

Among Aboriginal Australians in Arnhem Land, the use of kava has been, and remains, restricted to a limited number of communities (Yirrkala, Ramingining, Waruwi, Gapuwiyak, Galiwinku, Minjilang, Millingimbi, the Ramingining and Laynhapuy Homelands and to a lesser extent in Maningrida). Kava has been noted at various times in other communities, however this is typically related to small groups with links to the main kava using communities. The negative consequences of use on health and community functioning prior

to 2007 have been well documented [5, 9–14]. The 2012 NDRI report suggests that there has been a decrease in kava use since the import restriction in 2007.

The evidence from the NDRI report and the pre-2007 literature suggests that kava use in Arnhem Land occurs in a social context in group settings including both men and women, and that use is more common among males and those aged over 20 years. Following the importation ban, there have been some shifts in the context of kava use. As described in the 2012 NDRI report, it is now consumed in smaller groups, fewer women drink kava and it has become covert.

In general, the current pattern of use depends on the activity of the black market and, for some but not all, the price of kava. When kava is available it continues to be used in a fashion described in previous research, conducted during the late 1990s and early 2000s, as episodic binge use – where available kava is drunk until it is all consumed. There are few individuals who currently have sufficient access to consume kava daily.

The general health effects among Aboriginal people are similar to those for Pacific Islanders. In addition there are anecdotal reports that black market kava may be ‘cut’ with uncooked flour and possibly other more concerning substances to increase weight. Nevertheless, the currently observed health effects of kava in Arnhem Land are considered reduced. Health services in the 2012 NDRI report reported a reduced number of presentations consistent with heavy kava use, including incidences of kava dermatopathy and red eyes.

The high levels of social harm noted prior to 2007 caused and/or exacerbated by kava, including declines in community and cultural activities, have decreased. There are still heavy kava users, and their families, which experience harm from kava use but this has reduced. The evidence from the 2012 NDRI report suggests that most current harms related to kava use are linked to black market activity, and include: bringing outside influences into communities, the high cost of kava (now upward of \$1000 per kilo) impacting of family budgets and community money, and the legal consequences of engaging with the black market (fines, court appearances, incarceration, criminal record).

### ***Suitability of an import restriction***

Before commenting on the suitability of an increase to 4kg kava per incoming passenger, it is important to acknowledge the challenges and strengths of the current import restriction (2kg per incoming passenger).

### ***Pacific Islander communities***

The rapid implementation of the 2007 regulations, which were developed without consultation, have had a somewhat negative effect on Pacific Islander communities. The import restrictions have had little impact on the kava consumption of the majority of Pacific Islanders in Australia, except with regard to cost and methods of access. Kava became accessible either by knowing or being an ‘incoming passenger’ or via the black market. The NDRI findings suggested that there may have been some decrease in the frequency of use among Fijian men who report occasional social drinking and that for some ceremonial



events there was difficulty accessing enough kava. In contrast, the findings suggested that kava consumption among Tongan males in kava clubs has been increasing over the past decade and that this trend has persisted despite the import restriction.

An additional concern in some states noted in the 2012 NDRI report was that cultural and community organisations had been prevented from conducting kava ceremonies in public forums as a follow-on from the import restriction.

The import restriction did little except create a black market for kava, increase cost, and create frustration and anger among sections of the Pacific Islander community. The import restriction has not resulted in observable decrease in use or harms and there is no means by which to monitor how kava is used or sold.

#### **Arnhem Land Communities**

The evidence collected as part of the 2012 NDRI report suggests that following the import restrictions there was little change in the demand for kava in Arnhem Land. However, a decrease in availability led to a decrease in the frequency of kava use (particularly among women), a possible decrease in the quantity of kava used at each episode, and a decrease in indicators of heavy use (such as kava dermatopathy). There is some evidence that kava use is now increasing as the black market gains strength. However, these increases have not resulted in levels of use and harms that have been reported prior to 2007. Furthermore the way in which the import restriction was implemented (without consultation or forewarning) undermined community self-determination and had a negative impact.

In our recent 2019 review for HealthInfoNet, the review of grey literature suggests that the import restriction has led to police responses being the primary method by which kava is addressed in Arnhem communities. This is particularly challenging for NT Police, not only due to the complexities of remote area policing but because there is little support from the Southern states to investigate illegal trafficking.

#### ***Suitability of the increase to 4 kilograms***

The purpose or rationale for an increase to 4kg of kava per incoming passenger is unclear.

#### **Pacific Islander communities**

It is unclear if an increase to 4kg will provide sufficient access to kava for community and cultural organisations for ceremonial use because it still requires sufficient contact with people entering Australia with kava. Community consultation is required with Pacific groups to determine if the increase to 4kg will provide sufficient kava to undertake important cultural ceremonies and decrease the need to use black market kava.

#### **Arnhem Land communities**

It is possible that the increase to 4kg will increase the amount of kava in Australia and potentially increase the volume of kava entering into Arnhem Land communities. It is important that the NT and Arnhem communities retain existing regulations that limit kava.

Overall, the change is likely to have a minimal effect on the health and wellbeing of Aboriginal people or those in Pacific communities, and will do little to change the challenges faced by Pacific communities in sourcing kava for cultural ceremonial events.

### ***Potential of health and social impacts of the proposed increase and steps to mitigate them***

#### **Pacific Islander communities**

There is a risk that an increase to the incoming passenger allowance to 4kg will contribute to levels of higher risk kava consumption in social settings, which is already an increasing trend in some sections of Pacific communities. Key steps to mitigate this include:

- Broad consultation across Pacific communities to understand how to increase the amount of kava available for ceremony without increasing unhealthy kava use.
- Consultation with women and non-kava-using groups is vitally important. There is diversity of opinion among Pacific communities and this needs to be acknowledged and heard. The pro-kava lobby, which promotes social kava use, is vocal and well organised but should not be heard at the expense of other voices.
- The proposed change in the import restriction provides an opportunity to open a discussion around healthy drinking levels and minimising harm in a culturally safe and secure manner. A number of systemic strengths exist in Australian Pacific Islander communities that can facilitate health promotion and harm minimisation for existing kava users. For example, in the Tongan community, churches and kava clubs provide an opportunity for harm minimisation.

#### **Arnhem Land communities**

There is a risk that the increase to 4kg will result in more kava entering Arnhem Land and consequently result in heavier drinking patterns and resultant health and social harms.

Policing and health resources are required to address these risks.

- Publicly reported Police intelligence suggests the majority of kava in the NT comes illegally from NSW, but that only NT police focus on kava [15, 16, 17]. An increase in policing support is required both inside and outside of NT to prevent the black market from spreading and more kava entering Arnhem Land.
- The 2012 NDRI report demonstrated that kava use had largely fallen off the health agenda since the restrictions on importation. This said, there is a range of opportunities from which to approach reduction of kava-related harm that may come about from an increase in kava availability.
- Community controlled agencies are best positioned to identify and respond to emerging social harms of kava use [18]. Appropriate resourcing and support of these agencies can ensure health promotion messages are produced, disseminated, evaluated and sustained in a format that best suits the local community.
- While there are extensive demands placed on primary health care services, ongoing monitoring and screening of kava related harms and providing staff training about the effects of excessive kava and indirect effects of kava use should be encouraged.

### ***Suitability of the two-year pilot project***

Two years is sufficient for the pilot but importantly there should be a substantial lead in time prior to the commencement of the pilot project. A pre-pilot lead in time will allow:

- Data to be collected regarding how much kava currently enters Australia through incoming passengers.
- Data about current patterns of use among Arnhem Land and Pacific Islander communities to be collected to establish a baseline from which to evaluate the proposed change in legislation.
- Consultation can be conducted across Pacific Islander and Arnhem communities (with a focus on consulting broadly across the communities) regarding the risks and opportunities these communities see from kava and the suitability of the legislation.
- Undertaking of community owned and led health promotion activities (which include safe drinking levels, safe driving and recognising harms).
- Support for health and social support services in identifying kava related harms and support for police to identify opportunities for intervention.

### ***Potential evaluation methods***

Evaluation is required that assesses: the amount of kava entering Australia; the emergence of any harms in Pacific Islander and Arnhem Land communities; the impact on the capacity of cultural groups to engage in ceremony in which kava is used; and the workload impacts on NT Police and health organisations.

A mixed methods evaluation is indicated which includes: the collection of data from incoming passengers regarding amounts of kava brought into Australia; the collection of police seizure and arrest data; and qualitative (interview and focus group) research with kava using communities.

### ***Suggested improvements to the legislation***

It is unclear how the proposed increase will increase the availability of kava for use in ceremonial contexts while minimising the potential for harm. As described, an extended lead in time, which allows for consultation, the establishment of health promotion and the collection of baseline data, is indicated.

### ***Concluding remarks***

Despite mixed evidence about the health effects of kava, it has the potential for misuse, and that misuse may cause harms to both individuals and communities. In light of this, policy is required that can facilitate moderate use, maintain cultural and ceremonial use, prevent heavy use, and reduce the likelihood of related harms. This is unlikely to be achieved by a simple increase in the import restriction allowance.

Community engagement is required and a genuine effort to support Pacific communities to maintain safe drinking practices and cultural and ceremonial activities without any increase in consumption within the community.

Arnhem Land communities that use kava need to be supported with ongoing efforts for harm minimisation, and support in policing black market kava.

Genuine consultation is required with all Pacific communities and Arnhem communities to ensure that this change in policy direction does not have negative effects, and that potential effects identified by those communities can be mitigated.

## References

1. Australian Institute of Health and Welfare. (2005). 2004 National Drug Strategy Household Survey: detailed findings. Canberra: Australian Institute of Health and Welfare.
2. Australian Institute of Health and Welfare. (2008). 2007 national drug strategy household survey: first results. Canberra: Australian Institute of Health and Welfare.
3. Australian Institute of Health and Welfare. (2014). National Drug Strategy Household Survey detailed report: 2013. Canberra: Australian Institute of Health and Welfare.
4. Australian Institute of Health and Welfare. (2017). National Drug Strategy Household Survey 2016: detailed findings. Canberra: Australian Institute of Health and Welfare.
5. Clough, A. (2003). Enough! or too much: what is 'excessive' kava use in Arnhem Land? *Drug and Alcohol Review*, 22(1), 43-51.
6. Aporosa, S. G. (2008). Na yaqona kei na vuli: E rau veicoqacoca? Yaqona and education in Fiji: A clash of cultures. *Domodomo: A Scholarly Journal of the Fijian Museum*, 21, 7-30
7. Kava R. (2001). The adverse effects of kava. *Pacific Health Dialog*, 8, 115-118.
8. Grace, R. F. (2003). Kava drinking in Vanuatu - a hospital based survey. *Pacific Health Dialog*, 10(2), 41-43.
9. Clough, A. R., Jacups, S. P., Wang, Z., Burns, C. B., Bailie, R., Cairney, S. J., . . . Currie, B. (2003). Health effects of kava use in eastern Arnhem Land Aboriginal community. *Internal Medicine Journal*, 33(8), 336-340.
10. Mathews, J., Riley, M., Fejo, L., Munoz, E., Milns, N., Gardner, I., . . . Gununuwawuy, B. (1988). Effects of the heavy usage of kava on physical health: summary of a pilot survey in an Aboriginal community. *Medical Journal of Australia*, 148, 548-555
11. d'Abbs, P., & Burns, C. B. (1997). Draft report on inquiry into the issue of kava regulation. Darwin: Menzies School of Health Research. Clough, A. R., Burns, C. B., & Mununggurr, N. (2000). Kava in Arnhem Land: a review of consumption and its social correlates. *Drug and Alcohol Review*, 19(3), 319-328.
12. Chalmers, E. (1995). Kava in Arnhemland. Nhulunbuy: Miwatj Health Corporation.
13. d'Abbs, P. (1991). Kava use in Arnhem Land: the challenge for policy. *International Journal of Drug Policy*, 2(4), 17-21.
14. d'Abbs, P. (1991). Kava use in Arnhem Land: the challenge for policy. *International Journal of Drug Policy*, 2(4), 17-21.
15. NITV. (2015). Kava dealing syndicate dented. Accessible at: <https://www.sbs.com.au/nitv/article/2015/07/23/kava-dealing-syndicate-dented-nt-police?cid=inbody:nt-man-charged-after-huge-kava-seizure>
16. Herbert, C. (Writer). (2013). Kava causes health problems among Indigenous people in east Arnhem Land (6.30mins). Darwin: Australian Broadcasting Commission.
17. Ernst E. Kava update: a European perspective. *New Zealand Medical Journal*. 2004;117(1205).
18. Gray, D., & Wilkes, E. (2010). Reducing alcohol and other drug related harm. Canberra: Closing the Gap Clearinghouse.



**NTCOSS comment on:  
The Australian Government proposed Pilot Program to  
ease restrictions on the importation of kava for personal  
use**

March 2019

## **NORTHERN TERRITORY COUNCIL OF SOCIAL SERVICE INC (NTCOSS)**

NTCOSS is a peak body for the Northern Territory community sector and is a voice for people affected by social and economic disadvantage and inequality. The community sector in the Northern Territory is made up of community managed, non-government, not for profit organisations who work in social and community service delivery, sector development and advocacy.

The community sector plays a vital role in creating social wellbeing for all Territorians and in building safe and healthy communities by providing services that enable people to access and participate in health services, education, employment, economic development, and family and community life.

NTCOSS represents a service sector with a high level of contact with individuals and their families who are impacted by the use of alcohol and other drugs including those working in areas such as domestic violence, homelessness and child protection. The social harms from substance misuse have been assessed as costing the Northern Territory \$642m per year. This equates to \$4,197 for every adult Territorian, compared to \$943 nationally. These costs range from hospitalisation for chronic health problems and injuries associated with alcohol misuse to costs associated with victims of alcohol-related violence and ambulatory costs (Menzies 2010). These costs take into account the cost of road accidents; policing alcohol-related crime and antisocial behaviour; the flow through costs to the courts and correctional system.

In addition to the social harm caused by alcohol and a range of other drugs the presence of Kava in NT communities in Nth West Arnhem since the early 1980's has also contributed social and economic harm with negative health outcomes for long-term users including:

- breathing difficulties
- visual changes, including sensitivity to light (photophobia)
- alterations to blood cells, including white and red blood cells, and platelets
- liver damage
- compromised immune function
- kidney damage
- contact dermatitis -- causing scaly, flaky rash on the skin. Yellow or white ulcerations or lesions may also occur (commonly known as 'crocodile skin' or 'kani kani')
- appetite loss, leading to malnutrition and weight loss
- loss of drive and motivation
- worsened symptoms of pre-existing mental illnesses such as schizophrenia.<sup>1</sup>

In addition to health concerns, the illegal trade in Kava has had a considerable financial impact on communities. Police reports indicate that while Kava sells for \$30 per kilo in Pacific countries its street value in Nth West Arnhem communities is at least as high as \$1,000 per kilo.<sup>2</sup> While a significant proportion of residents in these communities are on low-incomes or are welfare recipients, long-term use of Kava coupled with the financial costs has the potential to severely

---

<sup>1</sup> Victoria State Government. 'Kava.' Better Health Network.

<https://www.betterhealth.vic.gov.au/health/healthyliving/kava> (accessed on 20/03/2019)

<sup>2</sup> Northern Territory Police, 'Kava in the Northern Territory', <https://www.pfes.nt.gov.au/Police/Community-safety/Drugs.aspx> (accessed on 21/03/2019)

impact on individuals' and families' capacity to engage in meaningful work, learning and cultural activities and to care and support their families.

## **NTCOSS POSITION ON THE PROPOSED KAVA PILOT PROGRAM**

### **BACKGROUND**

Alongside alcohol and other drugs the importation and use of Kava has had a longstanding and varied history in the North East Arnhem region of the Northern Territory affecting communities including Minjilang (Crocker Island), Warruwi, Maningrida, Ramingining, Milingimbi, Galiwinku (Elcho Island); and Gapuwiyak (Lake Evella). The introduction of Kava dates back to the early 1980's when a small group of Yirrkala elders travelled to Fiji and were interested in the potential for Kava to provide a less harmful substitute for alcohol particularly in terms of reducing violence and aggression. Without the cultural restrictions developed in Pacific nations the use of Kava was less constrained and has consequently led to a range of long term deleterious impacts.

While the early days of Kava use was unregulated, a licensing system was introduced by the Northern Territory Government in 1990 to limit quantities able to be sold and to license local sellers. In an opinion piece on the ABC News Website, Health Researcher Alan Clough identified that even with a licensing system in place, 'observation and surveillance indicate that kava sold in all licensed communities was being imported illegally from southern and eastern states'.

The 2007 introduction of a complete national ban by the then Howard government limited Kava imports to approved commercial uses and allowed for importations of no more than 2kg for personal use by members of the Pacific Island community. Separate regulations in the NT and WA prohibit importation for personal use but do not impose criminal sanctions for individuals found to be in possession of less than 2 kg.

#### **1. Is an increase to 4 kilograms of Kava a suitable quantity for personal use?**

**NTCOSS supports the position of the Aboriginal Medical Services Alliance NT (AMSANT) in opposing any increase to the quantity of kava imported for personal use and is therefore opposed to the proposed Kava Pilot Program.**

Despite the restrictions imposed through the NT Kava Management Act and the 2007 national bans, Kava misuse and illegal sales of Kava remain a problem in remote Aboriginal Nth East Arnhem communities with significant quantities continuing to be brought into the NT from other States and Territories.

In an SBS News interview on the 10<sup>th</sup> of July 2015, NT Police detective superintendent Tony Fuller, head of the Drug and Organised Crime Division said, "Generally it's brought into Australia by Pacific Island groups, and we're seeing what we call stockpiling in places like Sydney and Brisbane, and then the couriers will either bring it up by plane or mail it, or sometimes they'll just drive it up,"

Federal Indigenous Affairs Minister, Nigel Scullion said in the same SBS News Story, "there's been I



criminal activity. The size of the busts, the sophistication of communication, this is significant organised criminal activity - and with significant organised crime comes other activities.”<sup>3</sup>

Some of the publicised seizures include:

- 2009 to Feb 2013 - 8.5 tonnes<sup>4</sup>
- July 2013 – 35 kg<sup>5</sup>
- Dec 2013 – 145 kg<sup>6</sup>
- Operation Abtei (across 6 weeks in early 2015) – 760 kg total seized<sup>7</sup>
- April 2017 -175 kg seized in two separate arrests<sup>8</sup>

No data has yet been sourced for 2016, the remainder of 2017 or 2018.

For local communities the ongoing illicit trade in Kava exposes individuals and families to the known social, physical and psychological harm of Kava where the use is long-term and not modified by the cultural constraints largely in place in Pacific nations. NT community residents are also buying Kava at vastly inflated prices while outside traffickers enjoy the profits.

## GAPS IN DATA AND INFORMATION

The Pilot Program discussion paper acknowledges that, ‘while we know that there are illicit markets operating in certain communities, we cannot establish how much, if any, illicit kava has been diverted from passengers importing 2 kilograms under the current permissible threshold. In addition the Commonwealth does not maintain records of total quantities of kava products brought into Australia under the current personal importation scheme.’<sup>9</sup> The paper also acknowledges that, ‘it is difficult to forecast the impact that an increase to the quantity of kava imported for personal use may have on the illicit market and the communities where this market operates.’

Given that the source of the illegal kava entering the NT is not known, data is not available on quantities entering the country for personal use and the potential impacts on vulnerable communities is not known **it is NTCOSS’ position that it is inappropriate to seek any increase in the volume of Kava entering the country. Such a move could raise the potential for further growth in**

---

<sup>3</sup> Armbruster, Stefan. ‘Islanders shocked as Australia moves to ban Kava.’ SBS News.

<https://www.sbs.com.au/news/islanders-shocked-as-australia-moves-to-ban-kava> (accessed 21/03/2019)

<sup>4</sup> Northern Territory Police. ‘Kava in the Northern Territory.’ <https://www.pfes.nt.gov.au/Police/Community-safety/Drugs.aspx> (accessed 22/03/2019)

<sup>5</sup> Northern Territory Police. ‘Kava seizure Gove.’ <http://www.pfes.nt.gov.au/Media-Centre/Media-releases/2013/July/10/Kava-Seizure-Gove.aspx> (accessed 22/03/2019)

<sup>6</sup> Northern Territory Police. ‘Kava in the Northern Territory.’ <https://www.pfes.nt.gov.au/Police/Community-safety/Drugs.aspx> (accessed 22/03/2019)

<sup>7</sup> Northern Territory Police. Operation Abtei -250 kg seized –Dundee’. <http://www.pfes.nt.gov.au/Media-Centre/Media-releases/2015/July/23/Operation-Abtei-250-Kilograms-of-Kava-Seized-Dundee.aspx> (accessed 22/03/2019)

<sup>8</sup> NITV. ‘NT man charged after huge kava seizure’. <https://www.sbs.com.au/nitv/article/2017/04/05/nt-man-charged-after-huge-kava-seizure>. (accessed 22/03/2019)

<sup>9</sup> Australian Government Department of Health. Consultation Paper. ‘Pilot program to ease restrictions on the importation of kava for personal use’, <https://www.odc.gov.au/sites/default/files/consultation-pilot-program-ease-restrictions-importation-kava-personal-use.pdf> (accessed February 2019)

**the illicit market of kava to NT communities. NTCOSS believes that the Pilot Program proposal is flawed and not consistent with a risk-averse or precautionary approach to drug and alcohol policy.**

**2. What are the health and social impacts of the proposal to increase the amount of kava that may be imported for personal use?**

Much has been written about the health and social impacts of Kava. In 2009 Urquhart and Thomson wrote that, 'Kava has also been noted to contribute to community dysfunction. Individuals who engage in kava drinking generally lack much energy and motivation to engage in other activities, meaning that education and employment are avenues less likely to be pursued by heavy kava drinkers than by others. Kava misuse also reduces participation in cultural activities, such as traditional ceremonies and mortuary rites, and hunting. Kava consumption has also interfered with the economic activity of various Indigenous communities, with kava consumers less inclined to produce traditional artefacts and engage in painting. In addition to these family and community problems, concern has also been expressed regarding the wellbeing and welfare of children whose parents engage in kava drinking, and the common occurrence of underage kava drinking.'<sup>10</sup>

The Australian Drug Foundation acknowledges that like any drug kava affects each person differently depending on a range of variables including 'size, weight and health'<sup>11</sup> and other factors including other drug interactions, strength and amount taken. While moderate use can cause mild effects including sleepiness and appetite loss larger quantities can lead to 'drowsiness, nausea, loss of muscle control' and mild fever. Prolonged use can lead to far more serious consequences including scaly skin, breathlessness, malnutrition or 'anorexia', lethargy and liver damage. Kava can also interfere with how the body processes other medications which can have serious impacts on a population vulnerable to high levels of illness and chronic disease.

**ABORIGINAL PERSPECTIVES ON THE PROPOSED KAVA PILOT PROGRAM**

As recently as February 2019, respected Yirrkala elders Banduk Marika and Terry Yumbulul spoke of their concerns about the proposed Kava Pilot Program to ABC News in Darwin. Ms Marika expressed surprise that the Pilot Program was being considered even with the amount of illegal trade still happening in Nth East Arnhem communities. She said "They're making huge money ... and in [bigger] numbers it will just explode." Ms Marika's views were backed up by NT Police who stated that the Federal Government had not sought data from police on seizures of illicit Kava. Senior Constable Ken Bradshaw said, "not only is the job not yet done, but kava trafficking is indeed expanding." He added that "there's a reasonable demand for kava in communities like Nhulunbuy Ramingining, Milingimbi, as far as Goulburn Island, and we've even detected kava being trafficked into Goulburn Island."

Elder Terry Yumbulul added that, "instead of buying food for their family, they buy kava. They can't walk, they sometimes crawl. You know, do we want to turn them into a community that stands and

---

<sup>10</sup> Urquhart Belinda and Thomson Neil. 'Review of the Misuse of kava among Indigenous Australians.' Australian Indigenous Health Bulletin. <http://healthbulletin.org.au/articles/review-of-the-misuse-of-kava-among-indigenous-people> (accessed 21/03/2019)

<sup>11</sup> ADF. Alcohol and Drug Foundation. 'Kava'. <https://adf.org.au/drug-facts/kava/> (accessed 22/03/2019)

walks tall, or one that crawls like a worm. Kava will kill people and it has killed people in Northeast Arnhem.”<sup>12</sup>

### **3. Is two years a sufficient period for the pilot?**

NTCOSS opposes the proposed Pilot Program on health, financial and ethical grounds. NTCOSS does, however, recommend that the Federal Government implement the following recommendations to improve our understanding of the illicit kava markets in the NT, reduce potential for expansion of those markets and to track the end-use of imports for private and commercial use. This data collection should not be seen as a precursor to an expansion of Kava imports but an essential program of activities to reduce unnecessary risks to the health and wellbeing of vulnerable Indigenous Australians and to curb illegal activity targeting vulnerable groups.

#### **RECOMMENDATIONS**

- Establish effective ‘point of entry’ data collection for all imports of Kava into Australia.
- Increase and coordinate efforts between NT and Federal police to identify supply- streams for illegal Kava from interstate into the NT.
- Involve Aboriginal controlled organisations and relevant Aboriginal communities in all aspects of Kava policing and management
- Boost NT capacity to regulate illegal supply of Kava and monitor state borders
- Access and analyse all available data seizures/sales of illicit kava in the NT.
- Commission and fund qualitative research into the current impacts of kava in remote NT communities so that improvements and changes can be tracked as illicit trade in kava declines.

---

12 ABC News. ‘It paralyses everything: PM’s kava plan flies in the face of elders’ concerns and police evidence.’ ABC News Adelaide.<https://www.abc.net.au/news/2019-02-04/morrison-kava-import-plan-flies-in-face-police-evidence-elders/10775068> (accessed 21/03/2019).

**KAVA Submission**  
**by Vanuatu Kava Industry Association (VKIA)**

**Re: Pilot Program proposal to ease restriction on the importation of kava in Australia**

**About the VKIA:**

Initially, the VKIA was known as the Kava Industry Working Group (KIWG) for Vanuatu. Established in 2013 by the PHAMA program<sup>1</sup>, the KIWG was established to provide a focal point for technical discussions and ongoing assessment of industry needs. Additionally, the group was also developed to broaden and deepen the engagement with the stakeholders from both the public and private sectors including farmers and other groups involved in the kava value chain. These Public-Private Partnerships have worked well to develop key activities for the kava industry in Vanuatu.

This submission is provided on behalf of the kava industry and its stakeholders in Vanuatu. The VKIA also wishes to highlight that additional submissions will be provided by its members and other members of the general community in Vanuatu.

**Background:**

Kava is considered the Pacific Green Gold for many reasons. Kava plays a key and important role for a range of cultural, social and economic reasons. It is one of the most important cash crops grown in rural areas as well as employing large numbers of people in kava trade and retail (“nakamal”) operations. Through the sale of kava and kava products, communities in the rural areas of Vanuatu are able to pay for school fees, improve their standard of living (pay for solar panels, family vehicle etc) and provide for their families.

Kava is widely consumed in Vanuatu but is also exported in significant quantities to countries like Fiji, New Caledonia, Kiribati and USA and the European Union. Kava is traditionally consumed as a beverage diluted with water. There is also a market for kava as herbal medicine, an alternative to pharmaceutical sleeping and anti-anxiety medication, which has significant market value internationally.

Importantly, the production of kava has never been so high, and prices to the farmers have also never been so high. For the first time ever, kava as an agricultural commodity is empowering women farmers and local communities as well as improving the participation of the youth and people with a disability in the kava value chain. Kava is the main source of revenue for more than 25,000 households in Vanuatu and contributing to a great boom for the economy of Vanuatu and the kava producing islands.

In Vanuatu, kava generates highest value in domestic export, and if the local kava markets and all the surrounding activities generated by kava are included (shipping, transport, nakamals, food resell), it is by far the activity generating and circulating the most money in the country, far more than tourism, cattle or copra. Importantly, the economic returns from the trade in kava are accessible to the grassroot farmers in the islands, limiting urban drift and associated social problems.

**Australian Context**

Australia is recognizing the importance of kava and has supported several projects in the region on kava.

---

<sup>1</sup> PHAMA is an Australian Government initiative, co-funded by the New Zealand Government. PHAMA was designed to assist Pacific island countries in managing and utilising opportunities to export primary products. [phama.com.au/](http://phama.com.au/)

PHAMA program, through the VKIA and Government of Vanuatu, has amongst other things, contributed to the Department of Agriculture and Rural Development (DARD) replanting program, provide support to improve quality awareness including meetings and documentations etc.

On January 16<sup>th</sup> 2019, during an official visit to Vanuatu, the Australian Prime Minister, announced that the Australian Government would be working to ease some of the limitations on importation of kava into Australia. This news immediately made the headlines not only in our newspaper but also across several media outlets in the region and overseas. It was a commonsense decision, long overdue, as kava is exported without any restriction and issues, simply as a food to the USA, to New Zealand, to New Caledonia etc.

The VKIA welcomes the announcement by the Australian PM – The Honorable Scott Morrison MP, that has resulted in this public consultation – an opportunity for Vanuatu and the Pacific Island Countries and Territories (PICTS) to contribute to the unfair treatment of kava. The VKIA feels this process was long-overdue and while it was only a trial and for personal use only, it was a good opportunity to provide comments and information on kava for the consideration of the Australia authorities.

Although the consultation is specific about the importation of kava for personal use, the VKIA wishes to highlight the following points, which are considered important in this consultation and in the context of kava exports and trade between Australia and Vanuatu.

- Australia is one of Vanuatu's key trading partners.
- Australia exports approximately AUD42.5millions<sup>2</sup> of dollars in goods and services to Vanuatu every year. Of the \$42.5million in exports from Australia, approximate AUD\$2.8 million consists of hard liquor and wine. In return, Vanuatu currently exports approximately AUD1.42millions worth of product to Australia. This confirms that the trade balance between Australia and Vanuatu (and moreso for the other Pacific Island Countries) is in Australia's favor.
- Opening market access for the export of kava from Vanuatu to Australia will help to improve this trade imbalance.

The VKIA would like to point out that the proposed increase does not do a lot for the stakeholders in Vanuatu. The passenger trade (suitcase trade) is insignificant for Vanuatu, and increasing the amount to 4kgs will not provide any significant improvement to the livelihoods of our farmers and their families and the Vanuatu economy.

The VKIA sympathizes with the Indigenous Australians in Arnhem Land (Northern Australia) and the issues they are facing. However, the VKIA also feels that kava is being treated unfairly and is being used as a scapegoat and an excuse to demonstrate that current governments at both the State and Federal levels are taking the health and wellbeing of the Indigenous communities seriously. We make these claims with the knowledge that we do not see any efforts to ban alcohol imports to Australia, which have also been reported to contribute to the issues affecting the Indigenous communities in Arnhem Land.

---

<sup>2</sup> <https://atlas.media.mit.edu/en/>

## The proposal: Issues to Consider:

The VKIA feel that the drafting of the terms of reference for this trial could have been discussed with the key stakeholders from the kava growing Pacific Island Countries. Nevertheless, the following comments were collected from consultations with its stakeholders:

- 1- Is an increase to 4 kg of kava suitable quantity for personal use?
- 2- What are the health and social impact of the proposal?
- 3- Is two years a sufficient period for the pilot?
- 4- What methods of evaluation should apply to this pilot?

### **1- Is an increase to 4 kg of kava suitable quantity for personal use?**

While an increase from 2kgs to 4kgs is welcomed by the VKIA, we feel that this increase is inapt, not only for the proposed trial but it will not help to meet the demand for kava by our Pacific Island communities in Australia. Kava is prepared as a beverage with the kavalactones being extracted with water for our cultural and traditional ceremonies as well as for our social gatherings. In this context, kava is seldomly consumed alone but customarily by a group of individuals or communities at a meeting or gatherings or kava sessions. We would also like to highlight that kava is not only being consumed by the Pacific island diaspora in Australia but other ethnic groups in Australia because of its treatment of anxiety, stress, restlessness, tension and agitation<sup>3</sup>. The popularity of kava as an alternative to anti-anxiety and relieving stress medication is improving across several markets including the US and across the region.

In each of the community meetings/ social gatherings/ kava sessions, several litres of kava would be consumed; with each individual consuming at least 500ml to 1Litre or more of kava juice. The general rule is 100g of kava powder will make 1-1.5Litres of kava juice.

In framing our response and comments, we refer to a definition of personal use in the context of existing Australian policy and law. Consistent with the legislative requirements for the importation of therapeutic items for personal use<sup>4</sup>, we would like to propose that the allowable amount for export under this trail is increased from 2kgs to 10kgs for personal use for a period of 3months. This will provide meaningful results for consideration at the end of the trial. As defined in the Quarantine Proclamation 2018:

### **Under section 28: Importation of biological materials (Quarantine Act, ss 5 (1) and 13 (1) (d) and (e))**

- c) an article that:
  - i. in its normal use, is generally meant for human therapeutic use; and
  - ii. is imported into Australia (whether personally or by post) by someone who intends to use it for his or her own personal therapeutic use; and
  - iii. **if imported, would not result in him or her having imported (whether personally or by post) more than 3 months' supply in normal use during any 3 month period;** and
  - iv. is not prohibited from being imported under Part 7 (other than an article that contains bee pollen, Ganoderma spp. or slippery elm bark); and
  - v. is commercially prepared and packaged and in a form that indicates it has been processed to prevent it being infected or contaminated by a quarantinable disease;

<sup>3</sup> George M. Kapalka, (2010). Nutritional and Herbal Therapies for Children and Adolescents

<sup>4</sup> Quarantine Proclamation 1998

With the proposed increase to 4kgs for personal use over 3months, and at the rate of 100g per 1.5Litres of kava juice, this will mean that 4kgs will only yield 60Litres of kava beverage in total over the 3months, which is inadequate when the consumption pattern of kava is considered.

With an increase from 2kgs to 10kgs of kava imported for personal use, we feel that this will be adequate to confirm whether the trial has achieved its objectives and has identified key strengths and weaknesses (gaps) for consideration and discussion.

## 2- What are the health and social impact of the proposal?

The Vanuatu Kava Industry Association takes kava quality and the safe use of kava and kava products seriously. There have been several scientific reports about the health benefits of kava based on the traditional use of kava as a beverage that has been extracted with water. Importantly and from the onset, we feel it is important to emphasize strongly that the **traditional consumption of kava as a beverage that was extracted with water** remains the focus of our efforts in Vanuatu and the other Pacific Island Countries (PICs) for market access to Australia. There have been numerous studies and reports that confirmed the health benefits and safety of the consumption of kava in its traditional form (i.e. as a beverage extracted with water)<sup>5,6,7</sup>.

Kava is defined as the beverage extracted with water from the roots and basal stems of accepted cultivars of kava. As outlined in the Vanuatu Kava Act and the recently developed Export Quality Standards for the export of kava from Vanuatu, kava farmers and exporters adhere to the following specifications in the production of kava for the beverage market. The Kava Quality Standard for Kava Exports from Vanuatu is also attached.

In accordance with the Kava Act in Vanuatu, only noble varieties are permitted for export. The non-noble cultivars may be permitted for export only if the exporter has been requested to do so by a person outside Vanuatu. The desired kava cultivars (or also referred to as noble kava varieties) are defined by the concentration of the 6 major kavalactones in the kava root. Kava chemists have assigned each kavalactone a number;

- 1) Desmethoxyyangonin;
- 2) Dihydrokavain;
- 3) Yangonin;
- 4) Kavain;
- 5) Dihydromethysticin; and
- 6) Methysticin.

A kava chemotype is “typed” based on the descending concentration of these six kavalactones within its roots. This means that a cultivar such as Vanuatu Melo Melo, with a chemotype of 245361, contains primarily dihydrokavain, followed in descending order of concentration by kavain, dihydromethysticin, yangonin, methysticin, and desmethoxyyangonin. To be classified as a noble kava, a strain must have a

---

<sup>5</sup> WHO report 2007 - Assessment of the risk of hepatotoxicity with kava products

<sup>6</sup> WHO report 2016 - Kava: a review of the safety of traditional and recreational beverage consumption

<sup>7</sup> Savage K. *et.al.* 2015 - Kava for the treatment of generalised anxiety disorder (K-GAD): study protocol for a randomised controlled trial



chemotype that begins with either 2-4 or 4-2, meaning its roots contain primarily either kavain or dihydrokavain.

The total kavalactone concentration is highest in the roots, rhizomes, and stumps, and progressively decreases towards the aerial portions of the plant. As defined in the Vanuatu Kava Quality Standard, only the main stump or rhizome, peeled basal stems, and unpeeled roots, derived from noble varieties of *Piper methysticum* will be used. The total kavalactone concentrations in the roots vary from 3% to 20% with an average of 12%<sup>8</sup>. In the preparation and extraction of the kavalactones with water, only 2.97% of the major kavalactones are extracted in process. Compared to the 100% kavalactones and other compounds being extracted with acetone and 95% concentrated ethanol<sup>9</sup>. This is particularly important in this consultation. According to the WHO review of the safety of traditional and recreational beverage consumption in 2016, it was claimed that there was little evidence for kavalactones being associated with *in vitro* cytotoxicity or *in vivo* hepatotoxicity in animals. Evidence of significant *in vitro* cytotoxicity with alkaloids and flavokavins, as well as hepatotoxicity in animals with flavokavins, has been noted and there is a case for minimizing human exposure to these components via kava beverage. It also added that clinical surveys in Aboriginal communities in northern Australia with a history of heavy kava use have not revealed any evidence of long-term liver damage associated with consumption of kava beverage.

The major kavalactones have been reported to have no impact to human health, which is consistent with findings of a technical report<sup>10</sup> into the human health risks of kava by the Food Standards Australia and New Zealand. In this report, it stated that the most common side effect of heavy kava consumption over an extended period is an ichthyosiform skin rash known as kava dermatopathy or kani kani, characterised by flaky, dry skin with a yellowish discolouration of both the skin and nails. This condition is reversible when kava consumption is discontinued. There have been no reported cases of liver toxicity associated with consumption of the traditional kava beverage. Reversible changes in liver function parameters have been reported with the traditional kava beverage, however, these are not indicative of acute liver inflammation. Other effects sometimes experienced by occasional kava drinkers include such as headache, loss of appetite, indigestion, and visual effects.

The absorption of kavalactones in the gastrointestinal tract is poor and variable. Kavalactones appear to be hydroxylated by the cytochrome P450 system and are eliminated by the kidneys and in the faeces. In a clinical trial co-funded by the Australian National Health and Medical Research Council (APP1063383) and the MediHerb (Integria Healthcare (Australia) Pty. Ltd) to assess the efficacy of an '**aqueous noble cultivar rootstock extract**' of kava to address Generalised Anxiety Disorder (GAD), the study found in favour of kava. As reported in this study, kava significantly reduced the anxiety for participants in moderate to severe level anxiety<sup>11</sup>. As reported by Singh and Devkota<sup>12</sup> in a lab study, kava extracts were administered to rats in daily dosages of 200 or 500 mg of the active kavalactones/kg for two or

<sup>8</sup> Lebot, V., Lévesque, J., 1989. The origin and distribution of kava (*Piper methysticum* Forst. f. Piperaceae): a phytochemical approach. *Allertonia* 5, 223–281.

<sup>9</sup> Denham, A., McIntyre, M. and Whitehouse, J. (2002) Kava – the Unfolding Story: Report on a Work-inProgress. *The Journal of Alternative and Complementary Medicine*, 8 (3), pp 237-263.

<sup>10</sup> FSANZ (2004). KAVA; A Human Health Risk Assessment TECHNICAL REPORT SERIES NO. 30  
[https://www.foodstandards.gov.au/publications/documents/30\\_Kava1.pdf](https://www.foodstandards.gov.au/publications/documents/30_Kava1.pdf)

<sup>11</sup> Savage K. et.al. 2015 - Kava for the treatment of generalised anxiety disorder (K-GAD): study protocol for a randomised controlled trial

<sup>12</sup> Singh YN, Devkota AK. (2003). Aqueous kava extracts do not affect liver function tests in rats, *Planta Med.* <https://www.ncbi.nlm.nih.gov/pubmed/12865965>

four weeks. The data showed that none of the enzymes, alanine aminotransferase, aspartate aminotransferase, alkaline phosphatase, and lactate dehydrogenase, nor malondialdehyde were elevated, in fact in some cases they were significantly reduced, suggesting the lack of a toxic effect by kava on the liver.

It should be noted that a Codex Regional Standard is being developed for kava and kava products for the Codex North America and the South West Pacific (NASWP) region. Importantly, it should be noted that this work is being strongly supported by Australia, Canada, New Zealand and the United States of America (the Quad countries). Given this support, this provides a strong message of support and confirmation of the safety of kava and kava products being prepared and consumed in the traditional form – i.e. kava beverage extracted with water. The popularity of kava as an alternative and safe treatment of anxiety and a relaxing drink continues to increase and is evident in the USA and New Caledonia with the increase in the number of kava drinking places (kava bars/salon) without any issues being reported. As reported by the owners of the kava bars, kava is also helping people to stay off alcohol and consumed in a similar way as people consumed tea in Britain or coffee in Italy!

### **3- Is two years a sufficient period for the pilot?**

The VKIA would like to suggest 6 months for the trial. Two years would be too long for this trial particularly when we are not introducing a new product into the Australian market. Due to the difficulty in collecting the data and information for this trial, 12 months to 2 years is likely to create issues at the key points where the information is collected.

The VKIA proposes a trial period of 6 months for imports and a further 6 months to evaluate the health impacts to the communities consuming kava.

### **4- What methods of evaluation should apply to this pilot?**

#### **Vanuatu and PICs**

Due to the nature and low biosecurity risks associated with the kava products being exported to Australia for personal use, the VKIA acknowledges that there are no requirements to register the amount of kava being exported via this suitcase trade.

In the interest of this trial, the VKIA proposes that information regarding the volume of kava being carried by the passengers could be collected at the check-in counter by the airline staff. The airline staff could ask the passengers as they check-in if they are taking any kava with them to Australia. If yes, how many kgs. Additionally, this information could also be collected by the immigration staff at the final screening point.

To evaluate the social impacts of the trial in Vanuatu and the PICs, selected stakeholders could be identified and baseline data collected to ensure the impact of the increase to the amount of kava that can be exported for personal use, can be measured.

#### **Australia and domestic stakeholders**

The Australian Government Department of Health could request the assistance of the relevant Australian agencies (Department of Immigration, Department of Agriculture and Water Resources, etc) to collect this information as the passengers are being screened on-arrival.

Additionally, kava groups in Australia could be requested to participate in the trial by registering with the Department of Health. This will allow the relevant authorities to ascertain the health and social impacts of the increase in the amount of kava being imported.

### **Final Points:**

Without the proposed changes, the original proposal as it is will not provide any meaning results to confirm if the trial was a success. Additionally, the increase will have next to zero impact on our economy.

Kava as being defined and widely used in the Pacific Islands is safe for human consumption.

*Kava is defined by the plant species **Piper methysticum** Forst. consisting of known **noble kava varieties** and the **traditional and ceremonial food beverage obtained by cold water extraction of the plant's underground parts and basal stumps.***

As a neighbor and a key trading partner for Australia in the region, we are not asking for any special treatment but a fair consideration of the scientific literature. Several examples point to the health benefits of kava. These include the WHO reports, the FSANZ report, several scientific research and the overturning of the ban imposed by the Federal Institute for Drugs and Medical Devices (Bundesinstitut für Arzneimittel und Medizinprodukte, BfArM) in Germany.

The VKIA would like to know:

- What happens at the end of the trial?
- Will this trial lead to allowing commercial exports from Vanuatu and the other Pacific Island Countries?

The VKIA and its members are very hopeful that this is only a first step, and the Australian Government will consider a trial of commercial imports of kava from the PICs after this trial for personal use.

The VKIA would like to discuss the possibility of closely monitored commercial importation of kava into Australia. This will have an impact on our economy and will enable Australian authorities to monitor what is getting in and how it is resold to avoid potential issues in the future.



the

**NATIONAL QUALITY STANDARD**

for

**KAVA EXPORT**

**VANUATU**





the

**NATIONAL QUALITY STANDARD**

for

**KAVA EXPORT**

**VANUATU**





**PHAMA**  
**Pacific Horticultural & Agricultural  
Market Access Program**  
An Australian Government initiative



**AECOM**

**KALANG**

Prepared, printed and distributed with assistance from the Australian Government and New Zealand Government through the Pacific Horticultural and Agricultural Market Access (PHAMA) program, Pacific Community's Pacific Agriculture Policy Project (SPC PAPP) and the Vanuatu Kava Industry Association (VKIA).

The PHAMA program is administered by AECOM-Kalang and aims to improve economic growth and livelihoods in Pacific countries by increasing Pacific horticultural and agricultural exports to international markets.



# contents

<b>01</b>		<b>05</b>	
<b>SCOPE .....</b>	<b>6</b>	<b>HYGIENE.....</b>	<b>13</b>
1.1. ....	6	5.1. ....	13
1.2. ....	6	5.2. ....	13
<b>02</b>		<b>06</b>	
<b>DESCRIPTION .....</b>	<b>7</b>	<b>LABELLING.....</b>	<b>14</b>
2.1. Product Definition.....	7	6.1. Name of the Product.....	14
2.2. Types of Kava Products .....	9	6.2. Name of the Kava Species.....	14
2.2.1. Fresh Kava.....	9	6.3. Country of Origin.....	14
2.2.2. Dried Kava.....	9	6.4. Other Labelling Requirements .....	14
2.2.3. Kava Extract.....	9		
<b>03</b>		<b>07</b>	
<b>QUALITY FACTORS .....</b>	<b>10</b>	<b>METHODS OF ANALYSIS &amp; SAMPLING.....</b>	<b>15</b>
3.1. Composition.....	10	7.1. Determination of Moisture.....	15
3.1.1. Basic Ingredients .....	10	7.2. Determination of Microbes.....	15
3.2. Colour.....	10	7.3. Determination of Noble Kava Varieties.....	15
3.2.1. Cold Water Extracted Kava .....	10		
3.2.2. Acetonic Extract Color Pattern.....	10		
3.3. Filth.....	11		
3.4. Moisture.....	11		
3.5. Kavalactones.....	11		
3.6. Definition of Defects .....	11		
3.7. Classification of "Defectives" .....	11		
<b>04</b>		<b>ANNEX 1</b>	
<b>CONTAMINANTS.....</b>	<b>12</b>	<b>GENERAL PRINCIPLES OF KAVA HYGIENE</b>	<b>16</b>
		Introduction.....	16
		<b>SECTION 1</b>	
		<b>OBJECTIVES.....</b>	<b>17</b>
		1.1. The General Principles of Kava Hygiene:.....	17

## SECTION 2

### SCOPE, USE & DEFINITION ..... 17

2.1. Scope .....	17
2.1.1. The kava processing chain.....	17
2.1.2. Roles of Government, industry, and consumers.....	17
2.2. Use.....	18
2.3. Definitions .....	18

## SECTION 3

### PRIMARY PROCESSING ..... 19

3.1. Environmental Hygiene.....	19
3.2. Hygienic Processing of Kava.....	19
3.3. Handling, Storage & Transport.....	20
3.4. Cleaning, Maintenance & Personnel Hygiene .....	20

## SECTION 4

### EXPORT FACILITY: DESIGN & FACILITIES...20

4.1. Location.....	20
4.1.1. Facilities.....	20
4.1.2. Equipment.....	21
4.2. Premises & Rooms.....	21
4.2.1. Design and layout.....	21
4.2.2. Internal structures and fittings.....	21
4.3. Equipment.....	22
4.3.1. General .....	22
4.3.2. Kava control and monitoring equipment.....	22
4.3.3. Containers for waste and inedible substances.....	22
4.4. Facilities .....	22
4.4.1. Water supply.....	22
4.4.2. Drainage and waste disposal .....	22
4.4.3. Cleaning.....	22
4.4.4. Personnel hygiene facilities and toilets.....	23
4.4.5. Temperature control .....	23
4.4.6. Air quality and ventilation.....	23
4.4.7. Lighting.....	23
4.4.8. Storage.....	23

## SECTION 5

### CONTROL OF OPERATION .....24

5.1. Control of Kava Hazards .....	24
5.2. Key Aspects of Hygiene Control Systems.....	24
5.2.1. Time and temperature control.....	24
5.2.2. Microbiological and other specifications.....	24
5.2.3. Microbiological cross-contamination .....	25
5.2.4. Physical and chemical contamination.....	25
5.3. Incoming Material Requirements.....	25
5.4. Packaging.....	26
5.5. Water .....	26
5.5.1. In contact with kava .....	26
5.5.2. As an ingredient .....	26
5.6. Management & Supervision.....	26
5.7. Documentation & Records .....	26
5.8. Recall Procedures .....	27

## SECTION 6

### FACILITY: MAINTENANCE & SANITATION..27

6.1. Maintenance & Cleaning.....	27
6.1.1. General .....	27
6.1.2. Cleaning procedures and methods .....	27
6.2. Cleaning Programmes.....	28
6.3. Pest Control Systems.....	28
6.3.1. General .....	28
6.3.2. Preventing access.....	28
6.3.3. Monitoring and detection .....	28
6.3.4. Eradication .....	28
6.4. Waste Management.....	29
6.5. Monitoring Effectiveness.....	29

## SECTION 7

### FACILITY: PERSONAL HYGIENE.....29

7.1. Health Status.....	29
7.2. Illness & Injuries.....	29
7.3. Personal Cleanliness.....	30
7.4. Personal Behaviour.....	30
7.5. Visitors.....	30

## SECTION 8

### TRANSPORTATION .....30

8.1. General.....	30
8.2. Requirements.....	30
8.3. Use & Maintenance.....	31

## SECTION 9

### PRODUCT INFORMATION & CONSUMER

### AWARENESS .....31

9.1. Lot Identification.....	31
9.2. Product Information.....	31
9.3. Labelling.....	31
9.4. Consumer Education.....	31

## SECTION 10

### TRAINING.....32

10.1. Awareness & Responsibilities.....	32
10.2. Training Programmes.....	32
10.3. Instruction & Supervision.....	32
10.4. Refresher Training.....	32

## ANNEX 2

### DETERMINATION OF MOISTURE .....33

2.1. Apparatus.....	33
2.2. Procedure.....	33
2.3. Calculation.....	33

## ANNEX 3

### DETERMINATION OF MICROBES .....34

Introduction.....	34
-------------------	----

## SECTION 1

### SCOPE & DEFINITIONS.....35

1.1. Scope.....	35
1.2. Definitions.....	35

## SECTION 2

### GENERAL PRINCIPLES.....35

## SECTION 3

### ESTABLISHMENT & APPLICATION OF

### MICROBIOLOGICAL CRITERIA .....36

3.1. General Considerations.....	36
3.2. Purpose.....	36
3.3. Sampling Plan.....	36
3.4. Analytical Methods.....	36
3.5. Action to be taken when the Microbiological Criterion is not met.....	37
3.6. Documentation & Record Keeping.....	37

## ANNEX 4

### DETERMINATION OF NOBLE KAVA

### VARIETIES .....38

Colorimetric Testing Procedures.....	38
--------------------------------------	----

# 01

## SCOPE

### 1.1

The Quality Standard for Kava Export applies to the products of kava as defined in Section 2 below which are offered for consumption as a food beverage. The standard applies to kava products used as a food beverage and it does not apply to products used for other purposes including pharmaceutical, nutraceutical or medicinal use.

### 1.2

The Quality Standard for Kava Export applies only in those jurisdictions where the products defined in 2.1 are regulated as kava.

# 02

## DESCRIPTION

### 2.1

#### Product Definition

**Kava** is defined by the plant species *Piper methysticum* Forst. F. consisting of known noble kava varieties and the traditional and ceremonial food beverage obtained by cold water extraction of the plant's underground parts and basal stumps.

**Kava product** refers to a product:

- a. prepared from the main stump or rhizome, peeled basal stems, and unpeeled roots, derived from noble varieties of *Piper methysticum*, and used for human consumption;
- b. packaged in such a manner as to safeguard the hygienic, nutritional, technological and organoleptic quality of the products;
- c. processed in an appropriate manner, undergoing operations such as harvesting, peeling, cutting, washing, drying, powdering, extraction and concentration in conformity with Section 2.2.

**Noble kava varieties** are the varieties having a certain chemical composition adequate for consumption as food beverages and that have a history of safe traditional and ceremonial use.

**Peeled basal stem** refers to the part of the base of the plant up to 10 centimetres above ground.

**Plants suitable for consumption and trade** will be at least 5 years to be exported. All kava plants will be organically cultivated<sup>1</sup>.

**Narafala kava**<sup>2</sup> refers to and include all other varieties of kava and cannot be sold or exported as kava for human consumption as a food beverage.

Stems, leaves and peelings (bark) are not permitted for trade and are excluded from this definition.

<sup>1</sup> The Kava Act of 2002

<sup>2</sup> Source: Kava Act (Amendment) of 2015, Awaiting gazettal.

TABLE 1: NOBLES KAVA OF VANUATU <sup>3</sup>		
Item	Variety	Origin
1	Melomelo	Ambae
2	Asiyai Biyaj	Aneityum
3	Palimet Miela Olitao	Emae
4	Kelai (or Miaome)	Epi
5	Ge wiswisket Ge gusug	Gaua
6	Borogoru	Maevo
7	Silese	Malekula
8	Melmel or Sese Borogu	Pentecost
9	Urukara Bir Sul Bir Kar Palarasul Palasa Poivota	Santo

TABLE 1: NOBLES KAVA OF VANUATU <sup>3</sup>		
Item	Variety	Origin
10	Pia Ahouia Leay Amon	Tanna
11	Puariki Pualiu	Tongoa
12	Naga miwok Ge vemea	Vanua Lava

There are over 20 recognised noble varieties in Vanuatu and 13 that are high priority on the main kava producing islands.

<sup>3</sup> Source: Kava Act 2002, Republic of Vanuatu

## 2.2

### Types of Kava Products

Kava products covered by this Standard include the following:

#### 2.2.1

##### Fresh Kava

**Fresh kava** may be classified into:

- a. one of such product types that have the peeled main stump or rhizome, peeled basal stems, and unpeeled roots. The three product types will be thoroughly washed with water to remove all soil, and contaminants;
- b. one or more of such product types that have the peeled main stump or rhizome, peeled basal stems, and unpeeled roots grounded or pounded and the kavalactones are extracted using cold water extraction and served as a beverage.

#### 2.2.2

##### Dried Kava

**Dried Kava** is manufactured when chips of fresh peeled main stumps or rhizomes, peeled basal stems, and unpeeled clean and fresh kava roots are sun dried, hot air dried or dried using other recognized methods. The product may be classified into one of such product types that have the peeled main stump or rhizomes, peeled basal stems and unpeeled roots, that are sliced or powdered.

#### 2.2.3

##### Kava Extract

**Kava Extract** is manufactured when soluble components of fresh peeled main stumps or rhizomes, peeled basal stems and unpeeled clean and fresh kava roots or **Dried Kava** are extracted using cold water.



# 03

## QUALITY FACTORS

### 3.1

#### Composition

##### 3.1.1

#### Basic Ingredients

Kava is the peeled main stump or rhizome, peeled basal stems, and unpeeled roots as defined in Section 2.1 (a).

Kava products shall have normal colour, taste and a kavalactone pattern unique to kava and free from foreign matters.

### 3.2

#### Colour

##### 3.2.1

#### Cold Water Extracted Kava

The characteristic yellow to light brown colour refers to the cold water extracted beverage from the kava product.

##### 3.2.2

#### Acetonic Extract Color Pattern

The confirmatory test using Acetonic extraction and corresponding coloration to determine a sample of a particular consignment were collected from noble kava varieties or not (See Annex 4 of this Standard).

### 3.3

#### Filth

Using standard methods heavy filth will not exceed 0.63% of the product dry weight. Heavy filth exceeding 0.63% but less than 0.7% will be considered to be second grade. Heavy filth exceeding 0.7% will be rewashed and re-dried.

### 3.4

#### Moisture

The moisture content will not exceed 12.5% when dried to constant weight at 105°C. Moisture content exceeding 12.5% but less than 12.9% will be considered second grade kava. Kava samples with a moisture content in excess of 12.9% will be re-dried.

Powdered type shall have no more than 10.0% moisture.

### 3.5

#### Kavalactones

Noble varieties are those with a chemotype starting with 42 or 24 but kavain in third, fourth, fifth or sixth position is not acceptable as a noble variety and therefore not suitable for trade.

### 3.6

#### Definition of Defects

The following defects shall be applied to the dried kava.

- a. **Insect-damaged kava:** Kava that is visibly damaged by insects or contains dead insects
- b. **Mouldy kava:** Kava that is visibly affected by mould

### 3.7

#### Classification of “Defectives”

A container that fails to meet one or more of the applicable quality requirements, set out in Sections 3.2 and 3.3, shall be considered a “defective”.

# 04

## CONTAMINANTS

The products covered by this Standard shall comply with the contaminants requirements set out in Annex 1.



# 05

## HYGIENE

### 5.1

It is recommended that the products covered by the provisions of this Standard be prepared and handled in accordance with appropriate international standards. The hygiene requirements for kava products under this standard are outlined in Annex 1.

### 5.2

The products will comply with any microbiological criteria established in accordance with the requirements set out in Annex 1.

# 06

## LABELLING

### 6.1

#### Name of the Product

The name of the products defined in subsections 2.2.1, 2.2.2, and 2.2.3 shall be "**Fresh Kava**", "**Dried Kava**", "**Kava Extract**", respectively.

The region or area of cultivation and the island of origin as well as the product type (peeled basal stems, peeled stumps or unpeeled roots) must appear on the labels and the bags of kava for export.

### 6.2

#### Name of the Kava Species

All kava products shall be labelled with the scientific name ***Piper methysticum***, and variety name of the kava that is used as raw material.

### 6.3

#### Country of Origin

The label '**Product of Vanuatu**' shall be written in large letters on each bag or package of all kava products prepared for export.

### 6.4

#### Other Labelling Requirements

Except when otherwise specified by other national legislation, the products will have a clear marking to indicate that the kava products are prepared for human as food beverage.

# 07

## METHODS OF ANALYSIS & SAMPLING

### 7.1

#### Determination of Moisture

Refer to Annex 2: Determination of Moisture

### 7.2

#### Determination of Microbes

Refer to Annex 3: Determination of Microbes

### 7.3

#### Determination of Noble Kava Varieties

Refer to Annex 4: Determination of Noble Kava  
Varieties.



# annex 1

## GENERAL PRINCIPLES OF KAVA HYGIENE

### Introduction

---

Consumers have the right to expect the kava they drink to be safe and suitable for consumption as food beverage. It is normal that consumers may experience upset stomach and diarrhea if they consume poor quality kava products. Lately Vanuatu has received complaints from New Caledonia, claiming that the country is exporting poor quality kava to its markets. The news can adversely impact on the trade in kava products from Vanuatu and lead to loss of earnings, unemployment and possibly litigation.

International kava trade is increasing, bringing important social and economic benefits to Vanuatu. Effective hygiene control, therefore, is vital to avoid any unexpected adverse effects on consumers and economic consequences and damage to the industry. Everyone, including farmers and growers, manufacturers and processors, kava handlers and consumers, has a responsibility to ensure that kava is safe and suitable for consumption.



# Section 1

## Objectives

### 1.1

#### The General Principles of Kava Hygiene:

Identify the essential principles of kava hygiene applicable throughout the kava processing chain (including primary production through to the final consumer), to achieve the goal of ensuring that kava is safe and suitable for human consumption.

# Section 2

## Scope, Use & Definition

### 2.1

#### Scope

##### 2.1.1

#### The kava processing chain

This document follows the kava processing chain from primary production to the final consumer, setting out the necessary hygiene conditions for producing good quality kava.

##### 2.1.2

#### Roles of Government, industry, and consumers

The National and Provincial Governments can consider the contents of this document and decide how best it will encourage the implementation of these general principles to:

- Adequately protect consumers from illness or injury caused by poor quality kava;

- maintain confidence in internationally traded kava products; and
- provide health education programs which effectively communicate the principles of kava hygiene to the industry and consumers.

The industry will apply the hygienic practices set out in this document to:

- provide kava that is safe and suitable for consumption;
- ensure that consumers have clear and easily-understood information, on labels and other appropriate means, to enable them to protect their kava from contamination;
- prevent the growth/survival of pathogen associated with kava during storage, handling and preparation of kava; and
- maintain confidence in internationally traded kava products.

Consumers will recognize their role by following relevant instructions and applying appropriate kava hygiene measures.

## 2.2

### Use

Each section in this Annex states both the objectives to be achieved and the rationale behind those objectives in terms of the safety and suitability of kava and kava products.

Section III covers primary production and associated procedures. Although hygiene practices may differ considerably for the various kava products yet specific procedures will be applied where appropriate. Sections IV to X set down the general hygiene principles which apply throughout the kava processing chain to the point of sale. Section IX also covers consumer information, recognizing the important role played by consumers in maintaining the safety and suitability of kava.

## 2.3

### Definitions

For the purpose of this Standard, the following expressions have the meaning stated:

**Cleaning:**

the removal of soil, kava residue, dirt or other objectionable matter.

**Contaminant:**

any biological or chemical agent, foreign matter, or other substances not intentionally added to kava which may compromise kava safety or suitability.

**Contamination:**

the introduction or occurrence of a contaminant in kava.

**Disinfection:**

the reduction, by means of chemical agents and/or physical methods, of the number of micro-organisms in the environment, to a level that does not compromise kava safety or suitability.

**Facility:**

any building or area in which kava is handled and the surroundings under the control of the same management.

**Kava:**

in this Annex the word kava refers to the kava plant and kava products that are derived from kava through harvesting and processing into food beverages.

**Kava hygiene:**

all conditions and measures necessary to ensure the safety and suitability of kava at all stages of the processing chain.

**Hazard:**

a biological, chemical or physical agent in, or condition of, kava with the potential to cause an adverse health effect.

**HACCP:**

stands for Hazard Analysis Critical Control Point. It is a system which identifies, evaluates, and controls hazards which are significant for kava safety.

**Kava handler:**

any person who directly handles packaged or unpackaged kava, kava equipment and utensils, or kava contact surfaces and is therefore expected to comply with kava hygiene requirements

**Kava safety:**

assurance that kava will not cause harm to the consumer when it is prepared and/or consumed according to its intended use.

**Kava suitability:**

assurance that kava is acceptable for human consumption according to its intended use.

**Primary kava processing:**

those steps in the kava handling chain from the farm, including, harvesting, transport, cleaning, washing, drying, storage and transport.

**Secondary kava processing:**

those steps in the kava handling chain when the kava arrives at the export facility, including initial checks, grading, weighing, varietal determination testing, packaging and shipping.

# Section 3

## Primary Processing

### 3.1

#### Environmental Hygiene

Potential sources of contamination from the environment will be considered. Primary processing of kava should not be carried on in areas where the presence of potentially harmful substances would lead to an unacceptable level of such substances in kava.

### 3.2

#### Hygienic Processing of Kava

The potential effects of processing activities on the safety and suitability of kava will be considered at all times. In particular, this includes identifying any specific points in such activities where a high probability of contamination may exist and taking specific measures to minimize that probability.

Farmers will as far as practicable implement measures to:

- harvest kava with the greatest of care and not to damage the lateral roots in the process;
- protect kava from bruising during transport to the village or point of processing;
- begin cleaning the kava within 48 hours of harvest;
- peel all basal stems and stump and to wash kava thoroughly before drying;
- restrict contamination from air, soil, water, fertilizers, pesticides, or any other agent used in production or primary processing;
- protect kava sources from faecal and other contamination; and
- ensure that kava is dried to the point that it snaps when pressure is applied to it.

### 3.3

#### Handling, Storage & Transport

Procedures will be in place to:

- sort kava to segregate material which is evidently unfit for human consumption;
- dispose of any rejected material;
- store dried kava in new and clean polythene bags;
- store kava in well ventilated and dry storage facility;
- protect kava from contamination by pests, or by chemical, physical or microbiological contaminants or other objectionable substances during handling, storage and transport. Specific attention and care must be taken not to cause contamination when transporting kava from the village to the anchorage/airport and from anchorage/airport to the exporter facility.

### 3.4

#### Cleaning, Maintenance & Personnel Hygiene

Appropriate facilities and procedures will be in place to ensure that:

- any necessary cleaning and maintenance is carried out effectively; and
- an appropriate degree of personal hygiene is maintained.

## Section 4

### Export Facility: Design & Facilities

#### 4.1

##### Location

##### 4.1.1

#### Facilities

Potential sources of contamination need to be considered when deciding where to locate kava export facilities, as well as the effectiveness of any reasonable measures that might be taken to protect kava. Facilities will not be located anywhere where, after considering such protective measures, it is clear that there will remain a threat to kava safety or suitability. In particular, facilities will normally be located away from:

- environmentally polluted areas and industrial activities which pose a serious threat of contaminating kava;

- areas prone to infestations of pests;
- areas where wastes, either solid or liquid, cannot be removed effectively.

### 4.1.2

## Equipment

Equipment will be located so that it:

- permits adequate maintenance and cleaning;
- functions in accordance with its intended use; and
- facilitates good hygiene practices, including monitoring.

## 4.2

### Premises & Rooms

#### 4.2.1

### Design and layout

Where appropriate, the internal design and layout of kava facility will permit good kava hygiene practices, including protection against cross-contamination between and during operations by kava handlers.

#### 4.2.2

### Internal structures and fittings

Structures within kava facilities will be soundly built of durable materials and be easy to maintain, clean and where appropriate, able to be disinfected. In particular the following specific conditions will be satisfied where necessary to protect the safety and suitability of kava:

- the surfaces of walls, partitions and floors will be made of impervious materials with no toxic effect in intended use;

- walls and partitions will have a smooth surface up to a height appropriate to the operation;
- floors will be constructed to allow adequate drainage and cleaning;
- ceilings and overhead fixtures will be constructed and finished to minimize the buildup of dirt and condensation, and the shedding of particles;
- windows will be easy to clean, be constructed to minimize the buildup of dirt and where necessary, be fitted with removable and cleanable vermin-proof screens. Where necessary, windows will be fixed;
- doors will have smooth, non-absorbent surfaces, and be easy to clean and, where necessary, disinfect;
- working surfaces that come into direct contact with kava will be in sound condition, durable and easy to clean, maintain and disinfect. They will be made of smooth, non-absorbent materials, and inert to the kava, to detergents and disinfectants under normal operating conditions.

## 4.3

### Equipment

#### 4.3.1

##### General

Equipment and containers will be made of materials with no toxic effect in intended use. Where necessary, equipment will be durable and movable or capable of being disassembled to allow for maintenance, cleaning, disinfection, monitoring and, for example, to facilitate inspection for pests.

#### 4.3.2

##### Kava control and monitoring equipment

These requirements are intended to ensure that:

- harmful or undesirable micro-organisms or their toxins are eliminated or reduced to safe levels or their survival and growth are effectively controlled;
- colorimetric tests shall be conducted on all inward batch or consignment of kava;

- confirmatory HPTLC tests shall be requested by the buyer/exporter or regulatory authority; and
- temperatures and other conditions necessary to kava safety and suitability can be rapidly achieved and maintained in the facility.

#### 4.3.3

##### Containers for waste and inedible substances

Containers for waste, by-products and peelings, will be specifically identifiable and suitably constructed at the processing facility. Containers used to hold dangerous substances will be identified and, where appropriate, be lockable to prevent malicious or accidental contamination of kava.

## 4.4

### Facilities

#### 4.4.1

##### Water supply

An adequate supply of potable water with appropriate facilities for its storage and distribution will be available to clean the kava and to ensure the safety and suitability of kava.

#### 4.4.2

##### Drainage and waste disposal

Adequate drainage and waste disposal systems and facilities will be provided. They will be designed and constructed so that the risk of contaminating kava or the potable water supply is avoided.

#### 4.4.3

##### Cleaning

Adequate facilities, suitably designed, will be provided for cleaning kava. Such facilities will have an adequate supply of potable water where appropriate.

#### 4.4.4

### Personnel hygiene facilities and toilets

Personnel hygiene facilities will be available to ensure that an appropriate degree of personal hygiene can be maintained and to avoid contaminating kava. Where appropriate, facilities will include:

- adequate means of hygienically washing and drying hands, including wash basins and a supply of potable water;
- lavatories of appropriate hygienic design; and
- adequate changing facilities for personnel.

Such facilities will be suitably located and designated.

#### 4.4.5

### Temperature control

Depending on the nature of the kava operations undertaken, adequate facilities will be available for drying, storage, refrigerating and freezing kava, monitoring kava temperatures, and when necessary, controlling ambient temperatures to ensure the safety and suitability of kava.

#### 4.4.6

### Air quality and ventilation

Adequate means of natural or mechanical ventilation will be provided, in particular to:

- minimize air-borne contamination of kava, for example, from aerosols and condensation droplets;
- control ambient temperatures;
- control odors which might affect the suitability of kava; and
- control humidity, where necessary, to ensure the safety and suitability of kava.

#### 4.4.7

### Lighting

Adequate natural or artificial lighting will be provided to enable the undertaking to operate in a hygienic manner. Where necessary, lighting will not be such that the resulting color is misleading. The intensity will be adequate to the nature of the operation.

#### 4.4.8

### Storage

Adequate facilities for the storage of kava and non-kava chemicals (e.g. cleaning materials, lubricants, fuels) will be provided separately. Where appropriate, kava storage facilities will be designed and constructed to:

- permit adequate maintenance and cleaning;
- avoid pest access and harborage;
- enable kava to be effectively protected from contamination during storage; and
- where necessary, provide an environment which minimizes the deterioration of kava (e.g. by temperature and humidity control).



# Section 5

## Control of Operation

### 5.1

#### Control of Kava Hazards

Kava Exporters may control kava hazards through the use of systems such as HACCP, including a ban on narafala kava. Control procedures will include subjecting kava to colorimetric and HPTLC testing. They will:

- identify any steps in their operations which are critical to the elimination of hazards for the safety and integrity of kava prepared for export;
- implement effective control procedures at those steps;
- monitor control procedures to ensure their continuing effectiveness; and
- review control procedures periodically, and whenever the operations change.

These systems will be applied throughout the kava export chain to control unwanted kava products.

Control procedures may be simple, such as mandatory testing of incoming kava stocks to the kava export facilities, calibrating equipment to ensure a test is carried out each time and is done correctly.

### 5.2

#### Key Aspects of Hygiene Control Systems

##### 5.2.1

#### Time and temperature control

Systems will be in place to ensure that temperature is controlled effectively where it is critical to the safety and suitability of kava. Temperature control systems will take into account:

- the nature of the kava, e.g. types of micro-organisms;

- the method of packaging and processing; and
- the kava product and its storage requirements.

Such systems will also specify tolerable limits for time and temperature variations.

##### 5.2.2

#### Microbiological and other specifications

Management systems described in paragraph 5.1 offer an effective way of ensuring the safety and suitability of the kava product. Where microbiological, chemical or physical specifications are used in any kava product control system, such specifications will be based on sound scientific principles and state, where appropriate, monitoring procedures, analytical methods and action limits.

### 5.2.3

#### **Microbiological cross-contamination**

Pathogens can be transferred from one kava product to another, either by direct contact or by kava handlers, contact surfaces or the air. Raw, unprocessed kava will be effectively separated, either physically or by time, from ready-to-export kava products, with effective intermediate cleaning.

Access to processing areas may need to be restricted or controlled. Where risks are particularly high, access to processing areas will be only via a well-managed entrance. Personnel may need to be required to put on clean protective clothing including washing of hands before entering.

### 5.2.4

#### **Physical and chemical contamination**

Systems will be in place to prevent contamination of kava by foreign bodies such as glass or metal shards from machinery, dust, harmful fumes and unwanted chemicals. It is a serious issue to consider with pounding or preparing kava powder for export.

### 5.3

#### **Incoming Material Requirements**

No fresh kava material will be accepted by a facility if it is known to contain narafala kava, undesirable micro-organisms, pesticides, and toxic substances, decomposed or extraneous substances which would not be reduced to an acceptable level by normal sorting and/or processing. Where appropriate, specifications for fresh kava products will be identified and applied.

Fresh kava materials or ingredients will always be inspected and sorted before processing. Where necessary, laboratory tests will be conducted to establish the integrity of the kava product for further processing and for use. Only suitable raw materials from noble kava varieties will be processed for export.

## 5.4

### Packaging

Packaging design and materials will provide adequate protection for products to minimize contamination, prevent damage, and accommodate proper labelling. Packaging materials must be non-toxic and not pose a threat to the safety and suitability of kava under the specified conditions of storage and use. Where appropriate, reusable packaging will be suitably durable, easy to clean and, where necessary, disinfect.

## 5.5

### Water

#### 5.5.1

---

#### In contact with kava

Only potable water will be used in kava handling and processing at the export facility.

Water recirculated for reuse will be treated and maintained in such a condition that no risk to the safety and suitability of kava results from its use. The treatment process will be effectively monitored.

#### 5.5.2

---

#### As an ingredient

Potable water will be used wherever necessary to avoid kava contamination.

## 5.6

### Management & Supervision

The type of control and supervision needed will depend on the size of the business, the nature of its activities and the types of kava products involved. Managers and supervisors will have enough knowledge of kava hygiene principles and practices to be able to judge potential risks, take appropriate preventive and corrective action, and ensure that effective monitoring and supervision takes place.

## 5.7

### Documentation & Records

Where necessary, appropriate records of processing, production and distribution will be kept and retained for a period that exceeds the shelf-life of the kava product in the export facility. Documentation can enhance the credibility and effectiveness of the kava quality control system.

## 5.8

### Recall Procedures

Managers will ensure effective procedures are in place to deal with any kava safety hazard and to enable the complete, rapid recall of any implicated lot of the prepared kava product from the market. Where a product has been withdrawn because of an immediate health hazard, other products which are produced under similar conditions, and which may present a similar hazard to public health.

Recalled products will be held under supervision until they are destroyed, used for purposes other than human consumption, determined to be safe for human consumption, or reprocessed in a manner to ensure their safety.

# Section 6

## Facility: Maintenance & Sanitation

### 6.1

#### Maintenance & Cleaning

##### 6.1.1

#### General

Facilities and equipment will be kept in an appropriate state of repair and condition to:

- facilitate all sanitation procedures;
- function as intended, particularly at critical steps (see paragraph 5.1);
- prevent contamination of kava products, e.g. from metal shards, flaking plaster, debris and chemicals.

Cleaning will remove kava residues and dirt which may be a source of contamination. The necessary cleaning methods and materials will depend on the nature of the kava business.

Cleaning chemicals will be handled and used carefully and in accordance with manufacturers' instructions and stored, where necessary, separated from kava, in clearly identified containers to avoid the risk of contaminating kava.

##### 6.1.2

#### Cleaning procedures and methods

Cleaning can be carried out by the separate or the combined use of physical methods, such as heat, scrubbing, vacuum cleaning or other methods that avoid the use of water, and chemical methods using detergents, alkalis or acids.

Cleaning procedures will involve, where appropriate:

- removing gross debris from surfaces;
- rinsing with water which complies with section 4, to remove loosened soil and residues of detergent;
- dry cleaning or other appropriate methods for removing and collecting residues and debris.

## 6.2

### Cleaning Programmes

Cleaning and disinfection programs will ensure that all parts of the facility are appropriately clean, and will include the cleaning of cleaning equipment.

Cleaning and disinfection programs will be continually and effectively monitored for their suitability and effectiveness and where necessary, documented.

Where written cleaning programs are used, they will specify:

- areas, items of equipment to be cleaned;
- responsibility for particular tasks;
- method and frequency of cleaning; and
- monitoring arrangements.

## 6.3

### Pest Control Systems

#### 6.3.1

#### General

Pests pose a major threat to the safety and suitability of kava products prepared for export. Pest infestations can occur where there are breeding sites. Good hygiene practices will be employed to avoid creating an environment conducive to pests. Good sanitation, inspection of incoming materials and good monitoring can minimize the likelihood of infestation and thereby limit the need for pesticides control.

#### 6.3.2

#### Preventing access

Buildings and facilities will be kept in good repair and condition to prevent pest access and to eliminate potential breeding sites. Holes, drains and other places where pests are likely to gain access will be kept sealed. Wire mesh screens, for example on open windows, doors and ventilators, will reduce the problem of pest entry. Animals will be excluded from the grounds of kava processing facilities.

#### 6.3.3

#### Monitoring and detection

Facilities and surrounding areas will be regularly examined for evidence of infestation.

#### 6.3.4

#### Eradication

Pest infestations will be dealt with immediately and without adversely affecting the kava products safety or suitability. Treatment with chemical, physical or biological agents will be carried out without posing a threat to the safety or suitability of the kava products.

## 6.4

### Waste Management

Suitable provision must be made for the removal and storage of waste. Waste must not be allowed to accumulate in kava handling, kava storage, and other working areas and the adjoining environment except so far as is unavoidable for the proper functioning of the business.

Waste stores must be kept appropriately clean.

## 6.5

### Monitoring Effectiveness

Sanitation systems will be monitored for effectiveness, periodically verified by means such as audit pre-operational inspections or, where appropriate, microbiological sampling of environment and kava contact surfaces and regularly reviewed and adapted to reflect changed circumstances.

# Section 7

## Facility: Personal Hygiene

## 7.1

### Health Status

People known, or suspected, to be suffering from, or to be a carrier of a disease or illness likely to be transmitted through kava, will not be allowed to enter any kava handling area if there is a likelihood of their contaminating kava. Any person so affected will immediately report illness or symptoms of illness to the management. Medical examination of a kava handler will be carried out if clinically or epidemiologically indicated.

Kava handlers shall undergo annual health examination to declare them fit and healthy to handle kava.

## 7.2

### Illness & Injuries

Conditions which will be reported to management so that any need for medical examination and/or possible exclusion from kava handling can be considered, include:

- jaundice;
- diarrhoea;
- vomiting;
- fever;
- sore throat with fever;
- visibly infected skin lesions (boils, cuts, etc.);
- discharges from the ear, eye or nose.

### 7.3

#### Personal Cleanliness

Kava handlers will maintain a high degree of personal cleanliness and, where appropriate, wear suitable protective clothing, head covering, and footwear. Cuts and wounds, where personnel are permitted to continue working, will be covered by suitable waterproof dressings.

Personnel will always wash their hands when personal cleanliness may affect kava safety, for example:

- at the start of kava handling activities;
- immediately after using the toilet; and
- after handling raw kava or any contaminated material, where this could result in contamination of other kava items; they will avoid handling ready-to-export kava, where appropriate.

### 7.4

#### Personal Behaviour

People engaged in kava handling activities will refrain from behavior which could result in contamination of kava, for example:

- smoking;
- spitting;
- chewing or eating;

### 7.5

#### Visitors

Visitors to kava manufacturing, processing or handling areas will, where appropriate, wear protective clothing and adhere to the other personal hygiene provisions in this section.

## Section 8 Transportation

### 8.1

#### General

Kava must be respected as a kava product, adequately handled and protected during transport. The type of conveyances or containers required depends on the nature of the kava and the conditions under which it is transported.

### 8.2

#### Requirements

Where necessary, conveyances and bulk containers will be designed and constructed so that they:

- do not contaminate the kava or packaging;
- can be effectively cleaned and, where necessary, disinfected;
- permit effective separation of different kava from non-kava items where necessary during transport;



- provide effective protection from contamination, including dust and fumes; and
- can effectively maintain the temperature, humidity, atmosphere and other conditions necessary to protect kava from harmful or undesirable microbial growth and deterioration likely to render it unsuitable for consumption.

### 8.3

#### Use & Maintenance

Conveyances and containers for transporting kava will be kept in an appropriate state of cleanliness, repair and condition. Where the same conveyance or container is used for transporting different kava, or non-kava items, effective cleaning and, where necessary, disinfection will take place between loads.

## Section 9 Product Information & Consumer Awareness

### 9.1

#### Lot Identification

Lot identification is essential in product recall. Each container of kava will be permanently marked to identify the producer and the lot.

### 9.2

#### Product Information

All kava will be accompanied by or bear adequate information to enable the next person in the kava processing chain to handle, display, store and prepare and use the product safely and correctly.

### 9.3

#### Labelling

Packaged kava will be labelled with clear instructions to enable the next person in the kava processing chain to handle, display, store and use the product safely.

### 9.4

#### Consumer Education

Health education programs will cover general kava hygiene. Such programs will enable consumers to understand the importance of any kava product information and to follow any instructions accompanying products, and make informed choices.

# Section 10

## Training

### 10.1

#### Awareness & Responsibilities

Kava hygiene training is fundamentally important. All personnel will be aware of their role and responsibility in protecting kava from contamination or deterioration. Kava handlers will have the necessary knowledge and skills to enable them to handle kava hygienically.

### 10.2

#### Training Programmes

Factors to take into account in assessing the level of training required include:

- the nature and type of the kava products the business is dealing with for export, in particular its ability to sustain growth of pathogenic or spoilage micro-organisms;
- the manner in which the kava is handled and packed, including the probability of contamination;
- the extent and nature of processing or further preparation before export;
- the conditions under which the kava product will be stored; and
- the expected length of time before consumption.

### 10.3

#### Instruction & Supervision

Periodic assessments of the effectiveness of training and instruction programs will be made, as well as routine supervision and checks to ensure that procedures are being carried out effectively.

Managers and supervisors of kava processes will have the necessary knowledge of kava hygiene principles and practices to be able to judge potential risks and take the necessary action to address deficiencies.

### 10.4

#### Refresher Training

Training programs will be routinely reviewed and updated where necessary. Systems will be in place to ensure that kava handlers remain aware of all procedures necessary to maintain the safety and suitability of kava.

# annex 2

## DETERMINATION OF MOISTURE

### 2.1

#### Apparatus

- (a) **Grinding Mill** - capable of grinding rapidly and uniformly without development of appreciable heat. The ground kava should pass through 1.0 mm I.S sieve.
- (b) **Moisture dishes** - made of aluminium or stainless steel approximately 7.5 mm wide and 2.5 mm deep with tight fitting lids.
- (c) **Electric oven** - well ventilated and thermostatically controlled to maintain temperature between 130 - 133° C.
- (d) Desiccator containing an effective desiccant

### 2.2

#### Procedure

Mix the test sample and grind suitable quantity to give sufficient ground material for replicate determination. Ensure that the sample is neither too coarse nor too fine and passes through 1.0 mm sieve.

Weigh accurately about 5 gm of sample in a previously dried and tared dish and place the dish with its lid underneath in the oven for 2 hours. The time should be reckoned from the moment the oven attains 130° C after the dishes have been placed. Remove the dish after 2 hours, cool in the desiccator and weigh.

### 2.3

#### Calculation

$$\text{Moisture percent} = \frac{(W1 - W2) \times 100}{W1 - W}$$

Where

**W1** Weight in gm of the dish with the material before drying

**W2** Weight in gm of the dish with the material after drying

**W** Weight in gm of the empty dish

# annex 3

## DETERMINATION OF MICROBES

### Introduction

---

Illnesses caused by pathogen associated with kava are not well documented but they constitute a major burden to consumers, kava business operators and the national government. They can be a major hindrance to Vanuatu kava export when Vanuatu's export markets begin to document the adverse effects of poor quality products on their consumer health. The microbiological safety of kava will be managed by the effective implementation of national control measures, where appropriate, throughout the kava processing chain to minimize contamination and improve kava safety.

# Section 1

## Scope & Definitions

### 1.1

#### Scope

These principles and guidelines are intended to provide a framework for the government and kava businesses on the establishment and application of microbiological criteria that can be applied for kava safety and other aspects of kava hygiene. Microbiological criteria refer to, but are not limited to the following:

- Bacteria, viruses, moulds, yeasts, and algae;

### 1.2

#### Definitions

##### Microbiological criterion:

a risk management metric which indicates the acceptability of a kava, or the performance of either a process or a kava safety control system that is validated through sampling and testing for microorganisms.

Other definitions relevant to these guidelines include:

- *Appropriate Level of Protection (ALOP)*
- *Performance Criterion (PC)*
- *Lot*
- *Sample*
- *Kava safety control system*
- *Validation*
- *Verification*
- *Attributes sampling plans*
- *Variables sampling plans*

# Section 2

## General Principles

- A microbiological criterion must be to protect the health of the consumer and where appropriate, also ensure fair practices in kava trade.
- The purpose of establishing and applying a microbiological criterion must be clearly articulated.
- The establishment of microbiological criteria should be based on scientific information and analysis and follow a structured and transparent approach.

# Section 3

## Establishment & Application of Microbiological Criteria

### 3.1

#### General Considerations

The need for a microbiological criterion should be demonstrated, e.g. by epidemiological evidence that the kava under consideration may represent a significant public health risk and that a criterion is meaningful for consumer protection, or as the result of a risk assessment.

### 3.2

#### Purpose

There are multiple reasons for establishing and applying microbiological criteria. The purposes of microbiological criteria include, but are not limited to, the following:

- i) Evaluating a specific lot of kava to determine its acceptance or rejection, in particular if its history is unknown.
- ii) Verifying the performance of a kava safety control system or its elements along the kava processing chain, e.g. prerequisite programs and/or HACCP systems.
- iii) Verifying the microbiological status of kavas in relation to acceptance criteria specified between kava business operators.
- iv) Providing information to kava business operators on microbiological levels, which should be achieved when applying best practices.

### 3.3

#### Sampling Plan

Sampling of kava for analytical purposes shall be conducted according to the following plan:

1. Samples shall be collected by a Government officer;
2. The officer will prepare the sample and transport or freight it for laboratory analysis at a designated laboratory.

### 3.4

#### Analytical Methods

Depending on the microbiological limit (e.g. presence/absence of a specific pathogen associated with kava associated with kava), an appropriate analytical method should be selected.

The analytical methods used should be reasonable with regard to complexity, availability of media, equipment, ease of interpretation, time required and costs.

### 3.5

#### Action to be taken when the Microbiological Criterion is not met

In situations of non-conformance with the microbiological criterion (unsatisfactory results), actions to be applied should include corrective actions related to the purpose of the testing. These actions should be based on an assessment of the risk to the consumer where relevant; the point in the kava processing chain, and consider the history of conformance of the kava business operator. Kava business operators should re-evaluate their kava safety control systems, including GHP and operational procedures.

In the event of a non-conformance with a microbiological criterion for a pathogen associated with kava, actions should include;

1. Appropriate product containment and disposal. This can include further processing;
2. Withdrawal and/or recall, reprocessing;
3. Rejection or destruction of the kava, and/or further investigation to determine appropriate actions to be taken; and
4. Other actions will include more frequent sampling, inspection and audits, fines or official suspension of operations of the particular export facility or exporter.

### 3.6

#### Documentation & Record Keeping

Records will be maintained when documenting all instances of non-conformance with the microbiological criterion, together with records of the corrective actions taken, both to manage kava safety risks and to prevent further instances of non-conformance.



# annex 4

## DETERMINATION OF NOBLE KAVA VARIETIES

Colorimetry is a technique used to determine the concentration of colored compounds in a solution. A colorimeter is a device used to test the concentration of a solution by measuring its absorbance of a specific wavelength of light.

The color or wavelength of the filter chosen for the colorimeter is extremely important, as the wavelength of light that is transmitted by the colorimeter has to be the same as that absorbed by the kava acetonetic extract being measured.

### Colorimetric Testing Procedures

1. Cut kava into pieces
2. Oven dry kava to a constant weight
3. Grind into powder form
4. Take 10g sample
5. Add 30mL acetone
6. Shake well (centrifuge if you can)
7. Let the solution stand overnight
8. Take 10mL and read color against the Kava Acetonetic Solution Color Chart

## Results of a kava acetic solution test



Source: Vincent Lebot, 2016

## Kava Acetonic Solution Color Chart



