

Medicines, Poisons and Therapeutic Goods (Public Event for Kava Exemption) Declaration 2017 (No 2)

Notifiable instrument NI2017–331

made under the

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

1 Name of instrument

This instrument is the *Medicines, Poisons and Therapeutic Goods (Public Event for Kava Exemption) Declaration 2017 (No 2)*.

2 Commencement

This instrument commences on the day after notification.

3 Expiry

This instrument expires 3 years after the date of commencement.

4 Declared public event

I declare the activities of the Siasi Uesiliana Tauatina O Tonga I Aositelelia (Tongan) congregation at the Holy Cross Lutheran Church, Belconnen ACT to be a public event to which the kava exemption applies.

5 Conditions imposed

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

5.1 Supply of kava

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

5. Kava is only to be supplied and consumed within the central enclosed courtyard of the Holy Cross Lutheran Church.
6. Kava is not to be supplied to persons under the age of eighteen.
7. Kava is only to be supplied for free.
8. The supply of kava by sale, or in return for a donation, is not permitted. However, an entry fee to an event or activity conducted by the Siasi Uesiliana Tauatina O Tonga I Aositelelia (Tongan) congregation does not constitute a sale or donation for the supply of kava.
9. For the purposes of this condition, *sale* includes—
 - (a) barter, offer or attempt to sell; or
 - (b) receive for sale; or
 - (c) have in possession for sale; or
 - (d) display for sale; or
 - (e) cause or permit to be sold or offered for sale; or
 - (f) send, forward or deliver for sale; or
 - (g) dispose of by any method for valuable consideration; or
 - (h) dispose of to an agent for sale on consignment; or
 - (i) dispose of by way of raffle, lottery or other game of chance; or
 - (j) offer as a prize or reward; or
 - (k) give away for the purpose of advertisement or in furtherance of trade or business.

5.2 Locations

1. Kava is only to be supplied and consumed within the central enclosed courtyard of the Holy Cross Lutheran Church, located at Emu Bank & Eastern Valley Way, Belconnen ACT 2617.

5.3 Dates and times of application

1. Kava may only be prepared, possessed and consumed in association with fellowship, worship, cultural or fundraising activities of the Siasi Uesiliana Tauatina O Tonga I Aositelelia (Tongan) congregation that are open to the public.

5.4 Advertising and signage

1. It is not permitted to advertise or otherwise promote the supply of kava at the Holy Cross Lutheran Church.
2. It is not permitted to have signage at the Holy Cross Lutheran Church that promotes the availability of kava from the church premises.
3. Clauses 1 and 2 do not preclude:

- (a) information from being provided to the public about the cultural use of kava, for example, information about kava extraction methods, kava ceremonies, or the role that kava plays in Pacific Island culture;
 - (b) information from being provided to the public pertaining to the kava exemption under the *Medicines, Poisons and Therapeutic Goods Act 2008* and this declaration; and
 - (c) in accordance with the customs of the Pacific Islands, an invitation being extended to members of the public within the Siasi Uesiliana Tauatina O Tonga I Aositelelia (Tongan) congregation to participate in a kava ceremony or consume kava.
4. For the purposes of this condition, an **advertisement** means writing, sound or a picture, symbol, light or other visible device, object or sign (or a combination of 2 or more of these) that a reasonable person would consider publicises, or otherwise promotes the supply or availability of kava at the Holy Cross Lutheran Church.

5.5 Information for members of the public

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

Dr Paul Kelly
Chief Health Officer
21 June 2017