



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

Date 20th May 2020

To whom it may concern,

Re: KAVA-Submission

Thank you for the opportunity to provide submissions in relation to Phase 2: Allowing the commercial importation of kava.

Diam Thomas Pty Ltd is an Australian company involved in the ongoing development of the Kava industry. Its primary operations involve the export of premium quality Kava from the pacific region internationally, predominately to the USA. With the announcement of the Government's new policy, Diam Thomas Pty Ltd is excited by the opportunities this will provide the Kava industry and also at the prospect of being involved in the responsible domestic importation of Kava.

Personally, I am a director of Diam Thomas Pty Ltd and an international leader in the Kava industry having been involved in this industry for over 20 years. Relevantly, I have hands on industry experience in the pacific region countries, specifically Vanuatu. At various times throughout my career I have been an advisor to the Vanuatu government on matters pertaining to Kava and the Kava industry and was directly involved the implementation of the Vanuatu Kava Authority. In 2004 I received a Letter of Credentials from the Vanuatu government to foster the development of the Vanuatu Kava Industry. I remain an active participant in the industry and my experience and reputation is assisting Diam Thomas's continued growth and development which has led to the company's creation and implementation of quality control and safety standards that has resulted in Diam Thomas becoming a world leading supplier of safe, responsibly sourced and quality processed Kava internationally.

Submission

We support the commercial importation of Kava into Australia. We agree that through greater commercialisation of the importation of Kava the goals of the program can be achieved.

We are supportive of 'Option 2' and oppose 'Option 1'.

As has been identified already by the government, although the scheme should allow for the greater importation of Kava into Australia, it is important that this is done in a careful and considered way to ensure the safety of the Australian community and also the longevity of commercial operators within the sector.

Current operators in the Pacific Region

There are many participants in the Kava industry that operate their business in a manner that produces Kava of such a low quality and with disregard for health and safety that should they be able to import this sub-quality kava into Australia it would be putting the Australian public and the entire Kava industry at risk.

Proposed regulatory regime

A regulatory scheme needs to be created to limit the ability of these operators from importing sub-standard Kava into Australia. At the same time the regulatory requirements should not be so strict as to act as a barrier to entry for responsible participants.

One solution, the one most favoured in our submission, is to have a regime that enables any kava imported into Australia to be able to be tracked from source (growers) to end users. Such a regime ensures that responsibility for quality and safety is shared between all participants in the industry; grower, manufacturer, importer, wholesaler and retailer.

It is by ensuring a continuity of source and an ability to track the Kava from grower to end user that we, the government can appropriately regulate and protect the Australian public by ensuring the quality of the kava being imported.

One way this can be achieved, without creating a regime which is effectively as strict as the current regulations, is by only granting licenses for the importation of Kava to importers who can:

1. demonstrate that they can sufficiently identify the kava in each batch imported from the source (i.e. the farm in which it is grown), through each stage of the manufacturing process, including the facility in which the kava is dried, milled, and then packaged for export;
2. each entity involved in any stage of the manufacturing process should operate from a facility that has in place sufficient standards and processes to ensure the safety and quality of the Kava product;
 - a. license should only be provided to importers who can provide documentary confirmation that such standards are in place, such as photographs of manufacturing facilities and copies of technical agreements or processing standards;

3. in addition, importers should be required to provide, prior to the release of the Kava onto the Australian market, a certificate of analysis from an Australian licensed entity that;
 - a. provides HPLC testing - to identify that the product is Kava, does not contain unwanted adulterants, and to identify the active substances; and
 - b. provide a microbiological count (within the microbiological limits) to minimise health risks; and
4. the importer is required to keep a register of:
 - a. the certificate analysis of results,
 - b. details of where imported kava is being stored;
 - c. details of the entity, date, location and quantity, that Kava is sold (i.e- the details of the wholesaler or retailer that purchase the imported kava); and
 - d. the register should be subject to audit and provision to the regulatory body at any reasonable time.

Not only will the above regime assist in ensuring only quality kava products are imported into Australia, it will also provide an effective means of collecting and providing data to government and industry. This collection of data will no doubt be critical in identifying and mitigating against the risks of an emergence of health and social harms and will enable future policy decisions to be determined on a more informed basis.

Should we be able to provide any further information or assistance please do not hesitate to contact us at any stage.

We excited by the prospects of having a safe and commercially viable Kava industry developed in Australia and the role we may play in it.

Yours sincerely,

Emanuel Foundas
Director