



**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.¹

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.² 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

¹ Victoria State Government. 'Kava.' Better Health Network.

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

² 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 10th 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.”³

Some of the publicised seizures include:

- 2009 to Feb 2013 - 8.5 tonnes⁴
- July 2013 – 35 kg⁵
- Dec 2013 – 145 kg⁶
- Operation Abtei (across 6 weeks in early 2015) – 760 kg total seized⁷
- April 2017 -175 kg seized in two separate arrests⁸

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.’⁹ 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**

³ 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)

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

⁵ 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)

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

⁷ 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)

⁸ 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)

⁹ 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.'¹⁰

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'¹¹ 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

¹⁰ 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)

¹¹ 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.”¹²

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).