



**Australian
BORDER FORCE**

Australian Customs Notice No. 2021/46

Commercial Pilot – Importing Kava as a Food Product – Amendments to the *Customs (Prohibited Imports) Regulations 1956*

From 1 December 2021, commercial entities will be able to apply to the Office of Drug Control for permission to import kava as a food, under new Regulation 5F of the *Customs (Prohibited Imports) Regulations 1956* (the Regulations).

Kava as a food product

New regulation 5F defines kava as a food product as mentioned in section 2.6.3-3 of the Australia New Zealand Food Standards Code (the Code), as in force at 1 December 2021. The Code describes kava as 'a beverage obtained by the aqueous suspension of kava root using cold water only, and not using any organic solvent; or dried or raw kava root'.

Biosecurity requirements apply and not all of the kava products listed in the Code may be able to be imported. On 1 December 2021 only powdered kava or kava beverage will be able to satisfy the biosecurity requirements.

Permits only available to commercial entities

Consumers will not be able to directly import a kava food product. Permits are only available to commercial entities:

- importing the kava for the purpose of selling it as part of the applicant's business;
- registered for GST; and
- have an ABN.

Declaring an importation of kava as a food

The existing regulation 5 of the Regulations which prohibits the import of kava for use as a drug will not change.

Importers of kava as a food will only require a permit under regulation 5F, a regulation 5 permit will not be required. Similarly, importers of kava under regulation 5 will only require a regulation 5 permit and will not require a permit under regulation 5F.

Importation of kava as a food product cannot occur through the post. Regulation 5F prohibits the importation of kava by mail absolutely. A condition for importing kava as a food product will be that importation cannot occur in the baggage of an air or sea traveller.

Regulation 5F permission must be granted before importation, as post-importation permission is not available.

Passenger exemption for personal use kava

The [existing passenger exemption](#) for kava applies to kava for personal use, and does not apply to kava for commercial use as a food. Under the existing exemption, passengers aged 18 years or over who arrive in Australia on a ship or aircraft, importing up to 4 kilograms of kava in their accompanied personal effects do not require a permit.

Commercial pilot for importing kava

In October 2019, the Prime Minister, the Hon Scott Morrison MP, announced that the Australian Government was stepping up its commitment to the Pacific by launching the kava pilot to increase stronger cultural and economic ties between Australia and Pacific Island nations.

The first phase of the kava pilot was the passenger exemption for personal use kava. This amendment implements the second phase, commercial importation of kava. Monitoring and evaluating the effects of both phases of the kava pilot will continue over a two-year period from 1 December 2021.

Further information

For information regarding these changes, please consult the relevant legislation, including the explanatory statement: [Customs \(Prohibited Imports\) Amendment \(Commercial Importation of Kava as Food\) Regulations 2021 \(legislation.gov.au\)](#)

For information on importing kava to Australia, please see: [Office of Drug Control | \(odc.gov.au\)](#).

For further information on Australia's biosecurity requirements: [www.agriculture.gov.au](#) and the biosecurity import conditions database (BICON) at [Kava for human consumption](#) and [Fruit and vegetable juices, chilled pulps, purees and pastes, plant oils and plant-based beverages](#).

[Signed]

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