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NSW Police Force

**KAVA
GUIDANCE FOR POLICE OFFICERS**

STATE CRIME COMMAND

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Summary

- This guidance aims to provide members of the NSW Police Force with information on kava and best practice when dealing with matters involving kava.
- The Commonwealth has made changes to allow the commercial importation of kava into Australia. This means that officers are more likely to encounter kava in their duties with use expected to occur outside traditional settings.
- This may result in individuals who have limited knowledge of kava potentially consuming it in higher risk settings or in excessive quantities, leading to greater risk of harms.
- Businesses can advertise and sell dried or raw kava root, or kava beverage obtained by dissolving kava root using cold water only.
- Kava has psychoactive depressant properties that can impair skills required for safe driving.

Document Control Sheet

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1	11/2022	Crime Prevention Command	Original document
2	03/2024	Crime Prevention Command	Update of guidelines and formatting to reflect Corporate Procedures template
3	07/2024	Crime Prevention Command	Update public disclosure status from 'no' to 'yes'

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Purpose

This guidance aims to provide members of the NSW Police Force with information on kava and best practice when dealing with matters involving kava.

Note: this document does not contain operational guidance for police (such as custody management, transportation, and tactical options). Officers should refer to the relevant SOPs, training, NSW Police Force Handbook and/or other protocols for operational guidance.

Scope

This document is provided for the information and guidance of all NSW Police Force officers.

Roles & responsibilities

Assistant Commissioner – State Crime Command	Document approval
Commander – Drug & Firearms Squad	Document sponsor
Commander – Drug & Firearms Squad	Document owner
Drugs, Alcohol & Mental Health Team – Crime Prevention Command	<ul style="list-style-type: none">Review these procedures prior to the scheduled review date and ensure content remains up to dateSupport sworn staff by answering queries relating to this guidance as they arise
All Sworn staff	Are encouraged to familiarise themselves with this guidance and follow it when dealing with matters involving kava

Guidance

Overview

Kava (Piper methysticin) is traditionally consumed during ceremonies and times of celebration by Pacific Island communities and in recent times may also be consumed as a recreational beverage. The root of kava is commonly used and is prepared dry or fresh by grinding into a powder or paste and mixed with water or coconut milk to produce a drink.

The Commonwealth has made changes to allow the commercial importation of kava into Australia. This means that officers are more likely to encounter kava in their duties with use expected to occur outside traditional settings.

This may result in individuals who have limited knowledge of kava potentially consuming it in higher risk settings or in excessive quantities, leading to greater risk of harms.

What are the Effects of Kava?

The effects of kava can be wide ranging depending on many factors such as the variety of crop, dose consumed, and method of preparation by extraction and can include:

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- Increased sociable behaviour and talkativeness
- Numbing of mouth and tongue
- Sedation
- Relaxed muscles and calmness
- Scaly skin rash

If a person appears to need medical attention, call an ambulance immediately.

How is Kava Classified?

Kava is classified as a food under the Australia New Zealand Food Standards Code¹.

Kava can also be administered for medicinal purposes in the form of tablet, capsule or teabags or topical preparations. In these circumstances, kava is classified as a Schedule 4 substance under the Commonwealth Poisons Standard and a prescription is required.

What are the Requirements for Sale of Kava Powder and Beverages?

Businesses can advertise and sell **dried or raw kava root**, or **kava beverage obtained by dissolving kava root using cold water only**.

This means that it cannot be imported or sold in pre-mixed drinks using sweeteners, additives, or products other than water. If this occurs, officers could consider action under s.21 of the *Food Act 2003*. Police are authorised officers for the purpose of the Act.

Are There Labelling Requirements for Kava?

Yes. There is a requirement for packaged kava to contain the following labelling –

- a. 'Use in moderation'; and
- b. 'May cause drowsiness'.

If you are conducting an inspection and the packaged kava does not contain the required labelling, officers could consider action under s.21 of the *Food Act 2003*.

Sale and Consumption by Minors

A person is required to be 18 years of over to import kava however, there are no current restrictions on the use, sale, supply, advertising of kava to those under the age of 18. This may result in minors being able to obtain and consume kava in NSW.

Kava Use and Driving

Kava has psychoactive depressant properties that **can impair skills required for safe driving**.

Given that it has muscle relaxant and sedative effects as well as the ability to impair visual attention during high cognitive demand (such as driving a vehicle or operating heavy machinery), it is a potential risk to drivers especially when larger doses are consumed and/ or in conjunction with other impairing illicit or prescription drugs.

- Standard breath test – with a tube (not passive)
- Perform sobriety assessment of the driver and record as much detail of observations as you can

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- Include observations of any manner of driving, admissions or comments made by the driver regarding their driving, behaviour and drug use
- Following failure of sobriety assessment based on observations and negative alcohol, arrest for blood and urine in a timely manner
- Obtain blood & urine at hospital, signed and witnessed appropriately

The existing offence of driving under the influence of a drug (s.112 of the *Road Transport Act 2013*) is applicable to drivers where there is evidence of impairment due to **any** substance including kava.

Note: you can prohibit a person from driving for a period of 48 hours from the time of detection for failing a roadside sobriety assessment (s.148EA of the *Road Transport Act 2013*).

Recording Kava in COPS

To enable the capture of information relating to the theft of kava, or incidents in which kava may have been a contributing factor, it has been added as an “object” to COPS. Kava will appear under the object category “Miscellaneous”.

Further Information

As this is a trial, we would be interested to hear if you encounter kava in your duties – particularly use by minors, in non-traditional settings or where there may be risk or harm to the consumer. Please do not hesitate to contact #DAMH if you have feedback or comments.

Please contact the Drug and Alcohol Sampling Unit (#BSU) for driving related queries.

For information, advice, or referrals regarding enforcement action, please contact the Department of Primary Industries Food Authority on 1300 552 406 or by email – food.contact@dpi.nsw.gov.au.

For information on the monitoring and evaluation of the kava pilot program, visit the following website:

<https://www.odc.gov.au/resources/publications/monitoring-and-evaluation-kava-pilot-program>.

Endnote References

1. [Federal Register of Legislation - Australia New Zealand Food Standards Code – Standard 2.6.3 – Kava](#)