

House of Representative Standing Committee on Petitions

ANSWERS TO QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

Hearing Date: 3 December 2008

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Topic: INFORMATION ON KHAT

Hansard Page: PET 19

Mr Hawke asked:

In relation to the import licences, do you have data.

Answer:

**Import Data for Khat**

Number of import permits issued

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008*
<b>VIC</b>	12	74	145	177	173	295	290	297	238	269	308	437
<b>NSW</b>	0	3	15	24	22	31	27	33	23	24	30	21
<b>QLD</b>	0	0	0	0	0	0	1	3	2	8	7	7
<b>ACT</b>	0	0	0	0	0	1	1	2	0	1	1	0
<b>SA</b>	0	0	0	0	0	0	1	0	0	0	0	0
<b>WA</b>	0	0	0	0	0	0	1	0	0	0	0	0
<b>Total</b>	12	77	160	201	195	327	321	335	263	302	346	465

\*year to date, as at 1 December

Volume of khat authorised for import

Year	Kilograms
1997	70
1998	1025
1999	2236
2000	3282
2001	3253
2002	6701
2003	5806
2004	9929
2005	17420
2006	17105
2007	18380
2008 <sup>1</sup>	20130
Already authorised for 2009 import date <sup>2</sup>	12175

1. As at 1 December 2008, 12 month permits have been adjusted for amounts authorised for import in the following calendar year
2. Authorised in permits issued in 2008 which carryover for one or more imports of 5 kg in 2009. The authorised total for 2009 will increase as permits continue to be issued.

## REGULATORY CONTROLS ON KHAT<sup>1</sup>

### Western Australia

*Poisons Act 1964*

Section 5: Interpretation

“**drug of addiction**” means any substance included in Schedule 8 or 9 (*of SUSDP*)

“**prohibited plant**” means any plant from which a drug of addiction may be obtained, derived or manufactured, or such other plant as the Governor declares and is hereby authorised to declare from time to time to be a prohibited plant for the purposes of this Act; and includes any part of such a plant, except in the case of the plant *Papaver somniferum*, the non-viable seed of that plant;

Khat is prohibited to cultivate, sell, purchase or possess unless a licence is granted under S41A of the Poisons Act.

### South Australia

It is an offence to cultivate and possess to sell a **controlled plant** under section 33 of the **Controlled Substances Act 1984**.

Khat is defined as a controlled plant under the **Controlled Substances (General) Regulations 2000** Schedule 3. A trafficable quantity is any quantity of khat >250g, possession of >250g (without evidence to the contrary) is deemed to have the intent to sell.

### Queensland

It is an offence to cultivate, possess or supply a **Dangerous Drug** under Section 9 of the **Drugs Misuse ACT 1986**.

Khat is classified as a **Dangerous Drug** under the **Drugs Misuse Regulation 1987** Schedule 2.

### Australian Capital Territory

Khat is classified as a **Controlled Plant** under the **Criminal Code Regulations 2005** schedule 2.

It is an offence to cultivate or supply khat.

### Northern Territory

It is an offence to cultivate, supply or possess a **Dangerous Drug** under the **Misuse of Drugs Act**.

Khat is classified as a **Prohibited Plant** and a **Dangerous Drug** under the **Misuse of Drugs Act**.

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<sup>1</sup> Based on search of legislation by Department of Health and Ageing. This does not constitute formal legal opinion or advice.

## **Victoria**

No criminal regulation on the khat plant located. Only control would be jurisdictional enforcement of the Food Standards Code.

## **New South Wales**

No criminal regulation on the khat plant located. Only control would be jurisdictional enforcement of the Food Standards Code.

## **Tasmania**

No criminal regulation on the khat plant located. Only control would be jurisdictional enforcement of the Food Standards Code.

## **Food Standards Code**

Khat is classified as a Prohibited plant in Schedule 1 of the Standard 1.4.4 (Prohibited and Restricted Plants and Fungi).

A plant or part or derivative of a plant listed in Schedule 1, or any substance derived therefrom, must not be intentionally added to food or offered for sale as food.

The Food Standards Code is enforced via State and Territory health legislation.

## **Customs (Prohibited Imports) Regulations 1956**

The khat plant itself is not specifically listed in the *Customs (Prohibited Imports) Regulations*, however, it is treated as a prohibited import by virtue of the fact that it is known to contain cathine and cathinone which are specifically scheduled in the legislation. The commencement of issuing import licenses and permits occurred in 1997 under the existing regulations that were in place at the time and continue to the present.

Individuals wishing to import khat for personal use are required to hold both a 'Licence to Import' (licence) and a 'Permit to Import' (permit), both issued by the Department of Health and Ageing (Office of Chemical Safety, Office of Health Protection Division).

Licenses and permits to import khat are issued under the *Customs (Prohibited Imports) Regulations 1956*. Individuals must complete and submit an application form that can be obtained from the internet. Applicants must provide a copy of identification to establish that they are over 18 years old. Applicants sign a declaration that all information provided in the application form, including criminal history, is true and correct.

Permits to import are issued for a period of 12 months and authorise monthly imports of 5 kg of khat. Importers present the paper copy of the permit to the Australian Customs Service when collecting a consignment and the permit is stamped and dated.

## Summary of khat controls in Australia

	<b>Cultivate</b>	<b>Supply</b>	<b>Sell as food <sup>1</sup></b>	<b>Possess</b>
ACT	X	X	X	-
NSW	-	-	X	-
NT	X	X	X	X
QLD	X	X	X	X
SA	X	X	X	X
TAS	-	-	X	-
VIC	-	-	X	-
WA	X	X	X	X

1. Regulated through Food Standards Code

**X** = khat plant regulated

- = no regulation on khat plant located

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