
JUSTICE

JU301*

Misuse of Drugs Act 1981

Misuse of Drugs Amendment Regulations 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Misuse of Drugs Amendment Regulations 2015*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Misuse of Drugs Regulations 1982*.

4. Regulation 13 inserted

After regulation 12 insert:

13. Fees (Act s. 8U(2)(c))

- (1) The fee to accompany an application under section 8U(1) of the Act to have a sample of the thing identified in a notice analysed by an approved analyst is to be calculated in accordance with subregulation (2).
- (2) Where the approved analyst requires —
 - (a) one test of a sample of a thing to provide a report of the analysis of the sample, the prescribed fee is \$500 plus GST; or
 - (b) more than one test of a sample of a thing to provide a report of the analysis of the sample, the prescribed fee is \$500 plus GST for the first test and \$200 plus GST for each subsequent test.

5. Schedule 1 amended

In Schedule 1 after Form M.D. 8B insert:

Form M.D. 9

WESTERN AUSTRALIA

MISUSE OF DRUGS ACT 1981

MISUSE OF DRUGS REGULATIONS 1982

PSYCHOACTIVE SUBSTANCE DESTRUCTION NOTICE

Property reference No.

Police reference No.

I
[Name and rank of police officer]

having custody of a thing seized from you for being suspected to be a psychoactive substance, comprising —

.....
[describe the thing]

.....

and —

- (a) being satisfied that no person will be tried with the commission of an offence in relation to the thing*; or
- (b) having confirmed that a person was tried with the commission of an offence in relation to the thing and the person was not convicted of that offence*.

advise you

.....
[Name and address of person from whom the thing was seized]

that the suspected psychoactive substance will be destroyed on or after the day of 20.....** unless, before that day, an application is made under section 8U(1) of the Act to have a sample of that suspected psychoactive substance analysed. An application is to be accompanied by the analysis fee of \$..... .

This Notice is given on the day of 20.....

Signature/rank/regno

* Delete inapplicable alternative.

** Must be at least 3 weeks after this notice is given.

Personal Service

On the day of 20 at

I personally served the person named in the notice with this destruction notice —

by delivering a duplicate to him/her personally.

by leaving a duplicate of it for him/her with
..... at his/her last
known place of abode/principal office or place of business.

Signature/rank/rego

Date

Postal Service

On the..... day of..... 20.... I posted a copy of
this destruction notice to the person named in the notice —

- to his/her last known place of abode;
- to his/her last known place of business/employment, by pre-paid
post/certified post/courier.
- in case of a Corporation or Association, to the principal place of
business/principal office in this state.

Postal/Courier reference number

Courier company (if applicable)

Signature/rank/rego

Date

Form M.D. 10

WESTERN AUSTRALIA

MISUSE OF DRUGS ACT 1981

MISUSE OF DRUGS REGULATIONS 1982

APPLICATION TO HAVE SAMPLE OF SUSPECTED
PSYCHOACTIVE SUBSTANCE ANALYSED OR EXAMINED BY
APPROVED ANALYST

To: The Commissioner of Police

I
[Name and Address of Applicant]

.....
having been given a psychoactive substance destruction notice
(Property Reference No. , Police Reference No.)* in
relation to —

.....
[describe the thing]
.....

apply to have a sample of that thing suspected to be a psychoactive
substance analysed by an approved analyst.

This application is accompanied by the fee of \$, as set out on the relevant destruction notice and calculated in accordance with the *Misuse of Drugs Regulations 1982* regulation 13.

Analysis applied for on at**

.....
Signature of applicant

* Reference numbers from the Notice.

** Must be before the destruction date in the Notice.

N. HAGLEY, Clerk of the Executive Council.