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PROCLAMATION

**MISUSE OF DRUGS
AMENDMENT ACT 2004**

MISUSE OF DRUGS ACT 1981

**MISUSE OF DRUGS
AMENDMENT REGULATIONS
2004**

MISUSE OF DRUGS AMENDMENT ACT 2004

62 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
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I, the Governor, acting under section 2 of the *Misuse of Drugs Amendment Act 2004*, and with the advice and consent of the Executive Council, fix 1 January 2005 as the day on which the provisions of that Act come into operation.

Given under my hand and the Public Seal of the State on 7 December 2004.

By Command of the Governor,

MICHELLE ROBERTS, Minister for Police and Emergency Services.

GOD SAVE THE QUEEN !

Misuse of Drugs Act 1981

Misuse of Drugs Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Misuse of Drugs Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on the day on which the *Misuse of Drugs Amendment Act 2004* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Misuse of Drugs Regulations 1982**.

[* Reprinted as at 19 October 2001.]

4. Regulations 4 to 5E inserted

After regulation 3A the following regulations are inserted —

“

4. Approved analysts (section 3(1))

For the purposes of paragraph (b) of the definition of “approved analyst” in section 3(1) of the Act, a person who belongs to a class set out in the Table to this regulation is an approved analyst.

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Table**Victoria**

A person employed by the Government of Victoria as an analyst for the purposes of section 120 of the *Drugs, Poisons and Controlled Substances Act 1981* of Victoria.

The chief botanist or his or her delegate under the *Royal Botanic Gardens Act 1991* of Victoria.

Tasmania

A person appointed as an analyst under section 19 of the *Poisons Act 1971* of Tasmania.

The Tasmanian Government Analyst.

South Australia

A person appointed as an analyst under section 9 of the *Drugs Act 1908* of South Australia.

The person for the time being holding the office of South Australian Government analyst under appointment by the South Australian Governor, or the person so appointed to perform the duties of the South Australian Government analyst for the time being.

Queensland

A person who, under section 4C(1) of the *Drugs Misuse Act 1986* of Queensland, is appointed as an analyst.

New South Wales

A person employed by the Government of New South Wales as an analyst.

A person employed by a New South Wales area health service (constituted under section 17 of the *Health Services Act 1997* of New South Wales) as an analyst.

A person who is an analyst appointed under section 37A of the *Poisons and Therapeutic Goods Act 1966* of New South Wales.

Northern Territory

A person appointed under section 3(8) of the *Misuse of Drugs Act* of the Northern Territory to be an analyst.

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A person appointed as an analyst under section 183 of the *Drugs of Dependence Act 1989* of the Australian Capital Territory.

5. Category 1 items

- (1) The substances specified in Schedule 3 Division 1 are designated as category 1 items.
- (2) The things specified in Schedule 3 Division 2 are designated as category 1 items.

5A. Category 2 items

- (1) The substances specified in Schedule 4 Division 1 are designated as category 2 items.
- (2) The things specified in Schedule 4 Division 2 are designated as category 2 items.

5B. Prescribed classes of person

- (1) For the purposes of section 13(1)(b) of the Act, the following classes of person are prescribed —
 - (a) dentist;
 - (b) medical practitioner;
 - (c) nurse practitioner;
 - (d) optometrist;
 - (e) pharmaceutical chemist;
 - (f) veterinary surgeon.
- (2) In subregulation (1) —

“**optometrist**” means a registered optometrist as defined in section 3 of the *Optometrists Act 1940*;

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“**pharmaceutical chemist**” has the meaning given to that term in section 5(1) of the *Pharmacy Act 1964*.

5C. Prescribed quantities

For the purposes of section 14(1) of the Act —

- (a) the quantity prescribed for a category 1 item is the quantity (if any) specified opposite that item in the third column of Schedule 3 Division 1; and
- (b) the quantity prescribed for a category 2 item is the quantity (if any) specified opposite that item in the third column of Schedule 4 Division 1.

5D. Declarations

- (1) For the purposes of sections 15(1)(c) and 17(1)(b)(i) of the Act, a declaration is to be in the form of Form M.D. 1.
- (2) For the purposes of sections 15(3) and 17(2) of the Act, a supplier is to give a copy of a completed declaration to the Commissioner by sending it by facsimile transmission to a telecommunication number provided by the Commissioner.
- (3) A copy of a declaration sent by facsimile under subregulation (2) must be completed in black ball point pen, to ensure the facsimile copy is legible.

5E. Evidence of identity

For the purposes of section 15(1)(d) or 17(1)(b)(ii) of the Act, evidence of the identity of a person taking possession of a Category 1 item or a Category 2 item may consist of any one of the following —

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- (a) a current driver's licence that displays a photograph of the person;
- (b) a certificate of the person's Australian citizenship;
- (c) a document establishing the discharge of the person from any of the Australian defence forces;
- (d) a document establishing the person's appointment as a Justice of the Peace;
- (e) a certificate of the person's identity issued by the department of the Commonwealth public service responsible for the administration of foreign affairs;
- (f) a certificate of the person's descent issued by the department of the Commonwealth public service responsible for the administration of immigration or issued by a consulate within Australia.

”.

5. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) by deleting “Schedule 1”, “(Regulation 3)” and “FORMS” and inserting instead —

“

Schedule 1 — Forms

[r. 3, 5D]

”.

- (b) by inserting before Form M.D. 7 the following form —

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“

Form M.D. 1

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981
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DECLARATION

The chemical product and/or the scientific apparatus I wish to purchase is classified as a possible illicit drug precursor or auxiliary reagent.

I understand that, to be supplied with this product or apparatus, I must complete this declaration and provide it to the supplier, together with a written order for the product or apparatus.

Catalogue No.	Product name	Quantity	Pack size	Order No.

The intended use for the chemical product and/or the scientific apparatus is:

- Analytical
- Research & Design
- Manufacturing
- Resale
- Other

Please specify full details of assay, project, product customer and other details of the purpose to which the product/apparatus will be put.

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Schedule 2 is amended by deleting “Schedule 2”,
“(Regulation 3A)” and “Prescribed universities” and inserting
instead —

“

Schedule 2 — Prescribed universities

[r. 3A]

”

7. Schedules 3 and 4 inserted

After Schedule 2 the following Schedules are inserted —

“

Schedule 3 — Category 1 items

[r. 5, 5C]

Division 1 — Substances

Chemical name	Alternate name	Quantity substance in seized sample
Acetic anhydride		50 ml
4-Amino-Butanoic acid	Piperidinic acid	
Bromobenzene	Phenylbromide	
Bromo safrole		
Boron tribromide		
1, 4-Butanediol	Tetramethylene Glycol	
1-Chlorophenyl-2-aminopropane		
L-Ephedrine (including salts)	Ethyl phenyl	37 g

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Chemical name	Alternate name	Quantity substance in seized sample
Ethyl phenyl acetate	Benzene acetic acid, ethyl ester, methylbenzyl acetate	
Gamma butyrolactone		3.5 ml
Gamma hydroxybutanoic acid (including salts)	Gamma hydroxybutyric acid	
Hydroiodic acid	Hydrogen iodide	250 ml
4-Hydroxybutanal	4-Hydroxy butyraldehyde	
2-Hydroxytetrahydrofuran	Tetrahydro- 2-furanol	
4-Hydroxy-butanoic acid lactone	Gamma-valerolactone	
4-Hydroxy-butanoic acid nitrile	4-Hydroxy butyronitrile	
4-Hydroxy pentanoic acid	Gamma Valerolactone	
Hypophosphorous acid	Phosphinic acid	39 ml
Iodine (including iodide salts)		30 g
Methcathinone	Ephedrone	
3, 4-Methylenedioxyphenylpropa n-2-one		
N-Methyl ephedrine		
Methyl phenyl acetate	Benzeneacetic acid, Methyl ester, Benzyl Acetate	
N-Methylpseudoephedrine		

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Chemical name	Alternate name	Quantity substance in seized sample
Norpseudoephedrine		
2-Pyrrolidone Gamma- butyrolactam		
Phenylacetamide		
Phenylacetic acid (including salts and esters)		33 ml
Phenylacetonitrile	Benzyl cyanide, Benzeneacetonitrile Benzyl nitrile	
Phenylacetyl chloride		
1-Phenyl-2-chloropropane		
1-Phenyl-2-nitropropene		
Phenylpropanolamine	Norephedrine	
1-Phenyl-1-Propanone	Phenylethylketone Propiophenone	
1-Phenyl-2-propanone	Benzyl methyl ketone Phenylacetone	39 g
1-Phenyl-2-propanone oxime		
1-Phenyl-2-propanol		
Phosphorus red/white		19 g
Phosphorous acid	Phosphonic Acid	
Pseudoephedrine (including salts)		37 g
Pyridine		

Division 2 — Things

Description	Details
Gas cylinder containing ammonia gas	

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Schedule 4 — Category 2 items

[r. 5A, 5C]

Division 1 — Substances

Chemical name	Alternate name	Quantity of substance in seized sample
N-Acetylanthranilic acid	0-Acetamidobenzoic acid	
Allylbenzene	3-Phenyl-1-propene, 2-Propenyl Benzene	
Ammonium formate		
Anthranilic acid	2-Aminobenzoic acid	
Benzaldehyde		
Benzyl chloride	a-Chlorotoluene	
Benzyl bromide	a-Bromotoluene	
Alkali metal - Calcium		
Chromic acid (including salts)		
Chromium trioxide	Chromium (VI) oxide	
Ergometrine	Ergonovine	
Ergotamine		
Ethanamine	Monoethylamine	
N-Ethylephedrine		
N-Ethylpseudoephedrine		

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Chemical name	Alternate name	Quantity of substance in seized sample
Formamide		
Hydrobromic acid	Hydrogen bromide solution	
Hypophosphite salts		
Isosafrole	1, 3-Benzodioxole, 5-(1-propenyl)	
Alkali metal - Lithium		7 g
Lysergic acid		
Alkali metal - Magnesium		
Methylamine (& gas)	Aminomethane/ Monomethylamine	135 ml
Methylammonium salts		
N-Methylformamide		
Palladium (including salts)		
Phenylalanine		
Piperidine		
Piperonal	3, 4-Methylenedioxy-benzaldehyde, Heliotropine	50 g
Alkali metal - Potassium		
Propionic anhydride		
Raney nickel		
Safrole	5-(2-Propenyl)-1, 3-Benzodioxole	69 ml
Sassafras oil		91 ml

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Chemical name	Alternate name	Quantity of substance in seized sample
Sodium Borohydride		
Alkali metal - Sodium		24 g
Thionyl chloride		
Thorium (including salts)		

Division 2 — Things

Description	Details
Gas cylinder containing hydrogen sulphide gas	
Gas cylinder containing hydrogen gas	
Gas cylinder containing methylamine gas	

Description	Details
Round bottom reaction flask	Capacity 500 ml or greater (including the repair or modification)
Condenser	Joint size B19 or greater
Splash Heads and Distillation Heads	

Description	Details
Heating mantles	Capacity 500 ml or greater (including the repair or supply of parts)
Pill presses	Manual or mechanical
Rotary Evaporators	

”

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By Command of the Governor,

M. TRAVERS, Clerk of the Executive Council.



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