



Western Australia

Misuse of Drugs Regulations 1982

Compare between:

[23 Mar 2011, 02-e0-03] and [06 May 2011, 02-f0-02]

Misuse of Drugs Regulations 1982

1. Citation

These regulations may be cited as the *Misuse of Drugs Regulations 1982*¹.

2. Commencement

These regulations shall come into operation on the day on which the *Misuse of Drugs Act 1981* (in these regulations called the Act) comes into operation¹.

3. Term used in these regulations

In these regulations —

Form means appropriate Form set out in Schedule 1.

[Regulation 3 amended in Gazette 2 Jul 1996 p. 3197.]

3A. Prescribed universities

For the purposes of paragraph (a)(ii) of the definition of “botanist” in section 3(1) of the Act, the universities specified in Schedule 2 are prescribed universities.

[Regulation 3A inserted in Gazette 2 Jul 1996 p. 3197.]

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.

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.

Australian Capital Territory

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

[Regulation 4 inserted in Gazette 10 Dec 2004 p. 5967-9.]

4A. Authorised persons

(1) In this regulation —

departmental officer means a person employed or engaged in the department of the Public Service principally assisting in the administration of the *Police Act 1892*.

(2) A departmental officer, while performing a function of his or her position on police premises, is a person authorised —

- (a) for the purposes of sections 5(1), 6(2), 7(2) and 14(3) of the Act to have possession of any of the following —
 - (i) a pipe or other utensil;
 - (ii) a prohibited drug;
 - (iii) a prohibited plant;
 - (iv) an item that is a category 1 item or a category 2 item;
 - (v) a substance that contains, or substances that together contain, a quantity of a category 1 or category 2 item that exceeds the quantity prescribed in relation to the item;

and

- (b) for the purposes of the Act, to have possession of a dangerous substance.

[Regulation 4A inserted in Gazette 12 Nov 2010 p. 5660-1.]

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.

[Regulation 5 inserted in Gazette 10 Dec 2004 p. 5969.]

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.

[Regulation 5A inserted in Gazette 10 Dec 2004 p. 5969.]

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*²;

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

[Regulation 5B inserted in Gazette 10 Dec 2004 p. 5969-70.]

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.

[Regulation 5C inserted in Gazette 10 Dec 2004 p. 5970.]

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.

[Regulation 5D inserted in Gazette 10 Dec 2004 p. 5970.]

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 —

- (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.

[Regulation 5E inserted in Gazette 10 Dec 2004 p. 5970-1.]

6. Information on oath and search warrants under section 24(1)

For the purposes of section 24(1) of the Act —

- (a) information on oath shall be given —
 - (i) orally; or
 - (ii) in writing in the form of Form M.D. 7;and
- (b) a search warrant shall be granted in the form of Form M.D. 8.

7. Destruction of prohibited plants and prohibited drugs

- (1) For the purposes of sections 27 and 28, as read with section 41, of the Act, a prohibited drug, prohibited plant or dangerous substance, or a thing (other than a prohibited drug, prohibited plant or dangerous substance) (*other thing*), which is required to be destroyed shall be destroyed —
 - (a) by fire or water or by such other means as will ensure the complete destruction of that prohibited drug, prohibited plant or dangerous substance, or other thing; and
 - (b) in the presence of 2 witnesses from 2 of the following classes of persons (but not so that the 2 witnesses are

persons from the classes referred to in subparagraphs (i) and (iii)) —

- (i) a police officer who is a commissioned officer appointed under the *Police Act 1892* section 6;
 - (ii) a justice of the peace or a registrar of the Magistrates Court, other than a registrar of the Magistrates Court who is a police officer;
 - (iii) a police officer appointed under the *Police Act 1892* section 7 nominated in writing by a police officer referred to in subparagraph (i);
 - (iv) an approved analyst or an approved botanist.
- (2) Each witness referred to in subregulation (1)(b) shall certify in writing that he has witnessed the complete destruction of the prohibited drug, prohibited plant or dangerous substance, or other thing, concerned and shall sign that certificate.

[Regulation 7 amended in Gazette 9 Aug 1991 p. 4231; 2 Jul 1996 p. 3197; 29 Jan 1999 p. 273; 30 Mar 2010 p. 1266-7.]

7A. Directions by Commissioner of Police for destruction of seized prohibited drugs etc.

For the purposes of section 27(3) of the Act, a direction shall be in the form of Form M.D. 8A.

[Regulation 7A inserted in Gazette 2 Jul 1996 p. 3197.]

7B. Analysis or examination at request of accused

- (1) In this regulation —
- chosen analyst* means the analyst chosen by the relevant applicant under section 27A of the Act;
- chosen botanist* means the botanist chosen by the relevant applicant under section 27A of the Act;

r. 7B

drug movement bag means a special bag used by police officers for the conveyance, free of contamination, of dangerous substances, prohibited drugs or prohibited plants;

investigating officer means the police officer in charge of any investigation concerning a thing, sufficient samples of which are dealt with under this regulation;

prescribed person means the prescribed person referred to in subregulation (2)(a);

sufficient samples has the meaning given by section 27(6) of the Act.

- (2) For the purposes of section 27A(2) of the Act —
 - (a) a person who is the police officer for the time being in charge of the Organised Crime Squad is a prescribed person; and
 - (b) the prescribed period is 28 days; and
 - (c) an application must be accompanied by a fee of \$50.
- (3) For the purposes of section 27A(3) of the Act, an application must be in the form of Form M.D. 8B.
- (4) When an application is made under section 27A of the Act, the Commissioner or prescribed person receiving the application must, as soon as practicable, cause sufficient samples of the thing to which the application relates to be conveyed in a numbered and sealed drug movement bag, together with an unused drug movement bag —
 - (a) in the case of a prohibited drug or dangerous substance, to an approved analyst at the Chemistry Centre (W.A.); or
 - (b) in the case of a prohibited plant, to an approved botanist at the Western Australian Herbarium.
- (5) The investigating officer in respect of the samples conveyed to the approved analyst or approved botanist under subregulation (4), or a police officer authorised by that

- investigating officer, must immediately on that conveyance arrange with —
- (a) the chosen analyst and the approved analyst, for the chosen analyst to attend at the Chemistry Centre (W.A.) for the purpose of analysing those samples; or
 - (b) the chosen botanist and the approved botanist, for the chosen botanist to attend at the Western Australian Herbarium for the purpose of examining those samples.
- (6) The approved analyst or approved botanist to whom the drug movement bag has been conveyed under subregulation (4) must, in the presence of the chosen analyst or chosen botanist —
- (a) open the drug movement bag; and
 - (b) give the samples to the chosen analyst or chosen botanist, who must immediately proceed to analyse or examine them.
- (7) When the chosen analyst or chosen botanist has completed his or her analysis or examination, he or she must return any residue of the samples to the approved analyst or approved botanist, who must —
- (a) place that residue, together with the opened drug movement bag, in the unused drug movement bag; and
 - (b) seal that unused drug movement bag; and
 - (c) give the sealed drug movement bag to the investigating officer or to a police officer authorised by the investigating officer.
- (8) The police officer to whom a sealed drug movement bag is given under subregulation (7) must —
- (a) convey it to —
 - (i) a police officer; or
 - (ii) a departmental officer (as defined in regulation 4A) who is an authorised person under that regulation;

and

- (b) obtain a receipt for it.

[Regulation 7B inserted in Gazette 12 Nov 2010 p. 5661-3.]

8. Part V holding orders and applications therefor

For the purposes of section 28 of the Act —

- (a) the application of a police officer or approved person for a holding order shall be in the form of Form M.D. 9;
- (b) a holding order shall be in the form of Form M.D. 10.

[9. Deleted in Gazette 30 Mar 2010 p. 1267.]

10. Authorities and certificates under section 31

- (1) An authority referred to in section 31(1) shall be in the form of Form M.D. 11.
- (2) A certificate referred to in section 31(6) shall be in the form of Form M.D. 12.

10A. External serious drug offences (section 32A(3))

- (1) In this regulation —
Commonwealth Criminal Code means the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth.
- (2) Subregulations (3) and (4) have effect for the purposes of paragraph (a) of the definition of “external serious drug offence” in section 32A(3) of the Act.
- (3) An offence against a provision of the Commonwealth Criminal Code specified in the Table to this subregulation is prescribed to correspond to a crime under section 6(1) of the Act.

Table

s. 302.2(1)

s. 305.5(1)

| | |
|-------------|-------------|
| s. 302.3(1) | s. 309.2(1) |
| s. 302.4(1) | s. 309.3(1) |
| s. 305.3(1) | s. 309.4(1) |
| s. 305.4(1) | |

- (4) An offence against a provision of the Commonwealth Criminal Code specified in the Table to this subregulation is prescribed to correspond to a crime under section 7(1) of the Act.

Table

| | |
|-------------|-------------|
| s. 303.4(1) | s. 304.1(1) |
| s. 303.5(1) | s. 304.2(1) |
| s. 303.6(1) | s. 304.3(1) |

- (5) Subregulation (6) has effect for the purposes of paragraph (b) of the definition of “external serious drug offence” in section 32A(3) of the Act.
- (6) An offence against a provision of the Commonwealth Criminal Code specified in the Table to this subregulation is prescribed to correspond to an offence against the repealed section 233B of the *Customs Act 1901* of the Commonwealth.

Table

| | |
|-------------|--------------|
| s. 307.1(1) | s. 307.6(1) |
| s. 307.2(1) | s. 307.7(1) |
| s. 307.3(1) | s. 307.8(1) |
| s. 307.4(1) | s. 307.9(1) |
| s. 307.5(1) | s. 307.10(1) |

[Regulation 10A inserted in Gazette 20 Apr 2007 p. 1741-2.]

11. Certificates of approved analysts or approved botanists

For the purposes of section 38 of the Act, a certificate given by —

r. 11A

- (a) an approved analyst shall be in the form of Form M.D. 13; or
- (b) an approved botanist shall be in the form of Form M.D. 14.

[Regulation 11 inserted in Gazette 2 Jul 1996 p. 3199.]

11A. Applications by accused for copies of certificates

For the purposes of section 38A of the Act, an application for a copy of a certificate must be in the form of Form M.D 15.

[Regulation 11A inserted in Gazette 12 Nov 2010 p. 5663.]

12. Fees

For the purposes of section 41(1)(a) of the Act, there shall be paid —

- (a) to a female person, not being a police officer or medical practitioner, who searches another female person under section 13 or 23, or under a search warrant granted under section 14 or 24, of the Act a fee of \$1.50 per search; and
- (b) to a medical practitioner who attends for the purpose of searching a person under section 13 or 23, or under a search warrant granted under section 14 or 24, of the Act a fee of —
 - (i) \$35.50 per attendance on a public holiday, or between 5.00 p.m. on a Friday and 9.00 a.m. on the following Monday, or during the period between 5.00 p.m. on any day and 9.00 a.m. on the following day; and
 - (ii) \$28.00 per attendance at any time other than a time referred to in subparagraph (i).

Schedule 1 — Forms

[r. 3, 5D]

[Heading amended in Gazette 2 Jul 1996 p. 3199.]

Form M.D. 1

WESTERN AUSTRALIA

*MISUSE OF DRUGS ACT 1981**MISUSE OF DRUGS REGULATIONS 1982***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.

[Forms M.D. 2 to M.D. 6 deleted in Gazette 19 Dec 2000 p. 7292.]

Form M.D. 7

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981
MISUSE OF DRUGS REGULATIONS 1982
INFORMATION ON OATH FOR SEARCH WARRANT

I, [insert name of informant], of _____, being
[insert occupation], do swear by Almighty God*/solemnly, sincerely and truly
declare* that I suspect that the following thing [insert particulars of thing] is a
thing referred to in section 23(1)(a), (b) or (c) of the *Misuse of Drugs Act 1981*
and that it may be in or on the following vehicle* [insert particulars of vehicle]
/in or on the following premises or other place* [insert particulars of premises
or other place] on the following grounds —

[insert grounds for suspicion]

Sworn*/affirmed* before me [insert name of justice of the peace], being a
justice of the peace, on [insert date of swearing or affirmation] at [insert place
of swearing or affirmation].

.....
Signature of justice of the peace.

* Please delete inapplicable alternative.

Form M.D. 8A

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981
MISUSE OF DRUGS REGULATIONS 1982
DESTRUCTION OF PROHIBITED DRUGS, PROHIBITED PLANTS OR
DANGEROUS SUBSTANCES

Laboratory reference No.

Police reference No.

I, [insert name of Commissioner of Police or name and rank of delegate], being the Commissioner of Police*/a delegate of the Commissioner of Police* and being satisfied that —

- (a) it is not reasonably practicable to detain [insert particulars of prohibited drug, prohibited plant or dangerous substance] until it is dealt with under section 27(1) of the Act; and
- (b) sufficient samples of that prohibited drug*/prohibited plant*/dangerous substance* have been taken,

direct that that prohibited drug*/prohibited plant*/dangerous substance* (apart from those samples) be destroyed in accordance with regulation 7 before it is dealt with under section 27(1) of the Act.

Directed on

at

.....
Signature of Commissioner of Police*/
delegate of Commissioner of Police*

* Please delete inapplicable alternative.

[Form M.D. 8A inserted in Gazette 2 Jul 1996 p. 3199-200.]

Form M.D. 8B

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981
MISUSE OF DRUGS REGULATIONS 1982
APPLICATION TO HAVE SAMPLE OF PROHIBITED DRUG,
PROHIBITED PLANT OR DANGEROUS SUBSTANCE ANALYSED OR
EXAMINED BY ANALYST OR BOTANIST CHOSEN BY ACCUSED

I [insert name and address of applicant], having been charged with [insert details of offence(s)] in relation to [insert details of prohibited drug, prohibited plant or dangerous substance], hereby apply to have a sample of [insert details of alleged prohibited drug, prohibited plant or dangerous substance] analysed or examined by [insert full name and address of analyst or botanist who is to carry out analysis or examination], who is an analyst*/botanist* other than an approved analyst*/approved botanist*.

Analysis*/examination* applied for on at

.....
Signature of applicant

* Please delete inapplicable alternative.

[Form M.D. 8B inserted in Gazette 2 Jul 1996 p. 3200; amended in Gazette 12 Nov 2010 p. 5663.]

Form M.D. 9

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981
MISUSE OF DRUGS REGULATIONS 1982
APPLICATION OF POLICE OFFICER OR APPROVED PERSON
FOR HOLDING ORDER

I, [insert name of applicant police officer or approved person], being a police officer*/approved person* and suspecting that the following thing (not being a prohibited drug, prohibited plant or dangerous substance) [insert particulars of thing] seized or acquired and detained under section 26 of the *Misuse of Drugs Act 1981* is a thing referred to in section 23(1)(a), (b) or (c) of that Act on the following grounds [insert grounds for suspicion], hereby apply for a holding order authorising the continued detention of that thing for the period specified in section 28(1) of that Act.

Holding order applied for

on at
.....

.....
Signature and designation, if any, of applicant
police officer*/approved person*.

* Please delete inapplicable alternative.

[Form M.D. 9 amended in Gazette 2 Jul 1996 p. 3200.]

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981
MISUSE OF DRUGS REGULATIONS 1982
HOLDING ORDER

I, [insert name of justice of the peace granting holding order]
of _____, being a justice of the peace and being satisfied on the
application of the following police officer*/approved person* [insert name and
designation, if any, of applicant police officer or approved person] that there are
reasonable grounds to suspect that the following thing (not being a prohibited
drug, prohibited plant or dangerous substance) [insert particulars of thing]
seized or acquired and detained under section 26 of the *Misuse of Drugs
Act 1981* is a thing referred to in section 23(1)(a), (b) or (c) of that Act, hereby
grant to that police officer*/approved person* a holding order authorising the
continued detention of that thing for the period specified in section 28(1) of
that Act.

Granted on
at

.....
Signature of justice of the peace
granting holding order.

* Please delete inapplicable alternative.

[Form M.D. 10 inserted in Gazette 2 Jul 1996 p. 3200.]

Form M.D. 11

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981
MISUSE OF DRUGS REGULATIONS 1982
AUTHORITY TO ACT AS UNDERCOVER OFFICER

I, [insert name of Commissioner of Police or name and rank of delegate], being the Commissioner of Police*/a delegate of the Commissioner of Police*, hereby authorise [insert name and particulars of person authorised] to act as an undercover officer within the meaning of section 31 of the *Misuse of Drugs Act 1981*.

Authorised on
at

WARNING TO AUTHORISED PERSON WHO IS NOT A POLICE OFFICER. If, having acquired a prohibited drug or prohibited plant whilst acting as undercover officer for the purpose of detecting the commission of an offence within the meaning of the *Misuse of Drugs Act 1981*, you do not deliver the prohibited drug or prohibited plant to a police officer as soon as is reasonably practicable after that acquisition, you commit a simple offence under section 31(4) of that Act.

.....
Signature of Commissioner of Police*/
delegate of Commissioner of Police*.

* Please delete inapplicable alternative.

Form M.D. 12

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981
MISUSE OF DRUGS REGULATIONS 1982
CERTIFICATE OF ACTION AS UNDERCOVER OFFICER

I, [insert name of Commissioner of Police or name of and rank of delegate],
being the Commissioner of Police*/a delegate of the Commissioner of Police*,
hereby certify that [insert name and particulars of person authorised] was, at the
following time*/during the following period* [insert particulars of time or
period], an authorised person acting as an undercover officer within the
meaning of section 31 of the *Misuse of Drugs Act 1981*.

Certified on
at

.....
Signature of Commissioner of Police*/
delegate of Commissioner of Police*.

* Please delete inapplicable alternative.

Form M.D. 13

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981
MISUSE OF DRUGS REGULATIONS 1982
CERTIFICATE OF APPROVED ANALYST

Laboratory reference No.

Police reference No.

I,, being an approved analyst
within the meaning of the *Misuse of Drugs Act 1981*, hereby certify that —

- (a) I obtained*/received* for analysis the following
quantity*/mass* of
.....
marked
from*/by*
on;
- (b) I analysed the thing referred to in paragraph (a) of this
certificate by [insert details of method of analysis] with the
following result
.....;
- and
- (c) the following other matters relating to my analysis should be
noted

Certified on at

.....
Signature of approved analyst

.....
Address of approved analyst

* Please delete inapplicable alternative.

[Form M.D. 13 amended in Gazette 2 Jul 1996 p. 3201.]

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981
MISUSE OF DRUGS REGULATIONS 1982
CERTIFICATE OF APPROVED BOTANIST

Department of Conservation and Land Management reference No.

Police reference No.

I,, being an approved botanist
within the meaning of the *Misuse of Drugs Act 1981*, hereby certify that —

- (a) I obtained*/received* for examination the following
quantity*/mass* of
.....
marked
from*/by*
on;
- (b) I examined the thing referred to in paragraph (a) of this
certificate by [insert details of method of examination] with the
following result
.....;
- and
- (c) the following other matters relating to my examination should
be noted

Certified on at

.....
Signature of approved analyst

.....
Address of approved botanist

* Please delete inapplicable alternative.

[Form M.D. 14 amended in Gazette 2 Jul 1996 p. 3201-2.]

Form M.D. 15

WESTERN AUSTRALIA
MISUSE OF DRUGS ACT 1981
MISUSE OF DRUGS REGULATIONS 1982
APPLICATION FOR COPY OF CERTIFICATE OF APPROVED ANALYST
OR APPROVED BOTANIST

I [insert name of applicantaccused] apply for a copy of [insert details of relevant certificate given under section 38 of Act] to be provided to me at [insert address at which copy of certificate can be provided to applicantaccused].

Certificate applied for on at

.....
Signature of applicant accused

[Form 15 inserted in Gazette 2 Jul 1996 p. 3202; amended in Gazette 12 Nov 2010 p. 5663.]

Schedule 2 — Prescribed universities

[r. 3A]

| Item | Prescribed university |
|-------------|---|
| 1 | Duke University (Durham, North Carolina, United States of America) |
| 2 | University of Aberdeen (Aberdeen, Scotland) |
| 3 | University of Alberta (Edmonton, Alberta, Canada) |
| 4 | University of California (Berkeley, California, United States of America) |
| 5 | University of Cambridge (Cambridge, England) |
| 6 | University of Canterbury (Christchurch, New Zealand) |
| 7 | University of Cape Town (Rondebosch, Cape Province, South Africa) |
| 8 | University of Malaya (Kuala Lumpur, Malaysia) |
| 9 | University of Pennsylvania (Philadelphia, Pennsylvania, United States of America) |
| 10 | University of Reading (Reading, Berkshire, England) |
| 11 | University of Singapore (Singapore) |

[Schedule 2 inserted in Gazette 2 Jul 1996 p. 3203; amended in Gazette 10 Dec 2004 p. 5974.]

Schedule 3 — Category 1 items

[Heading inserted in Gazette 10 Dec 2004 p. 5974.]

[r. 5, 5C]

Division 1 — Substances

[Heading inserted in Gazette 10 Dec 2004 p. 5974.]

| Chemical name | Alternate name | Quantity substance in seized sample |
|--|--|-------------------------------------|
| Acetic anhydride | | 50 ml |
| Acetyl Chloride | | 50ml |
| 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 |
| 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-Methylenedioxyphenylpropan-2-one | | |

Misuse of Drugs Regulations 1982
Schedule 3 Category 1 items

| Chemical name | Alternate name | Quantity substance in seized sample |
|--|--|-------------------------------------|
| N-Methyl ephedrine | | |
| Methyl phenyl acetate | Benzeneacetic acid, Methyl ester, Benzyl Acetate | |
| N-Methylpseudoephedrine | | |
| 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 1 inserted in Gazette 10 Dec 2004 p. 5974-5; amended in Gazette 23 Jun 2009 p. 2493.]

Division 2 — Things

[Heading inserted in Gazette 23 Jun 2009 p. 2493.]

| Item | Description |
|-------------|--|
| 1 | Any storage device containing ammonia gas where the mass of the storage device is less than one tonne. |

[Division 2 inserted in Gazette 23 Jun 2009 p. 2493.]

Schedule 4 — Category 2 items

[Heading inserted in Gazette 10 Dec 2004 p. 5977.]

[r. 5A, 5C]

Division 1 — Substances

[Heading inserted in Gazette 10 Dec 2004 p. 5977.]

| 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 | | |
| Chromium trioxide | Chromium (VI) oxide | |
| Ergometrine | Ergonovine | |
| Ergotamine | | |
| Ethanamine | Monoethylamine | |
| N-Ethylephedrine | | |
| N-Ethylpseudoephedrine | | |
| Formamide | | |
| Hydrobromic acid | Hydrogen bromide solution | |
| Hypophosphite salts | | |
| Isosafrole | 1, 3-Benzodioxole, 5-(1-propenyl) | |

| Chemical name | Alternate name | Quantity of substance in seized sample |
|-----------------------------|---|--|
| 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-Benzodioxide | 69 ml |
| Sassafras oil | | 91 ml |
| Sodium Borohydride | | |
| Alkali metal - Sodium | | 24 g |
| Thionyl chloride | | |
| Thorium (including salts) | | |

[Division 1 inserted in Gazette 10 Dec 2004 p. 5977-9.]

Division 2 — Things

[Heading inserted in Gazette 10 Dec 2004 p. 5979.]

| 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) |
| Encapsulators (Capsule filling machines) | Manual or mechanical |
| Pill presses (including a part for a pill press) | Manual or mechanical |
| Rotary evaporators | |

[Division 2 inserted in Gazette 10 Dec 2004 p. 5979; amended in Gazette 22 Mar 2011 p. 972.]

Notes

- ¹ This is a compilation of the *Misuse of Drugs Regulations 1982* and includes the amendments made by the other written laws referred to in the following table [1a](#). The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|--|---------------------------|--|
| <i>Misuse of Drugs Regulations 1982</i> | 13 Aug 1982 p. 3113-19 | 1 Sep 1982 (see r. 2 and <i>Gazette</i> 20 Aug 1982 p. 3250) |
| <i>Misuse of Drugs Amendment Regulations 1991</i> | 9 Aug 1991 p. 4231 | 9 Aug 1991 |
| <i>Misuse of Drugs Amendment Regulations 1996</i> | 2 Jul 1996 p. 3196-203 | 16 Aug 1996 (see r. 2 and <i>Gazette</i> 16 Aug 1996 p. 4007) |
| <i>Misuse of Drugs Amendment Regulations (No. 2) 1998</i> | 29 Jan 1999 p. 273 | 29 Jan 1999 |
| <i>Misuse of Drugs Amendment Regulations 2000</i> | 19 Dec 2000 p. 7291-2 | 1 Jan 2001 (see r. 2 and <i>Gazette</i> 29 Dec 2000 p. 7903) |
| Reprint of the <i>Misuse of Drugs Regulations 1982</i> as at 19 Oct 2001 (includes amendments listed above) | | |
| <i>Misuse of Drugs Amendment Regulations 2004</i> | 10 Dec 2004 p. 5967-80 | 1 Jan 2005 (see r. 2 and <i>Gazette</i> 10 Dec 2004 p. 5965) |
| <i>Misuse of Drugs Amendment Regulations 2006</i> | 11 Jul 2006 p. 2543-4 | 11 Jul 2006 |
| <i>Misuse of Drugs Amendment Regulations 2007</i> | 20 Apr 2007 p. 1740-2 | 28 Apr 2007 (see r. 2 and <i>Gazette</i> 27 Apr 2007 p. 1775) |
| Reprint 2: The <i>Misuse of Drugs Regulations 1982</i> as at 22 Feb 2008 (includes amendments listed above) | | |
| <i>Misuse of Drugs Amendment Regulations 2009</i> | 23 Jun 2009 p. 2492-3 | r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Jun 2009 (see r. 2(b)) |
| <i>Misuse of Drugs Amendment Regulations 2010</i> | 30 Mar 2010 p. 1265-7 | r. 1 and 2: 30 Mar 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Mar 2010 (see r. 2(b)) |
| <i>Misuse of Drugs Amendment Regulations (No. 2) 2010</i> | 12 Nov 2010 p. 5660-3 | r. 1 and 2: 12 Nov 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Nov 2010 (see r. 2(b)) |

| Citation | Gazettal | Commencement |
|---|-------------------------|--|
| <i>Misuse of Drugs Amendment Regulations 2011</i> | 22 Mar 2011 p. 971-2 | r. 1 and 2: 22 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Mar 2011 (see r. 2(b)) |

^{1a} [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

Provisions that have not come into operation

| <u>Citation</u> | <u>Gazettal</u> | <u>Commencement</u> |
|---|---|---|
| Misuse of Drugs Amendment Regulations (No. 2) 2011 r. 3-6⁴ | 6 May 2011 p. 1619-21 | Operative on commencement of the Misuse of Drugs Amendment Act 2010 s. 7(1) (see r. 2(b)) |

² Repealed by the *Optometrists Act 2005*.

³ Under the *Courts Legislation Amendment and Repeal Act 2004* s. 54(2) a reference in a written law to a clerk of petty sessions is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to a registrar of the Magistrates Court. The reference was amended under the *Reprints Act 1984* s. 7(5)(a).

⁴ [On the date as at which this compilation was prepared, the Misuse of Drugs Amendment Regulations \(No. 2\) 2011 r. 3-6 had not come into operation. They read as follows:](#)

3. Regulations amended

[These regulations amend the Misuse of Drugs Regulations 1982.](#)

4. Regulation 7 amended

[\(1\) Before regulation 7\(1\) insert:](#)

[\(1A\) In this regulation —](#)

[relevant thing means a prohibited drug, prohibited plant or dangerous substance or a thing contaminated with a dangerous substance.](#)

[\(2\) In regulation 7\(1\) delete “For the purposes of sections 27 and 28, as read with section 41, of the Act, a prohibited drug, prohibited](#)

plant or dangerous substance, or a thing (other than a prohibited drug, prohibited plant or dangerous substance) (*other thing*), which is required to be destroyed shall be destroyed —” and insert:

If under section 27(1) or (4) of the Act a police officer is required to cause a relevant thing to be destroyed, it shall be destroyed —

(3) In regulation 7(1)(a) delete “prohibited drug, prohibited plant or dangerous substance, or other” and insert:

relevant

(4) In regulation 7(2) delete “prohibited drug, prohibited plant or dangerous substance, or other thing,” and insert:

relevant thing

5. Regulation 8 deleted

Delete regulation 8.

6. Schedule 1 amended

(1) In Schedule 1 Form M.D. 8A:

(a) delete “PLANTS OR DANGEROUS SUBSTANCES” and insert:

PLANTS, DANGEROUS SUBSTANCES OR OTHER RELEVANT THINGS

(b) in paragraph (a) delete “plant or dangerous substance]” and insert:

plant, dangerous substance or other relevant thing]

(c) in paragraph (b) after “of” insert:

or from

(d) after “dangerous substance*” (each occurrence) insert:

