



Western Australia

Misuse of Drugs Act 1981

# **Misuse of Drugs Regulations 1982**

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As at 25 Jan 2013

Version 03-c0-01

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## Misuse of Drugs Regulations 1982

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**Defined Terms**

## Misuse of Drugs Regulations 1982

### 1. Citation

These regulations may be cited as the *Misuse of Drugs Regulations 1982*<sup>1</sup>.

### 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 operation<sup>1</sup>.

### 3. Term used: Form

In these regulations —

**Form** means appropriate Form set out in Schedule 1.

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

### 3A. Universities prescribed (Act s. 3(1) *botanist*)

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. Classes of person prescribed (Act s. 3(1) *approved analyst*)

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. Persons authorised to possess prohibited drugs etc.**

- (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.]*

**5AA. Minor cannabis related offences, forms for**

- (1) If a term is given a meaning in section 8B of the Act, it has the same meaning in this regulation.

- (2) For the purposes of section 8F of the Act, a cannabis intervention requirement is to be in the form of Form M.D. 16.
- (3) For the purposes of section 8I of the Act, a notice withdrawing a cannabis intervention requirement is to be in the form of Form M.D. 17.
- (4) For the purposes of section 8M of the Act, a certificate of completion of a cannabis intervention session is to be in the form of Form M.D. 18.

*[Regulation 5AA inserted in Gazette 29 Jul 2011 p. 3139.]*

**5. Category 1 items (Act Part IV)**

- (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 (Act Part IV)**

- (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. Classes of person prescribed (Act s. 13(1)(b))**

- (1A) In subregulation (1) —

***chemist*** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the pharmacy profession;

***optometrist*** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the optometry profession.



- (1) For the purposes of section 13(1)(b) of the Act, the following classes of person are prescribed —
- (aa) chemist;
  - (a) dentist;
  - (b) medical practitioner;
  - (c) nurse practitioner;
  - (d) optometrist;
  - [(e) deleted]*
  - (f) veterinary surgeon.

*[(2) deleted]*

*[Regulation 5B inserted in Gazette 10 Dec 2004 p. 5969-70; amended in Gazette 1 Jul 2011 p. 2748.]*

**5C. Quantities prescribed (Act s. 14(1))**

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, prescribed forms for etc. (Act s. 15 and 17)**

- (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.

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- (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 (Act s. 15 and 17)**

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.]*

**6A. Cannabis smoking paraphernalia, excluded things  
(Act s. 19A)**

For the purposes of section 19A of the Act the following things are prescribed as classes of things excluded from the definition of *cannabis smoking paraphernalia* —

- (a) shishas;
- (b) hookahs.

[Regulation 6A inserted in Gazette 29 Jul 2011 p. 3139.]

**6. Information on oath and search warrants (Act s. 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 etc., manner of (Act s. 27(1) or (4))**

(1A) In this regulation —

*relevant thing* means a prohibited drug, prohibited plant or dangerous substance or a thing contaminated with a dangerous substance.

- (1) 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 —
  - (a) by fire or water or by such other means as will ensure the complete destruction of that relevant 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

r. 7A

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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 relevant 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; 6 May 2011 p. 1620.]*

**7A. Directions by Commissioner of Police for destruction of seized prohibited drugs etc., form for (Act s. 27(3))**

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 etc. at request of accused (Act s. 27A)**

- (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;

***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 —

**r. 7B**

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- (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. Deleted in Gazette 6 May 2011 p. 1620.]

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

**10. Authorities and certificates, forms for (Act s. 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 (Act s. 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 etc., forms for (Act s. 38)**

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

- (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, form for (Act s. 38A)**

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 (Act s. 41(1)(a))**

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.

**Purchaser Details and Declaration**

I, ..... being .....  
(Full name) (Position)

on behalf of .....  
(Company or Institution)

Address .....

Contact Telephone No. .... Account No. .... (ACN) .....

declare that the above chemical product/apparatus will not be used by me, nor a recipient I represent, for the manufacture of illicit drugs.

Signature ..... Date .....



**Identification (100 points / valid ID photo required – attach copy)**

Current Passport No. .... Country of Issue .....

Drivers Licence (with Photograph) No. .... Expiry date .....

Photo Identification Card Type .....

Further identifier(s) required by the regulations (if any)

.....  
.....



**Details of Collection Agent’s Identification (100 points / valid photo ID required) (if different to purchaser)**

Current Passport No. .... Country of Issue .....

Drivers Licence (with Photograph) No. .... Expiry date .....

Photo Identification Card Type .....

Further identifier(s) required by the regulations (if any)

.....  
.....

**Note:** Please attach a copy of all photo identification.  
All applicable details on this declaration must be completed.

[Form M.D. 1 inserted in Gazette 10 Dec 2004 p. 5972-3.]

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

**Form M.D. 7**

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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.

WESTERN AUSTRALIA  
MISUSE OF DRUGS ACT 1981  
MISUSE OF DRUGS REGULATIONS 1982  
SEARCH WARRANT

I, [insert name of justice of the peace granting search warrant], of  
, being a justice of the peace and being satisfied by information on  
oath furnished by [insert name of informant] that there are reasonable grounds  
to suspect that the following thing referred to in section 23(1)(a), (b) or (c) of  
the *Misuse of Drugs Act 1981* [insert particulars of thing] 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], hereby grant to  
the following police officer [insert name and designation of police officer] this  
search warrant authorising a police officer at any time or times within 30 days  
from the date of this search warrant to enter that vehicle, or those premises or  
that other place, and, subject to section 24 of that Act, to search that vehicle or  
those premises or that other place and any person and any baggage, package or  
other thing of any kind whatsoever found therein or thereon, using such force  
as is reasonably necessary and with such assistance as the police officer acting  
under this search warrant considers necessary.

Granted on .....  
at .....

.....  
Signature of justice of the peace  
granting search warrant.

\* Please delete inapplicable alternative.

**Form M.D. 8A**

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Form M.D. 8A

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

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, dangerous substance or other relevant thing] until it is dealt with under section 27(1) of the Act; and
- (b) sufficient samples of or from that prohibited drug\*/prohibited plant\*/dangerous substance\*/other relevant thing\* have been taken,

direct that that prohibited drug\*/prohibited plant\*/dangerous substance\*/other relevant thing\* (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; amended in Gazette 6 May 2011 p. 1621.]*

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, DANGEROUS SUBSTANCE OR OTHER  
RELEVANT THING 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, dangerous substance or other relevant thing], hereby apply to have a sample of [insert details of alleged prohibited drug, prohibited plant, dangerous substance or other relevant thing] 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; 6 May 2011 p. 1621.]*

*[Forms M.D. 9 and M.D. 10 deleted in Gazette 6 May 2011 p. 1621.]*





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**

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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 .....  
.....;
- (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.]*

Form M.D. 14

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

Department of Conservation and Land Management 2 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**

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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 applicant accused] 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 applicant accused].

Certificate applied for on ..... at .....

.....  
Signature of applicant accused

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

WESTERN AUSTRALIA  
 MISUSE OF DRUGS ACT 1981  
 MISUSE OF DRUGS REGULATIONS 1982  
 CANNABIS INTERVENTION REQUIREMENT

CIR No.									
Date of Issue			/			/			

<b>Alleged offender</b>										
Surname										
Given name/s										
Number & street										
Suburb / town										
Telephone (H)										
Telephone (M)										
Date of birth			/			/				
MDL Number										
Gender										

<b>Alleged Offence</b>	
It is alleged that at the following place and time	
Place (Address)	
	Postcode
Date ...../...../20.....	
Time ..... a.m./p.m.	
<b>You committed the following minor cannabis related offence/s.</b>	

<i>Misuse of Drugs Act 1981</i>	Description of offence
<input type="checkbox"/> s. 5(1)(d)(i)	Possession of a smoking utensil that has detectable traces of cannabis
<input type="checkbox"/> s. 6(2)	Possession or use of not more than 10 grams of cannabis* * not including any cannabis plant under cultivation, cannabis resin or any other cannabis derivative

**Form M.D. 16**

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Issuing Officer	
Station	
Signature	
Date	/      /

**WHAT YOU MUST DO**

You have a period of 28 days after this notice was given to you to complete a CANNABIS INTERVENTION SESSION (CIS) OR elect to be prosecuted for the alleged offence. If you do not complete the CIS, then you will be prosecuted for the alleged offence.

**YOUR FAILURE TO COMPLETE THE CIS OR ELECT TO BE PROSECUTED WILL RESULT IN FURTHER ACTION AGAINST YOU.**

**CANNABIS INTERVENTION SESSION**

The Cannabis Intervention Session (CIS) is a mandatory one-to-one therapeutic intervention with a trained alcohol and drug counsellor.

As part of the CIS you will be provided with information on —

- the adverse health and social consequences of cannabis use; and
- the laws relating to the use, possession and cultivation of cannabis; and
- effective strategies to address cannabis using behaviour.

The CIS takes approximately 60-90 minutes to complete.

**You are required to complete the CIS within 28 days after this Cannabis Intervention Requirement (CIR) was given to you.**

**What you need to do/know**

- Contact the **Cannabis Intervention Session Booking Service** on 1800 722 362 between 7.00 a.m. — 7.00 p.m., Monday to Sunday, to book a CIS with an approved treatment provider. The personal information provided during the booking process will be recorded and passed on to the approved treatment provider and stored on a health database.

- When making your booking ensure you have a pen available to write down the time, date and address of the CIS in the space provided below on this form.

***You are strongly advised to phone the CIS Booking Service within 3 days from the date this CIR was given to you to ensure a booking can be made for you within the 28 day permitted period.***

***No reminders will be issued.***

You need to bring to the CIS —

- Photographic identification
- This CIR.

***You must arrive on time and complete the entire CIS.***

**CIS appointment details**

Appointment Date _____
Address _____
Appointment Time _____

<b>Electing to be prosecuted in a court</b>	
I elect to have the offence alleged in this CIR dealt with by a court.	
Signature _____	
Date _____	/ /

Address for service

													Postcode						
Post to: Drug Diversion Coordinator, Licensing Enforcement Division, WA Police, Level 2, Cambridge House, 297 Hay Street, Perth WA 6000																			

*[Form M.D. 16 inserted in Gazette 29 Jul 2011 p. 3140-2.]*









## Schedule 2 — Prescribed universities

[r. 3A]

<b>Item</b>	<b>Prescribed university</b>
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.]*

**Misuse of Drugs Regulations 1982**

**Schedule 3** Category 1 items

**Division 1** Substances

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**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.]*

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<b>Chemical name</b>	<b>Alternate name</b>	<b>Quantity substance in seized sample</b>
Acetic anhydride		50 ml
Acetyl Chloride		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
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	

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**Misuse of Drugs Regulations 1982**

Category 1 items

**Schedule 3**

Substances

**Division 1**

<b>Chemical name</b>	<b>Alternate name</b>	<b>Quantity substance in seized sample</b>
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		
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	

**Misuse of Drugs Regulations 1982**

**Schedule 3** Category 1 items

**Division 2** Things

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<b>Chemical name</b>	<b>Alternate name</b>	<b>Quantity substance in seized sample</b>
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.]*

<b>Item</b>	<b>Description</b>
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.]*

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**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.]*

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<b>Chemical name</b>	<b>Alternate name</b>	<b>Quantity of substance in seized sample</b>
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	

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**Misuse of Drugs Regulations 1982****Schedule 4** Category 2 items**Division 1** Substances

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<b>Chemical name</b>	<b>Alternate name</b>	<b>Quantity of substance in seized sample</b>
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-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.]*

<b>Description</b>	<b>Details</b>
Gas cylinder containing hydrogen sulphide gas	
Gas cylinder containing hydrogen gas	
Gas cylinder containing methylamine gas	

<b>Description</b>	<b>Details</b>
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	

<b>Description</b>	<b>Details</b>
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**

<sup>1</sup> 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 <sup>1a</sup>. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<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)
<b>Reprint of the <i>Misuse of Drugs Regulations 1982</i> as at 19 Oct 2001</b> (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)
<b>Reprint 2: The <i>Misuse of Drugs Regulations 1982</i> as at 22 Feb 2008</b> (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))
<i>Misuse of Drugs Amendment Regulations (No. 2) 2011</i>	6 May 2011 p. 1619-21	r. 1 and 2: 6 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Jul 2011 (see r. 2(b) and <i>Gazette</i> 8 Jul 2011 p. 2895)
<i>Misuse of Drugs Amendment Regulations (No. 3) 2011</i>	1 Jul 2011 p. 2747-8	r. 1 and 2: 1 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Jul 2011 (see r. 2(b))
<i>Misuse of Drugs Amendment Regulations (No. 4) 2011</i>	29 Jul 2011 p. 3138-43	r. 1 and 2: 29 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2011 (see r. 2(b) and <i>Gazette</i> 29 Jul 2011 p. 3127)

**Reprint 3: The Misuse of Drugs Regulations 1982 as at 6 Jan 2012** (includes amendments listed above)

<sup>1a</sup> 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

Citation	Gazettal	Commencement
<i>Misuse of Drugs Amendment Regulations 2012</i> r. 3-5 <sup>3</sup>	28 Aug 2012 p. 4141-2	Operative on commencement of the <i>Misuse of Drugs Amendment Act 2011</i> s. 6
<i>Misuse of Drugs Amendment Regulations 2013</i> r. 3-5 <sup>4</sup>	25 Jan 2013 p. 281-2	1 Mar 2013 (see r. 2(b))

<sup>2</sup> Under the *Public Sector Management Act 1994* the names of departments may be changed. At the time of this reprint the former Department of Conservation and Land Management is called the Department of Environment and Conservation.

<sup>3</sup> On the date as at which this compilation was prepared, the *Misuse of Drugs Amendment Regulations 2012* r. 3-5 had not come into operation. They read as follows:

**3. Regulations amended**

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

**4. Regulation 4B inserted**

After regulation 4A insert:

**4B. Drug paraphernalia: prescribed things and circumstances (Act s. 7B(5))**

- (1) In this regulation —  
*approved* means approved by the CEO;  
*CEO* has the meaning given in the *Health Legislation Administration Act 1984* section 3;  
*needle and syringe programme* has the meaning given in the *Poisons Act 1964* section 5(1).
- (2) For the purposes of section 7B(5)(b) of the Act, the following things are prescribed —
  - (a) shishas;
  - (b) hookahs.
- (3) For the purposes of section 7B(5)(c) of the Act, the display or sale of drug paraphernalia in the course of the conduct of an approved needle and syringe programme is prescribed.

**5. Regulation 6A deleted**

Delete regulation 6A.

<sup>4</sup> On the date as at which this compilation was prepared, the *Misuse of Drugs Amendment Regulations 2013* r. 3-5 had not come into operation. They read as follows:

**3. Regulations amended**

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

**4. Regulation 10 deleted**

Delete regulation 10.

**5. Schedule 1 amended**

Delete Schedule 1 Forms M.D. 11 and M.D. 12.



**Defined Terms**

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**Defined Terms**

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined Term</b>	<b>Provision(s)</b>
chemist.....	5B(1A)
chosen analyst.....	7B(1)
chosen botanist.....	7B(1)
Commonwealth Criminal Code .....	10A(1)
departmental officer .....	4A(1)
drug movement bag .....	7B(1)
Form.....	3
investigating officer .....	7B(1)
optometrist .....	5B(1A)
prescribed person .....	7B(1)
relevant thing .....	7(1A)
sufficient samples .....	7B(1)