



New South Wales

# Drug Misuse and Trafficking Amendment Regulation 2008

under the

Drug Misuse and Trafficking Act 1985

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Drug Misuse and Trafficking Act 1985*.

JOHN HATZISTERGOS, M.L.C.,  
Attorney General

## Explanatory note

Schedule 4 to the *Criminal Legislation Amendment Act 2007* (which is to commence on the same day as this Regulation), among other things, makes the following amendments to the *Drug Misuse and Trafficking Act 1985*:

- (a) section 24A of that Act is amended to provide that a person who has possession of a **precursor** (being a substance specified or described in the regulations as a precursor for the purposes of the section), or a **drug manufacture apparatus** (being an apparatus specified or described in the regulations as a drug manufacture apparatus for the purposes of the section), intended by the person for use in the manufacture or production, by that person or another person, of a prohibited drug is guilty of an offence,
- (b) section 24B is inserted into that Act to provide that a person who has in his or her possession a precursor (being a substance that is capable of being used to manufacture or produce a prohibited drug and that is specified or described in the regulations as a precursor for the purposes of the section) of a quantity not less than the quantity prescribed by the regulations in relation to that precursor is guilty of an offence.

The object of this Regulation is to amend the *Drug Misuse and Trafficking Regulation 2006* so as:

- (a) to specify a list of substances as precursors, and a list of apparatus as drug manufacture apparatus, for the purpose of the amended section 24A, and
- (b) to specify a list of substances as precursors, and prescribe quantities for those precursors, for the purposes of new section 24B.

This Regulation is made under the *Drug Misuse and Trafficking Act 1985*, including sections 24A, 24B and 45 (the general regulation-making power).

## **2008 No 552**

Clause 1            Drug Misuse and Trafficking Amendment Regulation 2008

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# **Drug Misuse and Trafficking Amendment Regulation 2008**

under the

Drug Misuse and Trafficking Act 1985

### **1 Name of Regulation**

This Regulation is the *Drug Misuse and Trafficking Amendment Regulation 2008*.

### **2 Commencement**

This Regulation commences on 12 December 2008.

### **3 Amendment of Drug Misuse and Trafficking Regulation 2006**

The *Drug Misuse and Trafficking Regulation 2006* is amended as set out in Schedule 1.

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**Schedule 1 Amendments**

(Clause 3)

- [1] **Clause 9 Precursors and drug manufacture or production apparatus**  
Omit “Schedule 1” from clause 9 (1). Insert instead “Schedules 1 and 2”.
- [2] **Clause 9 (1A)–(1C)**  
Insert after clause 9 (1):
- (1A) The types of apparatus listed in Schedule 3 are specified as drug manufacture apparatus for the purposes of section 24A of the Act.
  - (1B) The substances listed in Column 1 of Schedule 4 are specified as precursors for the purposes of section 24B of the Act.
  - (1C) The quantities specified in Column 2 of Schedule 4 in relation to the substances specified in Column 1 of the Schedule are prescribed for the purposes of section 24B of the Act
- [3] **Clause 10 Sales and storage of Schedule 1 precursors**  
Omit “paragraph (b) or (c)” from paragraph (a) of the definition of *Schedule 1 precursor* in clause 10 (9).  
Insert instead “paragraph (b), (c) or (d)”.
- [4] **Clause 10 (9), definition of “Schedule 1 precursor”**  
Insert after paragraph (c):
- (d) Anethole.
- [5] **Schedule 1, heading**  
Omit the heading. Insert instead:
- Schedule 1 Precursors—section 24A and clause 10**
- [6] **Schedule 1**  
Insert in alphabetical order in the Schedule:
- Anethole

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Schedule 1 Amendments

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**[7] Schedule 2, heading**

Omit the heading. Insert instead:

**Schedule 2 Precursors—section 24A and clause 11**

**[8] Schedule 3, heading**

Omit the heading. Insert instead:

**Schedule 3 Drug manufacture or production apparatus—section 24A and clause 11A**

**[9] Schedule 4**

Insert after Schedule 3:

**Schedule 4 Precursors—section 24B**

(Clause 9)

<b>Column 1</b>	<b>Column 2</b>
<b>Substance</b>	<b>Quantity</b>
Acetic anhydride	1.0L
4-Amino butanoic acid (also known as Piperidinic acid)	1.5kg
Anethole	0.1L
Boron tribromide	0.25L
Bromobenzene	0.5L
Bromo safrole	0.05L
1-Chloro-1-phenyl-2-aminopropane	0.25kg
Ethyl phenyl acetate	0.5kg
Gamma hydroxybutanoic acid (including salts) (also known as Gamma hydroxybutyric acid)	1.5L
Hydriodic acid	1.0L
4-Hydroxybutanal (also known as 4-Hydroxybutyraldehyde)	1.5L

<b>Column 1</b>	<b>Column 2</b>
<b>Substance</b>	<b>Quantity</b>
4-Hydroxy-butanoic acid nitrile (also known as 4-Hydroxybutyronitrile)	1.5L
4-Hydroxy-pentanoic acid (also known as Gamma valerolactone)	1.5L
2-Hydroxytetrahydrofuran (also known as Tetrahydro-2-furanol)	1.5L
Hypophosphite salts	0.25kg
Hypophosphorous acid	0.25L
3,4-Methylenedioxyphenylpropan-2-one (also known as 3,4-Methylenedioxy-phenyl-2-propanone)	0.05kg
N-Methylephedrine	0.25kg
Methyl phenylacetate	0.5kg
N-Methylpseudoephedrine	0.25kg
Norpseudoephedrine	0.25kg
Phenylacetamide	0.5kg
Phenylacetic acid	0.5kg
Phenylacetone nitrile	0.5L
Phenylacetyl chloride	0.5L
1-Phenyl-1-propanone (also known as Phenylethylketone, Propiophenone)	0.25L
Phosphorus (red or white)	0.1kg
Phosphorous acid (also known as Phosphonic acid)	0.25L
Piperonal (also known as 3,4-Methylenedioxy-benzaldehyde or Heliotopine)	0.1kg
Pyridine	1.0L
2-Pyrrolidone (also known as Gamma butyrolactam)	1.5L
Safrole (also known as 5-(2-Propenyl)-1,3-Benzodioxide)	0.1L
Sassafras oil	0.1L