Drug Misuse and Trafficking Regulation 2021

[2021-479]

New South Wales

Status Information

Currency of version

Current version for 27 August 2021 to date (accessed 30 December 2024 at 0:59)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
  Medicines, Poisons and Therapeutic Goods Act 2022 No 73 (not commenced)
- **Staged repeal status**
  This legislation is currently due to be automatically repealed under the Subordinate Legislation Act 1989 on 1 September 2026

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the Interpretation Act 1987.

File last modified 28 November 2022

Drug Misuse and Trafficking Regulation 2021

New South Wales

Contents

Drug Misuse and Trafficking Regulation 2021

New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Drug Misuse and Trafficking Regulation 2021*.

2 Commencement

This Regulation commences on 1 September 2021 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Drug Misuse and Trafficking Regulation 2011*, which is repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this Regulation—

FASS means the Forensic and Analytical Science Service of NSW Health Pathology.

the Act means the *Drug Misuse and Trafficking Act 1985*.

Note—

The Act and the *Interpretation Act 1987* also contain definitions and other provisions that affect the interpretation and application of this Regulation.

Part 2 Precursors and drug manufacture apparatus

4 Precursors and drug manufacture apparatus

(1) The substances listed in Schedules 1 and 2 are—

(a) specified as precursors for the purposes of the Act, section 24A, and

(b) prescribed for the purposes of the Act, section 45.

(2) The apparatus listed in Schedule 3 are—

(a) specified as drug manufacture apparatus for the purposes of the Act, section 24A,

and

(b) prescribed for the purposes of the Act, section 45.

(3) The substances listed in Schedule 4, Column 1 are specified as precursors for the purposes of the Act, section 24B.

(4) The quantities specified in Schedule 4, Column 2 in relation to the substances specified in Column 1 are prescribed for the purposes of the Act, section 24B.

Note—

Substance is defined in the Act to include preparation and admixture and all salts, isomers, esters or ethers of a substance and all salts of those isomers, esters and ethers.

5 Sales and storage of Schedule 1 precursors—the Act, s 45(2A)

(1) A person (the ***supplier***) must not supply a Schedule 1 precursor to a person (the ***receiver***) unless the receiver—

(a) has an account with the supplier and payment for the supply is made through the account, and

(b) has provided the supplier with an end user declaration at least 24 hours before the supply, and

(c) has provided the supplier with proof of the receiver's identity at least 24 hours before the supply.

(2) A supplier of a Schedule 1 precursor must store the precursor in a way that prevents a person accessing the precursor if the person is not—

(a) the supplier, or

(b) a person who has the supplier's written authorisation to access the precursor.

(3) A supplier who gives a person written authorisation to access a Schedule 1 precursor must—

(a) make the authorisation available for inspection during business hours on request by a police officer, and

(b) keep a copy of the authorisation for at least 2 years after it ceases to have effect.

(4) A supplier who supplies a Schedule 1 precursor to a receiver must record—

(a) the name and quantity of the Schedule 1 precursor supplied, and

(b) the date of supply of the Schedule 1 precursor from the supplier's premises.

(5) A supplier must—

(a) make the following available for inspection during business hours on request by a police officer—

(i) each end user declaration provided to the supplier by a receiver,

(ii) each record made by the supplier, and

(b) keep each declaration and record for at least 2 years.

(6) Subsections (1), (3) and (4) do not apply to the supply of Ephedrine, Phenylpropanolamine or Pseudoephedrine or a salt of Ephedrine, Phenylpropanolamine or Pseudoephedrine if—

(a) the substance is supplied for therapeutic use within the meaning of the relevant therapeutic goods laws, and

(b) the substance is packaged and labelled in accordance with the relevant therapeutic goods laws, and

(c) the supplier is authorised, by the relevant therapeutic goods laws, to supply the substance.

(7) In this section—

end user declaration means a document, completed by a receiver of a Schedule 1 precursor, specifying the following—

(a) the name and address of the receiver,

(b) details of the receiver's proof of identity provided to the supplier,

(c) the name and quantity of the Schedule 1 precursor to be supplied,

(d) the proposed date of supply of the Schedule 1 precursor from the supplier's premises,

(e) the intended use for the Schedule 1 precursor.

relevant therapeutic goods laws means—

(a) the *Poisons and Therapeutic Goods Act 1966*, and

(b) the regulations under that Act, and

(c) the Commonwealth therapeutic goods laws within the meaning of that Act as the laws apply as a law of this State.

Schedule 1 precursor means a substance listed in Schedule 1 but, unless specified in Schedule 1, does not include—

(a) a preparation, admixture, salt, isomer, ester or ether of a substance listed in

Schedule 1, or

(b) a salt of an isomer, ester or ether of a substance listed in Schedule 1.

Maximum penalty—

(a) for a corporation—100 penalty units for a first offence or 150 penalty units for a second or subsequent offence, or

(b) for an individual—30 penalty units for a first offence or 50 penalty units for a second or subsequent offence.

6 Sales of Schedule 2 precursors—the Act, s 45(2A)

(1) A person (the ***supplier***) must not supply a Schedule 2 precursor to a person (the ***receiver***) unless the receiver has provided the supplier with proof of the receiver's identity and—

(a) payment for the supply is made through an account the receiver has with the supplier, or

(b) the receiver has provided the supplier with an end user declaration.

(2) A supplier who supplies a Schedule 2 precursor to a receiver must record—

(a) the name and quantity of the Schedule 2 precursor supplied, and

(b) the date of supply of the Schedule 2 precursor from the supplier's premises.

(3) A supplier must—

(a) make the following available for inspection during business hours on request by a police officer —

(i) each end user declaration provided to the supplier by a receiver,

(ii) each record made by the supplier, and

(b) keep each declaration and record for at least 2 years.

(4) In this section—

end user declaration means a document, completed by a receiver of a Schedule 2 precursor, specifying the following—

(a) the name and address of the receiver,

(b) details of the receiver's proof of identity provided to the supplier,

(c) the name and quantity of the Schedule 2 precursor to be supplied,

(d) the intended use for the Schedule 2 precursor.

Schedule 2 precursor means a substance listed in Schedule 2 but, unless specified in Schedule 2, does not include—

(a) a preparation, admixture, salt, isomer, ester or ether of a substance listed in Schedule 2, or

(b) a salt of an isomer, ester or ether of a substance listed in Schedule 2.

Maximum penalty—

(a) for a corporation—100 penalty units for a first offence or 150 penalty units for a second or subsequent offence, or

(b) for an individual—30 penalty units for a first offence or 50 penalty units for a second or subsequent offence.

7 Sales of Schedule 3 apparatus—the Act, s 45(2A)

(1) A person (the ***supplier***) must not supply a Schedule 3 apparatus to a person (the ***receiver***) unless the receiver has provided the supplier with proof of the receiver's identity and—

(a) payment for the supply is made through an account the receiver has with the supplier, or

(b) the receiver has provided the supplier with an end user declaration.

(2) A supplier who supplies a Schedule 3 apparatus to a receiver must record—

(a) the name and quantity of the Schedule 3 apparatus supplied, and

(b) the date of supply of the Schedule 3 apparatus from the supplier's premises.

(3) A supplier must—

(a) make the following available for inspection during business hours on request by a police officer—

(i) each end user declaration provided to the supplier by a receiver,

(ii) each record made by the supplier, and

(b) keep each declaration and record for at least 2 years.

(4) In this section—

end user declaration means a document, completed by a receiver of a Schedule 3 apparatus, specifying the following—

(a) the name and address of the receiver,

(b) details of the receiver's proof of identity provided to the supplier,

(c) the name and quantity of the Schedule 3 apparatus to be supplied,

(d) the intended use for the Schedule 3 apparatus.

Schedule 3 apparatus means an apparatus listed in Schedule 3.

Maximum penalty—

(a) for a corporation—100 penalty units for a first offence or 150 penalty units for a second or subsequent offence, or

(b) for an individual—30 penalty units for a first offence or 50 penalty units for a second or subsequent offence.

8 Proof of identity

The only proof of a person's identity that may be used for the purposes of sections 5, 6 and 7 is—

(a) an Australian driver licence, within the meaning of the *Road Transport Act 2013*, that displays a photograph of the person, or

(b) an Australian passport, or

(c) a Photo Card issued under the *Photo Card Act 2005*.

9 Executive liability offences

An offence against section 5, 6 or 7 is prescribed as an offence to which the Act, section 43A applies.

Part 3 Dealings with and analysis of drug exhibits—the Act, s 39D

Division 1 Preliminary

10 Interpretation and application

(1) In this Part—

A sample—see section 14(2).

approved means approved by the Commissioner of Police for the purposes of this Part.

B sample—see section 16(2).

drug exhibit bag means a bag or other container that is an approved tamper evident bag.

qualified plant identifier means a person approved by the Secretary of Regional NSW for the purposes of identifying whether or not plants are prohibited plants.

relevant substance means a substance to which the Act, Part 3A applies.

(2) A reference in this Part to a thing done by an analyst includes a reference to a thing done by a person under the supervision of an analyst.

(3) This Part applies only to a substance to which the Act, Part 3A applies.

Division 2 Samples and analysis

11 Initial quantity or mass of substances to be recorded and certificate provided

(1) As soon as practicable after a relevant substance first comes into the custody of a member of the NSW Police Force, and before a sample is taken for analysis, an approved member of the NSW Police Force must—

(a) record the quantity or mass of the relevant substance (the ***initial quantity or mass***), or

(b) provide the relevant substance to an analyst to record the initial quantity or mass of the relevant substance.

(2) The member of the NSW Police Force or analyst must—

(a) produce a certificate stating the initial quantity or mass of the relevant substance, and

(b) cause a copy of the certificate to be served on the defendant or accused person in all proceedings under the Act relating to the relevant substance.

(3) In proceedings under the Act, the production of a certificate, purporting to be signed by an approved member of the NSW Police Force or analyst, is prima facie evidence of the initial quantity or mass of the relevant substance and the matters stated in it.

(4) Subsection (3) does not apply if a quantity review order is made under the Act, section 39M.

(5) In proceedings under the Act, the production of a certificate, purporting to be signed by a person who determined the mass of a relevant substance in accordance with a quantity review order under the Act, section 39M, is prima facie evidence of the mass of the relevant substance and the matters stated in it.

12 Identification of prohibited plants

As soon as practicable after a relevant substance that is a plant first comes into the custody of a member of the NSW Police Force, one of the following persons must be given access to or provided with an amount of the plant sufficient to allow its identification—

(a) an analyst,

(b) a qualified plant identifier.

Note—

Prohibited plants may be destroyed once they have been identified and other procedures have been carried out. See the Act, section 39H.

13 Taking and retention of samples of substances other than plants

(1) The required amount of a relevant substance, other than a plant, must, if practicable, be retained by—

(a) a member of the NSW Police Force, or

(b) if the bulk of the relevant substance is provided to an analyst—the analyst.

(2) In this section—

required amount, of a relevant substance, means the amount that is 3 times the amount required for 2 samples for analysis.

14 Drugs of more than traffickable quantity and other substances

(1) This section applies to the following relevant substances—

(a) a Schedule 9 substance,

(b) a psychoactive substance,

(c) a prohibited drug, or suspected prohibited drug, if the quantity of the drug is not less than the traffickable quantity for the drug.

(2) As soon as reasonably practicable after a relevant substance first comes into the custody of a member of the NSW Police Force, an amount sufficient to allow analysis of the relevant substance must be provided to an analyst for analysis (an ***A sample***) from the amount retained under section 13.

(3) A sample of a relevant substance is not required to be provided to an analyst under this section if—

(a) the relevant substance is to be destroyed under the Act, section 39G or 39L, or

(b) an analyst has already retained an amount of the relevant substance under section 13.

15 Drugs of less than traffickable quantity

(1) This section applies to a relevant substance that is a prohibited drug, or suspected prohibited drug, if the quantity of the relevant substance is less than the traffickable

quantity for the substance.

(2) As soon as reasonably practicable after it is known that the identity of a relevant substance is to be in dispute in proceedings for an offence, the relevant substance must be provided to an analyst for analysis.

16 Analysis of B sample

(1) This section applies to the following relevant substances—

(a) a prohibited drug or suspected prohibited drug, if the quantity of the substance is not less than the traffickable quantity for the substance,

(b) a Schedule 9 substance or a psychoactive substance, if a sufficient amount has been retained.

(2) A defendant or accused person in proceedings for an offence relating to a relevant substance may request an analysis of a further sample (a ***B sample***) of the relevant substance.

(3) The request must be made by written notice to a qualified police officer not later than 28 days after a certificate of analysis of the A sample of the relevant substance is served on the defendant or accused person.

(4) The defendant or accused person may request in the notice—

(a) the analysis of the B sample be witnessed by a specified person, or

(b) the analysis be carried out by a specified analyst who is of a class of approved analysts.

(5) The qualified police officer must arrange for an amount sufficient to allow analysis of the B sample to be provided to an analyst for analysis.

(6) The analyst must provide a copy of the results of the analysis to—

(a) the qualified police officer who arranged for the analysis, and

(b) the defendant or accused person.

(7) The cost of the analysis must be paid by the defendant or accused person.

17 Carrying out of analysis

(1) An analyst to whom a relevant substance is given for analysis may analyse the relevant substance—

(a) to determine whether it is a prohibited drug, Schedule 9 substance or psychoactive substance, and

(b) if it is, to determine—

(i) the identity of the relevant substance, and

(ii) the quantity or mass of the relevant substance.

(2) The analyst may also analyse the relevant substance to determine the purity of the relevant substance if it is—

(a) a prohibited drug of at least the commercial quantity, and

(b) reasonably practicable to do so.

(3) If the relevant substance is cannabis leaf, the analyst is only required to determine the mass of the cannabis leaf after identifying it as cannabis leaf.

18 Analyst's certificate

A certificate under the Act, section 43(1) may contain the matters specified in section 17.

19 Significant variations

(1) This section applies if—

(a) a difference occurs between the findings recorded in 2 or more certificates of analysts concerning the same drug exhibit, and

(b) the analyst providing the later or latest certificate considers the difference to be significant.

(2) The later analyst must immediately forward a copy of all certificates relating to the drug exhibit to the Director of Public Prosecutions.

20 Transport of substances for analysis

(1) An amount of a relevant substance that is required to be provided to an analyst under this Part must be provided by an approved member of the NSW Police Force.

(2) A relevant substance provided to a qualified plant identifier or an analyst for identification or analysis may be transported to the qualified plant identifier or analyst by an approved courier, if the plant or substance is contained in a drug exhibit bag.

(3) For the purposes of the Act, section 45(2), an approved courier who transports or delivers a relevant substance in accordance with the Act or this Part is exempt from the provisions of the Act relating to the possession or supply of the relevant substance to the extent necessary to enable the courier to deliver or transport the relevant substance.

Division 3 Storage, security and records

21 Drug exhibit bags

(1) A relevant substance must be placed in a drug exhibit bag as soon as practicable after the relevant substance first comes into the custody of a member of the NSW Police Force.

(2) The drug exhibit bag must be sealed and labelled in the approved way.

(3) The label must—

(a) contain the date and time on which the drug exhibit bag was sealed, and

(b) contain the registered number of the exhibit, and

(c) if known, contain the name of the alleged offender to whom the investigation relates, and

(d) contain the name of the member of the NSW Police Force in charge of the investigation to which the exhibit relates, and

(e) contain the name of the person who sealed the drug exhibit bag, and

(f) be signed by the person who sealed the drug exhibit bag.

22 Opening drug exhibit bags

(1) A sealed drug exhibit bag that contains a relevant substance may be opened before analysis only—

(a) if access is required by a member of the NSW Police Force for weighing, presumptive testing or taking a sample, or

(b) with the written approval of a qualified police officer, or a delegate of a qualified police officer, who considers exceptional circumstances justify the drug exhibit bag being opened before analysis.

(2) A sealed drug exhibit bag that is opened before analysis must be opened in the presence of at least 2 of the following persons—

(a) the person who requires access to the relevant substance,

(b) the member of the NSW Police Force in charge of the investigation to which the drug exhibit bag relates, if the member is not the person who requires access to the relevant substance,

(c) a member of the NSW Police Force responsible for the security of the drug exhibit bag.

23 Storage of drug exhibit bags

A drug exhibit bag containing a relevant substance that is in the custody of a member of the NSW Police Force must, unless it is being transported, be kept—

(a) in a locked vault or cabinet with a dual locking mechanism that requires at least 2 separate keys to unlock it, or

(b) in an approved facility.

24 NSW Police Force exhibits management system

(1) As soon as practicable after a relevant substance first comes into the custody of a member of the NSW Police Force, the particulars of the relevant substance must be entered into the NSW Police Force exhibits management system in accordance with the requirements of the system.

(2) The following must also be entered into the NSW Police Force exhibits management system in accordance with the requirements of the system—

(a) particulars of all occasions on which a drug exhibit bag containing a relevant substance that is in the custody of a member of the NSW Police Force is opened after being sealed,

(b) particulars of all changes in the identification details or location of a drug exhibit bag that—

(i) is in the custody of a member of the NSW Police Force, or

(ii) is transported to a qualified plant identifier or an analyst for the purposes of this Part, whether transport of the drug exhibit bag is provided by a member of the NSW Police Force or an approved courier,

(c) particulars of the receipt of a drug exhibit bag.

25 Evidence of substances before destruction

(1) For the purposes of the Act, sections 39G(3), 39I(3) and 39K(1)(c), the following particulars must be recorded in relation to a relevant substance other than a plant—

(a) a photograph of the relevant substance,

(b) the mass of the relevant substance.

(2) For the purposes of the Act, sections 39G(3), 39H(b) and 39K(1)(c), the following particulars must be recorded in relation to a relevant substance that is a plant—

(a) a photograph of the plant,

(b) if practicable, the height of the plant,

(c) the number of plants.

Division 4 Destruction of substances

26 Destruction of sample material

(1) A director of FASS, or a delegate of a director, may give a written order that the following may be destroyed—

(a) a part of a relevant substance given to an analyst for analysis under this Part that is not required for the analysis,

(b) a sample for which a certificate of analysis has already been given.

(2) A qualified police officer may give a written order that a part of a relevant substance retained under this Part, for which analysis is not carried out, be destroyed after the end of all relevant proceedings for an offence relating to the relevant substance.

(3) In this section—

end of all relevant proceedings includes the end of all appeal proceedings or, if no appeal is made, the end of the period within which an appeal may be made.

27 Destruction of prohibited plants

The following persons are prescribed for the purposes of the Act, section 39H(a)—

(a) an analyst,

(b) a qualified plant identifier.

28 Inspection before destruction

If an order for the destruction of a relevant substance is made under the Act, Part 3A or this Division by a qualified police officer—

(a) the person who has custody of the relevant substance must arrange for a police officer of or above the rank of inspector to inspect the drug exhibit bag containing the relevant substance, and

(b) the police officer must, based on the inspection, determine whether or not the drug exhibit bag has been opened or tampered with since it was last sealed.

29 Method of destruction

A relevant substance that is destroyed under the Act, Part 3A or this Division on the order of a qualified police officer must be destroyed in the presence of all of the following persons—

(a) a police officer of or above the rank of inspector,

(b) an independent witness,

(c) a member of the NSW Police Force who is capable of identifying the exhibit being destroyed as the relevant substance ordered to be destroyed.

Division 5 Evidentiary certificates

30 Application

This Division applies to proceedings for an offence against the Act or an appeal relating to proceedings for an offence against the Act.

31 NSW Police Force exhibits management system certificates

The production of an exhibit detail sheet certified by a member of the NSW Police Force to have been issued under the authority of the NSW Police Force exhibits management system, and relating to the whole or part of a drug exhibit identified in the sheet, is prima facie evidence of the dealings with the exhibit listed in the sheet.

32 Continuity evidence

(1) The production of all of the certificates referred to in subsection (2) is prima facie evidence that a relevant substance retained by a member of the NSW Police Force is the same relevant substance that was analysed under this Part, if each certificate identifies the same drug exhibit bag or another drug exhibit bag into which the relevant substance was placed.

(2) The certificates are—

(a) a certificate by a member of the NSW Police Force certifying that—

(i) the relevant substance was placed in a drug exhibit bag identified in the certificate, and

(ii) the member sealed and labelled the drug exhibit bag, and

(b) if a drug exhibit bag was opened by a member of the NSW Police Force—a certificate by the member certifying that the drug exhibit bag identified in the certificate—

(i) was received by the member and, when received, the seal of the drug exhibit bag was not broken or otherwise tampered with, and

(ii) was opened by the member and an amount of the relevant substance was removed from the drug exhibit bag, tested or otherwise dealt with as specified in the certificate, and placed—

(A) in the same drug exhibit bag with a new seal, or

(B) in another drug exhibit bag, identified in the certificate, that was sealed and labelled by the member, and

(c) a certificate by an officer of FASS or other approved person who received a relevant substance for analysis certifying that—

(i) a specified relevant substance submitted for analysis was received in a drug exhibit bag identified in the certificate, and

(ii) when received, the seal of the drug exhibit bag was not broken or otherwise tampered with, and

(d) a certificate by an analyst under the Act, section 43(1) certifying the results of analysis of a relevant substance contained in a drug exhibit bag identified in the certificate.

33 Proof of signatures, appointments and approval for purposes of evidentiary certificates unnecessary

In proceedings under the Act in which a certificate under this Part is produced as prima facie evidence of the matters stated in it, the certificate is prima facie evidence of the matters without proof of the signature, appointment or approval of the person purporting to sign the certificate.

Part 4 Exemptions—the Act, s 45(2)

34 Exemption for Scene of Crime Officers

A member of the NSW Police Force who has been designated by the Commissioner of Police as a Scene of Crime Officer is exempt from the provisions of the Act, sections 10(1), 23(1) and (2) and 25(1) and (2) in relation to every prohibited plant or prohibited drug to the extent necessary to enable the member to carry out the member's duties as a Scene of Crime Officer.

35 Exemption for LECC officers

(1) A person who is an officer of the LECC is exempt from the provisions of the Act, sections 10(1), 23(1) and (2) and 25(1) and (2) in relation to every prohibited plant or prohibited drug to the extent necessary to enable the person to carry out the person's duties as an officer of the LECC.

(2) In this section—

officer of the LECC means—

(a) the Chief Commissioner of the Law Enforcement Conduct Commission, and

(b) another officer of the Commission exercising the powers of the Commission under *Law Enforcement Conduct Commission Act 2016*, Part 6.

36 Exemption for persons engaged to transport, store or destroy cannabis

(1) A person engaged under a contract for services by or on behalf of the NSW Police Force to transport, store or destroy cannabis is exempt from the Act, sections 10(1), 23(1) and (2) and 25(1) and (2).

(2) The exemption extends to an employee of the person engaged under the contract for services.

(3) The exemption applies only to enable the person or employee to transport, store or destroy cannabis in accordance with the contract for services.

(4) In this section—

cannabis means cannabis plant and cannabis leaf.

37 Exemptions relating to certain needle and syringe programs

(1) A person who participates in a needle and syringe program is exempt from the provisions of the Act, sections 11, 19 and 20, to the extent necessary to enable the person to do the following for the purposes of the needle and syringe program—

(a) to possess, and to distribute, hypodermic syringes, hypodermic needles and associated equipment for use in the administration of a prohibited drug,

(b) to give out information concerning hygienic practices in the use of hypodermic syringes and hypodermic needles to prevent the spread of contagious disease.

(2) A person is exempt from the provisions of the Act, sections 19 and 20 to the extent necessary to authorise the person to give out information about the location and hours of operation of a needle and syringe program.

(3) In this section—

needle and syringe program means a needle and syringe program specified in the document entitled “Exempt Needle and Syringe Programs” published on 24 August 2021 by the Ministry of Health and available on its website.

38 Exemption for pharmacists and staff

A pharmacist acting in the ordinary course of the profession of pharmacy, and a person acting under the supervision of the pharmacist, is exempt from the provisions of the Act, sections 11, 19 and 20, to the extent necessary to enable the pharmacist or person—

(a) to possess, and to distribute, hypodermic syringes, hypodermic needles and associated equipment for use in the administration of a prohibited drug, and

(b) to give out information concerning hygienic practices in the use of hypodermic syringes and hypodermic needles to prevent the spread of contagious disease.

Part 5 Miscellaneous

39 Analysts

For the purposes of the Act, section 3(1), definition of ***analyst***, a person who is an analyst, however described, under a law of another State or Territory that corresponds to the Act is an analyst.

40 Prescribed service activity level for licensed injecting centre

For the purposes of the Act, section 36K(2), the prescribed service activity level for the licensed injecting centre is an average of 208 client visits per day in each month.

41 Savings

An act, matter or thing that, immediately before the repeal of the *Drug Misuse and Trafficking Regulation 2011*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Precursors—s 5 and the Act, s 24A

sections 4 and 5

Acetic anhydride

Alpha-acetylphenylacetic acid

Alpha-phenylacetoacetamide (also known as APAA)

Alpha-phenylacetoacetonitrile (also known as APAAN)

4-Aminobutanoic acid (also known as Piperidinic acid)

Anethole

4-Anilino-N-phenethylpiperidine (also known as ANPP)

Boron tribromide

Bromobenzene

Bromosafrole

1,4-Butanediol (also known as Tetramethyelene glycol, hydroxybutanol or 1,4BD)

1-Chloro-1-phenyl-2-aminopropane (including salts)

1-Chloro-1-phenyl-2-methylaminopropane (including salts)

Ephedrine (including salts)

Ephedrone

Ethyl phenyl acetate

Gamma butyrolactone (also known as 4-hydroxybutanoic acid lactone or gBL)

Hydriodic acid

4-Hydroxybutanal (also known as 4-Hydroxybutyraldehyde)

4-Hydroxybutanoic acid (including salts) (also known as Gamma hydroxybutyric acid)

4-Hydroxybutanoic acid nitrile (also known as 4-Hydroxybutyronitrile)

4-Hydroxypentanoic acid (also known as Gamma valerolactone)

2-Hydroxytetrahydrofuran (also known as Tetrahydro-2-furanol)

Hypophosphite salts

Hypophosphorous acid

Methyl alpha-phenylacetoacetate (also known as MAPA)

Methyl 3-(3’,4’-Methylenedioxyphenyl)-2-methyl glycidate (also known as MMDMG)

2-Methyl-3-(3,4-Methylenedioxyphenyl)prop-1-ylidenehydroxylamine (also known as helional aldoxime)

2-Methyl-3-(3,4-Methylenedioxyphenyl)propanamide (also known as helional amide)

3-(3’,4’-Methylenedioxyphenyl)-2-methyl glycidic acid (including salts)

3,4-Methylenedioxyphenylpropan-2-one (also known as 3,4-Methylenedioxy-phenyl-2-propanone)

N-Methylephedrine

Methyl phenylacetate

Methyl 3-phenyl-2-methyl glycidate

N-Methylpseudoephedrine

Norpseudoephedrine

N-Phenethyl-4-piperidone (also known as NPP)

Phenylacetamide

Phenylacetic acid (including salts and esters)

Phenylacetonitrile

Phenylacetyl chloride

Phenylpropanolamine (including salts)

1-Phenyl-2-chloropropane

3-Phenyl-2-methyl glycidic acid (including salts)

1-Phenyl-2-nitropropene

1-Phenyl-1,2-propanedione

1-Phenyl-2-propanol

1-Phenyl-1-propanone (also known as Phenylethylketone, Propiophenone)

1-Phenyl-2-propanone

1-Phenyl-2-propanone bisulphite

1-Phenyl-2-propanone oxime

Phosphorous acid (also known as Phosphonic acid)

Phosphorus (red or white)

Piperonal (also known as 3,4-Methylenedioxy-benzaldehyde or Heliotopine)

Propionyl chloride

Pseudoephedrine (including salts)

Pyridine

2-Pyrrolidone (also known as Gamma butyrolactam)

Safrole (also known as 5-(2-Propenyl)-1,3-Benzodioxide)

Sassafras oil

Schedule 2 Precursors—s 6 and the Act, s 24A

sections 4 and 6

N-Acetylanthranilic acid (also known as 2-Acetamidobenzoic acid)

Allybenzene (also known as 3-Phenyl-1-propene or 2-Propenyl-benzene)

Ammonium formate

Anthranilic acid (also known as 2-Aminobenzoic acid)

Benzaldehyde

Benzyl bromide (also known as alpha-Bromotoluene)

Benzyl chloride (also known as alpha-Chlorotoluene)

Calcium

Chromic acid (including salts)

Chromium trioxide (also known as Chromium (VI) oxide)

Ergometrine (also known as Ergonovine)

Ergotamine

Ethanamine (also known as Monoethylamine)

N-Ethylephedrine

N-Ethylpseudoephedrine

Formamide

Hydrobromic acid (also known as Hydrogen bromide solution)

Iodine (including iodine salts)

Isosafrole (also known as 5-(1 Propenyl)-1,3-benzodioxile)

Lithium

Lysergic acid

Magnesium

Mercuric chloride (also known as Mercury (II) chloride or Mercury bichloride)

Methylamine (also known as Aminomethane or Monomethylamine)

Methylammonium salts

N-Methylformamide

Nitroethane

Nitromethane

Palladium (including salts)

Phenylalanine

Piperidine

Potassium

Propionic anhydryde

Raney nickel

Sodium

Sodium borohydride

Thionyl chloride

Thorium (including salts)

Schedule 3 Drug manufacture or production apparatus—s 7 and the Act, s 24A

sections 4 and 7

Hydrogen sulfide gas cylinder

Hydrogen chloride gas cylinder

Hydrogen gas cylinder

Ammonia gas cylinder

Methylamine gas cylinder

Flat bottom reaction flask, capacity 500ml or greater

Round bottom reaction flask, capacity 500ml or greater

Separating funnel, capacity 500ml or greater

Condenser, joint size opening 19mm or greater

Splash head

Distillation head

Heating mantle, capacity 500ml or greater

Tablet press

Drug encapsulator

Rotary evaporator

Schedule 4 Precursors—the Act, s 24B

section 4

Column 1	**Column 2**
Substance	**Quantity**
Acetic anhydride	1.0L
4-Aminobutanoic acid (also known as Piperidinic acid)	1.5kg
Anethole	0.1L
Boron tribromide	0.25L
Bromobenzene	0.5L
Bromosafrole	0.05L

1-Chloro-1-phenyl-2-aminopropane	0.25kg
Ethyl phenyl acetate	0.5kg
Hydriodic acid	1.0L
4-Hydroxybutanal (also known as 4-Hydroxybutyraldehyde)	1.5L
4-Hydroxybutanoic acid (also known as Gamma hydroxybutyric acid)	1.5L
4-Hydroxybutanoic acid nitrile (also known as 4-Hydroxybutyronitrile)	1.5L
4-Hydroxypentanoic 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
Phenylacetonitrile	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