

1991—No. 662

POISONS ACT 1966—REGULATION

(Relating to the supply of drug precursors)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Poisons Act 1966, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD
Minister for Health and Community Services.

Commencement

1. This Regulation commences on 1st March 1992.

Amendments

2. The Poisons Regulations are amended:
 - (a) by inserting after Regulation 14 (3) the following paragraph:
 - (4) This Regulation does not apply to containers or primary packs of drug precursors listed in Group 2 of the Table to Regulation 42C.
 - (b) by inserting after Regulation 42B the following Regulations:

Definitions: Regs 42C–42J

42C. In this Regulation and in Regulations 42D–42J:

“**drug precursor**” means a substance referred to in the Table to this Regulation;

“**restricted quantity**”, in relation to a drug precursor, means any quantity (measured in millilitres in the case of a substance in liquid form and in grams in any other case) greater than the quantity (similarly measured) shown opposite that drug precursor in the Table to this Regulation;

“supply”, in relation to a drug precursor, means the supply of the drug precursor in the course of a single transaction.

TABLE

Group 1

ephedrine and salts of ephedrine, as such	90
phenylpropanolamine and salts of phenylpropanolamine, as such	90
pseudoephedrine and salts of pseudoephedrine, as such	90

Group 2

phenylacetic acid and salts of phenylacetic acid, as such	90
1-phenyl-2-chloropropane, as such	90
1-phenyl-2-nitropropene, as such	90
1-phenyl-2-propanol, as such	90
1-phenyl-2-propanone, as such	90
1-phenyl-2-propanone oxime, as such	90

Supply of drug precursors

42D. (1) A person must not supply a restricted quantity of a drug precursor to any other person unless the supplier is authorised to do so:

- (a) under section 9 of the Act; or
- (b) under Regulation 43A; or
- (c) by a licence in force under the Therapeutic Goods and Cosmetics Act 1972; or
- (d) by an instrument in writing signed by the Director-General.

(2) A person who supplies a restricted quantity of a drug precursor to any other person must, before supplying it:

- (a) require the recipient or the recipient's agent to produce evidence, of a kind approved by the Commissioner of Police, of the recipient's name and address; and
- (b) obtain from the recipient or the recipient's agent a written order, signed by the recipient, for the quantity of the drug precursor to be supplied; and
- (c) write on the order a description of the evidence produced by the recipient or the recipient's agent of the recipient's name and address, including any identifying code appearing on the card or document comprising that evidence; and

(d) issue an invoice to the recipient or the recipient's agent, indicating the date of supply, the name and address of the recipient and the name and quantity of the drug precursor supplied; and

(e) obtain from the recipient or the recipient's agent a written receipt, signed by the recipient or the recipient's agent, for the quantity of the drug precursor supplied.

(3) Paragraph (2) does not apply if the recipient is a person referred to in paragraph (1) (b), (c) or (d).

Invoices to be kept by suppliers of drug precursors

42E. (1) A person who supplies a restricted quantity of a drug precursor to any other person:

(a) must keep a copy of an invoice referred to in Regulation 42D (2) (d) for not less than 2 years after the date on which the invoice is issued; and

(b) must make the copy available for inspection on demand by a police officer or a person authorised by the Director-General under section 43 of the Act.

(2) The copies of the invoices must be kept separately from any other records kept by the supplier.

Particulars of supply of the drug precursors to be furnished to Commissioner of Police

42F. (1) A person who, during any named month, supplies a restricted quantity of a drug precursor to any other person must send to the Commissioner of Police, at the beginning of the next named month, a list containing the name and address of each person so supplied together with the name and quantity of the drug precursor supplied to each such person and the date of supply.

(2) Paragraph (1) does not apply if the recipient is a person referred to in Regulation 42D (1) (b), (c) or (d).

(3) A person who is authorised by the Director-General to supply a drug precursor as referred to in Regulation 42D (1) (d), but who does not supply a restricted quantity of a drug to any other person during my named month, must send to the Commissioner of Police, at the beginning of the next named month, a notice to that effect.

Supply for production of drugs of addiction etc.

42G. (1) A person must not supply any quantity of a drug precursor to any other person (whether in a single transaction or otherwise) knowing or reasonably suspecting that the drug

precursor will or may be used in the manufacture of a substance included in:

- (a) Schedule 4 or 8 of the Poisons List; or
- (b) Schedule 1 to the Drug Misuse and Trafficking Act 1985.

(2) This Regulation does not apply to a person who supplies a drug precursor for use in the manufacture of a substance to a person who is duly authorised (whether by the Act or these Regulations or otherwise) to manufacture the substance.

Notification of lost etc. drug precursors

42H. A person who loses a restricted quantity of a drug precursor, or from whom a restricted quantity of a drug precursor is stolen, must notify a police officer of that fact.

Obtaining drug precursors by false representation

42I. A person must not knowingly by any false representation (whether verbal, in writing or by conduct) obtain or attempt to obtain a restricted quantity of a drug precursor.

Exemptions

42J. The Director-General may, by instrument in writing, exempt any person or class of persons from any or all of the provisions of Regulations 42D–42H.

EXPLANATORY NOTE

The object of this Regulation is to enable the Commissioner of Police to monitor the supply of specified drug precursors. The drug precursors concerned are chemical substances which can be used in the illicit manufacture of drugs of abuse, particularly amphetamines.

Some of the substances are already subject to some degree of control under the Poisons Act 1966. Most are not subject to that control as they are industrial chemicals of limited risk in themselves. All of the substances are to be included in the Poisons List.

The effect of the Regulation is:

- (a) to allow only authorised persons to supply more than 90 grams or millilitres of a specified drug precursor to another person in any single transaction; and
- (b) to require all recipients of such quantities of drug precursors, other than certain specified categories of recipient, to provide proof of identity of a kind approved by the Commissioner of Police before being supplied with the relevant drug precursor; and
- (c) to require all suppliers to keep records of the supply particulars and to send monthly returns of those particulars to the Commissioner of Police; and

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- (d) to require suppliers who have the written authority of the Director-General, but who do not supply any quantities greater than the specified amount in any single transaction during a particular month, to send a “nil” monthly return to the Commissioner of Police; and
 - (e) to prohibit persons from supplying drug precursors knowing, or reasonably suspecting, that the substances will be used in the illicit production of certain drugs; and
 - (f) to require any loss or theft of specified quantities of a drug precursor to be reported to a police officer; and
 - (g) to make it an offence for a person to obtain or attempt to obtain, by false representations specified quantities of any drug precursor.
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