

Queensland



Subordinate Legislation 1996 No. 309

Drugs Misuse Act 1986

**DRUGS MISUSE AMENDMENT REGULATION
(No. 1) 1996**

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Short title

1. This regulation may be cited as the *Drugs Misuse Amendment Regulation (No. 1) 1996*.

Commencement

2. This regulation commences on 8 November 1996.

Regulation amended

3. This regulation amends the *Drugs Misuse Regulation 1987*.

Insertion of part heading

4. Before section 1—

insert—

‘PART 1—PRELIMINARY’.

Amendment of s 4 (Interpretation)

5.(1) Section 4, heading—

omit, insert—

‘Definitions’.

(2) Section 4, definition “**the Act**”—

omit.

(3) Section 4—

insert—

‘**“supply”** see section 43A of the Act.¹’.

¹ Section 43A (Definitions)

Insertion of part heading

6. After section 4—

insert—

**‘PART 2—SEARCH WARRANT NOTICES AND
RECORD’.**

Amendment of s 5 (Notice to justice before whom a complaint to ground a search warrant is to be sworn)

7. Section 5, ‘Form 6’—

omit, insert—

‘the approved form’.

Amendment of s 6 (Record of proceedings)

8. Section 6(1), ‘Form 7’—

omit, insert—

‘the approved form’.

Amendment of s 7 (Notice to occupier of place entered pursuant to warrant)

9. Section 7(1), ‘Form 8’—

omit, insert—

‘the approved form’.

Omission of s 8 (Forms)

10. Section 8—

omit.

Insertion of part heading

11. Before section 9—

insert—

**‘PART 3—SYRINGES AND DANGEROUS DRUGS
DISPOSAL PROCEDURES’.**

Insertion of new pt 4

12. After section 10—

insert—

‘PART 4—CONTROLLED SUBSTANCES

‘Other act that is a relevant transaction—Act, s 43C(b)

‘11. Any act by which a controlled substance is supplied² by a person, in or in connection with the person’s business, to anyone else is a relevant transaction for the supply of a controlled substance.

Example—

A and B are partners in a chain of pharmacies. They make cold tablets to sell in the pharmacies by compounding ephedrine (a controlled substance) with other substances.

The partners sell some of the left over ephedrine to a pharmaceutical research company and give the rest away.

Both the sale and gift of ephedrine are relevant transactions.

‘Documents and proof of identity required for supply of a controlled substance—Act, s 43D(1)(a)

‘12.(1) This section applies to a person who supplies a controlled substance under a relevant transaction to anyone else (a “**recipient**”).

‘(2) The person must, before supplying the substance, obtain from the recipient a written order for the supply of the substance showing the

² Under the Act, section 43A, “supply” means give, distribute, sell or supply.

following information—

- (a) the recipient's name and address, and if the recipient purports to obtain the substance for another person, the other person's name and address;
- (b) the date and number of the order;
- (c) the name and quantity of the substance to be supplied;
- (d) the purpose for which the substance is to be supplied.

‘(3) If the recipient is an individual, the person must, before supplying the substance, require the recipient to produce an official document containing the recipient's photograph (for example, a passport or drivers licence) as evidence of the recipient's identity.

‘(4) The person must, immediately the person supplies the substance under the transaction, make an invoice for the supply of the substance showing the following details—

- (a) the recipient's name and address;
- (b) the recipient's order number for the supply of the substance;
- (c) the date the substance was supplied;
- (d) the name and quantity of the substance supplied.

Maximum penalty for subsection (4)—20 penalty units.

‘Details about supply of controlled substance to be recorded in register

‘13.(1) The following details about a relevant transaction for the supply of a controlled substance must be recorded in the register³—

- (a) the name and address of the recipient and, if the recipient purports to obtain the substance for another person, the other person's name and address;
- (b) the recipient's order number for the supply of the substance;
- (c) the invoice number for the supply of the substance;

³ See the Act, section 43D(1)(c) for the requirement to keep the register.

- (d) if the recipient is—
 - (i) a company—its Australian Company Number; or
 - (ii) an individual—the type of official document produced under section 12(3) and the following details about the document—
 - (A) who issued it;
 - (B) its serial number or other identifying number or mark;
- (e) the name and quantity of the substance supplied;
- (f) the date the substance was supplied;
- (g) the purpose for which the substance was supplied.

‘(2) The details must be recorded in the register as soon as practicable, but in no case later than 7 days, after the day the person supplied the substance under the transaction.

‘(3) Nothing in this section prevents the keeping of a single register for the Act and another Act if—

- (a) the keeping of the single register is not contrary to the other Act; and
- (b) the details recorded under subsection (1) are easily identifiable in the single register.

‘Details about loss or theft of controlled substance to be recorded in register

‘14. The following details of the reporting to a police officer of the loss or theft of a controlled substance must be recorded in the register—

- (a) the day and place the report was made;
- (b) the name and registered number of the officer to whom the report was made;
- (c) the name and quantity of the substance lost or stolen.

‘Keeping of register, invoice and other documents

‘**15.(1)** This section applies to the register and other documents mentioned in the Act, section 43D(1) and the invoice required under section 12(4).

‘**(2)** A person who supplies a controlled substance under a relevant transaction must keep the register, documents or invoice—

- (a) at the principal or only place in Queensland where the person engages in relevant transactions; and
- (b) for 2 years from the day the person supplied the substance under the transaction.’

Omission of schedule

13. Schedule—

omit.

ENDNOTES

1. Made by the Governor in Council on 7 November 1996.
2. Notified in the gazette on 8 November 1996.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Police.