Queensland

Drugs Misuse Act 1986

DRUGS MISUSE REGULATION 1987

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Reprint No. 3

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Information about this reprint

This regulation is reprinted as at 5 February 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland

DRUGS MISUSE REGULATION 1987

TABLE OF PROVISIONS

ENDNOTES

DRUGS MISUSE REGULATION 1987

[as amended by all amendments that commenced on or before 5 February 1999]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Drugs Misuse Regulation 1987*.

Dictionary

4. The dictionary in schedule 9 defines particular words used in this regulation.

PART 2—SEARCH WARRANT NOTICES AND RECORD

Notice to justice before whom a complaint to ground a search warrant is to be sworn

5. A justice of the peace (other than a stipendiary magistrate) who has before him or her a complaint to ground a search warrant shall be given a notice in the approved form by the complainant and shall read such notice prior to administering an oath for the purposes of such complaint.

Record of proceedings

6.(1) A justice of the peace who has a complaint sworn before him or her to ground a search warrant shall cause a record to be made of such proceedings in the approved form.

(2) The justice of the peace shall retain or cause to be retained by the nearest clerk of the court the complaint to ground a search warrant and record of proceedings for 2 years or such longer period as may be required in the particular case.

Notice to occupier of place entered pursuant to warrant

7.(1) A police officer to whom a search warrant has been issued shall prepare an occupier's notice in the approved form.

(2) A police officer executing a search warrant shall—

(a) upon entry into or on the place to which the warrant relates, or at the first reasonable opportunity thereafter, serve the occupier's notice on a person who appears to be an occupier of that place; and

(b) if no such person is then present, or if service is not practicable for any other reason, serve the occupier's notice by leaving it in a conspicuous location in or on that place.

(3) Subsection (2) does not apply where the police officer executing a search warrant has reasonable grounds to believe that service of an occupier's notice would frustrate or otherwise hinder the investigation of the offence in respect of which the search warrant was issued.

PART 3—SYRINGES AND DANGEROUS DRUGS DISPOSAL PROCEDURES

Prescribed procedures for the disposal of hypodermic syringes and needles

9. For the purposes of section 10(4A) of the Act, the prescribed procedures for the disposal of a hypodermic syringe or needle shall be as follows—

(a) by placing the hypodermic syringe or needle in a rigid wall, puncture resistant container and that container is sealed or

securely closed in such a manner that its contents are incapable of causing injury to any person; or

(b) by giving the hypodermic syringe or needle to a person who is a medical practitioner, pharmacist or person or a member of a class of persons referred to as authorised in section 10(3) of the Act.

Prescribed procedure for disposal of dangerous drugs

10. For the purposes of section 52A[1] of the Act, the prescribed procedure for the disposal of a thing shall be as follows—

(a) in the case where the thing is a trace amount of a dangerous drug contained in a hypodermic syringe or needle, by disposing of the hypodermic syringe or needle in accordance with the procedures prescribed in section 9; or

(b) in any other case, at the first reasonable opportunity, by giving—

(i) such thing; and

(ii) where such thing is contained in a hypodermic syringe or needle, such syringe or needle;

to an officer authorised to exercise the powers contained in the *Health Act 1937*, section 132.[2]

PART 4—CONTROLLED SUBSTANCES

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

11. Any act by which a controlled substance is supplied[3] 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.

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1 Section 52A (Prescribed persons permitted to receive and dispose of dangerous drugs) of the Act

2 *Health Act 1937*, section 132 (Powers of officers)

3 Under section 43A of the Act, "supply" means give, distribute, sell or supply.

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 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 register[4]—

(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;

(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

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

(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)[5] 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.

5 Section 43D (Requirements for supply of controlled substance under relevant transactions) of the Act

PART 5—TRIAL PLANTING OF CANNABIS SATIVA FOR COMMERCIAL FIBRE PRODUCTION

Division 1—Preliminary

Purpose of pt 5

16. This part states the extent of the exemptions necessary for achieving the purpose of part 5B[6] of the Act and makes other necessary provisions for achieving the purpose.

Limit of effect of exemption

17. The exemption of a person under this part from section 6, 8 or 9 of the Act has effect, in relation to the supply, production or possession of cannabis sativa only to the extent the supply, production or possession is for the purpose, directly or indirectly, of research carried out under part 5B of the Act.

Conditions

18. The conditions for each exemption are in schedule 7.

Division 2—Exemptions

Exemptions for seed suppliers

19. A seed supplier is exempt from—

(a) section 6 of the Act, for supplying cannabis seeds to a person who may lawfully possess them; and

(b) section 9 of the Act, for possessing cannabis seeds to supply them to a person who may lawfully possess them.

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6 Part 5B (Trial planting of cannabis sativa for commercial fibre production) of the Act

Exemptions for carriers

20.(1) A carrier who is engaged or employed by a seed supplier to transport cannabis seeds is exempt from sections 6 and 9 of the Act, for transporting the seeds to a person who may lawfully possess them.

(2) A carrier who is engaged or employed by someone who may lawfully possess cannabis plant material to transport the plant material is exempt from sections 6 and 9 of the Act, for transporting the plant material to a person who may lawfully possess it.

(3) An exemption under subsection (1) or (2) is for the time necessary to transport the seeds or plant material to the person to whom they are consigned.

Exemptions for growers

21.(1) A grower is exempt from section 6 of the Act—

(a) for supplying cannabis seeds to—

(i) a carrier, for transporting the seeds to another grower or an authorised officer; or

(ii) a person who may lawfully possess the seeds; and

(b) for supplying cannabis plant material to—

(i) a carrier, for transporting the plant material to a person who may lawfully possess it; or

(ii) a person who may lawfully possess the plant material.

(2) A grower is exempt from section 8 of the Act for producing cannabis plants on land for which the grower is named in schedule 8.

(3) A grower is exempt from section 9 of the Act for possessing cannabis seeds and cannabis plants on land for which the grower is named in schedule 8.

Exemptions for authorised officer

22. An authorised officer is exempt from—

(a) section 6 of the Act, for supplying cannabis seeds to—

(i) a grower; or

(ii) a DPI researcher responsible for the management and control of the Australian Tropical Crops Genetic Resource Centre, for safe keeping;[7] and

(b) section 9 of the Act, for possessing cannabis seeds and cannabis plant material for ensuring compliance with this part, including the conditions in schedule 7.

Exemptions for DPI researchers

23. A DPI researcher is exempt from—

(a) section 6 of the Act, for supplying—

(i) cannabis seeds to a grower; and

(ii) cannabis plants to another DPI researcher; and

(iii) cannabis plant material to a non-DPI researcher; and

(b) section 8 of the Act, for producing cannabis plants and cannabis seeds; and

(c) section 9 of the Act, for possessing cannabis seeds, cannabis plants, or cannabis plant material.

Exemptions for non-DPI researchers

24. A non-DPI researcher is exempt from—

(a) section 6 of the Act, for supplying cannabis seeds, cannabis plants, or cannabis plant material in the form of a processed fibre product, to a DPI researcher or another non-DPI researcher; and

(b) section 8 of the Act, for producing cannabis plants and cannabis seeds; and

(c) section 9 of the Act, for possessing cannabis seeds, cannabis plants, or cannabis plant material.

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7 The Centre is located at the Department of Primary Industries' Biloela Research Station.

Exemptions for employees etc.

25.(1) A person (**"employee"**) who is engaged or employed by a person (**"employer"**) who may lawfully possess cannabis seeds or cannabis plant material is exempt from sections 8 and 9 of the Act, but only for the employee to perform functions necessary for the purpose of the employer's lawful possession of the seeds or plant material.

(2) A person who is a member of the immediate family of a grower is exempt from sections 8 and 9 of the Act, but only for helping the grower perform functions normally associated with growing and harvesting cannabis plants.

(3) A person, other than a person exempted under subsection (1) or (2), who performs functions for another person who may lawfully possess cannabis plants, cannabis plant material or cannabis seeds is exempt from sections 8 and 9 of the Act for performing functions necessary for the purpose of the other person's lawful possession of the plants, plant material or seeds.

Example for subsection (3)—

An authorised officer may ask a person in control of a drying oven used to extract moisture from plant material to dry plant material to enable the tetrahydrocannabinol content of the plant material to be determined.

Division 3—Other provisions

Appointment of authorised officers

26. The commissioner may appoint a person other than a police officer as an authorised officer under this part if—

(a) the commissioner considers the person has the necessary expertise or experience to be an authorised officer; or

(b) the person has satisfactorily finished training approved by the commissioner.

Authorised officer's identity card

27.(1) The commissioner must give each authorised officer an identity card.

(2) The identity card must—

(a) contain a recent photo of the person; and

(b) be signed by the person; and

(c) identify the person as an authorised officer under this part; and

(d) state an expiry date.

(3) A person who stops being an authorised officer must return the person's identity card to the commissioner as soon as possible (but within 21 days) after the person stops being an authorised officer, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(4) This section does not prevent the giving of a single identity card to a person for this part and for other purposes, whether or not for this Act.

Production or display of authorised officer's identity card

28.(1) An authorised officer may exercise a power in relation to someone only if—

(a) the authorised officer first produces the authorised officer's identity card for the other person's inspection; or

(b) the authorised officer has the authorised officer's identity card displayed so it is clearly visible to the other person.

(2) However, if for any reason it is not practicable to comply with subsection (1) before exercising the power, the authorised officer must produce the identity card for inspection by the person at the first reasonable opportunity.

SCHEDULE 1

DANGEROUS DRUGS

sections 4, 5, 6, 8, 8A, 9 and 59 of the Act

Cocaine

Heroin

Lysergide

Phencyclidine

SCHEDULE 2

DANGEROUS DRUGS

sections 4, 5, 6, 8, 8A, 9 and 59 of the Act

Acetorphine

Acetyldihydrocodeine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of acetyldihydrocodeine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of acetyldihydrocodeine

Acetylmethadol

Acetylmorphines

Alfentanil

Alkoxyamphetamines and bromo-substituted alkoxyamphetamines except where separately specified

Alkoxyphenethylamines and alkyl-substituted alkoxyphenethylamines except where separately specified

Allylprodine

Alphacetylmethadol

Alphameprodine

Alphamethadol

Alphaprodine

Amphetamine

Anileridine

SCHEDULE 2 (continued)

Barbituric acid and any 5,5 disubstituted derivatives of barbituric acid, whether or not further substituted at position 1 of the ring

Benzethidine

Benzylmorphine

Betacetylmethadol

Betameprodine

Betamethadol

Betaprodine

Bezitramide

4-Bromo-2,5-dimethoxyamphetamine

4-Bromo-2,5-dimethoxyphenethylamine

Bufotenine

Buprenorphine

Cannabinoids except tetrahydrocannabinols

Cannabis sativa

Clonitazene

Coca leaf

Codeine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 30 mg or less of codeine per dosage unit; or

(b) in undivided preparations containing 1% or less of codeine

Codeine-N-oxide

Codoxime

4-Cyano-1-Methyl-4-Phenylpiperidine

4-Cyano-2-Dimethylamino-4,4-Diphenylbutane

SCHEDULE 2 (continued)

Desomorphine

Diampromide

Diethylthiambutene

N,N-Diethyltryptamine

Difenoxin except in preparations containing 0.5 mg or less of difenoxin and a quantity of atropine sulphate equivalent to not less than 5% of the dose of difenoxin per dosage unit

Dihydrocodeine except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of dihydrocodeine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of dihydrocodeine

Dihydromorphine

Dimenoxadol

Dimepheptanol

2,5-Dimethoxyamphetamine

2,5-Dimethoxy-4-Ethylamphetamine (DOET)

2,5-Dimethoxy-4-Methylamphetamine

Dimethylamino-1,2-Diphenylethane

3-(1,2-Dimethylheptyl)-1-Hydroxy-7,8,9,10-Tetrahydro-6,6,9-Trimethyl-6 H-Dibenzo(b,d)Pyran

Dimethylthiambutene

N,N-Dimethyltryptamine

Dioxaphetyl butyrate

Diphenoxylate except in preparations containing 2.5 mg or less of diphenoxylate and a quantity of atropine sulphate equivalent to not less than 1% of the dose of diphenoxylate per dosage unit

SCHEDULE 2 (continued)

Dipipanone

Drotebanol

Ecgonine, its esters and derivatives which are convertible to ecgonine and cocaine

Ethylmethylthiambutene

Ethylmorphine except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of ethylmorphine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of ethylmorphine

N-Ethyl-1-Phencyclohexylamine

Etonitazine

Etorphine

Etoxeridine

Fenethylline

Fentanyl

Furethidine

Gamma hydroxybutyric acid

Hydrocodone

Hydromorphinol

Hydromorphone

Hydroxypethidine

Isomethadone

Ketamine

Ketobemidone

Levophenacylmorphan

SCHEDULE 2 (continued)

Lysergamide and N-alkyl derivatives of lysergamide other than lysergide

Lysergic acid

Mecloqualone

Mescaline (3,4,5-Trimethoxyphenethylamine)

Metazocine

Methadone

Methaqualone

Methcathinone

5-Methoxy-3,4-Methylenedioxyamphetamine (MMDA)

Methylamphetamine

Methyldesorphine

Methyldihydromorphine

3,4-Methylenedioxyamphetamine

3,4-methelenedioxyethylamphetamine (MDEA)

3,4-Methylenedioxymethamphetamine (MDMA)

2-Methyl-3-Morpholino-1, 1-Diphenylpropane Carboxylic acid

Methylphenidate

1-Methyl-4-Phenylpiperidine-4-Carboxylic acid

Metopon

Moramide

Morpheridine

Morphine

Morphine methobromide

Morphine-N-oxide

Myrophine

Nabilone

SCHEDULE 2 (continued)

Nicocodine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of nicocodine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of nicocodine

Nicodicodine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of nicodicodine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of nicodicodine

Nicomorphine

Noracymethadol

Norcodeine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of norcodeine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of norcodeine

Norlevorphanol

Normethadone

Normorphine

Norpipanone

Opium

Oxycodone

Oxymorphone

Papaver orientale

Papaver setigerum

SCHEDULE 2 (continued)

Papaver somniferum L. except the seed thereof which seed has been rendered sterile

Parahexyl

Paramethoxyamphetamine (PMA)

Pentazocine

Pethidine

Phenadoxone

Phenampromide

Phenazocine

Phendimetrazine

Phenmetrazine

Phenomorphan

Phenoperidine

1-(1-Phenylcyclohexyl)pyrrolidine

4-Phenylpiperidine-4-Carboxylic acid ethyl ester

Pholcodine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of pholcodine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of pholcodine

Piminodine

Piritramide

Proheptazine

Properidine

Propiram

Psilocin

SCHEDULE 2 (continued)

Psilocybin

Racemethorphan

Racemoramide

Racemorphan

Sufentanil

Tetrahydrocannabinols including their alkyl homologues except where separately specified; and their corresponding carboxylic acids

Thebacon

Thebaine

1-(1-(2-thienyl)cyclohexyl)piperidine

Tilidine

Trimeperidine

3, 4, 5-Trimethoxyamphetamine (TMA)

SCHEDULE 3

SPECIFIED QUANTITIES FOR PARTICULAR DANGEROUS DRUGS

sections 4, 8, 9, 52A and 59 of the Act

Dangerous drug	**Quantity of dangerous drug**
Amphetamine	2.0 g
Barbituric Acid and any 5,5 disubstituted derivatives of barbituric acid whether or not further substituted at position 1 of the ring	50.0 g
4-Bromo-2,5-dimethoxyamphetamine	0.5 g
4-Bromo-2,5-dimethoxyphenethylamine	2.0 g
Cannibis sativa	500.0 g or, if the dangerous drug consists of plants the aggregate weight of which is less than 500.0 g, 100 plants
Cocaine	2.0 g
Codeine	10.0 g
N,N-Diethyltryptamine	2.0 g
2,5-Dimethoxy-4-Ethylamphetamine (DOET)	2.0 g
2,5-Dimethoxy-4-Methylamphetamine	2.0 g
N,N-Dimethyltryptamine	2.0 g
Fenethylline	2.0 g

SCHEDULE 3 (continued)

Fentanyl	0.01 g
Gamma hydroxybutyric acid	2.0 g
Heroin	2.0 g
Hydromorphone	2.0 g
Lysergide	0.004 g
Methadone	2.0 g
Methcathinone	2.0 g
5-Methoxy-3,4-Methylenedioxyamphetamine (MMDA)	2.0 g
Methylamphetamine	2.0 g
3,4-methelenedioxyethylamphetamine (MDEA)	2.0 g
3,4-Methylenedioxymethamphetamine (MDMA)	2.0 g
Moramide	2.0 g
Morphine	2.0 g
Opium	20.0 g
Paramethoxyamphetamine (PMA)	2.0 g
Pethidine	10.0 g
Phencyclidine	0.5 g
Psilocin	0.10 g
Psilocybin	0.10 g
Tetrahydrocannabinols including their alkyl homologues except where separately specified; and their corresponding carboxylic acids	2.0 g
3,4,5-Trimethoxyamphetamine (TMA)	2.0 g

SCHEDULE 4

SPECIFIED QUANTITIES FOR PARTICULAR DANGEROUS DRUGS

sections 4, 8, 9 and 59 of the Act

Dangerous drug	**Quantity of dangerous drug**
Cocaine	200.0 g
Heroin	200.0 g
Lysergide	0.4 g
Phencyclidine	50.0 g

SCHEDULE 5

DANGEROUS DRUGS

sections 4, 51 and 59 of the Act

Barbituric acid and any 5,5 disubstituted derivatives of barbituric acid, whether or not further substituted at position 1 of the ring

Buprenorphine

Codeine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 30 mg or less of codeine per dosage unit; or

(b) in undivided preparations containing 1% or less of codeine

Difenoxin except in preparations containing 0.5 mg or less of difenoxin and a quantity of atropine sulphate equivalent to not less than 5% of the dose of difenoxin per dosage unit

Dihydrocodeine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of dihydrocodeine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of dihydrocodeine

Diphenoxylate except in preparations containing 2.5 mg or less of diphenoxylate and a quantity of atropine sulphate equivalent to not less than 1% of the dose of diphenoxylate per dosage unit

Ethylmorphine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

SCHEDULE 5 (continued)

(a) in divided preparations containing 100 mg or less of ethylmorphine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of ethylmorphine

Hydrocodone

Hydromorphone

Ketamine

Methadone

Methylphenidate

Moramide

Morphine

Nicocodine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of nicocodine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of nicocodine

Nicodicodine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of nicodicodine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of nicodicodine

Norcodeine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of norcodeine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of norcodeine

SCHEDULE 5 (continued)

Normethadone

Oxycodone

Pentazocine

Pethidine

Phenazocine

Phendimetrazine

Phenmetrazine

Pholcodine except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—

(a) in divided preparations containing 100 mg or less of pholcodine per dosage unit; or

(b) in undivided preparations containing 2.5% or less of pholcodine

Racemethorphan

Racemoramide

Racemorphan

SCHEDULE 6

CONTROLLED SUBSTANCES

sections 43A and 59 of the Act

1–Chloro-Phenyl–2–Aminopropane

1–Phenyl–2–Chloropropane

1–Phenyl–2–Methylaminopropane

1–Phenyl–2–Nitro propene

Acetic Anhydride

Benzyl Cyanide

Boron Tribromide

Ephedrine

Hydriodic Acid

Hypophosphorous acid

Phenyl Acetic Acid

Phenylpropanolamine

Phenyl–2–Propanone

Phenyl–2–Propanone Oxime

Pseudoephedrine

Pyridine

Red phosphorous

SCHEDULE 7

EXEMPTION CONDITIONS

section 18

Seed suppliers

1. A seed supplier must—

(a) keep cannabis seeds locked in a secure place when not otherwise required for the purpose of part 5; and

(b) keep records of the source, quantity and delivery details of all cannabis seeds bought or otherwise obtained and the supply of all seeds to someone else, including to a carrier engaged or employed by the seed supplier to transport the seeds; and

(c) pack all cannabis seeds to be delivered to someone else by a carrier in a way that ensures, as far as reasonably practicable, the seeds can not be lost if the package is damaged; and

(d) ensure the only identifying information on the outside of a package containing cannabis seeds to be delivered to someone else by a carrier is information identifying the seed supplier and the person to whom the package is consigned; and

(e) allow an authorised officer access at any reasonable time to premises the person owns, occupies or uses for the purpose for which the exemption is given and, if asked—

(i) give the authorised officer reasonable help in exercising the officer's powers; or

(ii) produce to the authorised officer for inspection the records mentioned in paragraph (b).

SCHEDULE 7 (continued)

Growers

2.(1) A grower must—

(a) keep records of the source, quantity and delivery details of all cannabis seeds obtained from a seed supplier, and, if the seed supplier engaged or employed a carrier to deliver the seeds to the grower, the name of the person who delivered them; and

(b) if the grower receives a package containing cannabis seeds and the package appears to have been tampered with—inform an authorised officer that the package appears to have been tampered with as soon as reasonably practicable after receiving it; and

(c) ensure each season's crop of cannabis plants is—

(i) if practicable, planted and harvested in the presence of an authorised officer; and

(ii) fenced to the satisfaction of an authorised officer; and

(iii) defoliated, or harvested in a way that defoliates the crop, before the crop develops flowering heads; and

(d) ensure crop residue is ploughed in or otherwise destroyed as soon as practicable, but in any event within 14 days, after harvesting the plants; and

(e) if the crop fails—ensure any plants left standing are ploughed in or otherwise destroyed; and

(f) if the crop develops flowering heads before it can be harvested—as soon as practicable after the flowering heads develop, ensure the leaves and flowering heads of the plants are destroyed otherwise than by ploughing them in.

(2) A grower must allow an authorised officer entry to the site used for growing cannabis plants at reasonable times to monitor the following, and if asked, give the authorised officer reasonable help in exercising the officers powers—

(a) the erection of any signs the authorised officer reasonably requires the grower to erect at the site;

(b) the planting of the cannabis seeds;

SCHEDULE 7 (continued)

(c) the conduct of trials, experiments or procedures for the purposes of research;

(d) crop sampling for tetrahydrocannabinol testing;

(e) the harvesting of the crop;

(f) the removal or destruction of crop residues or leaves and flowering heads.

(3) A grower must allow an authorised officer at reasonable times—

(a) to examine evidence of the source, physical purity, quality, quantity and location of cannabis seeds held by the grower; and

(b) to examine records kept and operating procedures used for the purpose of research; and

(c) to participate in the collation and publication of trial results; and

(d) to destroy, or supervise the destruction of, cannabis plants if the tetrahydrocannabinol content of plants taken in a random sample of the plants is more than 0.35%; and

(e) to take samples of cannabis seeds and cannabis plant material.

(4) For subsection (3), the grower must produce to the authorised officer, or otherwise allow the authorised officer access to, anything the authorised officer reasonably requires for examination.

(5) If an authorised officer requires, a grower must, after the last planting of cannabis seeds for a particular growing season—

(a) destroy any cannabis seeds not planted during the growing season, in the way and within the time required by the authorised officer; or

(b) give the cannabis seeds to the authorised officer for safe keeping at the Australian Tropical Crops Genetic Resource Centre.

Authorised officers

3. An authorised officer must—

SCHEDULE 7 (continued)

(a) keep cannabis seeds in his or her possession locked in a secure place when not otherwise required for the purpose of part 5; and

(b) keep records of the source, quantity and delivery details of all cannabis seeds obtained from a person who may lawfully possess them, and, if the person engaged or employed another person to deliver the seeds to the authorised officer, the name of the person who delivered them; and

(c) keep records relating to anything else done by the authorised officer including, for example, samples of cannabis plant material taken and inspections of cannabis plants; and

(d) deliver cannabis seeds given to him or her by a grower to the Australian Tropical Crops Genetic Resource Centre; and

(e) keep cannabis plant material taken by the authorised officer for testing in a secure place until it can be delivered to someone else who may lawfully possess the plant material.

Researchers

4.(1) A researcher must—

(a) keep records of the source, quantity and delivery details of cannabis seeds obtained from a seed supplier, and, if the seeds are delivered by a carrier, the name of the person who delivered them;

(b) if the researcher receives a package containing cannabis seeds and the package appears to have been tampered with—inform an authorised officer that the package appears to have been tampered with as soon as reasonably practicable after receiving it; and

(c) keep cannabis seeds in his or her possession locked in a secure place when not otherwise required for the purpose of part 5; and

(d) keep cannabis plant material in his or her possession in a secure place when not otherwise required for the purpose of part 5; and

SCHEDULE 7 (continued)

(e) keep records of all cannabis seeds or cannabis plant material bought or otherwise obtained and the supply or use of all seeds; and

(f) allow an authorised officer access at any reasonable time to premises the person owns, occupies or uses for the purpose for which the exemption is given and, if asked—

(i) give the authorised officer reasonable help in exercising the officer's powers; or

(ii) produce to the authorised officer for inspection the records mentioned in paragraph (a).

(2) A researcher must ensure—

(a) each season's crop of cannabis plants is—

(i) if practicable, planted and harvested in the presence of an authorised officer; and

(ii) fenced to the satisfaction of the authorised officer; and

(iii) if the crop is grown as a field trial—defoliated, or harvested in a way defoliates the crop, before the crop can develop flowering heads; and

(b) crop residue is ploughed in or otherwise destroyed within 14 days after harvesting the crop; and

(c) if the crop fails—any cannabis plants left standing are ploughed in or otherwise destroyed; and

(d) if the crop is grown as a field trial and develops flowering heads before it can be harvested—as soon as practicable after the flowering heads develop, the researcher destroys the leaves and flowering heads of the cannabis plants otherwise than by ploughing them in.

(3) A researcher must allow an authorised officer entry to the site used for the trial planting at reasonable times to monitor—

(a) the erection of any signs the authorised officer reasonably requires the researcher to erect at the site; or

SCHEDULE 7 (continued)

(b) the planting of the cannabis seeds; or

(c) the conduct of trials, experiments or procedures for the purpose of research; or

(d) crop sampling for tetrahydrocannabinol testing; or

(e) the harvesting of the crop; or

(f) the removal or destruction of crop residues.

(4) A researcher must allow an authorised officer at reasonable times—

(a) to examine evidence of the source, physical purity, quality, quantity and location of cannabis seeds held by the grower; and

(b) to examine records kept and operating procedures used for the purpose of research; and

(c) to participate in the collation and publication of trial results; and

(d) to destroy, or supervise the destruction of, the cannabis plants if the tetrahydrocannabinol content of plants taken in a random sample of the crop is—

(i) for plant breeding—more than 1%; or

(ii) for field trials—more than 0.35%; and

(e) to take samples of cannabis seeds and cannabis plant material.

(5) For subsection (4), the researcher must produce to the authorised officer, or otherwise allow the authorised officer access to, anything the authorised officer reasonably requires for examination.

(6) If an authorised officer requires, a researcher must, after the last planting for a particular growing season—

(a) destroy any cannabis seeds not planted during the growing season in the way and within the time required by the authorised officer; or

(b) give the seeds to the authorised officer for safe keeping at the Australian Tropical Crops Genetic Resource Centre.

SCHEDULE 7 (continued)

(7) In this section—

"researcher" means—

(a) a DPI researcher; or

(b) a non-DPI researcher.

SCHEDULE 8

PERSONS EXEMPTED UNDER ACT, PART 5B

section 21

1. Alan MacKenzie Sheret Jnr of 4 Estate Street, West End, Townsville, for Lot 2 on RP 800817 Vol 1452 Fol 21, Parish of Beor, County of Elphinstone, Bentley Drive, Alligator Creek, Townsville.

2. DJ and SL Webster of Watts Road, Mirani, for Lot 24 on Plan C11868, Lot 25 on RP 705441, Lot 1 on RP 720674 and Lot 2 on RP 716653 Parish of Mia Mia, County of Carlisle.

3. Norman Bernard and Elizabeth Noeline Kiehne, Bonna Villa Produce, Bonna Road, Bundaberg, for Lot 3 on RP 194385, Parish of Takalvan, County of Cook.

4. Walter Peter Verdel of Foleys Road, Childers, for Lot 1478/CK 3028, Parish of Bingera, County of Cook.

5. Kevin Earlston and Judith Ann Zunker and Ouo Pty Limited as trustee for the KE & JA Zunker Family Trust trading as KE & JA Zunker Farming Co, of Weir Road, South Kolan, Bundaberg, for Lots 44 and 45 on C 37477, Parish of Tantitha and Lot 19 on RP 904982 Parish of South Kolan, County of Cook.

6. Alvin C and RJ Scholz Pty Ltd, Moorlands Road, Bundaberg, for Lots 1, 2 and 4 on Plan 109894, Shire of Burnette, Lot 3 on Plan 161802 and Lot 5 on Plan 109894, Parish of North Kolan, County of Cook.

7. Deanna Maria Gerarda and Gerardus Bernardus Zwynenberg of Stone Gully Road, Lowood, for Lot 2 on RP32368, Parish of Tarampa, County of Churchill.

8. Broad Water Downs Pty Ltd of 24 Camelot Court, 30 Albert Street Brisbane, for Lot 312 on ML 1095, Parish of Tummaville, County of Merivale, Macquarie Downs, Leyburn.

9. John Leslie Hall of Wolsenden Road, Calivos, Bundaberg, for Lot 10 on RP 899275, Parish of Kalkie, County of Cook.

SCHEDULE 8 (continued)

10. Willcarr Pty Ltd of Kingsthorpe Park, Warrego Highway, Kingsthorpe, for Lot 215 on plan AG101, Parish of Isaac, County of Aubigny.

11. Agri Fibre Industries Pty Ltd and Crop Tech Research Pty Ltd, Langbeckers Road, Bundaberg for Lot 10 on RP 899275, Parish of Kalkie, County of Cook.

SCHEDULE 9

DICTIONARY

section 4

"authorised officer", for part 5, see section 26.

"cannabis plant", for part 5, means a low level drug content cannabis sativa plant.

"cannabis plant material", for part 5, means plant material from a low level drug content cannabis sativa plant, other than leaves and flowering heads.

"cannabis seeds", for part 5, means seeds of cannabis sativa that will produce low level drug content cannabis sativa plants.

"carrier" includes an employee of the carrier.

"commissioner" means the commissioner of the police service.

"DPI researcher" means a public service officer—

(a) who is employed in the department within which the *Agricultural Standards Act 1994* is administered; and

(b) whose duties include plant breeding.

"grower" means a person mentioned in schedule 8.

"non-DPI researcher" means a person, other than a DPI researcher, who has, or has access to, facilities that are used or intended to be used by the person for research into the development and use of fibre crops for commercial purposes and is identified in writing by the commissioner as a non-DPI researcher.

"occupier's notice" means an occupier's notice referred to in section 7.

"record of proceedings" means a record of proceedings referred to in section 6.

"search warrant" means a search warrant issued under section 18 of the Act.

SCHEDULE 9 (continued)

"seed supplier" means—

(a) a person who, for trade or commerce, sells or otherwise provides seeds to someone else and is identified in writing by the commissioner as a seed supplier; or

(b) a public service officer engaged in research or plant breeding who is authorised by the Minister by gazette notice to supply seeds to someone else.

"supply"—

(a) for part 4, see section 43A[8] of the Act; or

(b) for part 5, does not include administer.

8 Section 43A (Definitions) of the Act

ENDNOTES

1 Index to endnotes

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 5 February 1999. Future amendments of the Drugs Misuse Regulation 1987 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	**Acts Interpretation Act 1954**	**prev**	=	**previous**
amd	=	**amended**	**(prev)**	=	**previously**
amdt	=	**amendment**	**proc**	=	**proclamation**
ch	=	**chapter**	**prov**	=	**provision**
def	=	**definition**	**pt**	=	**part**
div	=	**division**	**pubd**	=	**published**
exp	=	**expires/expired**	**R[X]**	=	**Reprint No.[X]**
gaz	=	**gazette**	**RA**	=	**Reprints Act 1992**
hdg	=	**heading**	**reloc**	=	**relocated**
ins	=	**inserted**	**renum**	=	**renumbered**
lap	=	**lapsed**	**rep**	=	**repealed**
notfd	=	**notified**	**s**	=	**section**
o in c	=	**order in council**	**sch**	=	**schedule**
om	=	**omitted**	**sdiv**	=	**subdivision**
p	=	**page**	**SIA**	=	**Statutory Instruments Act 1992**
para	=	**paragraph**	**SL**	=	**subordinate legislation**
prec	=	**preceding**	**sub**	=	**substituted**
pres	=	**present**	**unnum**	=	**unnumbered**

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to reg pubd gaz 6 May 1989	23 April 1993
2	to SL No. 309 of 1996	4 December 1996
2A	to SL No. 303 of 1997	21 November 1997
2B	to SL No. 459 of 1997	14 August 1998

5 List of legislation

Drugs Misuse Regulation 1987
made by the Administrator of the Government in Council on 29 October 1987
pubd gaz 31 October 1987 pp 836–47
commenced 31 October 1987 (see s 2)
exempted from application of SIA pt 7 (see SIA sch 2A)

Note—This regulation contains provisions relocated from the Drugs Misuse Act 1986. A list of legislation for the relocated provisions of the Drugs Misuse Act 1986 appears below.

as amended by—

regulations published gazette—
17 December 1988 pp 2214–5
commenced on date of publication

6 May 1989 pp 230–1
commenced 6 May 1989 (see s 2)

Drugs Misuse Amendment Regulation (No. 1) 1996 SL No. 309
notfd gaz 8 November 1996 pp 959–61
ss 1–2 commenced on date of notification
remaining provisions commenced 8 November 1996 (see s 2)

List of legislation to Drugs Misuse Act 1986 No. 36 schs 1–6—before relocation to Drugs Misuse Regulation 1987—

Original relocated Act

Drugs Misuse Act 1986 No. 36 schs 1–6
date of assent 5 September 1986
ss 1–2 commenced on date of assent
remaining provisions commenced 27 October 1986 (proc pubd gaz 25 October 1986 p 1242)

as amended by—

Drugs Misuse Act Amendment Act 1987 No. 53
date of assent 1 October 1987
ss 1–2 commenced on date of assent
s 10(a)(iii) commenced 6 May 1989 (proc pubd gaz 6 May 1989 p 213)
remaining provisions commenced 31 October 1987 (proc pubd gaz 31 October 1987 p 819)

Drugs Misuse Act Amendment Act 1989 No. 34
date of assent 28 April 1989
ss 1–2 commenced on date of assent
remaining provisions commenced 6 May 1989 (proc pubd gaz 6 May 1989 p 213)

Statute Law (Miscellaneous Provisions) Act 1990 No. 88 s 3 sch
date of assent 6 December 1990
commenced on date of assent

Drugs Misuse Amendment Act 1995 No. 18
date of assent 11 April 1995
ss 1–2 commenced on date of assent
s 6 commenced 8 December 1995 (1995 SL No. 358)
remaining provisions commenced 12 April 1996 (automatic commencement under AIA s 15DA(2))

Drugs Misuse Amendment Act 1996 No. 49
date of assent 15 November 1996
commenced on date of assent

List of legislation to Drugs Misuse Regulation 1987—after relocation of Drugs Misuse Act 1986 No. 36 schs 1–6

Drugs Misuse Amendment Regulation (No. 1) 1997 SL No. 303
notfd gaz 19 September 1997 pp 262–3
commenced on date of notification

Drugs Misuse Amendment Regulation (No. 2) 1997 SL No. 459
notfd gaz 19 December 1997 pp 1770–77
commenced on date of notification

Drugs Misuse Amendment Regulation (No. 1) 1998 SL No. 348
notfd gaz 18 December 1998 pp 1551–7
commenced on date of notification

6 List of annotations

PART 1—PRELIMINARY
pt hdg ins 1996 SL No. 309 s 4

Commencement
s 2 om R2 (see RA s 37)

Repeal
s 3 om R1 (see RA s 40)

Dictionary
prov hdg sub 1996 SL No. 309 s 5(1)
s 4 sub 1998 SL No. 348 s 3(2)
def **"occupier's notice"** reloc to sch 9 1998 SL No. 348 s 3(1)
def **"record of proceedings"** reloc to sch 9 1998 SL No. 348 s 3(1)
def **"search warrant"** reloc to sch 9 1998 SL No. 348 s 3(1)
def **"supply"** ins 1996 SL No. 309 s 5(3)
om 1998 SL No. 348 s 3(2)
def **"the Act"** sub 1989 reg pubd gaz 6 May 1989 pp 230–1
om 1996 SL No. 309 s 5(2)

PART 2—SEARCH WARRANT NOTICES AND RECORD
pt hdg ins 1996 SL No. 309 s 6

Notice to justice before whom a complaint to ground a search warrant is to be sworn
s 5 amd 1996 SL No. 309 s 7

Record of proceedings
s 6 amd 1996 SL No. 309 s 8

Notice to occupier of place entered pursuant to warrant
s 7 sub reg pubd gaz 17 December 1988 pp 2214–15
amd 1996 SL No. 309 s 9

Forms
s 8 om 1996 SL No. 309 s 10

PART 3—SYRINGES AND DANGEROUS DRUGS DISPOSAL PROCEDURES
pt hdg ins 1996 SL No. 309 s 11

Prescribed procedures for the disposal of hypodermic syringes and needles
s 9 ins reg pubd gaz 6 May 1989 pp 230–1

Prescribed procedure for disposal of dangerous drugs
s 10 ins reg pubd gaz 6 May 1989 pp 230–1

PART 4—CONTROLLED SUBSTANCES
pt 4 (ss 11–15) ins 1996 SL No. 309 s 12

PART 5—TRIAL PLANTING OF CANNABIS SATIVA FOR COMMERCIAL FIBRE PRODUCTION
pt 5 (ss 16–28) ins 1998 SL No. 348 s 4

SCHEDULE
amd reg pubd gaz 17 December 1988 pp 2214–5
om 1996 SL No. 309 s 13

SCHEDULE 1—DANGEROUS DRUGS
sch hdg ins 1997 SL No. 459 s 3(1)
(prev 1986 No. 36 sch 1)
amd 1996 No. 49 s 15
reloc 1996 No. 49 s 21
amd 1997 SL No. 459 s 3(2)

SCHEDULE 2—DANGEROUS DRUGS
sch hdg ins 1997 SL No. 459 s 4(1)
(prev 1986 No. 36 sch 2)
amd 1987 No. 53 s 11; 1989 No. 34 s 22; 1996 No. 49 s 16
reloc 1996 No. 49 s 21
amd 1997 SL No. 303 s 3; 1997 SL No. 459 s 4(2)–(3)

SCHEDULE 3—SPECIFIED QUANTITIES FOR PARTICULAR DANGEROUS DRUGS
sch hdg ins 1997 SL No. 459 s 5(1)
(prev 1986 No. 36 sch 3)
amd 1987 No. 53 s 12; 1989 No. 34 s 23
sub 1990 No. 88 s 3 sch
amd 1996 No. 49 s 17
reloc 1996 No. 49 s 21
amd 1997 SL No. 303 s 4; 1997 SL No. 459 s 5(2)–(3)

SCHEDULE 4—SPECIFIED QUANTITIES FOR PARTICULAR DANGEROUS DRUGS
sch hdg ins 1997 SL No. 459 s 6(1)
(prev 1986 No. 36 sch 4)
amd 1996 No. 49 s 18
reloc 1996 No. 49 s 21
amd 1997 SL No. 459 s 6(2)

SCHEDULE 5—DANGEROUS DRUGS
sch hdg ins 1997 SL No. 459 s 7(1)
(prev 1986 No. 36 sch 5)
amd 1987 No. 53 s 13; 1996 No. 49 s 19
reloc 1996 No. 49 s 21
amd 1997 SL No. 459 s 7(2)

SCHEDULE 6—CONTROLLED SUBSTANCES
(prev 1986 No. 36 sch 6)
prev sch 6 om R1 (see RA s 40)
pres sch 6 ins 1995 No. 18 s 8
amd 1996 No. 49 s 20
reloc 1996 No. 49 s 21
amd 1997 SL No. 459 s 8

SCHEDULE 7—EXEMPTION CONDITIONS
ins 1998 SL No. 348 s 5

SCHEDULE 8—PERSONS EXEMPTED UNDER ACT, PART 5B
ins 1998 SL No. 348 s 5

SCHEDULE 9—DICTIONARY
ins 1998 SL No. 348 s 5
def **"occupier's notice"** reloc 1998 SL No. 348 s 3(1)
def **"record of proceedings"** reloc 1998 SL No. 348 s 3(1)
def **"search warrant"** reloc 1998 SL No. 348 s 3(1)