

**House of Assembly—No 122**

As laid on the table and read a first time, 13 November 2019

South Australia

**Controlled Substances (Nitrous Oxide)  
Amendment Bill 2019**

A BILL FOR

An Act to amend the *Controlled Substances Act 1984*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Controlled Substances (Nitrous Oxide) Amendment Act 2019*.

#### 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Controlled Substances Act 1984*

#### 3—Amendment of section 19—Sale or supply of volatile solvents

- (1) Section 19(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) if the offence involves the sale or supply of nitrous oxide—\$20 000 or imprisonment for 2 years;
- (b) in any other case—\$10 000.

- (2) Section 19(3), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) if the offence involves the sale or supply of nitrous oxide—\$20 000 or imprisonment for 2 years;
- (b) in any other case—\$10 000.

- (3) Section 19(4)—after "applies to" insert:

nitrous oxide and

(4) Section 19—after subsection (4) insert:

(4a) For the purposes of subsection (3), a person is under the age prescribed for the volatile solvent if—

- 5
- (a) in the case of nitrous oxide—the person is under the age of 18 years; or
  - (b) in any other case—the person is under the age prescribed by the regulations.

#### 4—Insertion of section 19A

After section 19 insert:

10                   **19A—Special provisions relating to sale or supply of nitrous oxide**

(1) A person must not sell or supply nitrous oxide unless a prescribed identification document or a birth certificate is produced by the person to whom the nitrous oxide is to be sold or supplied.

15                   Maximum penalty: \$10 000.

(2) A person who sells or supplies nitrous oxide must make and keep a record of the following information:

- 20
- (a) the name, address and date of birth of the person to whom the nitrous oxide is being sold or supplied;
  - (b) the form of prescribed identification document produced by the person to whom the nitrous oxide is being sold or supplied;
  - (c) the unique identification number (if any) on the prescribed identification document produced;
  - 25                   (d) the date of the sale or supply;
  - (e) the directions given for the safe and proper use of the nitrous oxide;
  - (f) the quantity of the nitrous oxide sold or supplied.

Maximum penalty: \$10 000.

30                   (3) Subsections (1) and (2) do not apply in relation to the sale or supply of nitrous oxide for use as an inhalant in medical or dental treatment.

(4) A person who is required by subsection (2) to keep a record must—

- 35
- (a) retain the record for a period of at least 2 years; and
  - (b) keep the record readily available for inspection by an authorised officer; and
  - (c) on request by an authorised officer—send a copy of the record to the authorised officer.

Maximum penalty: \$10 000.

- (5) A person to whom nitrous oxide is to be sold or supplied must not produce false evidence of identity.

Maximum penalty: \$5 000.

- (6) In this section—

5 ***Australian student identification card*** means a card issued by an Australian educational institution to identify a person studying at the institution;

10 ***birth certificate*** of a person means a certified copy of, or extract from, a register of births kept under an Australian law, or under the law of the country in which the person was born;

***driver's licence*** means—

- (a) a driver's licence issued under the *Motor Vehicles Act 1959*;  
or

- 15 (b) an interstate licence, interstate learner's permit or foreign licence within the meaning of that Act;

***prescribed identification document*** means a current—

- (a) driver's licence; or  
(b) firearms licence; or  
(c) passport (other than an Australian passport); or  
20 (d) proof of age card; or  
(e) Australian student identification card,

that bears a photograph of the holder;

25 ***proof of age card*** means a proof of age card issued by the Registrar of Motor Vehicles or by a corresponding public authority of another State or a Territory of the Commonwealth.