

SOUTH AUSTRALIA

**CONTROLLED SUBSTANCES (POISONS) REGULATIONS 1991**

**REGULATIONS UNDER THE CONTROLLED SUBSTANCES ACT 1984**

*Controlled Substances (Poisons) Regulations 1991*

being

No. 7 of 1991: *Gaz.* 24 January 1991, p. 238

as varied by

No. 62 of 1993: *Gaz.* 15 April 1993, p. 1363<sup>1</sup>

No. 31 of 1995: *Gaz.* 13 April 1995, p. 1430<sup>2</sup>

<sup>1</sup> Came into operation 15 August 1993: reg. 2.

<sup>2</sup> Came into operation 1 May 1995: reg. 2.

**Citation**

1. These regulations may be cited as the *Controlled Substances (Poisons) Regulations 1991*.

**Revocation**

2. The *Controlled Substances (Declared Poisons) Regulations 1985* (see *Gazette* 9 May 1985, p. 1477) as varied, are revoked.

**Interpretation**

3. (1) In these regulations—

"the Act", means the *Controlled Substances Act 1984*:

"optometrist" means a person registered as an optometrist under the *Optometrists Act 1920*:

"the Uniform Poisons Standard" means the *Standard for the Uniform Scheduling of Drugs and Poisons* published by the Australian Health Ministers Advisory Council, as amended from time to time by that Council.

- (2) In these regulations, a reference to "schedule 1", "schedule 2", etc., is a reference to the corresponding schedule in the Uniform Poisons Standard (as incorporated into these regulations).

**Incorporation of the Uniform Poisons Standard**

4. The Uniform Poisons Standard, as modified by schedule A of these regulations, is incorporated into these regulations.

**Declaration of poisons**

5. (1) Pursuant to section 12(1) of the Act, the following substances (whether in a pure form, or contained in a preparation or admixture) are declared to be poisons:

*primary substances:*

- (a) the substances listed in schedules 1 to 8 of the Uniform Poisons Standard, as modified by schedule A of these regulations; and
- (b) the substances listed in appendix C of the Uniform Poisons Standard; and
- (c) the substances listed in schedules B and C of these regulations; and

*related substances:*

- (d) the following substances, but subject to any express exclusion contained in the Standard:
  - (i) the artificial form of a primary substance;
  - (ii) where a primary substance is a plant (other than a plant included in schedule 8)—that plant, or any part of that plant, when packed or prepared for therapeutic use;
  - (iii) every salt, active principle or derivative of a primary substance and every salt of such an active principle or derivative;
  - (iv) every alkaloid of a primary substance and every salt of such an alkaloid;

3.

- (v) except in the case of levomethorphan or levorphanol, every stereoisomer of a primary substance and every salt of such a stereoisomer;
- (vi) in the case of a primary substance included in schedule 8, any ester or ether of the primary substance and every salt of such an ester or ether.

(2) A related substance will be taken to be included in the schedule, or schedules, of the Uniform Poisons Standard in which the primary substance to which it is related is included.

(3) A reference in these regulations to a particular primary poison will be taken to include a reference to its related substances.

**Prohibition of manufacture, sale, possession, etc., of certain precursor chemicals**

6. A person must not, unless he or she holds a permit from the Health Commission to do so, manufacture, sell, supply or be in possession of a poison listed in schedule B of these regulations.

**Strict regulation of storage and sale of certain precursor chemicals**

7. (1) This regulation applies to the following poisons:

Acetic anhydride  
Bromobenzene  
Cathine (nor-pseudoephedrine)  
Ephedrine  
Ethyl phenylacetate  
Hydriodic acid  
Isosafrole  
Methyl phenylacetate  
N-methylephedrine  
N-methylpseudoephedrine  
Phenyl-2-propanone  
Phenylacetamide  
Phenylacetic acid  
Phenylacetoneitrile  
Phenylacetyl chloride  
Phenylpropanolamine  
Phosphorus, red  
Piperonal  
Pseudoephedrine  
Safrole.

(2) A person must not sell a poison to which this regulation applies to another person unless—

- (a) the purchaser holds an account with the seller; and
- (b) the sale is transacted as a sale on account pursuant to a duly completed order form supplied by the purchaser; and
- (c) the order form is accompanied by a duly completed end user statement in the form set out in schedule D of these regulations; and

4.

- (d) the seller is satisfied, on the production of a driver's licence, passport or other sufficient evidence, as to the identity of the person collecting the poison and that the person is the purchaser or acting on behalf of the purchaser; and
- (e) the seller duly completes the seller's section of the end user statement.

(3) A seller of poisons to which this regulation applies—

- (a) must, in relation to each sale of such a poison, keep a record of—
  - (i) the name and address of the purchaser; and
  - (ii) the name of the poison and the quantity sold; and
  - (iii) the date of the sale; and
- (b) must retain an end user statement for at least five years after the date of the sale to which it relates; and
- (c) must make the record referred to in paragraph (a) and the end user statements available for inspection at any time by an authorised officer under the Act; and
- (d) must, if at any time he or she forms a suspicion that an order or enquiry for the purchase of such a poison may be connected to an unlawful use of the poison, inform the Commissioner of Police of the suspicion.

(4) A seller of poisons to which this regulation applies—

- (a) must keep those poisons in storage that is secure from access by any person other than a person who is authorised in writing by the seller to have such access; and
- (b) must retain such a written authorisation while it is current and for at least five years after it ceases to have effect and make it available for inspection at any time by an authorised officer under the Act; and
- (c) must cause the stock of those poisons to be checked, after each sale, by some person other than the person who directly handled the sale.

(5) This regulation does not apply in relation to the sale of a poison to which this regulation applies if the sale—

- (a) is of a poison contained in a preparation designed, packaged and labelled for human or animal therapeutic use; and
- (b) is made to, or by, a medical practitioner, dentist, veterinary surgeon, nurse, optometrist or pharmacist acting in the ordinary course of his or her profession.

5.

**Regulation of sale of other precursor chemicals**

8. (1) This regulation applies to the following poisons:

N-acetylanthranilic acid  
Anthranilic acid  
Benzaldehyde  
Benzyl chloride  
Boron tribromide  
Ethylamine  
N-ethylephedrine  
N-ethylpseudoephedrine  
Formamide  
Methylamine  
Nitroethane  
3-Phenyl-1-propene  
Piperidine  
Propionic anhydride  
Pyridine.

(2) A person must not sell a poison to which this regulation applies to another person unless—

- (a) the purchaser provides the seller with a duly completed end user statement in the form set out in schedule D of these regulations; and
- (b) the seller is satisfied, on the production of a driver's licence, passport or other sufficient evidence, as to the identity of the purchaser; and
- (c) the seller duly completes the seller's section of the end user statement.

(3) A seller of poisons to which this regulation applies must, if at any time he or she forms a suspicion that an order or enquiry for the purchase of such a poison may be connected to an unlawful use of the poison, inform the Commissioner of Police of the suspicion.

(4) This regulation does not apply in relation to the sale of a poison to which this regulation applies if the sale—

- (a) is of a poison contained in a preparation designed, packaged and labelled for human or animal therapeutic use; and
- (b) is made to, or by, a medical practitioner, dentist, veterinary surgeon, nurse, optometrist or pharmacist acting in the ordinary course of his or her profession.

**Offences**

9. A person who contravenes or fails to comply with these regulations is guilty of an offence.

Penalty: \$1 000.

6.

SCHEDULE A

MODIFICATION OF THE UNIFORM POISONS STANDARD

1. Part 3 of the Uniform Poisons Standard is struck out.

2. Part 4 of the Uniform Poisons Standard is varied—

(a) by striking out the following items from schedule 8:

ACETYLMORPHINES  
COCA LEAF  
CONCENTRATE OF POPPY STRAW  
4-CYANO-2-DIMETHYLAMINO-4, 4-DIPHENYL BUTANE  
4-CYANO-1-METHYL-4-PHENYLPIPERIDINE  
ECGONINE  
2-METHYL-3-MORPHOLINO-1, 1-DIPHENYLPROPANE CARBOXYLIC ACID  
1-METHYL-4-PHENYLPIPERIDINE-4-CARBOXYLIC ACID  
4-PHENYLPIPERIDINE-4-CARBOXYLIC ACID ETHYL ESTER;

(b) by inserting alphabetically in Schedule 8 the following item:

MORAMIDE;

and

(c) by striking out Schedule 9.

3. Part 5 of the Uniform Poisons Standard is varied—

(a) by striking out Appendices B to D;

and

(b) by striking out Appendices J to M.

7.

**SCHEDULE B**

*Precursor chemicals declared as Poisons (Possession and Sale Prohibited)*  
*(regs. 5 and 6)*

Ephedrone  
2-Chloro-1-phenylpropane  
2-Nitro-1-phenyl-1-propene  
2-Amino-1-chloro-1-phenylpropane  
2-Bromo-1-phenylpropane  
2-Iodo-1-phenylpropane  
2-(N-methylamino)-1-chloro-1-phenylpropane  
3,4-Methylenedioxyphenylpropan-2-one.



8.

**SCHEDULE C**

*Precursor Chemicals declared as Poisons (Sale Regulated)*  
(regs. 5, 7 and 8)

N-acetylanthranilic acid  
Anthranilic acid  
Benzaldehyde  
Benzyl chloride  
Boron tribromide  
Bromobenzene  
Ethyl phenylacetate  
Ethylamine  
N-ethylephedrine  
N-ethylpseudoephedrine  
Formamide  
Hydriodic acid  
Isosafrole  
Methylamine  
Methyl phenylacetate  
N-methylpseudoephedrine  
Nitroethane  
Phenyl-2-propanone  
Phenylacetamide  
Phenylacetic acid  
Phenylacetonitrile  
Phenylacetyl chloride  
3-Phenyl-1-propene  
Phosphorus, red  
Piperidine  
Piperonal  
Propionic anhydride  
Pyridine.

**SCHEDULE D**  
**CONTROLLED SUBSTANCES ACT 1984**  
**END USER STATEMENT**  
*(regs. 7 and 8)*

**CLIENT NOTE**

The chemical product for which this statement is required may be used in the manufacture of illicit drugs. This statement, with section A filled in, must be provided to the seller. Cash sale transactions will not be accepted for certain chemicals.

**A.** (this section to be completed by purchaser)

**PRODUCT/CHEMICAL**

Product Name:

Supplier Catalogue No:

Quantity:

Pack Size:

**INTENDED USE** (tick appropriate box)

Analytical

Manufacturing

Resale

Research and Development

Other (please specify)

**PURCHASER**

Business/Company/Institution Name:

Address:

Licence Type and No (if relevant):

Account No (if relevant):

Name of person authorising purchase:

SIGNED .....

(person authorising purchase)

Date:

**B.** (this section to be completed by seller)

**COLLECTION AGENT**

Name:

Date of Birth:

Home Address:

Vehicle Reg. No. (vehicle used in collection):

Status (tick appropriate box):

Purchaser

Employee of purchaser

Contractor

Employee of contractor

**VERIFICATION**

I sighted the following proof of identity produced by the above COLLECTION AGENT (tick appropriate box):

Current Driver's Licence No:

Current Passport No:

issued at:

Other ID (please specify):

Name of person handling sale:

SIGNED .....  
(person handling sale)

Date:

**APPENDIX**

**LEGISLATIVE HISTORY**

Regulation 3:	redesignated as reg. 3(1) by 31, 1995, reg. 3(c) definition of "optometrist" inserted by 31, 1995, reg. 3(a) definition of "the Uniform Poisons Standard" inserted by 31, 1995, reg. 3(b)
Regulation 3(2):	inserted by 31, 1995, reg. 3(c)
Regulation 4:	varied by 31, 1995, reg. 4
Regulations 5 and 6:	substituted by 31, 1995, reg. 5
Regulations 7 - 9:	inserted by 31, 1995, reg. 5
Schedule:	varied by 62, 1993, reg. 3; redesignated as Sched. A by 31, 1995, reg. 6
Schedules B - D:	inserted by 31, 1995, reg. 7