

NORTHERN TERRITORY OF AUSTRALIA

MISUSE OF DRUGS ACT 1990

No. 15 of 1990

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NORTHERN TERRITORY OF AUSTRALIA

No. 15 of 1990

AN ACT

to consolidate and amend the law relating to the misuse of drugs, to make further provision for the prevention of the misuse of drugs, and for other purposes

[Assented to 12 April 1990]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Misuse of Drugs Act 1990*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. INTERPRETATION

(1) In this Act, unless the contrary intention appears -

"adult" means a person who has attained the age of 17 years;

"analyst" means a person appointed under subsection (8) to be an analyst;

"child" means a person who has not attained the age of 17 years;

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"commercial quantity", in relation to a dangerous drug, means a quantity or amount equal to or exceeding the quantity or amount of that dangerous drug specified in column 3 of Schedule 1 or 2 opposite to the name of that dangerous drug specified in column 1 of that Schedule;

"cultivate", in relation to a prohibited plant, includes grow, sow or scatter the seed produced by and plant, nurture, tend or harvest the prohibited plant;

"Chief Medical Officer" means the person appointed as the Chief Medical Officer under section 5 of the *Public Health Act*;

"dangerous drug" means a substance or thing specified in Schedule 1 or 2 or, where the substance or thing so specified is a prohibited plant, any part of the plant, being a part not specified in Schedule 1 or 2, from which a substance or thing referred to in Schedule 1 or 2 can be extracted or obtained;

"dentist" means a dentist or dental specialist within the meaning of the *Dental Act*;

"magistrate" does not include a Special Magistrate within the meaning of the *Magistrates Act*;

"manufacture", in relation to a dangerous drug, includes the process of extracting and refining the dangerous drug;

"optometrist" means a registered optometrist within the meaning of the *Optometrists Act*;

"pharmacist" means a registered pharmacist within the meaning of the *Pharmacy Act*;

"place" includes a vehicle;

"possession", in relation to a person, includes being subject to the person's control notwithstanding that the thing possessed is in the custody of another person;

"premises" includes a structure, building or place (whether built on or not) and any part of a structure, building or place;

"produce" means -

(a) prepare, package or produce;

(b) offering to prepare, package or produce; or

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- (c) doing or offering to do an act preparatory to, in furtherance of, or for the purpose of, preparing, packaging or producing;

"prohibited plant" means a plant, any part of or extract from which is specified in Schedule 1 or 2;

"public place" includes any highway, premises or place (including water) to which at the material time the public have or are permitted to have access, whether on payment or otherwise, and any vehicle on or in a public place;

"steals" has the same meaning as in section 209 of the Criminal Code;

"supply" means -

- (a) give, distribute, sell, administer, transport or supply, whether or not for fee, reward or consideration or in expectation of fee, reward or consideration;
- (b) offering to do an act referred to in paragraph (a); or
- (c) doing or offering to do an act preparatory to, in furtherance of, or for the purpose of, an act referred to in paragraph (a),

and includes barter and exchange;

"traffickable quantity", in relation to a dangerous drug, means a quantity or amount equal to or exceeding the quantity or amount of that dangerous drug specified in column 2 of Schedule 1 or 2 opposite to the name of the dangerous drug specified in column 1 of that Schedule;

"unlawful" means without authorization, justification or excuse;

"vehicle" includes any means of transport whatsoever by land, water or through the air;

"veterinary surgeon" means a registered veterinary surgeon within the meaning of the *Veterinary Surgeons Act*;

"volatile substance" means -

- (a) plastic solvent, adhesive cement, cleaning agent, glue, dope, nail polish remover, lighter fluid, gasoline or any other volatile product derived from petroleum,

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paint thinner, lacquer thinner, aerosol propellant or anaesthetic gas; or

(b) a substance declared under section 18(2).

(2) In this Act, a reference to a dangerous drug includes a reference to -

(a) a substance which is, in relation to a dangerous drug -

(i) an active principal of that dangerous drug;

(ii) a preparation or admixture of that dangerous drug; or

(iii) a salt of that dangerous drug or active principal,

except where the substance is separately specified in Schedule 1 or 2; and

(b) a substance ("drug analogue") which is, in relation to another substance (being a dangerous drug specified in Schedule 1 or 2, or a stereoisomer, a structural isomer (with the same constituent groups) or an alkaloid of such a drug or substance) -

(i) a stereoisomer;

(ii) a structural isomer having the same constituent groups;

(iii) an alkaloid;

(iv) a structural modification notionally obtained in one or more of the following ways:

(A) by the replacement of up to 2 carbocyclic or heterocyclic ring structures with different carbocyclic or heterocyclic ring structures;

(B) by the addition of hydrogen atoms to one or more unsaturated bonds;

(C) by the addition of one or more of the following groups:

(1) alkoxy, cyclic diether, acyl, acyloxy, mono-amino and dialkylamino groups with up to 6 carbon atoms in any alkyl residue;

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- (2) alkyl, alkenyl and alkynyl groups with up to 6 carbon atoms in the group, where the group is attached to oxygen (for example, an ester or an ether group), nitrogen, sulphur or carbon; and
- (3) halogen, hydroxy, nitro and amino groups;
- (D) by the replacement of one or more of the groups specified in subparagraph (C) with another such group or groups; or
- (E) by the conversion of a carboxyl or an ester group into an amide group; or
- (v) otherwise an homologue, analogue, chemical derivative or substance substantially similar in chemical structure, however manufactured or actually obtained, except where the drug analogue -
 - (vi) is a dangerous drug; or
 - (vii) is specified in a Schedule to the *Poisons and Dangerous Drugs Act*.

(3) For the purposes of this Act, the traffickable quantity or commercial quantity respectively of a dangerous drug comprising an admixture of dangerous drugs is the traffickable quantity or commercial quantity of that dangerous drug component (including a drug analogue within the meaning of subsection (2)(b)) of the admixture having specified in Schedule 1 or 2 in respect of it the least quantity of all of the component dangerous drugs in the admixture, and in calculating whether or not the quantity of the admixture is a traffickable quantity or commercial quantity of dangerous drug, the whole quantity of the admixture shall be treated as if it were a quantity of that dangerous drug component.

(4) For the purposes of this Act, the traffickable quantity or commercial quantity, respectively, of a substance which is a drug analogue, within the meaning of subsection (2)(b), is the traffickable quantity and commercial quantity of the dangerous drug in respect of which the drug analogue is a drug analogue.

(5) In this Act, a reference to the use or administration of a dangerous drug or volatile substance includes a reference to the ingestion, injection, inhalation and smoking of a dangerous drug or volatile substance, the inhalation of fumes caused by the heating or burning of a dangerous drug or volatile substance and

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any other means of introducing a dangerous drug or volatile substance into any part of the body of a person.

(6) For the purposes of this Act and the Regulations, a person takes part in the supply, cultivation, manufacture or production of a dangerous drug if the person -

- (a) takes, or participates in, a step, or causes a step to be taken, in the process of that supply, cultivation, manufacture or production;
- (b) provides or arranges finance for such a step in that process; or
- (c) provides the premises in or on which such a step in that process is taken, or suffers or permits such a step in that process to be taken in or on premises of which the person is the owner, lessee or occupier or in the management of which the person participates.

(7) In this Act a reference to an offence against this Act or a particular provision of this Act shall be read and construed as including an attempt or a conspiracy to commit such an offence.

(8) The Minister may, by notice in the *Gazette*, appoint a person to be an analyst for the purposes of this Act.

4. ACT TO BIND CROWN AND APPLICATION

(1) This Act binds the Crown not only in right of the Territory but, so far as the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

(2) The provisions of this Act are in addition to, and, except to the extent so provided by this Act, do not derogate from, the provisions of any other Act.

PART II - OFFENCES

Division 1 - Supply, Cultivation, Possession, &c.

5. SUPPLYING DANGEROUS DRUG

A person who unlawfully supplies, or takes part in the supply of, a dangerous drug to another person, whether or not -

- (a) that other person is in the Territory; and

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- (b) where the dangerous drug is supplied to a person at a place outside the Territory, the supply of that dangerous drug to the person constitutes an offence in that place,

is guilty of a crime.

Penalty, subject to section 22:

- (a) Where the amount of the dangerous drug supplied is not a commercial quantity -
- (i) where the dangerous drug is a dangerous drug specified in Schedule 1, the offender is an adult and the person to whom it is supplied is a child - imprisonment for life;
 - (ii) where the dangerous drug is a dangerous drug specified in Schedule 1 and subparagraph (i) does not apply - imprisonment for 14 years;
 - (iii) where the dangerous drug is a dangerous drug specified in Schedule 2, the offender is an adult and the person to whom it is supplied is a child - imprisonment for 14 years; and
 - (iv) where the dangerous drug is a dangerous drug specified in Schedule 2 and subparagraph (iii) does not apply - \$10,000 or imprisonment for 5 years.
- (b) Where the amount of the dangerous drug supplied is a commercial quantity -
- (i) where the dangerous drug is a dangerous drug specified in Schedule 1 and the offender is an adult - imprisonment for life;
 - (ii) where the dangerous drug is a dangerous drug specified in Schedule 2, the offender is an adult and the person to whom it is supplied is a child - imprisonment for 25 years; and
 - (iii) in any other case where the dangerous drug is a dangerous drug specified in Schedule 2 - imprisonment for 14 years.

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6. RECEIVING OR POSSESSING TAINTED PROPERTY

(1) A person who receives or possesses property (other than a dangerous drug) obtained directly or indirectly from the commission of -

- (a) an offence against section 5; or
- (b) an act done at a place outside the Territory which if it had been done in the Territory would have constituted an offence against section 5 and which is an offence under the law in force in the place where it was done,

knowing or believing the property to have been so obtained, is guilty of a crime.

Penalty: Imprisonment for 25 years.

- (2) Where the property so obtained has been -
 - (a) mortgaged, pledged or exchanged for other property; or
 - (b) converted into other property in any manner,

a person who, knowing or believing that -

- (c) the other property is wholly or in part the property for which the property so obtained has been mortgaged, pledged or exchanged or into which it has been converted; and
- (d) the property so obtained was obtained under such circumstances as to constitute a crime under subsection (1),

receives or possesses the whole or any part of the other property for which the property so obtained has been mortgaged, pledged or exchanged or into which it has been converted, is guilty of a crime.

Penalty: Imprisonment for 25 years.

(3) For the purpose of proving the receiving of property, it is sufficient to show that the accused person has, either alone or jointly with some other person, aided in concealing the property or disposing of it.

7. CULTIVATION

A person who unlawfully cultivates, or takes part in the cultivation of, a prohibited plant is guilty of a crime.

Penalty, subject to section 22:

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Where the number of prohibited plants in respect of which the person is convicted is a commercial quantity of the plant - imprisonment for 25 years.

Where the number of prohibited plants in respect of which the person is convicted is a traffickable quantity of the plant - imprisonment for 7 years.

In any other case - \$5,000 or imprisonment for 2 years.

8. MANUFACTURE AND PRODUCTION

A person who unlawfully manufactures or produces a dangerous drug or takes part in the manufacture or production of a dangerous drug is guilty of a crime.

Penalty, subject to section 22:

Where the dangerous drug is a dangerous drug specified in Schedule 1 and the amount of the dangerous drug is a commercial quantity - imprisonment for life.

Where the dangerous drug is a dangerous drug specified in Schedule 1 and the amount of the dangerous drug is not a commercial quantity - imprisonment for 25 years.

Where the dangerous drug is a dangerous drug specified in Schedule 2 and the amount of the dangerous drug is a commercial quantity - imprisonment for 25 years.

Where the dangerous drug is a dangerous drug specified in Schedule 2 and the amount of the dangerous drug is not a commercial quantity - imprisonment for 7 years.

9. POSSESSION

A person who unlawfully possesses a dangerous drug is guilty of a crime.

Penalty, subject to section 22:

Where the dangerous drug is a dangerous drug specified in Schedule 1 and the amount of the dangerous drug is a commercial quantity - imprisonment for 25 years.

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Where the dangerous drug is a dangerous drug specified in Schedule 1 and the amount of the dangerous drug is not a commercial quantity but is a traffickable quantity -

- (a) if the person is in possession of it in a public place - imprisonment for 14 years; and
- (b) in any other case - imprisonment for 7 years.

Where the dangerous drug is a dangerous drug specified in Schedule 1 and the amount of the dangerous drug is neither a commercial quantity nor a traffickable quantity -

- (c) if the person is in possession of it in a public place - \$10,000 or imprisonment for 5 years; or
- (d) in any other case - \$5,000 or imprisonment for 2 years.

Where the dangerous drug is a dangerous drug specified in Schedule 2 and the amount of the dangerous drug is a commercial quantity - imprisonment for 14 years.

Where the dangerous drug is a dangerous drug specified in Schedule 2 and the dangerous drug is not a commercial quantity but is a traffickable quantity - \$10,000 or imprisonment for 5 years.

Where the dangerous drug is a dangerous drug specified in Schedule 2 and the amount of the dangerous drug is neither a commercial quantity nor a traffickable quantity -

- (e) if the person is in possession of it in a public place - \$5,000 or imprisonment for 2 years; or
- (f) in any other case - \$2,000.

10. ALTERNATIVE VERDICTS

Where on the trial of a person for an offence against section 5, 7, 8 or 9 the court or jury is not satisfied that the amount of the dangerous drug involved is a commercial quantity or a traffickable quantity as charged, it may find the person guilty of the offence under the relevant section in respect of a lesser amount, and the person is liable to be convicted and punished accordingly.

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11. THEFT OF DANGEROUS DRUGS

A person who steals a dangerous drug is guilty of a crime.

Penalty, subject to section 22:

Where the dangerous drug is a dangerous drug specified in Schedule 1 - imprisonment for 14 years.

Where the dangerous drug is a dangerous drug specified in Schedule 2 - imprisonment for 7 years.

Division 2 - Other Offences

12. POSSESSION OF THINGS FOR ADMINISTERING DANGEROUS DRUGS

(1) A person who unlawfully possesses a thing (other than a hypodermic syringe or needle) for use in the administration of a dangerous drug is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

(2) A person, other than a medical practitioner, a pharmacist or a member of a class of persons authorized so to do by the Minister who supplies a hypodermic syringe or needle to another person, whether or not the other person is in the Territory, for use in the administration of a dangerous drug to that or another person is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

(3) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that he or she obtained the hypodermic syringe or needle from a medical practitioner, pharmacist or authorized person referred to in that subsection for the use of another person in the administration of a dangerous drug to that other person and the defendant supplied it to the other person, in its unused state, as soon as practicable after so obtaining it.

(4) A person who possesses a hypodermic syringe or needle who fails to use all reasonable care and take all reasonable precautions with it so as to avoid danger to the life, safety or health of another person is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

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(5) A person who possesses a hypodermic syringe or needle that has been used in the administration of a dangerous drug who fails to dispose of the syringe or needle in the manner prescribed is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

13. ADMINISTERING DANGEROUS DRUG TO SELF

A person who administers a dangerous drug to himself or herself is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

14. PERMITTING ANOTHER TO ADMINISTER

A person who allows another person to unlawfully administer a dangerous drug to the first-mentioned person is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

15. FORGING, &c., PRESCRIPTION

A person who forges or fraudulently alters, or utters knowing it to be forged or fraudulently altered, a prescription of a medical practitioner, dentist or veterinary surgeon which includes a dangerous drug is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

16. OBTAINING PRESCRIPTION BY DECEPTION

A person who -

(a) by a deception -

(i) obtains from a medical practitioner, dentist or veterinary surgeon a prescription including a dangerous drug; or

(ii) induces a pharmacist to dispense a forged or fraudulently altered prescription obtained in contravention of subparagraph (i); or

(b) is in actual possession of a forged or fraudulently altered prescription including a dangerous drug or a prescription obtained in contravention of paragraph (a),

is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

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17. OBTAINING DANGEROUS DRUG BY DECEPTION

A person who by a deception obtains, or attempts to obtain, a dangerous drug from a medical practitioner, pharmacist, dentist or veterinary surgeon is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

18. VOLATILE SUBSTANCES

(1) A person who sells or supplies a volatile substance to another person and who knows or who ought to know that the other person intends to use the substance by administering it to himself or herself or a third person or to sell or supply it to a third person for use by the third person to administer it to himself or herself or to a fourth person, is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

(2) The Minister may, by notice in the *Gazette*, declare a substance to be a volatile substance.

19. PARTIES TO OFFENCES COMMITTED OUTSIDE TERRITORY

A person who, in the Territory, is a party to an act done at a place not in the Territory which if it had been done in the Territory would have constituted an offence against this Act and which is an offence under the law in force in the place where it was done, is guilty of an offence and is liable on conviction to the same penalty and forfeiture as if the act had been done in the Territory.

PART III - MISCELLANEOUS

20. ACT TO BE CONSTRUED WITH CRIMINAL CODE

The Criminal Code, with the necessary changes, shall be read and construed with this Act.

21. KNOWLEDGE OF AGE IMMATERIAL

It is immaterial in relation to an offence against this Act committed in respect of a child that the accused person did not know that the child had not attained the age of 17 years or that the accused person believed that the child had attained that age.

22. CERTAIN OFFENCES MAY BE DEALT WITH SUMMARILY

Where a person charged with an offence against section 5, 7, 8, 9 or 11 is liable on conviction to a fine or to imprisonment for a term not exceeding 14 years, proceedings in respect of the commission of the offence may be taken summarily, in which case the person, on conviction, is liable to a fine of \$10,000 or imprisonment

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for 2 years, or if there is a lesser penalty prescribed in relation to the particular offence, that lesser penalty.

23. PROCEEDINGS FOR OFFENCES

(1) Proceedings for the summary conviction of a person for an offence against this Act or an examination of witnesses in relation to such an offence shall be before a magistrate.

(2) Notwithstanding section 121A of the *Justices Act*, where in pursuance of section 22 an offence may be prosecuted on indictment or summarily, the proceedings before a magistrate shall be proceedings with a view to the committal of the defendant for trial or sentence unless the prosecution elects that they shall be proceedings with a view to summary conviction.

(3) Notwithstanding that a period of 6 months has elapsed after the commission of a crime under this Act, where a person is arrested on a charge of having committed that crime proceedings for the summary conviction of the person on that charge may be brought before a magistrate and the magistrate has jurisdiction to deal summarily with the charge.

(4) Where proceedings are taken with a view to summary conviction of a defendant and the magistrate forms the opinion that the offence ought to be prosecuted on indictment, the magistrate shall abstain from determining the charge summarily and shall instead deal with the proceedings as proceedings for the committal of the defendant for trial or sentence.

(5) Where, pursuant to subsection (4), the magistrate abstains from determining a charge summarily, the plea of the defendant taken at the outset of the summary proceedings shall be disregarded, the evidence adduced in the proceedings before the magistrate's decision to abstain shall be deemed to be evidence in the proceedings with a view to the committal of the defendant for trial or sentence and, before committing the defendant for trial or sentence, the magistrate shall address the defendant in accordance with section 110 of the *Justices Act*.

(6) An accused person may be charged (whether on indictment or not) and proceeded against for supplying a dangerous drug notwithstanding that the supply is alleged to be constituted by a number of instances of supply and notwithstanding that different persons are alleged to have been supplied if the different instances of supply are, or form part of, a series of offences of the same or a similar character.

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24. PROTECTION OF INFORMERS

(1) Where an informer supplies information to a member of the Police Force in respect of the commission of an offence against Division 1 of Part II, the informer's identity at all times shall be kept confidential.

(2) A person who discloses the name of an informer, or any other particular that may be likely to lead to the informer's identification, is guilty of a crime.

Penalty: \$10,000 or imprisonment for 2 years.

(3) A person is not criminally responsible for an offence against subsection (2) if it is proved that the disclosure was made in good faith for the protection of the interests of the informer or for the public good.

25. SOURCE OF INFORMATION NOT TO BE DISCLOSED

(1) In proceedings for an offence against Division 1 of Part II -

- (a) the prosecutor;
- (b) a person who appears as a witness for the prosecution; or
- (c) where a member of the Police Force appears as a witness for the defence, that member,

shall not be asked, and if asked shall not be compelled to disclose, the name of an informer or other particular that may be likely to lead to the informer's identification, or the fact that in respect of the offence the prosecutor, informer or member of the Police Force referred to in paragraph (b) received information from an informer or furnished information to an informer, or the nature of the information.

(2) In proceedings for an offence against Division 1 of Part II a member of the Police Force appearing as a prosecutor or witness shall not be compelled to produce a report or document made or received in his or her official capacity or containing confidential information in relation to such offence, or to make a statement in relation to such a report, document or information.

26. POWER TO PROHIBIT PUBLICATION OF PROCEEDINGS

(1) In proceedings for an offence against Division 1 of Part II -

- (a) a magistrate hearing and determining the matter summarily or conducting the examination of witnesses; or

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(b) the Judge presiding at the court to which a person has been committed for trial or sentence, may make an order (which shall remain in force for such time as the magistrate or Judge specifies in the order) prohibiting the publication of the whole or any part of such proceedings and the name and address of any witness.

(2) An application for an order under subsection (1) may be made to the magistrate or Judge in the magistrate's or Judge's chambers in the presence of only such persons as the magistrate or Judge thinks fit.

(3) On the hearing of the application under subsection (2) the magistrate or Judge may receive and act on such information as he or she thinks fit.

(4) When considering an application under subsection (2) regard shall be had to -

- (a) the safety of any person;
- (b) the extent to which the detection of offences of a like nature may be affected; and
- (c) the need to guarantee the confidentiality of information given by an informer.

(5) A person who contravenes an order made under subsection (1) is guilty of an offence.

Penalty: \$10,000 or imprisonment for 2 years.

27. CERTAIN PROCEEDINGS RELATING TO SENTENCE

(1) A court before which a person is convicted of an offence against this Act may, with the consent of the prosecution and the defendant, determine the question of sentence otherwise than in open court.

(2) An application to have the question of sentence determined otherwise than in open court may be made to the Judge or magistrate constituting the court before or by which the person is convicted, in the Judge's or magistrate's chambers.

(3) In determining the question of sentence pursuant to this section -

- (a) the proceedings shall be as prescribed by the rules of the court or, if no procedure is so prescribed, as the court directs;
- (b) the proceedings shall be heard in the presence of only such persons as the court thinks fit;
- (c) the court may receive and act on such information as it thinks fit;

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- (d) no transcript shall be made of the proceedings unless directed by the court; and
- (e) no notice or report relating to the proceedings shall be published and no record of the proceedings (other than the order as to the sentence to be imposed) shall be available for search by a person except by direction of the court or, in the absence or incapacity of the Judge or magistrate who constituted the court, another Judge or, as the case may be, another magistrate.

28. FINES

A person convicted of an offence against Division 1 of Part II, in addition to any other penalty, may be ordered to pay a fine the amount of which is not limited by section 390 of the Criminal Code and in default of payment of that fine the person may be ordered to be imprisoned for not longer than 3 years notwithstanding that it may extend the term of imprisonment beyond the longest term to which the person might be sentenced to imprisonment without fine.

29. ANALYST'S CERTIFICATE

In proceedings for an offence against this Act, the production of a certificate purporting to be signed by an analyst in relation to an analysis or examination made by the analyst is, without proof of the analyst's signature, or that he or she is an analyst, evidence of -

- (a) the identity and quantity of the thing analyzed or examined; and
- (b) the result of the analysis or examination and of the matters relevant to the proceedings stated in the certificate,

and, in the absence of evidence to the contrary, is conclusive evidence.

30. SEIZURE

A member of the Police Force may seize -

- (a) anything found in the possession of a person or as the result of a search, being a thing that the member has reason to suspect is a dangerous drug;
- (b) money, a valuable security or other thing -
 - (i) found in the possession of a person; or
 - (ii) found as the result of a search,

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being money, a valuable security or thing that the member has reason to suspect was received or acquired by a person directly or indirectly as or from the proceeds or part of the proceeds of the supply of a dangerous drug;

- (c) an acknowledgement, note or other thing -
 - (i) found in the possession of a person; or
 - (ii) found as the result of a search,
being an acknowledgement, note or thing that the member has reason to suspect -
 - (iii) entitles a person to receive; or
 - (iv) is evidence that a person is entitled to receive,
money or money's worth that is the proceeds or part of the proceeds of the supply of a dangerous drug;
- (d) a thing found in the possession of a person as the result of a search, being a thing that the member has reason to suspect is evidence of the commission of an offence against this Act; or
- (e) where a person is apprehended for an offence against this Act, an article or thing -
 - (i) found in the possession of the person; or
 - (ii) found as the result of a search,
being an article or thing that is of a type used in the manufacture, production, cultivation, use or administration of a dangerous drug.

31. POSSESSION BY MEMBER OF POLICE FORCE, &c.

(1) Notwithstanding anything contained in this Act, the possession of a dangerous drug by a member of the Police Force, or by a person authorized by a member of the Police Force to have that dangerous drug in the person's possession, is not an offence if that dangerous drug -

- (a) was seized or obtained in -
 - (i) the execution of the duties; or
 - (ii) the exercise of the powers,
of that member or other person under this Act or any other law in force in the Territory;

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- (b) is in the member's or person's possession pending the institution and hearing of proceedings for an offence against this Act or any other law in force in the Territory; or
- (c) is in the member's or person's possession for a purpose associated with the administration of this Act.

(2) A dangerous drug shall be deemed to be in the possession of a member of the Police Force or person for a purpose associated with the administration of this Act if it is held by the member or person for analysis for the purpose of proceedings for an offence against this Act or of any other law in force in the Territory or of qualifying the member or person to give evidence in those proceedings.

(3) Where proceedings for an offence against this Act have commenced, a member of the Police Force who has obtained a dangerous drug and a person who has obtained a dangerous drug in pursuance of an authority given under section 32 shall not, by reason only of that circumstance, be taken to be a party to an offence against this Act or be guilty of an offence against this Act, nor shall the evidence of that member or person be taken in the proceedings to be the evidence of an accomplice.

32. UNDERCOVER OPERATIONS

(1) A member of the Police Force of or above the rank of Sergeant may authorize a person who is not a member of the Police Force to acquire for the purpose of detecting the commission of an offence against this Act, or have in the person's possession for that purpose, a dangerous drug.

(2) Without limiting the generality of section 31, a member of the Police Force or person authorized under subsection (1) may (in the case of a person authorized under subsection (1), while acting in pursuance of that authority) acquire and possess a dangerous drug for the purpose of detecting the commission of an offence against this Act.

(3) A person who acquires a dangerous drug in pursuance of an authority under subsection (1) shall, as soon as practicable after so acquiring it, deliver it to a member of the Police Force.

Penalty: \$2,000 or imprisonment for 2 years.

33. AUTHORIZATION TO POSSESS AND CULTIVATE FOR RESEARCH PURPOSES

(1) The Chief Medical Officer may in writing, and subject to such conditions if any as he or she thinks fit, authorize a person to possess a dangerous drug or

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cultivate a prohibited plant for the purposes of research and a person so authorized may lawfully possess that drug or cultivate that plant in accordance with and subject to the conditions, if any, of that authorization.

(2) An authorization of a body corporate under subsection (1) shall be deemed to authorize each person directly involved in the research to which it relates on behalf of the body corporate to possess the dangerous drug or cultivate the prohibited plant in accordance with and subject to the conditions, if any, of the authorization.

34. FORFEITURE OF DRUGS, &c.

(1) On the conviction of a person for an offence against this Act, any dangerous drug in respect of which the conviction is made is forfeited to the Crown.

(2) Where a person charged with an offence against this Act is tried but not convicted of any offence on the charge, the court before which the person was charged may order that a dangerous drug, or thing alleged to be a dangerous drug, in respect of which the offence was alleged to have been committed be forfeited to the Crown and on the order being so made it is forfeited accordingly.

(3) Where a person is convicted of an offence against this Act, the court by which the person is convicted may, on application to it made on behalf of the Crown, order that any money, money's worth, valuable security, acknowledgement, note or other thing that relates to that offence be forfeited to the Crown.

(4) Where an application referred to in subsection (3) is made, a person who has an interest in the money, money's worth, valuable security, acknowledgement, note or other thing to which the application relates is entitled to -

- (a) such notice of the application as the court thinks fit; and
- (b) to appear and be heard on the application.

(5) Where any money, money's worth, valuable security, acknowledgement, note or other thing that is liable to forfeiture under subsection (2) or (3) is received or acquired by a person who was not a party to the commission of the offence by virtue of which it is liable to forfeiture, an order for its forfeiture may be made unless that person proves that he or she -

- (a) gave valuable consideration for it; and
- (b) at the time of receiving or acquiring it had no reason to suspect the circumstances by virtue of which it is liable to forfeiture.

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(6) A court empowered under this section to order the forfeiture of any money, money's worth, valuable security, acknowledgement, note or other thing may order that it be released or returned to a person referred to in subsection (5) or any other person.

(7) Where an order is made under subsection (3), a person referred to in subsection (5) may appeal against the order of the court as if the person were a defendant.

(8) Where any money, money's worth, valuable security, acknowledgement, note or other thing that is forfeited under subsection (2) is in the possession or control of, or held at the direction of, a person other than the convicted person, that other person shall, on production to the person of a copy of the order made under that subsection, immediately pay the money or deliver the money's worth, valuable security, acknowledgement, note or other thing to the Crown.

Penalty: \$10,000 or imprisonment for 2 years.

(9) On payment or delivery being made in accordance with subsection (8), the liability to the convicted person, or to any other person, of the person making the payment or delivery is, to the extent of that payment or delivery, discharged.

(10) A thing forfeited to the Crown under this section shall be dealt with in such manner as the Minister directs.

(11) Where a court makes an order under subsection (3), the Judge or magistrate constituting the court shall make and sign a minute or memorandum of the order.

(12) A minute or memorandum of an order made under subsection (11) has the force and effect of a judgment of the court and the like proceedings (including proceedings in bankruptcy) may be taken on the minute or memorandum as if the order had been a judgment of the court -

(a) in favour of the Crown (as plaintiff and the owner of the forfeited money, money's worth, valuable security, acknowledgement, note or other thing); and

(b) against the convicted person as defendant.

(13) For the purposes of this section, any money, money's worth, valuable security, acknowledgement, note or other thing shall be taken to relate to an offence if it -

(a) is an article referred to in section 30(b) or (c);

(b) was used in the commission of an offence against this Act;

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- (c) was received or acquired directly or indirectly as or from the proceeds or part of the proceeds of the sale of a dangerous drug; or
- (d) entitles a person, or is evidence that a person is entitled, to receive money or money's worth as the proceeds or part of the proceeds of the sale of a dangerous drug,

whether or not the money, money's worth, valuable security, acknowledgement, note or other thing is or was at any time owned by or in the possession of the convicted person.

35. RETURN OF SEIZED ITEMS

(1) Where a thing is seized under this Act and no proceedings are instituted for an offence relating to it, the Commissioner of Police -

- (a) shall return it to the person whom the Commissioner believes, on reasonable grounds, is its owner and is entitled by law to have it in the person's possession; or
- (b) shall, by notice in writing, where the Commissioner is not satisfied as to whom it should be returned, require the person from whom it was seized, or a person appearing to the Commissioner to be its likely owner, to claim delivery of it.

(2) The Commissioner of Police shall not return a thing seized under this Act unless satisfied that it is not a dangerous drug or other thing the possession of which by the person to whom the Commissioner would otherwise return it would constitute an offence.

(3) If no claim is made within 21 days after the date of service of a notice under subsection (1)(b), or after reasonable inquiry the person to whom the notice is addressed cannot be found, the thing seized is forfeited to the Crown and shall be disposed of in the manner directed by the Minister.

(4) Where a person served with a notice under subsection (1)(b) makes a claim for the delivery to the person of a thing seized or, in the opinion of the Commissioner of Police, the owner is not entitled by law to have the thing seized in the owner's possession, the Commissioner shall refer the claim or question to the Court of Summary Jurisdiction and the court may deal with the matter as if, in either case, it were a claim under section 130B of the *Justices Act* by a claimant of property.

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36. POWER OF POLICE

The provisions of this Part relating to the power of a member of the Police Force (including the Commissioner of Police) are in addition to, and not in derogation of, any other power he or she may have under any other law in force in the Territory.

37. PENALTY GUIDELINES

(1) In this section -

"aggravating circumstance" means, subject to subsection (2), a second or subsequent offence against -

(a) this Act; or

(b) a provision of -

(i) a law in force in the Territory before the commencement of this Act; or

(ii) a law of the Commonwealth or a State or another Territory of the Commonwealth (whether the offence was committed before or after the commencement of this Act),

which, in the opinion of the court, is the equivalent of or a similar offence to an offence against a provision of this Act;

"drug dependent person" means a person who -

(a) as a result of the repeated administration of a dangerous drug -

(i) demonstrates impaired control; or

(ii) exhibits drug-seeking behaviour that suggests impaired control,

over the person's continued use of a dangerous drug; and

(b) when the administration of a dangerous drug to the person ceases, suffers or is likely to suffer mental or physical distress or disorder;

"licensed premises" means premises in respect of which a licensee is licensed under the *Liquor Act* and includes all buildings and land (including car parks) used in connection with those premises, whether or not forming part of the premises;

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"playground" means an outdoor facility intended for recreational purposes to which at the material time the public have or are permitted to have access, whether on payment or otherwise, and with any portion of the facility containing apparatus intended for the recreation of children including, but not limited to, slides, swings and see-saws, and includes any car park appurtenant to the facility, whether or not being part of the land on which the facility is situated;

"public swimming pool" means a swimming pool to which at the material time the public have or are permitted to have access, whether on payment or otherwise, and includes a car park appurtenant to the swimming pool, whether or not being part of the land on which the swimming pool is situated;

"school" means a school or institution at which a person or body of persons provides, or offers to provide, courses of instruction in primary or secondary education and includes the school grounds and any car park appurtenant to the school or school grounds, whether or not being part of the land on which the school is or school grounds are situated;

"video facility" means a facility legally accessible to persons who have not attained the age of 18 years intended primarily for use by persons in playing pinball or video machines for amusement;

"youth centre" means an indoor or outdoor recreation facility which regularly provides athletic, sporting, civic or cultural activities -

(a) intended primarily for use by persons who have not attained the age of 18 years; or

(b) which at the material time was used primarily by such persons,

including, but not limited to, a gymnasium, roller skating rink, bicycle track and discotheque, and a car park appurtenant to the facility, whether or not being part of the land on which the facility is situated.

(2) In sentencing a person for an offence against this Act the court shall, in the case of an offence for which the maximum penalty provided by this Act (with or without a fine) is -

(a) 7 years imprisonment or more; or

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- (b) less than 7 years imprisonment but the offence is accompanied by an aggravating circumstance,

impose a sentence requiring the person to serve a term of actual imprisonment unless, having regard to the particular circumstances of the offence or the offender (including the age of the offender where the offender has not attained the age of 21 years) it is of the opinion that such a penalty should not be imposed.

(3) Where a court imposes a sentence requiring the serving of a period of actual imprisonment for an offence against this Act, it shall not impose a sentence of less than actual imprisonment for 28 days.

(4) Notwithstanding any other law of the Territory, where a person already serving a period of actual imprisonment is sentenced by a court to serve a period of actual imprisonment for an offence against this Act committed by the person while serving the first-mentioned period, the further period of actual imprisonment shall be served consecutively to the period of imprisonment currently being served by the person.

(5) Where, in proceedings for an offence against section 9 (other than an offence in relation to a commercial quantity of a dangerous drug specified in Schedule 1 or 2 or in circumstances described in section 9(f)) it is proved to the satisfaction of the court that the offender is a drug dependant person, that fact shall be taken to be a circumstance of the offender for the purposes of subsection (2).

38. PUNISHMENT OF ATTEMPTS

(1) Section 278 of the Criminal Code does not apply to or in relation to an offence against this Act.

(2) A person who attempts to commit an offence against this Act is guilty of an offence and is liable to the same punishment and forfeiture as a person who commits the intended offence.

39. CORPORATIONS

(1) Where a corporation contravenes or fails to comply with a provision of this Act, each person, being a director, or an officer concerned in the management, of the corporation, shall be deemed to have contravened the same provision and be liable to the same extent as the corporation in respect of the contravention, unless the person satisfies the court that -

- (a) the corporation contravened the provision without the person's knowledge;

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- (b) the person was not in a position to influence the conduct of the corporation in relation to its contravention of the provision; or
- (c) the person, being in such a position, used all due diligence to prevent the contravention by the corporation.

(2) A person may be proceeded against, and an order or conviction may be made in respect of the person pursuant to subsection (1), whether or not the corporation has been proceeded against or an order or conviction has been made in respect of the corporation.

(3) Nothing in subsection (1) prejudices or affects a liability imposed by this Act on a corporation by which a contravention or failure to which that subsection applies is actually committed.

40. EVIDENTIARY

In respect of a charge against a person of having committed an offence against this Act -

- (a) it is not necessary to particularize the dangerous drug in respect of which the offence is alleged to have been committed;
- (b) that person is liable to be convicted as charged notwithstanding that the identity of the dangerous drug to which the charge relates is not proved to the satisfaction of the court that hears the charge if the court is satisfied that the thing to which the charge relates was at the material time a dangerous drug;
- (c) proof that a dangerous drug was at the material time in or on a place of which the person was -
 - (i) the occupier; or
 - (ii) concerned in the management or control,is evidence that the drug was then in the person's possession unless it is shown that the person then neither knew nor had reason to suspect that the drug was in or on that place;
- (d) the operation of section 32 of the Criminal Code is excluded unless that person shows his or her honest and reasonable belief in the existence of a state of things material to the charge; and
- (e) the burden of proving an authorization to do an act or make an omission lies on the person.

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41. RECEIVING OR POSSESSING SOME ONLY OF PROPERTY ALLEGED

Where, in relation to a charge of having committed an offence against section 6, a magistrate or a jury finds specially that the person committed the offence in respect of some, but not all, of the property alleged by the prosecution, the person is not by reason only of the finding entitled to be acquitted or have the charge dismissed but rather shall be convicted of the offence in respect of the property so found.

42. EXEMPTIONS

(1) Notwithstanding anything contained in this Act, a person who -

- (a) is in possession of a dangerous drug which has been supplied to that person by or on the lawful prescription of a medical practitioner, dentist, optometrist or veterinary surgeon; or
- (b) administers a dangerous drug to another person in accordance with the lawful directions of a medical practitioner, dentist or optometrist,

is not guilty of an offence against this Act.

(2) In this section "medical practitioner" includes a person who is entitled to practise medicine under a law in force in a State or another Territory of the Commonwealth.

43. REGULATIONS

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters -

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the Regulations may -

- (a) amend a Schedule to this Act by adding a substance or plant (including a part of a plant) to the Schedule and specifying the relevant traffickable quantity and commercial quantity in respect of that substance or plant;
- (b) provide for notices and the form of such notices to be posted on licensed premises or particular parts of licensed premises for the purposes of this Act;

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- (c) make provision for the safe disposal of hypodermic syringes and needles; and
- (d) prescribe penalties, not exceeding a fine of \$2,000, for offences against the Regulations.

SCHEDULE 1

Section 3

Column 1	Column 2	Column 3
Dangerous drug	Traffickable quantity	Commercial quantity
Heroin	2.00 g	40.00 g
Cocaine	2.00 g	40.00 g
Phencyclidine	2.00 g	40.00 g
Lysergic acid	0.002 g	0.10 g
Lysergide	0.002 g	0.10 g

SCHEDULE 2

Section 3

COLUMN 1	COLUMN 2	COLUMN 3
Dangerous drug or prohibited plant	Traffickable quantity	Commercial quantity
Acetorphine	2.00 g	100.00 g
Acetyl-a-methylfentanyl	0.005 g	0.25 g
Acetyldihydrocodeine, except when compounded with one or more other medicaments -	2.00 g	100.00 g
(a) in divided preparations containing not more than 100 mg of acetyldihydrocodeine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of acetyldihydrocodeine		
Acetylmethadol	2.00 g	100.00 g
Acetylmorphines	2.00 g	100.00 g
Alfentanil	0.005 g	0.25 g
Alkoxyamphetamines and bromo-substituted alkoxyamphetamines, except where separately specified in this Schedule	0.50 g	25.00 g
Alkoxyphenethylamines and alkyl-substituted alkoxyphenethylamines, except where separately specified in this Schedule	0.50 g	25.00 g
Allylprodine	2.00 g	100.00 g
Alphacetylmethadol	10.00 g	500.00 g
Alphameprodine	0.20 g	10.00 g
Alphamethadol	0.20 g	10.00 g
Alphaprodine	25.00 g	1.25 kg
2-Amino-1-(2,5-dimethoxy-4-methyl) phenylpropane (STP, DOM)	0.50 g	10.00 g
Amphetamine	2.00 g	100.00 g
Amylobarbitone	20.00 g	1.00 kg
Anileridine	25.00 g	1.25 kg

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Benzethidine	10.00 g	500.00 g
Benzylmorphine	5.00 g	250.00 g
Benzylmorphine (3-benzylmorphine)	5.00 g	250.00 g
Betacetylmethadol	5.00 g	250.00 g
Betameprodine	5.00 g	250.00 g
Betamethadol	5.00 g	250.00 g
Betaprodine	5.00 g	250.00 g
Bezitramide	5.00 g	250.00 g
4-Bromo-2,5-dimethoxyamphetamine	0.05 g	2.50 g
4-Bromo-3,5-dimethoxyamphetamine	0.50 g	25.00 g
4-Bromo-2,5-dimethoxyphenethylamine (BDMPEA)	0.50 g	25.00 g
3-Bromo-4-methoxyamphetamine	0.50 g	25.00 g
4-Bromo-3-methoxyamphetamine	0.50 g	25.00 g
Bufotenine	2.00 g	100.00 g
Bufotenine and its derivatives having hallucinogenic properties	2.00 g	100.00 g
Butobarbitone	20.00 g	1.00 kg
Butorphanol	2.00 g	100.00 g
Cannabis leaf	50.00 g	500.00 g
Cannabis oil	1.00 g	25.00 g
Cannabis plant	not less than 5 nor more than 19 plants	not less than 20 plants
Cannabis resin	10.00 g	100.00 g
Cathinone	2.00 g	100.00 g
Clonitazene	5.00 g	250.00 g
Coca Leaf	250.00 g	5.00 kg
Codeine except when compounded with one or more other medicaments -	10.00 g	500.00 g
(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	10.00 g	500.00 g
Codoxime	10.00 g	500.00 g
Concentrate of Poppy Straw (the material arising when poppy straw has entered into a process for concentration of its alkaloids)	250.00 g	5.00 kg

4-Cyano-2-dimethylamino-4,4-diphenylbutane (Methadone intermediate)	2.00 g	100.00 g
4-Cyano-1-methyl-4-phenylpiperidine (Pethidine intermediate A)	10.00 g	500.00 g
Cyclobarbitone	20.00 g	1.00 kg
Desomorphine	2.00 g	100.00 g
Dexamphetamine	2.00 g	100.00 g
Dextromoramide	2.00 g	100.00 g
Dextropropoxyphene, except when -	27.00 g	1.35 kg
(a) in divided preparations containing 135 mg or less of dextropropoxyphene per dosage unit; or		
(b) in liquid preparations containing 2.5% or less of dextropropoxyphene		
Diampromide	5.00 g	250.00 g
Diethylthiambutene	5.00 g	250.00 g
N,N-Diethyltryptamine (DET)	2.00 g	100.00 g
Difenoxin, except in preparations containing, per dosage unit. 0.5 mg or less of difenoxin and a quantity of atropine sulphate equivalent to at least 5% of the dose of difenoxin	2.00 g	100.00 g
Dihydrocodeine, except when compounded with one or more other medicaments -	10.00 g	500.00 g
(a) in divided preparations containing not more than 100 mg of dihydrocodeine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of dihydrocodeine		
Dihydromorphine	10.00 g	500.00 g
Dimenoxadol	10.00 g	500.00 g
Dimephtanol	10.00 g	500.00 g
2,4-Dimethoxyamphetamine	0.50 g	25.00 g
3,4-Dimethoxyamphetamine	0.50 g	25.00 g
2,5-Dimethoxy-4-bromoamphetamine (DOB)	0.50 g	25.00 g
3,4-Dimethoxy-5-ethoxyamphetamine	0.50 g	25.00 g
2,5-Dimethoxy-4-ethoxyamphetamine	0.50 g	25.00 g
4,5-Dimethoxy-2-ethoxyamphetamine	0.50 g	25.00 g
2,5-Dimethoxy-4-ethyl-a-methylphenylethylamine (DOET)	0.50 g	25.00 g
2,5-Dimethoxy-4-methylamphetamine and other substances structurally derived from methoxyphenylethylamine having hallucinogenic properties	2.00 g	100.00 g

2,3-Dimethoxy-4,5-methylenedioxyamphetamine	0.50 g	25.00 g
2,5-Dimethoxy-3,4-methylenedioxyamphetamine	0.50 g	25.00 g
2,5-Dimethoxy- α -methylphenylethylamine (DMA)	0.50 g	25.00 g
3,4-Dimethoxyphenylethylamine	0.50 g	25.00 g
3-(2-Dimethylaminoethyl)-4-hydroxyindole (Psilocine, Psilocin)	0.10 g	5.00 g
3-(1,2-Dimethylheptyl)-1-hydroxy-7,8,9,10-tetrahydro- 6,6,9-trimethyl-6H-dibenzo(b,d)pyran (DMHP)	2.00 g	100.00 g
Dimethylthiambutene	20.00 g	1.00 kg
N,N,-Dimethyltryptamine (DMT)	2.00 g	100.00 g
N:N-Dimethyltryptamine and its derivatives having hallucinogenic properties	2.00 g	100.00 g
Dioxaphetyl Butyrate	2.00 g	100.00 g
Diphenoxylate, except in preparations containing, per dosage unit, 2.5 mg or less of diphenoxylate and a quantity of atropine sulphate equivalent to at least 1% of the dose of diphenoxylate	2.00 g	100.00 g
Dipipanone	10.00 g	500.00 g
Drotebanol	2.00 g	100.00 g
Ecgonine	10.00 g	1.00 kg
4,5-Ethylenedioxy-3-methoxyamphetamine	0.50 g	25.00 g
Ethylmethylthiambutene	10.00 g	500.00 g
Ethylmorphine, except when compounded with one or more other medicaments - (a) in divided preparations containing not more than 100 mg of ethylmorphine per dosage unit; or (b) in undivided preparations with a concentration of not more than 2.5% of ethylmorphine	2.00 g	100.00 g
Eticyclidine (PCE)	2.00 g	100.00 g
Etonitazene	5.00 g	250.00 g
Etorphine	5.00 g	250.00 g
Etoxeridine	5.00 g	250.00 g
Fenetylline	2.00 g	100.00 g
Fentanyl	0.005 g	0.25 g
Furethidine	1.00 g	50.00 g
Harmaline	2.00 g	100.00 g
Harmine	2.00 g	100.00 g

3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d)pyran (Parahexyl)	2.00 g	100.00 g
Hydrocodone	2.00 g	100.00 g
Hydromorfinol	2.00 g	100.00 g
Hydromorphone	2.00 g	100.00 g
B-Hydroxyfentanyl	0.005 g	0.25 g
B-Hydroxy-3-methylfentanyl	0.005 g	0.25 g
Hydroxypethidine	5.00 g	250.00 g
Isomethadone	2.00 g	100.00 g
Ketobemidone	2.00 g	100.00 g
Levamphetamine	2.00 g	100.00 g
Levomethamphetamine	2.00 g	100.00 g
Levomethorphan	2.00 g	100.00 g
Levomoramide	2.00 g	100.00 g
Levophenacymorphan	2.00 g	100.00 g
Levorphanol	1.00 g	50.00 g
Mecloqualone	60.00 g	3.00 kg
Mescaline - see 3,4,5-Trimethoxyphenethylamine		
Mescaline and other substances structurally derived from methoxyphenylethylamine having hallucinogenic properties	7.50 g	375.00 g
Metazocine	7.00 g	350.00 g
Methadone	2.00 g	100.00 g
Methamphetamine	2.00 g	100.00 g
Methaqualone	50.00 g	2.50 kg
2-Methoxy-3,4-methylenedioxyamphetamine	50.00 g	2.50 kg
2-Methoxy-4,5-methylenedioxyamphetamine	0.50 g	25.00 g
4-Methoxy-2,3-methylenedioxyamphetamine	0.50 g	25.00 g
5-Methoxy-3,4-methylenedioxy-a-methylphenylethylamine (MMDA)	0.50 g	25.00 g
2-Methoxy-3,4-methylenedioxyphenylethylamine	0.50 g	25.00 g
3-Methoxy-4,5-methylenedioxyphenylethylamine	0.50 g	25.00 g
4-Methoxy-a-methylphenylethylamine (PMA)	0.50 g	25.00 g
4-Methoxyphenylethylamine	0.50 g	25.00 g
3,4-Methylenedioxyamphetamine (MDA)	0.50 g	25.00 g
3,4-Methylenedioxy-N,a-dimethylphenylethylamine (MDMA)	0.50 g	25.00 g
3,4-Methylenedioxy-N-ethylamphetamine (MDE)	0.50 g	25.00 g

2-Methyl-3-morpholino-1,1-diphenylpropane Carboxylic Acid (Moramide intermediate)	8.00 g	400.00 g
1-Methyl-4-phenylpiperidine-4-carboxylic acid (Pethidine intermediate C)	10.00 g	500.00 g
1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP)	2.00 g	100.00 g
Methylamphetamine	2.00 g	100.00 g
Methyl-desorphine	2.00 g	100.00 g
Methyldihydromorphine	2.00 g	100.00 g
3,4-Methylenedioxyamphetamine	0.50 g	25.00 g
3-Methylfentanyl	0.005 g	0.25 g
a-Methylfentanyl	0.005 g	0.25 g
Methylphenidate	2.00 g	100.00 g
3-Methylthiofentanyl	0.005 g	0.25 g
Metopon	2.00 g	100.00 g
Morpheridine	2.00 g	100.00 g
Morphine	2.00 g	100.00 g
Morphine Methobromide	2.00 g	100.00 g
Morphine-N-oxide	2.00 g	100.00 g
Muscimol	2.00 g	100.00 g
Myrophine	20.00 g	1.00 kg
Nabilone	0.40 g	20.00 g
Nicocodine, except when compounded with one or more other medicaments -	2.00 g	100.00 g
(a) in divided preparations containing not more than 100 mg of nicocodine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of nicocodine		
Nicodicodine, except when compounded with one or more other medicaments -	2.00 g	100.00 g
(a) in divided preparations containing not more than 100 mg of nicodicodine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of nicodicodine		
Nicomorphine	2.00 g	100.00 g
Noracylmethadol	2.00 g	100.00 g
Noracymethadol	2.00 g	100.00 g
Norcodeine, except when compounded with one or more other medicaments -	2.00 g	100.00 g
(a) in divided preparations containing not more than 100 mg of norcodeine per dosage unit; or		

(b) in undivided preparations with a concentration of not more than 2.5% of norcodeine

Norlevorphanol	2.00 g	100.00 g
Normethadone	5.00 g	250.00 g
Normorphine	20.00 g	1.00 kg
Norpipanone	10.00 g	500.00 g
Opium in any form, except the alkaloids noscapine and papaverine	20.00 g	100.00 g
Oxycodone	5.00 g	250.00 g
Oxymorphone	2.00 g	100.00 g
Para-fluorofentanyl	0.005 g	0.25 g
Parahexyl	--	--
Pentazocine	20.00 g	1.00 kg
Pentobarbitone	20.00 g	1.00 kg
Pethidine	10.00 g	500.00 g
Phenadoxone	10.00 g	500.00 g
Phenampromide	10.00 g	500.00 g
Phenazocine	1.00 g	50.00 g
Phendimetrazine	5.00 g	250.00 g
Phenmetrazine	5.00 g	250.00 g
Phenomorphane	5.00 g	250.00 g
Phenoperidine	1.00 g	50.00 g
1-Phenylethyl-4-phenyl-4-acetoxypiperidine (PEPAP)	2.00 g	100.00 g
4-Phenylpiperidine-4-carboxylic Acid Ethyl Ester (Pethidine intermediate B)	10.00 g	500.00 g
Pholcodine, except when compounded with one or more other medicaments -	5.00 g	250.00 g
(a) in divided preparations containing not more than 100 mg of pholcodine per dosage unit; or		
(b) in undivided preparations with a concentration of not more than 2.5% of pholcodine		
Piminodine	10.00 g	500.00 g
Piritramide	1.00 g	50.00 g
Proheptazine	1.00 g	50.00 g
Prohibited plant, other than elsewhere described in this Schedule	not less than 5 nor more than 19 plants	not less than 20 plants

Properidine	25.00 g	1.25 kg
Propiram	10.00 g	500.00 g
Psilocybin and its derivatives having hallucinogenic properties	0.10 g	5.00 g
Quinalbarbitone	20.00 g	1.00 kg
Racemethorphan	2.00 g	100.00 g
Racemoramide	2.00 g	100.00 g
Racemorphan	2.00 g	100.00 g
Rolicyclidine (PHP, PCPY)	2.00 g	100.00 g
Secbutobarbitone	20.00 g	1.00 kg
Sufentanil	0.005 g	0.25 g
Tenocyclidine (TCP)	2.00 g	100.00 g
Tetrahydrocannabinols (THC) and their alkyl homologues, except where separately specified in this Schedule	2.00 g	100.00 g
2,3,4,5-Tetramethoxyamphetamine	0.50 g	25.00 g
Thebacon	2.00 g	100.00 g
Thebaine	2.00 g	100.00 g
Thiofentanyl	0.005 g	0.25 g
Tilidine	20.00 g	1.00 kg
Trimeperidine	10.00 g	500.00 g
2,3,4-Trimethoxyamphetamine	0.50 g	25.00 g
2,3,5-Trimethoxyamphetamine	0.50 g	25.00 g
2,3,6-Trimethoxyamphetamine	0.50 g	25.00 g
2,4,5-Trimethoxyamphetamine	0.50 g	25.00 g
2,4,6-Trimethoxyamphetamine	0.50 g	25.00 g
3,4,5-Trimethoxy-a-methylphenylethylamine (TMA)	0.50 g	25.00 g
3,4,5-Trimethoxyphenethylamine (mescaline) and other substances structurally derived from methoxy- phenylethylamine, except - (a) methoxyphenamine; or (b) where separately specified in this Schedule	7.50 g	375.00 g
1-(3,4,5,-Trimethoxyphenyl)-2-aminobutane	0.50 g	25.00 g
2,4,5-Trimethoxyphenylethylamine	0.50 g	25.00 g

Anabolic Steroids:

Danazol	10.00 g	500.00 g
Dromostanolone propionate	12.00 g	600.00 g
Ethylestrenol	10.00 g	500.00 g
Fluoxymesterone	12.00 g	600.00 g
Methandriol	32.00 g	1.60 kg
Methyltestosterone	48.00 g	2.40 kg
Nandrolone decanoate	6.00 g	300.00 g
Nandrolone phenpropionate	8.00 g	400.00 g
Oxandrolone	12.00 g	600.00 g
Oxymetholone	300.00 g	15.00 kg
Stanozolol	7.20 g	360.00 g
Testolactone	1.20 kg	6.00 kg
Testosterone	2.40 g	120.00 g
Testosterone cypionate	32.00 g	1.60 kg
Testosterone enanthate	32.00 g	1.60 kg
Testosterone propionate	12.00 g	600.00 g

except anabolic steroids in products packaged for ovulation control or in quantities which can lawfully be prescribed in accordance with Schedule 4 of the *Poisons and Dangerous Drugs Act*

Misuse of Drugs