

The relevant part of the *Controlled Substances Act 1984* relating to the sale of chemicals is reproduced below.

CONTROLLED SUBSTANCES ACT 1984

17A—Manufacture, sale, supply or possession of certain precursors

- (1) A person must not, unless he or she holds a permit from the Minister to do so, manufacture, sell or supply a poison to which this section applies (a section 17A precursor).

Maximum penalty: \$15,000 or imprisonment for 3 years, or both.

- (2) A person must not, unless he or she holds a permit from the Minister to do so, be in possession of a section 17A precursor.

Maximum penalty: \$10,000 or imprisonment for 2 years, or both.

- (3) A person must not sell a section 17A precursor unless the purchaser produces the permit under which the person is entitled to be in possession of the section 17A precursor.

Maximum penalty: \$10,000 or imprisonment for 2 years, or both.

- (4) This section applies to such poisons as may be prescribed, individually or by class, by the regulations.

17B—Storage and sale of certain precursors

- (1) A person must not sell a poison to which this section applies (a **section 17B precursor**) 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 prescribed by regulation; and
- (d) the person collecting the precursor produces his or her driver's licence, passport or other satisfactory evidence of the person's identity that includes a photograph; and
- (e) the seller is satisfied that the person collecting the precursor is the purchaser or is acting on behalf of the purchaser; and
- (f) the seller duly completes the seller's section of the end user statement.

Maximum penalty: \$10,000 or imprisonment for 3 years, or both.

- (2) A seller of section 17B precursors—

- (a) must, in relation to each sale of such a precursor, keep a record of—
 - (i) the name and address of the purchaser; and
 - (ii) the name of the precursor and the quantity sold; and
 - (iii) the date of the sale; and
- (b) must retain an end user statement for at least 5 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.

Maximum penalty: \$10,000 or imprisonment for 3 years, or both.

- (3) A seller of section 17B precursors must, if at any time he or she forms a suspicion that an order or enquiry for the purchase of such a precursor may be connected to an unlawful use of the precursor, inform the Commissioner of Police of the suspicion.

Maximum penalty: \$1,000 or imprisonment for 12 months, or both.

- (4) A seller of section 17B precursors—
- (a) must keep those precursors in storage that is secure from access by any person other than the seller or 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 5 years after it ceases to have effect and make it available for inspection at any time by an authorised officer; and
 - (c) must cause the stock of those precursors to be checked, after each sale, by some person other than the person who directly handled the sale.

Maximum penalty: \$1,000 or imprisonment for 12 months, or both.

- (5) This section does not apply in relation to the sale of a section 17B precursor if the sale—

- (a) is of a section 17B precursor contained in a preparation designed, packaged and labelled for human or animal therapeutic use; and
- (b) is made to, or by, a registered health practitioner or veterinary surgeon acting in the ordinary course of his or her profession.

- (6) This section applies to such poisons as may be prescribed, individually or by class, by the regulations.

17C—Regulation of sale of certain precursors

- (1) A person must not sell a poison to which this section applies (a section 17C precursor) to another person unless—

- (a) the purchaser provides the seller with a duly completed end user statement in the form prescribed by regulation; and
- (b) the purchaser produces his or her driver's licence, passport or other satisfactory evidence of the person's identity that includes a photograph; and
- (c) the seller duly completes the seller's section of the end user statement.

Maximum penalty: \$10,000 or imprisonment for 3 years, or both.

- (2) A seller of section 17C precursors must, if at any time he or she forms a suspicion that an order or enquiry for the purchase of such a precursor may be connected to an unlawful use of the precursor, inform the Commissioner of Police of the suspicion.

Maximum penalty: \$1,000 or imprisonment for 12 months, or both.

- (3) This section does not apply in relation to the sale of a section 17C precursor if the sale—

- (a) is of a section 17C precursor contained in a preparation designed, packaged and labelled for human or animal therapeutic use; and
- (b) is made to, or by, a registered health practitioner or veterinary surgeon acting in the ordinary course of his or her profession.

- (4) This section applies to such poisons as may be prescribed, individually or by class, by the regulations.

GUIDE TO REGULATED CHEMICALS IN SOUTH AUSTRALIA

Please report all related break-ins or thefts.
All information supplied is treated as confidential.
No information is too trivial.



SOUTH AUSTRALIA POLICE
KEEPING SA SAFE



**Government
of South Australia**

April 2018

YOUR OBLIGATIONS

As a vendor of precursor chemicals you have certain obligations under the *Controlled Substances Act* (1984).

Suspicious purchases of any chemicals must be reported to the police. Indicators of suspicious purchases are outlined below.

End User Statements relating to the sale of section 17B precursor chemicals must be kept for at least five years after the date of sale and must be made available at any time for inspection by an authorised officer.

Maximum penalties for offences under this part of the Act include fines of up to \$15,000 or imprisonment for up to 3 years, or both.

SECTION 17A PRECURSORS

Section 17A Precursors cannot be sold or possessed without a permit from the Minister. These chemicals are listed in **Schedule B** of the *Controlled Substances (Poisons) Regulations 2011* and the legislation is outlined in **Section 17A** of the *Controlled Substances Act*.

Schedule B - Certain substances declared as poisons – Section 17A precursors:

- 1-Chlorophenyl-2-aminopropane
- 3,4-Methylenedioxyphenylpropan-2-one (PMK)
- 1-Phenyl-2-bromopropane
- 1-Phenyl-1-chloro-2-methylaminopropane
- 1-Phenyl-2-chloropropane
- 1-Phenyl-2-iodopropane
- 1-Phenyl-2-nitropropene

SECTION 17B PRECURSORS

Section 17B precursors can only be sold to account holders, photographic identification must be produced by the purchaser and an End User Statement must be completed. These chemicals are listed in **Schedule BA** of the *Controlled Substances (Poisons) Regulations 2011* and the legislation is outlined in **Section 17B** of the *Controlled Substances Act*.

Schedule BA - Certain substances declared as poisons - Section 17B precursors:

Chemical Name	Alternate Name
Acetic anhydride	-
4-Allylpyrocatechol	2-Hydroxychavicol
alpha-Phenylacetone nitrile	alpha Acetyl Phenylacetone nitrile
4-Amino-butanoic acid	Piperidinic acid
Anethole	trans-Anethole
Bromobenzene	Phenylbromide
Bromo safrole	-
Boron tribromide	-
1,4-Butanediol	Tetramethylene Glycol
1-Chlorophenyl-2-aminopropane	-
Ephedrine (including salts)	L-Ephedrine
Ethyl phenyl acetate	Benzene acetic acid, ethyl ester
Gamma butyrolactone	-

SECTION 17B PRECURSORS

Gamma hydroxybutanoic acid (including salts)	Gamma hydroxybutyric acid
Hydriodic acid	Hydrogen iodide
4-Hydroxybutanal	4-Hydroxybutyraldehyde
2-Hydroxytetrahydrofuran	Tetrahydro-2-furanol
4-Hydroxy butanoic acid lactone	Gamma-valerolactone
4-Hydroxy butanoic acid nitrile	4-Hydroxybutyronitrile
4-Hydroxy pentanoic acid	Gamma Valerolactone
Hypophosphite salts	-
Hypophosphorous acid	Phosphinic acid
Lithium Aluminium Hydride	LAH
Methcathinone	Ephedrone
3,4-Methylenedioxy-phenylacetic acid	1,3-Benzodioxolo-5-acetic acid
3,4-Methylenedioxyphenylpropan-2-one	-
N-Methyl ephedrine	-
Methyl phenylacetate	Benzeneacetic acid, methyl ester
N-Methylpseudoephedrine	-
Norpseudoephedrine	-
2-Pyrrolidone	Gamma-butyrolactam
Phenylacetamide	-
Phenylacetic acid (including salts)	-
Phenylacetone nitrile	Benzyl cyanide/ Benzeneacetone nitrile/Benzyl nitrile
Phenylacetyl chloride	-
1-Phenyl-2-bromopropane	(+)-2-Bromo-1-phenylpropane
1-Phenyl-2-chloropropane	-
1-Phenyl-2-iodopropane	(2-Iodopropyl)benzene
1-Phenyl-2-nitropropene	-
Phenylpropanolamine	Norephedrine
1-Phenyl-2-propanone	Benzyl methyl ketone, Phenylacetone
1-Phenyl-2-propanone oxime	-
1-Phenyl-2-propanol	-
2-Phenyl-propanal	Hydratropic aldehyde
Phosphorus	-
Phosphorous acid	Phosphonic Acid
1-Phenyl-1-propanone	Phenylethylketone, Propiophenone
Piperonal	3,4-Methylenedioxybenzaldehyde, Heliotropine
Pseudoephedrine (including salts)	-
Pyridine	-
Safrole	5-(2-Propenyl)-1,3-Benzodioxide
Sassafras oil	-
Sodium bis(2-methoxyethoxy) aluminium hydride	Sodium dihydrido-bis(2-methoxyethoxy) aluminate
Sodium cyanoborodrydride	Sodium borocyanohydride

SECTION 17C PRECURSORS

The sale of **Section 17C** precursors requires photographic identification to be produced and for an End User Statement to be completed. These chemicals are listed in **Schedule C** of the *Controlled Substances (Poisons) Regulations 2011* and the legislation is outlined in **Section 17C** of the *Controlled Substances Act*.

Schedule C - Certain substances declared as poisons - Section 17C precursors:

- N-Acetylanthranilic acid
- Acetaldehyde
- Allylbenzene
- Ammonium formate
- Anthranilic acid
- Benzaldehyde
- 1,3-Benzodioxole
- Benzyl bromide
- Benzyl chloride
- 5-Bromo-1,3-benzodioxole
- Chromic acid
- Ergometrine
- Ergotamine
- Ethanamine
- N-Ethylephedrine
- N-Ethylpseudoephedrine
- Eugenol
- Formaldehyde
- Formamide
- Hydrobromic acid
- Iodine
- Isosafrole
- Lithium
- Lysergic acid
- Magnesium
- Mandelic acid
- Methylamine
- Mercuric chloride
- Mercury
- Methylammonium salts
- N-Methyl formamide
- Nitroethane
- Nitromethane
- Palladium
- Phenylalanine
- Piperidine
- Platinum
- Potassium
- Propionic anhydride
- Raney nickel
- Sodium
- Sodium Borohydride
- Thionyl Chloride
- Thorium
- Trans beta methylstyrene

Sales of the following chemicals and equipment are not subject to regulation under South Australia legislation. Nevertheless they are potentially diverted for use in the manufacture of illicit drugs or explosives and suspicious purchases should be notified to SAPOL.

- Acetic acid
- Acetone
- Acetonitrile
- Acetyl Chloride
- Ammonia (gas cylinder)
- Calcium
- Chloroform
- Chromium Trioxide
- Cyclohexanone
- Diethyl ether
- Formic acid
- Hydrochloric acid
- Hydrogen (gas cylinder)
- Hydrogen chloride (gas cylinder)
- Hydrogen sulfide (gas cylinder)
- Methyl Ethyl Ketone
- Methylated spirits
- trans-β-Methylstyrene
- Phosphorous Pentachloride
- Phosphorous Pentoxide
- Phosphorous Trichloride
- Potassium Cyanide
- Potassium Permanganate
- Sodium Acetate
- Sodium Cyanide
- Sodium Hydroxide
- Sulfuric Acid
- Tetrahydrofuran
- Toluene

EQUIPMENT

Although the sale of this equipment is not subject to regulation, you should be aware that possession without reasonable excuse by the purchaser may constitute an offence under **Section 33LA** of the *Controlled Substances Act 1984*.

- Buchner flasks
- Condensers
- Distillation heads
- Heater-stirrers
- Heating mantles
- In-line membrane filters
- Manual or mechanical encapsulators, including parts
- Manual or mechanical tablet presses, including parts
- Mechanical stirrers
- Pressure reaction vessels
- Reaction vessels
- Rotary evaporators
- Separatory funnels
- Splash heads
- Tube furnaces

INDICATORS OF SUSPICIOUS BEHAVIOUR

Listed below are some indicators of suspicious orders or enquiries. These can be used by the industry to identify suspect customers. Such orders or enquiries should be reported to SAPOL on 0417 069 096 or 8172 5182.

These indicators are supplied courtesy of the Plastics and Chemicals Industries Association and are listed in their *Code of Practice for Supply Diversion into Illicit Drug Manufacture* (<http://www.pacia.org.au/Content/drugs.aspx>). The PACIA Code of Practice should be referred to for further information relating to supply diversion.

- A new customer
- A 'walk-in' customer (personal appearance)
- An offer to pay an excessive price for certain chemicals or apparatus for rapid delivery
- Cash payments, even for large purchases
- Requests to have the merchandise delivered in non-commercial or unmarked packaging
- Purchases in small containers even when industrial use is claimed
- Irregular ordering patterns and unusual quantities ordered
- Orders or purchases by persons or companies with no obvious need for these chemicals
- Indications of intended use that is inconsistent with the chemical ordered
- Merchandise that is collected with the purchaser's own vehicle
- Request for delivery by air freight
- Delivery to a post office box or other incomplete address
- Failure or unwillingness to supply a telephone number or an address
- Lack of business acumen and absence of standard business stationery
- Reluctance to supply a written order
- Orders for more than one precursor chemical
- Orders to universities or well-known companies where the normal arrangements for ordering are used but delivery is requested to a specific individual
- Orders to companies which are not known and cannot readily be traced in trade directories
- Orders for chemicals with delivery instructions where the cost of delivery or routing exceeds the cost of the merchandise.