

|  |
| --- |
| 2023-2024 fines and penalties for Drugs, Poisons and Controlled Substances Act 1981 |
| OFFICIAL |

This document is an annually updated publication of the indexation of fines and penalties for the reference of the general public.

The Minister for Health has administration of this Act, except for

• Parts IVA and IVB (these Parts are administered by the Minister for Agriculture)

• Part XI (this Part is jointly and severally administered with the Minister for Agriculture)

# Drugs, Poisons and Controlled Substances Act 1981

| Drugs, Poisons and Controlled Substances Act 1981, section | Description | | | | 2022-2023 Penalty amount | 2023-2024 Penalty amount |
| --- | --- | --- | --- | --- | --- | --- |
| 13A(1) Chinese medicine practitioners and herbal dispensers must establish therapeutic need | A registered Chinese medicine practitioner must not administer, prescribe, sell or supply a Schedule 1 poison unless— (a) the poison is for the therapeutic use of a person who has consulted the practitioner; and (b) the practitioner has taken all reasonable steps to ensure that the person has a therapeutic need for the Schedule 1 poison. | | | | $18,492 | $19,231 |
| 13A(2) Chinese medicine practitioners and herbal dispensers must establish therapeutic need | A registered Chinese herbal dispenser must not sell or supply a Schedule 1 poison to a person unless— (a) the sale or supply is on production of and in accordance with the original written prescription or order of a registered Chinese medicine practitioner; and (b) the dispenser has taken reasonable steps to ensure that the prescription or order is in accordance with any endorsement of the registration of the registered Chinese medicine practitioner. | | | | $18,492 | $19,231 |
| 27A(1) Offences concerning labelling and other matters | A person must not sell or supply a poison or controlled substance with a label that does not comply with the requirements of— (a) in the case of a Schedule 1 poison, the Poisons Code; or (b) in the case of any other poison or controlled substance, the Poisons Standard. | | | | $3,698 | $3,846 |
| 27A(1A) Offences concerning labelling and other matters | A person must not sell or supply a poison or controlled substance in a container that does not comply with the requirements of— (a) in the case of a Schedule 1 poison, the Poisons Code; or (b) in the case of any other poison or controlled substance, the Poisons Standard. | | | | $3,698 | $3,846 |
| 27A(2) Offences concerning labelling and other matters | A person must not sell or supply a Schedule 1 poison— (a) which the person has stored or packaged otherwise than in accordance with the Poisons Code; or (b) which the person knows to have been stored or packaged otherwise than in accordance with the Poisons Code | | | | $3,698 | $3,846 |
| 27A(2A) Offences concerning labelling and other matters | A person must not sell or supply a poison or controlled substance (other than a Schedule 1 poison)— (a) which the person has stored or packaged otherwise than in accordance with the Poisons Standard; or (b) which the person knows to have been stored or packaged otherwise than in accordance with the Poisons Standard. | | | | $3,698 | $3,846 |
| 27A(3) Offences concerning labelling and other matters | A person must not sell or supply a poison or controlled substance (other than a Schedule 1 poison)— (a) which the person has stored or packaged otherwise than in accordance with the Poisons Standard; or (b) which the person knows to have been stored or packaged otherwise than in accordance with the Poisons Standard. | | | | $3,698 | $3,846 |
| 27A(3A) Offences concerning labelling and other matters | A person must not sell or supply a poison or controlled substance (other than a Schedule 1 poison)— (a) which the person has stored or packaged otherwise than in accordance with the Poisons Standard; or (b) which the person knows to have been stored or packaged otherwise than in accordance with the Poisons Standard. | | | | $3,698 | $3,846 |
| 28(2) House to house sale of poisons or controlled substances prohibited | A person shall not purchase or accept or offer to purchase or accept any poison or controlled substance offered for sale or hawked or peddled pursuant to subsection (1). | | | | $9,246 | $3,846 |
| 30(2) Vending machines for poisons or controlled substances | Any person who commits any contravention of or fails to comply with any provisions of this section shall be guilty of an offence against this Act and shall for every such offence be liable to a penalty of not more than 10 penalty units or to imprisonment for a term of not more than six months, and to a further penalty of not less than 1 penalty unit and not more than 2½ penalty units for each day on which any offence under this section is continued after conviction by any court | | | | $1,849  + ($185 to $462) per day | $1923  + ($192 to $481) per day |
| 30D Data source entity to provide records and information to monitored poisons database | Unless the regulations otherwise provide, a data source entity must take all reasonable steps to ensure that all records or information in relation to the supply of a monitored poison are provided to the monitored poisons database in the manner or in the form prescribed for the purposes of section 30B(2). | | | | $18,492 | $19,231 |
| 30E Pharmacist to check monitored poisons database before supply of monitored supply poison | Unless the regulations otherwise provide, a pharmacist must take all reasonable steps to check the monitored poisons database for the records or information in relation to a person for whom a monitored supply poison may be supplied before supplying the monitored supply poison for that person. | | | | $18,492 | $19,231 |
| 30F Registered medical practitioner to check monitored poisons database before prescription or supply of monitored supply poison | Unless the regulations otherwise provide, a registered medical practitioner must take all reasonable steps to check the monitored poisons database for the records or information in relation to a person for whom a monitored supply poison may be prescribed or supplied before prescribing or supplying the monitored supply poison for that person | | | | $18,492 | $19,231 |
| 30G Nurse practitioner to check monitored poisons database before prescription or supply of monitored supply poison | Unless the regulations otherwise provide, a nurse practitioner must take all reasonable steps to check the monitored poisons database for the records or information in relation to a person for whom a monitored supply poison may be prescribed or supplied before prescribing or supplying the monitored supply poison for that person | | | | $18,492 | $19,231 |
| 30H Authorised supplier to check monitored poisons database before prescription or supply of monitored supply poison | Unless the regulations otherwise provide, an authorised supplier must take all reasonable steps to check the monitored poisons database for the records or information in relation to a person for whom a monitored supply poison may be prescribed or supplied by that authorised supplier in accordance with the supplier's authorisation before prescribing or supplying the monitored supply poison for that person | | | | $18,492 | $19,231 |
| 30I(1) Offences relating to access or use of monitored poisons database unless authorised | A person who is not authorised to do so by or under this Act, the regulations or otherwise by any law must not knowingly access, use or disclose information on the monitored poisons database. | | | | $18,492 | $19,231 |
| 30I(2) Offences relating to access or use of monitored poisons database unless authorised | A person who is authorised to do so by or under this Act, the regulations or otherwise by any law to access, use or disclose information on the monitored poisons database must not access, use or disclose information on the monitored poisons database other than in accordance with the person's authorisation. | | | | $18,492 | $19,231 |
| 32(1) Record keeping in relation to sale or supply of drugs of addiction | A person who is licensed under this Part to manufacture, sell, supply or distribute any Schedule 8 poison or Schedule 9 poison must record or cause to be recorded, in accordance with subsection (2)— (a) details of any Schedule 8 poison or Schedule 9 poison obtained by the person; and (b) quantities of those poisons used, sold, supplied or otherwise disposed of; and (c) such other particulars as are prescribed. | | | | $11,095 | $11,539 |
| 32A(1) Required notification to Secretary—drugs of dependence and Schedule 4, Schedule 8 and Schedule 9 poisons | A registered medical practitioner, a nurse practitioner or a pharmacist must notify the Secretary as soon as practicable of a reportable drug event. | | | | $18,492 | $19,231 |
| 33C Offence not to comply with Schedule 9 permit | A registered medical practitioner issued with a Schedule 9 permit must not administer, supply or prescribe a Schedule 9 poison to or for one of his or her patients— (a) other than for the period specified in the permit for that administration, supply or prescription; or (b) in excess of the quantity specified in the permit. | | | | $18,492 | $19,231 |
| 33D Offence to administer Schedule 9 poisons without permit | A registered medical practitioner must not at any time administer, supply or prescribe a Schedule 9 poison to or for a person unless the practitioner— (a) holds a Schedule 9 permit for that administration, supply or prescription to or for that person; or (b) is otherwise authorised by or under this Act to do so. | | | | $18,492 | $19,231 |
| 34B Offence to administer etc. Schedule 8 poisons to drug-dependent person | A registered medical practitioner or a nurse practitioner must not at any time administer, supply or prescribe a Schedule 8 poison to or for a person he or she has reason to believe to be a drug-dependent person unless the practitioner— (a) holds a Schedule 8 permit for that administration, supply or prescription to or for that person; or (b) is otherwise authorised by or under this Act to do so | | | | $18,492 | $19,231 |
| 34C(1) Offence to administer etc. Schedule 8 poisons to person who is not a drug-dependent person | A registered medical practitioner or a nurse practitioner must not administer, supply or prescribe a Schedule 8 poison to or for a person who is not a drug-dependent person for a continuous period greater than 8 weeks unless the practitioner— (a) holds a Schedule 8 permit for that administration, supply or prescription to or for that person; or (b) is otherwise authorised by or under this Act to do so. | | | | $18,492 | $19,231 |
| 34C(2) Offence to administer etc. Schedule 8 poisons to person who is not a drug-dependent person | Subject to subsection (3), unless otherwise authorised by or under this Act to do so, a registered medical practitioner or a nurse practitioner must not administer, supply or prescribe a Schedule 8 poison to or for a person who is not a drug-dependent person without a Schedule 8 permit if the total period of administration, supply or prescription of the Schedule 8 poison to or for that person would be a continuous period greater than 8 weeks, taking into account the total of— (a) any period of administration, supply or prescription of a Schedule 8 poison to or for that person that the practitioner has reason to believe has been, or is currently being, administered, supplied or prescribed by one or more other practitioners; and (b) the period of administration, supply or prescription of a Schedule 8 poison to or for that patient by the practitioner | | | | $18,492 | $19,231 |
| 35 Offence not to comply with Schedule 8 permit | A registered medical practitioner or a nurse practitioner must not administer, supply or prescribe a Schedule 8 poison to or for one of his or her patients in respect of whom a Schedule 8 permit has been issued— (a) other than for the period specified in the permit for that administration, supply or prescription; or (b) in excess of the quantity specified in the permit. | | | | $18,492 | $19,231 |
| 36A Forgery | A person shall not forge or fraudulently alter or utter knowing it to be forged or fraudulently altered, a prescription or order for a Schedule 8 poison, Schedule 9 poison or Schedule 4 poison (not being a drug of dependence) | | | | $1,849 | $1,923 |
| 36B(1) Unauthorized possession etc. of poison or controlled substance etc. | A person shall not knowingly by false representation, whether oral or in writing or by conduct— (a) obtain a Schedule 8 poison, Schedule 9 poison or Schedule 4 poison from a person authorized by or licensed under this Act or the regulations to possess, manufacture, sell or supply the Schedule 8 poison, Schedule 9 poison or Schedule 4 poison; (b) obtain a prescription or order for a Schedule 8 poison, Schedule 9 poison or Schedule 4 poison from a registered medical practitioner, registered optometrist, dentist, pharmacist or veterinary practitioner or a person authorized by this Act or the regulations to issue or possess the prescription or order; (c) cause or induce a registered medical practitioner to administer a Schedule 8 poison, Schedule 9 poison or Schedule 4 poison to him by injection or otherwise; or (d) cause or induce a pharmacist or a person authorized by this Act or the regulations to supply a Schedule 8 poison, Schedule 9 poison or Schedule 4 poison, to dispense a prescription or order for that Schedule 8 poison, Schedule 9 poison or Schedule 4 poison, if the first-mentioned person knows the prescription or order to have been obtained in contravention of this Act or the regulations. | | | | $1,849 | $1,923 |
| 36B(2) Unauthorized possession etc. of poison or controlled substance etc. | A person shall not have in his possession a Schedule 8 poison, Schedule 9 poison or Schedule 4 poison unless he is authorized by or licensed under this Act or the regulations to do so | | | | $1,849 | $1,923 |
| 36E Administration of drugs of dependence, Schedule 9 poisons, Schedule 8 poisons and Schedule 4 poisons in aged care services | Subject to subsection (2), a person who is an approved provider of an aged care service must ensure that a registered nurse manages the administration of any drug of dependence, Schedule 9 poison, Schedule 8 poison or Schedule 4 poison to a resident in an aged care service— (a) who is receiving high level residential care; and (b) for whom that drug or poison has been supplied on prescription. | | | Natural person | $22,190 | $23,077 |
| Body Corporate | $110,952 | $115,386 |
| 47 Maximum sentence etc. | Notwithstanding anything to the contrary in this Act a person shall not on conviction for any offence of contravening or failing to comply with the regulations relating to— (a) the keeping of books; or (b) the issuing or dispensing of prescriptions containing substances or preparations to which this Part applies— be sentenced to imprisonment or to pay a penalty of more than 5 penalty units if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to or committed in the course of or in connexion with the commission or intended commission of any other offence against this Act. | | | | $925 | $962 |
| 54(1) Special regulations | Where in the interests of public safety it is expedient to provide for prohibiting controlling or regulating the putting or discharging or otherwise disposing of poisons or controlled substances or preparations thereof in on or into any road, street, channel, sewer, drain or waterway, the Governor in Council may make regulations for such purposes accordingly and may by those regulations impose penalties of not more than 50 penalty units for any breach of those regulations. | | | | $9,246 | $9,616 |
| 55(5) Prohibiting sale or supply of poisons or controlled substances | A person who contravenes or fails to comply with an Order including an Order that is amended under subsection (3) or with the terms and conditions (if any) to which the Order is subject is guilty of an offence and liable to a penalty of not more than 50 penalty units. A person who contravenes or fails to comply with an Order including an Order that is amended under subsection (3) or with the terms and conditions (if any) to which the Order is subject is guilty of an offence and liable to a penalty of not more than 50 penalty units. | | | | $9,246 | $9,616 |
| 56(14) Manufacture of heroin etc | A person who— (a) being the holder of an appropriate licence under subsection (1) or subsection (3)—sells or supplies heroin to a person other than a person permitted under this section to purchase or obtain heroin or otherwise than in accordance with any permit granted under this section; (b) being the holder of an appropriate licence under subsection (1) or subsection (3)— manufactures or formulates heroin otherwise than in accordance with the licence; or (c) being the holder of a permit under this section—uses, supplies or administers heroin otherwise than in accordance with the permit— shall be guilty of an indictable offence and liable to imprisonment for a term of not more than five years or to a penalty of not more than 250 penalty units or to both such penalty and imprisonment. | | | | $46,230 | $48,078 |
| 56D Offence to produce psychoactive substance | A person must not produce a substance that the person knows or reasonably suspects is a psychoactive substance | | Natural person | | $44,381 | $46,154 |
| Body Corporate | | $221,904 | $230,772 |
| 56E(1) Offence to sell or supply psychoactive substance | A person must not sell a substance that the person knows or reasonably suspects is a psychoactive substance | | Natural person | | $44,381 | $46,154 |
| Body Corporate | | $221,904 | $230,772 |
| 56E(2) Offence to sell or supply psychoactive substance | A person must not, in the course of carrying out a commercial activity, supply to another person a substance that the person knows or reasonably suspects is a psychoactive substance. | | Natural person | | $44,381 | $46,154 |
| Body Corporate | | $221,904 | $230,772 |
| 56F(1) Offence to advertise psychoactive substance | A person must not display or cause or permit to be displayed on or inside a public place or a vehicle or vessel that is in a public place an advertisement that the person intends as a promotion of the consumption, sale or supply of a psychoactive substance or psychoactive substances generally | | Natural person | | $44,381 | $46,154 |
| Body Corporate | | $221,904 | $230,772 |
| 56F(2) Offence to advertise psychoactive substance | A person must not display or cause or permit to be displayed on or inside a public place or a vehicle or vessel that is in a public place an advertisement if the person knows that there is a substantial risk that the consumption, sale or supply of a psychoactive substance or psychoactive substances generally may be promoted by that advertisement. | | Natural person | | $44,381 | $46,154 |
| Body Corporate | | $221,904 | $230,772 |
| 58(2)(a) Sale of deleterious substances, not more than (methylated spirits) | A person who contravenes subsection (1) is guilty of an offence under this Act and shall be liable— (a) where the offence relates to methylated spirits— to a penalty of not more than 5 penalty units or imprisonment for a term of not more than one month or both that penalty and imprisonment | | | | $925 | $962 |
| 58(2)(b) Sale of deleterious substances, not more than (volatile substance) | A person who contravenes subsection (1) is guilty of an offence under this Act and shall be liable— where the offence relates to a volatile substance— to a penalty of not more than 50 penalty units or imprisonment for a term of not more than two years or both that penalty and imprisonment | | | | $9,246 | $9,616 |
| 71(1)(b) Trafficking in a drug or drugs of dependence—large commercial quantity | A person who, without being authorized by or licensed under this Act or the regulations or the Voluntary Assisted Dying Act 2017 or the regulations under that Act to do so, trafficks or attempts to traffick in a quantity of a drug of dependence or of 2 or more drugs of dependence that is not less than the large commercial quantity applicable to that drug of dependence or those drugs of dependence is guilty of an indictable offence and liable— (a) to level 1 imprisonment (life); and (b) in addition to imprisonment, to a penalty of not more than 5000 penalty units. | | | | $924,600 | $961,550 |
| 71AA(2) Trafficking in a drug or drugs of dependence— commercial quantity | A person who, without being authorized by or licensed under this Act or the regulations or the Voluntary Assisted Dying Act 2017 or the regulations under that Act to do so, trafficks or attempts to traffick in a quantity of a drug of dependence or of 2 or more drugs of dependence that is not less than the commercial quantity applicable to that drug of dependence or those drugs of dependence for the benefit of or at the direction of a criminal organisation is guilty of an indictable offence and liable— (a) to level 1 imprisonment (life); and (b) in addition to imprisonment, to a penalty of not more than 5000 penalty units. | | | | $924,600 | $961,550 |
| 71B(1) Supply of drug of dependence to a child | Subject to subsection (1A), a person who, without being authorised by or licensed under this Act or the regulations to do so— (a) supplies a drug of dependence to a child for the purposes of the supply of that drug of dependence by that child to another person, whether a child or adult; or (b) supplies a drug of dependence to a child for the use of that drug of dependence by that child— is guilty of an indictable offence and liable to a penalty of not more than 1000 penalty units or level 4 imprisonment (15 years maximum) or both. | | | | $184,920 | $192,310 |
| 71B(1A) Supply of drug of dependence to a child | A person who, without being authorised by or licensed under this Act or the regulations to do so— (a) supplies a drug of dependence to a child at a school or in a public place within 500 metres of a school for the purposes of the supply of that drug of dependence by that child to another person, whether a child or adult; or (b) supplies a drug of dependence to a child at a school or in a public place within 500 metres of a school for the use of that drug of dependence by that child— is guilty of an indictable offence and liable to a penalty of not more than 1600 penalty units or level 3 imprisonment (20 years maximum) or both. | | | | $295,872 | $307,696 |
| 71C Possession of tablet press | A person who, without being authorized by or licensed under this Act or the regulations (if any) to do so or otherwise without a lawful excuse, possesses a tablet press is guilty of an indictable offence and liable to a penalty of not more than 600 penalty units or level 6 imprisonment (5 years maximum) or both. | | | | $110,952 | $115,386 |
| 71D Possession of precursor chemicals | A person who, without being authorized by or licensed under this Act or the regulations (if any) to do so or otherwise without a lawful excuse, possesses a prescribed precursor chemical in a quantity that is not less than the prescribed quantity applicable to that precursor chemical is guilty of an indictable offence and liable to a penalty of not more than 600 penalty units or level 6 imprisonment (5 years maximum) or both. | | | | $110,952 | $115,386 |
| 71E(1) Possession of document containing information about trafficking or cultivating a drug of dependence | A person who, without being authorised by or licensed under this Act or the regulations to do so or otherwise without a reasonable excuse, possesses a document containing instructions for the trafficking or cultivation of a drug of dependence is guilty of an indictable offence and liable to a penalty of not more than 600 penalty units or level 6 imprisonment (5 years maximum) or both | | | | $110,952 | $115,386 |
| 71F(1) Publication of document containing instructions | A person who, without being authorised by or licensed under this Act or the regulations to do so or otherwise without a reasonable excuse, publishes a document containing instructions for the trafficking or cultivation of a drug of dependence (a) with the intention that the instructions will be used by another person for the purposes of the trafficking or cultivation of a drug of dependence; or (b) knowing or being reckless as to whether the instructions will be used by another person for the purpose of the trafficking or cultivation of a drug of dependence— is guilty of an indictable offence and liable to a penalty of not more than 1200 penalty units or level 5 imprisonment (10 years maximum) or both. | | | | $221,904 | $230,772 |
| 72 (b) Cultivation of narcotic plants—large commercial quantity | A person who, without being authorized by or licensed under this Act or the regulations to do so, cultivates or attempts to cultivate a narcotic plant in a quantity of a drug of dependence, being a narcotic plant, that is not less than the large commercial quantity applicable to that narcotic plant is guilty of an indictable offence and liable— (a) to level 1 imprisonment (life); and (b) in addition to imprisonment, to a penalty of not more than 5000 penalty units. | | | | $924,600 | $961,550 |
| 72B Cultivation of narcotic plants | A person who, without being authorized by or licensed under this Act or the regulations to do so, cultivates or attempts to cultivate a narcotic plant is guilty of an indictable offence and liable— (a) if the trial judge (or magistrate on a summary hearing) is satisfied on the balance of probabilities that the offence was not committed by the person for any purpose related to trafficking in that plant, to level 8 imprisonment (1 year maximum) or a penalty of not more than 20 penalty units or both; or (b) in any other case, to level 4 imprisonment (15 years maximum). | | | | $3,698 | $3,846 |
| 73(1)(a) Possession of a drug of dependence | A person who without being authorized by or licensed under this Act or the regulations or the Voluntary Assisted Dying Act 2017 or the regulations under that Act to do so has or attempts to have in his possession a drug of dependence is guilty of an indictable offence and liable— (a) where the court is satisfied on the balance of probabilities that— (i) the offence was committed in relation to a quantity of cannabis or tetrahydrocannabinol that is not more than the small quantity applicable to cannabis or tetrahydrocannabinol; (ii) the offence was not committed for any purpose related to trafficking in cannabis or tetrahydrocannabinol— to a penalty of not more than 5 penalty units; | | | | $925 | $962 |
| 73(1)(b) Possession of a drug of dependence | A person who without being authorized by or licensed under this Act or the regulations or the Voluntary Assisted Dying Act 2017 or the regulations under that Act to do so has or attempts to have in his possession a drug of dependence is guilty of an indictable offence and liable— subject to paragraph (a), where the court is satisfied on the balance of probabilities that the offence was not committed by the person for any purpose relating to trafficking in that drug of dependence—to a penalty of not more than 30 penalty units or to level 8 imprisonment (1 year maximum) or to both that penalty and imprisonment | | | | $5,548 | $5,769 |
| 73(1)(c) Possession of a drug of dependence | A person who without being authorized by or licensed under this Act or the regulations or the Voluntary Assisted Dying Act 2017 or the regulations under that Act to do so has or attempts to have in his possession a drug of dependence is guilty of an indictable offence and liable— in any other case—to a penalty of not more than 400 penalty units or to level 6 imprisonment (5 years maximum) or to both that penalty and imprisonment. | | | | $73,968 | $76,924 |
| 74 Introduction of a drug of dependence into the body of another person | A person who, without being authorized by or licensed under this Act or the regulations or the Voluntary Assisted Dying Act 2017 or the regulations under that Act to do so, introduces or attempts to introduce a drug of dependence into the body of another person is guilty of an offence against this Act and liable to a penalty of not more than 30 penalty units or to level 8 imprisonment (1 year maximum) or to both that penalty and imprisonment. | | | | $5,548 | $5,769 |
| 75(a) Use of drug of dependence | A person who, without being authorized by or licensed under this Act or the regulations or the Voluntary Assisted Dying Act 2017 or the regulations under that Act to do so uses or attempts to use a drug of dependence is guilty of an offence against this Act and liable— (a) where the court is satisfied on the balance of probabilities that the offence was committed in relation to cannabis or tetrahydrocannabinol—to a penalty of not more than 5 penalty units; and | | | | $925 | $962 |
| 7(b) Use of drug of dependence | A person who, without being authorized by or licensed under this Act or the regulations or the Voluntary Assisted Dying Act 2017 or the regulations under that Act to do so uses or attempts to use a drug of dependence is guilty of an offence against this Act and liable— (a) where the court is satisfied on the balance of probabilities that the offence was committed in relation to cannabis or tetrahydrocannabinol—to a penalty of not more than 5 penalty units; and (b) in any other case—to a penalty of not more than 30 penalty units or to level 8 imprisonment (1 year maximum) or to both that penalty and imprisonment. | | | | $5,548 | $5,769 |
| 77(1) Forging prescriptions and orders for drugs of dependence | A person shall not forge or attempt to forge or fraudulently alter or attempt to fraudulently alter or utter or attempt to utter knowing it to be forged or fraudulently altered a prescription or order for a drug of dependence | | | | $3,698 | $3,846 |
| 78 Obtaining drugs of dependence etc. by false representation | A person shall not knowingly by false representation, whether oral or in writing or by conduct— (a) obtain or attempt to obtain a drug of dependence from a person authorized by or licensed under this Act or the regulations or the Voluntary Assisted Dying Act 2017 or the regulations under that Act to possess, manufacture, sell or supply the drug of dependence; (b) obtain or attempt to obtain a prescription or order for a drug of dependence from a registered medical practitioner, dentist, pharmacist or veterinary practitioner or a person authorized by this Act or the regulations or the Voluntary Assisted Dying Act 2017 or the regulations under that Act to issue or possess the prescription or order; (c) cause or induce or attempt to cause or induce a registered medical practitioner to administer by injection or otherwise, a drug of dependence to him; or (d) cause or induce or attempt to cause or induce a pharmacist or a person authorized by this Act or the regulations or the Voluntary Assisted Dying Act 2017 or the regulations under that Act to supply a drug of dependence, to dispense a prescription or order for a drug of dependence, if the first-mentioned person knew the prescription or the order to have been obtained in contravention of this Act or the regulations. | | | | $3,698 | $3,846 |
| 80B(1) Offence to display a cocaine kit in a retail outlet, | A person must not display a cocaine kit in a retail outlet. | Natural Person | | | $11,095 | $11,539 |
| Body Corporate | | | $55,476 | $57,693 |
| 80C Offence to sell a cocaine kit | A person must not sell a cocaine kit if the person selling the cocaine kit knows or is reckless as to whether the cocaine kit is sold for the purpose of preparing for introduction, or introducing, cocaine into the body of any person. | Natural Person | | | $11,095 | $11,539 |
| Body Corporate | | | $55,476 | $57,693 |
| 80HB(1) Offence to display an ice pipe in a retail outlet | A person must not display an ice pipe in a retail outlet. | Natural Person | | | $44,381 | $46,154 |
| Body Corporate | | | $110,952 | $115,386 |
| 80HC Offence to sell or supply an ice pipe | A person must not sell or supply an ice pipe. | Natural Person | | | $44,381 | $46,154 |
| Body Corporate | | | $110,952 | $115,386 |
| 80J(1) Supply of category 1 precursor chemicals | Subject to subsection (2), a person (the supplier) must not supply a category 1 precursor chemical to another person (the receiver) unless the receiver— (a) provides sufficient proof of identity of receiver to the supplier; and (b) has an account with the supplier through which the receiver pays for the supply of category 1 precursor chemicals; and (c) gives the supplier an end user declaration containing the prescribed particulars | Natural Person | | | $5,548 | $5,769 |
| Body Corporate | | | $27,738 | $28,847 |
| 80J(2) Supply of category 1 precursor chemicals | A person must not supply a category 1 precursor chemical under subsection (1) unless at least 24 hours have passed since the receiver complied with the requirements set out in subsection (1). | Natural Person | | | $5,548 | $5,769 |
| Body Corporate | | | $27,738 | $28,847 |
| 80K(1) Storage of category 1 precursor chemicals | A person who supplies category 1 precursor chemicals must ensure that any category 1 precursor chemicals in that person's control, custody or possession are stored in a manner that prevents any access to it by a person other than— (a) the person who supplies the category 1 precursor chemicals; and (b) any person authorised in writing to have access to the category 1 precursor chemicals by the person referred to in paragraph (a). | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80K(2) Storage of category 1 precursor chemicals | A person who supplies any category 1 precursor chemical must keep each authorisation referred to in subsection (1)(b) for at least 2 years after the expiry of the authorisation. | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80L Supply of category 2 precursor chemicals | A person (the supplier) must not supply a category 2 precursor chemical to another person (the receiver) unless the receiver— (a) provides sufficient proof of identity of receiver to the supplier; and(b) either— (i) has an account with the supplier through which the receiver pays for the supply of category 2 precursor chemicals; or (ii) if cash is used, gives the supplier an end user declaration containing the prescribed particulars. | Natural Person | | | $5,548 | $5,769 |
| Body Corporate | | | $27,738 | $28,847 |
| 80M Supply of category 3 precursor apparatus | A person (the supplier) must not supply a category 3 precursor apparatus to another person (the receiver) unless the receiver— (a) provides sufficient proof of identity of receiver to the supplier; and (b) either— (i) has an account with the supplier through which the receiver pays for the supply of category 3 precursor apparatus; or (ii) if cash is used, gives the supplier an end user declaration containing the prescribed particulars | Natural Person | | | $5,548 | $5,769 |
| Body Corporate | | | $27,738 | $28,847 |
| 80N(1) End user declarations to be kept | A person who supplies any category 1 precursor chemical must keep each end user declaration given to the person under section 80J for at least 5 years after the relevant date of supply to which the end user declaration relates. | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80N(2) End user declarations to be kept | A person who supplies any category 2 precursor chemical must keep each end user declaration given to the person under section 80L(b)(ii) for at least 2 years after the relevant date of supply to which the end user declaration relates | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80N(3) End user declarations to be kept | A person who supplies any category 3 precursor apparatus must keep each end user declaration given to the person under section 80M(b)(ii) for at least 2 years after the relevant date of supply to which the end user declaration relates. | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80O(1) Record of supply—category 1 precursor chemical | A person who supplies any category 1 precursor chemical must make an accurate record of the supply setting out the following details— (a) the date of supply; and (b) the name and quantity of the category 1 precursor chemical supplied; and (c) any other prescribed details (if any) | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80O(2) Record of supply—category 1 precursor chemical | A person who supplies any category 1 precursor chemical must keep each record made under subsection (1) for a period of at least 5 years from date of supply of the relevant category 1 precursor chemical to which the record relates. | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80P(1) Record of supply—category 2 precursor chemical | A person who supplies any category 2 precursor chemical must make an accurate record of the supply setting out the following details— (a) unless the receiver gives an end user declaration, the name and address of the person to whom the category 2 precursor chemical was supplied; and (b) the date of supply; and (c) the name and quantity of the category 2 precursor chemical supplied; and (d) any other prescribed details (if any). | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80P(2) Record of supply—category 2 precursor chemical | A person who supplies any category 2 precursor chemical must keep each record made under subsection (1) for at least 2 years after the date of supply of the relevant category 2 precursor chemical to which the record relates. | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80Q(1) Record of supply of category 3 precursor apparatus. | A person who supplies any category 3 precursor apparatus must make an accurate record of the supply setting out the following details— (a) unless the receiver gives an end user declaration, the name and address of the person to whom the category 3 precursor apparatus was supplied; and (b) the date of supply; and (c) the name and quantity of the category 3 precursor apparatus supplied; and (d) any other prescribed details (if any) | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80Q(2) Record of supply of category 3 precursor apparatus. | A person who supplies any category 3 precursor apparatus must keep each record made under subsection (1) for at least 2 years after the date of supply of the relevant category 3 precursor apparatus to which the record relates. | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80S Offence not to produce records | A person must comply with a requirement under section 80R to produce a record required to be kept under this Part. | Natural Person | | | $3,698 | $3,846 |
| Body Corporate | | | $18,492 | $19,231 |
| 80U(1) Offence to display cannabis water pipe, bong component or bong kit in retail outlet | A person must not display a cannabis water pipe in a retail outlet. | Natural Person | | | $11,095 | $11,539 |
| Body Corporate | | | $55,476 | $57,693 |
| 80U(2) Offence to display cannabis water pipe, bong component or bong kit in retail outlet | A person must not display a bong component in a retail outlet. | Natural Person | | | $11,095 | $11,539 |
| Body Corporate | | | $55,476 | $57,693 |
| 80U(3) Offence to display cannabis water pipe, bong component or bong kit in retail outlet | A person must not display a bong kit in a retail outlet. | Natural Person | | | $11,095 | $11,539 |
| Body Corporate | | | $55,476 | $57,693 |
| 80V(1) Offence to sell cannabis water pipe, bong component or bong kit | A person must not sell a cannabis water pipe. | Natural Person | | | $11,095 | $11,539 |
| Body Corporate | | | $55,476 | $57,693 |
| 80V(2) Offence to sell cannabis water pipe, bong component or bong kit | A person must not sell a bong component. | Natural Person | | | $11,095 | $11,539 |
| Body Corporate | | | $55,476 | $57,693 |
| 80V(3) Offence to sell cannabis water pipe, bong component or bong kit | A person must not sell a bong kit. | Natural Person | | | $11,095 | $11,539 |
| Body Corporate | | | $55,476 | $57,693 |
| 80W(1) Offence to supply cannabis water pipe, bong component or bong kit in course of carrying out commercial activity | A person must not supply a cannabis water pipe in the course of carrying out a commercial activity | Natural Person | | | $11,095 | $11,539 |
| Body Corporate | | | $55,476 | $57,693 |
| 80W(2) Offence to supply cannabis water pipe, bong component or bong kit in course of carrying out commercial activity | A person must not supply a bong component in the course of carrying out a commercial activity. | Natural Person | | | $11,095 | $11,539 |
| Body Corporate | | | $55,476 | $57,693 |
| 80W(3) Offence to supply cannabis water pipe, bong component or bong kit in course of carrying out commercial activity | A person must not supply a bong kit in the course of carrying out a commercial activity. | Natural Person | | | $11,095 | $11,539 |
| Body Corporate | | | $55,476 | $57,693 |
| 80X Display for sale of hookahs in retail outlet | A person must not display for the purposes of sale in a retail outlet— (a) more than 3 hookahs; or (b) if another number of hookahs is prescribed for the purposes of this section, more than the prescribed number of hookahs. | Natural Person | | | $1,849 | $1,923 |
| Body Corporate | | | $9,246 | $9,616 |
| 80Z(1) Infringement penalty | The infringement penalty for an offence against section 80U(1), (2) or (3), 80V(1), (2) or (3) or 80W(1), (2) or (3) is— | Natural Person | | | $2,219 | $2,308 |
| Body Corporate | | | $11,095 | $11,539 |
| 80Z(2) Infringement penalty | The infringement penalty for an offence against section 80X is— | Natural Person | | | $370 | $385 |
| Body Corporate | | | $1,849 | $1,923 |
| 123 General offence | Every person who contravenes or fails to comply with any provision of this Act or any regulation made under this Act shall be guilty of an offence against this Act and if no penalty is expressly provided with respect to such offence shall be liable to a penalty of not more than 100 penalty units | | | | $18,492 | $19,231 |
| 129(1)(h) Regulations | For the purpose of preventing the improper use of drugs of dependence and Schedule 1 poisons, Schedule 4 poisons, Schedule 8 poisons and Schedule 9 poisons or any preparation of them or any of them the Governor in Council may make regulations for or with respect to regulating or controlling the manufacture sale possession administration use supply distribution and storage of those substances and preparations and in particular, without affecting the generality of the foregoing provisions of this section or of any other provisions of this Act, for or with respect to—  prescribing a penalty of not more than 100 penalty units for any contravention of or failure to comply with the regulations made under this section. | | | | $18,492 | $19,231 |
| 129(2) Regulations | Notwithstanding anything to the contrary in paragraph (h) of subsection (1) or in any regulations made under that subsection, a person who being a registered medical practitioner, registered Chinese medicine practitioner or registered Chinese herbal dispenser, registered optometrist, registered podiatrist, nurse practitioner, registered nurse, registered midwife, veterinary practitioner, dentist or pharmacist, contravenes or fails to comply with a regulation made under that subsection is guilty of an indictable offence and liable to a penalty of not more than 200 penalty units or to imprisonment for a term of not more than five years or to both such penalty and imprisonment. | | | | $36,984 | $38,462 |
| 131(g) Regulations as to regulated poisons | For the purpose of protecting persons engaged in the manufacture sale use or distribution of regulated poisons or for the protection of the public from regulated poisons the Governor in Council may make regulations for or with respect to— prescribing penalties not exceeding 100 penalty units for breaches of the regulations. | | | | $18,492 | $19,231 |
| 132(oa) General regulations, not more than | The Governor in Council may make regulations for or with respect to— prescribing penalties not exceeding 100 penalty units for the breach of terms, conditions, limitations and restrictions of authorisations and approvals; | | | | $18,492 | $19,231 |
| 132(x) General regulations, not more than | The Governor in Council may make regulations for or with respect to— prescribing a penalty of not more than 100 penalty units for any contravention of or failure to comply with the regulations; | | | | $18,492 | $19,231 |

|  |
| --- |
| To receive this document in another format, phone 1300 650 172, using the National Relay Service 13 36 77 if required, or email [Fees and Penalties](mailto:feesandpenalties@dhhs.vic.gov.au) <feesandpenalties@dhhs.vic.gov.au>  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Australia, Department of Health, April 2023.  Available at [Fees, charges and penalties webpage](https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation) <https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation> |