UNITED NATIONS

E/NL. 1972/26-43
1 April 1973
ENGLISH ONLY

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS

AUSTRALIA

Communicated by the Government of Australia

NOTE BY THE SECRETARY-GENERAL – In accordance with the relevant Articles of the International Treaties on Narcotic Drugs, the Secretary-General has the honour to communicate the following legislative texts.

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E/NL.1972/26

Government Gazette (No.101)
24 November 1971

WESTERN AUSTRALIA

AT a meeting of the Executive Council held in the Executive Council Chamber at Perth, this 17th day of November, 1971, the following Order in Council was authorized to be issued:

POISONS ACT, 1964-1970

ORDER IN COUNCIL

WHEREAS by section 21 of the Poisons Act, 1964-1970, 1/ it is provided, inter alia, that the Governor may from time to time by Order in Council, amend any of the schedules referred to in section 20 of that Act by the deletion and substitution of all of the items in any schedule; and whereas it is now expedient to delete all of the items in each of those schedules as amended from time to time by Orders in Council published in the Government Gazette and to substitute the items in the respective schedules as set out in the Appendix to this order: Now, therefore, His Excellency the Governor, acting by and with the advice of Executive Council, and in exercise of the powers under section 21 of the Poisons Act, 1964-1970, doth hereby delete all of the items in each of the schedules referred to in section 20 of that Act and as amended from time to time by Orders in Council published in the Government Gazette and substitute the items set out in the Appendix to this Order in Council so that the items will appear in the respective schedules as also shown in the Appendix.

W. S. LONNIE
Clerk of the Council

1/ Note by the Secretariat: E/NL.1971/11

APPENDIX

FIRST SCHEDULE

A substance specified in this Schedule includes any compound and all preparations and admixtures containing any proportion thereof and these are therefore subject to all the restrictions of this Schedule unless specifically exempted or specifically included in any other schedule.

. . . . . 2/

MORPHINE (except derivatives and their salts unless specifically included in these Schedules) in substances containing 0.2 per cent or less of morphine calculated as anhydrous morphine, except simple dilutions of morphine in any syrup or inert vehicles.

. . . . . .

OPIUM (except its alkaloids, their derivatives, their salts unless specifically included in this Schedule) in substances containing 0.2 per cent or less of morphine calculated as anhydrous morphine.

. . . . . .

PULVIS IPECACUANHAE ET OPII COMPOSITUS

. . . . . .

SECOND SCHEDULE

A substance specified in this Schedule includes any compound, and all preparations and admixtures containing any proportion thereof and these are subject to all the restrictions of this Schedule unless specifically exempted or specifically included in any other Schedule.

. . . . . .

ACETYLDIHYDROCODEINE when compounded with one or more other medicaments, in substances containing 1 per cent or less of acetyldihydrocodeine.

. . . . . .

. . . . . .

CODEINE when compounded with one or more other medicaments in substances containing 1 per cent or less of codeine.

. . . . . .

DEXTROPROPOXYPHENE 3/ in substances containing 1 per cent or less of dextropropoxyphene.

. . . . . .

DIHYDROCODEINE when compounded with one or more other medicaments in substances containing 1 per cent or less of dihydrocodeine.

. . . . . .

2/ Note by the Secretariat: The sections which are not relevant to narcotics have been omitted.

3/ Note by the Secretariat: International non-proprietary names of drugs are underlined.

ETHYLMORPHINE when compounded with one or more other medicaments in substances containing 1 per cent or less of ethylmorphine.

. . . . . .

IODINE (excluding its salts and derivatives) and substances containing more than 2.5 per cent of iodine.

. . . . . .

NICOCODINE when compounded with one or more other medicaments in substances containing 1 per cent or less of nicocodine.

NORCODEINE when compounded with one or more other medicaments in substances containing 1 per cent or less of norcodeine.

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PHOLCODINE when compounded with one or more other medicaments in substances containing 1 per cent or less of pholcodine.

. . . . . .

THIRD SCHEDULE

A substance specified in this Schedule includes any compound, and all preparations and admixtures containing any proportion thereof and these are therefore subject to all the restrictions of this Schedule unless specifically exempted or specifically included in any other Schedule.

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. . . . . .

FOURTH SCHEDULE

A substance specified in this Schedule includes any compound, and all preparations and admixtures containing any proportion thereof, and these are therefore subject to all the restrictions of this Schedule unless specifically exempted or specifically included in any other Schedule.

. . . . . .

ACETYLDIHYDROCODEINE when compounded with one or more other medicaments and containing not more than 100 milligrammes of acetyldihydrocodeine per dosage unit and with a concentration of more than 1 per cent and not more than 2.5 per cent of acetyldihydrocodeine in undivided preparations.

. . . . . .

CODEINE when compounded with one or more other medicaments in preparations containing not more than 100 milligrammes of codeine per dosage unit, and with a concentration of more than 1 per cent and not more than 2.5 per cent of codeine in undivided preparations.

. . . . . .

DIHYDROCODEINE when compounded with one or more other medicaments in preparations containing not more than 100 milligrammes of dihydrocodeine per dosage unit and with a concentration of more than 1 per cent and not more than 2.5 per cent of dihydrocodeine in undivided preparations.

. . . . . .

DIPHENOXYLATE in substances containing 2.5 mg or less of diphenoxylate and not less than 25 micrograms of atropine sulphate per dosage unit.

ETHYLMORPHINE when compounded with one or more other medicaments in preparations containing not more than 100 milligrammes of ethylmorphine per dosage unit and with a concentration of more than 1 per cent and not more than 2.5 per cent of ethylmorphine in undivided preparations.

. . . . . .

NICOCODINE when compounded with one or more other medicaments in substances containing not more than 100 milligrammes of nicocodine per dosage unit and with a concentration of more than 1 per cent and not more than 2.5 per cent of nicocodine in undivided preparations.

. . . . . .

NORCODEINE when compounded with one or more other medicaments and containing not more than 100 milligrammes of norcodeine per dosage unit and with a concentration of more than 1 per cent and not more than 2.5 per cent of norcodeine in undivided preparations.

. . . . . .

PHOLCODINE when compounded with one or more other medicaments and containing not more than 100 milligrammes of pholcodine per dosage unit and with a concentration of more than 1 per cent and not more than 2.5 per cent of pholcodine in undivided preparations.

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PIPRADROL

FIFTH SCHEDULE

Hazardous substances

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SIXTH SCHEDULE

. . . . . .

SEVENTH SCHEDULE

SPECIAL POISONS

Substances or preparations of exceptional danger which require special precautions and restrictions in manufacture, use and sale.

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EIGHTH SCHEDULE

Includes any active principle, alkaloid, derivative, natural or synthetic, salt, compound and all preparations and admixtures containing any proportion thereof and these are therefore subject to all the restrictions of this schedule unless specifically exempted.

ACETORPHINE

ACETYLDIHYDROCODEINE and substances containing more than 2.5 per cent of acetyldihydrocodeine.

ACETYLMETHADOL

ALLYLPRODINE

ALPHACETYLMETHADOL

ALPHAMEPRODINE

ALPHAPRODINE

AMPHETAMINE

ANILERIDINE

BENZETHIDINE

BENZYLMORPHINE (3-benzylmorphine)

BETACETYLMETHADOL

BETAMEPRODINE

BETAMETHADOL

BETAPRODINE

BEZITRAMIDE

BUFOTENINE

CANNABIS AND CANNABIS RESIN AND EXTRACTS AND TINCTURES of CANNABIS

CLONITAZENE

COCAINE (methyl ester of benzoylecgonine)

COCA LEAF

CODEINE (3-methylmorphine) and substances containing more than 2.5 per cent of codeine.

CODEINE-N-OXIDE

CODOXIME

CONCENTRATE OF POPPY STRAW (the material arising when poppy straw has entered into a process for concentration of its alkaloids).

DESOMORPHINE

DEXAMPHETAMINE

DEXTROMORAMIDE

DIACETYLMORPHINE (heroin)

DIAMPROMIDE

DIETHYLTHIAMBUTENE

DIHYDROCODEINE and substances containing more than 2.5 per cent of dihydrocodeine.

DIHYDROMORPHINE

DIMENOXADOL

DIMEPHEPTANOL

DIMETHYLTHIAMBUTENE

DIMETHYLTRYPTAMINE

DIOXAPHETYL BUTYRATE

DIPHENOXYLATE

DIPIPANONE

ECGONINE, ITS ESTERS AND DERIVATIVES WHICH ARE CONVERTIBLE TO ECGONINE AND COCAINE

ETHYLMETHYLTHIAMBUTENE

ETHYLMORPHINE (3-ethylmorphine) and substances containing more than 2.5 per cent of ethylmorphine.

ETONITAZENE

ETORPHINE

ETOXERIDINE

FENTANYL

FURETHIDINE

HEPTANE DERIVATIVES having addiction properties, not specifically included elsewhere in this Schedule.

HEROIN

HYDROCODONE (dihydrocodeinone)

HYDROMORPHINOL

HYDROMORPHONE (dihydromorphinone)

HYDROXYPETHIDINE

ISOMETHADONE

KETOBEMIDONE

LEVOMETHORPHAN

LEVOMORAMIDE

LEVOPHENACYLMORPHAN

LEVORPHANOL

LYSERGIC ACID DIETHYLAMIDE (LSD)

MESCALINE, 2, 5-DIMETHOXY-4 METHYLAMPHETAMINE, and other substances structurally derived from methoxy phenethylamine having hallucinogenic properties.

METAZOCINE

METHADONE

METHADONE-INTERMEDIATE (4-cyano-2-dimethylamino-4, 4-diphenylbutane).

METHYLAMPHETAMINE

METHYLDESORPHINE

METHYLDIHYDROMORPHINE

METHYLPHENIDATE

1-METHYL-4-PHENYLPIPERIDINE-4-CARBOXYLIC ACID ESTERS

METOPON

MORAMIDE-INTERMEDIATE (2-methyl-3-morpholino-1, 1-diphenylpropane carboxylic acid)

MORPHERIDINE

MORPHINE and any solution or dilution in any syrup or an inert substance whether liquid or solid in any proportion of morphine and all preparations and admixtures (not being such a solution or dilution as aforesaid) containing more than 0.2 per cent of morphine calculated as anhydrous morphine.

MORPHINE DERIVATIVES not specifically included elsewhere in this or any other Schedule.

MORPHINE METHOBROMIDE AND OTHER PENTAVALENT NITROGEN MORPHINE DERIVATIVES

MORPHINE-N-OXIDE

MORPHINE SUBSTITUTES not specifically included elsewhere in this Schedule

MYROPHINE (myristylbenzylmorphine)

NICOCODINE

NICODICODINE

NICOMORPHINE

NORACYMETHADOL

NORCODEINE (N-desmethylcodeine) and substances containing more than 2.5 per cent of norcodeine.

NORLEVORPHANOL

NORMETHADONE

NORMORPHINE

NORPIPANONE

OPIUM in any form except the alkaloid papaverine - and in any solution or dilution in an inert substance whether liquid or solid in any proportion of opium and all preparations and admixtures (not being such a solution or dilution as aforesaid) containing more than 0.2 per cent of morphine calculated as anhydrous morphine, except pulvis ipecacuanhae et opii compositus.

OXYCODONE

OXYMORPHONE

PETHIDINE

PETHIDINE-INTERMEDIATE A (4-cyano-1-methyl-4-phenylpiperidine)

PETHIDINE-INTERMEDIATE B (4-phenylpiperidine-4-carboxylic acid ethyl ester)

PETHIDINE-INTERMEDIATE C (1-methyl-4-phenylpiperidine-4-carboxylic acid)

PHENADOXONE

PHENAMPROMIDE

PHENAZOCINE

PHENCYCLIDINE

PHENMETRAZINE

PHENOMORPHAN

PHENOPERIDINE

PHOLCODINE

PIMINODINE

PIPERIDINE DERIVATIVES having addiction properties, not specifically included elsewhere in this Schedule.

PIRITRAMIDE

PROHEPTAZINE

PROPERIDINE

PSILOCIN

PSILOCYBIN

RACEMETHORPHAN

RACEMORAMIDE

RACEMORPHAN

TETRAHYDROCANNABINOLS

THEBACON (acetyl dihydrocodeinone)

THEBAINE

TRIMEPERIDINE

E/NL.1972/27

Government Gazette (No.77)
7 September 1971

WESTERN AUSTRALIA

POISONS ACT, 1964-1970

Department of Public Health,
Perth, 19th August, 1971.

HIS Excellency the Lieutenant Governor in Executive Council, acting in pursuance of section 64 of the Poisons Act, 1964-1970, 1/ has been pleased to make the regulations set forth in the Schedule hereunder.

W. S. DAVIDSON
Commissioner of Public Health

Schedule

Regulations

Principal regulations

1. In these regulations the Poisons Act Regulations, 1965, 4/ published in the Government Gazette on 29th June, 1965, and amended from time to time thereafter by notices published in the Government Gazette, are referred to as the principal regulations.

Reg.29 amended

2. Regulation 29 of the principal regulations is amended:

(a) by adding after the word "shall" in line three, the passage "subject to regulations 56A and 56B"; and

(b) by substituting for the passage "of poison." in the last line of the regulation the passage "of poison, but the cupboards or safes in which Eighth Schedule poisons are stored shall not bear the word "poison" on the outside.".

Reg.56 amended

3. Regulation 56 of the principal regulations is amended by substituting for the word "Any" in line one of subregulation (1), the words "Subject to regulation 56A any".

Regs.56A and 56B added

4. The principal regulations are amended by adding after regulation 56 regulations as follows:

56A. (1) Where a pharmacist is in possession of Eighth Schedule poisons for the purposes of his profession or employment, he shall store those poisons in the type of safe prescribed by this regulation or in similar storage accommodation approved by the Commissioner for this purpose.

(2) The safe required by subregulation (1) of this regulation shall be in a portion of the premises not accessible to the public and shall be:

(a) constructed of black mild steel plate not less than three-eighths of an inch thick;

(b) constructed with continuous welding of all edges; and fitted with a solid mild steel bar of not less than five-sixteenths of an inch at its smallest diameter, situated not more than four inches above or below the lock, fixed to both sides of the safe by drilling and backwelding;

(c) fitted with a door constructed of black mild steel plate not less than three-eighths of an inch thick, the door being flush fitting with a clearance around the door of not more than one-sixteenth of an inch;

(d) fitted with two or more fixed locking bars welded to the inside face of the door near the hinge edge at not greater distances than twelve inches apart from centre of locking bar to centre of locking bar; one fixed locking bar to be not further than six inches from the top of the safe door, and one fixed locking bar to be not further than six inches from the bottom of the safe door; each locking bar engaging in a rebate in the cupboard body when the door is closed.

4/ Note by the Secretariat: E/NL.1966/50.

(e) fitted with a five lever keylock, or locking mechanism providing at least equivalent security, securely affixed to the rear face of the door; when the height of the safe door exceeds twenty-four inches but does not exceed thirty-six inches, a second five lever keylock or locking mechanism providing at least equivalent security shall be securely affixed to the rear face of the door, and this lock shall be keyed alike to the first lock;

(f) securely attached to the wall or floor in the following manner:

(i) Where the wall and the floor are constructed of brick or concrete the safe shall be attached to the wall or the floor by means of suitably sized expanding bolts through holes three-eighths of an inch in diameter drilled in the rear or floor of the safe.

(ii) Where the wall only is constructed of brick or concrete the safe shall be attached to the wall by means of suitably sized expanding bolts through holes three-eighths of an inch in diameter drilled in the rear of the safe.

(iii) Where the floor is constructed of brick or concrete, but the wall is of timber construction, the safe shall be attached to the floor by means of suitably sized expanding bolts through holes three-eighths of an inch in diameter drilled in the bottom of the safe.

(iv) Where neither a floor nor a wall constructed of brick or concrete is available, the safe shall be attached to the wall or floor by a method that will ensure that the safe cannot be easily removed.

(3) Notwithstanding subregulation (2) of this regulation a safe built or placed under the floor, shall be deemed to have met the security specifications of that subregulation if it meets the following requirements:

(a) the container and neck of the safe shall be constructed of black mild steel plate;

(b) the container and neck of the safe shall be embedded in reinforced concrete; and

(c) the safe shall have a substantial closure fitted with a five lever keylock or other locking mechanism providing at least equal security, or alternatively a keyless combination lock.

(4) A pharmacist shall not store other goods, cash or documents in a safe used for storing Eighth Schedule poisons and shall keep in his immediate and personal possession the key to any such safe and the safe shall be locked at all times except when Eighth Schedule poisons are being placed into or removed from it.

56B. All Eighth Schedule poisons:

(a) stored in the pharmacy department of a hospital which employs a pharmacist, shall be stored in a locked safe kept solely for that purpose or in similar storage accommodation approved by the Commissioner and the key shall be kept in the possession of the

pharmacist-in-charge and not left on the premises where the Eighth Schedule poisons are stored except when it is given into the possession of another pharmacist, medical practitioner or dentist;

(b) in a hospital which does not employ a pharmacist, shall be stored in the hospital in locked storage accommodation approved by the Commissioner prior to the distribution of supplies to wards, and ward supplies shall be stored in locked cupboards in wards or in locked portions of cupboards kept solely for the storage of Eighth Schedule poisons;

(c) kept by persons licensed to procure, manufacture or supply drugs of addiction by wholesale dealing, shall be stored in a locked storage accommodation approved by the Commissioner and the key shall be in the possession of the person so licensed or in the possession of some other person authorized by the Commissioner.

E/NL.1972/28

Government Gazette (No.101)
24 November 1971

WESTERN AUSTRALIA

Poisons Act, 1964-1970

PROCLAMATION

WESTERN AUSTRALIA,)
TO WIT,)
DOUGLAS KENDREW,
Governor.
[L.S.]

By His Excellency Major-General Sir Douglas Anthony Kendrew, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Commander of the Most Excellent Order of the British Empire, Companion of the Distinguished Service Order, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.

WHEREAS:

(a) it is enacted by section 22 of the Poisons Act, 1964-1970 1/ that the Governor, on the recommendation of the Poisons Advisory Committee, may at any time and from time to time by proclamation prohibit the sale, supply or use of any poison or substance, whether specified in a Schedule to that Act or not, either absolutely or except upon and subject to such conditions as the Governor may think fit;

(b) it is further enacted by section 22 of that Act that a proclamation made under that section may be cancelled by subsequent proclamation;

(c) a proclamation made under that section was published in the Government Gazette on the 25th February, 1966; and

(d) the Poisons Advisory Committee has recommended to the Governor that the above-mentioned proclamation be cancelled and that the sale, supply or use of the substances respectively specified in Parts A, B and C of the Schedule hereunder be prohibited except upon the conditions respectively set out hereunder:

Now, therefore, I, the Governor, acting with the advice and consent of the Executive Council and in exercise of the powers conferred upon me by section 22 of the Poisons Act, 1964-1970, and on the recommendation of the Poisons Advisory Committee, do hereby:

(e) cancel the proclamation made under section 22 of that Act and published in the Government Gazette on the 25th February, 1966;

(f) prohibit the sale, supply or use of the substances specified in Part A of the Schedule hereunder except with the consent in writing of the Commissioner of Public Health;

(g) prohibit the sale, supply or use for human therapeutic use of the substances specified in Part B of the Schedule hereunder except with the consent in writing of the Commissioner of Public Health; and

(h) prohibit the sale, supply or use of the substances specified in Part C of the Schedule hereunder except with the consent in writing of the Commissioner of Public Health, which consent may be given only for the sale, supply or use of the substances for the purpose of the conduct of medical or scientific research, including clinical trials, and in respect of such quantities of the substances as are necessary in each particular case for that purpose.

Schedule

PART A

LYSERGIC ACID DIETHYLAMIDE and its derivatives, and preparations containing any of those substances.

PART B

DIMETHYL SULPHOXIDE and its derivatives, and preparations containing any of those substances.

PART C

ALLYL ISOPROPYL ACETYL UREA

AMIDOPYRINE and derivatives therefrom

BUNIODYL SODIUM

CALAMUS

CANNABIS and CANNABIS RESIN and extracts and tinctures of CANNABIS

DESOMORPHINE

DIACETYL MORPHINE

KETOBEMIDONE

METHYL CINCHOPHEN

TETRAHYDROCANNABINOLS

THALIDOMIDE

TRIPARANOL

and their derivatives, and preparations containing any of those substances.

Given under my hand and the Public Seal of the said State, at Perth, this 17th day of November, 1971.

By His Excellency's Command,

RON DAVIES
Minister for Health

E/NL.1972/29

WESTERN AUSTRALIA

POLICE ACT AMENDMENT ACT (NO.2), 1970

No.85 of 1970

AN ACT to amend the Police Act, 1892-1970

(Assented to 30th November, 1970)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) This Act may be cited as the Police Act Amendment Act (No.2), 1970. — Short title and citation

Vol.21 Reprinted Acts approved for reprint 15th December, 1967 as amended by Acts Nos. 26 of 1968, 24 of 1969 and 1 of 1970.

(2) In this Act the Police Act, 1892-1970, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Police Act, 1892-1970.

Commencement

2. This Act or any provision thereof shall come into operation on a date or dates to be fixed by proclamation.

. . . . . 2/

Amendment to s. 94B (Cannabis or prepared opium)

8. Section 94B of the principal Act is amended:

(a) by substituting for the passage ", sells, or otherwise deals in" in line one of paragraph (a) of subsection (1) the words "or prepares";

(b) by deleting the passage "(b) has in his possession any cannabis or prepared opium; or" in lines four and five of subsection (1);

(c) by repealing and re-enacting subsection (2) as follows:

(2) If any person:

(a) has in his possession any drug to which this Part of this Act applies;

(b) sells or supplies or offers to sell or supply to another any drug to which this Part of this Act applies; or

(c) has in his possession any drug to which this Part of this Act applies with intent to sell or supply it to another,

he is guilty of an offence against this Part of this Act, unless:

(d) in the case of an offence against paragraph (a) of this subsection:

(i) he is authorized under the Poisons Act, 1964, or the regulations made thereunder to be in possession of the drug; or

(ii) the drug was sold or supplied or requested to be sold or supplied to him by a medical practitioner or veterinary surgeon or on and in accordance with a prescription complying with that Act or those regulations;

(e) in the case of an offence against paragraph (b) or (c) of this subsection he is authorized under the provisions of the Poisons Act, 1964 or the regulations made thereunder to manufacture, prepare, sell, distribute or supply the drug and the sale, supply, offer to sell or supply or intended sale or supply of the drug is or was in all respects in accordance with such authority; and

(d) by adding after subsection (3), subsections as follows:

(4) A person is not guilty of an offence under subsection (2) of this section by virtue of his having in his possession or attempting to obtain possession of, a drug to which this Part of this Act applies, if he proves that:

(a) he had possession, or attempted to obtain possession thereof only for the purpose of delivering it to a person referred to in paragraph (d) or (e) of that subsection;

(b) he had possession or attempted to obtain possession thereof pursuant to the prior written authority of such person, except in the case of a person to whom subparagraph (ii) of paragraph (d) of that subsection applies; and

(c) after taking possession thereof, he took all such steps as were reasonably open to him to deliver it into the custody of such person.

(5) A person who is convicted of an offence:

(a) against paragraph (a) of subsection (2) of this section, is liable on summary conviction to a fine not exceeding two thousand dollars and to imprisonment for a term not exceeding three years or both;

(b) against paragraph (b) or (c) of subsection (2) of this section, is liable on summary conviction to a fine not exceeding four thousand dollars or to imprisonment for a term not exceeding ten years or both, but the court convicting the person for the offence:

(i) shall commit him for sentence before The District Court of Western Australia which may pass sentence for the offence in accordance with this section and may make such other orders in relation to the convicted person as might be made by a court of summary jurisdiction convicting a person of an offence;

(ii) by warrant shall commit the convicted person to gaol until the sittings of the court by which he is to be sentenced or admit him to bail to appear before that court for sentence.

(6) For the purposes of paragraph (c) of subsection (2) of this section, a person shall, until the contrary is proved, be deemed to be in possession of a drug to which this Part of this Act applies with intent to sell or supply it to another if he is in possession of a prescribed quantity or more of such drug.

(7) If, on the hearing of a complaint for an offence against paragraph (b) or (c) of subsection (2) of this section, the evidence does not establish that the defendant is guilty of that offence but is guilty of some other offence against this Part of this Act, the defendant may be convicted of that other offence and is liable to be punished accordingly.

Amendment to s. 94E (Penalties)

9. Section 94E of the principal Act is amended:

(a) by repealing subsection (1) and re-enacting it as follows:

(1) A person who is guilty of an offence against this Part of this Act, not being an offence for which a penalty is otherwise in this Part of this Act expressly provided, is liable on summary conviction for the offence to a penalty of a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three years or both.;

(b) by adding subsections as follows:

(1a) Subject to subsection (1b) of this section, the court by which a person is convicted of an offence against this Part of this Act may order anything shown to the satisfaction of the court to relate to the offence, to be forfeited and either destroyed or dealt with in such other manner as the court may order.;

(1b) The court shall not order anything to be forfeited under this section, where a person claiming to be the owner of, or otherwise interested in it, applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.;

(c) by repealing and re-enacting subsection (3) as follows:

(3) It is an offence for a person to attempt to commit or to incite another to commit an offence against this Part of this Act and the person is liable on summary conviction to the same penalty and forfeiture and to be dealt with as if he had been convicted of the last mentioned offence.; and

(d) by adding a subsection as follows:

(8) A complaint for an offence against paragraph (b) or (c) of subsection (2) of section 94B of this Act shall be heard by a court of summary jurisdiction constituted by a stipendiary magistrate sitting alone.

Amendment to s. 94F (Interpretation)

10. Section 94F of the principal Act is amended by deleting the definition "to sell".

11. Section 94G of the principal Act is repealed and the following section substituted:

S. 94G repealed and section substituted. (Prohibition)

94G. (1) If a person:

Offences and penalties

Vide s. 41 Act No.70 of 1964 as amended.

(a) manufactures, prepares or uses the drug;

(b) has in his possession the drug;

(c) sells or supplies or offers to sell or supply the drug to another;

(d) has in his possession the drug with intent to sell or supply it to another,

he is guilty of an offence unless he is authorized by the Poisons Act, 1964 or the regulations made thereunder, so to do.

(2) A person who is convicted of an offence:

(a) against paragraph (a) or (b) of subsection (1) of this section, is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three years or both;

(b) against paragraph (c) or (d) of subsection (1) of this section, is liable on summary conviction to a fine not exceeding four thousand dollars or to imprisonment for a term not exceeding ten years or both, but the court convicting the person for the offence:

(i) shall commit him for sentence before The District Court of Western Australia which may pass sentence for the offence in accordance with this section and may make such other orders in relation to the convicted person as might be made by a court of summary jurisdiction convicting a person of an offence;

(ii) by warrant shall commit the convicted person to gaol until the sittings of the court by which he is to be sentenced or admit him to bail to appear before that court for sentence.

(3) For the purposes of paragraph (d) of subsection (1) of this section, a person shall, until the contrary is proved, be deemed to be in possession of the drug with intent to sell or supply it to another, if he is in possession of a prescribed quantity or more of the drug.

(4) If, on the hearing of a complaint for an offence against paragraph (c) or (d) of subsection (1) of this section the evidence does not establish that the defendant is guilty of that offence but is guilty of some other offence against that subsection, the defendant may be convicted of that offence and is liable to be punished accordingly.

S. 94H repealed and section substituted. (Penalties)

12. Section 94H of the principal Act is repealed and the following section substituted:

Search warrant and application of s. 94E.

94H. (1) If a Justice is satisfied by information on oath that there is reasonable grounds for suspecting that the drug is in the possession of any person on any premises, the Justice may grant a search warrant authorizing any member of the Police Force named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by forcé, the premises named in the warrant, and to search the premises and any persons found therein.

(2) Where a member of the Police Force finds the drug in the possession of any person he may seize the drug and deliver it into the custody of a person authorized by the Minister to receive it.

(3) If any person wilfully delays or obstructs any member of the Police Force in the exercise of his powers under this section, he is guilty of an offence and is liable on summary conviction to a fine not exceeding fifteen hundred dollars or to imprisonment for a term not exceeding three years or both.

(4) Where a person is convicted of an offence against section 94G of this Act, the provisions of subsections (1a), (1b), (3), (4), (5), (6) and (7) of section 94E of this Act apply to the person, the offence, and any proceedings against the person for the offence, with such adaptations as the circumstances require, and for the purposes of giving effect to subsection (7) of that section as so applied, the Governor may make regulations providing for the analysing of any drug or substance by an analyst as defined in the Health Act, 1911.

(5) A complaint for an offence against paragraph (c) or (d) of subsection (1) of section 94G of this Act shall be heard by a court of summary jurisdiction constituted by a stipendiary magistrate sitting alone.

S. 138A added.

13. The principal Act is amended by adding after section 138 a section as follows:

Regulations

138A. (1) The Governor may make regulations, not inconsistent with this Act, prescribing all matters that by this Act, are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations may impose penalties not exceeding in any case one hundred dollars, in respect of the contravention of any provision thereof.

E/NL.1972/30

Government Gazette No.49
18 June 1971

WESTERN AUSTRALIA

Police Act Amendment Act (No.2), 1970

PROCLAMATION

WESTERN AUSTRALIA)
TO WIT,)
DOUGLAS KENDREW
Governor
[L.S.]

By His Excellency Major-General Sir Douglas Anthony Kendrew, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Commander of the Most Excellent Order of the British Empire, Companion of the Distinguished Service Order, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.

WHEREAS it is enacted, inter alia, by section 2 of the Police Act Amendment Act (No.2), 1970, that the Act shall come into operation on a date to be fixed by proclamation: Now, therefore, I the Governor acting with the advice and consent of the Executive Council, do hereby fix the 1st day of July, 1971, as the date on which the Police Act Amendment Act (No.2), 1970 5/ shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 9th day of June, 1971.

By His Excellency's Command,

J. DOLAN
Minister for Police

E/NL.1972/31

Government Gazette No.58
6 July, 1971

WESTERN AUSTRALIA

POLICE ACT, 1892-1970

Police Department,
Perth, 1st July 1971

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of section 138A of the Police Act, 1892-1970 and section 11 of the Interpretation Act, 1918-1970, has been pleased:

(a) to revoke the regulations entitled "Regulations Made Under and For the Purposes of Part VIA of the Police Act, 1892, (as amended by section 2 of the Police Offences (Drugs) Act, 1928)" reprinted and published as so reprinted in the Government Gazette on the 12th November, 1958, as amended from time to time; and

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5/ Note by the Secretariat: E/NL.1970/40

(b) to make the regulations set forth in the Schedule to the attached notice.

A.L.M. WEDD
Commissioner of Police.

SCHEDULE

Police Act (Dangerous Drugs) Regulations

Citation — 1. These regulations may be cited as the Police Act (Dangerous Drugs) Regulations.

Definition — 2. In these regulations:

"the Act" means the Police Act, 1892 as amended from time to time.

Prescribed Quantities of certain drugs — 3. For the purposes of sections 94B and 94G of the Act, the prescribed quantities of drugs are those set out in the First Schedule to these regulations.

Certificate of analysis — 4. For the purposes of subsection (7) of section 94E of the Act and section 94H of the Act, a certificate of the result of the analysis of a drug substance by an analyst appointed under the provisions of the Health Act, 1911 shall be in the form of Form 1 in the Second Schedule to these regulations.

Form of search warrant — 5. A search warrant for the purposes of section 94D or section 95H of the Act may be in the form of Form 2 in the Second Schedule to these regulations.

FIRST SCHEDULE

Drug	Prescribed quantity
Acetyldihydrocodeinone	500 milligrammes
Alphaprodine 3/	3 grammes
Amphetamine	500 milligrammes
Anileridine	2.5 grammes
Cannabis, excluding the separated resin	25 grammes
Cannabis resin	5 grammes
Cannabis	40 cigarettes each containing any proportion of cannabis
Cocaine	500 milligrammes
Codeine except where Schedule Two or Four of the Poisons List applies	3 grammes
Dextromoramide	1 gramme
Dihydrocodeine except where Schedule Two or Four of the Poisons List applies	3 grammes

Drug	Prescribed quantity
Diphenoxylate except where Schedule Four of the Poisons List applies	1 gramme
Dipipanone	2.5 grammes
Ethylmorphine except where Schedule Two or Four of the Poisons List applies	1.5 grammes
Fentanyl	30 milligrammes
Heroin	500 milligrammes
Hydrocodone	750 milligrammes
Hydromorphinol	750 milligrammes
Hydromorphone	250 milligrammes
Levorphanol	250 milligrammes
Lysergide	4 milligrammes
Lysergic acid, lysergide, bufotenine, N,N-dimethyltryptamine, psilocin, psilocybine and their derivatives having hallucinogenic properties	10 discrete dosage units
Mescaline	7 grammes
Mescaline, 2,5-dimethoxy-4-methylamphetamine and other substances structurally derived from methoxyphenylethylamine having hallucinogenic properties	10 discrete dosage units
Methadone	1.5 grammes
Methylamphetamine	500 milligrammes
Methylphenidate	500 milligrammes
Metopon	300 milligrammes
Morphine except where Schedule One of the Poisons List applies	500 milligrammes
Normethadone	375 milligrammes
Opium	5 grammes
Oxycodone	1.5 grammes
Oxymorphone	250 milligrammes
Pethidine	5 grammes
Phenadoxone	2.5 grammes
Phenazocine	250 milligrammes
Phenmetrazine	2.5 grammes
Phenoperidine	250 milligrammes
Pholcodine except where Schedule Two or Four of the Poisons List applies	750 milligrammes
Piminodine	2.5 grammes
Psilocin	100 milligrammes
Psilocybine	100 milligrammes
Tetrahydrocannabinol	40 cigarettes each containing any proportion of tetrahydrocannabinol
Trimeperidine	3 grammes

SECOND SCHEDULE

Form 1

Western Australia

Police Act, 1892

CERTIFICATE OF ANALYSIS

Analysis Register No. .....

I, ..., an Analyst duly appointed under the provisions of the Health Act, 1911, hereby certify that the seal on the sample of .... received by me from ..... on the ..... day of ....., 19..., and marked ....., was unbroken.

I further certify, that I have analysed the said sample, and that the result of such analysis is as follows:

.....

.....

Signed the ..... day of ....., 19....

(Analyst's signature)
(Address)

Form 2

FORM OF WARRANT

TO WIT

To:

WHEREAS it appears to me ..... A Justice of the Peace, by the complaint on oath of ..... of ..... in the State ....., pursuant to the provisions of Section 94D Sub-section 2 of the Police Act, 1892-1969 that there is reasonable ground for suspecting that in the house or premises situated at .... in the State.

.....

.....

.....

.....

.....

.....

.....

.....

This is therefore to authorize and require you with such assistants as may be necessary to enter into and upon and search such house or premises at any time during the day or night and there to open or break open if necessary and search all things found therein or thereon and to search all persons found therein or thereon and if necessary to use force in making such entry into or upon such house or premises whether by breaking open doors or otherwise, and to arrest and bring before a stipendiary magistrate or two Justices of the Peace all persons found therein or thereon and seize all substances and preparations found in or on such house or premises, or in the possession or under the control of any person therein as may reasonably be suspected of being or containing a drug or are in contravention of any provision of Part VI-A or Part VI-B of the Police Act, 1892-1970, or the regulations made thereunder, and all articles used or capable of being used for the purpose of preparing, taking or administering any drug of addiction or specified drug for the purposes of addiction, and all documents relating to any transaction or dealing that would, if carried out, be an offence against the said Act or regulations, or any corresponding law in force outside the State, to be dealt with according to law:

And for so doing this shall be your Warrant.

Given under my hand at ..... in Western Australia,
this ..... day of ....., 19....

.....

E/NL.1972/32

SOUTH AUSTRALIA

Regulations under the Narcotic and
Psychotropic Drugs Act, 1934-1970

DANGEROUS DRUGS REGULATIONS, 1969-1971

At the Executive Council Office, at Adelaide,
this 25th day of March, 1971

BY virtue of the provisions of the Narcotic and Psychotropic Drugs Act, 1934-1970, and all other enabling powers, I, the Governor of the State of South Australia, with the advice and consent of the Executive Council, hereby make the following regulations.

J.W. HARRISON, Governor

Regulations under the Narcotic and Psychotropic Drugs Act, 1934-1970

1. The regulations made under the Dangerous Drugs Act, 1934-1955, on the 11th day of September, 1969, and published in the Government Gazette of the same day at page 771 and therein referred to as the "Dangerous Drugs Regulations, 1969" 5/ are hereinafter referred to as "the principal regulations".

2. The principal regulations as varied by these regulations may be cited as the "Dangerous Drugs Regulations, 1969-1971".

3. The principal regulations are varied by inserting after the word "goods" in the first line of regulation 43, the words "(cash or documents excepted)".

4. The principal regulations are varied by inserting at the end of regulation 43,I the following passage:

"He shall retain a key or keys on his person while he remains on the premises where such drugs are kept and shall not leave any such key on the premises during his absence therefrom. The cabinet case or other receptacle shall comply with the specifications set out in paragraph IV of this regulation.".

5. The principal regulations are varied by inserting at the end of regulation 43,III the following sentence:

"Such room or cupboard shall be approved (in writing) by the Director-General of Public Health or his nominee and shall provide security equivalent to or better than would be provided in conformity with the specifications contained in paragraph IV of this regulation.".

6. The principal regulations are varied by inserting at the end of regulation 43 the following paragraph:

"IV (1) For the purposes of this regulation, the cabinet, case or other receptacle (hereinafter referred to as "the safe") shall conform with the following specifications, it shall:

(a) be constructed of black mild steel plate built not less than three-eighths of an inch thick;

(b) be constructed with continuous welding of all edges;

(c) be fitted with a door constructed of mild steel plate not less than three-eighths of an inch thick, the door being flush fitting with a clearance around the door of not more than one-sixteenth of an inch;

(d) have a fixed locking bar welded to the inside face of the door near the hinged edge which engages in a rebate in the safe body when the door is closed;

(e) be fitted with a five lever keylock or locking mechanism providing at least equivalent security either of which must be securely affixed to the rear face of the door;

(f) be attached to the wall or floor of the premises in accordance with subparagraph (g) or (h) of this paragraph;

(g) where mounted on a brick or concrete wall or floor be attached to such wall or floor by means of suitably sized expanding bolts through holes three-eighths of an inch in diameter drilled in the rear or bottom of the safe;

(h) where mounted on a timber frame wall or floor be attached to such wall or floor frame by means of suitably sized coach screws through holes three-eighths of an inch in diameter drilled in the rear or bottom of the safe;

(i) where the wall or floor is constructed of material other than brick or concrete or with other than a timber frame be attached to such wall floor or frame in such manner as may be approved in writing by the Director-General of Public Health or his nominee.

(2) If the Director-General of Public Health or his nominee is satisfied that any safe provides equivalent or better security than one conforming with these specifications he may give written approval for the use of such safe.".

7. These regulations shall not come into operation until three calendar months after the date of publication of these regulations in the Government Gazette.

And the Honourable the Chief Secretary is to give the necessary directions herein accordingly.

K. FLEMING, Acting Clerk of the Council

D.P.H., 1024/1970

E/NL.1972/33

SOUTH AUSTRALIA

Regulations under the Narcotic and
Psychotropic Drugs Act, 1934-1970

DANGEROUS DRUGS REGULATIONS, 1969-1971

At the Executive Council Office, at Adelaide,
this 25th day of November, 1971

BY virtue of the provisions of the Narcotic and Psychotropic Drugs Act, 1934-1970, and all other enabling powers, I, the Lieutenant-Governor of the State of South Australia, with the advice and consent of the Executive Council, hereby make the following regulations.

J.M. NAPIER, Lieutenant-Governor

Regulations under the Narcotic and Psychotropic Drugs Act, 1934-1970

1. The regulations made under the Dangerous Drugs Act, 1934-1955, on the 11th day of September, 1969, and published in the Government Gazette on the same day at page 771 and therein referred to as the "Dangerous Drugs Regulations, 1969" 5/ are hereinafter referred to as "the principal regulations".

2. The principal regulations as varied by these regulations may be cited as the "Dangerous Drugs Regulations, 1969-1971".

3. The principal regulations are varied by inserting the following regulation at the end of regulation 26.

Amphetamines

"26A. The following additional conditions shall apply to:

Amphetamine	Dexamphetamine
Methamphetamine	Methylphenidate
Phenmetrazine	

their salts and any preparation, admixture, extract or other substance containing any proportion thereof.

(1) A person other than a medical practitioner shall not issue a prescription for, or order or direct the therapeutic use of or supply in the course of practice any drug to which this regulation applies.

(2) A medical practitioner shall not sell or supply or issue a prescription for any drug to which this regulation applies unless:

(a) the drug is for the treatment of narcolepsy or a hyperkinetic brain damaged child; or

(b) he has the authority, in writing, of the Director-General of Public Health.

(3) A prescription issued in accordance with paragraph (a) of sub-regulation (2) shall be endorsed by the medical practitioner with the words "written in accordance with the provisions of Regulation 26A" or words to that effect.

(4) A prescription issued in accordance with paragraph (b) of sub-regulation (2) shall have attached thereto the authority, in writing, of the Director-General of Public Health.

(5) A person shall not dispense a prescription for a drug to which this regulation applies unless that prescription complies fully with the requirements of this part of the regulations and of this regulation."

4. The principal regulations are varied by inserting the following regulation at the end of regulation 50.

Prescribed Quantities

"51. The following quantities of the drugs listed are prescribed for the purposes of subsection (4) of section 5 of the Act.

Substance	Prescribed Quantity (calculated as the base substance)
Acetyldihydrocodeine except in preparations to which Part IV of the regulations apply	0.5 grammes
Acetylmethadol 3/	0.5 grammes
Alphacetylmethadol	2.0 grammes
Alphameprodine	0.05 grammes
Alphaprodine	3.0 grammes
Amphetamine	0.5 grammes
Anileridine	2.5 grammes

Substance	Prescribed Quantity (calculated as the base substance)
Benzylmorphine	1.5 grammes
Betaprodine	1.25 grammes
Cocaine except in preparation to which Part IV of these regulations apply	0.5 grammes
Coca Leaf	200 grammes
Codeine except in preparations to which Part IV of these regulations apply	3.0 grammes
Desomorphine	0.05 grammes
Dexamphetamine	0.5 grammes
Dextromoramide	1.0 grammes
Diethylthiambutene	1.0 grammes
N,N-Diethyltryptamine	3.0 grammes
Dihydrocodeine except in preparations to which Part IV of these regulations apply	3.0 grammes
Dimethylthiambutene	5.0 grammes
N,N-Dimethyltryptamine	0.7 grammes
Diphenoxylate except in preparations to which Part IV of these regulations apply	1.0 grammes
Dipipanone	2.5 grammes
Ethylmethylthiambutene	2.5 grammes
Ethylmorphine except in preparations to which Part IV of these regulations apply	1.5 grammes
Fentanyl	0.03 grammes
Heroin	0.05 grammes
Hydrocodone	0.75 grammes
Hydromorphinol	0.75 grammes
Hydromorphone	0.25 grammes
Indian Hemp, excluding the separated resin	25.0 grammes
Indian Hemp resin	5.0 grammes
Indian Hemp	40 cigarettes each containing any proportion of Indian Hemp
Isomethadone	1.0 grammes
Levophenacylmorphan	0.15 grammes
Levorphanol	0.225 grammes
(+) - Lysergide	0.004 grammes
Mescaline	7.0 grammes
Methadone	0.5 grammes
Methamphetamine	0.5 grammes
Methylphenidate	0.5 grammes

Substance	Prescribed Quantity (calculated as the base substance)
Metopon	0.3 grammes
Morphine except in preparations to which Part IV of these regulations apply	0.5 grammes
Myrophine	5.0 grammes
Nicocodine	0.5 grammes
Normethadone	1.0 grammes
Normorphine	20.0 grammes
Opium except in preparations to which Part IV of these regulations apply	5.0 grammes
Oxycodone	1.5 grammes
Oxymorphone	0.5 grammes
Pethidine	5.0 grammes
Phenadoxone	2.5 grammes
Phenazocine	0.25 grammes
Phenmetrazine	1.25 grammes
Phenoperidine	0.25 grammes
Pholcodine except in preparations to which Part IV of these regulations apply	0.75 grammes
Piminodine	2.5 grammes
Properidine	25.0 grammes
Psilocine	0.1 grammes
Psilocybine	0.1 grammes
Racemethorphan	1.5 grammes
Racemoramide	2.0 grammes
Racemorphan	0.45 grammes
Tetrahydrocannabinol	40 cigarettes each containing any proportion of tetrahydrocannabinol
Thebacon	0.5 grammes
Thebaine	0.75 grammes
Trimeperidine	3.0 grammes "

And the Honourable the Chief Secretary is to give the necessary directions herein accordingly.

W.F. ISBELL, Clerk of the Council

D.P.H., 362/1969

E/NL.1972/34

Government Gazette
19 August 1971

SOUTH AUSTRALIA

NARCOTIC AND PSYCHOTROPIC DRUGS ACT, 1934-1970:
APPLICATION TO CERTAIN DRUGS

SOUTH AUSTRALIA) Proclamation by His Excellency the Governor of the State of
to wit) South Australia
J.W. HARRISON
[L.S.]

BY virtue of the provisions of the Narcotic and Psychotropic Drugs Act, 1934-1970, 6/ and all other enabling powers, I, the said Governor, with the advice and consent of the Executive Council, do hereby declare that the derivatives, alkaloids, drugs or substances listed in the following schedules shall be drugs to which the provisions of the said Act shall apply:

SCHEDULE I

International non-proprietary name	Other non-proprietary or trivial names	Chemical name
1.	DET	N,N-diethyltryptamine
2.	DMHP	3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo (b,d) pyran-1-ol
3.	DMT	N,N-dimethyltryptamine
4. (+)-Lysergide	LSD, LSD-25	(+)-N,N-diethyllysergamide (d-lysergic acid diethylamide)
5.	mescaline	3,4,5-trimethyoxyphenethylamine
6.	parahexyl	3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo (b,d) pyran-1-ol
7.	psilocine, psilotsin	3-(2-dimethylaminoethyl)indol-4-ol
8. Psilocybine 3/		3-(2-dimethylaminoethyl)indol-4-yl dihydrogen phosphate
9.	STP, DOM	2,5-dimethoxy-4-methylphenethylamine
10.	tetrahydrocannabinols, all isomers	3-pentyl-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H, dibenzo (b,d) pyran-1-ol

11. The salts of the drugs listed in this schedule whenever the existence of such salts is possible.

12. Any preparation, admixture, extract or other substance containing any proportion of the drugs listed in this schedule.

6/ Note by the Secretariat: E/NL.1956/111; E/NL.1971/10

SCHEDULE II

International non-proprietary name	Chemical name
1. Amphetamine	(±)-a-methylphenethylamine
2. Dexamphetamine	(+)-a-methylphenethylamine
3. Methamphetamine	(±)-N-a-dimethylphenethylamine
4. Methylphenidate	a-phenyl-2-piperindineacetic acid methyl ester
5. Phencyclidine	1-(1-phenylcyclohexyl)piperidine
6. Phenmetrazine	3-methyl-2-phenylmorpholine

7. The salts of the drugs listed in this schedule whenever the existence of such salts is possible.

8. Any preparation, admixture, extract or other substance containing any proportion of the drugs listed in this schedule.

Given under my hand and the public seal of South Australia, at Adelaide, this 19th day of August, 1971.

By command,

J.D. CORCORAN, for Chief Secretary

D.P.H., 519/1969

E/NL.1972/35

VICTORIA

POISONS (AMENDMENT) ACT 1971

No. 8233

An Act to amend Sections 5 and 56 of the Poisons Act 1962

14th December, 1971

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

Short title 1. (1) This Act may be cited as the Poisons (Amendment) Act 1971.

(2) In this Act the Poisons Act 1962[7] is called the Principal Act.

Principal Act No.6889. Reprinted to No.7588. Subsequently amended by No.7703

2. Sub-section (2) of section 5 of the Principal Act is hereby amended as follows:

Amendment of No.6889 s.5(2).

(a) For paragraph (b) there shall be substituted the following paragraph:

"(b) two shall be teachers or lecturers one in pharmacology or materia medica and one in veterinary science each appointed after consultation by the Minister with the Council of a University in Victoria;";

(b) At the end of paragraph (h) there shall be inserted the word "and";

(c) In paragraph (i) for the expression "Department of Health; and" there shall be substituted the expression "Department of Health."; and

(d) Paragraph (j) shall be repealed.

3. For section 56 of the Principal Act there shall be substituted the following section:

Amendment of No.6889. New section 56.

"56. (1) In any legal proceedings for an offence against this Act the production of a certificate purporting to be signed by an analyst or by a botanist with respect to any analysis or examination made by him shall, without proof of the signature of the person appearing to have signed the certificate or that he is an analyst or botanist (as the case requires) be sufficient evidence:

Special provisions re evidence of analysts and botanists.

(a) in the case of a certificate purporting to be signed by an analyst, of the identity of the thing analysed, of the result of the analysis and of the matters relevant to such proceedings stated in the certificate; and

(b) in the case of the certificate purporting to be signed by a botanist, of the identity of the thing examined.

(2) The provisions of sub-section (1) do not apply:

(a) if a copy of the certificate was not served on the defendant at least seven days before the hearing; or

(b) if the defendant, at least three days before the hearing, gave notice in writing personally or by post to the informant and to the analyst or botanist (as the case requires) that he requires the analyst or botanist to attend as a witness.

7/ Note by the Secretariat: E/NL.1963/42

(3) Service of a copy of a certificate for the purposes of this section may be proved:

(a) in any manner in which service of a summons may be proved; or

(b) where the certificate was served with the summons and proof of service of the summons is by affidavit, by stating in the affidavit that a copy of the certificate was served with the summons.

(4) Where an analysis or examination has been carried out for the purpose of any legal proceedings for an offence against this Act the court may, in addition to any other order as to costs, make such order as it thinks proper:

(a) as to the expenses of and remuneration to be paid for the analysis or examination; and

(b) where the analyst or botanist has been required by the defendant to attend as a witness, as to the conduct money of the analyst or botanist.

(5) In this section:

"Analyst" means a person employed by the Government of Victoria as an analyst or a person approved for the time being as an analyst under the Health Act 1958 or any corresponding previous enactment for the analysis of food or drugs;

"Botanist" means the Government Botanist or a person employed by the Government of Victoria as a botanist and authorized for the purposes of this section by the Government Botanist."

E/NL.1972/36

Statutory Rules 1971
No.8.

VICTORIA

Poisons Act 1962 (No.6889)

DRUGS OF ADDICTION AND RESTRICTED SUBSTANCES REGULATIONS 1971 (No.1.)

At the Executive Council Chamber, Melbourne, the nineteenth day of January, 1971

PRESENT:

His Excellency the Governor of Victoria

Mr. Hamer Mr. Meagher
Mr. Smith

PURSUANT to the powers conferred by Sections 37 and 63 of the Poisons Act 1962 7/ (No.6889) and all other powers enabling him in that behalf, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, hereby makes the following regulations:

1. (1) These Regulations may be cited as the Drugs of Addiction and Restricted Substances Regulations 1971 (No.1).

(2) In these Regulations the Drugs of Addiction and Restricted Substances Regulations 1966 8/ are called the Principal Regulations.

2. In Regulation 2 of the Principal Regulations after the definition of the word Act there shall be inserted the following definitions:

" "black mild steel" means the steel which has reached the stage in the steelmaking process commonly called the black mild steel stage.

"movement return" means the return headed Report on Movements of Drugs of Addiction.".

3. For paragraph (c) of sub-regulation (1) of Regulation 8 of the Principal Regulations there shall be substituted the following paragraph:

"(c) each week prepare and forward to the Chief Health Officer a movement return, in duplicate, setting out with respect to seven day period ended at midnight on the Saturday last past details in the following form using the code provided by the Chief Health Officer of the movements of each drug of addiction held in stock or that may have been held in stock during the period stated.

REPORT ON MOVEMENTS OF DRUGS OF ADDICTION

Date

Office Use

Rep. Auth. No.:	Reporting Authority:	R
Report for: Year 19 / Week		P
		V

Entry No.	Drug Code	No. of Units	Move Code	Account No.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

8/ Note by the Secretariat: E/NL.1967/25

4. For paragraph (c) of sub-regulation (1) of Regulation 9 of the Principal Regulations there shall be substituted the following paragraph:

"(c) each week prepare and forward to the Chief Health Officer a movement return, in duplicate, setting out with respect to the seven day period ended at midnight on the Saturday last past details in the following form using the code provided by the Chief Health Officer of the movements of each drug of addiction held in stock or that may have been held in stock during the period stated.

REPORT ON MOVEMENTS OF DRUGS OF ADDICTION

Date

Office Use

Rep. Auth. No.:	Reporting Authority:	R
Report for: Year 19 / Week		P
		V

Entry No.	Drug Code	No. of Units	Move Code	Account No.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

5. For Regulation 11 of the Principal Regulations there shall be substituted the following Regulation:

"11. Every pharmaceutical chemist who is carrying on the business of a retail pharmaceutical chemist shall ensure:

(a) that all drugs of addiction in his possession are stored in a locked safe or cupboard kept solely for that purpose.

(b) that the key of such safe or cupboard is kept in his possession or in the possession of another pharmaceutical chemist.".

6. Immediately after Regulation 11 of the Principal Regulations there shall be inserted the following Regulation:

"11A. (1) For the purposes of these Regulations a safe or cupboard shall:

(a) be constructed of black mild steel plate not less than three-eighths of an inch thick;

(b) be constructed with continuous welding of all edges;

(c) be fitted with a door constructed of black mild steel plate not less than three-eighths of an inch thick, swung on hinges welded to the door and body of the cupboard, the door being flush fitting with a clearance around the door of no more than one-sixteenth of an inch;

(d) have a fixed locking bar, welded to the inside face of the door near the hinge edge, which engages in a rebate in the cupboard body when the door is closed;

(e) be fitted with a five lever keylock or locking mechanism providing at least equivalent security, securely affixed to the rear face of the door;

(f) be securely attached to a wall or floor provided that:

(i) where the wall and the floor are constructed of brick or concrete, the fixing shall be to the wall or the floor by means of suitably sized expanding bolts through holes three-eighths of an inch in diameter drilled in the rear or bottom of the safe or cupboard;

(ii) where the wall only is constructed of brick or concrete, the fixing shall be to the wall by means of suitably sized expanding bolts through holes three-eighths of an inch in diameter drilled in the rear of the safe or cupboard;

(iii) where the wall is of timber construction but the floor is constructed of brick or concrete, the fixing shall be to the floor by means of suitably sized expanding bolts through holes three-eighths of an inch in diameter drilled in the bottom of the safe or cupboard;

(iv) where neither a floor nor a wall constructed of brick or concrete is available, the fixing shall be to the timber frame of the wall or the timber frame of the floor by a method that will ensure that the safe or cupboard cannot be easily removed from the wall or floor.

(2) An under the floor type of safe meeting the following requirements shall be deemed to have met the security specifications as detailed in sub-regulation (1) of this Regulation if the:

(i) container and neck is constructed of black mild steel plate;

(ii) container and neck is embedded in reinforced concrete; and

(iii) safe has a substantial closure fitted with a five lever keylock or other locking mechanism providing at least equal security, or alternatively a keyless combination lock.

(3) Another type of safe, cupboard or receptacle which the Chief Health Officer is satisfied provides storage of a standard of security at least equivalent to that prescribed by sub-regulation (1) of this Regulation and is approved by him for the storage of drugs of addiction shall be deemed to comply with the new sub-regulation (1).

7. For Regulation 53 of the Principal Regulations there shall be substituted the following Regulation:

"53. Every pharmaceutical chemist-in-charge shall ensure:

(a) that all drugs of addiction stored in the pharmacy department are stored in a locked safe or cupboard kept solely for that purpose;

(b) that such safe or cupboard complies in all respects with the requirements of Regulation 11A of these Regulations; and

(c) that the key of such safe or cupboard is kept in his possession or in the possession of another pharmaceutical chemist, medical practitioner or dentist.

8. For Regulation 54 of the Principal Regulations there shall be substituted the following Regulation:

"54. (1) Every drug of addiction stored in any ward shall be stored in a cupboard kept solely for that purpose.

(2) Such cupboard shall be kept locked at all times and shall be constructed in such a manner as to provide, in the opinion of the Chief Health Officer, adequate security precautions.

(3) The key of such cupboard shall be kept by the person in charge of the ward.".

9. Immediately after Regulation 63 of the Principal Regulations there shall be inserted the following Regulation:

"63A. A person shall not administer any drug of addiction to any patient in a hospital named in an Authority issued pursuant to Regulation 61 hereof except on the authorization in writing of a medical practitioner.".

10. Immediately after Regulation 65 of the Principal Regulations there shall be inserted the following Regulations:

"65A. Every person nominated in an authority issued pursuant to Regulation 61 hereof shall ensure:

(a) that except as provided for in Regulation 65B hereof all drugs of addiction held by the hospital where he is employed are stored in a locked safe or cupboard kept solely for that purpose in the central drug storage area from which supplies are distributed;

(b) that such safe or cupboard complies in all respects with the requirements of Regulation 11A of these Regulations; and

(c) that the key of such safe or cupboard is kept in his possession.

"65B. Where a hospital named in an authority issued pursuant to Regulation 61 hereof has more than one ward, drugs of addiction sufficient in the opinion of the person nominated in such authority for the needs of each ward may be stored in each ward if:

(a) the drugs of addiction are stored in a cupboard kept solely for that purpose;

(b) the cupboard is kept locked at all times and is constructed in such a manner as to provide, in the opinion of the Chief Health Officer, adequate security precautions; and

(c) the key of such cupboard is kept in the possession of the person in charge of the ward.".

11. For Regulation 70 of the Principal Regulations there shall be substituted the following Regulation:

"70. The veterinary surgeon-in-charge at any hospital within the meaning of this Division shall ensure:

(a) that all drugs of addiction stored at such hospital are stored in a locked safe or cupboard kept solely for that purpose;

(b) that such safe or cupboard complies in all respects with the requirements of Regulation 11A of these Regulations; and

(c) that the key of such safe or cupboard is kept in his possession or in the possession of another veterinary surgeon or a pharmaceutical chemist, medical practitioner or dentist.

And the Honorable John Frederick Rossiter, Her Majesty's Minister of Health for the State of Victoria, shall give the necessary directions herein accordingly.

J. ROSSITER,
Clerk of the Executive Council

E/NL.1972/37

Statutory Rules 1971
No.42

VICTORIA

Poisons Act 1962 (No.6889)

POISONS (LICENSING) REGULATIONS 1971

At the Executive Council Chamber, Melbourne, the twenty-third day of February, 1971

PRESENT:

His Excellency the Governor of Victoria

Mr. Reid Mr. Thompson

PURSUANT to the powers conferred by section 63 of the Poisons Act 1962 7/ (No.6889) and all other powers enabling him in that behalf, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, hereby makes the following Regulations:

1. (1) These Regulations may be cited as the Poisons (Licensing) Regulations 1971.

(2) In these Regulations the "Poisons Regulations 1963" are called the Principal Regulations.

2. These Regulations shall come into effect on the 1st March, 1971.

3. For Regulation 17 of the Principal Regulations there shall be substituted the following Regulation:

"17. The fee to be paid for the granting or renewal of a licence or permit shall be as prescribed hereunder and such fee shall be paid at the time of making application for the granting or renewal of such licence or permit.

	Licence or Permit	$
(a)	Licence to Manufacture Poisons or Deleterious Substances (other than Drugs of Addiction)	100
(b)	Licence to Manufacture Drugs of Addiction	100
(c)	Licence to Sell Poisons or Deleterious Substances by Wholesale (other than Drugs of Addiction)	100
(d)	Licence to Sell Drugs of Addiction by Wholesale	100
(e)	Licence as a General Dealer in Poisons	10
(f)	Poisons Licence to Sell Certain Poisons or Deleterious Substances Listed in Schedule Five or Schedule Six to the Poisons Act 1962 .	5
(g)	Industrial Permit	10 "

And the Honorable John Frederick Rossiter, Her Majesty's Minister of Health for the State of Victoria, shall give the necessary directions herein accordingly.

J. ROSSITER,
Clerk of the Executive Council

E/NL.1972/38

Victoria Government Gazette, No.94
13 October 1971

VICTORIA

POISONS ACT 1962 (No.6889)

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia,

WHEREAS by Section 4 of the Poisons Act 1962 7/ it is amongst other things enacted that the Governor in Council may by Proclamation published in the Government Gazette, amend any of Schedules One, Two, Three, Four, Five, Six, Seven or Eight to such Act by adding to any such Schedules or removing therefrom any item:

Now therefore, I, the Governor of the State of Victoria in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, by virtue of the provisions of the said Section and all other enabling powers, do by this Proclamation:

. . . . . 2/

PHENCYCLIDINE

. . . . . .

5. Amend Schedule Seven to the said Act by removing therefrom the following item:

MESCALINE

and by adding thereto the following items:

ETHYL 4-(METHYLTHIO)-M-TOLYL-ISOPROPYLPHOSPHORAMIDATE

MESCALINE, 2, 5-Dimethoxy-4-Methylamphetamine and other substances structually derived from methoxyphenyl-ethylamine having hallucinogenic properties.

METHAMIDOPHOS

6. Amend Schedule Eight to the said Act by adding thereto the following item:

PROPIRAM

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this eleventh day of October, in the year of our Lord One thousand nine hundred and seventy-one, and in the twentieth year of the reign of Her Majesty Queen Elizabeth II.

(L.S.) ROHAN DELACOMBE

By His Excellency's Command,

J.F. ROSSITER
Minister of Health

E/NL.1972/39

Government Gazette No.5
15 January 1971 (1971-No.4)

NEW SOUTH WALES

REGULATIONS

POISONS ACT, 1966

(5222) Department of Public Health, Sydney, 30th December, 1970.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to amend the Regulations under the Poisons Act, 1966, 9/ published in the Government Gazette No.107 of 6th October, 1967, in the manner set forth hereunder.

A.H. JAGO, Minister for Health

The Regulations are amended:

(a) by inserting next after regulation 31 the following new regulation:

31A. The quantities specified in Appendix E to these regulations in respect of prescribed restricted substances are prescribed for the purpose of subsection two of section 18A of the Act.

(b) by inserting next after regulation 31A the following new regulation:

31B. A person shall not administer to himself or to any other person a restricted substance prescribed for the purpose of section sixteen of the Act for any purpose other than:

(a) for use in the course of medical treatment prescribed for himself or for such other person by a medical practitioner; or

(b) for use in the course of dental treatment prescribed for himself or for such other person by a dentist.

(c) (i) by omitting from paragraph (1) of regulation 55 the words "A person authorized to manufacture, sell, distribute, supply or" and by inserting in lieu thereof the words "Except as provided in paragraph (1A) of this regulation, a person authorized to";

(ii) by inserting next after paragraph (1) the following new paragraphs:

(1A) Any pharmacist authorized under regulation fifty-four to be in possession of any drug of addiction, and any pharmacist, matron or medical superintendent or person acting in the capacity of matron or medical superintendent authorized under regulation fifty-three to be in possession of any drug of addiction at a public hospital or other public institution shall, on and after 1st May, 1971, keep any such drugs in his possession in a separate safe apart from other goods (cash or documents excepted) conforming to the specifications in paragraph (1B) of this regulation or in a safe which appears to the Under Secretary or a person approved by him to provide equivalent security and is approved by him for this purpose. Such authorized person shall keep such safe securely locked when such drugs are not in immediate use, and shall retain any key for such safe on his person while he remains on the premises where such drugs are kept and shall not leave any such key on the premises during his absence therefrom.

(1B) For the purpose of paragraph (1A) of this Regulation, a safe shall:

(a) be constructed of black mild steel plate not less than three-eighths of an inch thick;

(b) be constructed with continuous welding of all edges;

9/ Note by the Secretariat: E/NL.1967/23

(c) be fitted with a door constructed of mild steel plate not less than three-eighths of an inch thick, the door being flush fitting with a clearance around the door of not more than one-sixteenth of an inch;

(d) have a fixed locking bar, welded to the inside face of the door near the hinged edge, which engages in a rebate in the safe body when the door is closed;

(e) be fitted with a five lever keylock, or locking mechanism providing at least equivalent security, securely affixed to the rear face of the door;

(f) be attached to the wall or floor of the premises in accordance with subparagraph (g) or (h) hereof;

(g) where the wall or floor on which the safe is mounted is constructed of brick or concrete, be attached to such wall or floor by means of suitable sized expanding bolts through holes three-eighths of an inch in diameter drilled in the rear or bottom of the safe;

(h) where the wall or floor on which the safe is mounted is constructed with a timber frame, be attached to such wall or floor frame by means of suitable sized coachscrews through holes three-eighths of an inch in diameter drilled in the rear or bottom of the safe;

(i) where the wall or floor is constructed of material other than brick or concrete, or with other than a timber frame, be attached to such wall, floor or frame in such manner as may be approved by the Under Secretary or a person approved by him.

(d) by inserting in subparagraph (b) of paragraph (3) of regulation 58 after the words "medical practitioner" wherever occurring the word ", dentist";

(e) (i) by inserting in paragraph (1) of regulation 62 after the words "a medical practitioner authorized under these regulations to be in possession of drugs of addiction," the words "a dentist similarly authorized";

(ii) by inserting in paragraph (2) of the same regulation after the words "medical practitioner" where firstly occurring the word ", dentist";

(iii) by inserting in subparagraph (c) of the same paragraph after the words "medical practitioner" the word ", dentist";

(iv) by omitting from clause (i) of subparagraph (d) of the same paragraph the word "or";

(v) by inserting at the end of subparagraph (d) of the same paragraph the following word and new clause:

; or

(iii) by a dentist only for the supply of the drug of addiction for use in the course of dental treatment, for a period not exceeding one month, of a patient in a hospital;

(vi) by inserting in subparagraph (e) of the same paragraph after the words "medical practitioner" the word ", dentist".

(f) by omitting regulation 62A and by inserting in lieu thereof the following regulations:

62A. (1) The following drugs of addiction are prescribed for the purposes of paragraph (c) of section twenty-eight of the Act:

amphetamine;

methylamphetamine;

phenmetrazine.

(2) Subject to paragraph (3) of this regulation a medical practitioner shall not prescribe for or supply to a person any of the drugs prescribed in paragraph (1) of this regulation unless:

(a) he so prescribes or supplies that drug for the therapeutic use of a person diagnosed as suffering from narcolepsy or the brain damaged child syndrome and any prescription so issued is endorsed with the words "written in accordance with the provisions of regulation 62A" or words to that effect; and

(b) the period for which the drug is to be so prescribed or supplied for such therapeutic use does not exceed:

(i) a continous period of two months; or

(ii) a period which, together with any other period for which that drug has, to the knowledge of such medical practitioner, been prescribed or supplied by any other medical practitioner, would result in that drug being prescribed continuously for a period of two months.

(3) An application for the authority of the Director-General under section twenty-nine of the Act to prescribe or supply any of the drugs prescribed in paragraph (1) of this regulation otherwise than in accordance with paragraph (2) of this regulation shall be in or to the effect of Form 10 to these regulations.

(4) The Director-General may, at his absolute discretion, suspend or cancel any written authority issued under this regulation.

62B. (1) A dentist shall not prescribe for or supply to a person any of the drugs prescribed in paragraph (1) of regulation 62A.

(2) A veterinary surgeon shall not prescribe for or supply to a person for animal treatment or administer to an animal any of the drugs prescribed in paragraph (1) of regulation 62A.

(g) by inserting in paragraph (3) of regulation 67 after the words "medical practitioner" wherever occurring the words "or dentist";

(h) (i) by inserting in paragraph (4) of regulation 67A after the words "medical practitioner" wherever occurring the words "or dentist";

(ii) by inserting in paragraph (5) of the same regulation after the words "medical practitioner" the words "or dentist";

(i) by omitting regulation 68 and by inserting in lieu thereof the following regulation:

68. A person shall not administer to himself or to any other person a drug of addiction for any purpose other than:

(a) for use in the course of medical treatment prescribed for himself or for such other person by a medical practitioner;

(b) for use in the course of dental treatment prescribed for himself or for such other person by a dentist; or

(c) pursuant to the provisions of regulation sixty or sixty-one.

(j) by inserting next after regulation 68 the following new regulation:

Prescribed Quantities of Addictive and Prohibited Substances

68A. The quantities specified in Appendix E to these regulations in respect of drugs of addiction, prohibited drugs or addictive or prohibited substances are prescribed for the purpose of subsection four of section 45A of the Act.

(k) by inserting in paragraph (4) of regulation 70 after the words "medical practitioner" the word ", dentist";

(l) by inserting in paragraph (2) of regulation 72 after the words "medical practitioner" the word ", dentist";

(m) by inserting in Form 7 after the words "substances to which Schedule Eight of the Poisons List applies" the words ", other than prepared opium and Indian hemp";

(n) by inserting next after Appendix D to the regulations the following new Appendix:

APPENDIX E

PRESCRIBED QUANTITIES OF PRESCRIBED RESTRICTED SUBSTANCES, DRUGS OF ADDICTION, PROHIBITED DRUGS AND ADDICTIVE AND PROHIBITED SUBSTANCES

Substance	Prescribed quantity
Acetyldihydrocodeinone	500 milligrammes
Alphaprodine 3/	3 grammes
Amphetamine	500 milligrammes
Anileridine	2.5 grammes
Barbituric acid and substances structurally derived therefrom except where Schedule Three of the Poisons List applies	30 grammes
Bufotenine	700 milligrammes
Cocaine	500 milligrammes
Codeine except where Schedule Two or Four of the Poisons List applies	3 grammes
Dextromoramide	1 gramme
Dihydrocodeine except where Schedule Two or Four of the Poisons List applies	3 grammes
N,N-Dimethyltryptamine	700 milligrammes
Diphenoxylate except where Schedule Four of the Poisons List applies	1 gramme

Substance	Prescribed quantity
Dipipanone	2.5 grammes
Ethylmorphine except where Schedule Two or Four of the Poisons List applies	1.5 grammes
Fentanyl	30 milligrammes
Heroin	500 milligrammes
Hydrocodone	750 milligrammes
Hydromorphinol	750 milligrammes
Hydromorphone	250 milligrammes
Indian hemp, excluding the separated resin	25 grammes
Indian hemp resin	5 grammes
Indian hemp	40 cigarettes each containing any proportion of Indian hemp
Levorphanol	250 milligrammes
Lysergide	4 milligrammes
Lysergic acid, lysergide, bufotenine, N,N-dimethyltryptamine, psilocin, psilocybine and their derivatives having hallucinogenic properties	10 discrete dosage units
Mescaline	7 grammes
Mescaline, 2,5-dimethoxy-4-methylamphetamine and other substances structurally derived from methoxyphenyl-ethylamine having hallucinogenic properties	10 discrete dosage units
Methadone	1.5 grammes
Methylamphetamine	500 milligrammes
Methylphenidate	500 milligrammes
Metopon	300 milligrammes
Morphine except where Schedule One of the Poisons List applies	500 milligrammes
Normethadone	375 milligrammes
Opium	5 grammes
Oxycodone	1.5 grammes
Oxymorphone	250 milligrammes

Substance	Prescribed quantity
Pethidine	5 grammes
Phenadoxone	2.5 grammes
Phenazocine	250 milligrammes
Phenmetrazine	2.5 grammes
Phenoperidine	250 milligrammes
Pholcodine except where Schedule Two or Four of the Poisons List applies	750 milligrammes
Piminodine	2.5 grammes
Psilocin	100 milligrammes
Psilocybine	100 milligrammes
Tetrahydrocannabinol	40 cigarettes each containing any proportion of tetrahydrocannabinol
Trimeperidine	3 grammes

E/NL.1972/40

Government Gazette No.108
1 October 1971

(1971 - No.249)

NEW SOUTH WALES

REGULATIONS

POISONS ACT, 1966

Department of Health, Sydney, 2nd September, 1971

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to amend the Regulations under the Poisons Act, 1966, 9/ and published in Government Gazette No.107 of 6th October, 1967, in the manner set forth hereunder.

A.H. JAGO, Minister for Health

The Regulations are amended:

(a) by omitting from the first column of Appendix E the following matter:

Acetyldihydrocodeinone	500 milligrammes
Heroin	500 milligrammes;

(b) by inserting in the first column of the same Appendix in appropriate alphabetical order the following matter:

Diamorphine (also known as heroin)	500 milligrammes
Thebacon 3/	500 milligrammes.

(746)

E/NL.1972/41

TASMANIA

DANGEROUS DRUGS

No.2 of 1971

DANGEROUS DRUGS ACT 1971

AN ACT to amend the Dangerous Drugs Act 1959 and the Police Offences Act 1935

(29 April 1971)

ANALYSIS

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short title and citation

1. (1) This Act may be cited as the Dangerous Drugs Act 1971.

(2) The Dangerous Drugs Act 1959,10/ as subsequently amended, is in this Act referred to as the Principal Act.

10/ Note by the Secretariat: E/NL.1960/77

2. Section two of the Principal Act is amended:

(a) by inserting in subsection (1) thereof, after the definition of "medicinal opium", the following definition: Interpretation

"'opium poppy' means the plant of the species Papaver somniferum L;";

(b) by adding at the end of the definition of "raw narcotic" in that subsection the words "and, for the purposes of sections ten and eighteen, includes the opium poppy and any part of the opium poppy other than the seed thereof"; and

(c) by adding at the end of that subsection the following definition:

"'sell' means sell (whether by wholesale or retail) and includes:

(a) offer or expose for sale;

(b) barter or exchange;

(c) deal in or agree to sell;

(d) send, forward, deliver, or receive for sale or on sale; and

(e) authorize, direct, cause, permit, or suffer any of those acts or things to be done.".

3. Section five of the Principal Act is repealed and the following section is substituted therefor:

"5. (1) No person shall: Sale, etc. of dangerous drugs prohibited

(a) sell or supply a dangerous drug to another person; or

(b) traffic in a dangerous drug,

unless he is, or is acting as the servant and under the orders of, a registered manufacturing chemist, a registered wholesale chemist, a registered pharmaceutical chemist, a legally-qualified medical practitioner, or a registered veterinary surgeon.

"(2) A person who contravenes subsection (1) of this section is guilty of a crime and, subject to subsection (3) of this section, is liable to punishment on indictment under the Criminal Code accordingly.

"(3) Notwithstanding section three hundred and eighty-nine of the Criminal Code, a person who is convicted of a contravention of subsection (1) of this section is liable to a fine of four thousand dollars, or to imprisonment for ten years, or to both.

"(4) Upon an indictment under this section, proof that the accused person had in his possession, at the time of the commission of the alleged crime, more than the maximum permissible

quantity of a drug to which the indictment relates is evidence that he had that drug in his possession for the purpose of sale or supply to another person or for the purpose of trafficking in that drug, as the case may be.

"(5) Upon an indictment under this section, the accused person may be convicted of an offence under section six and punished as provided by that section.

"(6) Nothing in this section prohibits the supply of a dangerous drug to a person by a person who is authorized, by or under this Act, to be in possession of, or to use, that dangerous drug.

"(7) In this section, 'maximum permissible quantity', in relation to a drug, means the quantity prescribed by the regulations made under subsection (2) of section eight as the maximum permissible quantity in relation to that drug for the purposes of this section.".

Possession of dangerous drugs

4. Section six of the Principal Act is amended by adding at the end of subsection (1) thereof the words "Penalty: Two thousand dollars or imprisonment for two years, or both.".

Regulations

5. Section eight of the Principal Act is amended by adding at the end of that section the following subsection:

"(2) The regulations under this section may:

(a) prescribe the quantity of any drug, or of any class or description of drugs, that shall be regarded, for the purposes of section five, as the maximum permissible quantity of that drug or, as the case may be, of a drug of that class or description;

(b) prescribe different quantities in relation to different drugs or classes or descriptions of drugs; and

(c) prescribe the drugs to which the regulations relate either specifically or by reference to any international convention referred to in the regulations or to any list of drugs issued by, or by an agency of, the United Nations.".

Powers of inspectors

6. Section ten of the Principal Act is amended by inserting in subsection (1) thereof, before the word "producer", the word "grower,".

Offences

7. Section eleven of the Principal Act is amended:

(a) by omitting from subsection (1) thereof the words "to five" and substituting therefor the words "or four";

(b) by omitting subsection (2) thereof; and

(c) by inserting in paragraph (a) of subsection (3) thereof, before the word "section", the words "subsection (1) of".

8. After section seventeen of the Principal Act the following sections are inserted in Part IV:

Growing of certain plants prohibited except under licence.

"17A.(1) No person shall, except under and in accordance with a licence granted, or deemed to have been granted, by the Minister under this section and in accordance with the conditions and restrictions specified in the licence, grow or cultivate:

(a) any opium poppy;

(b) any plant of the genus of the erythroxylaceae from which cocaine can be extracted either directly or by chemical transformation; or

(c) Indian hemp.

Penalty: Two thousand dollars or imprisonment for two years, or both.

"(2) The grant or refusal of a licence under this section lies in the discretion of the Minister.

"(3) A licence under section thirty-four of the Police Offences Act 1935 that was granted to a person before the commencement of this section and is in force at that commencement shall be deemed to have been granted by the Minister under this section.

"(4) In proceedings in respect of an offence against subsection (1) of this section it is a defence for the person charged to prove that at the relevant time he did not know, and had no means of knowing, that the plant to which the proceedings relate was a plant mentioned in paragraph (a), or paragraph (b), or paragraph (c), as the case may be, of that subsection.

Prohibition of possession of opium poppies, etc.

"17B.(1) No person shall have in his possession:

(a) an opium poppy, whether in its original form or not; or

(b) any part of an opium poppy, other than the seed thereof.

unless he is, or is acting as the servant and under the orders of:

(c) a licensed manufacturing chemist;

(d) the holder of a licence under section seventeen A authorizing him to grow or cultivate the opium poppy; or

(e) a person who is engaged, under a contract or arrangement entered into between him and the holder of such a licence, in the transport of opium poppies or any parts thereof from the place where they are grown or cultivated to:

(i) a place where a licensed manufacturing chemist is authorized by his licence to engage in the business of making drugs from opium poppies; or

(ii) a place where, by or on behalf of such a chemist, they are subjected to any treatment or process preparatory to their use in the making of drugs.

Penalty: Two thousand dollars or imprisonment for two years, or both.

"(2) In proceedings in respect of an offence against this section it is a defence for the person charged to prove that at the relevant time he did not know, and had no means of knowing, that the plant to which the proceedings relate was an opium poppy or a part of an opium poppy, as the case may be.".

Amendment of the Police Offences Act 1935

9. Section thirty-four of the Police Offences Act 1935 is repealed.

E/NL.1972/42

TASMANIA

DANGEROUS DRUGS (No.2)

No.74 of 1971

DANGEROUS DRUGS ACT (No.2) 1971

AN ACT to amend the Dangerous Drugs Act 1959.

(26 November 1971)

ANALYSIS

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short title and citation

1. (1) This Act may be cited as the Dangerous Drugs Act (No.2) 1971.

(2) The Dangerous Drugs Act 1959, 10/ as subsequently amended, is in this Act referred to as the Principal Act.

Sale, etc. of dangerous drugs prohibited.

2. Section five of the Principal Act is amended by omitting subsection (7) thereof and substituting therefor the following subsection:

"(7) In this section, 'maximum permissible quantity', in relation to a drug, means the quantity specified in the second column of the schedule opposite the name of that drug in the first column of the schedule.".

The schedule.

3. The Principal Act is amended by adding at the end thereof the following schedule:

"THE SCHEDULE

"(Section 5)

"MAXIMUM PERMISSIBLE QUANTITIES FOR THE PURPOSES OF SECTION 5

FIRST COLUMN Drug	SECOND COLUMN Prescribed quantity
Acetylmethadol 3/	0.5 grammes
Alphacetylmethadol	2.0 grammes
Alphameprodine	0.05 grammes
Alphaprodine	3.0 grammes
Amphetamine	0.5 grammes
Anileridine	2.5 grammes
Benzylmorphine	1.5 grammes
Betaprodine	1.25 grammes
Bufotenine (otherwise than in divided doses)	0.7 grammes
Bufotenine (in divided doses)	10 doses
Cannabis, excluding the separated resin	25.0 grammes
Cannabis resin	5.0 grammes
Cannabis	40 individual preparations containing any proportion of cannabis each of which is capable of being ignited and the smoke therefrom inhaled
Cocaine	0.5 grammes
Coca Leaf	200 grammes
Codeine	3 grammes
Desomorphine	0.05 grammes
Dexamphetamine	0.5 grammes
Dextromoramide	1.0 grammes
Diethylpropion	1.25 grammes
Diethylthiambutene	1 gramme
Diethyltryptamine (otherwise than in divided doses)	3.0 grammes
Diethyltryptamine (in divided doses)	10 doses
Dihydrocodeine	3.0 grammes
Dimethylthiambutene	5.0 grammes
Dimethyltryptamine (otherwise than in divided doses)	0.7 grammes
Dimethyltryptamine (in divided doses)	10 doses
Diphenoxylate	1.0 grammes

FIRST COLUMN Drug	SECOND COLUMN Prescribed quantity
Dipipanone	2.5 grammes
Ethylmethylthiambutene	2.5 grammes
Ethylmorphine	1.5 grammes
Fentanyl	0.03 grammes
Heroin	0.5 grammes
Hydrocodone	0.75 grammes
Hydromorphinol	0.75 grammes
Hydromorphone	0.25 grammes
Hydroxyamphetamine	1.0 grammes
Isomethadone	1.0 grammes
Levomethorphan	0.75 grammes
Levophenacylmorphan	0.15 grammes
Levorphanol	0.225 grammes
Lysergic Acid Diethylamide (otherwise than in divided doses)	0.004 grammes
Lysergic Acid Diethylamide (in divided doses)	10 doses
Mescaline	7.0 grammes
Mescaline (in divided doses)	10 doses
Methadone	0.5 grammes
Methylamphetamine	0.5 grammes
Methylphenidate	0.5 grammes
Metopon	0.3 grammes
Morphine	0.5 grammes
Myrophine	5.0 grammes
Nicocodine	0.5 grammes
Normethadone	1.0 grammes
Normorphine	20.0 grammes
Opium	5 grammes
Oxycodone	1.5 grammes
Oxymorphone	0.5 grammes
Pethidine	5.0 grammes
Phenadoxone	2.5 grammes
Phenazocine	0.25 grammes
Phendimetrazine	3.5 grammes
Phenmetrazine	2.5 grammes
Phenoperidine	0.25 grammes
Phentermine	1.5 grammes

FIRST COLUMN Drug	SECOND COLUMN Prescribed quantity
Pholcodine	0.75 grammes
Piminodine	2.5 grammes
Properidine	25.0 grammes
Psilocin (otherwise than in divided doses)	0.1 grammes
Psilocin (in divided doses)	10 doses
Psilocybin (otherwise than in divided doses)	0.1 grammes
Psilocybin (in divided doses)	10 doses
Racemethorphan	1.5 grammes
Racemoramide	2.0 grammes
Racemorphan	0.45 grammes
Thebacon	0.5 grammes
Thebaine	0.75 grammes
Trimiperidine	3.0 grammes
Tetrahydrocannabinol	40 individual preparations containing any proportion of tetrahydrocannabinol each of which is capable of being ignited and the smoke therefrom inhaled.".

4. Section eight of the Principal Act is amended by omitting subsection (2) thereof. Regulations.

E/NL.1972/43

Tasmanian Government Gazette
23 June 1971

TASMANIA

STATUTORY RULES No.128 of 1971

REGULATIONS UNDER THE DANGEROUS DRUGS ACT 1959

I, The Honourable SIR STANLEY CHARLES BURBURY, Knight Commander of the Most Excellent Order of the British Empire, Administrator of the Government of the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, hereby make the following regulations under the Dangerous Drugs Act 1959. 10/

Dated this fifteenth day of June 1971.

S.C. BURBURY, Administrator.

By His Excellency's Command,

N.D. ABBOTT, Minister for Health and Road Safety.

DANGEROUS DRUGS AMENDMENT REGULATIONS 1971

Short title, citation, and commencement.

1. (1) These regulations may be cited as the Dangerous Drugs Amendment Regulations 1971.

(2) The Dangerous Drugs Regulations 1961,[11/] as subsequently amended, are in these regulations referred to as the Principal Regulations.

(3) Regulations 2, 3, 9, 11 and 12 of these regulations shall take effect on the first day of July 1971.

Dangerous drugs registers to be kept by certain persons.

2. Regulation 3 of the Principal Regulations is amended by adding at the end of sub-regulation (2) the words ", except as provided in sub-regulations (3) and (4) of this regulation and regulation 3A".

3. After regulation 3 of the Principal Regulations the following regulations are inserted:

Ward dangerous drugs registers to be kept in medical institutions.

"3A (1) The person in charge of a medical institution shall ensure that there is kept in the ward or other room in which there is a cupboard or other receptacle of a kind referred to in paragraph (b) of sub-regulation (4) of regulation 13 a dangerous drugs register, to be known as 'a ward dangerous drugs register', in accordance with this regulation, with respect to every separate type or kind of preparation of dangerous drug kept in that cupboard or receptacle.

"(2) A ward dangerous drugs register shall be kept in the form contained in Part I of the third schedule and in accordance with the rules contained in Part II of that schedule.

"(3) Every entry, marking, number, or note made in or on a ward dangerous drugs register:

(a) shall be made in ink; and

(b) shall be completed as soon as practicable after the occurrence of the happening to which it relates and in any event, within twenty-four hours of the happening of that event.

Returns to be furnished by chemists.

"3B. (1) Except as otherwise approved by the Director-General a registered pharmaceutical chemist who is required to keep a dangerous drug register shall, within three days after the expiration of every month, furnish the Director-General with a return, in a form approved by the Director-General, giving particulars of all acquisitions and disposals of dangerous drugs by him during that month.

"(2) Except as otherwise approved by the Director-General, a registered wholesale chemist or registered manufacturing chemist who is required to keep a dangerous drugs register shall, within three days after the expiration of every week, furnish the Director-General with a return, in duplicate, in a form approved by the Director-General, giving particulars of all acquisitions and disposals of dangerous drugs by him during that week that are required to be entered in the dangerous drugs register.

11/ Note by the Secretariat: S.R.1961, No.34 (E/NL.1962/27). Subsequently amended by S.R.1961, No.202, by S.R.1962, Nos.102 and 140 (E/NL.1963/46 and E/NL.1963/48, by S.R.1963, No.202 (E/NL.1964/47), and by Act No.55 of 1965 (Sixth amendment).

"(3) For the purposes of sub-regulation (2) of this regulation, a week is deemed to be that period beginning at midnight on a Saturday and ending at midnight on the following Saturday.".

Prescription for drugs.

4. Regulation 6 of the Principal Regulations is amended by adding at the end of sub-regulation (9) the words "and the intervals of time under which the prescription should not be repeated".

Dispensing of prescriptions.

5. Regulation 7 of the Principal Regulations is amended by adding at the end thereof the following sub-regulation:

"(16) No person shall dispense, or cause or permit to be dispensed, a repeat of a prescription for a dangerous drug at an interval of time less than that indicated on the prescription.".

Rescission of regulations 9 and 10.

6. Regulations 9 and 10 of the Principal Regulations are rescinded.

7. After regulation 17 of the Principal Regulations the following regulation is inserted:

Regulation of the issue by medical practitioners of prescriptions containing certain dangerous drugs.

"17A (1) No medical practitioner shall issue a prescription for a prescribed drug without the authority of the Director-General.

"(2) An application for authority to issue a prescription under this regulation:

(a) shall be in accordance with a form approved by the Director-General;

(b) shall be signed by the medical practitioner by whom it is made (in this sub-regulation referred to as 'the medical practitioner');

(c) shall,

(i) specify the patient in respect of whom it is made (in this sub-regulation referred to as 'the patient'); and

(ii) state whether, in the opinion of the medical practitioner, the patient is suffering from drug dependency;

(d) shall, in the case of an application that states that, in the opinion of the medical practitioner, the patient is suffering from drug dependency, be accompanied by a notification under section 18 of the Alcohol and Drug Dependency Act 1968; and

(e) shall be enclosed in a sealed envelope marked 'Confidential' and shall be lodged with, or forwarded by certified mail to, the Director-General.

"(3) An authority under this regulation shall be in writing signed by the Director-General unless, in a case of emergency, it is given orally.

"(4) An authority under this regulation that is given orally pursuant to sub-regulation (3) of this regulation shall be confirmed in writing signed by the Director-General as soon as practicable after it is given by him.

"(5) An authority under this regulation:

(a) shall specify:

(i) the prescribed drug that may be contained in a prescription issued in pursuance of the authority and the quantity of that drug that may be contained therein; and

(ii) the period for which that prescription may be issued, and may specify the conditions under which, or the circumstances in which, that prescription may be issued; and

(b) authorizes the medical practitioner to whom the authority is given or some other medical practitioner authorized by him in writing in that behalf to issue that prescription for the use of the patient to whom the prescription relates in accordance with the terms of the authority.

"(6) In this regulation:

'drug dependency' has the meaning assigned to that expression by section 4 of the Alcohol and Drug Dependency Act 1968;

'prescribed drug' means any of the following dangerous drugs:

(a) Amphetamine;

(b) Dexamphetamine;

(c) Methylamphetamine;

(d) Phenmetrazine; and

(e) Methylphenidate.".

Secure keeping of dangerous drugs.

8. Regulation 19 of the Principal Regulations is amended by omitting from sub-regulation (1) the words "room or cupboard" and substituting therefor the words "enclosure that is constructed and secured in a manner approved by the Director-General".

Exemptions in respect of certain drugs.

9. Regulation 21 of the Principal Regulations is amended:

(a) by inserting therein, after the numeral "3,", the numerals "3A,"; and

(b) by omitting therefrom the word "third" and substituting therefor the word "fourth".

Amendment of the first schedule.

10. The first schedule to the Principal Regulations is amended by omitting therefrom forms 2, 3 and 4.

New second and third schedule.

11. The second schedule to the Principal Regulations is rescinded and the following schedules are substituted therefor:

"THE SECOND SCHEDULE

(Regulation 3)

"PART I. FORM OF DANGEROUS DRUGS REGISTER

Name and address (a) .....

Dangerous drug (b) ..... Page No. .....

Brought forward from page No. .....

Form ..... Strength ..... Code (c) .....

Date (1)	Quantity in (2)	Quantity out (3)	Balance (4)	Movement code (5)	Initials of person acquiring or disposing of drug (6)	Particulars (7)	Remarks
			B/f				

"PART II. RULES FOR KEEPING DANGEROUS DRUGS REGISTERS

"1. (1) In this schedule: Interpretation

'drug', when used in relation to a register, means the drug to which that register relates;

'register' means a dangerous drugs register.

"(2) With respect to a register, a reference in this schedule to a space by a letter or to a column by a number shall be construed as a reference to the space so lettered or to the column so numbered, as the case may be, in the form of the register contained in Part I of this schedule.

"(3) For the purposes of this schedule, in respect of a register:

(a) a drug shall be deemed to be in the possession of a person if it is in the possession of a person acting as his servant and under his orders;

(b) a drug that is delivered to an authorized dispenser or to some person on his behalf for use in the medical institution of which he is the authorized dispenser or to the dispensary of that medical institution shall be deemed to be delivered into his possession and to remain in his possession until it is disposed of;

(c) a drug that is in a medical institution shall, unless it is in the possession of the authorized dispenser at that institution, be deemed to be in the possession of the person in charge of that institution;

(d) a drug shall be deemed to have been acquired where it is delivered, received, or otherwise comes into the possession of a person required to keep the register or is manufactured by him or by some person acting as his servant and under his orders; and

(e) a drug shall be deemed to have been disposed of if, being in the possession of the person required to keep the register:

(i) it is supplied to some person other than a person acting as his servant and under his orders;

(ii) it is administered to any person; or

(iii) it is destroyed or is converted or made up into another substance, whether or not that substance is a dangerous drug.

"(4) Without prejudice to the operation of sub-rule (3) of this rule, where a drug that is in the possession of an authorized dispenser is supplied for the purpose of being kept or used elsewhere than in the dispensary at the medical institution of which he is the authorized dispenser, that drug shall, for the purposes of the register required to be kept by him, be deemed to be disposed of.

"(5) Without prejudice to the operation of sub-rule (3) of this rule, where a drug is transferred from premises in respect of which a register is kept by that person, that drug shall, for the purposes of that register, be deemed to be acquired.

Particulars to be inserted in registers.

"2. (1) Subject to this rule, where a register is required to be kept in respect of any drug there shall be entered:

(a) in space (a), the name and address of the premises to which the register relates;

(b) in space (b), the name of the drug;

(c) in space (c), the code number representing the drug;

(d) in column (1), the date on which the happening occurred to which the entry relates;

(e) in column (2), the quantity of the drug acquired;

(f) in column (3), the quantity of the drug disposed of;

(g) in column (4):

(i) the quantity of the drug left on hand after any acquisition or disposal has taken place; or

(ii) the quantity of the drug left on hand at the completion of a quarterly stock reconciliation;

(h) in column (5), a code letter taken from Part III of this schedule which represents the movement of the drug;

(i) in column (6), opposite every entry in the register, the initials of the person acquiring or disposing of the drug to which the entry relates; and

(j) in column (7):

(i) particulars of every movement of the drug which was shown in column (5) by the code letter 'F' or the code letter 'X';

(ii) in the case of a register kept by a medical practitioner or certified dentist or an authorized nurse, the name of any person supplied with a dangerous drug by that practitioner, dentist, or nurse; and

(iii) in the case of a register kept by a registered veterinary surgeon, a sufficient description of any animal for or in respect of which the veterinary surgeon has supplied a dangerous drug, together with the name of the owner of the animal.

"(2) A registered wholesale chemist or registered manufacturing chemist shall, instead of entering in a register the particulars required by paragraphs (c), (h), and (j) of sub-rule (1) of this rule in relation to a drug, enter therein:

(a) in space (c), the name of a code supplied by the Director-General that represents the drug;

(b) in column (5), a code, supplied by the Director-General, that represents the movement of the drug; and

(c) in column (7), a code, supplied by the Director-General, that represents the recipient of the drug.

"3. Where a register comprises two or more sheets, those sheets shall be kept securely attached together and shall be numbered serially.

Provisions relating to sheets of register.

"PART III. MOVEMENT CODES TO BE USED IN DANGEROUS DRUGS REGISTER

Code		Meaning
1	D	Dispensed or supplied on written order to a medical practitioner.
2	R	Received.
3	C	Returned to supplier
4	F	Formulated (indicate in remarks column of register what drug was obtained from the formulation and whether it was dispensed)
5	X	Lost, stolen, destroyed under supervision, taken by inspector, or sold to another registered pharmaceutical chemist. (Give details in remarks column of register)

"THE THIRD SCHEDULE

(Regulation 3A)

"PART I. FORM OF WARD DANGEROUS DRUGS REGISTER

Name and address (a) .....

Dangerous drug (b) .....

Acquisition					Disposal								
Date	Method of acquisition (e.g. purchase, dispensing)	Source of supply	Amount	Signature of person making the entry	Date	Amount	Method of disposal	Person supplied	Checked by. (The initials of the person checking that the correct drug and dose have been selected for administration)	Signature of person disposing of, or administering, the drug	Name (in block capitals) of person authorizing the disposal or administration	Signature of person authorizing the disposal or administration	Balance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)

Brought forward .....

"PART II. RULES FOR KEEPING WARD DANGEROUS DRUGS REGISTERS

"1. (1) In this schedule: Interpretation

'drug', when used in relation to a register, means the drug to which that register relates;

'register' means a ward dangerous drugs register.

"(2) With respect to a register, a reference in this schedule to a space by a letter or to a column by a number shall be construed as a reference to the space so lettered or to the column so numbered, as the case may be, in the form of the register contained in Part I of this schedule.

"(3) For the purposes of this schedule, in respect of a register:

(a) a drug shall be deemed to be in the possession of a person if it is in the possession of a person acting as his servant and under his orders;

(b) a drug that is in a medical institution shall, unless it is in the possession of the authorized dispenser at that institution, be deemed to be in the possession of the person in charge of that institution;

(c) a drug shall be deemed to have been acquired where it is delivered, received, or otherwise comes into the possession of a person required to keep the register; and

(d) a drug shall be deemed to have been disposed of if, being in the possession of the person required to keep the register:

(i) it is supplied to some person other than a person acting as his servant and under his orders;

(ii) it is administered to any person; or

(iii) it is destroyed or is converted or made up into another substance, whether or not that substance is a dangerous drug.

"(4) Without prejudice to the operation of sub-rule (3) of this rule, where a drug that is in the possession of an authorized dispenser is supplied for the purpose of being kept or used elsewhere than in the dispensary at the medical institution of which he is the authorized dispenser, that drug shall, for the purposes of the register required to be kept by him, be deemed to be disposed of.

"(5) Without prejudice to the operation of sub-rule (3) of this rule, where a drug is transferred from the ward in respect of which a register is kept to another ward in respect of which another register is kept, that drug shall, for the purposes of the register first mentioned, be deemed to be disposed of, and shall for the purposes of the register second mentioned, be deemed to be acquired.

"2. Where a register is required to be kept under regulation 3A, there shall be inserted, after the words 'Name and address', in space (a), the name of the medical institution to which it relates, the address thereof, and a sufficient description of the ward or other room containing the cupboard or receptacle to which the register relates. Provisions relating to names and addresses.

Name of dangerous drug.

"3. There shall be inserted, after the words 'Dangerous drug' in space (b), the name of the dangerous drug to which the register relates.

Particulars to be inserted when drug acquired.

"4. Where any of the drug is acquired, there shall be inserted in the register:

(a) in column (1), the date on which it was acquired;

(b) in column (2), a sufficient indication of the means by which it was acquired, whether by way of purchase, dispensing, or otherwise;

(c) in column (3), the name of the person, or a sufficient indication of the source, from whom or from which it was acquired;

(d) in column (4), the amount acquired; and

(e) in column (5), the signature of the person making the entry or on whose instructions it was made.

Particulars to be inserted when drug disposed of, etc.

"5. (1) Where any of the drug is disposed of, there shall be inserted in the register:

(a) in column (6), the date on which it was disposed of;

(b) in column (7), the amount disposed of;

(c) in column (8):

(i) if it was administered to a person, a sufficient indication of the means by which it was administered; or

(ii) if it was destroyed or lost, a sufficient indication that it was destroyed or lost;

(d) where the drug is supplied for administration to a person, in column (9), the name of that person; and

(e) in column (11), the signature of the person by whom the drug was disposed of.

"(2) Where a drug is administered to any person and the nature or the amount of the drug so administered is checked by a person other than the person by whom it was administered, that person shall insert his initials in column (10) against the entry relating to the administration of the drug.

"(3) Where a drug is disposed of:

(a) on the instructions of a medical practitioner (not being instructions contained in a prescription issued by him); or

(b) on the instructions of the person who has the possession of the drug or of some person acting on his behalf,

there shall be inserted in the entry relating to the disposal of the drug in column (12) the name in block capitals of the medical practitioner or that person, and, in column (13), his signature.

"(4) Where any drug is acquired or disposed of, there shall be inserted in column (14) the amount of that drug held immediately after that acquisition or disposal.

"6. Where a register comprises two or more sheets, those sheets shall be kept securely attached together and shall be numbered serially.". Provisions relating to sheets of register.

12. The third schedule (second occurring) to the Principal Regulations is amended: Renumbering of schedule.

(a) by omitting therefrom the words "THE THIRD SCHEDULE" and substituting therefor the words "THE FOURTH SCHEDULE"; and

(b) by inserting in the heading thereof, after the numeral "3,", the numerals "3A,".

I certify that the foregoing regulations are in accordance with the law.

R.C. JENNINGS, Solicitor-General,
for and on behalf of the Attorney-General.

These regulations are administered in the Department of Health Services.