



UNITED NATIONS

E/NL. 1957/100-101

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# LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

## AUSTRALIA

Communicated by the Government of Australia

NOTE BY THE SECRETARY-GENERAL-- In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative texts.

E/NL.1957/100

### AUSTRALIAN CAPITAL TERRITORY

#### POISONS AND DANGEROUS DRUGS ORDINANCE 1933-1954.\*

AN ORDINANCE RELATING TO THE CONTROL, SALE AND USE OF POISONS, NARCOTIC DRUGS AND POISONOUS SUBSTANCES, AND FOR OTHER PURPOSES.

Be it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, pursuant to the powers conferred by the Seat of Government Acceptance Act 1909, and the Seat of Government (Administration) Act 1910-1933, as follows: -

#### PART I - PRELIMINARY.

Short title.  
Short title amended; No.6, 1929, s.3.

1. This Ordinance may be cited as the Poisons and Dangerous Drugs Ordinance 1933-1954.\*

Commencement.

2. This Ordinance shall commence on a date to be fixed by the Minister by notice in the Gazette. +

\*The Poisons and Dangerous Drugs Ordinance 1933-1954 comprises the Poisons and Dangerous Drugs Ordinance 1933, as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table: -

Ordinance	Number and Year	Date of Notification in Gazette	Date of commencement
Poisons and Dangerous Drugs Ordinance 1933	No. 37, 1933	21st December, 1933	1st January, 1934 +
Poisons and Dangerous Drugs Ordinance 1936	No. 24, 1936	25th June, 1936 ..	25th June, 1936
Ordinances Revision Ordinance 1938	No. 35, 1938	15th December, 1938	15th December, 1938
Poisons and Dangerous Drugs Ordinance 1954	No 13, 1954	10th June, 1954 ..	10th June, 1954

+ The date fixed was 1st January, 1934. See Gazette 1933, p. 1926

Acts of the State  
of New South  
Wales to cease  
to apply.  
Parts.

3. The Poisons Act 1902, of the State of New South Wales shall cease to apply to the Territory.

4. This Ordinance is divided into Parts, as follows: -

Part I. - Preliminary.

Part II. - Administration.

Part III. - General provisions relating to the Sale of Poisons, Narcotic Drugs and Poisonous Substances.

Part IV. - Poisons.

Part V. - Narcotic Drugs.

Part VI. - Poisonous Substances.

Part VII. - Biological Preparations.

Part VIII. - Miscellaneous.

Definitions.

5. -(1) In this Ordinance, unless the contrary intention appears -

"Authorized person" means a person authorized by this Ordinance or the Board or the Director-General to do the act in relation to which the expression is used;

"Automatic machine" means any machine or mechanical device used, or capable of being used, for the purpose of selling or supplying goods without the personal manipulation or attention at the time of the sale or supply of the seller or supplier or of any employee or agent of the seller or supplier;

"British pharmacopoeia" means the British pharmacopoeia in its current issue as from time to time issued by the General Council of Medical Education and Registration of the United Kingdom;

"Coca Leaves" means the leaves of any plant of the genus of the Erythroxylaceae from which cocaine can be extracted either directly or by chemical transformation;

"Container", when used in relation to any substance, material, body or thing referred to in this Ordinance, means any vessel, bottle, tube, tin, box, case, wrapper, cover, or other similar receptacle or envelope which immediately contains the substance material, body or thing;

"Crude cocaine" means any extract of coca leaves which can be used directly or indirectly for the manufacture of cocaine;

"Director-General" means Director-General of Health;

"Indian hemp" means the dried flowering or fruiting tops of the pistillate plant known as Cannabis sativa from which the resin has not been extracted, by whatever name those tops are called;

"Label" means a label, tag, brand, mark or statement in writing, whether or not containing any pictorial or other descriptive matter, on or attached to or used in connexion with any container or package containing any poison, narcotic drug or poisonous substance;

"Licence" means any valid and unexpired licence granted under this Ordinance;

"Licensee" means the holder of any licence;

"Manufacture", in relation to any narcotic drug, includes the refining of partly manufactured products;

"Medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or granulated, or is in any other form, and whether it is or is not mixed with neutral substances;

"Methylated spirit" includes -

- (a) any spirit which has been methylated under the provisions of the Spirits Act 1906-1932 or has been denatured;
- (b) methyl alcohol and wood spirit;
- (c) any other spirit to which any methylated substance has been added; and
- (d) any potable liquid with which methylate spirit is mixed;

"Narcotic drug" means any drug the continued use of which is liable to induce the formation of the habit of addiction, and includes any substance declared by the Minister by notice in the Gazette to be for the purposes of this Ordinance a narcotic drug;\*

"Package" includes any case, bottle, jar, vessel, bag, box, or other receptacle and any means by which goods are cased, covered, enclosed, contained or packed;

"Poison" means any substance the introduction of which into the body of any person by any route involves the risk of the death of that person, and includes any substance declared by the Minister, by notice in the Gazette, to be for the purposes of this Ordinance a poison;\*

"poisonous substance" means any substance the introduction of which into the body of any person by any route involved the risk of material departure from the normal health of that person, and includes any substance declared by the Minister, by notice in the Gazette, to be for the purposes of this Ordinance a poisonous substance;\*

"Poisons Register" means a Poisons Register kept in pursuance of this Ordinance;

"Prepared opium" means opium prepared for smoking or for consumption, and includes dross and any other residue remaining after opium has been smoked;

"Raw opium" means the spontaneously coagulated juice obtained from the capsules of the Papaver Somniferum which has been submitted only to the necessary manipulations for packing and transport, whatever its content of morphine;

"Registered dentist" means a person registered under the Dentists Registration Ordinance 1931-1933;

"Registered medical practitioner" means a person registered under the Medical Practitioners Registration Ordinance 1930-1933, and includes a medical practitioner duly registered under the law in force in any State or Territory of the Commonwealth;

"Registered pharmacist" means a person registered under the Pharmacy Ordinance 1931-1933;

"Registered Veterinary Surgeon" means a person registered under any law for the time being in force in the Territory relating to the registration of veterinary surgeons;

"Sells" includes sell, whether by wholesale or retail, and barter or exchange; also dealing in, agreeing to sell or offering or exposing for sale or keeping or having in possession for sale or sending, forwarding, delivering or receiving for sale or on sale or authorizing, directing, causing, suffering, permitting or attempting any of those acts or things; and

"Sale" and each of the other derivatives of "Sell" have corresponding interpretations;

"the Board" means the Pharmacy Board constituted under the Pharmacy Ordinance 1931-1933;

"the Minister" means the Minister of State for Health;

"this Ordinance" includes the regulations made thereunder.

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\* See footnote on p. 13.

(2) Without restricting the meaning of the word "possession", a substance shall, for the purpose of this Ordinance, be deemed to be in the possession of any person so long as it remains or is upon any land or premises occupied by him, or is used, enjoyed or controlled by him in any place whatever, unless it is shown that he had no knowledge thereof.

PART II. - ADMINISTRATION

Board to administer Ordinance.

6. The Board shall be charged with the general administration of this Ordinance.

Non-application of Ordinance to Canberra Community Hospital & c. Amended by No. 35, 1938 s. 2 and Second Schedule.

7. Nothing in this Ordinance shall apply to the Canberra Community Hospital or to any person employed by the Department of Health while acting in his official capacity.

Licences to sell poisons, & c.

8. - (1) The Board may, if it thinks fit, grant, on payment of the prescribed fee, to any fit and proper person a licence to sell poisons, narcotic drugs, poisonous substances or biological preparations.

(2) Any licence so granted may be limited to apply to the sale of any particular substance or substances and shall be subject to such conditions as are prescribed or as the Board specifies.

(3) A licence shall remain in force until revoked by the Board.

(4) The Board may, where a licensee has committed any breach of this Ordinance or of the conditions upon which the licence was issued, revoke the licence.

Appointment of analysts.

9. - (1) The Minister may appoint any person -

Sub-section (1.) substituted by No. 24, 1936, s. 2.

(a) who is a Fellow or Associate of the Australian Chemical Institute; or

(b) who, in the opinion of the Minister, holds qualifications equivalent to those required for admission as a Fellow or Associate of that Institute, to be an analyst for the purposes of this Ordinance.

(2) A certificate purporting to be signed by any analyst so appointed shall be conclusive evidence of the facts certified therein.

Powers of inspection.

10. For the purposes of this Ordinance, any authorized person may enter any premises and may demand the production of, and may inspect, any books or documents and any stocks of poisons, narcotic drugs, poisonous substances or biological preparations.

Calculations of percentages.

11. For the purposes of this Ordinance percentages in the case of liquid preparations shall be calculated on the basis that a preparation containing one per centum of any substance means a preparation in which -

(a) one gramme of the substance, if a solid; and

(b) one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

Power to declare drugs, & c., to be poisons.

12. The Minister may, by notice in the Gazette, \*declare what drugs, chemicals, compounds or biological preparations are for the purposes of this Ordinance -

(a) poisons;

(b) poisonous substances;

(c) narcotic drugs;

(d) substances the sale of which is attended by certain conditions; or

(e) biological preparations; or

(f) are exempted from the provisions of this Ordinance, either generally or with limitations as to place and subject matter, and either absolutely or subject to any specified conditions or restrictions;

and may in any such notice define the substances so declared.

\* See footnote on p. 13.

PART III. - GENERAL PROVISIONS RELATING TO THE SALE OF POISONS, NARCOTIC DRUGS,  
POISONOUS SUBSTANCES.

Sale of poisons,  
narcotic drugs  
and poisonous  
substances.

13. A person shall not sell or have in his possession for sale any poison, narcotic drug or poisonous substance unless he is -

- (a) a registered medical practitioner;
- (b) a registered pharmacist;
- (c) a registered veterinary surgeon; or
- (d) the holder of a licence authorizing him to sell the article in question.

Hawking poisons,  
narcotic drugs  
and poisonous  
substances an  
offence.

14. Any person who -

- (a) sells or offers for sale in any street or from house to house; or
- (b) hawks or peddles, or distributes or causes to be distributed as samples, in any street or public place or from house to house,

any poison, narcotic drug or poisonous substance shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for twelve months.

Stocks of poisons,  
narcotic drugs and  
poisonous substances  
to be furnished.

15. - (1) Every person, other than a registered medical practitioner or registered pharmacist, who is at the date of the commencement of this Ordinance, lawfully engaged in the sale of poisons or narcotic drugs shall furnish to the Director-General a statutory declaration setting out the quantities of each poison and narcotic drug held by him on that date.

(2) Any person so engaged who fails to obtain a licence under this Ordinance may, with the permission in writing of the Director-General, sell any poison, narcotic drug or poisonous substance so held by him.

Registered pharma-  
cists may manufac-  
ture poison, narcotic  
drugs and poisonous  
substances.

16. Subject to the provisions of this Ordinance, any registered pharmacist may -

- (a) manufacture in the ordinary course of his retail business any preparation, admixture or extract of any poison, narcotic drug or poisonous substance;
- (b) carry on the business of retailing, dispensing or compounding any poison, narcotic drug or poisonous substance; and
- (c) supply any poison, narcotic drug or poisonous substance to a registered medical practitioner, registered veterinary surgeon or registered dentist.

Storage of poisons  
and narcotic drugs.

17. Every licensee shall store or keep all poisons and narcotic drugs under such conditions of storage as are prescribed.

Sale of poisons  
and narcotic drugs.

18. - (1) Any person who sells any poison or narcotic drug to any person who is under eighteen years of age or who is unknown to the vendor, unless the sale is made in the presence of some witness who is known to the vendor and who knows the purchaser, shall be guilty of an offence.

(2) The witness in whose presence the sale is made shall, before the delivery of the poison to the purchaser, sign the entry (including the entry of his own name and place of residence) in the Poisons Register required by section twenty-two of this Ordinance.

Automatic machines  
prohibited.

19. Any person who -

- (a) installs any automatic machine for the sale or supply of any poison, narcotic drug or poisonous substance;
- (b) sells or supplies any poison, narcotic drug or poisonous substance by means of any automatic machine,

shall be guilty of an offence.

PART IV. - POISONS

Labels to be affixed to containers for poisons.

20. Any person who sells any poison, either by wholesale or retail, or leaves any poison in any place, unless the container, or a label permanently affixed to the container, bears in conspicuous type -

- (a) the name of the poison;
- (b) the name and address of the vendor; and
- (c) the words "Poison - not to be taken",

shall be guilty of an offence.

Poisons Register to be kept.

21. Every person who sells poisons shall keep a Poisons Register in which he shall enter from time to time all information which by this Ordinance he is required to enter.

Entries to be made in Poisons Register.

22. Except as otherwise provided by this Ordinance, every person who sells poison shall, before he delivers the poison the purchaser -

- (a) enter in the Poisons Register the name, place of residence and occupation of the purchaser, the date of purchase, the description and quantity of the poison purchased and the purpose for which the poison is required; and
- (b) sign, and ensure that the purchaser and witness signs, the entry in the Poisons Register.

Persons unable to sign name not to be sold poisons.

23. A person who sells any poison to a person who is unable to sign his name shall be guilty of an offence.

Sale by post.

24. A person licensed to sell poison may sell poison upon receipt of an order by letter, telegram or radiogram:

Provided that -

- (a) in the case of an order by telegram or radiogram, the purchaser is known to the vendor and the telegram or radiogram is preserved by the vendor for such period as is prescribed;
- (b) in the case of a letter, the vendor is familiar with the signature of the purchaser or the signature has been witnessed by a justice of the peace, clergyman, police officer or some person known to the vendor, and the letter is preserved by the vendor for such period as is prescribed; and
- (c) in either case, an entry is made by the vendor in the Poisons Register stating the date of the letter, telegram or radiogram, by whom it was written or sent, and the nature and quantity of the poison ordered.

Sales to registered medical practitioners, & c.

25. - (1) A registered medical practitioner, a registered dentist or a registered veterinary surgeon shall not be required to sign an entry in the Poisons Register in respect of any purchase by him if the vendor -

- (a) receives an order in writing signed by the purchaser stating his name and address and the name and quantity of the poison to be purchased;
- (b) is satisfied that the signature affixed to the order is in fact the signature of the person purporting to sign it, and that that person is a registered medical practitioner, a registered dentist or a registered veterinary surgeon, as the case may be;
- (c) enters in the Poisons Register, in the place assigned to the signatures of purchasers the words "Signed order" followed by the date on which the order is executed; and
- (d) if he sends any poison to the purchaser by post, sends it by registered post.

(2) In the case of any poison purchased under this section the vendor shall preserve the signed order of the purchaser for a period of two complete years from the date on which the final entry in the book is made.

(3) For the purposes of this section, the signed order by the purchaser shall be deemed to be received by the vendor before the sale of the poison if it is lodged with the vendor within twenty-four hours after its delivery by the vendor. If the signed order is not lodged with the vendor before the expiration of that period the purchaser shall be guilty of an offence.

Arsenic and strychnine.

26. - (1) Any person who sells any arsenic or strychnine or any preparation of either, unless -

(a) in the case of arsenic, and any uncoloured preparation of arsenic, it is mixed before sale or delivery with soot or indigo in the proportion of one ounce of soot or half an ounce of indigo at the least to one pound of arsenic; and

(b) in the case of strychnine, and any uncoloured preparation of strychnine, it is mixed before sale or delivery with Armenian bole or other red colouring matter in the proportion of twenty grains of Armenian bole or colouring matter to one ounce of strychnine,

shall be guilty of an offence.

(2) If the purchaser states that the arsenic or strychnine or preparation is not required for any pastoral or agricultural use, but is required for some purpose for which the admixture of the colouring matter would render it unfit, the vendor may, if he is satisfied as to the correctness of these statements, sell the arsenic, strychnine or preparation without the addition of colouring matter. In every such case the vendor shall enter a record of the facts in the Poisons Register.

Non-application of this Part to medical prescriptions, & c.

27. The provisions of this Part shall not apply in respect of any poison -

(a) when compounded by a registered medical practitioner or by a registered pharmacist according to the prescription of a registered medical practitioner;

(b) in the form of homoeopathic medicine unless in the crude state, mother tincture, or of a greater strength than the third decimal potency;

(c) in the form of medicines dispensed by a registered veterinary surgeon or by a registered pharmacist according to the prescription for animals under treatment of a veterinary surgeon registered under any law for the time being in force in any State or Territory of the Commonwealth providing for the registration of veterinary surgeons; or

(d) in the form of a mixture compounded by a registered pharmacist in the legitimate pursuit of his business under the provisions of the Pharmacy Ordinance 1931-1933;

Provided that medicine for external application containing poison shall not be sold or delivered except in the prescribed type of container and unless the container bears the word "poison", printed conspicuously thereon together with the name and address of the vendor.

Application of Part to wholesalers.

28. - (1) The provisions of section twenty-two of this Ordinance shall not apply in the case of poisons supplied by wholesale dealers in the ordinary course of wholesale dealing where an order in writing signed by the purchaser has been given for the supply of the poisons.

(2) Any wholesale dealer who sells any poison in the ordinary course of wholesale dealing where an order in writing signed by the purchaser has been given for the supply of the poison shall, at the time of sale and before delivery, either himself or through some person acting on his behalf, enter in a book to be kept for the purpose the nature and quantity of the poison and the name and place of residence of the purchaser.

#### PART V. - NARCOTIC DRUGS

Permits to manufacture narcotic drugs.

29. - (1) Subject to this Ordinance, the Board may, in its absolute discretion upon such conditions as it thinks fit, authorize any fit and proper person to manufacture, or carry on any process in the manufacture of narcotic drug.

(2) A person shall not manufacture, or carry on any process in the manufacture of, a narcotic drug except as authorized by the Board to do so.

Penalty: One hundred pounds.

Smoking opium,  
an offence.

30. Any person who -

- (a) smokes opium;
- (b) sells, deals or traffics in opium in any form suitable for smoking;
- (c) prepares or manufactures opium in any form suitable for smoking; or
- (d) has in his possession, order or disposition, opium in any form suitable for smoking,

shall be guilty of an offence.

Possession of  
opium, an offence.

31. Any person, other than a registered pharmacist, who has in his possession, order or disposition, opium in any form which, though not suitable for smoking, may be made suitable, unless he is the holder of a licence to sell narcotic drugs, shall be guilty of an offence.

Entries to be  
made in narcotic  
drugs register.

32. - (1) Every person holding a licence to sell narcotic drugs shall keep a Narcotic Drugs Register in which he shall from time to time enter -

- (a) the quantity and description of any such drugs held under the licence and the date on which and the person from whom, he received each portion; and
- (b) particulars stating how any such drugs have been disposed of, whether by process of manufacture, or by sale, and if by process of manufacture the entry shall state the amount and description of each drug used, and the purpose for which it is intended to be used, together with the date of the disposition, and if by sale the entry shall state the amount and description of each drug sold, together with the date of sale and the name and address of the purchaser, and every such entry shall be verified by the signature of the purchaser and the vendor.

(2) In the case of preparations containing any narcotic drug dispensed under the prescription of a medical practitioner by a pharmaceutical chemist the entry shall state, in addition, the occupation of the purchaser and the purpose for which the preparation is required.

(3) In the case of medicines containing opium or any preparation thereof in the form of an admixture which makes it unfit for smoking dispensed by a registered pharmacist on the prescription of a registered medical practitioner, the registered pharmacist shall enter the details of the prescription in the book for recording prescriptions as required by section forty-one of the Pharmacy Ordinance 1931-1933.

Premises may  
be searched.

33. If the Director-General has reason to believe or suspect that there is, in contravention of this Ordinance, any narcotic drug in any house or premises, or that opium is smoked therein, he may, in writing, authorize any person to enter and search any such house or premises and seize and carry away any such drug, and any pipes or things used or capable of being used for smoking opium and found in or on the house or premises, and any police officer may arrest any person therein found offending against this Ordinance.

Forfeiture of  
drugs seized.

34. All narcotic drugs, opium, pipes and things seized under this Ordinance shall, upon conviction of the person in whose possession they were found, be forfeited, and shall be dealt with as the Minister directs.

Possession of  
narcotic drugs.

35. Any person who has, without lawful authority, on or about his person or in his possession any narcotic drug shall be guilty of an offence.

Forging medical  
prescription an  
offence.

36. Any person who forges or fraudulently alters or utters knowing it to be forged or fraudulently altered, any prescription of a medical practitioner including any narcotic drug shall be guilty of an offence.

Penalty: Imprisonment for five years.



Obtaining narcotic drugs by fraud.

37. Any person who -

- (a) knowingly by any false representation (whether oral or in writing or by conduct) obtains from any medical practitioner any prescription including any narcotic drug;
- (b) causes or induces any registered pharmacist to dispense any forged or fraudulently altered prescription or any prescription obtained in contravention of this section; or
- (c) is in actual possession of any prescription obtained in contravention of this section or of any forged or fraudulently altered prescription knowing it to be forged or fraudulently altered,

shall be guilty of an offence.

38. Any person who knowingly by any false representation (whether oral or in writing or by conduct) obtains from any pharmaceutical chemist any narcotic drug shall be guilty of an offence.

#### PART VI. - POISONOUS SUBSTANCES

Poisonous substances.

39. A person shall not sell, by wholesale or retail, any poisonous substance, unless he is the holder of a licence to sell poisonous substances and unless -

- (a) the container in which the substance is sold is distinctly and conspicuously labelled with -
  - (i) the name of the substance or preparation;
  - (ii) the words "Poison - not to be taken";
  - (iii) the name and address of the vendor; and
  - (iv) if the poisonous substance is contained in a preparation, the percentage of the poisonous substance contained in the preparation; and
- (b) all other prescribed conditions are fulfilled.

#### PART VII. - BIOLOGICAL PREPARATIONS

Biological preparations.

40. A person shall not sell or offer for sale any biological preparation unless he is -

- (a) a registered medical practitioner;
- (b) a registered pharmacist;
- (c) a registered veterinary surgeon;
- (d) the holder of a licence to sell biological preparations issued by the Board; or
- (e) an officer of the Department of Health authorized in writing by the Director-General.

Penalty: One hundred pounds.

Biological preparations to be supplied only to certain persons. Inserted by No.13, 1954, s. 2.

40A. A person shall not supply to, or dispense for, another person a biological preparation unless that other person is -

- (a) a registered medical practitioner;
- (b) a registered pharmacist;
- (c) a registered veterinary surgeon;
- (d) the holder of a licence to sell biological preparations issued by the Board;
- (e) an officer of the Department of Health authorized in writing by the Director-General; or
- (f) a person who presents a prescription signed by a registered medical practitioner or a registered veterinary surgeon authorizing the supply or dispensing of that biological preparation.

Penalty: One hundred pounds.

PART VIII. - MISCELLANEOUS

Drinking  
methylated spirit  
an offence.

41. Any person who drinks methylated spirit shall be guilty of an offence.

Selling  
methylated spirit  
for drinking purposes.

42. Any person who sells or disposes of methylated spirit to any other person if he has reasonable cause to believe that such other person intends -

- (a) to use that spirit for drinking purposes; or
- (b) to give or supply the spirit to any other person for drinking purposes,

shall be guilty of an offence.

Offences in relation to the sale of poisons, & c.

43. Any person who -

- (a) sells any poison, narcotic drug or poisonous substance contrary to the provisions of this Ordinance;
- (b) sells any poison, narcotic drug or poisonous substance without having made the entries required by this Ordinance;
- (c) sells any poison, narcotic drug or poisonous substance without having obtained the signatures required by this Ordinance;
- (d) purchases any poison, narcotic drug or poisonous substance and gives false information to the vendor in answer to inquiries in relation to matters concerning which the vendor is entitled or required by this Ordinance to inquire;
- (e) signs his name as a witness to the sale of any poison or narcotic drug to a person unknown to him;
- (f) sells or offers for sale any poison, narcotic drug or poisonous substance, or any preparation containing any poison, narcotic drug or poisonous substance, in respect of which the provisions of this Ordinance have not been observed;
- (g) refuses to produce any books or documents or material in stock when required so to do by an authorized person;
- (h) impedes or obstructs an authorized person in the performance of his duty; or
- (i) in any respect contravenes, or neglects, refuses or fails to comply with, any provisions of this Ordinance,

shall be guilty of an offence.

Containers to be used for medicines, & c.

44. Any person who sells any drug or medicine which is for internal use, or any food, drink or condiment in a container -

- (a) of shape or construction similar to the prescribed container for poisons, narcotic drugs or poisonous substances; or
- (b) of such shape or construction as not to be readily distinguishable by sight or touch from a container in which any poison, narcotic drug or poisonous substance may be sold,

shall be guilty of an offence.

Penalty where offence is due to inadvertence.

45. A person shall not, on conviction for any offence against this Ordinance relating to -

- (a) the keeping of books; or
- (b) the issuing or dispensing of prescriptions issued by registered medical practitioners,

be sentenced to imprisonment or to pay a penalty of more than Fifty pounds if the Court dealing with

the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connexion with, the commission or intended commission of any other offence.

Penalties for offences in relation to narcotic drugs.

46. - (1) Any person guilty of an offence against this Ordinance in relation to narcotic drugs, for which no penalty is otherwise expressly provided, shall, in respect of each offence, be liable -

- (a) on conviction on indictment, to a penalty of Five hundred pounds, or to imprisonment for three years, or to both; and
- (b) on summary conviction, to a penalty of Two hundred and fifty pounds, or to imprisonment for one year, or to both,

and shall in every case on conviction forfeit to His Majesty all articles in respect of which the offence was committed.

(2) All forfeited articles shall be dealt with as the Minister directs.

Offences by companies.

47. Where the person committing an offence under this Ordinance relating to narcotic drugs is a company, the Chairman and every director and every officer concerned in the management of the company who does not prove that the act constituting the offence took place without his knowledge or consent shall be guilty of a like offence.

Burden of proof.

48. In any proceedings against any person for an offence against this Ordinance, it shall not be necessary to negative by evidence the existence of any licence, permit, authority or other matter of exception or defence but the burden of proving any such matter shall lie on the person seeking to avail himself thereof.

Forgery of documents, signatures, & c.

49. Any person who -

- (a) forges any document under this Ordinance or any official copy thereof, or the signature of any officer performing any duty under this Ordinance;
- (b) utters or puts off, knowing it to be forged, any forged document purporting to be a document issued under this Ordinance; or
- (c) fraudulently lends any certificate or document issued under this Ordinance to any other person or allows it to be used by any other person,

shall be guilty of an indictable offence.

Penalty: Three years' imprisonment.

Bribery, & c., of officers.

50. - (1) Any person who -

- (a) gives or offers, or promises to give or procure to be given, any bribe, recompense, or reward to any officer or authorized person to induce him in any way to neglect or not to perform his duty;
- (b) makes any collusive agreement with an officer or authorized person to neglect or not to perform his duty;
- (c) by threats, demands or promises attempts improperly to influence an officer or authorized person in the performance of his duty; or
- (d) assaults or by force molests or obstructs or intimidates an officer or authorized person in the performance of his duty,

shall be guilty of an offence.

(2) Any offence against this section may be prosecuted either summarily or upon indictment, but an offender shall not be liable to be punished more than once in respect of the same offence.

(3) The punishment for an offence against this section shall be as follows: -

- (a) if the offence is prosecuted summarily - a fine not exceeding One hundred pounds or imprisonment for six months, or both; or
- (b) if the offence is prosecuted upon indictment - imprisonment for a term not exceeding three years.

Adding and abetting.

51. Whoever aids, abets, counsels or procures, or by act or omission is in any way directly or indirectly knowingly concerned in the commission of any offence against this Ordinance shall be deemed to have committed that offence, and shall be punishable accordingly.

Averment of prosecution.

52. In every prosecution for an offence against this Ordinance the averment of the prosecutor contained in the information shall, in the absence of proof to the contrary, be deemed to be proved.

Penalty for offences for which no penalty prescribed.

53. Any person who commits an offence against this Ordinance, for which no penalty is otherwise expressly provided, other than an offence in relation to narcotic drugs, shall be liable upon conviction to a penalty not exceeding One hundred pounds.

Regulations.

54. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which, by this Ordinance, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and, in particular, prescribing matters providing for and in relation to -

- (a) the manufacture, storage and safe custody of poisons, poisonous substances and narcotic drugs;
- (b) the colouring of any poison, narcotic drug or poisonous substance;
- (c) the shape, size, materials and labelling of the containers or packages in which any poisons, narcotic drugs or poisonous substances may be sold;
- (d) the printing on packages, in which any poison is enclosed contained, or packed for sale, of the name of an effective remedy to counteract the effects of the poison;
- (e) the inspection by police officers or other authorized persons of books and other documents;
- (f) the issue and forms of licences and the payment of fees therefor;
- (g) the prohibition of the manufacture of any poison, narcotic drug or poisonous substance, except on premises licensed for the purpose or by registered pharmacists on their premises;
- (h) the prohibition of the manufacture or distribution of any poison, narcotic drug or poisonous substance except by registered medical practitioners, registered pharmacists, registered veterinary surgeons, persons holding licences on that behalf or persons thereto authorized under this Ordinance;
- (i) the issue by medical practitioners of prescriptions containing any poison, narcotic drug or poisonous substance and the dispensing of those prescriptions;
- (j) the keeping of books and furnishing of information either in writing or otherwise by persons engaged in the manufacture, sale or distribution of any poison, narcotic drug or poisonous substance;
- (k) the control or restriction of the production, possession, sale and distribution of raw opium, coca leaves, crude cocaine, Indian hemp, and any other substance declared by the Minister to be a narcotic drug;
- (l) the control of the sale of methylated spirit;
- (m) the fees for any services or purposes under this Ordinance; and
- (n) the imposition of penalties not exceeding Twenty pounds for breaches of the Regulations.

E/NL.1957/101

(Extract from Commonwealth of Australia Gazette, No. 29,  
dated 7th June, 1956)

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AUSTRALIAN CAPITAL TERRITORY.

Poisons and Dangerous Drugs Ordinance 1933-1954 <sup>1)</sup>

NOTICE UNDER SECTION TWELVE RELATING TO NARCOTIC DRUGS.

In pursuance of the powers conferred on me by section twelve of the Poisons and Dangerous Drugs Ordinance 1933-1954 of the Australian Capital Territory, I, Donald Alastair Cameron, the Minister of State for Health, hereby amend the notice under that section published in the Commonwealth of Australia Gazette on the fifth day of May, 1955 <sup>2)</sup> declaring certain drugs, chemicals and compounds to be narcotic drugs by adding at the end thereof the following items: -

- "48 1,3-dimethyl-4-phenyl-4-propionoxyhexamethyleneimine and its salts / Proheptazine / <sup>3)</sup>
- "49 3-diethylamino-1,1-di-(2'-thienyl)-1-butene and its salts. / Diethylthiambutene /
- "50 3-hydroxy-N-phenethylmorphinan and its salts / Phenomorphin /
- "51 4-morpholino-2,2-diphenyl ethyl butyrate and its salts." / Dioxaphetyl butyrate /

Dated this twenty-second day of May, 1956.

DONALD A. CAMERON  
Minister of State for Health.

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1) Note by the Secretariat: E/NL.1957/100.

2) Note by the Secretariat: E/NL.1956/114.

3) Note by the Secretariat: The words in square brackets have been inserted by the Secretariat; Proposed or recommended international non-proprietary names of drugs are underlined.

• For notices declaring certain drugs, chemicals and compounds to be -

(a) poisons - see Gazette 1953, p.1486.

(b) poisonous substances - see Gazette 1953, p.1486.

(c) narcotic drugs - see Gazette 1955, p.1396.

For notice declaring certain biological preparations to be biological preparations for the purposes of this Ordinance, see Gazette 1953, p.1488.