



UNITED NATIONS

E/NL.1963/40-49

20 August 1963

ENGLISH ONLY

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.

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Government Gazette No. 33
6 April 1962

E/NL.1963/40
(1962 - No. 65.)

NEW SOUTH WALES

REGULATION

Police Offences (Amendment) Act, 1908, as amended

Chief Secretary's Department, Sydney, 6th April, 1962.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to amend, in the manner set forth hereunder, the Regulations under the Police Offences (Amendment) Act, 1908, as amended.

C. A. KELLY, Chief Secretary.

Regulation 15B is amended by omitting from paragraph (2) the words "only for emergency purposes" and by inserting in lieu thereof the words "by such authorized person for emergency purposes only." (A. 57-5)

(3160)

Government Gazette No. 126
14 December 1962

E/NL.1963/41
(1962 - No. 308.)

NEW SOUTH WALES

REGULATIONS

Police Offences (Amendment) Act, 1908, as amended

(7173)

Chief Secretary's Department, Sydney, 24th October, 1962.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to amend the Regulations made under the provisions of the Police Offences (Amendment) Act, 1908, as amended in the manner set forth hereunder.

C. A. KELLY

The Regulations are amended:

- (a) by omitting from Regulation 6 the symbols and figures "£10.10s." and by inserting in lieu thereof the symbol and figures "£20";
- (b) by omitting from Regulation 7 the symbols and figures "£5.5s." and by inserting in lieu thereof the symbol and figures "£10";
- (c) by omitting from Schedule 1 the symbols and figures "(£10.10s.)" and by inserting in lieu thereof the symbol and figures "(£20)";

- (d) by omitting from Schedule 2 the symbols and figures "(£5.5s.)" and by inserting in lieu thereof the symbol and figures "(£10)";
- (e) by omitting from Schedule 3 the word, symbols and figures "Fee, £10.10s" and by inserting in lieu thereof the word, symbol and figures "Fee, £20.";
- (f) by omitting from Schedule 4 the word, symbols and figures "Fee, £5. 5s." and by inserting in lieu thereof the word, symbol and figures "Fee, £10."

E/NL.1963/42

VICTORIA

POISONS ACT 1962

No. 6889

An Act to re-enact with Amendments the Law relating to the Possession Sale and Use of Poisons or Deleterious Substances

8th May, 1962.

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):

1. (1) This Act may be cited as the Poisons Act 1962 and is divided into Parts and Divisions as follows: Short title and Division

Part I. Poisons or Deleterious Substances ss. 4-24.	(Division 1. Classification s.4. (Division 2. Poisons Advisory Committee ss. 5-8. (Division 3. Sale of Poisons or Deleterious Substances ss. 9-12. (Division 4. General ss. 13-24.
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Part II. Special Poisons s. 25.

Part III. Drugs of Addiction ss. 26-38

Part IV. Methylated Spirit ss. 39-45.

Part V. Supplementary ss. 46-53.

Part VI. Legal Proceedings, &c., ss. 54-62.

Part VII. Regulations ss. 63-64.

(2) Division 2 of Part I of this Act and any provisions of this Act relating to that Division and to the granting of licences and permits under this Act or to the suspension, cancellation or revocation of licences and permits shall come into operation on the passing of this Act.

Division 2 of Part I. and certain other provisions to come into operation on passing of Act.

Commencement of
remainder of Act.

(3) The remainder of this Act shall come into operation on a day (hereinafter in this Act referred to as the "proclaimed day") to be fixed by proclamation of the Governor in Council published in the Government Gazette.

Repeal

2. (1) The Poisons Act 1958^{1/} is hereby repealed.

(2) Except as in this Act expressly or by necessary implication provided -

(a) all persons, things and circumstances appointed or created by or under the repealed Act or existing or continuing under such Act immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such Act had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status, operation or effect of any order, regulation, recommendation, authority, proceeding, liability or right made, effected, issued, granted, given, presented, passed, fixed, incurred, accrued or required or existing or continuing by or under such Act before the commencement of this Act.

Licences permits
&c., to remain
in force until
the 31st
December next
following the
proclaimed day.

(3) Notwithstanding the repeal of the Poisons Act 1958 every certificate licence or permit granted or given pursuant to the provisions of that Act and in force on the said repeal shall, until the thirty-first day of December next following the proclaimed day and no longer, continue to have the same force and effect as if the Poisons Act 1958 had not been repealed and for the purposes of the said continuation in force the appropriate provisions of the said Act shall remain in force but so that any reference therein to the Board shall in relation to any act, matter or thing on and after the proclaimed day be read and construed as a reference to the Chief Health Officer on the recommendation of the committee.

Interpretation

3. (1) In this Act unless inconsistent with the context or subject-matter -

"Automatic
machine."

"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 of the seller or supplier or his employee or other agent at the time of the sale or supply.

"Chief Health
Officer."

"Chief Health Officer" means the Chief Health Officer for the time being of the Department of Health.

"Committee."

"Committee" means the Poisons Advisory Committee constituted under Division 2 of Part I of this Act.

1/ Note by the Secretariat: E/NL.1960/69.

"Dangerous poison" means any substance or preparation specified in Schedule One to this Act or added thereto by proclamation.	"Dangerous poison."
"Dentist" means dentist registered under Part II of the Medical Act 1958 or any corresponding previous enactment.	"Dentist."
"Domestic poison" means any substance or preparation specified in Schedule Five to this Act or added thereto by proclamation.	"Domestic poison."
"Drug of addiction" means any substance or preparation specified in Schedule Eight to this Act or added thereto by proclamation.	"Drug of addiction."
"Industrial and agricultural poison" means any substance or preparation specified in Schedule Six to this Act or added thereto by proclamation.	"Industrial and agricultural poison."
"Label" includes any tag, brand, mark or statement in writing on or attached to or used in connexion with any container or package containing any poison or deleterious substance; and "labelled" has a corresponding interpretation.	"Label."
"Licence" means a valid and unexpired licence under any Part of this Act.	"Licence."
"Licensee" means the person named in the licence.	"Licensee."
"Medical practitioner" means a legally qualified medical practitioner registered under Part I of the Medical Act 1958 or any corresponding previous enactment.	"Medical practitioner."
"Medicinal poison" means any substance or preparation specified in Schedule Two to this Act or added thereto by proclamation.	"Medicinal poison."
"Part" means part of this Act.	"Part."
"Pharmaceutical chemist" means pharmaceutical chemist registered under Part III of the Medical Act 1958 or any corresponding previous enactment.	"Pharmaceutical chemist."
"Poison or deleterious substance" means any substance or preparation specified in Schedule One, Schedule Two, Schedule Three, Schedule Four, Schedule Five, Schedule Six, Schedule Seven or Schedule Eight to this Act or added thereto by proclamation.	"Poison or deleterious substance."
"Potent substance" means any substance or preparation specified in Schedule Three to this Act or added thereto by proclamation.	"Potent substance."
"Prescribed" means prescribed by this Act or regulations made thereunder.	"Prescribed."
"Proclamation" means proclamation of the Governor in Council published in the Government Gazette.	"Proclamation."

- "Public institution." "Public institution" means -
- (a) any Government Department, public hospital, University, or technical college; or
 - (b) any other institution or establishment which is not carried on for private gain and is declared by the Governor in Council by Order published in the Government Gazette to be a "public institution" for the purposes of this interpretation.
- "Regulation." "Regulation" means regulation made under this Act or any corresponding previous enactment.
- "Restricted substance." "Restricted substance" means any substance or preparation specified in Schedule Four to this Act or added thereto by proclamation.
- "Sell." "Sell" 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 such acts or things; and "Sale" and each of the other derivatives of "Sell" have corresponding interpretations.
- "Sale" &c. "Sale" and each of the other derivatives of "Sell" have corresponding interpretations.
- "Special poison." "Special poison" means any substance or preparation specified in Schedule Seven to this Act or added thereto by proclamation.
- "Specified drug." "Specified drug" means specified drug within the meaning of Part III of this Act.
- "Substance." "Substance" includes substance, material, preparation and admixture.
- "Veterinary surgeon" "Veterinary surgeon" means a registered veterinary surgeon under the Veterinary Surgeons Act 1958 or any corresponding previous enactment.
- "Wholesale." "Wholesale" means sale or supply for the purposes of re-sale.
- "Wholesale dealing." "Wholesale dealing" means -
- (a) sale or supply by wholesale dealers in the ordinary course of wholesale dealing to persons authorized, licensed or permitted under this Act or the regulations thereunder to be in possession of or to sell poisons or deleterious substances specified in or added by proclamation to any Schedule to this Act; but also
 - (b) includes sale or supply to other persons in wholesale quantities in the ordinary course of wholesale dealing for use in connexion with any prescribed profession business trade or industry or any public institution but not for re-sale.

(2) This Act and every Part thereof shall be read and construed as being in aid and not in derogation of the Health Act 1958 the Game Act 1958 or the Licensing Act 1958.

(3) Any reference in any other Act or in any rule, regulation or by-law made under any other Act to any narcotic or dangerous drug within the meaning of the Poisons Act 1958 shall be deemed and taken to be a reference to any drug of addiction or specified drug within the meaning of this Act.

PART I. POISONS OR DELETERIOUS SUBSTANCES

DIVISION 1. CLASSIFICATION

4. (1) For the purposes of this Act the substances specified in Schedules One, Two, Three, Four, Five, Six, Seven and Eight to this Act are hereby declared to be poisons or deleterious substances and to be classified as follows:

Schedule One (Dangerous Poisons):

Substances or preparations which are of such extreme danger to life as to warrant limitation of their distribution to qualified persons.

Schedule Two (Medicinal Poisons):

Substances or preparations which are dangerous to life if misused or carelessly handled but which must be available to the public for medicinal or other purposes without undue restriction.

Schedule Three (Potent Substances):

Substances or preparations which are for therapeutic use, and -

- (i) about which personal advice may be required by the purchaser in respect of dosage, frequency of administration and general toxicity;
- (ii) with which excessive unsupervised self-medication is unlikely; and
- (iii) which may be required urgently to the extent that the supply only on prescription would involve hardship.

Schedule Four (Restricted Substances):

Substances or preparations the supply of which in the public interest should be restricted to medical, dental or veterinary prescription; together with potentially harmful substances or preparations pending the evaluation of their toxic or deleterious nature.

Schedule Five (Domestic Poisons):

Substances or preparations of a dangerous nature commonly used for domestic purposes which must be readily available to the public but which require caution in handling, use and storage.

Schedule Six (Industrial and Agricultural Poisons):

Substances or preparations which must be readily available to the public for agricultural, pastoral, horticultural, veterinary, photographic or industrial purposes or for the destruction of pests.

Schedule Seven (Special Poisons):

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

Schedule Eight (Drugs of Addiction):

Substances or preparations which are addiction-producing drugs or potentially addiction-producing drugs including those so classified by the United Nations Organization or its agencies.

(2) The Governor in Council may by proclamation published in the Government Gazette amend any of the said Schedules or any of the said Schedules as so amended -

- (a) by adding to any such Schedule or removing therefrom any item;
- (b) by transferring any substance from any of the said Schedules to any other of the said Schedules; or
- (c) by altering any item in any of the said Schedules -

and the Schedules as so amended shall have the same force and effect as if such amendment had been enacted in this Act.

(3) A copy of every proclamation made under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

DIVISION 2. POISONS ADVISORY COMMITTEE

**Constitution of
Poisons Advisory
Committee.**

5. (1) For the purposes of this Act there shall be constituted a committee to be known as the "Poisons Advisory Committee".

**Membership of
Committee.**

(2) The Poisons Advisory Committee shall consist of fourteen persons appointed by the Governor in Council of whom

- (a) one shall be a legally qualified medical practitioner employed as a health officer in the Department of Health who shall be appointed as Chairman;
- (b) one shall be a teacher or lecturer in pharmacology or materia medica appointed after consultation by the Minister with the Council of a University in Victoria;
- (c) two shall be registered pharmaceutical chemists appointed from a panel of not less than four names submitted to the Minister by the Pharmacy Board of Victoria;
- (d) one shall be a registered pharmaceutical chemist carrying on business as a retail chemist and druggist appointed from a panel of not less than three names submitted by the governing body for Victoria of the Federated Pharmaceutical Service Guild of Australia;

- (e) two shall be legally qualified medical practitioners practising as physicians appointed from a panel of not less than four names submitted to the Minister by the Victorian Branch of the Australian Medical Association;
 - (f) three shall be appointed to represent manufacturers of poisons or deleterious substances and shall be appointed from each of three panels of not less than three names submitted to the Minister by the Chamber of Manufactures as representative respectively -
 - (i) of manufacturers of poisons or deleterious substances used for medicinal purposes;
 - (ii) of manufacturers of domestic poisons; and
 - (iii) of manufacturers of industrial and agricultural poisons;
 - (g) one shall be appointed to represent wholesale dealers in poisons or deleterious substances and shall be appointed from a panel of not less than three names submitted to the Minister by the Chamber of Commerce;
 - (h) one shall be the Chief Chemist of the Department of Agriculture;
 - (i) one shall be the Chief Industrial Hygiene Officer of the Department of Health; and
 - (j) one shall be the Director of the Veterinary Research Institute of the University of Melbourne.
- (3) If at any time any of the bodies aforesaid fails, within one month after receipt of a request in writing in that behalf from the Minister, to consult with the Minister or to submit a panel of names as aforesaid (as the case may require), the Governor in Council may without such consultation or submission appoint any otherwise eligible person to be a member of the committee and the person so appointed shall for all purposes be deemed to have been duly appointed. Procedure in default of consultation or submission.
- (4) Subject to this Act the several members of the committee shall hold office for a period of not more than three years but shall be eligible for re-appointment if then qualified. Term of office.
- (5) The Governor in Council may at any time remove any member of the committee. Removal.
- (6) Any vacancy in the office of a member of the committee however arising may be filled by the appointment of a qualified person thereto. Subject to the presence of a quorum the committee may continue to act notwithstanding any vacancy in its membership. Filling vacancies.
- (7) A quorum of the committee shall consist of the chairman and at least five other members of the committee of whom at least two shall be pharmaceutical chemists and at least one shall be a legally qualified medical practitioner. Quorum.
- (8) The decision upon any matter of the majority of members present at any meeting shall be the decision of the committee upon such matter: Decisions of committee.

Provided that in the event of an equality of votes the chairman shall have a second or casting vote.

Conduct of business, &c. (9) The committee shall hold its first meeting at such time and place as is determined in that behalf by the Minister and save as is otherwise prescribed the committee may thereafter meet at such times and places and conduct its business in such manner as it thinks fit.

Sub-committees. (10) With the approval of the Minister the committee may -
(a) establish such sub-committees as it deems necessary for the purposes of this Act; and
(b) co-opt any person or persons for the purposes of any such sub-committee.

Fees, expenses, &c. (11) Each of the appointed members of the committee and any person co-opted by the committee shall, unless he is engaged in full-time employment as an officer of the Crown or of the public service, be entitled to receive such fees expenses and allowances as are prescribed.

Functions of committee. 6. The functions of the committee shall be to advise the Chief Health Officer upon and to make recommendations concerning -
(a) any necessity to amend the Schedules to this Act;
(b) any necessity to vary or extend the provisions of any regulations made under this Act; and
(c) any matter or thing relating to the possession, sale and use of poisons or deleterious substances which the committee thinks fit or which is referred to it by the Chief Health Officer.

Committee to consider applications for licences, &c. 7. The committee shall also consider all applications for licences, permits or authorities which may be granted and issued under the provisions of this Act and shall submit to the Chief Health Officer its recommendations as to the granting or withholding thereof.

Appointment of secretary, &c. 8. Subject to the Public Service Act 1958 there may be appointed a secretary to the committee and such other officers as it is necessary or expedient to appoint for carrying out the objects and purposes of this Act.

DIVISION 3. SALE OF POISONS OR DELETERIOUS SUBSTANCES

Authorized Persons

Persens authorized to sell poisons &c. 9. (a) Subject to this Act and the regulations any medical practitioner, pharmaceutical chemist, veterinary surgeon or dentist is hereby authorized to have in his possession and to use, supply or sell any poison or deleterious substance in the lawful practice of his profession as such.

(b) The foregoing provisions of this section shall not be construed as authorizing any medical practitioner, veterinary surgeon or dentist to sell any poison or deleterious substance by retail in an open shop unless he is first licensed under this Act so to do.

Licensed Persons

10. (1) Subject to this Act and the regulations the Chief Health Officer may license fit and proper persons -

Chief Health Officer may license persons for the manufacture and sale of poisons, &c.

- (a) to manufacture any poison or deleterious substance;
- (b) to manufacture and distribute or sell by wholesale any poison or deleterious substance;
- (c) to sell by wholesale any poison or deleterious substance; or
- (d) to sell by retail any poison or deleterious substance specified in Schedules Two, Five, Six and Seven to this Act.

(2) Upon application made in that behalf the Chief Health Officer may in his discretion after considering any recommendation made by the committee grant or refuse any such licence.

(3) No licence shall be granted by the Chief Health Officer unless he is satisfied that the applicant's premises are suitable and sanitary and adequately equipped for the manufacture or sale of the poisons or deleterious substances in respect of which the licence is issued.

(4) A licence to sell by retail any poison or deleterious substance specified in Schedules Two, Five, Six and Seven to this Act shall be granted only to a person who satisfies the Chief Health Officer that he is carrying on a bona fide business in such circumstances as may be prescribed but in any case a licence to sell by retail any poison or deleterious substance specified in Schedules Two and Seven to this Act shall not be granted unless the Chief Health Officer is satisfied that the applicant's place of business is situated at least four miles by the nearest practicable road from any place in which a pharmaceutical chemist conducts an open shop and in such other circumstances as may be prescribed.

(5) Upon the grant of any such licence and payment of the prescribed fee the Chief Health Officer shall cause a licence to be issued to the applicant.

Industrial, Educational and Laboratory Permits

11. (1) The Chief Health Officer may permit fit and proper persons to purchase or otherwise obtain from manufacturers or wholesale dealers poisons or deleterious substances for use for industrial, educational, advisory or research purposes but not for re-sale.

Trade, &c., permits.

(2) Upon application made in that behalf the Chief Health Officer may in his discretion after considering any recommendation made by the committee grant or refuse any such permit.

(3) Upon the grant of any such permit and payment of the prescribed fee (if any) the Chief Health Officer shall cause a permit to be issued to the applicant.

Issue of Licences and Permits

Form,
conditions, terms
of licences, &c.,
and renewal.

12. (1) Every licence or industrial permit issued pursuant to the provisions of this Act shall -
- (a) be in the prescribed form;
 - (b) be subject to such conditions, limitations and restrictions as may be prescribed and as the Chief Health Officer thinks fit;
 - (c) remain in force until the thirty-first day of December next following the day upon which it is issued unless sooner cancelled, suspended or revoked; and
 - (d) be renewable from year to year.
- (2) Every permit for educational, advisory or research purposes shall -
- (a) be in the prescribed form;
 - (b) be subject to such conditions, limitations and restrictions as may be prescribed and as the Chief Health Officer thinks fit; and
 - (c) remain in force until cancelled, suspended or revoked.
- (3) A licensee or the holder of any industrial permit may at any time during the month of November in the current year make application to the Chief Health Officer for renewal of his licence or permit (as the case may be) in respect of the next succeeding year.
- (4) Subject to this Act and the regulations and payment of the prescribed fee the Chief Health Officer may renew any licence or industrial permit for the next ensuing year and cause to be issued to the licensee or holder of a permit a renewed licence or permit (as the case may require).
- (5) Every renewal of a licence or industrial permit shall take effect from the first day of January in the year to which the renewal relates and shall continue in force until the thirty-first day of December next following unless sooner cancelled, suspended or revoked.
- (6) (a) There shall be paid to the Department of Health by every applicant for a licence or a permit under this Act or for renewal thereof such fees as are prescribed.

Fees.

- (b) Such fees shall not exceed -
- | | |
|---|--------------|
| (i) for a licence to manufacture | Fifty pounds |
| (ii) for a licence to sell by wholesale | Fifty pounds |
| (iii) for a licence to sell by retail | Five pounds |
| (iv) for an industrial permit | Five pounds. |

(7) The Chief Health Officer may in his discretion at any time amend, suspend, cancel or revoke any licence or permit issued pursuant to the provisions of this Act or any corresponding previous enactment. Any licence or permit so suspended, cancelled or revoked shall forthwith cease to have effect and shall be surrendered to the Chief Health Officer on demand.

Cancellation, suspension, &c., of licences.

(8) Any person who feels aggrieved by any refusal of the Chief Health Officer to issue or renew any licence or permit or by any order of the Chief Health Officer cancelling, suspending or revoking any licence or permit may appeal therefrom to a stipendiary magistrate within six months after any such refusal, cancellation, suspension or revocation.

Appeal against refusal or cancellation or suspension of licence.

(9) The stipendiary magistrate shall entertain, inquire into and decide upon the appeal and for that purpose may do all such matters and things relating thereto and in the same manner and to the same extent as he is empowered to do in the exercise of his ordinary jurisdiction; and his decision shall be final and conclusive.

Determination of appeal.

DIVISION 4. GENERAL

13. (1) The manufacturer, importer or distributor (as the case may require) of any substance, preparation or mixture which consists of or contains in any proportion whatsoever any of the substances named in Schedule One, Two, Three, Four, Five, Six, Seven or Eight to this Act and which is being offered for sale or sold to the public on the proclaimed day under any trade, proprietary or similar name shall within the period of six months after the proclaimed day notify the Chief Health Officer in writing of the name under which such substance, preparation or mixture is offered for sale or sold to the public and of the nature and percentage of the toxic ingredients contained therein.

Manufacturer &c., to notify Chief Health Officer of name and toxic content of substances sold to the public under trade name, &c.

(2) Before any substance, preparation or mixture which consists of or contains in any proportion whatsoever any of the substances named in Schedule One, Two, Three, Four, Five, Six, Seven or Eight to this Act is first offered for sale to the public after the proclaimed day under any trade, proprietary or similar name the manufacturer, importer or distributor thereof (as the case may require) shall notify the Chief Health Officer in writing of the name under which such substance, preparation or mixture is intended to be sold to the public and of the nature and percentage of the toxic ingredients contained therein.

(3) Where in respect of any such substance, preparation or mixture any change is intended to be made in the nature or percentage of the toxic ingredients contained therein the manufacturer, importer or distributor thereof (as the case may require) shall before such substance, preparation or mixture is offered for sale to the public with a changed composition notify the Chief Health Officer in writing of the particulars of such change.

Notification of change in toxic content of substances sold to the public

(4) The foregoing provisions of this section shall not apply in respect of any substance, preparation or mixture the composition of which -

Provisions not to apply where composition disclosed on container &c.

(a) is required to be registered by or under the provisions of any Act for the time being in force in Victoria; or

(b) is disclosed on the container thereof or by a label attached thereto.

Disclosure of toxic content of proprietary substances.

(5) Any information notified to the Chief Health Officer pursuant to the foregoing provisions of this section concerning the composition of any substance containing any poison or deleterious substance shall not without the consent of the person supplying the information be disclosed except to the Poisons Advisory Committee and to persons engaged in treating some person affected by the taking or use of any such substance and in any such case shall be disclosed only in such manner and by such persons as are authorized for the time being by the Minister.

(6) Where pursuant to the provisions of any other Act there is registered any substance, preparation or mixture which consists of or contains in any proportion whatsoever any of the substances named in Schedule One, Two, Three, Four, Five, Six, Seven or Eight to this Act the person charged with the keeping of the register in relation thereto shall, notwithstanding anything in any other Act to the contrary, within one month after the registration thereof notify or cause the Chief Health Officer to be notified in writing of the nature and percentage of the toxic ingredients contained in any such substance, preparation or mixture; and any such notification shall not be deemed or taken to be a disclosure within the meaning of any other Act of the prescription or composition of any such substance, preparation or mixture or in any way render any person liable to any penalty under any other such Act in relation thereto.

Sale of poisons book.

14. (1) Every person who sells by retail any poison or deleterious substance specified in Schedule One to this Act or such poisons or deleterious substances specified in Schedule Six to this Act as are prescribed for the purposes of this section shall make a true record in a sale of poisons book in the form of Schedule Nine to this Act of each such sale in such a manner and of such particulars as are prescribed.

Sales by telegram.

(2) No person shall sell any poison or deleterious substance a record of the sale of which is required to be made in a sale of poisons book on an order by letter telegram or radiogram unless the purchaser is known to the vendor and the letter telegram or radiogram is preserved by the vendor and a memorandum of the date and sender of the order is entered in the sale of poisons book.

Unlicensed manufacturing or wholesale dealing.

15. No person shall manufacture or sell by wholesale any poison or deleterious substance unless he is licensed under this Act so to do.

Wholesale dealing.

16. No person shall sell any poison or deleterious substance by wholesale to any person who is not authorized by or licensed or permitted under this Act or the regulations to have in his possession or to sell such poison or deleterious substance.

Wholesaler not to sell by retail.

17. No manufacturer or wholesale dealer shall sell any poison or deleterious substance by retail unless he is authorized by or licensed under this Act so to do.

Unauthorized sale, &c.

18. No person shall sell or supply any poison or deleterious substance unless he is authorized by or licensed under this Act so to do.

Making false declaration.

19. Any person who for the purpose of obtaining for himself or for any other person the issue, grant or renewal of a licence or permit under this Act makes any declaration or statement which is false in any material particular or knowingly utters, produces or makes use of any such declaration, statement or document containing the same shall be guilty of an offence against this Part.

20. No person shall sell any poison or deleterious substance specified in Schedule One to this Act or such of the substances specified in Schedules Five and Six as are prescribed for the purposes of this section -

Prohibition of sale to persons under eighteen years or to strangers.

- (a) to any person who is under the age of eighteen years; or
- (b) to any person unknown to the vendor unless the sale is made in the presence of an adult witness who is known to the vendor and who knows the purchaser or in the presence of a member of the police force.

21. Every medical practitioner who in the course of his practice is treating any person addicted to any drug of addiction or restricted substance and who considers it necessary for the purpose of treatment that the addict should receive unusually large supplies of any drug of addiction or restricted substance shall forthwith report the case of such addict to the Chief Health Officer.

Notification of treatment of drug addicts.

22. Every pharmaceutical chemist who is called upon to dispense for any person unusually large quantities of or more frequently than appears to be reasonably necessary any drug of addiction or restricted substance shall forthwith report such case to the Chief Health Officer.

Chemist to report addiction to drugs.

23. No person shall use or attempt to use and no person shall prescribe any drug of addiction or restricted substance for the purpose of self-administration: Provided that a patient for whom a medical practitioner or dentist has prescribed a drug of addiction or a restricted substance may take or use such drug or substance to the extent and for the purpose for which it was prescribed.

Prohibition of self-administration of drugs, &c.

24. (1) Except insofar as it is otherwise by this Act expressly enacted every person who -

Penalty for offences under this Part.

- (a) contravenes or fails to comply with any of the provisions of this Part;
- (b) contravenes or fails to comply with any condition, limitation or restriction to which any licence or permit issued under this Part is subject;
- (c) purchases any poison or deleterious substance and gives false information in answer to inquiries required by or under this Act to be made by the seller; or
- (d) signs his name as a witness to the sale of a poison or deleterious substance to a person unknown to him -

shall be guilty of an offence against this Part.

(2) Every person guilty of an offence against this Part shall be liable to a penalty of not more than One hundred pounds.

Penalty.

PART II. SPECIAL POISONS

Power to
Governor in
Council to make
regulations as
to the
manufacture,
&c., of special
poisons.

25. For the purpose of protecting persons engaged in the manufacture, use or distribution of special poisons the Governor in Council may make regulations for or with respect to -

- (a) prohibiting the possession, manufacture, sale, distribution or use of any special poisons either absolutely or except under such circumstances or conditions as may be prescribed;
- (b) prescribing precautions to be taken in and regulating or controlling the manufacture, storage, use or handling of any such special poisons; and
- (c) prescribing penalties not exceeding One hundred pounds for breaches of the regulations made under this Part.

PART III. DRUGS OF ADDICTION

Interpretation.

26. (1) In this Part unless inconsistent with the context or subject-matter -

"Authorized person."

"Authorized person" includes any person licensed under Part I of this Act to manufacture sell or distribute any drug of addiction.

"Coca leaves."

"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.

"Crude cocaine."

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

"Ecgonine."

"Ecgonine" includes any derivatives of ecgonine from which it may be recovered industrially.

"Indian hemp."

"Indian hemp" means the fresh or dried aerial parts of the plant known as Cannabis sativa L. whether or not the resin has been extracted therefrom and any resinous or other extract obtained from the plant by whatever name such parts or extracts are called.

"Medicinal opium."

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

"Opium."

"Opium" includes raw opium, prepared opium, and medicinal opium.

"Prepared opium."

"Prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked.

"Raw opium."

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

"Specified drug" means any restricted substance declared by proclamation of the Governor in Council and published in the Government Gazette to be productive, if improperly used, of effects of substantially the same character as any drug of addiction.

"Specified drug."

(2) This Part shall be read and construed as in aid and not in derogation of any other provisions of this Act or of any provisions of the Health Act 1958.

Construction of Part.

27. (1) No person other than an authorized person shall have in his possession or disposition any raw opium, prepared opium, medicinal opium, coca leaves, crude cocaine, ecgonine, Indian hemp [cannabis] ^{2/} or other drug of addiction or any specified drug or any preparation of them or any of them.

Possession of opium, &c.

(2) The foregoing provisions of this section shall not apply to the possession of any drug of addiction or specified drug contained in any preparation made up or compounded as a medicine by a medical practitioner or by a pharmaceutical chemist, veterinary surgeon or dentist according to the prescription of a medical practitioner, veterinary surgeon or dentist issued for an individual and specific case.

(3) No person shall administer or sell to or prescribe or dispense for any person any drug of addiction or specified drug merely for the purpose of addiction.

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

Meaning of possession.

29. (1) Every authorized person shall enter or cause to be entered in a book kept for that purpose details of all opium, coca leaves, crude cocaine, ecgonine, Indian hemp [cannabis] or any other drug of addiction or any specified drug obtained by him, quantities used, sold or otherwise disposed of and such other particulars as are prescribed.

Authorized person to record details of opium, &c., used sold or disposed of.

(2) Where a medicine containing opium or any preparation thereof in the form of an admixture which makes it unfit for smoking is dispensed by a pharmaceutical chemist under the prescription of a medical practitioner it shall be deemed to be a sufficient compliance with the last preceding sub-section if the dispensing is entered in every other book required to be kept by the said pharmaceutical chemist by or under this or any other Act for the purpose of entering prescriptions dispensed by him provided that such entry is in the proper sequence and contains the name and address of the person for whom the prescription was issued, the date on which the medicine was dispensed and such other requirements as are prescribed by the regulations under this Part.

Entry in prescription book with respect to certain medicines.

2/ Note by the Secretariat: The words in square brackets have been inserted by the Secretariat.

Prohibition of manufacture or preparation of heroin.

Interpretation of "heroin".

Saving.

30. (1) Any person who manufactures or prepares or takes any part in the manufacture or preparation of heroin shall be guilty of an offence against this Part.

(2) In this section "heroin" means diacetylmorphine (also known as diamorphine) and its salts.

(3) This section shall not apply to the manufacture or preparation of heroin for educational experimental or research purposes -

(a) in any university, school or institution approved by the Governor in Council for that purpose; and

(b) under and subject to such conditions as the Governor in Council imposes in the case of any such approved university, school or institution.

Smoking opium &c.

31. (1) No person shall smoke opium Indian hemp [cannabis] or any other drug of addiction or any specified drug.

(2) For the purposes of this Part "smoke" includes inhaling the fumes caused by heating or burning any substance, and "smoking" and other derivatives of "smoke" shall have corresponding interpretations.

(3) The provisions of this Part in respect of the smoking of opium, Indian hemp [cannabis], and other drugs of addiction or specified drugs shall have effect whether or not such opium, Indian hemp, drug of addiction or specified drug is used or mixed with any other substance.

Trafficking, &c., in drugs of addiction.

32. Every person who prepares, manufactures, sells, or deals or traffics in -

(a) opium or Indian hemp [cannabis] or other drug of addiction or specified drug in a form suitable for smoking; or

(b) any drug of addiction or specified drug without being authorized by or licensed under this Act so to do -

shall be guilty of a misdemeanour and shall be liable to imprisonment for a term of not more than ten years or to a penalty of not more than Two thousand pounds or to both such imprisonment and penalty.

Forging prescription or order.

33. (1) Every person who forges or fraudulently alters or utters knowing it to be forged or fraudulently altered any prescription or order for a drug of addiction or a specified drug shall be guilty of a misdemeanour and shall be liable to imprisonment in respect of any drug of addiction for a term of not more than five years and in respect of any specified drug for a term of not more than two years.

Obtaining drug, &c., by false representation.

(2) Every person who knowingly by any false representation (whether oral or in writing or otherwise) obtains from a medical practitioner, veterinary surgeon or dentist or other authorized person any drug of addiction or specified drug or by such false representation causes or induces a medical practitioner or other authorized person to administer to him by injection or otherwise any drug of addiction or specified drug shall be guilty of an offence against this Part.

(3) Every person who knowingly by any false representation (whether oral or in writing or by conduct) causes or induces any pharmaceutical chemist to dispense any forged or fraudulently altered prescription or any

prescription obtained in contravention of the provisions of this section knowing the same to be forged or fraudulently altered or obtained shall be guilty of an offence against this Part.

34. (1) Every person -

Offences.

(a) who contravenes or fails to comply with any of the provisions of this Part; or

(b) who in Victoria aids and abets, counsels or procures the commission in any place outside Victoria of any offence punishable under the provisions of any corresponding law in force in that place or does any act preparatory to or in furtherance of any act which if committed in Victoria would constitute an offence against this Part -

shall be guilty of an offence against this Part.

(2) Every person guilty of an offence against this Part shall be liable to the penalty provided in respect of that offence or if no penalty is expressly provided shall be liable to a penalty of not more than Two hundred and fifty pounds, or to imprisonment for a term of not more than twelve months, or to both such penalty and imprisonment.

Penalty.

(3) Every person who is convicted of an offence against this Part shall forfeit to Her Majesty all articles in respect of which the offence was committed, and the court before which the offender is convicted may order any forfeited articles to be destroyed or to be dealt with as property forfeited to Her Majesty under sub-section (3) of section sixty-two of this Act or to be otherwise disposed of as the court thinks fit.

(4) No person shall on conviction for any offence of contravening or failing to comply with any regulation under this Part relating to

Provision in cases of inadvertent commission of certain offences.

(a) the keeping of books; or

(b) the issuing or dispensing of prescriptions containing substances or preparations to which this Part applies -

be sentenced to imprisonment or to pay a penalty of more than 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 against this Part.

(5) Every person who -

Attempts &c.

(a) attempts to commit an offence under this Part; or

(b) solicits or incites another person to commit such an offence -

shall, without prejudice to any other liability, be liable to the same punishment and forfeiture as if he had committed an offence against this Part.

Offences by company.

(6) Where a person convicted of an offence under this Part is a company the chairman and every director and every officer of the company concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

Burden of proof.

(7) In any proceedings against any person for an offence against this Part the burden of proving any matter of exception, qualification or defence shall lie upon the person seeking to avail himself thereof.

Power to court of petty sessions to deal with misdemeanours in certain circumstances.

35. (1) Where any person is charged with any misdemeanour under this Part before a court of petty sessions it shall be lawful for the court to hear and determine the charge in a summary way and if the person charged confesses the same or if the court after hearing the whole case for the prosecution and the defence finds the charge proved then the court may convict the person charged and sentence him to be imprisoned for a term of not more than twelve months or impose a fine of not more than Two hundred and fifty pounds or both sentence him to be so imprisoned and to pay such a fine and if the court finds the offence not proved it shall dismiss the charge and on a request so to do make out and deliver to the person charged a certificate stating the fact of such dismissal:

Provided that if the person charged does not consent or if the court is of opinion that the charge is from any circumstances fit to be prosecuted by proceedings as for an indictable offence rather than to be disposed of summarily the court shall instead of summarily adjudicating thereon deal with the case in all respects as if it had no authority to hear and determine the same.

Procedure.

(2) Where the court before whom any person is charged as aforesaid proposes (on the application of the prosecutor or the person charged or on its own motion at any time during or immediately after the hearing of the evidence for the prosecution) to dispose of the case summarily under the foregoing provisions of this section one of the justices shall state to such person the substance of the charge against him and shall then say to him these words or words to the like effect -

"Do you consent that the charge against you shall be tried by this court or do you desire that it shall be sent for trial by a jury" -

and if the person charged consents to the charge being summarily tried and determined one of the justices shall then ask how he pleads to the charge and the court shall then proceed to deal with the case summarily.

Effect of conviction.

(3) Every conviction by a court of petty sessions under this section shall have the same effect as a conviction upon a presentment for the same offence as for an indictable offence.

Effect of dismissal or conviction.

(4) Every person who obtains a certificate of dismissal or is convicted under this section shall be released from all further criminal proceedings for the same cause.

(5) Where any person is charged before any justice with any misdemeanour under this Part and in the opinion of the justice the case is one proper to be disposed of under this section by a court of petty sessions, the justice before whom the person is so charged may if he sees fit remand the person for further examination to the next practicable court of petty sessions having jurisdiction to be held nearest to the place where such justice then is, in like manner in all respects as a justice is by law authorized to remand a person accused of an indictable offence.

Provision for remand.

36. (1) In this Part and in section sixty-two of this Act the expression "corresponding law" means any law stated in a certificate purporting to be issued by or on behalf of the Government of -

Interpretation of "corresponding law".

- (a) any British possession (including any territory which is under Her Majesty's protection or which is governed under a trusteeship agreement by the Government of any part of Her Majesty's dominions) outside Victoria; or
- (b) any foreign country (including any protectorate thereof or any territory which is governed under a trusteeship agreement by the Government thereof),

to be a law providing for the control and regulation in that possession or country of the manufacture, sale, use, export or import of drugs in accordance with the provisions of -

- (i) the International Opium Convention signed at the Hague on the twenty-third day of January One thousand nine hundred and twelve; or
- (ii) the Convention which is referred to as the Geneva Convention in the preamble to the Act of the Parliament of the United Kingdom known as the Dangerous Drugs Act 1925 and as having been signed on behalf of His Majesty on the nineteenth day of February One thousand nine hundred and twenty-five; or
- (iii) the Single Convention on Narcotic Drugs, 1961 signed at New York on the thirtieth day of March One thousand nine hundred and sixty-one.

(2) Any statement in any such certificate as to the effect of the law mentioned in the certificate or any statement in any such certificate that any facts constitute an offence against that law shall be conclusive.

Effect of statements in certificate as to such law.

37. For the purpose of preventing the improper use of drugs of addiction and specified drugs or any preparation of them or any of them the Governor in Council may make regulations for or with respect to regulating or controlling the sale, possession, distribution and storage of those substances and preparations and in particular, without affecting the generality of the foregoing provisions of this section or of any other provisions of this Act, for or with respect to -

Power to Governor in Council to make regulations with respect to drugs of addiction and specified drugs.

- (a) regulating the issue by medical practitioners of prescriptions for any such substance or preparation and the dispensing of any such prescriptions;

- (b) requiring persons engaged in the manufacture, sale and distribution of any such substance or preparation to keep books and records and furnish information in writing or otherwise;
- (c) the custody, accumulation and storage of any such substance or preparation;
- (d) regulating the supply of any such substance or preparation to drug addicts;
- (e) generally prescribing all such matters and things as are necessary or convenient to be prescribed for carrying this Part into effect; and
- (f) prescribing a penalty of not more than One hundred pounds for any contravention of or failure to comply with the regulations made under this section.

Power to make regulations providing that certain breaches of regulations deemed infamous &c. conduct in a professional respect.

38. The provisions of the last preceding section with respect to the making of regulations shall (without prejudice to the generality of the powers conferred by the said section) extend and apply to the making of regulations for or with respect to providing that any specified breach of the regulations made under the said section shall be regarded -

- (a) as infamous conduct in a professional respect within the meaning and for the purposes of any Act; or
- (b) as discreditable conduct within the meaning and for the purposes of section ninety-seven of the Medical Act 1958; or
- (c) as immoral conduct in connexion with the conduct of dental practice or as a reason affecting conduct in a professional respect within the meaning and for the purposes of Part II of the Medical Act 1958.

PART IV.

.....^{3/}

PART V. SUPPLEMENTARY

Proclamations. 46. Any proclamation made by the Governor in Council for the purposes of this Act may by like proclamation be amended, varied or revoked.

^{3/} Note by the Secretariat: Only the provisions of this Act which are relevant to narcotics control have been reproduced in this document.

47. (1) No person shall sell any drug or medicine which is for internal use or any food, drink or condiment in a container -

- (a) of like description to that prescribed by regulations for a container in which any poison or deleterious substance intended for external use may be sold; or
- (b) of such a description as not to be readily distinguishable by sight and touch or by either sight or touch from a container in which such a poison or deleterious substance may be sold.

(2) Nothing in this section shall affect the other requirements of this Act or any regulations thereunder with respect to the containers in which drugs or medicines which are or contain poisons or deleterious substances within the meaning of this Act may be sold.

48. (1) No person -

- (a) shall sell or offer for sale or attempt to sell in any street or from house to house; or
- (b) shall hawk or peddle, or shall distribute or cause to be distributed as samples, in any street or public place or from house to house -

any poison or deleterious substance.

(2) Every person who contravenes or fails to comply with any of the foregoing provisions of this section shall be guilty of an offence and shall for every such offence be liable to a penalty of not more than Two hundred and fifty pounds or to imprisonment for a term of not more than twelve months.

(3) In this section "Sell" or "Offer for sale" includes delivering any such poison or deleterious substance whether with or without consideration and otherwise than in pursuance of an order or prescription of a medical practitioner, dentist or veterinary surgeon to any person who is not authorized by or under this Act to be in possession of such poison or deleterious substance.

49. (1) No person shall -

- (a) whether on or about his premises or elsewhere-
 - (i) install any automatic machine for the sale or supply of any poison or deleterious substance; or
 - (ii) sell or supply any poison or deleterious substance by means of any automatic machine; or

Medicines for internal use not to be sold in containers like those in which poisons for external use may be sold

Saving.

Hawking &c.

Penalty.

"Sell"
"Offer for sale"

Selling poisons &c., by automatic machines prohibited.

- (b) allow, permit or suffer any such automatic machine to be installed on his premises; or
- (c) place or allow, permit or suffer to be placed any poison or deleterious substance in any automatic machine on his premises or under his control; or
- (d) allow, permit or suffer any person to purchase or be supplied with or otherwise obtain any poison or deleterious substance by means of any automatic machine on the premises or under the control of such first-mentioned person.

Penalty.

(2) Any person who commits any contravention of or fails to comply with any provision of this section shall be guilty of an offence and shall for every such offence be liable to a penalty of not more than One hundred pounds or to imprisonment for a term of not more than six months, and to a further penalty of not less than Three pounds and not more than Ten pounds for each day on which any offence under this section is continued after conviction by any court.

Forfeiture.

(3) Any automatic machine in respect of which any person is convicted of any offence against the provisions of this section may in the discretion of the court before which proceedings are taken for such offence be forfeited to Her Majesty.

Power of police to arrest offenders against certain provision of this Act.

50. (1) Any member of the police force may with or without warrant with any assistance he requires take into custody any person found offending -

- (a) against sub-section (1) of section forty-eight of this Act;
- (b) against any provision of Part III of this Act or the regulations thereunder which prohibits the sale of any drug of addiction or specified drug; or
- (c) against section forty of this Act -

whom such member believes on reasonable grounds has no fixed place of abode or is likely to abscond or who on demand refuses to give his name and address or gives a name or address which such member reasonably suspects to be false.

"Found offending".

(2) In this section the expression "found offending" has the like meaning as it has in section two hundred and two of the Police Offences Act 1958.

Calculation of percentages in case of liquid preparations.

51. For the purposes of this Act percentages in the case of liquid preparations shall (unless other provision in that behalf is made by regulation under this Act) be calculated on the basis that the preparation containing one per centum of any substance means a preparation in which -

- (a) one gramme of the substance, if a solid; or
- (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.

52.

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PART VI. LEGAL PROCEEDINGS, ETC.

54. (1) The Chief Health Officer shall in the month of January in each year cause to be published in the Government Gazette a correct list of the names of all persons who hold licences or permits under this Act.

Lists of licensed persons &c. to be published.

(2) In every such list the names shall be in alphabetical order according to the surnames with the respective residences or place of business of the holders of such licences or permits.

Printed lists to be evidence.

(3) The production of a copy of the Government Gazette containing any such list as last published shall be prima facie evidence in all courts of justice and in all legal proceedings whatsoever that the persons specified in such list hold such licences or permits.

Effect of absence of a defendant's name from certain registers or lists in Government Gazette.

55. In any legal proceedings under this Act -

(a) the production of a copy of the Government Gazette containing the several registers or lists as last published in relation to the time in question of legally qualified medical practitioners, pharmaceutical chemists, dentists or veterinary surgeons and of persons holding licences or permits under this Act shall, if the name of the defendant does not appear in any of such registers or lists, be prima facie evidence that he is not a legally qualified medical practitioner or a registered pharmaceutical chemist, dentist, veterinary surgeon or a person who holds a licence or permit under this Act;

Evidence.

(b) a certificate that any person is or is not or was or was not on a certain date or for a certain period a legally qualified medical practitioner shall if purporting to be signed by the secretary of The Medical Board of Victoria be prima facie evidence of the fact therein stated;

Certificate of Medical Board or Pharmacy Board to be evidence.

(c) a certificate that any person is or is not or was or was not on a certain date or for a certain period a registered pharmaceutical chemist shall, if purporting to be signed by the registrar of the Pharmacy Board of Victoria, be prima facie evidence of the fact therein stated; or

(d) a certificate that any person is or is not or was or was not on a certain date or for a certain period a registered dentist shall, if purporting to be signed by the registrar of The Dental Board of Victoria, be prima facie evidence of the fact therein stated;

(e) a certificate that any person is or is not or was or was not on a certain date or for a certain period a registered veterinary surgeon shall, if purporting to be signed by the registrar of The Veterinary Board of Victoria, be prima facie evidence of the fact therein stated;

- (f) a certificate that any person is or is not or was or was not on a certain date or for a certain period a person who holds a licence, permit or authority under this Act shall, if purporting to be signed by the Chief Health Officer, be prima facie evidence of the fact therein stated.

Proof of certificate of analyst.

- 56. (1) In any legal proceedings for offences against this Act -
 - (a) the production of a certificate purporting to be signed by an analyst with respect to any analysis made by him shall, without proof of the signature of the person appearing to have signed the same or that he is an analyst, be sufficient evidence -
 - (i) of the identity of the thing analysed;
 - (ii) of the result of the analysis; and
 - (iii) of the matters relevant to such proceedings stated in such certificate -

unless the defendant having been afforded an opportunity so to do by at least three days' notice in writing delivered to the informant and by a like three days' notice delivered to the analyst requires that such analyst shall attend as a witness; and

Expenses of analysis.

- (b) the court may in addition to any other order as to costs make such order as it thinks proper as to the conduct money of the analyst and as to the expenses of and remuneration to be paid for any analysis.

Meaning of "analyst".

- (2) For the purposes of this section "analyst" means any person employed by the Government of Victoria as an analyst or any 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.

Sales by employé &c.

- 57. For the purposes of this Act any person on whose behalf a sale is made shall be deemed to be the person who sells, and every employé, assistant or apprentice of such person shall be liable to the like penalties as the person on whose behalf he makes any sale.

Powers of inspection.

- 58. (1) For the purpose of ascertaining whether the provisions of this Act and the regulations are being complied with any officer may at any reasonable time -
 - (a) enter upon any premises occupied by any person licensed or otherwise authorized by or under this Act to have in his possession any poison or deleterious substance;
 - (b) examine any room or part of such premises and any goods or records therein;
 - (c) take an account of any poisons or deleterious substances therein; or
 - (d) on payment or tender of a reasonable price demand, select and obtain any sample of any poison or deleterious substance which is in or on such premises.

- (2) Every person who -
- (a) refuses or fails to admit any officer demanding to enter in pursuance of the provisions of this section;
 - (b) refuses to permit any officer to select or obtain any sample in pursuance of the provisions of this section; or
 - (c) obstructs or delays any officer in the discharge of his duty or causes or permits any such member of person to be so obstructed or delayed -

shall be guilty of an offence against this Act.

(3) No officer shall be in any way liable to any penalty in respect of anything done by him in the exercise of any power or in the performance of any duty conferred or imposed upon him pursuant to the provisions of this Act and the regulations.

59. (1) Where there is sold to any officer in an unopened package any poison or deleterious substance in connexion with the sale of which there is a contravention of or failure to comply with any of the provisions of this Act or the regulations each of the following persons shall, in addition to the person who actually sold the package to the officer, be liable in respect of such contravention or failure, namely -

Certain persons deemed to have sold poisons,&c.

- (a) if there is a label on or attached to the package - any person who appears from such label to have manufactured or prepared such poison or deleterious substance or to have imported the same into Victoria or to have enclosed or caused the same to be enclosed in such package or to have been the wholesale supplier of such poison or deleterious substance; or
- (b) if there is no label on or attached to the package or if there is a label on or attached to such package but the label does not disclose any of the particulars referred to in the last preceding paragraph - any person who has previously sold such unopened package.

(2) Any person to whom the provisions of the last preceding subsection apply shall be deemed to have sold the unopened package to the officer as on the day and at the place where he purchased the same and shall be liable to the same penalty as if he had actually sold the unopened package to the officer on that day and at that place.

Presumption as to sale of unopened package.

(3) It shall be a good defence to any prosecution brought under the provisions of this section if the person charged shows -

Defences.

- (a) that the contravention or non-compliance is due to the act or default of some subsequent seller;
- (b) that the contravention or non-compliance is due to deterioration or other causes beyond the control of the person so charged;

- (c) where there is a label on or attached to the package, that he did not in fact attach the label or cause the label to be attached or enclose the poison or deleterious substance in the package or cause the same to be enclosed; or
- (d) where there is no label on the package or attached thereto, that he purchased such poison or deleterious substance already enclosed in such package from some other person and sold the same in the condition in which he received it.

As to liability of retailer, &c.

(4) Nothing in this section shall affect the liability of any person selling any such unopened package to an officer with respect to any contravention or non-compliance due to his default or to other causes within his control; and the conviction of any person under the foregoing provisions of this section shall not exonerate the person selling such unopened package or any other person from liability with respect to any such contravention or non-compliance.

Where name of firm appears on label.

(5) Without affecting the generality of the application of this or any other provision of this Act to firms or their members, where a firm appears from any such label to have imported manufactured or prepared any such poison or deleterious substance or to have been the wholesale supplier of the same or to have enclosed the same in a package -

- (a) proceedings under this section may be taken (whether in a court of petty sessions or otherwise) and penalties recovered accordingly against any member or members of the firm; and
- (b) this section shall be read and construed and have effect as if the name or names of such member or members of the firm had appeared on such label.

Interpretation.

(6) In this section and the last preceding section, unless inconsistent with the context or subject-matter -

"Officer".

"Officer" means any person authorized in writing (either generally or in any particular case) by the Chief Health Officer for the purposes of this Act, or any member of the police force.

"Wholesale supplier".

"Wholesale supplier" means a person who sells or supplies poisons or deleterious substances to any other person for the purpose of resale.

Evidence on prosecutions under this Act

60. In any prosecution for a contravention of or failure to comply with any provision of this Act or any regulations thereunder, whenever it is necessary or proper to prove in respect of any particular article or substance that it is a poison or deleterious substance then in every such case -

- (a) evidence that any substance commonly sold under the same name or description as the said particular article or substance is a poison or deleterious substance shall be prima facie evidence that the said particular article or substance also conforms to the same description accordingly; and
- (b) evidence that any particular article or substance or the container thereof is labelled "Poison" or "Poisonous, not to be taken" shall be prima facie evidence that the

said particular article or substance is a poison or deleterious substance.

61. Every person who contravenes or fails to comply with any provision of this Act or any regulation made under this Act shall be guilty of an offence against this Act and if no penalty is expressly provided with respect to such offence shall be liable to a penalty of not more than Fifty pounds.

Offences not otherwise provided for.

62. (1) Where any justice is satisfied by information on oath that there is reasonable ground for suspecting -

Search warrant for drugs, &c., and for documents.

- (a) that there is in any house or premises any poison or deleterious substance in contravention of this Act or the regulations or that any opium or other drug of addiction or any specified drug is being smoked or taken or used therein contrary to the provisions of Part III of this Act; or
- (b) that there is in the possession or under the control of any person in any house or premises -
 - (i) any poison or deleterious substance or any preparation thereof in contravention of this Act or the regulations; or
 - (ii) any document directly or indirectly relating to or connected with any transaction or dealing which is or would if carried out be an offence against any provision of this Act or the regulations or against the provisions of any corresponding law in force in any place outside Victoria -

such justice may grant a warrant authorizing any member of the police force named in the warrant to enter and search such house or premises.

(2) Any member of the police force to whom such warrant is addressed may at any time or times within one month from the date of the warrant and with such assistants as may be necessary -

Entry, search and seizure.

- (a) enter, if need be by force, the premises named in the warrant;
- (b) arrest all persons found offending therein against the provisions of Part III of this Act;
- (c) search the premises and any person found therein; and
- (d) seize or seize and carry away -
 - (i) any substance or preparation found on such premises or in the possession or under the control of any person in such premises if such member has reasonable ground for suspecting that that substance or preparation is or contains a poison or deleterious substance which is on such premises or in such possession or under such control in contravention of any of the provisions of this Act or the regulations;

(ii) any pipes or things used or capable of being used for smoking opium or any other drug of addiction or specified drug or for the purpose of preparing, taking or administering any drug of addiction or specified drug for the purposes of addiction; and

(iii) any such document as is referred to in paragraph (b) of the last preceding sub-section.

Forfeiture
of opium
pipes, etc.,
seized.

(3) All opium pipes and things seized under sub-paragraph (ii) of paragraph (d) of the last preceding sub-section shall on the conviction of the person in whose possession the same were found to be forfeited to Her Majesty and shall be forthwith destroyed or in any case where any such opium or other drug of addiction or any specified drug is likely to be useful or can be made useful for the purposes of any public hospital or public institution it may upon the authority of the Minister be delivered to the proper officer of such hospital or institution for use for the purposes thereof.

Return of
seized
substances,
etc.

(4) Subject to the last preceding sub-section any poison or deleterious substance other than a drug of addiction or a specified drug seized under the provisions of this section may on the application of the owner thereof and with the approval in writing of the Minister be returned to the owner thereof subject to such conditions or limitations as to its use or otherwise as the Minister thinks fit to impose.

Form of
warrant

(5) Every such warrant may be in the form or to the effect of Schedule Ten to this Act, and shall not be granted except upon information made as aforesaid.

PART VII - REGULATIONS

63. The Governor in Council may make regulations for or with respect to:

- (a) prescribing forms to be used for the purposes of this Act;
- (b) the colouring of any poison or deleterious substance;
- (c) the sale and safe custody of poisons and deleterious substances including the specifications of cupboards and other receptacles and the manner of storage of any poison or deleterious substance;
- (d) specifying the containers in which any poison or deleterious substance may be sold and prohibiting the use of such containers for other substances;
- (e) labelling and specifying the particulars (including antidotes) to be included in labels attached to containers of poisons and deleterious substances;
- (f) application for and the issue, renewal, cancellation and suspension of licences, permits and authorities issued under this Act;
- (g) prescribing conditions, limitations and restrictions to which licences and permits issued under this Act shall be subject;
- (h) prescribing fees (not exceeding the maximum fees fixed by Part I of this Act) to be paid for the issue of licences and permits under this Act;

- (j) the inspection of premises, stocks, books and any other documents relating to poisons and deleterious substances;
- (k) exempting from all or any of the provisions of this Act and the regulations substances or preparations containing any poison or deleterious substance which by their nature are not capable of being used in evasion of this Act and the regulations or which are supplied or sold by a pharmaceutical chemist or according to the prescription of a medical practitioner, veterinary surgeon or dentist for an individual and specific case;
- (l) particulars to be recorded in the Sale of Poisons Book and the procedure to be followed in relation to the sale and recording of poisons and deleterious substances;
- (m) precautions to be observed in connexion with the sale of poisons or deleterious substances ordered by letter, telegram or radiogram;
- (n) specifying the persons or classes of persons authorized or entitled to purchase, use or be in possession of any poison or deleterious substance;
- (o) providing for the disposal of automatic machines forfeited pursuant to the provisions of this Act;
- (p) prohibiting the sale of any poison or deleterious substance by self-service methods other than any methods prescribed;
- (q) prescribing a penalty of not more than Fifty pounds for any contravention of or failure to comply with the regulations;
- (r) generally prescribing all such matters and things as are authorized or required to be prescribed or are necessary or convenient to be prescribed for carrying into effect the objects of this Act.

64. Forms set out in any regulations made under this Act or forms to the like effect may be used for the purposes thereof and shall be sufficient in law.

Effect of forms in regulations.

SCHEDULES

SCHEDULE ONE

(Dangerous Poisons)

.....
ALKALOIDS All poisonous alkaloids and their salts, and all derivatives of poisonous alkaloids and their salts not specifically included in this schedule.

.....
APOMORPHINE and substances containing more than 0.2 per centum of apomorphine.

.....

COTARNINE

.....

Any substances not specifically included in this or any other schedule which, if taken in a single dose of 1 grain (0.065 gramme), or less, would be dangerous to human life.

SCHEDULE TWO

(Medicinal Poisons)

.....

Anti-HISTAMINE substances in preparations for topical application.

.....

COCAINE - synthetic substitutes for - (having a solubility in water of more than 1 per centum) in ointments containing 0.5 per centum or less of such cocaine substitute.

COCAINE - synthetic substitutes for - (having a solubility in water of 1 per centum or less) in substances containing 2.5 per centum or less of such cocaine substitute and:

- (1) Lozenges, pastilles, tablets, capsules, containing $\frac{1}{2}$ grain or less of such cocaine substitute in each;
- (2) Suppositories containing 3 grains or less of such cocaine substitute in each; and
- (3) Substances for external use containing 10 per centum or less of such cocaine substitute.

CODEINE in substances containing 1.0 per centum or less of codeine.

.....

EMETINE in substances containing 1 per centum or less of emetine except tincture of ipecacuanha.

EPHEDRINE and substances containing more than 1 per centum of ephedrine natural or synthetic.

.....

ETHYLMORPHINE in substances containing 1 per centum or less of ethylmorphine.

.....

MORPHINE in substances containing 0.2 per centum or less of morphine calculated as anhydrous morphine.

MORPHINE ethers such as benzylmorphine in substances containing 1 per centum or less of such morphine ethers.

NORCODEINE^{4/} in substances containing one part per centum or less of norcodeine

.....

OPIUM in substances containing 0.2 per centum or less of morphine calculated as anhydrous morphine.

^{4/} Note by the Secretariat: Proposed or recommended international non-proprietary names of drugs are underlined.

.....
PHOLCODINE in substances containing 1 per centum or less of pholcodine.

.....
PROPOXYPHENE in substances containing one part per centum or less of propoxyphene.

SCHEDULE THREE

(Potent Substances)

.....
ADRENALINE

AMPHETAMINE in approved appliances for inhalation in which the substance is suitably absorbed and protected by inert solid material.

.....
ANTI-HISTAMINE substances or preparations labelled and packed for motion sickness in packs of ten doses or less in liquid cough preparations containing 0.75 per centum or less of anti-histamine substances.

.....
APOMORPHINE in substances containing 0.2 per centum or less of apomorphine.

.....
BARBITURATE ANTAGONISTS such as bemegrade.

BARBITURIC ACID - in substances containing 1 per centum or less of barbituric acid or derivatives thereof.

.....
COCAINE, its salts, its derivatives or their salts, in preparations containing 0.1 per centum or less of cocaine.

.....
DEXTROMETHORPHAN in substances containing 1 per centum or less of dextromethorphan.

.....
MORPHINE ANTAGONISTS such as amiphenazole and nalorphine

.....
NORADRENALINE

NOSCAPINE

.....
PAPAVERINE

.....

PRESSOR SUBSTANCES such as adrenaline, cylopentamine, isoprenaline, methoxamine, naphazoline, noradrenaline, phenylephrine, pholedrine, tuaminoheptane.

SCHEDULE FOUR

(Restricted Substances)

.....

AMPHETAMINE except in approved appliances for inhalation in which the substance is suitably absorbed and protected by an inert solid material.

.....

ANTI-HISTAMINE substances except in substances for topical application or preparations, labelled and packed for motion sickness in packs of ten doses or less or in liquid cough preparations containing 0.75 per centum or less of anti-histamine substance.

.....

ATARACTIC substances, including:

- (i) Phenothiazine derivatives such as chlorpromazine, promazine, mepazine.
- (ii) Benzilic acid derivatives such as benactyzine, cevanol.
- (iii) 1 : 3 propane diol derivatives such as meproamate.
- (iv) Benzhydrol derivatives such as azacyclonol.
- (v) Piperazine derivatives such as hydroxyzine.
- (vi) Methylpentynol

BARBITURIC ACID and its derivatives and their salts except in substances containing 1 per centum or less of barbituric acid or its derivatives

.....

COCAINE - synthetic substitutes for - (having a solubility in water of more than 1 per centum) and all preparations except ointments containing 0.5 per centum or less of such cocaine substitute.

COCAINE - synthetic substitutes for - (having a solubility in water of 1 per centum or less) and preparations containing more than 2.5 per centum of such Cocaine substitute except:

- (a) Lozenges, pastilles, tablets, capsules containing $\frac{1}{2}$ grain or less of such cocaine substitute in each.
- (b) Suppositories containing 3 grains or less of such cocaine substitute in each
- (c) Preparations for external use containing 10 per centum or less of such cocaine substitute

CODEINE and substances containing more than 1 per centum of codeine.

.....

DEXTROMETHORPHAN and substances containing more than 1 per centum of dextromethorphan

.....

ETHYLMORPHINE and substances containing more than 1 per centum of ethylmorphine.

.....

IMIPRAMINE

.....

MEPHENISIN

.....

MORPHINE ethers and substances containing more than 1 per centum of morphine ethers.

NORCODEINE and substances containing more than 1 per centum of norcodeine.

.....

PHOLCODINE and substances containing more than 1 per centum of pholcodine.

.....

PROPOXYPHENE and substances containing more than 1 per centum of propoxyphene.

.....

THALIDOMIDE

.....

SCHEDULE FIVE

.....

SCHEDULE SIX

.....

SCHEDULE SEVEN

.....

SCHEDULE EIGHT

DRUGS OF ADDICTION

Acetyldihydrocodeine (acetylcodeine)

Acetyldihydrocodeinone [thebaine]^{2/} (acetyldimethyl-dihydrothebaine; acedicone)

Acetylmethadol

Alphacetylmethadol

Alphameprodine

Alphamethadol

Alphaprodine

Anileridine

Bemidone [hydroxypethidine]

Benzylmorphine

Betacetylmethadol

Betamethadol

Betaprodine

Cannabis (Indian hemp)

Clonitazene

Coca

Cocaine except in any solution or dilution in an active substance whether liquid or solid containing 0.1 per centum or less of cocaine

Diacetylmorphine (heroin)

Diampromide

Diethylthiambutene

Dihydrocodeine (paracodine)

Dihydrocodeinone (hydrocodone)

Dihydrodesoxymorphine (desomorphine)

Dihydrohydroxycodone [oxycodone]

Dihydrohydroxymorphine (hydromorphanol)

Dihydrohydroxymorphinone (oxymorphone)

Dihydromorphine

Dihydromorphinone (hydromorphone)

Dimenoxadol (dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate) [2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate]

Dimethylthiambutene

Dioxaphetyl butyrate (4-morpholino-2;2-diphenyl-ethyl butyrate) [ethyl-4-morpholino-2,2-diphenylbutyrate]

Dipipanone

Ecgonine

Ethylmethylthiambutene

Etonitazene

Euodal (dihydrooxycodone) [oxycodone]

Heptane derivatives having addiction properties, not specifically included in this schedule

Hydroxypethidine

Isomethadone

Ketobemidone

Levallorphan

Levomethorphan

Levorphan (levorphanol)

Meprodine [alphameprodine, betameprodine]

Metazocine

Methadol (dimepheptanol)

Methadone (amidone)

Methadyl acetate [acetylmethadol]

Methyldihydromorphinone (metopon)

Morphinan and derivatives of morphinan such as dromoran [levorphanol], 3-hydroxy-N-phenethyl-morphinan [phenomorphan], laevomethorphan, laevorphan, levomethorphan, levorphan, metherphinan [racemorphan], 3-methoxy-N-methylmorphinan [racemethorphan], morphinan, racemethorphan, racemorphan

Morphine except in any solution or dilution in an active substance whether liquid or solid containing less than 0.2 per centum of morphine calculated as anhydrous morphine

Morphine derivatives (except codeine, ethylmorphine and pholcodine) not specifically included in this Schedule

Morphine-N-oxide and its derivatives

Morphinone and derivatives of morphinone such as dihydrohydroxycodone [oxycodone],
methyldihydromorphinone [metopon] oxycodone, hydrocodone, hydromorphone

Nicomorphine (di-nicotinic acid ester of morphine)

Normethadone (4,4,-diphenyl-6-dimethylamino-3-hexanone) [6-dimethylamino-4-4-diphenyl-3-hexanone]

Normorphine (N-demethylated morphine) [demethylmorphine]

Opium in any form, except the alkaloid papaverine, and in substances containing more than 0.2 per centum of morphine calculated as anhydrous morphine

Oxycodone

Pethidine

Phenadoxone

Phenomorphane (3-hydroxy-N-phenethylmorphinan)

Piperidine derivatives with hypnotic properties such as allylprodine, alphaprodine, benzethidine, betaprodine, hydroxypethidine, bemidone [hydroxypethidine] diphenoxylate, ketobemidone, meprodine, alphameprodine, betameprodine, etoxeridine, furethidine, morpheridine, phenampromide, phenoperidine, piminodine, trimeperidine; and their salts, preparations, admixtures, extracts or other substances containing any proportion of such piperidine derivatives

Proheptazine (1-3-dimethyl-4-phenyl-4-propionoxyhexamethyleneimine) [1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane]

Pyrrolidine derivatives with hypnotic properties such as racemoramide, levomoramide, dextromoramide

Racemethorphan

Racemorphan

Thebacon

Thebaine

VICTORIA

POISONS ACT 1958 (No.6336)

AMENDMENT OF THE SIXTH SCHEDULE

PROCLAMATION

By His Excellency the Lieutenant-Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, etc., etc. etc.,

By virtue of the powers conferred by section thirty-nine of the Poisons Act 1958^{1/} and all other powers enabling me in that behalf I, the Lieutenant-Governor of the State of Victoria in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, do by this my Proclamation amend the Sixth Schedule to the Poisons Act 1958 -

1. By adding to paragraph (1) the following items:

- Noracymethadol^{4/} (±)-alpha-3-acetoxy-6-methylamino-4,4-diphenylheptane
- Methadone-intermediate 4-cyano-2-dimethylamino-4,4-diphenylbutane
- Pethidine-intermediate-A 4-cyano-1-methyl-4-phenyl-piperidine
- Pethidine-intermediate-B 4-phenylpiperidine-4-carboxylic acid ethyl ester
- Moramide-intermediate 2-methyl-3-morpholino-1,1-diphenylpropanecarboxylic acid.

.....^{2/}

and declare that Division 2 of Part III of the Poisons Act 1958 shall apply to the said substances in the same manner as it applies to the substances and preparations already listed in the said Schedule.

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

E. F. Herring

(L.S.)

By His Excellency's Command,

R.W. MACK
Minister of Health

GOD SAVE THE QUEEN!

Government Gazette
25 January 1962

WESTERN AUSTRALIA

POLICE ACT, 1892-1961

Office of Commissioner of Police,
Perth, 12th January, 1962

HIS Excellency the Governor in Executive Council, pursuant to the provisions of the Police Act, 1892-1961, and for the purpose of preventing the improper use of the drugs to which Part VIA of that Act applies, has been pleased to make the regulations set out in the schedule hereunder.

J. M. O'BRIEN
Commissioner of Police

Schedule

Regulations

Principal
Regulations

1. The 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), as reprinted pursuant to the Reprinting of Regulations Act, 1954, and published as so reprinted in the Government Gazette on the 12th November, 1958, are referred to in these regulations as the principal regulations.

Reg. 8
amended

2. Regulation 8 of the principal regulations is amended

- (a) by deleting paragraphs (d) and (e) of subregulation (1);
- (b) by deleting the word, "and" being the last word in paragraph (g) of subregulation (1);
- (c) by deleting paragraph (h) of subregulation (1); and
- (d) by substituting for the passage commencing with the word, "or" in line three of subregulation (3) and ending with the word, "Minister" being the last word in that subregulation, the words, "be in possession of any drug not of the nature or in the quantity necessary for the performance of his duties."

Reg. 8A
and heading
added

3. The principal regulations are amended by adding after regulation 8 the following heading and regulation:

Allowable Quantity of Drugs

8A. Notwithstanding the provisions of regulation 8 of these regulations -

- (a) a registered dentist shall not be entitled to procure or be in possession of 1 per cent cocaine in a quantity exceeding forty-eight (48) ounces;
- (b) a registered veterinary surgeon shall not be entitled to procure or be in possession of -

- (i) morphine and mixtures in a quantity exceeding one hundred (100) grains;
- (ii) powdered opium in a quantity exceeding one pound (1 lb.);
- (iii) tincture of opium in a quantity exceeding one pound (1 lb.); and
- (iv) cocaine in a quantity exceeding twenty-five (25) grains;
- (c) a person who is the holder of a permit issued to him prior to the coming into operation of the Veterinary Surgeons Act, 1960, under and in accordance with the provisions of subsection (6) of section 25 of the Veterinary Act, 1911 (as amended by Act No. 46 of 1923), and is nominated in writing under the hand of the Minister for Agriculture to the Council and approved by the Council as a fit and proper person to procure and be in possession of any drug for the purpose of his profession or employment shall not be entitled so to procure or be in possession of morphine and mixtures, powdered opium, tincture of opium or cocaine in quantities exceeding the respective quantities which a registered veterinary surgeon is permitted to procure or be in possession of under paragraph (b) of this regulation.

Reg. 9
amended

4. Regulation 9 of the principal regulations is amended by substituting for the words, "in quantities greater than is permitted by the Minister" in lines three and four of the second paragraph the words, "not of the nature or in the quantity necessary for the performance of his duties."

E/NL.1963/45

Tasmanian Government Gazette
28 March 1962

TASMANIA

Statutory Rules 1962, No. 68

Dangerous Drugs Act 1959^{5/}

A PROCLAMATION

WHEREAS by section 13 of the Dangerous Drugs Act 1959 it is provided that the Governor may, by proclamation, appoint institutions for the purposes of Part III of that Act: And whereas it is expedient to appoint the Lachlan Park Hospital to be an institution for the purposes of that Part: Now therefore I, The Right Honourable THOMAS GODFREY POLSON CORBETT, Baron Rowallan of Rowallan, Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Commander of the Most Excellent Order of the British Empire, upon whom has been conferred the Decoration of the Military Cross, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, in exercise of the powers conferred

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

upon me by the Dangerous Drugs Act 1959 and acting with the advice of the Executive Council, do, by this my proclamation, appoint the Lachlan Park Hospital as an institution for the purposes of Part III of that Act.

Given under my hand, at Hobart, Tasmania, this 20th day of March 1962.

ROWALLAN, Governor

By his Excellency's Command,

W. D. McNEIL, Minister for Health

I certify that the foregoing proclamation is in accordance with the law.

R. FAGAN, Attorney-General

E/NL.1963/46

Tasmanian Government Gazette
6 June 1962

TASMANIA

Statutory Rules 1962, No. 102

Regulations under the Dangerous Drugs Act 1959^{5/}

I, The Right Honourable THOMAS GODFREY POLSON CORBETT; Baron Rowallan of Rowallan, Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Commander of the Most Excellent Order of the British Empire, upon whom has been conferred the Decoration of the Military Cross, Governor in and over 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.

Dated this 29th day of May 1962

ROWALLAN, Governor

By His Excellency's Command,

W. D. McNEIL, Minister for Health

DANGEROUS DRUGS AMENDMENT REGULATIONS 1962

1.(1) These regulations may be cited as the Dangerous Drugs Amendment Regulations 1962.

Short title
and citation

(2) The Dangerous Drugs Regulations 1961^{6/}, as subsequently amended, are in these regulations referred to as the Principal Regulations.

* S.R. 1961, No. 34. Subsequently amended by S.R. 1961, No. 202. (Second amendment).

6/ Note by the Secretariat: E/NL.1962/27.

2. After regulation 29 of the Principal Regulations the following regulation is inserted:

"29A (1) For the purposes of Part III of the Act, the superintendent of an appointed institution may cause a person who has been committed to the institution to be temporarily removed to, and lodged in, a public hospital within the meaning of the Hospitals Act 1918. Persons may temporarily be removed, &c., to public hospitals.

"(2) The general superintendent or other person in charge of a public hospital in which a person is lodged pursuant to sub-regulation (1) of this regulation shall cause that person to be detained therein for the whole of the time or period for which he is removed to the hospital pursuant to that sub-regulation."

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

R. FAGAN, Attorney-General.

E/NL.1963/47

Tasmanian Government Gazette
6 June 1962

TASMANIA

Statutory Rules 1962, No. 101

Order under the Dangerous Drugs Act 1959.^{5/}

Whereas it is expedient that the Dangerous Drugs Order 1961,^{7/} made pursuant to section 2 of the Dangerous Drugs Act 1959, should be amended as specified in this order: Now therefore I, The Right Honourable THOMAS GODFREY POLSON CORBETT, Baron Rowallan of Rowallan, Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Commander of the Most Excellent Order of the British Empire, upon whom has been conferred the Decoration of the Military Cross, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, in exercise of the powers conferred upon me by the Dangerous Drugs Act 1959 and acting with the advice of the Executive Council, do hereby make the following order.

DANGEROUS DRUGS AMENDMENT ORDER 1962

- 1.(1) This order may be cited as the Dangerous Drugs Amendment Order 1962. Short title and citation.
- (2) The Dangerous Drugs Order 1961*, as subsequently amended, is in this order referred to as the Principal Order.

* S.R. 1961, No. 35. Subsequently amended by S.R. 1961, No. 203. (Second amendment.)

7/ Note by the Secretariat: E/NL.1962/28.

2. The second schedule to the Principal Order is amended by omitting from paragraph (b) of item 27 of Part I the words "two per centum" and substituting therefor the words "two and one-half per centum".

Amendment
of second
schedule.

Dated this 29th day of May 1962.

ROWALLAN, Governor.

By His Excellency's Command,

W. D. McNEIL, Minister for Health.

I certify that the foregoing order is in accordance with the law.

R. FAGAN, Attorney-General.

E/NL.1963/48

Tasmanian Government Gazette
1 August 1962

TASMANIA

Statutory Rules 1962, No. 140

Regulations under the Dangerous Drugs Act 1959.^{5/}

I, The Right Honourable THOMAS GODFREY POLSON CORBETT, Baron Rowallan of Rowallan, Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Commander of the Most Excellent Order of the British Empire, upon whom has been conferred the Decoration of the Military Cross, Governor in and over 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.

Dated this 24th day of July 1962.

ROWALLAN, Governor.

By His Excellency's Command,

W. D. McNeil, Minister for Health.

DANGEROUS DRUGS AMENDMENT REGULATIONS (No. 2) 1962

1.(1) These regulations may be cited as the Dangerous Drugs Amendment Regulations (No. 2) 1962.

Short title
and citation.

(2) The Dangerous Drugs Regulations 1961*,^{6/} as subsequently amended, are in these regulations referred to as the Principal Regulations.

* S.R. 1961, No. 34. Subsequently amended by S.R. 1961, No. 202 and S.R. 1962, No. 102. (Third amendment.)

2. The third schedule to the Principal Regulations is amended by adding at the end of Part II thereof the following paragraph:

Amendment
of third
schedule.

"3. All pharmaceutical preparations in solid or liquid form containing not more than 2.5 milligrams of diphenoxylate,^{3/} calculated as base, and not less than 25 micrograms of atropine, calculated as atropine sulphate, per dosage unit, and containing no other dangerous drug."

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

R. FAGAN, Attorney-General.

E/NL.1963/49

Tasmanian Government Gazette
16 October 1962

TASMANIA

Statutory Rules 1962, No. 187

Order under the Dangerous Drugs Act 1959.^{5/}

Whereas it is expedient that the Dangerous Drugs Order 1961,^{7/} made pursuant to section 2 of the Dangerous Drugs Act 1959, should be amended as specified in this order: Now therefore I, The Right Honourable THOMAS GODFREY POLSON CORBETT, Baron Rowallan of Rowallan, Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Commander of the Most Excellent Order of the British Empire, upon whom has been conferred the Decoration of the Military Cross, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, in exercise of the powers conferred upon me by the Dangerous Drugs Act 1959 and acting with the advice of the Executive Council, do hereby make the following order.

DANGEROUS DRUGS AMENDMENT ORDER (No. 2) 1962

1.(1) This order may be cited as the Dangerous Drugs Amendment Order (No. 2) 1962.

Short title
and citation.

(2) The Dangerous Drugs Order 1961*, as subsequently amended, is in this order referred to as the Principal Order.

2. The second schedule to the Principal Order is amended-

Amendments
of second
schedule.

(a) by omitting from paragraph (e) of item 25 of Part I thereof the word "meythl" and substituting therefor the word "methyl";

* S.R. 1961, No. 35. Subsequently amended by S.R. 1961, No. 203 and by S.R. 1962, No. 101. (Third amendment.)

(b) by adding at the end of that Part the following items:

"29. Any substance specified in Columns 3, 4, and 5 of Group 29 and any salt or other preparation of such a substance and any admixture or other substance containing any proportion of a substance so specified or of any such salt or other preparation.

"30. Any substance specified in Columns 3, 4, and 5 of Group 30 and any salt or other preparation of such a substance and any admixture or other substance containing any proportion of a substance so specified or of any such salt or other preparation.";

(c) by omitting from the heading to the third column of Part II (wherever occurring) the word "formulae" and substituting therefor, in each case, the word "names";

(d) by omitting from the third column of item 5 of that Part the words "1-3-methyl-2, 2-diphenyl-4-morpholino-butyryl-pyrrolidine" and substituting therefor the words "1-3-methyl-2, 2-diphenyl-4-morpholino-butyryl-pyrrolidine" ~~/(-)-4-(2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrodiyl)butyl morpholine or levomoramide^{3/4}~~;

(e) by adding at the end of that item, in the third, fourth, and fifth columns respectively, the following words and symbol:

"and 2-methyl-3- morpholino-1, 1-diphenylpropane carboxylic acid	"moramide- intermediate	"-";
--	----------------------------	------

(f) by inserting in the third and fourth columns respectively of item 6 of that Part the following words:

"14-hydroxydihydromorphine "hydromorphinol";

(g) by omitting from the third column of item 11 of that Part the word "acetyldemethylodihydro" and substituting therefor the word "acetyldimethylodihydro";

(h) by adding at the end of item 15 of that Part, in the third, fourth, and fifth columns respectively, the following words and symbol:

"and (+)-alpha-3- acetoxy-6-methyl amino-4,4- diphenylheptane	" <u>noracymethadol</u>	"-";
---	-------------------------	------

(i) by adding at the end of item 16 of that Part, in the third, fourth, and fifth columns respectively, the following words and symbol:

"and 4-cyano-2- dimethylamino- 4, 4- diphenyl- butane	"methadone- intermediate	"-";
---	-----------------------------	------

(j) by adding at the end of item 22 of that Part, in the third, fourth, and fifth columns respectively, the following words and symbols:

"and 4-phenylpiperidine-4- carboxylic acid ethyl ester	"pethidine- intermediate B	"-
"and 4-cyano-1-methyl- 4-phenylpiperidine	"pethidine- intermediate A	"-";

(k) by omitting from the third column of item 24 of that Part the words "1, 2, 3, 4, 5, 6-hexahydro" and substituting therefor the words "1, 2, 3, 4, 5, 6-hexahydro";

(l) by adding at the end of item 25 of that Part, in the third, fourth, and fifth columns respectively, the following words and symbols:

"and 1-(3-cyano-3, 3-diphenylpropyl)- 4-phenylpiperidine- 4-carboxylic acid ethyl ester and 1-(3,3-diphenyl-3 cyano propyl)-4- phenyl piperidine- 4-carboxylic acid ethyl ester	<u>"diphenoxylate</u>	"-
"and 1-(3-hydroxy-3 phenylpropyl)- 4-phenylpiperidine- 4-carboxylic acid ethyl ester	<u>"phenoperidine</u>	"-"; and

(m) by adding at the end of that Part the following items:-

"29	propionanilide	N-2-(methylphenethylamino) propylpropionanilide and N-(2-(methylphenethyl-amino)-propyl)-propionanilide	<u>diampromide</u>	-
		and N-(2-(1-methylpiperid-2'yl) ethyl)-propionanilide and (N-(1-methyl-2-piperidinoethyl)-propionanilide)	<u>phenampromide</u>	-
"30	benzimidazole	2-(p-chlorobenzyl)-1-diethylamino ethyl-5-nitro benzimidazole (2-para-chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole) and 2-(p-chlorobenzyl)-1-diethylaminoethyl-5-nitro benzimidazole	<u>clonitazene</u>	-
		2-(p-ethoxyl benzyl)-1-diethylaminoethyl-5-nitrobenzimidazole (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole)	<u>etonitazene</u>	-".

Dated this 9th day of October 1962.

ROWALLAN, Governor.

By His Excellency's Command,

W. D. McNEIL, Minister for Health.

I certify that the foregoing order is in accordance with the law.

R. FAGAN, Attorney-General.