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UNITED NATIONS

LAWS AND REGULATIONS

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

AUSTRALIA

Communicated by the Government of Australia

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

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E/NL.1968/39

Government Gazette No.53, 1967

COMMONWEALTH OF AUSTRALIA

NARCOTIC DRUGS ACT 1967

An Act to regulate the Manufacture of, and to make other provision with respect to, Narcotic Drugs in accordance with the Single Convention on Narcotic Drugs, 1961.

Assented to 30 May 1967

Be it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

PART I.

PRELIMINARY

Short title.

1. This Act may be cited as the "Narcotic Drugs Act 1967."

Commencement.

2. This Act shall come into operation on a date to be fixed by Proclamation, which shall not be a date earlier than the date on which the Convention comes into force in respect of the Commonwealth.

Parts.

3. This Act is divided into Parts, as follows:

Part I. - Preliminary (Sections 1-8).
Part II. - Licensing of Manufacturers, etc. (Sections 9-14).
Part III. - Offences in Relation to Drugs (Sections 15-21).
Part IV. - Miscellaneous (Sections 22-27).

Interpretation.

4. (1.) In this Act, unless the contrary intention appears -

"cannabis" and "cannabis resin" have the same respective meanings as in the Convention;

"coca leaves" has the same meaning as in the Convention;

"Collector", "Comptroller" and "officer" have the same respective meanings as in the Customs Act 1901-1966;

"drug" means any substance that is a drug for the purposes of the Convention, and includes any substance that regulations made in pursuance of section 8 of this Act provide is a drug for the purposes of this Act;

"handling" includes stacking, stowing, storing, transporting, loading, unloading and any operation incidental to, or arising out of, any of those operations;

"licensed manufacturer" means the holder of a manufacturer's licence;

"manufacturer's licence" means a licence under section 9 of this Act;

"narcotic preparation" means any mixture, whether solid or liquid, that contains a drug;

"opium" has the same meaning as in the Convention;

"permit" means a permit under section 11 of this Act;

"the Convention" means the Convention entitled the Single Convention on Narcotic Drugs, 1961 that was adopted and opened for signature at New York on the thirtieth day of March, One thousand nine hundred and sixty-one, being the Convention a copy of the English text of which is set out in the First Schedule to this Act, and includes that Convention as amended from time to time;

"vessel" includes aircraft.

(2.) For the purposes of this Act, the manufacturing of a drug consists of the carrying out of any process by which the drug may be obtained, and includes the refining of a drug and the transformation of one drug into another drug, but does not include the separation of opium, coca leaves, cannabis or cannabis resin from the plants from which it is or they are obtained.

Communications from the United Nations effecting amendments of Convention

5. A copy of the text of each communication made by the Secretary-General of the United Nations to the Government of Australia in pursuance of paragraph 7 of Article 3 of the Convention, and received by the Government of Australia before the date on which this Act received the Royal Assent, is set out in the Second Schedule to this Act.

Minister and Comptroller to have regard to Convention in exercising powers and functions.

6. The Minister or the Comptroller shall, in exercising any power or performing any function conferred on him by this Act, have regard to the obligations of the Commonwealth under the Convention and to no other matter.

Inconsistency with State and Territory laws.

7. This Act, regulations under this Act and directions given under section 12 or 13 of this Act do not apply to the exclusion of any law of a State or Territory of the Commonwealth or any regulation in force under an Act except in so far as that law or that regulation is inconsistent with an express provision of this Act, those regulations or those directions.

Provisional application of Act to substances.

8. Where the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations decides, in accordance with paragraph 3 of Article 3 of the Convention, that the Parties to the Convention shall apply provisionally to a substance all measures of control applicable to drugs in Schedule I annexed to the Convention, the regulations may provide that the substance is a drug for the purposes of this Act.

PART II

LICENSING OF MANUFACTURERS, ETC.

Licence to manufacture.

9. (1.) A person who manufactures, or proposes to manufacture, a drug at any premises may apply to the Minister for a licence to manufacture that drug at those premises.

(2.) The Minister may require a person who applies for a licence under this section to furnish to the Minister, or to another person specified by the Minister, such information as the Minister considers necessary.

(3.) Where a person applies for a licence under this section, the Minister shall grant the licence to him unless -

(a) the applicant has failed to furnish any information that he has been required to furnish under the last preceding sub-section;

(b) the Minister is not satisfied that the applicant manufactures, or proposes to manufacture, the drug specified in the application at the premises so specified; or

(c) the Minister is of the opinion that the grant of the licence would not be consistent with the obligations of the Commonwealth under the Convention.

(4.) The Minister may specify in the licence such conditions applicable to the licence as he determines.

Revocation of licences.

10. The Minister may revoke a manufacturer's licence if

(a) the holder of the licence does not commence to manufacture, or ceases to manufacture, the drug specified in the licence at the premises so specified;

(b) the holder of the licence has failed to comply with a condition specified in the licence;

(c) the holder of the licence has been convicted of an offence against this Act;

(d) the Minister is of the opinion that it would be inconsistent with the obligations of the Commonwealth under the Convention for the licence to continue in force; or

(e) the holder of the licence requests the Minister to revoke the licence.

Permits to manufacture.

11. (1.) The Comptroller may from time to time grant to the holder of a manufacturer's licence a permit to manufacture the drug to which the licence relates during such period as is specified in the permit.

(2.) The Comptroller may specify in a permit

(a) the maximum quantity of the drug to which the permit relates that may be manufactured by the licensed manufacturer at the premises to which the permit relates during the period to which the permit relates; and

(b) the maximum quantity of the drug to which the permit relates that, in the opinion of the Comptroller, having regard to the prevailing market conditions, it is necessary for the licensed manufacturer to have in his possession at any time during the period to which the permit relates for the normal conduct of business.

Directions with respect to the handling of drugs.

12. (1.) The Comptroller may, by notice in writing served on a licensed manufacturer, give directions to him with respect to the handling of drugs in his possession or control.

(2.) A direction under this section may be given in respect of drugs generally, in respect of a drug of a kind specified in the direction or in respect of such particular drugs as are specified in the direction.

(3.) In this section, "drug" includes narcotic preparation.

Directions with respect to the labelling of drugs.

13. (1.) The Comptroller may, by notice in writing served on a licensed manufacturer, give directions to him with respect to the labelling of drugs manufactured by him.

(2.) A direction under this section may be given in respect of the labelling of drugs generally or in respect of a drug of a kind specified in the direction.

(3.) In this section, "drug" includes narcotic preparation.

Directions inconsistent with condition of licence.

14. Where a direction given to a licensed manufacturer under either of the last two preceding sections is inconsistent with a condition specified in his licence, the condition is, to the extent of the inconsistency, of no effect.

PART III

OFFENCES IN RELATION TO DRUGS.

Manufacturing of drugs to be in accordance with licence.

15. (1.) A person shall not manufacture a drug unless he is the holder of a licence granted under section 9 of this Act to manufacture that drug.

(2.) A licensed manufacturer shall not manufacture the drug to which his licence relates

(a) except at the premises specified in the licence;

(b) except in accordance with such conditions, if any, as are specified in the licence; and

(c) except during a period in respect of which he has been granted a permit to manufacture the drug.

Manufacturers to comply with permits.

16. A licensed manufacturer shall not

(a) during a period in respect of which he has been granted a permit, manufacture a quantity of the drug to which the permit relates in excess of the maximum quantity, if any, specified in the permit in pursuance of paragraph (a) of sub-section (2.) of section 11 of this Act; or

(b) have in his possession at any time during a period in respect of which he has been granted a permit a quantity of the drug to which the permit relates that is in excess of the maximum quantity, if any, specified in the permit in pursuance of paragraph (b) of sub-section (2.) of section 11 of this Act.

Handling of drugs, etc.

17. A licensed manufacturer shall comply with any direction given to him in pursuance of section 12 of this Act with respect to the handling of drugs or narcotic preparations.

Labelling of drugs, etc.

18. A licensed manufacturer shall not supply to any person a drug or a narcotic preparation manufactured by him unless the drug or preparation is labelled in accordance with any directions applicable to the drug or preparation given to him in pursuance of section 13 of this Act.

Destruction, etc., of drugs, etc., by licensed manufacturers.

19. (1.) A licensed manufacturer shall not destroy any drug or narcotic preparation except with the consent in writing of a Collector and except in accordance with any directions specified in the consent.

(2.) A licensed manufacturer shall not destroy or otherwise dispose of any by-product derived from the manufacture by him of a drug or narcotic preparation except with the consent in writing of the Collector and except in accordance with any directions specified in the consent.

Punishment of offences

20. (1.) A person who contravenes or fails to comply with a provision of this Part is guilty of an offence against this Part punishable upon conviction by, subject to sub-section (3.) of this section, a fine not exceeding Four thousand dollars or imprisonment not exceeding a period of ten years, or both a fine not exceeding that amount and imprisonment for a period not exceeding that period.

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

(3.) Where proceedings for an offence against this Part are brought in a court of summary jurisdiction, the court may commit the defendant for trial or, with the consent of the defendant, determine the proceedings, but, where the court of summary jurisdiction determines the proceedings, the court shall not impose a fine exceeding One thousand dollars or sentence the offender to imprisonment for a period exceeding two years, but may impose both a fine and a period of imprisonment in respect of the offence.

Forfeiture.

21. Where a court convicts a person of an offence against this Part, the court may, if it thinks fit, in addition to any other punishment, order the forfeiture of any goods in respect of which the offence was committed.

PART IV.

MISCELLANEOUS.

Drugs passing through Australia

22. (1.) Where a drug consigned to a person, or to a place, outside Australia enters Australia, a Collector may, whether or not the drug is unloaded from the vessel in which it entered Australia, require a person having possession or control of the drug to produce to the Collector an export authorization, or a copy of an export authorization, relating to the drug.

(2.) If the export authorization is not produced to the Collector, the Collector may cause the drug to be seized.

(3.) A drug seized under the last preceding sub-section shall be disposed of in accordance with the directions of the Minister.

(4.) For the purposes of this section, a drug on board a vessel, whether or not it is the vessel on which the drug entered Australia, shall be deemed to be in the possession of the master of the vessel.

(5.) In this section, "export authorization", in relation to a drug, means any export authorization issued by or on behalf of the government of a country in pursuance of the Convention or the Second Opium Conference Convention signed at Geneva on the nineteenth day of February, One thousand nine hundred and twenty-five, or in pursuance of a law of that country giving effect to either of those Conventions.

Manufacturers and wholesale dealers to keep records and furnish returns.

23. (1.) The Comptroller may, by notice in writing served on a person who is a licensed manufacturer, a manufacturer of narcotic preparations or a wholesale dealer in drugs or narcotic preparations, require that person to keep such records, and to furnish to the Comptroller such returns and information, as are specified in the notice with respect to the following matters or such of those matters as are specified in the notice:-

(a) the manufacture of drugs or narcotic preparations by the person;

(b) the acquisition and disposal of, and any other dealings in, drugs and narcotic preparations by the person; and

(c) the stocks of drugs and narcotic preparations from time to time in the possession or control of the person.

(2.) A person shall comply with a notice served on him in pursuance of the last preceding sub-section.

Penalty: One thousand dollars.

Inspection of manufacturer's premises, etc.

24. (1.) An authorized inspector may, at any reasonable time and on production of his authority as an authorized inspector, enter the premises of any person who, in accordance with notice served on him under the last preceding section, is for the time being required to keep records and furnish returns and information with respect to any matter, being premises on which drugs are manufactured or the business of a wholesale dealer in drugs is carried on, and may -

(a) examine, take stock of and take samples of any drug or narcotic preparation on the premises or any substance on the premises from which any drug or narcotic preparation could be manufactured or which is a by-product derived from the manufacture of a drug or narcotic preparation;

(b) inspect any processes of manufacture of any drug or narcotic preparation carried out on the premises; and

(c) inspect any books, documents or other papers on the premises, and take extracts from, or make copies of, any such books, documents or other papers.

(2.) A person shall not, without reasonable cause, obstruct or hinder an authorized inspector acting in pursuance of this section, and the occupier or person in charge of any premises which an authorized inspector enters in pursuance of this section shall provide the authorized inspector with all reasonable facilities and assistance for the effective exercise of his powers under this section.

Penalty: One thousand dollars.

(3.) In this section, "authorized inspector" means an officer authorized in writing by the Minister to carry out inspections under this section.

Delegation.

25. (1.) The Minister or the Comptroller may, by instrument in writing, delegate to a person, either generally or otherwise as provided in the instrument of delegation, all or any of his powers and functions under this Act, except this power of delegation.

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister or the Comptroller, as the case may be.

26. The service on a person of a notice under this Act may be effected - Service of notices.

(a) by serving the notice personally on the person or, in the case of a body corporate, on the manager, secretary or other executive officer of the body corporate;

(b) by sending the notice by post to the person at his last known place of abode or, in the case of a body corporate having a registered office, at the registered office of the body corporate; or

(c) in any other prescribed manner.

27. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular prescribing penalties not exceeding Five hundred dollars for offences against the regulations. Regulations.

THE SCHEDULES

FIRST SCHEDULE

Section 4.

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

.....[1]

SECOND SCHEDULE

COMMUNICATION OF THE SECRETARY-GENERAL OF THE UNITED NATIONS DATED 11 DECEMBER, 1964

1. The Secretary-General of the United Nations presents his compliments to the Minister for External Affiars and with reference to the Secretary-General's circular note, reference C.N.212.1964.TREATIES-17 of 20 November 1964, advising that the Single Convention on Narcotic Drugs, 1961, will come into force on 13 December 1964, has the honour to communicate the attached amendments to the Schedules of the Single Convention on Narcotic Drugs, 1961. These amendments were adopted by the Commission on Narcotic Drugs of the Economic and Social Council at its nineteenth session (see Official Records of the Economic and Social Council, Thirty-seventh Session, document E/3893, paragraphs 157 and 158), pursuant to recommendations by the World Health Organization.

2. It was understood that in accordance with Article 3, paragraph 7, of the 1961 Convention, this decision should be communicated as soon as the Convention comes into force by the Secretary-General to all States Members of the United Nations, to Non-Member

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1/ Note by the Secretariat: As the first Schedule reproduces the text of the Single Convention on Narcotic Drugs, 1961 and the Schedules annexed to it, the Secretariat has decided not to reproduce it in this document.

States Parties to this Convention, to the World Health Organization and to the Permanent Central Opium Board and Drug Supervisory Body, and that the decision would become effective with respect to each Party on the date of its receipt of such communication. The Parties would thereupon take such action as might be required under the Convention.

Schedule I

The following items should be added:

Fentanyl[2/] [1-phenethyl-4-N-propionylanilinopiperidine];
Methadone-intermediate [4-cyano-2-dimethylamino-4, 4-diphenylbutane];
Moramide-intermediate [2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid];
Noracymethadol [(±)-alpha-3-acetoxy-6-methylamino-4, 4-diphenylheptane];
Norpipanone [4, 4-diphenyl-6-piperidine-3-hexanone];
Pethidine-intermediate-A [4-cyano-1-methly-4-phenylpiperidine];
Pethidine-intermediate-B [4-phenylpiperidine-4-carboxylic acid ethyl ester];
Pethidine-intermediate-C [1-methyl-4-phenylpiperidine-4-carboxylic acid];

Schedule II

Nicocodine (6-nicotinylocodeine) should be added.
Dextropropoxyphene [(+)-4-dimethylamino-3-methyl-1, 2-diphenyl-2-propionoxy-butane] should be deleted.

Schedule III

Of the substances listed in section (1), dextropropoxyphene should be deleted

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COMMUNICATION OF THE SECRETARY-GENERAL OF THE UNITED NATIONS DATED 2 FEBRUARY, 1966

The Secretary-General of the United Nations presents his compliments to the Minister for External Affairs of Australia and has the honour to communicate, in accordance with article 3, paragraph 7, of the Single Convention on Narcotic Drugs, 1961, an amendment to Schedule 1 of this Convention, namely, the addition to that Schedule of the following substance:

1-(3-cyano-3, 3-diphenylpropyl)-4(1-piperidino) piperidine-4-carboxylic acid amide (the proposed international non-proprietary name of which is piritramide) and its salts.

This amendment was adopted by the Commission on Narcotic Drugs of the Economic and Social Council at its twentieth session (document E/4140, paragraph 54).

The attention of Governments is drawn to article 3, paragraph 7, of the Convention under which such decision of the Commission shall become effective with respect to each Party on the date of its receipt of such communication, and the Parties shall thereupon take such action as may be required under this Convention.

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

SECOND SCHEDULE - continued

COMMUNICATION OF THE SECRETARY-GENERAL OF THE UNITED NATIONS DATED 19 OCTOBER, 1966

The Secretary-General of the United Nations presents his compliments to the Minister for External Affairs of Australia and with reference to his note dated 17 June 1966, (NAR/CL.5/1966) has the honour to state that the Commission on Narcotic Drugs has decided that the substances M.183 (the proposed international non-proprietary name of which is acetorphine) and M.99 (the proposed international non-proprietary name of which is etorphine) should be added to Schedule I of the Single Convention on Narcotic Drugs, 1961, and that the substance M.285 (the proposed international non-proprietary name of which is cyprenorphine) should not be placed on any of the Schedules of the 1961 Convention.

The decision of the Commission was taken pursuant to the recommendations of the World Health Organization under Article 3 of the 1961 Convention and in accordance with the procedure adopted by the Commission at its twentieth session (Official Records of the Economic and Social Council, Fortieth session, Supplement No. 2; document E/4140, Resolution I (XX).

The attention of governments is drawn to Article 3, paragraph 7, of the 1961 Convention by which such decision "shall become effective with respect to each Party on the date of its receipt of such communication, and the Parties shall thereupon take such action as may be required under this Convention".

COMMUNICATION OF THE SECRETARY-GENERAL OF THE UNITED NATIONS DATED 20 JANUARY, 1966

The Secretary-General of the United Nations presents his compliments to the Minister for External Affairs of Australia and has the honour to communicate the following amendments to Schedule III of the Single Convention on Narcotic Drugs, 1961, which were adopted by the Commission on Narcotic Drugs of the Economic and Social Council at its twenty-first session, 5-21 December 1966, following upon recommendations made by the World Health Organization:

List of preparations included in Schedule III

1. Section I (a) and (b) are deleted and replaced by the following: "When compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations".

2. In section 2 delete the words "in such a way that the preparation has no, or a negligible risk of abuse, and", so that the paragraph reads as follows: "Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health."

3. In section 3 delete the words "Solid dose".

The Secretary-General has the honour to invite attention to Article 3, paragraph 7 of the 1961 Convention whereby the above decisions would become effective with respect to each Party on the date of its receipt of such communication, and the Parties would thereupon take such action as might be required under the Convention.

E/NL.1968/40

COMMONWEALTH OF AUSTRALIA

STATUTORY RULES NO. 58 OF 1967

REGULATIONS UNDER THE CUSTOMS ACT 1901-1966[a/]

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the Customs Act 1901-1966.

Dated this twenty-eighth day of April, 1967.

EDRIC BASTYAN

Administrator.

By His Excellancy's Command,

KEN ANDERSON

Minister of State for Customs and Excise.

AMENDMENTS OF THE CUSTOMS (PROHIBITED IMPORTS) REGULATIONS[b/]

First Schedule.

1. The First Schedule to the Customs (Prohibited Imports) Regulations[3/] is amended by omitting Items 3, 4, 5, 8, 11 and 18.

Second Schedule.

2. The Second Schedule to the Customs (Prohibited Imports) Regulations is amended by omitting Item 24.

Fourth Schedule.

3. The Fourth Schedule to the Customs (Prohibited Imports) Regulations is amended

(a) by omitting Item 1 and inserting in its stead the following items:

"1 Acetorphine[2/] and its salts and preparations containing acetorphine or any of its salts

"1A Acetyldihydrocodeine and its salts and preparations containing acetyldihydrocodeine or any of its salts";

(b) by inserting after Item 19 the following item:-

"19A Concentrate of poppy straw (being an extract of poppy straw which contains the alkaloids of poppy straw)";

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a/ Notified in the Commonwealth Gazette on 11 May 1967.

b/ Statutory Rules 1956, No. 90 as amended to date. For previous amendments of the Customs (Prohibited Imports) Regulations see footnote † to Statutory Rules 1966, No. 95 and see also Statutory Rules 1966, No. 95, and 1967, No.41

3/ Note by the Secretariat: E/NL.1957/72

(c) by inserting after Item 37 the following item:-

"37A Etorphine and its salts and preparations containing etorphine or any of its salts"; and

(d) by inserting after Item 83 the following item:-

"83A Piritramide and its salts and preparations containing pitramide or any of its salts".

E/NL.1968/41

COMMONWEALTH OF AUSTRALIA

STATUTORY RULES No. 59 OF 1967

REGULATIONS UNDER THE CUSTOMS ACT 1901-1966[a/]

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the Customs Act 1901-1966.

Dated this twenty-eighth day of April, 1967

EDRIC BASTYAN

Administrator.

By His Excellancy's Command,

KEN ANDERSON

Minister of State for Customs and Excise.

AMENDMENTS OF THE CUSTOMS (PROHIBITED EXPORTS) REGULATIONS[c/]

1. Part II of the Second Schedule to the Customs (Prohibited Exports) Regulation[4/] is amended

Second Schedule.

(a) by omitting Item I and inserting in its stead the following items:

"1 Acetorphine and its salts and preparations containing acetorphine or any of its salts

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c/ Statutory Rules 1958, No. 5, as amended to date. For previous amendments of the Customs (Prohibited Exports) Regulations see footnote † to Statutory Rules 1966, No. 75 and see also Statutory Rules 1966, No. 75; and 1967, No. 42.

4/ Note by the Secretariat: E/NL.1959/55

"1A Actyldihydrocodeine and its salts and preparations containing acetyldihydrocodeine or any of its salts";

(b) by inserting after Item 19 the following item:-

"19A Concentrate of poppy straw (being an extract of poppy straw which contains the alkaloids of poppy straw)";

(c) by inserting after Item 37 the following item:-

"37A Etorphine and its salts and preparations containing etorphine of any of its salts"; and

(d) by inserting after Item 83 the following item:-

"83A Piritramide and its salts and preparations containing piritramide or any of its salts".

Second Schedule.

2. Part IV of the Second Schedule to the Customs (Prohibited Exports) Regulations is amended by omitting from item 12 the words "and ingots of metal" and inserting in their stead the words, "sheets and ingots of metal and scrap metal".

E/NL.1968/42

NEW SOUTH WALES

POISONS ACT, 1966-1967

Act No. 31, 1966[d] as amended by Act No. 40, 1967[e]

An Act relating to the regulation, control and prohibition of the sale and use of poisons, restricted substances, drugs of addiction and certain dangerous drugs; to establish a Poisons Advisory Committee and to define its powers, authorities, duties and functions; to repeal the Poisons Act, 1952, and certain other Acts; to amend the Police Offences (Amendment) Act, 1908, the Crimes Act, 1900, the Motor Traffic Act, 1909, and certain other Acts; and for purposes connected therewith.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

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d/ Poisons Act, 1966, No. 31. Assented to, 13th April, 1966. Date of commencement, except Part II, 1st November, 1967, sec. 1 (2) and Gazette No. 107 of the 6th October, 1967, p. 3597. Date of commencement of Part II (except as provided by sec. 1 (3) (4)), 8th September, 1967, sec. 1 (2) and Gazette No. 99 of 8th September, 1967, P. 3281 [E/NL.1967/23].

e/ Poisons (Amendment) Act, 1967, No. 40. Assented to, 25th September, 1967. Date of commencement, 1st November, 1967, sec. 1 (3) and Gazette No. 107 of 6th October, 1967, p. 3597.

P A R T I.

PRELIMINARY

Short title and commencement.

1. (1) This Act may be cited as the "Poisons Act, 1966".

(2) Except as provided in subsection three of this section, the several provisions of this Act shall commence upon such day or days as may be appointed in respect thereof by the Governor and notified by proclamation published in the Gazette.

(3) The provisions of this Act relating to the nomination and appointment of members of the Committee shall commence upon the day upon which Her Majesty's assent to this Act is signified.

(4) The members of the Committee first appointed under this Act shall assume office upon the day appointed and notified under subsection two of this section in respect of Division 1 of Part II of this Act.

Divisions of Act.

2. This Act is divided into parts as follows:-

Repeal and savings.

3. (1) The enactments mentioned in the Schedule to this Act are, to the extent therein expressed, hereby repealed.

(2) Any license issued under section nine of the Poisons Act, 1952, as amended by subsequent Acts, and in force immediately before the commencement of section ten of this Act, shall be deemed to be a license issued under section ten of this Act.

(3) Notwithstanding subsection one of this section, a person required by section twelve, thirteen, fourteen or fifteen of the Poisons Act, 1952-1965, to preserve any book, letter, telegram, radiogram or order referred to in any of those sections for any period shall continue to preserve that book, letter, telegram, radiogram or order for that period.

Interpretation.

4. (1) In this Act, unless the context or subject matter otherwise indicates or requires

"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.

"Committee" means the Poisons Advisory Committee constituted under section six of this Act.

"Container", when used in relation to any substance, material, body or thing referred to in this Act, means any vessel, bottle, tube, capsule, tin, box, case, wrapper, cover or other like receptacle or envelope which immediately contains such substance, material, body or thing.

"Dentist" means a person registered, or deemed to be registered, as a dentist under the Dentists Act, 1934, as amended by subsequent Acts.

"Drug of addiction" means any substance specified in Schedule Eight of the Poisons List.

"Label" includes any tag, brand, mark or statement in writing on or attached to or used in connection with any container or package containing any poison, restricted substance or drug of addiction; and "labelled" has a corresponding interpretation.

"License" means a valid and unexpired license or renewal of a license.

"Package", when used in relation to any substance, material, body or thing referred to in this Act, includes every means by which such substance, material, body or thing may, for transport or for carriage or for storage or for sale, be cased, covered, enclosed, contained or packed.

"Pharmacist" means a practising pharmacist within the meaning of the Pharmacy Act, 1964, as amended by subsequent Acts.

"Pharmacy trainee" means a pharmacist within the meaning of the Pharmacy Act, 1964, as amended by subsequent Acts, not being a practising pharmacist within the meaning of that Act, as so amended, but who is employed in the business of a practising pharmacist within the meaning of that Act, as so amended.

"Poison" means any substance specified in Schedule One, Schedule Two, Schedule Three, Schedule Five, Schedule Six, or Schedule Seven of the Poisons List.

"Poisons List" means the list proclaimed under section eight of this Act as in force for the time being.

"Prescribed" means prescribed by this Act or by the regulations.

"Prohibited drug" means -

(a) diamorphine, its salts, and any preparation, admixture, extract or other substance containing any proportion of diamorphine; and

(b) any other substance to which Division 3 of Part IV of this Act applies.

"Public institution" means -

(a) any Government Department, public hospital, or university within New South Wales; or

(b) any other institution or establishment which the Governor by order published in the Gazette declares to be a public institution for the purposes of this Act.

"Regulations" means regulations made under this Act.

"Restricted substance" means any substance specified in Schedule Four of the Poisons List.

"Sell" includes sell whether by wholesale or retail and barter and exchange, and also includes 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 authorising, directing, causing, suffering, permitting or attempting any of such acts or things; and "sale" and each of the other derivations of "sell" have corresponding interpretations.

"Substance" includes preparation or admixture and all salts and derivatives of any substance.

"Therapeutic use" means a use for the purpose of -

(a) preventing, diagnosing, curing or alleviating a disease, ailment, defect or injury; or

(b) influencing, inhibiting or modifying a physiological process.

of a man or animal.

"Under Secretary" means the person for the time being holding office or acting as the Under Secretary of the Department of Public Health.

"Veterinary surgeon" means a person registered as a veterinary surgeon under the Veterinary Surgeons Act, 1923, as amended by subsequent Acts.

"Wholesale" means sale or supply for the purposes of resale.

"Wholesale dealing"-

(a) means sale or supply by wholesale dealers in the ordinary course of wholesale dealing to persons licensed or authorised by this Act or the regulations to be in possession of or to sell any substance specified in any Schedule of the Poisons List; and

(b) includes sale or supply to other persons in wholesale quantities in the ordinary course of wholesale dealing and for use in any public institution or in connection with any prescribed profession, business, trade or industry carried on by any person who satisfied the wholesale dealer that he bona fide requires any such substance for use, but not for resale, in connexion with that profession, business, trade or industry.

(2) For the purposes of the Poisons List or any proclamation made under section thirty-one of this Act, a substance may be described-

(a) by reference to any one or more of the following:-

(i) the common or scientific name of the substance;

(ii) any class of substances;

(iii) the composition of the substance;

(iv) the purpose for which the substance may be used;

(v) the manner in which the substance is packed; or

(vi) such other factor or circumstance as may be specified in relation to the substance in the Poisons List or in any such proclamation,

(b) in any other manner so specified.

Exemption from operation of Act

5. (1) The Minister may from time to time, by order published in the Gazette, exempt-

(a) any council within the meaning of the Local Government Act, 1919, as amended by subsequent Acts; or

(b) any pastures protection board constituted or continued by or under the Pastures Protection Act, 1934, as amended by subsequent Acts,

specified in the order from all of the provisions of this Act or from such of those provisions as may be specified in the order, and thereupon the provisions of this Act or such of them as are so specified, as the case may be, shall not apply to or in respect of the council or pastures protection board specified in the order.

(2) The provisions of subsection one of this section do not extend to authorising the Minister to grant an exemption from any of the provisions of this Act to the extent that they relate to restricted substances or drugs of addiction.

PART II

POISONS ADVISORY COMMITTEE AND POISONS LIST

DIVISION 1. Poisons Advisory Committee

Poisons Advisory Committee

6. (1) For the purposes of this Act there shall be a Poisons Advisory Committee which shall consist of fourteen members.

(2) The members of the Committee shall be -

(a) the person for the time being holding the office of Director-General of Public Health, or a person from time to time nominated by him;

(b) the person for the time being holding the office of Government Analyst;

(c) the person for the time being holding the office of Chief, Division of Animal Industry, Department of Agriculture;

(d) the Head of the School of Pharmacology, University of Sydney, or a person from time to time nominated by him;

(e) the Head of the School of Pharmacy, University of Sydney, or a person from time to time nominated by him;

(f) a member of the Police Force nominated by the Commissioner of Police; and

(g) eight members appointed by the Governor (in this section referred to as "appointed members") of whom-

(i) one shall be a representative of the University of New South Wales;

(ii) one shall be a medical practitioner representing the Australian Medical Association, New South Wales Branch;

(iii) one shall be a representative of the Sydney Chamber of Commerce Inc;

(iv) one shall be a representative of the Chamber of Manufacturers of New South Wales;

(v) one shall be appointed on the nomination of the Minister for Agriculture to represent agricultural and pastoral organizations;

(vi) one shall be a representative of the Federated Pharmaceutical Service Guild of Australia (New South Wales Branch);

(vii) one shall be a representative of the Country Traders' Association of New South Wales; and

(viii) one shall be a representative of the Pharmaceutical Society of New South Wales.

(3) The member referred to in paragraph (a) of subsection two of this section shall be chairman of the Committee.

(4) The Chairman shall preside at all meetings of the Committee at which he is present and, in his absence, the person referred to in paragraph (b) of subsection two of this section shall, if he is present, preside.

If the Chairman and that person are both absent from any meeting, the members present shall appoint one of their number to preside at that meeting.

(5) The Chairman or member presiding at any meeting shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

(6) The procedure for the calling of meetings of the Committee and for the conduct of business at such meetings shall, subject to any regulations in relation thereto and to this Act, be as determined by the Committee.

(7) The number of members who shall constitute a quorum of the Committee shall be as prescribed.

(8) The appointed members of the Committee shall hold office for a period of three years and shall be eligible for reappointment.

(9) If any casual vacancy occurs in the office of an appointed member of the Committee the Governor may appoint a person having the like qualification or being representative of the like interest as his predecessor, who shall hold office for the balance of his predecessor's term of office.

Where the vacancy is a vacancy in the office of the member referred to in subparagraph (v) of paragraph (g) of subsection two of this section, the appointment shall be made on the recommendation of the Minister for Agriculture.

(10) An appointed member shall be deemed to have vacated his office if he

(a) dies;

(b) resigns his office by writing under his hand addressed to the Governor;

(c) becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

(d) absents himself from four consecutive meetings of the Committee of which reasonable notice has been given to him either personally or in the ordinary course of post, except on leave granted by the Committee; or

(e) is removed from office by the Governor.

(11) Every appointed member shall, if he is not a member of the Public Service, be paid such fees as may be prescribed.

(12) (a) No act or proceedings of the Committee shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any member.

(b) All acts and proceedings of the Committee shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified to act, be as valid as if such member had been duly appointed and was qualified to act and had acted as a member of the Committee and as if the Committee had been properly and fully constituted.

(13) The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in respect of the appointment by the Governor of any member of the Committee, and any member so appointed shall not, in his capacity as such members be subject to the provisions of such Act during his term of office.

(14) The Governor may make regulations not inconsistent with this section prescribing all matters which by this section are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this section.

Functions of Committee

7. (1) The Committee may initiate and refer to the Minister

(a) recommendations for making, altering or repealing any regulations under this Act;

(b) recommendations for amending the Poisons List.

(2) In addition to the duty imposed upon the Committee by section eight of this Act it shall be the duty of the Committee to consider and advise the Minister upon such matters and questions as the Minister may from time to time refer to it relating to

(a) any proposal, whether or not initiated by the Committee, for making, altering or repealing any regulations under this Act;

(b) any proposal, whether or not initiated by the Committee, for amending the Poisons List.

DIVISION 2. Poisons List

Poisons List

8. (1) As soon as practicable after the commencement of this section the Committee shall prepare and submit to the Minister a list of substances which, in its opinion, should be classified in accordance with subsection two of this section.

(2) The list to be prepared and submitted to the Minister under subsection one of this section shall contain eight Schedules and the substances to be included in the list shall be classified as follows:

Schedule One (Dangerous Poisons)

Substances which are of such extreme danger to life as to warrant their being sold only by medical practitioners, pharmacists, dentists, veterinary surgeons or persons licensed under section ten of this Act.

Schedule Two (Medicinal Poisons)

Substances which are dangerous to life if misused or carelessly handled, but which should be available to the public for therapeutic use or other purposes without undue restriction.

Schedule Three (Potent Substances)

Substances which are for therapeutic use and-

(i) about which personal advice may be required by the purchaser in respect of their dosage, frequency of administration and general toxicity;

(ii) with which excessive unsupervised self-medication is unlikely; and

(iii) which may be required for use urgently so that their supply only on the prescription of a medical practitioner or veterinary surgeon would be likely to cause hardship.

Schedule Four (Restricted Substances)

Substances which in the public interest should be supplied only upon the written prescription of a medical practitioner, dentist or veterinary surgeon.

Schedule Five (Domestic Poisons)

Poisonous substances of a dangerous nature commonly used for domestic purposes which should be readily available to the public but which require caution in their handling, use and storage.

Schedule Six (Industrial and Agricultural Poisons)

Substances which should 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 of exceptional danger which require special precautions in their manufacture or use.

Schedule Eight (Drugs of Addiction)

Substances which are addiction producing or potentially addiction producing.

(3) The Minister shall forthwith consider the list upon its submission to him and may confirm it with or without modifications as he may think proper.

(4) Before confirming the list with any modifications the Minister shall inform the Committee of the proposed modifications, give it a reasonable opportunity of making any observations with respect to the proposed modifications and take into consideration any such observations submitted to him by the Committee.

g/ (5) The Governor may proclaim the list as confirmed by the Minister under subsection three of this section.

(6) (a) The Governor may, from time to time, in like manner amend the list proclaimed pursuant to subsection five of this section-

(i) by adding to any Schedule or removing therefrom any substance;

(ii) by transferring any substance from one Schedule to any other Schedule;

(iii) by altering the entry relating to any substance in any Schedule.

(b) Any recommendation made by the Minister to the Governor for the amendment of the list so proclaimed shall be made after consultation with or on the recommendation of the Committee.

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g/ See proclamation published in Gazette No. 107 of 6 October 1967, p. 3589 et seq.

PART III

POISONS AND RESTRICTED SUBSTANCES

DIVISION 1. Restrictions on Sale, Possession, etc., of Poisons and Restricted Substances

Sale of certain substances prohibited

9. (1) Subject to this Act and the regulations-

(a) no person other than a medical practitioner, pharmacist dentist, or veterinary surgeon, in the lawful practice of his profession as such, shall supply or sell any substance specified in Schedule One, Two or Three of the Poisons List, unless he is licensed under section ten of this Act to sell those substances;

(b) no person other than a medical practitioner, dentist or veterinary surgeon, in the lawful practice of his profession as such, shall supply or sell to another person any restricted substance.

(2) Subsection one of this section does not apply to the supply, by way of free distribution, of clinical samples of any substance specified in Schedule One, Two or Three of the Poisons List or restricted substance to medical practitioners, dentists or veterinary surgeons by persons engaged in the manufacture of, or wholesale dealing in, any such substance where the distribution is made to the medical practitioner, dentist or veterinary surgeon personally or by posting, by registered post, a letter or parcel containing the substance addressed to him.

Licenses to sell poisons.

10. (1) The Under Secretary may issue a license to sell substances specified in Schedule One, Two or Three of the Poisons List to any person who-

(a) keeps open shop for the sale of goods by retail situated at least four miles by the nearest practicable road from any place in which the business of a pharmacist is carried on in open shop; and

(b) produces a certificate from a justice of the peace and the member of the police force in charge of the police station nearest to his residence that he is a fit and proper person to be allowed to sell those substances.

(2) Any application for a license or for the renewal of a license under this section shall be in or to the effect of the form prescribed, shall contain the prescribed particulars and shall be accompanied by the prescribed fee.

(3) (a) Licenses under this section shall be in or to the effect of the form prescribed and shall be issued subject to conditions or unconditionally.

(b) A license under this section-

(i) shall, unless sooner cancelled, remain in force until the the thirty-first day of January next following the date of issue;

(ii) may be renewed and on each renewal thereof shall, subject to this Act, remain in force for a further period of twelve months.

Sale of certain poisons to be entered in a book.

11. (1) Every person who sells any substance specified in Schedule One of the Poisons List shall, before delivery thereof to the purchaser, inquire his name, place of abode, and occupation and the purpose for which such poison is required or stated to be required.

(2) Such person shall thereupon make a faithful entry of such sale, specifying the substance and the quantity thereof, and all such particulars so given by the purchaser, together with the day of the month and year of the sale, in a book to be kept by the vendor for that purpose in the form prescribed.

(3) Every such entry shall be signed by the person making it, and shall, subject to sections twelve and thirteen of this Act, be also signed by the purchaser, unless he declares himself unable to write, in which case the person making the entry shall add thereto the words "Purchaser cannot write".

(4) The book referred to in subsection two of this section shall be preserved by the vendor for at least five years from the date on which the final entry in the book is made.

Sales by correspondence

12. (1) Where sales and purchases of substances specified in Schedule One of the Poisons List are made by correspondence, the letter ordering them shall be preserved by the vendor for at least five years from the date of its receipt by him and a memorandum of the date of the letter, by whom it was written and the quantity and particulars of the substance therein ordered shall be entered in the book referred to in subsection two of section eleven of this Act.

(2) No person shall sell any such substance so ordered to any person with whose signature he is not acquainted unless-

(a) the signature has been witnessed, or purports to have been witnessed, by a justice of the peace or clergyman, or is authenticated by some person known to the vendor, and the place of abode of such justice of the peace, clergyman or person is shown in the letter containing the order; and

(b) the entry relating to the sale and required to be made under this Act states the name and the place of abode of such justice of the peace, clergyman or person, as shown in that letter.

Sales by telegram or radiogram

13. (1) Where sales and purchases of substances specified in Schedule One of the Poisons List are made by telegram or radiogram, the telegram or radiogram ordering them shall be preserved by the vendor for at least five years from the date of its receipt by him, and a memorandum of the date of the telegram or radiogram, by whom it was sent, and the quantity and particulars of the substance therein ordered shall be entered in the book referred to in subsection two of section eleven of this Act.

(2) No person shall sell any such poison so ordered to any person who is unknown to the vendor.

Modification of section 11.

14. (1) So much of the provisions of section eleven of this Act as requires an entry in the book to be kept under that section to be signed by the purchaser shall not, if the conditions referred to in subsection two of this section are fulfilled, apply where-

(a) the purchaser is a medical practitioner, dentist, or veterinary surgeon; and

(b) the purchase is made by him for the purpose of his profession.

(2) The conditions to be fulfilled for the purposes of this section are that the vendor-

(a) has received before the sale an order in writing signed by the purchaser stating his name and address and the name and quantity of the substance to be purchased;

(b) must be reasonably satisfied that the signature affixed to the order is in fact the signature of the person purporting to sign it, and that that person is a medical practitioner, dentist or veterinary surgeon;

(c) must if the substance sold is being sent by post to the purchaser send it or cause it to be sent to the purchaser by registered post;

(d) enter in the book in the column assigned to the signatures of purchasers the words "signed order" followed by the date on which the order is executed; and

(e) preserve the order for a period of five years from the date on which the order is received by him.

(3) Notwithstanding any other provision of this Part, if a vendor is reasonably satisfied that a purchaser referred to in paragraph (a) of subsection one of this section desiring to purchase a substance specified in Schedule One of the Poisons List urgently requires it for the purpose of his profession but is, by reason of some emergency, unable before delivery either to furnish to the vendor an order in writing duly signed, or to attend and sign the book to be kept under section eleven of this Act the vendor may send the substance to the purchaser to be handed over to him either in exchange for such an order or on an undertaking by the purchaser to furnish such an order to the vendor within the twenty-four hours next following.

(4) Every purchaser by whom such an undertaking has been given who fails, neglects or refuses to deliver to the vendor a signed order in accordance with the undertaking and every person who for the purpose of obtaining delivery of any substance under subsection three of this section makes a statement which is to his knowledge false shall be guilty of an offence against this Act.

Restrictions as to the sale of certain poisons.

15. No person shall sell any substance specified in Schedule One of the Poisons List -

(a) to any person who is under eighteen years of age; or

(b) otherwise than as referred to in section twelve, thirteen or fourteen of this Act, to any person who is unknown to the vendor unless -

(i) the sale is made in the presence of some witness who is known to the vendor and knows the purchaser; and

(ii) any entry relating to the sale and required to be made under this Act has been signed by the witness and the place of abode of the witness, as stated by him to the vendor, has been stated in the entry before the substance is delivered to the purchaser.

Offences relating to prescribed restricted substances.

16. (1) A person shall not have in his possession or attempt to obtain possession of a prescribed restricted substance unless -

(a) he is a medical practitioner, pharmacist, dentist or veterinary surgeon;

(b) he obtains possession or attempts to obtain possession of it on and in accordance with the prescription of a medical practitioner, dentist or veterinary surgeon for its supply to him;

Amended Act No.40 1967, s.2 (a)(i).

(c) he is a person or belongs to a class of persons authorised by the Under Secretary for the purposes of paragraph (b) of subsection one of section nineteen of this Act; or

New paragraph added, Ibid. s.2 (a)(ii).

(d) he is a person authorised in writing by the Under Secretary to obtain possession of the prescribed restricted substance for the purposes of his profession or employment and obtains, or attempts to obtain, as the case may be, possession of the prescribed restricted substance in accordance with any conditions subject to which he is so authorised.

New paragraph added, Ibid.

(2) A person shall not forge or fraudulently alter, or utter, knowing it to be forged or fraudulently altered, any prescription of a medical practitioner, dentist or veterinary surgeon including any prescribed restricted substance.

(3) A person shall not -

(a) knowingly by any false representation (whether verbal, or in writing, or by conduct) -

(i) obtain from any medical practitioner, dentist or veterinary surgeon any prescription including any prescribed restricted substance; or

(ii) induce any pharmacist to dispense any forged or fraudulently altered prescription including a prescribed restricted substance or any prescription obtained in contravention of this paragraph knowing it to be forged or so altered or obtained;

(b) be in actual possession of any forged or fraudulently altered prescription including a prescribed restricted substance or of any prescription obtained in contravention of paragraph (a) of this subsection, knowing it to be forged or so altered or obtained; or

(c) knowingly by any false representation (whether verbal, or in writing, or by conduct) obtain from any pharmacist, medical practitioner or veterinary surgeon any prescribed restricted substance.

(4) Any prescribed restricted substance in the order or disposition of a person shall, for the purposes of subsection one of this section, be deemed to be in his possession.

(5) A person shall not be guilty of an offence against subsection one of this section by virtue of his having in his possession, or attempting to obtain possession of, a prescribed restricted substance if he proves that he had possession, or attempted to obtain possession, of the substance only for the purpose of delivering it -

(a) to a medical practitioner, pharmacist, dentist or veterinary surgeon; or

(b) to a person to whom its supply has been authorised by the prescription of a medical practitioner, dentist or veterinary surgeon.

17. (1) The Governor may make regulations under this Part for or with respect to - Regulations under Part III.

(a) the issue, renewal and cancellation of licenses under this Part;

(b) the colouring of any poisons and restricted substances;

(c) the conditions under which poisons and restricted substances shall be purchased, sold, distributed, supplied, disposed of, obtained, stored, kept or used;

(d) the shape, size, colour and materials of, and method of sealing, the container or package in which any poison or restricted substance shall or shall not be sold;

(e) requiring the container or package in which any prescribed poison or restricted substance is cased, covered, enclosed, contained or packed for sale to have printed thereon or on the label affixed or attached thereto such particulars as may be prescribed;

(f) the conditions under which any proprietary preparation for use as a sheep or cattle dip, or for agricultural, pastoral, veterinary, piscicultural or horticultural purposes or as a vermicide shall be exempt from the operation of the provisions of this Part or any regulation made under this Part;

(g) requiring persons engaged in the sale, purchase or distribution of any poison or restricted substance to keep records and furnish to any prescribed person information (whether in writing or otherwise);

(h) the issue of prescriptions or orders for any poison or restricted substance, the dispensing of such prescriptions and the supply of poisons and any such substance on such a prescription or order;

(i) prohibiting or regulating the distribution without consideration of any poison or restricted substance;

(j) providing for the forfeiture of any poison or restricted substance unlawfully in the possession of any person and for the disposal of any such poison or substance so forfeited;

(k) prescribing all matters which by this Part are required or permitted to be prescribed, or which are necessary or convenient for carrying out or giving effect to this Part.

(2) A regulation made under this Part may apply -

(a) to all poisons and restricted substances, to any poison or restricted substance specified in the regulation or to all poisons and restricted substances other than those so specified;

(b) to all persons, to persons or classes of persons specified in the regulation, or to all persons other than persons or classes of persons so specified.

Penalty for offences under Part III.

18. Subject to this Act, any person who -

(a) sells any substance specified in Schedule One, Two, Three or Four of the Poisons List contrary to the provisions of this Part or the regulations made under this Part; or

(b) otherwise acts in contravention of or fails to comply with any of the provisions of this Part or the regulations made under this Part or fails to comply with any conditions subject to which a license under section ten of this Act was issued,

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding eight hundred dollars, or to imprisonment for a term not exceeding six months, or in the case of a continuing offence to a penalty not exceeding twenty dollars for every day during which the offence continues.

DIVISION 2. Exemptions

Limitation of application of certain provisions of Division 1. Substituted subsection, Act No.40, 1967, s.2 (b).

19. (1) Paragraph (b) of subsection one of section nine of this Act does not operate to prohibit -

(a) the supply or sale of a restricted substance by a pharmacist on and in accordance with the prescription of a medical practitioner, dentist or veterinary surgeon; or

(b) the supply, by a person, or a person belonging to a class of persons, authorised by the Under Secretary to make the supply, of a restricted substance on and in accordance with the prescription of a medical practitioner, where the restricted substance is supplied to a patient in a hospital, or in a hospital belonging to a class, specified in the authority or to an inmate in an institution, or in an institution belonging to a class, specified in the authority.

(1A) An authority referred to in paragraph (b) of subsection one of this section may be revoked by the Under Secretary for reasons that he thinks sufficient. New subsection added, Ibid.

(1B) The Under Secretary shall cause particulars of any authority referred to in paragraph (b) of subsection one of this section, and of the revocation of any such authority, to be published in the Gazette as soon as practicable after it is granted or revoked, as the case may be. New subsection added, Ibid.

(2) Subsection one of section sixteen of this Act does not apply to a wholesale dealer who has in his possession, or attempts to obtain possession of, a prescribed restricted substance referred to in that subsection for the purposes of a wholesale dealing.

(3) Sections eleven, twelve, thirteen, fourteen and fifteen of this Act do not apply to the sale of any substance specified in Schedule One of the Poisons List -

(a) made up or compounded as a medicine by -

(i) a pharmacist acting in the lawful practice of his profession as such; or

(ii) a pharmacy trainee under the direct personal supervision of a pharmacist so acting,

on and in accordance with the prescription of a medical practitioner, dentist, or veterinary surgeon;

(b) made up or compounded extemporaneously as a medicine by a pharmacist so acting for a specific and individual case, if the medicine does not contain any restricted substance;

(c) made up or compounded as a medicine which is supplied by a medical practitioner so acting for the purposes of medical treatment, by a dentist so acting for the purposes of dental treatment, or by a veterinary surgeon so acting for the purposes of animal treatment;

but this subsection does not apply in respect of a medicine for external use containing a substance specified in Schedule One of the Poisons List unless the container thereof bears the word "Poison" printed conspicuously thereon together with the name and address of the vendor.

(4) Sections nine, eleven, twelve, thirteen, fourteen and fifteen of this Act do not apply to the supply or sale of -

(a) photographic materials for the purpose of photography;

(b) any material or liquid containing a substance specified in Schedule One, Two or Three (not being such a substance prescribed for the purposes of this subsection) for the destruction of noxious animals, birds, insects or plants; or

(c) any substance specified in Schedule One, Two, Three or Four of the Poisons List by wholesale dealers in the ordinary course of wholesale dealing.

PART IV.

DRUGS OF ADDICTION AND PROHIBITED DRUGS

DIVISION 1. Restrictions on Possession, Manufacture, Sale, etc., of Drugs of Addiction.

Interpretation.

20. In this Division, unless the context or subject matter otherwise indicates or requires -

"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 that plant, by whatever name those parts or extracts are called.

"Opium" means the coagulated juice obtained from the capsules of the opium poppy (Papaver somniferum).

"Owner", in relation to any premises, includes the person entitled to receive the rent of premises and the person to whom the rent of the premises is paid.

"Prepared opium" means any preparation of opium in a form capable of being used for the purpose of smoking, and includes dross and any other residues remaining after opium has been smoked.

"Smoking" includes inhaling fumes produced by heating or burning any substance, and "smokes" has a corresponding interpretation.

Offences relating to prepared opium and other drugs of addiction.

21. (1) If any person -

(a) manufactures, sells, or otherwise deals in prepared opium or Indian hemp;

(b) has in his possession any prepared opium or Indian hemp;

(c) being the occupier of any premises permits those premises to be used for the purpose of the preparation of opium or Indian hemp for smoking or the sale, distribution, or smoking of prepared opium or Indian hemp;

(d) being the owner or lessee of any premises knowingly permits such premises to be used for the purpose of smoking opium, prepared opium or Indian hemp;

(e) is concerned in the management of any premises used for any purpose referred to in paragraph (c) or (d) of this subsection;

(f) has in his possession any pipes or other utensils for use in connection with the smoking of opium, prepared opium or Indian hemp or any utensils used in connection with the preparation of opium or Indian hemp for smoking; or

(g) smokes opium, prepared opium or Indian hemp or otherwise uses prepared opium or Indian hemp, or frequents any place used for the purpose of smoking opium, prepared opium or Indian hemp;

he shall be guilty of an offence against this Division.

(2) If any person has in his possession any drug of addiction other than prepared opium or Indian hemp, he shall be guilty of an offence against this Division unless -

(a) he is licensed or otherwise authorised under the regulations to manufacture, sell, distribute or supply the drug;

(b) he is otherwise authorised under the regulations to be in possession of the drug; or

(c) the drug was supplied or requested to be supplied, for the use of that person, by a medical practitioner or veterinary surgeon, or on and in accordance with a prescription complying with the regulations.

(3) A person shall not be guilty of an offence under subsection two of this section by virtue of his having in his possession, or attempting to obtain possession of, a drug of addiction, other than prepared opium or Indian hemp, if he proves that he had possession, or attempted to obtain possession, of the substance only for the purpose of delivering it to a person referred to in paragraph (a), (b) or (c) of that subsection.

(4) Any opium, prepared opium or Indian hemp or other drug in the order or disposition of any person shall, for the purposes of subsections one and two of this section, be deemed to be in his possession.

Forging, etc., prescriptions.

22. (1) Any person who forges or fraudulently alters or utters, knowing it to be forged or fraudulently altered, any prescription of a medical practitioner or veterinary surgeon including any drug of addiction shall be guilty of an offence against this Division.

(2) Any person who -

(a) knowingly by any false representation (whether verbal, or in writing, or by conduct) -

(i) obtains from any medical practitioner or veterinary surgeon any prescription including any drug of addiction;

(ii) induces any pharmacist to dispense any forged or fraudulently altered prescription, including a drug of addiction, or any prescription obtained in contravention of this paragraph knowing it to be forged or so altered or obtained; or

(b) is in actual possession of any forged or fraudulently altered prescription including a drug of addiction or any prescription obtained in contravention of paragraph (a) of this subsection, knowing it to be forged or so altered or so obtained,

shall be guilty of an offence against this Division.

Obtaining drug by false representation.

23. Any person who knowingly by any false representation (whether verbal, or in writing, or by conduct) obtains or attempts to obtain from any medical practitioner, pharmacist or veterinary surgeon any drug of addiction shall be guilty of an offence against this Division.

Regulations.

24. (1) For the purpose of preventing the improper use of drugs of addiction the Governor may make regulations under this Division for or with respect to -

(a) prohibiting the manufacture of any drug of addiction except on premises licensed for the purpose and subject to the conditions specified in the license;

(b) prohibiting the manufacture, sale, distribution, or supply of any such drug except by persons licensed or otherwise authorised under the regulations and subject to any conditions specified in the license or authority;

(c) prohibiting the issue by persons other than medical practitioners or veterinary surgeons of prescriptions containing any such drug;

(d) regulating the issue by medical practitioners or veterinary surgeons of prescriptions containing any such drug, the dispensing of such prescriptions, and the supply of any such drugs thereunder;

(e) requiring persons engaged in the manufacture, sale, distribution, or supply of any such drug to keep such books and furnish such information either in writing or otherwise to such persons as may be prescribed, and making provision for the inspection of such books and records by prescribed persons;

(f) fixing the fees to be paid in respect of any license, inspection, permit, or authority made or issued under the regulations;

(g) providing for the forfeiture of any such drug unlawfully in the possession of any person;

(h) providing that any specified breach of the regulations shall be regarded as "infamous conduct in a professional respect" within the meaning of any Act;

(i) generally, regulating and controlling the manufacture, sale, possession, distribution and supply of drugs of addiction; and

(j) generally, carrying out or giving effect to the provisions of this Division.

(2) Regulations shall be made under this Division making provision for or with respect to -

(a) authorising pharmacists to be in possession of any drug of addiction for the purposes of -

(i) manufacturing at his shop in the ordinary course of his retail business any preparation, admixture, or extract of that drug; and

(ii) carrying on at his shop the business of selling by retail, dispensing, or compounding that drug;

(b) authorising medical practitioners, pharmacists employed in dispensing medicines at any public hospital or other institution, dentists and veterinary surgeons to be in possession of and to supply, in the lawful practice of their professions as such, any drug of addiction, subject to such conditions and restrictions as may be prescribed;

(c) authorising persons in charge of laboratories for the purpose of research or instruction, and such other persons as to the Minister may seem proper to be in possession of any drug of addiction for the purposes of their professions or employments, subject to such conditions and restrictions as may be prescribed;

(d) the issue, grant and renewal of licenses or authorities for the purposes of this Division by the Under Secretary on such terms and subject to such conditions (including in the case of a license the payment of a fee) as he thinks proper;

(e) the withdrawal of any such license or authority by the Under Secretary; and

(f) appeals, in accordance with rules of court, to a District Court against any determination of the Under Secretary with respect to any such license or authority.

(3) (a) Regulations may be made under this Division making provision for or with respect to the continuance in force of any license or authority issued or granted under Part VI of the Police Offences (Amendment) Act, 1908, as amended by subsequent Acts.

(b) Where any regulations are made under paragraph (a) of this subsection and any such license or authority is thereby continued in force, any proceedings with respect to any determination made under the Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, and relating to any such license or authority that have been commenced but not completed before the commencement of such regulations may be continued and completed as if the license or authority had been issued or granted under the regulations made under this Division.

(4) (a) A general license to manufacture drugs of addiction shall not be issued.

(b) A license to manufacture drugs of addiction shall be limited to the manufacture of a particular drug or drugs specified in the license.

(c) Several licenses to manufacture drugs of addiction may be issued to the same person.

(5) Subject to this Division, a regulation made under this Division may apply -

(a) to all drugs of addiction, to any such drug specified in the regulations, or to all such drugs other than those so specified; and

(b) to all persons, to persons or classes of persons specified in the regulations, or to all persons other than persons, or classes of persons so specified.

Further offences against this Division

25. Any person -

(a) who acts in contravention of or fails to comply with any regulation made under this Division;

(b) who acts in contravention of or fails to comply with the conditions of any license issued or authority granted under or in pursuance of this Division; or

(c) who, for the purpose of obtaining, whether for himself or for any other person, the issue, grant, or renewal of any such license or authority as aforesaid, makes any declaration or statement which is false in any particular, or knowingly utters, produces, or makes use of any such declaration or statement or a document containing such a declaration or statement,

shall be guilty of an offence against this Division.

Penalties.

26. (1) Every person guilty of an offence against this Division shall in respect of each offence be liable to a fine not exceeding two thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years, or to both such fine and imprisonment, and the court convicting any such person may order that any article in respect of which the offence was committed shall be forfeited to Her Majesty.

(2) The court before which the offender was convicted of an offence against this Division may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

(3) No person shall, on conviction for any offence of contravening or failing to comply with the conditions of any license issued or authority granted under the regulations made under this Division to supply a drug of addiction or any regulation relating to the keeping of books or the issuing or dispensing of prescriptions containing a drug of addiction, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding one hundred dollars, 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 in connection with the commission or intended commission of any other offence against this Division.

(4) Any person who attempts to commit an offence against this Division, or 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 Division.

(5) Any term of imprisonment imposed on any person by a court of summary jurisdiction in respect of the non-payment of a fine for an offence against this Division may be ordered to commence at the expiration of any term of imprisonment imposed on that person for the same offence in addition to the fine.

(6) In any proceedings against a person for an offence against this Division it shall not be necessary to negative by evidence any license, authority, or other matter of exception or defence, and the burden of proving any such matter shall lie on the person seeking to avail himself thereof.

DIVISION 2. Restrictions on Prescribing Drugs of Addiction

27. In this Division - Interpretation.

"Addict" means any person who has acquired as a result of the repeated administration of a drug of addiction an overpowering desire for the continued administration of any such drug and in whom the cessation of the administration of any such drug is likely to lead to definite symptoms of mental or physical distress or disorder and who does not require the use of any such drug for the relief of symptoms of organic disease.

"Director-General" means the person for the time being holding the office of Director-General of Public Health or a medical officer of the Department of Public Health deputed by that person to act on his behalf for the purposes of this Division.

28. A medical practitioner shall not prescribe for or supply to - Prohibition on prescribing drugs of addiction in certain cases.

(a) any person a drug of addiction for therapeutic use by that person continuously for a period exceeding two months or for a period which, together with any other period for which that drug has, to his knowledge, been prescribed or supplied by any other medical practitioner, would result in that drug being prescribed for therapeutic use by that person continuously for a period exceeding two months; or

(b) any person who in his opinion is an addict any drug of addiction.

unless he so prescribes or supplies that drug in accordance with an authority in respect of that person given to him by the Director-General under section twenty-nine of this Act.

29. (1) An application for the authority of the Director-General referred to in section twenty-eight of this Act shall - Director-General may authorise prescription or supply of drugs of addiction

(a) be in writing and be signed by the medical practitioner who proposes to prescribe or supply the drug of addiction;

(b) be made in or to the effect of the prescribed form;

(c) contain such information as is provided for by the prescribed form; and

(d) be enclosed in a sealed envelope, marked "confidential", and be lodged with, or forwarded by registered mail to, the Director-General.

(2) Any such application -

(a) where it related to a person, who is referred to in the application as not being an addict, may be referred; or

(b) where it relates to a person, who is eferred to in the application as being an addict, shall be referred,

by the Director-General to the Medical Committee constituted under section thirty of this Act.

(3) The Director-General may give an authority for the medical practitioner by whom any such application is made to prescribe for or supply to the person to whom the application relates any drug of addiction specified in that authority for the purpose of the treatment of that person.

(4) Where the Director-General refers an application to the Medical Committee constituted under section thirty of this Act, he shall take into consideration any report of that Committee relating to that application made before the authority is granted.

(5) Any such authority -

(a) shall specify the quantity of the drug of addiction that may be so prescribed or supplied by the medical practitioner;

(b) shall specify the period for which any such drug may be so prescribed or supplied;

(c) may be given subject to such conditions as the Director-General thinks fit and specified in the authority; and

(d) shall be in writing and be signed by the Director-General unless, in a case of emergency, it is given verbally.

(6) Any such authority given verbally shall be confirmed in writing as soon as practicable a ter it is given.

Medical Committee.

30. (1) The Minister shall constitute a Medical Committee for the purposes of this Division.

(2) The Medical Committee shall consist of -

(a) a medical practitioner nominated by the Australian Medical Association, New South Wales Branch;

(b) a medical practitioner nominated by the Royal Australasian College of Physicians, New South Wales State Committee; and

(c) a medical practitioner nominated by the Minister.

(3) If within the time specified by the Minister in a notice in writing served on the Australian Medical Association, New South Wales Branch, or the Royal Australasian College of Physicians, New South Wales State Committee, as the case may be, a medical practitioner is not nominated for the purpose of paragraph (a) or (b) of subsection two of this section the Minister may appoint any medical practitioner to be a member of the Medical Committee in the place of the nember referred to in the said paragraph (a) or (b), as the case may be.

(4) The Medical Committee shall consider every application referred to it under subsection two of section twenty-nine of this Act and shall, as soon as practicable after the application is referred to it, furnish to the Director-General a report in writing containing a recommendation whether or not an authority should be given to prescribe for or to supply to the person to whom the application relates any drug of addiction.

DIVISION 3. Prohibited Drugs

Application of this Division of drugs other than diamorphine.

31. (1) The Governor may, by proclamation published in the Gazette, declare that this Division shall apply to any substance.

(2) The Governor may in like manner repeal, alter or amend any proclamation issued in pursuance of subsection one of this section.

Prohibition of manufacture, etc., of prohibited drugs

32. (1) Any person who -

(a) manufactures, prepares, sells, distributes, supplies, or otherwise deals in any prohibited drug;

(b) has in his possession any prohibited drug; or

(c) uses any prohibited drug,

shall be guilty of an offence against this Division.

(2) Any prohibited drug in the possession of any person may be seized by any member of the police force and such prohibited drug shall be forfeited to Her Majesty.

(3) Any prohibited drug in the order or disposition of any person shall be deemed to be in his possession.

Penalties.

33. (1) Every person guilty of an offence against this Division shall in respect of each offence be liable to a fine not exceeding two thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years, or to both such fine and imprisonment.

(2) If any person attempts to commit an offence against this Division, or solicits or incites another person to commit such an offence, he shall, without prejudice to any other liability, be liable to the same punishment as if he had committed an offence against this Division.

(3) Any term of imprisonment imposed on any person by a court of summary jurisdiction in respect of the non-payment of a fine for an offence against this Division may be ordered to commence at the expiration of any term of imprisonment imposed on that person for the same offence in addition to the fine.

PART V.

GENERAL.

Hawking, etc., of poisons.

34. (1) No person shall sell in any street or from house to house or shall hawk or peddle or shall distribute free or as samples in any street or public place or from house to house any substance specified in any Schedule of the Poisons List.

(2) Subsection one of this section does not apply to the free distribution of clinical samples of any substance specified in any Schedule (Schedule Eight excepted) of the Poisons List to medical practitioners, dentists or veterinary surgeons by persons engaged in the manufacture of, or wholesale dealing in, any such substance, where the distribution is made to the medical practitioner, dentist or veterinary surgeon personally or by posting, by registered post, a letter or parcel containing the substance addressed to him.

Committee may require information as to substances

35. (1) The Committee may, by notice in writing served on any person who manufactures in or imports into, New South Wales, or sells any substance intended for therapeutic use, require that person to furnish to the Committee within such time, not being less than fourteen days, as may be specified in the notice, such information relating to the substance as may be referred to in the notice.

(2) A notice referred to in subsection one of this section may be served on any person whether or not the substance referred to in the notice is one in respect of which information has previously been furnished.

(3) Any person on whom a notice referred to in subsection one of this section is served shall comply with the notice within the time specified in the notice.

Selling poisons, etc., by automatic machines prohibited.

36. (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 substance specified in any Schedule of the Poisons List; or

(ii) sell or supply any substance so specified by means of any automatic machine; or

(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 such 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 such substance by means of any automatic machine on the premises or under the control of such first-mentioned person.

(2) Any person who contravenes any provision of this section shall be guilty of an offence against this Act and shall for ever such offence be liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding six months, and to a further penalty not exceeding twenty dollars for each day on which any offence under this section is continued after conviction by any court.

Prohibition on sale, etc., of any poison, restricted substance or drug of addiction.

37. (1) Notwithstanding any other provision of this Act, the person for the time being holding office as Director-General of Public Health may, by order, prohibit the sale or supply of any substance specified in the order which in his opinion should not be sold or supplied pending the evaluation of its toxic or deleterious properties or of any substance containing any such substance.

(2) Any person who contravenes an order made under subsection one of this section shall be guilty of an offence against this Act.

Calculation of percentages in case of liquid preparations.

38. For the purpose of the Poisons List, percentages in the case of liquid preparations shall (unless other provision in that behalf is made by regulations) be calculated on the basis that a preparation containing one per centum of any substance means a preparation in which -

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

Certificate of Under Secretary prima facie evidence

39. In any legal proceedings under this Act a certificate purporting to be signed by the Under Secretary and to certify that any person is or is not a person who holds a license, permit or authority under this Act shall, without proof of the signature of the person appearing to have signed the certificate or that he was the Under Secretary, be prima facie evidence of the fact stated in the certificate.

Proof of certificate of an analyst.

40. (1) Any analyst analysing any substance submitted to him may give a certificate of the result of the analysis.

(2) In any legal proceedings under this Act the production of a certificate, purporting to be signed by an analyst, shall be prima facie evidence of the identity of the substance analysed, and of the result of the analysis, without proof of the signature, employment or appointment of the person appearing to have signed the certificate.

(3) For the purposes of this section "analyst" means any person employed by the Government of New South Wales as an analyst or any person appointed by the Governor as an analyst under the Pure Food Act, 1908, as amended by subsequent Acts.

Evidence in prosecutions under this Act.

41. In any prosecution for a contravention of or failure to comply with any provision of this Act or any regulation, whenever it is necessary or proper to prove in respect of any particular article or substance that it conforms to any of the following descriptions, namely :-

(a) that it is a poison or poisonous; or

(b) that it consists of or contains poison; or

(c) that it is a restricted substance; or

(d) that it is a drug of addiction;

then in every such case -

(i) evidence that any substance commonly sold under the same name or description as the said particular article or substance conforms to any of the descriptions contained in paragraph (a), (b), (c) or (d) of this section shall be prima facie evidence that the said particular article or substance also conforms to the same description accordingly;

(ii) evidence that any particular article or substance bears any inscription required by the regulations in respect of any substance or class of substances shall be prima facie evidence that that particular article or substance is a substance, or belongs to the class of substances, in respect of which that inscription is so required;

(iii) evidence that the container in which any particular article or substance is contained is labelled as required, or bears any inscription required, by the regulations in respect of containers containing any substance or class of substances shall be prima facie evidence that that particular article or substance is a substance, or belongs to a class of substances, the containers of which are so required to be labelled or to bear that inscription.

Offences by companies.

42. Where a company is convicted of an offence against this Act or the regulations every director and every officer concerned in the management of the company shall be guilty of the like offence if he knowingly and wilfully authorised or permitted the commission of the offence.

Powers of entry and search.

43. (1) For the purpose of ascertaining whether the provisions of this Act or any regulation are being complied with, any member of the police force or person authorised to do so (either generally or in a particular case) by the Under Secretary may -

(a) enter into and upon the premises of any person who sells or has in his possession any substance specified in any Schedule of the Poisons List or prohibited drug or who carries on the business of a producer, manufacturer or distributor of any such substance or drug;

(b) search any such premises;

(c) require the production of and inspect any stocks of any such substance or drug in or about those premises;

(d) require the production of and inspect and make copies of, or take extracts from, any books or documents relating to any dealing in any such substance or drug;

(e) seize and detain any such substance or drug found on those premises with respect to which he has reasonable grounds to believe that there has been a contravention of this Act.

(2) Upon complaint on oath before a justice that the complainant suspects or believes that -

(a) any prescribed restricted substance referred to in section sixteen of this Act, any drug of addiction or any prohibited drug is, in contravention of this Act, in the possession or under the control of any person in any premises; or

(b) any document is in the possession or under the control of any person in any premises and that document directly or indirectly relates to or is connected with any transaction or dealing relating to any such prescribed substance, any drug of addiction or any prohibited drug which was, or any intended transaction or dealing which would, if carried out, be, an offence against this Act.

and upon reasonable ground being shown in such complaint for the complainant so suspecting or believing, that justice may grant a search warrant authorising any member of the police force named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant and to search the premises and any persons found therein.

(3) Where a member of the police force searching any premises or person pursuant to a warrant granted under subsection two of this section has reasonable ground for suspecting that -

(a) an offence against this Act has been committed in relation to any prescribed restricted substance referred to in section sixteen of this Act, any drug of addiction or any prohibited drug which he finds in those premises or in the possession of any persons found therein; or

(b) any document which he so finds is a document referred to in paragraph (b) of subsection two of this section,

that member of the police force may seize and detain that substance or drug, or that document, as the case may be.

(4) Any person who -

(a) wilfully delays or obstructs any member of the police force or other person in the exercise of his powers under this section; or

(b) fails to produce or conceals any books, documents, stocks, substance or drug which he is required to produce under this section,

shall be guilty of an offence against this Act.

Penalty.

44. Every person who is guilty of an offence against any provision of this Act or acts in contravention of or fails to comply with any provision of this Act or any regulation for which no other penalty is expressly provided shall be liable to a penalty not exceeding two hundred dollars.

Recovery of penalties

45. Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

Publication etc., of regulations, etc.

46. (1) All regulations made under this Act and any proclamation made under section eight or thirty-one of this Act and any order made under section thirty-seven of this Act shall -

(a) be published in the Gazette;

(b) take effect from the date of publication or from a later date to be specified in the regulations or proclamation or order; and

(c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations, proclamation or order have or has been laid before such House disallowing the regulations, proclamation or order or part thereof, such regulations, proclamation or order or part, as the case may be, shall thereupon cease to have effect.

PART VI

AMENDMENTS TO CRIMES ACT, 1900, AS AMENDED BY SUBSEQUENT ACTS; AND MOTOR TRAFFIC ACT, 1909, AS AMENDED BY SUBSEQUENT ACTS.

Amendment of Act No. 40, 1900 Sec.52A. (Culpable driving).

47. The Crimes Act, 1900, as amended by subsequent Acts, is amended by omitting subsection six of section 52A and by inserting in lieu thereof the following subsection:-

(6) In this section "drug" has the meaning ascribed to that expression by subsection two of section five of the Motor Traffic Act, 1909, as amended by subsequent Acts.

Amendment of Act No. 5, 1909 Sec. 5. (Driver to give his name and address when required.)

48. The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended by omitting from subsection two of section five the words "In this subsection, 'drug' means a drug to which Part VI of the Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, applies" and by inserting in lieu thereof the following paragraph:-

In this subsection, "drug" means -

(a) a drug of addiction or prohibited drug, as defined in section four of the Poisons Act, 1966, not being a substance specified in the regulations as being excepted from this definition; and

(b) any other substance prescribed as being a drug for the purposes of this definition.

Sec. 3.

SCHEDULE

Reference to Act.	Short Title.	Extent of Repeal.
No. 12, 1908	Police Offences (Amendment) Act, 1908	The matter in section one relating to Parts VI and VIA, Parts VI and VIa. Schedule Two.
No. 7, 1927	Police Offences Amendment (Drugs) Act, 1927	The whole.
No.16, 1934	Police Offences Amendment (Drugs) Act, 1934	The whole, except section one and paragraph (b) of section three
No.35, 1937	Statute Law Revision Act, 1937	So much of the Second Schedule as amends the Police Offences (Amendment Act, 1908, except section two.
No.54, 1952	Poisons Act, 1952	The whole.
No.37, 1954	Police Offences Amendment (Drugs) Act, 1954.	The whole.
No. 8, 1956 ..	Poisons (Amendment) Act, 1956.	The whole.
No.12, 1961	Public Health (Amendment) Act, 1961.	Section five.

E/NL.1968/43

NEW SOUTH WALES

POISONS ACT, 1966, as amended.

POISONS REGULATIONS. 1967, No.249

Department of Public Health, Sydney, 25th September, 1967.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following regulations under the Poisons Act, 1966 as amended.

A. H. JAGO, Minister for Health.

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1. (1) These regulations may be cited as the "Poisons Regulations". Citation, repeal and commencement.

(2) The regulations made under the Poisons Act, 1966, and published in Gazette No. 138 of Sixteenth day of December, one thousand nine hundred and sixty-six, are hereby repealed.

(3) Regulations one to nine and twenty-four to seventy-five shall commence upon the first day of November, one thousand nine hundred and sixty-seven, and regulations ten to twenty-three shall commence,upon the first day of January, one thousand nine hundred and sixty-eight.

2. In these regulations unless inconsistent with the context or subject-matter -

"Act" means the Poisons Act, 1966[d/] as amended.

"Ampoule or selected container" means -

(a) a hermetically sealed glass container;

(b) a vial with a capacity of 10 millilitres or less;

(c) a single use syringe;

(d) a plastic container having a capacity of 10 millilitres or less when containing preparations for therapeutic use; or

(e) a single dose applicator having a capacity of 5 millilitres or less.

"Approved name" means -

(a) the English name by which any substance is described in the British Pharmacopoeia, the Australian Pharmaceutical Formulary or the British Pharmaceutical Codex;

(b) the approved name given to any substance by the General Medical Council of Great Britain;

(c) the common English name given to any substance by the British Standards Institution or the Australian Standards Association or the International Organisation for Standardisation (ISO);

(d) if no such name is given the United States Adopted Name;

or

(e) if no such name is given, the full chemical description of the substance;

provided that the approved name of a drug of addiction shall be that name used in the Schedules to the Single Convention on Narcotic Drugs, 1961, as from time to time amended.

"Chief pharmacist" in relation to a hospital means the pharmacist in charge of the pharmacy department of the hospital where he is employed or in his absence the pharmacist acting in that capacity.

"Compounded preparation" means a preparation compounded with one or more other medicaments in such a way that the poison, restricted substance or drug of addiction contained therein cannot readily be extracted.

"Director-General" means the person for the time being holding the office of Director-General of Public Health or a medical officer of the Department of Public Health deputed by that person to act on his behalf.

"Director of State Psychiatric Services" means the person for the time being holding the position of Director of State Psychiatric Services or the person for the time being performing the duties of that office.

"Immediate wrapper" means -

(a) any material used as the first wrapper for a single tablet, pastille, capsule or product unit; or

(b) strip packaging when used in connection with some form of primary pack.

"Internal use" in respect of a substance means administration orally, parenterally or by way of a body orifice for the purpose of absorption and the production of a systemic effect.

"Nurse" means a person registered as a general, midwifery or psychiatric nurse under the Nurses Registration Act, 1953, as amended.

"Prescription book" means -

(a) a book in which prescriptions may be copied and in which pages are numbered consecutively and prescriptions on a page are given a consecutive letter or number which is incorporated in the prescription number; or

(b) any other recording system approved by the Under Secretary.

"Primary pack" means the complete pack in addition to the container as presented to the purchaser in a single retail sale, excluding any wrapping, bag, carton or similar article in which any container is placed at the time of sale.

"Principal label" means where there are two or more labels the label which shows the name of the product more plainly than any other label, and which is the label primarily designed to attract attention; provided that where two or more such labels are identical, each shall be considered to be a principal label.

"Public hospital" means a hospital specified in the Second Schedule or a separate institution specified in the Third Schedule to the Public Hospitals Act, 1929, as amended, and shall include a hospital conducted by the Department of Public Health in the State of New South Wales and a hospital conducted by a Department of the Commonwealth of Australia.

"Qualified person" means -

(a) a medical practitioner, pharmacist, dentist or veterinary surgeon;

(b) a person who is a holder of a degree or diploma approved by the Under Secretary; or

(c) a person approved by the Under Secretary who is, or is eligible to be, -

(i) A Fellow or Associate of the Royal Australian Chemical Institute; or

(ii) a Fellow, Associate or Licentiate of the Royal Institute of Chemistry.

"Ward" in relation to a hospital includes any theatre, laboratory or department of a hospital other than the pharmacy department.

"Writing" includes printing, stencilling, impressing, branding, embossing and marking in any legible form whatsoever and "write" and "written" have a corresponding interpretation.

Poisons Advisory Committee.

3. (1) Eight members shall constitute a quorum at meetings of the Committee.

(2) Each appointed member of the Committee shall, if he is not a member of the Public Service, be paid a fee of eight dollars forty cents for each meeting of the Committee or of any duly appointed sub-committee attended by him:-

Provided that an appointed member shall not be paid a fee for attendance at more than one meeting before midday or more than one meeting after midday, on any day.

Poisons Book

4. The book referred to in subsection two of section eleven of the Act shall be a securely bound book with pages numbered consecutively and containing the particulars set out in Form 1.

License to Sell Poisons.

5. (1) An application under section ten of the Act for a license or for a renewal of a license to sell substances specified in Schedule One, Two or Three of the Poisons List shall be in or to the effect of Form 2.

(2) The fee specified in subsection two of section ten of the Act for any license or for the renewal of any license shall be five dollars.

(3) A license to sell substances specified in Schedule One, Two or Three of the Poisons List shall be in or to the effect of Form 3.

6. The Under Secretary may cancel a license issued under section ten of the Act if the holder thereof is convicted of an offence against the Act or against any regulation or if the holder is in his opinion no longer a fit and proper person to be allowed to sell such substances. Before cancelling the license the Under Secretary shall give the holder thereof not less than twenty-eight days notice of his intention to cancel the license and shall consider whatever representations the holder of the license may make to him before the expiration of the period of the notice.

Storage of Poisons and Restricted Substances.

7. Any person having the possession, custody or control of any poison for supply or sale shall keep such poison separate and apart from goods of any kind suitable for food of man or animal, and in such a way that if the container of the poison breaks or leaks the poison cannot by any means intermix with or contaminate goods of any kind suitable for food of man or animal.

8. Any person who keeps for supply or sale any poison or restricted substance shall keep such poison or restricted substance according to the following method -

(a) in the case of substances specified in Schedule One, Four or Seven of the Poisons List, in a part of the premises which is partitioned off or otherwise separated from the remainder of the premises and to which the public is not permitted to have access;

(b) in the case of substances specified in Schedule Three of the Poisons List, in such a manner that the public will not have unrestricted access to them.

Containers.

9. (1) The container in which any poison restricted substance or drug of addiction is supplied or sold shall be -

(a) impervious to and incapable of chemical reaction with such poison, restricted substance or drug of addiction; and

(b) of sufficient strength to prevent leakage arising from the ordinary risks of handling, storage and transport.

(2) Every bottle, can, drum, jar, tube or like type of container in which a poison restricted substance or drug of addiction is supplied or sold shall be securely closed and shall, except when containing preparations packed for use on one occasion only, be capable of being reclosed.

(3) The container in which any poison, restricted substance or drug of addiction is supplied or sold shall have sufficient excess capacity to prevent breakage of the container if the contents thereof are likely to expand during handling, storage or transport.

10. (1) Nothing in this regulation shall apply to the container of any poison, restricted substance or drug of addiction -

(a) made up ready for internal human or animal use;

(b) being solid or semi-solid preparations made up ready for external human or animal use; or

(c) made up ready for use as eye, ear or nose drops or sprays when in plastic containers containing 15 millilitres or less of medicament.

(2) A poison, restricted substance or drug of addiction shall not be supplied or sold in a bottle or jar having a capacity of 80 fluid ounces or less unless -

(a) the outer surface of such bottle or jar has embossed thereon the word "Poison" or the words "Not to be Taken";

(b) the outer surface of such bottle or jar has embossed thereon prominent vertical ribs or grooves or prominent points or stars of sufficient number to render the bottle or jar distinguishable by sight and by touch from bottles or jars ordinarily used as containers for any food, drink or condiment, or for medicine for internal use;

(c) the outer surface of such bottle or jar has a panel or panels free from ribs, grooves, points or stars of sufficient area for the purpose of labelling;

(d) such bottle or jar is coloured brown if made of glass; and

(e) such bottle or jar is coloured brown or black if made of plastic.

(3) A poison restricted substance or drug of addiction shall not be supplied or sold in a bottle or jar having a capacity of more than 80 fluid ounces or in any other container of any capacity whatsoever unless -

(a) the word "Poison" is embossed on the side of such bottle or jar or other container; or

(b) the word "Poison" is indelibly written on the side of such bottle or jar or other container in colour contrast to the background colour,

in letters of a height not less than one thirty-second part of the depth of the bottle or jar or other container in a conspicuous position apart from the principal label.

(4) Paragraph (2) of this regulation does not apply to containers for methylated spirit or kerosene when such substances are contained in a bottle of triangular cross-section made of clear or brown coloured glass or brown coloured plastic.

Labels.

11. Where any expression is required by these regulations to be written on any label, such expression shall be written -

(a) in the English language;

(b) in durable characters;

(c) unless otherwise prescribed, in boldface sans serif capital letters;

(d) unless otherwise prescribed -

(i) on any label the depth of which is more than one and a half inches, in letters and figures of minimum height 0.06 inches; or

(ii) on any label the depth of which is not more than one and a half inches, in letters and figures of minimum height 0.05 inches;

(e) unless otherwise prescribed, in such colour or colours as to afford a distinct contrast to the background colour; and

(f) except when specifically exempted in these regulations, on the principal label, which shall be printed on or securely affixed to the outside of the container.

Labelling of Ampoules or Selected Containers or Immediate Wrappers

12. (1) No person shall supply or sell any poison, restricted substance or drug of addiction when contained in an ampoule or selected container or immediate wrapper unless that ampoule or selected container or immediate wrapper is contained in a primary pack which is labelled with the particulars specified in regulation fourteen and that ampoule or selected container or immediate wrapper is conspicuously labelled with -

(a) the word "Caution" if the substance is prepared for therapeutic use or the word "Poison" if the substance is intended for any other purpose;

(b) the approved name together with the quantity or strength of the preparation; and

(c) the maker's name or registered brand.

(2) This regulation shall not apply where the amouple or selected container or immediate wrapper is labelled with the particulars specified in regulation fourteen.

Labelling of Substances for Further Manufacture.

13. No person shall supply or sell any poison, restricted substance or drug of addiction for use in the process of manufacture of any preparation for sale unless the container and any primary pack are conspicuously labelled with -

(a) the words relating to that class of poison, restricted substance or drug of addiction as set forth in the following table:

Schedule	Labelling Required
1	POISON
2	POISON
3	CAUTION
4	CAUTION
5	WARNING OR CAUTION
6	POISON
7	POISON
8	POISON

and

(b) the approved name and quantity, proportion or strength of the poison, restricted substance or drug of addiction contained therein.

Labelling of Consumer Packs

14. (1) Except as provided in regulations twelve and thirteen, no person shall supply or sell any poison, restricted substance or drug of addiction unless the container and any primary pack are conspicuously labelled with -

(a) the words relating to that class of poison, restricted substance or drug of addiction as set forth in the following table:

Schedule	Purpose	Labelling Required
1	For internal use	POISON USE STRICTLY AS DIRECTED KEEP OUT OF REACH OF CHILDREN
1	For any purpose other than internal use.	POISON NOT TO BE TAKEN KEEP OUT OF REACH OF CHILDREN
2	For internal use	CAUTION USE STRICTLY AS DIRECTED KEEP OUT OF REACH OF CHILDREN
2	For any purpose other than internal use.	POISON NOT TO BE TAKEN KEEP OUT OF REACH OF CHILDREN
3		CAUTION USE STRICTLY AS DIRECTED KEEP OUT OF REACH OF CHILDREN
4		CAUTION SUPPLY WITHOUT PRESCRIPTION ILLEGAL KEEP OUT OF REACH OF CHILDREN
5		WARNING OR CAUTION KEEP OUT OF REACH OF CHILDREN IF SWALLOWED SEEK MEDICAL ADVICE
6		POISON NOT TO BE TAKEN KEEP OUT OF REACH OF CHILDREN
7		POISON NOT TO BE TAKEN KEEP OUT OF REACH OF CHILDREN
8		POISON SUPPLY WITHOUT PRESCRIPTION OR POSSESSION WITHOUT AUTHORITY ILLEGAL KEEP OUT OF REACH OF CHILDREN

(b) the approved name and quantity, proportion or strength of the poison, restricted substance or drug of addiction container therein;

(c) the name and address of the manufacturer or distributor;

(d) in respect of any poison prepared for a specific purpose, clear and adequate directions for use;

(e) directions for first-aid attention in case of poisoning if the substance is specified in Appendix A to these regulations; and

(f) if the substance is specified in Appendix B to these regulations the words specified therein for that substance.

(2) The particulars specified in clauses (c), (d), (e) and (f) of paragraph (1) of this regulation may appear on a label other than the principal label, provided such label is printed on or securely affixed to the outside of the container or primary pack and may appear in a style of writing other than that prescribed in clause (c) of regulation eleven.

(3) Nothing in this regulation applies to containers where such containers and their contents are for human or animal consumption.

15. Nothing shall be written in red on the principal label used in connection with any poison, restricted substance or drug of addiction except such particulars as are required or permitted by these regulations or by or under any Act to be written in red.

16. (1) For the purpose of this regulation, the term "largest lettering" does not include -

(a) a single letter of a face depth larger than any other lettering on the label; or

(b) an affix forming a part of the trade name.

(2) The word "Poison" or the word "Caution" or the word "Warning", as the case may require, referred to in regulation thirteen shall be written in letters of a size not less than half the size of the largest lettering on the label.

(3) Except as provided in paragraph (6) of this regulation, the word "Poison" or the word "Caution", as the case may require, referred to in regulation fourteen shall be written in red on a white background and surrounded by a red frame. Such word shall form the first line of the principal label and no other word or words shall appear on the same line. Such word shall be written in letters of a size not less than half the size of the largest lettering on the label.

(4) Where any of the following phrases are required to be written on the label, namely -

(a) "Not to be taken";

(b) "Use strictly as directed";

(c) "Supply without prescription illegal";

(d) "Supply without prescription or possesiion without authority illegal",

such phrase shall appear on a separate line or lines immediately below the word "Poison" or the word "Caution", as the case may require. No other information shall appear on the same line or lines of the principal label as any phrase referred to in this paragraph.

(5) (a) Except as provided in paragraph (6) of this regulation, where the words "Keep out of reach of children" are required to be written on the label they shall be written in red letters and shall appear on the line immediately below the words referred to in paragraph (4) of this regulation.

(b) No other information shall be written on the same line of the principal label as the words "Keep out of reach of children".

(6) In the case of substances included in Schedule Five of the Poisons List -

(a) the word "Warning" or the word "Caution", specified in regulation fourteen, shall be written in red in letters of a size not less than half the size of the largest lettering on the label. Such word shall form the first line of the principal label and no other word or words shall appear on the same line;

(b) the words "Keep out of reach of children" specified in regulation fourteen shall appear on the next line immediately below the word "Warning" or the word "Caution", and no other information shall appear on the same line on the principal label; and

(c) the words "If swallowed seek medical advice" specified in regulation fourteen shall appear on the next line immediately below the words "Keep out of reach of children" and no other information shall appear on the same line on the principal label.

17. The name and address of the manufacturer or distributor of any poison, restricted substance or drug of addiction, as required by regulation fourteen to be written on the label, shall be expressed as the name and business address (not being a post office, cable, telegraphic or code address) in Australia of such person: Provided that where such manufacturer or distributor is a company incorporated in accordance with the appropriate law of the Commonwealth or of any State of Australia, the inclusion in the label of the registered b business name and address of the corporation or a branch or division thereof shall be deemed to comply with the requirements of this regulation.

18. No person shall supply or sell any poison packed for animal use only unless the container and any primary pack are conspicuously labelled with the words "For animal use only", except when the label otherwise clearly and conspicuously indicates such use.

19. No person shall sell any poison, the sale of which requires an entry to be made in the poisons book, unless the person so selling has first affixed to the container in which such poison is sold a label on which is written the vendor's name and address. Such particulars may appear on a label separate from the principal label.

Labelling of Dispensed Medicines

20. (1) A poison, restricted substance or drug of addiction when -

(a) made up or compounded as a medicine by a pharmacist acting in the lawful practice of his profession as such, or a pharmacy trainee or assistant under the direct personal supervision of a pharmacist so acting, on and in accordance with the prescription of a medical practitioner, dentist or veterinary surgeon;

(b) made up or compounded extemporaneously as a medicine by a pharmacist so acting for a specific and individual case, if the medicine does not contain any restricted substance or drug of addiction; or

(c) made up or compounded as a medicine which is supplied by a mecical practitioner so acting for the purposes of medical treatment, by a dentist so acting for the the purposes of dental treatment, or by a veterinary surgeon so acting for the purposes of animal treatment,

shall be exempted from all other provisions of these regulations relating to labels, provided the container thereof is labelled with the details prescribed in paragraph (2) of this regulation.

(2) For the purposes of paragraph (1) of this regulation the prescribed details are -

(a) the words "Keep out of reach of children" in red on a white background;

(b) the name of the patient or in the case of an animal the name of the owner of such animal;

(c) the particulars set forth by the prescriber to be included on the label;

(d) the name and address of the vendor;

(e) in respect of a medicine for external use the word "Poison" in red; and

(f) the name of the substance as shown in the prescription when so directed by the prescriber.

Labelling Prohibitions

21. No person shall supply or sell any substance specified in Schedule Seven of the Poisons List unless the container and any primary pack are labelled with the words specified in Appendix C to these regulations in respect of that substance.

22. No person shall supply or sell any substance included in any Schedule of the Poisons List in a container to which is affixed a label on which is written -

(a) any reference to the Act or to these regulations or any comment upon, or any reference to or any explanation of any information required by the Act or by any regulation to be written on any label, which directly or by implication contradicts, qualified or modifies such information; or

(b) any device which is or any words which are false or misleading in any particular concerning the substance or any one or more of the ingredients included in it.

23. No person shall supply or sell any substance included in any Schedule of the Poisons List in a container to which is affixed any label which has been attached in such a manner as to obscure any words required by the Act or by these regulations to be written on such container.

Prescriptions for Restricted Substances

24. (1) No person other than a medical practitioner, dentist or veterinary surgeon shall issue a prescription for any restricted substance.

(2) No medical practitioner, dentist or veterinary surgeon shall issue any prescription for any restricted substance unless he complies with the following conditions, that is to say -

(a) he shall legibly write such prescription in ink and shall in his own handwriting place upon such prescription -

(i) the date on which it is written;

(ii) the name and address of the patient or in the case of an animal the name and address of the owner. Provided that in the case of a prescription written for a patient who is a pensioner or a dependent

in relation to a pensioner within the meaning of the National Health Act 1953, as amended, of the Commonwealth of Australia, the pension number appearing on an entitlement card issued to that pensioner may be written instead of the address of that patient;

(iii) the name and the quantity of the restricted substance to be dispensed;

(iv) adequate directions for use;

(v) the maximum number of times such prescription may be dispensed; and

(vi) in the case of a prescription for a restricted substance specified in Appendix D to these regulations which is directed to be dispensed more than once, the minimum intervals at which such prescription may be dispensed;

and sign such prescription;

(b) the prescription shall bear the full address and designation of such medical practitioner, dentist or veterinary surgeon or the name and address of the institution attended by the patient, which information may be printed;

(c) the prescription shall be issued -

(i) by a medical practitioner only for the supply of the restricted substance for use in the course of medical treatment;

(ii) by a dentist only for the supply of the restricted substance for use in the course of dental treatment and every prescription issued by a dentist for such restricted substance shall be endorsed with the words "For dental treatment only", which words may be printed; or

(iii) by a veterinary surgeon only for the supply of the restricted substance for use in the course of animal treatment, and shall be endorsed with the words "For animal treatment only", which words may be printed;

(d) where the prescription contains an unusual dose or what may be regarded as a dangerous dose, the medical practitioner, dentist or veterinary surgeon by whom it is given shall confirm his intention by underlining that part of the prescription and initialling the same in the margin; and

(e) where the prescription is for a restricted substance specified in Appendix D to these regulations no other preparations shall be included in that prescription.

25. Where a medical practitioner, dentist or veterinary surgeon in a case of emergency orally or by telephone or by telegram directs the dispensing of a restricted substance, such medical practitioner, dentist or veterinary surgeon shall forthwith write a prescription complying with the conditions prescribed in regulation twenty-four, mark such prescription so as to show clearly that it has been given as confirmation of the directions given by him orally or by telephone or by telegrame, and despatch such prescription without delay and in any case within twenty-four hours to the person by whom the restricted substance was dispensed, and such person shall, as soon as possible after the receipt of such prescription, take action as specified in paragraph (4) of regulation twenty-seven.

Sale or Supply of Restricted Substances

26. (1) Where any medical practitioner, dentist or veterinary surgeon supplies or sells a restricted substance other than by way of wholesale dealing, such substance shall be supplied or sold -

(a) by the medical practitioner only for use in the course of medical treatment;

(b) by the dentist only for use in the course of dental treatment; or

(c) by the veterinary surgeon only for use in the course of animal treatment.

(2) Where any medical practitioner, dentist or veterinary surgeon supplies or sells a restricted substance, other than by way of wholesale dealing, in a quantity exceeding that required for three days' treatment, he shall comply with the following conditions, namely -

(a) before such substance is supplied or sold a record of the supply or sale of that substance shall be made showing -

(i) the date on which it was supplied;

(ii) the name and address of the person for whose treatment it was supplied or in the case of an animal the name and address of the owner; and

(iii) the name and quantity of the restricted substance supplied;

(b) the label on the container shall bear the particulars prescribed in paragraph (2) of regulation twenty; and

(c) the record of the supply of such restricted substance shall be kept at the surgery or office of the person by whom that substance was supplied or sold, and shall be produced on demand to any member of the police force or person authorised by the Under Secretary under section forty-three of the Act.

Dispensing Prescriptions for Restricted Substances

27. (1) Subject to regulation twenty-five, no person shall dispense a prescription for a restricted substance or supply a restricted substance upon a prescription unless that prescription has been issued in accordance with the requirements of regulation twenty-four.

(2) (a) Notwithstanding the provisions of paragraph (1) of this regulation a person may dispense not more than once a prescription for a restricted substance which complies in all other respects with the requirements of regulation twenty-four but does not specify -

(i) the maximum number of times it may be dispensed; or

(ii) in the case of a prescription for a restricted substance specified in Appendix D to these regulations which is directed to be dispensed more than once, the minimum intervals at which such prescription may be dispensed.

(b) A person so dispensing such a prescription as provided in subparagraph (a) of this paragraph shall take action as specified in subparagraph (b) of paragraph (4) of this regulation.

(3) No person other than a pharmacist, or an assistant under the direct personal supervision of a pharmacist, shall dispense a prescription for a restricted substance.

(4) No person shall dispense any prescription for a restricted substance or shall supply a restricted substance on and in accordance with any such prescription unless he takes the following action -

(a) the prescription shall not be dispensed more than the maximum number of times indicated thereon and, if an interval of time is specified, at a shorter interval than indicated thereon, and on each occasion upon which it is dispensed shall be stamped or marked in writing or otherwise to show clearly -

(i) the date upon which it is dispensed;

(ii) the signature of the person by whom it is dispensed or by whom its dispensing is supervised; and

(iii) the address of the place at which it dispensed;

(b) the person who dispenses a prescription -

(i) in which the maximum number of times such prescription is to be dispensed is not clearly specified;

(ii) which contains a substance specified in Appendix D to these regulations, and in which the intervals of time at which it may be dispensed are not clearly specified; or

(iii) which has reached the last occasion on which it can be dispensed according to the maximum number of times specified thereon,

shall write, stamp or mark in ink in legible letters across such prescription the word "Cancelled" and in the case of a prescription for a restricted substance specified in Appendix D to these regulations shall retain such cancelled prescription and shall preserve the same for two years;

Provided that where a prescription is required to be forwarded to the Department of Health of the Commonwealth of Australia for payment in accordance with the provisions of the National Health Act 1953, as amended, or to the Repatriation Department of the Commonwealth of Australia for payment in accordance with the provisions of the Repatriation Act 1920, as amended, the duplicate of such prescription instead of the original shall be stamped or marked, cancelled and retained in accordance with the foregoing provisions of subparagraph (a) of this paragraph and this subparagraph;

(c) before any restricted substance is handed to the purchaser, the prescription whether given in writing, or otherwise, shall be recorded in full. The record shall bear an identifying letter or number and the date upon which the restricted substance is dispensed and the name of the person by whom the prescription was issued. In the case of a prescription for a restricted substance specified in Appendix D to these regulations the record shall be in the form of a copy in full in a prescription book. Where a prescription is repeated at a place where it was previously dispensed, a record of the fact of the repeat dated as prescribed shall be sufficient compliance with this regulation.

(d) the label on the container of the restricted substance shall be marked with the identifying letter or number of the prescription appearing in the prescription book and such other particulars as are prescribed in paragraph (2) of regulation twenty;

(e) the prescription book shall be kept at the place at which the restricted substance was dispensed and shall be produced on demand to any member of the police force or person authorised by the Under Secretary under section forty-three of the Act.

(5) No person shall dispense a prescription marked "Cancelled" or supply a restricted substance upon such a prescription.

(6) No person shall dispense any prescription for a restricted substance or supply a restricted substance upon any prescription which is illegible or defaced or which appears to him to be for the purpose of enabling some unauthorised person to obtain a restricted substance or which does not appear to be genuine.

(7) No person shall dispense any prescription for a restricted substance or supply a restricted substance upon any prescription which bears a date more than six months prior to its presentation.

Restricted Substances in Hospitals

28. (1) The chief pharmacist in a hospital where a pharmacist is employed as such shall be responsible -

(a) for the storage of all restricted substances received at that hospital until their supply in accordance with the provisions of paragraph (2) of this regulation; and

(b) for the keeping of such records of those substances as are required by these regulations.

(2) No person shall supply any restricted substance from the pharmacy department of such hospital except -

(a) on a prescription written in accordance with the provisions of regulation twenty-four; or

(b) in the case of supply of such substance to a ward, on the written requisition of -

(i) the nurse in charge of the ward in which such substance is to be used or stored; or

(ii) a medical practitioner or dentist.

(3) The provisions of clauses (c), (d) and (e) of paragraph (4) of regulation twenty-seven shall not apply to the dispensing of restricted substances in hospitals, provided that a copy of each prescription or requisition upon which a restricted substance is dispensed or supplied is retained within the hospital for a period of two years after the date upon which such restricted substance is dispensed or supplied on and in accordance with such prescription or requisition.

29. (1) In a public hospital where no pharmacist is employed as such -

(a) the matron or in her absence the nurse acting in that capacity; or

(b) the medical superintendent or in his absence the medical practitioner acting in that capacity,

shall be responsible for the storage of all restricted substances received at the hospital until their supply in accordance with the provisions of paragraph (2) of this regulation, and for the keeping of such records of those substances as are required by these regulations.

(2) No person specified in subparagraph (a) of paragraph (1) of this regulation shall issue any restricted substance from her custody except in the original container as received from the manufacturer or distributor and except to a ward of that hospital on the written requisition of -

(a) the nurse in charge of the ward in which such restricted substance is to be used or stored; or

(b) a medical practitioner or dentist.

30. (1) The nurse in charge of a ward of a hospital shall keep all restricted substances specified in Appendix D to these regulations which are in her custody stored apart from all other goods except drugs of addiction in a separate cupboard or other receptacle securely attached to a part of the premises and kept securely locked when such substances are not in immediate use.

(2) No person shall administer any rescricted substance to any patient in a hospital except on the authorisation in writing of a medical practitioner or dentist, or in the case of emergency on the verbal authorization of a medical practitioner or dentist. Where the administration of a restricted substance has been authorised verbally by a medical practitioner or dentist, he shall within twenty-four hours of the giving of that verbal authority sign an entry in the patient's medical history indicating that he had authorised the administration of such substance.

(3) No person shall supply any restricted substance to a person other than an in-patient of a hospital except upon the authorisation in writing of a medical practitioner or a dentist and except in the original container as received from the pharmacy department of that hospital or from the manufacturer or distributor of that restricted substance.

Prescribed Restricted Substances

31. The restricted substances specified in Appendix D to these regulations are prescribed for the purposes of section sixteen of the Act.

Barbiturates for Animal Destruction 5/

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Colouring of Arsenic and Strychnine

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Photographic Chemicals and Pesticides

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Sale on Original Container

37. No person shall supply or sell any poison specified for a particular use in Schedule Five, Six or Seven of the Poisons List, except in the original, unopened container as supplied by the manufacturer.

Sale or Supply of Special Poisons

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Wholesale Dealing

43. The professions, businesses, trades or industries carried on by persons hereunder set forth are prescribed for the purposes of the definition of "wholesale dealing" in subsection (1) of section four of the Act -

(a) in respect of poisons other than those poisons specified in regulation forty or forty-two -

(i) a qualified person in charge of a laboratory or department engaged in medical or scientific research or instruction, or in quality control or analysis;

(ii) the matron of a public hospital where no chief pharmacist is employed as such, or in her absence the nurse acting in that capacity;

(iii) the holder of a license to sell, distribute and supply drugs of addiction issued pursuant to Division 1 of Part IV of the Act;

5/ Note by the Secretariat: Only the provisions which are relevant to narcotics control are reproduced in this document.

(iv) the master of a ship, where such substances are intended to be used only for medical treatment on such ship and are needed to complete the quantity of medicines and medical stores required to be carried on such ship in compliance with navigation requirements;

(v) persons engaged in the occupation of jewellery manufacture;

(vi) persons engaged in the occupation of electroplating; and

(vii) persons engaged in the occupation of paint manufacture.

(b) in respect of restricted substances -

(i) a qualified person in charge of a laboratory or department engaged in medical or scientific research or instruction, or in quality control or analysis;

(ii) the matron of a public hospital where no chief pharmacist is employed as such, or in her absence the nurse acting in that capacity;

(iii) the holder of a license to sell, distribute and supply drugs of addiction issued pursuant to Division 1 of Part IV of the Act; and

(iv) the master of a ship, where such substances are intended to be used only for medical treatment on such ship and are needed to complete the quantity of medicines and medical stores required to be carried on such ship in compliance with navigation requirements.

Disposal of Poisons

44. No person shall dispose of any poison or restricted substance in any place or manner likely to constitute a risk to the public.

Forfeiture of Poisons and Restricted Substances

45. The court before which an offender is convicted of illegal possession of any poison or restricted substance may order that any articles in respect of which the offence was committed shall be forfeited to Her Majesty, and may order such forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

Retaining of Records

46. (1) Every person who supplies or sells any poison or restricted substance in the ordinary course of wholesale dealing shall, on each occasion upon which such a supply or sale is made, issue an invoice to the person supplied or the purchaser of such substance and keep a record of such invoice, in each case showing -

(a) the date of such supply or sale;

(b) the name and address of the person supplied or the purchaser; and

(c) the name and quantity of the substance supplied or sold.

(2) Every invoice and prescription record relating to any poison or restricted substance belonging to any person who supplies or sells any poison or restricted substance shall be kept by that person for not less than two years from the latest date on which such invoice or prescription record was made or acted upon.

(3) On demand by any member of the police force or by a person authorised under section forty-three of the Act, any person authorised to supply, sell or be in possession of any poison or restricted substance shall furnish particulars of the quantity of any such poison or restricted substance on hand, the quantity obtained and the quantity disposed of.

DRUGS OF ADDICTION AND PROHIBITED DRUGS

Issue of Licenses

47 (1) Every license under section twenty-four of the Act shall be subject to the terms ond conditions set out in the license and to these regulations.

(2) A license under section twenty-four of the Act shall, unless sooner withdrawn by the Under Secretary, remain in force until the thirtieth day of September next following the date of issue.

Manufacturers

48. (1) No person shall manufacture or carry on any process in the manufacture of any drug of addiction unless -

(a) he holds a license to manufacture such drug in or to the effect of Form 5;

(b) the manufacture or process is carried on in the premises specified in the license;

(c) the manufacture or process of manufacture is carried out -

(i) by a qualified person; or

(ii) by a responsible adult person under the direct personal supervision of a qualified person,

and the name of such qualified person (or persons) shall be stated on the license; and

(d) he complies with the terms and conditions of the license.

(2) This regulation shall not apply to a person acting within the scope of an authority conferred by the regulations to manufacture or carry on any process in the manufacture of a drug of addiction.

49. (1) A license empowering the holder to manufacture a drug of addiction may, if so endorsed, also empower such holder to sell, distribute or supply such drug and in any such case the holder shall be licensed for the purposes of regulation fifty.

(2) An application for a license to manufacture a drug of addiction shall be in or to the effect of Form 4 and shall contain the particulars required to complete such Form.

(3) A fee of fifty dollars shall be lodged with the application for such license or the renewal of a license which fee shall be refunded if the application is refused.

Distributors

50. (1) A person shall not sell, distribute or supply any drug of addiction unless -

(a) he is the holder of a license under regulation forty-nine and is thereby empowered to sell, distribute or supply such drug or is the holder of a license to sell, distribute or supply such drug in or to the effect of Form 7; and

(b) he complies with the terms and conditions of the license.

(2) This regulation shall not apply to a person selling, distributing or supplying a drug of addiction if such person is acting within the scope of an authority conferred upon upon him by these regulations.

51. (1) A license empowering a person, who is not the holder of a license under regulation forty-nine to sell, distribute or supply drugs of addiction shall be in or to the effect of Form 7.

(2) An application for such a license or for the renewal of such license shall be in or to the effect of Form 6 and shall contain the particulars required to complete such Form.

(3) A fee of twenty-five dollars shall be lodged with the application for such license or for the renewal of such license, which fee shall be refunded if the application is refused.

Sale or Supply of Hallucinogenic Substances

52. (1) No person shall -

(a) buy, obtain, use or have in his possession any of the following substances, namely -

lysergic acid, lysergide, bufotenine, N:N-dimethyltryptamine, mescaline, psilocin, psilocybin and their derivatives having hallucinogenic properties, or

(b) sell or supply any such substance to any person,

unless the person buying, obtaining, using, having in his possession, or being supplied with the substance has the written authority of the Director of State Psychiatric Services to buy, obtain, use, have in his possession, or be supplied with such substance.

(2) Every person who has a written authority issued under the provisions of this regulation to buy, obtain, use, have in his possession, or be supplied with any substance specified in this regulation shall comply with such conditions as are specified in the written authority.

(3) The Director of State Psychiatric Services may at his absolute discretion, suspend or cancel any written authority issued under this regulation.

(4) Whenever a sale or supply is made in accordance with the foregoing provisions, the purchaser shall surrender the authority issued under the provisions of this regulation to the vendor or supplier, who shall preserve the same for a period of not less than two years from the date of the sale or supply.

Authority to be in possession of and supply certain drugs of addiction

53. (1) Until in any particular case such authority is withdrawn -

(a) a medical practitioner;

(b) a pharmacist employed in dispensing medicines at any public hospital or other institution;

(c) a dentist;

(d) a veterinary surgeon;

(e) the matron in charge of a public hospital where no pharmacist is employed as such, or in her absence the nurse acting in that capacity;

(f) the nurse in charge of a ward in a public hospital; or

(g) a nurse employed by the New South Wales Bush Nursing Association,

is hereby authorised to be in possession of and supply any drug of addiction (other than a drug of addiction to which regulation fifty-two applies) for the purpose of his or her profession or employment subject to the conditions and restrictions prescribed by these regulations, but such authority does not entitle any person to use any drug of addicition for any purpose other than that of his or her profession or employment.

(2) A person to whom a prescription for a drug of addiction has been issued in accordance with these regulations is hereby authorised to have possession of the drug of addiction to the extent specified in the prescription.

(3) Until in any particular case such authority is withdrawn -

(a) the person, approved by the Minister, in charge of a laboratory for the purpose, of research or instruction; or

(b) an analyst appointed under the Pure Food Act, 1908, as amended

is hereby authorised to be in possession of any drug of addiction (other than a drug of addiction to which regulation fifty-two applies) for the purpose of his profession or employment subject to the conditions and restrictions prescribed by these regulations, but such authority does not entitle any person to use any drug of addiction for any purpose other than that of his profession or employment.

Authority for Pharmacists to Retail, Compound and Dispense

54. (1) Until in any particular case such authority is withdrawn, every pharmacist is hereby authorised, subject to the conditions and restrictions prescribed by these regulations, to be in possession of any drug of addiction (other than a drug of addiction to which regulation fifty-two applies) for the purposes of -

(a) manufacturing at his shop in the ordinary course of his retail business any preparation, admixture or extract of that drug; and

(b) carrying on at his shop the business of selling by retail, dispensing or compounding that drug, but only to or for persons licensed or authorised under these regulations to be in possession of that drug.

(2) The authority under this regulation does not entitle the holder thereof to use any drug of addiction for any purpose other than that of his business.

Storage

55. (1) A person authorised to manufacture, sell, distribute, supply or be in possession of drugs of addiction for the purposes of his profession or employment shall keep the stock of such drugs in his possession stored apart from other goods except a provided in regulation sixty-seven in a separate room, safe, cupboard or other receptacle securely fixed to the premises. Such separate room, safe, cupboard or other receptacle shall be kept securely locked when such stocks are not in immediate use.

(2) In the case of emergency supplies only of drugs of addiction in the possession of a medical practitioner, dentist or veterinary surgeon it shall be deemed sufficient compliance with paragraph (1) of this regulation if such drugs are in a bag in a vehicle or room which is kept locked when such vehicle or room is not occupied by that medical practitioner, dentist or veterinary surgeon.

Supply of Drugs of Addiction on Order

56. (1) No person shall supply or sell a drug of addiction .

(a) to any person licensed or otherwise authorised to be in possession of that drug unless such licensed or authorised person first produces an order in writing for that drug signed by himself, and unless the person supplying or selling the drug is satisfied that the order is genuine; or

(b) to any person not licensed or otherwise authorised to be in possession of that drug who purports to be sent by or on behalf of a person so authorised or licensed unless such person produces -

(i) an order in writing for that drug signed by the person so authroised or licensed; and

(ii) an authority in writing signed by the person so licensed or authorised to receive the drug on his behalf,

and unless the person supplying or selling the drug is satisfied that the order and authority are genuine.

(2) Each such order and authority shall be cancelled, retained and preserved by the supplier or vendor for a period of not less than two years.

(3) Where in emergency it has been deemed necessary by a medical practitioner, pharmacist or veterinary surgeon to order by telephone supply of a drug of addiction it shall be deemed sufficient compliance with this regulation if anyorder in writing for that duug, signed by such medical practitioner, pharmacist or veterinary surgeon and marked so as to show clearly that it has been given in confirmation of the telephone order, is handed to an employee of the supplier or vendor in exchange for the supply of that drug.

(4) This Regulation shall not apply to the supply or sale of medicines dispensed in pursuance of these regulations.

Common Carrier Protected

57. A common carrier or his employee is hereby authorised to be in possession of any drug of addiction so far only as the possession is necesaary for the transport and delivery of the drug in the ordinary course of business of the carrier.

Register of Drugs

58. (1) Every person engaged in the manufacture, sale, distribution or supply of any drug of addiction shall keep, or cause to be kept, a register, the pages being numbered consecutively and in or to the effect of Form 8, and shall enter or cause to be entered in such register records of such drug manufactured, sold, distributed, supplied or used by him or on his behalf.

(2) The entries in such register shall be written in ink on the day on which the manufacture, sale, distribution, supply or use takes place. Each such entry shall, inter alia, in the column provided in the register for that purpose -

(a) show the date of the entry and the balance of the drug held by the holder of a license or other authorised person, at the premises where the register is kept, after that entry is made; and

(b) be signed on the day the entry is made by the actual manufacturer, vendor, distributor, supplier or user.

(3) A separate page of such register shall be used for each drug of addiction, and for each brand name and strength of such drug. Each entry in such register shall show, in addition to the items specified in paragraph (2) of this regulation, the following details, namely -

(a) in the case of a drug of addiction supplied to a licensed person or person authorised otherwise than on prescription, the name and address of such licensed or authorised person, his occupation and the nature of the license or authority held by such person;

(b) in the case of a drug of addiction dispensed pursuant to a prescription written by an authorised medical practitioner or veterinary surgeon, the name and address of the patient as shown in such prescription, the dispenser's original prescription number as shown in the prescription book and the name of the medical practitioner or veterinary surgeon by whom such prescription was written;

(c) in the case of a drug of addiction administered to a patient by a medical practitioner or dentist or to an animal by a veterinary surgeon or under the direction and supervision of such medical practitioner, dentist or veterinary surgeon, the name and address of the patient or the owner of the animal, as the case may be, and the name of such medical practitioner, dentist or veterinary surgeon; and

(d) in the case of a drug of addiction used by a person approved by the Minister in charge of a laboratory for the purpose of research or instruction, or an analyst appointed under the Pure Food Act, 1908, as amended, the purpoee for which such drug was used and the name of such person in charge of the laboratory or the analyst.

(4) Alterations, obliterations or cancellations shall not be made in any register , but any mistake in any entry may be corrected by a marginal or foot note initialled and dated.

(5) A person required to keep a register in accordance with this regulation shall not knowingly make therein any entry which is false or misleading.

(6) Such register shall be kept on the premises on which the drugs of addiction are kept, manufactured, used or disposed of, and where the holder of a license or other authorised person has drugs of addiction on other premises he shall keep or cause to be kept such a register on those premises also. All such registers shall be at all times available for inspection by any member of the police force or person authorised by the Under Secretary under section forty-three of the Act.

Retaining of Records

59. (1) Every record, prescription, invoice, order and other document relating to any drug of addiction and transaction in regard thereto belonging to any person licensed or authorised under the regulations to manufacture, sell, distribute or supply any drug of addiction shall be kept by that person for not less than two years from the latest date on which such record, prescription, invoice, order or document was made or acted upon.

(2) On demand by a member of the police force or a person authorised by the Under Secretary under section forty-three of the Act, the holder of any license under these regulations to manufacture, sell, distribute or supply any drug of addiction or other authorised person shall furnish particulars of the quantity of any drug of addiction on hand, obtained or disposed of.

Drugs of Addiction for Use on Ships

60. (1) The master of a ship is hereby authorised to be in possession of drugs of addiction where -

(a) such drugs are intended to be used only for medical treatment on such ship; and

(b) such drugs are needed to complete the quantity of drugs required to be carried on such ship in compliance with -

(i) the Scale of Medicines and Medical Stores prescribed under section 125 of the Navigation Act 1912, as amended, of the Commonwealth of Australia;

(ii) the Scale of medicines and Medical Stores prescribed by the Navigation Authority of any State in Australia; or

(iii) the Scale of Medicines and Medical Stores prescribed by law for ships in the country in which such ship is registered.

(2) The holder of a license to manufacture, sell, distribute or supply drugs of addiction or any person authorised under these regulations to dispense drugs of addiction may supply such drugs on receipt of an order written in duplicate and signed by such master and accompanied by a statement issued by the ship's agent in New South Wales certifying that the signature appearing on such order is that of the person for the time being occupying the position of master of that ship.

(3) A person who supplies a drug of addiction in accordance with this regulation shall -

(a) cancel such order and retain it for a period of not less than two years; and

(b) cancel the duplicate copy of such order and forward to the Under Secretary within twenty-four hours of such supply such cancelled copy and the accompanying statement issued by the ship's agent.

Drugs of Addiction for First Aid Use

61 (1) In this regulation "approved first aid kit" means a first aid kit which is held for use in the event of emergency in a place, locality or vehicle approved in writing by the Under Secretary, and which is -

(a) under the control of a person in an isolated locality where workers are employed;

(b) under the control of a nurse appointed as an occupational health nurse in any place where a first aid post or similar post is established for the benefit of workers employed thereat;

(c) under the control of a person representing an organisation established for search and rescue in mountainous or isolated areas; or

(d) under the control of a person so approved by the Minister.

(2) Subject to these regulations and any conditions that may from time to time be imposed by the Under Secretary in any particular case, any person who is -

(a) for the time being in control of an approved first aid kit; or

(b) designated by the person for the time being having control of an approved first aid kit as a first aid officer and is so approved by the Under Secretary,

is hereby authorised to be in possession of any drug of addiction approved by the Under Secretary for Installation in an approved first aid kit, subject to the condition that such drug shall be used by such authorised person for emergency purposes only.

(3) a person authorised under paragraph (2) of this regulation shall enter or cause to be entered in a register kept solely for that purpose a record of -

(a) all supplies of any drug of addiction procured or otherwise in the possession of such authorised person;

(b) the quantity of any such drug issued by such authorised person together with information as to the place in which such drug is to be stored; and

(c) the date and place in which any such drug was used for emergency purposes and the quantity so used.

The provisions of regulation fifty-eight shall apply, mutatis mutandis, to and in respect of the keeping of such register.

(4) A person having control of an approved first aid kit shall, as soon as possible after a drug of addiction has been used in an emergency, notify the Under Secretary of the fact.

(5) Any approval given under the provisions of this regulation may be revoked at any time by the Under Secretary.

Prescribing Drugs of Addiction

62. (1) No person other than a medical practitioner, authorised under these regulations to be in possession of drugs of addiction, or a veterinary surgeon similarly authorised, shall issue a prescription containing any drug of addiction.

(2) Where a medical practitioner or veterinary surgeon issues a prescription for any drug of addiction he shall comply with the following conditions, namely -

(a) he shall legibly write such prescription in ink and shall in his own handwriting place on such prescription -

(i) the date on which it is written;

(ii) the name and address of the patient or in the case of an animal the name and address of the owner;

(iii) the name of the drug of addiction and quantity to be dispensed; and

(iv) the maximum number of times and the intervals at which it shall be dispensed,

and sign such prescription;

(b) no other preparation shall be included in that prescription;

(c) the prescription shall bear the full address and designation of such medical practitioner or veterinary surgeon or the name and address of the institution attended by the patient, which information may be printed;

(d) the prescription shall be issued -

(i) by a medical practitioner only for the supply of the drug of addiction for use in the course of medical treatment; or

(ii) by a veterinary surgeon only for the supply of the drug of addiction for use in the course of animal treatment, and shall be endorsed with the words "For animal treatment only", which words may be printed;

(e) where the prescription contains an unusual dose or what may be regarded as a dangerous dose, the medical practitioner or veterinary surgeon by whom it is given shall confirm his intention by underlining that part of the prescription and initialling the same in the margin.

63. Where a medical practitioner or veterinary surgeon on a case of emergency orally or by telephone or by telegram directs the dispensing of a drug of addiction he shall forthwith write a prescription complying with the conditions prescribed in regulation sixty-two, mark such prescription so as to show clearly that it has been given as a confirmation of the directions given by him orally or by telephone or telegram , and despatch such prescription without delay and in any case within twenty-four hours to the person by whom the drug was dispensed.

Dispensing Drugs of Addiction.

64. (1) Subject to regulation sixty-three, no person shall dispense a prescription for a drug of addiction or supply a drug of addiction upon a prescription unless the prescription has been issued in accordance with the requirements of regulation sixty-two.

(2) Notwithstanding the provisions of paragraph (1) of this regulation, a person may dispense not more than once a prescription for a drug of addiction which complies in all other respects with the requirements of regulation sixty-two but which does not specify the maximum number of times or the intervals at which it may be dispensed.

(3) No person other than a pharmacist or an assistant under the direct personal supervision of a pharmacist shall dispense a prescription for a drug of addiction.

(4) Any person who dispenses any such prescription for a drug of addiction or who supplies a drug of addiction upon any such prescription shall observe the following conditions, namely -

(a) the prescription shall not be dispensed more than the maximum number of times or at shorter intervals than indicated thereon, and on each occasion upon which it is dispensed shall be stamped or marked in writing or otherwise to show clearly -

(i) the date upon which it is dispensed;

(ii) the signature of the person by whom it is dispensed or by whom its dispensing is supervised; and

(iii) the address of the place at which it is dispensed;

(b) any person who dispenses a prescription -

(i) in which the maximum number of times such prescription is to be dispensed is not clearly specified;

(ii) in which the intervals of time at which it may be dispensed are not clearly specified; or

(iii) which has reached the last occasion on which it can be dispensed according to the maximum number of times specified thereon;

shall write, stamp or mark in ink in legible letters across such prescription the word "Cancelled" and shall retain such cancelled prescription and preserve the same for two years:

Provided that where a prescription is required to be forwarded to the Department of Health of the Commonwealth of Australia for payment in accordance with the provisions of the National Health Act 1953, as amended, or to the Repatriation Department of the Commonwealth of Australia for payment in accordance with the provisions of the Repatriation Act 1920, as amended, the duplicate of such prescription instead of the original shall be stamped or marked, or cancelled and retained, in accordance with the foregoing provisions of subparagraph (a) of this paragraph and this subparagraph;

(c) any person who dispenses a prescription shall enter, or cause to be entered, a record thereof in the register prescribed by and in accordance with regulation fifty-eight. Such record shall be made in such a way as to be easily understood;

(d) before the drug of addiction is handed to the purchaser, the prescription whether given in writing or otherwise, shall be copies in full into the prescription book. The entry shall bear an identifying letter or number and the date upon which the drug of addiction is dispensed, the name of the person by whom the prescription was written, and shall be initialled by the person who actually dispensed the drug of addiction. Where a prescription is repeated at a place where it has previously been dispensed, an entry in the prescription book of the fact of the repeat, initialled and dated as prescribed, shall be a sufficient compliance with this subparagraph;

(e) the label on the container of the drug of addiction shall be marked with the identifying letter or number of the prescription appearing in the prescription book, and such other particulars as are prescribed in regulation twenty;

(f) the prescription book shall be kept at the place at which the drug of addiction was dispensed, and shall be produced on demand to any member of the police force or person authorised by the Under Secretary under section forty-three of the Act.

(5) No person shall dispense any prescription for a drug of addiction or supply a drug of addiction upon any prescription which -

(a) is marked "Cancelled";

(b) is illegible or defaced;

(c) appears to him to be for the purpose of enabling some unauthorised person to obtain a drugn of addiction or which does not appear to be genuine; or

(d) bears a date more than six months prior to its presentation.

Any person to whom a prescription referred to in subparagraph (a), (b) or (c) of this paragraph is presented shall retain such prescription notwithstanding that the same is not dispensed, and shall forthwith inform a member of the police force of the relevant circumstances and his reason for not dispensing such prescription.

Drugs of Addiction in Hospitals

65. (1) The chief pharmacist in a hospital where a pharmacist is employed as such shall be responsible -

(a) for the storage of all drugs of addiction supplied to that hospital until their supply in accordance with the provisions of paragraph (2) of this regulation; and

(b) for the keeping of such records of those drugs as are required by these regulations.

(2) No drug of addiction shall be supplied from the pharmacy department of such hospital except -

(a) on a prescription written in accordance with the provisions of regulation sixty-two; or

(b) on the written requisition of

(i) the nurse in charge of the ward in which such drug is to be used or stored; or

(ii) a medical practitioner;

where such drug is supplied to a ward for administration to a patient only.

(3) No drug of addiction shall be supplied to a ward from the pharmacy department of such hospital unless the person supplying such drug obtains a receipt from the person taking delivery of such drug.

66. (1) In a public hospital where no pharmacist is employed as such -

(a) the matron or in her absence the nurse acting in that capacity; or

(b) the medical superintendent or in his absence the medical practitioner acting in that capacity;

shall be responsible for the storage of all drugs of addiction supplied to that hospital until their issue in accordance with the provisions of paragraph (2) of this regulation, and for the keeping of such records of those drugs as are required by these regulations.

(2) No drug of addiction shall be supplied from the custody of the person specified in paragraph (1) of this regulation except for the supply of such drug to a ward on the written requisition of -

(a) the nurse in charge of the ward in which such drug is to be used or stored; or

(b) a medical practitioner,

for administration to a patient only.

(3) No drug of addiction shall be supplied from the custody of the person specified in paragraph (1) of this regulation unless the person supplying such drug obtains a receipt from the person taking delivery of such drug.

67. (1) the nurse in charge of a ward shall keep all drugs of addiction which are in her custody stored apart from all other goods, except those restricted substances specified in Appendix D to these regulations, in a separate cupboard or other receptacle securely fixed to the premises. The separate cupboard or other receptacle shall be kept securely loceked when such drugs and substances are not in immediate use.

(2) The nurse in charge of a ward shall maintain a register with pages numbered consecutively and containing the particulars in or to the effect of Form 9 and an entry in such register shall be made of all drugs of addiction which come into her custody. Every person who administers a drug of addiction shall enter in such register a proper record of the administration of that drug. A separate page of such register shall be used for each drug of addiction, and for each brand name and strength of such drug. Each such entry shall -

(a) be signed by the person who administered such drug; and

(b) be signed by the person who supervised, or authorised the administration of such drug,

and such entry shall be made on the day such drug was administered and in such a way as to be easily understood.

(3) No person shall administer any drug of addiction to any patient in a hospital except on the authorisation in writing of a medical practitioner or in the case of emergency the verbal authorisation of a medical practitioner. Where the administration of a drug of addiction has been authorised verbally by a medical practitioner, he shall within twenty-four hours after the administration of that drug sign an entry in the patient's medical history indicating that he had authorised the administration of such drug.

(4) Where, in a public hospital or other hospital in which a person authorised to supply drugs of addiction is employed, any drug of addiction is lost or destroyed or rendered unus unusable, the person who has custody of the drug at that time shall immediately notify the person specified in paragraph (1) of regulation sixty-five or the person specified in paragraph (1) of regulation sixty-six, as the case may require, of the fact and of the circumstances in which such drug was lost, destroyed or rendered unusable. Where such drug is unusable, the person specified in paragraph (1) of regulation sixty-five or the person specified in paragraph (1) of regulation sixty-six, as the case may require, shall destroy that drug in the presence of another person. A record of the loss or destruction of such drug shall in any csse be made in the register where such drug is recorded and shall -

(a) be signed by the person by whom the loss or destruction wad discovered or by whom the drug was destroyed on account of its unusability; and

(b) be signed by the person to whom the loss or destruction was reported or by whom the destruction was witnessed.

Administering of Drugs of Addiction

68. No person shall administer to himself or to any other person a drug of addiction for any purpose other than for use in the course of medical treatment prescribed for himself or for such person by a medical practitioner or pursuant to the provisions of regulation sixty or sixty-one.

Nothing in this regulation precludes a dentist in the lawful practice of his profession from administering drugs of addiction to a patient.

Withdrawal of License

69. Where the holder of any license to manufacture, sell, distribute or supply drugs of addiction issued under these regulations has been convicted of any offence against the Act or these regulations, or has been charged with any offence against the Act or these regulations and in respect of such charge an order has been made under subsection one of section 556A of the Crimes Act, 1960, as amended by subsequent Acts, the Under Secretary may,

by notice in writing served personally or by registerdd post, withdraw such license as from a date to be specified in the notice, being not earlier than fourteen days from the date of service of such notice.

Withdrawal of Authority

70 (1) Where a person authorised under these regulations to be in possession of or supply any drug of addiction for the purpose of his profession or employment, or to manufacture, retail, dispense or compound any drug of addiction at his shop in the ordinary course of retail business, has been convicted of any offence against the Act or these regulations, or has been charged with any offence against the Act or these regulations and in respect of such charge an order has been made under subsection one of section 556A of the Crimes Act, 1900, as amended by subsequent Acts, the Under Secretary may withdraw the authority by notice in writing sent by registered post to the last known address of such person. Such withdrawal shall be from a date to be specified in the notice, being not earlier than fourteen days from the date of service of such notice.

(2) The Under Secretary may direct that such withdrawal of authority shall cease to operate on and from a stated date, and from that date the person from whom such authority was withdrawn shall again be authorised as prescribed by regulation fifty-three or fifty-four, as the case may require .

(3) The names of all persons from whom a license or authority has been withdrawn shall be published in the Gazette.

(4) Where the person whose authority is withdrawn is a medical practitioner or veterinary surgeon, such person shall not write a prescription for a drug of addiction whole such authority remains withdrawn.

Appeal

71. Any person aggrieved by any determination of the Under Secretary in respect of a license or authority may appeal against such determination to the District Court having jurisdiction in the district within which such person resides or carries on business. Every such appeal shall be made in accordance with rules of court. The decision of the District Court upon any such appeal shall be final and shall be binding upon the Under Secretary and the appellant.

Destruction of Drugs of Addiction

72. (1) Except as provided in regulation sixty-seven, no person licensed or authorised to be in possession of a drug of addiction shall wilfully destroy any drug of addiction or allow any drug of addiction to be destroyed.

(2) Paragraph (1) of this regulation shall not apply to destruction of drugs of addiction carried out by or under the personal supervision of any member of the police force or person authorised by the Under Secretary under section forty-three of the Act, or to the destruction of any drug of addiction in the possession of a person pursuant to the supply of that drug on and in accordance with the prescription of a medical practitioner or veterinary surgeon.

Savings

73. Notwithstanding the repeal of Part VI of the Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, all licenses issued under that Part shall continue in force until the thirtieth day of September next following the commencement of these regulations or until their expiry whichever is the sooner, unless previously withdrawn by the Under Secretary.

Restrictions on Prescribing Drugs of Addiction

74. An application for the authority of the Director-General referred to in section twenty-eight of the Act shall be in or to the effect of Form 10.

Penalties

75. The penalty in respect of any matter or thing dealt with by any regulation shall be the penalty respectively prescribed by section eighteen, twenty-six or forty-four of the Act according as to whether the authority for the making of a regulation for or with respect to that matter or thing is conferred by or under Part III of the Act, Division I of Part IV of the Act or any provision of the Act other than Part III or Division I of Part IV.

Form 1.

POISONS ACT, 1966, AS AMENDED.

Date of Sale

Name of
Purchaser

Address

Occupation

Quantity and
Name of Poison

Purpose for which
required or stated to
be required

Purchaser's
Signature

Witness

Vendor's
Signature

Form 2

POISONS ACT, 1966, AS AMENDED

Application for a License or Renewal of a License to Sell
Substances Specified in Schedule One, Two or Three of the Poisons List

.....

Form 3.

NEW SOUTH WALES.

POISONS ACT, 1966, AS AMENDED.

Licence to Sell Substances Specified in Schedule One, Two or Three of the Poisons List.

Name

Business Address

is hereby licensed to sell by retail substances specified in Schedule ..... of the Poisons List subject to the following conditions -

(a) The sale of such substances shall be made only in the original, unopened container as received from the wholesale dealer; and

(b) the sale of such substances shall be made only at the premises situated at the above address.

This license will expire on the thirty-first day of January each year unless the application for renewal is granted before that date.

Dated this ..... day of ..... 19 ....

Under Secretary,
Department of Public Health.

Form 4.

POISONS ACT, 1966, AS AMENDED

Application for a License to Manufacture Drugs of Addiction on Premises Licensed for the Purpose.

I hereby apply for a licence to manufacture substances specified in Schedule Eight of the Poisons List

The process of manufacture of such substances will be carried out on premises situated at,

For office use only

.....

.....

The process of manufacture will be carried out by or under the personal supervision of the following qualified person or persons -

Full Name.	Qualifications
.....	.....
.....	.....
.....	.....

I apply for an endorsement of this license to empower me to sell, distribute and supply substances to which this application relates.

The substances to which this application relates are -

.....

.....

I enclose the fee of fifty dollars.

Signature ..... Date .....

Position .....

(Back of Form 4)

Department of Public Health,
Poisons Branch,
G.P.O. Box 3944,
Sydney 2001.

Phone 20516 ext. 442.

Application for a license to manufacture drugs of addiction on premises licensed for the purpose.

Imprint of cash register below indicates payment.

J. D. RIMES,
Under Secretary.

If payment has been made by cheque, this receipt is issued subject only to the cheque on account of which it is given being duly cleared.

Form 5.

NEW SOUTH WALES.

POISONS ACT, 1966, AS AMENDED.

License to Manufacture, Sell, Distribute and Supply* Drugs of Addiction on Premises, licensed for the Purpose.

Name

of

is hereby licensed to manufacture the undermentioned substances to which Schedule Eight of the Poisons List applies. This license also empowers the holder to sell, distribute and supply such undermentioned substances.*

The said substances shall be manufactured only on the premises situated at

.....

which premises are hereby licensed for the purpose, and such substances shall be manufactured in accordance with the terms of this license and of the Poisons Act, 1966, as amended and the regulations made thereunder.

The process of manufacture shall be carried out by or under the direct personal supervision of the following qualified person/s, namely -

This license shall have effect until the thirtieth day of September, one thousand nine hundred and .....unless sooner withdrawn.

The substances in respect of which this license applies are -

This license shall be subject to the following terms and conditions:

* (1) any sale, distribution or supply of any such substances shall be only -

(a) to persons licensed or authorized to sell, distribute or supply or be in possession of such substances under the Act or regulations and in accordance with the provisions of the Act and regulations,

(b) to the holder of a license or authority to sell, distribute or supply or be in possession of such substances under a law of the Commonwealth, Territory of the Commonwealth or other State of the Commonwealth,

(c) by way of export to any person or body located in any country or territory outside the Commonwealth and its Territories.

(2) .....

Dated this ..... day of ..... 19 .....

Under Secretary,
Department of Public Health.

*Only applicable if license is to be endorsed accordingly in the case of a manufacturer who is to be empowered to sell, distribute or supply substances manufactured by him.

Form 6.

POISONS ACT, 1966, AS AMENDED.

Application for a License or Renewal of a License to Sell, Distribute or Supply Drugs of Addiction

I hereby apply for a ☐ license

☐ renewal of a license

to sell, distribute or supply substances specified in Schedule Eight of the Poisons List.

The process of selling, distributing or supplying such substances will be carried out on or from premises situated at:

.....

.....

The substances to which the application relates are:

.....

I enclose the fee of twenty-five dollars.

Signature ..... Date .....

Position .....

(Back of Form 6)

Department of Public Health,
Poisons Branch,
G.P.O. Box 3944,
Sydney 2001.

Phone 20516 ext. 442

Application for a license/renewal of a license to sell, distribute or supply drugs of addiction.

Imprint of cash register below indicates payment.

J. D. RIMES,
Under Secretary.

If payment has been made by cheque, this receipt is issued subject only to the cheque on account of which it is given being duly cleared.

Form 7.

NEW SOUTH WALES.

POISONS ACT, 1966, AS AMENDED.

License to Sell, Distribute and Supply Drugs of Addiction.

Name

of

is hereby licensed to sell, distribute and supply substances to which Schedule Eight of the Poisons List applies.

The process of selling, distributing and supplying such substances shall be carried out on or from the premises situated at

This license will expire on the thirtieth day of September each year unless sooner withdrawn or unless application for renewal is granted before that date.

This license shall be subject to the following terms and conditions -

(1) any sale, distribution or supply of any such substances shall be only:

(a) to persons licensed or authorised to sell, distribute or supply or be in possession of such substance under the Act or regulations and in accordance with the provisions of the Act and regulations,

(b) to the holder of a license or authority to sell, distribute or supply or be in possession of such substances under a law of the Commonwealth, Territory of the Commonwealth or other State of the Commonwealth,

(c) by way of export to any person or body located in any country or Territory outside the Commonwealth and its Territories.

(2)

Dated this ..... day of ..... 19 .

Under Secretary,
Department of Public Health.

Form 8.

POISONS ACT, 1966, AS AMENDED.

DRUG.

(One drug, of one trade name and one strength only to a page)

Date	Name and address of person or company to whom dispensed, sold, supplied or from whom obtained	In	Out	Balance	Dispenser's original dispensing number or letter	Name of authority	Signature of dispenser or administrator

Form 9.

POISONS ACT, 1966, AS AMENDED.

Record of _____ administered in Ward _____

Date given	Patient's name	Amount given	Time	Balance	Signature of administering nurse	Signature of supervisor or authority

Form 10.

POISONS ACT, 1966, AS AMENDED.

The Director-General of Public Health,
Department of Public Health,
52 Bridge Street,
Sydney.

I, Dr .....
(Name)

of .....
(Address)

hereby apply for permission to prescribe or continue treatment with the drug

.....
(Name of Drug)

for .....
(Full name of patient)

of .....
(Patient's address)

who is suffering from .....

.....

which patient I consider to be in category

(a)
*
(b) (Delete whichever does not apply - see below.)

....
(Signature) (Date)

N.B. Please Mark Envelope "Confidential".

* Section 28 of the Poisons Act specifies:-

A medical practitioner shall not prescribe for or supply to -

(a) any person a drug of addiction for therapeutic use by that person continuously for a period exceeding two months or for a period which, together with any other period for which that drug has, to his knowledge, been prescribed or supplied by any other medical practitioner would result in that drug being prescribed for therapeutic use by that person continuously for a period exceeding two months; or

(b) any person who in his opinion is an addict any drug of addiction,

unless he so prescribed or supplies that drug in accordance with an authority in respect of that person given to him by the Director-General under section 29 of this Act.

E/NL.1968/44

Government Gazette No. 51
2 June, 1967

WESTERN AUSTRALIA

POISONS ACT, 1964 - 1966

ORDER IN COUNCIL

WHEREAS by section 21 of the Poisons Act, 1964 - 1966[6/] it is provided that the Governor may from time to time, by Order in Council, amend any of the Schedules referred to in section 20 of that Act by-

(a) the addition thereto or the deletion therefrom of any substance;

(b) the transference of any substance from any Schedule to any other Schedule; or

(c) the alteration of any item in any Schedule;

and whereas by Orders in Council published in the "Government Gazette" on 29 June, 1965, 28 January, 1966, and 26 April, 1967, the Governor did amend the Schedules so referred to as set out in the Appendices to those Orders in Council; and whereas it is deemed expedient to further amend the Schedules so referred to in the manner hereinafter set forth: now, therefore, His Excellency the Governor, acting by and with the advice of the Executive Council, doth hereby further amend the Schedules referred to in section 20 of the Poisons Act, 1964, as amended by the above-mentioned Orders in Council in the manner set out in the Appendix to this Order in Council.

Appendix

Fourth Schedule [5/]

. . . . . .

Eighth Schedule

The Eighth Schedule to the Poisons Act, 1964 - 1966 as amended, is further amended-

(a) by adding immediately before the item "ACETYLMETHADOL"[2/] the item "ACETORPHINE"; and

(b) by adding immediately after the item "ETONITAZENE", the item "ETORPHINE".

W.S. LONNIE,
Clerk of the Council

6/ Note by the Secretariat: E/NL.1967/24

E/NL.1968/45

WESTERN AUSTRALIA

POLICE ACT AMENDMENT ACT (No. 2), 1967

No. 52 of 1967

AN ACT to amend Part VIA of the Police Act, 1892-1967

Assented to 5th December, 1967

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

Short title and citation.

1. (1) This Act may be cited as the Police Act Amendment Act (No. 2), 1967.

(2) In this Act the Police Act, 1892-1967, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Police Act, 1892-1967.

S.94A amended.

2. Section ninety-four A of the principal Act is amended-

(a) by adding after the interpretation, "'regulations'" in subsection (1), an interpretation as follows-

"specified drug" means a substance that is a specified drug under and for the purposes of the Poisons Act, 1964;

(b) by deleting paragraph (c) of subsection (2) and substituting the following paragraph-

(c) any drug of addiction that is included in the Eighth Schedule in Appendix "A" to the Poisons Act, 1964, or that is added to that Schedule pursuant to the provisions of that Act, and any specified drug.

S.94E amended.

3. Section ninety-four E of the principal Act is amended by substituting for the words, "two hundred and fifty pounds or to imprisonment with or without hard labour for a term not exceeding twelve months" in lines four, five and six of subsection (1), the words, "one thousand five hundred dollars or to imprisonment for a term not exceeding three years".

E/NL. 1968/46

Government Gazette (No. 92)
10 November, 1967

WESTERN AUSTRALIA

POISONS ACT, 1964 - 1966[6/]

ORDER IN COUNCIL

AT a meeting of the Executive Council held in the Executive Council Chamber, at Perth, this 25th day of October, 1967, the following Order in Council was authorised to be issued:

WHEREAS by section 21 of the Poisons Act, 1964-1966, it is provided that the Governor may from time to time, by Order in Council, amend any of the Schedules referred to in section 20 of that Act by-

(a) the addition thereto or the deletion therefrom of any substance;

(b) the transference of any substance from any Schedule to any other Schedule; or

(c) the alteration of any item in any schedule;

And whereas by Orders in Council published in the Government Gazette on the 29th June, 1965, the 28th January, 1966, the 26th April, 1967 and the 2nd June, 1967, the Governor did amend the schedules so referred to as set out in the Appendices to those Orders in Council; and whereas it is deemed expedient to further amend the schedules so referred to in the manner hereinafter set forth: Now, therefore, His Excellency the Governor, acting by and with the advice of the Executive Council, doth hereby further amend the schedules referred to in section 20 of the Poisons Act, 1964, as amended by the abovementioned Orders in Council in the manner set out in the Appendix to this Order in Council.

APPENDIX

First Schedule [5/]

. . . . . .

Second Schedule

. . . . . .

Third Schedule

. . . . . .

Fourth Schedule

. . . . . .

Fifth Schedule

. . . . . .

Sixth Schedule

. . . . . .

Seventh Schedule

. . . . . .

Eighth Schedule

The Eighth Schedule to the Poisons Act, 1964-1966, as amended, is further amended-

(a) by adding after the item, "ACETORPHINE",[2/] the item-
ACETYLDIHYDROCODEINE and substances containing more than 2.5 per cent of acetyldihydrocodeine,

(b) by adding after the item, "CODEINE-N-OXIDE", the item-
CODEINE (3-METHYLMORPHINE) and substances containing more than 2.5 per cent of codeine;

(c) by adding after the item, "DIETHYLTHIAMBUTENE", the item-
DIHYDROCODEINE and substances containing more than 2.5 per cent of dihydrocodeine;

(d) by adding after the item, "ETHYLMETHYLTHIAMBUTENE", the item-
ETHYLMORPHINE (3-ETHYLMORPHINE) and substances containing more than 2.5 per cent of ethyl morphine;

(e) by deleting from the item, "MORPHINE DERIVATIVES", the passage commencing with the passage, "(except" and ending with the passage, "Pholcodine),";

(f) by adding after the item, "MYROPHINE". the item-
NICOCODINE (6-NICOTINYLCODEINE) and substances containing more than 2.5 per cent of nicocodine;

(g) by adding after the item, "NORACYMETHADOL", the item-
NORCODEINE (N-DEMETHYLCODEINE) and substances containing more than 2.5 per cent of norcodeine; and

(h) by adding after the item "PHENOPERIDINE", the item-
PHOLCODINE (MORPHO LINYLETHYL MORPHINE) and substances containing more than 2.5 per cent of pholcodine.

W.S. LONNIE,
Clerk of the Council

E/NL.1968/47

WESTERN AUSTRALIA

POISONS ACT AMENDMENT ACT (No. 2), 1967

No. 51 of 1967

AN ACT TO AMEND SECTION FORTY-FOUR OF THE POISONS ACT, 1964-1966

Assented to
5 December, 1967

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

Short title and citation.

1. (1) This Act may be cited as the "Poisons Act Amendment Act (No. 2), 1967."

(2) In this Act the Poisons Act, 1964-1966[6/] is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Poisons Act, 1964-1967.

S.44 amended.

2. Subsection (2) of section forty-four of the principal Act is amended by substituting for the passage, "five hundred dollars, or imprisonment for a term of twelve months", the passage, "one thousand five hundred dollars, or imprisonment for a term of three years".