

**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 text.

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Government Gazette  
6 September 1973

E/NL.1975/65

STATUTORY RULES

1973 No. 175

REGULATION UNDER THE CUSTOMS ACT 1901-1971

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Regulation under the Customs Act 1901-1971.

Dated this thirtieth day of August, 1973.

PAUL HASLUCK  
Governor-General

By His Excellency's Command,

LIONEL MURPHY  
Minister of State for Customs and Excise

AMENDMENTS OF THE CUSTOMS (PROHIBITED IMPORTS) REGULATIONS<sup>1/</sup>

Fourth  
Schedule

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

(a) by inserting after item 31 the following item:

"31A | Drotebanol <sup>2/</sup> and its salts and preparations containing  
drotebanol or any of its salts";

(b) by inserting after item 33 the following item:

"33A | Ethchlorvynol (ethyl-2-chlorovinylethynyl-carbinol)  
and its salts and preparations containing  
ethchlorvynol or any of its salts";

(c) by inserting after item 34 the following item:

"34A | Ethinamate and its salts and preparations containing  
ethinamate or any of its salts";

(d) by inserting after item 40 the following item:

"40A | Glutethimide and its salts and preparations containing  
glutethimide or any of its salts";

<sup>1/</sup> Note by the Secretariat: E/NL.1957/72, amended by the following texts published in the UN series: E/NL.1959/56, E/NL.1965/33, E/NL.1966/25, E/NL.1968/40, E/NL.1969/52, E/NL.1970/35, 36 and E/NL.1971/8.

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

(e) by omitting item 49C and substituting the following items:

"49A	Lysergamide
49B	Lysergic acid and preparations containing lysergic acid
49C	Lysergide (lysergic acid diethylamide) (LSD 25) and preparations containing lysergide (lysergic acid diethylamide) (LSD 25)
49D	Meprobamate and its salts and preparations containing meprobamate or any of its salts
49E	Mescaline and its salts and preparations containing mescaline or any of its salts";

(f) by omitting item 52A and substituting the following items:

"52A	Methaqualone and its salts and preparations containing methaqualone or any of its salts
52B	Methyprylon and its salts and preparations containing methyprylon or any of its salts
52C	Methylamphetamine and its salts and preparations containing methylamphetamine or any of its salts";

(g) by inserting after item 72 the following item:

"72A	Pentazocine and its salts and preparations containing pentazocine or any of its salts";
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(h) by omitting item 79A and substituting the following item:

"79A	Phencyclidine (1-(1-phenylcyclohexyl) piperidine) and its salts and preparations containing phencyclidine or any of its salts";
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(j) by omitting item 83A and inserting in its stead the following item:

"83A	Pipradrol and its salts and preparations containing pipradrol or any of its salts";
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(k) by omitting items 85A and 85B and substituting the following items:

"85A	Propiram and its salts and preparations containing propiram or any of its salts
85B	Psilocin and preparations containing psilocin
85C	Psilocybin and preparations containing psilocybin";

and

(l) by inserting after item 88 the following item:

"88A	STP, (DOM), (2-amino-1-(2, 5-dimethoxy-4-methyl) phenylpropane) and its salts and preparations containing STP (DOM) or any of its salts".
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STATUTORY RULES

1974 No. 249

REGULATIONS UNDER THE CUSTOMS ACT 1901-1974

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the Customs Act 1901-1974.

Dated this nineteenth day of December, 1974.

JOHN R. KERR  
Governor-General

By His Excellency's Command,

LIONEL MURPHY  
Minister of State for Customs and Excise.

AMENDMENTS OF THE CUSTOMS (PROHIBITED IMPORTS) REGULATIONS<sup>1/</sup>

- Definitions            1. Regulation 2 of the Customs (Prohibited Imports) Regulations is amended by omitting the definition of "poppy straw".
- Importation of certain drugs       2. Regulation 5 of the Customs (Prohibited Imports) Regulations is amended:
- (a) by omitting from sub-regulations (1) and (2) the words "the Collector" (wherever occurring) and substituting the words "the Director-General of Health";
  - (b) by omitting sub-regulation (3) and substituting the following sub-regulation:  

"(3) The Director-General of Health shall grant an application for a licence or permission under this regulation unless the grant would not be consistent with such of the requirements referred to in sub-regulation (7) as are appropriate to the drug or drugs to which the application relates.";
  - (c) by omitting paragraph (4) (b) and substituting the following paragraph:  

"(b) the person shall, if drugs or substances and mixtures in the preparation of which a drug has been used are moved from one place to another, take adequate precautions to ensure that the removal is safely carried out;"
  - (d) by omitting from paragraph (4) (e) the words "the Collector" and substituting the words "the Director-General of Health";

(e) by inserting after paragraph (4) (e) the following paragraph:

"(ea) the person shall furnish to the Director-General of Health a return showing in respect of each week the records made by him in the books referred to in paragraph (d);";

(f) by omitting from paragraph (4) (f) the words "the Collector" and substituting the words "the Director-General of Health or an authorized officer or the Comptroller";

(g) by omitting from sub-paragraph (4) (f) (i) the word "and";

(h) by inserting after sub-paragraph 4 (f) (ii) the following word and sub-paragraph:

"; and (iii) take any precautions necessary to ensure that there is no danger of loss or theft of drugs in his possession.";

(j) by omitting from sub-regulation (5) the words "the Collector" and substituting the words "the Director-General of Health"; and

(k) by omitting sub-regulations (7) and (8) and substituting the following sub-regulations:

"(6) The Director-General of Health may

(a) revoke a licence granted under this regulation if the holder of the licence has failed to comply with a requirement to which the licence is, by sub-regulation (4), subject; or

(b) revoke a permission granted under this regulation if the holder of the permission has failed to comply with a condition to which the licence is, by sub-regulation (5), subject

and may revoke a licence or permission if it would not be consistent with such of the requirements referred to in sub-regulation (7) as are appropriate to the drug or drugs to which the licence or permission relates for the licence or permission to continue in force.

"(7) The requirements appropriate to drugs that are, or are deemed to be, narcotic drugs are the requirements of the Single Convention and the requirements appropriate to drugs that are psychotropic substances are the requirements of the Psychotropic Substances Convention.

"(8) For the purposes of this regulation, a drug that is not a narcotic drug or a psychotropic substance shall be deemed to be a substance specified in Schedule II of the Single Convention.

"(9) The Director-General of Health or the Comptroller, in exercising a power or performing a function under this regulation, shall have regard to such of the requirements referred to in sub-regulation (7) as are appropriate and to no other matter.

"(10) In this regulation:

'authorized officer' means an officer of the Department of Health authorized in writing by the Director-General of Health for the purposes of paragraph (4) (f);

'drug' includes a plant or a part of a plant, but does not include a preparation that is a narcotic preparation within the meaning of Schedule 3 to the Single Convention;

'narcotic drug' means a drug that is a drug for the purposes of the Single Convention;

'psychotropic substance' means any substance that is a psychotropic substance for the purposes of the Psychotropic Substances Convention and includes a preparation within the meaning of that Convention;

'Psychotropic Substances Convention' means the Convention on Psychotropic Substances that was adopted and opened for signature at Vienna on 21 February 1971;

'Single Convention' has the same meaning as the expression 'the Convention' has in the Narcotic Drugs Act 1967-1973."

Importation of therapeutic substances. 3. Regulation 5A of the Customs (Prohibited Imports) Regulations is amended by omitting paragraph (b) of sub-regulation (2).

First Schedule. 4. The First Schedule to the Customs (Prohibited Imports) Regulations is amended by omitting items 12, 22 and 24.

Second Schedule. 5. The Second Schedule to the Customs (Prohibited Imports) Regulations is amended by omitting items 5A, 5B, 5C, 26 and 28.

Fourth Schedule. 6. The Fourth Schedule to the Customs (Prohibited Imports) Regulations is amended:

(a) by inserting after item 14A the following items:

"14BA		Cannabis
14BB		Cannabis resin";

(b) by inserting after item 23A the following item:

"23B		<u>Difenoxin</u> 2/ and its salts and preparations containing difenoxin or any of its salts";
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(c) by omitting item 27A;

(d) by inserting after item 41B the following item:

"41BB | Heroin (Diacetylmorphine)";

(e) by inserting after item 45 the following item:

"45A | Ketobemidone";

(f) by omitting from paragraph (b) of item 70 the word "and";

(g) by inserting in item 70 after paragraph (c) the following word and paragraph:

"and (d) opium prepared for smoking, including dross and any other form of charred opium

(h) by inserting after item 88 the following item:

"88AA | SPA((-)-1-dimethylamine - 1,2 - diphenylethane)";

(j) by inserting after item 88A the following item:

"88B | Tetrahydrocannabinol (1-hydroxy-3-pentyl-6a, 7, 8, 10a-tetrahydro- 6, 6, 9-trimethyl-6H-dibenzo (b, d) pyran and 2'-hydroxy-4'-pentyl-3, 4, 5, 6-tetrahydro-1, 8, 8-trimethyl-8H dibenzo (b, d) pyran) including all 3-and 4'-alkyl homologues within these structural designations";  
and

(k) by omitting item 91A and substituting the following item:

"91A | Plants and parts of plants of the species *Argyrea nervosa*, *Ipomoea tricolor*, *Ipomoea violacea*, *Lophophora williamsii*, *Papaver bracteatum*, *Papaver somniferum* (opium poppy), *Piptadenia peregrina* and *Rivea corymbosa*."

7. Notwithstanding the amendments of regulation 5 of the Customs (Prohibited Imports) Regulations made by regulation 1 of these Regulations, a licence or permit granted under regulation 5 of those Regulations before the commencement of these Regulations and in force immediately before that commencement shall, on and after that commencement, be deemed to have been granted by the Director-General of Health and shall have the same force and effect as if the amendments made by regulation 1 of these Regulations had been in force immediately before the date on which the licence or permit was granted.

Saving of certain licences and permits.

Government Gazette  
23 December 1974

E/NL.1975/67

STATUTORY RULES

1974 No. 250

REGULATIONS UNDER THE CUSTOMS ACT 1901-1974

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the Customs Act 1901-1974

Dated this nineteenth day of December, 1974.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

LIONEL MURPHY  
Minister of State for Customs and Excise

AMENDMENTS OF THE CUSTOMS (PROHIBITED EXPORTS) REGULATIONS<sup>3/</sup>

Exportation  
of certain  
drugs.

1. Regulation 10 of the Customs (Prohibited Exports) Regulations is amended:

- (a) by omitting from sub-regulations (1), (2) and (3) the words "the Collector" wherever occurring) and substituting the words "the Director-General of Health";
- (b) by omitting from sub-paragraph (1) (b) (i) the word "and";
- (c) by inserting in paragraph (1) (b) after sub-paragraph (ii) the following word and paragraph:  

"; and (iii) the exporter produces to the Collector  
the permission to export the drug granted  
by the Director-General of Health.";
- (d) by inserting in sub-regulation (2) after the words "specified in", the words "Parts I, II or III of";
- (e) by omitting from sub-regulation (4) the word "Part I" and substituting the words "Parts I, II or III"; and

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<sup>3/</sup> Note by the Secretariat: E/NL.1959/55, amended by the following UN publications: E/NL.1964/38, E/NL.1966/26, E/NL.1968/41, E/NL.1969/53, 1970/34, 37 and E/NL.1971/9.



(f) by adding at the end thereof the following sub-regulations:

"(5) In this regulation and in regulations 10A, 10B and 10C:

'active principle' includes an active isomer or a mixture of isomers of a drug;

'derivative' means any substance chemically derived from a drug or from which a drug may be regenerated and includes a salt;

'drug' means a narcotic drug or a psychotropic substance and includes a chemical or compound and a plant or a part of a plant, but does not include a preparation that is a narcotic preparation within the meaning of Schedule 3 to the Single Convention;

'narcotic drug' means a drug that is a drug for the purposes of the Single Convention;

'psychotropic substance' means any substance that is a psychotropic substance for the purposes of the Psychotropic Substances Convention and includes a preparation within the meaning of that Convention;

'Psychotropic Substances Convention' means the Convention on Psychotropic Substances that was adopted and opened for signature at Vienna on 21 February 1971;

'Single Convention' has the same meaning as the expression 'the Convention' has in the Narcotic Drugs Act 1967-1973.

"(6) For the purposes of this regulation, there shall be deemed to be specified in an item in the Eighth Schedule the name, in addition to the name of the drug specified in that item, of each substance that is a drug by reason that it is:

- (a) an active principle or derivative of the drug the name of which is specified in that item; or
- (b) a derivative of an active principle, the name of which is specified in that item.

"(7) Where goods (including goods in the form of a preparation, mixture or solution) do not consist wholly of a drug but consist in part of, or contain, a drug, those goods shall be deemed to consist of that drug."

Licensed exporters.

2. Regulation 10A of the Customs (Prohibited Exports) Regulations is amended:

(a) by omitting from sub-regulation (1) the words "the Collector" and substituting the words "the Director-General of Health";

(b) by omitting sub-regulation (2) and substituting the following sub-regulation:

"(2) The Director-General of Health shall grant an application for a licence under this regulation unless the grant would not be consistent with such of the requirements referred to in regulation 10C as are appropriate to the drug or drugs to which the application applies."; and

(c) by omitting sub-regulation (4) and substituting the following sub-regulation:

"(4) The Director-General of Health may revoke a licence granted under this regulation if:

(a) the holder of the licence has failed to comply with a requirement to which the licence is, by regulation 10B, subject; or

(b) it would not be consistent with such of the requirements referred to in regulation 10C as are appropriate to the drugs to which the licence relates for the licence to continue in force.".

Conditions of licences under regulation 10A.

3. Regulation 10B of the Customs (Prohibited Exports) Regulations is amended

(a) by omitting from paragraph (b) the words "the Collector" and substituting the words "the Director-General of Health";

(b) by omitting from paragraph (b) the word "and";

(c) by omitting from paragraph (c) the words "the Collector" (wherever occurring) and substituting the words "the Director-General of Health or an authorized officer or the Comptroller";

(d) by inserting after paragraph (c) the following paragraphs:

"(d) the person shall furnish to the Director-General of Health a return showing in respect of each week the records made by him in the book referred to in paragraph (a); and

"(e) the person shall, when required to do so by the Director-General of Health or an authorized officer or the Comptroller, take any precautions necessary to ensure that there is no danger of loss or theft of drugs in his possession."; and

(e) by adding at the end thereof the following sub-regulation:

"(2) In this regulation:

"authorized officer" means an officer of the Department of Health authorized in writing by the Director-General of Health to be an authorized officer for the purposes of this regulation."

4. After regulation 10B of the Customs (Prohibited Exports) Regulations the following regulations are inserted:

"10C. The requirements appropriate to drugs that are, or are deemed to be, narcotic drugs are the requirements of the Single Convention and the requirements appropriate to drugs that are psychotropic substances are the requirements of the Psychotropic Substances Convention.

Requirements appropriate to drugs.

"10D. For the purposes of regulations 10, 10A, 10B and 10C, a drug that is not a narcotic drug or a psychotropic substance shall be deemed to be a substance specified in Schedule II to the Single Convention.

Drugs deemed to be narcotic drugs.

"10E. The Director-General of Health or the Comptroller, in exercising a power or performing a function under regulations 10, 10A or 10B shall have regard to such of the requirements referred to in regulation 10C as are appropriate and to no other matter."

Exercise of powers by Director-General or Comptroller.

5. Part I of the Second Schedule to the Customs (Prohibited Exports) Regulations is amended by omitting items 3A, 3B, 3C, 3E and 9.

Second Schedule.

6. The Eighth Schedule to the Customs (Prohibited Exports) Regulations is repealed and the following Schedule substituted:

Eighth Schedule.

EIGHTH SCHEDULE

Regulations 10 and 10A

DRUGS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS SPECIFIED CONDITIONS, RESTRICTIONS OR REQUIREMENTS ARE COMPLIED WITH

PART I

Item No.	Description of Drugs
1	<u>Allylprodine 2/</u>
2	<u>Alphameprodine</u>
3	<u>Alphaprodine</u>
4	<u>Anileridine</u>
5	<u>Benzethidine</u>
6	<u>Bezitramide</u>
7	<u>Clonitazene</u>
8	Cocaine, including the leaves of any plant of any species of the genus Erythroxyton from which cocaine can be extracted either directly or by chemical transformation
9	Codeine
10	<u>Desomorphine</u>
11	<u>Dextromoramide</u>
12	<u>Diampromide</u>
13	<u>Diethylthiambutene</u>
14	<u>Difenoxin</u>
15	Dihydrocodeine
16	Dihydromorphine

Item No.	Description of Drugs
17	<u>Dimenoxadol</u>
18	<u>Dimepheptanol</u>
19	<u>Dimethylthiambutene</u>
20	<u>Dioxaphetyl butyrate</u>
21	<u>Diphenoxylate</u>
22	<u>Dipipanone</u>
23	<u>Drotebanol</u>
24	<u>Ecgonine</u>
25	<u>Ethylmethylthiambutene</u>
26	<u>Ethylmorphine</u>
27	<u>Etonitazene</u>
28	<u>Etorphine</u>
29	<u>Etoxidine</u>
30	<u>Fentanyl</u>
31	<u>Furethidine</u>
32	<u>Heroin (diacetylmorphine)</u>
33	<u>Hydrocodone</u>
34	<u>Hydromorphanol</u>
35	<u>Hydromorphone</u>
36	<u>Hydroxypethidine</u>
37	<u>Isomethadone</u>
38	<u>Levophenacymorphan</u>
39	<u>Levorphanol</u>
40	<u>Metazocine</u>
41	<u>Methadone</u>
42	<u>Methyldesorphine</u>
43	<u>Morpheridine</u>
44	Morphine, including concentrate of poppy straw (being an extract of poppy straw that contains morphine and other alkaloids of <i>Papaver somniferum</i> )
45	<u>Noracymethadol</u>
46	<u>Norlevorphanol</u>
47	<u>Normethadone</u>
48	<u>Normorphine</u>
49	<u>Norpipanone</u>
50	Opium, which contains morphine and is in the following forms: <ul style="list-style-type: none"> <li>(a) medicinal opium (that is to say, opium in any form, whether mixed with a neutral substance or not, which has undergone the processes necessary to adapt it for medicinal use)</li> <li>(b) opium tinctures and extracts, including opium deposited from such tinctures and extracts; and</li> <li>(c) raw opium, including non-medicinal, powdered and granulated forms of raw opium</li> </ul>
51	<u>Oxycodone</u>
52	<u>Oxymorphone</u>
53	<u>Pentazocine</u>
54	<u>Pethidine</u>
55	<u>Pethidine-Intermediate C (1-methyl-4-phenylpiperidine-4-carboxylic acid)</u>

Item No.	Description of Drugs
56	<u>Phenadoxone</u>
57	<u>Phenampromide</u>
58	<u>Phenazocine</u>
59	<u>Phenomorphin</u>
60	<u>Phenoperidine</u>
61	<u>Pholcodine</u>
62	<u>Piminodine</u>
63	<u>Piritramide</u>
64	Poppy straw
65	<u>Proheptazine</u>
66	<u>Propiram</u>
67	Thebaine, including plants and parts of plants of the species Papaver bracteatum
68	<u>Trimeperidine</u>
69	Any drug of whatever kind which is or is likely to produce, or is capable of being converted into a substance which is or is likely to be productive of ill effects substantially of the same character or nature as, or analogous to, those produced by any of the drugs specified or referred to in the items listed in this Part.

PART II

Item No.	Description of Drugs
1	<u>Amphetamine</u>
2	Cannabis
3	Cannabis resin
4	Tetrahydrocannabinol (1-hydroxy-3-pentyl-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d)pyran and 2'-hydroxy-4'-pentyl-3,4,5,6-tetrahydro-1,8,8-trimethyl-8H-dibenzo(b,d)pyran.) including all 3- and 4'-alkyl homologues within these structural designations
5	DET (N,N-diethyltryptamine)
6	<u>Dexamphetamine</u>
7	DMT (N,N,-dimethyltryptamine), including plants and parts of the plants of the species Piptadenia peregrina (Anadenanthera peregrina)
8	Lysergamide, including plants and parts of plants of the species Rivea corymbosa, Ipomoea tricolor, Ipomoea violacea and Argyreia nervosa
9	Lysergide (lysergic acid diethylamide, LSD) including the laevo isomer of lysergide
10	Mescaline (3,4,5-trimethoxyphenethylamine), including cacti and parts of cacti of the species Lophophora williamsii
11	<u>Methamphetamine</u>
12	<u>Methylphenidate</u>
13	<u>Phencyclidine</u>

Item No.	Description of Drugs
14	<u>Phenmetrazine</u>
15	<u>Psilocin</u> (3-(2-dimethylaminoethyl)-4-hydroxyindole), including all fungi which contain psilocin
16	<u>Psilocybin</u> , including all fungi which contain psilocybin
17	<u>STP, DOM</u> (2-amino-1-(2,5-dimethoxy-4-methyl)-phenylpropane)
18	Any drug of whatever kind which is or is likely to produce, or is capable of being converted into a substance which is or is likely to be, productive of ill effects substantially of the same character or nature as, or analogous to, those produced by any of the drugs specified or referred to in the items listed in this Part.

PART III

Item No.	Description of Drugs
1	<u>Amfecloral</u>
2	<u>Amfepramone</u> (diethylpropion)
3	<u>Bufotenin</u> (3-(2-dimethylaminoethyl)-5-hydroxyindole), including plants and parts of the plants of the species Piptadenia peregrina (Anadenanthera peregrina)
4	<u>Chlorphentermine</u>
5	<u>Harmaline</u> (4,9-dihydro-7-methoxyl-1-methyl-(3H)pyrido(3,4-b)indole)
6	<u>Harmine</u> (7-methoxyharman)
7	<u>Hydroxyamphetamine</u> (4-(2-aminopropyl(phenyl)
8	<u>Lysergic acid</u> including the laevo isomer of lysergic acid
9	<u>Alphamethyltryptamine</u> (3-(2-aminopropyl)indole)
10	<u>Phendimetrazine</u>
11	<u>Phentermine</u>
12	<u>Pipradrol</u>
13	<u>SPA</u> , (levo-1-dimethylamine-1,2-diphenylethane)
14	Any drug of whatever kind which is or is likely to produce, or is capable of being converted into a substance which is or is likely to be, productive of ill effects substantially of the same character or nature as, or analogous to, those produced by any of the drugs specified or referred to in the items listed in this Part.

PART IV

Item No.	Description of Drugs
1	<u>Barbiturates</u> , that is to say 5,5-disubstituted barbituric acids including compounds structurally derived from barbituric acid or thiobarbituric acid
2	<u>Ethchlorvynol</u> (ethyl-2-chlorinvinyl ethinyl carbinol)
3	<u>Ethinamate</u>
4	<u>Glutethimide</u>
5	<u>Meprobamate</u>
6	<u>Methaqualone</u>
7	<u>Methyprylon</u>

7. (1) Notwithstanding the amendments of regulation 10 of the Customs (Prohibited Exports) Regulations made by regulation 1 of these Regulations, a permission granted under regulation 10 of those Regulations before the commencement of these Regulations and in force immediately before that commencement shall, on and after that commencement, be deemed to have been granted by the Director-General of Health and shall have the same force and effect as if the amendments made by regulation 1 of these Regulations had been in force immediately before the date on which the permission was granted.

Saving of  
certain  
licences and  
permits

(2) Notwithstanding the amendments of regulation 10A of the Customs (Prohibited Exports) Regulations made by regulation 2 of these Regulations, a licence granted under regulation 10A of those Regulations before the commencement of these Regulations and in force immediately before that commencement shall, on and after that commencement, be deemed to have been granted by the Director-General of Health and shall have the same force and effect as if the amendments made by regulation 2 of these Regulations had been in force immediately before the date on which the licence was granted.

QUEENSLAND

Government Gazette  
3 April 1971

E/NL.1975/68

Department of Health,  
Brisbane, 1 April 1971.

HIS Excellency the Governor, acting by and with the advice of the Executive Council, has, in pursuance of the Health Act 1937-1968, been pleased to approve of the following Regulations made by the Director-General of Health and Medical Services.

S.D. TOOTH

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WHEREAS by the Health Act 1937-1968 it is amongst other things enacted that the Director-General may make Regulations: Now, therefore, the Director-General with the approval of His Excellency the Governor in Council, acting by and with the advice of the Executive Council, doth hereby make the following Regulations:

"The Poisons Regulations of 1967" <sup>4/</sup> as published in the Government Gazette of 29 August 1967, and as amended by Regulations published in the Government Gazette from time to time, are further amended as follows:

1. Sub-regulation A6.01 is deleted and the following new sub-regulation is inserted in lieu thereof:

"A6.01 (a) A person shall not prescribe, sell, lend, give away, supply nor use for human therapeutic use any of the substances to which this sub-regulation applies otherwise than upon and in accordance with the written approval of the Director-General.

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<sup>4/</sup> Note by the Secretariat: E/NL.1968/63

(b) The provisions of clause (a) hereof shall not apply to the dispensing of any such substance upon and in accordance with the prescription of a medical practitioner who has the written approval of the Director-General to prescribe such substance.

(c) This sub-regulation applies to the following substances, their salts, and to all preparations and admixtures containing any proportion thereof:

- (i) Bufotenine;
- (ii) Dimethyltryptamine;
- (iii) Lysergic acid;
- (iv) Lysergic acid diethylamide (Lysergide);
- (v) Psilocin;
- (vi) Psilocybin; 2/
- (vii) Mescaline;
- (viii) 2,5-dimethoxy-4-methylamphetamine (DOM or STP);
- (ix) All substances having hallucinogenic properties structurally derived from any of the above specified substances or from methoxyphenylethylamine;
- (x) Sources and raw materials from which any of the above specified substances may be derived;
- (xi) Dimethyl sulphoxide;
- (xii) Clomiphene and other substances specifically prepared to stimulate ovulation;
- (xiii) L-dopa (3-(3,4-dihydroxyphenyl) L-alanine).

(d) The provisions of this sub-regulation shall not apply to:

- (i) the sale of any such substance by a licensed manufacturer of or a licensed wholesale seller of dangerous drugs or restricted drugs in accordance with these Regulations, or
- (ii) the use, in the manner directed, of any such substance by a person under medical treatment who has been lawfully supplied with such substance in accordance with these Regulations."

2. Sub-regulation F2.07 is amended by the deletion therefrom of the words "also a declared drug" and the insertion in lieu thereof of the words "a substance to which sub-regulation A6.01 applies".

3. Sub-regulation G1.01 is amended by the deletion therefrom of clause (a) and the insertion of the following new clause in lieu thereof:

"(a) A medical practitioner, a dentist, a veterinary surgeon, or a pharmaceutical chemist authorized to obtain a dangerous drug or a restricted drug, who wishes to purchase a dangerous drug or a substance to which sub-regulation A6.01 applies shall do so on a written order.

Such order shall bear on the face thereof the date when it was so written, the name and quantity of the drug so ordered and shall be signed with the usual signature of the person issuing it:

Provided that a person so authorized as aforesaid may initially order a dangerous drug or a substance to which sub-regulation A6.01 applies by telephone or telegram. In every such case such person shall immediately reduce such order to writing as prescribed by this clause and shall within twenty-four hours despatch such written order to the person to whom he issued the telephoned or telegraphed order."

4. Sub-regulation G2.01 is deleted and the following new sub-regulation is inserted in lieu thereof:



"G2.01. A person, who, pursuant to the dated and signed written order of any person, authorized by the provisions of these Regulations, sells a dangerous drug or a restricted drug shall endorse such order with the date such dangerous drug or restricted drug is sold and shall preserve it for a period of two years from the date of the sale of such dangerous drug or such restricted drug and shall make it readily available for inspection when required by an Inspector:

Provided that, in the case of a sale of a dangerous drug or a substance to which sub-regulation A6.01 applies by a pharmaceutical chemist, such pharmaceutical chemist shall forward such written order, duly endorsed as above prescribed, to the Director-General."

5. Regulation H2 is deleted and the following new regulation is inserted in lieu thereof:

"H2. Prescription Necessary to Dispense

H2.01 Save as is by these Regulations otherwise expressly provided a person shall not dispense or sell a dangerous drug or a restricted drug otherwise than upon and in accordance with the prescription of a person authorized by a provision of Regulation D2 of these Regulations to prescribe such dangerous drug or restricted drug."

6. Sub-regulation H6.01 is deleted and the following new sub-regulation is inserted in lieu thereof:

"H6.01 (a) A person who dispenses a dangerous drug or a restricted drug upon a prescription shall, on the day he dispenses such drug, endorse in ink on the face of such prescription

- (i) in his own handwriting, the date of such dispensing,
- (ii) his usual signature,
- (iii) the address of the dispensary,
- (iv) the repeat number, if it is a repeat dispensing,
- (v) the word "cancelled":

Provided that in the case of a prescription bearing a valid direction to repeat, the provisions of subclause (v) shall apply only to the last occasion of dispensing upon such prescription as determined by the prescriber's direction thereon.

(b) A person who dispenses a dangerous drug or a substance to which sub-regulation A6.01 applies upon a prescription shall, within fourteen days of such dispensing, forward such prescription to the Director-General:

Provided that in the case of a prescription bearing a valid direction to repeat, the provisions of this clause (b) shall apply only to the last occasion of dispensing upon such prescription as determined by the prescriber's direction thereon.

(c) In respect of a prescription containing a dangerous drug or a substance to which sub-regulation A6.01 applies issued under the National Health Act of the Commonwealth of Australia or the Repatriation Acts of the Commonwealth of Australia the duplicate of such prescription shall be and be deemed to be a prescription for the purposes of this sub-regulation only:

Provided that it shall not be necessary to endorse on such duplicate the word "cancelled"."

7. Schedule 4 is amended by the insertion therein of the following substance:

"L-dopa (3-(3,4-dihydroxyphenyl) (L-alanine)."

Given under my hand at Brisbane, the twenty-ninth day of March 1971.

P.R. PATRICK,  
Director-General of Health  
and Medical Services

APPROVED:

S.D. TOOTH,  
Minister for Health

Government Gazette  
8 May 1977

E/NL.1975/69

Department of Health,  
Brisbane, 6 May 1971

HIS Excellency the Governor, acting by and with the advice of the Executive Council, has in pursuance of the Health Act 1937-1971, been pleased to approve of the following Regulations made by the Director-General of Health and Medical Services.

S.D. TOOTH.

WHEREAS by the Health Act 1937-1971 it is amongst other things enacted that the Director-General may make Regulations: Now, therefore, the Director-General, with the approval of His Excellency the Governor in Council, acting by and with the advice of the Executive Council, doth hereby make the following Regulation:

1. Regulation A6 of "The Poisons Regulations of 1967," 4/ is amended by the insertion therein of the following new sub-regulation:

"A6.03. The following substances are prescribed for the purposes of section 130 (J) of the Health Act 1937-1971:

Substance	Prescribed Quantity
Acetyldihydrocodeine .. .. .	0.5 grammes
Acetylmethadol 2/ .. .. .	0.5 grammes
Alphacetylmethadol .. .. .	2.0 grammes
Alphameprodine .. .. .	0.05 grammes
Alphaprodine .. .. .	3.0 grammes
Amphetamine .. .. .	0.5 grammes
Anileridine .. .. .	2.5 grammes
Barbituric acid, its salts, its derivatives, their salts except when included in Schedule 3	30 grammes
Benzylmorphine .. .. .	1.5 grammes
Betaprodine .. .. .	1.25 grammes
Bufotenine .. .. .	0.7 grammes
Cannabis .. .. .	40 cigarettes each containing any proportion of cannabis
Cocaine .. .. .	0.5 grammes

Substance	Prescribed Quantity
Coca Leaf .. .. .	200 grammes
Codeine except when included in Schedule 2 or Schedule 4	3 grammes
<u>Desomorphine</u> .. .. .	10.05 grammes
<u>Dexamphetamine</u> .. .. .	0.5 grammes
<u>Dextromoramide</u> .. .. .	1.0 grammes
<u>Diethylthiambutene</u> .. .. .	1.0 grammes
<u>Diethyltryptamine</u> .. .. .	3.0 grammes
Dihydrocodeine except when included in Schedule 2 or Schedule 4	3.0 grammes
<u>Dimethylthiambutene</u> .. .. .	5.0 grammes
<u>Dimethyltryptamine</u> .. .. .	0.7 grammes
<u>Diphenoxylate</u> except when included in Schedule 4	1.0 grammes
<u>Dipipanone</u> .. .. .	2.5 grammes
<u>Ethylmethylthiambutene</u> .. .. .	2.5 grammes
Ethylmorphine except when included in Schedule 2 or Schedule 4	1.5 grammes
<u>Fentanyl</u> .. .. .	0.03 grammes
Heroin .. .. .	0.05 grammes
<u>Hydrocodone</u> .. .. .	0.75 grammes
<u>Hydromorphinol</u> .. .. .	0.75 grammes
<u>Hydromorphone</u> .. .. .	0.25 grammes
<u>Hydroxyamphetamine</u> .. .. .	1.0 grammes
Indian Hemp, excluding the separated resin	25 grammes
Indian Hemp resin .. .. .	5 grammes
Indian Hemp .. .. .	40 cigarettes each containing any proportion of Indian Hemp
<u>Isomethadone</u> .. .. .	1.0 gramme
<u>Levomethorphan</u> .. .. .	0.75 grammes
<u>Levophenacylmorphan</u> .. .. .	0.15 grammes
<u>Levorphanol</u> .. .. .	0.225 grammes
Lysergic acid diethylamide .. .. .	0.004 grammes
Marihuana .. .. .	25 grammes
Mescaline .. .. .	7.0 grammes
<u>Methadone</u> .. .. .	0.5 grammes
<u>Methylamphetamine</u> .. .. .	0.5 grammes
<u>Methylphenidate</u> .. .. .	0.5 grammes
<u>Metopon</u> .. .. .	0.3 grammes
Morphine except when included in Schedule 1	0.5 grammes
<u>Myrophine</u> .. .. .	5.0 grammes
<u>Nicocodine</u> except when included in Schedule 2 and Schedule 4	0.5 grammes
<u>Normethadone</u> .. .. .	1.0 grammes
<u>Normorphine</u> .. .. .	20.0 grammes
Opium except when included in Schedule 1	5.0 grammes
<u>Oxycodone</u> .. .. .	1.5 grammes
<u>Oxymorphone</u> .. .. .	0.5 grammes
<u>Pethidine</u> .. .. .	5.0 grammes
<u>Phenadoxone</u> .. .. .	25.0 grammes
<u>Phenazocine</u> .. .. .	0.25 grammes
<u>Phenmetrazine</u> .. .. .	1.25 grammes
<u>Phenoperidine</u> .. .. .	0.25 grammes
<u>Pholcodine</u> except when included in Schedule 2 or Schedule 4	0.75 grammes

Substance	Prescribed Quantity
<u>Piminodine</u> .. .. .	2.5 grammes
<u>Properidine</u> .. .. .	25.0 grammes
<u>Psilocyn</u> .. .. .	0.1 gramme
<u>Psilocybin</u> .. .. .	0.1 gramme
<u>Racemethorphan</u> .. .. .	1.5 grammes
<u>Racemoramide</u> .. .. .	2.0 grammes
<u>Racemorphan</u> .. .. .	0.45 grammes
<u>Tetrahydrocannabinol</u> .. .. .	40 cigarettes each containing any proportion of tetrahydrocannabinol
<u>Thebacon</u> .. .. .	0.5 grammes
<u>Thebaine</u> .. .. .	0.75 grammes
<u>Trimeperidine</u> .. .. .	3.0 grammes

Given under my hand at Brisbane, the third day of May 1971.

P.R. PATRICK,  
Director-General of Health  
and Medical Services

APPROVED:

S.D. TOOTH,  
Minister for Health

Government Gazette  
24 July 1971

E/NL.1975/70

Department of Health,  
Brisbane, 22 July 1971

HIS Excellency the Governor, acting by and with the advice of the Executive Council, has, in pursuance of the Health Act 1939-1971, been pleased to approve of the following Regulation made by the Deputy Director-General of Health and Medical Services.

S.D. TOOTH

WHEREAS by the Health Act 1937-1971 it is amongst other things enacted that the Director-General may make Regulations: Now, therefore, the Deputy Director-General, with the approval of His Excellency the Governor in Council, acting by and with the advice of the Executive Council, doth hereby make the following Regulation:

Subregulation A6.03 of Regulation A6 of "The Poisons Regulations of 1967" 4/ is amended as follows:

The words "Phenadoxone 2/ 25.0 grammes" are deleted and the words, "Phenadoxone 2.5 grammes" inserted in lieu thereof.

The words, "Desomorphine 10.05 grammes" are deleted and the words, "Desomorphine 0.05 grammes" inserted in lieu thereof.

Given under my hand at Brisbane, this ninth day of July 1971.

P.G. LIVINGSTONE,  
Deputy Director-General of Health and  
Medical Services

APPROVED:

S.D. TOOTH,  
Minister for Health

VICTORIA

E/NL.1975/71

No. 8456

AN ACT TO AMEND THE POISONS ACT 1962 5/

(7 November 1973)

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

1. (1) This Act may be cited as the Poisons (Fees) Act 1973.

Short title

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

Principal Act  
No. 6889  
Reprinted to  
No. 7588  
Subsequently  
amended by  
Nos. 7703,  
8181, 8233,  
8247, 8266,  
8287, 8424

(3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

2. (1) For paragraphs (a) to (c) of sub-section (1) of section 10 of the Principal Act there shall be substituted the following paragraphs:

Amendment of  
No. 6889 s. 10

"(a) to manufacture and sell by wholesale any drug of addiction;

(b) to manufacture and sell by wholesale any poison or deleterious substance other than a drug of addiction;

(c) to sell by wholesale any drug of addiction;

(ca) to sell by wholesale any poison or deleterious substance other than a drug of addiction;

(cb) to sell by retail any poison or deleterious substance specified in Schedules Five and Six."

(2) For sub-section (4) of section 10 of the Principal Act there shall be substituted the following sub-section:

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

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

3. For sub-section (6) of section 12 of the Principal Act there shall be substituted the following sub-section:

"(6) There shall be paid to the Department of Health by every applicant for a licence or permit under this Act or for a renewal thereof the following fees:

- (a) For a licence to manufacture and sell by wholesale any drug of addiction .. .. . \$150.00
- (b) For a licence to manufacture and sell by wholesale any poison or deleterious substance other than a drug of addiction .. .. . \$150.00
- (c) For a licence to sell by wholesale any drug of addiction .. .. . \$150.00
- (d) For a licence to sell by wholesale any poison or deleterious substance other than a drug of addiction .. .. . \$150.00
- (e) For a licence to sell by retail any poison or deleterious substance specified in Schedules Five and Six .. .. . \$7.50
- (f) For a licence to sell by retail any poison or deleterious substance specified in Schedules Two, Five, Six and Seven .. .. . \$15.00
- (g) For an industrial permit .. .. . \$15.00."

Government Gazette No. 105  
31 October 1973

E/NL.1975/72

POISONS ACT 1962 (No. 6889) 5/

PROCLAMATION

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

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

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

".....

6. Amend Schedule Eight to the said Act by removing therefrom the following  
item:

DIHYDROHYDROXYMORPHINONE (Oxymorphone) 2/ and by adding thereto the  
following item:

DIHYDROHYDROXYMORPHINONE (Oxymorphone) except when included in  
Schedule Four.

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

(L.S.) ROHAN DELACOMBE

By His Excellency's Command,

A.H. SCANLAN,  
Minister of Health

TASMANIA

E/NL.1975/73

STATUTORY RULES

1973, No. 143

Order under the Dangerous Drugs Act 1959 6/

In pursuance and exercise of the powers conferred upon me by section 2 of the Dangerous Drugs Act 1959, I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, hereby make the following order.

DANGEROUS DRUGS AMENDMENT ORDER 1973

Short title  
and citation

1. (1) This order may be cited as the Dangerous Drugs Amendment Order 1973.

(2) The Dangerous Drugs Order 1965, 7/ as subsequently amended, is in this order referred to as the Principal Order.

Amendment of  
the third  
schedule

2. The third schedule to the Principal Order is amended by inserting in Part I thereof, after item 67, the following item:

"67A. Pentazocine."

Given under my hand this seventh day of August 1973.

EDRIC BASTYAN, Governor.

By His Excellency's Command,

A.J. FOSTER, Minister for Health

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

M.G. EVERETT, Attorney-General

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Printed and numbered in accordance with the Rules Publication Act 1953.

Notified in the Tasmanian Government Gazette on 15 August 1973.

This order is administered in the Department of Health Services.

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

7/ Note by the Secretariat: E/NL.1966/31, subsequently amended by S.R. 1965, No. 159 (E/NL.1966/32), S.R. 1966, No. 42, S.R. 1967, Nos. 230 and 284 (E/NL.1968/62), S.R. 1969, No. 133 (E/NL.1970/44), S.R. 1970, No. 33 (E/NL.1971/38) and by S.R. 1971, Nos. 98 and 191.



WESTERN AUSTRALIA

E/NL.1975/74

POLICE ACT, 1892-1967 8/

ARRANGEMENT OF SECTIONS

Section

PRELIMINARY

- 1 The Police Ordinance, 1861, and others repealed; saving as to past matters and offences
- 2 Interpretation
- 3 Short title

..... 2/

PART VIA. OPIUM AND DANGEROUS DRUGS

- 94A Definitons and application of Part VIA  
Drugs to which this Part applies  
Calculation percentages in case of liquid preparations
- 94B Prepared opium
- 94C Regulations. Offences
- 94D Power to enter
- 94E Penalties. Attempts, company, imprisonment, certificate of analyst to be evidence.

PART VIB. PROHIBITION OF THE MANUFACTURE, USE, SALE, ACQUISITION, POSSESSION, DISTRIBUTION AND SUPPLY OF DIAMORPHINE, COMMONLY KNOWN AS HEROIN

- 94F Interpretation
- 94G Prohibition
- 94H Penalties

..... 2/

8/ Note by the Secretariat: Incorporating amendments of 1968 published under United Nations symbol E/NL.1970/42.

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

No. 27 of 1892

AN ACT to consolidate and amend the law relating to the Police in Western Australia

(Assented to 18 March 1892)

Preamble WHEREAS it is expedient to consolidate and amend the law relating to the Police Force of Western Australia, and to make further provision for the maintenance of the public peace and good order, and the summary prosecution of certain offences, and for other purposes: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia in Parliament assembled, as follows:

The Police Ordinance, 1861, and others repealed. Saving as to past matters and offences. 1. The enactments described in the First Schedule to this Act are hereby repealed, to the extent mentioned in that Schedule, save and except always as to offences committed and matters and things done before the passing of this Act, which said offences, matters, and things shall be dealt with respectively as if this present Act had not been passed.

(1) In all cases wherein any Ordinance, Act, or Instrument reference is made to the Police Ordinance of 1861, or to any Ordinance or Act hereby repealed, the Ordinance, Act, or Instrument shall be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

Interpretation. Amended by No. 10 of 1959, s.2; No. 28 of 1964; s.2 2. In this Act, unless the context otherwise requires: "Governor" means the person for the time being lawfully administering the Government of Western Australia, acting with the advice of the Executive Council;

"Minister" means the responsible Minister in charge of the Department;

"Justice," "Justices," shall respectively mean a Justice and Justices of the Peace, and "Justice" shall include two or more Justices of the Peace;

"street" includes road, thoroughfare, and public place;

"local authority" means the municipal council, and where there is no municipality means the town council;

"chairman" of the local authority includes mayor of a city or town and president of a shire;

"valuable security" includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property.

Short title 3. This Act may be cited as the Police Act, 1892-1967.

..... 2/

PART VIA. Opium and Dangerous Drugs

94A. (1) In this Part, unless the context or subject-matter otherwise indicates or requires:

- "Cannabis" means the plant known as Cannabis Sativa sometimes known as the marijuana plant and includes any part of the plant;
- "Commissioner" means the Commissioner of Public Health for the time being appointed under the provisions of the Health Act, 1911;
- "drug" means any drug to which this Part of this Act from time to time applies;
- "medical practitioner" means legally qualified medical practitioner registered under the Medical Act, 1894;
- "opium" means the spontaneously coagulated juice obtained from the capsules of the opium poppy (*Papaver somniferum*);
- "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;
- "prescribed" means prescribed by this Part of this Act, or by regulations;
- "prohibited plant" means any prohibited plant under and for the purposes of the Poisons Act 1964;
- "regulations" means regulations made under the authority of this Part of this Act;
- "specified drug" means a substance that is a specified drug under and for the purposes of the Poisons Act, 1964;
- "veterinary surgeon" means a registered veterinary surgeon within the meaning of the Veterinary Surgeons Act, 1960.

(2) The drugs to which this Part of this Act applies are

- (a) morphine, cocaine, ecgonine, and their respective salts, and opium, and any preparation, admixture, extract, or other substance containing not less than one-fifth per centum of morphine or one-tenth per centum of ecgonine, or cocaine, the percentage in the case of morphine being for the purpose of this paragraph calculated as in respect of anhydrous morphine;
- (b) any new derivative of morphine or cocaine or other alkaloid of opium or any other drug, or any preparation, admixture, extract or other substance, to which the Governor, pursuant to the provisions of this subsection as those provisions existed prior to the coming into operation of the Police Act Amendment Act (No. 2), 1964, has by proclamation published in the Gazette declared that this Part of this Act shall apply;

No. 15 of  
1952, s. 7  
Schedule  
Item No. 36.  
No. 11 of  
1928, s. 2.

Definitions  
and application  
of Part VIA.  
N.S.W.,  
No. 7 of 1927,  
s. 2.  
No. 11 of  
1928, s. 3.  
No. 15 of  
1952, s. 7  
Schedule  
Items No. 37  
and No. 38.  
Amended by  
No. 28 of  
1953, s. 4;  
No. 10 of  
1959, s. 4.  
No. 71 of  
1964, s. 3;  
No. 52 of  
1967 s. 2.

Drugs to  
which this  
Part applies.  
Cf. 10 and 11  
Geo. V.c.46,  
s. 8.  
N.S.W. No. 7  
of 1927, s. 2

10 and 11  
Geo. V., c.46

- (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;
- (d) cannabis; and
- (e) any prohibited plant.

Calculation of percentages in case of liquid preparations. 13 and 14 Geo. V., c. 5, s. 5.

(2a) Percentages in the case of liquid preparations shall unless other provision in that behalf is made by regulations under this Part of this Act, be calculated on the basis that a preparation containing one per centum of any substance means a preparation in which one gramme of the substance, if a solid, or 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.

(3) This Part of this Act shall not apply in respect of the preparations named in the Third Schedule to this Act.

(4) A proclamation made pursuant to the provisions of this section may be cancelled or from time to time varied by subsequent proclamation.

Prepared opium. 10 and 11 Geo. V., c. 46, s. 5. N.S.W., No. 7 of 1927, s. 2. No. 11 of 1928, s. 4. No. 15 of 1952, s. 7. Schedule Item No. 39. Amended by No. 71 of 1964, s. 4.

94B. 10/ (1) If any person:

- (a) manufactures, sells, or otherwise deals in cannabis or prepared opium; or
- (b) has in his possession any cannabis or prepared opium; or
- (c) being the occupier of any premises permits those premises to be used for the purpose of the preparation of cannabis or opium for smoking or the sale, distribution, or smoking of, prepared opium; or
- (d) being the owner or lessee of any premises knowingly permits such premises to be used for the purpose of cannabis or opium smoking; or
- (e) is concerned in the management of any premises used for any such purpose as aforesaid; or
- (f) has in his possession any pipes or other utensils for use in connexion with the smoking of opium or any utensils used in connexion with the preparation of opium for smoking; or
- (g) smokes or otherwise uses cannabis or prepared opium or is found in any place which is then being used for the purpose of cannabis or opium smoking.

he shall be guilty of an offence against this Part of this Act.

In this subsection the expression "owner" includes the person entitled to receive the rent of premises and the person to whom the rent of premises is paid.

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10/ Note by the Secretariat: Subsequently amended by E/NL.1972/29.

(2) If any person has in his possession or attempts to obtain possession of any other drug to which this Part of this Act applies he shall be guilty of an offence against this Part of this Act, unless he is authorized under the provisions of the Poisons Act, 1964, 11/ or the regulations made under that Act, to be in possession of the drug, or the drug was supplied for his use by a medical practitioner or veterinary surgeon, or on and in accordance with a prescription complying with that Act or those regulations.

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

94C. (1) For the purpose of preventing the improper use of the drugs to which this Part of this Act applies, the Governor may make regulations prescribing matters and things (including fees) that by this Part of this Act are contemplated, required or permitted to be prescribed, or that appear to the Governor to be necessary or convenient for the purpose of effectually carrying out the provisions of this Part of this Act, or for better effecting the operation, objects and purposes of such Part.

(2) Regulations made under the provisions of this section are in addition to and not in derogation of any regulations made under the Poisons Act, 1964, but where and to the extent that inconsistency exists between the regulations made under this section and regulations made under the Poisons Act, 1964, the latter regulations shall prevail.

(3) A person who acts in contravention of or fails to comply with any regulation made under this Part of this Act is guilty of an offence against such Part.

94D. (1) Any member of the police force or other person authorized in that behalf by any general or special order of the Minister shall, for the purposes of the execution of this Part of this Act, have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller, or distributor of any drug to which this Part of this Act applies, and to demand the production of and to inspect any books or documents relating to dealings in any such drug, and to inspect any stocks of any such drug.

Regulations.  
Amended by  
No. 28 of  
1953, s. 5.  
See 10 and 11.  
Geo. V.,  
c. 46, s. 7.  
N.S.W.  
No. 7 of  
1927, s. 2.  
No. 11 of  
1928, s. 5.  
No. 15 of  
1952, s. 7.  
Schedule  
Item No. 40.  
Substituted  
by No. 71 of  
1964, s. 5.

Power to  
enter.  
10 and 11,  
Geo. V.,  
c. 46, s. 10.  
13 and 14  
Geo. V.,  
c. 5, s. 1(2).  
N.S.W.,  
No. 7 of  
1927, s. 2.  
No. 11 of  
1928, s. 6.  
No. 15 of  
1952, s. 7.  
Schedule  
Item No. 41.

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11/ Note by the Secretariat: E/NL.1966/48.

13 and 14  
Geo. V.,  
c. 5, s. 1.

(2) If a Justice is satisfied by information on oath that there is reasonable ground for suspecting:

- (a) that any opium or drug to which this Part of this Act applies is, in contravention of the provisions of this Part of this Act or the regulations, in the possession or under the control of any person in any premises; or
- (b) that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which would, if carried out, be an offence against this Part of this Act, is in the possession or under the control of any person in any premises,

such Justice may grant a search warrant authorizing any constable 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.

And, if there is reasonable ground for suspecting:

- (i) that an offence against this Part of this Act has been committed in relation to any such drug which may be found in the premises or in the possession of any such persons; or
- (ii) that any document which may be so found is such a document as aforesaid,

to seize and detain the drug or that document, as the case may be.

10 and 11  
Geo. V.,  
c. 46,  
s. 10(2).

(3) If any person wilfully delays or obstructs any person in the exercise of his powers under this section or fails to produce or conceals or attempts to conceal any such books, stocks, opium, drug, or documents as aforesaid, he shall be guilty of an offence against this Part of this Act.

Penalties.  
13 and 14  
Geo. V.,  
c. 5,  
s. 2(2).  
N.S.W.

94E. 10/ (1) Every person guilty of an offence against this Part of this Act shall in respect of each offence be liable on summary conviction to a fine not exceeding one thousand five hundred dollars or to imprisonment for a term not exceeding three years.

No. 7 of  
1927, s. 2.

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

No. 11 of  
1928, s. 7.  
No. 15 of  
1952, s. 7.

The court before which the offender was convicted may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

Schedule  
Item No. 42.  
Amended by  
No. 71 of  
1964, s. 6;  
No. 113 of  
1965, s. 8;  
No. 52 of  
1967, s. 3.

(2) No person shall, on conviction for any offence of contravening or failing to comply with the conditions of any license to supply a drug to which this Part of this Act applies or any regulation relating to the keeping of books or the issuing or dispensing of prescriptions containing a drug to which this Part of this Act applies, be sentenced to imprisonment without the option of a fine, or to pay a fine exceeding twenty 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 connexion with the commission or intended commission of any other offence against this Part of this Act.

(3) If any person attempts to commit an offence against this Part of this Act, or solicits or incites another person to commit such an offence, he shall, without prejudice to any other liability, be liable on summary conviction to the same punishment and forfeiture as if he had committed an offence under this Part of this Act.

Attempts.  
13 and 14  
Geo. V.,  
c.5, s. 1.

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

Company.  
Ibid.

(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 Part of this Act 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.

Imprisonment.

(6) In any proceedings against a person for an offence against this Part of this Act 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.

Proof.  
13 and 14  
Geo. V.,  
c. 5, s. 1(3)

(7) Any analyst appointed under the Health Act, 1911, analysing any drug or substance submitted to him in pursuance of the regulations under this Part of this Act, may give a certificate in the form prescribed of the result of the analysis.

Certificate of  
analyst to be  
evidence.  
No. 15 of 1952,  
s. 7.  
Schedule Item  
No. 42

In any legal proceedings under this Part of this Act or the regulations made thereunder, the production of a certificate purporting to be signed by such an analyst shall be prima facie evidence of the identity of the drug or substance analysed, and of the result of the analysis, without proof of the signature or appointment of the person appearing to have signed the same.

PART VIB. Prohibition of the manufacture, use, sale, acquisition, possession, distribution, and supply of diamorphine, commonly known as heroin

Part VIB added  
by No. 28 of  
1953, s. 6.

94F. 10/ In this Part unless the context requires otherwise

Interpretation.  
Added by No. 28  
of 1953, s. 6.

"drug" means diamorphine, commonly known as heroin, and includes its salts and any preparation, admixture, extract, or other substance containing it;

"to possess" includes to have control or dominion over, and to have the disposition of, and inflections and derivatives of the verb, "to possess" have correlative meanings;

"to sell" means to sell by wholesale or retail and includes barter, supply for profit, offer for sale, receive for sale, have in possession for sale, expose for sale, send forward or deliver for sale, cause or suffer to be sold, and inflections and derivatives of the verb "to sell" have correlative meanings.

Prohibition. 94G. 10/ It is an offence to manufacture, use, sell, acquire, possess, Added by distribute, or supply the drug. No. 28 of 1953, s. 6.

Penalties. 94H. 10/ The provisions of subsections (1), (3), (4), (5), (6) and (7) Added by of section 94E of this Act, apply as if repeated at length in this section, No. 28 of 1953, s. 6. and for the purposes of giving effect in this section to the provisions of subsection (7) of that section, the Governor may make regulations providing Cf. s. 94E for the analysing of any drug or substance by an analyst appointed under the Health Act, 1911.

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SCHEDULES

THE FIRST SCHEDULE

Session and Number	Title or Short Title	Extent of Repeal
14 Vic., No. 20.	An Ordinance for the Establishment of further Precautionary Regulations for the Port of Freemantle.	The whole.
14 Vic., No. 25.	An Ordinance to provide a more Suitable Mode of Inflicting Punishment for Drunkenness.	The whole.
17 Vic., No. 8.	An Ordinance for the More Effectual Suppression of Drunkenness.	The whole.
18 Vic., No. 1.	An Ordinance to Regulate the forms to be Observed by Pardoned Convicts prior to their leaving the Colony.	The whole.
25 Vic., No. 15.	The Police Ordinance, 1861.	The whole.
28 Vic., No. 12.	An Ordinance to Amend the Police Ordinance, 1861.	The whole.
34 Vic., No. 28.	An Act to alter and amend the 12th section, and to repeal the 35th section of the Police Ordinance, 1861, and to enact another clause in lieu thereof.	The whole.
39 Vic., No. 15.	An Act to regulate the Execution of Warrants of Arrest.	The whole.
41 Vic., No. 18.	An Act to amend the 26th section of the Police Ordinance, 1861.	The whole.
44 Vic., No. 3.	An Act to amend the Police Ordinance, 1861.	The whole.
44 Vic., No. 9.	The Wines, Beer, and Spirit Sale Act, 1880.	Section 82.
46 Vic., No. 14.	An Act to make the winning of money by Cheating at cards, or at other Games a Criminal Offence.	The whole.

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THE THIRD SCHEDULE.

Section 94A.  
N.S.W.,  
No. 7 of 1927  
s. 2.  
No. 11 of  
1928, s. 3.  
No. 15 of 1952,  
s. 7.

- Cereoli Iodoformi et Morphinae, B.P.C.
- Emp. Opii, B.P., 1898.
- Lin Opii, B.P.
- Lin Opii, Ammon., B.P.C.
- Pasta Arsenicalis, B.P.C.
- Pil. Hydrarg. c. Opio, B.P.C.
- Pil. Ipecac. c. Scilla, B.P.
- Pil. Plumbi c. Opio, B.P.
- Pil. Digitalis et Opii Co., B.P.C.
- Pil. Hydrarg c. Cret. et Opii, B.P.C.
- Pulv. Cretae Aromat. c. Opii, B.P.
- Pulv. Ipecac. Co., B.P. (Dover's Powder).
- Pulv. Kino Co., B.P.
- Tablettaa Plumbi c. Opio, B.P.C.
- Ung. Gallae c. Opio, B.P. (Gall and Opium Ointment).
- Ung. Gallae Co., B.P.C.

NEW SOUTH WALES

E/NL.1975/75

Act No. 14, 1972

An Act to regulate the manufacture, distribution and advertising of certain therapeutic goods; to impose standards in relation to certain therapeutic goods and cosmetics; to amend the Pure Food Act, 1908, the Poisons Act, 1966, 12/ and certain other Acts in certain respects; and for purposes connected therewith. (Assented to, 22nd March 1972).

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:

PART I.

PRELIMINARY

1. (1) This Act may be cited as the "Therapeutic Goods and Cosmetics Act, 1972". Short title and commencement

(2) 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.

..... 2/

12/ Note by the Secretariat: E/NL.1967/23; see also E/NL.1968/42.

PART IX.

AMENDMENT OF ACTS

Amendment of  
Act No. 31, 1908

56. (1) The Pure Food Act, 1908, is amended:

Long title

(a) by omitting from the long title the words "and drugs";

Sec. 4.  
(Interpretation)

(b) (i) by omitting the definition of "Appliance" in subsection one of section four and by inserting in lieu thereof the following definition:

"Appliance" means the whole or any part of any utensil, machinery, instrument, apparatus or article used or intended for use in or for the making, manufacturing, keeping, preserving, preparing, handling, serving, or supplying of any food or which in the course of such use may come into contact with any food.

(ii) by omitting the definition of "Drug" in the same subsection,

Sec. 5.  
(Adulteration  
or false  
description)

(c) (i) by omitting from section five the words "or a drug" wherever occurring:

(ii) by omitting from paragraph (k) of the same section the words "morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substance contained therein, or any other";

(iii) by omitting from the same section the words "or drug" wherever occurring;

(iv) by omitting from the same section the words "or drugs";

Sec. 6.  
(Advisory  
committee)

(d) by omitting from subsection one of section six the words "a representative of the Pharmacy Board;"

Sec. 10.  
(Adulterated  
food)

(e) (i) by omitting from the short heading to section ten the words "and drugs";

(ii) by omitting from the same section the words "or any drug";

Sec. 10A.  
(Tender or  
despatch of  
food, etc.,  
adulterated or  
falsely  
described)

(f) by omitting from section 10A the word and symbols ", drug,";

- (g) (i) by omitting from paragraph (a) of subsection one of section eleven the word "or" where lastly occurring; Sec. 11.  
(Mixing food so as to be injurious to health)
- (ii) by omitting paragraph (b) of the same subsection;
- (iii) by omitting from subsection two of the same section the words "or drug" wherever occurring;
- (iv) by omitting from the same subsection the words "or potency";
- (h) (i) by omitting from section twelve the words "or drug" wherever occurring; Sec. 12.  
(Mixing or selling food to increase bulk)
- (ii) by omitting from subsection three of the same section the words "or the drug,";
- (iii) by omitting subsection four of the same section;
- (i) (i) by omitting from section thirteen the words "or drug" wherever occurring; Sec. 13.  
(Sale of mixture)
- (ii) by omitting from subsection one of the same section the words "when the mixture is a food,";
- (iii) by omitting from paragraph (a) of the proviso to the same subsection the words "or a drug" where firstly occurring;
- (iv) by omitting from the same paragraph the words "or a drug not recognized by the British Pharmacopoeia";
- (v) by omitting paragraph (b) of the same proviso;
- (vi) by omitting from paragraph (c) of the same proviso the word "or";
- (vii) by omitting paragraph (d) of the same proviso;
- (j) (i) by omitting from the short heading to section fourteen the words "or drug"; Sec. 14.  
(Packages to be labelled with description, weight etc. of contents)
- (ii) by omitting from subsection one of the same section the words "or drug" wherever occurring;
- (iii) by omitting from the same subsection the following words:
- No person shall, after the expiration of six months from the commencement of the Pure Food (Amendment) Act, 1944, sell in a package any drug unless such a statement or label is written on or attached to such package as required by this section.
- Nothing in this subsection shall apply to any package of drug where such drug is supplied by prescription or order signed by a legally qualified medical practitioner for any person then under his care and treatment.
- (iv) by omitting from subsection three of the same section the words "or drugs";

Sec. 15. (k) by omitting from section fifteen the words "or drug" wherever  
(Liability of occurring;  
person named  
on package)

Sec. 16. (l) by omitting from subsection one of section sixteen the word  
(Examination and symbols ", drug," wherever occurring;  
and report  
upon food  
and appliances  
advertised)

Sec. 17. (m) (i) by omitting from section seventeen the words "or drug"  
(Prohibition of sale of injurious appliances)  
wherever occurring;  
(ii) by omitting subsection three of the same section;

Sec. 17A. (n) (i) by omitting from paragraph (a) of section 17A the words  
(Board may require information concerning advertised food)  
"or drug has nutritional properties or is of use for curative purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect, or" and by inserting in lieu thereof the words "has nutritional properties;"  
(ii) by omitting paragraph (b) of the same section;  
(iii) by omitting from the same section the words "drug, or appliance or the specifications of the appliance";  
(iv) by omitting from the same section the words "to the food, drug, or appliance" and by inserting in lieu thereof the word "thereto";  
(v) by omitting from the same section the words ", drug, or appliance" where thirdly occurring;  
(vi) by omitting from the same section the words ", drug or appliance";

Sec. 22. (o) (i) by omitting from the short heading to section twenty-two the  
(Entry and inspection of place and animals or articles therein)  
word and symbols ", drugs,";  
(ii) by omitting from the same section the words "or drug" wherever occurring;  
(iii) by omitting paragraph (b) of subsection seven of the same section;  
(iv) by omitting from subsection eight of the same section the words "; and the presence of drugs in any place shall be evidence that such drugs were intended to be sold or used";

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| (p) by omitting from section twenty-three the words "or drug" wherever occurring;               | Sec. 23.<br>(Power to demand, select, and take samples)         |
| (q) by omitting from section twenty-four the words "or drug" wherever occurring;                | Sec. 24.<br>(Manner in which sample may be dealt with)          |
| (r) by omitting from section twenty-five the words "or drug";                                   | Sec. 25.<br>(Forwarding of sample by post)                      |
| (s) by omitting from section twenty-six the words "or drugs";                                   | Sec. 26.<br>(Councils to submit samples for analysis)           |
| (t) by omitting from section twenty-nine the word and symbols ", drug," wherever occurring;     | Sec. 29.<br>(Certificate of analyst to be evidence)             |
| (u) by omitting from section thirty the word and symbols ", drug,";                             | Sec. 30.<br>(Certificate of analysis)                           |
| (v) (i) by omitting from subsection one of section thirty-three the word and symbols ", drug,"; | Sec. 33.<br>(Costs of analysis)                                 |
| (ii) by omitting from the same subsection the words "or drug";                                  |   |
| (w) by omitting from section thirty-four the word and symbols ", drug," wherever occurring;     | Sec. 34.<br>(Copy of result of analysis)                        |
| (x) by omitting from section thirty-seven the word and symbol "drug,";                          | Sec. 37.<br>(Interference with official marks or seals)         |
| (y) by omitting from paragraph (d) of section thirty-eight the word and symbols ", drug,";      | Sec. 38.<br>(Obstruction of officer in discharge of his duties) |
| (z) by omitting from subsection one of section thirty-nine the word and symbols ", drug,";      | Sec. 39.<br>(Forfeiture of food or article)                     |

- Sec. 39A. (aa) by omitting from section 39A the word and symbol ", drug" wherever occurring;  
(Power to prohibit carrying on of business by persons convicted of offence against Act or regulations)
- Sec. 41. (bb) by omitting from section forty-one the word and symbols ", drug,";  
(Limit of time for prosecutions)
- Sec. 42. (cc) by omitting from section forty-two the word and symbols ", drug,";  
(Return day of summons)
- Sec. 43. (dd) by omitting from section forty-three the word and symbols ", drug,";  
(Copy of analyst's certificate)
- Sec. 44. (ee) by omitting from section forty-four the words "or drug";  
(Possession prima facie evidence of contravention of Act)
- Sec. 46. (ff) by omitting from section forty-six the words "or drug";  
(Onus of proof)
- Sec. 47. (gg) by omitting from section forty-seven the words ", or drug," wherever occurring;  
(Guarantee when a defence)
- Sec. 48. (hh) by omitting from section forty-eight the word and symbols ", drug," wherever occurring;  
(Agent or servant liable in addition to principal)
- Sec. 49. (ii) by omitting from subsection one of section forty-nine the word and symbols ", drug," wherever occurring;  
(Agent or servant may recover from principal)

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| (jj) by omitting from section fifty the word and symbols ", drug," wherever occurring;   | Sec. 50.<br>(Prosecution of employee for selling adulterated article)  |
| (kk) by omitting from subsection one of section fifty-one the word and symbols ", drug," wherever occurring;   | Sec. 51.<br>(Power to require information to be made available)        |
| (ll) by omitting from section 51A the words "or drug" wherever occurring;  | Sec. 51A.<br>(Power to close dirty food stores, etc.)                  |
| (mm) by omitting from section fifty-two the words "or drug" wherever occurring;  | Sec. 52.<br>(Suggestive names for articles of food)                    |
| (nn) by omitting from section fifty-three the word and symbols ", drug," wherever occurring;   | Sec. 53.<br>(Publication of names of offenders)                        |
| (oo) (i) by omitting from subsection one of section fifty-four the words "or drug" wherever occurring;   | Sec. 54.<br>(Regulations made on recommendation of advisory committee) |
| (ii) by omitting from the same subsection the words "analysing any food, drug, or article" and by inserting in lieu thereof the words "analysing any food or article";             |  |
| (iii) by omitting from the same subsection the words "or drugs";   |  |
| (iv) by omitting from the same subsection the words "adulteration of any food, drug, or article" and by inserting in lieu thereof the words "adulteration of any food or article"; |  |
| (v) by omitting from the same subsection the words "delivery of any food, drug, or article" and by inserting in lieu thereof the words "delivery of any food or article";          |  |
| (vi) by omitting from the same subsection the words "packing of any food, drug or article" and by inserting in lieu thereof the words "packing of any food or article".            |  |

Further amendment of Act No. 31, 1908

(2) The Pure Food Act, 1908 is further amended:

Subst. short heading before sec. 18

(a) by omitting the short heading appearing next before section eighteen and by inserting in lieu thereof the following short heading:

Preservatives

Sec. 18. (Prohibition of sale of preservatives)

(b) by omitting from subsection one of section eighteen the words "disinfectant, germicide, antiseptic, or";

Sec. 19. (Labelling of preservatives)

(c) by omitting from subsection one of section nineteen the words "disinfectant, germicide, antiseptic or";

Sec. 19A. (Packing of disinfectant or poisonous substance)

(d) by omitting section 19A.

(3) The provisions of the Pure Food Act, 1908, as enacted before the commencement of this section, shall continue to apply to and in respect of any drugs (within the meaning of that Act, as so enacted) in respect of which any offence was committed against that Act or the regulations under that Act before that commencement, in the same manner as if that Act had not been amended by this Act.

(4) Nothing in subsection three of this section affects any savings effected by the Interpretation Act, 1897.

(5) The person appointed as a member of the advisory committee under the Pure Food Act, 1908, in his capacity as a representative of the Pharmacy Board and holding office as such immediately before the commencement of this section shall, subject to that Act, be entitled to continue in office as such member until the expiration of the period for which he could have acted as such had this Act not been enacted, but shall not be eligible for reappointment in that capacity.

..... 2/

Amendment of Act No. 31, 1966

59. (1) The Poisons Act, 1966, 12/ is amended

Sec. 4. (Interpretation)

(a) (i) by omitting from paragraph (b) of the definition of "Therapeutic use" in subsection one of section four the word "or" where thirdly occurring;



- (ii) by inserting at the end of paragraph (c) of the same definition the following word and new paragraph:

; or

- (d) destroying or inhibiting micro-organisms that may be harmful to man or animal;

- (b) (i) by omitting from subsection one of section thirty-four the words "specified in any Schedule of the Poisons List" and by inserting in lieu thereof the words "to which this section applies"; Sec. 34.  
(Hawking, etc.  
of poisons)

- (ii) by omitting from subsection two of the same section the words "specified in any Schedule (Schedule Eight excepted) of the Poisons List" and by inserting in lieu thereof the words "to which this section applies (other than a substance specified in Schedule Eight of the Poisons List)";

- (iii) by inserting at the end of the same section the following new subsection:

(3) This section applies to any substance that is specified in any Schedule of the Poisons List, but does not apply to any therapeutic goods within the meaning of the Therapeutic Goods and Cosmetics Act, 1972.

- (c) (i) by omitting from subparagraph (i) of paragraph (a) of subsection one of section thirty-six the words "specified in any Schedule of the Poisons List" and by inserting in lieu thereof the words "to which this section applies"; Sec. 36.  
(Selling  
poisons, etc.  
by automatic  
machines  
prohibited)
- (ii) by omitting from subparagraph (ii) of the same paragraph the words "substance so specified" and by inserting in lieu thereof the words "any such substance";

- (iii) by inserting at the end of the same section the following new subsection:

(3) This section applies to any substance specified in any Schedule of the Poisons List, but does not apply to any therapeutic goods within the meaning of the Therapeutic Goods and Cosmetics Act, 1972.

- (d) by omitting from subsection three of section forty the words "appointed by the Governor as an analyst under the Pure Food Act, 1908, as amended by subsequent Acts" and by inserting in lieu thereof the words "who is an analyst within the meaning of the Therapeutic Goods and Cosmetics Act, 1972". Sec. 40.  
(Proof of  
certificate of  
an analyst)

(2) Where a person appointed by the Governor as an analyst under the Pure Food Act, 1908, has given a certificate of the result of an analysis under section forty of the Poisons Act, 1966, 10/ before the commencement of this section the provisions of subsection two of the said section forty shall continue to apply to and in respect of that certificate and that result as if the said section forty had not been amended by this section.

Government Gazette No. 105,  
17 August 1973

E/NL.1975/76

1973, No. 233

REGULATIONS

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POISONS ACT, 1966. 12/

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Health Commission of New South Wales,  
Sydney, 17 August 1973

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to amend the Poisons Regulations 13/ under the Poisons Act, 1966, in the manner set forth hereunder.

A.H. JAGO, Minister for Health

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The Poisons Regulations are amended

- (a) by inserting in regulation 2, in the definition of "Nurse", after the words "a general,", the words "geriatric, mental retardation,";
- (b) (i) by inserting at the end of regulation 24 (2) (a) (iv) the word "and";  
(ii) by omitting from regulation 24 (2) the words:  
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;
- (c) (i) by omitting from regulation 27 (2) (a) the words:  
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.

and by inserting instead the words "but does not specify the maximum number of times it may be dispensed."

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13/ Note by the Secretariat: E/NL.1968/43.

- (ii) by inserting at the end of regulation 27 (4) (b) (i) the word "or";
- (iii) by omitting regulation 27 (4) (b) (ii);
- (iv) by omitting regulation 27 (4) (c) and by inserting instead the following subparagraph:

(c) before any restricted substance is handed to the purchaser, the prescription, whether given in writing or otherwise, shall be recorded in full in a prescription book. The entry shall bear an identifying letter or number or combination thereof and the date upon which the restricted substance is dispensed, and shall be initialled by the person who actually dispensed the restricted substance. 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;

..... 9/

- (m) by inserting in Appendix D next before the matter "Diethylpropion" the following matter:

Chlordiazepoxide, diazepam, nitrazepam, oxazepam and other substances structurally derived from benzodiazepine.

- (n) by inserting in Appendix E next after the matter "Opium 5 grammes." the matter "Opium, prepared .. .. 5 grammes."

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POISONS ACT, 1966 12/ PROCLAMATION

A.R. CUTLER, Governor

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, in pursuance of the provisions of the Poisons Act, 1966, upon the recommendation of the Minister for Health, made on the recommendation of the Poisons Advisory Committee and with the advice of the Executive Council, do, by this my Proclamation, declare that the Poisons List proclaimed and established under such Act shall be amended as set forth in the Schedule hereunder.

Signed and sealed at Sydney, this third day of October 1973.

By His Excellency's Command,

A.H. JAGO

GOD SAVE THE QUEEN!

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SCHEDULE OF AMENDMENTS TO THE POISONS LIST

The Poisons List is amended:

- (a) by inserting in Schedule One the following substance:

MORPHINE in compounded preparations containing 0.2 per cent or less of anhydrous morphine.

- (b) by inserting in Schedule Eight, in the matter relating to MORPHINE, the following words:

except where Schedule One of the Poisons List applies.

(The amendments referred to in (a) and (b) are effective from 1 November 1973)

- (c) by omitting from Schedule One the following substance:

MORPHINE in compounded preparations containing 0.2 per cent or less of anhydrous morphine.

- (d) by omitting from Schedule Eight, in the matter relating to MORPHINE, the following words:

except where Schedule One of the Poisons List applies.

(The amendments referred to in (c) and (d) are effective from 1 April 1974)

(N.B. The above amendments have the effect of deferring until 1 April 1974, certain amendments previously operating from 1 July 1973, and more recently from 1 November 1973, which were published in Government Gazette No. 53 of 27 April 1973, No. 68 of 25 May 1973 and No. 86 of 29 June 1973).