

ured within the Commonwealth and boots, shoes, and textile products manufactured elsewhere than within the Commonwealth; and

- (e) may impose penalties, not exceeding two hundred dollars, for offences against the regulations.

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## DANGEROUS DRUGS.

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### No. 2 of 1971.

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

[29 April 1971.]

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

**1**—(1) This Act may be cited as the *Dangerous Drugs Act 1971*. Short title and citation.

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

**2** Section two of the Principal Act is amended—

Interpretation.

(a) by inserting in subsection (1) thereof, after the definition of “medicinal opium”, the following definition:—

“ ‘opium poppy’ means the plant of the species *Papaver somniferum L.*;”

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

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

“ ‘sell’ means sell (whether by wholesale or retail) and includes—

- (a) offer or expose for sale;
- (b) barter or exchange;
- (c) deal in or agree to sell;
- (d) send, forward, deliver, or receive for sale or on sale; and
- (e) authorize, direct, cause, permit, or suffer any of those acts or things to be done.”

**3** Section five of the Principal Act is repealed and the following section is substituted therefor:—

Sale, &c., of  
dangerous  
drugs  
prohibited.

“5—(1) No person shall—

- (a) sell or supply a dangerous drug to another person; or
- (b) traffic in a dangerous drug,

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

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

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

“(4) Upon an indictment under this section, proof that the accused person had in his possession, at the time of the commission of the alleged crime, more than the maximum permissible quantity of a drug to which the indictment relates is evidence that he had that drug in his possession for the purpose of sale or supply to another person or for the purpose of trafficking in that drug, as the case may be.

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

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

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

Possession of  
dangerous  
drugs.

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

Regulations.

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

“(2) The regulations under this section may—

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

- (b) prescribe different quantities in relation to different drugs or classes or descriptions of drugs; and
- (c) prescribe the drugs to which the regulations relate either specifically or by reference to any international convention referred to in the regulations or to any list of drugs issued by, or by an agency of, the United Nations.”.

**6** Section ten of the Principal Act is amended by inserting in subsection (1) thereof, before the word “producer”, the word “grower,”. Powers of inspectors.

**7** Section eleven of the Principal Act is amended—

Offences.

- (a) by omitting from subsection (1) thereof the words “to five” and substituting therefor the words “or four”;
- (b) by omitting subsection (2) thereof; and
- (c) by inserting in paragraph (a) of subsection (3) thereof, before the word “section”, the words “subsection (1) of”.

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

“17A—(1) No person shall, except under and in accordance with a licence granted, or deemed to have been granted, by the Minister under this section and in accordance with the conditions and restrictions specified in the licence, grow or cultivate— Growing of certain plants prohibited except under licence.

- (a) any opium poppy;
- (b) any plant of the genus of the *erythroxylaceae* from which cocaine can be extracted either directly or by chemical transformation; or
- (c) Indian hemp.

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

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

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

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

“17B—(1) No person shall have in his possession—

Prohibition of possession of opium poppies, &c.

- (a) an opium poppy, whether in its original form or not; or
- (b) any part of an opium poppy, other than the seed thereof,

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

- (c) a licensed manufacturing chemist;
- (d) the holder of a licence under section seventeen A authorizing him to grow or cultivate the opium poppy; or
- (e) a person who is engaged, under a contract or arrangement entered into between him and the holder of such a licence, in the transport of opium poppies or any parts thereof from the place where they are grown or cultivated to—
  - (i) a place where a licensed manufacturing chemist is authorized by his licence to engage in the business of making drugs from opium poppies; or
  - (ii) a place where, by or on behalf of such a chemist, they are subjected to any treatment or process preparatory to their use in the making of drugs.

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

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

Amendment  
of the *Police  
Offences Act  
1935.*

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

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## HIRE-PURCHASE.

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**No. 3 of 1971.**

AN ACT to amend the *Hire-Purchase Act 1959*.

[29 April 1971.]

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

Short title  
and citation.

**1**—(1) This Act may be cited as the *Hire-Purchase Act 1971*.

(2) The *Hire-Purchase Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.