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**POISONS AMENDMENT ACT 1984**


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**No. 27 of 1984**


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POISONS AMENDMENT ACT 1984

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No. 27 of 1984  
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AN ACT to amend the Poisons Act 1971.

[Royal Assent 16 May 1984]

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**—This Act may be cited as the *Poisons Amendment Act 1984*. Short title.

**2**—(1) This section and section 1 shall commence on the day on which this Act receives the royal assent. Commencement.

(2) Except as provided in subsection (1), the several provisions of this Act shall commence on such day or days as may be fixed by proclamation.

**3**—In this Act, the *Poisons Act 1971*\* is referred to as the *Principal Act*. Principal Act.

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\* No. 81 of 1971. Amended by Nos. 75 and 95 of 1973, No. 80 of 1976, and Nos. 43 and 99 of 1982.

Amendment of  
long title of  
Principal Act.

**4**—The long title of the Principal Act is amended by omitting “ and the establishment and functions of a Poisons Advisory Committee,”.

Amendment of  
section 3 of  
Principal Act  
(Interpreta-  
tion).

**5**—(1) Section 3 (1) of the Principal Act is amended as follows:—

(a) by inserting the following definitions before the definition of “ analyst ”:—

“ aircraft ” includes a helicopter, a hovercraft, and an autogiro;

“ analysis ”, in relation to a substance, includes any bacteriological, biochemical, electrical, electrochemical, microscopical, pathological, or other examination or test of or applied to the substance;

(b) by inserting the following definition after the definition of “ automatic machine ”:—

“ boat ” includes a vessel or water craft of any description;

(c) by omitting the definition of “ Committee ”;

(d) by omitting “ the seventh schedule ” from the definition of “ dangerous poison ” and substituting “ Schedule 7 ”;

(e) by omitting “ the fifth schedule ” from the definition of “ domestic poison ” and substituting “ Schedule 5 ”;

(f) by omitting “ the first schedule ” from the definition of “ hazardous poison ” and substituting “ Schedule 1 ”;

(g) by inserting the following definition after the definition of “ Indian hemp ”:—

“ industrial or agricultural poison ” means a substance that is, for the time being, specified in Schedule 6 to the Poisons List;

(h) by omitting the definition of “ inspector ” and substituting the following definition:—

“ inspector ” means a person appointed and holding office under section 23;

(i) by omitting “ the second schedule ” from the definition of “ medicinal poison ” and substituting “ Schedule 2 ”;

(j) by omitting “ the eighth schedule ” from the definition of “ narcotic substance ” and substituting “ Schedule 8 ”;

- (k) by omitting “ the first, second, third, fifth, sixth, or seventh schedule ” from the definition of “ poison ” and substituting “ Schedule 1, 2, 3, 5, 6, or 7 ”;
- (l) by omitting “ confirmed ” from the definition of “ Poisons List ” and substituting “ prepared and declared ”;
- (m) by omitting “ the third schedule ” from the definition of “ potent substance ” and substituting “ Schedule 3 ”;
- (n) by omitting “ made on the recommendation of the Committee ” from the definition of “ prohibited plant ”;
- (o) by omitting “ made on the recommendation of the Committee ” from the definition of “ prohibited substance ”;
- (p) by omitting “ made on the recommendation of the Committee ” from the definition of “ raw narcotic ”;
- (q) by inserting the following definitions after the definition of “ raw opium ”:—
  - “ registered nurse ” means a person registered under the *Nurses’ Registration Act 1952*;
  - “ the regulations ” means regulations made and in force under this Act;
- (r) by omitting “ the fourth schedule ” from the definition of “ restricted substance ” and substituting “ Schedule 4 ”;
- (s) by omitting the definition of “ supply ” and substituting the following definition:—
  - “ supply ”, in relation to a substance, includes—
    - (a) administer a substance, whether orally, subcutaneously, or by any other means;
    - (b) dispense a substance on prescription; and
    - (c) offer or agree to supply a substance;
- (t) by inserting the following definitions after the definition of “ therapeutic use ”:—
  - “ traffic ” includes keep or have in possession for trafficking, and trafficking has a corresponding meaning;
  - “ vehicle ” means any mode of transport, other than an aircraft or a boat;

(2) Section 3 of the Principal Act is further amended by inserting the following subsection after subsection (1):—

(1A) In this Act, a reference to an analysis or examination of a plant is a reference to such an analysis or examination for the purpose of determining whether or not the plant is a prohibited plant.

Repeal of section 4 of Principal Act.

**6**—Section 4 of the Principal Act is repealed.

Repeal of Division I of Part II of Principal Act (The Poisons Advisory Committee).

**7**—Division I of Part II of the Principal Act is repealed.

Substitution of Division II of Part II of Principal Act. The Poisons List.

**8**—Division II of Part II of the Principal Act is repealed and the following Division is substituted:—

*Division II—Classification of substances*

14—(1) As soon as practicable after the commencement of section 8 of the *Poisons Amendment Act 1984*, the Minister shall, subject to subsection (4), prepare a list of substances that in his opinion should be classified in accordance with subsection (2) and shall, by order published in the *Gazette*, declare that on and after a day specified in the order (being a day not earlier than the day on which the order is so published), the list shall have effect as the Poisons List for the purposes of this Act.

(2) The list referred to in subsection (1) shall contain the following schedules and the substances specified in those schedules shall be classified in accordance with the following provisions:—

- (a) Schedule 1 substances—Substances which are of such extreme danger to life as to warrant their sale or supply only by medical practitioners, dentists, pharmaceutical chemists, licensed manufacturing chemists, licensed wholesale chemists, veterinary surgeons, and persons licensed under section 27;
- (b) Schedule 2 substances—Substances which are for therapeutic use and which require supervision of their distribution, such that their availability to the public should be restricted to supply from pharmacies and, where there is no pharmacy service available, from general dealers in medicinal poisons;



- (c) Schedule 3 substances—Substances which are for therapeutic use and which are of a sufficiently dangerous nature to warrant their sale or supply only by medical practitioners, dentists, pharmaceutical chemists, and veterinary surgeons;
- (d) Schedule 4 substances—Substances the supply of which should, in the public interest, be permitted only by or on the prescription of a medical practitioner, dentist, or veterinary surgeon or by a pharmaceutical chemist as prescribed in the regulations;
- (e) Schedule 5 substances—Substances of a hazardous nature which should be readily available to the public but which may require caution in handling, use, and storage;
- (f) Schedule 6 substances—Substances which should be readily available to the public but which are of a more hazardous or poisonous nature than those classified in Schedule 5;
- (g) Schedule 7 substances—Substances which are of an exceptionally dangerous nature and which require the observance of special precautions in relation to their manufacture and use, and for which special individual labelling or availability requirements may be appropriate;
- (h) Schedule 8 substances—Substances which are capable, or potentially capable, of producing addiction or dependence.

(3) Where immediately before the commencement of section 8 of the *Poisons Amendment Act 1984* a list had effect as the Poisons List under this section, as in force before that commencement, that list shall, until rescinded, continue in force as if it had been made under subsection (1), and may from time to time be amended in accordance with section 15.

(4) In preparing a list of substances under subsection (1), the Minister shall have regard to any relevant classification of poisons made from time to time by the National Health and Medical Research Council or by the United Nations Organization or any of its agencies.

Amendment of  
the Poisons  
List.

15—(1) The Minister may, at any time, by order published in the *Gazette*, amend the Poisons List as in force for the time being—

- (a) by adding a specified substance to, or omitting a specified substance from, any of the Schedules contained in the List;
- (b) by transferring a specified substance from any of those Schedules to any other of those Schedules;
- (c) by amending an item appearing in any of those Schedules; and
- (d) by omitting all or any of those Schedules and substituting a new Schedule or Schedules.

(2) In amending the Poisons List under subsection (1), the Minister shall have regard to any relevant classification of poisons referred to in section 14 (4).

Amendment of  
section 16 of  
Principal Act  
(Licences).

9—(1) Section 16 (2) (b) of the Principal Act is amended by inserting “ or are notified to the holder of the licence in accordance with subsection (8) (c)” after “ specified in the licence ”.

(2) Section 16 of the Principal Act is further amended by omitting subsection (7) and substituting the following subsections:—

(7) If the Minister, either on receipt of an application for the renewal of a licence granted under this section or at any time while such a licence is in force, considers it necessary or desirable in the public interest to do so, he may vary the conditions or restrictions to which the licence is subject—

- (a) by amending the existing conditions or restrictions;
  - (b) by substituting new conditions or restrictions for existing conditions or restrictions;
  - (c) by imposing additional conditions or restrictions;
- or
- (d) by amending a list or schedule of substances which forms part of those conditions or restrictions.

(8) Where the Minister varies the conditions or restrictions of a licence as provided by subsection (7), he shall do one of the following:—

- (a) cause the licence to be appropriately amended to record the variation of the conditions or restrictions and to be returned to its holder;

- (b) issue a new licence in place of the existing licence, specifying in the new licence the conditions and restrictions of the licence as so varied;
- (c) serve on the holder of the licence a notice in writing specifying the variation of the conditions or restrictions.

(9) A variation of the conditions or restrictions of a licence does not have effect until the licence is returned to its holder, the new licence is issued to its holder, or the notice specifying the variation of the conditions or restrictions is served on the holder of the licence, as the case may be.

**10**—Section 25 of the Principal Act is amended as follows:—

- (a) by inserting the following subsection after subsection (1):—

Amendment of section 25 of Principal Act (Duties of analysts and inspectors).

(1A) Where, for the purposes of any proceedings under this Act, substances or articles are transmitted by an inspector or police officer to an analyst for examination, the analyst shall carry out the examination as soon as practicable after receiving the substances or articles and shall, on the completion of the examination, give a certificate of the result of the examination in the prescribed form, including, where appropriate, particulars as to the identity and quantity of the substances or articles.

- (b) by omitting from subsection (2) “ section ninety ” and substituting “ section 90 (1) (c) and (d) ”.

**11**—The Principal Act is amended by inserting the following section in Part II after section 25:—

Insertion in Principal Act of new section 25A.

25A—(1) Where in a particular case the Minister is satisfied that the prescribed circumstances exist, he may authorize in writing a registered nurse to be in possession of and to supply restricted substances or narcotic substances or restricted substances or narcotic substances of a class specified in the authorization, in such circumstances and subject to such conditions as may be so specified.

Authorization of registered nurses by Minister.

(2) The Minister may at any time revoke an authorization under subsection (1) or vary the class of restricted substances or narcotic substances to which such an authorization relates or vary the circumstances in which, or the conditions subject to which, such an authorization may be exercised.

Amendment of section 27 of Principal Act (Licences to sell certain substances).

**12**—(1) Section 27 (1) (a) of the Principal Act is amended by omitting “ keeps an open shop ”, where secondly occurring, and substituting “ carries on the business of a pharmacy ”.

(2) Section 27 (2) of the Principal Act is amended by omitting “ a fee of fifty cents ” and substituting “ the prescribed fee ”.

(3) Section 27 (3) (b) of the Principal Act is amended by inserting “ or are notified to the holder of the licence in accordance with subsection (3B) (c)” after “ specified in the licence ”.

(4) Section 27 (3) (c) of the Principal Act is amended by inserting “, subject to this section,” after “ but ”.

(5) Section 27 of the Principal Act is further amended by inserting the following subsections after subsection (3):—

(3A) If the Minister, either on receipt of an application for the renewal of a licence granted under this section or at any time while such a licence is in force, considers it necessary or desirable in the public interest to do so, he may vary the conditions or restrictions to which the licence is subject—

- (a) by amending the existing conditions or restrictions;
- (b) by substituting new conditions or restrictions for existing conditions or restrictions; or
- (c) by imposing additional conditions or restrictions.

(3B) Where the Minister varies the conditions or restrictions of a licence as provided by subsection (3A), he shall do one of the following:—

- (a) cause the licence to be appropriately amended to record the variation of the conditions or restrictions and to be returned to its holder;
- (b) issue a new licence in place of the existing licence, specifying in the new licence the conditions and restrictions of the licence as so varied;

- (c) serve on the holder of the licence a notice in writing specifying the variation of the conditions or restrictions.

(3c) A variation of the conditions or restrictions of a licence does not have effect until the licence is returned to its holder, the new licence is issued to its holder, or the notice specifying the variation of the conditions or restrictions is served on the holder of the licence, as the case may be.

(6) Section 27 of the Principal Act is further amended by omitting subsection (4) and substituting the following subsection:—

(4) The Minister may revoke or refuse to renew a licence granted or previously renewed under this section on any of the following grounds:—

- (a) that, since the licence was granted or last renewed, a pharmaceutical chemist has commenced business at a pharmacy which is situated within 10 kilometres, by the nearest practicable route, of the place where the shop of the holder of the licence is situated;
- (b) that the holder of the licence is a person who has been convicted of an offence against this Act and, by reason of that conviction, the Minister is of the opinion that the person is no longer a fit and proper person to hold the licence;
- (c) that for a reason other than that referred to in paragraph (b) the holder of the licence is no longer a fit and proper person to hold the licence.

(7) Section 27 (5) of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (c) “applies; and” and substituting “applies;”;
- (b) by omitting from paragraph (d) “if the substance was manufactured outside the State, of the manufacturer thereof.” and substituting “in the case of such a substance which was manufactured outside Tasmania, of the manufacturer of the substance; and”;
- (c) by inserting the following paragraph after paragraph (d):—
- (e) shall comply with or not contravene, as the case requires, any condition or restriction to which the licence is subject.

Amendment of section 35 of Principal Act (Forgery, &c., of prescriptions relating to restricted substances).

**13**—(1) Section 35 (2) of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:—

(1) A person who forges or alters or utters, knowing it to be forged or altered, a prescription of a medical practitioner, dentist, or veterinary surgeon for the supply of a substance that is or includes a restricted substance is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000 or to imprisonment for a term not exceeding 2 years, or both.

(2) A person who—

(a) by a representation (whether oral or in writing) which he knows to be false or misleading, or by conduct which he knows to be deceptive—

(i) obtains from a medical practitioner, dentist, or veterinary surgeon a prescription for the supply to a person of a substance that is or includes a restricted substance; or

(ii) induces a pharmaceutical chemist to dispense a forged or altered prescription for the supply to a person of a substance that is or includes a restricted substance or to dispense a prescription obtained in contravention of this paragraph, knowing it to be forged or altered or so obtained;

(b) is in actual possession of a forged or altered prescription for the supply to a person of a substance that is, or includes, a restricted substance or of a prescription obtained in contravention of paragraph (a), knowing it to be forged or altered or so obtained,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000 or to imprisonment for a term not exceeding 2 years, or both.

(2) Section 35 of the Principal Act is further amended by inserting the following subsections after subsection (2):—

(3) A person who makes a representation (whether oral or in writing) which he knows to be false or misleading, or engages in conduct which he knows to be deceptive, for the purpose of—

(a) obtaining from a medical practitioner, dentist, or veterinary surgeon a prescription for the supply to a person of a substance that is or includes a restricted substance; or

(b) inducing a medical practitioner, dentist, veterinary surgeon, or pharmaceutical chemist, or an authorized registered nurse, to supply to a person a substance that is or includes a restricted substance,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000 or to imprisonment for a term not exceeding 2 years, or both.

(4) A person who, for the purpose of obtaining, either for himself or any other person, a substance that is, or includes, a restricted substance—

(a) writes or causes to be written in a document that is, or purports to be, a prescription of a medical practitioner, dentist, or veterinary surgeon for the supply of such a substance a name or an address that is, to his knowledge, false or misleading; or

(b) knowing it to contain a false or misleading name or address, utters a document of a kind referred to in paragraph (a),

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000 or to imprisonment for a term not exceeding 2 years, or both.

**14**—Section 36 (1) (b) of the Principal Act is amended by inserting “from a medical practitioner, dentist, or veterinary surgeon or” after “possession of it”.

Amendment of section 36 of Principal Act (Offences relating to certain restricted substances).

**15**—Section 38 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:—

Amendment of section 38 of Principal Act (Limitation of application of certain provisions of Division I of this Part).

(1) Section 26 (1) and (1A) do not apply to or in relation to—

(a) the sale or supply of a restricted substance that is sold or supplied by a pharmaceutical chemist

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

- (b) the sale or supply of a restricted substance (not being a specified psychotropic substance) that is sold or supplied by a pharmaceutical chemist otherwise than on and in accordance with such a prescription, but only where that sale or supply is made in accordance with such conditions (if any) as are prescribed in the regulations for the purposes of this paragraph; or
- (c) the supply of a restricted substance by a registered nurse in accordance with an authorization conferred on that nurse under section 25A.

(1A) In subsection (1) (b), "specified psychotropic substance" means a restricted substance that is designated in the regulations as a psychotropic substance for the purposes of that paragraph.

Amendment of section 40 of Principal Act (Classification of new drugs).

**16**—Section 40 of the Principal Act is amended by omitting subsections (2), (3), (4), (5), (6), and (7) and substituting the following subsections:—

(2) On receipt of an application under this section, the Minister—

- (a) shall forthwith determine whether it is necessary to include the drug to which the application relates in a schedule to the Poisons List and, if he determines that it is necessary to include the drug in that List, shall determine in which of those schedules the drug should be included;
- (b) if it appears to the Minister to be necessary to do so, may make a determination under subsection (1) (b); and
- (c) shall make such order (if any) under section 15 as may be necessary for the purpose of giving effect to his determination.

(3) In making a determination under subsection (2) (a), the Minister shall have regard to whether or not the drug is included in any classification of poisons made by the National Health and Medical Research Council and to any recommendation of the Australian Drug Evaluation Committee.



(4) For the purposes of subsection (3), the "Australian Drug Evaluation Committee" means the committee of that name established under the *Therapeutic Goods Act 1966* of the Commonwealth.

(5) The Minister shall cause his determination under subsection (2) with respect to an application under this section to be notified to the applicant in writing.

(6) A determination by the Minister under subsection (2) is final and conclusive.

**17**—Section 41 (2) of the Principal Act is amended by omitting "subsection (6) of section 40" and substituting "section 40 (5)".

Amendment of section 41 of Principal Act (Prohibition of the sale &c., of a new drug until it is classified).

**18**—(1) Section 42 (1) of the Principal Act is amended by omitting " , on the recommendation of the Committee,".

Amendment of section 42 of Principal Act (Power to prohibit the sale, &c., of a new drug).

(2) Section 42 (2) of the Principal Act is amended as follows:—

- (a) by omitting " , if the Committee so recommends,";
- (b) by omitting " approved by the Committee ";
- (c) by omitting " , on the recommendation of the Committee,".

**19**—Section 44 of the Principal Act is amended as follows:—

Amendment of section 44 of Principal Act (Interpretation: Part V).

- (a) by inserting " or a plant " after " substance ", where first occurring in the definition of " maximum permissible quantity ";
- (b) by omitting " the schedule ", where first occurring in that definition, and substituting " Part I, II, or III of Schedule 1 ";
- (c) by inserting " or plant " after " substance ", where secondly occurring in that definition;
- (d) by omitting " the schedule ", where secondly occurring in that definition, and substituting " that Part ".

**20**—(1) Section 47 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

Amendment of section 47 of Principal Act (Sale and supply of narcotic substances, prohibited plants, and prohibited substances).

- (1) A person shall not—
  - (a) sell or supply a raw narcotic or narcotic substance to another person; or
  - (b) traffic in a raw narcotic or narcotic substance,

unless—

- (c) the person is, or is acting as the employee of and under the direction of, a licensed manufacturing chemist, licensed wholesale chemist, pharmaceutical chemist, medical practitioner, dentist, or veterinary surgeon engaged in the lawful practice of his business or profession as such;
- (d) the person is a registered nurse acting in accordance with an authorization conferred under section 25A; or
- (e) the person is acting in accordance with an authorization conferred by the regulations.

(2) Section 47 (5) of the Principal Act is amended by omitting “, subject to subsection (6) of this section,”.

(3) Section 47 of the Principal Act is further amended by omitting subsection (6).

(4) Section 47 (7) of the Principal Act is amended as follows:—

- (a) by omitting “a raw narcotic or narcotic substance” and substituting “the raw narcotic, narcotic substance, prohibited plant, or prohibited substance”;
- (b) by inserting “deemed to be” after “is”;
- (c) by omitting “that raw narcotic or narcotic substance” and substituting “that raw narcotic, narcotic substance, prohibited plant, or prohibited substance”.

(5) Section 47 of the Principal Act is further amended by omitting subsection (10) and substituting the following subsection:—

(10) Nothing in this section prohibits the supply of a raw narcotic, narcotic substance, prohibited plant, or prohibited substance by a person who is authorized by or under this Act to be in possession of and to supply that raw narcotic, narcotic substance, prohibited plant, or prohibited substance, if—

- (a) that supply is in the circumstances and subject to the conditions specified in the authorization granted to that person under section 25A;
- (b) that supply is in the circumstances and subject to the conditions prescribed in the regulations under which authorization is granted to that person to supply that raw narcotic, narcotic substance, prohibited plant, or prohibited substance; or

- (c) that supply is in the ordinary course of business, or the ordinary practice of the profession, of a person who is authorized to supply that raw narcotic, narcotic substance, prohibited plant, or prohibited substance.

**21**—(1) Section 48 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

Amendment of section 48 of Principal Act (Possession of narcotic substances, &c.)

(1) Subject to subsection (2), a person shall not have a raw narcotic or narcotic substance in his possession, unless—

- (a) the person is, or is acting as the employee of and under the direction of, a licensed manufacturing chemist, licensed wholesale chemist, pharmaceutical chemist, medical practitioner, dentist, or veterinary surgeon engaged in the lawful practice of his business or profession as such;
- (b) the person is a registered nurse acting in accordance with an authorization conferred under section 25A; or
- (c) the person is acting in accordance with an authorization conferred by the regulations.

Penalty: \$3 000 or imprisonment for 2 years, or both.

(2) Section 48 (2) of the Principal Act is amended as follows:—

- (a) by omitting “ this section ” and substituting “ subsection (1) ”;
- (b) by omitting from paragraph (b) “ control; or ” and substituting “ control; ”;
- (c) by inserting the following paragraph after paragraph (b):—
- (ba) the possession by a person of a narcotic substance supplied by a registered nurse, in accordance with an authorization conferred by section 25A, to him or for some person who is a member of his family or his household or of whom he has the care, custody, or control; or

Amendment of section 51 of Principal Act (Forgery, &c., of prescriptions and making of false representations, &c., in relation to narcotic substances).

**22**—(1) Section 51 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

(1) A person who forges or alters or utters, knowing it to be forged or altered, a prescription of a medical practitioner, dentist, or veterinary surgeon for the supply of a substance that is or includes a narcotic substance is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000 or to imprisonment for a term not exceeding 2 years, or both.

(2) Section 51 (2) (a) of the Principal Act is amended as follows:—

(a) by omitting “knowingly by a false representation (whether verbal, or in writing, or by conduct)—” and substituting “by a representation (whether oral or in writing) which he knows to be false or misleading, or by conduct which he knows to be deceptive—”;

(b) by inserting “, dentist,” in subparagraph (i) after “medical practitioner”.

(3) Section 51 of the Principal Act is further amended by omitting subsection (3) and substituting the following subsections:—

(3) A person who—

(a) by a representation (whether oral or in writing) which he knows to be false or misleading, or by conduct which he knows to be deceptive, obtains from a medical practitioner, dentist, veterinary surgeon, pharmaceutical chemist, or registered nurse authorized under section 25A a substance that is or includes a narcotic substance; or

(b) makes a representation (whether oral or in writing) which he knows to be false or misleading, or engages in conduct which he knows to be deceptive, for the purpose of—

(i) obtaining from a medical practitioner, dentist, or veterinary surgeon a prescription for the supply of a substance that is or includes a narcotic substance; or

(ii) inducing a medical practitioner, dentist, veterinary surgeon, pharmaceutical

chemist, or registered nurse authorized under section 25A to supply a substance that is or includes a narcotic substance, is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000 or to imprisonment for a term not exceeding 2 years, or both.

(4) A person who, for the purpose of obtaining either for himself or for any other person a substance that is, or includes, a narcotic substance—

(a) writes or causes to be written in a document that is, or purports to be, a prescription of a medical practitioner, dentist, or veterinary surgeon for the supply of such a substance a name or an address that is to his knowledge false or misleading; or

(b) knowing it to contain a false or misleading name or address, utters a document of a kind referred to in paragraph (a),

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000 or to imprisonment for a term not exceeding 2 years, or both.

**23**—Section 54 of the Principal Act is amended by omitting subsections (4) and (5).

Amendment of section 54 of Principal Act (Prohibition of smoking, &c., of opium).

**24**—Section 59 (1) (e) of the Principal Act is amended by inserting “, dentists,” after “medical practitioners”.

Amendment of section 59 of Principal Act (Regulations relating to narcotics and narcotic substances).

**25**—The heading to Division I of Part VI of the Principal Act is amended as follows:—

Amendment of heading to Division I of Part VI of Principal Act.

(a) by inserting “*and examination*” after “*Analysis*”;

(b) by inserting “*and scheduled plants*” after “*substances*”.

**26**—Section 60 (6) of the Principal Act is amended by inserting “or examination” after “analysis”.

Amendment of section 60 of Principal Act (Power to demand, select, and take samples).

Amendment of section 61 of Principal Act (Analysis, &c., of substance or plant).

**27**—(1) Section 61 (1) of the Principal Act is amended as follows:—

- (a) by inserting “ or examination ” after “ analysis ”;
- (b) by inserting in paragraph (g) “ or examination ” after “ the analysis ”;
- (c) by inserting in paragraph (g) “ or examined ” after “ analysed ”.

(2) Section 61 (5) of the Principal Act is amended by inserting “ or examination ” after “ analysis ”.

Amendment of section 62 of Principal Act (Forwarding of sample for analysis or examination).

**28**—Section 62 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:—

(1) Where the owner or buyer of a scheduled substance wishes to have the substance analysed or examined or a scheduled substance, prohibited substance, or prohibited plant is procured or seized under this Act, that substance or plant may be delivered personally or be forwarded by post or by any other convenient means to an analyst for analysis or examination.

(1A) Where a substance or plant is forwarded as referred to in subsection (1), a certificate purporting to be given by the person who forwarded the substance or plant to the effect that, at a specified time on a specified date and at a specified place, he forwarded the substance or plant by a specified means to an analyst in a sealed container for analysis or examination is admissible in evidence in proceedings for an offence under this Act as to those matters, unless the party against whom the certificate is tendered has given notice in writing to the other party, at least 4 days before the hearing of the proceedings, that he requires the person to be called as a witness in the proceedings.

(1B) Where an analyst receives a sealed container containing a substance or plant for analysis or examination, a certificate purporting to be given by him to the effect that, at a specified time on a specified date and at a specified place, he received the container with the seal unbroken is admissible in evidence as to those matters in proceedings for an offence under this Act and of the fact that the substance or plant was in the same state as it was in when it was forwarded to him for analysis

or examination, unless the party against whom the certificate is tendered has given notice in writing to the other party, at least 4 days before the hearing of the proceedings, that he requires the analyst to be called as a witness in the proceedings.

- 29**—Section 63 of the Principal Act is amended as follows:—
- (a) by omitting “ a substance ” and substituting “ a scheduled substance ”;
  - (b) by inserting “ or examination ” after “ analysis ”.
- Amendment of section 63 of Principal Act (Right of owner or buyer to have substance or plant analysed, &c.).
- 30**—Section 64 of the Principal Act is amended as follows:—
- (a) by inserting “ or examination ” after “ analysis ”, wherever occurring;
  - (b) by inserting “ or plant ” after “ substance ”.
- Amendment of section 64 of Principal Act (Where method of analysis or examination prescribed).
- 31**—Section 65 (1) of the Principal Act is amended as follows:—
- (a) by inserting “ or plant ” after “ the substance ”;
  - (b) by inserting “ or examined ” after “ analysed ”;
  - (c) by inserting “ or examination ” after “ analysis ”.
- Amendment of section 65 of Principal Act (Costs of analysis or examination).
- 32**—Section 66 of the Principal Act is amended by inserting “ or examination ” after “ analysis ”.
- Amendment of section 66 of Principal Act (Copy of result of analysis or examination to be supplied on demand in certain cases).
- 33**—Section 69 of the Principal Act is amended by inserting “ or examination ” after “ analysis ”.
- Amendment of section 69 of Principal Act (Analysis or examination not to be referred to for trade purposes).
- 34**—Section 71 of the Principal Act is repealed and the following section is substituted:—
- Substitution of section 71 of Principal Act.
- 71—Where proceedings are taken on summons under this Act for an offence concerning a substance or a plant that has been analysed or examined by an analyst, a certificate of the result of the analysis or examination is not admissible in evidence in those proceedings unless a copy of the certificate has been served on the defendant not less than 7 days before the hearing of those proceedings.
- Copy of analyst's certificate to be served on defendant.

Amendment of  
section 78 of  
Principal Act  
(Evidentiary  
provisions).

**35**—(1) Section 78 (1) of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (a) (ii) “ seven days ” and substituting “ not less than 7 days ”;
- (b) by omitting from paragraph (b) “ three days’ notice ” and substituting “ not less than 3 days’ notice ”.

(2) Section 78 of the Principal Act is further amended by inserting the following subsection after subsection (3):—

(4) In any proceedings for an offence under this Act, a printed document which purports to set out a standard or specification of a prescribed authority as defined in section 92A and which purports to have been published or issued by or on behalf of the authority is admissible in evidence and is evidence of the standard or specification.

Amendment of  
section 82 of  
Principal Act  
(Obstruction,  
&c., of officers).

**36**—Section 82 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:—

(1) A person who—

- (a) intentionally delays or obstructs an inspector or a police officer in the exercise or proposed exercise of his powers under section 90, 90A, 90B, or 90E; or
- (b) without reasonable excuse, fails to produce, or conceals, any substance, plant, or document, or any stocks of a substance or plant, that he is required under section 90 to produce,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000.

(2) If the admission of an inspector or a police officer to any premises which he seeks to enter in accordance with section 90, 90A, or 90E is refused, or is delayed or obstructed for such time that it may reasonably be inferred that the delay or obstruction was intentional, the occupier of the premises, and any other person who refuses, delays, or obstructs the admission of the inspector or police officer, are each guilty of an offence and are liable on summary conviction to a penalty not exceeding \$5 000.



**37**—The Principal Act is amended by inserting the following sections after section 83:—

Insertion in  
Principal Act  
of new sections  
83A and 83B.

**83A**—(1) A person who has in his possession any pipe, syringe, or other utensil, or any other appliance or thing, for use or designed to be used in connection with the preparation, smoking, inhalation, administration, or taking of a raw narcotic, narcotic substance, prohibited plant, or prohibited substance is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$2 000.

Possession of  
pipe, &c.

(2) Subsection (1) does not prohibit anything authorized by a licence granted under this Act, or otherwise authorized by or under this Act.

**83B**—An owner or occupier of premises who knowingly causes, permits, or suffers those premises to be used for or in connection with the unlawful growing, manufacture, preparation, sale, distribution, trafficking, use, or administration of a raw narcotic, narcotic substance, prohibited plant, or prohibited substance is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000 or to imprisonment for a term not exceeding 2 years, or both.

Causing, &c.,  
use of premises  
for certain  
purposes.

**38**—Section 84 of the Principal Act is repealed and the following section is substituted:—

Substitution of  
section 84 of  
Principal Act.

**84**—(1) Where an inspector or police officer, in accordance with section 90, 90A, or 90B, seizes—

Forfeiture of  
substances, &c.,  
in certain  
cases.

(a) a substance, being a raw narcotic, narcotic substance, prohibited substance, or substance to which section 36 applies; or

(b) a prohibited plant or part of such a plant, other than the seed of an opium poppy,

that substance, plant, or part of a plant is, by virtue of this subsection, forfeited to the Crown and shall be disposed of as the Minister directs.

(2) Where a person is found guilty of an offence under this Act—

(a) in relation to the importation, making, refining, preparation, sale, supply, use, distribution, or possession of any substance, prohibited plant, or part of a prohibited plant; or

- (b) in relation to or arising out of the sale or supply of any substance by means of an automatic vending machine,

the court making the finding may, in addition to or instead of convicting the person and imposing on him a penalty for the offence, make such of the following orders as it considers appropriate:—

- (c) in the case of an offence with respect to a substance other than a substance to which subsection (1) (a) relates, an order that that substance be forfeited to the Crown;
- (d) in the case of an offence with respect to a substance other than a substance to which subsection (1) (a) relates, an order that the whole of a substance similar to that first-mentioned substance and belonging to that person, or found on his premises or under his control, at the time of the commission of the offence be so forfeited;
- (e) an order that the package or container (if any) in which the substance, similar substance, prohibited plant, or part of a prohibited plant was packed or contained be so forfeited;
- (f) an order that any document directly or indirectly relating to any dealing involved in the commission of the offence be so forfeited;
- (g) an order that any instrument, equipment, vehicle, boat, aircraft, pipe, device, or other article used in the commission of the offence be so forfeited;
- (h) an order that any money or valuable thing be so forfeited, where that money or thing was involved in, or is directly or indirectly derived from, the commission of the offence;
- (i) an order that that person pay to the Crown an amount, assessed by the court, equal to the proceeds derived by him from the commission of the offence or of any other offence of a similar kind which the court has taken into account in imposing a penalty for the first-mentioned offence.

(3) Where only part of a substance is the subject of a finding referred to in subsection (2), an order under paragraph (c) of that subsection may be extended to the whole of that substance.

(4) Before making an order under subsection (2), the court may require notice to be given to, and may hear, such persons as it thinks fit.

(5) In deciding whether or not it should make an order under subsection (2) (b) or (i), the court may—

- (a) take into account such matters as it thinks fit;
- (b) to the extent specified by the court—treat any interest in real or personal property acquired by a person by means of proceeds derived by him from the commission of an offence under this Act as proceeds derived by him from the commission of the offence; and
- (c) treat the equivalent, in money terms, of any interest in real or personal property derived by him from the commission of an offence under this Act as proceeds derived by that person from the commission of the offence.

(6) Where the court makes an order under subsection (2) (i), the court shall, forthwith or after such adjournment as it considers to be just, assess the amount payable to the Crown pursuant to the order.

(7) Without limiting any right of appeal conferred by any other law, an order under subsection (2) (g) or (b) is appealable by any person who has an interest in the article, money, or valuable thing to which the order relates—

- (a) in the case of a person who is found guilty of the offence referred to in subsection (2)—in the same manner as if the order were, or were part of, a sentence imposed in respect of the offence; or
- (b) in any other case—in the same manner as if the person had been found guilty of the offence and the order were, or were part of, a sentence imposed in respect of the offence.

(8) Without limiting any right of appeal conferred by any other law, an order under subsection (2) (paragraphs (g) and (h) excepted) is appealable in the same manner as if it were, or were part of, a sentence imposed in respect of the offence referred to in that subsection.

(9) The court to which an appeal is made in respect of an order under subsection (2) (g) or (h) may, pending the hearing of the appeal, make such orders as it thinks fit for the custody of the article, money, or valuable thing to which the order relates.

(10) On appeal, an order under subsection (2) may be confirmed, revoked, or varied.

(11) Where the Supreme Court makes an order under subsection (2), the Attorney-General may cause a memorandum in a summary form of so much of the order as is necessary for the purposes of this subsection to be made on paper, sealed with the seal of the Supreme Court, entered as if it were a judgment subject to the *Supreme Court Civil Procedure Act 1932*, and enforced under that Act.

(12) Where a court of petty sessions makes an order under subsection (2), other than an order under paragraph (i) of that subsection, the Attorney-General may cause a memorandum in a summary form of so much of the order as is necessary for the purposes of this subsection to be made on paper, sealed with the seal of that court, transmitted to the Registrar of the Supreme Court, entered as if it were a judgment subject to the *Supreme Court Civil Procedure Act 1932*, and enforced under that Act.

(13) Where any article (not being a substance to which subsection (1) relates) is seized by an inspector or a police officer under a power conferred on him by a provision of this Act and either no order has been made under subsection (2) in respect of that article or no proceedings for the offence in relation to which the seizure was made within the maximum period permitted by law, the person who has for the time being the custody of the article shall, on the application of its owner, cause it to be returned to him as soon as practicable after the conclusion of the proceedings in which such an order might have been made or, as the case may be, the expiration of that period.

(14) Where a pecuniary penalty is imposed under section 86B in respect of a narcotics dealing within the meaning of section 86A, or proceedings under section 86B have been instituted with a view to the imposition of such a penalty in respect of such a dealing, a court shall not make an order under subsection (2) (b) or (i) in respect of the same dealing.

(15) An article forfeited under this section shall be destroyed or otherwise disposed of in such manner as the Minister considers appropriate.

(16) In this section, "sentence" includes any order imposing a penalty.

**39**—Section 85 of the Principal Act is repealed.

Repeal of section 85 of Principal Act (General penalty).

**40**—After section 86 of the Principal Act, the following Division is inserted:—

Insertion in Principal Act of new Division IIA.

*Division IIA—Recovery of pecuniary penalties for dealing in narcotics, &c.*

86A—(1) In this Division, unless the contrary intention appears—

Interpretation: Division IIA of Part VI.

"cheque" includes a bill, promissory note, or other security for money;

"money" means money in the form of cash;

"narcotics dealing" means a dealing of a kind referred to in subsection (3);

"pecuniary penalty" means a pecuniary penalty referred to in section 86B;

"property" means real or personal property of every description, whether located in Tasmania or elsewhere, and includes any estate or interest, whether present or future or vested or contingent, arising out of or incidental to any such real or personal property.

(2) Where a person who has obtained possession or control of a cheque, or was paid money by cheque, in relation to a narcotics dealing, receives, in respect of the cheque, money in the form of cash, the money so received shall, for the purposes

of this Division, be deemed to be money that came into his possession or under his control, or was paid to him, in the circumstances in which he obtained possession or control of the cheque, or was paid the money by the cheque.

(3) For the purposes of this Division, a person shall be regarded as being involved in a narcotics dealing if—

- (a) he imports, makes, grows, refines, prepares, sells, supplies, uses, or distributes any raw narcotic, narcotic substance, prohibited substance, or prohibited plant in contravention of, or, as the case may be otherwise than as required by this Act;
- (b) he keeps or agrees to keep in his possession any raw narcotic, narcotic substance, prohibited substance, or prohibited plant in contravention of, or otherwise than as required by, this Act;
- (c) he agrees or conspires with another person or other persons to do any of the things mentioned in paragraph (a); or
- (d) he aids, abets, counsels, or procures, or is in any way knowingly concerned in, the doing of anything referred to in paragraph (a) or (b).

(4) A reference in this Division to the property of a person shall be read as including a reference to property in which the person has a beneficial interest.

(5) In this Division, a reference to a proceeding for the recovery of a pecuniary penalty shall be read as a reference to a proceeding instituted under section 86B for an order under subsection (1) of that section.

(6) Where, by reason of a person's having been involved in a particular narcotics dealing, or in narcotics dealings during a particular period, benefits have been derived by another person at the request, or by the direction, of the first-mentioned person, those benefits shall, for the purposes of this Division, be deemed to have been derived by that first-mentioned person by reason of his having been involved in that narcotics dealing, or in those narcotics dealing, during that period, as the case may be.

86B—(1) Subject to subsection (7), the Attorney-General may, on behalf of the Crown, institute a proceeding in the Supreme Court for an order that a person pay a pecuniary penalty to the Crown in right of Tasmania in respect of—

- (a) a particular narcotics dealing in which that person is or has been involved; or
- (b) narcotics dealings in which that person was involved during a particular period.

(2) If, in a proceeding instituted under subsection (1), the Supreme Court is satisfied that the person in relation to whom the order is sought—

- (a) is or has been involved in a particular narcotics dealing; or
- (b) has, during a particular period, been involved in narcotics dealings,

the Court shall assess, in accordance with section 86C, the value of the benefits derived by that person by reason of his being or his having been involved in that dealing, or in narcotics dealings during that period, and, subject to this section, order that person to pay to the Crown a pecuniary penalty equal to the value as so assessed.

(3) The Supreme Court may order a person to pay a pecuniary penalty under subsection (2) in relation to a particular narcotics dealing, or narcotics dealings during a particular period, whether or not the person has been convicted of an offence, or proceedings have been instituted in respect of any offence, committed in relation to that dealing or any of those dealings and whether or not any money or thing has been seized under a power conferred by this Act in relation to that dealing or those dealings.

(4) Where the Supreme Court makes an order under subsection (2), the Attorney-General may cause a memorandum in a summary form of so much of the order as is necessary for the purposes of this subsection to be made on paper, sealed with the seal of the Supreme Court, entered as if it were a judgment subject to the *Supreme Court Civil Procedure Act 1932*, and enforced under that Act.

(5) This section applies to and in relation to money that comes, or other property that comes, into the possession or under the control of a person either in Tasmania or elsewhere, and to benefits that are provided for a person in Tasmania or elsewhere.

(6) A proceeding under subsection (1) may be commenced—

- (a) if the proceeding relates to a particular narcotics dealing which a person became involved in after the commencement of section 40 of the *Poisons Amendment Act 1984*—within 6 years after the dealing took place; or
- (b) if the proceeding relates to narcotics dealings during a particular period, being a period that began after the commencement of that section—within 6 years after the end of that period.

(7) The Supreme Court shall not make an order under this section in respect of a particular narcotics dealing or particular narcotics dealings if a court has under section 84 (2) (b) or (i) made an order in respect of the same dealing or dealings.

Assessment of  
pecuniary  
penalty.

86C—(1) In this section, a reference to the defendant in relation to a proceeding under section 86B is a reference to a person against whom an order is sought in that proceeding.

(2) In a proceeding under section 86B, the value of the benefits derived by the defendant by reason of his having been involved in a particular narcotics dealing, or in narcotics dealings during a particular period, shall be assessed by the Supreme Court having regard to the evidence before the Court concerning all or any of the following matters:—

- (a) the money, or the value of the property other than money, that came into the possession or under the control of—
  - (i) the defendant; or
  - (ii) another person at the request or by the direction of the defendant,
 by reason of the defendant's having been involved in that dealing or in narcotics dealings during that period;
- (b) the value of any benefit, other than a benefit of the kind referred to in paragraph (a) that was provided for—
  - (i) the defendant; or
  - (ii) another person at the request or by the direction of the defendant,



by reason of the defendant's having been involved in that dealing or in narcotics dealings during that period;

- (c) in the case of a narcotics dealing that consisted of selling raw narcotics, narcotic substances, prohibited substances, or prohibited plants—the market value, at the time of the dealing, of similar or substantially similar narcotics, substances, or plants;
- (d) in the case of a narcotics dealing that consisted of doing any act or thing other than selling raw narcotics, narcotic substances, prohibited substances, or prohibited plants—the amount that was, or the range of amounts that were, at the time of the dealing, ordinarily paid for doing a similar or substantially similar act or thing;
- (e) the value of the defendant's property, before and after he became involved in that dealing, or before the end of that period, as the case may be.

(3) Where evidence is given in a proceeding under section 86B that the value of the defendant's property after he became involved in a particular narcotics dealing, or after the end of a particular period during which he was involved in narcotics dealings, exceeded the value of his property before he became involved in that dealing, or the beginning of that period, then, for the purposes of subsection (2) of that section, the Supreme Court shall, subject to subsection (4) of this section, treat the value of benefits derived by the defendant by reason of his having been involved in that dealing or in narcotics dealings during that period as being not less than the amount of the excess.

(4) Where, after evidence has been given on a proceeding under section 86B that the value of the defendant's property after he became involved in a particular narcotics dealing, or after the end of a particular period, exceeded the value of the defendant's property before he became involved in that dealing, or before the beginning of that period, the defendant satisfies the Supreme Court that the whole or a part of the excess was due to specified causes, being causes that are unrelated to his having become involved in that narcotics dealing or in narcotics dealings during that period, as the case may be—

- (a) if the defendant so satisfies the Supreme Court in respect of the whole of the excess—subsection (3) does not apply to the excess; or
- (b) if the defendant so satisfies the Supreme Court in respect of a part of the excess—subsection (3) applies to and in relation to the excess as if it were reduced by the amount of that part.

(5) In a proceeding under section 86B, an inspector or a police officer who is experienced in the investigation of narcotics offences may give evidence—

- (a) with respect to the amount that, to the best of his information, knowledge, and belief, was the market value of a raw narcotic, narcotic substance, prohibited substance, or prohibited plant at a particular time or during a particular period; and
- (b) with respect to the amount, or the range of amounts, that, to the best of his information, knowledge, and belief, was the amount, or range of amounts, ordinarily paid at a particular time or during a particular period for the doing of an act or thing (not being the selling of raw narcotics, narcotic substances, prohibited substances, or prohibited plants) comprising a narcotics dealing,

notwithstanding any rule of law or practice relating to the admission of hearsay evidence.

(6) In calculating, for the purposes of a proceeding under section 86B, the value of benefits derived by the defendant by reason of his having been involved in a particular narcotics dealing, or narcotics dealings during a particular period, any expenses or outgoings of the defendant in connection with that dealing, or those dealings, shall be disregarded.

86D—(1) Where—

- (a) proceedings are taken against a person for an offence of a kind referred to in section 84 (2);
- (b) an order has been made under section 84 (2) (b) or (i) against a person; or
- (c) proceedings are instituted under section 86B for an order that a person pay a pecuniary penalty

in relation to a particular narcotics dealing or in relation to narcotics dealings during a particular period,

the court before which those proceedings are being taken or instituted, or by which that order has been made, may, by order, prohibit—

(d) the person from disposing of or otherwise dealing with any interest in specified property; and

(e) any other specified person from disposing of or otherwise dealing with any interest in specified property—

(i) which belongs to the person referred to in paragraph (d) and in respect of which he has a power of attorney from that person or any other power of disposition; or

(ii) which he holds for or on behalf of the person referred to in that paragraph, otherwise than in such manner as may be specified in the order.

(2) Without limiting any power conferred on it by subsection (1), the Supreme Court may at any time make an order of the kind referred to in that subsection against a person—

(a) in respect of whom any other court may make such an order; or

(b) whom any other court has committed for trial or for sentence.

(3) Before making an order under this section, a court may require notice to be given to, and may hear, such persons as it thinks fit.

(4) An order under this section may be given or served in such manner as the court directs or as may be prescribed by the regulations.

(5) Except as provided in this section, any person who holds an interest in property that is the subject of an order under this section may apply for the revocation or variation of the order.

(6) An order under this section may be revoked or varied by the Supreme Court (subject to rules of that Court restricting the making of applications to it) or—

- (a) where proceedings in respect of an offence of a kind referred to in section 84 (2) are being taken—by the court before which those proceedings are being taken; or
- (b) in the case of any other proceedings (not being proceedings instituted under section 86B)—by the court before which proceedings in respect of the offence were last taken.

(7) Any person to or on whom an order made under subsection (1) or (2) is given or served in accordance with subsection (4) and who, while the order remains in force, acts in contravention of or fails to comply with the order is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$2 000 or to imprisonment for a term not exceeding 2 years, or both.

(8) Subsection (7) does not affect the power of the Supreme Court to punish for contempt where an order under this section is made by that Court.

Substitution of section 90 of Principal Act.

**41**—Section 90 of the Principal Act is repealed and the following section is substituted:—

Powers of inspectors with respect to licensed premises, &c.

90—(1) For the purpose of ascertaining whether there is or has been a contravention of or a failure to comply with this Act, an inspector may, at any reasonable time, without a warrant, enter premises—

- (a) occupied by a person who is the holder of a licence under this Act authorizing him to manufacture or distribute a scheduled substance;
- (b) where—
  - (i) goods are sold on those premises; and
  - (ii) the inspector believes, on reasonable grounds, that those premises are used for or in connection with the sale or supply of a scheduled substance;
- (c) occupied by a person who is the holder of a licence under this Act authorizing him to have in his possession a scheduled substance or who is otherwise authorized by this Act to have such a substance in his possession;

- (d) occupied by a person who is the holder of a licence under this Act authorizing him to grow or cultivate a prohibited plant; or
- (e) in which the making, refining, preparation, possession, or use of a prohibited substance is authorized by this Act.

(2) An inspector who has entered premises under the power conferred on him by subsection (1) may do all or any of the following things:—

- (a) examine any room in, or any part of, the premises and any articles within any such room or part;
- (b) inspect, check, and make an inventory of any substances or plants kept in any such room or part which he believes on reasonable grounds to be scheduled substances or prohibited plants;
- (c) require the production of, and inspect and make copies of, any documents relating to dealings with any scheduled substances or prohibited plants kept or that he finds on the premises;
- (d) require the production of any scheduled substances or prohibited plants kept on the premises;
- (e) inspect, check, and make an inventory of any substances or plants kept on the premises which he believes on reasonable grounds to be scheduled substances or prohibited plants;
- (f) on payment or tender of a reasonable price, demand, select, and obtain any sample of any scheduled substance which is on the premises;
- (g) seize any substance, plant, or document kept or that he finds on the premises, being a substance, plant, or document in relation to which he believes on reasonable grounds there has been a contravention of, or failure to comply with, this Act;
- (h) detain or remove to some other place any substance, plant, or document so seized.

(3) An inspector may exercise the powers conferred on him by subsections (1) and (2) with or without assistance.

Insertion in  
Principal Act  
of new sections  
90A, 90B, 90C,  
90D, and 90E.

Search  
warrants.

**42**—After section 90 of the Principal Act, the following sections are inserted:—

90A—(1) Where a justice is satisfied, on an application made by an inspector or a police officer not below the rank of sergeant, that there is reasonable ground for suspecting that there is on any premises specified in the application, or that there is in the possession or under the control of a person on any premises so specified—

- (a) any scheduled substance, raw narcotic, prohibited substance, or prohibited plant in respect of which an offence is being or has been committed under this Act;
- (b) any document directly or indirectly relating to or connected with any dealing which is or which would if carried out be an offence under this Act or any corresponding law in force in any place outside Tasmania;
- (c) any money or valuable thing that is or has been used in the commission of an offence under this Act, or is directly or indirectly derived from a dealing of a kind referred to in section 86A (3); or
- (d) any instrument, equipment, vehicle, boat, or aircraft which is being or has been used in the commission of an offence under this Act,

he may grant a warrant authorizing any police officer named in the warrant to enter and search the premises.

(2) The police officer to whom a warrant under subsection (1) is addressed may—

- (a) enter, by force if necessary, the premises specified in the warrant;
- (b) arrest any person on the premises whom he believes on reasonable grounds to be committing or to have committed an offence under this Act;
- (c) search the premises and any vehicle, boat, or aircraft found on the premises;
- (d) search any person found on the premises and detain any such person for that purpose; and

(e) seize and detain—

- (i) any substance or plant on the premises, or in the possession or under the control of a person on the premises, where the police officer believes on reasonable grounds that the substance or plant is a scheduled substance, raw narcotic, prohibited substance, or prohibited plant in respect of which an offence under this Act is being or has been committed;
- (ii) any document on the premises that he believes on reasonable grounds to be a document of a kind referred to in subsection (1) (b);
- (iii) any money or valuable thing on the premises, or in the possession or under the control of a person on the premises, where the police officer believes on reasonable grounds that the money or thing is of a kind referred to in subsection (1) (c);
- (iv) any instrument, equipment, vehicle, boat, or aircraft which the police officer believes on reasonable grounds is being or has been used in the commission of an offence under this Act; and
- (v) any pipe, syringe, or other utensil, or any other appliance or thing, for use or designed to be used in connection with the preparation, smoking, inhalation, administration, or taking of a narcotic substance, raw narcotic, prohibited substance, or prohibited plant.

(3) Section 34 of the *Justices Act* 1959 applies to a person who is arrested on a warrant granted under subsection (1) as if that person had been taken into custody for a simple offence and not arrested on warrant.

(4) For the purposes of enabling him to execute a warrant under this section, a police officer may use such animals or devices and be accompanied by such assistants as he considers

necessary, and every such assistant has, while in the company of the police officer named in the warrant, the same powers to execute the warrant as the police officer has.

(5) In carrying out a search of premises in accordance with the powers conferred by subsection (2), a police officer may use such force (but no more) as is reasonably necessary to effect the search and, where necessary, may break into or break open any room, compartment, furniture, package, container, or other enclosed space on the premises.

(6) Where a police officer not below the rank of sergeant has reasonable grounds for suspecting that—

- (a) there is on any premises, or in the possession or under the control of a person on any premises, any raw narcotic, narcotic substance, prohibited substance, section 36 substance, or prohibited plant in relation to which an offence under this Act is being or has been committed; and
- (b) the narcotic, substance, or plant, or any part of it, will be destroyed or otherwise disposed of before it is reasonably practicable for him to make a formal application for a warrant under subsection (1) to enter and search the premises,

he may make a telephone call to a magistrate applying for a warrant authorizing the police officer to enter and search the premises, and, on such a telephone call being made, the magistrate may, if satisfied that there are reasonable grounds for that suspicion, grant a warrant authorizing the police officer, together with any assistants, animals, or devices permitted under subsection (4) and at any time within 24 hours after the grant of the warrant, to enter and to search the premises specified in the warrant.

(7) Subsections (2), (4), and (5) apply to a warrant granted under subsection (6) in the same way as they apply to a warrant granted under subsection (1), subject to the following modifications:—

- (a) a reference to a scheduled substance shall be read as a reference to a substance of a kind mentioned in subsection (6);



- (b) a reference to an offence under this Act shall be read as a reference to an offence under this Act relating to a substance of a kind mentioned in subsection (6), a raw narcotic, or a prohibited plant.
- (8) A magistrate grants a warrant under subsection (6) by stating the terms of the warrant by telephone to the police officer applying for it.
- (9) Where a magistrate grants a warrant under subsection (6), he shall cause a record to be made in writing of—
- (a) the name of the applicant;
  - (b) the details of the application;
  - (c) the terms of the warrant; and
  - (d) the date and time when the warrant was granted.
- (10) A police officer perfects a warrant granted to him under subsection (6)—
- (a) by causing a record to be made in writing setting out the terms of the warrant; and
  - (b) by endorsing the record with the name of the magistrate by whom, and the date and time when, the warrant was granted.
- (11) A warrant granted under subsection (6) and perfected under subsection (10) is not rendered invalid by any defect, other than a defect which affects the substance of the warrant in a material particular.
- (12) Within 7 days after having been granted a warrant under subsection (6), the police officer concerned shall—
- (a) where he has perfected the warrant in accordance with subsection (10)—deliver the warrant to the magistrate by whom it was granted; or
  - (b) in any other case—deliver to the magistrate by whom the warrant was granted a statement in writing to the effect that the warrant has not been perfected.
- (13) In this section—
- “ premises ” includes a dwelling-house, a residential flat, and any other place used as a residence, whether temporarily or permanently;

“ section 36 substance ” means a substance to which section 36 applies.

(14) In this section, a reference to a search of a person includes a reference to any clothing worn by the person and any article that may be in his possession.

Seizure of  
certain  
substances  
found in  
vehicles, &c.

90B—(1) Where a police officer believes on reasonable grounds that there is—

- (a) in the possession of any person in a public place;
- (b) on or in any vehicle in a public place;
- (c) on any animal in a public place;
- (d) on or in any boat, whether underway or not; or
- (e) on or in any aircraft,

any raw narcotic, narcotic substance, prohibited substance, section 36 substance, or prohibited plant in relation to which an offence under this Act is being or has been committed, he may, without warrant and with such assistance as he considers necessary—

- (f) search the person and detain him for the purpose of carrying out the search;
- (g) search the vehicle, animal, boat, or aircraft;
- (h) seize or seize and remove the vehicle, animal, boat, or aircraft; and
- (i) seize or seize and remove—

- (i) any substance found in or on the person, vehicle, animal, boat, or aircraft which the inspector or police officer believes is or contains a raw narcotic, narcotic substance, prohibited substance, section 36 substance, or prohibited plant; or

- (ii) any money or valuable thing found in or on the person, animal, vehicle, boat, or aircraft,

in relation to which the police officer believes an offence under this Act is being or has been committed.

(2) Where, pursuant to subsection (1), a police officer searches or is empowered to search a person, the police officer may arrest the person without warrant if the police officer

believes on reasonable grounds that the person is committing or has committed an offence under this Act in relation to a raw narcotic, a narcotic substance, a prohibited substance, a section 36 substance, or a prohibited plant.

(3) In this section, a reference to a search of a person includes a reference to any clothing worn by the person and any article that may be in his possession.

(4) In this section, "section 36 substance" means a substance to which section 36 applies.

90C—(1) Where, pursuant to section 90A or 90B, an inspector or a police officer detains a person for the purpose of search, the following provisions apply:—

Personal searches.

- (a) if a strip search is to be carried out on a female, that search shall be carried out by a female police officer;
- (b) if a strip search is to be carried out on a male, that search shall be carried out by a male police officer;
- (c) if the inspector or police officer suspects on reasonable grounds that a raw narcotic, narcotic substance, prohibited substance, section 36 substance, or prohibited plant may be present in the cavities of that person's body and wishes to determine the presence or absence of the narcotic, substance, or plant in those cavities, he shall cause that person to be brought before a magistrate;
- (d) on a person being brought before a magistrate in accordance with paragraph (c), the magistrate shall either—
  - (i) make an order in writing that the cavities of that person's body which are specified in that order shall be searched by a specified medical practitioner; or
  - (ii) refuse to make such an order;
- (e) if the search involves the application of force to the person—the inspector or police officer shall, within 7 days after effecting the search, deliver to the Director-General or, as the case may be, to the Commissioner of Police a report in writing giving full particulars of the search, including particulars of the circumstances which gave rise to the application of force.

(2) For the purposes of subsection (1):—

- (a) “cavities of a person’s body” means the vagina and rectum of that person;
- (b) “strip search” means a search, other than a cavity search ordered by a magistrate under subsection (1) (d) (i), in which the person to be searched is required to remove most or all of his clothing.

(3) An order under subsection (1) (d) (i) is sufficient authority for the medical practitioner specified in the order, and any person working in the medical or nursing profession acting in good faith in aid of, and under the direction of, that medical practitioner, to carry out a search of the cavities of the body of the person concerned which are specified in that order.

(4) If a person in respect of whom an order has been made under subsection (1) (d) (i) requests that the search authorized by that order be not carried out unless another medical practitioner, of the same sex as that person, is present, the search shall not be carried out unless another medical practitioner of the same sex as that person is present unless the circumstances are such that it is not reasonably practicable to arrange for the presence of another medical practitioner of the same sex as that person at the search.

(5) Notwithstanding subsection (3), a search authorized by an order under subsection (1) (d) (i) shall not be carried out until the person in respect of whom the search is to be carried out has been informed of the request that he may make pursuant to subsection (4).

(6) If a person in respect of whom an order has been made under subsection (1) (d) (i) refuses or fails to submit himself to the search authorized by that order, or wilfully obstructs the carrying out of the search, the medical practitioner authorized to carry out the search, and any person working in the medical or nursing profession acting in good faith in aid of, and under the direction of, that medical practitioner, may use such force as is reasonably necessary for the purpose of enabling the search to be carried out.

(7) In this section, “section 36 substance” means a substance to which section 36 applies.

90D—(1) Where a police officer seizes a substance, plant, or other article under section 90, 90A, or 90B, he may require the person from whom the substance, plant, or article was seized to state—

Power of  
police officer  
to require  
person to  
provide  
certain  
particulars.

- (a) his name and the address of his place of residence or of the place where he proposes next to reside; and
  - (b) the place at which, and the person from whom, the first-mentioned person obtained the substance, plant, or article.
- (2) Any person who—
- (a) fails to comply with a requirement made to him under subsection (1) with respect to the particulars referred to in paragraph (a) of that subsection;
  - (b) without reasonable excuse, fails to comply with a requirement made to him under subsection (1) with respect to the particulars referred to in paragraph (b) of that subsection when it is within his power so to comply; or
  - (c) in response to a requirement made to him under subsection (1), gives information which to his knowledge is false or misleading,
- is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000.

(3) Where, pursuant to section 90A or 90B, a police officer searches or is empowered to search a person, the police officer may arrest the person without warrant if—

- (a) the person fails to comply with a requirement made to him under subsection (1); or
- (b) in response to such a requirement, the person gives information that the police officer believes on reasonable grounds to be false or misleading.

90E—(1) Where—

- (a) a person whom a police officer believes on reasonable grounds to be committing or to have committed an offence under this Act in relation to a raw narcotic, a narcotic substance, a prohibited substance, a section 36 substance, or a prohibited plant—

- (i) flees from the presence of the police officer while the police officer is endeavouring to arrest him or to exercise in respect of him any other power conferred by this Act on a police officer; and

Power of police officer to pursue suspected person on to private premises.

- (ii) after fleeing from that presence, enters premises that are not a public place; and  
 (b) the police officer, immediately after the person flees from his presence, pursues the person and the pursuit continues without interruption,

the police officer may, without warrant, enter the premises notwithstanding that they are not a public place and may for the purpose of effecting entry to the premises use such force (but no more) as may be reasonably necessary.

(2) In this section, "premises" includes a dwelling-house, a residential flat, and any other place used as a residence, whether temporarily or permanently.

(3) In this section, "section 36 substance" means a substance to which section 36 applies.

Amendment of section 91 of Principal Act (Protection from liability).

**43**—Section 91 of the Principal Act is amended as follows:—

- (a) by omitting " , or by the Committee or by any member thereof or by the secretary or any other officer thereof ";  
 (b) by omitting " , or the Committee, or any member or the secretary or other officer thereof " .

Amendment of section 92 of Principal Act (Power of Minister to revoke or suspend rights under this Act in certain cases).

**44**—(1) Section 92 (1) of the Principal Act is amended as follows:—

- (a) by omitting " , after due investigation ";  
 (b) by omitting " or by a prescribed document " .

(2) Section 92 of the Principal Act is further amended by omitting subsections (6) and (7) and substituting the following subsections:—

(6) The Minister shall not, pursuant to this section, suspend or revoke a right referred to in subsection (1) unless, after giving the person on whom the right is conferred an opportunity to be heard and having regard to the evidence before him, he is satisfied that—

- (a) the person, in relation to that right, is or has been guilty of conduct which—  
 (i) is an abuse of that right or a contravention of or failure to comply with a provision of this Act; or  
 (ii) shows him to be unfit to enjoy that right;  
 or

(7) In this section, a reference to a right conferred on a person by or under this Act is a reference to—

- (a) a right arising by virtue of a licence, permit, or authority issued or granted under this Act conferring on the holder of the licence, permit, or authority the right to make, refine, prepare, prescribe, sell, supply, or have in his possession or use a substance or plant of a kind referred to in subsection (1); or
- (b) a right, privilege, or freedom arising by virtue of an exception or exemption provided for by or under this Act to do any of the things referred to in paragraph (a).

**45**—After section 92 of the Principal Act, the following section is inserted:—

Insertion in  
Principal Act  
of new section  
92A.

**92A**—(1) The regulations may adopt, either wholly or in part, and either specifically or by reference and with or without modification, a standard or specification of a prescribed authority, being a standard or specification specified in the regulations and dealing with a matter to which the regulations relate, whether the standard or specification is published or issued before or after the commencement of section 45 of the *Poisons Amendment Act 1984*.

Adoption of  
standards by  
reference.

(2) In subsection (1), “prescribed authority” means—

- (a) the Standards Association of Australia;
- (b) the British Standards Institution; and
- (c) such other body as may be specified in the regulations for the purposes of this section.

(3) A reference in subsection (1) to a standard or specification includes a reference to an amendment of that standard or specification, whether the amendment is published or issued before or after the commencement of section 45 of the *Poisons Amendment Act 1984*.

(4) In subsection (3), “amendment” means—

- (a) the omission of matter;
- (b) the insertion of additional matter; and
- (c) the omission of matter and the substitution of other matter.

Amendment of  
section 93 of  
Principal Act  
(Regulations).

**46**—(1) Section 93 (2) of the Principal Act is amended as follows:—

(a) by inserting the following paragraph after paragraph (c):—

(ca) prohibiting the advertising of potent substances and restricted substances, except in specified publications or a specified class of publications, or in specified circumstances, or in accordance with or subject to specified conditions or restrictions;

(b) by inserting the following paragraph after paragraph (j):—

(ja) prohibiting the sale and supply of potent substances, except in accordance with or subject to specified conditions or restrictions;

(c) by omitting paragraph (p) and substituting the following paragraph:—

(p) providing for any contravention of or failure to comply with a provision of the regulations to be an offence and providing on the summary conviction of a person for such an offence for the imposition of a penalty not exceeding \$1 000.

(2) Section 93 (5) of the Principal Act is amended by omitting “, the Committee,”.



47—The Schedule to the Principal Act is repealed and the following Schedule is substituted:—

Substitution of  
the Schedule to  
Principal Act.

## SCHEDULE 1

Sections 44 and 47

MAXIMUM PERMISSIBLE QUANTITIES FOR THE PURPOSES  
OF SECTIONS 44 AND 47

## PART I

## RAW NARCOTICS AND NARCOTIC SUBSTANCES

| FIRST COLUMN<br>Substance | SECOND COLUMN<br>Prescribed quantity |
|---------------------------|--------------------------------------|
| AMPHETAMINE               | 0.5 of a gram                        |
| COCAINE                   | 0.5 of a gram                        |
| CODEINE                   | 3 grams                              |
| DEXAMPHETAMINE            | 0.5 of a gram                        |
| DEXTROMORAMIDE            | 1.0 gram                             |
| DIHYDROCODEINE            | 3.0 grams                            |
| METHADONE                 | 0.5 of a gram                        |
| METHYLAMPHETAMINE         | 0.5 of a gram                        |
| METHYLPHENIDATE           | 0.5 of a gram                        |
| MORPHINE                  | 0.5 of a gram                        |
| OPIUM                     | 5.0 grams                            |
| OXYMORPHONE               | 0.5 of a gram                        |
| PETHIDINE                 | 5.0 grams                            |
| THEBAINE                  | 0.75 of a gram                       |

## PART II

## PROHIBITED SUBSTANCES

| FIRST COLUMN<br>Substance   | SECOND COLUMN<br>Prescribed quantity |
|---|--------------------------------------|
| ACETORPHINE   | 0.1 of a gram                        |
| 2-AMINO-1-(2,5-DIMETHOXY-4-METHYL)<br>PHENYLPROPANE   | 0.5 of a gram                        |
| 4-BROMO-2,5-DIMETHOXYAMPHETAMINE  | 0.5 of a gram                        |
| BUFOTENINE  | 0.5 of a gram                        |
| DESOMORPHINE  | 0.05 of a gram                       |
| DIETHYLTRYPTAMINE (otherwise than in<br>divided doses)  | 0.5 of a gram                        |
| DIETHYLTRYPTAMINE (in divided doses)  | 10 doses                             |
| 3-(1,2-DIMETHYLHEPTYL)-1-HYDROXY-<br>7,8,9,10-TETRAHYDRO-6,6,9-TRIMETHYL-<br>6H-DIBENZO (b,d) PYRAN | 0.5 of a gram                        |
| DIMETHYLTRYPTAMINE (otherwise than in<br>divided doses)   | 0.5 of a gram                        |

| FIRST COLUMN<br>Substance   | SECOND COLUMN<br>Prescribed quantity |
|---|--------------------------------------|
| DIMETHYLTRYPTAMINE (in divided doses)   | 10 doses                             |
| N-ETHYL-1-PHENCYCLOHEXYLAMINE (PCE)   | 0.7 of a gram                        |
| ETORPHINE   | 0.1 of a gram                        |
| HEROIN (Diacetylmorphine)   | 0.5 of a gram                        |
| 3-HEXYL-1-HYDROXY-7,8,9,10-TETRAHYDRO-6,6,9-TRIMETHYL-6H-DIBENZO (b,d) PYRAN  | 0.5 of a gram                        |
| HYDROXYAMPHETAMINE  | 1.0 gram                             |
| LYSERGIDE (otherwise than in divided doses)   | 0.004 of a gram                      |
| LYSERGIDE (in divided doses)  | 10 doses                             |
| MESCALINE   | 1.0 gram                             |
| MESCALINE (in divided doses)  | 10 doses                             |
| PSILOCIN (otherwise than in divided doses)  | 0.1 of a gram                        |
| PSILOCIN (in divided doses)   | 10 doses                             |
| PSILOCYBIN (otherwise than in divided doses)  | 0.1 of a gram                        |
| PSILOCYBIN (in divided doses)   | 10 doses                             |
| TETRAHYDROCANNABINOLS and 3-alkyl and 4-alkyl homologues, including DMPH and Parahexyl within one of those structural designations. | 0.5 of a gram                        |

PART III  
PROHIBITED PLANTS

| FIRST COLUMN<br>Plant   | SECOND COLUMN<br>Prescribed quantity  |
|---|---|
| INDIAN HEMP (otherwise than separated resin or individual plants or in individual preparations) | 25.0 grams  |
| INDIAN HEMP (individual plants)   | 5 plants  |
| INDIAN HEMP (individual preparations)   | 40 individual preparations containing any proportion of cannabis each of which is capable of being ignited and the smoke from it inhaled. |
| INDIAN HEMP RESIN or any preparation containing such resin                                      | 5.0 grams   |
| POPPY PLANTS <sup>1</sup>   | 5 plants  |
| POPPY CAPSULES <sup>2</sup>   | 25 capsules   |
| POPPY PLANT MATERIAL <sup>3</sup>   | 75 grams  |

<sup>1</sup> "Poppy plants" means *Papaver bracteatum* or *Papaver somniferum*.

<sup>2</sup> "Poppy capsules" means seed pods, with or without seeds, of poppy plants.

<sup>3</sup> "Poppy plant material" means any part of a poppy plant except the seeds.

48—The Principal Act is amended in the manner specified in Schedule 1.

Amendments to Principal Act with respect to offences and penalties.

SCHEDULE 1

Section 48

AMENDMENTS TO PRINCIPAL ACT WITH RESPECT TO OFFENCES AND PENALTIES

| COLUMN 1<br>Section of Principal Act amended | COLUMN 2<br>Amendment  |
|--|--|
| (1) Section 18 (1)                           | Omit all the words after paragraph (e) and substitute " is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$2 000 ".  |
| (2) Section 18 (2)                           | Omit all the words after paragraph (b) and substitute " is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$2 000 ".  |
| (3) Section 26                               | <p>Omit subsection (1) and substitute the following sub-sections:—</p> <p>(1) Subject to this section and section 38, a person, other than a medical practitioner, a pharmaceutical chemist, a licensed manufacturing chemist, a licensed wholesale chemist, a dentist, or a veterinary surgeon, in the lawful practice of his profession or business as such, shall not sell or supply to another person a substance to which this section applies unless he is the holder of a licence in force under section 27 to sell or supply that substance.</p> <p>Penalty: \$1 000.</p> <p>(1A) A person, other than a medical practitioner, a dentist, or a veterinary surgeon, in the lawful practice of his profession as such, shall not sell or supply a restricted substance to another person.</p> <p>Penalty: \$2 000.</p> |
| (4) Section 26 (2)                           | Omit " Subsection (1) of this section does " and substitute " Subsections (1) and (1A) do ".   |
| (5) Section 27 (6)                           | <p>Omit " against this Act.</p> <p>Penalty: Two hundred dollars."</p> <p>and substitute " and is liable on summary conviction to a penalty not exceeding \$1 000."</p>   |
| (6) Section 28 (4)                           | <p>Omit " against this Act.</p> <p>Penalty: Two hundred dollars."</p> <p>and substitute " and is liable on summary conviction to a penalty not exceeding \$1 000."</p>   |

| COLUMN 1<br>Section of Principal Act<br>amended | COLUMN 2<br>Amendment  |
|---|--|
| (7) Section 29 (2)                              | (a) Omit "No person" and substitute "A person";<br>(b) Insert "not" after "shall".   |
| (8) Section 29 (3)                              | Omit "against this Act."<br>Penalty: Two hundred dollars."<br>and substitute "and is liable on summary conviction<br>to a penalty not exceeding \$1 000."  |
| (9) Section 30 (2)                              | Omit "against this Act."<br>Penalty: Two hundred dollars."<br>and substitute "and is liable on summary conviction<br>to a penalty not exceeding \$1 000."  |
| (10) Section 31 (4)                             | Omit all the words after paragraph (c) and substitute<br>"is guilty of an offence and is liable on summary<br>conviction to a penalty not exceeding \$1 000."  |
| (11) Section 32 (2)                             | Omit "against this Act."<br>Penalty: Two hundred dollars."<br>and substitute "and is liable on summary conviction<br>to a penalty not exceeding \$1 000."  |
| (12) Section 33                                 | (a) Omit "No person" and substitute "A person";<br>(b) Insert "not" after "shall";<br>(c) Omit "Two hundred dollars" and substitute<br>"\$1 000".  |
| (13) Section 34 (1)                             | (a) Omit "No person" and substitute "A person";<br>(b) Insert "not" after "shall";<br>(c) Omit "Fifty dollars" and substitute "\$1 000".   |
| (14) Section 35 (1)                             | (a) Omit "No person—<br>(a) shall forge or alter; or<br>(b) knowing it to be forged or altered,<br>shall utter,"<br>and substitute "A person shall not—<br>(a) forge or alter; or<br>(b) knowing it to be forged or altered,<br>utter,";<br>(b) Omit "Five hundred dollars" and substitute<br>"\$5 000". |
| (15) Section 35 (2)                             | Omit "Five hundred dollars" and substitute<br>"\$5 000".   |
| (16) Section 36 (1)                             | (a) Omit "No person shall" and substitute "A<br>person shall not";<br>(b) Omit "Five hundred dollars" and substitute<br>"\$5 000".   |

| COLUMN 1<br>Section of Principal Act amended   | COLUMN 2<br>Amendment   |
|--|---|
| (17) Section 41 (1)  | <p>(a) Omit "No person shall" and substitute "A person shall not";</p> <p>(b) At the end of the subsection, insert the following:—<br/>Penalty: \$1 000.</p>  |
| (18) Section 43<br>Contravention,<br>&c., of<br>Ministerial<br>order or<br>conditions. | <p>Omit the section and substitute the following:—</p> <p>43—A person who—</p> <p>(a) contravenes or fails to comply with the provisions of an order under section 42 (1); or</p> <p>(b) sells or supplies a drug otherwise than in compliance with conditions specified by the Minister under section 42 (2),</p> <p>is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000.</p> |
| (19) Section 45 (1)  | <p>(a) Omit "No person shall" and substitute "A person shall not";</p> <p>(b) At the end of the subsection, insert the following:—<br/>Penalty: \$1 000 or imprisonment for 2 years, or both.</p>   |
| (20) Section 45 (2)  | <p>(a) Omit "no person" and substitute "a person";</p> <p>(b) Insert "not" after "shall";</p> <p>(c) At the end of the subsection, insert the following:—<br/>Penalty: \$1 000 or imprisonment for 2 years, or both.</p>  |
| (21) Section 46  | <p>(a) Omit "No person shall" and substitute "A person shall not";</p> <p>(b) At the end of the section, insert the following:—<br/>Penalty: \$1 000 or imprisonment for 2 years, or both.</p>  |
| (22) Section 47 (3)  | <p>Omit "No person shall—" and substitute "A person shall not—".</p>  |
| (23) Section 49 (1)  | <p>(a) Omit "No person shall" and substitute "A person shall not";</p> <p>(b) Omit "servant and under the orders" and substitute "employee and under the direction".</p>  |

| COLUMN 1<br>Section of Principal Act<br>amended | COLUMN 2<br>Amendment  |
|---|--|
| (24) Section 51 (2)                             | Omit " against this Part " and substitute " and is liable on summary conviction to a penalty not exceeding \$5 000 or to imprisonment for a term not exceeding 2 years, or both ".                                     |
| (25) Section 52 (1)                             | Omit " No person shall," and substitute "A person shall not,".   |
| (26) Section 54 (1)                             | Omit " No person shall—" and substitute "A person shall not—".   |
| (27) Section 54 (2)                             | Omit " No person shall " and substitute "A person shall not ".   |
| (28) Section 55 (1)                             | Omit all the words after paragraph (d) and substitute " is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$3 000 or to imprisonment for a term not exceeding 2 years, or both ". |
| (29) Section 56 (1)                             | Omit all the words after paragraph (c) and substitute " is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000 or to imprisonment for a term not exceeding 2 years, or both ". |
| (30) Section 69                                 | (a) Omit " No person shall," and substitute "A person shall not,";   |
| (31) Section 80                                 | (b) Omit " Twenty dollars " and substitute " \$100 ".  |
| (32) Section 81 (1)                             | (a) Omit " No person shall—" and substitute "A person shall not—";   |
| (33) Section 83 (1)                             | (b) Omit " Two hundred dollars " and substitute " \$1 000 ";   |
| (32) Section 81 (1)                             | (c) Omit " twenty dollars " and substitute " \$20 ".   |
| (33) Section 83 (1)                             | (a) Omit " No person shall " and substitute "A person shall not ";   |
| (33) Section 83 (1)                             | (b) At the end of the subsection, insert the following:—<br>Penalty: \$1 000.  |
| (33) Section 83 (1)                             | (a) Omit " No person shall—" and substitute "A person shall not—";   |
| (33) Section 83 (1)                             | (b) At the end of the subsection, insert the following:—<br>Penalty: \$1 000.  |