

POLICE OFFENCES (No. 3).

No. 42 of 1959.

AN ACT to amend the *Police Offences Act 1935*.
[30 November 1959.]

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

1—(1) This Act may be cited as the *Police Offences Act (No. 3) 1959*. Short title, citation, and commencement.

(2) The *Police Offences Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

2 Section thirty-three of the Principal Act is amended— Opium smoking prohibited.

(a) by inserting at the end of paragraph III of subsection (1) the word “or”;

(b) by omitting from paragraph IV of that subsection the word “or” (second occurring); and

(c) by omitting paragraph v of that subsection.

3 Section thirty-four of the Principal Act is repealed and the following sections are substituted therefor:—

“34—(1) No person shall, except under and in accordance with a licence granted by the Minister administering the *Dangerous Drugs Act 1959*, grow or cultivate— Growing of opium poppy.

I Any opium poppy:

II Any plant of the genus of the *erythroxylaceae* from which cocaine can be extracted either directly or by chemical transformation: or

III The pistillate plant known as *cannabis sativa*.

Penalty: Twenty pounds for a first offence, and two hundred pounds for a subsequent offence.

“(2) This section does not apply to any plant grown or cultivated, or caused to be grown or cultivated, by the Trustees of the Tasmanian Botanical Gardens.

“34A Upon the conviction of any person under this Division all opium found in the possession of that person and seized under a warrant issued under this Act shall be forfeited to His Majesty and shall be forthwith destroyed.” Forfeiture of opium.

Police officers
may enter
certain places.

4 Section fifty-seven of the Principal Act is amended—

- (a) by inserting in paragraph VI of subsection (1), after the word “vessel”, the words “or aircraft”; and
 (b) by inserting in subsection (3), after the word “vessel”, the words “or aircraft”.

5 After section fifty-eight of the Principal Act the following section is inserted in Division II of Part VII:—

Search of
persons for
narcotics.

“58A—(1) Any police officer who has reasonable grounds to suspect that any person has in his possession any raw narcotic or dangerous drug, as defined by the *Dangerous Drugs Act 1959* without lawful excuse may search that person and any vehicle and any bag, case, parcel, or other such thing in his possession and may seize and detain any substance that he finds in his search and that he knows or suspects to be such a raw narcotic or dangerous drug.

“(2) Where a police officer seizes and detains any substance under subsection (1) of this section, he may, if he considers that the person from whom it is seized has committed an offence in relation to that substance, arrest that person without warrant.”.

Justices'
warrants.

6 Section fifty-nine of the Principal Act is amended—

- (a) by omitting the word “or” at the end of paragraph I of subsection (1);
 (b) by inserting after paragraph II of that subsection the following paragraph:—

“: or

“III That there is in or upon any house, premises, or place any raw narcotic or dangerous drug, as defined in the *Dangerous Drugs Act 1959*, kept in contravention of that Act;” and

- (c) by inserting in that subsection, after the words “paragraph II”, the words “or paragraph III”.

PHARMACY.

No. 43 of 1959.

An Act to amend the *Pharmacy Act 1908*.

[30 November 1959.]

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:—

Short title,
citation, and
commence-
ment.

- 1**—(1) This Act may be cited as the *Pharmacy Act 1959*.
 (2) The *Pharmacy Act 1908*, as subsequently amended, is in this Act referred to as the Principal Act.