ANNO TRICESIMO
ELIZABETHAE SECUNDAE REGINAE
VICTORIA

Drugs, Poisons and Controlled Substances Act 1981

No. 9719

An Act to re-enact with Amendments the Law relating to Drugs, Poisons and Controlled Substances, to amend the *Health Act* 1958 and the *Crimes Act* 1958 and for other purposes.

[Assented to 12 January 1982]

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

Short title.

1. (1) This Act may be cited as the *Drugs, Poisons and Controlled Substances Act* 1981.

Commencement.

(2) The several provisions of this Act shall come into operation on a day or on the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*.

Arrangement of Act.

(3) This Act is divided into Parts and Divisions as follows:

Division

PART I.—INTRODUCTORY AND TRANSITIONAL

Repeals and revocations.

2. (1) The Acts and enactments mentioned in the table to this sub-section, to the extent to which they are therein expressed to be repealed are hereby repealed accordingly.

TABLE

TABLE

Number of Act	*Title of Act*	*Extent of Repeal*
6889	*Poisons Act* 1962	So much as has not already been repealed.
7065	*Statute Law Revision Act* 1963	Items in Schedule relating to the *Poisons Act* 1962.
7588	*Poisons (Amendment) Act* 1967	The whole.
7703	*Abolition of Bailiwicks Act* 1968	Item in Schedule relating to the *Poisons Act* 1962.
8181	*Statute Law Revision Act* 1971	Item in Schedule relating to the *Poisons Act* 1962.
8233	*Poisons (Amendment) Act* 1971	The whole.
8247	*Crimes (Powers of Arrest) Act* 1972	Item in Schedule relating to the *Poisons Act* 1962.
8266	*Poisons (Amendment) Act* 1972	The whole.
8287	*Dentists Act* 1972	Section 45 (2).
8424	*Medical Practitioners (Amendment) Act* 1973	Section 12.
8456	*Poisons (Fees) Act* 1973	The whole.
8961	*Poisons (Drugs of Addiction) Act* 1977	The whole.
9023	*Health Commission Act* 1977	Item 16 of Part A of Schedule One.
9294	*Poisons (Amendment) Act* 1979	The whole.
9427	*Statute Law Revision Act* 1980	Item in Third Schedule relating to the *Poisons Act* 1962.
9576	*Crimes (Classification of Offences) Act* 1981	Item in the Schedule relating to the *Poisons Act* 1962.

(2) All proclamations made under the *Poisons Act* 1962 and amending any of the Schedules to that Act are revoked.

Savings.

3. (1) On and from the commencement of this section—

(*a*) in any Act other than this Act;

(*b*) in any order, regulation, licence, permit, warrant, authority, Order in Council or other instrument or document made, issued or given before the commencement of this section under the *Poisons Act* 1962 but deemed to have been made, issued or given under this Act or continued in force under this Act; and

(*c*) in any order, proclamation, rule, regulation, by-law, licence, permit, warrant, authority, Order in Council or other instrument or document made, issued or given before the commencement of this Act under an Act other than this Act—

a reference to a domestic poison shall, unless the context otherwise requires, be deemed and taken to be a reference to a hazardous substance.

(2) On

(2) On and from the commencement of this section in any order, proclamation, regulation, licence, permit, warrant, authority, Order in Council or other instrument or document made, issued or given under the *Poisons Act* 1962 before the commencement of this section and deemed to have been made, issued or given under this Act or continued in force under this Act—

(*a*) a reference to a pharmaceutical chemist shall be deemed and taken to be a reference to a pharmacist;

(*b*) unless the contrary intention appears, a reference to a special poison shall, in relation to any substance that is dangerous poison within the meaning of section 4 of this Act be deemed and taken to be a reference to a dangerous poison.

(3) On the date of commencement of this section a permit that was immediately before that date in force under section 11 of the *Poisons Act* 1962 in respect of an industrial and agricultural poison or a domestic poison within the meaning of section 3 (1) of that Act shall cease to have effect.

(4) Subject to sub-sections (2) and (3), nothing in this Act shall affect the continuity of status, operation or effect of any permit issued under section 11 of the *Poisons Act* 1962 before the commencement of this section and in force immediately before that commencement, and that permit shall, on and from the date of commencement of this section, be deemed to have been issued under the provisions of this Act that corresponds to section 11 of the *Poisons Act* 1962.

(5) Nothing in this Act shall affect the continuity of status operation or effect of any licence, permit (not being a permit to which sub-section (4) applies), warrant or authority made, issued or given under the *Poisons Act* 1962 but before the date of commencement of this section and in force immediately before that date, but that licence, permit, warrant or authority shall be deemed to have been made, issued or given under the corresponding provisions of this Act and shall remain in force for the period of six months from the date of commencement of this section and no longer.

(6) Where, before the date of commencement of this section, an application was made for a licence, permit, warrant or authority under the *Poisons Act* 1962 but has not been granted or refused at the date of commencement of this section, an application shall, on and from the date of commencement of this section, be treated as an application for a licence, permit, warrant or authority under the corresponding provision of this Act.

(7) Except

(7) Except as is in this Act expressly or by necessary implication provided—

(*a*) all persons, things and circumstances appointed or created by or under the *Poisons Act* 1962 or existing or continuing under that Act immediately before the commencement of this section shall under and subject to this Act continue to have the same status, operation and effect as they respectively would have had if that Act had not been repealed; and

(*b*) in particular and without limiting the generality of paragraph (*a*), the repeal of the *Poisons Act* 1962 shall not disturb the continuity of status, operation or effect of any order, proclamation, regulation, recommendation, certificate, proceeding, appointment, notification, writ, summons, award, judgment, decree, fee, suspension, revocation, renewal, enquiry, registration, document, panel, submission, remuneration, approval, disapproval, refusal, decision, report, investigation, requirement, forfeiture, direction, analysis, examination, liability or right made, effected, issued, granted, given, instituted, imposed, accrued, incurred or acquired or existing or continuing by or under the repealed Act before the commencement of this section.

(8) The members of the Poisons Advisory Committee constituted under the *Poisons Act* 1962 in office immediately before the date of commencement of Division 3 of Part II. of this Act shall on and from the date of commencement of that Division be deemed to have been appointed as members of the Poisons Advisory Committee constituted under this Act, and each member so appointed shall be deemed to have been appointed for a term equal to the unexpired portion of the term for which he was appointed under the *Poisons Act* 1962.

Interpretation.

4. (1) In this Act unless inconsistent with the context or subject-matter—

"Authorized officer" means a person authorized by the Commission under section 41 and any member of the police force.

"Automatic machine" means any machine or mechanical device used or capable of being used for the purpose of selling or supplying goods without the personal manipulation or attention of the seller or supplier or his employé or other agent at the time of the sale or supply.

"Commission" means the Health Commission of Victoria established under the *Health Commission Act* 1977.

"Committee"

"Committee" means the Poisons Advisory Committee constituted under Division 3 of Part II.

"Compound" in relation to a poison or controlled substance means a medicament prepared in accordance with a formula and being a combination of—

(*a*) a poison or controlled substance; and

(*b*) any other substance or substances—

in such a way that the poison or controlled substance cannot be readily separated from the other substance or substances, and "to compound" and derivative expressions have corresponding meanings.

"Dangerous poison" means any substance or preparation—

(*a*) specified in Schedule One or added thereto by proclamation; or

(*b*) specified in part 1 of Schedule Seven or added thereto by proclamation.

"Dentist" means a person for the time being registered as a dentist under the *Dentists Act* 1972.

"Drug of addiction" means any substance or preparation specified in Schedule Eight to this Act or added thereto by proclamation.

"Drug of dependence" means a substance or preparation that is—

(*a*) a drug of addiction; or

(*b*) a poison or controlled substance declared by proclamation of the Governor in Council published in the *Government Gazette* to be productive, if improperly used, of effects of substantially the same character as any drug of addiction.

"Hazardous substance" means any substance or preparation specified in Schedule Five or added thereto by proclamation.

"Heroin" means diacetyl morphine (also known as diamorphine) and its salts.

"Industrial and agricultural poison" means any substance or preparation specified in Schedule Six or added thereto by proclamation.

"Label" includes any tag brand mark or statement in writing on or attached to or used in connexion with any container or package containing any poison or controlled substance; and "labelled" has a corresponding interpretation.

"Licence" means a valid and unexpired licence under any Part of this Act.

"Licensee"

"Licensee" means the person named in a licence.

"Manufacture" includes the processes of refining, manipulating and mixing any poison or controlled substance (including a poison or controlled substance in the raw state); and "manufacturer" has a corresponding interpretation.

"Medical practitioner" means a legally qualified medical practitioner registered under the *Medical Practitioners Act* 1970 or any corresponding previous enactment.

"Medicinal poison" means any substance or preparation specified in Schedule Two or added thereto by proclamation.

"Narcotic plant" means—

(*a*) *Papaver Somniferum L.*;

(*b*) *Papaver Orientale L.*;

(*c*) *Papaver Bracteatum Lindley*;

(*d*) *Cannabis L.*; and

(*e*) any other plant from which a drug of dependence may be obtained, derived or manufactured, being a plant which has been declared by proclamation of the Governor in Council published in the *Government Gazette* to be a narcotic plant for the purposes of this Act.

"Order in Council" means an Order made by the Governor in Council published in the *Government Gazette*.

"Pharmacist" means a person for the time being registered as a pharmacist under the *Pharmacists Act* 1974.

"Poison or controlled substance" means any substance or preparation specified in Schedule One, Schedule Two, Schedule Three, Schedule Four, Schedule Five, Schedule Six, Schedule Seven or Schedule Eight or added to any of those Schedules.

"Potent substance" means any substance or preparation specified in Schedule Three or added thereto by proclamation.

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

"Proclamation" means proclamation of the Governor in Council.

"Regulations" means regulations made under this Act or any corresponding previous enactment.

"Restricted substance" means any substance or preparation specified in Schedule Four or added thereto by proclamation.

"Sell" means sell, whether by—

(*a*) wholesale or retail or otherwise, barter, exchange, deal in, agree to sell, offer or expose for sale, keep

or

or have in possession for sale, send forward, deliver or receive for or for the purpose of sale or in the course of sale; and

(*b*) authorize, direct, allow, cause, suffer, permit or attempt any of the acts or things mentioned in paragraph (*a*)—

and "sale" and each of the other derivatives of "sell" have corresponding meanings.

"Special poison" means any substance or preparation specified in part 2 of Schedule Seven or added thereto by proclamation.

"Substance" includes material, preparation, and admixture.

"Supply" means—

(*a*) supply, provide, give or deliver, whether or not for fee, reward or consideration or in expectation of fee, reward or consideration;

(*b*) agree or offer for the purpose of supply as defined in paragraph (*a*), expose for the purpose of supply as so defined, keep or have in possession for the purpose of supply as so defined, send forward or receive for the purpose of supply as so defined; and

(*c*) authorize, direct, cause, allow, suffer, permit or attempt to do any of the acts or things mentioned in paragraph (*a*) or paragraph (*b*)—

and the derivatives of "supply" shall have corresponding meanings.

"Veterinary surgeon" means a registered veterinary surgeon under the *Veterinary Surgeons Act* 1958 or any corresponding previous enactment.

"Wholesale" means—

(*a*) sale or supply for the purposes of resale;

(*b*) sale or supply to a person for the purposes of supply by that person to another person; and

(*c*) sale or supply for the purposes of use in connexion with a trade, business, profession or industry.

"Wholesale dealer" means a person who sells or supplies by wholesale.

(2) A reference in this Act to "Manufacture" does not include a reference to the process of refining, manipulating and mixing a poison or controlled substance, where the process is carried out by a pharmacist in the lawful practise of his profession in—

(*a*) premises used for sale by retail; or

(*b*) a hospital

(*b*) a hospital pharmacy department—

in which the pharmacist manufactures preparations of poisons or controlled substances for sale or distribution only from those premises or from such other premises as may be owned and operated by that pharmacist selling by retail.

Meaning of "possession".

5. Without restricting the meaning of the word "possession", any substance, money or other valuable thing shall be deemed for the purposes of this Act to be in the possession of a person so long as it is upon any land or premises occupied by him or is used, enjoyed or controlled by him in any place whatsoever, unless it is shown that he had no knowledge of the existence of that substance, money or valuable thing.

Meaning of "corresponding law".

6. (1) In this Act the expression "corresponding law" means any law stated in a certificate purporting to be issued by or on behalf of the Government of—

(*a*) any British possession (including any territory which is under Her Majesty's protection or which is governed under a trusteeship agreement by the Government of any part of Her Majesty's dominions) outside Victoria; or

(*b*) any foreign country (including any protectorate thereof or any territory which is governed under a trusteeship agreement by the Government thereof)—

to be a law providing for the control and regulation in that possession or country of the manufacture sale use export or import of drugs in accordance with the provisions of—

(i) the International Opium Convention signed at the Hague on the twenty-third day of January One thousand nine hundred and twelve; or

(ii) the Convention which is referred to as the Geneva Convention in the preamble to the Act of the Parliament of the United Kingdom known as the *Dangerous Drugs Act* 1925 and as having been signed on behalf of His Majesty on the nineteenth day of February One thousand nine hundred and twenty-five; or

(iii) the Single Convention on Narcotic Drugs, 1961 signed at New York on the thirtieth day of March One thousand nine hundred and sixty-one.

(2) Any statement in a certificate mentioned in sub-section (1) as to the effect of the law mentioned in the certificate or any statement in a certificate mentioned in sub-section (1) that any facts constitute an offence against that law shall be conclusive.

7. This

Act not to derogate from provisions of certain other Acts.

7. This Act shall be read and construed as being in aid and not in derogation of the *Health Act* 1958, the *Wildlife Act* 1975, the *Liquor Control Act* 1968, the *Medical Practitioners Act* 1970, the *Pharmacists Act* 1974, the *Stock Medicines Act* 1958, the *Veterinary Surgeons Act* 1958, the *Dentists Act* 1972, the *Alcoholics and Drug-dependent Persons Act* 1968 and the *Agricultural Chemicals Act* 1958.

References in other Acts.

8. In any Act other than this Act and in any rule regulation or by-law made under any Act other than this Act—

(*a*) a reference to a narcotic drug within the meaning of the *Poisons Act* 1958 which was by virtue of section 3 (3) of the *Poisons Act* 1962 deemed to have been a reference to a drug of addiction within the meaning of the *Poisons Act* 1962 shall, notwithstanding anything in section 3 (3) of that Act, be deemed to be a reference to a drug of addiction within the meaning of section 4 of this Act; and

(*b*) a reference to a dangerous drug within the meaning of the *Poisons Act* 1958 which was by virtue of section 3 (3) of the *Poisons Act* 1962 deemed to have been a reference to a specified drug within the meaning of the *Poisons Act* 1962 shall, notwithstanding anything in section 3 (3) of that Act, be deemed to be a reference to a drug of dependence within the meaning of section 4 of this Act.

Revocation of proclamation, &c.

9. (1) An Order in Council made for the purposes of this Act may be amended varied or revoked by Order in Council.

(2) Each proclamation by which—

(*a*) an item is added to Schedule One, Two, Three, Four, Five, Six, Seven, Eight or Eleven to this Act;

(*b*) an item is deleted from Schedule One, Two, Three, Four, Five, Six, Seven, Eight or Eleven to this Act; or

(*c*) an item in Schedule One, Two, Three, Four, Five, Six, Seven, Eight or Eleven to this Act is amended—

shall for the purposes of the *Subordinate Legislation Act* 1962 be deemed to be a Statutory Rule to which that Act applies.

(3) A proclamation (not being a proclamation mentioned in sub-section (2)) made for the purposes of this Act—

(*a*) shall be published in the *Government Gazette;* and

(*b*) may be amended varied or revoked by proclamation published in the *Government Gazette.*

Amendment of Schedule 11.

10. The Governor in Council may by proclamation published in the *Government Gazette* amend Schedule Eleven by—

(*a*) altering any item in the Schedule;

(*b*) adding any item to the Schedule; or

(*c*) deleting any item from the Schedule.

11. (1) This

Act to bind the Crown.

11. (1) This Act shall bind the Crown in right of the State of Victoria and, so far as the legislative power of the Parliament permits, shall also bind the Crown in all its other capacities.

(2) Insofar as the Crown in any relevant capacity is bound by this Act, a reference in this Act to a person includes a reference to the Crown in that capacity.

(3) Where under an agreement made pursuant to section 117 it is provided that the Crown in right of the State of Victoria shall in respect of any matter or thing be subject to an Act or law of the Commonwealth or of a State or a Territory of the Commonwealth other than the State of Victoria, that Act or law shall, to the extent provided in the agreement, bind the Crown in right of the State of Victoria.

(4) Where under an agreement made pursuant to section 117 it is provided that any provision of this Act shall, to the extent and with such modifications as are mentioned in the agreement, apply to the Crown in right of the Commonwealth or a State other than Victoria, the provision shall bind the Crown in that capacity accordingly.

PART II.—POISONS AND CONTROLLED SUBSTANCES

DIVISION 1—CLASSIFICATION

Classification of poisons or controlled substances.

12. (1) For the purposes of this Act the substances specified in Schedules One, Two, Three, Four, Five, Six, Seven and Eight are hereby declared to be poisons or controlled substances and to be classified as follows:

SCHEDULE ONE (DANGEROUS POISONS)

Substances or preparations which are of such extreme danger to life as to warrant limitation of their distribution to qualified persons and which require special precautions in manufacture or use.

SCHEDULE TWO (MEDICINAL POISONS)

Substances or preparations which are dangerous to life if misused or carelessly handled but which must be available to the public for medicinal or other purposes without undue restriction.

SCHEDULE THREE (POTENT SUBSTANCES)

Substances or preparations which are for therapeutic use, and—

(i) about which advice will need to be given to the purchaser in respect of dosage, frequency of administration and general toxicity;

(ii) which may only be prescribed, dispensed, sold or supplied by authorized persons subject to this Act and the regulations;

(iii) which may not be promoted, advertised or displayed to the public except by prescribed means; and

(iv) which

(iv) which must be kept by an authorized person in a part of his premises which is or parts of his premises which are not readily accessible to the public.

SCHEDULE FOUR (RESTRICTED SUBSTANCES)

Substances or preparations—

(*a*) the supply of which in the public interest should be restricted to medical, dental or veterinary prescription; or

(*b*) which are potentially harmful but the toxic or deleterious nature of which has not yet been evaluated.

SCHEDULE FIVE (HAZARDOUS SUBSTANCES)

Substances or preparations of a hazardous nature commonly used for domestic purposes, which must be readily available to the public but which may require caution in handling, use, storage, labelling and packaging.

SCHEDULE SIX (INDUSTRIAL AND AGRICULTURAL POISONS)

Substances or preparations which must be readily available to the public for agricultural, pastoral, horticultural, veterinary, photographic, or industrial purposes or for the destruction of pests.

SCHEDULE SEVEN

Part 1—(*Dangerous Poisons*)

Substances or preparations which are of such extreme danger to life as to warrant limitation of their distribution to qualified or experienced persons and which may require special precautions in manufacture distribution or use and for which special individual labelling and distribution regulations may be required.

Part 2—(*Special Poisons*)

Substances or preparations of exceptional danger if misused or carelessly handled and which warrant limitation of their distribution to qualified or experienced persons and require special precautions in manufacture, sale, distribution or use.

SCHEDULE EIGHT (DRUGS OF ADDICTION)

Substances or preparations which are addictive or dependence-producing drugs or potentially addictive or dependence-producing drugs including those so classified by the United Nations Organization or its agencies.

(2) The Governor in Council may by proclamation amend Schedule One, Two, Three, Four, Five, Six, Seven, Eight or Eleven or any of those Schedules as so amended—

(*a*) by adding to any Schedule or removing therefrom any item;

(*b*) by transferring any substance from any of the Schedules to any other of the Schedules; or

(*c*) by

(*c*) by altering any item in any of the Schedules—

and the Schedules as so amended shall have the same force and effect as if that amendment had been enacted in this Act.

DIVISION 2—AUTHORIZED PERSONS

Persons authorized to have possession, &c. of poisons or controlled substances.

13. (1) Subject to this Act and the regulations—

(*a*) any medical practitioner, pharmacist, veterinary surgeon or dentist is hereby authorized to have in his possession and to use, sell or supply any poison or controlled substance in the lawful practice of his profession as a medical practitioner, pharmacist, veterinary surgeon or dentist (as the case may be); and

(*b*) any authorized officer is hereby authorized to obtain and have in his possession and to sell or supply any poison or controlled substance in the exercise or performance of any power, function or duty conferred or imposed upon him by this Act or the regulations.

(2) Sub-section (1) shall not be construed as authorizing a medical practitioner, veterinary surgeon or dentist to sell or supply any poison or controlled substance by retail in an open shop unless he is licensed under this Act to do so.

(3) Where a pharmacist sells or supplies by wholesale to another pharmacist a poison or controlled substance for use by the other pharmacist in the lawful practice of his profession as a pharmacist, the sale or supply shall for the purposes of sub-section (1) be regarded as a sale or supply in the lawful practice of his profession by the first-mentioned pharmacist.

Special provisions as to medical practitioners.

14. Where pursuant to the *Medical Practitioners Act* 1970 the Medical Board of Victoria has imposed in relation to the practice of a legally qualified medical practitioner conditions, limitations or restrictions including a condition, limitation or restriction prohibiting the prescription of any drug or substance or class of drugs or substances, being a poison or controlled substance or poisons or controlled substances that medical practitioner for the purpose of this Act and the regulations shall be deemed to be not authorized to have in his possession or to use sell or supply in the lawful practice of his profession the poison or controlled substance or the poisons or controlled substances to which the condition, limitation or restriction relates.

Poisons Advisory Committee.

DIVISION 3—POISONS ADVISORY COMMITTEE

15. (1) For the purposes of this Act there shall be constituted a committee to be known as the "Poisons Advisory Committee".

(2) The Poisons Advisory Committee shall consist of eighteen persons appointed by the Governor in Council of whom—

(*a*) one shall be a legally qualified medical practitioner employed as a health officer by the Commission who shall be appointed as Chairman of the Committee;

(*b*) one

(*b*) one shall be the Chief Commissioner of Police or his nominee;

(*c*) two shall be teachers or lecturers one in pharmacology and one in veterinary science each appointed after consultation by the Minister with the Council of a University in Victoria;

(*d*) two shall be pharmacists (of which one shall be a member of the Pharmaceutical Society of Victoria) appointed from a panel of not less than four names submitted to the Minister by the Pharmacy Board of Victoria;

(*e*) one shall be a pharmacist carrying on business as a retail chemist and druggist appointed from a panel of not less than three names submitted to the Minister by the governing body for Victoria of the Pharmacy Guild of Australia;

(*f*) three shall be legally qualified medical practitioners practising as physicians appointed from a panel of not less than six names submitted to the Minister by the Victorian branch of the Australian Medical Association;

(*g*) three shall be appointed to represent manufacturers of poisons or controlled substances and shall be appointed from each of three panels of not less than three names submitted to the Minister by the Chamber of Manufactures as representative respectively—

(i) of manufacturers of poisons or controlled substances used for medicinal purposes;

(ii) of manufacturers of hazardous substances; and

(iii) of manufacturers of industrial and agricultural poisons;

(*h*) one shall be appointed to represent wholesale dealers in poisons or controlled substances and shall be appointed from a panel of not less than three names submitted to the Minister by the Chamber of Commerce;

(*i*) one shall be the Chief Chemist of the Department of Agriculture;

(*j*) one shall be a legally qualified medical practitioner who is an officer or employé of the Commission and who is expert in industrial hygiene;

(*k*) one shall be a primary producer nominated by the Minister administering the *Agricultural Chemicals Act* 1958 from a panel of not less than three names submitted to him by the body which in his opinion represents or the bodies which in his opinion represent the interests of primary producers; and

(*l*) one shall be a legally qualified medical practitioner who is an officer or employé of the Commission and who has

expertise

expertise in the treatment and rehabilitation of alcoholics and drug-dependent persons.

(3) If at any time any of the bodies mentioned in sub-section (2) fails within one month after receipt of a request in writing in that behalf from the Minister administering this Act or the Minister administering the *Agricultural Chemicals Act* 1958 to submit a panel of names as aforesaid (as the case may require), the Governor in Council may without such consultation or submission appoint any otherwise eligible person to be a member of the committee and the person so appointed shall for all purposes be deemed to have been duly appointed.

(4) Subject to this Act each member of the committee shall hold office for a period of not more than three years but shall be eligible for re-appointment if then qualified.

(5) The Governor in Council may at any time remove any member of the committee from office.

(6) Any vacancy in the office of a member of the committee however arising may be filled by the appointment of a qualified person to fill the vacancy and subject to the presence of a quorum the committee may continue to act notwithstanding any vacancy in its membership.

(7) A quorum of the committee shall consist of six members of the committee of whom at least one shall be a pharmacist and at least one shall be a legally qualified medical practitioner and at least one shall be a teacher or lecturer in pharmacology or veterinary science or a pharmacist or a legally qualified medical practitioner or a person with a qualification in chemistry.

(8) The Chairman shall preside at meetings of the committee at which he is present and if he is not present at a meeting the members present shall elect one of their number to preside at the meeting.

(9) At any meeting of the committee at which a quorum is present, the decision on any matter of the majority of the members of the committee present at the meeting shall be the decision of the committee upon that matter, but if there is an equality of votes the person presiding at the meeting shall, in addition to the deliberative vote which he has as a member of the committee, have a casting vote.

(10) The committee shall meet at such times and places (but not less than once in each quarter) as the Minister or the Chairman appoints and, save as is otherwise prescribed, the procedure of the committee is in its discretion.

(11) With the approval of the Minister the committee may—

(*a*) establish such sub-committees as it deems necessary for the purposes of this Act; and

(*b*) co-opt

(*b*) co-opt any person or persons for the purposes of any such sub-committee.

(12) Each of the appointed members of the committee and any person co-opted by the committee shall, unless he is engaged in full-time employment as an officer of the Crown or of the public service, be entitled to receive such fees expenses and allowances as are fixed from time to time by the Governor in Council.

Function of committee.

16. The function of the committee shall be to advise the Commission upon and to make recommendations to the Commission concerning—

(*a*) any necessity to amend the Schedules to this Act;

(*b*) any necessity to vary or extend the provisions of any regulations made under this Act; and

(*c*) any matter or thing relating to the possession sale supply distribution and use of poisons or controlled substances which the committee thinks fit or which is referred to it by the Commission.

Duties of committee.

17. The committee shall—

(*a*) consider all applications for licences permits or authorities which may be granted and issued under the provisions of this Act and submit to the Commission its recommendations as to the granting or withholding of those licences permits or authorities;

(*b*) advise the Minister or the Commission upon any matter referred to the committee by the Minister or the Commission (as the case may be); and

(*c*) advise and make such recommendations (if any) as it thinks fit to the Minister or the Commission upon any matter relating to poisons or controlled substances, being a matter which the committee considers ought in the public interest to be reported to the Minister or the Commission.

Officers of committee.

18. Subject to the *Public Service Act* 1974 there may be appointed a secretary to the committee and such other officers as it is necessary or expedient to appoint for carrying out the objects and purposes of this Act.

DIVISION 4—LICENSED PERSONS

Commission may issue licences.

19. (1) Subject to this Act and the regulations the Commission may license fit and proper persons—

(*a*) to manufacture and sell or supply by wholesale any drug of addiction other than heroin;

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

(*c*) to

(*c*) to sell or supply by wholesale any drug of addiction other than heroin;

(*d*) to sell or supply by wholesale any poison or controlled substance other than a drug of addiction or hazardous substance;

(*e*) to sell or supply by retail any industrial and agricultural poison;

(*f*) to sell or supply by retail any poison or controlled substance specified in Schedules Two, Six and Seven;

(*g*) to sell or supply by retail any poison or controlled substance specified in part 1 of Schedule Seven; or

(*h*) to sell or supply by retail any poison or controlled substance specified in part 2 of Schedule Seven.

(2) A licence under this Act shall relate only to the premises described in the licence and no licence shall be issued relating to premises in more than one locality.

(3) Upon application made in that behalf the Commission may in its discretion after considering any recommendation made by the committee grant or refuse a licence under this section or grant a licence subject to such conditions limitations and restrictions as the Commission may determine.

(4) No licence shall be granted by the Commission unless it is satisfied that the applicant's premises are suitable and sanitary and adequately equipped for the manufacture sale or supply of the poisons or controlled substances in respect of which the licence has been applied for.

(5) A licence—

(*a*) to sell or supply by retail any poison or controlled substance specified in Schedules Two, Six and Seven;

(*b*) to sell or supply by retail any industrial and agricultural poison;

(*c*) to sell or supply by retail any poison or controlled substance specified in part 1 of Schedule Seven; or

(*d*) to sell or supply by retail any poison or controlled substance specified in part 2 of Schedule Seven—

shall be granted only to a person who satisfies the Commission that he is carrying on a bona fide business in such circumstances as may be prescribed.

(6) Upon the grant of a licence under this section and payment of the prescribed fee the Commission shall cause a licence to be issued to the applicant.

DIVISION 5—SPECIAL POISONS

Issue of warrants.

20. (1) The Commission may in writing warrant a person—

(*a*) to purchase or otherwise obtain any special poison from manufacturers or wholesale dealers in the poison or pharmacists; and

(*b*) to use any special poison obtained in accordance with paragraph (*a*) for such purposes and in such circumstances as may be prescribed and otherwise in accordance with the warrant—

and may at any time suspend or revoke a warrant granted under this sub-section.

(2) The Commission may permit any fit and proper person to manufacture, have in his possession or use any special poison for such purposes and in such circumstances as may be prescribed, and may at any time revoke or suspend a permit granted under this sub-section.

(3) On application in that behalf, the Commission may in its discretion grant or refuse to grant the warrant or permit applied for.

(4) Upon the grant of a warrant or permit under this section, the Commission shall cause a warrant or permit (as the case may be) to be issued to the applicant.

(5) A warrant or permit under this section—

(*a*) shall be in or to the effect of the prescribed form;

(*b*) shall be subject to such conditions, limitations and restrictions as the Commission determines and specifies in the warrant or permit.

DIVISION 6—INDUSTRIAL, EDUCATIONAL AND LABORATORY PERMITS

Issue of permits.

21. (1) The Commission may permit fit and proper persons—

(*a*) to purchase or otherwise obtain from manufacturers or wholesale dealers poisons or controlled substances, other than hazardous substances and industrial and agricultural poisons, for use for industrial purposes but not for the purpose of resale; or

(*b*) to purchase or otherwise obtain from manufacturers or wholesale dealers poisons or controlled substances other than hazardous substances and industrial and agricultural poisons for use for educational, advisory or research purposes or for the purpose of the provision of health services within the meaning of the *Health Commission Act* 1977, but not for the purpose of resale.

(2) Upon application made in that behalf the Commission may in its discretion after considering any recommendation made by the committee grant or refuse a permit under sub-section (1).

(3) Upon

(3) Upon the grant of a permit under this section and payment of the prescribed fee (if any) the Commission shall cause a permit to be issued to the applicant.

DIVISION 7—ISSUE OF LICENCES AND PERMITS

Provisions applicable to licences and permits.

22. (1) Every licence issued pursuant to the provisions of this Act or industrial permit issued pursuant to section 21 (1) (*a*) shall—

(*a*) be in the prescribed form;

(*b*) be subject to such conditions limitations and restrictions as may be prescribed and to such other conditions limitations and restrictions (if any) as the Commission thinks fit;

(*c*) remain in force until the thirty-first day of December next following the day upon which it is issued unless sooner cancelled suspended or revoked; and

(*d*) be renewable from year to year.

(2) Every permit issued pursuant to section 21 (1) (*b*) shall—

(*a*) be in the prescribed form;

(*b*) be subject to such conditions limitations and restrictions as may be prescribed and to such other conditions limitations and restrictions (if any) as the Commission thinks fit; and

(*c*) remain in force until cancelled suspended or revoked.

(3) A licensee or holder of any permit issued pursuant to section 21 (1) (*a*) may at any time during the month of November in any year in which his licence or permit is in force make application to the Commission for renewal of his licence or permit (as the case may be) in respect of the next succeeding year.

(4) Subject to this Act and the regulations and payment of the prescribed fee the Commission may renew any licence issued under this Act or permit issued under section 21 (1) (*a*) for the next ensuing year and cause to be issued to the licensee or holder of a permit a renewed licence or permit (as the case may require).

(5) Every renewal of a licence issued under this Act or permit issued under section 21 (1) (*a*) shall take effect from the first day of January in the year to which the renewal relates and shall continue in force until the thirty-first day of December next following unless sooner cancelled suspended or revoked.

(6) There shall be paid to the Commission by every applicant for a licence under this Act or for a permit under section 21 (1) (*a*) such fees (if any) as may be prescribed.

(7) The

(7) The fees prescribed for the purposes of sub-section (6)—

(*a*) for a licence to manufacture and sell or supply by wholesale any drug of addiction other than heroin, shall not exceed $3000;

(*b*) for a licence to manufacture and sell or supply by wholesale any poison or controlled substance other than a drug of addiction or hazardous substance, shall not exceed $3000;

(*c*) for a licence to sell or supply by wholesale any drug of addiction other than heroin, shall not exceed $3000;

(*d*) for a licence to sell or supply by wholesale any poison or controlled substance other than a drug of addiction or hazardous substance, shall not exceed $3000;

(*e*) for a licence to sell or supply by retail any poison or controlled substance specified in Schedule Two, Six and Seven, shall not exceed $300;

(*f*) for a licence to sell or supply by retail an industrial and agricultural poison, shall not exceed $150;

(*g*) for a licence to sell or supply by retail any poison or controlled substance specified in part 1 of Schedule Seven, shall not exceed $300;

(*h*) for a licence to sell or supply by retail any poison or controlled substance specified in part 2 of Schedule Seven, shall not exceed $300;

(*i*) for a permit under section 21 (1) (*a*), shall not exceed $300.

(8) The Commission may in its discretion at any time amend suspend cancel or revoke any licence or permit issued pursuant to the provisions of this Act or any corresponding previous enactment.

(9) Where a licence or permit is suspended cancelled or revoked pursuant to sub-section (8), the licence or permit thereupon ceases to have effect, and any document issued to the former holder of the licence or permit upon the granting or renewal of the licence or permit shall be surrendered by the holder to the Commission on demand.

DIVISION 8—MANUFACTURE AND SALE OF POISONS OR CONTROLLED SUBSTANCES

Manufacture, &c. of poisons other than hazardous substances.

23. A person shall not manufacture sell or supply by wholesale any poison or controlled substance other than a hazardous substance unless he is licensed or authorized under this Act to do so.

24. A person

Wholesaling of poisons other than hazardous substances and industrial and agricultural poisons.

24. A person shall not sell or supply any poison or controlled substance by wholesale (other than a hazardous substance or an industrial or agricultural poison) to any person who is not authorized by or licensed or permitted under this Act or the regulations to have in his possession or to sell or supply the poison or controlled substance.

Sale of industrial and agricultural poisons.

25. A person shall not sell or supply any industrial and agricultural poison by wholesale to any person who is not authorized by or licensed or permitted under this Act or the regulations to have that industrial and agricultural poison in his possession for the purpose of resale or for the purpose of supplying the poison to another person.

Retailing of poisons or controlled substances.

26. A manufacturer or wholesale dealer shall not sell or supply any poison or controlled substance other than a hazardous substance by retail unless he is authorized by or licensed or permitted under this Act so to do.

Sale of poisons or controlled substances by persons other than manufacturers, &c.

27. A person (not being a manufacturer or wholesale dealer) shall not sell or supply any poison or controlled substance other than a hazardous substance unless he is authorized by or licensed under this Act so to do.

House to house sale of poisons or controlled substances prohibited.

28. (1) A person shall not—

(*a*) sell or supply in any street or from house to house; or

(*b*) hawk or peddle, or distribute or cause to be distributed as samples, in any street or public place or from house to house—

any poison or controlled substance.

(2) A person shall not purchase or accept or offer to purchase or accept any poison or controlled substance offered for sale or hawked or peddled pursuant to sub-section (1).

Penalty: Two years imprisonment or $5000.

Sale of substances in unauthorized containers.

29. (1) A person shall not sell or supply any drug or medicine which is for internal use or any food drink or condiment in a container—

(*a*) of the like description to that prescribed by the regulations for a container in which any poison or controlled substance intended for external use may be sold; or

(*b*) of such a description as not to be readily distinguishable by sight and touch or by either sight or touch from a container in which a poison or controlled substance intended for external use may be sold.

(2) Nothing

(2) Nothing in this section shall affect any other requirements of this Act or the regulations with respect to the containers in which drugs or medicines which are or contain poisons or controlled substances may be sold.

Vending machines for poisons or controlled substances.

30. (1) A person shall not—

(*a*) whether on or about his premises or elsewhere—

(i) install any automatic machine for the sale or supply of any poison or controlled substance; or

(ii) sell or supply any poison or controlled substance by means of any automatic machine;

(*b*) allow permit or suffer any such automatic machine for the sale or supply of any poison or controlled substance to be installed on his premises;

(*c*) place or allow permit or suffer to be placed any poison or controlled substance in any automatic machine on his premises or under his control; or

(*d*) allow permit or suffer any person to purchase or be supplied with or otherwise obtain any poison or controlled substance by means of any automatic machine on the premises or under the control of the first-mentioned person.

(2) Any person who commits any contravention of or fails to comply with any provisions of this section shall be guilty of an offence against this Act and shall for every such offence be liable to a penalty of not more than $1000 or to imprisonment for a term of not more than six months, and to a further penalty of not less than $100 and not more than $250 for each day on which any offence under this section is continued after conviction by any court.

(3) Any automatic machine in respect of which any person is convicted of any offence against the provisions of this section may in the discretion of the court before which proceedings are taken for such offence be forfeited to Her Majesty.

DIVISION 9—TRADE OR PROPRIETARY POISONS

Obligation of manufacturers and importers in relation to supply of poisons or controlled substances.

31. (1) Before any substance preparation or mixture which consists of or contains in any proportion whatsoever any poison or controlled substance is first offered for sale or supply to the public under any trade proprietary or similar name the manufacturer importer or distributor thereof (as the case may require) shall notify the Commission in writing of the name under which that substance preparation or mixture is intended to be sold or supplied to the public and the nature and percentage of the poisons or controlled substances contained therein.

(2) Where

(2) Where in respect of a substance preparation or mixture any change is intended to be made in the nature or percentage of the poisons or controlled substances contained therein the manufacturer importer or distributor thereof (as the case may require) shall before the substance preparation or mixture to which sub-section (1) applies is offered for sale or supply to the public with a changed composition notify the Commission in writing of the particulars of the change.

(3) The foregoing provisions of this section shall not apply in respect of any substance preparation or mixture the composition of which—

(*a*) is required to be registered by or under the provisions of any Act for the time being in force in Victoria; or

(*b*) is disclosed on the container thereof or by a label attached thereto.

(4) Any information notified to the Commission pursuant to the foregoing provisions of this section concerning the composition of any substance containing any poison or controlled substance shall not without the consent of the person supplying the information be disclosed except to the committee and to persons engaged in treating some person affected by the taking or use of the substance and in any such case shall be disclosed only in such manner and by such persons as are authorized for the time being by the Minister.

(5) Where pursuant to the provisions of any Act other than this Act there is registered any substance preparation or mixture which consists of or contains in any proportion whatsoever any poison or controlled substance the person charged with the keeping of the register in relation thereto shall, notwithstanding anything in any other Act to the contrary, within one month after the registration thereof notify or cause the Commission to be notified in writing of the nature and percentage of the poisons or controlled substances contained in the substance preparation or mixture; and that notification shall not be deemed or taken to be a disclosure within the meaning of any other Act of the preparation or composition of the substance preparation or mixture or in any way render any person liable to any penalty under any other Act in relation thereto.

DIVISION 10—DRUGS OF ADDICTION

Keeping of record book in relation to sale or supply of drugs of addiction.

32. Every person licensed under this Part to manufacture, sell, supply or distribute any drug of addiction shall enter or cause to be entered in a book kept for that purpose details of any drug of addiction obtained by him, quantities used sold supplied or otherwise disposed of and such other particulars as are prescribed.

Medical practitioner to give notice that a patient is a drug-dependent person.

33. (1) Any medical practitioner who has reason to believe that one of his patients is a drug-dependent person shall give notice in writing to the Commission in the prescribed form.

(2) Any

(2) Any medical practitioner who considers it may be necessary to administer, supply or prescribe any drug of dependence to or for one of his patients for a period of eight weeks or more shall give notice to the Commission in the prescribed form unless notice has been given pursuant to sub-section (1).

(3) Any medical practitioner who has administered, supplied or prescribed any drug of dependence to or for any patient for a period of eight weeks or more shall give notice to the Commission in the prescribed form unless notice has been given pursuant to sub-section (1) or sub-section (2).

(4) A reference in sub-section (2) and (3) to a period of eight weeks or more is a reference to a continuous period of eight weeks or more than eight weeks.

(5) For the purposes of this section, a medical practitioner administers, supplies or prescribes a drug of dependence to a patient for a period of eight weeks or more if—

(*a*) he actually administers supplies or prescribes that drug of dependence for a continuous period of eight weeks or more;

(*b*) he supplies a quantity or quantities of a drug of dependence to the patient and instructs the patient to take the drug for a continuous period of eight weeks or more; or

(*c*) he prescribes for the patient a quantity or quantities of a drug of dependence which, if taken in accordance with the prescription, would be taken for a continuous period of eight weeks or more.

Issue of permit to medical practitioner to prescribe drug of dependence.

34. (1) The Commission may issue a permit in the prescribed form to any medical practitioner for the purpose of authorizing him—

(*a*) to administer, prescribe or supply any drug of dependence to or for a drug-dependent person for a continuous period of not more than eight weeks; or

(*b*) to administer, prescribe or supply any drug of dependence to or for any person for a continuous period greater than eight weeks, whether for the treatment of organic disease or for any other reason.

(2) The Commission may at any time amend, suspend, or revoke a permit under sub-section (1) and any permit so suspended or revoked shall forthwith cease to have effect and shall be surrendered to the Commission on demand.

35. (1) A medical

Prohibition on administration of drugs for purposes of addiction.

35. (1) A medical practitioner shall not at any time administer, supply or prescribe any drug of dependence to or for any person he has reason to believe to be a drug-dependent person unless the medical practitioner holds a permit issued by the Commission pursuant to section 34 (1).

(2) A medical practitioner shall not administer, supply or prescribe any drug of dependence to or for any person during a continuous period greater than eight weeks unless the medical practitioner holds a permit issued by the Commission pursuant to section 34 (1).

(3) A medical practitioner granted a permit under this Division shall not administer, supply or prescribe any drug of dependence to or for one of his patients for a continuous period—

(*a*) other than that specified in the permit; or

(*b*) in excess of the quantity specified in the permit.

Obligations of pharmacists in relation to dispensing of drugs.

36. Every pharmacist who is called upon to dispense for any person greater quantities of or more frequently than appears to be reasonably necessary any drug of dependence or restricted substance shall forthwith report the matter to the Commission.

DIVISION 11—APPEALS

Appeals.

37. (1) Any person who feels aggrieved by any refusal of the Commission to issue or renew any licence or permit or by any order of the Commission cancelling suspending or revoking any licence or permit may appeal therefrom to a stipendiary magistrate within six months after the refusal cancellation suspension or revocation.

(2) The stipendiary magistrate shall entertain inquire into and decide upon the appeal and for that purpose may do all such matters and things relating thereto and in the same manner and to the same extent as a magistrates' court is empowered to do under the *Magistrates' Courts Act* 1971 and his decision shall, save as provided by the *Administrative Law Act* 1978, be final and conclusive.

DIVISION 12—SALE OF POISONS BOOK

Record of sale or supply of prescribed poisons, &c.

38. Every person who sells or supplies by retail any poison or controlled substance specified in Schedule One or any poison or controlled substance specified in Part 1 of Schedule Seven or such poisons or controlled substances specified in Schedule Six as are prescribed for the purposes of this section shall make a true record in a sale of poisons book in the form of Schedule Nine of each such sale or supply in such a manner and of such particulars as are prescribed.

Sale or supply of poisons or controlled substances by order.

39. A person shall not sell or supply any poison or controlled substance for which a record of the sale or supply is required to be made in a sale of poisons book on an order by letter cable telegram radiogram

radiogram or telex unless the person to whom the poison or controlled substance is to be sold or supplied is known to the vendor or supplier and the letter cable telegram radiogram or telex is preserved by the vendor or supplier and a memorandum of the date and sender of the order is entered in the sale of poisons book.

Sale or supply of poisons or controlled substances to persons under age, &c.

40. A person shall not sell or supply any poison or controlled substance specified in Schedule One or specified in Part 1 of Schedule Seven or such of the substances specified in Schedule Six as are prescribed for the purposes of this section—

(*a*) to any person who is under the age of 18 years; or

(*b*) to any person unknown to the vendor or supplier unless the sale or supply is made in the presence of an adult witness who is known to the vendor or supplier and who knows the person to whom the poison or controlled substance is to be sold or supplied or in the presence of a member of the police force.

DIVISION 13—AUTHORIZED OFFICERS

Commission may authorize person to carry out functions of authorized officer.

41. (1) For the purposes of this Act, the Commission may in writing authorize either generally or in any particular case, any officer or employé of the Commission or of the public service to exercise and perform the powers, duties and functions of an authorized officer under this Act or the regulations.

(2) An authority under sub-section (1) may be expressed to be in force for a period specified in the authority or may be given for an indefinite period.

(3) The Commission may in writing revoke or vary an authority given under sub-section (1).

(4) A person may be an authorized officer for the purposes of this Act in conjunction with the holding of any other office in the public service or in the service of the Commission.

(5) For the purposes of this Act, any member of the police force shall be deemed to be an authorized officer.

Inspections.

42. (1) For the purpose of ascertaining whether the provisions of this Act and the regulations are being complied with any authorized officer may with such assistance as he thinks necessary at any reasonable time—

(*a*) enter upon any premises occupied by any person licensed or otherwise authorized by or under this Act to have in his possession any poison or controlled substance;

(*b*) examine

(*b*) examine any room or part of such premises and any goods or records therein;

(*c*) take an account of any poisons or controlled substances therein;

(*d*) on payment or tender of a reasonable price demand select and obtain any sample of any poison or controlled substance which is in or on those premises;

(*e*) seize any poison or controlled substance or any other substance or any document which is in or on those premises with respect to which he has reasonable grounds for believing there has been a contravention of this Act; and

(*f*) detain or remove to some suitable place any poison or controlled substance or other substance or document so seized.

(2) Every person who—

(*a*) refuses or fails to admit any authorized officer demanding to enter in pursuance of the provisions of this section;

(*b*) refuses to permit any authorized officer to select or obtain any sample in pursuance of the provisions of this section; or

(*c*) obstructs or delays any authorized officer in the discharge of his duty or causes or permits any authorized officer to be so obstructed or delayed—

shall be guilty of an offence against this Act.

Duties of officers in relation to seized substances.

43. (1) Where any poison or controlled substance or other substance or document is seized by an authorized officer pursuant to this Part, the authorized officer shall forthwith—

(*a*) give notice of the seizure in the prescribed form to the person apparently in charge thereof; or

(*b*) if there is no person apparently in charge thereof, give notice of the seizure to any person appearing to be the consignor or owner thereof by any name and address attached thereto or to any package containing the poison or controlled substance or the other substance or document if the address is a place in Victoria and otherwise to the importer or consignee or his agent.

(2) Any person claiming any poison or controlled substance or other substance or document seized under this Part may within 96 hours after the seizure complain of the seizure by giving notice verified by statutory declaration of the complaint in the prescribed form to the clerk of the magistrates' court and a copy of the notice and the statutory declaration to the authorized officer responsible for the seizure.

(3) The

(3) The complaint shall be determined by any magistrates' court who (after hearing the evidence) may either confirm or disallow the seizure wholly or in part and make an order accordingly.

(4) If no complaint is made or if the seizure is confirmed each poison or controlled substance or other substance or document shall thereupon become the property of the Crown and may be destroyed or disposed of as the Minister directs.

44. (1) Where there is sold or supplied to any authorized officer in an unopened package any poison or controlled substance in connexion with the sale or supply of which there is a contravention of or failure to comply with any of the provisions of this Act or the regulations each of the following persons shall, in addition to the person who actually sold or supplied the package to the authorized officer, be liable in respect of the contravention or failure, namely—

(*a*) if there is a label on or attached to the package—any person who appears from the label to have manufactured or prepared the poison or controlled substance or to have imported the poison or controlled substance into Victoria or to have enclosed or caused the poison or controlled substance to be enclosed in the package or to have been the wholesale dealer in the poison or controlled substance; or

(*b*) if there is no label on or attached to the package or if there is a label on or attached to the package but the label does not disclose any of the particulars referred to in paragraph (*a*) any person who has previously sold or supplied the unopened package.

Duties of officers in relation to seized substances.

(2) Any person to whom the provisions of sub-section (1) applies shall be deemed to have sold or supplied the unopened package to the authorized officer as on the day and at the place where he purchased the package and shall be liable to the same penalty as if he had actually sold or supplied the unopened package to the authorized officer on that day and at that place.

(3) It shall be a good defence to any prosecution brought under the provisions of this section if the person charged shows—

(*a*) that the contravention or non-compliance is due to the act or default of some subsequent seller or supplier;

(*b*) that the contravention or non-compliance is due to deterioration or other causes beyond the control of the person so charged;

(*c*) where there is a label on or attached to the package, that he did not in fact attach the label or cause the label to be attached or enclose the poison or controlled substance in the package or cause the poison or controlled substance to be enclosed; or

(*d*) where

(*d*) where there is no label on the package or attached thereto that he purchased or obtained the poison or controlled substance already enclosed in a package from some other person and sold or supplied the package in the condition in which he received it.

(4) Nothing in this section shall affect the liability of any person selling or supplying an unopened package containing a poison or controlled substance to an authorized officer with respect to any contravention or non-compliance due to his default or to other causes within his control; and the conviction of any person under the foregoing provisions of this section shall not exonerate the person selling or supplying the unopened package or any other person from liability with respect to that contravention or non-compliance.

(5) Without affecting the generality of the application of this or any other provision of this Act to firms or their members, where a firm appears from a label on or attached to a package containing a poison or controlled substance to have imported manufactured or prepared the poison or controlled substance or to have been the wholesale dealer in the poison or controlled substance or to have enclosed the poison or controlled substance in a package—

(*a*) proceedings under this section may be taken (whether in a magistrates' court or otherwise) and penalties recovered accordingly against any member or members of the firm; and

(*b*) this section shall be read and construed and have effect as if the name or names of the member or members of the firm had appeared on the label.

DIVISION 14—OFFENCES

Time within which information to be laid.

45. An information for an offence against any of the provisions of this Act or the regulations (not being an indictable offence, whether or not that offence is pursuant to this Act capable of being determined summarily) shall be laid within three years from the time when the matter of the information occurs and not afterwards.

Offences.

46. Except insofar as it is otherwise by this Act expressly enacted every person who—

(*a*) contravenes or fails to comply with any of the provisions of this Part;

(*b*) contravenes or fails to comply with any condition limitation or restriction to which any licence warrant or permit issued under this Part is subject;

(*c*) purchases or obtains any poison or controlled substance and gives false information in answer to inquiries required by or under this Act to be made by the seller or supplier; or

(*d*) signs

(*d*) signs his name as a witness to the sale or supply of a poison or controlled substance to a person unknown to him—

shall be guilty of an offence against this Act.

Maximum sentence, &c.

47. A person shall not on conviction for any offence of contravening or failing to comply with the regulations relating to—

(*a*) the keeping of books ; or

(*b*) the issuing or dispensing of prescriptions containing substances or preparations to which this Part applies—

be sentenced to imprisonment or to pay a penalty of more than $500 if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to or committed in the course of or in connexion with the commission or intended commission of any other offence against this Act.

Offence to receive certain moneys, &c.

48. Where for or in connexion with the manufacture sale or supply of a poison or controlled substance in contravention of this Act a person is proved to have in his possession or to have received money or any other valuable thing the person shall be deemed to have sold or supplied that poison or controlled substance in contravention of this Act unless the court hearing the matter is satisfied to the contrary.

Obtaining licence by fraud.

49. Any person who for the purpose of obtaining for himself or for any other person the issue grant or renewal of a licence warrant or permit under this Act makes any declaration or statement which is false in any material particular or knowingly utters produces or makes use of a declaration or statement which is false in any material particular or a document which contains a declaration or statement that is false in any material particular shall be guilty of an offence against this Act.

Immunity of authorized officers.

50. No authorized officer shall be in any way liable to any penalty in respect of anything done by him in the exercise of any power or in the performance of any duty conferred or imposed upon him pursuant to the provisions of this Act and the regulations.

Immunity of members of the police force, &c.

51. No member of the police force or person if the member or person is acting under instructions given in writing in relation to a particular case by a member of the police force not below the rank of senior sergeant shall be deemed to be an offender or accomplice in the commission of an offence against this Act although that first-mentioned member or person might but for this section have been deemed to be such an offender or accomplice.

DIVISION

DIVISION 15—POISON BAITS

Setting of poison baits.

52. (1) A person shall not set lay put or place or knowingly be a party to the setting laying putting or placing of a poison or controlled substance or any fluid or edible matter (not being sown seed or grain) which contains a poison or controlled substance in or upon any road or street or any land whatsoever.

(2) Sub-section (1) does not apply to—

(*a*) the Vermin and Noxious Weeds Destruction Board or its servants or agents with respect to the use of poisons or controlled substances for eradicating vermin or noxious weeds on any land;

(*b*) the use of a poison or controlled substance or fluid or edible matter (not being sown seed or grain) which contains a poison or controlled substance by a person in or upon any land or premises owned or occupied by him for the purpose of destroying rats, mice or other small vermin commonly found in houses (not being wildlife within the meaning of the *Wildlife Act* 1975) or for disinfecting sterilizing or cleansing purposes or for the purpose of manuring or fertilizing the land;

(*c*) the use by an owner or occupier of land of a poison or controlled substance on or adjacent to his land for the purpose of killing or destroying any wildlife within the meaning of the *Wildlife Act* 1975—

(i) being wildlife which has been declared by Order of the Governor in Council under the *Land Act* 1958 to be vermin;

(ii) which is noxious wildlife within the meaning of the *Wildlife Act* 1975; or

(iii) under and in accordance with an authority or Order in Council published issued or granted under the *Wildlife Act* 1975;

(*d*) the use by the council of a municipality (including the Corporation of the City of Melbourne and the Corporation of the City of Geelong) or by a local authority within the meaning of the *Public Contracts Act* 1958 or by any body of persons corporate or unincorporate declared by the Governor in Council by Order published in the *Government Gazette* to be a body of persons to which this sub-section applies of a poison or controlled substance in or upon any road street drain channel or land whatsoever for the purpose of—

(i) destroying rats mice or other vermin (not being wildlife within the meaning of the *Wildlife Act* 1975) commonly found in houses;

(ii) disinfecting

(ii) disinfecting sterilizing or cleansing;

(iii) manuring or fertilizing;

(iv) killing or destroying wildlife within the meaning of the *Wildlife Act* 1975, being wildlife the killing or destruction of which is authorized by or under that Act or that is noxious wildlife within the meaning of that Act or has been declared by Order of the Governor in Council under the *Land Act* 1958 to be vermin; or

(v) killing or destroying wildlife within the meaning of the *Wildlife Act* 1975, if the council acts under and in accordance with an authority issued or granted under that Act;

(*e*) the use of a poison or controlled substance for the purpose of carrying out a power authority function or duty conferred or imposed by or under an Act or in accordance with a licence permit warrant or other authority issued or granted under this Act or any other Act;

(*f*) the use of a poison or controlled substance for agricultural, pastoral or horticultural purposes (being a poison or controlled substance to which the *Agricultural Chemicals Act* 1958 applies) for agricultural, pastoral or horticultural purposes—

if and only if the person who or the body of persons which uses a poison or controlled substance of fluid or edible matter in any of the circumstances mentioned in paragraph (*a*), (*b*), (*c*), (*d*) or (*e*) takes or causes to be taken all reasonable precautions to prevent access to the poison or controlled substance or the fluid or edible matter by any domestic animal.

(3) In this section a reference to a domestic animal is a reference to any cattle within the meaning of the *Pounds Act* 1958 or any dog cat or fowl or any other animal of any other kind or species whatever (whether a quadruped or not) which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man.

Regulations.

53. Notwithstanding the provisions of this Act the Governor in Council may make regulations prohibiting the use, either absolutely or except under such circumstances or conditions or by such persons as may be prescribed, of any poison or controlled substance for the purpose of killing or destroying any animal or bird or for any other purpose whatsoever likely to cause death or harm to any animal or bird.

DIVISION

DIVISION 16—POISONS IN ROADS AND WATERCOURSES

Special regulations.

54. (1) Where in the interests of public safety it is expedient to provide for prohibiting controlling or regulating the putting or discharging or otherwise disposing of poisons or controlled substances or preparations thereof in on or into any road, street, channel, sewer, drain or watercourse, the Governor in Council may make regulations for such purposes accordingly and may by those regulations impose penalties of not more than $5000 for any breach of those regulations.

(2) This section shall be read and construed as in aid of and not in derogation from any other Acts or enactments relating to the subject-matter of sub-section (1).

DIVISION 17—PROHIBITION OF POISONS OR CONTROLLED SUBSTANCES

Prohibiting sale or supply of poisons or controlled substances.

55. (1) Where the Minister is of the opinion that it is necessary to take urgent action in the interests of the health or safety of the public, he may, after consulting with the Commission, recommend to the Governor in Council that the sale or supply use or a specified use or uses of a poison or controlled substance—

(*a*) should, subject to such terms and conditions as are specified in the recommendation, be—

(i) prohibited; or

(ii) restricted—

in the whole or any part of Victoria; or

(*b*) should, subject to such terms and conditions as are specified in the recommendation, be prohibited in part of Victoria and restricted in another part of Victoria—

for a period not exceeding three months.

(2) Where a recommendation is made to the Governor in Council under sub-section (1), the Governor in Council may, by Order published in the *Government Gazette* prohibit or restrict the sale or supply or use of the poison or controlled substance in accordance with the recommendation.

(3) The Governor in Council may, on the recommendation of the Minister after consulting with the Commission, by Order published in the *Government Gazette*—

(*a*) extend, or further extend, the period during which a prohibition or restriction under an Order made under sub-section (2) is in force for a period not exceeding three months; and

(*b*) otherwise amend or revoke an Order made under sub-section (2).

(4) Notice

(4) Notice of an Order made under sub-section (2) or sub-section (3) shall be published in a daily newspaper and a rural weekly newspaper circulating throughout Victoria.

(5) A person who contravenes or fails to comply with an Order including an Order that is amended under sub-section (3) or with the terms and conditions (if any) to which the Order is subject is guilty of an offence and liable to a penalty of not more than $5000.

PART III.—MANUFACTURE OF HEROIN

Manufacture of heroin, &c.

56. (1) On the recommendation of the Minister, made after consulting with the Commission, the Governor in Council may licence a fit and proper person to manufacture and sell or supply heroin by wholesale.

(2) Where a licence is in force under sub-section (1), no other licence shall be in force under that sub-section for any period during which the first-mentioned licence is in force.

(3) On the recommendation of the Minister, made after consulting with the Commission, the Governor in Council may licence a fit and proper person to formulate heroin.

(4) For the purposes of this section, a person formulates heroin if he prepares or does any act for the purpose of or in the course of preparing heroin in a form suitable for human therapeutic use.

(5) Where a licence is in force under sub-section (3) no other licence under that sub-section shall be in force for any period during which the first-mentioned licence is in force.

(6) The Governor in Council may on the recommendation of the Minister, made after consulting with the Commission, grant or refuse to grant a licence under sub-section (1) or sub-section (3).

(7) A licence under sub-section (1) or sub-section (3)—

(*a*) shall remain in force for such period as is specified in the licence;

(*b*) shall be subject to such conditions, limitations and restrictions (if any) as the Governor in Council on the recommendation of the Minister determines and specifies in the licence;

(*c*) shall specify—

(i) the premises at which heroin may be manufactured or formulated by the licensee;

(ii) the quantity or quantities of heroin which may be manufactured or formulated by the licensee; and

(iii) the premises at which the licensee may store or keep heroin or any ingredient used in the manufacture of heroin for the purposes of manufacture or sale or supply by wholesale or for formulation under the licence; and

(*d*) may

(*d*) may at any time be revoked or suspended by the Governor in Council on the recommendation of the Minister.

(8) A licence under sub-section (1) or sub-section (3) shall authorize the manufacture and sale or supply of heroin by wholesale or the formulation of heroin (as the case may be) only at the premises and in the quantities specified in the licence, and authorize the storage or keeping of heroin or any ingredient used in the manufacture of heroin for the purposes of manufacture and sale or supply by wholesale or formulation only at the premises specified in the licence.

(9) The Commission may by instrument permit a medical practitioner or pharmacist to purchase or otherwise obtain from a person in respect of whom a licence is in force under sub-section (1) or sub-section (3) such quantities of heroin as are specified in the permit and to use the heroin so obtained for such medicinal purposes as are specified in the permit.

(10) The Commission may by instrument permit a fit and proper person to purchase or otherwise obtain from a person in respect of whom a licence is in force under sub-section (1) or sub-section (3) such quantity or quantities of heroin as are specified in the permit and to use the heroin so obtained for such educational experimental or research purposes and at such university or other institution as are specified in the permit.

(11) On application in that behalf the Commission may in its discretion grant or refuse to grant a permit under sub-section (9) or sub-section (10).

(12) A permit under sub-section (9) or sub-section (10)—

(*a*) shall remain in force for such period as is specified in the permit;

(*b*) shall be subject to such conditions, limitations and restrictions (if any) as the Commission determines and specifies in the permit; and

(*c*) shall specify the quantity or quantities of heroin that may be obtained under the permit and the purposes for which the heroin so obtained may be used by the person to whom the permit is granted.

(13) The provisions of sections 22 (8), 37 (1) and 37 (2) shall not apply to any licence granted under this section.

(14) A person who—

(*a*) being the holder of an appropriate licence under sub-section (1) or sub-section (3)—sells or supplies heroin to a person other than a person permitted under

this

this section to purchase or obtain heroin or otherwise than in accordance with any permit granted under this section;

(*b*) being the holder of an appropriate licence under sub-section (1) or sub-section (3)—manufactures or formulates heroin otherwise than in accordance with the licence; or

(*c*) being the holder of a permit under this section—uses, supplies or administers heroin otherwise than in accordance with the permit—

shall be guilty of an indictable offence and liable to imprisonment for a term of not more than five years or to a penalty of not more than $25 000 or to both such penalty and imprisonment.

PART IV.—METHYLATED SPIRIT

Interpretation.

57. In this Part unless inconsistent with the context or subject-matter—

"Methylated spirit" means—

(*a*) any spirit which has been methylated under the provisions of the Commonwealth Act known as the *Spirits Act* 1906–1971 (including any amendment thereof for the time being in force) or the regulations thereunder or has been denatured;

(*b*) methyl alcohol and wood spirit;

(*c*) any other spirit to which any methylating substance has been added; and

(*d*) any potable liquid with which methylated spirit is mixed.

Drinking of methylated spirits.

58. A person shall not drink methylated spirit.

Sale or supply of methylated spirits.

59. A person shall not sell supply or dispose of methylated spirit to any other person if he has reasonable cause to believe that that other person intends—

(*a*) to use the spirit for drinking purposes; or

(*b*) to give or supply the spirit to any other person for drinking purposes.

Sale, &c. of methylated spirit prohibition during certain hours.

60. (1) A person shall not, except under such conditions as are prescribed, sell supply or dispose of methylated spirit during any hours during which the sale supply or disposal of methylated spirit is prohibited by the regulations.

(2) Sub-section

(2) Sub-section (1) of this section, section 61 and the regulations made under section 62 in relation to the sale supply or disposal of methylated spirit shall not apply to the sale supply or disposal of methylated spirit—

(*a*) by wholesale; or

(*b*) by retail—

in any quantity exceeding 1·5 litres, unless each of the containers in which the methylated spirit is sold supplied or disposed of is of a capacity of 1·5 litres or less than 1·5 litres.

Offences.

61. (1) A person who contravenes or fails to comply with any of the provisions of this Part or the regulations made pursuant to section 62 is guilty of an offence against this Part.

(2) A person who is guilty of an offence against this Part shall be liable to a penalty of not more than $500 or to a term of imprisonment of not more than one month or to both such penalty and imprisonment.

Regulations.

62. The Governor in Council may make regulations for or with respect to—

(*a*) the requirements to be complied with by persons selling supplying or disposing of methylated spirit;

(*b*) the hours during which the sale supply or disposal of methylated spirit is except under prescribed conditions prohibited;

(*c*) the conditions under which the sale supply or disposal of methylated spirit may be made during prohibited hours; and

(*d*) generally, all such matters and things as are authorized or required to be prescribed or necessary or convenient to be prescribed for carrying into effect the purposes of this Part.

PART V.—VOLATILE SOLVENTS

Interpretation.

63. In this Part unless inconsistent with the context or subject-matter "volatile solvent" means—

(*a*) plastic solvents, adhesive cements, cleaning agents, glue, dope, nail polish remover, lighter fluid, gasoline, and other products derived from petroleum, paint or lacquer thinner, aerosol propellant and anaesthetic gas; and

(*b*) any other substance declared by the Governor in Council to be a volatile solvent for the purposes of this Part.

64. (1) For

Declaration of "volatile solvent".

64. (1) For the purposes of this Part, the Governor in Council may by Order published in the *Government Gazette* declare a substance to be a volatile solvent.

(2) The Governor in Council may by Order published in the *Government Gazette* vary or revoke an Order under sub-section (1).

Use, &c. of volatile solvents.

65. (1) A person who uses or has in his possession a volatile solvent for the purpose of—

(*a*) inhalation by himself; or

(*b*) administering the solvent to himself or otherwise introducing the solvent into his body—

shall be guilty of an offence against this Part and shall be liable to a penalty of not more than $500.

(2) A person who aids abets counsels or procures another person to use a volatile solvent for the purpose of—

(*a*) inhalation by that other person; or

(*b*) administration of the solvent by that other person to that other person or introduction by that other person of the solvent into his body—

shall be guilty of an offence against this Part and shall be liable to a penalty of not more than $1000.

Treatment of offenders.

66. (1) Where an offence against the provisions of section 65 has been proved to the satisfaction of the court (whether or not a conviction in respect of that offence has been entered), the court may by order require the person charged with the offence to present himself to a designated officer of a specified institution for assessment as to the suitability of the person to undertake a programme of treatment counselling or education.

(2) Where a court makes an order under sub-section (1), it shall cause a copy of the order to be delivered or sent by post to the person to whom the order relates and to the designated officer before whom the person is required to present himself for assessment.

(3) Where pursuant to an order made under sub-section (1) a person presents himself for assessment by a designated officer, the officer shall without undue delay carry out the assessment required by the order and shall report to the court which made the order upon the results of the assessment.

(4) A report under sub-section (3) may include such recommendations (if any) as the officer thinks fit in relation to the programme of treatment, counselling or education which the person assessed ought to undertake.

(5) A designated

(5) A designated officer shall not include in a report under sub-section (3) a recommendation that the person assessed undertake treatment, counselling or education at an institution other than the institution at which the designated officer is employed unless the designated officer or the officer in charge of that other institution has consented in writing to that person undertaking treatment, counselling or education at that institution.

(6) Upon receiving a report in relation to a person from a designated officer pursuant to sub-section (3), the court after considering the report and any recommendations contained in the report may in addition to or in lieu of any penalty or other action which it may impose or take in relation to the offence under this Act or any other Act, order the person charged with the offence to undertake a programme of treatment, counselling or education specified in the order, being treatment, counselling or education which the designated officer has in his report recommended to be undertaken by the person.

(7) A person who contravenes or fails to comply with an order under sub-section (1) or sub-section (6) is guilty of an offence against this Part and shall be liable to a penalty of not more than $500.

(8) For the purposes of this section—

(*a*) the Governor in Council may by Order published in the *Government Gazette* declare any clinic, hospital, service, centre or institution to be a specified institution; and

(*b*) the Governor in Council may by Order published in the *Government Gazette* declare any officer or employé of a specified institution to be a designated officer.

(9) The Governor in Council may by Order published in the *Government Gazette* vary or revoke an Order under sub-section (8).

Manufacture, &c. of volatile solvents.

67. A person who manufactures or prepares a volatile solvent for use by himself or another person for the purpose of—

(*a*) inhalation; or

(*b*) self-administration or introduction by a person of the solvent into the person's body—

shall be guilty of an offence and liable to a penalty of not more than $5000 or to a term of imprisonment of not more than two years or to both such penalty and imprisonment.

68. A person

Sale or supply of volatile solvents.

68. A person who sells or supplies to another person a volatile solvent, if the first-mentioned person knows or ought reasonably to have known or has reasonable cause to believe that—

(*a*) the other person intends to inhale the solvent or to administer the solvent to himself or otherwise to introduce the solvent into his body; or

(*b*) the other person intends to sell or supply the solvent to a third person for the purpose of inhalation by that third person, administration of the solvent by that third person to himself or introduction of the solvent by that third person into his body—

shall be guilty of an offence against this Part and shall be liable to a penalty of not more than $5000 or to a term of imprisonment of not more than two years or to both such penalty and imprisonment.

Proof.

69. (1) In proceedings for an offence against any of the provisions of this Part, production of evidence that—

(*a*) on any article or substance;

(*b*) on any package or other container in which there is an article or substance; or

(*c*) on any label or other thing affixed attached or connected to an article or substance or a package or container in which there is an article or substance—

there is a statement that the particular article or substance is or contains a volatile solvent is evidence that the particular article or substance is or contains a volatile solvent.

(2) In proceedings for an offence against any of the provisions of this Part, production of evidence that an article contains or a substance is a residue or vapour of a volatile solvent is evidence that the particular article or substance is or contains a volatile solvent.

(3) This Part does not apply to or in relation to—

(*a*) the manufacture, preparation, sale, supply, possession or use of a volatile solvent for a purpose expressly authorized by or under this Act or the regulations or by or under any other Act or the regulations made under any other Act; or

(*b*) the use of a volatile solvent by or under the supervision of a legally qualified medical practitioner or a dentist in the lawful practise of his profession.

PART VI.—DRUGS OF DEPENDENCE AND NARCOTIC PLANTS

DIVISION 1—OFFENCES

70. This Part shall be read and construed as in aid and not in derogation of any other provisions of this Act.

Interpretation.

71. In this Part unless inconsistent with the context or subject-matter—

"Cannabis" means a substance that is either—

(*a*) the fresh or dried parts of a plant of the genus *Cannabis L.*, whether or not the resin has been extracted therefrom and by whatever name the parts are called;

(*b*) any resinous or other extract obtained from a plant of the genus *Cannabis L.*, or from any part of that plant, by whatever name the extract is called; or

(*c*) tetrahydrocannabinol however derived.

"Cultivate" in relation to a narcotic plant includes grow, sow or plant (whether in soil or otherwise) or be in possession of any seed of a narcotic plant for the purpose of growing, sowing or planting.

"Drug of dependence" means a drug of dependence (not being cannabis) within the meaning of section 4.

"Hallucinogenic drug" means any special poison which is prescribed by the regulations to be an hallucinogenic drug.

"Traffick" means prepare, manufacture, sell, supply, deal or traffick without being authorized by or licensed under this Act.

Power of Governor in Council to make declarations.

72. (1) For the purposes of this Act, the Governor in Council may by proclamation published in the *Government Gazette* declare any plant from which a drug of dependence may be obtained, derived or manufactured to be a narcotic plant.

(2) The Governor in Council may by proclamation published in the *Government Gazette* vary or revoke a proclamation under sub-section (1).

Trafficking in drugs of dependence.

73. (1) Every person who trafficks in any drug of dependence shall be guilty of an indictable offence and liable to imprisonment for a term of not more than 25 years.

(2) A person who is guilty of an indictable offence under sub-section (1) shall, in addition to the penalty for which he is liable under that sub-section and to any other penalty for which he is liable under any other provision of this Act, be liable to a further penalty of not more than $250 000.

74. Every

Trafficking in cannabis.

74. Every person who trafficks in cannabis shall be guilty of an indictable offence and liable to imprisonment for a term of not more than ten years or to a penalty of not more than $100 000 or to both such imprisonment and penalty.

Trafficking in hallucinogenic drugs.

75. Every person who trafficks in an hallucinogenic drug shall be guilty of an indictable offence and liable to imprisonment for a term of not more than ten years or to a penalty of not more than $100 000 or to both such imprisonment and penalty.

Trafficking in restricted substances.

76. Every person who trafficks in a restricted substance shall be guilty of an indictable offence and liable to imprisonment for a term of not more than ten years or to a penalty of not more than $100 000 or to both such imprisonment and penalty.

Receipt of moneys, &c. in connexion with trafficking.

77. Without affecting the liability of any other person who committed the offence—

(*a*) where a person is proved to have in his possession or to have received for or in connexion with the commission of an offence against this Part any money or other valuable thing; or

(*b*) where a person is proved to have or to have had in his possession a drug of dependence, cannabis, an hallucinogenic drug or a restricted substance—

(i) in a quantity that is more than the appropriate quantity specified in Schedule Eleven; and

(ii) that he is not authorized by or licensed under this Act to have in his possession—

that person shall be deemed to be trafficking in that drug of dependence, cannabis, hallucinogenic drug or restricted substance unless the court is satisfied to the contrary.

Possession of drugs of dependence.

78. (1) Every person who has in his possession or disposition without being authorized or licensed under this Act any drug of dependence shall be guilty of an indictable offence and be liable to imprisonment for a term of not more than two years or to a penalty of not more than $5000 or to both such imprisonment and penalty.

(2) This section shall not apply to the possession of any drug of dependence contained in or any preparation made up dispensed or compounded as a medicine by a medical practitioner or by a pharmacist veterinary surgeon or dentist according to the prescription of a medical practitioner veterinary surgeon or dentist issued for an individual and specific case, being a medicine in the possession of the person for whom it has been prescribed or in the possession of another person for use by the person for whom it has been prescribed.

79. Every

Possession of cannabis.

79. Every person who has in his possession or disposition without being authorized under this Act any cannabis shall be guilty of an indictable offence and be liable to imprisonment for a term of not more than two years or to a penalty of not more than $5000 or to both such imprisonment and penalty.

Possession of hallucinogenic drugs.

80. Every person who has in his possession or disposition without being authorized or licensed under this Act any hallucinogenic drug shall be guilty of an indictable offence and be liable to imprisonment for a term of not more than two years or to a penalty of not more than $5000 or to both such imprisonment and penalty.

Possession of restricted substances.

81. (1) Every person who has in his possession or disposition without being authorized or licensed under this Act a restricted substance shall be guilty of an indictable offence and liable to imprisonment for a term of not more than two years or to a penalty of not more than $5000 or to both such imprisonment and penalty.

(2) This section does not apply to the possession of a restricted substance contained in or any preparation made up dispensed or compounded as a medicine by a medical practitioner or by a pharmacist veterinary surgeon or dentist according to the prescription of a medical practitioner veterinary surgeon or dentist issued for an individual and specific case, being a medicine that is in the possession of the person for whom it was prescribed or is in the possession of another person for use by the person for whom it was prescribed.

Forging prescriptions, &c.

82. Every person who forges or fraudulently alters or utters knowing it to be forged or fraudulently altered any prescription or order for a drug of dependence shall be guilty of an indictable offence and be liable to imprisonment for a term of not more than five years.

Forging prescriptions for restricted substances, &c.

83. Every person who forges or fraudulently alters or utters knowing it to be forged or fraudulently altered any prescription or order for a restricted substance shall be guilty of an indictable offence and liable to imprisonment for a term of not more than two years.

Obtaining drugs of dependence by fraud.

84. (1) Every person who knowingly by any false representation (whether oral or in writing or by conduct or otherwise)—

(*a*) obtains any drug of dependence or any prescription or order for a drug of dependence from a medical practitioner pharmacist veterinary surgeon or dentist or any person authorized or licensed under this Act to manufacture sell supply or distribute any drug of addiction; or

(*b*) causes

(*b*) causes or induces a medical practitioner to administer to him by injection or otherwise a drug of dependence—

shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than two years or to a penalty of not more than $5000 or to both such imprisonment and penalty.

(2) Every person who knowingly by any false representation (whether oral or in writing or by conduct or otherwise) causes or induces a pharmacist to dispense any forged or fraudulently altered prescription or any prescription or order obtained in contravention of this Act knowing the prescription or order to be forged or fraudulently altered or obtained in contravention of this Act shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than two years or to a penalty of not more than $5000 or to both such imprisonment and penalty.

Obtaining restricted substances by fraud.

85. (1) Every person who knowingly by any false representation (either oral or in writing or by conduct or otherwise)—

(*a*) obtains—

(i) a restricted substance; or

(ii) a prescription or order for a restricted substance—

from a medical practitioner pharmacist veterinary surgeon or dentist or from a person authorized by or licensed under this Act to sell, supply or distribute the restricted substance; or

(*b*) causes or induces a medical practitioner or a person authorized by or licensed under this Act to administer a restricted substance, to administer a restricted substance—

shall be guilty of an offence against this Act and shall be liable to imprisonment for not more than two years or to a penalty of not more than $5000 or to both such imprisonment and penalty.

(2) Every person who knowingly by any false representation (either oral or in writing or by conduct or otherwise) causes or induces a pharmacist to dispense or otherwise supply a forged or fraudulently altered prescription or order for a restricted substance or to dispense or otherwise supply a prescription or order obtained in contravention of the provisions of sub-section (1) knowing the prescription or order to be forged or fraudulently altered or obtained in the contravention of the provisions of sub-section (1) (as the case may be) shall be guilty of an offence against this Act and shall be liable to imprisonment for a term of not more than two years or to a penalty of not more than $5000 or to both such imprisonment and penalty.

86. A person

Cultivating narcotic plants.

86. A person who cultivates a narcotic plant shall be guilty of an indictable offence and liable to imprisonment for a term of not more than ten years or to a penalty of not more than $100 000 or to both such imprisonment and penalty.

Smoking drugs of dependence.

87. (1) Any person who smokes cannabis or any drug of dependence shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than two years or to a penalty of $5000 or to both such imprisonment and penalty.

(2) For the purposes of this Part "smoke" includes inhale the fumes caused by heating or burning any substance and "smoking" and other derivatives of "smoke" shall have corresponding interpretations.

(3) The provisions of this Part in respect of the smoking of cannabis or drug of dependence shall have effect whether or not cannabis or drug of dependence is used or mixed with any other substance.

Administering, &c. drugs of dependence for the purposes of addiction.

88. Every person who administers, or sells, or supplies, or prescribes or dispenses to any person any drug of dependence merely for the purpose of addiction shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than five years or a penalty of not more than $50 000 or to both such imprisonment and penalty.

Offence by medical practitioner to supply drugs of dependence to persons not patients.

89. Any medical practitioner who administers, sells, prescribes, dispenses, offers or supplies any drug of dependence or restricted substance other than for the medical treatment of a patient under his care shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than five years or to a penalty of not more than $50 000 or to both such imprisonment and penalty.

Offence by pharmacists to dispense drugs of dependence otherwise than on a written prescription, &c.

90. Any pharmacist who administers, sells, dispenses, offers or supplies any drug of dependence or restricted substance other than—

(*a*) on the written prescription of a medical practitioner, veterinary surgeon or dentist; or

(*b*) to a medical practitioner, pharmacist, veterinary surgeon or dentist on an order in the handwriting of that medical practitioner, pharmacist, veterinary surgeon or dentist; or

(*c*) in the case of a restricted substance, in accordance with the regulations—

shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than five years or to a penalty of not more than $50 000 or to both such imprisonment and penalty.

91. Any

Offence by veterinary surgeon to supply drugs of dependence other than for treatment of animals.

91. Any veterinary surgeon who administers, sells, prescribes, dispenses, offers or supplies any drug of dependence or restricted substance other than for the treatment of an animal under his care shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than five years or to a penalty of not more than $50 000 or to both such imprisonment and penalty.

Offence by dentists to supply drugs of addiction other than for treatment of patients.

92. Any dentist who administers, sells, prescribes, dispenses, offers or supplies any drug of dependence or restricted substance other than for the dental treatment of a patient under his care shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than five years or to a penalty of not more than $50 000 or to both such imprisonment and penalty.

Offence to prescribe drug of dependence, &c. for self-administration.

93. Any person who prescribes any drug of dependence or restricted substance for the purpose of self-administration shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than two years or to a penalty of not more than $5000 or to both such imprisonment and penalty.

Offence to use drugs of dependence, &c. for self-administration.

94. (1) A person who uses or attempts to use cannabis or a drug of dependence or a restricted substance for the purpose of self-administration shall, subject to sub-section (2), be guilty of an offence against this Act and liable to imprisonment for a term of not more than two years or to a penalty of not more than $5000 or to both such imprisonment and penalty.

(2) Sub-section (1) does not apply to the use or attempted use of a drug of dependence or a restricted substance by a person who is the patient of a medical practitioner or a dentist and for whom the medical practitioner or dentist has prescribed the drug of dependence or restricted substance, to the extent to which the use or attempted use of the drug of dependence or restricted substance is in accordance with the prescription and for the purpose for which the prescription was given.

Offence to use hallucinogenic drug without authority.

95. Any person who uses or attempts to use any hallucinogenic drug without being authorized or licensed under this Act or the regulations shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than two years or to a penalty of not more than $5000 or to both such imprisonment and penalty.

Conspiracy &c.

96. Every person who—

(*a*) conspires or agrees to commit an offence against the provisions of this Part;

(*b*) attempts to commit an offence against the provisions of this Part; or

(*c*) solicits

(*c*) solicits or incites another person to commit an offence against any of the provisions of this Part—

shall, without prejudice to any other liability, be guilty of an indictable offence and be liable to the same punishment and forfeitures as if he had committed the offence.

Offences.

97. Every person—

(*a*) who contravenes or fails to comply with any of the provisions of this Part; or

(*b*) who in Victoria conspires or agrees or who in Victoria aids abets counsels or procures the commission in any place outside Victoria of any offence punishable under the provisions of any corresponding law in force in that place or does any act preparatory to or in furtherance of any act which if committed in Victoria would constitute an offence against this Part—

shall be guilty of an indictable offence and shall be liable to the penalty provided in respect of that offence.

DIVISION 2—SEIZURE

Seizure of poisons.

98. (1) Where any justice is satisfied by information on oath that there is reasonable ground for suspecting—

(*a*) that there is in or on any house or premises—

(i) any poison or controlled substance or narcotic plant in contravention of this Act or the regulations;

(ii) any money or other valuable thing in contravention of this Act;

(iii) any cannabis or drug of dependence being smoked, taken or used therein contrary to the provision of this Act;

(iv) any instrument equipment or plant being used in contravention of this Act or the regulations; or

(v) any vehicle, boat or aircraft being used in contravention of this Act or the regulations; or

(*b*) that there is in the possession or under the control of any person in or on any house or premises—

(i) any poison or controlled substance or any preparation thereof or narcotic plant in contravention of this Act or the regulations;

(ii) any money or other valuable thing in contravention of this Act;

(iii) any instrument equipment or plant being used in contravention of this Act or the regulations;

(iv) any vehicle, boat or aircraft being used in contravention of this Act or the regulations; or

(v) any document directly or indirectly relating to or connected with any transaction or dealing which is

or

or would if carried out be an offence against any provision of this Act or the regulations or against the provisions of any corresponding law in force in any place outside Victoria—

the justice may grant a warrant authorizing any member of the police force named in the warrant to enter and search such house or premises.

(2) Every warrant under sub-section (1) may be in the form or to the effect of Schedule Ten and shall not be granted except upon information in accordance with sub-section (1).

(3) Any member of the police force to whom a warrant under sub-section (1) is addressed may at any time or times within one month from the date of the warrant and with such assistance as may be necessary—

(*a*) enter, if need be by force, the house or premises named in the warrant;

(*b*) arrest all persons found offending therein against the provisions of Division 1;

(*c*) search the house or premises or any vehicle, boat or aircraft and any person found therein or thereon; and

(*d*) seize and carry away—

(i) any substance preparation or plant found in or on the house or premises or in the possession or under the control of any person in or on the house or premises if the member of the police force has reasonable ground for suspecting that the substance preparation or plant is or contains a poison or controlled substance or narcotic plant which is in or on the house or premises or in such possession or under such control in contravention of any of the provisions of this Act or the regulations;

(ii) any money or other valuable thing found in or on the house or premises on or in the possession or under the control of any person in or on the house or premises if the member has reasonable ground for suspecting that the money or thing has been received or is in the possession of that person in contravention of this Act;

(iii) any instrument equipment or plant which the member has reasonable ground for suspecting is being used or has been used in contravention of this Act or the regulations;

(iv) any pipe device or other article used or capable of being used for smoking cannabis or any drug of dependence or for the purpose of preparing taking or administering cannabis or any drug of dependence;

(v) any

(v) any vehicle, boat or aircraft which the member has reasonable ground for suspecting is being used or has been used in contravention of this Act or the regulations; and

(vi) any such document as is referred to in section 98 (1) (*b*) (v).

(4) Where an offence has been proved under this Act—

(*a*) any substance or preparation that is or that contains cannabis or any drug of dependence;

(*b*) any narcotic plant;

(*c*) any money or other valuable thing;

(*d*) any instrument equipment or plant;

(*e*) any pipe device or other article;

(*f*) any vehicle, boat or aircraft; and

(*g*) any document;

seized under sub-section (3) shall be forfeit to Her Majesty and all narcotic plants and all said pipes devices or other articles so forfeited shall be destroyed forthwith.

(5) Any substance or preparation that is or that contains any cannabis or drug of dependence which is forfeit to Her Majesty under sub-section (4) shall be destroyed forthwith unless the Minister is satisfied that the substance or preparation is likely to be useful or can be made useful for the purpose of any public institution and the Minister authorizes the delivery of the substance or preparation to the proper officer of that public institution for the purposes thereof.

(6) In this section "public institution" means—

(*a*) any government department, public hospital, university or technical college; and

(*b*) any other institution or establishment which is not carried on for private gain and is declared by the Governor in Council by Order published in the *Government Gazette* to be a "public institution" for the purposes of this section.

(7) For the purposes of sub-section (6), the Governor in Council may by Order published in the *Government Gazette* declare an institution or establishment (being an institution or establishment not carried on for private gain) to be a public institution, and may by Order published in the *Government Gazette* revoke or vary that declaration.

(8) Subject to sub-section (5), any poison or controlled substance other than cannabis or a drug of dependence or narcotic plant seized under the provisions of this section may on the application of the owner thereof and with the approval in writing of the Minister be returned to the owner thereof subject to such conditions or limitations as to its use or otherwise as the Minister thinks fit to impose.

(9) Where

(9) Where a member of the police force believes that money or goods seized under this section had been or were being used in or in respect of the commission of an offence against the provisions of Division 1 in relation to trafficking in a substance to which that Division applies, he shall forthwith bring the money or goods before a magistrates' court and, where the court is satisfied that the belief is reasonable, it shall, notwithstanding that a person has not been charged with the commission of the offence in relation to the money or goods, order that the money or goods be impounded in a manner and for a reasonable time determined by the court.

(10) A person claiming ownership of money or goods in respect of which an order has been made under sub-section (9) shall within the reasonable time determined by the court show cause why the money or goods should not be forfeited to Her Majesty.

(11) A person so showing cause shall satisfy the court—

(*a*) that he is the owner of the money or goods; and

(*b*) that the money or goods—

(i) had not been or were not being used in or in respect of the commission of an offence mentioned in sub-section (9); or

(ii) had been or were being used in or in respect of the commission of an offence mentioned in sub-section (9) without his knowledge or consent.

(12) Where no person satisfies the Court within that reasonable time that the money or goods should not be forfeited to Her Majesty the money or goods shall be so forfeited to Her Majesty.

Seizure of poisons in vehicles, &c.

99. (1) Where a member of the police force has reasonable ground for suspecting that there is—

(*a*) on or in a vehicle in or upon a public place;

(*b*) on any animal in a public place;

(*c*) in the possession of any person in a public place;

(*d*) on or in any boat or vessel whether underway or not; or

(*e*) on or in any aircraft;

any poison or controlled substance or narcotic plant or any money or other valuable thing in contravention of this Act the member may with such assistance as he thinks necessary—

(*f*) search the vehicle, animal, person, boat, vessel or aircraft;

(*g*) seize the person;

(*h*) seize or seize and carry away the vehicle animal boat vessel or aircraft; and

(*i*) seize

(*i*) seize or seize and carry away—

(i) any substance or preparation found therein or thereon which the member believes is or contains a poison or controlled substance or narcotic plant; or

(ii) any money or other valuable thing found therein or thereon—

which the member believes is on or in the vehicle or animal or about the clothing or in the possession of the person or is on or in the boat, vessel or aircraft in contravention of this Act or the regulations.

(2) The provisions of section 98 relating to substances and things seized shall, with such modifications as are necessary, extend and apply to the seizure forfeiture and the destruction or disposal of any substance preparation vehicle animal boat vessel or aircraft seized under sub-section (1) of this section.

Destruction, &c. of narcotic plants.

100. (1) An authorized officer with such assistance as he thinks necessary may seize and destroy any narcotic plant or the seed of any narcotic plant.

(2) Sub-section (1) does not authorize the destruction of a narcotic plant if there is reason to believe that a person is guilty of an offence against any of the provisions of this Act or the regulations in respect of the plant.

Forfeiture of narcotic plants.

101. (1) Upon application in that behalf by a member of the police force, a magistrates' court consisting of a stipendiary magistrate sitting alone may upon proof that a substance is or contains cannabis or a drug of dependence or is a narcotic plant and upon such notice being given to such persons as the court directs may—

(*a*) order that any part or parts of the substance be forfeited to Her Majesty and destroyed; and

(*b*) make a finding of fact as to the quantity of the substance produced to the court, the quantity ordered to be destroyed, the quantity remaining and as to the fact that what remains is part of the substance produced to the court.

(2) Where a finding of fact is made under sub-section (1) in relation to a substance, production in any subsequent proceedings under this Act of an order containing the finding of fact shall be conclusive evidence of the matters to which the finding relates.

(3) In any proceedings under this Act where a contravention of this Act is proved in relation to any part of a substance in respect of which a finding of fact has been made under sub-section (1) the person who is proved to have contravened the Act in relation to the part of the substance shall be deemed to have contravened this Act in relation to the whole of the substance.

PART VII.—PROCEEDINGS.

Identity of seller of substances.

102. For the purposes of this Act any person on whose behalf a sale or supply is made shall be deemed to be the person who sells or supplies, and every employé assistant or apprentice of such person shall be liable to the like penalties as the person on whose behalf he makes any sale.

Provision as to directors and officers of companies convicted of offences.

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

Burden of proof.

104. In any proceedings against any person for an offence against this Act the burden of proving any matter of exception qualification or defence shall lie upon the person seeking to avail himself thereof.

Summary hearing of offences.

105. (1) Where any person is charged with any indictable offence under this Act before a magistrates' court it shall be lawful for the court to hear and determine the charge in a summary way and if the person charged confesses the same or if the court after hearing the whole case for the prosecution and the defence finds the charge proved then the court may convict the person charged and sentence him to be imprisoned for a term of not more than two years or impose a fine of not more than $5000 or both sentence him to be so imprisoned and to pay such a fine and if the court finds the offence not proved it shall dismiss the charge and on a request to do so make out and deliver to the person charged a certificate stating the fact of such dismissal, but if the person charged does not consent or if the court is of opinion that the charge is from any circumstances fit to be prosecuted by proceedings as for an indictable offence rather than to be disposed of summarily the court shall instead of summarily adjudicating thereon deal with the case in all respects as if it had no authority to hear and determine the same.

(2) Where the court before whom any person is charged as aforesaid proposes (on the application of the prosecutor or the person charged or on its own motion at any time during or immediately after the hearing of the evidence for the prosecution) to dispose of the case summarily under the foregoing provisions of this section the stipendiary magistrate shall state to such person the substance of the charge against him and shall then say to him these words or words to the like effect—

> "Do you consent that the charge against you shall be tried by this court or do you desire that it shall be sent for trial by a jury"—

and if the person charged consents to the charge being summarily tried and determined the stipendiary magistrate shall then ask how he pleads to the charge and the court shall then proceed to deal with the case summarily.

(3) Every

(3) Every conviction by a magistrates' court under this section shall have the same effect as a conviction upon a presentment for the same offence as for an indictable offence.

(4) Every person who obtains a certificate of dismissal or is convicted under this section shall be released from all further criminal proceedings for the same cause.

(5) A magistrates' court before which a person is charged with an indictable offence under this Act shall consist of a stipendiary magistrate sitting alone.

Admission of offences.

106. Notwithstanding any rule of law or procedure or any practice to the contrary any person charged with an offence against this Act or the regulations may make admission of any fact or matter that is relevant in any legal proceedings and any person acting judicially may accept the admission as sufficient evidence of that fact or matter without further proof unless he is of the opinion that it would be contrary to the interests of justice so to do having regard to all the circumstances of the case.

Forfeiture.

107. Where a person is charged with an offence against any of the provisions of Part VI. and the offence is proved to the satisfaction of the court, although no conviction is recorded (whether or not the person is pursuant to any Act released upon his entering into a recognizance undertaking or bond or upon probation or is discharged or whether the hearing of the matter is adjourned), the person charged with such offence shall forfeit to Her Majesty all articles, including money, in respect of which the offence is committed, and the court may order any forfeited articles to be destroyed or to be dealt with in the same manner as property forfeited to Her Majesty under section 98 (4) or to be otherwise disposed of as the court thinks fit.

Forfeiture of restricted substances.

108. Where a person is charged with an offence against any of the provisions of Part VI. the court may at any time during the trial or summary hearing of the charge (as the case may be) on application by a member of the police force order that all or any part of any restricted substance in respect of which the offence is alleged to have been committed be forfeited to Her Majesty, and may also order that any substance so forfeited be destroyed or be dealt with in the same manner as property forfeited to Her Majesty under section 98 (4) or be otherwise disposed of as the court thinks fit.

Treatment of offenders under this Act pursuant to *Alcoholics and Drug-dependent Persons Act* 1968.

109. Where—

(*a*) a person is convicted of an offence against any of the provisions of Part VI.; and

(*b*) the

(*b*) the court before which he is convicted is satisfied that—

(i) the person is a drug-dependent person; and

(ii) the dependence of that person upon that drug was a contributing factor to the commission of the offence—

the court may, instead of imposing upon that person a fine or imprisonment in accordance with this Act, order that the person shall attend for treatment in accordance with section 13 of the *Alcoholics and Drug-dependent Persons Act* 1968, and the order shall have effect notwithstanding any provision to the contrary in this Act.

PART VIII.—SEQUESTRATION

Meaning of offence, &c.

110. (1) A reference in this section and in sections 111 to 117—

(*a*) to an offence, is a reference to an offence against any of the provisions of Part VI. in relation to trafficking in a substance to which that Part applies;

(*b*) to money, includes a reference to a negotiable instrument, a security; and

(*c*) to property, is a reference to real and personal property other than money.

(2) Where a person is charged with an offence, the court may at his trial or a judge of the Supreme Court in Chambers may at any time after he is charged but before his trial make an order appointing a person named in the order to act as trustee for the person charged in the control and management of the money and property of the person and of any other money and property of the person which becomes subject to the order and in respect of the person's financial affairs.

Trusteeship of property.

(3) Where an order is made under section 110, the court shall depute an officer of the court, and that officer shall cause notice of the contents of the order to be published in the *Government Gazette* and a newspaper circulating generally throughout Victoria and shall, if the person charged with the offence can be found, serve upon him a copy of the notice.

(4) An order under sub-section (1) may make provision with respect to—

(*a*) the powers and functions of the trustee appointed by the order;

(*b*) the furnishing from time to time by the trustee of a report to the court in relation to the performance of his powers and functions as trustee;

(*c*) the determination and payment of remuneration (if any) of the trustee appointed by the order;

(*d*) the

(*d*) the conditions, limitations or restrictions (if any) subject to which the trustee may exercise his powers or perform his functions;

(*e*) the termination of the appointment of a trustee and the appointment of a new trustee;

(*f*) without limiting the generality of the foregoing paragraphs, the payment of money by the trustee to the person charged with the offence or to any other person and the sale, acquisition or disposition of property by the trustee, and the investment of the money (including proceeds of sale or disposition of property) by the trustee;

(*g*) the application to the trustee and the property subject to the order of any provisions of the law relating to bankruptcy or of section 25 or sections 49 to 54J of the *Trustee Act* 1958, specified in the order, with such modifications as are necessary and such other modifications as are specified in the order;

(*h*) the continuation and completion by or against the trustee of any civil action or proceeding brought against the person charged with the offence, and the powers and duties of the trustee in relation to that proceeding;

(*i*) the institution and conduct by the trustee of any civil action or proceeding (whether as plaintiff or defendant) on behalf of the person charged with the offence;

(*j*) the settlement, compounding and compromising by the trustee of any civil action or proceeding instituted by or against the person charged with the offence or by or against the trustee on behalf of the person charged with the offence;

(*k*) the investment by the trustee of property subject to the order, the application of the order to proceeds of the investment of that property and the investment of those proceeds;

(*l*) the payment by the trustee out of property subject to the order of all or any classes of the debts incurred by the person charged with the offence, whether before or after the making of the order;

(*m*) the payment or transfer by the trustee to the person charged with the offence of money or property subject to the order, and the purposes for which that payment or transfer may be made;

(*n*) the protection of the money or property subject to the order against loss or destruction, and the preservation of the money or property subject to the order; and

(*o*) the

(*o*) the powers of the trustee to operate upon or deal with any account or deposit in the name of the person charged with the offence in any bank or financial institution and the duties of banks and financial institutions in relation thereto.

(5) Subject to an order under this section, a trustee appointed under an order may in the name and on behalf of the person charged with the offence do all acts and things that the person may lawfully do.

(6) An order under this section shall not be made unless—

(*a*) application for the order has been made by a member of the police force not below the rank of Assistant Commissioner; and

(*b*) the court has afforded to the applicant and to the person charged with the offence an opportunity to present his case either in person or in writing or by counsel or a solicitor.

(7) Notwithstanding anything in paragraph (*b*) of sub-section (6), an order under this section may be made in the absence of the person charged with the offence if the person cannot be brought to trial because he has absconded and the court is satisfied that there is a reasonable presumption that, if tried, the person would be convicted.

(8) Where in respect of a person an order is made under this sub-section and after the making of the order but before the charge for the offence is determined, the person acquires any property or money, the person shall forthwith deliver the property or money to the trustee and the property or money becomes upon delivery, property subject to the order.

(9) Where in respect of a person an order is made under this section and the person dies before the charge for the offence is determined, the trustee shall forthwith deliver to the legal personal representative of the person all property or money subject to the order, and the order shall thereupon cease to have effect.

(10) Where in respect of a person an order is made under this section the person shall—

(*a*) before the expiration of seven days from the day on which he receives notification of the contents of the order, deliver to the trustee named in the order all books papers and other documents relating to his financial affairs and all money and property held by him; and

(*b*) within seven days after being requested in writing by the trustee, furnish to the trustee such information relating to property or money acquired by him after the making of the order as is specified in the request.

(11) Nothing

(11) Nothing in this section or in any order made under this section applies to property not held solely by a person in respect of whom an order under this section has been made, but held by him jointly or in conjunction with other persons.

(12) Where a court makes an order under this section, it may notwithstanding anything in sub-section (11) include in the order special provision restricting the sale or disposal of property held jointly or in common by the person and the spouse of the person, if the court is satisfied that the property was obtained in whole or in part out of moneys acquired in or in connexion with the commission of any offence by the person.

(13) A reference in this Part to a court includes a reference to a judge of the Supreme Court in Chambers.

Delivery of documents to trustee.

111. (1) Where the trustee appointed pursuant to an order under section 110 believes on reasonable grounds that a person has in his possession on behalf of a person to whom the order relates any books, papers or documents relating to the financial affairs of that other person or any money or property of that other person, he may by instrument served on that first-mentioned person require the person to deliver up to him within a period stated in the requirement all books, papers and documents in his possession relating to the financial affairs of that other person and all property or money in his possession and held on behalf of that other person.

(2) A person on whom there is served an instrument under sub-section (1) shall comply with the requirement.

(3) A person who serves an instrument on another person pursuant to sub-section (1) shall at the time at which he serves the instrument upon the other person also serve upon him a copy of the order of the court under section 110.

Court may order delivery of documents.

112. (1) Where a justice is satisfied by information on oath that there are reasonable grounds for suspecting that books, papers or documents held by a person relate to the functions and affairs of another person in respect of whom an order has been made under section 110 or that money or property held by the first-mentioned person is held on behalf of that other person, he may grant a warrant authorizing any member of the police force together with the trustee named in the order of the court under section 110 to enter and search any house or premises named in the warrant.

(2) The persons to whom a warrant is addressed under sub-section (1) may at any time or times and within one month from the date of the warrant and with such assistance as may be necessary—

(*a*) enter, if need be by force, the premises named in the warrant; and

(*b*) seize

(*b*) seize and carry away any books, papers or documents that they believe relate to the functions and affairs of the other person or any money or property that they believe is held by the first-mentioned person on behalf of the other person.

(3) Any book, paper, document, money or property seized under this section shall forthwith be brought before a magistrates' court and—

(*a*) where the court is satisfied that the belief of the persons executing the warrant was reasonable, it shall order that the book, paper, document, money or property be delivered to and retained by the trustee and dealt with as property held by him in accordance with the order under section 110; and

(*b*) if the court is not so satisfied as mentioned in paragraph (*a*), it shall order the immediate return of the document, money or property to the persons from whom it was taken.

(4) A person (not being the person charged with the offence) who claims ownership of any book, paper, document, money or property in respect of which an order under paragraph (*a*) of sub-section (3) has been made, may at any time before the forfeiture of the book, paper, document, money or property to Her Majesty show cause why the book, paper, document, money or property should not be dealt with as property held by the trustee in accordance with the order.

(5) A person showing cause shall satisfy the court—

(*a*) that immediately before the seizure was the owner of the book, paper, document, money or property;

(*b*) that the book, paper, document, money or property was not held by him on behalf of the person charged with the offence; and

(*c*) that at the time of acquiring the book, paper, document, money or property he had no reason to believe that the book, paper, document, money or property related to the commission of any offence.

(6) A court may in respect of any book, paper, document, money or property set aside its order under paragraph (*a*) of sub-section (3) upon a person showing cause under sub-section (4).

Forfeiture of property.

113. (1) In this section a reference to property includes a book, paper or document.

(2) Where a person charged with an offence (being a person in respect of whom an order has been made under section 110) is convicted of the offence, the person shall, within such reasonable

time

time as the court determines, show cause why all the money and property held by the trustee pursuant to the order should not be forfeit to Her Majesty.

(3) A person showing cause shall satisfy the court in respect of any money or property—

(*a*) that the money or property is not money or property obtained or used in or accrued as the result of the commission of an offence; or

(*b*) that the money or property is required to meet the payment of the remuneration of the trustee and any other reasonable expenses of the administration by the trustee of the property of that person.

(4) Where a person is convicted of an offence, money or property held in respect of that person by a trustee under an order under section 110, being money or property in respect of which the person has failed within the reasonable time to show cause under sub-section (3), is forfeit to Her Majesty upon the expiration of that reasonable time.

(5) Where a person charged with an offence cannot be brought to trial because he has absconded and the court is satisfied that there is a reasonable presumption that, if tried, he would be convicted, the court may in its discretion, at any time within three months of the day when he last failed to present himself for trial, make an order that all money or property held in respect of the person by a trustee pursuant to an order under section 110 shall be forfeit to Her Majesty, unless the person shows cause within six months of the date of the order why the money or property should not be forfeit.

(6) The provisions of sub-sections (3) and (4) shall apply in relation to an order under sub-section (5), as if the person charged with the offence were convicted of the offence.

(7) Where a person charged with an offence (being a person in respect of whom an order has been made under section 110) is acquitted of the offence, the court shall order the immediate return to him of any money or property held by the trustee in respect of that person pursuant to the order of the court without deduction and such amount as the court determines to be reasonable remuneration of the trustee and reimbursement of expenses reasonably incurred by the trustee pursuant to the order shall be paid to the trustee out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly).

Arrangements to defeat provisions of Part.

114. (1) Any arrangement made in relation to money or property with intent to defeat the provisions of sections 110 to 115 is void.

(2) A person

(2) A person shall not at any time with intent to defeat the provisions of sections 110 to 115 and whether before or after the appointment of a trustee pursuant to section 110—

(*a*) make an arrangement with any other person for the transfer of property or the payment of money to that other person; or

(*b*) where a trustee has been appointed under section 110 or is likely to be so appointed, destroy, conceal or remove from one place to another place or deliver into the possession of another person any property or money.

Examination of persons by trustee.

115. (1) A trustee appointed pursuant to an order under section 110 may apply to a magistrates' court for an order that the person to whom the order relates or any other person appear before the court to be examined by the trustee as to any property or money held by him or that the trustee believes to be held by him or any books, papers or documents that are or that the trustee believes to be in his possession.

(2) On application under sub-section (1), the court may make such order as to the examination of the person named in the order as the court thinks fit.

(3) Upon an examination pursuant to this section before a magistrates' court, the trustee and the person named in the order may be represented by counsel or a solicitor and the court may put or allow to be put to the person such questions as it thinks fit.

(4) A person named in an order under this section shall be examined on oath and shall answer all questions put to him.

(5) No action shall lie against a trustee in respect of anything necessarily done in the performance of a function or the exercise of a power under sections 110 to 115 or under an order made pursuant to section 110.

(6) Where a person in respect of whom a trustee has been appointed under section 110 dies, the trustee shall not be taken to be the legal personal representative of that deceased person.

Offences.

116. A person who—

(*a*) contravenes or fails to comply with an order under section 110 or under any other provision of this Part; or

(*b*) contravenes or fails to comply with any instrument containing a request or a requirement pursuant to this Part; or

(*c*) contravenes or fails to comply with any provision of this Part—

shall be guilty of an offence against this Act and liable to imprisonment for a term of not more than two years.

117. (1) The

Property in other States.

117. (1) The Premier of the State of Victoria may for and on behalf of the State of Victoria enter into an agreement with the Prime Minister of the Commonwealth or the Premier of any other State or the Chief Minister of any Territory for and on behalf of the Commonwealth or that other State or Territory (as the case requires) containing provisions for or with respect to—

(*a*) facilitating the seizure in Victoria and the transmission to a State or Territory of the Commonwealth of money or property in Victoria in the possession of any person, being money or property obtained as a result of or in connexion with the commission in that other State or Territory of an offence against a law of that other State or Territory relating to trafficking in hallucinogenic drugs, drugs of dependence or restricted substances;

(*b*) the application in Victoria to the Crown in right of the State of Victoria and to any other persons of any provisions of any law of a State or Territory of the Commonwealth for the purposes mentioned in paragraph (*a*);

(*c*) the transmission to Victoria from any State or Territory of the Commonwealth of money or property in that State or Territory and obtained as a result of or in connexion with the commission of an offence against any of the provisions of Part VI.;

(*d*) the application in any State or Territory of the Commonwealth of any provisions of this Part or any order made under this Part in respect of property which would, if it were in Victoria, be subject to an order under this Part; and

(*e*) such other matters relating to the control of the property or money of persons convicted or charged with offences against any of the provisions of Part VI. of this Act or any of the provisions of the law of a State or Territory of the Commonwealth corresponding to any of the provision of Part VI. of this Act as are agreed.

(2) An agreement under sub-section (1) may at any time be rescinded or varied.

(3) Where an agreement under sub-section (1) so provides and the law of another State or Territory of the Commonwealth expressly so permits, an order made in respect of a person under section 110 may apply (subject to that agreement and that law) to property or money of that person situate in that other State or Territory.

(4) Where there is in force under sub-section (1) an agreement containing the provisions mentioned in paragraph (*a*) and paragraph (*b*) of that sub-section, as provisions of the law of the State or Territory

Territory with which the agreement was entered into shall, upon the agreement being notified and approved by the Parliament of Victoria, have effect to the extent and in the manner specified in the agreement.

PART IX.—EVIDENTIARY

List of licensees and permittees to be published by Commission.

118. (1) The Commission shall as soon as practicable after the 1st day of January in each year cause to be published in the *Government Gazette* a correct list of the names of all persons who hold licences or permits under this Act (not being licences or permits under section 20, 34 or 56).

(2) In every list under sub-section (1) the names shall be in alphabetical order according to the surnames with the respective residences or places of business of the holders of such licences or permits.

(3) The production of a copy of the *Government Gazette* containing any such list as last published shall be *prima facie* evidence in all courts of justice and in all legal proceedings whatsoever that the persons specified in such list hold such licences or permits.

Evidentiary.

119. In any legal proceedings under this Act—

(*a*) the production of a copy of the *Government Gazette* containing the several registers or lists as last published in relation to the time in question of legally qualified medical practitioners pharmacists dentists or veterinary surgeons and of persons holding licences or permits under this Act shall if the name of the defendant does not appear in any of such registers or lists be *prima facie* evidence that he is not a legally qualified medical practitioner or a pharmacist dentist veterinary surgeon or a person who holds a licence or permit under this Act;

(*b*) a certificate that any person is or is not or was or was not on a certain date or for a certain period a legally qualified medical practitioner shall if purporting to be signed by the secretary of the Medical Board of Victoria be *prima facie* evidence of the facts therein stated;

(*c*) a certificate that any person is or is not or was or was not on a certain date or for a certain period a pharmacist shall if purporting to be signed by the registrar of the Pharmacy Board of Victoria be *prima facie* evidence of the facts therein stated;

(*d*) a certificate that any person is or is not or was or was not on a certain date or for a certain period a registered dentist shall if purporting to be signed by the registrar of the Dental Board of Victoria be *prima facie* evidence of the facts therein stated;

(*e*) a certificate

(*e*) a certificate that any person is or is not or was or was not on a certain date or for a certain period a registered veterinary surgeon shall if purporting to be signed by the registrar of the Veterinary Board of Victoria be *prima facie* evidence of the facts therein stated;

(*f*) a certificate that any person is or is not or was or was not on a certain date or for a certain period a person who holds a licence permit warrant or authority under this Act shall if purporting to be signed by the Chairman of the Commission be *prima facie* evidence of the facts therein stated.

Analyst's, &c. certificates.

120. (1) In any legal proceedings for an offence against this Act the production of a certificate purporting to be signed by an analyst or by a botanist with respect to any analysis or examination made by him shall, without proof of the signature of the person appearing to have signed the certificate or that he is an analyst or botanist (as the case requires) be sufficient evidence—

(*a*) in the case of a certificate purporting to be signed by an analyst, of the identity and quantity of the thing analysed, of the result of the analysis and of the matters relevant to such proceedings stated in the certificate; and

(*b*) in the case of the certificate purporting to be signed by a botanist, of the identity and quantity of the thing examined.

(2) The provisions of sub-section (1) do not apply—

(*a*) if a copy of the certificate was not served on the defendant at least seven days before the hearing; or

(*b*) if the defendant, at least three days before the hearing, gave notice in writing personally or by post to the informant and to the analyst or botanist (as the case requires) that he requires the analyst or botanist to attend as a witness.

(3) For the purpose of sub-section (2) a copy of the certificate shall be deemed to be served on the defendant under paragraph (*a*) if—

(i) not less than ten days before the hearing a copy of the certificate is lodged with the court of hearing which is hereby authorized to make such copy available to the defendant; and

(ii) notice in writing has been given to the defendant that a copy of such certificate will be so lodged with the court.

(4) Service

(4) Service of a copy of a certificate for the purposes of this section may be effected and proved—

(*a*) in any manner in which service of a summons may be effected and proved; or

(*b*) where the certificate was served with the summons and proof of service of the summons is by affidavit, by stating in the affidavit that a copy of the certificate was served with the summons.

(5) Where an analysis or examination has been carried out for the purpose of any legal proceedings for an offence against this Act the court may, in addition to any other order as to costs, make such order as it thinks proper—

(*a*) as to the expenses of and remuneration to be paid for the analysis or examination; and

(*b*) where the analyst or botanist has been required by the defendant to attend as a witness, as to the conduct money of the analyst or botanist.

(6) In this section—

"Analyst" means a person employed by the Government of Victoria as an analyst or a person approved for the time being as an analyst under the *Health Act* 1958 or any corresponding previous enactment for the analysis of food or drugs;

"Botanist" means the Government Botanist or a person employed by the Government of Victoria as a botanist and authorized for the purposes of this section by the Government Botanist.

Evidentiary effect of certain statements.

121. For the purposes of this Act a statement of the quantity of the poison or controlled substance or the proportion which the poison or controlled substance bears to the total ingredients of a preparation shall be expressed in accordance with one of the forms specified in Schedule Twelve.

Proof that a substance is poison, &c.

122. In any prosecution for a contravention of or failure to comply with any provision of this Act or any regulations thereunder, whenever it is necessary or proper to provide in respect of any particular article or substance that it is a poison or controlled substance then in every such case—

(*a*) evidence that any substance commonly sold under the same name or description as the said particular article or substance is a poison or controlled substance shall be *prima facie* evidence that the said particular article or substance also conforms to the same description accordingly; and

(*b*) evidence that any particular article or substance or the container thereof is labelled "Poison" or "Poisonous,

not

not to be taken" or "Schedule 1" or "Schedule 2" or "Schedule 3" or "Schedule 4" or "Schedule 5" or "Schedule 6" or "Schedule 7" or "Schedule 8" or (whether alone or in combination with any other words or symbols) "S. 1", "S. 2", "S. 3", "S. 4", "S. 5", "S. 6", "S. 7" or "S. 8" shall be *prima facie* evidence that the particular article or substance is a poison or controlled substance.

General offence.

123. Every person who contravenes of fails to comply with any provision of this Act or any regulation made under this Act shall be guilty of an offence against this Act and if no penalty is expressly provided with respect to such offence shall be liable to a penalty of not more than $2000.

PART X.—DRUG REHABILITATION AND RESEARCH FUND

Drug Rehabilitation and Research Fund.

124. For the purposes of this Act there shall be established within the Public Account a trust fund to be known as the "Drug Rehabiiitation and Research Fund" hereinafter referred to as "the Fund".

Appropriation of moneys for purposes of Fund.

125. All moneys arising from fines penalties and forfeitures under this Act shall be appropriated for the purposes of the Fund.

Payments out of Fund.

126. (1) Into the Fund shall be paid—

(*a*) all moneys arising from fines penalties and forfeitures under this Act;

(*b*) all moneys appropriated by Parliament for the purposes of the Fund;

(*c*) all other moneys received for the purposes of the Fund; and

(*d*) all moneys authorized or required by this Act to be paid into the Fund.

(2) The Minister, with the approval of the Governor in Council, may pay out of the Fund such sums as he deems fit, and subject to such conditions, limitations and restrictions as he determines, for or towards—

(*a*) organizations involved in the rehabilitation of drug-dependent persons;

(*b*) the development of drug education programmes;

(*c*) the dissemination of information on drugs and drug abuse;

(*d*) research into drug addiction and the treatment of drug-dependent persons;

(*e*) the enforcement of this Act; and

(*f*) any

(*f*) any other purpose in connexion with the control and prevention of drug abuse.

Payments into Fund.

127. (1) Where before the commencement of this section a member of the police force has in pursuance of his powers under the *Poisons Act* 1962 seized any money in connexion with the commission of an offence in relation to—

(*a*) a drug of addiction within the meaning of that Act;

(*b*) a specified drug within the meaning of that Act; or

(*c*) an hallucinogenic drug within the meaning of that Act—

and immediately before the commencement of this section—

(*d*) no person has been charged with the commission of an offence in relation to that drug or that money; or

(*e*) a person has been charged with the commission of an offence in relation to that drug or that money but that person has absconded or cannot now be found—

the Governor in Council may by Order published in the *Government Gazette* authorize the payment of that money into the Fund, and the money shall be paid into the Fund in accordance with the Order.

(2) Where a person satisfies the Governor in Council—

(*a*) that any money paid into the Fund pursuant to sub-section (1) is money owned by him; and

(*b*) that the money was not obtained in relation to or as a result of or derived because of the commission of an offence under the *Poisons Act* 1962 or this Act in relation to a drug of addiction or specified drug, a drug of dependence or an hallucinogenic drug (as the case may be)—

the Governor in Council may by Order published in the *Government Gazette* authorize the payment out of the Fund to that person of the amount claimed by him to the extent to which that amount is an amount in respect of which the Governor in Council is satisfied of the matters mentioned in paragraph (*a*) and paragraph (*b*).

(3) The Governor in Council shall not authorize a payment out of the Fund under this section unless the claim for payment out of the Fund has been made within 12 months of the publication in the *Government Gazette* of the Order under sub-section (1).

Acceptance of gifts, &c. to Fund.

128. The Minister, may on behalf of the Fund accept gifts, devises, bequests and assignments of real or personal property and may act as executor or administrator of an estate or as a trustee of moneys or other properties where in the opinion of the Minister it is expedient to do so for or in connexion with the objects of the Fund.

PART

PART XI.—REGULATIONS

Regulations.

129. For the purpose of preventing the improper use of drugs of dependence and restricted substances or any preparation of them or any of them the Governor in Council may make regulations for or with respect to regulating or controlling the manufacture sale possession administration use supply distribution and storage of those substances and preparations and in particular, without affecting the generality of the foregoing provisions of this section or of any other provisions of this Act, for or with respect to—

(*a*) regulating the issue by medical practitioners dentists or veterinary surgeons of prescriptions for any such substance or preparation and the dispensing of any such prescriptions;

(*b*) requiring persons engaged in the manufacture sale supply and distribution of any such substance or preparation to keep books and records and furnish information in writing or otherwise;

(*c*) the custody accumulation administration use supply and storage of any such substance or preparation;

(*d*) regulating the transfer or conveyance of any such substance or preparation;

(*e*) regulating the supply of any such substance or preparation to drug-dependent persons;

(*f*) regulating and controlling advertising by any person in relation to any such substances or preparations or any of them and prescribing the form and contents of such advertisements;

(*g*) generally prescribing all such matters and things as are necessary or convenient to be prescribed for carrying this Act into effect; and

(*h*) prescribing a penalty of not more than $1000 for any contravention of or failure to comply with the regulations made under this section.

Construction of section 129.

130. The provisions of section 129 with respect to the making of regulations shall (without prejudice to the generality of the powers conferred by the said section) extend and apply to the making of regulations for or with respect to providing that any specified breach of the regulations made under the said section shall be regarded—

(*a*) as infamous conduct in a professional respect within the meaning and for the purposes of any Act; or

(*b*) as conduct discreditable to a pharmacist within the meaning and for the purposes of section eighteen of the *Pharmacists Act* 1974; or

(*c*) as

(*c*) as immoral conduct in connexion with the conduct of dental practice within the meaning and for the purposes of the *Dentists Act* 1972.

Regulations as to special poisons.

131. (1) For the purpose of protecting persons engaged in the manufacture sale use or distribution of special poisons or for the protection of the public from special poisons the Governor in Council may make regulations for or with respect to—

(*a*) prohibiting the possession manufacture sale supply distribution or use of any special poisons either absolutely or except under such circumstances or conditions as may be prescribed (including, without limiting the generality of the foregoing, prohibiting a person from having in his possession, manufacturing, selling, distributing or using any special poison or class of special poisons unless he is authorized by or licensed or permitted under this Act or the regulations so to do);

(*b*) prescribing any special poison to be an hallucinogenic drug for the purposes of Part VI;

(*c*) forms to be used for the purposes of section 20 of this Act;

(*d*) the issue, renewal, suspension and revocation of warrants and permits under section 20 applications for warrants and permits and the conditions to which the warrants and permits are to be subject;

(*e*) prescribing penalties not exceeding $1000 for breach of any condition, limitation or restriction to which a warrant or permit under section 20 of this Act is subject;

(*f*) prescribing precautions to be taken in and regulating or controlling the manufacture storage use or handling of any such special poisons; and

(*g*) prescribing penalties not exceeding $1000 for breaches of the regulations.

General regulations.

132. The Governor in Council may make regulations for or with respect to—

(*a*) prescribing forms to be used for the purposes of this Act;

(*b*) the colouring of any poison or controlled substance;

(*c*) the sale supply and safe custody of poisons or controlled substances including the specifications of cupboards and other receptacles and the manner of storage of any poison or controlled substance;

(*d*) prohibiting

(*d*) prohibiting the sale or supply of any product (whether by wholesale or by retail) or any class of products containing any poison or controlled substances unless the product or class of products is packaged in accordance with regulations made under this section and contains no more than a specified concentration of any specified poison or controlled substance;

(*e*) the minimum size of packages or containers in which poisons or controlled substances or any class of poisons or controlled substances may be sold or supplied or offered for sale or supply;

(*f*) specifying the containers in which any poison or controlled substance may be sold or supplied and prohibiting the use of such containers for other substances;

(*g*) the administration and use of restricted substances or of any class of restricted substances;

(*h*) regulating and controlling the issue by medical practitioners, dentists or veterinary surgeons of prescriptions for any restricted substances and the dispensing of any such prescriptions;

(*i*) regulating and controlling advertising by any person in relation to any restricted substances and prescribing the form and contents of such advertisements;

(*j*) prohibiting and controlling advertising by any person in relation to potent substances or any class of potent substances and prescribing the form and contents of such advertisements;

(*k*) providing for the dispensing of prescriptions for poisons or controlled substances issued by medical practitioners, dentists or veterinary surgeons in other States;

(*l*) labelling and specifying the particulars (including antidotes) to be included in labels attached to containers of poisons and controlled substances;

(*m*) applications for and the issue renewal cancellation and suspension of licences permits and authorities issued under this Act;

(*n*) prescribing conditions limitations and restrictions to which licences and permits issued under this Act shall be subject;

(*o*) prescribing fees (not exceeding the maximum fees fixed by Part II.) to be paid for the issue or renewal of licences and permits under this Act and prescribing proportionate fees where a licence or permit is granted during the currency of a year;

(*p*) the

(*p*) the inspection of premises stocks books and any other documents relating to poisons or controlled substances;

(*q*) exempting from all or any of the provisions of this Act and the regulations substances or preparations containing any poison or controlled substance which by their nature are not capable of being used in evasion of this Act and the regulations or which are sold or supplied by a pharmacist or according to the prescription of a medical practitioner, veterinary surgeon or dentist for an individual and specific case;

(*r*) particulars to be recorded in the Sale of Poisons Book and the procedure to be followed in relation to the sale or supply and recording of poisons or controlled substances;

(*s*) precautions to be observed in connexion with the sale or supply of poisons or controlled substances ordered by letter telegram cable radiogram or telex;

(*t*) specifying the persons or classes of persons authorized or entitled to purchase obtain use or be in possession of any poison or controlled substance;

(*u*) providing that all persons are authorized or entitled to purchase or obtain or have in their possession or use specified poisons or controlled substances or specified classes of poisons or controlled substances;

(*v*) providing for the disposal of automatic machines forfeited pursuant to the provisions of this Act;

(*w*) prohibiting the sale or supply of any poison or controlled substance by self-service methods other than any methods prescribed;

(*x*) prescribing a penalty of not more than $1000 for any contravention of or failure to comply with the regulations;

(*y*) the administration and use of potent substances or any class of potent substance;

(*z*) regulating and controlling the issue by medical practitioners, dentists or veterinary surgeons of prescriptions for any potent substance and the dispensing of any such prescriptions;

(*za*) regulating and controlling the sale or supply by pharmacists of potent substances to persons without direction from a medical practitioner, veterinary surgeon or dentist;

(*zb*) prescribing the manner in which potent substances may be dispensed by pharmacists and the keeping of records of each transaction effected by a pharmacist;

(*zc*) regulating

(*zc*) regulating and controlling the dispensing and sale or supply of restricted substances by pharmacists without a prescription from a medical practitioner, dentist or veterinary surgeon in emergency circumstances to the extent that the quantity of any restricted substance so dispensed sold or supplied does not exceed three days medication or, where a restricted substance is or is contained in a pre-packed pharmaceutical preparation, the minimum standard package containing the preparation;

(*zd*) generally prescribing all such matters and things as are authorized or required to be prescribed or are necessary or convenient to be prescribed for carrying into effect the objects of this Act.

Strict compliance with prescribed forms not necessary.

133. Forms set out in any regulations made under this Act or forms to the like effect may be used for the purposes thereof and shall be sufficient in law.

PART XII.—AMENDMENTS TO VARIOUS ACTS

Amendment of No. 6270.

134. The *Health Act* 1958 is amended as follows:

Repeal of provisions relating to narcotic plants.

(*a*) In the table of Parts and Divisions in section 1, the item relating to Part XVIII. is repealed;

(*b*) The heading preceding section 364 is repealed; and

(*c*) Sections 364, 365 and 366 are repealed.

Amendment of No. 6231.

135. For the interpretation of "drug of addiction" in section 2A (1) of the *Crimes Act* 1958 there shall be substituted the following interpretation:

'"Drug of addiction" means a drug of dependence within the meaning of the *Drugs, Poisons and Controlled Substances Act* 1981.'.

SCHEDULES

SCHEDULES

SCHEDULE ONE

(DANGEROUS POISONS)

A substance specified in this Schedule includes:—

(*a*) any salt, active principle, derivative, compound, alkaloid, stereoisomer, ester and ether of the substance and any salt of such active principle, derivative, compound, alkaloid, stereoisomer, ester and ether; and

(*b*) any preparation or admixture containing any proportion of the substance, salt, active principle, derivative, compound, alkaloid, stereoisomer, ester or ether,

unless specifically exempted or specifically included in any other Schedule.

SCHEDULE TWO

(MEDICINAL POISONS)

A substance specified in this Schedule includes:—

(*a*) any salt, active principle, derivative, compound, alkaloid, stereoisomer, ester and ether of the substance and any salt of such active principle, derivative, compound, alkaloid, stereoisomer, ester and ether; and

(*b*) any preparation or admixture containing any proportion of the substance, salt, active principle, derivative, compound, alkaloid, stereoisomer, ester or ether,

unless specifically exempted or specifically included in any other Schedule, but is not included in this Schedule when constituted in the following products—

Electrical components and electric lamps.

Enamels, vitreous.

Explosives.

Lubricants unless specified in any of the Schedules.

Matches.

Motor fuels except fuels containing Ether or Methyl Alcohol or petrol containing Benzene when specifically included in Part 2 of Schedule Seven.

Paints as defined in the Uniform Paint Standard as issued and recommended by the National Health and Medical Research Council of Australia.

Paper.

Photographic paper and film.

Pigments, inorganic unless specified in Schedule Six.

Pottery, glazed or unglazed.

Timber.

Wallboard.

ACETIC ACID (excluding its salts and derivatives) in substances for therapeutic use containing more than 80 per centum of Acetic Acid.

ACETYLDIHYDROCODEINE in compounded preparations containing 1 per centum or less of Acetyldihydrocodeine.

AMMONIATED MERCURY.

ANTAZOLINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

ANAESTHETICS LOCAL—the following only—Benzamine Lactate, Benzocaine, Butylaminobenzoate, and Lignocaine when included in—

(*a*) Lozenges, pastilles, tablets and capsules containing 30 milligrams or less of such substances in each;

(*b*) Suppositories or bougies containing 200 milligrams or less of such substances in each; or

(*c*) substances for external use, other than eye drops, containing 10 per centum or less of such Local Anaesthetics.

SCHEDULE TWO—*continued*

ASPIRIN except—

(*a*) tablets or capsules each containing 325 milligrams or less of Aspirin as the only therapeutically active constituent, provided that—

(i) the tablets or capsules are packed in blister or strip packaging or in containers with child-resistant closures; and

(ii) the tablets or capsules are enclosed in a primary pack containing not more than 25 tablets or capsules;

(*b*) individually wrapped powders each containing 650 milligrams or less of Aspirin as the only therapeutically active constituent enclosed in a primary pack containing not more than 12 powders; or

(*c*) when included in Schedule Four.

ATROPINE except—

(*a*) Atropine Methonitrate, in substances containing 0·25 per centum or less of Atropine; and

(*b*) Atropine Sulphate, 0·6 milligram tablets in packs of six, when labelled for the treatment of organophosphorus poisoning.

BAMIPINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

BELLADONNA in substances containing 0·25 per centum or less of the alkaloids of Belladonna, calculated as Hyoscyamine.

BROMHEXINE.

BROMODIPHENHYDRAMINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

BROMPHENIRAMINE—

(*a*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*b*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds,

BUCLIZINE—

(*a*) in solid dose preparations, labelled and packed for the treatment of motion sickness, in packs of ten doses or less; and

(*b*) in preparations labelled and packed as eye drops or nasal preparations for topical use.

BUFEXAMAC in substances containing 5 per centum or less of Bufexamac for external human therapeutic use and in suppositories.

CANTHARIDIN in substances containing 0·01 per centum or less of Cantharidin.

CARBARYL in substances for external human therapeutic use containing 2 per centum or less of Carbaryl.

CARBENOXOLONE for topical oral use.

CARBINOXAMINE—

(*a*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*b*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

CHLORAL HYDRATE in substances containing 5 per centum or less of Chloral Hydrate for external use.

CHLOROFORM (excluding its derivatives) except—

(*a*) in substances containing 10 per centum or less of Chloroform; or

(*b*) when included in Schedule Four.

CHLOROPYRILENE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

SCHEDULE TWO—*continued*

CHLORPHENIRAMINE—

(*a*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*b*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

CHLORPHENOXAMINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

CINNAMEDRINE.

CINNARIZINE—

(*a*) in solid dose preparations, labelled and packed for the treatment of motion sickness, in packs of ten doses or less; and

(*b*) in preparations labelled and packed as eye drops or as nasal preparations for topical use.

CLEMASTINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

CLEMIZOLE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

CODEINE—

(*a*) when compounded with Aspirin or Paracetamol or Salicylamide or any one of their salts or derivatives in a proportion of 1 per centum or less of Codeine, in tablets or capsules: Provided that—

(i) such tablets or capsules are packed in blister or strip packaging or in containers with child-resistant closures; and

(ii) such tablets or capsules are enclosed in a primary pack containing not more than 25 such tablets or capsules;

(*b*) when compounded with Aspirin or Paracetamol or Salicylamide or any one of their salts or derivatives in a proportion of 1 per centum or less of Codeine, in individually wrapped powders, provided such powders are enclosed in a primary pack containing not more than 12 such powders; and

(*c*) when compounded in any other substance in a proportion of 1 per centum or less of Codeine.

CREOSOTE, CRESOL, PHENOL (carbolic acid), any homologue of phenol boiling below 220°C, (at 760 mm Hg pressure) for therapeutic use and preparations containing more than 3 per centum by weight of such substances or homologues when such substances or homologues are for therapeutic use.

CYCLIRAMINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

CYPROHEPTADINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

DEPTROPINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

DEXBROMPHENIRAMINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

DEXCHLORPHENIRAMINE—

(*a*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*b*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

DEXTROMETHORPHAN in compounded preparations containing 1 per centum or less of Dextromethorphan.

DEXTRORPHAN in substances containing 1 per centum or less of Dextrorphan.

DIAMINES phenylene and alkylated phenylene diamines, except—

(*a*) when included in Schedule Six; or

(*b*) Diethyl-p-phenylene diamine and Dimethyl-p-phenylene diamine in tablets containing 10 milligrams or less of such substances in opaque strip packaging labelled for water testing.

SCHEDULE TWO—*continued*

DICOPHANE (DDT) in substances for human therapeutic use.

DICYCLOMINE in substances containing 0·1 per centum or less of Dicyclomine.

DIMENHYDRINATE—

(*a*) in solid dose preparations, labelled and packed for the treatment of motion sickness, in packs of ten doses or less; and

(*b*) in preparations labelled and packed as eye drops or as nasal preparations for topical use.

DIMETHINDENE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

DIMETHISOQUIN in substances for topical use.

DIMETHOTHIAZINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

DIPHEMANIL METHYLSULPHATE in substances for topical use.

DIPHENHYDRAMINE—

(*a*) in solid dose preparations, labelled and packed for the treatment of motion sickness, in packs of ten doses or less;

(*b*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*c*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

DIPHENYLPYRALINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

DOXYLAMINE—

(*a*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*b*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

EMBRAMINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

ETHER (excluding its derivatives) except—

(*a*) in substances containing 10 per centum or less of Ether; or

(*b*) when included in Schedule Four, Schedule Five or Schedule Six.

ETHOHEPTAZINE in substances containing 1 per centum or less of Ethoheptazine.

p-ETHOXYPHENYLUREA.

FLUORIDES metallic, including Ammonium Fluorides when intended for therapeutic purposes except—

(*a*) in dentifrices containing 0·5 per centum or less of Fluoride Ion; or

(*b*) in substances containing 15 milligrams per kilogram or less of Fluoride Ion.

GUAIPHENESIN—

(*a*) in liquid preparations containing 2 per centum or less of Guaiphenesin; and

(*b*) in solid dose preparations containing 120 milligrams or less of Guaiphenesin in each dosage unit.

HALOPYRAMINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

HEXACHLOROPHANE in substances for skin cleansing purposes containing 3 per centum or less of Hexachlorophane except—

(*a*) in substances for use on infants; or

(*b*) in substances for the treatment of animals: provided that

the Hexachlorophane substances included within this Schedule entry are labelled with the following three warning statements—

(i) Do not use internally or on areas of burnt or damaged skin;

(ii) Do not use on infants except under medical direction;

(iii) Wash off the skin immediately after use.

SCHEDULE TWO—*continued*

HISTAPYRRODINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

HOMATROPINE in subtances containing 0·25 per centum or less of Homatropine.

HUMAN CHORIONIC GONADOTROPHIN ANTIBODY in preparations for human pregnancy testing packed for use on not more than two test occasions.

HUMAN CHORIONIC GONADOTROPHIN in preparations for human pregnancy testing packed for use on not more than two test occasions.

HYDROCYANIC ACID in substances containing 0·15 per centum or less of Hydrocyanic Acid.

8-HYDROXYQUINOLINE except—

(*a*) non-halogenated derivatives containing 1 per centum or less of such derivatives in substances for external use; or

(*b*) when included in Schedule Four.

HYOSCINE in substances containing 0·25 per centum or less of Hyoscine except Hyoscine Butylbromide.

HYOSCYAMINE in substances containing 0·25 per centum or less of Hyoscyamine.

HYOSCYAMUS in substances containing 0·25 per centum or less of the alkaloids of Hyoscyamus calculated as Hyoscyamine.

IMIDAZOLINE DERIVATIVES with vasoconstrictor activity, including the following when used for application as decongestants—Naphazoline, Oxymetazoline, Phedrazine, Phenamazoline, Tetrahydrozoline, Trimizoline, Tymazoline and Xylometazoline.

IODINE (excluding its salts and derivatives) in substances containing more than 2·5 per centum of free Iodine, except preparations for animal treatment only when included in Schedule Six.

IODOPHORS containing more than 2·5 per centum free Iodine except when included in Schedule Six.

ISOPROPAMIDE in substances containing 2 per centum or less of Isopropamide for topical use.

LEAD SALTS and compounds for therapeutic or cosmetic use except substances containing 1 per centum or less for cosmetic use.

LINDANE in substances for external human therapeutic use containing 2 per centum or less of Lindane.

LOBELIA in substances containing 0·5 per centum or less of alkaloids of Lobelia, except for smoking or burning.

MALDISON in substances for external human therapeutic use containing 2 per centum or less of Maldison.

MEBENDAZOLE for human therapeutic use.

MEBHYDROLIN in preparations labelled and packed as eye drops or as nasal preparations for topical use.

MEPYRAMINE—

(*a*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*b*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

MERCURIC CHLORIDE in substances containing 0·5 per centum or less of Mercuric Chloride except when in batteries.

MERCURIC IODIDE in substances containing 2 per centum or less of Mercuric Iodide, except when included in Schedule Six.

MERCURIC NITRATE in substances containing the equivalent of 3 per centum or less of Mercury (Hg) in such form.

SCHEDULE TWO—*continued*

MERCURIC OXIDE and all oxides of Mercury.

MERCURIC POTASSIUM IODIDE in substances containing the equivalent of 2 per centum or less of Mercuric Iodide in such form.

MERCURY (METALLIC) (Excluding its salts and derivatives) except in scientific instruments.

MERCURY—ORGANIC COMPOUNDS and substances containing more than the equivalent of 0·5 per centum of Mercury (Hg) weight in weight except for parenteral use.

METHDILAZINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

METHOXAMINE for topical use.

METHOXYPHENAMINE.

NAPHAZOLINE.

NICLOSAMIDE for human therapeutic use.

NICOCODINE in compounded preparations containing 1 per centum or less of Nicocodine.

NICODICODINE in compounded preparations containing 1 per centum or less of Nicodicodine.

NORCODEINE in compounded preparations containing 1 per centum or less of Norcodeine.

NOSCAPINE.

OXETHAZAINE in substances for internal use.

OXOLAMINE CITRATE.

OXYMETAZOLINE.

PAPAVERINE.

PARACETAMOL except—

(*a*) tablets or capsules each containing 500 milligrams or less of Paracetamol as the only therapeutically active constituent: Provided that—

(i) the tablets or capsules are packed in blister or strip packaging or in containers with child-resistant closures; and

(ii) the tablets or capsules are enclosed in a primary pack containing not more than 25 tablets or capsules;

(*b*) individually wrapped powders each containing 1000 milligrams or less of Paracetamol as the only therapeutically active constituent enclosed in a primary pack containing not more than 12 powders; or

(*c*) when included in Schedule Four.

PHEDRAZINE.

PHENAMAZOLINE.

PHENAZONE for external use.

PHENINDAMINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

PHENIRAMINE—

(*a*) in solid dose preparations, labelled and packed for the treatment of motion sickness, in packs of ten doses or less;

(*b*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*c*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

SCHEDULE TWO—*continued*

PHENOL (CARBOLIC ACID), CREOSOTE, CRESOL, any homologue of phenol boiling below 220°C for therapeutic use and preparations containing more than 3 per centum by weight of such substances or homologues when such substances or homologues are for therapeutic use.

PHENYLEPHRINE except—

(*a*) substances containing 0·5 per centum or less of Phenylephrine; and

(*b*) substances for external use containing 1 per centum or less of Phenylephrine.

PHENYLTOLOXAMINE—

(*a*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*b*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

PHOLCODINE in compounded preparations containing 1 per centum or less of Pholcodine.

PHOLEDRINE in solutions for topical use.

PROCYCLIDINE in substances containing 5 per centum or less of Procyclidine for topical use.

PROMETHAZINE—

(*a*) in solid dose preparations, labelled and packed for the treatment of motion sickness, in packs of ten doses or less;

(*b*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*c*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

PROPANTHELINE in substances for topical use.

PROPOXUR in substances for external human therapeutic use containing 0·2 per centum or less of Propoxur.

PROPYLHEXEDRINE in appliances for inhalation in which the substance is absorbed upon an inert solid material.

PROPYPHENAZONE.

PYRANTEL for human therapeutic use.

PYRITHIONE ZINC in substances containing more than 2 per centum of Pyrithione Zinc.

PYRROBUTAMINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

SALICYLAMIDE except—

(*a*) tablets or capsules each containing 500 milligrams or less of Salicylamide as the only therapeutically active constituent, provided that—

(i) the tablets or capsules are packed in blister or strip packaging or in containers with child-resistant closures; and

(ii) the tablets or capsules are enclosed in a primary pack containing not more than 25 tablets or capsules;

(*b*) individually wrapped powders each containing 1000 milligrams or less of Salicylamide as the only therapeutically active constituent enclosed in a primary pack containing not more than 12 powders; or

(*c*) when included in Schedule Four.

SILVER NITRATE.

SODIUM NITRITE for therapeutic use.

STAVESACRE except in substances containing 0·2 per centum or less of Stavesacre.

STRAMONIUM in substances containing 0·25 per centum or less of the alkaloids of Stramonium calculated as Hyoscyamine, except for smoking or burning.

SCHEDULE TWO—*continued*

TETRAHYDROZOLINE.

THENALIDINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

THENYLDIAMINE—

(*a*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*b*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

TOLPROPAMINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

TRAMAZOLINE.

TRIMEPRAZINE—

(*a*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*b*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

TRIMETHOBENZAMIDE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

TRIMIZOLINE.

TRIPELENNAMINE in preparations labelled and packed as eye drops or as nasal preparations for topical use.

TRIPROLIDINE—

(*a*) in preparations labelled and packed as eye drops or as nasal preparations for topical use; and

(*b*) in oral liquid preparations when compounded with a non-opiate antitussive, an expectorant or a sympathomimetic amine when packed and labelled for the relief of coughs and colds.

TUAMINOHEPTANE in solutions for topical use.

TYMAZOLINE.

VIPRYNIUM.

XYLOMETAZOLINE.

ZINC SALTS for internal human use.

SCHEDULE THREE

(POTENT SUBSTANCES)

A substance specified in this Schedule includes:—

(*a*) any salt, active principle, derivative, compound, alkaloid, stereoisomer, ester and ether of the substance and any salt of such active principle, derivative, compound, alkaloid, stereoisomer, ester and ether; and

(*b*) any preparation or admixture containing any proportion of the substance, salt, active principle, derivative, compound, alkaloid, stereoisomer, ester or ether,

unless specifically exempted or specifically included in any other Schedule, but is not included in this Schedule when constituted in the following products—

Electrical components and electric lamps.

Enamels, vitreous.

Explosives.

Lubricants unless specified in any of the Schedules.

Matches.

SCHEDULE THREE—*continued*

Motor fuels except fuels containing Ether or Methyl Alcohol or petrol containing Benzene when specifically included in Part 2 of Schedule Seven.

Paints as defined in the Uniform Paint Standard as issued and recommended by the National Health and Medical Research Council of Australia.

Paper.

Photographic paper and film.

Pigments, inorganic unless specified in Schedule Six.

Pottery, glazed or unglazed.

Timber.

Wallboard.

ADRENALINE in substances containing 1 per centum or less of Adrenaline except in substances containing 0·01 per centum or less of Adrenaline.

AMYL NITRITE.

ANTAZOLINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

ATROPINE METHONITRATE in substances for external use.

BAMIPINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) oral liquid preparations when not compounded with any other medicament.

BENZOYL PEROXIDE in substances containing 10 per centum or less of Benzoyl Peroxide for external human therapeutic use.

BROMODIPHENHYDRAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

BROMPHENIRAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

BUCLIZINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

SCHEDULE THREE—*continued*

BUTYL NITRITE.

CARBETAPENTANE.

CARBINOXAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

CHLOROPYRILENE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

CHLORPHENIRAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

CHLORPHENOXAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

CHOLESTYRAMINE for human therapeutic use.

CINNARIZINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

CLEMASTINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

CLEMIZOLE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

SCHEDULE THREE—*continued*

CLORPRENALINE.

CODEINE, when compounded with Aspirin or Paracetamol or Salicylamide or any one of their salts or derivatives in a proportion of 1 per centum or less of Codeine, in tablets or capsules or individually wrapped powders, except when included in Schedule Two.

COLESTIPOL for human therapeutic use.

CYCLIRAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

CYCLOPENTAMINE in solutions for topical use.

CYPROHEPTADINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

DEPTROPINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

DEXBROMPHENIRAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

DEXCHLORPHENIRAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

DIHYDROCODEINE in compounded preparations containing 1 per centum or less of Dihydrocodeine.

DIMENHYDRINATE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

SCHEDULE THREE—*continued*

DIMETHINDENE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

DIMETHOTHIAZINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

DIPHENHYDRAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

DIPHENYLPYRALINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

DOXYLAMINE—

(*a*) in oral solid dose preparations;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

EMBRAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

EPHEDRINE and PSEUDOEPHEDRINE except—

(*a*) substances containing 0·5 per centum or less of Ephedrine and Pseudoephedrine; or

(*b*) substances for external use containing 1 per centum or less of Ephedrine and Pseudoephedrine.

ERYTHRITYL TETRANITRATE and other nitric esters of Polyhydric alcohols.

ETAFEDRINE.

FENOTEROL in metered aerosols delivering 200 micrograms or less of Fenoterol per metered dose.

SCHEDULE THREE—*continued*

FLAVOXATE.

FOLIC ACID for human therapeutic use except in substances containing 500 micrograms or less of Folic Acid per recommended daily dose.

FOLINIC ACID for human therapeutic use except in substances containing 500 micrograms or less of Folinic Acid per recommended daily dose.

GLYCERYL TRINITRATE.

HALOPYRAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

HISTAPYRRODINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

IDOXURIDINE in substances containing 0·5 per centum or less of Idoxuridine for cutaneous use.

INSULIN and substances containing the specific hypoglycaemic principle of the pancreas.

IRON salts and complexes in substances intended for human therapeutic use by oral administration, except substances containing 5 milligrams or less of elemental Iron per dose.

ISOPRENALINE—

(*a*) in nebulizer solutions containing 1 per centum or less of Isoprenaline except when in metered aerosols; and

(*b*) in metered aerosols delivering 100 micrograms or less of Isoprenaline per metered dose.

ISOSORBIDE DINITRATE.

MANNITYL HEXANITRATE.

MEBHYDROLIN—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

MEFENAMIC ACID in packs of 30 capsules or less when labelled for the treatment of spasmodic dysmenorrhea.

MEPYRAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

SCHEDULE THREE—*continued*

METHDILAZINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

METHYLEPHEDRINE.

MORANTEL for human therapeutic use.

NITRAZEPAM when extemporaneously dispensed in 5 milligram tablets to the extent that the total dose dispensed shall not exceed 25 milligrams: Provided that the dispensing pharmacist—

(*a*) shall satisfy himself with the *bona fides* of the person to whom it is proposed to sell or supply such tablets;

(*b*) shall satisfy himself with the *bona fides* of the supply; and

(*c*) shall not sell or supply on more than one occasion to such person without referral to a medical practitioner and then only on the receipt of a written prescription.

OCTYL NITRITE.

ORCIPRENALINE in metered aerosols delivering 750 micrograms or less of Orciprenaline per metered dose.

PENTAERYTHRITYL TETRANITRATE.

PHENINDAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

PHENIRAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

PHENYLPROPANOLAMINE in substances containing 50 milligrams or less per dose of Phenylpropanolamine.

PHENYLTOLOXAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

PROMETHAZINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

SCHEDULE THREE—*continued*

PSEUDOEPHEDRINE and EPHEDRINE except—

(*a*) substances containing 0·5 per centum or less of Pseudoephedrine and Ephedrine; or

(*b*) substances for external use containing 1 per centum or less of Pseudoephedrine and Ephedrine.

PYRROBUTAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

QUININE for human therapeutic use.

SALBUTAMOL in metered aerosols delivering 100 micrograms or less of Salbutamol per metered dose.

SODIUM CROMOGLYCATE in substances for topical nasal use.

TEMAZEPAM when extemporaneously dispensed in 10 milligram capsules to the extent that the total dose dispensed shall not exceed 50 milligrams: Provided that the dispensing pharmacist—

(*a*) shall satisfy himself with the *bona fides* of the person to whom it is proposed to sell or supply such capsules;

(*b*) shall satisfy himself with the *bona fides* of the supply; and

(*c*) shall not sell or supply on more than one occasion to such person without referral to a medical practitioner and then only on the receipt of a written prescription.

TERBUTALINE in metered aerosols delivering 250 micrograms or less of Terbutaline per metered dose.

THENALIDINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

THENYLDIAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

TOLPROPAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

TRETINOIN.

TRIMEPRAZINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

SCHEDULE THREE—*continued*

(*c*) in oral liquid preparations when not compounded with any other medicament.

TRIPELENNAMINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

TRIPROLIDINE—

(*a*) in oral solid dose preparations except when included in Schedule Two;

(*b*) in oral liquid preparations when compounded with an opiate antitussive and a sympathomimetic amine when packed and labelled for the relief of coughs and colds; and

(*c*) in oral liquid preparations when not compounded with any other medicament.

SCHEDULE FOUR

(RESTRICTED SUBSTANCES)

A substance specified in this Schedule includes:

(*a*) any salt, active principle, derivative, compound, alkaloid, stereoisomer, ester and ether of the substance and any salt of such active principle, derivative, compound, alkaloid, stereoisomer, ester and ether; and

(*b*) any preparation or admixture containing any proportion of the substance, salt, active principle, derivative, compound, alkaloid, stereoisomer, ester or ether,

unless specifically exempted or specifically included in any other Schedule.

ACETANILIDE and alkyl acetanilides.

ACETAZOLAMIDE.

ACETOHEXAMIDE.

ACETYLCYSTEINE.

ACETYLDIHYDROCODEINE when compounded—

(*a*) in divided preparations containing not more than 100 milligrams of Acetyldihydrocodeine per dosage unit; or

(*b*) in divided preparations with a concentration of not more than 2·5 per centum of Acetyldihydrocodeine,

except when included in Schedule Two.

ACETYLMETHYLDIMETHYLOXIMIDOPHENYLHYDRAZINE.

ADIPHENINE.

ADRENALINE, natural or substances except in substances containing 1 per centum or less of Adrenaline.

ALCURONIUM.

ALPHADOLONE.

ALPHAXALONE.

AMANTADINE.

AMBENONIUM.

AMBUCETAMIDE.

AMBUTONIUM.

AMETHOCAINE.

SCHEDULE FOUR—*continued*

AMILORIDE.

AMINOCOPROIC ACID.

AMINOMETRADINE.

AMINOREX.

AMIPHENAZOLE.

AMISOMETRADINE.

AMITRIPTYLINE.

AMODIAQUINE.

AMOXAPINE.

AMYLOCAINE.

ANABOLIC steroidal agents.

ANAESTHETICS—the following when specifically prepared and packed as therapeutic agents for the induction and maintenance of inhalation anaesthesia—Chloroform, Cyclopropane, Ether, Ethyl Chloride, Ethylene, Fluroxene, Halothane, Methoxyflurane, Nitrous Oxide, Trichloroethylene, Vinyl Ether.

ANAESTHETICS LOCAL being synthetic cocaine substitutes, except when included in Schedule Two.

ANALEPTICS, including Bemegride, Leptazol, Nikethamide, and Picrotoxin.

ANGIOTENSIN AMIDE.

ANTIBIOTICS—Chloramphenicol, Penicillinic Acid, Penicillin, Streptomycin, Tetracycline and any other antibiotic substances however derived and their chemical derivatives, except when—

(*a*) included in Schedule Six;

(*b*) in animal feedstuffs for growth promotion containing: Bacitracin and its salts, Benzyl Penicillin and its salts (including Procaine Penicillin), Chlortetracycline, Erythromycin and its salts, Flavomycin, Oleandomycin and its salts, Oxytetracycline, Tylosin and its salts and Virginiamycin and its salts in concentrations of 50 parts per million or less of the total active antibiotic principle;

(*c*) in substances containing 50 parts per million or less of Hygromycin B;

(*d*) in milk replaces for calves and starter rations for pigs containg Bacitracin and its salts, Benyzl Penicillin and its salts (including Procaine Penicillin), Chlortetracycline, Erythromycin and its salts, Oxytetracycline and its salts and Tylosin and its salts in concentrations of 100 parts per million or less of the total active antibiotic principle.

ANTI-CHOLINE ESTERASES, including Dyflos and Neostigmine.

ANTICHOLINERGIC substances, including Atropine, Belladonna, Dicyclomine, Diphemanil Methylsulphate, Homatropine, Hyoscine, Hyoscyamine, Hyoscyamus, Methanthelinium, Oxyphenonium, Propantheline and Stramonium (except when for smoking or burning), except when specifically included in Schedule Two or Schedule Three.

ANTI-CONVULSANT substances, including Hydantoin derivatives, Oxazolidine-dione derivatives and Primidone.

ANTI-DIABETIC (Hypoglycaemic) substances which are sulphonamide or diguanide derivatives of urea including Carbutamide and Tolbutamide.

ANTI-FOLIC ACID substances—Aminopterin, Orthopterin and Teropterin.

ANTI-HISTAMINE substances except when included in Schedule Two, Schedule Three or Schedule Seven.

ANTI-LEPROSY substances.

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SCHEDULE FOUR—*continued*

ANTI-MALARIAL substances except when included in Schedule Two or Schedule Three.

ANTIMONY, and substances containing more than the equivalent of 10 per centum of Antimony Trioxide when intended for therapeutic use.

ANTI-PARKINSONIAN substances including Benzhexol, Caramiphen, Cycrimine, Diethazine, Ethopropazine and Procyclidine, except when specifically included in Schedule Two or Schedule Three.

ANTI-THYROID substances including Carbimazole, Methimazole and Thiouracil and its derivatives.

ANTI-TUBERCULAR substances including Isoniazid, Para-aminosalicylic acid, Prothionamide and Thiacetazone.

APOMORPHINE.

APROTININ.

ARSENIC in substances for therapeutic use containing the equivalent of 0·5 per centum or less of Arsenic Trioxide.

ARSENIC, organic compounds of, for therapeutic use, except when included in Schedule Five or Schedule Six.

ASPIRIN when combined with Caffeine, Paracetamol or Salicylamide.

ATARACTIC substances including—

(i) Phenothiazine derivatives including Chlorpromazine, Promazine and Mepazine;
(ii) Benzilic acid derivatives including Benactyzine and Cevanol;
(iii) 1, 1 propane diol derivatives including Meprobamate;
(vi) Benzhydrol derivatives including Azacyclonal;
(v) Piperazine derivatives including Hydroxyzine;
(vi) Methylpentynol;
(vii) Butyrophenone derivatives including Droperidol, Haloperidol, Methylperidol and Triperidol;
(viii) Benzodiazepine derivatives (including Clorazepate, Diazepam, Flurazepam, Lorazepam, Medazepam, Nitrazepam, Oxazepam except when specifically included in Schedule Three) and Chlorodiazepoxide derivatives; and
(ix) Diphenyl butyl piproxide derivatives.

ATENOLOL.

AZAPERONE.

AZAPETINE.

BACLOFEN.

BARBITURATES

BARBITURIC ACID.

BECLAMIDE.

BEMEGRIDE.

BENSERAZIDE.

BENZHEXOL.

BENZILONIUM.

BENZOYL PEROXIDE in substances for external human therapeutic use except when included in Schedule Three.

BENZPHETAMINE and other substances structurally derived from beta-aminopropylbenzene or beta-aminoisopropylbenzene by substitution in the side chain or by ring closure therein (or by both such substitution and such closure) except when specifically provided for in this or any other Schedule.

BENZTROPINE.

BENZYDAMINE.

SCHEDULE FOUR—*continued*

BETAHISTINE.

BETHANIDINE.

BIPERIDIN.

BISMUTH SUBGALLATE for internal therapeutic use except in suppositories.

BORON COMPOUNDS for human therapeutic or cosmetic use, except—

(*a*) in substances for external use containing 1 per centum or less of Boron; or

(*b*) in unit dose preparations for peridontal disease containing 100 milligrams or less of Boron.

BRETYLIUM.

BROMETHOL.

BROMIDES, Inorganic for therapeutic use.

BROMOFORM for therapeutic use.

BROMVALETONE.

BUCLOSAMIDE.

BUFEXAMAC except when included in Schedule Two.

BUMETANIDE.

BUPHENINE HYDROCHLORIDE for oral therapeutic use.

BUSULPHAN.

BUTRIPTYLINE.

BUTYLCHLORAL HYDRATE.

CALCITONIN.

CALCIUM CARBIMIDE.

CAMPHORATED OIL.

CAMPHOTAMIDE.

CANDICIDIN.

CAPTODIAME.

CAPURIDE.

CARAMIPHEN.

CARBACHOL.

CARBAMAZEPINE.

CARBAZOCHROME.

CARBENOXOLONE except when included in Schedule Two.

CARBIDOPA.

CARBIMZAOLE.

CARBOCROMEN.

CARBROMAL.

CARDIAC GLYCOSIDES not included elsewhere in this or any other Schedule.

CATALIN.

CEFACETRILE.

CEFAPIRIN.

CEFOXITIN.

SCHEDULE FOUR—*continued*

CEPHALEXIN.

CEPHALORIDINE.

CEPHALOTHIN.

CEPHAMANDOLE.

CEPHAZOLIN.

CEPHRADINE.

CHLORAL FORMAMIDE.

CHLORAL HYDRATE except when included in Schedule Two.

CHLORAZANIL.

CHLORBUTOL in substances for human oral use, except in substances containing 0·5 per centum or less of Chlorbutol as a preservative.

CHLORMERODRIN.

CHLORMETHIAZOLE.

CHLORMEZANONE.

CHLOROQUINE.

CHLORPHENTERMINE.

CHLORPROPAMIDE.

CHLORPROTHIXENE.

CHLORTHALIDONE.

CHLORZOXAZONE.

CHOLINE ESTERS, both acyl and alkyl, such as Acetyl-choline, Carbachol, Methacholine, Succinylcholine.

CIDOXEPIN.

CIMETIDINE.

CINCHOCAINE.

CLEMASTINE except when included in Schedule Two or Schedule Three.

CLIDINIUM.

CLINDAMYCIN.

CLOFENAMIDE.

CLOFIBRATE.

CLOMIPRAMINE.

CLOMOCYCLINE.

CLONAZEPAM.

CLONIDINE.

CLOPAMIDE.

CLOPROSTENOL for veterinary purposes.

CLORAZEPATE.

CLOREXOLONE.

CLOTRIMAZOLE.

CLOZAPIN.

SCHEDULE FOUR—*continued*

CODEINE when compounded with one or more other medicaments—

(*a*) in divided preparations containing not more than 100 milligrams of Codeine per dosage unit; or

(*b*) in undivided preparations with a concentration of not more than 2·5 per centum of Codeine—

except when included in Schedule Two or Schedule Three.

COLASPASE.

COLCHICINE.

COLCHICUM.

COLISTIN.

CORTISONE and other suprarenal cortical hormones and adreno-corticotrophic hormone (A.C.T.H.) in free or combined forms.

COUMARIN derivatives and phenylindanedione derivatives used as anti-coagulants in the treatment of humans.

CURARE, TUBOCURARINE, d-TUBOCURARINE, d-TUBOCURARINE-DIMETHYL-ETHER, and synthetic quaternary ammonium compounds having curarising and ganglionic paralysing effects such as Polymethylene bistrimethyl ammonium compounds, Gallamine Triethiodide, Laudexium methyl sulphate except Atropine Methonitrate in substances for external use.

CYCLANDELATE.

CYCLOPENTAMINE except when included in Schedule Three.

CYCLOPENTOLATE.

CYCLOPROPANE when specifically prepared and packed as a therapeutic agent for the induction of inhalation anaesthesia.

CYCLOSERINE.

CYCRIMINE.

CYSTEAMINE.

CYTO-TOXIC substances with blood destroying and/or anti-cancer properties such as Busulphan, Mustine and Tretamin.

DACARBAZINE.

DANAZOL.

DAPSONE.

DEANOL.

DEBRISOQUINE.

DEMECARIUM.

DESIPRAMINE.

DESMOPRESSIN.

DEXCHLORPHENIRAMINE except when included in Schedule Two or Schedule Three.

DEXTROMETHORPHAN except when included in Schedule Two.

DEXTROPROPOXYPHENE.

DEXTRORPHAN except when included in Schedule Two.

DIAMTHAZOLE.

DIAZEPAM.

DIAZOXIDE.

DICENZEPIN.

SCHEDULE FOUR—*continued*

DICHLORALPHENAZONE.

DICHLORPHENAMIDE.

DICYCLOMINE except when included in Schedule Three.

DIETHAZINE.

DIETHYLCARBAMAZINE for human therapeutic use.

DIETHYLPROPION.

DIFENOXIN in substances containing, per dosage unit, not more than 0·5 milligrams of Difenoxin and a quantity of Atropine Sulphate equivalent to at least 5 per centum of the dose of Difenoxin.

DIFLUNISAL.

DIGITALIS, its glycosides and the derivatives of Digitalis and its glycosides.

DIHYDRALAZINE.

DIHYDROCODEINE in substances containing 2·5 per centum or less of Dihydrocodeine except in substances containing 1 per centum or less.

DIISOPROPYLAMINE DICHLOROACETATE for therapeutic use.

DIMETHOTHIAZINE except when included in Schedule Three.

DIMETHOXANATE.

1-(3, 4-DIMETHOXYPHENYL)-1-DIMETHYLAMINO-4-PHENYLBUTANE-HYDROCHLORIDE.

DIMETHYL SULPHOXIDE except when included in Schedule Six.

DINITRONAPHTHOLS in medicinal substances.

DINITROTHYMOLS in medicinal substances.

DINOPROST for veterinary purposes.

DINOPROSTONE for veterinary purposes.

DIPHENIDOL.

DIPERODON.

DIPHENOXYLATE in substances containing not more than 2·5 milligrams of Diphenoxylate.

DIPYRIDAMOLE.

DISOPYRAMIDE.

DISULFIRAM in medicinal substances.

DITHIAZANINE except in substances containing 2 per centum or less of Dithiazanine for treatment of animals.

DOTHIEPIN.

DOXEPIN.

DOXYLAMINE except when included in Schedule Two or Schedule Three.

ECONAZOLE.

EMETINE except in substances containing 0·2 per centum or less of Emetine.

ERGOT.

ETHACRYNIC ACID.

ETHCHLORVYNOL.

ETHINAMATE.

ETHOHEPTAZINE except when included in Schedule Two.

SCHEDULE FOUR—*continued*

ETHOPROPAZINE.

ETHOXZOLAMIDE.

ETHYLMORPHINE in substances containing 2·5 per centum or less of Ethylmorphine.

FANTRIDONE.

FENCAMFAMIN.

FENFLURAMINE.

FENOTEROL except when included in Schedule Three.

FLUFENAMIC ACID.

5-FLUOROCYTOSINE.

FLURAZEPAM.

FLUSPIRILENE.

FRUSEMIDE.

GLUCAGON.

GLUTETHIMIDE.

GUAIPHENESIN except in liquid substances containing not more than 2 per centum of Guaiphenesin and in solid substances containing not more than 120 milligrams per dose form of Guaiphenesin.

GUANACLINE.

GUANETHIDINE.

HEPARIN.

HEXACHLOROPHANE except—

(*a*) when included in Schedule Two or Schedule Six; or

(*b*) in substances, other than for use on infants, containing 0·1 per centum or less of Hexachlorophane as a preservative.

HUMAN CHORIONIC GONADATROPHIN ANTIBODY except when included in Schedule Two.

HUMAN CHORIONIC GONADATROPHIN except when included in Schedule Two.

HYDRALLAZINE.

HYDROXYCHLOROQUINE.

8-HYDROXYQUINOLINE for human therapeutic use.

IBUFENAC.

IDOXURIDINE except when included in Schedule Three.

IMIPRAMINE.

INDOMETHACIN.

INOSITOL NICOTINATE.

INTRIPTYLINE.

IPRINDOLE.

IRON complexes in injectable substances intended for human therapeutic use.

ISOAMINILE.

ISOPRENALINE except when included in Schedule Three.

KETAMINE.

KETRIPRAMINE.

KHELLIN.

LEVAMISOLE for human therapeutic use.

SCHEDULE FOUR—*continued*

LEVODOPA.

LITHIUM SALTS in substances for therapeutic use containing more than 0·1 per centum of Lithium.

LOFEPRAMINE.

LORAZEPAM.

MAPHENIDE.

MAPROTILINE.

MAZINDOL.

MEBEVERINE.

MECAMYLAMINE.

MECLOFENOXATE.

MEDAZEPAM.

MEFENAMIC ACID except when included in Schedule Three.

MEGLUMINE IOTHALAMATE.

MELANIN STIMULATORS including Ammoidin, Methoxsalen, 8-Methoxypsoralen 8-MOP and Xanthotoxin.

MELITRACEN.

MEPACRINE.

MEPHENESIN.

MERCUROUS CHLORIDE for therapeutic use.

MERCURY—Salts and Compounds of—for parenteral use.

METHAZOLAMIDE.

METHIMAZOLE.

METHOCARBAMOL.

METHOXAMINE except when included in Schedule Three.

METHYLDOPA.

METHYLOCTENYLAMINE.

METHYPRYLONE.

METOCLOPRAMIDE.

METRONIDAZOLE except DIMETRIDAZOLE when included in Schedule Six.

MEXILETINE.

MEZEPINE.

MIBOLERONE.

MICONAZOLE.

MONENSIN except in animal feedstuffs containing 120 parts per million or less of Menonsin.

MONOAMINE OXIDASE INHIBITORS including Iproniazid, Isocarboxazid, Nialamide, Phenelzine, Pheniprazine.

MONOMETRACRINE.

MORPHINE ANTAGONISTS including Amiphenazole, Nalorphine, Naloxone and Tacrine.

NALIDIXIC ACID.

SCHEDULE FOUR—*continued*

NICOCODINE, except when included in Schedule Two, when compounded with one or more other medicaments—

(*a*) in divided preparations containing not more than 100 milligrams of Nicocodine per dosage unit; or

(*b*) in divided preparations with a concentration of not more than 2·5 per centum of Nicocodine.

NICODICODINE, except when included in Schedule Two, when compounded with one or more other medicaments—

(*a*) in divided preparations containing not more than 100 milligrams of Nicodicodine per dosage unit; or

(*b*) in divided preparations with a concentration of not more than 2·5 per centum of Nicodicodine.

NICOTINE in chewing tablets containing 4 milligrams or less of Nicotine per tablet for use as an aid in withdrawal from tobacco smoking.

NICOTINYL ALCOHOL for internal use.

NIDRIDAZOLE.

NITRAZEPAM except when specifically included in Schedule Three.

NITROFURAN for human therapeutic use.

NITRO PRUSSIDES for therapeutic use.

NORADRENALINE (excluding its derivatives).

NORCODEINE, except when included in Schedule Two, when compounded with one or more other medicaments—

(*a*) in divided preparations containing not more than 100 milligrams of Norcodeine per dosage unit; or

(*b*) in divided preparations with a concentration of not more than 2·5 per centum of Norcodeine.

NORTRIPTYLINE.

NOXIPTYLINE.

OCTAMYLAMINE.

OCTRIPTYLINE.

OPIPRAMOL.

ORAL CONTRACEPTIVES including Ethinyloestradiol, Ethynodiol, Levonorgestrel, Lynoestrenol, Mestranol, Norethisterone, Norethynodrel, Norgestrel and esters thereof.

ORCIPRENALINE except when included in Schedule Three.

ORGANO-PHOSPHOROUS COMPOUNDS with anti-cholinesterase activity for human therapeutic use except when included in Schedule Three.

OXAZEPAM.

OXYTOCIN, Synthetic.

PAMAQUIN.

PARALDEHYDE.

PARACETAMOL when combined with Asprin, Caffeine or Salicylamide.

PEMOLINE.

PENTOXYFYLLINE.

PERHEXILENE.

PHENACEMIDE.

PHENACETIN and all derivatives of Phenetidine other than Paracetamol.

SCHEDULE FOUR—*continued*

PHENAZONE except when included in Schedule Two.

PHENOXYBENZAMINE.

PHENTERMINE.

PHENYLBUTAZONE.

PHENYLPROPANOLAMINE except when included in Schedule Three.

PHOLOCODINE, except when included in Schedule Two, when compounded with one or more other medicaments—

(*a*) in divided preparations containing not more than 100 milligrams of Pholcodine per dosage unit; or

(*b*) in divided preparations with a concentration of not more than 2·5 per centum of Pholcodine.

PHOLEDRINE except when included in Schedule Two.

PHYSOSTIGMINE.

PILOCARPINE.

PIMOZIDE.

PIPARDROL.

PIRANDAMINE.

PITUITARY GLAND, active principles of, except when included in any other Schedule.

PIZOTIFEN.

PRAZEPAM.

PRAZEPINE.

PRENYLAMINE.

PRIMAQUINE.

PRINDOLOL.

PROCAINAMIDE.

PROGUANIL.

PROLINTANE.

PROPANIDID.

PROPRANOLOL.

PROPYLHEXEDRINE except when included in Schedule Two.

PROQUAZONE.

PROSTIANOL for veterinary purposes.

PROTOKYLOL.

PROTRIPTYLINE.

PYRIMETHAMINE.

QUINETHAZONE.

QUINIDINE except Quinine and its salts.

FADIUM and radio-active substances for therapeutic use.

RAUWOLFIA.

SALBUTAMOL except when included in Schedule Three.

SALICYLAMIDE when combined with Aspirin, Caffeine or Paracetamol.

SANTONIN.

SELENIUM, Compounds of, except when included in Schedule Five or Schedule Six.

SCHEDULE FOUR—*continued*

SEX HORMONES, natural or synthetic, and their substitutes except when included in Schedule Six.

SODIUM CROMOGLYCATE except when included in Schedule Three.

SODIUM IOTHALAMATE.

SONTOQUINE.

SPARTEINE SULPHATE.

SPIRONOLACTONE.

STROPHANTHUS and its glycosides and the derivatives of Strophanthus and its glycosides.

SULPHANILAMIDE and SULPHONAMIDES except—

(*a*) when included in Schedule Six; or

(*b*) in animal feedstuffs containing 200 parts per million or less of Sulphaquinoxaline.

SULPHONAL.

TANDAMINE.

TEMAZEPAM except when specifically included in Schedule Three.

TERBUTALINE except when included in Schedule Three.

THIABENDAZOLE for human therapeutic use.

THIAZIDE and other substances for therapeutic use structurally derived from Benzothiadiazine including Bendrofluazide, Benzthiazide, Cyclopenthiazide, Cyclothiazide, Hydrochlorothiazide, Methychlothiazide, Polythiazide Trichlormethiazide.

THIOTHIXENE.

THIOURACIL and substances structurally derived therefrom with anti-thyroid properties when packed and labelled for therapeutic use.

THIOUREA except when included in Schedule Six.

THYROID and its extracts and its active principles.

TIPEPIDINE.

TOLAZOLINE for internal use.

TRANEXAMIC ACID.

TRASYLOL.

TRIAMTERENE.

TRICYCLIC ANTIDEPRESSANTS, not specifically included elswhere in this Schedule.

TRIMETHOPRIM.

TRIMIPRAMINE.

TUAMINOHEPTANE except when included in Schedule Two.

URETHANES and UREIDES having or purporting to have soporific or hypnotic properties not specifically included in this or any other Schedule.

VACCINES, sera, toxoids, anti-toxins and antigens for human parenteral use.

VACCINES, Veterinary Live Virus, except poultry vaccines.

VALNOCTAMIDE.

VERATRUM for therapeutic use.

VISNADINE.

SCHEDULE FOUR—*continued*

VITAMIN A in substances for human use where the recommended intake per day is more than 3 milligrams of Vitamin A.

VITAMIN D in substances for human use where the recommended intake per day is more than 10 micrograms of Vitamin D.

XANTHINE OXIDASE INHIBITORS including Allopurinol.

XYLAZINE.

YOHIMBA.

ZERANOL.

SCHEDULE FIVE

(HAZARDOUS SUBSTANCES)

A substance specified in this Schedule includes:

(*a*) any salt, active principle, derivative, compound, alkaloid, stereoisomer, ester and ether of the substance and any salt of such active principle, derivative, compound, alkaloid, stereoisomer, ester and ether; and

(*b*) any preparation or admixture containing any proportion of the substance, salt, active principle, derivative, compound, alkaloid, stereoisomer, ester or ether,

unless specifically exempted or specifically included in any other Schedule, but is not included in this Schedule when constituted in the following products—

Electrical components and electric lamps.

Enamels, vitreous.

Explosives.

Lubricants unless specified in any of the Schedules.

Matches.

Motor fuels except fuels containing Ether or Methyl Alcohol or petrol containing Benzene when specifically included in Part 2 of Schedule Seven.

Paints as defined in the Uniform Paint Standard as issued and recommended by the National Health and Medical Research Council of Australia.

Paper.

Photographic paper and film.

Pigments, inorganic unless specified in Schedule Six.

Pottery, glazed or unglazed.

Timber.

Wallboard.

ACETIC ACID (excluding its salts and derivatives) in substances containing 80 per centum or less and more than 30 per centum of Acetic Acid, except for therapeutic use.

ACETONE when packed in containers of 20 litres or less except—

(*a*) in substances containing 25 per centum or less of Acetone; or

(*b*) when packed in containers of 60 millilitres or less.

AKLOMIDE.

ALACHLOR.

ALKALINE SALTS, being Sodium Carbonate, Sodium Orthosilicate, Sodium Metasilicate and Trisodium Phosphate and mixtures thereof except—

(*a*) in preparations containing 10 per centum or less of combined substances;

(*b*) in solid preparations whose pH in 1 per centum weight in volume aqueous solution is 11·5 or less; or

(*c*) in liquid preparations having a pH of 11·5 or less.

SCHEDULE FIVE—*continued*

AMITROLE.

AMMONIA (excluding its salts and derivatives other than Ammonium Hydroxide) in substances containing 5 per centum or less of free Ammonia except—

(*a*) in medicinal substances for internal use;

(*b*) in appliances for inhalation in which the substance is absorbed upon an inert solid material; or

(*c*) in substances containing 0·5 per centum or less of free Ammonia.

AMMONIUM THIOCYANATE.

ANTIMONY CHLORIDE in polishes.

ARSENIC, organic compounds of, in substances containing 3 per centum or less of Arsenic, when prepared and packed for use as herbicides or defoliants.

BARIUM SILICOFLUORIDE when coated on paper in an amount not exceeding 50 milligrams per 8 square centimetres.

BENDIOCARB in substances containing 2 per centum or less of Bendiocarb.

BENTAZON.

BENTHIOCARB.

BORON COMPOUNDS except—

(*a*) in substances containing 1 per centum or less of Boron;

(*b*) in soap powders, powdered detergents and bleaches;

(*c*) in unit dose preparations for periodontal disease containing 100 milligrams or less of Boron; or

(*d*) when included in Schedule Four.

BUTHIDAZOLE.

2-tert-BUTYLAMINO-4-ETHYLAMINO-6-METHOXY-1, 3, 5-TRIAZINE.

CADMIUM SULPHIDE in substances containing 2·5 per centum or less of Cadmium Sulphide for human therapeutic use.

CAMPHOR except—

(*a*) in substances containing 10 per centum or less of Camphor; or

(*b*) when included in Schedule Two.

CARBARYL in substances containing 20 per centum or less of Carbaryl except when included in Schedule Two.

CHLORDECONE in substances containing 5 per centum or less of Chlordecone.

CHLORETHALIN.

CHLORFENAC.

CHLORFENSON.

CHLORINATING COMPOUNDS and bleaches, containing more than 4 per centum of available Chlorine, except—

(*a*) when included in Schedule Seven; or

(*b*) when included elsewhere in this Schedule.

CHLORNIDINE.

CHLOROCRESOL.

CHLOROPROPYLATE.

CHLOROTHALONIL.

COPPER SALTS as such.

SCHEDULE FIVE—*continued*

COUMARIN DERIVATIVES in all substances containing less than 0·1 per centum of such derivatives.

4-CPA.

CYANATRYN.

CYANURIC ACID (excluding its salts and derivatives).

2, 4-D.

2, 4-DB.

2, 4-DES.

DICAMBA.

DICHLONE.

DICHLOROISOCYANURATES and in substances containing more than 4 per centum of available Chlorine.

3, 6-DICHLOROPICOLINIC ACID.

DICHLORVOS—

(*a*) when impregnated in plastic resin strip material containing 20 per centum or less of Dichlorvos; or

(*b*) when in aerosol preparations containing 1 per centum or less of Dichlorvos.

DICLORAN.

DICOFOL.

DICOPHANE (DDT) in substances containing 10 per centum or less of Dicophane except when included in Schedule Two.

DIMETHIRIMOL.

DINITRAMINE.

DIPHENAMID.

DODINE.

EPOXY RESINS LIQUID and all amines and organic anhydrides used as curing agents for Epoxy Resins.

EPTC.

ETHEPHON (excluding its salts and derivatives).

ETHER (excluding its derivatives) when prepared and packed for use in internal combustion engines.

ETHOFUMESATE.

ETHOXYQUIN except in substances containing 10 per centum or less of Ethoxyquin.

ETHYLENE GLYCOL when containing not less than 10 milligrams per kilogram of Denatonium Benzoate and when labelled with the expression "THIS PREPARATION CONTAINS A BITTERING AGENT".

EUCALYPTUS OIL except in substances containing 25 per centum or less of Eucalyptus Oil.

FENARIMOL.

FENOPROP.

FENSON.

FENTHION in substances for animal use containing 20 per centum or less of Fenthion when packed in single use containers having a capacity of 0·3 millilitres or less.

FLAMPROP-METHYL.

FORMIC ACID (excluding its salts and derivatives).

SCHEDULE FIVE—*continued*

FOSPIRATE when impregnated in plastic resin strip material containing 20 per centum or less of Fospirate.

GLYPHOSATE.

HEXAZINONE.

HYDROCARBONS LIQUID distilling under 300°C when tested according to method D86–67 of the American Society for Testing and Materials (including Kerosine, Mineral Turpentine, Oil of Turpentine, Petrol and White Spirit) except—

(*a*) when included in Schedule Six or Schedule Seven;

(*b*) in containers having a capacity of more than 20 litres;

(*c*) in substances containing 25 per centum or less of such Liquid Hydrocarbons;

(*d*) in solid or semi-solid cleaning and polishing preparations;

(*e*) in substances packed in pressurized aerosol containers; or

(*f*) in adhesives packed in containers each containing 50 grams or less of adhesive.

HYDROCHLORIC ACID (excluding its salts and derivatives) in substances containing 10 per centum or less of Hydrochloric Acid (HCl) except—

(*a*) in substances containing 0·5 per centum or less of Hydrochloric Acid (HCl); or

(*b*) for therapeutic use.

HYDROGEN PEROXIDE (excluding its salts and derivatives) except in substances containing 6 per centum weight in volume (20 volume) or less of Hydrogen Peroxide.

IODOFENPHOS.

LEVAMISOLE in substances containing 15 per centum or less of Levamisole for the treatment of animals.

LINDANE in substances containing 10 per centum or less of Lindane except when included in Schedule Two.

MALDISON in substances containing 10 per centum or less of Maldison, except for human therapeutic use.

MANCOZEB.

MANEB.

MCPA.

MCPB.

MECOPROP.

METALDEHYDE in substances containing 2 per centum or less of Metaldehyde.

METHABENZTHIAZURON.

METHAZOLE.

METHIOCARB in pelleted preparations containing 2 per centum or less of Methiocarb when labelled and packed for the control of snails and slugs.

METHOXYCHLOR.

METHYLATED SPIRIT when packed in containers of 20 litres or less, except in substances containing 25 per centum or less of Methylated Spirit.

N-METHYL CARBAMATES, excluding Bendiocarb, in substances containing 5 per centum or less of N-Methyl Carbamates.

METHYLENE CHLORIDE, except when used in aerosols.

METHYLETHYL KETONE when packed in containers of 20 litres or less except in substances containing 25 per centum or less of Methylethyl Ketone.

METHYL ISO-AMYL KETONE when packed in containers of 20 litres or less except in substances containing 25 per centum or less of Methyl Iso-amyl Ketone.

METHYL ISO-BUTYL KETONE when packed in containers of 20 litres or less except in substances containing 25 per centum or less of Methyl Iso-butyl Ketone.

SCHEDULE FIVE—*continued*

METIRAM.

METOLACHLOR.

METRIBUZIN.

MEZINEB.

NALED in substances containing 20 per centum or less of Naled.

NAPHTHALENE.

NAPHTHAL-1-YLACETIC ACID.

NEOSTANOX.

NITRIC ACID (excluding its salts and derivatives) in substances containing 10 per centum or less weight in weight of Nitric Acid as such, except substances containing 0·5 per centum or less of Nitric Acid.

NITRITES-METALLIC except in substances containing 1 per centum or less of Nitrites-Metallic.

NORBORMIDE.

ORGANO TIN COMPOUNDS in substances containing 1 per centum or less.

OXYCARBOXIN.

OXYTHIOQUINOX.

PARADICHLOROBENZENE (PDB).

PEBULATE.

PENDIMETHALIN.

PENTACHLOROPHENOL in substances containing 0·5 per centum or less of Pentachlorophenol.

PHOSPHORIC ACID (excluding its salts and derivatives) except—

(*a*) when packed in containers with a capacity of not less than 10 litres and labelled with the word "CORROSIVE" in bold faced sanserif capital letters of a height of not less than 1 centimetre;

(*b*) in substances containing 350 grams per litre or less of Phosphoric Acid calculated as H_3PO_4;

(*c*) in solid and semi-solid preparations; or

(*d*) in professional dental kits.

POLY (HEXAMETHYLENE BIGUANIDE).

POTASSIUM HYDROXIDE (excluding its salts and derivatives) in substances containing 5 per centum or less of Potassium Hydroxide except—

(*a*) in substances containing 0·5 per centum or less of Potassium Hydroxide; or

(*b*) in accumulators and batteries.

PROMETRYN.

PROPANIL.

PROPIONIC ACID (excluding its salts and derivatives) in substances containing 80 per centum or less and more than 30 per centum of Propionic Acid, except for therapeutic use.

PROPOXUR in dust preparations containing 3 per centum or less of Propoxur.

PRYNACHLOR.

PYRETHRINS and related compounds except in substances containing 10 per centum or less of such compounds.

N-3-PYRIDYLMETHYL-N'-p-NITROPHENYL UREA in substances containing 10 per centum or less of N-3-PYRIDYLMETHYL-N'-p-NITROPHENYL UREA.

PYRITHIONE ZINC in substances containing 2 per centum or less of Pyrithione Zinc.

SCHEDULE FIVE—*continued*

QUATERNARY AMMONIUM COMPOUNDS having surfactant or sanitizing properties including Benzalkonium, Cetrimide, Methylbenzethonium, Pyridinium compounds and in substances containing more than 10 per centum of such compounds except—

(*a*) when included in any other Schedule; or

(*b*) dialkyl dimethyl ammonium salts used as fabric conditioners.

QUINTOZENE.

SALICYLANILIDE.

SECBUMETON.

SELENIUM SULPHIDE in substances containing 2·5 per centum or less of Selenium Sulphide for therapeutic use.

SODIUM CHLORATE.

SODIUM HYDROXIDE (excluding its salts and derivatives) in substances containing 5 per centum or less of Sodium Hydroxide except in substances containing 0·5 per centum or less of Sodium Hydroxide.

STYRENE (excluding its salts and derivatives) in containers of 20 litres or less and labelled "Avoid contact with skin and avoid breathing its vapour".

2, 3, 6-TBA.

TDE in substances containing 10 per centum or less or TDE.

TERBUTHYLAZINE.

TERBUTRYN.

TETRACHLORVINPHOS.

TRI-ALLATE.

1, 1, 1-TRICHLOROETHANE when packed in containers of 20 litres or less except—

(*a*) in substances containing 25 per centum or less of 1, 1, 1-Trichloroethane;

(*b*) when used in aerosols; or

(*c*) when packed in containers of 50 millilitres or less.

TRICHLOROISOCYANURIC ACID when compressed in block form for use in swimming pools.

TRIETAZINE.

VERNOLATE.

ZINEB.

ZIRAM.

SCHEDULE SIX

(INDUSTRIAL AND AGRICULTURAL POISONS)

A substance specified in this Schedule includes:

(*a*) any salt, active principle, derivative, compound, alkaloid, stereoisomer, ester and ether of the substance and any salt of such active principle, derivative, compound, alkaloid, stereoisomer, ester and ether; and

(*b*) any preparation or admixture containing any proportion of the substance, salt, active principle, derivative, compound, alkaloid, stereoisomer, ester or ether,

unless specifically exempted or specifically included in any other Schedule, but is not included in this Schedule when constituted in the following products—

Blankets moth proofed with Dieldrin in the mill during finishing as directed by the Commonwealth Scientific and Industrial Research Organization (C.S.I.R.O.).

Electrical components and electric lamps.

SCHEDULE SIX—*continued*

Enamels, vitreous.

Explosives.

Lubricants unless specified in any of the Schedules.

Matches.

Motor fuels except fuels containing Ether or Methyl Alcohol or petrol containing Benzene when specifically included in Part 2 of Schedule Seven.

Paints as defined in the Uniform Paint Standard as issued and recommended by the National Health and Medical Research Council of Australia.

Paper.

Photographic paper and film.

Pigments, inorganic unless specified in Schedule Six.

Pottery, glazed or unglazed.

Timber.

Wallboard.

ACEPHATE.

ACETIC ACID (excluding its salts and derivatives) except—

(*a*) in substances containing 80 per centum or less of Acetic Acid; or

(*b*) for therapeutic use.

ALDRIN.

ALLIDOCHLOR.

ALPHA-CHLORALOSE in substances containing 5 per centum or less of Alpha-Chloralose when prepared for use as a rodenticide.

AMETRYN.

AMIDITHION.

AMINES AROMATIC including Phenylene Diamine, Toluene Diamine and all other Aromatic Amines, when used in hair dyes.

2-AMINO-BUTANE.

AMINOCARB in substances containing 25 per centum or less of Aminocarb.

AMITRAZ.

AMMONIA (excluding its salts and derivatives other than Ammonium Hydroxide) except—

(*a*) in substances containing 5 per centum or less of free Ammonia;

(*b*) in medicinal substances for internal use; or

(*c*) in appliances for inhalation in which the substance is absorbed in an inert solid material.

ANILINE as such except in substances containing 1 per centum or less of Aniline.

ANTIBIOTIC substances, the following—

(1) Bacitracin, Benzyl Penicillin, Chlortetracycline, Erythromycin, Flavomycin, Oleandomycin, Oxytetracycline, Tylosin or Virginiamycin—

(*a*) when incorporated in animal feedstuff premixes that contain 20 000 parts per million or less of any one or more of such antibiotic substances and that are registered as stock medicines and specifically prepared, packed and labelled for the purpose of growth in animals; and

(*b*) when labelled with directions stating that the concentration of the antibiotic substance or substances in the feed should not exceed 100 parts per million when given to stock.

SCHEDULE SIX—*continued*

(2) Benzyl Penicillin (including Procaine Penicillin), Phenoxymethylpenicillin, Phenethicillin and Streptomycin, or a combination of any of these substances, for bovine intramammary infusion—

(*a*) containing not more than 100 000 international units per dose of Benzyl Penicillin, Procaine Penicillin, Phenoxymethylpenicillin or Phenethicillin;

(*b*) prepared and packed in accordance with the Regulations;

(*c*) labelled with a statement of the expiry date and the words "Wear rubber gloves when applying".

(3) Chloramphenicol when prepared for veterinary purposes for the topical treatment of foot-rot and for ocular use.

ANTIMONY and substances containing more than the equivalent of 10 per centum of Antimony Trioxide except in paints and plastics and except Chloride of Antimony in polishes and except for therapeutic use.

ARECOLINE.

ARECOLINE-ACETARSOL in substances for the treatment of hydatid infestation in animals.

ARPRINOCID.

ARSENATE OF LEAD.

ARSENIC, organic compounds of, when prepared for use as herbicides or defoliants except when included in Schedule Five.

ARSENIC, the following—

(*a*) substances containing 0·5 per centum or less of Arsenic; and

(*b*) substances containing more than 0·5 per centum of Arsenic when specifically prepared, packed and labelled for use as sheep or cattle dips or as sheep or cattle drenches or as solutions for the treatment of foot-rot.

AZAMETHIPHOS.

AZOBENZENE.

AZOCYCLOTIN.

BARBAN.

BARIUM, salts of (except Barium Sulphate) except—

(*a*) when prepared and packed as printing ink;

(*b*) paint containing Barium Metaborate;

(*c*) in substances containing 1 per centum or less of such Barium salts; or

(*d*) when included in Schedule Five.

BENDIOCARB, except when included in Schedule Five, in—

(*a*) wettable powders containing 80 per centum or less of Bendiocarb and when packed in containers or primary packs containing not less than 100 grams of Bendiocarb; or

(*b*) wettable powders containing 20 per centum or less of Bendiocarb.

BENQUINOX.

BENSULIDE.

BENZENE HEXACHLORIDE except in substances containing 10 per centum or less of Benzene Hexachloride.

BERYLLIUM.

BINAPACRYL.

BITHIONOL in substances for treatment of animals.

BROMINE LIQUID (excluding its salts and derivatives).

BROMOFORM except for therapeutic use.

SCHEDULE SIX—*continued*

BROMOPHOS.

BROMOPHOS-ETHYL.

BROMOXYNIL.

BROTIANIDE.

BUNAMIDINE.

BUTACARB.

2-BUTOXY-2'-THIOCYANO-DIETHYL ETHER.

BUTYNORATE.

CADMIUM, compounds of, except when included in Schedule Five.

CAMBENDAZOLE.

CAMPHECHLOR.

CARBARYL except when included in Schedule Two or Schedule Five.

CARBON BISULPHIDE.

CARBON TETRACHLORIDE.

CHLORDANE.

CHLORDECONE except in substances containing 5 per centum or less of Chlordecone.

CHLORDIMEFORM.

CHLOROMETHIURON.

CHLORFENETHOL.

CHLORMEQUAT.

CHLOROPHACINONE.

CHLOROPICRIN in substances containing 5 per centum or less of Chloropicrin.

CHLORPYRIFOS.

CHLORTHIAMID.

CHROMATES and DICHROMATES except when prepared and packed as printing inks.

CHROMIC ACID except in substances containing 5 per centum or less of Chromic Acid.

COUMAPHOS in substances containing 5 per centum or less of Coumaphos.

COUMARIN derivatives and Phenylindanedione derivatives in all substances containing 0·1 per centum or more of such substances except when specifically included in Schedule Four.

COUMATETRALYL.

CROTOXYPHOS.

CRUFOMATE.

CYANAZINE.

CYANIDES, the following—

Metallic Cyanide when specifically prepared, packed and labelled for the destruction of vermin.

CYCLOSULFYNE.

CYHEXATIN.

CYTHIOATE.

DAZOMET.

SCHEDULE SIX—*continued*

DEMETON-O-METHYL and DEMETON-S-METHYL in substances containing 50 per centum or less of one or both Demeton-O-Methyl and Demeton-S-Methyl.

DI-ALLATE.

DIAZINON.

DICHLOFENTHION.

DICHLORETHYL ETHER.

DICHLORFLUANID.

DICHLOROETHYLENE.

DICHLOROPROPANE.

DICHLOROPROPENE.

DICHLORVOS in substances containing 50 per centum or less of Dichlorvos except when included in Schedule Five.

DICLOFOP-METHYL.

DICOPHANE (DDT) except—

(*a*) in substances containing 10 per centum or less of Dicophane; or

(*b*) when included in Schedule Two.

DIELDRIN.

DIETHYLENE DIOXIDE.

DIFENZOQUAT.

DIMETHANONAPHTHALENE and all substitution and/or addition products of, including Aldrin and Dieldrin.

DIMETHOATE.

1, 3-DI (METHOXYCARBONYL)-1-PROPEN-2-YL-DIMETHYL PHOSPHATE in substances containing 25 per centum or less of 1,3-Di-(Methoxycarbonyl)-1-Propen-2-yl-Dimethyl Phosphate.

DIMETHYL FORMAMIDE.

DIMETHYL SULPHATE and substances containing Dimethyl Sulphate except when conspicuously labelled with the words—"Warning. Highly corrosive. Avoid contact with the skin and avoid breathing the vapour."

DIMETHYL SULPHOXIDE for industrial or laboratory use.

DIMETILAN in substances containing 25 per centum or less of Dimetilan.

DIMETRIDAZOLE when specifically packed and prepared for use in or on animals.

DINITROPHENOLS, DINITROCRESOLS and their homologues in substances containing 5 per centum or less of such compounds.

DINOCAP.

DIOXACARB.

DIPHACINONE.

DIQUAT.

DISODIUM METHYL ARSONATE in herbicides.

DISULFIRAM except for therapeutic use.

DISULFOTON in granular substances containing 5 per centum or less of Disulfoton.

DITHIANON.

DITHIAZANINE in substances containing 2 per centum or less of Dithiazanine for veterinary use.

SCHEDULE SIX—*continued*

DITHIOCARBAMATES when prepared for use for agricultural, pastoral or horticultural purposes, except when included in Schedule Five.

ENDOSULFAN.

ENDOTHAL.

ENDRIN in substances containing 5 per centum or less of Endrin.

EPICHLOROHYDRIN except in substances containing 2 per centum or less of Epichlorohydrin.

ETHANOTHIOPYRETHRATE.

ETHER (excluding its derivatives) except when for therapeutic use and except when prepared and packed for use in internal combustion engines.

ETHIOFENCARB.

ETHOATE-METHYL.

ETHOPROPHOS in granular substances containing 10 per centum or less of Ethoprophos.

ETHYL BROMIDE.

ETHYLENE CHLOROHYDRIN.

ETHYLENE DIBROMIDE.

ETHYLENE DICHLORIDE.

ETHYLENE GLYCOL except—

(*a*) when included in Schedule Five; or

(*b*) when in containers of more than 20 litres.

ETHYLENE OXIDE.

ETRIDIAZOL.

FAMPHUR in substances containing 20 per centum or less of Famphur.

FENAMINOSULF in substances containing 10 per centum or less of Fenaminosulf when labelled and packed as dry seed dressings.

FENAMIPHOS in granular substances containing 5 per centum or less of Fenamiphos.

FENAZAFLOR.

FENCHLORPHOS.

FENITROTHION.

FENTHION except when included in Schedule Five.

FENTICHLOR.

FENVALERATE.

FERBAM.

FERROCYANIDES and FERRICYANIDES except—

(*a*) when prepared and packed as printing ink; or

(*b*) in substances containing 1 per centum or less of such compounds.

FORMALDEHYDE as such except in substances containing 5 per centum or less of Formaldehyde.

FORMOTHION.

FOSPIRATE except when included in Schedule Five.

HEPTACHLOR.

HEXACHLOROBENZENE.

HEXACHLOROPHANE in substances for treatment of animals.

HYDRAZINE.

SCHEDULE SIX—*continued*

HYDROCHLORIC ACID (excluding its salts and derivatives) except in substances containing 10 per centum or less by weight of Hydrochloric Acid (HCl) as such.

HYDROFLUORIC ACID and HYDROSILICOFLUORIC ACID and other Fluorine compounds except—

(*a*) when used for human therapeutic purposes;

(*b*) in dentifrices containing 0·5 per centum or less of Fluoride Ion;

(*c*) in substances containing 5 per centum or less of Sodium Fluoride or Sodium Silico-Fluoride when used as preservatives;

(*d*) when included in Schedule Seven; or

(*e*) in substances containing 15 parts per million or less of Fluoride Ion.

HYGROMYCIN B in animal feedstuff premixes for use as an anthelmintic containing concentrations greater than 50 parts per million but not more than 20 000 parts per million.

IODINE (excluding its salts and derivatives)—

(*a*) in Iodophors except those containing 1·5 per centum or less of free Iodine;

(*b*) in other liquid preparations containing 2·5 per centum or less of free Iodine;

(*c*) in preparations for animal treatment only, except in solid or semi-solid preparations containing 2·5 per centum or less of free Iodine; or

(*d*) except when included in Schedule Two.

IOXYNIL.

IRON salts and complexes in substances intended for animal use except when incorporated in animal feedstuff premixes.

ISOCYANATES, free organic, except in paints containing 0·1 per centum or less of free organic Isocyanates.

ISOTHAN.

LINDANE except when included in Schedule Two or Schedule Five.

MALDISON except—

(*a*) for human therapeutic use; or

(*b*) when included in Schedule Five.

MEBENDAZOLE for veterinary use.

MECLOFENAMIC ACID for therapeutic use on animals.

MENAZON.

MERCURIC CHLORIDE except when included in Schedule Two or in batteries.

MERCURIC IODIDE when prepared for use for agricultural, industrial, pastoral or horticultural purposes.

MERCURIC THIOCYANATE when prepared for use for photographic purposes.

MERCUROUS CHLORIDE except when included in Schedule Four.

MERCURY, organic compounds of, prepared for use for agricultural, pastoral or horticultural purposes except when included in Schedule Seven.

METALDEHYDE and substances containing more than 2 per centum of Metaldehyde.

METHAM-SODIUM.

METHIOCARB except when included in Schedule Five.

METHOMYL in substances packed and labelled as fly baits containing 1 per centum or less of Methomyl and as containing not less than 0·002 per centum of Denatonium Benzoate.

METHYL ALCOHOL (excluding its salts and derivatives) except in Methylated Spirit.

METICLORPINDOL.

MOLINATE.

NALED except when included in Schedule Five.

SCHEDULE SIX—*continued*

NAPHTHALOPHOS when specifically prepared and packed for use as a sheep drench.

NICOTINE in substances containing 3 per centum or less of Nicotine when labelled and packed for animal use except tobacco in any form.

NIMIDANE in substances containing 25 per centum or less of Nimidane.

NITHIAMIDE except in substances containing 20 per centum or less of Nithiamide.

NITRIC ACID (excluding its salts and derivatives) except in substances containing 10 per centum or less of Nitric Acid.

NITROBENZENE except—

(*a*) in solid or semi-solid polishes;

(*b*) in soaps containing 1 per centum or less of Nitrobenzene; or

(*c*) in substances containing 0·1 per centum or less of Nitrobenzene.

NITROSCANATE.

NITROXYNIL.

OLAQUINDOX.

OMETHOATE in substances containing 50 per centum or less of Omethoate.

ORGANO TIN COMPOUNDS except when included in Schedule Five.

ORTHO-DICHLOROBENZENE (ODB) except in substances containing 15 per centum or less of Ortho-dichlorobenzene.

OXALIC ACID and soluble oxalates.

OXANTEL for treatment of animals.

OXFENDAZOL.

OXYCLOZANIDE.

PARAQUAT in granular substances containing 3 per centum or less of Paraquat.

PARBENDAZOLE.

PENTACHLOROPHENOL except in substances containing 0·5 per centum or less of Pentachlorophenol.

PERFLUIDONE.

PERMANGANATES.

PHENKAPTON in substances containing 50 per centum or less of Phenkapton.

PHENOL and any homologue of Phenol boiling below 220°C (at 760 mm Hg, Pressure) including Creosote, except—

(*a*) substances containing 3 per centum or less by weight of Phenol or such homologues; or

(*b*) for therapeutic use.

PHOSALONE.

PHOSMET.

PHOSPHIDES METALLIC.

PHOSPHORUS (YELLOW) (excluding its salts and derivatives) in substances containing 0·5 per centum or less of free Phosphorus.

PHOXIM.

PICRIC ACID (excluding its derivatives) except in substances containing 5 per centum or less of Picric Acid.

PINDONE.

PIPEROPHOS.

PIRIMICARB.

SCHEDULE SIX—*continued*

PIRIMIPHOS-ETHYL.

PIRIMIPHOS-METHYL.

POTASSIUM BROMATE except in substances containing 0·5 per centum or less of Potassium Bromate.

POTASSIUM CYANATE.

POTASSIUM HYDROXIDE (excluding its salts and derivatives) except in substances containing 5 per centum or less of Potassium Hydroxide.

PROFENOFOS.

PROMECARB in substances containing 50 per centum or less of Promecarb.

PROPACHLOR.

PROPIONIC ACID (excluding its salts and derivatives) except—

(*a*) in substances containing 80 per centum or less of Propionic Acid; or

(*b*) for therapeutic use.

PROPOXUR except when included in Schedule Two or Schedule Five.

PYRAZOPHOS.

N-3-PYRIDYLMETHYL-N'-p-NITROPHENYL UREA except when included in Schedule Five.

QUINDOXIN except in animal feedstuffs containing 100 parts per million or less of Quindoxin.

RAFOXANIDE.

SELENIUM, COMPOUNDS OF—

(*a*) in substances containing 2·5 per centum or less of Selenium—

(i) when packed and labelled for the blueing of gun barrels; or

(ii) when packed and labelled for photographic purposes;

(*b*) in substances containing 0·1 per centum or less of Selenium when packed and labelled as vaccines, drenches or pastes for treatment of animals;

(*c*) in substances containing 0·5 per centum or less of Selenium when packed and labelled as other injections for treatment of animals; and

(*d*) in substances containing 2 per centum or less of Selenium when packed and labelled as premixes for incorporation into animal feeds to provide 0·1 grams per tonne or less of Selenium.

SODIUM BROMATE except in substances containing 0·5 per centum or less of Sodium Bromate.

SODIUM HYDROXIDE (excluding its salts and derivatives) except in substances containing 5 per centum or less of Sodium Hydroxide.

STRYCHNINE in substances containing 1 per centum or less of Strychnine when prepared for the destruction of vermin.

SULFALLATE.

SULPHANILAMIDE and SULPHONAMIDES—

(*a*) for veterinary use, except animal feedstuffs containing 200 parts per million or less of Sulphaquinoxaline; and

(*b*) when specifically prepared and packed for photographic use.

SULPHURIC ACID (excluding its salts and derivatives) except—

(*a*) in accumulators, batteries, and fire extinguishers; or

(*b*) in substances containing 0·5 per centum or less weight in weight of Sulphuric Acid.

2, 4, 5-T.

TCA (excluding its salts and derivatives).

SCHEDULE SIX—*continued*

TCMTB [2-(thiocyanomethylthio) benzothiazole].

TDE except when included in Schedule Five.

TEMEPHOS.

TERPENES, CHLORINATED.

TESTOSTERONE DIPROPIONATE when labelled solely for the treatment and prevention of pizzle and sheath rot in wethers.

TESTOSTERONE ENANTHATE when labelled solely for the treatment and prevention of pizzle and sheath rot in wethers.

TESTOSTERONE PROPIONATE when labelled solely for the treatment and prevention of pizzle and sheath rot in wethers.

TETRACHLOROETHANE.

TETRACHLOROETHYLENE except—

(*a*) when prepared for use for the treatment of humans;

(*b*) when prepared for veterinary purposes; or

(*c*) when packed in containers of 50 millilitres or less.

TETRADIFON.

TETRAMISOLE including Levamisole, in substances for the treatment of animals except when included in Schedule Five.

THIAZAFLUORON.

THIOMETON.

THIOUREA except for therapeutic use.

THIRAM.

o-TOLIDINE, when labelled and packed in concentrations of 0·1 per centum or less of o-Tolidine for the testing of water, except in solid state diagnostic therapeutic reagents.

TOLUENE and XYLENE (excluding their derivatives) when packed in containers of 20 litres or less except—

(*a*) in substances containing 50 per centum or less of one or both TOLUENE and XYLENE when tested according to method D1019–67 of the American Society for Testing and Materials; or

(*b*) when packed in containers of 50 millilitres or less.

S, S, S-TRIBUTYL PHOSPHOROTHIOLATE.

TRICHLOROETHYLENE except—

(*a*) when packed in containers of 50 millilitres or less; or

(*b*) when included in Schedule Four.

TRICHLOROPHENOL.

TRICHLORPHON.

TRIETHYL PHOSPHATE.

VAMIDOTHION.

XYLENE and TOLUENE (excluding their derivatives) when packed in containers of 20 litres or less except—

(*a*) in substances containing 50 per centum or less of one or both XYLENE and TOLUENE when tested according to method D1019–67 of the American Society for Testing and Materials; or

(*b*) when packed in containers of 50 millilitres or less.

ZINC CHLORIDE except in substances containing 5 per centum or less of Zinc Chloride.

SCHEDULE SIX—*continued*

ZINC PHENOLSULPHONATE except in substances containing 5 per centum or less of Zinc Phenolsulphonate.

ZINC SULPHATE except—

(*a*) in substances containing 5 per centum or less of Zinc Sulphate; or

(*b*) when included in Schedule Two.

SCHEDULE SEVEN

A substance specified in this Schedule includes:

(*a*) any salt, active principle, derivative, compound, alkaloid, stereoisomer, ester and ether of the substance and any salt of such active principle, derivative, compound, alkaloid, stereoisomer, ester and ether; and

(*b*) any preparation or admixture containing any proportion of the substance, salt, active principle, derivative, compound, alkaloid, stereoisomer, ester or ether,

unless specifically exempted or specifically included in any other Schedule.

PART 1 (DANGEROUS POISONS)

Substances specified in this Part are not included in this Part when constituted in the following products—

Electrical components and electrical lamps.

Enamels, vitreous.

Explosives.

Lubricants unless specified in any of the Schedules.

Matches.

Motor fuels except fuels containing Ether or Methyl Alcohol or petrol containing Benzene when specifically included in Part 2 of this Schedule.

Paints as defined in the Uniform Paint Standard as issued and recommended by the National Health and Medical Research Council of Australia.

Paper.

Photographic paper and film.

Pigments, inorganic unless specified in Schedule Six.

Pottery, glazed or unglazed.

Wallboard.

Any substance not specifically included in this or any other Schedule which, if taken in a single dose of 60 milligrams or less, would be dangerous to human life.

ACROLEIN.

ALDICARB.

ALLYL ALCOHOL.

AMINOCARB except when included in Schedule Six.

AZINPHOS-ETHYL.

AZINPHOS-METHYL.

BENDIOCARB except when included in Schedule Five or Schedule Six.

BRUCINE except in Alcohol for use in perfumes when such Alcohol is denatured by the addition of 0·02 per centum or less of Brucine.

CARBOFURAN.

CARBOPHENOTHION.

CHLORFENVINPHOS.

CHLORINE (excluding its salts and derivatives).

5-CHLORO-3-METHYL-4-NITROPYRAZOLE.

CHLOROPICRIN except when included in Schedule Six.

SCHEDULE SEVEN—*continued*

COUMAPHOS except when included in Schedule Six.

DEMETON-O-METHYL and DEMETON-S-METHYL except when included in Schedule Six.

DIBROMOCHLOROPROPANE.

DICHLORVOS except when included in Schedule Five or Schedule Six.

DICROTOPHOS.

1, 3-DI (METHOXYCARBONYL)-PROPEN-2-YL-DIMETHYL PHOSPHATE except when included in Schedule Six.

DIMETILAN except when included in Schedule Six.

DINITROPHENOLS, DINITROCRESOLS and their homologues except when included in Schedule Six.

DIOXATHION.

DISULFOTON except when included in Schedule Six.

DITHIONAL for human therapeutic use.

ENDRIN except when included in Schedule Six.

ETHION.

ETHOPROPHOS except when included in Schedule Six.

ETHOXYETHYL MERCURY CHLORIDE.

ETHYL MERCURY CHLORIDE.

FAMPHUR except when included in Schedule Six.

FENAMINOSULF except when included in Schedule Six.

FENAMIPHOS except when included in Schedule Six.

FENSULFOTHION.

FENTHION-ETHYL.

FLUOROACETIC ACID.

FORMETANATE.

HALOFUGINONE except in prepared stockfeeds containing 3 grams per tonne or less of Halofuginone.

HALOXON.

ISOCARBOPHOS.

MECARBAM.

MERCURIC IODIDE except when included in Schedule Two or Schedule Six.

MERCURIC NITRATE except when included in Schedule Two.

MERCURIC POTASSIUM IODIDE except when included in Schedule Two.

METHAMIDOPHOS.

METHIDATHION.

METHOMYL except when included in Schedule Six.

METHYL BROMIDE.

METHYL CHLORIDE.

MEVINPHOS.

MONOCROTOPHOS.

NAPHTHALOPHOS except when included in Schedule Six.

SCHEDULE SEVEN—*continued*

NICOTINE except when included in Schedule Four or Schedule Six and except when included in tobacco in any form.

NIMIDANE.

NUX VOMICA.

OMETHOATE except when included in Schedule Six.

OXAMYL.

PARAQUAT except when included in Schedule Six.

PARATHION.

PARATHION-METHYL.

PHENKAPTON except when included in Schedule Six.

PHORATE.

PHOSFOLAN.

PHOSPHAMIDON.

PHOSPHORUS (YELLOW) except when included in Schedule Six.

POLYCHLORINATED BIPHENYLS.

POTASSIUM CHLORATE.

PROMECARB except when included in Schedule Six.

SULFOTEP.

THALLIUM.

o-TOLIDINE except—

(*a*) when included in Schedule Six; and

(*b*) in solid state diagnostic therapeutic reagents.

TRICHLOROISOCYANURIC ACID and its salts except—

(*a*) in substances containing 4 per centum or less of available Chlorine; and

(*b*) when included in Schedule Five.

VINYL CHLORIDE.

PART 2 (SPECIAL POISONS)

ACETORPHINE.

ACONITE (Root of *Aconitium Nopellus*).

ALLYLISOPROPYLACETYLUREA.

AMIDOPYRINE and its derivatives, including Dipyrone.

AMITON.

AMYGDALIN in substances prepared and packed for human therapeutic use.

ARSENIC and substances containing more than 0·5 per centum of Arsenic except when included in Schedule Six.

BELLADONNA except when included in Schedule Two.

BENZENE (excluding its derivatives) except—

(*a*) substances containing 1·5 per centum volume in volume or less of Benzene; and

(*b*) petrol containing 5 per centum volume in volume or less of Benzene.

BETA-HYDROXYETHYLHYDRAZINE.

4-BROMO-2, 5-DIMETHOXY AMPHETAMINE.

4-BROMO-2, 5-DIMETHOXY METHYLAMPHETAMINE.

SCHEDULE SEVEN—*continued*

BUFOTENINE.

BUNAMIODYL SODIUM.

CANTHARIDIN except when included in Schedule Two.

CINCHOPHEN.

CLOMIPHENE CITRATE.

CONIUM.

COTARNINE.

CROTON OIL.

CYANIDES, the following—

(*a*) nitro prussides except when included in Schedule Four;

(*b*) all Metallic Cyanides except when included in Schedule Six;

(*c*) Hydrogen Cyanide and all substances containing Hydrogen Cyanide except for therapeutic use.

CYCLOFENIL.

DEMETON.

DIETHYLTRYPTAMINE.

DIMEFOX.

2, 5-DIMETHOXY-4-METHYLAMPHETAMINE (DOM).

DIMETHYLTRYPTAMINE.

ELATERIUM.

ETORPHINE.

FLUOROACETAMIDE.

HYDROCYANIC ACID except when included in Schedule Two.

LEPTOPHOS.

LOBELIA except when included in Schedule Two and except when for smoking or burning.

LYSERGAMIDE.

LYSERGIC ACID.

LYSERGIC ACID DIETHYLAMIDE.

MAZIDOX.

MESCALINE.

METHAPYRALINE.

5-METHOXY-NN-DIETHYLTRYPTAMINE.

5-METHOXY-NN-DIMETHYLTRYPTAMINE.

METHOXYPHENYLETHYLAMINE derivatives having hallucinogenic properties.

METHYL CINCHOPHEN (methyl ester of Phenylcinchoninic Acid).

METHYL DIMETHOXY METHYL PHENYLETHYLAMINE.

MIPAFOX.

NITROFEN.

OXYPHENISATIN and its acetyl derivatives.

PROSTAGLANDINS except when specifically included in Schedule Four.

PSILOCIN.

PSILOCYBIN.

SCHEDULE SEVEN—*continued*

SAVIN, OIL of.

SCHRADAN.

STRYCHNINE except when included in Schedule Six.

TANSY, OIL of.

TEPP (tetra-ethyl diphosphate).

THALIDOMIDE.

TRIPARANOL.

TRIS (2, 3-DIBROMOPROPYL) PHOSPHATE.

VERATRUM except when included in Schedule Four.

SCHEDULE EIGHT

(DRUGS OF ADDICTION)

A substance specified in this Schedule includes—

(*a*) any salt, active principle, derivative, compound, alkaloid, stereoisomer, ester and ether of the substance and any salt of such active principle, derivative, compound, alkaloid, stereoisomer, ester and ether; and

(*b*) any preparation or admixture containing any proportion of the substance, salt, active principle, derivative, compound, alkaloid, stereoisomer, ester or ether,

unless specifically exempted or specifically included in any other Schedule.

ACETYLDIHYDROCODEINE except when included in Schedule Two or Schedule Four.

ACETYLMETHADOL.

ALLYLPRODINE.

ALPHACETYLMETHADOL.

ALPHAMEPRODINE.

ALPHAMETHADOL.

ALPHAPRODINE.

AMPHETAMINE.

ANILERIDINE.

BENZETHIDINE.

BENZYLMORPHINE.

BETACETYLMETHADOL.

BETAMEPRODINE.

BETAMETHADOL.

BETAPRODINE.

BEZITRAMIDE.

CANNABIS (Indian Hemp).

CLONITAZENE.

COCAINE.

COCA LEAF.

CODEINE except when included in Schedule Two, Schedule Three or Schedule Four.

CODEINE-N-OXIDE.

CODOXIME.

SCHEDULE EIGHT—*continued*

CONCENTRATE OF POPPY STRAW.

DESOMORPHINE (Dihydrodesoxymorphine).

DEXAMPHETAMINE.

DEXTROMORAMIDE.

DIACETYLMORPHINE (Heroin).

DIAMPROMIDE.

DIETHYLTHIAMBUTENE.

DIFENOXIN [1-(3-cyano-3, 3 diphenylpropyl)-4-phenylisonipecotic acid] except when included in Schedule Four.

DIHYDROCODEINE except when included in Schedule Three or Schedule Four.

DIHYDROMORPHINE.

DIMENOXADOL (dimethylaminoethyl-l-ethoxy-1, 1-diphenylacetate).

DIMEPHEPTANOL (Methadol).

DIMETHYLTHIAMBUTENE.

DIOXAPHETYL BUTYRATE (4-morpholino-2; 2-diphenyl-ethyl butyrate).

DIPHENOXYLATE [1-(3-cyano-3, 3-diphenyl propyl)-4-phenyl piperidine-4-carboxylic acid ethyl ester] except when included in Schedule Four.

DIPIPANONE.

DROTEBANOL (3, 4-dimethoxy-17-methylmorphinan-6B, 14-diol).

ECGONINE.

ETHYLMETHYLTHIAMBUTENE.

ETHYLMORPHINE except when included in Schedule Four.

N-ETHYL-1-PHENYLCYCLOHEXYLAMINE.

ETONITAZENE.

ETOXERIDINE.

FENTANYL (1-phenethyl-4-N-proprionylanilinopiperidine).

FURETHIDINE.

HEPTANE DERIVATIVES having addiction-inducing properties, not specifically included elsewhere in this Schedule.

HYDROCODONE (Dihydrocodeinone).

HYDROMORPHINOL (Dihydrohydroxymorphine).

HYDROMORPHONE (Dihydromorphinone).

HYDROXYPETHIDINE.

ISOMETHADONE.

KETOBEMIDONE.

LEVOMETHORPHAN except its stereoisomers.

LEVOMORAMIDE.

LEVOPHENACYLMORPHAN.

LEVORPHANOL (Levorphan) except its stereoisomers.

MECLOQUALONE.

METAZOCINE.

METHADONE (Amidone).

SCHEDULE EIGHT—*continued*

METHADONE-INTERMEDIATE.

METHAQUALONE.

METHYLAMPHETAMINE.

METHYLDESORPHINE.

METHYLDIHYDROMORPHINE.

METHYLPHENIDATE.

1-METHYL-4-PHENYLPIPERIDINE-4 CARBOXYLIC ACID

METOPON (Methyldihydromorphinone).

MORAMIDE-INTERMEDIATE.

MORPHERIDINE.

MORPHINAN.

MORPHINE.

MORPHINE DERIVATIVES not specifically included elsewhere in this Schedule.

MORPHINE METHOBROMIDE.

MORPHINE-N-OXIDE.

MORPHINONE.

MYROPHINE.

NICOCODINE except when included in Schedule Two or Schedule Four.

NICODICODINE except when included in Schedule Two or Schedule Four.

NICOMORPHINE (di-nicotinic acid ester of Morphine).

NORACYMETHADOL.

NORCODEINE except when included in Schedule Two or Schedule Four.

NORLEVORPHANOL.

NORMETHADONE (4, 4-diphenyl-6-dimethylamino-3-hexanone).

NORMORPHINE (N-demethylated morphine).

NORPIPANONE (4, 4-diphenyl-6-piperidine-3-hexanone).

OPIUM in any form except the alkaloids Noscapine and Papaverine.

OXYCODONE.

OXYMORPHONE (Dihydrohydroxymorphinone) except when included in Schedule Four.

PENTAZOCINE.

PETHIDINE.

PETHIDINE INTERMEDIATE-A.

PETHIDINE INTERMEDIATE-B.

PETHIDINE INTERMEDIATE-C.

PHENADOXONE.

PHENAMPROMIDE.

PHENAZOCINE.

PHENCYCLIDINE.

PHENMETRAZINE.

PHENOMORPHAN (3-hydroxy-N-phenethylmorphinan).

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SCHEDULE EIGHT—*continued*

PHENOPERIDINE.

1-(1-PHENYLCYCLOHEXYL) PYRROLIDINE.

PHOLCODINE except when included in Schedule Two or Schedule Four.

PIMINODINE.

PIPERIDINE DERIVATIVES having addiction-inducing properties, not specifically included elsewhere in this Schedule.

PIRITRAMIDE.

POPPY STRAW.

PROHEPTAZINE (1-3-dimethyl-4-phenyl-4-propionoxyhexamethylenimine).

PROPERIDINE.

PROPIRAM.

PYRROLIDINE DERIVATIVES having addiction-inducing properties, not specifically included elsewhere in this Schedule.

RACEMETHORPHAN.

RACEMORAMIDE.

RACEMORPHAN.

SUFENTANIL.

TETRAHYDROCANNABINOL.

THEBACON.

THEBAINE.

1-[1-(2-THIENYL) CYCLOHEXYL] PIPERIDINE.

TRIMEPERIDINE.

Section 38.

SCHEDULE NINE

Form of Entry in Book on Sale of Poisons

Date

Name of Purchaser	
Address	
Occupation	
Quantity and Name of Poison	
Purpose for which it is required	
Purchaser's Signature	
Witness's Signature	
Vendor's Signature	

SCHEDULE TEN

Section 98.

WARRANT TO ENTER PREMISES

To a Member of the Police Force of the State of Victoria.

WHEREAS it appears to me , a Justice of the Peace for Victoria of , by the information on oath of of , a Member of the Police Force of the State of Victoria, that in a certain house or premises situated at there is in contravention of the *Drugs, Poisons and Controlled Substances Act* 1981 or the regulations made thereunder, this is to authorize you with such assistance as you may find necessary to enter upon the house or premises situated as aforesaid and if necessary to use force for making such entry whether by breaking open doors or otherwise and to seize and carry away all such found therein or thereon and as well any other substance found therein or thereon in contravention of the said Act or regulations, and any instrument equipment or plant and any vehicle, boat or aircraft being used or which has been used in contravention of the said Act or regulations and any pipe device or other article used or capable of being used for smoking cannabis or any drug of dependence or for the purpose of preparing taking or administering cannabis or any drug of dependence for the purpose of addiction and to arrest all persons therein or thereon found offending against any of the provisions of Part VI. of the said Act.

Given under my hand at this day of 19

Justice of the Peace

SCHEDULE ELEVEN

Section 77.

(SPECIFIED QUANTITIES OF SUBSTANCES)

Column 1 *Substance*	*Column* 2 *Quantity*
	Grams
Acetorphine	2·0
Acetylcodeine	2·0
Acetyldihydrocodeine	2·0
Acetylmethadol	2·0
Allylprodine	2·0
Alphacetylmethadol	10·0
Alphameprodine	0·2
Alphamethadol	0·2
Alphaprodine	25·0
Amphecloral	2·0
(3-2-Aminopropyl) Indole	2·0
Amphetamine	2·0
Anileridine	25·0
Barbiturates	50·0
Benzethidine	10·0
Benzylmorphine	5·0
Betacetylmethadol	5·0
Betameprodine	5·0
Betamethadol	5·0
Betaprodine	5·0

SCHEDULE ELEVEN—*continued*

Column 1 *Substance*	*Column 2* *Quantity*
	Grams
Bezitramide	5·0
4-Bromo-2, 5-Dimethoxyamphetamine	0·5
Bufotenine	2·0
Cannabinoids	2·0
Cannabis L.	100·0
Cannabis Resin	20·0
Chlorphentermine	2·0
Clonitazene	5·0
Cocaine	2·0
Codeine	10·0
Codeine-N-Oxide	10·0
Codoxime	10·0
Desomorphine	2·0
Dextromoramide	1·0
Diampromide	5·0
Diethylpropion	5·0
Diethylthiambutene	5·0
N, N-Diethyltryptamine	2·0
Dihydrocodeine	10·0
Dihydromorphine	10·0
Dimenoxadol	10·0
Dimepheptanol	10·0
2, 5-Dimethoxy-4-Methylamphetamine	2·0
Dimethylthiambutene	20·0
N, N-Dimethyltryptamine	2·0
Dioxaphetyl Butyrate	2·0
Diphenoxylate	2·0
Dipipanone	10·0
Ecgonine	10·0
Ethylmethylthiambutene	10·0
Ethylmorphine	2·0
N-Ethyl-1-Phenylcyclonexylamine	0·001
Etonitazene	5·0
Etorphine	5·0
Etoxeridine	5·0
Fentanyl	0·005
Furethidine	1·0
Harmaline	2·0
Harmine	2·0
Heroin	2·0
Hydrocodone	2·0
Hydromorphinol	2·0
Hydromorphone	2·0
Hydroxyamphetamine	2·0
Hydroxypethidine	5·0
Ketobemidone	2·0
Levomoramide	1·0

SCHEDULE ELEVEN—*continued*

Column 1 *Substance*	*Column 2* *Quantity*
	Grams
Levorphanol	1·0
Lysergamide	0·1
Lysergic Acid	0·002
Lysergide	0·002
Mecloqualone	50·0
Mescaline	7·5
Metazocine	7·0
Methadone	2·0
Methaqualone	50·0
Methorphan	2·0
Methylamphetamine	2·0
3, 4-Methylenedioxyamphetamine	0·5
Methyldesorphine	2·0
Methyldihydromorphine	2·0
Methylphenidate	2·0
Metopon	2·0
Monoacetylmorphines	2·0
Moramide	2·0
Morpheridine	2·0
Morphine	2·0
Morphine-N-Oxide	2·0
Myrophine	20·0
Nicocodine	2·0
Nicodicodine	2·0
Nicomorphine	2·0
Noracymethadol	2·0
Norcodeine	2·0
Norlevorphanol	2·0
Normethadone	5·0
Normorphine	20·0
Norpipanone	10·0
Opium	20·0
Oxycodone	5·0
Oxymorphone	2·0
Pentazocine	20·0
Pethidine	10·0
Phenadoxone	10·0
Phenampromide	10·0
Phenazocine	1·0
Phencyclidine	0·001
Phendimetrazine	5·0
Phenmetrazine	5·0
Phenomorphan	5·0
Phenoperidine	1·0
1-(1-Phenylcyclohexyl) Pyrrolidine	0·001
Pholcodine	5·0
Piminodine	10·0

SCHEDULE ELEVEN—*continued*

Column 1 *Substance*	*Column 2* *Quantity*
	Grams
Pipradrol	1·0
Piritramide	1·0
Proheptazine	1·0
Properidine	25·0
Psilocin	0·1
Psilocybin	0·1
Pyrrolidine derivatives (not specifically included elsewhere in this Schedule)	1·0
Racemoramide	1·0
Tetrahydrocannabinols	2·0
Thebacon	2·0
Thebaine	2·0
1-[1-(2-Thienyl) Cyclohexyl] Piperidine	0·001
Timeperidine	10·0

Section 121.

SCHEDULE TWELVE

STATEMENTS OF STRENGTH OF PREPARATIONS

(*a*) In respect of a tablet, capsule, pastille, packaged single dose of powder, or similar discreet product unit, the quantity of each poison or controlled substance in the product unit.

(*b*) In respect of a solid preparation intended for extemporaneous preparation of either a single dose or a single stated amount of a liquid for therapeutic use, the quantity of each poison or controlled substance in the immediate container.

(*c*) In respect of a liquid for internal therapeutic use, the volume of the normal dose and the quantity of each poison or controlled substance in that volume.

(*d*) In respect of any other preparation, the portion of each poison or controlled substance shall be expressed as follows:

(i) In respect of a liquid poison or controlled substance in a liquid preparation, the weight or volume of the poison or controlled substance per stated volume of the preparation;

(ii) In respect of a liquid poison or controlled substance in a solid or semi-solid preparation, the weight or volume of the poison or controlled substance per stated weight of the preparation;

(iii) In respect of a solid or semi-solid poison or controlled substance in a liquid preparation, the weight of the poison or controlled substance per stated volume of the preparation;

(iv) In respect of a solid or semi-solid poison or controlled substance in a solid or semi-solid preparation, the weight of the poison or controlled substance per stated weight of the preparation;

(v) In respect of a gaseous poison or controlled substance in a liquid preparation, the weight of the poison or controlled substance per stated volume of the preparation;

(vi) In respect of a gaseous poison or controlled substance in a solid or semi-solid preparation, the weight of the poison or controlled substance per stated weight of the preparation;

(vii) In respect of a gaseous poison or controlled substance in a gaseous preparation, the weight of the poison or controlled substance per stated weight of the preparation.