POISONS.

13° Elizabeth II., No. LXX.

No. 70 of 1964.

AN ACT to regulate and control the Possession, Sale and Use of Poisons and other Substances; to constitute a Poisons Advisory Committee; and for incidental and other purposes.

[*Assented to 11th December, 1964.*]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—INTRODUCTORY PROVISIONS.

Short title.

1. This Act may be cited as the *Poisons Act, 1964.*

Commencement.

2. This Act shall come into operation on a date to be fixed by proclamation.

3. The arrangement of this Act is as follows:— Arrangement.

Savings.

4. Without limiting the provisions of the Interpretation Act, 1918, generally, and in particular the provisions of sections fifteen and sixteen of that Act, and subject to the provisions of this Act, it is hereby declared that the repeal by the Pharmacy Act, 1964, of any provision of the Pharmacy and Poisons Act, 1910, or by the Police Act Amendment Act, 1964, of any provision of Part VIA of the Police Act, 1892, so far as that provision relates to poisons or drugs, does not affect any licence or permit granted or issued, or any document made or anything whatsoever done under the provisions so repealed. Any such licence, permit, document or thing so far as it is subsisting or in force at the time of the repeal and could have been granted, issued, made or done under this Act, shall on and after the commencement of this Act continue and have effect for the purposes of this Act (but in the case of a licence or permit only until the date of its expiry), except where this Act expressly or by necessary implication provides otherwise, as if such licence, permit, document or thing had been granted, issued, made or done under a corresponding provision of this Act and that corresponding provision had been in force when the licence, permit, document or thing was granted, issued, made or done, but so that any reference in the

provision so repealed to the Council of the Pharmaceutical Society of Western Australia shall be read and construed as a reference to the Commissioner.

Interpretation.

5. In this Act unless the context requires otherwise—

"Advisory Committee" means the Poisons Advisory Committee constituted under Part II of this Act;

"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 employee or other agent at the time of the sale or supply;

"Commissioner" means the Commissioner of Public Health for the time being appointed under the provisions of the Health Act, 1911;

"dentist" means a dentist registered under the provisions of the Dentists Act, 1939;

"drug of addiction" means any substance specified in the Eighth Schedule or added to that Schedule by Order in Council;

"hazardous substance" means any substance specified in the Fifth Schedule or added to that Schedule by Order in Council;

"label" includes any tag, brand, mark or statement in writing, that is on or attached to or used in connection with any container or package containing any poison; and "labelled" has a corresponding meaning;

"licence" means a licence granted under this Act that is valid and unexpired;

"licensee" means a person who holds or is entitled to exercise a licence under this Act;

"medical practitioner" means a medical practitioner registered under the Medical Act, 1894, or any previous corresponding enactment;

"member" means a person occupying any of the offices of the Advisory Committee, including that of chairman;

"pharmaceutical chemist" means a pharmaceutical chemist registered under the provisions of the Pharmacy Act, 1964; or any previous corresponding enactment;

"poison" means any substance specified in any of the First, Second, Third, Fourth, Sixth, Seventh and Eighth Schedules or added to any of those Schedules by Order in Council;

"public institution" means—

(a) any Government Department, public hospital, University, or technical college or school; or

(b) any other institution or establishment that is not carried on for private gain and that the Governor by Order in Council declares to be a public institution for the purposes of this interpretation;

"sale" includes exposing or offering for sale or having in possession for sale, whether by wholesale or retail, and also delivery with or without consideration, in any shop or store or premises appurtenant thereto by the keeper thereof or by his servant or agent; and the verb "to sell" has a corresponding meaning;

"Schedule" means a Schedule in Appendix "A" to this Act;

"specified drug" means any substance that the Governor by Order in Council declares to be productive, if improperly used, of effects of substantially the same character as a drug of addiction;

"substance" includes substance, material, compound, preparation, and admixture;

"veterinary surgeon" means a registered veterinary surgeon under the provisions of the Veterinary Surgeons Act, 1960;

"wholesale dealing" means sale or supply by a wholesale dealer in the ordinary course of wholesale business to persons licensed or otherwise expressly authorised by or pursuant to the provisions of this or any other Act, to be in possession of or to sell poisons or other substances specified in any Schedule or added thereto by Order in Council; and includes sale or supply to other persons in wholesale quantities in the ordinary course of wholesale business for use in connection with any prescribed profession, business, trade or industry or any public institution but not for resale.

Construction.

6. (1) Except as otherwise expressly provided, this Act shall be read and construed as being in aid and not in derogation of the provisions of the Health Act, 1911, and of Parts VIA and VIB of the Police Act, 1892, but those provisions shall be read and construed subject to the express provisions of this Act and where there is any inconsistency between those provisions and the provisions of this Act, the latter provisions shall prevail.

(2) Any reference in any other Act, or in any regulation, rule or by-law made under any other Act, to any narcotic drug to which Part VIA or Part VIB of the Police Act, 1892, applies shall be deemed and be taken to be a reference to any drug of addiction or specified drug within the meaning of this Act.

Administration.

7. (1) Subject to the Minister and the provisions of this Act, the Commissioner shall be responsible for the administration of this Act.

(2) The cost of the administration of this Act shall be paid out of moneys appropriated by Parliament for the purpose.

PART II.—POISONS ADVISORY COMMITTEE.

Constitution of Poisons Advisory Committee.

8. (1) For the purposes of this Act an Advisory Committee consisting of twelve members and having the functions prescribed by this Act is constituted under the name of the "Poisons Advisory Committee".

(2) The twelve members of the Advisory Committee shall be comprised of two ex officio members and ten nominee members, and of those members—

(a) the *ex officio* members shall be the Commissioner of Public Health or a medical officer of the Department of Public Health nominated for the purpose by the Commissioner, and the Government Analyst of the State, each by virtue of his office; or while any of those offices is vacant, the person acting in that office; and

(b) the nominee members shall be ten persons appointed by the Governor for terms of tenure of office in accordance with the provisions of section ten of this Act.

(3) Of the ten nominee members referred to in paragraph (b) of subsection (2) of this section—

(a) one shall be a pharmacologist nominated by the Senate of the University of Western Australia;

(b) one shall be a medical practitioner employed in the Department of Public Health specialising in occupational health, nominated by the Minister;

(c) two shall be medical practitioners, one of whom is a specialist physician, nominated by the body known as The Western Australian Branch of the Australian Medical Association (Incorporated);

(d) one shall be an officer of the Department of Agriculture, nominated by the Minister for Agriculture;

(e) two shall be persons, one of whom shall represent the wholesale dealers within the State engaged in wholesale dealing, nominated by the body known as The West Australian Chamber of Manufactures (Incorporated);

(f) one shall be a veterinary surgeon nominated by the body known as the Veterinary Surgeons' Board constituted under the Veterinary Surgeons Act, 1960;

(g) one shall be a person nominated by the body known as The Council of the Pharmaceutical Society of Western Australia; and

(h) one shall be a person nominated by the body known as The Federated Pharmaceutical Service Guild of Australia (W.A. Branch).

(4) The Commissioner, or the medical officer nominated by him pursuant to paragraph (a) of subsection (2) of this section, if one be so nominated, shall be the Chairman of the Advisory Committee.

Procedure on default of nomination.

9. The Minister shall, as the occasion requires, by notice in writing to the registrar or secretary of any body referred to in subsection (3) of section eight of this Act, require that body to submit the name of its nominee as provided in that subsection within a period of forty-two days after receipt by the registrar or secretary of such notice, and if upon the expiration of that period, or such extension thereof as the Minister thinks fit and is hereby authorised to grant, he has not received the required name of the nominee, the Minister shall nominate such person to be a nominee member of the Advisory Committee as, having regard to the category in respect of which a person was required to be nominated, he thinks fit.

Term of office of nominee member.

10. (1) Subject to subsection (2) of this section the term of tenure of office of a nominee member expires by effluxion of time on the expiration of a

period of three years commencing on the date of his appointment by the Governor.

(2) The respective terms of tenure of office of the persons first appointed to office of nominee member expire by effluxion of time—

(a) in the case of the four nominee members referred to in paragraphs (a), (b) and (c) of subsection (3) of section eight of this Act, at the expiration of one year;

(b) in the case of the three nominee members referred to in paragraphs (d) and (e) of that subsection, at the expiration of two years; and

(c) in the case of the three nominee members referred to in paragraphs (f), (g) and (h) of that subsection, at the expiration of three years,

commencing on the date of his appointment by the Governor to that office.

(3) The term of tenure of an *ex officio* member continues until the member ceases to occupy the office by virtue of which he is an *ex officio* member or until terminated by the Minister.

(4) A person is not rendered ineligible for appointment to the office of member or deputy member because he has previously occupied office as such, unless his appointment has been terminated under the provisions of section twelve of this Act.

(5) A nominee member or the deputy of any member may resign his office of member or deputy member if he sends to the Minister written notice under his hand of his resignation and the Minister accepts such resignation.

Vacation of office.

11. (1) The office of a member becomes vacant if—

(a) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, or compounds with his creditors;

(b) he is absent, except on leave granted by the Minister, from three consecutive meetings of the Advisory Committee;

(c) he becomes permanently incapable of performing his duties;

(d) he resigns his office in accordance with the provisions of this Act;

(e) he dies;

(f) the term of his tenure of office expires by effluxion of time;

(g) in the case of an ex officio member, the term of tenure is terminated pursuant to subsection (3) of section ten of this Act; or

(h) he is convicted of an indictable offence.

(2) On the occurrence of any vacancy in an office of member, a person eligible to be appointed to that office under the provisions of this Part shall in accordance with those provisions be appointed by the Governor to fill the vacancy, and a person so appointed holds office, subject to those provisions, for the remainder of the term of office of the person in whose place he is appointed.

(3) The performance or exercise of the functions, powers, duties or liabilities of the Advisory Committee is not affected by reason only of there being a vacancy in the office of a member.

Dismissal of members.

12. The Governor may terminate the appointment of a member of the Advisory Committee for inability, inefficiency or misbehaviour.

Leave of absence.

13. The Minister may grant leave of absence to a member of the Advisory Committee upon such terms as to remuneration or otherwise as the Governor from time to time determines.

Deputies of members.

14. (1) The Governor may in respect of any member of the Advisory Committee, appoint a person to be the deputy of that member to act in his office during his absence, and the provisions of subsection (3) of section eight and of section nine of this Act apply as well to the nomination and appointment of deputies of nominee members as to the nomination and appointment of the nominee members.

(2) Any person so appointed is entitled, in the absence from a meeting of the Advisory Committee of the member for whom he is the deputy, to attend that meeting, and when so attending shall be deemed to be a member and is authorised to carry out any function that the member of whom he is the deputy could, if present, exercise under this Act.

Acceptance of office.

15. Acceptance of or acting in the office of member or deputy member of the Advisory Committee by any person shall not of itself render the provisions of the Public Service Act, 1904, or any other Act applying to persons as officers of the Public Service of the State, applicable to that member or deputy member, or affect or prejudice the application to him of those provisions if they applied to him at the time of the acceptance of or acting in such office.

Remuneration of members.

16. The members of the Advisory Committee and their deputies, other than those members and deputies who are officers in the public service of the State, are entitled, in respect of their attendances at meetings and carrying out their functions under this Act, to such remuneration and allowances as the Governor determines and is hereby authorised to determine from time to time.

Meetings of Advisory Committee.

17. (1) The Chairman shall convene the first meeting of the Advisory Committee to be held at a time and place appointed by him, and the Advisory Committee shall meet accordingly and shall hold such further meetings as it considers necessary for the conduct of its affairs.

(2) At a meeting of the Advisory Committee—

(a) seven members form a quorum;

(b) the Chairman, or in his absence, the person appointed to be his deputy, shall preside;

(c) if both the Chairman and his deputy are absent, the members present shall elect one of their number present at the meeting to be Chairman thereof;

(d) all questions shall be decided by a majority of votes of the members present and voting;

(e) each member, including the Chairman, shall be entitled to one vote only on the determination of any question;

(f) in the event of an equality of votes, the question shall be determined in the negative.

(3) The Advisory Committee shall cause to be kept minutes of all its proceedings in such manner as the Minister may direct or approve.

Officers of Advisory Committee.

18. (1) The Governor may appoint a secretary to the Advisory Committee and any other officers and servants of the Advisory Committee necessary for carrying out the provisions of this Act.

(2) Any person so appointed may, if required by the terms of his appointment to devote the whole of his time to the service of the Advisory Committee, be appointed under and be subject to the provisions of the Public Service Act, 1904.

Functions of Advisory Committee.

19. The functions of the Advisory Committee are to advise the Minister and the Commissioner upon and to make recommendations in relation to—

(a) the necessity to amend any of the Schedules;

(b) the necessity to make, amend or revoke any regulation under this Act;

(c) any matter or thing with regard to the manufacture, distribution, sale, supply, possession, use or labelling of poisons and hazardous substances, or prohibiting the use of any poison or hazardous substance that the Advisory Committee thinks fit or that the Minister or the Commissioner may refer to it; and

(d) any proposals or questions that may be referred to it with regard to any of the matters mentioned in paragraphs (a), (b) and (c) of this section.

PART III.—POISONS AND OTHER SUBSTANCES.

Division 1.—Classification.

Declaration of poisons or hazardous substances. Schedules.

20. (1) For the purposes of this Act the substances specified in the First, Second, Third, Fourth, Sixth, Seventh and Eighth Schedules and referred to in subsection (2) of this section are declared to be poisons, and the substances specified in the Fifth Schedule so referred to are declared to be hazardous substances.

(2) The substances specified in the Schedules referred to in subsection (1) of this section shall be classified by inclusion in the respective Schedules as follows—

(a) First Schedule: Substances that are of such extreme danger to human life as to warrant distribution thereof being limited to qualified persons;

(b) Second Schedule: Substances that are dangerous to human life if misused or carelessly handled but of necessity are required to be available to the public for medicinal or other purposes without undue restriction;

(c) Third Schedule: Substances that are for therapeutic use, and—

(i) in respect to which personal advice may be required by the purchaser concerning dosage, frequency of administration, and general toxicity;

(ii) with which excessive unsupervised self-medication is unlikely; and

(iii) for which there may exist such urgent need that the supply thereof on prescription only would cause hardship;

(d) Fourth Schedule: Substances the supply of which in the public interest should be restricted to medical, dental or veterinary prescription; and also potentially harmful substances pending evaluation of their toxic or deleterious nature;

(e) Fifth Schedule (Hazardous Substances); Substances of a dangerous nature that are commonly used for domestic purposes and are required to be readily available to the public but in respect of which caution is necessary in their handling, use and storage;

(f) Sixth Schedule; Substances that are required to be readily available to the public for agricultural, pastoral, horticultural or veterinary purposes, or for the control or destruction of pests and vermin, or for industrial purposes;

(g) Seventh Schedule; Substances of exceptional danger that require the taking and exercise of special precautions in their manufacture and use; and

(h) Eighth Schedule (Drugs of Addiction); Substances that are addiction producing drugs or potentially addiction producing drugs, including drugs so classified by the United Nations Organisation or its agencies.

Amendment of Schedules.

21. The Governor may from time to time by Order in Council, notice of which shall be published in the *Government Gazette,* amend any of the Schedules referred to in section twenty of this Act by—

(a) the addition thereto or the deletion therefrom of any substance;

(b) the transference of any substance from any Schedule to any other Schedule; or

(c) the alteration of any item in any Schedule,

and every order made under this subsection shall take effect on and from the day specified for that purpose in the notice, or if no day is so specified, upon the expiration of seven days after the date of publication in the *Government Gazette,* and thereupon the Schedule as so amended shall have the same force and effect as if the amendment effected by the order had been enacted in this Act.

Sale of any poison may be prohibited.

22. (1) The Governor, on the recommendation of the Advisory Committee, may at any time and from time to time by proclamation prohibit the sale, supply or use of any poison or substance, whether specified in a Schedule or not, either absolutely or except upon and subject to such conditions and for such period or periods as the Governor may think fit.

(2) A proclamation made under this section may be cancelled or from time to time varied, or an error in a proclamation may be rectified, by a subsequent proclamation.

Division 2.—Sale of Poisons.

Persons authorised to sell poisons.

23. (1) Except as provided by subsection (2) of this section, a person shall not manufacture, distribute, supply, or sell by wholesale or retail any poison unless he is licensed pursuant to the provisions of section twenty-four of this Act to do so.

(2) Subject to this Act—

(a) a pharmaceutical chemist is authorised to manufacture, have in his possession, and to use, supply or sell at his pharmacy in the ordinary course of his retail business any preparation, admixture or extract containing any poison;

(b) a medical practitioner or veterinary surgeon is authorised to have in his possession and to use, supply or sell in the lawful practice of his profession any poison; and

(c) any dentist is authorised to have in his possession and to use in the lawful practice of his profession any poison,

but subject however to such conditions and restrictions as may be prescribed.

(3) The provisions of subsection (2) of this section do not authorise any medical practitioner, veterinary surgeon or dentist to sell any poison in an open shop unless he is licensed under this Act to do so.

Licences to sell poisons.

24. (1) Subject to this Act the Commissioner may grant a licence—

(a) to manufacture any poison;

(b) to manufacture and distribute or sell by wholesale any poison;

(c) to sell by wholesale any poison; or

(d) to sell by retail any poison,

in or at any pharmacy or other premises or place of business specified in the licence, to any person who satisfies the Commissioner that he is a fit and proper person to be the holder of such a licence.

(2) An application for a licence under this section shall be made in the prescribed manner to the Commissioner, who may in his discretion grant or refuse the licence.

(3) The Commissioner shall not grant any licence under this section unless and until he is satisfied that the premises of the applicant are suitable for the purpose in respect of which application is made for the licence, and are properly and hygienically equipped for that purpose.

(4) The Commissioner may grant—

(a) to a pharmaceutical chemist, a licence to sell by retail any poison;

(b) to a person who satisfies the Commissioner that he is carrying on a *bona fide* business in such circumstances as may be prescribed, a licence to sell by retail all or any of the poisons specified in the Sixth Schedule;

(c) to a person who satisfies the Commissioner that his place of business is distant at least five miles from the nearest place at which a pharmaceutical chemist conducts a pharmacy, and in such other circumstances as may be prescribed, a licence to sell by retail all or any of the poisons specified in the First, Second and Sixth Schedules;

(d) to such persons and under and subject to such conditions as may be prescribed a licence to sell all or any of the poisons specified in the Seventh Schedule.

Permits to purchase poisons for specified purposes.

25. (1) The Commissioner may permit fit and proper persons to purchase or otherwise obtain from manufacturers or wholesale dealers poisons for use for industrial, educational, advisory or research purposes, but not for re-sale.

(2) An application for a permit under this section shall be made in the prescribed manner to the Commissioner who shall refer the application to the Advisory Committee for consideration, and the Commissioner may in his discretion, after having regard to any recommendations made by the Advisory Committee, grant or refuse the permit.

Form of licences and permits and renewal thereof.

26. (1) Every licence or permit issued pursuant to the provisions of this Act shall—

(a) be in the prescribed form;

(b) specify the pharmacy or other premises or place of business in or at which the licence may be exercised, and be limited to one pharmacy or other premises or place of business only;

(c) be subject to such conditions, limitations and restrictions as may be prescribed and as the Commissioner thinks fit;

(d) be issued to the applicant upon payment of the prescribed fee (if any);

(e) remain in force until the thirtieth day of June next following the day of its issue, unless sooner cancelled, suspended or revoked; and

(f) be renewable from year to year.

(2) The holder of a licence or permit under this Act may at least one month prior to the date of the expiration thereof apply to the Commissioner for a renewal of his licence or permit, as the case may be, and subject to this Act and payment of the prescribed fee (if any), the Commissioner may renew any licence or permit for the next ensuing year and issue to the applicant a renewed licence or permit as the case may require.

"This Act" includes regulations. See Act No. 30 of 1918, s. 4.

(3) Every renewal of a licence or permit under this section shall take effect from the first day of July in the year to which the renewal relates and shall continue in force until the thirtieth day of June next following that date unless sooner cancelled, suspended or revoked.

Fees for licences, permits and renewals.

27. Every applicant for a licence or permit under this Act or for any renewal thereof shall pay to the Commissioner such fees therefor as are prescribed.

Commissioner may cancel or suspend licence or permit.

28. The Commissioner may in his discretion cancel, suspend or revoke at any time any licence or permit issued pursuant to the provisions of this Act, and any licence or permit so cancelled, suspended or revoked shall thereupon cease forthwith to have effect and shall be surrendered to the Commissioner on demand.

Appeal against order of Commissioner.

29. (1) Any person aggrieved by the refusal of the Commissioner to grant or renew any licence or permit under this Act, or by an order of the Commissioner cancelling, suspending or revoking any licence or permit, may within six months after notice of such refusal or of such order appeal against the same to a stipendiary magistrate sitting as a court of summary jurisdiction.

(2) The stipendiary magistrate hearing the appeal shall enquire into and decide upon the appeal and may make such order in the matter as he may think just, and his decision shall be final and conclusive.

(3) Every appeal brought pursuant to the provisions of this section shall be brought and conducted in accordance with the regulations.

Licence not to be granted to company or friendly society.

30. (1) A licence under this Part shall not be granted to a company or friendly society although the company or friendly society is lawfully carrying on business as a pharmaceutical chemist; but such a licence may be granted to any pharmaceutical chemist entitled thereto for his own use, who is *bona fide* employed by or engaged with that company or friendly society in the business of a pharmaceutical chemist and may be used by him for the benefit of that company or friendly society.

(2) Where in accordance with the provisions of subsection (1) of this section a licence is used by a pharmaceutical chemist for the benefit of a company or friendly society, that company or friendly society, and the manager or other officers thereof respectively and such pharmaceutical chemist, are

jointly and severally liable in respect of any offence under this Act committed by any servant or other agent of that company or friendly society in relation to the possession, sale or use of poisons.

Division 3.—General Provisions.

Sales of poison to be recorded in a book.

31. (1) Every person who sells by retail any poison or class of poison prescribed by regulation for the purposes of this section, shall make a true record of each sale in a book to be kept as prescribed.

(2) A person shall not sell any poison, a record of the sale of which is required to be made in a book pursuant to subsection (1) of this section, on an order by letter, telegram or radiogram unless the purchaser is known to the vendor and the letter, telegram or radiogram is preserved by the vendor and particulars of the date and sender of the order are entered in the book referred to.

Unauthorised sales of poisons.

32. A person shall not—

(a) sell any poison by wholesale unless he is licensed under this Act to do so;

(b) sell any poison by wholesale to any person who is not authorised by or licensed or permitted under this Act to have in his possession or to sell such poison;

(c) except as provided by section one hundred and thirty of the Vermin Act, 1918, sell or supply any poison unless he is authorised by or licensed under this Act to do so; or

(d) sell or supply any poison except in accordance with the authority of his licence or permit and the terms and conditions thereof.

Wholesaler not to sell by retail.

33. A wholesale dealer shall not sell any poison by retail unless he is authorised by or licensed under this Act to do so.

Sales to certain persons prohibited.

34. (1) A person shall not sell any poison or class of poison prescribed by regulation for the purposes of this section to any person who is apparently under the age of eighteen years, or who is unknown to the vendor, unless the sale is made in the presence of an adult witness who is known to the vendor and who knows the purchaser.

(2) The witness in whose presence the sale is made shall, before the delivery of the poison to the purchaser, sign the entry (including the entry of his own name and place of residence) in the book required to be kept under section thirty-one of this Act.

Making false declarations.

35. A person who for the purpose of obtaining for himself or for any other person the grant, issue or renewal of a licence or permit under this Act—

(a) makes any declaration or statement that is false in any material particular; or

(b) knowingly produces or makes use of any such declaration or statement,

commits an offence against this Part.

Drugs not to be used for self administration.

36. A person shall not use or attempt to use, or prescribe, any drug of addiction or specified drug for the purpose of self administration; but a person for whom a medical practitioner has prescribed a drug of addiction or a specified drug in the course of treatment of that person as a patient may take or use that drug to the extent and for the purpose for which it was so prescribed.

New drugs to be classified.

37. (1) Before any new drug is first offered for sale to the public the manufacturer, importer or distributor, as the case may require, of the new drug shall make application to the Commissioner as provided in this section to classify the new drug by determining the Schedule (if any) in which it is to be included and specified and to determine the percentage exemption limit (if any) to be permitted in respect to the new drug.

(2) Every application under this section shall be made in the prescribed manner and on the prescribed form to the Commissioner who shall submit the application to the Advisory Committee for its consideration and for reference by it to the Poisons Advisory Panel of the body known as the National Health and Medical Research Council.

(3) The Advisory Committee shall forward in writing to the Commissioner its recommendations in relation to the application and the Commissioner upon receipt of and after having regard to those recommendations, shall classify the new drug and determine in which Schedule (if any) it shall be included and specified and may, if he thinks it necessary to do so, determine the percentage exemption limit to be permitted in respect to the new drug.

(4) The Commissioner shall notify in writing the applicant of the classification of the new drug and his determinations in relation thereto pursuant to subsection (3) of this section and thereupon cause the new drug to be added to the Schedule (if any) in which he has determined that it is to be included and specified, in accordance with the provisions of section twenty-one of this Act.

(5) The decision of the Commissioner in respect to any application made to him under the provisions of this section shall be final and conclusive.

(6) In and for the purposes of this section—

"new drug" means a therapeutic substance for use in human therapy that is not included in the latest edition for the time being of any of the respective books called the British Pharmacopoeia, the British Pharmaceutical Codex and the United States Pharmacopoeia, or a substance specified in a Schedule for which the method of manufacture, composition, route of administration or indications for use is changed.

Offence in respect of a new drug.

38. A person who offers for sale or sells, or causes or permits to be offered for sale or sold, to the public any new drug referred to in section thirty-seven of this Act before an order made under section twenty-one of this Act has taken effect to add that new drug to a Schedule, except where the Commissioner has determined that the new drug does not require to be placed in a Schedule, commits an offence against this Act.

Sale of new drug may be prohibited.

39. (1) The Governor may at any time by notice published in the *Government Gazette* prohibit the sale or supply to the public of any new drug, either absolutely or except upon and subject to such conditions as, on the recommendation of the Advisory Committee, the Governor may determine and shall specify in the notice.

(2) Notwithstanding the provisions of sections thirty-seven and thirty-eight of this Act, where application is made for classification of a new drug the Commissioner may before the new drug is so classified, if the Advisory Committee so recommends, authorise the sale or supply of that new drug to any person or institution approved by the Advisory Committee, but any such sale or supply shall be made only upon and subject to such conditions as the Advisory Committee thinks fit.

(3) Every new drug, whether included in a Schedule or not, shall be and be deemed to be a poison within the meaning of this Act, and shall be subject to the provisions of this Act applicable to poisons.

Offences against this Part.

40. Except where by this Act it is expressly enacted otherwise, 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 conditions, limitation or restriction to to which any licence or permit issued under this Part is subject;

(c) purchases any poison and gives false information in answer to inquiries that by or under this Act are required to be made by the vendor; or

(d) signs his name as a witness to the sale of any poison to a person unknown to him,

commits an offence against this Part.

Penalty: One hundred pounds.

PART IV.—DRUGS OF ADDICTION.

Manufacture of heroin permitted in certain cases.

41. (1) Notwithstanding any provision of Part VIB of the Police Act, 1892, it shall not be unlawful for a person to manufacture or prepare heroin for educational, experimental or research purposes—

(a) in any university, college, school or institution that the Governor by Order in Council approves for that purpose; and

(b) under and subject to such conditions as the Governor by Order in Council imposes, and is hereby authorised to impose, in the case of any such approved university, college, school or institution.

(2) In this section "heroin" means diamorphine, and includes its salts and any preparation, admixture, extract or other substance containing it.

Forging or altering prescription for drug.

42. A person who forges or fraudulently alters, or utters knowing it to be forged or fraudulently altered, any prescription or order for a drug of addiction or a specified drug commits an offence against this Part.

Obtaining drug by false representation.

43. (1) A person who knowingly by any false representation (whether oral or in writing or otherwise) obtains from a person licensed to manufacture, sell or distribute any drug of addiction or specified drug, or from a medical practitioner, dentist or veterinary surgeon, any drug of addiction

or specified drug, or by such false representation causes or induces a person so licensed or a medical practitioner to administer to him by injection or otherwise any drug of addiction or specified drug, commits an offence against this Part.

(2) A person who knowingly by any false representation (whether oral or in writing or by conduct or otherwise) causes or induces a pharmaceutical chemist to dispense any prescription that is forged or fraudulently altered, or obtained in contravention of the provisions of this section, knowing the same to be forged or fraudulently altered or obtained, commits an offence against this Part.

Offences generally against this Part.

44. (1) A person who—

(a) contravenes or fails to comply with any provision of this Part; or

(b) within the State aids and abets, counsels or procures the commission in any place outside the State 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 within the State would constitute an offence against this Part,

commits an offence against this Part.

(2) A person who commits an offence against this Part is liable upon conviction to a fine of two hundred and fifty pounds, or imprisonment for a term of twelve months, or to both the fine and imprisonment.

(3) A person convicted of an offence against this Part shall forfeit to Her Majesty all articles in respect of which the offence was committed, and the court before which the offender is convicted may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

(4) A person who—

(a) attempts to commit an offence under this Part; or

(b) solicits or incites another person to commit such an offence,

is, without prejudice to any other liability, liable on conviction to the same punishment and forfeiture as if he had committed an offence against this Part.

Interpretation of "corresponding law".

45. (1) In this Part the expression, "corresponding law" means any law stated in a certificate that purports to have been issued by or on behalf of the Government of—

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

(b) any foreign country (including any protectorate thereof or any territory governed under a trusteeship agreement by the Government thereof),

to be a law providing for the regulation and control in that possession or country of the manufacture, sale, use, export or import of drugs in accordance with the provisions of any of the Conventions referred to in Appendix "B" to this Act.

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

PART V.—MISCELLANEOUS PROVISIONS.

Containers of poisons to be marked or labelled.

46. A person shall not sell any poison or hazardous substance unless the container immediately containing it is marked or labelled in such manner and with such particulars as are prescribed.

Medicines for internal use not to be sold in certain containers.

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

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

"This Act" includes regulations. See Act No. 30 of 1918, s. 4.

(2) Nothing in this section affects any other requirement of this Act relating to the containers in which drugs or medicines that are or contain poisons within the meaning of this Act may be sold.

Prohibition against hawking, etc.

48. A person shall not, except pursuant to a licence issued by the Commissioner,—

(a) sell or attempt to sell; or

(b) hawk or peddle, or distribute or cause to be distributed as a sample,

any poison in any street or public place or from house to house.

Penalty: Fifty pounds.

Prohibition against selling by automatic machines.

49. (1) A person shall not—

(a) install or permit to be installed on or about his premises or elsewhere any automatic machine for the sale or supply of any poison;

(b) sell or supply any poison by means of any automatic machine;

(c) place or permit to be placed, any poison in any automatic machine that is on or about his premises or under his control; or

(d) permit or suffer any person to purchase or be supplied with or otherwise obtain any poison by means of any automatic machine.

(2) A person who contravenes or fails to comply with any provision of subsection (1) of this section commits an offence against this Act and is liable on conviction to a fine of Fifty pounds, or to imprisonment for a term not exceeding six months, and in addition to a daily penalty of Five pounds during the time that the offence is continued after conviction.

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

Leaving poisons unlabelled an offence.

50. (1) A person who being in charge or possession of any poison leaves it in any place (whether that place is or is not ordinarily accessible to other persons), unless the bottle or container in which the poison is contained is marked clearly and legibly with the word, "Poison" or with other prescribed words, and otherwise duly labelled in the manner provided by section forty-six of this Act, commits an offence against this Act.

Penalty: Fifty pounds.

(2) This section does not apply to pharmaceutical chemists in the conduct of their business.

Calculation of percentages for liquid preparations.

51. For the purposes of this Act percentages in the case of liquid preparations shall (unless other provision in that behalf is made by regulation under this Act) be calculated on the basis that a preparation containing one per centum of any substance means a preparation in which—

(a) one gramme of the substance, if a solid; or

(b) one millilitre of the substance, if a liquid,

is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

PART VI.—SUPPLEMENTARY PROVISIONS.

Orders in Council may be cancelled or amended.

52. An Order in Council made under the provisions of this Act may be cancelled or from time to time varied or amended, or an error in any such Order may be rectified, by a subsequent Order in Council.

Apprehension of offenders.

53. (1) Any officer or constable of the Police Force and all persons whom he shall call to his assistance, may take into custody with or without a warrant any person found committing any offence—

(a) against section forty-eight of this Act; or

(b) against any provision of Part IV of this Act or any regulation made thereunder prohibiting the sale of any drug of addiction or specified drug,

whose name and residence are unknown to and cannot readily be ascertained by that officer or constable, or who on demand neglects or refuses to give his name and address or either of them, or gives a false name or address.

(2) The powers conferred by this section upon officers and constables of the Police Force are in addition to and not in diminution of the powers conferred on those officers and constables by the provisions of the Police Act, 1892, or of any other Act.

Power to enter, etc.

54. (1) Any inspector appointed under the Health Act, 1911, or other person authorised in that behalf in writing by the Minister, may at any reasonable time, for the purpose of ascertaining whether the provisions of this Act and the regulations are being complied with,—

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

(b) inspect and examine any room or part of the premises entered upon, and any goods or records in those premises;

(c) take an account of any poisons in those premises; or

(d) on payment or tender of a reasonable price, demand, take and obtain any sample of any poison in or upon those premises.

(2) Any person who—

(a) refuses or fails to admit any inspector or authorised person demanding to enter upon premises pursuant to the provisions of this section;

(b) refuses to permit any inspector or authorised person to take or obtain any sample pursuant to the provisions of this section; or

(c) delays or obstructs, or causes or permits to be delayed or obstructed, any inspector or authorised person in the exercise of his powers under this section,

commits an offence against this Act.

Search Warrant may be granted.

55. (1) If it appears to a justice on complaint made on oath before him that there is reasonable ground for suspecting—

(a) that there is in any house or premises any poison in contravention of this Act or the regulations; or

(b) that any person has in his possession or under his control in any house or premises—

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

(ii) any document directly or indirectly relating to or connected with any transaction or dealing that is 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 the State,

the justice may give to any member of the police force a search warrant in the form in Appendix "C" to this Act.

(2) A warrant given under subsection (1) of this section authorises the member of the police force named in the warrant, within one month from the date of the warrant, and with such assistants as may be necessary—

(a) to enter into and upon and search the house or premises specified in the warrant at any time during the day or night, and to open and break open if necessary and search all things found therein or thereon;

(b) to use force if necessary in making entry whether by breaking open doors or otherwise;

(c) to arrest and bring before a stipendiary magistrate or two justices any person found committing any offence in such house or premises against the provisions of Part IV of this Act;

(d) to search all persons found in or upon the house or premises;

(e) to seize, or seize and carry away—

(i) any substance or preparation found in such house or premises, or in the possession or under the control of any person therein, that may reasonably be suspected of being or containing a poison, or that is in such house or premises or in such possession or under such control in contravention of any provision of this Act or the regulations;

(ii) any articles used or capable of being used for the purpose of preparing, taking or administering any drug of addiction or specified drug for the purposes of addiction; and

(iii) any document referred to in subparagraph (ii) of paragraph (b) of subsection (1) of this section.

(3) All articles seized under subparagraph (ii) of paragraph (e) of subsection (2) of this section shall on conviction of the person in whose possession those articles were found be forfeited to Her Majesty, and the court before which such person was convicted may order all or any of those articles to be destroyed or otherwise disposed of as the court thinks fit.

(4) Subject to subsection (3) of this section, any poison (not being a drug of addiction or a specified drug) seized under the provisions of this section may, at the request of the owner thereof and with the approval in writing of the Minister, be returned to such owner subject to such conditions or limitations as to its use or otherwise as the Minister may in his discretion impose.

(5) The provisions of this section shall be in addition to and not in derogation of the provisions of Parts VIA and VIB of the Police Act, 1892.

Sales by employees, etc.

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

Persons deemed to have sold poisons.

57. (1) Where any poison or hazardous substance is sold in an unopened package to an inspector or authorised person and in respect of the sale thereof there is a contravention of or failure to comply with any provision of this Act, each of the persons referred to in paragraphs (a) and (b)

"This Act" includes regulations.

of this subsection shall, in addition to the person who actually sold the package to the inspector or authorised person, be liable in respect of such contravention or failure, namely—

(a) if the package has a label on or attached to it, any person who appears from that label to have manufactured or prepared such poison or hazardous substance, or to have imported it into the State, or to have enclosed or caused to be enclosed in that package such poison or hazardous substance, or to have been the wholesale supplier thereof; or

(b) if the package has a label on or attached to it but such label does not disclose any of the particulars referred to in paragraph (a) of this subsection, or if the package has no label on or attached to it, any person who has previously sold the unopened package.

(2) A person to whom the provisions of subsection (1) of this section apply is deemed to have sold the unopened package to the inspector or authorised person as on the day when and at the place where the inspector or authorised person purchased it, and that person is liable to the same penalty as if he had actually sold such package to the inspector or authorised person on that day and at that place.

(3) It shall be a defence to a charge under 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;

(b) that the contravention or non-compliance is due to deterioration or other causes beyond his control; or

(c) where the package has a label on or attached to it, that he did not in fact affix or attach the label or cause it to be affixed or attached or enclose or cause to be enclosed the poison or hazardous substance in the package.

(4) Nothing in this section shall affect the liability of any person selling any such unopened package to an inspector or authorised person 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 provisions of this section shall not exonerate the person selling such unopened package or any other person from liability with respect to any such contravention or non-compliance.

(5) Without affecting the generality of the application of this or any other provision of this Act to firms or the members of them, where a firm appears from any such label to have imported, manufactured or prepared any poison, or as the case may be, hazardous substance, or to have been the wholesale supplier thereof or to have enclosed the same in a package—

(a) proceedings under this section may be taken (whether in a court of petty sessions 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 though the name or names of the member or members of the firm had appeared on such label.

(6) In this section—

"authorised person" means a person authorised in writing by the Minister for the purposes of this Act;

"inspector" means an inspector appointed under the Health Act, 1911;

"wholesale supplier" means a person who sells or supplies poisons or hazardous substances to any other person for the purpose of re-sale.

Evidence on prosecutions.

58. Whenever in any prosecution for a contravention of or failure to comply with any provision of this Act or any regulations made under this Act

it is necessary or proper to prove in respect of any particular article or substance that it is a poison, or as the case may be, hazardous substance, then in every such case—

(a) evidence that any substance commonly sold under the same name or description as that particular article or substance is a poison or hazardous substance shall be *prima facie* proof that such 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 with other prescribed words, shall be *prima facie* proof that such particular article or substance is a poison or, as the case may be, hazardous substance.

Publication of list of licensed persons.

59. The Commissioner shall in the month of August in each year cause to be published in the *Government Gazette* a list of the names and places of business of all persons who hold licences or permits under this Act, and the production of a copy of the *Government Gazette* containing any such list as last published shall be *prima facie* proof in all courts and in all legal proceedings that the persons specified in such list hold such licences or permits.

Proof of certificate of analyst.

60. (1) In any legal proceedings for offences against this Act—

(a) the production of a certificate purporting to be signed by an analyst with respect to any analysis made by him shall, without proof of the signature of the person appearing to have signed the certificate or that he is an analyst, be sufficient evidence—

(i) of the identity of the thing analysed;

(ii) of the result of the analysis; and

(iii) of the matters relevant to such proceedings stated in the certificate,

unless the defendant by not less than three days' notice in writing delivered to the complainant and by a like three days' notice delivered to the analyst (opportunity to deliver which notices shall be afforded the defendant) requires the analyst to attend as a witness; and

(b) the court may, in addition to any other order as to costs, make such order as it thinks just as to the conduct money of the analyst and the expenses and remuneration to be paid for any analysis.

(2) For the purpose of this section, "analyst" means an analyst appointed under the provisions of the Health Act, 1911.

Evidence of qualifications.

61. 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 medical practitioners, pharmaceutical chemists, 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* proof that he is not a medical practitioner or a registered pharmaceutical chemist, 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 medical practitioner or a registered pharmaceutical chemist, dentist, veterinary surgeon or a person who holds a licence, permit or authority under this Act shall be *prima facie* proof of the fact therein stated if the certificate purports to be signed—

(i) in the case of a medical practitioner, by the registrar of the Medical Board constituted under the Medical Act, 1894;

(ii) in the case of a registered pharmaceutical chemist, by the registrar of the Pharmaceutical Council of Western Australia, constituted under the Pharmacy Act, 1964.

(iii) in the case of a registered dentist, by the registrar of The Dental Board of Western Australia, constituted under the Dentists Act, 1939;

(iv) in the case of a registered veterinary surgeon, by the registrar of the Veterinary Surgeons' Board, constituted under the Veterinary Surgeons Act, 1960; and

(v) in the case of a person who holds a licence, permit or authority under this Act, by the Commissioner.

General penalty.

62. Every person who contravenes or fails to comply with any provision of this Act or any regulation made under this Act commits an offence against this Act and if no penalty is expressly provided with respect to that offence is liable on conviction to a penalty not exceeding Fifty pounds.

Protection from liability.

63. (1) No act, matter or thing done or omitted to be done in good faith by the Minister or by the Commissioner, or by the Advisory Committee or by any member thereof or by the secretary or any other officer thereof, or by any inspector or authorised person or by any member of the police force, in the administration or intended administration of this Act, or in the exercise or performance or intended exercise or performance of any of his or its powers, functions or duties under this Act, shall subject the Minister or the Commissioner, or the Advisory Committee or any member or the secretary or other officer thereof, or any inspector, authorised person or member of the police force, to any liability in respect thereof.

(2) In this section inspector and authorised persons have the same respective meanings as are given to them in section fifty-seven of this Act.

Regulations.

64. (1) The Governor may make regulations prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

(2) Without limiting the generality of the powers conferred by subsection (1) of this section, the Governor may make regulations for or with respect to—

(a) the possession, sale and safe custody of poisons and hazardous substances including the specifications of cupboards and other receptacles and the manner of storage of any poison or hazardous substance;

(b) specifying the containers in which any poison or hazardous substance may be sold, and the shape, size and materials of such containers, and prohibiting the use of such containers for other substances;

(c) marking and labelling, and specifying the particulars (including antidotes) to be included in labels on or attached to, containers of poisons and hazardous substances;

(d) prohibiting or regulating the possession, manufacture, distribution, supply, sale, handling or use of any poisons or hazardous substances either absolutely or except under such circumstances or conditions as may be prescribed;

(e) prescribing precautions to be taken in the manufacture, storage, handling or use of any poisons or hazardous substances;

(f) the application for and the granting, issue, renewal, cancellation and suspension of licences, permits and authorities under this Act;

(g) prescribing the persons to whom and the circumstances and conditions in and under which licences to sell by retail poisons

specified in the First, Second, Sixth or Seventh Schedules may be granted under section twenty-four of this Act;

(h) the application for classification under section thirty-seven of this Act of new drugs and the procedure to be followed in relation to such application and to the determination and notice in respect thereof;

(i) prescribing conditions, limitations and restrictions to which licences and permits under this Act shall be subject;

(j) prescribing the form of, and the particulars to be recorded in, the book required to be kept pursuant to section thirty-one of this Act, and the procedure to be followed in relation to the sale and recording of poisons;

(k) prescribing the manner in which appeals against decisions of the Commissioner under this Act shall be brought and the procedure to be followed in the conduct of such appeals;

(l) prescribing the precautions to be observed in respect to the sale of poisons or hazardous substances ordered by letter, telegram or radiogram;

(m) the inspection of premises, stocks, books, and documents relating to poisons and hazardous substances;

(n) prohibiting or regulating the sale of any poison or hazardous substance by methods of self-service other than any such methods prescribed;

(o) providing for the forfeiture of any poison or hazardous substance unlawfully in the possession of any person and for the disposal of any poison or hazardous substance so forfeited;

(p) specifying the persons or classes of persons authorised or entitled to purchase, use or be in possession of any poison;

(q) exempting from all or any of the provisions of this Act and the regulations, substances containing any poison that by their nature are not capable of being used in evasion of this Act and the regulations, or that are supplied or sold by a pharmaceutical chemist or in accordance with the prescription of a medical practitioner, dentist or veterinary surgeon for an individual and specific case;

(r) authorising medical practitioners, and pharmaceutical chemists dispensing medicines and drugs at any public hospital or institution, or persons in charge of laboratories for the purpose of research or instruction, dentists, veterinary surgeons, and such other persons as to the Commissioner may seem proper, to be in possession of any poison or hazardous substance for the purposes of their respective professions or employments, and prescribing the conditions and restrictions upon and subject to which such authority may be given;

(s) regulating the issue by medical practitioners, dentists or veterinary surgeons of prescriptions containing any poison, the dispensing of such prescriptions, and the supply of any such poisons thereunder;

(t) prescribing the colouring of any poison or hazardous substance;

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

(v) prescribing fees to be paid for the issue and renewal of licences and permits under this Act;

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

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

(y) any other matter or thing in any manner relating to poisons or hazardous substances;

(z) any other purpose that the Governor deems necessary for safeguarding the public and the public health in relation to poisons and hazardous substances.

(3) Regulations made under the provisions of this section are in addition to and not in derogation of any regulations made under the Health Act, 1911, and under section 94C of the Police Act, 1892, but where and to the extent that inconsistency exists between the regulations made under this section and any regulations made under the Health Act, 1911 or section 94C of the Police Act, 1892, as referred to in this subsection, the regulations made under this section shall prevail.

APPENDIX "A".

FIRST SCHEDULE.

A substance specified in this Schedule includes any compound and all preparations and admixtures containing any proportion thereof and these are therefore subject to all the restrictions of this Schedule unless specifically exempted or specifically included in any other Schedule.

ACONITE (ROOT OF ACONITUM NAPELLUS).

ALKALOIDS, the following, their salts, their derivatives and their salts—

APOMORPHINE and substances containing more than 0.2 per cent. of apomorphine.

ATROPINE and substances containing more than 0.25 per cent. of the organic base.

BRUCINE and substances containing more than 0.2 per cent. of brucine.

COLCHICINE and substances containing more than 0.5 per cent. of colchicine.

CONIINE and substances containing more than 0.1 per cent. of coniine.

COTARNINE.

HOMATROPINE and substances containing more than 0.25 per cent. of homatropine.

HYOSCINE and substances containing more than 0.25 per cent. of hyoscine.

HYOCYAMINE and substances containing more than 0.25 per cent. of hyocyamine.

SPARTEINE.

ANTIMONY and substances containing more than the equivalent of 1 per cent. of antimony trioxide, except chlorides in polishes.

ARSENIC and substances containing more than the equivalent of 0.5 per cent. arsenic trioxide, except when prepared and packed to comply with the requirements of Schedule 6.

BELLADONNA and substances containing more than 0.25 per cent. of the alkaloids of belladonna calculated as hyoscyamine.

BROMINE as such.

CROTON OIL.

ELATERIUM.

HYDROCYANIC ACID and substances containing more than 0.15 per cent. of hydrocyanic acid, except when included in Schedule 7.

HYOSCYAMUS and substances containing more than 0.25 per cent. of alkaloids calculated as hyoscyamine.

LOBELIA and in substances containing more than 0.5 per cent. of alkaloids except for smoking or burning.

MERCURIC CHLORIDE and substances containing more than 0.5 per cent. of mercuric chloride, except in batteries or when included in Schedule 6.

MERCURIC IODIDE and substances containing more than 2 per cent. of mercuric iodide, except when included in Schedule 6.

MERCURIC NITRATE and substances containing more than the equivalent of 3 per cent. mercury (Hg), in such form.

MERCURIC-POTASSIUM IODIDE and substances containing more than the equivalent of 2 per cent. of mercuric-iodide, in such form.

MERCURY, organic compounds, and substances containing more than the equivalent of 0.5 per cent. of mercury (Hg), in organic combinations, except for therapeutic use, or when included in the Sixth Schedule.

NUX VOMICA.

PHOSPHORUS YELLOW and in substances containing more than 0.5 per cent. of free phosphorus.

SAVIN, oil of.

STRAMONIUM and substances containing more than 0.25 per cent. of alkaloids except for smoking or burning.

STRYCHNINE and substances containing more than 0.2 per cent. of strychnine.

TANSY, oil of.

VERATUM, its alkaloids, their salts.

SECOND SCHEDULE.

A substance specified in this Schedule includes any compound, and all preparations and admixtures containing any proportion thereof and these are subject to all the restrictions of this Schedule unless specifically exempted or specifically included in any other Schedule.

ACID ACETIC GLACIAL as such.

AMPHETAMINE, ITS DERIVATIVES in appliances for inhalation in which the substance is absorbed upon inert solid material.

ANTIMONY in substances containing the equivalent of 1 per cent. or less of antimony trioxide, except Chlorides in polishes.

APOMORPHINE and substances containing 0.2 per cent. or less of apomorphine.

ARSENIC in substances containing the equivalent of 0.5 per cent. or less of arsenic trioxide, except when prepared and packed to comply with the requirements of Schedule 6.

ATROPINE in substances containing 0.25 per cent. or less of atropine.

BARBITURIC ACID its derivatives and their salts in substances containing 0.2 per cent. or less of barbituric acid, its derivatives and their salts.

BELLADONNA in substances containing 0.25 per cent. or less of the alkaloids of belladonna, calculated as hyoscyamine.

BROMIDE metallic, including ammonium in medicinal preparations or admixtures containing more than 5 grains of metallic bromide or ammonium bromide in each adult dose.

BRUCINE in substances containing 0.2 per cent. or less brucine.

CANTHARIDES (CANTHARIDIN) in substances containing 0.01 per cent. or less of cantharidin.

CHLOROFORM and substances containing more than 10 per cent. of chloroform.

COCAINE, its salts, its derivitives, their salts in substances containing 0.1 per cent. or less.

COCAINE, synthetic substitutes for—capable of use for local anaesthesia having a solubility in water of more than 1 per cent., in ointments containing 0.5 per cent. or less.

COCAINE, synthetic substitutes for—capable of use for surface anaesthesia having a solubility in water of 1 per cent. or less, in preparations and admixtures containing 2.5 per cent. or less of such substances and—

(1) Lozenges, pastilles, tablets, capsules, containing 30 mg. or less of such substance in each;

(2) Suppositories or bougies containing 200 mg. or less in each; and

(3) Preparations for external use containing 10 per cent. or less.

CODEINE in substances containing 1 per cent. or less of codeine

COLCHICINE in substances containing 0.5 per cent. or less of colchicine.

CREOSOTE in substances containing more than 3 per cent. by weight of creosote.

CRESOL in substances containing more than 3 per cent. by weight of cresol.

DEXTROMETHORPHAN in substances containing 1 per cent. or less of dextromethorphan.

DEXTROPROPOXYPHENE in substances containing 1 per cent. or less of dextropropoxyphene.

DEXTRORPHAN in substances containing 1 per cent. or less of dextrorphan.

DIAMINES, phenylene toluene and all other alkylated benzene diamine derivatives, except when included in Schedule 5.

ETHOHEPTAZINE in substances containing 1 per cent. or less of ethoheptazine.

ETHER ANAESTHETIC and substances containing more than 10 per cent. of ether anaesthetic.

p-ETHOXY PHENYL UREA.

ETHYL MORPHINE in substances containing 1 per cent. or less of ethyl morphine.

FLUORIDES, metallic, including ammonium fluoride, when intended for ingestion, except in dentifrices containing 0.5 per cent. or less.

GELSEMIUM.

HOMATROPINE in substances containing 0.25 per cent. or less of homatropine.

HYDROCYANIC ACID in substances containing 0.15 per cent. or less of hydrocyanic acid.

HYOSCINE and its derivatives in substances containing 0.25 per cent. or less of hyoscine and its derivatives.

HYOSCYAMINE and its derivatives in substances containing 0.25 per cent. or less of hyoscyamine and its derivatives.

HYOSCYAMUS in substances containing 0.25 per cent. or less of alkaloids calculated as hyoscyamine.

IODINE and in solutions containing more than 2.5 per cent. of iodine.

JABORANDI, alkaloids of and their salts in substances containing more than 0.025 per cent. of the alkaloids of jaborandi.

LEAD SALTS and compounds of lead for medicinal use, except in machine spread plasters.

LOBELIA in substances containing 0.5 per cent. or less of the alkaloids of lobelia except for smoking and burning.

MERCURIC AMMONIUM CHLORIDE (Ammoniated Mercury).

MERCURIC CHLORIDE in substances containing 0.5 per cent. or less of mercuric chloride, except in batteries or when prepared and packed to comply with the requirements of Schedule 6.

MERCURIC IODIDE in substances containing 2 per cent. or less of mercuric iodide.

MERCURIC NITRATE in substances containing the equivalent of 3 per cent. or less of mercury (Hg), in such form.

MERCURIC OXIDE and all oxides of mercury.

MERCURIC-POTASSIUM IODIDE in substances containing the equivalent of 2 per cent. or less of mercuric-iodide, in such form.

MERCURY (METALLIC), as such.

MERCURY, organic compounds of, in substances containing the equivalent of 0.5 per cent. or less of mercury (Hg) in organic combinations, except when included in Schedule 6 or as a preservative in substances containing 0.01 per cent. or less of mercury.

MORPHINE (except derivatives and their salts unless specifically included in this Schedule) in substances containing 0.2 per cent. or less of morphine calculated as anhydrous morphine.

NITRIC ACID and in preparations containing more than 10 per cent. of nitric acid.

NITROPHENOLS, ORTHO, META AND PARA.

NUX VOMICA, in substances containing 0.2 per cent. or less of strychnine.

OPIUM (except its alkaloids, their derivatives, their salts unless specifically included in this Schedule) in substances containing 0.2 per cent. or less of morphine calculated as anhydrous morphine.

OXALIC ACID and metallic oxalates, except in laundry blue and polishes.

PHENOL (CARBOLIC ACID) or its homologues boiling below 220°C. and liquid substances containing more than 3 per cent. by weight of phenol, or its homologues boiling below 220°C.

PHOLCODINE. ir substances containing 1 per cent. or less of pholcodine.

PILOCARPINE and its salts in any substance containing more than 0.025 per cent. of the alkaloid.

POTASSIUM CHLORATE and in substances containing more than 10 per cent. of potassium chlorate.

SELENIUM, its salts and compounds, except in substances other than for human therapeutic use containing 2.5 per cent. or less of selenium.

SILVER NITRATE.

STAPHISAGRIA and in substances containing more than 0.2 per cent.

STRAMONIUM, in substances containing 0.25 per cent. or less of the alkaloids calculated as hyoscyamine, except for smoking or burning.

STRYCHNINE, in substances containing 0.2 per cent. or less of strychnine.

SULPHURIC ACID and substances and preparations containing more than 35 per cent. weight-in-weight of sulphuric acid (H_2SO_4).

THIRD SCHEDULE

A substance specified in this Schedule includes any compound, and all preparations and admixtures containing any proportion thereof and these are therefore subject to all the restrictions of this Schedule unless specifically exempted or specifically included in any other Schedule.

ADRENALINE, natural or synthetic, its salts in concentrations of over 0.01 per cent. but not exceeding 1.0 per cent. of the base.

AMYL NITRITE.

ANTIHISTAMINES, all tertiary nitrogenous organic bases which possess pharmacological properties characteristic of antihistamine compounds in preparations labelled and packed for the treatment of motion sickness in packs of 10 doses or less.

BROMVALETONE.

CARBROMAL.

EPHEDRA, alkaloids of, both natural and synthetic and their salts, except in substances for external use containing less than one per cent. of the alkaloids.

ERYTHRITYL TETRANITRATE and other nitric esters of polyhydric alcohols.

GLYCERYL TRINITRATE.

IMIDAZOLE DERIVATIVES with vaso-pressor activity.

INSULIN and preparations containing the specific hypoglycaemic principle of the pancreas.

MERCUROUS CHLORIDE (Calomel) in substances for internal use, except when contained in teething powders or preparations for infants.

METHOXYPHENAMINE.

NOR-ADRENALINE, its salts, its n-alkyl derivatives, their salts, in concentrations of over 0.01 per cent. but not exceeding 1 per cent. of the base.

OCTYL NITRITE.

PAPAVERINE.

PHENAZONE.

SANTONIN.

SODIUM NITRITE for therapeutic use.

FOURTH SCHEDULE.

ACETANILIDE and alkyl acetanilides.

ACETYL METHYL DIMETHYL OXIMIDO PHENYL HYDRAZINE.

ACETAZOLAMIDE.

ADRENALIN, natural or synthetic, its salts in concentrations of over 1.0 per cent. of the base.

ALLYLISOPROPYLACETYLUREA.

AMIDOPYRINE, its salts, its derivatives and their salts.

AMPHETAMINE, its salts, its derivatives and their salts, except when the base is supplied for inhalation absorbed upon an inert solid material.

ANALEPTICS such as Bemegride, Leptazol, Picrotoxin and Nikethamide.

ANTIBIOTICS, Penicillin, Streptomycin, chloramphenicol, tetracycline, their derivatives and any other antibiotic substances derived from natural sources.

ANTICHOLINE ESTERASES such as Dyflos, Neostigmine and its salts and other organo-phosphorus compounds with anticholine esterase activity when used for therapeutic purposes.

ANTICONVULSANT SUBSTANCES such as hydantoin derivatives, oxazolidine dione derivatives, and Primidone.

ANTIFOLIC ACID SUBSTANCES such as Aminopterin, Teropterin and Orthopterin.

ANTIHISTAMINES, all tertiary nitrogenous organic bases which possess pharmacological properties characteristic of antihistamine compounds except in preparations labelled and packed for the treatment of motion sickness in packs of 10 doses or less.

ANTIMALARIAL SUBSTANCES such as Amodiaquin, Chloroquine, Mepacrine, Pamaquin, Primaquine, Pyrimethamine, Proguanil and Sonotoquine, their salts (except Quinine and its salts).

ANTIPARKINSONIAN SUBSTANCES such as Benzhexol, Caramiphen, Diethazine, Ethopropazine, Procyclidine and their salts.

ANTITHYROID SUBSTANCES such as Carbimazole, Methimazole and Thiouracil and its derivatives except Thiourea.

ANTITUBERCULAR SUBSTANCES such as Isoniazide and its derivatives, para-aminosalicylic acid and its salts and Thiacetazone.

ANTIMONY organic compounds for parenteral use.

ARSENIC organic compounds of, for parenteral use.

ATARACTIC SUBSTANCES such as Benactyzine, Azacyclonol, Hydroxyzine and Meprobamate and their salts, their derivatives and their salts.

BARBITURIC ACID, its derivatives and their salts in substances containing more than 0.2 per cent. of barbituric acid or its derivatives and their salts.

BROMOFORM.

BUTYL CHLORAL HYDRATE.

CALCIUM CARBIMIDE.

CANTHARIDES, its alkaloids, their salts and substances containing more than 0.01 per cent. of Cantharidin.

CARBACHOL.

CHINIOFON and other derivatives of 7-iodo-8-hydroxy quinoline and their salts for internal use by humans.

CHLORAL FORMAMIDE.

CHLORAL HYDRATE.

CHLORAZANIL.

CHLORMERODRIN.

CHLORPHENTERMINE.

CHLORPROMAZINE and its salts and other derivatives of phenothiazine and their salts used as ataractics.

CHLORZOXAZONE.

COCAINE, synthetic substitutes for—capable of use for local anaesthesia having a solubility in water of more than 1 per cent. and all preparations except ointments containing 0.5 per cent. or less.

COCAINE, synthetic substitutes for—capable of use for surface anaesthesia having a solubility in water of 1 per cent. or less and preparations containing more than 2.5 per cent. except—

(a) Lozenges, pastilles, tablets, capsules containing 30 mg. or less in each;

(b) Suppositories, bougies containing 200 mg. or less in each; and

(c) Preparations for external use containing 10 per cent. or less.

CODEINE, its salts and other ethers of morphine such as ethyl morphine and pholcodine and their salts and substances containing more than 1 per cent. of the organic base.

CORTICOTROPHIN and other pituitary hormones for parental use in humans.

CORTISONE and steroid suprarenal cortical hormones, either natural or synthetic, or their derivatives.

COUMARIN derivatives and phenylindanedione derivatives used as anticoagulants in the treatment of humans.

CURARE, TUBOCURARINE, d-TUBOCURARINE, d-TUBOCURARINE-DIMETHYL-ETHER, and all synthetic quarternary ammonium compounds having curarising and ganglionic paralyzing effects such as polymethylene bistrimethyl ammonium compounds, Gallamine, Laudexium methyl sulphate, Suxamethonium, Pentolinium, Mecamylamine, Pempidine and Trimetaphen.

CYTOTOXIC SUBSTANCES with blood destroying and, or anti-cancer properties such as Buzulphan, Mustine and Tretamin.

DAPSONE and all derivatives of 4,4¹-diaminodiphenylsulphone.

DEXTRAN SULPHATE.

DEXTROMETHORPHAN and its salts except preparations containing 1 per cent. or less.

DEXTROPROPOXYPHENE and its salts except preparations containing 1 per cent. or less.

DEXTRORPHAN and its salts except preparations containing 1 per cent. or less.

DIBUTAMIDE.

DICYCLOMINE and its salts.

DIETHYLPROPION.

DIGITALIS, its glycosides and their derivatives.

DINITROCRESOLS for therapeutic use.

DINITRONAPHTHOLS for therapeutic use.

DINITROPHENOLS for therapeutic use.

DINITROTHYMOLS for therapeutic use.

DISULFIRAM (except when used for industrial purposes).

EMETINE and its salts, except in Tincture of Ipecacuanha.

ERGOT, its alkaloids, their salts, derivatives of such alkaloids, and their salts.

ETHOHEPTAZINE in substances containing more than 1 per cent. of ethoheptazine.

ETHOXZOLAMIDE.

ETHYL MORPHINE in substances containing more than 1 per cent. of ethyl morphine.

GLUTETHIMIDE.

HEPARIN.

HYDRALLAZINE.

HYPOTENSIVE SUBSTANCES (such as apresoline, trimetaphan, dihydrallazine, reserpine, hexamethonium and pentamethonium).

IMIPRAMINE.

ION EXCHANGE RESINS, anionic and cationic—for internal use in human beings.

ISOAMINILE.

KHELLIN.

LYSERGIC ACID DIETHYLAMIDE and its derivatives.

MEFENAMIC ACID.

MELANIN STIMULATORS such as Ammoidin, Methoxsalen, 8-methoxypsoralen, 8-MOP Meladinine, Meloxine and Xanthotoxin.

MEPHENESIN and its derivatives.

METHANTHELINE, its salts, its derivatives, their salts.

METHAQUALONE.

MERCUROS CHLORIDE (Calomel) when contained in teething powders or preparations for infants.

MERCURY salts and compounds—for parenteral use.

METHYLPENTYNOL and other substituted alkynes for internal use by humans.

METHYL PHENIDATE.

MONO-AMINE OXIDASE INHIBITORS, Ipromiazid, Isocarboxazid, Nialamide, Phenelzine, Pheniprazine and other substances for which monoamine oxidase inhibition is claimed.

MORPHINE ANTAGONISTS such as Nalorphine Tacrine and Amiphenazole.

MYLICON.

NICOTINYL ALCOHOL.

NOR-ADRENALINE, its salts in concentrations of over 1 per cent. of the base.

PARALDEHYDE.

PHENACEMIDE.

PHENMETRAZINE.

PHENYLBUTAZONE and its derivatives.

PHENYL-TERTIARY BUTYLAMINE.

PHOLCODINE in substances containing more than 1 per cent. of pholcodine.

PHYSOSTIGMINE.

POTASSIUM PERCHLORATE for therapeutic use.

PROCAINAMIDE.

PROLINTANE.

QUINIDINE.

RAUWOLFIA, its alkaloids, their salts, derivatives of such alkaloids, their salts.

SEX HORMONES, natural or synthetic, their derivatives and their substitutes.

STROPHANTHUS and its glycosides and their derivatives.

SULPHANILAMIDE, its salts, its derivatives, their salts.

SULPHONAL and alkyl sulphonals.

THYROID and its extract, and its active principles.

TOLAZOLINE.

URETHANES AND UREIDES having or purporting to have soporific hypnotic or narcotic properties not specifically included in this or any other schedule.

VACCINES, sera, toxoids, antitoxins, and antigens for human parenteral use.

VACCINES—Veterinary live virus.

YOHIMBA, its alkaloids, their salts.

FIFTH SCHEDULE

(HAZARDOUS SUBSTANCES).

AMMONIA and substances containing 5 per cent. or less by weight of free ammonia (NH_3) except in medicinal substances for internal use, or when used in appliances for inhalation in which the substance is absorbed upon an inert solid material.

CALCIUM POTASSIUM AND SODIUM HYPOCHLORITES.

COAL TAR SOLVENTS.

DICOPHANE in all substances containing 10 per cent. or less, except in the case of fertilisers containing less than 2 per cent.

EPOXY RESINS AND POLYESTER RESINS.

FORMALDEHYDE in substances containing 5 per cent. or less formaldehyde.

GAMMA BENZENE HEXACHLORIDE and all substances containing less than 10 per cent. of the gamma isomer, except in the case of fertilisers containing less than 2 per cent.

HYDROCARBONS, LIQUID distilling under 300° C. when tested according to method D86-61 of the American Society for Testing Materials and in preparations containing 25 per cent. of such hydrocarbons when packed in containers of four gallons or less.

HYDROCHLORIC ACID in substances containing 10 per cent. or less weight-in-weight of (HCL).

KEROSENE and preparations containing more than 25 per cent. of kerosene when packed in containers of four gallons or less.

METALDEHYDE in substances containing 5 per cent. or less metaldehyde.

4:7 METHANOINDENE and all substitution and/or addition products, such as chlordane and heptachlor in preparations containing 2 per cent. or less of the substance.

METHYLATED SPIRIT and all substances containing more than 25 per cent. when packed in containers of four gallons or less.

MINERAL TURPENTINE and preparations containing 25 per cent. of mineral turpentine when packed in containers of four gallons or less.

NICOTINE and its salts in preparations containing 1 per cent. or less of the base, except in tobacco in any form.

NITRIC ACID in substances containing 10 per cent. or less of nitric acid.

OIL OF TURPENTINE and preparations containing more than 25 per cent. of oil of turpentine when packed in containers of four gallons or less.

PETROL and in preparations containing more than 25 per cent. of petrol when packed in containers of four gallons or less.

POTASSIUM BROMATE and in substances containing 0.5 per cent. or less.

POTASSIUM HYDROXIDE in substances containing 5 per cent or less.

PYRETHRIN in substances containing 10 per cent. or less.

SODIUM BROMATE in substances containing 0.5 per cent. or less.

SODIUM HYDROXIDE in substances containing 5 per cent. or less.

WHITE SPIRIT and preparations containing 25 per cent. or more of white spirit when packed in containers of four gallons or less.

ZINC CHLORIDE and in substances containing 5 per cent. or less of zinc chloride.

ZINC SULPHATE and in substances containing 5 per cent. or less.

ZINC SULPHOCARBOLATE and in substances containing 5 per cent. or less.

SIXTH SCHEDULE.

ACETONYL BENZYL—4—HYDROXYCOUMARIN and in all substances.

ARNICA and in all liquid preparations.

AMMONIA and substances containing more than 5 per cent. by weight of free ammonia (NH_3) except in medicinal substances for internal use, or when used in appliances for inhalation in which the substance is absorbed upon an inert solid material.

ANILINE except substances containing 1 per cent. or less of aniline.

ARSENIC and preparations containing arsenic when used for agricultural, pastoral or horticultural purposes.

BARIUM salts of (except barium sulphate) and in all substances.

BENZENE.

CAMPHORATED OIL.

CARBON BISULPHIDE.

CARBON TETRACHLORIDE except when used for the treatment of humans or in fire extinguishers or in refill containers for such extinguishers.

CHLOROALLYLDIETHYLTHIOCARBAMATE (CDEC)

2-CHLORO-N-N-DIALLYLACETAMIDE (CDAA)

COPPER salts and compounds (inorganic) in substances containing 1 per cent. or more of the equivalent of copper (Cu).

CHROMATES and dichromates of alkali metals.

CHROMIC ACID.

DICHLORETHYLENE.

DICHLORPROPANE.

DICHLORPROPENE.

DICOPHANE and in all substances containing more than 10 per cent.

DIMETHANONAPHTHALENE and all substitution and/or addition products, such as Aldrin and Dieldrin.

DINOCAP (KARATHANE).

DICHLORETHYL ETHER.

DIETHYLENE DIOXIDE
DINITROCRESOLS
DINITROPHENOLS
} and their homologues in substances unless contained in Schedule 7.

DISULFIRAM except for therapeutic use.

ETHER SOLVENT.

ETHYL BROMIDE.

ETHYLENE DIBROMIDE.

ETHYLENE OXIDE.

FERRIC DIMETHYLDITHIOCARBAMATE (FERBAM).

FORMALDEHYDE substances containing more than 5 per cent.

GAMMA BENZENE HEXACHLORIDE and all substances containing 10 per cent. more of the gamma isomer.

HYDROCHLORIC ACID and substances containing more than 10 per cent. weight-in-weight of hydrochloric acid (HCL).

HYDROFLOURIC ACID HYDROSILICOFLUORIC ACID their salts and other flourine compounds and all preparations except for therapeutic use and not specifically included in this or any other schedule and except in dentifrices containing less than 0.5 per cent. of flouride.

IODINE in liquid substances containing 2.5 per cent. of iodine.

MERCURY, organic compounds, when used for agricultural, pastoral or horticultural purposes.

MERCURIC CHLORIDE, when used for agricultural, pastoral or horticultural purposes.

METALDEHYDE and in all substances containing more than 5 per cent. metaldehyde.

4:7 METHANOINDENE and all substitution and/or addition products, such as chlordane and heptachlor and all preparations containing more than 2 per cent.

METHYL ALCOHOL except in methylated spirit.

METHYL CHLORIDE.

METHYLENE CHLORIDE.

NICOTINE and its salts in preparations containing more than 1 per cent. of the base, except in tobacco in any form.

NITROBENZENE except in solid or semi-solid polishes, or soaps containing 1 per cent. or less, or substances containing 0.1 per cent. or less.

ORGANO-PHOSPHORUS COMPOUNDS organic fluorophosphates, organic pyrophosphates, organic thiophosphates and any other organo-phosphorus compound used as an insecticide except when included in Schedule 7.

OXALIC ACID and METALL ICOXALATES in POLISHES.

PENTACHLORPHENOL except in paints containing 0.25 per cent. or less of pentachlorphenol.

PERMANGANATES.

PICRIC ACID.

PHENOL (CARBOLIC ACID) and its homologues boiling below 220°C. in substances except for therapeutic use containing 3 per cent. or less by weight of phenol or its homologues boiling below 220°C. except paints containing 0.25 per cent or less by weight.

PHENYLENE DIAMINES when used in hair-tinting composition.

PHOSPHIDES METALLIC.

PHOSPHORUS YELLOW.

POTTASSIUM BROMATE and in substances containing more than 0.5 per cent.

POTASSIUM HYDROXIDE and in substances containing more than 5 per cent. of potassium hydroxide (KOH) except in accumulators and batteries.

PYRETHRINS in substances containing more than 10 per cent.

SELENIUM substances other than for human therapeutic use containing 2.5 per cent. or less of selenium.

SODIUM BROMATE and in substances containing more than 0.5 per cent.

SODIUM CHLORATE in all substances containing more than 10 per cent. when used for agricultural, pastoral or horticultural purposes or for the extermination of pests and vermin.

SODIUM HYDROXIDE and in substances containing more than 5 per cent. of sodium hydroxide (NaOH).

SULPHURIC ACID in substances containing 35 per cent. or less weight-in-weight of sulphuric acid (H_2SO_4) except in accumulators, batteries and fire extinguishers.

TETRACHLORETHYLENE except when used for the treatment of humans and for veterinary purposes.

TETRAMETHYL-THIURAM-DISULPHIDE (THIRAM).

THALLIUM and salts in preparations containing 0.5 per cent. or less thallium in containers of not more than 4 ozs.

THIOUREA and its derivatives and in all substances except for therapeutic use.

TOLUENE.

TOLUENE DI-ISOCYANATE.

TOXAPHENE.

TRICHLORETHYLENE except when specially prepared for medicinal purposes.

TRICHLORPHENOL.

XYLENE.

ZINC CHLORIDE and in substances containing more than 5 per cent. zinc chloride.

ZINC DIMETHYLDITHIOCARBAMATE (ZIRAM).

ZINC ETHYLENE-BIS-(DITHIOCARBAMATE) (ZINEB).

ZINC SULPHATE and in substances containing more than 5 per cent. zinc sulphate.

ZINC SULPHOCARBOLATE and in substances containing more than 5 per cent. zinc sulphocarbolate.

SEVENTH SCHEDULE

Special Poisons

Substances or preparations of exceptional danger which require special precautions and restrictions in manufacture, use and sale.

CARBON TETRACHLORIDE except when used for the treatment of humans or in fire extinguishers or in refill containers for fire extinguishers.

CHLORINE.

CHLOROPICRIN.

DINITROCRESOLS DINITROPHENOLS and their homologues in substances containing more than 50 per cent. except for therapeutic use.

FLUOROACETIC ACID its salts and derivatives and all preparations and admixtures.

HYDROCYANIC ACID and substances containing more than 0.15 per cent. of hydrocyanic acid; cyanides and substances containing more than the equivalent of 0.15 per cent. of hydrocyanic acid; except when included in Schedule 1.

METHYL BROMIDE.

ORGANO-PHOSPHOROUS COMPOUNDS.

Dimefox (hanane)

T.E.P.P.

Substances containing more than 20 per cent. of:—

Thimet

Phosdrin

Parathion

Demeton

EPN

Schradan

Trithion

Guthion

Methyl parathion

Ethion

FAC 20

Phosphamidon

Endothion

Substances containing more than 50 per cent. of:—
Delnav (AC 528)
Demeton-S-methyl
Demeton methyl
Dition.

TETRACHLORETHANE

THALLIUM and its salts, derivatives, compounds and all preparations and admixtures thereof except as in Schedule 6.

EIGHTH SCHEDULE.

(Drugs of Addiction)

A substance specified in this Schedule includes any active principle, alkaloid, derivative, natural or synthetic, salt, compound and all preparations and admixtures containing any proportion thereof and these are therefore subject to all the restrictions of this Schedule unless specifically exempt.

ACETYLDIHYDROCODEINE (Acetylcodone).

ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4, 4-diphenylheptane).

ALLYPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine).

ALPHACETYLMETHADOL (alpha-30acetoxy-6-dimethylamino-4, 4-diphenylheptane).

ALPHAMEPRODINE (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine).

ALPHAMETHADOL (alpha-6-dimethylamino-4, 4 diphenyl-3-heptanol).

ALPHAPRODINE (Alpha-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine).

ANILERIDINE (1-para-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).

BENZETHIDINE (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

BENZYLMORPHINE (3-benzylmorphine).

BETACETYLMETHADOL (beta-3-acetoxy-6-dimethylamino-4, 4-diphenylheptane).

BETAMEPRODINE (beta-3-ethyl-10methyl-4-phenyl-4-propionoxypiperidine).

BETAMETHADOL (beta-6-dimethylamino-4, 4-diphenyl-3-heptanol).

BETAPRODINE (beta-1, 3- dimethyl-4-phenyl-4-propionoxypiperidine).

CANNABIS and CANNABIS RESIN and EXTRACTS and TINCTURES of CANNABIS.

CLONITAZENE (2-para-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole).

COCA LEAF.

COCAINE (methyl ester of benzoylecgonine), and any solution or dilution in an inert substance whether liquid or solid in any proportion and all preparations and admixtures containing more than 0.1 per cent. of cocaine.

CODEINE-N-OXIDE.

CONCENTRATE of POPPY STRAW (the material arising when poppy straw has entered into a process for the concentration of its alkaloids).

DESOMORPHINE (dihydrodeoxymorphine).

DEXTROMORAMIDE ((+)-4-(2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl) butyl) morpholine).

*DIACETYLNALORPHINE (diacetyl-N-allynormorphine).

DIAMPROMIDE (N-(2-methylphenethylamino) propyl) propionanilide).

DIETHYLTHIAMBUTENE (3-diethylamino-1, 1-di-(2'-thienyl)-1-butene).

*DIHYDROCODEINE (Paracodine).

DIHYDROMORPHINE.

DIMENOXADOL (2-dimethylaminoethyl-1-ethoxy -1, 1-diphenylacetate).

DIMEPHEPTANOL (6-dimethylamino-4, 4-diphenyl-3-heptanol).

DIMETHYLTHIAMBUTENE (3-dimethylamino-1, 1-di-(2'-thienyl) -1-butene).

DIOXAPHETYL BUTYRATE (ethyl 4-morpholino-2, 2-diphenylbutyrate).

DIPHENOXYLATE (1-(3-cyano-3, 3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester) excluding preparations containing not more than 2.5 mgm of diphenoxylate and not less than 25 micrograms of atropine (sulphate) per dosage unit.

DIPIPANONE (4, 4-diphenyl-6-piperidine-3-heptanone).

ECGONINE, its ESTERS and DERIVATIVES WHICH ARE CONVERTIBLE to ECGONINE AND COCAINE.

ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1, 1-di-(2'-thienyl)-1-butene).

ETONITAZENE (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole).

ETOXERIDINE (1-(2-(2-hydroxyethoxy) ethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl)-4-carboxylic acid ethyl ester).

HEPTANE DERIVATIVES—having addiction properties, not specifically included in this Schedule.

HEROIN (diacetylmorphine).

HYDROCODONE (dihydrocodeinone).

HYDROMORPHINOL (14-hydroxydihydromorphine).

HYDROMORPHONE (dihydromorphinone).

HYDROXYPETHIDINE (4-meta-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester).

ISOMETHADONE (6-dimethylamino-5-methyl-4, 4-diphenyl-3-hexanone).

KETOBEMIDONE (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine).

LEVOMETHORPHAN ((-)-3-methoxy-N-methylmorphinan).

LEVOMORAMIDE ((-)-4-(2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl) butyl) morpholine).

LEVOPHENACYLMORPHAN ((-)-3-hydroxy-N-phenacylmorphinan).

LEVORPHANOL ((-)-3-hydroxy-N-methylmorphinan).

METAZOCINE (2' hydroxy-2, 5, 9-trimethyl-6, 7-benzomorphan).

METHADONE (6-dimethylamino-4, 4-diphenyl-3-heptanone).

METHADONE-INTERMEDIATE (4-cyano-2-dimethylamino-4, 4-diphenylbutane).

METHYLDESORPHINE (6-methyl-delta 6-deoxymorphine).

METHYLDIHYDROMORPHINE (6-methyldihydromorphine).

[1]-METHYL-4-PHENYLPIPERIDINE-4-CARBOXYLIC ACID ESTERS.

METOPON (5-methyldihydromorphinone).

MORAMIDE-INTERMEDIATE (2-methyl-3-morpholino-1, 1-diphenylpropane carboxylic acid).

MORPHERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

MORPHINE—and in any solution or dilution in an inert substance whether liquid or solid in any proportion of morphine and all preparations and admixtures (not being such a solution or dilution as aforesaid) containing more than 0.2 per cent. of morphine calculated as anhydrous morphine.

*MORPHINE DERIVATIVES (except Codiene, Ethyl morphine and Pholcodine) not specifically included in this Schedule.

MORPHINE METHOBROMIDE AND OTHER PENTAVALENT NITROGEN MORPHINE DERIVATIVES.

MORPHINE-N-OXIDE.

MORPHINE SUBSTITUTES not specifically included in this Schedule.

MYROPHINE (myristylbenzylmorphine).

NICOMORPHINE (3, 6-dinicotinylmorphine).

NORACYMETHADOL ((±)-alpha-3-acetoxy-6-methylamino-4, 4-diphenylheptane).

NORLEVORPHANOL ((-)-3-hydroxymorphinan).

NORMETHADONE (6-dimethylamino-4, 4-diphenyl-3-hexanone).

NORMORPHINE (demethylmorphine).

OPIUM in any form except the alkaloid Papaverine—and in any solution or dilution in an inert substance whether liquid or solid in any preparation of opium and all preparations and admixtures (not being such a solution or dilution as aforesaid) containing more than 0.2 per cent. of morphine calculated as anhydrous morphine.

OXYCODONE (14-hydroxydihydrocodeinone).

OXYMORPHONE (14-hydroxydihydromorphinone).

PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).

PETHIDINE-INTERMEDIATE A (4-cyano-1-methyl-4-phenylpiperidine).

PETHIDINE-INTERMEDIATE B (4-phenylpiperidine-4-carboxylic acid ethyl ester).

PETHIDINE-INTERMEDIATE C (1-methyl-4-phenylpiperidine-4-carboxylic acid).

PHENADOXONE (6-morpholino-4, 4-diphenyl-3-heptanone).

PHENAMPROMIDE (N-(1-methyl-2-piperidinoethyl) propionanilide).

PHENAZOCINE (2'-hydroxy-5, 9-dimethyl-2-phenethyl-6, 7-benzomorphan).

PHENOMORPHAN (3-hydroxy-N-phenethylmorphinan).

PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

PIMINODINE (4-phenyl-1-(3-phenylaminopropyl) piperidine-4-carboxylic acid ethyl ester).

*PIPERIDINE DERIVATIVES having addiction properties, not specifically included in this Schedule.

PROHEPTAZINE (1, 3-dimethyl-4-phenyl-4-propionoxyazacycloheptane).

PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester).

RACEMETHORPHAN ((±)-methoxy-N-methylmorphinan).

RACEMORAMIDE ((±)-4-(2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl) butyl) morpholine).

RACEMORPHAN ((∓)-3-hydroxy-N-methylmorphinan).

THEBACON (acetyl dihydrocodeinone).

THEBAINE.

TRIMEPERIDINE (1, 2, 5-trimethyl-4-phenyl-4-propionoxypiperidine).

APPENDIX "B"

CONVENTIONS.

S. 45. The International Opium Convention signed at the Hague on the 23rd day of January, 1912.

The Convention that is referred to as the Geneva Convention in the preamble to the Dangerous Drugs Act, 1925, of the Parliament of the United Kingdom, and as having been signed on behalf of His Majesty on the 19th day of February, 1925.

The Single Convention on Narcotic Drugs, 1961, signed at New York on the 30th day of March, 1961.

APPENDIX "C"

S. 55. FORM OF WARRANT.

To wit } To

WHEREAS it appears to me.....a Justice of the Peace, by the complaint on oath of (A.B.) of (address) in the State (occupation), pursuant to the provisions of section 55 of the Poisons Act, 1964, that there is reasonable ground for suspecting that in the house or premises situated at (situation) in the State (here state the subject matter of the suspicion).

This is therefore to authorise and require you with such assistants as may be necessary to enter into and upon and search such house or premises at any time during the day or night and there to open or break open if necessary and search all things found therein or thereon and to search all persons found therein or thereon and if necessary to use force in making such entry into or upon such house or premises, whether by breaking open doors or otherwise, and to arrest and bring before a stipendiary magistrate or two Justices of the Peace all persons found therein or thereon and seize all substances and preparations found in or on such house or premises, or in the possession or under the control of any person therein as may reasonably be suspected of being or containing a poison or are in contravention of any provision of the Poisons Act, 1964, or the regulations made thereunder, and all articles used or capable of being used for the purpose of preparing, taking or administering any

drug of addiction or specified drug for the purposes of addiction, and all documents relating to any transaction or dealing that would if carried out be an offence against the said Act or regulations, or any corresponding law in force outside the State, to be dealt with according to law:

And for so doing this shall be your Warrant.

Given under my hand at.....
in Western Australia this.....
day of....., 19.....