

MISUSE OF DRUGS ACT 1981.

(No. 66 of 1981)

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MISUSE OF DRUGS.

No. 66 of 1981.

AN ACT to prevent the misuse of certain drugs and plants and to provide for matters incidental thereto or connected therewith.

[Assented to 23 October 1981.]

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—PRELIMINARY.

1. This Act may be cited as the *Misuse of Drugs Act 1981*. Short title.

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

Interpreta-
tion.

3. (1) In this Act, unless the contrary intention appears—

“analyst” means analyst appointed under the Health Act 1911;

“authorized prescription” means document or prescription—

(a) referred to in section 23 (2) (d) of;
and

(b) complying with,
the Poisons Act 1964;

“botanist” means duly qualified botanist employed under and subject to the Public Service Act 1978 in the Western Australian Herbarium in the Department of Agriculture;

“cannabis” means plant of the genus *Cannabis* (by whatever name designated) or part of that plant;

“cannabis resin” means separated resin, whether crude or purified, obtained from cannabis;

“dentist” means person registered as a dentist under the Dental Act 1939;

“drug of addiction” means drug of addiction as defined by section 5 of the Poisons Act 1964;

“heroin” means the drug commonly known as heroin and includes any substance containing diacetylmorphine or its salts and any preparation, admixture or extract containing diacetylmorphine or any such salt;

“indictable offence” means indictable offence under this Act;

“medical practitioner” means person registered under the Medical Act 1894;

“offence” means simple offence or indictable offence;

“opium” means spontaneously coagulated juice obtained from the capsules of the opium poppy *Papaver somniferum*;

“paragraph” means paragraph of the section or subsection in which the term appears;

“Part” means Part of this Act;

“police officer” means person appointed—

(a) under Part I of the Police Act 1892 to be a member of the Police Force of Western Australia; or

(b) under section 35A of the Police Act 1892 to be a special constable;

“prohibited drug” means drug to which this Act applies by virtue of section 4;

“prohibited plant” means plant to which this Act applies by virtue of section 4, or part of that plant;

“Schedule” means Schedule to this Act;

“section” means section of this Act;

“simple offence” means simple offence under this Act;

“specified drug” means specified drug as defined by section 5 of the Poisons Act 1964;

“subparagraph” means subparagraph of the paragraph in which the term appears;

“subsection” means subsection of the section in which the term appears;

“summary court” means Court of Petty Sessions constituted by a stipendiary magistrate sitting alone;

“the District Court” means The District Court of Western Australia established under the District Court of Western Australia Act 1969;

“the Poisons Act 1964” includes any regulations made and in force under that Act;

“the regulations” means the regulations made and in force under this Act;

“to cultivate”, in relation to a prohibited plant, includes to grow, sow or scatter the seed produced by, or to plant, nurture, tend or harvest, the prohibited plant;

“to possess” includes to control or have dominion over, and to have the order or disposition of, and inflections and derivatives of the verb “to possess” have correlative meanings;

“veterinary surgeon” means registered veterinary surgeon as defined by section 2 of the Veterinary Surgeons Act 1960.

(2) In the case of liquid preparations, percentages shall, unless other provision in that behalf is made by the regulations, be calculated on the basis that a preparation containing one percent of a substance means a preparation in which one gram of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every 100 millilitres of the preparation, and so in proportion for any greater or lesser percentage.

Drugs and plants to which Act applies.

4. (1) The drugs to which this Act applies are—

- (a) drugs of addiction;
- (b) specified drugs; and
- (c) whether or not they are also drugs of addiction or specified drugs, the drugs specified in Schedule I.

(2) Subject to subsection (3), the plants to which this Act applies are—

- (a) prohibited plants as defined by section 5 of the Poisons Act 1964; and
- (b) whether or not they are also prohibited plants as defined by section 5 of the Poisons Act 1964, the plants specified in Schedule II.

(3) This Act does not apply to the non-viable seeds of the opium poppy *Papaver somniferum*.

PART II—OFFENCES RELATING TO PROHIBITED
DRUGS AND PROHIBITED PLANTS.

5. (1) A person who—

(a) being the occupier of any premises, knowingly permits those premises to be used for the purpose of—

(i) the manufacture or preparation of a prohibited drug or prohibited plant for use; or

(ii) the manufacture, preparation, sale, supply or use of a prohibited drug or prohibited plant;

(b) being the owner or lessee of any premises, knowingly permits those premises to be used for the purpose of using a prohibited drug or prohibited plant;

(c) is knowingly concerned in the management of any premises used for any of the purposes referred to in paragraphs (a) and (b);

(d) has in his possession—

(i) any pipes or other utensils for use in connection with the smoking of a prohibited drug or prohibited plant;

or

(ii) any utensils used in connection with the manufacture or preparation of a prohibited drug or prohibited plant for smoking,

in or on which pipes or utensils there are detectable traces of a prohibited drug or prohibited plant; or

(e) is found in any place which is then being used for the purpose of smoking a prohibited drug or prohibited plant,

except when he is authorized by or under this Act or by or under the Poisons Act 1964 to do so, commits a simple offence.

Offences concerned with prohibited drugs and prohibited plants in relation to premises and utensils.

(2) In subsection (1)—

“owner”, in relation to any premises, includes the person entitled to receive the rent of those premises and the person to whom the rent of those premises is paid.

Offences
concerned
with
prohibited
drugs
generally.

6. (1) Subject to subsection (3), a person who—

- (a) with intent to sell or supply it to another, has in his possession;
- (b) manufactures or prepares; or
- (c) sells or supplies, or offers to sell or supply, to another,

a prohibited drug commits an indictable offence, except when he is authorized by or under this Act or by or under the Poisons Act 1964 to do so and does so in accordance with that authority.

(2) Subject to subsection (3), a person who has in his possession or uses a prohibited drug commits a simple offence, except when, in the case of a person who has the prohibited drug in his possession—

- (a) he is authorized by or under this Act or by or under the Poisons Act 1964 to do so and does so in accordance with that authority; or
- (b) the prohibited drug was sold or supplied, or requested to be sold or supplied, to him—
 - (i) by a medical practitioner or veterinary surgeon in the lawful practice of his profession; or
 - (ii) on and in accordance with an authorized prescription.

(3) A person does not commit an indictable offence under subsection (1) or a simple offence under subsection (2) by reason only of his having in his possession or manufacturing or preparing a

prohibited drug if he proves that he had possession of or manufactured or prepared the prohibited drug only for the purpose of—

- (a) delivering it to a person authorized—
 - (i) to have possession of the prohibited drug by or under this Act, by or under the Poisons Act 1964 or on and in accordance with an authorized prescription; or
 - (ii) by or under this Act or by or under the Poisons Act 1964 to manufacture, prepare, sell or supply the prohibited drug,

and had possession thereof (except in the case of intended delivery to a person authorized to have possession of the prohibited drug on and in accordance with an authorized prescription) in accordance with the authority in writing of the person so authorized, and that, after taking possession of the prohibited drug, he took all such steps as were reasonably open to him to deliver the prohibited drug into the possession of that person; or

- (b) analysing, examining or otherwise dealing with it for the purposes of this Act in his capacity as an analyst, botanist or other expert.

7. (1) Subject to subsection (3), a person who—

- (a) with intent to sell or supply a prohibited plant or any prohibited drug obtainable therefrom to another, has in his possession or cultivates the prohibited plant; or
- (b) sells or supplies, or offers to sell or supply, a prohibited plant to another,

commits an indictable offence, except when he is authorized by or under this Act or by or under the Poisons Act 1964 to do so and does so in accordance with that authority.

Offences
concerned
with
prohibited
plants
generally.

(2) Subject to subsection (3), a person who has in his possession or cultivates a prohibited plant commits a simple offence, except when he is authorized by or under this Act or by or under the Poisons Act 1964 to do so and does so in accordance with that authority.

(3) A person does not commit an indictable offence under subsection (1) or a simple offence under subsection (2) by reason only of his having in his possession a prohibited plant if he proves that he had possession of the prohibited plant only for the purpose of—

(a) delivering it or any prohibited drug obtainable therefrom to a person authorized—

(i) to have possession of the prohibited plant or that prohibited drug, as the case requires, by or under this Act or by or under the Poisons Act 1964; or

(ii) by or under this Act or by or under the Poisons Act 1964 to sell or supply the prohibited plant or to manufacture, prepare, sell or supply that prohibited drug, as the case requires,

and had possession of the prohibited plant in accordance with the authority in writing of the person so authorized, and that, after taking possession of the prohibited plant, he took all such steps as were reasonably open to him to deliver the prohibited plant or that prohibited drug into the possession of that person; or

(b) analysing, examining or otherwise dealing with the prohibited plant or that prohibited drug for the purposes of this Act in his capacity as an analyst, botanist or other expert.

8. (1) A person who forges or fraudulently alters, or utters knowing it to be forged or fraudulently altered, a prescription or order for a prohibited drug commits a simple offence.

Fraudulent
behaviour in
relation to
prohibited
drugs.

(2) A person who by any false representation, whether oral or in writing or otherwise, causes or induces—

(a) a person licensed under the Poisons Act 1964 to manufacture, sell or supply any prohibited drug; or

(b) a medical practitioner or dentist,

to administer or supply to him by injection or otherwise a prohibited drug commits a simple offence.

PART III—PROCEDURE.

9. (1) Subject to this section, a person charged with having committed a simple offence shall be tried summarily by a Court of Petty Sessions.

Courts
of trial.

(2) A person charged with having committed an indictable offence under—

(a) section 6 (1), not being a conspiracy to commit that indictable offence, in respect of a quantity of a prohibited drug which is less than the quantity specified in Schedule III in relation to the prohibited drug; or

(b) section 7 (1), not being a conspiracy to commit that indictable offence, in respect of a number of prohibited plants of a particular species or genus which is less than the number specified in Schedule IV in relation to that species or genus,

shall be tried summarily by a summary court, unless the summary court—

(c) at any time considers for any reason that the person so charged should be dealt with on indictment in respect of that indictable

offence, in which case the summary court shall commit that person for trial or sentence, as the case requires; or

- (d) after convicting the person so charged but before passing sentence on him considers for any reason that the sentence which the summary court is empowered to impose on that person is inadequate, in which case the summary court shall commit that person for sentence and shall certify in writing to that effect.

(3) A person who is committed—

- (a) for trial under subsection (2) (c) is liable, if convicted; or
- (b) for sentence under subsection (2) (c) or (2) (d) is liable,

to be sentenced by the court to which he is so committed, whether or not —

- (c) the quantity of the prohibited drug in respect of which he is convicted is less than the quantity specified in Schedule III in relation to that prohibited drug; or
- (d) the number of prohibited plants of a particular species or genus in respect of which he is convicted is less than the number specified in Schedule IV in relation to that species or genus.

Alternative
verdicts.

10. A court trying a person charged with having committed an indictable offence under—

- (a) section 6 (1) may, if the evidence does not establish that that person is guilty of that indictable offence but does establish that he is guilty of a simple offence under section 6 (2); or
- (b) section 7 (1) may, if the evidence does not establish that that person is guilty of that indictable offence but does establish that he is guilty of a simple offence under section 7 (2),

convict him of having committed that simple offence and, whether that court is a summary court, the District Court or the Supreme Court, impose on him the penalty referred to in section 34 (1) (e).

11. For the purposes of—

Presumption
of intent
to sell or
supply.

- (a) section 6 (1) (a), a person shall, unless the contrary is proved, be deemed to have in his possession a prohibited drug with intent to sell or supply it to another if he has in his possession a quantity of the prohibited drug which is not less than the quantity specified in Schedule V in relation to the prohibited drug; or
- (b) section 7 (1) (a), a person shall, unless the contrary is proved, be deemed to have in his possession, or to cultivate, prohibited plants of a particular species or genus with intent to sell or supply those prohibited plants or any prohibited drug obtainable therefrom to another if he has in his possession, or cultivates, a number of those prohibited plants which is not less than the number specified in Schedule VI in relation to that species or genus.

PART IV—LOCATION, SEIZURE, DETENTION AND
DISPOSAL OF PROPERTY CONNECTED WITH
COMMISSION OF OFFENCES.

12. (1) In this Part, unless the contrary intention appears—

Interpreta-
tion
in Part IV.

“connected property” means property possessed or obtained—

(a) directly or indirectly by way of, as a result of or for the purposes of; or

(b) as or for the consideration for,

the commission of an offence;

“embargo notice” means embargo notice granted under section 17;

“holding order” means holding order granted under section 17;

“possessor”, in relation to any property, means person having it in his possession, whether on his own behalf or on behalf of or for the benefit of another person;

“property” means property of any kind whatsoever, whether real or personal, corporeal or incorporeal;

“search warrant” means search warrant granted under section 14;

“vehicle” includes aircraft, hovercraft, vessel and any other means of transportation.

(2) For the purposes of this Part, an application under section 19 is finally disposed of when an appeal or further appeal, as the case requires, cannot be made unless an extension of time is granted.

Powers of
police officers
when
property
suspected of
being
connected
property.

13. (1) Subject to this section, if there are reasonable grounds to suspect that a person is the possessor of any property which is connected property, a police officer may, using such force as is reasonably necessary and with such assistance as he considers necessary, stop and detain the person so suspected and any other person on whose behalf or for whose benefit there are reasonable grounds to suspect that that property is possessed by the person so suspected and search him or them, as the case requires, together with any baggage, package, vehicle or other thing of any kind whatsoever found in his or their possession, and for that purpose may stop and detain any vehicle.

(2) A person shall not be searched under subsection (1) except by—

(a) a person of the same sex as the firstmentioned person; or

(b) a medical practitioner.

(3) A police officer who wishes to search a person under subsection (1) may, if it is not then and there practicable to comply with subsection (2) in relation to the person—

(a) detain the person until; or

- (b) detain the person and convey him to a place where,

it is practicable for subsection (2) to be complied with in relation to the person.

(4) A person shall not be detained, or detained and conveyed, under subsection (3) for longer than is reasonably necessary under the circumstances for the purpose of complying with subsection (2) in relation to the person.

14. (1) A justice of the peace who is satisfied by information on oath that there are reasonable grounds to suspect that any connected property may be in or on any vehicle, or in or on any premises or other place, may grant to a police officer a search warrant authorizing a police officer at any time or times within 30 days from the date of that search warrant to enter any vehicle, or any premises or other place, named in that search warrant and, subject to this section, to search that vehicle or those premises or that other place and any person and any baggage, package or other thing of any kind whatsoever found therein or thereon, using such force as is reasonably necessary and with such assistance as the police officer considers necessary.

Granting of search warrants in respect of property suspected of being connected property.

(2) A person shall not be searched under a search warrant except by—

- (a) a person of the same sex as the firstmentioned person; or
 (b) a medical practitioner.

(3) A police officer who wishes to search a person under a search warrant may, if it is not then and there practicable to comply with subsection (2) in relation to the person—

- (a) detain the person until; or
 (b) detain the person and convey him to a place where,

it is practicable for that subsection to be complied with in relation to the person.

(4) A person shall not be detained, or detained and conveyed, under subsection (3) for longer than is reasonably necessary under the circumstances for the purpose of complying with subsection (2) in relation to the person.

Powers
ancillary
to power of
search.

15. (1) A police officer exercising the powers conferred by section 13 or by a search warrant may for the purposes of this Part—

- (a) seize and detain, or make extracts from or copies of, books, papers and documents found during the course of the exercise of those powers;
- (b) require a person to give, or cause to be given, to him such information as it is in the power of the person to give or cause to be given, as the case requires.

(2) Subject to subsection (3), a person who—

- (a) without lawful excuse, does not comply with a requirement made to him under subsection (1); or
- (b) in purporting to comply with a requirement made to him under subsection (1), gives or causes to be given to the police officer concerned information that to his knowledge is false or misleading in a material particular,

commits a simple offence.

(3) Notwithstanding anything in subsection (2), a person shall not refuse or fail to comply with a requirement made to him under subsection (1) by reason only that compliance with that requirement would tend to incriminate him or render him liable to any penalty, but the information given or caused to be given by him in compliance with that requirement is not admissible in evidence in any proceedings against him for an offence other than a simple offence under subsection (2) (b).

16. If there are reasonable grounds to suspect that any property found or received during the exercise of the powers conferred by section 13 or by a search warrant or under any other circumstances is connected property, a police officer may—

Powers of police officers when property suspected of being connected property found or received.

- (a) seize that property and detain it for a period not exceeding 72 hours from that seizure and shall, if he wishes to detain it for a longer period, apply within 72 hours from that seizure to a justice of the peace for a holding order; or
- (b) in the case of property which cannot, or cannot readily, be seized and detained, apply for an embargo notice,

in respect of that property.

17. A justice of the peace may, on the application of a police officer and if he is satisfied that there are reasonable grounds to suspect that the property to which that application relates is connected property, grant to the police officer—

Granting of holding orders and embargo notices.

- (a) a holding order authorizing the continued detention of property seized and detained under section 16 for a period of 21 days from the date of that holding order or, if an application in respect of that property is made to the District Court under section 19 within that period, until that application is finally disposed of; or
- (b) in the case of property which cannot, or cannot readily, be seized and detained, an embargo notice in the prescribed form.

18. (1) A police officer to whom an embargo notice has been granted—

Provisions relating to embargo notices.

- (a) shall, if it is practicable to do so, forthwith serve or cause to be served a copy of the embargo notice on the possessor of the property to which the embargo notice

relates and on any other person on whose behalf or for whose benefit that property is possessed by the possessor; and

- (b) may serve or cause to be served a copy of the embargo notice on a person other than a person referred to in paragraph (a).

(2) Subject to this section, a possessor of the property to which an embargo notice relates who sells, leases, moves, transfers or otherwise deals with all or any of that property within a period of 21 days from the date of the embargo notice or, if an application in respect of that property is made to the District Court under section 19 within that period, before that application is finally disposed of commits an indictable offence.

(3) The possessor of property to which an embargo notice relates may apply to the District Court for leave to sell, lease, move, transfer or otherwise deal with all or any of that property.

(4) The District Court may, on receiving an application under subsection (3), give the applicant leave in writing to sell, lease, move, transfer or otherwise deal with all or any of the property to which the embargo notice concerned relates on such conditions, if any, as the District Court thinks fit to attach to that leave.

(5) A person—

- (a) to whom leave has been given under subsection (4) and who sells, leases, moves, transfers or otherwise deals with all or any of the property to which that leave relates in accordance with any conditions attached to that leave; or
- (b) who, being the possessor of the property to which an embargo notice relates, moves all or any of that property for the purpose of protecting and preserving the same within the period referred to in subsection (2) or before the application referred to in that subsection is finally disposed of, as the case

requires, with the prior consent of the police officer to whom the embargo notice was granted in accordance with any conditions attached to that consent,

does not commit an indictable offence under subsection (2).

(6) Notwithstanding anything in any other Act, a sale, lease, movement, transfer or other dealing with property which constitutes an indictable offence under subsection (2) is null and void.

19. (1) A police officer to whom—

- (a) a holding order has been granted, and a person aggrieved by the holding order, may within a period of 21 days from the date of the holding order; or
- (b) an embargo notice has been granted, and a person aggrieved by the embargo notice, may within a period of 21 days from the date of the embargo notice,

Proceedings
before
District
Court in
respect of
connected
property.

apply on notice of motion to the District Court for an order in respect of the property to which the holding order or embargo notice concerned relates.

(2) On receiving an application made under subsection (1), the District Court may—

- (a) before, during or after the consideration of that application adjourn the proceedings on that application for such period or periods as it thinks fit;
- (b) before making any order on that application, require notice to be given to, and hear, a person claiming to have a financial or other interest in the property to which that application relates or any part thereof; and
- (c) after considering that application—
 - (i) if it is satisfied that the property to which that application relates or any part thereof is connected property, order that that property or part be

forfeited to the Crown, or sold and the proceeds distributed in the manner specified in that order; or

- (ii) if it is not satisfied that the property to which that application relates or part thereof is connected property, order that that property or part thereof be released to the person named in that order or cancel the embargo notice concerned, as the case requires,

or in either case make such other order in respect of the property to which that application relates or part thereof as the justice of the case requires, and may make such ancillary orders, including orders as to costs, as it considers necessary or desirable.

Hindering
police officers
in exercise
of powers
conferred by
or under this
Part.

20. A person who wilfully—

- (a) delays or obstructs; or
(b) does not produce any property to, or conceals or attempts to conceal any property from,

a police officer acting in the exercise of the powers conferred on him by or under this Part or a person assisting a police officer so acting commits a simple offence.

PART V—LOCATION, SEIZURE, DETENTION AND
DISPOSAL OF THINGS USED IN COMMISSION OF
OFFENCES.

Interpreta-
tion
in Part V.

21. In this Part, unless the contrary intention appears—

“approved person” means person who is approved, or belongs to a class of persons which is approved, by the Minister under section 30 for the purposes of this Part, which approval has not been revoked under that section;

“holding order” means holding order granted under section 28 (1);

“search warrant” means search warrant granted under section 24;

“vehicle” includes aircraft, hovercraft, vessel and any other means of transportation.

22. A police officer or approved person may, for the purposes of this Act—

(a) enter the premises of a person carrying on the business of—

(i) a manufacturer, seller or supplier of prohibited drugs; or

(ii) a cultivator, seller, or supplier of prohibited plants;

(b) demand the production of, and inspect, any books, papers or documents relating to transactions or dealings in a prohibited drug or prohibited plant; and

(c) inspect any stocks of a prohibited drug or prohibited plant.

Powers of police officers and approved persons in relation to manufacturers, sellers and suppliers of prohibited drugs and cultivators, sellers and suppliers of prohibited plants.

23. (1) Subject to this section, if there are reasonable grounds to suspect that any thing whatsoever—

(a) with respect to which an offence has been, or is suspected to have been, or may be committed;

(b) which has been, or is suspected to have been, or may be used for the purpose of committing an offence; or

(c) which may provide evidence in respect of an offence,

Powers of police officers when things suspected of being used in commission of offences.

is in the possession of a person, a police officer may, using such force as is reasonably necessary and with such assistance as he considers necessary, stop and detain the person and search him together with any baggage, package, vehicle or other thing of any kind whatsoever found in his possession, and for that purpose may stop and detain any vehicle.

(2) A person shall not be searched under subsection (1) except by—

- (a) a person of the same sex as the firstmentioned person; or
- (b) a medical practitioner.

(3) A police officer who wishes to search a person under subsection (1) may, if it is not then and there practicable to comply with subsection (2) in relation to the person—

- (a) detain the person until; or
- (b) detain the person and convey him to a place where,

it is practicable for subsection (2) to be complied with in relation to the person.

(4) A person shall not be detained, or detained and conveyed, under subsection (3) for longer than is reasonably necessary under the circumstances for the purpose of complying with subsection (2) in relation to the person.

Granting of search warrants in connection with prevention or detection of offences.

24. (1) A justice of the peace who is satisfied by information on oath that there are reasonable grounds to suspect that any thing referred to in paragraph (a), (b) or (c) of section 23 may be in or on any vehicle, or in or on any premises or other place, may grant to a police officer a search warrant authorizing a police officer at any time or times within 30 days from the date of that search warrant to enter any vehicle, or any premises or other place, named in that search warrant and, subject to this section, to search that vehicle or those premises or that other place and any person and any baggage, package or other thing of any kind whatsoever found therein or thereon, using such force as is reasonably necessary and with such assistance as the police officer considers necessary.

(2) A person shall not be searched under a search warrant except by—

- (a) a person of the same sex as the firstmentioned person; or

(b) a medical practitioner.

(3) A police officer who wishes to search a person under a search warrant may, if it is not then and there practicable to comply with subsection (2) in relation to the person—

(a) detain the person until; or

(b) detain the person and convey him to a place where,

it is practicable for that subsection to be complied with in relation to the person.

(4) A person shall not be detained, or detained and conveyed, under subsection (3) for longer than is reasonably necessary under the circumstances for the purpose of complying with subsection (2) in relation to the person.

25. (1) A police officer or approved person exercising the powers conferred by section 22 or 23 or by a search warrant may for the purposes of this Part—

Powers
ancillary
to power of
search.

(a) seize and detain, or make extracts from or copies of, books, papers and documents found during the course of that exercise;

(b) require a person to give, or cause to be given, to the police officer or approved person such information as it is in the power of the person to give or cause to be given, as the case requires.

(2) Subject to subsection (3), a person who—

(a) without reasonable excuse, does not comply with a requirement made to him under subsection (1); or

(b) in purporting to comply with a requirement made to him under subsection (1), gives or causes to be given to the police officer or approved person concerned information that to his knowledge is false or misleading in a material particular,

commits a simple offence.

(3) Notwithstanding anything in subsection (2), a person shall not refuse or fail to comply with a requirement made to him under subsection (1) by reason only that compliance with that requirement would tend to incriminate him or render him liable to any penalty, but the information given or caused to be given by him in compliance with that requirement is not admissible in evidence in any proceedings against him for an offence other than a simple offence under subsection (2) (b).

Powers of
police officers
and others
when things
suspected
of being
used in
commission
of offences
found,
received or
acquired.

26. (1) If there are reasonable grounds to suspect that any thing found or received during the exercise of the powers conferred by section 22 or 23 or by a search warrant or under any other circumstances is a thing referred to in paragraph (a), (b) or (c) of section 23 a police officer or approved person, as the case requires, may seize that thing and—

- (a) in the case of a thing which is a prohibited drug or prohibited plant, may detain it until it is dealt with under section 27; or
- (b) in the case of a thing which is not a prohibited drug or prohibited plant, may detain it for a period not exceeding 72 hours from that seizure and shall, if he wishes to detain it for a longer period, apply within 72 hours from that seizure to a justice of the peace for a holding order in respect of that thing.

(2) A police officer who—

- (a) whilst he is an authorized person and is acting as an undercover officer, acquires a prohibited drug or prohibited plant for the purpose of detecting the commission of an offence; or
- (b) acquires a prohibited drug or prohibited plant as a result of its delivery to him by an authorized person who is not a police officer,

shall detain the prohibited drug or prohibited plant until it is dealt with under section 27.

(3) In subsection (2)—

“authorized person” and “undercover officer” have the respective meanings given by section 31.

27. If, in the case of a prohibited drug or prohibited plant which is seized or acquired and detained under section 26—

Disposal of prohibited drugs and prohibited plants.

(a) no person is tried with the commission of an offence in relation thereto, a police officer shall—

(i) cause that prohibited drug or prohibited plant to be destroyed in accordance with the regulations; or

(ii) if a person who is authorized by or under this Act, by or under the Poisons Act 1964 or, in the case of a prohibited drug, on and in accordance with an authorized prescription to have possession thereof is entitled to have possession of that prohibited drug or prohibited plant, release that prohibited drug or prohibited plant to that person;

or

(b) a person is tried with the commission of an offence in relation thereto, the court which so tries the person shall, whether or not the person is convicted of that offence and after having given any other person (in this paragraph called “the claimant”) claiming to be authorized by or under this Act, by or under the Poisons Act 1964 or, in the case of a prohibited drug, on and in accordance with an authorized prescription to have possession thereof and to be entitled to have possession of that prohibited drug or prohibited plant, an opportunity to show cause why that prohibited drug or

prohibited plant should be released to him, order that that prohibited drug or prohibited plant—

- (i) be released to the claimant;
- (ii) be destroyed; or
- (iii) be forfeited to the Crown.

Disposal
of things
other than
prohibited
drugs and
prohibited
plants.

28. (1) If, in the case of a thing (other than a prohibited drug or prohibited plant) which is seized or acquired and detained under section 26 a justice of the peace is satisfied, on the application of a police officer or approved person, that there are reasonable grounds to suspect that that thing is a thing referred to in paragraph (a), (b) or (c) of section 23 grant to the police officer or approved person a holding order authorizing the continued detention of that thing until, the investigation of the case concerned having been completed, that thing is dealt with under subsection (3).

(2) A police officer or approved person to whom a holding order has been granted shall, if it is practicable to do so, forthwith serve or cause to be served a copy of the holding order, together with a notice setting out the substance of subsection (3), on any person claiming to have a financial or other interest in the thing to which the holding order relates (in this section called "the claimant").

(3) If, in the case of a thing to which a holding order relates—

- (a) no person is tried with the commission of an offence in relation thereto, a police officer shall apply to a justice of the peace for an order in respect of that thing and the justice of the peace; or
- (b) a person is tried with the commission of an offence in relation thereto, the court which so tries the person,

may, after having given the claimant an opportunity to show cause why that thing should be released to him, order that that thing—

- (c) be released to the claimant;
- (d) be destroyed; or

(e) be forfeited to the Crown,
or make such other order as the justice of the case
requires.

29. A person who wilfully—

- (a) delays or obstructs a police officer or approved person acting in the exercise of the powers conferred on him by or under this Part or a person assisting a police officer or approved person so acting; or
- (b) does not produce to, or conceals or attempts to conceal from, a police officer or approved person acting in the exercise of the powers conferred on him by or under this Part or a person assisting a police officer or approved person so acting any books, papers, documents or stocks referred to in section 22 or any thing referred to in paragraph (a), (b) or (c) of section 23,

Hindering
police officers
and approved
persons in
exercise of
powers
conferred by
or under
this Part

commits a simple offence.

30. The Minister may for the purposes of this Part approve a person, or class of persons, by notice published in the *Gazette* and may by notice published in the *Gazette* revoke that approval.

Approved
persons.

PART VI—GENERAL.

31. (1) The Commissioner of Police may authorize in writing a person to act as an undercover officer and may in writing revoke that authority.

Undercover
officers.

(2) An authorized person may, whilst acting as an undercover officer and subject to section 26 (2) or to subsection (4), as the case requires, acquire and have in his possession a prohibited drug or prohibited plant for the purpose of detecting the commission of an offence.

(3) An authorized person who exercises the power conferred on him by subsection (2) is not an accomplice in respect of, and does not commit, any offence detected by that exercise and his evidence in any proceedings against another person for that offence is not the evidence of an accomplice.

(4) An authorized person who—

(a) is not a police officer; and

(b) after having been warned under subsection (5), acquires a prohibited drug or prohibited plant whilst acting as an undercover officer for the purpose of detecting the commission of an offence and does not deliver the prohibited drug or prohibited plant to a police officer as soon as is reasonably practicable after that acquisition,

commits a simple offence.

(5) The Commissioner of Police shall warn in writing an authorized person who is not a police officer that if, having acquired a prohibited drug or prohibited plant whilst acting as an undercover officer for the purpose of detecting the commission of an offence, that authorized person does not deliver the prohibited drug or prohibited plant to a police officer as soon as is reasonably practicable after that acquisition, that authorized person commits a simple offence under subsection (4).

(6) A certificate signed by the Commissioner of Police and stating that the person named in that certificate was, at the time or during the period specified in that certificate, an authorized person acting as an undercover officer shall, for the purposes of this section, be sufficient evidence of that fact unless the contrary is proved.

(7) The Commissioner of Police shall, whenever requested to do so by the Minister, furnish the Minister with a report in writing containing such particulars of the activities of authorized persons as the Minister requires.

(8) In this section—

“authorized person” means person authorized under subsection (1) to act as an undercover officer, which authority has not been revoked under that subsection;

“undercover officer” means person whose identity or purpose is for the time being concealed for the purpose of detecting the commission of an offence.

32. A prosecution for an offence may be brought at any time. No limitation.

33. (1) A person who attempts or incites another to commit, or becomes an accessory after the fact to, an offence (in this subsection called “the principal offence”) commits— Attempts, conspiracies, incitements and accessories after the fact.

(a) if the principal offence is an indictable offence, the indictable offence; or

(b) if the principal offence is a simple offence, the simple offence,

but is liable on conviction—

(c) to a fine not exceeding half of the fine; and, additionally or alternatively,

(d) to imprisonment for a term not exceeding half of the term,

to which a person who commits the principal offence is liable.

(2) A person who conspires with another to commit an offence (in this subsection called “the principal offence”) commits—

(a) if the principal offence is an indictable offence under section 6 (1) or 7 (1), the indictable offence, but is liable on conviction to the penalty referred to in section 34 (1) (b); or

(b) if the principal offence is a simple offence or an indictable offence, other than an indictable offence referred to in paragraph

(a), the simple offence or that indictable offence, as the case requires, and is liable on conviction to the same penalty to which a person who commits the principal offence is liable.

Penalties.

34. (1) Subject to subsection (2), a person who is convicted of—

- (a) an indictable offence under section 6 (1) or 7 (1) is liable to a fine not exceeding \$100 000 or to imprisonment for a term not exceeding 25 years or both;
- (b) conspiring with another to commit an indictable offence under section 6 (1) or 7 (1) is liable to imprisonment for a term not exceeding 20 years without the option of a fine;
- (c) an indictable offence under section 18 (2) is liable to a fine not exceeding \$20 000 or to imprisonment for a term not exceeding 5 years or both;
- (d) a simple offence under section 5 (1) (other than a simple offence under section 5 (1) (e)), 8, 15 (2), 20, 25 (2) or 29 is liable to a fine not exceeding \$3 000 or to imprisonment for a term not exceeding 3 years or both; or
- (e) a simple offence under section 5 (1) (e), 6 (2), 7 (2) or 31 (4) is liable to a fine not exceeding \$2 000 or to imprisonment for a term not exceeding 2 years or both.

(2) A person who is convicted of an indictable offence referred to in subsection (1) (a)—

- (a) being an indictable offence—
 - (i) relating only to cannabis; and
 - (ii) not relating to cannabis resin or any other cannabis derivative or to any prohibited drug or a prohibited plant other than cannabis,

is liable, if sentenced by the District Court or the Supreme Court, to a fine not exceeding \$20 000 or to imprisonment for a term not exceeding 10 years or both; or

- (b) is liable, if sentenced by a summary court, to a fine not exceeding \$5 000 or to imprisonment for a term not exceeding 4 years or both.

35. When a person convicted of an offence is a corporation, every director of the corporation and every officer concerned in the management thereof is guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

Criminal liability of company officers.

36. When a court imposes on a person a term of imprisonment in respect of the non-payment of a fine imposed for an offence, it may order that the term of imprisonment commence at the expiration of any term of imprisonment imposed on the person for the same offence in addition to that fine.

Commencement of imprisonment for non-payment of fines.

37. In any proceedings against a person for an offence, it is not necessary to negative by evidence any authority, licence or other matter of condition, exception, excuse, exemption, proviso or qualification and the burden of proving any such matter lies on the person seeking to avail himself thereof.

Proof of exceptions.

38. In any proceedings against a person for an offence—

- (a) an analyst or botanist may give a certificate in the form prescribed and signed by him with respect to any analysis or examination made by him of any drug, plant or other thing obtained or received by him for analysis or examination;

Evidential status of certificates of analysts and botanists.

- (b) the production of a certificate referred to in paragraph (a) purporting to be signed by the analyst or botanist giving that certificate with respect to an analysis or examination referred to in that paragraph shall, without proof of the signature of the person appearing to have signed that certificate or that he is an analyst or botanist, be sufficient evidence of—
- (i) the identity, nature and description of the thing obtained or received for analysis or examination;
 - (ii) the result of that analysis or examination; and
 - (iii) the matters relevant to those proceedings stated in that certificate, unless the defendant by not less than 3 days notice in writing delivered to the complainant and to that analyst or botanist (opportunity to deliver which notices shall be afforded to the defendant) requires that analyst or botanist to attend as a witness in those proceedings; and
- (c) the court before which those proceedings are held may, in addition to making any other order as to costs, make such order as it thinks just as to the conduct money of the analyst or botanist concerned and the expenses and remuneration to be paid for any analysis or examination.

Delegation
by Commis-
sioner
of Police.

39. (1) The Commissioner of Police may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him delegate to a police officer of or above the rank of inspector any of his powers under this Act, other than this power of delegation.

(2) For the purposes of this Act, the exercise of a power by a delegate under this section shall be deemed to be the exercise of the power by the Commissioner of Police.

(3) A delegation under this section may be—

- (a) made subject to such conditions, qualifications and exceptions as are set out in the instrument of delegation;
- (b) revoked or varied by instrument in writing signed by the Commissioner of Police.

(4) The Commissioner of Police may exercise a power notwithstanding that he has delegated its exercise under this section.

(5) If, under this Act, the exercise of a power by the Commissioner of Police is dependent on his opinion, belief or state of mind in relation to a matter and the power has been delegated under this section, the power may be exercised by the delegate on the opinion, belief or state of mind of the delegate in relation to the matter.

40. A person on whom a power is conferred or duty imposed by or under this Act is not personally liable in civil proceedings, and the Crown is not liable, for any act done or default made by him in good faith for the purpose of carrying this Act into effect.

Civil liability of persons acting under this Act.

41. (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act and, in particular—

Regulations.

- (a) prescribing and providing for the recovery of fees to be paid in respect of matters or things to be done under or for the purposes of this Act;

- (b) providing for the manner in which any thing, which is ordered or required under this Act—
 - (i) to be destroyed, is to be destroyed;
 - (ii) to be released to a person, is to be released; and
 - (iii) to be forfeited to the Crown, is to be dealt with;
- (c) providing for the procedure to be followed in and in relation to—
 - (i) any analysis or examination for the purpose of proceedings for an offence; and
 - (ii) the admissibility and receipt of evidence relating to any thing obtained or received for an analysis or examination referred to in subparagraph (i);
- (d) providing for the manner in which any thing is to be conveyed to and analysed or examined by an analyst, botanist or other expert.

(2) Regulations made under this Act are in addition to and not in derogation of any regulations made under the Poisons Act 1964, but if and to the extent that inconsistency exists between regulations made under this Act and regulations made under the Poisons Act 1964 the latter regulations shall prevail.

Amendment
of certain
Schedules.

42. (1) The Governor may from time to time by Order in Council published in the *Gazette* amend Schedule III, IV, V or VI by—

- (a) adding thereto or deleting therefrom—
 - (i) any prohibited drug or any quantity specified in relation thereto; or

- (ii) any prohibited plant of a particular species or genus or any number specified in relation thereto,

as the case requires;

- (b) deleting and substituting all or any of the items therein; or
- (c) altering any item therein.

(2) Subject to this section, on the publication in the *Gazette* of an Order in Council made under subsection (1), the Schedule to which that Order in Council relates is amended accordingly and, as so amended, has the same force and effect as if the amendment effected by that Order in Council had been effected by an Act amending this Act.

(3) The Minister shall cause a copy of every Order in Council made under subsection (1) to be laid on the Table of each House of Parliament within the first 14 sitting days of that House after the publication of that Order in Council in the *Gazette*.

(4) If a copy of an Order in Council made under subsection (1) is not laid on the Table of a House of Parliament in accordance with subsection (3), that Order in Council ceases to have effect when that copy is not so laid, but without affecting the validity or curing the invalidity of anything done or omitted to be done in good faith before that Order in Council so ceases to have effect.

(5) If either House of Parliament passes a resolution, of which notice has been given within the first 14 sitting days of that House after a copy of the relevant Order in Council made under subsection (1) has been laid on the Table of that House under subsection (3), that that Order in Council be disallowed, that Order in Council thereupon ceases to have effect, but the disallowance of that Order in Council does not affect the validity or cure the invalidity of anything done or omitted to be done in good faith before the passing of that resolution.

SCHEDULE I.

(Section 4 (1) (c))

DRUGS TO WHICH ACT APPLIES, NOTWITHSTANDING ANYTHING
IN POISONS ACT 1964.

<i>Item</i>	<i>Prohibited drugs</i>
1	Cocaine, ecgonine, heroin, morphine and their respective salts.
2	Opium.
3	Any preparation, admixture, extract, or other substance containing not less than— (a) 0·2 per cent of morphine, the percentage of morphine being for the purpose of this item calculated as in respect of anhydrous morphine; or (b) 0·1 per cent of cocaine or ecgonine.
4	Any derivative of cocaine.
5	Cannabis or cannabis resin or any other cannabis derivative.

SCHEDULE II.

(Section 4 (2) (b))

PLANTS TO WHICH ACT APPLIES, NOTWITHSTANDING
ANYTHING IN POISONS ACT 1964.

<i>Item</i>	<i>Prohibited plant</i>
1	<i>Papaver somniferum</i>
2	<i>Papaver bracteatum</i>
3	Cannabis

SCHEDULE III.

(Section 9)

AMOUNTS OF PROHIBITED DRUGS DETERMINING COURT OF
TRIAL.

<i>Item</i>	<i>Prohibited drug</i>	<i>Amount</i> (in grams unless otherwise stated)
1	ACETORPHINE	6·0
2	ACETYLDIHYDROCODEINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	6·0
3	ACETYLMETHADOL	6·0
4	ALLOBARBITONE	30·0
5	ALLYLBARBITURIC ACID	30·0
6	ALLYLPRODINE	6·0
7	ALPHACETYLMETHADOL	30·0
8	ALPHAMEPRODINE	0·6
9	ALPHAMETHADOL	0·6
10	ALPHAPRODINE	75·0

<i>Item</i>	<i>Prohibited drug</i>	<i>Amount (in grams unless otherwise stated)</i>
11	AMPHETAMINE	4·0
12	AMYLOBARBITONE	30·0
13	ANILERIDINE	75·0
14	APROBARBITONE	30·0
15	BARBITONE	30·0
16	BENZETHIDINE	30·0
17	BENZYL MORPHINE	15·0
18	BETACETYLMETHADOL	15·0
19	BETAMEPRODINE	15·0
20	BETAMETHADOL	15·0
21	BETAPRODINE	15·0
22	BEZITRAMIDE	15·0
23	BUFOTENINE	6·0
24	BUTOBARBITONE	30·0
25	CANNABIS	500·0
26	CANNABIS RESIN	40·0
27	CANNABIS (in cigarette form)	400 cigarettes each containing any portion of cannabis
28	CLONITAZENE	15·0
29	COCAINE....	4·0
30	CODEINE (except when included in the Second, Third or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	30·0
31	CODEINE-N-OXIDE	30·0
32	CODOXIME	30·0
33	CYCLOBARBITONE	30·0
34	DESOMORPHINE	6·0
35	DEXAMPHETAMINE	6·0
36	DEXTROMORAMIDE	3·0
37	DIAMPROMIDE	15·0
38	DIETHYLTHIAMBUTENE	15·0
39	DIFENOXIN (excluding preparations containing, per dosage unit, not more than 0·5 mg of difenoxin and a quantity of atropine sulphate equivalent to at least 5 per cent of the dose of difenoxin)	30·0
40	DIHYDROCODEINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	30·0
41	DIHYDROMORPHINE	30·0
42	DIMENOXADOL	30·0
43	DIMEPHEPTANOL	30·0
44	2,5-DIMETHOXY-4-BROMOAMPHETAMINE	0·25
45	2,5-DIMETHOXY-4-METHYLAMPHETAMINE	0·25
46	DIMETHYLTHIAMBUTENE	60·0
47	DIMETHYLTRYPTAMINE	6·0
48	DIOXAPHETYL BUTYRATE	6·0
49	DIPHENOXYLATE (excluding preparations contain- ing, per dosage unit, not more than 2·5 mg of diphenoxylate calculated as base, and a quantity of atropine sulphate equivalent to at least 1 per cent of the dose of diphenoxylate)	6·0

<i>Item</i>	<i>Prohibited drug</i>	<i>Amount (in grams unless otherwise stated)</i>
50	DIIPANONE	30.0
51	DROTEBANOL	0.3
52	ECGONINE, ITS ESTERS AND DERIVATIVES which are convertible to ECGONINE AND COCAINE	30.0
53	ETHYLMETHYLTHIAMBUTENE	30.0
54	ETHYLMORPHINE (and substances containing more than 2.5 per cent of ethylmorphine)	6.0
55	ETONITAZENE	15.0
56	ETORPHINE	15.0
57	ETOXERIDINE	15.0
58	FENTANYL	0.015
59	FURETHIDINE	3.0
60	HALLUCINOGENIC SUBSTANCES (structurally derived from methoxyphenethylamine)	0.25
61	HEPTABARBITONE	30.0
62	HEXOBARBITONE	30.0
63	HYDROCODONE	6.0
64	HYDROMORPHINOL	6.0
65	HYDROMORPHONE	6.0
66	HYDROXYPETHIDINE	15.0
67	ISOMETHADONE	0.6
68	KETOBEMIDONE	0.6
69	LEVOMETHORPHAN	3.0
70	LEVOMORAMIDE	6.0
71	LEVOPHENACYLMORPHAN	6.0
72	LEVORPHANOL	3.0
73	LYSERGIC ACID DIETHYLAMIDE (LSD)	0.004
74	MESCALINE	22.5
75	METAZOCINE	21.0
76	METHADONE	0.6
77	METHADONE-INTERMEDIATE	0.6
78	METHAQUALONE	150.0
79	METHARBITONE	30.0
80	METHYLAMPHETAMINE	6.0
81	METHYLDESORPHINE	6.0
82	METHYLDIHYDROMORPHINE	6.0
83	METHYLPHENIDATE....	6.0
84	METHYLPHENOBARBITONE	30.0
85	1-METHYL-4-PHENYLPYPERIDINE-4-CARBOXYLIC ACID ESTERS	6.0
86	METOPON	6.0
87	MORAMIDE-INTERMEDIATE	3.0
88	MORPHERIDINE	6.0
89	MORPHINE	6.0
90	MORPHINE DERIVATIVES (not specifically included elsewhere in this Schedule or in any Schedule in Appendix "A" to the Poisons Act 1964)	6.0
91	MORPHINE METHOBROMIDE AND OTHER PENTAVALENT NITROGEN MORPHINE DERIVATIVES	6.0

Item	Prohibited drug	Amount (in grams unless otherwise stated)
92	MORPHINE-N-OXIDE	6·0
93	MORPHINE SUBSTITUTES (not specifically included elsewhere in this Schedule)	6·0
94	MYROPHINE	60·0
95	NEALBARBITONE	30·0
96	NICOCODINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	6·0
97	NICODICODINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	6·0
98	NICOMORPHINE	6·0
99	NORACYMETHADOL....	6·0
100	NORCODEINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	6·0
101	NORLEVORPHANOL	6·0
102	NORMETHADONE	1·5
103	NORMORPHINE	60·0
104	NORPIPANONE....	30·0
105	OPIUM	40·0
106	OXYCODONE	15·0
107	OXYMORPHONE	6·0
108	PENTAZOCINE	30·0
109	PENTOBARBITONE	30·0
110	PETHIDINE	15·0
111	PETHIDINE-INTERMEDIATE A	15·0
112	PETHIDINE-INTERMEDIATE B	15·0
113	PETHIDINE-INTERMEDIATE C	15·0
114	PHENADOXONE	30·0
115	PHENAMPROMIDE	30·0
116	PHENAZOCINE	3·0
117	PHENCYCLIDINE	0·004
118	PHENMETRAZINE	6·0
119	PHENOBARBITONE	30·0
120	PHENOMORPHAN	15·0
121	PHENOPERIDINE	3·0
122	PHENYLMETHYLBARBITURIC ACID	30·0
123	PHOLCODINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	15·0
124	PIMINODINE	30·0
125	PIRITRAMIDE	3·0
126	PROHEPTAZINE	3·0
127	PROPERIDINE ...	75·0
128	PROPIRAM	12·0
129	PSILOCIN	0·3
130	PSILOCYBIN	0·3
131	PSYCHOTOMIMETIC SUBSTANCES (structurally derived from methoxyphenethylamine)	0·25
132	QUINALBARBITONE	30·0
133	RACEMETHORPHAN ..	6·0

<i>Item</i>	<i>Prohibited drug</i>	<i>Amount (in grams unless otherwise stated)</i>
134	RACEMORAMIDE	3·0
135	RACEMORPHAN	6·0
136	SECBUTOBARBITONE	30·0
137	TALBUTAL	30·0
138	TETRAHYDROCANNABINOLS	4·0
139	THEBACON	6·0
140	THEBAINE	6·0
141	TRIMEPERIDINE	30·0
142	VINBARBITONE	30·0

SCHEDULE IV.

(Section 9)

NUMBERS OF PROHIBITED PLANTS DETERMINING COURT OF TRIAL.

<i>Item</i>	<i>Prohibited plant</i>	<i>Number</i>
1	<i>Papaver somniferum</i>	100
2	<i>Papaver bracteatum</i>	100
3	Cannabis	100

SCHEDULE V.

(Section 11 (a))

AMOUNTS OF PROHIBITED DRUGS GIVING RISE TO PRESUMPTION OF INTENTION TO SELL OR SUPPLY SAME.

<i>Item</i>	<i>Prohibited drug</i>	<i>Amount (in grams unless otherwise stated)</i>
1	ACETORPHINE	2·0
2	ACETYLDIHYDROCODEINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	2·0
3	ACETYLMETHADOL	2·0
4	ALLOBARBITONE	10·0
5	ALLYLBARBITURIC ACID	10·0
6	ALLYLPRODINE	2·0
7	ALPHACETYLMETHADOL	10·0
8	ALPHAMEPRODINE	0·2
9	ALPHAMETHADOL	0·2
10	ALPHAPRODINE	25·0
11	AMPHETAMINE	2·0
12	AMYLOBARBITONE	10·0
13	ANILERIDINE	25·0
14	APROBARBITONE	10·0
15	BARBITONE	10·0
16	BENZETHIDINE	10·0

<i>Item</i>	<i>Prohibited drug</i>	<i>Amount (in grams unless otherwise stated)</i>
17	BENZYL MORPHINE	5.0
18	BETACETYLMETHADOL	5.0
19	BETAMEPRODINE	5.0
20	BETAMETHADOL	5.0
21	BETAPRODINE	5.0
22	BEZITRAMIDE	5.0
23	BUFOTENINE	2.0
24	BUTOBARBITONE	10.0
25	CANNABIS	100.0
26	CANNABIS RESIN	20.0
27	CANNABIS (in cigarette form)	80 cigarettes each containing any portion of cannabis
28	CLONITAZENE	5.0
29	COCAINE....	2.0
30	CODEINE (except when included in the Second, Third or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	10.0
31	CODEINE-N-OXIDE	10.0
32	CODOXIME	10.0
33	CYCLOBARBITONE	10.0
34	DESOMORPHINE	2.0
35	DEXAMPHETAMINE	2.0
36	DEXTROMORAMIDE	1.0
37	DIACETYLMORPHINE	2.0
38	DIAMPROMIDE	5.0
39	DIETHYLTHIAMBUTENE	5.0
40	DIFENOXIN (excluding preparations containing, per dosage unit, not more than 0.5 mg of difenoxin and a quantity of atropine sulphate equivalent to at least 5 per cent of the dose of difenoxin)	10.0
41	DIHYDROCODEINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	10.0
42	DIHYDROMORPHINE	10.0
43	DIMENOXADOL	10.0
44	DIMEPHEPTANOL	10.0
45	2, 5-DIMETHOXY-4-BROMOAMPHETAMINE	0.05
46	2, 5-DIMETHOXY-4-METHYLAMPHETAMINE	0.05
47	DIMETHYLTHIAMBUTENE	20.0
48	DIMETHYLTRYPTAMINE	2.0
49	DIOXAPHETYL BUTYRATE	2.0
50	DIPHENOXYLATE (excluding preparations con- taining, per dosage unit, not more than 2.5 mg of diphenoxylate calculated as base, and a quantity of atropine sulphate equivalent to at least 1 per cent of the dose of diphenoxylate)	2.0
51	DIPIPANONE	10.0
52	DROTEBANOL	0.1
53	ECGONINE, ITS ESTERS AND DERIVATIVES which are convertible to ECGONINE AND COC- AINE	10.0

<i>Item</i>	<i>Prohibited drug</i>	<i>Amount (in grams unless otherwise stated)</i>
54	ETHYLMETHYLTHIAMBUTENE	10.0
55	ETHYLMORPHINE (and substances containing more than 2.5 per cent of ethylmorphine)	2.0
56	ETONITAZENE	5.0
57	ETORPHINE	5.0
58	ETOXERIDINE	5.0
59	FENTANYL	0.005
60	FURETHIDINE	1.0
61	HALLUCINOGENIC SUBSTANCES (structurally derived from methoxyphenethylamine)	0.05
62	HEPTABARBITONE	10.0
63	HEROIN	2.0
64	HEXOBARBITONE	10.0
65	HYDROCODONE	2.0
66	HYDROMORPHINOL	2.0
67	HYDROMORPHONE	2.0
68	HYDROXYPETHIDINE	5.0
69	ISOMETHADONE	0.2
70	KETOBEMIDONE	0.2
71	LEVOMETHORPHAN	1.0
72	LEVOMORAMIDE	2.0
73	LEVOPHENACYLMORPHAN	2.0
74	LEVORPHANOL	1.0
75	LYSERGIC ACID DIETHYLAMIDE (LSD)	0.002
76	MESCALINE	7.5
77	METAZOCINE	7.0
78	METHADONE	0.2
79	METHADONE-INTERMEDIATE	0.2
80	METHAQUALONE	50.0
81	METHARBITONE	10.0
82	METHYLAMPHETAMINE	2.0
83	METHYLDESORPHINE	2.0
84	METHYLDIHYDROMORPHINE	2.0
85	METHYLPHENIDATE	2.0
86	METHYLPHENOBARBITONE	10.0
87	1-METHYL-4-PHENYLPYPERIDINE-4-CARBOXYLIC ACID ESTERS	2.0
88	METOPON	2.0
89	MORAMIDE-INTERMEDIATE	1.0
90	MORPHERIDINE	2.0
91	MORPHINE	2.0
92	MORPHINE DERIVATIVES (not specifically included elsewhere in this Schedule or in any Schedule in Appendix "A" to the Poisons Act 1964)	2.0
93	MORPHINE METHOBROMIDE AND OTHER PENTAVALENT NITROGEN MORPHINE DERIVATIVES	2.0
94	MORPHINE-N-OXIDE	2.0
95	MORPHINE SUBSTITUTES (not specifically included elsewhere in this Schedule)	2.0
96	MYOPHINE	20.0
97	NEALBARBITONE	10.0

<i>Item</i>	<i>Prohibited drug</i>	<i>Amount (in grams unless otherwise stated)</i>
98	NICOCODINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	2·0
99	NICODICODINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	2·0
100	NICOMORPHINE	2·0
101	NORACYMETHADOL....	2·0
102	NORCODEINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	2·0
103	NORLEVORPHANOL	2·0
104	NORMETHADONE	0·5
105	NORMORPHINE	20·0
106	NORPIPANONE....	10·0
107	OPIUM	20·0
108	OXYCODONE	5·0
109	OXYMORPHONE	2·0
110	PENTAZOCINE	10·0
111	PENTOBARBITONE	10·0
112	PETHIDINE	5·0
113	PETHIDINE-INTERMEDIATE A	5·0
114	PETHIDINE-INTERMEDIATE B	5·0
115	PETHIDINE-INTERMEDIATE C	5·0
116	PHENADOXONE	10·0
117	PHENAMPROMIDE	10·0
118	PHENAZOCINE	1·0
119	PHENCYCLIDINE	0·002
120	PHENMETRAZINE	2·0
121	PHENOBARBITONE	10·0
122	PHENOMORPHAN	5·0
123	PHENOPERIDINE	1·0
124	PHENYLMETHYLBARBITURIC ACID	10·0
125	PHOLCODINE (except when included in the Second or Fourth Schedule in Appendix "A" to the Poisons Act 1964)	5·0
126	PIMINODINE	10·0
127	PIRITRAMIDE	1·0
128	PROHEPTAZINE	1·0
129	PROPERIDINE	25·0
130	PROPIRAM	4·0
131	PSILOCIN	0·1
132	PSILOCYBIN	0·1
133	PSYCHOTOMIMETIC SUBSTANCES (structurally derived from methoxyphenethylamine)	0·05
134	QUINALBARBITONE	10·0
135	RACEMETHORPHAN	2·0
136	RACEMORAMIDE	1·0
137	RACEMORPHAN	2·0
138	SECBUTOBARBITONE	10·0
139	TALBUTAL	10·0
140	TETRAHYDROCANNABINOLS	2·0

