



Australian Capital Territory

Poisons Act 1933 No 37

Republication No 6

Republication date: 6 December 2001

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Poisons Act 1933* as in force on 6 December 2001. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
12 September 2001



Australian Capital Territory

Poisons Act 1933

Contents

	Page	
Part 1	Preliminary	
1	Name of Act	2
2	Definitions for Act	2
3	Meaning of <i>possession</i>	3
Part 2	Administration	
4	Crown not bound	4
5	Licences to sell poisons and other substances	4
6	Analysts	4
7	Evidence of analysis	5
8	Powers of inspection	5
9	Calculation of percentages	5

Contents

	Page
10 Declaration of substances by Minister	5
Part 3	
General provisions relating to the sale of poisons and poisonous substances	
11 Sale of poisons and poisonous substances	7
12 Hawking poisons and poisonous substances an offence	7
13 Pharmacists may manufacture poison and poisonous substances	8
14 Storage of poisons	8
15 Automatic machines prohibited	8
Part 4	
Biological preparations and restricted substances	
16 Sale and supply of biological preparations and restricted substances	9
Part 5	
Miscellaneous	
17 Offences in relation to the sale of poisons etc	11
18 Maximum penalty where offence is due to inadvertence	12
19 Averment of prosecution	12
20 Determination of fees	12
20A Approved forms	12
21 Authorised persons	13
22 Regulation-making power	13
Endnotes	
1 About the endnotes	15
2 Abbreviation key	15
3 Legislation history	16
4 Amendment history	19
5 Earlier republications	25
6 Renumbered provisions	25

Amendments incorporated to
12 September 2001



Australian Capital Territory

Poisons Act 1933

An Act relating to the control, sale and use of poisons and poisonous substances, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Poisons Act 1933*.

2 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

analyst means an analyst under section 6.

authorised person, for this Act, means a public employee appointed under section 21.

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 at the time of sale or supply of the seller or supplier or of any employee or agent of the seller or supplier.

biological preparation means a substance declared under section 10 to be a biological preparation.

British pharmacopoeia means the British pharmacopoeia in its current issue as from time to time issued by the General Council of Medical Education and Registration of the United Kingdom.

drugs and poisons standard—see the *Poisons and Drugs Act 1978*, section 2.

licence means any valid and unexpired licence granted under this Act.

licensee means the holder of any licence.

poison means a substance the introduction of which into the body of a person by any route involves the risk of death to the person, and

includes a substance declared under section 10 to be a poison, but does not include a substance that is a poison within the meaning of the *Poisons and Drugs Act 1978*.

poisonous substance means a substance the introduction of which into the body of a person by any route involves the risk of material departure from the normal health of the person, and includes a substance declared under section 10 to be a poisonous substance, but does not include a substance that is a poison within the meaning of the *Poisons and Drugs Act 1978*.

restricted substance means a substance declared under section 10 to be a restricted substance.

sell includes—

- (a) offer for sale; and
- (b) expose for sale; and
- (c) barter (or offer or expose for barter); and
- (d) exchange (or offer or expose for exchange); and
- (e) supply for value (or offer or expose to supply for value); and
- (f) supply for free (or offer or expose to supply for free) to gain or maintain custom, or otherwise for commercial gain; and
- (g) have in possession for sale.

3 Meaning of *possession*

Without restricting the meaning of the word ***possession***, a substance shall, for this Act, be deemed to be in the possession of any person so long as it remains or is upon any land or premises occupied by the person, or is used, enjoyed or controlled by the person in any place whatever, unless it is shown that he or she had no knowledge thereof.

Part 2 Administration

4 Crown not bound

This Act does not bind the Crown.

5 Licences to sell poisons and other substances

- (1) The chief health officer may grant to a person who the chief health officer believes on reasonable grounds to be a fit and proper person a licence to sell poisons, poisonous substances, biological preparations or restricted substances.

Note A fee may be determined under s 20 (Determination of fees) for this section.

- (2) Any licence so granted may be limited to apply to the sale of any particular substance or substances and shall be subject to such conditions as are prescribed or as the chief health officer specifies.
- (3) A licence shall remain in force until revoked by the chief health officer.
- (4) The chief health officer may, where a licensee has committed any breach of this Act or of the conditions upon which the licence was issued, revoke the licence.

6 Analysts

- (1) There may be 1 or more analysts for this Act.
- (2) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include performing the functions of an analyst.
- (3) An analyst shall be any public servant for the time being performing the duties of a public service office referred to in subsection (2).

7 Evidence of analysis

In proceedings in the Magistrates Court for an offence against this Act, a certificate purporting to be signed by an analyst and to state the results of an analysis of a substance is—

- (a) to be taken to have been signed by an analyst, unless the contrary is proved; and
- (b) is evidence of the matters stated in the certificate.

8 Powers of inspection

For this Act, any authorised person may enter any premises and may demand the production of, and may inspect, any books or documents and any stocks of poisons, poisonous substances, biological preparations, restricted substances and any schedule 4 substances within the meaning of the *Poisons and Drugs Act 1978*.

9 Calculation of percentages

For this Act, percentages of liquid preparations are to be calculated on the basis that a preparation containing 1% of any preparation is a preparation in which—

- (a) if the substance is a solid—1g of the substance is contained in every 100ml of the preparation; and
- (b) if the substance is a liquid—1ml of the substance is contained in every 100ml of the preparation.

10 Declaration of substances by Minister

- (1) The Minister may, in writing, declare what substances are for this Act—
 - (a) poisons; or
 - (b) poisonous substances; or
 - (c) restricted substances; or

- (d) substances the sale of which is attended by certain conditions;
or
- (e) biological preparations; or
- (f) are exempted from this Act, either generally or with limitations as to place and subject matter, and either absolutely or subject to any specified conditions or restrictions;

and may in any such notice define the substances so declared.

- (2) Without limiting subsection (1), a substance may be declared by applying, with or without modification, provisions of the drugs and poisons standard.
- (3) A declaration under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 3

General provisions relating to the sale of poisons and poisonous substances

11 Sale of poisons and poisonous substances

A person shall not sell or have in his or her possession for sale any poison or poisonous substance unless the person is—

- (a) a doctor; or
- (b) a pharmacist; or
- (c) a veterinary surgeon; or
- (d) the holder of a licence authorising him or her to sell the article in question.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

12 Hawking poisons and poisonous substances an offence

A person must not in any street or public place or from house to house—

- (a) sell a poison or poisonous substance; or
- (b) hawk or peddle a poison or poisonous substance; or
- (c) distribute a poison or poisonous substance as samples or cause a poison or poisonous substance to be distributed as samples.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

13 Pharmacists may manufacture poison and poisonous substances

Subject to this Act, a pharmacist may—

- (a) manufacture in the ordinary course of his or her retail business any preparation, admixture or extract of any poison or poisonous substance; and
- (b) carry on the business of retailing, dispensing or compounding any poison or poisonous substance; and
- (c) supply a poison or poisonous substance to a doctor, dentist or veterinary surgeon.

14 Storage of poisons

Every licensee shall store or keep all poisons under such conditions of storage as are prescribed.

Maximum penalty: 50 penalty units.

15 Automatic machines prohibited

A person must not—

- (a) install an automatic machine for the sale or supply of a poison or poisonous substance; or
- (b) sell or supply a poison or poisonous substance using an automatic machine.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

Part 4 **Biological preparations and restricted substances**

16 Sale and supply of biological preparations and restricted substances

- (1) A person shall not sell or supply to, or dispense for, another person a biological preparation or restricted substance unless that other person is—
- (a) a doctor; or
 - (b) a dentist; or
 - (c) a pharmacist; or
 - (d) a veterinary surgeon; or
 - (e) the holder of a licence to sell that preparation or that substance, as the case may be; or
 - (f) a public employee who is authorised in writing by the Minister; or
 - (g) a person who presents a prescription signed by a doctor, dentist or veterinary surgeon authorising the sale or supply to, or dispensing for, that person or another person for whom that person is acting of that preparation or that substance.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person shall not offer for sale a biological preparation or restricted substance unless he or she is—
- (a) a doctor; or
 - (b) a pharmacist; or
 - (c) a veterinary surgeon; or

Part 4 Biological preparations and restricted substances

Section 16

- (d) the holder of a licence to sell that preparation or that substance, as the case may be; or
- (e) a public employee who is authorised in writing by the Minister.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

Part 5 Miscellaneous

17 Offences in relation to the sale of poisons etc

- (1) A person must not sell a poison or poisonous substance, or a preparation containing a poison or poisonous substance, in contravention of this Act.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person must not sell a poison or poisonous substance without having made the entries required by this Act.

Maximum penalty: 10 penalty units.

- (3) A person must not sell a poison or poisonous substance without having obtained the signatures required by this Act.

Maximum penalty: 5 penalty units.

- (4) A person must not buy a poison or poisonous substance and give false information to the seller about the matters the seller is entitled or required by this Act to inquire into.

Maximum penalty: 10 penalty units.

- (5) A person must not sign his or her name as a witness to the sale of poison to a person unknown to him or her.

Maximum penalty: 10 penalty units.

- (6) A person must not, without reasonable excuse, fail to produce a book, document or material in stock if required so to do by an authorised person under this Act.

Maximum penalty: 50 penalty units.

- (7) A person must not, without reasonable excuse, hinder or obstruct an authorised person in the exercise of his or her functions under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

18 Maximum penalty where offence is due to inadvertence

A person shall not, on conviction for any offence against this Act relating to—

- (a) the keeping of books; or
- (b) the issuing or dispensing of prescriptions issued by doctors;

be sentenced to imprisonment or to pay a penalty of more than 10 penalty units if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connection with, the commission or intended commission of any other offence.

19 Averment of prosecution

In every prosecution for an offence against this Act the averment of the prosecutor contained in the information shall, in the absence of proof to the contrary, be deemed to be proved.

20 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

20A Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*

21 Authorised persons

The Minister may appoint a public employee to be an authorised person for this Act.

Note: A person may be appointed for a particular provision of the Act (see *Legislation Act 2001*, s 7).

22 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to the following matters:
 - (a) the manufacture, storage and safe custody of poisons and poisonous substances;
 - (b) the colouring of any poison or poisonous substance;
 - (c) the shape, size, materials and labelling of the containers or packages in which any poisons or poisonous substances may be sold;
 - (d) the printing on packages, in which any poison is enclosed, contained, or packed for sale, of the name of an effective remedy to counteract the effects of the poison;
 - (e) the inspection by police officers or authorised persons of books and other documents;
 - (f) the issue of licences;

- (g) the prohibition of the manufacture of any poison or poisonous substance, except on premises licensed for the purpose or by pharmacists on their premises;
 - (h) the prohibition of the manufacture or distribution of any poison or poisonous substance except by doctors, pharmacists, veterinary surgeons, persons holding licences for that purpose or persons authorised under section 16;
 - (i) the issue by doctors of prescriptions containing any poison or poisonous substance and the dispensing of those prescriptions;
 - (j) the keeping of records and furnishing of information either in writing or otherwise by persons engaged in the manufacture, sale or distribution of any poison or poisonous substance;
 - (k) the control of the sale of methylated spirit.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

Endnotes

3 Legislation history

3 Legislation history

The *Poisons Act 1933* was originally the *Poisons and Dangerous Drugs Ordinance 1933*. It became an ACT Act on self-government (11 May 1989).

Legislation before self-government

Poisons Act 1933 No 37

notified 21 December 1933

commenced 1 January 1934 (s 2 and Cwlth Gaz 1933 p 1926)

Poisons and Dangerous Drugs Ordinance 1936 No 24

notified 25 June 1936

commenced 25 June 1936

Ordinances Revision Ordinance 1938 No 35

notified 15 December 1938

commenced 15 December 1938

Poisons and Dangerous Drugs Ordinance 1954 No 13

notified 10 June 1954

commenced 10 June 1954

Poisons and Dangerous Drugs Ordinance 1963 No 1 sch 2

notified 14 March 1963

commenced 14 March 1963

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19

notified 23 December 1966

commenced 23 December 1966

Poisons and Dangerous Drugs Ordinance 1967 No 32

notified 29 September 1967

commenced 29 September 1967

Ordinances Revision (Health Commission) Ordinance 1975 No 17

notified 1 July 1975

commenced 1 July 1957

Poisons and Dangerous Drugs Ordinance 1976 No 36

notified 27 August 1976

commenced 27 August 1976

Poisons and Dangerous Drugs (Amendment) Ordinance 1978 No 9

notified 16 March 1978
commenced 16 March 1978

Poisons and Dangerous Drugs (Amendment) Ordinance (No 2) 1978 No 39

notified 19 December 1978
commenced 29 December 1978 (s 3 and Cwlth Gaz 1978 No S290)

Ordinances Revision Ordinance 1978 No 46

notified 28 December 1978
commenced 28 December 1978

Poisons and Dangerous Drugs (Amendment) Ordinance 1981 No 20

notified 28 August 1981
commenced 28 August 1981

Poisons and Dangerous Drugs (Amendment) Ordinance 1982 No 46

notified 30 June 1982
commenced 30 June 1982

Magistrates Court Ordinance 1985 No 67

notified 19 December 1985
commenced 1 February 1986 (Cwlth Gaz 1986 No G3)

Community and Health Service (Consequential Provisions) Ordinance 1988 No 29

notified 30 June 1988
commenced 2 July 1988

Poisons (Amendment) Ordinance 1989 No 12

notified 15 March 1989
commenced 1 April 1989 (Cwlth Gaz 1989 No S109)

Self-Government (Consequential Amendments) Ordinance 1989 No 38

notified 10 May 1989
s 1, s 2 commenced 10 May 1989
remainder commenced 11 May 1989 (s 2 (2) and Cwlth Gaz 1989 No S164)

Endnotes

3 Legislation history

Legislation after self-government

Health Services (Consequential Provisions) Act 1990 No 63

notified 28 December 1990

s 1, s 2 commenced 28 December 1990

remainder commenced 31 Jan 1991 (s 2 (2) and Gaz 1991 No S4)

Poisons (Amendment) Act 1993 No 9

notified 1 March 1993

ss 1-3 commenced 1 March 1993

remainder commenced 31 March 1993 (s 2 (2) and Gaz 1993 No S53)

Health (Consequential Provisions) Act 1993 No 14

notified 1 March 1993

commenced 1 March 1993 (s 2)

Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38

notified 30 June 1994

s 1, s 2 commenced 30 June 1994

remainder commenced 1 July 1994 (Gaz 1994 No S142)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97

notified 15 December 1994

s 1, s 2 commenced 15 December 1994

remainder commenced 15 December 1994 (Gaz 1994 No S293)

Public Health (Miscellaneous Provisions) Act 1997 No 70

notified 9 October 1997

ss 41 and 43 (1) commenced 13 August 1998 (Gaz 1998 No S185)

Statute Law Revision (Penalties) Act 1998 No 54

notified 27 November 1998

s 1, s 2 commenced 27 November 1998

remainder commenced 9 December 1998 (Gaz 1998 No 49)

Health and Community Care Legislation Amendment Act 2000 No 28

notified 30 June 2000 (Gaz 2000 No S30)

s 1, s 2 commenced 30 June 2000 (IA s 10B)

remainder commenced 1 July 2000 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 287

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 287 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

4 Amendment history**Title**

title am 1989 No 12 s 4

Name of Acts 1 am 1989 No 12 s 5
sub 2000 No 28 s 3 sch 1**Definitions**

s 2 orig s 2 om 2000 No 28 s 3 sch 1
 (prev s 5 (1)) am 1967 No 32 s 5; 1978 No 39; 1993 No 9 sch;
 2000 No 28 sch 1
 renum 2000 No 28 s 3 sch 1
 am 2001 No 44 amdt 1.3216, amdt 1.3217
 def **analyst** ins 1994 No 97 sch
 def **authorised person** am 1975 No 17 s 15; 1990 No 63 sch 1;
 1993 No 14 sch 1
 sub 2000 No 28 sch 1
 def **biological preparation** ins 1989 No 12 s 6
 def **Board** ins 1990 No 63 sch 1
 om 1993 No 14 sch 1
 def **Chief Health Officer** ins 1997 No 70 sch 1
 om 2000 No 28 sch 1
 def **Coca Leaves** om 1978 No 39 s 4
 def **Commissioner** ins 1975 No 17 s 15
 om 1988 No 29 sch
 def **Container** om 1993 No 9 s 4
 def **crude cocaine** om 1978 No 39 s 4
 def **determined fee** ins 1989 No 12 s 6
 om 2001 No 44 amdt 1.3218
 def **Director-General** om 1978 No 39 s 4
 def **drugs and poisons standard** ins 2000 No 28 s 4
 def **General Manager** ins 1988 No 29 sch
 om 1990 No 63 sch 1
 def **Indian hemp** om 1978 No 39 s 4
 def **Label** om 1978 No 39 s 4
 def **Manufacture** om 1989 No 12 s 6
 def **Medical Officer of Health** ins 1990 No 63 sch 1
 om 1997 No 70 sch 1
 def **Medicinal opium** om 1978 No 39 s 4
 def **Methylated spirit** om 1993 No 9 s 4
 def **Narcotic Drug** om 1989 No 12 s 6

Endnotes

4 Amendment history

def **Package** om 1978 No 39 s 4
def **poison** am 1993 No 9 s 4
sub 2000 No 28 sch 1
def **poisonous substance** am 1993 No 9 s 4
sub 2000 No 28 sch 1
def **Poisons Register** om 1993 No 9 s 4
def **Prepared opium** om 1978 No 39 s 4
def **Raw opium** om 1978 No 39 s 4
def **registered dentist** om 2000 No 28 sch 1
def **registered medical practitioner** om 2000 No 28 sch 1
def **registered pharmacist** om 2000 No 28 sch 1
def **registered Veterinary Surgeon** om 2000 No 28 sch 1
def **restricted substance** ins 1978 No 39 s 4
am 1989 No 12 s 6
def **sell** ins 2000 No 28 sch 1
def **sells** om 2000 No 28 sch 1
def **Service** ins 1988 No 29 sch
om 1990 No 63 sch 1
def **this Act** om 2001 No 44 amdt 1.3218
def **the Board** om 1974 No 17 s 15
def **the Director** ins 1967 No 32 s 5
om 1975 No 17 s 15
def **the Minister** om 1978 No 46 sch

Meaning of possession

s 3 hdg ins 2000 No 28 s 3 sch 1
s 3 orig s 3 om 2000 No 28 s 3 sch 1
(prev s 5 (2)) renum 2000 No 28 s 3 sch 1

Crown not bound

s 4 orig s 4 am 1963 No 1 s 3; 1967 No 32 s 2
om 1976 No 36 s 2
(prev s 7) am 1938 No 35 sch 2; 1967 No 32 s 4; 1975 No 17 s
15; 1988 No 29 sch; 1990 No 63 sch 1; 1993 No 9 sch
sub 1993 No 14 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Licences to sell poisons and other substances

s 5 (prev s 8) am 1975 No 17 s 15; 1978 No 39 s 4; 1982 No 46;
1988 No 29 sch; 1989 No 12 s 7; 1990 No 63 sch 1; 1993 No
14 sch 1; 1997 No 70 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)
am 2001 No 44 amdt 1.3219, amdt 1.3220

Analysts

s 6 orig s 6 am 1975 No 17 sch 1
om 1988 No 29 sch
(prev s 9) am 1936 No 24
sub 1978 No 39 s 5
am 1985 No 67

sub 1994 No 97 sch
am 2000 No 28 s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Evidence of analysis

s 7 (prev s 9A) ins 1994 No 97 sch
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Powers of inspection

s 8 (prev s 10) am 1967 No 32 s 5; 1978 No 39 sch; 1981 No 20;
1989 No 12 s 8
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Calculation of percentages

s 9 (prev s 11) sub 2000 No 28 s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Declaration of substances by Minister

s 10 (prev s 12) am 1989 No 12 s 9; 1989 No 38 sch 1; 2000 No 28
s 5
renum R6 LRA (see 2000 No 28 s 3 sch 1)
am 2001 No 44 amdt 1.3221, amdt 1.3222

General provisions relating to the sale of poisons and poisonous substances

pt 3 hdg am 1989 No 12 s 10

Sale of poisons and poisonous substances

s 11 (prev s 13) am 1978 No 39 sch; 1993 No 9 sch; 1998 No 54
sch; 2000 No 28 s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Hawking poisons and poisonous substances an offence

s 12 (prev s 14) am 1996 No 19 sch 1; 1978 No 39 sch; 1998 No 54
sch
sub 2000 No 28 s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Pharmacists may manufacture poison and poisonous substances

s 13 (prev s 16) am 1978 No 39 sch; 1993 No 9 sch; 2000 No 28 s 3
sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Storage of poisons

s 14 (prev s 17) am 1989 No 12 s 11; 1998 No 54 sch; 2000 No 28
s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Automatic machines prohibited

s 15 orig s 15 om 1978 No 39 s 7
(prev s 19) am 1978 No 39 sch; 1998 No 54 sch
sub 2000 No 28 s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Endnotes

4 Amendment history

Biological preparations and restricted substances

pt 4 hdg orig pt 4 om 1993 No 9 s 5
prev hdg pt 7 ins 1963 No 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Sale and supply of biological preparations and restricted substances

s 16 (prev s 40) sub 1963 No 1; 1989 No 12 s 13
am 1990 No 63 sch 1; 1993 No 14 sch 1; 1994 No 38; 1998 No
54 sch; 2000 No 28 s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Miscellaneous

pt 5 hdg (orig pt 5) om 1989 No 12 s 12
(prev pt 8) renum R6 LRA (see 2000 No 28 s 3 sch 1)

Offences in relation to the sale of poisons etc

s 17 (prev s 43) am 1978 No 39 sch; 1993 No 9 sch; 1998 No 54 sch
sub 2000 No 28 s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Penalty where offence is due to inadvertence

s 18 orig s 18 am 1978 No 39 sch
om 1993 No 9 s 5
(prev s 45) am 1996 No 19 sch 1; 1998 No 54 sch; 2000 No 28
s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Averment of prosecution

s 19 (prev s 52) renum R6 LRA (see 2000 No 28 s 3 sch 1)

Power of Minister to determine fees

s 20 orig s 20 om 1978 No 39 s 7
(prev s 53A) ins 1989 No 12 s 14
am 2000 No 28 s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)
sub 2001 No 44 amdt 1.3223

Approved forms

s 20A ins 2001 No 44 amdt 1.3223

Authorised persons

s 21 orig s 21 om 1993 No 9 s 5
(prev s 53B) ins 2000 No 28 s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)

Regulation-making power

s 22 hdg (prev s 54 hdg) sub 2000 No 28 s 3 sch 1
s 22 (prev s 54) am 1966 No 19 sch 1; 1989 No 12 s 15; 1998 No 54
sch; 2000 No 28 s 3 sch 1
renum R6 LRA (see 2000 No 28 s 3 sch 1)
am 2001 No 44 amdts 1.3224-1.3228

Persons unable to sign name not to be sold poisons

s 23 om 1993 No 9 s 4

Sale by post

s 24 om 1993 No 9 s 4

Sales to registered medical practitioners etc

s 25 om 1993 No 9 s 4

Arsenic and strychnine

s 26 am 1976 No 36 s 3
om 1993 No 9 s 4

Non-application of this part to medical prescriptions etc

s 27 am 1978 No 39 sch
om 1993 No 9 s 4

Application of part to wholesalers

s 28 om 1993 No 9 s 4

Permits to manufacture narcotic drugs

s 29 am 1966 No 19 sch 1; 1975 No 17 sch 1; 1988 No 29 s 3 sch
om 1989 No 12 s 12

Smoking opium, an offence

s 30 om 1978 No 39 s 7

Possession of opium, an offence

s 31 om 1978 No 39 s 7

Entries to be made in narcotic drugs register

s 32 om 1978 No 39 s 7

Premises may be searched

s 33 am 1975 No 17 sch
om 1978 No 39 s 7

Forfeiture of drugs seized

s 34 om 1978 No 39 s 7

Possession of narcotic drugs

s 35 om 1978 No 39 s 7

Forging medical prescription an offence

s 36 om 1978 No 39 s 7

Obtaining narcotic drugs by fraud

s 37 om 1978 No 39 s 7
s 38 om 1978 No 39 s 7

Poisonous substances

s 39 am 1978 No 39 sch; 1993 No 9 sch
om 1998 No 54 sch

Endnotes

4 Amendment history

Declaration of restricted substances

s 40A ins 1954 No 13
sub 1963 No 1 s 3
om 1989 No 12 s 13

Restrictions on supply of biological preparations etc

s 40B ins 1963 No 1 s 3
am 1966 No 19 sch 1; 1975 No 17 s 15; 1978 No 9 s 2; 1988
No 29 sch
om 1989 No 12 s 13

Supply of biological preparations and restricted substances to be made only be certain persons

s 40C ins 1963 No 1 s 3
am 1966 No 19 sch 1; 1975 No 17 s 15; 1988 No 29 sch
om 1989 No 12 s 13

Hallucinogenic Substances

pt 7A hdg ins 1967 No 32
om 1978 No 39 s 7

Prohibition of manufacture etc of hallucinogenic substances

s 40D ins 1967 No 32
am 1975 No 17 sch 1
om 1978 No 39 s 7

Authorities

s 40E ins 1967 No 32
am 1975 No 17 sch 1
om 1978 No 39 s 7

Drinking methylated spirit an offence

s 41 om 1993 No 9 s 5

Selling methylated spirit for drinking purposes

s 42 om 1993 No 9 s 5

Containers to be used for medicines, etc

s 44 om 1978 No 39

Penalties for offences in relation to narcotic drugs

s 46 am 1966 No 19 sch 1; 1967 No 32 s 7
om 1978 No 39

Offences by companies

s 47 am 1967 No 32 s 8
om 1978 No 39

Burden of proof

s 48 am 1993 No 9 sch
om 2000 No 28 s 3 sch 1

Forgery of documents signatures, etc

s 49 am 1998 No 54 sch
om 2000 No 28 s 3 sch 1

Bribery etc of officers

s 50 am 1966 No 19 sch 1; 1993 No 9 sch; 1998 No 54 sch
om 2000 No 28 s 3 sch 1

Aiding and abetting

s 51 om 2000 No 28 s 3 sch 1

Penalty for offences for which no penalty prescribed

s 53 am 1966 No 19 sch 1; 1967 No 32 s 9; 1978 No 39 s 7
om 1998 No 54 sch

Schedule

sch ins 1967 No 32 s 10
om 1978 No 39 s 7

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Republication No	Amendments to	Republication date
1	Act 1990 No 63	28 February 1991
2	Act 1993 No 14	30 April 1993
3	Act 1994 No 97	30 November 1996
4	Act 1998 No 54	1 March 1999
5	Act 2000 No 28	14 August 2000

6 Renumbered provisions

as made by Act 2000 No 28 and under the *Legislation (Republication) Act 1996*

previous number	provision heading	renumbered or inserted as
5 (1)	Definitions	2
5 (2)	Meaning of possession	3
7	Crown not bound	4

Endnotes

4 Renumbered provisions

previous number	provision heading	renumbered or inserted as
8	Licences to sell poisons and other substances	5
9	Analysts	6
9A	Evidence of analysis	7
10	Powers of inspection	8
11	Calculation of percentages	9
12	Declaration of substances by Minister	10
13	General provisions relating to the scale of poisons and poisonous substances	11
14	Hawking poisons and poisonous substances an offence	12
16	Pharmacists may manufacture poison and poisonous substances	13
17	Storage of poisons	14
19	Automatic machines prohibited	15
pt 7	Biological preparations and restricted substances	pt 4
40	Sale and supply of biological preparations and restricted substances	16
pt 8	Miscellaneous	pt 5
43	Offences in relation to the sale of poisons etc	17
45	Penalty where offence is due to inadvertence	18
52	Averment of prosecution	19
53A	Power of Minister to determine fees	20
53B	Authorised persons	21
54	Regulation-making power	22

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

© Australian Capital Territory 2001