



Australian Capital Territory

# **Public Health (Prohibited Drugs) Act 1957 No 9**

## **Republication No 4**

Republication date: 31 July 2002

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 *Public Health (Prohibited Drugs) Act 1957*, including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes), as in force on 31 July 2002. It also includes any amendment, repeal or expiry affecting the republished law to 12 September 2001.

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](http://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 is—

- (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

# Public Health (Prohibited Drugs) Act 1957

## Contents

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	Page
1 Name of Act	2
2 Definitions for Act	2
4 Manufacture, use, possession etc of prohibited drugs	2
5 Search warrants	2
6 Destruction of prohibited drugs given to chief health officer	3
6A Authority to possess prohibited drugs for research purposes	3
6B Review of decisions of Minister	3
6C Notification of decisions	4
7 Regulation-making power	4

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	Page
<b>Schedule 1</b>	<b>5</b>
<b>Endnotes</b>	
1 About the endnotes	6
2 Abbreviation key	6
3 Legislation history	7
4 Amendment history	9
5 Earlier republications	10

Amendments incorporated to  
12 September 2001



Australian Capital Territory

# Public Health (Prohibited Drugs) Act 1957

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An Act to prohibit the manufacture, use, sale, distribution and possession of prohibited drugs, and for other purposes

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## **1 Name of Act**

This Act is the *Public Health (Prohibited Drugs) Act 1957*.

## **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).

**chief health officer** means the chief health officer under the *Public Health Act 1997*.

**prohibited drug** means—

- (a) a substance the name of which is specified in the schedule 1; or
- (b) a substance of a kind specified in the schedule 1; or
- (c) goods that consist in part of a substance the name of which is specified in the schedule 1 or a substance of a kind specified in the schedule 1.

## **4 Manufacture, use, possession etc of prohibited drugs**

- (1) A person shall not manufacture, prepare, use, sell, dispose of or have in his or her possession a prohibited drug.

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

## **5 Search warrants**

- (1) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that a prohibited drug is on any premises or at any place, he or she may grant a search warrant authorising a police officer named in the warrant, with the assistance that he or she considers necessary, to enter, if need be by force, at any time or times within 1 month from the date of the warrant, on the premises or place named or described in the warrant, and to search the premises or place and any person found on the

premises or place, and to seize and carry away any prohibited drugs found on the premises or place or in the possession of any person on the premises or place.

- (2) A person who seizes a prohibited drug under subsection (1) shall give the drug to the chief health officer.

## **6 Destruction of prohibited drugs given to chief health officer**

A prohibited drug given to the chief health officer under this Act shall be destroyed by a person authorised by the chief health officer in the way the chief health officer directs.

### **6A Authority to possess prohibited drugs for research purposes**

- (1) The Minister may, in writing, authorise a person who is engaged in scientific or medical research to have in his or her possession a specified prohibited drug for the purposes of research.
- (2) An authority under subsection (1) is subject to the conditions and restrictions (if any) specified in the authority.
- (3) A person to whom an authority under subsection (1) has been granted shall comply with the conditions and restrictions specified in the authority for subsection (2).

Maximum penalty: 50 penalty units.

- (4) While an authority granted under subsection (1) remains in force, the person to whom the authority was granted does not commit an offence against section 4 (1) only because of preparing, having in his or her possession or using a prohibited drug specified in the authority.

### **6B Review of decisions of Minister**

Application may be made to the administrative appeals tribunal for a review of a decision of the Minister—

- (a) refusing to authorise a person under section 6A (1); or

- (b) specifying a condition or restriction to which an authority under section 6A (1) is subject; or
- (c) revoking, amending or varying an instrument under section 6A (1).

### **6C Notification of decisions**

- (1) If a decision of a kind referred to in section 6B is made, the Minister shall give notice of the decision to a person whose interests are affected by the decision.
- (2) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

## **7 Regulation-making power**

The Executive may make regulations for this Act.

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

## Schedule 1

(see s 2)

column 1	column 2
item	
1	Allylisopropylacetylurea
2	Aminophenazone
3	Derivatives of aminophenazone
4	Amygdalin
5	Buclosamide
6	Buniodyl sodium
7	Dulcin
8	Methyl cinchophen
9	Oxyphenisatin
10	Acetyl derivatives of oxyphenisatin
11	Triparanol

## Endnotes

1 About the endnotes

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## 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 and expiries 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 endnote.

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
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Public Health (Prohibited Drugs) Ordinance 1957* No 9 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

#### Legislation before becoming Territory enactment

##### **Public Health (Prohibited Drugs) Act 1957 No 9**

notified 3 October 1957

commenced 3 October 1957

as amended by

##### **Ordinances Revision (Decimal Currency) Ordinance 1966 No 19**

notified 23 December 1966

commenced 23 December 1966

##### **Ordinances Revision (Health Commission) Ordinance 1975 No 17**

notified 1 July 1975

commenced 1 July 1975

##### **Public Health (Prohibited Drugs) Ordinance 1975 No 37**

notified 24 October 1975

commenced 24 October 1975

##### **Public Health (Prohibited Drugs) Ordinance 1977 No 39**

notified 24 August 1977

commenced 24 August 1977

##### **Public Health (Prohibited Drugs) (Amendment) Ordinance 1978 No 23**

notified 29 August 1978

commenced 29 August 1978

## Endnotes

3 Legislation history

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**Public Health (Prohibited Drugs) (Amendment) Ordinance (No 2) 1978 No 40**

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

**Ordinances Revision Ordinance 1978 No 46**

notified 28 December 1978  
commenced 28 December 1978

**Magistrates Court Ordinance 1985 No 67 sch pt 1**

notified 19 December 1985  
notified 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

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

notified 30 June 1988  
commenced 2 July 1988 (s 2)

**Public Health (Prohibited Drugs) (Amendment) Ordinance 1988 No 95**

notified 20 December 1988  
commenced 21 December 1988 (s 2 and Cwlth Gaz 1988 No S401)

**Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)  
s 1, s 2 commenced 10 May 1989 (s 2 (1))  
remainder commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

**Legislation after becoming Territory enactment**

**Health Services (Consequential Provisions) Act 1990 No 63 sch 1**

notified 28 December 1990 (Gaz 1990 No S102)  
s 1, s 2 commenced 28 December 1990 (s 2 (1))  
sch 1 commenced 31 January 1991 (s 2 (2) and see Gaz 1991 No S4)

**Health (Consequential Provisions) Act 1993 No 14 sch 1**

notified 1 March 1993 (Gaz 1993 No S23)  
sch 1 commenced 1 March 1993 (s 2)

**Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
 s 1, s 2 commenced 11 October 1994 (s 2 (1))  
 sch 1 commenced 14 November 1994 (s 2 (2)) and see Gaz 1994 No S250)

**Public Health (Miscellaneous Provisions) Act 1997 No 70 sch 1**

notified 9 October 1997 (Gaz 1997 No S300)  
 ss 1-3 commenced 9 October 1997 (s 2 (1))  
 sch 1 commenced 13 August 1998 (s 2 (2) and Gaz 1998 No S185)

**Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
 s 1, s 2 commenced 27 November 1998  
 sch commenced 9 December 1998 (s 2 and Gaz 1998 No 49)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 312**

notified 26 July 2001 (Gaz 2001 No 30)  
 s 1, s 2 commenced 26 July 2001 (IA s 10B)  
 pt 312 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**4 Amendment history****Definitions for Act**

s 2 am 1975 No 17; 1975 No 37; 1978 No 40; 1978 No 46; 1985 No 67 sch pt 1; 1988 No 29 sch  
 def **board** ins 1990 No 63 sch 1  
 om 1993 No 14 sch 1  
 def **chief health officer** ins 1997 No 70 sch 1  
 def **general manager** om 1990 No 63 sch 1  
 def **medical officer of health** ins 1990 No 63 sch 1  
 om 1997 No 70 sch 1  
 def **service** om 1990 No 63 sch 1

**Prohibited drugs**

s 3 om 1975 No 37

**Manufacture, use, possession etc of prohibited drugs**

s 4 am 1966 No 19; 1975 No 17; 1975 No 37; 1978 No 40; 1998 No 54 sch

**Search warrants**

s 5 am 1975 No 17; 1988 No 29; 1990 No 63 sch 1; 1997 No 70 sch 1

## Endnotes

### 5 Earlier republications

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#### **Destruction of prohibited drugs given to chief health officer**

s 6 am 1975 No 17; 1977 No 39; 1988 No 29; 1990 No 63 sch 1;  
1997 No 70 sch 1

#### **Authority to possess prohibited drugs for research purposes**

s 6A ins 1977 No 39  
am 1988 No 29; 1990 No 63 sch 1; 1993 No 14 sch 1; 1998 No  
54 sch

#### **Review of decisions of Minister**

s 6B ins 1978 No 23  
am 1988 No 29; 1990 No 63 sch 1; 1993 No 14 sch 1

#### **Notification of decisions**

s 6C ins 1994 No 60 sch 1

#### **Regulation-making power**

s 7 am 1989 No 38 sch 1  
sub 2001 No 44 amdt 1.3450

#### **Schedule 1**

sch 1 ins 1975 No 37  
sub 1978 No 40  
am 1988 No 95  
renum R4 LA

## 5 Earlier republications

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

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 63	31 July 1991
2	Act 1993 No 14	31 January 1994
3	Act 1998 No 54	31 March 1999

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