

No. 39 of 1978

AN ORDINANCE

To amend the *Poisons and Dangerous Drugs Ordinance 1933*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this thirteenth day of December 1978.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

RALPH J. HUNT
Minister of State for Health

POISONS AND DANGEROUS DRUGS (AMENDMENT) ORDINANCE (No. 2) 1978

1. This Ordinance may be cited as the *Poisons and Dangerous Drugs (Amendment) Ordinance (No. 2) 1978*.* Short title
2. In this Ordinance, "Principal Ordinance" means the *Poisons and Dangerous Drugs Ordinance 1933*.† Principal Ordinance
3. This Ordinance shall come into operation on the date fixed under section 2 of the *Poisons and Narcotic Drugs Ordinance 1978*. Commencement
4. Section 5 of the Principal Ordinance is amended— Interpretation
 - (a) by omitting from sub-section (1) the definitions of "Coca Leaves", "Crude cocaine", "Director-General", "Indian hemp", "Label", "Medicinal opium", "Package", "Prepared opium" and "Raw opium"; and
 - (b) by inserting in sub-section (1), after the definition of "Registered Veterinary Surgeon", the following definition:
" 'restricted substance' means a substance in respect of which a declaration under section 40A is, for the time being, in force;".

* Notified in the *Commonwealth of Australia Gazette* on 19 December 1978.

† Ordinance No. 37, 1933 as amended by No. 24, 1936; No. 35, 1938; No. 13, 1954; No. 1, 1963; No. 19, 1966; No. 32, 1967; No. 17, 1975; No. 36, 1976; and No. 9, 1978.

5. Section 9 of the Principal Ordinance is repealed and the following section substituted:

Analysts

“ 9. (1) The Minister may, by instrument in writing, appoint a person to be an analyst for the purposes of this Ordinance.

“ (2) In proceedings in the Court of Petty Sessions for an offence against this Ordinance, a certificate signed by a person appointed under sub-section (1) and stating the result of an analysis of a substance is evidence of the matters stated in the certificate.

“ (3) For the purpose of sub-section (2), a document that purports to be signed by a person appointed under sub-section (1) shall, unless the contrary is proved, be taken to have been so signed.”

Further amendments

6. The Principal Ordinance is amended as set out in the Schedule.

Repeals

7. (1) Sections 15, 20, 30 to 38 (inclusive), 44, 46 and 47 of the Principal Ordinance are repealed.

(2) Part VIIA of the Principal Ordinance is repealed.

(3) The Schedule to the Principal Ordinance is repealed.

Saving

8. An appointment made under section 9 of the Principal Ordinance and in force immediately before the commencement of this Ordinance has the same force after that commencement as it would have had if—

(a) this Ordinance had been in operation when the appointment was made; and

(b) the appointment had been made under the Principal Ordinance as amended by this Ordinance.

SCHEDULE

Section 6

AMENDMENTS OF PRINCIPAL ORDINANCE

Provision amended	Amendment
Sub-section 8 (1)	After “ poisonous substances ”, insert “, restricted substances ”
Section 10	Omit “ substances specified in the Schedule to this Ordinance ”, substitute “ restricted substances ”
Section 13	Omit “, narcotic drug ”
Section 14	Omit “, narcotic drug ”
Section 16	Omit “, narcotic drug ” (wherever occurring)
Sub-section 18 (1)	Omit “ or narcotic drug ”
Section 19	Omit “, narcotic drug ” (wherever occurring)
Section 27	Omit all words from and including “ Provided ” to the end of the section
Section 39	Omit all words from and including “ and unless ” to the end of the section
Section 43	(a) Omit “, narcotic drug ” (wherever occurring) (b) Omit “ or narcotic drug ” from paragraph (e)
Section 53	Omit “, other than an offence in relation to narcotic drugs or in relation to a substance specified in the Schedule to this Ordinance,”