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## Poisons and Narcotic Drugs (Amendment) Ordinance 1981

No. 19 of 1981

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 20 August 1981.

ZELMAN COWEN  
Governor-General

By His Excellency's Command,

MICHAEL MACKELLAR  
Minister of State for Health

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An Ordinance to amend the *Poisons and Narcotic Drugs Ordinance 1978*

### Short title

1. This Ordinance may be cited as the *Poisons and Narcotic Drugs (Amendment) Ordinance 1981*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Poisons and Narcotic Drugs Ordinance 1978*.<sup>2</sup>

3. After Part II of the Principal Ordinance, the following part is inserted:

### "PART IIA—PSYCHOTROPIC SUBSTANCES

#### Interpretation

"29A. In this Part—

'licence' means a licence under section 29D;

'psychotropic substance' means a substance that—

- (a) is a psychotropic substance within the meaning of the *Psychotropic Substances Act 1976*; and
- (b) is either a Schedule 4 substance or a Schedule 8 substance.

**Manufacture of psychotropic substances prohibited**

“29B. (1) A person shall not manufacture a psychotropic substance unless he is the holder of a licence authorizing him to manufacture the substance.

Penalty: \$2,000 or imprisonment for 2 years, or both.

“(2) Nothing in sub-section (1) applies to or in relation to the manufacture of a scheduled substance that is a drug within the meaning of the *Narcotic Drugs Act 1967*.

“(3) Nothing in sub-section (1) applies to or in relation to the manufacture, in the ordinary course of the practice of his profession, by a medical practitioner, a veterinary surgeon or a pharmacist of a psychotropic substance.

“(4) For the purposes of this section and without limiting the meaning of the word ‘manufacture’, the manufacture of a substance includes—

- (a) the carrying out of any process by means of which the substance may be obtained; and
- (b) the separation of the substance from a plant from which it may be obtained.

**Application for licence**

“29C. An application for the grant of a licence—

- (a) shall be in writing signed by the applicant;
- (b) shall be lodged with the Chairman;
- (c) shall state the full name and address of the applicant;
- (d) shall specify the substance or substances in respect of which the licence is sought;
- (e) shall specify the premises at which it is proposed the substance or substances will be manufactured; and
- (f) shall contain such other information (if any) as is prescribed.

**Grant of licence**

“29D. (1) The Chairman may grant a licence for the purposes of this Part to a person who—

- (a) has made an application in accordance with section 29C; and
- (b) has paid the prescribed fee.

“(2) The Chairman may grant a licence subject to such conditions (if any) as he thinks fit.

“(3) Where the Chairman refuses an application for a licence, he shall notify the applicant in writing of the refusal.

“(4) For the purpose of determining an application for a licence, the Chairman shall have regard to—

- (a) the nature of the substance or substances, as the case may be, in respect of which a licence is sought;

- (b) the qualifications of the applicant, or, where the applicant is a body corporate, persons employed or to be employed by the applicant, to carry on the manufacture of the substance or substances in respect of which the licence is sought; and
- (c) whether it would, in all the circumstances, be in the public interest for the licence to be granted.

#### **Contents of licences**

“29E. A licence shall be in writing and shall specify—

- (a) the name and address of the licensee;
- (b) the period for which the licence is granted;
- (c) the premises to which the licence relates;
- (d) each substance the manufacture of which is authorized by the licence; and
- (e) the conditions (if any) to which the licence is subject.

#### **Duration of licence**

“29F. A licence, unless sooner surrendered to the Chairman or cancelled, remains in force for such period, not exceeding one year, as is specified in the licence.

#### **Cancellation of licences**

“29G. The Chairman may cancel a licence where—

- (a) the licensee has been convicted of an offence against this Ordinance; or
- (b) the licensee has contravened, or failed to comply with, a condition to which the licence is subject.

#### **Notice of cancellation of licence**

“29H. (1) The Chairman shall cause notice in writing of the cancellation of a licence to be given to the holder of the licence.

“(2) Notice for the purpose of sub-section (1) may be given by post addressed to the holder of the licence at his place of residence or business last known to the Chairman.

“(3) The cancellation of a licence takes effect on such date as is specified in the notice given for the purpose of sub-section (1), being a date not earlier than the date on which that notice is so given.

#### **Appeals**

“29J. (1) In this section, ‘Tribunal’ means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975*.

“(2) Application may be made to the Tribunal for a review of a decision of the Chairman—

- (a) refusing to grant a licence for the purposes of this Part;
- (b) granting such a licence subject to a condition; or
- (c) cancelling a licence.”

**Amendments of Schedule 4**

4. Schedule 4 to the Principal Ordinance is amended—

- (a) by inserting after the entry relating to Ether the following entries:  
    “Ethchlorvynol  
    Ethinamate”; and
- (b) by inserting after the entry “Leptazol” the entry “Lefetamine”.

**Amendments of Schedule 12**

5. Schedule 12 to the Principal Ordinance is amended—

- (a) by inserting after the entry “Diethyltryptamine” the entry “DMHP”;  
    and
- (b) by inserting after the entry “3,4-Methylenedioxyamphetamine” the  
    entry “Parahexyl”.

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**NOTES**

- 1. Notified in the *Commonwealth of Australia Gazette* on 28 August 1981.
- 2. No. 38, 1978.