

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 37, 1954.

An Act to prohibit the manufacture, use, sale, distribution or possession of diamorphine (commonly known as heroin); for these and other purposes to amend the Police Offences (Amendment) Act, 1908, and certain other Acts; and for purposes connected therewith. [Assented to, 2nd December, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Police Offences Amendment (Drugs) Act, 1954."

Short title and commencement.

Police Offences Amendment (Drugs).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 12, 1908.

2. The Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, is amended—

Sec. 18. (Definitions and application of Part VI.)

- (a) (i) by omitting from paragraph (a) of subsection two of section eighteen the words "ecgonine, and diamorphine (commonly known as heroin)" and by inserting in lieu thereof the words "and ecgonine";
- (ii) by omitting from the same paragraph the words "cocaine, or diamorphine" and by inserting in lieu thereof the words "or cocaine";

New Part VIa.

(b) by inserting next after section 20B the following new Part:—

PART VIa.

DIAMORPHINE (HEROIN) AND OTHER PROHIBITED DRUGS.

Prohibition of manufacture, sale, use, etc., of heroin, etc.

20c. (1) In this section "diamorphine" includes its salts and any preparation, admixture, extract or other substance containing any proportion of diamorphine.

(2) If any person—

- (a) manufactures, prepares, sells, distributes, supplies, or otherwise deals in diamorphine;
- (b) has in his possession any diamorphine; or
- (c) uses diamorphine,

he shall be guilty of an offence against this Part of this Act.

Any diamorphine in the order or disposition of any person shall be deemed to be in his possession. (3)

Police Offences Amendment (Drugs).

(3) (a) The Governor may, by proclamation published in the Gazette, declare that this Part of this Act shall apply to any other substance of whatever kind in the same manner as it applies to diamorphine.

(b) The Governor may in like manner repeal, alter, or amend any proclamation issued in pursuance of paragraph (a) of this subsection.

(c) If any such substance is a drug or other preparation, admixture, extract or substance to which Part VI of this Act applies, the provisions of that Part shall not apply to such substance during the time any proclamation under paragraph (a) of this subsection, or any such proclamation as altered or amended under paragraph (b) of this subsection, is in force in respect of such substance.

(d) Any proclamation made under this subsection shall—

- (i) take effect from the date of publication, or from a later date specified in the proclamation; and
- (ii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sittings days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such proclamation has been laid before such House disallowing any proclamation or part thereof, such proclamation or part shall thereupon cease to have effect.

Police Offences Amendment (Drugs).

(4) If a justice is satisfied by information on oath that there is reasonable ground for suspecting that any diamorphine is in the possession or under the control of any person in any premises such justice may grant a search warrant authorising any constable named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein.

(5) If any person wilfully delays or obstructs any constable in the exercise of his powers under subsection four of this section he shall be guilty of an offence against this Part of this Act.

(6) The provisions of subsections one, four, five and seven of section 20B of this Act shall, mutatis mutandis, apply to and in respect of any person guilty of an offence against this Part of this Act.

(7) Any diamorphine in the possession or under the control of any person may be seized by any member of the police force and such diamorphine shall be forfeited to Her Majesty.

Sec. 1.
(Consequential.)

(c) by inserting in section one next after the matter relating to Part VI the following new matter:—

**PART VIA.—DIAMORPHINE (HEROIN) AND
OTHER PROHIBITED DRUGS.—s. 20C.**

BY AUTHORITY:

A. H. PETTIFER, Government Printer, Sydney, 1954.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 November, 1954.*

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 37, 1954.

An Act to prohibit the manufacture, use, sale, distribution or possession of diamorphine (commonly known as heroin); for these and other purposes to amend the Police Offences (Amendment) Act, 1908, and certain other Acts; and for purposes connected therewith. [Assented to, 2nd December, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Police Offences Amendment (Drugs) Act, 1954."

Short title
and com-
mencement.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Police Offences Amendment (Drugs).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 12, 1908. **2.** The Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, is amended—

Sec. 18.
(Definitions and application of Part VI.)

- (a) (i) by omitting from paragraph (a) of subsection two of section eighteen the words “ecgonine, and diamorphine (commonly known as heroin)” and by inserting in lieu thereof the words “and ecgonine”;
- (ii) by omitting from the same paragraph the words “cocaine, or diamorphine” and by inserting in lieu thereof the words “or cocaine”;

New Part VI.A.

- (b) by inserting next after section 20B the following new Part:—

PART VI.A.

DIAMORPHINE (HEROIN) AND OTHER PROHIBITED DRUGS.

Prohibition of manufacture, sale, use, etc., of heroin, etc.

20C. (1) In this section “diamorphine” includes its salts and any preparation, admixture, extract or other substance containing any proportion of diamorphine.

(2) If any person—

- (a) manufactures, prepares, sells, distributes, supplies, or otherwise deals in diamorphine;
- (b) has in his possession any diamorphine;
or
- (c) uses diamorphine,

he shall be guilty of an offence against this Part of this Act.

Any diamorphine in the order or disposition of any person shall be deemed to be in his possession. (3)

Police Offences Amendment (Drugs).

(3) (a) The Governor may, by proclamation published in the Gazette, declare that this Part of this Act shall apply to any other substance of whatever kind in the same manner as it applies to diamorphine.

(b) The Governor may in like manner repeal, alter, or amend any proclamation issued in pursuance of paragraph (a) of this subsection.

(c) If any such substance is a drug or other preparation, admixture, extract or substance to which Part VI of this Act applies, the provisions of that Part shall not apply to such substance during the time any proclamation under paragraph (a) of this subsection, or any such proclamation as altered or amended under paragraph (b) of this subsection, is in force in respect of such substance.

(d) Any proclamation made under this subsection shall—

- (i) take effect from the date of publication, or from a later date specified in the proclamation; and
- (ii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sittings days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such proclamation has been laid before such House disallowing any proclamation or part thereof, such proclamation or part shall thereupon cease to have effect.

(4)

Police Offences Amendment (Drugs).

(4) If a justice is satisfied by information on oath that there is reasonable ground for suspecting that any diamorphine is in the possession or under the control of any person in any premises such justice may grant a search warrant authorising any constable named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein.

(5) If any person wilfully delays or obstructs any constable in the exercise of his powers under subsection four of this section he shall be guilty of an offence against this Part of this Act.

(6) The provisions of subsections one, four, five and seven of section 20B of this Act shall, *mutatis mutandis*, apply to and in respect of any person guilty of an offence against this Part of this Act.

(7) Any diamorphine in the possession or under the control of any person may be seized by any member of the police force and such diamorphine shall be forfeited to Her Majesty.

Sec. 1.
(Consequential.)

(c) by inserting in section one next after the matter relating to Part VI the following new matter:—

PART VIA.—DIAMORPHINE (HEROIN) AND
OTHER PROHIBITED DRUGS.—s. 20C.

In the name and on behalf of Her Majesty I assent to this Act.

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 2nd December, 1954.*

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 16 November, 1954.*

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1954.

An Act to prohibit the manufacture, use, sale, distribution or possession of diamorphine (commonly known as heroin); for these and other purposes to amend the Police Offences (Amendment) Act, 1908, and certain other Acts; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Police Offences Amendment (Drugs) Act, 1954."

Short title
and com-
mencement.

Police Offences Amendment (Drugs).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, is amended—

Amendment of Act No. 12, 1908.

(a) (i) by omitting from paragraph (a) of subsection two of section eighteen the words "ecgonine, and diamorphine (commonly known as heroin)" and by inserting in lieu thereof the words "and ecgonine";

Sec. 18. (Definitions and application of Part VI.)

(ii) by omitting from the same paragraph the words "cocaine, or diamorphine" and by inserting in lieu thereof the words "or cocaine";

(b) by inserting next after section 20B the following new Part:—

New Part VI.A.

PART VI.A.

DIAMORPHINE (HEROIN) AND OTHER PROHIBITED DRUGS.

20C. (1) In this section "diamorphine" includes its salts and any preparation, admixture, extract or other substance containing any proportion of diamorphine.

Prohibition of manufacture, sale, use, etc., of heroin, etc.

(2) If any person—

(a) manufactures, prepares, sells, distributes, supplies, or otherwise deals in diamorphine;

(b) has in his possession any diamorphine; or

(c) uses diamorphine, he shall be guilty of an offence against this Part of this Act.

Any diamorphine in the order or disposition of any person shall be deemed to be in his possession.

(3)

Police Offences Amendment (Drugs).

5 (3) (a) The Governor may, by proclamation published in the Gazette, declare that this Part of this Act shall apply to any other substance of whatever kind in the same manner as it applies to diamorphine.

(b) The Governor may in like manner repeal, alter, or amend any proclamation issued in pursuance of paragraph (a) of this subsection.

10 (c) If any such substance is a drug or other preparation, admixture, extract or substance to which Part VI of this Act applies, the provisions of that Part shall not apply to
15 such substance during the time any proclamation under paragraph (a) of this subsection, or any such proclamation as altered or amended under paragraph (b) of this subsection, is in force in respect of such substance.

20 (d) Any proclamation made under this subsection shall—

- (i) take effect from the date of publication, or from a later date specified in the proclamation; and
- 25 (ii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sittings days after the commencement of the next session.

30 If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such proclamation has been laid before such House disallowing
35 any proclamation or part thereof, such proclamation or part shall thereupon cease to have effect.

Police Offences Amendment (Drugs).

5 (4) If a justice is satisfied by information on oath that there is reasonable ground for suspecting that any diamorphine is in the possession or under the control of any person in any premises such justice may grant a search warrant authorising any constable named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein.

10 (5) If any person wilfully delays or obstructs any constable in the exercise of his powers under subsection four of this section he shall be guilty of an offence against this Part of this Act.

15 (6) The provisions of subsections one, four, five and seven of section 20B of this Act shall, mutatis mutandis, apply to and in respect of any person guilty of an offence against this Part of this Act.

20 (7) Any diamorphine in the possession or under the control of any person may be seized by any member of the police force and such diamorphine shall be forfeited to Her Majesty.

25 (c) by inserting in section one next after the matter relating to Part VI the following new matter:—
Sec. 1.
(Consequential.)

PART VIA.—DIAMORPHINE (HEROIN) AND
OTHER PROHIBITED DRUGS.—s. 20C.

No. , 1954.

A BILL

To prohibit the manufacture, use, sale, distribution or possession of diamorphine (commonly known as heroin); for these and other purposes to amend the Police Offences (Amendment) Act, 1908, and certain other Acts; and for purposes connected therewith.

[MR. KELLY;—10 November, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Police Offences Amendment (Drugs) Act, 1954."

Short title
and com-
mencement.

Police Offences Amendment (Drugs).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, is amended—

Amendment of Act No. 12, 1908.

- 10 (a) (i) by omitting from paragraph (a) of subsection two of section eighteen the words "ecgonine, and diamorphine (commonly known as heroin)" and by inserting in lieu thereof the words "and ecgonine";
- (ii) by omitting from the same paragraph the words "cocaine, or diamorphine" and by inserting in lieu thereof the words "or cocaine";
- 15 (b) by inserting next after section 20B the following new Part:—

Sec. 18. (Definitions and application of Part VI.)

New Part VIA.

PART VIA.

DIAMORPHINE (HEROIN) AND OTHER PROHIBITED DRUGS.

20 20c. (1) In this section "diamorphine" includes its salts and any preparation, admixture, extract or other substance containing any proportion of diamorphine.

Prohibition of manufacture, sale, use, etc., of heroin, etc.

- (2) If any person—
- 25 (a) manufactures, prepares, sells, distributes, supplies, or otherwise deals in diamorphine;
- (b) has in his possession any diamorphine; or
- 30 (c) uses diamorphine,

he shall be guilty of an offence against this Part of this Act.

35 Any diamorphine in the order or disposition of any person shall be deemed to be in his possession. (3)

Police Offences Amendment (Drugs).

5 (3) (a) The Governor may, by proclamation published in the Gazette, declare that this Part of this Act shall apply to any other substance of whatever kind in the same manner as it applies to diamorphine.

(b) The Governor may in like manner repeal, alter, or amend any proclamation issued in pursuance of paragraph (a) of this subsection.

10 (c) If any such substance is a drug or other preparation, admixture, extract or substance to which Part VI of this Act applies, the provisions of that Part shall not apply to
15 such substance during the time any proclamation under paragraph (a) of this subsection, or any such proclamation as altered or amended under paragraph (b) of this subsection, is in force in respect of such substance.

20 (d) Any proclamation made under this subsection shall—

(i) take effect from the date of publication, or from a later date specified in the proclamation; and

25 (ii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sittings days after the commencement of the next session.

30 If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such proclamation has been laid before such House disallowing
35 any proclamation or part thereof, such proclamation or part shall thereupon cease to have effect.

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10 (5) If any person wilfully delays or obstructs any constable in the exercise of his powers under subsection four of this section he shall be guilty of an offence against this Part of this Act.

15 (6) The provisions of subsections one, four, five and seven of section 20B of this Act shall, mutatis mutandis, apply to and in respect of any person guilty of an offence against this Part of this Act.

20 (7) Any diamorphine in the possession or under the control of any person may be seized by any member of the police force and such diamorphine shall be forfeited to Her Majesty.

25 (c) by inserting in section one next after the matter relating to Part VI the following new matter :— Sec. 1.
(Consequential.)

**PART VIA.—DIAMORPHINE (HEROIN) AND
OTHER PROHIBITED DRUGS.—s. 20c.**

POLICE OFFENCES AMENDMENT (DRUGS) BILL, 1954.

EXPLANATORY NOTE.

THE object of this Bill is to prohibit the manufacture, use, sale, distribution or possession of heroin (diamorphine) in all forms and to enable other drugs to be brought within the like prohibition.

No. , 1954.

A BILL

To prohibit the manufacture, use, sale, distribution or possession of diamorphine (commonly known as heroin); for these and other purposes to amend the Police Offences (Amendment) Act, 1908, and certain other Acts; and for purposes connected therewith.

[MR. KELLY;—10 November, 1954.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:—

1. (1) This Act may be cited as the "Police Offences Amendment (Drugs) Act, 1954."

Short title
and com-
mencement.

Police Offences Amendment (Drugs).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, is amended—

Amendment
of Act No.
12, 1908.

- (a) (i) by omitting from paragraph (a) of subsection two of section eighteen the words “ecgonine, and diamorphine (commonly known as heroin)” and by inserting in lieu thereof the words “and ecgonine”;
- (ii) by omitting from the same paragraph the words “cocaine, or diamorphine” and by inserting in lieu thereof the words “or cocaine”;
- (b) by inserting next after section 20B the following new Part:—

Sec. 18.
(Definitions
and
application
of
Part VI.)

New
Part VI.A.

PART VI.A.

DIAMORPHINE (HEROIN) AND OTHER PROHIBITED
DRUGS.

- 20c. (1) In this section “diamorphine” includes its salts and any preparation, admixture, extract or other substance containing any portion of diamorphine.
- (2) If any person—
- (a) manufactures, prepares, sells, distributes, supplies, or otherwise deals in diamorphine;
- (b) has in his possession any diamorphine;
or
- (c) uses diamorphine,
he shall be guilty of an offence against this Part of this Act.
- Any diamorphine in the order or disposition of any person shall be deemed to be in his possession.
- (3)

Prohibition
of manu-
facture,
sale, use, etc.,
of heroin,
etc.

Police Offences Amendment (Drugs).

5 (3) (a) The Governor may, by proclamation published in the Gazette, declare that this Part of this Act shall apply to any other substance of whatever kind in the same manner as it applies to diamorphine.

(b) The Governor may in like manner repeal, alter, or amend any proclamation issued in pursuance of paragraph (a) of this subsection.

10 (c) If any such substance is a drug or other preparation, admixture, extract or substance to which Part VI of this Act applies, the provisions of that Part shall not apply to such substance during the time any proclamation under paragraph (a) of this subsection, or
15 any such proclamation as altered or amended under paragraph (b) of this subsection, is in force in respect of such substance.

20 (d) Any proclamation made under this subsection shall—

(i) take effect from the date of publication, or from a later date specified in the proclamation; and

25 (ii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sittings days after the commencement of the next session.

30 If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such proclamation has been laid before such House disallowing
35 any proclamation or part thereof, such proclamation or part shall thereupon cease to have effect.

Police Offences Amendment (Drugs).

5 (4) If a justice is satisfied by information on oath that there is reasonable ground for suspecting that any diamorphine is in the possession or under the control of any person in any premises such justice may grant a search warrant authorising any constable named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein.

10 (5) If any person wilfully delays or obstructs any constable in the exercise of his powers under subsection four of this section he shall be guilty of an offence against this Part of this Act.

15 (6) The provisions of subsections one, four, five and seven of section 20B of this Act shall, mutatis mutandis, apply to and in respect of any person guilty of an offence against this Part of this Act.

20 (7) Any diamorphine in the possession or under the control of any person may be seized by any member of the police force and such diamorphine shall be forfeited to Her Majesty.

25 (c) by inserting in section one next after the matter relating to Part VI the following new matter :—

Sec. 1.
(Consequential.)

PART VIA.—DIAMORPHINE (HEROIN) AND
OTHER PROHIBITED DRUGS.—s. 20C.