



ANALYSIS

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1965, No. 45

An Act to consolidate and amend certain enactments of the General Assembly relating to the importation, exportation, manufacture, sale, distribution, use, and possession of narcotics [6 October 1965]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Narcotics Act 1965.

(2) This Act shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Order in Council.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

To “cultivate” includes to sow or to plant; and “cultivation” has a corresponding meaning:

“Medical Officer of Health” means a Medical Officer of Health within the meaning of the Health Act 1956; and includes the officers referred to in section 22 of that Act:

“Narcotic” means any substance, preparation, or mixture named or described in the First Schedule to this Act:

“Prohibited plant” means—

(a) Any plant of the genus *cannabis*:

(b) Any plant of the species *papaver somniferum* L:

(c) *Erythroxylon coca* and *erythroxylon truxillense* and every species of the genus *erythroxylon* from which a narcotic can be produced:

(d) Any other plant which is declared to be a prohibited plant by regulations made under this Act.

(2) In calculating for the purposes of this Act the percentage of any substance present in a preparation, the percentage in the case of a liquid preparation shall, unless otherwise prescribed, be calculated on the basis that a preparation containing one part per cent of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every hundred millilitres of the preparation and so in proportion for any greater or less percentage.

(3) In calculating for the purposes of this Act the percentage of morphine present in a preparation it shall be calculated as in respect of anhydrous morphine.

Cf. 1927, No. 18, s. 2; 1960, No. 104, s. 2

3. Act to bind the Crown—(1) Subject to subsection (2) of this section, this Act shall bind the Crown.

(2) The Governor-General may, by Order in Council, exempt any instrument of the Executive Government of New Zealand, either absolutely or to such extent and subject to such conditions as may be specified in the Order in Council, from all or any of the provisions of this Act, and in that event, or to that extent and subject to compliance with any such conditions, this Act, or the provisions of this Act so specified, as the case may require, shall not bind the Crown in right of that instrument.

Cf. 1927, No. 18, s. 27A; 1960, No. 104, s. 12

4. Amendment of First Schedule—The Governor-General may from time to time, by Order in Council, add to or omit from the First Schedule to this Act the name or description of any substance, preparation, or mixture, or otherwise amend that Schedule, and every such Order in Council shall have effect according to its tenor.

Cf. 1927, No. 18, s. 3

5. Dealing with narcotics—(1) Except pursuant to a licence under this Act, or as otherwise permitted by regulations made under this Act, no person shall—

- (a) Import into or export from New Zealand any substance, preparation, or mixture named or described in clauses 1 to 5 of the First Schedule to this Act; or
- (b) Produce, manufacture, or distribute any narcotic; or
- (c) Cultivate any prohibited plant; or
- (d) Sell, give, supply, or administer, or offer to sell, give, supply, or administer, any narcotic to any other person, or otherwise deal in any narcotic; or
- (e) Have any narcotic in his possession for any of the purposes set out in paragraph (d) of this subsection.

(2) Every person who contravenes subsection (1) of this section commits an offence against this Act and is liable on conviction on indictment to imprisonment for a term not exceeding fourteen years.

(3) Notwithstanding anything in subsection (2) of section 44 of the Criminal Justice Act 1954, where any person is convicted of an offence—

- (a) Against paragraph (d) or paragraph (e) of subsection (1) of this section; or
- (b) Against paragraph (a), paragraph (b), or paragraph (c) of subsection (1) of this section committed in circumstances indicating to the Judge or Magistrate an intention to offend against paragraph (d) of that subsection,—

the Judge or Magistrate shall impose a sentence of imprisonment on that person unless, having regard to the particular circumstances of the offence or of the offender, he is of the opinion that the offender should not be imprisoned.

(4) Notwithstanding anything in subsection (2) of section 44 of the Criminal Justice Act 1954 or in section 7 of the Summary Proceedings Act 1957, where any person is summarily convicted of an offence against this section the Court may sentence him to pay a fine not exceeding one thousand pounds whether or not the person is sentenced to a term of imprisonment as well.

(5) It shall be a defence to a charge under paragraph (c) of subsection (1) of this section if the person charged proves that the prohibited plant to which the charge relates was of the species *papaver somniferum* L, and that it was not intended to be a source of any narcotic or that it was not being developed as a strain from which a narcotic could be produced.

(6) For the purposes of paragraph (e) of subsection (1) of this section, a person shall until the contrary is proved be deemed to be in possession of a narcotic for a purpose set out in paragraph (d) of that subsection if he is in possession of any of the following:

- (a) One hundred or more cigarettes containing cannabis as described in the First Schedule to this Act:
- (b) Five grammes or more of morphine, whether contained in a substance, preparation, or mixture, or not:
- (c) Half a gramme or more of cocaine or heroin, whether contained in a substance, preparation, or mixture, or not:
- (d) Twenty-eight grammes or more of cannabis as described in the First Schedule to this Act:
- (e) Fifty-six grammes or more of any other narcotic.

(7) The First Schedule to the Summary Proceedings Act 1957 (as amended by section 6 (2) of the Dangerous Drugs Amendment Act 1960) is hereby further amended by omitting, from Part II, so much thereof as relates to the Dangerous Drugs Act 1927, and inserting, after the provisions relating to the Municipal Corporations Act 1954, the following words: "The Narcotics Act 1965 | 5 | Dealing with narcotics".

Cf. 1927, No. 18, ss. 5 (1)-(2), 8 (1)-(2), 9A (1), (4), 14, 15; 1960, No. 104, ss. 5, 6

6. Possession and use of narcotics—(1) Except pursuant to a licence under this Act, or as otherwise permitted by regulations made under this Act, no person shall procure, receive, store, or have in his possession, or consume, smoke, or otherwise use, any narcotic.

(2) Without prejudice to any liability under section 5 of this Act, any person who contravenes subsection (1) of this section commits an offence against this Act.

(3) This section shall not apply to the possession of a narcotic by any person in the service of the Crown for the purposes of the investigation of any offence or suspected offence or the prosecution of any person.

Cf. 1927, No. 18, ss. 8 (2), (6), 14 (2), 15 (2); 1960, No. 104, s. 6

7. Miscellaneous offences—(1) Every person commits an offence against this Act who—

- (a) Permits any premises or vehicle to be used for the purpose of the commission of an offence against this Act; or
- (b) Has in his possession any needle, syringe, pipe, or other utensil, for any such purpose; or
- (c) Except as may be provided by regulations made under this Act, has in his possession the seed of any prohibited plant which he is not authorised under this Act to cultivate; or
- (d) Without lawful excuse, is on premises being used for the smoking of opium.

(2) Subsection (5) of section 5 of this Act shall apply in relation to a charge under paragraph (c) of subsection (1) of this section as if, in the said subsection (5), a reference to the seed of a prohibited plant were substituted for the reference to the prohibited plant.

Cf. 1927, No. 18, ss. 8 (3)–(6), 9A (2), (4); 1960, No. 104, s. 5

8. Licences—(1) Licences granted under this Act shall be in such form and be subject to such conditions as may be prescribed, or permitted to be designed or imposed, and shall be issued by such persons as may be prescribed, by regulations made under this Act.

(2) No licence to import into or export from New Zealand opium prepared for smoking shall be granted under this Act.

(3) Except with the approval of the Minister of Health, no licence shall be granted under this Act to any person who has been convicted of an offence against this Act or any Act repealed by this Act or whose licence under any such Act has been revoked by reason of his failure to comply with the conditions thereof or by reason of the breach of the provisions of any such Act or of any regulation made thereunder.

(4) If at any time the laws of a country or territory prohibit or restrict the importation of a narcotic into that country or territory, any licence to export that narcotic from New Zealand may contain conditions calculated to prevent any contravention of those laws in relation to the narcotic which is the subject of the licence.

(5) Without prejudice to his liability under any other provision of this Act, every person commits an offence against

this Act who contravenes or fails to comply with any condition of a licence granted to him under this Act.

Cf. 1927, No. 18, ss. 5(1), (4), (5), 6, 9, 17

9. False statements—Every person commits an offence against this Act who, for the purpose of obtaining, whether for himself or any other person, the grant or renewal of any licence under this Act, or for any other purpose in relation to this Act,—

- (a) Makes any declaration or statement which to his knowledge is false in any particular; or
- (b) Utters, produces, or makes use of any declaration or statement which to his knowledge is false in any particular; or
- (c) Knowingly utters, produces, or makes use of any document that is not genuine.

Cf. 1927, No. 18, s. 18

10. Obstruction of officers—Every person commits an offence against this Act who wilfully obstructs, hinders, resists, or deceives any other person in the execution of any powers conferred on that other person by or pursuant to this Act.

11. Liability of principal for acts of agent, etc.—(1) Where an offence is committed against this Act or against any regulation made under this Act by any person acting as the agent or servant of another person, or being otherwise subject to the supervision or instructions of another person, that other person shall, without prejudice to the liability of the first mentioned person, be liable under this Act in the same manner and to the same extent as if he had personally committed the offence:

Provided that in any proceedings which are taken against a person by virtue of this subsection it shall be a defence for the person to prove that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(2) Where any company is convicted of an offence against this Act or against any regulation made under this Act, every director and every officer concerned in the management of the company shall be guilty of a like offence unless he proves that the offence was committed without his knowledge or consent.

Cf. 1927, No. 18, s. 24

12. Search and seizure—(1) Where a search warrant is issued under section 198 of the Summary Proceedings Act 1957 in respect of an offence which has been or is suspected to have been committed against this Act or which is believed to be intended to be so committed, any constable executing the warrant or any of his assistants may search any person found in or on the building, aircraft, ship, carriage, vehicle, premises, or place which may be entered and searched under the authority of the warrant.

(2) Where any member of the Police has reasonable ground for believing that there is in or on any building, aircraft, ship, carriage, vehicle, premises, or place any narcotic to which this subsection applies and that an offence against this Act has been or is suspected of having been committed in respect of that narcotic he, and any assistants who accompany him, may enter and search the building, aircraft, ship, carriage, vehicle, premises, or place and any person found therein or thereon as if authorised to do so by a search warrant issued under section 198 of the Summary Proceedings Act 1957 and by subsection (1) of this section.

(3) Every member of the Police exercising the power of entry and search conferred by subsection (2) of this section shall identify himself to every person searched, and also to any person in or on the building, aircraft, ship, carriage, vehicle, premises, or place who questions his right to enter and search the same, and shall also tell those persons that the search is being made pursuant to the authority of that subsection. He shall also, if not in uniform and if so required, produce evidence that he is a member of the Police.

(4) The Governor-General may from time to time by Order in Council specify the narcotics to which subsection (2) of this section shall apply.

(5) Any officer of Customs, or any officer of the Department of Health, or any member of the Police, with such assistants as he thinks necessary, may seize and destroy any prohibited plant except where it is being cultivated either in accordance with the conditions of a licence granted under this Act or in accordance with regulations made under this Act, and may also seize and destroy the seed of any prohibited plant except where that seed is in the possession of any person who is either authorised under this Act to cultivate the plant or who is permitted by regulations made under this Act to have the seed in his possession.

Cf. 1927, No. 18, ss. 9A (3), 11; 1960, No. 104, s. 5

13. Power to demand production of books and to inspect stocks of narcotics—(1) Any member of the Police or any other person authorised by the Minister of Health shall for the purposes of the enforcement of the provisions of this Act have power to enter the premises of any person who carries on the business of a producer, manufacturer, seller, or distributor of any narcotic, or who otherwise undertakes the supply or administration of any narcotic, and to demand the production of and to inspect any books or documents relating to dealings in any narcotic, and to inspect, weigh, measure, and record the stocks of narcotics.

(2) If in the opinion of any Medical Officer of Health there is reasonable ground for suspecting that any person is in possession of any narcotic for the purpose of sale, or for the purpose of manufacturing any preparation for sale, or for use in or in connection with his profession, trade, or calling, or any occupation whether paid or unpaid, in breach of this Act or of any regulations made under this Act, the Medical Officer of Health may require that person to produce for his inspection, or to produce to any person specially authorised by the Medical Officer of Health in that behalf, any books or documents dealing with the reception, possession, purchase, sale, or delivery of the narcotic.

(3) The Medical Officer of Health may make or cause to be made copies of or extracts from any such books or documents, and the copies or extracts, certified as such by him or by any specially authorised person, shall be deemed to be true and correct copies or extracts, unless the contrary is proved.

(4) Every person commits an offence against this Act who refuses or neglects to comply with any demand or requisition made pursuant to this section.

(5) Every person commits an offence against this Act who does not maintain the secrecy of all matters which come to his knowledge in the performance of his official duties under this section, or who communicates any such matter to any other person, except for the purpose of carrying into effect the provisions of this Act.

Cf. 1927, No. 18, s. 12

14. Arrest by Customs officers—If any officer of Customs has reasonable cause to believe or suspect that any person, in contravention of this Act, has imported into or exported from

New Zealand any narcotic, or has been concerned in such import or export, he may arrest that person without a warrant.

Cf. 1927, No. 18, s. 13

15. General penalty—Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section is liable to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred pounds or to both.

Cf. 1927, No. 18, s. 20; 1960, No. 104, s. 7

16. Legal proceedings—(1) Except where this Act otherwise provides, every offence against this Act or against any regulations made under this Act shall be punishable on summary conviction.

(2) Notwithstanding anything in section 14 of the Summary Proceedings Act 1957, any information in respect of any offence against this Act or against any regulations made under this Act may be laid at any time within four years from the time when the matter of the information arose.

Cf. 1927, No. 18, s. 25; 1960, No. 104, s. 9

17. Burden of proof—Without prejudice to subsection (8) of section 67 of the Summary Proceedings Act 1957, in any proceedings against any person in respect of any offence against this Act or against any regulations made under this Act in which it is proved that he had in his possession any narcotic, or did any act in relation to a narcotic which would have amounted to that offence if such act were not done pursuant to a licence under this Act or as otherwise permitted by regulations under this Act, the burden of proving that he had such narcotic in his possession, or did such act, pursuant to any such licence or as so permitted shall lie on him.

Cf. 1927, No. 18, s. 23

18. Forfeiture—(1) Every person convicted of an offence against this Act shall, in addition to any penalty imposed pursuant to this Act, forfeit to Her Majesty, by virtue of such conviction, all articles, if any, in respect of which the offence was committed and in the possession of such person.

(2) Articles forfeited under the provisions of subsection (1) of this section shall be sold, destroyed, or otherwise disposed of as the Minister of Health directs.

Cf. 1927, No. 18, s. 22

19. Notification of conviction of medical practitioners, etc.—Where any person being a medical practitioner, chemist, dentist, or veterinary surgeon is convicted of any offence against this Act or against any regulations made under this Act, the Court shall cause particulars of the conviction to be sent to the person charged with the duty of keeping the register on which the name of the convicted person appears as a registered medical practitioner, chemist, dentist, or veterinary surgeon, as the case may be.

Cf. 1960, No. 97, s. 52

20. Statements regarding addicts—(1) If a Medical Officer of Health has reason to believe that any person is or is likely to become addicted to any narcotic, he may, for the purpose of preventing or restricting the supply of narcotics to that person, or of assisting in the cure or mitigation or avoidance of the addiction of that person, publish statements relating to that person to all or any of the members of all or any of the classes of persons set out in subsection (3) of this section.

(2) Every statement made under subsection (1) of this section shall be privileged unless the publication is proved to be made with malice.

(3) The classes of persons referred to in subsection (1) of this section are as follows:

- (a) Members, officers, and employees of Hospital Boards constituted under the Hospitals Act 1957:
- (b) Trustees of separate institutions within the meaning of the Hospitals Act 1957 and the officers and employees of those Trustees:
- (c) Licensees and managers of private hospitals licensed under the Hospitals Act 1957:
- (d) Superintendents of penal institutions within the meaning of the Penal Institutions Act 1954:
- (e) Persons in charge of institutions within the meaning of the Reformatory Institutions Act 1909:
- (f) Medical practitioners:
- (g) Members of the Police:
- (h) Persons who deal in narcotics in the course of business.

(4) Nothing in subsection (1) or subsection (2) of this section shall limit or affect any right or duty which a Medical

Officer of Health may otherwise possess to publish a statement to any person.

(5) Every person who, except in the course of duty as a member of a class set out in subsection (3) of this section or as an officer or servant of the Crown, publishes any information obtained, whether by him or any other person, from a statement made pursuant to subsection (1) of this section, or any comment on any such statement, commits an offence against this Act and is liable to a fine not exceeding one thousand pounds.

21. Protection of persons acting under authority of Act—Any person who does any act in pursuance or intended pursuance of any of the provisions of this Act or of any regulation made under this Act shall not be under any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, or mistake of law or fact, or on any other ground, unless he has acted in bad faith or without reasonable care.

Cf. 1960, No. 97, s. 44

22. Application of Customs Act 1913—Sections 172 to 174, 249, 251 to 259, and 261 to 264 of the Customs Act 1913 shall apply in relation to the importation and exportation of narcotics as if narcotics were restricted goods within the meaning of that Act.

Cf. 1927, No. 18, s. 4

23. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Providing for the issue of licences for the import, export, possession, production, manufacture, distribution, sale, supply, or administration of narcotics and the cultivation of prohibited plants:
- (b) Prescribing the form, duration, terms, and conditions of any licence under this Act and enabling additional conditions to be imposed:
- (c) Prescribing the fees payable for licences under this Act and providing for the cancellation and suspension of such licences:
- (d) Permitting the import, export, possession, production, manufacture, distribution, sale, supply, or administration of narcotics, and the cultivation of prohibited plants, otherwise than pursuant to a licence under

- this Act but subject to such conditions as may be prescribed by or imposed under the regulations:
- (e) Requiring persons who are engaged in the import, export, production, manufacture, distribution, sale, supply, or administration of any narcotic, or who utilise any narcotic in the course of or in connection with their profession, trade, or calling, or any occupation whether paid or unpaid, or who otherwise undertake the supply or administration of any narcotic, to keep books in such form and manner and to furnish information with respect to such matters as may be prescribed:
 - (f) Regulating the issue by medical practitioners, dentists, and veterinary surgeons of prescriptions for the supply of any narcotic:
 - (g) Regulating the dispensing and compounding of narcotics:
 - (h) Regulating the packing, labelling, storage, and carriage of narcotics:
 - (i) Declaring plants to be prohibited plants:
 - (j) Controlling or restricting the cultivation of prohibited plants and the sale, distribution, and possession of the seeds of prohibited plants:
 - (k) Providing for the weighing, counting, measuring, sealing, seizing, and taking of samples of narcotics:
 - (l) Prescribing the narcotics to which subsection (2) of section 12 of this Act applies:
 - (m) Providing for the waiver of fees in whole or in part in particular cases or classes of cases and for the total or partial refund of fees:
 - (n) Prescribing fines for the breach of any regulation made under this Act not exceeding two hundred pounds in any case, and, where the breach is a continuing one, a further fine not exceeding five pounds for every day or part of a day during which the breach has continued:
 - (o) Exempting, or providing for the exemption of, any persons or classes of persons, or excepting any narcotics or classes of narcotics, from any provision of any regulation made under this Act which imposes conditions or obligations:
 - (p) Generally for prohibiting, controlling, or restricting the import, export, possession, production, manufacture, distribution, sale, supply, administration, purchase, procuring, and use of narcotics:

- (q) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

Cf. 1927, No. 18, s. 26; 1960, No. 104, s. 10

24. Application to Niue—(1) Subject to subsection (2) of this section, this Act shall extend to and be in force in Niue.

(2) In the application of the other provisions of this Act, and of the provisions of any enactment applied by this Act, to Niue, unless the context otherwise requires,—

- (a) Every reference therein to New Zealand shall be read as a reference to Niue:
- (b) Every reference therein to the Court, or to a Judge, or to a Magistrate or Justice, shall be read as a reference to the High Court of the Cook Islands or a Judge of that Court:
- (c) Every reference therein to the Minister of Health shall be read as a reference to the Minister of Health acting with the concurrence of the Minister of Island Territories:
- (d) Every reference therein to the Medical Officer of Health shall be read as a reference to the Chief Medical Officer of Niue:
- (e) Every reference therein to a constable or a member of the Police shall be read as a reference to an officer of police appointed under the provisions of Part III of the Cook Islands Amendment Act 1957:
- (f) The references in section 5 of this Act to subsection (2) of section 44 of the Criminal Justice Act 1954 shall be read as references to section 272 of the Cook Islands Act 1915:
- (g) The references in section 12 of this Act to section 198 of the Summary Proceedings Act 1957 shall be read as references to section 314 of the Cook Islands Act 1915.

(3) The First Schedule to the Cook Islands Amendment Act 1964 is hereby amended by adding, in the appropriate columns thereof, the following words:

“1965, No. 45—
 The Narcotics Act 1965 | The whole Act.”

25. Repeals—The enactments specified in the Second Schedule to this Act are hereby repealed.

SCHEDULES

Section 2

FIRST SCHEDULE

NARCOTICS

1. The following substances, namely:

- ACETYLDIHYDROCODEINE.
 ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,4-diphenylheptane).
 ALLYLPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine).
 ALPHACETYLMETHADOL (alpha-3-acetoxy-6-dimethylamino-4,4-diphenylheptane).
 ALPHAMEPRODINE (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine).
 ALPHAMETHADOL (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol).
 ALPHAPRODINE (alpha-1,3-dimethyl-4-phenyl-4-propionoxypiperidine).
 ANILERIDINE (1-*para*-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).
 BENZETHIDINE (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).
 BENZYL MORPHINE (3-benzylmorphine).
 BETACETYLMETHADOL (beta-3-acetoxy-6-dimethylamino-4,4-diphenylheptane).
 BETAMEPRODINE (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine).
 BETAMETHADOL (beta-6-dimethylamino-4,4-diphenyl-3-heptanol).
 BETAPRODINE (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine).
 CANNABIS—That is, any part of any plant of the genus *cannabis* from which the resin has not been extracted, and including—
 (a) Extracts and tinctures of any such part of any such plant;
 (b) Resin obtained from any plant of the genus *cannabis*.
 CLONITAZENE (2-*para*-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole).
 COCA LEAF—that is, the leaf of any plant of any species of the genus *erythroxylon*; except a leaf from which all ecgonine, cocaine, and any other ecgonine alkaloids have been removed.
 COCAINE (methyl ester of benzoylecgonine).
 CODEINE (3-methylmorphine).
 CONCENTRATE OF POPPY STRAW—that is, the material arising when parts of any plant of the species *papaver somniferum* L. have entered a process for the concentration of the alkaloids.
 DESOMORPHINE (dihydrodeoxymorphine).
 DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine).
 DIAMPROMIDE (N-[2-(methylphenethylamino) propyl] propionanilide).
 DIETHYLTHIAMBUTENE (3-diethylamino-1,1-di-(2'-thienyl)-1-butene).
 DIHYDROCODEINE.
 DIHYDROMORPHINE.

FIRST SCHEDULE—*continued*NARCOTICS—*continued*

- DIMENOXADOL (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate).
- DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol).
- DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene).
- DIOXAPHETYL BUTYRATE (ethyl 4-morpholino-2,2-diphenylbutyrate).
- DIPHENOXYLATE (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- DIPIPANONE (4,4-diphenyl-6-piperidine-3-heptanone).
- ECGONINE, its esters and derivatives which are convertible to ecgonine and cocaine.
- ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1,1-di(2'-thienyl)-1-butene).
- ETHYLMORPHINE (3-ethylmorphine).
- ETONITAZENE (1-diethylaminoethyl-2-*para*-ethoxybenzyl-5-nitrobenzimidazole).
- ETOXERIDINE (1-[2-(2-hydroxyethoxy)ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- FENTANYL [1-phenethyl-4-N-propionylanilino-piperidine].
- FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- HEROIN (diacetylmorphine).
- HYDROCODONE (dihydrocodeinone).
- HYDROMORPHINOL (14-hydroxydihydromorphine).
- HYDROMORPHONE (dihydromorphinone).
- HYDROXPETHIDINE (4-*meta*-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester).
- ISOMETHADONE (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone).
- KETOBEMIDONE (4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine).
- LEVOMETHORPHAN ((—)-3-methoxy-N-methylmorphinan) but not including dextromethorphan ((+)-3-methoxy-N-methylmorphinan) and dextrorphan ((+)-3-Hydroxy-N-methylmorphinan.)
- LEVOMORAMIDE ((—)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine).
- LEVOPHENACYLMORPHAN ((—)-3-hydroxy-N-phenacylmorphinan).
- LEVORPHANOL ((—)-3-hydroxy-N-methylmorphinan).
- METAZOCINE (2'-hydroxy-2, 5, 9-trimethyl-6, 7-benzomorphan).
- METHADONE (6-dimethylamino-4,4-diphenyl-3-heptanone).
- METHADONE-intermediate [4-cyano-2-dimethylamino-4,4-diphenylbutane].
- METHYLDESORPHINE (6-methyl-delta 6-deoxymorphine).
- METHYLDIHYDROMORPHINE (6-methyldihydromorphine).
- METOPON (5-methyldihydromorphinone).
- MORAMIDE-intermediate [2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid].
- MORPHERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

FIRST SCHEDULE—*continued*NARCOTICS—*continued***MORPHINE.**

MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives.

MORPHINE-N-OXIDE.

MYROPHINE (myristylbenzylmorphine).

NICOCODINE (6-nicotinylcodeine).

NICOMORPHINE (3,6-dinicotinylmorphine).

NORACYMETHADOL ((±)-alpha-3-acetoxy-6-methylamino-4,4-diphenylheptane).

NORCODEINE (N-demethylcodeine).

NORLEVORPHANOL ((-)-3-hydroxymorphinan).

NORMETHADONE (6-dimethylamino-4,4-diphenyl-3-hexanone).

NORMORPHINE (demethylmorphine).

NORPIPANONE [4,4-diphenyl-6-piperidine-3-hexanone].

OPIUM.

OXYCODONE (14-hydroxydihydrocodeinone).

OXYMORPHONE (14-hydroxydihydromorphinone).

PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).

PETHIDINE-intermediate-A [4-cyano-1-methyl-4-phenylpiperidine].

PETHIDINE-intermediate-B [4-phenylpiperidine-4-carboxylic acid ethyl ester].

PETHIDINE-intermediate-C [1-methyl-4-phenylpiperidine-4-carboxylic acid].

PHENADOXONE (6-morpholino-4,4-diphenyl-3-heptanone).

PHENAMPROMIDE (N-(1-methyl-2-piperidinoethyl) propionanilide).

PHENAZOCINE (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphinan).

PHENOMORPHAN (3-hydroxy-N-phenethylmorphinan).

PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

PHOLCODEINE (morpholinylethylmorphine).

PIMINODINE (4-phenyl-1-(3-phenylaminopropyl) piperidine-4-carboxylic acid ethyl ester).

PROHEPTAZINE (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane).

PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropylester).

RACEMETHORPHAN ((±)-3-methoxy-N-methylmorphinan).

RACEMORAMIDE ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine).

RACEMORPHAN ((±)-3-hydroxy-N-methylmorphinan).

THEBACON (acetyldihydrocodeinone).

THEBAINE.

TRIMEPERIDINE (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine).

2. The isomers of the substances mentioned in clause 1 of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

3. The esters and ethers of the substances mentioned in clause 1 of this Schedule whenever the existence of such esters or ethers is possible.

FIRST SCHEDULE—*continued*NARCOTICS—*continued*

4. The salts of the substances mentioned in clause 1 of this Schedule and the salts of the isomers, esters, and ethers mentioned in clauses 2 and 3 of this Schedule whenever the existence of such salts is possible.

5. Any substance, preparation, or mixture containing any proportion of a substance named or described in clause 1, clause 2, clause 3, or clause 4 of this Schedule other than a preparation or mixture named or described in clause 6 of this Schedule.

6. The following preparations and mixtures, namely:

(a) Preparations of any of the following substances, namely, acetyldihydrocodeine, codeine, dihydrocodeine, ethylmorphine, and pholcodeine when—

(i) Compounded with one or more other pharmacologically active ingredients in such a way that the substance cannot be recovered by readily applicable means or in a yield which would constitute a risk to health; and

(ii) Containing not more than 100 milligrammes of the substance in each dosage unit and with a concentration of not more than 2·5 per cent in undivided preparations:

(b) Preparations of cocaine containing not more than 0·1 per cent of cocaine base, being preparations compounded with one or more other pharmacologically active ingredients (none of which are substances named or described in clauses 1 to 4 of this Schedule) in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the cocaine cannot be recovered by readily applicable means or in a yield which would constitute a risk to health:

(c) Preparations of opium or morphine containing not more than 0·2 per cent of morphine, being preparations compounded with one or more other pharmacologically active ingredients (none of which are substances named or described in clauses 1 to 4 of this Schedule) in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the opium or the morphine, as the case may be, cannot be recovered by readily applicable means or in a yield which would constitute a risk to health:

(d) Solid dose preparations of diphenoxylate containing, in each dosage unit, not more than 2·5 milligrammes of diphenoxylate calculated as base and not less than 25 microgrammes of atropine sulphate:

(e) Liquid preparations of diphenoxylate containing, in each millilitre, not more than 5·0 milligrammes of diphenoxylate calculated as base and not less than 50 microgrammes of atropine sulphate:

(f) Ipecacuanha and opium powder containing 10 per cent of opium in powder and 10 per cent of ipecacuanha root in powder intimately mixed with finely powdered lactose:

(g) Mixtures containing not more than one of the preparations specified in paragraphs (a) to (f) of this clause, being mixtures whereof none of the other ingredients is a substance named or described in clauses 1 to 4 of this Schedule.

Section 25

SECOND SCHEDULE**ENACTMENTS REPEALED**

- 1913, No. 63—The Customs Act 1913: Paragraph (g) of subsection (1) of section 3. (1957 Reprint, Vol. 3, p. 545.)
- 1927, No. 18—The Dangerous Drugs Act 1927. (1957 Reprint, Vol. 3, p. 809.)
- 1928, No. 32—The Dangerous Drugs Amendment Act 1928. (1957 Reprint, Vol. 3. p. 820.)
- 1960, No. 104—The Dangerous Drugs Amendment Act 1960.
- 1963, No. 83—The Dangerous Drugs Amendment Act 1963.

The Act is administered in the Department of Health.
