

POLICE OFFENCES AMENDMENT  
(DRUGS) ACT.

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Act No. 16, 1934.

An Act to remove the administration of Part VI of the Police Offences (Amendment) Act, 1908, from the Pharmacy Board of New South Wales; to amend in certain respects the Police Offences (Amendment) Act, 1908, and certain other Acts; and for purposes connected therewith. [Assented to, 25th October, 1934.]

George V,  
No. 16, 1934.

BE

**Police Offences Amendment (Drugs) Act.**

No. 16, 1934.

**B**E it enacted by the King'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:—

Short title.

**1.** (1) This Act may be cited as the "Police Offences Amendment (Drugs) Act, 1934."

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

Removal of administration of Part VI of Act No. 12, 1908 (as inserted by Act No. 7, 1927), from Pharmacy Board of New South Wales.

**2.** (1) From the commencement of this Act Part VI of the Police Offences (Amendment) Act, 1908 (inserted by the Police Offences Amendment (Drugs) Act, 1927), shall cease to be administered by the Pharmacy Board of New South Wales, and shall be administered by the Minister.

All books, papers, and documents relating to such administration shall on request be delivered by the said board to the Minister or to such officer as he may authorise to receive the same.

Amendment of Act No. 12, 1908. Part VI as inserted by Act No. 7, 1927.

(2) The said Part is amended as follows:—

Sec. 18.

(Definition and application of Part VI.)

(a) (i) by omitting from subsection one of section eighteen the definition of the word "Board";

(ii) by omitting from subsection three of the same section the word "named" and by inserting in lieu thereof the words "admixtures, extracts, or substances for the time being included";

(iii) by inserting after the same subsection the following new subsections:—

(4) The Governor may, by proclamation published in the Gazette—

(a) repeal, alter, or amend any proclamation issued in pursuance of paragraph (c) or paragraph (d) of subsection two of this section;

(b)

- (b) add to, or omit from the Second Schedule to this Act any preparation, admixture, extract, or substance specified in the proclamation.
- (5) Any proclamation made under this section shall—
  - (a) take effect from the date of publication, or from a later date specified in the proclamation; and
  - (b) 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 sitting 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.

- (b) by omitting from paragraph (c) of subsection two of section nineteen the words “conditions of the”; Sec. 19.  
(Possession of drugs.)
- (c) (i) by inserting next after paragraph (b) of subsection one of section twenty the following new paragraph:— Sec. 20.  
(Regulations.)
  - (b1) prohibiting the issue by persons other than medical practitioners or registered veterinary surgeons of prescriptions containing any such drug; and
- (ii) by omitting from paragraph (c) of the same subsection the words “Any such fees shall be paid to the board for administrative expenses ”;
- (iii) by omitting from the same subsection the words “ as to the board ” and by inserting in lieu thereof the words “ as to the Minister ”;

(iv)

**Police Offences Amendment (Drugs) Act.****No. 16, 1934.**

- (iv) by omitting from the same subsection the words " upon the recommendation of the board " wherever occurring;
- (v) by omitting from the same subsection the words " as the board thinks proper " and by inserting in lieu thereof the words " as he thinks proper.

A general license to manufacture drugs to which this Part of this Act applies shall not be issued. A license to manufacture drugs shall be limited to the manufacture of a particular drug or drugs specified in the license. Several licenses to manufacture drugs may be issued to the same person."

- (vi) by omitting from the same subsection the words " or the board ";

**Sec. 20B.**  
**(Penalties.)**

- (d) (i) by omitting from subsection one of section 20B the words " two hundred and fifty " and by inserting in lieu thereof the words " four hundred ";
- (ii) by omitting from the same subsection the words " twelve months " and by inserting in lieu thereof the words " two years."

**Saving.**

(3) Any regulation made before the commencement of this Act, and in force at such commencement, shall continue in force until repealed by regulation made after such commencement.

(4) In the application of any regulation so continued and in the construction of any term or condition set out in any license any reference to the board shall be construed as a reference to the Minister, and a reference to an officer of the board shall be construed as a reference to an officer of the police force or of the Public Service authorised generally or specially by the Minister to perform any duty in respect of which the reference is made, and any matter or thing prescribed to be done upon the recommendation of the board may be done without any reference to the Pharmacy Board of New South Wales.

(5) Any license or authority issued or granted under Part VI of the Police Offences (Amendment) Act, 1908, and in force immediately before the commencement of

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of this Act, shall have the same force and effect as if this Act had not been enacted: No. 16, 1934.

Provided that nothing in this subsection shall prejudice or affect the power of the Minister under such Part, as amended by this Act, to withdraw, without reference to the Pharmacy Board of New South Wales, any such license or authority.

3. The Police Offences (Amendment) Act, 1908, is further amended— Further amend-  
ment of Act No.  
12, 1908.

(a) by inserting next after section nineteen the following new sections:— New ss. 19A,  
19B.

19A. (1) Any person who forges or fraudulently alters or utters, knowing it to be forged or fraudulently altered, any prescription of a medical practitioner or registered veterinary surgeon, including any drug to which this Part of this Act applies, shall be guilty of an offence against this Part of this Act. Forging, etc.,  
prescrip-  
tions.  
cf. Act No.  
3748, 1929  
(Vict.), s.  
45; Act No.  
3918, 1930  
(Vict.), s. 6.

(2) Any person who knowingly by any false representation (whether verbal, or in writing, or by conduct) obtains from any medical practitioner or registered veterinary surgeon any prescription including any drug to which this Part of this Act applies, or induces any registered pharmacist to dispense any forged or fraudulently altered prescription, or any prescription obtained in contravention of this subsection, or is in actual possession of any forged or fraudulently altered prescription or any prescription obtained in contravention of this subsection, knowing the same to be forged or fraudulently altered or obtained as aforesaid shall be guilty of an offence against this Part of this Act. Obtaining,  
etc., pre-  
scription by  
false repre-  
sentation.

19B. Any person who knowingly by any false representation (whether verbal, or in writing, or by conduct) obtains from any registered pharmacist any drug to which this Part of this Act applies shall be guilty of an offence against this Part of this Act. Obtaining  
drug by false  
representa-  
tion.  
cf. Act No.  
3748, 1929  
(Vict.),  
s. 46.

(b) by omitting from section four the words " same Act " and by inserting in lieu thereof the words " Vagrancy Act, 1902." Sec. 4.  
(Revision.)