

PAPUA.



No. 10 of 1923.

AN ORDINANCE

Relating to Certain Drugs.

STANIFORTH SMITH.

[L.S.]

30th July, 1923.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Dangerous Drugs Ordinance, 1923.* Short title.

2. In this Ordinance unless the contrary intention appears:— Definitions.

“Raw Opium” means the spontaneously coagulated juice obtained from the capsules of the opium poppy which has only been submitted to the necessary manipulations for packing and transport; Cf. Norfolk Id. 1 of 1922. s. 3.

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“Prepared Opium” means the product of raw opium obtained by a series of special operations especially by dissolving boiling roasting and fermentation designed to transform it into an extract suitable for consumption and includes dross and all other residues remaining when opium has been smoked;

“Medicinal Opium” means raw opium which has been heated to 60 degrees Centigrade and contains not less than 10 per centum of morphine whether or not it be powdered or granulated or mixed with indifferent materials;

“Morphine” means the principal alkaloid of opium having the chemical formula $C_{17} H_{19} NO_3$;

“Cocaine” means the principal alkaloid of the leaves of *Erythroxylon Coca* having the chemical formula $C_{17} H_{21} NO_4$;

“Heroin” means diacetyl-morphine having the chemical formula $C_{21} H_{23} NO_5$;

“Dangerous Drugs” means and includes Medicinal Opium Morphine Cocaine and Heroine: the Salts of Morphine; the Salts of Cocaine; the Salts and preparations of Heroine which contain more than one tenth per centum of Heroine;

All preparations (officinal or non-officinal including remedies which are advertised as anti-opium remedies) which contain more than one fifth per centum of Morphine or more than one tenth per centum of Cocaine; and

All new derivatives of Morphine or of Cocaine or their respective salts and every other alkaloid of opium which may be shown by scientific research generally recognised to be liable to similar abuse and productive of like ill-effects.

“Legally Qualified Medical Practitioner” means—

(1) Any person who proves to the satisfaction of the Chief Medical Officer or other Officer appointed by the Lieutenant-Governor—

(a) that he is a doctor or bachelor of medicine of some University or a physician or surgeon licensed or

Cf. Norfolk Id.
1 of 1922, s. 5.

Cf. N.S.W.
29 of 1912 s. 4.

admitted as such by some College of physicians or surgeons in Great Britain or Ireland ; or

(b) that he has passed through a regular course of medical study of not less than five years duration in a school of medicine and that he has received after due examination from some University College or other body duly recognised for that purpose in the country to which such University College or other body belongs a diploma degree or licence entitling him to practise medicine in that country ; or

(c) that he is a licentiate of the Company of Apothecaries of London or a licentiate of the Apothecaries Hall of Dublin.

(2) Any person who is or has been a medical officer duly appointed and confirmed of His Majesty's sea or land service ;

(3) The Chief Medical Officer and any Government Medical Officer in the Public Service of the Territory.

(4) Any person who, not being possessed of qualifications expressed in paragraphs (1) (2) or (3) of this definition, proves to the satisfaction of the Chief Medical Officer or other officer appointed by the Lieutenant-Governor that he is nevertheless, under the laws of any of the States of the Commonwealth of Australia, entitled by registration under those laws to practise the profession of medicine in that State.

3. The—

- (1) importation into the Territory
- (2) exportation from the Territory
- (3) making ; or
- (4) sale

Prohibition
regarding Raw
Opium and
prepared
Opium.
Cf. Norfolk Id.
No. 1, of 1922
s. 4.

of Raw Opium or of Prepared Opium is prohibited absolutely.

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Dangerous
Drugs not to
be made or
exported.

4. The—

- (1) making ; or
- (2) exportation from the Territory of Dangerous Drugs is prohibited absolutely.

Importation of
Dangerous
Drugs without
licence
prohibited
Cf. Norfolk Id.
s. 5.

5. The importation into the Territory of Dangerous Drugs is prohibited unless imported by persons licensed by the Treasurer in accordance with this Ordinance.

Issue of
Licence
Cf. *Ib.* s. 6.

6. (1) The Treasurer may grant licences to persons to import Dangerous Drugs or one or more particular forms of Dangerous Drugs to be specified in the Licence subject to the following conditions and restrictions:—

- (a) The Drugs shall be imported for medicinal purposes only ;
- (b) A Licence to import the Drugs shall be issued only to—
 - (i) a legally qualified medical practitioner ; or
 - (ii) a person who proves to the satisfaction of the Treasurer or of some other officer appointed by the Lieutenant-Governor that he is a fit and proper person to be allowed to import Dangerous Drugs or the particular form of Dangerous Drugs he seeks permission to import.

(2) A Licence issued under this section shall be for a period of one year and may be renewed from time to time for a like period and shall be in accordance with the form set out in the First Schedule to this Ordinance unless the licence is limited to a particular form or forms of Dangerous Drug in which case it shall be in the form set out in the Second Schedule hereto.

First Schedule.

Second
Schedule.

(3) Before a licence is granted the applicant shall—

- (a) give security to the satisfaction of the Lieutenant-Governor that—
 - (i) all importations made by him pursuant to the licence or of any renewal thereof will be disposed of for medicinal purposes only ; and
 - (ii) he will record in a book kept by him for the purpose particulars of how and to whom they have been disposed of and

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will at all reasonable times produce to the Treasurer or other officer appointed by the Lieutenant-Governor the book so kept and the balance of the importations on hand at the time when the book is produced ; and

- (b) give an undertaking in writing that he will be responsible for the making of reasonable enquiries as to the purpose and destination of Dangerous Drugs imported under the licence and subsequently sold with a view to assuring himself that such Drugs are intended for medicinal use only.

7. Any Raw Opium Prepared Opium or Dangerous Drugs imported in contravention of this Ordinance may be seized by the Treasurer or by any Customs Officer and may be dealt with as the Lieutenant-Governor directs.

Forfeiture of
Dangerous
Drugs
Cf. Norfolk Id.
s. 7.

8. (1) Any person who—

- (a) without reasonable excuse (proof whereof shall lie upon him) has in his possession on board any ship any prohibited imports to which this section applies ; or
- (b) imports or attempts to import into the Territory any prohibited imports to which this section applies ; or
- (c) without reasonable excuse (proof whereof shall, lie upon him) has in his possession any prohibited imports to which this section applies which have been imported into the Territory in contravention of this Ordinance : or
- (d) aids abets counsels or procures or is in any way knowingly concerned in the importation into the Territory of any prohibited imports to which this section applies ; or
- (e) fails to disclose to the Treasurer or other officer appointed by the Lieutenant-Governor on demand any knowledge in his possession or power concerning the importation or intended importation into the Territory of any prohibited imports to which this section applies

Offences
Cf. *Id.* s. 8.

shall be guilty of an offence against this Ordinance.

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Penalty: Imprisonment for not less than three months and not more than two years with or without hard labour.

(2) This section shall apply to all Dangerous Drugs the importation of which is prohibited by this Ordinance.

(3) An offence against this section shall be punishable on summary conviction.

Penalty for exporting &c., raw or prepared opium.

9. Any person who exports from the Territory or makes or sells Raw Opium or Prepared Opium is guilty of an offence against this Ordinance and shall be liable on summary conviction to a penalty not exceeding One hundred pounds or in default six months imprisonment with or without hard labour.

Penalty for exporting &c., Dangerous Drugs.

10. Any person who exports from the Territory or makes any Dangerous Drug is guilty of an offence against this Ordinance and shall be liable on summary conviction to a penalty not exceeding Fifty pounds or in default three months imprisonment with or without hard labour.

Cancellation of Licence.

11. The Lieutenant-Governor may at any time cancel any licence granted under the provisions of this Ordinance.

Passed in Council this thirtieth day of July, in the year of Our Lord One thousand nine hundred and twenty-three.

Section 6.

FIRST SCHEDULE.

Territory of Papua.

Dangerous Drugs Ordinance, 1923.

LICENCE.

This is to certify that [*here set out the name address and occupation of the licensee*] is licenced for the period of one year from the date hereof to import for medicinal purposes only—

- (a) Medicinal Opium, Morphine, Cocaine, and Heroine, as defined in this licence.
- (b) The Salts of Morphine.
- (c) The Salts of Cocaine.
- (d) The Salts and preparations of Heroine which contain more than one tenth per centum of Heroine.

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- (e) All preparations (official or non-official including remedies which are advertised as anti-opium remedies) which contain more than one fifth per centum of Morphine, or more than one tenth per centum of Cocaine, and
- (f) All new derivatives of Morphine or of Cocaine or their respective salts, and every other alkaloid of opium which may be shown by scientific research, generally recognised, to be liable to similar abuse and productive of like ill-effects.

Nothing in this Licence shall be held to entitle the holder to import Raw Opium or Prepared Opium as defined in this licence.

This Licence may be renewed from time to time by indorsement thereon signed by the Treasurer.

In this Licence—

“Raw Opium” means the spontaneously coagulated juice obtained from the capsules of the opium poppy which has only been submitted to the necessary manipulations for packing and transport ;

“Prepared Opium” means the product of Raw Opium obtained by a series of special operations, especially by dissolving, boiling, roasting, and fermentation designed to transform it into an extract suitable for consumption, and includes dross and all other residues remaining when opium has been smoked ;

“Medicinal Opium” means Raw Opium which has been heated to 60 degrees Centigrade and containing not less than 10 per centum of Morphine, whether or not it be powdered or granulated or mixed with indifferent materials ;

“Morphine” means the principal alkaloid of opium having the chemical formula $C_{17} H_{19} NO_3$;

“Cocaine” means the principal alkaloid of the leaves of *Erythroxylon Coca* having the chemical formula $C_{17} H_{21} NO_4$;

“Heroin” means diacetyl-morphine having the chemical formula $C_{21} H_{23} NO_5$

Dated this _____ day of _____ 19____
Treasurer.

SECOND SCHEDULE.

Section 6.

Territory of Papua.

Dangerous Drugs Ordinance, 1923.

LICENCE.

THIS is to certify that [*here set out the name and address and occupation of the licensee*] is licensed for the period of one year from the date hereof to import for medicinal purposes only the particular form (or forms) of Dangerous Drugs immediately hereunder specified, that is to say : [*here set out the particular form or forms only of Dangerous Drugs which the licensee is licensed to import.*]

Dangerous Drugs Ordinance, 1923.

Nothing in this Licence shall be held to entitle the holder to import any Dangerous Drug as defined in this Licence, other than the particular form (*or forms*) thereof specified above.

Nothing in this Licence shall be held to entitle the holder to import Raw Opium or Prepared Opium as defined in this Licence.

This Licence may be renewed from time to time by indorsement thereon signed by the Treasurer.

In this Licence—

“Dangerous Drug” means and includes—

- (a) Medicinal Opium (being raw opium which has been treated to 60 degrees Centigrade and contains not less than 10 per centum of morphine), whether or not it be powdered or granulated or mixed with indifferent materials.
- (b) Morphine (being the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_3$)
- (c) Cocaine (being the principal alkaloid of the leaves of *Erythroxylon Coca*) having the chemical formula $C_{17}H_{12}NO_4$
- (d) Heroine (being diacetyl-morphine having the chemical formula $C_{21}H_{23}NO_5$)
- (e) The Salts of Morphine.
- (f) The Salts of Cocaine.
- (g) The Salts and preparations of Heroine which contain more than one tenth per centum of Heroine.
- (h) All preparations (official or non-official including remedies which are advertised as anti-opium remedies) which contain more than one fifth per centum of Morphine, or more than one tenth per centum of Cocaine.
- (i) All new derivatives of Morphine or of Cocaine or their respective salts, and every other alkaloid of opium which may be shown by scientific research, generally recognised, to be liable to similar abuse and productive of like ill-effects.

“Raw” Opium means the spontaneously coagulated juice obtained from the capsules of the opium poppy which has only been submitted to the necessary manipulations for packing and transport.

“Prepared Opium” means the product of Raw Opium obtained by a series of special operations especially by dissolving, boiling, roasting and fermentation designed to transform it into an extract suitable for consumption, and includes dross and all other residues remaining when opium has been smoked.

Dated

day of

19

Treasurer.