

DANGEROUS DRUGS ORDINANCE 1927.⁽¹⁾

No. 27 of 1927.

An Ordinance Relating to Dangerous Drugs.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920-1926*, as follows:—

1. This Ordinance may be cited as the *Dangerous Drugs Ordinance 1927*.⁽¹⁾ Short title.
2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *New Guinea Gazette*.⁽¹⁾ Commencement.
3. In this Ordinance, unless the contrary intention appears— Definitions.
 - “Raw Opium” means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum L.*, which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine;
 - “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 undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopœia, whether in powder form or granulated or otherwise or mixed with neutral materials;
 - “Morphine” means the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_3$;
 - “Diacetylmorphine” means diacetylmorphine (diamorphine, heroin) having the chemical formula $C_{21}H_{23}NO_5$;

(1) Particulars of this Ordinance are as follows:—

Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwlth. Gaz.</i>	Date on which took effect.
3.8.1927	11.8.1927	31.10.1928 (<i>N.G. Gaz.</i> of 31.10.1928)

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“Coca Leaf” means the leaf of the *Erythroxylon Coca Lamarck* and the *Erythroxylon novo-granatense* (Morris) Hieronymus and their varieties, belonging to the family of Erythroxylaceæ and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation;

“Crude Cocaine” means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine;

“Cocaine” means methyl-benzoyl lævo-ecgonine ($[a]_{D20} = -16.4$) in 20 per cent. solution of chloroform, of which the formula is $C_{17}H_{21}NO_4$;

“Ecgonine” means lævo-ecgonine ($[a]_{D20} = -45.6$ in 5 per cent. solution of water), of which the formula is $C_9H_{15}NO_3 \cdot H_2O$, and all the derivatives of lævo-ecgonine which might serve industrially for its recovery;

“Indian Hemp” means the dried flowering or fruiting tops of the pistillate plant *Cannabis sativa L.* from which the resin has not been extracted, under whatever name they may be designated in commerce;

“Dangerous Drugs” includes—

- (a) medicinal opium, crude cocaine, ecgonine, morphine, diacetylmorphine, cocaine and their respective salts;
- (b) all preparations officinal and non-official (including the so-called anti-opium remedies) containing more than 0.2 per cent. of morphine or more than 0.1 per cent. of cocaine;
- (c) all preparations containing diacetylmorphine;
- (d) galenical preparations (extract and tincture) of Indian hemp; and
- (e) any other narcotic drug which the Administrator by notice⁽²⁾ in the *New Guinea Gazette* declares to be a dangerous drug;

“Legally qualified medical practitioner” means a person duly registered as a medical practitioner under the *Medical Ordinance 1924-1925*.

Prohibition
regarding
raw opium and
prepared opium.

4. The—

- (a) importation into the Territory;
- (b) exportation from the Territory;
- (c) making; or
- (d) sale

of raw opium or of prepared opium is prohibited.

(2) No notice has been published in *N.G. Gaz.*

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5. The making in or exportation from the Territory of any dangerous drug is prohibited.

Dangerous
drugs not to be
made or
exported.
Cf. Pap. No.
10 of 1923, s. 4.

6. The importation into the Territory of any dangerous drug is prohibited unless imported by persons licensed in accordance with the next succeeding section.

Importation
of dangerous
drugs without
licence
prohibited.

7.—(1.) The Administrator 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:—

Issue of licence.

(a) The drugs shall be imported for medicinal purposes only; and

(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 Administrator 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 drugs, in which case it shall be in accordance with the form set out in the Second Schedule.

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

(a) give security to the satisfaction of the Administrator 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 the quantities imported and of how and to whom they have been disposed of, and will at all reasonable times produce to the Administrator, or an officer thereto authorized by the Administrator, 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

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purpose and destination of dangerous drugs imported under the licence and subsequently sold, with a view to assuring himself that the drugs are intended for medicinal purposes only.

Import authorization.

8.—(1.) Every holder of a licence to import dangerous drugs, shall advise the Administrator of his intention to import dangerous drugs and shall state—

- (a) the exact description and quantity of the drugs to be imported; and
- (b) the name and address of the firm in the exporting country from which the drugs are to be obtained.

(2.) The Administrator may issue a certificate to the importer in accordance with the form set out in the Third Schedule to this Ordinance specifying the period within which the importation must be effected.

Forfeiture of dangerous drugs.

9. Any raw opium, prepared opium or dangerous drugs imported in contravention of this Ordinance or of a licence granted in pursuance of this Ordinance shall be seized by any Customs officer and may be dealt with as the Administrator directs.

Offences.

10.—(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;
- (b) imports into the Territory any prohibited imports to which this section applies;
- (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 of any licence granted in pursuance of this Ordinance;
- (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 Administrator or an officer thereto authorized by the Administrator 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—

shall be guilty of an offence.

Penalty: Imprisonment for not less than three months and not more than two years.

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(2.) This section applies to raw opium, prepared opium and all dangerous drugs, the importation of which is prohibited by this Ordinance.

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

11. Any person who exports from the Territory, makes or sells, raw opium or prepared opium shall be guilty of an offence.

Penalty for exporting, &c., raw or prepared opium.
Cf. Pap. No. 10 of 1923, s. 9.

Penalty: One hundred pounds or imprisonment for six months.

12. Any person who exports from the Territory or makes any dangerous drugs shall be guilty of an offence.

Penalty for exporting, &c., dangerous drugs.

Penalty: Fifty pounds or imprisonment for three months.

Cf. Pap. ib. s. 10.

13. The Administrator may at any time cancel any licence granted under the provisions of this Ordinance.

Cancellation of licences.
Cf. Pap. ib. s. 11.

14. The Administrator shall furnish to the Minister—

Returns.

(a) during the month of January in each year a return setting out—

- (i) the stocks of dangerous drugs held by importers in the Territory;
- (ii) the imports of dangerous drugs into, and the consumption of dangerous drugs in, the Territory during the preceding year; and
- (iii) the amounts of raw opium, prepared opium and dangerous drugs confiscated during the preceding year, the reasons for confiscation and the manner of disposal of the confiscated substances.

(b) a quarterly return setting out the imports of dangerous drugs during the presiding⁽⁴⁾ three months.

15.—(1.) The Administrator may make regulations,⁽³⁾ not inconsistent with this Ordinance, prescribing all matters which, by this Ordinance, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance and in particular—

Regulations.

(a) for requiring persons to furnish such returns in relation to dangerous drugs as are necessary for the purposes of carrying out this Ordinance; and

(b) for prescribing penalties not exceeding Fifty pounds for any breach of the regulations.

(3) No regulations have been made.

(4) The word "presiding" appeared in the original Ordinance. The word "preceding" has now been inserted in its stead by the First Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

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(2.) All such regulations shall come into operation upon publication in the *New Guinea Gazette* or from a later date specified therein.

(3.) Regulations made under this Ordinance shall be subject at any time to disallowance by the Governor-General and any regulation so disallowed shall cease to have effect from the date of publication of the disallowance in the *New Guinea Gazette*.

FIRST SCHEDULE.

TERRITORY OF NEW GUINEA.

Dangerous Drugs Ordinance 1927.

LICENCE.

This is to certify that (*here set out the name, address and occupation of the licensee*) is licensed under the *Dangerous Drugs Ordinance 1927* for a period of one year from the date hereof to import for medicinal purposes only—

- (a) medicinal opium;
- (b) crude cocaine and ecgonine;
- (c) morphine, diacetylmorphine, cocaine and their respective salts;
- (d) all preparations official and non-official (including the so-called anti-opium remedies) containing more than 0.2 per cent. of morphine or more than 0.1 per cent. of cocaine;
- (e) all preparations containing diacetylmorphine;
- (f) galenical preparations (extract and tincture) of Indian hemp; and
- (g) any other narcotic drug which the Administrator by notice in the *New Guinea Gazette* declares to be a dangerous drug.

Nothing in this licence shall be held to entitle the holder to import raw opium or prepared opium.

This licence may be renewed from time to time by endorsement thereon signed by the Administrator.

Dated the _____ day of _____ One thousand nine
hundred and twenty- _____
Administrator.

SECOND SCHEDULE.

TERRITORY OF NEW GUINEA.

Dangerous Drugs Ordinance 1927:

LICENCE.

This is to certify that (*here set out the name, address and occupation of the licensee*) is licensed under the *Dangerous Drugs Ordinance 1927* for a 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*).

Nothing in this licence shall be held to entitle the holder to import any dangerous drugs 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.

This licence may be renewed from time to time by endorsement thereon signed by the Administrator.

Dated the _____ day of _____ One thousand nine
hundred and twenty- _____
Administrator.

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THIRD SCHEDULE.

TERRITORY OF NEW GUINEA.

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No.

CERTIFICATE OF OFFICIAL APPROVAL OF IMPORT.

I, the Administrator of the Territory of New Guinea, acting under the provisions of section eight of the *Dangerous Drugs Ordinance 1927*, do hereby certify that I have approved the importation by

(a)

(a) Name, address and business of importer.

of (b)

(b) Exact description and amount of drug to be imported.

from (c)

(c) Name and address of firm in exporting country from which the drug is to be obtained.

subject to the following conditions:—

(d)

(d) State any special conditions to be observed, e.g., not to be imported through the post.

and am satisfied that the consignment proposed to be imported is required solely for medicinal or scientific purposes.

Administrator.

Date

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