



ANNO VICESIMO QUINTO

# ELIZABETHAE II REGINAE

A.D. 1976

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## No. 89 of 1976

### An Act to amend the Narcotic and Psychotropic Drugs Act, 1934-1974.

[Assented to 16th December, 1976]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Narcotic and Psychotropic Drugs Act Amendment Act, 1976".

(2) The Narcotic and Psychotropic Drugs Act, 1934-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Narcotic and Psychotropic Drugs Act, 1934-1976".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of principal Act, s. 3—  
Interpretation.

3. Section 3 of the principal Act is amended by striking out the definition of "Indian hemp" and inserting in lieu thereof the following definitions:—

"hashish" means any resinous or other extract, derivative or concentrate obtained from Indian hemp, whether crude, adulterated or refined and whether dehydrated or not:

"Indian hemp" means a plant, or any part of a plant, of the genus *Cannabis* (except fibrous material containing no resin) whether dehydrated or not (but does not include hashish): .

Amendment of principal Act, s. 4—  
Drugs to which this Act applies.

4. Section 4 of the principal Act is amended by striking out paragraph (b) of subsection (1) and inserting in lieu thereof the following paragraph:—

(b) Indian hemp and hashish; .

Amendment of principal Act, s. 5—  
Offences.

5. Section 5 of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (1) the passage " , or administers to any other person, ";

(b) by striking out from subsection (2) the passage “and liable to a penalty of four thousand dollars or imprisonment for ten years, or both”;

(c) by inserting after subsection (2) the following subsection:—

(2a) The penalty for an offence under subsection (2) of this section is—

(a) where the drug or plant involved in the commission of the offence is Indian hemp, or any other prescribed drug or plant—a penalty not exceeding four thousand dollars, or imprisonment for ten years, or both;

and

(b) in any other case—a penalty not exceeding one hundred thousand dollars, or imprisonment for twenty-five years, or both. ;

and

(d) by striking out from subsection (4) the passage “for the purposes referred to in paragraph (c) of subsection (2) of this section” and inserting in lieu thereof the passage “for the purpose of trading in the drug”.

6. Section 7 of the principal Act is amended by striking out paragraph (c) of subsection (1) and inserting in lieu thereof the following paragraph:—

Amendment of  
principal Act,  
s. 7—  
Regulations.

(c) authorizing, subject to such conditions as may be stipulated in the regulations, persons of specified classes to have drugs to which this Act applies in their possession and to deal with them in a manner authorized by the regulations; .

7. Section 11 of the principal Act is amended by striking out from subsection (1) the passage “break open, enter and search that house, building, ship, vessel or place and may seize and carry away any drug to which this Act applies and may arrest any person whom he has reasonable grounds to suspect of committing or having committed an offence against this Act” and inserting in lieu thereof the following paragraphs:—

Amendment of  
principal Act,  
s. 11—  
Powers of  
police officers  
and other  
authorized  
persons.

(a) break open, enter and search that house, building, ship, vessel or place;

(b) seize and carry away any drug to which this Act applies;

(c) seize and carry away any money or thing that he suspects on reasonable grounds to be liable to forfeiture in proceedings for an offence against this Act;

(d) arrest any person whom he suspects on reasonable grounds of having committed an offence against this Act.

8. Section 14 of the principal Act is amended—

Amendment of  
principal Act,  
s. 14—  
Proceedings.

(a) by striking out subsection (1a) and inserting in lieu thereof the following subsection:—

(1a) A court before which a person is convicted of an offence against this Act may, by order, confiscate and forfeit to the Crown—

(a) any money received by the convicted person in connection with the commission of the offence;

(b) any drugs to which this Act applies—

(i) used by the convicted person in connection with the commission of the offence;

or

(ii) of which the convicted person was unlawfully in possession;

(c) any articles used by the convicted person in connection with the commission of the offence;

and

(d) where the offence involves a drug of a prescribed kind—any premises, or vehicle, the property of the convicted person, used by him in connection with the commission of the offence. ;

(b) by striking out from subsection (8) the passage “Subject to subsection (9) of this section, proceedings” and inserting in lieu thereof the word “Proceedings”;

and

(c) by striking out subsection (9).

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. NICHOLLS, Governor