



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 112 of 1974

An Act to amend the Narcotic and Psychotropic Drugs Act, 1934-1972.

[Assented to 5th December, 1974]

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, 1974".

(2) The Narcotic and Psychotropic Drugs Act, 1934-1972, 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, 1934-1974".

Amendment of
principal Act,
s. 3—
Interpretation.

2. Section 3 of the principal Act is amended—

(a) by striking out the definition of "Indian hemp" and inserting in lieu thereof the following definition:—

"Indian hemp" means any part of a plant of the genus *Cannabis*, or any resinous or other extract or derivative obtained therefrom, or the residue of any part of the plant after an extract or derivative has been obtained therefrom (except fibrous material containing no resin) and includes any such part, extract, derivative, or residue in any state of dehydration and by whatever name it is called ;;

and

(b) by striking out paragraph (c) of the definition of "prohibited plant" and inserting in lieu thereof the following paragraph:—

(c) any plant of the genus *Cannabis*..

Amendment of
principal Act,
s. 5—
Prohibition of
manufacture,
administration,
etc., of drugs.

3. Section 5 of the principal Act is amended—

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

(b) smokes, consumes or administers to himself, or permits any other person to administer to him, or administers to any other person, any drug to which this Act applies;

(b) by inserting in paragraph (e) of subsection (2) after the passage "drug to which this Act applies" the passage "or for the cultivation of any prohibited plant".

and

(c) by inserting after subsection (3) the following subsection:—

(3a) It shall be a defence to a charge under paragraph (e) of subsection (2) of this section to prove that the defendant did not know—

(a) that a substance produced, prepared, manufactured, sold, distributed, smoked, consumed or administered on premises to which the charge relates was a drug to which this Act applies;

or

(b) that a plant cultivated on premises to which the charge relates was a prohibited plant,

as the case may require.

4. Section 14 of the principal Act is amended by striking out subsection (1a) and inserting in lieu thereof the following subsection:—

Amendment of
principal Act,
s. 14—
Proceedings.

(1a) A court before which a person is convicted of an offence against this Act may, by order, confiscate and forfeit to the Crown any money, substances or articles used or received by the convicted person in connection with the offence.

5. The following section is enacted and inserted in the principal Act immediately after section 14 thereof:—

Enactment of
s. 14a of
principal Act—

14a. (1) Subject to subsection (3) of this section, no person shall publish an advertisement in any form—

Prohibition of
certain
advertisements.

(a) to the effect that he or any other person is willing or entitled to supply any drug to which this Act applies;

or

(b) promoting or encouraging the use of any drug to which this Act applies.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence against this Act.

(3) This section does not apply in respect of an advertisement in a magazine, journal, circular or paper—

(a) circulated only amongst legally qualified medical practitioners, registered dentists or veterinary surgeons;

or

(b) exempted by the Minister from the provisions of this section.

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

M. L. OLIPHANT, Governor