



ANNO QUINTO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 25 of 1966

**An Act to Amend “The Health Acts, 1937 to 1964,”
in certain particulars**

[ASSENTED TO 15TH DECEMBER, 1966]

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1) **Short title.** This Act may be cited as “*The Health Acts Amendment Act of 1966.*”

(2) **Principal Act.** “*The Health Acts, 1937 to 1964,*” are in this Act called the Principal Act.

(3) **Collective title.** The Principal Act and this Act may be collectively cited as “*The Health Acts, 1937 to 1966.*”

2. Repeal of and new s. 130. The Principal Act is amended by repealing section one hundred and thirty and inserting in its stead the following section:—

“ [130.] (1) **Restriction on possession, &c., of drugs.** Unless he is licensed or authorized by or under this Act so to do a person shall not—

(a) have in his possession or on any premises or in any place;

(b) supply or procure or offer to supply or procure to or for any person,

any dangerous drug or any other drug for the time being declared by the Governor in Council by Order in Council (he being hereby authorized so to do) to be a dangerous drug for the purposes of this section.

A person who contravenes any provision of this subsection or attempts so to do commits an offence against this Act.

(2) **Penalty.** A person who contravenes any provision of subsection (1) of this section or attempts so to do shall be liable on conviction for a first such offence to a penalty of not less than two hundred dollars nor more than eight hundred dollars or to imprisonment (with or without hard labour) for six months or to both such penalty and imprisonment and on conviction for a second or subsequent such offence to a penalty of not less than four hundred dollars nor more than two thousand dollars or to imprisonment (with or without hard labour) for two years or to both such penalty and imprisonment.

Upon a prosecution of any person for such a contravention or attempted contravention the Court, whether or not it convicts the defendant of the offence charged, may order that any article in respect of which the offence charged is alleged to have been committed shall be forfeited to Her Majesty and such article shall thereupon be forfeited accordingly.

(3) **Powers of detention, and arrest.** Any member of the Police Force may—

(a) detain any person found in any premises or place whom he reasonably suspects to have in his possession or on any premises or in any place in contravention of any provision of subsection (1) of this section any dangerous drug or other drug for the time being declared by the Governor in Council to be a dangerous drug for the purposes of this section or any substance which he suspects to be such a drug;

(b) search the person and possessions of any person so detained and anything carried or conveyed by such a person and any premises or place wherein such person may be and any premises or place wherein such person has or is suspected of having any such drug or substance and for that purpose, open by such means as he deems necessary any room, package or container;

(c) seize and retain any such drug or substance in the possession of such a person or found in the course of such a search;

(d) arrest without warrant any person who has or who he reasonably suspects has contravened or attempted to contravene any provision of subsection (1) of this section and deal with him according to law.

(4) **Proof of licence, &c.** The burden of proof that any person is licensed or authorized by or under this Act for the purposes of this section shall, at all times, be upon the person claiming so to be.

(5) **Regulations.** The Director-General may, from time to time, make regulations for carrying out the objects of this section and in particular for regulating the manufacture, sale, distribution of and other dealing with dangerous drugs and other drugs for the time being declared by the Governor in Council to be dangerous drugs for the purposes of this section and prescribing penalties not exceeding one thousand dollars for breaches of such regulations.”

3. Amendments to s. 131A. Section 131A of the Principal Act is amended by—

(a) in the first paragraph, adding to provision (i) the words “ or any other drug for the time being declared by the Governor in Council to be a dangerous drug for the purposes of section one hundred and thirty of this Act ”;

(b) in the second paragraph, omitting the word “ five ” and inserting in its stead the word “ three ”.