

POISONS ORDINANCE 1924-1959.*

An Ordinance relating to the Sale of Poisons.

Short title,
Short title
amended:
No. 17, 1938,
s. 4.

1. This Ordinance may be cited as the *Poisons Ordinance* 1924-1959.*

Interpretation.
Sub-section (1.)
amended by
No. 15, 1958,
s. 3.

2.—(1.) In this Ordinance, unless the contrary intention appears—

“ licence ” means a licence granted under this Ordinance;

“ registered medical practitioner ” means a person registered under the *Medical Practitioners Registration Ordinance* 1935-1957;

“ registered pharmacist ” means a person registered under the *Pharmacy Ordinance* 1936-1957;

“ the British Pharmacopoeia ” means—

(a) the latest edition (being an edition that has taken effect) for the time being of the book called the British Pharmacopoeia published under the direction of the General Medical Council of the United Kingdom; or

(b) if that edition has been added to or amended by additions or amendments that have taken effect—that edition as affected by those additions or amendments.

(2.) A reference in this Ordinance to a Form shall be read as a reference to a Form in the Second Schedule to this Ordinance.

* The *Poisons Ordinance* 1924-1959 comprises the *Poisons Ordinance* 1924 as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date notified in <i>Commonwealth Gazette</i> .	Date of Assent by Administrator.	Date of Commencement.
<i>Poisons Ordinance</i> 1924 ..	No. 6, 1924	28th February, 1924	..	28th February, 1924
<i>Poisons Ordinance</i> 1928 ..	No. 29, 1928	30th November, 1928	..	30th November, 1928
<i>Poisons Ordinance</i> 1930 ..	No. 6, 1930	12th June, 1930	..	12th June, 1930
<i>Poisons Ordinance</i> 1958 ..	No. 15, 1958	..	14th November, 1958	12th February, 1959
<i>Administrator's Council Ordinance</i> 1959	No. 22, 1959	..	7th July, 1959	28th April, 1960

3.—(1.) The articles specified in the First Schedule to this Ordinance shall be deemed poisons. Schedule of poisons.

(2.) The Administrator in Council may, by Proclamation published in the *Gazette*, from time to time declare any article, not specified in the First Schedule to this Ordinance, to be a poison, and thereupon the article so declared shall be deemed, for the purposes of this Ordinance, to be a poison. Amended by No. 22, 1959, s. 6 and First Schedule.

4.—(1.) The Administrator may grant to a person applying in accordance with this Ordinance a licence to sell poison. Licences to sell poison.

(2.) Licences to sell poison shall be in accordance with Form A.

(3.) An applicant for a licence shall produce to the Administrator a certificate in accordance with Form B, signed by a Justice of the Peace of, or a registered medical practitioner practising in, the district where the applicant resides. Amended by No. 15, 1958, s. 4.

(4.) Upon the grant of a licence, the licensee shall pay to the Administrator a fee of Five pounds.

4A. Where the applicant for a licence is the person in charge of any charitable institution (including a hospital or mission station established for charitable or philanthropic purposes), the Government Resident may exempt that applicant from the payment of the prescribed fee for a licence. Licences to persons in charge of charitable institutions. Inserted by No. 6, 1930, s. 2.

4B. Where the resident manager of any pastoral or agricultural property or holding, who is the holder of a licence in respect of which the prescribed fee has been paid, ceases to be the resident manager of that property or holding, the Government Resident may cancel his licence and may grant a licence, without payment of the prescribed fee, to his successor who, as an applicant for a licence, complies with the provisions of sub-section (3.) of section four of this Ordinance. Licences to managers of stations. Inserted by No. 6, 1930, s. 2.

5. If the holder of a licence commits an offence against this Ordinance, or if the Administrator considers him unfit to be the holder of a licence, the Administrator may cancel the licence. Cancellation of licence.

6 Any person, not being the holder of a licence, who sells or supplies poison, or exhibits any poison for sale, shall be guilty of an offence. Sale or supply by unlicensed persons. Amended by No. 29, 1928, s. 2.

Duties of vendors of poison.

7. Every person licensed to sell poison shall—

- (a) keep all poisons in a receptacle securely locked or fastened;
- (b) record all sales of poisons in a book to be kept in accordance with Form C;
- (c) whenever a sale of poison is effected by correspondence preserve the document by which the poison is ordered; and
- (d) on demand being made to him at his shop or place of business by the Administrator or any person authorized in writing under his hand, immediately produce for inspection, the prescribed record of sales of poisons:

Provided that paragraphs (b) and (d) of this section shall apply only to the poisons mentioned in Part I. of the First Schedule to this Ordinance.

Sale of poison by correspondence.

8. No person shall sell or supply any poison mentioned in Part I. of the First Schedule hereto, ordered by letter or other document, to any person with whose signature he is unacquainted, unless the signature to the order for poison has been, or purports to have been, witnessed by a Justice of the Peace, legal practitioner or notary public, or is authenticated by some person known to the vendor.

Wrapper, &c., to be marked "poison".

9. No person shall sell or supply poison unless the bottle, wrapper, cover, box or case immediately containing the same bears thereon—

- (a) the word "poison" printed conspicuously in letters not less than three-sixteenths of an inch in height; and
- (b) the name of the article, the name and address of the vendor and the address of the premises from which the article was sold, so printed as to be clearly legible to a purchaser of the article.

Arsenic, strychnine, and their preparations to be coloured.

10. Any person who sells—

- (a) arsenic, or any preparation of arsenic, which before delivery to the purchaser, is not mixed with soot or other black substance in the proportion of not less than one ounce of soot or other black substance to one pound of arsenic; or
- (b) strychnine, or any uncoloured preparation of strychnine, which before delivery to the purchaser, is not coloured with Armenian bole or other red colouring matter,

shall be guilty of an offence:

Provided that, if the purchaser declares that the arsenic, strychnine or preparation thereof, is not required for any agricultural or pastoral use or for the destruction of vermin, but is required for a purpose for which the admixture of colouring matter would render it unfit, the poison may be sold uncoloured.

11. Any person who sells or supplies poison to—

- (a) any aboriginal;
- (b) any person who is apparently under the age of eighteen years; or
- (c) any person unknown to the vendor, unless the sale is made in the presence of a witness who is known by both the vendor and the purchaser,

Poison not to be sold to aboriginals, &c.

shall be guilty of an offence.

12. Any person who, having poison in his possession or control, fails to keep the poison in a receptacle conspicuously marked with the word "poison" in letters not less than three-sixteenths of an inch in height, shall be guilty of an offence:

Poison to be kept in receptacle labelled "poison".

Amended by No. 15, 1958, s. 5.

Provided that this section shall not apply to registered medical practitioners or registered pharmacists in the conduct of their business.

13. This Ordinance shall not apply to the sale of—

- (a) any poison made up or compounded in a medicine by—
 - (i) a registered medical practitioner; or
 - (ii) a registered pharmacist in accordance with a prescription of a person who is registered as a medical practitioner, dentist or veterinary surgeon in any State or Territory of the Commonwealth;
- (b) any poison made up in the form of homœopathic medicines unless in the crude state or mother tincture;
- (c) photographic materials for the purposes of photography;
- (d) fly poison papers and poisonous mixtures (marked "poison") for the eradication of vermin and insect pests, or of disease in animals, fruit trees, grape vines or other vegetation;
- (e) cyanide of potassium, strong mineral acids and metallurgical chemicals for use in mining or industrial processes; or
- (f) poisons by wholesale dealers in the ordinary course of business:

Restriction of Ordinance.

Amended by No. 15, 1958, s. 6.

Provided that an order in writing has been given to the vendor by the purchaser and that all such sales and prescriptions are recorded by the vendor in a book, and that the bottle, wrapper or other container of the poison is conspicuously marked with the word "poison".

Vendor to obtain prescribed signatures.

14. Whenever the signature of a purchaser, or witness to the sale, of any poison is required by this Ordinance, it shall be the duty of the vendor of the poison to obtain that signature.

Offences.

15.—(1.) Any person who—

- (a) sells any poison contrary to the provisions of this Ordinance;
- (b) neglects or omits to comply with any provision of this Ordinance;
- (c) gives false information in regard to any particulars required by this Ordinance in respect of any sale of poison; or
- (d) signs his name as witness to the signature of any person ordering poison by letter or other document, or to the sale of poison to a purchaser who is not known by him,

shall be guilty of an offence.

Penalty.

16. Any person who is convicted of an offence against any provision of this Ordinance shall be liable to a penalty of One hundred pounds or imprisonment for twelve months with or without hard labour.

Summary procedure.

17. All proceedings for any offence against this Ordinance shall be heard and determined before a Special Magistrate or two Justices of the Peace in a summary manner.

Regulations.

18.—(1.) The Administrator may make regulations not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary and convenient to be prescribed, for the purpose of carrying out the provisions of this Ordinance.

(2.) All regulations made by the Administrator under this Ordinance shall be notified in the *Gazette of the Northern Territory* and shall thereupon have the force of law.

(3.) The Minister may, by notice published in the *Gazette of the Northern Territory*, disallow any regulation and thereupon such regulation shall cease to have effect.

SCHEDULES.

THE FIRST SCHEDULE.

Substituted by
No. 15, 1958,
s. 7.

PART I.

Item.	Drugs, Chemicals and Compounds.
1	Aconite, aconitine and its salts, and preparations and admixtures of aconite or aconitine or its salts
2	Alkaloids, namely poisonous alkaloids and their salts, and derivatives of poisonous alkaloids or their salts
3	Antimonium tartaratum (tartar emetic) and other organic antimony compounds, and preparations and admixtures containing ten per centum or more of tartar emetic
4	Arsenic and chemical derivatives of arsenic, and preparations and admixtures of arsenic or of a chemical derivative of arsenic containing one-half per centum or more of arsenic calculated as arsenious oxide (As_2O_3), but not including arsenical pigments or arsenical mixtures or compounds intended for use for agricultural or horticultural purposes
5	Atropine, its salts, and preparations of atropine or its salts
6	Belladonna and preparations and admixtures containing one-tenth per centum or more of belladonna alkaloids, but not including belladonna or a preparation or admixture of belladonna contained in plasters
7	Butyl chloral hydrate and preparations and admixtures containing five per centum or more of butyl chloral hydrate
8	Cantharides, cantharidin and its salts, and preparations and admixtures of cantharides or cantharidin or its salts
9	Chloral hydrate and preparations and admixtures containing five per centum or more of chloral hydrate
10	Chlorodyne when containing one-fifth per centum or more of anhydrous morphine
11	Coca and preparations and admixtures containing one-tenth per centum or more of coca alkaloids
12	Cocaine, its salts, and preparations and admixtures containing one-tenth per centum or more of cocaine
13	Cocaine substitutes, namely, synthetic substitutes for cocaine and preparations and admixtures containing one-tenth per centum or more of a cocaine substitute
14	Codeine, its salts, and preparations and admixtures containing more than one per centum of codeine
15	Cyanide of potassium and other metallic cyanides, poisonous compounds of cyanogen, and preparations and admixtures of cyanide of potassium or any other metallic cyanide or of a poisonous compound of cyanogen
16	Digitalin and other poisonous constituents of digitalis
17	Dinitro ortho secondary butyl phenol (DNBP), and preparations containing more than five per centum of dinitro ortho secondary butyl phenol
18	Dinitro-phenol 2:4 and dinitro-o-cresol, their salts, and compounds, derivatives, preparations and admixtures of, or of compounds, extracts, derivatives, preparations or admixtures of, dinitro-phenol 2:4 or dinitro-o-cresol or their salts
19	Ecgonine, and preparations and admixtures containing one-tenth per centum or more of ecgonine, including derivatives of ecgonine from which ecgonine may be recovered industrially
20	Ergot of rye and preparations and admixtures of ergot of rye
21	Ethyl morphine, its salts, and preparations and admixtures containing more than one per centum of Ethyl morphine
22	Fluoroacetic acid, its salts and derivatives, and preparations and admixtures containing fluoroacetic acid, its salts or derivatives
23	Fluorophosphates, organic, but not including fluorophosphates, organic, for therapeutic use
24	Glucosides, namely, poisonous glucosides not otherwise specifically included in this Part of this Schedule

THE FIRST SCHEDULE—continued.

PART I.—continued.

Item.	Drugs, Chemicals and Compounds.
25	Homatropine, its salts, and preparations and admixtures of homatropine or its salts
26	Hyoscine, its salts, and preparations and admixtures of hyoscine or its salts
27	Indian hemp (<i>Cannabis</i>), namely, the dried flowering or fruiting tops of the pistillate plants of the <i>Cannabis sativa</i> L. from which the resin has not been extracted, by whichever name the tops are called, and any resin, extract or tincture of Indian hemp
28	Mercuric chloride and preparations and admixtures containing one-tenth per centum or more of mercuric chloride
29	Morphine, its salts, and preparations and admixtures containing one-fifth per centum or more of anhydrous morphine
30	Morphine derivatives, namely, derivatives of morphine, their salts, and preparations and admixtures containing one-fifth per centum or more of a morphine derivative
31	Nicotine and other tobacco alkaloids, their salts, and preparations and admixtures of nicotine or of those alkaloids or salts, but not including— (a) the dried leaves of the <i>Nicotianum tabacum</i> or <i>N. rustica</i> , whether whole, cut or powdered or in the form of smoking or chewing tobacco or snuff; or (b) preparations or admixtures containing nicotine or other tobacco alkaloids or their salts intended for use exclusively for agricultural or horticultural purposes
32	Nux Vomica and preparations and admixtures containing one-fifth per centum or more of strychnine
33	Opium and preparations and admixtures containing one-fifth per centum or more of anhydrous morphine
34	Pentachlorophenol and preparations and admixtures containing pentachlorophenol, but not including paints containing one-quarter per centum or less of pentachlorophenol
35	Pholcodine and preparations and admixtures containing one per centum or more of pholcodine
36	Phosphonates, organic, but not including phosphonates, organic for therapeutic use
37	Phosphorus and preparations and admixtures of phosphorus but not including matches or red phosphorus
38	Pyrophosphates, organic, but not including pyrophosphates, organic, for therapeutic use
39	Physostigmine (eserine), its salts, and preparations and admixtures of physostigmine or its salts
40	Picrotoxin
41	Pilocarpine, its salts, and preparations and admixtures of pilocarpine or its salts
42	Prussic acid and preparations and admixtures containing one-tenth per centum or more of prussic acid
43	Savin, its oil, and preparations and admixtures containing savin or its oil
44	Strophanthin and other poisonous constituents of strophanthus
45	Strychnine, its salts, and preparations and admixtures containing one-fifth per centum or more of strychnine
46	Thallium, its salts, and preparations and admixtures of thallium or its salts
47	Thiophosphates, organic, but not including thiophosphates, organic, for therapeutic use
48	Tincture of opium (laudanum)
49	2-(1-methyl-n-propyl)-4:6-dinitrophenol (DINOSEB) and preparations containing more than five per centum of 2-(1-methyl-n-propyl)-4:6 dinitrophenol
50	2-methyl-4:6-dinitrophenol (DNC) and preparations containing more than five per centum of 2-methyl-4:6-dinitrophenol
51	Ataractic substances (such as Benactyzine, Azacyclonol, Hydroxyzine and Meprobamate), the salts and derivatives of an ataractic substance, and the salts of such a derivative

THE FIRST SCHEDULE—*continued.*

PART I.—*continued.*

Item.	Drugs, Chemicals and Compounds.
52	Barbituric acid and alkyl, aryl and metallic derivatives of barbituric acid, whether known as Veronal, Veramon, Proponal, Medinal, Barbital, Dial, Luminal, Sodium Luminal or by any other name
53	Chlorpromazine and its salts used as ataractics
54	Methylpentynol, and such of the other products, formed by substituting for an element in an alkyne another element, by adding an element to an alkyne or by making such a substitution and such an addition, as are intended for internal use by human beings
55	Phenothiazine, namely derivatives of phenothiazine used as ataractics
56	Rauwolfia, its alkaloids, the salts and derivatives of its alkaloids and the salts of such derivatives
57	Sulphonamides and substituted sulphonamides
58	Beta-aminopropylbenzene (Benzedrine), its salts, its N-alkyl derivatives, and their salts; beta-aminoisopropylbenzene, its salts, its N-alkyl derivatives, and their salts; but not including those substances, salts or derivatives when absorbed in inert solid material in an appliance for inhalation.

PART II.

Item.	Drugs, Chemicals and Compounds.
1	Acetanilide
2	Amidopyrine, its salts, and preparations of amidopyrine or its salts
3	Ammonia, namely, any liniment that is the subject of a monograph in the British Pharmacopoeia and contains more than one per centum, by weight, of free ammonia
4	Antimonium tartaratum (tartar emetic) preparations and admixtures containing less than ten per centum of tartar emetic
5	Antimony and chloride of antimony
6	Barium salts
7	Belladonna preparations and admixtures containing less than one-tenth per centum of belladonna alkaloids
8	Butyl-chloral hydrate preparations and admixtures containing less than five per centum of butyl-chloral hydrate
9	Carbolic acid and preparations of carbolic acid or its homologues containing more than three per centum by weight of phenol or its homologues, but not including preparations intended for dental use containing not more than five per centum of carbolic acid
10	Chloral hydrate preparations and admixtures containing less than five per centum of chloral hydrate
11	Chlorodyne containing less than one-fifth per centum of anhydrous morphine
12	Chloroform and preparations and admixtures containing more than one-quarter per centum of chloroform
13	Coca, namely, preparations and admixtures of coca containing less than one-tenth per centum of coca alkaloids
14	Cocaine and its salts, namely, preparations and admixtures of cocaine or its salts containing less than one-tenth per centum of cocaine
15	Cocaine substitute preparations, namely, preparations and admixtures containing less than one-tenth per centum of a synthetic substitute for cocaine
16	Codeine, namely, preparations and admixtures of codeine or its salts containing one per centum or less of codeine
17	Creosote and preparations and admixtures containing three per centum or more of creosote
18	Croton oil and its admixtures
19	Diamino-diphenyl-sulphone

THE FIRST SCHEDULE—continued.

PART II.—continued.

Item.	Drugs, Chemicals and Compounds.
20	Dicoumarol
21	Diethazine hydrochloride (beta-diethylamino-ethyl-N-phenthiazine hydrochloride) whether known as Diparcol or by any other name
22	Digitalis and its preparations
23	Di-isopropyl fluorophosphonate, whether known as D.F.P. or by any other name
24	Ecgonine preparations and admixtures containing less than one-tenth per centum of ecgonine
25	Elaterine
26	Elaterium
27	Essential oil of almonds unless deprived of its hydrocyanic acid
28	Ethyl Morphine, namely, preparations and admixtures of ethyl morphine or its salts containing one per centum or less of ethyl morphine
29	Glucosides, namely, preparations and admixtures of poisonous glucosides not otherwise specifically included in this Part of this Schedule
30	Heparin
31	Hypnotic substances, namely, synthetic hypnotic substances not otherwise specifically included in this Part of this Schedule
32	Iodine and solutions of iodine
33	Lead and its salts in combination with oleic acid or other higher fatty acids (other than when contained in machine-spread plasters), whether known as Diachylon or by any other name, and medicinal salts, compounds of lead, and medicinal preparations and admixtures containing lead or its salts or compounds
34	Lysol and saponaceous preparations, whether in solid or liquid form, containing three per centum or more of cresylic acid
35	Mercuric chloride (corrosive sublimate) preparations and admixtures containing less than one-tenth per centum of mercuric chloride
36	Morphine preparations and admixtures, namely, preparations and admixtures of morphine or its salts containing less than one-fifth per centum of anhydrous morphine
37	Morphine derivatives, namely, preparations and derivatives of morphine or their salts (being preparations or derivatives not otherwise specifically included in this Part of this Schedule) containing less than one-fifth per centum of a morphine derivative
38	Nitro-glycerine (medicinal) and medicinal preparations and admixtures of nitro-glycerine (medicinal)
39	Opium preparations and admixtures containing less than one-fifth per centum of anhydrous morphine
40	Oxalic acid
41	Paludrine and other synthetic anti-malarials
42	Paraldehyde, its preparations and admixtures
43	Paraphenylenediamine and similar irritant organic bases, and preparations and admixtures of paraphenylenediamine or of those organic bases
44	Phenylethyldantoin, its salts, its acyl derivatives, and their salts
45	Phenytoin sodium, the sodium salt of 5:5 diphenylhydantoin, whether known as Dilantin Sodium, Epanutin, Eption, Solantoin or by any other name
46	Pholcodine preparations and admixtures containing less than one per centum of pholcodine
47	Poppies and preparations of poppies, but not including petals or syrup of red poppies (<i>Papaver rhoeas</i>)
48	Precipitate (red) and preparations and admixtures of red precipitate
49	Precipitate (white) and preparations and admixtures of white precipitate
50	Prussic acid preparations and admixtures containing less than one-tenth per centum of prussic acid
51	Strophanthus and its preparations
52	Strychnine preparations and admixtures containing less than one-fifth per centum of strychnine

THE FIRST SCHEDULE—*continued.*

PART II.—*continued.*

Item.	Drugs, Chemicals and Compounds.
53	Sulphonal and its homologues, whether known as Trional, Tetronal or by any other name
54	Synthetic antihistamine drugs, including— (a) benzhydryl alkamine ethers, such as Benadryl; (b) derivatives of ethylenediamine, such as Antergan, Pryibenzamine and Neo-Antergan; (c) imidazole analogues, such as Antistine
55	Tetraethyl thiuramdisulphide, whether known as Antabus (Antabuse), Tetrabuse or by any other name
56	Thiouracil, methyl, ethyl, propyl and other derivatives of thiouracil, and preparations of thiouracil, methyl, ethyl, propyl or any other derivative of thiouracil
57	Thiourea and preparations of thiourea
58	Tridione (trimethadione) 3, 5, 5 trimethyl oxazolidine 2, 4-dione
59	Trihexyphenidyl (3-)-1-piperidyl-1-phenyl-1-cyclohexyl-1-propanol hydrochloride, whether known as Artane or by any other name
60	Urethanes and ureides, but not including non-poisonous urethanes and ureides
61	Zinc chloride and liquid preparations of zinc chloride, but not including preparations intended for use for soldering or other purely industrial purposes if contained in a closed vessel labelled with the words "Poisonous—not to be taken" and bearing the name and address of the seller and a notice of the special purpose for which the preparation is intended.

THE SECOND SCHEDULE.

Form A.

The Poisons Ordinance 1924.

LICENCE TO SELL POISONS.

I, the undersigned the Administrator of the Northern Territory of Australia, do hereby certify that _____, residing at _____, in the Northern Territory of Australia, is authorized to sell poisons subject to the provisions of the *Poisons Ordinance 1924.*

Dated at _____ this _____ day of _____, 192 _____.

Administrator.

Poisons Ordinance 1924-1958.

Form B.

Substituted by
No. 15, 1958,
s. 8.

CERTIFICATE OF FITNESS TO HOLD LICENCE TO SELL POISONS.

I, the undersigned, do hereby certify that _____ residing at _____, in the Northern Territory, is personally known to me, and is a fit and proper person to hold a licence to sell poisons.

Dated this _____ day of _____, 19 _____.

Justice of the Peace of

*Registered Medical
practitioner practising
in _____.*

