Narcotic Drugs Act 1967

No. 53, 1967

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About this compilation

This compilation

This is a compilation of the *Narcotic Drugs Act 1967* that shows the text of the law as amended and in force on 1 July 2015 (the ***compilation date***).

This compilation was prepared on 19 August 2015.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to regulate the Manufacture of, and to make other provision with respect to, Narcotic Drugs in accordance with the Single Convention on Narcotic Drugs, 1961

Part I—Preliminary

1 Short title

This Act may be cited as the *Narcotic Drugs Act 1967*.

2 Commencement

This Act shall come into operation on a date to be fixed by Proclamation, which shall not be a date earlier than the date on which the Convention comes into force in respect of the Commonwealth.

3 General administration of certain provisions

The Comptroller-General of Customs has the general administration of:

(a) sections 12 and 22, and subsection 24(2); and

(b) so much of the remaining provisions of this Act (other than sections 9, 10, 11, 13, 19 and 23 and subsection 24(1)) as relates to powers and functions under the sections and subsection referred to in paragraph (a).

4 Interpretation

(1) In this Act, unless the contrary intention appears:

cannabis and ***cannabis resin*** have the same respective meanings as in the Convention.

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coca leaves has the same meaning as in the Convention.

Collector has the same meaning as in the *Customs Act 1901*.

Comptroller-General of Customs means the person who is the Comptroller-General of Customs in accordance with subsection 11(3) or 14(2) of the *Australian Border Force Act 2015*.

Customs Minister means the Minister administering the *Customs Act 1901*.

drug means any substance that is a drug for the purposes of the Convention, and includes any substance that regulations made in pursuance of section 8 provide is a drug for the purposes of this Act.

handling includes stacking, stowing, storing, transporting, loading, unloading and any operation incidental to, or arising out of, any of those operations.

Health Minister means the Minister administering the *National Health Act 1953*.

licensed manufacturer means the holder of a manufacturer's licence.

manufacturer's licence means a licence under section 9.

narcotic preparation means any mixture, whether solid or liquid, that contains a drug.

opium has the same meaning as in the Convention.

permit means a permit under section 11.

Secretary means the Secretary of the Department administered by the Health Minister.

the Convention means the Convention entitled the Single Convention on Narcotic Drugs, 1961 that was adopted and opened for signature at New York on 30 March 1961, being the Convention a copy of the English text of which is set out in the

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First Schedule, and includes that Convention as amended from time to time.

vessel includes aircraft.

(2) For the purposes of this Act, the manufacturing of a drug consists of the carrying out of any process by which the drug may be obtained, and includes the refining of a drug and the transformation of one drug into another drug, but does not include the separation of opium, coca leaves, cannabis or cannabis resin from the plants from which it is or they are obtained.

5 Communications from the United Nations effecting amendments of Convention

A copy of the text of each communication made by the Secretary-General of the United Nations to the Government of Australia in pursuance of paragraph 7 of Article 3 of the Convention, and received by the Government of Australia before the date on which this Act received the Royal Assent, is set out in the Second Schedule.

6 Ministers etc. to have regard to Convention

The Health Minister, the Customs Minister, the Secretary or the Comptroller-General of Customs shall, in exercising any power or performing any function conferred on him or her by this Act, have regard to the obligations of the Commonwealth under the Convention and to no other matter.

7 Inconsistency with State and Territory laws

This Act, regulations under this Act and directions given under section 12 or 13 do not apply to the exclusion of any law of a State or Territory or any regulation in force under an Act except in so far as that law or that regulation is inconsistent with an express provision of this Act, those regulations or those directions.

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8 Provisional application of Act to substances

Where the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations decides, in accordance with paragraph 3 of Article 3 of the Convention, that the Parties to the Convention shall apply provisionally to a substance all measures of control applicable to drugs in Schedule I annexed to the Convention, the regulations may provide that the substance is a drug for the purposes of this Act.

8A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

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Part II—Licensing of manufacturers etc.

9 Licence to manufacture

(1) A person who manufactures, or proposes to manufacture, a drug at any premises may apply to the Minister for a licence to manufacture that drug at those premises.

(2) The Minister may require a person who applies for a licence under this section to furnish to the Minister, or to another person specified by the Minister, such information as the Minister considers necessary.

(3) Where a person applies for a licence under this section, the Minister shall grant the licence to him or her unless:

(a) the applicant has failed to furnish any information that he or she has been required to furnish under the last preceding subsection;

(b) the Minister is not satisfied that the applicant manufactures, or proposes to manufacture, the drug specified in the application at the premises so specified; or

(c) the Minister is of the opinion that the grant of the licence would not be consistent with the obligations of the Commonwealth under the Convention.

(4) The Minister may specify in the licence such conditions applicable to the licence as he or she determines.

(5) In this section, ***Minister*** means the Health Minister.

10 Revocation of licences

(1) The Minister may revoke a manufacturer's licence if:

(a) the holder of the licence does not commence to manufacture, or ceases to manufacture, the drug specified in the licence at the premises so specified;

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(b) the holder of the licence has failed to comply with a condition specified in the licence;

(c) the holder of the licence has been convicted of an offence against this Act;

(d) the Minister is of the opinion that it would be inconsistent with the obligations of the Commonwealth under the Convention for the licence to continue in force; or

(e) the holder of the licence requests the Minister to revoke the licence.

(2) In this section, ***Minister*** means the Health Minister.

11 Permits to manufacture

(1) The Secretary may from time to time grant to the holder of a manufacturer's licence a permit to manufacture the drug to which the licence relates during such period as is specified in the permit.

(2) The Secretary may specify in a permit:

(a) the maximum quantity of the drug to which the permit relates that may be manufactured by the licensed manufacturer at the premises to which the permit relates during the period to which the permit relates; and

(b) the maximum quantity of the drug to which the permit relates that, in the opinion of the Secretary, having regard to the prevailing market conditions, it is necessary for the licensed manufacturer to have in his or her possession at any time during the period to which the permit relates for the normal conduct of business.

12 Directions with respect to security of premises and handling of narcotic materials

(1) The Comptroller-General of Customs may, by notice in writing served on a licensed manufacturer:

(a) direct him or her to take specified measures for regulating and controlling:

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(i) the entry of persons or vehicles into, or the departure of persons or vehicles from, the licensed premises or a specified part of the licensed premises; or

(ii) the entry of persons or vehicles into, or the departure of persons or vehicles from, a specified part of the licensed premises from or into another part of the licensed premises;

(b) direct him or her to take specified measures for preventing:

(i) the entry of persons or vehicles into, or the departure of persons or vehicles from, the licensed premises; or

(ii) the entry of persons or vehicles into, or the departure of persons or vehicles from, a specified part of the licensed premises from or into another part of the licensed premises;

otherwise than at specified places; or

(c) give directions to him or her with respect to the handling, otherwise than upon the licensed premises, of narcotic materials in his or her possession or control.

(2) A direction under this section in relation to the handling of narcotic materials may be given in respect of narcotic materials generally, in respect of a narcotic material of a kind specified in the direction or in respect of such particular narcotic materials as are specified in the direction.

(3) In this section:

licensed premises, in relation to a licensed manufacturer, means the premises at which the licensed manufacturer is, under this Act, licensed to manufacture a drug.

narcotic material means a drug, a narcotic preparation or a substance, whether natural or synthetic, that is used in the manufacture of a drug.

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13 Directions with respect to manufacturing and labelling of drugs

(1) The Secretary may, by notice in writing served on a licensed manufacturer, give directions to him or her with respect to:

(a) operations connected with the manufacturing of drugs; or

(b) the labelling of drugs manufactured by him or her.

(2) A direction under this section may be given in respect of the labelling of drugs generally or in respect of a drug of a kind specified in the direction.

(3) In this section, ***drug*** includes narcotic preparation.

14 Directions inconsistent with condition of licence

Where a direction given to a licensed manufacturer under either of the last two preceding sections is inconsistent with a condition specified in his or her licence, the condition is, to the extent of the inconsistency, of no effect.

14A Review of certain decisions by Administrative Appeals Tribunal

Application may be made to the Administrative Appeals Tribunal for review of:

(a) a refusal by the Health Minister to grant a licence to manufacture a particular drug at particular premises to a person who made application under section 9 for such a licence;

(b) a specification by the Health Minister, under section 9, of particular conditions in a licence granted under that section;

(c) a revocation by the Health Minister, under section 10, of a licence granted under section 9;

(d) a direction given by the Comptroller-General of Customs under section 12; or

(e) a direction given by the Secretary under section 13.

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Part III—Offences in relation to drugs

15 Manufacturing of drugs to be in accordance with licence

(1) A person shall not manufacture a drug unless he or she is the holder of a licence granted under section 9 to manufacture that drug.

(2) A licensed manufacturer shall not manufacture that drug to which his or her licence relates:

(a) except at the premises specified in the licence;

(b) except in accordance with such conditions, if any, as are specified in the licence; and

(c) except during a period in respect of which he or she has been granted a permit to manufacture the drug.

16 Manufacturers to comply with permits

A licensed manufacturer shall not:

(a) during a period in respect of which he or she has been granted a permit, manufacture a quantity of the drug to which the permit relates in excess of the maximum quantity, if any, specified in the permit in pursuance of paragraph 11(2)(a); or

(b) have in his or her possession at any time during a period in respect of which he or she has been granted a permit a quantity of the drug to which the permit relates that is in excess of the maximum quantity, if any, specified in the permit in pursuance of paragraph 11(2)(b).

17 Licensed manufacturers to comply with directions under section 12 and paragraph 13(1)(a)

A licensed manufacturer shall comply with any direction given to him or her in pursuance of section 12 or paragraph 13(1)(a).

18 Labelling of drugs etc.

A licensed manufacturer shall not supply to any person a drug or a narcotic preparation manufactured by him or her unless the drug or preparation is labelled in accordance with any directions applicable to the drug or preparation given to him or her in pursuance of section 13.

19 Destruction etc. of drugs etc. by licensed manufacturers

(1) A licensed manufacturer shall not destroy any drug or narcotic preparation except with the consent in writing of the Secretary and except in accordance with any directions specified in the consent.

(2) A licensed manufacturer shall not destroy or otherwise dispose of any by-product derived from the manufacture by him or her of a drug or narcotic preparation except with the consent in writing of the Secretary and except in accordance with any directions specified in the consent.

20 Punishment of offences

(1) A person who contravenes or fails to comply with a provision of this Part is guilty of an offence against this Part punishable upon conviction by, subject to subsection (3), a fine not exceeding Four thousand dollars or imprisonment not exceeding a period of ten years, or both a fine not exceeding that amount and imprisonment for a period not exceeding that period.

(2) An offence against this Part may be prosecuted summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence.

(3) Where proceedings for an offence against this Part are brought in a court of summary jurisdiction, the court may commit the defendant for trial or, with the consent of the defendant, determine the proceedings, but, where the court of summary jurisdiction determines the proceedings, the court shall not impose a fine exceeding One thousand dollars or sentence the offender to

imprisonment for a period exceeding two years, but may impose both a fine and a period of imprisonment in respect of the offence.

21 Forfeiture

Where a court convicts a person of an offence against this Part, the court may, if it thinks fit, in addition to any other punishment, order the forfeiture of any goods in respect of which the offence was committed.

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Part IV—Miscellaneous

22 Drugs passing through Australia

(1) Where a drug consigned to a person, or to a place, outside Australia enters Australia, a Collector may, whether or not the drug is unloaded from the vessel in which it entered Australia, require a person having possession or control of the drug to produce to the Collector an export authorization, or a copy of an export authorization, relating to the drug.

(2) If the export authorization is not produced to the Collector, the Collector may cause the drug to be seized.

(3) A drug seized under the last preceding subsection shall be disposed of in accordance with the directions of the Comptroller-General of Customs.

(4) For the purposes of this section, a drug on board a vessel, whether or not it is the vessel on which the drug entered Australia, shall be deemed to be in the possession of the master of the vessel.

(5) In this section, ***export authorization***, in relation to a drug, means any export authorization issued by or on behalf of the government of a country in pursuance of the Convention or the Second Opium Conference Convention signed at Geneva on 19 February 1925, or in pursuance of a law of that country giving effect to either of those Conventions.

23 Manufacturers and wholesale dealers to keep records and furnish reports

(1) The Secretary may, by notice in writing served on a person who is a licensed manufacturer, a manufacturer of narcotic preparations or a wholesale dealer in drugs or narcotic preparations, require that person to keep such records, and to furnish to the Secretary such returns and information, as are specified in the notice with respect

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to the following matters or such of those matters as are specified in the notice:

(a) the manufacture of drugs or narcotic preparations by the person;

(b) the acquisition and disposal of, and any other dealings in, drugs and narcotic preparations by the person; and

(c) the stocks of drugs and narcotic preparations from time to time in the possession or control of the person.

(2) A person shall comply with a notice served on him or her in pursuance of the last preceding subsection.

Penalty: One thousand dollars.

(3) An offence under subsection (2) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

24 Inspection of manufacturer's premises etc.

(1) A person appointed by the Health Minister to be an authorized inspector may, at any reasonable time and on production of his or her instrument of appointment, enter the premises of any person who, in accordance with notice served on him or her under the last preceding section, is for the time being required to keep records and furnish returns and information with respect to any matter, being premises on which drugs are manufactured or the business of a wholesale dealer in drugs is carried on, and may:

(a) examine, take stock of and take samples of any drug on the premises or any substance on the premises from which any drug could be manufactured or which is a by-product derived from the manufacture of a drug;

(b) inspect any processes of manufacture of any drug carried out on the premises; and

(c) inspect any books, documents or other papers on the premises, and take extracts from, or make copies of, any such books, documents or other papers.

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(2) A person appointed by the Comptroller-General of Customs to be an authorized inspector may, at any reasonable time and on production of his or her instrument of appointment, enter any premises at which a licensed manufacturer is, under this Act, licensed to manufacture a drug for the purpose of inspecting the state of those premises or for the purpose of ascertaining what security measures are being taken with respect to any matter concerning which a direction may be given under section 12.

(3) A person is guilty of an offence if:

(a) an authorized inspector is acting under subsection (1) or (2); and

(b) the person obstructs or hinders the authorized inspector.

Penalty: $1,000.

(3A) Subsection (3) does not apply if the person has a reasonable excuse.

Note: The defendant bears an evidential burden in relation to the matter in subsection (3A). See subsection 13.3(3) of the *Criminal Code*.

(3B) The occupier or person in charge of any premises is guilty of an offence if:

(a) an authorized inspector enters the premises under subsection (1) or (2); and

(b) the occupier or person in charge does not provide the authorized inspector with all reasonable facilities and assistance for the effective exercise of the inspector's powers under that subsection.

Penalty: $1,000.

(3C) Subsection (3B) does not apply if the occupier or person in charge has a reasonable excuse.

Note: The defendant bears an evidential burden in relation to the matter in subsection (3C). See subsection 13.3(3) of the *Criminal Code*.

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(3D) In subsections (3) and (3B), strict liability applies to the physical element of circumstance, that the authorized inspector is acting under subsection (1) or (2).

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(4) In this section, ***drug*** includes narcotic preparation.

25 Delegation

(1) The Health Minister, the Customs Minister, or the Secretary may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him or her, delegate to a person any of his or her powers and functions under this Act, other than this power of delegation.

(2) A power or function so delegated, when exercised or performed by the delegate shall, for the purposes of this Act, be deemed to have been exercised or performed by the Health Minister, the Customs Minister, or the Secretary, as the case may be.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Health Minister, the Customs Minister, or the Secretary, as the case may be.

26 Service of notices

The service on a person of a notice under this Act may be effected:

(a) by serving the notice personally on the person or, in the case of a body corporate, on the manager, secretary or other executive officer of the body corporate;

(b) by sending the notice by post to the person at his or her last known place of abode or, in the case of a body corporate having a registered office, at the registered office of the body corporate; or

(c) in any other prescribed manner.

27 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular prescribing penalties not exceeding Five hundred dollars for offences against the regulations.

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The Schedules
First Schedule—Single Convention On Narcotic Drugs, 1961

Section 4

PREAMBLE

The Parties,

Concerned with the health and welfare of mankind,

Recognizing that the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs for such purposes,

Recognizing that addiction to narcotic drugs constitutes a serious evil for the individual and is fraught with social and economic danger to mankind,

Conscious of their duty to prevent and combat this evil,

Considering that effective measures against abuse of narcotic drugs require co-ordinated and universal action,

Understanding that such universal action calls for international co-operation guided by the same principles and aimed at common objectives,

Acknowledging the competence of the United Nations in the field of narcotics control and desirous that the international organs concerned should be within the framework of that Organization,

Desiring to conclude a generally acceptable international convention replacing existing treaties on narcotic drugs, limiting such drugs to medical and scientific use, and providing for continuous international co-operation and control for the achievement of such aims and objectives,

Hereby agree as follows:

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ARTICLE 1

Definitions

1. Except where otherwise expressly indicated or where the context otherwise requires, the following definitions shall apply throughout the Convention:

(*a*) "Board" means the International Narcotics Control Board.

(*b*) "Cannabis" means the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated.

(*c*) "Cannabis plant" means any plant of the genus cannabis.

(*d*) "Cannabis resin" means the separated resin, whether crude or purified, obtained from the cannabis plant.

(*e*) "Coca bush" means the plant of any species of the genus erythroxylon.

(*f*) "Coca leaf" means the leaf of the coca bush except a leaf from which all ecgonine, cocaine and other ecgonine alkaloids have been removed.

(*g*) "Commission" means the Commission on Narcotic Drugs of the Council.

(*h*) "Council" means the Economic and Social Council of the United Nations.

(*i*) "Cultivation" means the cultivation of the opium poppy, coca bush or cannabis plant.

(*j*) "Drug" means any of the substances in Schedules I and II, whether natural or synthetic.

(*k*) "General Assembly" means the General Assembly of the United Nations.

(*l*) "Illicit traffic" means cultivation or trafficking in drugs contrary to the provisions of this Convention.

(*m*) "Import" and "export" mean in their respective connotations the physical transfer of drugs from one State to another State, or from one territory to another territory of the same State.

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(*n*) "Manufacture" means all processes, other than production, by which drugs may be obtained and includes refining as well as the transformation of drugs into other drugs.

(*o*) "Medicinal opium" means opium which has undergone the processes necessary to adapt it for medicinal use.

(*p*) "Opium" means the coagulated juice of the opium poppy.

(*q*) "Opium poppy" means the plant of the species *Papaver somniferum L.*

(*r*) "Poppy straw" means all parts (except the seeds) of the opium poppy, after mowing.

(*s*) "Preparation" means a mixture, solid or liquid, containing a drug.

(*t*) "Production" means the separation of opium, coca leaves, cannabis and cannabis resin from the plants from which they are obtained.

(*u*) "Schedule I", "Schedule II", "Schedule III" and "Schedule IV" mean the correspondingly numbered list of drugs or preparations annexed to this Convention, as amended from time to time in accordance with article 3.

(*v*) "Secretary-General" means the Secretary-General of the United Nations.

(*w*) "Special stocks" means the amounts of drugs held in a country or territory by the government of such country or territory for special Government purposes and to meet exceptional circumstances; and the expression "special purposes" shall be construed accordingly.

(*x*) "Stocks" means the amounts of drugs held in a country or territory and intended for:

(i) Consumption in the country or territory for medical and scientific purposes,

(ii) Utilization in the country or territory for the manufacture of drugs and other substances, or

(iii) Export;

but does not include the amounts of drugs held in the country or territory.

(iv) By retail pharmacists or other authorized retail distributors and by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions, or

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(v) As "special stocks".

(*y*) "Territory" means any part of a State which is treated as a separate entity for the application of the system of import certificates and export authorizations provided for in article 31. This definition shall not apply to the term "territory" as used in articles 42 and 46.

2. For the purposes of this Convention a drug shall be regarded as "consumed" when it has been supplied to any person or enterprise for retail distribution, medical use or scientific research; and "consumption" shall be construed accordingly.

ARTICLE 2

Substances under control

1. Except as to measures of control which are limited to specified drugs, the drugs in Schedule I are subject to all measures of control applicable to drugs under this Convention and in particular to those prescribed in articles 4 (*c*), 19, 20, 21, 29, 30, 31, 32, 33, 34 and 37.

2. The drugs in Schedule II are subject to the same measures of control as drugs in Schedule I with the exception of the measures prescribed in article 30, paragraphs 2 and 5, in respect of the retail trade.

3. Preparations other than those in Schedule III are subject to the same measures of control as the drugs which they contain, but estimates (article 19) and statistics (article 20) distinct from those dealing with these drugs shall not be required in the case of such preparations, and article 29, paragraph 2 (*c*) and article 30, paragraph 1 (*b*) (ii) need not apply.

4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II except that article 31, paragraphs 1 (*b*) and 4 to 15 need not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.

5. The drugs in Schedule IV shall also be included in Schedule I and subject to all measures of control applicable to drugs in the latter schedule, and in addition thereto:

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(*a*) A Party shall adopt any special measures of control which in its opinion are necessary having regard to the particularly dangerous properties of a drug so included; and

(*b*) A Party shall, if in its opinion the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare, prohibit the production, manufacture, export and import of, trade in, possession or use of any such drug except for amounts which may be necessary for medical and scientific research only, including clinical trials therewith to be conducted under or subject to the direct supervision and control of the Party.

6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of articles 23 and 24, the coca leaf to those of articles 26 and 27 and cannabis to those of article 28.

7. The opium poppy, the coca bush, the cannabis plant, poppy straw and cannabis leaves are subject to the control measures prescribed in articles 22 to 24; 22, 26 and 27; 22 and 28; 25; and 28, respectively.

8. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of drugs, such measures of supervision as may be practicable.

9. Parties are not required to apply the provisions of this Convention to drugs which are commonly used in industry for other than medical or scientific purposes, provided that:

(*a*) They ensure by appropriate methods of denaturing or by other means that the drugs so used are not liable to be abused or have ill effects (article 3, paragraph 3) and that the harmful substances cannot in practice be recovered; and

(*b*) They include in the statistical information (article 20) furnished by them the amount of each drug so used.

ARTICLE 3

Changes in the scope of control

1. Where a Party or the World Health Organization has information which in its opinion may require an amendment to any of the Schedules, it shall notify the Secretary-General and furnish him with the information in support of the notification.

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission, and, where the notification is made by a Party, to the World Health Organization.

3. Where a notification relates to a substance not already in Schedule I or in Schedule II,

(i) The Parties shall examine in the light of the available information the possibility of the provisional application to the substance of all measures of control applicable to drugs in Schedule I;

(ii) Pending its decision as provided in sub-paragraph (iii) of this paragraph, the Commission may decide that the Parties apply provisionally to that substance all measures of control applicable to drugs in Schedule I. The Parties shall apply such measures provisionally to the substance in question;

(iii) If the World Health Organization finds that the substance is liable to similar abuse and productive of similar ill effects as the drugs in Schedule I or Schedule II or is convertible into a drug, it shall communicate that finding to the Commission which may, in accordance with the recommendation of the World Health Organization, decide that the substance shall be added to Schedule I or Schedule II.

4. If the World Health Organization finds that a preparation because of the substances which it contains is not liable to abuse and cannot produce ill effects (paragraph 3) and that the drug therein is not readily recoverable, the Commission may, in accordance with the recommendation of the World Health Organization, add that preparation to Schedule III.

5. If the World Health Organization finds that a drug in Schedule I is particularly liable to abuse and to produce ill effects (paragraph 3) and that such liability is not offset by substantial therapeutic advantages not possessed by substances other than drugs in Schedule IV, the Commission may, in accordance with the recommendation of the World Health Organization, place that drug in Schedule IV.

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6. Where a notification relates to a drug already in Schedule I or Schedule II or to a preparation in Schedule III, the Commission, apart from the measure provided for in paragraph 5, may, in accordance with the recommendation of the World Health Organization, amend any of the Schedules by:

(*a*) Transferring a drug from Schedule I to Schedule II or from Schedule II to Schedule I; or

(*b*) Deleting a drug or a preparation as the case may be, from a Schedule.

7. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become effective with respect to each Party on the date of its receipt of such communication, and the Parties shall thereupon take such action as may be required under this Convention.

8. (*a*) The decisions of the Commission amending any of the schedules shall be subject to review by the Council upon the request of any Party filed within ninety days from receipt of notification of the decision. The request for review shall be sent to the Secretary-General together with all relevant information upon which the request for review is based;

(*b*) The Secretary-General shall transmit copies of the request for review and relevant information to the Commission, the World Health Organization and to all the parties inviting them to submit comments within ninety days. All comments received shall be submitted to the Council for consideration;

(*c*) The Council may confirm, alter or reverse the decision of the Commission, and the decision of the Council shall be final. Notification of the Council's decision shall be transmitted to all States Members of the United Nations, to non-member States Parties to this Convention, to the Commission, to the World Health Organization, and to the Board.

(*d*) During pendency of the review the original decision of the Commission shall remain in effect.

9. Decisions of the Commission taken in accordance with this article shall not be subject to the review procedure provided for in article 7.

ARTICLE 4

General obligations

1. The Parties shall take such legislative and administrative measures as may be necessary:

(*a*) To give effect to and carry out the provisions of this Convention within their own territories;

(*b*) To co-operate with other States in the execution of the provisions of this Convention; and

(*c*) Subject to the provisions of this Convention, to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of drugs.

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ARTICLE 5

The international control organs

The Parties, recognizing the competence of the United Nations with respect to the international control of drugs, agree to entrust to the Commission on Narcotic Drugs of the Economic and Social Council, and to the International Narcotics Control Board, the functions respectively assigned to them under this Convention.

ARTICLE 6

Expenses of the international control organs

The expenses of the Commission and the Board will be borne by the United Nations in such manner as shall be decided by the General Assembly. The Parties which are not members of the United Nations shall contribute to these expenses such amounts as the General Assembly finds equitable and assess from time to time after consultation with the Governments of these Parties.

ARTICLE 7

Review of decisions and recommendations of the Commission

Except for decisions under article 3, each decision or recommendation adopted by the Commission pursuant to the provisions of this Convention shall be subject to approval or modification by the Council or the General Assembly in the same way as other decisions or recommendations of the Commission.

ARTICLE 8

Functions of the Commission

The Commission is authorized to consider all matters pertaining to the aims of this Convention, and in particular:

(*a*) To amend the Schedules in accordance with article 3;

(*b*) To call the attention of the Board to any matters which may be relevant to the functions of the Board;

(*c*) To make recommendations for the implementation of the aims and provisions of this Convention, including programmes of scientific research and the exchange of information of a scientific or technical nature; and

(*d*) To draw the attention of non-parties to decisions and recommendations which it adopts under this Convention, with a view to their considering taking action in accordance therewith.

ARTICLE 9

Composition of the Board

1. The Board shall consist of eleven members to be elected by the Council as follows:

(*a*) Three members with medical, pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization; and

(*b*) Eight members from a list of persons nominated by the members of the United Nations and by Parties which are not Members of the United Nations.

2. Members of the Board shall be persons who, by their competence, impartiality and disinterestedness, will command general confidence. During their term of office they shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions. The Council shall, in consultation with the Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its functions.

3. The Council, with due regard to the principle of equitable geographic representation, shall give consideration to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation in the producing, manufacturing, and consuming countries, and connected with such countries.

ARTICLE 10

Terms of office and remuneration of members of the Board

1. The members of the Board shall serve for a period of three years, and shall be eligible for re-election.

2. The term of office of each member of the Board shall end on the eve of the first meeting of the Board which his successor shall be entitled to attend.

3. A member of the Board who has failed to attend three consecutive sessions shall be deemed to have resigned.

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfil the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of eight members of the Board.

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5. Where a vacancy occurs on the Board during the term of office of a member, the Council shall fill such vacancy as soon as possible and in accordance with the applicable provisions of article 9, by electing another member for the remainder of the term.

6. The members of the Board shall receive an adequate remuneration as determined by the General Assembly.

ARTICLE 11

Rules of procedure of the Board

1. The Board shall elect its own President and such other officers as it may consider necessary and shall adopt its rules of procedure.

2. The Board shall meet as often as, in its opinion, may be necessary for the proper discharge of its functions, but shall hold at least two sessions in each calendar year.

3. The quorum necessary at meetings of the Board shall consist of seven members.

ARTICLE 12

Administration of the estimate system

1. The Board shall fix the date or dates by which, and the manner in which, the estimates as provided in article 19 shall be furnished and shall prescribe the forms therefor.

2. The Board shall, in respect of countries and territories to which this Convention does not apply, request the Governments concerned to furnish estimates in accordance with the provisions of this Convention.

3. If any State fails to furnish estimates in respect of any of its territories by the date specified, the Board shall, as far as possible, establish the estimates. The Board in establishing such estimates shall, to the extent practicable, do so in co-operation with the Government concerned.

4. The Board shall examine the estimates, including supplementary estimates, and, except as regards requirements for special purposes, may require such information as it considers necessary in respect of any country or territory on behalf of which an estimate has been furnished, in order to complete the estimate or to explain any statement contained therein.

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5. The Board shall as expeditiously as possible confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates.

6. In addition to the reports mentioned in article 15, the Board shall, at such times as it shall determine but at least annually, issue such information on the estimates as in its opinion will facilitate the carrying out of this Convention.

ARTICLE 13

Administration of the statistical returns system

1. The Board shall determine the manner and form in which statistical returns shall be furnished as provided in article 20 and shall prescribe the forms therefor.

2. The Board shall examine the returns with a view to determining whether a Party or any other State has complied with the provisions of this Convention.

3. The Board may require such further information as it considers necessary to complete or explain the information contained in such statistical returns.

4. It shall not be within the competence of the Board to question or express an opinion on statistical information respecting drugs required for special purposes.

ARTICLE 14

Measures by the Board to ensure the execution of provisions of the Convention

1. (*a*) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs and bearing on questions arising under those provisions, the Board has reason to believe that the aims of this Convention are being seriously endangered by reason of the failure of any country or territory to carry out the provisions of this Convention, the Board shall have the right to ask for explanations from the Government of the country or territory in question. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (c) below, it shall treat as confidential a request for information or an explanation by a Government under this sub-paragraph.

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(*b*) After taking action under sub-paragraph (*a*) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(*c*) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (*a*) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (*b*) above, it may call the attention of the Parties, the Council and the Commission to the matter.

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (*c*) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, the export of drugs, or both, from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council.

3. The Board shall have the right to publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties. If the Board publishes in this report a decision taken under this article or any information relating thereto, it shall also publish therein the views of the Government concerned if the latter so requests.

4. If in any case a decision of the Board which is published under this article is not unanimous, the views of the minority shall be stated.

5. Any State shall be invited to be represented at a meeting of the Board at which a question directly interesting it is considered under this article.

6. Decisions of the Board under this article shall be taken by a two-thirds majority of the whole number of the Board.

ARTICLE 15

Reports of the Board

1. The Board shall prepare an annual report on its work and such additional reports as it considers necessary containing also an analysis of the estimates and statistical information at its disposal, and, in appropriate cases, an account of the explanations, if any, given by or required of Governments, together with any observations and recommendations which the Board desires

to make. These reports shall be submitted to the Council through the Commission, which may make such comments as it sees fit.

2. The reports shall be communicated to the Parties and subsequently published by the Secretary-General. The Parties shall permit their unrestricted distribution.

ARTICLE 16

Secretariat

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General.

ARTICLE 17

Special Administration

The Parties shall maintain a special administration for the purpose of applying the provisions of this Convention.

ARTICLE 18

Information to be furnished by Parties to the Secretary-General

1. The Parties shall furnish to the Secretary-General such information as the Commission may request as being necessary for the performance of its functions, and in particular:

(*a*) An annual report on the working of the Convention within each of their territories;

(*b*) The text of all laws and regulations from time to time promulgated in order to give effect to this Convention;

(*c*) Such particulars as the Commission shall determine concerning cases of illicit traffic, including particulars of each case of illicit traffic discovered which may be of importance, because of the light thrown on the source from which drugs are obtained for the illicit traffic, or because of quantities involved or the method employed by illicit traffickers; and

(*d*) The names and addresses of the governmental authorities empowered to issue export and import authorizations or certificates.

2. Parties shall furnish the information referred to in the preceding paragraph in such manner and by such dates and use such forms as the Commission may request.

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ARTICLE 19

Estimates of drug requirements

1. The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by the Board, estimates on forms supplied by it in respect of the following matters:

(*a*) Quantities of drugs to be consumed for medical and scientific purposes;

(*b*) Quantities of drugs to be utilized for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention;

(*c*) Stocks of drugs to be held as at 31 December of the year to which the estimates relate; and

(*d*) Quantities of drugs necessary for addition to special stocks.

2. Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug shall consist of the sum of the amounts specified under sub-paragraphs (*a*), (*b*) and (*d*) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (*c*) of paragraph 1.

3. Any State may during the year furnish supplementary estimates with an explanation of the circumstances necessitating such estimates.

4. The Parties shall inform the Board of the method used for determining quantities shown in the estimates and of any changes in the said method.

5. Subject to the deductions referred to in paragraph 3 of article 21, the estimates shall not be exceeded.

ARTICLE 20

Statistical returns to be furnished to the Board

1. The Parties shall furnish to the Board for each of their territories, in the manner and form prescribed by the Board, statistical returns on forms supplied by it in respect of the following matters:

(*a*) Production or manufacture of drugs;

(*b*) Utilization of drugs for the manufacture of other drugs, of preparations in Schedule III and of substances not covered by this Convention, and utilization of poppy straw for the manufacture of drugs;

(*c*) Consumption of drugs;

(*d*) Imports and exports of drugs and poppy straw;

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(*e*) Seizures of drugs and disposal thereof; and

(*f*) Stocks of drugs as at 31 December of the year to which the returns relate.

2. (*a*) The statistical returns in respect of the matters referred to in paragraph 1 except sub-paragraph (*d*), shall be prepared annually and shall be furnished to the Board not later than 30 June following the year to which they relate.

(*b*) The statistical returns in respect to the matters referred to in sub-paragraph (*d*) of paragraph 1 shall be prepared quarterly and shall be furnished to the Board within one month after the end of the quarter to which they relate.

3. In addition to the matters referred to in paragraph 1 of this article the Parties may as far as possible also furnish to the Board for each of their territories information in respect of areas (in hectares) cultivated for the production of opium.

4. The Parties are not required to furnish statistical returns respecting special stocks, but shall furnish separately returns respecting drugs imported into or procured within the country or territory for special purposes, as well as quantities of drugs withdrawn from special stocks to meet the requirements of the civilian population.

ARTICLE 21

Limitation of manufacture and importation

1. The total of the quantities of each drug manufactured and imported by any country or territory in any one year shall not exceed the sum of the following:

(*a*) The quantity consumed, within the limit of the relevant estimate, for medical and scientific purposes;

(*b*) The quantity used, within the limit of the relevant estimate, for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention;

(*c*) The quantity exported;

(*d*) The quantity added to the stock for the purpose of bringing that stock up to the level specified in the relevant estimate; and

(*e*) The quantity acquired within the limit of the relevant estimate for special purposes.

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2. From the sum of the quantities specified in paragraph 1 there shall be deducted any quantity that has been seized and released for licit use, as well as any quantity taken from special stocks for the requirements of the civilian population.

3. If the Board finds the quantity manufactured and imported in any one year exceeds the sum of the quantities specified in paragraph 1, less any deductions required under paragraph 2 of this article, any excess so established and remaining at the end of the year shall, in the following year, be deducted from the quantity to be manufactured or imported and from the total of the estimates as defined in paragraph 2 of article 19.

4. (*a*) If it appears from the statistical returns on imports or exports (article 20) that the quantity exported to any country or territory exceeds the total of the estimates for that country or territory, as defined in paragraph 2 of article 19, with the addition of the amounts shown to have been exported, and after deduction of any excess as established in paragraph 3 of this article, the Board may notify this fact to States which, in the opinion of the Board, should be so informed;

(*b*) On receipt of such a notification, Parties shall not during the year in question authorize any further exports of the drug concerned to that country or territory, except:

(i) In the event of a supplementary estimate being furnished for that country or territory in respect both of any quantity over-imported and of the additional quantity required, or

(ii) In exceptional cases where the export, in the opinion of the government of the exporting country, is essential for the treatment of the sick.

ARTICLE 22

Special provision applicable to cultivation

Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation.

ARTICLE 23

National opium agencies

1. A Party that permits the cultivation of the opium poppy for the production of opium shall establish, if it has not already done so, and maintain, one or more government agencies (hereafter in this article referred to as the Agency) to carry out the functions required under this article.

2. Each such Party shall apply the following provisions to the cultivation of the opium poppy for the production of opium and to opium:

(*a*) The Agency shall designate the areas in which, and the plots of land on which, cultivation of the opium poppy for the purpose of producing opium shall be permitted.

(*b*) Only cultivators licensed by the Agency shall be authorized to engage in such cultivation.

(*c*) Each licence shall specify the extent of the land on which the cultivation is permitted.

(*d*) All cultivators of the opium poppy shall be required to deliver their total crops of opium to the Agency. The Agency shall purchase and take physical possession of such crops as soon as possible, but not later than four months after the end of the harvest.

(*e*) The Agency shall, in respect of opium, have the exclusive right of importing, exporting, wholesale trading and maintaining stocks other than those held by manufacturers of opium alkaloids, medicinal opium or opium preparations. Parties need not extend this exclusive right to medicinal opium and opium preparations.

3. The governmental functions referred to in paragraph 2 shall be discharged by a single government agency if the constitution of the Party concerned permits it.

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ARTICLE 24

Limitation on production of opium for international trade

1. (*a*) If any Party intends to initiate the production of opium or to increase existing production, it shall take account of the prevailing world need for opium in accordance with the estimates thereof published by the Board so that the production of opium by such Party does not result in over-production of opium in the world.

(*b*) A Party shall not permit the production of opium or increase the existing production thereof if in its opinion such production or increased production in its territory may result in illicit traffic in opium.

2. (*a*) Subject to paragraph 1, where a Party which as of 1 January 1961 was not producing opium for export desires to export opium which it produces, in amounts not exceeding five tons annually, it shall notify the Board, furnishing with such notification information regarding:

(i) The controls in force as required by this Convention respecting the opium to be produced and exported; and

(ii) The name of the country or countries to which it expects to export such opium; and the Board may either approve such notification or may recommend to the Party that it not engage in the production of opium for export.

(*b*) Where a Party other than a Party referred to in paragraph 3 desires to produce opium for export in amounts exceeding five tons annually, it shall notify the Council, furnishing with such notification relevant information including:

(i) The estimated amounts to be produced for export;

(ii) The controls existing or proposed respecting the opium to be produced;

(iii) The name of the country or countries to which it expects to export such opium; and the Council shall either approve the notification or may recommend to the Party that it not engage in the production of opium for export.

3. Notwithstanding the provisions of sub-paragraphs (*a*) and (*b*) of paragraph 2, a Party that during ten years immediately prior to 1 January 1961 exported opium which such country produced may continue to export opium which it produces.

4. (*a*) A Party shall not import opium from any country or territory except opium produced in the territory of:

(i) A Party referred to in paragraph 3;

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(ii) A Party that has notified the Board as provided in sub-paragraph (*a*) of paragraph 2; or

(iii) A Party that has received the approval of the Council as provided in sub-paragraph (*b*) of paragraph 2.

(*b*) Notwithstanding sub-paragraph (*a*) of this paragraph, a Party may import opium produced by any country which produced and exported opium during the ten years prior to 1 January 1961 if such country has established and maintains a national control organ or agency for the purposes set out in article 23 and has in force an effective means of ensuring that the opium it produces is not diverted into the illicit traffic.

5. The provisions of this article do not prevent a Party:

(*a*) From producing opium sufficient for its own requirements; or

(*b*) From exporting opium seized in the illicit traffic, to another Party in accordance with the requirements of this Convention.

ARTICLE 25

Control of poppy straw

1. A Party that permits the cultivation of the opium poppy for purposes other than the production of opium shall take all measures necessary to ensure:

(*a*) That opium is not produced from such opium poppies; and

(*b*) That the manufacture of drugs from poppy straw is adequately controlled.

2. The Parties shall apply to poppy straw the system of import certificates and export authorizations as provided in article 31, paragraphs 4 to 15.

3. The Parties shall furnish statistical information on the import and export of poppy straw as required for drugs under article 20, paragraphs 1 (*d*) and 2 (*b*).

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ARTICLE 26

The coca bush and coca leaves

1. If a Party permits the cultivation of the coca bush, it shall apply thereto and to coca leaves the system of controls as provided in article 23 respecting the control of the opium poppy, but as regards paragraph 2 (*d*) of that article, the requirements imposed on the Agency therein referred to shall be only to take physical possession of the crops as soon as possible after the end of the harvest.

2. The Parties shall so far as possible enforce the uprooting of all coca bushes which grow wild. They shall destroy the coca bushes if illegally cultivated.

ARTICLE 27

Additional provisions relating to coca leaves

1. The Parties may permit the use of coca leaves for the preparation of a flavouring agent, which shall not contain any alkaloids, and, to the extent necessary for such use, may permit the production, import, export, trade in and possession of such leaves.

2. The Parties shall furnish separately estimates (article 19) and statistical information (article 20) in respect of coca leaves for preparation of the flavouring agent, except to the extent that the same coca leaves are used for the extraction of alkaloids and the flavouring agent, and so explained in the estimates and statistical information.

ARTICLE 28

Control of cannabis

1. If a Party permits the cultivation of the cannabis plant for the production of cannabis or cannabis resin, it shall apply thereto the system of controls as provided in article 23 respecting the control of the opium poppy.

2. This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes.

3. The Parties shall adopt such measures as may be necessary to prevent the misuse of, and illicit traffic in, the leaves of the cannabis plant.

ARTICLE 29

Manufacture

1. The Parties shall require that the manufacture of drugs be under licence except where such manufacture is carried out by a State enterprise or State enterprises.

2. The Parties shall:

(*a*) Control all persons and enterprises carrying on or engaged in the manufacture of drugs;

(*b*) Control under licence the establishments and premises in which such manufacture may take place; and

(*c*) Require that licensed manufacturers of drugs obtain periodical permits specifying the kinds and amounts of drugs which they shall be entitled to manufacture. A periodical permit, however, need not be required for preparations.

3. The Parties shall prevent the accumulation, in the possession of drug manufacturers, of quantities of drugs and poppy straw in excess of those required for the normal conduct of business, having regard to the prevailing market conditions.

ARTICLE 30

Trade and distribution

1. (*a*) The Parties shall require that the trade in and distribution of drugs be under licence except where such trade or distribution is carried out by a State enterprise or State enterprises.

(*b*) The Parties shall:

(i) Control all persons and enterprises carrying on or engaged in the trade in or distribution of drugs;

(ii) Control under licence the establishments and premises in which such trade or distribution may take place. The requirement of licensing need not apply to preparations.

(*c*) The provisions of sub-paragraphs (*a*) and (*b*) relating to licensing need not apply to persons duly authorized to perform and while performing therapeutic or scientific functions.

2. The Parties shall also:

(*a*) Prevent the accumulation in the possession of traders, distributors, State enterprises or duly authorized persons referred to above, of quantities of drugs

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and poppy straw in excess of those required for the normal conduct of business, having regard to the prevailing market conditions; and

(*b*) (i) Require medical prescriptions for the supply or dispensation of drugs to individuals. This requirement need not apply to such drugs as individuals may lawfully obtain, use, dispense or administer in connexion with their duly authorized therapeutic functions; and

(ii) If the Parties deem these measures necessary or desirable, require that prescriptions for drugs in Schedule I should be written on official forms to be issued in the form of counterfoil books by the competent governmental authorities or by authorized professional associations.

3. It is desirable that Parties require that written or printed offers of drugs, advertisements of every kind or descriptive literature relating to drugs and used for commercial purposes, interior wrappings of packages containing drugs, and labels under which drugs are offered for sale indicate the international non-proprietary name communicated by the World Health Organization.

4. If a Party considers such measure necessary or desirable, it shall require that the inner package containing a drug or wrapping thereof shall bear a clearly visible double red band. The exterior wrapping of the package in which such drug is contained shall not bear a double red band.

5. A Party shall require that the label under which a drug is offered for sale show the exact drug content by weight or percentage. This requirement of label information need not apply to a drug dispensed to an individual on medical prescription.

6. The provisions of paragraphs 2 and 5 need not apply to the retail trade in or retail distribution of drugs in Schedule II.

ARTICLE 31

Special provisions relating to international trade

1. The Parties shall not knowingly permit the export of drugs to any country or territory except:

(*a*) In accordance with the laws and regulations of that country or territory; and

(*b*) Within the limits of the total of the estimates for that country or territory, as defined in paragraph 2 of article 19, with the addition of the amounts intended to be re-exported.

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2. The Parties shall exercise in free ports and zones the same supervision and control as in other parts of their territories, provided, however, that they may apply more drastic measures.

3. The Parties shall:

(*a*) Control under licence the import and export of drugs except where such import or export is carried out by a State enterprise or enterprises;

(*b*) Control all persons and enterprises carrying on or engaged in such import or export.

4. (*a*) Every Party permitting the import or export of drugs shall require a separate import or export authorization to be obtained for each such import or export whether it consists of one or more drugs.

(*b*) Such authorization shall state the name of the drug, the international non-proprietary name if any, the quantity to be imported or exported, and the name and address of the importer and exporter, and shall specify the period within which the importation or exportation must be effected.

(*c*) The export authorization shall also state the number and date of the import certificate (paragraph 5) and the authority by whom it has been issued.

(*d*) The import authorization may allow an importation in more than one consignment.

5. Before issuing an export authorization the Parties shall require an import certificate, issued by the competent authorities of the importing country or territory and certifying that the importation of the drug or drugs referred to therein, is approved and such certificate shall be produced by the person or establishment applying for the export authorization. The Parties shall follow as closely as may be practicable the form of import certificate approved by the Commission.

6. A copy of the export authorization shall accompany each consignment, and the Government issuing the export authorization shall send a copy to the Government of the importing country or territory.

7. (*a*) The Government of the importing country or territory, when the importation has been effected or when the period fixed for the importation has expired, shall return the export authorization, with an endorsement to that effect, to the Government of the exporting country or territory.

(*b*) The endorsement shall specify the amount actually imported.

(*c*) If a lesser quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be stated by the

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competent authorities on the export authorization and on any official copy thereof.

8. Exports of consignments to a post office box, or to a bank to the account of a party other than the party named in the export authorization, shall be prohibited.

9. Exports of consignments to a bonded warehouse are prohibited unless the government of the importing country certifies on the import certificate, produced by the person or establishment applying for the export authorization, that it has approved the importation for the purpose of being placed in a bonded warehouse. In such case the export authorization shall specify that the consignment is exported for such purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination shall be treated as if it were a new export within the meaning of this Convention.

10. Consignments of drugs entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.

11. A Party shall not permit any drugs consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for such consignment is produced to the competent authorities of such Party.

12. The competent authorities of any country or territory through which a consignment of drugs is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the accompanying copy of the export authorization unless the Government of that country or territory through which the consignment is passing authorizes the diversion. The Government of the country or territory of transit shall treat any requested diversion as if the diversion were an export from the country or territory of transit to the country or territory of new destination. If the diversion is authorized, the provisions of paragraph 7 (*a*) and (*b*) shall also apply between the country or territory of transit and the country or territory which originally exported the consignment.

13. No consignment of drugs while in transit, or whilst being stored in a bonded warehouse, may be subjected to any process which would change the nature of the drugs in question. The packing may not be altered without the permission of the competent authorities.

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14. The provisions of paragraphs 11 to 13 relating to the passage of drugs through the territory of a Party do not apply where the consignment in question is transported by aircraft which does not land in the country or territory of transit. If the aircraft lands in any such country or territory, those provisions shall be applied so far as circumstances require.

15. The provisions of this article are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties over drugs in transit.

16. Nothing in this article other than paragraphs 1 (*a*) and 2 need apply in the case of preparations in Schedule III.

ARTICLE 32

Special provisions concerning the carriage of drugs in first-aid kits of ships or aircraft engaged in international traffic

1. The international carriage by ships or aircraft of such limited amounts of drugs as may be needed during their journey or voyage for first-aid purposes or emergency cases shall not be considered to be import, export or passage through a country within the meaning of this Convention.

2. Appropriate safeguards shall be taken by the country of registry to prevent the improper use of the drugs referred to in paragraph 1 or their diversion for illicit purposes. The Commission, in consultation with the appropriate international organizations, shall recommend such safeguards.

3. Drugs carried by ships or aircraft in accordance with paragraph 1 shall be subject to the laws, regulations, permits and licences of the country of registry, without prejudice to any rights of the competent local authorities to carry out checks, inspections and other control measures on board ships or aircraft. The administration of such drugs in the case of emergency shall not be considered a violation of the requirements of article 30, paragraph 2 (*b*).

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ARTICLE 33

Possession of drugs

The Parties shall not permit the possession of drugs except under legal authority.

ARTICLE 34

Measures of supervision and inspection

The Parties shall require:

(*a*) That all persons who obtain licences as provided in accordance with this Convention, or who have managerial or supervisory positions in a State enterprise established in accordance with this Convention, shall have adequate qualifications for the effective and faithful execution of the provisions of such laws and regulations as are enacted in pursuance thereof; and

(*b*) That governmental authorities, manufacturers, traders, scientists, scientific institutions and hospitals keep such records as will show the quantities of each drug manufactured and of each individual acquisition and disposal of drugs. Such records shall respectively be preserved for a period of not less than two years. Where counterfoil books (article 30, paragraph 2 (*b*)) of official prescriptions are used, such books including the counterfoils shall also be kept for a period of not less than two years.

ARTICLE 35

Action against the illicit traffic

Having due regard to their constitutional, legal and administrative systems, the Parties shall:

(*a*) Make arrangements at the national level for co-ordination of preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;

(*b*) Assist each other in the campaign against the illicit traffic in narcotic drugs;

(*c*) Co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;

(*d*) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner; and

(*e*) Ensure that where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal be effected in an expeditious manner

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to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel.

ARTICLE 36

Penal provisions

1. Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

(*a*) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

(ii) Intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgement given.

(*b*) It is desirable that the offences referred to in paragraph 1 and paragraph 2 (*a*) (ii) be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties, and, as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity, be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the

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Party to which application is made, and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

3. The provisions of this article shall be subject to the provisions of the criminal law of the Party concerned on questions of jurisdiction.

4. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party.

ARTICLE 37

Seizure and confiscation

Any drugs, substances and equipment used in or intended for the commission of any of the offences, referred to in article 36, shall be liable to seizure and confiscation.

ARTICLE 38

Treatment of drug addicts

1. The Parties shall give special attention to the provision of facilities for the medical treatment, care and rehabilitation of drug addicts.

2. If a Party has a serious problem of drug addiction and its economic resources permit, it is desirable that it establish adequate facilities for the effective treatment of drug addicts.

ARTICLE 39

Application of stricter national control measures than those required by this Convention

Notwithstanding anything contained in this Convention, a Party shall not be, or be deemed to be, precluded from adopting measures of control more strict or severe than those provided by this Convention and in particular from requiring that preparations in Schedule III or drugs in Schedule II be subject to all or such of the measures of control applicable to drugs in Schedule I as in its opinion is necessary or desirable for the protection of the public health or welfare.

ARTICLE 40

Languages of the Convention and procedure for signature, ratification and accession

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature until 1 August 1961 on behalf of any Member of the United Nations, of any non-member State which is a Party to the Statute of the International Court of Justice or member of a specialized agency of the United Nations, and also of any other State which the Council may invite to become a Party.

2. This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General.

3. This Convention shall be open after 1 August 1961 for accession by the States referred to in paragraph 1. The instruments of accession shall be deposited with the Secretary-General.

ARTICLE 41

Entry into force

1. This Convention shall come into force on the thirtieth day following the date on which the fortieth instrument of ratification or accession is deposited in accordance with article 40.

2. In respect of any other State depositing an instrument of ratification or accession after the date of deposit of the said fortieth instrument, this Convention shall come into force on the thirtieth day after the deposit by that State of its instrument of ratification or accession.

ARTICLE 42

Territorial application

This Convention shall apply to all non-metropolitan territories for the international relations of which any Party is responsible, except where the previous consent of such a territory is required by the Constitution of the Party or of the territory concerned, or required by custom. In such case the Party shall endeavour to secure the needed consent of the territory within the shortest period possible, and when that consent is obtained the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General.

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In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Convention applies.

ARTICLE 43

Territories for the purposes of articles 19, 20, 21 and 31

1. Any Party may notify the Secretary-General that, for the purposes of articles 19, 20, 21 and 31, one of its territories is divided into two or more territories, or that two or more of its territories are consolidated into a single territory.

2. Two or more Parties may notify the Secretary-General that, as the result of the establishment of a customs union between them, those Parties constitute a single territory for the purposes of articles 19, 20, 21 and 31.

3. Any notification under paragraph 1 or 2 above shall take effect on 1 January of the year following the year in which the notification was made.

ARTICLE 44

Termination of previous international treaties

1. The provisions of this Convention, upon its coming into force, shall, as between Parties hereto, terminate and replace the provisions of the following treaties:

(*a*) International Opium Convention, signed at The Hague on 23 January 1912;

(*b*) Agreement concerning the Manufacture of, Internal Trade in and Use of Prepared Opium, signed at Geneva on 11 February 1925;

(*c*) International Opium Convention, signed at Geneva on 19 February 1925;

(*d*) Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on 13 July 1931;

(*e*) Agreement for the Control of Opium Smoking in the Far East, signed at Bangkok on 27 November 1931;

(*f*) Protocol signed at Lake Success on 11 December 1946, amending the Agreements, Conventions and Protocols on Narcotic Drugs concluded at The Hague on 23 January 1912, at Geneva on 11 February 1925 and 19 February 1925 and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936, except as it affects the last-named Convention;

(*g*) The Conventions and Agreements referred to in sub-paragraphs (*a*) to (*e*) as amended by the Protocol of 1946 referred to in sub-paragraph (*f*);

(*h*) Protocol signed at Paris on 19 November 1948 Bringing under International Control Drugs outside the Scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success on 11 December 1946;

(*i*) Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, signed at New York on 23 June 1953, should that Protocol have come into force.

2. Upon the coming into force of this Convention, article 9 of the Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, signed at Geneva on 26 June 1936, shall, between the Parties thereto which are also Parties to this Convention, be terminated, and shall be replaced by paragraph 2 (*b*) of article 36 of this Convention; provided that such a Party may by notification to the Secretary-General continue in force the said article 9.

ARTICLE 45

Transitional provisions

1. The functions of the Board provided for in article 9 shall, as from the date of the coming into force of this Convention (article 41, paragraph 1), be provisionally carried out by the Permanent Central Board constituted under chapter VI of the Convention referred to in article 44 (*c*) as amended, and by the Supervisory Body constituted under chapter II of the Convention referred to in article 44 (*d*) as amended, as such functions may respectively require.

2. The Council shall fix the date on which the new Board referred to in article 9 shall enter upon its duties. As from that date that Board shall, with respect to the States Parties to the treaties enumerated in article 44 which are not Parties to this Convention, undertake the functions of the Permanent Central Board and of the Supervisory Body referred to in paragraph 1.

ARTICLE 46

Denunciation

1. After the expiry of two years from the date of the coming into force of this Convention (article 41, paragraph 1) any Party may, on its own behalf or on behalf of a territory for which it has international responsibility, and which has

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withdrawn its consent given in accordance with article 42, denounce this Convention by an instrument in writing deposited with the Secretary-General.

2. The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. This Convention shall be terminated if, as a result of denunciations made in accordance with paragraph 1, the conditions for its coming into force as laid down in article 41, paragraph 1, cease to exist.

ARTICLE 47

Amendments

1. Any Party may propose an amendment to this Convention. The text of any such amendment and the reasons therefor shall be communicated to the Secretary-General who shall communicate them to the Parties and to the Council. The Council may decide either:

(*a*) That a conference shall be called in accordance with Article 62, paragraph 4, of the Charter of the United Nations to consider the proposed amendment; or

(*b*) That the Parties shall be asked whether they accept the proposed amendment and also asked to submit to the Council any comments on the proposal.

2. If a proposed amendment circulated under paragraph 1 (*b*) of this article has not been rejected by any Party within eighteen months after it has been circulated, it shall thereupon enter into force. If however a proposed amendment is rejected by any Party, the Council may decide, in the light of comments received from Parties, whether a conference shall be called to consider such amendment.

ARTICLE 48

Disputes

1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the said Parties shall consult together with a view to the settlement of the dispute by negotiation, investigation, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.

2. Any such dispute which cannot be settled in the manner prescribed shall be referred to the International Court of Justice for decision.

ARTICLE 49

Transitional Reservations

1. A Party may at the time of signature, ratification or accession reserve the right to permit temporarily in any one of its territories:

(*a*) The quasi-medical use of opium;

(*b*) Opium smoking;

(*c*) Coca leaf chewing;

(*d*) The use of cannabis, cannabis resin, extracts and tinctures of cannabis for non-medical purposes; and

(*e*) The production and manufacture of and trade in the drugs referred to under (*a*) to (*d*) for the purposes mentioned therein.

2. The reservations under paragraph 1 shall be subject to the following restrictions:

(*a*) The activities mentioned in paragraph I may be authorized only to the extent that they were traditional in the territories in respect of which the reservation is made, and were there permitted on 1 January 1961.

(*b*) No export of the drugs referred to in paragraph I for the purposes mentioned therein may be permitted to a non-party or to a territory to which this Convention does not apply under article 42.

(*c*) Only such persons may be permitted to smoke opium as were registered by the competent authorities to this effect on 1 January 1964.

(*d*) The quasi-medical use of opium must be abolished within 15 years from the coming into force of this Convention as provided in paragraph 1 of article 41.

(*e*) Coca leaf chewing must be abolished within twenty-five years from the coming into force of this Convention as provided in paragraph 1 of article 41.

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(*f*) The use of cannabis for other than medical and scientific purposes must be discontinued as soon as possible but in any case within twenty-five years from the coming into force of this Convention as provided in paragraph 1 of article 41.

(*g*) The production and manufacture of and trade in the drugs referred to in paragraph 1 for any of the uses mentioned therein must be reduced and finally abolished simultaneously with the reduction and abolition of such uses.

3. A Party making a reservation under paragraph 1 shall:

(*a*) Include in the annual report to be furnished to the Secretary-General, in accordance with article 18, paragraph 1 (*a*), an account of the progress made in the preceding year towards the abolition of the use, production, manufacture or trade referred to under paragraph 1; and

(*b*) Furnish to the Board separate estimates (article 19) and statistical returns (article 20) in respect of the reserved activities in the manner and form prescribed by the Board.

4. (*a*) If a Party which makes a reservation under paragraph 1 fails to furnish:

(i) The report referred to in paragraph 3 (*a*) within six months after the end of the year to which the information relates;

(ii) The estimates referred to in paragraph 3 (*b*) within three months after the date fixed for that purpose by the Board in accordance with article 12, paragraph 1;

(iii) The statistics referred to in paragraph 3 (*b*) within three months after the date on which they are due in accordance with article 20, paragraph 2,

the Board or the Secretary-General, as the case may be, shall send to the Party concerned a notification of the delay, and shall request such information within a period of three months after the receipt of that notification.

(*b*) If the Party fails to comply within this period with the request of the Board or the Secretary-General, the reservation in question made under paragraph 1 shall cease to be effective.

5. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations.

ARTICLE 50

Other reservations

1. No reservations other than those made in accordance with article 49 or with the following paragraphs shall be permitted.

2. Any State may at the time of signature, ratification or accession make reservations in respect of the following provisions of this Convention: article 12, paragraphs 2 and 3; article 13, paragraph 2; article 14, paragraphs 1 and 2; article 31, paragraph 1 (*b*), and article 48.

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraph 2 of this article or with article 49 may inform the Secretary-General of such intention. Unless by the end of twelve months after the date of the Secretary-General's communications of the reservation concerned, this reservation has been objected to by one third of the States that have ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood however that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation.

4. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations.

ARTICLE 51

Notifications

The Secretary-General shall notify to all the States referred to in paragraph 1 of article 40:

(*a*) Signatures, ratifications and accessions in accordance with article 40;

(*b*) The date upon which this Convention enters into force in accordance with article 41;

(*c*) Denunciations in accordance with article 46; and

(*d*) Declarations and notifications under articles 42, 43, 47, 49 and 50.

IN WITNESS THEREOF, the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments:

DONE at New York, this thirtieth day of March one thousand nine hundred and sixty one, in a single copy, which shall be deposited in the archives of the United Nations, and of which certified true copies shall be transmitted to all the

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Members of the United Nations and to the other States referred to in article 40, paragraph 1.

(*Here follow the signatures on behalf of the parties to the Convention, including Australia.*)

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SCHEDULES

List of drugs included in Schedule I

ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)

ALLYLPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)

ALPHACETYLMETHADOL (alpha-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)

ALPHAMEPRODINE (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)

ALPHAMETHADOL (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol)

ALPHAPRODINE (alpha-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)

ANILERIDINE (1-*para* -aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)

BENZETHIDINE (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

BENZYLMORPHINE (3-benzylmorphine)

BETACETYLMETHADOL (beta-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)

BETAMEPRODINE (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)

BETAMETHADOL (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)

BETAPRODINE (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)

CANNABIS and CANNABIS RESIN and EXTRACTS and TINCTURES of CANNABIS

CLONITAZENE (2-*para* -chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)

COCA LEAF

COCAINE (methyl ester of benzoylecgonine)

CONCENTRATE OF POPPY STRAW (the material arising when poppy straw has entered into a process for the concentration of its alkaloids, when such material is made available in trade)

DESOMORPHINE (dihydrodeoxymorphine)

DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)

DIAMPROMIDE (N-[2-methylphenethylamino) propyl] propionanilide)

DIETHYLTHIAMBUTENE (3-diethylamino-1,1-di-(2′-thienyl)-1-butene)

DIHYDROMORPHINE

DIMENOXADOL (2-dimethylaminoethyl-1 ethoxy 1,1-diphenylacetate)

DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol)

DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2′-thienyl)-1-butene)

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DIOXAPHETYL BUTYRATE (ethyl 4-morpholino-2,2-diphenylbutyrate)
DIPHENOXYLATE (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
DIPIPANONE (4,4-diphenyl-6-piperidine-3-heptanone)
ECGONINE, its esters and derivatives which are convertible to ecgonine and cocaine
ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1,1-di(2´-thienyl)-1-butene)
ETONITAZENE (1-diethylaminoethyl-2-*para* -ethoxybenzyl-5-nitrobenzimidazole)
ETOXERIDINE (1-[2-(2-hydroxyethoxy) ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
HEROIN (diacetylmorphine)
HYDROCODONE (dihydrocodeinone)
HYDROMORPHINOL (14-hydroxydihydromorphine)
HYDROMORPHONE (dihydromorphinone)
HYDROXYPETHIDINE (4-*meta* -hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
ISOMETHADONE (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
KETOBEMIDONE (4-*meta* -hydroxyphenyl-1-methyl-4-propionylpiperidine)
LEVOMETHORPHAN * ((—)-3-methoxy-N-methylmorphinan)
LEVOMORAMIDE ((—)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
LEVOPHENACYLMORPHAN ((—)-3-hydroxy-N-phenacylmorphinan)
LEVORPHANOL * ((—)-3-hydroxy-N-methylmorphinan)
METAZOCINE (2´-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
METHADONE (6-dimethylamino-4,4-diphenyl-3-heptanone)
METHYLDESORPHINE (6-methyl-delta 6-deoxymorphine)
METHYLDIHYDROMORPHINE (6-methyldihydromorphine)
1-Methyl-4-phenylpiperidine-4-carboxylic acid
METOPON (5-methyldihydromorphinone)
MORPHERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
MORPHINE

* Dextromethorphan ((+)-3-methoxy-N-methylmorphinan) and dextrorphan ((+)-3-Hydroxy-N-methylmorphinan) are specifically excluded from this Schedule.

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MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives
MORPHINE-N-OXIDE
MYROPHINE (myristylbenzylmorphine)
NICOMORPHINE (3,6-dinicotinylmorphine)
NORLEVORPHANOL ((—)-3-hydroxymorphinan)
NORMETHADONE (6-dimethylamino-4, 4-diphenyl-3-hexanone)
NORMORPHINE (demethylmorphine)
OPIUM
OXYCODONE (14-hydroxydihydrocodeinone)
OXYMORPHONE (14-hydroxydihydromorphinone)
PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
PHENADOXONE (6-morpholino-4,4-diphenyl-3-heptanone)
PHENAMPROMIDE (N-(1-methyl-2-piperidinoethyl) propionanilide)
PHENAZOCINE (2′-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)
PHENOMORPHAN (3-hydroxy-N-phenethylmorphinan)
PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
PIMINODINE (4-phenyl-1-(3-phenylaminopropyl) piperidine-4-carboxylic acid ethyl ester)
PROHEPTAZINE (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
RACEMETHORPHAN ((±)-3-methoxy-N-methylmorphinan)
RACEMORAMIDE ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
RACEMORPHAN ((±)-3-hydroxy-N-methylmorphinan)
THEBACON (acetyldihydrocodeinone)
THEBAINE
TRIMEPERIDINE (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters of ethers is possible;

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

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List of drugs included in Schedule II

ACETYLDIHYDROCODEINE
CODEINE (3-methylmorphine)
DEXTROPROPOXYPHENE
((+)-4-dimethylamino-3-methyl-1,2-diphenyl-2-propionoxybutane)
DIHYDROCODEINE
ETHYLMORPHINE (3-ethylmorphine)
NORCODEINE (N-demethylcodeine)
PHOLCODINE (morpholinylethylmorphine); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The salts of the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

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List of preparations included in Schedule III

1. Preparations of:
   Acetyldihydrocodeine,
   Codeine,
   Dextropropoxyphene,
   Dihydrocodeine,
   Ethylmorphine,
   Norcodeine, and
   Pholcodine

when

(*a*) Compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health; and

(*b*) Containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

2. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

3. Solid dose preparations of diphenoxylate containing not more than 2.5 milligrammes of diphenoxylate calculated as base and not less than 25 microgrammes of atropine sulphate per dosage unit.

4. *Pulvis ipecacuanhae et opii compositus*
   10 per cent opium in powder
   10 per cent ipecacuanha root, in powder
   well mixed with
   80 per cent of any other powdered ingredient containing no drug.

5. Preparations conforming to any of the formulae listed in this Schedule and mixtures of such preparations with any material which contains no drug.

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List of drugs included in Schedule IV

CANNABIS and CANNABIS RESIN
DESOMORPHINE (dihydrodeoxymorphine)
HEROIN (diacetylmorphine)
KETOBEMIDONE (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine); and

The salts of the drugs listed in this Schedule whenever the formation of such salts is possible.

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Second Schedule—Communication of the Secretary-General of the United Nations dated 11 December, 1964

Section 5

1. The Secretary-General of the United Nations presents his compliments to the Minister for External Affairs and with reference to the Secretary-General's circular note, reference C.N.212.1964. TREATIES-17 of 20 November 1964, advising that the Single Convention on Narcotic Drugs, 1961, will come into force on 13 December 1964, has the honour to communicate the attached amendments to the Schedules of the Single Convention on Narcotic Drugs, 1961. These amendments were adopted by the Commission on Narcotic Drugs of the Economic and Social Council at its nineteenth session (see Official Records of the Economic and Social Council, Thirty-seventh Session, document E/3893, paragraphs 157 and 158), pursuant to recommendations by the World Health Organization.

2. It was understood that in accordance with Article 3, paragraph 7, of the 1961 Convention, this decision should be communicated as soon as the Convention comes into force by the Secretary-General to all States Members of the United Nations, to Non-Member States Parties to this Convention, to the World Health Organization and to the Permanent Central Opium Board and Drug Supervisory Body, and that the decision would become effective with respect to each Party on the date of its receipt of such communication. The Parties would thereupon take such action as might be required under the Convention.

Schedule I

The following items should be added:

Fentanyl [1-phenethyl-4-N-propionylanilinopiperidine];
Methadone-intermediate [4-cyano-2-dimethylamino-4, 4-diphenylbutane];
Moramide-intermediate [2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid];
Noracymethadol [(±)-alpha-3-acetoxy-6-methylamino-4, 4-diphenylheptane];
Norpipanone [4,4-diphenyl-6-piperidine-3-hexanone];
Pethidine-intermediate-A [4-cyano-1-methyl-4-phenylpiperidine];
Pethidine-intermediate-B [4-phenylpiperidine-4-carboxylic acid ethyl ester];
Pethidine-intermediate-C [1-methyl-4-phenylpiperidine-4-carboxylic acid];

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Schedule II

Nicocodine (6-nicotinylcodeine) should be added.
Dextropropoxyphene [(+)-4-dimethylamino-3-methyl-1, 2-diphenyl-2-propionoxybutane] should be deleted.

Schedule III

Of the substances listed in section (1), dextropropoxyphene should be deleted.

COMMUNICATION OF THE SECRETARY-GENERAL OF THE UNITED NATIONS DATED

2 FEBRUARY, 1966

The Secretary-General of the United Nations presents his compliments to the Minister for External Affairs of Australia and has the honour to communicate, in accordance with article 3, paragraph 7, of the Single Convention on Narcotic Drugs, 1961, an amendment to Schedule I of this Convention, namely, the addition to that Schedule of the following substance:

> 1-(3-cyano-3, 3-diphenylpropyl)-4-(1-piperidino) piperidine-4-carboxylic acid amide (the proposed international non-proprietary name of which is piritramide) and its salts.

This amendment was adopted by the Commission on Narcotic Drugs of the Economic and Social Council at its twentieth session (document E/4140, paragraph 54).

The attention of Governments is drawn to article 3, paragraph 7, of the Convention under which such decision of the Commission shall become effective with respect to each Party on the date of its receipt of such communication, and the Parties shall thereupon take such action as may be required under this Convention.

COMMUNICATION OF THE SECRETARY-GENERAL OF THE UNITED NATIONS DATED

19 OCTOBER, 1966

The Secretary-General of the United Nations presents his compliments to the Minister for External Affairs of Australia and with reference to his note dated 17 June 1966, (NAR/CL.5/1966) has the honour to state that the Commission on Narcotic Drugs has decided that the substances M.183 (the proposed international non-proprietary name

of which is acetorphine) and M.99 (the proposed international non-proprietary name of which is etorphine) should be added to Schedule I of the Single Convention on Narcotic Drugs, 1961, and that the substance M.285 (the proposed international non-proprietary name of which is cyprenorphine) should not be placed on any of the Schedules of the 1961 Convention.

The decision of the Commission was taken pursuant to the recommendations of the World Health Organization under Article 3 of the 1961 Convention and in accordance with the procedure adopted by the Commission at its twentieth session (Official Records of the Economic and Social Council, Fortieth session, Supplement No. 2; document E/4140, Resolution 1 (XX)).

The attention of governments is drawn to Article 3, paragraph 7, of the 1961 Convention by which such decision "shall become effective with respect to each Party on the date of its receipt of such communication, and the Parties shall thereupon take such action as may be required under this Convention".

COMMUNICATION OF THE SECRETARY-GENERAL OF THE UNITED NATIONS DATED

20 JANUARY, 1966

The Secretary-General of the United Nations presents his compliments to the Minister for External Affairs of Australia and has the honour to communicate the following amendments to Schedule III of the Single Convention on Narcotic Drugs, 1961, which were adopted by the Commission on Narcotic Drugs of the Economic and Social Council at its twenty-first session, 5-21 December 1966, following upon recommendations made by the World Health Organization:

List of preparations included in Schedule III

1. Section 1 (*a*) and (*b*) are deleted and replaced by the following: "When compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations".

2. In section 2 delete the words "in such a way that the preparation has no, or a negligible risk of abuse, and", so that the paragraph reads as follows: "Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or

more other ingredients in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health."

3. In section 3 delete the words "Solid dose".

The Secretary-General has the honour to invite attention to Article 3, paragraph 7 of the 1961 Convention whereby the above decisions would become effective with respect to each Party on the date of its receipt of such communication, and the Parties would thereupon take such action as might be required under the Convention.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

A = Act
ad = added or inserted
am = amended
amdt = amendment
c = clause(s)
C[x] = Compilation No. x
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
exp = expires/expired or ceases/ceased to have effect
F = Federal Register of Legislative Instruments
gaz = gazette
LI = Legislative Instrument
LIA = *Legislative Instruments Act 2003*
(md) = misdescribed amendment can be given effect
(md not incorp) = misdescribed amendment cannot be given effect
mod = modified/modification
No. = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s)/sub-subparagraph(s)
pres = present
prev = previous
(prev…) = previously
Pt = Part(s)
r = regulation(s)/rule(s)
Reg = Regulation/Regulations
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)/subsection(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)
underlining = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Narcotic Drugs Act 1967	53, 1967	30 May 1967	1 Jan 1968 (s 2 and gaz 1967, p. 7053)	
Statute Law Revision Act 1973	216, 1973	19 Dec 1973	s 9(1), 10, Sch 1 and Sch 2: 31 Dec 1973 (s 2)	s 9(1) and 10
Narcotic Drugs Amendment Act 1976	176, 1976	13 Dec 1976	1 Feb 1977 (s 2 and gaz 1977, No S8)	s 18 and 19
Statute Law (Miscellaneous Amendments) Act (No. 2) 1982	80, 1982	22 Sept 1982	s 280(2), (3) and Sch 12: 22 Sept 1982 (s 2(1))	s 280(2) and (3)
Statute Law (Miscellaneous Provisions) Act (No. 2) 1984	165, 1984	25 Oct 1984	s 9 and Sch 1: 13 Dec 1984 (s 2(29) and gaz 1984, No S519)	s 2(32), 6(1) and 9
Customs Administration (Transitional Provisions and Consequential Amendments) Act 1985	39, 1985	29 May 1985	Sch: 10 June 1985 (s 2 and gaz 1985, No S194)	s 4
Statute Law (Miscellaneous Provisions) Act (No. 1) 1985	65, 1985	5 June 1985	Sch 1: 3 July 1985 (s 2(1))	—
Customs Administration (Transitional Provisions and Consequential Amendments) Act 1986	10, 1986	13 May 1986	s 2(2), 4 and Sch: 13 May 1986 (s 2(1))	s 2(2) and 4
Customs, Excise and Bounty Legislation Amendment Act 1995	85, 1995	1 July 1995	s 18 and Sch 9 (items 81–84): 1 July 1995 (s 2(1))	s 18

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health and Aged Care Legislation Amendment (Application of Criminal Code) Act 2001	111, 2001	17 Sept 2001	s 4 and Sch 1 (items 99–101): 17 Sept 2001 (s 2)	s 4
Administrative Appeals Tribunal Amendment Act 2005	38, 2005	1 Apr 2005	Sch 1 (item 228): 16 May 2005 (s 2(1) item 6)	—
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 4 (items 390–392): 4 July 2008 (s 2(1) item 64)	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Sch 5 (items 127–140), Sch 6 (item 69) and Sch 7 (item 97): 19 Apr 2011 (s 2(1) items 13, 17, 18)	—
Customs and Other Legislation Amendment (Australian Border Force) Act 2015	41, 2015	20 May 2015	Sch 6 (items 131–140) and Sch 9: 1 July 2015 (s 2(1) items 2, 7)	Sch 6 (item 140) and Sch 9

Endnote 4—Amendment history

Provision affected	How affected
Part I	
s 3	rep No 216, 1973
	ad No 39, 1985
	am No 85, 1995; No 41, 2015
s 4	am No 176, 1976; No 165, 1984; No 85, 1995; No 5, 2011; No 41, 2015
s 5	am No 176, 1976
s 6	am No 176, 1976; No 80, 1982; No 165, 1984; No 65, 1985; No 85, 1995; No 73, 2008; No 5, 2011; No 41, 2015
s 7	am No 216, 1973; No 176, 1976
s 8A	ad No 111, 2001
Part II	
s 9	am No 176, 1976; No 73, 2008; No 5, 2011
s 10	am No 176, 1976; No 5, 2011
s 11	am No 176, 1976; No 165, 1984; No 73, 2008
s 12	rs No 176, 1976
	am No 85, 1995; No 73, 2008; No 41, 2015
s 13	am No 176, 1976; No 165, 1984; No 73, 2008
s 14	am No 73, 2008
s 14A	ad No 176, 1976
	am No 165, 1984; No 85, 1995; No 38, 2005; No 5, 2011; No 41, 2015
Part III	
s 15	am No 176, 1976; No 73, 2008
s 16	am No 176, 1976; No 73, 2008
s 17	rs No 176, 1976
	am No 73, 2008
s 18	am No 176, 1976; No 73, 2008
s 19	am No 176, 1976; No 165, 1984; No 73, 2008
s 20	am No 176, 1976

Endnote 4—Amendment history

Provision affected	How affected
Part IV	
s 22	am No 176, 1976; No 80, 1982; No 65, 1985; No 10, 1986; No 85, 1995; No 41, 2015
s 23	am No 176, 1976; No 165, 1984; No 111, 2001; No 73, 2008
s 24	am No 176, 1976; No 80, 1982; No 65, 1985; No 10, 1986; No 85, 1995; No 111, 2001; No 73, 2008; No 5, 2011; No 41, 2015
s 25	rs No 176, 1976
	am No 80, 1982; No 165, 1984; Nos 39 and 65, 1985; No 73, 2008; No 5, 2011
s 26	am No 73, 2008