

Act No. 65, 1902.

POISONS.

An Act to consolidate the enactments for regulating the sale and use of poisons. [4th September, 1902.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title and division.

1. This Act may be cited as the "Poisons Act, 1902," and is divided into Parts, as follows:—

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—CERTIFICATES AND SALES OF POISONS—*ss.* 5-13.

PART III.—MISCELLANEOUS—*ss.* 14-15.

Repeal and savings.

2. (1) The Acts mentioned in the First Schedule hereto are, to the extent therein expressed, hereby repealed.

(2) All proclamations published under the authority of the enactments hereby repealed, and in force at the time of the passing of this Act, shall be deemed to have been published hereunder.

(3) All regulations made under the authority of the enactments hereby repealed, and in force at the time of the passing of this Act, shall be deemed to have been made hereunder.

(4) All certificates granted under the authority of the enactments hereby repealed, and having any effect at the time of the passing of this Act, shall be deemed to have been granted hereunder.

Definition of poison.
40 Vic. No. 9, s. 8.

3. The several substances mentioned in the Second Schedule hereto shall be deemed poisons within the meaning of this Act:

Provided always that the Governor may, by proclamation in the Gazette, declare that any other natural or chemical substance or preparation specified in such proclamation shall be deemed a poison within the meaning of this Act.

Application of Act.
Ibid. s. 7.

4. (1) Nothing in this Act shall apply to the sale of—

(a) any poison when made up or compounded as a medicine according to the prescription of a medical practitioner, or in the form of homœopathic medicine, unless in the crude state, mother tincture, or of a greater strength than the third potency;

(b) patent medicines;

(c)

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- (c) photographic materials for the purposes of photography;
- (d) medicines dispensed by veterinary surgeons, for animals under their treatment; or
- (e) fly poison papers or packets of poisonous mixtures for the destruction of vermin, when duly marked as such.

(2) Nothing in this Act shall apply to sales of poisons by wholesale dealers in the ordinary course of wholesale dealing, if an order in writing signed by the purchaser is given for the supply of the same, provided that all such sales shall be entered in a book, and the packages of poison shall be labelled as directed by section twelve.

PART II.

CERTIFICATES AND SALES OF POISON.

5. (1) The Pharmacy Board of New South Wales may issue certificates to any pharmacist registered under the provisions of the Pharmacy Act, 1897, that such pharmacist is duly qualified to be a dealer in poisons:

Certificate to deal in poisons.
40 Vic. No. 9, s. 10.
No. 7 of 1897, s. 19.

Provided that in places remote from large towns, any person who produces a certificate in the form of the Third Schedule hereto, from a legally qualified medical practitioner and a police magistrate, that he is a fit and proper person to be allowed to sell poisons in such place shall receive a certificate as a dealer in poisons renewable at the discretion of the said Board, in the month of January in each year.

Third Schedule.

(2) Whosoever not being the holder of a certificate granted under this Act sells any poison shall be liable to a penalty not exceeding fifty pounds.

Penalty on selling without certificate.
40 Vic. No. 9, s. 10.

6. (1) Every person who sells any poison specified in the first part of the Second Schedule hereto shall, before delivery thereof to the purchaser, inquire his name, place of abode, and occupation, and the purpose for which such poison is required or stated to be required.

Sales of poisons to be entered.
Ibid. s. 2.
Second Schedule.

(2) Such person shall thereupon make a faithful entry of such sale, specifying the poison and the quantity thereof, and all such particulars so given by the purchaser, together with the day of the month and year of such sale, in a book to be kept by the vendor for that purpose, in the form of the Fourth Schedule hereto.

Fourth Schedule.

(3) Every such entry shall be signed by the person making the same, and also by the purchaser, unless he declares himself unable to write, in which case the person making the entry shall add thereto the words "Purchaser cannot write."

(4) Whenever a witness to the sale is required by this Act, such entry shall be signed by such witness, and shall also state his place of abode.

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Sales by
correspondence.
40 Vic. No. 9, s. 2.

7. (1) In cases where sales and purchases of such poisons are made by correspondence, the letter ordering the same shall be preserved by the vendor, and a memorandum of the date of the said letter, by whom it was written, and the quantity and particulars of the poison therein ordered, shall be entered in the said book.

(2) No person shall sell any such poison so ordered to any person with whose signature he is not acquainted, unless such signature has been witnessed, or purports to have been witnessed, by a justice of the peace, clergyman, or public officer, or is authenticated by some person known to the vendor.

Restrictions as to the
sale of any poison
specified in the first
part of the Second
Schedule.
Ibid. s. 3.

8. (1) No person shall sell any poison specified in the first part of the Second Schedule hereto to any person who is under eighteen years of age, or who is unknown to the vendor, unless the sale is made in the presence of some witness who is known to the vendor and knows the purchaser.

(2) Such witness shall sign his name and add his place of abode to the required entry before the delivery of the poison to the purchaser.

Penalties.
Ibid. s. 6.
Second Schedule.

9. Whosoever—

- (a) sells any poison specified in the first part of the Second Schedule hereto, and delivers the same without having made and signed the entries required by this Act;
- (b) sells such poison without having obtained the signature to such entry, as required by this Act;
- (c) purchases such poison, and gives false information in answer to inquiries to the person selling the same in relation to the particulars which he is by this Act authorised to inquire into of such purchaser; or
- (d) signs his name as a witness to the sale of any such poison to a person unknown to him,

shall, for every such offence, be liable to a penalty not exceeding twenty pounds.

Sales of poison for
destruction of
vermin.

Ibid. s. 4.

Arsenic and
strychnine.

Ibid. s. 5.

10. No person shall buy or sell any poison for the avowed purpose of destroying rats or other vermin infesting houses unless the purchaser is a householder.

11. (1) No person shall sell any arsenic or uncoloured preparation thereof unless such arsenic or preparation is mixed before the sale or delivery thereof with soot or indigo in the proportion of one ounce of soot or half an ounce of indigo, at the least, to one pound of arsenic.

(2) No person shall sell any strychnine or uncoloured preparation thereof unless such strychnine or preparation is coloured before the sale or delivery thereof with Armenian bole or other red colouring matter:

Provided that whenever the purchaser states that such arsenic or strychnine or any preparation thereof respectively is required, not for any pastoral or agricultural use, but for some other purpose, for which

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which such admixture would, according to the representation of the purchaser render it unfit, such poison may be sold without the admixture hereinbefore specified.

12. No person shall sell any poison specified in the Second Schedule hereto, or any substance or preparation which has been, or is hereafter declared to be a poison as herein provided, either by wholesale or retail, unless the bottle or other vessel, wrapper, or cover, box, or case immediately containing the same bears thereon the word "Poison" printed conspicuously, together with the name of the article and the name and address of the seller thereof.

Rules to be observed in the sale of poison. 40 Vic. No. 9, s. 18. Second Schedule.

13. (1) Whosoever sells any poison otherwise than as is herein provided shall be liable to a penalty not exceeding twenty pounds.

Penalties. *Ibid.* s. 19.

(2) For the purpose of this section the person on whose behalf any such sale is made by any apprentice or servant shall be deemed to be the seller :

Provided that such apprentice or servant shall also be liable to a like penalty.

PART III.

MISCELLANEOUS.

14. (1) The Governor may make further regulations as to the colouring of any poison, or the sale or custody of the same, or for otherwise carrying into effect the objects of this Act.

Regulations. *Ibid.* s. 21.

(2) Such regulations shall be published in the Gazette, and shall thereupon have the same force and validity as if they formed part of this Act.

(3) A copy of such regulations shall be laid before both Houses of Parliament without unnecessary delay.

15. Whosoever being the owner or other person in charge or possession of any poison leaves it in any place (whether the same is ordinarily accessible to others or not), unless the bottle or package, of whatever kind, in which such poison is contained, is marked "Poison" and is otherwise duly labelled in the manner provided by section twelve, shall be liable to a penalty not exceeding twenty pounds.

Poisons to be labelled. *Ibid.* s. 22.

SCHEDULES.

FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
40 Vic. No. 9 ... No. 7, 1897 ...	Sale and Use of Poisons Act, 1876 ... Pharmacy Act, 1897 ...	The unrepealed portion. Section nineteen.

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Sections 3, 6, 8, 9, 12.

SECOND SCHEDULE.

List of Poisons.

FIRST PART.

Arsenic.
 Prussic acid.
 Strychnine.
 Savin and its oil.
 Ergot of rye and its preparations.
 Chloral hydrate.
 Laudanum.

SECOND PART.

Cyanides of potassium and all metallic cyanides.
 All poisonous vegetable alkaloids and their salts.
 Aconite and its preparations.
 Tartar emetic.
 Corrosive sublimate.
 Cantharides.
 Oxalic acid.
 Chloroform.
 Belladonna and its preparations.
 Opium and all preparations of opium or of poppies other than laudanum.
 Arsenical preparations, except green and other coloured paints.

Section 5.

THIRD SCHEDULE.

Certificate to be signed by a legally qualified medical practitioner and a police magistrate.

To the Pharmacy Board of New South Wales.
 I, _____, residing at _____, in the State of New South Wales, being a legally qualified medical practitioner, and I, _____, a police magistrate, hereby certify that _____, now residing at _____, in the State of New South Wales, is, in our opinion, a fit and proper person to be allowed to sell poisons in that place.

Section 6.

FOURTH SCHEDULE.

Form of entry in book on sale of poison.

Day of sale.	Name of purchaser.	Place of abode.	Occupation.	Quantity and names of poison.	Purpose for which it is required.	Purchaser's signature.	Witness.	Vendor's signature.
1 Dec., 1902.	John Jones	Bona Station, Merool Creek.	Squatter	20lb. arsenic. 10 oz. strychnine.	Sheep-dressing. Poisoning native dogs.	John Jones (or, if the purchaser cannot write, insert the words "Purchaser cannot write").	Henry Squires, farmer, Merool.	Richard Stiffener.