

Poisons (Amendment) Bill, 1933.

EXPLANATORY NOTE.

THE object of the Bill is to provide that greater care shall be exercised in the matter of handling and disposing of poisons.

Having in view the accidents that have occurred through carelessness in the matter of handling poisons and the losses of valuable stock which have resulted from the indiscriminate use of cyanide by persons laying baits for opossums and other animals, it is considered that the law should be amended.

The Bill provides that the regulations may require persons engaged in the sale, distribution, and supply of poisons to be licensed; to prescribe the conditions under which poisons may be sold, distributed, supplied, obtained, kept, or used, and the conditions as to packing and labelling; and to regulate the issue and dispensing of prescriptions for poisons and the supply of poisons on orders; for the removal of the names of poisons from one Part of the Second Schedule to the Act, and for adding same to the other Part.

It will be possible to require that poisons such as cyanide will be sold only after due inquiry and on the witnessed signature of the purchaser.

The Bill also provides for penalties for any breach of the regulations and for the appointment of inspectors for the purpose of seeing that the Act and regulations are complied with, and for the proof by certificate of analyses made by analysts appointed under the Pure Food Act, 1908, in legal proceedings under the Poisons Act, 1902-1933, or the regulations made thereunder.

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1933.

A BILL

To make provision for regulating the supply, colouring, labelling, and custody of poisons; to amend the Poisons Act, 1902; and for purposes connected therewith.

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:—

1. (1) This Act may be cited as the "Poisons (Amendment) Act, 1933," and shall commence on a day to be appointed by the Governor, and notified by proclamation published in the Gazette.

Short title and commencement.

(2) The Poisons Act, 1902, as amended by this Act, may be cited as the Poisons Act, 1902-1933.

2. The Poisons Act, 1902, is amended—

Amendment of
Act No. 66,
1902.

- (a) by inserting at the end of section three the following new paragraphs:—
- Sec. 3.
(Definition of poison.)

Such proclamation shall amend the Second Schedule by adding the name of such substance or preparation to one of the parts thereof.

The Governor may, in like manner, at any time amend the Second Schedule by removing the name of any poison from one of the parts thereof and adding the same to any other part thereof, or by adding thereto or removing therefrom the name of any substance.

The Second Schedule, as so amended, shall be deemed to be the Second Schedule to this Act.

- (b) (i) by omitting paragraphs (b), (c) and (e) of subsection one of section four;
- Sec. 4.
(Application of Act.)
- (ii) by omitting subsection two of the same section;

- (c) by omitting section five;
- Sec. 5.
(Certificate to deal in poisons.)

- (d) by omitting from subsection two of section six the words "of the Fourth Schedule hereto," and by inserting in lieu thereof the words "prescribed by regulations made under this Act";
- Sec. 6.
(Sale of poisons to be entered.)

- (e) (i) by omitting from subsection one of section thirteen the words "is herein provided shall be liable to a penalty not exceeding twenty pounds" and by inserting in lieu thereof the words "is provided by this Act or the regulations made thereunder shall be liable, where no other penalty is provided, to a penalty not exceeding *one hundred pounds*";
- Sec. 13.
(Penalties.)
- (ii)

(ii) by inserting next after subsection two of the same section the following new subsection:—

(3) Any penalty imposed by this Act or by the regulations made thereunder may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in a court of petty sessions.

(f) by inserting at the end of the Second Schedule the following new parts:— Second Schedule.

THIRD PART.

- Ammonia.
- Carbolic Acid.
- Formaldehyde.
- Hydrochloric Acid.
- Nitric Acid.
- Sulphuric Acid.

FOURTH PART.

- Adrenals, extracts and preparations of.
- Any serum or vaccine for human use.
- Pituitary Extract.
- Preparation of the specific anti-diabetic principle of the pancreas known as insulin.

(g) by omitting the Third Schedule and the Fourth Schedule. Third and Fourth Schedules.

3. (1) The Poisons Act, 1902, is further amended by omitting section fourteen and by inserting in lieu thereof the following new section:— Further amendment of Act No. 65, 1902. Substituted s. 14.

14. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act and, in particular, and without limiting the generality of the foregoing power, the Governor may, by the regulations— Regulations.

(a) require persons engaged in the sale, distribution, or supply of poisons to be licensed or authorised;

(b)

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- (b) prohibit the sale, distribution, supply, or possession of poisons generally, or of any particular poison, except by persons licensed or otherwise authorised by the Act or regulations;
 - (c) prescribe the conditions to be complied with in connection with the issue of licenses for the sale, distribution, or supply of poisons for the duration of any license or authority and the renewal thereof, and the circumstances under which a license or authority may be cancelled or withdrawn;
 - (d) prescribe forms to be used and the fees to be paid for any license or authority;
 - (e) prescribe the conditions under which poisons generally, or any particular poison, shall be sold, distributed, supplied, obtained, kept, or used, and the conditions as to packing and labelling of poisons to be complied with when any such poison is sent, carried, delivered, held, or stored by any person;
 - (f) prescribe the conditions under which any proprietary preparation for use as a sheep or cattle dip, or for agricultural or horticultural purposes or as a vermicide, shall be exempt from the operation of the provisions of this Act or the regulations;
 - (g) require persons engaged in the sale, distribution, or supply of poisons to keep such books and records and furnish such information either in writing or otherwise, as may be prescribed, and make provision for the inspection of such books and records by prescribed persons;
 - (h) regulate the issue of prescriptions or orders for poisons generally, or any particular poison, the dispensing of such prescriptions and the supply of poisons on such prescriptions or orders;

(i)

- (i) provide, in addition to a penalty, for the forfeiture of any poison unlawfully in the possession of any person and for the disposal of any poison so forfeited;
- (j) define the duties of inspectors;
- (k) prescribe the form of the certificate to be given by an analyst analysing any poison or substance.

(2) The regulations may impose a penalty **Penalty.** not exceeding *one hundred* pounds for any breach thereof, or in the case of a continuing breach, a penalty not exceeding *five* pounds a day while such breach continues.

(3) (a) Any regulation may be made to apply to the whole of the State or to any specified part of the State, and unless otherwise provided or clearly intended shall apply to the whole State.

(b) Any regulation may be made to apply in respect of all poisons or to any specified poison, and unless otherwise provided or clearly intended shall apply in respect of all poisons to which this Act applies.

(4) The regulations shall—

**Publication,
etc.**

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof such regulation or part shall thereupon cease to have effect.

(5)

(5) Nothing in this Act or the regulations made thereunder shall affect the operation of the Police Offences Amendment (Drugs) Act, 1927, or the regulations made under that Act.

Savings.

(2) Any regulations in force at the commencement of this Act and made under the authority of the section repealed by subsection one of this section shall continue in force until repealed or varied by regulations made under the section inserted by the said subsection.

Continuance of existing regulations.

4. The Poisons Act, 1902, is further amended by inserting next after section fourteen the following new sections:—

Further amendment of Act No. 65, 1902.

New secs. 14A, 14B.

14A. (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint inspectors to carry out such duties in connection with the enforcement of this Act and the regulations made thereunder as may be defined by the regulations.

Inspector.

(2) Any person who obstructs or hinders an inspector in the performance of any duty imposed on him by the regulations shall be guilty of an offence against this Act, and shall be liable upon summary conviction to a penalty not exceeding *fifty* pounds.

Obstructing inspector.

14B. Any analyst appointed under the Pure Food Act, 1908, analysing any poison or substance submitted to him in pursuance of the regulations made under this Act, may give a certificate in or to the effect of the form prescribed, of the result of the analysis.

Proof of analysis by certificate.

In any legal proceedings under this Act or the regulations made thereunder, the production of a certificate purporting to be signed by such an analyst shall be prima facie evidence of the identity of the poison or substance analysed and of the result of the analysis without proof of the signature or appointment of the person appearing to have signed the same.

