

POISONS.

No. 23 of 1966.

AN ACT to amend the Poisons Act, 1964.*[Assented to 27th October, 1966.]*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Poisons Act Amendment Act, 1966*.

(2) In this Act the Poisons Act, 1964, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Poisons Act, 1964-1966.

2. Section five of the principal Act is amended— S. 5 amended.

(a) by adding after the interpretation, “poison”, the following interpretation—

“prohibited plant” means any plant from which a drug of addiction may be obtained, derived or manufactured, or such other plant as the Governor declares and is hereby authorised to declare from time to time to be a prohibited plant for the purposes of this Act; and includes any part of such a plant, except in the case of the plant *Papaver somniferum*, the non-viable seed of that plant; and

(b) by adding after the interpretation, “substance”, the following interpretation—

“to cultivate” in relation to a plant includes to sow and to plant; .

3. Section twenty-five of the principal Act is amended by repealing subsection (2) and re-enacting it with amendments as follows— S. 25 amended.

(2) An application for a permit under this section shall be made in the prescribed manner to the Commissioner who may in his discretion grant or refuse the application. .

4. Section thirty-four of the principal Act is amended— S. 34 amended.

(a) by repealing subsection (1) and re-enacting it with amendments as follows—

(1) A person shall not sell any poison or class of poison prescribed by regulation for the purposes of this section to any person—

(a) who is apparently under the age of eighteen years; or

(b) who is unknown to the vendor, unless the sale is made in the presence of an adult witness who is known to the vendor and who knows the purchaser. ; and

(b) by inserting after the word, "made" in line two of subsection (2), the passage, "pursuant to paragraph (b) of subsection (1) of this section" .

S. 39
amended.

5. Section thirty-nine of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsection—

(1) Every new drug, whether specified in a Schedule or not, is deemed to be a poison within the meaning of this Act pending notification by the Commissioner of the classification of that new drug and his determinations in relation thereto pursuant to the provisions of section thirty-seven of this Act, but where in respect of any new drug the Commissioner so determines that such new drug does not require to be placed in a Schedule, that new drug shall no longer be deemed to be such a poison. ; and

(b) by repealing subsection (3).

S. 40
amended.

6. Section forty of the principal Act is amended by substituting for the words, "One hundred pounds" in the last line, the words, "Two hundred dollars".

S. 41
amended.

7. Section forty-one of the principal Act is amended by substituting for the word, "diamorphine" in line one of subsection (2), the word, "diacetylmorphine".

8. The principal Act is amended by adding after section forty-one, the following section—

S. 41A
added.

41A. (1) Subject to this Act the Commissioner may grant to any person a licence to cultivate, sell, purchase or have in his possession any prohibited plant.

Licence
to cultivate
prohibited
plants.

(2) A licence granted pursuant to this section shall be subject to such conditions as may be prescribed and as the Commissioner may in his discretion impose.

(3) A person shall not cultivate, sell, purchase or have in his possession any prohibited plant unless he is licensed under this section to do so. .

9. Section forty-four of the principal Act is amended by substituting for the words, "two hundred and fifty pounds" in lines two and three of subsection (2), the words, "five hundred dollars".

S. 44
amended.

10. Section forty-eight of the principal Act is amended by substituting for the words, "Fifty pounds" in the last line, the words, "One hundred dollars".

S. 48
amended.

11. Section forty-nine of the principal Act is amended—

S. 49
amended.

(a) by substituting for the words, "Fifty pounds" in line four of subsection (2), the words, "one hundred dollars"; and

(b) by substituting for the words, "Five pounds" in line six of subsection (2), the words, "ten dollars".

12. Section fifty of the principal Act is amended—

S. 50
amended.

(a) by substituting for the words, "Fifty pounds" in the last line of subsection (1), the words, "One hundred dollars";

- (b) by adding after the word, "business", being the last word in subsection (2), the passage, "or to persons granted exemption pursuant to subsection (3) of this section"; and
- (c) by adding after subsection (2), the following subsection—

(3) The Commissioner may exempt any person from the provisions of this section where he is of opinion, having regard to the circumstances of the case, that such exemption is warranted. .

S. 53
amended.

13. Section fifty-three of the principal Act is amended by adding after the word, "drug" in the last line of paragraph (b) of subsection (1), the passage, "or the cultivation, sale, purchase or possession of any prohibited plant".

S. 54
amended.

14. Section fifty-four of the principal Act is amended—

- (a) by adding after the word, "poison" in the last line of paragraph (a) of subsection (1), the words, "or prohibited plant";
- (b) by inserting after the word, "poisons" in line one of paragraph (c) of subsection (1), the words, "and any prohibited plants"; and
- (c) by inserting after the word, "poison" in the last line of paragraph (d) of subsection (1), the words, "or prohibited plant".

S. 55
amended.

15. Section fifty-five of the principal Act is amended—

- (a) by inserting after the word, "poison" in line two of paragraph (a) of subsection (1), the words, "or prohibited plant";

- (b) by substituting for the words, "or substance" in line one of subparagraph (i) of paragraph (b) of subsection (1), the passage, ", substance or prohibited plant"; and
- (c) by substituting for subparagraph (i) of paragraph (e) of subsection (2), the following subparagraph—
 - (i) any substance or preparation that may be reasonably suspected of being or containing a poison, or any prohibited plant, found in the house or premises, or in the possession or under the control of any person therein, or that is in that house or premises or under such control in contravention of any provision of this Act or the regulations; .

16. Section sixty-two of the principal Act is amended by substituting for the words, "Fifty pounds" in the last line, the words, "one hundred dollars".

S. 62
amended.

17. Section sixty-four of the principal Act is amended—

S. 64
amended.

- (a) by adding after paragraph (d) of subsection (2) the following paragraph—
 - (da) prohibiting or regulating the cultivation, possession, sale or purchase of any prohibited plant either absolutely or subject to such conditions as may be prescribed, and prescribing those conditions; ;
- (b) by adding after paragraph (j) of subsection (2), the following paragraph—
 - (ja) requiring persons engaged in the cultivation, sale, distribution or supply of any prohibited plant, or

the manufacture, sale, distribution or supply of any poison or hazardous substance, to keep such books, records or documents, and furnish such information, relating to such prohibited plant, poison or hazardous substance as the Commissioner may require from time to time, and providing for production of those books, records or documents and the furnishing in writing or otherwise of that information to the Commissioner at such times and in such manner as he may direct; ;

- (c) by substituting for the words, "and hazardous substances" in lines two and three of paragraph (m) of subsection (2), the passage, ", hazardous substances and prohibited plants";
 - (d) by substituting for the words, "or hazardous substance" occurring in line two, and again in lines four and five, of paragraph (o) of subsection (2), the passage, ", hazardous substance or prohibited plant", in each case;
 - (e) by substituting for the words, "Fifty pounds" in line two of paragraph (x) of subsection (2), the words, "one hundred dollars";
 - (f) by substituting for the words, "or hazardous substances" in lines two and three of paragraph (y) of subsection (2), the passage, ", hazardous substances or prohibited plants"; and
 - (g) by substituting for the words, "and hazardous substances" in the last line of paragraph (z) of subsection (2), the passage, ", hazardous substances and prohibited plants".
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