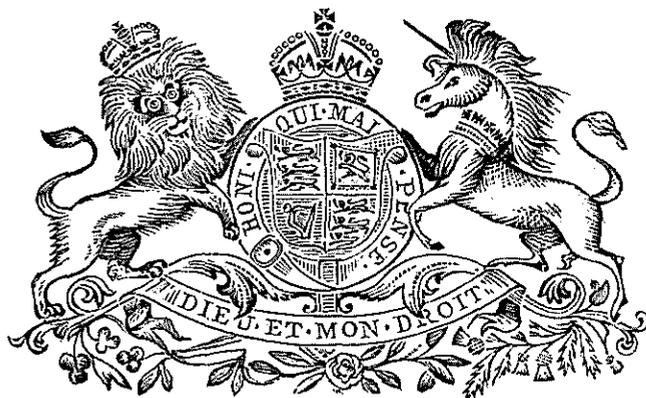


WESTERN AUSTRALIA.



ANNO PRIMO

GEORGII QUINTI REGIS,

VII.

No. 7 of 1910.

AN ACT compiling certain Acts of Parliament relating to Pharmacy and the Sale of Poisons.

[Assented to 22nd December, 1910.]

WHEREAS by resolution of the Legislative Council passed on the third day of August, one thousand nine hundred and nine, it was resolved that the Pharmacy and Poisons Act, 1894, and its amendments be compiled in accordance with the Statutes Compilation Act, 1905: And whereas such resolution was, on the eighth day of September, one thousand nine hundred and nine, concurred in by the Legislative Assembly: And whereas the compiled Act set forth in Appendix B has been certified under the hand of the Attorney General as being a true and correct compilation of the Pharmacy and Poisons Act, 1894, and the amendments thereof specified in Appendix A: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same as follows:—

Preamble.

1. This Act may be cited as the *Pharmacy and Poisons Act* Short title. *Compilation Act, 1910.*

2. The Acts specified in Appendix A are hereby repealed, and Repeal. in lieu thereof the compiled Act set forth in Appendix B is hereby 5 Edw. VII., enacted under the title of "The Pharmacy and Poisons Act, 1910." No. 15, s. 4.

Appointments, etc.,
continued.

3. In the construction of the compiled Act the Acts hereby repealed shall be deemed to have been repealed by the compiled Act, and such compiled Act shall, from the passing of this Act and until other provision is made, apply to the persons, things, and circumstances appointed or created by and existing or continuing under the Acts hereby repealed, as if the same had been appointed or created or were existing under the compiled Act.

Saving of other
enactments.

4. For the purpose of preserving implied repeals and statutory modifications every provision in the compiled Act shall be construed subject to any enactment to which at the passing hereof such provision was subject in the Act from which it has been compiled.

APPENDICES.

APPENDIX A.

Acts repealed.

58 Vict., No. 35. Pharmacy and Poisons Act, 1894.

63 Vict., No. 36. Pharmacy and Poisons Act Amendment Act,
1899.

3 Edw. VII., No. 8. Pharmacy and Poisons Act Amendment Act,
1903.

APPENDIX B.

"THE PHARMACY AND POISONS ACT, 1910."

Arrangement.

- PART I.—PRELIMINARY.
1. (1.) Short title.
 - (2.) First Schedule.
 2. Division of Act.
 3. Interpretation.
- PART II.—THE PHARMACEUTICAL SOCIETY OF WESTERN AUSTRALIA.
4. Constitution of Society.
 5. Constitution of Council.
 6. Election of Council.
 7. Removal of members of Council.
 8. Election to fill vacancy occurring in Council.
 9. (1.) Meetings of the Council. Number of votes of members.
 - (2.) Quorum of Council.
 - (3.) Proceedings of Council not invalidated by reason of vacancies.
 10. (1.) Council may appoint officers.
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 11. (1.) Council may examine upon oath, etc.
 - (2.) Penalty for false statement or declaration, etc.
- PART III.—THE PHARMACEUTICAL REGISTER OF WESTERN AUSTRALIA.
12. Council to keep register.
 - Second schedule.
 13. (1.) List of pharmaceutical chemists to be published.
 - (2.) Copy of *Gazette* to be evidence.
 14. Fees for registration and examination.
 15. Necessary alterations to be made in register.
 16. Change of address or death of pharmaceutical chemist to be notified.
 17. Pharmaceutical chemist may be struck off register.
- PART IV.—REGISTRATION OF PHARMACEUTICAL CHEMISTS.
18. Qualification to be registered as pharmaceutical chemist.
 - Third schedule.
 19. (1.) Manner of application.
 - Fourth schedule.
 - (2.) Declaration to be supported by certificate.
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- PART V.—SALE OF POISONS.
22. Definition of poisons.
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 23. Not to be sold by unlicensed persons.
 - Sixth schedule.
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 - (a.) Manner of keeping poisons.
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 - Eighth schedule.
 - (c.) Particulars of sales effected by correspondence.
 - (d.) Signature of witness to be obtained.
 27. Licensed person to produce on demand the book required by Section 26 to be kept.
 28. Signature of purchaser by correspondence to be proved.
 29. Vessels, wrappers, etc., containing "poison" to be so marked.
 30. Arsenic and strychnine must be coloured.
 31. Persons to whom poisons may not be sold.
 32. (1.) Penalties in respect of keeping and sale of poisons.
 - (2.) "Person" to include assistant or apprentice.
 33. Owner of poisons not to leave them about unlabelled, under a penalty.
 34. Cancellation of certificate of dealer in poisons.
 35. Act not to extend to certain sales of poison.
- PART VI.—MISCELLANEOUS.
36. Penalties for contravention of the Act.
 37. (1.) Business of pharmaceutical chemist to be carried on by the principal or a qualified assistant.
 - (2.) Chemists and persons licensed to sell poisons to have their names painted up.
 38. Penalty on fraudulent registration, etc.
 39. Evidence under ss. 36 and 37.
 40. Offences and procedure.
 41. (1.) Proceedings to be commenced within six months.
 - (2.) *No certiorari*.
 42. Act not to apply to sale of patent or proprietary medicines in certain cases.
 43. (1.) Power to Council to make regulations.
 - (a.) Meetings of the Council and conduct of business.
 - (b.) Election of Council and president.
 - (c.) Fees and subscriptions.
 - (d.) Additional subjects of examination.
 - (e.) What pharmacy institutions to be recognised.
 - (f.) Sale and custody of poisons.
 - (g.) General.
 - (2.) Publication of regulations.
 - (3.) Evidence.
- Schedules.*

AN ACT to compile certain Acts relating to Pharmacy and the Sale of Poisons.

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. (1.) This Act may be cited as the *Pharmacy and Poisons Act*, 1910. Short title.
- (2.) This Act is a compilation of the Acts mentioned in the First Schedule hereto. First schedule.
2. This Act is divided into six Parts, as follows:—

PART I.—PRELIMINARY: SS. 1-3.	Division of Act. 58 Vict., No. 35, s. 1.
PART II.—THE PHARMACEUTICAL SOCIETY OF WESTERN AUSTRALIA: SS. 4-11.	
PART III.—THE PHARMACEUTICAL REGISTER OF WESTERN AUSTRALIA: SS. 12-17.	
PART IV.—REGISTRATION OF PHARMACEUTICAL CHEMISTS, SS. 18-21.	
PART V.—SALE OF POISONS: SS. 22-35.	
PART VI.—MISCELLANEOUS: SS. 36-43.	
3. In the construction of this Act, except where the subject matter or the context otherwise indicates: Interpretation.
58 Vict., No. 35,
s. 5.
 - “Council” means the Council of the Pharmaceutical Society of Western Australia.
 - “Gazette” means the *Government Gazette* of Western Australia.

“Pharmaceutical Chemist” means a pharmaceutical chemist registered under the provisions of this Act, or of the Acts of which this Act is a compilation.

“Register” means the Pharmaceutical Register of Western Australia.

“Regulations” means the Regulations made under this Act, or the Acts of which this Act is a compilation.

“State” means the State of Western Australia.

PART II.—THE PHARMACEUTICAL SOCIETY OF WESTERN AUSTRALIA.

Constitution of Society.
58 Vict., No. 35, s. 6.

4. The Pharmaceutical Society already established in the State shall be the Pharmaceutical Society of Western Australia, and may retain that name and title, and all pharmaceutical chemists, within the meaning of this Act, shall be members thereof.

Constitution of Council.
See 58 Vict., No. 35, ss. 7, 8.

5. (1.) For the management of the said Society there shall be a Council, to consist of a president and six other members, under the style of “The Council of the Pharmaceutical Society of Western Australia.”

(2.) The members of the Council holding office at the commencement of this Act shall, subject to this Act, continue to hold office until the expiration of the period for which such members were elected, that is to say until the thirty-first day of March, one thousand nine hundred and thirteen.

Election of Council.
See 58 Vict., No. 35, s. 9.

6. (1.) At the expiration of the period for which the existing members of the Council were elected to hold office, and at the expiration of every succeeding three years, the pharmaceutical chemists registered under this Act may, in manner prescribed by the Regulations, elect seven persons to form the Council, who shall hold office for the three years next following their election.

(2.) No person other than a pharmaceutical chemist shall be eligible for election.

(3.) At the first meeting of every Council so elected the members thereof shall elect one of their number to be president, who shall hold office during the period for which such Council is elected.

(4.) The members of the Council retiring at the end of any three years shall be eligible for re-election.

(5.) Every pharmaceutical chemist shall be entitled to one vote for each member of the Council to be elected.

Removal of members of Council.
58 Vict., No. 35, s. 10.

7. The Governor may, from time to time, remove the president or any other member of the Council.

8. If any member of the Council dies, resigns, is removed, or is absent from the State for three months without the leave of the Council, the pharmaceutical chemists may, in manner prescribed by the Regulations, elect thereto any pharmaceutical chemist, and the person so elected shall hold office for the residue of the term during which the member of the Council, in lieu of whom he has been elected, would have held office, and no longer.

Election to fill vacancy occurring in Council.
58 Vict., No. 35, s. 11.

9. (1.) At every meeting of the Council each member, including the president, shall have one vote, and the president shall, in case of an equality of votes, have a casting vote in addition to his ordinary vote, and all questions at any meeting of the Council shall be decided by a majority of the votes of the members present.

Meetings of the Council. Number of votes of members.
58 Vict., No. 35, s. 12.

(2.) A quorum of the Council shall consist of not fewer than four members thereof, and in the absence of the president from any meeting of the Council the members present may elect one of their number to be chairman of the meeting.

Quorum of Council.

(3.) No action or proceedings of the Council shall be invalidated by reason of the existence of any vacancy or vacancies therein, provided that the number of members be not reduced below four.

Proceedings of Council not invalidated by reason of vacancies.

10. (1.) The Council may appoint a registrar, and any other officer necessary for carrying out the provisions of this Act, and may remove any of such officers at any time.

Council may appoint officers.
58 Vict., No. 35, s. 13.

(2.) The Council may, in its own name, by its registrar or any person thereunto authorised in writing under the hand of the president, commence, carry on, prosecute, and defend any action, complaint, information, or proceeding whatsoever, both civil and criminal. Every court of law shall take judicial notice of the signature of the president to any such authorisation.

Council may sue.

11. (1.) The president or any member of the Council may examine or question any person attending, or giving evidence before the Council, and may administer an oath to, or take a solemn declaration from, such persons.

Council may examine upon oath, etc.
58 Vict., No. 35, s. 14.

(2.) If any such person wilfully or knowingly makes any false statement upon such examination or in such declaration, or utters, or attempts to utter, or puts off as true any false, forged, or counterfeit diploma, degree, license, certificate, or other document or writing, such person shall be guilty of a misdemeanour, and, on conviction thereof, shall be liable to be imprisoned for any term not exceeding two years with or without hard labour, or may be dealt with under any other law applicable to his offence.

Penalty for false statement or declaration, etc.

PART III.—THE PHARMACEUTICAL REGISTER OF WESTERN AUSTRALIA.

Council to keep register.
58 Vict., No. 35,
s. 15.

12. The Council shall, upon the application of any person entitled to be registered as a pharmaceutical chemist under this Act, register the name of the applicant, together with his residence or place of business, his qualification and the date of such registration, in a register to be kept by the Council for that purpose in the form contained in the Second Schedule to this Act, or to the like effect, and such register shall be called "The Pharmaceutical Register of Western Australia."

Second schedule.

List of pharmaceutical chemists to be published.
58 Vict., No. 35,
s. 16.

13. (1.) The Council shall, in the month of January in every year, cause to be printed, published, and offered for sale, at a reasonable price, a correct list of all pharmaceutical chemists in alphabetical order according to their surnames, with their respective residences or places of business, and shall cause such list to be published at the same time in the *Gazette*.

Copy of *Gazette* to be evidence.

(2.) A copy of the *Gazette* containing any such list shall be *prima facie* evidence in all courts of justice, and in all legal proceedings whatsoever, that the persons specified in such list are qualified and registered according to the provisions of this Act, and the absence of the name of any person from such list shall be *prima facie* evidence that such person is not a pharmaceutical chemist.

Fees for registration and examination.
58 Vict., No. 35,
s. 17.

14. The fees for registration as a pharmaceutical chemist, or for any examination required by this Act, shall be such as from time to time are prescribed by the Regulations, and shall be paid to the Council previously to any such registration or examination.

Necessary alterations to be made in register.
58 Vict., No. 35,
s. 18.

15. The Council shall from time to time make all necessary alterations in the register relating to the qualifications and addresses of pharmaceutical chemists, and may write or cause to be written a letter addressed to any pharmaceutical chemist, according to his last known address, to inquire whether he has changed his residence or place of business. Such letter shall be registered, and if no answer be returned to such letter within the period of six months from the sending thereof, the Council may erase the name of such pharmaceutical chemist from the register, and shall restore the same to such register upon the personal application of such pharmaceutical chemist and production of his certificate or satisfactory proof of his former registration, and payment of all fees in arrear.

Change of address or death of pharmaceutical chemist to be notified.
58 Vict., No. 35,
s. 19.

16. Every pharmaceutical chemist on changing his residence or place of business shall intimate the same to the Council, and the Registrar General of Western Australia, on receiving information of the death of any pharmaceutical chemist, shall forthwith trans-

mit notice thereof by post to the registrar of the^s Pharmaceutical Society of Western Australia, and on receipt of such notice such registrar shall inform the Council thereof, and the Council shall remove the name of such chemist from the register.

17. If any pharmaceutical chemist is convicted of any offence which, in the opinion of the Council, renders him unfit to practise as a pharmaceutical chemist, the Governor may, upon the application of the Council, order the name of such pharmaceutical chemist to be erased from the register, and the Council shall erase such name accordingly.

Pharmaceutical chemist may be struck off register. 58 Vict., No. 35, s. 20.

PART IV.—REGISTRATION OF PHARMACEUTICAL CHEMISTS.

18. Any person may obtain from the Council a certificate, in the form contained in the Third Schedule, that he has been duly registered as a pharmaceutical chemist, if he has attained the age of twenty-one years, and

Qualification to be registered as pharmaceutical chemist.

Third schedule.

- (a.) Is a member of the Pharmaceutical Society of Western Australia at the time of the passing of this Act; or
- (b.) For at least four years has served as an apprentice in the business of a chemist and druggist or pharmaceutical chemist in any State of the Commonwealth, or in the Dominion of New Zealand, in the keeping of open shop for the compounding and dispensing of prescriptions of legally qualified medical practitioners, and has passed all examinations prescribed by the Regulations or examinations which, in the opinion of the Board, are equivalent thereto; or
- (c.) Holds a certificate or diploma of competency as a pharmaceutical chemist, or as a chemist and druggist from any society, college, or board of pharmacy recognised by the Regulations.

See 58 Vict., No. 35, s. 21; 63 Vict., No. 36, s. 3.

19. (1.) Any person applying for registration under qualification (b) must take a declaration, in the form contained in the Fourth Schedule, before a Justice of the Peace, and forward the same to the Council, and shall produce his certificate that he has passed the examinations required by this Act.

Manner of application. See 58 Vict., No. 35, s. 22. Fourth schedule.

(2.) Such declaration shall be accompanied by a certificate of the chemist and druggist, or pharmaceutical chemist to whom the applicant has been apprenticed, in the form as contained in the Fourth Schedule.

Declaration to be supported by certificate.

(3.) Any person applying for registration under qualification (c) shall annex to his application the certificate or diploma entitling him to apply, for the inspection of the Council.

Council may direct examinations.
58 Vict., No. 35, s. 23.

20. The Council shall control and direct all examinations they may think fit to require for the purposes of this Act, in practical pharmacy, chemistry, botany, *materia medica*, the Latin language, and such other subjects as may from time to time be prescribed by the Regulations.

Council may grant or refuse certificates.
58 Vict., No. 35, s. 24.

21. The Council may, upon the results of the examinations held under this Act, grant or refuse all certificates of competency, skill, knowledge and qualification to practise the business or calling of a pharmaceutical chemist.

PART V.—SALE OF POISONS.

Definition of poisons.
Fifth schedule.
58 Vict., No. 35, s. 25.

22. The several articles mentioned in the Fifth Schedule shall be deemed poisons within the meaning of this Act. Provided always, that the Governor, by proclamation duly published in the *Gazette*, may, from time to time, declare that any other article specified in such proclamation shall be deemed a poison within the meaning of this Act, and on such proclamation being so published such article shall be deemed a poison within the meaning of this Act.

Not to be sold by unlicensed persons.
Sixth schedule.
58 Vict., No. 35, s. 26.

23. Every person who sells any poison shall, unless he holds a license from the Council in the form contained in the Sixth Schedule, be guilty of an offence against this Act, and liable, on conviction, to a penalty not exceeding fifty pounds, or to imprisonment, with or without hard labour, for any term not exceeding twelve months.

Dealers in poison other than pharmaceutical chemists.
58 Vict., No. 35, s. 27.
63 Vict., No. 36, s. 3.

24. No such license shall be granted to any person other than a pharmaceutical chemist, except in places distant at least five miles from the nearest place in which a pharmaceutical chemist has an open shop.

Conditions precedent to grant of license to sell poisons.
Seventh schedule.
58 Vict., No. 35, s. 28.

25. No such license shall be granted to any person unless such person produces to the Council a certificate, in the form contained in the Seventh Schedule, signed by the Police or Resident Magistrate of, and a duly qualified medical practitioner practising in, the district where such person resides, and until such person has paid the fee prescribed by the Regulations for such license.

Licensed persons to observe certain conditions.
58 Vict., No. 35, s. 29.
Manner of keeping poisons.
Particulars of sale to be kept.

26. Every person licensed under this Act to sell poisons shall—
(a.) Keep all poisons in a safe, box, cupboard, drawer, or other place, securely locked or fastened.
(b.) Except when sales and purchases of poisons are effected by correspondence, before delivery to the purchaser, inquire his name, place of abode, and occupation, and the purpose for which such poison is required, and make an

entry in the form contained in the Eighth Schedule, in a book to be kept for that purpose, specifying the date of the sale, the name of the purchaser, his place of abode and occupation, the purpose for which the poison is required, the quantity of the poison sold, and sign such entry, and obtain the signature of the purchaser thereto, or, if the purchaser cannot write, insert the words "Purchaser cannot write."

Eighth Schedule.

- (c.) Whenever sales or purchases of poison are effected by correspondence, retain the letter, telegram, or other document by which such poison is ordered, and make an entry in the said book, so far as is practicable, of the particulars contained in the Eighth Schedule.
- (d.) Whenever a witness to the sale of any poison is required by this Act, obtain the signature of such witness to the entry in the said book relating to such poison.

Particulars of sales effected by correspondence.

Signature of witness to be obtained.

Provided that the word "Poisons" in paragraph (b) shall apply only to the poisons mentioned in Part I. of the Fifth Schedule.

63 Vict., No. 36, s. 3.

27. Every person licensed under this Act to sell poisons shall, immediately on demand being made to him at his shop or place of business by a member of the Council or its Registrar, or any person authorised in writing under the hand of the President or Registrar, produce and show the book to be kept under section twenty-six, and permit the same to be examined, and any person neglecting, failing, or refusing to produce and show such book on demand or to permit the same to be examined, shall be guilty of an offence against this Act, and be liable, on conviction, to the same fine or imprisonment as is mentioned in section thirty-two.

Licensed person to produce on demand the book required by sec. 26 to be kept.
63 Vict., No. 36, s. 5.

28. No person shall sell any poison mentioned in Part I. of the Fifth Schedule, ordered by letter, telegram, or other document, 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, legal practitioner, or notary public, or is otherwise authenticated by some person known to the vendor.

Signature of purchaser by correspondence to be proved.
58 Vict., No. 35, s. 30.
63 Vict., No. 36, s. 3.

29. No person shall sell any poison unless the bottle or other vessel, wrapper, or cover, box or case immediately containing the same bears thereon—

Vessels, wrappers, etc., containing "poison" to be so marked.

- (a.) The word "Poison" printed conspicuously in letters not less than three-sixteenths of an inch in size; and
- (b.) The name of the article, the name and address of the vendor, and the address of the shop or premises from which the article was sold.

3 Edw. VII., No. 8, s. 4.

All such matter shall be so printed that the purchaser of the article can plainly see the same.

Arsenic and strychnine must be coloured.
63 Vict., No. 36,
s. 2.

30. (1.) No person shall sell any arsenic or strychnine, or any preparation of arsenic or strychnine, unless, in the case of arsenic or any uncoloured preparation of arsenic, it is mixed, before the sale or delivery, with soot or some other black substance in the proportion of one ounce of soot or other black substance at least to one pound of arsenic, and so in proportion for any greater or less quantity, and unless, in the case of strychnine or any uncoloured preparation of strychnine, it is coloured with Armenian bole or some other red colouring matter before the sale or delivery thereof.

(2.) Provided that, whenever the purchaser states that the arsenic or strychnine, or any preparation thereof respectively, is not required for any pastoral or agricultural use or for the destruction of vermin, but is required for a purpose for which such admixture with colouring matter would, according to the representation of the purchaser, render it unfit (a statement of which purpose is entered in the book required by section twenty-six to be kept and signed as thereby required or specified in the letter therein referred to, as the case may be), such poison may be sold without such admixture.

(3.) Every person failing to comply with or acting contrary to any of the provisions of this section shall be guilty of an offence against this Act, and, upon conviction, be liable to the same fine or imprisonment as is mentioned in section thirty-two.

Persons to whom poisons may not be sold.
58 Vict., No. 35,
s. 32.

31. No person shall sell any poison to any person who is apparently under eighteen years of age, or to any person who is unknown to the vendor, unless the sale be made in the presence of some witness who is known to the vendor, and to whom the purchaser is known, and such witness signs his name, together with his place of abode, to the required entry before the delivery of the poison to the purchaser.

Penalties in respect of keeping and sale of poisons.
58 Vict., No. 35,
s. 33.

32. (1.) Any person who—

- (a.) Sells any poison contrary to the provisions of this Act;
or
- (b.) Neglects or omits to comply with any of the provisions of this Act regulating the sale or keeping of poisons;
or
- (c.) On the purchase of any poison, gives false information in relation to the particulars required by this Act on the purchase or sale of any poison; or

- (d.) Signs his name as a witness to the signature of any person ordering poison by letter, telegram, or other document, or to the sale of any poison to a purchaser who is unknown to him;

shall be guilty of an offence against this Act, and liable upon conviction to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding twelve months, with or without hard labour.

(2.) For the purpose of this section, the person on whose behalf any sale is made by an assistant or apprentice shall be deemed to be the person who sells, and such assistant or apprentice shall also be liable to the like penalties as the person on whose behalf he makes such sale.

“Person” to include assistant or apprentice.

33. Any person other than a pharmaceutical chemist, in charge or possession of any poison, who leaves it in any place (whether the same be ordinarily accessible to others or not), unless the bottle or package of whatsoever kind in which such poison is contained is marked “poison,” and otherwise duly labelled in the manner provided by section twenty-nine, shall be guilty of an offence against this Act, and liable, on conviction, to a penalty not exceeding twenty pounds: Provided always, that this section shall not apply to pharmaceutical chemists in the conduct of their business.

Owner of poisons not to leave them about unlabelled, under a penalty. 58 Vict., No. 35, s. 34.

34. The Governor may, on the recommendation of the Council, by order, direct the cancellation of the license of any person to sell poisons deemed by the Council unfit to continue to sell poisons.

Cancellation of certificate of dealer in poisons. 58 Vict., No. 35, s. 35.

35. This Act shall not extend to the sale of any poison when made up or compounded in a medicine by a duly qualified medical practitioner, or by a pharmaceutical chemist for the purpose of sale, or according to the prescription of a duly qualified medical practitioner, or in the form of homœopathic medicine, unless in the crude state or mother tincture, nor to the sale of patent or proprietary medicines when sold by pharmaceutical chemists or other licensed persons, nor to the sale of photographic materials for the purposes of photography, nor to the sale of medicines dispensed by veterinary surgeons for animals under their treatment, nor to the sale of fly poison papers, nor to the sale of poisonous mixtures and fluids for the eradication of disease in any animals or of insect pests or diseases in fruit trees, grape vines or other vegetation, nor to the sale of poisoned seed for the destruction of vermin, when duly marked as such, nor to the sale for mining or industrial purposes of cyanide of potassium, strong mineral acids, or other metallurgical chemicals required in the mining or in such other industry where such chemicals are required in large quantities; nor shall it extend to any sales by wholesale dealers in the ordinary

Act not to extend to certain sales of poison. 58 Vict., No. 35, s. 36. 63 Vict., No. 36, s. 3.

course of wholesale dealing, if an order in writing, signed by the purchaser, shall be given for the supply of the same. Provided that all such sales are entered in a book, and that the bottle or other vessel, wrapper or cover, box or case immediately containing the poison bears thereon the word "poison" printed conspicuously.

PART VI.—MISCELLANEOUS.

Penalties for con-
travention of the
Act.

3 Edw. VII.,
No. 8, s. 3.

36. No person other than—

(a.) A pharmaceutical chemist; or

(b.) A person or a company registered under the Companies Act, 1893, or a Friendly Society registered under the Friendly Societies Acts carrying on the business of a chemist and druggist or of a pharmaceutical chemist by and under the personal supervision of a pharmaceutical chemist; or

(c.) A legally qualified medical practitioner,

shall carry on the business of a chemist and druggist or pharmaceutical chemist.

(2.) No person other than—

(a.) A pharmaceutical chemist; or

(b.) A legally qualified medical practitioner,

shall assume or use the title of pharmaceutical chemist, pharmacist, chemist and druggist, dispensing chemist, dispensing druggist, homœopathic chemist, or other words of like import, or use or exhibit any title, term, or sign which can be construed to mean that such person is qualified as a pharmaceutical chemist.

(3.) Any person who offends against the provisions of this section shall be liable, on conviction, to a penalty not exceeding fifty pounds, or to imprisonment for any term not exceeding twelve months for every such offence.

Business of
pharmaceutical
chemist to be
carried on by the
principal or a
qualified assistant.
63 Vict., No. 36,
s. 4.

37. (1.) No pharmaceutical chemist or legally qualified medical practitioner shall carry on or attempt to carry on the business of a chemist and druggist, or pharmaceutical chemist, or assume or use the title of a pharmaceutical chemist, pharmacist, pharmacist, chemist and druggist, dispensing chemist, homœopathic chemist or other title of like import, or use or exhibit any title, term, or sign on any shop, house, or premises which can be construed to mean that the business of a pharmaceutical chemist is carried on therein, unless such business is conducted by and under the personal supervision of himself or of an assistant who is a pharmaceutical chemist or a legally qualified medical practitioner.

Chemists and
persons licensed to
sell poisons to
have their names
painted up.

(2.) Every pharmaceutical chemist, and every licensed vendor of poisons, and every person or assistant under whose con-

duct or management the business or any branch of the business of a pharmaceutical chemist is carried on, shall have his name legibly painted or written, and continually so maintained, on a conspicuous place on the front of the building where such business is carried on.

(3.) Every person who fails to comply with or acts contrary to any of the provisions of this section shall be guilty of an offence against this Act, and, on conviction thereof, shall be liable to a penalty not exceeding fifty pounds, and an additional penalty of five pounds for every day during which such failure or act continues.

38. Any Registrar appointed under this Act, or other person who wilfully makes or causes to be made any false entry in the Register; and any person who wilfully procures or attempts to procure himself to be registered under this Act, by making or producing, or causing to be made or produced, any false certificate or diploma of competency or other certificate, or declaration, either verbally or in writing; and any person who aids or assists therein shall be guilty of an offence against this Act, and liable, on conviction, to a penalty not exceeding one hundred pounds, with or without imprisonment for any term not exceeding twelve months.

Penalty on fraudulent registration.

58 Vict., No. 35, s. 37.

39. In any prosecution under sections thirty-six or thirty-seven of this Act, the fact that any person is apparently employed or engaged in any shop, house, or premises where drugs are kept or stored for sale, or acts in the capacity of a salesman therein, shall be *prima facie* proof that such person carries on a business as a pharmaceutical chemist in such shop, house, or premises, and personally conducts and supervises the business carried on therein.

Evidence under ss. 36 and 37.
63 Vict., No. 36, s. 6.

40. All offences against this Act upon which a pecuniary penalty is imposed shall be summarily punishable, and all penalties imposed by this Act shall be recovered in a summary manner before two or more justices of the peace; and all fees payable under this Act shall be paid to the Council to be applied towards the expenses of carrying this Act into effect.

Offences and procedure.
See 58 Vict., No. 35, s. 39.
See 1909, No. 4, s. 2.

41. (1.) All proceedings in respect of offences against this Act shall be commenced within six months after the offences thereby charged shall have been committed.

Proceedings to be commenced within six months.
See 58 Vict., No. 35, s. 40.

(2.) No order, judgment, warrant, or other proceeding made or purporting to be made under or concerning the conviction of any offender against this Act shall be quashed or vacated for want of form only, or be removed or removable by *certiorari*, or by any writ or process whatsoever into any superior Court of the State.

No *certiorari*.

Act not to apply to sale of patent or proprietary medicines in certain cases.
58 Vict., No. 35, s. 41.

42. Notwithstanding anything in this Act contained no person shall be liable to any penalty for selling any patent or proprietary medicines in any place which is at least twenty miles distant from the nearest place wherein a pharmaceutical chemist has an open shop.

Power to Council to make regulations.
58 Vict., No. 35, s. 42.

43. (1.) The Council may, subject to the confirmation of the Governor, from time to time make, alter, and revoke regulations for the following purposes, or any of them:—

Meetings of the Council and conduct of business.
Election of Council and president.

(a.) Regulating the meetings and proceedings of the Council, and the conduct of their business.

Fees and subscriptions.

(b.) Prescribing the manner of and time and place for electing the members of the Council and the president of the Council.

(c.) Prescribing the subscriptions to be paid by pharmaceutical chemists to the Council for the purpose of defraying the expenses necessary to carry out the provisions of this Act, the fees for the examination of persons qualifying to be registered as pharmaceutical chemists, and the fees for the registration of the same and for licenses to sell poisons.

Additional subjects of examination.

(d.) Prescribing the subjects, in addition to those prescribed by this Act, for the examination of persons qualifying for registration as pharmaceutical chemists.

What pharmacy institutions to be recognised.

(e.) Prescribing that the certificates or diplomas of competency as a pharmacist or as a chemist and druggist of any specified society, college, or board of pharmacy shall be recognised by the Council.

Sale and custody of poisons.
General.

(f.) Providing for the sale and custody of poisons.

(g.) Providing for all other matters or things necessary for carrying the provisions of this Act into effect.

Publication of regulations.

(2.) All Regulations made under this Act shall be laid before both Houses of Parliament within fourteen days from the making thereof if Parliament be then sitting, and if not then sitting, then within fourteen days after the then next assembling of Parliament, and when published in the *Gazette* such Regulations shall have the force of law.

Evidence.

(3.) A copy of the *Gazette* containing any such Regulation shall be *prima facie* evidence in all courts of justice and in all legal proceedings of the due making of such Regulation and that it is still in force.

SCHEDULES.

First Schedule.

Section 1.

Acts Compiled.

- 58 Viet., No. 35. Pharmacy and Poisons Act, 1894.
- 63 Viet., No. 36. Pharmacy and Poisons Act Amendment Act, 1899.
- 3 Edw. VII., No. 8. Pharmacy and Poisons Act Amendment Act, 1903.

Second Schedule.

Section 12.

“THE PHARMACY AND POISONS ACT, 1910.”
Register of Pharmaceutical Chemists.

Name.	Residence or Place of Business.	Qualification.	Date of Registration.

Third Schedule.

Section 18.

“THE PHARMACY AND POISONS ACT, 1910.”
Certificate of Registration as a Pharmaceutical Chemist.

We do hereby certify that _____, residing at _____, in _____, has been duly registered as a pharmaceutical chemist.

Dated at _____ this _____ day of _____, 19 _____.

(Signed) A.B., President { of the Pharmaceutical
 (Signed) C.D., Registrar { Council of
 Western Australia.

Fourth Schedule.

Section 19.

“THE PHARMACY AND POISONS ACT, 1910.”
Declaration by Apprentice.

I, _____, of _____, in the State of Western Australia, do solemnly and sincerely declare—

1. That I have attained the age of twenty-one years, and
2. That I have served not less than four years as an apprentice in the business of a chemist and druggist or pharmaceutical chemist in Western Australia (or as the case may be) in the keeping of open shop for the compounding and dispensing of prescriptions of legally qualified medical practitioners.

And I make this solemn declaration by virtue of section one hundred and six of "The Evidence Act, 1906."

Declared at _____, in the State of Western Australia, this
day of _____, 19__.

Before me, _____, J.P.

Certificate of Apprenticeship by Master Chemist and Druggist or Pharmaceutical Chemist.

I, _____, a chemist and druggist, or a pharmaceutical chemist, do hereby certify that _____, of _____, in the State of Western Australia, to the best of my knowledge and belief has attained the age of twenty-one years, and has served for four years as an apprentice in the business carried on by me of a chemist and druggist, or of a pharmaceutical chemist.

Dated _____ day of _____, 19__.

(Signed) _____
of _____

Section 22.

Fifth Schedule.

List of Poisons.

Part I.

63 Viet., No. 36,
Schedule.

Aconite
Arsenic and its preparations
Arsenical preparations, except green and other paints and pigments
All poisonous vegetable Alkaloids, and their salts
Belladonna and its preparations
Cannabis Indicus
Cantharides
Chloral Hydrate
Chloroform
Cocaine and its preparations
Conium and its preparations
Corrosive Sublimate
Croton Oil
Cyanides of Potassium and all metallic cyanides
Digitalis and its preparations
Ergot of Rye and its preparations
Essential Oil of Almonds, unless deprived of its prussic acid
Iodine
Laudanum
Nux Vomica, bean or powder
Opium and all preparations of opium or poppies
Phosphorus
Prussic Acid and its preparations
"Rough on Rats"
Savin and its oil
Strychnine and its preparations
Tartar Emetic.

Part II.

Butyr of Antimony
 Carbolic Acid
 Chlorodyne
 Colocynth Pulp
 Ether
 Iodoform
 Mercury Subchloride
 Oxalic Acid
 Patent and Proprietary Medicines containing any poison mentioned in Part I.
 of this Schedule
 Red Precipitate
 Soothing Powders
 Soothing Syrups
 Strong Mineral Acids
 Sugar of Lead
 White Precipitate
 Lysol (see "Government Gazette," 23rd October, 1908).

Sixth Schedule.

Section 23.

"THE PHARMACY AND POISONS ACT, 1910."

License to sell Poisons.

I, the undersigned, on behalf of the Council of the Pharmaceutical Society of Western Australia, do hereby certify that _____, residing at _____, in the State of Western Australia, is authorised to sell poisons, subject to the provisions of "The Pharmacy and Poisons Act, 1910," and of the Regulations made thereunder.

Dated at _____, this _____ day of _____, 19 _____.

(Signed) A.B.,

President of the Council of the Pharmaceutical Society of
 Western Australia.

Seventh Schedule.

Section 25.

"THE PHARMACY AND POISONS ACT, 1910."

Certificate of Fitness to hold License to sell Poisons.

We, the undersigned, do hereby respectively certify that _____, residing at _____, in the State of Western Australia, is personally known to each of us respectively, and is a fit and proper person to hold a license from the Council of the Pharmaceutical Society of Western Australia to sell poisons.

Dated this _____ day of _____, 19 _____.

(Signed) A.B., Police or Resident Magistrate of

(Signed) C.D., a duly qualified Medical Practitioner practising in

} the District where the
 Applicant resides.

Section 26.

Eighth Schedule.

"THE PHARMACY AND POISONS ACT, 1910."

Form of Entry in Book on Sale of Poison.

Date of Sale.	Name of purchaser.	Place of abode.	Occupation.	Quantity and Names of Poison.	Purpose for which it is required.	Purchaser's signature.	Signature of Witness.	Place of abode of Witness.	Vendor's signature.