



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XIV.

AN ACT to regulate the sale of Poisons.

[Assented to, 3rd September, 1879.]

WHEREAS it is expedient for the safety of the public that the retailing, dispensing, or compounding of Poisons should be subject to regulation and restraint: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

See 31 and 32 Vic., c. 121.

1 FROM and after the thirty-first day of December now next, it shall be unlawful for any person to sell, or keep open shop for retailing, dispensing, or compounding poisons in any part of Western Australia, unless such person shall be licensed thereto by the Resident Magistrate or Police Magistrate of his town or district, and shall conform to such regulations as to the keeping, dispensing, and selling of such poisons as may from time be prescribed by such Resident Magistrate or Police Magistrate: Provided, however, that

Persons selling or compounding poisons to be licensed.

43° VICTORIÆ, No. 14.

The Poison Sale Act, 1879.

such regulations shall not be contrary to the provisions of this Act, and shall be subject to the approval of the Governor, and shall not have any force or effect until published in the *Government Gazette*.

Articles named in Schedule A, to be deemed poisons within the meaning of this Act.

2 THE several articles named or described in schedule A shall be deemed to be poisons within the meaning of this Act; and the Governor may, from time to time, by notice published in the *Government Gazette*, declare that any article in such notice named is a poison within the meaning of this Act; and on the expiration of one month from such publication the article so named shall be deemed to be a poison within the meaning of this Act.

Regulations to be observed in the sale of poisons.

3 IT shall be unlawful to sell any poison, either by wholesale or retail, unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article and the word "POISON," and with the name and address of the seller of the poison, as prescribed in Schedule B, and it shall be unlawful to sell any poison of those which are in the first part of schedule A to this Act, or which may hereafter be added thereto under section two of this Act, to any person unknown to the seller, unless introduced by some person known to the seller; and on every sale of any such article the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose, stating in the form set forth in Schedule C to this Act the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person, if any, who introduced him shall be affixed; Or in the event of the order for such article being sent to the seller by letter or telegram, in lieu of the signature of the purchaser being required to be affixed to the entry above-mentioned, the seller shall annex such letter or telegram to the said book, opposite the entry of the sale therein; and the person delivering the article so ordered and sold shall make and sign a memorandum opposite such entry, setting forth the date when, and the person or post office to whom or through which the said article was delivered or transmitted; and if the same article was delivered to any person, the person receiving the same shall also sign such memorandum. And any person selling poison otherwise than as herein provided shall, upon a summary conviction before two Justices of the Peace, be liable to a penalty not exceeding Five pounds for the first offence, and to a penalty not exceeding Ten pounds for the second, or any subsequent offence. And for the purposes of this section the person on whose behalf any sale is made by any apprentice

43° VICTORIÆ, No. 14.

The Poison Sale Act, 1879.

or servant shall be deemed to be the seller; but the provisions of this section which are solely applicable to poisons in the first part of the Schedule A to this Act, or which require that the label shall contain the name and address of the seller shall not apply to articles to be exported from Western Australia by wholesale dealers, nor to sales by wholesale to retail dealers in the ordinary course of wholesale dealing. Nor shall any of the provisions of this section apply to any medicine supplied by a duly qualified medical practitioner to his patient; Nor apply to any article when forming part of the ingredients of any medicine dispensed by a person licensed under this Act, provided such medicine be labelled in the manner aforesaid with the name and address of the seller, and the ingredients thereof be entered with the name of the person to whom it is sold or delivered in a book to be kept by the seller for that purpose.

4 SUCH Resident Magistrate or Police Magistrate may in his discretion withhold, suspend, or discontinue the license mentioned in the first section hereof. Resident Magistrate may withhold licenses.

5 SECTIONS A, C, F, and G, of the Shortening Ordinance, 1853, shall be incorporated with and form part of this Ordinance. Shortening Ordinance.

6 THE Short Title of this Act shall be "The Poison Sale Act, 1879." Short Title.

In the name and on behalf of the Queen I hereby assent to this Act.

H. ST. GEORGE ORD, Governor.

43° VICTORIÆ, No. 14.

The Poison Sale Act, 1879.

SCHEDULES.

Schedule A.

PART 1:

Arsenic and its preparations.
Prussic Acid.
Cyanides of Potassium and all Metallic Cyanides.
Strychnine and all poisonous vegetable alkaloids and their salts.
Aconite and its preparations.
Emetic Tartar.
Corrosive Sublimate.
Cantharides.
Savin and its Oil.
Ergot of Rye and its preparations.

PART 2:

Oxalic Acid.
Chloroform.
Belladonna and its preparations.
Essential Oil of Almonds, unless deprived of its Prussic Acid.
Opium, and all preparations of Opium or of Poppies.

Schedule B.

Numc.	Residence.	Qualification.
A.B.	High Street, Fremantle	License by Resident Magistrate.

Schedule C.

Date.	Name of purchaser.	Name and quantity of poison sold.	Purpose for which it is required.	Signature of purchaser.	Signature of person introducing purchaser.