

## POISONS.

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No. 87 of 1970.

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AN ACT to amend the *Poisons Act, 1964-1969.*

[Assented to 30th November, 1970.]

**B**E 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, 1970.*

Act No. 70 of  
1964 as  
amended by  
Acts Nos. 23  
of 1966, 28  
and 51 of  
1967 and  
6 of 1969.

(2) In this Act the *Poisons Act, 1964-1969*, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the *Poisons Act, 1964-1970.*

2. This Act shall come into operation on a date to be fixed by proclamation. Commence-  
ment.

3. Section 43A of the principal Act is amended by adding after subsection (1) a subsection as follows— Amendment  
to s. 43A.  
(Unlawful  
sale or  
supply by  
certain  
persons.)

(1a) A person who commits an offence against subsection (1) of this section is liable on summary conviction by a court constituted by a stipendiary magistrate sitting alone, to a fine of four thousand dollars or to imprisonment for a term of ten years or to both the fine and imprisonment but the court convicting the person for the offence—

- (a) shall commit him for sentence before The District Court of Western Australia which may pass sentence for the offence in accordance with this section and may make such order in relation to the convicted person as might be made by a court of summary jurisdiction convicting a person of an offence;
- (b) by warrant shall commit the convicted person to gaol until the sittings of the court by which he is to be sentenced or admit him to bail to appear before that court for sentence. .

4. Section 44 of the principal Act is amended— Amendment  
to s. 44.  
(Offences  
generally  
against this  
Part.)

(a) by repealing and re-enacting subsection (2) as follows—

(2) A person who commits an offence against this Part, not being an offence for which a penalty is otherwise in this Part expressly provided, is liable upon conviction to a fine of two thousand dollars, or imprisonment for a term of three years, or to both the fine and imprisonment. ; and

- (b) by substituting for the words commencing with the word "on" in line seven and ending with the word "Part" in line nine of subsection (4), the passage "on summary conviction to the same punishment and forfeiture and to be dealt with as if he had been convicted of the offence which he attempted to commit, or the offence which he solicited or incited another to commit".
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