

POISONS.

No. 6 of 1969.

AN ACT to amend the Poisons Act, 1964-1967.

[Assented to 21st April, 1969.]

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:—

1. (1) This Act may be cited as the *Poisons Act Amendment Act, 1969.* Short title and citation.

(2) In this Act the Poisons Act, 1964-1967, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Poisons Act, 1964-1969.

Commence-
ment.

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

S. 5
amended.

3. Section five of the principal Act is amended by deleting the interpretation, "specified drug" and substituting the following interpretation—

"specified drug" means any substance that is declared to be a specified drug for the purposes of this Act; .

S. 22A
added.

4. The principal Act is amended by adding immediately after section twenty-two a section as follows—

Specified
drugs.

22A. (1) The Governor may, by Order in Council, declare any substance to be a specified drug for the purposes of this Act.

(2) Any substance that was, before the coming into operation of the Poisons Act Amendment Act, 1969, declared to be a specified drug for the purposes of this Act continues, subject to subsection (3) of this section, to be a specified drug for the purposes of this Act and Part VIA of the Police Act, 1892.

(3) The Governor may, by Order in Council, vary or revoke any Order in Council made under subsection (1) of this section and may in like manner vary or revoke any Order in Council made before the coming into operation of the Poisons Act Amendment Act, 1969, declaring any substance to be a specified drug for the purposes of this Act. .

S. 23
amended.

5. Subsection (2) of section twenty-three of the principal Act is amended by adding after the word, "prescribed", being the last word in the subsection, the passage, "and subject to any notice given by the Commissioner pursuant to the regulations made under paragraph (ha) of subsection (2) of section sixty-four of this Act".

6. Section twenty-four of the principal Act is amended by adding after subsection (4), the following subsections—

S. 24
amended.

(5) The Commissioner may from time to time, by notice, impose such conditions, restrictions and limitations on the sale, supply, use and possession of any poison specified in the Seventh Schedule as he considers necessary for safeguarding the public health.

(6) A notice given by the Commissioner under subsection (5) of this section—

- (a) has effect according to its tenor, notwithstanding any other provision of this Act or the terms or conditions of any licence or permit in force thereunder;
- (b) may be of general application or apply to a particular person or class of persons, in a particular case or class of cases, or to particular circumstances or localities;
- (c) has effect, if expressed to apply to any particular person, when served on that person and if not so expressed, when published in the *Government Gazette*; and
- (d) may be varied or revoked by the Commissioner by subsequent notice.

"this Act"
cf. No. 30 of
1918, s. 4.

(7) Any person who—

- (a) having been served with a notice under subsection (5) of this section that is expressed to apply to him, fails to comply with or contravenes any condition, limitation or restriction contained in the notice; or

- (b) fails to comply with or contravenes any condition, limitation or restriction contained in a notice published in the *Government Gazette*,

commits an offence and is liable on conviction to a penalty not exceeding two hundred dollars. .

S. 43A
added.

7. The principal Act is amended by adding after section forty-three a section as follows—

Unlawful
sale or supply
by certain
persons.

43A. (1) Subject to subsection (2) of this section, any person who, being authorized by this Act to be in possession of any drug of addiction or specified drug, sells or supplies any drug of addiction or specified drug to a person who—

- (a) is not the holder of a licence issued under this Act authorizing him to be in possession of the drug of addiction or specified drug so sold or supplied and is not otherwise so authorized by this Act; and
- (b) does not first furnish to that first-mentioned person a prescription of a medical practitioner or veterinary surgeon authorizing the sale or supply of the drug of addiction or specified drug so sold or supplied,

commits an offence against this Part.

(2) Subsection (1) of this section does not apply to or in relation to the sale or supply of a drug of addiction or specified drug—

- (a) by a medical practitioner in the lawful practice of his profession; or

- (b) by a person in a case where a medical practitioner or veterinary surgeon has requested him to sell or supply the drug of addiction or specified drug to another person before that lastmentioned person furnishes him with a prescription for the drug of addiction or specified drug. .

8. Subsection (2) of section sixty-four of the principal Act is amended by adding after paragraph (h) a paragraph as follows—

S. 64
amended.

- (ha) authorizing the Commissioner, by notice given to any such person as is referred to in subsection (2) of section twenty-three of this Act, to revoke, in whole or in part, the authority conferred by that subsection on that person in relation to drugs of addiction and specified drugs; .
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