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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1928.

A BILL

To make provision for regulating the supply, colouring, labelling, and custody of poisons; to amend the Poisons Act, 1902; and for purposes connected therewith.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Poisons (Amendment) Act, 1928," and shall commence on a day to be appointed by the Governor, and notified by proclamation published in the Gazette.

Short title
and
commence-
ment.

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Poisons (Amendment).

2. (1) Section three of the Poisons Act, 1902, is amended by adding at the end of the proviso thereto the following words: "and may in like manner amend either part of the said Second Schedule by removing the name of any substance mentioned therein and adding same to the other part of such Schedule."

Amendment of Act No. 65, 1902, s. 3. (Definition of poison.)

(2) Paragraphs (c) and (e) of subsection one of section four and subsection two of section four and section five of the Poisons Act, 1902, are hereby repealed.

Repeal of s. 4 (1) (c) (e), (2), and s. 5. (Application of Act.)

3. (1) Section fourteen of the Poisons Act, 1902, is hereby repealed, and the following new section inserted in lieu thereof:—

Further Amendment of Act No. 65, 1902.

14. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act and, in particular, and without limiting the generality of the foregoing power, the Governor may, by the regulations—

Substituted s. 14. Regulations.

- (a) require persons engaged in the sale, distribution, or supply of poisons to be licensed.
- (b) prohibit the sale, distribution, supply, or possession of poisons generally, or of any particular poison, except by persons licensed or otherwise authorised by the Act or regulations;
- (c) prescribe the conditions to be complied with in connection with the issue of licenses for the sale, distribution, or supply of poisons for the duration of any license or authority and the renewal thereof, and the circumstances under which a license or authority may be cancelled or withdrawn;
- (d) prescribe forms to be used and the fees to be paid for any license or authority;
- (e) prescribe the conditions under which poisons generally, or any particular poison, shall be sold, distributed, supplied, obtained, kept, or used, and the conditions as to packing and labelling

labelling of poisons to be complied with when any such poison is sent, carried, delivered, held, or stored by any person ;

- (f) prescribe the conditions under which any proprietary preparation for use as a sheep or cattle dip, or for agricultural or horticultural purposes, shall be exempt from the operation of the provisions of this Act or the regulations ;
- (g) require persons engaged in the sale, distribution, or supply of poisons to keep such books and records and furnish such information either in writing or otherwise, as may be prescribed, and make provision for the inspection of such books and records by prescribed persons ;
- (h) regulate the issue of prescriptions or orders for poisons generally, or any particular poison, the dispensing of such prescriptions and the supply of poisons on such prescriptions or orders ;
- (i) provide, in addition to a penalty, for the forfeiture of any poison unlawfully in the possession of any person and for the disposal of any poison so forfeited.

(2) The regulations may impose a penalty ^{Penalty.} not exceeding *one hundred* pounds for any breach thereof, or in the case of a continuing breach, a penalty not exceeding *five* pounds a day while such breach continues.

(3) (a) Any regulation may be made to apply to the whole of the State or to any specified part of the State, and unless otherwise provided or clearly intended shall apply to the whole State.

(b) Any regulation may be made to apply in respect of all poisons or to any specified poison, and unless otherwise provided or clearly intended shall apply in respect of all poisons to which this Act applies.

(4)

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Poisons (Amendment).

- (4) The regulations shall—
- (a) be published in the Gazette;
 - (b) take effect from the date of publication or from a later date to be specified in the regulations; and
 - (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not then within fourteen sitting days after the commencement of the next session.

Publication,
&c.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof such regulation or part shall thereupon cease to have effect.

(2) Any regulations in force at the commencement of this Act and made under the authority of the section repealed by subsection one of this section shall continue in force until repealed or varied by regulations made under the section inserted by the said subsection.

Continuance
of existing
regulations.

(3) Nothing in this Act or the regulations made thereunder shall affect the operation of the Police Offences Amendment (Drugs) Act, 1927, or the regulations made under that Act.

Savings.

