

VICTORIA.



ANNO SEXTO

EDWARDI SEPTIMI REGIS.

No. 2023.

An Act to amend the *Opium Smoking Prohibition Act 1905.*

[11th September, 1906.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Opium Smoking Prohibition Act 1906*, and shall be read and construed as one with the *Opium Smoking Prohibition Act 1905*, and the said Act and this Act may be cited together as the *Opium Smoking Prohibition Acts*.

Short title and construction.
No. 2003.

2. (1) Upon information made before any justice on oath by any member of the police force expressly authorized as hereinafter mentioned that he has reasonable cause to suspect that in any house or premises there is any opium suitable for smoking or which may be made suitable for smoking contrary to the provisions of the *Opium Smoking Prohibition Acts*, or that opium is being smoked in or on such house or premises, such justice may by special warrant under his hand authorize any member of the police force to whom such special warrant is addressed and his assistants—

Special warrant to enter &c. premises.

(a) to enter (whether by breaking open doors or otherwise) and search the said house or premises ; and

(b) to
9985.

(b) to seize and carry away all opium suitable for smoking or which may be made suitable for smoking and to arrest search and bring before any two justices all persons found in or on such house or premises offending against any of the provisions of the Opium Smoking Prohibition Acts.

Schedule.

(2) Every such special warrant may be in the form or to the effect of the Schedule to this Act, and shall not be granted except upon information made as aforesaid by some person expressly authorized in writing by the Chief Secretary to apply for such warrant in any particular case.

Warrant need not
be under seal.
Macmanamy v.
Ross, 18 A.L.T.,
258.

3. Notwithstanding anything contained in any Act every such special warrant of any justice under this Act shall be valid and effectual notwithstanding that the same is not and does not purport to be under the seal of such justice.

SCHEDULE.

Section 2.

OPIUM SMOKING PROHIBITION ACTS.

To wit }
Bailiwick. }

To

a Member of the Police Force of the State of Victoria.

WHEREAS it appears to me _____, a Justice of the Peace in and for the _____ Bailiwick, by the information on oath of _____ of _____, a Member of the Police Force of the State of Victoria, expressly authorized in writing by the Chief Secretary, that in a certain house or premises situate at _____ in the said bailiwick there is opium or that opium is being smoked therein in contravention of the Opium Smoking Prohibition Acts, this is therefore to authorize you with such assistants as you may find necessary to enter upon the house and premises situate as aforesaid, and if necessary to use force for making such entry whether by breaking open doors or otherwise, and to seize and carry away all opium suitable for smoking or which may be made suitable for smoking found therein or thereon, and to arrest all persons therein or thereon found offending against any of the provisions of the Opium Smoking Prohibition Acts.

Given under my hand at _____ this _____ day of _____ 19

J.P.

MELBOURNE:

By Authority: J. KEMP, Acting Government Printer.