

## POISONS ACT 1915.

6 GEORGE V., **An Act to consolidate the Law relating to the Sale  
No. 2707. and Use of Poisons and Poisonous Substances and  
Preparations.**

[6th September, 1915.]

*Poisons Act 1890.*  
Preamble.

**W**HEREAS the unrestricted sale of poisons often leads to fatal accidents and the commission of crime: And whereas large quantities of arsenic, strychnine, and other poisons are used in the State for pastoral, agricultural, and other purposes, and fatal accidents occur by reason of the careless custody and use of such poisons by the owners thereof or persons in their employ: And whereas it is expedient for the safety of the public to regulate the sale of poisons and to make provision for the exercise of proper precautions in the use of the same: 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):—

Short title  
commencement  
and division.

**1.** This Act may be cited as the *Poisons Act 1915*, and shall come into operation on the first day of October One thousand nine hundred and fifteen, and is divided into Parts and Divisions as follows:—

PART I.—Poisons	}	Division 1.—General ss. 4–14.
		Division 2.—Limitation with respect to certain Articles and Sales ss. 15–18.
		Division 3.—Offences and Penalties s. 19.

PART II.—Poisonous Substances and Preparations ss. 20–22.

PART III.—Legal Proceedings &c. ss. 23–26.

PART IV.—Opium ss. 27–36.

Repeal.  
First Schedule.

**2.** The Acts mentioned in the First Schedule to the extent to which the same are thereby expressed to be repealed are hereby repealed. Provided that such repeal shall not affect any proclamation regulation or order made or any certificate given under the said Acts or any of them before the commencement of this Act.

3. In the construction of this Act unless inconsistent with the context or subject-matter—

“Prescribed” means prescribed by this Act or by the regulations thereunder; and

“Sale” includes delivery (whether with or without consideration) in any shop or store or premises appurtenant thereto by the keeper thereof his servant or agent; and “sell” has a corresponding meaning.

*Poisons Act Amendment Act 1914 ss. 2 & 3.*  
Interpretation.

PART I.—POISONS.

DIVISION I.—GENERAL.

4. (1) The several articles mentioned in the Second Schedule hereto shall be deemed poisons within the meaning of this Act.

(2) On the recommendation of the Pharmacy Board of Victoria the Governor in Council may by proclamation in the *Government Gazette* amend the said Schedule—

(a) by adding to any part of such Schedule or removing therefrom any article;

(b) by transferring any article from any part of such Schedule to any other part thereof,

and the Schedule so amended shall have the same force and effect as if such amendment had been enacted in this Act.

(3) A copy of every proclamation made under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

5. Except so far as the contrary is expressly enacted every person other than a legally qualified medical practitioner or a registered pharmaceutical chemist who sells any poison shall unless he holds a certificate from the Pharmacy Board of Victoria that he is a fit and proper person to sell poisons be liable to a penalty of not more than Twenty pounds.<sup>(a)</sup>

*Poisons. Ib. s. 4. Second Schedule.*

Unqualified persons not allowed to sell poisons.  
*Poisons Act 1890 s. 4.*

6. (1) In places distant at least four miles by the nearest practicable road from any place in which a registered pharmaceutical chemist has an open shop any person who produces a certificate from a legally qualified medical practitioner and a police magistrate that he is a fit and proper person to be allowed to sell poisons in such place shall receive from the Pharmacy Board of Victoria a certificate as a dealer in poisons on payment of a fee of Twenty shillings per annum to such Board. Provided that the Pharmacy Board if satisfied that it is not reasonably practicable for an applicant for a certificate as a dealer in poisons to obtain the signature of a police magistrate to the certificate of fitness required as aforesaid may accept in lieu thereof the

Dealers in poisons.  
*Ib. s. 5.*

Signature of certificate of fitness as dealer in poisons by Justice and police instead of by police magistrate in certain cases.

(a) Upon proof of sale it lies upon the accused person to show that he belongs to one or other of the two classes of persons qualified to sell poisons, or that he is the holder of a certificate of fitness from the Pharmacy Board of Victoria. —*Shillinglaw v. Roberts*, 17 V.L.R., 136.

An information under this section is, by virtue of the *Justices Act 1915*, sufficient if it merely

charges the sale of the poison by the defendant.

—*Ib.*, and see *Shillinglaw v. Taffs*, 23 V.L.R., 525.  
The sale of poison by an apprentice or assistant on behalf of a person not qualified under this section is a sale by such person within the meaning of the section.—*Shillinglaw v. Redmond*, 1908 V.L.R., 427.

*Poisons Act  
Amendment  
Act 1914 s. 7.*

signatures of a justice of the peace and the member of the police force in charge of the police station nearest to the residence or place of business of such applicant.

Governor in  
Council may  
direct  
cancellation of  
certificate of  
unfit person.  
*Poisons Act  
1890 s. 12.*

(2) The Governor in Council may on the recommendation of the Pharmacy Board of Victoria by order direct the cancellation of the certificate as a dealer in poisons held by any person who is convicted of any offence against this Act which renders him unfit or who is deemed unfit through habitual intoxication or otherwise to continue to sell poisons.

Dealers to label  
cupboards where  
poisons kept  
*Ib. s. 5.*

(3) Every person holding a certificate as a dealer in poisons shall keep all poisons in a cupboard of such dimensions and containing such shelves as the Pharmacy Board of Victoria may direct. The word "Poisons" shall be conspicuously painted or written on such cupboard, and no articles other than such poisons shall be placed or kept therein.

How vessels or  
wrappers  
containing  
poison to be  
marked  
*Ib. s. 7.*

7. No person shall sell any poison either by wholesale or retail unless the bottle or other vessel wrapper or cover box or case immediately containing the same bears thereon the word "Poison" printed conspicuously together with the name of the article and the name and address of the seller thereof.

On sale of  
poisons specified  
in the first part  
of Second  
Schedule entry  
thereof to be  
made in a book.  
*Ib. s. 6.*

8. (1) Every person who sells any poison specified in the first part of the Second Schedule shall before delivery thereof to the purchaser inquire his name place of abode and occupation and the purpose for which such poison is required or stated to be required.

First part Second  
Schedule.

(2) Such person shall thereupon make a faithful entry of such sale, specifying the poison and the quantity thereof and all such particulars so given by the purchaser, together with the day of the month and year of such sale, in a book to be kept by the vendor for that purpose in the form set forth in the Third Schedule.

Third Schedule.  
14 & 15 Vict.  
c. 13 s. 1.

(3) Every such entry shall be signed by the person making the same and also by the purchaser unless he declares himself unable to write (in which case the person making the entry shall add thereto the words "Purchaser cannot write").

Sales by  
correspondence.

(4) In cases where sales and purchases of such poisons are made by correspondence the letter ordering the same shall be preserved by the vendor and a memorandum of the date of the said letter, by whom it was written, and the quantity and particulars of the poison therein ordered shall be entered in the said book, and no person shall sell any such poison so ordered to any person with whose signature he is not acquainted unless such signature has been witnessed or purports to have been witnessed by a justice clergyman or public officer or is authenticated by some person known to the vendor.

Restrictions as  
to the sale of  
any poisons  
specified in the  
first part of  
Second  
Schedule.  
*Ib. s. 9.*  
*Ib. s. 2.*

9. (1) No person shall sell any poison specified in the first part of the Second Schedule to any person who is under eighteen years of age or who is unknown to the vendor unless the sale is made in the presence of some witness who is known to the vendor and who knows the purchaser.

(2) Such witness shall sign his name together with his place of abode to the required entry before the delivery of the poison to the purchaser.

10. No person shall sell any arsenic or strychnine or any preparation of the same respectively, unless in the case of arsenic and any uncoloured preparation of the same such poison is mixed before the sale or delivery thereof with soot in the proportion of one ounce of soot at least to one pound of arsenic and so in proportion for any greater or less quantity; and unless in the case of strychnine or any uncoloured preparation of the same such poison is coloured with Armenian bole<sup>(a)</sup> or other red colouring matter before the sale or delivery thereof. Provided that whenever the purchaser states that such arsenic or strychnine or any preparation thereof respectively is required not for any pastoral or agricultural use but for some other purpose for which such admixture would according to the representation of the purchaser render it unfit such poison may be sold without the admixture hereinbefore specified.

*Poisons Act 1890 s. 8. Arsenic and strychnine must be coloured. 14 & 15 Vict. c. 18 s. 6.*

11. Every person being the owner or other person in charge or possession of any poison who leaves it in any place (whether the same is ordinarily accessible to others or not) unless the bottle or package of whatever kind in which such poison is contained is marked "Poison" and is otherwise duly labelled in the manner provided by section seven shall be liable to a penalty of not more than Twenty pounds.

*Owners of poisons not to leave them about unlabelled under a penalty. 1b s. 10.*

12. The Governor in Council may on the recommendation of the Pharmacy Board of Victoria make regulations—

*The Governor in Council may make regulations. 1b s. 13. Poisons Acts Amendment Act 1914 s. 13.*

- (a) as to the colouring of any poisons ;
- (b) as to the sale or custody of poisons ;
- (c) as to the shape size and materials of the jar bottle box can tin tube or package in which any poisons may be sold ;
- (d) and generally for carrying into effect the objects of this Part.

13. The Governor in Council may make regulations as to the inspection by members of the police force of the books entries and letters required by any section of this Division to be kept or preserved and providing for a penalty not exceeding Ten pounds being imposed on any person who is convicted of a contravention of any of such regulations.

*Regulations as to inspection. Poisons Act 1905 s. 6.*

14. Every regulation made under Part I. or Part II. of this Act shall after publication in the *Government Gazette* have the same force and validity as if the same formed part of this Act and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

*Effect of regulations. Poisons Act 1890 s. 13. Poisons Act 1905 s. 6. Poisons Acts Amendment Act 1914 s. 13.*

DIVISION 2.—LIMITATION WITH RESPECT TO CERTAIN ARTICLES AND SALES.

15. Division one of this Part shall not apply to the sale of any poison within the meaning of this Part—

*Limitation of application of Division one.*

- (a) when made up or compounded as a medicine by a legally qualified medical practitioner or by a registered pharmaceutical chemist according to the prescription of a legally qualified medical practitioner ; or

*Poisons Act 1905 s. 3. Prescribed medicines.*

(a) Recommended that in colouring strychnine 20 grains of Armenian bole to 1 ounce of strychnine be used.

*Poisons Act*  
1905.  
Certain  
homœopathic  
medicines.

(*b*) in the form of homœopathic medicine unless in the crude state mother tincture or of a greater strength than the third decimal potency,

but no medicine for external application containing poison shall by virtue of this section be sold or delivered unless the bottle or other vessel wrapper or cover box or case immediately containing the same bears the word "Poison" printed conspicuously thereon together with the name and address of the seller thereof.

Further  
limitation of  
application of  
Division one.  
*ib. s. 4.*

16. (1) Division one of this Part shall not apply to the sale of—

- (*a*) patent medicines<sup>(*a*)</sup>; or
- (*b*) photographic materials (other than cyanide of potassium) for the purpose of photography; or
- (*c*) cyanide of potassium to be used for mining purposes if sold in quantities of not less than twenty-eight pounds; or
- (*d*) medicines dispensed by a registered veterinary surgeon or by a registered pharmaceutical chemist according to the prescription of a registered veterinary surgeon for animals under treatment; or
- (*e*) poisoned material for the destruction of vermin (within the meaning of the *Vermin Destruction Act 1915*); or
- (*f*) fly poison papers; or
- (*g*) poisons by wholesale dealers in the ordinary course of wholesale dealing where an order in writing signed by the purchaser has been given for the supply of the same.<sup>(*b*)</sup>

*ib. s. 6.*

Provided that the Governor in Council may make regulations as to the keeping and safe custody and labelling of any materials or articles mentioned in this sub-section and as to the inspection by members of the police force of the books and entries required by any section of this Division to be kept and providing for a penalty not exceeding Ten pounds being imposed on any person who is convicted of a contravention of any of such regulations.

Bottle case &c.  
to be labelled  
"Poison."

(2) No materials or articles mentioned in this section consisting of or containing any poison within the meaning of Division one of this Part shall be sold or delivered unless the bottle or other vessel, wrapper or cover, box or case immediately containing such materials or articles is labelled as directed by section seven.

Record of sales  
of photographic  
materials and  
materials for  
vermin  
destruction.  
Second  
Schedule.

(3) No person shall sell any materials or articles mentioned in paragraphs (*b*) and (*c*) of sub-section (1) if they consist of or contain any poison specified in the first part of the Second Schedule to any person who is under eighteen years of age or who is unknown to the vendor, unless the sale is made in the presence of some witness who is known to the vendor and who knows the purchaser, and unless such witness and such purchaser sign their names and add their respective places of abode to the required entry in a book to be kept for that purpose before the delivery of the materials or articles to the purchaser.

(*a*) It has been held in England that this does not include proprietary medicines not patented.—*Pharmaceutical Society v. Piper*, 1893 I.Q.B., 686.

(*b*) The vendor of certain poison made an entry in his day-book of the quantity and price of the

poison sold. This entry was initialed by the purchaser. *Held*, that this was not an order in writing signed by the purchaser within the meaning of the corresponding section (14) of the *Poisons Act 1890*.—*Shillinglaw v. Roberts*, 17 V.L.R., 136 and 359.

(4) Every sale of any materials or articles mentioned in paragraphs (c) and (g) of sub-section (1) shall at the time of sale and before delivery be entered by the person who sells the same or by some employé, assistant, or apprentice of such person, in a book to be kept for that purpose together with the date of sale the quantity and nature of materials or articles sold and the name and place of abode of the purchaser.

*Poisons Act 1905.*  
Record of sales of cyanide of potassium for mining purposes and of sales by wholesale dealers.

(5) If in contravention of this section any person sells or delivers any materials or articles consisting of or containing any poison within the meaning of this Part he shall be liable to a penalty of not more than Twenty pounds.

*Penalty.*

(6) In any prosecution for a contravention of this section it shall be sufficient *prima facie* evidence that materials or articles commonly sold under the same name or description as the particular material or article the subject of the prosecution consist of or contain poison.

*Evidence.*

17. (1) Any person who satisfies a police magistrate that he is a *bond fide* dealer in photographic materials and is a fit and proper person to sell cyanide of potassium for photographic purposes shall be entitled to receive from such police magistrate a certificate that he is satisfied as aforesaid.

Dealers in photographic materials may obtain certificate to sell cyanide of potassium.  
*Id. s. 5.*

(2) The said or any police magistrate may at any time on the application of any person authorized in that behalf by the Chief Secretary by the Chief Commissioner of Police or by the Pharmacy Board of Victoria cancel such certificate after notice in writing to the holder thereof to show cause against such cancellation. Such notice shall be given either personally or in such other manner as a police magistrate may direct.

*Power to cancel certificate.*

(3) So long as such certificates continue in full force and uncanceled the person named therein may sell cyanide of potassium for photographic purposes only, provided that the provisions of sub-sections (2) (3) and (4) of the last preceding section shall apply to every such sale as if such sub-sections referred to such sale and that the provisions of sub-sections (5) and (6) of the last preceding section shall apply as if re-enacted in this section.

(4) Every police magistrate who grants or cancels a certificate shall give to the Pharmacy Board of Victoria notice thereof stating the name and address of the person to whom a certificate has been granted or whose certificate has been cancelled.

18. Subject to such conditions as the Governor in Council may prescribe the provisions of Part I. (other than this section) and the provisions of Part II. of this Act shall not apply to the sale of any proprietary preparation whatsoever for use as sheep dips or for agricultural or horticultural purposes if such preparation is contained in a closed vessel or packet distinctly labelled with the word "poison" in clear type and the name and address of the seller and a notice of the special purpose for which the preparation is intended.

*Sheep dips and agricultural and horticultural preparations exempted.*  
*Poisons Act 1909 s. 2.*  
*Poisons Acts Amendment Act 1914 s. 6.*

## DIVISION 3.—OFFENCES AND PENALTIES.

*Poisons Act*  
1880 s. 11.  
Penalty for  
offences under  
this Act.  
*Poisons Act*  
1905 s. 6.

19. Except so far as is otherwise expressly enacted every person who—

- (a) sells any poison contrary to the provisions of this Part ; or
- (b) on any sale thereof delivers the same without having made and signed the entry required by this Part ; or
- (c) sells any poison without having obtained the signature to such entry as required by this Part ; or
- (d) purchases poison and gives false information in answer to inquiries to the person selling the same in relation to particulars which he is by this Part authorized to inquire into of such purchaser ; or
- (e) signs his name as a witness to the sale of any such poison to a person unknown to him ; or
- (f) acts in contravention of or fails to comply with any of the provisions of this Part for offending against which no specific penalty is provided ; or
- (g) sells or offers for sale any poison or poisonous mixtures in respect to which the provisions of any regulations made pursuant to this Part have not been complied with,

shall for every such offence be liable to a penalty of not more than Ten pounds.

## PART II.—POISONOUS SUBSTANCES AND PREPARATIONS.

Labelling &c.  
of certain  
poisonous  
articles on sale.  
Fourth  
Schedule.  
*Poisons Acts*  
*Amendment Act*  
1914 s. 6.

20. (1) No person shall sell by retail any substance or preparation specified in or added to the Fourth Schedule to this Act—

- (a) unless the bottle or other vessel wrapper or cover box or case immediately containing the same is distinctly labelled with—  
the name of the substance or preparation,  
the words "Poisonous, not to be taken," and  
the name and address of the seller ; and
- (b) unless such other requirements as are prescribed are complied with.

Certain  
poisonous  
liquids to be  
sold in special  
bottles.

- (2) (a) In the sale by retail of any quantity not exceeding two quarts of any such substance or preparation which is a liquid, no person shall deliver or send out the same to any person except in a bottle or other container rendered distinguishable by touch from an ordinary bottle or container.

Meaning of  
"ordinary  
bottle or  
container."

- (b) For the purposes of this section "ordinary bottle or container" means bottle or other vessel ordinarily used as a container for any food drink or condiment or for medicine for internal use.

Provisions not  
to apply to  
poisons under  
Part I.  
or things  
exempted under  
section 16.

(3) The provisions of this section shall not apply—

- (a) to any substance or preparation specified in or added to the Fourth Schedule to this Act when mixed or compounded with anything which is a poison within the meaning of Part I. of this Act ;
- (b) to anything to the sale of which, under the provisions of section sixteen of this Act, Division one of Part I. does not apply.

(4) Any person guilty of any contravention of any of the provisions of this section shall be liable to a penalty of not more than Ten pounds.

*Poisons Acts Amendment Act 1914.*  
Penalty.

21. (1) On the recommendation of the Pharmacy Board of Victoria the Governor in Council may by proclamation in the *Government Gazette* amend the Fourth Schedule to this Act by adding thereto or removing therefrom any substance or preparation, and such Schedule so amended shall have the same force and effect as if such amendment had been enacted in this Act.

Power of Governor in Council to add substances &c. to the Fourth Schedule to this Act.  
*Ib. s. 5.*  
Fourth Schedule.

(2) A copy of every proclamation made under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

22. The Governor in Council may make regulations as to the requirements to be complied with by persons selling any substances or preparations specified in or added to the Fourth Schedule to this Act.

Regulations.  
*Ib. s. 13.*  
Fourth Schedule.

### PART III.—LEGAL PROCEEDINGS ETC.

23. (1) The Pharmacy Board of Victoria shall in the month of January in each year cause to be published in the *Government Gazette* a correct list of the names of all persons who have received from the said Board certificates as dealers in poisons.

Annual lists of certificated dealers in poisons to be published.  
*Ib. s. 9.*

(2) In every such list the names shall be in alphabetical order according to the surnames with the respective residences or places of business of such dealers in poisons.

(3) The production of a copy of the *Government Gazette* containing any such list as last published shall be *prima facie* evidence in all courts of justice and in all legal proceedings whatsoever that the persons specified in such list have received from the said Board certificates as dealers in poisons.

Printed lists to be evidence.

24. In any legal proceedings under Part I. or Part II. of this Act—

(a) the production of a copy of the *Government Gazette* containing the several registers or lists as last published of duly qualified medical practitioners registered pharmaceutical chemists and persons who have received certificates from the said Pharmacy Board as dealers in poisons shall, if the name of the defendant does not appear in any of such registers or lists, be *prima facie* evidence that he is not a duly qualified medical practitioner or a registered pharmaceutical chemist or a person who has received such a certificate as a dealer in poisons ;

Effect of absence of a defendant's name from certain registers or lists in *Government Gazette*.  
*Ib. s. 10.*

(b) a certificate that any person is or is not a duly qualified medical practitioner or a registered pharmaceutical chemist or a person who has received a certificate from the Pharmacy Board of Victoria as a dealer in poisons shall, if purporting to be signed by the President of the Medical Board of Victoria or the Registrar of the Pharmacy Board of Victoria (as the case may be), be *prima facie* evidence of the fact therein stated.

Certificate of Medical Board or Pharmacy Board to be evidence.  
*Ib. s. 11.*



*Poisons Acts  
Amendment Act  
1914 s. 8.*

*Proof of  
certificate of  
analyst.*

25. (1) In any legal proceedings for offences under Part I. or Part II. of this Act—

(a) the production of a certificate purporting to be signed by an analyst with respect to any analysis made by him shall, without proof of the signature of the person appearing to have signed the same or that he is an analyst, be sufficient evidence—

- (i) of the identity of the thing analyzed ;
- (ii) of the result of the analysis ; and
- (iii) of the matters relevant to such proceedings stated in such certificate,

unless the defendant by at least three days' notice in writing delivered to the informant and by a like three days' notice delivered to the analyst requires that such analyst shall attend as a witness ; and

*Expenses of  
analysis.*

(b) the court may in addition to any other order as to costs make such order as it thinks proper as to the conduct money of the analyst and as to the expenses of and remuneration to be paid for any analysis.

*Meaning of  
"analyst."*

(2) For the purposes of this section "analyst" means any person employed by the Government of Victoria as an analyst or any person appointed under the provisions of the *Health Act* 1915 or any Act thereby repealed by the council of any municipal district (including the city of Melbourne and the city of Geelong) as an analyst.

*Sales by  
employé &c.  
Poisons Act  
1905 s. 4.  
Poisons Act  
1890 s. 11.*

26. For the purposes of Part I. or Part II. of this Act any person on whose behalf a sale is made shall be deemed to be the person who sells, and every employé assistant or apprentice of such person shall be liable to the like penalties as the person on whose behalf he makes any sale.

#### PART IV.—OPIUM.

*Opium smoking  
prohibited.*

27. No person shall smoke opium.

*Opium Smoking  
Prohibition Act  
1905 s. 2.*

*Opium sale  
prohibited.  
Ib. s. 3.*

28. No person shall sell or deal or traffic in opium in any form suitable for smoking.

*Opium  
preparation for  
smoking  
prohibited.  
Ib. s. 4.*

29. No person shall prepare or manufacture opium in any form suitable for smoking.

*Possession of  
opium  
prohibited.  
Ib. s. 5.*

30. No person shall have in his possession order or disposition opium in any form suitable for smoking.

*Permit for  
possession of  
opium.  
Ib. s. 6.*

31. No person shall have in his possession order or disposition opium in any form which though not suitable for smoking may yet be made suitable unless he holds a permit so to do issued by the Governor in Council who may at any time cancel the permit.

32. The person named in the permit mentioned in the last preceding section shall from time to time enter or cause to be entered in a book kept for that purpose—

*Opium Smoking Prohibition Act 1905 s. 7.*  
Record of opium kept or disposed of.

- (a) the quantity and description of opium held under the permit, together with the date when he acquired the same, and the name of the person from whom the same was acquired, and
- (b) particulars stating how any such opium has been disposed of, whether by process of manufacture or by sale, and if by process of manufacture the entry shall state the amount and description of opium used and the purpose for which it is intended to be used together with the date of such disposition, and if by sale the entry shall state the amount and description of opium sold together with the date of such sale and the name and address of the purchaser and every such entry shall be verified by the signature of such purchaser and the person making the same.

33. Without restricting the meaning of the word "possession," opium shall be deemed to be in the possession of any person so long as it remains or is upon any land or premises occupied by him or is used enjoyed or controlled by him in any place whatever unless it be shown that he had no knowledge thereof.

Meaning of possession  
*Id. s. 8.*

34. If any member of the police force has reasonable cause to suspect that there is in any house or premises any opium in contravention of this Part or that opium is being smoked therein, he may by special warrant if expressly authorized in writing by the Chief Secretary enter and search any such house or premises and seize and carry away any such opium, and arrest all persons therein found offending against this Part.

Search for opium.  
*Id. s. 9.*

All opium seized under this section shall on conviction of the person in whose possession the same was found be forfeited to His Majesty and shall be forthwith destroyed.

35. (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 this Part, 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.  
*Opium Smoking Prohibition Act 1906 s. 2.*

- (a) to enter (whether by breaking open doors or otherwise) and search the said house or premises; and
- (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 a justice all persons found in or on such house or premises offending against any of the provisions of this Part.

*Opium Smoking  
Prohibition Act  
1906.*  
Fifth  
Schedule.

(2) Every such special warrant may be in the form or to the effect of the Fifth 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.

Penalty.  
*Opium Smoking  
Prohibition Act  
1905 s. 10.*

36. Any person who offends or aids abets or is privy<sup>(a)</sup> to offending against any of the provisions of this Part shall be liable on conviction to a penalty of not less than Ten nor more than Two hundred pounds or to imprisonment with or without hard labour for a term of not less than one month nor more than twelve months or to both such penalty and imprisonment.

## SCHEDULES.

Section 2.

### FIRST SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal.
1125 ... ..	<i>Poisons Act 1890</i> ... ..	So much as is not already repealed.
1469 ... ..	<i>Poisons Act 1896</i> ... ..	The whole.
1986 ... ..	<i>Poisons Act 1905</i> ... ..	The whole.
2003 ... ..	<i>Opium Smoking Prohibition Act 1905</i> ... ..	The whole.
2023 ... ..	<i>Opium Smoking Prohibition Act 1906</i> ... ..	The whole.
2206 ... ..	<i>Poisons Act 1909</i> ... ..	The whole.
2525 ... ..	<i>Poisons Acts Amendment Act 1914</i> ... ..	The whole.

Sections 4, 8, 9,  
& 16

### SECOND SCHEDULE.

#### LIST OF POISONS.

##### 1ST PART.

Aconite, Aconitine and its salts, and all preparations or admixtures thereof  
Alkaloids.—All poisonous vegetable alkaloids and poisonous glucosides not specifically named in this Schedule, and all poisonous derivatives of vegetable alkaloids and glucosides.  
Arsenic, and its chemical compounds, and medicinal preparations containing 0.5 per centum or more of Arsenic, or any chemical compound thereof calculated as Arsenious Oxide ( $As_2O_3$ ).  
Atropine, and its salts, and their preparations.  
Belladonna, and all preparations or admixtures (except Belladonna plasters) containing 0.1 per centum or more of Belladonna alkaloids.  
Cantharides, Cantharidine, and all poisonous vesicating preparations thereof.  
Chloral Hydrate, and solutions and preparations thereof.  
Coca, Cocaine and its salts and derivatives, and any preparation or admixture containing 1 per centum or more of Coca alkaloids or their salts or derivatives.  
Corrosive Sublimate.  
Cyanide of Potassium, all poisonous compounds of Cyanogen, and preparations or admixtures thereof.  
Emetic Tartar, and all preparations or admixtures containing 1 per centum or more of Emetic Tartar.  
Ergot of Rye, and preparations of Ergots.

(a) A person found in company with a man smoking opium in a small room used for opium smoking, containing a lighted lamp and bunks for persons to lie upon, and the door of which

was locked: *Held*, properly convicted of being "privy" to the offence of smoking opium.—*Stapleton v. Davis, Stapleton v. Bell*, 1908 V.L.R., 114.

SECOND SCHEDULE—*continued.*

Heroin, and its salts, and all preparations or admixtures containing 0.1 per centum or more of Heroin.  
 Morphine, and its salts, and its poisonous derivatives.  
 Nux Vomica, Strychnine and its salts, and all preparations or admixtures containing 0.2 per centum or more of Strychnine.  
 Opium, and all preparations or admixtures (not specifically included in the 2nd Part) containing 1 per centum or more of Morphine.  
 Picrotoxin.  
 Prussic Acid, and all preparations or admixtures containing 0.1 per centum or more of Prussic Acid.  
 Savin, and its oil, and all preparations or admixtures containing Savin or its oil.  
 Vermin-killers, if preparations of poisons the preparations of which are within this Part of this Schedule.

## 2ND PART.

Antimony, Chloride of.  
 Arsenical preparations, and compounds not included in the 1st Part, except Paris Green and other coloured paints and pigments.  
 Barium, Salts of.  
 Belladonna, in all preparations or admixtures containing less than 0.1 per centum of Belladonna alkaloids; Belladonna Plasters.  
 Cantharides, Tincture of.  
 Carbolic Acid, and liquid preparations of Carbolic Acid or its homologues containing more than 3 per centum of these substances  
 Chloroform, and all preparations or admixtures containing more than 20 per centum of Chloroform.  
 Coca, Cocaine and its salts and derivatives, in any preparation or admixture containing less than 1 per centum of Coca alkaloids or their salts or derivatives.  
 Creosote.  
 Croton Oil.  
 Digitalis, and its preparations.  
 Elaterine.  
 Elaterium.  
 Essential Oil of Almonds (unless deprived of its Prussic Acid).  
 Emetic Tartar, in all preparations and admixtures containing less than 1 per centum of Emetic Tartar.  
 Heroin, and its salts, in preparations or admixtures containing less than 0.1 per centum of Heroin.  
 Laudanum, Chlorodyne, and all preparations or admixtures containing less than 1 per centum of Morphine.  
 Lysol.  
 Mercury, Poisonous salts of; and all preparations or admixtures containing poisonous salts of Mercury.  
 Nitro-glycerine (Medicinal).  
 Nux Vomica, in all preparations or admixtures containing less than 0.2 per centum of Strychnine.  
 Opium, and all preparations or admixtures thereof containing less than 1 per centum of Morphine.  
 Oxalic Acid and Poisonous Oxalates.  
 Paraldehyde.  
 Phosphorus, and all preparations or admixtures thereof (except matches and Red Phosphorus).  
 Precipitate, Red; and all Oxides of Mercury.  
 Precipitate, White.  
 Prussic Acid, in all preparations or admixtures containing less than 0.1 per centum of Prussic Acid.  
 Strophanthus, and its preparations.  
 Veronal, Propional, Medinal, Tetronal, Trional, Dormiol, Sulphonal and all other synthetic hypnotic substances not specifically included in the 1st Part.  
 Vermin-killers, if preparation of poisons, the preparations of which are within this Part of this Schedule.  
 Zinc Chloride.

Section 8.

## THIRD SCHEDULE.

## FORM OF ENTRY IN BOOK ON SALE OF POISON.

Day of Sale.	Name of Purchaser.	Place of Abode.	Occupation.	Quantity and Name of Poison.	Purpose for which it is required.	Purchaser's Signature.	Witness.	Vendor's Signature.

Sections 20 &amp; 22.

## FOURTH SCHEDULE.

Sulphuric Acid.  
 Nitric Acid.  
 Hydrochloric Acid.  
 Soluble Salts of Oxalic Acid.  
 Liquid preparations containing more than 5 per centum by weight of Free Ammonia.  
 All liquid preparations (containing not more than 3 per centum by weight of Phenol) sold as Carbolic or Carbohc Acid or Carbolic substitutes or Carbolic disinfectants.  
 Such other substances or preparations as are added to this Schedule by proclamation of the Governor in Council.

Section 35.

## FIFTH SCHEDULE.

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 \_\_\_\_\_, 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 Part IV. of the *Poisons Act 1915*, 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 said Part of the said Act.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19

J.P.