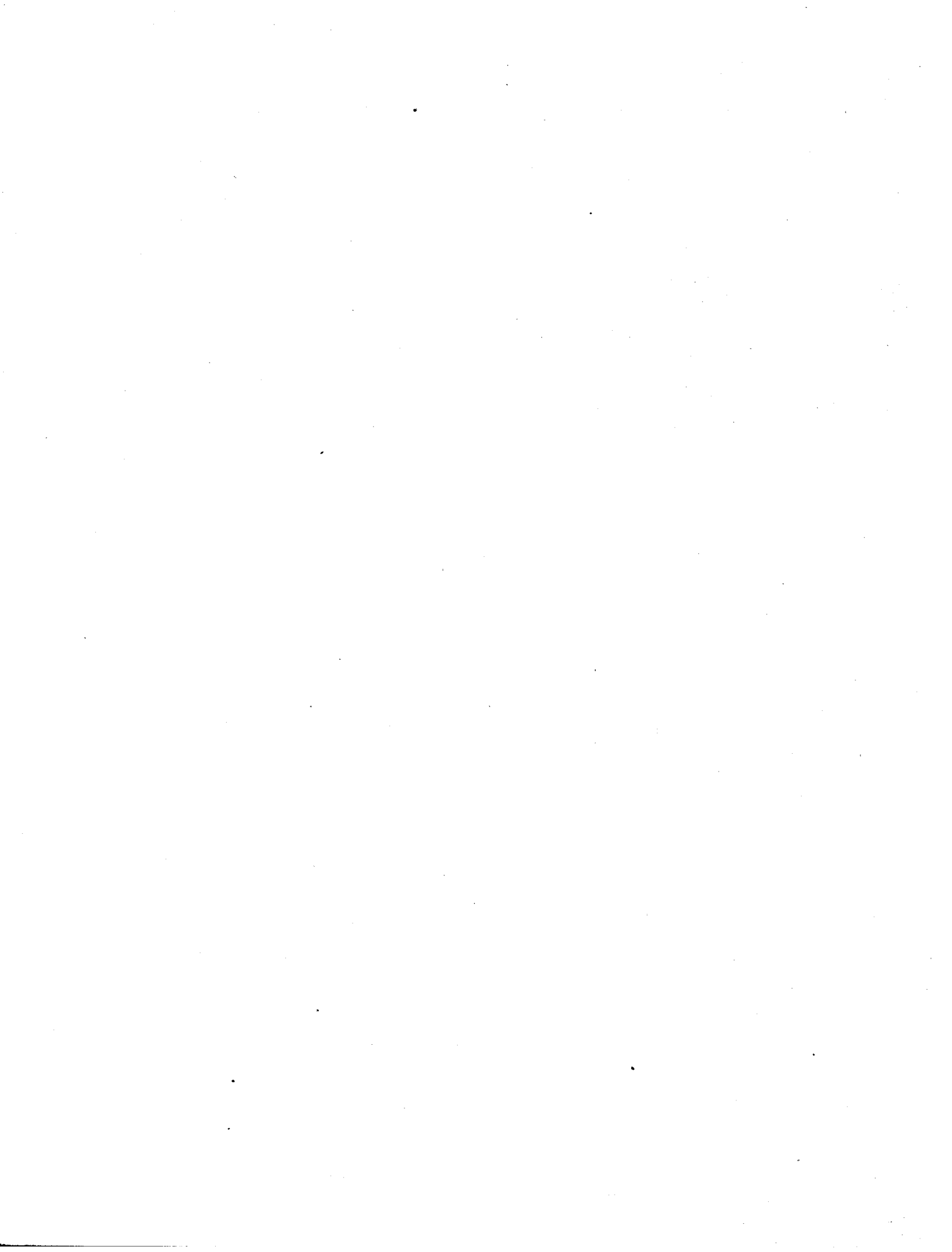


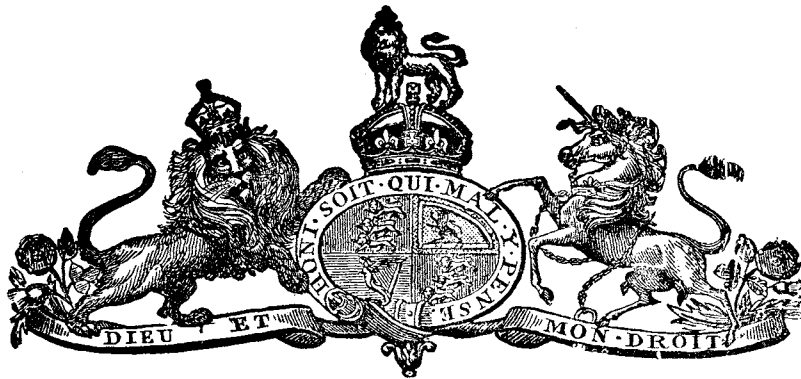
# THE POISONS ACT, 1916.

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# TASMANIA



1916.

ANNO SEPTIMO

GEORGII V. REGIS.

No. 11.

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AN ACT to consolidate and amend the Law <sup>A.D.</sup> 1916.  
relating to the Sale of Poisons, and for  
other purposes. [8 December, 1916.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Poisons Act, 1916,” and shall come into force on a day to be appointed by proclamation, and is divided into parts and divisions as follows:— Short title and commencement, and divisions.

Part I.—Poisons—

Division 1.—General (Sections 4 to 13).

Division 2.—Limitation with respect to certain Articles and Sales (Sections 14 to 17).

Division 3.—Offences and Penalties (Section 18).

Part II.—Poisonous Substances and Preparations (Sections 19 and 20.)

Part III.—Legal Proceedings, &c. (Sections 21 to 27).

2 “The Sale and Use of Poisons Act, 1886,” is hereby repealed. Repeal.

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Interpretation.

"Act."

"Board."

"Medical practitioner."

"Registered pharmaceutical chemist."

"Sale" or "sell."  
No. 2707 of 1915  
s. 3 (Vict.).

"Schedule."

**3** In this Act, unless the context otherwise indicates—

"Act" includes regulations made under this Act :

"Board" means the Pharmacy Board of Tasmania :

"Medical practitioner" means a legally qualified medical practitioner registered under "The Medical Act, 1908" :

"Registered pharmaceutical chemist" has the meaning ascribed to the expression by Section Two of "The Pharmacy Act, 1908," as amended by Section Two of "The Pharmacy Amendment Act, 1910" :

"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 having in possession for sale or exposing for sale ; and the word "sell" has a corresponding meaning :

"Schedule" means schedule to this Act.

*of (Vict.) no. 3116 § 2*

## PART I.

## POISONS.

Division 1.—*General.*

Articles to be deemed poisons.

Schedule (1).

Power to Governor to amend such schedule.

Comp. 8 Ed. VII.

c. 55, s. 1.

50 Vict. No. 13, s.

2 (Tas.).

No. 7 of 1910, s.

22 (W.A.).

s. 4 (Vict.).

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

(2) The Governor on the recommendation of the Board may by proclamation amend the said schedule—

i. By adding to any part of such schedule or removing therefrom any article : or

ii. 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.

Poisons not to be sold by unqualified persons.

*Ibid.*, s. 3 (Tas.).*Ibid.*, s. 23

(W.A.).

*Ibid.*, s. 5 (Vict.)**5** Except so far as the contrary is expressly enacted, every person, other than a medical practitioner or a registered pharmaceutical chemist, who sells any poison shall, unless he holds a certificate from the Board that he is a fit and proper person to sell poisons, be liable, on conviction in a summary way, to a penalty not exceeding Fifty Pounds, or to imprisonment for any term not exceeding Twelve months.

*Poisons.*

**6—(1)** In places distant at least Five 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 medical practitioner and a police magistrate or medical practitioner and warden of the municipality in which such person carries on such business that he is a fit and proper person to be allowed to sell poisons in such place, shall receive from the Board a certificate as a dealer in poisons on payment to the Board of the fee of Five Shillings per annum.

(2) Every person to whom such a certificate is issued by the Board ceases to be licensed upon the expiration or cancellation of such certificate.

(3) A certificate issued by the Board under this section, unless sooner cancelled, shall be in force from the day following the date thereof until the Thirty-first day of December then next following.

(4) The Governor may, on the recommendation of the Board, 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 intoxication or otherwise, to continue to sell poisons.

(5) Every person holding a certificate as a dealer of poisons shall keep all poisons in a cupboard securely locked or fastened, and such cupboard shall be of such dimensions and contain such shelves as the Board may direct.

The word "Poisons" shall be conspicuously painted or written on such cupboard, and no articles other than poisons shall be placed or kept therein.

Every such person shall comply with any directions given by the Board as to the manner of keeping poisons, and shall permit inspection of such cupboard and investigation of his method of keeping poisons to be made by any member of the Board, or its registrar or deputy-registrar, or by any person authorised in writing under the hand of the president, or registrar, or deputy-registrar of the Board.

(6) Every person holding a certificate as a dealer of poisons shall sell poisons only in unopened packages bearing the name and address of a registered pharmaceutical chemist licensed to sell poisons under this Act.

**7—(1)** Every person who sells any poison specified in Part I. of Schedule (1) 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.

(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 Schedule (2).

(3) The person making such entry shall sign the same and obtain the signature of the purchaser thereto, or, if the purchaser cannot write, insert the words "Purchaser cannot write," and see that the purchaser

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Dealers in poisons.  
*Ibid.*, s. 4 (Tas.).  
*Ibid.*, s. 24  
(W.A.).

*Ibid.*, s. 6 (Vict.)  
Condition pre-  
cedent to grant of  
Board's certificate  
to dealer.

*Ibid.*, s. 4 (Tas.).  
*Ibid.*, s. 6 (Vict.).  
*Ibid.*, s. 25  
(W.A.).

Governor may  
direct cancellation  
of certificate of  
unfit person.

Manner of keeping  
poisons.  
*Ibid.*, s. 4 (Tas.).  
*Ibid.*, s. 26 (a),  
(W.A.).  
Cf. *ibid.*, s. 6 (3)  
(Vict.).

Certificated  
dealers in poisons  
to sell poisons in  
unopened  
packages.

Particulars of sale  
to be kept.

Cf. *ibid.*, s. 5  
(Tas.)  
*Ibid.*, s. 26 (a),  
(b), (c), (W.A.).

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Sales by correspondence.

Signature of witness to be obtained.

Licensed person to produce on demand the book required by Section 7 to be kept.  
*Ibid.*, s. 27  
(W.A.).Signature of purchaser by correspondence to be proved.  
*Ibid.*, s. 28  
(W.A.).  
*Ibid.*, s. 8 (4),  
(Vict.)Vessels, wrappers, &c., containing poison to be so marked.  
Cf. *ibid.*, s. 6  
(Tas.).  
*Ibid.*, s. 29  
(W.A.).  
Cf. *ibid.*, s. 7 (Vict.)

places his mark against the entry in the presence of a person, other than the person so making the entry, and shall also see that the said witness signs as such.

(4) In cases where sales and purchases of such poisons are made by correspondence, the seller shall retain the letter, telegram, or other document by which such poison is ordered, and make an entry in the the said book, so far as is practicable, of the particulars indicated in Schedule (2).

If the poison is transmitted by post, the letter or packet containing the same shall be registered.

(5) Whenever a witness to the sale of any poison is required by the Act, the seller shall obtain the signature of such witness to the entry in the said book relating to such poison.

**8** Every seller of poisons shall, immediately on demand being made to him at his shop or place of business by—

1. A member of the Board or its registrar or deputy-registrar: or
11. Any person authorised in writing under the hand of the president, or registrar, or deputy-registrar of the Board—

produce and show the book to be kept under Section Seven of this Act, and all letters, telegrams, or other documents, by which poison is ordered, and all statutory declarations made pursuant to this Act, and permit the same to be examined, and any person neglecting, failing, or refusing to produce and show such book, or any such letter, telegram, document, or declaration, on demand, or to permit the same to be examined, shall be guilty of an offence against this Act, and be liable, on conviction, to a penalty not exceeding One hundred Pounds or to imprisonment for any term not exceeding Twelve months.

**9** No person shall sell any poison mentioned in Part I. of Schedule (1), ordered by letter or other document, 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 officer of the Public Service, or is otherwise authenticated by some person known to the vendor.

**10** 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 printed thereon—

- i. The word "Poison," printed conspicuously in red letters, not less than three-sixteenths of an inch in size: and
- ii. The name of the article, the simple antidote therefor, if any, the name and address of the vendor, and the address of the shop or premises, from which the article was sold.

All such matter shall be so printed that the purchaser of the article can plainly see the same.

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**11**—(1) No person shall sell any arsenic or strychnine, or any preparation of arsenic or strychnine unless, in the case of arsenic, or any uncoloured preparation of arsenic, it is mixed, before the sale or delivery thereof, with soot or some other black substance in the proportion of One ounce of soot, or other black substance, 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 strychnine, it is coloured with Armenian bole, or some other red colouring matter before the sale or delivery thereof.

(2) Provided that in any case where the purchaser furnishes to the vendor a statutory declaration taken by the purchaser before a justice stating that the arsenic or strychnine, or any preparation thereof respectively, is required not for any pastoral or agricultural use, or for the destruction of vermin, but for a purpose stated for which such admixture with colouring matter would, according to the representation made by the purchaser, render the poison unfit for use, such poison may be sold without such admixture.

Every such declaration shall be retained by the vendor and particulars thereof entered in the book to be kept under Section Seven of this Act.

(3) Every person failing to comply with, or acting contrary to any provision of this section, shall be guilty of an offence against this Act, and shall be liable, on conviction, to a penalty not exceeding One hundred Pounds, or to imprisonment for any term not exceeding Twelve months.

**12** No person shall sell any poison mentioned in Part I. of Schedule (1) to any person who is apparently 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 such witness signs his name, together with his place of abode to the required entry, before the delivery of the poison to the purchaser.

**13** 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 whatsoever kind, in which such poison is contained, is marked "poison," and is otherwise duly labelled in the manner provided by Section Ten of this Act, shall be guilty of an offence against this Act, and liable, on conviction, to a penalty not exceeding Twenty Pounds.

Provided always that this section shall not apply to registered pharmaceutical chemists in the conduct of their business.

Division 2.— *Limitation with Respect to Certain Articles and Sales.*

**14**—(1) Division 1 of this Part shall not apply to the sale of any poison within the meaning of this Part—

1. When made up or compounded as a medicine by a medical practitioner or by a registered pharmaceutical chemist for

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—  
Arsenic and strychnine must be coloured.

Cf. *ibid.*, s. 7 (Tas.).

*Ib d.*, s. 30

(W.A.).

*Ibid.* s. 10 (Vict.).

Persons to whom poisons may not be sold.

*Ibid.*, s. 8 (Tas.).

*Ibid.*, s. 9 (Vict.)

*Ibid.*, s. 31

(W.A.).

Owner of poisons not to leave them about unlabelled, under a penalty.

*Ibid.*, s. 10 (Tas.).

*Ibid.*, s. 33

(W.A.).

*Ibid.*, s. 11 (Vict.)

Limitation of application of Division 1,

s. 15, (Vict.)

s. 35 (W.A.).

Prescribed medicines.

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Certain homœo-  
pathic medicines.

the purpose of sale in his open shop or according to the prescription of a medical practitioner: or

- ii In the form of a homœopathic medicine unless in the crude state, mother tincture—

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 such poison bears the word "Poison" printed conspicuously thereon, together with the name and address of the seller thereof.

(2) The provisions of this section shall not apply to patent or proprietary medicines which are subject to the provisions of Section Fifteen of this Act.

Further limitation of application of Division I as to patent medicines, Cf. Vic., s. 16. W.A., s. 35.

Photographic materials,  
Cyanide of potassium, &c.

Veterinary medicines,

Poisoned material,

Fly papers, or wholesale dealings.

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

Sale of materials containing poison. How to be made.

**15**—(1) Division I of this Part shall not apply to the sale of—

- i. Patent or proprietary medicines when sold by medical practitioners or registered pharmaceutical chemists, or when sold by other persons entitled to sell or supply medicines or drugs under "The Pharmacy Act, 1908," or by persons holding certificates in force as dealers in poisons under this Act:
- ii. Photographic materials (other than cyanide of potassium) for the purposes of photography: or
- iii. Cyanide of potassium, strong mineral acids, or other metallurgical chemicals for mining or industrial purposes, where required in the mining or in such other industry if such chemicals are required therein in large quantities: or
- iv. Medicines dispensed by a veterinary surgeon for animals under his treatment, or by a registered pharmaceutical chemist according to the prescription of a veterinary surgeon for animals under treatment: or
- v. Poisoned material for the destruction of vermin when duly marked as such: or
- vi. Fly poison papers: or
- vii. 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.

(2) No materials or articles mentioned in this section consisting of or containing any poison within the meaning of this Act 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 Ten of this Act.

(3) No person shall sell any materials or articles specified in Paragraphs (ii.) and (v.) of Subsection (1) of this section, if they consist of or contain any poison specified in Part I. of the Schedule (1), 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



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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.D. 1916.

(4) Every sale of any materials or articles mentioned in Paragraphs (iii.) and (vii.) of Subsection (1) of this section shall at the time of sale and before delivery be entered by the person who sells the same, or by some employee, 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. Record of sales.

(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 Act, he shall, on conviction therefor, be liable to a penalty not exceeding Twenty Pounds. Penalty.

(6) In the 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.

**16**—(1) Any person who produces a certificate of a police magistrate that he is a *bona 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 the Board a certificate to sell cyanide of potassium. Dealers in photographic materials may obtain certificate to sell cyanide of potassium. *Ibid.*, s 17 (Vict.)

(2) The said or any police magistrate may at any time, on the application of any person authorised in that behalf by the Chief Secretary, by the Commissioner of Police, or by the Board, 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 Subsections (2), (3), and (4) of the last preceding section shall apply to every such sale as if such subsections referred to such sale, and that the provisions of Subsections (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 Board notice thereof stating the name and address of the person to whom a certificate has been granted, or whose certificate has been cancelled.

**17**—(1) Subject to such conditions as the Governor may by regulation prescribe, this Act shall not apply to the sale of any preparation whatsoever for use as sheep dips or rabbit poisons or for agricultural, pastoral, or horticultural purposes, if such preparation is— Sheep dips, and agricultural, pastoral, and horticultural preparations exempted from Act. s. 18 (Vict.).

- i. Ordered by writing, signed by the purchaser, and a record of sales kept as prescribed by Subsection (4) of Section Fifteen of this Act: and

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- II. Contained in a closed vessel, case or packet distinctly labelled or stamped 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.

(2) The provisions of Section Eight of this Act shall, *mutatis mutandis*, extend and apply to the seller of any such preparation as aforesaid in relation to the said orders in writing and record of sales.

Division 3.—*Offences and Penalties.*

Penalties in respect of keeping and sale of poisons. *Ibid.*, s. 11 (Tab.) *Ibid.*, s. 32 (W.A.). Cf. Vict., s. 19

**18**—(1) No person under the age of Eighteen years shall sell or make any sale on behalf of any other person of any poison.

(2) Except so far as is otherwise expressly enacted every person who—

- I. Sells any poison contrary to the provisions of this Part : or
- II. On the sale thereof, delivers the same without having made and signed the entry required by this Part : or
- III. Sells any poison without having obtained the signature to such entry as required by this Part : or
- IV. On the purchase of any poison gives false information in relation to the particulars required by this Act on the purchase or sale of any poison, or makes any false statement in any statutory declaration made by him under this Act : or
- V. Signs his name as witness to the signature of any person ordering poison by letter, telegram, or other document, who is unknown to him, or to the sale of any poison to a purchaser who is unknown to him : or
- VI. 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
- VII. Sells or offers for sale any poison or poisonous mixtures in respect to which the provisions of any regulations made pursuant to this Act have not been complied with—

shall be guilty of an offence against this Act, and liable, upon conviction, to a penalty not exceeding One hundred Pounds, or to imprisonment for any term not exceeding Twelve months.

(3)—I. Every offence against this Act shall be reported to the Minister :

- II. No proceedings shall be taken without the consent in writing of the Minister :
- III. Such consent may be proved by the production of a document in the form in Schedule (4), or to the like effect, purporting to be signed by the Minister :
- IV. Proceedings may be taken by any member of the police force.

Offences to be reported to Minister, who may direct prosecution.

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## PART II.

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## POISONOUS SUBSTANCES AND PREPARATIONS.

- 19**—(1) No person shall sell by retail any substance or preparation specified in or added to Schedule (3)—
- I. 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
  - II. Unless such other requirements as are prescribed are complied with.
- (2) I. 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
- II. 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.
- (3) The provisions of this section shall not apply—
- I. To any substance or preparation specified in or added to Schedule (3) when mixed or compounded with anything which is a poison within the meaning of Part I. of this Act :
  - II. To anything to the sale of which under the provisions of Section Fifteen of this Act, Division 1 of Part I. does not apply : or
- (4) Any person guilty of any contravention of any of the provisions of this section shall be liable to a penalty not exceeding Ten Pounds.

Labelling, &c., of certain poisonous articles on sale, Schedule (3).  
*Ibid*, s. 20 (Vict.)

Certain poisonous liquids to be sold in special bottles.

Meaning of “ordinary bottle or container.”

Savings.

**20**—(1) On the recommendation of the Board, the Governor may, by proclamation, amend Schedule (3) 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 to add substances, &c., to Schedule (3).  
s. 21 (Vict.).

(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.

## PART III.

## LEGAL PROCEEDINGS.

**21**—(1) The Board shall in the month of January in each year cause to be published in the “Gazette” a correct list of the names of all persons who have received from the Board certificates as dealers in poisons.

Annual list of certificated dealers in poisons to be published.  
*Ibid*, s. 23 (Vict.).

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Printed lists to be evidence.

Effect of absence of a defendant's name from register or list.

Certificate of Medical Council or Board to be evidence.  
Cf. *ibid.*, s. 24 (Vict.).Proof of certificate of analyst.  
*Ibid.*, s. 25 (Vict.).

Expenses of analysis.

(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 "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 Board certificates as dealers in poisons.

**22** In any legal proceedings under this Act—

i. The production of a copy of the "Gazette" containing the several registers or lists as last published of medical practitioners, registered pharmaceutical chemists and persons who have received certificates from the 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 medical practitioner, or a registered pharmaceutical chemist, or a person who has received such a certificate as a dealer in poisons :

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

**23**—(1) In any legal proceedings for offences under this Act—

i. 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—

(a) Of the identity of the thing analysed ;

(b) Of the result of the analysis ; and

(c) Of the matters relevant to such proceedings stated in such certificate,

if a copy of the analysis accompanies the copy summons served upon the defendant unless the defendant gives notice in writing to the informant and to the analyst at least Twenty-four hours previous to the day fixed for the return of the summons or hearing that he requires that such analyst shall attend as a witness ; and

ii. The presiding magistrate or justices may in addition to any other order as to costs make such order as he or they may think proper as to the conduct-money of the analyst and as to the expenses of and remuneration to be paid for any analysis.

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(2) For the purposes of this section "analyst" means any person appointed an analyst by the Governor under any Act or employed by the Government of Tasmania as an analyst, or any person appointed under the provisions of any Act by the council of any city or municipality as an analyst.

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—  
Meaning of  
"analyst."

**24** The Governor may from time to time make regulations for the following purposes or any of them:—

Regulations.

*Ibid.*, s. 12  
(Vict.)

- i. Prescribing the fees payable in respect of licenses or certificates under this Act :
- ii. As to the sale or custody of any poisons :
- iii. As to the colouring of any poisons :
- iv. As to the shape, size, and materials of the jar, bottle, box, can, tin, tube, or package, in which any poisons may be sold :
- v. As to the keeping and safe custody and labelling of any materials or articles mentioned in Subsection (1) of Section Fifteen of this Act :
- vi. As to the inspection by members of the Police Force of the books and entries required by this Act to be kept or preserved, and any documents referred to in Section Eight of this Act :
- vii. As to the requirements to be complied with by persons selling any substances or preparations specified in, or added to Schedule (3) :
- viii. Providing for all other matters or things the Governor deems necessary or convenient for carrying the provisions of this Act into effect :
- ix. Providing for a penalty, not exceeding Ten Pounds, being imposed by a police magistrate or any Two or more justices on any person who is convicted of a contravention of any of such regulations, other than a contravention for which a penalty is expressly provided by this Act.

*Ibid.*, s. 16  
(Vict.)

Proviso.

*Ibid.*, s 13  
(Vict.)

s. 22 (Vict.)

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

Sales by  
employee, &c.  
*Ibid* s. 26 (Vict.)

**26** All informations for offences against the provisions of this Act, and all penalties imposed by or under the provisions of this Act, may be heard, determined, recovered, and enforced in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply.

Procedure.  
19 Vict. No. 8

**27** All fees (except fees paid to the Government Analyst) and all penalties received or recovered under this Act shall be paid into and form part of the Consolidated Revenue.

Appropriation of  
penalties.

*Poisons.*

A.D. 1916.

**SCHEDULES.**

(1)

## LIST OF POISONS.

s. 4, 9, &amp; 12.

## PART I.

- 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<sub>2</sub>O<sub>3</sub>).
- 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.
- 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 Part 2) 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.

## PART II.

- Antimony, Chloride of.
- Arsenical preparations, and compounds not included in Part I, 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.
- Creosol, Solution of; and all preparations or admixtures containing 50 per centum or more of Cresylic Acid.
- Creosote.
- Croton Oil.



*Poisons.*

A.D. 1916.

(3)

s. 19, 20, & 24.  
Cf. Schedule to  
No. 2707 of 1915  
(Vict.).

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 carbolic acid or carbolic substitutes or carbolic disinfectants.

Such other substances or preparations as are added to this schedule by proclamation of the Governor.

(4)

s. 18.

"THE POISONS ACT, 1916."

## CONSENT OF MINISTER.

The Honourable \_\_\_\_\_, the Minister administering the above Act, hereby consents to proceedings being taken by <sup>(1)</sup> against \_\_\_\_\_ of \_\_\_\_\_, <sup>(2)</sup> for an offence under <sup>(3)</sup>.

(1) Here insert name and address of proposed informant, and state rank.

(2) Here insert address and occupation of proposed defendant.

(3) Here insert number of section, subsection, or regulation.