

POISONS (AMENDMENT) ACT, 1977

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 5, 1977.

An Act to amend the Poisons Act, 1966, to confer additional power on the Governor to make regulations; to provide that the supply of certain substances includes the sale of those substances; and to validate certain matters. [Assented to, 11th March, 1977.]

BE

Poisons (Amendment).

BE it enacted by the Queen'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 :—

Short title. **1.** This Act may be cited as the "Poisons (Amendment) Act, 1977".

Schedules. **2.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE POISONS ACT, 1966, RELATING TO THE MAKING OF REGULATIONS.

SCHEDULE 2.—AMENDMENTS TO THE POISONS ACT, 1966, BY WAY OF SUBSTITUTION RELATING TO THE SUPPLY OF SUBSTANCES.

SCHEDULE 3.—AMENDMENTS TO THE POISONS ACT, 1966, BY WAY OF OMISSION RELATING TO THE SUPPLY OF SUBSTANCES.

SCHEDULE 4.—DECISIONS OF THE DISTRICT COURT OF NEW SOUTH WALES.

Amendment of Act No. 31, 1966. **3.** The Poisons Act, 1966, is amended in the manner set forth in Schedule 1.

Further amendment of Act No. 31, 1966. **4.** The Poisons Act, 1966, is further amended—

(a) by omitting from a provision of that Act specified in Column 1 of Schedule 2 the matter specified opposite that provision in the column headed "Matter to be omitted." in Column 2 of Schedule 2, other than such matter, if any, as appears in

brackets

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brackets and is printed in italics, and by inserting instead the matter specified opposite that provision in the column headed "Matter to be inserted." in Column 2 of Schedule 2; and

- (b) by omitting from a provision of that Act specified in Column 1 of Schedule 3 the matter specified opposite that provision in Column 2 of Schedule 3, other than such matter, if any, as appears in brackets and is printed in italics.

5. (1) A regulation—

Validation.

- (a) that purports to have been made under the Poisons Act, 1966; and
- (b) that would have been valid if the amendments made to the Poisons Act, 1966, by section 3 and Schedule 1 had been in force when that regulation was made,

shall be deemed to have been validly made.

(2) Nothing in subsection (1) affects a decision of the District Court of New South Wales referred to in Schedule 4.

6. A license issued under section 10 (1) of the Poisons Act, 1966, and in force immediately before the date of assent to this Act shall be deemed to be a license issued under section 10 (1) of the Poisons Act, 1966, as amended by this Act. Saving—
certain
licenses.

SCHEDULE

Poisons (Amendment).

Sec. 3.

SCHEDULE 1.

AMENDMENTS TO THE POISONS ACT, 1966, RELATING TO
THE MAKING OF REGULATIONS.

(1) Section 6 (14)—

Omit the subsection.

(2) (a) Section 17 (1)—

Omit “The Governor”, insert instead “Without limiting the generality of section 45c, the Governor”.

(b) Section 17 (1) (j)—

After “forfeited;”, insert “and”.

(c) Section 17 (1) (j1)—

Omit “section 16;”, insert instead “section 16.”.

(d) Section 17 (1) (k)—

Omit the paragraph.

(3) (a) Section 24 (1)—

Omit “For the purpose of preventing the improper use of drugs of addiction the Governor may”, insert instead “Without limiting the generality of section 45c, the Governor may, for the purpose of preventing the improper use of drugs of addiction,”.

SCHEDULE

Poisons (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE POISONS ACT, 1966, RELATING TO
THE MAKING OF REGULATIONS—*continued.*

(b) Section 24 (1) (h1)—

After “addiction;”, insert “and”.

(c) Section 24 (1) (i)—

Omit “addiction; and”, insert instead “addic-
tion.”.

(d) Section 24 (1) (j)—

Omit the paragraph.

(4) Section 45c—

After section 45B, insert :—

45c. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. <sup>Regula-
tions—
generally.</sup>

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(3) The regulations may authorise any matter or thing to be from time to time determined, applied or regulated by any person specified therein, either generally or for any class of cases or in a particular case.

SCHEDULE

Poisons (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE POISONS ACT, 1966, RELATING TO
THE MAKING OF REGULATIONS—*continued.*

(5) (a) Section 46 (1)—

Omit “All regulations made under this Act and any”, insert instead “Any”.

(b) Section 46 (1) (b)—

Omit “regulations or”.

(c) Section 46 (2)—

(i) Omit “regulations,” wherever occurring.

(ii) Omit “have or”.

(d) Section 46 (3)—

After section 46 (2), insert :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Poisons (Amendment).

SCHEDULE 2.

Sec. 4 (a).

AMENDMENTS TO THE POISONS ACT, 1966, BY WAY OF SUBSTITUTION
RELATING TO THE SUPPLY OF SUBSTANCES.

Column 1.	Column 2.	
Provision of the Poisons Act, 1966.	Matter to be omitted.	Matter to be inserted.
Long title; Sections 4 (1), definition of "Package"; 11 (2); 12 (2) (b); 14 (2) (a); 15 (b) (i), (ii); 17 (1) (e); 19 (3); 21 (1) (c).	sale (<i>wherever occurring</i>)	supply
Section 2; Heading to Division 1 of Part III; Heading to Division 1 of Part IV.	Sale (<i>wherever occurring</i>)	Supply
Section 4 (1), definition of "Supply".	includes	includes sell, or
Sections 4 (1), paragraph (a) of the definition of "Wholesale dealing"; 10 (1); 12 (2); 13 (2); 15; 34 (1).	sell (<i>wherever occurring</i>)	supply
Sections 8 (2), the matter under the heading <i>Schedule One (Dangerous Poisons)</i> ; 14 (2) (c); 17 (1) (d); 41 (i).	sold (<i>wherever occurring</i>)	supplied
Section 8 (2), paragraph (i) of the matter under the heading <i>Schedule Three (Potent Substances)</i> .	purchaser	user
Section 9 (1) (a)	sell (<i>where secondly occurring</i>)	supply
Section 10 (1) (a)	sale of goods by retail	supply of goods by retail sale
Sections 11 (1); 18 (a); 35 (1); 43 (1) (a).	sells (<i>wherever occurring</i>)	supplies
Sections 11 (1), (2), (3); 14 (1).	purchaser (<i>wherever occurring</i>)	person supplied
Section 11 (2)	Such person	The supplier
Sections 11 (2), (4); 12 (1), (2) (a); 13 (1), (2); 14 (2), (3), (4); 15 (b); 19 (3).	vendor (<i>wherever occurring</i>)	supplier
Section 11 (3)	Purchaser	Person supplied
Sections 12 (1); 13 (1)	sales and purchases (<i>wherever occurring</i>)	supplies
Sections 14 (2) (a); 15 (b) (ii).	purchaser (<i>wherever occurring</i>)	person to be supplied

SCHEDULE

*Poisons (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO THE POISONS ACT, 1966, BY WAY OF SUBSTITUTION
RELATING TO THE SUPPLY OF SUBSTANCES—*continued.*

Column 1.	Column 2.	
Provision of the Poisons Act, 1966.	Matter to be omitted.	Matter to be inserted.
Section 14 (1) (b) ..	.. purchase is made	supply is obtained
Section 14 (2) (a) ..	.. purchased	supplied
Section 14 (2) (c) ..	.. purchaser (<i>where firstly occurring</i>)	person to be supplied
	the purchaser (<i>where secondly occurring</i>)	that person
Section 14 (2) (d) ..	.. purchasers	persons supplied
Section 14 (3) ..	.. purchaser (<i>where firstly occurring</i>)	person
	purchase	be supplied with
	the purchaser (<i>wherever occurring</i>)	that person
Section 14 (4) ..	.. purchaser	person
Section 15 (b) (i) ..	.. purchaser	person supplied or to be supplied
Section 17 (1) (g) ..	.. sale, purchase	supply
Section 24 (2) (a) (ii)	.. selling by retail	supplying
Section 36 (1) (a) (ii)	.. sell or supply any	supply
Section 45A (4) (a)	.. the contrary	that he had that drug or substance in his possession otherwise than for supply

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SCHEDULE 3.

Sec. 4 (b).

AMENDMENTS TO THE POISONS ACT, 1966, BY WAY OF OMISSION
RELATING TO THE SUPPLY OF SUBSTANCES.

Column 1.	Column 2.
Provision of the Poisons Act, 1966.	Matter to be omitted.
Section 4 (1), definition of "Automatic machine".	selling or seller or the sale or
Section 4 (1), definition of "Sell" ..	; and "sale" and each of the other derivations of "sell" have corresponding interpretations
Section 4 (1), definition of "Supply" ..	and the derivations of "supply" have corresponding interpretations
Sections 4 (1), definition of "Wholesale", paragraphs (a) and (b) of the definition of "Wholesale dealing"; 36 (1) (a) (i); 37 (1).	sale or (<i>wherever occurring</i>)
Section 9 (1) (a), (b)	or sell (<i>wherever occurring</i>)
Section 17 (1) (c)	purchased, sold,
Sections 18A (1); 21 (2A)	or sells (<i>wherever occurring</i>)
Sections 18A (2); 19 (1) (a), (4); 45A (4)	or sale (<i>wherever occurring</i>)
Section 21 (1) (a)	, sells,
Section 21 (2) (a)	sell,
Section 21 (2A) (a)	and sell
Section 24 (1) (b), (c), (i)	sale, (<i>wherever occurring</i>)
Section 32 (1) (a)	sells,
Section 36 (1) (d)	purchase or
Section 37 (1)	sold or
Section 45A (1) (a), (b), (c)	or selling (<i>wherever occurring</i>)

SCHEDULE

Poisons (Amendment).

Sec. 5 (2).

SCHEDULE 4.

DECISIONS OF THE DISTRICT COURT OF NEW SOUTH WALES.

Regina v. Nikola Stojanovski given at Wollongong on 25th
November, 1975. File No. 75/5770.Regina v. Kenneth James Lind given at Sydney on 10th
March, 1976. File Nos. 75/349 and 75/787.
