

**POISONS (AMENDMENT) ACT, 1979, No. 147**

**New South Wales**



ANNO VICESIMO OCTAVO

**ELIZABETHÆ II REGINÆ**

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**Act No. 147, 1979.**

**An Act to amend the Poisons Act, 1966, to increase the fines that may be imposed under section 45A (3) of that Act and to provide that certain proceedings being heard summarily may be heard as committal proceedings. [Assented to, 7th December, 1979.]**

*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 :—

**1.** This Act may be cited as the "Poisons (Amendment) Act, Short title. 1979".

**2.** The Poisons Act, 1966, is amended—

Amendment  
of Act No.  
31, 1966.

- (a) (i) by omitting from section 45A (3) (a) the matter "\$50,000" and by inserting instead the matter "\$200,000";
- (ii) by omitting from section 45A (3) (b) the matter "\$25,000" and by inserting instead the matter "\$200,000";

Sec. 45A.  
(Certain  
offences  
punishable  
on indict-  
ment.)

(b) by inserting after section 45A the following section :—

Sec. 45AB.

45AB. (1) Where—

- (a) proceedings for an offence to which section 45A applies are being taken in accordance with section 45;
- (b) the court is of the opinion that the offence should be dealt with as an indictable offence instead of in a summary manner; and
- (c) no evidence has been adduced by or on behalf of the defendant,

Certain  
summary  
proceedings  
to become  
committal  
proceedings.

the court may, in its discretion, make a declaration that subsection (2) applies to the proceedings.

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*Poisons (Amendment).*


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(2) Where a declaration is made under this section in relation to any proceedings—

- (a) the court shall re-charge the defendant with the offence to which the proceedings relate;
- (b) the information laid in accordance with section 52 of the Justices Act, 1902, in relation to that offence shall be deemed to have been withdrawn and the proceedings shall cease to be proceedings to which Division 2 of Part IV of that Act applies;
- (c) the proceedings shall be continued as if originally commenced in accordance with Division 1 of that Part, and anything done before the declaration was made under or for the purposes of Division 2 of that Part in relation to the proceedings shall, except to the extent that the court otherwise directs, be deemed to have been done under or for the purposes of Division 1 of that Part in relation to the proceedings; and
- (d) the court shall not accept or treat any admission made by the defendant before the declaration was made as a plea of guilty for the purposes of section 51A of that Act.

(3) Except as expressly provided, nothing in this section affects any power that the court or any person has apart from this section in relation to any offence or proceedings referred to in this section.

(4) In this section, “court” means the stipendiary magistrate or justices of the peace before whom proceedings for an offence to which section 45A applies are being taken.

Transitional provisions.

**3.** (1) The amendment made by section 2 (a) does not affect any fine that may be imposed for an offence committed before the commencement of this Act.

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*Poisons (Amendment).*

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(2) Section 45AB of the Poisons Act, 1966, as amended by this Act, applies only to proceedings commenced by an information laid in accordance with section 52 of the Justices Act, 1902, after the commencement of this Act, and so applies whether or not the offence to which the proceedings relate was committed before or after that commencement.

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