

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 2 December, 1976.*

## New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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**Act No. , 1976.**

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.

BE

*Poisons (Amendment).*

**B**E 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, 1976". Short title.

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

10 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.

15 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.

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

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

25 (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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*Poisons (Amendment).*

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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
- 5 (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.
- 10 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
- 15 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
- 20 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.

*Poisons (Amendment).*

SCHEDULE 1.

Sec. 3.

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

(1) Section 6 (14)—

5 Omit the subsection.

(2) (a) Section 17 (1)—

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

10 (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)—

15 Omit the paragraph.

(3) (a) Section 24 (1)—

20 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

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*Poisons (Amendment).*

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SCHEDULE 1—*continued.*

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

(b) Section 24 (1) (h1)—

5 After “addiction;”, insert “and”.

(c) Section 24 (1) (i)—

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

(d) Section 24 (1) (j)—

10 Omit the paragraph.

(4) Section 45C—

After section 45B, insert :—

15 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>

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

25 (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

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*Poisons (Amendment).*

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SCHEDULE 1—*continued.*

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

(5) (a) Section 46 (1)—

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

(b) Section 46 (1) (b)—

Omit “regulations or”.

(c) Section 46 (2)—

10 (i) Omit “regulations,” wherever occurring.

(ii) Omit “have or”.

(d) Section 46 (3)—

After section 46 (2), insert :—

15 (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.	
5 Provision of the Poisons Act, 1966.	Matter to be omitted.	Matter to be inserted.
10 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
15 Section 2; Heading to Division 1 of Part III; Heading to Division 1 of Part IV.	Sale ( <i>wherever occurring</i> )	Supply
20 Section 4 (1), definition of "Supply"; Sections 4 (1), paragraph (a) of the definition of "Wholesale dealing"; 10 (1); 12 (2); 13 (2); 15; 34 (1).	includes sell ( <i>wherever occurring</i> )	includes sell, or supply
25 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
30 Section 8 (2), paragraph (i) of the matter under the heading <i>Schedule Three (Potent Substances)</i> .	purchaser	user
35 Section 9 (1) (a) . . . . . Section 10 (1) (a) . . . . .	sell ( <i>where secondly occurring</i> ) sale of goods by retail	supply supply of goods by retail sale
40 Sections 11 (1); 18 (a); 35 (1); 43 (1) (a). Sections 11 (1), (2), (3); 14 (1).	sells ( <i>wherever occurring</i> ) purchaser ( <i>wherever occurring</i> )	supplies person supplied
45 Section 11 (2) . . . . . Sections 11 (2), (4); 12 (1), (2) (a); 13 (1), (2); 14 (2), (3), (4); 15 (b); 19 (3).	Such person vendor ( <i>wherever occurring</i> )	The supplier supplier
Section 11 (3) . . . . . Sections 12 (1); 13 (1) . . . . .	Purchaser sales and purchases ( <i>wherever occurring</i> )	Person supplied supplies
50 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.	
5	Provision of the Poisons Act, 1966.	Matter to be omitted.	Matter to be inserted.
10	Section 14 (1) (b) .. Section 14 (2) (a) .. Section 14 (2) (c) ..	purchase is made purchased purchaser ( <i>where firstly occurring</i> ) the purchaser ( <i>where secondly occurring</i> )	supply is obtained supplied person to be supplied that person
15	Section 14 (2) (d) .. Section 14 (3) ..	purchasers purchaser ( <i>where firstly occurring</i> ) purchase the purchaser ( <i>wherever occurring</i> )	persons supplied person be supplied with that person
20	Section 14 (4) .. Section 15 (b) (i) ..	purchaser purchaser	person person supplied or to be supplied
25	Section 17 (1) (g) .. Section 24 (2) (a) (ii) .. Section 36 (1) (a) (ii) .. Section 45A (4) (a) ..	sale, purchase selling by retail sell or supply any the contrary	supply supplying supply that he had that drug or substance in his possession otherwise than for supply



*Poisons (Amendment).*

## 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.
5 Provision of the Poisons Act, 1966.	Matter to be omitted.
Section 4 (1), definition of "Automatic machine".	selling or seller or the sale or
10 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
15 Sections 4 (1), definition of "Wholesale sale", 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,
20 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
25 Section 24 (1) (b), (e), (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> )

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*Poisons (Amendment).*

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SCHEDULE 4.

Sec. 5 (2).

DECISIONS OF THE DISTRICT COURT OF NEW SOUTH WALES.

Regina v. Nikola Stojanovski given at Wollongong on 25th  
November, 1975. File No. 75/5770.

5 Regina v. Kenneth James Lind given at Sydney on 10th  
March, 1976. File Nos. 75/349 and 75/787.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976  
[16c]

No. , 1976.

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## A BILL

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.

[MR K. J. STEWART—2 *November*, 1976.]

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*Poisons (Amendment).*

**B**E 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, 1976". Short title.

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

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

15 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.

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

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

25 (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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*Poisons (Amendment).*

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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

- 5 (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.

10 **5.** (1) A regulation—

Validation.

(a) that purports to have been made under the Poisons Act, 1966; and

15 (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 20 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.

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SCHEDULE

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*Poisons (Amendment).*

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SCHEDULE 1.

Sec. 3.

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

(1) Section 6 (14)—

5 Omit the subsection.

(2) (a) Section 17 (1)—

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

10 (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)—

15 Omit the paragraph.

(3) (a) Section 24 (1)—

20 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

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*Poisons (Amendment).*

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SCHEDULE 1—*continued.*

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

(b) Section 24 (1) (h1)—

**5** After “addiction;”, insert “and”.

(c) Section 24 (1) (i)—

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

(d) Section 24 (1) (j)—

**10** Omit the paragraph.

(4) Section 45c—

After section 45B, insert :—

**15** 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. Regula-  
tions—  
generally.

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

**25** (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

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*Poisons (Amendment).*

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SCHEDULE 1—*continued.*

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

(5) (a) Section 46 (1)—

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

(b) Section 46 (1) (b)—

Omit “regulations or”.

(c) Section 46 (2)—

10 (i) Omit “regulations,” wherever occurring.

(ii) Omit “have or”.

(d) Section 46 (3)—

After section 46 (2), insert :—

15 (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.	
5	Provision of the Poisons Act, 1966.	Matter to be omitted.	Matter to be inserted.
	Long title; Sections 4 (1), definition of "Package";	sale ( <i>wherever occurring</i> )	supply
10	11 (2); 12 (2) (b); 14 (2) (a); 15 (b) (i), (ii); 17 (1) (e); 19 (3); 21 (1) (c).		
	Section 2; Heading to Division 1 of Part III;	<i>Sale (wherever occurring)</i>	<i>Supply</i>
15	Heading to Division 1 of Part IV.		
	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
20			
	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
25			
	Section 8 (2), paragraph (i) of the matter under the heading <i>Schedule Three (Potent Substances)</i> .	purchaser	user
30			
	Section 9 (1) (a) .. .. .	sell ( <i>where secondly occurring</i> )	supply
35			
	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
40			
	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
45			
	Section 11 (3) .. .. .	Purchaser	Person supplied
	Sections 12 (1); 13 (1) .. .. .	sales and purchases ( <i>wherever occurring</i> )	supplies
50			
	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.	
5	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
10	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
15	Section 14 (3) ..	.. purchaser ( <i>where firstly occurring</i> )	person
		purchase	be supplied with
		the purchaser ( <i>wherever occurring</i> )	that person
20	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
25	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

*Poisons (Amendment).*

## 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.
5 Provision of the Poisons Act, 1966.	Matter to be omitted.
Section 4 (1), definition of "Automatic machine".	selling or seller or the sale or
10 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
15 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,
20 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
25 Section 24 (1) (b), (e), (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> )

Act No. , 1976.

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*Poisons (Amendment).*

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SCHEDULE 4.

Sec. 5 (2).

DECISIONS OF THE DISTRICT COURT OF NEW SOUTH WALES.

Regina v. Nikola Stojanovski given at Wollongong on 25th  
November, 1975. File No. 75/5770.

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March, 1976. File Nos. 75/349 and 75/787.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

[16c]

## POISONS (AMENDMENT) BILL, 1976

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### EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to empower the Governor to make regulations generally for the purposes of the Poisons Act, 1966, in addition to his power to make regulations for the purposes of certain provisions of that Act (clause 3 and Schedule 1);
  - (b) to validate certain regulations purporting to have been made under that Act (clause 5 (1));
  - (c) to provide that the validation of those regulations shall not affect certain decisions of the District Court of New South Wales (clause 5 (2) and Schedule 4);
  - (d) to provide that the supply of certain substances regulated by that Act includes the sale of those substances (clause 4 and Schedules 2 and 3); and
  - (e) to make other provisions of a consequential nature.
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No. , 1976.

# A BILL

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.

[Mr K. J. STEWART—2 November, 1976.]

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*Poisons (Amendment).*

**B**E 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, 1976". Short title.

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

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

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

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

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

25 (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

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*Poisons (Amendment).*

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

- 5 (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.

10 5. (1) A regulation—

Validation.

(a) that purports to have been made under the Poisons Act, 1966; and

- 15 (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.

- 20 4. (2) Nothing in subsection (1) affects a decision of the District Court of New South Wales referred to in Schedule

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).*

SCHEDULE 1.

Sec. 3.

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

(1) Section 6 (14)—

5 Omit the subsection.

(2) (a) Section 17 (1)—

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

10 (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)—

15 Omit the paragraph.

(3) (a) Section 24 (1)—

20 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)—

5 After “addiction;”, insert “and”.

(c) Section 24 (1) (i)—

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

(d) Section 24 (1) (j)—

10 Omit the paragraph.

(4) Section 45C—

After section 45B, insert :—

15 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.

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

25 (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

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*Poisons (Amendment).*

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SCHEDULE 1—*continued.*

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

(5) (a) Section 46 (1)—

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

(b) Section 46 (1) (b)—

Omit “regulations or”.

(c) Section 46 (2)—

10 (i) Omit “regulations,” wherever occurring.

(ii) Omit “have or”.

(d) Section 46 (3)—

After section 46 (2), insert :—

15 (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.	
5	Matter to be omitted.	Matter to be inserted.
Long title; Sections 4 (1), definition of "Package";	sale ( <i>wherever occurring</i> )	supply
10 11 (2); 12 (2) (b); 14 (2) (a); 15 (b) (i), (ii); 17 (1) (e); 19 (3); 21 (1) (c).		
Section 2; Heading to Division 1 of Part III;	<i>Sale (wherever occurring)</i>	<i>Supply</i>
15 Heading to Division 1 of Part IV.		
Section 4 (1), definition of "Supply".	includes	includes sell, or
Sections 4 (1), paragraph	sell ( <i>wherever occurring</i> )	supply
20 (a) of the definition of "Wholesale dealing"; 10 (1); 12 (2); 13 (2); 15; 34 (1).		
Sections 8 (2), the matter under the heading	sold ( <i>wherever occurring</i> )	supplied
25 <i>Schedule One (Dangerous Poisons)</i> ; 14 (2) (c); 17 (1) (d); 41 (i).		
Section 8 (2), paragraph	purchaser	user
30 (i) of the matter under the heading <i>Schedule Three (Potent Substances)</i> .		
Section 9 (1) (a) . . . .	sell ( <i>where secondly occurring</i> )	supply
35 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
40 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);	vendor ( <i>wherever occurring</i> )	supplier
45 19 (3).		
Section 11 (3) . . . .	Purchaser	Person supplied
Sections 12 (1); 13 (1) . .	sales and purchases ( <i>wherever occurring</i> )	supplies
50 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.
5			
10	Section 14 (1) (b) .. Section 14 (2) (a) .. Section 14 (2) (c) ..	.. purchase is made .. purchased .. purchaser ( <i>where firstly occurring</i> ) .. the purchaser ( <i>where secondly occurring</i> )	supply is obtained supplied person to be supplied that person
15	Section 14 (2) (d) .. Section 14 (3) ..	.. purchasers .. purchaser ( <i>where firstly occurring</i> ) .. purchase .. the purchaser ( <i>wherever occurring</i> )	persons supplied person be supplied with that person
20	Section 14 (4) .. Section 15 (b) (i) ..	.. purchaser .. purchaser	person person supplied or to be supplied
25	Section 17 (1) (g) .. Section 24 (2) (a) (ii) .. Section 36 (1) (a) (ii) .. Section 45A (4) (a) ..	.. sale, purchase .. selling by retail .. sell or supply any .. the contrary	supply supplying supply that he had that drug or substance in his possession otherwise than for supply

*Poisons (Amendment).*

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

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*Poisons (Amendment).*

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SCHEDULE 4.

Sec. 5 (2).

DECISIONS OF THE DISTRICT COURT OF NEW SOUTH WALES.

Regina v. Nikola Stojanovski given at Wollongong on 25th  
November, 1975. File No. 75/5770.

5 Regina v. Kenneth James Lind given at Sydney on 10th  
March, 1976. File Nos. 75/349 and 75/787.

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BY AUTHORITY

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