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[1930

THE POISONS ACT 1928.

THE POISONS REGULATIONS 1930.

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THE POISONS REGULATIONS 1930.

At the Executive Council Chamber, Melbourne, the twenty-fifth day of February, 1930.

His Excellency the Governor of Victoria.

Mr. Williams

Mr. Webber.

NDER the powers in that behalf conferred by the Poisons Act 1928, His Excellency the Government of the Conferred by the Poisons Act 1928, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, doth make the Regulations following, which have been recommended by the Pharmacy Board of Victoria:—

POISONS REGULATIONS 1930.

PRELIMINARY.

- 1. Short Title and Commencement.—These Regulations may be cited as the "Poisons Regulations 1930" and shall come into force when published in the Government Gazette whereupon all Regulations (save and except the Dangerous Drugs Regulations 1930) made under the provisions of the $\hat{Poisons}$ Act 1928 and any Act amending the same shall be and the same are hereby
- 2. Division.—These Regulations are divided into Parts and Divisions as

Part I.—Poisons generally.

Division (1).—Certification of persons as dealers in poisons at places distant at least 4 miles from chemist shop.

Division (2).—Keeping, dispensing, and selling poisons.

Part II .- Articles and sales exempted from operation of provisions of Division (1) of Part I. of the Act.

Part III.—Inspection of books.

Part IV.—Sale of poisonous substances and preparations.

Part V.-Sale and disposal of Methylated Spirits.

Part VI.—Sale and distribution of Cyanide of Potassium.

- 3. Interpretation.-In the construction of these Regulations, unless inconsistent with the context or subject-matter-
 - "Act" means the Poisons Act 1928.

"Board" means the Pharmacy Board of Victoria.
"Dealer in poisons" means a person holding a Certificate from the Board under Section 6 of the Act.

"Poisonous substance or preparation" means any substance or preparation specified in or added to the Fourth Schedule to the

"Register" means the Register of the Pharmacy Board.
The words "container," "label," "licence," "licensee," "package,"
"Pharmaceutical Chemist," "sale," "substance," "wholesale," when used in these Regulations shall (unless inconsistent with the context or subject-matter), have the meanings assigned to them by Section 3 of the Act.

PART I.

Division (1) .-- Certification of Persons as Dealers in Poisons and Conditions of Sale, &c.

- 4. Application for Certificates.—Any person, in a place distant at least 4 miles by the nearest practicable road from any place in which a registered pharmaceutical chemist has an open shop, desiring to obtain a certificate as a dealer in poisons under the provisions of Section 6 of the Act shall apply to the Board in the form or to the effect of Form "A" in the Second Schedule hereto.
- 5. Issue of Certificates.—The Board, upon receipt of an application for a Certificate as aforesaid accompanied by certificates in the form or to the effect of Form "B" in the Second Schedule hereto, and upon payment of the licence fee of Twenty shillings, shall issue to the applicant a certificate as a dealer in poisons in the form or to the effect of Form "C" in the Second Schedule hereto.

- 6. Currency of Certificate.—A Certificate as a dealer in poisons shall continue in force until the thirty-first day of December next ensuing the the date thereof, and thereafter, subject to the law for the time being in force, so long as payment is made annually to the Registrar of the Board for each and every succeeding year of a fee of Twenty shillings, unless the Governor in Council, under the power in that behalf conferred by Section 6 of the Act, in the meantime directs the cancellation thereof.
- 7. On Payment of Annual Fee Receipt Issued to be deemed a Renewal.—
 The Registrar, upon payment to him of the prescribed fee, shall give a printed official receipt whereon the date of payment and the period for which such fee is paid shall be indicated. Such receipt in respect of a payment other than the first shall be deemed to be a renewal of the Certificate for the period set out.
- 8. Board Authorized to Permit another to exercise control when Holder of Certificate absent or ill.—In the event of a person holding a Certificate as a dealer in poisons becoming incapacitated by absence or illness from personally attending to the sale of poisons, the Board may authorize some other fit and proper person to act as a substitute in his stead, and such substitute shall thereupon for all purposes in connexion with the sale and custody of poisons be deemed to be the holder of the Certificate and be personally responsible while he is so acting.
- 9. Cancellation of Certificate.—Before making a recommendation to the Governor in Council for the cancellation of a Certificate, as provided by sub-section (2) of Section 6 of the Act, the Board shall give to the holder thereof a reasonable opportunity of showing cause against such cancellation.
- 10. Conditions of Storage and Sale by Dealers.—In addition to any other requirements specified in the Act and in these Regulations a dealer in poisons shall—
 - (a) Keep all poisons included in Part I. of the Second Schedule to the Act in the poisons cupboard.
 - (b) Keep all poisonous substances and preparations included in the Fourth Schedule to the Act apart from other goods in a room or store secured by lock and key.
 - (c) Store apart from articles of food or drink any poison included in Parts II. and III. of the Second Schedule to the Act.
 - (d) Not sell any poison except upon the premises and at the place specified in the Certificate issued to him by the Board.
 - (e) Sell any poison only in the original unbroken package in which it is received by the dealer from the supplier.
- 11. The Poison Cupboard.—The cupboard required to be kept by a dealer in poisons shall be substantially made and provided with a sufficient lock and key and shall be of not less dimensions than 2ft. 6in. wide, 1ft. 6in. deep, and 3 feet high. The inside thereof shall be fitted with such shelves and divisions as shall be sufficient to keep each description of poison therein contained in a separate division. The word "Poisons" shall be conspicuously painted or written on the outside thereof.
- 12. Custody of Key of Poison Cupboard, &c., &c.—Every dealer in poisons shall keep the key of the poison cupboard in his own possession and shall not permit such cupboard to remain open or unlocked or to be opened by any person except himself, nor shall he authorize or permit any person to handle or sell for him the poisons therein contained; he shall not delegate or entrust any duty, task, or obligation imposed by the Act in connexion with the custody and sale of poisons to any other person under any pretence whatever, but shall perform such duty, task, or obligation himself.

Division (2).—Keeping, Labelling, Dispensing, and Selling Poisons by any Person.

- 13. System to be adopted in keeping poisons.—Any poison in the possession, custody, or control of any person shall be kept separate and distinct from drugs and from goods of any kind suitable for food of man or beast and so that in the event of breakage or leakage of the poison it cannot by any means intermix with or contaminate such drugs or goods.
- 14. Each poison kept for sale shall be kept according to one or other of the following methods, viz. :—
 - (a) In a bottle or vessel tied, over-capped, locked, or otherwise secured in a manner different from that in which bottles or vessels containing ordinary non-poisonous articles are secured in the same warehouse, shop, or dispensary, or
 - (b) In a bottle or vessel rendered distinguishable by touch from the bottles or vessels in which ordinary non-poisonous articles are kept in the same warehouse, shop, or dispensary, or
 - (c) In a bottle, vessel, box, or package kept in a room or cupboard set apart for dangerous articles.

15. Labelling and Marking Vessels, &c .- (1) Each bottle, vessel, box, or package containing a poison kept for sale shall be labelled with the name of the article and also with some distinctive mark indicating that it contains poison.

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(2) In the case of preparation or admixture containing arsenic, the proportion which the arsenic present in such preparation or admixture bears to the total ingredients contained in such preparation or admixture shall be distinctly stated on the label of the container.

(3) No person shall sell, whether by wholesale or retail, any of the poisons following, namely :-

Arsenic, strychnine, corrosive sublimate, carbolic acid, lysol, nicotine, cyanide of potassium, arsenate of lead, arsenical weed killer, and arsenical fly exterminator, unless the package and container shall have printed thereon conspicuously the name of some effective remedy or antidote (if any) to counteract the effects of such poison and unless the same is duly labelled as required by the Act.

This Regulation shall not apply to any of the poisons specified when such poisons are supplied to legally qualified medical practitioners for their own use or their patients' use, or when supplied to any person by a registered pharmaceutical chemist on the prescription or order of a legally qualified medical practitioner.

- 16. Labels on Drugs in certain cases.—When any drug for internal use consisting of or containing any poison is delivered (whether in pursuance of a sale or otherwise) in a quantity exceeding a single dose, the package or container immediately containing such drug shall bear a label showing distinctly, in writing or printing, thereon the name of such drug and the amount of the dose to be taken.
- 17. Labels on Medicinal Preparations.—Medicinal preparations for internal use containing any poison in Part II. of the Second Schedule to the Act (in addition to any other label required by the Act) shall have the following label printed in red on the bottle, vessel, or cover-box immediately containing the same, viz. :-

"This preparation is labelled 'Poison' in conformity with the Poisons Act, but if taken in strict accordance with the prescribed dose is not dangerous.

- 18. Labels in addition to word "Caution".- In the case of any poison the name of which is inserted in the Third Part of the Second Schedule to the Act the container shall bear thereon, printed conspicuously in addition to the word "Caution," the words "Use strictly in accordance with the directions.'
- 19. Coloured bottles for certain Poisons, Liniments, and Disinfectants, &c .-No person shall sell or offer for sale by retail or deliver any of the following poisons, namely :- Carbolic acid, carbolic oil, camphorated oil, corrosive sublimate, creosote, formalin, iodine, lysol, solutions containing nicotine, strychnine, or tartar emetic, or any liniment, embrocation, lotion, skin paint, or liquid disinfectant consisting of or containing poison, unless the same is put up and offered for sale in a glass bottle of dark-blue, green, or amber colour, complying with the following specifications, that is to say:

Shape of Bottles.-The bottle may be of round or square shape (or other shape approved by the Board), or may have four, six, or eight sides, provided that in each case it is rendered distinguishable by touch from the ordinary smooth bottles commonly used for the dispensing of medicines for internal use, or ordinarily used as containers for any food, drink, or condiment, and provided also that the same has blown on it, in addition to the words "Not to be taken" or "not to be taken internally," prominent points or ribs of sufficient number to render it further distinguishable as aforesaid. Provided that if the Board so approves a preparation prescribed and intended for internal use only, containing any poison, may be sold in some other suitable container.

- 20. Container's for Disinfectants.-Liquid disinfectants consisting of or containing poison may be sold or offered for sale :—(a) in tins or cans having four sides on one of which the words "Poison-Not to be taken" tinctly embossed, printed, or branded in red letters, provided in addition that all other requirements of the Act and Regulations are complied with; or (b) in round tins or cans securely sealed and having a rounded, pyramid-shaped, or domed top, provided that above the principal label on such tins or cans the words "Not to be taken" are distinctly embossed, printed, or branded in red letters of not less than twelve points face measurement bold sans-serif capital type and that down the sides of such tins or cans the word "Poison" is embossed, printed or branded in two classics of such tins or cans the word "Poison" is embossed, printed, or branded in two places in red letters of not less than thirty points face measurement bold sans-serif capital type.
- 21. Containers for Arsenic.—Arsenic or its preparations shall not be sold in a paper or cardboard container.

- 22. Poisons kept by others than Pharmaceutical Chemists.—The owner or person other than a registered pharmaceutical chemist having the custody of any poison, poisonous substance, or preparation within the meaning of the Act shall not remove the same from the original package or container duly labelled as prescribed by the Act or Regulations in which the same was sold to him.
- 23. Person in charge of Poison.—Any person being the owner or person in possession of any poison who carelessly leaves it in any place easily accessible to others shall be guilty of a breach of these Regulations. "Easily accessible" means leaving it in any place where articles of food or drink are usually kept, or on any mantelpiece, window, ledge, shelf, or similar place to which access may be easily obtained.

PART II.—ARTICLES AND SALES EXEMPTED FROM OPERATION OF DIVISION 1 OF PART I. OF THE ACT.

24. Sale and custody of Poisons, &c., referred to in Division 2 of Part I. of the Act.—In the case of poisons and poisoned material referred to in and subject to the provisions of Division II. of Part I. of the Act, the following conditions and requirements in addition to those prescribed by the Act shall be complied with:—

(a) All such poisons and poisoned material shall be kept apart from other goods in a separate drawer or closed receptacle.

(b) In cases where premises on which any such poisons or poisoned material is kept is used for the purpose of the storage, preparation, or sale of food for human consumption, such poisons or poisoned material shall not be kept in the part of such premises used for any such purpose.

(c) Liquid preparations shall be sold only in bottles, tins, drums, or casks of sufficient strength to bear the ordinary risk of transit

without leakage.

- (d) Solid preparations shall be securely packed in such a manner as to avoid as far as possible the risk of breakage or leakage during transport, and the package containing the same shall have indelibly printed, marked, or branded in easily legible characters in a conspicuous position thereon, a notice that the contents must not be used for any purpose other than that for which it is intended.
- (e) Poisonous mixtures and preparations containing poison intended for the destruction of any vermin shall be sold or delivered only in packages or containers as prescribed by Regulation 16 hereof, and each such package or container shall be permanently stamped or marked in a conspicuous manner with the word "Poison" in red letters, and with the name of such poisonous mixture or preparation and the percentage of the particular poison it contains.

(f) Poisonous mixtures or preparations containing poison intended for the destruction of any vermin as aforesaid shall not be sold or delivered in collapsible tubes or paper bags.

PART III.-INSPECTION OF BOOKS.

- 25. Poison Books.—Every person who sells poison, whether under cover of a Certificate issued by the Board or by reason of his being otherwise lawfully qualified, shall at all reasonable times when so required by any member of the Police Force permit such member to inspect and to make copies of or take extracts from all books, entries, and letters, or any of them required by the Act or these Regulations to be kept or preserved by him.
- 26. Every person to whom the provisions of Part II. of the Act and the Regulations thereunder apply who keeps any poison for sale shall, on application at any reasonable time by an Inspector or other Officer of the Pharmacy Board of Victoria, produce his Poisons Book for inspection.

PART IV.—CUSTODY AND SALE OF POISONS, SUBSTANCES, AND PREPARATIONS.

- 27. Applications for Licences.—Any person (in a place where there is no person entitled under Division 1 of Part I. of the Act to receive a Certificate as a dealer in poisons generally) desirous of obtaining a licence under the provisions of Section 20 of the Act as a seller of the poisonous substances and preparations specified in the Fourth Schedule to the Act, shall make application to the Board in the form or to the effect of Form A in the Third Schedule hereto.
- 28. The Certificates required to accompany an application for a licence or the transfer of a licence shall be in the form or to the effect of Form B in the Third Schedule hereto.

- 29. The Board, upon receipt of an application accompanied by the necessary Certificates and upon payment of the prescribed fee, shall issue a licence to the applicant. The form of licence shall be in the form or to the effect of Form C. in the Third Schedule hereto.
- 30. The licence fee shall be the sum of Ten shillings. If a licence is taken out or transferred after 30th June in any year the fee shall be Five shillings only.
- 31. The licensee may, with the consent in writing of the Board, transfer his licence to an approved person.
- 32. Every transferee of a licence shall apply in writing to the Board for its consent to his holding the licence for the portion of the term then remaining unexpired.
- 33. A proposed transferee shall (if so required) with his application for the Board's consent pay a fee of Two shillings and sixpence and shall furnish the Board with a Certificate from a medical practitioner and a police magistrate that he is a fit and proper person to sell. The application for a transfer of a licence shall be in the form or to the effect of Form D. in the Third Schedule hereto.
- 34. All licences remain in force up to and including the thirty-first day of December in each year, but may be renewed as herein provided.
- 35. Unless the Board in any case otherwise directs, a licence may be renewed annually by payment to the Registrar of the said fee of Ten shillings on or before the date of expiry of the same. On receipt of the said renewal fee the Registrar shall issue a printed official receipt which shall state thereon the date of payment and the period for which the fee is paid. Such receipt shall operate as a renewal of the licence for the year specified therein.
- 36. The Board may in its discretion authorize the manager of the business or some other fit and proper person to act as a substitute for the licensee during illness or absence.
- 37. The licensee shall be responsible for the safe custody of all poisonous substances and preparations kept on the premises.
- 38. The licensee, before selling any of the said poisonous substances or preparations, shall label conspicuously the package or container immediately containing the same with his own name and address as the retail seller thereof and, if it is not already so labelled, with the words "Poisonous—not to be taken."
- 39. It shall be a sufficient compliance with Section 19 (1) (a) (lv) of the Act if the seller of poisonous substances and preparations labels the same with a label stating "This preparation contains not more than......
 per cent. and not less than......per cent. of free ammonia or of phenol or its homloogues" as the case may be.
- 40. Every person who sells by wholesale or retail any poisonous substance or preparation shall comply with the following requirements in addition to those specified in Section 19 of the Act, namely:—
 - (1) Keep all such substances and preparations separate and distinct from any food or drugs or goods of any kind which are suitable for food of man or animal.
 - (2) Deliver to the purchaser any poisonous substance or preparation in a package or container securely scaled and fastened.
 - (3) And, where required by any regulation, distinctly label the package or container or see that it is so labelled with the name of some effective antidote or remedy (if any) to counteract the effect of such poison.
 - (4) Poisonous substances or preparations shall be sold only in bottles, tins, cans, jars, drums, or casks of sufficient strength to bear the ordinary risk of transit without leakage.
 - (5) If sold in a bottle, a poisonous substance or preparation shall be delivered to the purchaser only in a bottle of round, square, diamond, or other approved shape on which the words "Poisonous—not to be taken" are blown and on which prominent points or ribs are blown in such a manner as to render the bottle distinguishable by touch from bottles or vessels ordinarily used as containers of any food, drink, or condiment, or for medicines for internal use.

- (6) If sold in tins or cans, a poisonous substance or preparation shall be delivered to the purchaser only:—(a) in tins or cans having four sides, on one of which sides the words "Poisonous—not to be taken" are embossed, printed, or branded distinctly in red letters, or (b) in round tins or cans securely sealed and having a rounded pyramid shaped or domed top, provided that above the principal label on such tins or cans the words "Not to be taken" are distinctly embossed, printed, or branded in red letters of not less than twelve points face measurement bold sans-serif capital type, and that down the sides of such tins or cans the word "Poisonous" is embossed, printed, or branded in two places in red letters of not less than thirty points face measurement bold sans-serif capital type.
- (7) If sold in jars, drums, or casks, a poisonous substance or preparation shall be delivered to the purchaser only in jars, drums, or casks on which the words "Poisonous—not to be taken" in large red letters are distinctly branded, painted, or burnt in.
- (8) Packages or containers of solid poisonous substances or preparations (unless specially exempted by the Board) shall have indelibly printed or marked thereon in a conspicuous position the words: "This package contains poisonous material and must be used only for the purposes stated on the label." Provided that this regulation shall not apply to caustic soda or caustic notash
- (9) Poisonous substances or preparations intended to be used for the purpose of photography, or as fly poison papers, or for destroying rats and mice or vermin within the meaning of the Vermin and Noxious Weeds Act 1928; or for sheep dips or agricultural or horticultural purposes, must be distinctly and conspicuously labelled or branded with a notice indicating the special purpose for which the substance or preparation is intended, in addition to any other label or notice required by the Act or Regulations thereunder.
- (10) Paris green and other poisonous paints and pigments shall not be sold in paper bags or cardboard containers.
- (11) No poisonous substance or preparation intended to be used exclusively for the purpose of destroying rats, mice, or birds, or vermin within the meaning of the Vermin and Noxious Weeds Act 1928, shall be sold or delivered in collapsible tubes or paper bars.
- (12) A proprietary preparation for use as a sheep dip or for agricultural or horticultural purposes shall not be sold except in an enclosed vessel or receptacle adequately scaled.
- (13) Every sale of any poisonous substance or preparation containing arsenic or nicotine sold as a weed killer, pest eradicator, or spraying solution, shall be entered by the seller in a book to be kept for the purpose by the seller. Each record shall specify the name of the poisonous substance or preparation sold, the date of sale, the quantity sold, the purpose for which it is required, and the name and address of the purchaser. Each entry shall be signed by the purchaser.
- (14) No poisonous substance or preparation shall be sold on an order by telegram unless the purchaser is known to the vendor, and the telegram is preserved by the vendor and an entry of the sale made in the Poisons Book.
- (15) At all reasonable times on application by any member of the Police Force, or by any Inspector or other Officer of the Board, every seller of poisonous substances and preparations shall permit such member, inspector, or officer to inspect his premises and stock, and shall produce his Poisons Book and all books, entries, letters, and telegrams relating to any poisonous substance or preparation in his possession or sold by him, and allow copies thereof or extracts therefrom to be made. He shall also answer all questions and give all information reasonably required by such member, inspector, or officer.
- (16) A licensee shall not sell any poisonous substance or preparation except at the premises and place and in accordance with the licence issued to him.
- (17) A licensee shall not put up on his premises or notify by advertisement or otherwise that he is registered by the Pharmacy Board.
- 41. Penalty.—Every person who does not do anything directed to be done or does anything forbidden to be done, by or under the preceding, regulations shall be guilty of an offence against these Regulations and shall be liable to a penalty of not more than Ten pounds.

PART V.-SALE OR DISPOSAL OF METHYLATED SPIRITS.

- 42. The following requirements shall be complied with by persons selling or disposing of methylated spirit by retail in any quantity not exceeding one quart :-
 - (a) Methylated spirit shall be sold or disposed of only in bottles, tins, or other containers rendered distinguishable by touch from bottles, tins or other vessels ordinarily used as containers for any food, drink, or condiment, or for medicines for internal use.
 - (b) The bottle, tin, or container immediately containing the same shall be securely corked, and shall be distinctly labelled "Methylated Spirit—poisonous—not to be taken," and shall indicate thereon the name and address of the seller.
- 43. The provisions of Part II. of the Poisons Act 1928 and of such of the regulations made thereunder as are hereinafter referred to shall, with the adaptations following, apply to methylated spirit (that is to say):
 - (a) Methylated spirit shall not be sold or offered or exposed for sale except by pharmaceutical chemists or persons holding certificates as dealers in poisons under the provisions of Division (1) of Part I. of the Poisons Act 1928, or persons holding licences for the sale of poisonous substances or preparations granted under the provisions of Part II. of the said Act.
 - (b) Regulations 27 to 39 of these Regulations and the forms contained in the Fourth Schedule hereto shall, with any necessary modification, apply to any application for a licence to sell methylated
- 44. Methylated spirit shall not be sold or disposed of in the hours during which liquor may not be sold by licensed victuallers under the Licensing Act 1928: Provided, however, that any shopkeeper other than the keeper of a shop of a class referred to in the Fourth Schedule to the Factories and Shops Act 1928 duly licensed as aforesaid, and any registered pharmaceutical chemist, may sell methylated spirit in the ordinary course of his trade or business during the hours that his shop may lawfully be kept open under the provisions of the Factories and Shops Act 1928 and also that a registered pharmaceutical chemist may at any time in cases of emergency (except to a person under eighteen years of age) supply such spirit for medical or surgical purposes either on the order of a duly qualified medical practitioner or on the written order of a householder (with whose signature he is acquainted) stating the purpose for which it is required.

PART VI.—SALE AND DISTRIBUTION OF CYANIDE OF POTASSIUM.

- 45. Preliminary.-In the construction of the following regulations, unless inconsistent with the context or subject-matter :-
 - "Authorized person" means a medical practitioner, a pharmaceutical chemist, a certified dealer in poisons under the Act, a licensee, or a wholesale dealer.
 - "Certificate" means a certificate by a police officer authorizing the purchase and sale of cyanide.
 - "Cyanide" means cyanide of potassium as defined by this regulation.
 "Licence" means a licence granted by the Board under these Regu-
 - lations.

 Licensee " means the holder of a licence under the Act.

 - "Order" means an order by a police officer authorizing the sale of cyanide.
 - "Permit" means a permit granted by the Board under these Regulations.
 "Purchaser" means any buyer of cyanide.

 - "Furchaser means any ouyer of cyanice.

 "Schedule" means schedule to these Regulations.

 "Trade purposes" means for the purpose of any profession, trade, or industry as defined by these Regulations.
 - " Vendor" means any seller of cyanide.
- 46. Cyanide of Potassium.—The expression "eyanide of potassium" includes cyanide of potassium, any other metallic cyanide (such as the cyanides of potassium, calcium, mercury, zinc, or silver), all poisonous compounds of cyanogen (such as potassium ferrocyanide, yellow prussiate of potash, potassium ferricyanide, red prussiate of potash, the thiocyanides, and sulphocyanides), and any admixture or preparation thereof.
- 47. Exempted Compounds, &c .- Any compound admixture or preparation of cyanogen which by its nature is not capable of being used for the purpose of poisoning animals or native game may, on proof to the Board that it is not capable of being used in evasion of Part V. of the Act, be exempted by resolution of the Board from the provisions of the said Part, but the Board may at any time it thinks fit revoke the said resolution.

- 48. "Trade Purposes."—Any profession, business, trade or industry which requires to use cyanide for manufacturing purposes or for any trade process or for any scientific purpose, but not for resale or any illegal purpose, shall be deemed to be a profession, business, trade or industry within the meaning of Section 49 (d) of the Act and in respect of which a permit to purchase cyanide for trade purposes may be granted by the Board in pursuance of Section 52 of the Act.
- 49. Licences to Sell—Application.—Any person desirous of obtaining a licence to sell cyanide for mining purposes and for trade purposes shall make application to the Board in the form or to the effect of Form A. in the First Schedule thereto, and shall pay the prescribed fee and shall furnish to the Board therewith two testimonials as to his fitness to hold a licence, and as to his character, from two ratepayers residing in the district where his business is being or intended to be carried on.
- 50. Grant of Licence.—The Board, if satisfied that the applicant is a fit and proper person to hold a licence, may grant a licence to him in the form or to the effect of Form B. in First Schedule hereto, or the Board may, before granting a licence, call upon the applicant to furnish such further evidence as it thinks fit and to verify it by statutory declaration.
- 51. Conditions of Licence.—Each licence is issued subject to the following conditions, namely:—
 - (a) That the cyanide to be sold by the licensee shall be used solely for mining purposes or for trade purposes and is not purchased for resale.
 - (b) The licensee shall safely keep all cyanide in his possession in a suitable receptacle, securely locked, and branded legibly and distinctly "POISON" in red letters.
 - (c) The licensee shall not keep or sell any cyanide except in or at the premises specified in the licence.
- 52. Duration of Licence.—Licences issued by the Board under Section 52 of the Act shall (unless cancelled) be in force from the date of issue until 31st December next following.
- 53. Renewal of Licence.—All licences issued by the Board shall expire on the 31st December in each year, but may be renewed on application in writing and on payment of the prescribed fee.
- 54. Fee Payable.—The fee for the grant or renewal of a licence shall be Five shillings and shall be paid on the application for the licence and for the renewal on the first day of January in each year.
- 55. Application for Permit to Purchase.—Any person desirous of obtaining a permit to purchase cyanide for mining purposes or for trade purposes, but not for resale, shall make application to the Board in the form or to the effect of Form C. in the First Schedule hereto, and shall pay the prescribed fee and shall furnish to the Board therewith two testimonials as to his fitness to purchase cyanide and as to his character from two ratepayers residing in the district where the mining operations are carried on, or where the business in which the cyanide is to be used is situate.
- 56. Grant of Permit.—The Board, if satisfied that the applicant is a fit and proper person to hold a permit, may grant a permit to him in the form or to the effect of Form D. in the First Schedule hereto, or the Board, before granting a permit, may call upon the applicant to furnish such further evidence as it thinks fit and to verify it by statutory declaration.
- 57. Conditions of Permit.—Each permit is issued subject to the following conditions, namely:—
 - (a) That the cyanide shall be used solely for the purpose or purposes specified in the permit and not for resale by the purchaser.
 - (b) The holder of a permit shall keep all cyanide while not in use under safe custody in a suitable receptacle, securely locked, and branded legibly and distinctly "POISON" in red letters.
 - (c) The cyanide shall not be kept elsewhere than at the mine or business premises.
- 58. Duration of Permit.—Permits issued by the Board under Section 52 of the Act shall (unless cancelled) be in force from the date of issue until the 31st December next following.
- 59. Renewal of Permit.—All permits issued by the Board shall expire on 31st December in each year, but may be renewed on application in writing and on payment of the prescribed fee.
- 60. Fee Payable.—The fee for the grant or renewal of a permit shall be Two shillings and sixpence.
- 61. Application for Purchaser's Certificate.—Any person desirous of buying cyanide (other than for mining or trade purposes) shall make application in writing for a certificate to the police officer in charge of the police station

- nearest to the place of business of the seller from whom he proposes to buy such cyanide. The application shall be in the form or to the effect of Form E. in the First Schedule hereto, and shall be lodged induplicate with the said officer, together with a statutory declaration in the form or to the effect of Form F. in the said Schedule.
- 62. Questions to be asked of Applicant for Certificate and Order.—Each applicant to a police officer for an order and certificate to purchase cyanide shall truthfully answer the questions put to him by such officer. The questions set out in Form F. in the Schedule, or questions to the same effect, shall be asked by the officer. The questions and answers shall be dated and shall be signed by the applicant and the officer.
- 63. Vendor's Questions.—Each purchaser of cyanide on an order and certificate shall truthfully answer the questions put to him by the vendor. The questions set out in Form I. in the Schedule shall be asked by the vendor.
- 64. Order and Certificate.—If after reasonable inquiry such officer is satisfied that the applicant requires such cyanide for the lawful purpose specified in the application, he shall give to the applicant a written order, in the form set out in Form G. in the Schedule, addressed to the seller authorizing such seller to sell to the applicant the cyanide mentioned in such order and stating therein the purpose for which it is required. He shall also give to the applicant a certificate in the Form H. in the said Schedule. No fee is payable in respect of any certificate or order.
- 65. Duty of Vendors.—No vendor shall sell or deliver any cyanide to the purchaser unless the purchaser presents the said order and certificate before the sale or delivery to him.
- 66. Procedure where full quantity authorized is not purchased at one time.
 —Should any quantity of cyanide be sold less than authorized in the order, the vendor shall at the time of sale endorse on the order and certificate particulars of the date of sale and the quantity actually sold and shall sign the same and the purchaser shall also sign it. At any time after the expiration of the time mentioned in the order and certificate as the period in which the poison actually sold is intended to be used, the vendor may sell to the same person any quantity of the same poison sufficient to make up the difference between the amount already sold to such person and the quantity mentioned in the order, provided that the vendor shall endorse the particulars of each sale on the said order and certificate and the purchaser shall sign such endorsement.
- 67. Validity of Order and Certificate.—No order or certificate shall have any validity whatsoever for the purpose of sale or purchase of cyanide after the full quantity of cyanide mentioned therein has been purchased in accordance with the provisions of the order and certificate, nor after six months from its issue.
- 68. Retention of Orders and Certificates.—The vendor shall retain the order and preserve it as a record for not less than two years. The purchaser shall retain the certificate as long as he has any cyanide in his possession. The vendor shall produce the order and the purchaser shall produce the certificate to any police officer or inspector of the Board on demand.
- 69. Poisons Book.—At the time of sale and before delivery of any cyanide the vendor shall fill in and the purchaser shall sign the entry in the poisons book kept under Section 9 of the Act.
- 70. False Information.—Any person giving any false information in answer to any question prescribed by these Regulations shall be guilty of an offence under these Regulations.
- 71. Possession of Cyanide.—No person (other than an authorized person) shall have any cyanide in his possession unless he holds a licence, permit, or certificate in the prescribed form. No person (other than an authorized person) shall have any cyanide in his possession or use or cause to be used at any place any quantity of cyanide in excess of that specified in the permit or certificate.
- 72. Disposal of Cyanide.—No person in possession of cyanide shall dispose of any cyanide or use or permit the same to be used except in accordance with the Act and Regulations.
 - 73. No Gift of Cyanide.—No person shall dispose of any cyanide by gift.
- 74. Custody and Labelling of Containers.—Cyanide shall in all cases be kept by the person who possesses it in safe custody in a closed container, duly labelled in accordance with the Poisons Act and, when not in use, under lock and key.
- · 75. Sales by Wholesale Dealers.—A wholesale dealer is entitled to sell cyanide in the ordinary course of wholesale dealing subject to the provisions of the Poisons Act 1928 and of these Regulations to any authorized person holding a permit or for mining purposes or for trade purposes but not for resale.

- 76. Conditions of Sale by Wholcsale Dealers and Authorized Persons.—

 Every wholcsale dealer and authorized person entitled to sell cyanide shall comply with the following conditions:—
 - (a) Shall safely keep all cyanide in his possession in a suitable receptacle, securely locked, and branded legibly and distinctly "Poison" in red letters.
 - (b) On sale of any cyanide shall-
 - Deliver the same to the purchaser securely and safely contained in a substantial package so as to avoid risk of breakage or leakage.
 - (2) Label both the package itself and any other covering or wrapper with the words "Poison" (and in large letters) "CYANIDE OF POTASSIUM" together with the name and address of the vendor.
 - (c) Shall comply with the other provisions of these Regulations with respect to the production of permits, orders and certificates, entries in the Poisons Book, and signature of purchaser, sales by correspondence, &c.
 - (d) Shall satisfy himself before the sale is completed of the purpose for which the evanide is required by the purchaser.
 - 77. Inquiries and Entries.—Every wholesale dealer who sells or disposes of any cyanide shall, before delivery thereof to the purchaser, inquire his name, place of abode, and occupation and the purpose for which such cyanide is required and shall thereupon make a faithful entry of such sale specifying the cyanide and the quantity thereof and all such particulars so given by the purchaser, together with the day of the month and the year of such sale, in a book to be kept by the wholesale dealer for that purpose in the form following, namely:—

FORM OF ENTRY BY WHOLESALE DEALER.

FORM OF ENTRY IN BOOK ON SALE OR DISPOSAL OF CYANIDE BY WHOLESALE DEALER.

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.
								-

- 78. Conditions of Sale by Correspondence.—In cases where sales and purchases of cyanide are made by correspondence the following conditions shall apply:—
 - (a) The purchaser shall forward the permit or order and certificate with his letter; or.
 - with his letter; or,

 (b) If by telegram shall—(1) state in the telegram that he holds a permit or an order and certificate; and (2) shall forward it to the vendor by the next post or produce it to him within forty-eight hours of the purchase.
 - (c) The vendor must not sell or forward cyanide to any correspondent who is unknown to him.
 - (d) The letter, telegram, and order shall be preserved by the vendor. The permit or certificate shall be returned by the vendor forthwith to the purchaser.
- 79. Entry to be Signed.—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 event the person making the entry shall add thereto the words "Purchaser cannot write."
- 80. Poisons Book.—The Poisons Book required to be kept by the Principal Act by vendors of poisons shall be the book in which an entry must be made at the time of sale of any cyanide in accordance with Section 9 of the Act.
- 81. Form of Warrant.—The warrant mentioned in Section 54 of the Act may be in the form or to the effect of Form J. in the Schedule.
- 82. Authorized Officer.—For the purpose of enforcing these Regulations every police officer in Victoria and every inspector of the Board and of the Department of Fisheries and Game shall be deemed to be an authorized officer.
- 83. Penalty.—A person guilty of a breach of any of the Regulations relating to the sale and distribution of cyanide of potassium shall be liable to a penalty of not more than Twenty pounds.

FIRST SCHEDULE (REGULATION No. 49.) POISONS REGULATIONS 1930.

APPLICATION FOR LICENCE TO SELL CYANIDE FOR MINING PURPOSES AND/OR FOR TRADE PURPOSES.

To the Pharmacy Board,

1,(') of carrying on business at as(2) do hereby apply for a licence to sell at my said business premises cyanide of potassium to be used for mining purposes and sold in quantities of not less than twenty-eight pounds, and for trade purposes. I,(1)

I enclose two testimonials from two ratepayers residing in the district where I so carry on business and also a Certificate from a Justice of the Peace as to my fitness to sell cyanide and as to my character.

The prescribed fee of Five shillings is enclosed.

I also agree to abide by and to strictly carry out the prescribed conditions.

Yours truly.

Name, address, and occupation in full.
 Nature of business.

POISONS REGULATIONS 1930 (REGULATION No. 50).

FIRST SCHEDULE.

Form B.

FORM OF LICENCE TO SELL CYANIDE OF POTASSIUM.

The Pharmacy Board of Victoria, under the power conferred by Section 52 of the Poisons Act 1928, hereby grants to(1)

or carrying on business at as leave and licence to sell cyanide of potassium to be used for mining purposes if sold in quantities of not less than twenty-eight pounds and for trade purposes provided that the said conditions proceed that the conditions prescribed in the regulations made in that behalf and particularly

That the cyanide shall be sold solely for mining purposes in quantities of not less than twenty-eight pounds and for trade purposes and not for resale by the purchaser.
 That the licensee will safely keep all cyanide in his possession in a suitable receptacle, securely locked, and branded legibly and distinctly with the word "Poison" in red lotters.
 That the licensee shall not keep or sell any cyanide except in or at the business premises specified in this licence.

This licence, unless sooner cancelled, shall remain in force until 31st December next and no longer unless renewed as provided in the Act.

The fee of Five shillings has been paid.

Dated at Melbourne this

day of

19 .

Registrar.

(*) Name in full, residence, and occupation.

POISONS REGULATIONS 1930.

FIRST SCHEDULE (REGULATION No. 55).

Form C.

APPLICATION FOR A PERMIT TO PURCHASE CYANIDE FOR MINING OR TRADE PURPOSES.

To the Pharmacy Board.

carrying on (a)

mining operations at or (b) business at as a (as the case may be) do hereby apply for a permit to purchase cyanide of potassium for (a) mining purposes at the above mine or (b) for trade purposes in my said business at as the case

(a) for trade purpose in any self-may be).

I enclose herewith two testimonials as to my fitness and character from two rate payers residing in the district in which the said mine or business is situate.

I also forward the prescribed fee of Two shillings and sixpence and agree to abide by and strictly carry out the prescribed conditions.

Yours truly,

POISONS REGULATIONS 1930.

FIRST SCHEDULE (REGULATION No. 56).

Form D.

FORM OF PERMIT TO PURCHASE CYANIDE FOR MINING OR TRADE PURPOSES.

The Pharmacy Board of Victoria under the power conferred by Section 52 of the Poisons Act 1928 hereby permits of to purchase cyanide of potassium to be used for—

- (1) mining purposes if purchased in quantities of not less than twenty-eight pounds
- (2) trade purposes as defined in the regulations but not for resale, distribution, or gift, provided that the said complies with the conditions prescribed in the regulations made in that behalf and
 - (a) That the cyanide shall be used solely for the purpose specified in this permit and shall not be resold.

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(b) That the holder of this permit shall keep all cyanide when not in use
under safe custody in a suitable receptacle, securely locked, and
branded legibly and distinctly with the word "Poison" in red
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(c) That the cyanide shall not be kept elsewhere than at the premises of the said mine or business.

day of

This permit, unless sooner cancelled, shall remain in force until 31st December next and no longer unless renewed as provided in the Act.

The fee of Two shillings and sixpence has been paid.

Dated at Melbourne this

Registrar.

POISONS REGULATIONS 1930.

FIRST SCHEDULE (REGULATION No. 61).

FORM OF APPLICATION FOR AN ORDER AND CERTIFICATE TO PURCHASE CYANIDE UNDER SECTION 51 OF THE ACT.

of

I(1)

carrying on business do hereby apply

for an order to buy or obtain the following poison namely (2)
for the purpose of
and I apply for a certificate accordingly.
In support of this application I enclose a statutory declaration in the prescribed form.

Yours truly,

To the Officer in Charge, Police Station

(1) Name in full, residence, and occupation.
(1) Set out cyanide required.

POISONS REGULATIONS 1930.

FIRST SCHEDULE (REGULATION No. 61).

Form F.

FORM OF STATUTORY DECLARATION TO ACCOMPANY APPLICATION

In the State of Victoria.

do solemnly

and sincerely declare- The answers given by me to the questions written hereunder put to me this
day by the Officer in Charge of the Police Station at are true and correct in every particular.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared before me at

this

day of

19.

J.P.

QUESTIONS TO BE ANSWERED BY APPLICANT.

1. What quantity of cyanide is required by you? Answer

this

- 2. For what purpose? Answer
- State the name, address, and occupation of person from whom you wish to purchase it.
 Answer

Dated at

day of

Signature of Applicant Signature of Police Officer

Memo.—This form when completed must be forwarded to The Registrar, Pharmacy Board, 360 Swanston street, Melbourne, with the application.

(1) Full name, address, and occupation as in application.

POISONS REGULATIONS 1930.

FIRST SCHEDULE (REGULATION No. 64).

Form G.

ORDER AUTHORIZING THE PURCHASE OF CYANIDE.

To Police Station at

being the Officer in Charge of the in Victoria do hereby authorize

from

(whose pounds (or

signature appears in the margin hereof) to buy ounces as the case may be) of on condition that such poison will be used of within

of

months by the said purchaser at for I hereby authorize the said vendor

the purpose of I here to sell such poison to the said purchaser for such use.

Dated at

19 Officer in Charge.

Signature

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POISONS REGULATIONS 1930.
FIRST SCHEDULE (REGULATION No. 64).
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Form H.

CERTIFICATE AUTHORIZING THE PURCHASE AND USE OF CYANIDE OF POTASSIUM.

being the officer in charge of the Signature of Applicant Police Station at in Victoria do hereby certify that I have this day of (whose signature appears in the margin hereof) an order authorizing him to buy from for use by him at pounds (or ounces as the case may be) for the purpose months from the date of his within buying the said poison. Dated at

And I, the above-named vendor, do hereby certify that acting on the authority of the said order I have on this sold to the said purchaser pounds (or ounces) of the said poison for the said purpose.

(1) Name, address, and occupation of applicant.

POISONS REGULATIONS 1930. FIRST SCHEDULE (REGULATION No. 63).

Form I. QUESTIONS TO BE ASKED THE PURCHASER BY VENDOR ON AN ORDER AND CERTIFICATE.

Are you the person named in the order and certificate?
 For what purpose do you require the cyanide?

POISONS REGULATIONS 1930. FIRST SCHEDULE (REGULATIONS No. 81).

Form J.

Form of Warrant.

Bailiwick.. To wit.

a member of the Police Force of the State of

Victoria.

Victoria.

Whereas it appears to me of the Peace in and for the information on eath of a member of the Police Force of the said State that for the purpose of carrying out the provisions of the Police Act 1928 you should be authorized and directed as herein set out: These are therefore in His Majesty's name to authorize, empower, and direct you with such assistants as you may find necessary to enter by day the premises of situated at any stocks of cyanide of potassium in or about such premises and require the production of and inspect and make copies of or take extracts from any books or documents relating to dealing in cyanide of potassium by such person.

Dated

the

Police Officer.

Vendor.

POISONS REGULATIONS 1930.

Second Schedule (Regulation No. 4).

Form "A."

APPLICATION UNDER SECTION 6 OF THE "POISONS ACT 1928" FOR CERTIFICATE AS A DEALER IN POISONS.

To The Pharmacy Board of Victoria,

Swanston-street, Melbourne.

for the issue to me under the provisions of Section 6 of the Poisons Act 1928 of a Certificate as a dealer in poisons at which place is distant at least four miles by the nearest practicable road from any place in which a registered pharmaceutical chemist has an open shop.

As required by the sold and the second from the second from

As required by the said section of the Act I am forwarding herewith a Certificate of a legally qualified medical practitioner and also one from(1)

that I am a fit and proper person to be allowed to sell poisons at aforesaid.

Please find enclosed Please find enclosed for the sum of Twenty shillings in payment of the first fee chargeable annually under the above Act.

Signature Occupation Postal Address

Memo.—If the Certificate of a Police Magistrate cannot be produced the applicant must satisfy the Board of what efforts he has made to obtain it.

POISONS REGULATIONS 1930.

SECOND SCHEDULE (REGULATION No. 5).

Form " B."

FORM OF CERTIFICATE REQUIRED TO SUPPORT APPLICATION FOR A CERTIFICATE AS A DEALER IN POISONS.

This is to certify that I know of who is an applicant for a certificate to sell poisons at a person of sober habits and of good character and that he is a fit and proper person to be allowed to sell poisons at such place under the provisions of the Poisons Act 1928.

Dated at the day of 19 (Signed)
Legally Qualified Medical Practitioner.
Like form in case of other officials with title of office following signature, e.g.:— Police Magistrate. (Signed)

Memo.—In lieu of the signature of a Police Magistrate the signature of a Justice Ponce Magistrate the signature of a Justice of the Peace and a member of the Police Force in charge of the Police Station nearest to the residence or place of business of the applicant for the licence may be substituted.

Justice of the Peace for the Bailiwick. Member of the Police Force in charge of the Police Station at the same being the nearest station to the residence or place of business

of Applicant.

POISONS REGULATIONS 1930.

SECOND SCHEDULE (REGULATION No. 5).

Form " C."

CERTIFICATE AS A DEALER IN POISONS.

(Section 6-Poisons Act 1928.)

The Pharmacy Board of Victoria hereby certifies that

of is a fit and proper person to be allowed to sell poisons at a place distant at least four miles by the nearest practicable road from any place in which a registered pharmaceutical chemist has an open shop and in pursuance of the powers in that behalf conferred by Section 6 of the Poisons Act 1928 hereby authorizes the said to be a dealer in poisons at

to be a dealer in poisons at hereof until the 31st day of December now next.

day of Dated at Melbourne the

19

President. Registrar.

POISONS REGULATIONS 1930.

THIRD SCHEDULE (REGULATION No. 27).

Form "A."

FORM OF APPLICATION UNDER SECTION 20 OF THE "POISONS ACT 1928" FOR A LICENCE TO SELL CERTAIN POISONOUS SUBSTANCES AND PREPARATIONS. AND PREPARATIONS.

(1) Here insert To the Registrar of the Pharmacy Board of Victoria, full name of applicant, his address, and occupation.

(2) The undersigned (1) in the Company of the Pharmacy Board of Victoria, 300 Swanston-street, Melbourne.

(Signature)

POISONS REGULATIONS 1930.

THIRD SCHEDULE (REGULATION No. 28).

Form " B."

FORM OF CERTIFICATE TO BE CIVEN BY MEDICAL PRACTITIONERS AND POLICE MAGISTRATES TO APPLICANTS FOR LICENCE OR TRANSFER.

This is to certify that I know of an applicant for a licence to sell the poisonous substances and preparations referred to in the Fourth Schedule of the Poisons Act 1928 at in Victoria. He is of sober habits and good character and a fit and proper person to be licenced. licensed.

Dated at

day of

Medical Practitioner.

(The like form for Police Magistrate.)

POISONS REGULATIONS 1930.

THIRD SCHEDULE (REGULATION No. 29).

Form "C."

FORM OF LICENCE—ANNUAL LICENCE UNDER SECTION 20 OF THE "POISONS ACT 1928" FOR THE YEAR ENDING 31st DECEMBER, 19

LICENCE TO SELL POISONOUS SUBSTANCES AND PREPARATIONS.

The Pharmacy Board of Victoria, under the power conferred by Section 20 of the Poisons Act 1928 hereby grants to a licence to sell in his shop, store, or premises

at aforesaid and subject to the conditions prescribed by the Poisons Regulations 1930 the poisonous substances and preparations specified in the Fourth Schedule to the said Act in sealed containers as received from the

This licence, unless sooner cancelled, shall remain in force until 31st December next and no longer unless renewed as provided in the Act.

Dated at Melbourne this day of 19

Registrar.

POISONS REGULATIONS 1930.

THIRD SCHEDULE (REGULATION No. 33).

APPLICATION FOR TRANSFER OF LICENCE UNDER SECTION 20 OF THE "POISONS ACT 1928."

apply to the Pharmacy Board for a transfer of the licence held by of

I enclose the necessary certificates and the prescribed fee.

· Yours truly,

To the Registrar, Pharmacy Board, Melbourne.

The foregoing Regulations were recommended by the Pharmacy Board of Victoria on 8th January, 1930.

The Honorable the Minister of Mines approved of the Regulations in Part VI, relating to Cyanide of Potassium for Mining Purposes, on 13th February, 1930.

And the Honorable Thomas Tunnecliffe, His Majesty's Chief Secretary for the State of Victoria, shall give the necessary directions herein accordingly.

> F. W. MABBOTT, Clerk of the Executive Council.