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VICTORIÆ REGINÆ.

A.D. 1895.

No. 644.

An Act to regulate the Sale of Opium, and for other purposes.

[*Assented to, December 20th, 1895.*]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as "The Opium Act, 1895." Short title.

2. "Opium" shall mean opium, or any preparation thereof. Definition.

3. Any person who shall sell, barter, exchange, or give, or permit to be sold, bartered, exchanged, or given, any opium to any aboriginal native of Australia, or half-caste of that race, other than as a medicine, shall be liable to imprisonment for any period not more than twelve months. Opium not to be supplied to aborigines.

4. Any officer of police may, at any time, enter the premises of any person whom he has reasonable cause to suspect of infringing the provisions of this Act, and may apprehend without a warrant any persons found therein whom he has reasonable grounds for believing to be there for an illegal purpose, and may seize and take away any opium found upon such premises which he may have reasonable grounds for believing is intended to be used for an illegal purpose; and, in addition to the penalties prescribed by this Act, all such opium may be confiscated upon the order of any Special Magistrate or two Justices. Power of police to enter premises.

5. Any

The Opium Act.—1895.

Penalty for obstructing police.

5. Any person who shall refuse to permit any officer of police to make any search, or who shall wilfully hinder or delay any such search, or who shall obstruct or hinder any officer in the performance of any of his duties under this Act, or the execution of any of the powers by this Act vested in him, shall, for every such offence, be liable to a penalty of not less than Ten Pounds nor more than Fifty Pounds, or to be imprisoned for any period not exceeding three months.

Offences.

6. Every person who is guilty of a contravention of any of the provisions of this Act, or of any Order in Council or regulation hereunder, shall be guilty of an offence against this Act, and, being convicted of an offence hereunder or against any Order in Council or regulation made pursuant to this Act, shall forfeit all opium in respect of which any such offence shall have been committed or which is in his control or possession, and where no penalty is expressly provided for such offence shall be liable for a first offence to a penalty of not less than Five Pounds nor more than Twenty Pounds, and for a second or any subsequent offence to a penalty of not less than Ten Pounds nor more than Fifty Pounds, or to imprisonment for any period not more than three months, or to both of such penalty and imprisonment at the discretion of the Court.

Summary jurisdiction.

7. All proceedings for the imposition of any penalty provided for by this Act shall be had and taken and may be had and determined in a summary way by any Special Magistrate or two Justices of the Peace of the said province under the provisions of Act No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," or of any other Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all convictions and orders may be enforced as in such Act is or shall be provided.

Appeals.

8. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order dismissing any information or complaint, which appeal shall be to the nearest Local Court of Full Jurisdiction; and the proceedings on such appeal shall be conducted in manner provided for appeals to Local Courts by the said Act No. 6 of 1850, or any Act for the time being in force regulating such appeals; and the Local Court hearing such appeal may make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed Ten Pounds.

Section 25 of "The Justices Procedure Amendment Act, 1883-4," not to apply.

9. Section 25 of "The Justices Procedure Amendment Act, 1883-4," relating to mitigation of punishment, shall not apply to offences committed under section 6 of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

T. FOWELL BUXTON, Governor.