

# LEGISLATIVE ASSEMBLY

Read 1<sup>o</sup> 11 September 1979

(Brought in by Mr Borthwick and Mr Balfour)

## A BILL

To amend the *Poisons Act* 1962.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

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

(2) In this Act the *Poisons Act* 1962 is called the Principal Act.

Principal Act  
No. 6889.  
Reprinted to  
No. 8456.  
Subsequently  
amended by  
Nos. 8961, 9023.  
Commence-  
ment.

(3) This Act shall come into operation on the day upon which it receives the Royal Assent.

10 2. After section 23 of the Principal Act there shall be inserted the following section:

No. 6889.  
New s. 23A.

15 “23A. (1) Where the Minister is of the opinion that it is necessary to take urgent action in the interests of the health or safety of the public, he may, after consulting with the Commission, recommend to the Governor in Council that the use or a specified use or uses of a poison or deleterious substance—

Power to  
Minister to  
recommend  
prohibition,  
&c. of use of  
a poison or  
deleterious  
substance.

(a) should, subject to such terms and conditions as are specified in the recommendation, be—

(i) prohibited; or

(ii) restricted

(ii) restricted—

in the whole or any part of Victoria; or

- (b) should, subject to such terms and conditions as are specified in the recommendation, be prohibited in part of Victoria and restricted in another part of Victoria—

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for a period not exceeding three months.

Governor in Council may by order prohibit or restrict use of poison, &c.

(2) Where a recommendation is made to the Governor in Council under sub-section (1), the Governor in Council may, by order published in the *Government Gazette*, prohibit or restrict the use of the poison or deleterious substance in accordance with the recommendation.

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Power to Governor in Council to extend prohibition, &c.

(3) The Governor in Council may, on the recommendation of the Minister after consulting with the Commission, by order published in the *Government Gazette*—

- (a) extend, or further extend, the period during which a prohibition or restriction under an order made under sub-section (2) is in force for a period not exceeding three months; and

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- (b) otherwise amend or revoke an order made under sub-section (2).

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Publication in newspaper.

(4) Notice of an order made under sub-section (2) or sub-section (3) shall be published in a daily newspaper circulating throughout Victoria.

Penalty.

(5) A person who contravenes or fails to comply with an order, including an order that is amended under sub-section (3) or with the terms and conditions (if any) to which the order is subject is guilty of an offence.

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Penalty: \$500."