

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

*Legislative Council,
2nd July, 1895.*

Hon. Sir P. A. Buckley.

POISONS IMPORTATION AND CARRIAGE.

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A BILL INTITULED

AN ACT to regulate the Importation and Carriage of Poisons. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Poisons Importation and Carriage Act, 1895"; and it shall come into operation on the *first* day of March, one thousand eight hundred and ninety-six. Short Title.
Commencement.

10 2. In this Act, unless inconsistent with the context,— Interpretation.
"Carrier" includes every person or body of persons carrying goods for hire by any means, and whether by land or water:

"Package" means any iron watertight drum in which poison is packed or contained:

15 "Poison" means any one or more of the poisons mentioned in the Schedule to this Act:

"Proper officer of Customs" means any person employed on any duty or service relating to the Customs under any law for the time being in force:

20 "Ship" includes sailing-vessels, steamers, and boats of every kind, whether British or foreign:

- “Warehouse-owner” includes every person or body of persons owning, managing, or controlling any warehouse, store, wharf, quay, or other place or premises in or on which goods are deposited.
3. No person shall deliver any package containing any poison to any warehouse-owner or carrier, or send or carry or cause to be sent or carried any such package, to or from any port or place in New Zealand, unless the true name or description of such poison, with the addition of the word “Poison,” is distinctly marked in easily-legible letters of not less than one inch in height on the outside of the package; nor, in the case of delivery to or deposit with any warehouse-owner or carrier of any such package, without also giving notice in writing to him of the name or description of such package, and that it contains poison.
4. All poison imported by any person into the colony, or sent by any person by means of any carrier for delivery at any place within the colony, shall be strongly and securely packed; and every person importing or sending poison as aforesaid shall be required to see that the same is packed as required by this Act, that is to say,—
- (1.) Any poison mentioned in the Schedule to this Act shall be packed in iron watertight drums, which shall be painted with red-lead paint;
- (2.) No poison shall be contained in any package, case, or covering of any kind with any other goods suitable for the food of man or animals.
5. (1.) Every warehouse-owner, and every carrier, shall be required to see that all poison deposited with or carried by him, as the case may be, is kept separate and distinct from any goods of any kind suitable for food of man or animals, and so as not, in case of breakage or leakage, to intermix with, contaminate, or injuriously affect such goods.
- (2.) If such warehouseman or carrier has not at the time space for the storage or carriage of any such poison without committing a breach of this Act, he may refuse to accept delivery of or to carry the same, as the case may be.
6. Every person who commits a breach of any of the foregoing provisions of this Act is liable to a penalty not exceeding *one hundred pounds* :
- Provided that if any such person shows that he was merely an agent or servant in the importation, carriage, or delivery of any such poison, and had no actual knowledge and had no reason to suspect that it was poison, he shall not be liable to such penalty.
7. When any ship arrives in the colony having on board any packages containing poison, the following provisions shall apply :—
- (1.) It shall be the duty of the master of such ship, when reporting her arrival to the Customs as required by law, to inform the Collector at the port or place of arrival, in writing, how many and what such packages are on board, and the place or position in which they are stowed.
- (2.) It shall not be lawful for the master or any person to remove, land, or discharge any such package until the proper officer of Customs has viewed and examined the same in the position where it is stowed.

Packages delivered to warehouse-owner or carrier to be marked “Poison.”

Poison to be securely packed.

How poison to be packed.

Poison to be kept separate from food during transit.

Penalty.

Agent not liable if unaware of contents.

Master of ship, on arrival, to inform Collector what poison on board.

Officer to inspect packages before removal.

(3.) Every such officer may inspect every such package, and, for that purpose, if any such package is contained in any other case or covering of any kind, he may require such case or covering to be opened.

5 (4.) If the master or any other person commits or suffers to be committed any breach of any of the provisions of this section, he is liable to a penalty not exceeding *fifty* pounds. Penalty.

10 (5.) If on any such inspection it appears to such officer that any package has not been stowed apart from goods of any kind suitable for the food of man or animals, and that by reason thereof, or of breakage or leakage, or from any other cause, there is reasonable ground in his judgment, or in that of any skilled person whom he calls to his assistance, for believing that in any manner whatsoever the contents of any such package may have become mixed with, or may have contaminated or injuriously affected any such goods, he shall refuse to allow such goods to be landed. Goods suitable for food not to be landed if mixed with or contaminated by poison.

15 (6.) For the purposes of this section, every officer of Customs shall have and may exercise all such powers and authorities as he could or might exercise under the provisions of "The Customs Laws Consolidation Act, 1882," in respect of goods imported into the colony from beyond seas.

20 8. (1.) The Commissioner of Trade and Customs may direct such steps as he thinks fit to be taken for the valuation of the goods which, under the *last-preceding* section, are not allowed to be landed; and the amount thereof, with all costs and expenses of such valuation, including the cost of the assistance of any skilled person, shall be a debt jointly and severally due to Her Majesty by the master and owners of the ship, and may be recovered in accordance with the provisions of "The Crown Suits Act, 1881." Such goods to be valued, and value recovered from owner or master of ship.

25 (2.) All such goods shall be forfeited to Her Majesty, and may be disposed of in such manner as the Commissioner directs, whether any person is liable to be convicted of a breach of this Act or not. Goods to be forfeited.

30 (3.) The value of such goods, if and when ascertained and recovered as hereinbefore provided, shall be paid by the Commissioner to the owner of the goods, or other the person lawfully entitled thereto. Value recovered to be paid to consignee.

40 9. Every person who knowingly sends or attempts to send by or carries or attempts to carry in any ship, or sends or delivers to any warehouse-owner or carrier, any poison under a false description, or falsely describes the sender or carrier thereof, is liable to a penalty not exceeding *one hundred* pounds. Penalty for sending or carrying package under false description.

SCHEDULE.

Schedule.

Arsenic.
Cyanide of potassium.