

3. Interpretation

(1) In this Act, unless the contrary intention appears —

“**analyst**” means analyst registered under section 203 of the *Health Act 1911*;

“**approved analyst**” means —

- (a) a person declared under section 3A to be an approved analyst; or
- (b) a person belonging to a class prescribed for the purposes of this definition;

“**approved botanist**” means a botanist declared under section 3A to be an approved botanist;

“**authorised prescription**” means document or prescription —

- (a) referred to in section 23(2)(d) of; and
- (b) complying with, the *Poisons Act 1964*;

“**botanist**” means a person who —

- (a) holds a science degree in, or to a major extent in, botany awarded by —
 - (i) a university in Australia; or
 - (ii) a prescribed university;and
- (b) has had not less than 2 years practical experience in plant taxonomy;

“**cannabis**” means plant of the genus *Cannabis* (by whatever name designated) or part of that plant;

“**cannabis resin**” means separated resin, whether crude or purified, obtained from cannabis;

“**Commissioner**” means the Commissioner of Police appointed under the *Police Act 1892*;

“**dangerous substance**” means a substance (other than a prohibited drug or prohibited plant) that is noxious or volatile;

“**dentist**” means person registered as a dentist under the *Dental Act 1939*;

“**drug of addiction**” means drug of addiction as defined by section 5 of the *Poisons Act 1964*;

“**heroin**” means the drug commonly known as heroin and includes any substance containing diacetylmorphine or its salts and any preparation, admixture or extract containing diacetylmorphine or any such salt;

“**industrial hemp**” has the meaning given to that term in section 3(1) of the *Industrial Hemp Act 2004*;

“**industrial hemp seed**” has the meaning given to that term in section 3(1) of the *Industrial Hemp Act 2004*;

“**medical practitioner**” means person registered under the *Medical Act 1894*;

“**nurse practitioner**” has the meaning given by the *Nurses Act 1992*;

“**opium**” means spontaneously coagulated juice obtained from the capsules of the opium poppy *Papaver somniferum*;

“police officer” means person appointed —

- (a) under Part I of the *Police Act 1892* to be a member of the Police Force of Western Australia; or
- (b) under section 35A of the *Police Act 1892* to be a special constable;

“processed industrial hemp” means any product made from industrial hemp or industrial hemp seed that —

- (a) does not contain more than 0.35% of tetrahydrocannabinol;
- (b) does not contain viable whole cannabis seed; and
- (c) is not manufactured in a form to be inhaled;

“prohibited drug” means drug to which this Act applies by virtue of section 4;

“prohibited plant” means plant to which this Act applies by virtue of section 4, or part of that plant;

“sample”, in relation to any thing, means a sample of the thing taken by an approved analyst or an approved botanist under section 26A(a);

“simple offence” means simple offence under this Act;

“specified drug” means specified drug as defined by section 5 of the *Poisons Act 1964*;

“summary court” means court of summary jurisdiction constituted by a magistrate sitting alone;

“the *Poisons Act 1964*” includes any regulations made and in force under that Act;

“the regulations” means the regulations made and in force under this Act;

“to cultivate”, in relation to a prohibited plant, includes to grow, sow or scatter the seed produced by, or to plant, nurture, tend or harvest, the prohibited plant;

“to possess” includes to control or have dominion over, and to have the order or disposition of, and inflections and derivatives of the verb “to possess” have correlative meanings;

“to supply” includes to deliver, dispense, distribute, forward, furnish, make available, provide, return or send, and it does not matter that something is supplied on behalf of another or on whose behalf it is supplied;

“veterinary surgeon” means registered veterinary surgeon as defined by section 2 of the *Veterinary Surgeons Act 1960*.

- (2) In the case of liquid preparations, percentages shall, unless other provision in that behalf is made by the regulations, be calculated on the basis that a preparation containing 1% of a substance means a preparation in which one gram of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every 100 millilitres of the preparation, and so in proportion for any greater or lesser percentage.

[Section 3 amended by No. 50 of 1990 s. 7; No. 20 of 1991 s. 57; No. 32 of 1994 s. 3(2); No. 44 of 1995 s. 4; No. 3 of 1998 s. 3; No. 9 of 2003 s. 28; No. 1 of 2004 s. 50; No. 4 of 2004 s. 58; No. 59 of 2004 s. 141; No. 62 of 2004 s. 4.]