

POLICE (No. 2).

13° Elizabeth II., No. LXXI.

No. 71 of 1964.

AN ACT to amend Part VIA of the Police Act, 1892-1963.

[Assented to 11th December, 1964.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Police Act Amendment Act (No. 2), 1964.*

Reprinted
as approved
for reprint,
26th June,
1962, and
amended by
Acts Nos.
29 of 1962,
42 of 1963
and 44 of
1963.

(2) In this Act the Police Act, 1892-1963, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Police Act, 1892-1964.

2. This Act shall come into operation on a date to be fixed by proclamation. Commence-
ment.

3. Section ninety-four A of the principal Act is amended— S. 94A
amended.

- (a) by adding after the passage, “requires—” in line two of subsection (1), the following interpretation—

“Commissioner” means the Commissioner of Public Health for the time being appointed under the provisions of the Health Act, 1911; ;

- (b) by deleting the interpretation, “Council” in subsection (1);
- (c) by deleting the interpretation, “dentist” in subsection (1);
- (d) by substituting for the word, “the” in line two of the interpretation, “drug” in subsection (1), the word, “this”;
- (e) by substituting for the passage, “1894-1950” in line three of the interpretation, “medical practitioner” in subsection (1), the figures, “1894”;
- (f) by deleting the interpretation, “pharmaceutical chemist” in subsection (1);
- (g) by substituting for the interpretation, “veterinary surgeon” in subsection (1), the following interpretation—

“veterinary surgeon” means a registered veterinary surgeon within the meaning of the Veterinary Surgeons Act, 1960. ;

- (h) by repealing subsection (2) and substituting the following subsections—

(2) The drugs to which this Part of this Act applies are—

- (a) morphine, cocaine, ecgonine, and their respective salts, and opium, and any preparation,

admixture, extract, or other substance containing not less than one-fifth per centum of morphine or one-tenth per centum of ecgonine, or cocaine, the percentage in the case of morphine being for the purpose of this paragraph calculated as in respect of anhydrous morphine;

- (b) any new derivative of morphine or cocaine or any other alkaloid of opium or any other drug, or any preparation, admixture, extract or other substance, to which the Governor, pursuant to the provisions of this subsection as those provisions existed prior to the coming into operation of the Police Act Amendment Act (No. 2) 1964, has by proclamation published in the *Gazette* declared that this Part of this Act shall apply; and
- (c) any drug of addiction or specified drug that is included in the Eighth Schedule in Appendix "A" to the Poisons Act, 1964, or that is added to that Schedule pursuant to the provisions of that Act.

(2a) Percentages in the case of liquid preparations shall, unless other provision in that behalf is made by regulations under this Part of this Act, be calculated on the basis that a preparation containing one per centum of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage. ; and

- (i) by adding after the word, "Schedule" being the last word in subsection (3), the words "to this Act".

4. Section ninety-four B of the principal Act is amended by substituting for the passage commencing with the word, "unless" in line four of subsection (2) down to and including the word, "regulations", being the last word in that subsection, the passage, "unless he is authorised under the provisions of the Poisons Act, 1964, or the regulations made under that Act, to be in possession of the drug, or the drug was supplied for his use by a medical practitioner or veterinary surgeon, or on and in accordance with a prescription complying with that Act or those regulations".

S. 94B
amended.

5. Section ninety-four C of the principal Act is repealed and the following section substituted—

S. 94C
repealed
and section
substituted.

94C. (1) For the purpose of preventing the improper use of the drugs to which this Part of this Act applies, the Governor may make regulations prescribing matters and things (including fees) that by this Part of this Act are contemplated, required or permitted to be prescribed, or that appear to the Governor to be necessary or convenient for the purpose of effectually carrying out the provisions of this Part of this Act, or for better effecting the operation, objects and purposes of such Part.

(2) Regulations made under the provisions of this section are in addition to and not in derogation of any regulations made under the Poisons Act, 1964, but where and to the extent that inconsistency exists between the regulations made under this section and regulations made under the Poisons Act, 1964, the latter regulations shall prevail.

(3) A person who acts in contravention of or fails to comply with any regulation made under this Part of this Act is guilty of an offence against such Part. .

S. 94E
amended.

6. Section ninety-four E of the principal Act is amended—

- (a) by deleting the words “granted under the regulations made in pursuance of this Act” in lines three and four of subsection (2); and
 - (b) by substituting for the passage, “1911-1952” in line two of subsection (7), the figures, “1911”.
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