

HE302\*

Poisons Act 1964

## **Poisons Amendment Regulations 2015**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

These regulations are the *Poisons Amendment Regulations 2015*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Poisons Regulations 1965*.

**4. Part 4B inserted**

After regulation 32E insert:

**Part 4B — Electronic storage and supply****32F. Terms used**

In this Part —

*access code*, of an individual, means a password or other means by which the individual gains access to an electronic storage and supply unit;

*electronic storage and supply unit* means an electronic device used for the storage of a poison which requires the personal manipulation or attention of a person at the time the poison is removed from the device for the purpose of supply or administration;

*system identifier*, of an individual, means the code or information by which the identity of an individual is recorded by an electronic storage and supply unit.

**32G. Approval of electronic storage and supply units**

(1) The CEO may approve the installation of an electronic storage and supply unit on or about premises if satisfied that —

- (a) the unit is sufficiently secure; and
- (b) the unit is designed so that, to the extent practicable, for any particular poison, only a person who is authorised under the Act to supply or administer the poison can access the unit to remove the poison; and
- (c) the installation complies with any other criteria the CEO thinks relevant.

(2) Before being satisfied that an electronic storage and supply unit is sufficiently secure, the CEO must be satisfied that, to the extent practicable —

- (a) access to the unit to remove any particular poison from the unit is controlled by appropriate procedures; and
- (b) only persons permitted to have access to the unit according to those procedures can have access to the unit for the purpose of removing a particular poison from the unit; and
- (c) every occurrence of the removal, or attempted removal, of a poison from the unit is recorded electronically by the unit in a way that cannot be amended or erased.

- (3) Subregulation (2) does not limit the matters the CEO may take into account for the purposes of subregulation (1)(a).

### **32H. Offences**

- (1) A person must not, without the approval of the CEO, install or permit to be installed on or about the person's premises any electronic storage and supply unit.  
Penalty: a fine of \$5 000.
- (2) A person must not remove a poison from an electronic storage and supply unit unless —
- (a) the person is authorised under the Act to supply or administer the poison to another person; and
  - (b) the person is permitted to have access to the unit according to the procedures that control access to the unit; and
  - (c) the person has gained access to the unit according to those procedures.

Penalty: a fine of \$5 000.

- (3) A person who has an access code for an approved electronic storage and supply unit must not —
- (a) reveal the person's access code to another person; or
  - (b) otherwise allow another person to have access to the unit unless to do so is in accordance with the procedures that control access to the unit.

Penalty: a fine of \$5 000.

### **32I. Miscellaneous provisions**

In any proceedings under this Act or the *Misuse of Drugs Act 1981*, if it is proved that the system identifier of a person has been recorded by an electronic storage and supply unit in connection with the removal or attempted removal of a poison from the unit, then, in the absence of evidence to the contrary, that person is to be taken to have removed or attempted to remove the poison.

## **5. Regulation 44C amended**

- (1) In regulation 44C(1) insert in alphabetical order:

*access code*, of a person, means a password or other means by which the person gains access to a register;

*system identifier*, of a person, means the code or identifier by which the identity of the person is recorded by a register.

- (2) In regulation 44C(1) in the definition of *register* delete “44A(4).” and insert:

44A(4);

- (3) In regulation 44C(3):

- (a) in paragraph (a) delete “an access code” and insert:

a system identifier

- (b) delete paragraph (b) and insert:

(b) a system identifier cannot be used other than in combination with an access code for the person to whom the system identifier was issued; and

- (c) in paragraphs (c) and (d) delete “access code” and insert:

system identifier

- (4) In regulation 44C(4) delete “access codes” and insert:

system identifiers

- (5) In regulation 44C(5) delete “access code” and insert:

system identifier

**6. Regulation 56G amended**

- (1) In regulation 56G delete “A poison” and insert:

(1) A poison

- (2) At the end of regulation 56G insert:

(2) A poison included in Schedule 8 may be stored in a hospital ward if the poison is stored in an electronic storage and supply unit that has been installed in accordance with an approval of the CEO under regulation 32G(1).

**7. Regulation 56H amended**

In regulation 56H delete “regulation 56G” and insert:

56G(1)

R. KENNEDY, Clerk of the Executive Council.