

HE302*

Poisons Act 1964

Poisons Amendment Regulations (No. 6) 2010

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Poisons Amendment Regulations (No. 6) 2010*.

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. Regulation 2 amended

In regulation 2(1) insert in alphabetical order:

endorsed optometrist means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the optometry profession whose registration is endorsed under section 94 of that Law;

optometrist means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the optometry profession;

5. Part 2A inserted

After regulation 2A insert:

Part 2A — Endorsed health practitioners

3A. Optometrists

- (1) For the purpose of section 23(4B) of the Act, endorsed optometrist is prescribed as a class of endorsed health practitioner.

- (2) For the purpose of section 23(4B) of the Act, in relation to the class prescribed under subregulation (1), a medicine listed in the *Endorsement for Scheduled Medicines Registration Standard* for Optometrists Table 1 approved by the Australian Health Workforce Ministerial Council on 31 March 2010 is prescribed (a *prescribed medicine*).
- (3) Under section 23(4C)(a) of the Act, the authorisation given by section 23(4B) of the Act is restricted —
 - (a) in relation to a prescribed medicine, to possession, use, supply, sale or prescription in relation to topical use in the eye; and
 - (b) in relation to phenylephrine, to phenylephrine with a maximum concentration of 5%.

3B. Supply

An endorsed optometrist is not to be taken to be supplying within the meaning of these regulations if the endorsed optometrist uses a medicine prescribed under regulation 3A(2) in the lawful practice of his or her profession.

6. Regulation 8A amended

In regulation 8A(5):

- (a) in paragraph (d) delete “a pharmacist.” and insert:

a pharmacist; or
- (b) after paragraph (d) insert:

(e) an endorsed optometrist.
- (c) after each of paragraphs (a) and (b) insert:

or

7. Regulation 21 amended

In regulation 21(1)(b) delete “post or dentist,” and insert:

post, dentist or endorsed optometrist,

8. Regulation 36 amended

In regulation 36(1)(b) delete “dentist” and insert:

dentist, endorsed optometrist

9. Regulation 36A amended

(1) In regulation 36A(2):

(a) delete “dentist” and insert:

dentist, endorsed optometrist

(b) in paragraph (a) delete “dentist’s” and insert:

dentist’s, endorsed optometrist’s

(c) in paragraph (c) delete “dentist” and insert:

dentist, endorsed optometrist

(2) In regulation 36A(3):

(a) delete “dentist” and insert:

dentist, endorsed optometrist

(b) in paragraph (b) delete “dentist” and insert:

dentist, endorsed optometrist

(3) In regulation 36A(4) in the definition of *emergency supplies* paragraph (b):

(a) delete “dentist” and insert:

dentist, endorsed optometrist

(b) delete “dentists” and insert:

dentists, endorsed optometrists

10. Regulation 36B amended

In regulation 36B(1) delete “dentist” and insert:

dentist, optometrist

11. Regulation 37 amended

- (1) In regulation 37(1):
 - (a) after paragraph (c) insert:
 - (da) a prescription issued by an endorsed optometrist must include the words “For optometrical treatment only”;
 - (b) after paragraphs (a), (b) and (e) delete “and”.
- (2) In regulation 37(2) delete “dentist” and insert:

dentist, endorsed optometrist

12. Regulation 38 amended

In regulation 38:

- (a) delete “dentist” and insert:

dentist, endorsed optometrist
- (b) delete “or telegram” (first occurrence) and insert:

or other electronic means
- (c) delete “telephone or telegram,” and insert:

telephone or other electronic means,

13. Regulation 38AA amended

- (1) In regulation 38AA(1):
 - (a) delete “practitioner or a dentist,” and insert:

practitioner, dentist or endorsed optometrist,
 - (b) delete “practitioner or a dentist.” and insert:

practitioner, dentist or an endorsed optometrist.
- (2) In regulation 38AA(2) delete “practitioner or dentist” and insert:

practitioner, dentist or endorsed optometrist

14. Regulation 40 amended

After regulation 40(1)(c) insert:

- (da) an endorsed optometrist;

15. Regulation 64 amended

- (1) In regulation 64(2), (3) and (4) delete “practitioner or a dentist” and insert:

practitioner, dentist or an endorsed optometrist

- (2) In regulation 64(5) delete “practitioner or nurse practitioner” and insert:

practitioner, nurse practitioner or an endorsed optometrist

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.