

HE302*

Poisons Act 1964

Poisons Amendment Regulations (No. 4) 2009

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

1. Citation

These regulations are the *Poisons Amendment Regulations (No. 4) 2009*.

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 insert in alphabetical order:

certificated commercial vessel means a fishing vessel, passenger vessel or trading ship as defined in the *Western Australian Marine Act 1982* section 3(1);

racing yacht means a yacht participating in a race departing from this State;

5. Regulations 39BA and 39BB inserted

After regulation 39A insert:

39BA. Use of poisons included in Schedule 4 on certificated commercial vessels

- (1) The master of a certificated commercial vessel is authorised to procure and be in possession of any poison included in Schedule 4 that is necessary to complete the equipment of the vessel in order to comply with the requirements of the *Western Australian Marine Act 1982*.

- (2) The holder of an appropriate licence, or any other authorised person, may supply a poison included in Schedule 4 on receipt of a written order, signed by the master of the certificated commercial vessel, certifying that the poison is necessary to complete the equipment of the vessel in order to comply with the applicable requirements of subregulation (1).
- (3) The written order referred to in subregulation (2) must contain all of the following information —
 - (a) the date of the order;
 - (b) the name of the certificated commercial vessel;
 - (c) the machinery and hull number;
 - (d) the name, address and signature of the master of the vessel;
 - (e) the quantity, form and strength of the poison ordered.
- (4) The master of the certificated commercial vessel must ensure that —
 - (a) so far as is practicable, the poisons supplied under subregulation (2) are stored in a manner that prevents their theft, loss or unauthorised use; and
 - (b) a record is kept of all the poisons stored aboard the vessel.
- (5) When a medical practitioner authorises the administration of one of the poisons to a person on board the certificated commercial vessel, the master of the vessel must ensure that a record is kept of all of the following information —
 - (a) the date on which the poison was administered;
 - (b) the poison being administered, the strength of the poison and the quantity that has been administered;
 - (c) the name of the person to whom the poison has been administered;
 - (d) the name and address of the medical practitioner who authorised the administration of the poison.

39BB. Use of poisons included in Schedule 4 on racing yachts

- (1) The owner of a racing yacht is authorised to procure and be in possession of any poison included in Schedule 4 that is necessary to complete the equipment of the yacht in order to comply with the requirements of the rules known as the “Racing Rules of Sailing” made by Yachting Australia Incorporated.

- (2) The holder of an appropriate licence, or any other authorised person, may supply a poison included in Schedule 4 on receipt of a written order, signed by the owner of the racing yacht, certifying that the poison is necessary to complete the equipment of the yacht in order to comply with the applicable requirements of subregulation (1).
- (3) The written order referred to in subregulation (2) must contain all of the following information —
 - (a) the date of the order;
 - (b) the name of the racing yacht;
 - (c) the registration number of the racing yacht;
 - (d) the name of the yacht club organising the race;
 - (e) the name, address and signature of the owner of the yacht;
 - (f) the quantity, form and strength of the poison ordered.
- (4) The owner of the racing yacht must ensure that —
 - (a) so far as is practicable, the poisons supplied under subregulation (2) are stored in a manner that prevents their theft, loss or unauthorised use; and
 - (b) a record is kept of all the poisons stored aboard the yacht.
- (5) When a medical practitioner authorises the administration of one of the poisons to a person on board the racing yacht, the skipper of the yacht must ensure that a record is kept of all of the following information —
 - (a) the date on which the poison was administered;
 - (b) the poison being administered, the strength of the poison and the quantity that has been administered;
 - (c) the name of the person to whom the poison has been administered;
 - (d) the name and address of the medical practitioner who authorised the administration of the poison.

6. Regulation 39B amended

In regulation 39B(1) after “a ship” insert:

other than a certificated commercial vessel or a racing yacht

7. Regulations 49A and 49B inserted

After regulation 48 insert:

49A. Use of poisons included in Schedule 8 on certificated commercial vessels

- (1) The master of a certificated commercial vessel is authorised to procure and be in possession of any poison included in Schedule 8 that is necessary to complete the equipment of the vessel in order to comply with the requirements of the *Western Australian Marine Act 1982*.
- (2) The holder of an appropriate licence, or any other authorised person, may supply a poison included in Schedule 8 on receipt of a written order, signed by the master of the certificated commercial vessel, certifying that the poison is necessary to complete the equipment of the vessel in order to comply with the applicable requirements of subregulation (1).
- (3) The written order referred to in subregulation (2) must contain all of the following information —
 - (a) the date of the order;
 - (b) the name of the certificated commercial vessel;
 - (c) the machinery and hull number;
 - (d) the name, address and signature of the master of the vessel;
 - (e) the quantity, form and strength of the poison ordered.
- (4) The master of the certificated commercial vessel must ensure that —
 - (a) so far as is practicable, the poisons supplied under subregulation (2) are stored in a manner that prevents their theft, loss or unauthorised use; and
 - (b) a record is kept of all the poisons stored aboard the vessel.
- (5) When a medical practitioner authorises the administration of one of the poisons to a person on board the certificated commercial vessel, the master of the vessel must ensure that a record is kept of all of the following information —
 - (a) the date on which the poison was administered;
 - (b) the poison being administered, the strength of the poison and the quantity that has been administered;

- (c) the name of the person to whom the poison has been administered;
- (d) the name and address of the medical practitioner who authorised the administration of the poison.

49B. Use of poisons included in Schedule 8 on racing yachts

- (1) The owner of a racing yacht is authorised to procure and be in possession of any poison included in Schedule 8 that is necessary to complete the equipment of the yacht in order to comply with the requirements of the rules known as the “Racing Rules of Sailing” made by Yachting Australia Incorporated.
- (2) The holder of an appropriate licence, or any other authorised person, may supply a poison included in Schedule 8 on receipt of a written order, signed by the owner of the racing yacht, certifying that the poison is necessary to complete the equipment of the yacht in order to comply with the applicable requirements of subregulation (1).
- (3) The written order referred to in subregulation (2) must contain all of the following information —
 - (a) the date of the order;
 - (b) the name of the racing yacht;
 - (c) the registration number of the racing yacht;
 - (d) the name of the yacht club organising the race;
 - (e) the name, address and signature of the owner of the yacht;
 - (f) the quantity, form and strength of the poison ordered.
- (4) The owner of the racing yacht must ensure that —
 - (a) so far as is practicable, the poisons supplied under subregulation (2) are stored in a manner that prevents their theft, loss or unauthorised use; and
 - (b) a record is kept of all the poisons stored aboard the yacht.
- (5) When a medical practitioner authorises the administration of one of the poisons to a person on board the racing yacht, the skipper of the yacht must ensure that a record is kept of all of the following information —
 - (a) the date on which the poison was administered;
 - (b) the poison being administered, the strength of the poison and the quantity that has been administered;

- (c) the name of the person to whom the poison has been administered;
- (d) the name and address of the medical practitioner who authorised the administration of the poison.

8. Regulation 49 amended

In regulation 49(1) after “a ship” insert:

other than a certificated commercial vessel or a racing yacht

By Command of the Lieutenant-Governor and
deputy of the Governor,

R. KENNEDY, Clerk of the Executive Council.