

HE302\*

## Poisons Act 1964

**Poisons Amendment Regulations (No. 3) 1998**

Made by the deputy of the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Poisons Amendment Regulations (No. 3) 1998*.

**2. The regulations amended**

The amendments in these regulations are to the *Poisons Regulations 1965*\*.

[\* Reprinted as at 4 November 1996.

For amendments to 29 October 1998 see 1997 Index to Legislation of Western Australia, Table 4, pp. 209-11, and Gazette 17 March and 26 May 1998.]

**3. Regulation 2 amended**

Regulation 2 is amended as follows:

- (a) by inserting, in the appropriate alphabetical position, the following definition —

“

“**registered nurse**” means a nurse whose name is entered in division 1 of the register referred to in section 33 of the *Nurses Act 1992*;

”;

- (b) in the definition of “supply” by deleting “nurse” and inserting instead —

“ registered nurse ”.

**4. Regulation 35C amended**

Regulation 35C is amended as follows:

- (a) by inserting after the regulation designation “**35C.**” the subregulation designation “(1)”;
- (b) by deleting “A” and inserting instead —  
“ Subject to subregulations (2) and (3), a ”;
- (c) by deleting “, except where that substance is in a pregnancy testing kit,”;
- (d) after subregulation (1) by inserting the following subregulations —

“

- (2) A substance both included in Schedule 3 and listed in Appendix H of SUSDP may be advertised by its brand name or its approved name.

(3) A substance included in Schedule 3 may be advertised if the substance is in a pregnancy testing kit.

(4) In this regulation —

“**approved name**”, in relation to a poison, means the name for the poison that is listed in the Australian Register of Therapeutic Goods, other than a brand name of the poison;

“**Australian Register of Therapeutic Goods**” means the register of that name maintained under section 17 of the *Therapeutic Goods Act 1989* of the Commonwealth;

“**brand name**”, in relation to a poison, means a name given to the poison by a manufacturer of it and listed in the Australian Register of Therapeutic Goods, other than its approved name.

”.

**5. Regulation 38M amended**

Regulation 38M is amended by deleting “, if required for the treatment of a patient in a hospital and”.

**6. Regulation 42 amended**

Regulation 42(1)(f) is amended by deleting “nurse” and inserting instead —

“ registered nurse ”.

**7. Regulation 43C inserted**

After regulation 43B the following regulation is inserted —

“

**43C. Advertising of substances included in Schedule 8**

A substance included in Schedule 8 shall not be advertised except in a publication that is normally sold or intended for sale or circulation only among —

- (a) persons of the kind referred to in section 23(2) of the Act; or
- (b) persons who are holders of a licence granted under section 24(1)(a), (b) or (c) of the Act.

”.

**8. Regulation 56H amended**

Regulation 56H is amended by deleting “nurse” and inserting instead —

“ registered nurse ”.

By Command of the deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.