

WESTERN AUSTRALIA

POISONS AMENDMENT ACT 1995

No. 48 of 1995

AN ACT to amend the *Poisons Act 1964* and as a consequence to amend certain other Acts.

[Assented to 6 November 1995.]

The Parliament of Western Australia enacts as follows:

Short title

- 1.** This Act may be cited as the *Poisons Amendment Act 1995*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Poisons Act 1964** is referred to as the principal Act.

[* *Reprinted as at 18 November 1986.*

For subsequent amendments see 1994 Index to Legislation of Western Australia, Table 1, pp. 165-7, and Gazette of 28 April 1995.]

Section 4 repealed

4. Section 4 of the principal Act is repealed.

Section 5 amended

5. Section 5 of the principal Act is amended —

- (a) by inserting after the section designation “5.” the subsection designation “(1)”;
- (b) by deleting the definitions of “hazardous substance”, “public institution” and “to cultivate”;
- (c) by deleting the definition of “drug of addiction” and substituting the following definition —

“

“drug of addiction” means any substance included in Schedule 8 or 9;

”;

- (d) by deleting the definition of “poison” and substituting the following definition —

“

“**poison**” means any substance included in a Schedule;

”;

- (e) in the definition of “Schedule” by deleting “Appendix “A” ” and substituting the following —

“ Appendix A ”;

- (f) in the definition of “wholesale dealing” by deleting “or other substances specified in any Schedule or added thereto by Order in Council”;

- (g) by deleting the full stop after the definition of “wholesale dealing” and substituting a semicolon;

- (h) by inserting after the definition of “wholesale dealing” the following definition —

“

“**wholesale supplier**”, in relation to a poison, means a person who engages in wholesale dealing in respect of that poison.

”;

- (i) by inserting in the appropriate alphabetical positions the following definitions —

“

“**authorized officer**” means —

(a) an environmental health officer;

(b) a police officer; or

- (c) a person declared under section 52A to be an authorized officer;

“container”, in relation to a thing, means any bottle, vessel, tube, sachet, ampoule, syringe, vial, or other receptacle in which the thing is contained;

“document” includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

“environmental health officer” means an environmental health officer referred to in the *Health Act 1911*;

“internal use” means administration —

- (a) orally, except for topical effect in the mouth; or
- (b) for absorption and the production of a systemic effect —
 - (i) by way of a body orifice other than the mouth; or
 - (ii) parenterally, other than by application to unbroken skin;

“package”, in relation to a thing, means any box, wrapper, strip pack, blister pack or other thing in which the thing is wrapped or packaged;

“specified”, in relation to a regulation, order, notice or other instrument, means specified in the regulation, order, notice or other instrument (as the case may be);

“standard” includes a code or other document;

”;

and

(j) by inserting the following subsection —

“

(2) If this Act provides for any person or thing to be specified, declared, authorized or approved, the person or thing may be specified, declared, authorized or approved —

(a) individually; or

(b) by referring to a class or classes of persons or things.

”.

Section 6A inserted

6. After section 6 of the principal Act the following section is inserted —

“

Crown bound

6A. This Act binds the Crown.

”.

Section 8 amended**7. Section 8 of the principal Act is amended —**

- (a) in subsection (2) by deleting paragraph (a) and “and” after that paragraph and substituting the following —

“

(a) the Commissioner of Health shall be an *ex officio* member and may nominate a medical practitioner employed in the department to act in his or her place;

(aa) the Director of the Chemistry Centre (WA) shall be an *ex officio* member and may nominate an analyst from the Chemistry Centre (WA) to act in his or her place; and

”;

- (b) in subsection (3) by deleting paragraph (b) and substituting the following paragraph —

“

(b) one shall be a medical practitioner employed in the Public Service of the State who has specialist qualifications in occupational health and is nominated by the Minister;

”;

- (c) in subsection (3) (e) by deleting “The West Australian Chamber of Manufactures (Incorporated)” and substituting the following —

“

the Chamber of Commerce and Industry of Western Australia (Inc)

”;

and

- (d) in subsection (3) (h) by deleting “The Federated Pharmaceutical Service Guild of Australia (W.A. Branch)” and substituting the following —

“

the Pharmacy Guild of Australia (Western Australian Branch)

”.

Sections 20, 21 and 21A repealed and sections substituted

8. Sections 20, 21 and 21A of the principal Act are repealed and the following sections are substituted —

“

Declaration of poisons

20. (1) For the purposes of this Act the substances included in the Schedules are poisons.

(2) Substances are to be classified by inclusion in the respective Schedules as follows —

- (a) **Schedule 1** — Poisons of plant origin of such danger to health as to warrant their being available only from medical practitioners, pharmaceutical chemists or veterinary surgeons.
- (b) **Schedule 2** — Poisons for therapeutic use that should be available to the public only from pharmacies, or if there is no pharmacy service available, from persons licensed to sell Schedule 2 poisons.
- (c) **Schedule 3** — Poisons for therapeutic use that are dangerous or are so liable to abuse as to warrant their availability to the public being restricted to supply by medical

practitioners, pharmaceutical chemists, dentists or veterinary surgeons.

- (d) **Schedule 4** — Poisons that should, in the public interest, be restricted to medical, dental or veterinary prescription or supply, together with substances or preparations intended for therapeutic use, the safety or efficacy of which requires further evaluation.
- (e) **Schedule 5** — Poisons of a hazardous nature that must be readily available to the public but require caution in handling, storage and use.
- (f) **Schedule 6** — Poisons that must be available to the public but are of a more hazardous or poisonous nature than those included in Schedule 5.
- (g) **Schedule 7** — Poisons that require special precautions in manufacture, handling, storage or use, or special individual regulations regarding labelling or availability.
- (h) **Schedule 8** — Poisons to which the restrictions recommended for drugs of dependence by the 1980 Australian Royal Commission of Inquiry into Drugs should apply.
- (i) **Schedule 9** — Poisons that are drugs of abuse, the manufacture, possession, sale or use of which should be prohibited by law except for amounts which may be necessary for educational, experimental or research purposes conducted with the approval of the Governor.

How poisons may be identified in Schedules

20A. (1) A substance may be identified in a Schedule in any way the Minister thinks fit.

(2) Without limiting subsection (1), a substance may be identified in a Schedule by reference to a standard or a part of a standard and in particular by reference to —

- (a) any list of substances contained in the standard or part of the standard;
- (b) the standard or part of the standard as in force at a particular time or as in force from time to time; or
- (c) the standard or part of the standard with or without modifications specified in the Schedule.

(3) Without limiting subsection (1), a substance may be identified in a Schedule or in a standard or part of a standard referred to in the Schedule by reference to —

- (a) the way in which or the purpose for which, it is used or intended for use;
- (b) the quantity in which it is supplied;
- (c) the nature of the package or container, including the labelling thereof, in which it is supplied;
- (d) the physical or chemical state or form in which it is supplied; or
- (e) any other factor.

Amendment of Appendix A

21. (1) The Minister may by order published in the *Gazette* amend Appendix A.

(2) An order is “subsidiary legislation” for the purposes of the *Interpretation Act 1984*.

(3) Section 42 of the *Interpretation Act 1984* applies to and in relation to an order as if the order were a regulation.

Exemption of substances from Act

21A. (1) The regulations may exempt a specified substance from the operation of this Act, or specified provisions of this Act.

(2) The regulations may exempt a substance under subsection (1) —

- (a) when used for any specified purpose or purposes; or
- (b) subject to other specified conditions.

”.

Section 22 amended

9. Section 22 (1) of the principal Act is amended by deleting “specified” and substituting the following —

“ included ”.

Section 22A amended

10. Section 22A of the principal Act is amended by deleting “Order in Council” wherever it occurs and substituting in each place the following —

“ order ”.

Section 23 amended

11. Section 23 of the principal Act is amended —

(a) in subsection (1) —

(i) by deleting “subsection (2)” and substituting the following —

“ subsections (2) and (4) ”; and

(ii) by inserting after “poison” the following —

“
(other than a poison included in
Schedule 5)
”;

and

(b) by inserting after subsection (3) the following subsection —

“
(4) A person who carries on a business
at any premises is authorized to sell by
retail from those premises any poison
included in Schedule 6 subject to —

(a) any prescribed conditions and
restrictions; and

- (b) any notice given by the Commissioner of Health under regulations made under section 64 (2) (hb).

”.

Section 24 amended

12. (1) Section 24 (4) of the principal Act is amended —

- (a) by deleting paragraphs (b) and (c); and
 (b) in paragraph (d) by deleting “specified in the Seventh Schedule” and substituting the following —

“ included in Schedule 2, 3, 4 or 7 ”.

(2) Section 24 (5) of the principal Act is amended —

- (a) by deleting “, restrictions and limitations” and substituting the following —

“ and restrictions ”; and

- (b) by deleting “specified in the Seventh Schedule” and substituting the following —

“ included in Schedule 7 ”.

(3) Section 24 (7) of the principal Act is amended —

- (a) in paragraph (a) by deleting “, limitation or restriction” and substituting the following —

“ or restriction ”; and

- (b) by deleting “\$200” and substituting the following —

“

\$10 000 and, if the offence is a continuing offence, to a daily penalty not exceeding \$1 000

”.

Section 25 amended

13. Section 25 of the principal act is amended —

- (a) by deleting “from manufacturers or wholesale dealers”; and
- (b) by deleting “, advisory or research purposes” and substituting the following —

“

or research purposes or for the purpose of providing health services

”.

Section 26 repealed and sections substituted

14. Section 26 of the principal Act is repealed and the following sections are substituted —

“

Form of licences and permits

26. (1) A licence or permit under this Act must be in the prescribed form.

(2) A licence must specify the pharmacy or other premises or place of business in or at which the licence may be exercised.

(3) No more than one place may be specified under subsection (2).

Conditions

26A. (1) A licence or permit under this Act is subject to —

- (a) any conditions and restrictions that are prescribed; and
- (b) any conditions or restrictions imposed by the Commissioner of Health under this section.

(2) A licence or permit may be issued or renewed subject to such conditions as the Commissioner of Health thinks fit and specifies in the licence or permit.

(3) The Commissioner of Health may, at any time, by notice in writing given to the holder of a licence or permit —

- (a) delete or vary conditions or restrictions of the licence or permit; or
- (b) add new conditions or restrictions to the licence or permit.

(4) Subsection (3) does not apply to conditions or restrictions that are prescribed.

Duration of licences and permits

26B. (1) A licence or permit under this Act remains in force after it is first issued, unless sooner cancelled, suspended or revoked, for a period ending on 30 June following —

- (a) the day of its issue; or

- (b) the expiration of 2 years after the day of its issue,

as elected by the applicant.

(2) The holder of a licence or permit under this Act may, at least one month before it expires, apply to the Commissioner of Health for the renewal of the licence or permit for a period of one year or 3 years.

(3) Subject to this Act, the Commissioner of Health may renew a licence or permit.

(4) The renewal takes effect from 1 July in the year to which it relates and unless sooner cancelled, suspended or revoked, continues in force —

- (a) if the licence or permit is renewed for a period of 1 year, until 30 June following that date; or
- (b) if the licence or permit is renewed for a period of 3 years, until 30 June following the expiration of 2 years from that date.

”.

Section 31 amended

15. Section 31 (2) of the principal Act is amended —

- (a) by deleting “, telegram or radiogram” in the first place where it occurs and substituting the following —

“ or by facsimile or other electronic means ”;

and

- (b) by deleting “telegram or radiogram” in the second place where it occurs and substituting the following —

“
 facsimile or a copy of the electronic message (as the case may be)
 ”.

Section 32 amended

16. Section 32 of the principal Act is amended —

- (a) in paragraph (a) by inserting after “poison” the following —

“
 (other than a poison included in Schedule 5)
 ”;

- (b) in paragraph (b) by inserting after “poison” in the first place where it occurs —

“
 (other than a poison included in Schedule 5 or 6)
 ”;

- (c) in paragraph (c) —

- (i) by deleting “section 130 of the *Vermin Act 1918*” and substituting the following —

“
 section 69 of the *Agriculture and Related Resources Protection Act 1976* or section 8 (2) of the *Agriculture Protection Board Act 1950*
 ”;

and

(ii) by inserting after “poison” the following —

“

(other than a poison included in
Schedule 5)

”;

and

(d) in paragraph (d) by inserting after “poison” the
following —

“

(other than a poison included in
Schedule 5)

”.

Section 33 amended

17. Section 33 of the principal Act is amended —

(a) by deleting “wholesale dealer” and substituting the
following —

“ wholesale supplier ”; and

(b) by inserting after “poison” the following —

“ (other than a poison included in Schedule 5) ”.

Sections 37, 38 and 39 repealed

18. Sections 37, 38 and 39 of the principal Act are repealed.

Section 40 amended

19. Section 40 of the principal Act is amended —

(a) in paragraph (ba) by inserting after “(ha)” the
following —

“ or (hb) ”;

- (b) by deleting “\$500” and substituting the following —
“ \$5 000 ”; and
- (c) by deleting “\$3 000” and substituting the following —
“ \$15 000 ”.

Section 41 repealed and a section substituted

20. Section 41 of the principal Act is repealed and the following section is substituted —

“

Use of Schedule 9 poisons for research etc.

41. (1) The Governor may by order authorize a specified person to manufacture, prepare, possess or use a specified substance included in Schedule 9 for educational, experimental or research purposes or for any other prescribed purpose.

(2) The order —

- (a) must specify the place or places at which the substance may be manufactured, prepared, possessed or used; and
- (b) may specify other conditions relating to the manufacture, preparation, possession or use of the substance.

(3) The Governor may by further order amend or revoke an order under this section.

(4) Notwithstanding anything in the *Misuse of Drugs Act 1981*, it is not unlawful for a person to manufacture, prepare, possess or use a substance in accordance with an order under this section.

”.

Section 44 amended

21. Section 44 (2) of the principal Act is amended by deleting “\$3 000” and substituting the following —

“ \$15 000 ”.

Section 45 amended

22. Section 45 (1) of the principal Act is amended by deleting “Appendix “B” ” and substituting the following —

“ Appendix B ”.

Section 46 amended

23. Section 46 of the principal Act is amended by inserting before “container” the following —

“ package or ”.

Section 47 amended

24. Section 47 of the principal Act is amended —

(a) in subsection (1) by inserting before “container” in each place where it occurs the following —

“ package or ”; and

(b) in subsection (2) by inserting before “containers” the following —

“ packages or ”.

Section 48 amended

25. Section 48 of the principal Act is amended —

- (a) by deleting “, except pursuant to a licence issued by the Commissioner of Health”; and
- (b) by deleting “\$100” and substituting the following —

“
\$5 000 and, if the offence is a continuing offence, a daily penalty not exceeding \$500
”.

Section 49 amended

26. Section 49 (2) of the principal Act is amended by deleting “\$100” and “\$10” and substituting the following respectively —

“ \$5 000 ” and “ \$500 ”.

Section 50 amended

27. Section 50 (1) of the principal Act is amended —

- (a) by deleting “bottle” and substituting the following —
“ package ”; and
- (b) by deleting “\$100” and substituting the following —

“
\$5 000 and, if the offence is a continuing offence, a daily penalty not exceeding \$500
”.

Section 51 repealed

28. Section 51 of the principal Act is repealed.

Section 52A inserted

29. After section 52 of the principal Act the following section is inserted —

“

Minister may declare a person to be an authorized officer

52A. (1) The Minister may, by notice published in the *Gazette*, declare a person to be an authorized officer for the purposes of this Act.

(2) The Minister may, by further notice published in the *Gazette*, amend or revoke a declaration under this section.

”

Section 53 amended

30. Section 53 of the principal Act is amended —

(a) in subsection (1) —

(i) by deleting “officer or constable of the Police Force” and substituting the following —

“ police officer ”; and

(ii) by deleting “officer or constable” in the second place where it occurs and substituting the following —

“ police officer ”;

and

(b) in subsection (2) —

(i) by deleting “officers and constables of the Police Force” and substituting the following —

“ police officers ”; and

(ii) by deleting “those officers and constables” and substituting the following —

“ police officers ”.

Sections 54 and 55 repealed and sections substituted

31. Sections 54 and 55 of the principal Act are repealed and the following sections are substituted —

“

Routine inspection

54. (1) An authorized officer may, for the purpose of ascertaining whether this Act is being complied with, at any reasonable time —

(a) enter upon —

(i) any premises occupied by any person licensed or otherwise authorized under this Act to have possession of any poison or prohibited plant; or

(ii) any place on or from which poisons are sold;

(b) inspect or examine any room or part of the premises or place entered upon, and any goods or records in or on the premises or place;

- (c) take an account of any poisons and any prohibited plants in or on the premises or place;
 - (d) on payment or tender of a reasonable price, demand, take and obtain a sample of any poison or prohibited plant in or on the premises or place.
- (2) Any person who —
- (a) refuses or fails to allow an authorized officer to enter any premises or place in accordance with this section;
 - (b) refuses to permit an authorized officer to take or obtain any sample in accordance with this section; or
 - (c) delays or obstructs, or causes or permits to be delayed or obstructed, any authorized officer who is exercising any power under this section,

commits an offence.

Powers in respect of premises, vehicles or vessels if offence suspected of being committed

55. (1) If an authorized officer has reasonable grounds to suspect that —

- (a) an offence against this Act has been, is being, or is about to be committed; and
- (b) there is in or on any premises, vehicle or vessel anything relevant to the investigation of that offence,

the authorized officer may exercise the powers set out in subsection (2) in respect of the premises, vehicle or vessel.

(2) The authorized officer may —

- (a) signal or direct the person in control of the vehicle or vessel —
 - (i) to stop the vehicle or vessel;
 - (ii) to move the vehicle or vessel to a place specified by the officer;
 - (iii) not to move the vehicle or vessel;
- (b) enter and search the premises, vehicle or vessel using such force as is necessary to gain entry;
- (c) break open and search any package, container or other thing in or on the premises, vehicle or vessel;
- (d) search all persons found in or on the premises, vehicle or vessel;
- (e) take and remove a sample of anything in or on the premises, vehicle or vessel;
- (f) seize anything reasonably suspected of being relevant to the investigation of an offence against this Act.

(3) An authorized officer must not exercise the powers referred to in subsection (2) in respect of any premises, or any part of any premises, used as a residence except —

- (a) with the consent of the occupier of the premises; or
- (b) under a warrant issued under section 55A.

(4) A person must not be searched under this section except by a person of the same sex as the first-mentioned person.

Warrants

55A. (1) If a justice is satisfied by a complaint made on oath that there are reasonable grounds for suspecting that —

- (a) an offence against this Act has been, is being, or is about to be committed; and
- (b) there is in or on any premises or part of any premises used as a residence anything relevant to the investigation of that offence,

the justice may issue a warrant in the prescribed form authorizing an authorized officer to exercise the powers referred to in section 55 (2) in respect of the premises or part of the premises.

(2) A warrant must specify —

- (a) the premises or part of the premises in respect of which the warrant is granted; and
- (b) the time and date at which the warrant ceases to have effect.

Person not to hinder or obstruct authorized officer

55B. A person must not without reasonable excuse —

- (a) refuse or fail to comply with a signal or direction given under section 55 (2) (a);

- (b) prevent or attempt to prevent an authorized officer from exercising a power conferred by section 55 or by a warrant under section 55A; or
- (c) hinder or obstruct an authorized officer in the exercise of any power conferred by section 55 or by a warrant under section 55A.

Penalty: \$5 000.

Sections 54 to 55A do not derogate from the *Misuse of Drugs Act 1981*

55C. Sections 54, 55 and 55A are in addition to, and do not derogate from, the provisions of the *Misuse of Drugs Act 1981*.

Order for forfeiture

55D. (1) If a court convicts a person of an offence against this Act, the court may order that anything seized under this Act and related to the commission of the offence be forfeited to the Crown.

(2) Anything forfeited to the Crown under subsection (1) is to be disposed of in such manner as the Minister thinks fit.

Powers to quarantine or destroy poisons in certain circumstances

55E. (1) If, in the Commissioner of Health's opinion, the keeping, possession or use of any poison by any person constitutes or may constitute a serious danger to public health, the Commissioner may, with the approval of the Minister, give a direction under subsection (2).

(2) The Commissioner may, by notice in writing given to the person who keeps, has possession of, or uses the poison, direct the person —

- (a) to secure the poison in a specified place and by specified means and not to remove the poison until further directed by the Commissioner;
- (b) to destroy, or otherwise dispose of, the poison in a specified way;
- (c) not to use the poison (either generally or in a specified way); or
- (d) to deliver the poison to a specified person at a specified time and place.

(3) The Commissioner may, by further notice in writing given to the person referred to in subsection (2), amend or revoke a direction given under that subsection.

(4) A person shall not refuse or fail to comply with a direction given under subsection (2).

Penalty: \$10 000.

”.

Section 57 amended

32. Section 57 of the principal Act is amended —

- (a) in subsections (1), (2), (3), (4) and (5) by inserting after “package” in each place where it occurs the following —

“ or container ”;

(b) in subsections (1), (2) and (4) by deleting “inspector or authorized person” wherever it occurs and substituting in each place the following —

“ authorized officer ”; and

(c) by repealing subsection (6).

Section 58 amended

33. Section 58 (b) of the principal Act is amended by deleting “container thereof” and substituting the following —

“

package or container containing the article or substance

”.

Section 61B inserted

34. After section 61A of the principal Act the following section is inserted —

“

Evidence of contents of standard

61B. In any proceedings under this Act, production of a copy of a standard referred to in this Act purporting to be certified by the Commissioner of Health to be a true copy of the standard as at any date or during any period is, without proof of the signature of the Commissioner of Health, sufficient evidence of the contents of the standard as at that date or during that period.

”.

Section 62 amended

35. Section 62 of the principal Act is amended by deleting “\$100” and substituting the following —

“

\$5 000 and, if the offence is a continuing offence, to a daily penalty not exceeding \$500

”.

Section 63 amended

36. Section 63 of the principal Act is amended —

(a) in subsection (1) —

(i) by deleting “inspector or authorized person or by any member of the Police Force” and substituting the following —

“ authorized officer ”; and

(ii) by deleting “inspector, authorized person or member of the Police Force” and substituting the following —

“ authorized officer ”;

and

(b) by repealing subsection (2).

Section 64 amended

37. (1) Section 64 (2) of the principal Act is amended —

(a) by deleting paragraph (b) and substituting the following paragraph —

“

(b) the packages or containers in which any poison may be sold, and the design, shape, size and materials of

such packages or containers, and prohibiting the use of such packages or containers to contain other substances;

”;

- (b) by deleting paragraph (c) and substituting the following paragraph —

“

(c) the marking and labelling of, and particulars (including antidotes) to be included in labels on or attached to, packages or containers that contain poisons;

”;

- (c) by inserting after paragraph (c) the following paragraph —

“

(ca) regulating the advertising or display of poisons;

”;

- (d) in paragraph (g) by deleting “specified in the First, Second, Sixth or Seventh Schedules” and substituting the following —

“ included in Schedule 2, 3, 4 or 7 ”;

- (e) by deleting paragraph (h);

- (f) by deleting paragraph (ha) and substituting the following paragraph —

“

(ha) authorizing the Commissioner of Health by notice given to a person to revoke the authority conferred on that

person by section 23 (2) in relation to drugs of addiction or specified drugs or both;

”;

- (g) by inserting after paragraph (ha) the following paragraphs —

“

(hb) authorizing the Commissioner of Health by notice given to a person to revoke the authority conferred on that person by section 23 (4) in relation to poisons included in Schedule 6;

(hc) allowing a notice referred to in paragraph (ha) or (hb) —

(i) to revoke the authority either totally or subject to specified conditions or restrictions;

(ii) to be made in respect of all or any specified drugs or poisons to which the authority relates; and

(iii) to be amended or revoked by a further notice;

”;

- (h) in paragraph (i) by deleting “, limitations”;

- (i) in paragraph (ja) —

(i) by deleting “or hazardous substance” in the first place where it occurs; and

(ii) by deleting “plant, poison or hazardous substance” and substituting the following —

“ plant or poison ”;

- (j) in paragraph (l) by deleting “or hazardous substances ordered by letter, telegram or radiogram” and substituting the following —

“

ordered by letter or by facsimile or other electronic means

”;

- (k) in paragraph (sb) by inserting after “programmes” the following —

“

including conditions and requirements relating to the approval and conduct of such programmes

”;

and

- (l) in paragraph (x) —

- (i) by deleting “\$100” and substituting the following —

“ \$5 000 ”; and

- (ii) by inserting after “regulations” the following —

“

and a daily penalty not exceeding \$500 if the offence is a continuing offence

”.

(2) Section 64 (2a) (c) of the principal Act is amended by deleting “inspector appointed under the *Health Act 1911* or to any other person authorized in that behalf by the Minister” and substituting the following —

“ authorized officer ”.

Section 64A inserted

38. After section 64 of the principal Act the following sections are inserted —

“

Regulations may adopt standards

64A. (1) The regulations may make provision for or in relation to any matter by applying, adopting or incorporating a standard or a part of a standard.

(2) Without limiting subsection (1), a standard or a part of a standard may be applied, adopted or incorporated —

- (a) as in force at a particular time or as in force from time to time; and
- (b) with or without modification.

Copies of standards to be kept and made available to public

64B. The Commissioner of Health is to cause a copy of every standard referred to in this Act to be kept at the prescribed office of the department and to be available for inspection free of charge by members of the public at that office during normal office hours.

”

Miscellaneous references to “hazardous substance” deleted

39. (1) The principal Act is amended by deleting “or hazardous substance” wherever it occurs in the provisions referred to in the Table to this subsection.

TABLE

Section 19 (c)	Section 57 (3) (c)	Section 64 (2) (n)
Section 46	Section 58 (a)	Section 64 (2) (r)
Section 57 (1)	Section 64 (2) (a)	Section 64 (2) (t)

(2) Section 19 (c) and section 64 (2) (a) of the principal Act are amended by deleting “and hazardous substances” wherever it occurs.

(3) Section 57 (5) of the principal Act is amended by deleting “, or as the case may be, hazardous substance”.

(4) Section 58 of the principal Act is amended —

(a) by deleting “or as the case may be, hazardous substance”; and

(b) in paragraph (b) by deleting “or, as the case may be, hazardous substance”.

(5) Section 64 (2) (d) and (e) of the principal Act are amended by deleting “or hazardous substances” wherever it occurs.

(6) Section 64 (2) (m), (y) and (z) of the principal Act are amended by deleting “, hazardous substances” wherever it occurs.

(7) Section 64 (2) (o) of the principal Act is amended by deleting “, hazardous substance” in both places where it occurs.

Appendix A repealed and an Appendix substituted

40. Appendix A to the principal Act is repealed and the following Appendix is substituted —

“

APPENDIX A

Interpretation

1. (1) In this Appendix, “**SUSDP**” means the “Standard for the Uniform Scheduling of Drugs and Poisons No. 9” issued by the Australian Health Ministers Advisory Council and published by the Australian Government

Publishing Service Canberra, and includes that standard as it may be amended from time to time by the Council.

(2) If for the purposes of this Appendix it is necessary to interpret a Schedule to the SUSDP, the definitions and interpretation provisions in the SUSDP apply to the interpretation of that Schedule.

SCHEDULE 1

All substances listed in Schedule 1 to the SUSDP.

SCHEDULE 2

All substances listed in Schedule 2 to the SUSDP.

SCHEDULE 3

All substances listed in Schedule 3 to the SUSDP.

SCHEDULE 4

All substances listed in Schedule 4 to the SUSDP

and

Any substance designed for human or animal therapeutic use that is not listed in either —

- (a) a Schedule to the SUSDP; or
- (b) Appendix A or B to the SUSDP.

SCHEDULE 5

All substances listed in Schedule 5 to the SUSDP.

SCHEDULE 6

All substances listed in Schedule 6 to the SUSDP.

SCHEDULE 7

All substances listed in Schedule 7 to the SUSDP.

SCHEDULE 8

All substances listed in Schedule 8 to the SUSDP.

SCHEDULE 9

All substances listed in Schedule 9 to the SUSDP.

”

Appendix B repealed and an Appendix substituted

41. Appendix B to the principal Act is repealed and the following appendix is substituted —

“

APPENDIX B

[Section 45]

CONVENTIONS

The Single Convention on Narcotic Drugs, signed at New York on 30 March 1961.

The 1972 protocol amending the Single Convention on Narcotic Drugs, signed at Geneva on 25 March 1972.

The Convention on Psychotropic Substances, signed at Vienna on 21 February 1971.

The United Nations Convention against Illicit Traffic in
Narcotic Drugs and Psychotropic Substances 1988.

”.

Appendix C repealed

42. Appendix C to the principal Act is repealed.

Consequential amendments to other Acts

43. The Acts referred to in Schedule 1 are amended as set out
in that Schedule.

SCHEDULE 1

[Section 43]

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Short title of Act	Amendment
1. <i>Explosives and Dangerous Goods Act 1961</i>	<p>In the Third Schedule in the item headed "Class S — Chronic Hazardous Substances" by deleting "the Fifth, Sixth or Seventh Schedule to" and substituting the following —</p> <p style="padding-left: 40px;">" Schedule 5, 6 or 7 in "</p>
2. <i>Misuse of Drugs Act 1981</i>	<p>After section 38C insert the following section —</p> <p style="padding-left: 40px;">" Evidence of contents of standard</p> <p style="padding-left: 40px;">38D. (1) In this section —</p> <p style="padding-left: 80px;">"Commissioner of Health" means the Commissioner of Health referred to in the <i>Health Legislation Administration Act 1984</i>.</p> <p style="padding-left: 40px;">(2) In any proceedings under this Act, production of a copy of any standard referred to in the <i>Poisons Act 1964</i> purporting to be certified by the Commissioner of Health to be a true copy of the standard as at any date or during any period is, without proof of the signature of the Commissioner of Health, sufficient evidence of the contents of the standard as at that date or during that period.</p> <p style="text-align: right;">"</p> <p>In Schedule III in item 2 delete "the Second or Fourth Schedule in Appendix "A" " and substitute the following —</p> <p style="padding-left: 40px;">" Schedule 2 or 4 in Appendix A "</p>

In Schedule III in item 30 delete “the Second, Third or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2, 3 or 4 in Appendix A ”.

In Schedule III in item 40 delete “the Second or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2 or 4 in Appendix A ”.

In Schedule III in item 90 delete “Appendix “A” ” and substitute the following —

“ Appendix A ”.

In Schedule III in item 96 delete “the Second or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2 or 4 in Appendix A ”.

In Schedule III in item 97 delete “the Second or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2 or 4 in Appendix A ”.

In Schedule III in item 100 delete “the Second or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2 or 4 in Appendix A ”.

In Schedule III in item 123 delete “the Second or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2 or 4 in Appendix A ”.

In Schedule V in item 2 delete “the Second or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2 or 4 in Appendix A ”.

In Schedule V in item 30 delete “the Second, Third or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2, 3 or 4 in Appendix A ”.

In Schedule V in item 41 delete “the Second or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2 or 4 in Appendix A ”.

In Schedule V in item 92 delete “Appendix “A” ” and substitute the following —

“ Appendix A ”.

In Schedule V in item 98 delete “the Second or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2 or 4 in Appendix A ”.

In Schedule V in item 99 delete “the Second or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2 or 4 in Appendix A ”.

In Schedule V in item 102 delete “the Second or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2 or 4 in Appendix A ”.

In Schedule V in item 125 delete “the Second or Fourth Schedule in Appendix “A” ” and substitute the following —

“ Schedule 2 or 4 in Appendix A ”.