

POISONS.

No. 43 of 1978.

AN ACT to amend the Poisons Act, 1964-1970.

[Assented to 29th August, 1978.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Poisons Act Amendment Act, 1978.*

Short title
and
citation.

(2) In this Act the Poisons Act, 1964-1970 is referred to as the principal Act.

Approved
for
reprint
14th Decem-
ber, 1971.

(3) The principal Act as amended by this Act may be cited as the Poisons Act, 1964-1978.

2. This Act shall come into operation on a date to be fixed by proclamation.

Section 23
amended.

3. Section 23 of the principal Act is amended—

(a) by adding after subsection (1) the following subsection—

(1a) Except as provided by subsection (2) of this section, a person shall not write, issue or authorise any prescription or document prescribing the use, sale or supply of a drug of addiction or a specified drug by, to, or in relation to any person. ; and

(b) as to subsection (2)—

(i) by deleting the word “and” at the end of paragraph (b);

(ii) by deleting the passage “poison,” at the end of paragraph (c) and substituting the passage—

poison; and

(d) a medical practitioner, veterinary surgeon or dentist is authorised to write, issue or authorise a prescription or document prescribing the use, sale or supply of a drug of addiction or a specified drug in the lawful practice of his profession, .

Section 40
amended.

4. Section 40 of the principal Act is amended—

(a) by adding immediately before the word “licence” in line three of paragraph (b) the passage “authority,”;

(b) by adding after paragraph (b) the following paragraph—

(ba) contravenes or fails to comply with any conditions, limitation or restriction of any notice given by the Commissioner pursuant to the

regulations made under paragraph (ha) of subsection (2) of section sixty-four of this Act; ; and

- (c) by deleting the words “Two hundred dollars” in the last line and substituting the following passage—

For a first offence, five hundred dollars; for a second or subsequent offence, three thousand dollars. .

5. Section 43A of the principal Act is repealed. Section 43A repealed.

6. Subsection (2) of section 44 of the principal Act is amended by deleting the words “two thousand dollars” in line four and substituting the words “three thousand dollars”. Section 44 amended.

7. Section 64 of the principal Act is amended— Section 64 amended.

- (a) as to subsection (2), by adding after paragraph (s) the following paragraph—

(sa) prohibiting and regulating the issue by medical practitioners, dentists or veterinary surgeons of prescriptions containing any drug of addiction or any specified drug, or any class of drug of addiction or any class of specified drug, the dispensing of such prescriptions and the supply of drugs of addiction or specified drugs thereunder; ; and

- (b) by adding after subsection (2) the following subsection—

(2a) Regulations may be made under this section requiring any person who is licensed or otherwise authorised under

this Act to have in his possession, manufacture, supply or sell any poison, drug of addiction or specified drug to—

- (a) retain any document, writing, prescription or authorisation or record thereof relating to the sale or supply of any drug of addiction or specified drug;
- (b) maintain such records relating to the sale or supply of drugs of addiction or specified drugs as may be prescribed;
- (c) deliver up any document, prescription, authorisation or record thereof relating to the sale or supply of a drug of addiction or specified drug upon request made by any inspector appointed under the Health Act, 1911 or to any other person authorised in that behalf by the Minister.

(2b) Regulations made under subsection (2a) of this section may be made so as to apply—

- (a) generally, or to a particular drug of addiction or particular specified drug or to particular classes thereof;
- (b) generally, or to particular classes of persons,

and may make differing provisions as regards classes of persons and classes of drugs of addiction or specified drugs.
