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POISONS ACT 1964

**POISONS AMENDMENT
REGULATIONS 1994**

POISONS ACT 1964

POISONS AMENDMENT REGULATIONS 1994

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

Citation

1. These regulations may be cited as the *Poisons Amendment Regulations 1994*.

Principal regulations

2. In these regulations the *Poisons Regulations 1965** are referred to as the principal regulations.

[* Reprinted as at 7 January 1993.

For amendments to 6 May 1994 see 1993 Index to Legislation of Western Australia, Table 4, pp. 206-8.]

Regulation 2 amended

3. Regulation 2 of the principal regulations is amended —

(a) in paragraph (d) of the definition of “approved name” by deleting “chief executive officer of the department” and substituting the following —

“ Commissioner of Health ”;

(b) by deleting the definition of “chief executive officer”;

(c) in paragraphs (b) and (d) of the definition of “qualified person” by deleting “chief executive officer” and substituting the following —

“ Commissioner of Health ”; and

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

“

“approved needle and syringe programme” means a needle and syringe programme that has been approved by the Commissioner of Health;

“

“co-ordinator”, in relation to an approved needle and syringe programme, means the person nominated in an application referred to in regulation 12A to be the co-ordinator of that programme;

”.

Regulations 12A to 12F inserted

4. After regulation 12 of the principal regulations the following regulations are inserted —

“

Approval of needle and syringe programme

12A. (1) A person may apply to the Commissioner of Health for the approval of a needle and syringe programme.

(2) An application referred to in subregulation (1) shall —

- (a) be in the form of Form 14 in Appendix A; and
 - (b) nominate a person to be the co-ordinator of the programme.
- (3) The Commissioner of Health may by notice in writing require an applicant to provide further information with respect to the application.
- (4) An approval of a needle and syringe programme shall —
- (a) be given by instrument in writing signed by the Commissioner of Health;
 - (b) clearly identify the programme that is being approved by reference to the activity or activities, and the persons or class of persons engaging in the activity or activities, that constitute the programme; and
 - (c) specify the period during which the programme is approved.
- (5) The Commissioner of Health is not to approve a needle and syringe programme unless the Commissioner of Health is satisfied that the co-ordinator of the programme —
- (a) has attained the age of 18 years;
 - (b) is a person of good character and repute and is a fit and proper person to co-ordinate the needle and syringe programme; and
 - (c) understands his or her duties as the co-ordinator of the programme.

Copy of approval to be provided

12B. Where the Commissioner of Health approves a needle and syringe programme, the Commissioner of Health is to provide a copy of the instrument of approval to the co-ordinator of the programme.

Duties of co-ordinator

12C. The co-ordinator of an approved needle and syringe programme shall —

- (a) maintain a register of all persons who participate in the conduct of the programme;
- (b) ensure that persons who participate in the conduct of the programme understand the requirements of these regulations and are appropriately instructed and trained;
- (c) submit to the Commissioner of Health before 30 June in each year an annual report on the needle and syringe programme; and
- (d) report to the Commissioner of Health any irregularities that occur in the conduct of the programme.

Requirements relating to programme

12D. (1) Where the Commissioner of Health approves a needle and syringe programme, the Commissioner of Health may specify in the approval a requirement that the programme only be conducted —

- (a) at a specified place or specified places; or
- (b) between specified times.

(2) A person shall not conduct, or participate in the conduct of, an approved needle and syringe programme except at a place or between times specified in the approval.

Direction to person

12E. (1) Where the Commissioner of Health is of the opinion that a person is not a suitable person to participate in the conduct of an approved needle and syringe programme, the Commissioner of Health may, by notice in writing served on that person, direct the person not to participate in the programme.

(2) A person shall not contravene a direction under subregulation (1).

Requirements relating to used hypodermic needles and syringes

12F. (1) A person shall not, in the course of the conduct of an approved needle and syringe programme, accept any used hypodermic syringe or used hypodermic needle unless the syringe or needle has been exhausted.

(2) For the purposes of subregulation (1), a hypodermic syringe or a hypodermic needle shall be taken to have been exhausted if it contains no more than the residue of any drug.

(3) A person who, in the course of the conduct of an approved needle and syringe programme, receives any used hypodermic needle or used hypodermic syringe shall immediately place the needle and syringe in a receptacle of a type approved by the Commissioner of Health and the Commissioner of Police.

Appendix A amended

5. Appendix A to the principal regulations is amended by inserting after Form 13A the following form —

“

Form 14

POISONS ACT 1964

**APPLICATION FOR APPROVAL OF NEEDLE AND
SYRINGE PROGRAMME**

I of

hereby apply on behalf of
for the approval of the following needle and syringe
programme —

.....
[specify precisely the activities, and the persons or
.....
class of persons conducting those activities, that
.....
constitute the programme]
.....

1. The programme will be conducted at
.....
[specify place or places]

2. The programme will be conducted at or between the
following times —
.....
[specify times]

3. The co-ordinator of the programme will be —
.....
[specify name and address of co-ordinator]

.....
Signature of Co-ordinator

Date

.....
Signature of Applicant

”

References to "chief executive officer" amended

6. The Principal regulations are amended by deleting "chief executive officer" or "Chief Executive Officer" wherever it occurs in the provisions referred to in the Table to this regulation and substituting in each place the following —

" Commissioner of Health "

TABLE

reg. 3 (2)	reg. 51B
reg. 4 (2)	reg. 51C
reg. 8A (4)	reg. 51D (1)
reg. 8A (7)	reg. 51E (1)
reg. 8A (15)	reg. 51E (3)
reg. 12 (1)	reg. 51E (6)
reg. 14	reg. 51E (7)
reg. 15	reg. 51F (1)
reg. 17	reg. 51F (2)
reg. 19AA (2)	reg. 51F (4)
reg. 19AA (3)	reg. 51F (5)
reg. 24A	reg. 51F (8)
reg. 25	reg. 51F (9)
reg. 26	reg. 51G (3)
reg. 34D (1)	reg. 51G (4)
reg. 35AA	reg. 51G (5)
reg. 36 (3) (c) and (f)	reg. 52 (6a)
reg. 37 (2)	reg. 52 (7)
reg. 38D (1a) (a)	reg. 52B (1)
reg. 38E (c)	reg. 53 (2)
reg. 38F (1a) (a)	reg. 54 (1) (b)
reg. 38G (2) (a)	reg. 56 (3) (b)
reg. 39A (2)	reg. 56C (b)
reg. 39A (3)	reg. 59
reg. 40 (1)	reg. 60 (2)
reg. 41B (2)	reg. 61 (b)
reg. 42 (1) (g)	Form 1A
reg. 42 (3)	Form 2A
reg. 43 (1) and (2)	Form 3A
reg. 43A	Form 5A
reg. 44 (1)	Form 6A
reg. 45 (2)	Form 6C
reg. 47 (3)	Form 7A
reg. 47 (4)	Form 8
reg. 47 (6)	Form 8A
reg. 48 (1)	Form 10
reg. 48 (2)	Form 11AB
reg. 49 (5)	Form 12
reg. 50 (b)	Form 13
reg. 51 (2)	Form 13A

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

D. G. BLIGHT, Clerk of the Council.

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POISONS