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Crown Law Department,
Perth, 3rd November, 1958.

THE undermentioned regulations as amended from time to time prior to the 30th August, 1958, under the provisions of Part VIA of the Police Act, 1892-1956, and published in the *Government Gazette* on the 31st January, 1930, are reprinted pursuant to the Reprinting of Regulations Act, 1954, by the authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

POLICE ACT, 1892-1956

Regulations Made Under and For The Purposes of Part VIA of the Police Act, 1892, (as amended by Section 2 of the Police Offences (Drugs) Act, 1928).

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POLICE ACT, 1892-1956.

Heading amended by G.G. 17/3/39, p. 435.

Regulations Made Under and For The Purposes of Part VIA of the Police Act, 1892, (as amended by Section 2 of the Police Offences (Drugs) Act, 1928).

Definitions.

1. "Council" means the Council of the Pharmaceutical Society of Western Australia.

"Dentist" means a dentist registered under the Dentists Act, 1894.¹

"Drug" means any drug to which the Police Offences (Drugs) Act, 1928,² applies.

"Medical practitioner" means a legally qualified medical practitioner registered under the Medical Practitioners Act, 1894.³

"Opium" means the spontaneously coagulated juice obtained from the capsules of the opium poppy (*Papaver somniferum*).

"Pharmaceutical chemist" means a pharmaceutical chemist registered under the Pharmacy and Poisons Act, 1910.⁴

"Prepared opium" means any preparation of opium in a form capable of being used for the purpose of smoking, and includes dross and any other residues remaining after opium has been smoked.

"Prescribed" means prescribed by this Part of this Act, or by regulations.

"Regulations" means regulations made under the authority of this Part of this Act.

"Veterinary surgeon" means a veterinary surgeon registered under the Veterinary Act, 1911.⁵

(2) In the regulations the word "supply" includes "distribute" and "sell"; but the administration to a patient of a drug by a medical practitioner or dentist, or by a nurse when acting under the instruction of a medical practitioner, or the administration of a drug to an animal under the direct personal supervision, or under the instruction of a veterinary surgeon, shall not be deemed to be supplying the drug within the meaning of the regulations.

Manufacturers.

2. (1) No person shall manufacture or carry on any process in the manufacture of any drug unless—

- (a) he holds a license in or to the effect of the form set out in Schedule 3 to the regulations; and
- (b) the manufacture or process is carried on in the premises specified in the license; and
- (c) he complies with the terms and conditions of the license.

(2) This regulation shall not apply to a person acting within the scope of any authority conferred by the regulations to manufacture or carry on any process in the manufacture of a drug.

¹ See now Dentists Act, 1939-1954.

² See Police Act, 1892-1956—Part VIA.

³ See Medical Act, 1894-1956.

⁴ Now Pharmacy and Poisons Act, 1910-1954.

⁵ Now Veterinary Act, 1911-1923.

Distributors.

3. (1) No person shall supply or procure, or offer to supply or procure, any drugs unless—

- (a) he is the holder of a license in the form or to the effect of the form set out in Schedule 3 or Schedule 4 to the regulations; and
- (b) he complies with the terms and conditions of the license; and
- (c) the person to whom the drug is supplied, or on whose behalf the drug is procured, is the holder of a license or authority under the regulations or is otherwise authorised by regulations to have the drug in his possession.

(2) This regulation shall not apply to a person supplying or procuring, or offering to supply or procure, a drug if such person is acting within the scope of an authority conferred upon him by the regulations.

Licenses.

4. Every license under the regulations shall be issued by the Minister, and shall be subject to the terms and conditions set out in the license and to these regulations.

5. A license shall remain in force for one year from the date of issue, unless sooner withdrawn by the Minister. Where a person holds or has held a license, such license, unless satisfactory proof of its loss or destruction can be furnished, shall be forwarded with the application for the issue of another license.

5A. The fees for such licenses shall be paid to the Council for administrative purposes and shall be so retained by the Council.

Reg. 5A
inserted by
G.G.
24/9/37,
p. 1605.

License to Manufacture.

6. A license empowering the holder to manufacture, procure, and supply drugs on and from premises licensed for the purpose shall be in or to the effect of the form set out in Schedule 3 to the regulations.

Reg. 6
amended by
G.G.
30/8/35,
p. 1621.

Application for such license shall be in or to the effect of the form set out in Schedule 1 to the regulations.

The fee of £2 2s. shall be lodged with the application for such license, which fee shall be refunded if the application be refused.

License to Distribute.

7. A license empowering a person who is not the holder of a license under regulation 6 to procure and supply drugs, shall be in or to the effect of the form set out in Schedule 4 to the regulations.

Reg. 7
amended by
G.G.
30/8/35,
p. 1621.

Application for such license shall be in or to the effect of the form set out in Schedule 2 to the regulations.

The fee of £1 1s. shall be lodged with the application for such license, which fee shall be refunded if the application be refused.

Authority for Prescribed Person to Procure and have Drugs.

8. (1) Until in any particular case such authority is withdrawn—

- (a) a medical practitioner;
- (b) a registered pharmacist employed in dispensing medicines at any public hospital or other institution;
- (c) a person in charge of a laboratory for the purpose of research or instruction;
- (d) a registered dentist;
- (e) a registered veterinary surgeon;
- (f) an analyst appointed under the Health Act, 1911,¹ and
- (g) a nurse employed in a public hospital or public institution (so far as the possession or use of such drug is required in connection with its administration to a patient under the instruction of a medical practitioner), and

Reg. 8
amended by
G.G.
17/3/39,
p. 435;
G.G.
4/12/57,
p. 3502.

¹ Now Health Act, 1911-1957.

[17/3/39]

(h) a person who is the holder of a permit issued to him under and in accordance with the provisions of subsection (6) of section 25 of the Veterinary Act, 1911 (as amended by the Act No. 46 of 1923), and is nominated in writing under the hand of the Minister for Agriculture to the Council and approved by the Council as a fit and proper person to procure and be in possession of any drug for the purpose of his profession or employment,

is hereby authorised to procure and be in possession of any drug for the purpose of his profession or employment, subject to the conditions and restrictions prescribed by the regulations.

(2) A person to whom a prescription for a drug has been given is hereby authorised to procure and have possession of the drug to the extent specified in the prescription.

(3) The authority under this regulation to procure and be in the possession of any drug does not entitle the holder to procure or have in his possession any drug in quantities greater than is permitted by the Minister.

Authority for Pharmacists to Retail, Compound and Dispense Drugs.

Reg. 9
amended by
G.G.
4/12/57,
p. 3502.

9. Until in any particular case such authority is withdrawn, every registered pharmacist holding a poisons license under the Pharmacy and Poisons Act, 1910,¹ is hereby authorised, subject to the conditions and restrictions prescribed by the regulations, to procure and to manufacture at his shop in the ordinary course of his retail business any preparation, admixture, or extract of any drug, and to carry on at his shop the business of dispensing or compounding any drug, and also of retailing and supplying a drug, but only to persons licensed or authorised under the regulations to be in possession of or procure the drug.

The authority under this regulation does not in any way entitle the holder to manufacture, sell, distribute, supply, or have in his possession any drug in quantities greater than is permitted by the Minister.

Register of Drugs.

10. (1) A holder of a license under the regulations, registered pharmacist who manufactures, retails, supplies, dispenses or compounds drugs in the ordinary course of retail business; a person in charge of a laboratory for the purpose of research or instruction, and any person who may, in the ordinary course of his profession or employment supply, dispense, compound, use, or have drugs in his possession shall keep, or cause to be kept, a register in or to the effect of Schedule 5 to the regulations, and shall enter or cause to be entered in such register records of the drugs manufactured, used, procured, supplied or kept by him or on his behalf.

The entries in such register shall be written in ink on the day of the transaction. Such register shall be kept on the premises on which the drugs are kept, manufactured, or disposed of, and where the holder of a license or other authorised person has drugs on other premises he shall keep, or cause to be kept, such register on those premises also.

All such registers shall be at all times available for inspection by persons authorised by or under the Act or the regulations to inspect such registers.

Alterations, obliterations or cancellations shall not be made in any register, but any mistake made in any entry may be corrected by a marginal or foot note, initialed and dated.

(2) (a) Every person who sells a drug shall, before delivery thereof to the purchaser, inquire his name and place of abode, and occupation, and the nature of the license or authority to be in possession of the drug held by such purchaser.

¹ Now Pharmacy and Poisons Act, 1910-1954.

(b) Such person shall thereupon make a faithful entry of such sale, specifying the drug and the quantity thereof, and all such particulars so given by the purchaser, together with the day of the month and year of such sale in the register.

(c) Every such entry shall be signed by the person making the same, and also by the purchaser, unless he declares himself unable to write, in which case the person making the entry shall add thereto the words "Purchaser cannot write."

(d) In cases where sales and purchases of drugs are made by correspondence, the letter ordering the same shall be preserved by the vendor, and a memorandum of the date of the said letter, by whom it was written, and the quantity and particulars of the drug therein ordered, and the person and address of the person to whom such drug is delivered or forwarded shall be entered in the said Register.

Records in lieu of Register.

11. Where the holder of a license or a person authorised to have drugs in his possession is required by the Customs Act, 1901-1925, or any proclamation, ordinance, regulation or other order made thereunder, or under any amendment thereof, to keep records of stocks and sales of drugs, such records shall, unless otherwise ordered by the Minister, be accepted in lieu of the register prescribed by the regulations.

12. Where a person authorised to have drugs in his possession for the purposes of his profession or employment does not manufacture, retail, dispense, or compound drugs, or where such dispensing or compounding is done by a medical practitioner, registered dentist, or registered veterinary surgeon for the purpose of treatment under his instructions or his direct personal supervision, it shall be a sufficient compliance with regulation 10 if such person keeps a record of—

- (a) the drugs obtained by him and the quantities of each;
- (b) the person or firm from whom he obtained such drugs;
- (c) the drugs disposed of or used by him, and the quantities of each;
- (d) the manner in which such drugs were disposed of or used; and
- (e) the drugs remaining in his possession and the quantities of each.

Such records shall be in a book, either written in ink, or gummied or pasted on the pages when the invoices, etc., are used for the purpose, and shall, together with the drugs then in the possession of the authorised person, be produced for inspection on demand by the Council or its officer, authorised either generally or specially by the Council in that behalf, or by any officer of the Police.

Records to be Retained for Two Years: Particulars to be Furnished on Demand.

13. All records, prescriptions, invoices, and other documents relating to drugs and transactions in regard thereto belonging to any person licensed or authorised under the regulations to manufacture, procure, or supply any drug, shall be kept by that person for not less than two years from the latest date on which such record or prescriptions, invoices, or documents were made or acted upon.

On demand by the Council or its officer, authorised either generally or specially by the Council in that behalf, or member of the Police Force, the holder of any license or other authorised person shall furnish particulars of the quantities of any drugs on hand, obtained, and disposed of.

Drugs for use on Ships and Aircraft.

14. (1) The master of a ship or person in charge of an aircraft shall be entitled to procure and be in possession of drugs where—

- (a) such drugs are intended to be used only for medical treatment on such ship or aircraft; and

Reg. 12
amended by
G.G.
30/8/35,
p. 1621.

Reg. 13
amended by
G.G.
30/8/35,
p. 1621.

Reg. 14
substituted
by G.G.
30/7/48,
p. 1697.

- (b) such drugs are needed to complete the quantity of drugs required to be carried on such ship or aircraft in compliance with the Scale of Medicines and Medical Stores prescribed under section 124 of the Navigation Act, 1912-1920, or the requirements of the Department of Civil Aviation, as the case may be; and
 - (c) such drugs do not exceed in quantity the quantity prescribed in such Scale of Medicines and Medical Stores, or authorised by the Department of Civil Aviation, as the case may be.
- (2) The holder of a license in that behalf, or other authorised person, may supply drugs on the written order of such master, or such person in charge of aircraft respectively.
- (3) Within 24 hours of such supply, the holder of such license or authority shall report to the Officer in Charge of the nearest Police Station that he has supplied the drugs.

Drugs for First Aid Treatment in Factories.

15. The occupier of a factory or shop to which the Factories and Shops Act, 1920,¹ applies, may procure, for the purpose of giving first aid treatment in cases of injury to the eye occurring at the works, a preparation consisting of an admixture of cocaine in castor oil with mercuric chloride in a proportion of not more than one part in 200 of cocaine and not less than one part in 3,000 of mercuric chloride; and, on the condition that the preparation is used for the purpose of first aid treatment and no other, and that it is kept in the custody of the occupier or a responsible official nominated in writing by the occupier, may have such preparation on such factory or shop. Such nomination shall be kept at the works and shall be available for inspection by any of the persons named in paragraph (e) of regulation 12.

Prescriptions.

16. A prescription for the supply of a drug shall comply with the following conditions:—

- (a) The prescription shall be in writing, shall be dated, shall bear the name and address of the person for whom the prescription is given, shall be signed by the medical practitioner or registered veterinary surgeon by whom it is given, shall show the address of such medical practitioner or veterinary surgeon, and shall clearly indicate the maximum number of times such prescription shall be dispensed.
- (b) The prescription shall be given by a medical practitioner only for the purpose of obtaining the drug for use in the course of medical treatment, and by a veterinary surgeon only for the purpose of obtaining the drug for use in the course of the treatment of animals, and shall be marked "For animal treatment only."
- (c) Where the prescription contains an unusual dose, or what may be regarded as a dangerous dose, the prescriber shall indicate that such is intended and not inadvertent, by underlining that part of the prescription and initialing the same in the margin.
- (d) The prescription shall not bear the impression of a rubber stamp or other such contrivance in lieu of the written signature of the medical practitioner or veterinary surgeon by whom it has been issued.
- (e) The prescription shall not be written in cypher.

¹ Now Factories and Shops Act, 1920-1957.

Dispensing Drugs in Emergent Cases.

17. Where a medical practitioner or registered veterinary surgeon in a case of emergency orally or by telephone or telegram directs the dispensing of a drug, he shall forthwith write a prescription complying with the conditions prescribed in Regulation 16, mark such prescription so as to show clearly that it has been given as a confirmation of the directions given by him orally or by telephone or telegram, and despatch such prescription without delay to the person by whom the drug was dispensed.

Dispensing Drugs.

18. (1) Subject to Regulation 17, no person shall dispense or supply a drug except upon a prescription complying with the requirements of the regulations.

(2) A medical practitioner, registered pharmacist, or registered veterinary surgeon, or an assistant under the direct supervision of a medical practitioner, pharmacist, or veterinary surgeon, shall be the only person who shall dispense a drug.

(3) The following conditions shall be observed by persons dispensing such prescriptions:—

- (a) The prescription shall not be dispensed more than the maximum number of times indicated thereon, and on each occasion upon which it is dispensed it shall be stamped or marked in writing, or otherwise, to show clearly the date upon which it is dispensed, and the name and address of the person by whom it is dispensed.
- (b) The person who dispenses a prescription which does not clearly indicate the maximum number of times such prescription is to be dispensed, or which has reached the last occasion upon which it can be legally dispensed according to the maximum indicated thereon, shall write, stamp, or mark in legible letters across such prescription the word "cancelled."
- (c) The person who dispenses a prescription shall enter, or cause to be entered, in the book prescribed by Regulation 10, a proper record of the transaction; such record shall be made in such a way as to be easily understood.
- (d) Before the drug is handed to the purchaser, the prescription, whether given in writing or otherwise, shall be copied in full into a Prescription Book. The entry shall bear an identifying letter or number, and the date upon which the drug is dispensed, the respective names of the persons by and to whom the prescription was issued, and be signed or initialed by the person who actually dispensed the drug. For the purpose of this regulation any card system approved by the Council shall be deemed to be the Prescription Book.

In the case of a repeated prescription, an entry in the Prescription Book of the fact of the repeat, signed or initialed and dated as prescribed shall be sufficient compliance with this regulation.

The label on the bottle or package containing the drug shall be marked with the identifying letter or number of the prescription as appearing in the Prescription Book.

The Prescription Book shall be kept at the place at which the drug was dispensed and shall be produced on demand to any person authorised in that behalf under the Act or regulations.

(4) No person shall dispense a prescription marked "cancelled."

(5) No person shall dispense any prescription which is illegible or defaced, or which appears to him to be for the purpose of enabling some unauthorised person to obtain a drug, or which does not appear to be genuine.

(6) No prescription issued for a drug prior to the date of these regulations shall be dispensed, and every prescription so issued is hereby declared cancelled.

Delivery of Drug on Order.

19. No person shall deliver a drug to any person not licensed, or otherwise authorised to be in possession of the drug, who purports to be sent by or on behalf of a person so licensed or authorised, unless such person produces an authority in writing signed by the person so licensed or authorised to receive the drug on his behalf, and unless the person supplying the drug is satisfied that the authority is genuine. This regulation shall not be deemed to apply to medicines dispensed in pursuance of the foregoing regulations.

Common Carrier Protected.

20. A common carrier or his employee is hereby authorised to be in possession of any drug, so far only as the possession is necessary for the transport of the drug in the ordinary course of business.

Labelling.

21. (1) No person shall supply any drug unless the package or bottle containing the drug is plainly labelled or marked to show the amount of such drug contained therein.

(2) No person shall supply any preparation or admixture containing any drug, unless the package or bottle containing such preparation or admixture is plainly labelled or marked to show the total amount of such preparation or admixture in the package or bottle and the percentage of the drug contained therein, or, in the case of tablets or other articles, the number of such tablets or articles in the package or bottle, and the percentage of the drug contained in each tablet or article.

Provided that this regulation shall not apply to any drug, preparation, or admixture dispensed in accordance with the regulations.

Infamous Conduct in a Professional Respect.

22. (1) A medical practitioner, registered veterinary surgeon, or registered dentist shall not—

(a) knowingly give a prescription for a drug merely for purposes of addiction; or

(b) knowingly supply or administer a drug merely for purposes of addiction.

(2) In addition to any penalty imposed by the Act or regulations, a breach of this regulation shall be regarded as infamous conduct in a professional respect.

Withdrawal of License.

23. Where the holder of any license issued under the regulations has been convicted of any offence against the Act or regulations the Minister may, upon the recommendation of the Board, by notice in writing served personally or by registered post, withdraw such license as from a date to be specified in the notice, not earlier than fourteen days from the date of the service of the notice.

Withdrawal of Authority.

24. Where a person authorised under the regulations to be in possession of any drug for the purpose of his profession or employment, or to manufacture, retail, dispense, or compound any drug at his shop in the ordinary course of retail business, has been convicted of any offence against the Act or the regulations, the Minister may, upon the recommendation of the Council, withdraw the authority by notice in writing served personally or by registered post, as from a date to be specified in the notice, not earlier than fourteen days from the date of service of the notice.

Names of Persons from whom License or Authority Withdrawn to be Published.

25. The names of all persons from whom a license or authorisation has been withdrawn shall be published in the *Government Gazette*.

Appeal.

26. Any person aggrieved by any determination of the Minister or the Board in respect of a license or authority, may appeal against such determination to a Stipendiary Magistrate, whose decision shall be final.

Forfeiture.

27. Any drug unlawfully in the possession of any person may be seized by any Police Officer or person authorised in that behalf, and such drug shall be forfeited to His Majesty.

Analyst's Certificate.

28. An analyst analysing any drug or substance submitted to him may give a certificate in or to the effect of the form set out in Schedule 6 hereto.

Schedule 1.

Western Australia.

Police Act, 1892.

Schedule 1
amended by
G.G.
30/8/35,
p. 1621.

FORM OF APPLICATION FOR A LICENSE TO MANUFACTURE, PROCURE, AND SUPPLY DRUGS ON AND FROM PREMISES TO BE LICENSED FOR THE PURPOSE.

To the Registrar of the Pharmaceutical Council of Western Australia.

I (a)....., of....., hereby apply for a license to manufacture, procure, and supply the drugs to which the Police Act, 1892, applies on and from the premises mentioned below.

I herewith tender the fee (£2 2s.) required by the regulations.

(Signature)
Trading as.....
(Profession or occupation).....
(Premises to be licensed).....
(Date)

(a) Here insert name in full.

Schedule 2
amended by
G.G.
30/8/35,
p. 1621.

Schedule 2.
Western Australia.
Police Act, 1892.

FORM OF APPLICATION FOR A LICENSE TO PROCURE AND
SUPPLY DRUGS.

To the Registrar of the Pharmaceutical Council of
Western Australia.

I (a),....., of....., hereby
apply for a license to procure and supply the drugs to which the
Police Act, 1892, applies.

I herewith tender the fee (£1 1s.) required by the regulations.

(Signature)
Trading as.....
(Profession or occupation).....
(Address).....
(Date)

(a) Here insert name in full.

Schedule 3
amended by
G.G.
30/8/35,
p. 1621.

Schedule 3.
Western Australia.
Police Act, 1892.

LICENSE TO MANUFACTURE, PROCURE, AND SUPPLY DRUGS
ON AND FROM PREMISES LICENSED FOR THE PURPOSE.

(Name)*....., of....., is
hereby licensed to manufacture and procure the drugs to which the
Police Act, 1892, applies, and to supply such drugs to persons holding
licenses or authorities granted under the regulations made under
the said Act.

This license does not in any way entitle the holder to manufac-
ture, procure, supply, or have in his possession any of the said
drugs in quantities greater than is permitted under the Customs
Act, 1901-1925, or any proclamation, ordinance, regulation or other
order made thereunder or under any amendment thereof.

The said drugs shall be manufactured or supplied only on or
from premises situated at.....
which premises are hereby licensed for the purpose, and shall be
manufactured, procured, and supplied solely in accordance with
the terms of this license and of the abovementioned Acts and
regulations.

This license shall have effect for a period of twelve months
from the date of issue, unless sooner withdrawn by the Minister.

This license shall be subject to the following further terms and
conditions.‡

Dated this..... day of....., 19.....

Fee: £2 2s.

.....
Minister.

*Here insert name in full.

†Here set out particulars of premises.

‡Here set out particulars of any terms and conditions imposed by the
Board.

Schedule 4.
Western Australia.
Police Act, 1892.

Schedule 4
amended by
G.G.
30/8/35,
p. 1621.

LICENSE TO PROCURE AND SUPPLY DRUGS.

(Name)*, of, is hereby licensed to procure and have in his possession the drugs to which the Police Act, 1892, applies and to supply such drugs to persons holding licenses or authorities granted under the regulations made under the said Act.

This license does not in any way entitle the holder to procure or supply or have in his possession any of the said drugs in quantities greater than is permitted under the Customs Act, 1901-1925, or any proclamation, ordinance, regulation or other order made thereunder, or under any amendment thereof.

The said drugs shall be procured or supplied solely in accordance with the terms of this license and of the abovementioned Acts and regulations.

This license shall have effect for a period of twelve months from the date of issue, unless sooner withdrawn by the Minister.

This license shall be subject to the following further terms and conditions.†

Dated this day of, 19.....

Fee: £1 1s.

.....
Minister.

*Here insert name in full.
†Here set out particulars of any terms and conditions imposed by the Board.

Schedule 5.
Western Australia.
Police Act, 1892.

REGISTER OF DRUGS.

(a) Record of Drugs Manufactured, Purchased, or Otherwise Procured.

Date on which supply received or manufacture completed	Form in which obtained (state whether morphine, cocaine, ecgonine, diamorphine (heroin), or their respective salts, or opium)	Amount obtained	Person, body or firm from whom obtained	
			Name	Address

Schedule 6.

Western Australia.

Police Act, 1892.

CERTIFICATE OF ANALYSIS.

Analysis Register No.....

I....., an Analyst duly appointed under the provisions of the Health Act, 1911, hereby certify that the seal on the sample of.....received by me from....., on the.....day of....., 19....., and marked....., was unbroken.

I further certify that I have analysed the said sample, and that the result of such analysis is as follows:—

.....

Signed the.....day of....., 19.....

(Analyst's signature.)
(Address.)