



Western Australia

Health Act 1911

Drugs of Addiction Notification Regulations 1980

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Western Australia

Drugs of Addiction Notification Regulations 1980

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Defined terms

Western Australia

Health Act 1911

Drugs of Addiction Notification Regulations 1980

1. Citation

These regulations may be cited as the *Drugs of Addiction Notification Regulations 1980*¹.

2. Interpretation

In these regulations unless the contrary intention appears —
drug of addiction means any substance included in Schedule 8 or 9 in Appendix A of the *Poisons Act 1964*;

the Act means the *Health Act 1911*.

[Regulation 2 amended in Gazette 20 Mar 1996 p. 1419.]

3. Prescribed conditions

- (1) Any condition of health of a person under which the person is addicted to drugs is a prescribed condition of health for the purposes of the interpretation “prescribed condition of health” in section 289B of the Act.
- (2) For the purposes of these regulations a person is addicted to drugs if —
 - (a) he is under a state of periodic or chronic intoxication produced by consumption of a drug of addiction or any substitute therefor;

r. 4

- (b) he is under a desire or craving to take a drug of addiction or any substitute therefor until he has so satisfied that desire or craving; or
- (c) he is under a psychic or physical dependence to take a drug of addiction or any substitute therefor.

4. Notification by medical practitioners

- (1) A medical practitioner who in the course of his practice becomes aware of or suspects that a person is addicted to drugs shall within 48 hours of that event notify the Executive Director, Public Health ² in the form of the form in the Schedule.
- (2) A notice referred to in subregulation (1) of this regulation shall be forwarded to the Executive Director, Public Health ² in a sealed envelope marked “Confidential” in a conspicuous place above the address on the envelope.
- (3) A medical practitioner who contravenes subregulation (1) commits an offence and is liable to a penalty which is not more than \$1 000 and not less than —
 - (a) in the case of a first offence, \$100;
 - (b) in the case of a second offence, \$200; and
 - (c) in the case of a third or subsequent offence, \$500.

*[Regulation 4 amended in Gazette 29 Jun 1984 p. 1781;
14 Oct 1988 p. 4160.]*

5. Register

- (1) The Executive Director, Public Health and Scientific Support Services shall cause to be kept a register of the information forwarded to him in accordance with regulation 4.
- (2) The Executive Director may delete information from the register referred to in subregulation (1) where —
 - (a) the person referred to in the register has died;

- (b) after 2 years, the chief executive officer of the department of the Public Service principally assisting in the administration of the *Alcohol and Other Drugs Act 1974* has advised that the person referred to in the register has ceased to use drugs;
- (c) the entry was, for any reason, false or incorrect; or
- (d) for a period of at least 5 years, the person referred to in the register has no contact with the Department, either directly or indirectly in relation to their use of drugs of addiction.

[Regulation 5 inserted in Gazette 9 Nov 1984 p. 3587; amended in Gazette 25 Aug 1989 p. 2841; 17 Apr 2015 p. 1375.]

Schedule

Schedule

Form

Drugs of Addiction Notification Regulations 1980

NOTIFICATION OF ADDICTION TO DRUGS

EXECUTIVE DIRECTOR, PUBLIC HEALTH: ²

This is to notify you pursuant to the *Drugs of Addiction Notification Regulations 1980* that I, within 48 hours of the date of this notice, have become aware or suspect that the person whose name and other particulars are set out below is addicted to drugs and is under a condition of health that is a prescribed condition of health for the purposes of the interpretation “prescribed condition of health” in section 289B of the *Health Act 1911* (as amended), and that the drug of addiction specified below is the drug of addiction to which this person is addicted.

Name
(Full Name)

of
(Full Address)

Occupation

Date of Birth

Drug (or drugs) of addiction

How taken
(specify whether by smoking, oral, injection, etc.)

Estimated period for which any drug of addiction has been taken
.....

Is addiction due to medical treatment?

Name of medical practitioner giving this notice:
.....

Address

Telephone No.

Dated this day of 20.....

.....
Signed.

Notes

- ^{1.} This is a compilation of the *Drugs of Addiction Notification Regulations 1980* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Drugs of Addiction Notification Regulations 1980</i>	26 Sep 1980 p. 3313	26 Sep 1980
<i>Health Legislation Amendment Regulations 1984 r. 4</i>	29 Jun 1984 p. 1780-4	1 Jul 1984 (see r. 2)
<i>Drugs of Addiction Notification Amendment Regulations 1984</i>	9 Nov 1984 p. 3587	9 Nov 1984
<i>Health (Offences and Penalties) Amendment Regulations 1988 Pt. 4</i>	14 Oct 1988 p. 4160-3	14 Oct 1988
<i>Drugs of Addiction Notification Amendment Regulations 1989</i>	25 Aug 1989 p. 2841	25 Aug 1989
<i>Drugs of Addiction Notification Amendment Regulations 1996</i>	20 Mar 1996 p. 1419	20 Mar 1996 (see r. 2 and <i>Gazette</i> 19 Mar 1996 p. 1203)
Reprint of the <i>Drugs of Addiction Notification Regulations 1980</i> as at 14 September 2001 (includes amendments listed above)		
<i>Drugs of Addiction Notification Amendment Regulations 2015</i>	17 Apr 2015 p. 1375	r. 1 and 2: 17 Apr 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(ii) and <i>Gazette</i> 10 Apr 2015 p. 1249)

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Medicines and Poisons Act 2014</i> s. 139(a) and 147 assented to 2 Jul 2014 ³		To be proclaimed (see s. 2(b))

Citation	Gazettal	Commencement
<i>Health Regulations Amendment (Public Health) Regulations 2016</i> Pt. 4 ⁴	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)

² Under the *Public Sector Management Act 1994* the names of departments can be changed. The head of a department is now the chief executive officer or chief employee, and the title by which that office is known may be changed.

As at the date of this reprint, the former Public Health Department is called the Department of Health.

³ On the date as at which this compilation was prepared, the *Medicines and Poisons Act 2014* s. 139(a) and 147 had not come into operation. They read as follows:

139. Regulations repealed

These regulations are repealed:

- (a) *Drugs of Addiction Notification Regulations 1980*;

147. Transfer of information from former register to drugs of addiction record

(1) In this section —

commencement day means the day on which section 139 comes into operation;

former register means the register kept under the *Drugs of Addiction Notification Regulations 1980* regulation 5.

(2) The CEO must, within 12 months after the commencement day, destroy the former register and any information in it that has not been transferred under subsection (3).

(3) The CEO may transfer information from the former register to the drugs of addiction record if the CEO is satisfied that the information is —

- (a) of a kind that could, had it been received by the CEO after the commencement day, be recorded in the drugs of addiction record; and
(b) is accurate and up-to-date.

(4) For the purposes of any provision in Part 6 or regulations made for the purposes of that Part that requires information to be removed from the drugs of addiction record after a specified period has elapsed, information recorded under subsection (3) is taken to have been recorded in the drugs of addiction record at the time it was recorded in the former register.

⁴ On the date as at which this compilation was prepared, the *Health Regulations Amendment (Public Health) Regulations 2016* Pt. 4 had not come into operation. It reads as follows:

Part 4 — *Drugs of Addiction Notification Regulations 1980* amended

10. Regulations amended

This Part amends the *Drugs of Addiction Notification Regulations 1980*.

11. Regulation 2 amended

In regulation 2 in the definition of *the Act* delete “*Health Act 1911*.” and insert:

Health (Miscellaneous Provisions) Act 1911.

12. Regulation 4 amended

In regulation 4(1) and (2) delete “Executive Director, Public Health” and insert:

Chief Health Officer

13. Regulation 5 amended

- (1) In regulation 5(1) delete “Executive Director, Public Health and Scientific Support Services” and insert:

Chief Health Officer

- (2) In regulation 5(2) delete “Executive Director” and insert:

Chief Health Officer

14. Schedule amended

In the Schedule Form:

- (a) delete “EXECUTIVE DIRECTOR, PUBLIC HEALTH:” and insert:

CHIEF HEALTH OFFICER:

- (b) delete “section 289B of the *Health Act 1911*” and insert:

the *Health (Miscellaneous Provisions) Act 1911*
section 289B

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
drug of addiction.....	2
the Act.....	2