

HE302\*

Poisons Act 1964

## **Poisons Amendment Regulations 2015**

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

### **1. Citation**

These regulations are the *Poisons Amendment Regulations 2015*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

### **3. Regulations amended**

These regulations amend the *Poisons Regulations 1965*.

4. **Part 4B inserted**

After regulation 32E insert:

**Part 4B — Electronic storage and supply**

**32F. Terms used**

In this Part —

*access code*, of an individual, means a password or other means by which the individual gains access to an electronic storage and supply unit;

*electronic storage and supply unit* means an electronic device used for the storage of a poison which requires the personal manipulation or attention of a person at the time the poison is removed from the device for the purpose of supply or administration;

*system identifier*, of an individual, means the code or information by which the identity of an individual is recorded by an electronic storage and supply unit.

**32G. Approval of electronic storage and supply units**

- (1) The CEO may approve the installation of an electronic storage and supply unit on or about premises if satisfied that —

- (a) the unit is sufficiently secure; and
- (b) the unit is designed so that, to the extent practicable, for any particular poison, only a person who is authorised under the Act to supply or administer the poison can access the unit to remove the poison; and
- (c) the installation complies with any other criteria the CEO thinks relevant.

- (2) Before being satisfied that an electronic storage and supply unit is sufficiently secure, the CEO must be satisfied that, to the extent practicable —

- (a) access to the unit to remove any particular poison from the unit is controlled by appropriate procedures; and
- (b) only persons permitted to have access to the unit according to those procedures can have access to the unit for the purpose of removing a particular poison from the unit; and
- (c) every occurrence of the removal, or attempted removal, of a poison from the unit is recorded electronically by the unit in a way that cannot be amended or erased.

- (3) Subregulation (2) does not limit the matters the CEO may take into account for the purposes of subregulation (1)(a).

**32H. Offences**

- (1) A person must not, without the approval of the CEO, install or permit to be installed on or about the person's premises any electronic storage and supply unit.  
Penalty: a fine of \$5 000.

- (2) A person must not remove a poison from an electronic storage and supply unit unless —
- (a) the person is authorised under the Act to supply or administer the poison to another person; and
  - (b) the person is permitted to have access to the unit according to the procedures that control access to the unit; and
  - (c) the person has gained access to the unit according to those procedures.
- Penalty: a fine of \$5 000.

- (3) A person who has an access code for an approved electronic storage and supply unit must not —
- (a) reveal the person's access code to another person; or
  - (b) otherwise allow another person to have access to the unit unless to do so is in accordance with the procedures that control access to the unit.
- Penalty: a fine of \$5 000.

**32I. Miscellaneous provisions**

In any proceedings under this Act or the *Misuse of Drugs Act 1981*, if it is proved that the system identifier of a person has been recorded by an electronic storage and supply unit in connection with the removal or attempted removal of a poison from the unit, then, in the absence of evidence to the contrary, that person is to be taken to have removed or attempted to remove the poison.

**5. Regulation 44C amended**

- (1) In regulation 44C(1) insert in alphabetical order:

*access code*, of a person, means a password or other means by which the person gains access to a register;

*system identifier*, of a person, means the code or identifier by which the identity of the person is recorded by a register.

- (2) In regulation 44C(1) in the definition of *register* delete “44A(4).” and insert:

44A(4);

- (3) In regulation 44C(3):

- (a) in paragraph (a) delete “an access code” and insert:

a system identifier

- (b) delete paragraph (b) and insert:

- (b) a system identifier cannot be used other than in combination with an access code for the person to whom the system identifier was issued; and

- (c) in paragraphs (c) and (d) delete “access code” and insert:

system identifier

- (4) In regulation 44C(4) delete “access codes” and insert:

system identifiers

- (5) In regulation 44C(5) delete “access code” and insert:

system identifier

**6. Regulation 56G amended**

- (1) In regulation 56G delete “A poison” and insert:

- (1) A poison

- (2) At the end of regulation 56G insert:

- (2) A poison included in Schedule 8 may be stored in a hospital ward if the poison is stored in an electronic storage and supply unit that has been installed in accordance with an approval of the CEO under regulation 32G(1).

**7. Regulation 56H amended**

In regulation 56H delete “regulation 56G” and insert:

56G(1)

R. KENNEDY, Clerk of the Executive Council.