

HE303*

Poisons Act 1964

Poisons Amendment Regulations 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Poisons Amendment Regulations 2000*.

2. The regulations amended

The amendments in these regulations are to the *Poisons Regulations 1965**.

[* Reprinted as at 4 November 1996.

For amendments to 27 January 2000 see 1998 Index to Legislation of Western Australia, Table 4, pp. 237-8, and Gazette 19 February 1999.]

3. Regulation 44 replaced

Regulation 44 is repealed and the following regulation is inserted instead —

“

44. Register of drugs of addiction

(1) In this regulation —

“**authorized person**” means a person authorized to manufacture, distribute, sell or possess any drug of addiction, other than a person having possession of a drug of addiction by the authority of a prescription from a medical practitioner, dentist or veterinary surgeon to the extent shown in the prescription.

- (2) An authorized person must maintain a register of the drugs of addiction manufactured, procured, used, supplied or kept by, or on behalf of, the person.
- (3) An authorized person is to record, or cause to be recorded, in the register, in relation to each transaction involving a drug of addiction —
 - (a) the name, quantity and form of the drug;
 - (b) the date of the transaction;
 - (c) the name and address of each other person or firm involved in the transaction;
 - (d) the name of the person who wrote the prescription or order;
 - (e) the amount of the drug remaining on hand after the transaction;
 - (f) if the authorized person is a pharmaceutical chemist, the identifying number of the prescription; and
 - (g) if the authorized person is a manufacturer or distributor, an identifying number of the order or other authority on which the drug is supplied

and, if the register is maintained on paper, is to sign that entry in the register.

- (4) The register must be maintained in such a way that at any time the amount of each drug of addiction manufactured, procured, used, supplied or kept by the authorized person is clearly apparent.
- (5) An authorized person must —
 - (a) maintain a separate register for each location at which the person manufactures, procures, uses, supplies or keeps drugs of addiction; and
 - (b) keep the register at that location.

”.

4. **Regulation 44A amended**

Regulation 44A(4) is repealed and the following subregulation is inserted instead —

“

- (4) A person who destroys poisons included in Schedule 8 must maintain a register of the poisons destroyed and record in it, at the time of each destruction —
 - (a) the date of destruction;
 - (b) the name, strength and quantity of the poison destroyed;
 - (c) the reason for the destruction; and
 - (d) the name of the witness to the destruction,

and, if the register is maintained on paper, is to sign,
and cause the witness to sign, that entry in the register.

”.

5. Regulations 44B and 44C inserted

After regulation 44A the following regulations are inserted —

“

44B. Form of registers

- (1) A register kept for the purposes of regulation 44(2) or 44A(4) may be maintained on paper, electronically or in another approved manner.
- (2) If a register is maintained other than on paper the information in the register must be recorded or stored in such a way that it —
 - (a) will remain in the form in which it was originally recorded or stored; and
 - (b) is capable of being reproduced in written form on paper.
- (3) The register must be maintained in a form and manner approved by the Commissioner of Health.
- (4) An authorized person must make all the person’s registers available for inspection on request by persons authorized under the Act to inspect registers.
- (5) Subject to subregulation (6) a person must not alter, obliterate or delete an entry in a register.
- (6) An authorized person may correct an error in a register —
 - (a) if the register is maintained on paper, by making a marginal or foot note and initialling and dating the note; or
 - (b) otherwise, in a manner approved by the Commissioner for Health.

44C. Control of access to electronic registers

- (1) In this regulation —

“**authorized person**” means the person who is required under regulation 44(2) or 44A(4) to maintain the register;

“**entry**” includes a note or alteration made in accordance with regulation 44B(6);

“**register**” means a register maintained electronically for the purposes of regulation 44(2) or 44A(4).
- (2) An authorized person must maintain the register in such a way that entries in the register cannot be deleted.

- (3) An authorized person must maintain the register in such a way that —
- (a) entries in the register cannot be made by any person who does not use an access code issued by the authorized person;
 - (b) an access code cannot be used other than in combination with a password known only by the person to whom the access code was issued;
 - (c) whenever a person makes an entry in the register the access code of that person is automatically recorded in the register; and
 - (d) the record of the access code cannot be changed.
- (4) The authorized person must keep a record of the access codes issued for the purposes of this regulation and the persons to whom they have been issued and must ensure that other persons do not have access to that record.
- (5) In any legal proceedings under this Act or the *Misuse of Drugs Act 1981*, if it is proved that the access code issued to a person has been recorded in the register in respect of an entry, then in the absence of proof to the contrary that person is taken to have made the entry.

”.

6. Regulation 46 repealed

Regulation 46 is repealed.

7. Regulation 51D amended

- (1) Regulation 51D(1)(a), (b) and (c) are deleted and the following paragraph is inserted instead —

“

- (a) a medical practitioner approved by the Commissioner of Health;

”.

- (2) Regulation 51D(3) is repealed.

8. Regulation 52 amended

- (1) Regulation 52(3)(g) is amended by deleting “book prescribed by” and inserting instead —

“ register maintained under ”.

- (2) Regulation 52(7) is repealed.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.