

PUBLIC HEALTH ACT 2016 (WA)

Sections 197 and 198

AUTHORISATION TO SUPPLY A POISON WITHOUT A PRESCRIPTION

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 23 March 2020, the Minister for Health declared a public health state of emergency with effect from 1.30 p.m. on 23 March 2020 in respect of COVID-19 pursuant to section 167 of the *Public Health Act 2016 (Act)*. The public health state of emergency applies to the State of Western Australia.

AUTHORISATION

For the purposes of emergency management during this public health state of emergency and pursuant to section 197 of the Act, I, Dr Andrew Robertson, Chief Health Officer, authorise a **pharmacist** to **supply a Schedule 4 poison** without a current **prescription** subject to the directions in paragraph 1.

DIRECTIONS

1. The directions in this paragraph are that the pharmacist must:
 - (a) be satisfied, before supplying the Schedule 4 poison, that:
 - (i) the person for whom the Schedule 4 poison is to be supplied is undergoing treatment essential to the person's well-being;
 - (ii) the Schedule 4 poison has previously been prescribed to the person for the treatment;
 - (iii) the person is in immediate need of the Schedule 4 poison for the continuation of the treatment; and
 - (iv) it is not practicable for the person to obtain a prescription for the Schedule 4 poison from a **prescriber**; and

- (b) supply no more than:
- (i) for a Schedule 4 poison that is on the **Pharmaceutical Benefits Scheme**, the standard Pharmaceutical Benefits maximum quantity; or
 - (ii) for a Schedule 4 poison that is not on the Pharmaceutical Benefits Scheme, the quantity that is contained in the smallest standard pack in which the Schedule 4 poison is generally available; and
- (c) otherwise comply with the requirements for the supply of Schedule 4 poisons as set out in the *Medicines and Poisons Act 2016* and the *Medicines and Poisons Regulations 2016* to the extent that they are consistent with this authorisation.

Section 197 of the Act, under which this authorisation is given, overrides the Medicines and Poisons Act 2014 and the Misuse of Drugs Act 1981 to the extent of any inconsistency.

The powers that an authorisation confers on a person are in addition to, and do not limit, the powers that the person may have under another written law or other law.

DEFINITIONS

Pharmaceutical Benefits Scheme has the meaning given by section 99ZH of the *National Health Act 1953*.

Pharmacist means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the pharmacy profession.

Prescriber has the meaning given in section 7(1) of the *Medicines and Poisons Act 2014* (WA).

Prescription has the meaning given in section 7(1) of the *Medicines and Poisons Act 2014* (WA).

Schedule 4 poison has the meaning given in section 3 of the *Medicines and Poisons Act 2014* (WA).

Supply has the meaning given in section 8(1) of the *Medicines and Poisons Act 2014* (WA).

COMMENCEMENT AND REVOCATION

The "Authorisation to administer, manufacture, supply or prescribe a poison during a public health state of emergency (No.1)" given on 24 March 2020 is hereby revoked.

This authorisation takes effect immediately and continues in force until the public health state of emergency is no longer in force, whichever is earlier, unless otherwise varied or revoked by me.



Dr Andrew Robertson

Chief Health Officer

29 May 2020 at 13:45 hours

WESTERN AUSTRALIA

Public Health Act 2016, Part 12, Division 6, section 197(2)

AUTHORISATION TO ADMINISTER, MANUFACTURE, SUPPLY OR PRESCRIBE A POISON DURING A PUBLIC HEALTH STATE OF EMERGENCY (No.1)

On 23 March 2020, the Honourable Roger Cook, Minister for Health, declared a public health state of emergency in the State of Western Australia pursuant to section 167 of the *Public Health Act 2016* (WA) (Act) in respect of COVID-19, a human coronavirus which on 11 March 2020 was declared a worldwide pandemic by the World Health Organisation.

I, Dr Andrew Robertson, Chief Health Officer, acting pursuant to section 197 of the Act, authorise pharmacists to supply Schedule 4 medicines without a current prescription subject to the following conditions:

1) The pharmacist is satisfied that:

- a. the person requesting the supply of the Schedule 4 medicine is undergoing treatment essential to the person's well-being;
- b. the Schedule 4 medicine has previously been prescribed to the person for the treatment;
- c. the person is in immediate need of the Schedule 4 medicine for continuation of the treatment; and
- d. it is not practicable for the person to obtain a prescription for the Schedule 4 medicine from an authorised practitioner.

2) A Schedule 4 medicine may only be supplied under this authority if the quantity supplied is no more than:

- a. for a Schedule 4 medicine that is on the Pharmaceutical Benefits Scheme, the standard Pharmaceutical Benefits maximum quantity; or
- b. for a Schedule 4 medicine that is not on the Pharmaceutical Benefits Scheme, the quantity that is contained in the smallest standard pack in which the Schedule 4 medicine is generally available.

This authorisation is subject to any limitation in a declaration under section 167(3)(b), 169 or 170.

This authorisation is subject to any directions of the Chief Health Officer given under section 197(3).

This authorisation takes effect immediately and continues in force as varied from time to time until 31 May 2020 or the public health state of emergency is no longer in force whichever occurs first, unless otherwise revoked.

Dated this 24th day of March 2020

Signed



Dr Andrew Robertson
Chief Health Officer
Department of Health WA

Section 197 overrides the *Medicines and Poisons Act 2014* and the *Misuse of Drugs Act 1981*, where these Acts are inconsistent.