



Western Australia

Medicines and Poisons (Validation) Act 2022

As at 01 Dec 2022

No. 46 of 2022

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No. 46 of 2022

An Act to make provision in relation to the definition of *Standard for the Uniform Scheduling of Medicines and Poisons (SUSMP)* in the *Medicines and Poisons Regulations 2016* regulation 3(1).

[Assented to 1 December 2022]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Medicines and Poisons (Validation) Act 2022*.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. Act binds Crown

This Act binds the Crown in right of Western Australia and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

4. Validation

(1) In this section —

non-legislative instrument means any of the following that is made, issued or given under a written law but that is not itself a written law —

- (a) a consent, licence, permit, approval or other form of authorisation;
- (b) a decision, determination, direction, exemption or instruction;
- (c) a code, notice, order, protocol, rule or standard;
- (d) an instrument not covered by paragraphs (a) to (c);

relevant definition means the definition of ***Standard for the Uniform Scheduling of Medicines and Poisons (SUSMP)*** in the *Medicines and Poisons Regulations 2016* regulation 3(1);

validation period means the period beginning on 1 February 2019 and ending on 19 November 2019.

- (2) The relevant definition is taken to have been as follows at all times during the validation period —

Standard for the Uniform Scheduling of Medicines and Poisons (SUSMP) means the Standard for the Uniform Scheduling of Medicines and Poisons set out in the current Poisons Standard;

- (3) Subsections (4), (5), (7), (8) and (9) —
- (a) supplement subsection (2); but
 - (b) are not to be construed as limiting the effect of subsection (2) or the effect of each other.
- (4) A written law or non-legislative instrument in force at any time on or after 1 February 2019 is taken to have, or to have had, the same effect at that time as if the relevant definition had been as set out in subsection (2) at all times during the validation period.
- (5) Anything done, or purportedly done, on or after 1 February 2019 is taken to be, and to have always been, as lawful, valid and effective as it would be, or would have been, if the relevant definition had been as set out in subsection (2) at all times during the validation period.
- (6) In subsection (5), a reference to the doing of anything includes a reference to an omission to do anything.
- (7) The functions, rights, obligations and liabilities of the State, and of all persons and bodies, are taken to be, and to have always been, the same as if the relevant definition had been as set out in subsection (2) at all times during the validation period.
- (8) An act or omission done or made on or after 1 February 2019 is taken to be, and to have always been —
- (a) an offence, or other contravention of a written law or non-legislative instrument, if it would be, or would have been, an offence or other contravention if the relevant

definition had been as set out in subsection (2) at all times during the validation period; and

- (b) subject to the same punishment or other penalty or consequences, whether criminal or civil, as it would be, or would have been, if the relevant definition had been as set out in subsection (2) at all times during the validation period.
- (9) An offence committed before the validation period with which a person was charged during the validation period is taken to be, and to have always been, as punishable as it would have been if the relevant definition had been as set out in subsection (2) at all times during the validation period.
- (10) This section has effect despite *The Criminal Code* section 11.

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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)
non-legislative instrument.....	4(1)
relevant definition	4(1)
validation period	4(1)

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