

Legislative Council



MEDIA RELEASE

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STANDING COMMITTEE ON Uniform Legislation and Statutes Review Medicines, Poisons and Therapeutic Goods Bill 2013

The Standing Committee on Uniform Legislation and Statute Review's tabled its 84th Report on the Medicines, Poisons and Therapeutic Goods Bill 2013 in the Legislative Council today.

The Chair of the Committee, Hon Kate Doust said that the Second Reading Speech raised the need for a Bill to update legislation on medicines, poisons and therapeutic goods. As the Parliamentary Secretary indicated in her speech, the bill is intended to close a loophole that allows an individual to manufacture and supply a therapeutic good without being subject to the rigours of the scientific examination of an appropriate regulator. The Bill attempts to achieve this by applying the Commonwealth Therapeutic Goods Act 1989 into Western Australian law.

The Committee is unanimous in its agreement that the legislation is outdated and confusing. However when the Committee looked at the Bill it soon realized that some clauses diminish the Minister's powers to actually deal with these problems.

During the inquiry the Committee became aware that the Commonwealth signed a treaty with New Zealand to establish a single regulatory body for therapeutic goods called the Australia New Zealand Therapeutic Products Agency (ANZTPA). The Commonwealth is moving towards introducing new legislation for the new body in the next two years that would mean the repeal of the Commonwealth TGA.

The Bill does not address the creation of the Australia New Zealand Therapeutic Products Agency nor current amendments to the Commonwealth *Therapeutic Goods Act 1989* before the Federal Parliament. The Commonwealth introduced the Therapeutic Goods Amendment (2013 Measures No 1) Bill 2013 to amend a number of schedules. This Parliament has not had an opportunity to consider what the flow on effect will be for Western Australia.

In addition, the mischief which the Bill proposes to address seems to be covered by the Australian Consumer Law (WA).

As some clauses impact the sovereignty and law making powers of the Parliament, the Committee recommends that the Bill be withdrawn for the government to consider amendments to it.

Hon Kate Doust said Western Australians cannot expect their State parliament to pass a Bill when we don't know what the text of it is and whether it will most likely be amended to the point of repeal in 2016. The Committee is unanimous that the State Minister for Health should be able to retain the powers and functions to do the job.

For media inquiries, contact the Chair of the Committee, Hon Kate Doust MLC, on 9222 7267 (Parliament House), 9470 3511 (Electorate Office) or 0418 944 558 (Mobile).

Other inquiries should be addressed to Mr Mark Warner, Committee Clerk, on 9222 7410 or mwarner@parliament.wa.gov.au.