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**The Hon Roger Cook MLA  
Deputy Premier  
Minister for Health; Mental Health**

Our Ref: 60-04402

Hon Michael Mischin MLC  
Chair  
Standing Committee on Uniform Legislation and Statutes Review  
Legislative Council  
Parliament House  
WEST PERTH WA 6005

Attention: Committee Clerk

Dear Mr Mischin

Thank you for your letter of 19 September 2017 regarding the Committee's question in relation to Clause 12 of the *Tobacco Products Control Amendment Bill 2017* (the Bill).

Proposed section 77(4) provides that the CEO may issue guidelines that describe the qualifications and experience that are appropriate for a person to be appointed as a restricted investigator. The proposed provision is modelled on section 122(2) of the *Food Act 2008*.

The policy rationale behind the issuing of guidelines, rather than having these prescribed in regulations, is that appropriate qualifications and experience change over time. Relevant training courses are intermittently added, varied or no longer offered by training providers. The provision of guidelines is intended to ensure that such administrative changes do not affect the appointment of persons, who would otherwise hold appropriate qualifications and experience. By providing guidelines the CEO will be able to make any changes in qualifications and experience that occur from time to time in a responsive and timely way.

In developing the guidelines, the CEO will consult with relevant agencies, including local governments, to determine what are the qualifications and experience most appropriate for this role. The commitment to consultation around such guidelines is ongoing. Issued guidelines will be publicly available and will be issued under the authority of the CEO.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simone McGurk'.

**HON SIMONE MCGURK MLA  
ACTING MINISTER FOR HEALTH**

**29 SEP 2017**

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