



**Deputy Premier of Western Australia
Minister for Health; Indigenous Affairs**

Our Ref: 25-05682

Mr Joe Francis MLA
Chairman
Joint Standing Committee on Delegated Legislation
Parliament House
PERTH WA 6000


Dear Mr Francis

I refer to your letter of 26 May 2009 and can advise that the majority of Health Local Law provisions (130 of the 141 Health Local Laws), that contain one or both of the systemic errors drawn to attention by the Committee, have now been identified.

It is expected that the task of identifying all the errors in question will be finalised by the end of June 2009.

This will allow the necessary drafting instructions to effect the required amendments, through the making of a set of Local Laws under section 343B of the *Health Act 1911* (the Act), to be developed and forwarded to the Parliamentary Counsel's Office in early July 2009.

Of the 141 local governments, it is likely that amendments will need to be made to approximately 135 Health Local Laws.

In identifying those Health Local Laws, the Department of Health (DOH), to a large extent, has had to rely on local governments for the detail as to whether their local laws contain any of the offending provisions.

Unfortunately, many local governments failed to reply to the circular advice issued on 1 May, 30 May and 27 June 2008 calling for the provision of that detail. There are at least 11 local governments yet to respond.

In order to save further delays, the DOH intends to access the remaining information, relative to the Health Local Laws of the 11 local governments that have not responded, by searching the *Government Gazette* database.

As the Committee will appreciate, the finalisation of the undertakings given in April 2008 by the then Minister for Health will now depend on the drafting and eventual making and publication of the set of Local Laws under section 343B of the Act.

Once that has been completed, I will be in a position to notify, in accordance with the requirements of section 343B(3) of the Act, each of the local governments affected by this process and to provide the Committee with my final report on this matter.

Should the Committee require further information or clarification of any aspects associated with this response, Mr Trevor Davies, Acting Principal Project Officer (Legislation), Public Health Division of the DOH, can be contacted on 9222 2236.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kim Hames', written over a horizontal line.

Dr Kim Hames MLA
DEPUTY PREMIER
MINISTER FOR HEALTH

19 JUN 2009