

NOXIOUS INDUSTRIES, DEFINITION IN HEALTH ACT

303. Hon J.A. SCOTT to the parliamentary secretary representing the Minister for Health:

- (1) Did the Health Department amend the definition of noxious industries in schedule 2 of the Health Act?
- (2) If yes, when?
- (3) Who asked for this amendment, and by what process did this occur?
- (4) Did this process require parliamentary scrutiny or approval, and what community consultation took place?
- (5) If no parliamentary scrutiny or approval process took place, why did the Health Department depart from the normal legislative procedure for subsidiary legislation that would involve parliamentary scrutiny?
- (6) Was this amendment approved by the then Minister for Health?
- (7) If not, who approved this amendment?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question.

- (1)-(2) The Health Department amended schedule 2 of the Health Act 1911. The definition of “offensive trades” in schedule 2 of the Health Act was amended in November 2000, pursuant to section 186 of the Health Act. The Health Department of Western Australia advised the then Government that the amendment should be made.
- (3) This amendment was made because of confusion among local governments and members of the community following a Supreme Court decision on town planning schemes that rely on the Health Act’s definition of offensive trades. The amendment was proclaimed by the Governor.
- (4) This process did not require parliamentary scrutiny. Consultation occurred with the relevant government departments and the Western Australian Municipal Association.
- (5) Section 186 of the Health Act authorises the Governor to amend schedule 2 of the Act by proclamation. The amendment was validly made in accordance with this provision.
- (6) Yes.
- (7) Not applicable.