

## JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION



Your ref: 00432 OUT22/340  
Our ref: A979756 and 4136/09

21 September 2022

Mr Albert Jacob  
Mayor  
City of Joondalup  
PO Box 21  
Joondalup WA 6919

[mayor.jacob@joondalup.wa.gov.au](mailto:mayor.jacob@joondalup.wa.gov.au)

Dear Mayor

### **City of Joondalup Health Amendment Local Law 2021**

Thank you for the Explanatory Memorandum and supporting material for the above Local Law dated 15 August 2022.

The Committee considered the local law at its meeting today and resolved to write to you about the following matter.

The Local Law refers to the Food Standards Code in new clause 7.11. New clause 7.11(2)(b) provides:

*(2) The keeper of a lodging house must provide in that lodging house a kitchen which—*

*(b) may be required by the local government to comply with any of the requirements of Standard 3.2.3 of the Food Standards Code.*

As this standard has been adopted as part of the Local Law, residents should be able to access it easily and without charge. This derives from the principle that citizens should be able to access the law. Any barriers to access, including cost and not being aware about the availability of free access, undermines the rule of law.

The Explanatory Material does not indicate whether the City has copies of the Food Standards Code that can be accessed free of charge. The City's website does not appear to make any reference to free public access to standards.

Please ensure this standard can be accessed by the public free of charge. How the City makes the standard available for public access, whether in hard copy form or on its website, is a matter for the City.

### **Undertaking**

The Committee requests the following undertaking:

1. Within six months:

- State how the Food Standards Code can be accessed by the public free of charge.

The undertaking should be given in the form of a letter signed by you as Mayor, not the Chief Executive Officer or other officer of the City of Joondalup. This is because, pursuant to section 2.8(1)(d) of the *Local Government Act 1995*, the 'Mayor or President speaks on behalf of the local government'.

On the understanding your Council will next meet on 18 October 2022, the Committee requests the undertaking be provided by **5pm on Friday, 21 October 2022**.

To assist you I attach a suggested form of Council resolution to provide the undertaking.

### **Notice of Motion to Disallow**

I advise that the Committee resolved to give a Notice of Motion in the Legislative Council to disallow the Local Law.

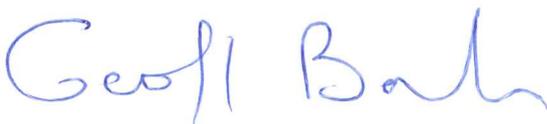
The reasons for giving notice are:

- to protect the Parliament's right to disallow the Local Law should the Committee recommend disallowance
- to provide the Committee with additional time to scrutinise the Local Law and, if necessary, obtain further information.

The giving of the notice should not be taken as indicating that the Committee has resolved to recommend disallowance at this stage.

Please provide your response by **21 October 2022**. If you have any queries in relation to this matter, please contact Ms Felicity Mackie, Advisory Officer (Legal) at [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au).

Yours sincerely



**Mr Geoff Baker MLA**  
Chair

cc: Ms Vivienne Stampalija, Governance Coordinator, [vivienne.stampalija@joondalup.wa.gov.au](mailto:vivienne.stampalija@joondalup.wa.gov.au)

*This correspondence including any attachments is confidential and privileged. Your local government may only discuss the content of this letter and any attachments with the Western Australian Local Government Association, the Department of Local Government and the City's legal advisors to the extent necessary to obtain information the Committee seeks. Each person to whom you distribute this material must be made aware of its confidential and privileged status.*

**Suggested form of Council resolution to provide the undertaking**

The Council of the City of Joondalup resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

1. Within six months:
  - State how the Food Standards Code referred to in the Local Law can be accessed by the public free of charge.