



Preparing for Stage 3: Local Government Reporting

Public Health Act 2016

The purpose of this document is to prepare for the commencement of **Section 22** of the *Public Health Act 2016* ('the Public Health Act') 'Reports by and about enforcement agencies.'

This document is not a substitute for reading the Public Health Act and it is important to read the relevant provisions of the Public Health Act that will come into effect at stage 3.

Overview of Local Government Reporting

The Public Health Act requires a local government to report on:

1. the performance of its functions under the Public Health Act and
2. any proceedings for an offence undertaken under the Public Health Act.

Performance of functions

As the main enforcement agency of the Public Health Act, local governments will be required to report to the Chief Health Officer on their performance of functions under the Public Health Act. Section 16 outlines a local government's functions in relation to the administration of the Public Health Act.

The Chief Health Officer will require reporting to be undertaken on an annual basis to coincide with financial year reporting. It is expected that reports will be due in October each year.

The Department of Health will release at the completion of each financial year a reporting template which will include details on what a local government will be required to report on. Initially reporting will be done through either a form or online survey and this will vary for each stage of implementation.

Offence proceedings

Local governments will also be required to report to the Chief Health Officer within one month of commencing or finalising proceedings for an offence under the Public Health Act.

Stage 3 reporting

Performance of functions

While the Public Health Act is in Stage 3 of implementation the reporting requirements under the Public Health Act will relate to:

- Details on Authorised Officers
- Details on work associated with enforcing the *Public Health Act 2016*; and

- Details relating to proceedings commenced and finalised under the *Public Health Act 2016*.

Offence proceedings

The requirement to reporting on offence proceedings will be enacted at Stage 3. It is unlikely that there will be any proceedings to report on during Stage 3 as the various sections and regulations under the Public Health Act that Local Governments will be able to use to commence proceedings will be enacted in Stages 4 and 5.

Preparing for stage 3

To prepare for Stage 3 of implementation of the Public Health Act reporting local governments should:

- Familiarise themselves with Section 22 of the Public Health Act
- Familiarise themselves with Section 16 of the Public Health Act.
- Understand their functions under the Public Health Act that will come into operation at Stage 3.
- Familiarise themselves with the requirements relating to Authorised Officers
- Determine who will be responsible for undertaking the reporting
- Assess current record keeping systems and their ability to assist with reporting

Key messages

Local governments will have limited reporting required at Stage 3 due to the limited number of functions under the Public Health Act that are in effect. Full reporting requirements will not be required until the Public Health Act has been fully implemented (Stage 5).

Whilst reporting under Section 38 of the *Health (Miscellaneous Provisions) Act 1911* will only be repealed at Stage 5, the *Annual Report Form (Local Authorities) Regulations* will be repealed at Stage 3. Therefore once Stage 3 of the Public Health Act is enacted local governments only need to focus on ensuring that reporting as per Section 22 is occurring.

Further information

Refer to the WA Health website www.health.wa.gov.au for up-to-date information including the *Public Health Act Toolkit for local governments*, or email publichealthact@health.wa.gov.au for information.

Copies of the Public Health Act can be downloaded from: www.slp.wa.gov.au

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