

Our Ref: 14057/01/55-01-40
Your Ref:

3 December 2004



Dr. Jacqueline Goodall
Legislation and Policy Officer
Legislation Review
Public Health
Department of Human Services
GPO Box 1670N
Melbourne 3001

Dear Madam,

Re: Health Act Review

There are submissions being made by the AIEH and MAV which will cover in detail many issues. I wish to support those comments, but also to highlight some that I feel are particularly relevant.

Issue	Section reference
3 Should the new Act recognize the importance of health promotion.	3.2
Comment: Health promotion needs to be given a higher priority in all stages of council operations and plans and this would help.	
9 Should the new Act retain the functions of municipal councils.	4.2
Comment: Issue: Yes it should give clear direction.	
12-16 Public Health Plans	4.4
Comment: There needs to be clearer direction on the value of MPHP's, particularly linking them to council plans.	



INVESTOR IN PEOPLE



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Issue	Section reference
<p>18 Should an EHO who is appointed by a council automatically be an authorized officer for the purposes of the Act?</p>	4.6
<p>Comment: EHOs should be automatically authorized.</p>	
<p>19 Should the new Act require specific qualifications and/or experience for appointment as an EHO?</p>	4.6
<p>Comment: Yes, to ensure competency standards are met.</p>	
<p>20 Should the new Act require that authorized officers have qualifications and/or experience prescribed by the Secretary?</p>	4.7
<p>Comment: There must be clear guidelines to avoid inappropriately qualified people being appointed.</p>	
<p>21 Alternatively, should the Act provide that councils may only authorize persons appropriately competent?</p>	4.7
<p>Comment: As above.</p>	

Issue	Section reference
38 If separate nuisance provisions are retained, should nuisance be defined so as to focus on public health risks and, if so, does removing the term 'annoying' from the definition of 'offensive' achieve this?	7.3
<p>Comment: The terms "annoying" and "injurious to personal comfort" are useful in solving trivial problems that are not necessary a risk to public health, but should be retained. They can assist in dealing with some difficult complaints</p> <p>If nuisance provisions retained, to redefine offensive definition. Need new definition of nuisance. The vexatious and frivolous section to be retained.</p>	
39 If the obligation on municipal councils to abate nuisance in their municipality is retained, should the abatement provisions be removed and municipal councils instead rely on general enforcement provisions under the new Act?	
<p>Comment: Notice to abate – councils do not have to go to court first to issue an order to abate a nuisance.</p> <p>The general enforcement provisions and the definition "risk to health" is too broad, nuisance abatement (or similar) needs to be kept in to allow timely remedy. Ther should be provisions for PIN's to be issued.</p>	
41 Should RMPs have a role in the regulation of public health risks under the new Act?	7.5
<p>Comment: Yes, RMPs may be a good approach for high risk premises, provided there are model plans.</p>	
48 Should all enforcement powers be brought together in one part of the Act?	7.7
<p>Comment: Yes.</p>	
49 Should the enforcement provisions of the Health (Infectious Diseases) Regulations 2001 be broadened to cover other public health threats not involving infectious diseases?	7.7
<p>Comment: Yes.</p>	

Issue	Section reference
50 Are the enforcement powers in the Health Act appropriate to allow authorised officers and EHOs to carry out their duties?	7.7
Comment: Yes, however consideration should be given to PIN's	
52 Should the power to search for and seize goods without a warrant be widened to allow the Secretary to search for and seize things other than goods, such as records, biological agents or other items?	7.7
Comment: Yes, but electronic records need to be included.	
65 Should there be provision for cost recovery.	7.9
Comment: Yes there should in all three cases.	
72 Should the new Act introduce PERIN for suitable offences?	7.11
Comment: Yes, but must be clear cut. Yes, but must clearly define breaches. Useful tool for compliance. Easier and less expensive than going to court. The ability to use it may be enough to get co-operation.	
73 Should public health offences attract similar penalties to those attracted by offences under environment protection legislation?	7.12
Comment: Yes, penalty must be relative to the offence. Yes, to be consistent with other Acts e.g. E P Act 1970.	
74 Should the new Act allow for greater penalties where the offender is a body corporate?	7.12
Comment: Yes, compared to the individual.	

Issue	Section reference
<p>103 Should the new Act state the role of municipal councils in relation to immunisation as 'co-ordinating and providing immunisation services to children living or being educated within the municipal district'?</p>	8.8
<p>Comment: Yes, "coordinating and providing" with the emphasis on providing as this is the most cost effective method of provision. A GP based system is too great a cost for the community. The true cost needs to be recognized in the subsidy provided.</p>	
<p>105 Should the new Act require school principals of primary schools to make reasonable efforts to seek an ISC in respect of every child enrolled in the school, and an immunisation update on re-enrolment?</p>	8.8
<p>Comment: Act should make both the Principals and Parents jointly responsible for immunization status certificate (and/or ACIR status certificate). The transfer of information between schools is an issue.</p>	
<p>106 Should the new Act introduce an obligation on parents to supply evidence of immunisation on enrolment of their child into secondary school and an obligation on school principals to make reasonable efforts to seek immunisation records in respect of every child enrolled in the school?</p>	8.8
<p>Comment: Immunisation status should be compulsory for both Primary and secondary school.</p>	
<p>107 Should the new Act introduce an obligation on tertiary students to supply evidence of immunisation on enrolment and an obligation on tertiary facilities to make reasonable efforts to seek immunisation records in respect of every student enrolled in the facility? If so, for which diseases should immunisation records be required?</p>	8.8
<p>Comment: Same as for 106, however this will be difficult.</p>	
<p>110 Should the new Act require the principal teacher or person in charge of the school to take reasonable steps to ensure that immunisation records are</p>	8.8

Issue

**Section
reference**

maintained, and to allow inter-school transfer of
ISCs?

Comment: Yes, at both secondary and primary level.

111 Should the new Act facilitate consistency with the NHMRC schedule for immunisation? 8.8

Comment: Yes, for funded vaccines.

117 Should the health risks related to rats and mice be dealt with by an improvement notice. 9.1

Comment: Yes, but possibly with provision for PIN's.

120 Should the new Act re-enact provisions relating to meat supervision. 9.3

Comment: Yes.

Comment: Yes, at both secondary and primary level.

121 Should the offence under the Food Act 1984 in relation to the sale of unsafe food be broadened. 9.3

Comment: Yes.

Yours faithfully,



David Esmore
Contract Manager Health Services