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BF/CA

11 November 2004

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



Dear Dr Goodall,

#### **Review of the Health Act 1958**

The City of Casey wishes to submit the following comments on the Review of the Health Act 1958 Discussion Paper forwarded to us from the Department of Human Services.

#### **Municipal Public Health Plans**

The City of Casey agrees that the Act should place a greater emphasis on implementing the MPHP and be outcome focused rather than simply develop one.

Casey supports the proposal that MPHP's follow a similar process to Council Plans under the Local Government Act 1989 and aligning the MPHP to the Council's four - year strategic planning cycle. The MPHP must be clearly linked to the Council Plan. This will help to raise the profile of the Health Plan within Local government to be alongside key planning documents like Metropolitan Strategic Statements (MSS).

#### **Medical Officers of Health (MOH)**

The City of Casey supports the removal of the requirement to appoint a Medical Officer of Health. Council very rarely requires the input of its MOH on Public Health matters making it extremely difficult to justify a formal appointment as required by the Act. A more reasonable approach would be for Council to detail how medical advice would be sought through the MPHP.

#### **Environmental Health Officers**

The City of Casey supports the proposal that an EHO appointed by Council is automatically authorized under the Health Act. Council appoints EHO's exclusively to enforce, among other pieces of legislation, the Health Act. It only makes sense to have them automatically authorized once appointed to reduce unnecessary administration within Council.

H/CS-AQ/Daily/Nov/Dr Goodall

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### **Authorised Officers**

There is no guarantee that training institutions can produce enough EHO's to meet demand. Quite often Council's meet demand by employing people with a similar background to EHO's like Food Technologists to fulfil particular roles. It makes sense to leave the responsibility of employing appropriate people to carry out the functions of an authorised officer under the Act to the Council. Should competencies need to be set they should be quite clear.

### **Duty to Abate a Nuisance**

Council should retain the responsibility for dealing with public health risks within their municipalities. What needs to be addressed is the petty complaints that most of the time fall under the term 'annoying'. For example complaints about noise from wind chimes or frogs in ponds place an unnecessary strain on resources as Council is required to investigate. While the public health risk from these issues are non-existent the possibility of it being annoying and therefore a nuisance is probable requiring investigation and maybe action to be taken. Are these the type of issues the Act aims to control? Casey advocates that the nuisance provisions have a focus on public health with clear definitions and the removal of the term annoying.

### **Risk Management Plans (RMP's)**

The City of Casey does not see the need to introduce RMP's as the justification for introducing such a plan under the Health Act is not apparent as compared to the introduction of Food Safety Plans.

Should RMP's be introduced Casey would like potential impacts on resourcing, financial costs to Council to be considered together with setting criteria on generally what a Plan should address and/or include.

### **Registration and Licensing**

Any premises that conducts an activity that has the potential to present a risk to public health and is not registered or controlled by another body ie. Doctors (AMA), Acupuncturist (Chinese Medicine's Board) etc. should be registered/licensed under this Act.

As Hairdressers rarely use cut throat razors any more serious consideration should be given to removing the requirement for their activity to register if shaving with a razor is not part of their activity.

### **Enforcement Powers**

The enforcement powers in the Health Act are adequate however greater flexibility would be welcome with the introduction of On the Spot fines for clearly defined breaches.

**Immunisation**

Casey believes that the burden should remain with parents/guardians to produce an Immunisation Status Certificate when enrolling their child. There should also be more pressure placed on all School Principals of Primary Schools though to ensure that ISC's are obtained. There should also be more pressure placed on principals to ensure that if not complete ISC Certificates are received for a child that within an appropriate time frame the required vaccines are administered and a complete ISC obtained.

Requirements should also be placed on principals to transfer Immunisation Status Certificates at the request of a parent should a child move schools. There are too many times that Council is being asked by parents for copies of their child's certificate to enroll their child at a new school.

Casey agrees that the authority to issue a certificate be broadened to include all persons who are able to perform immunizations including GP's.

Should you require any further comments on the City of Casey's submission please contact Sean La Fontaine on 9705 5277.

Yours faithfully



**Brendan Fitzsimmons**  
Manager Community Safety