



9 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

RE: REVIEW OF THE HEALTH ACT 1958 – CALL FOR SUBMISSIONS

I recently received a copy of the discussion paper, *Review of the Health Act 1958: A new legislative framework for public health in Victoria*. I appreciate the opportunity that Dairy Food Safety Victoria (DFSV) has been given by the Department of Human Services (DHS) to provide comment on the paper.

The discussion paper has succinctly identified key issues, which has enabled DFSV to provide you with the following comments.

3.1 Scope of the new Act

The functions of DFSV are prescribed under the Dairy Act 2000. This legislation currently deals with matters of public health as related to dairy food safety. In this instance, the new Health Act does not need to include food safety legislation that is already covered by the Dairy Act 2000.

4.7 Authorised Officers

The Dairy Act 2000 provides for the appointment of Authorised Officers in relation to this Act. Authorised Officers under the Dairy Act are also Authorised Officers under the Food Act 1984.

DFSV supports in-principle that Authorised Officers should hold a minimum qualification/experience. If a minimum qualification/experience was prescribed in the new Health Act for Authorised Officers under this Act, then consideration may need to be given to the impacts of this on other legislation, such as the Dairy and Food Acts.

7.5 Risk Management Plans

As a comparison, dairy food safety is also managed through risk management plans, in the form of HACCP-based Food Safety Programs. It is a requirement of a

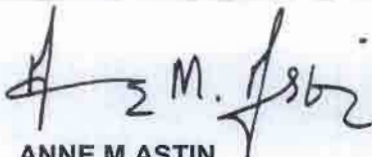
business to have an approved Food Safety Program in place prior to the granting of a licence by DFSV and commencement of the business.

7.10 A new offence of "risk to health"

If the new Act is to contain a new offence of "risk to health", consideration should be given to the impacts of this on other related legislation eg Dairy Act that also contain a number of offences in relation to public health.

If you have any questions regarding these comments, please contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A M. Astin' with a stylized flourish at the end.

ANNE M ASTIN
Chief Executive Officer

Copy: Jennifer McDonald (DHS)
Margaret Darton (DPI Vic)