



20 October 2004

File No EFH 04/1249

→ Stephen Lake

Dr Robert Hill  
Director Public Health and Chief Health Officer  
GPO Box 1670N  
Melbourne  
VIC 3001

Dear Dr Hill,

### Review of the Health Act

The Metropolitan Fire and Emergency Services Board (MFESB) has reviewed the discussion paper *Review of the Health Act* and comments as follows. Each issue of relevance has been identified as in the discussion paper.

#### *Partnerships in Public Health (issue 11)*

The MFESB from time to time interacts with municipal councils at the scene of local emergencies, e.g. a fire in a restaurant where we would request a Health Inspector over concerns about contaminated food products. Other interaction also occurs at the Municipal Emergency Management Planning Committees, where both the MFESB and Council health officers are represented.

**Comment:** The MFESB is very supportive of furthering partnerships with government and non-government sectors protecting and supporting the community, and would endorse the inclusion of these themes in the new Act.

#### *Duty to Collect Information (issues 22 & 23)*

The release of toxic gases, whether from an industrial accident or terrorist event, may result in gases travelling some distance over a populated area dependent on the atmospheric conditions of the time. Emergency Services may be able to measure the distance of the toxic plume accurately and provide this information to health authorities for post-incident recovery purposes.

**Comment:** The MFESB would support the Secretary having adequate powers to collect sufficient data to enable the proper monitoring of persons affected and studies of the event.



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*Enforcement Powers (issues 48, 49 50, 51 & 52)*

As a general principal, issues involving individual rights as against those of the community are contentious, however given the current context of terrorism and the potential for many to be killed or injured as a result of a terrorist attack, the community must be protected in the best way possible.

**Comment:** The MFESB would support the consolidation of all powers into the relevant area of the new Act to enable an uncomplicated approach in exercising those powers. We also feel that increased provisions for the Secretary and authorised officers to operate in non-infectious disease environments, such as toxic exposure, would be beneficial.

*Environmental Health (issue 116)*

The MFESB has close links with the EPA in partnering to protect the community and is supported by legislative links in their respective Acts.

**Comment:** The MFESB would support the removal of the provisions dealing with offensive waterways from the new Act.

I thank you for this opportunity to give our feedback and acknowledge the comprehensive process for stakeholders' input.

Yours sincerely

**Peter Akers**  
Chief Executive and Chief Officer