



Northern Grampians
Shire Council

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MW:mw: 10 06 004A

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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: A NEW LEGISLATIVE FRAMEWORK
FOR PUBLIC HEALTH IN VICTORIA DISCUSSION PAPER**

Thank you for the opportunity to comment on the above discussion paper. I have made comments on some of the issues raised in the paper which are specific to local government as follows:

4.2 Functions of municipal councils

The new Act should retain the functions for municipal councils as set out in Section 29A, as they relate in general terms to council's public health duties and responsibilities. However the new Act should build on these principles with the emerging focus on promoting community health and wellbeing, recognising the role as planners, advocates and providers of organised public health programs.

11. The concept for partnership between state & local government should be addressed, so that in general terms, support is available from a state level - leadership, resources, to assist local government to achieve the best possible outcomes.

4.4 Municipal Public Health Plans

15. The current requirement to report should be retained and this should be enforced with councils.

16. The MPHP should be linked to other planning processes within LG so to strengthen the importance of it.

4.5 Medical Officers of Health

17. The new Act should remove the requirement that every council appoint a MOH and instead rely on non-legislative mechanisms for ensuring access to medical expertise.

4.6 Environmental Health Officers

18. An EHO who is appointed by a council should automatically be an authorised officer for the purposes of the Act. The time taken between commencement of appointment and the authorisation by

council can lead to legal problems if the circumstances arose. If an EHO is appointed, then they should be suitably qualified.

19. The new Act should not specify the qualifications &/or experience of an EHO as it needs to be flexible to respond to changes in training of EHO's.

4.7 Authorised Officers

20. The new Act should require that authorised officers be appropriately competent, as against qualifications &/or experience as prescribed by the Secretary.

7.3 Duty to abate a nuisance

If councils are to look at the 'health and wellbeing' of a municipality, then a general statutory duty of care should be adopted as well as retaining separate nuisance provisions. The term 'annoying' should not be removed as it can be a useful tool in defining a nuisance from the definition of 'offensive'. Council Local Laws are often quite antiquated and inadequate in dealing with a broad range of nuisances. Legal opinions in the past have been quite explicit in defining a nuisance in the 'annoying' type category as a condition or activity which is not just a 'one-off' occurrence but regular over a period of time, to the detriment of enjoyment of property and life.

I look forward to a new framework for public health that is modern, sufficiently flexible as well as respectful to individuals. [REDACTED]

Yours faithfully



MICHELLE WOOD
SENIOR ENVIRONMENTAL HEALTH OFFICER