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10 February 2006

Mr Stephen Lodge
Manager
Legislation Review
Public Health
Department of Human Services
120 Spencer Street
GPO Box 1670N
MELBOURNE VIC 3001

Dear Stephen

REVIEW OF THE HEALTH ACT 1958

Thank you for your letter dated 9 January 2006 acknowledging CFA's interim response forwarded on 22 December 2005 regarding the Review of the *Health Act 1958*. In our letter we indicated that we would give more detailed consideration to the proposals relating to Part 13 of the *Health Act*.

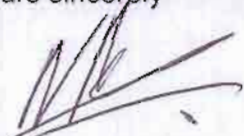
We have reviewed that Part and have concluded that it is no longer required, as:

- The building legislative system within Victoria addresses all of the items mentioned within Part 13 of the Health Act and it could be viewed that Part 13 is a duplication.
- DHS have established guidelines to manage the level of fire safety within their own properties.
- The clauses in Part 13 relating to work practices would now be addressed by the OH&S Act which is administered by Worksafe.

As such, CFA has no objection to the approach proposed in the Draft Policy Paper.

It would be appreciated if you would give detailed consideration to our earlier comments relating to the recommendations 118-125.

Yours sincerely


Neil Bibby AFSM
Chief Executive Officer

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creating safer communities



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22 December 2005

Dr Robert Hall
Director Public Health & Chief Health Officer
Department of Human Services
GPO Box 1670N
MELBOURNE VIC 3001

Dear Dr Hall

REVIEW OF THE HEALTH ACT 1958

Thank you for your letter of 7 December 2005 inviting submissions on the draft policy paper for the Review of the *Health Act 1958*, and your later letter of 16 December advising of the extension of time for submissions until 30 January 2006.

CFA's indicative position comes from its role as an emergency service organisation with obligations under the *Country Fire Authority Act 1958* and the *Emergency Management Act 1986*. CFA also has powers and functions under other legislation such as the *Building Act 1993*. The following preliminary comments are in response to the relevant proposals in the draft policy paper.

Recommendations 118 –125 deal with emergency powers relating to health risks. It is noted that the procedures under the *Emergency Management Act 1986* are recognised, but CFA would prefer to see a more definitive statement whereby the Chief Health Officer exercises powers in relation to incidents, epidemics and emergencies in accordance with incident management practices in the Emergency Management Manual. This would ensure that in an emergency of a magnitude that activated the Emergency Management Act procedures, the Chief Health Officer was applying the same principles and operating systems as other emergency service organisations.

Part 6.5 (recommendation 242) proposes that Part 13 of the Health Act dealing with precautions against fire, not be re-enacted in a proposed new Health Act on the basis that fire precautions are adequately covered in relevant building legislation. This position is currently being reviewed by CFA.

We will provide a more substantive response by the revised submission date.

Yours sincerely

Neil G Bibby AFSM
Chief Executive Officer