



Coles Myer Ltd.

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19 January 2006

Dr Robert Hall
Director of Public Health &
Chief Health Officer
120 Spencer Street
GPO Box 1670N
MELBOURNE VICTORIA 3001

Facsimile 03 9637 4779

Dear Mr Hall

Re: Review of the Health Act 1958

Coles Myer Supermarkets appreciates the opportunity to provide comment on the proposed policy framework for the new public health legislation in Victoria.

As you would be aware, Coles Myer Supermarkets takes our compliance obligations in relation to health matters very seriously and has policies in place to ensure that we comply with all health laws and regulations.

Please find attached our comments on the proposed recommendations in the submission template provided by the Department of Human Services.

Should you wish to further discuss our comments, please contact myself on (03) 9829 5640 or Richard Uglow on (03) 9829 4853.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Jodi Dixon'.

Jodi Dixon
Manager Regulatory Affairs
Coles Myer Ltd

RECOMMENDATIONS

Issue	Section reference
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|---|--|-----|
| 1 | That the new Act be named the <i>Public Health Act</i> . | 1.1 |
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Comment:

We support the new Act be named the *Public Health Act* to achieve consistency with most other States.

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| 85 | That "offensive" be defined as "noxious or injurious to personal comfort" and the reference to "annoying" be removed. | 4.4 |
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Comment:

We support the removal of the reference to "annoying" from the definition of offensive, as this is highly subjective. In our view nuisance provisions should focus on nuisances that present public health risks rather than trivial amenity related complaints.

We make no comment in relation to the definition of "offensive".

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| 134 | That, based on the offence provisions that are currently proposed for the public health Act, the public health Act not introduce a defence of due diligence (modelled on section 17E of the <i>Food Act 1984</i> (Vic)). | 4.13 |
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Comment:

We believe a due diligence defence should be available for certain types of offences. While some offences are significantly serious and should not have a stated defence, others such as nuisance provisions, noise pollution etc would be well placed to have stated defence provisions dependent upon satisfactory evidence of due diligence.