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BVP:KN

21<sup>st</sup> December, 2005

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

Attention: Stephen Lodge  
stephen.lodge@dhs.vic.gov.au

Dear Sir,

**Re: Health Act 1958 Review**



Thank you for the further opportunity to comment on the draft policy paper. Generally the proposed changes are desirable and reflect our changing standards of living and community expectations. There are however serious concerns with the following;

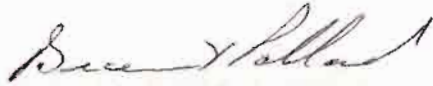
1. Recommendation (7) narrowly defining health becomes a total contradiction of recommendation (6) – the broad definition of health. If the broad definition is to be introduced, as it should be, it should apply across the Act. It is and always has been farcical to suggest that something, which affects a persons physical, social or mental well being is not a health issue.
2. Recommendation (19) (e) requiring councils to provide immunisations. Councils have always done this and generally done it extremely well, however with the advent of Incentive Grants to General Practitioners the percentage of infant immunisations provided by Council have been eroded dramatically with General Practitioners actively pursuing infants. The recent approval of a Medicare rebate for nurse immunisers administered injections at medical clinics is likely to further erode council client base. The high cost of maintaining a pool of accredited nurse immunisers (5 in Gannawarra Shire Council) and declining incomes means that small councils are likely to have to review their commitment to infant immunisations.
3. Recommendation (85) removal of annoying. This relates back to the broad definitions of health. While it may not be relied on, having a broad definition of nuisance means it is far more difficult to challenge a nuisance charge in a court of law.
4. Recommendation (92) removal of the abatement provisions. As an Environmental Health Officer with 32 years experience I would have to say that the nuisance provisions of the Health Act are the most useful legislation available. The abatement provisions have been used for all manner of things. Currently this council has a notice in progress requiring removal and burial of approximately 97 dead sheep. This has been able to be implemented rapidly for a quick resolution.
5. Recommendation (115) is totally unworkable unless authorised officers have the power to issue improvement or prohibition notices. Many nuisances have a degree of urgency and anything which slows the process will be an impediment to effective enforcement. At the very least councils should have power to delegate (similar to the existing Section 47A) to one or more officers.

Recommendations (100,107) WCAT are not an appropriate body to review matters involving legal contraventions. They are incapable of making consistent and legally based decisions. These matters should be left in the hands of the courts.

I hope that these issues can be reconsidered.

If you have any queries please do not hesitate to contact me on 5450 9333.

Yours faithfully,



Bruce V Pollard  
**ENVIRONMENTAL HEALTH OFFICER**