

Health Act Review – Moreland City Council Final response to DHS Draft Policy paper date November 2005.

DHS Recommendation Reference	Final Council response
Rec 6 & 7. P.6	Broader Definition of Public Health Council supports recommendations and the comments of the MAV.
Rec 13, p.9.	Introducing ‘Guiding Principles’ Council supports recommendations and the comments of the MAV.
Rec 19, pp 14-16	Functions of municipal councils Council supports the recommendations. Council believes the inclusion of the word “providing” immunisation is appropriate as it appropriately describes the historical role of local government in the delivery of immunisation services. However, Council wishes to endorse MAV’s concerns regarding cost recovery.
Rec 20-22, pp 14-16	Reporting requirements & delegatory powers Council supports recommendations and the comments of the MAV.
Rec 23 & 24, p. 19	Local Government Medical Officers of Health Council supports recommendations and the comments of the MAV.
Rec 26-31 pp 17-19	Appointment of Authorised Officers & Role of Environmental Health Officers Council supports recommendations and the comments of the MAV.
Rec 55-60 pp 30-33	Municipal Public Health Plans Council supports recommendations and the comments of the MAV.
Rec 63-65 pp 34-36	Health Impact Assessment Council supports recommendations and the comments of the MAV.
Rec 67 pp 41-42	Birth Notifications & Maternal & Child Health Centres Council supports recommendations and the comments of the MAV in regard to birth notifications.
Rec 71 & 72 pp 43	Risk Management Approach Council supports recommendations. However Council also supports the cautions raised by the MAV.

<p>Rec 73-79 p. 44</p>	<p>General statutory duty of care Council supports recommendations and the comments of the MAV.</p>
<p>Rec 82 p. 49</p>	<p>“Risk to Health” offences Council supports recommendations and the comments of the MAV.</p>
<p>Rec 83-92 pp. 50-55</p>	<p>Nuisance provisions Council supports recommendations and most comments of the MAV. Council considers it appropriate that the risk of infectious disease from vermin and other animals be classed as a nuisance, however concern is expressed that the ability for a council to promptly abate a infectious disease threat from vermin or animals, where the owner or occupier does not comply with a notice (as provided under Section 411(4) of the Health Act), will be lost and instead councils will be required to seek a court order to remove the risk, as per the current nuisance provisions. Council believes consideration should be given to permit Council to abate a nuisance condition without recourse to a court, at least in some specific circumstances.</p>
<p>Rec 93, p. 55</p>	<p>Standards of Practice and Guidelines Council agrees with this recommendation.</p>
<p>Rec 95-97 pp 56-57</p>	<p>Risk Management Plans for registered businesses Council supports recommendations and the comments of the MAV.</p>
<p>Rec 98-104 pp 58-104 Also Rec 144-157 pp. 78-84</p>	<p>Registration and Licensing Council supports recommendations but endorses the precautionary comments of the MAV concerning the proposal to not register hairdressers. In addition if hairdressers are not to be registered, as proposed, Council suggests that consideration be given to requiring hairdressers that use a cut throat razor or blade for the shaving of hair close to skin should be required to be registered as A Skin Penetration premises. As many hairdressers also conduct beauty and skin penetration activities it is possible that councils will experience an increased incidence of operation of these activities without appropriate registration. These activities, additional to hairdressing, have in the past been detected during routine hairdresser inspections.</p>
<p>Rec 105-114 Pp 62-64</p>	<p>Authorised officers powers of inspection Council supports recommendations and the comments of the MAV.</p>
<p>Rec 115-117 pp 65-66</p>	<p>Improvement and prohibition notices Council supports recommendations and the comments of the MAV.</p>

	<p>However Council does not agree that the power to issue Improvement Notices or Prohibition notices should rest solely with Council. Council should have the ability to delegate this power to one or more authorised officers, as is the case with the current nuisance provisions. If Council approval is required to issue notices unacceptable delays will be created in abating nuisance or "risk" conditions.</p>
Rec 126-129 pp 70-71	<p>Cost recovery in response to abating a public health risk Council supports recommendations and the comments of the MAV.</p>
Rec 130-133 pp 72-73	<p>Infringement notices & Penalties Council supports recommendations and the comments of the MAV.</p>
Rec 136-143 pp 74-77	<p>Appeals Council supports recommendations and the comments of the MAV.</p>
Rec 144-157 pp. 78-84	<p>Control of Infectious Diseases- Registration of Premises See comments on Rec 98-104</p>
Rec 220-227 Pp 108	<p>Environmental Health Provisions Risks related to rats and mice-refer to comments regarding Nuisance provisions, Recommendation 83-92.</p>