

**SUBMISSION OF THE RURAL CITY OF WANGARATTA
TO THE HEALTH ACT REVIEW DRAFT POLICY PAPER**

Recommendations

	Issue	Section reference
39	<p>That the public health Act provide that, when conducting an inquiry, the Secretary, Chief Health Officer, person or panel:</p> <ul style="list-style-type: none"> must act as quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the issues. is not bound by the rules of evidence; may inform itself in any way it considers appropriate, including by holding hearings; subject to any directions, may decide the procedures to be followed for the inquiry; and may allow or refuse to allow a person, including a lawyer, to represent someone else at the inquiry. 	2.1
	<p>Comment: 39(e) A person should have the right to be entitled to representation at an enquiry.</p>	
55	<p>That in order to protect and promote public health within their municipal district, municipal councils be required to prepare a municipal public health plan (in consultation with the Department of Human Services) within 12 months after each general election.</p>	3.1
	<p>Comment: This is fine except where a council may be sacked and another election is subsequently held, therefore requiring a another MPHP to be done.</p>	
57	<p>That the public health Act provide that each municipal council be required to review its municipal public health plan annually and, if appropriate, amend the plan.</p>	3.1
61	<p>That the Department of Human Services develop a non-legislative public health plan that assesses and sets priorities for the public health system. However, at this stage, the Act should not require the Secretary to develop such a plan.</p>	3.2
	<p>Comment: If this is not a requirement for DHS, it may not necessarily happen.</p>	
62	<p>That the Department of Human Services continue</p>	3.3

**SUBMISSION OF THE RURAL CITY OF WANGARATTA
TO THE HEALTH ACT REVIEW DRAFT POLICY PAPER**

	Issue	Section reference
	to establish non-legislative bodies to advise on specific public health matters, as required. The public health Act should not establish a public health advisory council.	
	Comment: Another body isn't required.	
98	<p>That the public health Act provide powers for the Secretary (or municipal council, where applicable) to:</p> <ul style="list-style-type: none"> grant, renew, vary, suspend or cancel the registration/licence determine whether the registration/licence applicant is a fit and proper person set registration/licensing periods for public health risk activities within specified parameters (for example, a maximum licensing period of three years) set conditions to which the licence is subject (registration would not be subject to conditions) make enquiries regarding the authenticity and suitability of documents presented with licence or registration applications reissue a licence or certificate of registration upon application of a licence holder that the original licence/registration has been lost, stolen or destroyed monitor the activities of licence/registration holders, to ensure that they comply with any requirements of the licence/registration. 	4.7
	<p>Comment: 98(b) could be a bit tricky to determine, and what appeal process is available for the applicant.</p> <p>98(c) would create additional admin work for councils with questionable outcomes.</p> <p>98(d) why differentiate between licences and registrations.</p> <p>98(f) do we licence a person and register the business, or what happens.</p>	
99	<p>That the public health Act:</p> <ul style="list-style-type: none"> set out criteria for registration/licence applications, renewals, variations, transfers, suspensions or cancellations of registration/licences, so that the registration/licensing process is 	4.7

**SUBMISSION OF THE RURAL CITY OF WANGARATTA
TO THE HEALTH ACT REVIEW DRAFT POLICY PAPER**

	Issue	Section reference
	<p>transparent and decisions to register/licence are consistent</p> <p>set out eligibility requirements for a licence/registration, such as prescribed qualifications or training competencies</p> <p>provide for prescribing fees, including for the issue and reissue of a registration/licence, and for late applications.</p>	
	<p>Comment: 99(c) prescribing fees once again may not be agreeable if councils have higher fees then prescribed.</p>	
105	<p>That the Secretary or municipal council (as appropriate) must issue the authorised officers with identity cards that:</p> <ul style="list-style-type: none"> contain the authorised officers' name and photo identify the authorised officers as authorised officers under the Act are signed by the authorised officer are signed by the Secretary (for Department of Human Services officers) or a member of council staff authorised to issue the identity cards (for council officers or employees). 	4.8
	<p>Comment: 105(e) the identity card should also contain the council stamp or seal on it.</p>	
113	<p>That self-incrimination is not an excuse from complying with a request of the authorised officer. However, any self-incriminatory statement made under a direction is not admissible in any criminal proceedings against that person, unless:</p> <ul style="list-style-type: none"> the answer is admitted in respect of a proceeding regarding the provision of false information to an authorised officer; or the information is contained in any document or item that a person is required to keep by any Australian law. 	4.8
115	<p>That the public health Act provide that an improvement or prohibition notice could be issued by a municipal council or the Secretary, where the council or Secretary believes on reasonable grounds that a person is breaching or may breach an obligation under the public health Act or its</p>	4.9

**SUBMISSION OF THE RURAL CITY OF WANGARATTA
TO THE HEALTH ACT REVIEW DRAFT POLICY PAPER**

	Issue	Section reference
	regulations.	
	Comment: The authorised officer usually has this power delegated to them and issues these types of notices.	
198	<p>That an immunisation status certificate under the public health Act include one of:</p> <ul style="list-style-type: none"> a certificate issued in the prescribed form by a person authorised to do so by a municipal council a certificate issued in the prescribed form by a person who is authorised by the Australian Childhood Immunisation Register to be an immunisation provider a prescribed person who certifies that the person has been presented with the required documentary evidence in relation to each prescribed infectious disease a prescribed document (it is proposed that the Child History Statement issued by the Australian Childhood Immunisation Register would be prescribed to be an immunisation status certificate). 	5.8
	Comment: 198(b) doctors may not necessarily want to do this.	
226	<p>That consideration be given to whether the <i>Food Act 1984 (Vic)</i> should be amended, in line with the proposed provisions in the public health Act, to provide that a municipal council may appoint an authorised officer under the <i>Food Act 1984 (Vic)</i>, if the council is satisfied that the authorized officer has the training or experience required to perform his or her functions. The competencies regarding training or experience would not be specified in the Act.</p>	6.3
	Comment: By allowing this to happen would create far more inconsistent legislative interpretation than currently exists with qualified EHO's. The competencies need to be specified. If the real concern is the lack of EHO's graduating, perhaps this needs fixing.	