

property. These measures, together with the ability to issue warning notices, have given the water businesses a suite of tools to deal with people who do not comply with water restrictions.

Based upon the experience of last summer, further legislative measures are contained in this bill to finetune the enforcement process.

This bill makes four key changes to the enforcement framework.

15:05 First, this bill enables a person to be issued with an on-the-spot fine or charged with an offence for breaching water restrictions without first having to receive a warning notice. It is important that the water businesses are able to choose whether to give a warning notice or take immediate action. Currently a person must be given a warning notice before enforcement action can be taken. This has been an important mechanism for ensuring that people are aware of their obligations. The water businesses are doing an excellent job in extremely difficult circumstances to ensure that people are familiar with water restrictions. Education will continue to be the primary tool for ensuring compliance.

Secondly, this bill provides for the appointment of authorised water officers by a water business and the issue of identity cards to those officers. At present, water business employees who exercise enforcement powers are not required to produce identity cards. This bill will also make it an offence for a person to impersonate an authorised water officer.

Thirdly, the water businesses in Melbourne will have the power to require a person suspected of contravening water restrictions to state his or her name and address. The water businesses that supply water to regional towns already have this power. A person will only be required to state his or her name and address if the authorised water officer produces an identity card. Obviously, this power is required to ensure that on-the-spot fines are issued to, and court proceedings brought against, the right person.

Fourthly, this bill extends the definition of 'infringement offence' so that it includes a by-law made under section 171 of the Water Act 1989 or a by-law made under a prescribed act. This will ensure that the rights and protections contained in the Infringements Act 2006 are accorded to persons served with infringement notices for not complying with water restrictions.

This bill also makes changes that affect licences that allow persons to take water from waterways for

purposes known as non-consumptive uses, such as fish farming and hydro-electricity generation. These uses are referred to as non-consumptive because each of these licences is subject to a condition requiring the licence-holder to return water to the waterway from which the water was taken. In some cases, these licences allow large volumes of water to be taken.

The Water Act 1989 was amended in 2005 to provide for the unbundling of certain water entitlements (including licences for non-consumptive uses) into water shares, delivery entitlements and water-use licences. In the unbundled world, there is no ability to impose conditions on water shares and for this reason it was never intended that non-consumptive licences be converted to water shares. This bill will amend the Water Act 1989 to prevent non-consumptive licences from being converted. This bill will also make an amendment to enable non-consumptive licences to be issued in areas that have been unbundled.

I commend this bill to the house.

**Debate adjourned on motion of Ms ASHER (Brighton).**

**Debate adjourned until Wednesday, 16 May.**

## HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL

### *Statement of compatibility*

#### **Ms PIKE (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Health Professions Registration Amendment Bill 2007.

In my opinion, the Health Professions Registration Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The Health Professions Registration Amendment Bill 2007

amends the Health Professions Registration Act 2005 in light of COAG decisions to establish a national registration and accreditation scheme for nine of the 12 health professions regulated in Victoria, in order to defer a number of minor regulatory initiatives contained in the act and reduce the administrative burden on registration boards during the period of transition to the national scheme;

improves the functionality of the Health Professions Registration Act 2005 and addresses a number of minor omissions in the act.

#### Human rights issues

The bill engages the right to privacy. However, the proposed amendment does not limit the right to privacy.

Section 13 of the charter states that a person has the right —

- (a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) not to have his or her reputation unlawfully attacked.

Clause 12 of the bill amends section 30 of the Health Professions Registration Act 2005, which establishes a register of health practitioners to be kept and maintained by a responsible board. That register must be available for public scrutiny and may be published by a responsible board on the internet.

Establishment or amendment of a public register engages the right to privacy, as information privacy (privacy of information about ourselves) is a recognised subset of the concept of privacy.

Clause 12 amends the Health Professions Registration Act 2005 by giving responsible boards the discretion to publish a health practitioner's qualifications and training and the address at which a health practitioner provides regulated health services, rather than requiring that publication of this information on the register be mandatory.

Whilst clause 12 does engage the right to privacy, it does not limit the right as there is no unlawful or arbitrary interference with a person's right to information privacy captured in the amendment.

The engagement with the right arising out of this amendment is not unlawful as it occurs in precise and circumscribed circumstances. It is also in accordance with the provisions, aims and objectives of the charter and reasonable in the circumstances.

Indeed, the amendment serves to protect and enhance a health practitioner's right to privacy by reducing the amount of personal information that must be made publicly available on the register. The amendment balances the right of a health practitioner to privacy with the need for the public to be able to access relevant information about those who provide regulated health services.

#### Conclusion

Proposed clause 14 of the bill engages the right to privacy by amending a public register. However, the proposed amendment does not limit the right to privacy, as it serves to reduce the amount of personal information that a responsible board must publish on a register.

Accordingly, the bill is compatible with the human rights protected by the charter.

HON. BRONWYN PIKE, MP  
Minister for Health

#### Second reading

**Ms PIKE** (Minister for Health) — I move:

That this bill be now read a second time.

This bill contains a number of amendments to the Health Professions Registration Act 2005. The main purpose of the Health Professions Registration Act is to protect the public by providing for the registration of health practitioners and a common system of investigations into the professional conduct, performance and ability to practise of registered practitioners. The act will commence on 1 July 2007 and will repeal 11 separate health profession registration acts and parts of the Health Act and regulations, provide a consolidated regulatory framework for the 12 regulated health professions in Victoria and transfers the conduct of disciplinary hearings into serious professional matters from registration boards to the Victorian Civil and Administrative Tribunal.

Since the act was passed in 2005, there have been some important developments in regulation of the health professions nationally. In July 2006, the Council of Australian Governments (COAG) agreed to establish a national registration and accreditation scheme for the nine health professions regulated in all states and territories. The scheme is to cover regulation of medical practitioners, nurses, pharmacists, dental care providers, chiropractors, osteopaths, optometrists, psychologists and physiotherapists. Other professions are to be assessed for inclusion in the scheme following its commencement, against criteria agreed by health ministers.

These decisions follow the recommendations of the report by the Productivity Commission titled *Australia's Health Workforce* published in December 2005. The Productivity Commission formed the view that the current system presents significant structural impediments to promoting and maintaining a flexible and sustainable health workforce.

A less fragmented and better coordinated registration system is expected to provide the levers required to improve workforce deployment, generate efficiencies and promote consumer protection in consistent manner across Australia.

COAG has announced a start date for the national scheme of July 2008. This is an ambitious time frame given it will require legislation in every state and territory, and consolidation of the operations of up to 70 separate state-based regulatory authorities.