

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL

Second reading

Debate resumed from earlier this day; motion of
Ms PIKE (Minister for Health).

The DEPUTY SPEAKER — Order! The question
is:

That the bill be read a second time and a third time.

House divided on question:

Ayes, 45

Allan, Ms	Hulls, Mr
Andrews, Mr	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beattie, Ms	Languiller, Mr
Brooks, Mr	Lim, Mr
Brumby, Mr	Lobato, Ms
Cameron, Mr	Lupton, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Merlino, Mr
Crutchfield, Mr	Morand, Ms
D'Ambrosio, Ms	Nardella, Mr
Donnellan, Mr	Neville, Ms
Duncan, Ms	Overington, Ms
Eren, Mr	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Richardson, Ms
Haermeyer, Mr	Scott, Mr
Hardman, Mr	Seitz, Mr
Harkness, Dr	Stensholt, Mr
Herbert, Mr	Thomson, Ms
Holding, Mr	Trezise, Mr
Howard, Mr	Wynne, Mr
Hudson, Mr	

Noes, 33

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Ingram, Mr	Victoria, Mrs
Jasper, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Morris, Mr	Wells, Mr
Mulder, Mr	Wooldridge, Ms
Napthine, Dr	

Question agreed to.

Read second time.

Remaining stages

Passed remaining stages.

16:17

BUILDING AMENDMENT (PLUMBING) BILL

Statement of compatibility

Mr CAMERON (Minister for Police and
Emergency Services) 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 Building Amendment (Plumbing) Bill
2007.

In my opinion, the Building Amendment (Plumbing) Bill
2007 as introduced in 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 bill amends the Building Act 1993 (the act) to:

modernise the existing regulatory framework and
improve the operation of the plumbing regulations to
reflect current workplace best practice;

enable registered plumbers to undertake specialised
plumbing work under the supervision of licensed
plumbers;

make some minor and administrative amendments to
improve the operation of the Building Act 1993 and to
remove uncertainties about the coverage of certain
aspects of the regulations

Human rights issues

1. *Human rights protected by the charter that are
relevant to the bill.*

Section 13: right to privacy and reputation

The only human right that might be impacted by the bill
is the right to privacy under section 13 of the Charter of
Human Rights and Responsibilities Act 2006. This
provision states that a person has the right not to have
his or her privacy, family, home or correspondence
unlawfully or arbitrarily interfered with.

It is considered that although clauses 13 and 19 of the
Building Amendment (Plumbing) Bill 2007 (the bill)
engage the section 13 right they do not limit that right.

Clause 13 of the bill amends section 221ZZZA of the act
to enable a compliance auditor to enter a residence or
land on which a residence is situated outside the hours of
8.00 a.m. to 6.00 p.m.

Clause 19 of the bill amends section 229 of the act to
enable an authorised officer to enter a residence or land

on which a residence is situated outside the hours of 8.00 a.m. to 6.00 p.m.

These provisions do not limit the right to privacy because the interferences with privacy are not unlawful or arbitrary. They are not unlawful as they will be provided for in this act and extend the right to lawful entry provided for in the Building Act 1993 by enabling entry outside the hours of 8.00 a.m. and 6.00 p.m.

Entry is also not arbitrary because of the safeguards provided in the amendments. A compliance auditor and an authorised officer already have the capacity under the existing provisions of the Building Act to enter a residence or the land on which the residence is situated between the hours of 8.00 a.m. and 6.00 p.m.

The amendment that provides the power to enter outside those hours is limited by the requirement that the written consent of the occupier must be obtained before entrance can be obtained outside those hours. Further the amendment provides that a compliance auditor and an authorised officer must first inform the occupier of the purpose of the inspection before obtaining consent.

The purpose of the amendment is to facilitate the inspection of plumbing work at a more convenient time than is currently available.

The Plumbing Industry Commission audits a minimum of 5 per cent of all plumbing work carried out in Victoria and upon receipt of a claim of defective plumbing work by an owner or occupier inspects the plumbing work carried out in Victoria.

The audits and inspections require attending the site and inspecting the work undertaken by appointment with the owner or occupier and usually with the plumber in attendance. The appointment is made by the auditor or authorised officer at such time as is mutually agreeable with the owner or occupier.

Regularly the time of the appointment is outside the hours of 8.00 a.m. to 6.00 p.m. and is often at the request of the owner or occupier due to their commitments. However, given the wording of sections 221ZZZA and 229 there is an issue whether an owner or occupier has any discretion to allow such an inspection to take place despite such an inspection being convenient for the owner or occupier.

The amendments to sections 221ZZZA and 229 will unambiguously give an owner or occupier discretion to permit entry for an inspection outside the hours specified in the current section.

2. *Consideration of reasonable limitations — section 7(2)*

As the bill does not limit human rights, it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit human rights.

JOHN THWAITES, MP
Minister for Water, Environment and Climate Change

Second reading

Mr CAMERON (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

I am pleased to present the Building Amendment (Plumbing) Bill to the house today. The purpose of this bill is to introduce a number of improvements to the legislation regulating the plumbing industry.

The proposals in this bill assist in adopting a consistent approach to the building sector as a whole by bringing aspects of the plumbing regulatory regime into line with that underpinning building.

The proposals included will:

modernise the existing regulatory framework;

enable registered plumbers to undertake specialised plumbing work under the supervision of licensed plumbers; and

make some minor amendments to improve the operation of the act and to remove uncertainties about the coverage of certain aspects of the regulations.

Modernise existing regulatory framework

The proposal will amend the Building Act to reference the Plumbing Code of Australia in a similar way to how the act currently references the Building Code of Australia. Currently, the act limits plumbing regulations to setting standards fixed at a point in time. This means that every time the Plumbing Code of Australia, which is being adopted as the national yardstick, is amended the plumbing regulations need to be changed before the changes can be applied. Whereas comparable building, gas and electricity regulations already apply prevailing industry standards.

Plumbing regulations need to avoid requiring plumbers to adhere to outdated standards and to promote innovative performance-based solutions. The proposal will enable the regulations to adopt the Plumbing Code of Australia as it is modified from time to time. This statutory solution reflects our existing approach in the act to the Building Code of Australia and will facilitate more efficient operations in the plumbing industry.

Enable registered plumbers to undertake specialised plumbing work

Currently registered plumbers (who are not required to be insured) can carry out plumbing work on behalf of a