

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

28 February 2002

(extract from Book 1)

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella,
Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. D. V. NAPHTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:

Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:

Mr B. E. H. STEGGALL

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Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
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Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
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Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
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Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
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Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
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Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar ²	Burwood	ALP
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Kennett, Mr Jeffrey Gibb ¹	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
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Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantima	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 3 November 1999

² Elected 11 December 1999

³ Resigned 12 April 2000

⁴ Elected 13 May 2000

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QUESTIONS ON NOTICE

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Thursday, 28 February 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.34 a.m. and read the prayer.

PETITIONS

The Clerk — I have received the following petitions for presentation to Parliament:

Rail: Gordon service

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the Advancing Gordon Group and the undersigned citizens of Victoria sheweth that they request access to the train service between Ballarat and Melbourne at Gordon station.

Your petitioners therefore pray that train services be scheduled to provide a service at Gordon railway station.

And your petitioners, as in duty bound, will ever pray.

By Mr HOWARD (Ballarat East) (312 signatures)

University of the Third Age: Glen Eira

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the committee and members of the University of the Third Age Glen Eira, 1151 Glenhuntly Road, Glenhuntly, 3163, sheweth their deep concern about security of tenure of the current site which is situated on Victrack land.

Your petitioners therefore pray that:

1. The government-owned land not be sold;
2. The land be retained in perpetuity for the purposes of use by older citizens and for their lifelong learning pursuits.

And your petitioners, as in duty bound, will ever pray.

By Mrs SHARDEY (Caulfield) (422 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Drugs, Poisons and Controlled Substances Act 1981 — Documents pursuant to s 12H — Poisons Code:

Notice regarding the amendment, commencement and availability of the Poisons Code Standard for the Uniform Scheduling of Drugs and Poisons No. 16 Amendment No. 3

Statutory Rules under the following Acts:

Health Act 1958 — SR No. 9

Local Government Act 1989 — SR 10

Pollution of Waters by Oil and Noxious Substances Act 1986 — SR No. 11

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No. 10.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

That the house, at its rising, adjourn until Tuesday, 19 March.

Motion agreed to.

MEMBERS STATEMENTS

Timber industry: Midlands

Ms BURKE (Pahran) — Last Thursday the timber industry awoke to the news that the industry in the Midlands is dead. Today that community has lost all faith in doing all they can to run a company and work with concern for our delicate environment. They feel cheated. No-one can explain the enormous variation in the capacity of the licensed area. At one stage it was 58 000 cubic metres, then it was 40 000 cubic metres, then it was 27 000 cubic metres and now it is 8000 cubic metres. That is not an economically viable area.

Banks and insurance agencies cannot offer any solutions to businesses with an axe over their heads. They have done all that has been asked of them by governments, both past and present. However, this week, for the sake of the green vote they feel the Bracks Labor government has all but spat in their face. Rather than the scientific response they perceive that this is a political response.

The announcement will have a dramatic effect on the Midlands community and will devastate the townships of Woodend and Gisborne. They have been told that they will be lucky to see out their licences. We should feel lucky that they are keeping jobs in Victoria. The industry is battle weary. Premier Bracks's decision will spur them to fight on.

Country Fire Authority: volunteers

Mr HARDMAN (Seymour) — I refer the house to the Country Fire Authority volunteers who went to fight the New South Wales bushfires, especially those from Kinglake and Kilmore in my electorate, but also those from across country Victoria. Those CFA volunteers gave up their holidays at an important time when they could have been with their families.

Honourable members interjecting.

Mr HARDMAN — They would be very disappointed to know that honourable members opposite — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The Chair is unable to hear the honourable member for Seymour.

Mr HARDMAN — They will be very disappointed that members of the Liberal Party could not listen in silence to hear what I have to say. Those volunteers gave up their holidays and precious time with their families, yet the honourable member for Polwarth degrades their great efforts for Victoria and the whole of Australia.

I also congratulate the Minister for Police and Emergency Services for the fantastic community safety and emergency support program — —

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition benches to quieten down. The Chair is having difficulty hearing the honourable member.

Mr HARDMAN — That program has provided many of the Country Fire Authority and State Emergency Service units around my electorate with the important equipment to be able to get out there and look after their communities. Most recently I visited the Pyalong community where the captain of the brigade, Craig Stephens, said to me, 'You know, Ben, without this community safety and emergency support program grant we would not have been able to afford this quick response unit to get out and fight today's fire to save the town of Pyalong as quickly as we did'. I congratulate the minister and the government for doing such a fantastic job with that program. I hope it continues into the future.

Timber industry: demonstration

Mr RYAN (Leader of the National Party) — I urge every member of this Parliament to get out the front of the Parliament and support the members of the timber industry who are out there defending their livelihoods.

Mr Maxfield interjected.

The SPEAKER — Order! The honourable member for Narracan!

Mr RYAN — There is an opportunity today for those of us in this Parliament who are genuine in our support of this great industry to go down the front steps and talk to these people face to face. Many of them came here today having left their homes at 2 o'clock in the morning to make sure they brought down the trucks that are parked outside in serried ranks, lined up around this Parliament.

Mr Helper interjected.

The SPEAKER — Order! The honourable member for Ripon!

Mr RYAN — A challenge has been issued by James Neville Smith on behalf of the timber industry. What he has said is — —

Honourable members interjecting.

The SPEAKER — Order! Stop the clock! I ask all sides of the house to quieten down so that we can all listen to the honourable member who has the call.

Mr RYAN — James Neville Smith has said that he is offering the opportunity for every one of the 132 of us who are in this Parliament and who have the honour to be parliamentarians in this state to get out of the building and go to country Victoria and see how this industry actually functions. The whole membership of the National Party has agreed to go, and I am calling upon every other member of this Parliament, whether of the Legislative Assembly or the Legislative Council, to get out there and accept this invitation which has been extended by James Neville Smith. Get out there on the ground and actually see how this industry functions, because there are a lot of people in this place who have not got a clue about what is happening in relation to this great industry, and who should!

Salvation Army: Geelong refuge

Mr TREZISE (Geelong) — I take this opportunity to commend the work of the Salvation Army in managing the recently established homeless males

refuge in Geelong. The facility has been much needed in the region for many years. The problem of homelessness was totally ignored by the previous government to the detriment of many men across the Geelong region. I commend the Minister for Community Services for her tireless work and commitment in ensuring that the facility in Geelong became a reality. Currently the Salvation Army facility provides short-term shelter for four males for up to two weeks. In the three months that it has been operating nearly 20 men have been accommodated.

However, the facility provides far more than a roof over people's heads — it provides assistance and links into other services to ensure that these men do not leave the shelter and commence their homeless cycle again. Many of the men catered for find themselves homeless as a result of other issues. Many have had traumatic experiences in their lives which have left them disconnected from family, friends and society in general. For example, substance abuse is a common problem faced by residents. I had the pleasure of visiting the Salvation Army facility only two weeks ago. It was clean and well managed. It is a temporary refuge until a permanent site can be found.

The SPEAKER — Order! The honourable member's time has expired.

Timber industry: Heyfield

Mr COOPER (Mornington) — I raise my concerns about the future of the Gippsland town of Heyfield following the announcement by the Bracks government that it is going to decimate the timber industry in Victoria. Heyfield is a timber town and has been very dependent upon the timber industry for a great many years. The biggest sawmilling concern in Heyfield is Neville Smith Timber Industries (NSTI), where I was once national marketing manager. There are hundreds of jobs that are both directly and indirectly reliant on this company continuing to operate.

NSTI provides seasoned hardwood timber to industries in Australia and exports its products to overseas markets. Its business and many jobs are now in jeopardy because the Bracks government has made a mess of its responsibilities to this industry. The people who work in the industry in Heyfield and other towns in Gippsland and central Victoria are going to be the victims of that mess and that mix-up by the government of its responsibilities.

The many thousands of Victorians who rely on the timber industry for their incomes, both directly and

indirectly, have had a gutful of this incompetent government!

Solway Primary School

Mr STENSHOLT (Burwood) — Last week I had the pleasure of joining the students, teachers and parents of Solway Primary School at the first assembly in their new school hall. We all admired the building, which was promised during the Burwood by-election. This has been delivered by the Bracks Labor government to the Solway community just over two years later.

I also helped with this year's student investiture ceremony, and I congratulate the new school captains: Emily Brownstein, Christian Mellios, Paula Loveland and Jack Poulson.

I also congratulate the new junior school councillors: Rose Foreshaw, Michael Staines, Simone De Cruz, David Gaynor, Nina Buxton, Tim Cox, Tessa Yodgee, Sahil Patel, Emily Muir-Morris, Angus Houston, Kelsey Serena and Jack Halls.

I congratulate the music captains, Hannan Gould and Simon Bruckard, and Japanese captains, Jennifer Lynch and Tom Johnston, and extend my congratulations to the house captains: Fiona Brooks, Jake Chapman, Georgina Stevenson, William Findlay, Georgina Oakes, Joel Easson, Liana Butler, Karl Trounson, Caitlyn McNaughton, Joel Deicmanis, Amy Durmanic, Tim Rahm, Alicea Burns, Lachlan Searle, Charlotte Mackay and Reece Pondard.

It is an excellent school, and I commend the principal, Stephen Rothwell, for the excellent work he has done. I also commend the school council for the building works and the completion of their new school assembly hall, which is an excellent achievement for this great school.

Timber industry: sustainability

Mrs FYFFE (Evelyn) — Yesterday I spoke to a man I have known for 27 years, a big man, a strong man, a man who does not make a fuss, a man who believes that a bloke should look after himself, his family and his mates, a man who is willing to lend a hand to someone who needs help, a man who supports local football teams, a man who is generous with the local high school. He is a decent, honourable man whom anyone would be proud to call a friend.

But yesterday this man was fighting back tears as he spoke to me. This man, who hates to call attention to himself, is out there this morning demonstrating. He is

a man who has never said anything against authority before in his life, but he is demonstrating against the government's savage attacks on the timber industry. He is not sleeping; he is awake at night worrying about 22 men whose jobs could go. He is worrying about what will happen to them and their families.

He knows, along with the 4000 other people whose jobs are going to go, that the claims about jobs in tourism are a myth; they do not exist. He knows that ecotourism businesses are closing every day because of the lack of insurance.

He knows that people do not willingly employ a bushie. The bush is all he has known. He has always done the right thing. He has always followed the rules and he has always respected the bush, and now he has been shafted by the Bracks government. The Bracks axe has been sharpened, and it is chop, chop, chopping away, and it will not stop until it has destroyed my friend, his livelihood and his world. The timber industry will soon be extinct under the Bracks axe.

Gaming: problem gambling

Mr LIM (Clayton) — I rise to congratulate the Bracks government on having the courage to combat the gambling problem with its latest proposals. The measures to be put in place — like the limitation on the denomination of the notes that can be put into poker machines, the \$200 limit on withdrawals from automatic teller machines at venues, and the whole range of other measures to be put in place — will go a long way towards curbing gambling problems. By introducing those measures Victoria will lead the country in the war against the devastating scourge of the gambling problem.

Honourable members will recall that the first thing I did when I came to Parliament in 1996 was to commission a study into the devastation of the Asian community by gambling problems. I recall that the former Premier attacked me head on in this chamber when I was about to conduct a press conference in the Labor Party room.

In particular I believe the card system that will remind players of how much money they have spent in their gambling activity is a good measure. I am looking forward to supporting the legislation when it comes before the house.

Timber industry: sustainability

Mr MULDER (Polwarth) — Having witnessed a mill closure at Birregurra under the state Labor government I have first-hand knowledge as to what the townships of East Gippsland and central Victoria can

expect from Labor. My warning is: do not trust the Bracks Labor government with its hollow promises of financial assistance after gutting the economy of your towns and regions.

The Birregurra mill closed in February 2000. It was the largest employer in the town. The residents and business owners in Birregurra waited for the arrival of the Bracks Labor government to assist the community to get back on its feet. After two years — and to this day — neither the Premier nor the Minister for State and Regional Development has visited the township of Birregurra or offered any form of assistance and not 1 cent of state government money has come forward.

The Minister for State and Regional Development's promise to assist the townships which have been affected by the savage cuts to the timber industry amount to nothing more than revitalising shopping centres in towns where the residents will have no jobs and no money to spend, mounting short-term marketing campaigns as bandaid solutions to long-term, Labor-created economic problems, funding industrial estates for small businesses that will have no industry to service and the hollow ring of 'enhancing tourism and business opportunities'.

When the dust settles you will all understand that you have been — —

The SPEAKER — Order! The honourable member's time has expired.

Brimbank: birthrate

Mr LANGUILLER (Sunshine) — I rise today to very proudly put on the record the rise in the birthrate in Brimbank. Brimbank baby boomers are doing their bit to populate the nation. The municipality was rated the third most fertile in Melbourne in 2000 in a study which also found a trend towards older mothers.

A Department of Human Services report entitled *Births in Victoria* also found that de facto births increased 9 per cent statewide in 1996. A record number of mature-age mothers in Victoria continued a trend toward older parenthood. The average age of Victorian mothers is now 30, with one in five mothers being 35 or older — nearly three times the 1984 figure. Brimbank mums had 2311 of the 62 562 babies born in the state in 2000. The municipality was only outbirthed by the municipalities of Casey, with 2920 babies, and Greater Geelong, with 2329. In neighbouring Hume mothers had 2165 babies. I place those municipalities on the record — —

The SPEAKER — Order! The honourable member's time has expired. The time set down for members statements has expired.

CONSTITUTION (GOVERNOR'S SALARY) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

The purpose of this bill is to ensure that the net salary of the Governor of Victoria is not affected by recent changes to commonwealth tax laws.

Until 2001 vice-regal officers were exempt from commonwealth income tax, which was in line with the practice of the Queen of England. In 1993 the Queen offered to pay tax on her remuneration and assets, and in 2001 the commonwealth similarly repealed the exemption from income tax for her vice-regal officers.

This amendment does not affect sitting governors, but applies to future governors. Following the end of the term of Governor Landy, the Governor's salary will be subject to income tax. This will substantially decrease the Governor's net salary. This bill proposes a simple amendment to remove this disadvantage.

At present, the Victorian Governor receives the same as the net salary of a judge of the Supreme Court of Victoria. By changing this arrangement so future governors receive a salary equal to the gross amount of a Supreme Court judge, the situation will remain the same. This is simply achieved by removing the relevant part of section 7 of the constitution, as is proposed in this bill. This will also only apply to future governors.

I commend this bill to the house.

Mr Wilson — On a point of order, Mr Speaker, I wish to draw the attention of the house to the incorrect terminology used in the speech by referring to the Queen of England. The correct title is the Queen of Australia at all stages.

The SPEAKER — Order! That is clearly not a point of order.

Debate adjourned on motion of Mr McARTHUR (Monbulk).

Debate adjourned until Thursday, 14 March.

STATUTE LAW (FURTHER REVISION) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

The bill before the house, the Statute Law (Further Revision) Bill 2002, is essentially a housekeeping measure. While apparently mundane, such bills are vital to orderly management of the state and of the statute book.

The bill performs three important tasks.

It repeals redundant acts. Members will note that the bill repeals over 70 acts. Those acts have been identified by Chief Parliamentary Counsel as being redundant. The vast majority of those acts are amending acts which, having performed their amending task, are spent and serve no further purpose. Consequently they simply take up space in the statute book.

It corrects a number of ambiguities, minor omissions and typographical errors found in acts to ensure that the meaning is clear and reflects the intention of the Parliament.

Finally the bill codifies administrative arrangement orders. As members will be aware, orders are made under the Administrative Arrangements Act 1983 to construe references to departments, ministers and officers to mean other departments, ministers and officers. As those orders do not amend the acts concerned, over time numbers of acts contain references which have become outdated and which cause considerable confusion when provisions are being interpreted.

Under the Public Sector Reform (Miscellaneous Amendments) Act 1998 and the Statute Law Revision Act 2000 that confusion was remedied by codifying more than 250 of the orders made since 1983 and 1998 respectively. The bill before the house continues that approach by codifying the orders made since 2000.

I commend the bill to the house.

Debate adjourned on motion of Mr ROWE (Cranbourne).

Debate adjourned until Thursday, 14 March.

Referral to committee

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That the proposals contained in the Statute Law (Further Revision) Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

Motion agreed to.

CORPORATIONS (FINANCIAL SERVICES REFORM AMENDMENTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill provides for the amendment of certain acts that are affected by changes made to the securities and futures industry provisions in the commonwealth Corporations Act 2001 by the commonwealth Financial Services Reform Act 2001.

I would like to take this opportunity to remind the Parliament of the Bracks government's constructive approach to the referral of certain corporations matters, including the matters of financial products and services, in 2001. The referral followed historic negotiations between the commonwealth and the states to place the national scheme for corporate regulation on a more secure constitutional foundation. The Corporations (Commonwealth Powers) Act 2001 reflects the commitment of the Victorian government to achieving an effective, uniform system of corporate regulation across Australia.

Certain legal challenges and decisions of the High Court of Australia in 1999 and 2000 had cast doubt on the constitutional framework, which supported the Corporations Law. The difficulties associated with the former, state-based system of corporate regulation were identified by the High Court in two significant cases. The first case was decided in June 1999. In *re Wakim: ex parte McNally* the High Court held by majority that chapter III of the commonwealth constitution does not permit state jurisdiction to be conferred on federal courts. Effectively, this decision removed the jurisdiction of the Federal Court to resolve state Corporations Law matters, unless cases fell within the court's accrued jurisdiction or in certain other circumstances, and it denied litigants a choice of forum for the resolution of disputes under the Corporation[s] Law.

The second case was *The Queen v. Hughes*, decided in May 2000. There the High Court held that the conferral of a power coupled with a duty on a commonwealth officer or authority by a state law must be referable to a commonwealth head of power. This meant that if a commonwealth authority, such as the Director of Public Prosecutions or ASIC, had a duty under the Corporations Law, that duty had to be supported by a head of power in the commonwealth constitution. This decision cast doubt on the ability of commonwealth agencies to exercise some functions under the former Corporations Law. Through the passage of validating legislation, Victoria and the other states dealt with the immediate pressures that these decisions created in relation to the former Corporations Law, the cooperative scheme that was in place prior to the proclamation of the new corporations legislation on 15 July last year.

The commonwealth Financial Services Reform Act 2001 was enacted last year with the agreement of the states and the Northern Territory. It has been proclaimed to come into operation on 11 March 2002. It substitutes a new chapter 7, 'Financial services and markets', for chapters 7 and 8 of the Corporations Act to give effect to recommendations of the financial system inquiry.

Although a draft of the Financial Services Reform Bill had been prepared before the bill for the corporations was introduced, it was not possible, in the time available, to incorporate the new provisions regulating financial services and markets in the Corporations Bill. The introduction and passage of the Corporations Bill could not be delayed because of the urgency of addressing the constitutional problems affecting the Corporations Law raised by the decisions of the High Court in *re Wakim* and *The Queen v Hughes*. Consequently, it was not possible to include the necessary consequential amendments arising from the Financial Services Reform Bill in the earlier package of corporations bills and all states and territories now need to introduce bills for those amendments.

The Commonwealth Financial Services Reform Act 2001 introduces a harmonised regulatory regime for market integrity and consumer protection across the financial services industry. It introduces a single licensing system for all financial sales and advice, and for financial markets and clearing and settlement facilities. It covers a wide range of financial products, other than credit or consumer credit.

It is necessary to amend references in Victorian acts to the old chapters 7 or 8 of the Corporations Act and expressions and concepts that are no longer consistent

with the new regulatory regime. For instance, the term 'stock exchange' is replaced by 'financial market', licensed dealers and investment advisers will be 'financial services licensees', and insurance agents who were authorised under the repealed Insurance (Agents and Brokers) Act 1984 of the commonwealth will be licensed financial services licensees under the Corporations Act. This bill will make the necessary changes.

I commend the bill to the house.

Debate adjourned on motion of Mr McARTHUR (Monbulk).

Debate adjourned until Thursday, 14 March.

ELECTRICITY INDUSTRY (AMENDMENT) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Electricity Industry Act 2000 to require electricity retailers to report greenhouse gas emissions information on customers' electricity bills.

This bill fulfils a government election commitment to require all energy companies to disclose, as part of their billing information, the amount of greenhouse gas (in particular, carbon dioxide) produced in supplying electricity.

The enhanced greenhouse effect and the associated risks of irreversible climate change have emerged as key environmental issues facing governments and communities today. Notwithstanding this general level of public awareness, there still remains limited understanding in the general public about the actions individuals can take in response to the greenhouse effect and, more specifically, there is a lack of awareness of the direct link between energy consumption and greenhouse gas emissions.

This government initiative is directed at highlighting this link. Disclosing greenhouse emissions information on customers' bills is an effective and efficient way of raising consumer awareness, and will enable consumers to better understand and monitor the environmental consequences of their own electricity use over time.

This initiative is being implemented as a new licence condition in electricity retailers' licences. Consequently, all electricity retailers will be required to disclose greenhouse gas information on bills to all customers, in accordance with guidelines issued by the Essential Services Commission.

The Essential Services Commission will develop the guidelines in consultation with the industry, other interested parties and the Sustainable Energy Authority Victoria. It is anticipated that the guidelines will specify minimum disclosure requirements, thus providing retailers with some flexibility in the presentation format and also providing consistency for customers across retailers.

In addition, the Sustainable Energy Authority Victoria will develop a dedicated web site to further support this initiative. It is expected that the web site will contain a range of energy and greenhouse gas-related information, including advice on reducing energy consumption, to further inform those customers interested in understanding these issues in greater detail.

A state-based greenhouse coefficient, derived from the national greenhouse gas inventory, will be utilised for the purposes of determining the level of greenhouse gas emissions associated with a given level of electricity consumption. This greenhouse gas coefficient will reflect the average greenhouse gas intensity of electricity sold in Victoria, including electricity generated in Victoria and purchased from interstate. Importantly, accredited green power will have a greenhouse gas coefficient of zero, making the benefits of this important program transparent to green power customers. It is expected that the coefficient will be updated annually by the sustainable energy authority Victoria.

I note that nothing in this initiative prevents retailers from voluntarily disclosing additional greenhouse gas-related information to their customers. Whilst it is possible that full retail competition may, in the future, lead to some retailers providing such information, this is unlikely to occur in the short term. The government has therefore taken the view that, given the paucity of information currently available to customers, it should take the lead and ensure that a minimum level of information is provided to electricity customers on a regular basis. Consistent reporting of such information is expected to considerably raise awareness of the link between electricity consumption and greenhouse gas emissions, as well as supporting green power products utilising renewable energy.

I turn now to the specific provisions of the bill.

Clauses 1 and 2 of the bill simply state the purpose of the bill and provide for its commencement.

Clause 3 amends the Electricity Industry Act 2000 by inserting a new section 23A which imposes the greenhouse disclosure obligation on electricity retailers by way of a deemed licence condition. This section requires that retailers include greenhouse gas emissions information on each bill issued to a customer, in accordance with guidelines issued by the Essential Services Commission for the purpose of this section.

In addition, new section 23A requires that the Essential Services Commission prepares and issues guidelines to give effect to this licence condition and, in so doing, that they consult with the Sustainable Energy Authority Victoria. Any amendments to the guidelines must also be made in consultation with the Sustainable Energy Authority Victoria. The guidelines, and any amendments to them, must be published by the Essential Services Commission.

I commend the bill to the house.

Debate adjourned on motion of Mr McARTHUR (Monbulk).

Debate adjourned until Thursday, 14 March.

WILDLIFE (AMENDMENT) BILL

Second reading

Debate resumed from 8 November 2001; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr THOMPSON (Sandringham) — Not every Victorian would realise that Victoria's coastline is one of the greatest coastlines in the world. Renowned former academic Melbourne University professor and now international consultant Dr Eric Bird has indicated on a number of occasions the outstanding features of Victoria's coastline between Nelson near the South Australian border and Mallacoota to the east. In this chamber yesterday we heard that Victoria was going ahead in leaps and bounds, and that was expressed to be in the context of industry, employment, major projects and economic development. It is my concern today that the only areas in which we are going ahead in leaps and bounds are at the Melbourne Zoo and in the national parks of Victoria and among Victoria's magnificent whale and dolphin colonies.

The bill's objective is to provide greater protection for those colonies, which has not always been the case in Victoria.

I am also concerned today that the bill has come into the chamber five months too late. The motion for the second reading of this legislation was moved in this chamber during the 2001 spring sittings, and it could be said that the future of Victoria's dolphin colonies has in part been jeopardised by the debate being delayed until these sittings, as opposed to before Christmas. The 100-strong bottlenose dolphin community has been subjected to greater risk because enforcement officers have not had the regulatory and penalty regime available to properly protect them. To date the government has done nothing but dither over plans to protect these animals.

Last year an estimated 350 warnings were given to boat owners and operators in Port Phillip Bay to steer away from dolphins in the bay to a wider degree. The only punitive action that could be taken against them was an expensive procedure where the maximum penalty was some \$100 000, which was clearly inappropriate in many circumstances. Subsequent speakers in the debate today will outline some of the difficulties encountered by individual operators.

A simple enforcement mechanism that addressed this issue should have been in place before Christmas. The failure of the legislation to pass during the last sittings is a further example of the government delaying important environmental issues in this state. What is happening to beach renourishment, Port Phillip Bay water quality improvement and marine pest eradication in the bay? Those are all areas where additional resources are required but there is very little to be seen on the ground at this stage.

One of the great spectacles in Victoria is its natural inheritance. The brilliance in flight of the hovering kestrel waiting for its prey below and the movement at first light of two or three cormorants streaking across the water represent images as important to Melbourne as the hovering of Essendon's Moorcroft last season, or Ablett, or the glide around the boundary of Collingwood's Manassa, although perhaps not as widely applauded!

If more Victorians understood the miraculous journeys of the birds of Port Phillip Bay there might be greater regard for the importance of native vegetation, the protection of wetlands and improved water quality. Likewise with the miraculous journeys of the whales that come out of the Antarctic and then hit Tasmania, some deflecting to the right and going across to the

Furneaux Island area, others going around the west coast and moving towards Portland bay and South Australia — those great leviathans of the deep are a marvel of nature.

The extraordinary bottlenose dolphin colony in Port Phillip Bay represents one of the bay's true highlights. They take a more active interest in fellow saltwater travellers than the not-so-docile sunbathing seafarers, the seals, and the numerous jet skiers on the bay.

But for how long will Port Phillip Bay maintain its status as a recreational and tourist icon for Melbourne? There are over 360 rivers, creeks, canals and drains that carry the chemicals, detergents, street litter and animal waste into the bay from metropolitan Melbourne. The extensive drainage network covers more kilometres than many of the tunnels in overseas war zones. Many Melbourne residents remain oblivious to the fact that the detergents they use to wash their cars on a Sunday or the carpet cleaning suds washed into the stormwater system will become future flavouring to the fish they catch a week or so later.

Mr Leigh interjected.

Mr THOMPSON — The honourable member for Mordialloc has interjected, and it is appropriate to point out that it was in 1995 under a Liberal coalition government that treated sewerage was no longer diverted down the Mordialloc Creek. Water quality has improved in the bay as a consequence of that measure. Other wetlands have been implemented as a result of constructive and strategic planning by Melbourne water planning agencies that has served to improve water quality in the bay in recent years. However, water quality is a significant problem in the bay. The catchment to Port Phillip Bay covers some 10 000 square kilometres, so the litter, the oil, the detergents and the pesticides that find their way into the stormwater system at Springvale, Darebin, Nunawading and the west of Melbourne ultimately find their way into Port Phillip Bay.

This has an impact upon water quality, marine life and marine species, and it may well have an impact upon the bottlenose dolphin colony in Port Phillip Bay, which the legislation today is working to protect.

In addition, as a consequence of 200 years of shipping in the Port Phillip area more than 300 different marine organisms from foreign ports have become established. The northern Pacific sea star, sabella worm and undaria pinnatifida all pose threats to the health of the bay to varying degrees.

Today, as we speak, the existing Harold Holt Marine Reserves are yet to be complemented by a more extensive system of marine parks and sanctuaries.

February 2002 is a very important month in the history of Victoria because it marks 200 years since white man first made his way into Port Phillip Bay. It was Mr Bowen, in a small vessel from the *Lady Nelson*, that made its way into Port Phillip Heads at some stage between 29 January and 4 February in 1802. Later that month the *Lady Nelson*, under the command of Lieutenant Murray, made its way into Port Phillip. Some 12 months later or so the first foot survey of the coastline of Port Phillip Bay was undertaken by Sir Charles Grimes.

Melburnians will be aware of the Charles Grimes Bridge, which spans the Yarra. Not many people will be aware that Governor King gave Sir Charles Grimes instructions to survey Port Phillip Bay by foot. He embarked upon this exercise and made his observations in a daily diary. The pristine nature of the bay and sightings of members of the Koori Kulin Nation were recorded. He noted that the Freshwater River — a combination of the surveys of both the Maribyrnong and Yarra rivers — formed the basis of his conclusion that this area, which later became Melbourne, was a good part to settle.

It is an unfortunate act of history that his diary record was not available for the subsequent Collins settlement down in Sorrento later that year. It was an ill-fated expedition that later packed up and made its way down to Tasmania.

Port Phillip Bay has a stunning underwater world of marine life. Again, not many Victorians appreciate that it has more biological diversity — more flora and fauna represented in it — than the Great Barrier Reef. The breadth of colour associated with the seagrass meadows off Williamstown, the kelp and sponge gardens at the heads, the brilliant hue of the red-velvet fish, the contrasting blue of the devil fish, and the complex colourings of the Senator Wrasse and the sea dragon combine to make Port Phillip an underwater wonderland. Many of us on this side of the house salute both the marvel and arrival of the international migratory birds such as the red-necked stint, Eastern Curlew and common sandpiper that annually make the journey from the tundra of Siberia to the wetlands and intertidal zones of Port Phillip.

Failure to properly respond to the environmental challenges confronting Port Phillip Bay may at some point impact upon the economic, tourist and recreational value of the bay that is enjoyed by over

3.5 million Victorians who live around the bay perimeter and inland.

One of the great policy achievements that is background to the bill is that it was a federal Liberal government that in 1978 declared that Australian whaling should end and that internationally Australia should pursue a policy of opposition to whaling. That stands as a great conservation and environmental achievement. However, one should not rest content with the passage of the legislation before the house today, nor should one rest content with past achievements in the environmental arena. There is ongoing work that is still required.

I have a keen group of politically minded people in my electorate. Frank Brewer, David Carrodus and Jo Goss are as we speak putting forward resolutions in the body politic that are designed to protect the great leviathans of the sea. They have proposed this resolution:

That the community supports the efforts of the government in its endeavours to have a whale sanctuary declared in the southern Pacific Ocean despite Japanese opposition to this proposal. Further we encourage the government to continue with their negotiations with and encouragement to South Pacific island nations to declare whale sanctuaries within their territorial waters in order to protect an endangered species from ... harvesting.

The background to this resolution is underpinned by the approach of other nations which continue to harvest whales, at times for scientific research and at times for domestic markets and which obtain support from nations that have no interest or involvement in whaling but obstruct the introduction of sanctuaries thus continuing the harvesting of an endangered species.

What is the framework for the bill before the house today? One of its principal objectives is to try and protect ecotourism. The outstanding area at Logans Beach near Warrnambool serves as an area for the whales that come up from the Antarctic. They are the ones that turn left at Tasmania and make their way to this marvellous area that has below-sea geological formations such as wonderful gullies where myriad fish breed and provide a marvellous ground for the calving whales between the months of May and October. There is some variation one month either way at the commencement of their sojourn at Logans Beach.

The bill is designed to further protect the interests of the whales at Logans Beach by amplifying the provisions about what it means to interfere with whales. A land-based platform at Logans Beach minimises the risk of interference to whales as a consequence of sightseeing activities and operations.

I point out at this juncture that the bill before us has its background in wider scientific research and understanding. The 'Australian national guidelines for cetacean observation and areas of special interest for cetacean observation' — 'cetacean' relates to whales and dolphins — have been prepared by the Australian and New Zealand Environment Conservation Council. In a document the council states that there is an important need for guidelines such as those reflected in the legislation before the house, and I quote:

Whale and dolphin watchers, tourism operators and wildlife managers alike are concerned to ensure that tourism activities focusing on cetaceans (whales, dolphins and porpoises) do not harm the animals involved.

That is one of the important key objectives. The aims of the guidelines are directed towards:

... minimising the harmful impacts on cetacean populations by ensuring that the normal patterns of daily and seasonal activity of whales and dolphins are maintained in both the short and long term; and

to ensure people have the best opportunity to ... learn about the animals through observation that is successful both for people and for cetaceans alike.

It is noted that there is a difference in terms of water behaviour activity and interaction in the water. It is essential that everyone wishing to watch or interact with cetaceans understands the important of the distinction between moving towards a cetacean and a cetacean moving toward you. I am sure if a whale or dolphin started moving towards the honourable member for Mordialloc while he was going for his regular swim in Port Phillip Bay we would see him swim a little faster out of the water!

It is important in relation to disturbances to cetaceans that distances recommended by the scientific body are kept. The legislation reflects such recommendations and regulations that have already been drawn up regarding the important distances to be maintained between observers and these species of marine life.

The Australian and New Zealand Environment Conservation Council report recommends a caution zone approaching 300 metres for baleen whales and larger animals, and 150 metres for dolphins.

What would the consequences be for these animals if regulations and statutes such as the one being debated before the house today were not implemented? It is suggested in the report that the following are some of the potential problems that may be caused by disturbance to them: displacement from important feeding areas; disruption to feeding; disruption of nursing, mating and reproductive and other social

behaviours; abandonment of preferred breeding or calving sites; changes to regular migratory pathways to avoid human interaction zones; stress; injury; and increased mortality.

Comments were made in the last sittings about possible concerns regarding Basslink and the impact that that might have on the whale colonies that make their way to the coastline of the Australian mainland. It is interesting to note that the whales that frequent the coast about Bass Strait were once chiefly known as right whales. 'Why is this the case?', some people might ask. There is a fairly simple explanation for this description: it is because they were regarded as being the right whales to hunt. They apparently swim slowly, they have an unusually rich store of baleen or whalebone, and they float when dead. They reach lengths of some 60 feet, weigh up to 50 tonnes or more, and might yield up to 10 to 11 tonnes of oil, with an average yield of some 5 to 6 tonnes.

The second focus of the legislation before the house today relates to the Port Phillip Bay dolphins. The bill provides for a mandatory permit for swim tours and that there be ecologically sustainable thresholds established for the number of permits to be distributed. If it were felt that too many permits had been established and that was posing a risk or a threat to the lifestyle pattern of the dolphins in the bay, then that number could be varied or adjusted.

As I understand it, this legislation is world leading and record breaking in its regard for ecologically sustainable issues and the importance of ensuring that the spectator activities of many land-based and boat-based observers do not interfere with the operations of the dolphins.

A feature of the bill relates to the tendering of permits under national competition principles. There is also a redefinition of the offence of interfering with whales, which imposes this in some ways extraordinary penalty of up to \$100 000 on people who approach a dolphin with some level of intent — it appears a level of intent is required under the rules — closer than the minimum prescribed distance. It is now possible under this bill for a fine to be imposed rather than a requirement for complex court proceedings.

The time frame of licences granted will be extended from the existing 12 months to 2 years. Historically, following the establishment of the granting of licences in this state, difficulties can arise. I understand there is a policy position to avoid significant goodwill being created in relation to the licences through the granting of extended terms. At the same time it should be

remembered that individual operators have invested their time, skill, expertise and working and post-working hours establishing wildlife viewing enterprises, for which they have derived some return. It will be of interest to note in the years ahead how the tendering system works in the context of those individuals who have been pioneers in the area and those who might be more recent comers to it.

Another concern I have about the legislation relates to what will happen in the instance of the death of a licence-holder. The licences appear to be personal — they do not go to a corporation, of which there might be a number of directors — and I trust that if the individual licence-holder unfortunately dies there might be some discretion exercised to ensure that the licence does not also expire at that time. It may be that the minister can provide a better insight into this issue later on.

The legislation as it applies to Port Phillip Bay has solid industry support. The Muirs are among the great pioneers of dolphin observation in Port Phillip Bay under the business name of Polperro Charters.

They have been very keen to support the ecotourism aspects to ensure that the activity is not detrimental to the dolphins themselves on the bay. Other entrepreneurs and tour operators on the bay include Phil Stephens from Rip Charter, Robert Main from Sea-All Charters, Peter Fear from Dive Victoria, Jeff Weir from the Dolphin Research Institute, and Henrietta Kaye from Project Jonah.

Perhaps it is relevant to note that the Dolphin Research Institute strongly supports the legislation. Its letter of support for it states:

The Wildlife (Amendment) Bill is strongly supported by the Dolphin Research Institute. It will put Victoria at the forefront of the management of wildlife tourism in the world and offer a sustainable future for our local populations of whales and dolphins.

A key thrust of the amendment will empower DNRE to employ the precautionary principle and limit the impacts of dolphin tourism based on ecologically sustainable thresholds. This is a significant shift from the present situation that essentially puts the onus on managers to 'prove' that negative impacts will occur before they can limit expansion or reduce activity. The amendment will permit managers to offer our marine mammals any benefit of the doubt, rather than the industry. All stakeholders recognise that there should be a limit on the number and extent of operators. The institute also supports the principle of a tendering process for permits with a two-year term.

The other key element of the amendment is to separate the offence of approaching closer than the minimum whale-watching distances from the more serious offence of 'interfering with whales'. This is a positive move that will enhance the enforcement of the whale watching regulations

by making it possible to treat minor, but significant, breaches with infringement notices. More serious breaches will still be an indictable offence where offenders are arrested ...

For the record, it is unfortunate that this legislation was not in place prior to Christmas 2001, noting that last year there were over 350 warnings, according to inside information last season. If the legislation had been in force earlier it might have facilitated the application of the infringement notice method of enforcement.

In its comments to the opposition, the Dolphin Research Institute concludes:

This amendment is the outcome of many years of research, consultation and a strong desire to manage the impacts of dolphin and whale tourism in a sustainable manner. It will permit managers to operate using the 'precautionary principle' to regulate the industry ... The case study of managing this industry and the legislation itself will become a role model for managing other tourism and wildlife situations in a sustainable manner.

The opposition is grateful to Mr Jeff Weir for his comments in relation to this legislation. It is also fair to point out, as I mentioned earlier, that the Muirs from Polperro also have a strong and active interest in this area. They say:

... proposed amendments to the Wildlife Act 1975 recognise the shortcomings of the existing regulations and aim to address them by establishing an improved system of licensing enforcement.

It is noted by Polperro Dolphin Swims that they have campaigned for over 10 years for exactly this type of regulatory reform and they commend the proposed legislation to the Parliament.

It is of interest to note on other frontiers the importance of legislation such as this in Victoria. Victoria possesses one of the last sustainable supplies of abalone in the world. It is notable that fisheries collapse. In 1804 some 600 000 seal skins from Victorian and Tasmanian coastal waters were transported to the United States of America. Sealing was one of the significant early industries in the Victorian colonies.

Sealers were left on islands and spent long months there. They clubbed the seals and gained their skins for an early export industry. I understand that that industry was not very profitable. At the rate of removal — in the order of 600 000 for one shipment to the United States — it did not take too long for the skins to be in short supply in the colonies.

In the case of the collapse of abalone fisheries there is the very instructive example that in Mexico in 1977 6000 tonnes of abalone were produced, yet in 1997 this volume had decreased to some 400 tonnes. In 1972 the

American fishery had produced 1400 tonnes of abalone. The fishery closed in 1996 due to the collapse of the stocks. In 1981 Chile had a production of 20 000 tonnes of abalone per annum. This fishery collapsed in 1986. The reason that Chile, Mexico and American abalone stocks have collapsed is that they were subject to relatively uncontrolled fishing effort. I am grateful to Mr David Fitzpatrick, a Melbourne lawyer who acts for industry associations through Australia, for the provision of this information, which came from an industry report.

Going back to the early days of Victoria, I point out that in historical terms, alongside sealing, whaling was one of the great early industries. But life was very tough in those days. One diary mentions:

Ship life could be tough and unforgiving ... food generally awful ... Eating beef made your throat cold owing to the maggots which are very cold when you eat them ...

One fellow reported in his diary that the water was often so bad on board ship that few drank it.

A number of honourable members might be pleased to note, however, that:

Beer and wine [were] often the saving grace at sea. No exaggeration to say one-third of every ship's company were more or less intoxicated.

Early whaling diaries in western Victoria, too, note that in addition to a monetary recompense received by the whalers, as part of their regular payment they were also to receive two cups of grog.

It was notable in western Victoria that when whaling was at its height in Portland Bay, which is not far from the Logans Beach area, it was estimated that approximately 2000 tonnes of oil were shipped out each season. What was the use of whale oil when it was taken back to England? I understand it had a valuable use as a machinery lubricant. It was used in larger machines and for the preparation of leather. Its quality was such that it was also used in watch manufacture. Whalebone also was of use in the manufacture of brushes. It was a sturdy material and was used for chimneysweep brushes, road-sweeping brushes, hairbrushes and even toothbrushes.

According to one writer, J. M. McKenzie, in Portland when the industry was at its peak it was not unusual to see as many as 30 whales sporting in the bay. But he said:

... the slaughter was so great that their numbers rapidly declined. Each year fewer and fewer visited the bay and 13 years after the establishment of the first whaling station the whole season's catch numbered only 44.

It is hard to deduce from records how many whales were taken off Victoria's coastline between the period 1800 and 1840–60, but it would be in the order of several thousand. It is no surprise that 10 years later, after the establishment of some significant whaling operations in Portland, to sight a whale in the bay became a rare event. Legislation such as that before the chamber today shows the importance of protecting whales in the medium and longer term.

In international terms there is some interesting documentation that relates to the whaling industry and shows the importance of communiqués such as that issued after the South Pacific Forum, which met in August 1998, in which the forum called for support for a Southern Ocean sanctuary for whale protection. The forum continued to attach importance to:

... the sustainable use of marine resources, noting that a greater level of protection for whales was appropriate, and also noted the internationally recognised need for sanctuaries to assist with the long-term conservation of great whales.

Some countries were able to capture as many as 1500 whales a year from international waters, which would certainly have an impact on whaling stocks. In 1920, 33 fin whales were farmed, but in 1960 they had managed to capture only 3. In 1920 they ensnared 438 blue whales, but by 1960 that number had been reduced to 71. In 1920 some 83 humpback whales were captured, but by 1960 they had captured 4. However, the sei whale and the sperm whale were captured in increased quantities between the years 1920 and 1960. It is noted that the International Whaling Commission was calling for a ban on the hunting of blue whales in the Antarctic region. It was suggested that as many as 30 000 had been caught in one year, in 1930. It is no wonder today that there are concerns regarding the management of fisheries. It is a funny thing that if you take them out of the ocean they do not necessarily reproduce at the rate that people anticipate. The abalone and cod industries are two examples where fisheries overseas have collapsed in significant terms.

Whaling was an activity that caught the attention of the early historians of Victoria. There are a number of interesting accounts of the hardships endured by the whalers. For those who were riding the whale boats to harpoon whales, it was not uncommon for the whale to dive back down or for its mighty tail to lash back against the boat and for everyone to find themselves in the water. On other occasions if the line was still attached to the whale and the whale went underwater some 1200 feet or so, it could well drag the boat underwater with it. This had a significant impact on the welfare of sailors; broken legs, broken arms, loss of limbs and loss of life were often the consequence. It

was a very dangerous activity, but one that underpinned the early settlement of sections along Victoria's coastline, from Portland Bay and Logans Beach to Sealers Cove on Wilsons Promontory, all of which were important areas of whaling activity.

Overall, the opposition takes an interest in this legislation. It has been an important step along the way — commencing with the 1978 initiative of the Liberal government of the day to ban whaling in Australian coastal waters and to campaign for the cessation of whaling in international waters — in ensuring that species such as the whale have been protected. There have been a number of other environmental achievements of Liberal governments. More recent ones include the abolition of scallop dredging in Port Phillip Bay, the Mordialloc Creek sewerage diversion — —

Mr Leigh — Which Labor opposed.

Mr THOMPSON — I am reminded by the honourable member for Mordialloc that the Labor Party opposed the abolition of scallop dredging in Port Phillip Bay. But one only has to speak to the recreational and commercial anglers around the bay to ascertain what great importance and value that has had to the development of further fishing in the bay since scallop dredging was abolished.

There was the important initiative, the Drains to the Bay, under Melbourne Water, which happened with the constructive assistance of people like Dr Leon Collett who formerly worked with Melbourne Water. There was the establishment of the Environment Conservation Council which made its recommendations on marine parks. There was the establishment in 1995 of the Coastal Management Act which had a significant impact upon the strategic and coastal zone management of Victoria's coastline and prioritising areas of conservation, areas of rehabilitation, and areas for appropriate development, perhaps with a view to narrowing the ambit of linear development so that not just past or present generations can enjoy Victoria's coastline, but future generations as well.

The failure to respond to the environmental issues on the bay will in turn destroy its recreational and economic value, which can be summarised in a number of contexts. The bay's overall value to Victoria is regarded as being worth some \$7.5 billion a year. That includes tourist activity, international shipping, commercial and recreational angling and a range of other recreational activities such as sailing, windsurfing and power boating.

Mr Leigh — And scuba diving.

Mr THOMPSON — Yes, and scuba diving, which interestingly is said to generate some \$48 million per year.

Mr Spry interjected.

Mr THOMPSON — And one of the more interesting areas is down at the southern end of the Peninsula!

As I noted earlier in my contribution, Port Phillip Bay has a greater diversity of flora and fauna than even the Great Barrier Reef. The divers who see the tapestry of colour underwater at Port Phillip Heads are able to speak of it first hand.

The honourable members for Mordialloc and Bellarine have both done aqualung diving in Port Phillip Bay and observed, in one case, the reefs off Parkdale and on other occasions, abalone cultivation, and also Port Phillip Heads. I look forward to both the speech of the honourable member for Bellarine and the ongoing interjections of the honourable member for Mordialloc, which add insight to the debate. According to one recent report the fledgling aquaculture industry on Port Phillip Bay is estimated as being worth some \$800 000 a year.

The legislation achieves some important reforms in industry regulation. History shows that unregulated industries have resulted in the collapse of fisheries. It is important to ensure the continuation of the wonderland activities of the leviathans — the great whales — off Victoria's rugged coastline, regarded as one of the great coastlines. It is also important that the dolphin and swim tour activities are able to continue on an ecologically sustainable basis. The opposition is pleased to make a number of important contributions to this debate in consultation with stakeholders and industry operators, and it wishes the legislation a swift passage.

Mr KILGOUR (Shepparton) — On behalf of the National Party I am delighted to join the debate on the Wildlife (Amendment) Bill.

Mr Leigh interjected.

Mr KILGOUR — As the honourable member for Mordialloc pointed out, there is not too much swimming with dolphins in my electorate! However, I have had the opportunity to go across the bay on the ferry. The honourable member for Bellarine knows all about that wonderful tourist facility because he had a lot to do with its development. I saw dolphins swimming

out on the bow wave, and the people on the ferry were absolutely transfixed by their activity.

At the same time I have been gravely concerned to see some stupid people driving jet skis deciding that they will have some fun with the dolphins in the bay and try to run over them or around them with their jet skis. To be frank, the jet ski has not enhanced peoples' ability to enjoy themselves at our beaches and rivers, and it has certainly not helped our wildlife.

The bill amends the Wildlife Act to make it compulsory to hold a permit to conduct dolphin swim tours, and it regulates the number of permits that can be issued for commercial tours in dolphin and whale watching areas. It also separates the offence of approaching closer than the minimum prescribed distance from the more serious offence of interfering with whales. It is nice to see that the people who watch the whales that come into Warrnambool are able to do so from the cliff tops instead of getting out amongst the whales and scaring them off.

The commercial market is developing faster than many people realise. It provides tourism services so people can view whales and dolphins. It needs to be regulated as it develops to make sure people do not unduly disturb whales, and that is why the National Party is pleased to support the legislation. It will attempt to make people understand that they cannot, willy nilly, get involved in this activity without proper permits.

Whales and dolphins are protected under the Wildlife Act 1975. The bill provides a mechanism for overseeing ecotourism activities in Victoria. At present there are two main industries. The first involves the viewing of the southern right whales at Logans Beach in Warrnambool. The people of Warrnambool acknowledge what a wonderful thing it is for their town to have visitors come to view the whales. Whale watching is a great pastime in the area. Port Phillip Bay has dolphin sightseeing and swim tours.

The bill will make it an offence to conduct commercial swim tours involving cetaceans in Victoria without having the appropriate permit. The Secretary of the Department of Natural Resources and Environment can grant a permit to a natural person authorising that person to cause a vessel named in the permit to be operated so that it approaches a whale at less than the prescribed minimum distance. In other words, people conducting whale tours will be permitted to be closer to whales than the general public. A permit will be provided for up to two years. This provision applies to commercial operators — that is, to people who are in the business of conducting tours. Under the provisions

of the legislation it will be an offence to conduct a whale swim tour unless the operator has a permit. Unless the operator has the appropriate permit, the tour will be illegal.

The secretary of the department can grant a permit authorising a person to conduct an activity for profit that involves persons being in the water to observe or swim with whales from the boat named in the permit. Under instruction from the permit-holder, people will have the opportunity to be in the water with the whales. At the moment five permits are held for operations in Port Phillip Bay. The secretary is prohibited from granting more permits than are specified in the order, so there will be a threshold as to the number of permits granted. A fee is paid on the grant of a permit.

Whale watching and sightseeing permits will be granted only under certain conditions to be determined by the secretary and will be specified in the permit. It is clear to the person obtaining the permit that he will have to abide by certain conditions. The bill clearly sets out what will happen if a breach of the conditions occurs and the power of the authorised officer, who may direct a person to cease any activity being carried out under the permit if the officer believes the activity is detrimental to the welfare of the cetacean. The secretary also has the power to suspend a permit granted under this provision.

A number of safeguards have been provided in the legislation to ensure that the requirements in the report entitled 'Australian national guidelines for cetacean observation' put out by the Australian and New Zealand Environment and Conservation Council are observed. It talks about the difference between approaching a cetacean and a cetacean approaching people.

A few exceptions are mentioned in the guidelines, which refer to the disturbance of cetaceans and how to know if a cetacean is being disturbed, et cetera. These guidelines have been used quite widely in setting up legislation to protect these animals in the water.

With those few words, the National Party supports the legislation and wishes it a speedy passage through the house. I hope the legislation will be available to members of the public so that they understand there are certain standards to be met and certain things that have to be done to make sure that these wonderful creatures in our waters are protected.

Mr HOWARD (Ballarat East) — It is certainly my pleasure to speak on the Wildlife (Amendment) Bill, which as we have already heard relates to the growing

interest in ecotourism in our state. As we are all aware, the state of Victoria provides some fantastic natural environments that can be appreciated by so many people who come to visit this state as well as by its residents. Those natural environments include the range of inland wildlife experiences in our national and state parks, and so on, and, as is clear with this legislation, in our marine environment.

The honourable member for Sandringham, who is very passionate in his appreciation of the marine environment in Port Phillip Bay, told the house that in that area we have great recreational opportunities for people to appreciate not just the surface of the water but also to go beneath the surface. I have had the opportunity of snorkelling in the Pope's Eye and other places around Port Phillip Bay, and they really do present a great range of fish and marine life. The seaweed and corals in those areas are quite impressive and many people enjoy that experience.

There is also a great range of environmental experiences to be had under the water around our coastal areas outside the bay, where there are a variety of environmental styles and ecosystems to be seen. During the previous sittings the government introduced legislation dealing with marine national parks. Unfortunately we have not been successful in passing that yet, but we are still committed to ensuring that those great marine environments are going to be protected in the future.

However, this piece of legislation relates to cetaceous animals which are found in the waters around Victoria, in particular whales and dolphins. People who live in the Warrnambool region know about the visits of the southern right whales to the Logans Beach area off Warrnambool each year. In 1998 there were an estimated 100 000 visitors to that area to see the southern right whales. People's interest in watching the whales off the coast provided the great boost of an estimated \$18 million to the Warrnambool economy.

I have been able to go down there and watch the whales. It is a fascinating experience to see how they move in the water, how they put their flukes out of the water and how they relax in different positions. It is exciting to watch the calves with the mother whales and to know that these huge creatures are still alive in our waters and have remarkable behaviour patterns that are worth watching.

It is estimated that about 100 bottlenose dolphins regularly visit Port Phillip Bay, and many visitors to the bay enjoy the opportunity of seeing the dolphins close at hand. Unlike the whales they are an outgoing type of

animal, so it is possible even to swim among the dolphins. As people travel in their boats the dolphins will often swim alongside the vessels, diving in and out of the water and creating a positive and exciting experience for people who travel on the bay.

Recognising that so many people are enjoying those experiences it is incumbent on us as a government to ensure that we do not spoil those future experiences and that we protect these wildlife species — the dolphins and whales. We must get the balance right and ensure that people are able to enjoy those experiences while also ensuring that those experiences can be enjoyed for years to come and that the colonies of whales and dolphins that inhabit our waters are not harmed in any way by this activity or discouraged from remaining in our waters.

In the past people have enjoyed going to zoos to see animals, or in the case of dolphins many people, like me, would have first seen them in places like the Frank Evans porpoise pool on the Gold Coast. While seeing dolphins perform in a swimming pool setting provided exciting entertainment, with ecotourism these days there is a much greater desire for people to see the animals in a natural environment. To be able to see these animals in Port Phillip Bay and around the Victorian coast — in the case of the southern right whales, around Warrnambool — provides people with more sought-after, meaningful and satisfying experiences.

To ensure that we can support these wildlife populations the government is making a number of changes through the bill. Firstly, in regard to whales, while we have through our practices ensured that the majority of the viewing of whales is land based from the platforms built around Logans Beach, we want to make sure that people understand that approaching whales by boat is injurious to the whale populations and we want to discourage that. The former legislation had a one-size-fits-all-type penalty of up to \$100 000 for people who threatened the whales. We have changed the way those penalties operate to be more practicable, so people can be warned that approaching whales is inappropriate and suitable penalties can then be brought into play.

Clearly there is a significant need for continuing education to ensure that people do not do stupid things and that they stay well away from the whale populations altogether so that those populations continue to be able to stay in the areas they frequent. Unlike dolphins, whales do not appreciate visits by people in boats. Clearly we need to be very careful about anybody approaching whale populations.

With the dolphin populations on the other hand, we want to see that there is not an unchecked proliferation of operators who are offering swim tours among the dolphins. We want to ensure that the tours are operated by people who understand what they are doing and that they do not endanger the dolphins or the people who are on board their boats. This bill will mean that all commercial operators offering swim tours among the dolphins will have to apply for and gain permits. The permits will last for two years and will be applied for under a tender arrangement.

As part of this tender arrangement, the operators will have to demonstrate that they have the ability to adhere to appropriate principles of approaching dolphins — for example, in regard to approaching dolphins it is important that swim tours do not get closer than 50 metres and that they then allow the dolphins to come closer to the boats and the people on them if they wish, as they generally do. It is important that the number of operators is limited and we ensure that the dolphins have the opportunity to continue to move in their usual patterns and that the breeding and rearing of their young is unimpeded.

The further pursuit of the way these permits will operate will be based on scientific understanding of dolphin populations. The secretary will have the opportunity to determine where these boats may go and whether there are areas which need to be protected and where the boats should not go. As new scientific understanding of the way the dolphin populations operate in our bay is developed we will be able to ensure that the permit operators understand the conditions. If need be, those conditions can be built into future permits.

This is a very significant bill. I am pleased that this government continues to recognise the need to protect all animal species in the state and that it has an appreciation of our marine and land-based environments. I am pleased that people who enjoy seeing whales and having close experiences with dolphins can continue to do so.

As with all the legislation it has brought forward the government has been serious about consultation ahead of time. It has consulted with and has the approval of the current operators of dolphin swim tours. The government has had ongoing discussions with people from Project Noah and a range of other stakeholders who have a desire to ensure that these species are protected. The government has been able to take on board some of the advice it has been offered through that consultation. The government has worked with all the stakeholders to ensure that this legislation can work

effectively and that it meets the desired needs of the government and the people of Victoria.

As I said, education is vitally important. The government will continue to promote that component so that the general public understands what is stupidity in regard to activities out on the bay. Whether they are on jet skis or in other forms of boats it is important that people understand the potential consequences of their actions if they are around dolphin populations or any other populations of fish or people. People should be encouraged, or on some occasions forced, to act sensibly. If they do not, there are opportunities within the penalty system set up in this legislation to ensure that they can be fined or dealt with in a manner that is appropriate to the type of misdemeanour they may have committed through their activities near the whales or dolphins.

I certainly commend this bill to the house. The government continues to show that it is serious about protecting our environment in a range of ways whether that be the land-based environment — the flora and fauna — or the marine and aquatic environment. The government is continuing to show the way with its legislation and policy development in the protection of all environments in this state. The government recognises the unique nature of the environments we have inherited and the importance of ensuring that the people in our state and visitors to Victoria can enjoy seeing our unique environmental inheritance and appreciate it for many, many years to come.

I support this bill wholeheartedly and trust that it has a successful passage through both houses of Parliament.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for beautiful Bellarine!

Mr SPRY (Bellarine) — Thank you, Mr Acting Speaker. Is it the beautiful member or the member for beautiful Bellarine?

As a member of Parliament who represents a coastal electorate I am pleased to make a contribution to debate on this important Wildlife (Amendment) Bill, which is designed to improve protective measures for cetaceans, including whales and dolphins, on Victorian coastal waters.

Undoubtedly there are great pleasures to be had by people using the waters of Port Phillip Bay and in fact the entire Victorian coastline in the observation of sea animals, particularly dolphins and whales, and, as mentioned by earlier speakers, travelling on the ferries across the waters of Port Phillip Bay when there are dolphins playing on the bow waves. It has to be

experienced to be appreciated. I therefore urge everybody in Victoria to take the opportunity to travel on those ferries. They depart on the hour from either side of the bay, and with a bit of luck, passengers will see dolphins playing on the bow waves and experience the beauty of those magnificent animals.

We do not see too many whales in Port Phillip Bay. There were a couple of recent exceptions, and I well remember standing on the waterfront at Geelong a couple of years ago in the presence of the then Premier, Jeff Kennett. Wouldn't you know, a couple of whales came within about 50 metres of the shore. It was quite extraordinary to see those magnificent animals. They were right at the edge of the jetty: it was fantastic. We see many dolphins on Port Phillip Bay, and anyone on the ferries would attest to that fact.

As the population of the state increases, there is inevitably increasing interaction between the animals and humans with the faster and more manoeuvrable boats and jet skis — and more of them on the bay. Unfortunately there is always the potential for them to pose a threat to these great animals. It is therefore necessary to take more measures to protect the animals in their interaction with human beings. I say 'unfortunately' because not everybody respects or even understands the animals and their needs. Some individuals and organisations understand these animals and respect their need to be left alone. A lot of research is going into that and we in the house appreciate the extent of that research from time to time.

At the same time I am advised that there are occasions when marine animals enjoy the company of humans, including the opportunity to socialise in the water. But to avoid exploitation of the animals it is necessary to tighten the regulations, and that is what this legislation is all about.

I recall that in 1997, while I was having a look at some of the national parks in Africa, I was in a park in northern Kenya called Samburu Park. I was appalled at the interference by some of the tour operators and the people enjoying those tours; how close they were getting to some of the rare African animals, and the damage they were doing not only to the habitat but surely to the animals themselves with their interference and interaction. If that is related to marine experiences, it is something we must avoid here at all costs — but back to the bill.

Currently it is an offence for boat operators to approach within 100 metres of cetaceans unless an operator has a permit to do so. There are five commercial operators conducting swim tours, as opposed to just sightseeing

tours, who hold these licences. They include Moonraker, Polperro, Rip Charters, Dive Victoria and Sea-All Charters, which operates out of Queenscliff under the control of Robbie Main, to whom I have spoken about the details of this bill. Two other operators have sightseeing permits, as opposed to swim permits, and can approach the animals to within 50 metres.

It is interesting to note that if people conduct a sightseeing operation without a permit they are restricted to a distance of 150 metres from cetaceans. Those who have licences are responsible operators, otherwise they would not have been granted a licence in the first place. From my observations and conversations they have little option but to support the thrust of the legislation and are anxious not to rock the boat.

One aspect of the legislation that concerns me is the issue of prosecutions. I refer the house to an incident on Port Phillip Bay some time ago regarding a constituent of mine who operates a charter boat on the bay and the issue of the need for indisputable evidence to support any charges relating to a breach of the act. The operator was convicted of a breach of the Wildlife Act in respect of dolphin swims, in particular the amendment that is under discussion today.

There are a number of disquieting aspects in the case. I do not lay the blame on anybody in particular because I have not been able to determine the details of the allegations. One includes an alleged six-month delay in processing an application by this particular operator, a dispute over details of the charge regarding distances from dolphins and so on, and the fact that the tour operator gained the feeling that the department was out to get him as an example to others. That feeling may or may not have been justified. I am not in a position to comment on the details, but the upshot of the incident is that the tour operator could not afford to defend the case. He pleaded guilty and the net cost to him was in the vicinity of \$30 000, a huge amount of money for a single tour operator. Such operators do not make a lot of money, and the \$30 000 was a significant amount to him. If video evidence had been available to support the charges laid by wildlife officers this matter could have been beyond dispute. With that aspect in mind I therefore urge the government to consider mandating video evidence in prosecuting breaches in future to avoid a repeat of the bitter experience to which I have just referred.

The legislation covers only one aspect of the threat that humans pose to native marine fauna but an even more odious threat concerns pollution. I conclude my remarks by mentioning Corio Bay and unknown

contaminants which threaten both humans and wildlife, including dolphins, in that particular area. Fairy Dell is a small beach in Clifton Springs which regrettably records E. coli levels from time to time — nearly always following heavy rains — in excess of what is safe for humans and therefore presumably above what is safe for animals, particularly air-breathing animals, that use the bay.

The government seems unable to determine the source of the contamination. The Environment Protection Authority has issued contradictory reports over the past 12 months and has had to print and circulate an errata to its 2000–01 beach report with reference to Fairy Dell in particular after I brought inconsistencies to its attention. It is obvious to everyone except the government and the EPA that the contamination source is land based.

The Marlborough Sound area of New Zealand has a thriving mussel industry. When heavy rain falls in the hills surrounding the sound, E. coli readings from animal droppings rise and mussel harvesting ceases until the readings subside to a satisfactory level.

As was explained so eloquently by the honourable member for Sandringham in his definitive speech, drainage systems around Port Phillip Bay, especially at Fairy Dell in Clifton Springs, must be improved as a matter of urgency. The Bracks Labor government, while it is still in office, must take the opportunity to initiate immediate action to mitigate this curse of land-based contamination of our marine waterways. When the pollution issues have been addressed, legislation such as this will perhaps have greater relevance.

This is an important bill. As I have said, land-based pollution issues are even more significant. In terms of the interaction of human beings with the animals that inhabit coastal Victorian waters, this bill needs to be supported.

Ms LINDELL (Carrum) — It gives me great pleasure to support the Wildlife (Amendment) Bill. The dolphins of Port Phillip Bay bring great delight and joy to the communities that are fortunate enough to live along the coast, an area of which I am very honoured to represent in this place. There are many dolphins in the area, and people who do not live along the bay do not realise the delight the dolphins bring when they swim into the shallows off the beaches at Carrum, Chelsea and Seaford. Most of the ecotourism happens further down off the Mornington Peninsula.

The bill will do two very important things. It will ensure both the sustainable development of the tourism

industry and the continued protection of the dolphins of Port Phillip Bay. It seeks to ensure that the commercial operation of the whale watching and dolphin swim tours is able to be managed and further developed on an ecologically sustainable basis. The amendments will make it an offence to conduct commercial swim tours without a permit and will enable the Department of Natural Resources and Environment (DNRE) to use the precautionary principle to limit the impacts of dolphin tourism and ensure that it is developed in a sustainable manner.

The bill allows for the minimum prescribed distance for approaching a whale to not be included in the definition of 'interference'. The amendments are strongly supported by the Dolphin Research Institute, which believes that with the passage of this legislation Victoria will be at the forefront in the management of wildlife tourism and will offer a sustainable future for its local populations of whales and dolphins.

The Dolphin Research Institute has commented on the bipartisan approach that has seen a substantial improvement in the management of dolphin-based tourism. It is a shame the cooperative work that occurs in this house often receives no accolades. It is nice to see that, at least in this important industry of ecotourism, the Dolphin Research Institute has acknowledged that on important issues like this, members of Parliament can work together.

A paper put out by the Dolphin Research Institute states:

This amendment is the outcome of many years of research, consultation and a strong desire to manage the impacts of dolphin and whale tourism in a sustainable manner. It will permit managers to operate using the 'precautionary principle' to regulate the industry in an ecologically sustainable manner. The case study of managing this industry and the legislation itself will become a role model for managing other tourism and wildlife situations in a sustainable manner.

The institute goes on to congratulate all who are involved with the development of this legislation. It is terrific that this legislation has such a high degree of support and that the bipartisan nature of legislation such as this is accepted.

The bill will allow on-the-spot fines to be introduced and hopefully have the effect of controlling boating hooligans who harass dolphins. Unfortunately these are not the people who would be going on the tours but simply that small, yobbo mob of boating people who think it is fun to harass wildlife. These amendments will ensure that dolphins and whales are protected.

For the first time the number of tour boat operators in Port Phillip Bay will be regulated. There are currently four swim tour permits and two sightseeing permits allowing permit-holders to approach within the prescribed minimum distance of a dolphin in the bay while conducting either swim tours or sightseeing tours. There are no other areas in Victoria where permits have allowed tour operators to approach within the prescribed minimum distance of a whale or dolphin. Last year there were five tour permits but one operator did not take tours and that permit has not been renewed. There were also three sightseeing permits but again one operator did not renew his permit, so we have four swim tours and two sightseeing tours effectively operating in Port Phillip Bay.

The permits allow the permit-holder to approach within 50 metres of dolphins compared with 100 metres for the general public. This minimum distance is in line with the national guidelines for cetacean observation limit of 50 metres, so the present restrictions are consistent with this. Permit-holders are subject to conditions in the Whales (Wildlife) Regulations 1998 which limit the way they interact with dolphins so that the choice to interact with humans is with the dolphins. This is the basis of the very successful tourism industry at Monkey Mia where it is up to the dolphins to come into the shallows to interact with humans, and not humans going out into the water there. These regulations will allow swim tour operators to approach within 50 metres parallel to the path of the dolphins, and generally in front of the direction they are travelling. The swimmer is dropped into the water, tied by lines to the boats. As swimmers hold on it is up to the dolphins to come across and swim amongst the people in the water. If they do not want to do that, the dolphins just swim by.

The only swim tours being conducted in Port Phillip Bay at this time involve bottlenose dolphins. The Department of Natural Resources and Environment has sought a report from the Dolphin Research Institute which has been monitoring the dolphin tour industry in Port Phillip Bay since 1997. The report will be considered with information from across Australia and elsewhere on the management of and interaction with whales and dolphins. It is hoped this information will allow the determination of an ecologically sustainable threshold for dolphin swim tours in Port Phillip Bay.

If the information provided in the report is not definite, the provisions in the bill require the Secretary of the Department of Natural Resources and Environment to set the threshold based on the best available information, taking into account any likely effects on the population.

The bill contains significant restrictions and regulations to make sure we continue to grow a successful industry, but also to protect the basis of that industry, and that covers the dolphins in Port Phillip Bay and the whales down at Warrnambool, where the reported income for Warrnambool from the whale watching at Logans Beach is \$18 million. It is important that the government manages our interactions, including those of the general community, obviously the whales and dolphins, but also those who make their income from the tourist industry. I support the bill and wish it a speedy passage.

Mr DIXON (Dromana) — It is a pleasure to be involved in this debate because the last whale regulation legislation in this place was in 1998 and I had a brilliant speech prepared which I was unable to use as time ran out — not that I will use that 1998 speech today! It is wonderful to speak on behalf of the dolphins of Port Phillip Bay. I feel I am their local member because the 120 or so dolphins that permanently reside in the bay are basically found at the southern end. My constituency runs from Portsea up to Safety Beach which covers a fair area of the bay.

Over the years the presence of dolphins in Port Phillip Bay has captured the public's imagination. Their numbers have especially multiplied over the past 10 years, and there are greater numbers of dolphins in the bay now. There is something mystical about dolphins that seems to capture people's imagination. People want to interact with them in one way or another, whether it be by swimming or sightseeing. As a result there is a need to regulate.

It was probably 15 years ago when we first started to notice the dolphins in the bay and I remember I would be out in my boat trying to get as close as possible to the dolphins. There were no regulations in those days and probably what I was doing and what most boat owners were doing out of ignorance is now illegal. Newspaper and media articles about dolphins and the introduction of regulations have sought to educate the public, and on the whole that has been effective.

I have also been out on the Polperro, the ecotourism multi award-winning swim boat, and have swum with the dolphins. The Muir family has done a brilliant job in maintaining the important balance involved in the protection of a species, which in some ways I suppose they are exploiting. They are involved in collecting research and are careful in how they instruct their clients on how to interact with the dolphins. It is no good exploiting the very resource they are so involved in. I congratulate Polperro on the balance they have achieved. My daughter has also crewed on the Polperro

and she tells some wonderful stories about the interactions between the dolphins and the once-off swimmers, but more especially the dolphins seem to get to know the regulars, especially the crew members of the various dolphin boats. I have heard stories of mother dolphins bringing their calves up to the regular swimmers as if to show them the new addition to the family. It is brilliant to hear those stories.

I welcome this legislation, especially the on-the-spot fines because they are practical and enforceable. People who are not only ignorant but those who are deliberately flouting the laws can be prosecuted quickly and effectively. That has far more effect than trying to drag somebody through the courts on an indictable offence. That is why under the previous legislation there has only been one prosecution.

Even though that might make headlines when the prosecution is made and the sentence is handed down — in that case it was a fine — I think the volume of on-the-spot fines is a far more effective deterrent than prosecutions, and is educational.

The limit on operators is also very important, because more and more research is showing that dolphins are affected by the harassment of too many boats. Therefore the number of people in the water and the number of boats that are putting people in the water certainly has to be limited so that this ecotourism industry not only grows — well we do not really want it to grow; I think it is almost at its limit — but can be sustained. Of course we have seen the number of people who have jumped on the bandwagon. They have seen this as an easy dollar to make because it is so popular — it is very easy to get to the boat and go out to look at dolphins. I think the operators there now are doing that very reasonably. They are aware of the regulations and are doing their best to enforce them. The industry grew very quickly, but it cannot grow any more.

One of my disappointments — and I actually made this point in the house before Christmas — is that really there is no need to be debating this legislation in the first week of the autumn sittings. Because of the great support this legislation has it would have been far better if it had gone through the house last year before the summer season, which we have basically missed. By the time the bill goes through the other place and attains royal assent we will have missed a whole season of swimming. Even though there was not a tremendous boating season, I am aware of anecdotal evidence of dozens of occasions on which people would have received the new on-the-spot fines, and perhaps we could have intervened quite early. So I was

disappointed that it took that long, because as I said it certainly has the support of both sides of this place.

Mr Perton — The *Herald Sun* referred to some of those.

Mr DIXON — Yes, in fact the anecdotal evidence reported to me was often in the papers as well.

It has been interesting. Since 1 February I have noticed a distinct drop in the number of jet skis operating, and I think jet ski or personal watercraft operators have been one of the main objects of blame for harassing dolphins. Since the insistence on licences for those operators there seem to be fewer jet skis around. I know that the biggest hiring company down in my area has had not one person hiring a jet ski because people have not got licences. That has been an unforeseen consequence of the licences, and I think that ought to be addressed. But I think the dolphins are pretty happy about it as well.

With any new legislation and new opportunities for people to be prosecuted we should have very good enforcement, and education. I think one of the best means of enforcement is a visible presence by the water police or fisheries officers, but also a presence at the boat ramps. I notice that with the introduction of the new jet ski legislation — the boat operating legislation — there were police courtesy jet ski operators around the boat ramps and the places where operators were launching or retrieving their boats. They were there just to hand out brochures and talk about the changes in the regulations. This is an ideal opportunity for the public to be educated about regulations. It is a good combination of education and enforcement.

One other method of explaining the changes, and it is probably the best method of education, would be that over the next 12 months when people receive their boat trailer registration papers and their licences they also receive a small, simple leaflet that outlined the new regulations. I think that would have a good effect.

The two-year licence is welcome. I think some of the operators would like a little bit more surety than two years, but two years is better than one year, and the two-year licence has certainly been welcomed by the operators. I met recently with Jeff Weir from the Dolphin Research Institute. He is a great man and is very impressed with this piece of legislation. I was impressed with the new educational program at Hastings in the new research centre — except that Jeff is finding that the more people are learning about dolphins the more questions they have to ask.

I conclude, therefore, by asking the government to be very flexible with the future of this legislation because as more is learnt about the behaviour patterns of dolphins through research by members of the Dolphin Research Institute out on the operators' boats and others — and I think that cooperation is wonderful — we will start to see some longer term patterns of dolphin behaviour and their interaction with people in boats. This legislation might have to be adapted in the future, maybe to make the provisions more stringent or to make them less stringent — I do not know — but we have to bear in mind that changes may have to be made in the long run.

As I said at the start, I support the legislation. It is a wonderful step forward and I wish it a speedy passage.

Mr SEITZ (Keilor) — My contribution to debate on the Wildlife (Amendment) Bill, which I welcome, is about the level of understanding of marine life in our community. Since time immemorial the importance of marine life has been underestimated by society and by communities. It is a popular belief that even the human race originated from marine life. Some schools of thought express that belief.

Our marine life in general has been underestimated and in the modern era has been considered expendable: no need to care for it; it has no diseases: it is indestructible, plentiful and can replenish itself. It is only over recent decades that we have been learning the fallacy of those thoughts of our forefathers. In the meantime a lot of marine mammals have become extinct and others have been driven close to extinction. Whales are one species that we have protection for, but we still have problems, with some countries having rights to kill whales under the pretext of scientific studies.

Marine life, like so much of our native flora and fauna, cannot survive the onslaught of the human race with its modern technology and modern equipment. I dare say 50 or 100 years ago swim tours would not have been thought of as a commercial venture because the equipment and the technology were not there. The safety of snorkelling divers and divers generally has improved with oxygen equipment that has lately become easy to access and cheap to buy. Anyone can have a go, get a speedboat or any sort of boat and go out and search for whales and dolphins in the bay.

It is appropriate that we address the matter again and have another look at it. Licensing is an issue for the charter operators. We should have a look at their licences and the control they may have. I noticed that this amending legislation gives them a bit of security by extending the licence period for an operator to two

years, so hopefully they will act more responsibly. There has been a lot of build-up of business and industry in that field. In years gone by the sea generally and seagoing people, whether fishermen or sailors, were always considered as hunter-gatherers and the sea was always a plentiful food basket.

Unfortunately the saving of our marine life was not thought of at that time. We now wish we had taken action even earlier, particularly in Port Phillip Bay, where bilge water from different ships has brought in other exotic creatures, destroying and harming our native species. All these questions have come to the fore, because in the past we did not understand or appreciate the value of our marine life and it was not considered as important as it is today. Today's modern man is able to and does appreciate and understand its value and importance.

Here in Victoria we have the luxury and the opportunity of seeing the dolphins in Port Phillip Bay close to our shores and of developing that opportunity as part of an ecotourism industry. Why is that? It is because we have the dolphins here where they can be seen in a safe environment, and people appreciate that. However, we also have to consider the dolphins themselves, because if people get too close to them the dolphins can become stressed and they can suffer, which may reduce their numbers. Many studies have been carried out on dolphins to gain an understanding of their communications with each other and with their young ones. Unlike land-based animals, which make a noise when they are hurt, stressed or scared, fish do not make those sounds. Scientific studies have been carried out on the distress signals that dolphins give out; however, without assistance the human ear cannot hear them.

This bill is a very important step, and I believe we need to go further in understanding the needs not only of the two species I have referred to — whales and dolphins — but of all our other marine life so we can enjoy them and preserve them for future generations. I had some visitors from America who were very keen to see the whales and the dolphins, so we chartered a light plane to take them over the area to gain an appreciation and understanding of how close to the coast of Victoria these mammals can be found. It was a very important tour for those visitors, who wanted to see and appreciate from the air the close proximity of whales and dolphins to the land.

I was concerned about dolphins even before any of this legislation was introduced because of the harassing behaviour of some uneducated people on jet skis on Port Phillip Bay. I wrote at the time to the Minister for Ports stating that action needed to be taken and that

those cruelties needed to be stopped. We now have to consider not only the people who have licences to approach the dolphins and whales in the bay and who operate commercially but also the people who have their own individual means of reaching the dolphins and the whales on private watercraft. As I mentioned, more people are now being licensed to use motorised vessels — in particular jet skis — in Port Phillip Bay or in any of Victoria's waters, and I hope those people will be educated in and have an understanding of the issues and that there will be less incidence of people getting too close to the dolphins and the whales and frightening and harassing them.

We understand that our sea mammals need protected, shallow waters to rear their young in, and this is why we have them in this area. We also need to consider whether there is enough food available, keeping in mind that whales live mainly on plankton and small fish. Dolphins also need a pure, clean environment, so pollution is a problem, whether it comes from ships, stormwater outfalls, sewage treatment plants, accidental spillage or illegal dumping of chemicals.

Offenders need to be caught and made aware of and re-educated about our marine waterways being polluted. The Environment Protection Authority (EPA) provides regular reports over the summer period on bay beaches which are safe for humans. I would also like to see reports being produced on whether our waterways are clean enough for marine mammals and marine life in general, keeping in mind the dangers to these species from the pollutants that are flushed down rivers and stormwater drains into the bay and into estuaries and inlets. These pollutants enter the food chain and it takes a long time for it to become evident that they are destructive. One example of this occurred when mercury was found in sharks swimming in the bay. This potential problem was debated at length by experts, both for and against.

I understand that Port Phillip Bay is becoming a little cleaner. There has been a lot of campaigning and effort over recent years put into cleaning up our waterways, but it is still imperative that the creeks and rivers that run into the bay be monitored to make sure that marine life can survive and populate for future generations to enjoy.

This summer I encouraged the fathers of two of my grandsons, who are respectively 18 months and 2½ years old, to take them out in a boat on Port Phillip Bay. It was a pleasure to see the boys sitting in the boat watching the dolphins and the marine life in the area. They also enjoyed walking on the pier at Queenscliff. I hope that when they grow up they will still be able to

take the next generation out in a charter boat to see the dolphins. The legislation we are considering today and our commitment as a community will ensure that opportunity continues into the future.

I know the commercial side of the industry has a vested interest in making a dollar out of our native animals. This is always a concern to me because they should be enjoyed in their natural habitat with minimum interference from human beings or noise from vessels passing by. All of those things contribute to the stresses suffered by our marine life. We do need, therefore, a lot of further studies and monitoring. Even with the regulations proposed in this legislation, we need further monitoring on whether the distance the sightseeing boats are allowed to approach to is too close.

We need to look at weather changes and which way the current is flowing to see whether they have an effect, particularly on the dolphins. We also need to know their breeding season and whether they have young ones to see whether there should be time-out altogether when they cannot be disturbed and no charter boats can visit them.

A number of questions need to be followed through for the future as the industry develops. As more people see and appreciate marine life, monitoring for the future is needed. I understand this project and this legislation is only a step in that direction. Society in general is starting to appreciate marine life. Hence, there is pressure on marine parks. Members of the Environment and Natural Resources Committee went to New Zealand to look at marine parks. We had the option of going in a glass-bottomed boat to be shown the fish and their way of life.

Some marine species take 100 years to mature before they reach breeding age. Very little of that is understood by our society. It takes years for giant crabs to grow and develop to a breeding stage; it is not a matter of 6 or 12 months as with our poultry farms. We need to look at all those things. The giant crab is beautiful to look at. We are used to seeing the little crabs on the sand when the tide goes out, but a giant crab with its colours and size is amazing to see.

Having said that, Honourable Speaker, I commend the bill to the house and urge not only honourable members in this place but society generally to embrace our beautiful marine mammals and animals. People who take the opportunity to understand marine life get much leisure and pleasure. It is like bushwalking: once you get used to it and take an interest in sea life you will find it fascinating. Whether you dive or go out in a boat, with a trained eye there is a new discovery to be made

every day by observing what is in our waters. I wish the bill a speedy passage through the house.

Mr VOGELS (Warrnambool) — I would like to take a few minutes and make a few comments on the Wildlife (Amendment) Bill as it relates to the Logans Beach area at Warrnambool. Logans Beach is the only part of the Victorian coastline where southern right whales regularly come close to shore to calve. Existing regulations already prohibit all boating in the Logans Beach area while whales and their calves are in residence. This follows on from a code of practice established in 1995 under which local professional fishermen voluntarily stay out of the area when whales are present.

Warrnambool is the only site where tourists have the opportunity to view whales from the beach free of charge. The importance of whales and whale-related marketing to Warrnambool and the surrounding areas cannot be overestimated. Whale visitations in the area fluctuate. For example, the following are the southern right whale cow-calf pair numbers which have been present at Logans Beach over the past decade. The figures show just how fragile the industry is. In 1989, four; 1990, one; 1991, nil; 1992, two; 1993, four; 1994, one; 1995, three; 1996, two; 1997, one; 1998, four; 1999, two; 2000, one; and 2001, four.

As I said, it can be seen by these figures how fragile this industry is. The City of Warrnambool currently receives in excess of \$17 million per annum in tourist expenditure that can be directly related to whale-watching activities. These figures were estimated by the Department of Natural Resources and Environment. After being out the front of Parliament House before with the protesting loggers, I wonder how much credence we can put on these figures. But everyone seems to agree that that is the figure.

It would not take much to put this industry at risk because, averaged over those 10 years, only three whales have been attending the Logans Beach area each year. That is why Warrnambool City Council has put in a submission to the Basslink project, which is laying a cable from Tasmania — if it goes ahead — to Victoria along the ocean floor. There is some concern that this could create some electromagnetic field which could interfere with the whales' navigation senses and when they get to this cable, if it is laid, there is a concern that they may not cross it. It would be very sad for the whales if they came all the way from the Antarctic and around Tasmania and when they got to Bass Strait all of a sudden decided, 'Hang on, there's an electromagnetic field that we can't cross', and they had

to do a trip right round Tasmania to come around the other side. I do not think they would turn up.

If we are careful, however, it is anticipated that the figures will be significantly higher for the viewers — the people spending the money — in the forthcoming years because there has been a lot of media attention and a lot of press and television coverage based on Logans Beach and the whale-watching industry. Accommodation providers, hospitality operators and the retail sector have indicated that direct, flow-on economic effects have been identified. We hear this figure of \$17 million. I do not know how you ever work these figures out. However, we do know it is a very important industry.

In conclusion, as you can see from these statistics, it is imperative that we do not disturb these migration patterns, not only for the whales, but for the tens of thousands of visitors who get a close-up, first-hand look at one of the marvels of the world. I therefore commend the bill to the house.

Ms DUNCAN (Gisborne) — It gives me great pleasure to speak on the Wildlife (Amendment) Bill. We have heard from the honourable member for Warrnambool and other speakers of the importance of ecotourism and protecting all wildlife, but this bill deals particularly with whales and dolphins. The amount of money brought into Victoria as a result of ecotourism — whether it be sightseeing tours or swim tours — cannot be overstated. It is a critical part of our economy. It is also a part of our economy that we want to see grow in the future. As we move away from other employment opportunities, we need to promote sustainable ecotourism across the state. This bill is intended to facilitate that and to make sure that whatever we do is sustainable, protects wildlife and gives some certainty to commercial operators so they know where they stand and what they can and cannot do.

The bill also puts a little commonsense into the definition of ‘interference with a whale’. At the moment coming within the prescribed distance from a whale is considered interference. That does not really give a clear definition of what that is, so that, for example, the fine that you could have at the moment is substantial, and your interference or so-called interference may have very little impact on the whale or dolphin.

These amendments deal principally with the issuing of permits for whale ecotourism and with the offences involved when members of the public approach whales. Under the provisions of this bill the offence of

approaching within the prescribed minimum distance has been removed from the definition of ‘interfering with a whale’. It is not often that penalties are reduced, but in this instance I believe it is very appropriate.

The new penalty will be a maximum of \$2000, compared to current penalties of up to \$100 000 and an indictable offence for breaching those distances. The high penalty for interfering with a whale is intended to distinguish between being close to a whale and actually causing harm to a whale — for example, if approaching within the prescribed minimum distance of a whale leads to harassment, injury or death then that top end of the penalty would apply.

The intention of the bill is to deal with the potential problems before they escalate in any way that will cause injury to the whale. Reducing the penalty to \$2000 is consistent with other similar offences under the Wildlife (Whales) Regulations 1998 such as causing vessels to approach a whale head on or to be in the path of a whale. We have all seen not necessarily commercial operators but, I would argue, uneducated people — in fact I have been overseas and seen this happening — in boats literally chasing dolphins or whales to catch a glimpse of them. Obviously these boats operate where the whales and dolphins have a reason to be — in their hunting or breeding grounds. It is horrendous to see — as I said, I have seen it myself — the distress that can be caused when humans start chasing them around the coastline.

We already have some regulations to deal with that, and fortunately we do not see that happening here. This legislation further protects that and gives some certainty to industry. It promotes the industry but in a way that clearly protects the wildlife.

The main purpose of the bill is to make it an offence to conduct commercial swim tours without a permit — which are obviously any tours conducted for profit — to regulate swim tour permits within an ecologically sustainable threshold, to allow permits to be allocated under tender, and to legislate more appropriately against offences relating to members of the public approaching whales, as in my earlier example of the definition of interference.

A number of tours to do with bottlenose dolphins already operate in Port Phillip Bay, and as the honourable member for Warrnambool said, sightseeing of whales takes place in the Warrnambool area.

This is not intended to interfere with the current licence-holders. The existing swim tour operators are supportive of the provisions of the bill, as is the

Dolphin Research Institute and Project Jonah — and I have a number of friends who are members of that project. The sightseeing tour operators as they exist today will have a little more certainty because the permits will be for two years instead of the present one year.

The bill has been introduced to protect wildlife, to meet national competition policy requirements and to provide improved protection. An independent review of the Wildlife Act 1975 under national competition policy determined that if demand for permits to conduct tours involving whales and dolphins exceeds supply, an auction system should be the method of rationing use. The national guidelines for cetacean observation, prepared by the Australian and New Zealand Environment and Conservation Council in February 2000 and endorsed by all jurisdictions, recommends that all swim tour operations operate under a specially committed system because of the potential for risk of injury or harm to either the animals or to the swimmers. Both these reviews have been undertaken since the act was last amended in 1997 and allow for ecotourism involving cetaceans.

The amendments will bring the Wildlife Act into agreement with the reviews. Ecotourism is a significant employer in the Warrnambool area and it is estimated to generate some \$18 million a year. Two main industries operate in Victoria. The first involves the viewing of southern right whales at Logans Beach near Warrnambool and the second involves the bottlenose dolphins in Port Phillip Bay where sightseeing and swim tours currently operate. Viewing whales at Logans Beach normally occurs between June and October. Data suggests that up to 100 000 people visit Warrnambool to view the whales, which means the industry is of critical value to that area and the state as a whole. The government needs to protect the industry.

Although the regulations are intended to manage the interactions between humans and whales and dolphins, commercial tours may interact with dolphins for most of the daylight hours, during the times of the year when tours take place. Obviously the number of operators need to be limited, which is why we need to determine what is the required sustainable level of operators. The effect of this constant presence of humans is largely unknown, although one can imagine it has a significant impact. The provisions in the bill allow the industry to be managed at sustainable levels. When sustainable levels are set the process of issuing permits will be environmentally sustainable and be consistent with national competition policy.

The bill introduces a number of excellent amendments. They are timely as the push for ecotourism increases and becomes a critical part of our economy. Victoria is a brilliant state with an enormous variation of its natural environment. This is a further way of promoting ecotourism while protecting the stakeholders and the environment — in this instance, whales and dolphins. I commend the bill to the house.

Mr PERTON (Doncaster) — This is an amicable debate because the position of whales and dolphins in our society in Australia is an area where there is a common love for these animals; whether it is inculcated through our general culture or through our education system is hard to say. Some years ago, Jacques Cousteau said this:

Perhaps the time has come to formulate a moral code which would govern our relations with the great cetaceans of the sea as well as those on dry land. That this will come to pass is our greatest wish. If human civilisation is going to invade the waters of the earth, then let it be first of all to carry a message of respect, respect for all life.

If there is a country or state in which this is the case, I can think of no country or state other than Australia or Victoria that has led the way.

While the bill is bipartisan, it is a matter of pride in my party, the role of the Liberal Party in this area of policy. The Liberal Party's web site sets out some of the great achievements of the Liberal Party and among them is the work of Malcolm Fraser in convening an inquiry into whaling and then proposing legislation that then became bipartisan to prohibit whaling in Australian waters. That is certainly regarded as one of the great achievements of the Liberal Party. In my view, and I think the view of many members of this house, that is not just an achievement for the Liberal Party, but an achievement for the nation itself.

No other sea creature captivates and delights us as the dolphin does. People and dolphins have been intertwined in culture, religion, myth and folklore since the beginning of civilisation. A number of books and journal articles indicate that dolphins appear on coins from ancient Greece, on pottery, as statues and even on cave walls in many cultures from all over the world and throughout recorded history. The ancient Greeks regarded the dolphin as so important to their culture and to shipping that the killing or maiming of a dolphin, as I understand it, was regarded in law as being just as serious as the killing or maiming of a human being. The Minister for Housing and I have been talking about whales and references to them in the Bible. Genesis 1:21 states:

God created great whales, and every living creature that moveth, which the waters brought forth abundantly, after their kind, and every winged fowl after his kind; and God saw that it was good.

The Minister for Housing and I have debated whether the translation from the Aramaic or the Hebrew should be ‘monsters’ or ‘whales’ — —

Ms Pike — Or big fish!

Mr PERTON — Or big fish, as the minister has said. However, my position is strengthened by the Wesley commentary on the Bible, which in reference to verse 21 states:

... great whales the largest of fishes, whose bulk and strength, are remarkable proofs of the power and greatness of the Creator.

In religion, whether it be that of the ancient Greeks or the Christians, there is a special place for whales and dolphins. That has come through to our period in history.

One of the things that the honourable member for Sandringham, who so ably led the debate on behalf of the opposition, and I have talked about is the changing nature of the relationship between people and whales and dolphins in this country over the last 200 years. I shall not repeat the history that the honourable member for Sandringham gave the house, but it is interesting that last century whales and dolphins were literally exterminated from the waters of Victoria.

Warnambool has 80 000 or more tourists visit it each year to see the whales. The Attorney-General is a great lover of Byron Bay in New South Wales. You can stand on the headland there and watch the whales drift past. Or you can go to Hervey Bay in Queensland and interact with the animals in their habitat. An immense sense of pleasure is to be had and I wonder whether part of that pleasure is the fact that we have saved this animal from extinction.

When I was a teenager we thought the blue whale and the southern right whale, which are coming back to Australian waters and particularly Victorian waters, would die out completely. It is a great joy that these animals live on today, which is a tribute to the success of the past programs we have engaged in.

This legislation should have come through the Parliament in the last sittings. Today the honourable members for Sandringham and Dromana publicly expressed their disappointment that the legislation was not passed during the spring sittings last year, because there was bipartisan support for it. As the *Herald Sun*

reported in January, a number of incidents over the summer could have been dealt with under this legislation, had it been passed, and a number of prosecutions or infringement notices could have been issued that would have prevented some inappropriate behaviour.

In preparing for today’s debate I have looked across the Internet at the issue from an international perspective. It is remarkable to see similar discussions taking place about this interaction between human beings and dolphins.

I have had the pleasure, for instance, to engage in swimming with dolphins off a private vessel in the Bay of Islands.

Ms Beattie — And frightened them!

Mr PERTON — No, we entered in the appropriate manner and did not interfere with the movements of the dolphins. I have had that pleasure. However, from reading the reports of the New Zealand government and its conservation authorities I know that this same debate takes place. What is the appropriate level of human interaction with dolphins? What are the appropriate ways of entering the water? How many people should have this opportunity? These are difficult issues.

Again, without going into the minutiae or intimate detail of these reports, there are only certain dolphins that interact with people. Other dolphins are wild animals and are disturbed by interaction with people. We heard anecdotal evidence from the honourable member for Dromana that dolphins become quite attached to the people running the tours and will appear to show off their offspring to the people that they have come to know. As I look around this chamber I think we are probably all of the age where *Flipper* was one of our favourite television programs.

Honourable members interjecting.

Mr PERTON — I do not know if Hansard can record the fact that around the room honourable members are recalling their fond childhood television memories.

Interaction is obviously something that gives great joy to people. If you read a lot of the web sites and the New Age magazines you know that the healing power of dolphins, our interaction with their spirituality and their sonar activities are regarded as health giving. Indeed, in the United States of America and Australia a number of programs are in place especially for disabled people to be able to swim with the dolphins.

In the USA the great debate is more about swimming with captive dolphins. I do not think there are any captive dolphins in Victoria, so that is not an issue here. Nevertheless how much interaction is good for dolphins and how much interaction is good for people — dolphins can engage in violent behaviour, they are not just this perfectly behaved animal of the sea — are issues that we have to determine. This legislation provides that the number and condition of licences will be determined after an appropriate level of study. I hope the Department of Natural Resources and Environment in undertaking this work does it in a transparent way, ensuring that people are involved.

While I have been critical of the government on many occasions in its performance on consultation, the boat operators and the Victorian Tourism Operators Association have indicated to me that in this case they regard the consultation as having been quite appropriate. As we move to determine — —

Ms Pike interjected.

Mr PERTON — Did I agree with the minister? Some 700 inquiries is too much, but appropriate inquiries into the sustainability of dolphin tours is very important. I know that my colleagues the honourable members for Warrnambool, Dromana and Sandringham and their constituencies would want to have appropriate input into this issue so that there is a long-term political sustainability to this action as well as social, economic and ecological sustainability.

This legislation is not a great initiative of the Labor government, rather the implementation of the national guidelines in respect to these matters. However, after having had the act in place for some time now it is appropriate to create a minor offence so that the major offence of interfering with whales, which connotes an activity that would damage or injure them or cause crisis between a mother whale or dolphin and her offspring, should be differentiated from the silly offence where people approach the animals too closely in boats or on jet skis or the like. As with all these things, once the word gets out that people will be pinged with an infringement notice if they behave in a silly or loutish way it will change things.

I suspect we all get a bit worried about this sort of behaviour; in your constituency, Mr Acting Speaker, it occurs more on lakes than in the sea. Nevertheless it is interesting in this debate that if you ask the jet skiers and the owners or users of fast boats about their attitudes towards whales, dolphins and the environment, they are pro-whales, dolphins and the environment. I think it is one of those things. Twenty

years ago people tended to drink and drive and not worry about it. Today we have self-policing and essentially it is the very odd person who will drink heavily and then drive his car. I think the same thing will happen with whales and dolphins: within a short period of time the likelihood that people will take their small vessels, their speed boats, their jet skies close to these animals will disappear as a problem. We will then be able to observe the behaviour of these animals.

The opposition strongly supports this piece of legislation. The public servant in the box and I have had our debates. He holds a view that certain iconic species should have bigger budgets to establish some successes in the environmental field. I think from a national perspective the status of whales and dolphins, their increasing numbers and their protection is a tribute to the bipartisan consensus on the importance of conservation and environment in Victoria.

One thing we have to do is match our commitment to protection of the species with our commitment to protection of their habitats. Last week the Environment Protection Authority closed some five beaches in Port Phillip Bay. The week before that it gave warnings that people should not swim near drains, canals or rivers. The reason for that was the level of pollution that enters the bay from the drainage system — everything from dog poo to plastics, bottles, household detergents and septic leakage.

My party is determined to go to the people at the next election with a policy that provides a very tough target of eliminating these beach closures and the deterioration of bay waters through this sort of pollution, not just in Port Phillip but across the state. As many conservationists and environmentalists tell us, it is not just about protecting iconic species or having flora and fauna action plans. One of the most important aspects of looking after these animals is looking after their habitats.

In the case of Port Phillip Bay, we have improved things dramatically over the past 30 years. But every time I hear an EPA warning that you cannot swim at a beach near a drain, river or canal or that the authority is shutting five beaches in Port Phillip Bay because of faecal contamination, I start to think that we are not a Third World country and should be able to have a bay that is close to pristine, save in the circumstances of a very unusual event. I do not think an unusual event in the city of Melbourne is heavy rainfall. While we are probably treated a bit unfairly by other people about the level of rain in Melbourne, a heavy and rainy day should not mean the bay is contaminated and the habitat of the dolphins is endangered in that way.

From my party's perspective, the next priority beyond this legislation is the better protection of the habitat in which these animals live. I commend the legislation and wish it a speedy passage.

Ms BEATTIE (Tullamarine) — It gives me great pleasure to join this broad-ranging debate and to note the bipartisan manner in which the debate has been conducted. Whether it is the pointy end of the stick, so to speak, from the honourable member for Warrnambool, who talked about tourism in his electorate bringing in some \$17 million from tourists coming to see the whales at Logans Beach, or the charming story from the honourable member for Keilor with the visuals it evoked of going out in his tiny aluminium boat with his two grandchildren peering into the bottom of the ocean to see fish, we can all relate to those things.

The honourable member for Doncaster made a passionate plea that we save these creatures. I think these creatures save us! They save us and make us a more civilised society. We should not lose everything to tourism. We often hear Port Phillip Bay referred to as Melbourne's playground. I like to think of it as a marine home rather than Melbourne's playground.

This is good legislation and as we come into what will probably be a tough two years for us all, I will remember before the last state election going down on a steam train to Logans Beach on a tour that Vicrail organised and being taken out on a bus to Logans Beach, standing on a platform in the freezing cold — it was July — and peering into the ocean for what seemed like ages. Then magically, two big black creatures emerged from the ocean and frolicked about for us all. It was one of the most enjoyable days of my life. Certainly on the steam train coming back to Melbourne the coldness of standing on the beach was all forgotten with the warm glow of those wonderful creatures who come down to Logans Beach every year to breed. It was a beautiful sight to see the cow and calf emerging from the waters.

We must take care of them and ensure that not only our children but our children's children can enjoy those sorts of things. We have all seen other types of wildlife eliminated from the face of the earth because their habitat has been damaged. We see great apes and pandas almost disappearing. I do not want my grandchildren to have to go to the Melbourne Aquarium to see dolphins and whales. They should, like me, be able to enjoy seeing them at Logans Beach.

We must license these activities and not stop our research into these wonderful animals. The anecdotal

evidence from Monkey Mia in Western Australia is well documented. The dolphins have become so dependent on humans for food that dolphin cows are leaving their calves out in the ocean where predators can attack them. We must try to maintain that balance so we are able to go out and enjoy the animals and they are neither stressed by our activities nor dependent on them. We must keep all those things in mind.

The bipartisan support of the bill is a terrific thing to see. I heard the honourable member for Doncaster talk about all the great Liberal Party achievements. I hope one of those is support for marine parks at some time in the future so that all manner of species are protected in marine parks, not just dolphins and whales.

We have seen interference with wild animals and indeed Australian native animals all about the place. We kindly thought that we were doing kangaroos a favour by giving them a few cakes and a bit of bread. We now know that that leads to all sorts of digestive problems for them and to the lumpy jaw condition they develop.

We cannot fall back to saying, 'Well, we meant well, we just didn't know'. We must carry out the research and back it up by legislation such as this. It is no good if we allow people to jump in the bay and touch the dolphins or whales if they are to become so stressed by our presence that we drive them away. As the honourable member for Doncaster said, only certain types of dolphins like human interaction. He evoked the memories of Flipper, and I can certainly evoke the memories of Skippy without the lumpy jaw.

The legislation is necessary and timely, and the government is cognisant that it is required. The honourable member for Carrum spoke passionately about the ecotourism surrounding her area, of which I am fully supportive. My brother-in-law has a scuba diving business and has the joy of diving in Port Phillip Bay. He tells me that the temperature of Port Phillip Bay does not vary much throughout the year, and on that basis the bay is a great breeding ground for many varieties of wildlife.

We have often reflected upon the superior intellect of the dolphin. I do not know whether that is true and more research is being done in that area. We know they congregate in family groups and whenever there is a death in that family group that death is mourned. If the legislation is not introduced and we let tour operators run rampant and take as many people as they want on their tours it will not be long before those animals are stressed and whole families will become stressed and may disappear. We must be careful of that.

This is good legislation that is well supported. Much consultation has taken place and is supported by Project Jonah, the Dolphin Research Institute and its director Jeff Weir, who is passionate about this cause. It is also supported by various members of the house, such as the honourable members for Sandringham and Carrum, and I am sure the honourable member for Frankston will be equally passionate in her contribution.

This is a widely debated bill, and one that is required. The current Wildlife Act has power but it does not make it mandatory to have a permit. The bill will now allow for the tendering of permits that must be ecologically sustainable. We have seen the folly of the clash of tourism and ecologically sustainable industries at the front of Parliament House this morning. We must prevent that type of thing from happening in the future.

I again evoke memories of standing on Logans Beach in Warrnambool not realising that 80 000 visitors a year probably do exactly the same thing as I did that day and not realising that they contribute \$17 million to the area's tourism industry. These magnificent creatures were leaping out of the water almost acrobatically and as graceful as any Olympic gymnast. It was a fantastic site. I hope one day that the grandchildren of members of this place can do the same as I did on that cold day. It certainly made me feel warm and happy that the creatures of this area have a place and to realise that we are only a minuscule part of this world.

Ms McCALL (Frankston) — The honourable member for Tullamarine is quite right; I will talk with great passion and affection for my bayside electorate of Frankston.

Firstly, I will say that I have no difficulty in supporting the Wildlife (Amendment) Bill. The Liberal Party, of which I am a proud member, has a great history of supporting the dolphins, and particularly the whales. I recall the great position of the then Fraser Liberal government, which was the first government to ban whaling in Australia.

Frankston is a wonderful bayside electorate. However, for many years we neglected our view of the bay. We turned our backs on it. Successive city fathers made a great deal of building a city away from the water instead of looking towards it. In the few years I have been the member for Frankston — and long may I continue to be so — I have tried to refocus the city on looking back towards the bay and acknowledging that it is the electorate's greatest asset. One of the things we are particularly working towards is the development of the foreshore while looking carefully at the ecological sustainability of the water and beach areas.

I can proudly say that I live on the beach. I do not camp on the beach, but I live adjacent to the beach. I have beach access, and I am proud of the arrangements that have been made for the cleaning and maintenance of the sand. I remind the house that next Sunday will be Clean Up Australia Day, when I know that most of the green groups will be out working exceptionally hard sweeping and maintaining the excellent condition of the beaches and encouraging the public and the Frankston community to look towards and use their beach with pride.

I am aware of and would like to place on record the great work done by the Dolphin Research Institute. It has now moved to its new home on the Hastings side — the Western Port side — of the bay. However, until about a year ago it was based in Frankston, when I got to know Jeff Weir and his staff extremely well. They did a remarkable job in raising awareness of the wonderful dolphins in the bay, educating the local community on not swimming too close, trying to ban those wretched jet skis from worrying the dolphins — as they will persist in doing — and teaching and working very closely with the excellent Frankston coast guard to ensure that those people who use the bay for entertainment and enjoyment are aware of their responsibility to those other inhabitants of the bay — the beautiful dolphins.

Therefore on behalf of the Frankston electorate I stand proudly in this chamber and say that we care about our beach area, we care about that portion of Port Phillip Bay that is our responsibility and is now our front yard rather than our backyard. We are very comfortable with the piece of legislation before the house. I look forward to the day when I can stand in this chamber and say that jet skis have finally been banned from my stretch of the beach.

Ms Lindell — Hear, hear!

Ms McCALL — However, that may be a little longer in coming, and I am glad the honourable member for Carrum will be supporting me on that.

The ACTING SPEAKER (Mr Kilgour) — Order! What about the football team?

Ms McCALL — Thank you very much, Mr Acting Speaker. I can very proudly say that in acknowledgment of the great role of the dolphin in Port Phillip Bay our Victorian Football League team is referred to as the Frankston Dolphins — and long may it survive, in spite of approaches by the Australian Football League and the VFL for it to do otherwise.

We acknowledge with great pride Frankston's role in and its support of bringing the bay to life, maintaining it for life, and maintaining it for the future. Yes, we love our dolphins. We love the fact that the bay is in our front yard, and we are very happy to support this piece of legislation.

Mr SMITH (Glen Waverley) — I am also very pleased to support this bill. I thought the house might be interested in my experience with dolphins some years ago at Marineland in Adelaide.

At that stage Marineland was being run by Richard Woon and his wife, Helen. I had recently been posted there from Singapore and we became quite friendly with them. As a result we were able to join the team that used to go in at night to swim with the dolphins and play water polo with them.

My experience of dolphins is that they will play as long as they want to and then they will move off. One night when the dolphins had had an unusual occurrence for them — instead of having the usual two sessions a day when the tourists from all around the place would come, it was decided because of the good weather that they would be able to sustain three of these events — they were not in quite the same mood. We would normally go in and play with the dolphins until they were ready to take the ball away from us. As honourable members well know the dolphins could play and win all the time if they wanted to, but in most cases they would let us get the ball back so we could have a turn or otherwise we would never win, and they loved it.

On this particular night you could tell from their behaviour that the dolphins were quite perturbed. When we went into the water with them in this very large pool, I got a nip on my hand that drew a small amount of blood. I still have the scar from it. My photographer at the time, Peter Caprioli, also got a nip, so we all decided to get out. Our trainer said later, 'It was the first time we tried three sessions and they were dreadfully tired'. We realised that this was the sensible thing and some weeks later we went back to normal procedure with dolphins swimming between our legs and over the top of us, wanting us to play their games.

The point of telling the story is to underline that this legislation, to my way of thinking, is just so sensible, particularly in Port Phillip Bay, where we need to have sustainable regulation because of, as the honourable member for Frankston was saying, waterskiers for one, and two, the aggressive behaviour of certain boat owners that might well frighten the dolphins out of the bay. My experience in Adelaide was that when

dolphins were prepared to play they would play, and when they were not prepared to play they would swim away and there was no way you could ever catch them; it was quite impossible. So the lesson from this is to encourage them to be here so that many thousands of Melburnians, as well as visitors from overseas and interstate, can have the joy of watching dolphins or in some cases swimming with them — if they want to play.

The point at issue is that you cannot in any case swim as fast as the dolphins and day in, day out, nor can the boats catch up with them when they decide to head off. But you need this type of regulation to prevent their being hassled or harassed, which some aggressive boat owners would do. The regulations are just so sensible. My only worry is that there might not be enough patrol officers to ensure that the regulations that are brought in are enforced, and I urge the bureaucrats to ensure that there are enough patrol officers to ensure that the dolphins are protected and enabled to lead the very happy life they normally lead.

It was interesting some years ago, while sailing in the SS *Stratheden* to the United Kingdom, to find that in other parts of the world they are known by other names. In Australia they are known as dolphins, but in other parts of the world they are known as porpoises. I think they are all of the same variety, and it is just the different terminology used by different people. I would love to get to the bottom of that one.

Dolphins are held in great respect by the mariners of this world, particularly by navy people. The Brits started it, and we have followed in the same tradition. The submariners, who go through an extraordinarily difficult course from the psychological as well as the general medical point of view, have adopted the dolphin insignia, which they wear as proudly as pilots wear the air force wings when they have been accredited. It is amazing to see how many senior officers who have reached the top have been through the submarine world. They wear the dolphin insignia with pride.

For example, when my brother-in-law's brother, Admiral Sir Michael Boyce, Chief of the United Kingdom Defence Forces — my brother-in-law is Sir Graham Boyce, a former British Ambassador to Egypt — was a more junior officer he was head of the submarine division of the British Navy. Its insignia and the name of its base was HMS *Dolphin*, and this wonderful intelligent species needs all the protection we can give.

As an aside, I inform the house that today is the 60th anniversary of the sinking of the HMAS *Perth* in the Sunda Strait between Java and Sumatra. As a nation we are indebted to those brave sailors.

Sea animals such as the dolphins have an incredible ability to instil a morale factor not only within the navy but to the life on our bays, as is evidenced by the fact that people come from many places to see them. We want to ensure that, if ever they come into the bay, every opportunity is made to protect dolphins and whales, particularly from boat owners, so that they are able to lead the happy lives that they normally live. That they want to swim with people and enjoy people's company shows us that they have an incredible ability to relate.

When I was in Adelaide back in the 1970s navy scientists were trying to work out sonar sounds and the sonar messages dolphins send so they could be used for naval research. We knew very little about sonar in those years but obviously they have managed to learn from dolphins ways in which submarines can contact each other. They have kept most of it quiet for security reasons, but we are learning much from those wonderful creatures.

Marineland in Adelaide also had sea lions and seals, but the opportunity for people to swim with them was very much restricted. They do not have the same personality as dolphins so people were restricted to simply feeding the seals and were not allowed to get in the water with them. You can never be too sure what the behaviour of sea lions or seals will be. Our rangers, the people who patrol the bays, also stopped the practice used around the world of rewarding dolphins and seals with buckets full of fish after they perform their tricks. I understand from the bureaucrats that that will also be restricted. That is very sensible because an outcome of feeding them when they do their tricks is that they become dependent on humans. The longer we have dolphins in the bay, the longer we want them to be, as it were, in the wild, as opposed to being reliant on human beings.

To my way of thinking the impetus of the bill will be best seen when we are able to observe a growth in the population of the dolphins in Port Phillip Bay, when they are not being harassed to the degree they obviously are at the moment. I am told — again by the bureaucrats — that there has been a decline in the number of dolphins in the bay and it is necessary to use every available opportunity to protect them. The bill goes a long way towards doing that.

Obviously many more restrictions will have to be put on boat owners. As the honourable members for

Doncaster and Sandringham indicated in their contributions to the debate, the main point is that we have bipartisan support for such a bill so that those wonderful and intelligent creatures, which give so much pleasure and delight to observers — to people who want to swim with them or want to stay on boats and look at them from a distance — will be protected and hopefully the number of dolphins within Port Phillip Bay will not only be maintained but increased.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Timber industry: resource security

Dr NAPHTHINE (Leader of the Opposition) — Will the Premier support the Liberal Party's private member's legislation to provide for resource security for the timber industry and reinstatement of the previous government's provisions to deal promptly and effectively with protesters who disrupt lawful timber harvesting activities, or, Mr Premier, will you just look into it?

The SPEAKER — Order! The latter part of the question is out of order.

Mr BRACKS (Premier) — I suppose the first point I should make here is: what private member's bill? We have not seen it. That is the first point. I think the question should have been about the proposed Liberal private member's bill!

This second point I make here is that we are pursuing and will pursue our own legislation. Will the opposition back our legislation? Our legislation will be a new Forests Act — the last Forests Act was in 1958 — establishing a Forests Victoria entity as a state-owned corporation. We will also consider strongly the relocation of that function in government — Forests Victoria and its function as a state-owned enterprise — outside Melbourne in a country area.

Today I met with a delegation, as leaders of the other parties did, from the timber industry, the timber workers and timber communities. It was a very productive meeting. In that meeting I gave commitments and undertakings that I would as a Premier and that we would as a government release all the figures and the assumptions on which those figures were based for the first time. For the first time in a long time — —

Honourable members interjecting.

Mr BRACKS — This will be the first time those figures and the assumptions behind those figures have been released publicly. We will go further. We gave a commitment — I gave a commitment — that we will work with the industry, with the Victorian Association of Forest Industries, with the Construction, Forestry, Mining and Energy Union, and with the timber communities in looking at those figures, and down to regional levels, to verify them. The previous government, for seven years, fudged the figures.

Dr Napthine — On a point of order, Mr Speaker, the Premier is debating the issue. The nub of the question was about commitment to resource security and dealing with protesters. I ask you to bring him back to answering the question.

The SPEAKER — Order! I ask the Premier to come back to answering the question.

Mr BRACKS — The resource security required will be given by this government. That was a commitment we gave to the industry today, but it was not the commitment that the previous government gave — the previous government fudged the figures for seven years. As well as fudging the figures for seven years it let timber communities down and did not care. We care about these communities, we care about the workers and we will make sure we look after those workers and communities.

As well as the release and verification of those figures, we will also, as has been released, have an adjustment package of \$80 million which we will also work with industry on. I gave a commitment today, along with the Minister for Environment and Conservation, who was present with me at the meeting, that that \$80 million fund is one that we will work on with the industry, with the workers represented by their union, with the Victorian Association of Forest Industries and with the timber communities. They will be partners in delivering those benefits and supports to communities to assist in the job losses that will occur. It is interesting to note that the previous government seems to have selective amnesia on this matter.

Dr Napthine — On a point of order on the issue of relevance, Mr Speaker, the Premier did not care enough to go and talk to the timber communities, but now he is being not relevant to the question.

The SPEAKER — Order! I do not uphold the point of order if the Leader of the Opposition is raising the question of relevance. The Premier was being relevant in responding to the question.

Mr BRACKS — The Liberal Party seems to have selective amnesia about the last seven years that it was in government. There is a refreshing revelation — —

Mr Leigh interjected.

Mr BRACKS — You can't talk. I saw you — —

Mr Leigh interjected.

The SPEAKER — Order! I ask the honourable member for Mordialloc to cease interjecting in that vein. The Premier should ignore interjections.

Mr BRACKS — Yes, Mr Speaker, I will not digress. I was about to tell the story of the honourable member for Mordialloc using a hand-held phone while he was driving out of Parliament House, but I will refrain from doing that!

Liberal Party members have selective amnesia, but there is someone on the other side of the house who tells the truth, and that is the honourable member for Doncaster, who told the *Age* in December last year — —

Dr Napthine — On a point of order, Mr Speaker, the Premier is again debating the issue. The question was about whether he would support legislative resource security and action against protesters. He has not addressed that issue one iota in his answer.

The SPEAKER — Order! The question posed by the Leader of the Opposition, as he repeated it to the house, was in relation to some proposed legislation that the opposition has and what the government's response to it will be. I am of the opinion that the Premier was indeed responding along those lines, and I will continue to hear him.

Mr BRACKS — I repeat that in a refreshing wave of honesty for a moment the honourable member for Doncaster said to the *Age* last year, 'We made mistakes in forest management in government'. Yes, it did! Big mistakes! It let communities down, it fudged the figures and it did not care. We care about the workers, we care about the towns and we will look after the workers and the towns — as the former government did not!

Police: rural Victoria

Mr TREZISE (Geelong) — Will the Minister for Police and Emergency Services inform the house what action the government is taking to improve police facilities in country areas and to fix up the mess the Kennett government made of policing in regional Victoria?

Mr HAERMEYER (Minister for Police and Emergency Services) — I thank the honourable member for Geelong for his question because I know he has a very longstanding interest in the future of policing in this state.

Mr Spry interjected.

Mr HAERMEYER — The honourable member for Bellarine sat there and watched his government rip police officers out of his area and close police stations, but the honourable member for Geelong cares about police stations, and I am pleased to advise him that in Victoria we are undertaking the largest overhaul of police facilities in the history of this state. Country Victoria in particular will benefit, where we have 31 police stations to open at a cost of \$10 million. Next week we will be opening five new police stations in central Victoria: at Lancefield — a \$260 000 police station with a new residence — Landsborough, Learmonth, Lexton and Newstead. All five are new police stations and four have new residences as well.

In addition to that, there are 31 police stations in country Victoria in total, and about 22 of them will approach completion around June. That is 22 new police stations in country Victoria in towns neglected for years and years by the previous government.

In addition to those smaller country stations, major police stations are under construction at Wodonga, which will be completed in March this year, and at Bacchus Marsh, Gisborne, Kinglake, Seymour, Morwell and Moe. These are all major police stations that are being built by this government.

What about the previous government? Not a brick! Even if they had bothered to build those police stations, which they did not, they would not have had any police to put in them. We are providing better facilities for police across Victoria, particularly in country Victoria, and providing better accommodation for those 800-plus new police who are coming into the Victorian police force as we undo the damage that was done by the previous government. What we are doing is assuring those country towns about the future of policing in those towns, which was very much in doubt with the managed attrition program that the previous government deliberately undertook.

I can understand the embarrassment of the Leader of the Opposition, because he sat in the cabinet that ripped the guts out of the police force that we are so proud of.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh!

Timber industry: parliamentary tours

Mr RYAN (Leader of the National Party) — My question is for the Premier. I refer to the offer made by Neville Smith Timber Industries Pty Ltd to take every member of Parliament in both houses on a tour of forestry operations. Will the Premier undertake that every member of his government will take up that challenge, just as the National Party has done?

Mr BRACKS (Premier) — That reminds me of a joke that was going around after the last election, which was, ‘What is the difference between a Tarago and the National Party?’. The answer was, ‘The Tarago has more seats!’. That is probably why the six members of the National Party could get out so far!

We are prepared on this side of the house to take that offer up — many members on this side have already taken it up — and I thank the Leader of the National Party for his question. We care about these regions. We care about these towns. We are prepared to face up to the problems that the last government did not face up to. It is a pity, I must admit, that the National Party did not blow the whistle, because the industry was telling the National Party, the industry was telling the Liberal Party, that the figures were wrong — and you just closed your eyes and forgot about it! You should have faced up to it. You should have made a difference, but you did not. You must bear the responsibility for what has happened.

The SPEAKER — Order! I ask the Premier to address the Chair, not the Leader of the Opposition.

Mr BRACKS — I did not mean you, Mr Speaker, I meant the Leader of the National Party.

We will fix the problem. We are committed to a sustainable long-term forest industry. That is why we made the decision. The last government, in which the National Party was complicit, effectively put its head in the sand and said that the figures were right when it knew they were wrong — and it was told they were wrong! If it had listened and cared, it would have done something about it.

Mrs Peulich interjected.

The SPEAKER — Order! The honourable member for Bentleigh!

Building industry: performance

Ms OVERINGTON (Ballarat West) — Will the Minister for Planning advise the house about the government’s response to the latest building statistics, particularly the strength of the Victorian building industry and the benefits it is reaping in regional Victoria.

Ms DELAHUNTY (Minister for Planning) — I thank the honourable member for Ballarat West for her question. I am very pleased to advise the house of the ninth record month for building activity in this state. This is an outstanding show of confidence in the Victorian economy, and I think it is appropriate to congratulate and pay credit to the former Minister for Planning who delivered certainty and consistency in the planning portfolio. That is integral to business confidence and to the building industry’s confidence in particular.

This continuing strength in Victoria’s building industry has resulted in \$918.9 million worth of building work being approved in January this year. That is a record for the month of January and is an 18 per cent increase on last year. It gets better! This follows a record of \$12.3 billion worth of building activity approved last year in this state. I think we can all agree and be proud on both sides of the house of Victoria’s sound economic foundations. I think the opposition would acknowledge those sound economic foundations.

I am pleased to inform both sides of the house that this building confidence has spread right across the state. Building approvals in regional Victoria have jumped a massive 52 per cent to almost \$200 million. This means jobs, it means opportunities and it means a continuing rejuvenation of Victoria’s regional communities. Some \$200 million in building approvals means roughly 2500 new jobs in regional Victoria. Again, I think both sides of the house would acknowledge that that is what Victorians want — jobs and opportunities.

What does it mean in concrete terms? It means local plasterers building town houses in Shepparton; it means local electricians lighting up a new primary school redevelopment in Ballarat; it means local brickies building apartments at Phillip Island to support local tourism; and it also means chippies building, for example, a new fruit factory in Mildura.

The Bracks government cares about regional Victoria. It cares about delivering jobs and it is about making opportunities for Victorians wherever they live and wherever they work.

Holeproof

Ms ASHER (Brighton) — I refer the Minister for Manufacturing Industry to the 120 jobs lost at Hugo Boss yesterday and to the fact that a further 183 manufacturing jobs at Holeproof in Nunawading have gone today and I ask: how many times did the minister meet with the management of Holeproof to save these jobs?

Mr HULLS (Minister for Manufacturing Industry) — I thank the Deputy Leader of the Opposition for her question. I repeat what I said yesterday that an announcement was made two days ago of 1000 new jobs in the manufacturing sector and a \$71.5 million investment. In relation to Pacific Brands, I say that over a period of time I have met with the old group associated with Pacific Dunlop Ltd on a number of occasions and also with the new enterprises as the company has been broken up and sold.

I am sure if the Deputy Leader of the Opposition had taken time herself to meet with company management she would have been told — and I think it is no secret — that PacDun was a badly run company, which is widely acknowledged. The restructured entity, nonetheless, is looking to lift performance. As I expect the Deputy Leader of the Opposition would be aware, the restructure of Pacific Brands — and had she met with the company she would have been told this — follows global competitive pressures to move some low value-added but high-volume operations offshore.

Had she met with the company it would have been made quite clear to her that that company wants to retain its manufacturing enterprise here in Australia and in Victoria. She would also have been told that one of the problems — —

An honourable member interjected.

Mr HULLS — Nothing to do with Workcover! She obviously has not met with the company, because it made it quite clear that this government could not have been more supportive. The company made it quite clear. One of the problems is the underwear market. Of the 100 million pairs of briefs sold in Australia per annum, only 8 million are Pacific Brands — in other words, the rest, 92 million pairs, are sourced from offshore. So the reality is that the some of these high-volume but low-value-added enterprises simply will not survive here in Australia.

However, Pacific Brands has made it quite clear that with the restructuring it will have a viable enterprise here in Victoria for the rest of its manufacturing sector. We have supported the company in the past; we will

support it in the future. Of course any job losses are unfortunate, but the firm has assured me that full workers' entitlements will be paid. It has a long-term commitment here in Victoria and we have a long-term commitment to it.

Children: farm safety

Ms ALLEN (Benalla) — Will the Minister for Industrial Relations advise the house what action the government is taking to ensure that children who work on family farms continue to do so under safe conditions?

Mr LENDERS (Minister for Industrial Relations) — I thank the honourable member for Benalla for her question and her continued work. She is the best member in a long time for that electorate.

The Bracks Labor government is committed to improving the safety of every child in the workplace. We are committed to finding the best ways to protect children under the age of 15 from the risks associated with employment. Sadly, a child under the age of 15 is seriously injured in the workplace every two weeks, many of them on farms.

Last year the previous Minister for Industrial Relations, the Honourable Monica Gould in the other place, released a child employment issues paper for public comment. I commend her for initiating the first serious examination of child employment in the state for 30 years.

Honourable members interjecting.

Mr Savage — On a point of order, Mr Speaker, I am unable to hear the answer. It is of some relevance. I draw your attention to the fact that it is impossible to hear on this side of the house.

Honourable members interjecting.

Mr Plowman — Give him a copy of the answer. He can read it!

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under sessional order 10 I ask the honourable member for Benambra to vacate the chamber for half an hour.

Honourable member for Benambra withdrew from chamber.

Questions resumed.

The SPEAKER — Order! On the point of order raised by the honourable member for Mildura, I note that today is a particularly noisy question time. I ask all sides of the house to quieten down so all honourable members can hear the proceedings.

Mr LENDERS (Minister for Industrial Relations) — As I said, the issues paper initiated by my predecessor, the Honourable Monica Gould, has been the first serious review of child employment in the past 30 years in this state. It is important to raise awareness of these issues, because the current laws are not well known, and they are obviously not well known by members of the opposition. Comments made recently by the Leader of the Opposition and the honourable member for Monbulk show that the Liberal Party is ignorant of laws that have been in place since the days of Sir Henry Bolte. The opposition has publicly made comments that are not factual.

Dr Napthine — On a point of order, Mr Speaker, the minister is now debating the issue. I ask him to come back to answering the question.

The SPEAKER — Order! I ask the minister to come back to answering the question.

Mr LENDERS — On the issue raised by the honourable member for Benalla as to what action this government is taking on child laws, the fact is that right now farmers are required to take out permits to employ children under the age of 15.

Mr Cooper — On a point of order, Mr Speaker, the minister is clearly reading his answer. Would you ask him to table the answer so we can read it and save the time of the house?

The SPEAKER — Order! I do not uphold the point of order. I am not of that opinion. I will continue to hear the minister.

Mr LENDERS — Having grown up on a dairy farm in Gippsland during the 1960s and 1970s, as a child I worked on a farm on a number of jobs, and certainly I was not aware of permits, nor were my parents. I suspect that the honourable member for Monbulk and others who also grew up on farms might be aware of how out of date these laws of the government were. Honourable members are not aware of the permit system, the system under the Bolte government where a milk bar attached to a family home did not require a permit but a family farm did.

So this government is looking at an outdated system from the Bolte government that is not being followed by most farmers, as honourable members like the honourable member for Warrnambool would certainly know. I see he is out of his seat; he has already been displaced by the Leader of the Opposition from his seat. But as many honourable members opposite who have lived on farms would know, these laws have not been enforced and this government is looking at them to address the issues raised by the honourable member for Benalla.

The opposition does not appear to be affected by these alarming figures that are showing injuries in the workplace at an increasing rate. They do not seem to be concerned about them; they are not affected by them. This government is going out and consulting with the stakeholders in rural Victoria. We do not believe all wisdom resides in the central business district of Melbourne or in government buildings. My predecessor the Honourable Monica Gould went out and consulted to find out how this out-of-date law could be addressed.

Mr McArthur — On a point of order, Mr Speaker, I draw your attention to sessional orders requiring succinctness in ministerial answers and point out that the minister has been responding for about 6 minutes now, which hardly meets the test of succinctness.

The SPEAKER — Order! The honourable member for Monbulk has taken a point of order under sessional order 3, and sessional order 3 requires answers to be succinct. I ask the minister to conclude his answer.

Mr LENDERS — The Bracks government is looking at changes to laws that have not changed since the days of the Bolte government. We are not seeking to impose unreasonable requirements on business. We do not want to make unreasonable demands on children's skills or unreasonable interruptions to schooling or to the socialisation of children, hence we have put out an issues paper and we are consulting with stakeholders. Our agenda is to make workplaces safe without encumbering business, which is why we are talking with rural Victoria to get the right balance. The Bracks government has a vision and plan for the future, and what better place to start than with the safety of our children?

Lyndoch–Warrnambool

Dr NAPHTHINE (Leader of the Opposition) — I refer the Minister for Senior Victorians to Lyndoch–Warrnambool, the largest residential aged care provider in south-west Victoria and its need for a major facility upgrade. Given that the Warrnambool

and district community are providing \$6.5 million for stage 1 of this redevelopment, when will the minister provide the much-needed \$10 million for stages 2 and 3?

Ms CAMPBELL (Minister for Senior Victorians) — It is wonderful that the opposition has found seniors. For 15 months not one question has been asked by the opposition about seniors. They have ignored seniors — —

Honourable members interjecting.

The SPEAKER — Order! I ask the government benches to come to order.

I warn the honourable member for Bentleigh once again.

Ms CAMPBELL — As a result of the government taking seniors seriously, the opposition is now also beginning to take seniors seriously. The government believes the 800 000 seniors in this state deserve — —

Honourable members interjecting.

Ms CAMPBELL — The government believes seniors are important. As a result of work undertaken by a range of ministers in specific initiatives the government will make sure seniors are looked after. It is important that our government, as a result of work done by a range of ministers, puts in place measures that will deliver results for seniors. We are working to ensure that when the 2008 requirements are on the agenda money is available to undertake that work.

The government takes seniors seriously and is putting in place the money, the initiatives and the programs to make sure they are looked after.

Dr Napthine — On a point of order, Mr Speaker, in relation to relevance, the real issue is when the minister is going to find the money for Lyndoch–Warrnambool. That is the question.

The SPEAKER — Order! I do not uphold the point of order, and I will not allow the Leader of the Opposition to merely repeat his question.

Schools: managed individual pathways program

Mr HARDMAN (Seymour) — Will the Minister for Education and Training inform the Parliament of the purpose of the government's managed individual pathways program and how it will improve educational outcomes for young Victorians?

Ms KOSKY (Minister for Education and Training) — I thank the honourable member for his question and his continued interest in retention rates and education for young people in our schools. As I said yesterday, the Bracks government is committed to improving educational outcomes for young people. It is delighted with the figures that were announced yesterday by the Australian Bureau of Statistics in relation to retention rates across Australia. Victoria now has the highest retention rate in Australia across government and non-government schools. We are very proud of that. It is a good indication that a lot of the measures put in place in our schools are working.

Last year we put in place the managed individual pathways program for young people in our secondary schools. The pathway plans are about establishing career plans for young people. The program was originally put in place so that young people who were thinking of leaving school early — who were not sure they should stay engaged in school — could develop career plans in conjunction with the teachers. It is fantastic news that this program has been so successful. The government put in \$15 million for this program. It has been so successful that we have 308 Victorian schools and technical and further education institutes across Victoria engaged in the managed individual pathways program. But better still, the government had originally put money in for 25 per cent of students to develop these plans from years 10 to 12.

I am delighted to indicate that it has been such a successful program that 54 per cent of students in years 10 to 12 are now completing future career plans in conjunction with teachers. This is something that this government cares about, but the previous government did not.

Mr Honeywood — They want jobs!

Ms KOSKY — The honourable member for Warrandyte, who has not managed to get a question up this week — apart from giving a personal explanation — has just said they want jobs. They do want jobs, but they want a good education so that they can get good jobs and we can have good economic growth. So it has been a fantastic program.

These pathway plans will indicate to the government where it needs to place that extra emphasis to make sure that schooling is for all students in years 10 to 12 and not only for some students, because the previous government was only concerned about 70 per cent of the students. This government cares about 100 per cent of them.

Minister for Senior Victorians: budget

Mrs SHARDEY (Caulfield) — Can the Minister for Senior Victorians advise the house how much of the state budget is allocated to her portfolio?

Ms CAMPBELL (Minister for Senior Victorians) — As I said, it is really important that the opposition has discovered senior Victorians. Now we are up to three questions in one week, when for 15 months there has been slumber and silence.

This government has invested strongly in seniors since it was elected. This government has put extensive resources into the seniors portfolio. Since we came to government we have invested more than \$70 million in capital. We have made sure that it is really important that capital in the aged care portfolio is increased. We have boosted home and community care funding. We have put in place more than \$40 million over four years. Our government delivers for seniors. We have made sure that extra money has gone into — —

Mrs Shardey — On a point of order, Mr Speaker, the minister is obviously debating the issue. She was asked a specific question and I ask her for a specific answer.

The SPEAKER — Order! I ask the minister to come back to answering the question.

Ms CAMPBELL — The honourable member for Caulfield may also be interested to know that this government has increased funding to the ethnic aged. We have made sure that there is extra money to ensure that the multicultural community is looked after. Across the range of portfolios — including education, health and community safety — our government is putting in more money and delivering for senior citizens. I am proud to represent them.

Regional Infrastructure Development Fund

Ms ALLAN (Bendigo East) — Will the Minister for State and Regional Development advise the house of recent action the government has taken in allocating funding from the Bracks government's \$180 million Regional Infrastructure Development Fund?

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for Bendigo East for her question about the Regional Infrastructure Development Fund and put on the record what a great supporter of the RIDF program she has been.

I am delighted to advise the house that as I speak today we have seen 41 projects so far approved, with a total allocation of \$74.4 million gearing up a total value of projects in excess of \$162 million. It is a great result for country Victoria. Of the 41 projects across regional Victoria which are worth \$74.4 million, some \$26.6 million has been funding provided for Geelong, Bendigo and Ballarat. The majority of funding has been for country Victoria.

Despite the extraordinary success of this program we have continued — —

Mr Mulder — On a point of clarification, Mr Speaker, do those country Victorian communities include the 28 municipalities that got nothing from the government's fund? Nothing!

The SPEAKER — Order! The honourable member for Polwarth cannot rise on a point of clarification. I will not continue to hear him as he is not taking a point of order.

Mr BRUMBY — I will come to the honourable member for Polwarth in a moment.

Despite the extraordinary success, we have heard whingeing, whining and carping and seen no policy alternatives from this policy-free-zone opposition. Indeed, we have seen the Leader of the Opposition out there in his electorate attacking this program and saying that most of the money has gone to just a limited number of towns.

His attack was based on a freedom of information application made by the honourable member for Polwarth recently in relation to the RIDF. As a result of that request, my department completed a detailed schedule of all successful applicants under the power upgrade program of the RIDF. I have here the first page of the schedule of the successful applicants under the RIDF. When I went through this list one application came to light and I have it highlighted here. It is a Mr J. Vogels, Scotts Creek Dairies, Devils Gully Road, Scotts Creek!

Mr Vogels — On a point of order, Mr Speaker, if the minister wants to stand up and defame me I think he should check the material right out because he will find that it is talking about my family, not me personally.

The SPEAKER — Order! That is clearly not a point of order that the honourable member for Warrnambool is taking.

Mr BRUMBY — This was as a result of the freedom of information application lodged by the

honourable member for Polwarth. There are a lot of Vogels in south-west Victoria but this one — Mr John Vogels — listed his contact number as 5562 9155, which happens to be the electorate office of the honourable member for Warrnambool!

Mr Maclellan — On a point of order — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr Maclellan — I thank you for calling me on my point of order, Mr Speaker. I ask you to rule that the Minister for State and Regional Development should be answering the question, not using his answer as an opportunity to attack a member of the house.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Pakenham. I am not of the opinion that the Minister for State and Regional Development was doing that. I have been listening to the minister and he has been providing information to the house about projects funded under a particular program and I will continue to hear him.

Mr BRUMBY — The government believes this is a good program. It believes it is a great program and is pleased to see dairy farmers benefiting from it. The 47 municipal councils across Victoria are all eligible to make applications to the fund, but according to members opposite it seems that if you live in the Labor-held seats of Geelong, Ballarat and Bendigo you are in the money. Who is in the money in this case? Who made the application and who is the hypocrite?

Mr Maclellan — On a point of order, Mr Speaker, it has been held consistently by the Chair in this house that if an honourable member is to be impugned it must be by a substantive motion; it cannot be in answer to a question without notice in a totally contrived way to try to bring down the reputation of an honourable member who is not able to respond on the question without notice. Therefore if the minister is to continue, you, Mr Speaker, should rule that he should do it by way of a substantive motion.

Mr BRUMBY — On the point of order, Mr Speaker, I was asked a specific question about recent applications under the Regional Infrastructure Development Fund, and I am answering that question. I have simply pointed out to the house as a matter of fact that a Mr John Vogels has received grants under the fund. I have compared that application and the granting of funding under that fund with other comments the

honourable member for Warrnambool and the Leader of the Opposition have made about this fund.

Dr Napthine interjected.

Mr BRUMBY — You're a loser, my friend!

The SPEAKER — Order! I will not allow the minister to comment across the table to the Leader of the Opposition in that vein.

I have heard sufficient on the point of order. I uphold the point of order raised by the honourable member for Pakenham. I believe the Minister for State and Regional Development was impugning the honourable member for Warrnambool. I ask him to desist. If he wishes to continue he must do so by way of a substantive motion.

Mr BRUMBY — The fact of the matter is that this program has been successful right across the state. I was in Warrnambool two weeks ago announcing more funding under this program. If you drive between Warrnambool and Portland you will pass a number of cattle underpasses which are funded under this program. If you go to Warrnambool there is a \$3.3 million grant for the Flagstaff Hill Maritime Museum. If you go to Hamilton there is \$3 million for the RMIT University. The fact is that this initiative of the Bracks government is creating jobs right across the state.

Opposition members are grossly hypocritical. To attack the fund and then conduct themselves in a way to milk this fund and take advantage of it highlights their gross hypocrisy and the fact that they are a whingeing, whining opposition.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. I ask the Treasurer to cease debating the question and to conclude his answer.

Mr BRUMBY — The particular application for subsidies under the power upgrade program is in relation to a Blud Iso line in Scotts Creek. The project is valued at \$80 000 — \$40 000 contributed from Powercor, \$20 000 plus GST from the Regional Infrastructure Development Fund, and the person concerned, Mr J. A. Vogels, contributed \$20 000 plus GST.

The SPEAKER — Order! The time for questions without notice has expired, and a minimum number of questions has been dealt with.

Mr Robinson — On a point of order, Honourable Speaker, I draw your attention to sessional order 3, which provides that question time shall feature 10 questions. We have had that today, and by extension, 30 questions during the week, but not one of the 30 questions has been from the honourable member for Malvern. Government members want to know why he has been gagged.

The SPEAKER — Order! The honourable member is clearly proceeding down a track where he is not making a point of order. I will not continue to hear him if he persists in that vein.

WILDLIFE (AMENDMENT) BILL

Second reading

Debate resumed.

Debate adjourned on motion of Mr MAXFIELD (Narracan).

Debate adjourned until later this day.

CRIMES (DNA DATABASE) BILL

Second reading

Debate resumed from 27 February; motion of Mr HULLS (Attorney-General).

Mr WELLS (Wantirna) — It gives me a great deal of pleasure as shadow Minister for Police and Emergency Services to join the debate on the Crimes (DNA Database) Bill. As previously stated, the opposition supports this bill, but with amendments.

This is the third time this week I have spoken on a bill — the Sentencing (Amendment) Bill, the Road Safety (Alcohol Interlocks) Bill and now this third one — and it is a little ironic that each bill has been part of a Liberal concept, and what has eventuated is the Labor Party is carrying on the good work and taking up an idea the Liberal Party had implemented some time ago.

The opposition fully supports any mechanism that can be given to the Victorian police which will help them in their fight for better policing in the fight against crime. The previous Liberal government brought in legislation in 1993 allowing for DNA samples to be taken. That was improved again in 1998, when legislation was enacted in this house to take samples from prisoners. That has been a very successful program.

It is worth noting that the *Age* of 25 February referred to the taking of DNA from suspects and prisoners and how it has led to the solving of many crimes. The article states:

Rodney Keith Winters was interviewed several times by police in the three years after the 1982 murder, but it was not until DNA tests in 1995 linked him to the scene that he was arrested, and not until late 1996, when further tests had eliminated the possibility of a second person being involved in the attack ... that he admitted his guilt.

It was DNA samples in 1996 that led to him finally admitting to the 1982 crime. The article also refers to a Celia Douty who was found dead and there was a suspect for some time. It states:

... but it was not until DNA tests established the probability that the stain was his that he was charged.

It was proved that he was the person who actually committed the murder. The article continues:

In the United States, DNA tests have exonerated nine death row inmates and 76 prisoners have been cleared. In Queensland last year, a man successfully appealed against a conviction for rape when DNA evidence not presented at his trial established his innocence.

Not only is DNA testing solving crimes but it is also proving the innocence of people who may have been suspects in the first instance.

Mr Hamilton — Which is extremely important.

Mr WELLS — Which is extremely important, as the Minister for Agriculture says. There have been recent reports about the success rate of testing prisoners by DNA sampling. Although the results are still coming in, already DNA testing has linked 113 people to 297 offences, including 5 rapes, numerous burglaries and robberies. It is the success of DNA testing that is cleaning up some of the old crimes that have been lingering for some time.

This must be comforting for the victims who have lost loved ones through a murder or some other crime. In the case in the *Age* that I quoted it was some 14 years later that the crime was solved through a DNA test, and the victim's family can at least get on with their lives by knowing that the person has been charged and sent to jail for a long period.

The bill does not go far enough, and the shadow Attorney-General has moved amendments to ensure that police can get on and do the work of policing rather than being tied up with red tape. Surely DNA is the next step from fingerprinting. Currently police can take fingerprints of a suspect that can be held until the case is cleared. We say that DNA sampling is the next step

where police should be able to take a DNA sample without having to go to court and apply for an order to take a DNA sample. We argue that if a fingerprint sample can be taken the same method should apply with a DNA sample.

Currently police time and resources are being tied up every time they go to court to obtain a court order for a DNA sample. The Minister for Police and Emergency Services made it clear in the Bracks government's 1999 election promise document 'No more excuses on crime' that:

Labor is committed to diverting resources from the office to the field.

...

Labor will ensure that police have adequate powers to enable them to protect the community.

The minister promised that the government will be committed to diverting resources from the office to the field. Based on that logic, the Labor government would support the amendments of the shadow Attorney-General to remove the need for a court order for the taking of a DNA sample from a suspect. We argue strongly that the taking of a fingerprint and the taking of a DNA sample by the police using similar methods should be treated the same, thus not tying up valuable police resources by having to go to court to argue the point. The current situation does not seem logical.

It is interesting that the Labor government is crowing about the success of the DNA sampling from prisoners and about all these crimes being solved. The opposition has supported that all the way along; as I said, part of our policy was that DNA samples should be taken from prisoners. But I always remember the time when the then Labor opposition had grave concerns about DNA sampling. As an example I will quote what the now Attorney-General, the honourable member for Niddrie, said about DNA sampling when the former coalition government tried to bring in this bill in 1997. He said:

The legislation will drastically increase police powers ... a balance has to be struck between the rights of individuals and the needs of the police to undertake law enforcement ...

This is the current Attorney-General:

I do not believe the proposals ... and the powers that are to be given to the police get the balance right. I believe they go too far ...

Some aspects of the legislation can be described only as heading towards being draconian; they almost go as far as being described as police-state stuff.

How ironic it is that the now Attorney-General and the Minister for Police and Emergency Services are claiming victory against crime by using DNA samples when in opposition they were so opposed to and raised so many grave concerns about it.

He went on to say in October 1997, as reported in *Hansard*:

... people can be asked to undergo forensic procedures ... and if they refuse they can be forced to undergo such procedures by a court of law.

He also said that taking a sample for the purpose of having the sample on the record was of grave concern to the opposition, and that people would be branded for life by forensic samples being listed on a database.

I say that if you are a criminal and are caught for committing a crime and have your DNA sample taken, it should be kept on a database for eternity to ensure that no other crimes have been committed by you and that the Victorian community is kept safe from people who have committed or who may commit offences in the future, especially people who have been to jail. It is ironic that while in opposition Labor was so opposed to the idea of the database.

The purposes of the bill show that we are moving forward, and I hope the government supports the amendments that will be moved by the opposition. It will enable the Victorian database to be linked to the national database. That makes very good sense. If someone has committed an offence in Victoria and starts living up in Queensland, that person may never be found by the Victorian police, but if they commit an offence up in Queensland the DNA sample may be tracked back to the Victorian crime.

The reasons for the amendment proposed by the Liberal Party are that this part of the policy should be brought into line with British practice; that DNA is simply the modern equivalent of fingerprinting; and that the requirement that the police attend open court to obtain DNA samples is expensive, time consuming and clumsy.

I go back to what the Labor Party promised in 1999 — that it would free up police resources and get them back out on the field. That is something the Liberal Party supports very strongly, and it hopes the Labor government will support this amendment to free up police. We wish the bill well.

Ms DUNCAN (Gisborne) — It gives me great pleasure to speak on the Crimes (DNA Database) Bill. I will respond to the comments of the honourable

member for Wantima about using DNA sampling as we would currently use fingerprinting — that is, that any suspect can be fingerprinted. As I understand them, the opposition's proposed amendments would allow any police officer who has reasonable grounds for suspicion to take DNA sampling from a suspect. In other words, the opposition proposes that what is currently done with fingerprints be done with DNA testing.

To use DNA testing of suspects as we do with their fingerprints is a very different matter. It is an enormous leap: DNA testing is not an identifier in the same way fingerprints are. Fingerprints prove positively that you are the person whose fingerprints have been left at the scene of the crime, so fingerprints are, in terms of identification, proof positive. While it gives a very high degree of probability DNA testing simply tests that degree of probability, so the Labor Party sees it as very different from fingerprinting.

At the moment, if prosecutors have a suspect they must go to a court to obtain an order to forcibly take a DNA sample. We would say that is a reasonable safeguard and that should continue, albeit consistent with the amendments before us today. Prosecutors are inherently selective in making applications to courts for DNA testing and it is only ever done when there is a significant body of additional evidence, so there are issues of identification, alibis and all manner of things. There must be a serious body of evidence for the prosecutor to believe this is the person who committed the crime. When they have that strongly held belief and evidence before them they can go to a court. Currently only the Magistrates Court can give permission to take DNA sampling. We are proposing that any court should be able to do that.

To return to the opposition's amendments, the fact that prosecutors are selective about when to take DNA samples reflects the inherent unreliability of drawing conclusions from DNA evidence on its own. DNA samples of themselves will not make a case against a person. If that were the case we would only need to take DNA samples from a crime scene, match it to a person and there we have it — we would not even need a trial. The honourable member for Kew knows well that that DNA testing gives only a degree of probability; it is therefore very different and not as conclusive as fingerprint testing. That is why we say there should be the distinction that DNA testing, apart from being more intrusive than fingerprinting, is a very different test. I think it is potentially dangerous for us to assume that they are effectively the same.

In regard to the other amendments, as I said, this bill extends the courts that can make rulings on DNA testing. It currently applies to the Magistrates Court, but will now apply to any court in which the matter is heard. That will extend to County and Supreme courts, which can also make retention orders for DNA samples.

The other amendment in this bill is to allow a person to take their own DNA sample. Previously this had to be done by a doctor or a nurse. It is a simple procedure in most instances to swab the inside of the mouth with a cotton bud. That is all that is required. The bill allows the suspect to take their own sample subject to the supervision of an authorised officer.

In addition, if you seek to take a DNA sample while you have a prisoner in custody it is not difficult to obtain a court order. But many orders are made for DNA sampling where the person is not in custody. Under the existing legislation police may apply to a court for an order to obtain a DNA sample from a person who has been found guilty of a forensic sample offence.

At the moment the definition includes murder, burglary, armed robbery and rape. The bill extends that to reflect community concern about serious crime. A forensic sample offence will now include the offence of false imprisonment and the offence of assisting an offender to commit a forensic sample offence. The bill further extends the definition to include offences connected with explosive substances, which is largely in response to the 11 September tragedy. The contamination of goods and bomb hoaxes are also now included in the definition 'forensic sample offence'.

The bill will enable the police to obtain a forensic sample from an offender where the court has ordered the taking of that sample but the person is not in custody. If a person fails to comply with a court order and they are not in custody — and something like 3500 unexecuted orders have been made against people who are not in custody — the bill provides the police with the power to enforce those orders. So, if a person is not in custody a warrant can be issued to arrest that person. The public can be confident that when a court makes an order for the taking of a forensic sample the amendment provides for a mechanism by which that sample can be taken. I commend the bill to the house.

Mr McIntosh (Kew) — I rise to support the bill, together with the amendments proposed by the honourable member for Berwick. I join issue with the honourable member for Gisborne on her remarks concerning the perhaps inherent difficulties of proving

a case based on DNA testing. The reality is that DNA is becoming an increasingly useful tool, and a well-used and recognised tool, in all sorts of criminal prosecutions. Indeed the remark by the honourable member for Berwick, and the honourable member for Wantirna also used it, that it is the modern fingerprinting is almost axiomatic. The Victorian forensic science laboratory says that it is a very well-recognised tool to establish criminality, or indeed to extinguish any form of criminal liability that may arise. It can prove and it can also disprove; it is a very powerful tool.

Most recently — and the honourable member Gisborne mentioned 11 September — DNA was used extensively to establish the identity of the poor victims of that tragedy in New York and elsewhere, because in many cases the body parts that were left after that horrific event were effectively atomised. They did not have large parts and they used DNA extensively throughout that network.

Members of the joint parliamentary Law Reform Committee travelled overseas — and I have discussed this with the honourable member for Frankston — and were extensively shown by both Interpol and the Federal Bureau of Investigation the technology that is involved with DNA testing. It is a very powerful tool. It is often used on a single piece of evidence to identify the accused or the person ultimately proved to be guilty, or can be used to extinguish the liability of that person by proving that they could not be involved.

I support the legislation. It is one step in the direction of recognising this modern technology and its techniques as a method for use in our criminal law enforcement processes. It builds on the two Liberal Party bills of the previous government of 1993 and 1998, and most recently a bill that was carried in this house when it sat in Bendigo about six months ago.

The bill also extends the definition of a forensic sample offence to such things as false imprisonment and most importantly — again arising perhaps coincidentally but probably directly out of 11 September — the hoax offences and the horrific effect they can have on innocent victims, whether they are dealt with or not.

In relation to DNA testing the one thing that the government needs to take on board is that the amendments proposed by the honourable member for Berwick are suggesting that fingerprinting and DNA testing are one and the same — they can be treated in the exact same way. They are both used to identify an accused or, indeed, to extinguish any form of liability in certain cases.

In the case of fingerprinting, if an adult is charged with an appropriate offence or is reasonably suspected of committing an offence, that person can be required to provide their fingerprints at the behest of a sergeant of a police station or an officer of higher rank. That means if they do not voluntarily provide their fingerprints, they can be physically forced to provide them.

With DNA testing — as the honourable member for Gisborne pointed out — the simplest way of doing it is to take a slight sample of cells. It does not hurt — I have seen it demonstrated down at the forensic laboratories by Olaf Drummer. It is just a scraping of cells from the inside of the mouth, or — probably the most effective way — the taking of a couple of drops of blood by a slight pinprick on the end of a finger. I have seen that demonstrated. I am also a bit incredulous about the sense that, ‘Oh God, we cannot do this, because the Victorian Council of Civil Liberties and those sorts of people get terribly upset’. The government passed a bill in relation to drink-driving which had the support of both houses. Under that bill when someone is clearly incapable of driving a motor vehicle and has gone through the normal breathalyser test and exhausted or extinguished that as a possibility, they can be taken to the nearest police station and, under medical supervision, a sample of blood can be taken.

As most people understand, to take a sample of blood for the purpose of testing for drug-driving you take 3 ampoules of blood from a vein. You do not make a mere pinprick in the end of a finger and take a blood sample. It is a far more intrusive test than testing for DNA, yet we willingly embrace that more intrusive test as a means of countering the horror of road accident victims and fatalities on the road than we do the test that is done through taking either a scraping from the inside of the mouth with a swab or a small sample of blood from a prick on the end of a finger.

In my respectful view, Mr Acting Speaker, here we have modern technology that has the capacity to identify or not to identify. It is accepted throughout the criminal prosecutorial world — prosecutors, forensic laboratories, lawyers and judges, they accept the veracity of DNA. It is not in question. It is a simple test, and I certainly commend this bill, with the amendments as proposed by the honourable member for Berwick.

Ms GILLETT (Werribee) — It is with pleasure that I make a brief contribution on the Crimes (DNA Database) Bill, and in doing so I point out that this piece of legislation is part of the government’s commitment to develop new and expanded crime prevention programs that will keep Victoria and

Victorians safe. The government acknowledges that DNA technology is a valuable investigative and evidential tool. The value of DNA information lies not only in its capacity to implicate a person in the commission of an offence, but also in its capacity to eliminate people from suspicion.

The bill has two key components. The first is to improve upon our existing procedures for obtaining, using and retaining forensic samples. The second is to facilitate Victoria’s effective participation in the national DNA database scheme. The bill reflects the government’s commitment to ensuring that police have appropriate powers to detect and investigate crimes and that that goal is balanced with the need to safeguard fundamental rights including the right to privacy. The bill promotes public confidence in the criminal justice system and reflects the government’s firm commitment to effective law enforcement.

I also speak in support of the government’s proposed house amendments that are before the chamber. These amendments are important because they will ensure that the fact that a person has themselves consented to the conducting of a forensic procedure must be tape-recorded or recorded in writing with that authorisation by the person signed and that the procedure is either videorecorded or witnessed by an independent person. This is a positive and sensible affirmation of the rights of individuals.

As the chamber will know, it is my privilege to chair the Scrutiny of Acts and Regulations Committee, a very fine committee. I am ably assisted by a number of my colleagues both from this chamber and from the upper house. While it is always the case that our deliberations in the committee are private, save for the public reflection of those deliberations in the *Alert Digest* provided each week we sit, there was a very active and well-informed debate on this legislation.

The committee commented on two aspects of the legislation. The first comment we made is about a statute law revision amendment that simply clarifies a technical error. That technical amendment is commented on in the *Alert Digest* only because of its retrospectivity. The committee’s only other comment on the bill was that it noted the provision to allow the retention of forensic material in Victoria that is obtained in accordance with the law of a corresponding Australian jurisdiction in circumstances where the Victorian legislation with respect to the carrying out of forensic procedures may be contravened. The committee accepted that the legislation concerning forensic procedures will vary from jurisdiction to

jurisdiction and drew the Parliament's attention to this provision.

It is my own view, not as chair of the committee but as the member for Werribee and part of this government, that if there is any way we can help to ensure conformity between Australian jurisdictions in these sorts of procedures we should do so. This piece of legislation allows for that sort of uniformity amongst different Australian jurisdictions to be confirmed. I am not sure if other members of the committee hold a vigorous view one way or the other, but it is my firm view that wherever state or territory parliaments can they ought to act collectively to ensure that we operate as one nation in very important matters.

In support of the bill, which we all seem to be in furious agreement upon, and in support of the amendments, I commend the bill and the amendments to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Crimes (DNA Database) Bill. The 18th-century writer Samuel Johnson said that knowledge is of two kinds: one is where you know the subject well; and the other is where you know how to go about finding the information. We now have the technology to use DNA sampling to assist the police to solve crimes. It is up to us now to put in place a process which is open, which people can understand and which is efficient and solves crimes.

While I appreciate the concerns and fears regarding gene technology and the use of DNA technology for investigations, I point out that they are the very reason why the process must be properly understood by the public. After all, DNA sampling is used all over the world with a good success rate. In the United Kingdom the national DNA database is composed of over 1 million profiles from suspects. It is a very powerful tool indeed.

One of our priorities as members of Parliament is to make sure that people are able to live their lives without fear that a criminal act will be committed against them, but that certainty can only occur if we provide the police with the necessary resources and equipment and allow them to use the scientific advances that are available to solve crimes. It is also important that we are able to make sure that the public has confidence in our criminal justice system.

In 1993 we passed legislation which allowed for forensic samples to be taken from suspects. In 1998 we made amendments to the legislation to allow the taking of samples from prisoners and convicted offenders. Today we are going one step further.

In the past police used to rely on fingerprints, because no two fingerprints are the same. However, this has its limitations, because criminals or people who are about to commit a criminal offence do not always leave their fingerprints behind. As a result of these limitations, the police and the justice system are seeking to take advantage of a new area of science and knowledge involving a unique characteristic of human beings — that is, DNA. DNA is the fundamental building block for an individual's entire genetic make-up. A person's DNA is the same in every cell, so DNA sampling is a very useful tool. DNA evidence invisible to the naked eye can be used to solve a crime; it can also be used to link different crimes; and it can place a person at the scene of a crime — or not.

I was interested to read a paper published by the Department of Justice and the National Institute of Justice in the United States which says:

Recent advancements in DNA technology are enabling law enforcement officers to solve cases previously thought to be unsolvable.

It gives the following example:

In 1996 Gerald Parker — then in a California prison on a parole violation stemming from a 1980 sentence for raping a child — was charged with the rapes and murders of five women between December 1978 and October 1979 and the murder of a foetus during a rape in 1980. DNA samples from the crime scenes were run through California's sexual assault/violent offenders database, and four of the cases were found to have been committed by the same perpetrator. After DNA tests linked Parker to the victims, he confessed to the crimes. He also confessed to a similar, fifth crime for which Kevin Lee Green had been wrongly convicted and had served 16 years in prison.

This has also happened here in Victoria, where in 1989 the serial rapist George Kaufman was convicted of multiple offences following a confession after he was shown DNA evidence.

This bill heads in the right direction, but it will not work unless the suspects are compelled to give DNA samples, so I urge the government to accept the shadow Attorney-General's amendments, which put the collection of DNA samples on the same basis as the taking of fingerprints from suspects. The government's acceptance of the amendments will avoid costly delays and red tape, because under the bill if a suspect refuses to give a DNA sample the police will have to get a court order, which will take time and money and result in a backlog.

There is no reason for this government not to accept the amendments because they provide for exactly what is occurring with the taking of fingerprints. There are

conditions: the police must reasonably believe the person has committed the offence; the police must reasonably believe the samples will help solve the crime; and if the person is found to be innocent, then those samples would be destroyed.

If this government is serious about helping our police, solving crimes and ensuring the safety of individuals it has no alternative but to support the opposition's amendments. The system is working in other parts of the world; it can also work here.

Mr LANGUILLER (Sunshine) — It gives me enormous pleasure to speak today on this bill. It is another good initiative of the Bracks government and goes a significant way in a number of directions, but the fundamental one is that it pays attention to community concerns about community safety, and law and order issues. The community is increasingly expecting governments of all persuasions to ensure that the best tools and mechanisms are used for the purpose of identifying criminals and fighting crime.

The bill has two components: firstly, it seeks to improve upon the existing procedures for obtaining, using and retaining forensic samples; and secondly, it facilitates Victoria's effective participation in the national DNA database. It is fundamentally a forensic tool for the purpose of criminal investigation.

It also needs to be said that this bill will provide improvements in the self-administration of sampling: suspects and victims or people accused of a crime will be able to do their own sampling. Up to this point that procedure was carried out by a doctor and/or a nurse.

The other important aspect of this bill that needs to be covered relates to forensic sample offences. Under existing legislation the police may apply for an order to take a forensic sample from a person who has been found guilty of a forensic sample offence — namely murder, burglary or armed robbery. Again we need to emphasise that DNA samples can be obtained for that purpose. We need to put in context that consequently DNA can be used for a number of purposes: to identify potential suspects with DNA-matched evidence left at crime scenes and to exonerate persons wrongly accused of crimes. I think those two aspects need to be stated. People should not be confused into believing that because a DNA sample of a particular person is identified at a crime scene, that person is necessarily guilty — or innocent, for that matter.

We should bear in mind the teachings of Justice Michael Kirby, if I might roughly quote him, where he

indicates to us — quite correctly, in my judgment — that we need to introduce and step up the use of new tools for the purpose of forensic and criminal investigation, but should do it in accordance with our legal traditions and system. We need to factor in the question of community safety. The fundamental challenge for all governments is to fight crime but at the same time strike a balance and ensure that, because a DNA sample is obtained in the course of a criminal or forensic investigation, the presumption of innocence is not given up in either the legal or even the cultural sense in our legal system. That is fundamental.

It is up to all of us legislators and the community at large to persist with this idea that the presumption of innocence is not given up because a DNA sample is obtained from a person. Whether a person is guilty or innocent, DNA testing is one of the many tools that can be used in the course of a forensic examination or criminal investigation.

The other matter which needs to be raised relates to retention orders. The law presently allows a police officer to obtain a forensic sample from a suspect to assist with investigation of an offence. If the suspect is not convicted the forensic sample must be destroyed. A couple of things need to be said in respect to this. One thing that comes to mind is the legislation in the United States of America.

Mr Acting Speaker, you would know that in the United States, DNA sampling is done upon conviction. I think that was the case primarily because civil libertarians argued at the time that the obtaining of DNA samples prior to the conviction of a suspect was not appropriate. However, under the system in the United Kingdom, which can and indeed should be regarded from a scientific point of view and measured on the effectiveness of the use of DNA testing, for those two purposes, forensic and criminal investigation, a DNA sample is obtained upon a person becoming a suspect. So there is a fundamental difference between the United States model and the United Kingdom model. In the United States they get the DNA sample once the person is convicted, but in the United Kingdom the DNA is obtained when a person becomes a suspect. I am sure legislators and every ordinary citizen in the community would have to think about those differences, and I humbly encourage the debate amongst other legislators in the community so we know the direction we are going in and we do it consciously.

There are many schools of thought and many ways of running this debate. Countries like the United States of America and the United Kingdom that have used those tools have fundamental differences as to when they use

DNA and at what point the information goes into the national database.

That brings me to the point of a national database. Given my readings on the use of national DNA databases, there is no question that in those countries, and in New Zealand and Canada, it is fundamental to have a national database. We all agree on that. To be effective the database must be a national one, which requires the cooperation of the states and territories, and we do not totally have that in Australia yet. The point that needs to be made about the use of a national database is that there must be consistency across jurisdictions and that all states and territories must be included.

The other matter relates to the consistency between jurisdictions and legislation on how to obtain DNA, how to store it and at what point it may be destroyed. Let me give you an example. In the United States when DNA is obtained it is put into the national database upon conviction and stays there for life. In the United Kingdom it is obtained when a person becomes a suspect, and it stays in the national database but can only be retrieved on the application of the suspect. Keeping in mind that the DNA was obtained when people became suspects, it is interesting that reports given to us indicate that very few people retrieve their DNA once it is in the national database.

I am encouraged to conclude, and I will do so with a couple of remarks and a quote from Justice Michael Kirby:

... obtaining DNA samples from criminal suspects should occur in a way that is compatible with the basic principles of our legal system. A number of considerations need to be taken into account to place effective controls over the procurement of body samples from individuals for DNA testing.

First, authorities must conform with fundamental principles of human rights. These include respect for individual privacy and the basic principle that a person must not be obliged involuntarily to incriminate himself or herself in relation to a criminal offence.

Effective controls must ensure that the presumption of innocence is not eroded and that officials, including police, may only intrude into the lives of individuals with just cause that can be established to the satisfaction of an independent judicial officer.

I conclude by indicating that I am concerned only with the storing of DNA and the formation of protocols to ensure that it is never misused at any point. Cooperation between agencies is necessary as to when, how and as to what protocols and procedures are to be used for the exchange of information about DNA. Similarly, we need to be mindful that international organisations are

now cooperating, so that there is an exchange of DNA information amongst nations and countries. We should not be complacent about these matters. In keeping with our traditions we must adhere to the rule of law and make sure that proper protocols and procedures are put in place to enable us to know exactly when and at what point DNA information is exchanged between agencies, not only between the states and territories but also among countries. That must take place in accordance with our legal system and cultural traditions.

Mr WILSON (Bennettswood) — The purpose of the Crimes (DNA Database) Bill before the house is to amend the Crimes Act, firstly, to facilitate participation in the national DNA database system, and secondly, to amend procedures for the obtaining, use and retention of forensic samples.

Victoria has led all other jurisdictions within Australia in the utilisation of DNA information in criminal investigations. In 1993 Victoria first passed legislation which allowed forensic samples to be taken from suspects involved in criminal investigations. In 1998 there were further amendments to improve those rules and regulations. The bill is therefore a valuable contribution in what is an evolutionary process of extending the use of DNA in criminal investigations. It will be even more worthwhile legislation if the government accepts the amendments proposed by the shadow Attorney-General.

I wish to concentrate briefly on the issue of the national DNA database. The commonwealth government is currently establishing, in cooperation with all the states and territories, a national DNA law enforcement database as part of the Crimtrac initiative. Honourable members will be aware that the Crimtrac initiative is being sponsored by the commonwealth government with the complete cooperation of the states and territories, and I commend our commonwealth Attorney-General, the Honourable Daryl Williams, on his excellent work in getting Crimtrac up and running as an effective tool to be used in the investigation of crime within Australia.

It is essential that the states and territories cooperate with the commonwealth in the development of these crime-fighting activities. Borders should never be a barrier to good criminal investigation: state and territory borders and state and territory laws should not stand in the way of the passage of information between the states and territories, and between the states and territories with the commonwealth. Victoria already has a database for the storage of DNA information. However, currently there is no ability to exchange

information with other jurisdictions. This bill goes some of the way to making that possible.

I also reflect upon the fact that the world has changed dramatically since the events of 11 September 2001. In future years the state of Victoria and other states and territories of Australia along with the commonwealth of Australia may be passing legislation to allow the exchange of DNA material with nations with whom we have treaties and with whom we are friendly in the fight against terrorism and international crime.

With those few words I commend the bill to the house with amendments and wish it a speedy passage.

Mr NARDELLA (Melton) — I rise to support the bill. I will be brief to allow the honourable member for Sandringham to also have a turn.

This legislation is extremely important because it allows for the setting up of a national DNA database understanding that the Victorian jurisdiction already has a DNA database, and it will allow for that information to be shared across jurisdictions. Crime does not have any boundaries. Crime occurs across boundaries and across jurisdictions, and DNA has to be stored and retrieved across those boundaries. In regard to reducing crime or catching criminals, this legislation is extremely important. It gives police a further mechanism to enable them to catch criminals, bring them to justice and have the courts deal with them. The police now have that wherewithal, and the measures in this will enhance that position.

It has been amazing to see the development of criminal investigation over the years, and it still is, but for many years one of the great areas of progress was the fingerprint information that was left behind by criminals, and that is now further enhanced through DNA samples and the technology that has developed in that area. One of the opportunities that will be expanded by having a national database is the ability to investigate older crimes. Hopefully a number of criminals who are interstate and are caught up within this legislation will now be brought to justice.

Finally, I refer to the concerns expressed by the honourable member for Sunshine. It is incumbent upon all members of Parliament to be aware of those civil liberty issues. However, this legislation, in conjunction with what the honourable member for Bennettswood referred to, is an important step forward. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The use of forensic sampling in the detection and investigation of crimes has been in place for generations. However, in

more recent years it has taken a new form, and DNA, which provides a distinctive imprint for each individual, has been utilised effectively by law enforcement agencies around the world. The bill expands the range of offences which can be determined as forensic sampling offences, including hoax offences and offences relating to terrorist activities. The bill also creates a category of forensic sampling offences.

In addition, an opposition amendment proposes to reduce the time and costs involved in taking forensic samples. The view on this side of the house is that the taking of DNA samples should be more aligned to the taking of fingerprints, which can similarly implicate or exculpate people in the area of criminal investigation.

One of the most important issues arising from the legislation is the role of forensic sampling in solving crime from the perspective of victims of crimes and their families. Closure on a criminal offence can bring great relief and comfort to a family unsure about who may have killed a close family member. The use of science to expand the operation of the criminal justice system is highly valued, certainly by people who are associated with the families of victims.

The other element of the bill on which I will comment relates to the other areas of extension which allow the police to participate in a national DNA database. I am sure that will lead to the resolution of crimes and hopefully to the capture of criminals who might be pursuing crimes on a serial basis. Offenders who are brought to justice more quickly will save much grief in the community. We in the opposition support the bill, together with the proposed amendments.

Mr SEITZ (Keilor) — I support the bill and the house amendments. In the spirit of cooperation with those who still want to speak on this bill, I endorse the statements made by the honourable members for Sunshine, Gisborne and Bennettswood. Without repeating those statements I simply add that the national DNA database will be useful not only in crime detection but also in other areas, particularly in family law courts, and future developments in DNA testing will produce more uses for it and advantages for our society. At the moment it is at the forefront of criminal investigation, but I can see many advantages in checking genealogy to find out about people you do not have the history for, such as relatives. These days when people are digging up various grave sites following war atrocities, DNA could have a much wider use than just crime prevention.

I commend the bill and the amendments to the house and wish the bill a speedy passage.

Mr SMITH (Glen Waverley) — My attitude to crime and crime prevention is pretty well known in this house. The bill as it stands will introduce the next measures that are required. We have a crime wave — not just in Victoria or Australia but everywhere in the world. I notice that on the radio this week Mr Blunkett, the Home Secretary in the United Kingdom, was advocating even harder measures over there — which was interesting, coming from a Labour government!

The amendments proposed by the honourable member for Berwick would take this bill another step forward. Honourable members may be aware that Victorian police can take fingerprints on suspicion of a crime being committed or on having charged a person. They do not require the consent of a magistrate, but can take fingerprints if necessary with reasonable force. I believe that is appropriate and should be applied to DNA samples.

Many horrific crimes occur in Victoria. To go before a magistrate to obtain a DNA sample, which is the next logical step, is something the government should take on board while the bill is between here and another place. If the proposed amendments introduced by the honourable member for Berwick are not taken on board, the opposition will move the amendments in the other place and the bill will be returned to this place. I believe honourable members will see the sense of police being able to take DNA samples in the same way that fingerprints are taken.

The honourable member for Berwick's amendments include that a magistrate's consent is required before DNA samples can be taken from children. That is a reasonable step. Honourable members would agree with that provision. However, adult criminals should have their DNA samples taken. It is an incredible crime deterrent. Many crimes such as murders and rapes have been cleared up because DNA samples have been taken from criminals in jail. Honourable members have mentioned many examples of such crimes. Unless the message goes out that Parliament is tough on crime, criminals will believe they can commit a crime and get away with it, and we will continue to see a spiralling of the crime rate in Victoria.

As I said, crime is increasing not just in Victoria, but in all parts of Australia and the Western world. All countries are experiencing crime waves and more horrific crimes. When the message is out that once criminals are caught and have DNA samples taken there is more chance more crimes will be solved, the jailbirds in particular will know that the day will come when they will be caught because their DNA will convict them of other crimes.

I commend the bill and the proposed amendments introduced by the honourable member for Berwick. I wish it a speedy passage to the other place and then back here again, so that the amendments can be properly debated.

Mr HULLS (Attorney-General) — In concluding the debate I thank all honourable members for their contributions. I have listened to all the contributions — some were good and some were not — and the government hopes that all honourable members support the government's amendments. They put further safeguards in place in relation to the taking of mouth swabs.

The proposed amendments introduced by the opposition are inappropriate. The government opposes them. We do not believe much thought has been given to them. Indeed, the proof of that lies in the fact that the government was not shown the amendments until the last minute. The Leader of the National Party made it clear that he had not seen the amendments until he walked into the house. The amendments have not been thought out. We will oppose them, and I implore all honourable members to oppose them.

It further goes to show the laziness of the opposition and the shadow Attorney-General. He has had three months to prepare a sustained case in relation to DNA, yet he walks into this place at the last minute and says, 'By the way, I have been asleep over the Christmas period; I have been tanning myself somewhere on some beach, I had better get someone to draft some amendments. Here they are'. The fact is that the amendments are poorly thought out. The honourable member for Berwick has done no work at all over Christmas. He has got no policies, he has got no idea and he has got no seat, and the government opposes his amendments!

Debate interrupted pursuant to sessional orders.

The DEPUTY SPEAKER — Order! The time for government business has now expired.

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 2, line 2, omit "18(2)" and insert "17(2)".
2. Clause 2, line 5, omit "18(2)" and insert "17(2)".
3. Clause 7, page 8, line 19, omit 'scraping.'" and insert —

'scraping and the consent is recorded by tape-recording or in writing signed by the person; and

- (c) subject to sub-section (3C), the procedure is witnessed by an independent person or the procedure is video-recorded.

(3B) For the purposes of sub-section (3A)(c), an independent person includes a parent or guardian of a child from whom a scraping is to be taken.

(3C) Paragraph (c) of sub-section (3A) does not apply to a scraping taken from a person under this Subdivision, other than in accordance with an order of a court referred to in section 464ZA(1), if —

- (a) the person waives the requirements of that paragraph; and
- (b) the waiver is recorded by tape-recording or in writing signed by the person.

(3D) The member of the police force referred to in sub-section (3A) must give or send by registered post to the person from whom a scraping is taken or his or her legal practitioner, without charge —

- (a) if the consent or waiver is tape-recorded, a copy of the tape-recording as soon as practicable but not more than 7 days after the waiver is given, and, if a transcript of the tape-recording is prepared, a copy of the transcript as soon as practicable; and
- (b) if the consent or waiver is recorded in writing, a copy of the record forthwith.”.

4. Clause 8, omit this clause.
5. Clause 11, page 10, line 4, omit “11” and insert “10”.
6. Clause 16, page 28, line 21, omit “16” and insert “15”.
7. Clause 19, line 20, omit “13” and insert “12”.
8. Clause 19, line 23, omit “13” and insert “12”.
9. Clause 19, line 25, omit “16” and insert “15”.
10. Clause 19, line 30, omit “17” and insert “16”.
11. Clause 19, line 33, omit “17” and insert “16”.
12. Clause 19, page 31, line 2, omit “18(1)” and insert “17(1)”.
13. Clause 19, page 31, line 5, omit “18(1)” and insert “17(1)”.
14. Clause 19, page 31, line 11, omit “17 or 18(1)” and insert “16 or 17(1)”.

Remaining stages

Passed remaining stages.

SENTENCING (AMENDMENT) BILL

Second reading

Debate resumed from 27 February; motion of Mr HULLS (Attorney-General).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ROAD SAFETY (ALCOHOL INTERLOCKS) BILL

Second reading

Debate resumed from 27 February; motion of Mr BATCHELOR (Minister for Transport).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 9, line 9, omit “87C(1)” and insert “87P(1)”.
2. Clause 9, line 15, omit “87C(1)” and insert “87P(1)”.
3. Clause 11, line 2, omit “87C” and insert “87P”.
4. Clause 11, line 5, omit “87C.” and insert “87P.”.
5. Clause 13, page 27, line 22, omit “87C(1)” and insert “87P(1)”.
6. Clause 14, line 14, omit “126” and insert “126B”.
7. Clause 14, line 17, omit “126.” and insert “126B.”.

Circulated further government amendments as follows agreed to:

1. Clause 7, page 13, after line 33, insert —

“(d) the arrangements put in place by the person or body for installing and maintaining approved alcohol interlocks in rural areas; and”.
2. Clause 7, page 14, line 1, omit “(d)” and insert “(e)”.
3. Clause 7, page 14, line 11, omit “(e)” and insert “(f)”.
4. Clause 7, page 14, line 17, omit “(f)” and insert “(g)”.
5. Clause 7, page 14, lines 21 to 27, omit all words and expressions on these lines and insert —

“customer, including the cost of the approved alcohol interlock, its installation and regular maintenance; and”.

6. Clause 7, page 14, line 28, omit “(g)” and insert “(h)”.

7. Clause 7, page 14, after line 29, insert —

“(6) The Corporation must not approve a person or body as an alcohol interlock supplier unless it is satisfied that the person or body will provide concessions to assist with the cost of installation and regular maintenance of an approved alcohol interlock to —

- (a) classes of persons specified by the regulations for the purposes of this sub-section; or
- (b) if the regulations do not specify classes of persons for the purposes of this sub-section, persons who hold a health care card (within the meaning of the Social Security Act 1991 of the Commonwealth).”.

8. Clause 7, page 14, line 30, omit “(6)” and insert “(7)”.

9. Clause 7, page 15, line 3, omit “(7)” and insert “(8)”.

10. Clause 7, page 15, line 8, omit “(8)” and insert “(9)”.

11. Clause 7, page 15, lines 20 to 22, omit all words and expressions on these lines and insert “under sections 50AAG(1)(b)(ii) and (c); and”.

12. Clause 7, page 16, lines 18 to 21, omit all words and expressions on these lines and insert —

“alcohol interlock suppliers, including —

- (i) the way in which the Corporation has regard to the matters in section 50AAE(5); and
- (ii) the type of concessions that must be provided for the purposes of section 50AAE(6);”.

13. Clause 7, page 16, after line 30, insert —

“(b) must be laid before each House of Parliament within 6 sitting days of that House after the guidelines are published in the Government Gazette; and”

14. Clause 7, page 17, line 1, omit “(b)” and insert “(c)”.

Remaining stages

Passed remaining stages.

WILDLIFE (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Ms GARBUTT (Minister for Environment and Conservation).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr CAMERON (Minister for Local Government).

ADJOURNMENT

Mr CAMERON (Minister for Local Government) — I move:

That the house do now adjourn.

Firearms: licences

Mr VOGELS (Warrnambool) — What action will the Minister for Police and Emergency Services take to make sure that the licensing services branch of Victoria Police is properly resourced so that people applying for renewal of firearms licences are not encouraged to break the law? One of my constituents applied for his licence to be renewed in December last year; however, it is now the end of February and he has still not had it renewed. Obviously he is getting very concerned about this issue. On the use of firearms and expired licences the act says that if your licence expires prior to the receipt and payment of a fee, if a fee is applicable, or if your interim licence does not permit you legally to carry or use your firearms, you have to dispose of them in the manner detailed — that is, you probably have to take them to the nearest police station.

My constituent, who asked for his licence to be renewed in December, has still not got a licence and has been informed by the licensing services branch, ‘Don’t worry about it. Eventually we will get to you. We are overworked and under-resourced’. He is not very happy about that because he is quite concerned that he is probably breaking the law.

I call on the minister to take action to simplify the process. Surely if you are only renewing your firearm licence it should be a simple matter. If you have not changed farms, your place of residence or the firearm you own, as in the case of a drivers licence you can get it sent through to you; and if you have changed you have to own up — and that is fair enough. I call on the minister to take immediate action to ease the concerns of the people who are in this situation.

Ethnic communities: refugee support

Mr WYNNE (Richmond) — I raise a matter for the attention of the Minister for Education and Training. It concerns the question of further support for temporary visa holders and asylum seekers. My electorate hosts more than 400 East Timorese temporary protection visa holders and a number of Afghan refugees who have been discharged from a number of detention centres. I want to briefly touch on the rather shameful performance by the federal government in the politicisation and vilification of refugees over the last few months leading up to the federal election. Of course, the truth of that matter is now emerging.

It is clear that those people who are in this country have essentially been released into the community with virtually no supports whatever. Indeed one of our most significant local educational organisations, the Fitzroy Learning Network, has had an enormous burden placed upon it, not only in trying to support these temporary visa holders and asylum seekers by way of educational services but also in providing the most fundamental services, whether they be bedding, food or even emergency relief and accommodation.

The minister indicated that she would provide, through the Victorian government, support for temporary protection visa holders through access to training and further education programs funded by the Victorian government on the same basis as permanent residents. Unfortunately access to commonwealth-funded services has been denied by the federal government.

The action I am seeking from the minister is to continue to lobby the federal Minister for Education Science and Training, the Honourable Brendan Nelson, to reverse this inhumane decision that has been made. More than anything else temporary visa holders and asylum seekers seek access to education and English language programs, and potentially access to the employment market. That access has been closed off when the commonwealth government is essentially wiping its hands of refugees and temporary visa holders and throwing the support required back on to underfunded organisations that are not equipped to deal with these issues.

I seek the support — and I know I will get it — of the Minister for Education and Training to continue her campaign and to take action next time she meets with her federal colleague, Dr Nelson, to reverse what is really an inhumane situation for these people.

Boating: licences

Mr JASPER (Murray Valley) — I raise a matter for the attention of the Premier in his capacity as minister responsible for border anomalies. I refer to legislation that was moved through this place last year relating to the licensing of boat owners in Victoria.

While I and the National Party supported in principle the licensing of boat owners we expressed concern at the time that because it was not uniform with the legislation in New South Wales this would cause difficulties, because New South Wales has an exemption. In New South Wales people who have boats powered at under 10 knots do not have to be licensed, but in Victoria the legislation provides that all people who own boats must be licensed.

The licensing system has now been put into practice and all boat operators under the age of 21 and all jet ski operators must be licensed by February 2002. The licensing system requires that everyone using a power boat must be licensed by February 2003. The difficulty we have on the border between Victoria and New South Wales is that a New South Wales fisherman can be fishing in the Murray River and go up one of the Victorian streams that goes into the Murray system and immediately be unlicensed.

We have made representations not only to the Premier but to the responsible minister, the Minister for Ports in another place, without much response. The indication from the minister has been that ministers throughout Australia had met and were looking to establish a uniform system and it did not include the system that is operating in New South Wales. That certainly does not assist people living on the border between the two states. Total confusion is operating now with this licensing system.

The legislation passed during last year's spring sittings provided that people operating houseboats on lakes in Victoria do not have to be licensed. That is a further anomaly within Victoria that needs to be addressed.

At the joint cabinet meeting at Albury-Wodonga the ministers indicated they would be looking at border anomalies, uniform fishing licences on lakes Mulwala and Hume — that certainly is not working well and will not work well — and we have added to that the problem of the licensing system for boat owners.

We need immediate action from the state government to review the situation. The Premier must consult through New South Wales and the border anomalies committee to overcome an anomaly where we have a difference in boat licensing between the two states.

Crime: Frankston

Mr VINEY (Frankston East) — I raise a matter for attention of the Minister for Police and Emergency Services. In doing so I draw his attention to this week's issue of the *Frankston and District Journal* and an article on page 3 headed 'Crime cops it from patrols'. The action I seek from the minister is for him to pass on to the police my congratulations and those of the people of Frankston for the great success they have had in reducing the crime rate in the area.

The article says:

Frankston's crime rates have dropped drastically, the latest Victoria Police figures have revealed.

The new figures, which deal with numerous offences, suggest an increased police presence including more foot patrols and an operation which targets the area's high car theft rate have been successful.

The crime rate was down 26 per cent in January and 30 per cent in December. The article quotes Inspector Dave Pike of the Frankston police as saying that he was extremely pleased with the figures. It states:

The exact reasons why crime is down depends on a number of parameters ...

It's obvious the increased police presence in the Frankston CAD and surrounding areas must have had some impact.

When Labor came into government in October 1999 there were 44 constables and senior constables at Frankston police station. As a result of the great initiatives of the Bracks Labor government and its commitment to community safety those police numbers have been increased to almost 70.

The DEPUTY SPEAKER — Order! The honourable member is required to ask the minister to take some action to fix a problem.

Mr VINEY — I have asked the Minister for Police and Emergency Services to take action in relation to these good figures and to discuss these matters with the police, and in doing so to pass on our congratulations.

Honourable members interjecting.

Mr VINEY — What we have over there are the politicians that Jeff Kennett left behind. They were not the second XVIII, they were the cheer squad! The captain-coach has gone on to be a commentator on radio and we are left with the cheer squad trying to fill the positions — but they all want to be full forward! When he gets the ball they are all saying, 'Give it to me, give it to me!'. That is what we have been left with over there — and they will be rejected!

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

Melbourne Exhibition and Convention Centre

Ms ASHER (Brighton) — The issue I have is for the new Minister for Major Projects. The action I am seeking of him is to immediately extend the Melbourne Exhibition and Convention Centre, otherwise known as Jeff's Shed. I hope the new minister will not be churlish in his approach to the centre, as the former Minister for Major Projects and Tourism was.

Honourable members interjecting.

Ms ASHER — The former Minister for Major Projects and Tourism — who is on your side of politics — was dumped because he had no projects. I am seeking to be helpful to the current Minister for Major Projects by suggesting this project. It will be of enormous benefit to the tourism industry, which is facing some challenges at the moment.

I have previously called for the construction of a 5000-seat convention centre, a call which has been wholeheartedly endorsed by the Melbourne Exhibition and Convention Centre Trust. Plans for that are with this government and it has done nothing. I am further suggesting that the government expand the Melbourne Exhibition and Convention Centre. Of course, the previous government completed this project in its first term of government, on time and on budget. That would be a good example for the current Minister for Major Projects to note.

The exhibition centre has been such an enormous success that its 30 000 square metres is insufficient to meet the demand to hold exhibitions in Melbourne, and an extra 12 000 to 15 000 square metres is needed. The industry is aware that the previous government purchased the Mazda site for this. The government has had that site and done nothing with it for two and a half years. The industry is presently missing out on key exhibitions in Victoria.

The tourism industry faces very significant challenges. I note the rather unusual step taken in this morning's *Age* of the general manager of a major hotel writing in and asking the Minister for Tourism to:

... articulate the government's position and convince us —

meaning the industry —

that they are serious about building our national and international markets.

While I note that the Minister for Tourism is incapable of gaining the confidence of his own industry, I call on the Minister for Major Projects to bail out the tourism minister and commence this project of enormous value for tourism.

Edithvale–Seaford wetlands

Ms LINDELL (Carrum) — I ask the Minister for Environment and Conservation to take action to ensure that the Edithvale–Seaford wetlands continue to be appropriately protected in any transfer of ownership of adjoining open space areas from Melbourne Water to the City of Kingston.

The minister was down there recently and announced that the Edithvale–Seaford wetlands had been listed on Ramsar. It is an important parcel of remnant wetlands that plays a valuable role in providing habitat for migratory birds. Significant parcels of land are owned by Melbourne Water adjacent to the actual wetland areas, and these parcels of land act as significant buffer zones. With the exception of one sporting oval, they are little used and are obviously flood prone. Melbourne Water has offered two parcels of land for sale to the City of Kingston. Edithvale Common is one of them, together with a smaller parcel of land that is adjacent to the new primary school at Aspendale Gardens.

I request that the minister take action to ensure that any change of ownership be subject to the necessary restrictions needed to fully protect the Ramsar site. This is obviously an issue of concern in my electorate. The wetlands themselves are supported by a very enthusiastic community group called the Friends of Edithvale–Seaford Wetlands. The group has worked continuously for 20 years to ensure that the wetlands gain recognition and listing under Ramsar. There is now significant concern that if the buffer zones are sold without the necessary protections, some long-term damage may be done to what is a highly significant area of environmental worth in the local area. On an international scale it is home to many migratory birds.

As the minister was down there recently she will understand the importance of this request. My community and I would be grateful if she would get back to me as soon as possible because we need to have that reassurance. Melbourne Water has given us those assurances, but I would like the minister's reassurance that the change of ownership will not affect the use of these buffer zones — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

Workcover: private investigator tender

Mr CLARK (Box Hill) — I raise with the Minister for Workcover the handling of a tender process for private investigators by the Victorian Workcover Authority (VWA). The inquiry agent industry has been astounded and outraged at the way the tender process has been conducted and at the tender results. Companies and individuals with no previous experience or expertise in Workcover investigations have been appointed and reputable and competent firms have been dropped, with many jobs being placed at risk.

It appears that those chosen under the tender process include the operator of a bed and breakfast business, a Tattslotto vendor, a part-time process server, people working from flats and garages and people in the security industry without investigatory experience. I do not expect the minister to intervene to second-guess tender outcomes, but he should be expected to insist that the tender process be conducted properly and fairly and that those serious allegations be investigated and resolved urgently. I also ask the minister to urge the VWA board to continue the status quo until these matters are resolved, and to give an assurance to inquiry agents and the public that until that time they will not commence the new arrangements or exclude any existing inquiry agents.

Among the many concerns that the inquiry agents have raised are that the tender documentation instructed applicants to observe any word limits set in the documentation. However, the VWA appears to have failed to enforce this restriction and therefore many successful tenderers ignored the word limit and their responses were judged acceptable, whereas those who complied with the word limits were later held to have given a response which met only some of the requirements of the evaluation criteria.

This breaches the Victorian Government Purchasing Board's probity guidelines and public advice to tenderers stating that where a tender document contains a clear rule, such as a deadline, it should be applied strictly. Any honourable member who has had to submit essays at university or elsewhere would appreciate how unjust it would be if those who ignored the word limit received better marks than those who complied with the word limit.

Also of concern is that two tenderers were added to a revised list that was issued by the Victorian Workcover Authority of successful tenderers, on the ground that their requests for review were successful. However, at least one of these tenderers had never asked for their

tender outcome to be reviewed. Numerous others who have lodged objections to the tender process have still not received responses many weeks after the successful tender list was posted and they lodged the objections. For those reasons I urge the minister to take action.

Member for North Western Province: chain email

Ms ALLAN (Bendigo East) — I direct a matter to the attention of the Minister for Police and Emergency Services. I request that he take urgent action to reassure motorists in my electorate of Bendigo East and motorists throughout Bendigo and central Victoria who may have been unnecessarily alarmed by some misinformed claims reported in today's *Bendigo Advertiser* as having been made by an honourable member for North Western Province in another place, the Honourable Ron Best. He was using a chain email that has been in wide circulation for the past couple of weeks. It details a number of proposed sites for fixed speed cameras. He is basing his claim as reported in today's *Bendigo Advertiser* on the contents of that chain email.

I have seen a copy of that chain email which was received through our system last week. It is clearly a hoax. It is outrageous that an honourable member for North Western Province is using this chain email. He would be well aware of what it means to receive a chain email because we get them all the time. They go around the world in a matter of hours through the use of the international email system.

Unfortunately the honourable member for North Western Province has grabbed this hoax email with both hands and gone to the press to try to undermine the government's road safety strategy. He claims that there will be nine fixed speed cameras on the Calder Highway between Kyneton and Keilor. I am outraged that he is using this hoax email to whip up anxiety among Bendigo motorists. They remember that they have to pay a toll to travel to Melbourne through the City Link system, which the Honourable Ron Best, an honourable member for North Western Province, inflicted on his electorate by being in cahoots with the former Liberal Party government, which inflicted tolls on motorists in central Victoria and indeed throughout many parts of the state.

A number of people may have been fooled by the chain email. The question is: has the honourable member for North Western Province been fooled or is he deliberately using this wrong information to upset Bendigo motorists and undermine the government's strategy to save lives?

Mr McArthur — On a point of order, Madam Deputy Speaker, the honourable member knows full well that she cannot seek to impugn the motives of a member of this place or another place. To suggest that a member is deliberately setting out to mislead is indeed imputing improper motives.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. Certainly standing orders provide that honourable members may not accuse people of deliberately misleading the house. As I understand it, the honourable member for Bendigo East did not say that.

Drugs: supervised injecting facilities

Mr WILSON (Bennettswood) — The matter I raise for the attention for the Premier is about the Bracks government's ongoing commitment to the establishment of heroin injecting rooms in Victoria. Honourable members should be aware that according to a report in yesterday's *Daily Telegraph* the International Narcotics Control Board has condemned the opening of the medically supervised Kings Cross heroin injecting facility. The president of the INCB, a body established to enforce the United Nations convention on drugs, is reported as having said:

... the room's potential for harm reduction to addicts was outweighed by its potential to damage the anti-drugs fight.

The injecting room is not only for heroin. The injecting room is basically where you can use your ecstasy, you can use your injecting amphetamines, you can inject cocaine.

...

The board considers injecting rooms, wherever they are, to be in violation of the conventions ...

If the government provides the outlet for illicit drug trafficking, that's exactly the opposite of what the convention asks them to do — to stop the illicit drug ...

Yesterday's report came at the same time as the New South Wales opposition released figures showing that the \$1.8 million budget for the trial has blown out to \$5.6 million.

In light of the report of the International Narcotics Control Board and the budgetary blow-out for the Kings Cross experiment, I ask the Premier to come into this house and give a commitment that he will order an immediate review of government policy that could ultimately lead to the establishment of heroin injecting rooms throughout Victoria.

Victorian Seniors Festival

Mr SEITZ (Keilor) — I raise a matter for the attention of the Minister for Senior Victorians, and I congratulate her on her new portfolio. The action I seek is that, with the Victorian Seniors Festival soon to start, public transport times and dates be clearly identified, particularly as last year some people used the free transport to the country but missed the free return dates by staying over for one day and had to find the money to pay their fares back home.

To ensure that the festival is pleasurable, I ask the minister and the Minister for Transport to ensure that the dates and times are very clearly advertised at the railway stations. They may even need to be in the form of posters or something like that.

Seniors Week, which was instigated by the former Cain Labor government and has now been renamed Victorian Seniors Festival, is an important activity in the life of seniors in Victoria. But last year some people from my area visited Warrnambool to look at the whales and because they did not realise the time limit had expired overstayed by one day and missed out on their free trip back home. Naturally they then had to find the money to pay for it. They were very disgruntled and came to see me in my office. Will the minister ensure that everybody is clear on the available free travel times so they can continue their free travel on return trips?

Timber industry: sustainability

Mr PLOWMAN (Benambra) — The issue I raise is for the attention of the Minister for Environment and Conservation and the Premier. I have talked to the representatives of three timber mills in my area and three timber mills in the Benalla electorate.

Mount Beauty Timbers, which employs 50 people, is in a position where the current action by the state government could lead to its closure. If that happened it would lead to the collapse of the town, the company being the major employer. The multiplier effect could be as high as 10 to 1 in a town like that.

Spot Pallet and Corryong Timbers from Corryong are also affected. Spot Pallet relies on timber from New South Wales. Without that timber the company would be in a desperate situation. Corryong Timbers has a multiple-species licence and it, too, is desperately concerned by what is happening.

In the Benalla electorate, Des McNulty from Ryan and McNulty puts about 100 per cent value adding on all the timber the company harvests. The company needs

the security of a continued licence. Dinny Williams at Whitfield and the DSM mill at Mansfield are also affected. I was speaking to Jack Gittens and he tells me the company has had five-year licences with no guarantees. The company is getting close to the end of its existing licence and is very worried about its security.

I ask the minister and the Premier to reconsider the position and to look at the opportunity to open up the special protection zones which were brought in as a result of the regional forest agreements for areas that could be logged if this sort of eventuality occurred. It is essential that that be done, and be done quickly. These companies need security, particularly for their value adding.

Under this process this government has had absolutely no consultation with industry or the workers. With all those people out there, where was the minister and the Premier when they wanted to talk to them? They were not there. We were there; you were not there. It is an absolute disgrace. I ask the minister to change her ruling about special protection — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

Templestowe and Thompsons roads: upgrade

Mr KOTSIRAS (Bulleen) — I raise with the Minister for Transport the poor conditions of Templestowe and Thompsons roads in my electorate. I ask the minister to investigate the condition of these two roads and to provide the funding to upgrade them. According to the Royal Automobile Club of Victoria report these are the most dangerous roads in Victoria. The residents have had enough; the drivers have had enough, and I therefore ask the minister to visit my electorate and to see for himself the condition of these two roads.

I have already written to the minister. In the past I have written to the minister and six months later have had no response. I hope this time the minister does respond to my letter and he comes to my electorate to see how dangerous it is for the students who walk down Thompsons Road, and for the residents and drivers. The roads have not been upgraded for a number of years and it is important that he does come and see for himself. In the past the previous government upgraded two of the roads in my electorate, but this Labor government for two years has provided nothing, not a single cent, to upgrade those two atrocious, appalling and dangerous roads. I therefore ask the minister to

investigate and provide the money to upgrade these two roads.

The DEPUTY SPEAKER — Order! The honourable member's time has expired. The time for raising matters has also expired.

Responses

Mr PANDAZOPOULOS (Minister for Gaming) — The honourable member for Richmond raised a matter for the Minister for Education and Training. I will refer that to her.

The honourable member for Frankston East raised a matter for the Minister for Police and Emergency Services. I thank him for that and will refer the matter to the minister.

The honourable member for Carrum raised a matter for the Minister for Environment and Conservation — she takes a huge interest in environmental issues in her electorate — and I will pass those details on to the minister.

The honourable member for Bendigo East raised a matter for the Minister for Police and Emergency Services, and I will raise that with him.

The honourable member for Keilor raised a matter with the Minister for Senior Victorians and complimented her on her new position. I will pass it on.

Government members obviously have regular discussions with ministers and opposition members tend to just make comments and then run away. I am glad that the honourable member for Warrnambool raised a matter for the attention of the Minister for Police and Emergency Services and note that he is not in the house at the moment. He must be with the dairy cows today!

The honourable member for Murray Valley who is in the house, as always, raised a matter for the Premier about border anomalies and I will refer that matter to the Premier.

The honourable member for Brighton has come back into the house — and we welcome her. She raised a matter with the Minister for Major Projects about the Melbourne Convention and Exhibition Centre, which I am responsible for as Minister for Tourism. It is quite interesting how enthusiastic they are about a 5000-seat plenary hall now they are in opposition. When they were in government they said, 'We will consider a plenary facility and expansion of exhibition facilities over the next decade'.

Ms Asher — On a point of order, Madam Deputy Speaker, I know you take notes of what action members request of ministers. Unfortunately this minister has focused on the wrong action. I want the Minister for Major Projects to extend the Melbourne Exhibition and Convention Centre. If the minister wants to make smart comments, he should get the right major project!

The DEPUTY SPEAKER — Order! There is no point of order.

Mr PANDAZOPOULOS — The honourable member for Brighton does not like the facts or to be reminded of her party's election policies. If it was so good it would not have wasted so much money on major projects where we have had to go and put extra dollars in — like Federation Square! Nonetheless it is an important project. The Melbourne Exhibition and Convention Centre Trust has been focusing on its needs, and that is under consideration by the government.

The honourable member for Box Hill raised a matter for the Minister for Workcover. I will refer that to the minister.

The honourable member for Bennettswood raised a matter for the Premier. I will refer that to him.

The honourable member for Benambra raised a matter for the Minister for Environment and Conservation in relation to the timber industry. It is a very serious issue, but again, where was the honourable member in ensuring that his government, when it was in government for seven and a half years, actually told the timber industry and rural communities the truth about what was happening? It seems that a qualification to be in the Liberal Party is to lie. You just have to look at the Prime Minister, don't you?

Mr Plowman — On a point of order, Madam Deputy Speaker, as you well know the adjournment debate is an opportunity for honourable members on both sides of the chamber to request action from a minister. It is an absolute disgrace that in the middle of the afternoon there is only one minister present. That is okay late at night, with late meetings, but it is totally unacceptable at this hour of the day to have only one minister here.

The minister responding to this matter is totally out of order inasmuch as the request that was made through the adjournment debate was for a response from the relevant minister and not for a reflection by the minister on my performance or that of anyone else. I ask you,

Madam Deputy Speaker, to ask the minister to respect the forms of the house.

The DEPUTY SPEAKER — Order! There is no point of order. I understand the minister is referring the matter to the appropriate minister, and he was making a point in comment.

Mr PANDAZOPOULOS — The fact is that with the timber industry, like so many things this government has inherited, we have to fix up a lot of mess. We will do that by working with regional communities.

The honourable member for Bulleen raised a matter for the Minister for Transport. It is great to see the honourable member for Bulleen has an interest in fixing up roads that the previous honourable member for Bulleen could not do. I will refer that matter to the Minister for Transport, but the honourable member would be aware that this government is spending more dollars on fixing up roads. We have a heck of a lot of things to fix up after seven and a half years of the Kennett government.

Motion agreed to.

House adjourned 4.38 p.m. until Tuesday, 19 March.

QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Tuesday, 26 February 2002

Environment and conservation: Melbourne Water eastern treatment plant

304. MR DIXON — To ask the Honourable the Minister for Environment and Conservation with reference to the present operation of the Eastern Treatment Plant of Melbourne Water at Carrum and the discharge of the outflow in Bass Strait —

1. What is the impact on water quality at the point of discharge.
2. What alternative measures have been considered for the use of the water.

ANSWER:

I am informed that:

- (a) A 1997 to 1999 CSIRO study on the impact of the outfall at Boags Rocks found that ecosystems on the rocky platforms within 1 km of the outfall are impacted. Bull Kelp is disappearing from the area and is being replaced by species more tolerant of freshwater. Freshwater and ammonia are the likely causes. The study also found that the risk of illness to surfers and swimmers was extremely low, and that toxicant levels were low in surrounding marine organisms. A Monash University study found that surfers appeared to be at no additional risk of contracting disease from surfing in the area compared with other beaches studied.
- (b) The CSIRO study indicated both environmental impacts and options for improved environmental management. Ammonia reduction trials to improve effluent quality have been undertaken at the Eastern Treatment Plant, and if the trials are successful Melbourne Water will apply to the EPA for approval to upgrade the remaining aeration tanks.

Melbourne Water is currently researching several options for the use of the water. Currently Melbourne Water re-uses only 1% of the effluent from the Eastern Treatment Plant. As part of the Government's Water Conservation Strategy Melbourne Water has announced that it will increase this to 20% within 10 years. While this is well short of the EPA objective of 100%, increased effluent quality will assist in increasing the reuse opportunities. Melbourne Water and the EPA are closely monitoring the "Virginia Scheme" in South Australia to assess the suitability of such a scheme in Victoria. Government policy states that the reuse of treated water will be encouraged where appropriate, and the EPA has indicated that the long-term goal for waste water is for 100% reuse.

An increase in the level of recycling of waste water coupled with an improvement in effluent quality will reduce the two major causes of environmental impacts identified by the CSIRO study.

Environment and conservation: new protected species

346. MR THOMPSON — To ask the Honourable the Minister for Environment and Conservation — what are the 50 new species targeted for listing for protection under the *Flora and Fauna Guarantee Act 1988* for 2000–01 as referred to on page 218 of Budget Paper No. 3, Budget Estimates 2001–02.

ANSWER:

The following list provides details of the 44 items listed under the provisions of the *Flora and Fauna Guarantee Act 1988* during the 2000–01 financial year.

The target of 50 was an estimation of submissions likely to be forwarded by the public for consideration by the Scientific Advisory Committee.

Taxa

<i>Acacia phasmoides</i>	Phantom Wattle
<i>Acacia phlebophylla</i>	Buffalo Sallow Wattle
<i>Acianthus collinus</i>	Inland Pixie caps
<i>Aprasia striolata</i>	Striped Worm-lizard
<i>Babingtonia crenulata</i>	Fern-leaf Baeckea
<i>Caladenia carnea</i> var. <i>subulata</i>	Striped Pink Fingers
<i>Caladenia colorata</i>	Painted Spider-orchid
<i>Caladenia cruciformis</i>	orchid species
<i>Caladenia insularis</i>	French Island Spider-orchid
<i>Caladenia pilotensis</i>	Mount Pilot Spider-orchid
<i>Caladenia</i> sp. aff. <i>venusta</i>	Kilsyth South Spider-orchid
<i>Caladenia valida</i>	Robust Spider-orchid
<i>Caladenia versicolor</i>	Candy Spider-orchid
<i>Calomnion complanatum</i>	Tree-fern Calomnion
<i>Chthonicola sagittata</i>	Speckled Warbler
<i>Egernia coventryi</i>	Swamp Skink
<i>Engaeus rostrigaleatus</i>	Strzelecki Burrowing Cray
<i>Gaultheria hispida</i>	Snow-berry
<i>Litoria booroolongensis</i>	Booroolong Frog
<i>Litoria raniformis</i>	Warty Bell Frog
<i>Litoria verreauxii alpina</i>	Alpine Tree Frog
<i>Macronectes giganteus</i>	Southern Giant-Petrel
<i>Macronectes halli</i>	Northern Giant-Petrel
<i>Megaptera novaeangliae</i>	Humpback Whale
<i>Melanodryas cucullata</i>	Hooded Robin
<i>Neuropogon acromelanus</i>	Lichen species
<i>Nyctophilus timoriensis</i>	Eastern Long-eared Bat
<i>Oreoica gutturalis</i>	Crested Bellbird
<i>Peronomyrmex bartoni</i>	Ant species
<i>Persoonia asperula</i>	Mountain Geebung
<i>Prasophyllum fosteri</i>	Foster's Leek-orchid
<i>Prasophyllum morgani</i>	Cobungra Leek-orchid
<i>Prasophyllum niphopedium</i>	Marsh Leek-orchid
<i>Pratia gelida</i>	Snow Pratia
<i>Pterostylis aenigma</i>	Enigmatic Greenhood
<i>Pultenaea lapidosa</i>	Mt Tambo Bush-pea
<i>Spyridium nitidum</i>	Shining Spyridium
<i>Stagonopleura guttata</i>	Diamond Firetail
<i>Struthidea cinerea</i>	Apostle Bird
<i>Thunnus maccoyii</i>	Southern Bluefin Tuna
<i>Xanthoparmelia suberadicata</i>	Foliose lichen

Communities

Victorian temperate woodland bird community

Potentially Threatening Processes

Loss of terrestrial climatic habitat caused by anthropogenic emissions of greenhouse gases.

The introduction and spread of the Large Earth Bumblebee *Bombus terrestris* into Victorian terrestrial environments.

Environment and conservation: threatened species performance criteria

349. MR THOMPSON — To ask the Honourable the Minister for Environment and Conservation — (a) what are the performance criteria for determining demonstrable improvements with threatened species; and (b) what are the threatened species noted for 1999, as referred to on page 218 of Budget Paper No. 3, Budget Estimates 2001–02.

ANSWER:

I am informed that:

(a) The criteria for determining demonstrable improvements with threatened species are an arrested decline or increase in population size, health or vigour; an arrested decline or increase in habitat area and/or habitat quality, or a significant reduction of threat.

(b) The threatened species with demonstrable improvement for 1999–2000 are listed below:

1. Barred Galaxias
2. Baw Baw Frog
3. Brittle Greenhood
4. Brush-tailed Phascogale
5. Button Wrinklewort
6. Buxton Gum
7. Concave Pomaderris
8. Dandenong FW Amphipod
9. Eastern Bristlebird
10. Gully Grevillea
11. Mallee Hemichroa
12. New Holland Mouse
13. Smooth Darling-pea
14. Stiff Groundsel
15. Superb Parrot
16. Varigated (Ewen's) Pygmy Perch
17. Warby Swamp Gum
18. Western Basalt Plains Grassland
19. Whipstick Westringia
20. Wrinkled Buttons

Environment and conservation: protected species action statements

350. MR THOMPSON — To ask the Honourable the Minister for Environment and Conservation — what are the 30 'Protected species, communities and potentially threatened processes with targeted approved Action Statements under the *Flora and Fauna Guarantee Act 1988*' under the column '2001–01 Target' as referred to on page 218 of Budget Paper No. 3, Budget Estimates 2001–02.

ANSWER:

I am informed that:

The following is the list of the 30 items with draft Action Statements for approval in 2000–01 referred to in the Budget Papers:

Taxa

<i>Ardea alba</i>	Great Egret
<i>Casuarina obesa</i>	Swamp She-oak
<i>Cyclodomorphus praealtus</i>	Alpine She-oak Skink
<i>Edelia obscura</i>	Yarra Pygmy Perch
<i>Engaeus phyllocercus</i>	Narracan Burrowing Crayfish
<i>Euastacus diversus</i>	Orbost Spiny Cray
<i>Eulamprus kosciuskoi</i>	Alpine Water Skink
<i>Galaxias cleaveri</i>	Australian Mudfish
<i>Grus rubicundus</i>	Brolga
<i>Litoria booroolongensis</i>	Booroolong Tree Frog
<i>Ninox connivens</i>	Barking Owl
<i>Oxyura australis</i>	Blue-billed Duck
<i>Pimelea spinescens ssp. spinescens</i>	Spiny Rice-flower
<i>Pterostylis despectans</i>	Lowly Greenhood
<i>Reikoperla darlingtoni</i>	Mt Donna Buang Wingless Stonefly
<i>Spyridium nitidum</i>	Shining Spyridium
<i>Swainsona brachycarpa</i>	Slender Swainson-pea
<i>Swainsona greyana</i>	Hairy Darling-pea
<i>Swainsona luteola</i>	Dwarf Darling-pea
<i>Swainsona murrayana</i>	Murray Swainson-pea
<i>Swainsona plagiotropis</i>	Red Swainson-pea
<i>Swainsona purpurea</i>	Purple Swainson-pea
<i>Swainsona pyrophila</i>	Yellow Swainson-pea
<i>Swainsona reticulata</i>	Kneed Swainson-pea
<i>Swainsona sericea</i>	Silky Swainson-pea
<i>Swainsona swainsonioides</i>	Downy Swainson-pea
<i>Tyto novaehollandiae</i>	Masked Owl
<i>Tyto tenebricosa</i>	Sooty Owl

Communities of Flora and Fauna

Sedge-rich Eucalyptus camphora Swamp

Potentially Threatening Processes

Increase in sediment input into Victorian rivers and streams due to human activities

Environment and conservation: protected species action statements

- 351. MR THOMPSON** — To ask the Honourable the Minister for Environment and Conservation — what are the 20 ‘Protected species, communities and potentially threatened processes with targeted approved Action Statements under the *Flora and Fauna Guarantee Act 1988*’ under the column ‘1999–00 Actuals’ as referred to on page 218 of Budget Paper No. 3, Budget Estimates 2001–02.

ANSWER:

I am informed that Action Statements for the following “Protected species, communities and potentially threatened processes under the *Flora and Fauna Guarantee Act 1998*” were approved in 1999–2000:

<i>Agrostis adamsonii</i>	Adamson’s Blown-grass
<i>Amphibromus pithogastrus</i>	Plump Swamp W-grass
<i>Ballantinia antipoda</i>	Southern Shepherd’s Purse
<i>Caladenia amoena</i>	Charming Spider-orchid
<i>Caladenia fragrantissima ssp. orientalis</i>	Cream Spider-orchid
<i>Caladenia hastata</i>	Melblom’s Spider Orchid
<i>Caladenia lowanensis</i>	Wimmera Spider-orchid
<i>Caladenia robinsonii</i>	Frankston Spider-orchid
<i>Caladenia rosella</i>	Rosella Spider-orchid
<i>Caladenia tensa</i>	Rigid Spider-orchid
<i>Caladenia thysanochila</i>	Fringed Spider-orchid
<i>Caladenia versicolor</i>	Candy Spider-orchid
<i>Caladenia xanthochila</i>	Yellow-lip Spider-orchid
<i>Egernia multiscutata</i>	Heath Skink
<i>Lepidium aschersonii</i>	Spiny Pepper-cress
<i>Litoria spenceri</i>	Spotted Tree Frog
<i>Morelia spilota spilota</i>	Diamond Python
<i>Pygopus nigriceps</i>	Hooded Scaly-foot
<i>Stictonetta naevosa</i>	Freckled Duck
<i>Synemon plana</i>	Golden Sun Moth

Environment and conservation: new protected species

352. MR THOMPSON — To ask the Honourable the Minister for Environment and Conservation — what are the 52 ‘New species, listed for protection under the *Flora and Fauna Guarantee Act 1988*’ under the column ‘1999–00 Actuals’ as referred to on page 218 of Budget Paper No. 3, Budget Estimates 2001–02.

ANSWER:

I am informed that the following 52 new species were prepared for listing for protection under the *Flora and Fauna Guarantee Act 1988* during 1999–2000:

Taxa

<i>Asplenium hookerianum</i>	— Maidenhair Spleenwort
<i>Botaurus poiciloptilus</i>	— Australasian Bittern
<i>Brachyscome chrysoglossa</i>	— Yellow-tongue Daisy
<i>Brachyscome gracilis ssp. gracilis</i>	— Dookie Daisy
<i>Brachyscome gracilis ssp. Kings Billabong</i>	— Dookie Daisy
<i>Brasenia schreberi</i>	— Water-shield
<i>Caladenia brachyscapa</i>	— Short Spider-orchid
<i>Caladenia pumila</i>	— Dwarf Spider-orchid
<i>Caleana sp. aff. nigrita</i>	— Grampians Duck-orchid
<i>Carcharias taurus</i>	— Grey Nurse Shark
<i>Carcharodon carcharias</i>	— Great White Shark
<i>Diuris palustris</i>	— Swamp Diuris
<i>Diuris tricolor</i>	— Donkey-orchid

Dryolimnas pectoralis — Lewin's Rail
Eucalyptus leucoxylon ssp. bellarinensis — Bellarine Peninsula Yellow Gum
Euphrasia collina ssp. muelleri — Purple Eyebright
Grevillea floripendula — Ben Major Grevillea
Isolepis congrua — Club-rush
Ixobrychus flavicollis ssp. australis — Black Bittern
Ixobrychus minutus — Little Bittern
Leptorhynchus gatesii — Wrinkled Buttons
Lophoictinia isura — Square-tailed Kite
Ogyris sp. aff. idmo — Ogyris butterfly
Phoebetria fusca — Sooty Albatross
Porzana pusilla — Baillon's Crake
Prasophyllum fitzgeraldii — Fitzgerald's Leek-orchid
Prasophyllum frenchii — Slaty Leek-orchid
Prasophyllum suaveolens — Fragrant Leek-orchid
Pseudocephalozia paludicola — Liverwort
Pseudomys fumeus — Smoky Mouse
Pseudoraphis paradoxa — Slender Mud Grass
Pterostylis valida — Robust Greenhood
Sterna caspia — Caspian Tern
Sterna nilotica — Gull-billed Tern
Suta spectabilis — Port Lincoln Snake
Swainsona swainsonioides — Downy Swainson-pea
Thelymitra gregaria — Basalt Sun-orchid
Thelymitra hiemalis — Winter Sun-orchid
Varanus rosenbergi — Rosenberg's Goanna

Communities

Coastal Moonah (*Melaleuca lanceolata ssp. lanceolata*) Woodland Community
 Creekline Grassy Woodland Community
 Devonian Limestone *Pomaderris* Shrubland Community
 Grey Box Buloke Grassy Woodland Community
 Limestone Grassy Woodland Community
 Lowland Riverine Fish Community of the southern Murray-Darling Basin
 Semi-arid Herbaceous Pine Buloke Woodland Community
 Semi-arid Herbaceous Pine Woodland Community
 Semi-arid Northwest Plains Buloke Grassy Woodland Community
 Semi-arid Shrubby Pine Buloke Woodland Community

Potentially Threatening Processes

Habitat fragmentation as a threatening process for fauna in Victoria.
 Human activity which results in artificially elevated levels of Myrtle Wilt within *Nothofagus*-dominated Cool Temperate Rainforest.
 Incidental catch (or by-catch) of seabirds during long-line fishing operations.

Environment and conservation: new protected species

353. MR THOMPSON — To ask the Honourable the Minister for Environment and Conservation — what are the 50 ‘New species, listed for protection under the *Flora and Fauna Guarantee Act 1988*’ under the column ‘2001–01 Target’ as referred to on page 218 of Budget Paper No. 3, Budget Estimates 2001–02.

ANSWER:

I am informed that:

Under the *Flora and Fauna Guarantee Act 1988* the listing process is driven by public nominations submitted to the Scientific Advisory Committee (SAC) for assessment. The following 31 items have been nominated for listing but have not yet received a final recommendation from the Scientific Advisory Committee:

It is not possible to reliably estimate at this stage which new listings will be made during the 2001–02 financial year.

Taxa

<i>Acanthiza iredalei hedleyi</i>	Slender-billed Thornbill
<i>Asterolasia asteriscophora ssp. albiflora</i>	White Star Bush
<i>Caladenia fragrantissima ssp. fragrantissima</i>	Scented Spider-orchid
<i>Caladenia sp. aff. rosella (Violet Town)</i>	Violet Town Spider-orchid
<i>Caladenia toxochila</i>	Bow-lip Spider-orchid
<i>Chiloglottis seminuda</i>	Bare-tip Bird-orchid
<i>Corybas despectans</i>	Coast Helmet-orchid
<i>Corybas sp. aff. diemenicus (coastal)</i>	Late Helmet-orchid
<i>Cryptostylis erecta</i>	Bonnet Orchid
<i>Diomedea exulans</i>	Wandering Albatross
<i>Diuris ochroma</i>	Pale Golden Moths
<i>Euastacus armatus</i>	Murray Spiny Cray
<i>Euastacus bispinosus</i>	Glenelg Spiny Cray
<i>Euastacus crassus</i>	Alpine Spiny Cray
<i>Euastacus kershawi</i>	Gippsland Spiny Cray
<i>Ixiolaena chloroleuca</i>	Pale Plover Daisy
<i>Myoporum brevipes</i>	Pale Myoporum
<i>Notopala sublineata</i>	river snail species
<i>Prasophyllum litorale</i>	Coastal Leek-orchid
<i>Prasophyllum suttonii</i>	Buffalo Leek-orchid
<i>Pyrrholaemus brunneus</i>	Redthroat
<i>Rostratula benghalensis</i>	Painted Snipe
<i>Taskiria otwayensis</i>	caddisfly species
<i>Thalassarche carteri</i>	Indian Yellow-nosed Albatross
<i>Thalassarche chrysostoma</i>	Grey-headed Albatross
<i>Thelymitra mackibbinii</i>	Brilliant Sun-orchid
<i>Victaphanta compacta</i>	Otway Black Snail
<i>Xylocopa aeratus</i>	Metallic Green Carpenter Bee
<i>Xylocopa bombylans</i>	Green Carpenter Bee species

Communities

Coastal Saltmarsh Community

Potentially Threatening Processes

The spread, by various vectors, of *Phytophthora* from one or more infected sites within a National or State Park, bushland reserve or any other site including roadsides, under the control of State or Local Government Authorities, which include indigenous flora which is known to be or may be susceptible to attack, and resultant death, by this pathogen.