



LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 30

WEDNESDAY, 11 SEPTEMBER 2019

1 COUNCIL MEETS.— The Council met at 11.00 o'clock in the forenoon and the President read Prayers.

2 CRESSY LOCKDOWN.— Ms *Webb* asked the Honourable the Leader of the Government — In relation to the Cressy “lockdown” of Friday 29 June 2019, the Tasmania Police media release on the lockdown operation stated that 15 Police officers were involved in the operation.

- (1) (a) What is the rank and level of each of these officers;
- (b) What is the total hours worked by each of these officers relating to the lockdown for each of the following:
 - (i) Planning the operation;
 - (ii) During the operation;
 - (iii) Activities undertaken as a result of the operation; and
- (c) What was the total cost of the operation in terms of salary and wages?
- (2) (a) What was the cost of operating the Westpac Rescue helicopter for the operation; and
- (b) What was the cost of using the Drug Detection Dog for the operation?
- (3) How many vehicles were stopped during the Cressy lockdown?
- (4) What specific offences, and how many of each offence, were detected?
- (5) Police spokespeople have indicated this community lockdown practice occurs interstate and overseas. What specific examples from within and outside of Australia are there?
- (6) Police spokespeople have indicated drivers were stopped for breath testing and licence and registration checks and that ‘if the results give cause for concern, we question them further and may take further action’-
 - (a) How many drivers raised such a concern and were questioned further; and
 - (b) On what legislative basis was this further questioning undertaken?
- (7) According to the Tasmania Police media release, the Cressy community was ‘locked down’ for two and a half hours, is there any maximum time such an operation could run under section 7B of the Road Safety (Alcohol and Drugs) Act?
- (8) In relation to the Police Powers (Vehicle Interception) Act 2000 and its process for authorising police use of a ‘roadblock’-

- (a) Could this legislation have been used to authorize the Cressy lockdown;
- (b) If yes, why wasn't this legislative authority used for the Cressy lockdown; and
- (c) How many times have road blocks been authorised under the Police Powers (Vehicle Interception) Act 2000 in:
 - (i) 2016-17
 - (ii) 2017-18
 - (iii) 2018-19

The Leader answered,

In relation to questions 1 and 2 — we don't comment on operational matters such as these in such detail and the police do not routinely cost operations to this level unless they are a protected matter such as a major bushfire.

I can say that Tasmania Police regularly undertake operations in response to particular crime trends — this is what the community expects.

During these operations, police stop vehicles for random breath tests, licence and registration checks. People wanted on warrant or undertaking illegal activities drive around conducting their everyday business, believing they are unlikely to be caught.

If any flags are raised during these checks, police ask further questions and may search the vehicle if there is cause to believe the vehicle may be carrying drugs, stolen goods or illegal firearms for example.

Overwhelmingly, the interactions police have with motorists during these operations are very positive.

The response from the community, and reactions on social media, have been overwhelmingly supportive of police for a proactive approach to crime.

The operations are an important tool in keeping the community safe, by detecting offences such as drink driving, carrying stolen goods or illegal firearms, people wanted on warrants and other criminal matters who may otherwise go unnoticed.

- 3. 150 vehicles were stopped during the operation you refer to.
- 4. 1 liquor offence, 1 drug offence and 1 unregistered vehicle.
- 5. This information is publicly available. Open source information provides examples of similar operations interstate and overseas. I can provide links to several relevant articles if that would be helpful.

<https://www.comunitvnews.com.au/eastern-reporter/news/operation-celciuswa-police-launch-summer-and-christmas-crime-campaign/>

<https://www.couriermail.com.au/news/queensland/traffic-police-saturatebrisbane-streets-in-move-to-stamp-up-attack-on-speeding/newsstory/b002c589c1bffbd014f5c7764290d49>

<https://www.goldcoastbulletin.com.au/news/crime-coufflcrime-on-gold-coast-pimpama-focus-of-cops-latest-operation-bombous/newsstory/6aad62b155f6f96406f56ad71402d9f6>

- 6. Police are not able to report on the extent of each conversation with members of the public, but of the 150 people spoken with, three were detected committing an offence. 150 breath tests were conducted, and it would be the normal course of business to ask the driver if they had been drinking alcohol, for example.
- 7. The Road Safety (Alcohol and Drugs) Act 1970 does not place a time limit on a police officer's power to require breath tests from numerous drivers.

8. My advice is that no, that legislation couldn't have been applied. It is intended for responding to a specific offence or risk to public safety. It can't be used as a general authority to stop cars. In relation to the numbers of roadblocks deployed each year, I can indicate that police rarely use roadblocks under that Act for various reasons. The Department advises me that there have not been any roadblock deployments under the Act in recent times. To establish the numbers that may have occurred many years ago would require considerable additional research and may not yield any further information.

3 LEAVE TO TABLE ANSWER TO QUESTION AND INCORPORATE ANSWER INTO HANSARD.—*Ordered*, That Mrs *Hiscutt* have leave to Table answer to Question No. 8 Cressy Lockdown.

4 PAPERS.— The Clerk of the Council laid upon the Table the following Papers:—

- (1) Inland Fisheries Act 1995: Statutory Rules 2019, No. 17, containing Inland Fisheries (Controlled Fish) Amendment Order 2019.
- (2) Water Management Act 1999: Statutory Rules 2019, No. 37, containing Water Management Regulations 2019.
- (3) Inland Fisheries Act 1995: Statutory Rules 2019, No. 42, containing Inland Fisheries (Seasons and Waters) Amendment Order 2019.
- (4) Inland Fisheries Act 1995: Statutory Rules 2019, No. 43, containing Inland Fisheries (World Fly Fishing Championship) Order 2019.
- (5) Strata Titles Act 1998: Statutory Rules 2019, No. 48, containing Strata Titles (Insurance) Regulations 2019.

5 BILL NO. 27.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled ‘A Bill for an Act to establish a criminal and general division of the Magistrates Court, to provide for the conduct of proceedings in that division and to provide for related matters’,

to which the House desires the concurrence of the Legislative Council.

House of Assembly, 10 September 2019

S. HICKEY, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

6 BILL NO. 28.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to consequentially amend certain Acts on the enactment of the *Magistrates Court (Criminal and General Division) Act 2019*’,

to which the House desires the concurrence of the Legislative Council.

House of Assembly, 10 September 2019

S. HICKEY, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

7 BILL NO. 29.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to provide for the issue and enforcement of restraint orders and for related matters’,

to which the House desires the concurrence of the Legislative Council.

House of Assembly, 10 September 2019

S. HICKEY, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

8 BILL NO. 26.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to amend the *Roads and Jetties Act 1935*’,

to which the House desires the concurrence of the Legislative Council.

House of Assembly, 10 September 2019

S. HICKEY, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

9 BILL NO. 23.— The Government Procurement Review (International Free Trade Agreements) Bill 2019 was read the Third time and passed.

10 BILL NO. 23.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act in relation to government procurement and for related purposes’.

Legislative Council, 11 September 2019

C.M. FARRELL, *President*

11 BILL NO. 17.— The Local Government Highways Amendment Bill 2019 was read the Third time and passed.

12 BILL NO. 17.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘An Act to amend the *Local Government (Highways) Act 1982*’.

Legislative Council, 11 September 2019

C.M. FARRELL, *President*

13 BILL NO. 63 OF 2018.— The Criminal Code and Related Legislation Amendment (Child Abuse) Bill 2018 was read the Third time and passed.

14 BILL NO. 63 OF 2018.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘An Act to amend the *Children, Young Persons and Their Families Act 1997*, the *Criminal Code Act 1924*, the *Evidence (Children and Special Witnesses) Act 2001* and the *Sentencing Act 1997*’.

Legislative Council, 11 September 2019

C.M. FARRELL, *President*

15 SITTING SUSPENDED.— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 11.11 o'clock a.m. and resumed at 2.30 o'clock p.m.

16 QUESTION TIME.— The President called for Questions without Notice. There were four Questions asked.

17 LEAVE TO TABLE ANSWER TO QUESTIONS.— *Ordered*, That Mrs *Hiscutt* have leave to Table answers to Questions arising from Budget Estimates.

18 BILL NO. 60 OF 2018.— The Order of the Day was read for the Second reading of the Litter Amendment Bill 2018.

A Motion was made (Ms *Howlett*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

Ordered, That the Debate be adjourned. (Ms *Howlett*)

19 SITTING SUSPENDED.— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 2.47 o'clock p.m. and resumed at 5.43 o'clock p.m.

20 BILL NO. 60 OF 2018.— The Council, according to Order, resumed the Debate on the Question, That the Litter Amendment Bill 2018 be now read the Second time.

And the Question being put,

It was resolved in the Affirmative.

And the Bill was, accordingly, read the Second time and committed to a Committee of the Whole Council.

And the President having left the Chair, the Council resolved itself into the said Committee.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 8 agreed to.

Title agreed to.

Bill to be reported without Amendment.

The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed her to report the same to the Council without Amendment.

Ordered, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Ms *Howlett*)

21 BILL NO. 25.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — 'A Bill for an Act to amend the *Roads and Jetties Act 1935*',

to which the House desires the concurrence of the Legislative Council.

House of Assembly, 11 September 2019

S. HICKEY, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next/tomorrow. (Mrs *Hiscutt*)

22 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council will at its rising adjourn until 11.00 o'clock am on Thursday, 12 September 2019.

It was resolved in the Affirmative.

Resolved, That the Council do now adjourn. (Mrs *Hiscutt*)

The Council adjourned at 6.39 o'clock p.m.

D.T. PEARCE, *Clerk of the Council*.

Briefings:

- *State Revenue Base Review*
- *Engender Equality*
- *Land Acquisition Amendment Bill 2018*
- *Corrections Amendment (Prisoner Remission) Bill 2018*
- *Huntingfield Order*