

Wednesday 11 September 2019

The President, **Mr Farrell**, took the Chair at 11 a.m. and read Prayers.

QUESTION UPON NOTICE

The following answer was given to a question upon notice:

8. CRESSY LOCKDOWN

Ms WEBB asked the Leader of the Government in the Legislative Council -

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 were 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; and
 - (iii) activities undertaken as a result of the operation?
- (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?
- (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 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?
 - (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 authorise the Cressy lockdown?
 - (b) If yes, why was this legislative authority not used for the Cressy lockdown?
 - (c) How many times have roadblocks been authorised under the Police Powers (Vehicle Interception) Act 2000 in -
 - (i) 2016-17;
 - (ii) 2017-18; and
 - (iii) 2018-19?

Mrs HISCUTT replied -

- (1) and (2)

We do not 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) One hundred and fifty vehicles were stopped during the operation you refer to.
- (4) One liquor offence, one drug offence and one unregistered vehicle.
- (5) This information is publicly available. Open source information provides examples of similar operations interstate and overseas. Because they are too big to read out, I will table these links to several relevant articles, if that would be helpful.

- (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. One hundred and fifty 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 no, that legislation could not have been applied. It is intended for responding to a specific offence or risk to public safety. It cannot 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.

Mr President, I seek leave to table this document.

Leave granted.

**MAGISTRATES COURT (CRIMINAL AND GENERAL
DIVISION) BILL 2019 (No. 27)**

**MAGISTRATES COURT (CRIMINAL AND GENERAL DIVISION)
(CONSEQUENTIAL AMENDMENTS) BILL 2019 (No. 28)**

RESTRAINT ORDERS BILL 2019 (No. 29)

**ROADS AND JETTIES AMENDMENT (WORKS IN
HIGHWAYS) BILL 2019 (No. 26)**

First Reading

Bills received from the House of Assembly and read the first time.

**GOVERNMENT PROCUREMENT REVIEW (INTERNATIONAL FREE TRADE
AGREEMENTS) BILL 2019 (No. 23)**

LOCAL GOVERNMENT (HIGHWAYS) AMENDMENT BILL 2019 (No. 17)

**CRIMINAL CODE AND RELATED LEGISLATION AMENDMENT (CHILD
ABUSE) BILL 2018 (No. 63)**

Third Reading

Bills read the third time.

SUSPENSION OF SITTING

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
Mr President, I move -

That the sitting be suspended until the ringing of the division bells.

This is to continue with our briefings.

Sitting suspended from 11.11 a.m. to 2.30 p.m.

QUESTIONS

Bass Highway - Coastal Erosion

Ms FORREST question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.31 p.m.]

Regarding the Government's policy approach and responses to coastal erosion -

- (1) Is the Government aware of the significant erosion of sections of coastline adjacent to the Bass Highway between Burnie and Wynyard, particularly in the vicinities of Cooee, Ocean Vista and the western end of Somerset?
- (2) If the Government is aware of this erosion, what remediation of the area is planned to prevent the undermining of this major highway, when will the work be carried out, and what are the expected costs of works?

ANSWER

Mr President, I thank the member for Murchison for her question.

- (1) In February 2019, the Department of State Growth engaged consultants GHD to conduct an audit of the rail corridor between Cooee and Wynyard to determine its current condition and assess future risk of exposure to predicted coastal inundation. The rail corridor is on the seaward side of the Bass Highway.

The audit report was completed by GHD in June 2019.

- (2) The audit report indicated that in a 20-year time frame, two sections of the Bass Highway adjacent to the corridor may be susceptible to coastal inundation. The audit report does not identify any immediate threat to the integrity of the Bass Highway.

The Tasmanian Government is still working through the detail of the audit report as part of an ongoing decision-making process with the Waratah-Wynyard Council and Burnie City Council on the Bass Highway upgrade planning.

Tasman Highway Upgrades - The Sideling

Ms RATTRAY question to LEADER OF THE GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.33 p.m.]

During the 2019 federal election campaign, the Liberal Government committed \$40 million towards The Sideling upgrade. I understand from a recent news item that the project process is well underway between Dorset Council and the state Government.

Can the Leader please advise -

- (1) What is being planned for The Sideling upgrade?
- (2) What funds are being provided by the state Government to assist with the upgrade?
- (3) What is the proposed time frame to commence and complete these works?

ANSWER

Mr President, I thank the member for McIntyre for her question.

- (1) The Australian Government's election commitment to Tasman Highway's The Sideling arose from a business case prepared by Dorset Council. That business case proposed widening and straightening the highway.

The Department of State Growth is reviewing the business case to understand the full extent of works, both what has been proposed and what can be delivered within the available funding.

- (2) The Tasmanian Government has committed \$10 million to bring the total project commitment to \$50 million.
- (3) The Tasmanian Government and the Australian Government will need to work together to determine the project delivery time frame. The department expects planning work to begin on the project in the first half of 2020.

Agricultural Research Farms

Ms RATTRAY question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.34 p.m.]

Given the Government's commitment and support to agriculture in regard to world-class research, development and extension - RD&E - with a commitment of \$7 million in the 2018-19 Budget to modernise Crown and Tasmanian Institute of Agriculture - TIA - research farm assets following the development of the Research Farm Portfolio Plan -

- (1) What projects, including works, have been identified and are being undertaken as part of the Research Farm Portfolio Plan?

- (2) Which of our four research stations - namely Grove, Cressy, Elliot and Forthside - are involved in projects?
- (3) Which of the four research stations have secured funds to enable works to be carried out, and what do those works entail?

ANSWER

Mr President, I thank the member for McIntyre for her questions. As a person who was born at Elliott, I have to point out it has two 't's' in it. I just noticed how it is spelled on the copy provided to me; I am not saying it is your mistake, but it is there.

(1) to (3)

This is a significant investment by the Government into infrastructure which will support the delivery of RD&E outcomes to benefit Tasmanian agriculture in the long term. The Government, through the Department of Primary Industries, Parks, Water and Environment, has undertaken initial consultations with the University of Tasmania, stakeholders at each of the farms and with key industry stakeholders and the TIA advisory board in relation to the investment required to modernise our research farm assets.

The consultation has refined our focus for capital investment into three research stations - Elliott Dairy Research Facility, Forthside Farm and Cressy Research Station. We are working to finalise the development of a coherent and connected centre of excellence model and plan for investment.

The Grove Research Development Station is leased and currently primarily an education, training and employment facility for people with disabilities (delivered by Oak Possability). For some time, there has been a lack of interest from stakeholders in Grove Research Development Station as a working research facility, with RD&E essentially confined to the heritage orchard. The Government has invested separately in Freer Farm, with \$5 million committed to develop the role of Freer Farm in delivering agricultural education skills and training. That will be led by the Department of State Growth and TasTAFE.

As an aside, Freer Farm was the farm where I did my apprenticeship.

Considering the scale and long-term nature of the capital investment, the Government is seeking to leverage the funds, including the possibility of co-investment, to get the best outcome for RD&E in Tasmania. The funds will be deployed to develop the infrastructure and site improvements that will boost the capacity of these facilities to deliver RD&E outcomes to benefit Tasmanian agriculture in the future.

In addition to the \$7 million capital investment in Tasmania's research farm assets, the Government has invested \$25 million over five years in the Tasmanian Institute of Agriculture and a further \$3 million through the Agricultural Innovation Fund. This funding will be used to deliver agricultural RD&E projects in Tasmania.

Ambulance Tasmania - Crew Utilisation Rate

Ms LOVELL question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.38 p.m.]

Ambulance services are under constant pressure with regular calls for overtime, increases in demand and the impact of almost constant ramping at the major hospitals in Tasmania.

Can the Leader please provide a breakdown of the average crew utilisation rate for each week in June and July 2019 for Ambulance Tasmania in a percentage of allocated road resources?

ANSWER

Mr President, I thank the member for Rumney for her question.

Currently, software systems within Ambulance Tasmania do not allow for a calculation of crew utilisation as a percentage of total road resources. For the time in question, Ambulance Tasmania advised it responded to 7166 incidents in June 2019 and 7323 incidents in July 2019.

TABLED PAPERS

Answers to Estimates Questions on Notice

[2.39 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have some answers to questions asked during Estimates. I will not read through them because there are too many but I will inform those members whose answers I have and then I will seek leave to table the answers.

I have answers for questions asked by the following members -

- Mr Dean - questions on the Workers Rehabilitation and Compensation Tribunal, the Migrant Resource Centre in the north, schools from lower socio-economic communities, and the Tasmanian Timber Promotion Board
- Ms Siejka - a question on workers rehabilitation
- Ms Lovell - a question about Health in the last financial year.

Mr President, I seek leave to table those answers.

Leave granted.

LITTER AMENDMENT BILL 2018 (No. 60)

Second Reading

[2.41 p.m.]

Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council - 2R) - Mr President, I move -

That the bill be now read the second time.

The purpose of this bill is to revise the current Litter Act to deal with illegal dumping of waste, with stricter penalties that reflect the seriousness of the dumping and subsequent costs to the community.

Illegal dumping is a form of littering that is becoming all too common along our roadways and in quiet bush areas. It is a pervasive and unnecessary part of our modern world. It spoils the appearance of our natural environment, affects tourism and has adverse ecological effects on our waterways and marine life.

Illegal dumping can range from a few bags of domestic rubbish thrown out on the side of the road through to large-scale illegal landfilling and dumping of hazardous waste, building waste and/or liquid effluent. It may also involve waste businesses and transporters operating without an appropriate permit or authorisation.

Some people have a throwaway mentality that is at odds with the community's desire for sustainable use of our natural resources but they are simply wrong in thinking that it is a good idea to dump their litter and waste without disposing of it properly.

It is time to take action to improve and protect our environment, enhance our reputation as a natural state and support the community's desire for a litter-free environment.

This bill will strengthen the current laws that apply to littering, focusing on the larger scale dumping that blights our environment.

The measures in the bill were developed with reference to laws in other states where illegal dumping is also an issue.

The bill approaches illegal dumping in several ways.

First, the bill introduces three new littering offences. These are -

- dumping litter with a volume of between 55 litres (approximately one large bag) and 2 cubic metres (approximately one large trailer load);
- dumping litter with a volume of between 2 and 10 cubic metres (approximately one large truckload); and
- dumping litter with a volume exceeding 10 cubic metres.

Second, the bill makes it an offence to destroy, damage, remove or interfere with a relevant surveillance camera that may be set up at popular dumping locations.

Third, the bill sets appropriate court penalties that reflect the seriousness of the offence, including -

- fines of up to 200 penalty units (\$32 600) for an individual and up to 500 penalty units (\$81 500) for a body corporate;
- potential forfeit of any vehicle used in illegal dumping; and
- a potential repayment of any monetary benefit obtained as a result of the offence.

We want to encourage compliance with this new legislation. However, if enforcement action is required, I expect the service of infringement notices for offences will be the first way the new act will be enforced. Infringement notice penalties will be set at 10 per cent of the court penalties. This bill is designed to commence upon proclamation to allow time for these appropriate infringement notice regulations to be developed.

There is no intention to target individuals or businesses that properly dispose of waste. Instead, compliance efforts will focus on those few who clearly seek to avoid their responsibilities and undermine the objectives of the Litter Act.

Offences can also be prosecuted in court if necessary, although I see this as a last resort and only for serious breaches or situations of serial noncompliance.

Finally, the bill's provisions are an important incentive to reduce large-scale littering and dumping in Tasmania.

The community rightly expects contemporary measures for reducing littering and dumping, and this bill is an important step in meeting community expectations.

Overall, it will make an important contribution towards the protection of Tasmania's lifestyle, environmental quality and its status as a progressive jurisdiction in terms of environmental management.

Mr President, I commend the bill to the House.

Debate adjourned.

SUSPENSION OF SITTING

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the sitting be suspended until the ringing of the division bells.

This is for further briefings.

Sitting suspended from 2.47 p.m. to 5.43 p.m.

LITTER AMENDMENT BILL 2018 (No. 60)

Second Reading

Resumed from above.

[5.44 p.m.]

Mr ARMSTRONG (Huon) - Mr President, I have some short comments to make on this bill. As outlined in the second reading speech, this bill strengthens current laws that apply to littering and focuses on the larger scale dumping we often see in our travels around the state, especially in country areas. I believe the penalties introduced in this bill are harsh enough to at least assist in

acting as a deterrent to those who engage in littering and dumping. I have no reason not to support the bill.

[5.44 p.m.]

Mr GAFFNEY (Mersey) - Mr President, like the member for Huon, I do not have much to say. It is interesting that clause 4(f) talks about -

if the litter exceeds 2 cubic metres, but does not exceed 10 cubic metres ... 100 penalty units

If it is under 10 cubic metres, it is a total of \$16 500, or 100 penalty units. If it is over 10 cubic metres, it rises to \$32 000. If it is 9 cubic metres, the person is charged \$16 500; but if it is 11 cubic metres, they are charged \$32 000, or 200 penalty units - which is fine, but there is a disparity. They have to draw the line somewhere, but I am interested in how they came to that decision about those units. It is a good one to put on the record so people can understand that is how the process is. I will be asking that question. I support the bill and congratulate those involved.

[5.45 p.m.]

Mr DEAN (Windermere) - Mr President, it is good to see this legislation coming through and some real penalties being imposed. Rubbish dumping is a blight on this state. It is a real concern that when you drive around you see rubbish dumped on the sides of the road; when you go into forested areas and look at the rubbish tipped out in those areas, it is incredible.

I spoke to a lady recently at Mount Direction. She had been on a country road and saw a truck tipping a load of rubbish onto the side of a road. She took the registration number, which was great, and reported it to the council. It might have been a council road, but it was in the Mount Direction area. I congratulated her when she told me about it - absolutely wonderful. They fit into some of these categories.

I would like to ask a question - I think it was asked at Estimates, as it normally is - about the success of the hotline we have for reporting people caught dumping rubbish, throwing cigarette butts out their windows et cetera. Complaints have been made to me that getting through to this hotline is a problem and then giving information is a problem, and that callers get no feedback after making these complaints. If they give their details - some do not, of course; it is done anonymously, I understand that - the results ought to be reported back. How successful is it? Can it be made easier? Is there a better way of doing it? I do not know, but it is something we really need to look at and get right.

Talking about rubbish - if you take cigarette butts, for instance, some of our places are littered with cigarette butts. It becomes an atrocious situation. Once again, it just does not do any good for the clean, green image we trade under. We trade under that brand of being clean, green and rubbish-free, but we really are not doing it all that well. We normally win all those awards, do we not? I think we normally win the Dirty Ashtray Award. I think if we do not win it, we -

Ms Forrest - The clean ashtray we win, don't we?

Mr DEAN - Well, we probably do. If we do not win it, we are normally a runner-up in some of these awards that we ought to be nowhere near. We ought to be at the bottom of it. To me, that is a real area of concern.

You see councils - and I think in some instances the Department of State Growth - going along the sides of the roads collecting rubbish. There is also a cost for that - quite a big cost, I would think - to the state and to local government in particular to do that. It would be good to get some understanding in relation to that.

My other point is: why is it necessary to include an offence of destroying and damaging a recording camera in this amendment bill? It is an offence to damage and destroy a camera. It always has been so why do we need to specifically identify that in this act? Do police select what they think might incur the greatest penalty if they were charging somebody? They could charge them under the Police Offences Act - damaging and destroying property - and there are other provisions under the Criminal Code if it is a serious case of destroying and damaging property.

Those charges can be included under a number of areas. There is one of interfering, and that includes interfering with cameras. I am not sure whether that would already be an offence. I think it would be if somebody were to come up and stick something over the lens of the camera so it cannot record. I would have thought it would already have been an offence, but maybe that is not the case. Maybe I could be given some answer in relation to this.

Have we had 'damage, destruction or interference' of these cameras set up to record dumping of rubbish and so on?

Mrs Hiscutt - I can answer that question now by saying yes, there has been damage.

Mr DEAN - How frequently has it occurred and how many in the last 12 months? Have any offenders been identified? This raises a number of other issues.

Mrs Hiscutt - I can indicate there are many. We do not have the figures here at the moment but they usually take the camera with them, so that is the end of that.

Mr DEAN - I take it these cameras - it was the Deputy Leader who was moving this bill, was it not? You two can fight that out.

Ms Rattray - I think 'work it out', not 'fight it out'.

Mr DEAN - These cameras are obviously in the main set up as individual cameras. There is no feedback of the information to any centralised area as with speed cameras which feed back into the system so destroying a camera cannot destroy everything the camera has recorded. I take it isolated cameras are set up and only record within the camera itself, not back to a central recording system.

I support the legislation. The only way increasing penalties works is if that is publicised and the information is put out there. We can have these beautiful penalties and so on, but unless people know it is likely to cost them if they are caught dumping rubbish or a cigarette butt, it will not be too much of a deterrent in relation to it. We need to get the penalty information out and make an example of anybody caught and charged with committing any littering offences. We need to note that example and give it the publicity necessary to get the message out. If you were to ask people what the penalty is for dumping rubbish, they would say an infringement notice is \$50 or something and that is about it. It is something you need to do a lot more about, in my view. I support the legislation. It is a start. It is a good move.

[5.54 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I support stronger penalties for excessive littering and illegal dumping. I am not moving away from that, but I have a couple of questions in regard to the liquid effluent referred to in the second reading speech. We know there are two effluent dumps in Tasmania. One is at Smithton and one at Powranna. There is a lot of kilometres around the state, so where do you dump your effluent? It is difficult to ask people in rural areas, particularly in the transport business, to make sure they have no liquid effluent on the roads when there are no effluent pits or dumps anywhere. I am interested in the referral to liquid effluent because the three new littering offences in the legislation do not talk about that. The bill talks about dumping litter, but the volume is between 55 litres, which is one bag, and 2 cubic metres.

I want to understand how that might work because I am happy to say that yes, this is what we need to do, but before we put legislation in place we have to make sure we have appropriate infrastructure across the state. My understanding is that we still only have two effluent dumps. The one at Powranna is only for when you wash your truck out. If you do not wash your truck out, you do not have an opportunity to let your effluent go. Not everyone has time to wash their truck out. I need to understand how that is going to affect people in the transport industry who rely on the cartage of livestock for their business. It also affects people who run a farm or a business and have to transport stock.

Unfortunately, not every owner makes sure their cattle are penned 12 hours before somebody arrives to pick them up. If there is no-one there, if the farmer or the landowner or the stock owner has gone, how does the person collecting that stock know whether they have been locked up for the appropriate time? There would not be as much effluent had they been locked up an hour before pick up. They do not know that. It is a conundrum to say this is what we need to do but we do not have the appropriate infrastructure in place. I am looking for some answers, including how these new littering offences relate to liquid effluent.

I am also interested in how we are doing with the small littering. How many people know 1300 135 513 is the Litter Hotline?

Mr Valentine - We do now.

Ms RATTRAY - We do now. We used to have some good advertising campaigns, as the member for Rosevears reminded me when we were sitting down. We do not see those campaigns anymore. As for State Growth picking up litter on the side of the roads, it has a job to clean out the table drains, let alone pick up litter. I have not seen its officers - and I do a lot of kilometres as I know other members do - but I have never seen them picking up litter. It is not State Growth anyway anymore, Stornoway does the roads. I have never seen them picking up any litter, let alone using a shovel. They use some small machinery from time to time, but they do not know how to use a shovel any more.

Ms Forrest - That is a bit harsh. I have seen them.

Ms RATTRAY - They are certainly not using them on the roads I go around. Yes, they come and take off trees when they are blown down so they use chainsaws and they tidy up a bit, but as for getting a shovel and cleaning out the table drains, I am not seeing it.

Mr Finch - I might call it a spade -

Ms RATTRAY - A spade or a shovel or something. I am interested in the anti-litter campaigns we used to see in the past and also in how we are going with small littering. If people are happy to throw rubbish out the window and do those small things, they are probably happy to graduate to the larger ones if they feel inclined. I am interested in how we are going with stopping the small stuff; as the member for Windermere said, no more cigarettes out the window, but it still happens. How many offences have been reported? How many prosecutions have moved through to the next stage?

The member for Windermere made a good point in regard to getting back to people. If you take the time to call the Litter Hotline and dob someone in, it would be good to know whether the process was completed and their actions were worthwhile. That is something for the Deputy Leader to look at.

In regard to who polices the offences, is local government again expected to be lifting up another notch? They already take some role in littering and illegal dumping, but I am interested with this elevated approach and the focus on littering, otherwise we would not be doing this. Have they been consulted with through LGAT on what their obligations are? Because they will mostly be the ones that will find illegal littering, not so much a government department.

I have asked a number of questions. I need to be firmly convinced we are doing the small stuff before we start imposing significant penalties, \$32 600 for an individual - that is a deposit on a house - and then \$81 500 for a body corporate, Lord save us. That is significant dollars. This is not Mickey Mouse stuff here - it is significant. We need to have some understanding of what infrastructure we have in place before we start telling people this is how it is.

[6.02 p.m.]

Mr FINCH (Rosevears) - Mr President, I suppose you have heard stories about trash and litter in the past. It was interesting to hear the member for Windermere talk about the butts that litter the streets - not as bad as it used to be. I remember when we were all puffing away, we just flicked matches and butts on to the ground and did not give them a second thought.

This reminded me of an old story. The member for Huon might remember this chap, as might the member for Windermere, being of the right vintage - Billy the butt stabber. He went around the movie theatres, the Avalon and Odeon and the different ones; when the people were going into the pictures, they would throw their cigarette butts in little sand boxes. Billy the butt stabber would come along with a stick with a little pin on the end of it; he would stab the butt and put it in his pocket and then he would stab another butt and put it in his pocket. He saved a bit of money helping with the litter problem.

Sometimes littering sparks people's community conscience. I remember going to Savage River one time and passing some big rubbish bags on the side of the highway. When I was further down I passed probably about six but there was a chap down over the back loading up rubbish bags on the way to Savage River. Visually, you could not see the rubbish from your car. I checked at Savage River when I arrived. He was an engineer who in his spare time was driven by his social conscience to help with the litter, because it was so prevalent in that area.

That is the case all over the countryside. If you go anywhere, go down over the bank, people have for eons tossed stuff over the bank, out of sight, out of mind. I remember as a young cub going to the Waterworks. I was hitchhiking into town from Ferntree and just passed Strickland Avenue and a call of nature was needed so I went down over the bank and among all this rubbish, here I am only about eight years of age -

Mr Dean - And you had a cigarette out your mouth.

Mr FINCH - I flicked the butt away and where it landed there was £17 in a little roll amongst the rubbish. You can imagine what £17 meant to a little eight-year-old. It was a fantastic find.

I have dealt with this issue in my own mind. How do you solve this issue of people throwing rubbish out of their cars? We talk about advertising campaigns and educating people. Put the fear of God into them, too, with the penalties and all that sort of thing, but we have to educate the young ones, the young people, as they come on because they will put the pressure on dad or mum who might throw the stuff out the window. The kids can tap them on the shoulder and say, 'Hang on, that is not right'.

One solution I think would be to hang a plastic bag off your gear stick, draped over the passenger side. It does not get in the way of your passenger normally. I can imagine somebody who is a misfit or has no regard for nature going to the various takeaway outlets. Look at the refuse you end up with if you get a meal from McDonalds or Hungry Jack's, or any of the others. You have all this rubbish in the car.

If you have no consideration for environment or the litter-free state we are trying to achieve, you will just throw it out the window. If there is an educative process to put these little plastic bags on your gear stick, at least you have a place to put it and it is not making a mess in the car. Then when you get a chance, it is easier to pick the rubbish up if it is all contained in one bag. It is then a matter of getting near a rubbish bin, throwing it in the rubbish bin or taking it inside. That might be a way of educating the younger ones. They will say, 'Dad or mum, you should have one of those plastic bags that they give you at blah blah'. That is my suggestion.

We should do whatever we can do to diminish the amount of rubbish because we are judged by tourists, particularly, who are travelling around. If we are an untidy state, that is the image they will take with them of what they experienced in Tasmania if we are not careful.

I had an experience in London one time of going to a train station. People had the idea of taking their rubbish to a train station and throwing it on the track, dumping it at the station. The rubbish in England - that is an enduring memory of mine from England, the rubbish. We have to try to avoid that for Tasmania. I support the bill.

[6.08 p.m.]

Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council) - Mr President, I thank the members for Huon, Mersey, Windermere, McIntyre and Rosevears for their contributions.

In answer to your question, member for Mersey, any scale of penalties will result in a step from one penalty to another. It needs to be remembered that the penalties are a maximum that can be imposed. In the situation described by the member, a court is likely to impose a penalty recognising the size and the quantity of the material.

In answer to the member for Windermere regarding statistics, the figures from the soon-to-be released Environment Protection Authority annual report for 2018-19 show 111 infringement notices were issued.

Member for McIntyre, the handling of commercial liquid effluent is managed under waste management regulations. Any illegal deposit of cattle effluent, in the first instance, would be dealt with by those provisions in a different act.

I thank all members for their contributions and support.

In addition to the member for Mersey's question, why penalty units and scales are set up as they are, the current Litter Act has penalties for the smaller end of the spectrum for littering and dumping. The new offences are for larger scale offences, so the penalty regime for the new offences has been scaled up from the existing penalties in the act.

To help in determining each of the steps the new penalty regime takes, other jurisdictions were reviewed for similar offences and penalties were set towards similar levels as those in other jurisdictions. It is also important to remember that some illegal dumpers deliberately dump hazardous or recyclable waste because they want to avoid the cost of landfill or recycling disposal. Their illegal actions are, in effect, saving them money, which is why we have added a clause giving courts the option of recovering this financial benefit as a special penalty.

Confiscation of vehicles is an option for very serious offences where a strong message needs to be sent that deliberate large-scale dumping will have significant consequences to offenders. It can cost many thousands of dollars to clean up large-scale littering so these penalties are completely appropriate for this type of offence and it will be at the court's discretion to apply these special penalties. That is for serious breaches that end up in court.

For many situations, the issuing of infringement notices will be the first option used. The penalties for these will be set at only 10 per cent of the court penalty in the bill. The amendments required to the regulations will be drafted as soon as possible once the bill has been approved by both Houses of parliament.

Mr Gaffney - While you are on your feet, you might take this on notice. I understand and I am not questioning the severity, but the way I read the bill is that once it is over 10 cubic metres, it will be 100 or 200 penalty units. There is no discretion there if, say, it is 11 cubic metres, that it could be 110 or 120 penalty units. To me, it is finite in its wording. Somebody who has dumped 11 cubic metres of rubbish has to be fined \$32 000, which is the same as somebody who might have dumped 50 cubic metres and will also be fined \$32 000. I am not sure where that is covered. To me, it just says it will be that much. I just want to clarify whether it is a sliding scale if the judge or whoever has to make the determination can do so. To me, it just says that is the number regardless. It does not say the penalty can be changed according to the size.

That is the question I will bring up in the Committee stage, to be answered there.

Ms HOWLETT - Thank you, honourable member, can I take that on notice?

Mr Gaffney - Yes, please.

Bill read the second time.

LITTER AMENDMENT BILL 2018 (No. 60)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 9 amended (Littering offences)

Ms RATTRAY - Madam Chair, in the Deputy Leader's response to my question on liquid effluent she advised me this was dealt with in another act. Am I to take it then that the liquid effluent referred to in the second reading speech is in regard to septic tank sewage transporters - people who pump out septic tanks, which in rural areas happens regularly across Tasmania where people do not have sewage systems? If it does not apply to transport operators who have livestock and do not intentionally have effluent spilling, does it apply to those who are septic tank removalists?

Ms HOWLETT - In answer to your question, member for McIntyre, the offences can be dealt with under two separate acts. If it is commercial, it can be dealt with under the waste management act; if it is on a small scale and non-commercial, it can be dealt with under the litter amendment act. It can be dealt with under two different acts, depending on the size.

Ms RATTRAY - Can I have some indication of what the reference to liquid effluent and transporters operating without an appropriate permit or authorisation is referring to? I am looking for who is going to need to understand what is being proposed here. If it is not transport operators with cattle who are travelling from Pyengana to Smithton, there will be issues. They will have tanks in the trucks but sometimes they overflow if you go up a hill. If it does not apply to that and it comes under another area, what is this reference?

I need to understand who is going to have understand what the requirements are. That is what I need to know. I am not sure how you work out what is a small and what is a commercial operator. I suggest someone who is pumping out a septic tank is a commercial business but I do not know if they are a small operator. I do not know how much effluent comes out of a septic tank. I am lucky to be on a sewerage system so I do not have to engage with that, but a lot of people do so we need to understand who this is actually going to affect.

Ms HOWLETT - I am one of those people who is currently on a septic system. The simple answer to that is anyone who illegally dumps waste.

If it is taken into the bush and the waste is dumped, that is illegally dumping the product as opposed to taking it to a certified dumping location. For example, a builder emptying a portable toilet would be dealt with under this act, not the waste management act.

Ms RATTRAY - So a septic tank pump operator would have the appropriate permits through their local government area and they would be right? They would not be caught up in this? They would have the appropriate permits in place or they would not be operating in their municipality. A 'yes' to that will be fine. But a builder who has one - and there are many people who have portable toilets now, at every event you go to, including people who just have a party at home sometimes will hire them - would be a business and would have the appropriate permits in place to be able to

go and unload their waste at various places that take it. I presume it is something like they have for caravans at caravan parks?

Mr Dean - A dump station.

Ms RATTRAY - Yes, a dump station; that would be it. So we are really looking at somebody who perhaps says, 'I have had a party, I hired a toilet but if you charge less, I will get rid of it myself'. Is that what we are looking at here, and is that all we are looking at?

I am trying to understand who is going to get caught up in this. Is that the only scenario? Everyone else would have the appropriate permits and licences or they would not be able to operate a business, I expect. Just a couple of 'yeses' to clarify that; I have run out of calls.

Ms HOWLETT - Yes. If they have a licence and they are removing that waste material et cetera, they are not going to be charged. If they do not have a licence and they are getting rid of that material in forests et cetera, they will be charged.

Ms Rattray - People will be advised that will be the case? There will be an advertising campaign to let people know? No?

Ms HOWLETT - I would not have thought so. People should know you cannot just go and dump waste illegally or at the end of a road or in a forest. It is really common sense.

Mr DEAN - Madam Chair, the way I read this, and I do not think it was covered in the bill, is that for people committing second and third offences there is no difference; the one penalty simply applies in all circumstances. Is that the way it is to be read?

Ms HOWLETT - That is a matter for the courts.

Mr GAFFNEY - I think this might help the member for Windermere as well. I will ask the question because I went about it a bit in the second reading debate, so I suppose it will be a yes or no. Because we are inserting parts of clause 4 into the principal act, the principal act says 'fine not exceeding' that. In that case, for a person who has one, two or three attempts, the first fine could be at a certain level and if he or she does it again, it could be raised. It is not exceeding those numbers. That is where the greater penalty could come in. These are not finite numbers. The words 'fine not exceeding' give some flexibility for increasing the penalty and fine up to that point of 100 or 200 penalties. Is that correct?

Ms HOWLETT - Yes, that is correct. That is why we are inserting 4(d) and (e).

Clause 4 agreed to.

Clause 5 -

Sections 9A and 9B inserted

Mr DEAN - During the second reading I raised the issue of the number of offences committed in the area of damage and destruction of cameras, and interference with cameras. It was indicated there had been a number of them, but my question was not quite answered - how many offences have we had in this area? How many interferences to cameras have we had? Has any offender

been caught? Have any charges been laid against anybody in relation to any of the offences in this area?

My other question for clause 5 relates to where there is not only a severe fine imposed, but there is also the possible forfeiture of a vehicle, vessel or trailer. I take it that is forfeited totally, to be sold or disposed of as the department considers fit? I suspect it would be sold and the money would go into consolidated revenue. How likely is that ever to occur? It is no good having it there if it is not likely to occur. It is a severe penalty to take a truck, but will it occur?

Ms HOWLETT - Unfortunately, the experience is that there is a lot of damage to and stealing of cameras. The deployment of cameras for the purpose of dealing with litter is not done through the Police Offences Act, so those provisions cannot be used. The offences need to be contained in the act under which they are being deployed. Much of this data is held by councils, not the EPA.

In relation to confiscation of vehicles, it is an option for the courts in the most serious of dumping cases. It would only be likely to apply to repeat offenders who have set out to dump waste in a systematic and sustained fashion. It will also only apply to those who dump more than 2 cubic metres of waste, which would essentially be a commercial-scale waste volume.

Mr DEAN - Councils may well deal with it, but are you telling me that a number of offences have been committed in relation to these cameras but you are not able to give me the numbers and whether any action has been taken against any person? That is my question. I think you are saying I should ask the councils for this information. I would think that because these offences are committed in relation to these cameras, the department would have some knowledge of them because the camera would have to be replaced. Where they have been interfered with and broken, damaged and stolen, does the local government have to replace them, or are they not replaced?

I raised my next question on this matter in the second reading speech as well, but I do not think it was answered; it might have been - maybe I did not hear it properly. The penalties here for dumping, say, 10 cubic metres or more - and we have just been told a vehicle could be forfeited; a truck, for instance, worth \$200 000 to \$300 000. What publicity will be done to get this message out there? In relation to the other increases this bill will provide for as well, how will we do that?

How is it going to be marketed to get the information, the message, out there that we are now serious about dumping rubbish illegally in this state and are going to do something about it? Just what are we going to do to ensure that people will know what is likely to happen if they illegally dump rubbish or continue to dump rubbish?

Ms HOWLETT - At the moment the cameras being stolen are owned by the local government authorities so no-one can actually be prosecuted because the data is on those cameras. I can request the data from each individual municipality for you.

Mr Dean - If you can, if it is available - not a great amount, but I would like to know if the others would too.

Ms HOWLETT - I can request that data for you. This is very exciting actually. There will be another program of awareness raising in the near future regarding our new rubbish reporting system. Am I allowed to say any more about that or not?

Mr Dean - Yes, you are allowed to have a scoop.

Ms HOWLETT - A new app will be launched very soon. You will actually be able to take a photograph on your phone and add it to the app; it will go to a central system and tell people where the rubbish is so it can be reported and be collected and so on.

While this is not specific to the existing Litter Hotline, it is completely separate and will help create even more awareness in the community that littering is totally not acceptable. We will also have a focus more broadly through the Waste Action Plan that may raise further awareness opportunities.

The Environment Protection Authority puts out media releases about where significant fines are and, looking into the future, this app will certainly be of huge significance.

Clause 5 agreed to.

Clauses 6 to 8 agreed to and bill taken through the remainder of the Committee stage.

ROADS AND JETTIES AMENDMENT (VALIDATION) BILL 2019 (No. 25)

First Reading

Bill received from the House of Assembly and read the first time.

ADJOURNMENT

[6.38 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
Mr President, I move -

That at its rising the Council adjourn until 11 a.m. on Thursday, 12 September 2019.

Honourable members, we have a 9 o'clock briefing in the morning with the Tasmanian Community Fund, and we have arranged for Ian Thomas, the Director of Prisons, to brief us at 10 o'clock before Council starts sitting at 11 o'clock.

The Council adjourned at 6.39 p.m.