



LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 54

WEDNESDAY, 25 MARCH 2020

- 1 **COUNCIL MEETS.**— The Council met at 11.00 o'clock in the forenoon.
- 2 **ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.**— The President said: “We meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian Aboriginal people and elders, past, present and emerging. We recognise them as the traditional and original owners and the continuing custodians of this land.”
- 3 **PRAYERS.**— The President read Prayers.
- 4 **LEAVE TO TABLE ANSWERS TO QUESTIONS AND INCORPORATE ANSWERS INTO HANSARD.**—*Ordered*, That Mrs *Hiscutt* have leave to Table answers to Question Nos. 22, 23 and 24 and have the answers incorporated into the Hansard record.
- 5 **IMPACT OF GAMBLING.**— Ms *Webb* asked the Honourable the Leader of the Government three Questions —

Impact of gambling on homelessness

Research indicates a connection in Australia between gambling harm and homelessness; a link that doesn't exist in other jurisdictions where poker machines are located only in destination gambling venues.

With the Government intending to keep poker machines in Tasmanian local communities for a further 20 years beyond 2023:

- (1) Has the Government assessed and quantified the extent to which gambling harm has contributed to date to the level of homelessness and cost of homelessness services in Tasmania?
- (2) Has the Government modelled the likely contribution of gambling harm to our state's future level of homelessness and cost of homelessness services under the proposed new licencing model?
- (3) (a) Do Government-funded homelessness services collect data about the presence of gambling harm for people seeking assistance for homelessness; and
(b) if not, why not?
- (4) Does the Government have other data sources that quantify or indicate the co-occurrence of homelessness and gambling harm in this state?

Impact of gambling on Family Violence

Australian research has found a statistically significant correlation between poker machine density and police-recorded domestic violence rates among postcodes. Further, research in Victoria, South

Australia and Tasmania has shown that more than half the people receiving problem gambling treatment have recent experience of domestic violence, either as survivors or perpetrators.

With the Government intending to keep poker machines in Tasmanian local communities for a further 20 years beyond 2023:

- (1) Has the Government assessed and quantified the extent to which gambling harm has contributed to date to the level of family violence and cost of family violence services in Tasmania?
- (2) Has the Government modelled the likely contribution of gambling harm to our state's future level of family violence and cost of family violence services under the proposed new licencing model?
- (3)
 - (a) Do Government-funded family violence services collect data about the presence of gambling harm for people seeking assistance for family violence; and
 - (b) if not, why not?
- (4) Does the Government have other data sources that quantify or indicate the co-occurrence of family violence and gambling harm in this state?

Impact of gambling on crime

Australian research has indicated that the rate of problem gamblers within prison populations appears to be substantially higher than prevalence rates observed among the general population. For example, in a Victorian study the rate of problem gambling among prisoners was one in three compared to a general population proportion of 0.7 per cent. Further, 37 per cent prisoners surveyed reported having committed a gambling-related offence at some point in their lifetime.

With the Government intending to keep poker machines in Tasmanian local communities for a further 20 years beyond 2023:

- (1) Has the Government assessed and quantified the extent to which gambling harm has contributed to date to the level of crime and cost of incarceration in Tasmania?
- (2) Has the Government modelled the likely contribution of gambling harm to our state's future level of crime and cost of incarceration under the proposed new licencing model?
- (3)
 - (a) Does the Government collect data about the presence of gambling harm for people convicted of crime in Tasmania, especially fraud, stealing or other financial-related crimes; and
 - (b) if not, why not?
- (4) Does the Government have other data sources that quantify or indicate the co-occurrence of crime and gambling harm in this state?

The Leader answered,

Tasmania, like all other Australian jurisdictions, recognises that homelessness, family violence, mental health and resorting to crime are complex social issues that stem from a range of contributing factors, and it would be misleading to isolate any one factor as the cause.

Homelessness and family violence services have screening tools to assess the needs of clients, which includes some financial information. The screening processes ensure that people engaged with these services are provided with appropriate and relevant support.

The Department of Health is working with the Coroner's Office on developing the Tasmanian Suicide Register, which will provide the capacity to analyse information captured as part of Coronial Investigations of suicide. This information will include identified stressors, including financial stressors where identified (which could capture information about gambling).

Analysis of the extent of crime leading to court-imposed sentences is challenging, due to an absence of specific data collection associated with gambling-related crime.

The Government is supporting people at risk of problem gambling through a range of harm minimization measures targeted at industry, the community and the individual. These measures which are some of the strongest nationally and will remain under the proposed new licensing model, include:

- The Tasmanian Liquor and Gaming Commission’s Responsible Gambling Mandatory Code of Practice for Tasmania and rules for gambling operators;
- Community education and support services, including counselling, funded under the Community Support Levy and administered by the Gambling Support Program;
- The Tasmanian Gambling Exclusion Scheme, which requires people wanting to self-exclude to speak with a counsellor in recognition of the co-morbidity factors generally present for problem gamblers;
- The National Consumer Protection Framework for online gambling; and
- A three-yearly study on the economic and social impact of gambling in Tasmania.

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

- (1) Australian Criminal Intelligence Commission: 2017-2018 Chair Annual Report.
- (2) Right to Information Annual Report on the administration of the Right to Information Act 2009 for the period 1 July 2018 – 30 June 2019.
- (3) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 2.225 ha and 182 m2 situate in Richmond Road – Cambridge Link Road Project, Municipal area of Clarence.
- (4) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 2656 m2 situate in Richmond Road – Cambridge Link Road Project, Municipal area of Clarence.
- (5) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 572 m2 situate in Richmond Road – Cambridge Link Road Project, Municipal area of Clarence.
- (6) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 574 m2 situate in Richmond Road – Cambridge Link Road Project, Municipal area of Clarence.
- (7) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 1151 m2 situate in Richmond Road – Cambridge Link Road Project, Municipal area of Clarence.
- (8) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 458 m2 situate in Richmond Road – Cambridge Link Road Project, Municipal area of Clarence.
- (9) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 3624 m2 and 1105 m2 situate in Richmond Road – Cambridge Link Road Project, Municipal area of Clarence.

- (10) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 1158 m² and 700 m² situate in Richmond Road – Cambridge Link Road Project, Municipal area of Clarence.
- (11) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 363 m² situate in Richmond Road – Cambridge Link Road Project, Municipal area of Clarence.
- (12) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 301 m² and 48.7 m² situate in Richmond Road – Cambridge Link Road Project, Municipal area of Clarence.
- (13) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 101 m² situate in Richmond Road Upgrade – Cambridge Link Road Tasman Highway Interchange to Richmond Road, Municipal area of Clarence.
- (14) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 129 m² and 479 m² situate in Richmond Road Upgrade – Cambridge Link Road Tasman Highway Interchange to Richmond Road, Municipal area of Clarence.
- (15) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 93.7 m², 86 m² and 210 m² situate in Richmond Road Upgrade – Cambridge Link Road Tasman Highway Interchange to Richmond Road, Municipal area of Clarence.
- (16) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 308 m² situate in Richmond Road Upgrade – Cambridge Link Road Tasman Highway Interchange to Richmond Road, Municipal area of Clarence.
- (17) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 334 m² situate in Richmond Road Upgrade – Cambridge Link Road Tasman Highway Interchange to Richmond Road, Municipal area of Clarence.
- (18) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 127 m² situate in Richmond Road Upgrade – Cambridge Link Road Tasman Highway Interchange to Richmond Road, Municipal area of Clarence.
- (19) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 1340 m² and 103 m² situate in Richmond Road Upgrade – Cambridge Link Road Tasman Highway Interchange to Richmond Road, Municipal area of Clarence.
- (20) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 994 m² situate in Richmond Road Upgrade – Cambridge Link Road Tasman Highway Interchange to Richmond Road, Municipal area of Clarence.
- (21) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 117 m² situate in Richmond Road Upgrade – Cambridge Link Road Tasman Highway Interchange to Richmond Road, Municipal area of Clarence
- (22) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 111 m² situate in Richmond Road Upgrade – Cambridge Link Road Tasman Highway Interchange to Richmond Road, Municipal area of Clarence

7 LEAVE TO TABLE ANSWER TO QUESTIONS AND INCORPORATE ANSWER INTO HANSARD.—*Ordered*, That Mrs *Hiscutt* have leave to Table answers to Questions from the Member for Huon (Mr *Armstrong*) relating to the Ida Bay Railway; from the Member for McIntyre (Ms *Rattray*) relating to the Pioneer water supply; from the Member for Murchison (Ms *Forrest*) relating to the following Hydro Tasmania generation assets, COVID 19 and Hydro Tasmania operations, TasNetworks revenue and the Australia Energy Regulator, Sustainable Timber Tasmania's

accrued revenue and expenses, Hydro Tasmania's Basslink costs and benefits, Electoral Act reforms; and from the Member for Rosevears (Mr *Finch*) regarding wild fallow deer; and have the answers incorporated into the Hansard record.

8 BILL NO. 4. — The Evidence Amendment Bill 2020 was read the Third time and passed.

9 BILL NO. 4.— 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 to amend the *Evidence Act 2001*'.

Legislative Council, 25 March 2020

C.M. FARRELL, *President*

10 BILL NO. 5. — The Criminal Code Amendment (Sexual Abuse Terminology) Bill 2020 was read the Third time and passed.

11 BILL NO. 5.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, 'A Bill for an Act to amend the *Criminal Code Act 1924* and to consequentially amend the other relevant legislation'.

Legislative Council, 25 March 2020

C.M. FARRELL, *President*

12 BILL NO. 13.— The Order of the Day was read for the Second reading of the Taxation and Related Legislation (Miscellaneous Amendments) Bill 2020.

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

A Debate arose thereupon.

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 13 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 Bill be now read the Third time. (Mrs *Hiscutt*)

13 BILL NO. 13.— The Taxation and Related Legislation (Miscellaneous Amendments) Bill 2020 was read the Third time and passed.

14 BILL NO. 13.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, 'A Bill for an Act to amend the *First Home Owner Grant Act 2000*, the *Payroll Tax Act 2008* and the *Payroll Tax Rebate (Apprentices, Trainees and Youth Employees) Act 2017*'.

Legislative Council, 25 March 2020

C.M. FARRELL, *President*

15 BILL NO. 3.— The Order of the Day was read for the Second reading of the Justice Legislation Amendments (Criminal Responsibility) Bill 2020.

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

A Debate arose thereupon.

Ordered, That the Debate be adjourned. (Mrs *Hiscutt*)

16 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 12.04 o'clock p.m. and resumed at 12.35 o'clock p.m.

17 BILL NO. 3.— The Council, according to Order, resumed the Debate on the Question, That the Justice Legislation Amendments (Criminal Responsibility) Bill 2020 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.

18 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

19 SUSPENSION OF STANDING ORDERS.— *Ordered*, That so much of Standing Orders be suspended to enable the Bill to be now read the Third time. (Mrs *Hiscutt*)

Ordered, That the Bill be now read the Third time. (Mrs *Hiscutt*)

20 BILL NO. 3. — The Justice Legislation Amendments (Criminal Responsibility) Bill 2020 was read the Third time and passed.

21 BILL NO. 3.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, 'A Bill for an Act to amend the *Criminal Code Act 1924* and the *Sentencing Act 1997*'.

Legislative Council, 25 March 2020

C.M. FARRELL, *President*

22 BILL NO. 15.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — 'A Bill for an Act to make provision for the purchase by the Crown of certain land, and improvements, affected by earth movements at Brickmakers Point in Deviot in the West Tamar Council municipal area, and for related purposes',

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

House of Assembly, 26 June 2016

S. HICKEY, *Speaker*

The Bill was read the First time.

23 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

24 SUSPENSION OF STANDING ORDERS.— A Motion was made (Mrs *Hiscutt*) and the Question was proposed — That so much of Standing be suspended to allow the Bill to pass through its remaining stages at such time as the Council may appoint.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

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

A Debate arose thereupon.

25 SITTING SUSPENDED.— It being 1.00 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 2.30 o'clock p.m.

26 LEAVE TO TABLE ANSWERS TO QUESTIONS AND INCORPORATE ANSWER INTO HANSARD.—*Ordered*, That Mrs *Hiscutt* have leave to Table answers to Questions from the Member for Murchison (Mr *Forrest*) relating to the practice of settlements of legal actions against the Crown; and from the Member for Launceston (Ms *Armitage*) relating to the Australian Criminal Intelligence Commission National Wastewater Drug Monitoring Program and have the answers incorporated into the Hansard record.

27 BILL NO. 15.— The Council resumed the Debate on the Question, That the Brickmakers Point Landslip Bill 2020 be now read the Second time.

Ordered, That the Debate be adjourned. (Mrs *Hiscutt*)

28 SITTING SUSPENDED.— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells for the purpose of a briefing. (Mrs *Hiscutt*)

The Sitting was suspended at 2.40 o'clock p.m. and resumed at 3.15 o'clock p.m.

29 BILL NO. 15.— The Council, according to Order, resumed the Debate on the Question, That the Brickmakers Point Landslip Bill 2020 be now read the Second time.

A Motion was made (Mr *Finch*) and the Question was proposed, That the Debate be adjourned.

A Debate arose thereupon.

And the Question being put,

The Council divided.

AYES 10

NOES 2

Ms *Armitage*

Mr *Armstrong*

Mr *Dean*

Mrs *Hiscutt* (Teller)

Mr *Finch*

Ms *Forrest*

Mr *Gaffney*

Ms *Lovell* (Teller)

Ms *Ratray*

Mr *Valentine*

Ms *Webb*

Mr *Willie*

It was resolved in the Affirmative.

30 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 4.10 o'clock p.m. and resumed at 5.05 o'clock p.m.

31 BILL NO. 14.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to make provision to deal with certain risks, arising from the disease, known as coronavirus disease 2019 (COVID-19), to the effective performance and exercise of judicial, administrative or legislative functions and powers in relation to the State, to mitigate in certain circumstances the financial and social effects related to those risks, to amend the *Emergency Management Act 2006* and the *Residential Tenancy Act 1997* and for related purposes’,

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

House of Assembly, 25 March 2020

S. HICKEY, *Speaker*

The Bill was read the First time.

32 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

33 SUSPENSION OF STANDING ORDERS.— *Ordered*, That so much of Standing Orders be suspended to allow the Bill to pass through its remaining stages at such time as the Council may appoint. (Mrs *Hiscutt*)

A Motion was made (Mrs *Hiscutt*), 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 *Forrest*)

34 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 5.47 o'clock p.m. and resumed at 7.35 o'clock p.m.

35 BILL NO. 14.— The Council, according to Order, resumed the Debate on the Question, That the COVID-19 Disease Emergency (Miscellaneous Provisions) Bill 2020 be now read the Second time.

Ordered, That the Debate be adjourned. (Mrs *Hiscutt*)

36 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council will at its rising adjourn until 9.00 o'clock am on Thursday, 26 March 2020.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

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

The Council adjourned at 9.02 o'clock p.m.

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

Briefings:

- *COVID Disease Emergency (Miscellaneous Provisions) Bill 2020*
- *Justice Legislation Amendments (Criminal Responsibility) Bill 2020*
- *Brickmakers Point Landslip Bill 2020*