The most important thing is that the victim can access support immediately after the act of violence has been verified by the VAU. The VAU will provide a central point to access support services, practical support during court proceedings and a victims complaints resolution process, as well as government coordination of services, information, training and policy development for victims of crime in Queensland.

Victims will be ranked in three categories: primary, secondary and related victims. Primary victims are entitled to a maximum amount of financial assistance to the value of $75,000. Where the victim is seeking recompense for medical and counselling services, the maximum available will be up to $10,000, within that $75,000 maximum amount. Secondary victims, such as parents who are injured during an act of violence and witnesses of serious acts of violence such as murder and manslaughter, would be able to access up to $50,000, while witnesses of other acts of violence will be entitled to seek up to $10,000 in assistance. Related victims, persons who are close family or dependants of a person who has died, will be able to share in financial assistance of up to $100,000, with a maximum amount of assistance of $50,000 per related victim.

Sitting suspended from 1.00 pm to 2.30 pm.

022 **Mrs MENKENS:** A victim will be able to apply for interim assistance of up to $6,000 prior to the final grant of assistance being given. This amount will be taken into account as part of the final grant of assistance to the victim and is included in the maximum amount of assistance that they would be granted. Victims will have up to six years after the reporting of the crime to vary or apply for additional assistance. That assistance will be available to victims from the Magistrates Court through to the higher courts. The legislation is modelled off the Victorian scheme which has been in operation and been working quite well for the last 10 years. The scheme will receive increased funding rising to $28.8 million by 2011-12, which is an additional $7 million a year over and above current arrangements. Hopefully, it will be money well spent in this case.

There will also be a category of special victims—that is, a victim of a sexual nature or violence against a child—and they will not be required to report to police. Instead, they can make a report to their counsellor, psychologist or doctor due to the unique circumstances of these victims. It is pleasing to see that victims will be able to have an easier path to financial assistance. It is hoped that those victims do not end up a victim a second time, as has happened sometimes in the past.

I recall a case that was brought to my attention in 2007. In fact, I spoke at length in this House about this case. It was an instance where an innocent Palm Island woman was not only the victim of a severe crime but was also the victim of the legal profession. The woman was the victim of a number of very serious assaults and, as a result of court appearances, she was awarded criminal compensation of $15,000 by the Queensland District Court. However, she received only $2,013.54. Her private solicitor claimed 84 per cent of the $15,000 for professional fees, costs and disbursement. This lady, who had gone through the trauma of assault, was left a victim again by an unscrupulous solicitor. Had she been represented by Legal Aid Queensland, the legal cost would have been no more than $4,400 and she would have received $10,600 instead of only around $2,000. I hope that the victims of crime who do receive specific financial assistance do not become a further victim of the crime, as happened with this woman.

We as the people's representatives need to be aware of the impact that crimes—not just violent crimes but fraudulent crimes—have on the victims. It is usually our courts that have to weigh up the seriousness of the crime and the plight of the victim against a suitable sentence. Some victims may be disappointed with the result of making an impact statement to sentencing courts. A South Australian study found that victims in cases where statements were submitted believed sentences imposed by courts were too lenient. Therefore, the use of a victim impact statement in the sentencing process in some cases resulted in unfulfilled expectations.

In conclusion, the Victims of Crime Assistance Bill 2009 will address many of the issues that have plagued the system in the past and shows a common-sense approach to an issue which affects so many in our society. I commend the bill to the House.

Debate, on motion of Mrs Menkens, adjourned.

GAMBLING AND OTHER LEGISLATION AMENDMENT BILL

First Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (2.34 pm): I present a bill for an act to amend the Casino Control Act 1982, the Charitable and Non-Profit Gaming Act 1999, the Gaming Machine Act 1991, the Interactive Gambling (Player Protection) Act 1998, the Keno Act 1996, the Liquor Act 1992, the Lotteries Act 1997, the Racing Act 2002, the Residential Services (Accreditation) Act 2002 and the Wagering Act 1998 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Gambling and Other Legislation Amendment Bill.
Tabled paper: Gambling and Other Legislation Amendment Bill, explanatory notes.

Second Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (2.35 pm): I move—

That the bill be now read a second time.

The introduction of the Gambling and Other Legislation Amendment Bill 2009 enables a number of important reforms to the regulation of gambling in Queensland. In addition, it will provide for amendments to the liquor, racing and residential services (accreditation) acts to improve the regulation of the associated industries, by clarifying their scope, minimising harm and reducing the regulatory burden on industry and the community.

One of this government's Towards Q2 commitments is to support safe and caring communities. In line with this commitment, the government is introducing a number of reforms designed to minimise the potential harm gambling can cause. This includes a cap on club gaming machines, mandatory responsible service of gambling and zero tolerance toward venues that demonstrate an unwillingness to commit to gambling related exclusions. The Gambling and Other Legislation Amendment Bill 2009 gives legislative effect to these initiatives.

In developing these gambling reforms, the government has been careful to balance the interests of industry and the consumer while ensuring that the harm gambling causes in our communities is minimised as much as possible. However, the reforms do not seek to remove the right of Queenslanders to participate responsibly in gambling activities, nor prevent legitimate operators from making a living and employing their fellow Queenslanders.

The Queensland Household Gambling Survey in 2007 found that approximately 0.47 per cent of the Queensland adult population are problem gamblers. While this percentage is low, the government is not prepared to simply accept this situation, and this bill provides for important measures aimed at minimising the number of Queenslanders who experience problems with gambling.

The introduction of a state-wide cap on club gaming machine numbers is a key strategy to control access to gaming machines. Queensland clubs are currently subject to a cap of 280 gaming machines per site. However there has been no state-wide cap on club gaming machine numbers. In 2003, the Queensland Government capped the state-wide number for hotel gaming machines. This cap has proved successful in limiting the growth of gaming machines in the hotel sector.

Accordingly, the Queensland government has therefore made a decision to cap the number of gaming machines in the club sector to further stem gaming machine growth in the state. Since 16 April 2008, there has been a moratorium on the release of new gaming machines in clubs and hotels. In November last year, the Treasurer announced that the state-wide number of gaming machines in clubs would be capped at 24,705. The cap is given legislative effect through this bill.

I recognise the valuable contribution of clubs to our community. The club industry provides many benefits to the Queensland community. It employs approximately 26,900 people and improves the quality of life of Queenslanders through provision of sporting and recreation facilities. A social and economic impact study undertaken throughout Queensland in 2008-09 by a research consultancy firm found that on average each club provides $711,000 a year in economic benefits to their community.

No gaming machines will be taken from clubs as a result of this cap. Clubs will still be able to operate gaming machines for which they have obtained approval from the Queensland Gaming Commission, if the approval was granted from a valid application made prior to 16 April 2008, the date when the moratorium commenced.

Clubs that have approvals granted by the commission after this date will be able to access gaming machine entitlements through a market based reallocation scheme, which is also given legislative effect through this bill. A gaming machine entitlement is the right to install and operate a gaming machine in a Queensland club, and the total number of entitlements will equal the cap number. In addition to having an approval for a gaming machine, the licensee will need to acquire an entitlement to install and operate the gaming machine.

023 Under the reallocation scheme, the number of entitlements state-wide will not increase but the entitlements will move between various clubs through transfers. Clubs approved to decrease their number of gaming machines will be able to transfer entitlements to clubs that are approved to increase their number of gaming machines at a price agreed to by the clubs involved in the transfer.

Clubs with less than 30 approved gaming machines will also be able to transfer out entitlements to other clubs which have approvals to increase on a temporary basis for up to eight years. This will provide an additional revenue option to small clubs that may find the costs of installing, operating and updating gaming machines prohibitive. I thank the Queensland club industry for its valuable input into the development of the reallocation scheme.

Further measures are included in this bill to protect vulnerable persons. The government will take a zero tolerance approach to gambling operators who distribute or cause a person to distribute promotional material to a known excluded person. Previously, this has not been an offence but, rather, a breach of the voluntary code of practice. However, amendments in this bill now make such an action an offence. Operators who distribute promotional material to people they know are excluded from their venue will face clear financial penalties.

This bill also provides for mandatory responsible service of gambling training for all hotel and club staff employed in gambling related roles. The intention in making responsible service of gambling training mandatory is to ensure persons who provide gambling services to the community are aware of their responsibilities and have the necessary knowledge to minimise the potential harm gambling can cause. It will also complement the existing mandatory responsible service of alcohol training required for staff who supply liquor to the public.

This bill also introduces new offence provisions for minors who gamble. Currently, penalties apply to operators who allow a minor to gamble. Most of the gaming acts also apply penalties to minors who are found to be participating in gambling activities. However, there are no offence provisions for a minor who participates in lotteries or wagering activities. To rectify this, the bill contains amendments to the relevant acts making it an offence for minors to participate in lotteries and wagering activities. It also contains amendments to provide for consistency in penalties across the gaming acts for offences related to minors who gamble.

The bill will also provide for card based gaming in casinos, which will allow for a cashless means of participating in gaming. The gaming industry and other Australian jurisdictions are increasingly adopting card based gaming and other emerging cashless gaming technologies. These technologies have the potential to minimise harm from gambling by providing for precommitment which allows players to manage expenditure and time by setting predetermined limits.

Trials of the technology, undertaken at two Queensland clubs, found that there was overall support for the system by the venues, players and system suppliers. As a result of the success of these trials, card based gaming is ready to be implemented by clubs and hotels throughout Queensland on a voluntary basis. However, legislative amendments are required before card based gaming can be extended to casinos, as the Casino Control Act does not provide for such technology.

In addition to harm minimisation measures, the Gambling and Other Legislation Amendment Bill 2009 contains amendments which are aimed at decreasing unnecessary regulation. The Queensland government continually aims to improve on the delivery of government services and reduce red tape to address business sector and broader community concerns. In this regard, following a recommendation by the then Service Delivery and Performance Commission that each government agency assess the functional arrangements for developing and reviewing legislation within their agency, a review of gaming rules in Queensland was undertaken. This was done with a view to removing gaming rules from subordinate legislation as a key strategy to improve service delivery and reduce red tape.

Information contained in gaming rules is primarily of a commercial and technical nature forming detailed terms and conditions between the gaming operator and player. Such information is not usually contained in legislation and is difficult and costly to maintain as subordinate legislation. Queensland, the Northern Territory and Western Australia are the only Australian jurisdictions that currently have gaming rules as subordinate legislation. Removing gaming rules from subordinate legislation will reduce the time taken to develop new or modify existing gaming rules and therefore decrease the administrative burden on operators. Rules will continue to be subject to ministerial approval to ensure decisions on new gaming products are consistent with the government's overall policy direction for gambling in Queensland. Matters that are more appropriately dealt with as subordinate legislation will be prescribed by regulation.

A number of other amendments to the gaming acts are also contained in this bill. The Charitable and Non-Profit Gaming Act currently does not allow a Parents and Friends Association for a non-state school to conduct Art Unions in their own right, but does allow a Parents and Citizens Association for a state school to do so. To rectify this inconsistency, an amendment is made to allow for a Parents and Friends Association associated with non-state schools to conduct an Art Union. Provisions are also being inserted in the Casino Control Act and the Gaming Machine Act that will allow for a regulation to set a limit on the maximum note denomination that can be accepted by a gaming machine note acceptor.

The bill also contains amendments to the Lotteries Act which will allow Golden Casket to distribute Queensland lottery products—namely, instant scratch-its—in other jurisdictions. As a consequence, in those jurisdictions players will be able to participate in Queensland instant scratch-it

games. They will also participate in common prize pools for those games. Administrative and taxation arrangements will be made with those jurisdictions where Queensland products are distributed.

Additionally, the bill contains amendments to a number of the gaming acts to allow for the Queensland Police Service to notify the chief executive if there is a change in the criminal history of a person who is involved in the operation of gaming in Queensland. Ensuring probity of licensed persons is vital to maintaining the integrity of the gaming industry in Queensland.

Currently, legislation provides for action to be taken against licensed persons if they are indicted on particular criminal charges. The legislation also places an onus on licensees and other persons involved in gaming to advise the department of convictions for indictable offences. However, many fail to report adverse changes to their criminal history. Therefore, on advice from the Queensland Police Service, this bill contains amendments to various gaming acts to require the Commissioner of Police to notify the chief executive of any change in circumstances regarding the criminal history of a key person involved with the conduct of gaming in Queensland.

This bill also contains amendments to the Liquor Act. In September, the Liquor and Other Acts Amendment Act 2008 was passed in the Queensland parliament, which enhanced the role of harm minimisation in the regulation of the liquor industry and increased administrative efficiencies. In implementing the initiatives provided for in the amendment act, a number of further amendments to the Liquor Act have been identified as necessary to ensure regulation is appropriate and minimises the burden on industry and the community.

This bill amends the Liquor Act so that approved managers are only required to be reasonably available rather than present on the premises during 7 am until 10 am, as is currently the situation between ordinary trading hours of 10 am until midnight. The early extended trading hours between 7 am and 9 am are considered to pose less risk than the post midnight to 5 am trading period.

To ensure that high-risk situations are appropriately managed, licensees will be subject to a requirement for approved managers to be present at any time where a risk assessment warrants it. The current requirement that approved managers are present for the high-risk period of extended hours trading after midnight will remain unchanged.

To further reduce the burden on industry, an additional amendment is also made to the definition of ‘reasonably available’ as it applies to approved managers, licensees and permittees of licensed premises. Currently, ‘reasonably available’ is defined in the Liquor Act as being readily contactable by each person involved in the service of liquor at the premises and remaining within one hour’s travel distance from those premises. The requirement for an approved manager to be within one hour of the licensed premises can be onerous on certain business. This is particularly the case for those located in regional areas where there is a lack of available staff and often considerable distances between people’s homes and their workplace.

To ease this burden when it is appropriate, this bill amends the Liquor Act to allow the chief executive to vary the period of time reasonably needed for an approved manager to travel to the premises. A licensee must be able to demonstrate to the chief executive that the one-hour time qualification imposes an unnecessarily high regulatory burden before it will be extended.

024 A number of significant changes to liquor licence fees were introduced at the beginning of this year. However, several significant weather events have affected our state since January, particularly flooding and storm damage. Many small licensees have experienced difficulty paying the new fees as a result of disasters that have affected their homes and their licensed premises.

Currently, if their licence fees are not paid by the due date their licence is suspended, and if they cannot pay it in full within a further 28 days their licence is cancelled. An amendment is therefore contained in this bill to allow the chief executive to approve a schedule of part payments which are made after the prescribed due date, if the licensee’s ability to pay the fee has been adversely affected by a natural disaster or some other exceptional circumstance outside their control. If the licensee is approved to make staged payments, their licence will not be suspended or cancelled.

While this government seeks to reduce the regulatory burden wherever it is appropriate, it is also serious about protecting the community from operators that do not comply with regulatory requirements. Approved extended trading hours for liquor licenses are not a right but rather a privilege extended to licensees who can demonstrate that they can operate their businesses in a lawful and responsible way. To ensure operators understand this, an amendment to the Liquor Act is included in this bill to clarify that the chief executive has the ability to review approved extended trading hours of licensed premises.

The bill also removes an exemption from the 3 am lockout provision for the Gold Coast during the motor carnival weekend. This is in response to community and local council requests that the exemption be removed due to the potential for alcohol misuse and levels of violence in and around licensed premises. The bill contains a number of other minor amendments to the Liquor Act so that the legislation is consistent, clear and minimises any potential harm that liquor may cause in the community.

The Racing Act 2002 is also amended through this bill. The purpose of the amendments to the Racing Act is to assist the racing control bodies to protect the integrity of the Queensland racing industry by giving the control bodies the power to obtain information from the holder of a race information authority. The amendments empower the control bodies to obtain betting information and betting trend analyses from wagering operators using Queensland race information.

The holder of an authority may be required to be subject to betting monitoring systems. Currently, the control bodies can only require betting information and betting trend analyses from wagering operators that they license, by imposing a condition on the licence. The Queensland control bodies cannot require interstate and international wagering operators, not licensed by the control bodies, to provide this information.

This bill also amends the Residential Services (Accreditation) Act to provide clarity and certainty to its coverage over the aged rental scheme sector. This sector provides both accommodation and a food or personal care service to older members of the community. This act was always intended to cover the aged rental scheme sector of the residential services industry. However, there has been some uncertainty as to whether the act adequately captures aged rental schemes, particularly those where the accommodation and food service or personal care services are not provided by the same person. These amendments will clarify the coverage by the act and deliver consumer protection to residents of aged rental schemes, many of whom are on fixed incomes, such as age pensions, and have limited other accommodation options. I commend the bill to the House.

Debate, on motion of Mr Stevens, adjourned.

VICTIMS OF CRIME ASSISTANCE BILL

Second Reading

Resumed from p. 1929, on motion of Mr Dick—

That the bill be now read a second time.

Mr CRANDON (Coomera—LNP) (2.53 pm): I rise to contribute to the debate on the Victims of Crime Assistance Bill 2009. One of the objectives of the bill, among other things, is to provide a scheme to give financial assistance to certain victims of acts of violence. One aspect of the purpose of the bill, as mentioned in the explanatory notes, is to make the scheme simpler and easier to access. I applaud the Attorney-General and the government for endeavouring to make this so.

I do have some questions regarding the payment of amounts intended as non-expense assistance of up to $20,000 that are offset by any amount received under the Workers Compensation Act. It appears that currently amounts received under any victims of crime scheme, including criminal injury compensation and death benefits, are exempt for the purpose of offset under the Social Security Act 1991.

This infers that victims that receive an amount currently would not lose Centrelink benefits. These benefits may, for example, be received as a result of injuries incurred during the crime against them. They may legitimately be on Centrelink benefits because they are unable to work. Currently they do not appear to lose any benefit as a result of receiving compensation.

My question is: under the new bill, given that an offset is imposed against workers compensation, if workers compensation were not involved would a payment being received from Centrelink be reduced or lost on receiving this non-expense assistance? This bill suggests that an amount received under workers compensation is income.

Another question I have relates to the taxation implications. Once again I refer to the offset against workers compensation. It again implies that the amount is income. What is the effect of receiving this amount with regard to income tax? Workers compensation is income tax assessable. Would this amount also be income tax assessable?

Coming back to my original question, is there an unintended consequence in drafting this bill? If the amount is offset for Centrelink purposes, it seems to be unfair that this is not. These amounts are meant to be payments to victims of crime to give them a hand up, not a hand out. They have sustained a terrible crime against them or against a family member. Surely this could not be regarded as double dipping. They should be entitled to their Centrelink entitlements or other benefits as well as this amount from the victims of crime legislation. It is assistance as a result of the crime suffered. To my mind and to any fair minded person, these victims should not lose other benefits and entitlements.

I come back to my question once again: is there an unintended consequence? Is this non-expense assistance going to be affected under federal taxation legislation? Once again, any fair minded person would surely agree that this should not be the case. Could the Attorney-General clarify these matters for the House?