


CHARITABLE AND NON-PROFIT GAMING (TWO-UP) AMENDMENT BILL

Introduction and Referral to the Finance and Administration Committee

 **Hon. PT LUCAS** (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (3.31 pm): I present a bill for an act to amend the Charitable and Non-Profit Gaming Act 1999 for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

Tabled paper: Charitable and Non-Profit Gaming (Two-up) Amendment Bill.

Tabled paper: Charitable and Non-Profit Gaming (Two-up) Amendment Bill, explanatory notes.

Countries are defined by the institutions and milestones which they mark and achieve along the way. Australia is a country that fortunately has never suffered the horrors of civil war but our freedom nonetheless has come at a price. It has come at a price from those who have been prepared over the past 100 years to defend us and other nations of the world from fascism and totalitarianism and against those who seek to take away freedom and deny democracy to us. This was not achieved easily. It was achieved at a price, that price being the blood of Australian servicemen and servicewomen who have been prepared to defend us and fight for Australia in these conflicts.

Australians are not particularly religious in Western terms, but, of course for some of us, religious days have significance. For all of us, the most hallowed day in the calendar we all agree upon is Anzac Day. That is because we remember our ex-service men and women. But for all the seriousness and horror of war, it would be wrong to think that the Australian character did not shine through in our activities and undertakings overseas: larrikinism, mateship, having a bet. That tradition of two-up conceived in the goldfields and forged during conflicts is still an essential part of Anzac Day for many parts of Queensland.

Our police are fully aware of these traditions and of course have appropriately, if you like, overlooked someone playing a bit of two-up on Anzac Day at the local RSL. As far I am able to ascertain, there has not been one prosecution in the last 20 or so years for playing two-up and I am not aware of any prior to that time. However, this year the issue was raised in the context of a hotel in Cairns seeking to play two-up and the Premier undertook to examine the issue.

Perhaps it would make no difference to continue on as we have for the past 100 years and rely on the good sense and good judgement of individuals when it comes to playing two-up on Anzac Day. Alas, that is not the modern world. It is on that basis that I introduce the bill to the House. The Charitable and Non-Profit Gaming (Two-up) Amendment Bill legalises the playing of two-up on Anzac Day, Remembrance Day and related days prescribed in a regulation, if conducted by or for a Returned & Services League club or RSL sub-branch in Queensland or at a function at another liquor licensed premises if approved in writing by an RSL club or RSL sub-branch.

Currently, casinos have an exclusive right to conduct two-up games in Queensland. This exclusivity was initially granted to casinos by the conservative government during the 1980s, when casinos were first established in Queensland. The playing of two-up is authorised by the respective casino agreements, which are commercial agreements between the state and the relevant operators authorised by the Casino Control Act 1982 and the relevant casino agreement acts. However, no casino in Queensland currently operates two-up games. At present, two-up is an unlawful game if played in Queensland in a public place outside of a casino under sections 234 and 230A of the Criminal Code.

Before I discuss the amendments in the bill, I will give a brief history of two-up in Australia. The game is believed to have been adapted from the game of pitch and toss and is thought to have been first played by transported Australian convicts. Requiring only two coins and a level patch of ground, its essential simplicity and portability appealed to early convicts, emancipists and military officers who were excluded from the card games of the colony's respectable elite.

However, during the 19th century, two-up was condemned by some churches, the press and various antigambling lobby groups. As well as the moral and class arguments against two-up, there was strong opposition to profiteering from gambling. The various colonial governments were concerned with matters of taxation and control, and two-up's mobility and informal betting structures created particular difficulties for regulatory authorities.

As a result, the game was made illegal in Australian jurisdictions during the second half of the 19th century. Queensland's Suppression of Gambling Act 1895 and the later Vagrants, Gaming and Other Offences Act 1931, both now repealed, both explicitly identify two-up as an unlawful game. Its illegality also did not prevent two-up from being celebrated as Australia's national game during the First World War, when it became identified with the newly acquired sense of national identity, personified by the digger. In the post First World War period, despite continued illegality, two-up thrived as ex-soldiers shared again the comradeship of their war days. The two-up tradition was carried on by a new generation of Australian soldiers in Africa and New Guinea during the Second World War.

Significantly, the association between Australian diggers and two-up was institutionalised in ritualistic games of two-up held after the memorial service every Anzac Day. The annual Anzac Day two-up game became an important link which united and revitalised two generations of war veterans. Because of this link with military tradition it has been commonly accepted in the Queensland community that two-up is played on Anzac Day, and similar days such as Remembrance Day, as a mark of respect to those who have served their nation in wartime, despite its technical illegality. In line with community expectation, the amendments in the bill seek to make the conduct of the game legal if conducted by an RSL club and sub-branch on Anzac Day, Remembrance Day and related days prescribed in a regulation.

In addition, the bill provides for two-up games to be played at functions on Anzac Day, Remembrance Day and related days prescribed in a regulation in other liquor licensed premises if the person who conducts the game is approved in writing by an RSL sub-branch. This would allow relevant RSL sub-branches to approve two-up on these special days in areas where there is community demand but for which no RSL is located nearby. This aims to ensure that, if there is demand, people in rural or regional areas will be able to participate in two-up games on days which are significant to the remembrance of the sacrifice of service personnel.

The bill is not designed to remove the casinos' rights to exclusive conduct of two-up except for particular days of the year when Australians commemorate those who have served their country and those who have paid the ultimate sacrifice. The bill provides for the conduct of two-up on these days in RSL clubs and RSL sub-branches. The Returned & Services League was established for the principal purpose of promoting the interests and welfare of former and serving members of the Australian Defence Force and their dependants. The RSL exists to assist and care for the sick, elderly and needy whilst preserving the memory and records of those who served, suffered and died for our country as well as encouraging youth to serve the nation with the spirit of self-sacrifice and loyalty.

To ensure two-up is not used for profit making, provisions within the bill prohibit commissions on wagers by participants. However, the bill will allow an entry fee, if all money raised is donated to RSL clubs and RSL sub-branches and is used for purposes to support ex-service men and women and their families. It is the intent of the bill that all money raised will be used for this purpose and not be used for club operating expenses or other administrative purposes. Provisions in the bill also prohibit minors from participating.

I note the Criminal Code (Anzac Day Betting) Amendment Bill 2011, which was introduced in the Legislative Assembly as a private member's bill on 11 May 2011 by the honourable member for Kawana. That bill seeks to amend the Criminal Code so that a two-up game held in a licensed hotel and club in conjunction with an Anzac Day celebration will not be an unlawful game.

011 There are a number of issues with the amendments proposed in that bill. They are: in exempting two-up from the definition of unlawful games in the Criminal Code, it would create an inconsistency in the legislative framework for legalised gaming, as all legalised gaming is authorised under a gaming act; while two-up is part of Australia's military tradition, the private member's bill does not restrict its play to RSL entities but extends it to all licensed hotels and clubs, including those which have no connection with any returned services group—

Mr BLEIJIE: Mr Speaker, I rise to a point of order.

Mr Ryan interjected.

Mr SPEAKER: Order! Member for Morayfield! I am hearing the point of order.

Mr BLEIJIE: The Attorney-General is referring to a bill that I have introduced in the House. I understand his is nearly a copy of our bill but he cannot now debate the bill that is yet to be debated. It is second on the *Notice Paper* with the private members' bills.

Mr SPEAKER: Order! In the context of introducing his bill, the Attorney-General is in order in referring to the other bill. Therefore, notwithstanding the feelings of the honourable member for Kawana, the honourable the Attorney-General is in order.

Mr LUCAS: It is a matter of regret that the honourable member, firstly, does not check his standing orders and, secondly, seeks to expose his ignorance on an important matter such as this. In fact, he refers to a bill that is different in its import. The honourable member would be aware that of course I am now highlighting the differences between our bill and what was sought to be introduced by him that would allow private individuals to profit without any connection to the RSL.

The other issues with the private member's bill are that the extension of two-up gaming to all licensed clubs and hotels is inconsistent with current exclusivity agreements with casinos and potentially would leave the state open to compensation claims; the private member's bill does not prevent minors from playing two-up games; and the private member's bill makes no provision for where potential revenue derived from the playing of two-up games would be directed, therefore potentially allowing businesses to conduct the game as a profit-making activity.

The Charitable and Non-Profit Gaming (Two-up) Amendment Bill 2011 addresses these issues. The authority to conduct two-up games will be restricted to significant days of the year when Australians commemorate the sacrifice of service personnel at RSL clubs, sub-branches and services clubs, or at other licensed premises if the person who conducts the game is approved in writing by an RSL club or sub-branch. Minors are prohibited from participating. The organiser cannot take a commission on money wagered and any entry fees must go to supporting ex-service men and women and their families.

Furthermore, the authority to conduct two-up games is provided for in a gaming act, the Charitable and Non-Profit Gaming Act 1999, consistent with the current legislative framework for gaming. I commend the bill to the House.

First Reading

Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (3.43 pm): 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.

Mr SPEAKER: In accordance with standing order 131, the bill is now referred to the Finance and Administration Committee.

~~STOCK ROUTE NETWORK MANAGEMENT BILL~~

~~Introduction and Referral to the Transport, Local Government and Infrastructure Committee~~

 **Hon. RG NOLAN** (Ipswich—ALP) (Minister for Finance, Natural Resources and the Arts) (3.43 pm): I present a bill for an act about the management of the stock route network and associated land and to make consequential amendments to the Aboriginal Land Act 1991, the Cape York Peninsula Heritage Act 2007, the Fisheries Act 1994, the Forestry Act 1959, the Land Act 1994, the Land Protection (Pest and Stock Route Management) Act 2002, the Stock Act 1915, the Transport Infrastructure Act 1994, the Transport Infrastructure (State controlled Roads) Regulation 2006, the Vegetation Management Act 1999, the Water Act 2000 and the Water Supply (Safety and Reliability) Act 2008. I table the bill and the explanatory notes. I nominate the Transport, Local Government and Infrastructure Committee to consider the bill.

Tabled paper: Stock Route Network Management Bill.

Tabled paper: Stock Route Network Management Bill, explanatory notes.

I am pleased to introduce the first stand-alone Stock Route Network Management Bill 2011 into parliament today. Members are no doubt familiar with the many droving tales that are integral to Queensland's folklore. They may not, however, be aware of the extent to which this public asset network of routes, roads and reserves for travelling stock, which crisscrosses the state, continues to be used today both by drovers to drive stock 'on the hoof', and its secondary benefits to graziers for grazing of stock and as biodiversity corridors.

The bill recognises that while the primary purpose of the network is to provide for the movement of travelling stock now and into the future, other important attributes associated with these lands such as biodiversity and cultural heritage also warrant preservation. Accordingly, the new legislation introduces changes to the way in which the stock route network and related local government public lands are managed and used.

The network includes roads declared as stock routes, state controlled roads and reserves for travelling stock, and related other local government controlled roads and lands connected to the stock route network. The stock route network is 72,000 kilometres in length and covers over 2.6 million hectares of Queensland. As well as supporting the pastoral industry, it supports a diverse range of flora and fauna from the springs of the Great Artesian Basin to the brigalow woodlands and to the tropical rivers of the gulf country. The stock route network traverses a number of national parks, conservation reserves and state forests as well as leasehold and freehold land, so its corridors have a critical role to play in climate change adaptation.

The cost of maintaining the network is significant and is primarily the responsibility of local governments, who are the day to day managers. Under the existing arrangements, an independent assessment for LGAQ showed that only four per cent of the costs of operating and maintaining the stock route network are recovered from the fees paid by users. What this means is that general ratepayers subsidise the use of the stock route by drovers who move stock around and many adjoining landholders