



Speech by

Mr BRUCE LAMING

MEMBER FOR MOOLOOLAH

Hansard 23 March 1999

GAMING MACHINE AND OTHER LEGISLATION AMENDMENT BILL

Mr LAMING (Mooloolah—LP) (3.14 p.m.): I am pleased to rise to speak to the Gaming Machine and Other Legislation Amendment Bill. I do not intend to take my full time, but I would like to reflect on some communications that have been made with me on the provisions of this legislation. I also wish to make some remarks about the Minister's second-reading speech.

It is particularly pleasing to follow the member for Moggill, who has a very deep understanding not only of the current situation but of the history that led us to the position we find ourselves in at the moment. He went carefully through the background of the legislation and referred to the white paper and the open process that was followed with the various interest groups. He took into account the concerns of the industry and the QOGR. He pointed out that it was not intended to increase the numbers of places for gambling in Queensland. The legislation introduced at that time allowed for clubs to provide better service to their members. It also allowed clubs to keep pace with new technology.

The service to members and clubs offered by the surf-lifesaving movement is very extensive. The movement has a proud role in this country. It provides services to the local community and to visitors to Queensland. It is most important that we take this into account. We can talk about how the legislation affects different people, but we must remember the very important, unpaid service provided by these people, particularly at weekends.

Mr Lucas interjected.

Mr LAMING: Which Minister is that over there? I cannot quite see him.

Revenue sharing was an option at the time. The member for Moggill outlined that that option was always on the table. I confess that I do not have a detailed knowledge of the operation of gaming machines. As a matter of fact, I personally do not particularly like them. However, that does not mean that I do not have a responsibility to speak about the industry. A lot of people in my electorate enjoy playing on gaming machines and recognise that it is a part of the club and entertainment industry.

The introduction of gaming machines has been an obvious boon to clubs in Queensland. A couple of the larger clubs on the Sunshine Coast are part way through some quite magnificent refurbishments. The changes to the clubs do not simply involve bricks and mortar but also include improved services to the community. I hope that the Minister for Emergency Services is not going to leave the Chamber just yet because I was going to refer to the comments she made this morning—comments with which I entirely agree. I agree that the situation that has occurred in recent months needs attention.

I would like to refer to some of the points that the Minister made in his second-reading speech. He said that, while the amendments are primarily administrative in nature, certain provisions have been included to ensure that licensed monitoring operators and clubs continue to act in the best interests of clubs and club members. When the legislation passes through this House, either as it is or in an amended form, it will not have that effect—it will not be in the best interests of the clubs and their members. We must remember that the community relies very heavily on the services of these clubs. The Minister has fallen short in that regard and he might like to comment on that in his reply.

The Minister stated—

"The legislation will also give effect to the Government's commitment to the club industry to implement a package of legislative changes which will prohibit entrepreneurial activities being conducted to the detriment of clubs and their members."

I will return to that point a little later and refer to clubs that I am aware of that claim quite the reverse, that the arrangements that they have entered into are going to enhance not only the financial standing and ability of those clubs but also they are going to make what they do with that extra funding very, very valuable not just to their members but also to the wider community. The Minister goes on to state—

"The legislation contains a number of provisions ... to ensure that clubs continue to be controlled by appropriately elected officials and operate in the best interests of club members."

This control is continuing under the contracts that have been entered into by a number of clubs, and I will also return to that point a little later and give some examples. The Minister goes on to state—

"This amendment will essentially restore the arrangements which existed prior to 1 July 1997 when the coalition's 1997 Act came into force. As such, this amendment will have retrospective effect to that date."

I have a great difficulty with retrospective legislation, and I suspect that most members on both sides of this House also have a difficulty with retrospective legislation, unless it can be shown clearly—and time and again we have read this in our Alert Digest that is issued by the relevant committee—that no individuals or groups of people in our community are disadvantaged. That is not the case with this legislation, because there are clubs that will be disadvantaged. I think that fact alone should dictate that this legislation needs to be amended. As the member for Moggill has said, the Opposition is not opposing the legislation in toto but it realises that some things need to be changed and, in particular, clause 113 needs to be amended.

The Alert Digest also refers to the retrospectivity from 1 July 1997. I would like to remind honourable members that that is two years ago. Retrospective legislation is one thing but the longer the period involved, the worse is that retrospectivity. It is a long time frame for people to make arrangements, enter into contracts in good faith and conduct their business affairs based on legislation that existed at the time. The Alert Digest goes on to refer to a number of other factors, such as—

"... the agreements will be unenforceable by any of the parties to them

the parties may encounter difficulties in securing restitution of benefits transferred under the agreements

the title to property affected by the agreements may have passed.

... retrospectively rendered liable to prosecution for breach of s.189(1)."

I would like the Minister to refer to that in his reply.

The member for Moggill also referred to a letter from the Deception Bay Sporting Association. In common with most other members, if not all members, I received a copy of that letter. The person who wrote that letter made some very valid comments, which I think are worth reading into Hansard. The letter states—

"The Deception Bay Sporting Club is a community based and orientated organisation. Our goals are simple. To provide a high level of services and facilities for our members and to support and promote sport in the Deception Bay area. We have built our membership to 750 through the hard work of our volunteers and a further 1200 members benefit through the affiliation of 15 other clubs and associations."

I am sure that all members received this letter and that most members would have read it and taken its contents on board. I think that Government members in particular should reflect on that letter. The letter goes on to state—

"Overnight, the State Government will have turned a group of hard working volunteers into criminals because of their involvement with an agreement that was perfectly legal and in full compliance with the law.

...

The bottom line is that Directors and officers, who give up their own time to work for their community, face the prospect of being out of pocket, a possible jail term or fines simply because they complied with legislative requirements.

...

It is not fair, or reasonable for a group of people who work to build community services and facilities to be turned into criminal's overnight.

I would urge all Members of Parliament to examine the real impact of these legislative changes before clubs and volunteers throughout Queensland are made to suffer."

Similarly, I have a letter from Surf Life Saving Queensland—and I know that this is one of the larger organisations that is affected by the legislation. I refer to a few lines of what Brett Williamson, the chief executive officer, stated in that letter.

Mr Nuttall: Do you support them?

Mr LAMING: The member for Sandgate should listen to what I have to say. The letter states—

"Surf Life Saving needs additional funding to maintain and grow the vital safety services required to keep our beaches safe, and to support the role that we play in the emergency services, tourism, youth, development and education activities within our State. We want to be able to improve our self-generating fundraising instead of requesting additional Government funding. In doing so we will be investing in Queensland and in Queensland jobs!

Isn't this a good concept."

I would like to move on from Surf Life Saving Queensland to a particular club in my own electorate which is affected, and I can give some samples of how it is affected. I had the opportunity to present a petition to this Parliament signed by 300 people, which states—

"The Petition of the citizens of Queensland draws to the attention of the House the retrospective gaming legislation which places an \$85 million investment package and more than 1500 potential jobs for Queensland in jeopardy."

That was signed by 300 people from in and around the Kawana Surf Life Saving Club, which is a very new club. There are a lot of older clubs throughout Queensland. Some have celebrated their 75th anniversary and the anniversary of the Alexandra Headlands club, of which I was an active member for 10 years, is coming up this year. The Kawana Surf Life Saving Club started during the time I have been living on the coast. This very small club has commenced within the past 20 years. I can remember that the club started with a tent and then it had a little shed. This is how the clubs started 30, 40, 50, 60 or 70 years ago. However, in recent times not many new clubs have started. The Kawana Surf Life Saving Club started just like all of those other clubs: it had virtually nothing on the beach except a lot of conscientious effort out there in the sun to save lives. There is about 11 kilometres of beach north and south of the Kawana club that is not patrolled. Members may recall my speaking in this place earlier this year about people who drowned in Kawana last year. Unfortunately, only last week a couple of ladies drowned up at Marcoola. I have said in this place before and I will say it again that Governments have an opportunity and, dare I say, an obligation to provide more assistance and not make life more difficult for people involved in surf-lifesaving.

Mr Nuttall: We have given them more money than ever before. That's an unfair comment.

Mr LAMING: I am talking about the ability of clubs to raise money other than get funding directly from the Government. There are ways that this can be addressed.

Mr Briskey: This amendment does not stop them from raising money.

Mr LAMING: The member says that it does not stop them.

Mr Briskey: What about the Mooloolaba Surf Life Saving Club? Is that in your electorate?

Mr LAMING: The Mooloolaba Surf Life Saving Club is also in my electorate. We are talking about a different situation.

Mr Briskey: Do they support the amendments?

Mr LAMING: We are talking about a club that has been there for over 70 years. It is very big, very successful and it does a very good job. I am also a member of that club. Other clubs, which are not as big but are as old, also support the amendments that we are bringing in. I am talking about the Kawana club, which is a very small club. I am also a member of that one. It supports very strongly our amendments to this legislation to enable it to continue. I will give the honourable member some facts, and I hope that he and the other members, including the Minister, listen to them because I have asked the manager of the Kawana Waters Surf Life Saving Club to provide me with some information for the benefit of members so that they can make a balanced and reasoned decision when they are voting on the amendments put before the Committee by the member for Moggill. A letter from the Kawana Waters Surf Life Saving Club states—

"Under the government system of renting machines ours had not been upgraded since installation, a period of over three years. The rule of thumb is that 25% of gaming machines should be changed each year.

Consequently our installation of 15 machines"—

we are talking about a small club—

"was stagnant and needed a complete change at a cost of \$250,000-\$300,000. It was unlikely that we could have borrowed that amount for the purchase of gaming machines.

This option required no capital outlay.

Profit sharing reduces the level of risk.

...

The amount paid so far to Tabcorp is only a little more than we would have to pay for finance.

...

No capital outlay.

We will only pay more if we earn more. With bank finance we would pay \$6,000 a month regardless of profit. Interest rates are low and could increase over the five year period of our contract.

It is in Tabcorp's interest for the club to succeed.

We will receive regular upgrading of machines at no cost to us. I would expect Tabcorp to spend up to another \$100,000 in 1999.

Free monitoring.

Free installation of linked jackpots.

Free installation of a player loyalty system which would cost \$1500 per machine to install plus running costs.

Assistance with promoting machines.

Staff training supplied by Tabcorp.

Since the upgrade of our machines in October 1998, our gaming business has increased by 80% and food and drink sales have improved.

The possible impact of retrospective legislation on Kawana Surf Club.

At worst Tabcorp would remove all their machines and return our old ones.

We would have to borrow to buy the machines from Tabcorp or some other LMO.

In 1999, we hope to build a new bar and install air conditioning at a cost of about \$250,000. A commitment of that amount to buy gaming machines could affect our ability to borrow money for building purposes.

Should this happen, our ability to improve and expand could be set back several years.

...

Tabcorp can not and will not be involved in the management of Kawana Waters Surf Life Saving Supporters Club."

For the Minister's benefit, I repeat the point that TABCorp cannot and will not be involved in the management of Kawana Waters Surf Life Saving Supporters Club. In his speech the Minister talked about the management of clubs, and I have heard it mentioned elsewhere. It is very important to outline that that is certainly not the intended or possible outcome, certainly as far as Kawana Waters is concerned.

An article in today's Sunshine Coast Daily mentions a couple of clubs on the Sunshine Coast, and I will refer again to Kawana. That article states—

"The changes would also threaten two existing jobs and plans to create more jobs and jeopardise plans to extend patrols to the north and south of existing patrolled areas.

...

'The agreement with Tabcorp has been a lifeline for this club, its members and surf lifesaving in the area,' Mr Daly said.

'We have 11 kilometres of unpatrolled beach to the north and south of us and we have already bought two 4WD vehicles to help extend patrols,' he said. "

I have only one minute left, otherwise I would have enjoyed taking a few more interjections. However, I reinforce the point that we are talking about a small club on a very long beach—a beach that could be called dangerous. I have swum there a fair bit and I know that it would benefit greatly from extended patrols. Kawana and the new clubs that will be establishing further south will be able to provide those patrols, but they need all the help that they can get. I support the amendments put forward by the member for Moggill.

Time expired.