



Speech by
**Mr DENVER
BEANLAND**

MEMBER FOR INDOOROOPILLY

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INTERACTIVE GAMBLING (PLAYER PROTECTION) AMENDMENT BILL

Mr BEANLAND (Indooroopilly—LP) (11.46 p.m.): This legislation is an attempt by the Labor Party to keep its members honest. This Government is now attempting to legislate in this Chamber for honesty. That is because the Premier cannot trust his own members. This legislation is now being rushed through the Parliament because the Premier urgently needs to give that perception of honesty.

Apparently there is no time to await the obligatory 13 clear calendar days before the legislation is debated. Even though this legislation is retrospective, the Premier has seen fit to bring it into this place this morning—just before lunch—and then rush it through the Chamber this evening. Of course, that makes a total farce of the operation of the Parliament and it makes a farce of the two independent inquiries that are currently occurring in relation to issues covered by this legislation. In reality, the legislation ought to lie on the table for 13 clear calendar days so that members on all sides of the Chamber can at least give consideration to the issues. I am sure that there are a number of issues—to which I will refer shortly—to which proper consideration has not been given. No doubt there are other matters that other members would pick up had we had sufficient time to go through this legislation. The Standing Orders of this Parliament require legislation to lie on the table for at least 13 clear calendar days before it is debated.

We hear a great deal from the Labor Party about parliamentary standards. Following the last election, the Premier said that he would introduce measures that would help to lift parliamentary standards. However, he did not have the courage to allow a full debate on whether this legislation ought to lie on the table for 13 days. He used the gag to deny not only me but other members on this side the opportunity to debate that matter fully.

This evening, the legislation that we are debating relates to a cold, calculating attempt to provide a windfall to Labor mates. This legislation is all about Labor mates. However, who are the Labor mates who are involved? Are the only ones involved the ones about whom we have heard? What other secrets are there? Are there other Labor mates involved about whom we have not heard? What other secrets lie not only within this legislation but also within Gocorp, the entity that has the licence? Today we have seen a great sham. We all know that shares can be warehoused, that there can be silent partners, that there can be trusts and so on. I dare say that in the whole gamut of corporations and entities involved in this issue, we would find a lot of that.

Currently, there is no way that members of this House can say what the situation is. Yet this legislation ensures that we approve of Gocorp's licence to conduct an Internet betting agency. The legislation is nothing more and nothing less. And we should not forget it. The legislation does not do what the Premier says that it will do, and I will detail some aspects of the legislation in a moment.

Before I do that I will refer to what Labor members said in relation to the original legislation when it came before Parliament. The Premier likes to make out that there was something wrong with this legislation when it came before the Parliament back in 1998. Two Labor members spoke to the legislation on 18 March 1998, the Honourable D. J. Hamill, the member for Ipswich, and Mr Clem Campbell, the then member for Bundaberg. The member for Ipswich stated—

"This Bill is an important piece of groundbreaking legislation in Australia, and the Opposition certainly supports it. In fact, the Opposition has been of the view that this legislation is very necessary and it is delighted to see that it has finally made it into the House."

The member stated further—

"I see this as a positive measure, and certainly the Opposition supports it very strongly.

...

In short, the Opposition believes this is worthy legislation."

Mr Campbell also spoke in that debate. He and Mr Hamill were the only speakers from the Labor Party. One can see that there was general support for the legislation. Indeed, the shadow Minister at the time, Mr Hamill, the member for Ipswich, indicated that not only was he happy with the legislation; he was delighted with it. Even today, in his second-reading speech, the Premier said that the legislation has been recognised both in Australia and internationally as leading-edge legislation. We have heard enough of the sort of humbug that suggests that there is some big problem with the legislation that was passed by the former Government.

One important aspect of the legislation before the House covers the issue of a disqualified person. The legislation talks about prohibited persons, meaning Navari and Topki Holdings Pty Ltd or a disqualified person. Under clause 6, a "disqualified person" means any of the following—

- "(a) a member of the Legislative Assembly;
- (b) a spouse or child of a member of the Legislative Assembly;
- (c) a staff member of a member of the Legislative Assembly;
- (d) a councillor of a local government;
- (e) a spouse or child of a councillor of a local government;
- (f) a person, whether or not of a similar class to a person mentioned in paragraph (a) to (e), prescribed under a regulation."

It is very interesting to note that there is no mention of a spouse of a staff member of the Legislative Assembly. Of course, the Livingstones are closely involved with the introduction of this amendment Bill, yet Mrs Livingstone is not included as a prohibited person under the legislation—far from it. I cannot believe that that was a mere accident. It has obviously occurred on purpose.

Of course, other people are disqualified under the legislation, such as councillors. One has to ask what the 1,200 or more councillors of this State have to do with the legislation. Of course, we know what Labor mates such as Mr Pisasale have to do with it, but what of the other 1,200 councillors, whether they be good Labor councillors, Liberal councillors, Independent councillors or National Party councillors? What does the legislation have to do with them? The legislation also covers the spouses or children of local government councillors. The legislation refers to children of members of the Legislative Assembly, but what happens when those children become adults? It is a nonsense to suggest that councillors from Perry Shire, Burke Shire or any other place will have an effect on this legislation.

I notice that the legislation makes no reference to Federal members of Parliament who might receive some benefit from the legislation and certainly could have some say in relation to gaming legislation. It could be argued very effectively that the Internet is a matter over which the Federal Government has jurisdiction. Federal Government members are not mentioned. The spouses of staff members of the Legislative Assembly—for example, Mrs Don Livingstone—have not been excluded. The children of members of the Legislative Assembly and local government councillors are certainly excluded—I am not sure what happens when they became adults—and, of course, the 1,200 councillors themselves have been excluded. This legislation excludes some thousands of people, yet no reference is made to Federal members of Parliament.

This is all happening because of Labor mates and because the Premier says that he cannot trust his own. The whole exercise is a farce. It is all about damage control and endeavouring to create perceptions in the community. In addition, no reference is made to senior public servants. Of course, they could also have a major effect in relation to the legislation. I dare say that, depending on which department they work for, they could have a greater effect than local government councillors, who would have no effect whatsoever unless they were Labor mates.

The legislation does not include political parties. If the Premier was genuine, one would have expected it to have included the Queensland Labor Party and its associated entities. It is a sham and the Premier is a sham. This is a farce and he knows it. The Premier wants to rush the legislation through the House this evening, before members on this side of the Chamber have had sufficient time to analyse it, because he knows that it is a farce and a sham. He does not have the courage to let the legislation lie on the table of the House for the required 13 days so that proper consideration can be given to it. The legislation makes no reference to political parties whatsoever. We all know that the one political party that is wealthy in this State, that has a range of enemies, and that owns shares across-

the-board in quite a large number of gaming entities and a range of corporations and companies around this nation is the Australian Labor Party. Despite this, the legislation carefully avoids any reference to political parties whatsoever.

The Premier can fool some of the people some of the time but he cannot fool all of the people all of the time. They will not be fooled by the snake-oil salesman performance that the Premier is putting on in this place today for the benefit of the public of Queensland. They will not be conned by this exercise. They will see it for what it is.

Today the Premier and some other members have raised the issue of legal advice. The Premier likes to wave around the last page of Crown Law advice which contains the signature of the acting Crown Solicitor. Of course, he has not indicated where the other 14 pages of that advice are. He did not table them, even when we moved for them to be tabled. He said that he did not have them, even though I am sure that a number of times in his speech he mentioned that he was going to table them. They have not been tabled. What we hear is selective quoting so that we have no idea of the questions that were asked of the acting Crown Solicitor in relation to the advice that he was providing, what his brief was or what issues were raised in relation to this matter.

Mr Borbidge: And no advice in respect of this legislation being superior to what it replaces.

Mr BEANLAND: As the Leader of the Opposition says, we have no advice at all in relation to the legislation that is before the House. However, we have been able to pick up some deficiencies in the short period that we have had the legislation. Having access to these few lines of advice from the acting Crown Solicitor, it is worth noting the Alert Digest No. 2 1998 of the Scrutiny of Legislation Committee, which came before the Parliament in early 1998 and which covered the Interactive Gambling (Player Protection) Bill 1998. That Alert Digest covered a range of issues.

The legal adviser to the Committee was none other than Professor Charles Sampford. His advice was contained within the Scrutiny of Legislation Committee's report to this Chamber. This is a particularly important report to consider when we are looking at this legislation. The Premier said that under the various sections of the legislation he cannot take the action that the Leader of the Opposition and the Leader of the Liberal Party have raised in this Chamber. However, under the various clauses he has the ability, as the acting Treasurer, to suspend the licence. I wish to examine some of these clauses, because the Scrutiny of Legislation Committee has raised a number of pertinent issues.

In relation to the legislation, it stated very clearly that the Minister has the absolute discretion to refuse to authorise an interactive game for which the Minister's authorisation is sought. A little earlier in the debate the member for Ipswich indicated that he did not have that type of power. However, he does have that power, according to the Scrutiny of Legislation Committee. The Committee also indicated that clause 59, together with Schedule 1, of the original Bill had the effect of excluding such a decision from judicial review. It stated—

"On the basis of the exercise of an administrative power, which is defined as being a matter in the Minister's 'absolute discretion' and is not subject to any review."

That is contained throughout this legislation in a number of provisions. For example, it was noted that clause 48 provided for the immediate suspension of an interactive gambling licence. I will not read it all out, because only a few minutes remain. It is quite clear from the Scrutiny of Legislation Committee's report that the acting Treasurer, as the relevant Minister, has that power. The legislation provides for the immediate suspension of such a licence. It must be effected by a written suspension notice being given to the licensed provider, along with a show cause notice, and it operates immediately upon the suspension being given and continues to operate until the show cause notice is finally dealt with. The reason this was raised is that the Scrutiny of Legislation Committee was concerned about natural justice and about the unfettered powers of the Treasurer. The Committee went on to state that it recognises that there will be circumstances when it will be necessary to deny natural justice in order to achieve the objectives of the Act. It stated—

"Further, it may be in the public interest to do so, where the denial of natural justice is necessary to consumers in the industry. However, in such cases the committee is of the view that the circumstances or actions which do not give full effect to the principles of natural justice can be taken should be strictly defined."

It is concerned about this whole exercise of power by the Treasurer, as the relevant Minister.

Clause 59 of the original Bill stated—

"A decision of the Governor in Council or Minister made, or appearing to be made, under this Act about an interactive gambling licence, a person with an interest or potential interest in an interactive gambling licence, the authorisation (or revocation of the authorisation) of an interactive game or the approval (or cancellation of the approval) of an exemption scheme—

(a) is final and conclusive;

- (b) cannot be challenged, appealed against, reviewed, quashed, set aside, or called in question in another way, under the Judicial Review Act 1991 or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
- (c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground."

Mr Borbidge interjected.

Mr BEANLAND: As the Leader of the Opposition and the Leader of the Liberal Party have said, this is stronger than anything contained in this amendment Bill. We have to keep asking what the Premier is up to with this legislation. What is he trying to hide? What other silent partners and Labor mates is the Premier trying to hide with this piece of legislation? Why will he, as the acting Treasurer of this State, not act under the legislation? Now he states that he has Crown Law advice to the contrary, but that was not what the Scrutiny of Legislation Committee believed when it reviewed this legislation, nor is it what Professor Charles Sampford believed when he looked at this legislation on behalf of the Committee. They saw it as it is.

Schedule 1 of the legislation sets out the powers and how they can be used by the Governor in Council and by the Treasurer. There can be no case for the Premier to come into this place and pretend otherwise. The committee stated—

"The fact that similar ouster clauses have been incorporated in Queensland gaming legislation does not, in the committee's view, legitimise or justify the abrogation of this fundamental legislative principle.

...

The committee notes the Treasurer's previous response to its similar comments in relation to the keno and lotteries legislation. The committee understands the argument that the availability of review by the courts may hamper the ability of the Governor in Council and the minister to act swiftly and decisively in the public interest since they have to carefully evaluate confidential information and prevent dishonest persons from entering into the industry."

Of course, it should also have mentioned Labor mates. It continued—

"As a general principle the committee opposes the ousting of access to judicial review. Whether the objectives of this legislation justifies the removal of appeal rights in the circumstances of this clause is a question which the committee refers to Parliament to decide."

It is clear that ample powers are contained within the current legislation for the acting Treasurer to move, and those powers were clearly set out not only in the legislation but also by the Scrutiny of Legislation Committee when it reviewed this legislation. The use of those powers was its major concern. At no time was it raised throughout that debate, in this report or anywhere else that those powers were in some way defective—far from it. Clearly, it was intended by the Government of the day and also the Parliamentary Counsel that this would be the case.

Time expired.
