



Speech by

Mr L. SPRINGBORG

MEMBER FOR WARWICK

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INTERACTIVE GAMBLING (PLAYER PROTECTION) AMENDMENT BILL

Mr SPRINGBORG (Warwick—NPA) (Deputy Leader of the Opposition) (8.40 p.m.): The Premier rose in this House just a few hours ago and expressed surprise that the Opposition would not be giving this Bill its wholehearted support. He even suggested that we were placing roadblocks in the way to securing some long overdue justice for the people of Queensland. Just let me say right here and now: the Opposition is 100% supportive of any responsible and legitimate action which will overcome the inappropriate decision of the member for Ipswich to grant an Internet gambling licence to Gocorp.

The Opposition, together with the Queensland community, regards the granting of that licence to be one of the most inappropriate exercises of ministerial discretion in recent Queensland history. However, the Bill that the Premier has introduced is an irrelevant, over the top and unfortunate exercise that will come back, I believe, to haunt this Government. It has been caused by an incompetent decision of the then Treasurer and, as the Premier pointed out in his speech, is necessary because of the greed and inappropriate conduct of a range of Labor mates in his own Labor Unity faction.

I have the following concerns with this Bill. First, it is a farce that we are debating it at all this afternoon. It was introduced after lunch and then, just as the Bill was being circulated, we have had to debate it. This is the sort of disrespect for Parliament that the Premier—

Mr Mackenroth interjected.

Mr SPRINGBORG:—and the member for Chatsworth used to attack the Bjelke-Petersen Government over. It is a disgraceful example of just how this Premier and this Government have no respect for this Parliament at all. We can consider all of the pious comments that Government members made when they formed Government in July of 1998 about all of these wonderful new standards. What they also did was come in here and amend the Standing Orders to make sure that legislation lie on the table of the Parliament for 14 days. This did not even lie on the table of the Parliament for 14 seconds. That goes to show the scant disregard that members opposite have for the institution of Parliament.

How can we debate this Bill properly? We have not got the time to read it, to discuss it with qualified people or even for it to be analysed by the Scrutiny of Legislation Committee. It would appear to me from just a very quick reading that there is a raft of breaches of fundamental legislative principles. Surely it would have been proper and appropriate in these circumstances for the Scrutiny of Legislation Committee to be given the opportunity of considering it and reporting back to this House.

Whenever one introduces a Bill which is retrospective, which penalises named persons and entities and which has excessive powers given to the Executive Council by means of regulation making powers, it is a Bill which requires close and careful scrutiny. It is legislation which is limiting the rights of citizens, no matter who they may be, and it is legislation which has to be justified. I am not saying that the named entities or persons in this Bill do not deserve the treatment that they are receiving. What I am saying is that it is a misuse of this Parliament to go about this exercise in this way. I would say that that should be of particular concern to those people who sit on that side of the Parliament who profess a belief and adherence to fundamental justice principles and civil liberties.

It is all about justice being done and being seen to be done. So from a Premier who was promising new standards of parliamentary behaviour, what we are seeing is an arrogant and over the

top administration that holds this House in absolute contempt. This should be a very sad day for Queensland—sad because we are seeing a diminution in the respect which both sides of politics over the past decade or so have given to parliamentary government in Queensland.

It made me sick to the stomach to hear this Premier talk about corruption in previous National Party administrations when what we are witnessing today, both in the content and manner of this Bill, is a regression into the past. The regression I refer to is to the days of authoritarian corrupt Labor administrations— administrations of the like of Hanlon and Gair, administrations that were rotten to the core and full of corruption and nepotism.

The second reason why I do not support this rushed Bill is that there are ample remedies for dealing with the Gocorp scandal under the Interactive Gambling (Player Protection) Act. Other persons have earlier today outlined the various statutory provisions that could have been relied upon to overcome the decision of the member for Ipswich to grant the Internet gaming licence. I would like to emphasise the importance of section 32, which places a very heavy onus on the Treasurer to be satisfied before granting a licence that the applicant is a suitable person and that each business associate of the applicant is a suitable person. If honourable members turn to the third Schedule, they will see that "business associate" is defined to include people associated with both the management and shareholding of the applicant's operations.

The member for Ipswich had a very heavy duty placed on him and him alone to be satisfied that Gocorp and all of its related shareholders were suitable people before a licence could be granted. The member for Ipswich was not legally able to defer his decision to his departmental officers. For anybody to suggest that somehow he could stand aloof from the decision making process and simply give a tick and a flick to whatever was put in front of him demonstrates a remarkable ignorance of both the law and Westminster practice. Has anybody on the Labor side ever heard of the concept of ministerial responsibility?

The Treasurer was required by the Act to take into account a range of considerations in determining the suitability of persons to hold an interactive gambling licence. Those are set out in sections 33 and 34. I will not repeat them, but they include such matters as the business reputation of the applicant, the financial position of the applicant, business ability and the like. I would suggest that it is very hard to understand how, if a proper probity check was undertaken, an entity such as Gocorp with the sort of Labor hangers-on it had associated with it could have received a positive recommendation from the Office of Gaming Regulation. I would go so far as to say it is almost inconceivable.

What is worse is that the then Treasurer knew of the involvement of some of his Labor Unity faction colleagues in this grubby little exercise. The question which needs to be pondered is why in these circumstances he remained mute and simply and mutely went along with his department's recommendation. These and other matters will, no doubt, be explored by the Auditor-General and the CJC, but it does highlight just how strange the licence granting process was.

There would, no doubt, be serious grounds for suggesting that, in the light of what has since come to public attention, the Treasurer did not even meet the standards required by section 32. In other words, his decision to grant the licence in the first place was and remains legally unsustainable. In addition, it can also be suggested that there have been ample grounds and opportunities for action to be taken. For example, section 39 allows the Minister to change the conditions of a licence when it is in the public interest to do so. Section 44 outlines the grounds for suspending or cancelling a licence. Amongst the grounds outlined in that section are suspension or cancellation when an interactive gambling licence was obtained by a materially false or misleading representation or some other improper way.

I pose a question to members of the Labor caucus who also sit in Cabinet. Why did they not ask the Premier about his powers and abilities to act under the legislative provisions that are currently available to him?

Anyone who is vaguely aware of the cases decided under the Corporations Law and the Trade Practices Act will know that this enables a licence to be suspended or cancelled when material information was not disclosed or when conduct was engaged in that was inappropriate. I would have thought that the material that has since been publicly disclosed about Councillor Pisasale's failure to disclose his criminal conviction and the involvement of a person who was as recently as 1996 convicted of defrauding a client of more than \$90,000 would have been grounds enough for activating section 44(1)(j).

The Premier rose just a short time ago and rubbished any suggestion of relying on the Act and attempted to justify this extraordinary Bill by tabling Crown Solicitor's advice. The advice tendered, however, was only the final page of a 15-page opinion. It is passing strange indeed that the Premier, despite repeated requests, refused to table the remaining 14 pages. If he did not want to table those pages, he could have at least provided to the Opposition some oversight of that advice to reassure us that his position was sustainable.

Who knows just what the acting Crown Solicitor advised and what he was briefed with? All we know is that at page 15 he said that the only way to avoid the risk of legal action was to pass legislation. I repeat: "the risk of legal action". There is no mention in the page tabled of the chances of success of that litigation. There is always the risk of litigation. The real question, however, relates to the chances of that litigation being successful and of damages being awarded.

I am not surprised that the Premier has refused to table all of the opinion. The reason is that section 59 of the Act is very clear when it comes to litigation being commenced. The heading of this section says it all: "Decisions about interactive gambling licence not to be justiciable". The section provides that various decisions of both the Treasurer and the Governor in Council which are set out in Schedule 2 are final and conclusive. Paragraphs (b) and (c) state—

- "(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."

The decisions of the Minister which are not justiciable include granting or refusing to grant an interactive gambling licence under section 3, changing a condition of an interactive gambling licence under section 39, suspending an interactive gambling licence under section 48 and censuring a licensed provider under section 49. Decisions of the Governor in Council that cannot be challenged include suspending or cancelling an interactive gambling licence under section 52.

How could anyone suggest that there are not ample grounds for this Government to take appropriate action under the current Act? It is plain that litigation could be commenced, but a plain reading of the Act illustrates that the chances of success would be pretty remote. I say to this House that the Opposition believes that the existing Act is drafted appropriately and contains sufficient grounds for action. The question that arises is why such action was not taken. Hiding behind the type of advice that was referred to earlier will not wash.

The Premier said himself when he introduced this Bill that it was not necessary—that his Labor mates, under the glare of public scrutiny, had decided at long last to do the right thing. Yet this Bill was required to overcome "any chance of these people to sneak in through the back door and profit". What a marvellous insight into the sort of people Labor preselects for State seats! We have a Bill that is necessary because the Premier does not trust the member for Woodridge and the endorsed Labor candidate for Ipswich West.

I have, therefore, three major substantive objections to this Bill. The first I have just mentioned. That is, it is not necessary because there already are suitable and appropriate remedies under the Act. It is far better to rely on the Act than to introduce retrospective Bills that seek to deal with specific circumstances. The second is that this Bill substantially and quite dangerously expands the regulation making power. It will give this and any future Government the ongoing power, to quote the Premier, to make regulations which will deal with disqualified persons and a range of other matters. This is the area in which the analysis of the Scrutiny of Legislation Committee would have been very useful. Unfortunately, that did not happen because of the machinations and the way that this Beattie Labor Government, which is supposed to believe in parliamentary standards, carries on.

I am very concerned that the broad powers proposed to be given to the Governor in Council are over the top. They are extremely broad, and the rights and liberties of many people will be placed at risk. The Premier said that these powers are unusually strong. Once again, he justified them on the basis of "inappropriate action by greedy individuals". Again and again it is the people of Queensland who have to suffer by the introduction of over-the-top legislation brought about by the inappropriate, greedy and unethical behaviour of a range of Labor Party mates.

My last concern with this Bill is that it does not simply target Labor mates but introduces a definition of "disqualified person" which includes MLAs, their families, staff members of this Parliament and local government councillors and their families. Would councillors have been included in this hit list if Councillor Pisasale had not been involved? I think not. Why pick out Internet gambling? How far should this Parliament go in prohibiting politicians from being involved in commercial activities? Why has this Bill picked out the persons outlined but not included political parties? It is like this Bill: it is a hit and miss affair. There is no logic to it. There is no justice to it. Its a knee-jerk reaction from a Government in crisis mode.

This is a bad Bill. It is rushed. It is inconsistent. It is unfair. It has not been subject to any scrutiny at all. It devalues this institution and penalises innocent people. It is a very strange exercise, and one which history will not judge well. This is yet another example of the lack of moral fibre that is a hallmark of the Beattie Labor administration. This Bill, brought about by the inappropriate behaviour of Labor mates, deserves to be voted down. Anyone supporting this rushed and ill-considered exercise deserves, and will receive, the censure of the public.

Before I conclude, I would like to just make a couple of general comments. All the people of Queensland want is transparency, openness and honesty in the dealings and actions of their members of Parliament. All I say in response to the honourable member for Cleveland, who stood up a moment ago and waxed lyrical about the integrity, competence and administrative ability of the honourable member for Ipswich, is that what we are seeing in this Parliament today would be completely unnecessary if it were not for the incompetence and lack of transparency behind this particular decision. I say to all members on the Government side and to the member for Ipswich in particular: it should have been as plain as the noses on their faces that this was something that was going to cause problems at least in relation to perception and certainly in relation to transparency. This is something that has brought them the ire of the community of Queensland in general. This legislation would not have been necessary if those opposite believed in the fundamental principle of transparency.

The other thing, of course, is that this is a face-saving exercise. It is a hotchpotch of legislative principles which have been thrown together and which are supposed to substitute and complicate in some way provisions of legislation which already exist and which could properly be acted upon by the acting Treasurer in this State. I think that, the other day, the acting Treasurer was thinking that he had to do something to save face, so he came up with this concept of legislation. He had to do that. And then it was pointed out to him that we already had legislation which was sufficient. So he still had to come into this Parliament and pretend that we did not have legislation that was sufficient. I believe that that was one of the most dishonest things that we have ever witnessed in this Parliament. Once again, this is bad legislation. It has not had the opportunity to be properly scrutinised, and it should be voted against by this Parliament.
