



Speech by

Hon. R. E. BORBIDGE

MEMBER FOR SURFERS PARADISE

Hansard 17 August 1999

CENSURE OF MEMBER FOR IPSWICH

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the National Party) (6 p.m.): I move—

"That this House censures the Member for Ipswich and calls on the Government to ensure that the Member does not receive ministerial entitlements or salary in the period he has been stood aside from the ministry."

The member for Ipswich deserves the censure of this House, not so much for what he may have done but for what he so clearly has done and has not done in the context of the net bet fiasco. In granting the first Internet gambling licence to three Labor mates from Ipswich, the member's defence essentially has two prongs. The first is that the public servants told him to do it. I believe that his defence of himself in this place this afternoon by attempting to blame the public servants for all the wrongs of this particular affair now belittling him and his Government was nothing short of a disgrace.

The second is a claim that he really had no choice in the matter, that once an extensive, freely made recommendation had come to him from the Office of Gaming Regulation and from the Under Treasurer to grant a licence, he had no option but to grant the licence. He has further claimed in support of that second argument that, had he not granted the licence, his decision would have been subject to judicial review, which is obviously a contradiction in itself.

Mr HAMILL: I rise to a point of order. The honourable member is misleading the House. I made no such statement. I find his arguments offensive and I ask that they be withdrawn.

Mr SPEAKER: Order! The member has asked that that be withdrawn.

Mr BORBIDGE: If the honourable member finds it offensive, I will withdraw.

In other words, the member for Ipswich—

Mr Hamill: Start telling the truth for a change.

Mr BORBIDGE: I am telling the truth. The member opposite is the one in disgrace.

In other words, the member for Ipswich has based his defence on the proposition that he was properly at arm's length from the process, that the proper thing for him was to have no real say in the matter and just let things take their course and that is how, in fact, he behaved. He is dreadfully, comprehensively, incompetently and, indeed, quite incredibly wrong.

First, the Interactive Gambling (Player Protection) Act 1998 makes it very plain where the buck stops: the buck stops with the Minister. The application is vetted by the Office of Gaming Regulation, but the licence is granted by the Minister. Blaming public servants, as the member did in his cowardly attack this afternoon, is therefore an option that is simply not on. The then Minister, the member for Ipswich, was the man in charge. In the final analysis it was his signature on the dotted line.

The next claim by the Minister—that, once Gocorp had allegedly satisfied the application process, he had no real alternative but to issue a licence—is just as compellingly and incredibly wrong. The Act makes it crystal clear that there is no compunction whatsoever on the Minister to grant a licence, even if an applicant passes all the statutory tests. Not only did he not have to issue the licence, he had literally unfettered discretion not to. All that the then Minister had to be in relation to such a powerful licence, given all the circumstances, was a bit uneasy, a bit uncomfortable, a bit concerned,

slightly doubtful, concerned perhaps for the public interest, or was that asking too much? With the stroke of a pen, he could have erased the entire issue. He could have emerged an accountability hero and there could have been absolutely no comeback because the Minister's claims so often in his defence have been outrageously wrong: there is no judicial review. This is what the Act says on that score in section 59—

"A decision of the Governor in Council or Minister made ... under this Act ...

- (a) is final and conclusive; and
- (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."

I do not think it gets much clearer than that. That is a lot more clear, a lot more succinct and a lot more definite than what we see in these amendments being presented to the Parliament and being rushed through this place tonight.

What was in the Act—what has been in the Act—are some of the most arbitrary and unfettered authorities in the hands of any Minister in any jurisdiction. They are there in such arbitrary form for precisely the sorts of circumstances that confronted the Government in relation to this scandal. This whole fiasco, therefore, could and should have been avoided.

It gets worse for the member for Ipswich. The Act provided him with a range of remedies for the Gocorp situation both after as well as before the event. Let us give him the benefit of the doubt for a moment. Let us assume very charitably that his incredible lapse of judgment on these issues lasted a year or so from the time he first met the Gocorp representatives in July last year until he issued the licence in June this year, to pick some arbitrary and probably very generous dates. Let us assume that he was awoken from his judgmental slumber after this issue became public on 27 July last. What could he then have done to remedy the situation? Was it too late for him to save some credibility for the Government and for himself? Was it too late to do the right thing? No, it was not!

The fact is that the Act is very generous in providing for belated accountability in this sphere. At that point the Minister had access to a whole new range of authorities under the Act. He had a virtually unfettered right to vary the conditions of the licence. I refer honourable members to section 39 of the Act. He had a virtually unfettered right to demand rectification of licence matters. I refer to section 50. He had virtually untrammelled rights to suspend or even cancel the licence with or without notice. I refer to sections 44 through to 48, and none of these arbitrary actions would have been challengeable—not one. The Act makes it very, very clear indeed.

So again, it is plain: during the entire period he was Treasurer, the member for Ipswich had at hand every tool a Minister could possibly require to make and to enforce sound decisions in relation to the issuance of Internet gambling licences. He could have erased the problem with the stroke of a pen with absolutely no comeback. The member for Ipswich chose not to exercise that vast discretion, despite all that we now know about what he knew at all material times. The acting Treasurer has followed in that fine tradition, and the very pregnant question is: why? But that is another matter perhaps for another motion on another day.

Our interest today is in the member for Ipswich based on what we know to be fact today, and I would suggest to any member of this House that the member for Ipswich has amply earned his censure. He has shown at best—at very best, and let us be generous—absolutely abysmal judgment in relation to a crucial aspect of his portfolio responsibilities. He has claimed literally and disturbingly incredible ignorance of the requirements of the relevant legislation.

To date Queensland has prided itself on its administration of gambling in a bipartisan spirit. The member for Ipswich is at least one of the major players in now bringing that reputation into international disrepute. He has done so by a massive display of incompetence in relation to the very good tools that this Parliament gave him to maintain this State's reputation.

There may be more in store for the member for Ipswich from other directions, but right now he richly deserves the censure of this House. He had the tools to do the job and at the very best he has demonstrated absolutely woeful and pathetic political judgment. In doing that he has demonstrated to the world that the Government of Queensland no longer enjoys the very proud reputation that has been nurtured by Governments on both sides of this House in respect of the administration of gaming.

Time expired.
