




Speech by

Glen Elmes

MEMBER FOR NOOSA

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CHARITABLE AND NON-PROFIT GAMING (TWO-UP) AMENDMENT BILL AND CRIMINAL CODE (ANZAC DAY BETTING) AMENDMENT BILL

 **Mr ELMES** (Noosa—LNP) (9.00 pm): I rise to speak in support of the Criminal Code (Anzac Day Betting) Amendment Bill 2011, introduced to the House by my colleague the shadow Attorney-General and member for Kawana, Jarrod Bleijie. One of my constituents recently said to me, 'You know, Glen, the thing about common sense is that it just isn't common.' The bill before the House is just common sense. It is just common sense that the change it proposes should have been made many years ago. It sums up the approach of the shadow Attorney-General. His approach is thoughtful, pragmatic and one of common sense.

We hear from time to time how the 'fun police' intervene and act in a way that just has you shaking your head in disbelief. The reported threat on the Red Beret Hotel—also known locally as 'The Red Hat' or, in typical North Queensland fashion, as just 'The Hat'—by Cairns liquor licensing inspectors over the hosting of a two-up game on Anzac Day last year is an example. This game has been conducted for 20 years. The proceeds are donated to Legacy. It is held once a year—on Anzac Day. It is held in a pub named in honour of an Australian Army parachute unit. It is part of the Anzac Day tradition. It is a time-honoured part of the ritual celebration of what is becoming Australia's national day. That ritual is for returned servicemen renewing mateships forged in the field of battle. That ritual is for returned service men and women honouring those who paid the ultimate sacrifice and did not come home alone. That ritual is about comrades talking about shared experiences which they cannot bring up with anyone else because others just cannot understand, cannot comprehend the experience of war.

The actions of those liquor licensing officials in Cairns are not about enforcing antigambling laws. It is not similar at all to the issue in the federal parliament over precommitment limits to gambling on poker machines. It is not about preventing problem gamblers from losing their homes and their families as a consequence of legal or illegal gambling. It says nothing about all the forms of gambling which are legal and tolerated by society. It says nothing about lotto or gambling on horseracing or playing roulette in a casino or betting on football games or even the controversial advertising of that betting on football.

The bill before the House is about ensuring that officials, such as those in Cairns, are not compromised by their obligation to their duty. I understand their dilemma. The Bleijie bill ensures that officials do not have to 'turn a blind eye' to the breaking of a law. It ensures that officials do not have to set aside their obligation to enforce the law. This is about ensuring that officials who do their job do not bring the law into disrepute by enforcing a law with which the bulk of the community at large do not agree or support. It is to ensure that enforcement of a silly, unintended consequence of a sensible law does not make the law subject to public ridicule.

I ask members to note that the amendment proposed by this bill to section 230A of the Criminal Code means that two-up on Anzac Day in a permitted two-up venue becomes legal. It is so simple—such an elegant solution to a vexing problem. Section 234(1) of the code says that a person who conducts an

unlawful game commits an offence and may incur a fine of up to \$20,000. Section 234(2) of the code says that a person who plays an unlawful game commits an offence and may incur a fine of up to \$4,000. The value of these penalties denotes how serious breaches of this section of the code are regarded.

The bill before the House proposes changes to the Criminal Code which are measured and responsible. They will allow two-up to be legal on Anzac Day only. They will also allow two-up to be legal in a licensed club or a licensed hotel only on that day. I commend this bill to the House. It is simply legislating common sense.

However, we are forced by cognate debate to address the government's Johnny-come-lately response to the member for Kawana's initiative in the form of the Charitable and Non-Profit Gaming (Two-up) Amendment Bill 2011. If there is any bill which shows more clearly how tired, lazy and out of touch the Bligh Labor government has become more than this one does, then I would like someone to show it to me.

Firstly, the Bligh Labor government had to be embarrassed by the member for Kawana to even address this simple issue. We on this side of the House have become very used to that. In a cognate debate on the Child Offender (More Stringent Offender Reporting) Amendment Bill 2010 and the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2010, I reminded the House of the distraction tactic to which the Bligh Labor government is prone when I said—

Generally on a slow news day, but sometimes when the political spotlight is on another of their failures, some spokesman for the government will accuse us on this side of the chamber of a lack of policy. But is this allegation valid? During the life of the 53rd parliament, members of the ... LNP opposition have brought in private members' bills on matters of critical public interest and concern on no fewer than seven occasions. Rather than allow such a bill to be debated on its merit and in the public interest, the practice of the Bligh Labor government is to procrastinate, to put the private member's bill at the bottom of the *Notice Paper* and to keep it there. By this political approach, the minister responsible is then given time to address the issue that the LNP has raised and bring it on—

in the case of the Attorney-General—

as his or her own legislation.

With the bills before us today we have yet another example of a lazy, copycat government.

The next failure in the government's proposal is to make unnecessarily complex that which should just be so simple. This complexity is in partnership with the bureaucracy to establish another mini army, a new battalion of public servants not to address the simple problem of two-up on Anzac Day but to create an empire of occasions which should be remembered by being able to play two-up legally.

Finally, what highlights the Bligh Labor government's failure is its inability to create a sensible administrative structure. This solution is so convoluted that the designers were exhausted before finishing the design and simply gave up. How do we know? Because no lesser luminary than the member for Cairns drew that to our attention. Her argument at the public briefing with the Department of Justice and Attorney-General to the Finance and Administration Committee was, when a loophole in the Bligh Labor government's proposed processes came to the fore, the power of public opinion would address the shortfall in administrative competence. On page 4 of the transcript of that briefing, the member is quoted as saying, 'And local members could put pressure on them if that event occurred,' when speaking about profit from two-up and that it should flow to community benefit funds—that is, the member was relinquishing her responsibility for good legislative and administrative practice to public opinion to save her bacon when failure occurred. Then on page 8 in a similar vein the member is quoted as saying—

Might I put on the record first that, at least so far as the culture of Cairns is concerned, I have no concerns, similar to Mr Crandon. If indeed the ex-servicemen discover that the RSL sub-branch is handing out the money to somebody other than Legacy or their direct interests, there would be a hell of a stir. It would be on the front page of the *Cairns Post*. They will speak up pretty well and you will not need Brisbane to worry about regulating them.

I put it to you, Mr Deputy Speaker, that if the government's bill before the House does not do the whole job as the member is confessing then why have it at all?