



Speech by

**Jarrold Bleijie**

**MEMBER FOR KAWANA**

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

 **Mr BLEIJIE** (Kawana—LNP) (8.30 pm): I am pleased that the House will have the opportunity this evening to amend the current law that in its existing form makes it illegal to play a game of two-up on Anzac Day. This is a tradition that goes back to World War I, a tradition that was built on the mateship and camaraderie of our Australian diggers fighting in the trenches of Europe. I am also pleased, but not surprised, that the LNP has led the debate for this change which stems from events in Cairns last year where it was reported that there were threats of prosecution in some clubs and pubs if the game of two-up was played on Anzac Day. Until then this was a law that has essentially not been enforced on that particular day due to the historical significance of the game.

The LNP's proactive approach to this issue has brought about debate in this House and finally common sense will prevail on this issue. I have said it before in this House and I will say it again: this government is nothing more than can-do copycats. We saw it with the ongoing debacle on the water reforms earlier today and this evening and we have seen it with so many other policy announcement backflips. The LNP raised this issue early last year. We then introduced a bill shortly after that—in May, if my memory serves me correctly. It was not until some months later in September that the government introduced its bill—some nine months later. The LNP was certainly leading the charge to end this ridiculous situation we had in Queensland.

We believe that the game of two-up should continue to be played in commemoration of the Anzac spirit. We also believe that the purpose of playing the game should be as a traditional ritual rather than for any monetary gain. It is this approach that underpins our position and reasoning for introducing a simple amendment to the Criminal Code that adds an exemption to section 230A of the Criminal Code when playing the game of two-up at a permitted two-up venue on Anzac Day each year. In contrast, the government introduced the Charitable and Non-Profit Gaming (Two-up) Amendment Bill which seeks to complicate the process of removing that anomaly.

Importantly, however, both bills do seek to address the existing situation that relied on the good nature of law enforcement officers to turn a blind eye on this issue in the spirit of Anzac Day. I commend the RSLs, Clubs Queensland, the Queensland Hotels Association and all the individual submitters to the committee process. I think it was good. I said at the outset that the LNP certainly drove policy debate on this issue but, just like two-up, in the spirit of comradeship we will be supporting the Attorney-General's bill. Despite both bills achieving an objective at the end of the day that essentially allows people to play two-up on Anzac Day, I believe our bill was far simpler and a far easier way to achieve that commonsense objective.

There were six submissions from peak bodies, including one from myself. These were from the Queensland Hotels Association, the RSL & Services Clubs Association, the Law Society and others. I thank those organisations for the timely consideration of those bills. In terms of one of the RSL

organisations, I did sit down with the organisation after the government had introduced its bill and talked about the differences between the bills. I told the person to use the committee process afforded to them to have their discussion. It certainly did take place. The lady involved made a great submission. The RSL (Queensland Branch) made a number of recommendations for the consideration of the committee. They included that two-up only be played on Anzac Day. The Attorney-General can correct me if I am wrong, but the recommendations of the committee in terms of Remembrance Day was accepted. That was one of the recommendations from the RSL (Queensland Branch). They made another recommendation in terms of the ability for an RSL subbranch to play a game of two-up in a venue other than a licensed venue such as a community hall. This was to assist communities, in particular in rural and remote parts of the state, that do not have access to licensed venues.

Other recommendations were that the term 'RSL' have a further definition; approval be given in writing by an RSL subbranch of the venue at which the game can be played; the closest RSL district office will conduct this approval in the absence of the local subbranch; and entry fees should be defined as a donation to the RSL subbranch which will allow the subbranch to continue its vital welfare services. I believe in the meeting I had with that group they indicated that they were not particularly worried about what the cost was—it could have been \$1 or \$10; they were just happy to have the donation which is noted as the entry fee for the game when played on Anzac Day.

Of those recommendations I note that the first recommendation was also suggested by the committee. The Law Society, as always, contributed a very thorough examination of those bills. I draw the attention of the House to the following statement in their submission that reads—

For the reasons outlined above, the Society proposes locating the relevant provisions within the Criminal Code, as in our view the substance of the proposal does not fit within the scope of any of the existing gaming acts.

This was the view of the LNP and myself when drafting the legislative amendment with the underlying notion that the intent of the changes was for reasons of historical significance and tradition rather than for monetary gain. The LNP will abrogate the criminalisation that currently applies under section 232 of the Criminal Code to allow Queenslanders to partake in a game of two-up on Anzac Day. I will not read the provisions of section 232. If members are interested they can refer to the Criminal Code themselves.

The key difference between the LNP bill and the government bill is that in our bill we did not discriminate in relation to which licensed venue this change would apply to. While we understand and support the purpose and responsibility of the Returned Services League (Queensland Branch) or a subbranch in supporting the welfare of the returned service personnel, we believe that the process should be as simple as possible, hence our amendment. At the time I did make the comment that the government's bill was certainly cumbersome in some aspects and, in stark contrast to the LNP, focuses more on regulation and restriction than simply amending a technicality. Without incriminating any particular people, the Kawana RSL subbranch, which is located in the Kawana Surf Club, has been conducting games on Anzac Day and people have participated in particular games. I do not mention the game they play; suffice to say everyone was very jovial and had a good time and nothing came of it. The whole purpose of this bill is to support groups like the subbranches, the RSLs and combined groups like mine in Kawana such as the surf club and the RSL. We want to avoid any threats such as those that occurred in Cairns that persons would be fined or charged for playing a game of two-up on Anzac Day. Hence we wanted to deal with it under the Criminal Code.

The Attorney-General outlined some perceived faults in the LNP's bill. In his second reading speech he stated—

There are a number of issues with the amendments proposed in that bill. They are: in exempting two-up from the definition of unlawful games in the Criminal Code, it would create an inconsistency in the legislative framework for legalised gaming, as all legalised gaming is authorised under a gaming act.

I draw the attention of the House to *Legislation Alert No. 6* of the Scrutiny of Legislation Committee that was tabled in the House on 23 May 2011. Clause 3 of the bill amends section 230A of the Criminal Code for the purposes outlined. The committee in its report went through various acts of parliament that the bill would actually in fact not amend. Statements from the Law Society in its submission confirm to some extent the LNP had a right and clear position by doing it in the Criminal Code and not the gaming acts. I note the submissions to the committee concluded that there were some technical recommendations and suggested changes to both bills. I do say in the spirit of companionship with the honourable Attorney that the spirit of both bills serves the same intent. The spirit of my friendship has extended to the fact that the intent of both bills reaches an objective that is the same. However, I will make the point that I believe our bill adds less regulation and is less burdensome on people than what appears will be a system of regulation that will have to be undertaken either through the RSLs, subbranches or the department. I believe the Department of Justice, in its submissions to the committee, made mention of the fact that there in fact would be a burden.

I refer to the report at page 7 in the second last paragraph where the committee said—

... that the Private Member's Bill does not conform with the normal practice in Queensland when legalising forms of gambling through appropriate enabling legislation which creates a regulatory framework around the gambling activity rather than simply decriminalising it.

That was the whole point. We wanted a simple element to decriminalise that aspect of it and the best way to do that was through the Criminal Code. Queenslanders are at the point when they want government to stay out of their lives. They are sick and tired of governments telling them what they can and cannot do, how they can wash their hands, how they can do whatever and how they can have a game of two-up on Anzac Day. Although I am happy that we will be proceeding to fix this anomaly tonight, I still hold the view that it would have been sufficient to deal with the issues within the confines of the Criminal Code. However, I note that the RSLs and subbranches will benefit from the government's bill because of the entrance fees and donations. I make the point that it cannot be for monetary gain but simply for returned service men and women, and the RSL supports that.

In light of the continued mateship that I will show towards the Attorney-General tonight, I will not use my 48 remaining minutes; I will only use another 40. Our approach was quite simple: to introduce a minor amendment that ensured playing a game of two-up on Anzac Day is legal in particular venues. That was the commonsense approach to resolve the issue. Do members know who suggested that commonsense approach? It was not the Attorney-General. It was none other than Campbell Newman.

**Mr Lucas:** And he got it wrong.

**Mr BLEIJIE:** He did not get it wrong.

**Mr Lucas:** He got it wrong according to the committee and the RSL.

**Mr BLEIJIE:** I take the interjections from the Attorney-General. If the Attorney-General reads the complete submission, the Law Society says it ought to be placed in the Criminal Code rather than the way the Attorney-General is doing it. At the end of the day, I do not believe the RSL subbranches or any other submitters would have cared less whether it was in the Criminal Code or in the gaming act; they just want it done. I think they will be happy just to see this take place. Therefore, the LNP will be supporting the bill. I believe that as we approach Anzac Day—

**Mr Lucas:** When you get rolled on something, you shut up. You don't highlight it.

**Mr BLEIJIE:** The more he talks, the more I am going to talk. I am happy to take an interjection from the member for Ashgrove if she cares to take her seat.

**Madam DEPUTY SPEAKER (Ms O'Neill):** Order! Member for Kawana, resume your seat. I have been really lenient, but it is getting on. I would like all members to maintain some decorum. Member for Kawana, I am sure you are nearly finished.

**Mr BLEIJIE:** Shortly, on 24 March, Queenslanders will have an opportunity to vote and this issue shows the type of leadership of Campbell Newman. He went to Cairns, he saw that there was an issue and he acted on it. The LNP acted on it and here we are. If Campbell had not acted on it in Cairns, the Labor Party would not have introduced its bill and we would not have legal two-up on Anzac Day in April. Out of 22 years, we have had 20 years of inaction. If this was such an important issue for the government, why haven't they done it for 12 years?

**Government members** interjected.

**Madam DEPUTY SPEAKER:** Order! Could you both please—

**Mr Lucas:** I'm not talking about him. I'm talking about the person sitting behind him.

**Madam DEPUTY SPEAKER:** Minister, I do not mind who you are talking about. I do not want you talking about anyone.

**Mr BLEIJIE:** Thank you for your protection, Madam Deputy Speaker. It is time to get Queensland back on track. It is time to see change in Queensland, and this is the type of change we need. Time and time again we have come into this place and introduced private members' bills on topics that for 12 years the government has not thought about and all of sudden—bang! It becomes its idea. The community knows who made this happen. The community knows it was not the member for Ashgrove who made this happen. It was the Liberal National Party under the leadership of Campbell Newman.