Speech By

Hon. Curtis Pitt

MEMBER FOR MULGRAVE

Record of Proceedings, 13 October 2016

MAJOR SPORTS FACILITIES AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Hon. CW PITT (Mulgrave—ALP) (Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport) (4.53 pm): I move—

That the bill be now read a second time.

I would like to thank the Transportation and Utilities Committee for its report, tabled on 10 October 2016, regarding the Major Sports Facilities and Other Legislation Amendment Bill 2016. I would also like to thank those who made submissions to the committee about the bill and those who appeared as witnesses as part of the committee's inquiry. I am pleased to table the government's response to the committee's report.

Tabled paper: Transportation and Utilities Committee: Report No. 24—Major Sports Facilities and Other Legislation Amendment Bill, government response [1865].

The committee's report contained two recommendations. Recommendation 1 was that the bill be passed. The government appreciates this recommendation. Recommendation 2 was that the bill be amended to provide safeguards against the inappropriate disclosure of criminal history information provided by a Stadiums Queensland board member during the term of their appointment. The government accepts this recommendation and I will move this amendment during consideration in detail.

This bill amends the Gaming Machine Act 1991, the Keno Act 1996, the Land Act 1994, the Major Sports Facilities Act 2001 and the Transport Infrastructure Act 1994. The bill will also make minor consequential amendments to other legislation. The bill proposes to make two gambling related amendments. The first amendment relates to the way gaming machine tax is assessed for clubs with additional premises under the Gaming Machine Act 1991. The metered win, which is a venue's profits, from gaming machines is subject to a monthly gaming machine tax. For clubs, the rate of tax is progressive, whereby a tax-free threshold of $9,500 applies, above which the tax rate increases in brackets from 17.91 per cent to 35 per cent depending on the monthly metered win. Currently, when a club operates more than one premises, the monthly metered win from all of the club's premises is combined before the progressive tax rate is applied. This results in clubs with additional premises paying more tax than they would if the monthly metered win from each premises were taxed separately.

Clubs Queensland, which represents the interests of approximately 1,000 community clubs in the state, has long held the view that the current arrangement can discourage clubs from expanding their operations, to the detriment of local communities. In particular, the current arrangement can discourage larger clubs from amalgamating with smaller, struggling clubs and from establishing new premises in regional or greenfield areas. Clubs help build and strengthen communities through social inclusion, employment and volunteering opportunities and valuable sporting and recreation facilities.

Sadly, however, 69 clubs have closed since 2011 according to Clubs Queensland, with few new clubs emerging to take their place. This means that somewhere a local community has missed out on the social and economic benefits that a community club provides.

In order to stimulate the provision of community clubs services across the state, the bill seeks to amend the Gaming Machine Act so that gaming machine tax is calculated on a per venue basis for clubs with additional premises. This amendment is not expected to significantly impact on tax revenue as there are only 20 clubs at present that operate additional premises. The amendment is unlikely to lead to the development of 'super clubs', as a club that operates multiple venues will still be limited to a cap on the number of gaming machines that may be operated across all its venues. Additionally, applications of significant community impact, which includes applications for additional club premises, must, unless waived by the Commissioner for Liquor and Gaming, be accompanied by a community impact statement. The purpose of the community impact statement is to help the commissioner assess the social and economic implications of the grant of the application. Finally, the legislatively prescribed statewide cap on gaming machines for clubs will remain unchanged.

The second gambling related amendment under the bill relates to the proposed introduction of multi-jurisdictional Keno jackpot pooling in Queensland. The bill seeks to amend the Keno Act 1996 to enable the Queensland Keno licensee to enter into an arrangement with interstate Keno licensees to pool Keno jackpot contributions for certain Keno games. The pooling arrangement requires that the Queensland Keno licensee be provided with the ability to conduct Keno draws during currently prohibited periods in Queensland on Good Friday, Anzac Day and Christmas Day in order to ensure that the jackpot draws can be synchronised with participating jurisdictions that do not prohibit the playing of Keno on these days. Although Keno draws will be conducted during the prohibited periods in Queensland, Keno tickets will not be sold and Keno draws will not be displayed in venues during these times.

The pooling arrangement also requires that the Queensland Keno licensee be able to remit Keno funds to pay a winner in another participating jurisdiction. From a Queensland Keno player's perspective, the key aspects of the conduct of Keno will remain unchanged following the introduction of multi-jurisdictional jackpot pooling in the state. In particular, each participating jurisdiction will continue to sell its own tickets and conduct its own separate Keno draws. Interstate pooling arrangements already exist for lotteries in Queensland. The introduction of multi-jurisdictional Keno jackpot pooling in Queensland is intended to reinvigorate Keno and deliver a more attractive and entertaining game for players through the offer of larger jackpot prizes. It will also enable the Queensland Keno licensee to provide Queenslanders with the same Keno offering already available to Keno players in New South Wales and Victoria. Although multi-jurisdictional Keno jackpot pooling is anticipated to enhance the Keno game, it is not envisaged that it will have a significantly adverse impact on problem gambling as Keno presents a relatively lower risk of harm compared to other forms of gambling products such as gaming machines.

The bill also amends the Land Act 1994 to enable the land adjoining a non-tidal watercourse or lake to be leased where infrastructure extends into the airspace above or at a depth below the functioning watercourse or lake forming a property boundary. Under the provisions in the bill, the state will be the holder of any lease and may sublease to a third party to undertake particular works or for occupation of a site for projects considered by the state as providing a benefit to the local community. The lease is also nontransferable. What these amendments will do is give legal tenure to the lessee or sublessee for projects requiring tenure over the part of the project site that extends over or below a watercourse or lake, which enables the land to be dealt with as ordinary land. This gives the tenure holder more security than occupancy rights and ensures the state can apply consistent lease management arrangements across an entire project site, as well as allowing public use of the site.

These amendments could be used for structures such as public or commercial viewing platforms or jetties, or other types of compatible infrastructure in a functioning non-tidal watercourse or lake that forms part of a physical property boundary. The amendments are not intended to capture jetties or any other infrastructure in tidal waterways, infrastructure built within an existing tenure or other private infrastructure built by an adjoining landowner in a watercourse or lake. The provisions in the bill do not override the ordinary rights of riparian landholders to access their land under the Land Act, nor will they impact on the ongoing functioning of a watercourse or lake under the Water Act 2000. Before any lease can be granted to the state, the chief executive responsible for the Water Act 2000 must consent to the lease, ensuring it will not interfere with the control or use of the non-tidal watercourse or lake for a purpose under the Water Act, or interfere with a right of the state or a person to take or use water under the act. Consent must also be sought from each person who is an adjacent owner of the land.

The bill will amend the Major Sports Facilities Act, primarily to improve the administration of the act in relation to protections against unauthorised advertising during major sporting events and support due diligence in the appointment of directors to the board of Stadiums Queensland. As a safeguard against ambush marketing, part 4B of the Major Sports Facilities Act provides for the regulation of advertising within the vicinity of the major sports facilities declared by the Major Sports Regulation 2014. Advertising restrictions protect the interests of event sponsors, who are critical contributors towards meeting the costs of events. The act's capacity to protect events from unauthorised advertising makes Stadiums Queensland venues more attractive to event organisers and supports Queensland's investment in these facilities.

The existing declaration process requires eight weeks lead time, comprising a statutory 28-day notification period, a Governor in Council process and departmental processing. This time frame does not suit the reality of event scheduling at these venues and has proven impractical when events are scheduled or rescheduled at short notice. The bill amends the act to provide an additional, alternative process for the regulation of events. The proposed process will allow certain categories of events to be declared by regulation and will result in the majority of major sports facilities events being declared in one single process. Event categories declared by regulation will be those that are held under the auspices of national sporting bodies such as the National Rugby League, Cricket Australia or the Australian Football League.

As well as providing greater certainty to event organisers, this new process should reduce the potential impact of advertising restrictions on local advertisers not associated with events by nearly two-thirds. This is because, under the current process, three-day event periods are declared to enable flexibility for minor rescheduling. The new alternative process will reduce the need for three-day event periods for those events declared by regulation, applying a standard event period from 6 am to midnight on event days.

The bill clarifies the departmental chief executive's power to request criminal history checks for people proposed for appointment to the Stadiums Queensland board. This supports section 14(b) of the Major Sports Facilities Act that outlines that a person is not qualified to be a director on the Stadiums Queensland board if the person has been convicted of an indictable offence. Privacy will be protected by a new offence provision for inappropriate disclosure of information and by a requirement for criminal history information to be destroyed as soon as practicable after it is no longer required. Natural justice will be provided by requiring that the chief executive disclose the contents of a criminal history report to the relevant person and by allowing reasonable time for the person to make written representations about the report.

It is also proposed that the act be amended to ensure that directors of the Stadiums Queensland board are required to inform the chief executive officer of the department if they are convicted of an indictable offence while in office. A new offence provision will apply where directors fail to comply with this requirement without a reasonable excuse. The Transportation and Utilities Committee has also recommended an additional amendment to ensure that the privacy provisions contained within the bill apply to the criminal history information provided by directors. This amendment is supported and will be moved during consideration in detail. The bill provides for minor administrative amendments to the Major Sports Facilities Act and the removal of redundant provisions.

Finally, the bill will also amend the Transport Infrastructure Act to accommodate the proposed Logan Motorway Enhancement Project. Transurban Queensland proposes to fund the project through changes to existing tolling arrangements for the Logan and Gateway motorways, which are referred to in the act as the QML network. Proposed changes include an increase in tolls for heavy vehicles and the installation of new toll points for all vehicles on new south-facing ramps at Compton Road.

Tolling arrangements for toll roads are set by the Minister for Main Roads through a tolling declaration made under section 93 of the Transport Infrastructure Act. However, section 93AA(1) of the act prevents the minister from making a new tolling declaration for the Logan and Gateway motorways. The changes to the Transport Infrastructure Act include an amendment to section 93AA(1) allowing for a new tolling declaration to be made in relation to the Logan and Gateway motorways. The amendment limits the minister's ability to make a new declaration to the extent necessary and appropriate to facilitate the Logan Motorway Enhancement Project. In all other respects, a declaration must remain consistent with the declaration currently in force. I commend the bill to the House.