PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Tuesday 23 November 2021

REVISED EDITION

Contents

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The President, **Mr Farrell**, took the Chair at 10.00 a.m., acknowledged the Traditional People and read Prayers.

RECOGNITION OF VISITORS

[10.04 a.m.]

Mr PRESIDENT - Honourable members, before I call on special interest matters, I would like to welcome to the President's Reserve Taroona Volunteer Fire Brigade members, Roger McNeice, Neil Cripps and Peter Gugger. I note that retired television presenters probably outnumber mere mortals in this Chamber. Welcome, gentlemen. I am sure all members will make you welcome and express their thanks for the wonderful work our volunteer fire brigades do.

Members - Hear, hear.

SPECIAL INTEREST MATTERS

Taroona Volunteer Fire Brigade 75th Anniversary

[10.05 a.m.]

Ms WEBB (Nelson) - Mr President, today I rise to speak in celebration of the Taroona Volunteer Fire Brigade which celebrated its 75th anniversary on 20 November 2021.

The brigade shared this celebration in a daylong event with the whole Taroona community at its home, the Taroona Fire Station. The celebration highlighted the important place the brigade has in the community today and the wonderful legacy of the brigade over the past 75 years.

That history was certainly on display at the event on Saturday. We were able to peruse a whole range of current and historical firefighting equipment and vehicles including vintage fire appliances on loan from the Tasmania Fire Museum. It was fascinating to compare with equipment from today, including very significant equipment like the extending boom aerial firefighting appliance which is used today, which was a new one to me.

Another fun part of the celebration was the friendly competitive events between the Taroona Brigade and the neighbouring Mt Nelson Brigade, showing off impressive firefighting skills. As both these brigades were within the electorate of Nelson, I could not possibly take sides.

The Taroona Volunteer Fire Brigade was formed in 1946 by the late Marc Ashton. As a Taroona resident, Marc was aware that in the time it took the Hobart Fire Brigade to respond to fires in Taroona, a house on fire could be beyond saving. Wanting to ensure the better safety of his local community, Marc took the initiative of forming a local fire brigade, which was a rarity in 1946.

Interestingly, this first iteration of the brigade was not formally recognised and had no legal standing, but it proved its worth early, successfully fighting several bushfires and protecting threatened houses in the area.

It was not until the Rural Fires Board was established in 1951 that the Taroona Fire Brigade became registered and known as the Taroona Rural Fire Brigade. Marc Ashton was captain of the brigade for 25 years and remained a patron of the brigade until his death in 1986.

Fortunately, the volunteer brigade already had a decade of firefighting experience under Marc's leadership when it faced its first big test in 1957. Heatwave conditions and strong north-westerly winds in late January that year saw several large fires burning around the Hobart area.

Taroona was particularly hard hit with one home destroyed and several hundred acres of scrub burnt. Marc and 200 volunteers battled fires for 16 long hours and were able to protect several threatened Taroona homes from the blaze. But as we know, bigger fires were yet to come.

The 1967 bushfires were the worst in Tasmanian history. On 7 February 1967, bushfires burnt through 2640 square kilometres of land in southern Tasmania in just five hours. There were over 100 separate fires blazing including one large fire behind Taroona. While the Taroona fire had been monitored by the Taroona Fire Brigade members for several days prior, on that terrible day it got out of control, destroying several homes, the doctor's surgery, the old public hall and many outbuildings in Taroona.

The brigade defended the area as best they could under those terrible conditions. In total, as we know, 62 people died that day and at least 90 were injured and thousands of Tasmanians were left homeless. The horror of the fires is still remembered probably by many here in the Chamber today.

It was the volunteer fire brigades, like the Taroona brigade that courageously defended our community and we owe them deep gratitude for their service on that day. Over the years, the Taroona Fire Brigade developed a reputation for firefighting expertise. In fact, with better equipment and the young enthusiastic teams of volunteers, it was considered one of the best volunteer fire brigades in southern Tasmania.

However, it was not until 10 May 1975 that the Taroona brigade opened its first purpose-built station. The new station had an operations and radio room, a lookout tower, a ladder and top platform. It must have been quite a luxury for the brigade, which had originally operated out of Marc Ashton's home and then a small shed on the Channel Highway.

In speaking about the 75 years of proud history of the Taroona Fire Brigade we cannot fail to mention and acknowledge Mr Roger McNeice OAM. Roger became the second captain of the brigade following on from Marc Ashton in 1971, which must have been very big shoes to fill, but Roger held that position of captain for 12 years until 1983, followed by another three years as chief officer. Many members of the brigade over the years speak of the leadership and mentoring provided by Roger McNeice and his significant contribution to the success of the brigade.

We are also indebted to Roger for his work documenting the history of the Taroona Volunteer Fire Brigade. Much of the information I am sharing today came from his work.

I also acknowledge the honour of a life membership of that brigade bestowed as part of the 75th anniversary celebrations on long-time committed member, Neil Cripps - a very fitting recognition of what I understand has been stalwart service from Neil across all aspects of the brigade, including documenting many of the events and activities through his photographs.

It is perhaps hard to remember when we are in this wet spring that Tasmania is particularly prone to fire and is regarded as one of the most bushfire-affected regions of the world. Climate projections indicate that along with the rest of south-eastern Australia, Tasmania's likely to become hotter and dryer with more extreme weather days and increased risks of wildfires. I am sure dedicated volunteers at the Taroona Volunteer Fire Brigade and fire brigades throughout our state would encourage all of us to be better prepared for this upcoming fire season. We all need to do our fire plans.

I conclude by offering my hearty congratulations to the Taroona Volunteer Fire Brigade, under the current leadership of Tristan Roberts on their 75th anniversary and I extend my deepest thanks to them for their commitment and the service they provide to the community of Taroona. May it continue for another 75 years and long into the future.

Members - Hear, hear.

Parliamentary Friends of Dementia

[10.12 a.m.]

Dr SEIDEL (Huon) - Mr President, it is with immense pride I inform this House we are launching the Parliamentary Friends of Dementia group today just after 1 o'clock here at Parliament House. There are about 11 800 Tasmanians living with dementia and this number is anticipated to increase to more than 20 000 by 2050 as the percentage of older Tasmanians in the population increases. In Australia generally, that figure is expected to reach 900 000 by 2050. In Australia, more than 25 000 people also suffer from younger onset dementia with some as young as 30 years.

Dementia is the third leading cause of all deaths and it is estimated only one in five Australians are actually aware the disease is indeed terminal. Keynote speakers at today's launch are the Minister for Health, Mr Jeremy Rockliff; the shadow minister for health, Ms Anita Dow; and the health spokesperson for the Greens, Dr Rosalie Woodruff. I am also very much looking forward to hearing from the fabulous representatives of Dementia Australia, Dementia Friendly Tasmania and the University of Tasmania's world-leading Wicking Dementia Research and Education Centre.

You may wonder why I am so interested in dementia and why establishing a parliamentary friend group matters in that context. The reason is simple. It is about stigma. Facing stigma is often a primary concern of people living with dementia, their family and carers. Those with the disease report being misunderstood because of the misconceptions others have about dementia and the consequences are indeed enormous.

Stigma is the use of negative labels to identify a person with a disability or illness. Stigma around dementia exists in part due to the lack of public awareness and understanding of the disease. Stigma prevents people from seeking medical treatment when symptoms are present, from receiving an early diagnosis or any diagnosis at all, from living the best quality of life possible while they are able to do so, from making plans for their future, from developing support systems and from participating in necessary clinical trials. Yes, stigma can be overcome. I am saying that because as a society, we, as human beings, have done this before. We have overcome the stigma of cancer. Decades ago, being diagnosed with cancer was considered a death sentence. One would not talk about having tests, let alone being diagnosed, but today we have systemic screening programs in place as well as a comprehensive suite of individualised treatment options. Today, we empower patients with cancer.

We have overcome the stigma of mental health issues. A generation ago, patients with mental health issues found themselves institutionalised and disenfranchised from their community. Today mental health is a responsibility for all of us. When we are asking, 'Are you okay?' we are actively offering support to anybody. We do not discriminate. In order to overcome the stigma of dementia we, as a community, must aim to be open and direct and we must be committed to communicating the facts. Sharing accurate information is key to dispelling misconceptions about the disease.

Let us engage with others in discussions about dementia and the need for prevention, better treatment, and an eventual cure, whether by a pamphlet or a link to online content, often information to help people better understand the disease and their options. Making our electoral offices dementia-friendly is a logical first step here. Reaching out, making that first step, can really make all the difference.

Overcoming stigma by engaging, informing and supporting is exactly the role I envisage for the Parliamentary Friends of Dementia group who are looking forward to many members of this House actively participating in the group over many years to come.

Mrs Hiscutt - As long as we do not forget to turn up.

Dr SEIDEL - I will remind you.

Burnie Surf Life Saving Club 100 Year Anniversary

[10.17 a.m.]

Ms FORREST (Murchison) - Mr President, I wish to speak today about a truly committed and life saving organisation or club in my community that has saved many lives over 100 years. The Burnie Surf Life Saving Club was formed during a meeting held in Tom Scott's barber shop in the summer of 1921, although moves to provide lifesaving apparatus at West Beach began in Burnie as early as February 1919.

Minutes of the Burnie Tourist and Progress Association of 13 February 1919 reveal it was resolved to ask the Emu Bay Council to install a reel, line and belt at the beach. Tom Scott was the local barber at the time and he was one of those who formed Burnie's first unofficial surf rescue team in the summer of 1919-20, together with Laurence Wells, Stan Gill and Tom Munn. Captain James Newlands VC convened and chaired the first meeting at Tom Scott's salon in the summer of 1921.

Others present included Tom Scott, Percy Baldwin, Stan Gill, Herb Dudman, Sid Melbourne, Joe Bryant, Claude Wells and Alynn Emmett. It was decided to form a club to be known as the Burnie Surf Life Saving Club and the first president was Captain James Newlands. Shortly after this, a clubhouse built of split palings was erected just west of the old Parade swimming pool and was painted with a mixture of red ochre and linseed oil. The plans for a surf reel were obtained from New South Wales and a reel was constructed and used for many years.

The club was affiliated with the Surf Life Saving Association of Australia in 1931, along with several other coastal clubs at the time. The club has since grown and prospered in many ways, being one of the largest and most successful clubs in the state. Following those early days, the club went on to occupy several clubhouses, with a timber building erected in 1930 being replaced with a modern brick building in 1961 in time for the National Inter-Club Championships held in Burnie in 1962.

The renovations in the 2000s and later have resulted in the clubrooms they have today which they now have also outgrown. Burnie was always an extremely strong club and led the way in many aspects of surf lifesaving from the beginning. They were very well represented on the Tasmanian State Centre and the now defunct board of examiners for many years. They remain one of the strongest voices in surf lifesaving administration in Tasmania with previous club president, Stuart Paine, now the state president of Surf Life Saving Tasmania.

The Burnie club, through the efforts of long-time stalwart, the late Alex Norton, introduced surf boat competition to Tasmania.

There have been many firsts for the club, including the first surf boat in Tasmania; the first female bronze squad in Tasmania; and the first four-person bronze squad in Tasmania, to name a few.

Burnie has excelled in competition. Members have excelled on state and national stages. The club has been highly competitive in all aspects of competition over the years, with success in rescue and resuscitation, boat, board, ski, surf and beach events, with many medals won over the years in all categories including junior, open, and masters events.

Burnie played host to the Australian Championships in 1962, as I mentioned, and also hosted a visit from US lifeguards, a NSW Central Coast team, a team from South Africa, as well as one from New Zealand. Burnie also hosted the CUB Interstate Challenge in 1998.

Of particular note, Burnie holds the honour of having three of its members chosen to represent Australia: Alex Norton, in Hawaii in 1953; Geoff 'Butch' Wiseman, in New Zealand in 1972; and Gary Munro, in South Africa in 1974. Indeed, a significant achievement for this club.

The Burnie Surf Life Saving Club is truly inclusive, family- and community-focused. The club celebrated its centenary on 13 November, a year late after COVID-19 put a pause on the event planned for last year. Two hundred people, including me, filled the Burnie Arts and Function Centre while a further 50 youth members were celebrating and digitally connected down at the surf club. Club president, Shane Askew, described the event as a proud moment for a very proud club.

The Burnie Surf Life Saving Club is indeed an amazing club with a fantastic culture focused on the engagement of families, with programs for all ages and interests, including the Nippers Periwinkles program that introduces children under seven to surf lifesaving, and the Nippers junior program that introduces children aged five to 13 to lifesaving. The club has a very strong focus on health and fitness as well as water and beach safety.

The club president, Shane Askew, stated in recent comments in the media, related to that anniversary:

> Life saving is a lifestyle that offers life skills. The members pride themselves on excellence whether it be in administration, patrolling West Beach, or competing nationally.

They do us proud on the national stage, Mr President.

I commend and congratulate the Burnie Surf Life Saving Club on the years of dedicated service to the community. It is a club that values its members - past, present and all age groups. It continues to uphold the traditions and deeply held values that go with being a member of this great club, taking pride in providing a valuable community service to the city of Burnie for over 100 years.

Tribute to the Late Aboriginal Elder, Aunty Phyllis Pitchford

[10.23 a.m.]

Ms ARMITAGE (Launceston) - Mr President, today I pay tribute to a stalwart of the Tasmanian community, and the deep loss that has resulted from the passing of Aboriginal Elder, Aunty Phyllis Pitchford.

Aunty Phyllis was born at the Queen Victoria Hospital in Launceston on 30 October 1937, one of identical twins. After spending some of her early childhood with her family on Cape Barren Island, Aunty Phyllis then split time between her parents - her mother, who moved to Launceston, and her father, who remained on Cape Barren Island.

Aunty Phyllis's childhood involved deep connection to the land, her family and her culture. She spent much of her time partaking in practices like muttonbirding. Aunty Phyllis attended Charles Street Primary School and later Brooks High School, marrying and moving to Flinders Island not long after finishing her schooling.

On Flinders Island, Aunty Phyllis raised five children, was a founding member of the Flinders Island Aboriginal Association, along with the Babel Island Aboriginal Corporation, and the Tasmanian Aboriginal Childcare Association.

Her time on Flinders Island was not without its challenges, however. Aunty Phyllis recalled and was candid about the strong atmosphere of racism on Flinders Island, especially during the 1980s. This was completely different from the life she had known growing up on Cape Barren Island. In an article in *The Examiner* in 2020, Aunty Phyllis said that she had not experienced racism while being taught on Cape Barren Island, and her first exposure to racism was when she took a trip with her father to Flinders Island. All the children on Cape Barren Island, according to Aunty Phyllis, were of different skin colours, some darker, some fairer,

and not a thought of racism had crossed their minds. They were just a bunch of happy kids during that time.

Aunty Phyllis's deep connection to her land, culture and people manifested itself in her desire to mentor younger Aboriginal generations, and inspire them to express themselves, and their culture, through poetry, art and creativity. Through the meenah mienne project, a program that encourages the artistic expression of Aboriginal youth in the justice system, Aunty Phyllis helped give Aboriginal people a way to experience the therapeutic effects of creative expression, something which has had a profoundly positive effect on Aboriginal youth in precarious situations. The care which Aunty Phyllis had for the vibrant Aboriginal communities which call Tasmania home meant that she was a strong voice and advocate for them.

Aunty Phyllis served as a member of the Tasmanian Government's State Strategic Planning Committee, the ya pulingina kani Indigenous Family Violence Working Group, the Tasmanian Women's Consultative Council and was the Elder in Residence, a speaker and board member for Riawunna at the University of Tasmania's Centre for Aboriginal Education. In 1992, Aunty Phyllis received a NAIDOC Award for her contribution to the communities of Tasmania, Flinders Island and Cape Barren Island.

The loss of Aunty Phyllis is a deep and significant one for all Tasmanians, but particularly for our Tasmanian Aboriginal community who have lost a wonderful mentor, advocate and friend. Tasmania is a better, more positive place for having had Aunty Phyllis's contributions. I express my deepest condolences to our Tasmanian Aboriginal community, Aunty Phyllis's family, her friends, her three children, 23 grandchildren and her many, many great- and great-great grandchildren. Vale Aunty Phyllis Pitchford.

Members - Hear, hear.

Bowman's Store Flinders Island

[10.26 a.m.]

Ms RATTRAY (McIntyre) - Mr President, there is a bit of a theme with special interest matters today. On behalf of the electorate of McIntyre, which encompasses the Furneaux Group, I add my condolences on the passing of Aunty Phyllis Pitchford. It will certainly be a loss to the Aboriginal community right across Tasmania.

When I say there is a bit of a theme, it is about anniversaries: the 75th anniversary of the Taroona Fire Station; the 100th anniversary of the Burnie Surf Life Saving Club; and the 100-year anniversary celebration of the Bowman's General Store at Whitemark on Flinders Island. I travelled to Flinders to attend the celebration held at the store at Whitemark on Saturday afternoon, and what a celebration it was. There were plenty of people there who had been connected to the Bowman's Store: some had worked for a few weeks, some a few months, some had worked there for years.

Mr Valentine - Any crayfish?

Ms RATTRAY - No crayfish. That is another story and I will talk about that another day.

I have a little bit of history to put to my offering today. If anyone would like to read the full story, you will find it under the Tasmanian Tuxedo website and it is story number 92. If you go to Bowman's General Store celebrating 100 years, you will find the full content.

The history starts with Daniel Thomas Bowman, a young man who was quite adventurous and served four years as a bookkeeper on a remote rubber plantation in British New Guinea. Upon his return to Melbourne in 1912, a visit to the Royal Melbourne Show saw him stumble across a stand promoting land acquisition on Flinders Island. I said he was adventurous and, just arriving prior to the winter of 1913, Daniel selected a property on the eastern side of the island.

In 1919, Daniel Bowman returned to the island at the bottom of the world and brought with him his wife, Maud. The pair had married one month earlier after his arrival back in Victoria. Here they were, a family; Daniel found work on the island as a council clerk to supplement their income while Maud turned her hand to making the best of life on a remote farm.

Baby Stanley was born in August of 1920 and there was now a family to support. In 1921, Maud took Stanley back to Victoria while Daniel set about building a four-roomed home with a shop and a post office in Whitemark. And so, the story begins.

At that time there were the council chambers, the Church of England and the Interstate Hotel. So, not a lot happening on the island back in 1921. Bowman's Store was born initially trading under E. M. Bowman - Elizabeth Maud as Daniel felt that his role on the council as council clerk precluded him from using his own name. That was significant back then.

By 1931, Stan had two sisters, Ruth and Una. They went off island for their high school years but each came back after their education returning to work in the store. Bowmans has always been a genuine family affair and certainly nothing has changed to this very day.

In 1942, Stan married Elvie Dawson, a St Mary's girl from the Tasmanian mainland. Elvie brought with her an excellent shop pedigree as her family ran their own general business in the small east coast community. She quickly adapted to island life and fitted in very easily with the Bowman family. It has been suggested that Elvie knew exactly what she needed for her store and was very astute in buying what she needed.

The young couple soon had a growing brood of children and added another couple of rooms to the dwelling and the multi-layered family living at its best. The information tells us that upon his retirement from council in 1952, Daniel voyaged to England with an old friend. In his absence, the family grasped the opportunity to undertake major upgrades back in Whitemark, as Daniel was never one for change. Hence, it was a perfect time to build not only a new storeroom but to demolish the old shop. Bowman's Store as it stands today, rose from the ground.

Daniel's death in the mid 1950s coincided with the development of the Soldier Land Settlement Scheme and the projects saw the island welcome a significant population rise and with that came increased income. Elvie could buy more stock for the store.

Today, Lois Ireland, one of the children of Stan and Elvie, is the matriarch of the Bowman family. The only daughter, and most of Lois's earliest memories are defined by the business

that shaped her life and still does today. She says in this article that she still recalls being asleep in the cot out in the back room. Lois had four brothers, John, Chris, Geoff and Peter and three of them were in attendance on Saturday - Geoff was in Western Australia but he was on FaceTime, modern technology. His partner and their little person were there reminiscing and sharing in the day. The Bowman children remember their parents as being hardworking, caring, busy and industrious, and with five children that certainly would be the case, as we know.

Bowman's was - and still is - a veritable treasure trove. It is a classic country store. The charm hails from its walls, lined with everything that you can imagine. Timber shelves are groaning with clothing, books, linen, boots, electrical items, underwear, hardware and home décor. You name it, and they have it at Bowman's. And if they have not, I am sure they will get it in for you.

It goes on to say that there is a strange kind of comfort in the burgeoning stash that greets you, drawing you in and inviting you to relax and fossick around. You never know what you will find and the member for Windermere will know that only too well. I can let him know that the new commitment from the younger brigade coming through has indicated they will be stocking fishing gear in the future.

Ms Forrest - It is a bit like Terry Perry's shop on King Island. It has everything and lots of fishing gear.

Ms RATTRAY - Yes. It used to be like we had at Derby at Paul Branch, and Cox's before that, as you will well know.

Mr Valentine - Did they have shoes, this is the question?

Ms RATTRAY - No shoes. They had boots.

Lois opened the Bowman History Room in 1996. That was as the result of a huge clean-out from Aunty Ruth's belongings when she sadly passed away. At the time, there was a rich celebration of 75 years of intriguing island history, and it is certainly worth a visit to the history room. When we go on our electorate tour to the island in 2023 we will be visiting the history room, I can assure you. That is a great collection of the history of Bowman's Store over those years. There are old photographs, newspaper clippings, classic items that tell a story. If you go on to my Facebook page, I took a few photos just to give you a snippet for those who are keen to know what is in that history room. Some of Daniel's war medals, diaries, maps, letters and personal items from World War 1 rest quietly in there too.

As I have indicated, Lois's daughter, Claire, the next generation who has come back to the island with her young family, went on to say in the article, and she backed this up on Saturday when she spoke about continuing the traditions of the Bowman Store. 'I loved growing up in here,' she openly admits, 'but I never thought I'd end up working back in the shop'. Well, she is and she is going to add that fishing range of product as well. She goes on to say, 'So here I am, loving life back at Bowman's … Maybe Mum can start to take a step back now'.

The lovely part of Saturday was that Lois's husband, Guy, who unfortunately had a terrible accident on Mother's Day of 2021 is home and he found out on Saturday that Claire

would be stepping up and Lois would be stepping back. He was so excited that he was going to be spending some more time with Lois who is an exceptionally busy person. Claire gave some beautiful commitments to the island and she promised to continue to do the things that her mum and her Aunt Ruth and her grandmother had done in the past, and Maud as well, in supporting the community.

It was a wonderful celebration with great speeches. I had a great time catching up with a lot of people I know already but also meeting some new islanders. There are plenty of people who have moved to the island to take the opportunity to enjoy the beautiful place it is. We enjoyed a delicious afternoon tea prepared by the wonderful CWA women of the island. Two groups came together and it was exceptional. I congratulate everybody involved and particularly congratulate the Bowman family on 100 years of continuous family ownership and service to the Flinders Island and Furneaux Group community. It is exceptional. If you need a bag of mixed lollies, they are still available at Bowman's Store. Please get your money ready for 2023 and I am sure the member for Windermere will be there getting lollies before that time. Thank you and congratulations to the Bowman family.

Members - Hear, hear.

LEAVE OF ABSENCE

Member for Pembroke - Ms Siejka

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) (by leave) - Mr President, I move -

> That the member for Pembroke, Ms Siejka, be granted leave of absence from the service of the Council for this day's sitting.

Leave granted.

MOTION

Select Committee on Traffic Congestion in the Greater Hobart Area - Report - Consideration and Noting

[10.40 a.m.]

Mr VALENTINE (Hobart) - Mr President, I move -

> That the Report of the Select Committee on Traffic Congetsion in the Greater Hobart Area be considered and noted.

It is my pleasure to rise to move the motion in my name with regard to the receiving and noting of the Greater Hobart Traffic Congestion inquiry report. This inquiry commenced as a result of a motion put forward by the previous member for Huon, the honourable Robert Armstrong on 13 August 2019. That is quite some time ago. Five members were appointed to that committee, there was the then member for Huon, me, and the members for

Prosser, Pembroke and Nelson. The committee met later that month and elected the then member for Huon, chair of the committee and me as deputy chair. I will read the terms of reference for that committee into *Hansard*:

(1) The scope of Greater Hobart's traffic congestion and its impact on the community and economy;

(2) Causes of congestion, including physical and topographical barriers;

(3) Strategic planning processes between Commonwealth, State and Local governments;

(4) Future initiatives to address traffic congestion in the Greater Hobart area; and

(5) Any other matters incidental thereto.

Submissions were called for and we received 50 submissions: 26 from individuals; 16 groups or organisations; the Government; Metro; and eight councils, collectively: Tasman Council; Huon Valley Council; Brighton Council; Hobart separately and Glenorchy and Kingborough made a submission together; Clarence Council; and Sorell Council.

The member for Huon left parliament at the end of July 2020 and the member for Prosser took on a ministry and needed to absent herself from the inquiry as it is not appropriate for Government ministers to be on an inquiry as they are part of executive government for whom inquiry reports are provided for consideration and, hopefully, action. We do thank them for the time they had on the committee.

There were five hearings, four in November 2019 and one in June 2020, and 27 witnesses gave evidence.

I place on the record my thanks to Hansard who helped facilitate those sessions. It is really good we have Hansard there, always available at the whim of a committee, so we really do thank them for their service in that regard. I also place on the record thanks to Natasha Exel, who is no longer employed by the Legislative Council, for her work as secretary to the committee, and Allison Waddington for her hard work and support.

There were unexpected interruptions and COVID-19 interrupted the flow of work in this House. There were two elections - one upper House election and one lower House - that affected the committee, causing the election of a new chair and deputy, me as Chair and Jo Siejka, member for Pembroke, who is unable to be here today, who was Deputy Chair. On one occasion we had the re-establishment of the committee after parliament was prorogued, so there were significant interruptions. While it was frustrating, it was no more so than what other committees have had to endure during these rather strange times. We did not lose the faith entrusted to us and we soldiered on, regardless.

The final report was tabled on 10 November 2021. I want to read into *Hansard* the foreword for that report because it covers a lot of matters we found during this inquiry and it is important to have that foreword on the public record:

> While commuters and general road users in the Greater Hobart area have historically enjoyed lower levels of traffic congestion and delays than our mainland counterparts, it may surprise some that Hobart is now one of the most congested cities in Australia. Without action it is simply not going to go away.
>
> This Inquiry, in short, has sought to expand our understanding of congestion in the Greater Hobart area, consider its causes, any associated strategic planning and future initiatives to address it.
>
> As backed up by submissions to the Inquiry, when considering this Report and searching for solutions, governments, as they work together, should not just focus on our immediate congestion issues but also ensure the solutions are future-focussed and cater for a growing, but not always advantaged population, if we are to realise a more socially inclusive and productive society.
>
> Focusing the Issue
>
> For many years the issue of congestion has been the subject of much public debate, with varying plans and solutions being proposed by both Local and State governments and other significant stakeholders.

I will pause there and go to the list of reports produced over the last decade. We start with the Southern Integrated Transport Plan of 2010. That was a collaborative effort between the state and the Southern Tasmanian Councils Authority and 12 member councils. Congestion in Greater Hobart, which was a response to issues, the Department of State Growth, 2011. The Southern Tasmania Regional Landuse Strategy, which is a significant statutory planning document created under the minister, Bryan Green and amended in 2020 by Roger Jaensch, the minister for planning.

The Report on the Options for an Integrated Sustainable Public Transport System in Southern Tasmania 2013 was actually a Legislative Council inquiry. Some members may remember that inquiry under Adriana Taylor's chairmanship at the time. The Hobart Congestion Traffic Analysis 2016, the Department of State Growth. The Hobart Traffic Origin-Destination Report 2017, also a Tasmanian government report. The City of Hobart Transport Stategy 2018-30, City of Hobart. The Transport Access Strategy 2018, Department of State Growth. The Greater Hobart Mobility Vision, a 30-year strategy, RACT, 2019. The Hobart Transport Vision, Infrastructure Tasmania. Greater Hobart Household Travel Survey 2019, Department of State Growth.

Are you getting a picture? Hobart City Deal, Greater Hobart councils and the Australian Government 2019. Hobart City Deal Implementation Plan, Greater Hobart councils and the Australian Government 2019. The Hobart Western Bypass Feasibility Study, Department of State Growth 2020. The Department of State Growth Key Arterial Traffic Data Catalogue. Needless to say, there are lots and lots of reports, lots and lots of examination, attempts at collaboration, and that is an important observation which we will get to later with regard to the recommendations.

Given the obvious physical strictures of landscape in the Greater Hobart area the options for infrastructure investment to solve traffic congestion are somewhat constrained. It is a growing problem for a city experiencing a national lift in residential status as a desirable place to live.

Original planning has provided a challenging legacy. Many streets were laid out during early settlement when urban sprawl, the need for off-street car parking and increasing traffic volumes of today could not possibly have been contemplated. Topography and geology also provided challenges. Many roads were of necessity both narrow and winding and the river provided a challenge to growth and connectedness. Add to this the likely impact on our heritage buildings and it becomes a challenge to contemplate changing the basic layout of the Greater Hobart area.

With an increasing population and corresponding use of personal vehicles people are seeking the benefits of a lifestyle that outer-urban and regional living provides, whether it be through the facilitation of various rural pursuits, access to more affordable housing or access to natural amenity. As a result they face the associated travel burden to attend work or leisure activities in the city. It has resulted in an increasingly congested situation, especially at peak times.

With the demand created by increasing tourism [recently very much interrupted by COVID-19], it can only add further to a worsening situation.

The fragility of the road network has certainly been demonstrated in recent years, where single-point incidents in areas surrounding the CBD, or on major arterial roads during peak times, have resulted in gridlock that flows on to adjacent areas, severely impacting traffic flow and resultant social and economic circumstances.

This leads to the ever-present question of where the effort and resources are best applied to improve the situation, including through better social and workforce planning, increased and more efficient public and active transport arrangements or additional road infrastructure to accommodate the increasing transport demand.

The Strategic Framework and endorsed vision contained in the Southern Tasmania Regional Land Use Strategy, a statutory document which is integral to the Tasmanian Resource Management and Planning System, provides the foundation to guide these efforts.

There is shared responsibility required by all spheres of government, of which the Hobart City Deal is an example, where there is an impetus to see an effective single plan developed in order to address the multiple congestion issues Greater Hobart faces. It is considered such a plan should be long-term and driven by the State Government, in close consultation and agreement with the Greater Hobart councils where they are impacted by the chosen solutions.

> If we continue in a piecemeal or siloed approach, as evidenced by the many studies and reports this Inquiry has considered, the community will remain frustrated by the congestion problem, no doubt resulting in further social and economic impacts.
>
> It is recognised there have been many experienced and knowledgeable planners who have grappled with the issue of traffic congestion, resulting in the numerous studies and proposals which were either forwarded or referenced in submissions to the Inquiry.

That is the list I read out earlier.

> The Inquiry seeks to add further value by drawing on a number of those reports, and, importantly, has provided an opportunity for the travelling and observant public to express their own valuable experiences and opinions.

I must say that if this inquiry has done nothing else, it has done that. It has provided people on the street the opportunity to be able to present their impressions to the inquiry; not just hearing from the planners that might not utilise the system that much. It is important that we place on the record our appreciation as an inquiry committee to those members of the public who took the time to put in submissions - some 27 individuals. People have gone out of their way to do that.

> The creation of a single transport authority was a key focus in certain submissions but should be approached in a way that ensures the public, through their local councils, is fully engaged with the development of strategies and implementation plans, given the ultimate impact it will have on them.
>
> The Northern Suburbs Light Rail has been the subject of numerous reports and analysis over many years. It was discussed in several submissions and variously seen as a valuable public transport option or, alternatively a somewhat unwise investment. Given congestion is the principle subject of this Inquiry, there has been insufficient evidence received to determine the overall impact of such a light rail service on congestion, either within the extended northern suburbs street network or the CBD of Hobart. Consequently, the Committee has not made recommendations in relation to the Northern suburbs light rail proposal.

That is obviously in the context of this particular inquiry.

> Broadly, the issue of congestion is not an insurmountable problem. Evidence received suggests solutions are required that achieve a modal shift of between 10 and 15 per cent of the commuting population to effectively address congestion. Evidence also confirms it is not a matter of all commuters needing to change established habits for all trips made. Rather, significant benefits will be realised by a modest percentage of commuters being provided with a greater opportunity to engage more with public or active transport options for some trips.

> The Committee commends the findings and recommendations in this Report and recommends that solutions identified in the many referenced reports, be fully examined by Government in designing policy and implementing solutions. The gathered knowledge may well save further unnecessary duplication.

There you have it. It is a long foreword, but it is necessary to place that on the record because that is basically what the inquiry found when assessing and analysing the submissions that had been provided and also some of the material from other reports. Some of the findings will not surprise you; they will not make you think, oh, fancy that because you would all have experienced it.

I turn now to the key findings of the committee. Traffic volumes in Greater Hobart have increased in the past five years causing congestion on every major arterial road leading to the CBD. I have to say, it is not going to get any better if we do not do anything.

Traffic congestion has a negative impact on the community, including a detrimental impact on lifestyle, increased health issues, impact on family time, accident and domestic violence rates - yes, domestic violence rates - lack of participation, and reduced access to services. Traffic congestion has an estimated cost to the Hobart economy of $0.09 billion, projected to increase to $0.12 billion to $0.16 billion by 2030.

Public transport currently does not adequately meet the needs of all patrons, which discourages its use and adds to congestion. Investment has focused on road infrastructure rather than development of a suite of public transport infrastructure and services.

A fragmented and siloed approach to strategic planning is demonstrated by the multiple traffic studies and reports completed over the past decade by government agencies and stakeholders.

Tasmania does not have a transport authority to lead and coordinate a joint approach to providing traffic congestion solutions. Submissions and witnesses advocated for non-infrastructure solutions being first implemented before progressing the development of a fifth lane on the Southern Outlet. I should say, some submissions and witnesses, because not everybody was in agreement, as you might understand.

Tasmania's per capita funding of public transport is reported to be the lowest in the nation. Improvements to Metro's reliability, service frequency, buses and accessibility could make it more appealing to commuters, resulting in greater use.

While conflicting views were presented, the committee did not receive sufficient evidence to make a finding on the benefits or otherwise of a northern suburbs light rail service in relation to its impact on traffic congestion.

While raised as an option, the Hobart Western Bypass Feasibility Study concluded that a bypass is technically feasible, but not commercially attractive for a public-private partnership investment, nor funding by state or federal government.

Construction of an Eastern bypass - Flagstaff Gully link road - has been considered as an option to assist in alleviating traffic congestion on the Tasman Highway and East Derwent Highway corridors.

There were 59 findings, and that is a selection from them. They are a good selection which go to some of the main issues and problems that the inquiry found. The inquiry is putting forward eight recommendations:

The first one is that, the state government establish a single transport authority, that:

(a) Partners with both Federal Government and Local Governments;

(b) Coordinates with relevant portfolios including Infrastructure, Local Government, Planning, Housing, Health, Community Services, and Development; and

(c) Reports to the Minister for Transport.

I will just say a little about this. The important thing is, that it is an authority that sets up a formal relationship with local government councils. The other day on radio I was asked, 'Surely the government should have the power to do it and go ahead? Isn't that what is needed?'. My answer to that - and it is not just because I come from local government after having spent 20 years there, and I am sure other members have spent time in local government. The fact is local government municipalities know their roads. They know where the pinch points are, they know where some of the difficulties are. If they are not engaged fully with an authority such as the committee is putting forward here, then the solutions may create other problems and issues. It is so important that policy is formulated with this single transport authority fully engaging with local government to be able to come up with effective solutions. If we want to see things improve we have to have this collaboration.

We have seen a little bit of it with the recent - now it has escaped me, I mentioned it in my opening remarks. Someone help me out.

Mrs Hiscutt - Hobart City Deal?

Mr VALENTINE - Yes, Hobart City Deal. That is the one. Thank you. How did that happen? That happened because the government decided to collaborate with local government and with the federal government, the federal government being the funding body. This is not something that should just happen on an occasional basis. It needs to be consistently there putting a lens on that, on major planning to improve our current traffic situation and it is not just about providing more roads.

While the inquiry is saying, yes, there is a benefit in analysing further down the Flagstaff Gully link road, clearly that could take pressure off the Tasman Bridge and other facilities. Those sorts of things need to be looked at but it really needs a proper look at where housing is placed. If it is social housing, that the people who are going to live there can actually afford to travel, that the growth corridors are set as the land use strategies deal with, that this single transport authority can put forward policies to government that actually work towards reducing the opportunity for making it worse and increasing the opportunity for people to have better transport options. It is really important.

It is not just about the tarmac; it is about a holistic approach. I cannot emphasise that enough, hence part B of the first recommendation: coordinates with the relevant portfolios including infrastructure, local government, planning, housing, health, community services and development. They are all very important. It needs a consistent approach. It needs a tick-off from those various portfolios that it is not going to increase problems or issues for them. This is what should be delivered from such an authority: long-term, evidence-based transport policy and planning. With due respect, we are not saying thought bubbles from members of parliament who might see an opportunity to get a vote or two here or a vote or two there, coming up with something and then all of a sudden it becomes a project. It needs to be evidence-based.

One of our submitters, Mark Broadly, pointed it out particularly well. Mark used to be a traffic engineer with the Hobart City Council many years ago. He no longer is and there is no relationship there, but he made a very good point that things that are put forward as possibilities need to be properly examined, need to have some rigour in looking at whether or not those ideas are going to create more problems than they solve, if you like, in my words.

Long-term, evidence-based transport policy and planning needs to come out of this authority; transport solutions that are fully appraised and aligned with statutory land use strategies. There is not much point in having a statutory land use strategy - and each region has them, they are in mine. What I am talking about here for southern Tasmania, this transport authority really should look at each of the circumstances with each of our major cities where there are traffic problems and issues. I am not saying it is just for the south. This needs to be considered for the whole state, so transport solutions are fully appraised and aligned with statutory land use strategies which consider settlement strategies and housing placement, employment demand and service needs of a socially inclusive community; and maximise opportunities for public and active transport that have been subject to full public consultation with affected communities.

That is the first main recommendation about a single transport authority and I think it is fully explained there in its components as to what is expected.

The second recommendation is that the state government consider the following infrastructure priorities:

A. Fully analyse the benefit of an Eastern Bypass (Flagstaff Gully Link Road) between the Tasman Highway and Bowen Bridge.

We are not saying, 'do it,' because it is not for us to decide that. It is for the single transport authority in consultation with its various stakeholders and local government. Certainly, Clarence City Council has had it on its books for some time.

B. Further develop park and ride facilities at strategic locations on each major arterial road and public transport node leading to the CBD.

That has started to happen. One of the issues we found during this inquiry is that we would formulate something and then all of a sudden, the Government is starting it. We are thinking that would be a little bit silly to be saying, 'do this'. What we are saying is to extend it and to make the park and ride facilities more readily available. You can either drive your car or you can ride your bike to a certain node and facilities are provided there to park your car or

to store your bike in lockers - and maybe with charging points available - so that people can then get on the public transport.

I suppose if you look at the planning associated with that, you might have your childcare facilities at those nodes so that people can drive their car, drop their children off at child care, and then use public transport. That is another option. There are all sorts of options. It is just a matter of this transport authority actually taking time to consider all of those options. Park and ride facilities are going in now and there could be others at strategic locations on each major arterial road and public transport node leading to the CBD.

C. In areas of identified need, increase the provision of recharge options, parking and storage facilities for bicycles, micro-mobility vehicles, and motorcycles.

We have all seen the increase in e-scooters. You only have to look down here at the waterfront of a morning, for those who stay in and around the waterfront, and you will see that the numbers of e-bikes, e-scooters and single-wheeled contrivances, electric vehicles are growing. If we build opportunities for those, then more people will use them.

This is part D of the second recommendation:

> Negotiate the planning and delivery of active transport networks including fully connected and separated paths for bicycles and micro-mobility vehicles across Greater Hobart.

When we were dealing with the bill last week on micro-mobility vehicles, there are people who are concerned about them on footpaths, especially the elderly. People do not want to be knocked over by someone doing 15 kph on an e-scooter. It can do a lot of damage to an older person. When you are older, your bones are more brittle and falls are a real issue. You are not quite as steady on your feet. It is important these sorts of vehicles have a dedicated pathway of their own. The word 'negotiate' is in the recommendation because this authority would have to work very carefully and diligently with local government to make sure the pathways are going to be connected across the region and there are proper opportunities for people to further use these sorts of pathways. For everyone who uses it, it is a car off the road.

The third recommendation is to:

> Ensure policy development considers the potential for non-infrastructure traffic management solutions before progressing major infrastructure solutions.

That comment came significantly in the submissions with respect to the idea of an extra lane on the Southern Outlet. That was high in the minds of those people. When this inquiry started, that was not in full swing of being an issue, so there was a small number of people expressing that. People thought you needed to look at those softer options before spending lots of money putting in new roads.

There was a school of thought that we needed a western bypass, tunnels and the like. They are looking 30 years ahead. It is fair to say the Government's own study into that said it simply would not be commercially viable for a public-private partnership and basically,

knocked that on the head. That does not mean to say we could not recommend it, but the inquiry felt it is much better to look at some of the softer options before going anywhere near that path. Providing better public transport, park and ride facilities, the separated cycleways for micro-mobility vehicles and those sorts of things would be better to look at. To look more closely at the plan as to where you put housing, and whether you are putting disadvantaged people further away from where their work is.

I will continue with recommendation number 4, which is:

> Provide Metro with the autonomy and capacity to design, operate and integrate its modes of operation and service provision to satisfy commuter needs.

Their contract constrains them and it is important that Metro is given a little autonomy. They can only provide services to the areas they are designated to. They need a little more freedom in how they go about that. It is for the transport authority to figure out and maybe ferries are something Metro ought to be involved in for a more integrated system.

Mr Willie - We did pass a bill for them to be able to do that.

Mr VALENTINE - Let us hope it comes to fruition. I have not seen the evidence of it yet, have you?

Mr Willie - No, there is a trial happening that is not Metro.

Mr VALENTINE - There is a trial for the ferries and we will get to that. Recommendation 5:

> Provide increased public transport services, including greater investment in more vehicles and operations to assist in achieving a 10 per cent modal shift.

6. Devise prioritised public transport options that operate within a digitised and integrated network environment, across all modes.

If you are using public transport, you need to be able to stop at the bus stop and know where the bus is, know how long you have to wait, even before you leave your house. This bus is going to be 15 minutes, it should be on time, it should be now but it is going to be 10 minutes, or whatever, so it saves you time, it saves you less frustration. It means people can work more economically with public transport.

7. Identify strategies in partnership with private and public schools to reduce dependence on the private motor vehicle for student travel.

Everybody understands that when school holidays are on the traffic problem largely disappears. If that is the issue, let us look at opportunities to be able to improve public transport for children going to school. They have to be safe options as a lot of parents drop their kids off because they are worried they might not be able to ride to school safely because the cycleways are not there. They are concerned about stranger danger and all those sorts of things. There needs to be some good opportunity to look closely at those solutions and see if we cannot improve the circumstance.

The last recommendation:

8. Explore further options within the public service to provide flexible and decentralised working arrangements, and engage with private enterprise to consider similar strategies.

We have all these cars coming into the city. Hobart City Council might say they are our lifeblood and we do not want to stop them coming. It might be the Government could have part of its services, say in Kingborough, where there are greater opportunities for people to work from that area, given the sheer number of people who live in that area. Same to the north, same to the east. We just need to explore those decentralisation options and Hobart would not suffer. We know the university is moving to bring more students into the city centre. They are going to have those sorts of opportunities to increase services for those individuals. That is not commenting as to whether it should or should not happen. I am saying it is going down that path. The city centre is not going to lose out and we should be encouraging private enterprise to consider similar strategies.

They are the recommendations being put forward. I am going to leave it there and other members may have some observations after having read the report or not. I received a little text from the member for Pembroke apologising for not being able to be here today. She was part of the committee and we ended up having three on the committee, me the member for Pembroke and the member for Nelson. Small committees can sometimes be good committees. That is not to say we should not have larger committees but we certainly had a lot of work to do in this space.

I will leave it there, and I note the report.

[11.20 a.m.]

Ms WEBB (Nelson) - Mr President, I thank the member for Hobart for that comprehensive overview. I will speak very briefly on the report as a member of the committee. As the member for Hobart identified, we ended up being a rather small committee, but we are no less confident that there is value in the report we have provided. I also extend my thanks to the members who came and went on that committee, and particularly to the staff who assisted us with the administration of that committee.

I join with the member for Hobart in thanking all those members of the Tasmanian community who participated by making submissions and coming to present evidence in hearings to the committee. It was very pleasing to have a really strong level of participation, and to draw on expertise and observations from across many parts of the Greater Hobart community, particularly from people who had specific expertise in a range of areas relevant to this committee.

As noted by the member for Hobart, there was an extensive list of reports and studies and strategies and the like that were relevant to this area of investigation and our attention was drawn to all of them. In some instances, it was quite overwhelming to try to assimilate the information provided across many overlapping and similar documents.

Mr Valentine - We could not assimilate everything that they offered, could we, in terms of time required?

Ms WEBB - Indeed, we were not fully able to do that. We did note the body of work that was there and that a lot of thinking and planning has gone into this area. It led us to identify that one of the key challenges was not so much a lack of knowledge and understanding about this area, as it was about whose responsibility it is to take action and make decisions, and how that is coordinated because of the different levels of government involved and the different stakeholders involved. That, of course, prompted us and led us to the first recommendation in the report which is around that coordinating entity to try to draw that function together. That is important because a lot of time and energy can go into policy thinking and working in a space like this, and can then potentially not be moved through to effective implementation because of the lack of an identifiable point of responsibility and coordination.

The member for Hobart has gone through the details of that first recommendation, and has provided a very comprehensive overview of the some of the findings from the report and also of each of the key recommendations, so I am not going to rehash that area. I endorse the comments that the member for Hobart has made, and I encourage other members and members of the community to engage with this report. I look forward to responses to the work that has been done from the Government and others in the community or in this place.

I conclude my remarks on that note, and thank the member for Hobart for his leadership when he took over the role as Chair of the committee. I hope we can see some progress made in this area, because we know it is an urgent challenge that is becoming more urgent by the day.

I will leave my remarks at that.

[11.24 a.m.]

Mr WILLIE (Elwick) - Mr President, I rise as the shadow minister for transport and congratulate the committee on a very good report. The chair has a wealth of knowledge, given his time in local government in the Hobart area, and a number of members represent areas that are facing these challenges and understand those very well.

This report clearly defines the problems and issues Hobart faces, including the topography, the arterial routes into the city and the demand that is on those at certain times of the day. It puts forward some sensible recommendations and findings, in that these problems are not insurmountable. We do not necessarily have to build western bypasses and more roads. Some simple changes could happen that would alleviate the congestion and get more people out of cars, such as separated pathways. I know that from my conversion to personal mobility devices and bicycles. I feel safe on that pathway most of the time unless there is a person on a scooter that is going past me at 50 kph.

Not all suburbs and areas of Hobart have that separated pathway, which makes it less appealing for people, particularly if they have younger kids or they do not want to be on the road with other cars.

Ms Rattray - Sometimes, as a vehicle driver, I don't want to be on the road with other cars. I feel quite squished.

Mr WILLIE - Yes, let alone having no protection around you and being a vulnerable road user.

We know that public transport is an issue. It is a social justice issue, to be perfectly honest. If you do not have access to reliable, affordable transport, it is very hard to participate in the community, or get to employment, or be involved in sporting organisations or community groups. We know that not all areas are serviced well.

Some of the recommendations around public transport are very good and I will take a very close look at those as we develop our policies this term for the next election, to make our pitch as the alternative government. This report will definitely inform some of my thinking.

When it comes to public transport, some of the solutions are not insurmountable; they are pretty easy. Having a ticketing system where you can get on and off different modes of transport would be highly desirable and it has been talked about for a long time. Having a transport authority that can drive some of this change has been talked about and put forward as a policy in previous elections. Having apps where you can monitor where the bus is, so that you can time your arrival at the bus stop or make other arrangements if it is going to be late and you have somewhere to be would also be useful. There is a whole range of things that could happen in terms of public transport. Extending the footprints into some of the satellite areas is also a challenge. Some people in those satellite suburbs would like Metro to be operating, but they may not necessarily be there because of the way the contracts work.

There are some simple solutions when it comes to relieving congestion, and this report puts those forward and clearly defines the problems. I thank the committee members and the people who put in submissions for their time. It is quite valuable. I know there have been a lot of reports into this area but the Legislative Council has that ability to collate all of that and bring it all together.

Ms Forrest - They should stop doing reports and do something, though, shouldn't they?

Mr WILLIE - I could not agree more, member for Murchison. Most people who live in Hobart would like to see some more action. Part of the challenge for governments is to find the funding and to invest in the areas that need to be invested in.

Ms Forrest - They could have got more on the pokies. A nice little bucket of money there has gone wanting.

Mr WILLIE - Members of parliament cannot change tax rates unless they are in the government, you know that.

Mrs Forrest - But you could send it back to them. Anyway, we won't go there, Mr President, we're getting off the track of this.

Mr PRESIDENT - Good idea.

Mr WILLIE - That is a challenge. Federally, we are neglected in the south when it comes to -

Members interjecting.

Mr WILLIE - We do, absolutely, we do.

Mr PRESIDENT - There is a Standing Order about promoting a quarrel, and I think there is a more effective way than to mention the north-south divide.

Mr WILLIE - All I am doing, Mr President, is pointing out nearly half the population is in the south and in a federal election there is a lot of talk about the north.

Members interjecting.

Mr WILLIE - I was concluding my remarks and I think I will get off the lectern before I cause any more problems.

[11.30 a.m.]

Ms ARMITAGE (Launceston) - Mr President, we are speaking about Hobart traffic. I thank the Chair and the committee for all the hard work that I know they have done on this committee and the report.

The final report for the Greater Hobart Traffic Congestion inquiry contains a significant level of information and has clearly been informed by reasonable, sensible and well thought-out submissions from the public and from stakeholders.

It is worth reflecting on the fact that Hobart is quite vexed by traffic congestion. It is rarely simple to get from point A, say in Sandy Bay to point B, say in New Town -

Ms Rattray - And didn't we know that last night when we were heading to Margate.

Ms ARMITAGE - without dealing with heavy traffic or being able to find easy, accessible and reasonably priced parking short of private parking at either end.

For the comment from the member of McIntyre, the member for Rosevears did an excellent job getting us to the parliamentary bowling. None of us knew where we were going or how to get to Margate. I think Siri had us going to a mainland state from memory, the way she wanted us to travel. It was Margate in another state. We would have been in great trouble. I do not know how we were going to drive across the water.

Ms Rattray - Then she went completely quiet and we did not have a clue where we were.

Ms ARMITAGE - Fortunately we did get there. Full marks to the member for Rosevears on her driving last night.

Mr PRESIDENT - I think Siri may guide the parliamentary debate from time to time too.

Ms ARMITAGE - I feel rather fortunate that I live in Launceston when I drive around Hobart. The good-natured parochialism I have with the member for Hobart aside, I stress that this is not a criticism of Hobart as a city or as a region. As the report insightfully points out, there are a number of factors which have resulted in the traffic congestion issues that we see today.

Hobart has a unique topography and geography. It is one of the original Australian colonial settlements and was not initially constructed to withstand personal vehicles as we

know them today. Battery Point is a prime example of this. It was designed more for horses and carts than cars, vans or trucks. You certainly get a sense of this when you walk or drive around places like Arthur Circus.

Simply put, the design of Hobart has not and really could not keep up with the evolution of newer transport technologies as they have developed. Even just 100 years ago, we could not have contemplated how the landscape would need to accommodate the volume of traffic we see today. It would be an enormous burden to have expected this of civic planners back then. We cannot even really contemplate a solution until we have a solid legitimate plan to grow and fairly accommodate all the people who use public infrastructure like our roads and streets.

Significant undertakings like the construction of new roads and highways cost money, take time and can attract controversy. We need to consider the impact that construction has on the environment and ensure that it will not crumble in 10 years time. The pandemic has brought into sharp focus just how quickly and radically things can change. We have access to the most advanced and comprehensive demographic data than ever before, so now is a watershed moment and one which could have major implications for our state in the decades and centuries to come. We need to be smart about how we choose to tackle the issue of traffic congestion in the Greater Hobart area and, frankly, around the state and make it sustainable and efficient for the years to come.

The report rightly points out that the issue of congestion is not an insurmountable problem. In fact, it says that solutions are required that achieve a modal shift of between 10 and 15 per cent of the commuting population to effectively address congestion. It says that evidence also confirms that it is not a matter of all commuters needing to change established habits for all trips made, but that significant benefits will be realised by a modest percentage of commuters being provided with a greater opportunity to engage more with public or active transport options for some trips.

To this end, the report's recommendations were very enlightening. Firstly, the establishment of a single transport authority that partners with both federal and local governments and delivers longer term evidence-based transport policies and planning would give proposed solutions much-needed legitimacy. We have seen partnerships like these work with city deals in Launceston and Hobart so this would not be untested waters for such a body.

The caveat is that it would need to be adequately resourced, particularly when it comes to having meaningful touchpoints with communities which are most affected by congestion and who will most need change. Policy agenda setting will also be an integral part of the longer term solutions for traffic congestion. We so often see that big-spend infrastructure items come up during election times and these are not always centred on the merits-based approach that we would hope to see for projects of this magnitude.

That being said, the report recommends that the Government prioritises an eastern bypass between the Tasman Highway and Bowen Bridge; develop park and ride facilities; increase recharge options and storage for bikes, personal mobility devices and motorcycles; and plan and deliver active transport networks. There is certainly nothing there that I can argue with and the report makes it clear that this recommendation has been based on the submissions that were received by the committee.

The rest of the recommendations are grouped under the public transport heading. Existing public transport providers may not have the resources or discretion required to meet the growing needs of residents, especially in the outer suburbs of Hobart. Even in Launceston not too long ago, a number of Metro routes were changed much to the chagrin of many people in my electorate who needed to radically rethink their commute to access services like the Launceston General Hospital or school routes. So often things like this come down to cost - what is the best use of money in the circumstances? When people are disadvantaged, especially in the context of accessing health care, then we need to think smarter and perhaps simply wear the cost.

I note one of the public transport-related recommendations identifies the need to partner with schools to reduce dependence on private motor vehicles for student travel. In addition to this, I suggest an even more pressing need with the University of Tasmania's sweeping purchase of properties around Hobart and the decentralisation of their services across the city.

Public transport needs to be available, accessible, and easy to understand. In contrast to places like Japan or Germany where things like trains are abundant, come on time and get you to your destination in good time, a visitor or international student to Tasmania would find it very difficult to currently get around a city like Hobart. This will only become more difficult if nothing meaningful is done.

We also need to look at increased options for public transport. We cannot go back in time and start construction on surface or below-ground rail, as desirable as that may be. These need to be fundamental to the planning of a city. Places like Boston or New York are examples of cities that knew rail would play a big part in the centuries to come, where it was constructed in the mid-nineteenth century and still plays a big part in city transportation today.

I know the President would agree that rail would have been wonderful in Hobart and also Launceston. What these options might look like, I cannot say. There is far more research, consultation and reflection that needs to take place before any major undertakings are entered into. For now, if we can look at solutions that result in a 10 per cent modal shift, congestion will be greatly eased.

I finally note, I do not want Launceston to follow down this same path as Hobart. There are some lessons from this report that can be applied elsewhere and we would do well to heed them. Already, Launceston faces traffic woes which I have spoken about in this place and elsewhere before and they are only getting worse. We receive, as we do here, report after report after report, and have done since the 1960s. Imagine if we had done something then.

We cannot continue to let these opportunities pass us by. I acknowledge the hard work the committee did in producing this report and in particular the member for Hobart who was Chair. I note the report.

[11.39 a.m.]

Ms RATTRAY (McIntyre) - Mr President, I rise to provide a brief offering and acknowledge the work of the committee on this important issue. Although many of us do not live in Hobart, we do need to get into this city and get around it, for various reasons, while we are here. We have friends and family who also need to come to Hobart on many occasions.

I took the opportunity when I was reading the executive summary and the findings and recommendations, to go back to the 2013 Legislative Council Government Administration Committee B report on the Options for an Integrated Sustainable Public Transport System in Southern Tasmania. I was, at the time, a member of that Committee B. The Honourable Rob Valentine was also a member and would have certainly clearly understood the challenges presented to this fine city over many, many years. I recall listening to the member on ABC radio last Friday and I think he said it was the 15th report. Am I correct?

Mr Valentine - Yes, there are 15 reports in that list.

Ms RATTRAY - Yes, 15 reports and I take on board what other members have said around report, after report, after report, and still we continue to hear about, and experience ourselves, the challenges of being able to move freely around the city and not be impeded by significant traffic volume and congestion. You only have to be standing at the lights, Mr President, two streets over. Forgive me for not knowing -

Mr Valentine - Macquarie.

Ms RATTRAY - Macquarie Street. The speed in which the traffic goes down that street is certainly significant. You stand back from the lights, because you feel like you are going to be swished away.

Mr Willie - It depends on the time of day. Sometimes it is not moving at all.

Ms RATTRAY - In fairness to those heavy vehicles, they do not have anywhere else to go. They have to take that particular route to get to where they need to go. There are certainly some really significant issues and heavy vehicles is just one, but it is an important component of the business that Tasmania does in the south of the state.

I looked at the recommendations and married them up with some of the recommendations that had been part of the 2013 committee. They are not dissimilar in some respects and overlap.

Ms Forrest - People need to stop talking about it and do it then.

Ms RATTRAY - Yes, that is why I got that report, member for Murchison, to reacquaint myself because I felt like I was reading the same type of suggested, good suggestions, good recommendations, over again. I cannot understand why we still have not been able to make progress, at least some progress, in addressing this significant -

Ms Forrest - A traffic jam in the minister's office, perhaps. Cannot get through to make a decision.

Ms RATTRAY - Yes, a basic one. I will read the first point under Public Transport Strategy:

> An intermodal statewide public transport strategy be developed as a priority;

That was in 2013. The second point was:

> The public transport operating model be broadened through legislative amendment to include multi-mode passenger services rather than Metro's solo focus on road transport services (buses);

We did. We approved an amendment to allow that and got a trial of a few ferries, or a ferry service.

Mr Willie - It was outsourced so the whole Metro promise did not eventuate.

Ms RATTRAY - Here we are and virtually nothing has been done in regard to these options put forward.

Ms Forrest - Except they have re-announced the Bridgewater bridge.

Mr Valentine - There are some things the Government is doing to address some of the issues. The park and ride and those sorts of things.

Ms RATTRAY - It is slow. Seven, eight years, nearly a decade on and we are still talking about the same things we talked about from possibly the first of those reports. I completely acknowledge the member for Launceston's very measured contribution of how would the people who developed this city all those years ago have any idea what we would be dealing with in 2021 and the like. That was a reasonable comment on behalf of the member that they would not have known, albeit the horse and cart are not evident except for the sightseeing one that goes around the waterfront. I have shared this story before, but we have an Amish family who live at Springfield who still take a horse and cart on the Tasman Highway into the Scottsdale township on, not so much a daily basis, but certainly a weekly basis, and they park -

Ms Forrest - I hope they do not bring it down to Hobart.

Ms RATTRAY - I have sent a photo to some of my colleagues at various times where they have parked in the Reject car park, right over the back with the horse and cart.

Ms Armitage - They also have an old truck and do come into Launceston and I have seen them parked outside.

Ms RATTRAY - They are a terrific part of our community now and certainly acknowledged by many of us. They have a roadside stall with great fruit and veg and make fresh baked goodies every day. We have come to really admire and appreciate their input into our community. The horse and cart on the Tasman Highway, and that stretch from Springfield into the metropolis of Scottsdale is winding and quite narrow and particularly over Saliers Hill. It is a blind hill and members of the department will know that area quite well and appreciate it can be a bit of a challenge, but we know to look out for those vehicles. The people who visit our area might not be expecting to see a horse and cart.

Mr PRESIDENT - As you drive into the north-east you probably do. It is nice in a positive way.

Ms RATTRAY - In a nice way, thank you. I am hoping you are not suggesting we are not moving with the times as that would never be the case. We are the mountain bike mecca.

We were the first in the north-east to promote mountain bike riding in the state. We have put it on the map, everybody else has followed. I do not want to promote a quarrel either, just making a point.

Mr PRESIDENT - And we should stick to the report.

Ms RATTRAY - I have gone completely off message, but it is good information and I like to share that information.

A full analysis of the benefit of an eastern bypass, Flagstaff Gully link road between the Tasman Highway and the Bowen Bridge would certainly be something we could look to progress. It talks about the further development of park and ride facilities at strategic locations on each major arterial road and a public transport node leading to the CBD. There has been a constant call from the CBD to have people come back into the CBD and use that wonderful experience, particularly when it comes to food, beverage and retail. It is important for our economy, but if people do not feel like they can access the CBD in a comfortable manner, then they are going to continue to use the suburbs and that certainly will impact on what is available into the future.

I do not have a lot more to add. The member for Hobart covered the recommendations put forward very well. I would like to think that the Government has some positive messages in its response to this particular report. We cannot go on using valuable time to continue to look at the options. They were there, plain and clear, in 2013. It has just been reinforced in the 2021 report. The people who sat on this committee - small but efficient and effective in numbers - their message is plain and clear, that the Government needs a strategy and needs to move forward as quickly as possible to alleviate some of the ongoing issues with access in and out of the city. I also note the report.

[11.50 a.m.]

Ms PALMER (Rosevears) - Mr President, I rise to provide a contribution to the debate on the report which is an important contribution to an issue that affects the lives of virtually every resident of greater Hobart, about 240 000 people, to at least some degree. As it has been mentioned by a number of other members in this place, for those of us who travel south, we know to add an extra half an hour if we are going to hit that early morning Hobart traffic as we make our way down.

The Government's formal response to the report is under preparation and it will be presented in due course. The Government commends the committee for its work which started more than a year ago and received evidence from 50 individuals and organisations, including representative bodies. This was a significant undertaking and the time and efforts of all those who contributed is acknowledged.

Everybody who made a contribution has the same objective - a reduction in traffic congestion. The Government clearly shares this objective.

Over the past decade, the volume of traffic in Hobart has increased to a level where daily average commute times from most directions to the CBD have demonstrably increased. Compared to a decade ago, the daily commutes of today would have been considered irritating at best and in the cases of significant congestion events, intolerable.

Hobart is recognised as one of the most beautiful cities in the world. The natural features of our capital, the wide Derwent estuary and the other complex waterways and bays to our east and the spectacular hilly topography dominated by Mount Wellington, are breathtaking. These natural features are scenic attractions but are uniquely limiting in relation to road and bridge infrastructure with consequences for settlement patterns and land suitable for residential development. Hobart's topographical limitations for transport infrastructure are unmatched by any other Australian city.

For Hobart to ever achieve population levels in other state capitals and our popular cities would be unimaginable without enormous investments in road and public transport infrastructure.

Some might think a small city is a good thing but a responsible government does not stand in the way of growth and should enable growth with appropriate transport infrastructure and services. The limitations of our capital city in terms of road congestion crept up on us quickly with increases in population and economic activity. The fact that many of Hobart's key feeder routes into the CBD are at capacity with a population of less than one-twentieth the size of Melbourne or Sydney describes the issue we face and the challenge that governments must rise to.

I want to address the issue of governance which is the key focus of the report. Today, Hobart's key feeder routes are all state-managed: the Midland, Brooker and Domain highways from the north; the Tasman, East Derwent and South Arm highways and the Tasman Bridge from the east; and the Channel and Huon highways and Southern Outlet from the south. These highways all converge in the Hobart CBD, putting great pressure on the Macquarie and Davey Street couplet which, until 2017, was managed by the Hobart City Council.

When the Liberal Government took responsibility for Davey and Macquarie streets it completed the missing link in terms of arterial road management into and through Hobart. This was a strategic initiative that was required, given the former council's reluctance to take necessary measures to address the growing congestion on these streets.

Back in 2017, we became aware of knock-on consequences of, for example, an accident on the Tasman Bridge resulting in congestion blockages on Davey and Macquarie streets and throughout the city side streets. Early Government initiatives included the positioning of tow truck services for incident response at three strategic locations around the network during peak times, including all-day coverage of the Tasman Bridge on weekdays. The same tow trucks are also used to tow vehicles parked in clearways in Macquarie Street during the morning peak period.

The Government also immediately made changes to traffic signal management to lengthen the peak time duration of green signals to move more vehicles onto the couplet. These were the first of a number of measures to reduce congestion. Funding to address a number of other road congestion measures was included in the Hobart City Deal, an agreement between the state and federal governments and the four Greater Hobart councils.

The Greater Hobart Traffic Solution commits $200.8 million in funding for short-and long-term transport initiatives to manage peak commuter demand in the Hobart area. The Greater Hobart Traffic Solution implements key aspects of Infrastructure Tasmania's Hobart Transport Vision and the Hobart City Deal through several initiatives. A key focus of these

initiatives is to provide Hobart commuters with more choice. That means the choice to take a private motor vehicle or a viable alternative of public transport - bus or ferry - or ride a bike.

Under the Hobart City Deal, consultation on designs for both the transit lane for the Southern Outlet and Macquarie and Davey streets occurred in August and September this year. The feedback received will inform the detailed design for these initiatives with the primary objective to prioritise vehicles with the highest person-carrying capacity. This is the key point that has been overlooked in public discourse about the transit lane, which is focused on the road infrastructure rather than the integrated nature of the southern projects. It is a planned, integrated set of measures that combine improved lane capacity as well as incentivising behavioural change for those who wish to take advantage of the opportunity to take a bus or carpool.

Under these initiatives, more than $60 million has been allocated to Kingborough transport infrastructure, including park and ride facilities, a new transit lane on the Southern Outlet, extra lane capacity at the interchange with Macquarie and Davey streets and the removal of parking and creation of clearways, including the extension of the transit lane down Macquarie Street. This coordinated set of projects, including an extra 70 daily bus services, will drive a modal shift for commuters from single-occupant vehicles to public transport and multiple-occupancy vehicles, improving travel time reliability for all road users.

The department is currently discussing the plans one-on-one with possibly affected property owners to seek their feedback on the plans, and understand their circumstances and will continue to engage sensitively, respectfully and individually. Claims of 17 houses being demolished are wrong and unnecessarily alarmist. This has been confirmed during budget Estimates by the Department of State Growth.

In its submission, the RACT has provided support for the southern projects, including the T3 rapid transit lane from the Southern Outlet through into Macquarie Street as well as the integration of the project with a mode shift to public transport. The Tasmanian Chamber of Commerce and Industry also supports the additional lane on the Outlet and through into Macquarie Street for its potential to reduce commute times, to reduce congestion and enable employees to get to work more efficiently, as well as the expansion of public transport connections between Kingborough and the Hobart CBD.

The Government's investment in public transport is unprecedented but you cannot force people to catch a bus. For example, residents in Kingborough and the Huon Valley will not be attracted to shift from their private, single-occupant vehicles to a bus if they see the bus stuck in the same traffic as other private vehicles on the Southern Outlet. This is the situation today. If, however, they see a bus driving past them down the outlet and along Macquarie Street in the dedicated T3 lane, they may be incentivised to make that change. For every commuter who takes a bus or travels in a vehicle with three or more occupants, it represents one less car on the road. This is not revolutionary. T3 lanes operate successfully in many places. The Government will implement the plan which will benefit both motorists and, in particular, those who make a shift to public transport.

The select committee report recommends the provision of extra public transport to achieve a 10 per cent modal shift. This is the proportion of motorists that the Government aims to shift to public transport to achieve a measurable improvement to congestion. This will

only be achieved with investment in extra bus services as well as dedicated public transport infrastructure, including lane space and clearways.

The Tasmanian Government is already implementing a range of measures recommended in the report around transforming public transport, through a variety of initiatives to boost patronage and bust traffic congestion. The election commitment of $81.5 million includes $20 million to deliver additional buses on busy school and commuter routes, easing crowding and providing greater incentive to catch the bus. In addition, $10 million will upgrade all-access and all-weather bus stops at priority locations. This will provide comfortable, modern shelters to enhance passenger experience. A further $20 million will deliver new park and ride facilities for commuters in growing residential areas near Rokeby, the Sorell and southern beaches communities, and in Hobart's northern suburbs.

The Government is also progressing delivery of a modern, common ticketing solution across public transport with real-time commuters, through a $31.5 million investment. This is intended to provide commuters with a seamless journey and ensure a fully integrated, intelligent transport solution. It will apply to all general access public transport operators, including ferry services. Benefits include fare payment by credit card, phone, or wearable smart devices and easier transfer between services and operators. The solution is expected to also help inform network planning and fleet performance, leading to better and higher frequency services.

The $45 million modernisation of the Metro bus fleet means we now have one of the youngest fleets in the nation. The implementation of improved bus networks throughout the state has resulted in faster, more frequent, and more direct services. The Derwent River ferry service has already proven a popular mode of transport to alleviate peak hour congestion and e-scooters will soon be introduced, providing a further cost-effective, low-pollution transport option.

A further $6 million has been committed to cycling projects on the state road network from 2022-23 with $2 million allocated to each of Tasmania's three regions. The projects will be delivered in partnership with local government and will include linking cycling routes on local roads. Infrastructure Tasmania will also develop a Greater Hobart bicycle network operating framework to assist with strategic planning for future bicycle infrastructure. The framework will be delivered in consultation with local government and cycling organisations.

Now to address some other recommendations in this select committee report. I can advise that the establishment of a separate transport authority as a separate bureaucracy is not supported. The authority, as described in the select committee report, would have extraordinary and excessive powers that would extend past the responsibilities of transport and infrastructure into settlement strategies, housing placement, and employment demand.

The Government, as the manager of all feeder routes into the City of Hobart, now including the strategic thoroughfares of Davey and Macquarie streets, is the appropriate entity to strategically manage traffic congestion. The Government acts in the interests of all road users from all municipalities and balances competing demands from separate council areas. The Government's priority is the free flow of traffic, both public and private transport, around Greater Hobart and is not conflicted by other motivations.

I have described the investment the Government has made in public transport and the integrated nature of the southern projects, where infrastructure investment works hand-in-hand with behavioural incentives to switch to public transport. This clearly addresses the select committee's recommendation to 'ensure policy development considers the potential for non-infrastructure traffic management solutions before progressing major infrastructure solutions'.

The select committee's recommendation is not to progress major road infrastructure to address traffic congestion until non-infrastructure solutions are considered. Therefore, it was a surprise that one particular infrastructure solution was recommended in the form of an eastern bypass - Flagstaff Gully link road between the Tasman Highway and Bowen Bridge. Under a Government election commitment, the Department of State Growth is investigating the feasibility of completing the Flagstaff Gully link road through to the East Derwent Highway. The study has involved consultation with Clarence City Council officers. Final reports are now being prepared and Mr President, I expect the Government to publish the outcome in coming months.

In summing up, the Government welcomes this report by the select committee as a valuable contribution to the debate. I am pleased to note that many of the recommendations from the report are already being implemented. The Government thanks the committee for the opportunity to respond.

Mr VALENTINE (Hobart) - Mr President, I thank all members for providing their thoughts and impressions on the report. They were largely positive, which is appreciated. The member for Nelson posed the question of who has the responsibility to coordinate in this space. That is something I will come to with the Government's initial response. I appreciate the Government is putting some effort into bringing forward a fuller response.

The member for Nelson also talks about the urgent challenge; and it is becoming urgent. I thank the member for Nelson for her work on the committee. It was not all about me; it was a collaborative effort and the committee worked well together. I am thankful for the input from all members on that committee, starting with the then member for Huon who had the idea of having another committee and recognised there were issues for those in his electorate in getting through to the CBD in a timely manner. I thank him for having the idea and for bringing it forward for an inquiry.

The member for Elwick, now shadow minister for transport, talks about the report clearly defining the problems and that they are not insurmountable. The report identified that there are social justice issues and the committee saw it as an issue. It was presented in some of the submissions. I reiterate, there is not much point in placing a housing subdivision out in the sticks where there are not any transport services, and expecting people to be able to commute, if they may not be able to own a car because they can't afford it or they can't afford to use public transport to get to work and back. We need to think holistically about this.

The member for Elwick mentioned the issue of satellite settlements and that some public transport services are not available there, or at least Metro does not go there - it might be private services involved and better integration is something that should be looked at. Saying how the south is neglected, I certainly would not want to be parochial but I do remember when I was on the Southern Tasmanian Councils Authority, it was 10 times the amount spent in the north than in the south. We actually did the figures -

Ms Rattray - He does not want to be parochial.

Mr VALENTINE - No, I am just telling you we did the figures then. I am not suggesting it is that way today, but I am saying it was 10 times and we were gobsmacked when we actually did the figures. It is changing and a matter of placing the dollars where they are needed, as opposed to where some might see they are wanted. Our belief is the only way to do that is through this single transport authority.

The member for Launceston talked about good-natured parochialism and we do have some moments in the Chamber with regard to that, but we really do need to steer away from parochialism. As a state we will not be able to provide the dollars where they are really needed and to fix problems if we continually think north, south or north-west and west and east and all of those sorts of things. We have to have a strategic plan that drives infrastructure investment. It needs to be a long-term plan not fiddled with by politics. That should be the focus of a transport authority and I will get to that a little bit more.

The member for Launceston was right: the streets of Hobart were designed for horses and carts. Not like Melbourne, where they were designed for bullock teams to turn around in the street. That is why Melbourne streets are so wide. Hobart streets are not hugely wide because of the topographic nature. It was very difficult to even build roads with so many hills and the like. It would not have been possible in Hobart to have bullocks going up the hills the way they did in Melbourne.

There needs to be a solid and legitimate plan, says the member for Launceston. It is a watershed moment. Well, nothing surer there, today is the day and now is the time when we need to be addressing these problems. Long-term evidenced-based solutions. Yes, resourcing is required. She made a good point about international students coming here and being able to travel on really good public transport networks back where they live and being probably concerned about the lack of offerings here. She also mentions that there is a 10 to 15 per cent modal shift. The Government is on board with that and most people would realise school holiday traffic is about 10 per cent of the overall traffic volume. That points to it being a modal shift required to be able to fix the problem immediately, but to actually improve the networks for other options to be able to use when it comes to micro-mobility.

The member for McIntyre made a good point that while she, some members and visitors from other parts do not live here, you have to try to negotiate it and you do see the problem if you happen to hit at the peak. It used to be a peak minute but this is no longer the case.

The member for McIntyre talked about the list of reports and there were interjections about we need to get onto it from the member for Murchison. That is right. We can keep bringing these reports forward, we can keep pointing up the problems and issues, but we do need to get on with it.

I acknowledge the Government is doing quite a lot in this area. This report is not saying the Government is not doing anything. That needs to be made quite clear. We are not lambasting the Government for not doing it, because there are things being done to improve the circumstances. It is that upper level management and control that is the big issue.

The member for McIntyre talked about park and ride being important being on the major nodes. The Government is working in that area. Sorell, for instance, would be a good place to

complete a park and ride. It might even be on the books. I cannot remember whether you mentioned Sorell.

There used to be a rail line to Hobart from Sorell. Do people know it used to travel from Sorell to Kangaroo Point in Kangaroo Bay and ceased to operate in 1925 or 1926?

Mr PRESIDENT - Around that time. The track bed is still there and could be put down again. A few houses in the way.

Mr VALENTINE - The embankments are there. I was at Frogmore winery for an event last Friday and I looked across the bay and you can still see the old causeway that used to link that rail line from Sorell through to Kangaroo Bay. Just imagine if that was still there, how that would improve transport for people who work in town.

While I say that, you would obviously have to investigate all of these sorts of things. A lot of tradies live in Sorell, or beyond in the southern beaches. They are not going to get out of their trucks as they need their tools. Clearly, it is the increase in public transport options that is important, as much as providing roads. It will take pressure off if those opportunities are there. Park and ride at places like Sorell may well be good.

The member for Rosevears talks about one of the most beautiful cities in the world, and I could not agree more, and the topographical issues, that growth needs to be allowed, but obviously, good transport options are needed.

About the Government, and state-managed highways. She talked about Davey and Macquarie streets completing the link and how there was an issue with the Hobart City Council. History says the state government used to control Davey and Macquarie streets and they traded it for the lower end of the Brooker Highway. It is simply going back to the state government. It is not that they took it over for the first time. The reason it came to the Hobart City Council was because the government of the day - I do not quite remember which government it was, but I think it was Labor - were not dealing with it properly and so it came to the council, which then put its effort into resurfacing it and a few other things.

Time has shown that the treatment given to that road has been absolutely appalling. It has ruts all through it. Anyone travelling up Davey Street or across Davey Street knows that it needs a lot of attention.

It does not matter who owns the infrastructure, what is important is this holistic approach to the plan associated with traffic management.

You talked about the 10 per cent modal shift and that is agreed. You cannot force people to catch a bus but a dedicated T3 change will encourage that 10 per cent modal shift. There is a complexity with that, and that is that as soon as you get people into buses on that extra lane it will clear roadway next to it and people travelling in buses will see the clear roadway and it will make them feel, I might just chance my car again. It is called a 'wicked problem'. You can provide the extra lane for buses and cars with three or more people in them but if that unclogs the road, the other parts of the highway next to it, then it can be a thing that feeds itself. It is not always a solution but you will see what I am getting at. Again, it is something that needs to be holistically managed.

You gave quite a long list of projects that the Government is undertaking and I appreciate all of those. The committee is not saying that the Government is not doing anything. It is saying to do it properly it needs this overarching body. I am disappointed that that is not supported because, as you said, it would be too powerful.

The whole idea of a transport authority that looks broadly across the housing and all of those areas that we mentioned in the report is that they can provide good policy to the minister for transport. It is not that they have to be all-powerful; the transport authority just needs to communicate with those various government entities to bring together good policy. So when it comes to where housing might be placed, the strategy is something that is considered by this transport authority and they say, we see this problem occurring over here or over there. There is a really good reason why that should not happen. Perhaps we can sit down and talk about that a bit more. It is not about the transport authority having authority over housing; it is about developing good transport policy that the minister can receive from such an authority. That is really important and that is where things are going wrong.

We have seen all of the list of reports; we have seen the 15. The member for McIntyre pointed out exactly the same sorts of things were pointed out in 2013 with an inquiry and we will continue to see that happen until there is this overarching approach. It is long-term planning that we stick to that so we can say 'x' and 'y' is needed to be able to meet the needs of the community.

It is interesting that we are saying, do not look at major infrastructure issues before you look at the soft options, and then you criticise that we looked at the Flagstaff Gully option. We did not say, build the road; we said fully analyse it. When you look at the amount of traffic - 20 000 vehicles a day that come up from the east, it may well be 6000 or 7000 vehicles a day that would go that way instead of going over the Tasman Bridge and onto the highway.

We are not saying, do not build roads. We are saying, look at the soft options first. Look at those non-infrastructure options first and when you look at the traffic that is coming from the east, the settlements from the east are quite a way away from Hobart as a city. The opportunities for micro-mobility transport are probably less because people would take too long to get there or the batteries in the micro-mobility vehicles would not last long enough. This is looking sensibly at how you can take bulk traffic off a major choke point, which is the Tasman Bridge. I would really like the Government to think about that.

You say it is being considered, that is good. Let us analyse it properly, but let this authority do that. Let this authority be the one that helps with the policy side of things and gives good, no-holds-barred advice that is not politically driven, that we look at establishing this single transport authority, which is the major recommendation of this report.

I thank members for their contributions, I look forward to the Government's fuller response. I would like them to rethink that opposition to the single transport authority because I think it is the only way we can properly provide for our community going forward.

Report considered and noted.

RECOGNITION OF VISITORS

Mr PRESIDENT - Honourable members, I welcome to the Legislative Council the parliamentary debating team shield winners from Scotch Oakburn College, their debating team, and St Patrick's College. Currently, we are noting a report by a committee before we move back into the Committee stage of a previous bill. Unlike your debating practice, speakers in this Chamber have no time limits, so you might find that interesting. I am sure all members will join me in welcoming you to the Legislative Council Chamber this morning.

Members - Hear, hear.

Ms Rattray - Both northern schools, Mr President.

Mr PRESIDENT - We are not going to start that debate again.

GAMING CONTROL AMENDMENT (FUTURE GAMING MARKET) BILL 2021 (No. 45)

In Committee

Continued from 22 November 2021 (page 57).

[12.27 p.m.]

Madam CHAIR - To explain to students at the back, we are waiting for the Leader's advisers to appear so that she can be advised relating to the matters being debated during the Committee stage of the bill. New clauses are being moved to have inserted into the gaming legislation or the pokies bill, as you might have heard it referred to. Hopefully, they will be here very quickly. We should start; if you take your seat, we can move into that first amendment. They should be here.

Ms WEBB - Madam Chair, I propose new clause B to follow clause 20 as follows:

Section 127 amended (Minister may give Commission directions)

Section 127 of the Principal Act is amended by inserting after subsection (2) the following subsections:

(2A) Before giving the Commission a direction under subsection (1), the Minister must provide a draft of the proposed direction to the Commission.

(2B) Within 10 working days of receiving the draft direction under subsection (2A), the Commission is to provide the Minister with written comments on the draft direction.

(2C) If the Minister gives a direction under subsection (1) that is not supported by the comments of the Commission provided under subsection (2B), the Minister is to publish those comments in the *Gazette* with notice of the direction under subsection (6).

Madam Chair, I move that the new clause B be read the second time.

This new clause I am moving is referred to in our notes as new clause D, just to make sure everyone is very clear on that; it is B in the formalities of being moved. I want people to be able to find where we are looking in our notes.

Members will see this is about the power of the minister to give directions to the commission, which in the principal act is section 127, for reference. The intent of this new clause is to provide a greater degree of transparency and accountability around this quite substantial power that we provide to the minister in the principal act. A great deal hinges on directions given by the minister to the commission. It defines the work the commission can undertake and puts constraint around the scope of that work.

A lot of excellent things have come out of directions from the minister to the commission. We have progressed things like a mandatory code of practice, for example, through a direction from the minister to the commission. Quite a significant and important power is provided to the minister here, in the principal act. My intent with this new clause is to insert some extra accountability and visibility around the independence of the commission in that process, to try to make it more robust as an independent provider of expert advice and an undertaker of investigations and research.

It means that when a minister provides a direction to the commission, there is then a small process of reflection where the commission provides comments to the minister on that direction. We end up with a ministerial direction which is then accompanied by a series of comments from the commission that either supports that direction and perhaps adds to it; or a set of comments from the commission that provides some insight into that direction, that indicate perhaps that direction could be adjusted, different, expanded or constrained further. If the minister was to go ahead with that direction to the commission, in a way that was contrary to the commission's comments and suggestions, that would be visible by being published in the *Gazette*. It does not stop the minister providing these directions. It does not put a constraint on what the minister can include in directions. It puts visibility around an expert reflection on that direction by the commission. That is an important way for us to provide greater transparency and accountability. It also provides a greater sense of confidence to the community that the significant power we provide to the minister is utilised in a way that is expert-informed and evidence-based.

This new clause has been informed by suggestions and advice provided by former chair of the commission, Peter Hoult, and the interactions he has had with us through briefings and providing information to us. His insight was that, at times, the ministerial direction to the commission may be something the commission would consider better served by an expanded term of reference, or a constrained term of reference, or with extra information. That is useful, expert, independent information from the commission that would then become available in the public domain through this process.

I hope that has provided sufficient information about the intent of this new clause and the changes that it proposes to make to the powers of the minister to give direction to the commission.

It does not, in any way, interrupt the structural reforms and other matters of this bill. It complements the objects of the act by providing some greater transparency and robustness

around the licensing, supervision and control of gambling and the key role the commission plays in that. It contemporises a level of accountability around a ministerial power and gives the public greater confidence in the use of that power.

I am happy to answer questions or clarify anything that comes up from members in their responses. I encourage members to support this as a positive inclusion to the bill.

Mrs HISCUTT - There is no need for this amendment. The current direction powers and requirements have been in place for many years and operate effectively. The minister is already required to cause a notice of each direction given to the commission to be published in the *Gazette*, and this ensures that any direction given by the minister is open to public scrutiny which, in turn, obligates the minister to justify their decision of the time.

This amendment is totally unnecessary and is not supported.

Ms ARMITAGE - I have no problem in supporting this. It may not be necessary but I do not see any detriment to it being there. It provides extra information and a level of transparency and accountability.

Under section 127 in the principal act:

> (1) The Minister may give to the Commission any direction that the Minister considers to be necessary or desirable with respect to the performance …

And it goes on:

> (2) The Commission is not bound by a direction given under subsection (1) unless the direction is in writing and signed by the Minister.

I cannot see an issue with providing a draft to the commission. It may not be necessary, but is there a problem with adding that extra layer of protection, and transparency for the community as well, when it is gazetted?

Mr VALENTINE - I agree with the member for Launceston. I certainly agree with the member for Nelson for bringing this amendment forward. The commission is the expert in this, so it is important that if the minister wants to progress something, the commission has that opportunity to cast their eye over it. Then, if the minister still wants to go ahead with it, the minister's comments have to be published in the *Gazette*.

It is very transparent. I do not see any detriment to this whatsoever. It just seems to me that it is a sensible amendment. It provides that level of transparency which I think the community would find comfort in. There are lots of programs around gaming these days because of certain circumstances, I am not going to go into that. We all know that it is important that whatever we do in this space, that it is transparent and this provides that little extra degree of transparency. You might say, 'Well, it is the minister who is being held to account', if you like. So be it. They are there for the community. The community needs to have confidence that what the minister is putting forward is right. The way to get that confidence is to give the commission the opportunity to cast their eye over it and to point out any issues. It is in the

minister's best interests, I would have thought. It is certainly in the community's best interest. I will be supporting it.

Mr GAFFNEY - I thank other members for their contributions. It is important in this place that we look at where we are now and how much confidence our community has in what has occurred over the last 20 years. There have been concerns and questions asked by community members, people have written books about the issue, there have been documentaries about the issue. There have been all these things that create angst and anxiety within our community.

This is a chance for us to say, with the next 20 years, by including safeguards such as this, by including issues and amendments such as this, we are actually saying: 'We take this very seriously'. In 20 years time we do not want another person writing a book called 'The Losing Streak part two or three' because we have not put into this bill some safeguards and stronger guidance for the commission and for the minister. If I was the minister in this position, I would say, 'Thank goodness. This is a good thing. It is actually giving me a little bit of leeway because it has gone through an extra process'. That is really important in this debate.

The young members in this place at the moment, who may be dealing with this in 20 years time, might think, 'I wish they had put that in there because it would have made it a lot easier when we have to be back here debating this in 2043'. I thank the member for Nelson for bringing this forward. I do hope that all members, other than the Government members - we know where you will place in this, you have to stick with the bill - but all other members in this place may think seriously about the importance of these sort of safeguards. I encourage all members to support the amendment.

Ms WEBB - I thank members who are engaging with the proposed new clause. I appreciate those who have indicated their support and have clearly identified the value that is delivered if this were something we were able to include in the bill. The Government view that this is not needed and is not necessary is unfortunate because as some of the other members have identified, it would be incredibly positive for us to find ways to really shore up public confidence in this area and in this space. This is particularly so for things that might be perceived as being politically driven issues or matters that come to light. This power of the minister to give directions to the commission is a really distinct power that is provided that sets the tone for what that independent expert body can then do.

Often the directions are in relation to things like doing an investigation about something and providing advice on the basis of that or reviewing things and providing advice. All efforts to ensure that that request to the independent body looked as far from something politically motivated or driven, or politically constrained even, would be certainly a priority for us. We want to ensure that there is no perception that that is the case in this exchange of a direction from the minister to the commission. This helps us achieve that, quite explicitly, just with a simple exchange of the draft direction, comments back and visibility about when that direction might not marry up with the comments provided by our independent experts. It is a wonderful opportunity to assist us to put aside any perception that there are politically motivated things going on, just a basic sense of transparency and accountability.

I would encourage members to support this. It does not impede any power of the minister under this section of the principal act. It does not interrupt any of the other aspects of reform

and change being put forward through the bill and is a really positive opportunity for our community. Thank you to those who have indicated support.

Ms RATTRAY - I place on the record my support for the amendment. We have talked a lot in this parliament over a long time about open and transparent processes. This is just another one of those open and transparent processes we can put in here today. I was compelled by the argument from the member for Mersey. It is going to be 20 years before anyone looks at this again and this is an opportunity for us as a parliament to put this in place.

I thought it might be an opportune time to let the people who are in the Chamber know that if the bells do go for a divide on this and I leave the Chamber it is not because I am not wanting to vote. I have provided a pair to a member who is not able to be here today.

Mr VALENTINE - A lot of bills that come through seem to be trying to provide ministers with greater powers. I have noticed over time some powers of a minister being almost unfettered. This is a perfect way - not only for this bill but for other bills that come before us - to get the balance back. So that there is the transparency, so that we know the minister is getting good advice from the body concerned. In this case, it is the Liquor and Gaming Commission.

Ms Rattray - The independent Liquor and Gaming Commission.

Mr VALENTINE - That is right. It is a good mechanism. Well done on bringing this forward. I really do support this.

Madam CHAIR - The question is that New Clause B be read a second time.

The Committee divided -

AYES 5	**NOES 6**
Ms Armitage	Mr Duigan (Teller)
Mr Gaffney (Teller)	Mrs Hiscutt
Dr Seidel	Ms Howlett
Mr Valentine	Ms Lovell
Ms Webb	Ms Palmer
	Mr Willie

PAIRS

Ms Rattray	Ms Siejka

Amendment negatived.

Ms WEBB - Madam Chair, this new clause that is being proposed in your papers is referred to as new clause E, but it is B here for our reference. I move the following amendment -

New Clause B, to follow clause 21 -

B Section 127AB inserted

After Section 127A of the Principle Act, the following section is inserted in Part 7:

127AB. Direction to be given in relation to gambling-related data and publication

(1) In this section -

'**gambling data**' means data relating to gambling losses, gambling revenue and the participation in gambling.

(2) Within 30 days after the day on which the *Gaming Control Amendment (Future Gaming Market) Act 2021* receives the Royal Assent, the Minister must give to the Commission a direction under section 127.

(3) The direction given in accordance with subsection (2) is to direct the Commission -

(a) to carry out, in relation to the relevant matters, an investigation in relation to the collection, publication and use of gambling data in Tasmania; and

(b) to provide to the Minister, before 31 December 2022, a report in relation to the results of the investigation.

(4) The investigation in relation to the relevant matters is to be an investigation -

(a) for each form of gambling product or activity, into what gambling data is collected and by whom; and

(b) into the methods and frequency of public and non-public gambling data reporting; and

(c) into gambling data collection and reporting requirements in other jurisdictions; and

(d) into the current and potential publication and use of gambling data; and

(e) into options for a framework for gambling data collection, publication and use; and

(f) into a timeframe for the implementation of a framework for gambling data collection, publication and use.

(5) The investigation under this section is to include consultation with such persons involved in the gambling industry, and such

persons with an interest in the gambling industry, as the Commission thinks fit.

(6) Without limiting the matters that may be contained in the report by the Commission in relation to the investigation, the report is to include -

(a) the Commission's recommendations as to the most effective framework for the collection, publication and use of gambling data; and

(b) the steps that the Commission proposes to take to implement those recommendations as soon as reasonably practicable.

This is another positive opportunity for us with this bill, because we know what this bill seeks to implement is quite a significant reform in our gambling area in this state, with a whole new model of licensing around one of our most significant gambling products.

This new clause suggests that a direction be given to our independent expert body, the commission, to undertake a review on data - data collection, data publication and use. To assist us in the most appropriate way as we embark on an entirely new reform space to have the right kind of evidence base from the outset in relation to data collection and in developing and understanding a picture of gambling in this state, we certainly have something in place already. Of course, there are certain mechanisms whereby data is collected and mechanisms whereby it is published and put forward for use. What this is to do is to have our expert body review that with these reforms in mind and establish a way for us to be well placed and contemporary in the way we provide for data collection, publication and use. It allows for that to happen in this time frame from Royal Assent of this bill through to the end of next year, which is before we then go to the cross-over time of the transition to the new model. It allows us to start with some fresh advice from the commission on how we might improve or readjust data collection, publication and use.

Part of that would naturally be looking at other jurisdictions. Everywhere does this a bit differently and it is appropriate we develop a way that best fits our local circumstances. It is informative to look at the different jurisdictions around the country and how they tackle it, particularly because we are moving towards a model through individual venue licensing of poker machines. We are moving towards a model more in keeping with some of those other states. It is quite informative as to the way data is identified, collected, published and used in those jurisdictions and this is to maximise this positive opportunity we have at a point of transition. It draws on our expert independent body to do that work and best inform us. It ensures we are well placed at the outset of a reform to understand the impacts of that reform through data.

It is really difficult if we have not done that assessment and put something in place which is expert-advised in terms of a framework best suited our new circumstances. It is hard to do that in retrospect. We cannot turn back time and decide five years from now and wish we had been addressing our data collection, publication and use differently from this reform.

It is about visibility of an activity we know is present in our community which at times can be harmful or generate harm in the community. It is one we want to be particularly mindful about understanding well and coming to with an evidence-based approached which allows for us to inform a more comprehensive way of doing that through our commission's advice.

An example of somewhere that does things quite differently to us at the moment is Victoria. There is an interesting webpage from the Victorian Responsible Gambling Foundation webpage - interestingly, they present data there on an LGA basis that is accessible to the public, policy makers and researchers or academics. They do that breakdown in all kinds of ways by a number of venues, by a number of machines and by daily losses, annual losses. They indicate socio-economic disadvantage. It is a data rich page and just one example of one aspect of data collection and presentation from another jurisdiction. This is why a broad review to inform what might work best here is a positive opportunity and I encourage members to support this new clause. I am happy to provide further clarification or explanation on any particular questions members may have in relation to it and see this as being well aligned with the objectives of this act, drawing on our independent expert body and very timely as we embark on a significant reform.

Sitting suspended from 1 p.m. to 2.30 p.m.

QUESTIONS

COVID-19 - Digital Certificates

Ms RATTRAY question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.30 p.m.]

With the COVID-19 vaccination digital certificate now being available for those who have mobile devices, can the Leader please advise:

(1) For those in our community who do not have a smart phone - and there are many; I know many of them myself - or access to the internet, and have been asked to provide proof of COVID-19 vaccination, what is their alternative to the digital certificate?

(2) Does the Government intend to offer options and deliver clear advice to Tasmanians?

ANSWER

Mr President, I thank the member for her question.

(1) An individual's COVID-19 vaccination is included as part of their personal vaccination record on the Australian Immunisation Register (AIR). For those people who do not have a smart phone, they can contact their GP and ask for them to print a hard copy of their vaccination register. Alternatively, they can also contact the Australian Immunisation Register and ask them to email or post a copy of their vaccination record.

The Australian Immunisation Register can be contacted through Services Australia either by phone or at a Services Australia office. For further details, you can visit

servicesaustralia.gov.au and search individuals/services/Medicare/Australian Immunisation Register.

(2) There is information in relation to digital certificates available on the Tasmanian government coronavirus website including a list of frequently asked questions. You can visit www.coronavirus.tas.gov.au/checkinTas/COVID-19digitalcertificate.

From early December, Service Tasmania staff and staff at Libraries Tasmania will be available to help people download their digital certificates if they are having any trouble.

Tobacco Licences - Vaping

Ms RATTRAY question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.33 p.m.]

I refer my question to the Leader or Deputy Leader, whoever is going to take the responsibility of responding. I refer to reports that Tasmania is the only state which requires pharmacies to apply for a tobacco licence in order to dispense nicotine vaping and e-cigarette products. Reportedly, the head of the TGA, Professor Skerritt, described this decision at a recent Senate Estimates as 'unfortunate.'

I also note the comments of the head of the Pharmacy Guild in Tasmania, Helen O'Byrne, who stated on Saturday that, 'As far as the (licence) fee is concerned, in our opinion, that should be waived in the case of pharmacies providing these prescriptions.' That was a quote from Saturday's *Mercury*, 13 November 2021.

(1) What is the cost of a retail tobacco licence in Tasmania?

(2) How many pharmacies in Tasmanian have:

(a) applied for a retail tobacco licence; and

(b) been granted one?

(3) Why is the Tasmanian Government failing to follow the advice of the Therapeutic Goods Administration, and requiring pharmacies to have a retail tobacco licence?

(4) Will the Government now consider waiving these fees as recommended by both the TGA and the Pharmacy Guild?

ANSWER

Mr President, I thank the member for her question.

(1) The cost of a retail tobacco licence in Tasmania is $583.20 for e-cigarettes only; and $1161.54 for all smoking products.

(2) Six pharmacies have applied for an e-cigarette only licence, four have been granted and the other two are being processed.

(3) The Therapeutic Goods Administration (TGA) determined that from 1 October 2021 it is now illegal for consumers to import nicotine vaping products from overseas websites without a valid prescription from an Australian doctor. Therefore, the only way for consumers to purchase these products is when it has been prescribed by a medical practitioner.

The TGA has not provided advice regarding the application of each jurisdiction's laws relating to e-cigarettes and smoking products. The interplay of this decision with jurisdictional laws has been different for each state and territory. This is because each jurisdiction has different requirements regarding access to smoking products, including both traditional cigarettes and e-cigarettes.

Tasmania has strong regulations around access to smoking products as the health and safety of Tasmanians is the Government's highest priority. Nicotine is a highly addictive substance and nicotine vaping products have been associated with immediate harms, including respiratory illness and death. There is currently insufficient evidence to support the use of e-cigarettes as an effective cessation aid. E-cigarettes have the potential to reverse the gains that have been made in reducing smoking rates in Tasmania and have the potential to be a gateway to smoking for young people.

Under the Public Health Act 1997 pharmacies that wish to sell these products will become smoking product (tobacco) retailers. This means they will be required to apply for a licence and to comply with relevant tobacco control legal requirements, including those relating to sales to children, restrictions of display and advertising et cetera. This is in line with the Tasmanian Government's ongoing precautionary approach to e-cigarettes.

(4) No. Smoking product licence fees (including those from pharmacies) are collected on a cost recovery basis to fund the management of the licencing system including educational, compliance and enforcement activities to support compliance with point of sale laws. Tasmanian laws that are in place for the health and safety of all Tasmanians will not be watered down due to changes in access to nicotine-containing e-cigarettes.

GAMING CONTROL AMENDMENT (FUTURE GAMING MARKET) BILL 2021 (No. 45)

In Committee

Resumed from above.

New Clause B, to follow clause 21

Mrs HISCUTT - Tasmania is one of the few Australian jurisdictions that publicly releases gambling expenditure information for EGMs and point of consumption tax each month. This approach is already providing the community with current information about key

gambling expenditure. The minister has the power to direct the commission in relation to the collection, publication and use of gambling-related data should it be required.

The Government also notes that the commission will already be undertaking a significant amount of work with the commencement of the new model, the licensing and establishment of the licence monitoring operator, considering venue licence applications, development of regulations and the report on card-based gaming, facial recognition and precommitment and the review of the mandatory code. Given this, the Government is concerned that the commission may not have the capacity to carry out an investigation relating to gambling data within the time frame required by this clause. Therefore, this amendment is not supported.

Madam CHAIR - The question is that New Clause B be read a second time.

The committee divided -

AYES 4	**NOES 8**
Mr Gaffney	Ms Armitage
Dr Seidel	Mr Duigan
Mr Valentine	Mrs Hiscutt
Ms Webb (Teller)	Ms Howlett
	Ms Lovell
	Ms Palmer
	Ms Rattray (Teller)
	Mr Willie

Amendment negatived.

Ms WEBB - Madam Chair, I move the following amendment -

New Clause B to follow Clause 21 -

B. Section 127AC inserted

After section 127A of the Principal Act, the following section is inserted in Part 7:

127AC Direction to be given in relation to simulated racing events and FATG machines

(1) The Minister must, 12 months after the day on which the *Gaming Control Amendment (Future Gaming Market) Act 2021* receives the Royal Assent, give to the Commission a direction under section 127.

(2) The direction given in accordance with subsection (1) is to direct the Commission -

(a) to carry out, in relation to the relevant matters, an investigation into the introduction of gaming on simulated

racing events at and from approved locations and approved outlets under the authority of Tasmanian gaming licences; and

(b) to provide to the Minister, within 6 months of the direction being given, a report in relation to the results of the investigation.

(3) The investigation under subsection (2) in relation to the relevant matters is to be an investigation -

(a) into the impact of gambling on simulated racing events on total gambling losses and the level of gambling harm in the community in Tasmania; and

(b) into the impact of gambling on simulated racing events on participation in, and engagement with, other forms of gambling; and

(c) into the impact of the introduction of simulated racing events on employment in the gambling industry in Tasmania.

(4) Without limiting the matters that may be contained in the report by the Commission in relation to the investigation under subsection (2), the report is to include -

(a) the Commission's recommendations on policy considerations, harm minimisation measures and regulatory considerations in relation to the conduct of simulated racing events and their implementation; and

(b) the steps that the Commission proposes to take to implement those recommendations as soon as reasonably practicable.

(5) The Minister must, 12 months after the day on which Part 4 of the *Gaming Control Amendment (Future Gaming Market) Act 2021* commences, give to the Commission a direction under section 127.

(6) The direction given in accordance with subsection (5) is to direct the Commission -

(a) to carry out, in relation to the relevant matters, an investigation into the introduction of fully-automated table game machines (FATG machines) in casinos in Tasmania; and

(b) to provide to the Minister, within 6 months of the direction, a report in relation to the results of the investigation.

(7) The investigation under subsection (6) in relation to the relevant matters is to be an investigation -

(a) into the impact of gambling on FATG machines on total gambling losses and the level of gambling harm in the community in Tasmania; and

(b) into the impact of gambling on FATG machines on participation in, and engagement with, other forms of gambling; and

(c) into the impact of the introduction of FATG machines on employment in the gambling industry in Tasmania.

(8) Without limiting the matters that may be contained in the report by the Commission in relation to the investigation under subsection (6), the report is to include -

(a) the Commission's recommendations on policy considerations, harm minimisation measures and regulatory considerations in relation to the introduction of FATG machines in casinos and their implementation; and

(b) the steps that the Commission proposes to take to implement those recommendations as soon as reasonably practicable.

(9) An investigation under this section is to include consultation with such persons involved in the gambling industry, and such persons with an interest in the gambling industry, as the Commission thinks fit.

Madam Chair, I move that new clause B be read the second time.

That was quite a long-winded new clause, I appreciate. The intent is relatively simple. With the introduction of a new gambling product to the state - the fully automated table games - and with the changed allowances where simulated racing can be presented in our community, the expansion into hotel venues, this clause asks that a direction is given to the commission to review each of those 12 months after they have been introduced or expanded in their offering.

That comes into play at two different times: simulated racing and the expansion to other venues can occur after Royal Assent and the fully automated table games, because of the part of the bill that is in, does not occur until that transition time when that part of the bill comes into play. Therefore, they have been separated out so that a review of each can occur 12 months after the new circumstances that apply to them. I hope that makes sense to people.

On the one hand we are introducing an entirely new product and on the other hand we are putting a product into environments where it has never been before. It would be sensible and responsible for us to have our independent commission review the impact of that after a 12-month period when there is something to take a look at and assess in terms of that impact.

It is a fairly straightforward process. Because they are at two separate times, it allows the commission to spread out that work. It allows for the commission to decide who is relevant to consult with and how to go about that investigation. It provides for us, at a good early opportunity, to have some insight into an evidence base on which to understand the impact of these forms of gambling and the places they would be offered.

That is a really responsible way for us to be well equipped to respond, if necessary, with any additional considerations on harm minimisation or regulation. It is an opportunity for us, in this bill, to ensure we have explicitly made clear we will be undertaking that responsible review at an appropriate time for these two products.

That is a very straightforward explanation of what the intent of this new clause is. I am very happy to speak further on it, or answer questions. I invite members to support it. It is a really fantastic way for us to ensure this opportunity is well realised and we have great, robust evidence base when we introduce, or expand gambling products in this state.

Ms LOVELL - As I indicated in a debate about an earlier amendment the member for Nelson had proposed, I am supportive of this new clause. It is sensible to have a review in place when we are rolling out products we currently do not have a lot of in Tasmania.

I appreciate the member for Nelson's explanation about the time line. That was one of the questions I had, but having heard the explanation that makes sense. It is a little confusing given the different implementation dates, but makes sense for those reviews to take place 12 months after those products have rolled out. I am pleased to hear that explanation.

I will be supporting this new clause.

Ms RATTRAY - I am certainly not opposed to the idea put forward. I have a question in relation to the workload of the commission. As already indicated by the member presenting the amendment, one of them will be an extension of what is already available and so it is a gain for that gaming product. Do you consider this is going to be onerous on the commission given they are also part of the transition arrangements for the new model that is in place? Looking at the workload of the commission - and if the member has thought through this, I expect she will have given how forensic she has been in this regard - I would be interested in your thoughts as perhaps 12 months after is maybe more appropriate. I am happy to listen to the response from the member.

Mrs HISCUTT - The Government also has the same concerns identified by the member for McIntyre. I did note Treasury undertook an analysis of the introduction of the fully automated games and simulated racing to determine the likely impacts on the Tasmanian market and the risk level and experience of harm in other jurisdictions during the development of this bill.

While it is likely the commission will be reviewing these products at an appropriate time in any future event, and as the Government has already noted, the commission has a number of

additional tasks in this coming year, the amendment has more appropriate time lines and has been properly considering these matters. The Government will also be interested in a response from the member for Nelson as to what her opinions may be there.

Consequently, the Government is not totally opposed to this amendment. We consider a review such as proposed is required, but we were concerned about the additional workload on the commissioner.

Ms WEBB - Thank you to members for engaging with the new clause. It is interesting in many ways when we talk about the potential workload for the commission. Ironically, the previous new clause, which would have allowed the commission to provide input on a draft direction such as this, would have provided some interaction on time lines that the commission could have informed the minister to assist with appropriate time lines being landed on for directions. That aside, we have not provided that opportunity to the commission for future directions, which is a shame.

It does spread out these two reviews, because whenever Royal Assent occurs and the simulated racing is then able to go into that expanded network of locations, this review proposes the direction to be given 12 months after that. There is a six-month period of time from the time of the direction being given for the report to be provided. It takes it a fair way out beyond what will be the main work around the implementation of the new model for the commission, which would be largely happening across next year. One of these will overlap to some extent, possibly with work being done by the commission to implement the new structural model. This is not an onerous or large piece of work. It is a review of a particular product and circumstances around the expansion of that product - the simulated racing.

The review of the fully automated table game element is 12 months after Part 4 comes into play, which is after the new system is already in place and then a 12-month period, the directions given after 12 months and then six months for the review to occur. It pushes that part out well beyond.

I, of course, would not want to overburden the commission and they could interact with the Government about the time lines on that and the resources required. I hope that would be a conversation.

As the Leader has indicated, Treasury has apparently reviewed other jurisdictions in relation to these products. That would be informative background work already done to feed through into the review that would occur under these directions of what has occurred at the local level after 12 months of implementation. We would have a good foundation piece of work there to form the basis of the local review to occur. It would be my view that this is not an onerous burden on the commission, but it is a sensible one, as the Leader indicated, and may well happen anyway. This is a statement to say that we think it would be appropriate and explicit that it occurs, given the significance of the introduction of new products or the entirely different presentation through new venues of a key product. Hopefully, that has answered those questions from members but I am perfectly happy to speak more about any elements if required.

Mr GAFFNEY - Obviously, I am supportive of this amendment and I am also appreciative both members of the Labor Party and the Government are also going to support this. It is a good thing.

I want to put on the record the time lines I have spoken about before are going to be really tight. Just because of this review process, that should not be used as a scapegoat in 12 months time or in a certain period of time, saying we have to delay some of the expectations of what we have to do in a whole raft of transitional requirements needed for this bill to be passed. I am really pleased the member for Nelson had a chance to clearly explain the time lines, prospectus and how long that would take. We do not want to confuse that workload with what is already on the table saying they have to do this within a required amount of time. We will be closely following that and when there are jobs to be done, the Treasury has to come up with the money to make sure they have the resources there and the people to provide it to get it done in time. It is as simple as that as a requirement of the legislation. I support the amendment.

Mr VALENTINE - I, too, support this. With the taxes being put in place, it is actually earning money for the Government and it will be money well spent resourcing this sort of investigation.

The last thing we want is for gaming machines such as these to end up being the same sort of a problem that we have found poker machines to be. We need to get ahead of the game and this provides really good direction as to what should be investigated. That is what I find good about this. It is important to have good information when you are making decisions as to what may be the harms that are occurring as a result of these new games that are being introduced.

I support the amendment that the member for Nelson is bringing forward. I support the concept behind it. It is disappointing that we do not have the others that were brought forward earlier but we are where we are and this is a good amendment to be making.

New clause B agreed to.

Ms WEBB - I move the following amendment -

New Clause C, to follow clause 26 -

Section 152A inserted

C. Before section 153 of the Principal Act, the following section is inserted in Division 2:

152A. Review of penalties

(1) The Commission must -

(a) before 1 July 2022, conduct a review of the penalties in this Act; and

(b) cause a report of the outcome of the review under paragraph (a) to be tabled in each House of Parliament within 20 sitting-days of that House after the completion of the review.

(2) A report under subsection (1)(b) is to include such recommendations for changes to penalty units for offences in this Act as the Commission considers necessary or desirable.

Madam Chair, I move that new clause C be read the second time.

For members looking at our notes, this is new clause G, about a penalties review. This is one I am putting forward and I am interested to have some responses to this. One of the reasons that I put this forward is that there are some penalties in the act through this bill that are being adjusted or changed and some new ones that are being introduced.

You will all recall that during the debate on the bill, we had some conversations and discussions and debate about where penalties had been set and issues with consistency of penalties. It certainly is an area that has come up in debate and this new clause proposes that there is a review of the penalties in the act by the commission and that that becomes a public document by being tabled in parliament.

What I am imagining is that this piece of work of reviewing the penalties is probably something that has largely been done by Treasury in the preparation of these reforms and this act. You would imagine so. I am imagining that this might be a piece of work which largely already exists; it just might not be something that has been made transparent and visible publicly. One of the reasons that I would seek for it to be something that is done in a formal way and made public is the sensitivities around the topic of this bill and this area of regulation.

Penalties are a key way that, as a regulator, we indicate the severity of lack of compliance with certain rules and regulations put in place. It is an indication too of what we believe is an appropriate punishment or penalty to apply to someone who is not complying with the regulations that have been put in place. This is key because we know that there is the potential for gambling harm to occur and we know that compliance with regulation is a key way to assist us to minimise that.

The penalties in that context are significant for us to be confident that they fulfil the role to assist, indicate a community and government view on the importance of compliance, and be able to act as a deterrent and a penalty - an appropriate penalty - if compliance has not occurred.

I note that in the joint select committee that occurred in 2016-17, in evidence from the Liquor and Gaming Commission at that time, they said - and this is on page 200 of the report from that committee:

> However, the TLGC has a long record of dealing with compliance breaches in hotel venues and nothing in this model provides comfort that this would not continue and, in fact, increase.

I just picked that out as an indication that we know that compliance is tricky and we know that the commission already grapples with how to improve compliance. Consistent and defendable penalties is a key part of that. I suspect it is a piece of work that has already largely been done. When we think about things like, is this another onerous task to put onto the commission to undertake, which is a valid question to ask - I would hope that the answer to that is no because I think the work would already be there. It would be a matter of making it formal and putting it into the public domain via this new clause.

In summary, that is my intention with this new clause. I hope members feel that that is a valuable way for us to make use of this opportunity where we are actually at a point of change and reform. It is an opportune moment for us to grasp and look at something like consistency of penalties under the act. I encourage you to support this new clause. If there are particular questions or things you would like me to speak more about, I am happy to do that.

Dr SEIDEL - I am inclined to support the new clause for the simple reason that compliance is going to be an issue. It is going to be more complicated and the Government at least has agreed to employ more compliance officers, between three and four full-time equivalent.

When was the last review of penalties actually done? Who did it? How does it compare to other jurisdictions?

If we have done a recent review, if that is an evidence-based review comparing penalties proposed in here compared to penalties in other jurisdictions, the new clause might not be strictly necessary. If you do not have any evidence, if you do not have any comparisons, if you do not have the mechanism, then this is essential because we know compliance will be an issue. If you look at the penalties in there, they range from 40 to 50 penalty units to two to four years in prison. It is quite a difference.

The question again is, when was the last review of penalties done? Who did it? How does it compare to other jurisdictions?

Mrs HISCUTT - The penalties listed in each individual section of the act are for when a prosecution occurs through the court system. This is separate to the disciplinary powers of the commission. The commission currently has extensive powers to impose financial penalties under section 112T of the act. For example, penalties available to the commission with respect of the casino licence holder and Keno operator are significant, up to $17.3 million.

The commission is the regulator and it is not considered appropriate that the commission undertakes a review of the penalties that apply to matters pursued through the court. The Government has undertaken a review of the penalties for that purpose. It is not necessary nor appropriate for the commission to undertake such further review.

Finally, the Government notes, as I have already indicated, the additional tasks that have been placed on the commission through amendments to this bill. It is important that we consider closely the necessity of any additional work proposed. In this case, the review proposed is not necessary and even were it to be, the time frames are too short for it to be effectively conducted. The amendment is not supported.

Dr SEIDEL - The Government said that a review has already been initiated for penalties. What was the date of the initiation of the penalty review?

Mrs HISCUTT - Penalties were considered by Treasury during the development of the bill. As previously described in this debate, penalties were considered relative to the existing penalties and the risks and impacts of any breach that occurs.

Ms RATTRAY - I was one of the members who rose on a number of occasions through the part of the bill where it talked about penalties, and I was interested in how they had been

arrived at. I looked at page 157 of the bill where there was an increase in clause 99 from 100 penalty units to 1000 penalty units. The explanation I was given at the time was, 'They have been looked at,' and the like. I take on board what the Leader says in regard to the work of the commission and the time frame. If the Leader is willing to suggest a longer time frame, something that might be more palatable, and then provide some support to this amendment, I believe that would be very useful in moving this forward. When you go back through the bill, the various penalty units - and I made this comment at the time - are all over the shop.

Dr Seidel - Whilst the member is on her feet, the Leader said it is actually Treasury that sets the penalty rates, not the commission.

Ms RATTRAY - Treasury. After this, they will have a lot of free time. They will probably not have any trouble meeting the time frames. I see a smile at the desk and I know they cannot make any comment. I am inclined to support the amendment because it would be good to see the entire suite of penalties listed in a document. The member for Nelson would be quite accurate in saying a lot of this work is probably already done. There is probably a table that already has this work done. I do not believe that it would be quite as onerous as has been indicated. However, I know the Leader is only providing advice that she is given and I respect that.

Dr SEIDEL - It is my third call; therefore, to be quite specific: has Treasury completed the review of penalty rates? If not, why not? And I am asking again, when did Treasury commence the review of penalty rates? My final question: when Treasury was starting the work reviewing the penalty rates, did they compare the suggested penalty rates with penalty rates in other jurisdictions? If not, why not?

Mrs HISCUTT - Penalties from the review are reflected in the bill; that is the work that has been completed. Other jurisdictions have entirely different environments and penalty regimes and their penalties are not relevant in the Tasmanian context.

Ms FORREST - I have a couple of questions for the Leader. It has partially been answered and logic tells me what the answer is. During the development of this legislation, which has been over a period of time, I ask the Leader, was a review of all the penalties in the bill as presented undertaken? When each clause which has a penalty provision was put into the bill, was it considered? My way of thinking would be that it has been because some of them are the same, some have been changed for the same offence in the bill. Therefore, someone in Treasury, in giving drafting instructions, has surely addressed their mind to what is the most appropriate penalty level for this clause. Otherwise how was it done? That is the question. Was that part of the process? If it was not - and I cannot see how it could not have been, if some of them are the same and some are different, one would have thought it was done. Logic alone would tell you that.

Regarding the review of the penalty clauses to see whether they are appropriate, we do that from time to time in this place with all manner of things. There have been debates about certain penalties at different times in this place. Some of them get kicked out the door, but not so much with penalties of a financial nature. In this place, it generally applies more to mandatory jail terms.

I know the member for Nelson said that under the current arrangements there have been problems with compliance in some areas. One does not expect that to get any less, because we

now have individual licensing models, where we have had one. I have made my point pretty clear on that. More compliance issues are likely. I suggest doing it before this bill starts would be counterproductive, if any sort of review was done during the development of the bill. That is because it only becomes apparent after the bill is enacted, under the new arrangements with single operators and some other provisions within the bill that attract penalties - whether the penalties, which are generally designed to be a deterrent, are being effective, or are people just flouting the law and thinking, stuff it, I can do what I like, there are not enough inspectors around to make a difference?

I agree the time line here is probably not right if a review has been done and Treasury, through the work in developing this bill with the drafting instructions, has made an assessment of each penalty clause in each provision. In that case, I would not support this review clause as presented because I consider it would have little value. However, a review after the bill has been in operation for two, three or four years could be of value because you can then look at the number of infringements and the compliance matters related to it. One would hope the Government would do this without us telling them to, by the way. That is their job, to review these sorts of things. Either way you could put it in there as a fail-safe, to conduct a review afterwards based on the evidence of compliance. If compliance was improved you would think, why would you bother reviewing it; but you cannot tell that until it is in place.

I ask the Leader to answer those initial questions for me and, based on that answer, I will determine how I will vote on this clause because I consider that is the difference here. If it has already been done for the bill before us then yes, it should be reviewed later, with a new model being put in place, but not straightaway, not before it happens. Even then, you could argue that the Government should be doing it anyway.

Mrs HISCUTT - Yes, penalties were all considered and gaming compliance was also consulted. Both existing penalties and those that are new were considered. Note that these are penalties that will be imposed by the courts who will make appropriate penalty on the fact of any matter. The commission has separate disciplinary powers under section 112T.

Mr VALENTINE - I am interested in whether those areas that did have penalties on them will also be reviewed. I noticed way back in the bill clause 8, section 65 was amended to take out subsection (2) which removed a penalty. In reviewing these penalties, it also provides an opportunity for those areas that were penalised, or where penalties applied may also be reviewed to see it has been reasonable for them to have been removed. I would be interested to know that aspect.

Ms WEBB - Thank you to the members for engaging with the proposed new clause. I do not know I can answer that question you have just put there, member for Hobart. The proposal to review the penalties was primarily to achieve some visibility on work I had assumed would already have been done. So we could understand that and then perhaps as the member for Murchison spoke about in her contribution, when the time should come down the track a little to review how things are going under the regime with the penalties that are there, we would be able to then look back to the review done now and made public now to understand what the intent was in either the changes or the things not changed at that point in time. That is the intent of this review. It would work in a complementary fashion with a review down the track to look back at how things have progressed under the new structural reforms and, presumably, it would be just formalisation and making visible the work already done by the department and in the preparation of the bill.

That is my intent. Members have shared their views and I still seek support for the new clause. It is a sensible way for us to still be able to progress this in a very positive manner accountably, at each stage.

Madam CHAIR - The question is that new clause C be read the second time.

The Council divided -

AYES 4	**NOES 9**
Mr Gaffney (Teller)	Ms Armitage
Dr Seidel	Mr Duigan
Mr Valentine	Ms Forrest
Ms Webb	Mrs Hiscutt
	Ms Howlett
	Ms Lovell
	Ms Palmer
	Ms Rattray (Teller)
	Mr Willie

Amendment negatived.

New clause C, to follow clause 60

Mr GAFFNEY - I move the following amendment -

Insert new clause C to follow clause 60.

A.C. Section 38 further amended. (Matters to be considered in determining application)

Section 38(2) of the Principal Act is amended by inserting after paragraph (e) the following paragraphs:

(ea) the applicant has a history of not complying with a law of any jurisdiction in Australia relating to industrial relations or workplace safety; and

(eb) the applicant will have appropriate systems and processes in place to ensure that each person who is engaged, or employed, by the applicant, is not subject to discrimination, harassment or other adverse action by the applicant, or by a person engaged or employed by the applicant, if the person provides information relating to -

(i) the compliance of the applicant with the requirements of this Act; or

(ii) conduct of the applicant; and

Madam Chair, I move that new clause C be read the second time.

In this one there is not going to be any need for people to speak, other than to vote on it because it is for consistency. We had a similar clause for the casino and the Keno operator licence holders and, also, we introduced one clause for the monitoring operating licence. This is just to ensure all venues, including pubs and clubs, are covered under the same clause so it is actually consistent throughout the bill. I would encourage people to support this one by just voting for it.

Mrs HISCUTT - As the member for Mersey has said, the principle underlying this amendment has been debated previously. While the Government is concerned such a clause does not fit into the Gaming Control Act, dare I say it is probably another weed and, in particular, the work required may be a significant impost on smaller venues. Because of the work that has been done earlier, and the principles we have already debated, the Government will not be opposing the amendments.

Ms RATTRAY - Just because the member who proposed the amendment said we probably do not need to speak on it, that is what makes me want to speak on it. I had some contact after the first iteration of this from smaller venues saying this will be too onerous. My comment back to them was, 'The horse has bolted. The Government supported it. There is not much point talking to me about this.'

I acknowledge this could well cause an extra layer of compliance for venues, but also acknowledge there needs to be that equitable compliance. I will be supporting the amendment. I want to put on the public record there has been some contact made on behalf of smaller venues, which I am proud to represent along with many others in this place, and I felt it was necessary to make the point that it is important there is equity across all venues.

Ms LOVELL - I was not intending to make this point before the encouragement from the member for Mersey. Thank you to the member for Mersey for bringing this amendment.

Regarding a question that was raised on previous discussion about similar amendments to other venues, in monitoring this in an ongoing way and having that ongoing compliance monitored. For members' information, I advise that my understanding is that, as part of the principal act in section 112S under disciplinary action, the provisions in that section of the act actually spell out that disciplinary action can be taken if the conditions that are applied to obtain the licence in the first place are not adhered to on a continuing basis. There is a mechanism for that ongoing compliance to ensure that this is not something that is looked at once and never again. There would be processes through the commission for that to be raised.

In response to the Leader's contribution and concerns raised by the member for McIntyre, I understand that some smaller venues might feel that this is perhaps a little onerous. I want to be clear that all we are asking them to do is adhere to the workplace legislation that is currently in place. We are asking them to be good employers, responsible employers and make sure they are meeting all of their obligations under industrial relations acts and under workplace health and safety.

I know that that can be a fairly overwhelming process because the legislation is quite extensive and there are a lot of obligations but I would not want anyone to think that we are saying that that is something that venues should not be doing regardless of their size. They

absolutely should. This is a very important part of being an employer and I encourage venues that are feeling intimidated by that to get in contact with the Fair Work Ombudsman or the THA, or support organisations that are out there to provide them -

Ms Rattray - Or their local member.

Ms LOVELL - There are plenty of organisations that are out there to support venues and employers with that. I want to be clear that we are not asking them to do anything that they should not already be doing.

Ms WEBB - I am a little puzzled about the assertion that it is onerous for small venues. I would like a better explanation of that so that I can understand what I am considering and what it means. I have not been approached by venues, as the member for McIntyre has, so I have not had put to me by the people who will be affected what the implications are. I would like to better understand that comment from the Government so I can fully consider the proposed new clause.

Mrs HISCUTT - I am debating whether it is my question to answer really. The Government has taken the opinion that we have read this literally, and the member for Mersey, or even the member for Rumney with her workplace experience might be able to give you more information.

Reading it, (eb) 'the applicant will have appropriate systems and processes in place' ... Smaller venues may not. They might just have a piece of paper with the directions to their members. They have to get a little more 'upped' with what they need to do

We have the opinion that for smaller venues this will be more onerous than for larger venues that probably have things in place. I think the member for McIntyre is indicating that it is the smaller venues that have approached her. Looking at it, that would be the case.

Ms FORREST - I am clarifying that this new clause is to go into section 38 of the principal act, which is matters to be considered in determining an application. Am I right?

Mr Gaffney - Yes.

Ms FORREST - It says in the principal act:

> The Commission must not grant an application for a licensed premises gaming licence unless it has satisfied that -

It basically goes through a fit and proper person test, if you like. The applicant needs to show that the applicant is a suitable person, to be concerned in or associated with the management and operation of an approved venue.

Subsection 38(2), that is the second part, goes through the other matters to consider and it inserts in (2) -

In particular, the Commission must consider whether -

and there is a range of other matters there and under (e) it says:

(e) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Commission to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity; and -

I am just going to read the amendment here:

(ea) the applicant has a history of not complying with a law of any jurisdiction in Australia relating to industrial relations or workplace safety;

It should probably say they do not have a history of that rather than 'has'. It is a positive there, rather than a negative. I am just wondering about the wording. And:

(eb) the applicant will have appropriate systems and processes in place to ensure that each person who is engaged, or employed, by the applicant, is not subject to discrimination, harassment or other adverse action by the applicant, or by a person engaged or employed by the applicant, if the person provides information relating to -

(i) the compliance of the applicant with the requirements of this Act; or

(ii) conduct of the applicant;

Then it goes on to (f):

the size, layout and facilities of the applicant's premises are suitable; and

I am concerned about the wording there. It seems to be a little bit at odds because it was not saying the commission has to take in particular consideration whether each director and every other related person almost is a suitable person to act in that capacity and (ea):

the applicant has a history of not complying …

Surely it should say 'whether or not' the applicant has a history of not complying? That is the question I have. I am concerned that the way it is written, it seems that they have to consider whether they have, and if they have then that makes them suitable. Do you understand what I am saying? Yes. I think the wording may not be correct when you read it all in context.

I assume this is only determining new venue applications because current venue owners who are seeking a gaming licence are not filling in an application because there may be some who do not have a good history. Maybe they are the ones who are a little bit concerned thinking, 'I have a history of a breach in this area. Does that mean I am going to lose my licence?' I am concerned. Does this apply retrospectively? It is not just the owner of the venue; it is each director, partner, trustee, executive officer, secretary or any other person or persons determined by the commission, and on it goes.

Madam DEPUTY CHAIR - So, for a club?

Ms FORREST - Well, it is everyone who is wrapped up in the business. If it is only to apply prospectively for the new licensees, then it is probably okay but the way it is worded sounds like it is a positive that they have a history of not complying; that makes them suitable. I would argue that is not how it is intended at all. I think it is intended to be the complete opposite. When you read it in context, I am concerned that what we are doing here is actually a negative rather than a positive.

This is why it is very difficult, with such a vast array of amendments, trying to be sure that we get it right. There are a number of questions there but if that is what is intended, is that wording what it actually means or should it not read, 'the applicant does not have a history of failure to comply with a law of any jurisdiction'.

It is a double negative. It is either a double negative or a positive, one or the other. We have a single negative here, so it is a single negative, not a double negative or a positive. The retrospective nature of this is concerning some venue owners who may have got in touch with the member for McIntyre. None of them got in touch with me. So, listening to that comment, I do not understand why they would think it was onerous on them anyway, because it is the commission's job to do this. It is the commission's job to assess these people who are applying and their associates, not the business itself. The business itself might want to be sure they have squeaky clean people involved in the business, otherwise why would you be applying? I understand the principle behind this and do not disagree with it. It is important to have whistleblower protection and people who are compliant with workplace laws which are considerable.

I am concerned the way it is written it is not clear on either of those points. Those points do need to be clarified before I can give it support. I hope other members feel similarly concerned we get this right rather than think, probably right, let us just move on.

Mr GAFFNEY - This amendment reflects exactly the amendment we have already passed for the casino and Keno operators. That was moved by the member for Rumney who had gone through with OPC and had worked that out. We then introduced it with the operators' licence exactly the same. The same request was made of OPC that it was reflected so that pubs and clubs would also - or venues, instead of licensed premises' name, would also - be under the same banner, so there was some consistency. We have already passed the exact same wording twice already and those concerns were not raised. When I asked OPC to come up with something that would cover pubs and clubs, this is what they put on the table. I have to admit, member for Murchison, I was not overly concerned about going back to the original, because it had already been passed twice by this place.

Ms Forrest - We do not want to repeat the error. I am saying that maybe the other one was incorrect, I do not know.

Mr GAFFNEY - I am not sure, but OPC would have been given that information when they went through with the member for Rumney and they would be well aware of that. In fact, they have done that one three times now. I am comfortable with the wording and interpretation.

Ms Forrest - And the retrospective nature or otherwise?

Mr GAFFNEY - Anybody who has to apply for a new licence you would expect them to have that requirement anyway. It is a safeguard to the industry. That is how I read that.

Ms WEBB - Looking more closely now, prompted by the member for Murchison, at the principal act and the proposed new clause, I do not feel concerned about the drafting of the wording, only because when I read it and look at section 38(2) of the principal act the lead-in sentence to the then list of things:

> In particular, the Commission must consider whether -

We will use that lead-in sentence for each of these proposed new additions and they would not have to relate to the other parts of the list. They just have to relate to the lead-in sentence. Then we would read it to be -

> In particular, the Commission must consider whether the applicant has a history of not complying with the law of any jurisdiction in Australia relating to industrial relations or workplace safety

That is a matter for the commission to be considering. And then we would read:

> In particular, the Commission must consider whether the applicant will have appropriate systems and processes in place …

For me that drafting makes sense. It just needs to relate to the lead-in question.

Ms Forrest - Part (ea) is a separate subclause. It does not follow (e). That is the question.

Ms WEBB - It does follow (e).

Ms Forrest - Is it part of (e)?

Ms WEBB - It is not a part of (e).

Ms Forrest - It follows (e) and you read (e) in concert.

Ms WEBB - The way I read it, it is dropped into this list between (e) and (f). Rather than disrupt the numbering there, this inserts two equal parts to this list not related to (e) but after (e) in the list and we only need to relate it to the lead-in sentence. That is the way I believe this drafting works. It is not a sub part of (e).

Ms Forrest - I need that clarified.

Mr DEPUTY CHAIR - Order, the member for Murchison does have two more calls.

Ms Lovell - It is similar in the principal act. In that list there is currently (a), (b), and (ba) is the third point. So this would become (ea) as the next point in the sequence.

Madam DEPUTY CHAIR - The member for Rumney also has no calls.

Ms WEBB - On my reading of the drafting and where it would drop into section 38 of the principal act, it reads correctly as matters to be considered by the commission in that determining of an application and I feel comfortable about that drafting. I still am skeptical

about the onerous nature of it on small venues and that it has not been adequately explained. That is by the by and it does not affect my support for the new clause.

Mrs HISCUTT - I find myself in a difficult situation in having to agree with the member for Nelson. That was on a personal thing not from the Government.

The Government says that: 'The matter is one that the commission must consider', as the member for Nelson has said. 'It will take into consideration whether the applicant has or has not a history of complying with the law into account' and 'It is a matter to take into account. The two new sections apply to the applicant and will apply to all venues as they all will have to apply for a new licence'.

Ms FORREST - That could be why some businesses will find it onerous. If everyone has to apply for a new licence - that was the question about the retrospective nature - any current owner now of a venue, and how many will there be - 90-something - if any of those have a history of not complying in the past, maybe 10, 20, 30 years ago - some of these have owned their venues for a long time - this is changing the goalpost for them. They may have invested in their business in fairness to these businesses and now they are having to have the commission consider this clause. I am not saying it is right or wrong. I am making the point that what we are agreeing to is all those 90-plus pubs out there will have to ensure all the relevant people are squeaky clean. If there are some who are less than squeaky clean because of activities in the past, but no recent history of breaches with the workplace laws, then they could fall foul of this clause and not have a new licence granted.

Some might say, 'Oh well, tough, bad luck,' but that is not really fair. Of course, those things into the future should be absolutely paramount. Do you take away existing licences for these operators who may have made some poor decisions in the past?

Madam DEPUTY CHAIR - And paid their dues.

Ms FORREST - Yes. I know it is only one matter the commission has to take into account amongst a whole heap of other things in section 38. If the commission takes it to the letter of the law - which they should - then you could see some of these people having to give up their licence or not be able to apply and have to clean out members of their family or business associates. That is shifting the goalposts for people who have to reapply or apply for a gambling licence under these new arrangements I do not think they were aware of. That is probably why the member for McIntyre got a phone call. Frankly, I am surprised they did not ring all of us if I understand what this does because there very well could be people out there who are in these pubs and clubs who have not been - or potentially might have breached workplace safety law. It has a bit of a caveat on that 'a history of not complying'. Does that mean one noncompliance? Does it mean two noncompliances? Does it mean they have to be a serial offender before this kicks in? The commission perhaps could say, 'Well, there was one breach 20 years ago and they have operated perfectly in line with the workplace laws since, so we will overlook that,' or what?

I hope members understand what I am saying here - whether it should be for new people going into the industry. I am not saying people currently in the industry should not comply; they should comply but it does mean all of those will have to pass this test and it is making their past behaviour a bit retrospective in nature in the application of this section.

Ms LOVELL - I am happy to speak on this matter, given that it was my amendment that we initially had this argument on. When we moved this initial amendment about casinos and Keno operators, very similar questions were asked about what history means and what the expectation was. I do not mean to speak on behalf of the member for Mersey, given that this is his amendment, but I can speak from my own perspective. As I said when we moved the original amendment, it has been drafted into the bill in this instance because this is deemed to be the most appropriate place for it, to enable some consideration of the employment history of operators who are applying for a licence. It is all venues; all the current licence holders and all new licence holders will have to apply for a licence once this bill is given Royal Assent. It will apply to existing licence holders, should they choose to apply for a licence under the new act.

It is not necessarily a problem that we are shifting goalposts on this matter, because a number of matters are changing under this bill and under the model for gaming and licensing in the state. Yes, the goalposts are shifting - but they are shifting on a whole range of matters.

I do not believe this is onerous for any employer of any size, because all we are asking them to do is comply with legislation that they are already required to comply with. We are not asking them to do anything extra than what they are already expected and obligated to do under the current laws.

The member for Murchison raised another question that I wanted to respond to and I did not write it down. It was about who makes the determination, how far back in history we go, and what is seen to be a history of non-complying. Again, that has been left to the commission to determine because there is a spectrum. The member for Nelson asked this question on the original amendment, as I recall, and as I explained there is a spectrum of severity in terms of breaches of workplace legislation. I have seen a whole range, from one breach that was a very clear error made in good faith, to employers who go out of their way to look for loopholes and ways to deliberately exploit their employees. I am not asserting this about anyone in particular or any venues that we are talking about here.

It has been left up to the commission to determine, because there can be a range of severity in a history of noncompliance. We do not want a blanket approach that says, if you break the law five times on these particular matters that means you cannot have a licence - because there is a very broad range and it would be impossible to try to capture that in some form of definition. Therefore, it has deliberately been left to the commission to make a determination based on the facts they will have available to them at the time.

However, as the member for Mersey has pointed out, we have already passed this amendment for two other circumstances in this bill, and this is following through in order to keep it consistent. I am very supportive of that and very supportive of the intent of the amendment.

Mrs HISCUTT - The commission will take into account the fit and proper status of the applicant which would account for the matters under (ea) in any event. The member for Rumney has already noted that. We also note that it is a matter to take into account and not black and white criteria, and the commission will take a reasoned view. This section applies to the applicant, not every natural person involved.

Ms WEBB - To add to that, under this new arrangement all venues are applying for a new licence. This is an entirely new licence and it is not business as usual. There are new responsibilities and requirements under the conditions of those new licences. That is why we have already added other things to that list to be considered by the commission when determining applications; things that are of a higher rigour than venues would have faced when they applied for their licence as a venue under the current system.

This is not a shifting of goalposts; this is part of resetting fresh, appropriate goalposts for the new model. We have already acknowledged that under that new model, venues have a different set of responsibilities than they have under the current system. It is appropriate that we would reflect that in some requirements for matters to be considered when determining their application.

To be very clear, the applicant is the one who has to meet these requirements or at least be considered by the commission in relation to these requirements. It is not an exhaustive look at everybody involved. I see it as very appropriate, in that sense. It gives due consideration to more explicitly expressing a new level of requirement and responsibility under the licences that are to be given under this new model.

Ms RATTRAY - I thank the member for Murchison. She has touched on a number of points that I raised, when the member for Rumney first proposed this amendment, about small venues. They may not always have had the right processes in place. I am not saying that they do not have a requirement to do that but they are often small, family-run businesses; they might have been doing it for a long time and things had worked quite well until we had what is called the Fair Work Act and people had to get their head around those changes.

I asked the question a few days ago, about if you have had a number of breaches put forward but those breaches have not been successfully progressed, is that something the commission will look at? I cited the fact that you could have a vexatious former employee, somebody who has been disgruntled about their terms and the fact that they are no longer working. There are some concerns from the industry about that. However, I also acknowledge that this has to be an equitable process for everyone to be involved in. The days are gone where you can have somebody working for you and not comply with the appropriate conditions.

As I said in my earlier contribution, there is some concern in the industry for those smaller venues, about compliance. I know we do not have a lot of clubs in this state but often a club organisation will have a committee, and the whole of that committee will be included in this and it may well cause some issues into the future. You may have to be no longer a committee member to hold a position on the board; and we know how difficult it is to get people to be on committees and boards, particularly on a volunteer basis in small communities. I make that point.

I will not be voting against this because I have voted twice for the other two amendments and I do not see that that would be an appropriate course. However, it is important that we remember that we are often talking about small venues in this instance, and we have to be careful.

I appreciate the member for Murchison raising the point, but I also appreciate what the Leader read out about the commission taking into consideration that it is not black and white and they will be able to make some judgments.

Mr VALENTINE - I concur with the member for Rumney that it is important that these things are in place. I appreciate what you are saying about clubs and how they may find some difficulties and issues. However, there is a need to make sure that there is a good industrial environment for workers. It also needs to make sure that with the community, in general terms, there is equity. It is the member for Mersey's third amendment now on this issue and it stands to reason that we would want to be consistent through the bill. I will be supporting it. It is important.

Ms FORREST - I agree that this is important but I also agree it is important to get it right and make sure we are not unnecessarily disadvantaging anybody. All owners of venues should unreservedly comply with workplace laws, whether they are workplace health and safety or other IR laws. That is not what I am talking about.

I have a question, if the Leader could answer, because I am on my feet. With the member for Rumney's amendment, that was the amendment to clause 22 in the bill on page 75. This is about the application for casino or Keno operators' licences. This is where that test applied. Do casino operators, does the Federal Group have to reapply for their licence like the venues do? I need to know the answer to the question because it determines my response to this.

I will explain while the Leader is trying to get that information from her advisers. The reality is that if casino operators do not have to reapply for their licence, then this does not apply to them until beyond a new casino, like the new northern high-roller casino, for example.

The licensed monitoring operator (LMO) is new. It is a completely new framework. Networking Gaming may apply for it but so might three or four other operators around the country. They are new, and of course it should apply to them, particularly when we are bringing them in to run a very important part of the operation, regardless of whether it is Networking Gaming or not. This applies to venue licences. All who currently hold or operate pubs and clubs with gaming machines in them, if they wish to continue operating their gaming machines will have to reapply for their licence. So, you might say, 'Let us get rid of the ones out of there that have a history potentially'. In my view, unless the answer is 'yes' to casinos, that they do have to reapply, then this is different. You are applying a provision in this bill that applies retrospectively, which I do have some concern about.

Mr Gaffney - Is it not for Keno operators as well? Therefore it is casino and Keno operators?

Ms FORREST - Yes, casino and Keno operator licences.

Mr Gaffney - Therefore, that would cover all casinos and all operators but some pubs may not have Keno.

Ms FORREST - Yes. I am asking about casinos. We are talking about being consistent but the consistent application is important. Do people who want to operate a Keno licence have to reapply, those who hold them? Do they have to reapply or do they fit under this umbrella? That appears to be the case from what we have debated earlier, that casino operators do not need to reapply. They are not applying for anything new; they already have their casino licence.

Mrs Hiscutt - While the member is on her feet, the casino will not apply. It will not apply for a new licence. However, for the purposes of making a determination in relation to

the holder of a prescribed licence, under subsection (1) the commission may have regard to the same matters to which it may have regard in deciding whether an applicant for a prescribed licence is a suitable person to hold such a licence. So, the casino will not apply for a new licence.

Ms FORREST - No, they have already got it, so they do not have to reapply.

Mrs Hiscutt - Yes.

Ms FORREST - That is right?

Mrs Hiscutt - Yes.

Ms FORREST - And the casino licence holders or operators, those who operate Keno at the moment?

Mrs Hiscutt - Yes, but as I have said, for the purposes of subsection (1) the commission can still have regard to some matters.

Ms FORREST - But they are not reapplying though. This is an application -

Mrs Hiscutt - The casino will not apply for a new licence. However, for the purposes of making a determination in relation to the holder of a prescribed licence, under subsection (1) the commission may have regard to the same matters to which it may have -

Ms FORREST - Which part are you reading from? I am not sure what we are talking about.

Mrs Hiscutt - Section 112N of the principal act.

Ms Webb - When we initially talked about this in relation to casinos, I raised at the time that this will potentially never apply to casinos. It does not apply to renewal, because casinos are renewing licences not getting new ones. I raised that then. With a venue it is not renewal, it is an entirely new licence arrangement. It is a new licence, not renewal for venues.

Mrs Hiscutt - It is clause 127 of this amended bill in front of us.

Ms FORREST - To read in context, section 112N is amended -

(a) by omitting from subsection (1) 'a prescribed licence holder' …

At any time, the commission may investigate the holder of a prescribed licence to determine whether the licence holder continues to be a suitable person to hold a prescribed licence. So, any time the commission can have a look at the holder of a licence.

Then this following subsection is to be inserted -

Clause 127(b)(1A) -

> For the purposes of making a determination in relation to the holder of a prescribed licence under subsection (1), the Commission may have regard to the same matters to which it may have regard in deciding whether an applicant for a prescribed licence is a suitable person to hold such a licence.

Mrs Hiscutt - Clause 127 allows the commission to investigate the casino on the same matters that are considered on application at any time.

Ms FORREST - It is at the commission's discretion as to whether they would investigate a casino licence holder. They could just go in. If they become aware that Federal Group has been behaving badly, breaching workplace health and safety laws, perhaps in their other businesses - they have some of their transport industries, something like that - does that apply?

They will have absolutely no evidence of anything untoward like that. I am just saying why would they do that at any point?

The point I make here is that every venue and pub and club has to apply for their licence and their history has to be taken into account. The purist in me says, well tough. If you played badly in the sandpit in the past, you should not be in the business now.

I am very cautious about applying retrospective provisions on anyone that could see them actually lose their livelihood. I know the commission has a discretion here, but let us say I do not particularly like operator x. I know that they have played badly in the sandpit at some stage. So, I check the commission's renewal of their licence and think, well what about this? This act says you have to take into account their compliance with workplace law. They have not done that. Sweetheart deal for that person, that organisation, that club or pub, isn't it?

We need to be very cautious about applying a provision that is not prospective, like with new applicants coming in. The purists would say, bad luck, get rid of the bad boys and girls out of the industry. If that is the approach you want to have well that is fine, but I do not think the industry actually expected this to apply to their previous behaviour. It may be it will fit into the fit and proper person test regardless. Naming this up is a bit fraught when it is not entirely comparable with casinos who do not have to apply and the MOA that is new.

Does the commission have the power in this bill to do the same sort of thing described in section 112 and the amendment we made to that, to be able to review any venue licence holder at any stage? If they bring a new person into the business or whatever, it is a new application, can they just go and review them?

Mrs Hiscutt - Yes.

Ms FORREST - I still remain concerned about effectively putting in place a provision that could see some current licence holders potentially disadvantaged because of past behaviour, when they could have a clean slate now. I feel concerned about retrospective legislation.

Mr VALENTINE - I hear the member for Murchison's concern, but it basically says the commission has to take it into account. It does not necessarily mean to say that if something is protected or whatever, that it is the end of the road. The commission has to take it into account and would weigh that up. That is the way the commission would work. They would

balance that as to if it was significant, how long ago it was, whether the person has exhibited a good track record for the last 10 to 15 years or whatever it is. It does not actually say if it exists then the person is not able to be certified or licensed. That is the important thing here.

Ms RATTRAY - In regard to this particular amendment, I have been struggling with this right from the word go. I was somewhat surprised when the Government supported this a few days ago. As I have said already, I indicated to the industry groups that contacted me the horse had bolted. I was the wrong person to be talking to about this. I am somewhat concerned also in regard to what the member for Murchison has raised and I do that for a couple of reasons.

The member for Murchison has huge capacity when it comes to legislation. She has been here for 16 and a half years.

Ms Forrest - It does not make me an expert.

Ms RATTRAY - It does not make you an expert, but it gives members some insight at various times on these things. I have had some contact and thought the horse had bolted but it does not mean you cannot change your mind about where your vote may lie.

If it is going to cause some retrospectivity, I have never been a supporter of that. This House has always pushed back when it comes to retrospectivity. I hear what the member for Nelson says that these are completely new licences and I know the industry is excited about that, but they also were not aware this would be part of their compliance obligations. People can have accusations or matters brought before them on frivolous and vexatious accounts. People can be disgruntled and you might have somebody who has had two or three of those. The commission would have to take that into consideration and may well say to a venue, 'you no longer hold a licence'.

I am considering not supporting the amendment. I know others have made their commitment towards that and it may make no difference to whether this will proceed or not, but I am nervous about what this might mean for small venue owners. There may only be one or two, but if it is only one or two that belong to me then I would like them to have the opportunity to know this is going to be part of the new compliance before I provide my support. Obviously, that will not happen in the space of a few minutes and I wanted to put that on the record. I do not know if the Leader has anything to add and whether the Government will continue to provide their support to this approach or not.

Mrs Hiscutt - It was just a demonstrated breach; it had to be done.

Mr GAFFNEY - I thank all members for their input in this, asking questions and batting it around the place and coming back with solutions.

If you go to proposed clause C, section 38(2), proposed paragraph (ea), it says:

> the applicant has a history of not complying with a law of any jurisdiction in Australia relating to industrial relations or workplace safety;

This is talking about something quite serious by nature if they were found guilty. The commission is a wise body. If this happened 20 or 30 years ago, the commission would understand and take that into account.

I will make a few comments. If people are going to play in this area, whether they are the casinos or whether they are pubs or clubs, they know what this is about. They are going to be making more money; they have to comply; they have to do these things. The THA and the industry when they spoke to us in briefing the other day said:

(1) They were wanting it to happen quickly;

(2) They wanted to get on and get this done;

(3) Pass it so we can get on and get it done.

I have not had one person from the industry when this amendment went out last week as a new clause A, contact me with any concerns at all, not one. They understand if they are going to play the game, they have to abide by the rules and it is not saying they will not. The commission is well placed to judge or assess anybody's application for a new licence. If we look at that further, do we not want everybody in the industry to know each other person in the industry is going to be judged and assessed fairly and accurately? Is it good for our gaming industry - pubs, clubs, casinos and Keno operators - to all be playing under the same banner? Why would we instigate into this where we have the LMOs, the casinos and Keno operators having different rules now to our pubs and clubs? That does not make sense to me and I think there is some certainty -

Ms Rattray - But they are not reapplying for their licence.

Mr GAFFNEY - If you go to (ea), you do not want someone to reapply for this if they have not complied in any jurisdiction with regard to industrial relations or workplace safety and industrial action. It is about having a level of compliance within the industry. I do not think this is an issue. I do not think it is going to be an issue for the little pubs and clubs. There are no more financial implications. This is done by the commission when the applicant applies for a licence, which they have to do if they want to run a poker machine or if they want to have a Keno licence. You are expected to have a level of compliance and if there if something there the commission needs to talk to them about, they will do that sympathetically. The commission is there to think - okay, what processes have you put in place; what have you done? What is going to happen into the future? - those sorts of things.

I do not see an issue with this. It is good we have had the debate as part of *Hansard* and those issues have been raised. Members should pass this to be consistent with what was passed on two other occasions. When it was first introduced regarding the casino and Keno operators, the member for Rumney clearly went into the reasons for this and we went into that with the LMO, or the monitoring operating licence as well, so that that was covered. We now need to cover pubs and clubs so everybody is under the same act and requirements except for percentages of tax returns - but we have been there. I consider we should be passing this new clause.

New clause C read the second time.

New clause C agreed to.

New clause D, to follow clause 104 -

Ms WEBB - Madam Chair, I move the following amendment -

D. Section 90B inserted

After section 90 of the Principal Act, the following section is to be inserted in Division 1:

90B. Conduct of keno in licensed premises

The holder of a venue licence for licensed premises must not conduct, or permit the conduct of, a game of keno in the licensed premises unless the game of keno -

(a) is not readily visible to minors or from areas in the licensed premises where food may be served to minors; and

(b) occurs in an area of the licensed premises that minors are not permitted to enter.

Penalty: Fine not exceeding 1 000 penalty units.

Madam Chair, I move that new clause D be read the second time.

If you have lost track, we are on new clause J in our papers but it is referred to here as new clause D.

This is a matter of consistency. Members will recall we debated a new clause that I brought; I think it was the first new clause that was very similar with the intent around simulated racing, when it is allowed to be presented in the expanded venues under this bill. As a matter of consistency, the same principles apply here and so I am bringing this new clause to the provision of Keno and the visibility issues about that in venues.

Again, the rationale is quite simple. In the consultation on the implementation framework of this policy back in March 2020, Communities Tasmania, in their submission - in the context of raising concerns about the potential for harm from simulated racing being expanded into other community venues - also said, and I quote:

> Communities Tasmania has previously expressed concern regarding the visibility of Keno in family sections of hotels and clubs. The introduction of simulated racing games in similar areas may have similar impacts in terms of normalising gambling for children and minors. Even if restricted to the gambling areas of venues, the introduction of a new product may result in some community harm.

They were expressing concerns about simulated racing but also marrying the concerns they already had about visibility issues with Keno in family environments in hotels. Without speaking exhaustively on this, it meets the objects of the act in particularly protecting children being vulnerable to the normalisation of gambling and provides a requirement that these products are offered in a way that is not readily visible to children. I will leave it at that. We

have debated it in a similar way in relation to simulated racing but, for consistency, the same argument applies to Keno and so I am bringing it here as well.

Mrs HISCUTT - The operation of Keno is regulated by the independent Tasmanian Liquor and Gaming Commission. Keno is subject to the existing protection controls for gaming under the Responsible Gambling Mandatory Code of Practice for Tasmania, along with additional measures specifically imposed in the commission's rules, technical standards, and approved game rules. The commission will take into consideration any potential for gambling-related harms, including normalising gambling for children. The commission is able to apply mitigation and protection controls such as restricting the location of viewing screens.

This amendment is not supported because of those measure already in place.

Madam CHAIR - The question is that new Clause D be read a second time.

The Committee divided -

AYES 4	**NOES 8**
Mr Gaffney (Teller)	Ms Armitage
Dr Seidel	Mr Duigan (Teller)
Mr Valentine	Mrs Hiscutt
Ms Webb	Ms Howlett
	Ms Lovell
	Ms Palmer
	Ms Rattray
	Mr Willie

Amendment negatived.

Ms WEBB - Madam Chair, I move the following further amendment -

New Clause D, to follow clause 107 -

D. Section 95A inserted

After section 95 of the Principal Act, the following section is inserted in Division 1:

95A. Warning signs to be displayed on gaming machines

(1) A casino operator or venue operator must cause a sign, in a form approved by the Commission, to be displayed prominently on each gaming machine in the relevant casino or licensed premises

Penalty: Fine not exceeding 100 penalty units.

(2) A sign approved by the Commission for the purposes of subsection (1) must contain the following information:

(a) a public health warning, in wording determined by the Commission, to the effect that gaming machines can be addictive;

(c) such other information as the Commission may determine.

Madam Chair, I move that new clause D be read the second time.

This new clause D - in your notes it is K - is fairly straightforward. You will recall that this bill removed from the principal act some requirements about warning signs to be erected in venues, broadly at doorways and what have you, about minimum age and things like that. So, that has already been removed from the principal act.

This new clause seeks in a very proactive way to deliver legislative certainty for us. It asks that we identify that this is a product which can be addictive. We commonly treat addictive products in this way. We have done it with other products of addiction, very clearly putting particular warning labels or information labels about their potential impact or effect. Currently, we do not have a requirement for that to occur for this particular product.

This new clause proposes to make the most of this opportunity we have and bring ourselves into some contemporary thinking and contemporary requirements about a product which is indisputably known to be potentially addictive to people who use it in a normal fashion and require that that is clearly made visible on each machine. It belongs here in the legislation to deliver us that legislative certainty and to be clear that it is of sufficient seriousness in our regulation of this product that we legislate for this very foundational basic requirement. It in no sense constrains the commission from, say, through regulation making other requirements for signage in venues or in relation to the machine. There is no constraint on that. That can certainly happen in addition to this. This becomes just a foundational and quite explicit reference to the addictive nature of these machines.

I hope that is a clear enough explanation of the intent. I am happy to engage further with members if they have questions relating to that or would like further clarity on any part of it. No doubt, as we have heard many times, the Government may well say this is unnecessary, the commission may require this anyway through regulation. That may be the case but we have not required it yet on this product and, if the commission has had the power to do that, we have not yet seen that happen. I believe the commission is constrained in its power to do that and putting this here in the legislation provides us with the certainty that it will occur. It then allows that as the quite specific legislative requirement to be built on further and in the commission's expert opinion, through regulation if necessary.

There is no detriment to this requirement being inserted in the legislation. There is absolutely no doubt - it is entirely supported by evidence - that this is a product which can be addictive. We have inserted into the objects of this act that a public health approach to harm minimisation will be adopted. It would be a very standard and normal public health approach to identify with a warning the potential for a product to cause addiction. We have done it with other products. This brings us into a contemporary way of treating this product that I believe reflects what the community would expect of us in relation to harm minimisation and community and consumer protection. I invite members to support this. It is a very positive opportunity, in a very clear but distinct way to accurately label this product.

Mrs HISCUTT - Members may remember that this issue has already been extensively debated. The intention is for the regulations to continue to require that venue operators must erect warning signs. The requirements have been moved to regulations for flexibility and the ability to react to future issues in a more timely manner. Moving this to regulations allows the commission to be more agile and responsive to changing circumstances. The commission will still be empowered and will be able to determine the appropriate message to be displayed and the manner in which that is to be done. For these reasons we will not be supporting this amendment.

Dr SEIDEL - Again, the Government is right because we talked about this before, in particular with regard to displaying warning signs regarding access and entry to certain areas. We talked about age limitations there. This one is slightly different: it is about consumer protection and product safety. It is about being explicit. Of course, the commission should be allowed to display warning signs, health messages, the helpline contact information on each and every gaming machine. That is a public health message.

This is enforceable and it should be done if we are serious about consumer protection. I do not like the way the Government is arguing that there is lots of flexibility and the flexibility is better put in regulations. It is never going to change, that gaming machines are not going to be addictive. It is never going to change, right? It is not. It is never going to change, ever. So why do we not make it explicit?

There is no need for flexibility in regulations. There will be a need for health messages. At the very least, there should be the need to display a number of a helpline, very simple stuff, and it should be explicit on each and every gaming machine. I agree we should not legislate the size of the sign, the font size. Of course it is going to change and that is not the point. The point is to enshrine effective, evidence-based consumer protection into legislation. That is why I am supporting the new clause.

Mr GAFFNEY - I think (1) and (2), as the member for Nelson pointed out, are going to be there all the time. I think the commission, with (b) such other information as the commission may determine, is basically what they will discuss and put into regulations. It makes sense to have (1) and (2) in there, and then the flexibility arrives in (b), which they can then refer to and put into the regulations and change as they see fit over time. I do not think (1) and (2) are anywhere against what the Government will do anyway. For this legislation to pass, I would be putting it in. I support the amendment.

Ms ARMITAGE - I do not see a real problem with this that is going to be overly onerous. We have these messages on cigarette packs and other areas. It does not mention a size, it certainly does not say how big they have to be. We know they are addictive, or they can be addictive to some people, not to everyone. I do not see a real problem with this. It is not overly onerous. The commission will determine other information and I am sure they will determine a size that is relevant. I am happy to support this amendment.

Mr VALENTINE - I, too, support it. It is the machines that do the damage. It is important that people, when they sit down to play, have that public health warning in front of them, that they understand precisely what it is that might be expected. It is an important sign and I support it.

Ms WEBB - Thank you to members for engaging with the proposed new clause. I reiterate and agree with the points made by some of the members, particularly in response to the Government's suggestion that there is an opportunity in the regulations to be more agile and responsive. This new clause takes nothing away from that.

As the member for Huon said, the fundamental fact that these machines can be addictive will not change. There is no need for agility in regard to that fundamental fact. If you read the wording quite carefully, it says 'a public health warning, in wording determined by the Commission'. Again, that can be determined by the commission - and can be kept contemporary, agile and as flexible as we need it to be - to the effect that gaming machines can be addictive. The only specific requirement is a public health warning is required in relation to the addictive nature of the machines. The commission is entirely free to determine the wording of that and how that should be expressed.

Then under (b): 'such other information at the Commission may determine'. There is a great deal of flexibility, agility and certainly an appropriate opportunity for this signage and the wording and presentation of it to be dealt with in regulations. What this requires and gives us legislative certainty about is there will be signage on each machine to the effect that the machine can be addictive. That is important. We have a lot of focus in our community about labelling on products and the important consumer protection elements that need to be a part of that. We are particularly mindful of it in relation to other legal but addictive products. We have come a long way in our labelling and what we require of other legal products that can also be addictive.

This brings us into that contemporary area for this particular product and is entirely appropriate. According to the objects of the act, it fits very well. It fits very well with a modern understanding of an evidence-based assessment of a product being addictive that we should label it appropriately and clearly. There is no detriment here. It is entirely in keeping with the objects of the act. It delivers a contemporary expectation of the community that we label things accurately for consumer protection purposes.

There is no reason the Government has provided not to support this new clause. It is a very positive message for our community, that we as a government and as parliament would require appropriate signage and labelling on these machines. I think that would be well supported in the community.

I invite members to support the new clause as a very positive addition to the bill.

Madam CHAIR - The question is that new clause D be read a second time.

The Committee divided -

AYES 6	**NOES 6**
Ms Armitage	Mr Duigan
Ms Forrest	Mrs Hiscutt
Mr Gaffney (Teller)	Ms Howlett
Dr Seidel	Ms Lovell
Mr Valentine	Ms Palmer
Ms Webb	Mr Willie (Teller)

PAIRS

Ms Rattray Ms Siejka

Amendment negatived.

Mrs HISCUTT - Madam Chair, I move -

That we report progress and seek leave to sit again.

This will be for about five minutes, to give staff a little break before we come back to our major dinner break.

Leave granted.

Progress reported; Committee to sit again.

SUSPENSION OF SITTING

[4.47 pm]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the sitting be suspended until the ringing of the division bells.

This is for the purposes of a small break.

Sitting suspended from 4.47 p.m. to 5.02 p.m.

GAMING CONTROL AMENDMENT (FUTURE GAMING MARKET) BILL 2021 (No. 45)

In Committee

Resumed from above.

Ms WEBB - Madam Chair, I move the following further amendment -

New Clause D, to follow clause 108 -

D. Section 96A inserted

After section 96 of the Principal Act, the following section is inserted in Division 1:

96A. Gaming machine requirements

(1) Unless authorised under subsection (2), the holder of a casino licence or a venue licence must not permit gaming on a gaming machine in the relevant casino or licensed premises -

(a) if the maximum amount that may be wagered on any one bet on the gaming machine is more than $1; or

(b) if the time between the start and the end of a single activation of play on the gaming machine is less than 6 seconds.

Penalty: Fine not exceeding 1 000 penalty units.

(2) The Commission may grant an authorisation to the holder of a casino licence or a venue licence to operate gaming machines that do not comply with the requirements specified in subsection (1).

(3) An authorisation under subsection (2) -

(a) is to be in writing; and

(b) may be granted subject to such conditions as the Commission thinks fit; and

(c) is to be in force for such period, not exceeding 12 months, as the Commission specifies in the authorisation.

Madam Chair, I move that new clause D be now read the second time.

For clarity, the one we are looking for in our papers here is new clause L. There was a small typo in the ones provided yesterday, so you have a fresh version today but we are still working on new clause L.

The intent of this new clause is straightforward. It is to take our evidence-informed expert-advised measures for making poker machines safer for everyone to use, taking the two things that are the most straightforward programming features of these machines, which is $1 maximum bet limits and slower spin speeds, and applying them as a requirement for machines in this state under the new arrangements.

This new clause in the most straightforward way requires those particular features of the machines would be incorporated here into our state. The intent is to apply our best evidence based on the most effective harm minimisation and harm reduction measures available to us at this time. That meets the objects of the act of that protection factor, the object of the act being to protect people from being harmed by gambling. It also meets the object of the act ensuring returns are shared appropriately. It does those things in this way.

In terms of protection it says, here is a product we know to be potentially dangerous for people because it can be addictive. Evidence tells us at least one in six people who use this product as intended, will become addicted. They will experience gambling harm as well as some people around them in our community. We know that to be true.

It falls to us then as regulators of this product to think, with a public health approach, how we make this product as safe as we can and still offer it to our community for the recreational use it is intended to be. Fortunately, we are able to do that through the two

measures referenced in this new clause, quite readily, because neither of those things affect the recreational use of these machines. I will talk more about that in a moment.

The other object of the act is not just to protect, but about reducing the risk and the harm of a product to be potentially dangerous, and that element of ensuring returns are shared appropriately. What we know at the moment from our local SEIS, conservative estimates of about 28 per cent of the losses to gaming machines in this state come from people who are in moderate risk and problem gambling categories in those prevalent studies.

On the spectrum of gambling harm, the people who are in the severe end of the spectrum, provide quite a substantial portion of the losses and therefore, the profits of these machines. None of us here would want to see that harm occurring. All of us would want to be reducing it. The natural result of reducing that harm effectively, if we put good measures in place that evidence tells us will reduce the harm, will be that proportion of the losses that come from people being harmed will come down. You will still see profits and losses from the recreational, less harmful, use of the machines, but those harmful profits that come from people who are in those categories of moderate and problem gambling would come down. This fulfils the object of this act quite well in ensuring returns are shared appropriately. Some of us would want to think about returns from harm occurring being an appropriate thing we would expect or even encourage under this act.

Let us talk about where the suggestion for these measures would come from and why they are just straightforward and sensible requirements we would put on these machines, with a public health approach to universally make them safer to use in our community.

We know these are recommended through various experts, locally - since at least 2008, our Liquor and Gaming Commission has been recommending these as some primary things to consider to reduce the harm from poker machines in this state. We also know that from work in 2010 and other work, the Productivity Commission has recommended these measures as being effective ways, not necessarily to solve all issues around gambling harm and poker machines, but certainly to substantially assist. The Productivity Commission, our Liquor and Gaming Commission, and the Government have each spoken about other harm minimisation measures that may be contemplated into the future. That is all well and good. There is nothing about this new clause that would require poker machines to have the $1 bet limit and the slower spin speed. There is nothing about that that prevents us contemplating other measures and prevents us drawing on an evidence base and expert advice on further measures.

Why would we limit ourselves? Of course, we will not; we know that these are two straightforward features that can be considered for adoption for our state. All evidence and experts tell us that these measures will make a substantial difference to the harm caused. We also know that the legislative certainty, provided by including it here as a requirement in the legislation, is well supported in the Tasmanian community. We know that because polling and surveying undertaken in August this year explicitly asked Tasmanians whether they wanted to see harm minimisation and consumer protection in the legislation. That information showed us that 85 per cent of Tasmanians said they did. That was consistent across the state and across people from different demographics and across people of different voting patterns, with broad and high support for legislating this.

In some ways, these two measures are what we probably think about as the lightest touch harm minimisation measures that we could consider legislating to give our community that

certainty because they do not impinge on recreational use of these machines. We would all initially sit down in front of a poker machine with the intention of using them recreationally, and all of us would be at risk of being the one in six, conservatively, who may then become addicted through the recreational use of these machines. We can make the product safer for everyone who sits down in front of these machines, not just for people who are already in an extremity of harm and in a state where they are addicted or on the way to being addicted. We know from our SEIS - the one that was done this year and published in June - that people who fit into the moderate risk and problem gambler categories in the prevalence studies, where there is already distinct harm occurring on the spectrum of harm, were much more likely to always or often bet more than $1 per spin when they use poker machines. That is on page 120 of the SEIS report.

We also know that between 29 per cent and 37 per cent of moderate risk and problem gamblers always or often bet more than $1 per spin, whereas it is only 11 per cent for people in the low risk gambling category. Only 6 per cent of people who are categorised as non-problem gamblers - people we might think of as recreational users of the machines - bet above $1 per spin. That is very small, which is why putting the restriction there is really not going to affect the experience of people who are recreationally using the machines. However, for many people who are in those categories at risk or already being harmed on the spectrum of harm, it is going to assist them to be harmed less, because it means that they will not be betting more than $1 each time they are betting on the machines.

Forty-six per cent of non-problem gamblers - people we would think of as recreational gamblers - always bet less than $1 per spin; and a further 32 per cent rarely spend more than $1 per spin. It is very uncommon for recreational users to bet more than $1 per spin. That is why that maximum is a good level to pitch it at, where it will really not be noticed, other than by those who we are seeking to assist with the harm that is occurring to them.

In terms of the six-second spin speed, slowing down the spin, we can see the quite straightforward rationale for that. The people who end up pressing the button every three seconds are generally not people who are using the machine recreationally. The evidence also tells us there would be a longer duration between presses of the button for a recreational user. It is not going to be an impost or any detriment to the recreational user of the machines. It will assist those people who are on the spectrum of harm already, who are perhaps at the higher at-risk end and in the categories of problem gambling. It will assist them, because they are the people who press every three seconds and that means that harm is exacerbated, it is intense and it ultimately means devastating financial consequences.

At the moment, measures such as a maximum bet limit of $1 and a spin speed rate are not dealt with in the mandatory code. This does not come into the categories that are defined in the mandatory code or the different matters it covers. We are not able to look at these measures in that context at the moment. The mandatory code is to be reviewed next year, but the categories that would allow for these sorts of harm reduction measures are not in there and necessarily cannot be part of the review, unless the minister at the time says they can be.

Madam CHAIR - I think we are straying to another amendment.

Ms WEBB - I am explaining why I am attempting this new clause in the first instance, because it cannot be dealt with in the mandatory code under its current configuration. The

second bite of the cherry comes later; but this is the context for why we would legislate here for these two particular features.

Madam CHAIR - Yes, but let us keep focused.

Ms WEBB - Yes. I hope that provides a basic summary of the intent of this new clause. I am happy to provide more commentary or more explanation on any particular aspects of it to members, or answer any questions members have. I encourage you to see this as a really positive opportunity to treat a product we know to be dangerous for some people. We also know how we can make it less dangerous for all users through some fairly straightforward measures if we require them through this legislative mechanism.

Mrs HISCUTT - The issue was thoroughly addressed in the tabled responses to the second reading. Prescriptive measures of this nature do not belong in the act. The commission has a range of instruments, such as rules, directions and standards, through which it can address product risk. A lot of harm minimisation measures are already in place. The list of harm minimisation measures in Tasmania runs to four-and-a-half pages. The Government is looking to improve harm minimisation through investigation of how to implement facial recognition, card-based gaming and precommitment and does not believe this amendment is at all required and that the commission should be allowed to do its work before considering other options. Therefore, this amendment is not supported.

Dr SEIDEL - I have to laugh a bit, because if there are four-and-a-half pages of harm minimisation measures in there, they are either very small pages or very large font size. This is really just nonsense, isn't it? In the legislation, the Government proposed to put things in like card-based play and facial recognition and they are doing a rapid review within six months to have a base idea of what is going on with regard to those two measures. That is not an evidence-based or evidence-informed way of talking about harm reduction.

If you are serious about harm reduction when it comes to gambling, and you ask any subject matter experts in that field, any academic, they will tell you two things; if you are serious about this you will do two things: one is you address spin speeds; the second thing is you do limits on bets. That is it. I give it to the Government there is no need for a new study on that because the evidence is crystal clear. There is no dispute - they are they two measures you want to legislate for if you are serious about protecting vulnerable people from the harms of gambling.

It turns out that is exactly what is in the legislation already. We have passed that clause. This is about protecting vulnerable people. It is not even about harm reduction, some way where we have some wriggle room with what harm reduction means so we can create harm reduction. This is about protecting vulnerable people.

If we are serious about protecting them, let us legislate the two evidence-based measures that are not even for debate. Internationally, regardless of who you ask - social science researchers, gambling experts, academics, such better experts - they are asking for two things: spin speeds and bet limits.

Surprisingly, it does not take four-and-a-half pages of legislation for it; it just requires one clause. It is the one clause the Government can agree on. If you are serious about harm reduction, why would you not agree to it? The evidence is crystal clear. There is no dispute.

If you want to grade the level of evidence, they are the two things. If you are serious about protecting vulnerable people from the harms of gambling - it does not affect recreational players - they are the two things you are legislating for.

I do not want to hear from the Government - I am sure it is going to come, I was waiting for it - that it is too expensive to do. It is a software flick. One of the biggest gambling machine manufacturers worldwide is actually an Australian company. They will be fine - a $30 billion market cap, an 81 per cent increase in profit to $688 million last year. They will be fine. They will just have to code a piece of software to make it work. How hard can it be?

What a good news story it would be for the Government to commit to evidence-based, tried and tested, universally agreed, worldwide agreed harm reduction measures - spin speeds and bet limits. I am not holding my breath.

Mr GAFFNEY - Well said, member for Huon, in that assessment of harm minimisation. Of the four-and-a-half pages of harm minimisation in the Government's legislation, where does it say when facial recognition and card-based EGMs - what date is it from Royal Assent that they have to be completed?

If it is harm minimisation, to me there has to be a time frame for those to be in the bill. If there is no time frame then you are saying, well, there is no compulsion for us to have harm minimisation, those two strategies we have do not have to be by any such date. Of both of them, when will they be in all venues, in all machines, in Tasmania so Tasmanians can rest assured the harm minimisation measures that were chosen will be in place by a certain date?

In fact, realistically if we do not want people to be harmed, they should be in by the date - I think it was 1 July 2023 - they should be at that time. The two harm minimisations here with spin speeds and bet limits could be done reasonably quickly.

My second question is to the member for Nelson. On clause 96A, 3(c), you have 'to be in force for such period, not exceeding 12 months'. Could you please explain to me where you got the 12 months from? Was that aspirational or was it from the notion that all of those machines could comply within a 12-month period? If that was not the case, what could be done to ensure that all people could have that done by that time, in that 12-month period?

Ms FORREST - I have a couple of questions along the same line as the member for Mersey. I have been very publicly vocal for a long time about the harm minimisation measures. As the member for Huon and the member for Nelson rightly identified, these are evidence-based measures that we are talking about here. I absolutely support their inclusion.

We can have an argument about whether this is the best way to do it, the right place to do it and all that. The point remains that these measures are known and proven to be effective in reducing harm.

We have heard from one sort of half-Labor person over there, but I would like to hear what the rest of the Labor Party think on this. They talk publicly about harm minimisation but not here, to actually stand up for this. That is a matter for them and better for them to explain to the electorate.

My preferred position some years ago was that we did not have pokies in pubs and clubs. I respect Greg Farrell's concern back in 2003 that all hell was going to break loose -

Ms Webb - 1993.

Ms FORREST - 1993, sorry. That was a really bad decision because all these things would happen, which have happened. Here we are, and I know the process of time, Government won the election and decided that they are not going to take them out of pubs and clubs. That was not part of the deal, so let us deal with it. I really do not have a problem with pubs and clubs having pokies in them if they are not designed to be addictive. These are the design features to be addictive. There is no evidence that says otherwise, credible evidence.

I have a couple of questions about that clause that the member for Mersey referred to with part (3)(c). When will this actually apply from? If this was supported, when would it apply? When will that 12-month period kick in? The 12-month period, I appreciate the answer to the member for Mersey's questions on how that was decided. That is basically like a transition period. That question is to the member for Nelson.

I am not sure whether the Government can answer this, with her advisers at the table, or whether the member for Nelson might: can all the machines that are currently out there in our pubs and clubs and in the casinos be reprogrammed, or do they need to be replaced for this to occur? If they need to be replaced, I am quite happy for them to require them to be replaced after they are getting their massive profits. Some of them are getting huge profits, the big ones, but the small ones will absolutely struggle to replace the machines if that is what it takes. If they can be reprogrammed then it is not such a costly venture. I understand from my research that machines are about $25 000 each and upwards from there. They are reasonably expensive bits of gear to replace. I do not know how much it would cost to reprogram them, but I am sure there is a technical cost as well as the software that you have to purchase.

The only reason I am raising this is because I am concerned that the 12-month period may not be adequate depending on when this starts to apply. In terms of the cost to business, if it was happening before they get the big kicker they are going to get in the pubs and clubs, then maybe that is a problem financially for them.

Again, that is not necessarily fair. Bring it in over time with plenty of notice, that is fair - whether or not they can all be upgraded in having a software upgrade to put these mechanisms within the design feature of the machine, or whether it is a new machine.

If I cannot be satisfied with the answer to that, I do not think 12 months is long enough, or depending on when it starts too.

Ms Webb - Do you want me to answer whilst you are on your feet?

Ms FORREST - When you reply. I have another couple of calls. Those matters are important because my objective in trying to deal with this bill was firstly to get a decent rate of return for the state. Failed on that dismally.

Second point was to get harm minimisation measures that would make that less an issue, the fact that pubs and clubs still have pokies in them where enormous harm is being done to our communities as we speak. I recognise people have made business decisions. They have

commercial demands on them and we should not be putting them, whether it be Federal Group at the casino or pubs and clubs which already have machines there, under significant financial strain by a mechanism that has a short lead time. If you have 30 machines (someone could do the maths for me) - 30 times $25 000-plus is not an insignificant amount of money if you had to replace them all. They are the questions I have.

Mr VALENTINE - I absolutely support these harm minimisation measures. The evidence quoted - the Liquor and Gaming Commission were pushing for it; the Productivity Commission; 85 per cent of Tasmanians support it. I am not sure of the survey size on those. Maybe the member might be happy to provide that if she knows.

The point is that people who are at these machines and gambling, these machines are designed to be addictive. Some might say it means people would stay at the machines longer to try to get their money back, but the evidence seems to show otherwise. The member for Nelson could expand on this if she knows that detail. If it is not the case people would stay at their machines longer and cause themselves more harm. I would like to hear that.

These machines are designed long term for people to lose. There is no skill involved apart from pressing a button. Tell me where the skill is? At least with the old one-armed bandits people used to pull the lever down a little bit and let it go and you would try to manipulate things in ways they would see it might change the way the mechanics work. These are digital machines; there is no way you can change the way you play them to get a better result. They are designed to give you 87 per cent back which means you lose 13 per cent of your money long term, if you are playing them for long periods of time. People who are addicted to them do play them for long periods of time and $1 bet limits and slower spin speeds means less damage. Clearly, they are good measures and the 85 per cent of Tasmanians is a pretty powerful argument too.

I do not know about you, but whenever I go around the place and talk to people about pokies, they say for Pete's sake, do something about it. Let us fix this, let us try to reduce the harm.

Some might say, why penalise those who wish to gamble more? With an 87 per cent return rate, obviously the venues will make more out of those people who wish to gamble more and they will lose more. There is no skill in these machines. This is the point. Always remember that fact. It is not like blackjack where you can choose your cards and possibly beat the machine where the machine is forced to stand at a certain number. These are electronic machines, press the button as often as you can, they will spin; long term - you will lose. It is as clear as that.

I hear what the member for Murchison says about being able to make sure venues have a reasonable amount of time to be able to replace their machines or to make sure their machines are up to spec. Twelve months may not be enough, but I am not sure how we approach that:

> (c) is to be in force for such period, not exceeding 12 months, as the Commission specifies in the authorisation.

I am concerned about that. If the commission finds out enough machines cannot be provided in that time frame to be able to satisfy that clause, what happens then? I personally

think it is a matter of software, so I cannot see there should be anything terribly complex about it. There are no mechanical changes to the machines.

Ms Forrest - I have been told by some they cannot be. They have to be replaced.

Mr VALENTINE - The whole machine?

Ms Forrest - Yes, for some.

Mr VALENTINE - Well, I would like some clarity on that, because we have to make sure that whatever we put in place is actually about to be achieved. I am not trying to complicate matters here, I am really -

Ms Webb - I am happy to speak to that when I get up.

Mr VALENTINE - concerned we can see that happen in a reasonable way.

As to the Government's harm minimisation moves they have in the bill about facial recognition and card-based play, that is for a report only. It is for a report only. It is not to have it in place. That may come, but it is better to have something in the act that says we do this, when we really do not know - facial recognition, to be quite honest, I do not know what the uptake would be on that. Someone thinking if they ask for that to happen, they are never going to be able to enter that venue again. That is a big step for somebody who is addicted. You would find that they probably would not take it up. Card-based play, I am not sure how much evidence there is that works either. If we have evidence on dollar bet limits and six second spin speeds instead of three, then obviously that is the way to go. Who would not want to reduce the harm. As the member for Nelson has outlined, when you look at the percentages of people who play and how much they bet, it really does not impact that heavily on those just wanting to do it for recreational reasons, as opposed to those who might be addicted.

I largely support this. I am concerned about that time frame. I will be interested in hearing a couple of things from the member for Nelson about the surveys and with regard to that time frame.

Ms ARMITAGE - I tend to agree with the member for Huon that this is about protecting vulnerable people in our community. There is obviously a significant cost to our community for problem gambling, meaning that even small measures can reduce harm. The evidence tells us recreational gamblers typically play at low intensity. If machines are played at high intensity, a serious amount of money can be lost.

Having said that, I do agree with the member for Murchison, the 12-month time frame is a concern. I had heard they could not actually be adjusted by software replacement and many of the machines would have to be specially built. They are not specially built because they are not required, so to get $1 machines would be a much higher cost. There is concern that 12 months for those that might have to replace them in (3)(c) would be a bit difficult. I would appreciate hearing from the member for Nelson.

My main query is whether it is achievable. Is it achievable for some of these smaller businesses to replace them if this happens to go through? It would require both the Government and the Opposition supporting it, which is unlikely. In the circumstances, it is an unknown.

I am leaning towards support. I notice there is another amendment coming up. We need to protect vulnerable people in our community. I am not sure whether that 12-month time frame is achievable for some of those businesses, so that is of concern.

Ms RATTRAY - I have distributed an amendment to the member's proposed new clause. That is about leaving out $1 and inserting $2. I thought I would rise before the member for Nelson because she only has two calls left and she may need to use both of those. I have done that because in 2016 I put forward this amendment to the future gaming committee as a compromise. I felt I could support a $2 limit and I listened to the evidence that was provided through the course of the future gaming inquiry. The Greens were not in favour; they certainly wanted the $1 limit. I was hoping I could garner enough support from other members of the committee for a $2 limit, which I felt was fair and reasonable. Hence, I decided while I was listening to the member for Nelson to try that approach again because I felt that may well be something the Government might consider as a compromise position, and is that not what it is about?

Madam CHAIR - That question is not before the Chair at the moment. We have to deal with the new clause first.

Ms RATTRAY - I understand that. I will be supporting this amendment to get it into the next stage, so I can put forward the change from a $1 bet limit to a $2 bet limit. I encourage other members to do the same if they are of a mind to bring that about, and that would provide the Government with an opportunity to come to a compromise.

I support many of the comments that have been made by other members about the harm minimisation measures that this new clause D would deliver in this bill. It would certainly send that strong message out to the community that this House, in particular, and then in turn the Government, should they choose to support it in the other place, are serious about those harm-minimisation measures that are evidence-based. We have heard that time and time again: evidence-based.

Mrs HISCUTT - I had a couple of questions requiring answers, one from the member for Murchison and one from the member for Mersey.

With regard to the member for Mersey's question, the answer is part of clause 21(6)(b), page 29 in the amendment act before us, which says:

> (b) the steps the Commission proposes to take to implement those recommendations as soon as reasonably practicable.

This would be done through a direction from the minister and the commission would implement it through its rules and standards.

The member for Murchison also had a couple of questions. The Government understands that all existing EGMs will need their gaming software to be upgraded. That software would need to be retested and re-approved, all of which would take considerable time. Game manufacturers may not provide these games, given the small size of the Tasmanian market.

Mr GAFFNEY - Thank you to the Leader for providing that information. As I can ascertain from what we have just been told, and if we go to the information we received in the

briefing about facial recognition and card, the two harm minimisation strategies that are in this legislation that were proposed by the Labor Party because they were so concerned about harm minimisation - there is no time frame within this act other than the minister will provide direction to the commission when that should be taken on board. There is none whatsoever because they know, and we know, that facial recognition will not be within our casinos, clubs and pubs for probably 15 to 20 years, if that. They know that. They know that putting their cards there will not be in that. So, there is no harm minimisation other than some other strategies in this bill.

Unfortunately, none of the Labor members are in the House at the moment but if they are listening, they should be coming back and supporting any harm minimisation strategy that is presented on the Floor now. These are two that we know are evidence-based. They can work and they are two that can go into this bill, be sent back downstairs for them to be further debated and assessed. At the moment, on the answer I received from the Government and the Leader has gone straight to the legislation, there is no time frame whatsoever for any harm minimisation strategy proposed by the Labor Party, that said they had changed the bill for the benefit of Tasmania, they had done their work.

They were some of the comments that were heard, knowing full well there is no practical change, there is no harm minimisation strategy in this legislation with a time frame. That is deplorable. The two that are suggested in the House have been, as were said - I will not go back over that ground because it has been said that they will work. Let us just put it fairly and squarely on the table: there is no strategy in this act for harm minimisation because there is no time requirement for that to occur.

Ms ARMITAGE - A question to the member for Nelson with regard to (3)(c) - 'is to be in force for such period, not exceeding 12 months, as the Commission specifies in the authorisation'. If she could put her mind, maybe even in the dinner break, changing that to -

> is to be in force for such period as the Commission specifies in the authorisation.

Would the member for Nelson consider withdrawing this amendment and putting something together over the dinner break? I am assuming we will be breaking soon.

Madam CHAIR - The intention was to break a bit later than this for dinner.

Ms ARMITAGE - Whichever. Whether she could consider changing that (c) to taking out the 12 months and having 'as the Commission specifies'.

Ms WEBB - Thank you to members for engaging with this new clause. It is a worthwhile one for us to be considering together in this place because it is a fundamental thing and it is very much about making the most of the opportunity that we have.

Let me work my way through some of the things that have come up and then we will get to what the member for Launceston has talked about. Let us do this in a sequential way.

To briefly answer the member for Hobart's question about the polling that I referred to. It is the polling that I referred to in my second reading contribution and other elements which

was done in August. It was a representative sample of 1000 Tasmanians done through EMRS as part of their Omnibus survey.

Mr Valentine - Statistically?

Ms WEBB - Sound, sizeable, independent and recent. That is an easy one to answer, thank you.

Regarding the Government suggesting that we have this facial recognition and card-based play being considered as part of the direction to be given to the commission. That specifies that as soon as practicable there are going to be some recommendations included about implementation to come back to the minister for consideration, which would then need to be actioned by the minister through further directions to the commission. There are many moving parts in that. We have a report to be provided. It will have something in it about those two measures suggested by the Government and it will suggest something about potential implementation of those measures. Then it will be up to the minister what is taken up from that report and from those suggestions and on what time frame it is done. We really do not know where that is going to end up yet. As the member for Mersey suggested, it is fairly uncertain it will come to pass or in what fashion. We know in other jurisdictions there have been some half measures in those directions, limited trials or some partial implementation of power-based play. We could well end up in a similar situation or not. That is still an uncertainty.

To come to the time frame matter, I will point out this new clause is to follow clause 108 in the bill and is Part 4 of the bill, which is the bit that comes into effect in 2023, with the changeover to the new arrangements. The way it is written at the moment, effectively the commission can allow venues to have a free pass on this requirement for these features for an additional 12 months past that, which would take us to mid-2024, when this would absolutely come into effect and be a requirement.

Mr Valentine - That is in effect two years on.

Ms WEBB - Indeed. Well, middle of 2024, so it is sort of two-and-a-half years from now or more.

Having said that, it was drafted that way to allow for the fact there would potentially need to be some turnover time to arrange for this to come into play. Here are some other things we know about that. These machines turn over every seven years or so anyway. Across the next two-and-a-half years there will be some turnover. If this is to come to pass, there will already be some natural opportunity for turnover via new machines. Then there will be some active opportunity also to investigate reprogramming options.

The Leader has talked about the fact this is a software upgrade and it can be undertaken with existing machines. It is difficult to have that information confirmed. Perhaps our advisers in Treasury can confirm categorically one way or the other if it is possible.

My understanding from people like Dr Charles Livingstone, who we have heard from in briefings, is that it is possible for a software change to be made. For context, the current $5 maximum bet, if we think about when that came to pass - some other states still have a $10 maximum bet and we used to and we brought it down to $5 and so did Victoria. Victoria was

the first state to bring it down to $5. When the $5 maximum bet was introduced in Victoria between 2008 and 2010, across that transition period, it was done without fanfare and without industry opposition, according to Dr Charles Livingstone. Despite claims to the contrary, he says $1 maximum bets could also be implemented with modest cost to industry and in the same way we made the change previously from $10 to $5. That is the advice I have.

In the other place, there was already a change made to the return-to-player rate mandated under this bill. We already changed the 85 per cent return to player to 87 per cent return to player. This bill has already required current operators to make a programming change to their machines. Perhaps, the Leader can confirm the time frame requirement for that to come into play. I am not sure whether that was brought in with a transition period. Perhaps we can confirm that.

I could trawl through the bill, but I cannot readily put my hand on it because I have not got it marked, but we have already agreed in the other place - and we passed it here too - to a programming change for our industry on these machines. What is being proposed either through the new clause I have here or even through the member for McIntyre's amendment to my new clause, if we get to debating that, is a programming change, it is a software change. It would be with a transition time, a reasonable one for us to contemplate here. I might come back to that in a moment, to come back to the member for Launceston's question to me.

There were a couple of other broader points I wanted to make around some of the other matters that were raised. One of those was about the member for Hobart asking, 'Would this mean people will sit there longer playing and be harmed?' I am not going to purport to be the academic expert in this space. My assumption is when our Liquor and Gaming Commission has looked into this and provided advice that these are the most effective measures from 2008 consistently through the parliamentary inquiry in 2016-17, their advice remains the same. I wrote to them and confirmed that their advice remains that.

Just recently, I assumed that their estimation is that greater harm is risked through that sort of thing and I presume that the Productivity Commission similarly when it recommended this measure considered that so I put that to one side. The reality is, of course, as I have already described, recreational users of the machine typically sit under that set limit and sit under that spin speed so their duration of play and how much they spend is not going to be affected. We know the people who have an addiction do not have a point at which they stop necessarily anyway. This at the very least reduces the intensity of the harm and how quickly it can occur. I am just going to stick with the fact that this is clearly evidence-based and expert-advised.

As members have mentioned, and as I said, it does not affect recreational use. The other thing it does not affect is staffing and jobs in the industry. We do not need to staff a venue differently for these measures to be in place. There are no additional requirements or fewer requirements for staff, so staffing and jobs are protected with this measure. There is no problem there.

To come back to the issue around members expressing concerns about time frames for a transition, that is really valid. While I believe the duration that is provided for here in (c), the fact that this does not come into play until 2023 and then has that 12-month grace period able to be provided, perhaps a very simple solution to help allay those concerns would be to adjust (3)(c) as in the new clause here to remove the specification of 'not exceeding 12 months' but just make it to be - 'for such a period as the Commission determines' - as that grace period that

could be applied. I would be very happy to make that change to the new clause and put it to the Chamber if that was something that members felt more comfortable to support. That would stand as it is, that there would be then not that 12 months from July 2023 which takes us through to July 2024 and that would not be the firm end point for transition; it would be up to the commission to determine a period of transition in which this is not enforced and to allow for the industry to make the transition. That would be more than reasonable.

We know that, at most, these machines turn over every seven years so the commission would then be able to determine, with its knowledge of our industry and our market, what would be appropriate to provide for, but we would know that ultimately this will become the requirement for all machines in our state. Given that, and perhaps, Madam Chair, you can advise me - if that was something that I wanted to pursue and wanted to be able to re-put this clause with that change, what is the process by which I could that?

Madam CHAIR - I will check the best way to do that.

The basis of the question is that it has to be in writing anyway. We can proceed with this as it is and then amend the new clause as the member for McIntyre has another amendment proposed for that purpose. That would require it being supported in its current form subject to an amendment. That would be the easiest way to go knowing that that would be the intention to amend it along those lines. You might want to hear what other members have to say about whether that would be deemed suitable or not.

Ms WEBB - Thank you for the advice, Madam Chair. I will just check my notes to make sure before I sit down on this second call that I have covered the things that came up already. I think I covered the things I wanted to put. I guess that would be the most straightforward option, that I still put this to you for your support knowing that the intention would be further then, if it was supported, for another amendment to be put to it to adjust that (3)(c) element of the new clause. That would be our expectation and we would have the opportunity to do that if the new clause was supported in the first instance. I am very happy to do that and be very explicit about wanting to see that become the outcome.

That covers the concerns that have been raised by members and leaves us at the point where, as the member for Huon said, there is absolutely no reason not to support this as the best advice we have from all experts in delivering simple harm reduction and consumer protection on these machines. It does not affect recreational play; there is literally no reason for us not to contemplate these requirements in our state. I will leave that for members to respond to and see how they feel that that meets some of those concerns raised.

Mrs HISCUTT - Just for members' information, EGM machines will need to be reprogrammed to implement the change. This would be the only jurisdiction that has games of this configuration and so manufacturers may not provide this. The reason that the change to return-to-player was set at 87 per cent is that we know such games are available in larger markets and that the majority of games here can be set to achieve the 87 per cent.

Dr SEIDEL - I hear what the Government says but I think it is an excuse. It really is because it is very clear, if you look at the most cost-effective way of implementing evidence-based, evidence-informed harm reduction measures, it is going to be programming spin speed and bet limits. We already have a touchpoint because we already have legislated the return-to-player rate, surprisingly enough without any consideration of cost, without any

consideration of allowing an extended time for that to be achieved, we have just done it. It was not even controversial and now we are hearing - once we start talking about serious things, evidence-based measures - suddenly we raise some doubt to make sure we create some confusion.

Let us go back to the four-and-a-half pages of harm reduction measures the Government proposed, which really is just a rapid review of card-based play and facial recognition. It has to be practical for that to be implemented. I already know what practical means: it is going to be, how much is it going to cost? I can tell you now it is going to cost far more to convert electronic gaming machines to a card-based option only compared to what it costs to reprogram those electronic gaming machines to bet limits or spin speed adjustment. Of course, there is going to be a difference. Are we going to have a discussion, are we only going to implement the recommendation, or potential recommendation, if it is cost-effective? I am not seeing this in the bill. It is not in there. There is no consideration for cost-effectiveness.

It is the same for facial recognition. There is going to be enormous cost, not only the camera equipment but also the data storage, the data stewardship, privacy, et cetera. I already know we are going to hear, we might just hear, 'Well, this might be another option in the repertoire of harm reduction measures', but the costs are unknown. The ongoing costs are going to be unknown as well. Facial recognition needs to be monitored. It is an ongoing commitment. Adjusting spin speed, adjusting bet limits, you do it once. Once. One occasion only. Done. No need to change anything. One occasion. We have already legislated for one occasion when machines have to be readjusted, through the return-to-player rate. So what is there not to like?

I am really worried that the Government - and let us be clear, it is a Government bill. It is not the bill of the Opposition; it is a Government bill. The Government needs to explain why they are proposing those measures after long consultation. It is not clear why the Government would not support evidence-based, cost-effective harm minimisation measures that have been proven to protect vulnerable people from the harms of gambling. Cost-effective -

Ms DEPUTY CHAIR - I remind the member we need a question.

Dr SEIDEL - My question is what is there not to like? Why are you not doing it? You should not even have a discussion about that.

If it is about being evidence-based, if it is about cost, we have a win-win situation. A win for the Government, a win for the manufacturers, because we already have a legislation touchpoint. Machines have to be reprogrammed and the most important part is a win for Tasmanian communities and people who are potentially being harmed from the effects of gambling.

Mr GAFFNEY - My question to the Government, arising from this, if there is no time at the moment regarding facial recognition and card-based play for machines, if you go to the member for Nelson's (3)(c), I support (3)(c) but I think it is wise to have an amendment to make that open to the commission's hand.

There is no time limit there. The commission can look at each individual case and if there is a five-and-a-half year to seven year turnover on a machine, and it is a small unit, you might say, well I can do that in 2025 or 2026, if it comes in. That makes sense to me. It should not upset the Government because the Government is already saying that they do not know

when and where because they have all these reports and assessments they have to make anyway on the two measures that they are going to put in.

The Government should be supportive of that amendment change anyway, to make this one that is reflective of what we need to do to minimise harm for the people who play it, but also responsive to the needs of the industry, the pub and club owners, and the casino, and Federal who owns the machines; to be able to have that installed or adopted over a number of years, knowing that anything you can do within the next seven or eight years is better than not doing anything until 2043, 20 years from now. It is not a bad thing, as the Leader has said, to weed those things out as we go along. I believe it makes sense.

I would be supportive of the (3)(c) amendment from the member for Nelson. My question to the Leader is, would the Government be supportive of the (3)(c) amendment where the 12 months was not there as a time, and that was more up to the commission's assessment of the situation?

Mrs HISCUTT - The Government has put its opinion and thoughts on the table about this and we will not be changing our opinion at all. We will not be supporting the amendment.

Ms FORREST - It is a moot point really, anything we have to say on this matter, quite frankly.

I note the member for Huon's comment that this is a Government bill, but it does rely on the Opposition in this place to stand up, and stand up for harm minimisation, with the exception of yourself, and not of anyone in the Chamber. To say that it is a Government bill, yes, it is, but we cannot do it on our own in this place. Shame about all the party members in the House, but there you go.

I asked the question, is it possible for machines to be upgraded? I heard what the Leader said, that because some of these are older machines, the operators may not have the relevant software for those machines. I raised that concern at the outset about that provision.

A suggestion that it be made open-ended for the gaming commission to have a decision-making power is fine. I would be concerned about having it completely open-ended. I believe five years, which would give basically seven years, would give plenty of time for these machines to turn over.

I note the Deputy Chair's comments in the previous debate about the Westbury Hotel, for example, where there are four machines that basically sit there and are not used. I assume they are old machines, they are less attractive to the players and they are probably not in a position to be upgraded. You would potentially want to get rid of those, whether the owners there replace them and get new ones in.

With a reasonable turnover time, any machines that are bought would have these features designed into them. Anyone who is even half serious about harm minimisation would support this, if that time frame was extended to at least five years, or maybe open-ended. That is the question here - the pubs that may have older machines. I know there are a lot of them around my electorate. I cannot personally vouch for that because I do not go into the gaming rooms, but I understand there are a lot of older machines out there and they may have challenges in upgrading them. If they want it to be profitable in terms of player losses, you would think they

would keep them up to date to have the new features and new machines that would encourage people to use them. We do not want them to encourage people to use them at the risk of harm, harm that we can reduce by putting in place two evidence-based measures.

As to the point the member for Huon made about the enormous cost of facial recognition, I have spoken to Federal Group about this. It would be an enormous cost to do that and the card-based play would be a significant cost. They were not too enamoured with those ideas, I might add. They are speaking from their business perspective, which I respect; I do not have to agree with them. As I said to Mr Farrell, we do not agree on a lot of things but we still have civil discussions. I have a very good relationship with Greg Farrell in terms of sitting down and having a good, honest, open conversation, and disagreeing on certain matters.

Putting these provisions in, that are known and proven to reduce harm to people who are at risk of being harmed by gambling, who are already problem gamblers, would have an immediate effect. As I said, I do not expect them all to be changed over tomorrow, or even in 2023 when this kicks in. I respect that there are some pubs and clubs that struggle and it would be a huge financial impost, so give them a chance to do it. I play a long game, I am thinking for the future. I agree with the member for Mersey - I would rather see something happen in seven years time - five years plus two - than not happen at all and be stuck with this lack of harm minimisation until 2043. That would be a travesty. That would be a blight on this Government and anyone in the Opposition who does not stand up for it.

That is what we are talking about - removing a well-identified harm minimisation measure for the future. We are not saying, do it tomorrow, we are not saying, do it even in two years time. I am saying, give people seven years to change over. If you are going to have to introduce facial recognition, if the Government actually proceeds with that, or card-based gambling, they will have to spend some money then. This can be done; yes, with some cost, but let us give them time to do it.

I find it appalling that the Government will not consider this. I find it irresponsible that they will not seriously consider evidence-based harm minimisation measures in this bill with a reasonable time frame for inclusion. I did have concerns about the 12 months, and I know the member for Nelson agreed that we could change that, and she is happy to do so.

The Government said they will not even consider supporting it to that point to enable that debate to be had. I am ashamed to think that we, in this House, cannot influence the Government to the point that they will introduce harm minimisation measures that are effective and proven. Yes, it will cost a bit of money over time, but it would mean a lot less in harm to the people we have to provide services to as a result of that harm. If you do the cost-benefit analysis, the harm these people experience is enormous in terms of the cost to our health system, to our social services system, to our justice system. That is where the costs are. Think about those costs. Think about the costs that happen because of the harm done. Think about the lives broken, the homes lost, the people whose lives have been destroyed and those who have taken their own life because of the harm they have caused to themselves and their families.

Yes, I am emotional about this. Yes, I have seen it. Yes, I have seen people in my electorate lose their homes. I have seen people's lives destroyed in my electorate. Surely, we can do better than this. Surely, we can agree on a harm minimisation measure that is effective, proven, and not going to end the world as we know it. Where is the Government's soul and

moral compass on this and where is the Opposition's moral compass on this? Completely absent. I am ashamed.

Mr VALENTINE - We all share the member for Murchison's angst in this regard, there is no question about that. Thinking about the changes that would have to be made to machines, I have googled the images of buttons on these machines, because it has been a long time since I have played a poker machine. They are all about lines, line one to 10, for the most part. It is not so much about the dollars, it is the buttons. It might be a $5 or $10 machine over the period of time we have had poker machines; that is usually what it is.

Two small changes are required here. I do not think the machinery, the buttons on the machine, would have to change. It would virtually be a clock change for the spin speed, and exactly the same for the money that is bet every time it spins. You are simply talking about changing two registers - in my understanding, that is very simple. Prove me wrong, is the question; because there is no reason why this could not come into play within two or three months, to be honest. If it gives comfort, I am happy to support the change of the member for Nelson's amendment.

To go back to the member for Murchison, I am thinking about a parent arriving home with no food, with kids needing to be fed and nothing in the fridge. I think about the kids that cannot be fed; that is what gets to me. I will not say the adult can fend for themselves because a lot of them probably cannot in this circumstance; but it is the kids, the innocent parties here that we have to think about. We need to put true harm minimisation measures in place. We need to do it now, and not leave it to a report that may or may not be actioned. That is the truth of it - it may or may not be actioned when the report comes back. It is going to be up to the minister of the day to do something, and then it might be, well, this is going to take a long time. They are simple moves.

I certainly did not mean to offend the Leader when I said we need to grow a heart, because this is a Government move. I said 'we' need to grow a heart. We do, as a parliament, we need to grow a heart. We need to put things in place that can ensure that harm minimisation is achieved. We have heard the evidence from the experts the member for Nelson has given. It makes absolute sense for us to do it now rather than waiting until some period in the future that may well be a decade or more away. We need to make it happen now. We have the opportunity now. I support these amendments and will probably support the change the member for Nelson will put up to make other people feel comfortable.

I would be very surprised if to change the machines currently in place, just on the images I can see here - I will admit I do not know exactly what may be out there in some of the venues - but I would very much doubt there is much that has to be changed on those machines to make them function for $1 betting.

I support the amendment.

Mrs HISCUTT - Honourable members, notwithstanding what has been said, with the realities of these configurations to be implemented, manufacturers will need to make games that allow them to be implemented. The fact a machine is being turned over is only useful if games exist. Given Tasmania's small size there may be difficulties obtaining games or the full range of games. We cannot get too far out of step with the national market without that risk occurring.

On the ground, in reality, for these configurations to be implemented, manufacturers will need to make the games to allow that to happen.

Ms RATTRAY - Madam Chair, I am not sure my contribution will be anywhere near the impassioned one you provided, but I will take the opportunity to indicate my level of comfort in the member for Nelson agreeing to take the 12 months out because we know that, as has been said, a machine has a life of about six to seven years. The five-year suggestion with the extra two years for the implementation time would be somewhere around when the machine would turn over. If venues knew that was the case and there being 3500 EGMs in this state, any company that produces EGMs might think if I can get that market, that would be a pretty good market, knowing they will continue to turn over in the future. I do not see our market is that niche we would not be able to find a supplier.

Mr Gaffney - And maybe taken up in other states once it happens here, because they will be looking at the same sort of measures.

Ms RATTRAY - It may well be because we will not be alone in the fact that harm minimisation measures are important to the community. Again, I appeal to the Government to consider very carefully and call whomever the Leader might need with regard to a change in this. I absolutely agree; it will be a good news story, not only for the Government to say we have agreed to this, but for the parliament to say we have supported this. Then that message is sent out to our community with regard to harm minimisation measures.

If anyone in this parliament has taken the time to read the Future Gaming Markets report and read some of those stories we were presented with through that process I absolutely feel certain they could not be moved. We heard from groups like at the time the member for Nelson represented through her role with Anglicare. They were touching and we all know them; we all know those people in our communities who have had their lives shattered by problem gambling.

Again, I appeal to the Government to think very seriously and please reconsider their position in regard to the harm minimisation aspects and measures this new clause D would have. Please consider if you are not absolutely comfortable with the $1 bet limit - and we know what $1 gets you in this world these days, it is not very much. I do not even think it gets you an icy pole. I have not bought an icy pole for a long time, I usually buy in boxes because I have grandchildren. A dollar. I wanted to test the will of the House on a $2 bet limit measure. I tried it in 2016 and it did not quite see favour and am hoping with some new faces in the Chamber we may well be able to get this across the line. That would send a really good message. I have canvassed that around my community. What do you think about $2?

Madam CHAIR - Could you please come back to this one before us if you do not mind?

Ms RATTRAY - I pull people up, Madam Chair, in your position, and then I get on my soapbox up here. It is hard not to get a passionate approach around this.

I support what has been suggested.

Ms WEBB - Thank you to members for their engagement with the new clause D that we are speaking of here.

I agree with the member for Hobart. It would be wonderful if we could flick a switch and have this happen immediately and it would not necessarily be impractical for that. But I am quite happy to be patient, because the main intent and aim here at this moment and this opportunity we have is to deliver a better outcome to our community. If we can do it over a longish period of time, if it is five years away or seven years away, it is better than having no chance to achieve what we know will be positive outcomes, because the experts tell us there will be positive outcomes.

Five or seven years from now is better than having to re-prosecute this idea potentially in 20 years time and then still have uncertainty about whether we might arrive at it then. For those Tasmanian families and individuals who are out there right now being harmed by gambling, now would be ideal. Five or seven years from now is still better than 20 years from now.

All members here will know me to be a passionate advocate on this issue. From the experience I have had looking at this issue deeply and interacting with people who are harmed by this product, of course I would like to make it better and safer now. I am prepared to be patient as I cannot imagine any of us here would not share the intent of delivering a safer way to use this product as it is intended to be used recreationally - with no ill effect to that core purpose. With no ill effect to jobs in the industry and with great positive effect that all experts tell us will come about as a result of these changes.

A couple of things I would note from matters arisen in others' contributions. We are in the national market here, but we are also in a global market. Australian manufacturers of poker machines provide those machines to all markets internationally as well as our national market. That global market has an incredible variety when it comes to the programming features offered in these machines. We are not just purchasing from manufacturers that provide to Australia. We are purchasing potentially from manufacturers that provide internationally. I can tell you the variety in terms of bet limits and spin speeds is quite broad. Globally, looking outside of Australia, the norm is to have much lower maximum bet limits and significantly longer spin speeds. That is the norm and it would vary in different global markets.

I am going to be plucking this from memory, so please excuse me if it is not entirely accurate. In the UK, depending on where machines are offered, the venue type, they have a variety of bet limits and spin speeds. For example, some of them might be as low as $1 or even less - a matter of cents - and it might be spin speeds that are extended, even up to 10 seconds or more. We also have lower jackpots and all sorts of other features too that vary in those international jurisdictions. It is globally normal to have low maximum bet limits and longer spin speeds and that is our market. It is a global one, not just a national one.

As I mentioned, we did have a significant moment of change in this country, if you just look at our national market, where Victoria led the way with a reduction to a $5 bet limit. Then others followed along behind, including us here in Tasmania. As the member for Mersey through interjection mentioned before, potentially if we were to take this step, that becomes an interesting precedent and example for other jurisdictions nationally.

Certainly, even in other jurisdictions currently - the ACT is contemplating some of these measures. There are discussion papers there at the moment about these sorts of things. New South Wales is contemplating significantly improved harm minimisation measures. There is

an appetite to contemplate these sorts of measures and we have an opportunity to become national leaders.

When this idea is put to us that it is too awkward for us in this jurisdiction to make a change because of our small place in the national market, or because it is too difficult to reprogram machines or too expensive, I contemplate that this has been clearly advised and recommended to us as an effective measure since 2008 by our Liquor and Gaming Commission. Our Liquor and Gaming Commission, our independent experts here, have advised us as a state that this is a way they see that would be effective to achieve harm minimisation. Granted, they have advised other things too, but this has been consistent. I cannot imagine that would have been their enduring advice to us, to the governments of the day or to us as a state, unless the Liquor and Gaming Commission believed it was possible to do it and able to be contemplated and arranged in some way that could be practically implemented.

Why would that have been the enduring advice from our commission in acknowledgement there are other pieces of advice too? It is not solely focused on that, but why would that have been the case if it were impossible or entirely impractical and undoable? That would not have remained their advice to us across that enduring period of time if that were the case. I encourage members to really pick apart the claims by the Government around cost and that this would be difficult or costly to implement.

Other members have picked up on the fact even those measures put forward by the Government to be reported on and considered by the commission - facial recognition, card-based play - will naturally, if those measures are going to be contemplated, be implemented at some cost and inconvenience. If we were to do it on a statewide basis, we would be the first jurisdiction anywhere to do that in a statewide way. It would certainly put us outside the national market and picture. If the Government is suggesting they are the measures they want investigated that would have a cost, that would present a dissociation from the national market and would come at some inconvenience to industry.

It seems inconsistent to then turn around and argue we cannot contemplate these measures for those same reasons. There is an intellectual inconsistency there which would prompt us to think the reasons being put forward to block these measures are not genuine when the Government is not applying those same reasons to the measures they themselves have suggested we contemplate. The thing this comes down to in a very elemental way is what cost do we put on protecting our community, on protecting our Tasmanian people who are being harmed by gambling and who into the future may develop situations where they are being harmed by gambling?

Clearly, the Government must have some assessment they are making about that. I would like an explanation from the Government about the principles they are applying in making that assessment. I would like to understand from the Government how they are balancing the principles they are applying when they balance the cost and potential inconvenience of possible measures to protect Tasmanians against the expert-advised, evidence-based measures we know could be put in place to do that protection.

I would like to understand from the Government how they address and assess that balance, given they are clearly making that assessment in measures they are overtly contemplating - facial recognition, card-based play. They are making arguments based on

some balance of assessment against the measures being proposed in this new clause. It looks intellectually inconsistent.

Madam CHAIR - You are starting to be repetitive now.

Ms WEBB - I would like to understand those principles that are in play. My view and the reason I am bringing this new clause to this bill is my assessment is fairly straightforward. There is a way we can provide this product to our community for the use at which it is theoretically and apparently meant to be used, recreational use. We can do that in a way that is safer through fairly straightforward measures all experts advise us will work in some measure to reduce potential harm.

Madam CHAIR - Order, we are going over the same territory and it is turning into a second reading speech. We need to focus on the matter at hand and prosecute the need for this without repetition.

Ms WEBB - Thank you. From my perspective, and I thank members who have expressed support for that, this is eminently sensible, doable and the right way for us to position our community's best interests at the forefront without any significant detriment to Government, industry or to the community more broadly.

Thank you to members who expressed support. I encourage all members, including the Government and the Opposition, to see this very much as a positive opportunity to deliver for our communities.

Mrs HISCUTT - The Government is trying to get the balance right to end the monopoly. What we have in this amendment bill is what the Government suggests is a practical set of measures that can be implemented. I do not think of all the answers we have given so far, that there is anything more we can add to satisfy the member for Nelson in a more practical way. I am sorry.

Ms Webb - It is not about satisfying me. It is about answering the questions.

Madam CHAIR - Order.

Ms ARMITAGE - With slight amendment we can protect the vulnerable and still allow those to enjoy the recreational use.

Madam CHAIR - Order, you cannot move an amendment.

Ms ARMITAGE - I am not moving it. I am just saying I think with some amendment. I am not moving an amendment now. I am anticipating. I am simply saying -

Madam CHAIR - You do not prosecute the case for the amendment.

Ms ARMITAGE - I am not prosecuting the case.

Madam CHAIR - Order.

Ms ARMITAGE - If you let me finish, I was simply saying.

Madam CHAIR - Order. I will ask you to respect the Chair.

Ms ARMITAGE - I am.

Madam CHAIR - Order. Continue; but I ask you not to prosecute the case for the amendment that you are proposing at a later stage or to argue with the Chair.

Ms ARMITAGE - I am just simply saying that I am not prosecuting the case.

Madam CHAIR - I am asking you not to argue with the Chair.

Ms ARMITAGE - As I mentioned, I believe with some slight amendment I can accept the amendment before us so that other amendments can be made when and if it is accepted by the Chamber. I am simply saying that I will support the amendment before us, because I believe that there are other amendments that are coming up if it gets passed. My purpose in standing is simply to say that I believe that with slight amendment, I could accept the amendment before us. I will support the current amendment, in order that other amendments can be made if it gets supported.

Madam CHAIR - The question is that new Clause D be read a second time.

The Committee divided -

AYES 6	**NOES 6**
Ms Armitage	Mr Duigan
Ms Forrest	Mrs Hiscutt
Mr Gaffney	Ms Howlett (Teller)
Dr Seidel (Teller)	Ms Lovell
Mr Valentine	Ms Palmer
Ms Webb	Mr Willie

PAIRS

Ms Rattray	Ms Siejka

New clause D negatived.

Mrs HISCUTT - Madam Chair, I move:-

That we do report progress and seek leave to sit again.

Leave granted.

Progress reported; Committee to sit again at a later hour.

SUSPENSION OF SITTING

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the sitting be suspended until the ringing of the division bells.

This is for the purposes of a dinner break that will probably finish at a quarter to eight.

Sitting suspended from 6.45 p.m. to 7.49 p.m.

GAMING CONTROL AMENDMENT (FUTURE GAMING MARKET) BILL 2021 (No. 45)

In Committee

Resumed from above.

Ms WEBB - Madam Chair, I move the following amendment -

New Clause D -
To follow Clause 111

D. Section 98A inserted

After section 98 of the Principal Act the following section is inserted in Division 1:

98A. Display of winning keno numbers

(1) In this section -

"keno result display system" means a system used to display the winning numbers for a game of keno.

(2) A licensed operator who is conducting keno at an approved venue must not permit numbers to be displayed on the keno result display system at that venue in such a way as to indicate the frequency with which numbers are drawn in games of keno.

Penalty: Fine not exceeding 1 000 penalty points.

Ms WEBB - Madam Chair, I move -

That new Clause D be read a second time.

For clarity for members and to make sure we are on the same page, we are looking at, in your documents, new clause M.

For consistency, this is a new clause that I am proposing to the bill with the very straightforward aim of providing some consumer protection and harm minimisation for the gambling product being offered. Given that we are at a moment in time where we are undertaking reform, where we are considering this act and thinking about how we can best serve our community on policy and regulatory matters in relation to gambling, this one relates to Keno. It is a pretty straightforward intent.

For members, if it was not clear from the wording of the new clause, it is essentially about the fact that with Keno wins, you can see promoted that there are hot and cold numbers occurring. Some of you may have been in venues and seen Keno screens and be familiar with this feature that is often part of the display. It is basically intended to imply that there is a greater or a lesser chance of certain numbers coming up, as part of an enticement for people to be drawn into playing and engaging with those numbers.

This new proposed clause is essentially to say that should not be a feature of what is displayed as part of Keno games. It should not be part of the display to suggest that there is more or less likelihood of certain numbers being drawn. We know this is a random number generated electronic product.

This is clearly in line with the objects of the act and again, for consistency, it is about ensuring that there is consumer protection, that we are protecting people from being harmed by gambling by ensuring that there are not features as part of these gambling products that are more likely to, in a misleading way, entice people to continue to gamble on them.

It goes to the object of the act that is preventing people from being exploited by gaming operators for that same reason and probably in regard to returns shared appropriately; that enticement to continue betting by suggesting that there is more or less likelihood if bets are placed on certain numbers, or not.

This is a very straightforward requirement for sensible harm minimisation and consumer protection. It is not particularly detrimental and does not constrain people's use of the product. It is aligned with a public health approach to making these products safer to engage with for all those who wish to use them.

I am happy to answer further questions about it but that is the intent. I look forward to members supporting the new clause. I encourage you to think about this as a consistent way that we attempt to best give effect to the objects of the act.

Mrs HISCUTT - I reiterate that prescriptive measures of this nature do not belong in the act. The commission has a range of instruments such as rules, directions and standards through which it can address product risks. The operation of Keno is regulated by the independent Tasmanian Liquor and Gaming Commission. Keno is subject to the existing protection controls for gaming under the Responsible Gambling Mandatory Code of Practice for Tasmania along with additional measures specifically imposed in the commissioner's rules, technical standards and approved game rules.

The commission will take into consideration any potential for gambling-related harms, including information displayed in the operation of any game. The commission is able to apply relevant mitigation and protection controls. Therefore, this amendment is not supported.

Mr VALENTINE - The fact that they are there and it is basically providing information that is not going to benefit the player, leads me to believe that we do need to provide these sorts of directions in the bill - in the act. It saves the commissioner from having to make the decision. If it is not accurate - it might be considered to be hot numbers - the fact that they are actually there as hot numbers might mean that the chances of those numbers coming up are less of an opportunity. Who knows? That is what random number generation does. You cannot predict it. This is saying, 'We're attempting to give you some information that might predict it'.

I am not a mathematician or a statistician who knows everything about gaming theory. What I do know is every time a game is played, those numbers are randomly generated and every number has the same opportunity of coming up or not. It is not something you can predict. Providing that information is not being reasonable with the people who might intend to play the machines. I support this amendment.

Ms RATTRAY - A question to the member for Nelson, forgive me for not knowing about this display. I am not a Keno player. I have seen the Keno screens in venues when I have had a meal at various times, but I am not remotely interested in giving them $1, let alone whatever else people do. That is my choice. I am interested in how obvious these numbers are and do people even realise. I did not realise there were hot and cold numbers. To people who play Keno they are possibly quite obvious. I am interested for those laypeople who might be listening and also for myself, Madam Chair, as I have no understanding of hot and cold numbers.

Ms WEBB - Thank you to members who have engaged with the new clause. I will go straight to the member for McIntyre's question about how obvious the numbers are. On the screen, they will say 'hot number' and have the number or 'cold number' and have the number. It is very visible there.

Ms Rattray - I was obviously focusing on my meal.

Mr Gaffney - I was there the other night with my brother. They actually run several top six, or seven, a series of hot and cold numbers, not just one.

Ms WEBB - They are labelled that way, 'hot numbers' and 'cold numbers.' To give a false impression really; it is a misleading impression. It is presumably to entice people to feel excited about choosing. Some people might think, 'I will go with the hot numbers', or some people might think, 'I will go with the cold numbers', because they have not come up for a while. Either way it is not a real way of being able to interpret how you might best win.

Ms Rattray - Like the Tattslotto jackpot?

Ms WEBB - Maybe, I do not have an amendment about that one. It is quite obvious. It is designed to be misleading and enticing in that sense. I agree with the member for Hobart. It is not reasonable to the players and it is a very reasonable expectation taking that away and just having the game to be able to be played plainly, understanding it is a random number-generated game, it is still able to be played. This does not constrain the playing of the game, just those misleading elements of the display.

In terms of the response from the Government there are some questions I would like to follow up on that response. The Government mentions rules, directions and standards,

mentions the mandatory code and the ability of the commission to address matters like this, within those contexts.

My questions are: can the commission of its volition create a regulation that will give effect to this, in any of those particular mechanisms mentioned? If so, could you identify which ones the commission of its own volition could place this kind of constraint on a Keno display? If there is not a way for the commission to do that of its own instigation, explain the mechanism whereby it could happen, it could be given effect to, through one of those rules, directions, standards or codes and clarify for us, would that have to be in a direction from the minister for that to be allowed to happen? If that would need to be in the form of a direction, or even if a direction is one mechanism by which it could happen, why has the Government not provided a direction to the commission to undertake a straightforward measure like this, which would be giving effect to a very straightforward consumer protection and harm minimisation change to this particular product?

Mrs HISCUTT - The commission is able to apply relevant mitigation protection controls. There is no direction needed from the minister to enable that.

Dr SEIDEL - If that is the case, why do we actually allow hot and cold numbers in the first place? We know it is openly misleading. How is that consistent with the objects of the act which is about a consumer protection approach to minimise the harms from gambling? We know it is wrong.

Ms Webb - Why has the Government not requested it?

Dr SEIDEL - It is a valid question from the member for Nelson, why has the Government not requested it? What could possibly be the rationale for not requesting it? Rather than divert it again to, it will be done later, or on the commission, why do we not create legislative certainty for something that is openly misleading? We know it is misleading. Does the Government sincerely believe this is consistent with the consumer protection approach? It cannot be, because it is not.

Ms WEBB - Are you kidding me? Unbelievable. Not only did the Government just refuse to answer the substance of my questions put on my second speak, they have just refused to answer the member for Huon's questions.

Mrs Hiscutt - It was a statement. He did not ask a question.

Ms WEBB - There was a question in there. He reiterated the question you refused to answer when I was on my feet last time. This is my third speak. I am going to put questions to you again on this speak and I expect to have the respect to have them answered. It is telling that the Government is consistently, in the context of this debate, refusing to provide answers to questions.

I specifically asked you last time I was on my feet where explicitly and specifically can the commission of its own volition insert a requirement that meets the same intent as this clause? In which rule, direction, standard or code - where specifically, not a brush-off. Of course, it can happen somewhere there. I want you to identify a mechanism whereby that can happen. If you are claiming it can, you should be able to tell me specifically how that would occur.

Then the second part that has gone unanswered now twice from me and the member for Huon is what is the explanation for why the Government, for example, has not provided a direction for this particular consumer protection measure to have occurred, given that a direction has been available to be given, of course, on this and any other measure. I am specifically asking about this, to give this intent of making Keno less misleading and putting consumer protection in place. What is the Government's rationale for not doing that via a direction to the commission to date?

I hope those questions are, now that you have heard them at least twice and, in some instances, three times, crystal clear. If they are not, ask me for clarification while I am on my feet. I take that to mean it is crystal clear and I expect an answer to each of them.

Mrs HISCUTT - I will seek some advice, but the member for Nelson - I am really trying to control myself here - is talking about her policy whereas, here is the Government's policy. The Government spent a lot of time working out our policy. Just because your policy is not implemented in our policy does not mean it is right or wrong; it is different. After having said that, Madam Chair, I will calm down. I will see whether my advisers have anything else to add. I am not going to answer policy questions on your policy.

Ms Webb - It is not a policy question.

Madam CHAIR - Order. The Leader is getting some advice to respond to you.

Ms Webb - The first one is an outright explanation.

Madam CHAIR - Order.

Mrs HISCUTT - The minister has confidence that the commission can address the matters. They have not raised any concerns about this measure and the Government does not issue directions on every matter. The commission has the power to vary the Keno rules, as it considers appropriate. The document is on the gaming website and it is called the Keno Rules.

Dr SEIDEL - It does not matter whether the Government likes the question or whether the members like the answers. Our job is to ask the questions. The Government's job is to provide those answers, whether we like them or enjoy them. It is a simple issue.

Mrs Hiscutt - I cannot answer questions on the member for Nelson's policy. I cannot.

Dr SEIDEL - It is completely up to you, Leader. I appreciate you are in a difficult position, but again, it is our job to ask questions whether we like them or not. It is your job to provide answers whether we like them or not. As easy as that. Those are the rules of the game.

It is a question for the Government, not the commission. Does the Government believe that displaying hot and cold numbers is inconsistent with the consumer protection framework that applies to the tabled legislation? Not what the commission may or may not view. Does the Government believe, in plain language, that displaying hot and cold Keno numbers is safe for Tasmanian consumers? Or, does the Government believe it is indeed misleading? It is very simple.

Mrs HISCUTT - The Government does not have a view because those are the matters that are left to the commission.

Madam CHAIR - The question is that the new Clause D be read a second time.

The Committee divided -

AYES 4	**NOES 7**
Mr Gaffney	Ms Armitage
Dr Seidel (Teller)	Mr Duigan
Mr Valentine	Mrs Hiscutt
Ms Webb	Ms Howlett
	Ms Lovell
	Ms Palmer
	Mr Willie (Teller)

PAIRS

Ms Rattray	Ms Siejka

Amendment negatived.

Ms WEBB - Madam Chair, I move the following amendment -

New Clause D -
To follow clause 120

D. Section 107 inserted

Before section 112 of the Principal Act, the following section is inserted in Division 2:

107. Requirements for FATG machines

The holder of a general casino licence must not allow a FATG machine to be played in the casino if -

(a) the FATG machine does not have a minimum speed of operation of at least one minute between each game; and

(b) the maximum amount that may be wagered on any one bet on that FATG machine is more than $5.

Penalty: Fine not exceeding 1 000 penalty units.

Ms WEBB - Madam Chair, I move -

That new Clause D be read a second time.

Members, this is the clause in your notes as new clause N. It is a fairly straightforward one. It is a matter of consistency that I am moving it. As you are well aware from the debate already, fully automated table games are being introduced as a new gambling product under this bill and the reforms to casino environments. This is potentially a new high-intensity gambling product. It is one that does not require close staffing and supervision in that sense.

In its submission on this implementation framework in March 2020, the Department of Communities Tasmania expressed concern about its potential to do further gambling harm in our state. This new clause is in recognition of the fact that with other forms of high-intensity electronic gaming, we have chosen to put maximum bet limits in place and spin speeds, so we know that is in place. Insufficient though some of us might deem it to be for poker machines, we currently have the $5 bet limits and the three-second button push. This new clause seeks to treat a similar product similarly, another potentially high-intensity electronic gambling product with those similar constraints on maximum bet limits, speed of play and intensity of play.

That is the fairly straightforward explanation for the new clause being moved. I see it as entirely consistent with the objects of the act, especially when this is a new gambling product we are contemplating. We want a new gambling product being introduced to align well with the objects of the act in its regulation and in the way it is presented.

I do not see evidence in the bill or in any commentary from the Government that matters to do with harm mitigation or reduction that are potentially there for this product have been considered and looked at to be implemented. I stand to be corrected on that and am interested to hear from the Government if that is the case.

We passed a new clause today to do a review of this product a year after it has been implemented. At that time, we will have an opportunity to look back and review but we will also have allowed this product into the community, into the casino environments, to be used for that period of time. Surely, if we have reviewed other states, as the Government claims, we will have some idea about appropriate harm mitigation measures to put in place, right here and now, from the outset.

I encourage members to engage with this new clause and support it as an effort in that direction.

Mrs HISCUTT - Once again, prescriptive measures of this nature do not belong in the act. As stated, the commission has a range of instruments such as rules, directions and standards through which it can address product risks and the commission will consider appropriate rules for the operation of FATGs, prior to their implementation.

The extensive harm minimisation measures in place in Tasmania have already been discussed, and we have amended the bill in this place to require the commission to investigate FATGs. The most appropriate course of action is to let the commission do the work we are asking that they do, rather than prejudging the outcome here. Hence, Madam Chair, the amendment is not supported.

Mr VALENTINE - Again, it may well be that we can see how it pans out and then take action, or we can have a look at it with regard to its consistency and put it in place now. I agree with the amendment.

Mr GAFFNEY - I support the amendment. I have always thought that even if I may disagree with a bill and vote against it, I always try to strengthen a piece of legislation. There are some members in this place who have obviously been instructed not to vote on some of the amendments. That is a pity, because it is the role of the people in this place to strengthen any piece of legislation - even if you vote it down in the end. That is how I see it.

I am interested in the regulations for the commission. My question to the Leader is, does that mean the suggestions that have come here in these amendments will go to the commission to be considered when they do the regulations so that proposed FATG requirements (a) and (b) might appear? If that is the case, how does the commission organise the regulations with the feedback that they have been receiving through the amendment process here?

Dr SEIDEL - I support the amendment because it makes sense. I am really wondering why this Government is not supporting the amendment. Fully automatic table games are a newish product and quite untested. The evidence base for benefits or harms is quite poor. However, what we do know is that in general terms, when we look at gaming theories and based on systematic reviews, it is very clear that the faster the speed of the game, the more engaging it becomes and the more addictive it is going to be. There is no debate about this anymore. It is conclusive. The faster the game, the more addictive it is.

I am puzzled about why this Government in other areas is really quite restrictive when it comes to newer products or unproven products. We heard earlier, in question time, in answer from the Deputy Leader when it came to vaping products being dispensed on prescription from a pharmacy - a very restrictive approach to how potentially harmful products can be dispensed, despite having a better prescription precedent from a medical doctor. There was a policy direction to protect consumers, regardless of medical evidence, regardless of what a doctor feels issuing a prescription, that a liquid nicotine product cannot be dispensed unless there are extra protections put in place in the pharmacy to ensure that it complies.

The Tasmanian Government is quite happy to go above and beyond what medical evidence would suggest in one area, but when it comes to gaming, those standards do not apply at all.

I have given up expecting the Government to go above and beyond. That is never going to happen. I just want them to have a commonsense approach when it comes to legislative protections for unproven products that potentially have significant risk of becoming addictive to vulnerable Tasmanians, based on what the evidence suggests when it comes to speed of that gaming product.

I encourage the Government to support it based on those principles alone, and be consistent with their policy direction. They are quite happy to protect Tasmanians when it comes to other consumer products, even on prescription. They should apply the same principles when it comes to newish gaming products.

Mrs HISCUTT - The member for Mersey was asking about how this is taken into account. FATGs have to be approved by the commission and the rules need to be set by the commission. They will do the necessary work to make appropriate rules. FATGs cannot simply commence operating prior to the commission's rules setting. Matters such as this will be considered by the commission in setting the rules and standards.

Ms WEBB - Thanks to members for engaging with the new clause. I am interested to clarify whether, when the commission is setting rules for fully automated table games, there would be the capacity for the commission, of its own volition, to put in place minimal speeds of operation and maximum bet limits in the way that is intended in this clause? If that is the case, when will that process be done? Is it part of the mandatory code review next year or does it sit somewhere separately to the mandatory code?

At the moment, bet limits and spin speeds are not able to be in the mandatory code. If you are talking about separate rules, I would like clarification. Can the commission, of its own volition, put these sorts of specific measures in place in setting rules for fully automated games? If so, when is that process occurring? What does that process look like?

Mrs HISCUTT - Clause 130 in the bill allows the commission to set standards for these matters and their rules will follow the standards.

This is a separate process to the mandatory code. This work will occur prior to any machines being operated.

Ms RATTRAY - A question to the member for Nelson, I recall when you first started your contribution around the merits of this new clause D, you indicated there would be a review around the FTGM. Did I understand that correctly, is the question.

Ms WEBB - You can imagine my disappointment in having to point out again the Government did not answer the specific question I put to them, which was not about my policy, it was about the mechanisms available for the commission. I will come back to the member for McIntyre's question, but I will put my question again to the Government and would like to be specifically answered.

You have told me and confirmed the commission, in clause 130, does set standards and rules for this product and that is separate to the mandatory code. It is good to clarify that.

The question I had specifically put to you last time was, in setting those rules and standards can the commission of its own volition include measures, such as maximum bet limits and speed of operation, and speed of time between games? Can those things be included when the commission is setting the standards and the rules as per the power in clause 130?

I hope that is specifically answered this time, now I have reiterated it, because what I am trying to establish here is important. If the Government's brush-off here as the reason we do not need to contemplate putting this new clause in the legislation is that it can be done by the commission of its own volition, that is, not under direction from the minister, but of its own volition in setting standards and rules for this brand new gambling product, introduced to our state - if that is true and can happen is what I am trying to get confirmed. Can these specific things be done by the commission of its own volition in these standards and rules? I hope I receive a clear answer to that from the Government, now I have put it again.

Thank you to the member for McIntyre for the question. What I referred to earlier was the fact we introduced a new clause earlier today, whereby there would be a review of fully automated table games and their impact 12 months after their potential introduction, which will be in Part 4 of the bill which comes into play in 2023, a year after that. As I discussed earlier, the relevance of that is fine, and well and good that we are doing this. This is about putting

measures in place from the outset that are reasonable for a new product, for a high-intensity, electronic gaming product. Whether we do that through legislation for legislative certainty, or whether the Government is going to answer my question and provide clarity on if it is even possible for that to be done of the commission's own volition in setting standards and rules, for these specific intents of this new clause.

Mrs HISCUTT - For fear of repetition, I will read it again: clause 130 in this bill allows the commission to set standards for these matters and their rules will follow the standards.

That sounds like a yes to me.

Ms Webb - So, that is a yes.

Madam CHAIR - The question is that the new Clause D be read a second time.

The Council divided -

AYES 4	**NOES 8**
Mr Gaffney (Teller)	Ms Armitage
Dr Seidel	Mr Duigan
Mr Valentine	Mrs Hiscutt
Ms Webb	Ms Howlett
	Ms Lovell
	Ms Palmer
	Ms Rattray (Teller)
	Mr Willie

Amendment negatived.

Ms WEBB - Madam Chair, I move the following amendment -

New clause D -
To follow clause 126

D. Section 112L amended (Commission to establish codes of practice)

Section 112L(14) of the Principal Act is amended by inserting the following paragraphs after paragraph (f) in the definition of *relevant matter*:

(fa) the determination of betting limits on gaming machines;

(fb) requirements relating to game features that are associated with increased risk of harm to users of gaming machines;

(fc) shutdown periods for gaming machines;

Ms WEBB - Madam Chair, I move -

That new clause D be read a second time.

For clarity, we are looking at New Clause O in our notes. This one is a really key opportunity for us in the bill, because this allows for our mandatory code to be truly evidence-based in an unconstrained way. It allows it to include a full range of measures that may go towards the intent of the mandatory code, that at the moment, are not allowed to be contemplated within it. We have had a lot of discussion about the mandatory code and its value as an instrument the commission was directed to create, has reviewed and is due to review again next year, and the role the mandatory code plays in determining some really important things about the way poker machines are offered in our community.

This section of the principal act, section 112L, is about the codes of practice. What you find there in subsection (14) under the definition of relevant matter are the things that are currently included in the mandatory code. For clarity, they are: advertising and promotional practices; access to cash in venues; provision of food and alcohol; provision of clocks in restricted gaming areas; minimum lighting standards; the display of warning and help signs in restricted gaming areas; the provision of information to players on rules and losing and winning; staff training in recognising and dealing with persons who are problem gamblers; and any matter approved by the minister for the purposes of this definition.

Excellent as all those matters are and important in defining in a code how we can best give effect to consumer protection and harm minimisation in those areas, what is not there and cannot be included right now unless we either legislate for it here or the minister of the day directs it to happen, are things like the features of games. This includes maximum bet limits, spin speeds, those other things we have spoken about like losses disguised as wins, false near misses or jackpot limits, and particularly those features that we know are associated with a heightened risk of addiction and harm. At the moment, the code, as it is configured, cannot include mention and contemplation of those unless the minister of the day directly instructs that it should.

This new clause says that as a matter of course and for completeness for the mandatory code, whose purpose - and it says here in the preamble of the mandatory code:

> It was developed to minimise harm from gambling in the Tasmanian community and sought to make gambling environments safer.

Yet in its current form it cannot include a whole range of things we know absolutely 100 per cent, from evidence and from expert advice would be key, first priority ways to make this safer and the environment safer for people to be using this product; the product safer, itself, and the environment.

This new clause very straightforwardly, in utter good faith and for no detriment whatsoever, proposes to include in the relevant matters that are able to be included in the mandatory code put there, ultimately, by the commission - and it will decide what it might look like in the code. It allows the commission to contemplate betting limits, to contemplate in the code game features associated with increased risk of harm, and it allows the commission to contemplate and include shutdown periods for gaming machines, whether that be individual machine shutdowns or whether that be something like hours of play. It simply allows the commission to consider those things and put measures relating to them into the mandatory code to best meet the intent of minimising harm from gambling to the Tasmanian community and making gambling environments safer.

There is no detriment whatsoever to asking and allowing the commission to contemplate these measures as part of the mandatory code. We have already contemplated legislating some of them and that has not been supported.

This then is the next best step in that it says, let us at least allow our independent expert body the opportunity to include and contemplate these things and present them as appropriate in the mandatory code.

I invite members to support this as an important opportunity. If we miss this opportunity to do it, we will not have the opportunity again unless a minister of the day decides to do it through a direction - to date, that has not happened; I am not optimistic about that occurring any time soon - or at such a time that we look to adjust this legislation again, which may well be 20 years from now.

If we miss this opportunity, we have closed the door on doing all that we might to even provide our expert independent body with the ability to contemplate a full range of unconstrained measures to protect our community from harm. I implore all members to consider this as a very appropriate, no detriment measure, that we can put into this bill on behalf of our community to deliver a potentially better outcome and be more accountable to our community for delivering on the objects of this act.

Mrs HISCUTT - Harm minimisation provisions are not generally detailed in the act but are prescribed in a range of other instruments including standards, rules, directions, and licensing conditions. These are the responsibility of the independent regulator, the Tasmanian Liquor and Gaming Commission, to implement. This approach ensures that the harm minimisation framework remains agile and continues to reflect best practice.

Under section 112L, the minister can direct any matters be considered by the commission as a relevant matter. This could include those matters proposed by this amendment if it was considered the best mechanism for those matters to be considered.

The matters proposed to be included in this amendment are more properly considered and responded to through mechanisms other than the mandatory code. Other than bet limits which are set by ministerial direction, these matters are already considered at a national level through the national standards and within Tasmania through the Tasmanian appendix to that standard. This is considered to be the most appropriate place for these issues to be addressed. Based on that, the Government will not be supporting this amendment.

Dr SEIDEL - I am quite surprised because earlier the Government said that we have four-and-a-half pages of harm minimisation detail in the legislation. Now the Government says it is inappropriate for harm minimisation to be detailed in legislation. I am a bit confused. I wonder whether the -

Mrs Hiscutt - It is not in legislation.

Dr SEIDEL - Right. In saying that, I rise to support the amendment because it makes sense. It is inconceivable that the mandatory code specifies whether the clock can be displayed -

Mrs Hiscutt - Only analogue.

Dr SEIDEL - to the extent whether it is analogue, digital, or a cuckoo clock, but it does not specify whether the commission is allowed to look into appropriate evidence-based harm minimisation measures if they want to. If they want to.

They are meant to be the experts. Let them do their work. Why would we artificially restrict them and direct their efforts towards specifying clocks on display? It really does not make any sense. It should be reviewed. That is why I support the amendment moved by the member for Nelson.

Mr VALENTINE - The member for Huon made an observation before with regard to nicotine and how that is being restricted in provision from pharmacists, as detailed in an answer to a question provided earlier in the day. Other things that have happened with cigarettes are packaging of cigarettes and the lockable cabinets to limit display. These sorts of things are done to reduce harm, to reduce the opportunity for people to be enticed by a product such as cigarettes.

My question is, do not ask why we should put these extra measures into the code; ask why we should not put these extra measures into the code. It is as simple as that. The determination of betting limits on gaming machines:

> … requirements relating to game features that are associated with increased risk of harm to users of gaming machines.

It is tying it to harm. Shutdown periods for gaming machines. We know the previous one was defeated without shutting them down for a minute on FATGs or whatever they are called. If it was not considered acceptable to go down that path, then surely we can expand the components here under a relevant matter in the code to incorporate these three subclauses.

Let us think about that. We do it with cigarettes. Why should we not do it here? Put it in now and it is something that the commission can look at into the future. As the member for Nelson is saying, it might not otherwise happen for 20 years. Thankfully, because the licences will be continually lined up, it could happen in 20 years time. If that amendment had not got through, it would not necessarily be something that would easily happen if somebody claimed there was some sort of sovereign risk.

That aside, because that is a different matter at a different time, I reiterate: do not ask why we should put these extra measures into the code, ask why we should not.

Ms FORREST - In speaking to this proposed new clause from the member for Nelson, I note her comments about the need to include this sort of measure. I also note the Government's view on the prescriptive nature. Then there are other prescriptive mechanisms within subsection (14) being proposed to be amended.

I draw members' attention to what is called in your papers as new clause A in my name. I am drawing attention to it at the moment. It is a version of similar provision, not the same. It is a bit broader and less prescriptive. If prescription is a problem, maybe the Government might consider that but it is a matter for a little bit later.

Without some sort of power or requirement other than a ministerial direction to consider some of these matters of harm minimisation, the commission is effectively constrained and that

is what the member for Nelson was talking about. When you read this in context, looking at section 112 of the principal act, it is under the Commission to establish codes of practice. It says in subclause (4):

> A code of practice may provide for any relevant matter …

This section that the new clause relates to that the member for Nelson has put says at subsection (14) in this section a number of definitions. It says:

> ***relevant matter*** *means any of the following …*

It talks about advertising promotional practices like player loyalty schemes, offering of inducements, access to cash in approved venues, approved locations and approved outlets, provision of food and alcohol in restricted gaming areas, the provision of clocks has already been mentioned, and minimum lighting standards and display of warning and help signs, et cetera. There is already a level of prescription in there. If it is that offensive to the Government, maybe they might like to consider a broad provision that requires the commission to have the power to look at function and design features of gaming machines that can increase the risk.

That is for a bit later, Madam Deputy Chair, but I wanted to -

Madam DEPUTY CHAIR - I was going to remind the member about that.

Ms FORREST - That is right. The reality is this new clause before the Chair at the moment does make it much more prescriptive, yes, but it is not like this section is not prescriptive in the first place. If they want to argue that and say is not reasonable, then I will have another crack in a moment.

Ms WEBB - I was hoping the Government might have a response for the member for Murchison, but no.

Ms Forrest - I will wait until next time.

Ms WEBB - Maybe, maybe not. Let us be a little bit clear here though. As the member for Murchison points out, there is a great deal of specificity already in the relevant matters that can be covered by the mandatory code. In truth, what is being proposed in this new clause is specific in areas that can be included in the mandatory code, but it is not specific on the detail and the exact nature of those things. That will be up to the commission.

Where it says here in the new clause being proposed that a relevant matter for the mandatory code can also be the determination of betting limits on gaming machines, it is not telling the commission what those limits must be or even within what parameters they must be. It is leaving it entirely up to the commission whose role it would be to put that into the mandatory code in some fashion that is as the independent expert body saw fit to do. Then, the next one says:

> (fb) requirements relating to game features that are associated with increased risk of harm to users of gaming machines;

That one is similar to the proposal that the member for Murchison has as the focus for her potential new clause. That one, again, does not tell the commission what those specific features are and must be. It does not tell the commission what to set as the requirement on any specific features. It only says that this is a matter that can be then relevant and included in the mandatory code.

After requirements relating to game features, it then says as the third element as something that can be included in the mandatory code as a relevant matter, shutdown periods for gaming machines. Again, it does not tell the commission what they should be and how they should be applied. It does not even tell the commission they should set them. The commission could determine that no shutdown periods will be required under the mandatory code. There is no prescription here telling the commission how to do its job. It is simply to allow the commission to do its job as an independent expert body that is currently constrained in doing its job through the limitations placed on the relevant matters for the mandatory code.

Let us be clear on that. We have a limited number of matters that can be in the mandatory code plus the ability for a minister to give directions for extra things to be included. No minister to date has ever given a direction for any of these sorts of matters to be included. This can indicate to us that it is unlikely that a minister of the day is going to give that direction any time soon, which means this is our opportunity to expand the relevant matters of the mandatory code to these areas.

The Government says that the minister can do it, yes, but they have not and they are unlikely to, but we have the power to. The Government says this is something that could be covered in the national standards and the Tasmanian appendix to the national standards. It is lovely to refer to things if you have not been entirely clear about what those things are. It can sound convincing but be careful, though, to understand what those national standards are.

Those national standards are developed to provide guidance to manufacturers for the design of gaming machines, game software and related equipment, to provide testable standards to ensure common, regulatory requirements will be met.

We can have our own appendix to that, which we do with some Tasmanian-specific standards, which are details that have been decided under policy by the governments of the day over time. The matters that are Tasmanian-specific in the national standards and the national standards themselves have been decided as policy by government, not by independent experts, not by our commission. That is also constrained. What is in that Tasmanian appendix to the national standards is also constrained to whatever the minister, the government of the day through the minister, deems to allow to be contemplated there. Yes, bet limits are there. Our current bet limit is there in the Tassie appendix, and it is at the level that the Government has decided it should be through policy, not at the level that an independent expert body has decided it should be. We know that our Liquor and Gaming Commission, our independent expert body, has already expressed the view that, for example, an appropriate maximum bet limit would be $1.

If the Government makes the argument that these things can be achieved in a way that is accountable to an evidence base and expert advice, or via an independent body through things like the national standards and the Tassie appendix, or through things like a ministerial direction, then they are being misleading. It simply cannot happen unless the minister of the

day wants it to. That has never happened to date, and why should we contemplate that it would happen henceforth?

We do have the once-off, positive opportunity, the only one likely for at least another 20 years, to expand the constraints of the mandatory code as the key piece of reducing gambling harm and setting an appropriate consumer protection environment around poker machines. We have the opportunity to expand that code to include a full range of matters that our independent expert body can examine to determine as most appropriate to give best effect to our intent in the code and, through that, our intent in this act.

There is no reason not to put it to our expert body to undertake this role for us. It is not prescriptive to them; it is allowing them to do their job in a way that currently they are not allowed to do. I implore members to consider this as an essential way that we can deliver to our community at least the opportunity to have matters fully considered when it comes to consumer protection and harm minimisation.

Mrs HISCUTT - The mandatory code primarily addresses matters around the gaming venue environment. These matters are different from game standards and game rules which the commission has control over. There are different instruments addressing different functions, and this proposal mixes these instruments inappropriately.

The Government has not set all of the features in the Tasmanian appendix. For example, the Government did not set the restrictions on congratulatory messages for wins less than the amount bet, restrictions on metamorphic games, or restrictions on physical skills being part of the game.

Ms WEBB - Can the Leader confirm that if the Liquor and Gaming Commission deemed it appropriate to set a maximum bet limit of $1, for example, to achieve the aims that it is tasked to achieve under this act and through its functions, the commission could set that limit via a different mechanism to the mandatory code, should it believe that that is the right, evidence-informed way to go?

Of its own volition, could it set a maximum bet limit of $1, for example, or any amount that it deemed appropriate? We know from its consistent advice that it believes $1 is appropriate. I would be astonished to hear the Government confirm that the commission can, of its own volition, make a change to maximum bet limits in this state through some mechanism available to it - because it has not done so, even though we know its consistent, expert advice has been that would be appropriate.

My understanding is that the commission does not have the power or the mechanism to change the maximum bet limit in this state without being instructed to do so through a ministerial direction or a Government policy direction. I would like that confirmed.

Mrs Hiscutt - The bet limit is set by ministerial direction, so the minister would need to revoke that direction.

Ms Webb - Indeed; so, this cannot be achieved through any mechanism other than this.

Madam DEPUTY CHAIR - Order. We do not have anyone on their feet.

The question is that the new clause D be now read a second time.

The Committee divided -

AYES 6	NOES 6
Ms Armitage	Mr Duigan
Ms Forrest	Mrs Hiscutt
Mr Gaffney (Teller)	Ms Howlett (Teller)
Dr Seidel	Ms Lovell
Mr Valentine	Ms Palmer
Ms Webb	Mr Willie

Amendment negatived.

New Clause D -
To follow clause 126

Ms FORREST - Madam Deputy Chair, I move the following amendment -

D. Section 112L amended (Commission to establish codes of practice)

Section 112L(14) of the Principal Act is amended by inserting the following paragraph after paragraph (g) in the definition of *relevant matter:*

(ga) the functions and design features of gaming machines that increase the risk of addiction to gaming machines and are likely to harm or increase the risk of harm to users of gaming machines;

Ms FORREST - Mr Deputy Chair, I move -

That new clause D be read the second time.

Speaking very briefly to this because we have had the context already debated on the last proposed new clause, I urge the Government to consider this as a less odious option to them.

I did hear what the Leader said in relation to the member for Nelson's previous proposal. You talked about this not being the place for these sorts of things. However, when you look at the relevant matters, things like the provision of food and alcohol in restricted gaming areas and the provision of clocks and lighting are harm minimisation measures. That is what they have been put there for: the clocks so that people can, hopefully, have some concept of time spent in there, and that they have to get up to get food or drinks. As I understand it from debates in this place in the past, those measures were included to try to break that almost trance-like state people get into when they are addicted to the EGMs.

This is not prescriptive and I think it is probably helpful in some respects for it not to be prescriptive, because who knows what new products are going to come on the market and what other harmful features there may be? This does not tie anyone down, as the member for Nelson

rightly identified in her proposal, it rightly gives the gaming commission the power and almost the requirement to consider these matters when it determines its mandatory code. If you could put a mandatory code in for matters related to food and alcohol service, lighting, clocks and things like that that are designed to be harm minimisation measures - staff training is in that as well. That is a harm minimisation measure because staff are being trained to recognise a person who may be at risk of or being harmed and how to act and respond.

This proposal is to include, as a relevant matter for the commission to consider in the mandatory code of conduct, the function and design features of gaming machines that increase the risk of causing harm. That is not dissimilar to lighting, clocks and other mechanisms. I hope the Government will consider this because it is not prescriptive. It is broad enough to encompass matters related to harm minimisation; there are already some aspects of harm minimisation in the principal act. This just gives the commission another avenue to consider for inclusion in the mandatory code. It is not telling them to do it; it is not telling them how or when to do it. It is just telling them that these are things to consider, along with things like lighting, clocks, and service of food and beverage in the gaming room.

It is merely giving that opportunity for these matters to be considered in the mandatory code of conduct. Whether they do it or not is another matter. It was interesting listening to some of the comments made by the Leader in her previous contribution on the member for Nelson's proposal, to suggest that these things can already be done but have not been. I would suggest that because they have not been done, the gaming commission needs more clear guidance on this as this is an important matter. Everyone, pretty much, has said in one way or another - maybe not in this place right here, right now, but they have said it out there publicly to the people they represent, 'Harm minimisation matters'.

I do not think anyone here in Tasmania really wants to see people harmed. I am quite confident I can say that about everyone in this place. No-one wants to see people harmed. The gaming commission needs the power to include this in its mandatory code. A mandatory code tells the industry and the venue operators how they must behave in certain matters. One of them is having clocks in places, lighting and how they serve their food and beverage.

This is also giving the commission the capacity to consider function and design features of gaming machines that may put people at risk. It is not really any different from the other harm minimisation measures that are already there but with it not there it excludes it so they cannot under this mandatory code. That is the point here.

I hope the Government finds this less offensive because it is broad, it is not prescriptive and it provides a provision for the gaming commission to consider these matters in their code of conduct.

Mrs HISCUTT - While this clause is broader, the Government is still of the view, for the reasons expressed on the previous new clause, that it is not appropriate and it will not be supported.

Ms WEBB - To follow on and to confirm from what we learnt in debating the last attempted new clause, features such as bet limits cannot be provided for or determined in any way by the commission other than through ministerial direction. The Government confirmed that to us when we debated the last potential new clause.

I would like to know from the Government, do the functions and design features of gaming machines that are referenced in this new clause proposed - new clause D - fall within the remit of the commission of its own volition to include for consideration and determination in any of the available rules, regulations and mechanisms other than the mandatory code? Can the commission determine these things outside of a ministerial direction? I would like to understand that very specifically, as we established very specifically that bet limits could not be and that is entirely a political decision.

Mrs HISCUTT - Relating to EGM functions, they have a cash input limit, lines on machines and bet limits. They are set by ministerial direction. Other machine functions are set by commission rules and standards.

Ms WEBB - Excellent. We have again confirmed that limits can only be set as a political decision by ministerial direction. Some other factors can be set - how much money you can put in at a time; and I have forgotten the other two you mentioned. Let us test a few of those things that would be captured here. This new clause wants to include the following matters relevant to the mandatory code, the details of which would be determined by our independent commission:

> (ga) the functions and design features of gaming machines that increase the risk of addiction to gaming machines and are likely to harm or increase the risk of harm to users of gaming machines;

As the member for Murchison says, there may be all sorts of features that become relevant over time, in new environments and new products. However, right now we can clearly identify some potential features of gaming machines that may be captured under this suggestion. I will pick a couple of them and I would like the Government to confirm if matters relating to the features I am going to mention can be set and determined by the commission through any other mechanism, or only through a political decision through a ministerial direction.

Those features include losses disguised as wins, and false near misses, more than would occur in genuine randomness. Let us pick those two, because they would fit within what is captured by 'functions and design features of gaming machines that increase the risk of addiction to gaming machines', or 'likely to harm or increase the risk of harm'. Other than through being directed by the minister, through a ministerial direction, can the commission, of its own volition, currently make rules about those two features in any of the other mechanisms outside the mandatory code?

Mrs HISCUTT - The member for Nelson is putting forward numerous hypotheticals and possibilities. I make the point that this is the policy that the Government has gone with, and I do not think that the Government has anything more to add. We can go through numerous possibilities, but we have to agree to disagree, member for Nelson. This is the Government's policy and we have nothing more to add.

Mr VALENTINE - When questions are asked, they are asked for a reason. I do not want to speak -

Ms Webb - It is not hypothetical, it is specific.

Madam DEPUTY CHAIR - Order.

Mr VALENTINE - I do not want to speak for the member but it may matter to her as to whether she votes for this. I would like to know the answers to those questions, as to whether it is possible. Why do we want to leave it up to a minister to provide this direction, if the commission does not have the capacity to raise these issues? That is the fundamental question here. I am in the same boat. I need to know whether the commission already has the power to do these things. If the commission does have the power to do these things, does the commission have the power to do it without the minister's interference, or at least having to direct them to do it? That is the fundamental question.

I cannot understand why we would not want to allow the commission to have the broad powers to look at these things. We say we want harm minimisation for the community. Fundamentally, these things are important to be able to say whether they are harming the community.

I will be supporting the member for Murchison's amendment, if I am in a position to do so, and I am not in the Chair. I would support it if I got the opportunity, because it is eminently sensible to be able to look at the design features of gaming machines and whether they are likely to harm or increase the risk of harm to users of gaming machines.

It is fundamental to who we are as a society, to protect people if there is the possibility of harm.

I support the amendment.

Madam DEPUTY CHAIR - By way of explanation or clarification, the Chair is always entitled to vote.

Mr Valentine - Of course, yes.

Ms RATTRAY - Mr Deputy Chair, I rise to indicate that I will be supporting the member for Murchison's new clause. I do so because I have been here for many more hours over the course of this. I had given my word that I would honour a pair commitment, and I have indicated to the member for Rumney that I will not be able to do so in this case because I feel I am compelled to vote as I see fit in regard to this.

As I have said, I believe those harm minimisation measures are really important, and I believe could be supported by the Government if they had an opportunity to do so in the other place. I feel strongly about that, and that is why I have taken the opportunity to not continue on this particular new clause for providing a pair, and showing my support to the member for Murchison, because I believe it is something that could be supported.

It is not directing the independent commission in any way, shape or form. It is just asking them to consider these measures that cause harm that have become such an important and integral part, not only of this bill, but of the view of our communities that we represent. I will be providing my support.

Ms ARMITAGE - I agree with this amendment. It makes sense, and it is consistent with the way I have voted in the past with harm minimisation. I support the amendment.

Mr GAFFNEY - It is important for people watching and listening to understand that many amendments have been put forward tonight that would strengthen this bill, and yet, because of certain circumstances where the Liberal Party and most of the Labor Party will not be supporting it, we will not get anywhere. It is sad that we have reached that stage. It should be highlighted in this place these are sensible amendments to strengthen a bill, and for some reason, the policies of both parties have not allowed that to happen. It is actually quite frustrating.

Ms WEBB - Thank you on my third call, I believe.

Mr DEPUTY CHAIR - It is your third call.

Ms WEBB - I rise to say it is pleasing to see support for this new clause coming from many of the members. It seeks to do what the previous new clause we talked through does which is -

Ms Rattray - But not quite so prescriptive.

Ms WEBB - Sure. My argument was the other one was not either, it entirely left it up to the commission, but that is fine. It will cover the same matters that were in the previous one which is why I am very happy to see it contemplated also.

It will allow our commission to do its job as our expert independent body on behalf of the community. I am going to come back to the questions I asked because it is important to have the Government explain its position on this. There was, in fact, nothing hypothetical about the questions I put to the Government before.

As the member for Hobart mentioned when he was on his feet, it is to do with establishing the value and the need for this new clause and why we might all contemplate including it in the legislation.

It is reasonable for us to have answers to specific questions to help us make that assessment in this place, not just for the person who may be asking the questions, but also for others who are listening to the debate as it unfolds and thinking about the value of or the need for and validity of a new clause being considered.

To reiterate in a completely unhypothetical way, as it never was, just to be clear, the functions and design features that would be captured by this new clause cannot be achieved of the commission's own volition through any other mechanism other than ministerial direction. That is a specific question, it is a matter of fact I am asking to have clarified so we understand the value of this new clause and what it allows the commission to do.

Mr DEPUTY CHAIR - The question is that new clause D be read the second time.

The Committee divided -

AYES 6	**NOES 6**
Ms Forrest	Mr Duigan
Mr Gaffney (Teller)	Mrs Hiscutt

Ms Rattray	Ms Howlett
Dr Seidel	Ms Lovell (Teller)
Mr Valentine	Ms Palmer
Ms Webb	Mr Willie

PAIRS

Ms Armitage	Ms Siejka

Amendment negatived.

New Clause D -
To follow clause 126.

Ms WEBB - Madam Chair, I move the following amendment -

D. Section 112LA inserted

After section 112L of the Principal Act, the following section is inserted in Division 4:

112LC. Gambling services not to be provided to person experiencing gambling harm

(1) The Commission is to prepare and publish, on a website maintained by or on behalf of the Commission, guidelines for identifying gambling harm.

(2) An employee of a casino operator or of a venue operator must not permit a person experiencing gambling harm to wager in the relevant casino or licensed premises.

Penalty: Fine not exceeding 20 penalty units.

(3) A casion operator or a venue operator is guilty of an offence if an employee of that operator permits a person experiencing gambling harm to wager in the relevant casino or licensed premises.

Penalty: Fine not exceeding 20 penalty units.

Ms WEBB - Madam Chair, I move -

That new clause D be read a second time.

This is an interesting opportunity we have here. Again, it is a new clause I have brought for consideration at this time when we are contemplating this act at a moment of significant reform and change. We are unlikely to contemplate it again for quite some time and it is to bring us into line for consistency in many ways.

It relates to making more explicit and robust, our approach to the responsible service of gambling. It does that by introducing a requirement that venues and staff effectively do not provide service of gambling to people who are showing signs of gambling harm. This is a new concept potentially for people they may not have encountered before.

I invite you to hear me through while we talk through it so I can at least give you some insight into the thinking that sits behind it and the body of work that sits behind it too. I have not plucked it out of the ether as a proposal. It has come because it is very much reflective of contemporary review and practice that is going on nationally at the moment with the service of gambling.

I will speak about that in more detail in a moment but, as you would be quite well aware, it aligns with the way we treat another product that we licence and regulate carefully because of its potential to cause harm and that is alcohol. We are quite well aware these days of the requirement, for example, in venues that sell alcohol that alcohol is not sold to people who show signs and symptoms of being intoxicated because of the harm that could be brought on them from that. We do that in that space and under circumstances relating to the responsible service of alcohol and, in many ways, this is drafted to be closely replicating that idea in the responsible service of gambling.

It draws on our commission as our independent expert body to assist in defining this for us and the parameters that will apply here. It says that the commission will define and publish signs of gambling harm that will apply to these circumstances and to the application of this regulation and penalty.

We are approving a product that can cause harm. That is beyond question. We know that. Through robust research that is peer-reviewed and well accepted, we can identify a set of key signs that gambling harm is occurring. That can be done and has been done, and that would be the body of work that the commission would draw on in order to undertake its role here to define those to apply in this circumstance.

In doing this, we certainly are going well towards meeting the objectives of this act in consumer protection, of a public health approach, and in ensuring that, to the best of our ability, we are putting in place those harm minimisation and protection measures through the way that we present and offer this product to the community.

Let me share with you some of those things that are happening in other jurisdictions nationally, along these lines. We have a lot of work going on in New South Wales at the moment. They are looking at a bill called the Gaming Machines Amendment (Gambling Harm Minimisation) Bill 2020. An explanatory paper came out in September 2020 about the proposals in that bill. This new clause that I am proposing here draws on that very closely. This New South Wales work also draws on work being undertaken in the ACT, so there is a real push and a movement to be looking at how we can ensure that the service of gambling is done in a way that is as robust in minimisation as possible.

Let me point you to a few things from the New South Wales approach because it will shed some light on this new clause. In the explanatory paper put out in September 2020 for the proposed bill in New South Wales, they explain that in terms of their current harm minimisation requirements in some ways this aspect is similar to here. They have a current arrangement under their responsible conduct of gambling where venue staff must provide support to patrons

who request help with their gambling through providing access to self-exclusion arrangements and counselling services.

Currently venue staff are not required by law to intervene with patrons displaying problematic gambling behaviours unless they have asked for help. That is a very similar current situation to what we have here where we have staff who are trained to look for these signs, who are able to provide information and support if requested but are not required to do so - similar.

What New South Wales has done with the reform that they are looking at - because they have put forward a proposal - and they have looked at a similar reform as proposed in this new clause. They identified, and I am looking at page 7 of this explanatory paper, they identified that their current informed choice model does not require venues or staff to proactively approach gamblers displaying problematic gambling behaviour. Rather, a patron must approach them. They go on to say:

> Gamblers experiencing harm are often in denial about their gambling. Recent research shows low levels of gamblers approaching venues for assistance while high levels of problematic gambling behaviours are being observed by venue staff.

They go on to say:

> This highlights the need for a harm minimisation regulatory framework that proactively addresses gambling harm across the spectrum of gamblers, similar to frameworks in other jurisdictions.

They identify the inherent conflict here. They say:

> While many venues take harm minimisation seriously, there is an ongoing conflict between a venue seeking to maximise profits from gaming operations and the problem gambler, often their most profitable patrons, getting the help they need. Stronger incentives and disincentives are needed to help change behaviours. The proposed amendments will improve how hotels and clubs minimise gambling harm and provide support to gaming machine players.

That is their rationale behind what they are proposing, and what are they proposing? Similar to here, so the rationale stands, I believe, in good stead when we are contemplating this new clause. They say:

> They are putting forward proposed measures in the bill targeted at addressing poor venue culture and encouraging venues to do more as part of their social licence to operate gaming machines.
>
> Venues will be required to -
>
> > implement measures modelled on the ACT framework to identify and support gamblers exhibiting problematic behavior …

They go on to have some specificity, which is not in our new clause here, but they have specified that there has to be a particular person on duty with advanced training in responsible conduct of gambling, and that they have to keep an up-to-date gambling incident register. This new clause here does not go down that path of specificity but, potentially, is something for our commission to inform us about in future for the more detailed aspects of this if it were to play out.

Their general idea is to introduce a requirement to respond, a requirement that there would be an intervention by the venue when gambling harm and problematic gambling behaviour is displayed. They say that, 'The proposed level of intervention will be relative to the level of problematic gambling behaviour displayed.'.

I was quite interested to read this in the New South Wales proposals but it is also quite relevant here in the sorts of things people might be thinking as they contemplate this new clause. On page 10 of this explanatory paper, they mention:

> When the responsible service of alcohol regime was introduced requiring active intervention by staff, concerns were raised by industry that patrons would take offence and staff would be at risk. Responsible service of alcohol intervention is now a normal part of a venue's business operations.
>
> There is anecdotal evidence from venues in the ACT that when gambling contact officers engage with patrons, almost all patrons are appreciative of the venue showing an interest in their welfare. Further, patrons are not being scared away from venues as a result of these measures.

It identifies a very positive opportunity here for us to put a proactive requirement in place. While people might find that unusual to contemplate in the first instance, it fits very well with the way we have treated similar products, like alcohol, and the way we would want to approach this with a public health approach and with pretty clear consumer protection and harm minimisation principles underpinning what we would expect of a venue.

I invite members to support this idea as an opportunity, while we are undertaking this significant reform, to introduce a new expectation for how we provide this product, which we know, at times, can be harmful to people who are using it. There is an evidence base that sits behind it. This is something that is being contemplated in other jurisdictions and implemented in some instances in other jurisdictions in a similar fashion. We have an opportunity here to look at it.

It does not take anything away from the fundamental reforms of the bill. It meets the objects of the act and it is something that can be well supported in venues, through a whole range of efforts, to have our understanding of a responsible service of gambling be well illustrated and represented in venues themselves. I am happy to speak more about it with members if there are questions.

Mrs HISCUTT - The Government believes it has the balance right between the responsibility of employees, venue operators and the responsibility of individuals. Under the Tasmanian Gambling Exclusion Scheme, which is supported by the Gaming Control Act and managed by the commission, venue operators have a responsibility to enforce an exclusion. Appropriate penalties apply to a venue operator for breaches of the TGES exclusion

arrangement. Excluded persons are very clearly at risk of harm from gambling and therefore there is no ambiguity in identifying that action must be taken and appropriate penalties apply for not acting. Note that a venue can apply an exclusion if they have concerns. However, it is recognised that while the outward effects of alcohol and other drugs are easily identified by other people the effects of gambling harm may not be noticed as easily and may be confused with other factors.

In accordance with the Responsible Gambling Mandatory Code of Practice for Tasmania, venue operators must ensure all special employees are trained in the Responsible Conduct of Gambling. This training assists staff to recognise and deal with people with gambling problems and people who are at risk of developing problems. The course covers how to do these things:

(1) To respond to problem gambling behaviour and deal courteously and discreetly with customers;

(2) Identify potential problem gamblers and apply appropriate solutions within the scope of the special employee's responsibility; and

(3) Identify when to seek assistance from appropriate colleagues.

The course also covers the appropriate reporting and recording of gambling-related incidences by staff. The commission can, of course, bolster these requirements as it sees fit. Special employees have a duty of care to make sure that, as far as possible, people are kept safe from harm due to gambling. For these reasons the new clause is not supported.

Ms ARMITAGE - I cannot support this amendment. It is going too far to expect an employee of a casino must not permit a person experiencing gambling harm. Looking at the New South Wales government fact sheet, Going Above and Beyond, and I think that is what you are referring to in New South Wales -

Ms Webb - To the proposed new bill there.

Ms ARMITAGE - I am looking at their fact sheet but, as they say:

> Create a strong culture of gambling harm minimisation. Make it clear to staff that patron welfare is of the utmost importance. Discuss harm minimisation at all staff meetings and handovers. Maintain a Gambling Incident Register …

That is a good idea:

> Recognise staff who demonstrate a commitment to harm minimisation. Appoint dedicated staff … to provide specialist support to staff and patrons.

It goes on, it was all about supporting patrons and looking after them:

> Encourage breaks in play … do not provide complementary food and snacks … do not provide food or drink … place ATMs as far from the gaming room as practical … reduce the amount of cash …

I believe in the current amendment before us the word, 'must' - 'the employee of a casino operator or a venue operator must not permit a person experiencing gambling harm ...' I do not really see a similarity to alcohol. With alcohol you are behind a bar. You are actually serving someone a drink. You can refuse; you can offer them water. You can give them something and often they do get quite aggravated. I have had the experience. My husband owned a hotel for 42 years and I have served behind the bar. I have not had to refuse anyone a drink, but I have seen people refuse people drinks. I know people under the influence can get quite aggravated and unhappy they have been refused service when they do not believe they should be.

This is a very difficult requirement to expect of a casino operator, or a venue employee particularly, to say they 'must' and then they could get a fine. I certainly cannot support it. It is probably going above and beyond. I accept a register, I accept some of the other situations that are evidenced here in the New South Wales government about trying to minimise harm, I certainly agree with that, but I cannot support the amendment.

Mr GAFFNEY - I actually like number one:

> The Commission is to prepare and publish, on a website maintained by or on behalf of the Commission, guidelines for identifying gambling harm.

That is appropriate. Number two and three, I see them to be problematic. When anybody takes a new role, even though you may have taken on some understandings, you might have been trained, you have to be an experienced person to be able to pick up how people are acting, how they are interacting, what their situation is.

The more you have been in a business or in an area you would notice those sorts of things and you have an intuition or intuitively know that something is not right. If it was that an employee of a casino or venue operator or employer of a casino operator, if they were suspicious and had to alert somebody, I could see that could work. But I do not think they cannot permit somebody experiencing gambling harm, if they are not fully aware or cognisant of the fact the person may be experiencing gambling harm.

It is a really hard call to make. To put it into legislation is not the right place to be. I think it is better suited perhaps to a regulation, to a regulatory body where they could do some teasing out of that. Number one I do not have a problem with, but two and three are not workable. It also could open up some venues - a person might go there and lose three or four thousand dollars and go back and say, 'Why didn't that person know that I have lost this money? They could see that I had an issue when I was gaming. They have not done the right thing. I went back and back to that place all the time.'

It is fraught with danger, so I am not going to be able to support this one for the reasons I have just outlined.

Dr SEIDEL - I find myself agreeing with the member for Mersey and the member for Launceston. The reason I am saying that is yes, we have made it really hard for venue operators because we did not legislate appropriate harm reduction measures. It would have been so much easier if we had reduced spin speeds, potential opening times, ensuring the venues are clearly marked with signage on each and every automatic gaming device. We have not done that.

To expect venue operators and staff to identify somebody at risk of gambling addiction, of course it is hard. It would have been so much easier if we could have assured staff and operators we have put best practice harm reduction measures in place, but we have failed to do that. We failed to do it.

It is the same equivalent as if we looked at the Liquor Licensing Act 1990 and we allowed people to self-serve. No, we do not - people need to order a drink and there is a person who uses the tap and hands over the drink. Otherwise, what is the point? Save on staff costs, self-serve for all. I cannot support the amendment because we have already set up operators and staff to fail. That is a disappointment.

Mr VALENTINE - I am a little the same. We have missed the opportunity to not allow these machines to harm in the first place, more particularly because of the way we are governing them. I find it difficult to think that penalties are involved for an employee:

> (2) An employee of a casino operator or a venue operator must not permit a person experiencing gambling harm to wager in the relevant casino or licensed premises.

I would not find that so bad if it did not have a penalty attached to it. There may well be what might appear to be a gambling harm. It might be somebody actually laundering money - that is a different story. But it may not be - that person may well understand what they are doing and may have the money to do it, and it might not necessarily be detrimental to them as an individual. You do not know how much money they have. To be able to prove that a person is harming themselves is not always so easy.

I would like to give the member for Nelson the opportunity to explain where there has been the experience that this could actually work. I am not going to close my mind to it yet, but I will wait and listen to the rest of the debate.

Ms WEBB - Thank you to members for engaging with the new clause and raising some questions around it. I thoroughly agree with the member for Huon; I did not mention it in my first contribution but I have notes here saying we could have made this so much easier if we had put the harm minimisation consumer protection measures in place. That would have helped this to be a much easier proposition for venues. That would not have seemed a daunting prospect for venues to comply with this sort of requirement around responsible service of gambling if we had given them the support of the very straightforward harm minimisation and consumer protections that are advised and recommended. We did not do that.

I drafted these new clauses for this bill with the intention of providing a comprehensive, aligned and consistent approach across the different aspects of potential reform and improvement. As the member for Mersey said, the opportunity to improve bills here is one that we can all turn our mind to. That was the intent behind the full suite brought forward.

I am not sure that any of us have worked in gaming rooms and gaming venues. Some of us may have; pardon me if I have made a presumption. As someone who has never worked in that environment, and that applies to me, it is unfamiliar to think about how would we know, how would such a thing be understood?

The Government says that while alcohol intoxication can be readily identified on observation, signs of gambling harm are not the same. However, the next point made by the Government is that we currently provide staff with training that specifically assists them to identify people who may require assistance because they are being harmed by gambling. We already provide training for staff to understand this and to provide assistance; we do not currently require them to - that is the difference here; but we already acknowledge this is something that staff can be trained in. There is a very clear evidence base available to us.

Turning to the point from the member for Hobart, it is not only about an amount of money spent or time spent. The signs around gambling harm are more nuanced than that, but also well understood, well researched and well documented.

We would have research and documents that we would point to here. I note this document from New South Wales where they are looking at their reform bill and the explanatory paper that goes with it, from September 2020. They reference a document called *Signs of Risky and Problem Gambling Behaviour - Know the Signs and How to Act*. These materials and documents are available, based on firm research. We already utilise them in the staff training that we require to be provided; and it is provided. We already expect staff in venues here to be able to offer assistance when they observe gambling harm, and to be available to respond to that if a request is made of them, or if there is an opportunity to do that. We just do not require it. This shifts the onus away from being able to, to being required to intervene in that way.

It allows for a lot of nuance to come in through the commission, and their expertise and work, behind this explicit requirement that would be legislated through this new clause. It is quite bold, in the legislation. It would allow for a range of approaches and required processes to come into place potentially with regulation behind it, to bring us to the refusal of service. I believe it gives a lot of scope to take us in that direction under the leadership and the expert advice of the commission.

It shifts a sense of responsibility onto venues. We did that when we brought in the new requirement that venues were not to serve alcohol to people who were visibly intoxicated. It was new at the time it was brought in. It shifted responsibility from personal responsibility of the consumer purchasing the product to an acknowledgement by us, as regulators in parliament, in government, and as a broader community, that we would expect a venue to take some responsibility about the service of the product that they are providing. There is a duty of care element to it.

We made that change at the time for the service of alcohol and this is aligned with that approach. It shifts some responsibility from the consumer's personal responsibility to a duty of care for the venue to take responsibility for its provision of service and does this in a proactive way, beyond just being available to provide assistance.

The Government spoke about exclusion schemes and that is all well and good. We know that exclusion schemes apply to a tiny subset of people who are being harmed by gambling. They are useful and we should be looking to improve them and always support their effective implementation.

However, in its intent and effect, it is not the same as the new clause that is proposed here. It is not something that can be interchanged, by saying we have exclusion schemes and therefore this is not needed.

A large degree of gambling harm occurs to people who are not in a position to identify they are experiencing the harm, and would not necessarily be categorised in an extreme category of problem gambler. They sit in those at-risk categories, and in those stages of developing an addiction. We know that an addiction compromises a person's individual sense of responsibility and ability to make choices. This puts some of that responsibility onto the venue in the provision of the service, in an evidence-based way, to identify that that is not an appropriate circumstance in which to provide their product.

I recognise that members may struggle to support this, and may feel that it is quite a step beyond what they may feel comfortable with. However, I present it for consideration alongside all the other measures that were presented through amendments and new clauses, as a consistent and aligned set of measures that go toward the objects of this act. I believe they represent a broader direction being taken by those responsible for regulation across various jurisdictions nationally, towards implementing harm minimisation and consumer protection measures that are contemporary -

Madam CHAIR - You are starting to get a little bit repetitive now.

Ms WEBB - and based on our current understanding of how this product may be best provided safely in our community.

Mr VALENTINE - In looking at this, it is $174 a unit; it puts it up around the $3500 mark as a penalty. How would you prosecute that? I am a bit concerned about how it would play out in the workplace. If, indeed, the person got it wrong in some way, what would the repercussions be for that? They are my concerns with the penalties.

I fully understand and appreciate the impetus of what you are trying to do, and aligning it with the responsible service of alcohol idea but it seems to me it might not be able to be effectively implemented. It might be better if this was to say that the commission investigate such provisions to see whether it is being employed elsewhere. I know you have some research there -

Madam CHAIR - We need to focus on what is in front of us, rather than what could be possible.

Mr VALENTINE - Well, I am. It is all about whether it is workable. That is what I am doing. I have difficulties with the penalty side of it, $3400 for an employee who might get it wrong. Who pays that? Is it the employee who pays it? Is it the organisation or the company employing them that pays it? There are a few things unresolved here.

Ms WEBB - I would not want a member's questions go unanswered, so I will respond to the member for Hobart. I certainly would not want to be unaccountable for the position I am arguing for and I am always happy to engage in questions, regardless of whether I feel they are hypothetical.

I took some direction in looking at comparative penalties in other similar circumstances, and then actually went down. For example, I believe in our liquor licensing laws, if we look at a similar provision, the bit that applies to the individual doing the service, it says, 'Person must not sell or serve liquor on a licensed premises to a person who is intoxicated.'. The penalty there for the person is 50 penalty units. The bit says:

> A licensee or permit holder is guilty of an offence if a person authorised by the licensee or permit holder to sell or serve liquor on the licensed premises or permit premises sells or serves liquor to a person who is intoxicated.

That is the venue owner, 100 penalty units. Those are significantly higher. I am not in a position to make an argument for whether those are appropriate or whether the 20 in the clause I am proposing is appropriate. You are right. It would be good to have expert advice on that, were this to be supported. I agree that it would be especially informative for us, recognising that this new clause is not going to receive the support of this Chamber.

It would be particularly interesting to have a commitment that our commission could be tasked to look into this sort of measure or this direction, particularly as it is being taken in those other jurisdictions. It would be interesting to have the Government make a commitment to look into that or task the commission with looking into that, to bring that forward at a different stage, recognising that there is unlikely to be the support for this here. I would support that. I would hope that that would be the case, that a responsible government would be looking to improve its regulatory environment in that way and be contemporary in an approach. I would welcome that.

I thank the member for Hobart for those questions and comments. I appreciate them.

Amendment negatived.

New Clause D -
To follow Clause 131

Ms Webb - Madam Chair, I move the following amendment -

After section 112R of the Principal Act, the following section is inserted in Division 5:

> **112RA. Opening hours for restricted gaming areas in licensed premises**
>
> The holder of a venue licence for licensed premises must not, on any day, permit gaming to occur in a restricted gaming area in the licensed premises unless that gaming occurs on that day during the 12-hour period commencing at -
>
> (a) 12 noon; or
>
> (b) if the Commission has given written authorisation for the gaming in the restricted area to commence at a different time of day, that time.

Penalty: Fine not exceeding 1 000 penalty units.

Ms WEBB - Madam Chair, I move -

That new clause D be read a second time.

I point members to new clause Q which is in our notes as this one. It is a very straightforward one and I will speak to it in a fairly straightforward way. We heard from a number of experts who briefed us including Dr Charles Livingstone and the former chair of the Liquor and Gaming Commission, Peter Hoult, about the undesirability of extensive opening hours for gaming rooms in venues where poker machines are offered for use and that the protracted amount of time that is available for use can contribute to harm.

It would be a straightforward way to be aiming to reduce harm so I have had this new clause drafted to be reflective of that approach and, again, to look at opportunities for us to, at this moment of reform and at this moment where we are contemplating this bill, to take the opportunity to introduce harm minimisation measures on behalf of our community.

I have provided some flexibility in that. Essentially, this requires that opening hours are a 12-hour period on any day. It is stated there as a 12-hour period beginning at 12 noon so that would be noon to midnight. There is certainly rarely anything positive happening in a gaming room prior to midday or after midnight. Operators will tell you that. People who work in these venues will tell you that. People who have been harmed by gambling, who have been addicted to poker machines, will tell you that.

This allows for some flexibility to say that the commission can designate on a request from a venue a different 12-hour consecutive period. If there was a particularly good reason that a venue wanted to argue for 2 p.m. to 2 a.m. or 10 a.m. to 10 p.m. then that is allowed for in this new clause so that it is not completely prescriptive.

I am mindful that members will probably have a fairly straightforward response to this. There may be questions that they would like to put and I am certainly happy to answer them. I believe it meets the objects of the act quite effectively. I do not believe it causes particular detriment to venue operators and it is well targeted to reducing harmful gambling that occurs when those extended opening hours are available for gaming rooms.

Mrs HISCUTT - The matter is dealt with under the commissioner's rules, which are reviewed by the commission periodically for relevance and effectiveness and that is the appropriate place for such requirements to live. Therefore, the amendment is not supported.

Madam CHAIR - The question is that the new Clause D be read a second time.

The Committee divided -

AYES 4	**NOES 8**
Mr Gaffney	Ms Armitage
Dr Seidel	Mr Duigan
Mr Valentine (Teller)	Mrs Hiscutt
Ms Webb	Ms Howlett

Ms Lovell (Teller)
Ms Palmer
Ms Rattray
Mr Willie

Amendment negatived.

Title agreed to.

Bill reported with amendments.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

> That the bill, as amended in Committee, be taken into consideration tomorrow.

Motion agreed to.

LIVING MARINE RESOURCES MANAGEMENT AMENDMENT (AQUACULTURE RESEARCH) BILL 2021 (No. 58)

First Reading

Bill received from the House of Assembly and read the first time.

ADJOURNMENT

[10.26 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

> That the Council at its rising adjourn until 10 a.m. on Wednesday 24 November 2021.

Motion agreed to.

Mrs HISCUTT - I would really like to show our appreciation to OPC, Mr President, with regard to the last bill. Here are some figures for members' interest: there were 69 hours from OPC spent for the member for Nelson, so she definitely got good attention there; there were three hours for the member for Murchison -

Ms Forrest - It would not have taken that long, surely?

Mrs HISCUTT - This has come from OPC. There were two hours for the member for Rumney; half an hour for the member for Mersey; and half an hour for me.

The Council has put in 42 hours on this bill; the other place only did 23 hours. I thought members might be interested in those figures.

I remind members of our 9 a.m. briefing tomorrow on the container refund scheme in Committee Room 2.

Mr President, I move that the Council does now adjourn.

The Council adjourned at 10.27 p.m.