PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Tuesday 26 October 2021

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Contents

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The Speaker, **Mr Shelton**, took the Chair at 10 a.m., acknowledged the Traditional People, and read Prayers.

QUESTIONS

Ashley Youth Detention Centre - Safety of Children

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.02 a.m.]

During Estimates, your minister responsible for children could not guarantee the safety of the children and young people currently detained at Ashley Youth Detention Centre. You have made the welcomed decision to close Ashley but not for at least another three years.

The Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings, begins its public work today and Tasmanians know it will hear evidence of allegations involving Ashley.

With so many deeply concerning reports of a potentially unsafe environment for children and young people at Ashley, can you guarantee the safety of the young people detained at this centre over the next three years?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for that question. Quite frankly, it is a bit of a cheap political shot. Of course we will do everything we possibly can to guarantee the safety of the children at Ashley. To think that we would do anything less is the cheap political shot.

Since I made the difficult announcement that we would be closing Ashley within three years, we have been working through the transitional arrangements and, at every step of the way, taking every step we can to ensure the safety of those detained at Ashley is front and foremost in our thinking.

Since we made that announcement, the Department of Communities Tasmania has worked on developing a transition plan, to detail our approach to the transition away from Ashley in the development of new infrastructure and the processes towards an improved youth justice system. Departmental executives have visited the site. We are working to ensure that staff are supported and that the children are safe.

The Government has also commenced engagement with the Commissioner for Children and Young People as well as the custodial inspector, Richard Connock. As part of this engagement the Government has asked the Commissioner for Children and Young People to provide her views on what could be done to ensure that there is an additional independent advocate available for the young people detained at Ashley, which the Government will resource. The commissioner has undertaken this work as a priority. In the interim the commissioner has advised that she will visit the detention centre regularly. It remains the case

that young people at Ashley Youth Detention Centre can contact her by phone and request her advocacy if and when they should need it.

In summary, the transition planning is well underway and engagement with key stakeholders is underway. We expect that we will be able to release a detailed plan within coming weeks.

Ashley Youth Detention Centre - Employment Vacancies

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.05 a.m.]

A check of your Government's employment website shows that there are already a number of vacancies at Ashley Youth Detention Centre. The vast majority of staff in institutional settings have a common aim, to provide the best care and support for children. The fact is that staff shortages increase risks to detainees and limit the availability of support.

Earlier this month, a worker at Ashley spoke out saying:

> The Government has abandoned us too. No one has come forward to give us a definite time line in terms of our jobs or redundancies.

Going on to say:

> Workers will simply go, due to the uncertainty.

If staff leave now, how will you fill those positions, with no assurances of certainty beyond the closure, to guarantee there are enough staff to keep young people safe?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for that question. I thank the staff at Ashley for working under the very difficult circumstances under which they work on a day to day basis, as well as through this transitional period. It is a challenging job and a challenging matter that we need to deal with regarding the transition. I thank them for their support and for the work they do.

This announcement would have come as a shock to the staff at Ashley. However, I reiterate that the transition will occur over a number of years. It will be well planned and we will take into account the needs of the staff and the needs of those who are detained there. There is no immediate impact on anyone who works at the centre. We will work with them and ensure they have the resources available to provide the information they need. The employee assistance provider was available to staff on site the day after we made the announcement, as was the health and wellbeing officer. Those resources continue to be available to support staff. The deputy secretary of Children, Youth and Families was on site at Ashley the day after the announcement to meet with management and staff. Senior agency members will continue to attend the site regularly to ensure employees have access to management to express any concerns or issues that they may have.

The department has also been liaising with unions to ensure that staff and the unions are kept informed during the transition. A designated union resource consultant is also based on site to provide face to face contact with employees to discuss any matters that they want to discuss. The consultant worked closely with the Safety, Health and Wellbeing team to provide ongoing wellbeing support to the employees and the agency will work closely with the Commissioner for Children and Young People as I have said, to ensure that the residents are supported and any concerns are being addressed.

We will communicate regularly. That is important to ensure that the staff understand the steps we are undertaking. We will continue to need good staff at Ashley as we work through this and indeed, within the new facilities that we are putting place. We will work with staff to ensure that we communicate clearly what the transition pathway is from the current facility to the two new facilities over the three years, and we will ensure that communication is clear and timely.

COVID-19 - Decision to Reopen Tasmania on 15 December 2021

Ms O'CONNOR question to PREMIER, Mr GUTWEIN

[10.08 a.m.]

On Friday, you announced the plan to reopen Tasmania to travellers on 15 December. You will understand the knowledge that COVID-19 is coming to Tasmania has made many Tasmanians very uneasy, particularly the immunocompromised and those with chronic conditions.

Your decision is based on modelling undertaken by the Kirby Institute which paints frightening scenarios whichever way you look at it. Even under the best case scenario with movement restrictions, masks indoors for everyone over 12, and 80 per cent contact tracing, it is projected 87 people will die within the first six months. Under that model, with the current level of movement restrictions, 242 people will end up in our already overstretched hospitals and 68 in the ICU.

Healthcare workers are stressed about what reopening will mean for the health system. They are already working themselves into the ground to manage the normal day to day demand. Are you certain our hospital system and ICUs will be able to cope once we reopen, because the Greens are not? Are you absolutely certain reopening on 15 December is the right decision for the Tasmanian people?

ANSWER

Mr Speaker, I thank the Leader of the Greens for her question. It is an important question and an important issue that we are dealing with at the moment.

There are a number of matters raised in that question. First, at the moment booster shots are being made available to immunocompromised people in that cohort.

Let me run you through our thinking about the date of 15 December. The modeller provided a range of scenarios based on Tasmania starting with a seeded event of 10 cases on 1 December at a time when 90 per cent of the over-16 cohort had received a full vaccination,

then with the 12- to 15-year-olds coming on later, with full immunisation being achieved sometime in January.

We are in a better position than that and we expect that we will have 90 per cent of the over 12s, including the 12 to 15 cohort and that 16-plus cohort, at 90 per cent by the first week of December. We will go into this with more than 90 per cent of that cohort fully vaccinated.

We put measures in place at our borders. Queensland might be doing something similar at 80 per cent a bit later than when we open our borders. This will not be open slather. I make no apology for slowing down travel into Tasmania. That will annoy the tourism sector. It will annoy some who want to come back to visit family and friends, but there will still be gates to get through. The first gate will be that you will need to have a negative test within 72 hours of travelling to Tasmania and you will need to be double vaccinated. That will slow travel. At the moment Public Health is recommending the PCR test. Other tests can be purchased more cheaply but their efficacy is not as good.

The modeller provided a range of different scenarios. One is the current level of restrictions that we have in place, which is 10 per cent restriction on movement. Another was at 30 per cent restriction on movement, which is broadly where we were in the middle of last year until the last half of last year with one-in-four square metre densities and lower caps on public gatherings. At the moment we are at one-in-two square metres with the caps in place and an events management framework wrapped around it. That is one lever we can pull if we need to.

I know this will concern people. I have a family; I live in the state as well. We have had the rare opportunity over the last 18 months of having one of the best runs of COVID-19 out of any jurisdiction in the world. We have to re-join the world. The best protection we can put in place is that we have the highest level of full vaccination that we possibly can.

Ms O'Connor - Is 15 December absolutely locked in in your mind?

Mr GUTWEIN - 15 December is locked in. We need to work towards that.

People who are thinking of purchasing a ticket to a show, or trying to book into a restaurant, or want to go to a festival do not wait until the last minute. Get your vaccination now. They are available.

There are two things I need to be very comfortable with. I say this both as a premier and as a human being. First, I need to know that everybody who is eligible for the vaccine has had the opportunity to take the vaccine - whether they take it or not is a matter for them. I am confident with the rollout of the vaccination program that vaccines are available and that people can access them. We will do whatever we can over the next seven weeks to ensure that we roll out the mobile bus, that we take vaccines to the far reaches of the state to make certain that people have that opportunity. The second thing is I want to see the state vaccinated above 90 per cent.

However, 15 December is the date that we are going to reopen, albeit with travel restrictions in place. This will, in my mind, slow the number of people who will come to the state through that first period, which will provide us -

Ms O'Connor - COVID-19 will come.

Mr GUTWEIN - I have always been clear about that. You and I have discussed this privately and publicly. At some stage COVID-19 will come and we will need to manage it. The best protection we have is to ensure that we have as high a percentage as we possibly can of the people in our community who are vaccinated. Second, we have taken steps to ensure that our health system has additional capacity.

We have opened more beds and we have put on more staff. We continue to hire more staff. We will offer a range of options for people to ensure that we can provide the services that they need. The most important thing people can do is to ensure that they do not forget, as many have done, that COVID-19 is still loose in the world and one day it will be here.

This is no time for complacency. Make certain that you continue to have good standards of hygiene. Wash your hands, cover your coughs and sneezes, do the little things. As my mother would have once said, when you were trying not to get the flu, do the little things. Make certain that you abide by social distancing. Make certain that if you do not feel comfortable going into a big crowd that you do not go. If you are feeling sick, if you have a sneeze or a sniffle, do not go to school, do not go to work. Most people deal with the flu that way.

We have to start ensuring that we deal with COVID-19 that way. I am confident when we reopen our borders on 15 December with the steps that we have taken, with the measures that we have in place, that we can manage this.

My message to Tasmanians is the borders will open on 15 December. Make certain that you get vaccinated. Do not leave it until the last minute. Take a level of personal responsibility and together we will get through this. We will rejoin the rest of the world but we will do it at our pace. We will do it in a way that ensures that we can manage any of the outcomes from it.

COVID-19 - Reconnecting Tasmania

Mr ELLIS question to PREMIER, Mr GUTWEIN

[10.17 a.m.]

Can you outline to the House how the Government is delivering our plan to secure Tasmania's future, particularly in relation to the Reconnecting Tasmania plan to safely open our borders? Are you aware of any alternative approaches?

ANSWER

Mr Speaker, I thank Mr Ellis for that question on a very important matter for the state. It is an important matter for all of us in this place. It would be interesting to get an understanding at some stage of where the Labor Party might stand on this and what role they might play in this.

Last Friday I announced the Reconnecting Tasmania plan to safely reopen our borders. We are opening our borders on 15 December. We are urging all Tasmanians to get vaccinated, and we are prepared. Our plan will allow the state to open while ensuring that we have the health and safety nets in place to keep on top of COVID-19 during the reopening phases. Our

borders reopen on 15 December and at that date I am confident that everyone above the age of 12 will have had the opportunity to be vaccinated. I am also confident that we will have achieved our target of a 90 per cent full vaccination rate. At the moment we have about 87 per cent of Tasmanians over the age of 16 having had one dose and around 72 per cent of Tasmanians who are fully vaccinated. We are on track to reach our target. In the 12-to-15 cohort, more than 50 per cent have had their first vaccination and we are on target to see greater than 90 per cent achieved in that first week of December.

The 15 December date will provide certainty to families who want to reconnect, to those people who want to travel. You will need to get a test within 72 hours. That will need to be a negative test and you will need to be fully vaccinated. The only exception to that will be for Tasmanians who travel out of the state on short trips. As long as they are fully vaccinated they will be allowed to return without needing to have the test. Use your common sense. If you do not feel well, if you think you have a cold or a sniffle, get tested. We will have a number of safeguards in place.

Regarding the efficacy of the vaccination, in New South Wales over recent times there were more than 8800 people hospitalised with COVID-19. Nearly 95 per cent of that cohort were not vaccinated. Only 5.2 per cent. Get vaccinated, is my message.

The other safety nets that we will have in place will include the ongoing vaccination program, including boosters, hospital preparedness, including new beds in COVID-19-surge capacity. I know that the Minister for Health has been working very hard in this space.

I reiterate to people to do the little things: cover your coughs and sneezes, make sure that you socially distance and, importantly stay home, do not go to work, do not go to school if you feel unwell.

Use the Check-in Tasmania app; it is a brilliant system and is working very well. Follow the gathering restrictions in line with current density limits. Wear masks when you are asked to wear masks. Obviously, the modelling we have released includes wearing masks in indoor settings outside of your home. Public Health is working on that and looking at what the model will be for Tasmania, bearing in mind that at the moment you only need to wear a mask if you are at a large event of more than 1000 people. Public Health will provide further advice on that as we move forward.

If you are a business, ensure that you have a COVID-19 safety plan and that you follow that COVID-19 safety plan. We will continue with our contact tracking and tracing. Over time case numbers will rise. That is why we have very sensibly modelled 80 per cent effectiveness in contact tracing and 50 per cent effectiveness in contact tracing, because what we have seen occur in New South Wales and Victoria is, as the case numbers mount it becomes more difficult. Tasmanians can help and they can work through this by ensuring that should they have a sniffle, should they have a cold, that they do not go to venues, or they do not go to work and they do not go to school.

We are prepared for the work that has been ongoing in terms of increasing the numbers of people who work in our health system, importantly, ensuring that we have the additional beds and support. As I have said, the Deputy Premier and Minister for Health has been working very hard in that space. I again make the point that this will be difficult but we have to re-join

the rest of the world but will do it at our pace. Importantly, I would like to know at some stage just where the Opposition stands on the plan.

Southern Outlet Expansion - Compulsory Acqusition of Properties

Ms JOHNSTON question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[10.22 a.m.]

Will you give a guarantee that all residents of Dynnyrne, whose homes are being compulsorily acquired for construction of a fifth lane of the Southern Outlet, will have the benefits of section 30(2) of the Land Acquisition Act?

ANSWER

Mr Speaker, I thank the member for her question. The answer to the question is yes. That part of the act is there as a right for any Tasmanian who is involved in that way. However, I will hasten to add that I note that the member has again jumped to the conclusion that the Land Acquisition Act will be invoked for the delivery of the transit lane on the Southern Outlet with a compulsory acquisition approach.

It is the case that Tasmanians are issued a notice to treat, otherwise known as 'compulsory acquisition,' and of course they are entitled to that section of the act. That is precisely why the parliament has put in in there. This of course does not apply to any negotiated settlements, which are in most cases preferred. It is certainly preferred by this Government in relation to the rapid transit lane. I have been very clear about this in the past with you, Ms Johnston, but that has not suited your agenda and you have continued to falsely claim in the community that the Government is compulsorily acquiring and demolishing 17 homes.

I want to continue to scotch those claims. I have made it clear that the advice that I have from Infrastructure Tasmania is this, and I quote: 'Far fewer than 17 homes would need to be acquired,' but that does not suit your agenda, and it certainly has not suited the agenda of the Labor Party and it seems also the Greens -

I will say though that the Government does have plans to deal with unacceptable congestion on outdated infrastructure on the southern corridor. That plan bears the signature of Mr Winter, as the former mayor of Kingborough Council and also of Ms Johnston, ironically as the former mayor of Glenorchy. It bears your signature, Mr Winter, and it bears your signature, Ms Johnston, but when you -

Members interjecting.

Mr FERGUSON - got elected -

Members interjecting.

Mr SPEAKER - Order.

Mr FERGUSON - to this House, it no longer suited you to want to provide solutions to the people of southern Tasmania dealing with unacceptable congestion on outdated infrastructure.

Mr Speaker, public consultation has now concluded. The Government, as part of our policy and, at my direction, Infrastructure Tasmania has been discussing the plans one-on-one with property owners who are potentially affected by that. I and the Government have been very clear that people in that community who might be affected should be dealt with honestly, with integrity and transparency and generously, if they are to be asked to give up something significant to them, such as their home, for the greater good of the people of southern Tasmania.

I will conclude on this point: the Government has a plan. There is no alternative plan to deal with unacceptable congestion. Some people, no doubt like the Greens, want us to ban trucks on the southern corridor. That is no solution.

One other person has suggested that we take a lane from the south-bound road. That is not a solution because when there is a breakdown, nobody will be get through. The Government has a plan. It is supported in the Hobart City Deal. People's rights are protected. The act is there for anyone who is affected.

I will conclude where I started: we intend to continue working with people one-on-one and if we can negotiate acquisition that is a far better way to go.

Recognition of Visitors

Mr SPEAKER - Honourable members, I welcome all members of the gallery but in particular the years 10 to 12 students of the Indie school at Glenorchy. Welcome.

Members - Hear, hear.

Child Protection - Staffing Issues

Ms WHITE question to MINISTER for CHILDREN and YOUTH, Ms COURTNEY

[10.27 a.m.]

Mr Speaker, I also welcome the retired unionists to the Parliament of Tasmania.

Minister, last month coroner McTaggart released her findings into investigation of the deaths of seven children and young people. She found, and I quote: 'Good child protection cannot occur consistently in a workplace not properly staffed or resourced'. She found unacceptably lengthy delays in risk assessments were a persistent issue.

In April 2020, there were 18 children who were deemed potentially at risk and had been referred for investigation but who were not allocated a case worker within the accepted time frames. At the end of August this year that number was 105 children.

What are you doing to turn this terrible situation around and ensure you are doing everything in your power to provide for the safety of Tasmanian children?

ANSWER

Mr Speaker, I might answer the member's question in two parts. First, the member asked about the coronial inquest. I reassure members of this House, but also the entire Tasmanian community, that our Government recognises that there is nothing more important than the safety and wellbeing of our children and young people. We will always do what we need to keep them safe and we have demonstrated that in the clear action that we have taken.

The death of any child is a tragedy and our thoughts are with the families of those children who are part of the coronial inquest. The Tasmanian Government is committed to improving our response to vulnerable children and young people who come into contact with the Child Safety and Family Support system.

In August 2020, the coroner held a public inquest into the deaths of seven children. While these children were not in state care or on child protection orders they did have various levels of contact with the service system. The coroner released her findings in September this year. The coroner does not attribute these deaths to the Child Safety Service and speaks positively about the reforms to the child safety system. We will continue a program of continuous improvement and Tasmanians would expect that in child safe practices.

Over recent years we have implemented our $51 million Strong Families Safe Kids child safety redesign and frontline staffing has increased by 20 per cent since 2014. We have also recently launched our $100 million child and youth wellbeing strategy which has a particular focus on the first 1000 days including the parenting programs, which I am very supportive of, the Bringing Baby Home initiative, and the child health and parenting services sustainable nurse home visit program.

The Government remains committed to our long-term redesign agenda aimed at supporting young people within our state. Furthermore, the member did talk about staffing. Clearly, it is absolutely paramount that I support the staff within our child safety system as the frontline workers who care for and work in, at times, very difficult and stressful environments to support very vulnerable young people.

In 2018-19, the Liberal Government invested $24 million for the recruitment of 25 additional child safety officers and other frontline staff which brought our child safety service establishment to over 260 FTEs. These are either working on the frontline or directly supporting child safety officers. There are now 160 child safety officers supported by team leaders, clinical practice consultants and educators, child safety liaison officers, support workers, unit coordinators and safety staff and wellbeing officers.

Furthermore, in recognition of a low but stable vacancy in the workforce of this nature, the Government has approved an additional 10 fulltime positions to support the Child Safety Services frontline. These are relief positions intended to offset the impact of the vacancy rate that we see.

Recruitment is more efficient and effective than ever. The average time frame for job vacancy advertised to job offer is now down to between 30 and 40 days and new routine processes for recruitment and group selection are also contributing to better recruitment outcomes.

I reassure the Leader of the Opposition, members of the parliament and the community, that we will continue to respond. We will continue the steps in our redesigned Next Steps Action Plan to ensure that we are keeping Tasmanian children safe.

COVID-19 - Vaccination Opportunities before Border Reopening

Ms OGILVIE question to MINISTER for HEALTH, Mr ROCKLIFF

[10.31 a.m.]

Central to Tasmania's safe border reopening plan is ensuring that we will have a highly vaccinated population. Could you please update the House on what the majority Liberal Government is doing to ensure that every Tasmanian has the opportunity to get vaccinated and that our health system is prepared.

ANSWER

Mr Speaker, I thank the member for Clark for her important question on vaccination. There can be no more important investment in time as we work around the state to ensure that every Tasmanian has the opportunity to be fully vaccinated. We have outlined how we will be reopening our borders in a measured, careful way, and safely, on 15 December. Many Tasmanians are looking forward to reconnecting with family and friends and, in some cases, after a long time apart. It has been tough on families and tough on many businesses as well.

With the ever-present risk of COVID-19 to the Tasmanian community, we must do everything we can to minimise it. That is why we are focused on ensuring that every eligible Tasmanian has had the opportunity to get vaccinated. The best protection we have against COVID-19 is a high vaccination rate. Vaccination saves lives and will also protect our hospital system from additional pressure.

We have set a target of over 90 per cent vaccination. As the Premier indicated earlier, we are well on the way to achieving that with 87 per cent of over 16-year-olds having had a first dose and 72 per cent fully vaccinated. If Tasmanians continue to come forward for vaccination, I am confident we can reach the 90 per cent of people aged 16 or older, with at least one dose of the vaccine in the next two weeks.

There are plenty of appointments available at clinics. We are continuing to target locations where rates are lagging, with our small-town vaccination program. We have had two buses on the road last week with hundreds of people in some of the state's most rural and remote communities turning out to get a jab. The buses are back on the road this week, visiting Mole Creek, Edith Creek, Irish Town, Sassafras, Redpath and Railton. Do not delay, get vaccinated. Based on our strong vaccination rates, we are confident that our state can reopen on 15 December and that our health system is as prepared as it can be.

A significant amount of work has occurred to ensure our hospitals are ready. This includes adding 152 beds to our public bed capacity, hiring an additional 655 FTEs since July last year with a further recruitment for new beds underway.

Our escalation plans also provide for a surge capacity of up to 211 COVID-19 ward beds from across the state and up to 114 ICU surge beds. The Department of Health is also currently

finalising its COVID-19 home model of care, involving in-home pulse and oxygen monitoring to assist COVID-19 care in the community and save hospital beds for those who truly need it.

It is also important, as the Premier pointed out, that in the recent New South Wales outbreak, 95 per cent of people with COVID-19 who ended up in hospital were not fully vaccinated. Vaccination truly is the best protection we have and it is why we have mandated COVID-19 vaccinations for our health workforce. People come to hospital when they are sick, not to get sick. We know the vast majority of health workers in Tasmania have already been vaccinated against COVID-19.

I can report that in recent days there has been a significant jump in the public health sector providing evidence of vaccination with approximately 90 per cent of our health workforce submitting their proof of vaccination.

To those not yet vaccinated, please do not leave it to the eleventh hour. New South Wales Health has already reached a 98 per cent vaccination rate for a workforce of over 145 000, which is very encouraging. Here in Tasmania, we saw over 7000 aged care workers get the jab when COVID-19 vaccination became mandatory in aged care, reaching a 100 per cent vaccination rate.

Tasmania will be reopening on 15 December, so people need to continue to get vaccinated and we are prepared with significant work and resources having gone into ensuring our health system is ready.

JBS - Environmental Record

Dr WOODRUFF question to MINISTER for ENVIRONMENT, Mr JAENSCH

[10.36 a.m.]

The Foreign Investment Review Board has just given a green light for the Brazilian butchers JBS to take over Huon Aquaculture and expand its corporate empire into our precious marine waters. JBS has faced US courts and multiple US EPA cases for violating their clean water act, dumping effluent in Florida, Illinois, Nebraska, Colorado and Texas. It was behind the deforestation of 42 500 hectares of the Amazon's forests and, in Tasmania, JBS was found dumping abattoir waste into Porkys Creek on King Island.

JBS is the last sort of corporate operator we want let loose on our fragile waterways. This takeover is frightening news for fishers and coastal communities who have witnessed the environmental damage already caused by salmon farming. Your EPA has already failed to protect the marine environment from fish farming and your so-called step to independence seems to the community like window dressing.

Does not the fact an environmental vandal like JBS want to expand into our waterways say everything about your Government's regulations? How on earth can you reassure Tasmanians your environmental checks and balances are world's best?

ANSWER

Mr Speaker, I thank the member for Franklin for her question. We are aware of reports that the Foreign Investment Review Board has advised Huon Aquaculture that it has no objections to the proposed acquisition by JBS. I need to stress that we are in a market process here. The shareholders of Huon Aquaculture have decisions to make over coming days and weeks and they need to do that based on their own information.

We welcome foreign investment in Tasmania but we also know that it needs to be balanced with the best interests of our state. We cooperate with and we contribute to the processes and decision-making that the Foreign Investment Review Board undertakes in the interests of all Australians and we will continue to do that.

For any party wishing to invest in Tasmania and to be part of Tasmania's story, we are proud that Tasmania has a reputation, has a brand that companies from around the world want to be part of and want to participate in. Foreign investment has been very important to building many of the industries that employ Tasmanians right around Tasmania.

Members interjecting.

Mr JAENSCH - What I can be clear about, if anyone is listening - any company that conducts business in Tasmania is subject to the same rules, to the same requirements for protecting our environment; the same rules of operation for managing their impacts. We are partners in any plans that we have for the future, including in our salmon industry, our new 10-year plan that will be developed over the next 12 months.

Dr Woodruff - You cannot stop the people. People will do what they have to.

Mr SPEAKER - Order, member for Franklin. You know the ramifications for continuing to interject. You have spent a significant amount of time asking the question. It has been heard by the minister. Please allow him to continue his answer without interjection.

Mr JAENSCH - They will be required to work in accordance with our reset policy direction regarding the future of our salmon industry, growing longer on land, further off-shore, the ban on the expansion of the approved marine farming areas in our state waters, with the exception of those areas under research permits now. They will be required to work under the supervision of the even-more-independent EPA that is being separated from the Department of Primary Industries, Parks, Water and Environment under our policy direction as of the 1 December and to the internationally peer-reviewed salmon standard which is being developed by the EPA.

Anybody who farms, who invests, who fishes in Tasmania is responsible for operating under our laws and all applicable federal legislation. We will continue to work with industry. We will continue to regulate to protect Tasmania and ensure that our industries are sustainable. We will watch with interest the developments and the decisions of the Huon Aquaculture shareholders over coming days.

Commission of Inquiry into the Responses of Tasmanian Government Institutions to Child Sexual Abuse - Implementation of Recommendations

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.42 a.m.]

This morning it has been reported that at the opening hearing of the commission of inquiry, commissioner Marcia Neave says: 'Your Government is yet to implement some key recommendations from the national royal commission'. She said: 'Work must continue on implementing those recommendations'. Why has your Government failed to implement some key implementations and can you provide a commitment today that you will?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for that question. I am not aware of what the commissioner has said this morning. I will review that first so that I can provide a more detailed response. As the Attorney-General has just noted, there are more than 400 recommendations made in that royal commission. We are working diligently through them. I would have to have a look at what Marcia Neave said this morning and then we can provide a further response.

COVID-19 - Threshold for Further Lockdowns

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.43 a.m.]

You have said that levers will be available to you to limit the spread of COVID-19 once you have reopened Tasmania's borders. You have outlined that one of those levers is restrictions. What other levers are there? What advice have you received from Public Health about what the threshold will be for imposing future lockdowns?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for that question and her interest in this matter. I reiterate what I said earlier; I am not sure where you stand on the matters but we will leave that to one side.

Ms White - Are we going to have a briefing? You said we would get one.

Mr GUTWEIN - I am more than happy now that the modeller has finished modelling that she can provide all parliamentarians with an update. We will provide what detail we can.

Restrictions are one lever. The model points to three levels of restrictions. One is 10 per cent, which is where we are at the moment regarding movement restrictions. Life is reasonably normal in Tasmania for most people.

Last year we were at 30 per cent movement restrictions. Density limits are in effect double from one-in-two square metres to one-in-four square metres and there are caps put on public gathering sizes. The modeller also included 60 per cent movement restriction, which is

effectively where New South Wales or Victoria or Tasmania was last year when we had a lockdown.

I have said publicly that I do not believe we will get back to, at any stage, a full statewide lockdown. I expect that the levers Public Health would use would be targeted and in many cases venue-specific. For example, should there need to be a lockdown of a shopping centre in a particular area because there has been a high incidence of COVID-19, that is something that they might consider. I hope we do not get to this, but perhaps a school or a small health facility or part of a local government area will be the type of targeted lockdown that Public Health would consider.

I hope that if we can manage this sensibly, with a reasonably high level of contact tracing and with people doing the right thing and isolating when they are requested, then we could manage this without needing to see any further lockdowns, even of a targeted type.

The other lever we have is contact tracing. The modelling we have released has two levels of contact tracing included in it. One is at 80 per cent, one is at 50 per cent. Effectively what we do now is 100 per cent of contact tracing. When we have a case, normally within 24 hours the close contacts of that person have been contacted, spoken to and they are isolated. During the recent incursion a fortnight ago, Public Health was able to contact more than 100 close contact people, and speak to them.

We know from experience in Victoria, New South Wales and other states that when they have had broader lockdowns is when their case count starts to increase, contact tracing becomes increasingly more difficult. Rather than put out modelling that included 100 per cent contact tracing, as we currently have, we have put out modelling demonstrating an 80 per cent or a 50 per cent level. That contact tracing lever is available to Public Health matched with restrictions. Increased restrictions enable them to slow movement down and enables them to ensure that they can increase their level of contact tracing.

They are the two levers we have available. The single best defence we have is to get vaccinated. I again urge Tasmanians who may be partially vaccinated or have taken no step towards getting vaccinated to do so. The evidence points to the fact that if you are vaccinated you are less likely to get seriously ill, you are less likely to end up in hospital and, importantly, you are much less likely to die. I need Tasmanians to understand that this is a challenging set of circumstances we are dealing with.

We cannot remain locked off to the rest of the world forever. We have to put in place a sensible transition plan. We will do so at our own pace and we will do so with our own measures. This is why, when we reopen our borders to enter Tasmania, you will need to demonstrate that you have had a negative test within 72 hours and you will need to be double vaccinated. If you are not, then quarantine measures and isolation measures will be in place. We need to manage this carefully and sensibly.

We have improved and increased the level of health preparedness that we have to ensure we can manage our way through this. The Leader of the Opposition asked what levers we have? The levers we have are restrictions and they are increased contact tracing. Public Health, as they have done throughout this, will provide us with sensible, responsible, timely advice and ensure that we take the steps that we need to so that we can manage this effectively.

Reconnecting Tasmania - Support for Tourism and Hospitality Sectors

Mr TUCKER question to MINISTER for TOURISM, HOSPITALITY and EVENTS, Ms COURTNEY

[10.49 a.m.]

Can you outline to the House how the Government is delivering our plan to secure Tasmania's future, in particular, how our Reconnecting Tasmania plan to safely reopen our borders is supporting our tourism and hospitality sectors and how industry has responded to it.

ANSWER

Mr Speaker, I thank the member for the question. Our Reconnecting Tasmania plan allows for our state to open while ensuring we have the safety nets in place to keep on top of COVID-19 and keep our Tasmanians safe during these reopening phases. Throughout the pandemic, Government and industry have worked closely together to minimise the impact of the pandemic as much as possible on these industries.

We have done this through the T21 partnership and also provided record levels of support to the industry throughout the pandemic which included direct financial assistance as well as voucher schemes. Tasmanians also deserve a big thank you from our industry as their support has been huge for local businesses, not only driven by this government's three local travel voucher releases but the many thousands of Tasmanians who have taken the decision off their own bat to go and explore our extraordinary backyard.

Despite all of this, the health and sustainability of our visitor economy is reliant on incoming visitors and particularly on Victoria and New South Wales which combined represent around 70 per cent of our total visitors each year. This is why I am so pleased that under our Reconnecting Tasmania safe border opening plan, Tasmania's borders will reopen to mainland jurisdictions on 15 December.

This critical step will enable the state to safety re-emerge strongly from COVID-19 as Australia's leading travel destination once again. Our Reconnecting Tasmania plan delivers certainty in respect of the date of our borders and also what it means for the way that operators will be able to conduct their businesses. Following the Premier's announcement on Friday we saw massive interest in travelling to Tasmania through the bookings made with the Spirit of Tasmania with more than 2300 bookings made on Friday which represents around $1 million in bookings and this has not abated. On average around $800 000 in bookings were taken each day over the weekend.

Industry has welcomed our plan, Mr Speaker, with TICT chief executive, Luke Martin, saying:

> The tourism industry welcomes the Tasmanian Government announcing a hard date for Tasmania's border reopening. We asked for a firm date to enable businesses to start planning with certainty and confidence, particularly around their staffing levels over summer and today provides that.

Destination Southern Tasmania said:

> We have full confidence in the Premier's plan and welcome the announcement of a firm date which their members had been looking to.

Rebecca Ellston, executive director of Tasmanian Property Council also said:

> It … provides Tasmanians with greater certainty about being able to spend time with family and friends at Christmas and celebrate the New Year as we prepare to welcome back our domestic market.

As we reopen carefully and safely, we will continue to work closely with industry to ensure that our transition is welcoming back visitors as seamlessly as possible. I am also pleased to announce to the House today of the appointment of Mr Grant O'Brien to the role of chair of Tourism Tasmania. Grant's upbringing, education and early career here in Tasmania, combined with a highly successful corporate career at the most senior levels of business, equip him very well for this important role. Grant will take up the reins from this Friday, replacing James Cretan, who has also provided greater leadership to the agency as well as the industry over the last seven years. I thank James on behalf of the industry as well for the contribution he has made. He has been at the forefront of driving one of our most important economic sectors and one of the keys to Tasmania's unprecedented recent economic success.

On this side of the House we are united and we will continue to work hard to support our tourism and hospitality industries and the many thousands of Tasmanians they employ. I call on Rebecca White and the Opposition to show leadership and support the Government's clear plan which is based on public health advice to carefully and safely reopen our borders on 15 December. Now is the time to make sure that we have a pathway for Tasmania to reopen safely and I urge the Opposition to come on board.

COVID-19 - Vaccination Numbers for Health Workers

Ms DOW question to MINISTER FOR HEALTH, Mr ROCKLIFF

[10.54 a.m.]

You have rightfully mandated vaccines for health workers but you have created uncertainty with mixed messaging and then set a deadline for this Sunday. How many health workers, subject to the vaccine mandate are currently unvaccinated and can you give a breakdown by region, and how many health workers have advised they will refuse to be vaccinated?

ANSWER

Mr Speaker, I thank the member for her question. I say at the outset that within the pandemic there has been a number of difficult decisions and calls that we have had to make over a number of times. First of those was the Premier in closing the borders many months ago, back last year, and there are a number of difficult decisions that have to be made, that are made in the best interests of protecting our workforce and indeed the Tasmanian community. The health, safety and wellbeing of Tasmanians has been, right throughout the pandemic, our number one priority.

The vaccination roll-out has prioritised vaccination of healthcare workers since the beginning of this year. The program has reached out to all public and private healthcare settings in Tasmania to encourage workers to vaccinate, with priority bookings in the state-run vaccination clinics.

The Director of Public Health, Dr Mark Veitch, has issued a direction under section 16 of the Public Health Act 1997 which requires all persons working in a medical or health facility as well as persons providing health and medical services to have had a minimum first dose of COVID-19 vaccine, or evidence of an exemption by 31 October this year. It is absolutely critical that our health staff vaccinate to protect our patients and each other and to help keep our health system going and avoid mass-furloughing of unvaccinated health staff, which can bring a hospital down, like we saw in the north-west coast outbreak last year.

I can report that in recent days there has been a significant jump in the health public sector providing evidence of vaccination. I have mentioned it this morning: up to some 90 per cent in actual fact and no doubt that will increase. I know there are some people who have expressed concern about what happens if we have to terminate health staff and will our health system cope. I say to them that it would be devastating to our health system if we do not have a vaccinated workforce to keep our beds open, if we had to furlough hundreds of workers because of COVID-19, as we have seen interstate. We cannot afford to see that happen here. We need health staff to get vaccinated to keep our beds open. New South Wales Health has already, as I have said this morning, reached a 98 per cent -

Ms DOW - Point of order, Mr Speaker, standing order number 45 relevance. The minister has not answered the direct question, at the end of my question, which is, how many health workers have advised -

Mr SPEAKER - A point of order is not an opportunity to ask another question, or to re-state the question. The minister was on his feet and answering the question. He has been on his feet for a couple of minutes, or just over, and he has plenty of time yet to cover a number of areas.

Mr ROCKLIFF - Thank you Mr Speaker. I have provided the figure of 90 per cent of our health workforce. Now, 84 per cent of our health workforce, which is the figure a week or so ago, stood at 12 652 submitting their proof of vaccination, so, expect over 13 000 people within our health workforce have submitted evidence of their vaccination. It is important that they do, because without the evidence you will not have a job and we cannot be clearer about that. It is vitally important that we send that very strong message to our health workforce, which 90 per cent plus, at this stage, are complying with.

Here in Tasmania we saw over 7000 aged-care workers get the jab, when COVID-19 vaccination became mandatory in aged-care, reaching a 100 per cent vaccination rate. Now, the department will continue to liaise with the health workforce and will have concerns in relation to mandatory vaccinations and the department will also provide additional information around vaccinations to assist business or individuals to make an informed choice.

As the Minister for Health, I cannot be any clearer for the need for staff who have not yet provided evidence of a first dose or of vaccination to do so.

Mr SPEAKER - If you could wind up, minister.

Mr ROCKLIFF - The deadline of 31 October is looming. We want to work with and we want to have as many people on hand as possible to work within our health system, not only when we have COVID-19 within our community but, as we have seen, for the increased demand on our health system as it is currently experienced. We want to work with people but I cannot be clearer: no jab, no job.

COVID-19 - Requirement for Health Workers to be Vaccinated

Ms DOW question to MINISTER for HEALTH, Mr ROCKLIFF

[11.01 a.m.]

You have said that 10 per cent of our health workers remain unvaccinated. The State Health Controller has been abundantly clear that those not vaccinated will be sacked - as have you. Can you outline for the House your plan to fill the shortfall that will be created when unvaccinated health workers are dismissed en masse at the weekend? Are any health services at risk?

ANSWER

Mr Speaker, I thank the member for her question. What would be more helpful is if the member also encouraged the workforce to be vaccinated as well. I am not sure what the position of the member is, or indeed the Labor Party, when it comes to mandatory vaccinations. You need a position.

We have been absolutely clear and have drawn a line in the sand. We have been clear for our workers and our valuable employees within our health system of whom more than 90 per cent have submitted evidence of their vaccination, or at least the first dose, and there will be more to come. My understanding is that in the last week leading up to the 17 September deadline for the aged care workforce a number of people came forward to submit evidence. That is my expectation.

You must appreciate that these decisions have to be made in the interests of protecting the individuals who work at the frontline, particularly in a challenging COVID-19 pandemic environment but also to protect patients and the community.

The requirement applies to all workers employed or engaged by public and in private health care facilities, including non-clinical staff such as security personnel, cleaners, maintenance, catering, administration staff and also includes all employees of the Department of Health. A medical or health facility includes hospitals both public and private and day procedure centres, premises owned or operated by or on behalf of the Department of Health, commercial premises where health and medical treatments are provided on a regular basis, and pharmacies. People who provide health and medical services and treatments outside of these settings are also required to be vaccinated. A full list of health professionals required to be vaccinated is provided on the coronavirus.tas.gov.au website.

Some people with specific medical conditions may be exempt from the vaccination requirement. They will need to provide evidence of medical contraindication as provided in the direction, but there is no recognition of conscientious objection as a grounds for exemption to the mandatory vaccination direction.

As has been mentioned on a number of occasions, redeployment is not an option as the direction applies to all healthcare settings. The consequences of not providing vaccination evidence by 30 October is no pay and the commencement of a termination process. We are not doing this lightly. It is about protecting the most vulnerable in our care and ensuring that we have the health workforce to keep beds open. We cannot afford to see hundreds of staff off work because of COVID, as has happened in other states. We are prepared as we possibly can be in terms of our surge capacity, our COVID-available beds, our ICU beds and our staff, should it come to COVID coming into Tasmania.

I am not sure what the Opposition is saying with respect to their position on mandatory vaccination but they need to say it very clearly. We have outlined our plan and our policy with respect to this matter. We will ensure, given the almost 850 extra people that we have employed in our health system since 1 July last year - we have employed almost two people a day in our health system since July last year.

Mr SPEAKER - If you could wind up, minister.

Mr ROCKLIFF - That is a bit different from the nurse a day that you sacked for nine months when you were last in government. We are well prepared. We are doing this in a considered and a measured way. The decision we have made is tough but it is necessary to protect Tasmanians and our frontline health workforce.

Container Refund Scheme - Implementation

Mr STREET question to MINISTER for ENVIRONMENT, Mr JAENSCH

[11.07 a.m.]

Can you update the House on the Government's commitment to implementing a container refund scheme in Tasmania?

ANSWER

Mr Speaker, I thank Mr Street for his excellent question. Today I am pleased to be tabling the Container Refund Scheme Bill 2021. This bill is an important piece of this Government's plan to build Tasmania's circular economy and complements a number of other waste and resource recovery initiatives we are progressing to build a circular economy in Tasmania.

In February this year I announced the Government's model for the scheme; a split responsibility model, bringing the beverage, waste management, and community sectors together to deliver the best scheme for Tasmania. The bill confirms the Government's commitment to this model.

This Government is introducing a scheme that will reduce litter, increase recycling and create opportunities for businesses, charities and community organisations right across Tasmania. The draft bill was released for public consultation earlier this year with over 3500 people responding. Feedback was overwhelmingly positive with 98 per cent of survey respondents supportive of a scheme in Tasmania.

Like all schemes currently in operation across Tasmania, our scheme is based on a product stewardship principle where the cost of recovering containers is built into the sale price of those containers.

Members interjecting.

Mr SPEAKER - Order.

Mr JAENSCH - Businesses that are the first sellers -

Members interjecting.

Mr SPEAKER - Order.

Mr JAENSCH - Businesses that are the first sellers of beverages -

Members interjecting.

Mr SPEAKER - Order. The minister has the call. Order.

Mr JAENSCH - I will start again, Mr Speaker.

Businesses that are the first sellers of beverages included in the scheme play a critical role as funders of the refunds and handling costs for returned containers. It is important that these costs are minimised while the number of containers returned is maximised. We believe the model we have chosen for the scheme strikes the right balance but we are mindful that, unlike the big players, many small beverage producers in Tasmania will be facing the costs of participating in a container refund scheme for the very first time.

Today I am pleased to announce a package of initiatives that will assist small beverage producers in Tasmania to be part of the scheme in a way that no other state or territory has done before.

In Tasmania there will be no fee for container approvals and there will be a grants program for Tasmanian small beverage producers to reduce the administrative and transitional costs of entering the scheme, such as adopting barcodes for their products for the first time. In addition, all beverage producers will be exempt from paying into the scheme for the first 20 000 containers they sell each year. This means that many of Tasmania's smallest and newest beverage companies will not pay into the scheme at all while their customers can still claim a refund on their containers.

This approach is equitable and fair to all producers but will be of most benefit to those Tasmanian businesses for whom the additional cost of the scheme would have the greatest impact recognising the vital role they play in the tourism and hospitality and regional employment sectors in Tasmania.

The involvement of the Tasmanian community will also be critical to the success of our container refund scheme. In particular the government is committed to maximising opportunities for charities and community groups around Tasmania to benefit from the scheme. All charities and community groups will be able to receive donations of containers from the

community and collect 10 cents per container for their organisation. Some organisations may also enter agreements to operate refund points and receive payments for handling and sorting returned containers. Further to this, I am able to announce today that all Tasmanian charities and community groups will be able to register for a refund account so members of the public can donate their container refunds directly electronically to the charity or community group of their choice making it easy for all Tasmanians to do their bit for the community and their environment at the same time.

Mr Speaker, the bill that I will table today establishes the scheme, sets out requirements for container approvals and explains the administration of the scheme including the roles of the scheme coordinator, network operator and other key participants. Since the announcement of the scheme I have been encouraged by the significant interest and enthusiasm of Tasmanians to be involved. The tabling of this bill is an important step and I look forward to continued engagement with the industry, the charity sector, community organisations and local communities across the state as we roll out Tasmania's first container refund scheme.

TRAFFIC AMENDMENT (PERSONAL MOBILITY DEVICES) BILL 2021 (No. 57)

First Reading

Bill presented by Mr Ferguson and read the first time.

CONTAINER REFUND SCHEME BILL 2021 (No. 54)
HOUSING LAND SUPPLY AMENDMENT BILL 2021 (No. 51)

First Reading

Bills presented by Mr Jaensch and read the first time.

SITTING TIMES

[11.16 a.m.]

Mr FERGUSON (Bass - Leader of the House) (by leave) - Mr Speaker, I move -

> That for this day's sitting the House not stand adjourned at 6 o'clock and that the House stand adjourned at 9 o'clock.

There is a lot of legislation for the House to look at this week. I am aware that there is going to be continued interest in the Order of the Day so I move that way to allow the House to continue its work.

[11.17 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, we have no issue with the motion without notice and the notice to the House that the House will adjourn at 9 p.m. but we would like some confirmation from the Leader of Government Business that it is the

Government's intention to stand by the Premier's word that debate on the future gaming markets legislation would not be guillotined. Are you going to gag the debate?

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Child Safety

[11.18 a.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, I move -

That the House take note of the following matter: child safety.

This is a matter that is important every day but in particular today, given that the commission of inquiry -

Members interjecting.

Mr SPEAKER - Order, I cannot hear the member.

Ms WHITE - The commission of inquiry is having its first public hearing today and already there has been information provided by the counsel assisting, Maree Norton, to the commission of inquiry in this morning's public hearing that raises serious concerns about the welfare of children in state institutions here in Tasmania, in particular, the Ashley Youth Detention Centre. I draw the parliament's attention to what has been reported to be said by Maree Norton, counsel assisting, this morning. She said that the Government's plans for new youth detention facilities may not be enough if Ashley's culture remains and that the commission will question why nothing has substantially changed at Ashley Youth Detention Centre, despite successive reports laying out desperate needs for reform.

Counsel assisting, Maree Norton, has also said that it has been alleged that Ashley Youth Detention Centre staff have covered up allegations of child sexual abuse including by tampering with documents. This morning, Maree Norton has said that: 'Three more years may be too long a time to continue detaining children at the Ashley Youth Detention Centre.

This morning the Labor Party asked a question of the Premier as to whether he could guarantee the safety of children currently detained at the Ashley Youth Detention Centre given all the allegations that we have heard. The Premier responded quite aggressively, I thought, and indicated that he had no intention of closing Ashley Youth Detention Centre sooner than three years. That was certainly what I took from his answer today, Mr Speaker.

The concern that we have and the concern that seems to be shared by counsel assisting to the commission of inquiry, Maree Norton, is that for those children remaining at Ashley Detention Centre for another three years, it may not be in their best interest. We urge the Government to seriously look at how we can fast-track the two new youth detention facilities that have been promised, one in the north and one in the south, to ensure that the welfare of children who do need to be detained in Tasmania can be done while upholding their safety.

It is not only children in detention whose welfare we are concerned with. It is also children in our community. The Human Services dashboard has revealed that the number of children who have had notifications made about them but have not had a case worker allocated to them has increased in the past year, up to 105 at the last report at the end of August.

The minister provided a response today in question time, but did not talk once about those 105 children. It may be a different figure now because we will see new data very soon for the monthly reporting that is expected to be provided by this Government. At the end of August there were 105 children. Someone had such significant concerns about the welfare of those children that they made a notification to Child Safety. Those children were to be allocated a case worker, but 105 of them have not been allocated a case worker. Those children are potentially at risk. The number of children who have been unallocated a case worker over the course of the last year has increased, nearly month on month. Certainly significantly from a year ago.

What I and the Labor Party are concerned about is that it does not seem that the Government's reform is working. We need to invest more resources and put more support into the system to make sure we can keep Tasmania's most vulnerable youth safe. It is clearly not working when we are seeing more children each month unallocated a case worker when these children have been identified and notified to Child Safety Services because there is a concern about their welfare. These could be children who are going to school with our children, with our grandchildren. We need to make sure that we are doing better by these young people.

Can the minister explain not only that she is providing support to the staff at the frontline, but that she remains committed to the reforms the Government commenced? The concerns I have raised is that with the Strong Families, Safe Kids project by the Government, which has our support, the funding has ceased and there is not enough provided for the full implementation of those reforms.

They are good reforms but they need to be properly implemented. The concern that we are hearing, is that they have not been. The data demonstrates that there are some significant problems when it comes to protecting those children who are most at risk.

I will flag another concern related to the decision to reopen to the rest of the country on 15 December. What does that mean for the services that are delivered by Child Safety? When we had restrictions in place last year, including the lock-downs, access for parents to their children was made incredibly difficult. In some cases, it did not take place. Some of those conferencing meetings did not take place. Workers attending homes to check on the welfare of children who were placed with foster carers did not because of COVID-19.

I would like the minister to explain what the plan is should there be further restrictions put in place, to ensure that children are not completely disconnected from their birth parents and that children who are placed in care continue to receive oversight from the department. That seemed to cease last year, understandably when we had a COVID-19 outbreak in the state. What have we learned from that and how do we make sure that those children who are in out-of-home care and those workers are supported to make sure that we are maintaining contact with those young people who are in the out-of-home care system in Tasmania?

Some serious matters have come out of the commission of inquiry this morning in relation to Ashley. I am very keen to hear what the minister intends to do to make sure those

children in Ashley are safe? Can the Government move to a new model for youth in the youth justice system sooner than three years' time?

Ms COURTNEY (Bass - Minister for Children and Youth) - Mr Speaker, I thank the member for bringing on this matter of public importance today. I remain committed to the reforms commenced by my predecessors. Since becoming minister, understanding the breadth and complexity of how we care for these young people and the interrelationship with other agencies has demonstrated why the reforms we have done have been so important and why it is important that these reforms continue. I can assure the member that I am committed to this portfolio.

I am not going to provide comment on what has been said at the commission of inquiry. However, I am pleased the Government established that commission of inquiry. It is an important opportunity for Tasmania, both within Government and the community, to set a positive trajectory for young people and the processes that we have.

There is a fair bit to cover in the time that I do have -

Mr SPEAKER - You are one minute 10 seconds in.

Ms COURTNEY - I will start with Ashley Youth Detention Centre. I acknowledge the efforts of many of the staff at the centre and within the Department of Communities towards a therapeutic approach and meeting the needs of young people, while also keeping the community safe. I have met a number of the staff at Ashley and I know that they are very dedicated to what they are doing and the future steps we are taking. They deeply care about many of the young people there.

The Custodial Inspector has also reflected on the positive changes and stated in his annual report:

> With respect to the recommendations for youth custodial services, progress has been consistent with improvements made across a range of services, and the department has been positive and proactive in addressing any concerns raised.

Despite this progress, it is time to take more significant strides forward and to build the whole youth justice system that takes us into the future. Our new approach will see the closure of the Ashley site and the construction of two smaller facilities. I can assure the member, with regard to time frames, I will do everything humanly possible to progress this work as quickly as possible. However, I think the member would understand this is not just about building two buildings. This is about our entire youth justice system: broader than the custodial component. We need to do this right. If it is just building two buildings and decanting, then we are not going to achieve the outcomes we need for young people.

I see very much the opportunity that I have before me and I can assure all members of my commitment to this broader project. I want to be able to support children and families, engage young people at risk early and direct them away from the youth justice system and restore young people who come into conflict with the law as valued and productive members of the community.

In the time I have, I will outline the progress that has been made. We are in the process of developing a transition plan, detailing the approach for the transition away from Ashley, as well as the development of new infrastructure and the process towards an improved youth justice system. We have engaged with the Commissioner for Children and Young People. As part of this engagement the Government has asked the Commissioner for Children and Young People to provide a proposal for additional independent advocacy for young people detained at Ashley. The Government will provide resourcing for this. I understand the commissioner is undertaking this work as a priority. In the interim, the commissioner has advised that she will visit Ashley Youth Detention Centre regularly. Young people at the centre can contact her by phone and request her advocacy when it is needed.

I have a range of information about how we are supporting current staff there. One of the questions the member asked during question time was around staffing. We are putting steps in place to support the staff. To continue implementing the therapeutic approach that we have moved towards it is absolutely critical that we continue to support our staff.

In recent times we have also made a number of capital improvements to Ashley. It is good to see that there is strong progress in delivering them. While we are moving to two new facilities we will have young people detained at that facility. We have stepped-down semi-independent living units that are intended to encourage and develop life skills for residents as they transition; improvement of accommodation areas; new professional visits; courtroom video conferencing and counselling areas; a new creative room and the music room; and new recreation yards. These demonstrate that while we have a transition process underway, I am very aware of the fact that we have young people whom we need to keep safe and well and continue to receive a therapeutic level of care while they are there so they can transition further.

In the time I have remaining, I will talk about Strong Family Safe Kids. I commend my colleagues, Mr Jaensch and Mrs Petrusma, for the work they previously did. This $51 million child safety redesign really has set the entire child safety system on the right trajectory. However, I am conscious that we do need to make sure that we have not just embedded the gains but are looking towards the future as well.

To that end, we have developed and we announced earlier this year the Strong Family Safe Kids Next Steps Action Plan 2021-23 that incorporates the recommendations from UTAS's evaluation which will focus not just on consolidating their gains but also, embedded in the intent, the reforms into new areas.

Time expired.

[11.32 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, it is déjà vu all over again when we talk about the wellbeing of children and young people in Tasmania. While we, the Greens, acknowledge that some progress has been made in terms of the policy, the structures and funding, what the data tells us is that at-risk children and young people in Tasmania are more at risk than children are in any other jurisdiction in this country.

We have had nearly eight years of Liberal government yet the data is still either static or going backwards. There is something deeply wrong with the child safety system here and the

way it is being administered. We are hearing evidence of that at the commission of inquiry which began its hearings today.

On behalf of the Greens I thank the commission of inquiry for the vital work they are undertaking. I also acknowledge that the Premier did the right thing in establishing this commission of inquiry.

We have heard from counsel assisting the commission that Tasmania's out-of-home care system can place children at greater risk of sexual abuse. The commission of inquiry will be looking at the culture and processes of managing risks for children in this state. We know, because there is evidence in a trail of damaged people, that the out-of-home care system, the systems that we have in place in our health system and in our juvenile justice system are failing children. They are failing them repeatedly. It is those failures which have led us to the point where we have a commission of inquiry in place.

We still do not have answers, for example, about the Griffin matter, the paedophile nurse at the Launceston General Hospital who was able to abuse children for close to 20 years that we know of. What we heard out of the commission of inquiry today is that allegations about his conduct towards children and young people may have been made as early as the early 2000s. We also know, because Tasmania Police undertook an evaluation of its response to the Griffin matter, that there were four separate investigation reports made. They were made in 2009, 2011, 2013 and 2015. In May 2019, a formal complaint was made to Tasmania Police by one of James Griffin's victims. It was not until two and a half months later that Mr Griffin's working with vulnerable people registration was removed.

We recognise that Tasmania Police has apologised for its failings, as they should have, because Tasmania Police let children and young people down. The Launceston General Hospital and the way it responded to allegations about Mr Griffin let children and young people down. So too, when you look at the evaluation report, did Communities Tasmania. They were made aware of concerns about Mr Griffin's behaviour and yet nothing was done.

Our job in here is to make sure nothing like that is ever allowed to happen again. It is 2021 and we are still dealing with almost Dickensian approaches to complaints made by children about the way they are abused by adults to whom they are entrusted at one level or another.

Another thing we know about Griffin, is that during this time, he was transferred to Ashley Youth Detention Centre. We do not know how Mr Griffin was able to get away with it for so long. Was he aided and abetted somewhere within the system?

The commission of inquiry will examine these matters but for someone to be able to harm children for such a long period of time tells us something about the system; a rottenness in the system, whether it is, on the part of some people, a refusal to see the evidence. Or it is negligent or it is aiding and abetting. There are issues here about how Griffin was allowed to get away with it for so long, just as there are serious critical questions about the 100 years of abuse that young people who went through the Ashley Youth Detention Centre experienced.

I welcome Labor coming on board, at last, over the welfare of children at Ashley and the need to close that centre. It was particularly dispiriting to see Labor vacate the space for so

many years when the evidence was piling up about what was happening to children at the Ashley Youth Detention Centre.

We certainly hope that the commission of inquiry is able to, in the case of both the Launceston General Hospital and the Ashley Youth Detention Centre, get to the bottom of who knew what, when and why so many people apparently failed to act.

The commission of inquiry also heard today from counsel assisting that there is an allegation of the cover-up of sexual abuse at the Ashley Youth Detention Centre. The legitimate question was asked about how safe those kids will be over the next three years, given the chronic and systemic failings of that place to provide a rehabilitative response to at-risk kids, to keep them safe and to make sure they exit that awful place with some hope for a better life and some hope not to be on a one-way train to Risdon Prison.

The ROGS data is really worrying. The ROGS data tells us children and young people in this state are going backwards and the system is not keeping them safe.

Time expired.

[11.39 a.m.]

Ms HADDAD (Clark) - Mr Speaker, I commence my contribution by noting that we are having this discussion in parliament during Children's Week. Children's Week is celebrated to coincide with World Children's Day, which was declared in 1959 by the UN General Assembly. Members are familiar with international days and the importance that they play in making sure that parliaments around the world, including here in Tasmania, take account of the things that the UN advocates for. When it comes to World Children's Day it recognises the ratification by many countries, including Australia, of the UN General Assembly Convention on the Rights of the Child. It is the 31st anniversary this year on the convention coming into force.

The whole purpose of the UN declaration on rights on the child is about children having fundamental human rights, including the fundamental right to have their voices heard in policy and in discussions around the systems of government that support them and their families but also when things go wrong. Their voices are so important when it comes to having a discussion about child safety and about abuse of children in state care and in Tasmania, unfortunately, we are no different.

One of the things that is said about that declaration is that it is often forgotten that listening to what children have to say is not just a nice thing to do, it is a humanitarian obligation and on Universal Children's Day and every day, children's rights to be heard, to be respected and to be protected and fulfilled need to be recognised.

We have heard already from a number of speakers about the fact that now more than ever we need to be listening to children's voices. Like other speakers, I commend the work that the Government is doing on the Strong Families Safe Kids framework as well as the work that the Children and Young Person's Commissioner and Legal Aid are doing in putting the rights of children and the voices of children into decisions that are made when children are involved with the criminal justice system but too many times, the systems are failing children and young people and the child safety statistics going back over the last 12 months really bear that out.

In answer to questions in question time today, the minister said that the workforce has increased by 20 per cent and I want to put on the record my respect for that workforce. I know that they are doing an incredibly difficult job, in increasingly stretched and under-resourced conditions, Mr Speaker, and I am wondering how it is that if the workforce has in fact increased by 20 per cent that the number of children unallocated to a child safety worker has increased so dramatically.

That is indicative of a system that is not well resourced. Twice in the previous three months, there were more than 100 children referred for investigation who were not allocated a case worker but were assessed as needing to be allocated to a case worker. In the previous quarter's reporting, that number was around 65 and in April 2020 it was just 18 so that is a huge jump in a little over 12 months from 18 unallocated cases to 105 in August of this year.

It is also concerning that often up to 80 per cent of investigations take more than a month to begin and many months to complete. As I said, that is not a criticism of the people working in that system. They are working in a system that is stretched and is under-resourced and they are doing the best that they can and while Labor absolutely supports the frameworks that the government is working on, more needs to be done at the front line to ensure that those children who are already known to the system, those children who are already identified as being at risk, are supported in every way that they can be.

When it comes to youth justice, closing Ashley was absolutely the right decision and it was welcomed and supported by Labor but it did come as a shock to staff and to others in the system including the families of the young people detained at Ashley. There was not much notice given. It was a decision made very much in a snap way to respond to issues that had been raised at Estimates, and as the Government now transitions out of running the Ashley Youth Detention Centre and moving to two facilities in the north and south - which is something that has been recommended for a number of years - it is absolutely essential that staff working in that system are given information and that young people, the detainees and their families, are supported to understand what those changes mean.

Changing the system is a huge opportunity for government and for Tasmania to get it right this time, to completely fundamentally overhaul the approach to youth justice because heartbreakingly, close to 100 per cent of young people who spend time in Ashley Youth Detention Centre later find themselves interacting with the adult justice system and often into Risdon Prison. That is a sign of a youth justice system that is failing. That is a sign of a youth justice system that is not working because, if you want a youth justice system that sends people into the adult justice system, that is what we have got and that is not a sign of a youth justice system that is succeeding.

As we have heard, the commission of inquiry is holding its first public hearing today; just this morning it has got under way. We have heard reports as that public hearing starts, counsel assisting the commission, Maree Norton, has said already that government has yet to implement some of the key recommendations from the Royal Commission into Child Sex Abuse. She has also, alarmingly, told the commission that there were cover-ups of allegations of sexual abuse at Ashley, including tampering with documents, and she is seriously worried that three years might be too long if the culture does not change and that the plan for two new facilities, indeed, might not be enough if the culture does not change and does not improve.

This is a massive opportunity for Tasmania to get youth justice right. That will have flow-on effects, of course, into the adult corrections system as well. We owe it to Tasmanian children, to young people and their families, to make sure we do everything we can to get that right.

[11.46 a.m.]

Ms OGILVIE (Clark) - Mr Speaker, I would like to open by putting on the record what a good job all parents have done during the pandemic. We talk about child safety and there has been a lot of discussion - I think we are all on board with the need to do more in the system - but it really is a situation that is unprecedented that in the middle of a pandemic we have had all of the parents of Tasmania, together with the community, come together to keep our kids safe.

It is on my mind because as we open up Tasmania, one of the things that I think we are all concerned about is physical safety during these times. When we think about how we address child safety and how we look at the youth justice system, how we flex forward to a new regime which includes new physical locations for child detention but also new supporting programs and more investment, we do also need to think about how we can do this as a community.

I have been giving a lot of thought to that because I have been working with a couple of local groups in my electorate, one of which is Tassie Mums. Tassie Mums is a fabulous little charity currently based in Taroona, well organised, and it is a group of mums who got together using a national model to make sure that every child who came into their orbit was provided with the resources - prams, bibs, pants, sleeping, bedding, child car seats, appropriate car seats - so that they had a really good start in life.

It made me reflect a little bit on how, as a small state but as a very tight and strong community, we can be reaching out to each other more in this way. I am really pleased to have a bit of a say about what a great organisation Tassie Mums is. We are supporting this organisation with $50 000 worth of funding to support the fantastic work that they do in the community. If you visit there, you will see hand-sewn items and beautiful toys. They have very high standards. When they accept goods and clothing and other materials for babies, it is the stuff you would want. It elevates the care and concern to another level. They are a not-for-profit volunteer-based group and they are passionate about providing essential items to babies and children in need. It is such a good example of community reaching out to community.

They collect these donations of new and pre-loved baby and children's clothing and other small items through donation bins which are supported by local individuals, schools and businesses, and they have a series of volunteers who come through. They need more space because they do not have enough space to get all the volunteers on deck when they are swamped. When meeting with them they told me that the demand for what they do has gone through the roof. It is such a good example of the collaboration between mums and families and communities and the not-for-profit sector. It is a really positive experience that reaches out to some of the kids we are talking about today who might find themselves connecting with the youth justice system. It also helps the mums and the parents.

They are working with not-for-profit organisations to deliver a whole range of clothing and toy bundles for children from premature birth up to 12 years of age. It is a really beautiful

example of how we can as a government do things that are aligned with programs but also help people to help themselves.

I would like to run through some of the things that we are doing well as a government, recognising of course that there is always more to do. There is a lot of unity in the room around this area of policy and what we would like to see happen. I can say, and this is very personal as well, that there is nothing more important to us as members of parliament, as parents and as the Government than the safety and wellbeing of children and our young people. Since 2014 the Tasmanian Liberal Government has taken a lot of strong action to improve safety and wellbeing outcomes for children, young people and their families. We have heard quite a bit about those programs today. The fundamental restructuring and changes that mean the closure of Ashley is a positive step as well.

The 2021-22 State Budget initiatives continue to enhance this response and puts the needs of young people first. We are putting about $100 million across the next four years into an action plan to deliver Tasmania's new strategy. That was announced by the Premier on 22 August 2021. The CEO of TasCOSS said that, 'Our strategy is a green shoot of change which could make a material difference to the lives of thousands of children and young people'. I thought that was a really lovely phrase, 'the green shoot of change' and our young people coming through.

Among the range of initiatives we are investing significantly in for vulnerable children and young people is our $6.5 million Bringing Baby Home Program, which is a really fantastic program and one of my favourite initiatives; and another $6 million for the Children's Paediatric Clinic and $1.3 million for an outreach model for child and family learning centres. The more we invest in those early days and early years for families the better we can do. It is not just the kids. We have to connect the mums and the dads by wrapping that support around.

I only have a few seconds left but I wanted to mention the Children and Youth Wellbeing Strategy which is implementing some fantastic strategies and changes. The Bringing Baby Home package is a program which starts before birth. It is not just baby arrives and then we deal with the issues; it is about connecting that journey in the early days. What is really worth underscoring is that it will provide a 24/7 residential support designed to remove the immediate risk for the baby whilst keeping them with their parents and building capacity and parents to safely care for their children. I hope Tassie Mums connects there as well.

Time expired.

Matter noted.

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

In Committee

Continued from 14 October 2021 (page 179).

Clause 29 agreed to.

Clause 30 -
Section 38 amended (Matters to be considered in determining application)

Ms O'CONNOR - We have an amendment to clause 30. I move:

Leave out all words after "Section 38".

Insert instead -

"of the Principal Act is amended by -

(a) inserting after subsection (1)(b) the following paragraph:

"(ba) the applicant is not the holder of a general casino licence; and"

(b) inserting after subsection (2)(ba) the following paragraph:

"(bb) the applicant has or is able to obtain financial resources that are adequate to ensure the financial viability of the conduct of keno; and""

So, we have retained part of the Government's amendment.

The problem with the whole future gaming markets framework is that while we have these false claims from Government that they are smashing the monopoly deed with a feather duster or a golden diamond-encrusted hammer given to them in 2018, the fact is that the Federal Group is going to do very nicely out of this legislation. They have been given, without tender, the casino licences for the Hobart and Launceston casinos. They have been gifted the Keno licence without tender or competition. Then they will have both casino licences, the Keno licence and operate venues with EGMs in them.

Any way you look at it, this has the potential for the market to be monopolised by one player - again. Given that the Farrell family is now, according the *Business Review Weekly*'s rich list, worth around $745 million, the vast majority of which came out of the pockets of some of Tasmania's poorest people, why would this parliament give carte blanche to Federal Group again to have a monopoly on casinos, an effective monopoly on Keno and then be able to operate EGMs in pubs and clubs?

If you just want to look at this from a Liberal Party point of view, we do not believe that is particularly healthy economics. Certainly, we do not believe it is just or reasonable, so we commend the amendment.

Mr FERGUSON - Thank you, Ms O'Connor. The Government does not support the amendment. The Government does not support the amendments and the approaches by members who are attempting to insert new and different policy decisions. The Government's policy is that the Federal Group be granted general casino licences. That has been made very clear and also for all existing hotel and club operators. This includes the Vantage Group, to allow them the grant of a venue licence to operate the same number of EGMs. Earlier the Committee previously rejected an amendment to have them excluded.

I note what Ms O'Connor has had to say in explaining her amendment but I draw a different perspective on this. The Government has been very clear that Federal Group, far from being gifted, is in fact being taxed at a significantly higher rate, coming off their bottom line in the realm of $20 million per year, funds which are better distributed among venues and to the state, allowing for a greater support for government services and so, with respect, the Government is not supporting the amendment today.

Ms O'CONNOR - Let's be really clear about this, so the *Hansard* records the truth.

The Government is not supporting this amendment because the Federal Group and the Tasmanian Hospitality Association will not support this amendment. No amendment that is not supported by industry and the Federal Group will get through the House today and so, those of us who care about the social and economic wellbeing of Tasmanians who will be afflicted by this legislation are most certainly looking to the upper House to do something approaching the right thing here.

It is worth pointing to, for example, the rivers of money that have poured into both the Liberal Party and the Labor Party from the Federal Group. If you look at the period between 2002 and 2014, Tasmanian Labor took $77 000 in declared donations from the Federal Group. In that same period the Tasmanian Liberals took $72 000 in declared donations. As we know, the money ramped up in 2018 from the Federal Group to the Liberal Party. It was withdrawn from Labor but we have had it confirmed by a Labor Party insider that the Labor Party took money from the Federal Group for this year's election. Of course they did. There was nothing stopping them. Not their policy and not their conscience.

We accept that this amendment does not have support. We know it is the right thing to do. Shame on both of the major parties.

While I am on my feet, it has become clear to us in here this morning that it is the minister's and the leader of Government business's intention to guillotine debate on this legislation despite the assurance made to the Tasmanian people by the Premier last week that this debate would not be guillotined and it would be given the full opportunity for scrutiny and improvement.

Dr WOODRUFF - I want to make some points about the history of poker machines in this state and the repugnance the Tasmanian people expressed at the end of the late 1960s when the matter of gambling through poker machines was considered and a casino first discussed. It was clear that the spirits of Tasmanians were repulsed at the idea of having pokies in the community. They were against the idea of having a casino, because they could see where it could end up. History will stand for itself and books have already been written, James Boyce's is just one of them, that show how the opening of the door to that casino has led to a corruption of processes in this state, and rivers of money flowing, not just out of Tasmania from the poorest communities to the Farrell family but into donations to the Labor and Liberal parties. Hence we find ourselves here today making decisions utterly against what Tasmanians have always expressed when they have been given a voice on this issue.

With almost unanimity Tasmanians have said they do not want poker machines taking money from the poorest people in our communities. They reject that idea. Yet today, the Liberal member for Bass, from a community that is totally blighted by poker machines, is, and

so are the other Liberal and Labor members in this place, signing a blank cheque, a forever cheque, to the Farrell family to continue to do that.

We find in the bill before us that not only is it a forever cheque, but it provides an opportunity for Federal to have both casino licences and gaming licences and new gaming licences in the form of Keno all without a proper tendering process. The Greens do not think there should not be process at all. We do not believe there should be a process because we do not believe they should be there in the first place. On behalf of the majority of Tasmanians, we reject the idea that we have them here.

It is even more salt in the wound for Tasmanians if they listen and watch and understand the reality that this is not even a competitive tendering process. It is yet another of the gifts as pay back of the money that went towards the 2021 and the 2018 elections. The Labor Party missed out in 2018 but they got down on their knees and have been crawling to the Federal Group ever since. They got a sweet deal at the last election after they had signed away workers' rights and conditions in that secret MOU with the THA.

In 1992 the Committee for the Review of State Taxes and Charges made it clear that if poker machines were introduced they would be very concerned about the social harm it might introduce, but if they were to be introduced to Tasmania, the operator must be decided through a competitive tendering process. In 1993 the select committee of the Legislative Council found that the operator of video gaming machines in hotels and clubs should only be decided by competitive tendering processes.

That is not what is happening here. This continues forever a licence to the best mate, the Federal Group. It is a gift at the expense of Tasmanians to Federal Group but specifically the poorest people in the poorest communities in Tasmania will be funding the Farrell's retirements for the next 50 years or more.

Mr CHAIR - The question is that the amendment be agreed to

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler (Teller)
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie

Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Ms White
Mr Winter

Amendment negatived.

Clause 30 agreed to.

Clause 31 agreed to.

Clause 32 -
Section 2A inserted

Ms O'CONNOR - I move - the following amendment -

Proposed new section 2A, paragraph (c).

Leave out the paragraph.

Insert instead the following paragraph:

(c) ensure that returns from gambling are -

(i) shared appropriately amongst the gaming industry, consumers and the State; and

(ii) invested in services that support those harmed by, or at risk of harm from, gambling.

I note that the legislation is changed from the draft legislation and it in some ways, reflects a recommendation that was made by the Greens in our submission to the draft legislation to replace the term 'vulnerable consumers' with 'particularly people who may be vulnerable' and it is pleasing to see some adjustment there.

I have noted that nowhere in the legislation - and perhaps the minister could pay attention here because this is an important question - nowhere in the legislation is the term 'vulnerable' defined. There is the common person's understanding of what vulnerability means but the term 'player' is defined in the principle act and to have the minister lay out to the House what his understanding of 'vulnerability' is in relation to people who are addicted to gambling, would be helpful.

I am not sure the minister is paying attention, but I hope he does. I asked the minister to provide a working definition of the term 'vulnerable' as it is laid out in the proposed amendment and again, commend our amendment to the House, that ensures that returns from gambling are shared amongst the gaming industry, they will be consumers in this context. 'Consumers' is 'players' in the state, but it also provides some rigour around the allocation of funds towards

gambling harm minimisation. Harm minimisation has taken a back seat in this legislation. There are question marks over the harm minimisation going forward.

The Tasmanian Liquor and Gaming Commission has been de-fanged in significant part through this amendment bill. Parliament has lost its powers through this amendment bill because the mechanism that allowed for a proposed casino licence to be tabled as a disallowable instrument and to sit on the table for 10 days has been removed.

You have all these layers of harm minimisation and transparency protection being removed from the Gaming Control Act. We would like to see some more rigour in the legislation around that. I indicate that we will be working to make sure that the Gaming Commission retains its authority which has been removed in many parts of this amendment bill. We will certainly be moving for the clause that requires parliament to have a measure of oversight to be retained.

The arrogance is breathtaking but, again, as we know, the Tasmanian Hospitality Association has called for deregulation. Removing the measure where parliament has an opportunity to look at it, you could argue, is a form of deregulation. We commend this amendment to the House. Perhaps the minister could tell us what he understands by the term 'vulnerable'. Is that people at risk of suicide, mental illness, homelessness, poverty, addiction, child neglect?

Mr FERGUSON - Thank you, Ms O'Connor, for your amendment and your contribution. I will not be going through a definition as you have asked me to do. That is not my role today.

Ms O'Connor - Why not?

Mr FERGUSON - The purpose of our debate is to consider the legislation and consider amendments. I am not in a position to offer opinion. That is not my role today.

Ms O'Connor - The agency cannot give you a definition of 'vulnerable'?

Mr FERGUSON - I see that the amendment is not needed, it is not required. However, I can plainly see what is intended by Ms O'Connor in moving the amendment. There is some concern being expressed by my advisers about how the amendment specifically, as it has been drafted, may be interpreted.

In the interests of allowing that to be considered, I will propose that the amendment be considered at a later time. I will take some further advice if that is acceptable to the Committee, over the lunch break, with a view to possibly consider supporting that amendment as it has been drafted but I am not inclined to.

I am advised that it is not necessary because the codification of the supports for new services to support those harmed by or at risk of harm from gambling has been very explicit throughout the other parts of the legislation and in the Government's public statements on the community support levy. I am not in favour of the amendment but if the mover is agreeable I am prepared to take some further advice on it, provided that the House does not force it to a vote right now.

Ms O'CONNOR - Okay, thank you, minister. At least you are considering an amendment, which is somewhat surprising and refreshing.

I, with respect, think it is the minister's job during the Committee stage of any legislation to clarify definitions and if he needs to seek advice, to do it. That is why the advisers are in the advisers' box in the Chamber.

I have not seen a minister refuse to provide a working definition of a term that is used not just once in an amendment bill, so I think the House should have a definition of 'vulnerable'. You could find it, for example, in any one of the social and economic impact studies. You could find it in the work of Anglicare; for example, or TasCOSS or Salvos.

Vulnerability - I cannot provide the definition here but what we know is, it is people who are at risk of falling into poverty, despair, homelessness, of neglecting their children, of family violence and breakdown and, of course, suicide. People have taken their lives in Tasmania as a result of their gambling addiction. It is not enough. The House should not be reassured by the minister's statement that there have been public statements around the community support levy so we should all just relax. That is not the way the Greens roll. We are not relaxed at all during debate on this legislation because we are fully cognisant of the human cost that it will come at.

I go to the interview with the former chair of the Tasmanian Liquor and Gaming Commission, Peter Hoult, with Leon Compton last week. He said that:

> there is no form of harm minimisation that can be called successful if it does not reduce the amount of money being lost through gaming and through pokies in particular. It is that simple. It is so obviously logical.

He went on to say that:

> this industry depends on problem gamblers. Thirty to 40 per cent of the revenue from pokies comes from people with a problem.

When asked about the Labor Party and their capitulation to the gambling industry and on this legislation, he said that:

> I could only assume that they have been in conversation with the industry. … The Labor Party has been craven on this.

That is absolutely true; craven.

He also made some comments about the two harm minimisation measures that the Liberals, Labor and the THA all agree on and raised some very serious questions about their efficacy and the capacity for them to be rolled out and looked at other jurisdictions who have had problems rolling out facial recognition or pre-commitment cards. So, we will happily sit on this amendment for a while and hope that the minister comes back with a change of heart.

Mr Chair, I move:

> That the entirety of clause 32 be postponed.

Motion agreed to.

Clause 32 postponed.

Clause 33 -
Section 3 amended (Interpretation)

Ms O'CONNOR - I have some amendments to clause 33. I will not divide on these but I will speak to them.

Mr CHAIR - Do you want to move them all as one?

Ms O'CONNOR - Yes, I will move them all as one.

I preface this by saying these are the amendments that remove reference to 'fully automated table games'. We heard grumbling from Labor before when Dr Woodruff rightly pointed out that they had walked away from workers. They are going to back in legislation which will take staff out of gaming venues because they will be fully automated table games. All that garbage we heard from government in 2018 and the industry about 5100 jobs being lost, that was just politics. It was never about jobs in the industry; it is about profits for the industry.

I move the first amendment -

Page 43, clause 33.

Leave out paragraphs (e), (h), (i), (j), (zs), (zt), (zu), (zv) and (zw).

I move the second amendment -

Page 45, clause 33, paragraph (n), proposed new definition of ***gaming machine***.

Leave out "(other than an FATG machine)".

I move the third amendment -

Page 45, clause 33, paragraph (n), proposed new definition of ***gaming machine authority***.

Leave out the proposed new definition.

Of course, this is the definition that allows for the proliferation of poker machines in pubs and clubs and for the individual licensing models.

I move the fourth amendment -

Page 49, clause 33, paragraph (zb).

Leave out ", FATG machines".

I move the fifth amendment -

Page 49, clause 33, paragraph (zc).

Leave out the paragraph.

Insert instead the following paragraph:

(z) by inserting the following definitions after the definition of *lucky envelope supplier* in subsection (1):

machine game means a gaming machine game;

machine type means a gaming machine type;

This is principally about removing references to fully automated table games which were never taken to the people, which were never part of the policy that the Liberals announced on the future of gaming markets; have been promoted by the industry, have been adopted by the Liberals, and also by the Labor party who have utterly capitulated to the predatory gambling industry. The third amendment removes the definition of gaming authority to get poker machines out of pubs and clubs.

Mr FERGUSON - Mr Chair, I acknowledge the amendments moved by Ms O'Connor. The Government has determined that fully automated table games will be permitted to operate in casinos. The Government has also adopted a policy for EGMs to continue operating in hotels and clubs. An EGM authority will be required for each EGM that is operated. The Government has determined that fully automated table games will be permitted to operate in casinos. It will be up to the commission as to whether those fully automated table games will be approved to operate with jackpots.

Further, those amendments, I think there five of them, are plainly all related to each other but have the intention of removing all definitions in relation to fully-automated table games and, therefore, taking them out of the legislation.

To inform the Committee, fully-automated table games currently operate in other jurisdictions around Australia -

Ms O'Connor - Well, that makes it okay then.

Mr FERGUSON - If you just listen. The Government's decision to allow automated games to operate in Tasmania is in line with the recommendations of the Joint Select Committee which included that casino-based gaming products in Tasmania be reviewed against the product range permissible in other states.

Regulations will provide for limits to be imposed on the number or ratio of those fully automated table games to traditional table games that can be operated by the Federal Group. I place a heavy emphasis on this: it is already the case that the commission has the ability today to approve fully automated table games with the act as it currently is unamended. Therefore, even if, and it does not, the Government were inclined to agree with Ms O'Connor's amendments, removing them would not even have the effect of preventing what I have just

outlined: that the commission presently has the ability to approve fully automated table games to be operated.

I am advised that defining the fully automated table games separately in the legislation provides a greater ability to control the operation of fully automated table games because a complete absence of them defined in the legislation, it could be said, potentially has a wider scope. The Government does not support the amendments.

Amendments negatived.

Clause 33 agreed to.

Clauses 34 to 37 agreed to.

Clause 38 -
Sections 9, 10, 11, 12, 13, 14, 15 and 16 substituted

Ms O'CONNOR - We have a number of amendments to move to clause 38, nine amendments in total, which I will move as a whole.

It is worth pointing out that this is the clause which removes the powers of the Tasmanian Liquor and Gaming Commission in the authority conferred by General Casino Licence, in the authority conferred by High Roller Casino Licence and in the authority conferred by a Keno Operator's Licence. In the principal act there are regular references made through those clauses to the role of the Tasmanian Liquor Gaming and Gaming Commission and they have all been removed. This is what I was saying before about the de-fanging of the Tasmanian Liquor and Gaming Commission through the legislation.

I would like the minister to explain why the Tasmanian Liquor and Gaming Commission has had its authority undermined here? There is a reference, for example, in the principal act under granting of casino licence and gaming operator's licence to the commission's powers to grant to the holder of an existing licence a casino licence in respect of any other premises.

In Section 12 of the principal act, Authority conferred by gaming operator's licence, it mentions that the commission must not issue a further licence:

> A gaming operator's licence authorizes the holder of the licence subject to this Act and any conditions to which the licence is subject, to do such of the following things as are specified in the licence:
>
> …
>
> (f) To sell or dispose of gaming equipment with the approval of the Commission.

That is gone. In the amendments, the commission's powers in relation to amending conditions, all of it undermines the authority of the Tasmanian Liquor and Gaming Commission. It is impossible to escape the conclusion that this is because the Tasmanian Hospitality Association is pushing for deregulation. Removing the Gaming Commission's powers through the new framework fits that objective.

The Tasmanian Liquor and Gaming Commission has made a number of submissions. They made a submission to the committee inquiry that brought into question, the individual licensing model. As Peter Holt pointed out, it would cause more harm than the monopoly deed. It feels like pay-back to the Tasmanian Liquor and Gaming Commission to take them out of the picture in this way. I am very surprised that Labor would support this.

Mr Chair, I move the following amendments to this clause -

First amendment -

Page 61, clause 38, proposed new section 13A, subsection (2).

Leave out the subsection.

Second amendment

Page 61, clause 38, proposed new section 13A, subsection (5).

Leave out the subsection.

Insert instead the following subsection:

(5) A general casino licence may be granted in respect of one casino only, and only one licence may be held by a casino operator.

Surely the days of monopoly licences are over.

Mr Chair, I move the following further amendment to this clause -

Third amendment

Page 61, clause 38, after proposed new section 13A.

Insert the following new section:

13AA. Consultation on general casino licence conditions

(1) Before making a determination under section 13A(4) the Commission must -

(a) cause a call for public submissions to be published under subsection (2); and

(b) consider any representations made under subsection (4).

(2) A call for public submissions under subsection (1) is to -

(a) be published before the first day of the exhibition period -

(i) in a newspaper that is published, and circulates generally, in Tasmania;

(ii) and on the Commission's website; and

(b) Specify the exhibition period; and

(c) Specify an electronic address where the details of the proposed general casino licence are available for viewing and downloading by the public; and

(d) Specify another method for accessing and viewing the details of the proposed general casino licence, available to the public other than that provided under paragraph (c); and

(e) contain an invitation to all persons and bodies to make to a representation in relation to the application, by submitting the representation to -

(i) an electronic address specified in the notice; or

(ii) by another means other than that provided under subparagraph (i).

(3) The exhibition period is to be for a period determined by the Commission, no shorter than 20 days.

(4) A person or body may, within the exhibition period in respect of a call for public submissions, make a representation in a manner described in the call for public submissions.

This goes to the point that Dr Woodruff was making before about how comprehensively shafted -

CHAIR - Ms O'Connor, did you mean submissions, rather than exhibitions at the end of that?

Ms O'CONNOR - Public submissions, yes, I did, thank you Chair.

This clause is an attempt to bring the Tasmanian people back into the conversation because they have been shut out for the past 50 years, as Dr Woodruff made clear. Overwhelmingly, what polling tells us, is that people want poker machines out of pubs and clubs, but they also want to see, substantially, the harm caused by gambling reduced. The least the Government can do is give people a say in the granting of a casino licence condition. At least give a nod to the public's right to have a say in the business activity that takes place in our community.

Mr Chair, I move the following further amendments to this clause -

Fourth Amendment

Page 62, clause 38, proposed new section 13B.

Leave out the proposed new section.

Insert instead the following new section -

13B. Granting of high-roller casino licence

(1) The Commission may grant a high-roller casino licence in respect of premises, or part of premises, to an applicant for the licence.

(2) However, only one high-roller casino licence may be in force under this Act at any one time.

(3) A high-roller casino licence granted under this Part may be subject to such conditions as the Commission thinks fit.

(4) A high-roller casino licence may be granted in respect of one casino only.

(5) The Commission must not grant a high-roller casino licence in respect of the same premises, or part of premises, for which a general casino licence has been granted.

There was never a proper conversation with Tasmanians about two high-roller casino licences, let alone one, really. Now, we understand that there would be a prohibition, if you like, on Tasmanians gambling in those high-roller venues, but we can see, even from today's media, the enormous potential for money laundering and criminal activity in high-roller casinos in places like the Crown Casino in Melbourne which has been found to have breached its licence conditions. There was criminal activity happening at Crown Casino, yet somehow it has managed to keep its licence which tells us yet again about the poisonous influence of the gambling industry on the major parties and governments in this country.

By allowing for two high-roller casino licences, what we are saying here is that we are happy to let the money launderers and the crooks in with their bags full of cash to gamble at our high-roller casinos because high-roller casinos are a vehicle for money laundering. That's incontrovertible evidence so, why would we as a state have two casinos, two high roller casinos and thousands of pokies in pubs and clubs?

Mr CHAIR - Ms O'Connor, if we are moving all the amendments as a block -

Ms O'CONNOR - I am happy to talk on the second set of amendments in my second go but I think the minister should provide a definition to the House of what a high roller casino is, because when you look to the interpretation section of the act, there is no definition of a high-roller casino. We have a definition of 'player' but we do not have a definition of 'high-roller casino'. I think that if we are introducing a whole new form of gambling in this state, there should be something in the interpretation section of the act about what it is.

Fifth Amendment

Page 62, clause 38, proposed new section 13C, subsection (2).

Leave out the subsection.

Sixth Amendment

Page 61, clause 38, after proposed new section 13C.

Insert the following new section:

13CA. Consultation on keno operator's licence conditions

(1) Before making a determination under section 13C(4) the Commission must -

(a) cause a call for public submissions to be published under subsection (2); and

(b) consider any representations made under subsection (4).

(2) A call for public submissions under subsection (1) is to -

(a) be published before the first day of the exhibition period -

(i) in a newspaper that is published, and circulates generally, in Tasmania;

(ii) and on the Commission's website; and

(b) Specify the exhibition period; and

(c) Specify an electronic address where the details of the proposed keno operator's licence are available for viewing and downloading by the public; and

(d) Specify another method for accessing and viewing the details of the proposed general casino licence, available to the public other than that provided under paragraph (c); and

(e) contain an invitation to all persons and bodies to make to a representation in relation to the application, by submitting the representation to -

(i) an electronic address specified in the notice; or

(ii) by another means other than that provided under subparagraph (i).

(3) The exhibition period is to be for a period determined by the Commission, no shorter than 20 days.

(4) A person or body may, within the exhibition period in respect of a call for public submissions, make a representation in a manner described in the call for public submissions."

Seventh Amendment

Page 65, clause 38, proposed new section 16.

Leave out "20 years".

Insert instead "5 years".

This is a really important amendment, Mr Chair, because the other thing that the Liberals did not tell the people of Tasmania either in 2018 or in 2021, is that the framework that they are looking at is the 'pokies forever' legislation which means that these 20-year licences will just roll on and on and on. Where once we had a deed that had a legislated end date which is in two years time, now what we will have is this series of rolling 20-year licences with individual venues which will guarantee people lose their lives, lose their livelihoods, their families break down, they lose their home, they end up either in a psych unit or, if there is one available, a drug and alcohol treatment facility. That is the social cost of this 20-year rolling licence framework and we believe five years is reasonable.

It is also in line with evidence that was given to the parliamentary inquiry into future gaming markets from the Tasmanian Liquor and Gaming Commission and, indeed, Treasury itself about the potential for five to seven-year licences but, no, the industry has got exactly what it wanted - it has 20-year rolling licences. Yee-haa.

Eighth Amendment

Page 65, clause 38, proposed new section 16A, subsection (1).

Leave out "no earlier than 5 years, and no later than 2 years".

Insert instead "no earlier than 1 year, and no later than 6 months".

Ninth Amendment

Page 65, clause 38, proposed new section 16A, subsection (4).

Leave out the subsection.

Insert instead the following subsection:

(4) the Commission may refuse to consider an application made under this section if -

(a) a requirement made by this section is not complied with; or

(b) the applicant's conduct, including but not limited to any offences or infringements under this Act, has been, in the opinion of the Commission, detrimental to the public interest; or

(c) it is the opinion of the Commission that it is not in the public interest to do so.

We strongly believe that particularly the amendments around consultation should be supported by Government.

Time expired.

Mr FERGUSON - I thank Ms O'Connor for her contribution and amendments, nine of them. Broadly speaking, the reason for clause 38 is to introduce the new governance arrangements for the authority to grant licences under the existing gaming licence structure. They need to be repealed and substituted by the new provisions to allow the Government's new licensing model to be put into effect. This is consistent with the Government's 2018 election policy and the one which has been the subject of two rounds of public consultation.

As the notes have already stated to members who have read them, this reflects the move from licensed premises, gaming licence, gaming operator licence and casino licence, to the new licensed names including Keno licence, Venue licence, General Casino licence, and High-Roller Casino licence. Amongst her contribution, Ms O'Connor did question the language around High-Roller Casino licences. These, I can advise, will be further defined in regulations and codified in terms of things like, for example, minimum bet limits which obviously relate specifically to their role as high-roller casinos.

Ms O'Connor - Will you address my question about the removal of the commission?

Mr FERGUSON - The commission has powers to impose conditions and to amend them as required. It continues to be very powerful. It is the independent and authoritative body to govern these matters and I would reject the claim that it is being - I think your word was 'de-fanged'.

Ms O'Connor - It is.

Mr FERGUSON - I do reject that. In terms of addressing the specific amendments, I offer these comments. The amendments attempt to introduce risk, indeed, sovereign risk, given that there is an attempt here to prevent the casino venues from being able to have any kind of long-term tenure as would allow them to continue to invest and employ. We do not support that. This has been through two elections and two rounds of public consultation.

Ms O'Connor - No, it has not been through two elections.

Mr FERGUSON - It has.

Ms O'Connor - You were not honest about it.

Mr FERGUSON - It has. Whether you agree with it or not, nobody can be in any doubt that the Government policy was for the Federal Group to be able to continue to operate its casinos, to retain its existing licences. That does not change the fact that the commission, when a licence is due for renewal, to examine the past conduct, current conduct and to apply conditions and impose them and indeed from time to time, if it so feels the need to amend them, toughen them or whatever might be the case as relevant in the circumstances. The commission, as the independent regulatory body, is most appropriately positioned to then determine any conditions that will apply to a general casino licence. As is now the case, that will continue to be the case.

One of the amendments sought to limit the granting of high roller casino licences to one only compared to two or potential for up to two. Again, we will not be agreeing to the amendment on the basis that again the bill as drafted reflects the Government's policy position that we took to the election. Whether you agree with it or not, that is what has been very clear.

The Government's policy provides for up to two high roller casino licences. There is no guarantee that any will be offered in the end but it provides the governance around circumstances where licences could be offered, one in the north and one in the south, as we know for non-Tasmanians to participate. In the first instance the licence for the south would potentially be offered to MONA. Of course that, as is always the case, would be subject to the fit and proper person test. The northern licence would be offered, subject to a proposal being received and a cost benefit analysis demonstrating it is in the best interests of the state.

This will come as news to no-one because it is outlined in the legislation. The Government's policy in relation to Keno licences to the existing Keno operator, the Government's policy provides for this to occur and for Federal Group to be granted the Keno licence, noting that this is the source of the taxation treatment of a significant additional payment to the state by the operator.

In relation to the amendment proposing to insert a new section requiring the commission to go through public submission process, as I continue to emphasise throughout this committee stage, the commission is the independent regulatory body. It is most appropriately in a position to decide the conditions that should apply to a Keno licence. I do not intend to support amendments that interfere in that body's role in that case.

In relation to the amendment that would try to clip Federal's wings from 20 years back to five, I think that is what Ms O'Connor is seeking to do there: clearly the Government's policy provides for the Federal Group to retain its two casino licences subject to a process of settling licence fees, tax rates and a term of up to 20 years. Allowing a casino licence for a period of 20 years self-evidently provides the Federal Group with investment certainty in relation to its two properties, in the north and the south. The legislation provides the Federal Group to apply for the renewal of its casino licences within five years but no later than two years prior to the expiry of its licences in 20 years' time.

While the Government is setting out legislation to establish the greatest possible degree of certainty, it all sits within the provision that the commission has to be satisfied. That entity, Federal Group, satisfies the necessary tests, including fit and proper person tests, and including their past conduct and record of meeting its obligations, for example, under the mandatory code.

I have been reminded that while the commission continues to have significant power there is a further step. The minister of the day also has the ability to call for a new casino licence applications if they determine not to renew the Federal Group's two casino licences at that time. I do not think anybody should be in any doubt that while the legislation that is before us provides for the governance mechanisms and the conditions that would need to be met even to be considered, we do not agree to the amendments that have been put forward by the Greens. Most of them are trying to change the policy that the Government has already previously been clear on and has taken to election and has been the subject of significant public consultation already.

Ms O'CONNOR - This is the clause in the legislation that revokes the toxic 2023 deed but it also hands over without any commercial or tender process a casino licence and a Keno operator's licence, which is in defiance of the policy that the Liberals had before Paul Lennon and Steve Old made an appearance at the Future Gaming Markets Inquiry.

We have heard a lot of talk about market-based negligence. What we have now is more of the same that we have had on this island for 50 years, which is giving Federal Group what they want. Again.

I was not satisfied with the minister's answer about the Liquor and Gaming Commission's removal from these authorities with which they are intimately involved in the principal act so we will be dividing on this clause. For example:

> Once the deed expires and this legislation comes into effect the commission must grant to the holder of an existing casino licence a general casino licence with respect to the same premise.

This is just handing a casino licence over to Federal Group. They will run two casinos through that licence. We are really concerned about the disempowerment of the Liquor and Gaming Commission through these proposed amendments and definitely think that the Government is rolling over to the Federal Group. As will Labor, of course.

What the minister is saying in his language around the high roller casino licence is that not only are we open for business down here, which has the cause of significant social fracturing and degrading of natural values, we are open for money launderers. We are open here for high rollers coming in from Shanghai with bags of cash, like they did at Crown Casino. That is what we are saying. That is the kind of island we are going to become - two casinos; 3500 EGMs, two high roller casinos. What tacky and tawdry legislation this is. It will change the fabric of this island for countless generations. You should all be ashamed of yourselves.

Mr FERGUSON - I do not want to prolong this but I intended to and want to respond, and I should have in my earlier response. I appreciate that the money laundering question is a legitimate one that ought to be asked. I thank Ms O'Connor, although we will disagree. Ms O'Connor has a chequered history on this matter of high roller casinos. She might be sounding today like someone who opposes them -

Ms O'Connor - I am concerned about the proliferation of high roller casinos here.

Mr FERGUSON - It really did sound to me like you were opposing any high roller casinos but you are on the record as supporting them, for some people to be able to operate them.

Ms O'Connor - We are very concerned about it.

Mr FERGUSON - That is a fascinating insight into your conflicted position, Ms O'Connor.

Money laundering is a serious issue in the world. We are a small jurisdiction. We are determined to ensure that we have robust legislation in place for gaming. Importantly, as you will hear me say again and again, we have an independent, strong, empowered organisation; the Commission, which continues to be responsible for regulation and to be very alert to those concerns, including -

Ms O'Connor - How are you going to stop money laundering? But you said strong legislative framework. What does that mean?

Mr FERGUSON - It is the legislation in front of us and it is also federal legislation. The Gaming Control Act establishes the Commission. It prescribes clear functions and powers to ensure that controls are in place to safeguard the integrity of gaming operations which is exactly what Ms O'Connor has legitimately asked about. Importantly, measures are in place in Tasmanian casinos right now, as you should expect and demand, to detect suspicious activity and transactions and to provide an accurate record of winnings. Suspicious activity needs to be detected. Suspicious activity does not mean guilt but it means it is suspicious and it needs to be looked into. Suspicious activity is monitored, is detected, and is reported.

I am also advised that in a state of our size suspicious activity is more likely to stand out, given that our casinos are relatively small. I was not asked about this but I feel it is worth putting on the record that the independent Tasmanian Liquor and Gaming Commission is reviewing the 19 recommendations contained in the Bergin Report report to determine if they have any application in our state and, of course, I would expect that some of them will. It is noted that recommendations, including anti-money laundering measures, may have application not just in individual states but across jurisdictions and perhaps nationally and will have greater impact if consistently applied.

The Government already has a significant legislative program to implement our policy and we will, of course, consider any recommendations that the commission may make to us in the future, as appropriate, to protect the very concern, I think, that Ms O'Connor has raised in the debate just now.

Dr WOODRUFF - I have not heard anything in the minister's responses that has comforted me. The reason we put these amendments today is because we believe in the importance of an independent Tasmanian Liquor and Gaming Commission. The independence of the Tasmanian Liquor and Gaming Commission was the intent of parliament in 1993.

It was in response to the deep concerns from the Tasmanian community about the potential for corruption, the potential for the gross disadvantaging of different parts of the Tasmanian community as we have seen played out, unfortunately, since then, and the idea of having an independent body that is established with functions as a safeguard to the push and

pull of big money and clearly the way that that has played out, pushing and pulling on the very heart and soul of the Liberal and Labor parties.

We can see today and in the actions of both parties at the last two elections how utterly conflicted they have become in understanding how far apart they are from the majority of Tasmanians. It is tragic that this represents yet another step away from listening to Tasmanians. The amendments we have put up today include, for example, a requirement before a high-roller licence or a casino licence is provided for the first time, nouveau in Tasmania, a process for public consultation, a process for an independent assessment of people's views in Tasmania about the impacts, a process of fuller understanding of the implications for Tasmania.

The fact that the minister does not have a definition of 'high-roller casino' in this bill says volumes to me about the intent of just letting these things slide through without the public assessment about the costs and the impacts that it may have, intended or unintended, on Tasmanians. We have just got to look at what has been happening with the Crown casinos.

It is all very well for the minister to bat away this idea about the possibilities of criminal organisations infiltrating Tasmania: they infiltrated Perth and Melbourne. That is what happened in Riverbank and Southbank and we have had to have, since 2014 - it is a matter of record - international organisations and Australian criminal organisations laundered money through those two casinos. That is a matter of fact.

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

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

In Committee

Resumed from above.

Dr WOODRUFF - Times have changed since 2014. What we know as a result of the investigations that have been reported in the mainstream media is the flow of criminal money for laundering into Australia through high-roller casinos in Perth and Melbourne has been very destructive. It has been destructive to the integrity of those states' finances, to the integrity of those states' governance processes. It is a matter of deep concern to federal intelligence and security agencies.

The last thing we want is to have that on the horizon in Tasmania. This is why the Greens update ourselves when we look at the evidence. The evidence is clear.. From those investigations we ought to be concerned that this legislation does not duly condition and caveat how high-roller licences would be provided. It does not define what a high-roller casino is. That is extremely concerning. It is introducing a completely new form of gambling and potentially of money laundering into Tasmania. We see nothing in this bill that provides us with any comfort that the minister and the Government is putting the best interests of Tasmanians first.

Leaving aside the question of the impact on Tasmanian communities, this is a question of the impact on the integrity of Tasmania's governance systems and the potential impact of

criminal money laundering in Tasmania. It might leak out, as these things do, into donations to political parties.

The Tasmanian Liquor and Gaming Commission voiced strong concerns to the select committee about its opposition to direct licensing, to extended licence terms and it advocated for a market-tested competitive process that provided transparency to the community and returns the appropriate revenue to government and the Tasmanian community. That is why we introduced in our amendments to this clause that there will be a requirement for public consultation on a number of areas, particularly for a Keno operator's licence conditions. It is important to have public submissions on a new area of gambling like this.

I want to make some notes about the Liquor and Gaming Commission's comments to the joint submission that was made by the multi-venue pub owners and Federal Group. On the last day of the parliamentary committee hearings there was a joint submission by the poker machine industry and the two men who were presumably central to negotiating the deal between Federal and the large poker machines hotels. They were Paul Lennon, a paid lobbyist for Federal Group, and Steve Old, his former ministerial gaming adviser and who is now the THA boss.

They made a submission on behalf of Federal Group and the big pokies clubs and hotels. The Gaming Commission made a response to that and was concerned that the proposed model was not the result of the competitive market-based mechanism such as a tender. That was the mechanism stated by the Hodgman Liberal Government in the post-2013 structural gaming framework. That was the mechanism that the Liberals said they would be adopting. The mechanism was a competitive mechanism to provide all potential operators, other than those already present, with the opportunity to enter a commercially profitable market and for the state to achieve a fair market price.

The TLGC had a long record of dealing with compliance breaches in hotel venues. It is incredibly important that the TLGC retains the independence, powers and functions that will enable it to be able to properly investigate, take public submissions and undertake a competitive tender process for anything like the granting of high-roller casino licences or casino operator licences.

Time expired.

Mr CHAIR - The question is that the amendments be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis (Teller)
	Mr Ferguson
	Ms Finlay

Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Ms White
Mr Winter

Amendments negatived.

Clause 38 agreed to.

Clauses 39 to 42 agreed to.

Recognition of Visitors

Mr CHAIR - Honourable members, I welcome the Young Migrant Education Program from TasTAFE to the parliament. Welcome and enjoy your time this afternoon.

Members - Hear, hear.

Clause 43 -
Sections 22 and 23 substituted

Ms O'CONNOR - This is another example in the legislation of a readjustment of power and the part de-fanging of the Tasmanian Liquor and Gaming Commission and the minister, through this legislation, granting himself some quite extraordinary powers. Clause 43 of the amendment bill replaces sections 22 and 23 of the principal act. Section 22(1) of the principal act says:

> (1) If a casino licence or a gaming operator's licence is cancelled or surrendered, or is due to expire, the Commission may, if it is satisfied that it is in the public interest to do so, call for applications for a new licence of the same kind.

What we are being asked to insert into the legislation is action to be taken if a casino licence or Keno operator's licence is cancelled:

> The Minister may, if satisfied that it is in the public interest to do so, call for applications for a casino licence or a keno operator's licence if a licence of the same kind -
>
> (a) has been cancelled, or surrendered; or

(b) is due to expire within the next 2 years and the licence holder -

has not made an application, or has made an application, to renew the licence.

We had to listen just before the break to the minister basically painting the Greens as sort of conspiracy theorists again because we have pointed out that the amendment bill removes some of the powers of the Tasmanian Liquor and Gaming Commission. We rightly described it as the commission's de-fanging. This clause tells us that that is an objective of this amendment bill.

I have looked at Labor's amendment. They do not go to this issue and this issue is very concerning. Why should a political figure, that is, the minister who belongs to a political party which has received copious donations from the gambling industry, be the person who calls for applications for a casino or Keno operator's licence when twice now this legislation has been through the parliament and twice the parliament has decided that it is up to the commission to call for a new casino operator or Keno operator. Perhaps the minister could explain to the House why he is taking that power away from the commission and giving it to himself. There is no justification other than making sure it works for the industry.

I move the following amendment to clause 43, proposed new section 22:

Leave out the proposed new section.

Insert instead the following section:

22. Action to be taken if casino licence or keno operator's licence cancelled, &c

(1) If a casino licence or a keno operator's licence -

(a) has been cancelled or surrendered; or

(b) is due to expire within the next 2 years and the licence holder -

(i) has not made an application to renew the licence under section 16A(1); or

(ii) has made an application to renew the licence under section 16A(1) and that application has been refused; then -

the Commission may call for public submissions to published under subsection (2) on the matter of whether or not a call for applications for a licence of the same kind should occur under subsection (6).

(2) A call for public submissions under subsection (1) is to -

(a) be published before the first day of the exhibition period -

(i) in a newspaper that is published, and circulates generally, in Tasmania;

(ii) and on the Commission's website; and

(b) Specify the exhibition period; and

(c) Contain an invitation to all persons and bodies to make to a representation in relation to a call for applications for a casino licence or a keno operator's licence by submitting the representation to -

(i) an electronic address specified in the notice; or

(ii) by another means other than that provided under subparagraph (i).

(3) The exhibition period is to be for a period determined by the Commission, no shorter than 30 days.

(4) A person or body may, within the exhibition period in respect of a call for public submissions, make a representation in a manner described in the call for public submissions.

(5) On conclusion of the exhibition period, the Commission is to consider the submissions it has received under subsection (4), and must recommend in writing to the minister that either -

(a) it is in the public interest; or

(b) it is not in the public interest -

for a call for applications for a licence of the kind the call for public submissions relates to.

(6) If the minister receives a recommendation under subsection (5)(a), the minister may call for applications for a licence of the kind recommended under subsection (5).

The purpose of this amendment should be obvious to members of this House if you want to step back from our total opposition to this legislation. If you want to apply the principle of 'if it's not broken, why would you attempt to fix it', the principal act empowers the Commission to decide whether or not to call for another casino or Keno operator's licence.

We heard from the minister how important it is that we have an independent gaming commission. Why is the minister granting this power to himself? There is no justification for it. It has a bad smell about it. We do not support it. It is further evidence to us that this

legislation and this Government are seeking to disempower and de-fang the Tasmanian Liquor and Gaming Commission.

Mr FERGUSON - Chair, I thank Ms O'Connor for that contribution. You have not made a very good case there, Ms O'Connor.

Ms O'Connor - You make the case for why you should have that power.

Mr FERGUSON - You have failed to make any arguments about how that would sustain your claim that it is about doing anything negative towards the powers of the commission.

Ms O'Connor - Why would you give yourself that power?

Mr FERGUSON - If you care to take a moment to listen, I have taken advice on this. I am advised that the drafting is consistent with the drafting elsewhere in the bill around the calling for applications for the licence monitoring operator.

It also is the case that the provisions are in place in a future state or in a future event where an existing operator has failed to reapply for their renewal at the point of two years out from the expiry of their licence or, as you commented, the licence holder has surrendered or had their licence cancelled.

To answer the question, at the end of the day it is about ministerial responsibility. It is about somebody taking responsibility for that judgment that may - and I emphasise may - be made at the time based on the drafting. There is nothing sinister or untoward here as much as I know, Ms O'Connor, you would love to find a conspiracy. There is not one. That is what I am advised is the reason for the drafting and the way that it is. About 2041, I think we might be considering such a hypothetical scenario.

Ms O'Connor - I mean, seriously.

Mr FERGUSON - I personally am not planning to be the finance minister in 2041. It might be somebody else here, but that is the answer that I have. It is about ministerial accountability for a licence holder that by no later than two years before the expiry of their licence, yes or even an earlier stage, but during the period of their licence, if there is a surrender or a cancellation of the licence, there needs to be a mechanism to be able to allow a new licence to be considered.

Ms O'Connor - There is, there already is one. That is what the act did.

Mr FERGUSON - In relation to this, I have already answered the question. There is no conspiracy. I am advised it is consistent with other parts of the bill that deal with the LMO. Another central point here is that the commission will continue to do the work around the application process, the assessment of it and the recommendation to the minister of the day. That is my answer to your question and the Government will not be supporting your amendments.

Ms O'CONNOR - It is the modus operandi of minister Ferguson to get a little bit personal when you are uncomfortable, well I think so. To claim that I did not make the case when you have not given an argument for why the minister of the day should be the one who

calls for applications and you said ministerial responsibility, but you know full well clause 49 of the amendment bill says, 'Licence cannot be granted without minister's approval'. There is your ministerial responsibility, embedded in the legislation a few clauses down the track.

What we have here is a realignment of power around licensing of gambling in Tasmania. We have more power to the minister. In this area, in the call for the network monitoring operator and we also have the minister able to select the first network monitoring operator. The minister himself, not the independent gambling commissioner who has the expertise in it - the minister himself. We have the minister giving himself the power over the network monitoring licence. Then we have parliament being taken completely out of the picture and we have the Gaming Commission being removed from numerous clauses in the principal act.

I will not be here in 2041 either, but what I know is that over the next 20 years, as a result of this legislation, there are also plenty of other Tasmanians who will not be here either, because gambling addiction causes suicide.

The thing is, that 20 years from now, it is not going to come back to parliament, is it, if this legislation passes, because the minister has taken parliament's role out of the principal act. Who knows if parliament will even be aware 20 years from now, and the minister knows full well. We are not only talking about the next 20 years. We are talking about a 20-year casino and Keno licence, sure, but we are talking about legislation which keeps poker machines in pubs and clubs for ever. That is what these two parties in here are voting for, just so it is really clear in this place.

Mr Winter, now that you have piped up and thanks for reminding me that you are here, I have not seen anything from you in this debate today or heard anything from you. I heard very little from you when we debated it last Thursday.

Mr Ferguson - Relevance, Mr Chair.

Ms O'CONNOR - Are you defending Mr Winter? Of course you are defending Mr Winter.

Mr Ferguson - The thing is, you are wasting so much time.

Ms O'CONNOR - Of course, wasting time talking about the minister granting himself extraordinary powers under the new gaming market.

Mr Ferguson - Well you turned your sights on to Mr Winter.

Ms O'CONNOR - I was having a go at Mr Winter, because frankly, on this issue, both your parties disgust me.

Mr Ferguson - Yes, we are aware of that. How about you be relevant to your own amendment?

Ms O'CONNOR - I am being entirely relevant. How about you do not lecture me about what I do in this place?

We commend the amendment to the House because it makes sure that there is a measure of public engagement about the question of a new casino licence or Keno licence and it makes absolutely sure that the commission retains its power over calling for licences, should they not be renewed or expired.

Ms WHITE - I had some questions to ask the minister about this because I am not convinced by your answer to the questions that have been raised by the member for Clark. In particular I am keen to understand whether you have authority, as the minister now, to grant licences. The amendment that is in this bill, to the substantive act, the Gaming Control Act 1993, does transfer the power from the commission to the minister. I am interested to understand whether you have those powers already, under existing legislation, to grant certain licences that would ordinarily be dealt with by the commission. If so, are you able to detail what they are?

I am also interested, minister, in relation to this clause, because it repeals sections 22 and 23 of the principal act. Section 23 in particular contained a requirement that the commission must consider each such person is fit and proper, having regard to character, honesty and integrity and each such person is of sound and stable financial background. Why have those requirements been repealed, in section 43? I cannot see those words replicated in the new bill that is before us now and I am interested to understand why that requirement, that a person is a fit and proper person having regard to character, honesty and integrity and that their sound and stable financial background is assessed, particularly by the commission, which is how it works currently, has been changed.

Also, why this bill grants you the authority to call for applications for casino licences or Keno operator's licences, if the licence is of the same kind, once it has been surrended?

I understand you have provided some advice to the House in relation to the member's question earlier - it was really that it was consistent with other matters within this bill. I am interested to know whether this is the first time you will be granted such power, minister?

Mr FERGUSON - Thank you, Ms White, for the question. I can only restate what I have said before about the role of the minister as proposed in the bill. It has been put to me in a different way that might assist the committee that, if anything, it is an additional gate in the process. Why would you ask the commission to go through a process if the minister -

Ms O'Connor - Because they are independent.

Mr FERGUSON - of the day does not even wish for a new licence application to be called for in the first place.

Ms O'Connor - Sorry, you are telegraphing from Pluto.

Mr FERGUSON - That is interesting advice that I am sharing with you, Ms O'Connor and Ms White. Rather than -

Ms O'Connor - Like the minister of the day of one of your two major parties would not want to renew the licence.

Mr FERGUSON - You give your lectures about not being interrupted but you might just like to listen to an answer without being quite so rude.

Ms O'Connor - I am always happy to be interrupted.

Mr FERGUSON - Ms White, I draw your notice to the clause that we are currently examining, clause 43. It provides for the fit and proper person test. It provides for the criteria around a person being of sound and stable financial background. There is a range of other criteria that are established in there.

The main purpose that is being achieved in clause 43 is the modernising of the act together with the new licence names that I discussed in an earlier clause today. I draw your attention to page 69 of the bill which shows proposed new clause 23. I think you realise now that the provisions that you were concerned might be going missing are restated with some additionals as well.

Ms JOHNSTON - I, too, share Ms O'Connor's concerns around the constant watering down of the commission's role. We heard the minister speaking earlier this morning about the importance of the independence of the commission. What we see in this bill is the complete opposite of what the minister is suggesting is the case.

It concerns me that there is a significant transfer of power and scrutiny of licensing regimes from the commission, which is supposed to be the independent commission and appropriately independent, to the minister. As this House would be well aware, we have a history of ministers of both Labor and Liberal persuasions being bought by the industry and doing the bidding of the industry. They are beholden to them. We see that time and time again over the history of gambling in Tasmania. They are the paymasters.

This entire bill is designed for the benefit of the industry. Absent from the bill is scrutiny, community interest, looking after vulnerable people, harm minimisation measures, and the appropriate independence and scrutiny that the commission provides. It is completely missing now in the principal act if these amendments get through.

The minister spoke earlier about the importance of ministerial responsibility and suggested to the Leader of the Greens there is nothing sinister or untoward here. I disagree. What has been sinister and untoward is the undue influence the gambling industry has had on the Government and on the Opposition. It is very clear on every page of this bill that we have.

It is abundantly clear that provisions like this are attempting to water down the role of an independent commission - someone with the expertise to make the proper assessments and instead putting it in the hands of the minister, whether it be this minister or a future minister who will likely be beholden to an industry that pays their election campaigns, that supports them during the term of parliament, that tells them what they should and should not be doing, what the policy should be, and what the regulations should be. At every step of the way with this particular industry we have seen them speaking out and saying what should happen. It is abundantly clear.

In 2018, a number of poker machine venues had Liberal advertising. I note the members for Clark, Ms Archer and Ms Ogilvie, plastered all over.

Members interjecting.

Ms JOHNSTON - I apologise. Ms Ogilvie was not a Liberal member for Clark at that time in 2018. I will correct the record because in 2018 Ms Ogilvie was against having poker machines in pubs and clubs but has again changed her mind because the poker machine industry has bought the Government and bought the Opposition -

Ms OGILVIE - Point of order, Mr Deputy Chair. I would just like to say that some of what has just been said is actually incorrect.

A member - Are you personally offended?

Ms OGILVIE - I am personally offended. You need to get your facts straight before you start saying people are bought. You actually do not know what my position is, Ms Johnston. You have my phone number. You can give me a call.

Mr CHAIR - Ms Ogilvie, if you are personally aggrieved, you can ask for it to be withdrawn, or you can make an explanation on the adjournment tonight.

Ms JOHNSTON - I made the correction. I do apologise. You were not a Liberal member in 2018, but quite clearly on the record in 2018 you stood with Labor at that time against having poker machines in clubs and pubs in our community. Yet you have a very different position right now. What we are seeing with this particular provision is the watering down. I will be supporting the Leader of the Greens' amendment to ensure that the appropriate scrutiny is placed on it. It is not broken. It should not have to be fixed.

Ms WHITE - Thank you, minister, for providing some information. Maybe it would help me understand what the situation is right now. Currently under the Gaming Control Act, if a casino licence or a gaming operator's licence is cancelled or surrendered, then the commission may, if it is satisfied and it is in the public interest to do so, call for applications for a new licence of the same kind. Does the minister have any role in that?

You made the point that the reason the amendment has been proposed is to give the minister the ability, if they did not want to call for a new licence, to have the authority to say so. If the commission wanted to do what is prescribed under the act, could you not say to them today, 'No, we do not want to call for a new licence of the same kind?'

Further to that, under the new clause 43, if the minister has this role, which as a new power conferred upon them, what role will the commission play? You say the only reason you are doing this is to prevent a licence being renewed, if the Government wanted to do that.

Mr Ferguson - I did not say that exact phrase, but I am happy to come back to it.

Ms WHITE - I am not trying to put words in your mouth. I am not trying to trick you. I am just saying, for an example, if the minister wanted to not renew a licence for a casino, then it would give you that power, but in the instance where it did want to renew a licence and the minister called for a renewal, what role does the commission play? Is it just that you put an ad in the paper and then all the information is provided to the commission, which undertakes the assessment, which is how it would currently progress under the existing bill, or do you have some other further role to play there? I note, looking ahead to clause 49, that the minister can

approve the granting of a licence and can advise the commission of any terms and conditions to be included in that licence.

I am also interested to know whether you had the ability to do that now. I am trying to understand exactly what is different about this, compared to what is in the bill.

Mr FERGUSON - Thank you again for your question, Ms White. You asked again for clarity; what is the current role of the minister in relation to the licence regime? I think I failed to answer your earlier question where you asked, 'What is the role of a minister in approving one right now?'

In the current circumstance, the deed is the prevailing document around the issuing of the casino and gaming licences to Federal Group. That is the monopoly, so it more or less hardwires that the Federal Group is the licence holder under the current arrangements. However, in the bill before us, the clauses that we are currently examining establish a set of rules around the calling for new applications for a new licence holder in the event that a licence holder surrenders their licence or it is cancelled.

The licences are initially set up by the deed. The Minister for Finance or the minister administering this act - the power of me in this case - currently can veto a recommendation of the commission in relation to that process right now. While the application might well be granted by the commission, the minister must approve the granting of that licence. That is the current arrangement. In all cases, the minister has a role that must be approved.

I am not trying to forecast what would happen in years to come, but it is a reasonable point that in the scenario where the government of the day and/or the minister of the day in a circumstance where there was a licence surrendered or cancelled, it is an additional gate, not only the ministerial accountability that I referred to earlier. I repeat, why would you have the commission do the work if the minister was not going to approve any licence to anyone?

Ms O'Connor - There is no requirement in the act for the commission to 'call' for a new licence. They 'may'. You are using weasel words.

Mr FERGUSON - I am answering the question and, in both cases, present and proposed, the same word is used, 'may'.

Ms O'Connor - That is right. You have made my point for me.

Mr FERGUSON - Ms White asked about the role of the commission in this hypothetical scenario. The commission runs the whole process and that is with regard to collecting the applications, conducting the fit and proper person's test, the other tests I referred to earlier which are in proposed section 23. Again, the minister 'must approve'. Also, there is an additional role. Ms White, you referred to this: the opportunity where the minister of the day felt the need to add or impose any terms or conditions. That is my response to your questions and I hope it is satisfactory to the committee.

Dr WOODRUFF - I have listened to the minister's answers. Whichever way I look at it, it is pretty clear, as Ms Johnston and the Leader of the Greens have said, this is fundamentally about a transfer of power from an independent review body to the minister of the government of the day and to the policies of the minister of the government of the day.

What we have seen demonstrated time and again, is that independent members of parliament and parties will say one thing to the electorate before an election or when it suits them, but when it comes to the vote, they will both vote in lockstep for the pokies industry, for Federal Hotels, to make sure they get what they want.

It is deeply concerning, therefore, that in this amendment bill we are signing over the powers for a consideration of whether a licence ought to be made public and called for and removing the ability of the Commission to make that decision themselves if that is appropriate.

We only have to go back and look in the very recent history. Ms Haddad, member for Clark, made some comments in December 2017:

> I have worked in the field of addiction and seen firsthand the damage addictions of all kinds can do to families, individuals and communities.
>
> Tasmania has lost $110 million in pokie spending last year with around $20 million in the Glenorchy City Council region alone. That is money better spent in other businesses and kept in those families' household budgets.
>
> We know gambling addiction destroys families and lives. The evidence about the damage pokies do and the benefits of limiting them to casinos is too compelling to ignore.

Where is her vote on this bill? Who is it with?

Mr CHAIR - Dr Woodruff, please be relevant to the amendment.

Dr WOODRUFF - Thank you, Chair. This is about power. I want to make the point again. The Labor Party as a whole party of individuals and the party itself also had a complete reversal in their policy after the 2018 election, despite the fact that Ms White had made a name for herself as a sitting member who was a strong advocate for the rights of Tasmanians for a better health system, particularly a preventative health system. She supported the Australian Medical Association's call to remove poker machines from pubs and clubs and she said she acknowledged the harm caused by poker machines and that Labor's policy will assist in alleviating the pressure on the already overstretched health system. That was the policy; to remove pokies from pubs and clubs.

Ms Ogilvie said just before, 'You don't know my position and if you want to know, call me'. Ms Ogilvie here we are. You are being called on by the people of Tasmania to give your position in the vote. Your view has changed like a weathercock -

Mr WINTER - Point of order, Mr Chair. What part of this is relevant to the clause?

Mr CHAIR - Dr Woodruff, you need to be relevant to the amendment that is being discussed.

Dr WOODRUFF - Thank you, Chair. My point is that any person sitting in this Chamber could be a minister in 2041 or in 2022 making a decision about this. We have a right to know that the decisions on these sorts of matters are made independent of government policy, when policy is so obviously conflicted by the influence of the gambling industry in Tasmania.

It has corrupted processes and corrupted decision-making. Why would we have any faith in the minister of the day making a decision that ought to be the purview and only the purview of the Independent Gaming Commission?

Ms Ogilvie is on the record of having broken ranks with the Labor Party. She said that she would personally prefer it if pokies were not in the -

Mr CHAIR - Dr Woodruff, I have asked you to be relevant to the amendment that we are discussing, please.

Dr WOODRUFF - Thank you. Our past record on this matter and how we say we will vote and then how we change our vote speaks volumes about the power of the influence of Federal Hotels in Tasmania.

Mr CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston (Teller)	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie (Teller)
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White
	Mr Winter

Amendment negatived.

Mr WINTER - Clause 43 more generally has been explored a little by the Greens, particularly in their amendment. What also has been explored variously by the Greens and I need to respond to, is the accusation that Labor is selling out workers or has sold out workers in some part of this process. Labor has not.

The Greens have a copy of the MOU with the THA and a lot of people do. They have read it and they are therefore aware that Labor's position on this is clear. One of the key intents of Labor's engagement with any industry, including the hospitality industry, is to ensure that we get the best deal for workers, and that is embedded in the MOU and it would be embedded in any document. Any discussions we have with industry is always about what is best for the workers within that industry and we will continue to do that.

This part of this clause deals with licences and the appropriateness of various people to hold licences to operate casinos, Keno and EGMs. It would be remiss, particularly today, if we did not consider what happens in jurisdictions where we do not get this right. The royal commission has reported back in Victoria and made the overview findings which I have got to so far, which are scathing. In the overview, (3) has:

> Within a short time, the Commission discovered that for many years Crown Melbourne had engaged in conduct that is, in a word, disgraceful. This is a convenient shorthand for describing conduct that was variously illegal, dishonest, unethical and exploitative.

It goes on to say:

> Crown executives were warned that Chinese officials intended to crack down on this activity. Yet they did nothing to protect their staff.

(9) says:

> Not only was Crown Melbourne content to breach local laws, it also happily assisted its wealthy Chinese patrons to breach currency laws of their country. Between 2012 and 2016, those patrons transferred up to $160 million from accounts in China to the Crown Towers Hotel.

(10) says:

> Crown Melbourne's relationship with the regulator provides more evidence of his indifference to acceptable conduct. Over the years the regulator conducted several investigations into Crown Melbourne's affairs. Instead of cooperating with those investigations in the manner that is expected of a regulated entity, Crown Melbourne took the opposite tack. It bullied the regulator. It provided it with false or misleading information. It delayed the investigatory process. All in all, it took all steps that it could to frustrate the regulator's investigations.

That is just the start of what the royal commission has uncovered in that jurisdiction.

One of the things I do agree with Ms O'Connor about is that we need to get this right to ensure that gaming in Tasmania operates in a way that we do not see the sort of things that have been seen particularly in Melbourne at Crown.

Chair, Labor would like to move an amendment. I move -

Page 71, proposed new section 23, proposed subsection (2), after proposed paragraph (h).

Insert the following proposed paragraphs:

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

(hb) the applicant will have appropriate systems and processes in place to ensure the applicant, and each person (a ***supplier***) who supplies to the applicant goods or services to which this Act relates, comply with the laws, relating to industrial relations or workplace safety, of any jurisdiction in Australia, to which the applicant, or the supplier, respectively, are subject; and

(hc) the applicant will have appropriate systems and processes in place to ensure that each person who is engaged, or employed, by the applicant or by a person (a ***supplier***) who supplies to the applicant goods or services to which this Act relates, is not subject to discrimination or harassment by the applicant or supplier, or by a person engaged or employed by the applicant or supplier, if the person provides information relating to -

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

(ii) conduct of the applicant or supplier; and

Specifically, there was an answer to a question by Ms White earlier from the minister, Mr Ferguson, talking about the steps that are already in place to ensure that applicants or licensees are appropriate people. This amendment clarifies that.

One particular aspect I want to talk about is protections for whistleblowers. Again, if you read the outcome of the royal commission into Crown Melbourne, this all started from a whistleblower. One of the things I agree with from some of the contributions from the Greens is that it is really important that we have the legislative framework in place that ensures that we will not have the same conduct occurring in Tasmania as has happened in other jurisdictions. Dr Woodruff talked about Western Australia and Victoria, and I have referred specifically to Victoria, given the currency of the outcome of that royal commission.

Whistleblowers can be as defined. A whistleblower needs to be protected because they can often be the catalyst, as was the case with Crown Melbourne, for uncovering corruption, uncovering issues like money laundering that has been again referred to by others during debate. We need to ensure that Tasmania's environment, that is regulated under this act, is as protected from corruption as possible. That is why we are moving the amendments as proposed. I want to acknowledge that this amendment has been suggested by the workers at Wrest Point and Country Club casinos. This came bottom up from workers who want to ensure that there is a legislative framework that will protect future whistleblowers for blowing a whistle on conduct that is illegal.

Ms O'Connor - Before you sit down, Mr Winter, would you mind explaining how the amendment, in your view, mitigates the potential for corruption?

Mr WINTER - For corruption?

Ms O'Connor - Yes.

Mr WINTER - The whistleblower protection, Ms O'Connor. By protecting whistleblowers you take away any discouragement for people from describing and outlining any conduct or behaviour by their employer that they believe is untoward. In the Victorian royal commission that has been extensively reported on today, you will see that in that case a whistleblower was a big component of the investigation. That is why we are particularly interested in that.

Ms JOHNSTON - I will be supporting this amendment. It is refreshing to see Labor moving to protect at least someone in this bill. I reiterate that everyone has the right to be safe in their workplace. The reports we have seen coming out of Victoria today regarding the gambling industry are disturbing. I am concerned about workers in that particular area.

It is necessary to have provisions like this in a bill dealing with the gambling industry because gambling is a dangerous activity. Whether it be addiction to poker machines or the undue influence of people involved in the gambling industry and the influence or pressure they put on workers, it is necessary, as Mr Winter has indicated, to protect workers in this industry when blowing the whistle on corrupt conduct or anything that is untoward.

While I will be supporting this amendment because it provides for workers' safety and their rights in the workplace, there is nothing to protect workers from being addicted to poker machines or their families from becoming addicted to poker machines. It is important they are safe in their workplace, but if we really are concerned about the individual then we will move more broadly than that to include safety in their home and safety in their community. That means putting in appropriate harm-minimisation measures to ensure that these dangerous machines are limited in the impact they have on their communities.

I will be supporting this amendment but I encourage them again, as I have done every time, to move for harm-minimisation measures around poker machines to ensure that workers are protected in their workplace and also protected in the community and their family homes.

Ms O'CONNOR - We are going to support this amendment because we believe that these matters should be considered in determining an application for a licence. I am relieved to see a reasonable amendment from the Labor Party.

I have the THA agreement here. Mr Winter, we have read it many times. When we stopped shaking our head in disbelief we laughed at your callowness. It says here that what Labor and the THA agree to work together on, where possible, is to ensure that hospitality employers in the state are abiding by award conditions and wages for their employees and focus education on those that do not pay the award - another word for wage theft - and ensuring employees understand and are committed to their employment.

Mr Winter pointing to the secret deal the Tasmanian Hospitality Association stitched up with Labor before the 2021 state election as evidence that they are not being stooged by

industry, not walking away from workers' right, is next level mental gymnastics. This clause in the THA agreement crab walks away from Labor's strong commitment to workers and to the unions that represent them and the right of workers to take industrial action.

I am not sure that pointing to the THA deal was a good way to make your argument, but this amendment most certainly has merit and the Greens will be supporting it.

Mr FERGUSON - I thank Mr Winter for his contribution. The Government will not be supporting this amendment. We can plainly see what is intended by it. There is no argument around the need for different elements in relation to provision of safe work places to employees. There is certainly no contest on that matter. What the amendment seeks to do is to bring into it an additional piece of legislation.

The commission is already required to consider if an applicant and an associate are suitable to be concerned with casino, or Keno operations. If compliance with industrial relations and workplace safety laws is considered relevant by the commission, the commission already has power to assess and will continue to do so into the future, subject to the bill. I am advised that extending a new requirement that the applicant must also ensure its third-party suppliers, and then each employee of those third-party suppliers must also comply with industrial relations and workplace safety laws will be considered to be beyond the scope of this bill.

We can see what is intended. It is no doubt well intended, but it is not in accordance with the way that the law should be presented -

Ms O'Connor - Say you.

Mr FERGUSON - I do say. Thank you, we agree on something. I do say that because compliance with these laws is already the law. Businesses, whether they engage with gaming operators or not are obliged to comply with industrial relations laws, comply with workplace safety laws. These are the subject of standalone legislation, with all of the necessary powers, enforcement and punishment provisions as the parliament has already decided. These additional provisions do not belong in the Gaming Control Act. They are matters that are enforced.

If there is any argument about this, to the extent that these matters are relevant to the commission, the commission does today and will continue to be able to assess those matters and have the power to assess them. The Government does not, therefore, support the amendment.

Mr WINTER - A clarification and then a question. Obviously businesses are required to adhere to the law and no one is proposing or implying that they are not. What the amendment does is propose amendments that the applicant has a history of complying with the law of any jurisdiction in Australia. It is about the application process and applicants being assessed on whether they have a history of complying with the law, not requiring them to comply with the law. Of course they are required to, but it is about their history; whether they have a record which shows they do adhere to these laws before they will be granted a licence.

The question though, given that the Government has said it will not support the amendment, is that without this amendment, can the minister outline what protections are available for whistle-blowers?

Mr FERGUSON - Thank you, Mr Winter, for your question. Whistleblowers are protected under the existing and the proposed final shape of the act. Significant powers are held by the commission, which I am sure you would agree would be the appropriate body to receive, triage, consider and potentially investigate complaints.

Whether they are anonymous or unnamed, the commission is able to accept those and that is governed by sections following 112N of the act in Division 5, Gaming Control Generally. There are codified and continuing provisions for investigation of prescribed licence holders, an investigation into an associate or other persons and there are also provisions that provide for discipline to be applied to a licence holder if an investigation or a complaint has been upheld through an investigation.

Further, I am advised that if the commission so believes are appropriate conditions additional to any existing can be applied to ensure that the matters that have been identified through a potential investigation are enforced on the part of the licence holder: wide powers, and appropriately so, noting that it is not only workers; indeed, a member of the public has the same access to make a complaint to the commission.

I support that and I am sure members here will, particularly where a complaint may relate to some unacceptable behaviour or some conduct which is against the act or against the mandatory code, for example, or some other licence condition that should be brought to light, that the worker or the member of the public does not feel comfortable raising in another forum, for example in their workplace.

Mr WINTER - Thank you, Chair and thank you minister for your answer. The minister describes how the commission would respond to a whistleblower, which is good to hear. That is what we would expect; that the commission would treat a whistleblower with that level of respect.

The amendment specifically describes how the processes that the applicant should have when it comes to the processes they have in place for dealing with whistleblowers. The question here is how the employer intends to deal with someone who comes forward with a complaint and provides the whistleblower with protections they need to feel comfortable that blowing the whistle will not be to their detriment and that they can feel safer than they would without the protections.

Earlier I read from an article about a whistleblower from Victoria:

> On 15 October 2019 a Crown Casino whistleblower alleges gambling giants skirt money laundering laws. It describes one whistleblower saying foreign high rollers often fly to Australia on private jets, avoiding Customs inspections and exchanging huge amounts of cash with no trace. The whistleblower said, 'I think this is just the tip of the iceberg about what is going on at Crown. I think Crown are a law unto themselves. Money is coming in illegally. You don't know where [the cash] has come from. You

don't know if it is the result of drug trafficking, of prostitution or child exploitation. You just don't know'.

That is one of the whistleblowers who kicked off what has become an explosive royal commission in Victoria, which has rightly investigated the outrageous behaviour of that organisation.

Mr CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 12	NOES 12
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Ms Courtney
Ms Finlay (Teller)	Mr Ellis
Ms Haddad	Mr Ferguson
Ms Johnston	Mr Gutwein
Mr O'Byrne	Mr Jaensch
Ms O'Byrne	Ms Ogilvie (Teller)
Ms O'Connor	Mrs Petrusma
Ms White	Mr Rockliff
Mr Winter	Mr Shelton
Dr Woodruff	Mr Tucker

Mr CHAIR - The result of the division is Ayes 12, Noes 12. Therefore, in accordance with standing order 257, I cast my vote with the Noes.

Amendment negatived.

Clause 43 agreed to.

Postponed clause 32 -
Section 2A inserted

Mr FERGUSON - Thank you to the committee for postponing this clause to allow me to take some extra advice. What I propose is one of two ways forward. The Government is prepared to support the intent of Ms O'Connor's amendment but not the specific wording. I have an alternative wording that I would move but I realise at this point we are debating Ms O'Connor's amendment.

I would like to foreshadow the alternative that I will be moving. It would read as follows:

Page 42, proposed new section 2A, paragraph (c), after "shared appropriately" insert "(including by being invested in services that support those harmed by, or at risk of harm from, gambling)".

That is a deliberate pickup of the words drafted by Ms O'Connor in the latter part of her amendment but, rather than connecting the different sentences with the word 'and', it includes it as a separate phrase in brackets. I am advised that that is the better and more correct way to achieve what the Government sees as picking up the best of what Ms O'Connor is seeking to

include. I make no comment about her draftsperson, whoever that was, just making the point that we are prepared to accept the spirit of it but with that slightly different drafting.

Mr CHAIR - Ms O'Connor, would you like to withdraw your amendment or would you like us to vote on your amendment and then -

Ms O'CONNOR - I am indulgent so I am happy to withdraw our amendment. It has been placed on the record. I am comfortable with the language that is used in our drafting. Our drafting is often held in high regard by the Office of Parliamentary Counsel. I do not think this is not a question of drafting. I am glad there will be some acknowledgment in the legislation of the need to provide a return that is invested in harm minimisation. We will support this but, I think in plain English terms our amendment is much easier to understand. I will leave it at that.

Amendment withdrawn, by leave.

Mr FERGUSON - Mr Chair, I will now move my amendment -

Page 42, proposed new section 2A, paragraph (c)

After "shared appropriately".

Insert "(including by being invested in services that support those harmed by, or at risk of harm from, gambling)"

I am advised that this is the best way for us to move forward. I thank Ms O'Connor for what is effectively her contribution to this clause.

Amendment agreed to.

Clause 32 as amended agreed to.

Clauses 44 to 48 agreed to.

Clause 49 -
Section 29 substituted

Ms O'CONNOR - Mr Chair, I move the following amendment to this clause -

Page 73, clause 49.

Leave out all words after "substituted:".

Insert instead -

"29. Licence cannot be granted without Minister's approval

(1) Except as provided in sections 13A(2) and 13C(2), the Commission must not grant a casino licence or a keno operator's licence to any person unless the Minister has approved the

granting of such a licence to that person and has advised the Commission of any terms and conditions to be included in the licence.

(2) Before approving the granting of a casino licence under subsection (1), the Minister must cause notification of intent to approve the granting of the casino licence, together with any terms and conditions to be included in the licence, to be laid before each House of Parliament.

(3) Either House of Parliament may pass a resolution directing the Minister not to approve the granting of the casino licence, of which notice has been given, within 15 sitting days of the notification being laid before the House.

(4) Where a resolution under subsection (3) has been passed by a House, the Minister must not approve the granting of the casino licence."

This is unfortunate because the minister and I were having quite a friendly conversation and it is about to get unpleasant. This is our effort to maintain parliament's role - that is both Houses of Tasmania's parliament - in relation to the granting of a casino or Keno licence. The clause 49 amendment proposes a new section 29 which is that the licence cannot be granted without the minister's approval. Again, I make the point that this is where the ministerial accountability and responsibility that the minister referred to earlier is embedded in the principal act. The Government's proposed amendment is:

> Except as provided in sections 13A(2) and 13C(2), the Commission must not grant a casino licence or a keno operator's licence to any person unless the minister has approved the granting of such a licence to that person and has advised the Commission of any terms and conditions to be included in the licence.

This is what it is replacing:

Licence cannot be granted without Minister's approval

(1) Except as provided in section 13, the Commission must not grant a casino licence or a gaming operator's licence to any person unless the Minister has approved the granting of such a licence to that person and has advised the Commission of any terms and conditions to be included in the licence.

(2) Before approving the granting of a casino licence under subsection (1), the Minister must cause notification of intent to approve the granting of the casino licence, together with any terms and conditions to be included in the licence, to be laid before each House of Parliament.

(3) Either House of Parliament may pass a resolution directing the Minister not to approve the granting of the casino licence, of which notice has been given, within 15 sitting days of the notification being laid before the House.

(4) Where a resolution under subsection (3) has been passed by a House, the Minister must not approve the granting of the casino licence."

This clause in the principal flawed act is a mechanism for greater scrutiny of a decision to grant a casino licence. It is in the legislation for a reason, because the granting of a casino or a Keno licence has very significant social and economic consequences.

We did not hear in the second reading speech an argument for removing parliament from the granting of a casino or Keno licence. In the principal act it relates to a casino licence. There was no talk in 2018 or 2021 when future gaming markets policy, in its fragmented and scant form, was put before the Tasmanian people because all the detail was not provided to the Tasmanian people. No one was told that parliament would be removed from the equation, not by any minister, the Treasurer or the Premier.

Here it is in the legislation. You know when the Tasmanian Hospitality Association was crying out for deregulation of the industry? Well, it does not get much more potent as an act of deregulation than taking parliament out of the equation entirely.

Do you know what? This is corrupt. This stinks because it was the one opportunity both Houses of parliament had to scrutinise the merits of a casino licence and who it might be granted to. We know because of the way the major parties roll in this place and will for the foreseeable future that there is no way a parliament, certainly with the Liberal and Labor parties' dominant, is going to knock back a casino licence that is laid before the House. But it would be a disallowable instrument. It would allow some debate. It would allow the Tasmanian people to be made aware that a casino licence or in the new world, a keno licence as well was about to be agreed to.

Chair, this amendment effectively maintains the provisions that were put there by previous parliaments in the principal act and adjusts them for the reality of a Keno licence being granted.

There has been no argument put for removing parliament from the equation. There has been no rationale put in the second reading speech or even in the clause notes as to why parliament is being removed from the legislation. Again, this goes to the point that we have been making about the seismic shift of power that is represented in this legislation, away from the independent Liquor and Gaming Commission and now away from the parliament and to the minister and the industry.

I have not heard anything from the Labor Party on this proposed amendment. They could save Tasmania from this amendment. They could make sure that 20 years from now - or 15 in the miraculous event that Federal Group walked away from their casino or Keno licences - that parliament would at least have an opportunity to debate it. This is particularly important with legislation that has no termination date, no sunset clause, no end date but a mechanism for rolling 20-year licence renewals.

My question to the minister is, putting aside the uncertainty over how Labor will respond on this clause, why has parliament been removed for consideration of a future casino licence? This is legislation that has been in place for 28 years. For 28 years, if there were going to be a casino licence renewed or given it would come before the parliament as a disallowable instrument. Any number of disallowable instruments are tabled in this place. Many times they are for less consequential issues than this one. The decision in future to grant a casino or Keno licence has enormous public consequence.

In our standing orders, we are reminded that we are here to conduct ourselves ethically, to work in the interests of the people of Tasmania. Allowing our parliament to be removed from having a say in whether or not a licence should be granted would be a perfidious act against the public interest. It takes away any capacity that a future parliament might have over a casino licence and it gives all authority ultimately to the minister, alone. We strongly encourage Labor not to let this happen. I do not know if you have had guidance from Steve Old on this, but you should not let this happen.

Mr FERGUSON - The authority for these matters is principally with the commission and with the role of the minister to approve is, if you like, an additional level of approval.

Ms O'Connor - Rubbish.

Mr FERGUSON - It is simply for oversight. The work is done by the commission. The assessment is conducted by the commission. A recommendation as to whether a licence be granted is created by the commission. Conditions that ought to apply to a potential licence are written by the commission. The minister's approval is then sought. The minister then can additionally make additional terms and conditions as he or she may feel is appropriate in the circumstances. That is what is proposed. Ultimately, a licence is granted and is then policed by the commission.

I understand the logic of what Ms O'Connor has raised but it is worth pointing out that my advice is that the bill as drafted is reflected in the way that it is to make it consistent among casinos, Keno licences, the licence monitoring operator and venues.

I have just mentioned four licence holders. Indeed, only one of those four casinos currently is subject to the 1993 provisions. So, it is about consistency. The particular disallowable instrument does not apply to the others. The bill has been brought forward on the basis of consistency, noting that once again, Ms O'Connor has conveniently down-played the role of the commission in her remarks.

Ms O'Connor - The commission that you have been busy de-fanging all through this legislation.

Mr FERGUSON - Again, Ms O'Connor, with her false claims. They are not helpful to any person. It is not helpful to the Committee. The commission is extremely powerful. It runs all of that process. Ultimately, it is a necessary, if you like, critical factor in the granting of a licence. You must have gone through this process. This is about consistency between the four licence approaches - Keno, casinos, the licence monitoring operator, and venues. The Government does not support Ms O'Connor's amendment.

Members interjecting.

Dr Woodruff - So the member who rose first does not get the call? Ms O'Connor stood first.

Mr CHAIR - It is okay, you will get an opportunity.

Ms WHITE - We have some concerns with both this clause and clause 43 that I spoke on previously. That is why we have asked some questions and sought clarification from the minister about how matters are currently dealt with when it comes to licensing, and how what is proposed in this bill will change things.

I do not support the Greens amendment. Labor will not be supporting it but it does not mean that it is not worthy of further consideration. I am taking this opportunity to flag to the Government that we will be looking further at this in the upper House to see how this might be improved if it is necessary. Your answers to date have not been entirely satisfactory and we would like to seek some further information.

It does grant additional powers to the minister beyond what have previously been prescribed. That is worthy of further investigation.

Ms O'CONNOR - I do not know why Labor is here. I genuinely have no idea why they turned up today, none at all.

Mr Winter - Grandstanding.

Ms O'CONNOR - Yes, okay, grandstanding. At least I bloody stand for something. Whatever happened to conviction politics?

I listened to the utter weasel words from the Leader of the Opposition. We are the House of Assembly, this is where the bill is tabled, and then it is debated before it is sent to the Legislative Council. Sorry to have to be so 'matronising' about it, but we have an opportunity here to improve the bill or to signal how it should be improved.

I did not hear a word from the Leader of the Opposition about the importance of parliament having a say, because despite what the minister says, parliament makes the laws. We live in a democracy. What if, in 20 years' time the people of Tasmania said at an election, depending on a policy or through some mechanism, 'we don't want casinos on this island, we don't want poker machines in pubs and clubs right across Tasmania and we don't want two high-roller casinos'.

What is happening here, is that parliament is being taken out at the knees and by extension, we are disempowering the people of Tasmania: not the Greens and Ms Johnston, but parliament as a collective, because we just heard from the Leader of the Opposition that Labor has capitulated on this as well. I have not heard a word of real conviction come out of the Labor side today.

Dr Broad - That is the genesis of your whole argument. If nobody agrees with you, then they are terrible people. We have heard that for the last 14 hours of this debate. You keep repeating it.

Ms O'CONNOR - That is so puerile. This is on a matter of principle. It is not whether you agree with me. It is whether you agree with the principle of parliament being given an opportunity to have a say, which two parliaments, first in 1993 and then in 2003, kept in the act. They were kept there for a reason, that this be a disallowable instrument.

I understand what the minister is saying: that we now have four different types of licences here. There should be a disallowable instrument for the casino licence, the Keno licence and the high rollers licence at the very least, because these are substantial policy changes that will impact on people's lives.

I see what is happening here and Steve Old must be chortling with glee wherever he is sitting today, because we are about to see parliament removed from having any further say -

Mr Winter - We set the law.

Ms O'CONNOR - in the future of licensing of casinos in Tasmania. Mr Winter says, 'we set the law'. Yes, that is right and the law is about to be set against the public interest. That is what is happening, because we listened to Ms White. You have not even picked this up. It did not come through in your second reading speech. There has been no acknowledgement of the reset of power in this legislation, none whatsoever. Yes, parliament makes the laws, but unfortunately on this island, with the two major parties bought and sold by the gambling industry, a corrupted parliament is making the laws. By definition, it is corruption. Institutional corruption by definition.

Dr WOODRUFF - Chair, what is taken out of this clause through this amendment bill, the parts that are removed, really say everything about what is being achieved here and what is being achieved is the removal of the Houses of parliament, as Ms O'Connor has said, the removal of the people of Tasmania, through us, speaking their voices about what should happen in their suburbs, in their communities and with the people they support and care for in relation to new licences for casinos or high rollers or Keno or anything else that might come.

I go back to the words of Peter Gutwein when he was a newly elected member of parliament. It was when the Labor government used its numbers to ram the new pokies contract through the lower House at the end of May 2003. Peter Gutwein said:

> The circumstances that we find ourselves in at the moment are just incredible. I am a new parliamentarian and I thought politics was about democracy but it is not about democracy, it is about stealth, secrecy, about a government not wanting to be transparent or accountable. I think this is absolutely outrageous.
>
> I will be 58 years of age before we get an opportunity to make changes to this once this parliament signs off. There was no transparency. Nobody knew what was being negotiated at all. It was a deed signed in secret, sat on for 30 days and then released to the Parliament of Tasmania as a done deal. I think it is absolutely scandalous. It is scandalous.

Chair, despite the member for Bass' heartfelt outrage at the time, it was the responsibility for the extension of the Federal Hotels' contract that ultimately rested with the House of Assembly, the Tasmanian parliament.

What we have here today under Mr Gutwein, at 58 years of age, the next real opportunity he has had to do something on this matter, through this amendment bill that the minister is taking carriage of, we have no end date to the pokies licences, no sunset clauses in this bill. He has removed with secrecy and stealth because there is no argument that has been presented that makes any logical sense why the Tasmanian parliament in future would be removed from scrutinising any future licences.

Instead, what this amendment bill has is that the minister is able to approve them without bringing them to parliament and there will be no scrutiny and it will be secret and stealthy. Mr Gutwein, I hope, reflects on that. I hope the Premier reflects on where he has come in his time in parliament from the outrage of a young MP looking at the corrupted practices of the big parties and, lo, he is now head of a party that is in charge of making the worst change that has ever happened to the legislation around pokies in Tasmania.

Mr DEPUTY CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie (Teller)
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Street
	Mr Tucker
	Ms White
	Mr Winter

Amendment negatived.

Ms JOHNSTON - Just earlier we heard the Leader of the Opposition say that she felt uncomfortable. I do not want to put words in her mouth but I believe that she felt uncomfortable about clause 49 as it currently stands and was not quite comfortable with the sensible amendment proposed by the Leader of the Greens.

In discussing this and voting on substantive clause 49 I plead with Labor if you are concerned about this and about the shift once again of power regarding the gambling industry

into the hands of vested interests then please vote against the substantive clause here. Demonstrate and signal to the upper House that you are concerned and you would like them to take it further. You can do that by voting against this clause in substantive.

I do not want to see and I hate to see the situation where we vote on the question of this clause and it is 3 to 21 again. You have an opportunity here to stand up. If you have not come up with a solution of how you would like to see this improved but you have the opportunity to say you do not think it is good enough, it is not good law, you will not accept it and signal that it will be done better in the upper House.

Mr DEPUTY CHAIR - The question is that the clause as read be agreed to.

The Committee divided -

AYES 21	**NOES 3**
Ms Archer	Ms Johnston
Mr Barnett	Ms O'Connor
Dr Broad	Dr Woodruff (Teller)
Ms Butler	
Ms Courtney	
Ms Dow	
Mr Ferguson	
Ms Finlay	
Mr Gutwein	
Ms Haddad (Teller)	
Mr Jaensch	
Mr O'Byrne	
Ms O'Byrne	
Ms Ogilvie	
Mrs Petrusma	
Mr Rockliff	
Mr Shelton	
Mr Street	
Mr Tucker	
Ms White	
Mr Winter	

Clause 49 agreed to.

Clauses 50 to 53 agreed to.

Clause 54 -
Part 4, Division 1 substituted.

Ms O'CONNOR - I would like to move these two amendments as two separate parts of amendments to the same clause 54. This relates to the authority referred to by the venue licence. I move -

First Amendment

Page 76, clause 54, proposed new section 32, subsection (1), paragraph (e).

Leave out the paragraph.

Ms O'CONNOR - This amendment is effectively to express the will of the Tasmanian people who in poll after poll state that they want poker machines removed from pubs and clubs and a greater emphasis on harm minimisation. This amendment would remove the ability of venue licences to grant the authority to possess EGMs.

The amendment relates to a venue licence which is granted, authorising the holder of the licence to do any of the following things: purchase or obtain gaming services; purchase or obtain gaming equipment; purchase or obtain equipment from manufacturers and suppliers; accept wages; make payments for games at the casino, to operate the licensed premises of which the venue licence is in force, the number of gaming machines that is equal to or less than the number of gaming machine authorities endorsed on the venue licence.

We still do not think the Government has ever made a case on ethical, economic or compassionate social grounds for ensuring that poker machines stay in pubs and clubs for multiple generations. We know this is the Liberal Party's policy. We know it is the policy that the gambling industry has bought and paid for. It now has both parties in its pocket on this but we will always fight to get poker machines out of pubs and clubs because we know that that will save lives.

I will go back to a statement that the former mayor of Kingborough made in the Kingborough Council on 26 April 2016 in response to a motion put forward by my former local government colleague, Richard Atkinson. Mr Winter said:

> Poker machines are bad for the community and I don't see why we have any of them outside the casinos.

Again, we have content here from the former leader of the opposition from 2018 and 2017. We have similar statements about removing poker machines from pubs and clubs from Ms Haddad, also from Ms O'Byrne and, of course, from Ms Ogilvie. We have had, in fact, a majority of members in this House who do understand that poker machines in pubs and clubs cause profound social harm, poverty and disadvantage because until two and a half years ago it was Labor's position to get poker machines out of pubs and clubs. Until two and a half years ago, it was also Ms Ogilvie's position to get poker machines out of pubs and clubs. It is definitely the Greens' position; it is definitely and consistently the Independent member for Clark's position. The cruel irony of how corrosive and pervasive the influence of the gambling industry is on this island can be understood when you look at what has happened to the votes in this House: how they have been purchased, funded by the gambling industry.

I grew up looking at political leaders like Bob Hawke, Paul Keating and Gough Whitlam and thinking that is conviction, they are conviction politicians. They will do what they say and they believe in a set of values. We do not have that anymore. I do not think we have it in this country between the two major parties anymore because of the corrupting influence of political donations, whether it be from the fossil fuel industry or the gambling industry on both the major parties here.

If we were voting in here on our conscience, I do not think this legislation would pass. I know there are a number of members of government who feel nauseated and dirty as a result of this legislation, as they well should. I am not sure about Ms Ogilvie. She seems to think having a personal opinion in this place when it comes to a vote actually matters. It does not matter one bit what we think in here; it only matters at the end of the day, because we are lawmakers. How we vote - that is what matters. The THA and the Federal Group have bought votes in the Tasmanian parliament. That is a fact.

Mr WINTER - Ms O'Connor rightly points to a former colleague of hers, Councillor Atkinson, and I used to sit at Kingborough Council and listen to arguments and listen to reason with an open mind. Councillor Atkinson was great at making convincing arguments, which often changed my mind. I am listening to some of your arguments and gratuitous attacks on Labor do not help your cause. They are not assisting you in the debate -

Ms O'Connor - Like it would make any difference?

Mr WINTER - The reason that I disagree and have disagreed with amendments from the Greens so far is that I do not agree with them. The Greens, as much as they like to walk in here and pretend that if you do not agree with them then you are wrong, you are corrupted or whatever it is they are saying at the time, I do not agree with your amendments. I do not agree with this one.

Ms O'Connor - You don't think parliament should have a say in a future casino licence?

Mr WINTER - Why I have not supported the amendments that you have put up is because I do not agree with them and you have not made any convincing arguments.

Ms JOHNSTON - I will be supporting the amendment. I am on the record as being very firm in my convictions. Poker machines do not belong in pubs and clubs. I take the point the Leader of the Greens has made about the amazing shift in opinion, in position over two and a half years. I reiterate the member for Clark, Ms Ogilvie's amazing shift in her position from Labor's position in 2018 when pokies did not belong in pubs and clubs to an independent position sitting here where I sit today to now on the Government side where, clearly, the influence of the gambling industry has bought her vote.

I remind this House about the impact of what we are doing today, the legislation that we will be potentially passing today we will have, forever and a day on the community.

I spoke on Thursday, two weeks ago, about the articles and Steve Cannane of the ABC which went into a long, detailed history about the gambling industry, in particular, poker machines in Tasmania. He also took the time, as I said, to highlight the impact on individual people in the community; the people we are supposed to represent, to care for, the people who are vulnerable in our community. Surely one of the most important jobs we have in this place is to look after them.

Steve Cannane talked about the impact of what happened. Kelly Johnson - not her real name - knew she had reached rock bottomwith her poker machine addiction when she didn't have the money to feed her four children. She said:

> I spent all of my husband's wages in a day. For a fortnight, that left us with no money for food and we had all the kids at home. It is not something that I am proud of.

The Tasmanian estimates she lost over $100 000 on the pokies and said she played the machines as a way of coping with bipolar. She goes on to say:

> It is almost like they put you into a trance. It is really hard to describe the impact it has on your mind.

This is the impact of poker machines in pubs and clubs in our community. In Glenorchy, you can barely spit without hitting a pub or a club that has poker machines in it. It is the golden mile for Federal Group. It is ground zero as far as the community sector is concerned because that is where the pain is felt.

Steve Cannane goes on to talk about Jeff Milkens, captain of the Salvation Army, who works in the Glenorchy core. He talks about, 'having guys tell me how machines left them eating out of bins'. A lot of them are abused or damaged and had a bad start to life. You do not find as many poker machines being used in the wealthier areas. It is in the poorer areas where people need hope and the lure of winning sucks them in.

Allowing this to continue, allowing the harm to be caused in local communities, is an absolute disgrace. We should hang our heads in shame. We will not only be answering to the people in the community right now, we will be answering to the next generation and the generation after that. This legislation will be forever and the impact of poker machines will be forever.

I am supporting the Greens amendment. I hope that members of the House will find a conscience somewhere along the line.

Mr CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad (Teller)
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne

Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Ms White
Mr Winter

Amendment negatived.

Ms O'CONNOR - Mr Chair, I move the following further amendment to this clause -

That the subclause be deleted and replaced with the following subclause -

(2) In subsection (1) -

gaming equipment does not include any device designed, customised or installed specifically for use in relation to the operation of, or wagering on, simulated games.

This amendment removes references to simulated racing and fully automated table game machines from the definition of gaming equipment.

I want to respond briefly to Mr Winter's contribution a short time ago. I am sorry you do not like the way I talk to you, Mr Winter. I am sorry you do not like the way I talk about the Labor Party. I grew up in a really strong Labor household and I know what the Labor Party used to be. I guess the reason that I feel so viscerally disappointed is because if we do not have at least a Labor Party able to hold to a set of values and to vote on principle, then democracy in this country is in very serious trouble.

There are a whole range of issues on which people look to the Labor Party to save legislation from being its worst, or to soften the edges of harsh policy. Under the Tasmanian Labor Party we do not see that any more. This bill is emblematic of that. The votes today and last Thursday are emblematic of that.

I do not think the way I talk to you, Mr Winter, or talk about the Labor Party would have made a single jot of difference in relation to your vote, or to your position on the legislation itself. I am entitled to express frustration because I have met people whose lives have been destroyed by gambling. I have met mothers who have had their children taken away from them. I have watched my sister lose all her fortnightly pension and not feed her children. I watched my grandmother get courted by the casino in Brisbane. They gave her a gold card and looked after her ever so nicely until she had to sell her unit and she died penniless because of poker machines. It is both professional and personal that I am deeply disgusted by the position of the Labor Party on this policy issue, because the consequences of your capitulation will be endless suffering.

Mr FERGUSON - I will make a couple of comments in response to some of the conduct of the debate to date. It is getting a bit untidy at times, particularly from Ms O'Connor, peppering other members of the House with your various insults. I cannot help notice that you are directing a lot of your energy at the Labor Party, and well you might make your arguments

about policy position, but you do yourself no credit, nor your arguments by your unprofessional, disrespectful, high-and-mighty self-righteous approach where you cannot accept that someone with a different opinion is entitled to that opinion. It is your hypocrisy -

Members interjecting.

Mr FERGUSON - It is okay for the Greens to change their policy position on a high roller casino. They are well documented promoting a high roller casino licence for MONA, but today they have walked away.

It is okay for you, Ms O'Connor. I assess your unease by the nature of your interjections. You are not prepared to listen to a different point of view. The Liberal Party is very clear, our policy position is consistent. We are putting forward this legislation having taken it through two elections and two rounds of public consultation, including the draft bill, which has benefited from the public consultation with some changes, including at least one change to the final bill which was off the submissions from the Greens, who I think identified a technicality, which we have accepted.

You see, all of these things reflect that the members of this House, and people actually have opinions. People have an informed basis for the way in which they form a policy position. It is the height of arrogance for three members of this House to claim some sort of intellectual superiority over everyone else just because you have adopted your position, which is anti to this legislation. That is your position.

Argue your case, but other members of this House are sick and tired of your lecturing and your consistent rudeness to other members of the House, when the House has work to do. All you are doing is wasting a lot of time.

Ms O'Connor - That is completely untrue.

Mr FERGUSON - It is completely true and you have been called out. I accept that you are uncomfortable about it. I have saved my comments for now and there you are. You have been wasting time throughout the conduct of the debate. You are just uncomfortable with being told. That is what is happening here. Other members of this House have an equal right as do each of you to express yourselves and to enter this debate however they see fit with whatever their party position might be.

In relation to simulated racing, the Government has determined that simulated racing events can be conducted in totalisator outlets and agencies, including those in hotels and clubs. We have been very clear on this; in fact, this matter has already been debated in the Committee stage in an earlier clause. We have already been through this so you are wasting time.

I am advised that at different times simulated racing games have operated in Tasmania in the past. While under the current legislation casinos have the exclusive rights to operate racing games, in the past simulated racing games have operated not only at the casinos but also at one time on the first *Spirit of Tasmania* vessel and at a number of totalisator outlets. Save your outrage while you continue to get things wrong.

I am advised that as part of the gaming reforms, arrangements will be changed so that simulated racing can be offered in authorised TAB locations, complementary to the live race games services already offered.

During the several years - and again we have been through this. It was part of the earlier clause - simulated racing has operated in Tasmania there was no evidence of harm occurring that I am advised of. Importantly, Treasury consulted with the other jurisdictions - ACT, New South Wales, Victoria, Western Australia and Queensland - where simulated racing operates. That consultation was intended to gain evidence of impacts.

This is the feedback that I have. The advice I have is that jurisdictions have not experienced any indications or evidence of increased harm from simulated racing. I am advised that there have been no concerns with respect to compliance. I understand that you will not like that advice because it does not suit your agenda. I understand and actually respect that you might want to oppose the introduction of simulated racing events. That is fine but I ask for some more professionalism and mutual respect for people in this Chamber while they can speak about their own opinion.

We are all rather sick and tired of Ms O'Connor, in particular, claiming some moral superiority on a debate which has caused all of us to find the best way forward, including in the harm minimisation space.

Ms O'CONNOR - I am very happy to state again that first of all Mr Ferguson is not the father of the House. We will not be lectured by him about what is or is not appropriate conduct. That is a matter for you, Mr Chair. We do not claim intellectual superiority at all. There are plenty of smart people in this place. What we claim is to have the public interest front and centre. It is that simple.

Dr Broad - Self-righteousness

Ms O'CONNOR - I hear Dr Broad muttering again about us being self-righteous. I know it makes you all incredibly uncomfortable when we state a truth. The truth is in response to Mr Ferguson's -

Dr Broad - You stated it 500 times.

Ms O'CONNOR - Do not be in the Chamber then. Go away and sooky in your room.

In response to Mr Ferguson's last statement about moral superiority, I am very happy to say that the only moral course of action in response to the proliferation of poker machines in our communities is to get them out of pubs and clubs. Then the moral course of action is not to bow down to the gambling industry and give it everything it wants. A further moral course of action is not to give all power to the minister, take power from the commission and remove all power from parliament. So, yes, I believe that our responses here are a more moral course of action. I commend our amendment to the House.

Dr WOODRUFF - I want to put on the record in relation to simulated racing and fully automated table games that Communities Tasmania made a submission in March 2020 and were very clear in their statements that new or expanded gambling products, including the introduction of fully automated table games in Tasmanian casinos, may potentially cause gambling harms:

> As fully automated table games do not require a dealer, the opportunities for appropriately trained staff to identify and address signs of problematic gambling behaviour amongst players are reduced.

Additionally, they say:

> The introduction of fully automated table games provides the potential to increase the rate of play, thereby intensifying gambling engagement increasing the potential for gambling harms.

Communities Tasmania noted:

> The introduction of simulated race games, such as trackside or race tracks, into hotels, clubs and other gaming venues has the potential to cause gambling harms.

They had stated their previous 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 and even if restricted to the gambling areas of venues, the introduction of a new product may also result in some community harms.

This the Department of Communities Tasmania providing their own advice. Clearly, they were not listened to. Almost all of the other people and community groups made responses to this. In reply to members who have accused us of moral superiority, it seems that when we speak the words of the people who wrote those submissions, they are offensive to members like Dr Broad, Mr Winter or Mr Ferguson.

We are speaking the words of the Tailrace Community Centre Christians, Anglicare, the words from the submission for the Alliance of Gambling Reform, Uniting Church of Australia, the Synod of Victoria - all the other bodies that made submissions to this inquiry. They were all crystal clear that the situation with electronic gaming machines in pubs and clubs after 2023 has to end. It is causing harm in the community. It is avoidable harm. There is no excuse at this point in time when we know the damage of existing EGMs and the potential for even greater harm with the increased speed rate and the changing in the electronic capabilities of these machines. There is no excuse to continue with this avoidable harm that is occurring on a daily basis in communities.

Amendment negatived.

Clause 54 agreed to.

Clauses 55 to 56 agreed to.

Clause 57 -
Section 36 amended (Application for licensed premises gaming licence)

Ms O'CONNOR - We have two proposed amendments to clause 57.

I move the first amendment -

Page 80, clause 57, paragraph (b), proposed new subsection (2), paragraph (b).

Leave out the paragraph.

This is an amendment to remove the requirement for an application for a venue licence to specify the number of gaming machine authorities the applicant is applying for because this is consistent with our move to get EGMs out of pubs and clubs and save the lives of generations of Tasmanians and make sure children do not suffer needlessly.

I move the second amendment -

Page 80, clause 57, paragraph (b), proposed new subsection (3).

Leave out everything after "community interest".

Insert instead "submission."

Our second amendment removes reference to gaming machine authorities requiring a public interest test for any application for a venue licence.

As a matter of policy principle, if you are going to create an individual licence model so there is a notional cap on the number of EGMs outside of communities - which, it must be placed on the record, is the cap at saturation point in the communities - then there will be scenarios where new venue operators will be applying for licences as well as some existing venue operators.

Given what we have heard from Ms Johnston about the situation in Glenorchy, which is deliberately and callously targeted by venues in order to take money out of people's pockets who cannot afford to lose money, then there should be a community interest test process.

We believe if the Tasmanian people were given a real say on this issue, we would not be debating this legislation in its form. There should be a public interest test for a venue licence and we cannot see an argument for there not being one in the same way that, as I recall the Liquor and Gaming Act, there is a public interest test for a new liquor venue or a pub or a bottle shop to be opened. Why would we not require the same thing as we have for liquor venues? You have a community interest submission but does it require consultation? No. We commend this amendment because people should be given a say in whether there is a pokies venue in their backyard.

Mr FERGUSON - I thank Ms O'Connor for her contribution. The Government does not support these amendments to the clause. We have been very clear and even though this is another clause which relates to EGMs in local venues, we have debated this already and we have already been clear that we do not support amendments of trying to change that position. It has been clearly set by Government.

The Government's policy is to allow EGMs to continue operating in hotels and clubs. In relation to the Community Interest Test, we do not support that amendment either. I think, in fact, it is also the case that we have discussed the process for continuation of licences but I

will say that these are existing venues. The Government has been clear about business continuity and security and, importantly, job security.

The Community Interest Test is intended to be here for licence applications for any new venue or where EGMs have not previously operated or where they have not operated for more than six month's time prior to when an application is made. The amendment that you are seeking to make is really to disrupt those businesses. That is not going to be supported by the Government.

Mr CHAIR - The question is that the amendments be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston (Teller)	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay (Teller)
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White
	Mr Winter

Amendments negatived.

Ms JOHNSTON - Mr Chair, it is disappointing that the amendment we just discussed did not get up because it would have made significant improvements.

I move the following amendment to clause 57 -

Page 82, paragraph (b), after proposed new subsection (4).

Insert the following subsection:

(4A) The Commission, within 7 days after receiving a community interest provided to the Commission by an applicant, must make

available for viewing, by a member of the public, at a website of the Commission -

(a) a notice that a community interest submission has been received by the Commission; and

(b) a copy of the community interest submission.

This fundamentally is a matter of transparency and accountability. If we have to have these God-awful machines in our community, an applicant is required, as they would be by this particular provision, to make a community interest submission. Surely the community is entitled to know what was in that community interest submission, so they understand the justification for having these dangerous, harmful machines in their community. It is a very simple amendment I am proposing, one that I hope the Government can support in the interest of transparency and accountability. It is a way of informing the community about the decision-making process that the commission might go through in determining the granting of these particular licences, so they too can be informed.

When it comes to the opportunity to make a submission, then they understand the kinds of things that the commission might take into consideration. It also might assist the members of the community in lobbying members of this place on how to best advocate for them and represent them and maybe even amend this legislation in the future. So, it is a very simple matter of transparency and accountability. Surely providing members of the public with information about decisions made on their behalf, impacting them directly, is a no-brainer.

Whilst I am on my feet, I take the opportunity to note the comments of the minister in relation to my conduct during this debate. I make no apologies for the fact that I am here representing my community. I will continue to remind members of this place about the human face of this bill. It is easy when you look at a very large bill of 187 clauses to just see words on a page, but we are literally dealing with people's lives.

Since we last debated this bill a week or so ago, I have had numerous members of the community contact me, to tell me and share with me their personal stories about poker machine addiction in particular. They are heartbreaking. I cannot get away from the fact that I am here to represent them in this place. We are all here to represent those people, so I am not going to apologise for continuing to remind members of this place about why we are here. It is important. What we do is important.

I hope that the Government and the Opposition can support my amendment to improve clause 57. I am making it more transparent and accountable by allowing the community to understand the reasons why they have poker machines in the community and the justification for that. Surely, that is something we can do.

Mr FERGUSON - Thank you, Ms Johnston, for your contribution. The Government does not support your amendment. It is disappointing that in your contribution you did not mention the existing provision which is provided for, through this legislation, with amendments. I draw your attention to section 36(6A).

It is very clear that those community interest submissions are available to any member of the public who might like to see a copy of it. The intent of what you are asking for is already

provided for, but just in a different way. It is disappointing that that point has not been noted by you. We are not supporting a further amendment.

Ms O'CONNOR - Point of order, Mr Chair. Minister, I did not quite follow you then. Are you saying section 36 in the amendment bill, or section 36 in the act? Section 36 in the amendment bill certainly does not cover community interest tests, or their publication.

Mr Ferguson - It is in the existing act.

Ms O'CONNOR - It is existing in the act?

Mr Ferguson - I made a point that it is amended by clause 7 and the existing clause -

Ms O'CONNOR - So, section 36(6A) in the act says:

> A person may, within 14 days of the date of publication of a notice under subsection(6) …

which requires the commission within 14 days of an application being made to publish in a newspaper in the area in which a licensed premise is situated, a notice containing the information.

So, (6A) hangs off (6):

> A person, may within 14 days of the date of publication of a notice under subsection (6), request in writing that the Commission make available -
>
> (a) information as provided in the notice, and
>
> (b) any community interest submission made in respect of the relevant application under subsection (2A).

Ms Johnston - Which is omitted.

Mr Ferguson - No, it is not. Incorrect.

Ms O'CONNOR - This relates to a licensed premises gaming licence.

Mr Ferguson - It is not omitted; it is retained. It is amended, but it is retained. Those community interest submissions are available.

Ms O'CONNOR - How is it amended? So we get absolute clarity about this. You are not having a great day; none of us are.

Mr Ferguson - There you go. This is what you do when you are not comfortable.

Ms O'CONNOR - I am perfectly comfortable, except for what I can see is going to happen to the State of Tasmania and its people once this legislation passes. I am perfectly comfortable with my conscience, you can be sure of that.

You reflected on our behaviour a short time ago in a way that was quite churlish.

Mr Ferguson - You did not like it?

Ms O'CONNOR - No, I do not like being lectured to by men who are not my father or my son.

Mr CHAIR - Can we please get back to the amendment?

Mr FERGUSON - I stand by my comments. Ms O'Connor, you are not informed.

Ms O'Connor - Actually, I am seeking clarification.

Mr FERGUSON - I draw your attention again to existing section 36(6A). You have raised the query. I have already indicated that the provision is existing and retained. In clause 7 the bill provides that the time frame is 'within 28 days'. The existing clause 57 being examined, simply amends the subsection. It is referred to in subsection (b).

I will read it for the House -

> A person may, within 28 days of the date of publication of the notice under subsection (6), request in writing that the Commission make available -
>
> (a) information as provided in the notice; and
>
> (b) any community interest submission made in respect of the relevant application …

I will not continue because it gets into the different numbering system that is provided for in the clause. That information is currently available and will continue to be so. It is not omitted; it is retained.

Amendment negatived.

Clause 57 agreed to.

Clause 58 -
Section 37 amended (Grounds for objection)

Ms O'CONNOR - I move the following amendment -

Page 83, clause 58, paragraph (b), proposed new paragraph (d).

Leave out "endorsed with gaming machine authorities".

I understand now that as we seek to make these amendments, because our other amendments have not been successful, then even if we had a completely rational House that was operating by voting with its conscience, it would be very hard to remove this from the

legislation. I commend the amendment to the House because we believe most Tasmanians would support this.

Amendment negatived.

Clause 58 agreed to.

Clause 59 -
Section 38 amended (Matters to be considered in determining application)

Ms O'CONNOR - Again, this is a similar amendment to the amendment we just put. I move the following amendment -

Page 84, clause 59, paragraph (b), proposed new paragraph (c).

Leave out "endorsed with gaming machine authorities".

Again, we are dealing with legislation here that will keep poker machines in pubs and clubs for many generations, long after my grandchildren are old, if I ever have any. Chair, we commend this amendment. The clause would then read:

> In the case of an application to which section 36(3) applies, taking into account community interest matters, the granting of a venue licence is in the community interest.

We have seen the term 'community interest' used a few times. The minister may, if a casino licence or a keno licence is surrendered or has come to its time early may, if it is in the public interest to do so, call for submissions for a new licence. It is never in the public interest to have increased opportunities for people without much money to lose their money. I commend the amendment.

Mr CHAIR - The question is the amendment be agreed to.

Amendment negatived.

Mr CHAIR - The question is that the clause as read be agreed to.

The Committee divided -

AYES 21	**NOES 3**
Ms Archer	Ms Johnston
Mr Barnett	Ms O'Connor
Dr Broad	Dr Woodruff (Teller)
Ms Butler	
Ms Courtney	
Ms Dow	
Mr Ellis	
Mr Ferguson	
Ms Finlay	

Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie (Teller)
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Ms White
Mr Winter

Clause 59 agreed to.

Clauses 60 to 63 agreed to.

Clause 64 -
Section 42 substituted

Ms O'CONNOR - Mr Chair, I will move the first two amendments to this clause -

First amendment

Leave out subclauses (1), (2) and (3).

Insert instead -

(1) The Commission is to determine an application for a venue licence by -

(a) granting the application; or

(b) refusing the application.

Second amendment

That subclause (8) be amended by deleting sub-subclauses (b) and (c).

Insert instead -

(b) specifies the gaming area and restricted gaming area approved for the licensed premises.

The first seeks to remove reference to gaming machine authorities in relation to the determination of venue licence applications. This is a new section to go into the act.

The second amendment removes the ability of the Tasmanian Liquor and Gaming Commission to attach gaming machine authorities to licences. This is a self-explanatory and consistent amendment.

This is consistent with our long-standing policy to remove poker machines from pubs and clubs. It is consistent with community expectations. It is consistent with Labor's former policy. It is consistent with submissions that have been made by the Tasmanian Council of Social Services, Anglicare, the Salvos, Hobart City Mission, the Tailrace Centre Church and a number of other not-for-profit community sector organisations that want poker machines removed from pubs and clubs. Many of those organisations have to pick up the pieces or represent community sector organisations that have to pick up the pieces and deal with the shocking human cost of gambling addiction, which we know will be compounded once there are poker machines in pubs and clubs for many generations.

We have seen the will of the two major parties in here to remove parliament from having any say in the future of at least the casino licence and the Keno licence. We commend the amendments to the Committee.

Mr CHAIR - The question is that the amendments be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler (Teller)
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White
	Mr Winter

Amendments negatived.

Ms JOHNSTON - Mr Chair, I have previously spoken about Glenorchy as being the 'golden mile' of poker machines for the Federal Group in particular and reiterating 'ground zero' for the community sector in terms of the harm that poker machines cause.

Mr CHAIR - Ms Johnston, are you moving all three amendments or one at a time?

Ms JOHNSTON - I am moving one at a time.

It is a matter of fact that the density of poker machines is concentrated in those areas of most socioeconomic disadvantage, that they are targeted at people who can least afford to lose money. That is where the vast majority of poker machine barons' profits come from - people who can least afford it, from problem gamblers.

I move my first amendment -

Page 86, proposed new section 42, subsection (2), paragraph (a), after subparagraph (i).

Insert the following subparagraph:

(ia) the number of gaming machine authorities permitted under section 101B(aa) on venue licences that relate to licensed premises situated in the same municipal area being exceeded; or

I flag that later on in debate I will be moving an amendment to clause 114 which will seek to put municipal limits on the concentration of poker machines in Tasmania. If we have to have these dangerous, God-awful machines in our communities, that we at least disperse them so that we are not targeting those most at risk and most vulnerable. There are a number of different ways we could do this but, arguably, a good way of doing it is by dispersing across municipalities and putting a cap on each municipality.

This would protect my community of Glenorchy somewhat. It would stop it from being called the 'golden mile' and being taken advantage of by the gambling industry. In clause 114 later on I will be looking at a cap of 81 machines per municipality. The figure is arrived at by taking the total limits of machines and dividing that by the 29 muncipalities we have in the state. It would make it fairer. It would mean that the communities were not targeted for their disadvantage, that they were not made more vulnerable. If it meant that the pokie industry had to put machines in Central Highlands where there are very few, if any, they probably will not be profitable and they probably will not do it. Even better, we would have fewer machines in the community. As far as the Glenorchy community is concerned, ground zero for community sector, there would at least only be 81.

If we cannot accept the very sensible amendment that we had prior regarding taking machines out of our communities, then surely we can cap them in our communities in terms of density and stop this corrupt, disgusting practice of targeting the most vulnerable.

I do not know how the decisions are made in terms of the poker machine industry in the distribution of them but I suspect they sit there with a whole range of socioeconomic indicators in front of them and I suspect they look to see who is the most disadvantaged, where are the poorest people in our community, where are the lowest educated people in our community, where can we target people.

That is how they make those business decisions because they know that their most profit comes from people who are addicted to poker machines and it is more likely to occur in

disadvantaged communities. It is absolutely disgusting that there is someone making business decisions about how to rip off vulnerable people and that we allow that to happen.

We can put some controls around that by accepting this amendment. We can say, 'You cannot target vulnerable communities. We are treating people equally.' That is what this amendment would do. It would provide the ability to stop the targeting of the most vulnerable in our community.

Ms O'CONNOR - Because this is another amendment, do I get another quick go before I move my amendment after we deal with -

Mr CHAIR - Yes.

Ms O'CONNOR - We will be supporting this amendment for obvious reasons - that it will, to some extent, mitigate harm. I do not know if Ms Johnston saw it during her time on Glenorchy council but there used to be a data set that was pulled together by Tasmanian government agencies including the Department of Health, what was then the Children and Young People division within Human Services. There was also input from Treasury and Finance, input from the Department of Education. This Kids Come First data set was fascinating because it tells us exactly what Ms Johnston just described, which is that in areas of greatest social economic disadvantage, with the lowest household median income, with at least one parent not in secure employment, with low educational attainment and the highest reports of child abuse and neglect, there was another overlay which showed the concentration of poker machines in communities in the Kids Come First dataset. You could see that they mirrored each other exactly.

That confirms what Ms Johnston said about the predatory business conduct of gaming machine operators, venues and the Federal Group in looking at where socio-economic disadvantage is greatest and making a business decision based on the knowledge that it will increase revenue to locate your business in areas of greatest socio-economic disadvantage.

A few weeks ago I broke with my usual ban on attending the casino because I had an event there that I needed to be at. I walked past the gaming rooms and had a look inside. There were no happy people in there. By the time I left, which was quite late in the evening, a woman who I had seen go in was still in there looking more depressed. We know what is going on here. That is the casino, that is one thing but in any given venue around the state you will find depressed people. Invariably there is a range of factors that contribute to that state of mind. It will be compounded by the decision they make to put money into the machines. These decisions are made because when our brains are full of cortisol because we are so stressed, we are not always making decisions that are in our best interests. I wanted to back up this amendment and repeat what Peter Hoult said on Leon Compton's radio program the other day:

> This industry depends on problem gamblers. Thirty to 40 per cent of the revenue from pokies comes from people with a problem. Nobody wants to stop them gambling in the industry because if it did that the industry would go belly up. It's not a lack of knowledge, it's not a lack of ability to make change, it's a community and blindness to the fact that the only way you are going to stop addicted and at-risk people losing money is to cause harm for the industry's cashflow.

We have seen in here today, on vote after vote, both the major parties voting to back the industries' cashflow, which is 30 to 40 per cent dependent on problem gamblers.

The House should support this amendment because you need to have a much lower concentration of EGMs in Tasmania. The level that has been set is saturation point. It is a level that the industry is very content with. That tells us everything we need to know and why parliament should be taking a much stronger interest, an active interest, backed up by our votes in reducing harm caused by EGMs in socio-economically disadvantaged communities by making sure you can bring in caps.

Ms JOHNSTON - I want to reiterate how predatory the poker machine industry is on vulnerable communities and to give an example. I want to make a human point about what we are doing here.

In the Glenorchy municipality there are about 10 pubs, seven of them have poker machines with, I believe, the maximum number they are able to have in each venue. The Claremont Hotel is opposite Windermere Primary School. When I was a parent there and canteen help I would see children come in hungry because they had not had breakfast and did not have lunch knowing full well that a parent was across the road at the Claremont Hotel all day, putting the household income down the throat of poker machines. You can go to the Grenada Hotel at any time and see their poker machine room full of people who cannot afford to be losing their money: the Club Hotel, the Elwick Hotel, which is open for 20 hours a day. You can play a poker machine from 8 a.m. to 4 a.m. If you are playing a poker machine at 3 a.m. on a Monday morning you are addicted to poker machines. That is not a recreational player.

When you go into the Carlyle Hotel, all you can hear is ka-ching-ka-ching, the sound of poker machines. You go in there for a pub meal and you cannot hear anything. It is useless having live music there anymore because all you can hear are the poker machines. The Valern Hotel, open long hours for poker machine players, as is Cooleys. Again, just poker machine noise, no live music.

However, we have three shining lights of pubs which are doing things a bit differently. We have the York Hotel where you can get a damn good steak and there are no poker machines. The Paddy Wagon supports the live music industry and supports local small business. The Moonah Hotel, which has recently changed hands, made a conscience decision not to have poker machines.

You can clearly see the poker machine industry targeting the most vulnerable. It is causing immense harm to individuals, communities and families. They can do without poker machines. The three shining lights of pubs are a clear demonstration that you can have a solid business without having poker machines. The Paddy Wagon is full on a Thursday and a Friday night. It is a fantastic live music venue. They can be successful. They do not need lots of poker machines in their pubs and clubs to be successful and to attract people.

I hope that we can, in some small way, mitigate the harm that poker machines cause in our community.

Dr WOODRUFF - I back up the comments that have been made in support of this amendment with some of the statements provided by Associate Professor Charles Livingstone

from the School of Public Health and Preventive Medicine, Monash University, in his 9 August 2021 submission to Future Gaming Market in Tasmania. He talks about the regressive distribution of electronic gaming machines in Tasmania. He and his colleagues have modelled the distribution of electronic gaming machines in Tasmania and found it to be regressive, which is to extract a greater revenue from the disadvantaged communities in Tasmania.

They said in their joint select committee testimony, which they made to the parliament:

> Allowing pokies to continue to be concentrated in Tasmania's most stressed local areas will continue to cause preventable harm to tens of thousands of Tasmanians each year.

He notes that the situation has not changed. The distribution of EGMs in Tasmania remains regressive. They have done further analysis and the most disadvantaged LGAs continue to have the highest concentration of EGMs. This backs up the testimony we have heard from Ms Johnston and many others.

The proposed changes in this amendment bill, clearly in his view, do not impose constraints on the continuation of this pattern, which will continue to impose significant burdens on the most disadvantaged people in our society. He says of the 2208 EGMs that operated in Tasmanian local venues in December last year, 95.8 per cent were located in 126 hotels. Another 97 EGMs, or only 4 per cent, were operated in 23 club venues. He said that 15 per cent of the EGMs were located in only 12 Vantage Hotel group venues. This is a subsidiary of the Federal Group which operates the two casinos.

Under the legislation before us, it would be open to that company to acquire a further 227 electronic gaming machines, which could be located in as few as eight additional hotels. It has opened the Australian Leisure and Hospitality Group, currently operates four venues, with a total of 120 gaming machines. That company is a key element of the Endeavour Group, which recently demerged from Woolworths. The Australian Leisure and Hospitality Group is Australia's largest operator of EGM and it is noted on the record for being, 'in the hunt,' for more hotel properties to expand its EGM operations. So, this bill makes it open to the ALH to acquire an additional 467 EGM entitlements, which could be operated in as few as 16 hotels.

We have an unholy concentration of EGMs amongst the poorest communities in Tasmania. It is done entirely with purpose. It is done with a predatory intent to suck the money out of the poorest communities. This amendment is a very small way to provide some checks and balances on that continued concentration in the poorest communities.

Mr FERGUSON - This is inconsistent with the Government's policy position. The amendment is inconsistent with the certainty that the Government, through our future gaming markets policy, has provided to existing pubs and clubs.

What the mover of the amendment is trying to do is to disrupt those individual businesses; that is the effect of the amendment. It should not surprise anybody to know that being inconsistent in that way - by the way, the mover of the amendment has not specified which businesses she wants to shut down, with this rather brutal or strange way of simply dividing the number of pub and club EGMs by 29, the number of councils and then plonking 81 EGMs into the Central Highlands, another 81 into Flinders Island, a community of 1000 people. I find that odd. I make that commentary in passing.

The bill provides the minister with the power to direct the commission in relation to their future endorsement of EGM authorities, where it is in the community interest. I hope that that is not going to be missed by you, Ms Johnston, in particular. This could include a direction relating to the limiting of the number of EGM authorities in a given area.

The minister of the day could take into account some of the issues that have been raised in this debate today. In that respect I draw the House's attention to clause 138, which will come later in our discussion, naturally. Clause 138 in the bill provides for a new subsection, in section 127 of the act. That provides exactly as I have described. In the future, when licences are surrendered, sold or become available and are being considered for a venue application, the minister of the day can give a direction of that kind. For now, this particular amendment is deliberately designed to disrupt individual businesses. The Government does not support it for that reason.

Mr CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad (Teller)
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White
	Mr Winter

Amendment negatived.

Ms O'CONNOR - Mr Chair, I move the following further amendment -

Third Amendment

Page 86, clause 64, proposed new section 42, subsection (10), paragraph (a).

Leave out "20 years".

Insert instead "5 years".

This is the perpetual licence provision in the legislation. This is the amendment bill. It says:

> (10) If an application is granted, the venue licence is granted -
>
> (a) for a term of 20 years, unless sooner cancelled or surrendered under this Act; and
>
> (b) subject to the conditions, and for the licensed premises, specified in the licence.

So that no-one is under any illusions about what is happening, section 42(7) of the principal act makes it really clear that:

> (7) If an application is granted, the licensed premises gaming licence is granted for a term not exceeding 5 years, subject to the conditions, and for the licensed premises, specified in the licence.

When Government and this minister talk about a sustainable industry, it comes down effectively to this clause which grants 20-year licences to venues on the basis of zero evidence. But there was some evidence that was put to the select committee inquiry by Treasury, in fact, and I quote here from Dr James Boyce's background notes to the Tasmanian government's proposed 2020 poker machine legislation, *Pokies Plunder: The Final Chapter?* On page 15 he says:

> In regards to the length of the poker machine licence, the Treasurer noted …

And this is in the evidence to the committee -

> that the Deputy Secretary of the Revenue, Gaming and Licencing Division, Jonathan Root, 'informs me the normal lease for machines is usually up to five years. They turn over quite quickly … The licence for individual venues is for five years … Any term needs to consider the investment.

We are about to go from a legislated five-year licence for venues to operate EGMs and we are quadrupling the length of that licence without any rationale other than that it is what the industry wants and this Government has said it wants to put this predatory industry on a sustainable footing.

We are proposing that there not be 20-year licences to inflict endless harm on people and, indeed, in a submission made by respected economist, John Lawrence, on the future of gaming in Tasmania to the public consultation in March 2020, he had this to say about gifts and perpetual licences, because that is what we are talking about here now - gifts and perpetual licences. John Lawrence says:

> The argument for issuing a licence in perpetuity or for 20 years or so, is based on the sovereign risk argument. If a person pays the government an upfront fee for a licence to pursue some activity subject to certain conditions for a stipulated term, then it is reasonable for that person to expect the government to abide by those conditions during the term.
>
> In the case of EGM licences, the industry successfully lobbied against an upfront fee which the government initially wanted, to be set by a market-based tender. Without an upfront fee the sovereign risk argument does not apply, yet the PCP proposals contemplate a licence term -

This is the proposals that have been put to the committee -

> contemplate a licence term of up to 20 years plus fixed tax rates for the term.

That is exactly what they have got; of course, it is. Mr Lawrence goes on:

> The current 2003 deed in the Gaming Control Act 1993 fixed tax rates for the term of the licence. The quid pro quo was for Federal Group to spend $25 million to construct what is now known as Sapphire Freycinet.
>
> There is no quid pro quo this time.
>
> If a person secures a licence and joins the workforce, can he/she then expect a government-guaranteed income stream with no change in tax rates for 20 years? The gaming industry wants assurances that no one else receives. A rolling term of five years, as is currently in force pursuant to the 2003 Deed would allow an operator sufficient time and certainty to clear any machine lease/hire commitments.
>
> A licence term with no quid pro quo is a gift to the privileged incumbents. Going back to Premier Hodgman's denial that his government was planning to give away lucrative licences and that they would instead be put out to tender, the fact that they are not going out to tender and that they will now be allocated to existing venues at no charge, ipso facto means venue owners will be receiving a gift.
>
> The larger the profits and the longer the licence term, the greater will be the gift to the new licensees.
>
> There are two aspects to this gift.
>
> First, in the absence of a fixed term for a licence, the gift which essentially is the excess profits allowed to be earned each year, is a gift to the industry as a whole and will be received by whoever holds the licences at that time.
> Second, by adding a time dimension, say, a licence term of 20 years, the grant of a licence constitutes a gift to the current licensee, not to the industry. The value of the gift, the expected future profits from the licence over 20 years, will crystallise at the time of the gift. In this regard it is a poor way of targeting assistance to the industry which is what the industry claims the PCP proposals will do. There is nothing to stop the licensee reaping a large capital

gain from the sale of the gifted licence and riding off into the sunset leaving the new licensee to use future EGM profits to service a loan, rather than invest in the business as the industry fairy tale scenario suggests will happen.

The industry has said that a 20-year licence will unleash a wave of new investment and, as we know, neither the original deed nor the decision to extend poker machines into pubs and clubs has unleashed a wave of new investment.

Wrest Point Casino, for example, still has in some patches the same carpet that we have all been walking across for decades, Mr Chair. There has been no sound argument made for 20-year licences other than that it is what the industry wants.

Treasury's own advice suggested a shorter licence period of five years. The current act says five-year licences and yet what this legislation does, which has been put forward by the Liberals at the behest of the industry that helped them buy the election in 2018 and is now supported by the Labor Party, is gift existing venue operators, many of whom have high concentrations of venues. For example, the Farrell family, the Kalis Group and Dixon - they have a number of venues under their umbrella and they will be gifted 20-year licences at no cost, with no tender, with no Community Interest Test applied to them.

That, Chair, is institutional corruption because the industry wanted it and this legislation gives it to them. There is no rationale apart from it is what the industry wants. We commend this amendment to the House because it maintains the status quo around venue licences and the fact of the matter is that this gift to the industry of 20-year effectively rolling licences will come at the most staggering human cost in all of our electorates. All of our electorates have these venues. We have constituents who are suffering in all our electorates, and we know that. We were elected to this place to serve every person in our electorate, elected to serve the people of Tasmania. This clause is at the heart of the foulness and the stench that is this policy.

Mr FERGUSON - The Government does not support this amendment. The member who has just resumed her seat has, to the extent that she is claiming that a Treasury official has recommended that for future, she has taken him out of context, so I say that.

The arrangements are faithful to our commitment and they are indeed consistent with the joint select committee which recommended, amongst other things, that EGM licences should be in it for an appropriate duration. They said that that was to ensure that investment certainty for industry existed.

I will make a quick comment about the tenure of the licence. It is about investor certainty and I make the point that there is a lot requirement on individual venue operators now under the proposed legislation than is currently the case. There is a significant increase in their responsibilities so the Government has considered this matter. It considers that a licence period of 20 years will provide the level of investment certainty required by industry and particularly a level of certainty that will satisfy their financiers as well, which Ms O'Connor failed to acknowledge.

As licence periods will be fixed to 20 years under the new arrangements, any licence renewed or issued after the commencement of the new model would extend beyond 2043. Importantly, however, the commission has been provided with the power under the act to investigate a licence holder at any time. All licences will be subject to the usual requirement

that the licence holder must continue to remain suitable to be licensed throughout the period of their licence. To the extent that the mover of the amendment is worried about an individual's behaviour or conduct or compliance with regulation laws, the mandatory code, I remind her and others that the commission continues to have those powers under the act. They are significant powers. They are taken very seriously and venue and licence holders know that. They are powerful so that is a strong incentive to comply, to do the right thing throughout the period of the licence. The Government is settled on 20. That has been part of our legislation that we have circulated for consultation and has had the feedback from industry and others. The Government does not support the amendment.

Ms O'CONNOR - I am interested in hearing the minister say he has feedback from the industry 'and others' on the free 20-year licences that have been given out. I would like to know, and I know Dr Woodruff and Ms Johnston, would probably like to know who those 'others' are because outside the industry who would be arguing for free 20-year licences to be given to existing venues? I go to John Lawrence's second submission of August this year where he makes the statement about perpetual licences:

> After 15 years a venue can obtain a renewal which will last another 20 years. In addition, each time venues change hands the new operator will get a 20-year licence.

This is what we mean by the forever legislation. He goes on:

> All this means is that EGM licences will become perpetual licences.

That is right. Generations of social and economic harm.

> Being able to earn super profits of $24.6 million each year based on 2020-21 player losses makes EGM licences very valuable. Being able to sell licences at any time as perpetual licences means the assets will have a ready market value and the capital values of venues will rise accordingly. An asset based on a government mandated revenue stream is extremely valuable. The longer the term of the mandated income stream, the more valuable is the asset.
>
> The industry rule of thumb is that $1 of profits will increase capital values by $7.50. This means based on $29.2 million of profits under the future gaming market changes, venues will have total values of $219 million attributed to EGMs. The share will be roughly in the same proportion as profits.
>
> Venues in the top three decile groups will get 70 per cent of the increased capital value. Federal Hotels' 12 pubs will have an approximate total value of $72 million attributable to EGMs. Note, these values are only the values attributable to the gaming operations in pubs.

I know that it makes people in here uncomfortable to hear it but the 20-year perpetual licences are the quid pro quo.

If you want to talk about a good return on investment for the Federal Group and the gambling industry, look at this clause. This clause is what locks in poker machines in pubs and clubs forever. It has been given to already wealthy pokies barons for free, overnight massively increasing the value of those venues. We have it confirmed in here. Yes, they are perpetual

licences. They are being given away. Those bland assurances that we just heard from the minister about how he is sure because of the strength of the Liquor and Gaming Commission that industry players will do the right thing - spare us. They might stay legal but what they will be doing is seeking to lure problem gamblers, gambling addicts into their venues forever.

That is the moral corruption at the heart of this legislation. It is the quid pro quo. It is the stink. It is right here. The only people the Government consulted with is the industry, not 'others'. There are no others in the community of any respectability who would be advocating for 20-year perpetual licences to be given away.

I did not mean to imply that the deputy secretary of Treasury indicated that five-year licences in future would be appropriate, simply that the deputy secretary of Treasury had pointed out to the Premier that it is currently five-year licences. When the Premier was answering questions at the table in the inquiry, he did not raise an issue about five- or seven-year licences. What do we end up with? We end up with exactly what the industry asked for. No difference between what the industry asked for in licensing and what they got. They wanted long, free licences and that is exactly what they got.

I have also had a look at the gaming commission's submissions to that inquiry. They did not support the individual licence model because they said it would increase harm. They questioned the extent of the licences. There is also a very legitimate concern about the level of resourcing for the commission. If, as the minister claims, the commission has these powers that will keep the industry in check, is the minister going to give more resources to the Liquor and Gaming Commission when they have to police hundreds of venues around the state? I do not think so because that is not what the industry wants.

I cannot see this Government or the Opposition supporting anything that the industry does not want. Labor certainly cannot because they locked themselves in with that secret deal they signed with the THA. I am absolutely certain the Liberals cannot because Steve Old and Font PR know where the bodies are buried after the 2018 state election.

Ms JOHNSTON - I will be supporting this amendment. I go again to the point around the perpetual nature of the licences and 20 years. It is important to note that, as we move to clause 67 around renewals of venue licences, there is no requirement for a community interest test at the moment in the bill as it stands. Whilst the minister might be talking about the appropriateness of the 20-year licence and that there will be checks and balances about the licensee being a fit and proper person to hold a licence, fundamentally there is no community interest applied to the renewal.

These perpetual licences are a gift to the poker machine industry that will continue to keep giving. Twenty years after 20 years after 20 years without any point in time, the ability for the community to have their say and for a community interest test to be applied.

It is an exceptional, generous gift that this Government will be giving the industry. It is incredibly generous. They must be rubbing their hands with absolute glee at the thought of 20-years of certainty and knowing that all they need to do to renew that licence is to show that they are a fit and proper person with very limited controls around that. They do not have to apply for a community interest test to get it. They need only to put their hand up again. They would like another licence. Here is another 20-year gift. They are laughing all the way to the bank.

Sadly though, people in the community are being affected and they are not laughing all the way to the bank. They are the ones who are going bankrupt because of the harm that poker machines cause in the local communities. They are the ones who are having to steal from their employers because they are addicted to poker machines. They are the ones who are going to payday lenders to get money to put food on their children's table, yet we are giving this incredible, generous 20-year licence that will be perpetual to an industry that is already doing very well. It is absolutely obscene and unconscionable. We must do better.

I again point out that no-one, apart from the industry, thinks that 20-year licences are a good idea. The industry does because it is payday for them, for their very generous donations and support of both the Liberal and Labor parties. It is disgusting.

Mr WINTER - I would like to clarify, because there has been a lot of discussion about the renewal of the licence, or the perpetual rolling licence, but we are dealing with the 20-year licence term in this amendment, are we not? We are talking about the renewal of licences here. Just to flag - and members are aware and I do not want to go off topic, at clause 67 we do have amendments and we do have issues with renewal of licences, as you have said, but we will not support this amendment but we do have issues with the way the renewal was set out in the bill.

Mr CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie (Teller)
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White
	Mr Winter

Amendment negatived.

Ms JOHNSTON - I will not take too much time. I move the following further amendment.

Page 89, proposed new section 42, proposed subsection (10), paragraph (a).

Leave out "20 years".

Insert instead "7 years".

If the Government and Opposition will not listen to the sensible words that we heard before from people like John Lawrence, then maybe they might listen to the submissions like Anglicare that highlighted again that the TLGC recommended seven years. I will not waste any more time but I hope we can find a compromise and seven years will be better than nothing.

Amendment negatived.

Clause 64 agreed to.

Clauses 65 and 66 agreed to.

Clause 67 -
Section 43B substituted

Ms O'CONNOR - Chair, again we are trying to take some of the blatantly gift-like provisions out of this act. I move the following amendment -

Page 91, clause 67, proposed new section 43B, subsection (1).

Leave out "5 years".

Insert instead "1 year".

I cannot see any justification from an administrative point of view, from a business point of view, other than just to lock in your profits as early as you can, for giving venues - which have been gifted 20-year rolling licences - five years before the expiry of their licence to lock in another 20-year licence. What other sector has these sorts of special provisions applied to it, where you have got a contract for something or a licence to operate something - actually now that I think on it, perhaps the fish farming industry in Tasmania has similar provisions apply to them. Big corporations that get governments to do exactly what they want.

There is no argument for giving venues a whole five years to reapply for a licence. Where has that come from? We would like to understand where that has come from. It has obviously come from the Tasmanian Hospitality Association but was there any point in developing this legislation that the minister or the Premier thought, 'Let us just do one thing the industry does not want.' I cannot see it anywhere in the amendment bill. I cannot see evidence anywhere that the Government moved away from the industry's position on any point. This is not unlike when Gunns Limited and its lawyers helped to write the Pulp Mill Assessment Act for the Labor Party. It was industry writing legislation. North Forest Products, back in the early 1990s wrote, I believe, some doubts removal legislation over their continued logging operation. We have another example here of industry effectively writing the laws that will govern the industry.

There is no argument for giving venues, not only free 20-year licences to print money, but a whole five years to continue - to lock in another 20-year licence. The time scales we are talking about here are pretty staggering really. We are saying to a venue, 'Here is a free 20-year licence. Operate as you will. You know it will be renewed because unless you fail a small number of tests, it will be renewed and after 15 years come back to us and we will lock you in for the next 25 years effectively, because that is what it will be. It will be a continuation for the next five years and then another 20 years. It is breathtaking how you cannot sunlight between where the Liberal and on most provisions the Labor Party and the industry stand on this legislation.

I am somewhat comforted by some understanding in the Opposition that five years is a long time to give people to reapply for their licences to print money. Mr Winter had an amendment approach which was to strike out clause 67, which would mean that the provisions in the act are maintained. I hope the Government, just for its own self-respect, supports an amendment that is for once what the industry does not want.

Mr WINTER - We will be supporting the amendment put forward by Ms O'Connor. As mentioned by Ms O'Connor we have our own amendment to this clause. It was a little more brutal in that it sought to remove that section of the proposed bill.

The key issue for us is that under the bill there is no point in time for a reconsideration of this matter by the parliament or by the Tasmanian people, as occurred in 2018. In 2018 we understand what happened. There was a debate about the future of electronic gaming in Tasmania. It was a very public debate. The Government won that election which is why they sit where they are and why they are proposing a bill that is very similar to the policy they took to that election. What was not clear at that time was the ability to renew your licence five years before the 20-year licence period. As rightly pointed out by Ms O'Connor and in Mr Lawrence's submission, technically it is a rolling renewal, but you could argue it is perpetual for the reasons outlined by Ms O'Connor.

We are keen to see a resolution to this that will provide a trigger point for a reconsideration of this matter at a point in time. It is a fair request and a fair position for the parliament to take that we do not allow the ongoing rolling existence of these licences with really no trigger point for the public or parliament to consider these matters once again. For that reason we will be supporting Ms O'Connor's amendment.

Mr CHAIR - Ms O'Connor, you have not moved the amendment yet.

Ms O'CONNOR - Mr Chair, I move the following amendment to this clause -

Page 91, clause 67, proposed new section 43B, subsection (1).

Leave out "5 years".

Insert instead "1 year".

There were a number of questions raised by the Greens and the Opposition about why venues are being given five years ahead of the expiry of their licence to seek a licence renewal. Can the minister explain, please, the rationale behind giving licenced venues five years before the expiry of their 20-year licence to seek a licence renewal?

Mr FERGUSON - My answer will be the same as my earlier answer: it is about investment certainty for industry. I am surprised the Opposition wants to play this game with the Greens. It does introduce risk into the industry. The Government in bringing forward this legislation and drafting legislation, shared it with the community and consulted it through two rounds of public consultation. It is appropriate that there be a renewal process. It appears to me that Labor is deliberately now wanting to create a new vacuum in the legislation, if their next amendment is to be believed. Labor is creating a whole new circumstance for industry to go through the same concerns that they have in prior times, in the lead up to 2018. That is the reason and we have been very clear about this. The legislation we have brought forward we are very comfortable with.

Mr CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 12	**NOES 12**
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Ms Courtney
Ms Finlay	Mr Ellis
Ms Haddad	Mr Ferguson
Ms Johnston (Teller)	Mr Gutwein
Mr O'Byrne	Mr Jaensch
Ms O'Byrne	Ms Ogilvie (Teller)
Ms O'Connor	Mrs Petrusma
Ms White	Mr Rockliff
Mr Winter	Mr Shelton
Dr Woodruff	Mr Tucker

Mr CHAIR - The results of the division being Ayes, 12, Noes, 12, therefore in accordance with standing order 257 I cast my vote with the Noes.

Amendment negatived.

Ms JOHNSTON - Disappointing as it is that we will continue to have an unreasonable length of time for renewal of venue licences.

I move the following further amendment -

Page 92, proposed new section 43B, subsection (5), after "Sections".

Insert "36 (apart from subsection (2)), 37,".

This relates to providing the community interest test to apply to the renewal of venue licences. Whilst a community test applies, when someone first applies for these authorities, according to this bill at the time of renewal there is no community interest test. It is appropriate, given the very long period of these licences - 20 years - that at least when they are up for renewal that the community's circumstances is given consideration and there is the opportunity for the community to have a say.

I commend this amendment to the House. Let us not forget that poker machines impact on real people. They cause harm to real people. If we have to have poker machine licences for 20 years, when they come up for renewal, the very least we can do is that the community interest test applies. I note that communities change over time. What might be appropriate today might not be appropriate in 20 years' time.

There is always change in our communities. It is appropriate that the commission is given the power to give consideration to the interests and the needs and the demographics of each community at the point of renewal.

Mr FERGUSON - The Government will not be supporting this amendment. The amendment seeks to require renewal applications to be advertised and subject to objections. The provisions are not currently required for licensed premises, gaming licence renewal, as the venue is already in operation and the licence holder has already been assessed. It has not been considered necessary to advertise the renewal of an existing venue in the past. I made the point earlier around investor certainty and risk. No sound argument has been made for this to occur in the future. New venues will, of course, be required to be advertised and allow for objections.

Ms JOHNSTON - I point out to the minister that what the Government has just sanctioned is 20-year licences and they are perpetual. They will keep rolling over. Unlike now, when there is an opportunity to review the appropriateness of poker machines in the community, if this bill is adopted there will no longer be that opportunity. Inserting a community interest test at the point of renewal is a really important way the commission can look after the community and take the interest of the community into consideration before renewal. There will not be an opportunity again for this parliament to consider the appropriateness of having poker machines in pubs and clubs.

Surely, it makes sense to provide for a community interest test that the commission can consider at the time of renewal. If pubs and clubs at the moment think that they are comfortable in being able to meet the community interest test today, then surely that will be the same case in 15 years when they apply for their renewal, meaning that they have five years to continue. It makes sense. It is an important way of providing a check and balance and it is an important way of providing some way of community input into licensing decisions.

Ms O'CONNOR - We, obviously, support the amendment. The community has been taken out of having any say in where the venues are located. The community, technically is represented by those of us they elected into this place but in this case in this bill, they are not represented by the people they elected and entrusted to this place.

There is no recourse to the community on these issues. We have clauses where the minister says if it is in the public interest to do so, we can call for expressions of interest for a new casino or keno licence. The commission has to consider every now and again what is in the public interest, yet we do not engage with the community on these decisions.

Ms Johnston is right. The point at which a renewal is sought on one of these perpetual licences - and it reflects in part what Mr Winter said - is only a point in time where you can have a look at this licence or this venue and give people a say. They have been denied a say, for example, in Glenorchy and in municipalities around the state where local government would love to have more of a say in where venues can go and machines can be or how many machines can be in their LGA.

Local government has no role here either. Members should support this. What is the problem with this amendment? Apart from the industry not putting it forward, what is the problem with it?

Let *Hansard* show that minister did not even bother to answer that.

Mr CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis (Teller)
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White
	Mr Winter

Amendment negatived.

Mr CHAIR - The question is that the clause as read be agreed to.

The Committee divided -

AYES 12	**NOES 12**
Ms Archer	Dr Broad
Mr Barnett	Ms Butler
Ms Courtney	Ms Dow
Mr Ellis	Ms Finlay
Mr Ferguson	Ms Haddad
Mr Gutwein	Ms Johnston
Mr Jaensch	Mr O'Byrne
Ms Ogilvie (Teller)	Ms O'Byrne

Mrs Petrusma	Ms O'Connor
Mr Rockliff	Ms White
Mr Shelton	Mr Winter
Mr Tucker	Dr Woodruff (Teller)

Mr CHAIR - The results of the division is Ayes 12, Noes 12, therefore in accordance with standing order 257 I cast my vote with the Ayes.

Clause 67 agreed to.

Clauses 68 and 70 agreed to.

Clause 71 -
Section 48 substituted

Ms O'CONNOR - This is actually a question relating to this clause, rather than an amendment and I will just indicate that we had proposed amendments to clause 68 and 71 that have the objective of moving pokies from pubs and clubs, but I am not going to move them and I do want to ask the minister some questions.

This relates to the transfer of the gaming machine authorities and our proposed amendment to 71 - remove provisions governing how many gaming machine authorities could be attached to provisional licence - venue licence and remove provisions allowing for the transfer increase, or decrease of gaming machine authorities attached to the venue licence. The question that I have arises out of the language in clause 71, proposed section 48A(6). It says here:

> The Commission must not grant an application under this section unless it is satisfied that, in the case of an application to which subsection (4) applies, taking into account community interest matters, it is in the community interest to transfer the gaming machine authority so that it is endorsed on the venue licence for the secondary premises.

Is the minister able to flesh out that proposed section 48A and explain how the commission takes into account community interest matters if it is seeking to transfer a gaming machine authority and can the minister explain under what circumstances would it be in the community interest to transfer a gaming machine authority, that is, an authority or a machine so that it is endorsed on the venue licence for the secondary premises. I wonder in what circumstances is it in the community interest to do so, and why is this a question of community interest given that nothing in this bill is in the interests of the Tasmanian community?

Mr FERGUSON - Thank you to the member for her question. The provision has been included because the Government is determined that EGM authorities can be transferred between venues provided they have a common licence holder, that is, common ownership with restrictions on the maximum number of authorities that can be held.

The community interest test provisions will only apply where authorities are being transferred to a newly licensed venue or one that has not operated EGMs in the previous six months. Of course, this reminds us of an earlier clause where the Government policy provided for the community interest test process to apply in circumstances where a newly licensed venue

that had previously not operated EGMs - or at least had not operated them in the last six months - was applying to have EGMs on premises. So, the reason for this particular clause and this provision which is new 48A is designed to prevent licence holders from subverting the intent of that provision that requires a community interest test to be applied for new venues or at least for venues that have not had EGMs in the previous six months.

It is a design feature of the bill to control for that potential behaviour of somebody seeking simply by virtue of common ownership to try to transfer machines to another venue, knowing that if they were not the common owner they would not be able to do so without having the community interest test (CIT) applicable to them. So, it is designed to stop people from subverting the intent of having a CIT in circumstances of venue that has not had EGMs in the previous six months.

Ms O'Connor - The minister did not really answer the question because the question was how do you measure the community interest when the commission's deciding not to grant an application to move machines around?

Mr FERGUSON - It forces the process. If people are wishing to establish EGMs in a venue which has not operated EGMs in the previous six months - because as you will know from looking at the bill this provision is titled transfer of gaming machine authority, so it is about transfer arrangements and it imposes the community interest test to apply in circumstances where an owner, a licence holder, is wishing to transfer. Without this provision potentially that process of having a community interest test applied could be prevented. I think that the word 'subverted' is recommended to me.

Ms JOHNSTON - Mr Chair, I move the following amendment to this clause -

First amendment

Page 102, proposed section 48B, after subsection (1).

Insert the following subsection:

(1A) Sections 36 (apart from subsection (2)), 37(1)(d) and (2), 38(1)(c) and (2), 39, 40, 40A and 41 apply to an application under subsection (1) in the same manner as they apply to an application for the granting of a venue licence.

I have concerns about this. In particular, I go to the importance of having community interest tests applied at every opportunity. This relates to an application to increase the number of gaming machine authorities held in respect of a licence. It is entirely possible that you have a venue licence where there is one EGM applied for. It might be a new venue and the community interest test would apply, as the minister has indicated, for new applications Arguably by some, one machine might not cause that much harm in the community. They get their licence granted.

Six months down the track, they decide that one machine is particularly profitable so they would like to make that 40 machines if they are a club or 30 machines if they are a pub. At that point with a significant increase in the number of machines and a significant increase in the potential harm caused to the community, no community interest test would apply if the bill

is to stand as it is. That is abhorrent. It is a way of getting around a community interest test application.

If a venue has poker machines at the present moment and they seek to increase them at any point in time, they are increasing the opportunity for harm to be caused in the community. Surely, a community interest test ought to be applied at that point, just as it would be if it was a new application. It makes commonsense. I can see very clearly that by not providing a community interest test in this particular provision around the increase in the number of gaming machine authorities held in respect of a licence, it provides a loophole for unscrupulous pub owners and club owners to get around the community interest test in their initial application.

If I was one and I was interested in taking money out of the most vulnerable in my community, I would apply for one machine and say the harm is minimal. A couple of weeks later, though, I could pop it in my application to make that 30. There needs to be a community interest test applied if we care about the harm that it causes and recognise that when you multiply the number of machines in venues, you multiply the harm in the communities.

Mr FERGUSON - Thank you, Ms Johnston, for your amendment and your words. The Government will not be supporting the amendment. The proposal that you have raised was not considered necessary as the section relates to existing venues. Our entire premise of the policy that we took to the 2018 election was about business certainty and not the kinds of disruptive initiatives that a number of members have raised. This is another one of them which have been deliberately designed to disrupt those businesses. That is the case, for example, with the breathless member, Ms O'Connor, who deliberately moved an amendment to try to stop the Federal Group from owning any licence venues outside of casinos. That is a classic example.

With this one, the premises have already been assessed by the commission. This is a question about the community interest test. Does it apply; does it not apply? I stand by my earlier comments to the earlier question from Ms O'Connor. This is a slightly different matter but the same principal applies. The provisions are not considered necessary in the amendment as the section relates to existing venues.

Our policy is about providing them, together with their employees, some certainty and some understanding that they will be able to continue to operate their lawful activities; their legal activities and indeed with the harm-reduction measures the Government announced two weeks ago. I look forward to those being activated.

I emphasise that these premises have already been assessed by the commission as venues already operating EGMs and the existing community interest test requirements in the act do not apply to those applications. This is something that would be a significant difficulty for venues if this amendment was passed and potentially jobs. That is exactly why we have legislation which is about providing certainty and not introducing new risks.

I will also go back to a previous contribution I made where I informed the committee for any who were not already aware that clause 138 provides the minister of the day the power to direct the commission in relation to a range of matters, including the future endorsement of EGM authorities. There is opportunity there. There is some scope, for example, and this is a hypothetical - I do not like doing hypotheticals in debate on legislation - for a future minister to make a direction in relation to future endorsement of EGMs in a regional area or even

potentially a postcode area or a municipal area. They are things that sit within the bill. We have not got to that clause yet but that provision is there.

We do not support the amendment.

Ms JOHNSTON - Mr Deputy Chair, I am confused by the minister's comments. I will seek clarification on what he means by 'it is unnecessary to apply community interest test because it relates to existing venues which have machines already'.

If they are one of the lucky ones that have had machines operating for a number of years then a community interest test has not ever applied to them under the current legislative arrangements. If this bill is passed and a new operator comes onto the scene and wants to apply for EGMs then they would have the community interest test applied to them at that time.

If at any point in time they intend to increase that number then there is no community interest test applied. Are you suggesting, minister, that because you think this will only apply to those existing venues which are probably already at saturation point that no-one will be applying to increase the number of machines that they have, or are you suggesting that it is simply not applicable? That one machine is no worse than 30 or 40 machines? I need that clarification.

Is it not necessary in your view because you understand that existing operators are at saturation point and it is unlikely that they are going to need to increase the number of machines, therefore an application increase is unlikely and a community interest test does not need to apply? Or is that it is not a matter of applying community interest at any point in time and that what the commission really should only be concerned with is whether the venue is suitable to have that number of machines, it can fit them in the machine room, the dark little dens that the poker machines are in, and that the community interest test really is not applicable? Is it just a 'tick the box' exercise that we do to make ourselves feel better at night?

Mr FERGUSON - Thanks, Ms Johnston. I am not sure if you have heard me say something different from what I said. I did read from my brief on this, that the premises have already been assessed by the commission. I do not think I drew in the community interest test into that sentence. If I inadvertently did, that would not have been my intention at all. Do we differ on that?

Ms Johnston - I don't understand, when you talk about existing venues.

Mr FERGUSON - The policy is that existing venues do not need to go through a whole new process again of the nature that you might be looking for. Existing venues that are licensed are able to apply to increase the number of gaming machines and authorities that are held in respect of their licence.

I have to qualify that because it has to be within the overall cap which is established in legislation, it has to be within the venue cap as well, depending on whether it is a club or a pub and it also has to be within the market share limit as well.

There are pre-conditions on all of these things. This is a provision that provides for an application process and the ability for the commission to approve an increase in the number of

gaming machines or authorities on a venue license. You need to be able to have that working provision as machines potentially are applied for to be increased.

To be clear, the reason that we are not supporting this amendment, is because it is not necessary and it is inconsistent with the intent of the government's policy which is that existing venues have the right to continue to operate subject to the usual terms and conditions.

Ms Johnston - We are talking about increases.

Mr FERGUSON - Yes, but even with an increase, it still has to be within the venue cap.

Ms Johnston - So it is given extra than what they have currently got?

Mr FERGUSON - It may do so but again the legislation provides for venue caps. There is already governance around the total number of machines that could be located on a single premises.

With respect, we are not supporting the amendment. This government is about providing certainty to the industry -

Ms Johnston - But they have certainty already.

Mr FERGUSON - and certainty to the gaming market, putting in place new harm reduction measures and importantly ending the monopoly which currently exists and which needs to be dealt with.

When I make this observation, a number of members are increasingly bringing forward amendments which seek to hinder that approach of government and therefore we are not supporting it.

Ms WHITE - Minister, I seek clarification about the answer you provided to the member for Clark. Setting aside the existing venues as they are, what we do know is that there are machines that are available under your policy and the legislation in the bill before us that have not been allocated. There are machines that could be allocated to a new venue in the future.

Say, after the bill has passed the parliament and a good old pub at Richmond wants to put poker machines in, they make an application, they are approved for one because the community interest test that is used in assessing that decides that one poker machine at Richmond Arms Hotel is okay.

What you are saying is that if they then operate them for a couple of weeks and decide that this is a good deal, they want to increase it to 15, they do not have to go through a community interest test. That venue is still within the cap for the total global number of machines that can be in the community, but there is no community interest test that they need to be assessed under because they have already been assessed under it once and they are now an existing venue.

Can you clarify they are also who you mean when you talk about protecting existing venues rights? In my view, that is quite different and that is a loophole that could be exploited.

Mr FERGUSON - Thank you, Ms White for your question. I think we are on the same page here.

Ms O'Connor - Oh yeah, you are.

Mr FERGUSON - Thank you, Ms O'Connor. You are very easy to trigger over there. I think we are on the same page in our understanding of this. It is not a loop hole. It is a venue that has not previously had EGMs and wishes to become a licensed venue. Then they have to go through the application process, they have to apply through the commission, and they must do a community interest test. We have talked about the ways in which we are reacting to prevent people from subverting that process and that regardless of the number of EGM authorities that they may later apply for, any approvals that are provided by the commission are, and the words that I have been provided on advice is that the approvals that the commission would provide in that hypothetical scenario are in the context that it might be a number of machines, not just the one that you mention in your hypothetical, naturally within the venue limit, within the venue cap so the commission considers the applications on their merits and has significant ability to consider them and not necessarily agree to whatever is asked.

The answer is yes. It is not a loop hole but it is a recognition that once having gone through the process to become a licensed venue, that subject to the checks there is a process established here in proposed section 48B to allow a venue to change the number of machines that are on the premises at one time.

Ms White - And they don't have to go through the community interest test?

Mr FERGUSON - Not if they have already been through one to get a venue licence.

Ms WHITE - I am pleased with that explanation. I would just be interested in your view about that because taking into account the feedback you have received from the department around the role the commission plays in assessing a venue, irrespective of the number of EGMs they might apply for, if the hypothetical scenario that I provided becomes a reality where a venue applies for and is successful in getting one machine and they can then get to 30 machines hypothetically, do you feel comfortable about that because arguably the community interest test would be looking at the details that have been provided by that venue to the commission and it would be specific to the number of machines they were asking to have at that venue.

I would feel more comfortable if a venue was going to substantially increase the number of machines in their venue that there was some other trigger there for the commission to intervene. Maybe when the commission is assessing any application that is new, they assess it based on what the maximum number of machines could possibly be if that venue is going to be assessed under the community interest test so that they do not have to keep going back and back as you pointed out but instead at the first application they are assessed as though they are already applying for 15 or 30 machines, for example, just as a way to provide greater certainty around this process for both the venue and for the community that is participating in the community interest test process that has been established by the commission.

Mr FERGUSON - Mr Deputy Chair, thank you, I believe I have understood the question. I also should add that when the commission receives and considers an application for a venue licence, it is as I repeat. In the context, the number of EGM authorities being available on that licence as a result of the first application or subsequent applications, the approval is providing

in the context that it may grow. In recognition that there is a provision for increasing EGMs on a premise. Naturally within the venue cap, I am advised as well that the hypothetical scenario you have provided nonetheless allows the commission to consider a range of factors including how many more might be brought onto the premises in the future.

So, the community interest test applies, because it is a venue that has not previously had EGMs in the past.

I have also been provided advice to give the Committee that the community interest test provisions are not changing, they are continuing as per current arrangements, which is worth knowing.

Ms O'Connor - Hang on a minute. That is false argument, because we are not dealing with current arrangements. We are dealing with a whole set of new arrangements.

Mr FERGUSON - It is a direct comment because we are discussing the community interest test.

Ms O'Connor - Of course, they are the same but you have all these new mechanisms for harm. It is not the same.

Mr FERGUSON - I am informed that this is how the act currently works. It is a provision here that is ensuring that a venue that has gone through the process of applying, through a robust process and with the usual checks and balances in place that the commission needs to undertake, you do not then subject a whole fresh process on that venue because it has been approved for its venue licence. Nonetheless, the commission has to consider any subsequent applications under this proposed section. The commission still has to assess it and it can be considered on its merits.

Ms Johnston - Where in the bill is that provision that they have to take into consideration potential future applications?

Mr FERGUSON - No, I did not say that. I said it would be approved in the context of the legislation which provides for venue caps and it is approved in the context that it may grow given that the provisions are provided for in the bill.

Ms Johnston - The community tests that the commission applies for the first instance of an application will include - is the number irrelevant that they put on the form? The community interest test is the maximum number that they apply for?

Mr FERGUSON - To be clear, no, I am not proposing or not saying and suggesting that the commission assumes any particular number. What I am saying very clearly is that it is proved in the context that it could grow. The community interest test is defined in the regs and the things that the commission have to take into account: there are 11.

I will not list them all but some of the key ones that have been drawn to my notice are obviously the place of the premise; the number of EGMs proposed for the premises - which, in this hypothetical scenario will be the number initially; the internal floor plan of the premises, so, how big it is; where they will be located; the relevant areas in which the premises are located; and the location and name of any gaming-sensitive sites that are within a two kilometre

radius of the premises; a description of the facilities provided and activities conducted at the premises; a range of other matters which are available to you in the Gaming Control Regulations 2014.

Coming back to the key issue here, if the community interest test is applied and assessed on the basis of the application in front of the commission, nonetheless the commission would make a determination on a new application on the basis not only of the material here but in the context that it could grow.

Having gone through a community interest test as part of the assessment that the commission will impose, it is a question about impact on the community, harm minimisation and responsible gaming measures that will be in place and the legislation provides that if a venue, once licensed, seeks to increase the number of machines then there is a path to allow that to occur without imposing a fresh community interest test.

Mr DEPUTY CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie (Teller)
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Street
	Mr Tucker
	Ms White
	Mr Winter

Amendment negatived.

Clause 71 agreed to.

Clause 72 -
Part 4, Division 2A inserted.

Ms O'CONNOR - Mr Deputy Chair, I move the following amendments to this clause -

First Amendment

Page 107, clause 72, proposed new section 48G.

Leave out the section.

Second Amendment

Page 108, clause 72, proposed new section 48H.

Leave out "subsequent" from the heading to that proposed new section.

Third Amendment

Page 108, clause 72, proposed new section 48H, subsection (1), after "monitoring operator's licence".

Insert ", if an initial monitoring operator's licence has not been granted, or".

This is one of the clauses in the legislation that grabbed my attention, because it gives the minister, the Minister for Finance, the sole authority to invite expressions of interest for the initial monitoring operator's licence. At the back of the legislation you can see that on the changeover day, when this legislation comes into effect, the commission turns the initial operating licence, which the minister has called for and approved, into the transitional monitoring operating licence. This is the entity that is to keep an eye on all the machines in all the venues across the state.

We do not understand why the minister has given himself this authority and why it would not be something that was handled by the independent Tasmanian Liquor and Gaming Commission. The Government's amendment to the legislation says:

> (1) The Minister may call for tender applications from persons interested in being granted the initial monitoring operator's licence and may select the most suitable tender.

There are not many places in Tasmanian law where a minister has the sole authority to call for tenders and then select the company through that tender process:

> (2) On receiving a tender application for the initial monitoring operator's licence, the Minister may cause to be carried out all such investigations and inquiries as the Minister considers necessary to enable the Minister to consider the application properly.
>
> (3) If the Minister selects a suitable tender application under subsection (1), the Minister, by written notice is to direct the Commission to issue the initial monitoring operator's licence to

the successful tenderer and is to advise the Commission of any terms and conditions to be included in the licence.

This raises a number of questions.

First, what expertise or knowledge or industry experience or experience in areas of harm minimisation or real experience in the kind of technology that would be required for a monitoring operator's licence does this minister or any other minister of the Crown have?

What are the minister's qualifications when he is looking through the tender applications for determining which company or entity is best suited to being the initial monitoring operator?

Why has not the minister given this authority to the Tasmanian Liquor and Gaming Commission? Why is it only at the end that the Tasmanian Liquor and Gaming Commission is directed on the minister's decision to grant that licence to the new initial monitoring operator?

I have not seen in 13 years in parliament, four years in government, a process where the minister and the minister alone selects a tender. It does not even say in here that the minister needs to seek the advice and input of the Tasmanian Liquor and Gaming Commission. It does not say anything about what kind of information the minister may have at his or her disposal, but let us face it, this is going to happen in the next year or two so it will be this minister, Mr Ferguson. It does not say anything about what information the minister will have at hand in order to determine which company is best suited, most responsible, has high standards of governance, has never run afoul of any corporations law or privacy laws. None of that is contained in this clause which gives the minister the sole authority to call for the tender and then select the tenderer.

I do not know if the minister could point to any other areas in any other Tasmanian statutes where the minister alone selects a tenderer through a process that the minister has initiated which has no rigour about it whatsoever.

This, again, like the previous issue where the minister gave himself all power points to a tipping of the power balance in gambling policy away from the Tasmanian Liquor and Gaming Commission and away from the parliament into the hands of the minister and the industry.

Could the minister explain why he thinks he is the best suited, most knowledgeable person to select the tenderer for an initial monitoring operator's licence? It is a licence that must go to a company with the highest standards of governance; a company that has a clean track record, a company that has always on its record abided by the law; a company that understands full well the provisions in the Personal Information Protection Act 2004?

Why has the minister given himself sole authority? What experience does the minister have in this area of gambling technologies and systems to be sure he will pick the best tenderer? Is it because the one entity that is likely to have this tender is already doing the monitoring, the Federal Group? What is the rationale for the minister deciding which company is the watchdog for EGMs in Tasmania?

Mr FERGUSON - Have you moved them?

Ms O'Connor - I have moved them.

Mr FERGUSON - Did you read them out?

Ms O'Connor - I certainly did read it out. I know you were not particularly paying attention.

Mr FERGUSON - No need to be like that. I know you are getting a bit grumpy at the late hour.

Ms O'Connor - I will sleep okay tonight.

Mr FERGUSON - Mr Deputy Chair, thank you to Ms O'Connor for those questions and quite honestly, I think a lot of cynicism is implied. I have been a minister for a while and the simple fact is ministers often are sought for their approval for tenders. I can remember plenty of those.

Ms O'Connor - Not to select the tenderer on their own.

Mr FERGUSON - Well, I think you are misinterpreting actually, Ms O'Connor. The advice that I have to provide to you is that the tender will be conducted by Treasury, not by the commission. The tender will be conducted under the rules established through the Treasurer's instructions. The reason that I am advised the drafting conventions have been adopted in this case is because the contract with the final selected operator will not be with the commission, but it will be with the Crown. So it is a ministerial role there, obviously on advice. I am further advised that Treasury, in conducting the tender, will have an appropriately qualified tender assessment panel established. That would be according to the Treasurer's instructions as well I think, would it not? Yes.

The whole point here is, Ms O'Connor, that we do need to establish a licensed monitoring operator. You also got it wrong when you claimed that it is there to oversight all machines in Tasmania. We are talking about an LMO that operates to monitor the machines in hotels and -

Ms O'Connor - Pubs and clubs.

Mr FERGUSON - Yes, pubs and clubs but you said all machines in the state -

Ms O'Connor - Yes, sorry.

Mr FERGUSON - so that is my answer to the question. Somebody has to do it. It will be the minister -

Ms O'Connor - But you didn't answer the question about your expertise.

Mr FERGUSON - It will be the minister of the day who will call those tenders forward. If it is me, it will be me. If it is the next finance minister, it will be the next finance minister. Ms O'Connor, your cynicism is poorly placed, you are opposed to this legislation, you do not support it, you do not even believe that a licensed monitoring operator should exist in the state because you do not even believe that those EGM games ought to be allowed to be played outside of casinos.

Ms O'Connor - That's right.

Mr FERGUSON - So somebody needs to initiate the process. It will be me.

Ms O'Connor - Why not the commission?

Mr FERGUSON - Because the contract, I am advised, will be not with the commission but will be with the Crown. Hence the advice I have been provided for you. I can tell you are not satisfied but that does not matter because you are opposed to the legislation in its entirety. If I can assist you any further I am happy to do so, but that is the advice I have.

Ms O'CONNOR - I am not satisfied because there is no mention of any other entity or agency or process in this clause that gives you the sole authority to call for expressions of interest and to select the tenderer. That is what it says here:

> The Minister may call for tender applications from persons interested in being granted the initial monitoring operator's licence and may select the most suitable tender.

It does not say on the advice of Treasury's panel. It does not say that there will be a Treasurer's instruction in place. If the Gaming Commission can call for the licences around the casino or Keno, which you will approve, why not the gaming commission having a role here because there is nothing stopping the gaming commission from calling for tenders, selecting a tenderer and then the process being that there is a contract with the Crown. Why can't the gaming commission do it with Treasury and Finance there?

It does not pass the 'sniff test' and it has some real probity problems with it because you have a minister who, let us face it, is just a politician at the end of the day and, in this instance, a politician who, it is reasonably arguable, is in this position because of gambling industry money in 2018. You have a minister here who will go out for the tender on the network monitorer and select the tenderer, totally conflicted and should not have a role in selecting that network monitorer.

Interestingly, when you go to page 230, clause 175 - and this is around the transitional arrangements - what do you know? On the changeover day the commission may grant to the holder of a gaming operator's licence or to a corporation related to the holder of that licence a transitional monitoring operator's licence for a period not exceeding 12 months.

So it is okay for the commission to be involved once we have this sort of organisational stuff out of the way. Once it is all stitched up, the commission can be involved but not when you are setting up for an initial monitoring operator. It smells. I now move amendments that are connected - well, actually, can we have a - yes, we need a vote on these amendments, thanks.

I am not satisfied with the minister's answer. He has not given sufficient cause for granting himself sole authority. We do not believe he has the expertise to be the right person to select a tenderer. There is nothing in there about any other governance or probity process and we think this clause stinks.

Ms JOHNSTON - Chair, I want to place on record my deep concerns with the way the LMO will be established in terms of its being put out to a commercial entity. This is an important probity compliance regulatory function. When you give it to a commercial entity,

as we know, the bottom line for a commercial entity is profit, not the community's interest. It is about a profit.

For someone to tender for this particular function there has got to be a buck in it for them. They are not going to end up doing it out of the goodness of their hearts, to warm the cockles of their hearts; they are doing it because there is a buck in it for them. I am concerned that when we go through this process of selecting an LMO and we make it a commercial entity whose responsibility will be these really important functions, given the expansion of the industry and the harm it is going to cause, that we then find that the tender process will be initiated by the minister.

We now have a commercial entity operating the LMO which has a commercial interest and wanting to get the best return for their buck and then we will have a minister who will oversee this who has a political interest in getting a political return. As we have seen time and again, we end up with political interests being dictated to by commercial business interests paying for government policies or opposition policies. Where in this bill is the community's interest?

Ms O'Connor - Nowhere.

Ms JOHNSTON - Absolutely nowhere. You are quite right, Ms O'Connor, absolutely nowhere. Fundamentally, there needs to be somewhere in this bill, at least the regulatory probity and compliance to be in government's hands which it should be in the community's interests but, time and again, we see the industry's interest put first and political self-interest put first above the community's interest.

I want to place on record my concerns with this entire section and to put on the record that no one is going to be tendering for this unless they can make a buck out of it. They are not doing it out of the goodness of their heart and there is a very clear interest, a political interest, in the minister having control over this tendering process and that is deeply disturbing,it should be deeply disturbing for the community and I am sure it is.

Ms O'Connor - They are counting on this happening under cover of darkness, Ms Johnston.

Ms JOHNSTON - Of course.

Mr DEPUTY CHAIR - The question is that the amendments be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ferguson

Ms Finlay
Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie (Teller)
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Mr Tucker
Ms White
Mr Winter

Amendments negatived.

Ms O'CONNOR - Mr Deputy Chair, I am a little surprised at the way Labor voted on that one. This gives the minister the authority not just to call for the tenders and to select the initial tenderer, but because of the mechanism in the back-end of the act it is an automatic rollover from the initial licensed monitoring operator to the transitional licensed monitoring operator. What the minister's decision is on a tender will be for the permanent licensed monitoring operator in Tasmania. Will that be another gift to the industry? It is a question outstanding.

We proposed that 48H be about an application for the monitoring operator's licence, not for the subsequent monitoring operator's licence. Our fourth amendment would be on the basis that it had been successful, but the fourth amendment actually applies to how the network monitoring operator will protect personal information.

I move the following further amendments -

Fourth amendment -

Page 110, clause 72, proposed new division 2A, section 48I, subsection (1), paragraph (c), after "standards".

Insert ", and general personal information protection standards,"

Remember, whoever gets the licence to monitor the machines in pubs and clubs will have access to great wads of personal information; information about persons who go into venues and may spend long periods of time and lots of money.

Whoever this successful tenderer handpicked by the minister is, that places very high standards around the protection of privacy and personal information. Unfortunately, that is only mentioned once in the amendment bill. What we would hope that the House sees is sensible in order to protect players and their personal information is, that when the commission is determining an application for the monitoring operator's licence, they must not grant an application for a monitoring operator's licence unless it is satisfied that, and I am now reading from the amendment bill:

(c) the proposed electronic monitoring system complies with any electronic monitoring system standards …

and general personal information protection standards.

If the commission has any role at all, this is something that it should be looking at. The minister selects the initial tenderer and the initial tenderer automatically becomes the transitional tenderers, but they most certainly should have a record of upholding the protection of personal information.

I now move the fifith amendment -

Fifth amendment -

Page 110, clause 72, proposed new division 2A, section 48I, subsection (2), after paragraph (a).

Insert the following paragraph -

(aa) the applicant and each associate of the applicant has no history of breaching privacy laws, including the *Personal Information Protection Act 2004*; and

If our amendment was accepted it would require,'In particular the commission must consider whether -

(aa) the applicant and each associate of the applicant has no history of breaching privacy laws, including the *Personal Information Protection Act 2004*; and

We are a bit concerned that there has been such scant regard given to the personal information of players and others who are in venues with EGMs. You would think that would be something that was accounted for and made explicit in the amendment bill, but it is not and it should be.

The sixth amendment that I will be moving in this block of amendments would require a monitoring operator to have suitable independence from other industry participants.

Sixth amendment -

Page 112, clause 72, proposed new section 48I, subsection (2), paragraph (i).

Leave out the paragraph.

Insert instead the following paragraphs:

(i) the proposed security arrangements are adequate; and

(j) the applicant and each associate of the applicant has suitable independence from other Tasmanian gambling industry participants.

This should be self-explanatory and if we are at all concerned about having really strong governance in place and for there to be no probity issues at all.

We believe these three amendments should be supported. If the minister is not inclined to support the extra privacy protections that we are proposing, then he needs to have a clear and cogent explanation for why not.

Mr FERGUSON - Thanks, Ms O'Connor. I have a range of responses to explain why the Government does not support the three amendments. I understand the intent and I will argue that the intent is met by a different clause of the bill. I am not sure if you mentioned it. I think you may have referred to -

Ms O'Connor - I did mention it. I said it has been given passing reference to once.

Mr FERGUSON - More than passing reference. I will come to that in a moment. The conditions to which a monitoring operator's licence is issued include that the licence holder must have policies in place to comply with the Personal Information Protection Act 2004 requirements. They are set out in proposed section 48O(3). I will not read it out. There are significant conditions imposed in this case by the legislation, which will be policed by the act. I will draw your attention to the very significant penalty provision, which the department and the Government have inserted in here: a fine up to 2500 penalty units, which at $170 a pop equates to a potential fine of $425 000 for a breach of that condition.

It is a very significant, very strong and necessarily strong provision, because the licensed monitoring operator is going to be in possession of sensitive information. It is necessary that it be skilled and have the right technological capability to be able to meet its obligations. Its governance of that entity, internally, will need to be very rigorous in order to be selected and then to, on an ongoing basis, meet their obligations as a licensed holder, noting that the Personal Information Protection Act 2004 is an act of this place. The penalty provision is not the one which is internal to that act, it is specified in the bill for this legislation in front of us, a fine not exceeding 2500 penalty points. The commission has the power to investigate any licensed holder or associate at any time.

Regarding the third amendment that the member has moved, that is a new arbitrary requirement by Ms O'Connor, that the LMO licence holder and associate has suitable independence from other Tasmanian gambling industry participants. It has already been made clear that the tender will require the following to be satisfied -

1. Appropriate governance instructions;

2. Separation of the monitoring operator from any business providing EGM gaming in hotels and clubs;

3. Ring fencing; and

4. Secrecy provisions.

I received further advice about the operation and the selection of the LMO. I cannot predict what will be selected but a competitive process for the licence will lead to the best outcome for hotels and clubs from a service level and price perspective. Venue owners and clubs have asked about this and they do want to see value for money. The arguments that were raised earlier by Ms Johnston, that they were not doing it for the good of anyone but themselves and looking for a pretty penny, well we would expect to pay them for their services and their technology capabilities. We would expect to pay them, but they are not paid on commission of harm in the community. They are paid on performance and paid on the basis of the tender that will be conducted.

To win this tender, you need to be able to demonstrate you have the wherewithal, the capability, the internal integrity to be trusted to provide this service. Price will also be a factor. The department in conducting that tender on behalf of the Crown, will be seeking a value proposition that is appropriate for the venues that will pay for it.

The tender will require appropriate governance structures, separation of the monitoring operator from any businesses providing EGM gaming in hotels and clubs, ring-fencing and secrecy provisions are to be satisfied. Now, it sounds to me, the things the Government is doing are what Ms O'Connor agitated for in that last respect.

The LMO will be permitted to undertake core monitoring functions and regulated fee functions which can only be performed by the LMO with minimum level service standards. While the core and regulated monitoring functions will be finalised as part of the tender process I am advised that it is expected that they will include:

1. Core monitoring functions to include helpdesk services, basic reporting, tax verification, significant event monitoring, investigation of complaints, addition of EGM games, preparation and management of contracts; and
2. Regulated fee functions to include venue modifications, installation, repair and maintenance of EGMs, jackpot monitoring, and destruction of EGMs.

To avoid the LMO providing biased or preferential treatment to any particular venue the model has been designed so that the LMO will operate under appropriate service level and secrecy requirements.

Functions performed by the LMO will be subject to regulated service level agreements to ensure that appropriate service standards are consistently applied to all venue operators. It is intended that venues will be able to access some form of compensation where service standards are not met but that is something that will be established as part of the tender process. In addition, the holder of the LMO licence will be required to implement appropriate ring-fencing arrangements for all information that it obtains from venues in the course of conducting its business. Significant penalties will apply for any breach of these important requirements. The Government believes this provides a high level of comfort to venue operators. It should extend to members of this House that information collected by the LMO in the course of its important function is not shared or used inappropriately.

On advice from our experts in Treasury, the Government believes that this is appropriate and the amendments are, therefore, not supported.

Mr WINTER - That was a good argument from Ms O'Connor, particularly in relation to the fourth and fifth amendment as listed here in her amendments.

I want to confirm you moved the three amendments, the fourth, fifth and sixth or was it just the fourth and fifth?

Ms O'Connor - Yes. We have done the first three and then we have done 4, 5 and 6 and stopped.

Mr WINTER - Now we are doing 4, 5 and 6?

Ms O'Connor - Yes, 4, 5 and 6 as a bundle.

Mr WINTER - The amendments, particularly the fourth and fifth amendments in relation to personal information protection standards in the Personal Information Protection Act 2004 have a lot of merit, particularly considering the amendment that the Government moved to Clause 20 in relation to the move to card-based play in the likelihood that if that goes ahead that monitoring work is going to include potentially a lot of personal data.

When it comes to card-based play we know the best model is for those cards to be linked to people's personal information and, therefore, in assessing the applications for the LMO there should be a satisfactory understanding of the ability for that operator to manage and have a history of managing personal information well in accordance with best practice. Those fourth and fifth amendments, as moved by Ms O'Connor, have merit and we will support those amendments.

Ms O'CONNOR - Mr Chair, I seek leave to withdraw the sixth amendment on the basis of the information that the minister provided. That means that we will just be dealing with the fourth and fifth.

Leave granted.

Amendment withdrawn.

Mr CHAIR - The question is that amendments 4 and 5 be agreed to.

The Committee divided -

AYES 12	**NOES 12**
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Ms Courtney
Ms Finlay	Mr Ellis
Ms Haddad	Mr Ferguson
Ms Johnston	Mr Gutwein
Mr O'Byrne	Mr Jaensch
Ms O'Byrne	Ms Ogilvie (Teller)
Ms O'Connor	Mrs Petrusma
Ms White	Mr Rockliff

Mr Winter	Mr Shelton
Dr Woodruff (Teller)	Mr Tucker

Mr CHAIR - The result of the division is Ayes 12, Noes 12. Therefore, in accordance with Standing Order 257 I cast my vote with the Noes.

Amendments negatived.

Ms O'CONNOR - These are our seventh, eighth, ninth and tenth amendments to this odious clause. What we seek to do here is to remove the ability of the minister to select an initial monitoring operator which, as I have explained, means that the minister, through a flawed tender process which he opens and where he selects the successful tenderer, that tenderer becomes the permanent network monitoring operator, effectively, under this act and we do not believe that the minister should have that power.

We believe it is potentially improper for the minister to be given sole authority over which company is granted, as Ms Johnston said, a potentially very lucrative licence to monitor EGMs in pubs and clubs. I move:

Seventh Amendment

Page 115, clause 72, proposed new section 48M, subsection (1).

Leave out everything after "particulars of the change to".

Insert instead "the Commission.".

That means that we remove the minister from that section and he should be removed from that section. The minister should not be selecting such a lucrative tender on his own -

Mr CHAIR - Ms O'Connor, can I respectfully ask that you read all the amendments. If we are going to do them as a group, could you read them all in and then speak to them. Thank you.

Ms O'CONNOR - Sure.

Eighth Amendment

Page 116, clause 72, proposed new section 48O, subsection (1).

Leave out the subsection.

Insert instead the following subsection:

(1) The Commission is to issue a monitoring operator's licence to a person if the Commission has granted the person's application for a monitoring operator's licence under section 48N.

Ninth Amendment

Page 117, clause 72, proposed new section 48O, subsection (2).

Leave out the subsection.

Insert instead the following subsection:

(2) The licence is to be issued subject to such terms and conditions as the Commission considers appropriate.

I will move those three amendments as a block. This is to provide some rigour in the legislation around the selection of the network monitoring operator.

We encourage the House to support this amendment because, again, there is no justification for a minister who, at the end of the day, is just a politician going out to tender for this huge contract and then being the soul authority that selects the successful tenderer.

Mr FERGUSON - I might need to educate Ms O'Connor again on how these things do work. I have already explained in some detail the way in which this carries out in practice. In case Ms O'Connor - who has been a minister of the Crown - has forgotten, I would be very surprised -

Ms O'Connor - I never gave myself power to select a single tenderer.

Mr FERGUSON - Ms O'Connor, you do this every time. You expect to be listened to but never to have to listen.

Ms O'Connor - Oh, okay. I'm all ears.

Mr FERGUSON - I would be very surprised if you had not, on behalf of the Crown, entered into a range of contracts with vendors and suppliers.

Ms O'Connor - On advice.

Mr FERGUSON - Is that not the point that I have also made, Ms O'Connor.

Ms O'Connor - Nothing in the legislation says you need to take advice from anyone.

Mr FERGUSON - Ms O'Connor, I have established the method, I have established the process. You do not like it because you need to make some political points, Ms O'Connor.

Ms O'Connor - We're supposed to take you at your word.

Mr FERGUSON - Ms O'Connor, you are not doing a great job of it either. The simple fact is I can cast my mind back and I can think that, as a person on behalf of the Crown, I have entered into contracts for linear accelerators. I know nothing about nuclear medicine, Ms O'Connor, nothing at all about radioactive rays entering a person's body and how they need to be calibrated by physicists. My science education is better than yours, Ms O'Connor, but not good enough to know how a linear accelerator really works.

I have entered into contracts for pharmaceuticals. I am not a chemist, I am not a doctor and I have taken that decision on advice on the basis -

Ms O'Connor - Did you select the successful tenderer?

Mr FERGUSON - I have entered into contracts, Ms O'Connor, on advice of the department at the time. Ms O'Connor, recently I entered into significant contracts with civil contractors to deliver infrastructure around Tasmania and I am not an engineer. Ms O'Connor, you are trying to create a case that does not exist. The process has been outlined.

Ms O'Connor - No, you're talking about apples and oranges.

Mr FERGUSON - You are a politician and you need to make some political points. Because it is getting a little bit late in the day, you are getting a bit scratchy and I have been very clear that the amendments that you are trying to do are about undermining the process for the LMO tender.

It will be conducted robustly and I will, without getting emotional about it or reactive as you would invite, from this point in the debate, absolutely reject the claims that you and Ms Johnston, make together, which are extreme, unprofessional and unfounded in relation to the way I will conduct myself when those times come for those decisions to be made.

Ms O'Connor - Precious.

Mr FERGUSON - You are very precious about getting offended but I will not be asking you to withdraw it. I will let it sit on the record because your double standard will continue to exist.

These processes will be conducted honestly and with integrity.

Ms O'Connor - What, like the 2018 State Election?

Mr FERGUSON - It is typical of the Greens again to throw as much mud as they can, hoping that they can get some of it to stick on other people who are not in the Greens. The sanctimony that you bring to this does you no credit.

Dr Woodruff - This is what we get for talking about Anglicare, Tailrace, Salvos, the Baptists. We get called sanctimonious.

Mr FERGUSON - You used to attack the Tailrace Church but now you support them.

Ms O'CONNOR - Point of order, Chair. The minister has accused me of attacking the Tailrace Church. Any reading of the Estimates Schedule and the *Hansard* - it is important because he said I have attacked the church. I ask him to withdraw because it is a lie. What I said was that you consulted the one church in your own electorate. That is not an attack on the Tailrace Church.

Mr FERGUSON - I will not be withdrawing. I certainly will not. Your double standards are really quite pathetic. Just listen for once. You are so rude. Listen for a moment. Just have a go at it. It is not that hard to be nice.

It would not be possible to allow those claims which are at the highest extreme that you have made during the debate to stand without me repudiating them. I need to do that. I stand

by my integrity on this matter. Your claims are unprofessional, unfounded and they do you no credit.

Ms O'Connor - You are mistaking me for someone who cares what you think.

Mr FERGUSON - You constantly get so personal. I will reject it. It is important that it be said because the Government and myself in particular place a lot of importance on personal integrity.

Ms O'Connor - Really. I cannot see any of it in this legislation.

Mr FERGUSON - You continue to be rude.

Ms O'Connor - This legislation will kill people.

Mr FERGUSON - The record needs to be balanced so that your claims are thoroughly rejected. We will not be supporting the amendments that have been proposed. Thank you for bringing them forward, but we do not agree that those are appropriate.

Mr CHAIR - The question is that the amendments be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ferguson
	Ms Finlay
	Mr Gutwein
	Ms Haddad (Teller)
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Mr Street
	Mr Tucker
	Ms White
	Mr Winter

Amendments negatived.

Ms O'CONNOR - There are a series of amendments that we seek to move to clause 72, again, because we think these powers should be vested in the independent Liquor and Gaming Commission, not the minister. This relates to the suspension or cancellation of the monitoring operator's licence in extraordinary circumstances. As the amendment bill reads, all these powers vest in the minister.

I move the following further amendment -

Tenth amendment

Page 123, clause 72, proposed new section 48V.

Leave out the section.

Insert instead the following section -

48V. Suspension or cancellation of monitoring operator's licence in extraordinary circumstances

(1) Despite any other provision of this Act, the Commission may cancel or suspend a monitoring operator's licence, by notice in writing to the monitoring operator (the former licensee), if the Commission is satisfied that -

(a) the conduct of the monitoring operator may materially jeopardise the integrity of the monitoring licence operations; or

(b) failure to do so may result in the public interest being adversely affected in a material way.

(2) A notice given under this section is to specify -

(a) when the cancellation or suspension takes effect (whether on the day on which the notice is given or a later day); and

(b) the grounds on which the licence is cancelled or suspended.

(3) If a monitoring operator's licence is suspended, cancelled or otherwise ceases to be in force, the Commission may -

(a) authorise a person, or a class of persons, to perform the functions of the monitoring operator; or

(b) enter into an agreement with a person (the substitute licensee) that empowers that person to perform the functions of the monitoring operator.

(4) If subsection (3)(a) applies, the authorised person or class of persons -

(a) has full control of, and responsibility for, the monitoring licence operations; and

(b) is to operate, or cause to be operated, an electronic monitoring system in accordance with this Act; and

(c) is to perform the functions of a monitoring operator; and

(d) is taken to be the holder of the monitoring operator's licence until -

(i) the Commission enters into an agreement under subsection 3(b); or

(ii) the monitoring operator's licence is no longer suspended; and

(e) may enter into arrangements with the former licensee as the Commission thinks fit, including arrangements relating to the use of assets and services of staff of the former licensee.

(5) If subsection (3)(b) applies, the substitute licensee -

(a) is, for a period of 6 months, to be considered to be the holder of a monitoring operator's licence granted on the same terms and subject to the same conditions as the former licence (as in force immediately before its cancellation or suspension) with such modifications as the Commission may specify in the agreement; and

(b) has full control of, and responsibility for, the monitoring licence operations; and

(c) is to operate, or cause to be operated, an electronic monitoring system in accordance with this Act; and

(d) is to perform the functions of a monitoring operator; and

(e) may, subject to this section, enter into such arrangements as are approved by the Commission with the former licensee, including arrangements relating to the use of assets and services of staff of the former licensee.

(6) The former licensee must -

(a) make available to a person authorised under subsection (3)(a) or to a substitute licensee, on reasonable terms, such assets of, or under the control of, the former licensee as are reasonably necessary for arrangements under subsection (4)(e) or (5)(e); and

(b) use the former licensee's best endeavours to make available such staff of the former licensee as are reasonably necessary for those arrangements.

Penalty: Fine not exceeding 10 000 penalty units.

(7) The Commission may extend the period referred to in subsection (5)(a) for such period as the Commission sees fit.

Eleventh Amendment

Page 129, clause 72, proposed new division 2A, section 48X, subsection (3), after "operator may".

Insert ", subject to any personal information protection standards under section 112PA,".

Twelfth Amendment

Page 130, clause 72, proposed new division 2A, section 48X, subsection (6), after "operator may,".

Insert "subject to any personal information protection standards under section 112PA,".

These are our final amendments to clause 72, which as we know is an entirely new clause in the act. They are basically an amendment to change the emergency cancellation and appointment powers to be vested in the commission, rather than the minister; to subject the monitoring operator powers to requirements of proposed new Personal Information Protection Standards; and to subject monitoring operator powers to requirements of proposed new Personal Information Protection Standards.

Again, we do not see the argument that it is up to a politician to oversee the suspension or cancellation of the monitoring operator's licence in extraordinary circumstances. That should be a matter for the independent Liquor and Gaming Commission and the expertise that they have in the commission - their history and experience and understanding of the gambling industry in Tasmania and their deep understanding of harm minimisation measures and what a decent regulation looks like in the gambling industry. Here we have, again, another example of the minister giving himself extraordinary powers, disempowering the Tasmanian Liquor and Gaming Commission and instead putting in the hands of a politician a decision of this import.

You always know when you have got under this minister's skin, because his cheeks go pink and he gets brittle and then he starts lecturing us, like he is the Father of the House and it is not going to wash with us. On this particular bill, Mr Ferguson, we will be as assertive as we need to be in order to represent the public interest, which is not represented in this legislation and no one can argue that with a straight face. It is in the public interest, this legislation, is it? You are so out of touch with some people's lives.

Mr FERGUSON - Ms O'Connor is getting very scratchy. I will reject again the unnecessary and unprofessional display that she continues to put on as her performance tonight, and by the way, the newer use of the word, 'politician,' is actually disrespecting her own

profession. What we are actually doing here is having legislation that is contemporary, fit for purpose, and is in fact delivering on the Government's policy that we took to two elections and won both of those elections.

Ms O'Connor - With a lot of help from your friends.

Mr FERGUSON - The Greens policies were thoroughly rejected and I draw attention that the one time I challenge Ms O'Connor on her unprofessional claims of corruption and all this other abuse of integrity, the one time that she is challenged on it we get the arcing up. I draw attention to that. The personal attacks do you no credit. In relation to this, Ms O'Connor, this argument has already been done. You are doing it now to death. I have already pointed out that the LMO agreement -

Ms O'Connor - No, it is a different process.

Mr FERGUSON - Will you just have a go at listening? The LMO agreement is between the LMO and the minister on behalf of the Crown and all rights to the electronic monitoring system information are vested in the Crown and so, under extraordinary circumstances it will be the minister on behalf of the Crown, not the commission that would step in.

Now, in relation to the step-in provisions, which are the broader subject of the first of the three amendments that you are currently moving, the monitoring operations are critical to the ongoing conduct of EGMs in hotels and clubs. Step-in provisions have been included in the bill for the circumstance where the monitoring operator is unable to perform its functions and the integrity of gaming maybe compromised.

These provisions will allow government to perform the functions of the monitoring operator or enter into an agreement with another person to perform the functions of the monitoring operator. Step-in provisions are designed to be used as a last resort where the minister is satisfied that the conduct of the monitoring operator may materially jeopardise the integrity of the monitoring systems or that failure to step in may result in the public interest being adversely affected. Now, these are important principles. Access in terms of the broader use and the rights to the electronic monitoring system information, access to EGM data is required by the Crown for a number of purposes, including tax verification, research and reporting. Vesting the rights in the Crown ensures that the data will always be available when required.

I come back to the broader point that I have made before and will repeat again. It is inconvenient for you Ms O'Connor, because what you are really trying to do here is not swap out one word for another, you are just trying to attack the Government, that is what you are actually trying to do. You have been unsuccessfully trying to do that all day.

The LMO agreement is between the LMO and the Crown represented by the minister and all rights to the electronic monitoring system information are vested in the Crown. Under those extraordinary circumstances, you can have the step-in provisions. Now, Ms O'Connor, I know you do not like to be lectured to, but they are the facts. You have spent the whole day lecturing the House and everybody else in it. They are the facts.

The convention that has been adhered to in this case is Treasury advising OPC on drafting this legislation. If you think there is some sort of interest by me to grab control of all these levers, you would just be wrong.

Ms O'Connor - We know what the industry wants.

Mr FERGUSON - Unfortunately for you, you would be wrong again because that is not the attitude of the Government. It is not my attitude and frankly I will be guided by quality advice from the people behind me on the best way to achieve the outcomes that we desire here. We do not agree to your amendments. We will not be supporting them. We will not be voting for them. What you are actually trying to do is be destructive. Throughout this debate what you have actually tried to do is introduce sovereign risk and if you are offended I will not be withdrawing -

Ms O'Connor - Point of order. I do take personal offense at that because our legislative amendments were drafted in good faith. It is not being destructive to try to fix up a bill that will take lives.

Mr FERGUSON - Very thin-skinned. Throughout the entire debate you have tried to be destructive to the purpose of the Government in delivering our policy which we have taken to two elections. What you are actually doing is a constant wasting of time and rhetorical arguments that have been defeated once and we will not be voting for them in the second round which you are now seeking to do. I say these things as much as I can to show respect to the cause and the issue. I have explained the facts and the reason behind them but plainly you will never be satisfied and therefore I will end my comments there.

Amendments negatived.

Mr CHAIR - The question is that the clause as read stand part of the bill.

The Committee divided -

AYES 21	**NOES 3**
Ms Archer	Ms Johnston
Mr Barnett	Ms O'Connor
Dr Broad	Dr Woodruff (Teller)
Ms Butler	
Ms Courtney	
Ms Dow	
Mr Ellis (Teller)	
Mr Ferguson	
Ms Finlay	
Mr Gutwein	
Ms Haddad	
Mr Jaensch	
Mr O'Byrne	
Ms O'Byrne	
Ms Ogilvie	
Mrs Petrusma	
Mr Rockliff	
Mr Shelton	
Mr Tucker	
Ms White	
Mr Winter	

Clause 72 agreed to.

Clause 73 agreed to.

Clause 74 -
Section 50 amended (Special employees to be licensed)

Ms JOHNSTON - Mr Chair, it is noted in the submissions to the draft exposure bill by Anglicare Tasmania, a community sector organisation which works at the coalface of the harm that is caused by poker machines in the industry, their concern about this particular provision which removes the need for competency certificates and the certificates and set standards required to ensure consumer protection. Anglicare Tasmania notes that instead of removing competency certificates this section should be strengthened to specify that employees are required to undergo certified training to identify and support a person at risk of harm and gambling.

It baffles me that this particular bill is seeking to take away our protection, a competency certificate for special employees, when surely we want to ensure that those people who work within the gambling industry are competent and are able to perform the functions as required and also to make sure that they are safe in their workplace.

Mr Chair, I move the following amendments to this clause -

First amendment

Page 135, paragraph (b)

Leave out "subsection"

Insert instead "subsections"

Second amendment

Page 135, paragraph (b), after proposed new subsection (3)

Insert the following subsections -

"(4) If the commission has approved a course of training, and an educational or training institution, under section 56B, a casino operator, venue operator, keno operator, monitoring operator, licensed provider or minor gaming operator must not allow a special employee employed by the operator or provider to exercise or perform any functions of a special employee unless the special employee holds a certificate, issued to the special applicant by the educational or training institution, certifying that the special employee has successfully completed the course of training.

Penalty: Fine not exceeding 50 penalty units.

(5) Subsection (4) does not apply in relation to a special employee until the end of the 6-month period after the Commission has approved a course of training under section 56B."

The importance of these amendments, is that it puts back in place requirement for employees to be adequately trained and provides provision for a transition period for employees to ensure that their employees are suitably qualified and competent.

I hope, given the amendments that Labor moved and I supported earlier about protecting workers' rights, that Labor can also support this particular amendment because it is about ensuring that workers in the workplace have the right support around them regarding adequate training to do their job. If they get the right adequate training in the particular industry, it also helps protect them and provide for safety.

It is commonsense. Anglicare Tasmania has called on the Government to make this change to the draft exposure bill. I note the Government has declined to do that in the bill they have tabled. It is a simple thing to do which would provide employees with the protection of adequate training, that they are competent in the field in which they are working and ensuring consumer protections are put in place, that we have people working in the industry that are competent and capable.

Ms O'CONNOR - Thank you. I will speak to this amendment briefly. So, the House is clear for anyone who has not had a look at the act, the Government's amendment proposes to remove the requirement for a special employee other than those not in a minor gaming operation, must not carry out prescribed duties not authorised under a special employee's license unless the commission has received a certificate as to the competence of the special employee.

It says the commission may require after the receipt of the certificate of competence request the venue operator, gaming operator, a licence provider employing the special employee, to provide another certificate as to the competence. This is in the clause relating to the licensing of special employees which are only special under the definition of the act by virtue of the fact that they work with EGMs other than in an RSL. This is exactly what the industry wanted. It is further deregulation, further weakening of standards, of staff who work in venues. There is no requirement from now for there to be any certificate of competence. There has to be a demonstration to the relevant operator or provider that the employee is competent in their use of that equipment. That is a pretty low bar.

We do not support the Government's proposed amendments to weaken competency standards. That is the first point. The second is, that we strongly support Ms Johnston's amendment.

Mr FERGUSON - The Government does not support this amendment. Thank you for the contribution and for moving the amendment. The descriptors around this are very clear. It is about the gaming equipment which is a competence that is more relevant to the employer and their operation of the business than the broader public, the community or the commission in respect of protection of people, managing harm and risk of problem gambling.

This is an unnecessary requirement that is being removed. Employees still need to be trained in the use of the equipment. That is though a matter for the business.

Ms O'Connor - Where is that specified?

Mr FERGUSON - I am making the point, Ms O'Connor. You are not very good at listening. It is a matter for the business, not for the law, to stipulate that. That is the position that we have taken.

Ms O'Connor - There's no requirement for training.

Mr FERGUSON - If you would just listen.

Ms O'Connor - I am. And I am getting more alarmed.

Mr FERGUSON - I will wait for you to stop.

The onus for ensuring staff are competent to operate the equipment is the responsibility of the business, the venue owner, the licence holder. Importantly, if the rhetoric is going to go anywhere near responsible conduct of gaming requirements, naturally we will be quite prepared to discuss that.

The regular compliance inspections will continue to be undertaken during which a licence holder will be required to satisfy compliance inspectors of its special employees' capacity.

In respect of the second amendment which is about adding a requirement in the act that a casino venue Keno monitoring operator licence provider and a minor gaming operator must not allow a special employee to undertake their functions without having completed a responsible service of gaming course, I would advise that the commission already has powers to deal with this matter.

It is a condition of all special employees' licences that the special employee must undertake a responsible service of gaming training within 90 days of being licensed. For those reasons, I am not supporting the amendment.

I am advised as well - maybe it is a technicality - that minor gaming operators do not have special employees.

Mr CHAIR - The question is that the amendments be agreed to.

The Committee divided -

AYES 3	**NOES 21**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay (Teller)

Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Ms White
Mr Winter

Amendments negatived.

Clause 74 agreed to.

Clause 75 -
Section 51 amended (Application for special employee's licence)

Ms JOHNSTON - Chair, I flag that this relates to a new clause I hope to insert following clause 75. It will complement it, should it get up. Again, it relates to the issuing of competency certificates and ensuring that workers in this area are adequately supported in their training needs and they are safe in their workplace.

I flag that in addition to this particular amendment I propose a new clause 75 which will relate to training, particularly around responsible service of gaming. I think this clause is important to ensure safety in the workplace and to ensure that people who are working in these areas are adequately trained.

I move that for clause 75, before paragraph (a) insert the following paragraph:

> (aa) after the end of the 3-month period after the Commission has approved the course of training under section 56B - a certificate, issued to the applicant by an educational or training institution that is approved under section 56B, certifying that the applicant has successfully completed a course of training approved by the Commission under section 56B; and"

Mr FERGUSON - The Government will not be supporting this amendment. It is no longer a requirement for a competency certificate to be provided. The requirement -

Ms O'Connor - Shame on you.

Mr FERGUSON - Listen - the requirement to be trained prior to being licensed is being replaced with a requirement for a venue licence holder to ensure that special employees are competently trained in the operation of gaming equipment before being permitted to operate the equipment. This may include onsite training or a dedicated training course.

The Commission already has powers to deal with amendment that you are moving. As I said, it is a condition that the special employee must undertake a responsible service of gaming training within 90 days of being licensed. I emphasise:

> requiring the training to be undertaken prior to gaining a special employee licence is pre-emptive of the licensing process and may impose an unnecessary cost on someone who is not successful in obtaining a licence.

Mr CHAIR - The question is that the amendment be agreed to.

Amendment negatived.

Mr CHAIR - The question is that the clause stand part of the bill.

The Committee divided -

AYES 21	**NOES 3**
Ms Archer	Ms Johnston
Mr Barnett	Ms O'Connor
Dr Broad	Dr Woodruff (Teller)
Ms Butler (Teller)	
Ms Courtney	
Ms Dow	
Mr Ellis	
Mr Ferguson	
Ms Finlay	
Mr Gutwein	
Ms Haddad	
Mr Jaensch	
Mr O'Byrne	
Ms O'Byrne	
Ms Ogilvie	
Mrs Petrusma	
Mr Rockliff	
Mr Shelton	
Mr Tucker	
Ms White	
Mr Winter	

Clause 75 agreed to.

Progress reported; Committee to sit again.

ADJOURNMENT

Clarification of Answer to Question - JBS - Environmental Record

[9.05 p.m.]

Mr JAENSCH (Braddon - Minister for State Growth) - Mr Speaker, I would like to clarify my answer to a question I received this morning regarding the proposed acquisition of Huon Aquaculture by JBS. I said the word 'ban' inadvertently. I should have said, 'moratorium,' so I would like to correct the record according. Thank you, Mr Speaker.

The House adjourned at 9.04 p.m.