



HOUSE OF ASSEMBLY

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 19

TUESDAY, 26 OCTOBER 2021

- 1 The House met at Ten o'clock a.m.
- 2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE. - The Speaker made a statement acknowledging the traditional people of the land.
- 3 PRAYERS AND REFLECTION. – The Speaker read Prayers.
- 4 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.
- 5 PAPERS. – The Premier laid upon the Table of the House the following Papers:-
 - (1) Tasmanian State Service: Annual Report 2020-21.
 - (2) Tasmanian Public Finance Corporation: Annual Report 2020-21.
 - (3) Department of Premier and Cabinet: Annual Report 2020-21.
 - (4) Brand Tasmania: Annual Report 2020-21.
 - (5) Tasmanian Economic Regulator: Comparison of Electricity and Gas Prices Available to Small Customers in Australia, September 2021.
 - (6) State Grants Commission: Annual Report 2020-21.
 - (7) Tasmanian Audit Office: Annual Report 2020-21.
 - (8) Department of Treasury and Finance: Annual Report 2020-21.
- 6 PAPERS. – The Minister for Infrastructure and Transport laid upon the Table of the House the following Papers:-
 - (1) MAIB: Annual Report 2020-2021.
 - (2) Rail Safety National Law (South Australia) Act 2012: Rail Safety National Law (South Australia) (Alcohol and Drug Offence) Amendment Act 2021.
 - (3) Marine and Safety Tasmania (MAST): Annual Report 2020.
- 7 PAPERS. – The Minister for Education laid upon the Table of the House the following Paper:-

Teachers Registration Board Tasmania: Annual Report 2020.

8 PAPERS. – The Minister for Primary Industries and Water laid upon the Table of the House the following Paper:-

Tasmanian Irrigation: Annual Report 2020-2021.

9 PAPERS. – The Minister for Local Government and Planning laid upon the Table of the House the following Paper:-

Tasmanian Planning Commission: Annual Report 2020-2021.

10 PAPERS. – The Clerk of the House laid upon the Table of the House the following Papers-

(1) Ombudsman Tasmania: Annual Report 2020-2021.

(2) Health Complaints Commissioner Tasmania: Annual Report 2020-2021.

11 BILL NO. 57. – The Minister for Infrastructure and Transport presented -

“A Bill for an Act to amend the Traffic Act 1925”.

And Mr *Ferguson* having presented the said Bill, the same was read the First time and made an Order of the Day for tomorrow.

12 BILLS. – The Minister for Local Government and Planning presented -

“A Bill for an Act to amend the Housing Land Supply Act 2018”. (Bill No. 51)

“A Bill for an Act to establish a container refund scheme to reduce litter in Tasmania and increase the recovery and recycling of containers”. (Bill No. 54)

And Mr *Jaensch* having presented the said Bills, the same were read the First time and made Orders of the Day for tomorrow.

13 LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Minister for Infrastructure and Transport have leave to make a Motion without Notice. (The Minister for Infrastructure and Transport)

14 SITTING TIMES. - *Ordered*, That for this day's sitting the House not stand adjourned at Six o'clock and that the House stand adjourned at Nine o'clock. (The Minister for Infrastructure and Transport)

15 MATTER OF PUBLIC IMPORTANCE: CHILD SAFETY. - Ms *White* in accordance with Standing Orders, moved - That the House take note of the following matter:

Child Safety.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

16 BILL NO. 45. - The House, according to Order, again resolved itself into a Committee on the Gaming Control Amendment (Future Gaming Market) Bill 2021.

(In the Committee)

The Chair of Committees took the Chair.

Clause 29 agreed to.

Clause 30 read.

Amendment proposed (Ms *O'Connor*)

Page 40.

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””

Question put – That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

Dr Broad

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

Ms Butler (Teller)

So it passed in the Negative.

Clause 30, as read, agreed to.

Clause 31 agreed to.

Clause 32 read.

Amendment proposed (*Ms O'Connor*)

Page 42, 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.”

Ordered, That Clause 32 be postponed (Ms O'Connor)

Clause 33 read.

Amendments proposed (Ms O'Connor)

First Amendment

Page 43.

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

Second Amendment

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

Leave out “(other than an FATG machine)”.

Third Amendment

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

Leave out the proposed new definition.

Fourth Amendment

Page 49, paragraph (zb).

Leave out “, FATG machines”.

Fifth Amendment

Page 49, 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;”

Question put - That the Amendments be agreed to;

It passed in the Negative.

Clause 33, as read, agreed to.

Clauses 34 to 37 agreed to.

Clause 38 read.

Amendments proposed (Ms O'Connor)

First Amendment

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

Leave out the subsection.

Second Amendment

Page 61, 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.”

Third Amendment

Page 61, 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.”

Fourth Amendment

Page 62, 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.”

Fifth Amendment

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

Leave out the subsection.

Sixth Amendment

Page 61, 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, proposed new section 16.

Leave out “20 years”.

Insert instead “5 years”.

Eighth Amendment

Page 65, 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, 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.”

Question proposed - That the Amendments be agreed to;

SUSPENSION OF SITTING. - At One o'clock the Chair of Committees left the Chair.

At half-past Two o'clock the Chair of Committees resumed the Chair.

Amendments to Clause 38 further considered.

Question put - That the Amendments be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

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

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Mr Ellis (Teller)

So it passed in the Negative.

Clause 38, as read, agreed to.

Clauses 39 to 42 agreed to.

Clause 43 read.

Amendment proposed (Ms *O'Connor*)

Page 67, 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 cause a call for public submissions to be 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).”

Question put – That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms O'Connor

Dr Woodruff

Ms Johnston (Teller)

NOES 21

Ms Archer

Mr Barnett

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

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Ogilvie (Teller)

So it passed in the Negative.

Clause 43 further considered.

Amendment proposed (*Mr Winter*)

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 <i>supplier</i>) 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”

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 12

Dr Broad
Ms Butler
Ms Dow
Ms Haddad
Ms Johnston
Mr O’Byrne
Ms O’Byrne
Ms O’Connor
Ms White
Mr Winter
Dr Woodruff
Ms Finlay (Teller)

NOES 12

Ms Archer
Mr Barnett
Ms Courtney
Mr Ellis
Mr Ferguson
Mr Gutwein
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Ms Ogilvie (Teller)

CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Chair of Committees said: “The numbers being equal, I cast my vote with the Noes”.

So it passed in the Negative.

Clause 43, as read, agreed to.

Postponed Clause 32.

Amendment further considered.

Amendment, *by leave*, withdrawn.

Clause 32, as read, further considered.

Amendment made (The Minister for Finance)

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)”

Clause 32, as amended, agreed to.

Clauses 44 to 48 agreed to.

Clause 49 read.

Mr *Ellis* took the Chair.

Amendment proposed (Ms *O'Connor*)

Page 73.

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.”

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Street

Mr Tucker

Ms White

Mr Winter

Ms Ogilvie (Teller)

So it passed in the Negative.

Question put - 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 Ferguson

Ms Finlay

Mr Gutwein

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Street

Mr Tucker

Ms White

Mr Winter

Ms Haddad (Teller)

It was resolved in the Affirmative.

Clauses 50 to 53 agreed to.

Clause 54 read.

Amendment proposed (*Ms O'Connor*)

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

Leave out the paragraph.

Question proposed - That the Amendment be agreed to;

The Chair of Committees resumed the Chair.

Question put;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

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

Dr Broad (Teller)

So it passed in the Negative.

Clause 54, as read, further considered.

Amendment proposed (*Ms O'Connor*)

Page 77, proposed new section 32, subsection (2).

Leave out the subsection.

Insert instead the following subsection:

“(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.”

Question put - That the Amendment be agreed to;

It passed in the Negative.

Clauses 55 and 56 agreed to.

Clause 57 read.

Amendments proposed (Ms *O'Connor*)

First Amendment

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

Leave out the paragraph.

Second Amendment

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

Leave out everything after “community interest”.

Insert instead “submission.”

Question put - That the Amendments be agreed to;

The Committee divided.

AYES 3

NOES 21

Ms O'Connor

Ms Archer

Dr Woodruff

Mr Barnett

Ms Johnston (Teller)

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

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

Ms Finlay (Teller)

So it passed in the Negative.

Clause 57, as read, further considered.

Amendment proposed (*Ms Johnston*)

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

Insert the following subsection:

“(4A)

The Commission, within 7 days after receiving a community interest submission 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.”

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 57, as read, agreed to.

Clause 58 read.

Amendment proposed (Ms *O'Connor*)

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

Leave out “endorsed with gaming machine authorities”.

Question put - That the Amendment be agreed to;

It passed in the Negative.

Clause 58, as read, agreed to.

Clause 59 read.

Amendment proposed (Ms *O'Connor*)

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

Leave out “endorsed with gaming machine authorities”.

Question put - That the Amendment be agreed to;

It passed in the Negative.

Question put – 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

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Ogilvie (Teller)

It was resolved in the Affirmative.

Clauses 60 to 63 agreed to.

Clause 64 read.

Amendments proposed (*Ms O'Connor*)

First Amendment

Page 86, proposed new section 42.

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

Insert instead the following subsection:

- “(1) The Commission is to determine an application for a venue licence by –
- (a) granting the application; or
 - (b) refusing the application.”

Second Amendment

Page 88, proposed new section 42, subsection (8).

Leave out paragraphs (b) and (c).

Insert instead the following paragraph:

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

Question put - That the Amendments be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

Dr Broad

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

Ms Butler (Teller)

So it passed in the Negative.

Clause 64, as read, further considered.

Amendment proposed (*Ms Johnston*)

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”

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

Ms Finlay

Mr Gutwein

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Haddad (Teller)

So it passed in the Negative.

Clause 64, as read, further considered.

Amendment proposed (*Ms O'Connor*)

Page 89, proposed new section 42, subsection (10), paragraph (a).

Leave out “20 years”.

Insert instead “5 years”.

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

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

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Ogilvie (Teller)

So it passed in the Negative.

Clause 64, as read, further considered.

Amendment proposed (*Ms Johnston*)

Page 89, proposed new section 42, proposed subsection (10), paragraph (a).

Leave out "20 years".

Insert instead "7 years".

Question put - That the Amendment be agreed to;

It passed in the Negative.

Clause 64, as read, agreed to.

Clauses 65 to 66 agreed to.

Clause 67 read.

Amendment proposed (Ms *O'Connor*)

Page 91, proposed new section 43B, subsection (1).

Leave out “5 years”.

Insert instead “1 year”.

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 12

Dr Broad

Ms Butler

Ms Dow

Ms Finlay

Ms Haddad

Mr O'Byrne

Ms O'Byrne

Ms O'Connor

Ms White

Mr Winter

Dr Woodruff

Ms Johnston (Teller)

NOES 12

Ms Archer

Mr Barnett

Ms Courtney

Mr Ellis

Mr Ferguson

Mr Gutwein

Mr Jaensch

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms Ogilvie (Teller)

CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Chair of Committees said: “The numbers being equal, I cast my vote with the Noes”.

So it passed in the Negative.

Clause 67, as read, further considered.

Amendment proposed (Ms *Johnston*)

Page 92, proposed new section 43B, subsection (5), after “Sections”.

Insert “36 (apart from subsection (2)), 37,”.

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

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

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Mr Ellis (Teller)

So it passed in the Negative.

Question put – That the Clause, as read, stand part of Bill;

The Committee divided.

AYES 12

Ms Archer
Mr Barnett
Ms Courtney
Mr Ellis
Mr Ferguson
Mr Gutwein
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Ms Ogilvie (Teller)

NOES 12

Dr Broad
Ms Butler
Ms Dow
Ms Finlay
Ms Haddad
Ms Johnston
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms White
Mr Winter
Dr Woodruff (Teller)

CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Chair of Committees said: “The numbers being equal, I cast my vote with the Ayes”.

It resolved in the Affirmative.

Clauses 68 to 70 agreed to.

Mr *Ellis* took the Chair.

Clause 71 read.

Amendment proposed (Ms *Johnston*)

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.”

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Street

Mr Tucker

Ms White

Mr Winter

Ms Ogilvie (Teller)

So it passed in the Negative.

Clause 71, as read, agreed to.

Clause 72 read.

Amendments proposed (*Ms O'Connor*)

First Amendment

Page 107, proposed new section 48G.

Leave out the section.

Second Amendment

Page 108, proposed new section 48H.

Leave out “subsequent” from the heading to that proposed new section.

Third Amendment

Page 108, proposed new section 48H, subsection (1), after “monitoring operator’s licence”.

Insert “, if an initial monitoring operator’s licence has not been granted, or”.

Question put - That the Amendments be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O’Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O’Byrne

Ms O’Byrne

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Street

Mr Tucker

Ms White

Mr Winter

Ms Ogilvie Teller)

So it passed in the Negative.

Clause 72, as read, further considered.

Amendments proposed (*Ms O’Connor*)

Fourth Amendment

Page 110, proposed new division 2A, section 48I, subsection (1), paragraph (c), after “standards”.

Insert “, and general personal information protection standards,”

Fifth Amendment

Page 110, 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”

Sixth Amendment

Page 112, 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.”

Question proposed - That the Amendments be agreed to;

The Chair of Committees resumed the Chair.

Sixth Amendment, *by leave*, withdrawn.

Question put - That the Amendments 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

Mrs Petrusma

Ms O’Connor

Mr Rockliff

Ms White

Mr Shelton

Mr Winter

Mr Tucker

Dr Woodruff (Teller)

Ms Ogilvie (Teller)

CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Chair of Committees said: “The numbers being equal, I cast my vote with the Noes”.

So it passed in the Negative.

Clause 72, as read, further considered.

Amendments proposed (*Ms O'Connor*)

Seventh Amendment

Page 115, proposed new section 48M, subsection (1).

Leave out everything after “particulars of the change to”.

Insert instead “the Commission.”.

Eighth Amendment

Page 116, 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, 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.”

Question put - That the Amendments be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

Ms Finlay

Mr Gutwein

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Haddad (Teller)

So it passed in the Negative.

Clause 72, as read, further considered.

Amendments proposed (*Ms O'Connor*)

Tenth Amendment

Page 123, 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, 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, proposed new division 2A, section 48X, subsection (6), after "operator may,".

Insert "subject to any personal information protection standards under section 112PA,".

Question put - That the Amendments be agreed to;

It passed in the Negative.

Question put - 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 Ferguson

Ms Finlay

Ms Haddad

Mr Gutwein

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Mr Ellis (Teller)

It was resolved in the Affirmative.

Clause 73 agreed to.

Clause 74 read.

Amendments proposed (*Ms Johnston*)

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, licenced 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.”

Question put - 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 Haddad

Mr Gutwein

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Finlay (Teller)

So it passed in the Negative.

Clause 74, as read, agreed to.

Clause 75 read.

Amendment proposed (*Ms Johnston*)

Page 135, before paragraph (a).

Insert the following paragraph:

“(aa) after the end of the 3-month period after the Commission has approved a 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”

Question put - That the Amendment be agreed to;

It passed in the Negative.

Question put - 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 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

Ms Butler (Teller)

It was resolved in the Affirmative.

To report progress and ask leave to sit again.

The House being resumed, Mr *Street* reported that the Committee had made progress in the Bill, and had directed him to ask leave to sit again.

Resolved, That this House will, at a later hour, again resolve itself into the said Committee.

17 ADJOURNMENT. – The time being Nine o'clock, according to Order, the Speaker proposed – That the House do now adjourn and called for issues to be raised;

The House adjourned at four minutes past Nine o'clock.

SHANE DONNELLY, *Clerk of the House*.

MEMBERS. - All present during the day.

The Minister for Sport and Recreation, Minister for Racing, Minister for Women and Minister for Small Business attended Question Time.