



PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

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Thursday 14 October 2021

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

QUESTIONS

COVID-19 - Positive Case in Quarantine Hotel

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.01 a.m.]

I rise to ask questions that have been raised with us by members of the community following your COVID-19 update yesterday.

On Tuesday it was discovered that a man, who has since tested positive for COVID-19, walked out of the Travelodge where he had been placed in quarantine. How was that able to happen?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for that question. I am happy to provide an update on what information I have at this stage.

As we are aware, a man in his 30s from New South Wales was confirmed with a case of COVID-19 yesterday. The man had provided a New South Wales residential address with regard to his circumstances. The man had been quarantined at the Travelodge Hotel in Macquarie Street after arriving on a flight from Melbourne on Monday night without the approved Good to Go (G2G) pass.

A welfare check early on the Tuesday afternoon found that he was no longer in his room. At about 4.45 p.m. on Tuesday, Tasmania Police located the man in the outer northern suburbs. The man was located at a premises in the outer northern suburbs. The man was taken to the Royal Hobart Hospital for a COVID-19 test before being escorted back to quarantine. That initial test result was neither clearly positive or negative and required a further test. A second test was done yesterday morning and that turned out to be positive.

Public Health contract tracing has identified the following public exposure sites: Jetstar flight JQ715 Melbourne to Hobart that arrived at 8.27 p.m. on Monday 11 October; the Hobart Airport arrival area; the male bathroom between 9.10 p.m. to 9.15 p.m. and then 9.25 p.m. to 9.30 p.m. on Monday 11 October; and the Hobart Airport arrival hall including the baggage pick-up between 8.54 p.m. and 10.07 p.m.

Once again, I reiterate that if anyone has been at these locations at these times and has not yet been contacted by Public Health, they should isolate and contact the Public Health hotline on 1800 671 738 for advice.

My advice this morning is that it is still to be established exactly how the 31-year-old absconded from the Travelodge. There are a couple of theories regarding this, but I will not

work through those because I do not want to provide ideas for an escape plan for that facility. It is reasonable that the police are allowed to work through these matters.

I can inform the House that CCTV at the Travelodge has been reviewed and no recordings have been found identifying the man exiting the building. A review of the end-to-end security process is being undertaken with a view to strengthening security measures at the Travelodge Hobart Hotel. A review of CCTV coverage to identify any appropriate enhancements to this capability has already occurred and I am advised that additional cameras are being installed today.

As you would be aware, the man is currently being monitored at the Fountainside COVID-19 case management facility and is in a stable condition.

Recognition of Visitors

Mr SPEAKER - I acknowledge the presence of grade six students from The Friends' School. Welcome to question time. There will be three groups going through the day from The Friends' School and I hope that they would be on their best behaviour witnessing us and we will be on our best behaviour to set a great example for the grade six students.

Members - Hear, hear.

COVID-19 - Hotel Quarantine Security

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.05 a.m.]

On 5 August, the man in hotel quarantine in Launceston who tested positive for COVID-19 was able to leave and board a flight. You said at that time, and I quote:

It beggar's belief that this individual will enter our quarantine facility, be tested and take this opportunity to leave but in the future that will not be able to occur.

Despite this assurance, it happened again this week. How was the man on Tuesday able to enter the community from hotel quarantine and what are you doing to assure Tasmanians that, as you said, in the future that will not be able to occur?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for that question. I make the point, regarding the circumstances of the two cases, that they are quite different. In the case of the situation in the north of the state, the rules were changed. In terms of this individual, those rules were in place and he was not allowed to leave the quarantine facility until he had been tested and then we would have put him on a plane if he had received a negative test.

The only reason I make the point that he was in the hotel quarantine facility was that there was no available plane to put him back on at the moment he was identified at the Hobart

Airport as having attempted to enter the state without a G2G pass. In this case, the police are working through that matter. This individual is not being cooperative and has been very difficult to deal with. I note that there was a photograph of this individual leaving a divisional van not wearing a mask. The reason he was not wearing a mask was that police, I think very sensibly, determined that it would not be in their best interests to have a physical altercation with the gentleman to force him to wear a mask.

At the end of the day, as I believe members of this place would recognise, that would be a futile exercise in attempting to force somebody to have a mask if you were not prepared to somehow clamp it on their face.

This individual is being particularly obstructive and difficult. There are measures that have been put in place at the Fountainside to ensure that he is being appropriately managed in that facility. Upon his return to the Travelodge after he was apprehended by the police, special measures had to be put in place to manage this individual.

This is a very challenging situation. The hotel quarantine that we have is not a prison. I make this further point because I am certain there are some in the community who would suggest that this person should be placed in a remand cell. This gentleman is contagious and, on that basis, is being managed very carefully and cautiously.

Ms O'Connor - When is he going back?

Mr GUTWEIN - In terms of putting him on a plane, he will need to be in our care for the next 14 days.

Gambling Losses from Poker Machines

Ms O'CONNOR question to MINISTER FOR FINANCE, Mr FERGUSON

[10.09 a.m.]

We often hear you and the Premier try to justify your immoral gambling policy by saying the number of people gambling on poker machines is in decline. While this is true, the amount of money spent on pokies remains relatively unchanged. Between August last year and August this year, Tasmanians lost \$205 million to poker machines. Fewer Tasmanians are losing more of their money to these machines. The amount lost by each player has considerably increased.

Will you agree with the evidence, including the most recent social and economic impact study, that recreational pokies play is in decline but problem or at-risk gambling is not? One question, no layers to it.

ANSWER

Mr Speaker, I thank the member for Clark, the Leader of the Greens, for her question. I share her concern for people who are gambling addicts. That is why the Government, through the existing legislation, has some of the strongest harm minimisation measures in the nation. As I outlined in this House on Tuesday, the trend, on evidence from the most recent, fifth social and economic impact study (SEIS) done on gambling in Tasmania, which was released mid-last year, shows that gambling was on decline in Tasmania.

Ms O'Connor - No, it showed that the number of people playing is in decline.

Mr SPEAKER - Order. Ms O'Connor, order. You have asked the question. The minister is allowed to answer it, please.

Mr FERGUSON - I will share with the House again: that report showed that gambling participation in Tasmania was down to 49 per cent. Expenditure on electronic gaming machines (EGMs) was down. That is my advice. The proportion of Tasmanian adults classified as problem gamblers was also down to 0.4 per cent. From my memory, I believe the previous figure was more like 0.6 per cent.

The study is a comprehensive one with a number of elements, including a prevalence survey of 5009 people, data analysis and modelling, and engagement with key stakeholders in the community through a number of forums. A further summary reads as follows: 'The survey found that 0.4 per cent of Tasmanian adults were classified as problem gamblers.' This compares with 0.6 per cent in 2017 and 0.5 per cent in 2013. Gambling participation, I am advised, is continuing to decline. It is down to 49 per cent, which I mentioned. The previous figure was 59 per cent, in 2017.

In relation to EGM expenditure, which Ms O'Connor asked me about, my advice is that that has also fallen by 15 per cent since the fourth SEIS. You mentioned \$205 million -

Ms O'Connor - August last year, August this year.

Mr FERGUSON - The figures I have to hand, comparing the fourth SEIS with the fifth, it has fallen by 15 per cent, down from \$204 million to \$174 million. That is information I have to hand. However, while the interest in the question is around EGMs -

Ms O'Connor - That is the most recent expenditure data I gave you.

Mr FERGUSON - the advice is that the most common gambling activity in Tasmania was lottery tickets, at 37 per cent of adult Tasmanians participating -

Ms O'Connor - False equivalence.

Mr SPEAKER - Ms O'Connor, order.

Mr FERGUSON - followed by Keno at 17 per cent, instant scratchies, 11 per cent, and EGMs at 9 per cent. Further, that Tasmania has the lowest per capita expenditure on gambling of all the states: \$733 per adult compared with the Australian average of \$1277.

I am not attempting to cover up Ms O'Connor's and my shared concern for problem gambling. That is a problem in our state. That is not contained to EGMs. In fact, EGMs and gambling regulated under the gaming act, which is the subject of an order of the day, of course, is that they have protections other forms of gambling do not have.

Ms O'Connor - It is not working. They lost \$205 million in the last year.

Mr FERGUSON - Ms O'Connor, it has been put to me recently, very eloquently, that you can quickly lose more money on your couch than in a licensed venue in Tasmania. That

being the case, you need to get a more well-rounded view of gaming and gambling products, and the regulation that needs to go around those -

Ms O'Connor - Right, you lecture us on gambling.

Mr SPEAKER - Order, Ms O'Connor, order.

Mr FERGUSON - Noting that this side of the House has a strong appetite for improved harm minimisation in our regulations here in Tasmania, in a significant development to the House, on Tuesday I outlined a draft direction the Government will be making to the liquor and gaming commission. I provided a copy of a draft of that direction for the benefit of members. I hope that you have had a look at it, Ms O'Connor. You will find initiatives in that draft direction that not one other member of this House has called on me to do.

Ms O'Connor - The Tasmanian Hospitality Association has.

Dr Woodruff - You and Dean Winter have signed up with what Steve Olds wants.

Mr FERGUSON - I look forward to the debate. I will take that interjection for what it is worth. There is an initiative in that draft direction that no member outside this Government has called on me to do, nor the industry, and it is in there for members to observe and look at. I respect the different points of view on this. Different parties have gone to the various elections on this issue with different positions and there is a clear history on that which I will not take the obvious political point on right now.

We have been clear that we are not just meeting our election commitments, which Tasmanians voted for not once but twice, on legislation that we consulted on not once but twice -we will go further. I look forward to that debate because I share with you, Ms O'Connor, despite where we will vote, a concern for harm minimisation. Unlike you, Ms O'Connor, we will actually do something about it, unlike when you were in government.

Elite Sporting Content - AFL, Cricket and Basketball

Mr STREET question to PREMIER, Mr GUTWEIN

[10.16 a.m.]

Can you please update the House on how the Liberal Government is securing Tasmania's future, particularly how we are delivering more elite sporting content for Tasmanians to enjoy and an update on progress towards our own AFL Tasmanian team?

ANSWER

Mr Speaker, I thank Mr Street, member for Franklin, for that question and his interest in this matter of a Tasmanian AFL team. The Government is committed to delivering more elite sporting content for Tasmanians to enjoy, to provide pathways for our local sportsmen and women, and for the significant economic boost it provides the economy. With 14 AFL matches, including the two historic, hugely successful elimination finals, in the state this year, Tasmanians turned up and businesses benefited.

Tonight, our state is once again on the national stage as the country will watch the first match of the Women's Big Bash League, featuring the Sydney Sixes versus the Melbourne Stars, being played at Blundstone Arena. I always have my fingers crossed regarding the weather in Tasmania. You could join with me on that. We will see 20 Women's Big Bash League matches played across Tasmania under strict COVID-19-safe protocols. That will be fantastic both for our young women who are interested in getting involved in that sport. Importantly, it will place Tasmania on the national stage over coming weeks.

I am also very pleased to announce today that we will see additional elite basketball content in Tasmania with 14 NBL pre-season games and two WNBL regular-season matches being played here. The NBL Blitz will see six teams - the Adelaide 36ers, the Brisbane Bullets, the Cairns Taipans, the New Zealand Breakers, the Perth Wildcats and our very own Tasmanian JackJumpers - playing games in Hobart, Launceston, Ulverstone and Kingborough during November.

The NBL Blitz will create a huge local economic boost and is expected to generate more than 4000 bed nights, with a significant benefit to the Tasmanian economy. This will also provide an opportunity for teams to engage in activities and coaching clinics with communities in all three regions of the state.

Furthermore, I am pleased to advise that there is a move towards the reopening of our borders before Christmas.

The 2021-22 NBL season media launch will also be held in the state as a part of this fantastic, beautiful basketball bonanza we are going to see. It will include the showcasing and official opening of the new MyState Bank Arena ahead of the JackJumpers' historic inaugural match.

The Blitz will conclude with a final series at MyState Bank Arena, with all games to be streamed or broadcast across the country on ESPN, through Kayo and Foxtel, and 10 Peach on free-to-air, with entry to Blitz matches being free of charge for Tasmanian residents. Negotiations are also well underway to house the New Zealand Breakers in Tasmania for at least a portion of the 2021-22 NBL season, noting the arrangements that are in place with New Zealand and their borders.

Women's basketball will also be a big winner. Two WNBL regular season matches will be played between the Bendigo Braves and the Southern Flyers between January and March next year. This will be a fantastic opportunity to highlight the pathway for women and girls in basketball and promote not only participation but also leadership in the sport. It also supports our aim for Tasmania to field a team in the WNBL in coming years, an aspiration which has the support of the Tasmanian basketball community as a whole, Basketball Australia and key stakeholders. The two WNBL teams will work with Tasmania's NBL1 women's teams - the Hobart Chargers and the Launceston Tornadoes - to deliver junior basketball clinics for aspiring, young female basketballers.

The NBL and the WNBL will work closely with Public Health, as they have been, to ensure that the appropriate protocols are in place for the team to stay, train and play in the state in a COVID-19-safe way.

The next steps towards a Tasmanian AFL team: a decision on a Tasmanian AFL licence will be made once and for all next year. Again, I put on the record my thanks to the AFL CEO, Gillon McLachlan, for working with me and through this period, and for the discussions that we held over the weekend. The AFL and the state Government will work through the matters raised in the Carter Report ahead of a final position being put to the AFL club presidents for that decision next year.

I am also very pleased to announce that the most successful AFL coach of the modern era, Alastair Clarkson, is joining our team. Four-time premiership-winning master coach Clarko will be assisting our AFL taskforce ably led by Brett Godfrey in our Tasmanian AFL Licence Working Party as we progress that with the AFL. Alastair will provide input on issues like funding, stadium and infrastructure, a State Football Pathway, the Talent Identification Pathways and Development Pathways as well as membership and other considerations.

Mr SPEAKER - Please wind up, Premier.

Mr GUTWEIN - Alastair will use his existing knowledge and his access to prime American sports teams to provide specification on what is required also for a 'best of breed' training and a high-performance centre. He will also provide input on the best way to engage with ex-Tasmanian AFL players here and interstate. The initial engagement will be for six months and will include specific interaction obviously with Mr McLachlan, the AFL and the working party as part of delivering on the project. I very strongly and very firmly believe the services of Alastair Clarkson are a significant boost to the team that we are taking forward and it takes us one step closer to our aspiration of having our own AFL licence.

Gaming Machines - Behavioural Addiction

Ms JOHNSTON question to MINISTER for HEALTH, Mr ROCKLIFF

[10:22 a.m.]

Poker machines are deliberately designed to be highly-addictive. They have been described by experts as the 'crack cocaine of gambling'. Scientists have demonstrated the machines are designed to increase production of dopamine which elicits a physical response from players when playing the machines.

Are you aware that the fifth edition of a *Diagnostic and Statistical Manual of Mental Disorders*, known as DSM-5, includes gambling disorder as a behavioural addiction? DSM-5 suggests that the gambling disorder is similar to substance-related disorders such as drug, nicotine and alcohol addictions, in relation to clinical expression, brain origin, comorbidity, physiology and treatment.

As Health minister, what plans do you have to minimise the addictive features of poker machines? Have you sought advice from Public Health officers on how this can be best achieved? If so, will you please inform the House of that advice?

ANSWER

Mr Speaker, I thank the independent member for Clark for her question. As Mr Ferguson expressed to Ms O'Connor, I also share your concerns regarding the harms of gambling. As a

government we recognise that gambling can have a very serious and devastating impact on individuals, families and communities. We remain committed to preventing and reducing gambling harm through our gambling support program as an example, and the fifth Social and Economic Impact Study already provides a comprehensive snapshot of gambling at a population level that is critical to designing and delivering gambling support services and programs.

One of the aims of our Future Gaming Market policy is to continue to minimise harm caused by gambling through reforms, including doubling the level of the Community Support Levy. As I have already announced, we are using this opportunity to review our existing supports and services for people affected by gambling and I made that announcement 10 or so days ago.

Leveraging the findings of the fifth SEIS report, the Tasmanian Government will use targeted research and consult with people with lived-experience which is most important, specialist gambling support services, the community sector and other external stakeholders, to drill down into gambling within the Tasmanian community.

Regarding Ms Johnson's question, I am advised that the *Diagnostic and Statistical Manual for Mental Disorders*, DSM-5, includes a broad range of conditions for the purpose of diagnosis by mental health specialists. Specialist healthcare including specialist mental health care is only accessed when a more intensive level of care is required. Wherever appropriate, it is always better for people if they can access care within their community. In relation to gambling addiction, as with other forms of mental ill-health, specialist mental health services would consider the needs of the patient on a case-by-case basis.

It is important to note that these additional funds that will be available through the increase in the CSL will provide opportunities to explore and implement innovative support programs, community education initiatives and research projects that ensure we continue to meet the needs of our Tasmanian community. It is also important to note in this context, that the prevalence of gambling in Tasmania has continued to decline since 2008, some 71.7 per cent, 58.5 per cent in 2017, and in 2020 some 47 per cent. There is a decline.

I put on record, as minister for Communities as well, my strong support for the initiatives that minister Ferguson outlined to the House on Tuesday regarding directing the Tasmanian Liquor and Gaming Commission to investigate further harm minimisation measures. I welcome that announcement wholeheartedly. I congratulate minister Ferguson on that announcement, particularly directing the commission to provide a report including options, costs, benefits and implementation mechanisms for facial recognition technology in hotels, clubs and casinos in support of the Tasmanian gambling exclusion scheme and a smart card-based client identification system for electronic gaming machines in hotels, clubs and casinos.

Minister Ferguson has indicated he will ask the commission to include in the report, after consulting with industry, advice on potential options for the smart-card based client identification system, to enable a pre-commitment system for users allowing for limits on gaming losses to be set in advance. As minister for Communities and as a member of parliament, I support that initiative as well. All members of parliament, I am sure, have had representation from individuals or individuals' families who have been devastatingly impacted by the effects of gambling. I worry about individuals and I particularly worry about the individuals who are addicted and the impact that has on families -

Mr SPEAKER - If you could wind up, please, minister.

Mr ROCKLIFF - and throughout the community. We remain committed to preventing and reducing gambling harms through our gambling support program and through other reforms including what is welcome from my point of view, and that is doubling the level of the Community Support Levy. I thank the member for her question.

COVID-19 - Royal Hobart Hospital and Positive Case

Ms WHITE question to MINISTER for HEALTH, Mr ROCKLIFF

[10.29 a.m.]

The Premier has confirmed the man who left hotel quarantine on Tuesday and later tested positive for COVID-19 was taken to the Royal Hobart Hospital for testing on Tuesday evening.

Given we hear daily of the pressure on our health system, overcrowding in the ED and the lack of social distancing at the hospital, what precautions were put in place when that man was taken to the hospital, to protect staff and patients, especially as we now know he was COVID-19 positive and it sounds unlikely that he was wearing a mask?

ANSWER

Mr Speaker, I thank the member for her questions. Right throughout the COVID-19 pandemic, the health, safety and wellbeing of Tasmanians has been the Government's number one priority. We are focused on putting the necessary measures in place to protect Tasmanians and meet any future challenges posed by COVID-19. That is why we have ensured, when it comes to vaccination and increasing our vaccination rates and ensuring that we have hospital protocols in place, hot and cold environments, to ensure that we are not only protecting our health workers but our community as well.

The key pillars of our health system preparedness are ensuring high levels of targeted testing for COVID-19. As I have mentioned before, maintaining public health capacity including effective contact tracing and quarantining capability, maintaining rapid response capability to plan for, prevent, manage and treat outbreaks and ensuring our hospitals are equipped, resourced with staff trained, ready to provide the best clinical care we can for COVID-19 positive patients while maintaining other services, including emergency elective surgery. This includes a surge capacity to respond to an outbreak and hospital bed capacity, including reconfiguration plans for hot and cold emergency department areas.

Quite clearly, the matters that were raised by the member in her question and the matters as a result of the man in his 30s effectively escaping from quarantine was very concerning. I am advised that all protocols have been followed with respect to that. The Premier has highlighted the reference to your question with respect to the masks as well.

I commend all those within our health system, the very challenging environment, particularly when a case such as this is presented to our emergency departments or, indeed, to our Royal Hobart Hospital. I can assure the member that the professionalism of our staff when it comes to these matters and emergency presentations are very thorough indeed.

Climate Change and Greenhouse Gas Emissions

Dr WOODRUFF question to MINISTER for CLIMATE CHANGE, Mr JAENSCH

[10.33 a.m.]

Yesterday you announced a 2030 greenhouse gas emissions target that we reached six years ago, thanks in large part to the carbon stored in our forests. When you spoke to the media, you said, 'What we need to arrive at is a 2030 target for team Tasmania for a whole'.

The majority of the Climate Change Act Review submissions called for sectoral targets for emissions reductions. Only the mining, forestry, cement and manufacturing industries were opposed to that. You have clearly chosen your team. You also said:

As our economy grows and as our population grows and as we expect to see more frequent intense bushfires, our emissions profile is going to go up.

In a time of accelerating climate change, is your Climate Action Plan to increase greenhouse gas emissions? Is that what climate leadership looks like to you? This is what you said yesterday in the media. I am quoting from you.

ANSWER

Mr Speaker, I thank the member for Clark for her question.

Members interjecting.

Mr SPEAKER - Order. The member has asked the question.

Dr Woodruff - Mr Speaker, I am correcting the minister. He called me the member for Clark and I am the member for Franklin.

Mr JAENSCH - Member for Franklin, I apologise. I unreservedly withdraw.

Mr Speaker, I thank the member for Franklin, Dr Woodruff, for her question. I am astonished that the Greens cannot find it in themselves to welcome this Government proposing that Tasmania adopts the most ambitious emissions target in Australia and one of the most ambitious in the world. I find it astonishing that the Greens cannot bring themselves to support the announcement that this Liberal Government wants to maintain Tasmania's position as a world leader in managing greenhouse gas emissions and enhance our brand, our reputation, and to transition to a long-term low emissions economy. I find that astounding.

However, it is true to form. There is a pattern emerging. The Greens used to stand for a strong emissions target. Now they cannot support them. They used to stand for ecotourism but now they do not want people to go in and see our natural areas. They used to stand for renewable energy but these days they do not support many renewable energy projects. They used to stand for the sharing economy, they used to embrace the sharing economy but now they see it as an evil.

Members interjecting.

Dr WOODRUFF - Point of order, Mr Speaker.

Members interjecting.

Mr SPEAKER - Order. Order in the House. Sorry, Dr Woodruff. Order in the House, please, so that I can hear the point of order.

Dr WOODRUFF - Mr Speaker, it is about relevance. The question was about sectoral targets and he is focusing on the interests of industries over what everyone else knows is the way forward.

Mr SPEAKER - Order, Dr Woodruff, order. That is not a point of order and you know it. It is an interruption to the minister while he is on his feet. That is disorderly. The minister was only 30 seconds into his answer and you are querying the direction that he is going.

I am sure the minister will cover all the issues you raised. The minister will be heard in silence.

Mr JAENSCH - Thank you, Mr Speaker. Everybody knows, and we stated again yesterday, and I said as part of my public statements yesterday, that Tasmania is below net zero greenhouse gas emissions now. We are very proud of that position. That has come about through major change and sacrifice in Tasmania, as the Premier also said yesterday.

We are in this position of net negative greenhouse gas emissions. Our challenge is to maintain that. Anyone who has read the emissions pathway modelling report recently commissioned by our Government, will see that the projection is that if we do nothing new and different, we will lose that status within around five years, certainly before 2030 -

Dr Woodruff - That is why we need sectoral targets. That is why every other state is doing that.

Mr SPEAKER - Dr Woodruff, order.

Mr JAENSCH - We will become again a net emitter of greenhouse gases. Therefore, if we are going to maintain our net negative status we are going to need to set a target to ensure that we plan and our economy plans to reduce our emissions and be net negative from 2030.

This is not a target that has been met that lets us now just cruise. The Opposition, in their release and their response yesterday to our announcement of a 2030 net zero emissions target, also said this is a target that has already been met. We are in net zero territory now. Our challenge is to ensure that we are still net zero at 2030 and that we continue to be net zero from 2030. This is the most ambitious emissions reduction target in Australia. It is one of the most ambitious in the world.

I cannot fathom why the Greens, who used to stand for strong action on climate change, cannot celebrate and welcome that target. I am at an absolute loss to know what the Opposition stands for at all.

COVID-19 - Number of People in Quarantine

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.39 a.m.]

How many people have been asked to quarantine following confirmation a man in his 30s is COVID-19 positive? Of those, how many are public servants? What departments are they from?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for that question. I have an update here that I can provide at this point. I expect that the numbers will change over the course of the day. At this stage, I will stand up with Dr Veitch and Kathrine Morgan-Wicks at 1.30 p.m. today to provide a further update.

I was advised at 9.30 this morning that we currently have 38 primary close contacts. That includes 13 police officers. There are currently 12 casual contacts and there are 32 people currently in quarantine waiting further assessment as to whether they will become a close or casual contact, or not a contact at all.

I have been advised that all of the contacts, whether primary, close or casual contacts are in quarantine, either at a government hotel or at their residence. Regarding the border security staff, those with whom this individual may have come into contact at the airport, as we work through we will provide more detail regarding any departmental advice that we provide later today.

I can advise that of the primary close contacts, five of the tests have already come back negative, which is positive. I understand the school this morning has provided some advice to its parental body that there were two students who went home yesterday to be tested who were considered to be primary close contacts. They were rapidly tested yesterday. They were students at the East Derwent Primary School, which is part of the Jordan River Learning Federation. They were rapidly tested and those tests were also negative as well.

Ms White - Any health workers?

Mr GUTWEIN - As I have said, with regard to any other details, I can provide that later, if that information is available at the briefing at 1.30 p.m.

Circular Economy and Key Waste Initiatives - Update

Mr TUCKER question to MINISTER for ENVIRONMENT, Mr JAENSCH

[10.41 a.m.]

Can you provide an update on the Gutwein Liberal Government's clear plan to secure Tasmania's future by investing in Tasmania's circular economy and provide an update on the progress of this Government's key waste initiatives?

ANSWER

Mr Speaker, I thank my colleague, Mr Tucker, for his question and his interest in our circular economy. The Gutwein Liberal Government is getting on with our clear plan to reduce waste and build a circular economy in Tasmania. In June 2019, we released a draft Waste Action Plan which highlighted the Government's priorities in relation to waste management and resource recovery, including key deliverables and targets.

Today I am pleased to be releasing the waste initiatives progress report which details the significant progress we have made towards implementing these important initiatives. A number of initiatives were funded in the 2020-21 Tasmanian Budget which provided up to \$20 million for a range of waste and resource recovery actions. We built on these commitments during the election earlier this year, to ensure that Tasmania continues to grow business and industry opportunities that address priority waste streams.

The progress report highlights our critical work towards implementing a container refund scheme in Tasmania. Significant work has been put into designing the best possible scheme for Tasmania and I will be tabling a bill for enabling legislation in coming weeks. We remain committed to delivering a scheme that is convenient and accessible to the community and that maximises the number of containers returned and recycled rather than ending up as litter or in landfill.

This Government is also committed to introducing a consistent statewide waste levy to encourage the diversion of waste from landfill and to drive investment in the circular economy and feedback on a draft bill is now being considered ahead of tabling.

Another key focus of the progress report is improving the management of organic waste. Too much organic waste is still ending up in landfill, generating leachate and avoidable greenhouse gas emissions. We are investing \$4.5 million to improve and increase organic waste reprocessing capacity across our state. This commitment will help us reach our target to reduce the volume of organic waste sent to landfill by 50 per cent by 2030 and to generate a valuable resource for our agricultural sector, returning carbon to our soils.

It is vital that we support businesses investing in commercial solutions to waste issues that grow our circular economy and promote sustainable practices. That is why we announced that we will support Dulverton Waste Management to develop a state-of-the-art in-vessel composting facility in northern Tasmania, as well as supporting feasibility into the design work for an organic waste solution in the south of the state.

In another circular economy initiative, we have committed to commence the introduction of crumb rubber from end-of-life tyres in our state road resurfacing program from July 2022. We have allocated \$3 million to partner with industry to invest in a crumb rubber plant and we will be seeking expressions of interest for this in the coming months. This will be an essential infrastructure investment to ensure we can crumb rubber on island to meet this commitment while reducing the environmental hazard of used tyre stockpiles in Tasmania.

We are also providing our share in Recycling Modernisation Fund grants unlocking a \$20 million total investment in our plastics reprocessing capacity in Tasmania and reaffirming our commitment to phase out single-use and problem plastics in Tasmania by 2025.

As can be seen by the work underway and our new commitments, we are getting on with the job of delivering the benefits of a circular economy for Tasmania, building confidence and growth in the recycling and resource recovery sector while reducing greenhouse gas emissions and pollution in our environment.

I look forward to continuing to work with local Government and with Tasmanian businesses to achieve these goals and to securing Tasmania's circular economy future.

COVID-19 - Quarantine Breach

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.47 a.m.]

The man who was placed in hotel quarantine on Monday night and then walked out was not found to be missing until Tuesday. How many times between entering the hotel on Monday night and the discovery he was missing on Tuesday was he checked? Given that he had already demonstrated a lack of regard for the rules, why were there not clear protocols in place to make sure that he was checked on around the clock?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for that question. This matter is under review and, like you, I want to get to the bottom of it.

Under the circumstances, our system has served us well. There have been around 13 500 people who have been held in hotel quarantine over the last 18 months. My understanding is that we have had three breaches, this one included. Only two of those breaches were in relation to leaving the hotel. This matter will be reviewed and we will gain a better understanding of what has occurred.

In regard to individuals who are attempting to enter the state in breach of our laws, it raises the question as to what other measures could be put in place, but I will wait until that review has been finalised. I spoke with the Police Commissioner last evening again on this matter and I am certain that I will receive further briefings through the course of the day. If we need to take any additional steps then we will do so.

I take this opportunity, in terms of the circumstances that we find ourselves in, to again thank those Tasmanians who have done the right thing, and thank those travellers who have done the right thing.

As this individual has already received two fines for the behaviours he exhibited, we will have no hesitation in throwing the book at people who take these steps.

I also thank the police and other staff who have had to deal with this individual. As I have said, 13 police at this point in time are in quarantine.

Dr Woodruff - How many?

Mr GUTWEIN - Thirteen. It is extremely difficult dealing with individuals who have no regard for the health and safety of our broader community. Therefore, as this matter is reviewed, if there are other measures that need to be put in place to manage individuals and this type of circumstance, then we will take that step.

Cost of Living and Electricity Pricing

Mr ELLIS question to MINISTER for ENERGY and EMISSIONS REDUCTION, Mr BARNETT

[10.49 a.m.]

Can you update the House on how the Gutwein Liberal Government is supporting Tasmanians by keeping downward pressure on electricity prices and the cost of living, and are there any alternatives?

Opposition members interjecting.

Mr SPEAKER - Order, the minister has the call and should be heard in silence.

ANSWER

Mr Speaker, I thank the member for his question and his special interest in this matter on behalf of his constituents and the people of Tasmania.

The majority Gutwein Liberal Government has delivered in keeping downward pressure on the cost of living and the cost of doing business. The independent Economic Regulator provided a 7.11 per cent reduction for residential customers in Tasmania from 1 July this year and an 11 per cent reduction for small business regulated customers from 1 July this year, a terrific announcement and news. It delivers for Tasmania either the lowest, or amongst the lowest, electricity prices in Australia. This is to be welcomed. It is consistent with our energy plan and it is consistent with our vision for Tasmania. In addition to that reduction, just to sum up, it is a \$30 million benefit for 243 000 households and a \$5.3 million benefit for about 29 000 small businesses. It is good news and it should be welcomed.

In terms of why we are continuing to work to keep down the cost of living, we are doing everything we can because we know it is so important for the Tasmanian people and the Tasmanian business community.

In addition to all of that, we have our \$43 million of concessions for those who are doing it tough. Aurora Energy has a \$5 million COVID-19 fund and more than \$11 million has been spent on the winter supplement; \$125 to help Tasmanians get through the winter. Despite what those on the opposite side say, we know that power bills go up based on consumption. We will not be misleading like the Leader of Opposition has attempted to be in recent weeks with some of her public statements. We know that and that is why, in terms of these benefits, 90 000 Tasmanians benefit from that \$125 winter supplement -

Ms White - That started from TasCOSS.

Mr BARNETT - You just speak to the facts and do not try to mislead, Leader of the Opposition.

In last few days, Aurora Energy has announced \$500 for those businesses that have been doing it tough and impacted by COVID-19 in the tourism, hospitality, arts, events, transport and seafood industries and we are doing a lot in improving energy efficiency.

We have just launched the \$30 million Energy Efficiency Loan Scheme. There will be more said about that and with the \$1 million for NILS - the No Interest Energy Loan Scheme - over four years, we have doubled that in recent weeks. That is good news. In terms of NILS, they are also supported by Aurora Energy, and I thank them for that. They subsidise up to 50 per cent towards the cost of the energy efficiency appliance where the appliance costs up to \$3000. The program then provides a no interest loan for the remainder of the product cost.

I can announce today that John Hooper, the CEO of NILS - and they do a great job, everyone in the Chamber recognises that - in this financial year, 2020-21, support of \$751 000 was provided, enabling people to purchase 1047 energy appliances. I will give a break down: 261 heat pumps, 380 fridges, 318 washing machines and 48 freezers. These are the benefits. Mr Hooper reports that the subsidy funding, when compared to NILS' clients turning to rent to buy schemes, has saved \$3.5 million. That is a return of \$4.80 for every \$1 of subsidy.

The demographics of that subsidy loan scheme, 40.5 per cent were clients over 65 years old, 29.2 per cent were disability support pensioners and 19 per cent were on the aged pension. We are helping. I could advise further but I will not go through all the quotes of some of their clients but it is very good news and very positive feedback. We are helping those in need and keeping that downward pressure on prices. I pay a special thank you to John Hooper and the NILS team for what they do.

In terms of alternatives, none - a void - nothing at all on the other side, not an energy policy, no alternative, no policies, no plans and no alternative budget. No initiatives whatsoever. There is a civil war raging on over there. That is all we can see - bitter division and civil war and nothing in terms of policies or plans.

COVID-19 - Transport Issues following Hotel Quarantine Breach

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.55 a.m.]

As you have acknowledged, in the past 73 days three people with COVID-19 have been able to walk out of quarantine facilities either at a hotel or their home quarantine premises. The man who walked out of hotel quarantine yesterday was later found in the outer northern suburbs of Hobart. The questions we are getting from the community are: how did this man get from central Hobart to the outer northern suburbs? Are you aware if he caught a bus, a taxi, an Uber, or was he picked up? Are any of the 50 primary or casual contacts as a result of this?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for that question. I understand that it was not public transport.

Ms White - There was not?

Mr GUTWEIN - No, there was not. I hope that I am in a position at lunchtime to provide more detail on that. It is quite obvious with this individual that it was a planned attempt to enter Tasmania. In being a planned attempt there may have been others who have attempted to assist him. Those matters are being worked through at the moment and, as I have said, when I can we will provide more detail.

This is a very difficult situation for both our public health officials but, importantly, our frontline staff who are trying to deal with this individual. This is not a circumstance whereby somebody has, in error, arrived in our state. It appears quite clear that the fact that they came in on the last flight on Monday night was an attempt to test our systems at the airport and then they have absconded from the hotel.

As I have indicated, we will review these circumstances to ensure that in future if there are additional measures that need to be introduced to deal with individuals like this then we will obviously implement them.

Quarantine Facility - Construction

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.57 a.m.]

During Estimates you told members of the other place you have recently written to the Prime Minister on the matter of constructing a fit-for-purpose quarantine facility in Tasmania. You stated you had advised the Prime Minister you would be submitting a proposal for a standalone, purpose-built quarantine facility. You also indicated that KPMG had been engaged and they are developing the final costings and analysis of the centre. Did the Prime Minister respond to your letter and, if so, in what way? Have you now submitted the proposal for the facility and have you received the KPMG report?

ANSWER

Mr Speaker, I thank the Leader of the Opposition for that question. You are correct. I did write to the Prime Minister and I have received a response from the Prime Minister who, at this stage, is not inclined to support a standalone facility in Tasmania. This is on the basis that in the future we would hope, as a country - and I think that things have moved on even since Estimates - that we would be in a position where we could look at other alternative means of quarantine.

However, the facility that is being built in Victoria will be a facility that jurisdictions like ourselves or South Australia will be able to utilise, should we require it.

That being said, a significant amount of planning work has been done. There is a proposal that we are considering as to whether we proceed on our own basis -

Ms White - So you have the KPMG report?

Mr GUTWEIN - I do not have that detail with me to answer that particular part of that question. Regarding the facility, we are giving some consideration to that. In respect of the

initial request to the Prime Minister, the view is that the Victorian facility will become one that south eastern Australia can utilise should there be the need.

Women in the Workplace - Support

Ms OGILVIE question to MINISTER for WOMEN, Ms HOWLETT

[10.59 a.m.]

Could you update the House on how the majority Liberal Government is delivering our plan to secure Tasmania's future, particularly how the Tasmanian Government is supporting women to succeed in the workplace?

ANSWER

Mr Speaker, I thank the member for her question and her interest in the Women's portfolio. In June this year, as part of our 100-day plan, I announced the launch of the Supporting Women to Succeed grant program, which will see \$2 million available to programs and initiatives that attract, recruit, retain and promote women in the workforce. I was delighted to announce last week that 20 organisations will share in this funding and many of their projects are already underway. These grants will support women in a range of sectors, including beekeeping, agriculture, IT, aquaculture, financial services, commercial laundry, mining, energy and promoting women into science, technology, engineering and non-traditional industries.

I extend my congratulations to the successful recipients. I look forward to seeing their projects succeed and more women getting into these sectors. This investment will create meaningful immediate change on the ground, as we have heard from many of our key stakeholders, including Stuart Collins of the Housing Industry Association. He said, 'These funds will assist us greatly to further enhance our programs which create pathways and support women in the construction industry.'

Georgi Brown of Red Apple IT said:

We are delighted to roll-out Project Roar and are excited by the impact this program will have on women in tech. This will help women build widely successful careers, as well as growing a network of talented women in ICT and continuing to prepare the next generation tech workforce.

Peter Norris, president of Southern Tasmanian Beekeepers, said:

This is a wonderful opportunity for women in Tasmania to link into the beekeeping industry in a supportive and knowledgeable environment. We have had over 70 requests for applications within the first 48 hours of the opening. It is a lot.

In the 2021-22 Budget we have committed an additional \$350 000 per year for three years to further boost this initiative, which will help secure Tasmania's future and improve employment opportunities for women. Women make up over half of our population, yet they are not equal in participation across the workforce. This exciting program is changing this by

working with industry leaders across Tasmania and making a real difference. As Minister for Women, I am very pleased that the Tasmanian Liberal Government is delivering further support for women and girls to ensure we create an inclusive Tasmania that empowers and enables them. This initiative is part of our broader strategy to support and empower women in Tasmania, and the numbers speak for themselves.

As of 30 June 2021, 48 per cent of people on government boards and committees were women, an increase of 33 individual positions since the March 2021 quarter. Across the government senior executives, we hit our target of 40 per cent two years ahead of schedule, in December 2018. As of 30 June 2021, 46 per cent of senior executives across government were women. We know there is still more work to be done, but as a result of the Tasmanian Women's Strategy and our Women on Boards Strategy we are demonstrating that gender equality is achievable. We know we can do better when women are equal.

These type of commitments will help us increase opportunities for women in the workforce and leadership positions, promote and recognise the contribution of Tasmanian women and ensure the impacts of COVID-19 on women are addressed. I look forward to seeing these exciting programs in action and creating real change for women across Tasmania.

ANSWER TO QUESTION

COVID-19 - Royal Hobart Hospital and Positive Case

[11.05 a.m.]

Mr ROCKLIFF (Braddon - Minister for Health) - Mr Speaker, I would like to clarify a previous answer to make sure the record is correct and provide some additional information to the Leader of the Opposition's question.

As I said, I am advised that all protocols were followed from the hospital's infection prevention and control (IPC) perspective. I have also been advised the man who was tested for COVID-19 at the Royal Hobart Hospital was actually tested external to the building. The case was treated at a drive-through testing clinic. Police pulled up to the ambulance waiting bay. A clinical person in full personal protective equipment (PPE) went out to test the man who stayed in the vehicle and, as I say, all protocols were followed from the hospital's IPC perspective.

RECOGNITION OF VISITORS

Mr SPEAKER - Honourable members, I welcome the second group of Grade 6 students from class 6K of The Friends' School. Welcome to the finish of question time.

Members - Hear, hear.

CRIMINAL CODE AMENDMENT (JUDGE ALONE TRIALS) BILL 2021
(No. 50)

First Reading

Bill presented by Ms Archer and read the first time.

SITTING TIME

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

That for this day's sitting the House shall not stand adjourned at 6 o'clock and that the House continue to sit past 6 o'clock.

We have a lot of work to do here, which members are well aware. I appreciate that the Validation Bill 2021 is there for its final reading but the TASCAT Bills 1 and 2, together with the Gaming Control Bill, are all pressing bills. We need to give our attention to them.

To assist the House, noting the time pressures, I advise northern members or anyone who has long distances to travel at the conclusion of the sitting, to make plans to stay overnight in Hobart tonight for your safety.

I also indicate that the Government member, Mr Ellis, has kindly agreed to waive his MPI to allow for some time to be freed up for today.

Mr WINTER (Franklin) - Mr Speaker, one of the points I was going to make in my contribution to this was that the Government could have waived its MPI and I am grateful that it has. I appreciate that because as the Leader has said we have a lot of work to do today. I note that we have a huge logjam now of legislation in this place -

Members interjecting.

Mr SPEAKER - Order.

Mr WINTER - I will also put on the record that we are prepared to debate any legislation put in front of us at any time. We will continue to do that.

I point out that the Legislative Council lost a sitting day last session because there was not, as I understand, enough legislation for them to deal with. Yet here we are saying that we have very urgent bills that we must attend to tonight and advising northern members to organise another night to stay, and that we will be here for a long period of time.

We would prefer that the business of the House was better organised so we are not put in this position where we have one bill tabled on Tuesday for 400 pages for the Tasmanian Civil Administrative Tribunal Amendment Bill and another of 244 pages on the same day, and expected to sit here and have properly scrutinised it in 48 hours. Does that pass the pub test? No. We are ready to debate those and we will debate them, but it would be better if this was better managed.

[11.10 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, of course, Dr Woodruff and I will sit here late going through the future gaming markets legislation. We will work through that life-threatening legislation clause by clause, as we must because what we are dealing with here is legislation that embodies a Tasmanian tragedy, so we will sit late.

I will be curious to see how many speakers there are on the future gaming markets legislation outside Mr Ferguson, Mr Winter, Dr Woodruff and myself, and Ms Johnston. London to a brick, not many other members of the major parties will want to get up and put their names to this legislation.

I am always interested in the psychology of this place. I note today that a number of Labor members are wearing white or cream. It is clear to me, as a hack psychologist, that there is something happening in Labor where they are feeling dark and dirty, so they got up this morning and put white on. Wearing white will not wash the stains from their souls when they line up to pass this legislation, which they condemned by their policy in 2018, walked away from shortly after the 2018 state election -

Members interjecting.

Ms O'CONNOR - It is true. I have been here long enough to know that psychology is an issue here and I note that the majority of Labor women are wearing white today.

Members interjecting.

Mr SPEAKER - Order. I cannot hear the member.

Ms O'CONNOR - Mr Speaker, I also want to inquire of the Leader of Government Business whether it is the Government's intention for us to complete debate from second reading through to Committee stages and out the other end to the third reading on this day's sitting?

The fact is, that legislation will require extensive scrutiny and certainly the Greens will be scrutinising it in detail. We were assured by the Premier yesterday that there would be no move to guillotine debate. If the intention is for us to complete the legislation, that is all good and well, but perhaps you could inform the House whether it is your intention that we complete debate on this toxic and lethal legislation on this day's sitting?

[11.13 a.m.]

Mr FERGUSON (Bass - Leader of the House) - Mr Speaker, in a moment of levity, I am sorry I did not get the memo on wearing white, Ms O'Connor. I was unaware of your medical qualifications in the psychology of the dress code and how that can play a role in the debate.

Members interjecting.

Mr SPEAKER - Order. Order.

Mr FERGUSON - One can wonder if you two failed to coordinate your dressing today.

Mr SPEAKER - Order. Can I move standing order 45?

Mr FERGUSON - Yes, Mr Speaker. I defer to your expertise, Ms O'Connor, on that one, which is obviously as extensive as it is rich.

In relation to today, we need to operate professionally and courteously. There are forms of the House to manage times. It is my intention, as I have said off the record to Ms O'Connor previously, that members who want to scrutinise the bill and its clauses be able to do so, including if they wish to have amendments considered. I do not have any further intentions to signal or telegraph at this moment. I want the debate to be run properly. There should not be an attempt to interpret the number of speakers on the bill as somehow some shame on the legislation. Every member of this House has, in fact, already voted on this bill once and that was on Tuesday because, Ms O'Connor, you called a division on it. There should be no false claim on that matter.

I hope we can manage our time professionally, that during the day and even during the early part of the evening, we might be able to talk to each other off the record and see how we are going in relation to time so that we do not burn each other out, but that the bill does get its adequate scrutiny that you, Ms O'Connor, and others will wish to bring to the debate.

Motion agreed to.

SITTING DATES

[11.16 a.m.]

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

That the House at its rising adjourn until Tuesday 26 October next at 10 a.m.

Motion agreed to.

ORDER OF BUSINESS

Matter of Public Importance not Proceeded With

Mr ELLIS (Braddon) - Mr Speaker, I do not wish to proceed today with the MPI.

VALIDATION BILL 2021 (No. 39)

Second Reading

Continued from 13 October 2021 (page 48).

[11.16 a.m.]

Ms ARCHER (Clark - Minister for Justice) - I had finished my contribution, Mr Speaker, so I commend the bill to the House.

Bill read the second time.

Bill read the third time.

**TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT
BILL 2021 (No 46)**

Second Reading

[11.19 a.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Speaker, I move -

That the bill be now read the second time.

As I have previously stated, I am immensely proud to be the minister introducing these significant reforms to establish the Tasmanian Civil and Administrative Tribunal. I will refer to it now as TASCAT because it is a bit of a mouthful.

The introduction of TASCAT as Tasmania's single tribunal by our Government is bringing in a new era for Tasmania's tribunals. As someone who has practised in protective jurisdictions, I am particularly pleased to pursue reform in this area as TASCAT will bring about improved access to justice for all Tasmanians. It will allow for the better use of administrative support and resources for tribunal matters, promote greater use of alternative dispute resolution, and provide for more consistent decision-making.

The establishment of TASCAT is a significant undertaking. In order to ensure that the transition from multiple tribunals and boards to a single civil and administrative tribunal occurs with appropriate consultation, TASCAT is being established in three stages, through several pieces of legislation. Stage one of our Government's initiative to establish TASCAT was completed last year with the commencement of the Tasmanian Civil and Administrative Tribunal Act 2020. This enabled the co-location of nine separate tribunals and boards at premises at Barrack St in Hobart.

The nine co-located tribunals and boards are -

- The Anti-Discrimination Tribunal.
- The Asbestos Compensation Tribunal.
- The Forest Practices Tribunal.
- The Guardianship and Administration Board.
- The Health Practitioners Tribunal.
- The Mental Health Tribunal.
- The Motor Accidents Compensation Tribunal.
- The Resource Management and Planning Appeal Tribunal, and
- The Workers' Rehabilitation and Compensation Tribunal.

Commencement of the 2020 act has also enabled the appointment of key personnel to support the establishment, and in March this year I was pleased to announce the appointment of Mr Malcolm Schyvens as the inaugural president of TASCAT.

The legislation to implement Stage 2 of TASCAT consists of the Tasmanian Civil and Administrative Tribunal Amendment Bill 2021 and the Tasmanian Civil and Administrative Tribunal Consequential Amendments Bill 2021. With the passage of these bills, TASCAT will be able to formally commence operations as Tasmania's single tribunal. The legislation will formalise the required amalgamation and transfer of powers, provide for the processes and procedures of the nine co-located tribunals and boards and deliver a combined civil and administrative tribunal for the very first time in Tasmania.

The Amendment Bill will amend the principal act to add in the provision to provide for TASCAT to carry out its functions in exercising its original and review jurisdiction, conferred by 40 relevant pieces of legislation. It will also provide a consolidated set of provisions for appeals from TASCAT to the Supreme Court of Tasmania.

The Consequential Bill amends various pieces of legislation to substitute updated references to the act and the tribunal, and repeals provisions that will no longer be required because they will be dealt with through the tribunal's consolidated powers, processes and procedures under the amended act. I will speak more to the Consequential Amendments Bill following the conclusion of debate on this bill, being the substantive TASCAT Amendment Bill.

It is important to note that the task of preparing these bills has involved accommodating and integrating two important objectives. It is a guiding principle that wherever possible, there should be consistent processes and procedures that apply across the various streams of TASCAT's jurisdiction. This furthers the objectives of the act by encouraging transparency and consistency in decision-making and promoting accessibility for users of TASCAT.

As there are some significant differences in the various jurisdictions that are currently exercised by the nine boards and tribunals that are to be amalgamated, it has been identified some of these must be maintained. I will explain these in more detail, but they are required to be maintained in order to ensure natural justice of fairness and to recognise the needs and vulnerabilities within the diverse groups of Tasmanians who rely on them to provide just outcomes when their matters are dealt with. This bill aims to ensure that these objectives, which sometimes compete, are reflected in the act. Accordingly, while there will be general provisions in the Amendment Act that are the standard or default of TASCAT, some of those provisions are explicitly excluded from applying in specified streams, or in particular circumstances.

By way of example, there are specific provisions that apply to those who come before the Mental Health Tribunal and which must continue to apply when their matters are dealt with under the mental health stream of TASCAT. The bill therefore sets out the specific provisions that will prevail over the general provisions when TASCAT is dealing with matters in certain streams such as the Resource and Planning stream and the Guardianship stream.

Despite these required differences provided for in the bills, it is intended that after TASCAT has formally commenced, there will be future opportunities to identify provisions in the act that can be further consolidated and unified as users of TASCAT become more familiar with its operations and procedures over time.

I would now like to turn to several specific aspects of the bill. The new Part 6 provides for the constitution of TASCAT and covers matters such as the number of members who may

constitute TASCAT, circumstances where a registrar or staff member may exercise TASCAT's jurisdiction, establishing who presides for a particular matter, process for resolving decisions where the opinion of members is divided and disclosure of an interest by TASCAT members. It is important to note that the general provisions in Part 6 are modified for particular streams by the specific provisions found within schedules 2 and 3 of the amended Act.

The new Part 7 of the act sets out which matters fall within the original and review jurisdictions of TASCAT. TASCAT will exercise its original jurisdiction where a relevant act confers upon it the power to act as the original decision-maker for a matter. Where a decision has already been made, a person or body under a relevant Act, and that Act provides for the decision to be appealed, TASCAT will exercise its review jurisdiction. Section 75 of the amended act sets out the nature of proceedings in TASCAT's review jurisdiction, and this reflects that there are several types of review that may be undertaken by TASCAT, depending on the kind of matter before it.

For example, section 75(2) of the amended act provides that for the Resource and Planning stream, reviews are to be conducted by way of a de novo hearing, where the matter is heard afresh. For other matters, the review may be conducted as a re-hearing, with TASCAT given the capacity to have regard to, or give weight to, the decision of the original decision-maker. The nature of the review jurisdiction exercised pursuant to Part 7 reflects the way that those matters are currently reviewed by the nine tribunals and boards to be amalgamated, as set out in the relevant acts that confer the review power. Part 7 of the bill also includes provisions to empower TASCAT to direct the original decision-maker to provide assistance, to clarify the effect that review proceedings have on the original decision, and to set out the range of decisions available to the TASCAT upon completing its review.

The new Part 8 of the bill contains the general provisions relating to principles, powers and procedures that must be followed by TASCAT when conducting proceedings. These include providing for when hearings may be held in private or may be subject to directions that prohibit or restrict publication or disclosure, and the measures TASCAT is to take to promote transparency and accessibility during proceedings.

Division 3 of Part 8 contains powers for proceedings to be dismissed or withdrawn, including where proceedings are frivolous, vexatious or being conducted to unnecessarily cause disadvantage to another party. Division 5 of Part 8 sets out who may be a party to proceedings, while Division 6 provides for a party to appear before TASCAT personally or to be represented by an Australian legal practitioner or, with leave of TASCAT, another person. That division also empowers TASCAT to appoint a person to represent a party or act as a Guardian ad Litem. Some of these general provisions are displaced by specific provisions in Schedules 2 and 3 relating to the Resource and Planning stream and the Guardianship stream respectively.

Division 7 of Part 8 of the bill provides for compulsory conferences, the purpose of which is to identify and clarify the issues in proceedings and to promote the resolution of matters by settlement between the parties, and for alternative dispute resolution processes that may be used to resolve or narrow the issues between parties. Division 10 of Part 8 contains the provisions relating to costs. The default position under section 120 (1) is that parties bear their own costs in proceedings. However, under subsection (2) TASCAT may make an order for a party to pay all or any of the costs of another party if it considers it appropriate to do so after taking into account the specified matters. The provisions of this section may be displaced if otherwise specified in the act, a relevant act, or regulations under a relevant act.

Sections 121 and 122 provide for the powers TASCAT may exercise in particular circumstances to make an order compensating another party for expenses or loss, to require a party's representative to pay costs incurred unnecessarily by another party because of that representative's conduct in proceedings, or to make an order for costs incurred by TASCAT. It is important to note that in the Mental Health stream and Guardianship stream, TASCAT is not permitted to make an order for a party to pay the costs of another party, including compensatory costs, or to pay costs incurred by TASCAT. This recognises the vulnerability and financial hardship that is frequently experienced by people appearing in Mental Health and Guardianship stream proceedings. It should also be noted that the costs provisions within Division 10 do not apply to the Resource and Planning stream. Specific costs provisions for that stream are included in the amended Schedule 2, which replicates current practice for those matters under the Resource Management and Planning Appeal Tribunal Act 1993.

The new Part 9 deals with the federal jurisdiction, enabling proceedings on an application to be referred to the Magistrates Court in circumstances where TASCAT does not, or may not, have jurisdiction to determine the application because it involves matters of the kind referred to in section 75 or 76 of the Constitution of the Commonwealth. This resolves the legal issues relating to federal diversity jurisdiction that have arisen as a result of the High Court decision of *Burns v Corbett* of 2018.

The new Part 10 consolidates the provisions for appeals from TASCAT to the Supreme Court of Tasmania. It captures all such appeals that are currently provided for in relevant acts and replicates the current nature of those appeals in terms of who may appeal and whether the appeal is permitted on a question of law only, on a question of law or fact, or on a question of law as of right and on a question of fact with the leave of the court. The consolidation of these appeal rights within the act means that they can be repealed from the relevant acts by the Consequential Bill.

The new Part 11 provides appropriate protections and immunities for members of TASCAT, TASCAT staff and persons acting under TASCAT's direction, as well as parties and their representatives, witnesses, experts, and persons presiding over alternative dispute resolution processes.

The new Part 12 contains miscellaneous provisions, while savings and transitional provisions are found in Part 13.

I would also like to draw attention to the bill's amendments to schedules 2 and 3 of the act. As I mentioned earlier, the amended schedules will include provisions that relate to the particular streams in which TASCAT operates. These provisions specify the relevant acts pursuant to which the TASCAT may exercise its functions and powers in the stream and how TASCAT is to be constituted for proceedings in that stream.

For example, under Part 5 of Schedule 3, where TASCAT is constituted by three or more members for purposes of proceedings in the Mental Health stream, the members must include a psychiatrist and a legally qualified member.

Part 8 of the amended Schedule 2 contains a series of additional provisions that apply to the Resource and Planning stream. The purpose of these provisions is to replicate the current powers, processes and procedures of the Resource Management and Planning Appeal Tribunal

(RMPAT) where those powers, processes and procedures differ from, or are not already produced in, the general provisions of the amended act. This means that once TASCAT commences, resource and planning matters will continue to be dealt with in substantially the same way as they are now under RMPAT.

Similarly, Part 4 of Schedule 3 includes additional provisions relating to matters in the Guardianship stream, preserving particular provisions that will be repealed from the Guardianship and Administration Act 1995.

While the legislation for Stage 1 of TASCAT set up the broad structure and appointment provisions for TASCAT, the bills that I have introduced to implement Stage 2 are of considerably greater significance.

They provide the legislative framework for TASCAT to commence its work as a single tribunal, enabling a more client-centric focus, delivering greater consistency in decision-making across a range of civil and administrative matters and improving access to justice for all Tasmanians.

As I have noted, the Government has taken a staged approach to TASCAT to ensure a smooth transition to a single tribunal and to ensure that there is appropriate consultation with stakeholders and the public.

Following the passage of this legislation, the Government's attention will turn to Stage 3, which will involve the transfer of further powers and functions to TASCAT. As part of this stage, the Department of Justice will consider approaches in other jurisdictions and stakeholder views to inform this further work, to determine which tribunals, boards and other areas that would be appropriate to be transferred to the TASCAT in future.

Subject to further detailed analysis and consultation, possible matters that our Government will consider for transfer to TASCAT include residential tenancy matters; certain appeals relating to licensing matters within the Consumer Affairs portfolio; building matters, including certain building disputes; certain other appeals to the Administrative Appeals Division of the Magistrates Court; and certain appeals within the jurisdiction of the Supreme Court of Tasmania. We will consult with stakeholders, the broader Tasmanian community and the Tribunal itself before making any final decisions on the scope of this future stage.

As Attorney-General and Minister for Justice, I am pleased to have prioritised this significant reform and I am confident that TASCAT will deliver a more client-centric focus, particularly for our protective jurisdictions.

Before I close, I thank the Office of Parliamentary Counsel (OPC) and particularly Robyn Webb for her considerable amount of work on both stages one and two. This has been a long time coming. It is one of those landmark pieces of legislation, as was the Magistrates Court which had been mooted for 20 years, as has this. I do thank her and her team for their significant amount of work as well my Department of Justice officials, many of whom are here assisting with the passage of this bill through this House today.

Mr Deputy Speaker, I commend the bill to the House.

[11.36 a.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, I am going to start my contribution where the minister left off by also acknowledging the incredible amount of work that has gone into this landmark legislation by the Office of Parliamentary Counsel, Robyn and her team, by the minister's department, no doubt by her office as well and no doubt also by the different tribunals and boards that are involved already in the co-location.

It has been a long time coming. The work to move to a single tribunal for Tasmania began prior to 2015. It was in the last term of the Labor government but it has not been a long time coming for debate today. We know this bill and the Consequential Amendments Bill that we will debate next were tabled on Tuesday morning at 11 a.m. and we are now just past 11 a.m. on Thursday. It is just under 400 pages of legislation.

Ms Archer - It is not difficult.

Ms HADDAD - The documents that accompany the bills - it is over 400 pages of complex legislation that the Opposition and other parties had a little over 48 hours to consider. The minister says it is not complex legislation. Well, it is complex legislation. This is a major shift away from single tribunals.

Ms Archer - Not the wording; I meant the understanding of it. It is not technical in terms of language.

Ms HADDAD - It represents a significant change. Everybody would recognise that. It is a significant change that we support. We supported the establishment bill in 2020, we initiated the work when we were last in government and Tasmania, I believe, is the last state to implement a single tribunal. The Commonwealth has done it more recently and it is something that will increase access to justice. It will simplify processes for Tasmanian people seeking an administrative review of decisions affecting their lives in all of the range of tribunals that the minister outlined in her second reading - the Anti-Discrimination Tribunal, the Asbestos Compensation Tribunal, Forest Practices Tribunal, the Guardianship and Administration Board, Health Practitioners Tribunal, Mental Health Tribunal, Motor Accidents Compensation Tribunal, Resource Management and Planning Appeal Tribunal and the Workers Rehabilitation and Compensation Tribunal.

Each of those tribunals conduct incredibly important work that affects the lives and livelihoods of Tasmanians. Many of them, particularly those operating in the protective jurisdictions, make incredibly sensitive decisions and I commend the work of all of the people who work hard in each of those tribunals. I know they have also been eagerly anticipating the establishment of a single tribunal.

Let me be clear. There is no opposition from me to moving to a single tribunal. We are absolutely supportive of these reforms but I feel that it shows a massive lack of respect to those tribunals, to the people who work in them, to the members of the Tasmanian public who appear before them and to the people who have worked on these 400 pages of legislation - OPC, people in the department, people in the minister's office - that the Parliament is given just over 48 hours to absorb and adequately scrutinise the very detailed legislation that we are looking at today.

On that note, I thank the minister's department and her office for giving me a briefing yesterday in the lunch break. It was a very informative briefing. We went through, in great detail, each of the community submissions that had been put forward on the draft bill and the changes that have been made to that draft legislation in the bills that have now been presented to the House. On most of those issues I am satisfied that they have been addressed, but I am going to put the concerns on the record nonetheless simply because, as I said, 48 hours is not a lot of time to scrutinise 400 pages of legislation. It was not, of course, just 48 clear hours where I could clear my desk and do nothing but read this legislation, but I have done my best.

I will foreshadow that we will continue to work through the detail of this legislation before it reaches the upper House. If there are things that we identify, or if there are issues that are raised with us by those members of the public and the civil society organisations who made community consultation submissions to this bill, we will be raising those things in the upper House.

Turning to the contents of the bill, as we went through last year when we debated the first tranche or the first piece of legislation that was required, that allowed each of those nine tribunals to physically co-locate. The Greens member for Franklin, Dr Woodruff, and I were given a tour of that building more than a year ago, from memory. It was really good to see the physical environment that people will be working in now and the kind of change in practices and operations that will be able to be implemented as a result of co-location in terms of ease of access to justice for Tasmanians needing to seek administrative review of decisions affecting their lives.

One of the things I have discussed with others is that quite often people might not even be aware they can seek review of decisions that happen in Tasmania, or that they can appeal decisions, or that they can instigate proceedings in a range of these tribunals, because of the range of tribunals and boards that exist that have that task. Moving to a single tribunal is a positive step forward in terms of increasing people's awareness of their rights as citizens to challenge decisions and to have decisions reviewed.

In saying that, it is also very important that when jurisdictions move to a single tribunal that we do not inadvertently lose the ability to have that specialisation. I know that is something the Commonwealth faced when they amalgamated a lot of tribunals into the AAT that had previously been making decisions in very specific jurisdictions.

I know that is something we discussed in the debate on the original bill last year. I believe there is an intention, as the single tribunal rolls out, that the speciality knowledge of the people, for example, the Mental Health Tribunal, who make decisions in a very specific jurisdiction - not to diminish all of the others where people are members of those boards or tribunals who develop a wealth of knowledge and corporate knowledge and history of making decisions in those areas - that it is really important that acting as one tribunal, there will still be the ability to draw members with expert knowledge who are needed to make specific decisions affecting those areas of the single tribunal which previously operated separately.

What this bill will do, once passed, and the consequential amendment bill that we will be debating after this one is formally commenced, those operations as a single tribunal have been co-located but still operating as separate tribunals until this legislation is passed. This legislation will amalgamate those powers, processes and procedures of the nine co-located tribunals and boards and deliver a combined civil and administrative tribunal for the first time.

The amendment bill will amend the act to insert key provisions that are required for the tribunal to carry out its functions including in relation to the constitution of TASCAT or matters in particular streams; exercising TASCATs original and review jurisdictions conferred by 40 pieces of existing Tasmanian legislation; principles, powers and procedures that apply to proceedings, including in relation to parties' representation, compulsory conferences, and alternative dispute resolution processes; costs and evidentiary provisions; transferral of federal jurisdiction proceedings to the magistrate's court; and appeals from TASCAT to the Supreme Court.

The amendment bill will also insert provisions into the act that will apply to specific streams of matters that are to be dealt with by TASCAT, particularly in relation to the resource and planning stream and the guardianship stream.

I will turn now to some of the concerns that were raised by people who submitted to the community consultation conducted on the bill. As I said earlier in my contribution, I was able to ask a lot of these questions in the briefing yesterday and I know that many of those concerns have been addressed in the final version of the bill. Notwithstanding that, I am keen to put on record some of those concerns because I think that they are warranted. While I am encouraged that they have been addressed, these civil society organisations take the considered time and effort to go through draft legislation and express concerns on behalf of Tasmanian citizens, and I think it is important that their views are put on the public record.

First of all, turning to the joint submission from Planning Matters Alliance Tasmania (PMAT) and the Tasmanian Conservation Trust (TCT), one of their main concerns was around cost. They were concerned that sections in the draft legislation provide TASCAT with powers to award costs to a party where costs include costs incidental to tribunal proceedings, and which provide TASCAT with powers in relation to compensation relating to expenses or loss resulting from proceedings. They identified these as new cost powers which do not exist in the existing RMPAT tribunal. They said that this will either deter members of the community from accessing the TASCAT, or may result in them incurring significantly greater costs if they do.

I was dealing with some residents in my electorate last year who knew there was a development proposed in their street. It was not a huge development but basically one single dwelling had been purchased and the developer proposed to put three town houses on that site. The residents were concerned, as often is the case in developments in residential areas, about loss of sunlight and views and access, and just the change of the historic nature of that street. They started the process of challenging that development through the Resource Management and Planning Appeal Tribunal but in the end, they had to abandon it, even though it was a decent group. There were at least four or six households involved in wanting to take forward their concerns and the concerns of their neighbours, but in the end they did not proceed because of the time involved. They all worked full-time and they were all active members of their community. They were not full-time developers or full-time lawyers or advocates able to take an appeal like that which became increasingly complex as time went on, whereas the developer was a full-time professional developer. He was not Tasmanian-based; he was based in another state and was able to employ full-time people to respond to the challenge.

There are concerns often with a David and Goliath situation where members of the public wish to challenge decisions and there is a power imbalance. I thought I would give that anecdotal example. It did not relate to costs, because as PMAT and TCT explain in their submission, there is not that cost provision at the moment in RMPT. They were concerned that

was going to change under TASCAT but that is not the case. The minister said in her second reading speech there will not be the ability for costs to be awarded against parties to proceedings so I wanted to clarify that my understanding of that is right. Alternatively, if I am wrong about that, I would like to know where -

Ms Archer - Sorry, which stream was it?

Ms HADDAD - They were specifically speaking about the resource planning stream, but I would like to ask a question more broadly because there were other stakeholders who also raised the issue of costs, and the specific question about whether or when parties in all streams will bear their own costs versus where TASCAT will have the ability to award costs.

Ms Archer - The second reading speech covered that, so I am a bit puzzled.

Ms HADDAD - It is, yes. I went to that, but I want to clarify that on behalf of the people who have raised the issue specifically around costs because others did as well. My understanding from the briefing yesterday is that that has been changed from the legislation, and that TASCAT will not have the ability to award costs against parties, and that parties will bear their own costs but I want to clarify that today.

Similarly, one of the stakeholders put forward a concern about the ability to order security of costs. I want to clarify whether or not any of the different streams are able to order a security of costs, particularly the protective jurisdictions. More broadly, I would like to know when and if security of costs will be able to be ordered by TASCAT, and whether there has been any analysis done on whether that might diminish access to justice.

The Environmental Defenders Office raised a number of similar concerns to that last one. Indeed, PMAT and the TCT referred to the EDO submission in their submission. The EDO also raised concerns about if costs can be awarded that would be seen as a barrier to people making applications under TASCAT, and argued that the draft bill proposed to provide TASCAT with a range of powers and award costs against parties which are not presently found either within the RMPAT Act or the other divisions.

Ms Archer - Anyone reading this would be misled by you. We listened to the submissions and these things have been dealt with.

Ms HADDAD - I know, minister, that you listened to the submissions but, as I said in my opening comments, there have been 48 hours provided for the parliament to scrutinise this legislation.

Ms Archer - So you are just going to read out submissions?

Ms HADDAD - I said that I have undertaken to put the concerns of civil society organisations on the public record, as I often do in this place. They deserve that respect. The parliament deserves the respect to have more than 48 hours to analyse 400 pages of legislation.

Ms Archer - That is not the issue I have. You are misrepresenting. We have dealt with the costs issues and you know that because you had a briefing.

Ms HADDAD - I have not misrepresented. I said at every point that I raised these concerns in the briefings and I was satisfied in the briefing that many, if not all, of the concerns raised by civil society organisations have, in fact, been addressed in the final iteration of the bill but I have not had the opportunity to go through with a fine-tooth comb to convince myself of that. That is why I have undertaken to put these concerns on the public record and foreshadow that we will continue to do that work and potentially raise other things in the upper House.

Mr Deputy Speaker, I am not misrepresenting anything by simply putting concerns on the public record, which I gave a massive disclaimer at the beginning to say, yes, I have raised these issues and I am confident that some, if not all, have been addressed in the final iteration of the bill. That is not misleading. These organisations deserve the respect of having their concerns put on the public record and I always do that. I cannot think of a bill where I have not put on the public records concerns that civil society organisations have provided to government. Sometimes those concerns are responded to and sometimes they are not. I will not resile from putting public concerns on the record. The Government should not be so vehemently angry about me doing that.

Now I am going to turn to the submission made by the Tasmanian Bar. As with the issue of costs, I raised some of these questions in the briefing I had yesterday. I am confident that their concerns about jurisdiction have been resolved and changed from the draft legislation. Indeed, the consequential amendment bill will make a number of changes to each of these establishing acts, or those that need to remain on the statute books, that I believe will address the concerns they raised specifically around original and review jurisdictions for the TASCAT. They also had a question around the part of the draft bill that empowered TASCAT to dismiss part or all of the proceedings and that needing to be a decision made by a legally qualified member, which I believe has been included in the final bill.

They also identified a potential inconsistency that, in dismissal of cases that do not preclude reinstatement of proceedings if authorised by leave given by the president or deputy president, whereas no such capacity exists in performance of section 96 of the draft bill. They identified a potential inconsistency between sections 97 and 98 and then section 96 of the draft bill. They questioned whether or not that was based on the South Australian legislation and whether it was an oversight and needed to be amended in this Tasmanian legislation.

They also raised a concern around the draft bill's section 107 subsection (3) which goes to representation before the tribunal. People are often represented but there is an overarching expectation with administrative review that it should be accessible and people should not need representation and should be able to - I know this is not exclusive to Tasmania but everywhere there is at least an intention that people should be able to access administrative review without needing representation.

Their view of draft bill section 107 subsection (3) was that it was too narrow and it would not prevent legal practitioners who have been suspended or struck off in other jurisdictions from appearing in the tribunal. They said the South Australian equivalent is wider and, in their view, preferable. They said it would be undesirable for persons who are not able to hold practising certificates in other jurisdictions to be able to establish a business representing persons in TASCAT. They submitted that that section should be amended to reflect that being removed from the role of practitioners in any state or territory should prevent a person from

appearing in TASCAT as a representative of a party before TASCAT. They also raised questions about costs, which I have already addressed.

Finally, Mr Deputy Speaker, there was a submission from two others. The City of Launceston legal services team identified that in the draft bill there was not a requirement from notice of entry or other limitations upon right of entry. I believe that has also been changed in the final copy of the bill and that there now is a required notice period for right of entry.

The final submission put forward was from MIGA, Medical Defence Association of South Australia and Medical Insurance Australia. They had comments to make specific to the Health Practitioners Tribunal amalgamation into TASCAT. They acknowledged, first up, that it is important that rights, discretions and processes of the current Health Practitioners Tribunal apply in TASCAT. I know that is the intention but they felt there was uncertainty around the need for written reasons from TASCAT across all health practitioner matters and note that the existing legislation, the Health Practitioners Tribunal Act, provided right to reasons other than for interlocutory orders. They wanted to know whether the final bill would be amended to replicate the need for written reasons that exists in the Health Practitioners Tribunal jurisdiction to ensure they would be replicated in TASCAT.

Finally, they also raised concerns around the health practitioner regulation national law as it applies in Tasmania and prevails over the Civil and Administrative Tribunal Act. I am satisfied from the briefing I received yesterday that that is the intention and, further to that, that any future changes to the health practitioner regulation and national law would also prevail over any inconsistencies in TASCAT enabling legislation.

In her second reading speech, the minister went to some of the future possibilities for TASCAT, some of the other boards and tribunals that might eventually be amalgamated into the single tribunal. I am interested in whether there is a time frame for any of that future work and specifically, some of the administrative appeals matters that appear right now in the Magistrates Court.

There is a long list in the 2015 discussion paper about a single tribunal. I will not read them all in, but the minister went to them in her second reading contribution on the bill that we dealt with last year, things like decisions under the Abandoned Lands Act, Access to Neighbouring Lands Act, Animal Health Act. I am choosing randomly from the very long list. Crown Lands Act, Cat Management Act and so on. There is a range of administrative matters that do go to the Magistrates Court, which would probably be a relief to those working in that jurisdiction to have some of those administrative decisions moved to TASCAT.

In that briefing paper that was produced in 2015, they acknowledge that while there is a long list of acts under which those administrative matters can come before the Magistrates Court, there are not huge numbers with regard to the actual matters that come before the Magistrates Court.

There was a breakdown in that paper for the number of applications received, broken down by type of application from the 2010-11 financial year through to the 2013-14 financial year. Will that vary from year to year? In 2010-11 there were 30 applications received for a reviewable decision. In 2011-12 there were 38 applications and in 2012-13 there were 18 applications - it went down significantly - and in 2013-14 there were 43 applications.

I am interested to know, and I do not imagine that it is something the minister would have on hand today and I am happy to put it as a question on notice through another form of the House if needed. Is it possible to have an update on those figures for the 2014-15 year onwards, up to last financial year? The briefing paper was written in 2015 so the table ends at the 2013-14 financial year, but it might be interesting to know.

Ms Archer - I am struggling to think how that is relevant to this tranche. I am not trying to be pedantic but that is relating to tranche 3. There are other mechanisms for you to ask that question.

Ms HADDAD - I am happy to address it at another time. I could put it in as a question on notice or an RTI application.

Ms Archer - I will see what I can do.

Ms HADDAD - It would be interesting to know how those numbers have tracked over the intervening years since this began as a piece of work in Tasmania.

The other questions that I will briefly go to include going back to the issue of costs. It was in the second reading speech that there is a different arrangement in place for the Resource and Planning Division in schedule 2. That is division 10, part 8 which relates to costs, does not apply to that division. I wanted to know whether in her summing up comments, the minister could give the House a description of the difference in how schedule 2 will apply for costs in that Resource and Planning division versus the other divisions of TASCAT that will operate under part 8 of division 10.

I know that it is not something that is set up in legislation but practice directions is one of the things that was raised in at least one of the community consultation submissions. I know that that would be an operational matter once the tribunal is up and running but I know that the bill provides for rules to be made.

Ms Archer - As in the Magistrates and Supreme Court as well.

Ms HADDAD - Yes. You will have to forgive me, minister, I cannot remember which submission it was but one of the submissions to this bill from a civil society organisation raised the fact that practice directions do exist. It is probably in the RMPAT division and whether or not there is an expectation or a desire for practice directions to eventually be issued for TASCAT as a whole.

The final question that I wanted to put on the record is I know that there are transitional provisions - this might be a question for the next bill. I might leave it for the next bill. It is about how you see matters, how parties to existing matters are going to be advised of any change or transition for their matter if they are still on foot when the new tribunal begins.

Ms Archer - I can deal with transitional provisions if you like.

Ms HADDAD - Yes, it is for the next bill I think, is it not? I can put it on the record there if you prefer.

Ms Archer - No, it is not for the next bill.

Ms HADDAD - It is not for the next bill, it is this one? Okay, thank you, I am mixing up the bills. I suppose that is my final question. Are there transitional provisions in this bill for what happens with the matters that are currently before each of those nine individual tribunals and boards? What kind of advice, support and information will be given to parties to those matters? What will happen with them, basically, whether they will continue to be heard in those individual jurisdictions and only new matters will be coming before TASCAT? Or, alternatively, if they are to be transitioned to TASCAT, if that means that there would be any change in the expectations, particularly to the members of the public who are parties to those existing matters, whether they will be provided with information and support about the transitional arrangements for their matters to continue to be heard?

That concludes my contribution on this first bill. As I said, it is a historic moment. It does have the capacity to improve access to justice for Tasmanians seeking to appeal decisions of government or seeking to raise matters in a range of those administrative divisions and jurisdictions.

I am pleased that this Government has progressed this piece of work. We all know that the work behind this piece of legislation has been long-standing and it is a positive thing. Notwithstanding some of my more impassioned comments earlier in my contribution about the time that the parliament has been given to look at this legislation, I do acknowledge the significance of this change and the potentially very high level of significance for members of the public, the citizens of Tasmania, seeking to access administrative review and access to be able to bring matters before each of those administrative divisions that are now going to be amalgamated into TASCAT.

I wish all of those working in those existing boards and tribunals well, and I wish them all the best for the transition to the new super tribunal. I hope that things continue to go as smoothly as they have so far in their interest but also in the interests of the people of Tasmania.

Recognition of Visitors

Mr DEPUTY SPEAKER - Honourable members, I welcome the final group of grade 6 students from The Friends' School to Parliament House. Welcome, enjoy your time here.

Members - Hear, hear.

[12.10 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I add the support of the Greens to this TASCAT Amendment Bill to say how pleased we are with the processes that have been in train for years now and the location of the tribunals into one beautiful premises. I expect people who work there every day, and I hope the people who bring cases before those tribunals, feel comfortable in the space because it is designed to have intimate spaces as well as accommodating the movement of presumably reasonable numbers of people at different times.

It is certainly a fresh, modern building. It is not too imposing, it is human-scale. It is all the sorts of things which are best-practice in buildings and designed appropriately for justice. We want things to be as people-scale as possible. I grew up in Canberra and the High Court is a hugely dominant non-human-scale building and maybe that is appropriate for the highest court in the land but it is certainly not appropriate for people who are trying to sort out -

Ms Archer - It is very grey, isn't it, on the outside?

Dr WOODRUFF - Seriously Brutalist modern architecture. I am glad we did not go down that line. It is a line that governments like to have or to perpetuate: that continued stamp of dominance. I think we all agree that we get better outcomes when people are as involved as possible and able to talk as comfortably as possible about some really personal and hard situations that people find themselves in, as well as the highly combustible and controversial appeals that are taken before some bodies like the Resource Management Planning Appeal Tribunal.

We also agree with the process now of amalgamating the powers of the separate tribunals and establishing a combined set of administrative procedures and there is no doubt that this is a manifestly good thing for Tasmania. Not only will it improve access to justice, which is the objective within the TASCAT Act, but it will expedite the hearings, make them more fluid, make the processes more streamlined, and thereby result in cost-efficiencies for the Government and importantly for the parties involved. That is obviously critical. If everything goes according to plan, it seems like that is a good plan.

Now we are talking about the powers within this bill. I want to make some points and I am sure the minister will not be pleased to hear this but we are really concerned at the short time frames that were available for stakeholders to provide their views on this Amendment Bill because it was noted amongst a number of the community groups that put submissions in how incredibly short that time frame was. We have to remember that planning legislation is incredibly complex.

In my experience in this place with the portfolios that I have, it is hands-down the most complex area of law. I put it to you to find a more complex one. It is all over the place - I do not mean that in a pejorative way; there are a lot of different bills that relate to each other on any single matter - and for people in the community to be able to look at how their rights are being enshrined or conversely in their view sold away, means they need time. They need to be able to have conversations with other people, with experts, planning experts, legal experts. This covers all the areas of mental health, guardianship, planning law. There are so many different issues that often all come together and intersect in a confusing vast array of different bodies of legislation. The time frame for this was, no doubt, in many people's minds far too short. More importantly, it was the fact that this bill, the draft exposure bill, was sent out without a plain English discussion paper or background paper being produced by the Department of Justice. Can the minister let people know why that was the case?

This is such an important bill. It is an unfortunate stain on the quality of what we are establishing here to have not taken the time and put the resources into a plain English explanation for this, one of two very long complex bills. This one is 200 pages and the other one is the same sort of length - 400 pages of legislation about changes to the powers and the administrative processes of these tribunals: how they come together, how they intersect, what is left out, what is not and what has been added. It is critical to have plain English understanding of that.

I do not know why it would be. There must have been a deliberate decision made by the department not to provide explanatory documents with the draft exposure bill. I would like an explanation on behalf of people in the community who put everything they could into understanding this bill. I ask the minister to respect that concern, to note it and to make a

commitment not to do that again. It is a basic that is required for such a big change. This is not just a miscellaneous, this is a huge change. Each of those tribunals deals with matters sometimes of life and death, definitely of serious matters of natural justice, as well as profound decisions that have an impact on our natural environment and on the lived environment of people in communities all around Tasmania.

There is increasing development in Tasmania. Mr Jaensch, who is the minister for climate, was talking yesterday that population growth is the justification for why we might find it hard to reach our net zero target by 2030. It is going to be hard enough to get there because there are going to be more people in Tasmania. We know more people in Tasmania means more houses, it means more developments, it means more either in-fill or expansion - expansion into bushland and natural areas, or expansion into potentially fertile agricultural land, or expansion -

Mr Jaensch - Or good planning.

Dr WOODRUFF - Yes, sure, good planning possibly but we have to have robust appeals mechanisms.

Mr Jaensch - Yes, good planning.

Dr WOODRUFF - Thanks, minister, for chiming in. It would be great if you looked at some of the things in the Greens policies that the community have been asking for for years about how to improve the appeals tribunal. What we really need is an appeals tribunal like Queensland, which adopts an informal process and delivers decisions in plain English, and prohibits legal representation, except in exceptional circumstances, or whether both parties waive the right to that being the case.

What we have in Tasmania at the moment is a situation where, on numerous occasions, community groups would like to take an appeal to a development decision they believe has been badly made, is bad law, is a bad decision by council, an unlawful decision by council, and/or it demonstrably tramples on the biodiversity, the local amenity, or the safety of the community with transport. There are many reasons why community groups have valid reasons to challenge a development application decision, not frivolous, not vexatious - valid reasons - but they are stopped because of the costs.

We have to make a decision as a society. We have continued to make the decision that favours bigger developers, big companies or big developers of enormous subdivisions, who have an extensive amount of resources, proportionately, to put into running an appeal on a project, compared to a couple of neighbours who have got together. They know that the development flouts the characteristics and liveability of the neighbourhood. They have no chance, they are on a hiding to nothing to try and bring an appeal in that situation.

The starting place for an appeal is around \$30 000. I keep hearing back from community groups. That is what they are told from planners and I suspect I am probably out of date. That is probably edging closer to \$40 000 or \$50 000 just to get out of the blocks, to make a reasonable appeal.

That is the sort of money community groups are looking at raising or mustering for an appeal on a cable car. There is no doubt that if a developer brings an appeal on that, the

community will weigh in, along with the council, and defend that decision. That comes with a financial cost and it has to be borne by communities who are standing up for good decisions.

We do not agree that the Planning minister has done everything he can. There is definitely an opportunity to move towards a less adversarial appeals process. There are models not based on the highly adversarial, highly legalistic approach we have in RMPAT at the moment. We can have more focus on mediation and more guidelines about how mediation is required to be entered into, in a non-legalistic framework, at least in the first instances, to try and broker a settlement or an agreement before an appeals process is commenced in formality. I suggest the minister has a look at the Queensland-style tribunal.

The other changes happening, as well as population, is biodiversity loss and climate change. Given both of those things, intersecting with increasing population and the obvious need for people to have houses to live in, we have many issues coming together. There will be an increasing requirement to have an appeals process through the Resource Management and Planning Appeal Tribunal that is fair to appellants, and is independent and evidence-based in the adjudications made on environment and planning matters.

We stand by the comments the Environmental Defenders Office made in their excellent submission. They raised the costs of litigation as being one of the primary barriers to accessing justice for their clients. As I have said, they have seen the costs of taking cases such as the costs of engaging experts, in particular. It used to be just three or four but there are often now a huge raft of experts that must be assembled in order to take one of these appeals.

Even though there is the usual rule that each party is to bear their own costs, many potential litigants are deterred from exercising, or simply not able to exercise their legal rights in relation to proposed developments and other resource matters. As developers, in particular, lawyer-up and get more experts, the only option for community appellants is to also lawyer-up in equal measure. It is an increasing ratcheting up of costs for an appeal.

The second point I want to make is about the time frame for looking at this bill itself. It was tabled on Tuesday and I was offered a briefing. Thank you to the staff who offered me a briefing. I was not able to accept that briefing. I did not have any time to do that yesterday. I was in the House.

I have read what I can through the submissions and it seems to me on the face of it that many, if not most of the recommendations that have been put by a number of the submitters have been adopted. I thank the Attorney-General and her staff for listening to that and for making those changes in this document. However, as I said, I have just seen this on the face of what I have been able to look at in a very short amount of time and I will flag that I am going to request that we go into committee so that I can be confident that my understanding of how these things have been adopted is the way it has occurred.

I want to ask the Attorney-General a question about schedule 2 and whether the Attorney-General can confirm that schedule 2 can only be amended by way of an amendment bill. Is that the case? That would provide some comfort for people who have asked a question about that, about how schedule 2 can be amended.

I have a number of more specific questions about the bill. I will leave it there at this point and ask the more detailed questions that I have in the Committee stage of the bill.

[12.28 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Deputy Speaker, I thank members for their contributions. I will go through them systematically as is the practice for these matters on questions or issues raised.

At the outset, I can say to members addressing the issue that Dr Woodruff raised in relation to most, if not all, of the matters, concerns or issues raised by submissions having been addressed, I can confirm that they have either been mostly addressed, they are no longer applicable or there is no change required. As I go through and address the questions that you have specifically put I can say which applies but I would like to note that the whole consultation process on the draft bill was very useful and many of those issues have been addressed by this final amendment bill.

Dealing with the first question from Ms Haddad, generally in relation to appointments and the expertise of appointments in our current tribunals or boards which now go to being streams under the TASCAT. The appointment processes for tribunal members was set out under the bill that we passed last year - stage one or the first tranche that I have been referring to.

Members who are appointed under the TASCAT act are assigned by the president to particular streams. They will continue to operate in their areas of expertise and this is established under sections 62 and 63 of this act, part 5.

I will address all of this in one in relation to the costs issue you raised, Ms Haddad. Clause 12, subclause 8 of part 8 of schedule 2, precludes the general costs provisions in division 10 of part 8 of the act from applying to the Resource and Planning stream proceedings. Separate cost provisions for Resource and Planning stream proceedings are contained within clause 12 of part 8 of schedule 2, to the TASCAT act which replicates cost provisions which we currently have in the Resource Management and Planning Appeal Tribunal Act 1993.

An order to pay the costs of another party may not be made under any circumstances in proceedings under the Mental Health stream or the Guardianship stream. The power to order compensatory costs will not apply to Resource and Planning stream proceedings, due to the operation of clause 12, subclause 8, part 8 of schedule 2 and will not apply to Guardianship stream or Mental Health stream proceedings, due to the operation of section 120 subsection 3.

For other streams, the power is limited to circumstances where proceedings are brought or conducted frivolously or vexatiously or in prescribed circumstances. As a further limitation, the power can only be exercised by the president, the deputy president or a legally qualified member of the tribunal. The definition of costs of proceedings in section 120 subsection 1 of the bill has been redrafted to clarify that costs of proceedings are the costs determined to have been incurred by the tribunal in relation to any proceedings, other than the costs of a party, that is, excluding incidental costs.

Exercise of the power to make orders for these costs will remain restricted to circumstances where proceedings have been brought or conducted frivolously or vexatiously or the tribunal is acting in prescribed circumstances. The former general provisions in the consultation draft bill relating to security of costs have been removed.

Regarding the Tasmanian Bar submission, is there an inconsistency with sections 97 and 98? I can advise that sections 89 and 90 which were previously sections 97 and 98 in the consultation draft, focused on addressing the abuse of process and frivolous and vexatious proceedings. These provisions are ones which require an exercise of leave by the tribunal for someone initiating new proceedings, where proceedings are substantially the same and have already been dismissed under those sections.

It is not so much giving a person a power to reactivate proceedings, but vetting any attempt to reagitate proceedings. Section 88, which was section 96 in the consultation draft bill, does not require leave because a person could potentially commence new proceedings. It is not intended to vet proceedings that may have been dismissed or withdrawn pursuant to that section. There was actually no change required. That is one of the ones where it did not need addressing. I am clarifying how those new sections operate.

Again, an issue raised by the Tasmanian Bar: concerns about persons who have been struck off the roll from other jurisdictions. Section 98 has been amended to respond to the Tasmanian Bar's concerns. Specific reference to subsection 3 now covers other states and territories. Again, a good suggestion that has been incorporated into this final bill. Another question was will the health practitioners national law still prevail, which was referred to in one of the submissions. The amendment bill inserts section 7A into the TASCAT Act to provide that if there is an inconsistency between a provision of a relevant act and a provision of the TASCAT Act, the regulations or the tribunal rules, the provision of the relevant act prevails to the extent of the inconsistency. The Health Practitioners National Law Tasmania is listed as a relevant act in Schedule 1 of the TASCAT Act, as is the Health Practitioners Tribunal Act 2010. Both of these acts will therefore prevail.

Section 4 of the Health Practitioners Tribunal Act 2010 will also be amended by the consequential bill to include a reference to the TASCAT Act for clarity. The question, Ms Haddad - which I said I would see what I could do but I think you acknowledge that your question related to other matters outside this bill - I was seeking an update on that as relevant in the Magistrates Court since 2014 on administrative appeals. Although this is not relevant to this bill, we would have to take that on notice, not least of all because we do not have the information at hand. We would have to seek that, but I think you are quite right in saying that a lot of those matters are not frequent matters but they are certainly things that I would consider as part of Tranche 3. Typically, I think it is good for us to move away from that as needing to be resolved in a court atmosphere when they are administrative in nature and that is the whole purpose of TASCAT. It is the whole purpose of how other states have dealt with it as well.

The matters are identified in my second reading speech or existing tribunals or other areas that we could incorporate and extract and take out of the Magistrates Court, not only because it is more appropriate, given the nature of having a single tribunal that could deal with civil and administrative matters but also in a faster and cheaper manner. That has really come to light recently in relation to residential tenancy and building dispute matters where it has become apparent that it would be very good if we could deal with those in a tribunal. I think there was also a question at some stage when we had introduced that and I will get to that shortly.

There was a general question about who can represent parties to proceedings. Subject to the provisions of the relevant act, section 98 of the act provides that a party is entitled to appear personally in proceedings or be represented by an Australian legal practitioner. Alternatively, a party may be represented by another person if the tribunal grants leave. The requirement for

leave does not apply to the Resource and Planning stream proceedings due to the operation of clause 8(1) of part 8 of schedule 2. Subsection (3) excludes a person from acting as a representative, legal or otherwise, if they are an Australian legal practitioner whose practising certificate is suspended, if they have been removed from the Tasmanian roll of legal practitioners or the equivalent roll in another state or territory, or if they are subject to disciplinary proceedings which, again, goes to that question I responded to before.

The tribunal also has the power to appoint a person to act as Guardian ad Litem for a party, to appoint a person to represent a party or to order that a party is separately represented. Obviously, there will be cases in the protected jurisdiction area where that is considered appropriate and necessary. For resource and planning stream matters - clause 8(2) of part 8 of schedule 2 permits the tribunal to refuse to allow a party to the appeal or an applicant to be represented if the tribunal is satisfied that another party would be significantly disadvantaged by that representation. This replicates section 15(2) of the Resource Management Planning and Appeal Tribunal Act 1993.

For guardianship stream proceedings - clause 7 of part 4 of schedule 3 includes special provisions that override some of the general provisions within section 98 of the act. The effect of these is to replicate the provisions relating to appearances at hearings that are currently found in section 73 of the Guardianship and Administration Act 1995 because that section will be repealed by the consequential bill. None of the representation provisions change current practice, importantly, if I can highlight that to the House.

What will happen with the current RMPAT practice directions? The tribunal has advised that the practice directions of the RMPAT have undergone considerable and careful review to ensure their concerns reflect the true nature of a practice direction noting that much of the current content was largely educational as distinct from formal directions. The result of this process is that the entirety of the content of the RMPAT practice directions will be replicated in the new TASCAT. However, the bulk of the material will form information sheets with the balance of the content forming four practice directions.

All stakeholders will have access to the same procedural information as they currently do. However, it will be provided in a format that properly reflects a practice direction. The information has also been updated to properly reflect current practice and references to the new statutory regime where appropriate to assist stakeholders in identifying the transition of old provisions under the RMPAT Act to schedule 2, part 8 of the Tasmanian Civil and Administrative Tribunal Act 2021, as amended.

Another question was how parties will be notified of transitional arrangements for existing matters. What advice or support will be given to these parties on the transitional arrangements? This is an operational matter for the president of TASCAT but we are assured that work has been under way for some time to establish these supports, and information access through mechanisms such as the website and after directions by the heads of the tribunals. I met with the president last week and discussed the information that is going to be put on the website and through other means, and he seemed to be advanced in his thinking in that respect. The bill also provides transitional provisions to deal with proceedings already underway and you will find that in sections 152, 153 and 154.

The remaining questions are from Dr Woodruff. Both members raised the consultation on the bills and the time left to consider on these bills. I do not want to argue that further.

We have a standing order about two days' maturation. Our Government is no different from previous governments. We have dealt with first tranche. This bill does not come as a surprise -

Dr Woodruff - There are a lot of changes or not, and all the section numbers are very different.

Mr SPEAKER - Order.

Ms ARCHER - We have consulted extensively on this and I acknowledge that Dr Woodruff acknowledged this too and I thank her for it. A lot of this has largely been addressed as a result of our consultation. This is one of the bills that I can stand in the House and definitely say we have taken a lot of the submission contents and discussions we have had with stakeholders.

The tribunal and board heads themselves have had a massive role to play in the first stage bill and now this one. I thank them for their efforts and their cooperation because change is not easy, as we all know. This is a massive change for them: the title of their roles, the functionality of some of their roles. I could see at the start of this they were probably very protective of their patch. The fact that they have taken this on and embraced it and I am advised they are really enjoying not only working in this space but working together, is testament to how they have all worked together. I particularly pay tribute to them and acknowledge the extensive consultation across the board that we have done and particularly through my department; it has been a massive effort.

The consultation on the amendment bill went from 21 December 2020 to 8 February 2021. I was very conscious that it was late in the year, so I made sure that that was a decent period of time for people to be able to have a look at that. The consultation on the consequential bill was from 1 to 16 September this year. The consequential bill is quite secondary to the main bill, but still had a fortnight.

As I said, the department has also undertaken extensive consultation with the heads of jurisdiction of the current nine tribunals and boards that will be amalgamated into TASCAT. The department provided contact details for any stakeholders to direct any questions or particular concerns, and as a matter of general practice, will provide briefings on request. I know that I had discussions with my department as well through my own regular meetings, at least weekly meetings. That is what I wanted to see. We wanted to have a buy-in, if you like. We want stakeholders to be content with this jurisdiction. Again, we are setting up a whole new jurisdiction in Tasmania.

This is standard for consultation on bills such as this, where the final impacts on the public are minimal. This is obviously the technical framework bill that essentially maintains the operations and procedures currently used by the tribunal. The first tranche set it up; made it very known publicly what we were doing. This now deals with the technical transition to actually form the single tribunal from 1 November.

Dr Woodruff also remarked about potential improvements to current practice under RMPAT. The aim of this tranche, the second tranche, was to facilitate amalgamations of nine boards and tribunals, as I just said, not to make any significant changes to the way matters are currently dealt with. There was also a question whether schedule 2 can only be amended by an amendment bill. The answer to that is simple. Yes.

Dr Woodruff - Thank you, that will be comforting, thanks.

Ms ARCHER - I thought you would be very comforted by that. I note that you wanted to go into Committee. I am very happy to. I hope that I have addressed all those questions that you put. We will deal with any other matters that arise.

Bill read the second time.

**TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT
BILL 2021 (No 46)**

In Committee

Clauses 1 to 17 agreed to.

Clause 18 -

Subsection 75

Nature of proceedings in review jurisdiction

[12.48 p.m.]

Dr WOODRUFF - My question is in relation to some clarification about the hearing de novo of matters to which a reviewable decision relates. This is specifically in relation to subsection 2. This says that if a reviewable decision to which an application for review made to the tribunal relates is the decision under an act or regulations or an instrument made under an act, that is an act in relation to which the functions and power of the tribunal are allocated under clause 3 of part 8 of schedule 2, to the Resource and Planning stream, the review by the tribunal of the reviewable decision is to be by way of a hearing de novo of the matter to which the reviewable decision relates.

In the Resource and Planning stream, my understanding is the original decision would have been made under the Land Use Planning and Approvals Act (LUPAA). That would not be the only place but in probably the majority of cases that are made to RMPAT that would be under LUPAA.

In that case, is the hearing de novo of the matter a change to the way in which RMPAT currently operates? Is there any change or is this the current circumstances when RMPAT hears a review?

Ms ARCHER - I was just confirming that I am correct, and I was. There is no change to the current RMPAT process and this has been confirmed with the head of the tribunal.

Dr WOODRUFF - Thank you, I have no further questions on that.

Subsection 75 agreed to.

Subsections 76 to 80 agreed to.

Subsection 81 -

Hearings in public

Ms HADDAD - I had a question about this section. Subsection 1 states that subject to this or any other act presenting before the tribunal other than alternative dispute resolution processes or compulsory conferences must be heard in public.

I wondered whether there are exceptions for the protective jurisdictions, in particular? I know that later on in the section there is the ability for the tribunal to give directions about hearings to be heard in whole or in part in private. I wondered if there is any overriding expectation for those protective jurisdictions, particularly mental health and guardianship decisions that can be really personal?

Ms Archer - Do you mean, per se, so on the face of it they would always -

Ms HADDAD - Yes, or whether there would need to be an application process for those people appearing before those protective streams? Would they need to apply, I suppose, to have their hearing heard in private?

Ms ARCHER - Ms Haddad, we would maintain the current situation, particularly in relation to the protective jurisdictions. I am advised that if there are exceptions under the relevant heads of power acts for the protective jurisdictions then we have maintained that.

For the Guardianship Administration Board, by default, it is public, for example, so you would need to apply for private. I do not believe there is any problem with people being granted that for obvious reasons with the types of matters that it deals with. They must apply for a private currently and these processes, as I said, have not changed.

I imagine it is the same for the Mental Health Tribunal as well. I think that is because of the nature of being open and transparent but certainly in the cases where it is appropriate to do so, I do not think people have any problem with that being granted. In fact, I would go as far as to say, but I am only guessing, that it is probably more common than it is in private with those types of matters, but I cannot say for sure.

Subsection 81 agreed to.

Subsections 82 to 98 agreed to.

Subsection 99 -
Compulsory conferences

Dr WOODRUFF - As I read this, there are circumstances as prescribed under tribunal rules or a relevant act where the tribunal must require parties to attend a compulsory conference.

Ms Archer - Hence, compulsory.

Dr WOODRUFF - Yes, that is right. Well, it is sort of not, because then it says under subsection 1: 'The tribunal may at an initial directions hearing or any other time require parties to attend a compulsory conference'. It is where it is already prescribed and it is where the tribunal, in its own determination, at the initial hearing stage or at any other time, may also say you have to have a compulsory conference.

Subsection 3 details the situations where the tribunal could dispense with a compulsory conference, even if it is prescribed under a relevant act. The circumstances are if there is no useful purpose that would be served by a conference between the parties. Would such a circumstance be where one party does not want to - a compulsory conference is a conference to mediate, isn't it - mediate?

Ms Archer - To try and resolve the position.

Dr WOODRUFF - Therefore, implicitly, does it mean that both parties have to agree to mediation? What happens?

There are costs and expenses of going to an appeal if one side wants to mediate in good faith and the other side is maybe using it as an opportunity to exert some unfair disadvantage because they have deeper pockets. Forcing it to go to appeal without a conference would be in their interest and not in the other party's interest. How does the tribunal deal with that matter?

Finally, is this any change to the current process that is in place?

Ms ARCHER - Thank you for the indulgence. We were seeking some advice on one thing, particularly from our department person who has actually dealt with a lot of this reform.

You can obviously order that parties attend a compulsory conference but you cannot make them achieve settlement, so it may prove futile. Also, there may be threats of violence and, in that case, it would not be ordered. There will be circumstances where that process -

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

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2021 (No 46)

In Committee

Resumed from above.

Ms ARCHER - Deputy Chair, just before the luncheon break I was saying that it would not be appropriate to proceed with a compulsory conference in circumstances where there may be threats of violence between the parties, or where the issue to be resolved is a matter of law and therefore cannot simply be agreed between the parties. It is anticipated that compulsory conferences would be unlikely to be used in the protective jurisdictions because these tend to be matters where the issues are legal in nature and cannot be resolved through any form of conciliation. It is less frequently used in those circumstances. I was about to give an example but I think members know the types of examples I am talking about, where it is just not appropriate for any type of conciliation, the types of issues that you are dealing with.

Division 2 of part 5 of the Workers Rehabilitation and Compensation Act 1988 includes provisions for conciliation conferences, which are a separate process to compulsory conferences. Those provisions will remain in that act and will continue to be used for matters that are referred by that act to the person or compensation jurisdiction of TASCAT.

As much as possible a lot of these things have been transferred over, so that there are no major changes to how each of the new streams operated as previous tribunals and boards.

Ms HADDAD - In clause 99, dealing with compulsory conferences, I want to revisit the submission made by the EDO, which reiterated what all the speakers on today's bill have gone to in one way or another, which is the importance of alternative dispute resolution as an encouraged first step. I know that is already part of the ethos of most of the existing tribunals. They were worried there would be fees associated with mediation processes in the draft bill. They saw that as inconsistent with that spirit of alternative dispute resolution being key in administrative decision-making.

Can you tell the House whether fees will be involved with any of the alternative dispute resolution practices, and whether it is different from stream to stream or the same for each of the streams?

Ms ARCHER - Thank you, Ms Haddad. I had that written down somewhere and I did not address it. The issue raised by the Environmental Defenders Office has been addressed in the amendment bill, proposed section 145(2)(c), which was previously section 101(5)(c) in the consultation draft. It explicitly provides that the regulations may not prescribe fees in relation to an alternative dispute resolution process or compulsory conferences. This applies to all streams, not just resource and planning matters.

Mr CHAIR - To clarify, before lunch I mistakenly referred to clause 75, 81 and 99. They are actually all subsections of clause 18 which is fine. If we are done with subsection 99, is there another subsection within clause 18 that you want to deal with?

Dr Woodruff - They are all in clause 18?

Mr CHAIR - They are.

Ms Woodruff - Subsection 107.

Mr CHAIR - Okay, I will give the call to Dr Woodruff, so raise your issue to subsection 107 and then I will put the entire clause at the end.

Subsection 99 agreed to.

Subsections 100 to 106 agreed to.

Subsection 107 -

Entry and inspection of property

Dr WOODRUFF - This relates to the submission from the Launceston City Council and it is about - I understand from reading subsection (4) - that it requires notification for entry. Their concern was that this subsection provides a member of the tribunal or authorised officer a broad right of entry to land and buildings but there was no requirement for notice of entry or any other limitations on that right. They recommended incorporating the notice requirements as applied to other acts. In particular they note the Local Government Act down the lane is the Planning and Approvals Act.

Subsection (4) requires that before entering the land or building, the member of the tribunal or person authorised, notifies the owner or occupier of the land or building of the intention to enter the land or building. As I read this section it does not have any other directions about a notification and it does not provide any information about timing or mechanism. Maybe that is somewhere else in the bill and this is written in other parts of this section.

For the purposes of what the tribunal might be seeking to achieve it may not be appropriate to give notification, so there is a fine balance to be struck and the tribunal has very substantial powers. Could you please speak to whether, in the form that it is written, that the building occupier or the owner must be notified. Is that repeating the current situation that is in the Local Government Act or the Land Use Planning and Approvals Act (LUPAA) in relation to this or do those other acts have something about the mechanism or the amount of notice that needs to be given?

Ms ARCHER - I am making sure that I have the correct information. Consistent with the Local Government Act, there is no required time period. It just has to be before entry. You can take it that in any given example discretion has to be exercised but you are quite right, there may be a situation where it is not appropriate to give too much advance notice, although I imagine at all times it should be a reasonable period. As to the time period there is no specific time period mentioned but that is consistent with the current provisions of the Local Government Act.

Dr Woodruff - And in LUPAA? The same?

Ms ARCHER - Yes. Just looking at the Local Government Act, section 20A, Powers of entry -

- (1) In order that a council may perform its functions or exercise its powers under this or any other Act, the general manager may authorise a person to enter land for a specific purpose or in general.
- (2) An authorised person need not be an employee of a council.

This is dealing with that local council issue. It is 'or any other act'.

Dr Woodruff - That is what LUPAA relates to.

Ms ARCHER - Yes. That is what the Local Government Act provides. It says exercise of power 'under this or any other act'.

Dr Woodruff - Okay. Thanks.

Subsection 107 agreed to.

Subsection 108 to 109 agreed to.

Subsection 110 -

Accessibility to public of evidence

Ms HADDAD - A simple query about clause 110 which relates to members of the public being able to have access to evidence that has been provided to TASCAT. Proposed

subsection 110(5) specifies that the tribunal is going to be able to charge a fee fixed by regulations for inspection or for copying of material under the section. I understand that would be set by regulations. It is a different process but I am wondering what the current fees look like and whether it is anticipated that the fees would be pretty much commensurate to what they are now or if they are likely to be different.

Ms ARCHER - We are just pulling up an example because, as you know, we are joining a whole heap of tribunals and boards but nothing changes as of the current practice and also it would not be the tribunal's intention to profit off this. It is more of a disbursement situation or reimbursement rather than a fee-for-service. We are just trying to come up with a fee or an example as to what the current rate might be. We cannot find it. I could certainly provide you with that information but it is no different to it being set at present, so it carries over.

Ms Haddad - By interjection, of the current tribunals that might have different fees, would you be trying to reach something in the middle of where they all are at the moment, or that that would be yet to be determined?

Ms ARCHER - I will just ask. I imagine that the fees for things like photocopies per page would be consistent because it is set by regulation, but I will just check.

I cannot get the specific information on it across the board but it is certainly our intention that it will be consistent because it is one tribunal. It is obviously on the record now, so Acts Interpretation Act, it is our intention as the Government to have that consistent across the board and the tribunal. I will make that known to the president.

All of these matters too, particularly in relation to any fees that might apply - which are minimal because there are many situations where fees do not apply - that information will be available to the public on the website. As I said in a previous contribution, the information available is currently being worked on by way of information sheets and, in limited circumstances, practice directions on law. Those issues are currently being looked at so that the public can easily turn up that type of information.

Ms Haddad - Thank you very much.

Mr CHAIR - Dr Woodruff, do you have any more sections within clause 18?

Dr WOODRUFF - No. My next one is clause 120.

Mr CHAIR - That is still within clause -

Dr WOODRUFF - Sorry. Yes, in clause 18. I beg your pardon.

Subsection 110 agreed to.

Subsections 111 to 119 agreed to.

Subsection 120 -
Costs of parties

Dr WOODRUFF - Subsections 120 and 121; I will start with 120. It sounds as though the people from the department were in conversation with the Environmental Defenders Office

backwards and forwards, about the matters in the bill in relation to costs of parties and the EDO was concerned to make sure that the usual considerations of cost orders that were set out with the RMPAT act would also apply to TASCAT.

I see here in proposed section 120(2) that unless otherwise specified in a relevant act, or regulations under a relevant act, the tribunal will make an order for payment by a party proceedings for all or any of the costs, et cetera. The EDO had suggested that words to the effect of 'if provisions of a relevant act deal with the manner in which the tribunal is to award costs under a relevant act, the provisions of a relevant act apply to the extent of any inconsistency with the provisions of this act'.

They said that in relation to the next proposed subsection 121. There was still some element of doubt in their view that was not able to be entirely ruled out through their conversations with the Department of Justice. They said, 'Department of Justice was not able to provide EDO with context'.

As I am reading this, I realise that the numbers are different. The original numbers were 108 and 109 and we are looking at 120 and 121. I will only ask the question in relation to subsection 120(2), whether subsection (2) with the words 'unless otherwise specified in the relevant act or regulations under a relevant act' would mean that there would be no opportunity for the tribunal, TASCAT, under this legislation that we have, to require any costs to be paid by parties that would not otherwise be required to be paid under RMPAT?

Ms ARCHER - This is helpful to get this on the record because previous section 28 of the RMPAT act deals with costs. I can tell you that subsections (1), (2), (3), (4), (5), (6) and (7) of section 28 of the RMPAT act are replicated in clause 11 of part 8 of schedule 2 of the TASCAT act and subsection (8) of section 28 of the RMPAT act is redundant.

Everything is transferred that needs to be transferred.

Dr WOODRUFF - Those subsections are everything in RMPAT that relates to costs to parties. Thank you. That should satisfy them.

Clause 140: this is also following up on the submission from the City of Launceston and they made the comment that the proposed section provides broad protection from civil and criminal liability in honestly carrying out or purportedly carrying out official functions without any requirement in the original draft for reasonableness, good faith or proportionality. They felt that section 140(2) could be improved by incorporating a good faith requirement such as is proposed in a section of the Local Government Act. I see that, indeed, subsection (2) does have, 'in good faith in performing or exercising'.

Ms Archer - Correct.

Dr WOODRUFF - I wondered for completeness whether they added the words 'reasonableness and proportionality'. They did not require those words to be added in here but in their submission they also talked about reasonableness and proportionality in addition to good faith. Was that considered in the drafting of this section or was it just good faith that was looked at?

I think what has happened is that there has possibly been - the department staff - from the draft exposure bill to where we are now, a melding of some sections because I cannot find another. They referred to the draft exposure bill, section 125 and section 126. I am now looking at section 140, Protections and immunities. I wonder whether the 'reasonableness and proportionality' still stands and whether that was considered in the final drafting process?

Ms ARCHER - I will just say what I have here and then I will check if my department officers have anything further but I think it is because it has largely been based on the Local Government Act. I know that the City of Launceston referred to the proposed section 125(2). That would be the consultation draft.

Provides broad protection from civil and criminal liability in honestly carrying out or purportedly carrying out official functions without any requirement for reasonableness, good faith or proportionality.

Which is what you referred to. Then they give an example:

For example, the section appears to provide protection for excess use of force in gaining access to a property. This section could be improved by incorporating a good faith requirement such as in the proposed section 126(1) and/or section 341 of the Local Government Act 1993 and by otherwise limiting the extent of the protection in order to deter manifestly excessive albeit honest behaviour.

So I think the example was, make it of good faith and you do not need those other words of reasonableness and proportionality but I will just double check that. And that is correct, yes.

Dr Woodruff - Okay.

Mr CHAIR - For clarity that is clause 18 done.

Subsection 120 agreed to.

Subsections 121 to 160 agreed to.

Clause 18 agreed to.

Clauses 19 to 22 agreed to and bill taken through the remaining stages.

Bill read the third time.

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (CONSEQUENTIAL AMENDMENTS) BILL 2021 (No 47)

Second Reading

[2.54 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

This is the second of two bills that will implement stage 2 of the Tasmanian Civil and Administrative Tribunal, or TASCAT, with the other being the Tasmanian Civil and Administrative Tribunal Amendment Bill 2021, which just passed through this House. This bill makes consequential amendments to 46 different Tasmanian acts, nine sets of regulations and the Probate Rules 2017. It repeals provisions in Tasmanian legislation that will no longer be necessary once the amendment bill amends the Tasmanian Civil and Administrative Tribunal Act 2020, which I will refer to as the act, allowing TASCAT to commence. These redundant provisions include those relating to the establishment and membership of the nine tribunals and boards that will no longer exist once TASCAT is operational.

The bill also repeals provisions that will be replicated or replaced by the general or special provisions in the act, which set out TASCAT's processes, powers and procedures when dealing with matters in its original or review jurisdiction, updates references in Tasmanian legislation to refer to the act, TASCAT, its members and staff, and makes minor technical amendments. It is important to clarify that the consequential amendment bill repeals the Resource Management and Planning Appeal Tribunal Act 1993 in its entirety, which has the effect of rescinding the Resource Management and Planning Appeal Tribunal Regulations 2014.

With the repeal of the Resource Management and Planning Appeal Tribunal Act 1993, the provisions in that legislation are replicated in the principal act through the amendment bill, largely within part 8 of the amended schedule 2, enabling them to be applied and in force when TASCAT is dealing with matters in the resource and planning stream.

I thank the many stakeholders who provided submissions on the draft bill and once again acknowledge the significant work undertaken by the Office of Parliamentary Counsel in preparing the legislation to implement stage 2 of TASCAT, and my department officers for their considerable work, not just on these bills but generally speaking. I thank my office, particularly Natalie Cameron, for picking this up and my former adviser, now my chief of staff, Rowena Gilbertson. They have done a power of work in relation to getting this and communicating with the department. I thank them very much.

Mr Deputy Speaker, I commend the bill to the House.

[2.57 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, in line with my comments on the previous bill, the Opposition will be supporting the Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Bill 2021. I will again put on the record my thanks, through the Attorney-General, to her department and her office for the briefings I was provided yesterday on this bill.

As we heard from the Attorney-General in her second reading contribution, this bill is necessary consequential amendments to allow all the provisions we just discussed in the first bill to be implemented, so implements stage 2. We dealt with stage 1 last year and this is part of stage 2. Once these two bills pass, TASCAT will be able to formally commence its operations as a single tribunal, amalgamating the powers, processes and procedures of the nine co-located tribunals and boards, and delivering a combined civil and administrative tribunal for Tasmania.

This amendment bill amends the act to insert key provisions that are required for the tribunal to carry out its functions, including in relation to the constitution of TASCAT for matters in particular streams, exercising TASCAT's original and review jurisdictions, conferring 40 pieces of existing legislation, principles, powers, procedures that apply to proceedings, including in relation to parties' representation, compulsory conferences and alternative dispute resolution processes, costs and evidentiary provisions and appeals from the TASCAT to the Supreme Court. The amendment bill will also insert provisions into the act that will apply to specific streams dealt with by TASCAT, particularly in relation to resource and planning, and guardianship streams. The consequential bill amends various pieces of legislation to substitute outdated references to the act and TASCAT, and repeals provisions that will no longer be required because they will be dealt with through TASCAT's consolidated powers, processes and procedures under the new amended act.

We heard from the Attorney-General that the only act being totally repealed is the RMPAT act. The others will all need to be retained in one way or another to continue other functions under those establishment acts. Most of the submissions to this consequential amendment bill echoed some of the comments people had made in response to the consultation on the substantive bill so I do not propose to go through the detail of each of those and repeat those matters raised by community members and community civil society organisations.

People were generally supportive of the move to a single tribunal. Particularly, the EDO and the joint submission from the Tasmanian Conservation Trust and the Northeast Bioregional Network were glad to know that the tribunal is intended to operate in substantially the same way that RMPAT, which is the tribunal they are most concerned with, operates now. As we heard many times from the Attorney-General in the debate on the previous bill, these same intentions are there for the other tribunals and boards that have been amalgamated in this second stage of the work on the tribunal.

Things will substantially operate in the same way, if not potentially in a better way, as I said in my first contribution, in relation to increasing access to justice, increasing people's awareness about their rights to bring matters before the administrative appeals tribunal and also streamlining access to decision-making so that it is simpler and easier for people to access their rights under the administrative appeal decisions, rather than the sometimes very confusing process of having to navigate a range of different tribunals and boards.

That is not said in any way to disparage the work of those boards or tribunals. Each of them works incredibly hard but they have each had their own establishing legislation and their own history regarding how they were formed. This is very much the next step in maturity in administrative decision-making. It has certainly seen to be the case in the other states and territories that have already gone down this path, as well as the Commonwealth.

I look forward to stage 3 of the reforms, which we discussed briefly on the last bill, with regard to potentially looking at other administrative decision-making bodies who might be able to have parts of their workload moved into the TASCAT. Similarly, some of the decision-making that occurs now in the Magistrates Court Administrative Appeals Division, but also in the Supreme Court. Overall, this will be a positive change for the people of Tasmania in accessing administrative appeals processes. We recognise that the consequential amendments are necessary to activate all of the provisions in the substantive bill. For those reasons and the reasons I have put on the record in the previous debate, the Opposition will be supporting this bill.

[3.03 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, the Greens will be supporting this bill. It deals with the technical amendments required to appropriately refer to the Tasmanian Civil and Administrative Tribunal within these 46 different acts and nine sets of regulations and the probate rules. It also updates references to the legislation at the same time and removes redundant provisions.

There is not much more to say about that except that it is quite an awesome range of acts that have been amended. They are all incredibly important and the responsibility of each of these acts is huge. The staff have done an amazing job. I would not be surprised and I would not cast any blame if at some other point we found a miscellaneous DoJ bill that found something that was not found. Fifty-five pieces of legislation is massive and they are all huge. I would not take bets on it but it is a huge body of work. It is quite a grave position to be voting on doing something like repealing the Resource Management and Planning Appeals Tribunal, as this legislation does in schedule 1, but we just passed the TASCAT Bill that picks up on RMPAT. The staff have done a great job and I look forward to having another visit of the tribunal's offices at some point in the future.

The only thing in my mind is a question for the Attorney-General. Is anything going to change in TASCAT after Royal Assent? Is there anything fundamentally different, or are we essentially at an operational level in this matter?

I have not really come up to speed with all these tribunals. My understanding is that they are all up and functioning and running. Other than people's titles changing and those sorts of things, the day to day business of those tribunals will not substantially change after Royal Assent, but perhaps you could bring us up to speed on that.

I congratulate everyone involved and we are happy to provide our support.

[3.06 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Deputy Speaker, I thank members again for their contributions in the previous bill and of course this bill as well.

Up until the formal establishment of TASCAT the nine tribunals to which I have referred have been co-locating on the one side of Barrack Street, Hobart, which is the location that Ms Haddad and Dr Woodruff were referring to. It is an ideal location but also it has been completely and newly fitted out for the purpose of providing efficient, up-to-date, modern and appropriate facilities, particularly for our protective jurisdictions, with a lot of private areas. It has the best designed disability rest rooms I have ever seen.

Dr Woodruff - Yes, they are amazing.

Ms ARCHER - They are amazing. There is quite a large bathroom. It is designed for people for privacy when they need it. There are a number of hearing rooms of varying sizes and for varied purposes.

I also want to explain because it goes to Dr Woodruff's question about what happens when it is operational. The sign will magically and quickly go up on that door because at the moment we have not been able to call it TASCAT because there are nine tribunals and boards still co-locating. I have been referring to TASCAT but in name only. It will formally

commence when that sign goes on the door. Also, pursuant to section 4 of the TASCAT act, the establishment day has been fixed by proclamation as 1 November, hence the reason why we needed to get this done today. As you are all aware it has been a big piece for the Office of Parliamentary Counsel (OPC) to prepare hence the reason I have needed to bring this on as a matter of urgency.

The tribunal is formally established under the act on establishment day under section 8 of the bill. The current act provides for certain things to occur prior to establishment day such as the president's functions under section 14(3), and then the difference between establishment day and commencement day. The amendment bill introduces a definition for 'commencement day' which is the day when the amendment act commences. On that day, the TASCAT act will be amended by the amendment act, triggering the abolishment of the nine boards and tribunals that are currently co-located, and the transition of certain members of those bodies to positions in the new single tribunal.

The commencement day also serves as a reference point for various other transitional provisions under part 13 of the amended act. We have a date in mind that is only days later so there is a difference, but as of 1 November that is when it will exist as TASCAT and the sign and the new logo goes on the board. I have been writing it down as Tas with a small 'a' and 's' but the president in his wisdom has gone full capital letters so I had to change all of my notes in the second reading speech for you all because I had it wrong. Just a little anecdote there.

Without further ado, I thank the members for their kind words about TASCAT and its operations. I was very happy to arrange for them to go and see it because digitally it gives you a good feel for how it is going to operate amongst the different jurisdictions because they are quite different jurisdictions, some of them, and the efficiencies. The staff area, too, which is not seen by the public is a really good area for staff, and sizeable, and an outdoor area as well.

It is one of the best examples of a modern office environment and, indeed, a modern tribunal that caters for the needs for all Tasmanians and particularly our vulnerable Tasmanians coming under that protective jurisdiction.

Mr Deputy Speaker, I commend the bill to the House.

Bill read the second time.

Bill read the third time.

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

Second Reading

[3.11 p.m.]

Mr FERGUSON (Bass - Minister for Finance) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

Mr Deputy Speaker, ahead of the 2018 state election the government released its policy, The Future of Gaming in Tasmania. The policy details a new way forward for gaming operations in the state. The Government's objective is to facilitate a sustainable gaming industry that offers freedom of choice, supports jobs, and provides appropriate player protections.

Substantial changes will be made to the gaming market commencing on 1 July 2023, including ending Federal Group's monopoly on electronic gaming machine EGM ownership, moving to an individual venue operator model for machines in hotels and clubs, and ensuring returns from gaming are shared more appropriately across the gaming industry and with the Government representing the community.

This bill reflects the Government's policy intent and provides certainty to the industry about the future of gaming in Tasmania. Tasmanians voted for the Government's policy and they expect the Government to implement the policy. As for all policy changes, there will be winners and losers.

In this case the winners will be Tasmanians through additional funds for government services, the community through the increased community support levy, and pubs and clubs through an increased share of the return from the new licensing model for electronic gaming machines. The loser will be the Federal Group which is estimated to be \$20 million per annum worse off when its 50-year monopoly over gaming in Tasmania comes to an end on 30 June 2023.

These reforms are substantial, affecting casinos, Keno, electronic gaming machines, high roller casinos, network monitoring and the community support levy. We have taken the time to get the legislation right. We have welcomed feedback received through two phases of public consultation which has informed the development of the bill. Significant effort will be required of the industry, the Government, and the independent regulator - the Tasmanian Liquor and Gaming Commission - to move to the new regulatory environment.

The state's existing harm minimisation framework will not be affected by this bill as the government's policy is about the structure of the market rather than the way gaming services are provided. Some might say that the harm minimisation provisions should be detailed in the act. However, that would be to misunderstand how harm reduction measures are created, changed and enforced.

In Tasmania harm minimisation requirements are prescribed in the mandatory code, standards, rules and licensing conditions which were developed and adapted by the commission. This approach ensures that the harm minimisation framework remains agile and reflects best practice. The harm minimisation framework is a living document created, changed and enforced by the commission which itself is empowered by the law. It is in this framework the minister and commission have roles and powers to improve harm minimisation in Tasmania.

The results of the fifth Social and Economic Impact Study of Gambling in Tasmania published in July this year shows that the per capita spend on gambling in Tasmania, the per capita spending on EGMs in hotels and clubs, and the level of problem gambling all continue to fall and are the lowest of all jurisdictions with EGMs in pubs and clubs. This is useful evidence to support the current framework and approach. It should be noted that the existing

framework is extensive and mandates a variety of measures designed to minimise harm from gambling. It includes a statutory requirement for the commission to review the mandatory code at least once every five years, with the next review due in 2022.

Measures to reduce harm will continue to evolve as new opportunities and technology become available and the next code review will take into consideration the structural changes that will occur under the future gaming market policy to ensure the measures in place to foster responsible gambling and minimise harm from gambling remain best practice.

Naturally, the Government has been closely watching new measures being considered in other jurisdictions such as facial recognition to support its exclusion programs. Although it is not part of the bill, I can advise that I will be directing the Tasmanian Liquor and Gaming Commission to investigate options for the use of facial recognition technology and card-based gaming in Tasmanian casinos, hotels and clubs.

Following consultation with relevant stakeholders, I will also be asking for advice on pre-commitment models which could complement card-based gaming. Without wanting to pre-empt the outcome of the commission's work, it is my expectation that the introduction of these measures in Tasmania will significantly improve harm minimisation through better identification of excluded players and the ability for players to set limits on their EGM gaming time and expenditure.

As far as possible, the legislation will be modernised and futureproofed. It will be amended so that it contains clearly stated, high-level regulatory objectives, is principles-based and provides flexibility to achieve the regulatory objectives, contains more prescriptive aspects in regulations, uses plain language that accommodates ongoing technological and behavioural change, allows for collaboration through national consistency and alignment with other jurisdictions and provides greater agility for the commission to adapt and respond quickly and appropriately to any matter.

I now turn to the reforms.

Ending the 2003 deed between the state and the Federal Group, the bill introduces provisions to end the 2003 deed between the state and Federal Group on 30 June 2023. The exclusive rights to Federal Group will end and a new gaming market and licensing structure will commence on 1 July 2023. All associated provisions are also amended.

Much has been made about formal advice of the termination of the deed in 2023. The reality is that not just the Federal Group but all of us, all Tasmanians, have known since early 2018 that the monopoly position the Federal Group has enjoyed for many years will come to an end on 30 June 2023.

Hotels and clubs: as I indicated, the reforms affecting hotel and club electronic gaming machine operations are substantial. The bill provides hotel and club operators with a greater say in how they run the EGM component of their businesses. They will have the authority to purchase, sell or lease their own EGMs and will have more choice in how machines operate within the state's strictly regulated framework.

While the bill places greater responsibility on venue operators, it also provides hotel and club operators with a greater share of returns. The current single gaming operator model for

EGMs in hotels and clubs will be replaced by an individual venue operator model. Key aspects of the model are a new statewide EGM cap in hotels and clubs of 2350, a reduction of 150 from the current cap. Venue caps will remain at 30 for hotels and 40 for clubs. Responsibility for a number of EGM-related requirements will move from the current gaming operator, Network Gaming, to each hotel and club operator.

EGM authorities: a new right to operate EGMs at a hotel or club will be created and will be known as an EGM authority. One authority will be required to be endorsed on a venue licence for each machine a venue operates. EGM authorities are not a tradeable asset. They will not be purchased, but will be owned by government and endorsed on venue licences. The commission will allocate and endorse EGM authorities, including those that are relinquished by a venue or where a venue licence is cancelled. Venue licence holders will be able to apply for additional EGM authorities if they are available, and of course, within venue cap limits.

Venues with the same operator or common operator group will be permitted to transfer authorities between their venues subject to approval by the commission and venue caps. If a venue has not previously operated EGMs, or has not operated EGMs in the previous six months, the transfer will be subject to the legislated community interest test. A limit on the maximum number of EGM authorities that a common operator group can hold will be set at 25 per cent of the statewide cap, that is a maximum of 587 EGMs. This will prevent one owner/operator dominating the Tasmanian market. EGM authorities will remain at a venue for a period of up to six months following the sale of the venue or where the venue licence is cancelled or surrendered. This will allow the licence application process to proceed and for the EGM authorities to be endorsed for a new operator, without having to go through the full reallocation process.

Some venue operators have indicated a level of caution about the move to the new licensing model. The reality is that those individual businesses will enjoy a larger share of the return from gaming but will also have a greater level of responsibility for those activities. I am advised that the Tasmanian Hospitality Association will be working to support its member venues during the transition and will ensure that venue employees are better trained to identify and address potential problem gamblers.

Leasing arrangements: a venue owner who leases their premises to a venue licence holder will be allowed to own or be in possession of gaming equipment, and to store equipment not installed in the venue. The venue owner may rent gaming equipment, including EGMs to the venue licence holder. If the licence holder moves on, the equipment may remain at the venue should another lessee apply for a venue licence to operate EGMs. To ensure that venue owners who are not venue licence holders are suitable to own and supply gaming equipment, they will be required to apply for listing on the Roll of Recognised Manufacturers, Suppliers and Testers of Gaming Equipment and be approved by the commission.

Transitional provisions will protect both parties where a venue is under a lease that was entered into prior to 1 July 2023. Any changes to reduce the number of EGM authorities by a licence holder must also be agreed to by the owner of the premises. If agreement cannot be reached, the commission will determine whether to allow a reduction in authorities.

Licensing arrangements: existing licence holders in hotels and clubs will be transitioned to new venue licences on 1 July 2023, subject to a suitability assessment. A venue licence will be granted for 20 years with renewal provisions to allow the licence to be reissued up to five

years prior to expiry, again subject to a suitability assessment. Licence renewals will be for a further 20 years. The commission will have the ability to review a licence at any time for auditing purposes and to take action if an audit is not passed. The bill extends the period of time from 14 to 28 days that a person has to object to an application for a venue licence that is subject to a community interest test and the period in which a person can request that the commission makes available information relevant to that application. These provisions commence on Royal Assent.

A new annual licence fee will be introduced, based on a sliding scale applied to the number of EGM authorities endorsed on a venue licence. It will range from \$1000 to \$2500 per authority. The bill also introduces the ability to suspend a licence for non-payment of the licence fee.

EGM tax rates and CSL rates: the bill requires venue licence holders to be responsible for the payment of all taxes, the Community Support Levy and EGM payouts, including jackpots. It introduces stronger provisions in the event of non-payment, giving the commission greater capacity to take action, such as suspending a licence. Increased EGM tax rates are introduced at 33.91 per cent of monthly gross profit for hotels and 32.91 per cent for clubs. This returns a greater share of the gross profits to the Tasmanian community.

Community support levy payments on EGM gross profits remain at 4 per cent for clubs, while the rate for hotels will increase to 5 per cent. The period of time for making levy payments will be extended from the seventh to the 14th day of the following month.

To ensure the integrity of gaming, the bill introduces the requirement that only the venue licence holder or an approved associate can receive a share of the profits of gaming with appropriate penalty provisions also applying. These amendments provide hotel and club operators with greater control over their EGM operations. They enable suitability checks for venue licence holders to ensure that they will meet the increased obligations required of them under the new model. The greater share of returns that venue licence holders will receive from gaming activities will have positive flow-on effects for employment and investment within their businesses.

The bill establishes a new licence monitoring operator, the LMO, with responsibility for monitoring EGM operations in hotels and clubs across the state. To operate EGMs, venues must be connected to an approved electronic monitoring system, operated by that LMO. The LMO will ensure that machines are installed, maintained and repaired in an appropriate and consistent manner. It will charge venues a regulated fee for undertaking this work. It will ensure the integrity of EGM use in hotels and clubs by monitoring transactions and providing data and information for regulatory and taxation purposes. The LMO will also be subject to service level agreements. This model has been informed by the experiences in other jurisdictions, particularly those in New South Wales and Victoria which both operate with a single monitoring operator license.

The grant of the initial LMO licence with a 20-year licence term will be put to public tender in early 2022. This will include appropriate probity and financial assessments. The minister will direct the commission to issue to initial licence to the successful tenderer, advising of any terms and conditions to be included in the licence. For subsequent LMO licences, the application probity requirements and conditions will be determined by the commission. The LMO will be prohibited from holding any other prescribed licence, apart from a listing on the

roll that authorises the provision of ancillary gaming services. Any application for renewal will be subject to the minister's approval. The LMO will have the ability to reapply for the licence up to five years and no less than two years prior to expiry.

The bill excludes step-in provisions that enable the government to take control of LMO operations and systems under extreme circumstances, such as bankruptcy, licence surrender or cancellation. The bill provides for the rights associated with electronic monitoring system information to be vested in the Crown. It includes provisions enabling the minister to authorise access to and the release of data from time to time. The bill subjects the LMO to strict secrecy provisions regarding information it has obtained in the course of undertaking its functions. Significant penalties will apply, should the LMO breach the secrecy provisions.

The bill requires that the core monitoring and regulated fee functions can only be performed by the LMO. The LMO will not be permitted to provide third party services, such as EGM supply or financing, averting a situation where the LMO would be monitoring equipment it has supplied. However, a party related to the LMO will be permitted to undertake third party services. The LMO may also contract a party to install, set up and maintain EGMs. The previously mentioned secrecy provisions and service level agreements to be imposed on the LMO, ensure a related party does not obtain any commercial advantage over other service providers.

The commission will be responsible for regulating the LMOs compliance with technical standards and conditions, regulating the LMOs internal controls and procedures, investigating customer-disputed EGM payouts and hearing written appeals relating to LMO functions, regulating contracts between the LMO and venue licence holders and taking disciplinary action when required.

These amendments will provide certainty for any potential LMO tenderers as to their rights and responsibilities under the new structure. It will ensure the establishment of a sound LMO model based on the most favourable aspects of those operating in other jurisdictions.

Some have expressed concern about the services and fee structure offered by the LMO. This is why the LMO is being subject to a competitive tender process. The Government will be progressing the tender as soon as reasonably possible to provide clarity about who will be delivering the core LMO service, other services that they are offering to venues and at what cost, hence the urgency in passing this enabling legislation. This will provide earlier certainty about the way forward and enough time for an orderly transition in the lead-up to the 1 July 2023 end to the monopoly and existing licensing arrangements.

Keno in hotels and clubs statewide will continue to be operated by Federal Group. However, the bill introduces a new Keno operator licence and removes the current gaming operator licence held by Network Gaming. The new Keno operator licence will be granted for 20 years with the ability to reapply for the licence up to five years and no less than two years prior to expiry. The operation of Keno in casinos will continue under the general casino licence.

The new Keno operator licence will be subject to terms and conditions required by the commission. The issue of any future Keno operator licence, that is licence renewal, will be subject to agreement by the minister. The amount of commission paid to venues will continue to be a commercial arrangement between the Keno operator and the venue. However, contracts

between them must be approved by the commission. The bill introduces financial provisions that include an annual Keno operator licence fee of \$500 000 and a statewide Keno tax rate of 20.31 per cent of monthly gross profits. The bill amends some of the existing Keno provisions to be less prescriptive and moves other more detailed provisions to regulations. These amendments will ensure a more appropriate tax rate is applied to Keno which will result in an increase in state revenue from statewide Keno operations.

There will be no major change to the way that general casino gaming operates. The bill allows Federal Group to be granted two general casino licences, one each for Wrest Point and the Country Club. The licences will apply for a period of 20 years with the ability to reapply for the licences before they expire. These licences will be subject to terms and conditions required by the commission. The bill details the procedure for the issue of any future casino licence on renewal by allowing approval by the minister. The bill allows fully-automated table games to operate in general casinos and makes provision for new technology and gaming types to be considered by the commission for operation in casinos. A separate tax rate is included for fully-automated table games.

The bill further allows for Federal Group to operate its own dedicated casino EGM monitoring system, a 3 per cent Community Support Levy on the gross profits of casino EGMs - noting that this is a new levy on casino EGMs - and a new EGM cap of 1180 on machines that can be operated at casinos.

The bill introduces the following financial arrangements for casino licences:

- a tax rate for Keno in a casino of 0.91 per cent of monthly gross profits.
- a tax rate for table gaming and for games approved under section 103 of the act of 0.91 per cent of monthly gross profits.
- a tax rate for fully-automated table games of 5.91 per cent of monthly gross profits.
- a tax rate for EGMs of 10.91 per cent of monthly gross profits.
- a CSL at a rate of 3 per cent of monthly gross profits from casino EGMs and;
- a casino licence fee of \$86 800 per month per casino.

New fees will apply to amend the conditions of a casino licence or change the boundaries of a casino premises. Currently there is no fee for either. Both changes require application to the commission and an assessment to be undertaken by Treasury staff to inform the commission's decision. It is therefore appropriate for fees to be charged. The differential rate for EGMs in casinos compared with pubs and clubs is reasonable and the EGM tax rates between casinos and other venues vary in all jurisdictions with EGMs in pubs and clubs. There is a range of factors which influence tax rates including compliance costs and the overall regulatory environment. Most importantly, the Government has benchmarked rates in other jurisdictions, particularly far north Queensland, but then imposed an additional Community Support Levy.

These casino-related amendments streamline a number of procedures, allow for future technology changes, such as allowing for server-based gaming equipment to be located off-

site, and ensure that appropriate fees and tax rates are applied to the general casino licence holder, comparable to similar casinos in Australia.

High-roller casinos: the bill allows for two new high-roller casino licences, with one venue to be located in the south of the state and one in the north. EGMs will not operate under these licences. Only non-residents of Tasmania will be allowed to gamble in a high-roller casino. Tasmanian residents may be present in a high-roller casino but they cannot participate in gaming. It will be an offence for a high-roller casino operator to allow a Tasmanian resident to participate in gaming.

The southern licence will be offered, in the first instance, to MONA in Hobart. The northern licence will be subject to an application and cost-benefit analysis, to ensure it is in the best interests of the community. In all cases, potential licence holders will be subject to the usual fit and proper person tests.

A high-roller casino licence will be granted for 20 years, with the ability to re-apply for a new licence up to five years and no less than two years prior to expiry. The bill requires the commission to assess and determine an application for a high-roller casino licence. The minister's approval is required for the grant of any new licence.

The bill introduces an annual high-roller casino licence fee of \$200 000. Given the high level of profit volatility, high-roller casinos require greater regulatory scrutiny. In addition, with high-roller casino operations being new to Tasmania, the work required to establish and maintain the appropriate functions necessary to regulate this type of casino operation will be significant. This licence fee will recover a proportion of the regulatory costs.

The bill provides for a sliding scale tax to be calculated on an annual basis, rather than monthly. This will allow for any losses incurred during one month to be offset against profits earned during another month within the 12-month period. It will result in a tax liability proportionate to the casino's overall profit and loss during the period. The sliding scale to be applied on annual gross profits will be 3 per cent up to \$15 million, then 5 per cent up to \$30 million, then 7 per cent above \$30 million.

The bill also allows for annual losses to be carried forward to one subsequent financial year. This offset approach, while different from the tax arrangements for other gaming products in Tasmania, caters for the month-to-month profit volatility that is likely to be associated with a small boutique high-roller casino operation. The ability to carry forward losses is critical to the viability of the high-roller casino model.

The bill introduces a requirement for a bank guarantee of not less than \$1 million or 1 per cent of the turnover, whichever is greater. A high-roller casino licence holder will be required to provide a guarantee from an authorised deposit-taking institution that may be used by the commission if the licence holder goes into receivership, or owes money to the Crown under the act. This type of requirement is currently in place for other Tasmanian gaming licence holders.

Existing regulatory requirements for general casinos will be applied to high-roller casinos, except for the requirements for minimum bets, which are expected to be significantly higher than for general casinos. These will be prescribed in regulations. The bill enables the commission to audit a high-roller casino at any time and to take action if the audit is not passed.

We have all observed issues experienced with high-roller casinos in other states. This has provided an ideal opportunity for our Government to learn from experiences in other jurisdictions and to ensure that the framework adopted in Tasmania minimises the risks while delivering benefits to our state. The operation of small boutique high-roller casinos in Tasmania would create local jobs and offer choices to visitors to the state who enjoy gambling in an environment with significantly higher minimum bets.

The amendments recognise, and take account of, the differences between a traditional casino and a high-roller casino, including the greater risks. They establish greater regulatory scrutiny for the high-roller environment.

General amendments: I now turn to the reforms that apply more generally to all, or a number of, the prescribed gaming licence holders. The bill amends the community support provisions to allow for greater flexibility and responsiveness in relation to the distribution of funds. The bill creates a new Community Support Fund, which will comprise receipts from the levy applied to venues and casinos, as well as additional contributions. The distribution percentages will be contained in regulations.

The act does not currently provide for the disbursement of jackpot prize pool monies. The bill introduces provisions that will allow the commission to approve the transfer of a jackpot balance on an EGM to other EGMs within the venue, or to approve alternative arrangements where such a transfer cannot be undertaken. This will ensure that the funds from any decommissioned jackpot will be returned to players in a timely and appropriate manner.

The bill amends the complaint provisions to allow a person to make a complaint in relation to the operation of gaming equipment. It includes requirements for operators to follow when investigating and responding to complaints. The commission will be able to investigate and determine the outcome of any complaint. The bill increases a number of existing fines within the act to further deter operators from breaching the requirements and to reflect the increased responsibilities of venue licence holders under the new market structure.

The act currently only allows infringement notices to be issued by police officers. The bill amends the act to enable infringement notices to be issued by authorised officers, that is compliance inspectors, for certain minor offences. This provision will enhance gaming compliance and enforcement in the state and will align Tasmania with practices in other jurisdictions, such as Victoria, New South Wales and Western Australia.

To ensure a gaming licence holder's continued suitability to hold a licence, the bill introduces provisions to allow the commission to investigate licence holders and their associates at any time. The bill also includes provisions for the immediate suspension of a licence where the licence holder fails to pay a fee, tax, levy or other amount payable under the act. The bill amends the application of the grounds for disciplinary action to include a person on the roll, where gaming equipment is manufactured or supplied and the equipment is unauthorised or non-compliant with standards.

The bill moves a number of the more prescriptive matters currently contained in the act to regulations. These matters include requirements for the installation, use, identification, maintenance, security, testing, service, repair and storage of gaming equipment, internal controls and accounting procedures for prescribed licence holders, operating hours for casinos, and the disposal and destruction of gaming equipment. The requirement to hold a special

employee's licence to work in the gaming industry remains. However, competency certificates for special employees will no longer be issued and the requirement for an operator to notify the commission whenever a special employee commences or ceases employment will be removed. Gaming operators will be responsible for ensuring that employees are competent in using gaming equipment before they are permitted to carry out duties.

These provisions relate only to the use of gaming equipment. Provisions requiring special employees to undertake Responsible Conduct of Gaming training will remain. The bill permits the licensed monitoring operator or Keno operator and a venue operator to conduct training in the operation of gaming equipment. The bill introduces provisions that require someone to be listed on the roll if they provide ancillary gaming services, enabling that person to enter into arrangements with prescribed licence holders to provide such services.

The bill amends the approval of certain contracts by the commission to capture contracts between the venue operator and the licensed monitoring operator, as well as any other contract prescribed as a relevant contract.

The bill allows conditions to be prescribed that apply to all, or a class of, relevant contracts. Where there is an inconsistency between a relevant contract clause and a prescribed condition, the latter will prevail. These amendments will commence on Royal Assent.

I have already spoken about our harm minimisation framework and the range of measures I have just described will make important positive contributions to our regulatory system to ensure that our gambling environment is even more robust and safe for participants and the broader community.

The bill also includes provisions that allow the commission to recover the costs associated with conducting an investigation; prohibit the sale or supply of gaming equipment to a person not authorised under the act; allow for unclaimed winnings to be payable on the 14th day of each month rather than the seventh day of the month, as is currently required; and allow the commission to waive all or part of any fee or amount payable under the act.

Transitional provisions: the bill introduces transitional arrangements that facilitate and provide clarity around hotel and club gaming operations during the lead-up to and implementation of the changeover. With the written approval of the commission, or once a new venue licence is approved, venues will be able to purchase and possess their own gaming equipment during the 12 months prior to 1 July 2023. A person listed on the roll will be able to sell or supply gaming equipment during this period with the written approval of the commission.

Existing hotel and club operators will be able to apply for a new venue licence at least 12 months prior to the changeover day. Where the commission grants a venue licence, the number of electronic gaming machine authorities it endorses is to be the same number that the licence holder was authorised to operate prior to the grant of the new licence, or a lesser number if requested in the application. As noted earlier, where a venue is leased, arrangements are in place to ensure the intentions of both the owner and lessee are considered before authority numbers are reduced.

The commission will be able to refuse an application to operate EGMs prior to 1 July 2023 where the number of gaming machines will exceed the cap of 2350 on the

changeover day. An existing gaming licence for a hotel or club will continue where it is due to expire during the 12 months prior to the changeover day and the licence-holder has made an application to the commission. An application for an existing licence that has not been determined by the changeover day will be taken to be an application for a new venue licence.

Where the number of EGM authorities endorsed on venue licences held by common operators exceeds 587, that is, approximately 25 per cent of the statewide cap, those venue operators must apply to decrease the number to 587 or less.

Any community support levy funds collected prior to the changeover day that have not been distributed are to be paid into the new community support fund on that day. The Licensed Monitoring Operator will be able to progressively connect EGMs at each venue to its monitoring system for up to 12 months after the changeover day.

The current gaming operator, Network Gaming, will be able to hold a transitional monitoring operator's licence for up to 12 months after the changeover day. This will ensure that hotel and club EGMs will continue to be monitored beyond the termination of the deed, if required.

The tax treatment of jackpot special prize pools for EGMs currently held by a casino and Network Gaming for hotels and clubs will be adjusted to account for the new arrangements. Any amounts held prior to the changeover day will be included in the gross profits for EGMs for the month immediately following changeover day.

Mr Speaker, everyone will appreciate that the changes required to implement the structural reforms to end the monopoly and contemporise the state's gambling environment are significant. The transitional amendments will ensure a smooth changeover to the new arrangements and that financial obligations to the various licence-holders are accounted for.

I now turn to the miscellaneous amendments: Federal Group's exclusivity to operate the simulated racing event known as Trackside as a casino game will be removed. This will enable simulated racing events, that is, virtual horse and greyhound races, to be operated by the totaliser operator Ubet Tas Proprietary Limited in hotels, clubs and totaliser outlets, not online.

To apply for a simulated racing event endorsement, the licence holder must hold, or concurrently apply for, a totaliser endorsement. The bill includes a taxation amount of 15 per cent of the monthly gross profits for that activity. The amendments will commence on Royal Assent.

The bill includes amendments to enhance business operations, strengthen compliance and enforcement provisions, correct oversights and improve administrative efficiency. These amendments represent ongoing efforts to ensure the state remains at the forefront in the regulation of gambling.

The bill amends the act to change the frequency of the independent Social and Economic Impact Study into Gambling in Tasmania from three years to five years. These independent studies are substantial in their findings and highly anticipated by stakeholders. While their value is clear, three years between studies is too frequent. More time is required to fully consider findings, implement any new initiatives and capture measurable changes before the next study commences. Considerable input is required from stakeholders through consultation,

survey participation and data collection, as well as tender and contract management. Extending the requirement to five years will lessen the burden for stakeholders.

Studies are funded from the CSL and the new time frame will result in savings of around \$1 million for each study which will be available for harm minimisation and other community uses. A joint select committee inquiry into future gaming markets and the commission supported this amendment. It will commence on Royal Assent.

The Gaming Control Amendment (Future Gaming Market) Bill provides the regulatory structure necessary to deliver a new way forward for gaming in Tasmania. It gives effect to the Government's future gaming market policy and objective to facilitate a sustainable gaming industry that offers freedom of choice and supports jobs. The regulatory framework and bill have been subject to two rounds of public consultation. The bill provides certainty to the industry about the future by ending Federal Group's monopoly on electronic gaming machine ownership in the state, giving hotel and club operators more control over the EGM component of their business and ensuring returns from gaming are shared more appropriately across the gaming industry, and with the government representing the community. The bill will also streamline processes and provide a more principles-based approach with flexibility to achieve the high-level regulatory objectives.

Mr Speaker, I commend this bill to the House.

Mr WINTER (Franklin) - Mr Speaker, I stand to outline Labor's position in regard to the Gaming Control Amendment (Future Gaming Market) Bill. I am new to this place but I have come to a portfolio that has a long history, not only in Tasmania over decades, but over the last four years as debate has gone on to get to this point where we finally have a bill tabled two days ago. We are now debating the 2018 Liberal Party election policy.

The pokies issue has been a dominant political issue over four years and this bill should have come a lot earlier than it has but here we are at the end of 2021 with the Government's time line severely under pressure to get the changes legislated then, if successful, transition to the new arrangements. The new arrangements are substantial, as the minister has outlined in his speech. This is a fundamental and major change to gaming in Tasmania from a single-operator model to one that will have multiple operators' individual licences.

Why has it taken so long to get to this point in time? The Government has said COVID-19. I still find it difficult to believe that COVID-19 has delayed us to this point and can only suspect that there are more political reasons for that to happen but as I said, this was a successful election policy for the Government and we need to understand that.

In any legislation we should ask, is this better than what we have now? Labor believes that it is time to end Federal's monopoly on gaming in Tasmania, and that is the substantial change within the bill today. The major change for gaming is the end to the monopoly model and a move to the single operator model. There will be amendments that we will be calling for today. We think they are important amendments that will enhance the Government's bill and enhance the 2018 Liberal Party election policy.

We are not calling for major changes to what was the 2018 election policy. We are calling for an update on the policy because gaming in Australia since that 2018 election has substantially changed. Not only has it substantially changed within EGMs but it has

substantially changed in the broader gambling market. Different jurisdictions are taking different approaches to harm minimisation in particular but to the way that this area is regulated.

Labor put its plan to the Tasmanian people at the 2018 election and we lost and we have to accept that. My approach here will attempt to be a pragmatic one. What can we practically achieve to make this bill better? Other members of this place, and the other place no doubt, will call for a whole range of things that they know the Government will never support. They are entitled to do that and that might be the way they approach things. That is not going to be my approach here and it will not be my approach more broadly.

We are going to put forward amendments that we think the Government can support and should support. On Tuesday, the Government announced only a couple hours after we had, almost the same policy with a couple of differences.

Ms O'Connor - Which is the THA's policy. Haven't you read the submission?

Mr SPEAKER - Order.

Mr WINTER - Thank you, Mr Speaker. It is true that we tried to find measures to enhance this bill, but as I said, we cannot change the facts. Labor stood for removing poker machines from pubs and clubs in 2018 and that was really well received by some but we lost that election. The poker machine policy was a huge contributing factor to the result in that election and again, we have accepted that.

Pokies barons, as some call them, did not change Labor's policy. Tasmanians did. Tasmanians chose the outcome of that election. It was a major issue at that election and we have accepted that.

At that election I was only a campaigner, a volunteer for Labor. I vividly remember going down to one of my usual spots to put poster signs up for Labor at that election. Talking to one of our usual supporters at Snug, expecting to get a 'yes' to putting a poster up as members in this place would know how those sorts of conversations work, and this person, who I would describe to be a very solid Labor voter, said 'no, not this time, I am not supporting Labor this time'. He asked me why he could not go to the Snug Tavern and put \$20 into a machine on a Thursday night with his wife like he always did? What was wrong with that?

It was conversations like that, not at the time but later, where I realised why the policy had to change and that was why I supported the policy changing when it did. We are not the first Tasmanian political party to change its policy after an election loss and we will not be the last either. That is the reality of politics. You put your ideas, your policies forward and the Tasmanian people speak.

While our policy has changed, our values have not. We want to reduce harm for problem gamblers. We wanted to reduce harm for problem gamblers in 2018, that is what our policy was about and we still want to do that today. That is what we will try to do. We will try to improve this bill, try to make it better and to meet more in line with the changing landscape of gaming in Australia that has happened over almost four years since the policy was announced.

Labor is the only political party which is genuinely engaged with all sides of the debate on this matter and we continue to do that. I personally come to the debate with an open mind.

A fresh set of eyes on this matter was advantageous, because whilst I had campaigned for Labor as I always do, I did not have a thorough policy understanding until over the last three or four months.

I have met with people from all sides of the argument: Meg Webb MLC, TasCOSS, Anglicare, Salvation Army, the THA, some of its members separately and the Federal Group, which has been operating the monopoly licence for the past few years. I thank operators from the north-west who met me in Burnie to talk about the industry from their point of view, their challenges and what they saw as opportunities to better support problem gamblers and that is almost exclusively what we talked about. They do not want people who have a problem with gambling in their venues. I have met no-one in my life who I believe would want that. They do not want people who cannot afford to be there, who are under financial stress. They do not want that in their venue. Of course, they do not.

I thank them and other operators for showing me around their hotels across Tasmania, for talking to me about the way that EGMs operate, the way that their staff interact with patrons, introducing me to patrons and having a chat, to get my head around this really complex way that the industry is regulated.

The main thing that I took away from those meetings was that the technology has arrived now where we can do much better when it comes to harm minimisation. The days of the folder full of faces are over, hopefully. If you are excluded from a venue you actually are excluded. If this technology works the way that the South Australian model works, and it actually works, that means that once you exclude yourself from an EGM venue you should not be able to get in and that will be it. That will be a major step forward for harm minimisation and particularly for those people who have been identified or who have identified themselves as having a problem.

It is not a reasonable expectation on staff that they are able to prohibit people who have self-excluded or have been excluded from going into venues when they are not armed with that technology. They are expected to remember faces and identify them. That is not a model that is going to work. It is certainly not going to work 100 per cent of the time. They do their best.

In answers to questions during Estimates the minister provided me with some numbers that were actually better than I thought in terms of the number of the people who have been identified in venues after they had excluded, but of course we can do better.

One of the other things I was interested in and quite pleased with when I came into this debate was that the level of data that we have about gaming is really good. The fifth Social and Economic Impact Study of Gambling in Tasmania 2021 is a hefty read but it gives you a really good understanding of what is going on within Tasmania. It benchmarks us against points in time previously where we can see what is trending within gaming across Tasmania. There are positives and negatives in the report. It talks about costs and benefits of gambling in Tasmania. It says that:

The most plausible range is positive. It is highly likely that gambling delivers a net benefit for the Tasmanian community.

That is overall and we know that for some individuals gambling is a huge problem for them and catastrophic for the family in their lives. We have to try to put together the best model that we can to protect them from harm as best we can.

It talks about the employment in the industry. The total gambling-related employment in 2020 was estimated to be 1218 full-time equivalent jobs. It talks about Tasmania in comparison with the Australian average per 1000 adults. It talks about us having a lower density of EGMs at 8.6 machines per 1000 adults; a lower prevalence in clubs but a higher density of EGMs in hotels at 5.4 versus 3.6 across Australia. It shows that we have more EGMs in hotels in Tasmania, also a higher proportion of EGMs in casinos in Tasmania than the rest of the Australia as well by quite a considerable margin.

There has been a steady decline in gambling participation rates in Tasmania over the past 10 to 15 years from a participation rate of almost three-quarters in 2008 or 72 per cent to 59 per cent in 2017 and then only 47 per cent, which compares very well against 72 per cent. That was in 2020, the last time they captured this data.

The level of gambling expenditure peaked in 2008 to 2009 and has fallen steadily in the five years to 2018-19. It talks about electronic gaming machines. It is a very good piece of data that assists with this debate and understanding what the climate is. It also talks about the percentage of problem gamblers and the percentage of people gambling: 47 per cent of Tasmanians gamble, out of the sample size of 5009 people, but the level of problem gambling was only 0.4 per cent. If you average that up it would be about 1 per cent of Tasmania's population that would be classed as a problem gambler.

The rate of gambling in Tasmania is down, and so is EGM use. There are additional licences, we understand, already available, even though the cap is being lowered in the bill. As we understand the industry at the moment, particularly through the requirements for adding new licences, it is very difficult to get a new licence. There is also not a huge demand to add to EGMs in Tasmania at the moment.

What I learnt from the research was that there is no silver bullet to harm minimisation. There is no single policy outside of stopping gambling completely, or regulating gambling so there is no gambling, that will stop some people who gamble from doing so in a way that is harmful to themselves. What we need to do as policy makers and regulators is to try to limit the amount of harm that is done to people. We have to focus on those Tasmanians who are at risk of having a problem with gambling. While we want to limit harmful use of poker machines, we understand that machines are part of local social life through local hotels - that is a fact. In hotels across Tasmania, and some of the ones that I visited as part of this, there is a community of people who enjoy the social aspects of being in a hotel, the camaraderie of being with other people, the chat and the machines themselves, not just EGMs, but also Keno, sports betting and racing that is part of the culture of Tasmania, right across Tasmania, and Australia of course.

It was no surprise when the photos and the vision of day one of the New South Wales reopening was people sitting in hotels enjoying a beer. I remember when we came out of lockdown last year the first thing I wanted to do was go to the local hotel, see friends and enjoy a beer with people. That is part of Australian culture and something that was brought into debate in 2018, and something that is important to a lot of people.

There was some talk about particular measures, \$1 bet limits, slower spin speeds, a silver bullet that will resolve all problem gambling in Tasmania. That is at least the way that when I hear it, but it is not.

Ms O'Connor - No one is claiming that.

Mr WINTER - I am glad no one is claiming that.

Ms O'Connor - No one is claiming it is a silver bullet.

Mr SPEAKER - Order.

Mr WINTER - Certainly that is the way it comes across to me that it is a silver bullet. I agree with Ms O'Connor: it is certainly not a silver bullet. Neither are the amendments that we are putting forward. They are not silver bullets. They are not going to result in no more problem gambling and people not having harm. It is about minimising harm. As long as there is gambling, there is going to be problem gambling. It is about choice.

The vast majority of users of EGMs are not problem gamblers. That is in the statistics, in the social and economic impact study. The percentage of problem gamblers in Tasmania was 0.4 per cent, which is the lowest since the survey began in 2007.

There are two major reasons why Labor has foreshadowed that it is supporting two particular harm minimisation measures as amendments. One is a policy going forward. The first one is that we think that the Government might actually support them. The announcement from the Government on Tuesday morning indicated that there might be some support for moving ahead with those harm minimisation measures. Card-based play is a really promising idea that is in place in some places, but about to be on trial in New South Wales, in particular, where, if you get it right, you can really assist people to set their own limits, to set the amount that they are prepared to lose, that is safe for them, that is affordable.

Again, this is the technology argument. But there are models of card-based play which will not work. Again, that is evident in the research. Some of the research I read - and I forget which one, I am sorry, as I have many of these papers - was talking about loyalty card programs. Let us not get this confused. A loyalty card program is not harm minimisation. Just because it is card-based does not mean that it is harm minimisation.

From the outside, the trial across multiple venues in New South Wales looks promising and, hopefully one day across all venues, is talking about using people's IDs so that if you set a limit of, say, \$100 for the day, you simply cannot go back and get more money out and go somewhere else. You are locked in. You are unable to gamble more because you have set your limit. That is a really promising aspect of harm minimisation that will assist.

We also would like to see registered gaming officers within the mix of harm minimisation. This was a suggestion from casino workers from the United Workers Union who spoke to us. I think most members of our caucus listened to their presentation about what it is like to be working on the floor at a casino; what is it like to see someone you think could be a problem gambler, someone you think you recognise from the folder of faces; and how does it practically work on the floor when you are trying to prevent people from doing harm to themselves? Their suggestion was to have registered gaming officers and they think they are

a part of the solution. The workers would like to be a part of the solution and they would like a more proactive approach so that it is less reactive.

The solution on facial recognition is fantastic, and if the technology works, as we hope it does, then 100 per cent successful, but only for people who have identified or been identified as having a problem. There is still a big cohort we need to ensure we are looking after. Registered gaming officers is a suggestion from them that would provide some more proactive assessment of people, more proactive conversations with people to ensure that they are not there doing themselves harm, and having a conversation about whether they should be there and whether it is safe for them to be there.

Mr Speaker, I noted that less than two hours after Labor announced our policy on Tuesday, the Liberals announced it would review the two harm minimisation measures that I had mentioned on the radio. I note the accusations of collusion but I will stand here and say to the House that I did not know the Liberals were going to make that announcement. I was as surprised as anyone else when the minister stood up and made the announcement that he did. It was not collusion but it was copying of sorts, but it is hollow unless it is in the legislation.

We cannot believe this Government will go ahead with these measures because we have seen a draft ministerial direction. We have seen the promises on education and health over the past few years, the promises of doing, particularly, NAPLAN testing and the terrible performance when we saw the results. What we need to see is this legislated so that we will know that it will happen because the Government will be forced to do it. We do not want them to be able to meander along with this policy, take as long as they like and then implement something that is not best practice: as I said, a card-based plan, for example.

It is not good enough to set up loyalty programs. The best practice so far appears to be linked with IDs to ensure that it is not counter-productive because loyalty programs on cards can be counter-productive as venues can continue to contact people and, in fact, encourage them to come back rather than a better outcome, which of course would be people who have a problem not coming back.

Why is the Government now saying it will look at facial recognition technology and card-based play? Because Labor foreshadowed it. We foreshadowed that we want to see this in the legislation. Labor cannot simply take the Government at its word, so we need to see the amendment in the legislation to ensure that it actually goes ahead.

On the same topic, during Estimates we raised the fact that there was no new harm minimisation proposed. We asked the minister whether he was considering any of those harm minimisation measures that have been put in place by Liberal governments in South Australia and New South Wales. I asked minister Ferguson, 'are you considering any of those?', and he said, 'I am not presently, no'. Now it appears he is. I welcome that he is now proposing it, but we need to see that it is real and that it is going to happen.

Since the 2018 election, there has been progress made in these areas. Part of it has to do with technology, particularly with facial recognition, but it is also about jurisdictions with governments that believe they can do better with harm minimisation and the improvements from facial recognition. It is still fairly early in that. The announcement I saw from the minister in South Australia showed a huge number of recognitions. I suspect there will be more to come in relation to the success of that, and also in New South Wales with one of the clubs there

trialling card-based play with no cash available, again showing great promise. It shows that both of those governments are looking seriously at it. One has already got this in place and the other is trialling it. The minister may be able to provide this information, whether any ministerial direction has been finalised, or whether it is still in draft and there could potentially be changes to come to it.

Gaming across Australia has changed and it is changing. No longer are EGMs such a large part of gaming across Australia and across Tasmania. I call myself a gambler as well. I must admit I have not been on an EGM in a long time, probably over a decade, but as the shadow racing minister, I am an avid fan of racing and enjoy that. More people are able to access gambling on their phones, online casinos. These are other options available for people who enjoy gambling. The gambling landscape has become much bigger than EGMs, Keno and the other aspects of gaming that are within this legislation.

I will briefly touch on the Community Support Levy (CSL). It is good that more is going into the CSL, the support levy. Four per cent of the gross profit derived from gaming machines in hotels and clubs is currently paid into the Community Support Levy and the minister is required to distribute it currently in the following manner:

- 25 per cent for the benefit of sport and recreation clubs.
- 25 per cent for the benefit of charitable organisations.
- 50 per cent for the provision of research into gambling services for the prevention of compulsive gambling; treatment for the rehabilitation of compulsive gamblers; Healthy education concerning gambling; and other health services.

When I talked to those stakeholders, everyone seemed to agree that we could do a bit better with the CSL, particularly with more money flowing into it, more focus on people who are compulsive gamblers, people with problems, people with addictions and perhaps less - in a lot of cases from the feedback in the submissions - outside of that core function that the CSL was designed for.

This is going to be a rush. We are going to sit late tonight to ensure that we deal with this and, as the minister has outlined, he says it is urgent or it is important. I do not want to put words in his mouth. I think they were his words. It is extraordinary that we are in this position given that the policy was announced almost four years ago, the election was three-and-a-half years ago and we are finally here, in October 2021, to debate the bill that has major changes. Practically, moving from a single licence to the new model will be a huge challenge in a whole host of ways.

As we have seen, the bill is complex. In the minister's response, I will be keen to hear the time lines that the Government is setting itself for the transition to get to the 1 July 2023 changeover. Having worked in IT, these are very large projects that do have potential for slippage and I do not think the Government has left itself a lot of time by waiting to this point to finally bring on the bill.

The other aspect I wanted to talk about in my time is the tax rate issue. I will say two things about Meg Webb. The first is that when I got this shadow portfolio, I asked Ms Webb for some advice on who I should talk to in terms of my consultation. She said, 'Dean, I want to talk to you.' She gave me a 90-minute phone call late at night to give me all her views. She

sent me a whole pile of information which I read to help inform me so I do appreciate it. I think she has already publicly said she is disappointed with the outcome that we have got to, but I want to acknowledge that she has been extremely helpful to me in getting my head around an issue that she has been involved in and advocating for, for a long time.

The other thing that I want to say about Ms Webb is that she has, through her RTI process, found what could only be described as a concerning series of correspondence between the Premier and Treasurer, Peter Gutwein, on 15 January 2021 and also from the Federal Group on 23 December 2020. Words and sentences like this do concern me. I acknowledge this is from the Premier:

I acknowledge Federal Group's acceptance and confirmation of the financial arrangements.

He acknowledges that the Federal Group has accepted it. I have never heard a relationship described like that where he has actually asked the operator whether they are okay with the tax rate and they have accepted it. It would be fantastic if the minister could provide some more clarity around this issue. I know that Ms Webb has been pursuing this through media releases. I am holding one here from 18 August. She has been pursuing this, as she does, because she is passionate about the issue, but making the points that the RTI documents show that the Premier cut the new deal with the Federal Group casino months before the 2020-21 election. I remember Leon Compton on the radio asking what the tax rate was going to be and it turns out they knew what the tax rate was going to be; they just did not want to say what it was.

As I said, that piece of correspondence is extraordinary. The language is such that it is almost like the Federal Group was in charge of setting the tax rate. Perhaps I am misreading it, but as I said, the minister might be able to enlighten us about how these matters were set.

Ms O'Connor - Well, it is the same tax rate that they asked for at the select inquiry.

Mr WINTER - Perhaps he could say when it went through Cabinet. Did it go through Cabinet before or after these letters were sent? What date did it go through Cabinet? I am sure Ms O'Connor will disagree with me because I have already heard her interject but when it comes down to it, the information that we have been provided and my reading of some of the work that I saw from one of the submissions is that overall the Federal Group is worse off by this and the submission from them was telling.

The other issue that the minister could correct or clarify in his response is about his advice in terms of the notice. The Federal Group submission was that it had not been provided with correct notice, and that is on the public record now on the Treasury website.

Is the Government confident in its position in terms of the notice being correctly provided? Can it table any advice with regard to that? That is a serious issue yet the line I heard from the Government was that the Federal Group has always known because you announced it but, of course, just announcing it does not mean that it actually meets the legal requirements for dealing with a deed. The letters do and whilst we have not seen those I think it would be a good idea for them to be seen.

As I said, the Federal Group is worse off. Hotels are substantially better off but taxpayers under the modelling we have seen are better off as well. The issue of the tax rates and the way

that they were set is a murky one for the Government to respond to and I am sure this will not be the last we will hear of the issue of the tax rate. However, it would be extraordinary for an Opposition to try to amend tax rates in this place. As I said, on the basis that taxpayers are better off, I support those.

To wrap up, Labor will be moving amendments and the last one I want to talk about is the return to player rate. Obviously, we can talk about it more later. Again, in discussions with operators and people across the industry, it became evident that the return to player rate legislated could be higher than 85 and that is why we are putting forward an amendment to increase that from 85 to 90.

Ms O'Connor - So you cannot fix the tax rate but you can fix that number?

Mr WINTER - It is not a tax rate so that is why.

Ms O'Connor - I know but -

Mr SPEAKER - Order, Ms O'Connor. You will have your opportunity later.

Mr WINTER - Again, that provides a better chance for people who use the machines. I am sure most people understand but for those who do not understand what it means is for every dollar you put into a machine on average you should get 85 cents back on average and it would increase to 90 cents. This was one of those aspects that advocates for harm minimisation talked about, increasing the return to player rate -

Ms O'Connor - Did they? Which ones? I do not know about that.

Mr WINTER - I would have to look at the submissions. There are quite a few of them though.

Ms O'Connor - It incentivises play.

Mr SPEAKER - Order, Ms O'Connor.

Mr WINTER - Mr Speaker, with that I will wrap up and I look forward to hearing what Ms O'Connor has to say.

[4.28 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - What Mr Winter did not explicitly say just then explicitly so I will say it for him and for the House is that Labor has capitulated and will be supporting this legislation. I am saying on behalf of the Greens upfront that we will not be supporting this bill.

Mr Winter, you cannot allow the minister to use your belief that this is an urgent bill to guillotine the debate. This is not an urgent bill. There were three pieces of legislation on the blue before this one today. If it was urgent it would have been our only matter of business today.

Mr Speaker, it is National Mental Health Week. As we have heard from a number of members of both the Liberal and Labor parties who have rightly expressed their support for the

aims of Mental Health Week to raise awareness about mental ill health in our community the cruel irony of debating the Gaming Control Amendment (Future Gaming Market) Bill 2021 during Mental Health Week is not lost on the Greens.

As we know, the proliferation of poker machines in areas of socio-economic disadvantage across the state has had a profoundly harmful impact on the mental health of individuals with enormous flow-on harm to families and children of those addicted to the bells and whistles, the ka-ching of the poker machine which here in Tasmania and Australia are the most addictive machines of their kind in the world.

It takes a special sort of cognitive dissonance to speak out of one side of your mouth as an elected representative about Mental Health Week while at the same time you are ready to vote for a bill which will consign generations of Tasmanians to misery and poverty and in some cases, as we know, suicide, born of crushing despair.

In the modern Liberal and Labor parties we are dealing with two sick old parties who long ago forgot what real principle looks like. On this issue, as with many others, they are indistinguishable. Political self-interest is their primary driving philosophy. This bill is the toxic by-product of institutional corruption, the form of corruption that is legal but it is not ethical and it is the form of corruption that is poisoning this island's soul.

It goes beyond bribery. It is a form of corruption that occurs when institutions, in this case the two parties of government in Tasmania, develop improper and corrupting dependencies, in this case with the Federal Group and the broader gambling industry, that results in corrupted decision-making and a loss of public trust.

Institutional corruption is what we have here with this bill. It has effectively been written by the gambling industry, the same industry which bankrolled the Liberals win in 2018 and which brought Labor to heel shortly after the 2018 state election. It is the same industry which secured a secret agreement with Labor to cooperate on gambling policy, the same industry which has sucked the life out of this island and corrupted democracy here for decades.

Who can forget the sight of Steve Old chortling with glee for the cameras during the last state election campaign about how he had stitched up the Labor Party to do exactly what the industry tells it to do. What a sight it was, Mr Speaker. As we know the Liberals too, take their orders on this issue from the gambling industry. Paul Lennon and Steve Old might as well have written this legislation.

The provisions of this bill mirror almost exactly the proposal put by former Labor premier, Paul Lennon, on behalf of the Federal Group and the Tasmanian Hospitality Association's CEO Steve Old, to the joint select committee inquiry into the future gaming policy at the eleventh hour of the committee's deliberations in 2017. It contains the individual licensing model and the casino tax deal put forward by Lennon and Old.

It gifts an estimated \$150 million windfall gain to the pokies barons and a wholly unjustifiable and unargued sweet casino pokies tax deal for the Federal Group. At the select committee, they argued for a cut from 25 cents in the dollar to 10 cents in the dollar. Three and a half years and two elections later, they got 10.91 cents in the dollar. Again, the Premier and Treasurer has never explained to Tasmanians why he walked away from the original policy to determine a tax rate based on a review of the broader Australian market as promised and

instead looked to casinos in the Northern Territory and far north Queensland to come up with pretty much exactly what the Federal Group was prepared to pay.

Instead of moving to increase casino pokies tax and the return to Tasmanians under the new arrangements the Liberals have now decided to reduce them. That tells us that Greg Farrell, Paul Lennon and Steve Old know where the bodies are buried. They know exactly how much the Liberals took from the gambling industry in 2017-18 and it is clear, to me at least, they will tell if they have to, to get their way. All through the election campaign they kept this secret from voters.

Repeated questions from the Greens and journalists and not one honest answer on the subject of casino pokie tax rates until July this year, when the sweet deal was finally revealed. The cynicism and contempt for the Tasmanian people is breathtaking.

This lethal bill contains no added harm minimisation measures but it does guarantee greater harm by introducing a new form of gambling, in simulated racing, which was never taken to the people but which is exactly what the industry wanted. It introduces fully automated table games against the advice of the Tasmanian Council of Social Service, who expressed concern about the negative harm minimisation impacts of removing staff from gaming rooms.

This measure for fully automated table games also further exposes the lie perpetrated by the industry and the Liberals in 2018 that removing pokies from pubs and clubs would hurt jobs. At the time they made the fanciful claim that 5100 jobs would be affected. The Premier and his Treasurer said this repeatedly. This was a lie confirmed by the ABC-RMIT fact check, a complete lie. This deal was never about jobs. It was always about power and money.

Tasmanian workers and the Tasmanian people are simply not a consideration in this legislation. They have been utterly betrayed by the two sick old parties who will vote this bill through.

This legislation does not reflect in any way the Liberals' original policy to end the deed with a market-based mechanism and open tender, a policy reversed shortly before the 2018 state election, which has never been explained by the Premier and Treasurer, or his Minister for Finance.

As we know, former gaming commissioner Peter Hoult warned about the harm that would be caused through the individual licensing model. It is that much harder to regulate multiple venues than it is one monopoly operator. Of course, the Greens want the monopoly ended but we also want poker machines out of pubs and clubs because we know that will save lives.

We have heard from both Mr Gutwein and Mr Ferguson this week the laughable claim that they are smashing the monopoly deed. It was coming to its legislated end. Yes, they are smashing it - with the gold and diamond-encrusted hammer gifted to them by the Federal Group in 2018. We are told the Farrell family will be worse off as a result of this legislation. That is hard to swallow. Their obscene gifted monopoly may be ending but they will claw back the money, I am sure. They are getting a massive unjustifiable tax break on their two tacky casinos and they will benefit from securing the pokies licences on 12 of the biggest pokies clubs in Tasmania, like the Elwick, which they own.

Economist John Lawrence estimates the Federal Group will get 26 per cent of total venue profit under this new system. The Farrell family will not suffer; Tasmanians afflicted by gambling will. If the Farrells do take a hit, it will not be by much, if anything. I guess they can wear the pain, given the last *Business Review Weekly* rich list, which estimated the Sydney-based Farrell family's wealth at \$745 million last year. That is money which over generations now has been extracted out of the pockets of some of our poorest people. It is money that has taken lives and destroyed hope. It is blood money, pure and simple. Every member who votes for this bill will have blood on their hands. This will be a stain on their individual and collective souls for ever.

To understand how institutionally corrupt this legislation is, we need to go back in time, to a time before most of us were born, with the possible exception of you, Mr Speaker. In 1968 the Reece Labor government stitched up Australia's first casino licence at Wrest Point for the Farrell family. It began with Labor and legislation that Reece did not even take to caucus. Then, in 1972, the policy question over a second casino licence in Launceston led to the fall of the Liberal Bethune government, the re-election of Eric Reece and the granting of a second casino licence to the Federal Group in Launceston.

In 1983 the cash-strapped Groom Liberal government delivered pokies into pubs and clubs, deliberately located in areas of socio and economic disadvantage across Tasmania. That Liberal government did this without consultation, without tender or procurement processes, and against the advice of the Treasury of the day. The Tasmanian public purse, of course, was the loser, as they are to this day. Labor at the time barely raised a squeak as the Federal monopoly became law.

In 2003, not long after the 2002 election, the Bacon Labor government also shafted the Tasmanian people for the benefit of the Farrell family. In secret negotiations, they agreed to extend the Federal monopoly for a further 15 years, to 2018, with a special five-year rolling contract extension.

In 2009, in evidence released to a parliamentary committee, it was confirmed that Treasury had recommended to the newly elected Bacon Labor government that it conduct an open tender process for the next iteration of the deed. That advice was ignored and the Farrells got this licence to print money for free.

I want to go now to this magnificent book, *Losing Streak: How Tasmania was Gamed by the Gambling Industry*, by James Boyce. You want to talk about how swiftly these secret deals happen? Mr Boyce writes - and this is over the Bacon government secretly, after the 2002 election, in which it did not mention poker machines, Mr Boyce writes:

Negotiations were fast and simple because Don Challen was operating under what he termed clear 'riding instructions' from the government. No consultations occurred; no external advice, research or modelling were sought on the value of the licence, the sustainable number of poker machines, the most efficient licence model, the return for hotels, the effectiveness of self-regulation, the growth in problem-gambling or any other matter; secrecy was paramount.

The swift covert process sidestepped public opposition. A poll commissioned by Anglicare in August 2003 found that 81 per cent of Tasmanians thought that the number of

poker machines should be reduced, with only 1 per cent in favour of an increase. The poll also found that 84 per cent did not think the community had benefited from having poker machines in hotels and clubs and, despite what Mr Winter said about the Government effectively having a mandate on this policy, polling consistently comes back at around 75 to 80 per cent public opposition to poker machines in pubs and clubs.

That brings me to Mr Gutwein, who was Treasurer when this original policy was decided, who was Treasurer when there was a policy reversal after the Federal Group and the Tasmanian Hospitality Association made a representation to the parliamentary inquiry. At the time of the 2003 secret deal with the Federal Group, newly elected Liberal MP Peter Gutwein, expressed his shock. He said:

The circumstances that we find ourselves in at the moment are just incredible. I'm a new parliamentarian and I thought politics was about democracy but it's not about democracy, it's 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 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 just think it is absolutely scandalous.

It is scandalous. Mr Gutwein was obviously self-talking then because he must have realised, in his mind, that governing is about stealth and secrecy because that has been a hallmark of this Government. What about Peter Gutwein now? I will just go to James's book -

Mr Ferguson - He got to smash the monopoly you just described.

Ms O'CONNOR - Smashed the monopoly which was coming to its legislated end with a golden diamond-encrusted hammer, gifted to you by the Federal Group in 2018.

James Boyce writes in his book:

The state's treasurer, Peter Gutwein, has claimed that the most recent government-commissioned study 'found that the rate of problem gambling in Tasmania has fallen by over 25 per cent'. He suggested that this evidence should 'temper emotions flaring in the debate about poker machines'. But the report he cited specifically warns against using its figures to claim that problem-gambling has decreased. What the *researchers* concluded was, 'The proportion of Tasmanian adults experiencing the most acute problems associated with gambling is *unchanged*.'

James Boyce writes:

Research commissioned by the Tasmanian government found that the majority of people in a pokies lounge at any time are likely to be clinically defined problem gamblers, and that people experiencing negative impacts from their gambling account for about half of poker machine expenditure. In

other words, pokie addicts are not just customers of Tasmania's gambling industry; they are its core business.

As reward for its tangible financial support for the Liberals to secure a win in 2018, the Tasmanian Hospitality Association - and this is now part of history - got a \$6.8 million grant in the 2018 State Budget. That was a plus or minus that was likely donated by the industry to the Liberal Party. Now, it is dictating terms on harm minimisation and it has its hand out for the Community Support Levy. It says:

We would like to work with the government to see the CSL better spent to help minimise harm from problem gambling. We believe that funding could be provided to look at a better way of producing photos for venues of excluded persons.

This is the THA submission, so that would be facial recognition technology.

We also believe that organisations that are funded to help problem gamblers need to do more and work closer with venues to assist those that need help.

Then they go on to say:

The THA believes that commissions, fees and charges should be agreed between THA and the Keno operator, seeing as the THA is the peak industry body, this will ensure venues receive adequate funding going forward.

They also argued for perpetual licences, but of course they did not get that, they got the 20-year rolling licences instead.

The THA has made it clear to the Liberal and Labor Parties they can only move for harm minimisation the industry supports, and two harm minimisation measures that the industry supports are facial recognition technology and pre-commitment cards - the two harm minimisation measures that both Mr Winter and Mr Ferguson have talked about in parliament this week. It is all here in the Tasmanian Hospitality Association's agreement with the Tasmanian Labor Party, after Labor lurched away from its principled position to get pokies out of pubs and clubs in 2018.

The THA commits the Labor Party to and Labor signed it - Ms White and Mr O'Byrne signed this agreement - and it was only revealed during the state election campaign, not by the Labor Party. This agreement says that the two parties, the THA and Labor:

- Supports a 'Owner/Operator' EGM gaming model for Hotels and Clubs in Tasmania,
- Supports the rights of pubs and clubs to operate gaming machines along with other gambling products, such as Keno, sport and racing betting as well as other forms of legal gaming products.
- [and they agree] to work together on the development of potential, viable harm minimisation measures for gaming products while also agreeing that any measures need to be workable for industry.

No doubt in my mind, a similar commitment was also sought and secured from the Liberals. After all, the THA and the industry are looking for a return on their 2018 investment.

Two parties, two identical so-called harm minimisation policies, which entirely coincidentally, I am sure, are the same two policies the industry has made clear it is prepared to support. No one dollar bet limits which used to be the Liberal Party's policy and is strongly supported by evidence, the community sector, and religious organisations. No slower spin speeds, again which is strongly supported by the community sector and religious organisations. I hope Mr Ferguson has read the submissions from the Tailrace Community Church, the Alliance for Gambling Reform -

Mr Ferguson - You have been attacking them.

Ms O'CONNOR - I have not attacked them. I have attacked you.

Mr Ferguson - You attacked them.

Ms O'CONNOR - I have attacked you, Mr Ferguson.

Mr Ferguson - In public.

Ms O'CONNOR - No, no, no.

Mr SPEAKER - Order.

Mr Ferguson - You attacked them.

Ms O'CONNOR - No. You are telling fibs again. I know it is hard for you just to stick to the truth.

The Uniting Church in Australia has spoken in favour of one dollar bet limits and slower spin speeds. The Alliance for Gambling Reform, the Salvation Army, Anglicare, the Religious Society of Friends - the Quakers in Tasmania - and on it goes.

One of the observations that is made in a very pithy submission from the Tailrace Community Church is that our governments are as addicted to gambling income as the pensioner feeding a machine in some lonely suburban club, all the while being plied with free drinks and discounted food. It makes the observation that young people are groomed from a very young age to gamble, that statistics show that if someone has a serious gambling issue they are 15 times more likely to suicide than someone who does not gamble. In this Mental Health Week I note the statement from the Tailrace Community Church that we are seeing gambling contribute to the deterioration of youth mental health.

If Labor would do the right thing just once, we would have pokies out of pubs and clubs. Lives would be saved. We could have one dollar bet limits and slower spin speeds but, of course, Labor will not support that because the Tasmanian Hospitality Association and the Federal Group do not support that. We could have a fairer tax regime and more money going into health, education and housing. We could have an even higher Community Support Levy with more money going into harm minimisation.

I am going to ask the question that many Tasmanians are asking - what happened to the Labor Party? I have here a wad of statements from Labor on their original principled position on poker machines.

Mr Winter - We lost the election.

Ms O'CONNOR - Interestingly, Mr Winter says they lost the election. Labor has lost elections and still notionally defends, for example, workers' rights, so they have not walked away from workers' rights because they lost an election but they are walking away from a policy which they know has popular support. Spare me. Ms O'Byrne in January 2018 said:

Instead of engaging its own department, the Hodgman government outsourced the entire development of its policy to the gambling industry.

Ms Ella Haddad said in a letter to the *Sunday Tasmanian*:

I have worked in the field of addiction. I have seen firsthand the damage addictions of all kinds can do to families, individuals, and communities.

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 but ignore it today she will.

From Rebecca White, December 2017:

Treasurer Peter Gutwein and Premier Will Hodgman continue to show heartless disregard for the real damage poker machines have afflicted on Tasmanian communities.

Labor leader, Rebecca White, said:

Despite clear evidence that poker machines in pubs and clubs are responsible for widespread social and economic damage, the Liberal government was still trying to deceive Tasmanians with their reduction in machine numbers which will reduce the cap by only 150.

Ms White said the Premier was:

Wilfully standing in the way of allowing Tasmanian communities to become healthier and address one of the serious causes of poverty.

Mr Speaker, that was true then; that is true today. The only thing that has changed is Labor Party principle. Why has it changed? Because the Federal Group and the THA got to them. Ms White said in December 2017:

Research shows more than 80 per cent of Tasmanians want poker machines out of pubs and clubs - I have listened, Labor has listened, and we are ready to do the right thing'.

They were ready to do the right thing for about five minutes.

With the exception of the Greens and the independent member for Clark, Ms Johnston, every single member of this place has allowed their precious vote to be bought and paid for by the gambling industry and the Farrell family, which has been running the show down here as long as I have been alive.

Understand, colleagues, what consequence your vote for this legislation will have. This is the eternity bill. No more a monopoly deed that ends within a certain time frame, this legislation contains 20 year perpetually rolling licences. This vote on this legislation by the Liberal and Labor parties will lead to generations of pain, suffering, deprivation, family breakdown, child neglect, addiction, homelessness and suicide. That is what your bought and paid for vote will deliver.

I have a few questions for the minister on the second reading. How does the minister explain the lack of difference between what Paul Lennon and Steve Old put to the parliamentary select committee in 2017 and the policy in this bill we are debating today? What, if any, social and economic modelling has been undertaken on the policy underpinning this legislation? Similarly, why were not fully automated table games and simulated racing games in the policy you put to the Tasmanian people? Has any modelling been undertaken on these new forms and ways of losing money? Why was the policy for a market-based mechanism and open-tender process abandoned? Does the minister agree with advice provided by the Tasmanian Liquor and Gaming Commission and former commissioner, Peter Hoult, that the individual licensing model in this bill will lead to greater potential for corruption, money laundering and harm to gambling addicts?

Why was the advice provided by commissioned consultants to the 2017 select inquiry, Synergy Consulting, against changing the tax arrangements ignored? Given how much it reflects the rate the Federal Group was after, how was the casino pokies tax rate arrived at? What is the rationale for charging casinos and pubs and clubs different tax rates? Why are the only two harm minimisation measures being proposed by Government the same two put forward by the THA and supported by Labor? How was the licence period of 20 years arrived at, particularly given the advice from the Treasury and the Tasmanian Liquor and Gaming Commission on the appropriateness of five or seven-year licences?

How was the annual licence fee for EGMs in venues arrived at? On the CSL, why is not the distribution prescribed in this bill? Will the minister be acceding to the THA's proposal that CSL money be given back to the industry? Can the minister rule out CSL funds being granted to venues in line with the THA's proposal? Why has the minister given himself the sole authority to select the original network licensing operator? Given the millions the industry has poured into the party of government, isn't that highly improper? We think so.

[4.58 p.m.]

Ms JOHNSTON (Clark) - Mr Deputy Speaker, it is with a heavy heart that I speak on this bill, also a sickening feeling in my gut about the sycophantics on display from both the Government and the Opposition today as to who can do the most bidding on behalf of the THA and the Federal Group.

I want to take some time to talk about the human impact of this bill before I turn my attention to the mechanics of it. I have been interested in the impact of poker machines for many years. It comes as no surprise to members of this House, I am sure, to hear that I believe

firmly that poker machines do not belong in pubs and clubs in our community. Poker machines are a social and economic drain on Tasmania and should be completely removed.

I want to talk about the human stories. This is what the bill would do and impact on. I want to talk about those people who used to come and see my mum when she was working at the Hobart Benevolent Society many years ago when poker machines were first introduced into our community. The stories when she was working for this emergency relief agency: they would come in and talk about not having enough money to pay for rent, to pay for food to go on the table, about the shame that they felt. I would like to think about and talk about the people who used to come to my house when my father was a Baptist minister in Moonah who would come seeking refuge in the church because they were homeless because of poker machine addictions.

I have seen many friends impacted by poker machine addiction; some who have been addicted themselves, others who have had family members addicted.

When I used to work in the prison legal service I would often see inmates who were in there because of their poker machine addiction, who had turned to a life of crime to try to pay for their addiction and to cover up the impact of their addiction.

As Mayor of Glenorchy many people used to come up and disclose personal stories to me. I have heard about grandparents who now have their grandchildren living with them because their children have gambled away the family home, who have to spend every part of their pension trying to pay back the debts of their children, who have also been abused by their children and had money stolen from them because their family members have gambling debts.

I have shared tears with people as they tell me about the tragic suicides of their partners and children because of poker machines.

I am getting emotional, Mr Deputy Speaker, because these are real human stories. This is the impact of what poker machines do in our community.

I have listened to businesses tell me about the impact of employee theft and we have recently seen in the media stories about Robbo's Meat, an absolute gem of the northern suburbs who has been seriously impacted by poker addiction in the business.

How do these machines work? What makes them so addictive? The simple fact is that they are deliberately designed to be highly addictive. Aristocrat Leisure founder, Len Ainsworth, when asked what the secret of a company's success was said, 'Oh, I think building a better mouse trap', and that really does say it all. They have built a mouse trap and we are allowing people to be trapped.

On *Ka-Ching! Pokie Nation* it talks about the designers of these machines and some of the riding instructions that companies give these designers and where the real stop is at the hands of the designers with one designer who asked the client, 'Do you want to shear the sheep or slaughter it?' and they then go on to say that define 'slaughtering the sheep' as an 85 per cent player return rate. That is exactly what we have here in Tasmania already, 85 per cent. We allow poker machines to 'slaughter the sheep'.

Of course, there is plenty of science behind how these poker machines become addictive. They are deliberately designed to stimulate chemicals in the brain, the pleasure centres in our brain. The lights, the sounds, the fact that you always hear those sounds in the major key never in the minor key, the fact that you hear little runs at the end of a particular spin, the lights that stimulate the brain, keep you engaged, the graphics, the eyes that try to draw you to a particular machine.

When you talk to people who have been addicted or who are addicted to poker machines it is not uncommon for them to say that they feel a relief and escape when they play pokie machines, that they feel the hypnotic effect of poker machines. As I described earlier this morning, this is the reason why poker machine addiction, gambling addiction, has been identified as behavioural addiction akin to substance abuse, akin to being addicted to cocaine, to tobacco, to alcohol. It is a medical issue.

Many people in the community have been calling out these stories for a very long time and particularly journalists have as well. Steve Cannane from the ABC has been working on a story for a number of months and I have been working very closely with him. I have put him in touch with local people in our community so they could share their story. It is very difficult for journalists to cover this issue because the shame felt by people who are addicted means that they often do not speak out. But Steve did talk to two brave individuals who felt a compulsion to share their story with the community so that we can learn, so that hopefully people like us in this parliament can do better. I want to read what Steve Cannane had printed just recently. He says:

Kelly Johnson, not her real name, knew she had reached rock bottom with her poker machine addiction when she didn't have the money to feed her four children. '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's not something I'm proud of.'

The Tasmanian estimates she lost over \$100 000 on the pokies and says she played the machines as a way of coping with bipolar. 'I'm not a gambler of any other sort. There's something in the lights and the music of the machines that works with the wiring of the brain,' she says. 'It's almost like they put you into a trance. It's really hard to describe the impact it has on your mind. When things are really tough for me, the only thing that shuts my mind down and gets me away from my head. They can put a spell on you.'

Robert Kreshl Senior, who is here with us today, knows exactly what Johnson is talking about:

He lost his home, his wife and his kids through his addiction. Now a volunteer with St Vincent de Paul, where he helps feed the homeless, Kreshl says he used poker machines to block out the pain from a debilitating knee injury. 'It numbs your conscious. Once I was in front of a machine, nothing else mattered. Whatever is troubling you disappears.'

Steve goes on later in his article to talk about the impacts, and the reality is that people like Kreshl and Johnson, who have experienced gambling addiction, are rarely listened to when it comes to poker machine policy. In Tasmania there is a decade-long history of deals done

behind closed doors between businesses, lobbyists and successive Labor and Liberal governments and it is normally the gambling industry that wins big.

Steve also talks about Captain Jeff Milkins from the Salvation Army - and I note that we have a representative from the Salvation Army here in the Chamber today. Jeff is an absolute trouper in Glenorchy, and he told Steve the story. He said:

'Poker machines are ruining lives. I've had guys tell me how the machines left them eating out of bins. A lot of them are abused or damaged and had a bad start to life. You don't seem to find as many poker machine venues in the wealthier areas. It's in the poorer areas where people need hope and the lure of winning sucks them in.'

It is absolutely disgusting, Mr Deputy Speaker. How sad is it that as a community we have people who reach out for comfort and find it in the arms of a government-subsidised and supported poker machine industry. The Elwick Hotel during the 2018 election campaign had an article - I will call it an article but it is more of an advertorial - in the *Glenorchy Gazette* which promoted the fact that they have poker machines in their pub as a social benefit because they were welcoming lonely people into their pub. That is disgusting that the only place lonely people can go is to a poker machine pub.

Let us talk about the calculation of losses. At the moment, with spin speeds of three seconds and maximum bets of \$5, it is possible to lose, with a player return of 85 per cent, \$18 000 a day by playing the currently allowable 20 hours. Before anyone suggests that it is not possible to play for 20 hours, there will be people in the sector, and I am sure some in the room here today, who will tell you that there are people who will soil themselves rather than leave a lucky machine, or wear incontinence pads so they do not miss out on the opportunity.

If we were to adopt the harm minimisation measures that I will be proposing - spin speeds of six seconds, \$1 maximum bet limits, 12-hour limitations on play and player return of 95 per cent - then it would be a very different picture. It would only be possible to lose \$900 a day. That \$900 is still a hell of a lot of money but it is one-fiftieth of what can be lost now.

As I said before, the community of Glenorchy is one that I am passionate about. I have seen firsthand the devastating impacts of pokie machines. It is no coincidence that they are most heavily concentrated in those areas that experience social and economic distress such as Glenorchy. In Glenorchy the community loses approximately \$2 million a month on pokie machines. It is ground zero as far as the community sector and the community are concerned. It is probably known as the golden mile if you are the Federal Group. Elwick Hotel is the epicentre of that. That facility is open for 20 hours a day. It opens at 8 a.m. and closes at 4 a.m. You can go there any time of the day or night and find people playing on a pokie machine.

When the Glenorchy City Council recently debated a motion regarding pokie machines in their community recently, and I was mayor at the time, I decided on Monday morning at 8 a.m. to visit the Elwick Hotel to see just how many people were playing there. I had hoped to find nobody but, of course, there were people lined up at the doors waiting to go through at 8 a.m. on a Monday morning. That is not a recreational player. That is someone who is a gambling addict, who needs to play a pokie machine at 8 a.m. on a Monday morning.

That is \$2 million every month that is not being spent on food and essentials, it is not being spent on rent, it is not being spent on putting food on children's tables.

Interestingly enough, the impact of the COVID-19 lockdown was an absolute economic blessing for the Glenorchy community because, as local business reported, so much more money that used to go into the pokie machines was now going into their businesses. There were people who were doing much better, our small businesses much better, because the pokie machines were closed down. Creditors were being paid. It was a boom for our local economy.

If \$2 million is not enough in terms of financial loss, the impact of poker machines is far greater than just the financial loss. You add to this the stress that it places on families, increased domestic violence, debt-related self-harm and suicide, and crimes or acts of dishonesty that are associated with gambling addiction. It is a ripple impact. It is not just the one person playing a machine - it ripples throughout the community. Research has found that problem gamblers directly affect six others. They might be workmates, friends or family.

What this bill is, sadly, is an attempt at profit maximisation rather than harm minimisation. If it really was about harm minimisation, we would be doing something to make sure that those impacted by problem gambling, no matter how small the number might be, would be protected. We do not do this in this bill.

The Government collects a significant amount of revenue and taxes from poker machines and it, too, is addicted to it. The social economic costs of problem gambling include prisons, bankruptcy, depression, violence and productivity loss, and it has been estimated to be at approximately \$144 million per year. This is a dreadful return on the investment for the Tasmanian taxpayer.

This bill will mean that the Federal Group will benefit from a significant tax cut on the casino pokie machines. Hotels and clubs will receive a windfall capital gain on the capital value of their businesses because of the individual venue and machine licences they will receive.

The Government's intention to tender the rights to operate the network monitoring licence for electronic gaming machines in hotels and clubs to the private sector is wrong and I do not support it. Network monitoring compliance should not be in the hands of any private sector operator and, in particular, not to a business like Federal with an interest in the outcome.

There is no point at which all agreements with this bill will end to allow the licensing regime to be re-evaluated. It is a deal for life, essentially, in that respect. It goes on in perpetuity.

There will never again be a point in time where the Tasmanian parliament can come together and take stock and consider the impact of poker machines on the community because the licences to operate EGMs in hotels and clubs will be for a period of 20 years and sometimes, if it is traded before the lease expires, the new operator will be granted a further 20 years from the date of transfer. The profit therefore continues effectively, in perpetuity, as there will always be licences in play as the leases are rolled around and over.

The minister has made some deal about smashing the monopoly. Whilst usually I would say that smashing monopolies is a good thing, there is also a perverse outcome here too. The

consequences of smashing a monopoly now means you put a dangerous product into a competitive market and there are real risks to the end users that these particularly dangerous products will be incentivised between competitors.

We could end up with a situation where the Elwick Hotel is offering pokies and \$10 to pop into your poker machine, to try to incentivise you to come there, rather than the Carlyle up the road where they will be offering a free happy hour and \$10 worth of poker machine tokens.

Mr Ferguson - Well, that would be against the code, wouldn't it?

Ms JOHNSTON - It is not in the legislation.

The Government refuses to adopt real and effective harm minimisation measures. The impost on those least able to pay will continue and returns to the gaming industry would not be shared appropriately, irrespective of a tax rate, licence agreement and the distributions of returns.

Claims by the Government that Tasmania's harm-minimisation framework is regarded as best practice is absolutely preposterous. The measures I propose have been proven to help break the addiction cycle and are \$1 maximum bet limits per spin, which is currently \$5. Slower spin speeds, at least six seconds. Set maximum jackpots to \$1000 instead of \$25 000 to stop chasing that big win. Increasing the return to players to 95 per cent instead of currently 85 per cent. Disallowing sounds, messages, responses that disguise losses as wins, disallowing false near-misses, introducing regular machine shutdowns to provide breaks in play, and limiting opening hours for gaming venues.

None of these measures are new, unproven or difficult to implement. They have been proposed by independent and respected researchers such as Associate Professor Charles Livingstone from Monash University, the federal government's Productivity Commission and Tasmania's Liquor and Gaming Commission.

The reform proposed by the Government, tinkering with the tax rates and fees, increasing the Community Support Levy, reducing the statewide cap on the number of machines by just 150, and adopting individual licensing model will make no difference to the thousands of Tasmanians who are already addicted to pokies or about to be on the hook to pokies. All the Government is doing is distributing the super-profits amongst the beneficiaries of the poker machine industry. The victims continue to lose their money just as freely, regardless.

The poker machine industry likes to promote its product as fun and entertainment. However, machines as they stand, are intended to be highly addictive, with small wins drawing you in, the lights and sounds and promises of more. The reforms I propose make the machines less addictive and slow the amount and rate of losses. If it really is a leisure activity then the recreational punter will scarcely notice any difference.

When I have talked privately to my political colleagues of all parties, they almost invariably profess dislike for poker machines and they often say they do not like to play them themselves, but they too, like the addicts, too drawn to the lure and the fear of these machines: the lure of taxation swelling the Treasury coffers, and the fear of the wrath of the industry, should they dare to interfere with their super-profits.

As long as the industry's business model is rooted on exploiting addicted gamblers, it can never be sustainable on any financial or social measure. With so much money at stake, we can never have confidence in the standard of probity or that the returns will not continue to be as perversely skewed towards the poker machine operators. It is business as usual. Blatant wealth transfer from the poor to the rich. Tasmanians will lose at all levels, financially, socially and morally.

I pay respect and acknowledge the amazing work of the community sector in this particular area. I again note we have some here in the Chamber today. These are people who work at the coalface. They work with those who are addicted to poker machines. They work with the families, the friends and the co-workers. They see on a daily basis. They are the ones who have to pick up the pieces that this parliament creates.

When I look through the thoughtful submissions that those organisations have made on the draft exposure bill and every time there is a parliamentary inquiry into this matter, they say the same things over and over again: they care about the community. They put the community's interest first. They tell us what will work, what will make a real difference on the ground. They put their heart and soul into the work that they do. I want to thank them for that.

What we see though in submissions from the poker machine industry is about how to protect their profit, how to maximise their profit, to make sure it is consumed by such a small number of people. They do not care about the children who are going without food. They do not care that someone has lost their home. They do not care that someone has had to turn to a life of crime to support their poker machine addiction. They do not care about someone's suicide. That is the stark contrast that we have between submissions.

What we have here is a bill devised by the poker machine industry for the benefit of the poker machine industry but we have had amazing people provide us with submissions, evidence, suggestions for improvement, about how we can make sure that this product is as safe as possible, if we have to have it. I beg members of this House to listen to these people who are at the coalface, who know what it is like day to day. You can make a difference. Please make a difference. I want to conclude with the words of Tim Costello, from again the documentary *Ka-Ching! Pokie Nation*:

When you think of the politics behind protecting this machine, this is a political failure and a spread of pokies, in my view, in Australia is really a racket. It is a racket run by people protecting a predatory addictive product.

We can do so much better. We can look the community sector workers in the eye after tonight and say, yes, we have done everything we can to protect them. We have adopted measures, \$1 maximum bet limits, slower spin speeds, all those things that we know deep down make a difference or we can simply look to them and say, look we have been bought by the poker machine industry who are keen to protect their super-profits. I know I will sleep easy tonight. I ask other members to think about it too.

[5.22 p.m.]

Mr ELLIS (Braddon) - Mr Deputy Speaker, the Government has been clear on its intent to end the Federal Group's monopoly since the 2018 election. The objective is to facilitate a sustainable gaming industry that offers freedom of choice, supports jobs and provides appropriate player protections. It was indeed interesting that Ms O'Connor quoted the Premier

from an earlier time. No kidding, this is the Premier who is looking to smash the monopoly of Federal Group. The clear winners will be Tasmanians through additional funds for government services, the community through the increased community support levy, and pubs and clubs through an increased share of the revenue from a new licensing model for electronic gaming machines.

The loser will of course be Federal Group, as we ensure a more equitable distribution of gaming revenue and a more sustainable industry. The proposed reforms to the state's gaming sector are indeed substantial, the most significant structural reforms to the sector in decades and Ms O'Connor, as a student of history, should know that. The Government is not ignoring harm minimisation. In fact it is doubling down on it with the bill providing for the Community Support Levy to be virtually doubled.

In this regard I know I was pleased to hear the minister for Finance's announcement of his direction to the Tasmanian Liquor and Gaming Commission to further strengthen the state's leading harm-minimisation framework. I will go into more detail on that later.

It is important to note that we will not be chucking people out of their jobs or shutting down rural and regional pubs and clubs. We want to support these people who work in that industry and the families who are part of it. It was interesting, as a new person campaigning in the 2018 federal election where the Labor Party and their supporters put out a list of pubs and clubs that were doing fantastically well without pokies. One of them was the Central Hotel in Zeehan, a place that anyone on the west coast knows has not been open for years. I thought, as I sat on the steps of the Central, that was all boarded up that it really spoke to just how out of touch some people are in the realities of this discussion. It is important to know what is really happening on the ground. Predictably, we have heard a lot in the last couple of days and this afternoon about Ms O'Connor's conspiracy theory -

Ms O'Connor - Call me the Leader of the Greens, thanks.

Mr ELLIS - the Leader of the Greens, whatever is left of it, the Government and Labor apparently have been bought by our gaming sector. This is an absurd and disrespectful claim, particularly to the hard-working team in the Treasury who have undertaken extensive analysis and developed the detailed policy options for Government.

Ms O'Connor - Tell us about their advice on this policy then.

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Mr ELLIS - It is just plain false. We know it is more theatrics from the Greens; we know it is all about playing to a crowd but the reality is that the Government has considered the recommendations of the joint committee review in 2016-17, has taken extensive advice from Treasury and has developed its policy.

Like all policy, it is a compromise which will not deliver 100 per cent of every stakeholder's wish list. It does the best to restructure the industry, to distribute revenue more equitably, to deliver more to pubs and clubs, more to government and the community and, most importantly, perhaps, for those opposite, less to the Federal Group. Is the Federal Group going to be happy? No, of course not, and we know that they have come out publicly stating how upset they are. Is there a conspiracy here? No, there is not.

Mr Deputy Speaker, it would have to be the strangest conspiracy you could possibly imagine where Ms O'Connor appears to be upset that the Labor Party and the Government agree that we should have the strongest harm minimisation policies in the country.

Ms O'Connor - Are you serious? That is not why I am upset.

Mr ELLIS - It really is bizarre that something like mandatory pre-commitment being agreed to by the two major parties of a state government is some form of diabolical -

Ms O'Connor - The same policy as the THA.

Mr DEPUTY SPEAKER - Ms O'Connor, you were given 30 minutes to make your contribution. Your colleague will be given the same opportunity. Please allow Mr Ellis to make his contribution in silence.

Mr ELLIS - Thank you, Mr Deputy Speaker. As I was saying, it is truly one of the most bizarre, tin-foil hat, out-of-touch conspiracy theories you can imagine where the highest level protection that you could have - mandatory pre-commitment - tell us how much you are willing to lose in a year and you cannot go past that. We are talking high level, aggregated harm minimisation and we agree on it in this place, in this state, something which they do not agree on in other places. Apparently, that is some kind of conspiracy theory dreamed up by the people who stand to lose most from that arrangement which is the Federal Group.

It is a bizarre claim. Maybe they did not expect it. Maybe they have prepared a lot for this and then we have come in and done something which operates at an even higher level than that and, yet, they are talking about the small things. The big harm minimisation is mandatory pre-commitment and making sure that through facial recognition and card-based playing that, if you are a problem gambler, you cannot do it anymore.

You can talk about \$1 spins or what the return is or opening hours but it does not matter what the dollar spin is or it does not matter what the opening hours are. If you go over the mandatory pre-commitment or you are a recognised problem gambler, you cannot use the machine. It does not matter whether it is 8 o'clock in the morning or 8 o'clock at night. It does not matter whether you stand to spin a dollar or five or 100 - you cannot use the things.

We agree on it in the two major parties in this state. That is something that I suppose in an alternative reality the Greens would probably be applauding if they came up with it. I believe we should all be sharing a little bit of the credit for the good things that are in this bill which is harm minimisation and more money back in the Community Support Levy but some people just seem so dogmatic about their own particular approach to certain details that they cannot see the forest for the trees.

There was a bizarre claim by Ms O'Connor of course that the Government did not have a mandate for this policy despite winning the 2018 election in a landslide. I do not know what a mandate looks like but winning a majority when you campaigned very clearly about what you are going to do against a group of opposition parties that want to do the opposite, sounds like a mandate to me. I am not sure what mandates the Greens will ever win in this place but I suspect that none of them will be stronger than that.

There are claims that EGM tax rates in the casino are too favourable compared to pubs and clubs but that is just plain wrong. In every jurisdiction with EGMs in pubs and clubs there

is a different tax rate for the casino. The Government has taken advice based on rates in other jurisdictions, most notably far north Queensland. There was no sweetheart deal with the Federal Group, as we have said, as they have said publicly. They are upset with this deal. They lose money. They do not like it but the Government is determined about the suite of tax rates and the Federal Group is just going to have to live with it. This is how it is.

Ms O'Connor - Oh.

Mr ELLIS - I hear the childish interjections from Ms O'Connor but the Federal Group is losing money out of this deal and the Tasmanian people will get more money. I know that they get caught up in the minutiae of this whole discussion.

Dr Woodruff - Where do you think the \$15 million every month goes?

Mr DEPUTY SPEAKER - Order, Dr Woodruff, you will get your chance to make a contribution.

Mr ELLIS - The aggregate result of this bill is less money for Federal Group, more money for the community and more money in the Government's coffers. It is straightforward so we can have this backwards and forwards about the minutiae of the difference between casino and pub rates which is the bog standard around the country but really the fundamentals are clear.

There have been claims that the Government should have released the casino tax rate before the election but to be honest it is inappropriate, as has been clearly stated.

Ms O'Connor - Yes, because you knew it.

Dr Woodruff - You would not want people to know.

Mr DEPUTY SPEAKER - Order, Dr Woodruff and Ms O'Connor.

Mr ELLIS - Cabinet did not approve the final rates until the exposure draft bill was reviewed and approved for release. Once again, anything else is more than failed theatrics. This is the problem that we have in this discussion: it is the minutiae. We should all be agreed, there is less money for the Federal Group. There is no monopoly. Pubs and clubs will still be able to operate. There will be more money for community support and we will have the strongest harm minimisation measures in the country.

Mr Ferguson - And more reading.

Mr ELLIS - Absolutely.

Ms O'Connor - That is rubbish. I was the minister.

Members interjecting.

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Mr Ferguson - The commission did the mandatory code, not you.

Mr DEPUTY SPEAKER - Order, minister, I am asking for silence from both sides so that Mr Ellis can continue his contribution.

Mr ELLIS - Thank you, Mr Deputy Speaker. We know that the Greens are experts in claiming credit for things but I did not think that they would want to claim credit for that period in our history. It seems bizarre that Ms O'Connor would mention that she was the minister when there was no mandatory pre-commitment, when there were no dollar spins or there was no change in the opening hours. It is a strange claim to make for someone who clearly did not do enough by her own argument. This is what she keeps telling us that now is not good enough. Well, you were the minister. You could have changed things but you did not.

I want to talk about something that is important to the community in this discussion, and I know many in this place, and that is harm minimisation. The results of the fifth Social and Economic Impact Survey into Gambling in Tasmania, published in July this year, shows that the per capita spending on gambling in Tasmania, on pokies in hotels and clubs and the level of problem gambling all continue to fall and are the lowest of all jurisdictions with pokies in pubs and clubs. This is useful evidence to support the current framework and approach and we want to do even more. The state's existing harm-minimisation framework will not be affected by this bill, which Ms O'Connor is apparently now a champion of, because she was once upon a time the minister. As the Government's policy is about the structure of the market rather than the way gaming services are provided, those who say that harm-minimisation provisions should be detailed in the act perhaps misunderstand the structure of the legislation and how the state's leading harm-minimisation framework has been delivered since 2008, before Ms O'Connor was the minister apparently, using the independent Tasmanian Liquor and Gaming Commission to ensure compliance.

This is a discussion I am sure we will be having with our Labor colleagues over the journey, to ensure compliance with a mandatory code and reviewing it every five years to make sure that it remains contemporary and effective.

This approach ensures that the harm-minimisation framework remains agile, reflects best practice, including the standards, rules and licensing conditions which are developed and adapted by the commission. We want them to be nimble. Ms O'Connor complained a lot about how long things have been locked into in this space in the past and that is one of the good things about the commission having the ability to make decisions about these sorts of things. They can be adaptive and they can reflect contemporary best practice rather than what happens in this place on this day.

Measures to reduce harm will continue to evolve as new opportunities and technology become available and the next code review will take into consideration the structural changes that will occur under the future gaming market policy to ensure that the measures in place to foster responsible gambling and minimise harm from gambling remain best practice. We want to be national leaders and the approach with the commission enables that. As I say, we are likely to have more discussions with our colleagues on the opposition benches but that is essentially the reason and thinking about this.

It is pleasing that the Government has been watching new measures being considered in other jurisdictions, such as facial recognition, to support exclusion programs. There is a lot of technology that is coming onboard and more than that, it is also becoming more viable. It is becoming more affordable and it is becoming a thing that small pubs and clubs may be able to

do whereas once upon a time facial recognition was not even a part of this discussion because it was too high level and too expensive for many pubs and clubs. Perhaps that is why some of the measures proposed by the Greens are as they are because it was before some of this technology. It was about minimising harm but still letting problem gamblers gamble whereas we are minimising harm by making sure that problem gamblers cannot gamble.

It is one of the fundamental differences in our approach. I thought it would be one of those things that we could agree on now that things have changed but I suppose perhaps that is too much to ask. As I have already mentioned, the direction in the TLGC announced by the minister is a pleasing step forward using the existing legislation that was put in, in 2008, as it was intended to be used. Future discussions are to come but the minister will be directing the Tasmanian Liquor and Gaming Commission to investigate options for the use of facial recognition technology, card-based gaming in Tasmanian casinos, hotels and clubs.

It is interesting, Ms O'Connor's objections about people and businesses and whoever else but do they not sound like good ideas, that you can stop people gambling if they are problem gamblers.

Mr Winter - They are good ideas until we were doing them. They were good ideas until the Government started doing them - Labor suggestions.

Mr ELLIS - Exactly. It is a good idea until you did not think of it.

Ms O'Connor - We are just pointing out the synergies between the THA's policy and your policy.

Mr ELLIS - It is a good idea until you did not think of it. I have to say it is possible that the Liberal Party, the Labor Party and everyone else agrees, and probably you would have as well, but then some guy said it and then it is no good.

Ms O'Connor - It is the cynicism.

Mr ELLIS - It is playing the man, it is *ad hominem* sort of stuff. We are policy makers in this place and it does not matter whether it comes from Steve Old or Daffy Duck. If it is a good idea, it is a good idea.

As I say, the minister will be directing the Tasmanian Liquor and Gaming Commission to investigate those measures. I note in particular, and I have said this, that the minister has sought advice on pre-commitment models which would complement card-based gaming. This is perhaps one of the major innovations that we can really look to do in this state whereby someone says, 'I am only willing in the cold light of day to lose this much', and then you cannot gamble anymore. That is the whole point of harm minimisation. In fact, we would get to the point where they agree that they cannot afford to lose and they could harm themselves no more.

As I say, this is nation-leading. This is what we want to see. It enables people to be cut off in the same way if someone has a problem with drinking and they are at the pub, we do not say, 'Well, maybe if we just reduce the amount of beer in the glass after someone is completely inebriated'. We say, 'You are cut off. You are not allowed service here anymore.' That is what mandatory pre-commitment does. It says, 'You are cut off. You are out of the pub. You cannot lose any more of your money because we recognise the harm that is in place,' rather than the Greens' idea of coming back with a smaller glass.

This goes much further than the direction also flagged on Tuesday by my colleague on the other side, member for Franklin, Dean Winter. I hope that it is something that we agree on. I applaud the minister for taking the initiative and to be honest, Ms O'Connor, I hope that it is something that you can agree on. If you sit down and have a think about what it means, in terms of the capacity to limit harm for these people in a global sense, about what it looks like in a yearly budget if someone pre-commits to how much they can lose, you should want this.

To be honest, I think the Greens in other states would be clamouring for this -

Ms O'Connor - They would be clamouring to get pokies out of pubs and clubs, actually.

Mr ELLIS - It is not going to happen, Ms O'Connor, and if you can put in place a harm minimisation that probably every other state in the country, every other Greens' branch in the country would want, I think you should be supporting it. It goes further than what you want to do currently in a more sensible, principled, structured approach. As I say, I applaud the minister for taking the initiative to further strengthen the state's leading harm minimisation strategy and I know how personally and seriously he does actually take that.

This bill is about restructuring the gaming industry, ensuring the legislation is modernised and futureproof. Key elements include clearly stated high level regulatory objectives where it is principle-based and provides flexibility to achieve regulatory objectives, that agility that I was talking about before. It contains more prescriptive aspects in regulation, uses plain language and accommodates ongoing technological and behavioural change and allows for collaboration through national consistency and alignment with other jurisdictions. It provides greater agility for the commission to adapt and respond quickly and appropriately to any matter.

It is interesting, in the contributions that we have had in this place to opponents from pokies in pubs and clubs, just this afternoon they cannot agree amongst each other. Ms Johnston and Ms O'Connor cannot agree whether the monopoly is a good or bad thing. They cannot agree on whether a return of 85 per cent or 95 per cent or 90 per cent is good or bad. It speaks to the problem of diving too deep into some of these things, when you can have that overarching harm minimisation; you can get rid of the monopoly, which is what a lot of Tasmanians want to see.

The bill provides hotels and club operators with a greater say on how they run the pokies component of their business. They will have the authority to purchase, sell or lease their own EGMs and they will have more choice in how these machines operate within the state's strictly regulated framework, which Ms O'Connor keeps telling us that she was the minister for regulating. While the bill places greater responsibility on venue operators, it also provides hotel and club operators with a greater share of returns. There are plenty of small businesses that are running rural and regional pubs and clubs and they will be glad to hear that. I spoke to a lot of club and pub operators on the north-west and west coast who were worried about the future of their business and the ability for their workers to be able to put food on their table.

The current single gaming operator model for EGMs in hotel pubs and clubs will be replaced with an individual venue operator model. That makes sense. Key aspects of the model are a new statewide EGM cap in hotel pubs and clubs of 2350 which is a reduction of 150 from the current caps, that is, fewer pokies. Again, this is the strangest conspiracy that anyone has ever dreamed up with the Federal Group.

Venue caps will remain at 30 for hotels and 40 for pubs. The responsibility for a number of EGM-related requirements will move from the current gaming operator network gaming to each individual hotel and club operator. I note that some venue operators have indicated a level of caution about the move to a new licensing model and the reality is, those individual businesses will enjoy a larger share of the return from gaming but will also have a greater level of responsibility for those activities.

I am advised that the Tasmanian Hospitality Association will be working to support its member venues during the transition and will ensure that venue employers are better trained to identify and address potential problem gamblers. That is what we want to see. The owners and workers in these clubs and pubs often know their clientele best and they are there on the ground. They are the sort of people who can take responsibility because they are people who live in their towns and neighbourhoods and they fundamentally want to look after them.

Existing licence holders in hotels and clubs will be transitioned to new venue licences on 1 July 2023, subject to a suitability assessment. Importantly, the bill includes strong regulatory elements such as the commission having the ability to review a licence at any time for auditing purposes and to take action if that is not passed.

We want pubs and clubs to be doing the right thing but we also want to be transparent. It is that trust, to verify and again, the strangest kind of conspiracy you could ever imagine, whereby we put a tougher cop on the beat and we make sure we have a strong eye on harm reduction in individual pubs and clubs.

There will also be increased EGM tax rates which will be introduced at 33.91 per cent of monthly gross profit for hotels and 32.91 per cent for clubs. This returns a greater share of gross profits to the Tasmanian community, particularly through the doubling of the Community Support Levy.

The Greens are really tinkering around the edges with some of their proposals. It is the kind of incremental small-scale reform and I am quite surprised that they are not backing this larger, global, mandatory pre-commitment we have talked about.

Ms O'Connor - That is longstanding Greens policy.

Mr ELLIS - It is longstanding Greens policy. Now they do want it but it is also a conspiracy between Labor, Liberal and the THA. Again, what a bizarre conspiracy that we are operating here. Tinkering over bet limits and spin speeds is one thing but to have the higher overarching structure is another more important thing. It is mandatory pre-commitment and its bans and compliance on problem gamblers, not just letting them back in.

The bill establishes a new licensing monitoring operator (LMO) with the responsibility for monitoring EGM operations in hotels, pubs and clubs across the state. To operate EGMs, venues must be connected to an approved electronic monitoring system operated by the LMO.

The LMO will ensure that the machines are installed, maintained and repaired in an appropriate and consistent manner. It will charge venues a regulated fee for undertaking this work and will also ensure the integrity of EGMs used in hotels and clubs by monitoring transactions and providing data and information for regulatory and taxation purposes. The LMO will also be subject to service level agreements.

The model has been informed by experience in other jurisdictions, particularly those in New South Wales and Victoria, which both operate with a single monitoring operator licence. There is also a range of safeguards, such as the step-in provisions, that enable the Government to take control of an LMO operation and systems under extreme circumstances such as bankruptcy, licence surrender or cancellation. Given the importance of the LMO, it is essential that it is subject to a competitive tender process. That process will get underway as soon as the legislation is passed.

I also want to make note of the way that this debate has moved on perhaps from when the Greens first made their ideological commitments to these sort of things decades ago. We operate in the space now where removing pokies from pubs and clubs is not possible because people can gamble on their phones.

You cannot even now remove gambling from the Floor of parliament, from the bathroom, from your nan's place. You are capable of betting your house while you sit on your couch. What we are doing through this regulation is making this form of gambling, the EGMs, the poker machines, safer than Sportsbet. We want to make sure that this mode of gambling which is operated essentially under the regulation of the state is strongly monitored. The Greens have to be realistic that we are living in 2021. You cannot ban gambling from pubs and clubs because the gambling machine operates in your pocket. We live at a time - they are arguing essentially for a time that is pre-internet - that is massively post-it.

Ms O'Connor - The lack of an evidence base for your contribution is pretty breathtaking. You did not read any submissions from the community sector or the churches.

Mr ELLIS - I am sorry but the evidence base that the internet exists is very strong, Ms O'Connor. We know as well that racing is something that happens right across our state. I note the support from the Labor Party and members over there. I bumped into Ms White at the 2018 Devonport Cup. We know the strong support that the Opposition has for those forms of gambling as well. They can also be problematic but one of the things about EGMs is that we can take away harm through new innovations which will do a really good job.

The Gaming Control Amendment (Future Gaming Market) Bill provides the regulatory structure necessary to deliver a new way forward for gaming in Tasmania. It gives effect to the Government's future gaming market policy and objective to facilitate a sustainable gaming industry that offers freedom of choice and protects jobs. The regulatory framework and the bill have been subject to two rounds of consultation and streamlines the process and provides a more principle-based approach, with flexibility to achieve a high-level regulatory objective. I will be supporting the bill.

[5.52 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Deputy Speaker, I rise to make a contribution on the bill before the House. I note the elephant in the room, that in 2018 we did approach the debate about gaming in quite a different way. We did that to make sure we could look after vulnerable people, but also to look after working people. It is accurate to say that as part of that policy framework we took to that election, we talked about a just transition that would have supported the employees and those businesses as we moved towards progressing the outcome of that policy had we been successful.

It was based on extensive consultation. It was compiled following our participation in a parliamentary inquiry, as well as extensive consultation that we undertook. I personally met with more than 70 venues to understand their business model, to speak to their workers, to speak to the owners and understand directly how electronic gaming machines played a role in their business and what it might look like for them if we did not have those machines in our communities. We were informed. That is why we put together the just transition package as a part of our policy. We also spoke to community leaders, to charities, local government, social workers and support workers, small business operators and health professionals. Had we been elected in 2018 there would be a very different arrangement for gaming in Tasmania but we were not.

What we have before us is a bill that is not a Labor bill; it is the Liberal Party's bill. I acknowledge the work of the shadow minister for finance and the consultation that he has undertaken. He has met with industry peaks and individual businesses. He has met with community sector peaks, community service groups and organisations, unions, Labor members and branch members, as have other members of my team over the course of the last few months.

I would like to reflect on the process that the Government has undertaken for us to be where we are now in this place, reminding everybody in this House that it was in 2018 that they first revealed their policy. It took until 2019 for the Government to provide an update about their gaming policy. It was the Treasurer, now Premier, who provided that update on 20 March when he talked about the fact that the work was complex and that is why it had taken some time, it was ongoing and the Government would shortly be engaging the relevant stakeholders on the issues of tax rates, licence fees and licence terms. That was on 20 March 2019. More than two years ago.

Then there was radio silence. Hearing earlier this year in the work that we were doing in the community, there were rumours that the Government had finally drafted a bill that we expected to be released to the public for consultation with the expectation that there would be a bill tabled in the parliament earlier this year. But of course, there was an election that was called and it was called a year earlier than expected and there was nothing further said about that draft bill despite the expectations from many in the community that we were to see it within a week or so of that first session of parliament when we came back to this place in March this year.

I recall during the election campaign how the Premier/Treasurer was asked about tax rates for the casino and for gaming operators. He gave nothing away. He was secretive. He suggested that there was nothing to see. We now know from a RTI obtained by Meg Webb, the member for Nelson, and released in August this year, that the Treasurer did know what the tax rate was likely to be. I will refer specifically to the letters that Ms Webb was able to obtain through RTI because it is important for this debate that we hear exactly what was being exchanged between the parties - the Government and the Federal Group commencing on 9 December.

On 9 December the Government wrote to the Federal Group and then on 23 December the Federal Group responded:

Dear Premier

I refer to your letter dated 9 December 2020 regarding the future gaming market financial model that would apply to Federal Group's Tasmanian casinos and Keno licence. Your letter outlines the financial arrangements including taxes, licence fees and terms that the Tasmanian government intends to incorporate into the amendments to the Gaming Control Act 1993 that will be introduced in 2021.

Your letter also requests that the company advise whether the proposed financial arrangements for the statewide game of Keno are acceptable. While the company holds a different position to the Tasmanian Government, on the question of Keno taxation I can confirm that we will accept the arrangements outlined in the letter. The attachment to your letter also outlines the various changes to the future financial model for the Federal Group's casinos and Keno licence.

I acknowledge receipt of this information and recognise that this attachment defines the extent of the changes to the arrangements that are intended to apply to Federal Group's future casino and Keno licences. I acknowledge that it is the intention of the Tasmanian government to introduce legislation in 2021 to give effect to the future gaming market model including those amended arrangements for Federal Group's casino and Keno licences and those that will apply to gaming in hotels and clubs.

The arrangements for the future gaming market will be the subject of approval by the Tasmanian parliament.

I am proud of the way the Federal Group has managed the responsibility of being the exclusive gaming licence holder in Tasmania since 1973 and we hope to be a strong part of the Tasmanian gaming, casino, hospitality and tourism sectors into the future.

Mr Deputy Speaker, I note there is a section redacted in that correspondence but more important is the response the Premier provided which is dated 15 January, in which the Premier says:

Thank you for your letter dated 23 December 2020 responding to my correspondence confirming the government's intention to introduce legislation in 2021 to implement the Future of Gaming in Tasmania policy.

I acknowledge Federal Group's acceptance and confirmation of the financial arrangements for casino and Keno gaming in Tasmania as detailed in my letter to you dated 9 December 2020. In particular I note Federal Group's acceptance of the proposed financial arrangements for the statewide Keno licence.

In progressing the legislation Treasury will consult with you on the issues as they arise including relevant draft legislative provisions and will continue to liaise with you in relation to transitional and implementation issues. The

government intends to release an exposure draft of the proposed legislative amendments prior to their introduction in parliament. This will provide a further opportunity for Federal Group to comment on the proposed regulatory provisions that will apply to casino and Keno gaming under the future gaming market model.

Yours sincerely.

Mr Deputy Speaker, I read those in because during the election campaign the Premier was asked specific and direct questions about whether he had knowledge of the tax rates that his Government was negotiating with the Federal Group. He never once referred to the fact that they were even close to concluding those negotiations, let alone the fact that his letter on 15 January says there is acceptance and confirmation of the financial arrangements. This is a Government and a minister and a Treasurer who is secretive.

Ms O'Connor - Well hello, what about that deal you signed with the THA in secret? You hypocrite.

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Ms WHITE - What about the THA's MOU with the Liberal Party that they continue to refuse to release? The Treasurer/Premier was asked about whether he had an MOU with the THA during the election campaign. Do you know what he said, Mr Deputy Speaker? He said, 'Yes' but he would not reveal it until after the election. He still has not revealed it. At least the Labor Party has. I ask the Treasurer if he is ever going to come clean with the people of Tasmania about what their MOU says?

I want to go back to tax rates because I want to refer back to some comments made by the Premier/Treasurer when he was first elected to this place in 2003. The member for Clark who keeps interjecting has already referred a little to this but this is in relation to a debate that was had in this place in 2003 where Mr Gutwein said:

I want to return to the reasons that the upper House referred it for investigation to the PAC. They wanted to look at its return to taxpayers. That is a very sensible thing to do. We are talking about a 15-year deed with a five-year option, 20-years. I will be 58 years of age before we get an opportunity to make change to this once this parliament signs off. Regarding issues relating to transparency, how transparent were the negotiations? I can tell you how transparent they were - they were opaque.

He goes on to say:

It is a simple question. Did taxpayers get the best deal?

Mr Deputy Speaker, I asked the question of the Finance minister, who is the one who is bringing this bill now to the parliament, do we have the best deal? Why was it so opaque that the Treasurer did not reveal to the people of Tasmania during the election campaign when he was asked direct questions about this, why he did not answer it?

We have a situation now, after the bill was first spoken about many years ago, that we finally have a situation where the bill was tabled in this House, not earlier this year to enable people to have proper opportunity to undertake consultation on the complex nature of the legislation before this place, but Tuesday. Just Tuesday and here we are on Thursday debating it. This is a complex bill. There are many clauses in it. There are many changes in it with respect to how it amends the principal act, and yet here we are debating it just two days after it was tabled.

I thank OPC for their very quick work in turning around the amendments that we asked them to draft up for us. It cannot have been easy, given there are other members in this place who have put pressure on them at the same time. I again express my frustration that we are not able to seek their support in drafting until bills are tabled in this place. There could have been much easier pathway for us to get those amendments drafted if the Government had allowed us access to OPC sooner than Tuesday afternoon.

Mr Deputy Speaker, we have always maintained that we will seek to amend the bill so that it has strong harm minimisation legislated as a part of the framework of the bill. The policy that the Labor Party took to the election in 2018 was not only about reducing harm; it was also about a just transition for the workers and the industry and it did contain a \$55 million package to support this. Unfortunately, we cannot give effect to this policy from Opposition and that is why in 2019 Labor announced that we would pursue harm-minimisation when the matter came before the parliament as it now has and that is what we will do. I know that there are people who will be disappointed and I know that there are people here in the gallery today who will be disappointed. I know there are fierce advocates for reform in this area, and some have shared their lived experiences bravely and loudly, and I acknowledge them but I want to make it clear that the amendments Labor is bringing to this parliament today are the ones we have developed.

I have heard the arguments from the member for Clark, Ms O'Connor, and I reject them because they are simply not true. Let me explain to you why. The fact is that we thought that we would be debating this bill years ago. We thought that, after the 2018 election, the Government would progress the policy they had taken to that election and won many years before now. At that point we began looking at what kind of amendments we would look to see enshrined in legislation to provide protection for those who are most at risk from problem gambling. That is why we looked at the 2010 Productivity Commission inquiry, the research, the SEIS reports, and we looked at other jurisdictions. We began consultation around what Labor would be able to do once the bill was brought to the parliament, just like it has been this week, to make amendments that would provide a much stronger framework to provide protection for those who are most at risk from problem gambling. I have no doubt it is because of the work that Labor has done that the Liberal Party announced their position on Tuesday morning.

We have been consulting on these amendments for years. I utterly reject the assertions made by the member for Clark, the Leader of the Greens, that we only came up with it this week or in some way that they have been devised by the Tasmanian Hospitality Association. That is absolutely untrue.

Dr Woodruff - I am sure the THA talked to you about it before you signed the secret MOU with them. That would have been all part of it.

Ms O'Connor - You would not have this policy if the THA did not back it in.

Mr DEPUTY SPEAKER - Order, Dr Woodruff and Ms O'Connor.

Ms WHITE - Mr Deputy Speaker, these are Labor amendments and I am going to speak about them in more detail because we want to make sure that the bill before us, a Liberal bill - it is not a bill the Labor Party would have introduced if we were in government - this Liberal bill has changes that legislate for harm minimisation.

The Government knows that we expect to see harm minimisation contained in this bill. Despite the second reading speech given by the Minister for Finance that says explicitly that this bill does not contain harm minimisation, it is on the first page for anyone who wants to take a look. I have no doubt that is because of the pressure that has been applied to them. Because they knew that these amendments were coming, they made their announcement on Tuesday.

Let me talk about some of these amendments. Facial recognition technology: we know that in South Australia they have already introduced this across a range of venues. We know that we have to do better when it comes to exclusion practices. We know this because we have listened to what we have heard from those affected by the impacts of gambling and from what businesses have told us who operate in this industry. We know that we are currently failing. There are people who have self-excluded from venues who are still able to access venues, who are still gambling, who are still losing money, and the current regime is not identifying them and enforcing the exclusion.

We know that we can do better and we can use technology to do better. We have looked to other jurisdictions and we can see how we can apply that technology in Tasmania. We want it to be enshrined in this legislation that the Government will implement facial recognition technology to improve exclusion practices across Tasmanian venues where poker machines operate, not just a directive from the minister for the Liquor and Gaming Commission to undertake a review. That is not enough. I do not trust this minister to carry out what it is we need to see -

Mr Ferguson interjecting.

Mr DEPUTY SPEAKER - Order, minister.

Ms WHITE - which is the implementation of facial recognition technology across all venues mandated, as well as card-based play. Card-based play is something that has been spoken about for a very long time. It is something that came up in 2003. I refer back to a submission that was provided in evidence to the Public Accounts Committee by then Treasury secretary Don Challen, and he said:

We did discuss these negotiations, where gaming technology is going in the future and we have talked about the possibility of using developments in gaming machine technology to more effectively implement some of the player protection measures and I think one of those things that is likely to happen in the industry over the next few years is that card-based machines will become standard instead of machines with note acceptors or the common tokenised coin-based machines that are in the market at the moment.

This was in 2003, and at that time the prediction was that would happen in the industry over the next few years. This is why we need to legislate it because having a good intention is not good enough. We need to see it in the law. I will continue with the quote from Mr Challen:

Those kinds of changes in technology give the opportunity to monitor individual players' behaviour in a way that I think will allow in the future to identify problem gambling behaviour before it becomes a huge issue and maybe through some light-handed and subtle means encourage individuals who might otherwise develop problem gambling habits to seek some counselling, for instance.

That was 2003 when Tasmania was talking about card-based play. It is the fault of previous Labor governments as well as this current Liberal Government that no action has been taken on that, but now we have the opportunity to take some action. That is why we will move amendments to codify card-based play for Tasmanian poker machines.

It is something that is happening in other jurisdictions already. I refer to what is occurring in New South Wales, where they have started a trial of cashless gaming technology. On 24 May 2021, minister Victor Dominello, of the New South Wales Government, said:

Liquor and Gaming New South Wales has received the first trial proposal for the use of cashless gaming machines at a venue in New South Wales. The trial, led by Aristocrat Gaming and Wests Newcastle will see cashless payments for all club services including electronic gaming machines.

It is encouraging to see leaders in the industry step up and venues embrace this technology trial. I support this digital proposal as it is linked to identity, a bank account and with harm-minimisation settings. This will help us combat the twin sins of money laundering and problem gambling, addressing the key concerns of the Bergin inquiry.

He went on to say:

A requirement of the trial will be that customers need to supply Proof of Identity equivalent to 100 points and have their digital wallet linked to an Australian bank account. Data safeguard features and privacy will be an essential element. The Wests Newcastle-Aristocrat trial will include responsible gambling measures including money limits, session time limits, information and real-time messaging to customers and marshals.

We want to see the same technology implemented in Tasmania for all machines and for it to be in the legislation. That is why we will move an amendment on that matter.

I was also very heartened to hear the contribution by the member for Braddon, Mr Ellis, when he spoke about mandatory pre-commitment. If that is the Liberal policy, then that is good.

The other element we would like to see the Government adopt is registered gaming officers. This has come from consultation we have undertaken with the United Workers Union, who represent workers at Tasmania's casinos and across gaming venues in the state. Registered gaming officers (RGOs) would be established as elected worker roles to operate independently

of the operator to assist in harm minimisation through identifying and counselling problem gamblers.

RGOs must be empowered with the right to communicate with workers, patrons and stakeholders, including unions; the right to reasonable paid time to perform the duties of the role and sufficient training to perform the role, a role in appropriate consultative mechanisms the operator or licence-holder maintains with employees and regulatory bodies. In particular, they should be consulted by the commission on proposed changes to regulations regarding the operation of gaming, including game rules and inspection levels.

Mr Deputy Speaker, this would help for instances in our casinos and gaming venues where somebody is not excluded, so, not picked up through the new technology with facial recognition cameras, but where somebody is playing and somebody who is working in that venue thinks that they might need a break. Or there is potentially an issue with the amount of money they are spending; the time they are spending at a machine. This registered gaming officer would be empowered to be able to speak to them and to assist them, to refer them to counselling to make sure that there was an intervention point from another human at that point.

We also agree that there should be whistleblower protections enshrined in the bill and this, again, has come from consultation with the union. In this instance whistleblowers would have protections under the law if they identify any issues of somebody operating outside the scope of their licence or there are other activities occurring at a venue that were of concern to them, they would be able to raise those and have the protections of a whistleblower.

I also want to flag that we have concerns about the 20-year licences and their renewal because that is not what the 2018 policy talked about. They did not talk about a 40-year licence which is effectively what has been proposed in the bill that is before us now. There is potentially a 40-year licence and the Tasmanian community was not told about that so we have amendments around that as well.

The return to player increase as well, which my colleague the shadow minister for finance spoke about, increasing that from 85 to 90 per cent. We want to see these changes legislated. We do not trust the Government to do it otherwise.

I have some questions for the minister and this goes to the fact sheet where it says that there will be probity arrangements, or some kind of probity assessment undertaken, for the restructure of the gaming industry in Tasmania, including the introduction of regulatory and financial arrangements required for an individual venue operator model for EGMs in hotels and clubs, noting that, subject to probity assessment, licences will be granted to assist in venues for existing EGM numbers.

I would like to understand what those probity assessments are and who will undertake them. Further to that, I have other questions and they go to another test that is apparently going to be implemented and that is the suitability assessment that you have spoken about undertaking around the licensing arrangements for existing licence holders in hotels and clubs.

I would like to understand what is different between the probity assessment and the suitability assessment. Are they the same thing? Who will undertake them? Will that occur prior to 2023 when the new arrangements are supposed to take effect or during the transition

period? Who will make a determination as to somebody's suitability? I presume it will be the commission but I would be grateful if you could provide some advice about that.

I would also like to pick up in the second reading speech where it says that this matter requires urgent passing to enable the legislation. In particular the quote from the minister is:

Hence, the urgency in passing this enabling legislation. This is in relation to the LMO but, more broadly, it could be referred to the whole bill because it is a part of the bill.

I would come back to the point I made at the beginning of my contribution that this is a policy the government announced in 2018. We now have a situation where they table the bill on Tuesday, we are debating it on Thursday, and apparently it has become urgent all of a sudden. Why on earth, minister, is this now urgent and why did it take you so long to bring it to the parliament if you knew that this was going to become a problem for you?

I also like to understand why you have decided to introduce fully automated table games to Tasmania. On what advice did you make that decision? Again, this was not something that the Tasmanian community was aware you would be doing. It was not part of your 2018 policy and it is not something that you have spoken about between then and the tabling of the bill in this place.

Mr Ferguson - It was in the draft legislation in June.

Ms WHITE - You say it was in the draft legislation, so that was the first time it was flagged. I would like to understand on what advice you included that in the draft legislation and why you have decided to introduce such machines to Tasmania.

I would also like you to provide some details about how the CSL will be distributed. We understand you have been undertaking some consultation with regard to that. How soon will we know the outcome of that? How do you expect it to be split? What proportion of it is going to be directed at supporting services that help people with a gambling addiction and when will we have more information about the CSL and how that would be distributed? What are the consequences for the neighbourhood houses, for instance, if you decide not to continue funding them through the CSL? What are the consequences for sport and recreation organisations who are currently funded through CSL grants or do you propose to not change those arrangements?

This is a complex and long bill. We have a number of questions on clauses as well as amendments that we will be moving. Our job is to scrutinise this bill, and we will. Our job is to improve this bill and we will and our job is to make sure that harm minimisation is contained in law. We will make sure that happens.

[6.21 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I rise to add my words of condemnation to this bill on behalf of the Greens and the 80 per cent of Tasmanians who oppose poker machines being in pubs and clubs.

Our opposition to this bill, which entrenches a rotten, life destroying, poker machine empire in disadvantaged communities, to suck them dry for the foreseeable future, has been long and consistent.

During Mental Health week this week, members of all parties have made speeches expressing sincere concern about the high prevalence of mental ill health in Tasmania. Members have pledged support for the aims of the week, to raise community awareness about the number of people living in emotional and mental distress in our communities.

We, in this place, have a real possibility of doing something concrete in this mental health week to make an actual difference in the lives of people suffering from gambling addiction. From the testimony of churches and support groups and the evidence of independent research and numbers of government and parliamentary inquiries, we know that gambling addiction causes severe anxiety, depression, despair and in some cases, leads people to commit suicide.

One of the submissions in the first stage of the bill was from the Tailrace Community Church and the social enterprise known as Tailrace Centre, Jude's café in the Kid's Paradise. They made some important points. Their top line point was around the impact of gambling on youth mental health and Sharon O'Neill from the Tailrace Community said:

We are seeing gambling contribute to the deterioration of youth mental health. Our sport chaplains are reporting a growing number of young people being impacted by gambling debt. One young lad had accumulated a \$40 000 gambling debt ... We believe strongly that it is going to require much more than a Beyond Blue social campaign to alter mental ill health among young people and we see strong ties to gambling addiction ... if someone has a serious gambling issue, they are 15 times more likely to suicide than someone who does not gamble.

At the sporting club that we provide a chaplaincy service, one in four young men have accessed our service in a meaningful way over the past 12 months. In a recent survey, we also discovered that one in four players are gambling regularly. This is not surprising, considering gambling related issues are the second most common reason that players have sought our help through our chaplaincy service 'behind only mental health'.

Anglicare has also made a passionate submission and they make the point that poker machines are for the majority of their clients the cause of the vast majority of harm.

This is just a snapshot from one organisation who is doing work but it speaks volumes; one in four people are accessing chaplaincy in a sporting program. It is a staggering number and there is the possibility today to make real change for the good of people and I am confident that the bill before us does not do that.

The Greens have a number of amendments that we will be moving which would speak to the sorts of issues that groups like Tailrace Church and Anglicare and all the other community and church organisations, neighbourhood centres who are working every day with people suffering from gambling addiction. They would support the harm-minimisation measures which we will be seeking to introduce into this bill.

We know that in Tasmania, successive Liberal and Labor governments have enshrined in law the most addictive poker machine environment in the world. We are world's best practice but of the most horrific kind. The Groom Liberal government moved in 1992 to introduce high intensity, highly addictive, repetitive press of a single button poker machines

into Tasmanian pubs and clubs. Once Federal Hotels secured its monopoly control in 1993, Paul Lennon rolled over to suck on their teat and it has been a race to the bottom for the souls of the Labor and Liberal parties ever since.

They have hit the coal black bottom with this bill. James Boyce in his magnum opus book, *Losing Streak*, and the final chapter he released recently, documents this corrupted secret deal history where a tight-knit group have been working to benefit themselves and their parties at the expense of desperate addicted people. He tells the story of lies and deceit, of hand-on-heart promises made and later junked by Labor and Liberal politicians all bending over to swim in the money pool of the man they have worked to enrich, Greg Farrell, and his Federal Hotel millions.

Paul Lennon, Don Challen, Jim Bacon, Ray Groom and Tony Rundle, all actively worked to ensure Federal had exclusive access to the super profit gravy train that they have been on for the last three decades.

Mr Winter - Don Challen?

Dr WOODRUFF - Read the book, Mr Winter; it is all in there. Yes, you might learn something.

Federal was gifted a monopoly poker machine licence; allowed to have high intensity poker machines. The independent statutory functions of the Liquor and Gaming Commission were gutted. Poker machine licences were extended into pubs and clubs and Federal was allowed to self-select the most disadvantaged communities to set up its pokies venues. The known harm-minimisation tool of setting betting limits was abolished and patron codes were unregulated.

In recent years it has been Steve Old, Daniel Hanna and Paul Lennon who have been working the Labor and Liberal party backrooms - I am sure there are more - and they are showing the power of pokies money persuasion has not dimmed over the decades. Peter Gutwein, then Treasurer, dropped the Liberal Party's policy in December 2017 which was to look at the broader Australian market when setting the tax rate without ever explaining to Tasmanians why he did this.

Instead of increasing the tax rate he dropped it dramatically. The Premier knew exactly that information before the recent election and it was a constant source of questioning from media and community groups but he refused to tell Tasmanians what he already knew.

Ms O'Connor - And the Greens.

Dr WOODRUFF - Yes. Mr Speaker, there is no bandaid from that last election for the bill before us. Rebecca White, Leader of the Labor Party, attempted to distance herself from the sordid history of her party and to garner an advantage at the 2018 election by promising to end the reign of pokies in pubs and clubs. The Labor Party and the Greens both got a brutal drubbing for standing up to vice grip of Federal Hotels, with our policies to get pokies out of pubs and clubs. The sea of blue from north to south of the state was all funded - as we found out, as suspected at the time but later proved - by a pipeline from the gambling industry. That election was bought for the Liberals with money stolen from the most disadvantaged people in Tasmania, money that was funnelled through the front group campaign, Love Your Local. Will Hodgman has that as a stain on his name for ever.

The front group campaign, Love Your Local, which had obscene photos of people and members blazoned all over pubs and clubs around Tasmania, made a string of claims that were later proven to be false by ABC Fact Check, among other places. We found out afterwards, a year later, that the Liberals had received \$4.1 million in donations in 2017-18, including hundreds of thousands of dollars from poker machine groups. Also, the Liberals failed to declare where \$3 million of donations came from because they made sure that the donors provided them below the reportable threshold of \$13 800. Whoops, they had forgotten to do anything about donations reform before that election. What a surprise. They also did not get around to it at the last election either. I wonder why. So much money that keeps coming their way, why would they switch it off?

After the 2018 election, Rebecca White and the Labor Party backflipped on their so-called principled position. That was a principle that got dumped. She revealed that herself and her party would be utterly beholden to the bidding of Federal Hotels ever since. The Greens did not backflip on our principled stand. The difference between the Greens and the Labor Party is that we do not take a shekel from the gambling industry. We do not take it from Greg Farrell or anyone else but the Labor Party has shown themselves now as the puppet they have allowed themselves to become. They signed a secret sycophantic MOU that was revealed during the 2021 election. Not even their own members or unions knew about that deal. As a person who read what was in it, I was shocked to understand that working conditions for employees were not amongst the things that they bargained for with the THA.

Mr Winter - They were actually.

Dr WOODRUFF - They were not in any meaningful way, Mr Winter, certainly not.

Mr Winter - It is an MOU.

Dr WOODRUFF - No, they certainly were not. All of that just to buy another election, which they successfully did. Labor has been called to heel by the rich and powerful. We know that Labor took money from Federal Hotels at the recent 2021 election. Mr Winter's responses on the ABC radio the other day made that clearly abundant. Although he failed to answer the question, it was abundantly clear. Deny it and show us the evidence.

Mr Winter - We do not know the answer. I do not know.

Dr WOODRUFF - You do not know? Well, go and find out. You said it is beyond your pay grade.

Mr Winter - Your point is that I am being corrupted. I do not know.

Mr SPEAKER - Order.

Dr WOODRUFF - The Leader of the Opposition, Rebecca White, should come in here and tell us. She can tell us, she can find out. Deny it. The fact is the Labor Party took money, we know you did, we have heard it. You deny it, it is true and it is just another part of the cynical mousetrap that goes around and around of Labor and Liberal Party politicians jumping into the hamster wheel and doing whatever Federal Hotels wants them to do.

It is interesting that the Labor women are all today unusually wearing white. I thought this morning, presumably, I thought it was to signal their virtuous souls on a day where they are doing such unclean business but maybe actually what they are doing is just waving the white flag to Greg. Hey, Greg, we have rolled over as you wish, whatever you want. The losers at every secret Liberal and Labor deal and every legislated change that there has been over the last three decades have been Tasmanians who are living in disadvantage. Today we have a rare opportunity to right this balance and return not just hundreds of millions of dollars into Tasmanians' pockets each year but retain gambling in a safe, managed environment. That potentially could occur. This is a win-win situation for the Labor and Liberal members who continue to employ choice and the individual right to gamble as their hollow defense for retaining the status quo which they know is damaging people every day.

Mr Winter, I know that you probably go to the neighbourhood centre in Kingston and I know you would have had conversations with people about the people who go there, the damaged, distressed, despairing people who turn up and their children, to get food because the parents do not have any money because they have been gambling it away. We can do something about that. They are the people we need to be thinking about. We need to be thinking about those children when we are looking at these amendments and looking at making changes.

The Labor Party has the potential to do something about this and it is on your heads if you do not. We can end the blight and tragedy of pokies and we can protect gamblers from the addictive elements of poker machines by the tested and proven harm minimisation measures that have been recommended by all of the charities and neighbourhood centres and churches and councils based on the comprehensive international and Tasmanian research, the measures that work. Those measures do not stop people gambling. That is the point, they do not stop people gambling. They just stop addicted people from losing large amounts of money and they also stop people from becoming addicted in the way that the machines are designed to make people addicted at the moment.

The bill before us has no commitment to any pathway for harm minimisation and gambling support, let us be clear about that, but we have to make sure that it legislates these known measures that reduce harm. I am referring to West Tamar Council's submission and they make the point that harm minimisation and recognition of the need to help people affected by the addictive elements of poker machines is so important. They have noted a number of measures including lower minimum bets and lower maximum jackpots.

Other organisations have recommended lowering the maximum jackpot from \$25 000 - which has long periods before it gets used up and it encourages addictive behaviour - and lowering it to something like \$1000; slower spin speeds from three seconds to six seconds; regular machine shut-downs; not having losses that are actually disguised as wins; and no false near-wins. Of course, the other measures which other organisations included that the Greens support are maximum bet limits of \$1, mandatory card-based pre-commitment systems, and a reduction in the actual number of electronic game machines in total. The Greens support these measures and we have always taken every opportunity at every point to reduce the harm of poker machines.

Mr Ellis is not in the Chamber but I am sure he will read the *Hansard* and to correct the falsehoods in his statement. When the Greens were in government, we were not able to move to end the deed. Only parliament can do that, but we took the opportunity to introduce two

separate bills in the 2010-14 government. We firstly moved for \$1 bet limits which was the Liberal Party policy that they had taken to the 2010 state election. We gave them the chance to test that policy and we gave them the chance to implement it. If the Liberals had voted the right way we would now have \$1 bet limits which was the Liberal Party policy that they disingenuously took to the 2010 election. Instead, when the vote was recorded it had five Greens standing on the side of the ayes and the Liberal and Labor party together, again, standing together in lockstep on pokies policy. We also moved to have casinos pay a community service levy. Again, the Labor and Liberal parties voted against that. Let the record show that the Greens did everything in government and outside of government, in parliament, to make sure that we can do everything to reduce the harm of poker machines in pubs and clubs, in communities in Tasmania, and in Tasmania, period.

This bill should not stand. The spirit of Tasmanians who were defiant during the 1968 casino plebiscite, those people who demanded that poker machines should forever remain illegal in Tasmania, remains strong. We stand with their spirit and their children and grandchildren who live among us today and we continue to resist the corrupted self-interest and greed that is embodied in this bill. The people who will be damaged are our own constituents and we, the Greens, stand with them and condemn this bill.

[6.41 p.m.]

Mr FERGUSON (Bass - Minister for Finance) - Mr Deputy Speaker, I rise to sum up the debate, respond to issues, questions and make some more personal reflections as well because my second reading speech was not personal in nature, as a Government position. I intend to maintain that, but I would like to add some remarks, particularly to some of those that have already been made. I also note that the debate has generally been a good one and I really do respect much of what has been stated by others, including from people not in the Government, but not all, naturally, and there is difference of opinion, which has been sharply expressed in different ways.

I will say from the outset that I am not a fan of gambling, generally. I never have been. I was raised in a family which discouraged gambling, even to the point that in my earlier days, buying a raffle ticket might have been considered something to carefully weigh up. While those times have changed and I do not mind having the occasional flutter, I am intensely aware as a person about the risks and dangers of gaming of all kinds and the way in which some games are designed to get people addicted. There is no doubt about that. The science and the evidence is unmistakable.

The question in this bill and in this legislation, in this debate, is what to do about the present circumstances in which we find ourselves as a state, how we can continue to have certainty in the industry, and to support choice, given that Tasmanians have voted overwhelmingly for policies that support at least the choice, the notion of choice -

Ms O'Connor - You can't say you have a mandate for this.

Mr FERGUSON - but also to end the monopoly. Without this legislation, the monopoly does not end in an arbitrary period of time.

Ms O'Connor - The Premier cannot extend it.

Mr FERGUSON - The monopoly is a perpetual monopoly with a five-year notice period.

Mr SPEAKER - Order, Ms O'Connor.

Mr FERGUSON - We need to move to an individual venue model and we need to share the profits more appropriately through revenue and taxation and how that is to be allocated. We also need to modernise a 20-year-old act, a 1993 act, a nearly 30-year act. All of that is contained and I gave a thorough-going description for the key elements of those reforms in my second reading speech, during which I nearly lost my voice.

This debate today has been marked by, quite properly, the passion, the concern and worry members have for people who are unable to, perhaps it is fair to say, protect themselves, people who are addicted to gambling, as I think Ms Johnston discussed and Ms O'Connor certainly discussed, and how we can, as a state and as a government and lawmakers, pass responsible legislation with the right framework to ensure that people are given due regard and protection where they need it, noting that the majority of people are okay to manage their personal decisions around gaming and do not need Big Brother to tell them what they can and cannot do.

This debate has also been marked by hypocrisy, double standards, changing of positions and indeed, at one point I noticed quite clearly a very clear misunderstanding of Government's intentions on harm reduction. I intend to address that today. I am quite comfortable wearing the criticism of the bill from those who at least have been consistent. It is very difficult to hear the leader of the opposition dare to bring up the notion of trust in this debate. That is quite galling. It was a naked little political point which fell exactly where it came from, right at her own feet because that is one quality that the leader of the opposition is not able to bring as a virtue to this debate. I will say that, and there would be few Tasmanians who would disagree. I suspect most of them are here.

Labor stated before the election that Labor would support this policy and we note, quite self-evidently, that that is a decision by that party to alter its policy. That is its right to do so. I will not speak for others but I will note that the contribution has been made already, repeatedly, that Labor lost the 2018 election and reviewed their position on the matter. They may say that they were taking account of what Tasmanians have to say. They may say that they reviewed their position and came up with a different decision based on the people who were then elected but you cannot have it both ways. You cannot bring into the debate that a Labor government would do this differently, would have supported a different policy, the bill would have been different because that is a double standard. This is of course, after two elections and I am not sure that you can appeal to both audiences at once, so I will just make that point.

I note that we have had visitors in the House today in the gallery who are not here now but perhaps will come back, and I want to acknowledge any Tasmanian with a sense of a real interest in this, other than the vested interest of business and industry, which is legitimate but it is a different interest for people who have been hurt by gambling, or who watch on someone that they love and they want to see something better.

I am one of those who wants to see something better. I will not be talking about my own experiences but I have plenty of them. To share them would be unfair on others. I have some

experience here and as I have made it very clear, this is not just taking off some rough edges of a policy. This is about a government that is determined to deliver on what we have promised and to make sure that where we have the opportunity to provide stronger direction in the existing harm reduction framework that we have in Tasmania, that we are prepared to do so. I will repeat what I said this morning during question time: not one industry participant or industry member has called on the Government to do the third of the three measures which are contained in the draft direction which I tabled for the House on Tuesday, which is to explore with a view to implement a workable model on pre-commitment.

Mr Speaker, it is the case that the Government formed its view on this well before Mr Winter's interview on the ABC. I will scotch that claim immediately.

Members interjecting

Mr FERGUSON - The suggestion - just listen. The suggestion that within two hours we worked up a draft direction and changed the second reading speech is just white fantasy. I will just let you know I will not be discussing with you Cabinet nor dates nor our parliamentary Liberal Party agenda. I will just put that on the record. These juvenile points that have been tried to be made, you can set them aside now. I will say that if Labor - two of our three points were in Mr Winter's interview that morning and people can draw whatever conclusion they want about those. Ms O'Connor has many times tried to build a theory of collusion around this and I will say it like that. Ms O'Connor has tried to build a theory of collusion around this. Mr Winter will back me up: neither he nor I discussed those initiatives prior to Tuesday. I will at least defend the Labor Party on that point. They have clearly come up with those two initiatives on their own. We have come up with our three, thank you very much, on our own. I am not precious about this, but we have to do better in harm reduction and yes, while we might not be able tonight to unanimously agree on the best way forward, the government has a plan and we intend to follow it through.

I hope that if you take nothing else away from this debate, I say this to my members from non-Liberal seats, you will know that the government is determined to follow this through in the way that I indicated on Tuesday.

I will shortly turn to the questions raised, but the bill is not about harm reduction per se. It has been a long-established principle of this legislation that harm reduction is reviewed, policed, enforced and reviewed again by the commission which is established by the 1993 act.

The commission is very powerful. It is independent and has a great sense of independence. The mandatory code that applies to licensed venues is a very serious instrument and it is enforced. Industry members know that because as it is policed, people get into a great deal of trouble even for minor infractions of the code and perhaps people here would say, that is as it should be.

Ms O'Connor - Which minister oversaw the implementation of that code?

Mr FERGUSON - I do not know, but I will say the code is reviewed every five years. The fact is, the code itself is the vehicle for nation-leading harm reduction. I know that people here are politicians and politicians like to walk out of debates like this one, being able to say 'well I put something into the bill, I put something into the act, I got some harm reduction done', and I will address that in a moment.

While that is laudable, the Government has been clear throughout our two rounds of public consultation and this debate, reflected in my SRS, that the bill is about all of those things. We are tackling harm reduction in a different way through the framework established by the act.

Mr Ellis explained it extremely well when he discussed the benefit of moving to a pre-commitment system. We do not know right now the very best model because not one person in this Chamber has done that work. The commission has not done that work and I have seen the proposed amendment from the member for Franklin and I can see very quickly by reading it, that he is locking into a particular model which has not been worked out. Care is required here. We need to not do things that make us feel good. We need to do things that actually do good in the community and that is where I will be continuing.

In response to a number of issues raised, I will do my best to respond to all of them by theme. I thank again members for their various support in the main. I am pleased that Labor is taking a pragmatic approach and recognises that the Tasmanian people voted for this policy.

As is clear from my announcement on Tuesday, there are significant benefits to be gained for harm minimisation through the use of technology on that. Many of us agree. As such, I announce that the Government and I will direct the Liquor and Gaming Commission to investigate and report on the introduction of facial recognition and for card-based gaming. I advise the House that the direction does go on to deal with the need for pre-commitment. The ministerial direction has not yet been issued. We have been watching this debate very closely, but it will be done in the course of time and I will have more to say about that later this evening.

The Government is considering amendments with respect to facial recognition and card-based gaming in relation to the direction and to place the requirement for the commission to investigate and report on these technologies in the act. I am taking advice on that. That is a far better, far more professional way to respect the great qualification that the commission and its team do, in fact, possess to be able to help guide the very best way that model can be implemented in practice. I am prepared to look at that and we are actively looking at that this evening.

I can say from the outset that the way in which Labor has drafted the current amendment does not meet that test. However, we do not believe that it is necessary to mandate the specific requirements of technologies in the legislation and, in fact, that would pre-empt the commission's analysis. It would ignore its expertise and it would pre-empt the advice of the best approach for Tasmania.

The current regulatory model addresses harm minimisation through tools outside of the act to enable a flexible and responsive approach. Through this, the commission is able to mandate the use of facial recognition or card-based gaming.

The Government recognises that the increased community support levy funds can be better utilised to minimise problem gambling and is developing regulations to achieve this. I acknowledge that the time lines are tight. We anticipate needing fully 12 months for the Licensed Monitoring Operator to transition but the bill contains provisions for the existing provider to remain in place while the transition occurs, if required.

In relation to the tax rate discussions with the Federal Group, we have been very clear on this. I do not intend to add to the record; it has been said already. Both the Premier and I have

been clear about the process and the timing of the approval for the financial model. Comments about acceptance by Federal Group have been mischaracterised. This related to acceptance of the Keno licence on the basis of the tax rates then proposed. Otherwise, we would have put that licence to market. I fail to understand how the official Opposition have got that so wrong.

The bill has the effect of bringing the deed to an end and, if passed, the bill will do that. I was asked about the notice period. Again, I do not intend to be laying before the House privileged legal advice, Mr Winter. That is a fool's errand. You do not do that because then that advice, if it exists, is prejudiced and cannot be used. Mr Winter, the government of the day never does what you have challenged us to do because usually, in doing so, you are going against the needs of the majority of Tasmanians.

Ms O'Connor - Is that right?

Mr FERGUSON - That is right.

Ms O'Connor - That is a funny argument to be putting on a bill like this, though.

Mr FERGUSON - There is an explainer on the Justice website which I commend to you. I encourage the people with puzzled looks to have a look at it.

Ms O'Connor, you asked a number of questions and my team has worked hard to give me some responses for you. Ms O'Connor asked, in relation to the difference between policies that were previously proposed and what the current policy is now -

Ms O'Connor - And why.

Mr FERGUSON - The Government's policy development was informed by the Joint Select Committee on Future Gaming Markets inquiry and its report. The committee provided an opportunity for all major issues to be considered and included input by experts, stakeholders and the general public. The Government's subsequent policy responded positively to the majority of those recommendations and, given the extensive public comment and consultation through the committee process, and the 2018 election debate, the issues surrounding the restructure of the gaming market are well understood and have been well considered during the implementation of the policy.

In relation to social and economic modelling, the Government took into account the outcomes of the committee. The gaming environment has not changed significantly since that time.

I was asked in relation to fully automated table games, simulated racing. At various times simulated racing games have operated in Tasmania at both casinos, I am also advised on the first *Spirit of Tasmania* vessel and at a number of totalisator outlets. Under current legislation, casinos have the exclusive right to operate simulated racing games 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 wagering services already offered.

I am advised that during the several years simulated racing has operated in Tasmania there has been no evidence of particular harm. Treasury consulted with other jurisdictions - the ACT, New South Wales, Victoria, Western Australia, Queensland, where simulated racing

operates - to gain evidence of impacts. These jurisdictions, I am advised, have not experienced any indications or evidence of increased harm from simulated racing. There has also been no concern with respect to compliance, so I am advised.

Fully automated table games currently operate in other jurisdictions. The Government's decision to allow them 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. Our regulations will provide for limits to be imposed on the number or ratio of fully automated table games to traditional table games that can be operated by the Federal Group.

I was asked about the market process for the venue licences.

Ms O'Connor - You were asked about if any modelling has been undertaken on fully automated table games and simulated racing, which you did not take to the election.

Mr FERGUSON - Yes. I will continue. The Government's view was that the best outcome was by individual venues having greater control and greater ability then to invest, with, of course, better returns. The approach gives Government more control through electronic gaming machine authorities as well. It gives Government an ongoing revenue stream through increased licence fees, rather than through a one-off licence payment.

You asked me for an opinion. We normally do not do that. 'Does the minister agree with what Mr Hault said?' The commission has sufficient powers to address those issues and will take them into account. The commission will be in a position to closely observe and monitor the operation of EGMs under the restructured market -

Ms O'Connor - It is funny that a former commissioner does not think the commission can do that.

Mr SPEAKER - Order, we will be into Committee soon.

Mr FERGUSON - and can act quickly to address any issues that may arise.

In relation to licences, the joint select committee recommended, amongst other things, that EGM licences should be for an appropriate duration to create investment certainty for industry. I am advised that it is considered 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.

In relation to tax rates, I do not have a lot to add. That debate has been held within and outside this Chamber. It is common throughout Australia for casino tax rates to be lower than those in hotels and clubs. This is usually because casinos are considered to be destination venues which rely predominantly on gaming as their main source of revenue. Casinos represent a significant capital investment requiring a financial structure of that nature.

I was asked why the only harm minimisation measures proposed, by the Government, I think you may have meant, are in line with those proposed by industry. That is simply not the case.

Ms O'Connor - And supported by Labor.

Mr FERGUSON - Both of those statements are not the case, as I am aware. The harm minimisation measures proposed by the Government are considered to be the best options in front of us to minimise harm from gambling and take account of developments in technology. I think we can agree that at least two of those three initiatives have been proposed and supported by industry, but pre-commitment has not been raised with me by industry.

I was asked about the Treasury advice on the duration of the licence period. I am advised that a 20-year licence is appropriate to provide certainty to venues. I am advised it is in line with the recommendation of the joint select committee for the reasons outlined earlier. I was asked about the licence fee. That was part of the Government's policy. Licensed venues will pay a fixed and progressive annual licence fee per machine between \$1000 and \$2500. The bill does capture that. I was also asked why the -

Ms O'CONNOR - Point of order, Mr Speaker. The question was actually how that figure was arrived at. I can ask it again in Committee, but perhaps the minister could go to that.

Mr SPEAKER - We will have the opportunity for comments and further debate through the Committee process. The minister is answering the questions, so I will allow the minister to continue.

Mr FERGUSON - Thanks, Mr Speaker. I will do my best to answer your questions, Ms O'Connor, and others in the time I have. I was asked about the Community Support Levy distribution. I am happy to advise that the additional Community Support Levy funding to be received from July 2023 will be distributed in accordance with the new framework to be established in regulations. This provides flexibility for the distribution of funding that prescribing in this bill would not allow. At this stage, the vision is that the CSL will broadly be directed to community capacity-building, preventative programs or initiatives, to direct support program or initiatives and research activities. I hasten to add we are consulting, indeed with churches as well, Ms O'Connor, which you struggled with.

Ms O'Connor - Good on you, so you should. I wish you would listen to them.

Mr FERGUSON - The Government is still assessing stakeholder feedback and will consult further with the community, as I committed at Estimates, prior to parliament -

Ms O'Connor - You know the THA wants that money.

Mr FERGUSON - Please listen - prior to parliament considering the draft regulation.

Ms O'Connor - The next question I asked you was connected to the one you sort of answered which was, can the minister rule out Community Support Levy funds being granted to venues in line with the THA's proposal?

Mr SPEAKER - Order, Ms O'Connor, the next opportunity to ask questions will be through Committee process.

Mr FERGUSON - I think Ms O'Connor asked me why the minister has the responsibility for selecting the LMO. My advice is that the LMO will be engaged under a tender process. As it is a commercial arrangement, a tender will be conducted in accordance with government procurement requirements and an evaluation panel will make a recommendation to the minister on the preferred supplier. That is very normal.

Ms O'Connor - The interim tender is decided by you.

Mr SPEAKER - This is not the time for a debate. We have indicated that we are going into committee. That is the time to have those discussions.

Mr FERGUSON - I would like to emphasise that while the minister will be making that decision I have just read to you the process that will proceed that.

Ms O'Connor - Yes, I know that. You make the decision.

Mr FERGUSON - I do not see the difficulty.

I would like to say, Ms Johnston, you and I are going to disagree several times during the remainder of this debate but I hold much of what you said in great respect. You obviously come from a position of some experience and concern. You do not hold a monopoly on that. Many of us share that but I really respected many of your concerns and I understand where you are coming from with relation to your amendments.

With relation to harm minimisation measures such as spin rates, bet limits and machine or venue operating hours, I can advise again that I will be writing to the Tasmanian Liquor and Gaming Commission and directing it to investigate options for the use of facial recognition technology. Obviously, to support the exclusion scheme and card-based gaming but also to provide advice to the Government on the model that is most appropriate for our state. I have discussed this already earlier in relation to the scheme and the new technologies provide the opportunity for taking new steps in this area.

I do not want to pre-empt the commission's work. I expect that these measures could provide further improvement to harm minimisation without the need to introduce machine-based measures that you and others have suggested as they could provide better identification of excluded players and the ability for players to set limits on their EGM gaming. Again, this has been missed by far too many people in this debate in the last two days.

Ms Johnston, I take on board your mathematics about potential losses. Let us be fair, I think you did it on a worst-case scenario basis. Your mathematics stated \$18 000 potential losses in one day based on the variables that you plugged in and with your proposals you argue that you would be able to see those potential losses limited to \$900 per day, obviously a dramatic reduction. Of course, somebody needs to have that money to lose but we will take the point. Using even that logic without the envelope around which a pre-commitment scheme would provide for, a person could theoretically on a best-case scenario with your variables plugged in, lose \$328 000 per year. Again, they would have to have that money to lose it or have access to that money to lose it. I put it to you, Ms Johnston, and we will no doubt discuss it later on, that that demonstrates that even those tactical attempts to deal with machine-based changes will not fix the problem that you are trying to fix. That is the point that I make there.

Ms Johnston asked about network compliance with a commercial operator and you also discussed and made the point that you felt that maybe there is one good thing the monopoly does, that competition is bad, that venues will start competing with each other. A commercial operator for the LMO will deliver the network monitoring service but overall network compliance will rest with the commission, consistent with the approach in other jurisdictions.

The mandatory code has very strict guidelines on what inducements to gambling can be offered, so I believe that that is regardless of whether it is the current arrangement or future arrangements. We will set aside that concern that was expressed.

The commission continues to have major sufficient powers to address any issues as they emerge and in relation to benefits for industry, the expectation is that this would lead to further investment and job security in local venues, many of which are in regional communities. I make those comments in good faith and note that we will have a further debate later in the committee.

Ms White asked a number of questions and I will respond to those. In relation to the Government getting the right deal on taxes for Tasmanians, yes, I believe the Government has done an excellent job there. In fact, the Government believes the best deal was achieved that appropriately shares the returns from gaming, noting that our commitments to hotels and clubs around Tasmania, outside the casinos, has been faithfully honoured. It was a policy we took to the 2018 election and following which the Labor Party altered its position but that is the decision that was taken.

In relation to taxes, when a person says that you have more than halved the tax rates for casinos, that is a dreadfully misleading statement to be making as an elected official.

Ms O'Connor - It went from 25 cents in the dollar to 10.9 cents in the dollar.

Mr FERGUSON - I know you do not like to be shown that you are wrong, Ms O'Connor, but you are wrong because Federal is taking a \$20 million a year taxation haircut. They are worse off.

Ms O'Connor - How many venues do they own?

Mr FERGUSON - I put it to you, Ms O'Connor, that if you halve a casino's tax rates, surely they are better off? Surely, they are better off? But they are not better off, Ms O'Connor, because our tax policy, based on the benchmarking from north Queensland, has them \$20 million worse off. You have to, of course, look at the complete mix of taxation and the big increase in Keno is, on advice, where the growth is occurring. The Government has continually stated that our policy means more money raised for the taxpayer, collected through government for essential services that we all want to see more support for, but also certainty and security for jobs in pubs and clubs. More support for problem gamblers and less money for the Federal Group. That is a consequence of the decision that we have taken and I would invite any member who has previously claimed that Federal are better off because of this policy to have another look at those misleading statements because they are simply not correct.

In relation to assessments, the commission will undertake probity assessments prior to 1 July 2023 with assistance, where required, of relevant expertise. We focus on ensuring

applicants are fit and proper people with appropriate financial resources. That is all set out in the legislation.

In determining whether to grant a venue a licence, the commission will assess each application to determine whether the licence holder continues to remain suitable to be the holder of a licence and that they have or are able to obtain financial resources that are adequate to ensure the financial viability of the operation of gaming machines and/or Keno at the venue.

I was asked by Ms White about licence renewal. The ability to renew licences will provide the certainty industry requires for investment.

Ms O'Connor - We will just never get rid of them because of this legislation and that is on you.

Mr FERGUSON - Thank you and further to that, renewals are only possible after 15 years of a licence, within five years of its expiry and not longer than two years before its expiry. That is all pretty clearly set out. A bit of a political set of questions on urgency. The fact is, this legislation needs to be passed. It is becoming urgent. We have had significant disruption. I was asked what changed? Well there was the small matter of the pandemic, there was also the small matter of an election and that is all very clearly documented. The simple fact is that post-election, the Government immediately got back to the role, to the work of consulting on the policy and its implementation, then with the draft bill in the second round of consultation. Those were important steps to precede us bringing a bill to parliament. I do not see why anybody like Ms White wants to grizzle about that. It adds nothing to the debate. The issue really is one of substance.

Regarding the Community Support Levy, I have answered that. When we get to Committee, I will discuss further the Government's approach on my proposed direction to the commission. I will have more to say on a range of amendments. For those who have circulated amendments, thank you for doing so. It gives me and my team an opportunity to see what is proposed.

For now, I again, with genuine feeling, thank everybody for their comments tonight. It is not expected that we all have to come out of here with a full agreement, a unanimous decision. That will not happen, but I do respect where people are coming from. I appreciate that people, every one of us including myself, have a sense of duty to get this right and to make it the best we can possibly do, and that is the conscience with which I will be operating. I offer those remarks in the spirit of goodwill as we enter into the next stage of the bill's consideration.

Mr Speaker, I commend the bill to the second reading vote.

Mr SPEAKER - The question is that the bill be now read the second time.

The House divided -

AYES 19

Mr Barnett
Dr Broad
Ms Courtney

NOES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

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 Street (Teller)
Mr Tucker
Ms White
Mr Winter

Motion agreed to.

Bill read the second time.

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

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 3 amended (Interpretation)

Ms O'CONNOR - This is the section of the act that introduces a simulated racing event into the interpretation of the act and, as we know, a simulated racing event is another means of people losing money. The minister said earlier that they have been happening in casinos for some time. That may be the case but, the fact is, once you put another form of gambling into venues in Tasmania, people will find a way to lose their money on that race.

Communities Tasmania has made a submission as feedback to the Future of Gaming in Tasmania public consultation paper, and it expressed real concern about the two new aspects of policy that have been introduced into the legislation. One of them is fully automated table games and the other is the simulated racing. What Communities Tasmania has to say is -

Communities Tasmania notes that the introduction of simulated racing games, for example Trackside/RaceTrax, into hotels, clubs and other gaming venues has the potential to cause gambling harms. Communities Tasmania has previously expressed concern regarding the visibility of Keno in family sections of hotels and clubs. The introduction of simulated racing games in similar areas may have similar impacts in terms of normalising gambling for

children and minors. Even if restricted to the gambling areas of venues, the introduction of a new product may also result in some community harms.

We had an answer from the minister earlier about whether any modelling had been undertaken on simulated race events and fully-automated table games, and the answer was 'no'.

We therefore have two new forms of gambling introduced in this bill, two forms of gambling for pubs, clubs and other venues that were not taken to the people, either in the 2018 state election or the 2021 state election. You have the agency, which certainly was in my day and I assume that is still the case, responsible for administering the Gambler Support Program and other harm-minimisation programs, warning against the extension of simulated racing outside casinos.

I ask the minister for a detailed response to the Communities Tasmania concerns. Remember, this is the agency that is at the coalface of the human cost of poker machines in Tasmania. This is the agency that knows the most about gambling harm and the potential for harm caused by the introduction of a new form of gambling. We will not be supporting this clause and we have amendments about simulated racing events and fully-automated table games which we will be putting through the course of this debate.

The fact is this was not taken to the people. Communities Tasmania is warning about it. You are going to have pretend horse and greyhound races in venues where there will be children. The concern that Communities Tasmania has about normalising gambling is shared by the Greens. That is why we do not want to see new forms of gambling in Tasmania because the reason - and I have read the THA submission and another industry submission which pushes for the extension of simulated racing - they want to extend it into other venues outside casinos is because it is just another means of hooking money out of mostly battlers' pockets, to be honest.

Is it not funny that in this place it is not the Labor Party who is arguing for the battlers? We do not support the extension of new forms of gambling in Tasmania. We know that this is about the industry's profit motive. We will be voting against clause 4 and we want to hear a detailed response from the minister to the concern raised by Communities Tasmania.

Mr Ferguson - I have already answered that.

Ms O'CONNOR - What?

Mr Ferguson - I answered you in my second reading summary. The question was that -

Ms O'CONNOR - Here we go. Okay. You want to do this the hard way. You have done this before as minister: arrogantly sat there, ignoring questions. That is not the way the Committee stage of the bill works. You have got up here on your second reading response and you made platitudes about harm minimisation. You are a minister responsible for legislation which is going to suck people's money out of their pockets. It will lead to family violence and breakdown, child abuse and neglect, and you need to answer questions that are put to you.

Mr Ferguson - It has been answered.

Ms O'CONNOR - It has not.

Mr Ferguson - Not to your satisfaction but it has been answered.

Ms O'CONNOR - Minister, it has not been answered. I took notes.

Mr Ferguson - I have read all of my advice on that question so you cannot say it has not been answered.

Ms O'CONNOR - No, you have not answered it. You did not answer the question about whether any modelling has been undertaken on these new forms and ways of losing money. You did not answer that question. The answer that you made on simulated racing games lacked detail and did not address the submission from Communities Tasmania. I am asking you to respond to the Communities Tasmania submission and the concern that has been raised by the agency that is responsible for harm minimisation. Could you do that, please?

Mr Ferguson - I have answered the question.

Dr WOODRUFF - This is going to be a really long night if we just do not get straight answers to straight questions. There is no playing games here. This is a huge shift and it is really important to understand what modelling went on behind it. This is the sort of rubbish that was - this is the sort of appalling secrecy that happened in 1993. There was no modelling provided to backup the changes that were made in 1993 from what the state casino investigation had recommended and what the community expected. We can point back to that period in time and say that was an anomaly back then but here you are again.

We want to know - describe to us the modelling that was done and if you do not have the information in front of you, you say you do not have it in your notes, perhaps you should go and ask the staff who are sitting over there. I am sure they are well credentialled and able to -

Mr Ferguson - It is not your role to -

Dr WOODRUFF - I can ask you to ask the staff. It is my role to get you to give us an answer. You cannot say it is not in my notes.

Ms O'Connor - We are in the Committee stage. You did not address the Communities Tasmania submission in your answer.

Dr WOODRUFF - It is totally inappropriate to do that. You cannot hide on such an important matter. Finding out the modelling is critical. We cannot take it on faith that this is not going to have a devastating effect on people because all the evidence from other research, from similar sorts of technologies, show that they do have a devastating effect. They do increase addictive behaviours and that will lead to despair and suffering for those people who are addicted.

It is not only a small point, it is a big point and it is very disrespectful for all the people who made submissions that you are not prepared to stand up here and answer their questions. This is the time for you to do that. They have written, they have made submissions and they would have expected, if it is not in the bill, that right here now, in the committee stage of the bill, you will be explaining to them why it is not in the bill and you will be providing the evidence for why you have made your decision. That is what people expect you to do. Will you do that, minister? Will you pay them the respect? If you do not pay us the respect, will

you pay them the respect of giving that information to them? They will be watching and they will want to know what the answer is.

Ms O'CONNOR - I would like to take a point of order if possible, Chair. The minister said he had answered my question, but the question was about the Communities Tasmania submission. If this is the way he is going to do it on the first clause on the first question -

Mr CHAIR - Please understand where I am at as Chair. That is not a point of order. The minister will respond. You have made two contributions on this clause.

Ms O'CONNOR - First clause, first question and he is refusing to answer it.

Mr FERGUSON - Chair, I am not going to respond to the vitriol that is designed to get a reaction. I have provided an answer to the question. It was not satisfactory to Ms O'Connor. I have other advice here but it is only the same advice in different terminology, so I will give it all to you.

As I have said at various times, simulated racing games have operated in Tasmania at both casinos, on the *Spirit of Tasmania*, and at a number of totalisator outlets under the legislation. Casinos have the exclusive right to operate simulated racing games. 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 wagering services already offered.

During the several years, and I know I raised this, simulated racing has operated in Tasmania and I am advised that there has not been any evidence of particular harm occurring. Treasury consulted with other jurisdictions and I name them - ACT, New South Wales, Victoria, Western Australia and Queensland - where simulated racing operates to gain evidence of impacts.

You mention the Communities Tasmania submission, you could mention any particular submission, but I am addressing the clause. These jurisdictions have not experienced any indications or evidence of increased harm from simulated racing and there have also been no concerns with respect to compliance.

Fully-automated table games currently operate in other jurisdictions also throughout Australia. The Government's decision to allow fully-automated table games to operate in our state is in line with the recommendations of the joint select committee which included that the 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 automated games to traditional table games that can be operated by the Federal Group.

The only other advice that I have for you is, Ms O'Connor, the bill ensures that simulated racing can only operate from a physical premises, authorised as a TAB agent. Wagering cannot be online or through a phone app. That was in my second reading speech.

This ensures that player activity is monitored by staff who are able to intervene if there are signs of harmful gambling behaviour. The operation of simulated racing will be regulated by the commission. Simulated racing will be subject to the existing protection controls for

terrestrial wagering under the Responsible Gambling Mandatory Code of Practice for Tasmania, along with any additional measures specifically imposed in the commission's rules, technical standard and approved game rules.

I am not going to go further than that. That is the advice I have. The position of the Government is outlined in the clause.

Dr WOODRUFF - Thank you for that part-response. You can be comfortable in the fact there is no vitriol at all in these questions. They are simply trying to find out what was not provided to Communities Tasmania. They are very reasonable concerns that they raised in their submissions. This is, let us not forget, the agency that is responsible for harm minimisation and I would have thought that they would have had an answer to their questions, or that you would have done the research so that you could talk to us about it.

You mentioned limits. You did not say where the modelling or the evidence was that your established limits were based on. You have talked about establishing limits but the introduction of simulated racing games is novel in Tasmania and there are reasonable concerns from the agency that is responsible for harm minimisation. What are the limits based on? Is there research that has been done on simulated racing from another jurisdiction? Or is it a case that the Government is expecting to assess the damage that is done after the fact: have a look at the impact it has, and at that point establish some different limits?

The question is how are the limits being established, how will we know if they are working or not and how do we define 'working' in this instance?

Mr FERGUSON - The advice I have is the way that the question has been phrased is not clear as to what the member is seeking. Is it a question on limitation on, for example, player expenditure, a limitation on game play -

Dr Woodruff - You said 'limits are based on' - you said those words, you said limits. I wonder what the limits are and what the limits are based on?

Mr FERGUSON - Thank you, Dr Woodruff. The advice I have is that the commission is yet to do the work to assess what would be the right number or a limit on the number of fully automated table games that could be accommodated in casinos and, potentially, a ratio model so that they do not overwhelm conventional table games. That work has not been done. There is no number tonight that I will be providing because there is none. The commission will do an assessment and provide advice to the Government about what would be an appropriate limit in relation to either number of machines at each site or at one casino site, or potentially even as a ratio of existing number of table games.

Dr Woodruff - Will that be released to the public?

Mr FERGUSON - It will be tabled in parliament and disallowable.

Mr DEPUTY CHAIR - The question is that clause 4 be agreed to.

The Committee divided -

AYES 19

Mr Barnett
Dr Broad
Ms Butler
Ms Courtney
Ms Dow
Mr Ferguson
Ms Finlay
Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street (Teller)
Mr Tucker
Ms White
Mr Winter

NOES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

Clause 4 agreed to.

Clause 5 to 7 agreed to.

Clause 8 -

Section 65 amended (Provision of information relating to special employee)

Ms O'CONNOR - Chair, this is the amendment that removes clause 65(2) from the principal act and for members' benefit relates to provision of information relating to special employees. It requires that:

- (a) within 7 days after a special employee commences his or her duties, notify the Commission, in a form approved by the Commission, of the commencement of the exercise of those duties; and
- (b) not later than 7 days after a special employee ceases his or her duties, notify the Commission, in a form approved by the Commission, of the cessation of the exercise of those duties.

We would like to understand why that provision, which is in the principal act as a probity and you would think harm minimisation measure to some extent, is being removed and where it came from. The definition of a 'special employee' somewhat surprised me because I thought there would be something really special about these employees but the only thing that makes them special is that they work in a gambling venue. It is:

special employee means a natural person who -

- (a) is employed or working, whether for remuneration or reward or not, in an approved venue and who carries out prescribed duties; or
- (b) is employed by or working for a gaming operator and who carries out prescribed duties; or
- (c) is employed or working, whether or not for remuneration or reward, for a licensed provider and who carries out prescribed duties; or
- (d) is employed or working, whether or not for remuneration or reward, for a minor gaming operator and who carries out prescribed duties.

Can the minister explain to the House why these provisions around the responsibilities of venue operators relating to informing the commission of the cessation of their duties has been removed?

Mr FERGUSON - Thank you, Ms O'Connor, and thank you for your question, noting that there is a large number of special employees under that definition who are employed across licensed venues. My advice is that this is a modernisation feature, it is barely a policy change but it is useless red tape and a lot of burden on venues and the commission, which I am advised is of little to no value. What the commission is most interested in is the broader picture of how many employees there are and where they are located, not down to this level of detail, which I am advised provides no value or little to no value to the commission, which would rather concentrate its efforts on its broader responsibilities.

Ms O'CONNOR - Can the minister confirm that it is the advice of the Tasmanian Liquor and Gaming Commission that this section of the principal act be repealed, noting that the advice of the Liquor and Gaming Commission on the individual licensing model was completely ignored by Government?

Mr FERGUSON - Thanks, Ms O'Connor, for the extra question. The answer is, broadly, yes. The commission has asked, in its work with the department, to modernise the act and move away from prescriptive, detailed models of responsibility of this kind more to principles-based compliance. It adds to my earlier answer. The commission has not specifically asked for this particular subsection to be struck out, but in the broader suite that is exactly what it is looking for in this legislation. Broadly, the answer is yes, and I have qualified it in that way.

Ms O'Connor - Did it come from industry, this is the THAs proposal?

Mr FERGUSON - My advice is as I have shared.

Dr WOODRUFF - Thanks for that response, minister. Was the Liquor and Gaming Commission able to look at the changes that were proposed? You said they made suggestions for broad changes but this is a massive bill. After you drafted the bill, did they look at it and did they make any comment about this provision that has been removed?

Mr FERGUSON - Again, to add to my answer, it only adds to my earlier response. This particular provision was proposed by the department itself, the Liquor and Gaming branch, which supports the Liquor and Gaming Commission. I refer to the branch as a part of the Department of Treasury and Finance. The commission was consulted throughout the development of this bill and did express support for these provisions.

Ms JOHNSTON - I have heard a lot of discussion during this debate regarding the importance of employees, of staff in various venues, as being the eyes and ears to help reduce the harm caused by machines, in particular, and other products. Minister, my question to you with this particular provision, if we were to repeal this particular provision, is it not important to know where these special employees are in terms of harm minimisation? They have been given, as you have indicated earlier in the debate today, very important duties, that they are the eyes and ears as they say about harm minimisation. Surely maintaining these provisions in the principal act is an important way of keeping track of these special employees and the very special tasks they are given around harm minimisation.

Mr FERGUSON - I can appreciate where the question comes from. The advice that I have is what I have relayed to the Committee, which is that it is considered of low value, it has provided little to no value, but significant effort and resource that goes into that as the commission itself, with the support of the department through the development of this legislation has sought to move to more principles-based regulation, which is not weakening. It is not weakening, it is strengthening.

My advice is that particular subsection creates a lot of work for little to no value. That is the advice that I have, including in the area of harm reduction - and I will seek a nod on that - little to no value in the area of harm reduction.

Mr DEPUTY CHAIR - The question is that the clause as read stands part of the bill.

The Committee divided -

AYES 19

Mr Barnett
Dr Broad
Ms Butler
Ms Courtney
Ms Dow
Mr Ferguson
Ms Finlay
Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms Ogilvie (Teller)
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Mr Tucker

NOES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

Ms White
Mr Winter

Clause 8 agreed to.

Clause 9 -

Section 76I amended (Determination of application)

Ms O'CONNOR - Deputy Chair, this clause also embeds simulated racing into the new framework. There is a submission that I will quote from now, the Uniting Church in Australia submission, which is a very strong submission signed by Dr Mark Zirnsak, senior social justice advocate for the senate of Victoria and Tasmania of the Uniting Church. They share the concern of Communities Tasmania about simulated racing. The Uniting Church says:

The Synod opposes the introduction of simulated racing events (such as Trackside Racing Game) into hotels, clubs and totalisator outlets. There are already enough opportunities to game without adding animated horse races to gamble on. Further, the risk of gambling harm to people increases as forms of gambling become closer to being continuous, compared to forms of gambling where it breaks in gambling events. Introducing simulated racing events moved gambling on horse racing away from being something people gamble on as discreet events to being something more like continuous gambling.

Which brings them into a very similar category to EGMs and it is on the basis that we don't want to see Tasmanians given more opportunities to lose their money that we will be opposing this clause.

Mr CHAIR - The question is that clause 9 be agreed to.

The Committee divided -

AYES 19

Mr Barnett
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 Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton

NOES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

Mr Tucker
Ms White
Mr Winter

Clause 9 agreed to.

Clause 10 -

Section 76O amended (Application for new gaming endorsement)

Ms O'CONNOR - Again, Chair, this clause cascades off clause 9 which we do not support. It is not supported by Communities Tasmania and other entities within the community sector for there to be a new form of gambling, more widely available in venues. We will be voting against and dividing on clause 10.

CHAIR - The question is that clause 10 be agreed to.

The Committee divided -

AYES 19

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

NOES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

Clause 10 agreed to.

Clause 11 -

Section 76P substituted

Ms O'CONNOR - Mr Chair, I move -

That clause 11(2) be deleted from the bill.

Section 11(2) states that:

- (2) The Commission must not grant an application for a simulated racing event endorsement to be endorsed on a Tasmanian gaming licence unless -
 - (a) the licence is endorsed with a totalizator endorsement; or
 - (b) the Commission also grants an application for a totalizator endorsement to be endorsed on the licence.

As we do not support broadening the reach and the options for losing money in disadvantaged communities, we do not support the introduction of simulated racing.

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

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff(Teller)

NOES 19

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

Amendment negatived.

Clause 11 agreed to.

Clause 12 -

Section 76UA inserted

Ms O'CONNOR - Again, this cascades off our concern about the introduction of simulated racing into pubs and clubs and places where children are with their parents, and the

risk of normalising gambling to children. Therefore we do not support the insertion of a new 76UA into the principal act.

Mr CHAIR - The question is that the clause as read stand as part of the bill.

The Committee divided -

AYES 19

Mr Barnett
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'Connor
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Ms White
Mr Winter

NOES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

Clause 12 agreed to.

Clause 13 agreed to.

Proposed New Clause A -
Subdivision 3 inserted

Ms O'CONNOR - Mr Chair, we propose to insert the following clause after clause 13 and these are key harm minimisation measures which have been advocated for by the Tasmanian Liquor and Gaming Commission, by TasCOSS, Anglicare, Salvos and a number of other community sector organisations which I will talk more about in a moment.

Mr Chair, I move -

That the following clause be inserted.

Insert the following new clause:

A. Subdivision 3 inserted

The following new Subdivision is inserted after Subdivision 2 in Division 7 of Part 4A of the Principal Act -

Subdivision 3 – Technical Standards

76ZNH. Gaming Machine Minimum Standards

(1) In this section –

Gaming Machine Standards

mean rules, standards, and regulations developed under this Act, including but not limited to those developed under section 76ZZG (9), that specify design requirements for gaming machines.

spinning reel games means a Gaming Machine game that simulates reels with multiple symbols, which spin when the game is activated, and land on symbols which are used to determine machine payout.

(2) On and after the 2023 commencement day, Gaming Machine Standards must -

- (a) set a maximum bet limit for gaming machines no greater than \$1; and
- (b) require gaming machines to contain an option to play that accurately and fairly simulate each game available on the machine, without requiring the input of money; and
- (c) for spinning reel games -
 - (i) allow for a reel spin speed no shorter than 3 seconds; and
 - (ii) not allow for a reel spin to be manually interrupted by a player; and
- (d) require compliance with a pre-commitment system for gaming machines which, at a minimum -
 - (i) prevents further play when either daily, or monthly maximum expenditure is exceeded; and
 - (ii) does not allow players to adjust daily or monthly maximum expenditure for a period to which that daily or monthly maximum expenditure applies.

At the moment, as we know the maximum bet limit is \$5. It is a longstanding policy of the Greens for there to be a \$1 bet limit which as Dr Woodruff reminded the House in her second reading contribution was also a Liberal Party policy prior to the 2010 state election. The 2010 state election delivered a perfectly hung parliament: 10 Liberal, 10 Labor and

five Green, so we took the opportunity to move for a \$1 bet limit in Tasmania and to give the then Liberal opposition the opportunity to give effect to their policy which is a key harm minimisation measure but, unfortunately, as we are seeing tonight, the Liberal Party wandered over there and lined up with the Labor Party. Similarly, when we moved for casinos also to pay a community support levy in this house, I cannot remember exactly the year but we were in government, we watched the Liberal Party walk over there and line up with the Labor Party in government.

In his excellent paper *Losing Streak*, the final chapter, James Boyce goes back to the joint select committee and the evidence that came before the committee. He talks about the submission of the Tasmanian Liquor and Gaming Commission which was of the view, first of all, that a system allowing individual pubs and clubs to tender for the operation of the EGMs is highly problematic.

The evidence from the Tasmanian Liquor and Gaming Commission also confirmed their longstanding opposition to a multi-licence model because it would 'increase social harm and be difficult and more expensive to regulate'. The Liquor and Gaming Commission also rejected the claim that Tasmania 'has a low level of problem gamblers' and called for much stronger regulation to help problem gamblers, including slower spin speeds, one dollar bet limits, longer shutdowns at more effective times and tighter regulations for the casinos.

The commission pointed out in its submission:

The Productivity Commission found in 2010 that the gaming machine of 2010 differs greatly from the early 1990s and especially the earlier era. There are more features, more networked games, new graphics and many more playing styles as well as significantly increased potential for losses in any given period of play.

As Mr Boyce says:

... this was still more true in 2016 when machine design has developed further in sophistication and obviously so today in 2021.

The Liquor and Gaming Commission described the one dollar bet limit as a 'simple, cheap and effective way to reduce the amount that can be lost and, therefore, reduce harm to problem gamblers'. Halving the spin rate from three seconds to six seconds combined with a one dollar bet limit could cut likely losses per hour from \$600 to \$60.

The Anglicare submission also in its recommendations says:

Recommendation 3: Enhanced harm minimisation measures need to be introduced immediately as per the recommendations of the Tasmanian Liquor and Gaming Commission, reducing hours of operation, enforcing shutdowns after a set period of uninterrupted use, reducing the maximum bet to one dollar and maximum cash input to \$20, slowing the spin speed and prohibiting losses disguised as wins.

The TasCOSS submission to the Future Gaming Markets Consultation at recommendation 11 urges government to set the maximum bet limit to \$1. The current \$5

maximum bet allows losses of up to \$600 per hour. A one-dollar maximum bet limit will limit losses to \$120 an hour.

The Religious Society of Quakers says:

There needs to be consumer protection built into the legislation. This could include one dollar bet limits, reducing spin speeds, bringing down the maximum jackpot, also losses disguised as wins and the machine celebrating near misses should be banned as these are clearly designed to encourage punters to continue.

The Salvation Army in a similar vein, notes:

... the harm minimisation measures that we (and other organisations) have been calling for over the last few years are not included in the proposed amendments. These are standard measures everywhere except on the eastern board of Australia. For example:

- Maximum bet limits of one dollar in poker machines
- Slower spin speeds ...
- Better training and supervision in gambling venues.

Also, the Uniting Church Synod argues for a one dollar bet limit. The purpose of our amendment is to try to get some rigour into this legislation for harm minimisation and, in fact, it is really to save lives. We have had members who have made a contribution on this legislation talk about people they know or their own personal experience of gambling addiction. I, too, had a very close family member who every second Thursday, on pension day, would go down to the local club and blow all her money on the poker machines and therefore her four children would go without.

If we reduce the bet limit to \$1, we will save people money, we will save them misery and I believe it is all part of the very important fabric we need to weave to save lives. You need slower spin speeds but we also have a provision in here that basically requires gaming machines to contain an option to play that does not require putting money in so people can have a look at this machine and it provides that breathing space.

The fact is a \$1 bet limit is good policy. Mr Ferguson knows that because he was in parliament in 2010. The community sector knows that because they are working at the coalface of the human fallout of poker machines in areas of socioeconomic disadvantage. The Labor Opposition knows that and it is part of the reason that they took to the 2018 state election a policy to remove poker machines from pubs and clubs.

The industry does not support a \$1 bet limit. It does not support the \$1 bet limit because the industry is fundamentally greedy. If you do not believe that, Mr Winter, go and have a look at the Tasmanian Hospitality Association's two submissions that they made to this process that has brought this legislation here today. At every turn in those submissions, the THA is trying to find a way to get more money going to the industry and, not only that, they clearly want to get their hooks into the Community Support Levy and funnel some of that money into the industry as well.

I well remember a conversation from when I was minister with Mr Daniel Hanna from the Federal Group who came to me and was proposing that the Federal Group have some access to gambler support funding in order to conduct its own harm minimisation measures in the casino. It was one of the most pleasant opportunities I have ever had to say 'no' to someone.

Chair, we think that if members in this place are doing the right thing, if they want to save people's livelihoods, if they want to make sure we are not consigning people to mental ill health and despair, and if we want to make sure that kids get fed, then this measure of a \$1 bet limit, slower speeds, and the capacity to just take a breath in front of the machine, is critical.

I know Ms Johnston has some amendments around \$1 bet limits and slower spin speeds as well in other parts of the bill. This is good policy. If you are going to play deaf to the community sector which is dealing with the human cost of the regime we have in place now, and which will deal with the human cost of the regime after these two parties conspire to pass this legislation, we are in a very difficult time because we were elected to work in the public interest. That is why we are here. We are here to do the right thing by the people of Tasmania and if every member took that seriously in this place, they would support our amendment.

Dr WOODRUFF - I am very disappointed that Labor does not appear to be speaking on this amendment since it contains the core position that most of the submissions from the community sector, the separate local councils who made submissions and the LGAT submission, and also the churches and support groups, had. I am shocked that Labor is not even prepared to put its voice to this. I expected that they support it because these are genuine evidence-based, well established harm minimisation measures.

People in the community who do the work, people in Anglicare, the Salvos and neighbourhood centres, those who work every day with people with gambling addictions, know this amendment would make all the difference to people's lives. That is because of the science and research that has been done by the gambling industry into making gambling addictive.

Now that they are computerised, we are in a completely different world to the old one-arm-bandits. That is so far in the past and what we have today with computerisation, endless modification and redesign that provides for multiple, continuous streams of stimuli that are particularly designed with sounds, smells, sensations and colours with the sorts of experimentation that was done Pavlovian-dog style in laboratories in the 1950s.

This is what is done right now, today, to make sure that electronic gaming machines are increasingly able to keep people sitting in the same place for hours on end, even to the point that they wet themselves. Even in a serious state of dehydration, people are remaining in those situations because the machines hold them there.

Humans are just as susceptible as Pavlovian dogs to these stimuli and it is the combination of the high speed of operation of gaming machines, the high stakes, the random apparent reward events, the losses that are disguised as gains and the multiple visual and sensory stimulus that provide the engagement and the connection, and that leads to a repeated action that results in an addictive response in the brain. It gets to a point where people become addicted, who once were not.

I read now from a submission from Charles Livingstone:

EGMs may offer multi line betting, whereby a low denomination bet may be scaled up dramatically, in some cases by a factor of 50 or more. Multi line EGMs also permit what are referred to as 'losses disguised as wins', whereby a bet on one line may win a prize, but the overall effect is a net loss. Such events are rewarded with celebratory sounds and visual stimuli, although the gambler has indeed lost most of their stake. This function may increase the rate of reinforcement by as much as double, thereby providing significant additional reinforcement at no cost to the operator (Harrigan et al 2014).

Losses disguised as wins are one of the reasons people remain stuck at electronic gaming machines, even though they have committed far more of their money than they intended to in the first place.

Mr Livingstone also says that:

The effect of event frequency is significant. EGMs allow for an almost continuous flow of bets, often at the intervals of as little as two to three seconds. They may also permit high bets and thus significant expenditure. For example, at a maximum \$5 dollar per bet, an Australian-style EGM can readily consume an *average* of \$600 per hour and potentially significantly more.

That is a huge amount but, Mr Chair, there clearly have to be huge amounts going into gaming machines of that order in an hour because we know from the Government's data that there is in the order of \$15 million lost every month in Tasmania. \$15 million lost every month: each of those hours, with people going by, continuing to lose \$600 or more if they are stuck there and betting continuously.

Mr Livingstone made his recommendations to change the speed at which bets can be placed. He does support the amendment that we have got today and also, he makes a recommendation in relation to stakes, which is that low stakes gains will have modest limits placed on wages up to one dollar.

Ms O'Connor has also referred to the comments from TasCOSS who support maximum bet limits to one dollar and setting the spin speed to six seconds. TasCOSS makes the point that our own Tasmanian research into electronic gaming machine use and the social and economic impact studies shows that almost three quarters, 73 per cent, of EGM users never or rarely spend more than \$1 per spin, with the average spend being 71 cents per spin.

Only 14 per cent of men and 7 per cent of women spent over \$1 per spin and that was in the SEIS 2021. These measures will not affect staffing, so measures to increase the spin speed and reduce the maximum bet to \$1 will not affect staffing levels in the hospitality industry, which has been obviously one of the furphies that has been presented by the industry whenever harm minimisation measures have been proposed in the past. That is not an argument for opposing this amendment. There is no reason to make an argument that it will do harm to anybody except the profits that are going to the Farrell family Federal Hotels. They are the only people who are winning in this situation. \$15 million: all members should think about

that. \$15 million a month is lost in Tasmania and this is a win-win in the best sort of way's amendment to reduce the harm.

I want to recognise to the House that we have sitting here in the reserve, Margie Law. Margie Law has been a long time contributor to the social economic impact studies and she has been a research and policy officer at Anglicare for such a long time and her work has been critical in understanding the impacts of gambling addiction on people in Tasmania. She made, what I believe would be, a personal submission to the second part of the consultation of the future gaming market. She has 17 years experience and her comments in relation to making poker machines less dangerous include reducing the maximum bet limits to \$1 and slowing the spin speed to six seconds. She says:

It would be like lowering the speed limit on roads. I don't often enter lower speed zones only to find I'm already below the speed limit because I am a slow driver but for people who drive fast, the speed limit hopefully encourages them to slow down and if they don't slow down they're at risk of a speeding fine.

Mr Chair, there are so many reasons to support this amendment.

Time expired.

Ms JOHNSTON - Mr Chair, I will be supporting this proposed amendment. It is interesting listening to the contributions of Ms O'Connor, the Leader of the Greens, in regards to the various submissions on the draft exposure from the community sector. I suppose when you at least get 40 per cent of your profits coming from problem gamblers, then it is in your very best interest to protect your revenue and to ensure that the harm that has been caused by your dangerous machines continues because it will seriously affect your bottom line if it is a less harmful product.

When the community sector tells us through their numerous submissions, as has been outlined previously, that they support things like \$1 maximum bet limits, slower spin speeds, they are the people who are dealing with this issue at the coal face, who deal with the fallout of the harm that these very predatory, dangerous machines cause. They are the people who try to help pick up the pieces when families cannot afford to put food on the table. They try to house people when they have been evicted because they have not paid the rent because the rent money has gone into the throat of a pokie machine. They are the people who try to support a family when a member of the family goes to prison because they have committed a crime to try to support their poker addiction and so, when they tell us what would be effective, it really is upon all of us to listen very carefully.

It speaks volumes that the poker machine industry has not supported this, has not put this forward as a harm minimisation measure. It tells you everything you need to know. It tells you they do not like this because it will impact on their bottom line. How will it impact on their bottom line? It will impact on it because it will affect problem gamblers. It will do nothing to deter recreational users. People will still be able to have a game, still be able to put a couple of dollars, their loose change into the poker machines and still have a lovely night. As the member for Franklin, Mr Winter, told us beforehand, he has a great experience at the pub, apparently, putting a few dollars in and having that collegial atmosphere. You will still be able to do that.

The difference with these particular mechanisms to make them less harmful is it takes longer for you to lose your money and that is important. It is incredibly important because you will lose less, slowly. You are less likely, therefore, to chase a win, to chase the big jackpots. You are less likely, then, to get into a hole and you are less likely to become addicted.

If setting maximum bet limits has no impact, I think the minister was previously suggesting that the maximum bet limits are not really an effective mechanism for harm minimisation, then why do we have \$5 in the first place? We had it because we know it does make a difference to how much people can lose, the harm that a machine can cause. We have set it previously at \$5 and we know the harm that can cause. I said it earlier in my contribution, that with the current regime it is entirely possible for someone to lose \$18 000 a day.

A lot can be done. If we were to change this, we can reduce that significantly. If it were lowered from \$5 down to \$1, the loss is very, very different. You are only losing 15 cents every three seconds, rather than 75 cents every three seconds. If you think about how quickly money can go; one, two, three, gone, that is what happens. People are sitting on machines pressing buttons every three seconds, to lose their life savings, to see their families destroyed. That is exactly what is happening right now.

It is disgusting, but we can make a difference with that. This is exactly what the community sector has been calling on us to do for so many years. I know they have met with members of this House and pleaded with them. I know there are members of this House who have participated in things like the Salvos Sleep Out and listened to people tell their stories of how they have become homeless. Some of those stories involve poker machines. I know we have been to various Vinnie's Van events and things like that and have heard about why people need that kind of support - poker machines. These are organisations that are dealing with this on a day-to-day basis and they have given us solid advice to accept \$1 maximum bet limits and slower spin speeds. Surely, we have a responsibility to listen to them, to care about the people they are dealing with, rather than caring about the bottom line of the gambling industry.

I note this amendment also includes a compliance with a pre-commitment system. I am not the biggest fan of pre-commitment systems but I do accept that pre-commitment systems can form part of a complete suite of harm minimisation measures. Pre-commitment systems really do require someone to acknowledge what their limit is and to recognise if they have a problem.

The unfortunate thing with poker machine addiction is it is often all too late before someone realises they have a problem or that they are losing too much of the household budget every day or every week or every month. A stand-alone, pre-commitment system is not enough but when it is added as a suite of arrangements around harm minimisation, it will have an effect.

I certainly do not deny what the minister said earlier and what the shadow minister said earlier about the importance of pre-commitment in regard to having an ability to minimise harm, that someone can nominate the amount but that is only effective to a certain point.

When you have someone who is so sucked into gambling, so sucked into a poker machine that they are prepared to sit at a machine for a long time and soil themselves, they do not the rational ability to consider what it might be that they can budget for that particular week, day or month as a reasonable amount to spend. They have lost that ability. They are not thinking rationally about their household budget. What they are thinking about when they sit in front

that machine, press that button every three seconds, what they feel is a hypnotic effect. They feel a soothing, a calming, they can escape from their troubles. That is what they are feeling. They are not thinking about 'how much money am I losing here?'.

I urge members to support this amendment and I flag that I will have amendments later on that are very similar. This is something practical that we can do. When we have been looking around the House and having discussions of previous clauses, albeit running up to clause 13, there has been a lot of eye-rolling and mutterings every time we have called a division but it is important that we do because that is the way we record on the record how members of this House have voted.

When I go home tonight, I am going home to my children and I will be able to look them in the eye and I want them to see and demonstrate that I have stood up for the community that they live in. When I go and meet the Salvation Army, as I will do tomorrow, I want to be able to say to them on the record, 'I stood with you, I voted to try to put as many harm minimisation measures into this bill as humanly possible'.

I ask that you have some patience tonight with us when we do this and call a division on every particular clause because it is important that I, and you all, should be able to look the stakeholders in the eye and tell them exactly how you voted.

Ms O'CONNOR - I could not agree with Ms Johnston more. The reason we are proposing these harm minimisation measures, comes down to individual human beings. I received this text from a friend of mine a short time ago:

My brother worked on the floor of the casino. He found an old lady who begged him to walk her to the door so she wouldn't spend the rest of her money because she didn't have the strength to do it without his help. She held his arm all the way to the door and she asked him to wait for a little bit so she wouldn't come back in. That is the reality of employees on the casino floor. He told his supervisor and raised concerns about older people in there, and Wrest Point never let him work on the pokies floor again.

Do not pretend that there is going to be any significant support from an industry which is making money out of bilking poor people for any meaningful harm minimisation measures because the Greens do not buy it. I have personally met too many people who have lost everything.

The woman in Devonport a few years ago - three kids, husband, happy marriage, a job she really enjoyed, and she ended up in the homelessness facility up there because she could not stay away from the poker machines. She was so determined to stitch her life back together and get her kids back. The whole objective for her was to get her children back. It is because of poker machines that her children were taken away.

We get this lecture in here from people like the minister about choice, individual choice, denying what we know to be true, which is that when you are a gambling addict you do not make clear and informed choices. Stress floods the body with cortisol and when we are full of cortisol, we cannot think clearly. It is physiologically impossible to think clearly when you are that stressed.

If you are sitting at a poker machine chucking in five bucks every three seconds, very soon all your money is gone and that is not a choice that you have made. That is what is so offensive at a fundamental level about the philosophy underneath this legislation about individual choice.

If you had a \$1 bet limit you would still have people who would be able to make an individual choice to go to a casino or to a venue and have a splash on the pokies. My mum used to do it; she would walk into the venue and she would say, 'I am only going to spend \$20'. She would go down there with her friends and she would only spend \$20. But they are not the people we are talking about. We are talking about the woman I know up in Devonport, we are talking about the woman that my friend's brother had to help, begging, out of the casino.

That is what these harm minimisation measures are about. They are evidence-based, which is why the Tasmanian Liquor and Gaming Commission put them forward to the parliamentary inquiry. That is why they are supported by TasCOSS, the Salvos, Anglicare, Hobart City Mission and other charitable organisations. It is good evidence-based policy that will save lives, that will, in totality, help to prevent family violence, family breakdown, child abuse and neglect, addiction, mental ill health.

We have been around politics long enough, Dr Woodruff and I, and we know what is going to happen tonight. It is depressingly obvious what is going to happen tonight. This amendment will not be supported, other harm minimisation amendments which have been put forward by the community sector and charitable organisations, and the Tasmanian Liquor and Gaming Commission, will not be supported either because we are dealing in here with, as I said in my second-reading speech, institutional corruption.

It is tragic that that is what this place has been reduced to. We are in this position because of people like Steve Old who, in his first submission to the consultation on the legislation, in March this year, is basically giving Government its marching orders. It says:

Under the new gaming act it will be imperative that Tasmania moves from 30 to 50 lines on machines so Tasmania can purchase and get machines. This has to happen so Tasmanian venues are not left exposed and unable to operate post-30 June 2023.

It says also:

Trackside should be permitted in pubs and clubs as soon as possible as another activity and offering to consumers by venues. Venues should not have to wait until 2023 to see this implemented. It should be done at the earliest convenience.

Then:

The Government must work with the THA to address issues as they arise.

We know who the old parties are taking their marching orders from in this place. It is not the community sector, it is not the Liquor and Gaming Commission; it is the Tasmanian Hospitality Association. I really hope, honestly, I know this sounds petty but, boy, I hope some of you have trouble sleeping tonight.

Dr WOODRUFF - I want to continue my contribution from the people who made submissions on this matter to the legislation draft bill and I want to talk about the Local Government sector. The Local Government Association of Tasmania made a submission and they make the point that their submission is consistent with the three previous LGAT submissions on gaming: the 2020 feedback on the future of gaming in Tasmania policy; the 2016 response to the joint select committee of the future of the gaming markets; and the 2017 response to the Tasmanian Liquor and Gaming Commission on the Gaming Control Act community interest test discussion paper.

They say that a number of councils will make submissions on this matter directly to the Department of Treasury and Finance. LGAT is fully supportive of those individual submissions reflecting the views and circumstances of that council and their community. LGAT's submission takes account of council views, previous submissions and the local Government position for motions passed at LGAT general meetings and consultations with councils since 2016.

I am sure the member for Franklin, Mr Winter, as a former mayor of Kingborough Council, would have been party to a number of those LGAT general meetings and on behalf of his council must have made decisions that were passed to LGAT meetings and made decisions about whether to vote in favour of LGAT motions on matters to do with gaming and harm minimisation, which is what LGAT's submission is about. Mr Lester, who wrote the submission, said that:

The major shared concerns of Local Government remain harm minimisation and increased community engagement in the Community Interest Test. Harm minimisation is relevant to the proposed amendments to the Gaming Control Act. In our 2020 submission, LGAT acknowledged the importance given by government to harm minimisation.

But they say it is unclear how the amendments in this bill will strengthen harm minimisation. There is specific feedback on the current proposed reforms include their concerns that directly relate and are relevant to harm minimisation. They recommend the need for lower maximum bets, lower minimum bets, slower spin speeds, reduced maximum jackpots, no losses disguised as near misses and mandated regular machine shutdowns.

That is somebody who has been a member of a council. I know with 29 councils in Tasmania it takes a lot to get a consistent view. That has been running now since, they say since 2016, and I am sure Ms Dow, the member for Braddon, also a previous mayor, would also understand and agree that these are matters in which there is not always uniformity across councils by any means. West Tamar Council made their own submission and they supported and reaffirmed the general position of LGAT and made the point that in addition they wanted to put the health and wellbeing of their ratepayers first and foremost in the decisions that are made in relation to gambling.

Finally, I want to bring to the House's attention the submission of the Glenorchy City Council. I know for the Independent member for Clark, Ms Johnston, this is her area and she has been the passionate spokesperson on this issue on behalf of her community. I want to read into *Hansard* some of the specific comments from a council which has a special position. They say:

With 240 electronic gaming machines across eight venues, approximately one machine for every 156 adults, the City of Glenorchy has the unenviable distinction of being known as the 'pokies golden mile'. The city also leads the way in expenditure on EGMs and the figures from the Department of Finance and Treasury show the significant amount of money that is lost each month. In 2017-18 and 2018-19 EGMs in Glenorchy Council losses was just under \$20 million: an average spend per machine of almost \$71 000.

These are truly staggering figures and Glenorchy City Council knows the harms to its community that occur from losses from electronic daily machines, which are designed by manufacturers to be ever more addictive. The council, in its submission, believes that harm minimisation measures are a fundamental component in any gaming framework and it is imperative that the measures are as strong as possible. They point to the fifth SEIS study in Tasmania, which says there was substantial agreement from across the community gambling help sector as to further preventative strategies they would like to see implemented. These include support for reducing the maximum bet limit from \$5 to \$1, increasing the spin rate from 3.5 seconds to 6 seconds, the introduction of a card-based pre-commitment system, and reducing the number of hours open to gambling to a maximum of 12 hours per day. That is what Glenorchy City Council recommends in its submission: \$1 maximum bet limits, 6-second spin speeds and maximum jackpots of \$1000 instead of \$25 000, prohibiting losses disguised as wins, with no celebratory lights for a net loss, and prohibiting near-misses, which are currently programmed into EGMs.

There is no doubt that the community sector, which deals with people on a daily basis, and every council across Tasmania, including councils of members of this place who have been sitting on those councils in the very recent past, understand that their communities want this. They understand that the majority of their ratepayers, overwhelmingly - if they want to have EGMs here in some form - they definitely all agree on reducing the harm. Everybody agrees that there are ways to reduce the harm and we must reduce the harm. This is the amendment to do that and we ask members to look into their hearts and think that this is one really important contribution we can make as individual members in this place. If ever there is a time to think about the people in great need in your community, this is the time.

Mr FERGUSON - I respect the amendment and I respect the motivation that drives it. I do not respect some of the unhelpful, unkind comments made by some speakers in relation to colleague members of this House. It does not do you any credit. The Government will not -

Ms O'Connor - You are not our father. We are just not going to be chastised by you like we are children.

Mr FERGUSON - I am not going to go there. You are very free and easy with your criticism of everybody else and you act as though you are kinder and nicer and smarter and more caring than anybody else, but now it is your turn to listen.

I have paid respect to the amendment, which I did not have to do, and I respect what it is motivated by, but you do not have a monopoly on compassion and you certainly do not have a monopoly on the best intentions toward our state from a balanced approach -

Ms O'Connor - We do with this legislation. Yes, we do, on this bill, we do. You are abandoning people.

Mr FERGUSON - Those comments are rejected by me and by many Tasmanians who voted differently from what you would have them do. When you say silly things, unkind things, like you hope your colleague MPs have a terrible night's sleep, you do yourself no credit. You double down now and it is on the record and you are exposed. The Government's -

Ms O'Connor - Whatever. Like I care what you think.

Mr FERGUSON - Just be professional. The Government's facial recognition, card-based approach and gaming pre-commitment, as part of the direction to the commission, is an effective way to address harm. Machine-based changes, such as those proposed, would be very difficult, I am advised, to implement given the small market in Tasmania, and would mitigate manufacturers unlikely to customise machines. That is what I am advised. I understand that has been brought into the debate on previous occasions where the same idea has been raised. It is not to be critical of the idea, but there are reasons why people would vote against this. There are reasons why people might take a different point of view to you, so while you get all offended over there, listen to someone else have a turn at listening.

Tasmania is a very small participant in the national gaming machine market. I am advised that its share of machines is less than 2 per cent of the national total, making its demands less likely to be met than those of a larger jurisdiction. That is a statement of fact.

The question again comes around and Ms Johnston, you quite fairly pointed out again in your much more balanced comments about even if your losses at worst are contained to \$900 a day, it is still \$328 000 a year, so it is not the answer. It does not actually encapsulate a person's losses that they are able to set for themselves in advance, and can afford to lose, before the act of gaming, in advance of walking into a venue with clarity of mind, away from the attractions, away from the location and the temptation. You have been able to establish the pre-commitment with a clear mind.

That is the work we want the commission to do. That is the approach that the Government is adopting. We are trying to be fair and reasonable, but honestly, some of the Greens members particularly - you do yourselves no credit when you demand to be listened to by everybody else but you are so rude and disrespectful and unprofessional when somebody takes a different point of view to yourself.

Ms JOHNSTON - I cannot let the comment that was made around the difficulty in implementing slower spin speeds and \$1 maximum bet limits go unaddressed. These machines are very sophisticated computer programs and, essentially, spreadsheets.

Interestingly enough, if you took away all the bells and whistles and the pretty impressive graphics and only had a spreadsheet ticking away, I suspect you would not have a problem with problem gambling, but nonetheless, that is where the companies invest their time and money.

If we were to change the bill and make it so that the player return was a lot less, say we made it 50 per cent, I guarantee the poker machine industry would have those things implemented within hours to increase their profits.

I find it very hard to believe that it is difficult to reprogram these machines to provide \$1 maximum bet limits and slower spin speeds. The reason why the minister has been told it is

difficult to implement it, is because the poker machine industry does not want to do it because they will lose money. They will not get as much money from problem gamblers.

On the flip side, if this parliament were to pass a bill that said that the player return was far more favourable to the poker machine industry, they would be remarkable in the speed in which they would reprogram those machines.

I could not let that comment from the minister go unaddressed because this is a very simple thing that we can do, as a parliament, to minimise the harm that poker machines cause.

Mr CHAIR - The question is that the new clause A stand part of the bill to following clause 13.

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

NOES 19

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

Amendment negatived.

Clause 13 agreed to.

Clauses 14 to 20 agreed to.

Clause 21 -

Section 148A amended (Annual Tasmanian gaming licence fee)

Ms O'CONNOR - Thank you, Chair. Again, this is one of those proposed amendments to the Gaming Control Act that is part of introducing a new form of gambling into venues in Tasmania. It contains reference to simulated racing and the licence fee that is attached to that

and the endorsement and, I will say it again, we do not support the legislation. We do not support the introduction of new forms of gambling in Tasmania.

We support the right of children to have a roof over their heads, to be fed, and to be able to go on school camps if their parents can afford it. We support the right of people who live in disadvantaged communities not to have their money ripped out of their pockets by machines which are designed to rob them. Nothing more, nothing less.

These machines are designed to rob people and that is why they are put in the places that they are put. That is why Glenorchy is full of them, as well as George Town, Devonport, and Burnie. They are put in those places and in the locations where they because they are designed to tap into people and take their money.

Simulated racing will be another example of that so we do not support this clause.

Mr FERGUSON - Chair, I am happy to proceed. I ask that we hold open this clause and return to it because the Government has a potential amendment to discuss during this clause that is not finalised but I would like to proceed with the clauses of the bill and I would like to suggest that given Ms O'Connor has moved, or you may not have moved but Ms O'Connor wishes to vote against the clause, I cannot have the clause closed because that would prevent me from moving the amendment to be considered by the House which is not ready. I ask if you could take that advice.

Ms O'CONNOR - I am very happy, under Standing Order 267, to ask that the House report progress if necessary.

Mr FERGUSON - No, I am advised that I should move that the clause be postponed.

Mr CHAIR - The question is that clause 21 be postponed.

The Committee divided -

AYES 19

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 Ogilvie (Teller)
Mrs Petrusma
Mr Rockliff
Mr Shelton

NOES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

Mr Tucker
Ms White
Mr Winter

Motion agreed to.

Clause 21 postponed.

Clause 22 -

Section 150A amended (Taxation in respect of Tasmanian gaming licence)

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

Leave out paragraphs (a), (c), (d) and (e).

This amendment proposed to clause 22 leaves out paragraphs (a), (c), (d) and (e), all of which refer to or cascade from simulated racing events that relate to taxation in respect of the licence. It is about inserting this new form of gambling into the principal act and we do not support poker machines in pubs and clubs. We do not support fully-automated table games and we certainly do not support simulated racing which, as the submission from Communities Tasmania makes clear, has risk associated with it, particularly on normalising gambling for children in venues where simulated racing is being conducted. Again, this amendment is to try to clean up and clean out that provision within the legislation.

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

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

NOES 19

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

Amendment negatived.

Clause 22 agreed to.

Clause 23 agreed to.

Clause 24 -

Section 151 amended (Community Support Levy)

Ms JOHNSTON - Mr Chair, I move -

That clause 24 be amended -

Insert the following paragraphs -

(aa) by omitting subsection (4) paragraphs (a) and (b);

(ab) by omitting from subsection (4)(c) "50%" and substituting "100%".

It seems to me a lot has been made of the Community Support Levy and it was sold at the time as a way of the poker machine industry giving back to the community from the mega-profits that have been made. That is quite false. It is not the poker machine industry giving back to the community. In fact, it is the poker machine addicts funnelling money through the poker machines back into the community.

What we have in the current regime is a distribution of the Community Support Levy, which provides 25 per cent to community organisations, 25 per cent to supporting organisations and 50 per cent, nominally, to gambling support programs. What we are doing is asking those who are most affected by the machines - again remembering that around 40 per cent of poker machine profits come from people who are addicted to poker machines - to pay for a community good. To me, and many others, this seems quite a perverse outcome, that we are asking people who can least afford to lose money to pay for their local sporting clubs through the Community Support Levy, to pay money towards their local community organisations.

When the poker machines were shut down during the COVID-19 lockdown, what I saw in my local community was people spending their money elsewhere, supporting community groups and sporting clubs even though they were often not operating because of the lockdown restrictions. Money was going into those clubs. What I have had reported to me is that when money does not go into poker machines it can go into things like paying for the kids' new soccer boots, it can go into supporting the local Neighbourhood House and activity.

What happens when it goes into the poker machine's throat, the vast majority of that money goes to the pokie barons. It does not go to the Community Support Levy.

Poker machines cause enormous harm and destruction on families and individuals. Therefore, it puts an enormous burden on some of the very community organisations the CSL goes to. If you sat down with them and asked them, 'Does the money you might get from a Community Support Levy grant even come close to matching the amount that you have to give out in support to people who are suffering from poker machine addiction?', I suggest they would say it does not even come close.

I ask the House to give this amendment consideration, if we are serious about the Community Support Levy and giving back to the community, it goes back at least to the people who have been harmed the most. Would it not be nice if, eventually, this made the whole Community Support Levy redundant because we did not have people addicted to poker machines in the first place, or that there was support for them to limit the amount that goes into the poker machine industry? I ask members of the House to give this serious consideration as a way of demonstrating that they are very serious about addressing poker machine addiction and that they want to funnel their efforts into harm minimisation and caring for those who are severely impacted by poker machine addiction.

Ms O'CONNOR - For members who are not following what is happening here, this amendment, which we are prepared to support - first of all what the Government is trying to do is to remove from the act clause 151(5), which is that:

The Minister must -

- (a) cause an independent review of the social and economic impact of gambling in Tasmania to be carried out every 3 years; and
- (b) cause the findings of each such review (or a report of those findings) to be tabled in each House of Parliament within 20 sitting days of that House after the completion of the review.

The next amendment proposed by the Government is that we remove the definition of 'independent review', which in the principal act means:

a review by persons (only one of whom may be employed by the State of Tasmania or a State Service Agency) who, in the Treasurer's opinion, possess appropriate expertise or qualifications to carry out the review;

It would be helpful if the minister could explain the thinking behind this. We know it is a question of policy which has been objected to by a significant proportion of community sector organisations around changing the social and economic impact study from every five years to every three years.

Dr Woodruff - Three years to five years.

Ms O'CONNOR - That is right, thank you, Dr Woodruff. It is a matter of Government policy that the Government wants to change the legislated requirement for a social and economic impact study to be undertaken every three years and instead have that study undertaken every five years. If you go to the submission from the Alliance for Gambling Reform, which is part of the Uniting Church of Australia Synod, their strong view is:

The submitting bodies oppose the social and economic impact study to be conducted only every five years instead of every three years.

As the Synod points out:

As new gambling products are being introduced regularly, limiting the study to every five years means it can be a long time before the Government will have data about increased harm from new gambling products. For example,

the recent introduction in Australia of Lightning Link and Dragon Link EGMs has seen significant increase in losses on these machines without an evaluation of the harm they may be causing.

There has not been an argument put by Government as to why you would expand the amount of time between an SEIS that is funded out of the Community Support Levy and is part of making sure that government has the data to understand whether extra or stronger harm minimisation measures are needed.

I note that Ms Johnston's amendment, if I read this correctly, is for 100 per cent of the Community Support Levy to go towards the provision of research into gambling, services for the prevention of compulsive gambling, treatment or rehabilitation of compulsive gamblers, community education concerning gambling and other health services which would take away the current statutory mechanism which has a quarter of the CSL going to sport and recreation clubs and a quarter to the benefit of charitable organisations.

That is a mechanism that was put in the legislation by the Legislative Council when the deed was first enacted, thankfully, and it has been useful to sport and recreation clubs and charitable organisations. I will note, however, that this Government has a track record every four years of going around to various sport and recreation clubs in Tasmania, going to community and charitable organisations and making promises about grants that have come out of no particular grant pool that are actually just about -

Mr Winter - Whether you have asked for it or not, sometimes.

Ms O'CONNOR - Yes, whether you have asked for it or not. Clearly, the funding is available to provide to sport and recreation organisations within the Public Account or the Premier's slush fund or other pots of money. There is a compelling argument that every cent of the Community Support Levy should go towards minimising the harm caused by gambling and gambling addiction so we will support this amendment because we will support any measure that improves harm minimisation in this legislation.

Mr FERGUSON - Mr Chair, thank you to the speakers, Ms Johnston and Ms O'Connor. I have previously outlined that this entire area is under review. The amendment is not supported. The additional Community Support Levy funding to be received from July 2023 will be distributed in accordance with the new framework to be established in regulations. This provides the flexibility with the distribution of funding from the previous formula which is applied and which will continue to apply up until July 2023. This will provide flexibility that the current prescription in the bill does not allow.

The Community Support Levy broadly will be directed to community capacity building, preventative programs or initiatives, direct support programs or initiatives, and research activities.

As I have said before, the department is still assessing stakeholder feedback and will consult further with the community prior to parliament receiving a tabled version or a tabling copy of the regulations, which is the appropriate path forward.

There has been a lot of discussion about this, particularly I remember at the Estimates Committee where the Greens leader was most offended that church groups were being consulted and wanted to play games because she thought she had a 'gotcha' moment because

she thought it might be the church that I belong to. We all know what Ms O'Connor thinks of Christians and she thought she had me -

Ms O'CONNOR - Mr Deputy Chair, that was personally offensive to me. I have many Christians in my circle, in my family and as friends. I take personal offence and ask the minister to withdraw that immediately.

Mr DEPUTY CHAIR - Minister, I ask that you withdraw.

Mr FERGUSON - I withdraw it but we all know what you say, Ms O'Connor, because it is on the record and the way that you conducted yourself was a really foolish game because even if I had belonged to the Tailrace Community Church, which I think is a great church, and they are great people but the way that you tried to play that game showed the juvenile nature of politics that passes for public debate in the Greens' space. As it happens I am probably due to visit that church and I ought to do so. Ms O'Connor, and others, you would be most welcome as well. It is a great church.

Ms O'Connor - Actually, how many other churches did you not consult? Hundreds?

Ms Finlay - It is smoked meat night tonight.

Mr FERGUSON - Is that tonight?

The silly games that were played: many groups were being consulted through a more targeted consultation.

Ms O'Connor - One church.

Mr FERGUSON - Ms O'Connor, you have no idea. I am pretty sure that the Salvation Army is a church. I am pretty sure the Uniting Church is a church. There are even more than that. You need to read more, get out more and maybe go to church more.

Mr Deputy Chair, this matter has been extensively canvassed. Ms O'Connor, the unhelpful comments do you no credit. We are reviewing this. We want it to be more meaningful in its application, noting that there are a lot more funds that will come into the Community Support Levy. We want to support the community. Exactly how that is going to occur, I can quite honestly say right now, that we do not have a pre-formed view on that, but we want it to make the best impact.

For the time being, the current rules will continue until 1 July 2023 after which, as you will see from a latter part, they would, on commencement be extinguished and replaced through a more contemporary method, which is through regulation.

With a gentle touch for the reasons I have outlined, the Government does not support this amendment tonight.

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

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

NOES 19

Mr Barnett
Dr Broad
Ms Butler
Ms Courtney
Ms Dow
Mr Ferguson
Ms Finlay
Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street (Teller)
Mr Tucker
Ms White
Mr Winter

Amendment negatived.

Mr DEPUTY CHAIR - The question is that clause 24 be agreed to.

The Committee divided -

AYES 19

Mr Barnett
Dr Broad
Ms Butler (Teller)
Ms Courtney
Ms Dow
Mr Ferguson
Ms Finlay
Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Mr Tucker
Ms White
Mr Winter

NOES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

Clause 24 agreed to.

Clause 25 -

Section 152 inserted

Ms JOHNSTON - Mr Deputy Chair, I move the following amendment -

Proposed new section 152(1)(a) -

Leave out '5 years'.

Insert instead '3 years'.

The social and economic impact review is a really important piece of work which helps inform policy debate and discussion, and hopefully informs legislative changes. It is a way of monitoring the impact of what we already know is a very harmful product, in particular, poker machines in the community, and it is critical that it is done at regular intervals. We know that the incidences of people reporting their own addiction, or self-reporting their addiction to poker machines, is lower than that reported in various socio-economic impact studies but nonetheless, it is still an important body of work to help inform the discussion; to help us understand at least some component of what is happening in our local communities.

I have heard over the whole week a number of times members of this House refer to what they consider is a small percentage of people who are problem gamblers. They keep referring back to previous socio-economic impact studies to justify why they are not doing anything about harm minimisation and making effective changes in that space but again, we know that there is significant under reporting and that, hopefully, future reports will be more robust. We will find new ways of ensuring that they can more accurately report the incidences of problem gambling in our community.

The shame that people feel because of their pokies addiction means that they do not self-report. We are heavily reliant on community organisations being able to identify these particular individuals but as the years progress, hopefully the methodology for these particular impact studies progresses as well and we can get a clearer picture of the harm. At the end of the day, it is just a number, a statistic in a report, and I much prefer to listen to the real-life, lived-experience of individuals. It is critical that this work is done. To extend it out to five years was just too much. It really ought to be done every three years given the harm that these particular machines cause.

Ms O'CONNOR - This amendment proposed by Ms Johnston is a very similar amendment to the one that we had proposed as our first amendment to clause 25. This is backed up by the Anglican Church Synod and other community sector and charitable organisations. As Ms Johnston said, the reason that the SEIS is so important for policy makers and for the Liquor and Gaming Commission and for Communities Tasmania and for the Tasmanian Health Service is that it provides that snapshot every three years of the social and economic impact of gambling.

As we know, forms of gambling are changing. Machines are becoming more sophisticated in the way that they hypnotise people and persuade them to put more money in so, in fact, this is a really retrograde step if we are serious about minimising the harm caused

by poker machines in the community because it potentially allows for another two years of a particular type of game or gaming machine causing really significant harm in a way that potentially it has not been caused by another type of machine previously and it is not picked up by government.

Certainly, you would not think that the industry was going to report that they have got an even more successful life-sucking machine in their venue. The reason the SEIS report is so important is because it allows community sector organisations and churches like the Salvation Army to drill down into the data and to come up with information like this which was undertaken by the South Australia Centre for Economic Studies - that was our SEIS study. The Salvos say:

According to the fifth Social and Economic Impact Study into gambling in Tasmania 2021, the most significant quantifiable cost of gambling in the state is the estimated cost of relationship breakdown followed by psychological distress of people experiencing gambling harm and their immediate family. Furthermore, the total social costs of gambling in Tasmania in 2020 are estimated to be between \$48.9 million and \$159.6 million.

and that is not a cost that is covered by the Community Support Levy, you can be absolutely sure of that. I will just read a little bit on the 2015 SEIS from James Boyce's book:

The best justification to uphold the status quo is people's 'right' to enjoy playing poker machines. But as Treasurer Peter Gutwein, has noted, the 2015 *Social and Economic Impact Study* revealed that the number of people who played poker machines at any time had 'consistently fallen from 2008, down from 28.5 per cent in that year, to 20.7 per cent in 2011 and 18.6 per cent in 2013, a reduction in participation over the period of around 35 per cent.' What Gutwein ignored, though, is that poker machine revenue hardly changed during this period because the amount lost by each player considerably increased. Recreational pokie play has declined, but problem-gambling has not.

That would not have been identifiable without regular SEIS reports. The other interesting information that has come out of SEIS is that the majority of people in the pokies lounge at any time are likely to be clinically-defined problem gamblers and that people experiencing negative impacts from their gambling account for about half of poker machine expenditure. In other words, pokies addicts are not just customers of Tasmania's gambling industry, they are its core business. That, too, came out of the social and economic impact studies, and it is a really marvellous paragraph on page 8 of James' book:

Peter Gutwein's position on poker machines is not in the interests of the Liberal Party, its small business heartland or the Treasury. The policy defies political and economic logic, not to speak of its callous indifference to harm.

To understand the treasurer's rhetoric ...

The treasurer in this instance is now Premier, who is still the Treasurer:

... it is necessary to recognise that for nearly fifty years almost every minister in charge of gambling policy, regardless of political allegiance, has misrepresented data to defend the industry. The latest propaganda is less an expression of an individual politician's views than of the ingrained assumptions of a political class. Their trenchant support of the status quo is not due to *self-interest*, but to a *conflict of interest* that permeates the political establishment.

I could not agree more. We will be supporting this amendment. We want to see rigorous research into the harm caused by gambling and we do not think policy-makers, agencies, organisations who are undertaking harm minimisation, historians, should be made to wait every five years for a data snapshot of the human fallout from poker machine policy, which is supported by both the major parties in this place. Is it that you do not want to see the data?

Mr FERGUSON - I will respond briefly. Again, Ms O'Connor with her vitriol, which does her no credit whatsoever.

Ms O'Connor - Stop lecturing me.

Mr FERGUSON - There is only one person doing all the lecturing and that is yourself, Ms O'Connor, but you just do not like listening to a different point of view.

Ms O'Connor - I do not like being patronised.

Mr FERGUSON - It is just more of the same. What I will say is that your false claim that the Government and I have, I will quote you, 'trenchant support of the status quo', could not be further from the truth.

Ms O'Connor - That is from James's book. I was reading from the book.

Mr FERGUSON - We have heard from you, Ms O'Connor. It is my turn to speak and I wish to say that we are not interested in your false claims which, again, incorrectly state that we are fighting for the status quo. You said you could not agree more. You have said that so many times tonight, as you read from that volume. It has been really clear in the second reading speech and in the clause notes, certainly in the fact sheet, that the reason for the proposed change is for practicality, the best use of resources, to continue to ensure that the social and economic impact study is effective and useful.

It might upset you to learn that this was a recommendation, I am advised, in line with the joint standing committee recommendation to increase the period, and is supported by the commission.

Ms O'Connor - Is that the committee that recommended this policy?

Mr FERGUSON - The commission supports this, and I am advised the gambling support program supports this. You have to remember -

Ms O'Connor - Communities Tasmania does, I do note that.

Mr FERGUSON - I know you do not like listening. You demand to be heard but you do not like to listen.

I am advised these reports cost about \$1 million a bang. That is a lot of money, \$1 million each time. The advice we have had is that, having the reports too close together, there is not enough material change in the landscape to justify a new report. You need to have regular reports but it is about finding the sweet spot. What is the right amount of time? For example, 10 years would be ridiculous. One year would be ridiculous. What is the right time frame? It is a bit like the question, how long is a piece of string and how long should it be? The increase in the gap between reports recommended from three to five is sensible. Remember, do you know where these studies are funded from? They are funded from the CSL, a precious resource. You can do the maths.

Ms O'Connor - A million dollars is less than the Glenorchy municipality loses every month.

Mr FERGUSON - I will wait for you to finish being rude, Ms O'Connor, as you lecture the rest of the House. The study funds come from the Community Support Levy. Extending the period, self-evidently, will free up funds for other community support purposes. At around \$1 million per report, there is a lot of sense in this. The amendment that tries to revert back to three years is out of line with that. I am again advised that not only is it in line with the joint select committee recommendation, it is supported by the commission, and it is supported by the gambling support program.

Given that it takes 12 months to procure and undertake the study, three years is too short a time to properly consider the outcomes, to implement any changes indicated by the report and evaluate changes before the next report must commence. I said earlier today and I say it again now, there is a difference between feeling good in this area and doing good. It might seem to you a good idea to have them every three years, you might have said bring it back to two years. That might feel good, but you will not do good. It will do no good but it will cost money.

For those reasons, the Government will not be supporting this amendment. The recommendation and the very clear and consistent advice on this, is that five years is appropriate, by the way noting that the review of the mandatory code occurs every five years as well. I would rather see those funds put to the community.

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

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

NOES 19

Mr Barnett
Dr Broad
Ms Butler
Ms Courtney
Ms Dow
Mr Ferguson
Ms Finlay

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

Amendment negatived.

Ms O'CONNOR - Mr Deputy Chair, I move the following amendment -

Insert the following paragraph -

- (aa) cause a review of compliance with, operation of, and effectiveness of the Act, with regard to the object of the Act, to be carried out every 5 years; and

Then it flows on to the next clause in the bill we are debating to say:

- (b) cause the findings of each such review (or a report of those findings) to be tabled in each House of Parliament within 20 sitting-days of that House after the completion of the review.

The House has just voted against maintaining the current provisions around the social and economic impact study and that is a matter of great regret. What we are seeking to do here is to make sure you have a provision in this act that will allow for regular review and, short of a sunset clause, which would have been my preference but you cannot unbake a cake and you cannot put a sunset clause into legislation which has got rolling 20-year licences, it is good statutory policy to have a review of the operations of the act itself every five years.

Given that the House has just voted to extend the SEIS time frame to five years, it is potentially very helpful to have the SEIS study inform a five-yearly review of the operation of the act.

One of the most offensive things about this piece of legislation is the fact that it is for eternity. There is no deed that comes to an end. There is no capacity for parliament to revisit this policy in any substantive way until you had a government that had the courage to take on the gambling industry and that will be not a government, in my view, that is made up of either of the two parties in here right now.

This is a sound amendment. All our amendments are sound but we do think that legislation that carries this level of social and economic impact should be examined every five years as a matter of course, just as we have these sorts of provisions in a whole range of statutes.

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

Ms O'CONNOR - We have not heard a view from the minister on that amendment. Or is he just going to sit there and nod?

Mr Ferguson - Do you need to hear a view?

Ms O'CONNOR - We need to hear an argument about why you do not think it is reasonable.

Mr FERGUSON - The fact that a statutory review is not built into the Government's legislation should be enough to tell you, Ms O'Connor, that we do not support that. In fact, this is a major rewrite, three decades after the act came into effect with a perpetual deed gifted to Federal Group, which you have now voted to protect -

Ms O'Connor - No we have not.

Mr FERGUSON - Yes you have. That is your history. They are the facts so you are no doyen of good statutory policy that is for sure, but I would point out that while the Social and Economic Impact Study should continue to be five-yearly, one thing that is perhaps most important of all, if you are really interested in harm reduction as you say you are then, of course, the mandatory code is reviewed every five years.

We are not going to be having a new risk introduced into our gaming arrangements when we are setting up the industry for the future on a sustainable path, on a sensible path, protecting investment that has been made, looking after jobs in regional communities which, Ms O'Connor, you have zero regard for and that is a fact.

Ms O'CONNOR - Point of order. I take personal offence to that because if the minister bothered to look at our alternative budget or economic policies that we took to the last election, many of them are about improving employment opportunities and training opportunities in regional areas, so he is just tired and grumpy, obviously.

Mr FERGUSON - I will continue - and the Greens are famous for having zero regard for jobs.

Ms O'Connor - I asked you to withdraw that.

Mr FERGUSON - If it makes you feel better, Ms O'Connor, I withdraw. I am really sorry for that remark but if that is your standard of offence, please be less offensive, Ms O'Connor. If that is your standard of offence, try and live by it.

Mr Deputy Chair, what the Greens are doing is voting to protect the Federal monopoly deed. If you calculate it as a benefit, or a disbenefit, of \$20 million per year, even with the five-year notice period on the perpetual deed which exists in legislation which Ms O'Connor is voting consistently to protect by opposing this legislation, even at five years, it is a \$100 million gift to Federal. That is what Ms O'Connor stands for and that is her voting record.

The Government's position on this is very clear and I hope that opinion satisfies you, Ms O'Connor.

Ms O'CONNOR - No, of course it does not satisfy me, minister, and we are not voting to support the deed because the deed goes from 2018 then to 2023. It is a rolling five-year extension and it is up to the treasurer of the day to extend, or not, the monopoly deed, so you should be supporting a review of the act.

I note that you said your only reasons for not supporting this is that it is not in your bill. That is not actually the way parliaments work. We will see how you go upstairs if Labor finds a backbone. But you are talking about it introducing new risk. Really? For the industry to have a statutory review process? Your task as a government is to put the industry on a sustainable footing? Well, my word you have. You have introduced legislation into this House which will leave poker machines in casinos, pubs and clubs until long after all of us are dust. Yes, you definitely are putting this predatory industry on a sustainable footing. That is why we argue that there should be a review mechanism.

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

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

NOES 19

Mr Barnett
Dr Broad
Ms Butler
Ms Courtney
Ms Dow
Mr Ferguson
Ms Finlay
Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street (Teller)
Mr Tucker
Ms White
Mr Winter

Amendment negatived.

Clause 25 agreed to.

Clauses 26 and 27 agreed to.

Clause 28 -

Schedule 5 amended (Further transitional and savings provisions)

Ms JOHNSTON - Mr Deputy Chair, I particularly want to focus on the creation of part 7 to schedule 5 and subclause 5, the application for venue licence by holder of licensed premises

gaming licence. As the clause notes indicate, this provides existing licensed premises gaming licence holders to apply to the commission for a venue licence under the new legislative scheme.

The assessment of applications by the commission excludes a number of sections of the principal act as they relate to areas of a venue licence application process that would not apply to an existing licence holder or aspects of the licensed premises which have previously been assessed and are not changing. The focus of the venue licence assessment will be on the probity and financial capability of the applicant in the context of the new model.

The reason it is important to read that out from the clause notes is that it notes that there are certain sections that will not apply that would have normally applied. What is interesting, what will not apply with this clause is the Community Interest Test.

I have a bit to do with the Community Interest Test, because when I was mayor at the time, I made a submission to the inquiry about the need for Community Interest Tests, a very passionate one along with colleagues in the community sector. It was particularly relating to an incident we had in Glenorchy.

As mayor, we would receive planning applications and we received one and I was the chair of the planning authority at the time, for the old police station on the corner of Peltro Street and Main Road in Glenorchy. The application was to make it into a pub, a novel application for an old police station, called coincidentally, the Paddy Wagon. At the time, there was grave concern in the community that the Paddy Wagon would be another pokies venue.

As you would be aware with a planning matter, you cannot take into consideration that kind of use so we approved it. I noted at the time, the applicants before the planning authority made representations to the planning authority that they had no intention of applying for poker machines to be in their pub. In fact, they made a big effort to demonstrate that they were quite keen on it being a traditional Irish pub with live music and how enjoyable that would be. They noted that most of the pubs in Glenorchy had poker machines so they wanted to stand out from the crowd.

You can imagine my disappointment when, not long after they had been granted their planning application and they had established their venue, that I saw advertised in the local paper an application for pokie machines to the gaming commission.

It happened that at that time, thankfully, this parliament introduced a Community Interest Test and it was deemed by the commission that there were already more than enough poker machines in the community so the Paddy Wagon was denied their licence, thanks to this Community Interest Test. We were saturated with them at the time. You could not really spit without hitting a poker machine from a corner of Peltro Street and Main Road where the Paddy Wagon is.

I have to say that if you go to the Paddy Wagon on any night of the week - and I particularly like going there after work on a Friday to debrief and catch up with the people in there. It is my local. I love the fact that there is live music, that you can participate, you can talk to people - you do not hear the ka-ching, ka-ching, constantly going in the background. It is a vibrant pub - it is a great one - and that is thanks to the Community Interest Test.

I think if you spoke to the proprietors of that pub, they would say how much better their pub is doing to the soulless, lifeless pub up the road which has pokie machines and people playing these mindless games. The Community Interest Test is really important.

What this particular clause does is it takes away that Community Interest Test with transitional licensing provisions. I think it is incredibly important that if we are going to have poker machines in our community - and I had hoped that we would not - but if we have to have them in the community, that a Community Interest Test is applied at every opportunity. We have an opportunity to reset how poker machines are in our community, to apply the Community Interest Test to all those that are currently there.

I will be moving a series of amendments that puts that Community Interest Test back.

Mr Deputy Chair, I move the following amendments -

First amendment -

Proposed new Part 7 of Schedule 5, proposed clause 5, subclause (2), paragraph (a)

Leave out "(5B), (6), (6A) and (6B)".

Insert instead "and (5B)".

Second amendment -

Proposed new Part 7 of Schedule 5, proposed clause 5, subclause (2), paragraph (b)

Leave out the paragraph.

Third amendment -

Proposed new Part 7 of Schedule 5, proposed clause 5, subclause (2), paragraph (c)

Leave out "(b) and (c)".

That effectively means that we apply a Community Interest Test to every existing poker machine in the community now as part of the transitional arrangements. That is incredibly important that we apply that test and ask, 'Are these really the right things to have in our local communities? What impact will they make or they have in our local communities?'

It gives the opportunity, most importantly, for members of the public to make submissions on them. I implore the members of this House to support that, to give the community a voice, to be able to apply a Community Interest Test on every poker machine that is currently in existence through these transitional arrangements.

Mr FERGUSON - Thank you, Ms Johnston, for your amendments. The Government will not be supporting these amendments. The transitional provisions which you have reflected

on are all about enabling our existing hotel and club gaming licence holders to apply for a venue licence that will commence on 1 July 2023. You have to bear in mind that such applicants will be exempt from a number of the usual licensing provisions as these provisions are not changing under the reforms and will have previously been satisfied when the licence-holder obtained their existing licence. It is about not redoing the process once more. I do not believe the case has been made as to why they need to be put through that one more time.

The provisions being exempted include whether the premises are suitable for the management and operation of gaming, whether the applicant has the legal right to occupy the premises, the size, layout and facilities of the premises suitable, and the proposed security arrangements are adequate.

The focus of the transitional licensing arrangements will be for the commission to determine whether the licence-holder continues to remain suitable to hold a licence. The key question an MP should be asking is - is that licensed operator still a suitable person to hold a licence? - rather than those other factors I have outlined - and whether they have and are able to obtain financial resources that are adequate to ensure the financial viability of the operation, of gaming machines and/or Keno at the venue.

I emphasise that the exemptions will only apply under the transitional provisions for existing licence-holders. You have to recognise that the premises have already been assessed by the commission and, for that matter, have been governed by rules set by the commission. Where there have been issues in the past, they have been examined and considered by the commission with disciplinary action as necessary. For those reasons, the Government does not, with respect, support those amendments.

Ms JOHNSTON - The minister seems to have indicated that it is unnecessary to have these venues go through a Community Interest Test again but I make the point that the Community Interest Test is a relatively new inclusion in the principal act. Many of the venues, particularly in Glenorchy, ground zero for poker machine addiction, did not ever have to go through a Community Interest Test. There was never such a test. All they had to do was to certify they were a fit and proper person to hold such a licence. They never had to justify to the commission why it was in the community's best interest to have them.

That is why I pointed out the example of the Paddy Wagon because that was unique in our community. It was the first venue that had to go through a Community Interest Test. None of them had to do that previously. It is really important that we put this in place. We are changing the structure of the industry forever. These arrangements will be in place forever. This is a once-in-a-lifetime opportunity to be able to ask the question - is it in the community's best interest to have these machines located in these particular areas?

Importantly, it gives the community a voice, a voice they never had when the deeds were originally signed, when the commission originally gave out those licences. It gives them back that voice and it is incredibly important that we listen to it.

Ms O'CONNOR - Obviously, I do not have the local government experience of the former mayor of Glenorchy or, indeed, my colleague, Dr Woodruff, who was on the Huon Council for a very long time but I would agree that most of the venues that currently hold a licence, I do not think they have been through a Community Interest Test. If that is not true,

perhaps the minister has some information he could provide to the House on how many of the pubs and clubs that have EGMs have been through any kind of Community Interest Test.

Many of them have been there for a very long time, so I do not think the people have been given a voice. They were not given a voice in 1993, in that history I outlined a little bit about before, when the Groom government decided, without consultation, without tender, without any kind of proper process, to allow poker machines in pubs and clubs, and for the cancerous influence of the Federal Group to spread into areas of socio-economic disadvantage. Across Tasmania, the community was not given a say. In 2003, when the Bacon Labor government came in after the 2002 election and asked the newly appointed secretary to Treasury, Don Challen, to go and negotiate a 15-year extension of the Federal monopoly deed, the community was not given a say

At all sort of points of this policy there has been a denial of everyday Tasmanians to have a say about these machines. I can almost hear the minister rehearsing his line about, 'Well, we took it to the election in 2018 and the people voted for this'. Actually, what happened in 2018, I was watching the Boxing Day Test when the first 'Love Your Local' ads came on the air and the targeting of Labor, which at that point was doing the right thing, and the Greens began in earnest. We saw millions and millions of dollars spent on propaganda targeting Labor and the Greens because the industry was pooping itself about a potential change of policy that would see their multi-million-dollar obscene profits wound back.

It is untrue to say that the people voted for this legislation in 2018. They did not vote for this legislation. Anyone who understands anything about how propaganda works and remembers the conduct of the 2018 election campaign knows that the Liberals have no mandate for this legislation. There was nothing in that policy they took in 2018 that said they would give the Federal Group exactly the casino pokies tax rate they asked for. There was nothing, was there?

Mr Ferguson - Dear, oh, dear.

Ms O'CONNOR - Was there?

Mr Ferguson - I think you have got a bit tired and grumpy, actually.

Ms O'CONNOR - My cheeks are not flaring up like yours.

Mr Ferguson - You can make personal remarks but the point is, again, you are wrong.

Ms O'CONNOR - You have flared up.

Mr Ferguson - You are just wrong.

Ms O'CONNOR - Did you tell Tasmanians in 2018 that the casino pokies tax rate would be 10 cents?

Mr Ferguson - Again, you are wrong.

Ms O'CONNOR - Did you?

Mr Ferguson - Continue your contribution.

Ms O'CONNOR - No, seriously. You have pulled me up and told me I am wrong and you will not actually say that you told the people of Tasmania the casino pokies tax rate in 2018.

Mr Ferguson - You are wrong, okay.

Ms O'CONNOR - How am I wrong?

Mr Ferguson - Because your assertion is incorrect. It is as simple as that.

Ms O'CONNOR - Did you make it clear to the people of Tasmania before the 2018 state election that the casino tax rate would be 10 cents - 10.9 cents.

Mr Ferguson - Ms O'Connor, I am not going to run a commentary with you during the debate but I will point out that you are wrong.

Ms O'CONNOR - You just started it.

Mr Ferguson - I point out that you are wrong.

Ms O'CONNOR - That is really interesting because if it had been made clear to the people of Tasmania in 2018, we would not have just gone through the 2021 state election with both the Premier and his Minister for Finance refusing to answer questions from the community sector or from the Greens about what the casino pokies tax rate would be.

Indeed, questions I remember - the infamous interview with Leon Compton where Leon asked Peter Gutwein what the casino pokies tax rate would be and the Premier said something like, 'We have made that perfectly clear' then made nothing clear and said nothing about the casino pokies tax rate. It is not a dissimilar verbal stunt from the one that you just pulled, minister.

Mr Ferguson - Yes.

Ms O'CONNOR - You did not tell the people of Tasmania -

Mr Ferguson - You are incorrect.

Ms O'CONNOR - in 2018 that they would be having their casino pokies tax rate more than halved from 25 cents in the dollar to 10.91 cents in the dollar. The people of Tasmania did not vote for this legislation. They did not vote for simulated racing in pubs and clubs. They did not vote for fully automated table games. They did not vote for a 10.91 cents in the dollar casino pokies tax rate. They did not vote for perpetual rolling 20-year licences. They did not vote for any of that. They were never given a proper say on this policy.

If the people of Tasmania knew that what the Liberals had agreed in 2018 was to introduce legislation which would make sure we never get poker machines out of pubs and clubs, I do not reckon they would have voted for you. You were not honest about your intentions.

Back to my original point, because I digressed when the minister tried to distract me and then did not follow up on his statement. Obviously, the people of Tasmania have a stake in this and there has not been an argument made for why you just hand a licence to an existing operator as part of the transitional arrangements. But of course, we know what will happen is that the existing operators, whether they be the Farrell family or the Kalis Group or whichever other group it is, it will be renewed and renewed and renewed and renewed and renewed, possibly into the 22nd century.

That is not what the people of Tasmania voted for. They should have an opportunity to contribute towards a community interest test on EGM venues, something that they have not been given a full opportunity before, for the proliferation of venues all over Tasmania. It is a voice they were denied in 1993, it was a voice they were denied in 2003 and their voice was not heard in 2018 because of the millions of dollars and the propaganda that helped to buy the Liberal Government.

Mr DEPUTY CHAIR - The question is that the amendments to clause 28 be agreed to.

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

NOES 19

Mr Barnett
Dr Broad
Ms Butler
Ms Courtney
Ms Dow
Mr Ferguson
Ms Finlay
Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street (Teller)
Mr Tucker
Ms White
Mr Winter

Amendments negatived.

Ms O'CONNOR - Mr Deputy Chair, I move the following amendments -

First amendment -

Clause 28 proposed new section 5 -

Leave out subsections (3) and (4).

This is a reference to the number of gaming machines in venues. It is our policy not to have poker machines in pubs and clubs and it relates to the licences that are granted and the number of those licenses.

Second amendment -

Clause 28, proposed new section 6, after "exceeding 2 350

Insert or the number of gaming machine authorities endorsed on venues licences in a municipal area exceeding the maximum allowed for that area under section 101B(aa),".

This goes to the point that Ms Johnston was making before, about how you need to give Local Government some capacity, as a planning authority, to control poker machines that go into that municipality. We are proposing that the commission be given the capacity to refuse, under section 42, a grant to a licensed premises, a gaming licence that authorises the possession of a gaming machine at licensed premises, if in the opinion of the commission, the granting of such a licence would result in the number of gaming machines authorities endorsed on venue licenses of the state in total exceeding 2350 on the changeover day or the number of gaming machine authorities exceeds the maximum allowable limit in a local government area.

Third amendment to clause 2, proposed new section 6

Leave out "may"

Insert instead "must".

I would like the minister to explain why there is any flexibility in the commission's determination about whether or not to grant a gaming licence. Why is it that the word 'may' is used in here instead of 'must'? A cap is a cap, or it is not a cap. If a licence application would lead to more than 2350 EGM authorities or EGMS, why would we give the commission any latitude to approve that licence?

While I am on my feet and talking about alleged caps - just so the House does not allow itself to forget that the cap that has been put in place is basically saturation point within the community - it is a faux cap. It is actually the cap that industry is quite happy with. It is about the number of machines that are operating in pubs and clubs right now.

Could the minister please explain why the commission is giving any discretion about a licence application that would result in the number of gaming machine authorities endorsed on venue licences in the state in total exceeding 2350 on the changeover date?

Mr CHAIR - Ms O'Connor, is the amendment that you are moving now, exactly the same as the ones that you circulated? We are having a little bit of trouble following.

Ms O'CONNOR - Minister, I hope you understood what we were trying to do there, and there is a really important question in there as well.

Mr FERGUSON - I pick up a previous comment. I am more than comfortable, again, pointing out that Ms O'Connor was incorrect when she made the assertion when she said that

we gave Federal the tax rates they ask for. As replied, that is false, and I stand by that and I would refer her to my comments in the summing up of the debate.

In relation to this clause, I have advice that it is more of a drafting provision. I can understand the question and why you would ask it. If I can paraphrase your own question, why is it 'may' not approve, instead of 'must' not approve? The explanation is as follows. In all likelihood, the commission will not grant a licence that will exceed the future cap in the lead up to the new arrangements commencing. However, 'must' was considered too prescriptive and did not provide for all possible scenarios.

For example, the commission may be prepared to issue a licence for EGMs that exceed the future cap if it was known that another venue will close prior to 1 July 2023 and, therefore, the EGM numbers would turn below the future cap. Taking into account the unlikelihood but, from a draftsman's point of view, that is why it has been drafted in that way.

Ms O'CONNOR - That is quite enlightening, minister. We are told that, in all likelihood, the commission would refuse an application, should that application lead to exceeding the cap but there is no statutory requirement on the commission to refuse that application, should that application lead to more than 2350 EGMs in pubs and clubs. I think that is flawed drafting because it makes a mockery of the Government's claim that it is putting a cap in place. A cap is a cap or it is not a cap.

We are told by the minister that to have the word 'must' in there is too prescriptive. We have in here a legislated cap, of sorts, of 2350. Why would it not be prescriptive? What we are contemplating here in this legislation is that an application will come to the gaming commission. The gaming commission recognises that application will lead to more than 2350 authorities or EGMs. It has heard that a venue might be closing. On the basis of nothing necessarily in writing, it has heard a rumour, maybe, that one of the venues is closing and so it thinks to itself, that will be okay, we will approve this application because we have heard that, for example -and wouldn't it be a great day - that the Elwick is taking its poker machines out.

This is not good enough. If you do not have, minister, the capacity to see why that is a really problematic use of the word 'may', and you cannot accept our amendment because it has come from the Greens or it is happening downstairs in the House of Assembly, which I know that you like to think of as the House of rubber stamps, I certainly hope the Legislative Council fixes this. If this stays in as it is, we run a risk of almost certainly exceeding the cap, which is at saturation level. You cannot tell me industry will not try it on. You cannot. I am not buying it.

Mr FERGUSON - I do not mind your flow of logic at all on this question. The Government does not support the amendment for the reasons that I have already outlined. The extra explanation I have had is that it is a drafting convention. The new cap comes into effect on 1 July 2023. The part of the legislation that we are currently debating is a transitional section and there is no circumstance where after 1 July 2023 that the cap would be exceeded.

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

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

NOES 19

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 Ogilvie (Teller)
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Ms White
Mr Winter

Amendments negatived.

Dr WOODRUFF - Mr Chair, I move -

The second amendment that I have here in clause 28, page 35, clause -

Mr CHAIR - Is there a first amendment. We have three amendments in your name. We have not done the first one yet. You just led by saying 'the second one'.

Dr WOODRUFF - I beg your pardon.

Mr Chair, I move the following amendments -

First amendment -

Clause 28, proposed new section 5 subsection (2)

Leave out the subsection.

This is the subsection which includes a number of application requirements for current licence holders transitioning to the new scheme. This amendment would remove those exclusions and require applicants to undergo a full assessment process. This is not dissimilar -

Mr CHAIR - Are you moving all three amendments at once?

Dr WOODRUFF - Do I need to do that?

Mr CHAIR - If you are going to move them all as one block, to formally move them and then -

Dr WOODRUFF - They relate to -

Mr CHAIR - You can move them separately if you want -

Dr WOODRUFF - I will move them separately. That will be easier from my point of view.

Mr CHAIR - All right.

Dr WOODRUFF - With Ms Johnston's amendment, we have already discussed the removal of Community Interest Tests for licensing. The exclusions that are enabled by subsection (2) mean that applicants are not required to undergo a full assessment process and there are a huge number of issues in that. Obviously, the Community Interest Test is the largest part of them. Because it is relatively new and because the majority of venues have never had to undertake one in the first place, this is - at the point in time where we are now and a substantial shift that this whole amendment bill enables - really critical, especially as we have extended that period of time from three years to five years of the cease assessments.

It is critical that we have a proper assessment of the venues that are seeking to have a licence or retain a licence in the transitional arrangement. It would require the Community Interest Test to be undertaken and for us as a community, for each community, and for all the councils that have registered their concern about the number of EGMs and licensed venues within their council area, for them to be considered anew again, as a Community Interest Test and/or the other assessment processes that would be undertaken. It is for that reason that we think the whole subsection should be struck out.

Mr FERGUSON - I will be brief, Mr Chair. Thank you. The Government will not be supporting this amendment. In some respects, we have already addressed the question but I also note that this would have significant impacts on Tasmanian businesses and it is certainly not a proposal that has been consulted by the Government, nor is it part of our bill, and we do not support it being amended in this way.

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

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

NOES 19

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

Amendment negatived.

Dr WOODRUFF - Mr Chair, I move -

Second amendment -

Clause 28, proposed new section 5, after subsection (4)

Insert the following subsection:

- (5) Despite subsection (3), a venue licence must not have any endorsed gaming machine authorities if the holder of the venue licence also holds a general casino licence.

Mr Chair, the pokies came into pubs and clubs in 1997 and the main investment made by Federal Hotels after being gifted the poker machine contract in 1993 was the purchase of existing poker machine hotels. By the early 2000s they had purchased most of the 12 large poker machine pubs that they now own. This was a unique concentration of power and, because of the small margins available to venues under the exclusive licence arrangement that has been provided to Federal Hotels, over time, most clubs and smaller hotels gave up their licences. I am reading this information from historian, James Boyce, who has been so useful throughout this discussion.

The end result was that, despite the benefits of clubs being emphasised in public and parliamentary debate in 1993, now, only six clubs have poker machines in Tasmania and all of these are small venues. All of the clubs combined account for less than \$1 million in total pokies losses, about one-quarter of the Federal Group's Elwick Hotel alone. Poker machines are concentrated in large venues owned by half-a-dozen major players, and no other state has such a low proportion of losses going to clubs or small venues or such a high concentration of pokies losses in a few hands.

This concentration of ownership has to change, which is why we have introduced this new subsection, which prohibits the holder of a general casino licence from also having a venue licence that has gaming machine authorities. In other words, a casino operator cannot operate a pub or club with pokies. This would, in part, seek to address the manifest harm and disadvantage that is enacted on communities around Tasmania by the concentration of power and the concentration of super-profits in casino operators in Tasmania, a.k.a., Federal Hotels.

Although, obviously, it is not going to satisfy what is needed to clean up the scourge of poker machines and electronic gaming machines in their forms in communities, it would go some way to being able to address the concentration of market power and market advantage to Federal Hotels.

Mr FERGUSON - The most honest thing about this amendment is the last few words of the contribution from the member who is moving it, which is this about targeting Federal Hotels to make up for the fact that the Greens are voting to protect the Federal monopoly. They obviously want to do this.

Dr Woodruff - We are just going with the evidence.

Mr FERGUSON - One thing I will say is that is no argument about how that would lead to the harm minimisation the member suggests it would lead to. We already have in the bill provisions for a market cap on 25 per cent on EGMs outside casinos. It does rather look like you would like to hurt one particular business in Tasmania, that being Federal Group. You might as well have put it in the amendment but you did not.

What we are saying here is it is unmerited from a harm-minimisation point of view. You mentioned super-profits. I am not sure what you intended to mean by that. I do not see how your amendment from the Greens, with respect, does anything to improve the sustainability of the industry going forward. It does nothing, I can see, in relation to harm minimisation, at all. It only looks rather menacing. You want to attack one particular business. Whatever people's opinion on Federal Group, that is your opinion, but I do not think that amendment has had any case made in its favour.

Amendment negatived.

Dr WOODRUFF - Mr Chair, I move -

Third amendment -

Clause 28, proposed new section 6

Leave out the proposed new section.

Section 6, for the benefit of people watching, relates to an -

Additional matter that may be considered in determining licensed premises gaming licence application

The Commission may refuse, under section 42, to grant a licensed premises gaming licence that authorises the possession of gaming machines at licensed premises if, in the opinion of the Commission, the granting of such a licence would result in the number of gaming machine authorities endorsed on venue licences in the State (in total) exceeding 2 350 on the changeover day.

We do not support this subsection and it needs to be removed from the bill to manage the situation with the cap which has been discussed previously.

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

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

NOES 19

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

Amendment negatived.

Clause 28 agreed to.

Postponed clause 21 -

Mr FERGUSON - Can I suggest that I broke Ms O'Connor's stride on this. I think you were saying that something in clause 21 which I then asked to be postponed so you may well have been on a train of thought on that one.

Ms O'Connor - That is very kind of you. I think I will be okay because if there is train of thought your amendment might prompt it.

Clause 21 agreed to.

Mr FERGUSON - It is a late hour. I appreciate we have made great progress. We postponed this clause because the Government, as I indicated in my summing up, was giving its attention to whether an amendment could be introduced to the bill, which is a departure from the fact that the legislation provides for a legal authority for the Gaming Commission to have the standards and of course the mandatory code and with the direction that is provided for in the act some members have expressed a very clear view that they would like to see a way of being more sure that will lead to the outcomes that the Government has been outlining.

What has occurred is that OPC has, and I am very thankful to them, drafted for the Government the amendment which is now before the House. It is the one dated 10.38 p.m., 14 October No 4.

This amendment inserts a new clause to the bill, new Clause A. I will not read it out but I will pick out some of the key points -

Mr CHAIR - Minister, you have to read it all out.

Mr FERGUSON - The whole lot?

Mr CHAIR - The whole lot.

Mr FERGUSON - I will read it out so that the whole House can be fully clear about what is proposed.

Mr Chair, I move -

New Clause B to follow Clause 20 -

A. Section 127A inserted

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

127A. Direction to be given in relation to appropriate harm minimisation technologies

(1) In this section - "appropriate harm minimisation technologies" means -

(a) facial recognition technology; and

(b) restricted use cards; Uncorrected Proof "restricted use card" means a card, containing electronic data, by means of which a player is able to be identified and to use a gaming machine.

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

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

(a) to carry out, in relation to the relevant matters, an investigation with a view to determining the most effective method of implementing appropriate harm minimisation technologies in casinos, hotels and clubs; and

- (b) to provide to the Minister, before 30 June 2022, a report in relation to the results of the investigation.
- (4) The investigation in relation to the relevant matters is to be an investigation -
 - (a) as to the extent to which the implementation, in casinos, hotels, and clubs of appropriate harm minimisation technologies may enhance the minimisation of the harm caused by problem gambling; and
 - (b) as to the existing appropriate harm minimisation technologies that may be able to be used in casinos, hotels and clubs; and
 - (c) as to the options for, and the desirability and feasibility of, the use in casinos, hotels and clubs of restricted use cards enabling players to store, and use for the purpose of wagering in gaming machines, amounts of money that are determined by the players before they begin to use the cards; and
 - (d) as to the costs and benefits of the adoption in casinos, hotels and clubs of appropriate harm minimisation technologies; and
 - (e) as to the time frame in which, and the most effective methods by which, appropriate harm minimisation technologies may be implemented in casinos, hotels and clubs.
- (5) The investigation for the purposes specified in subsection (4)(d) is to include consultation with such persons involved in the gambling industry, and such persons with an interest in the gambling industry, as the Commission thinks fit.
- (6) Without limiting the matters that may be contained in the report by the Commission in relation to the investigation, the report is to include -
 - (a) the Commission's recommendations as to the most effective method of implementing appropriate harm minimisation technologies in casinos, hotels and clubs; and
 - (b) the steps the Commission proposes to take to implement those recommendations as soon as reasonably practicable.

Mr Chair, and to my colleagues, this motion ought to bring this House back together. I acknowledge that the Labor party circulated earlier today a different amendment that I felt captured policy intent around at least some of these matters. We took advice on that. We would not have been able to support that particular drafting as proposed so I give some credit

that this amendment before the committee is more or less an amalgam of the draft direction which I shared earlier this week, I think if I can put it this way, some of the policy intent behind Mr Winter's foreshadowed motion and so, I put it forward in good faith.

We can do some good here and for anyone who has expressed a voice for better harm minimisation, we have thoroughly disagreed throughout the course of this debate as to some of those ways that ought to be in or not in. In my own view, this is a very rich opportunity for a genuine harm minimisation approach which apart from anything else it does with facial recognition technology to help better identify people who ought not to be in any of these premises. Whatever else it is able to achieve, with better tracking and use of smart cards for identifying players and replacing cash or supplementing cash, to me the most compelling argument here is that regardless of the rules of the game they are about to switch on, that the player themselves has the pre-eminent say in how much money they can lose in the course of a year, not today, a year or some other decent period like a year.

This is the role of the commission to build this model to give government the advice as to how to implement this. Note, again I credit the Labor party; they wanted to see this implemented as soon as reasonably practicable so we have inserted that. I genuinely believe that this can be some of the greatest good that this House may ever bring to the gaming act. That remains to be seen, of course, but the Government brings this forward in genuine good faith and I am excited about the idea that regardless of whether it is Golden Unicorn or Dolphin Fortune or Golden sand oasis gaming, no matter what the retail appetite; no matter what the rules of the game; no matter how many lines are played; no matter what the bet limit; no matter what the spin speed, where even if you manage those things down you can still lose \$328 000 a year. If you put more power in the hands of the person who is planning to become a gaming player, I see this as rich opportunity. I hope it brings the committee together, even if but for a moment, and I do thank those who have helped in framing it. I particularly thank these wonderful people, my team, Treasury and Finance officials and my own advisers, together with OPC, who have put this together. I think it is something that the House should support and be very proud in doing so.

Dr Woodruff - I thought they were asleep.

Ms O'Connor - Three hours after we began the debate.

Mr CHAIR - Ms O'Connor.

Mr WINTER - I have been listening intently, listening to the arguments, listening to the contributions of members for - as you say, has it been three hours?

Ms O'Connor - Maybe more.

Mr WINTER - It does not feel like that, Ms O'Connor. It has been good to listen to all the opinions of those in the House. We have read the amendment as proposed by the Finance minister and Labor will be supporting the amendment, as the minister has tabled for the reasons that I outlined in my speech earlier.

We do believe that there is great potential for these harm minimisation measures to help Tasmanians who have problems with gambling to reduce their spend, stop gambling, in fact. One of the contributions I listened to earlier was actually from Mr Ellis, who talked about harm

minimisation measures that can actually stop people from being able to use EGM machines. These measures do stop people, empower people to stop gambling at a point when they have said it is unsafe for them to be either in a venue, in the case of facial recognition technology, or when they have spent enough, when they have set their limit and they have said enough is enough.

This gives great potential for improvements with harm minimisation, this will help people, but we have to get it right and I think this direction is a good one in that this will provide for the appropriate expertise to be used when it comes to deciding exactly how the technology is implemented. The amendment that we were going to move later really was not prescriptive. It was saying implement facial recognition technology but leave it up to the commission to set exactly what sort of technology would be used and in the same way, card-based play. I was keen in that contribution earlier as well to point out that when it comes to card-based play, what Labor is talking about is not loyalty card programs because the evidence with those is that can be more harmful but what we are talking about is card-based play that is linked to a person's ID and does mean that they are unable to continue to gamble when they have reached their limit.

We are supportive of this, we appreciate the Government proactively trying to find some common ground on this before we moved our amendment and very pleased to see that this week we have been able to push the Government towards moving ahead with these two very important harm minimisation approaches.

Ms JOHNSTON - It is late and I do not want to get too excited too early in the evening but hallelujah, we finally see a little bit of movement around the harm minimisation area. I thank the minister for bringing forward this amendment. It would require an investigation into appropriate harm minimisation technologies and a report to come back in relation to those and outline what steps could be taken to implement as soon as reasonably practicable.

It is a start and it boggles the mind to think that we have been talking about reform in this sector for many years but it comes to 10.38 p.m. on 14 October and we are debating the bill before we actually see some actual improvements around harm minimisation.

A member - It's 11.38 p.m.

Ms JOHNSTON - The time it was printed. Give the Government a bit of credit. They did it a bit earlier than what we are actually debating now. It is a start. I would like to move an enhancement to the Government's amendment because I think we can do so much more and I would like to see us do so much more.

I would like to move an amendment to new clause (a) to follow clause 20 -

Leave out subsection (1) and (4)(c).

I provide a copy of that to the Clerk. Apologies for the handwritten note there but I do not have - it is very neat, thank you very much, at this late hour - access to the printer at the moment. It is only just me in the office.

My amendment proposes to delete the definition of appropriate harm minimisation technologies and restricted use cards which would leave the remainder of the amendment

proposed by the Government to just be appropriate harm minimisation technologies generally, undefined, which would mean that the opportunity then for the commission to investigate all sorts of possibilities around harm minimisation that, indeed, we have been talking about in this House for some time.

This will be a great step forward to give the opportunity for the commission to investigate a whole range of measures that would make a big difference in the lives of people and minimise the harm caused by poker machines. Of course, the commission would be investigating this, conducting an inquiry, and providing a report back. It does not lock in any harm minimisation measures but it does provide the ability to inquire and report back to the minister in relation to those.

I note the comments of the shadow minister, member for Franklin, Mr Winter, in regards to his thankfulness that the government has brought this amendment on and flagging, I understand, his intention not to move the amendments to actually put these harm minimisation measures in place potentially. I urge you to still put those measures in place because something is better than nothing. Although this is a good step in the right direction -

Mr Winter - That is actually my point.

Ms JOHNSTON - That is right. Although this is a step in the right direction, it does nothing more than produce a report. What we actually want to see is real harm minimisation measures in place and so I encourage Mr Winter to still move his amendments to put measures in place, but I also encourage members of this House to consider my amendment to broaden the scope of what the commission could inquire into, investigate and report on, which would then give the minister the opportunity to look at the full suite of options around harm minimisation.

Mr WINTER - I just wanted to clarify - it is not off the top of my head - it was really a question to the minister. Is there not a process in the middle of next year where the commission is undertaking a review more broadly?

Mr Ferguson - Of the mandatory code.

Mr WINTER - Of the mandatory code. Whilst I appreciate Ms Johnston's urging for a broader review, the actual intention of what we were trying to do in the first place was on two harm minimisation measures that we actually thought would work and targeting those two.

The specific focus on those two harm minimisation measures was entirely the intent for us that we would, particularly given both of those are very much based on technology. Australia is already moving in that direction, as we have spoken about earlier, in South Australia and New South Wales and that is why we were focusing on that in our amendment. Presumably that is why the Government was - but, of course, the Government will speak for itself.

Ms O'CONNOR - Now that we are all feeling a tiny bit tired and possibly a little bit kinder towards each other and empathetic -

Mr Winter - We have been kind all night.

Ms O'CONNOR - You have?

Mr Winter - Yes.

Ms O'CONNOR - You have not been up at the lectern much, Mr Winter, I will say that. Sorry, I was trying to be kind.

I absolutely support the intent of this amendment that the minister has brought forward. I also support what Ms Johnston is trying to do. It is excellent that finally we are dealing with an amendment that actually goes to harm minimisation, even though we were told that harm minimisation was out of the scope of this bill, which establishes basically, the licensing regime for the individual venue model.

I put on the record again, these two measures, facial recognition technology and restricted use cards, are measures that have been highlighted by the Tasmanian Hospitality Association in their submissions. Let us not pretend that these two measures have been thought up by either the minister or the shadow minister.

That said, if Ms Johnston's amendment does not pass, and we will support it because we want to see the commission take a thorough look at harm minimisation, which I do not think is only about the mandatory code, because the commission will be reviewing the mandatory code, not harm minimisation, more broadly. Ms Johnston has got a point here. Should Ms Johnston's amendment not pass, then we will support this amendment because it is something, but these technologies are about responding to people who are either moderate or at-risk problem gamblers.

These harm minimisation measures which will be sent to the commission for examination, are about responding to people who are already hooked whereas if you have in place harm minimisation measures which have the support of the community sector and the Tasmanian Liquor and Gaming Commission around \$1 bet limits, you will stop people from needing to self-exclude, therefore needing to be part of the facial recognition technology scheme. It is less likely that people will want to have a pre-commitment card if they are already being protected from addiction through other harm minimisation measures which we know work.

In short, we support Ms Johnston's enhancement. Should it not pass, we will support the amendment.

Minister, before I sit down, you said before when we talked about the commissioner 'may' refuse an application if the application exceeds 2350 on transition day, and you said it was a drafting convention, but you here must give the commission a direction. It is not a drafting rule. It is a choice that is made.

Mr Ferguson - Did I not say so.

Ms O'CONNOR - I know, but you could have put 'must' into that provision that empower the commission to say no. I am making a point.

Ms WHITE - This is a really good move to put in legislation protections that will hopefully make a difference for people and this is what we have been asking for and that is why we drafted our amendments, to ensure their harm minimisation is in the bill itself.

The two included here, around facial recognition technology and restricted-use cards, have been put forward by Labor because of the work that we did. I outlined that in my speech and, again, reject that somebody else wrote these amendments for us. Trust me, it has been something we have been working on for a long time. It has been an issue that has been before us for a long time.

I respect why the independent member for Clark moved the amendment, but when you spoke to it, and I do not want to put words in your mouth, you said something along the lines that it does not lock anything in because you have taken out the two specific things that are actually within this amendment. That worries me and I want to make sure that these two specific things are contained if we are moving an amendment like this, so that there is a clear directive given from the minister to the commission about the expectations of this parliament for how we want to see harm minimisation improvements made to Tasmania's legislation.

I think the changes that could be examined, which we have discussed in this Chamber today, can be done when the mandatory code is reviewed next year, which can look at all of the things that have been discussed in this place.

This amendment before the House has our support, but I want to flag a couple of things. One is that it is very good to see the reference in 4(c) to pre-commitment, which is the amount of money that is determined by the players before they begin to use the cards. The minister is going to issue a directive to the commission with an expectation that the examination of pre-commitment be considered for that report to come back to the minister, and that those recommendations be implemented as soon as reasonably practicable.

Members would know, from looking at our amendments, that when it comes to the use of restricted-use cards or card-based technology, we have proposed an amendment that would see that given effect by 1 July 2025. Obviously, that date is not contained within this amendment but I will hold the minister to 6(b), which is the steps the commission propose to take to implement those recommendations as soon as reasonably practicable. That could mean sooner than 2025 for both technologies we are discussing, facial recognition and restricted-use cards. If that is the case, that is even better.

We said at the outset that we would not support the passage of this bill unless it contained harm minimisation in law. That is why we will support this amendment because it now contains, if supported by this place, clear changes to the law that codify harm minimisation, particularly the two technologies we were very interested to see, facial recognition technology and restricted-use cards. I thank the minister and OPC, who I presume have been pretty busy tonight, for getting this amendment to us for debate this evening.

Ms JOHNSTON - I want to clarify a few matters that the Leader of the Opposition, Ms White, said in relation to my amendment. To be clear, by removing subsection 1, it leaves the door open for all harm minimisation technologies to be considered by the commission, rather than just two specific items. It does not preclude those two from being considered.

I note that there has been discussion about the mandatory code being reviewed, I think you said, minister, mid-next year. I note that the last time that occurred, the commission was unable to consider measures such as \$1 bet limits and slower spin speeds. I ask that the minister give a commitment here and now if that is the case, that the commission can consider all of those things, beyond what is already contained in the mandatory code, in their review.

Finally, I want to clarify that if we adopt this amendment and, again, like Ms O'Connor, Leader of the Greens, I will be supporting this amendment because it is at least a small step in the right direction that does nothing more than produce a report. It does not implement harm minimisation measures. Let us not fool ourselves walking out of here tonight or tomorrow morning, or whatever we do, that we have implemented a harm minimisation measure because we have not. What we would have done is to ask for a report for one, so do not think you are off the hook with the community sector about that.

I want to make that really clear. It is a step in the right direction and we should take that step, absolutely, but it is not harm minimisation measures implemented. No-one is going to notice any difference on the ground in relation to this particular amendment straight away. They will get a report and I certainly hope this report does not collect dust on the shelf of the minister and that maybe he has recommended some implementation of actual measures.

That is all it does; it produces a report. I just wanted to make those few points in clarifying my amendment to the amendment and also what the intent of the amendment is.

Mr FERGUSON - That is a shame that those comments have been made. I hope I am wrong in thinking that tomorrow Ms Johnston you are going to run out there and say we have done nothing more than commission a report, and I will be watching that. That is unhelpful.

Ms Johnston - That is what we have done.

Mr FERGUSON - Yes, I think you are going to do that. You are nodding. You are going to do that. You are going to vandalise this.

Ms Johnston - No, just telling the truth.

Mr FERGUSON - Thanks for the support, Ms Johnston. Plainly that is hypocrisy writ large. I share Ms White's concern about your amendment which is to strip out the technology, the very genesis of this amendment and also you strip out in clause 4(c) pre-commitment. I cannot understand why you would do that but you have had two goes at explaining your position and I am thoroughly unconvinced.

The Government will not be able to support that amendment because I think it ruins what we are trying to do here. Ms Johnston, while you are off to play your other games, the majority of members of this House want to see progress on these initiatives, 1, 2, 3, and the best and most qualified group of people to achieve this is the commission, as we have made very clear indeed, since Tuesday, where I tabled a draft of the direction. This amendment does nothing to change my resolve or the government's resolve. We were doing this anyway but for the benefit, if I can put it this way, for the avoidance of doubt, I think if I can reflect on the Labor party on this, they wanted to see a way that it could not be avoided and so we are doing that, even though it is a departure from the structure of the legislation which has been canvassed already.

I think a lot of people will be disappointed in you tomorrow, Ms Johnston when you run out there and vandalise this because I will say it again. Under your model, people could lose \$328 000 a year and if you want to ruin this, then we will hold you accountable for that. I feel quite strongly about this -

Dr Woodruff - You are such a dirty politician.

Mr CHAIR - Order, Dr Woodruff.

Mr FERGUSON - and I saw you coming and we have seen you coming, Ms Johnston. Your support that you have feigned for the principal amendment is obviously not genuine and it is actually politics.

Ms O'CONNOR - Ms Johnston has had to make two contributions on her proposed amendment to the amendment. Minister, I know you are tired, we are all tired, but if you had listened to what Ms Johnston said, if you had really listened, I do not think you would have responded in that way. I think you are tired and tetchy.

Mr Ferguson - No, don't play that card.

Dr Woodruff - You attacked Ms Johnston for a good faith amendment.

Ms O'CONNOR - I tell you what, that response of yours was really disproportionate to the contribution that the House just heard so I do not know what is going on here but anyway I have a copy of the -

Mr Ferguson - I think you do.

Ms O'CONNOR - current response to the mandatory code of practice for Tasmania. Actually I do know what is going on here. You have three members of this House who are trying to improve this bill so it has genuine harm minimisation measures in it rather than just a review but as I said, we will support the amendment, and the amendment will pass because it has the support of both the Government and the Opposition. It is lovely to hear you chirping away together, congratulating each other on these two proposed harm minimisation technologies. I will just say about the pending review of the responsible gambling mandatory code of practice, that actually it has quite modest harm minimisation measures in it. Those do not go to - they are more about whether or not you can have children in and around machines; children around venues; community standards.

Mr Winter - Is not that important?

Ms O'CONNOR - Of course that is important, totally, but the point I am making is that the mandatory code does not contain harm minimisation measures that have been argued for by the community sector that have been laid bare, the need for them in the SEIS study or that were in fact recommended by the commission. This is the gaming commission that warned against the individual licence model, that proposed a \$1 bet limit, that proposed slower spin speeds. I think there are people in the commission who would dearly love to be given the opportunity to fully explore harm minimisation measures.

We support Ms Johnston's intention, we believe it is done in good faith and we will be supporting the amendment.

Mr CHAIR - The question is that Ms Johnston's amendment to new clause B to follow clause 20 be agreed to.

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

NOES 19

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

Amendment negatived.

And the Committee having continued to sit after Twelve o'clock midnight -

FRIDAY, 15 OCTOBER 2021

New Clause B read a second time and agreed to.

Mr FERGUSON - Mr Chair, I again want to thank everybody for abiding throughout the day. It has been a really long day. The Government proposes that we would report progress to the House and that we would adjourn but for what it is worth lots of disagreement and some agreement. I thank members for their contributions, particularly for their patience and all of the wonderful staff who have looked after us through the day and the night.

Progress reported; Committee to sit again.

ADJOURNMENT

[12.02 a.m.]

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

That the House do now adjourn.

The House adjourned at 12.02 a.m.