

GAMING AND WAGERING LEGISLATION AMENDMENT BILL 2018

Third Reading

MR P. PAPALIA (Warnbro — Minister for Racing and Gaming) [10.54 am]: I move —

That the bill be now read a third time.

[Quorum formed.]

MR J.E. McGRATH (South Perth) [10.56 am]: I will say a few words during the third reading of the Gaming and Wagering Legislation Amendment Bill 2018. It is very interesting, minister; a lot of people thought that this bill was inconsequential and an omnibus bill. The opposition supports the bill. I cannot believe the number of subjects that were covered during the second reading debate. The intent of the bill is to protect Lotterywest from the intrusion of synthetic lotteries, such as Lottoland. But during the second reading debate, we ended up talking about the privatisation of the TAB, the future of TAB agents, a virtual racing game called Trackside, the future of lotto agents in the face of growing online competition, and Lotterywest's requirement that its agents upgrade their facilities. We covered a lot of ground. It has been a very interesting debate. During the debate, members of the opposition talked about Lottoland even though it is not mentioned in the second reading speech or the bill itself. We recognised that that is the thrust of the legislation. I still wonder how this all began. Did the bill come from a Council of Australian Governments meeting? What was the genesis of this debate? We in the community are aware—the Premier made comments about it—of the dangerous impact that Lottoland and other such synthetic lotteries will have on Lotterywest and, therefore, the funding that it returns to the community. Last year, \$260 million went back into the community through Lotterywest. I repeat: we, like all Western Australians, think that Lotterywest is very good for our state. We are the only state that operates a lottery to this extent with no competition from poker machines and things like that in pubs and clubs. We therefore have more winners of lottery per capita than any other state, probably because per capita we buy more lotto tickets. We support the thrust of the legislation.

On the way through the second reading debate, I asked a few questions that the minister said he would address in his reply to the third reading. Firstly, he said in his response to the second reading debate that he understood that the federal government had brought in legislation to ban online synthetic lotteries. I am not sure whether that federal legislation came in after the minister had foreshadowed this bill, but he raised some concerns. He said that he was not convinced, and neither was the agency nor the industry, that what had been brought in by the commonwealth government would prevent the arrival of another form of synthetic lottery or even Lottoland reappearing in some other form. I am interested in that. It is important. We do not want any gaps. We would like the minister to reassure us that, if, for instance, there were a successful High Court challenge by Lottoland against what the commonwealth government has done, the state could still block it. I am interested in the minister's comments on that.

Secondly, we talked about the activities of lottery agents. There is a trend towards online lottery sales; we cannot escape it. The world has changed so much that all forms of wagering and gambling have been impacted on by online operators. The world is moving towards online. People read newspapers online; they do not buy newspapers in the print form as much as they once did. People can access all these things online. I would like to ask as part of the third reading debate what the minister sees as the future of Lotterywest. Will this move towards online continue —

Mr P. Papalia: You can't really raise a new matter.

Mr J.E. McGRATH: No; it is something I raised before. I raised it during debate.

Mr P. Papalia: I will address that subject.

Mr J.E. McGRATH: These are some of the things that we attempted to raise during the consideration in detail stage and the minister said that he would address them.

Mr P. Papalia: I will address that.

Mr J.E. McGRATH: The part of the bill that amends the Betting Control Act 1954 refers to "prohibited event or contingency". The opposition had an issue with how clear that definition is. The minister said to some extent that he was comfortable with the definition. The member for Dawesville raised issues about gambling devices. I think we had a good discussion in consideration in detail and we went through all those issues. As the shadow Minister for Racing and Gaming, I know that we have to protect the wagering operation that supports our state's racing industry from other forms of wagering or gambling coming into Western Australia. The minister told us that this legislation will protect our local industry from predators, and we would like to think that it will do that.

The minister also mentioned in consideration in detail that other states have already brought in similar legislation. I wonder whether they have used the same terminology—"prohibited event or contingency". I am interested in that. It is always good to know whether other states have gone down the same path that we are going down, because

Mr Paul Papalia; Mr John McGrath; Mr Peter Katsambanis; Mr Sean L'Estrange; Mr Tony Krsticevic; Dr Tony Buti; Mr Bill Johnston; Dr Mike Nahan; Mr Zak Kirkup

it indicates to us that it is not just Western Australia that could face this problem, but it has been identified by other state legislatures.

Other aspects of the legislation are pretty straightforward, including the betbacks with bookmakers to protect them from having to pay double tax; betting exchanges being taxed on their net winnings, not the gross; and also the prohibition on displaying live odds at stadiums during sporting events. Those things will go straight through because there is no issue with them. In fact, I do not have an issue with the whole legislation. We talked about TAB agents and Trackside, but I think that is a conversation for another day. It is not relevant to this legislation.

Having said that, we have had a good discussion about this legislation. We have all had an opportunity to ask questions. One final point I would like to make is that Lotterywest is important to our state. Last year, \$260 million in revenue went to so many organisations and community groups that it allowed just about every member of the chamber to make a speech. Most members mentioned instances when they took cheques to clubs and community groups in their electorates all as a result of Lotterywest. We should always look to improve anything we do that will benefit the people of Western Australia, so the questions I would ask are: Is the minister confident that the Lotterywest system is as good as it could be? Could it be improved? Are there any impediments or competition that might make it more difficult for sales? Where does he see the trend going forward, because there is a lot of competition out there for the dollar? As Lotterywest is so important to our community, it might be time to review Lotterywest and how it is managed, because there are issues. A newsagent in South Perth came to me because he was very concerned when Lotterywest made him improve his shopfront, but he could only do it the way Lotterywest wanted it done and it was going to cost him a lot of money. I think the minister mentioned in his second reading speech a figure of \$150 000. I know for a fact that if TAB agents need their shopfront fixed or the agency refitted, the funding is provided by Racing and Wagering Western Australia. The system is obviously different if Lotterywest agents are required to fund these improvements themselves. Perhaps that could be looked at in the scheme of things.

Another issue that was raised by some of our members was the impact on agents of online Lotterywest sales. TAB agents asked why they could not get a percentage of the sale if a regular customer went down the road and used their phone to place a bet with RWWA because they were within, say, a radius of 300 or 400 metres of the shop. If online Lotterywest betting continues to increase, is there any way that the shopfront sellers could get some compensation if it impacts on their revenue? I would be interested if the minister could comment on that in his reply to the third reading.

MR P.A. KATSAMBANIS (Hillarys) [11.09 am]: I did not intend to speak on the third reading of the Gaming and Wagering Legislation Amendment Bill 2018 but after that bizarre and somewhat unhinged response from the responsible minister the other night in his summing up of the second reading debate, I think I need to get up to highlight once more his inability to answer simple questions about legislation that he is introducing into this place. We know that; we have seen it on many, many occasions. However, instead of answering legitimate questions posed by members on this side, including myself, the minister came in here and tried to smear people, including me. It is his reflexive response whenever he is trapped, whenever he is in trouble and whenever he does not know the answer, and that is very, very regularly.

Point of Order

Mr P. PAPALIA: We are in the third reading debate. It is necessary that the member remains focused on the nature of the debate and the requirement for him to speak specifically to matters covered in the earlier debate and not to engage in a personal attack on me or anyone else.

The ACTING SPEAKER (Ms J.M. Freeman): Member, I am going to get the Clerk's advice on that, but the normal process with third reading debates is to stay within the parameters of the bill. I will get the Clerk's advice. Take to your feet again.

Mr P.A. KATSAMBANIS: On that point of order —

The ACTING SPEAKER: I am going to get the Clerk's advice.

Mr P.A. KATSAMBANIS: I am speaking directly about the things that the minister said in this debate.

The ACTING SPEAKER: I am happy to get Erskine May and read it, if you would like. I will get the Clerk to pass me Erskine May. I will get it for you and read the relevant bit of Erskine May. You are a lawyer and you would know that it is established on precedent. That precedent is established by Erskine May. We also rely on the federal parliamentary practice guidelines. The third reading speech is within the parameters. I have sat people down before in this chamber when they have tried to enter into debate around that. If the member has a problem with my ruling, he knows what he has to do. I am going to get the Clerk to come in and talk to me. Why does the member not talk about the bill in the third reading debate at this point?

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Debate Resumed

Mr P.A. KATSAMBANIS: I will continue; thank you. It is interesting that a thin skin and a glass jaw are a very interesting combination.

The response of the minister did not focus whatsoever on the important issues raised by this bill and raised in the debate. First of all, the issue that was raised by a number of members, including me, was about how the provisions in this bill, particularly the banning of synthetic lotteries, will assist Lotterywest agents in our community who are facing a significant challenge from the online purchase of lottery tickets. That online purchase of lottery tickets are not Lottoland's or someone else's lottery tickets, but as the figures quoted in the debate highlighted, that competition is coming from Lotterywest's online portal. We all said that is a good thing. People shifting from bricks and mortar to online is happening. The last thing we want is Lotterywest to send that money somewhere else. Instead, what we really want is Lotterywest to capture that. At the same time, it is cannibalising agents' income because there is a lot of substitution effect—people are buying online at the expense of going down to the agency. In particular, as the minister and others pointed out, when there are big jackpots, there are often big lines. For a lot of people, it might make sense to save time by buying online rather than waiting in a big line to buy a ticket.

It was me who raised the concept of a revenue-sharing model. I did not propose a model. I just suggested that perhaps the minister who is bringing in legislation banning synthetic lotteries would recognise the fact that online gaming does not happen just with synthetic lotteries; it is happening under the auspices of Lotterywest. The agents who are dutifully complying with all of Lotterywest's requirements and are out there servicing the community should get a place in the sun in this. It is not unique or unusual. It would be a great thing for those agents. Instead, the minister comes in here and smears me and says, for some strange reason, I am —

Point of Order

Mr P. PAPALIA: At the risk of further upsetting the very sensitive member for Hillarys, I would ask the Acting Speaker to draw his attention to the need to address the bill in the third reading. What he is doing now is engaging in a debate. He is trying to impugn my character. I could raise standing order 92. He is not complying with the Acting Speaker's instructions.

The ACTING SPEAKER (Ms J.M. Freeman): I have not given an instruction yet, minister. I will now make a ruling on this. My ruling on this is that the member needs to keep to the provisions of the bill and to the issues that were raised during consideration in detail and not to issues that were raised in the second reading speech; that is, either of the member's own contribution to the second reading debate or of the minister's second reading speech. The member needs to stay within the parameters of the bill and what went on in consideration in detail.

Debate Resumed

Mr P.A. KATSAMBANIS: This is the point: the minister was asked repeatedly, not just during the second reading debate but in consideration in detail, what he has done to give Lotterywest agents a place in the sun in the new online environment that Lotterywest itself is engaging in. He was asked clearly and specifically what he is doing but the minister refused to answer. We need to take from that that he did not intend to do anything and that what Lotterywest agents will have to do is actively and continually compete with Lotterywest itself, because he is not banning synthetic lotteries.

Point of Order

Mr P. PAPALIA: The reason this matter was not addressed in consideration in detail is that its non-existence is irrelevant to the bill. The member continues to engage in a debate as though it were a second reading debate. This is the third reading stage. I ask the Acting Speaker to draw his attention to the protocol.

Several members interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Do you have a point of order, member for Churchlands?

Mr S.K. L'ESTRANGE: Yes, a point of order.

The ACTING SPEAKER: Wait on. Points of order are heard in silence. They are not a competition. They are not graduate school debating or wherever. They are heard in silence. I will rule on that point of order. Minister, I have already raised the issue with the member. If I think I need to draw the member back to the debate, I will. I thank you; I do not need repetitive points of order.

What point of order would you like, member for Churchlands?

Mr S.K. L'ESTRANGE: I just want to know what standing order the minister was referring to.

The ACTING SPEAKER: I think the point —

Several members interjected.

Extract from Hansard

[ASSEMBLY — Thursday, 18 October 2018]

p7302b-7319a

Mr Paul Papalia; Mr John McGrath; Mr Peter Katsambanis; Mr Sean L'Estrange; Mr Tony Krsticevic; Dr Tony Buti; Mr Bill Johnston; Dr Mike Nahan; Mr Zak Kirkup

The ACTING SPEAKER: Okay! The standing order that we all run under here is that the Speaker has control of the house. What I understand the minister was asking me to do—member for Dawesville, eye contact—was control the house. It is my intention to control the house.

Debate Resumed

Mr P.A. KATSAMBANIS: I will continue, despite many attempts to —

The ACTING SPEAKER: Member for Hillarys, do not try me.

Mr P.A. KATSAMBANIS: I did not even finish the sentence I was going to say.

The ACTING SPEAKER: You have the floor. Take three deep breaths. I am about to take them before I lose my composure. Member for Hillarys, you have got the floor. You know this is contentious. Bring it back to the debate that you feel will be constructive.

Mr P.A. KATSAMBANIS: Thank you. As I was about to say—I got only two words out—despite any attempts by the lead speaker for the opposition, the member for South Perth, and the rest of the members to elicit an explanation about which synthetic lotteries this minister is attempting to ban under this legislation, we did not get much. We ended up talking about obscure satellite tennis tournaments. I agree that they are an issue. Without referring to my own speech, I am pretty sure that when we were talking about this during the second reading debate, I mentioned tennis as one of the sports with significant integrity issues. However, betting on satellite tennis tournaments is hardly what the public sees as a big risk to the integrity of Lotterywest. The minister did not give any examples of what he intends to prescribe. He was asked about it again and again by the Leader of the Opposition and the member for South Perth. The minister did allude to something that I tend to agree with. The issue around synthetic lotteries is that the federal government has introduced legislation for some synthetic lottery types. The minister alluded to the fact that High Court action has been mooted and perhaps the legislation may not stand up. It is always a risk when there is High Court action. However, if the High Court action undertaken by one of the synthetic lottery operators was successful and knocked over the federal legislation, the minister did not indicate whether this bill would have the power to ban these operators in Western Australia. One of these synthetic lottery operators is based in Gibraltar. I have never met this operator; I know only about its annoying ads that make me reach for the remote control if ever I am watching sport and the ads come on. If not, will we be caught in the constitutional morass of questions or issues—I do not want to call it a mess—that are inherent in dealing with a national constitution that was derived in the late nineteenth century and is grappling with twenty-first century ideas? I sympathise with the minister in that, but he gave us no indication, despite constant requests, if the federal legislation fell over, whether this legislation he is introducing would be able to have the same effect here in Western Australia. There is a good reason for that. It is because online operators will always cite the Australian Constitution's section 51 power over post and telegraphs as the basis for states not having any jurisdiction. However, it would be good to know the minister's backup plan if the federal legislation falls over, particularly given the angst that the minister has expressed about that operator. I think most members in this place have expressed angst over the fact that the operator is offshore and gathers revenue from Western Australia without making any contribution. That is an important consideration that was not addressed during the consideration in detail stage, despite repeated attempts.

The other issue that was not really addressed was sports and whether odds could be displayed live in-play at sporting events. This legislation intends to ban that. No-one has questioned the intent. It is not only an important integrity measure but also an important measure for child protection. As far as I know, the whole concept of legislated and regulated gaming and gambling of all types in this state and every other state in Australia has always been based on its being made available to adults, not children. We all understand the blurring of the lines, I would say deliberately, by the companies that choose to advertise at events attended by many children. As many speakers pointed out, there is no major competition here in Western Australia where live odds are displayed today. The minister provided no examples. The minister said that he did not want to rely on suits in Melbourne making these decisions, but I would say to the minister that I think sports' administrators here in Western Australia are of the highest calibre. They recognise their public duty, their duty of care to their fans and duty to ensure that they protect children, whom they actively encourage to participate in sport. We want them to continue to actively encourage children to participate in sport. I do not think that Trevor Nisbett at the West Coast Eagles is a suit in Melbourne and neither is Steve Rosich at the Fremantle Dockers. I do not think that Troy Georgiou at the Perth Wildcats and the whole Wildcats organisation, or Tony Pignata, who has taken over from Peter Filopoulos as CEO at Perth Glory, can be categorised as suits sitting in an office in Melbourne. I do not see them running live odds on their scoreboards. I commend them. I do not take issue with this provision. It is closing a potential gap, but the sports have implemented this themselves.

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As I said, there are serious issues in cricket and tennis. They are addressing the issues on an international basis. One of the issues is to stop live odds being displayed at sporting events. The minister did not give us any other examples, despite significant prodding, of where this legislation will have an impact. Yes, it is nice to have, and we said that. We are not opposing the legislation. It is nice to have, but it is addressing a problem that was already addressed well before the legislation came to Parliament. That is not a commentary on the minister. It is a commentary on the slowness—I would go so far sometimes to say the sclerosis—of the parliamentary system when it comes to responding rapidly to emerging social change. It is not a criticism directly of the minister that we did not do it earlier. There are question marks as to how constitutionally valid the ban may be, but I will leave those aside. There will always be question marks. Even in the legislation brought in today by the Attorney General to deal with parole for mass murderers and serial killers, he suggested during his second reading speech that he had gone down a particular path to minimise the risk of constitutional legal challenge. I am not quoting directly from the speech but that is what he said. He did not say it would wipe it out altogether. We are all subject to that. Again, we asked the minister for examples—obscure satellite tennis tournaments usually do not have scoreboards that flash replays. They would be lucky to have a scoreboard where someone trundles up and changes the number from three games won to four games won in between points. The minister was asked to provide real-life examples of a practice that is happening today that we all agree is wrong and that will be stopped by this legislation. It is good to have it just in case some sport in the future decides to do it. I understand that. I clearly did not get any answer to how it may apply to professional athletes and I realise that is also a relatively minor sport, but in some places it drives tourism, particularly in country areas. We have seen in other states that it significantly drives tourism—the Stawell Gift is the primary example of a professional athletics race. I think it is 120 metres, but the member for South Perth is more of an expert on this stuff than I am. At the end of the 120-metre track, all the local bookies with their old-fashioned satchels collect the bets. It is part of the fun, atmosphere and colour, and some would say part of the culture of that sport. We do not want to see those things harmed by a blanket ban on advertising of live odds, which is exactly what the bookmakers do and have always done.

Mr J.E. McGrath: Race clubs are exempted.

Mr P.A. KATSAMBANIS: I recognise that race clubs have an exemption—race clubs, trotting clubs greyhounds—which is why I specifically brought up professional athletics. I received no real answer either in the summing up or during consideration in detail. The opposition does not oppose this legislation, despite what the minister might want to say. He knows that we do not oppose the Gaming and Wagering Legislation Amendment Bill 2018. In fact, the opposition supports it. We are just highlighting its limitations. We are highlighting the fact that when challenged on important areas in consideration in detail, the minister was left lacking. He could not really provide any examples of where there would be a practical difference and, in particular, he still has not given us an answer on whether this legislation would survive legal challenges in the event that the federal legislation is knocked over in the High Court of Australia and Lottoland or any other synthetic lottery operator begins operating again in Australia—assuming that happens post February when the ban comes in, because they are operating now; we accept that. The federal legislation is framed to ban them. It is being challenged. If it succeeds the challenge, all well and good.

Mr P. Papalia: It is not.

Mr P.A. KATSAMBANIS: It may not be, but it will be.

Mr P. Papalia: Is that right?

Mr P.A. KATSAMBANIS: It sounds like it.

Mr P. Papalia: How do you know that?

Mr P.A. KATSAMBANIS: The minister is the one who mentioned it. I do not know. The minister might talk to these guys—I do not. I do not even know who they are! I could not tell members what their names are. I have just heard of the brand, and remember, I do not actually gamble. Perhaps the minister can tell us how many meetings he has had with them—it is up to him.

The ACTING SPEAKER: Members!

Mr P.A. KATSAMBANIS: I am responding to an interjection.

The ACTING SPEAKER: I know that. I was about to say that interjections are disorderly. If you want to keep going, member for Hillarys, please continue.

Mr P.A. KATSAMBANIS: We are relying on the federal legislation, and even the minister accepts that. If the federal legislation falls over in the future, will this state legislation have enough rigour and constitutional reach in particular to fill any gap? I will not even bother going into the specifics, the technicalities and the actuality of dealing with a Western Australian punter gambling with an offshore organisation and how difficult it would be in

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practice to even get the details of the event, let alone enforce the legislation. I know that the minister said a couple of times that there is no intention to go after the punter here, certainly in relation to Lottoland. In other cases, I realise that to go after the punter might be the right thing to do because the punter may also be part of a particular arrangement with those exotics—the tennis, cricket and indoor soccer tournaments. I recognise that it is a real issue. A very minor soccer league match held somewhere on the east coast in the outer suburbs of Melbourne or Sydney or somewhere else became an international incident. International punters were gambling on it. One would have to be mad, but I am a non-gambler—I can easily say that. They were punting on it and there were found to be significant integrity issues with the involvement of many national and international agencies. We recognise that it is a real problem and that it involves the exotics, but the initial primary focus was on Lottoland. We still do not have an explanation of whether this legislation would be able to ban Lottoland in the event that any federal legislation was found to be unconstitutional or wanting or, as is always a possibility—I am not suggesting it is more than about a one or two per cent possibility—the federal Parliament in the future decides to repeal or amend that legislation or allow for synthetic lotteries at a federal level. That is the crux of the matter. If we are passing legislation in this place, we want to be assured that it will do what it intends to do. In that respect, it is still wanting. The minister still has an opportunity in his summing up to provide that evidence. I encourage him to do so and to focus on the issues that I raised with him, not to just bat it away and indulge in more personal attacks, as he enjoys doing when he is not able to provide a direct answer.

MR A. KRSTICEVIC (Carine) [11.35 am]: I, too, would like to make a short contribution to the third reading debate of the Gaming and Wagering Legislation Amendment Bill 2018. As I sat here listening to the contributions of the members for South Perth and Hillarys, I reflected on my 10 years in this Parliament and whether we have ever got to a third reading debate in which so many questions were left outstanding and so few answers were given by the minister in both his second reading reply and during consideration in detail. As has already been mentioned, the minister reverted to personal attacks rather than answering simple questions, which would have taken a lot less energy and resulted in the scrutiny of a bill that we support. I find it absolutely amazing that we are sitting here listening to this —

Mr W.J. Johnston interjected.

The ACTING SPEAKER: I made a ruling. I think he is keeping to the third reading debate, but I do not need interruptions across the house, minister. It is disorderly. Please maintain order while I am in the chair. Thank you very much.

Mr A. KRSTICEVIC: Thank you, Madam Acting Speaker. As we can see, the continual attacks occur when we try to raise legitimate points about a bill in the third reading debate and people try to avoid —

Mr W.J. Johnston interjected.

The ACTING SPEAKER: Minister, you are now called for the first time. My job is to keep order in the house. You can have a look at standing order 83 if you would like, minister. If you need to make a comment, you can go outside and yell at the television cameras there.

Mr A. KRSTICEVIC: I realise that the Minister for Racing and Gaming is a junior minister.

The ACTING SPEAKER: Stay to the debate, member.

Mr A. KRSTICEVIC: However, he should be across his brief. He should have been able to enable this piece of legislation to traverse through this Parliament and to answer questions, to avoid having the contributions that we are hearing today in the third reading debate.

The ACTING SPEAKER: Have you got the bill in front of you?

Mr A. KRSTICEVIC: Yes, I have.

The ACTING SPEAKER: Did you participate in the consideration in detail stage?

Mr A. KRSTICEVIC: Yes.

Mr P. Papalia: No, he left the chamber.

Mr A. KRSTICEVIC: I was here for part of it.

Mr P. Papalia interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Members! I am on my feet, minister. Thank you very much. You know how much I like the attention. I will refer to Erskine May's *Parliamentary Practice*, and the section on the "Debate on third reading" on page 595, if anyone wants to read it. I know that the member for Mount Lawley has a copy of Erskine May, so he can have a look at page 595. It states —

Debate on third reading, however, is more restricted than at the earlier stage, being limited to the contents of the bill ...

Extract from Hansard

[ASSEMBLY — Thursday, 18 October 2018]

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I acknowledge that this house is unlike the commonwealth Parliament and the British Parliament in that we do tend to debate in the third reading stage. In many other Parliaments the third reading is not debated. But I will keep it to consideration in detail and I will keep it to the consideration of the bill. If you do that again, member for Carine, I will stand up and you will sit down, and then we will keep doing that until you come back to consideration in detail and the contents of the bill.

Mr A. KRSTICEVIC: Thank you very much, Madam Acting Speaker; you make a good point. I was here for the consideration in detail stage, when I did ask the minister some questions and he replied either by personal attacks or by refusing to answer the question. I decided then that there was no point in me trying to scrutinise the bill any further during consideration in detail because the minister was obviously not interested in answering questions, which my colleagues have attested to in their third reading contributions as well. During consideration in detail, the minister either was not across the bill or refused to answer legitimate questions about an important bill that has many different facets to it. As I have said before, this opposition supports the bill and thinks that it is very important that we get it right. It is very important to make sure that when this legislation passes through this house and is enacted, it has some significant effect and does not just get to the other end without any major impacts.

The bill has a number of facets. The betbacks and betting exchange aspects are very important. They have been called for by people in the industry, and that is a good and logical outcome, with a high degree of relevance. I am not sure why the minister is so defensive about these things, because there are some very good aspects to this bill, such as that one. The other part of the bill that I think is very beneficial is allowing national raffles, which is a significant change. We should not be restricting that; we should be allowing people to participate in national raffles. As to the live advertising of odds, we have heard from the member for Hillarys that the minister could not come up with any specific examples at the local level. This is more about the future, if any of these local entities decide to do this. Some sports engage in the live advertising of odds, the major one being cricket. It is annoying when the odds are shown on TV when we are trying to watch a cricket match.

Mr J.E. McGrath: They are not on TV; they are on the big screens.

Mr A. KRSTICEVIC: On the big screens—sorry. I know it refers to the screens, but from my perspective, the live advertising of odds is very painful anywhere outside of the direct remit of the place where the activity is being undertaken, or where the race is being run. I mentioned in my second reading contribution a young boy aged five who did a drawing of a cricket pitch for school. I think the minister got the message that the advertising of odds is an issue that needs to be thought about in the context of any future changes or discussions in this particular area. Live advertising of odds and the promotion of gambling is a serious issue.

Another aspect of the bill is encouraging responsible gambling practices, and the bill refers further to undesirable betting products. I think the minister is saying that every product is desirable for betting, and the only ones that are undesirable are those that take money away from the state. That is the context in which I read that part, obviously in the context of things like Lottoland. The minister is signalling that he is happy with all and sundry gaming practices other than people who try to take money away from Western Australia. That was the only undesirable betting product I was able to understand the minister talking about during consideration in detail and in his second reading speech. It has nothing to do with gambling products that may destroy families and lives, and put people on the poverty line; it all has to do with taking money out of the department's pocket, or the government's pocket. It was a bit concerning that that was the government's definition of an undesirable gaming product, rather than caring about the vulnerable people who are impacted by the expansion of these gaming machines and the introduction of new gaming machines. It would have been good to flesh out responsible gaming practices a bit more and what is or is not a responsible gaming practice. Other than the banning of undesirable products, what is the government doing to assist people who have issues in that area?

There was a big discussion about Lotterywest and the great work that it does in Western Australia. We talked about the lottery newsagents as well, and by default the TAB agencies came into that discussion. How is the minister looking to protect Lotterywest agents? Then we had a discussion about the move in the direction of online gaming. Agents' commissions will be reduced significantly by any level of aggressive advertising by Lotterywest or the minister to promote online gaming. That is the direction in which we need to be heading, but the question is whether the lottery newsagents are being told that this is on the horizon and that their business model may not work in the future if the government or Lotterywest proposes to be more aggressive in the online space. Have there been discussions about what that would mean and whether there would be any compensation packages in the remit? I would be happy to co-sign a letter, along with the minister, to all the agents, telling them that this is a threat to their business, and we understand that, but we are just bringing it to their attention openly and honestly so that they know that the minister is looking at this, and they will need to understand up-front that it will impact on their livelihoods. I am sure that the lottery agents would appreciate that, because we would not want lottery agents and, for that matter, in a different model, the TAB agencies, to find themselves in the same position as taxi plate owners.

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The government regulates that sector and then walks away from it or changes the rules and people get left holding the baby, so to speak. They are told that that is the risk they took, and the government has changed its mind and moved in a different direction. That is an important conversation, albeit that protecting the agents may not be, as the minister has said a number of times, the focus of this bill.

It is an important discussion, and the minister went on for a considerable time about how the agents had been disadvantaged under the previous government and were not protected. I would be interested to know what he is doing to protect them now, and whether he is guaranteeing their business model into the future and guaranteeing that they will still get the same level of returns. As online gambling increases, will the agents have a percentage of the proceeds paid back to them based on the location of the person playing? Will the agents get something back for that? As we have discussed before, they and the TAB agents are the backbone of their respective industries, and without the commitment, dedication and hard work of each of those people, we would not have such a thriving industry and so much money coming back to the government to support the community, sporting clubs and associations. We would hate to see these things challenged in the High Court and not be able to be run properly. I would be interested to know what the minister is doing to support the agents, what he has done so far to support them and what the future holds for them. I hope that the minister's words will not come back to haunt him down the track and that the outcome, hopefully, will be positive. In the spirit of bipartisanship, the opposition is very supportive of giving the small business operators the best deal possible to make sure that they are looked after. We need to make sure that we consider these things. I do not think it is appropriate for the minister to simply discount this without giving it due consideration, even if he does not believe it to be an issue at this point in time.

I know that many other people want to speak on this bill, and it is important that we make a contribution. I want to reinforce again my disappointment at the level of personal attacks by the minister during consideration in detail.

Dr A.D. Buti: You can talk. You're one of the biggest bovver boys in Parliament, Kojak! Kojak number two!

Withdrawal of Remark

The ACTING SPEAKER (Ms J.M. Freeman): Member, stand up and withdraw that comment.

Dr A.D. Buti: What—Kojak?

The ACTING SPEAKER: Just withdraw it.

Dr A.D. BUTI: I would love to be called a film star.

The ACTING SPEAKER: Just withdraw it.

Dr A.D. BUTI: I withdraw.

Mr A. KRSTICEVIC: It is great that the member for Armadale is finally engaging in the debate.

The ACTING SPEAKER: Member, you can withdraw that, too, thanks.

Mr A. KRSTICEVIC: I withdraw.

The ACTING SPEAKER: Thank you. Get on with your speech.

Debate Resumed

Mr A. KRSTICEVIC: As I said, to have so many questions after we have gone through the second reading, the minister's summing-up and consideration in detail is an indictment on the way the minister has dealt with this legislation. I know that in his third reading reply the minister will stand up and say exactly what he said in his second reading reply and in consideration in detail. He has a one-track mind in his approach to Parliament.

The ACTING SPEAKER: Member, get back to the third reading. Stop! Member, get back to your speech.

Mr A. KRSTICEVIC: Yes. I look forward to the minister's theatrical third reading reply.

The ACTING SPEAKER: Member! This is your speech; not anyone else's.

Mr A. KRSTICEVIC: The member for South Perth raised some amazing points.

Ms J.J. Shaw: Isn't he even listening?

Mr A. KRSTICEVIC: There is nothing —

The ACTING SPEAKER: Just your speech.

Mr A. KRSTICEVIC: Of course. I was summing up by saying that the member for South Perth made an outstanding contribution. The member for South Perth is frequently referred to positively by the minister and the government, but even he stood up and said that he was extremely disappointed and disillusioned with the whole process and where we have got to. For the member for South Perth to say that, I think, gives a clear message about

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how well the minister has handled this process. The member for Hillarys, of course, made an outstanding contribution, again correcting the record and pointing out the misinformation put forward by the minister. It is better for the minister to stick to the facts and to the bill. At the end of the day, we are trying to produce better outcomes for the gaming and wagering industry and for those outcomes to flow on to the people of Western Australia. I am sure that they do not appreciate a whole lot of unnecessary debate, discussion, grandstanding and chest banging that does not relate to their future success and the funds and jobs that will be created in the industries that this bill will have a very significant impact upon. It opens up a lot of good avenues. I would like the minister to focus on the positives of this legislation and to address some of the legitimate concerns that we have raised, which he may know the answers to but, unfortunately, has been reluctant to share with us. It is not difficult to be straight up and honest, and say, “Yes, it is an issue”, or, “No, it is not”, rather than personally attacking people and thinking that that will achieve something. If anyone in the community were to read these speeches, they would be flabbergasted to see where we have got to today. They would be very disappointed and I am sure they would also have some very legitimate questions in their minds. If they were looking at this bill, they would say, “Yes, that is a legitimate question. That makes sense. Why isn't the minister answering? Why is he ducking and weaving?”

The ACTING SPEAKER: Member, take a seat. I am now going to read what is in the *House of Representatives Practice*, because you are not taking guidance. Four times you have repeated the same thing and I have tried to indicate to you that you need to come back to the purposes of the third reading debate. I do not want to sit you down because that will make you cranky with me. I do not want you to be cranky with me, but let me help you. It states —

It is not in order to re-open or repeat debate on matters discussed on the motion for the second reading or during the detail stage, and it has been held that the debate on the motion for the third reading is limited to the bill as agreed to by the House to that stage.

I know that we allow the third reading debate to be a bit broad. I am not going to take you to the next one, but if you want to read it, it is at page 384. What I will say is that it states —

In practice, the opportunity to speak at this time may be taken by a Member who for some reason has been unable to participate in earlier debate (perhaps because of a guillotine), or, unacceptably, by a Member attempting to continue earlier debate.

Please do not repeat the debate. Come to the bill. You have made your point. Wrap it up.

Mr A. KRSTICEVIC: Thank you, Madam Acting Speaker. I listened to your earlier ruling in which you said to keep the focus on the consideration in detail and the second reading debate. The things that I have been talking about were mentioned by me and others in the second reading debate and during the consideration in detail stage. I will take your guidance in the spirit with which you meant it. I have, therefore, deliberately tried to focus on the consideration in detail stage to the extent that I was present for it. As I said before, unfortunately, when I asked legitimate questions, the debate was more about personal attacks. I was just putting that on the record when the minister made his comments.

The ACTING SPEAKER: As you have done now a number of times.

Mr A. KRSTICEVIC: Yes, as he was during consideration in detail; therefore, it is a little difficult for me to necessarily focus on some of those other aspects. But I did listen to other members during consideration in detail and I could see and hear their frustration during that process. I was very uncomfortable with that.

The ACTING SPEAKER: Okay. You do not need to canvass my ruling. Move on.

Mr A. KRSTICEVIC: Thank you very much, Madam Acting Speaker.

Before the minister's third reading summing-up, hopefully he will have listened to the third reading contributions of members on this side. Hopefully, he will show a degree of professionalism in his response and deal with the issues that have been raised, rather than ignoring or backing away from them, as he did in consideration in detail until he was pressured to say something. That was an interesting experience. That is the only hope I have. I am sure I speak for all Western Australians when I say this. They expect ministers to be across their legislation. They expect the opposition to interrogate the legislation and they expect the minister, who is surrounded by myriad advisers, to be able to give an answer. Therefore, it is only fair that we are able to speak on behalf of all Western Australians in that respect.

As I said, in terms of lottery agents, we do not support synthetic products. We think that Lotterywest needs to be protected. There is no doubt about that. I listened to all government members' second reading contributions—the backbenchers, as they are referred to. They spent a lot of time talking about organisations in their electorates that

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have received funding. I will not talk about that. That was just an observation and I was trying to relate it to the bill. That is okay, Madam Acting Speaker.

I have spoken about the other aspects at some length, so I am not going to speak about that for much longer. I want to encourage other members to express their views so that the minister understands how the opposition feels about how this process has gone. He needs to know that it is not just one or two individuals who have this view; unfortunately, we have had to endure this. Hopefully, he will learn from this so that one day he can become a senior minister rather than a junior minister and take these bills through Parliament.

Point of Order

Mr W.J. JOHNSTON: Madam Acting Speaker, you have been very generous to the member.

Mr Z.R.F. Kirkup: What standing order, mate?

The ACTING SPEAKER (Ms J.M. Freeman): I would suggest it is standing order 83, member for Dawesville, if you want me to help you there. Just always think that standing order 83 gets you there every time.

Mr W.J. JOHNSTON: The member has canvassed issues raised in the second reading debate, which are irrelevant in the third reading debate. He has also raised the point that he does not support the bill. He has raised all these different things that are unrelated to the third reading debate. I would appreciate it—because I have listened to him, sadly—if you could get him to comply with the standing orders.

The ACTING SPEAKER: Yes. I think the member has finished, have you not, member? If you do it again, I will sit you down. I have sat one of you down before. I will sit you down.

Debate Resumed

Mr A. KRSTICEVIC: Thank you very much, Madam Acting Speaker. I want to finish by saying, as I have stated throughout my third reading contribution, that I support this bill and the opposition supports the bill, and for anybody to suggest the contrary means that they have not been listening to anything that anybody on this side has said. I think it is misleading Parliament to make that statement.

The ACTING SPEAKER: Sit down.

Mr A. KRSTICEVIC: Thank you very much, Madam Acting Speaker.

DR M.D. NAHAN (Riverton — Leader of the Opposition) [11.58 am]: I will comment on some of the issues that have been raised during the third reading debate on the Gaming and Wagering Legislation Amendment Bill 2018. The perception is that we are off target. This piece of legislation will be supported by all sides. It is an important piece of legislation. Legitimate issues that have arisen during the debate have simply not been answered by the Minister for Racing and Gaming. When the member for South Perth asked questions—he is one of the good guys in the Western Australian Parliament, who knows a lot of about, and, indeed, is passionate about, this industry—the minister simply did not respond to them or he responded to them in a political polemic.

The ACTING SPEAKER (Ms M.M. Quirk): Minister for Commerce, I can hear you.

Mr W.J. Johnston: I apologise.

The ACTING SPEAKER: I should not be able to hear you.

Dr M.D. NAHAN: When the Minister for Racing and Gaming behaves like that, he gets the opposition thinking: What is he trying to hide? He has refused to answer legitimate questions that the opposition and community want answered, which shows a lack of accountability. He gets what he sows. This legislation amends an existing act. Western Australia has long had a policy to contain and restrict public access to gambling products, and we have done that by allowing Lotterywest to have a state-owned monopoly in lottos. We support the retention of that situation. It is relatively unique but we support that. This bill tries to reinforce that monopoly by outlawing—this is one of the claims—synthetic lotteries. We restrict gaming machines and electronic gambling machines to the casino—we tax them very heavily and regulate them very tightly—and gambling on racing is restricted to the TAB. This bill is an attempt to reinforce the existing policy to contain and restrict the community's access to gambling products. The underlying objective of the legislation and the decisions of the Gaming and Wagering Commission of Western Australia are multifaceted, but in part it is to ensure that the community of Western Australia gets an adequate rate of return and, indeed, that it benefits in the main from the monopoly profits earned from gambling through, in this case, in terms of synthetic lottos, Lotterywest. We support that; we support the status quo. One of the intents of the bill—I think it is the main one—is to prevent synthetic lotteries from disrupting Lotterywest's business plan. A lot of industries are being disrupted. We know that online gambling is coming; Lottoland is a synthetic lotto and it is coming.

The other reasons for the bill are to contain access to the online gambling products that Lottoland provides greater access to, prevent young people from getting access to gambling products through excessive advertising in various

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venues and stop the spread of the use and abuse of gambling products in the state. I perceive that that is another objective of the legislation, although the minister did not highlight that. We support that.

One of the problems that we have pursued quite regularly is that Lottoland has been banned by a unanimous vote in the House of Representatives and that ban was passed by the Senate. It is a banned product. That ban comes into force, I believe, on 1 January 2019, which is in a few months' time. Given that ban, why has the government introduced this bill? Lottoland is an international product of a firm based in Gibraltar, which is low-tax haven, and operating through the Northern Territory, which does not tax gambling products and is very open to them. This is a national and international issue. It is always better to allow the commonwealth to deal with constitutional impediments to intrastate trade, which has a long history, and other issues relating to the Constitution. As the member for Hillarys pointed out, the Constitution was written long before we had the internet and, in fact, before the widespread use of telephones and other telecommunications. Communications, from my memory, is a commonwealth responsibility under the Constitution. The prevailed reason for giving that responsibility to the commonwealth was mainly telegraph and post. If a commonwealth ban on Lottoland, which is supported quite rightly by all the major parties, comes into effect in January, why are we putting this bill through?

We have also asked about another complication. We understand that Lottoland is pursuing a High Court challenge against the ban. What happens if it is successful? What implications will that have on the success of the bill? Those issues are very relevant. It is only a few months off. I do not know when the High Court challenge will take place; it might take much longer, as I do not know. Those are legitimate questions to ask about the bill. Is this the bill for now? Should we not wait to see what happens in the future to address it more adroitly? If the ban is overturned by the High Court, will we have to amend this legislation; and, if so, how and why? The Parliamentary Counsel's Office is so full of work that it cannot draft any bills for the opposition. If the claim is that it is overworked, why has the government put this bill forward? That is a legitimate and necessary question that the minister so far simply has not answered. Why is this bill here now? Again, as the member for Carine reinforced, we are not against the bill, nor the principle of the bill. We support all aspects of it. But we ask legitimate questions about its long-term validity given the High Court challenge and the necessity of it being introduced now. Why not postpone it to early next year after the ban on Lottoland comes into effect nationally and see what happens?

We asked what other types of activity the government is considering banning, which is a legitimate question. Does the government see any trends or other disruptive technologies that will challenge casino gaming machines, electronic gaming machines, slot machines or the TAB? We understand that the bill reinforces powers that the Gaming and Wagering Commission already has, except the power to prohibit products. This time the prohibition is through regulations, which is a good move. If the commission decides on prohibitions on gambling, especially if it is a substantial prohibition, such as banning Lottoland, that should be done by regulations that go through the upper house for vetting. We support that. We asked, "What are the indications?" We got, "I don't know". I admit that the world is an uncertain place, but does the government see any other challenges that the commission will consider banning? We understand that this bill, according to the minister, originated from requests from the commission. What other threats to the containment of gambling in this state does the minister see from disruptive technologies? So far, he has not answered that question. If we on this side of the house are a bit miffed, all we are doing is asking not only appropriate, but also necessary, questions, and we are not getting answers to them—not at all. We hope the minister will respond in his reply to the third reading debate. I can tell members that when this bill get to the upper house, it will scrutinise it in full detail—quite appropriately. The minister can whinge about the bill taking too long in the upper house, but if it takes too long, it will be due to his lack of appropriate responses to questions down here and perhaps up there. No whinging.

We also heard an announcement this week—we have debated it in this house, so I will not go into it at length—about the potential expansion of gambling within the TAB arena; that is, contrary to the promise and firm commitment of the government that it would not allow the expansion of electronic gaming machines as part of the sale of the TAB, that is now what it is proposing to do.

Mr P. Papalia: That is not part of this legislation.

Dr M.D. NAHAN: Let me finish. I do not need the minister's advice here, because it is usually distorted.

The ACTING SPEAKER (Ms M.M. Quirk): Member, you probably need my advice. You understand the constraints of the third reading.

Dr M.D. NAHAN: I understand. Let me go where I am going. Come back at me when I have finished a sentence.

We had the debate about Trackside and I asked the minister why he is not going to buy Trackside as part of this.

Mr P. Papalia: It's not part of this bill.

Dr M.D. NAHAN: Let me answer that. I know the minister does. It is a legitimate issue. We were confused because the government is expanding the remit of gambling against its promise and against the desire of the wider

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public. Is it covered under this bill? Will the commissioner advise it? TAB activities are not covered explicitly under this bill. The reason Trackside is not dealt with by this bill is that the government has excluded the TAB's activities. The question we have is: is the TAB also being disrupted? I know that this bill has been mooted to protect Lotterywest from synthetic lotteries, but this bill does not mention Lottoland. It just gives carte blanche power to the commissioner and the minister to develop regulations to ban gambling generally; it is not tied just to the protection of Lotterywest. Does the minister see any additional threats to the TAB or the casino that he intends to address with this legislation? It is a very important issue. We have in this state a unique policy, which has had bipartisan support for decades, to substantially contain access to gambling both in certain institutions and in terms of aggregate remit within those institutions. I understand that that is what this legislation is trying to do. Are there threats that the minister is considering addressing to delimit competition with the casino or the TAB? The minister is expressly saying that the TAB's activities are exempt under this legislation. This legislation does not prevent the government from changing its mind on the TAB outlets' gambling remit not just to do racing on the screens, but also to soon have Trackside, which is a substantial expansion of its remit, or from doing a big backflip and allowing gaming machines in TAB outlets. This bill does not address that.

Mr P. Papalia: You're revisiting the second reading.

Dr M.D. NAHAN: No; I am dealing with the issues that this bill has raised that the minister failed to address. I am sticking expressly to the details of the bill. I know that the minister does not like debate. That is the problem he has, and he will face the consequences in the Legislative Council when his agent there will be subject, quite rightly, to a great deal of scrutiny because the minister has failed to do his task and answer the legitimate questions asked by opposition members who support the intent of the bill. That is a failure of his ministerial responsibility. We are going to do that. Luckily, we have a bicameral Parliament, so he will go through that. We cannot force him to answer. Quite honestly, sometimes he tried to answer and sometimes, on legitimate issues, particularly the High Court challenge, the long-term sustainability of the bill and other issues, he just refused to answer. So be it. He will be responsible for problems that arise from it. He will probably, as usual, blame the previous government when things go awry, but they will if he does not think this through.

The ACTING SPEAKER: Member, I have given you a fair bit of latitude.

Dr M.D. NAHAN: I am sticking to the bill.

The ACTING SPEAKER: Comments on the third reading are restricted to the contents of the bill.

Dr M.D. NAHAN: Yes, I am.

The ACTING SPEAKER: I think you have trespassed way outside that. You might want to restrict your subsequent comments.

Dr M.D. NAHAN: Let us go back. The opposition supports the bill. We have raised a great deal of concern about, firstly, whether this is the appropriate time to have this bill. Should we not have waited three or four months to see what the federal ban on Lottoland will do and how the High Court responds? If the High Court supports the continued existence of Lottoland, how will this state respond to ban Lottoland in this state? The government does not have a very active legislative agenda. In fact, I think we are going to go on to the Premier's Statement later today. The government is really busy. I suspect that we are debating this legislation to fill the gap in the legislative agenda.

The ACTING SPEAKER: Member—contents of the bill, please.

Dr M.D. NAHAN: Okay. We support the intent of the bill, but we leave this debate with some fundamental questions that the minister has refused to answer. We will get it out of him in the other house. We will ask questions in the other house.

Several members interjected.

The ACTING SPEAKER: Member for Dawesville, I think the Leader of the Opposition can handle this by himself.

Dr M.D. NAHAN: We know that there is disruption in the gambling industry, particularly online, that does not respect borders and tries to get around prohibitions and monopoly positions. This bill is supposed to protect Lotterywest. We have asked other questions. What other things is the minister thinking about for Lotterywest, the casino and the TAB? He does not know. Does he see one on the horizon? Is he considering some and what is their nature? Can he address those in the same way that he is addressing Lottoland? There has been no answer. These are carte blanche powers. Yes, they will go through the upper house, but the minister has not given a long-term address about the threat to the position that we hold. He has not articulated it very well at all. Nonetheless, we will go through it.

We support the treatment of betbacks and betting exchanges and allowing national raffles. We believe that concern about the issue of live advertising will grow. This bill has gone in certain directions to address that, and that is fair

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enough. We support that, so we have no major concerns there. If the High Court supports Lottoland's challenge to the federal ban and we have to amend this legislation, we will hold the minister accountable for it.

Mr J.R. Quigley: Like your unconstitutional Bell bill.

Dr M.D. NAHAN: Yes!

Mr J.R. Quigley: How did that go in the High Court?

Dr M.D. NAHAN: Yes! You guys are now in government and are suffering the consequences of your resistance to that. I know.

Mr J.R. Quigley interjected.

Dr M.D. NAHAN: Yes, you did. The shadow Attorney General at the time came up to me and said, "Mate, I have to speak against that because I have to go out and talk to my lawyer mates who of course want us to fail because they make a lot of money off the proceedings."

Mr P. Papalia: Stay on the bill!

Dr M.D. NAHAN: When I get abuse from one of the most powerful legal minds in the country, I have to respond! When one of the most powerful and influential legal minds in the country abuses me, I feel, as a minor mortal, I have to respond to his accusations.

Ms A. Sanderson: It is true.

Dr M.D. NAHAN: It is true that I have to respond. If a monumental legal brain like that attacks, I intend to cower but I fight back!

Mr P.C. Tinley: To the bill!

Dr M.D. NAHAN: To the bill: the major issue is —

Mr P. Papalia: You are repeating yourself.

Dr M.D. NAHAN: No; I am summarising. If I were not being abused, I would have sat down by now. The reason we are up here so long is because of the stream of abuse.

Ms A. Sanderson: Start again!

Dr M.D. NAHAN: The member for Morley wants me to start again. I have only nine minutes left; I have already gone for 21.

The ACTING SPEAKER: Members, you are only encouraging the Leader of the Opposition. If you desist from interjecting, you may find he concludes. He has promised us he may be considerably shorter. It is a matter for you.

Dr M.D. NAHAN: That is right. Thank you. We have a very learned Acting Speaker who is very skilled.

Mr A. Krsticevic: She should be a minister.

Dr M.D. NAHAN: She should be a minister—that is right. Or maybe the Speaker.

Back to the bill. This bill is premature. It addresses something that has already been addressed. It plans to address things that have not yet been identified. The minister could not provide an indication of any threat so far. Why are we debating this? Why did we not put it off for a while? Lottoland is going in a few months' time; we could then see the ramifications of the national ban. These threats that are facing our unique model are common to all other states and territories. We should have a coordinated reaction to them. It is very ironic that this bill, which will protect the monopoly position of Lotterywest and constrain the growth in gambling within and outside gambling agencies, comes at the same time we have seen the largest increase in access to gaming through Trackside in TAB outlets since its introduction in the casino four years ago.

MR Z.R.F. KIRKUP (Dawesville) [12.22 pm]: I, too, rise for the opposition to contribute to the third reading of the Gaming and Wagering Legislation Amendment Bill 2018. Conscious of the Leader of the Opposition's counsel today, I will do my best to make sure I keep my comments as relevant to the bill as possible and appropriate under the standing orders. I realise we have ventilated some of the issues in this bill.

[Quorum formed.]

Mr Z.R.F. KIRKUP: During consideration in detail, we ventilated some of the issues in this bill. I have to say at the outset that we are being asked to vote on an extraordinarily rushed and perhaps very poorly put together piece of legislation.

Ms A. Sanderson interjected.

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Mr Z.R.F. KIRKUP: It is, member for Morley. It has been amended two or three times on the floor, which reflects the agency's and the minister's inability to thoroughly ensure that this piece of legislation was adequate and in shipshape order before bringing it to this chamber. Rather than amending it on the fly, I think any minister would want to make sure they did their due diligence in that respect. That is especially so when we consider that some of the amendments were things that were quite obvious to anyone who went through the bill. The opposition, with its limited resources and limited time, has managed to pull apart the bill in a very thorough process to fully identify some of the flaws that exist in the legislation as it stands. I will go through those flaws once again.

I preface my contribution by saying that I think it is a very unfortunate situation that has arisen. I do not think the minister has interrogated this bill as thoroughly as he should have done. All of us in this place should be aware that the role of a cabinet minister in the cabinet process is to ensure that a piece of legislation considered for approval to draft and then to print—cabinet has to decide twice on a piece of legislation like this—is very thoroughly investigated, drafted and put together. We have pulled this bill apart. I will go through some of the issues that the opposition has with some clauses in this legislation. The Leader of the Opposition, the member for Carine and the member for South Perth have spoken about some of those concerns. I find it fascinating that the government has a minister who would bring forth a bill that is not adequately put together. That is a flaw in this minister's ability, in this case in relation to this bill. An individual who is in charge of major decisions and major agencies is trying to combat what he sees as a multibillion-dollar enterprise. We are trying to ensure that the clauses —

The ACTING SPEAKER: Member, I think you have overstepped the line. You should address the content of the bill, not infer motives to a particular person.

Mr Z.R.F. KIRKUP: I appreciate your counsel as always, Acting Speaker.

We have to deal with the third reading because of those amendments that were made on the floor of the house yesterday. In my mind, that clearly reflects that this bill was not well put together. I will go through those concerns once again. I think all members in this place would agree that any minister who sought to introduce legislation would want to ensure it was as thoroughly put together as possible. I contend that that is not the case here. I think this legislation should have been far better constructed and interrogated when the minister went through the approval process to draft it and then to print it.

The opposition has a number of unanswered questions about this legislation. I went through some of those. I will revisit my specific concerns again, as is the role of the third reading stage, in relation to clause 21. Clause 21 relates to remote gambling devices. This is the clause that I am most concerned about, but I will go through another couple of clauses as well. The member for Carine talked about the personal attacks waged by the minister opposite whenever he is questioned about an issue. When I asked the minister about specific concerns I had about clause 21—I am reading from *Hansard*—this is what the minister said to me.

The ACTING SPEAKER: Is that uncorrected?

Mr Z.R.F. KIRKUP: It is uncorrected. To the best of my recollection, this is what the minister said to me. The minister said to me, and I quote —

I understand the member —

That is the member for Dawesville —

is an advocate for people who like to break the law by employing modern technology ...

When I suggested that there were some flaws with the bill that needed to be looked at and that the Legislative Assembly should more thoroughly investigate, the government minister in charge of the legislation contested that I—the opposition member—was trying to aid and abet law-breakers. I cannot imagine a situation in which anyone in this place would stand for a minister, who is so clearly inept and unable to be across his brief, contending that someone who has an issue with the bill is somehow assisting people who break the law. That was a shameful statement on the minister's behalf. To me, it exposes the minister's inability once again on this piece of legislation. When the government brings forth a bill that is so poorly put together, that is one thing, but it is a whole different situation when the minister in charge of that legislation contends that an opposition member who has concerns with that bill, as is our duty in this place, is somehow trying to assist people in breaking the law. That was outstandingly absurd of the minister. I cannot imagine that the minister, when in opposition—which will be soon enough again, my friend—would have stood for a situation like that. I found that very, very disappointing from the minister. The reason we raised those specific concerns about clause 21 was that, to me, “remote gambling devices” opened up a whole realm of possibilities about how bets could be transmitted. This clause had to be amended. The minister introduced a bill that was so poorly put together that it had to be amended on the fly.

Clause 21 defines a “remote gambling device”. The minister was trying to stop people from placing bets—it was amended to transmitting bets—on an event or contingency, but he refused under questioning a number of times to define what such a device would look like. Clause 21 of the legislation seeks to define something, but when the

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minister was asked about the physical incarnation of such a device in that definition, as is our right to ask during the second reading debate to further understand that particular clause, he had no idea. Instead of saying, “Look, I actually don’t know”—the member for Carine contended that if he did not know, he could just say he did not know—he attacked the opposition and suggested that by asking the question I was trying to help people break the law. I find that shameful on the minister’s behalf. To me, it is absolutely inept. I have significant concern with clause 21 of the bill because it is trying to restrict a multibillion-dollar empire and if the minister wanted to make sure he had a broad-ranging head of power that enabled us to capture any threats, I think the definition is too specific. This clause specifically contends that the device, whatever it might be, is “primarily or exclusively” used for transmitting a bet. That concern was raised by the opposition. The minister did not take it on board, as we have seen with other ministers. More recently, during debate on the Strata Titles Amendment Bill 2018, which is not an insignificant bill, the Minister for Planning —

The ACTING SPEAKER (Ms M.M. Quirk): Member —

Mr Z.R.F. KIRKUP: I appreciate your counsel, Acting Speaker. I anticipate what it might be.

The ACTING SPEAKER: Third reading, please.

Mr Z.R.F. KIRKUP: I have seen examples of other times when a bill would perhaps be amended on the fly when the opposition’s concerns were taken into account.

The ACTING SPEAKER: That is also not relevant.

Mr Z.R.F. KIRKUP: The opposition has previously had similar concerns and ministers have amended legislation in consultation with the opposition. I would expect that, in a situation like that in which the opposition has taken issue with clause 21, the minister would want to make sure he understood the weaknesses of the bill. The minister would maybe contend that further changes should be made to the bill. Instead, the minister made personal attacks on not just me but other members of the opposition, particularly the member for Carine and the member for Hillarys, because we dared to do our job. I find that very disappointing.

The other clause I would like to go through, which I had significant concerns about, was in the definitions of a telecommunications device more generally. One defined a device to transmit a bet and the other defined a telecommunications device. Again, when we asked the minister about that—specifically why a mobile phone was not defined, noting that we said during the second reading debate and the consideration in detail stage that mobile phones have been included in a range of different legislation—instead of taking it on board, the minister did not think it was an appropriate consideration. To me, it would have been simple for the minister to slip in “mobile phone”, which I think is included in the Criminal Code and the Road Traffic Act as well as regulations relating to bail and education services nationally. The minister could have looked at them, learnt from other bills and inserted something to make sure that it was defined as part of a telecommunications device, which any of us would think a mobile phone would be.

Unfortunately, this leaves the opposition with a number of unanswered questions and concerns. In the good spirit of this place, because we support the intent of the bill and the need for legislation, we think it should be right. A healthy opposition creates a healthy government. Our job is to make sure that if we check things and question things, the government might end up with a better piece of legislation. This bill might be significantly improved because of the work of this opposition. If the government had a minister who was capable and would do his job, he would heed the concerns of the opposition outlined in the second reading debate and consideration in detail and perhaps would make the suggested amendments, as has been done before with this legislation.

In closing, I found it extraordinary that three ministers spoke on this bill. We saw this piece of legislation —

The ACTING SPEAKER: Content of the bill, member.

Mr Z.R.F. KIRKUP: I appreciate that, Acting Speaker. The commencement date as defined in this legislation has been pushed out. I suspect that is because a number of members opposite spoke on this bill; a number of ministers, in particular, spoke to this bill. To me, the commencement date, as defined in part 1, the preliminary part of the bill, has been pushed out because ministers spoke on this. I find it fascinating that three ministers spoke on this legislation. Three ministers spoke on it because this minister could not even get into the consideration in detail stage on time. He was not ready last week, so the commencement date was pushed out.

The ACTING SPEAKER: Member, you are inferring motives. Please stick to the bill.

Mr Z.R.F. KIRKUP: Sure, Acting Speaker. I have appreciated for some time that, with this minister, most Acting Speakers need to protect him as much as they can.

The ACTING SPEAKER: It is the standing orders, member.

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Mr Z.R.F. KIRKUP: I find it fascinating that we heard from so many government members who so rarely get an opportunity to speak on important, landmark pieces of this government's legislation, which have not been spoken to by ministers or members —

The ACTING SPEAKER: Member!

Mr Z.R.F. KIRKUP: — yet we see here, Acting Speaker —

The ACTING SPEAKER: Member, if you continue to trespass against the standing orders, your opportunity will be curtailed as well.

Mr Z.R.F. KIRKUP: Thank you, Acting Speaker. I will close out. I find it fascinating that this shows the sham of this minister and exposes the sham of this government to bring in this legislation with such poor quality and having been amended so many times. It was filibustered by so many ministers and its commencement pushed out by so many members because this minister is inept and unable to bring forth a piece of legislation that is considered appropriate for this place.

MR P. PAPALIA (Warnbro — Minister for Racing and Gaming) [12.35 pm] — in reply: There were some interesting contributions from the opposition in the third reading debate. It is a pleasure to respond. I am going to go through —

Quorum

Mr A. KRSTICEVIC: I have a point of order —

THE ACTING SPEAKER (Ms M.M. Quirk): Minister, there is a point of order and I suspect it might be the state of the house.

Mr A. KRSTICEVIC: Fantastic observation.

Mr D.R. MICHAEL: Further to that point of order, Madam Acting Speaker —

The ACTING SPEAKER: Member, has it been 15 minutes? I gather it has not.

Mr D.R. MICHAEL: It has not been 15 minutes; standing order 22.

Mr A. KRSTICEVIC: Has it not? All right.

Debate Resumed

Mr P. PAPALIA: What a waste of time that would have been, Acting Speaker. I understand that the opposition likes to waste the Parliament's time, but I prefer to get on with the job. At the outset, can I say for the edification of those opposite that every part of this bill, with the exception of the part reflecting a response to Lotterywest being protected against the threat of synthetic gambling, was part of the bill that was proposed by the previous government and advanced to three different ministers from 2013 till the end of the former government's term in office. It was never put forward because it was not given priority.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine!

Mr P. PAPALIA: There is nothing new in this bill that was not fully endorsed by previous ministers under the Liberal–National government, with the exception of the response to Lottoland.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine, I call you to order for the first time.

Mr P. PAPALIA: Any questions regarding any clauses other than that one reflects on the opposition having not considered its own bills during the previous government.

Several members interjected.

The ACTING SPEAKER: Member for Scarborough and member for Dawesville!

Mr P. PAPALIA: There is nothing contentious. The two very minor amendments that were introduced to the bill post the first and second readings were a consequence of consultation with stakeholders. Stakeholders advanced their requests for minor changes to the wording of the bill post the first and second readings. That is why amendments were proposed to the bill prior to the consideration in detail stage. On specific components of the bill, we made no secret of the fact we were introducing part of this legislation to respond to the threat to Lotterywest. Lotterywest is a fine institution that paid \$463 million to winners throughout the state and \$260 million in grants to the local community last year. That was made up of 785 direct grants and 699 grants to not-for-profit organisations. It would be outrageous for any member of Parliament in Western Australia to oppose any measure

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to defend that benefit to Western Australians. That is why I found it extraordinary that, during the course of the second reading debate, it was posited that perhaps we could allow Lottoland to operate and tax it. Lottoland cannot be allowed to operate in Western Australia without having a negative impact on Lotterywest because all of Lotterywest's money is committed to either operational costs or payouts to the community through grants or prize money. That is not true anywhere else in the country. That is why we cannot allow a threat in the form of Lottoland or any other similar operation to go ahead without being challenged in every possible way by a legislative response. That is what we are doing.

I might add, there was a lot of discussion around Lotterywest outlets that was unrelated to the Gaming and Wagering Legislation Amendment Bill 2018. But I can say that the chief executive officer of the Australian Lottery and Newsagents Association that represents every single one of the Lotterywest agents, had this to say with respect to our legislation —

ALNA is very pleased that the WA Government, having demonstrated their leadership already, have now gone one step further introducing laws that at a state level are even stronger, to stop disruptive online lotto betting bookmakers and their models that undermine Lotterywest from occurring, and giving them the flexibility to deal with new unforeseen models.

That is why we introduced this bill. It is not pre-emptive or unnecessary, as suggested by the Leader of the Opposition. It is in response to stakeholders who are directly threatened by the presence of these online bookmakers and type of product. We are introducing this bill because we are responding to stakeholders in the community and defending Lotterywest. I will focus on the specific clauses that relate to prohibited events and contingencies.

[Quorum formed.]

Mr P. PAPALIA: I will now give responses to some of the specific clauses. In relation to the prohibited events and contingencies part of the bill, in June 2018, the commonwealth government passed amendments. I am sure that the member for Carine will be interested in this, noting some of the questions that he asked earlier. The commonwealth government passed amendments to the Interactive Gambling Act 2001 to prohibit betting, both online and telephone, on the outcome or contingency that may or may not happen in the course of the conduct of Australian overseas lottery draws, including a keno draw. The amended provisions of the Interactive Gambling Act 2001 will take effect on 9 January 2019 and will read —

For the purposes of this Act, a service is an *excluded wagering service* to the extent to which the service is not covered by any of the following subparagraphs:

...

(aa) the service does not relate to betting on the outcome of lottery; and

(ab) the service does not relate to betting on a contingency that may or may not happen in the course of the conduct of a lottery.

The federal law does not outlaw Lottoland—it will do what I just read out. Our law does not reflect that wording, as the member knows, because we have discussed our legislation. Our law gives the head of power of our agency, the Gaming and Wagering Commission, the ability to propose regulations in response to an unforeseen threat from an activity that we might wish to prohibit, which might exceed the bounds or not be captured by the bounds of the federal law. We are introducing our law to ensure that we have a more robust response than is currently the case under the federal law and so that we are not reliant upon the federal government to respond in a slow fashion, as it often does, to a threat that we may confront in Western Australia. The federal government may be less motivated to respond. No other jurisdiction in the country benefits as much as Western Australia does from Lotterywest. The motivation to respond may be far less. At any other time when we are proposing laws on behalf of Western Australians, I would expect the Liberal Party of Western Australia to support that and suggest that the federal government may not be as highly motivated. But in this case, for some reason, it is criticising us for acting.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine!

Mr P. PAPALIA: I suspect it is related to the fact that there was a concurrent debate about the TAB while we were debating this particular bill.

Western Australia is not the first state to introduce a head of power provision to allow the relevant regulator to control the types of events or contingencies that may be wagered on. Victoria introduced legislation earlier this year and South Australia has had a similar regime in place for several years. Our drafters and our agency were cognisant of that. They took note of that and they learnt from those particular laws, as has been suggested should be the case by the opposition, and that is what led to the drafting of the law that we have introduced. It encompasses

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what we have learnt from other jurisdictions. Despite what the member for Hillarys said, I gave examples during consideration in detail of the types of events or contingencies that might be considered to be prohibited. They could include junior sporting competitions or local social sporting competitions such as indoor cricket or soccer competitions that have no controlling authority to declare results. They could also include any event or sport where the integrity of the conduct has been compromised—for example, in instances where match fixing has been proven. That is the type of event or contingency that we are talking about. TAB Trackside will not be a prohibited contingency. With all respect, Leader of the Opposition, it will not be prohibited and neither will any other activities undertaken by the TAB. This amendment will enable the Gaming and Wagering Commission to respond in a timely manner when undesirable wagering products enter the wagering market. By necessity it is not specific because we do not want to limit ourselves in our ability to respond to some unforeseen threat, and we also do not want to empower those who might devise an unforeseen threat, to go around whatever we specify. That is why it is a broad ranging head of power. That is why it is, to some extent, not specific. That is not a weakness of the legislation but a strength.

In the course of the debate, we have recently been approached by a stakeholder group. The Responsible Wagering Australia group, which the member would be familiar with, has expressed concern regarding existing events or contingencies. This is one of the matters raised by the opposition. It was concerned that existing events or contingencies would be prescribed as prohibited events or contingencies. I have been advised by Responsible Wagering Australia that licensed wagering operators must seek the approval of the relevant sport's governing body to offer bets on sporting events. This approval right and process sits within the integrity and product fee agreement that all licensed wagering operators have with each sport. I understand the validity of this concern for current wagering operators offering these products, and although I cannot give an undertaking that existing events or contingencies will not be examined by the Gaming and Wagering Commission, I can advise that this is not the intent of the bill. I can advise that this provision will largely be complaints driven. If consumers, companies or other stakeholders become aware of any product offered to Western Australians that appears to be detrimental or outside the spirit of our laws, the Gaming and Wagering Commission will have the power to investigate and potentially recommend that the product be prohibited. I wanted to get that into *Hansard* for the purposes of conveying the message to stakeholders.

I urge and hope that the Leader of the Opposition does not follow through on his threat to delay this legislation in the upper house, because the people who care about this bill —

Mr A. Krsticevic: I was not talking about delays.

Mr P. PAPALIA: I was threatened by the Leader of the Opposition.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine!

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine, you are on two calls.

Mr P. PAPALIA: The people who care about the passage of this bill through both houses of Parliament have been waiting, in some cases, for years for the response by government that this bill provides. There are only 26 Western Australian bookmakers. They have been waiting for 10 years for a response to betbacks. If this bill is delayed in the upper house, they will continue to be charged in a way they would not be if this bill were passed. If this bill is delayed, it will impede their revenue streams, and they need all the assistance they can get in this environment. If it is delayed for no reason other than to antagonise me as a minister, which I find extraordinary, it will be the bookmakers who suffer. They are small businesses and I care about them because they are in the racing industry. I expect that the member for Carine cares about them too and the Leader of the Opposition, and I urge him not to let his ego get in the way of supporting this bill through the upper house. If the opposition supports it in this place, and no-one has moved any amendments, let it go through the upper house as rapidly as possible because those people are waiting—10 years, three ministers for racing and gaming and no action under the previous government. The bookmakers are waiting.

I turn now to Betfair and the amended definition of “turnover”. One reason that I was criticised by the member for Dawesville was for amending the definition of “turnover”.

That was in response to an approach from Betfair, one of the stakeholder groups, which raised an issue for a betting exchange. It would see a fairer and more consistent calculation of the racing bets levy by Betfair. It is a good thing. People are waiting for the outcomes of this legislation going through. Please do not hold it up. Changes have been made to allow our charities to hold nationwide raffles and nationwide charities to hold raffles in Western Australia. That is a good thing. If opposition members hold it up in the upper house because their egos get in the way, that will not make any sense at all. It suggests that the opposition does not care about people.

Extract from *Hansard*

[ASSEMBLY — Thursday, 18 October 2018]

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Mr Paul Papalia; Mr John McGrath; Mr Peter Katsambanis; Mr Sean L'Estrange; Mr Tony Krsticevic; Dr Tony Buti; Mr Bill Johnston; Dr Mike Nahan; Mr Zak Kirkup

Mr P.A. Katsambanis interjected.

Mr P. PAPALIA: It is good that the member for Hillarys is here.

A number of contributions referred to the advertising of live odds at sporting venues. While some professional bodies currently abide by voluntary agreements not to broadcast live odds during sporting events, should any of these agreements break down, these provisions will allow the government to respond accordingly. That is why we are doing it. This is a head of power provision. It does not necessarily respond to an immediate threat, as the member understands; it is to give a head of power so that our authority can respond and not have to come back to Parliament at the time of the threat being realised.

Debate interrupted, pursuant to standing orders.

[Continued on page 7333.]