



NSW Legislative Council Hansard

Gambling (Two-Up) Amendment Bill

Extract from NSW Legislative Council Hansard and Papers Thursday 9 June 2005.

Second Reading

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [9.40 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

This bill provides for amendments arising from the statutory review of the Gambling (Two-up) Act 1998. Section 33 of the Act required that a statutory review of the Act be initiated within five years of the commencement of the Act. As honourable members would be aware, these requirements are not unique to the Two-up Act but exist in most pieces of legislation.

The aim of these statutory reviews is twofold:

- firstly, to determine whether the policy objectives of the Act remain valid; and,
- secondly, to determine whether the terms of the Act remain appropriate for securing those objectives.

The review of the Two-up Act was carried out during the course of 2003-04. As part of the review, submissions were invited from interested parties.

Key stakeholders were also approached directly and invited to make submissions. None of the submissions received regarding the Two-up Act expressed concerns regarding the operation of the Act. In general, the review concluded that the policy objectives of the Act remained valid and that the terms of the Act remain appropriate for securing those objectives. The submission received from the Services Clubs Association proposed that the playing of Two-up be allowed on a limited number of commemorative days in addition to Anzac Day. I specifically thank Graeme Carroll for his organisation's suggestion. In seeking an extension to the playing of Two-up, the association stated:

The objective of these activities would be to attract a younger generation of Australians to participate in these activities. As the number of war veterans continues to diminish, the "mixing of the generations" over a game of Two-up is seen as a way of engendering a greater sense of national pride in Australia's war effort. Young people attending these events will ultimately become the members and directors of these clubs in years to come and it is imperative that they understand the objectives on which these clubs were initially based.

The review report, which was tabled in Parliament on 17 November 2004, recommended that this proposal be examined in consultation with key stakeholders.

On that same day the Premier indicated his in-principle support for the proposal. In accordance with the Premier's announcement, the following organisations were contacted to seek their views on the proposal:

- the Returned Services League [RSL],
- the Vietnam Veterans Association,
- the Vietnam Veterans Federation of Australia,
- the Naval Association of Australia,
- the Royal Australian Air Force Association,
- the Ministry for Police,
- NSW Police,
- the Australian Hotels Association,
- Clubs New South Wales and
- the Club Industry Advisory Council.

All but one of these organisations has supported the proposal.

Initially it is envisaged that the playing of Two-up will be extended on a trial basis in 2005 on two occasions only, that is, Victory in the Pacific Day on 15 August and Remembrance Day on 11 November. By regulation, it will become lawful for games of Two-up to be operated on these days under the same conditions that games of

Two-up are operated on Anzac Day.

It was decided to apply the same conditions as those applying to Anzac Day after consultation when it was revealed that many RSL sub branches and their members use venues other than services clubs, such as hotels and other types of clubs, for functions on commemorative days, and that this is particularly an issue in rural and regional areas in New South Wales.

Following Remembrance Day this year, the extended operation of games of Two-up will be reviewed in consultation with key stakeholders to determine whether the extension should continue beyond the trial period.

The amendments in the bill will also enhance the regulation-making powers in regard to the allocation of charitable funds raised through the operation of games of Two-up in clubs. The Act currently allows for registered clubs to raise funds from the operation of games of Two-up. This bill provides for a regulation-making power to prescribe which charities or charitable organisations may receive funds raised from the operation of games of Two-up in registered clubs.

I assure the House that no such regulations will be drafted without consultation with the club industry. Some in the club industry have suggested that funds from the playing of Two-up might be directed towards charities directly supporting and assisting ex-service men and women and their families, such as Legacy. This enhanced regulation-making power is included in the bill with this suggestion in mind.

The enhanced regulation-making power will also enable reporting requirements to be introduced for the allocation of funds raised from the playing of Two-up should this become necessary. There is one more issue of relevance to the playing of Two-up that I shall raise.

Concerns have been raised that the playing of Two-up on Remembrance Day could commence before the observation of silence at 11.00 a.m. Clearly, this would not be in keeping with the solemnity of the occasion and it would be quite disrespectful. Accordingly, the bill introduces a specific prohibition on the playing of Two-up on Remembrance Day before 12.00 noon.

In conclusion, the bill provides for greater flexibility in the regulatory framework for the operation of games of Two-up in New South Wales, and is supported by a majority of key stakeholders.

I note that it is the practice that all bills are scrutinised by the Legislation Review Committee.

The Committee's obligations are set out in the Legislation Review Act 1987, and I believe that this bill does not contain any provisions that fall within the areas of interest to the committee.

The bill does not contain any provisions that trespass on personal rights or liberties. It does not include provisions that increase the compliance burden placed on venues. It does not contain any provisions that make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers or non-renewable decisions.

The enhanced regulation-making powers in the bill will provide for the extended playing of Two-up in a simple, flexible and effective way. These powers will facilitate the initial trial and any subsequent continuation of the extension to the playing of Two-up. It is not considered that these amendments inappropriately delegate legislative powers or insufficiently subject the exercise of legislative power to parliamentary scrutiny.

I commend the bill to the House.