

1998-1999-2000-2001

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 129

TUESDAY, 19 JUNE 2001

- 1** The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Cornwell) ordered the bells to be rung. A quorum having been formed the Speaker took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

- 2 PETITION**

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Rugendyke, from 63 residents, requesting that the Assembly strengthen its commitment to stopping young people from becoming addicted to nicotine by immediately passing legislation prohibiting the sale of cigarettes and other tobacco products through vending machines.

- 3 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) – SCRUTINY REPORT NO. 9 OF 2001 – STATEMENT BY CHAIR**

Mr Osborne (Chair) presented the following report:

Justice and Community Safety – Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) – Scrutiny Report No. 9 of 2001, dated 19 June 2001 –

and, by leave, made a statement in relation to the report.

- 4 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE – REPORT NO. 15 – EXECUTIVE DOCUMENTS RELEASE BILL 2000 – REPORT NOTED**

Mr Osborne (Chair), pursuant to order, presented the following report:

Justice and Community Safety – Standing Committee - Report No. 15 – The Executive Documents Release Bill 2000, dated 18 June 2001, together with a copy of the extracts of the minutes of proceedings –

and moved – That the report be noted.

Debate ensued.

Mr Hargreaves, by leave, again addressed the Assembly.

Question – put and passed.

5 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – INQUIRY – DRAFT VARIATION (NO. 163) TO THE TERRITORY PLAN – TRANSCRIPT OF PROCEEDINGS – PAPER – MOTION TO AUTHORISE PUBLICATION

Mr Hird (Chair), by leave, presented the following paper:

Planning and Urban Services – Standing Committee – Draft variation (No. 163) to the Territory Plan – Transcript of proceedings, dated Friday, 24 November 2000 –

and moved – That the Assembly authorises the publication of the transcript of proceedings for the Standing Committee on Planning and Urban Services' inquiry into Draft Variation to the Territory Plan No. 163.

Question – put and passed.

6 BAIL AMENDMENT BILL 2001 (NO 2)

Mr Stefaniak (Attorney-General), by leave, presented a Bill for an Act to amend the *Bail Act 1992*.

Paper: Mr Stefaniak presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Stefaniak moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Stanhope – Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

7 COURT SECURITY BILL 2000

The order of the day having been read for the resumption of the debate on the question – That this Bill, as amended, be agreed to –

Statement by Member: Ms Tucker, by leave, made a statement in relation to the Bill.

Mr Stanhope (Leader of the Opposition), by leave, addressed the Assembly.

Question – That the Bill, as amended, be agreed to – put and passed.

8 DRUGS OF DEPENDENCE AMENDMENT BILL 2001

The order of the day having been read for the resumption of the debate on the question - That this Bill be agreed to in principle -

Debate resumed.

Question - That this Bill be agreed to in principle - put and passed.

Detail stage

Bill, by leave, taken as a whole -

On the motion of Mr Moore (Minister for Health, Housing and Community Services), by leave, his amendments Nos 1 to 4 (*see* Schedule 1) were made together.

Bill, as a whole, as amended, agreed to.

Question - That this Bill, as amended, be agreed to - put and passed.

9 RACE AND SPORTS BOOKMAKING BILL 2001

The order of the day having been read for the resumption of the debate on the question - That this Bill be agreed to in principle -

Debate resumed.

Question - That this Bill be agreed to in principle - put and passed.

Detail stage

Bill, by leave, taken as a whole -

Paper: Mr Humphries (Treasurer) presented a supplementary explanatory memorandum to Government amendments to the Bill.

On the motion of Mr Humphries, by leave, his amendments Nos 1 to 22 (*see* Schedule 2) were made together, after debate.

Mr Kaine, by leave, moved his amendments Nos 1 and 2 (*see* Schedule 3) together.

Debate continued.

The Speaker having ascertained it was the wish of the Assembly to consider the question on amendments Nos 1 and 2 separately –

Debate continued.

Question – That Mr Kaine’s amendment No. 1 be agreed to – put and passed.

Question – That Mr Kaine’s amendment No. 2 be agreed to – put and negatived.

Bill, as a whole, as amended, agreed to.

Question - That this Bill, as amended, be agreed to - put and passed.

10 PAPER

Mr Moore (Minister for Health, Housing and Community Services) presented the following paper:

Drugs of Dependence Amendment Bill 2001 – Supplementary explanatory memorandum to Government amendments to the Bill.

11 LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL 2001 (NO 3)

The order of the day having been read for the resumption of the debate on the question -
That this Bill be agreed to in principle -

Debate resumed.

Question - That this Bill be agreed to in principle - put and passed.

Leave granted to dispense with the detail stage.

Question - That this Bill be agreed to - put and passed.

12 APPROPRIATION (HIH) BILL 2000-2001

The order of the day having been read for the resumption of the debate on the question -
That this Bill be agreed to in principle -

Debate resumed.

Question - That this Bill be agreed to in principle - put and passed.

Leave granted to dispense with the detail stage.

Question - That this Bill be agreed to - put and passed.

13 DUTIES AMENDMENT BILL 2001

The order of the day having been read for the resumption of the debate on the question -
That this Bill be agreed to in principle -

Debate resumed.

Question - That this Bill be agreed to in principle - put and passed.

Leave granted to dispense with the detail stage.

Question - That this Bill be agreed to - put and passed.

14 GOODS AND SERVICES TAX (TEMPORARY TRANSITIONAL PROVISIONS) AMENDMENT BILL 2001

The order of the day having been read for the resumption of the debate on the question -
That this Bill be agreed to in principle -

Debate resumed.

Question - That this Bill be agreed to in principle - put and passed.

Leave granted to dispense with the detail stage.

Question - That this Bill be agreed to - put and passed.

15 QUESTIONS

Questions without notice being asked –

Standing order 213 – Quoting documents: Mr Moore (Manager of government Business) moved, pursuant to standing order 213 – That the document quoted from by Mr Berry be presented to the Assembly.

Debate ensued.

Question – put and passed.

Paper: Mr Berry presented the following paper:

Williamsdale quarry – Proposed joint venture – Copy of letter from Kate Carnell MLA, Chief Minister and Gary Humphries MLA, Treasurer to Chairman, Totalcare Industries Ltd, dated 24 January 2000.

Mr Humphries (Chief Minister), by leave, made a statement concerning the Williamsdale quarry.

Mr Berry, by leave, also made a statement on the matter.

Mr Humphries, by leave, made a further statement on the matter.

Questions concluded.

16 AUDIT-GENERAL ACT – AUDITOR-GENERAL’S REPORTS – NOS 3 AND 4 OF 2001 – PUBLICATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act – Auditor-General’s Reports –

No. 3 of 2001 – Bruce Stadium Redevelopment – Market Research and Marketing (Second Report);

No. 4 of 2001 – Department of Health, Housing and Community Care – Peer-Based Drug Support Services Tender – 1998 –

dated 19 June 2001.

Mr Moore (Manager of Government Business), by leave, moved – That the Assembly authorises the publication of the Auditor-General’s Reports Nos 3 and 4 of 2001.

Question - put and passed.

17 PRESENTATION OF PAPERS

Mr Humphries (Treasurer) presented the following papers:

Territory Owned Corporations Act, pursuant to subsection 19 (3) – Statement of Corporate Intent for ACTEW Corporation Ltd for 2000/01 to 2004/05.

2000-01 Capital Works Program – Progress report – March quarter.

18 ESTIMATES 2001-2002 – SELECT COMMITTEE – REPORT – BUDGET 2001-2002 – GOVERNMENT RESPONSE – PAPER NOTED

Mr Humphries (Treasurer) presented the following paper:

Estimates 2001-2002 – Select Committee – Report – Report entitled Budget 2001-2002, dated June 2001, including a dissenting report (*presented 13 June 2001*) – Government response –

and moved – That the Assembly takes note of the paper.

Debate ensued.

Question – put and passed.

19 PRESENTATION OF PAPERS

Mr Smyth (Minister for Urban Services) presented the following papers:

Cultural Facilities Corporation Act, pursuant to subsection 29 (3) – Cultural Facilities Corporation – Quarterly Report (for third quarter of 2000/2001: 1 January to 31 March 2001).

Canberra Tourism and Events Corporation Act, pursuant to subsection 28 (3) – Canberra Tourism and Events Corporation – Quarterly report for January to March 2001.

Occupational Health and Safety Act, pursuant to subsection 96C (2) – Operation of the *Occupational Health and Safety Act 1989* and its associated law – Third quarterly report 2000- 2001.

20 PRESENTATION OF PAPERS

Mr Moore (Manager of Government Business) presented the following papers:

Subordinate legislation (including explanatory statements, unless otherwise stated)

Public Place Names Act – Determination of a street nomenclature in the Division of Nicholls – Instrument No. 103 of 2001 (No 23, dated 7 June 2001).

Unit Titles Act – Unit Titles Regulations 2001 – Subordinate Law 2001 No 15 (No 23, dated 7 June 2001).

21 FINANCIAL MANAGEMENT AMENDMENT BILL 2001

The order of the day having been read for the resumption of the debate on the question - That this Bill be agreed to in principle -

Debate resumed.

Question - That this Bill be agreed to in principle - put and passed.

Detail stage

Bill, by leave, taken as a whole -

On the motion of Mr Quinlan, by leave, his amendments Nos 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 13 (*see* Schedule 4) were made together, after debate.

Bill, as a whole, as amended, agreed to.

Question - That this Bill, as amended, be agreed to - put and passed.

22 APPROPRIATION BILL 2001-2002

The Assembly, according to order, resumed consideration at the detail stage.

Detail stage

Schedule 1 – Appropriations –

Proposed expenditure – Part 1 – Legislative Assembly Secretariat, \$4,168,000 (net cost of outputs) and \$3,621,000 (payments on behalf of the Territory), totalling \$7,789,000 –

Suspension of standing orders – Cognate debate: Mr Berry, by leave, moved – That so much of the standing orders be suspended as would prevent Members debating the Estimates Committee report and the Government Response during the appropriation debate.

Question – put and passed.

Debate continued.

Proposed expenditure agreed to.

Proposed expenditure – Part 2 – Auditor-General, \$925,000 (net cost of outputs), totalling \$925,000 – debated.

Adjournment negatived: It being 5 p.m. – The question was proposed – That the Assembly do now adjourn.

Mr Moore (Manager of Government Business) requiring the question to be put forthwith without debate –

Question – put and negatived.

Proposed expenditure agreed to.

Proposed expenditure – Part 3 – Chief Minister's Department, \$63,820,000 (net cost of outputs), \$18,126,000 (capital injection) and \$8,905,000 (payments on behalf of the Territory), totalling \$90,851,000 – debated and agreed to.

Proposed expenditure – Part 4 – InTACT, \$10,640,000 (capital injection), totalling \$10,640,000 – debated and agreed to.

Proposed expenditure – Part 5 – ACT Executive, \$2,863,000 (payments on behalf of the Territory), totalling \$2,863,000 – agreed to.

Proposed expenditure – Part 6 – Treasury, \$25,847,000 (net cost of outputs), \$16,360,000 (capital injection) and \$50,708,000 (payments on behalf of the Territory), totalling \$92,915,000 – debated and agreed to.

Proposed expenditure – Part 7 – Central Financing Unit, \$1,577,000 (capital injection) and \$52,635,000 (payments on behalf of the Territory), totalling \$54,212,000 – agreed to.

Proposed expenditure – Part 8 – Superannuation Unit, \$50,000,000 (capital injection) and \$33,400,000 (payments on behalf of the Territory), totalling \$83,400,000 – agreed to.

Proposed expenditure – Part 9 – Health, Housing and Community Care, \$395,394,000 (net cost of outputs), \$35,026,000 (capital injection) and \$14,886,000 (payments on behalf of the Territory), totalling \$445,306,000 – debated –

Debate adjourned (Mr Moore – Minister for Health, Housing and Community Services) and the resumption of the debate made an order of the day for the next sitting.

23 ADJOURNMENT

Mr Moore (Manager of Government Business) moved – That the Assembly do now adjourn.

Question – put and passed.

And then the Assembly, at 10.01 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

M J McRAE

Clerk of the Legislative Assembly

Schedule 1

DRUGS OF DEPENDENCE AMENDMENT BILL 2001

Amendments circulated by Minister for Health, Housing and Community Services

1

Clause 3

Proposed new note

Page 2, line 16—

Insert the following new note:

Note The *Drugs of Dependence Act 1989* is amended in the body of this Act and in sch 1.

2

Proposed new clauses 3A to 3G

Page 2, line 16—

After clause 3, insert the following new clauses:

3A Interpretation **Section 3 (1), new definitions of *opioid dependency treatment centre* and *reconciliation amount***

insert

opioid dependency treatment centre means a treatment centre or other facility where treatment, including the supply and administration of methadone or buprenorphine, is provided to drug dependent persons for their drug dependency—

- (a) if the facility is—
 - (i) conducted by the Territory; or
 - (ii) approved under part 9, division 4, as a treatment centre of that type; and
- (b) whether or not the main purpose of the facility is to provide treatment for drug dependent persons.

reconciliation amount means—

- (a) for a dose of methadone—the quantity of methadone allowed for wastage in preparing the dose; and
- (b) for a dose of buprenorphine—the quantity of buprenorphine allowed for wastage in preparing the dose.

3B Section 3 (1), definition of *treatment*, paragraph (b)

substitute

- (b) in relation to the treatment of a person with methadone or buprenorphine at an opioid dependency treatment centre—
 - (i) the administration of methadone or buprenorphine to the person at the centre; or
 - (ii) the supply of methadone or buprenorphine to the person at the centre for self-administration at the centre or elsewhere.

**3C Ward registers
New section 101 (1) (aa)**

after paragraph (a), insert

- (aa) in relation to buprenorphine administered at an opioid dependency treatment centre for the purpose of treating drug dependency—a ward buprenorphine register in accordance with the appropriate form approved under section 205 (Approved forms) for this paragraph; or

3D Section 101 (1)

renumber paragraphs when Act next republished under Legislation Act 2001

3E New section 102B

insert

102B Entries in ward buprenorphine registers

- (1) A person who administers buprenorphine during a shift at an opioid dependency treatment centre for the purpose of treating drug dependency must enter in the ward buprenorphine register—
 - (a) at the beginning of the shift—
 - (i) the name of the centre and its location; and
 - (ii) the strength and form in which the buprenorphine is to be administered; and
 - (iii) the amount of buprenorphine removed from the dispensary or other place where the buprenorphine is stored; and
 - (b) immediately after each dose of buprenorphine is administered—
 - (i) the date and time of administration; and

- (ii) the name of the patient to whom the buprenorphine was administered; and
 - (iii) the quantity of buprenorphine administered; and
 - (iv) the name of the person who administered the buprenorphine; and
 - (v) the name of the person who witnessed under section 84 (Administration—witnesses) the administration; and
 - (vi) the name of the medical practitioner who prescribed the buprenorphine; and
- (c) at the end of the shift—
- (i) the reconciliation amount for each dose; and
 - (ii) the quantity of buprenorphine returned to the dispensary or other place where the buprenorphine is stored.
- (2) The person who administered the buprenorphine during the shift must, at the end of the shift, sign the ward buprenorphine register.
- (3) The person who witnessed that administration must, at the end of the shift, countersign the ward buprenorphine register.

3F Sale or supply
Section 164 (4) (bb)

insert

- (bb) for buprenorphine supplied to a person at an opioid dependency treatment centre conducted by the Territory or a Territory authority—a nurse who supplies the buprenorphine in the course of his or her professional practice or employment for the treatment of the person’s drug dependence; or

3G Section 164 (4)

renumber paragraphs when Act next republished under Legislation Act 2001

3

Clause 14

Proposed new section 208

Page 10, line 22—

After proposed new section 207, insert the following sections:

208 Transitional provisions about approved forms

This section applies only if this section commences before the date of commencement of the *Legislation Act 2001*, section 18 (the *Legislation Act commencement date*).

This Act is modified by renumbering section 205 (Completion of forms in Schedules) as section 205A.

This Act is further modified by inserting after section 204 the following section:

205 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (4) The modifications mentioned in subsections (2) and (3) cease to apply on the Legislation Act commencement date.
- (5) This section expires on the later of—
 - (a) the Legislation Act commencement date; and
 - (b) the date of commencement of this section.

209 Transitional provisions about *reconciliation amount*

- (1) Section 3 (1) is amended by omitting the definition of ***reconciliation amount*** inserted by the *Legislation (Consequential Amendments) Act 2001*, schedule 1, part 113 (***part 113***).
- (2) This section commences—
 - (a) immediately after the commencement of part 113; or
 - (b) if the *Drugs of Dependence Amendment Act 2001*, section 14, commences after the commencement of part 113—on the date of commencement of that section.
- (3) This section expires on the day after it commences.

4

Proposed new schedule 1

Page 10, line 22—

After clause 14, insert the following new schedule:

Schedule 1 Minor amendments

(see s 3)

[1.1] Section 3 (1), definition of *methadone program treatment centre*

omit

[1.2] Section 3 (1), definition of *ward*

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.3] Section 3 (3)

before

cannabis

insert

buprenorphine,

[1.4] Section 58 (1) (a)

after

methadone

insert

or buprenorphine

[1.5] Section 59, heading

substitute

59 Methadone or buprenorphine

[1.6] Section 59

omit

methadone for

substitute

methadone or buprenorphine for

[1.7] Section 59 (a)

after

methadone

insert

or buprenorphine

[1.8] Section 59 (b)

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.9] Section 78 (2) (e)

omit

a methadone program treatment centre, not being
substitute
an opioid dependency treatment centre, other than

[1.10] Section 80 (1) (e)

substitute

- (e) if the drug is methadone or buprenorphine—a nurse employed at an opioid dependency treatment centre conducted by the Territory or a Territory authority.

[1.11] Section 84 (1), definition of *institution*

omit

a methadone program treatment centre
substitute
an opioid dependency treatment centre

[1.12] Section 95, definitions of *prescribed person*, paragraph (e), and *ward*

omit

a methadone program treatment centre
substitute
an opioid dependency treatment centre

[1.13] Section 101 (1) (a)

omit

a methadone program treatment centre
substitute
an opioid dependency treatment centre

[1.14] Section 101 (2)

omit

a methadone program treatment centre
substitute
an opioid dependency treatment centre

[1.15] Section 108

omit

a methadone program treatment centre
substitute

an opioid dependency treatment centre

[1.16] Section 114 (1) (c) and (2) (b)

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.17] Section 117 (1) and (3) (a)

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.18] Section 149 (2) (b) (viii)

after

methadone

insert

or buprenorphine

[1.19] Section 151 (a)

after

methadone

insert

or buprenorphine

[1.20] Section 164 (4) (ba)

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.21] Section 164 (4)

renumber paragraphs when Act next republished under Legislation Act 2001

[1.22] Section 170 (3) (f)*substitute*

- (f) a pharmacist who administers methadone or buprenorphine, in accordance with a doctor's prescription, to a drug dependent person for the treatment of the person's drug dependency at an opioid dependency treatment centre approved under section 150 (1).
-

Schedule 2

RACE AND SPORTS BOOKMAKING BILL 2001

Amendments circulated by Treasurer

1

Clause 5

Proposed new subclause (3)

Page 4, line 13—

At the end of the clause, add the following new subclause:

- (3) For subsection (1), a sports bookmaker does not engage in race bookmaking only because the bookmaker receives or negotiates bets on races that are sports betting events.

2

Clause 19

Proposed new subclause (3)

Page 13, line 19—

At the end of the clause, add the following new subclause:

- (3) For subsection (1), a race bookmaker does not engage in sports bookmaking only because the bookmaker receives or negotiates bets on, or in relation to, sports betting events that are races.

3

Clause 57

Subclause (3), note

Page 39, line 31—

At the end of the note, add ‘whose interests are affected by the decision (see s 83)’.

4

Clause 58

Subclause (3), note

Page 40, line 17—

At the end of the note, add ‘whose interests are affected by the decision (see s 83)’.

5**Clause 58****Proposed new subclause (4)****Page 40, line 17—**

At the end of the clause, add the following new subclause:

- (4) The notice must also include a statement to the effect that the backer may make written representations to the commission about the betting dispute within 14 days or any longer period allowed by the commission.

6**Clause 59****Subclause (3)****Page 40, line 31—**

Omit ‘or any longer period or any longer period’, substitute ‘or any longer period’.

7**Clause 59****Proposed new subclauses (4), (5) and (6)****Page 40, line 33—**

At the end of the clause, add the following new subclauses:

- (4) The notice must also include a statement to the effect that the bookmaker or bookmaker’s agent may make written representations to the commission about the betting dispute within 14 days or any longer period allowed by the commission.
- (5) The person to whom the notice is given must give the information stated in the notice to the commission within 14 days or any longer period allowed by the commission.
- (6) If the notice is given to the bookmaker’s agent and a copy of it is given to the bookmaker, the bookmaker must ensure that the information stated in the notice is given to the commission (by the agent or the bookmaker) within 14 days or any longer period allowed by the commission.

8**Clause 60****Proposed new subclause (1A)****Page 41, line 9—**

After subclause (1), insert the following new subclause:

- (1A) However, the commission must not give the direction until it has taken into account any representations made in accordance with the statement mentioned in section 58 (4) or 59 (4).

9

Clause 64**Subclause (3) (b)****Page 44, line 17—**

Omit paragraph (b), substitute the following paragraph:

(b) a bet is taken to be completed—

- (i) for a bet, other than a telephone bet, with a race bookmaker—when the bookmaker issues a numbered betting ticket for the bet; or
- (ii) for a telephone bet with a race bookmaker—when the bet is confirmed in accordance with rules approved under section 76 (1) (Rules about telephone betting); or
- (iii) for a bet with a sports bookmaker—when the bet is confirmed in accordance with directions given under section 22 (Directions for operation of sports bookmaking venues) or the rules for sports bookmaking.

10

Clause 68**Page 48, line 9—**

Omit the clause, substitute the following clause:

68 Mandatory cancellation of licence

- (1) Following an inquiry in relation to a licensee, the commission must cancel each licence held by the licensee if the commission is satisfied on reasonable grounds that at least 1 criterion that, under this section, applies to the licensee has been established in relation to the licensee.

Note 1 Despite this subsection, the commission has a discretion, in certain circumstances, to impose another penalty (see s (7)).

Note 2 Under s 82 and s 84, a decision under this section to cancel a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (2) If the licensee holds a race bookmaking licence or a race bookmaker's agent licence, the following criteria apply to the licensee:
- (a) the licensee does not meet the suitability requirements;
 - (b) the licensee has not paid a fee payable under this Act in relation to the licence within the period it is required to be paid;
 - (c) the licensee has committed a prohibited act.
- (3) For subsection (2), a ***prohibited act*** is any of the following:

- (a) engaging in race bookmaking—
 - (i) for a race bookmaker—contrary to section 73 (1) or (3) (Restrictions on race bookmakers and sports bookmakers); or
 - (ii) for a race bookmaker's agent—contrary to section 73 (2) or (3);
- (b) accepting a bet by telephone contrary to section 75 (Telephone betting by race bookmaker or race bookmaker's agent);
- (c) contravening, without reasonable excuse, the rules about telephone betting approved under section 76 (1) (Rules about telephone betting);
- (d) interfering, without reasonable excuse, with equipment prescribed under the regulations for section 75 (b), unless the licensee satisfies the commission that the licensee—
 - (i) did not know, and had no reason to believe, that the equipment was prescribed equipment; or
 - (ii) acted under an authorisation under section 87 (Maintenance of prescribed equipment).
- (4) If the licensee holds a sports bookmaking licence, the following criteria apply to the licensee:
 - (i) for an individual—
 - (A) the licensee does not meet the suitability requirements; or
 - (B) the licensee has engaged in a prohibited act; or
 - (C) the licensee holds another sports bookmaking licence; or
 - (D) the licensee is a member of a syndicate that holds a sports bookmaking licence;
 - (ii) for a syndicate—
 - (A) the syndicate does not consist of at least 2, and not more than 4, members; or
 - (B) any member of the syndicate does not meet the suitability requirements; or
 - (C) any member of the syndicate holds another sports bookmaking licence; or
 - (D) any member of the syndicate is a member of another syndicate that holds a sports bookmaking licence; or
 - (E) the syndicate, or any member of the syndicate, has engaged in a prohibited act;
 - (iii) for a corporation—

- (A) the corporation, any director of the corporation, or any influential shareholder of the corporation, does not meet the suitability requirements; or
- (B) the corporation, or any director of the corporation, has engaged in a prohibited act; or
- (C) any director of the corporation is not an individual or holds a sports bookmaking licence;
- (d) the licensee has not paid a fee payable under this Act in relation to the licence within the period it is required to be paid.

Note For **prohibited act** for this subsection, see s (6).

- (5) If the licensee holds a sports bookmaker's agent licence, the following criteria apply to the licensee:
 - (a) the licensee does not meet the suitability requirements;
 - (b) the licensee has not paid a fee payable under this Act in relation to the licence within the period it is required to be paid;
 - (c) the licensee has committed a prohibited act.
- (6) For subsections (4) and (5), a **prohibited act** is any of the following:
 - (a) engaging in sports bookmaking at a place other than a sports bookmaking venue;
 - (b) contravening a direction given under section 22 (1) (Directions for operation of sports bookmaking venues) to the licensee;
 - (c) contravening the rules for sports bookmaking.
- (7) Despite subsection (1), the commission may, instead of cancelling the licence, take other disciplinary action under section 69 (Discretionary penalties), if the commission considers that, in the circumstances (for example, the minor nature of the ground for cancellation)—
 - (a) the public interest does not require cancellation of the licence; and
 - (b) cancellation of the licence would be an excessively severe penalty.

Note Under s 82 and s 84, a decision under this subsection to take disciplinary action under s 69 may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

11**Clause 92****Subclause (1)****Page 69, line 31—**

Omit ‘a person’, substitute ‘a relevant person’.

12**Clause 92****Subclause (1) (b)****Page 70, line 1—**

Omit ‘has’, substitute ‘for an individual—has’.

13**Clause 92****Subclause (1) (d)****Page 70, line 6—**

Omit ‘this Act or a corresponding law’, substitute ‘a gaming law or against a corresponding law prescribed under the regulations’

14**Clause 92****Subclause (1) (f)****Page 70, line 10—**

Omit paragraph (f), substitute the following paragraph:

- (f) has not been convicted or found guilty (in Australia or a foreign country) of an offence punishable by death or imprisonment, other than an offence that does not, having regard to all relevant circumstances (including, for example, the nature of the offence and how long ago the offence was committed), establish reasonable grounds for believing that the person is now of unsound character; and

15**Clause 93****Page 71, line 25**

Omit the clause, substitute the following clause:

93 Meaning of *nominated person*

For this Act, the *nominated person*, for a race bookmaker’s agent licence or a sports bookmaker’s agent licence, is the individual nominated in the application for the licence.

16

Proposed new clauses 93A and 93B**Page 71, line 30—**

After clause 93, insert the following new clauses:

93A Selfincrimination etc

- (1) A person is not excused from providing information or producing a document when required to do so under this Act on the ground that the information or document may tend to incriminate the person.
- (2) However—
 - (a) the information or production of the document; or
 - (b) any other information, document or thing obtained as a direct or indirect consequence of providing the information or producing the document;
 is not admissible in evidence against the person in a criminal proceeding.
- (3) Subsection (2) does not apply to a proceeding for—
 - (a) any offence in relation to the false or misleading nature of the information or document; or
 - (b) an offence against the *Crimes Act 1900*, part 8 (Aiding and abetting, accessories, attempts, incitement and conspiracy) that relates to an offence mentioned in paragraph (a).

93B Legal professional privilege

In response to a requirement under this Act, a person does not have to—

- (a) make available information or a document; or
- (b) answer a question;

if the person is entitled to claim, and does claim, legal professional privilege in relation to the requirement.

17

Dictionary**Definition of *corporation*****Page 90, line 23—**

Omit 'Law', substitute 'Act'.

18**Dictionary****Definition of *influential shareholder*, paragraph (a)****Page 91, line 4—**

Omit ‘owns (legally or beneficially)’, substitute ‘solely or with others, owns or has a beneficial interest in’

19**Dictionary****Definition of *influential shareholder*, paragraph (c)****Page 91, line 13—**

Omit ‘owns (legally or beneficially)’, substitute ‘solely or with others, owns or has a beneficial interest in’

20**Dictionary****Definition of *proprietary company*****Page 92, line 15—**

Omit ‘Law’, substitute ‘Act’.

21**Dictionary****Definition of *sports bet*****Page 93, line 9—**

Omit ‘on any event or contingency relating to’, substitute ‘on, or in relation to,’.

22**Dictionary****Definition of *voting share*****Page 93, line 24—**

Omit ‘Law’, substitute ‘Act’.

Schedule 3

RACE AND SPORTS BOOKMAKING BILL 2001

Amendments circulated by Mr Kaine

Clause 30

Page 20, line 27

Add “the period should generally be 15 years, except where the applicant has specified a shorter period, or the Commission is of the opinion that a shorter period should apply”.

Clause 82

Page 63, line 26

Delete subclause (5).

Schedule 4**FINANCIAL MANAGEMENT AMENDMENT BILL 2001**

Amendments circulated by Mr Quinlan**1****Clause 5,
Section 26,
Subsection (1),
Page 2, line 20?**

omit

“Within 45 days”

substitute

“Within 30 days”

2**Clause 5,
Section 26,
Subsection (1),
Page 2, line 20?**

omit

“October, February”

substitute

“September, December, March”

3**Clause 5
Section 26,
Subsection (1)
Paragraph (a)
Page 2, line 23?**

omit

“4 months”

substitute

“3 months”

4
Clause 5
Section 26,
Subsection (1)
Paragraph (a)
Page 2, line 24?

omit
“4 month”

substitute
“3 month”

5
Clause 5
Section 26,
Subsection (1)
Paragraph (b)
Page 2, line 25?

omit
“4 month”

substitute
“3 month”

6
Clause 5
Section 26,
Subsection (1)
Paragraph (c)
Page 3, line 2?

omit
“4 month”

substitute
“3 month”

7
Clause 5
Section 26,
Subsection (1)
Paragraph (d)
Page 3, line 5?

omit
“4 month”

substitute
“3 month”

8
Clause 5
Section 26,
Subsection (1)
Paragraph (f)
Page 3, line 9?

omit
“4 month”

substitute
“3 month”

9
Clause 5
Section 26,
Subsection (1)
Paragraph (g)
Page 3, line 12?

omit
“4 month”

substitute
“3 month”

10
Clause 5
Section 26,
Subsection (1)
Paragraph (h)
Page 3, line 15?

omit
“4 month”

substitute
“3 month”

11
Clause 5
Section 26,
Subsection (1)
Paragraph (i)
Page 3, line 17?

omit
“4 month”

substitute
“3 month”

12
Clause 5,
Section 26,
Subsection (3),
Page 3, line 22?

omit
“within 45 days”

substitute
“within 30 days”

13
Clause 5,
Section 26,
Subsection (3),
Page 3, line 22?

omit
“October, February”

substitute
“September, December, March”

14
Clause 5,
Section 26,
Subsection (3),
Page 3, line 25?

omit
“within 45 days”

substitute
“within 30 days”

