

# **BRISBANE MARKETS BILL 2002**

## **EXPLANATORY NOTES**

### **Short Title**

The short title of the Bill is the *Brisbane Markets Bill 2002*.

### **Policy objective of the Bill and the reasons for it**

The objective of the Bill is to facilitate the sale of the Brisbane Markets assets and business owned and operated by Brisbane Market Corporation Limited (“BMC”). BMC is a company government owned corporation.

The Government is conducting a competitive bid process to sell the Brisbane Markets. The Government’s due diligence process has revealed that BMC and its predecessors, the Brisbane Market Authority and the Brisbane Market Trust, did not obtain all of the required approvals for the construction of works at, and the use of, the Brisbane Markets site. BMC and its predecessors operated in good faith on the assumption that they had legislative immunity from the application of State town planning, building and other related legislation. There is now uncertainty that immunity existed for the entire period during which development and construction occurred on the site, being from March 1960, when the Brisbane Market Trust was established, to the present.

### **The way the policy objective will be achieved by the Bill and why this way of achieving the policy objective is reasonable and appropriate**

The Bill will deem that the required approvals have been given or issued for the construction of works carried out at the Brisbane Markets site, and the use and occupation of the site, prior to commencement, if any required approval has not been issued.

The Bill does not remedy development or construction that did not comply with applicable codes. Further, the Bill does not remove the powers of a relevant authority to take action where, for example, a building is dangerous or unfit for use or occupation.

Legislation is the only effective way to address the issue without impacting on the timing and integrity of the sale process and the sale price. Any other course of action will potentially compromise the outcome from the sale process for the Government and Queensland taxpayers.

### **Alternative ways of achieving the policy objective**

There are no alternative ways considered appropriate for achieving the policy objective.

### **Administrative costs for Government implementation of the Bill**

There will be no administrative costs for Government of implementing the Bill.

### **Consistency with fundamental legislative principles**

This Bill is consistent with fundamental legislative principles as outlined in section 4 of the *Legislative Standards Act 1992*.

### **Consultation**

Consultation was undertaken with BMC and within the Queensland Government with the following stakeholders:

- Department of the Premier and Cabinet;
- Department of Local Government and Planning; and
- The Office of the Queensland Parliamentary Counsel.

## **NOTES ON CLAUSES**

*Clause 1* specifies the short title of the Act.

*Clause 2* provides for a dictionary of defined terms to be used in the Act.

*Clause 3* provides that where building work was carried out at the Brisbane Markets site, the required approvals are taken to have been given

or issued. The clause will only apply where the building work was carried out without the required approval.

Building work is defined in the dictionary and includes plumbing and drainage works and other related works.

*Clause 4* provides that where premises were used or occupied at the Brisbane Markets site, the required approvals are taken to have been given or issued for the use or occupation. The clause will only apply where the premises were used or occupied without the required approval.

The clause further provides that the approval has effect for the continued use or occupation of the premises after commencement of the Act.

## **SCHEDULE**

### **DICTIONARY**

This Schedule provides the dictionary, referred to in clause 2 of the Bill, that defines particular words used in the Bill.