



Cairns Casino Agreement Act 1993

Reprinted as in force on 1 January 2009

Reprint No. 2A

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This Act is reprinted as at 1 January 2009. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Cairns Casino Agreement Act 1993

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Cairns Casino Agreement Act 1993

[as amended by all amendments that commenced on or before 1 January 2009]

An Act to authorise the entering into of an agreement for the development and operation of the Cairns Casino, and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Cairns Casino Agreement Act 1993*.

2 Definitions

In this Act—

Cairns Casino means a hotel-casino complex in the City of Cairns;

casino agreement means the agreement made under section 4, and includes the agreement as amended under this Act;

casino part means the part of the Cairns Casino that is a casino under the Control Act;

conduct engaged in for the purpose of making a decision has the meaning given by section 8 of the Review Act;

Control Act means the *Casino Control Act 1982*;

decision means a decision, report or recommendation made, proposed to be made or required to be made, and includes—

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- (a) a matter appearing or purporting to be a decision, report or recommendation; and
- (b) a matter relating to, or appearing or purporting to relate to, a decision, report or recommendation;

development has the meaning given by section 3;

failure to make a decision has the meaning given by section 5 of the Review Act;

Heritage Act means the *Queensland Heritage Act 1992*;

Heritage Register has the meaning given by section 4 of the Heritage Act;

Land Act means the *Land Act 1962*;

Liquor Act means the *Liquor Act 1992*;

making of a decision has the meaning given by section 5 of the Review Act;

permitted use has the meaning given by section 1.4 of the Planning Act;

Planning Act means the *Local Government (Planning and Environment) Act 1990*;

planning scheme has the meaning given by section 1.4 of the Planning Act;

public official includes a Minister, an officer of the public service and an officer or employee of a State agency;

registered place has the meaning given by section 4 of the Heritage Act;

Review Act means the *Judicial Review Act 1991*;

site means the land comprised in the site mentioned in the casino agreement as the site for the Cairns Casino, and includes any part of the land;

special facility licence means a commercial special facility licence under the Liquor Act.

State agency means an agency, authority or instrumentality of the State, and includes the Queensland Heritage Council.

3 Interpretation—meaning of *development*

- (1) ***Development*** of the Cairns Casino includes—
- (a) if the Cairns Casino is to be developed in relation to a registered place—changing the use of the place; and
 - (b) the work necessary for the construction of the Cairns Casino; and
 - (c) the fitting out of the Cairns Casino (whether or not the buildings that are fitted out are part of a registered place or another existing place or are to be constructed); and
 - (d) any other activity in relation to the site that would be a development within the meaning of the Heritage Act.

Examples if the Cairns Casino is to be developed in relation to a registered place—

Example 1—

Construction of buildings at a registered place.

Example 2—

Relocation of fittings, monuments and other objects from a registered place.

Example 3—

Excavating, disturbing or changing the landscape of a registered place.

- (2) For the purposes of subsection (1), a regulation may declare—
- (a) any specified activity is work necessary for the construction of the Cairns Casino; and
 - (b) any specified activity is comprised in the fitting out of the Cairns Casino.

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Part 2 Authority to agree to develop and operate Cairns Casino

4 Minister may make agreement for Cairns Casino

- (1) The Minister may make, on behalf of the State, an agreement with a person for the development and operation of the Cairns Casino.
- (3) The Minister must notify the date of the making of the agreement by Gazette notice.

5 Agreement has effect as enactment

- (1) The casino agreement has effect as if it were an enactment of this Act.
- (2) If a provision of the casino agreement is inconsistent with an Act, the provision prevails and the Act is not effective to the extent of the inconsistency.

6 Amendment of casino agreement

- (1) The casino agreement may be amended by a further agreement between the Minister and the other parties to the casino agreement.
- (3) The Minister must notify the date of the making of the further agreement by Gazette notice.

Part 3 Application of other Acts

7 Heritage Act—whether registered place or otherwise

- (1) If the Cairns Casino is to be developed—
 - (a) in relation to a place that is a registered place—subsections (2) to (8) apply; or

-
- (b) in relation to a place that is not a registered place—subsection (9) applies.
- (2) Division 1 of Part 5 of the Heritage Act does not apply to the development of the Cairns Casino.
- (3) The proposed development of the Cairns Casino is taken to be a development to which section 37 of the Heritage Act applies.
- (4) In relation to the proposed development of the Cairns Casino, the Minister is the Minister responsible for the proposed development or work mentioned in section 37 of the Heritage Act.
- (5) A decision under the Heritage Act, or another decision, of a State agency or public official in relation to the development or operation of the Cairns Casino—
- (a) is final and conclusive; and
 - (b) cannot be challenged, appealed against, reviewed, quashed, set aside, or questioned in any other way, under the Review Act or otherwise (whether by the Supreme Court, another court, a tribunal, an authority or a person); and
 - (c) is not subject to any writ or order of the Supreme Court, another court, a tribunal, an authority or a person on any ground.

Examples of writs and orders to which the subsection applies—

Example 1—

Writs of mandamus, prohibition and certiorari.

Example 2—

Certiorari orders, prohibition orders, prerogative orders, prerogative injunctions, and statutory orders of review, within the meaning of the Review Act.

Example 3—

Declaratory and injunctive orders.

- (6) Without limiting subsection (5), the Review Act does not apply to—

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- (a) conduct engaged in for the purpose of making a decision; or
 - (b) other conduct that relates to the making of a decision; or
 - (c) the making of a decision or the failure to make a decision; or
 - (d) a decision;
- under the Heritage Act or otherwise about the development or operation of the Cairns Casino.
- (7) In particular, but without limiting subsection (6), the Supreme Court does not have jurisdiction to decide applications made to it under Part 3, 4 or 5 of the Review Act about matters mentioned in that subsection.
 - (8) The Minister's power under section 37(5) of the Heritage Act to decide whether to accept or reject a recommendation of the Queensland Heritage Council is not affected by subsection (5)(a) of this section.
 - (9) If the Cairns Casino is prescribed, by regulation, to be developed in relation to a particular place, the Council must not, under the Heritage Act (on its own motion or on application)—
 - (a) enter the place in the Heritage Register; or
 - (b) consider or further consider whether the place should be entered in the Heritage Register.

8 Land Act—development and operation of Cairns Casino

- (1) For the purposes of the development of the Cairns Casino, the casino agreement may provide that permission to occupy the site is to be granted under section 371A of the Land Act.
- (2) For the purposes of the operation of the Cairns Casino, the casino agreement may provide—
 - (a) that a special lease is to be granted under section 203 of the Land Act; and

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- (b) if a special lease is granted—the term of the lease, which may not be longer than 75 years.
 - (3) If the site is land reserved and set apart for a public purpose, the development and operation of the Cairns Casino is taken to be a purpose declared under the Land Act by the Governor in Council to be not inconsistent with the reservation or the Land Act.
 - (4) Sections 204A and 204B of the Land Act (and any other provision of the Land Act dealing with rental amounts, payments and periods) do not apply to the special lease mentioned in subsection (2).
 - (5) Matters in relation to rent for the permission to occupy and special lease may be provided for in the casino agreement.

9 Planning Act—J. Special Facilities (Cairns Casino) Zone

The casino agreement may provide that, for the purposes of any planning scheme approved for the City of Cairns—

- (a) the site is taken to be zoned as a J. Special Facilities (Cairns Casino) Zone; and
- (b) the use of the site for the development or operation of the Cairns Casino (and for uses incidental to the development or operation) is a permitted use and, if the agreement does provide, the Council of the City of Cairns may not require an application under the Planning Act for the permitted use of the site; and
- (c) the site remains zoned as a J. Special Facilities (Cairns Casino) Zone for the period of the special lease.

10 Liquor Act—type of licence and ordinary trading hours

- (1) The casino agreement may provide for the grant of a special facility licence for the Cairns Casino.
- (2) For the purposes of granting the special facility licence, the Cairns Casino is a facility that forms part of the tourist development of the State.

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- (3) Despite section 9 of the Liquor Act but for the purposes of that Act, the ordinary trading hours during which the special facility licence permits the sale or consumption of liquor in the casino part are the same hours approved (under section 61 of the Control Act) for the operation of the casino part.

11 Control Act

For the purposes of section 19 of the Control Act, the casino agreement is taken to be ratified by Parliament.

12 Casino agreement not limited by this Part

This Part does not, by implication, limit what may be contained in the casino agreement.

Part 4 Miscellaneous

13 Regulations

The Governor in Council may make regulations for the purposes of this Act (including the casino agreement).

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 January 2009. Future amendments of the Cairns Casino Agreement Act 1993 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	7 September 1993	21 September 1993
2	1993 Act No. 74	9 December 1993	16 May 1994

Reprint No.	Amendments included	Effective	Notes
2A	2008 Act No. 48	1 January 2009	

5 List of legislation

Cairns Casino Agreement Act 1993 No. 42

date of assent 7 September 1993

commenced on date of assent

amending legislation—

Cairns Casino Agreement Amendment Act 1993 No. 74

date of assent 9 December 1993

commenced on date of assent

Liquor and Other Acts Amendment Act 2008 No. 48 ss 1–2, 59(1) sch 1

date of assent 19 September 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2009 (see s 2)

6 List of annotations

Definitions

s 2 def “special facility licence” sub 2008 No. 48 s 59(1) sch 1

Minister may make agreement for Cairns Casino

s 4 amd 1993 No. 74 s 3

Amendment of casino agreement

s 6 amd 1993 No. 74 s 4