

TOWNSVILLE BREAKWATER ENTERTAINMENT CENTRE AMENDMENT BILL 1997

EXPLANATORY NOTES

GENERAL OUTLINE

Objectives of the Legislation

The objectives of the legislation are:

- to permit the upgrading of the Entertainment Centre and payment of the monies appropriated by Parliament for the works, and
- to adjust the proportionate interests of the joint venturers in the site to reflect the additional contributions to capital.

Estimated Cost for Government Implementation

Cabinet has approved special purpose capital grants totalling \$11.5million to Townsville and Thuringowa City Councils to fund the upgrading. The enactment of the Bill will permit the money to be handed over to the Councils.

Stamp duty is payable on the transfers necessary to give effect to the adjustment of the interests of the joint venturers in the land. Subject to Cabinet's approval, Treasury will refund the amount paid on the transaction to the parties as an *ex gratia* payment.

Fundamental Legislative Principles

The provisions of the Bill are consistent with the fundamental legislative principles provided for in the Legislative Standards Act 1992.

Consultation

The Department of Premier and Cabinet, the Department of Public Works and Housing, the Department of Local Government & Planning, Treasury, and the Department of Tourism, Small Business and Industry (Queensland Tourist and Travel Corporation) were originally consulted on the proposal to fund the upgrading of the Centre.

The amendments to the Act and the form of the amending agreement have been negotiated between the Breakwater Island Trust, Department of the Premier and Cabinet, and Treasury.

NOTES ON PROVISIONS

Clause 1 sets out the short title of the Act.

Clause 2 provides that the Act will amend the Townsville Breakwater Entertainment Centre Act 1991.

Clause 3 permits the joint venturers to upgrade the Entertainment Centre.

Clause 4 amends the definition of “Townsville Breakwater Entertainment Centre” to include upgrading.

Clause 5 permits the local governments to make and perform agreements with regard to upgrading of the Entertainment Centre.

Clause 6 acknowledges that certain agreements between the joint venturers for the purposes of the joint venture have the force of law. Original clause 6 which permitted these agreements, other than those set out in Schedule 1, to be made by order in council, has been omitted.

Clause 7 permits the funds appropriated by Parliament to be paid over to the joint venture for the upgrading.

Clause 8 adjusts the respective interests of the joint venturers in the site to reflect the increased contributions.

Clause 9 provides for the inclusion of the first amending agreement as Part 4 of schedule 1 to the existing Act.

Part 4 - First Amendment Agreement

Clause 2.01 provides for the parties' interests to include the upgrading of the Centre

Clause 2.05 provides for adjustment of the joint venturers' shares in profits and losses to reflect respective contributions to capital

Clause 2.06 provides for adjustment of the joint venturers' shares in the site to reflect respective contributions to capital

Clause 2.09 acknowledges the grant of \$11.5 m by the State Government and the increased contributions by the local governments to the joint venture

Clause 2.10 provides for the Entertainment Centre to be upgraded

The amending agreement also provides for incidental changes and other matters between the parties.