

BRISBANE CASINO AGREEMENT AMENDMENT BILL 2001

EXPLANATORY NOTES

GENERAL OUTLINE

Policy Objectives of the Bill and the Way in Which They Will be Achieved

The objective of the Bill is to cease the operation of the Henry VIII provisions in the *Brisbane Casino Agreement Act 1992* (“Agreement Act”) and to give approval to the proposed amendments to the Brisbane Casino Agreement (“Agreement”) on the terms as contained in clause 12 of the Bill. The proposed amendments to the Agreement will—

1. ensure that the Agreement operates independently of the Agreement Act to limit or control the application of other acts to the Brisbane Casino-Hotel Complex (“Complex”);
2. refine the limits and controls as to the application of other acts in relation to Development of the Complex and Works that can be carried out in Queens Park;
3. refine the heritage protection measures in respect to Development of the Complex (including the creation of a Heritage Management Plan) and Works that can be carried out in Queens Park; and
4. update and simplify the Agreement.

Administrative Cost to the Government

There are no administrative costs to the Government in relation to the Bill.

Fundamental Legislative Principles

The cessation of the Henry VIII provisions through the Bill is consistent with fundamental legislative principles.

The approval of the proposed amendments to the Agreement as contained in the Bill will operate to restrict the application of the *Judicial Review Act 1991*, *Integrated Planning Act 1997*, *Land Act 1962* and *Queensland Heritage Act 1992* to certain decisions made under the Agreement in relation to Development of the Complex and Works that can be carried out in Queens Park. Generally, the exclusion of the *Judicial Review Act 1991* is consistent with the approach adopted for other Casino developments. Also, the Agreement itself provides for alternative review processes in relation to various decisions concerning Development of the Complex. To the extent that the application of the other acts are restricted, the Agreement provides for alternative heritage protection and development approval processes.

Consultation

Representatives of Jupiters Limited, Treasury Department, the Department of Communication and Information, Local Government and Planning, Department of Premier and Cabinet, Department of State Development, Department of Justice and Attorney-General, Department of Employment, Youth and The Arts, Department of Public Works, Department of Environment and Heritage and the Department of Natural Resources and Mines were consulted in relation to the Bill.

NOTES ON PROVISIONS

Clause 1 states the short title of the Act being the *Brisbane Casino Agreement Amendment Act 2001*.

Clause 2 provides that sections 4, 5, 8 to 11 and 13 commence at the time immediately after the further agreement is entered into under the Agreement Act.

Clause 3 provides that this part amends the Agreement Act.

Clause 4(1) amends section 2 of the Agreement Act by omitting all definitions except for, “Brisbane Casino”, “casino agreement” and “Control Act”.

Clause 4(2) amends the definition of “casino agreement”.

Clause 5 omits section 3 of the Agreement Act which defined the term “**development**”.

Clause 6 inserts new section 4(4) to prohibit the Minister from entering into an agreement under section 4 after the commencement of the *Brisbane Casino Agreement Amendment Act 2001*.

Clause 7(1) amends section 6(1) of the Agreement Act to authorise a variation of the Agreement on the terms set out in the schedule.

Clause 7(2) omits section 6(2) of the Agreement Act.

Clause 7(3) renumbers section 6(3) of the Agreement Act as section 6(2).

Clause 8 replaces the heading for Part 3 of the Agreement Act.

Clause 9 omits sections 7 to 10 of the Agreement Act.

Clause 10 omits section 12 of the Agreement Act.

Clause 11 omits the Part 4 heading of the Agreement Act.

Clause 12 sets out the proposed further agreement which may be entered into.

Clause 13 renumbers sections 4, 5, 6, 11 and 13 as sections 3 to 7 of the Agreement Act.

Clause 14 repeals the *Brisbane Casino Agreement Regulation 1993* (SL No 135).

Clause 15 repeals subordinate legislation made under the *Jupiters Casino Agreement Act 1983*.