

# Brisbane Casino Agreement Amendment Bill 2016

## Explanatory Notes

### Short title

The short title of the Bill is the Brisbane Casino Agreement Amendment Bill 2016.

### Policy objectives and the reasons for them

The objective of the Bill is to progress amendments to the *Brisbane Casino Agreement Act 1992* (BCAA) to replace the existing Brisbane Casino Agreement (BCA) with a new Agreement which introduces a new planning and development arrangement for the existing Brisbane casino-hotel complex.

The new arrangement reflects the intention of the parties to require any future redevelopment or repurposing applications for the casino-hotel complex and the site (relating to the Queen's Wharf Brisbane project) to be assessed and approved by the Minister for Economic Development Queensland. Development applications relating to the current use of the Brisbane casino-hotel complex will continue to be assessed and approved under the current BCA framework.

The new arrangement supports the development regime proposed to be implemented for the Queen's Wharf Brisbane (QWB) Priority Development Area (PDA).

QWB has been declared a PDA under the *Economic Development Act 2012* (the Economic Development Act). The PDA was declared to establish the necessary policy environment to support the intended development outcome for the site and facilitate the planning and delivery of the QWB project.

The boundary of the PDA includes the entire area leased by the State to Jupiters Limited for the existing Brisbane casino-hotel complex.

The existing casino-hotel complex includes several heritage places which are currently managed and protected by a Heritage Management Plan established under the BCAA.

The current BCAA framework exempts the Brisbane casino-hotel complex and the site from the application of any development or heritage legislation in force in the Brisbane Local Government Area. This exemption will no longer apply under the new arrangement unless otherwise provided for in the BCA.

## **Achievement of policy objectives**

The policy objective will be achieved by amending the BCAA by attaching a replacement BCA as a schedule to that Act. The replacement BCA will no longer exempt the existing Brisbane casino-hotel complex site from any development legislation in force in the local government area unless otherwise provided for in the BCA.

## **Alternative ways of achieving policy objectives**

The policy objectives underpinning the Bill can only be achieved by legislative amendment to the BCAA.

## **Estimated cost for government implementation**

There are no significant implementation costs for Government associated with removing the Brisbane casino-hotel complex exemption from development legislation.

## **Consistency with fundamental legislative principles**

The Bill has been drafted with regard to the fundamental legislative principles (FLPs) as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

Consultation was undertaken with The Star Entertainment Group to draft the revised Brisbane Casino Agreement.

## **Consistency with legislation of other jurisdictions**

The Bill is specific to the State of Queensland.

## Notes on provisions

Clause 1 specifies the short title by which the Bill will be known once enacted.

Clause 2 provides that the BCAA Act is intended to commence on a day to be fixed by proclamation.

Clause 3 provides that the BCAA Bill 2016 will amend the *Brisbane Casino Agreement Act 1992*.

Clause 4 amends section 2 to create new definitions for the terms ‘former agreement’ and ‘replacement agreement’. The term ‘casino agreement’ has been amended to refer to a replacement agreement as made by the parties and attached in Schedule 1. This definition acknowledges that the replacement agreement may also be amended from time to time. This clause also makes a minor editorial change to the definition of ‘Control Act’ to replace a semicolon with a full stop after the words *Casino Control Act 1982*.

Clause 5 amends the heading of existing section 4 to ‘Agreement has force of law’ and relocates and renumbers the section (as amended) to Part 3, as section 6B. The clause clarifies that the casino agreement has effect as if it were a law of the State and specifies that if a provision of the casino agreement is inconsistent with another Act, the provision of the casino agreement prevails to the extent of the inconsistency unless another Act expressly deals with the interaction between the other Act and the casino agreement or the *Brisbane Casino Agreement Act 1992*.

Clause 6 inserts a new Part 2A (Replacement Agreement) and replaces the existing section 5 to clarify that the former agreement ends and is replaced by the replacement agreement attached in Schedule 1. The clause also acknowledges that the replacement agreement is ratified by the Legislative Assembly for the purposes of section 19 of the Control Act.

Clause 7 relocates and renumbers the existing section 6 to Part 2, as section 4. This clause continues the effect of the existing section 6 that the agreement made under Part 2, section 3, is taken to be ratified by Parliament.

Clause 8 inserts a new section 6 into the new Part 2A to provide that the replacement agreement may be subsequently amended by a further agreement which will take effect to amend the replacement agreement if ratified by the Legislative Assembly. It also inserts a new section 6A to provide that from time to time the replacement agreement and any further agreements made under section 6 must be consolidated and published on the department’s website.

Clause 9 creates a new Part 4 (Saving and transitional provisions for Brisbane Casino Agreement Amendment Act 2016) to, amongst other things, define the terms used in this Part, clarify that the Minister was authorised to make the replacement agreement before the commencement of the Amendment Act and that the replacement agreement doesn’t commence until the commencement of the amending Act.

Clause 9 also provides for a transition provision to clarify that the commencement of the *Brisbane Casino Agreement Amendment Act 2016* and the making of the replacement agreement does not affect the validity of the former agreement or anything done under that

agreement. A further transition provision clarifies that applications for an approval, authorisation or permission received by the Department but not decided by a Minister before the replacement agreement takes effect may still be assessed under the former agreement and any decisions made under that agreement will remain valid as if the replacement Agreement had not been made.

Clause 10 replaces Schedule 1 with a signed copy of the replacement Brisbane Casino Agreement and includes a consolidated copy of the former agreement in Schedule 2.