



Queen's Wharf Brisbane Bill 2015

Report No. 22, 55th Parliament

Infrastructure, Planning and Natural Resources Committee

April 2016

Infrastructure, Planning and Natural Resources Committee

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Chair's foreword

This report presents a summary of the Infrastructure, Planning and Natural Resources Committee's examination of the Queen's Wharf Brisbane Bill 2015.

The committee's task was to consider the policy outcomes to be achieved by the legislation, as well as the application of fundamental legislative principles, including whether it has sufficient regard to rights and liberties of individuals and to the institution of Parliament.

On behalf of the committee, I thank those organisations who lodged written submissions on the Bill.

I would also like to thank the departmental officials who briefed the committee; the committee's secretariat; and the Technical Scrutiny of Legislation Secretariat.

I commend the report to the House.



Jim Pearce MP

Chair

April 2016

Acronyms and glossary

the agreement	the proposed Queen's Wharf Brisbane Casino Agreement, at Schedule 1 of the Bill
BCC	Brisbane City Council
CCGC	Council of the City of Gold Coast
Destination Brisbane Consortium	The developer for Queen's Wharf Brisbane. The consortium comprises: <ul style="list-style-type: none">• The Star Entertainment Group Ltd• Chow Tai Fook Enterprises Ltd, and• Far East Consortium (Australia) Pty Ltd.¹
FLP	fundamental legislative principle
GOC	government owned corporation
GST	Goods and Services Tax
IR HoldCo	Destination Brisbane Consortium Integrated Resort Holdings, in its capacity as trustee for the IR Holding Trust
LGAQ	Local Government Association of Queensland
LSA	<i>Legislative Standards Act 1992 (Qld)</i>
MEDQ	Minister for Economic Development Queensland
PDA	priority development area, declared under the <i>Economic Development Act 2012</i>
PDA-associated development	proposed development type, to be declared under the <i>Economic Development Act 2012</i>
QWB	Queen's Wharf Brisbane

¹ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 1.

Recommendations

Recommendation 1

2

The committee recommends the Queen's Wharf Brisbane Bill 2015 be passed.

1 Introduction

1.1 Role of the committee

The Infrastructure, Planning and Natural Resources Committee (the committee) was established by the Legislative Assembly on 27 March 2015 and consists of government and non-government members.

The committee's areas of portfolio responsibility are:²

- Infrastructure, Local Government, Planning and Trade, and Investment
- State Development, Natural Resources and Mines
- Housing and Public Works.

1.2 The referral

Section 93 of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for considering:

- the policy to be given effect by the Bill
- the application of the fundamental legislative principles to the Bill.

On 3 December 2015, the Attorney-General and Minister for Justice and Minister for Training and Skills, Hon Yvette D'Ath MP, introduced the Queen's Wharf Brisbane Bill 2015.

The bill was referred to the Infrastructure, Planning and Natural Resources Committee for examination. In accordance with Standing Order 136(1), the committee is required to report to Parliament by 4 April 2016.

1.3 The committee's inquiry process

On 9 December 2015, the committee called for written submissions by placing notification of the inquiry on its website, notifying its email subscribers and sending letters to a range of stakeholders. The closing date for submissions was Thursday 11 February 2016. The committee received eight submissions (see Appendix A).

On 17 February 2016, the committee held a public briefing with officers from the Department of State Development, Department of Justice and Attorney-General and the Department of Infrastructure, Local Government and Planning (see Appendix B).

Copies of the submissions and transcript of the public departmental briefing are available on the committee's webpage.³

1.4 Policy objectives of the Bill

The policy objectives of the Bill are to:

- facilitate the redevelopment of the Queen's Wharf Brisbane (QWB) precinct by excluding the application of certain property and planning legislative provisions which are not intended to apply to large scale developments
- provide a process for the ratification of a proposed QWB Casino Agreement

² Schedule 6 of the *Standing Rules and Orders of the Legislative Assembly*, effective from 31 August 2004 (amended 16 February 2016, effective 18 February, 2016).

³ See www.parliament.qld.gov.au/ipnrc.

- maintain the integrity of casino operations and those involved or associated with the conduct of casino operations
- give effect to a range of casino regulatory matters.⁴

1.5 Consultation on the Bill

The Explanatory Notes describe the consultation and community engagement that was undertaken by Government on the QWB development, from the 2013 commencement of the 'transaction definition stage'.⁵ That consultation and community engagement included: online surveys; submissions from businesses, industry groups and individuals; a Community Reference Group; industry presentations; 'Talk to a team member' displays in the central business district and at Ekka; social media; and other community events.⁶

Exposure drafts of the Bill were provided to the Destination Brisbane Consortium in November and December 2015.⁷

1.6 Should the Bill be passed?

Standing Order 132(1)(a) requires the committee to determine whether to recommend the Bill be passed. After considering the Bill and Explanatory Notes, the department's briefing and the submissions received, the committee recommends the Bill be passed.

Recommendation 1

The committee recommends the Queen's Wharf Brisbane Bill 2015 be passed.
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⁴ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 1.

⁵ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 17.

⁶ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 17.

⁷ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 17.

2 Examination of the Bill

2.1 Background to the Bill

The process for the redevelopment of the Queen's Wharf precinct began in December 2013, with initial registrations of interest from potential developers. In July 2015, the Destination Brisbane Consortium was announced as the government's preferred proponent for the development of the QWB precinct. The redevelopment is proposed to commence in 2017 and be completed in 2022.

The developer for the QWB project is the Destination Brisbane Consortium which comprises the Star Entertainment Group Limited, Far East Consortium (Australia) Pty Limited and Chow Tai Fook Enterprises Limited.⁸

Introducing the Bill, the Attorney General and Minister for Justice and Minister for Training and Skills, described the redevelopment, stating that it:

... will deliver, among other things, five new premium hotels including Brisbane's first six-star hotel; three residential towers; 50 new bars, restaurants and retail outlets; a riverfront moonlight cinema; a new pedestrian bridge to South Bank; revitalised heritage buildings and spaces; and 12 football fields of public space. It will create 2,000 construction jobs and 8,000 operational jobs, a \$272 million-plus payment to the state and a guarantee of \$880 million in casino taxes for the first 10 years of operation.⁹

As part of the arrangements made between the State and Destination Brisbane Consortium, a casino licence was offered. One of the main purposes of the Bill is to ratify the QWB Casino Agreement, which is required by the *Casino Control Act 1982* before a casino licence is granted.

2.2 Purpose of Bill and relationship to other Acts

Objectives of the Queen's Wharf Brisbane project

The Bill is one of a number of mechanisms to facilitate the delivery of the QWB project.¹⁰

... the consortium parties have entered into suite of other agreements with the State which outline each party's obligations in respect of the development and long term occupation of state-owned land. In addition to these commercial agreements however, it will be necessary to establish a policy and legislative environment to support the achievement of the intended objectives of the QWB project which are to:

- stimulate broad investment and economic development in the long term future of Brisbane as a new world city, focusing on tourism and construction;
- redefine public access and transport connections into, through and around the Brisbane city centre;
- deliver an internationally recognised precinct with world-class sustainable urban design and architecture that establishes a clear identity that is uniquely 'Brisbane' and 'Queensland';
- promote social interaction and a broad range of urban activities from the city centre down to the river's edge; and
- transform and activate places and spaces that draw people to Brisbane.¹¹

⁸ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 1.

⁹ Attorney-General, Hansard, 3 December 2015, p 3204.

¹⁰ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 2.

¹¹ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 2.

Purpose of the Bill

The specific purposes of the Bill are set out in clause 3 and are:

- to provide for the entering into and ratification of an agreement for a casino to be located within the Queen's Wharf priority development area
- to enact the QWB Casino Agreement (in Schedule 1 of the Bill) as a law
- to provide for the way in which an entity may become, or stop being, a party to the agreement
- to state the requirements for holding interests in relation to an entity that is a party to, or referred to in the agreement
- to provide for the interaction between this Act and other laws.

Relationship with other Acts

Clause 4 provides that if there is any inconsistency between the proposed Queen's Wharf Act and any other Act, the proposed Act will prevail to the extent of the inconsistency unless the proposed Act or the other Act expressly deals with the interaction.

2.3 Queen's Wharf Brisbane Casino Agreement

Proposed agreement

A casino agreement is required to be entered into in advance of a casino licence.¹² A casino agreement has no effect unless and until it is ratified by Parliament.¹³

Schedule 1 of the Bill contains the proposed QWB Casino Agreement (the proposed agreement). The proposed agreement is between the State of Queensland and the following parties:

- Destination Brisbane Consortium Integrated Resort Operations Pty Ltd in its capacity as trustee for the Destination Brisbane Consortium Integrated Resort Operating Trust
- Destination Brisbane Consortium Integrated Resort Holdings Pty Ltd in its capacity as trustee for the Destination Brisbane Consortium Integrated Resort Holding Trust
- The Star Entertainment Group Limited
- Chow Tai Food Capital Limited
- Far East Consortium International Limited.¹⁴

The proposed agreement deals with a broad range of matters including: the area within the QWB development within which the casino will be located,¹⁵ the grant of a casino licence and the conditions and terms of the grant. It provides for exclusivity for the Queen's Wharf Casino by providing that the State will not authorise or grant a new casino licence or otherwise permit gambling within 60 kilometres of the GPO for a specified time, with some exceptions.¹⁶

The proposed agreement also deals with other matters that include: casino tax and Goods and Services Tax (GST), inspection, facilities for gaming regulators and police, a range of reporting and

¹² *Casino Control Act 1982*, s 19(1).

¹³ *Casino Control Act 1982*, s 19(2).

¹⁴ Queensland's Wharf Brisbane Bill 2015, Schedule 1.

¹⁵ See schedule 4 to the proposed casino agreement, pp 169-170 in Schedule 1 of the Bill.

¹⁶ Proposed Queen's Wharf Brisbane Casino Agreement, clause 3.5.

other obligations, termination of the agreement, finance, confidentiality and probity arrangements including preventing certain people from involvement in the consortium.¹⁷

The department advised that the proposed agreement had been negotiated during discussions with the Destination Brisbane Consortium.¹⁸

The final QWB Casino Agreement must be ratified by the Parliament for it to come into effect.¹⁹

Casino Agreement has the force of law

Clause 10 of the Bill enables the Minister, on behalf of the State, to enter into an agreement on the terms and with the parties, set out in the proposed agreement in Schedule 1 of the Bill. As the proposed agreement had not been executed at the time the Bill was introduced, the Bill provides for the proposed agreement to be approved by a regulation. The Explanatory Notes state that if the agreement that is entered into is approved by regulation, it is taken to be ratified by the Legislative Assembly for the purposes of section 19 of the *Casino Control Act 1982* and has effect as if it were a law of the State.²⁰ However, the department advised that amendments are intended to be introduced during the consideration in detail stage of the Bill to replace the proposed agreement in the Bill with the final executed and signed agreement for ratification by the Parliament.²¹

Under clause 11 of the Bill, the QWB Casino Agreement may be amended by a further agreement between the parties, and the further agreement would take effect after ratification by the Legislative Assembly, and have effect of law. As noted, clause 10 provides that an agreement that is ratified by regulation is taken to be ratified by the Legislative Assembly.

2.4 Casino licences

Conditions on a casino licence

Section 18 of the Casino Control Act provides for the grant of a casino licence by Governor in Council on the recommendation of the Minister. Clause 73 of the Bill proposes to amend section 18 to enable a casino licence to be granted on conditions. The Explanatory Notes state that the Governor in Council's decision on conditions is final and cannot be challenged or appealed.²²

Credit extended to junket participants

Currently the Casino Control Act prohibits a casino operator or their staff or agents from accepting a credit wager, making a loan, providing cash or chips on a credit card or extending credit in any form. Clause 82 of the Bill proposes an amendment to section 66 of the Casino Control Act, so that the prohibition on credit for gambling will not apply in relation to gaming by a non-resident of Queensland visiting a casino under a junket agreement.

A junket agreement is defined in section 85A of the Casino Control Act; it is an agreement between a casino operator and a promoter for a group of people to visit the casino. The casino operator pays the promoter a commission on the amount the group gambles or the revenue derived from the group.²³

¹⁷ Queen's Wharf Brisbane Bill 2015, schedule 1.

¹⁸ Public briefing transcript, Brisbane, 17 February 2016, p 5.

¹⁹ *Casino Control Act 1982*, s 19(2).

²⁰ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, pp 18-19.

²¹ Public briefing transcript, Brisbane, 17 February 2016, p 3.

²² Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 31.

²³ *Casino Control Act 2012*, s 85A.

The department further explained the existing junket participant arrangements, where a group of people:

... come to the casino, deposit money with the casino and bet ... and there is a rebate system in place where the casino gives them an incentive ... that can be based on the amount of turnover they have while they are there or it can be based on the amount they lose. These are actually high-risk activities for casinos because these people don't always lose.²⁴

The department advised that junket arrangements attract people into Queensland, promote tourism and in effect, bring export dollars into the state. It also advised that while the junket arrangements are currently in place, the amendment will allow credit to be extended to junket participants in all Queensland licensed casinos.²⁵ The amendments will not affect the existing prohibition on a casino operator extending credit to people who are residents and are not part of a junket agreement.

2.5 Integrity of casino operations

Chapter 4 of the Bill (clauses 16 to 40) includes requirements about a person who wishes to acquire voting power in the entities associated with the casino licence, notice requirements, investigation of a person's suitability, disposal of interests and securities and disclosure requirements. The Explanatory Notes describe the objectives of the provisions as follows:

To ensure that the management and operation of the Queen's Wharf casino remains free from criminal influence and to maintain the good reputation of casino gaming in Queensland, the Bill contains provisions which aim to make sure the casino licensee and IR HoldCo and persons associated with the casino licensee and IR HoldCo are suitable to be associated or connected with the ownership, management or operations of a hotel-casino complex.²⁶

Clauses 13 to 15 provide for a person, in the future, to become, a party to the QWB Casino Agreement, and also for circumstances where a consortium party stops or proposes to stop being a consortium party.

The Bill also proposes to amend section 30 of the *Casino Control Act 2012*, which provides for investigations about a casino licensee's continued suitability to hold a licence. The amendment, in clause 77 of the Bill, broadens the existing power for the Minister to investigate the suitability of a person not only while a casino licence is in place, but also during any period between when the casino agreement is entered into and when the casino licence is granted.²⁷

2.6 Application of the Land Act

Clauses 41 to 57 (chapter 5, part 1) of the Bill provide for the application of the *Land Act 1994* to the QWB development. The purpose of these provisions of the Bill is:

... to facilitate commitments made by the State in relation to land within the PDA. This includes a streamlined process for particular land to be granted in fee simple or leased to the State and changes the way the Land Act operated in relation to the land leased to the State.²⁸

Clause 43 enables the Minister for Economic Development Queensland (MEDQ) to declare land in the Queen's Wharf priority development area to be granted to the State as freehold or leased to the State under the Land Act. A declaration made by the Minister is subordinate legislation²⁹ and is

²⁴ Public briefing transcript, Brisbane, 17 February 2016, p 9.

²⁵ Public briefing transcript, Brisbane, 17 February 2016, p 9.

²⁶ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 5.

²⁷ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 31.

²⁸ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 26.

²⁹ Queen's Wharf Brisbane Bill 2015, cl 43(8)

therefore subject to disallowance by the Legislative Assembly. The land that may be declared is limited to:

- unallocated State land
- a road
- trust land
- land subject to a lease under the Land Act held by the State as lessee.

Following a freehold declaration, clause 44 provides that Governor in Council must grant the land in fee simple to the State; following a leasehold declaration the Land Act Minister must, under clause 45, lease the land to the State.

The Explanatory Notes state that the intent of clauses 43 to 46, and clause 48 is 'to streamline the operation of the provisions of the Land Act for the purpose of granting or leasing land to the State to facilitate commercial agreements entered into by the State in relation to the project.'³⁰ Clause 47 provides for a person with an interest in land other than under a services contract, to claim compensation if their interest ends on registration of a deed or head lease.³¹ Clauses 49 to 57 provide for dealings under Queen's Wharf headlease land.

2.7 PDA-associated development

A priority development area (PDA) was declared for the QWB precinct in November 2014, under the *Economic Development Act 2012*. The Explanatory Notes state that:

[t]he 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 covers the bid area – with the exception of the South Bank landing of the bridge – and extends to the mid-point of the Brisbane River and also includes 41 and 63 George Street and 1 William Street.³²

Part 4 of the Bill (clauses 87 to 116) amends the Economic Development Act to create a new category of 'PDA-associated development'.

Rationale for declaring a PDA-associated development

The PDA-associated development amendments arise from the proposed inclusion in the QWB development of a bridge over the Brisbane River from the development to the South Bank Parklands. The proposed bridge is only partly in the PDA, and as a result:

... the development application process for the bridge would be uncoordinated and require approval from both MEDQ (Minister for Economic Development Queensland) for the portion within the PDA, and the Brisbane City Council (BCC), exercising its assessment powers under the South Bank Corporation Act ...³³

Rather than amend the Economic Development Act, the *South Bank Corporation Act 1989*, and the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* specifically for the proposed bridge between QWB and South Bank Parklands, the Government's preferred approach is:

... for a broader amendment to the Economic Development Act to separately define development carried out for a PDA located outside the PDA as 'PDA-associated development' and then allow MEDQ to declare what is PDA-associated development. MEDQ would also determine the level of

³⁰ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, pp 26 – 27.

³¹ Queen's Wharf Brisbane Bill 2015, Explanatory Notes p 27.

³² Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 3.

³³ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 3.

assessment and assess and decide a development application. This would include the ability to exercise enforcement and compliance powers MEDQ has under the Economic Development Act in respect of development, including infrastructure.³⁴

New provisions in Economic Development Act

Proposed sections 40A to 40E of the Economic Development Act (inserted by clause 93) concern the declaration of a PDA-associated development. The proposed amendments apply to a development that is to be carried out not entirely within a priority development area, and is not identified in the relevant development instrument as a PDA-associated development (proposed section 40A).

Consultation and criteria for a declaration

Before declaring a PDA-associated development, consultation is required by the MEDQ with each local government in whose area the development is proposed to be located. The MEDQ must make reasonable endeavours to consult with any government entity, government owned corporation (GOC) or other entity likely to be affected by the declaration.³⁵

The criteria for the MEDQ to declare a PDA-associated development are set out in proposed section 40C of the Economic Development Act. In summary, proposed new section 40C provides that the MEDQ may declare a PDA-associated development only if satisfied:

- the *Sustainable Planning Act 2009* may have an adverse effect on the delivery of the proposed development if that Act were to apply
- the proposed development
 - mitigates impacts of any development in the PDA, or
 - provides infrastructure for the PDA, or
 - promotes proper and orderly planning, development and management of the PDA in accordance with the relevant development instrument, or
 - satisfies another requirement prescribed by regulation.

Proposed section 40D sets out the information that must be included in the declaration of a PDA-associated development. A PDA-associated development must be published on the department's website, and a copy must be given to each local government in whose area the development is located, the land owner and other government entities or GOCs consulted before the declaration was made.³⁶

Local government and scope of PDA-associated development

The committee received submissions from four local governments and the Local Government Association of Queensland (LGAQ), all of whom raised concerns about the provisions relating to PDA-associated developments.

Council of the City of Gold Coast (CCGC) submitted:

The practical effect of [designating development located outside of a PDA as PDA-associated development] is that it changes who the assessment manager is; and under what authority they are able to assess and decide the proposed development (ie. the Act and not the *Sustainable Planning Act 2009*).

Officers acknowledge there are benefits for making the proposed amendment to the Act, particularly where the suggested provisions could be utilised to facilitate development that has obvious

³⁴ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 4.

³⁵ *Economic Development Act 2012*, proposed s 40B.

³⁶ *Economic Development Act 2012*, proposed ss 40D and 40E.

connections within and outside of a declared PDA (ie. development located at the fringes of a PDA and/or where it traverses a PDA boundary). However, the provisions of the Bill as they relate to what could constitute PDA-associated development are broad and the requirements for the MEDQ to consult with local government on these matters are currently unclear.³⁷

CCGC recommended that the Bill be amended to narrow the scope of what constitutes PDA-associated development, or require that the MEDQ must reach agreement with a relevant local government (not just consult) before declaring a proposed development as a PDA-associated development.³⁸

Bundaberg Regional Council was concerned about the effect that PDA-associated development may have on 'Council's ability to plan for and regulate development in its local government area'. The Council was of the view that

... what might constitute "PDA-associated development" is too broad and may well have the effect of allowing development to occur outside of the PDA that is inconsistent with a local planning instrument against the wishes of the Council.³⁹

The Council provided the following example to illustrate its concerns about the potential for the broad application of PDA-associated development:

... in a residential PDA it could be identified that a shopping centre would be beneficial to be located nearby to meet a perceived lack of social infrastructure and/or employment opportunities for residents of the PDA. In such a case under the tests contained in proposed section 40C(2) it might well be interpreted that the shopping centre would alleviate social impacts of the PDA or is necessary for the proper and orderly development of the PDA.

Clearly such development would be completely at odds with the understanding of the Council and the community at large about what was to be expected for the PDA. Because the provisions seek to include all development (as defined by the *Sustainable Planning Act 2009*), these powers represent a major broadening of the powers of the Minister and the effects a PDA declaration may have on surrounding communities.⁴⁰

The Council argued that PDA-associated development 'should both be necessary to the delivery of the PDA and also unable to be located within the PDA' and it recommended amending clause 40 (2) accordingly.⁴¹

Logan City Council submitted that the amendments relating to PDA-associated development did not appear necessary, and while they may be relevant to the QWB development, they are not so relevant to other PDAs such as Yarrabilba and Greater Flagstone in Logan City.⁴² The Council also stated:

Council is concerned that the proposed changes to the *Economic Development Act 2012* have the potential to further erode the role of Council in planning functions around declared Priority Development Areas. Further, these changes could potentially, and seriously, impact on local accountability in the Logan City community given Council has recently endorsed (May, 2015) the Logan Planning Scheme which sets out planning policy for these areas based on community expectation.

Whilst the provisions in the Bill have a number of qualifications prior to a declaration being made, the tests to the satisfaction of only the Minister for Economic Development Queensland do not provide any certainty for the Logan City community and creates the perception that planning powers

³⁷ Council of the City of Gold Coast, submission 4.

³⁸ Council of the City of Gold Coast, submission 4.

³⁹ Bundaberg Regional Council, submission 1, p 1.

⁴⁰ Bundaberg Regional Council, submission 1, p 1.

⁴¹ Bundaberg Regional Council, submission 1, p 2.

⁴² Logan City Council, submission 3, p1.

are being taken off democratically elected Councils by the State Government at the behest of other interests.⁴³

Brisbane City Council (BCC) was concerned about the proposal to 'expand the planning authority'⁴⁴ of the MEDQ through the declaration of PDA-associated development because of 'the potential far reaching implications',⁴⁵ including 'the uncertainty relating to the frequency at which the MEDQ may exercise the powers'.⁴⁶ The BCC recommended that the State 'explore other legislative mechanisms specific to QWB to achieve a streamlined assessment and single assessment authority for the pedestrian bridge associated with the QWB proposal'.⁴⁷ In such circumstances, the Council submitted, it 'would be supportive of EDQ as the assessment manager for a pedestrian bridge, provided that Council is consulted in its design and impact on both river edge precincts'.⁴⁸

The LGAQ also expressed concern about the proposed broadening of the powers of the MEDQ and the potential uncertainty the broad criteria may create. The LGAQ recommended amending the Bill along the lines of the amendments proposed by the CCGC.⁴⁹

Economic Development Queensland advised that the proposed PDA-associated development 'is reflecting what the existing PDA scenario is. ... It is just allowing for this other development that might be associated with that PDA and streamlining that process'.⁵⁰

PDA-associated development may not be contiguous

The LGAQ noted that a PDA-associated development is not required to be contiguous to a PDA and may include development such as:

- a sewerage treatment plant outside the PDA to maximise development yield within the PDA (at the expense of our developable land and having implications for surrounding land); or
- additional stages of a residential development to maximise the value of sunk infrastructure (such as along the waste water connection); or
- buffer areas or the like to mitigate the impacts of development within the PDA.⁵¹

The department confirmed that the Bill does not require a PDA-associated development to be contiguous to the PDA and advised that there may be circumstances where an associated development is not contiguous but is providing or mitigating the impacts of the development in the PDA.⁵² In response to the committee's request the department provided examples where infrastructure required for a PDA was located outside the PDA:

... for example to connect to water or sewer networks, to undertake shoreline works, or to upgrade roads, bridges or road intersections. Relevant PDAs have included Southport, Bowen Hills, Caloundra South, Greater Flagstone, Moranbah and Blackwater. In some cases the development has occurred wholly outside the PDA and in others the development has straddled the boundary. Sometimes the

⁴³ Logan City Council, submission 3, p1.

⁴⁴ Brisbane City Council, submission 2, p 1.

⁴⁵ Brisbane City Council, submission 2, p 3.

⁴⁶ Brisbane City Council, submission 2, p 4.

⁴⁷ Brisbane City Council, submission 2, p 1.

⁴⁸ Brisbane City Council, submission 2, p 2.

⁴⁹ Local Government Association of Queensland, submission 7.

⁵⁰ Public briefing transcript, Brisbane, 17 February 2016, p 8.

⁵¹ Local Government Association of Queensland, submission 7.

⁵² Public briefing transcript, Brisbane, 17 February 2016, p 8.

infrastructure has been required exclusively for the PDA, and in other cases the infrastructure has also benefitted users outside the PDA.⁵³

Infrastructure charges

BCC raised concerns that it would not be able to collect infrastructure charges relating to a PDA-associated development and 'would not be able to condition the development to provide trunk and/or non-trunk infrastructure to Council's standards'.⁵⁴ It submitted:

None of the infrastructure charges collected for development demand generated within the PDAs are redistributed to Council. The PDAs impact on infrastructure well beyond the boundaries of the PDAs themselves, including creating significant demand on local government networks (stormwater, transport and community purposes infrastructure). This arrangement represents a significant financial impact for Council and exacerbates the existing infrastructure charges situation where Council is operating in a capped-charge environment. This affects Council's ability to deliver infrastructure outcomes to residents outside the PDAs at Council's desired standard of service.⁵⁵

The department advised:

The [Economic Development] Act ensures that infrastructure costs are funded in an equitable manner and in order to facilitate economic development in PDAs. The MEDQ or delegate will be able to collect infrastructure charges and condition PDA-associated development to provide trunk and/or non-trunk infrastructure.

As with existing PDAs, the MEDQ will work closely with the relevant local government to ensure the most efficient and effective delivery of infrastructure. This includes ensuring Councils are aware of planned infrastructure projects so they are able to manage the potential implications on existing networks.⁵⁶

And further:

The relevant infrastructure charges will be a matter considered by the MEDQ when deciding a development application. In deciding the application, the MEDQ must consider, amongst other things, the development scheme and must give the weight it considers appropriate to any planning instrument, or a plan, policy or code made under the Sustainable Planning Act 2009 or another Act, that would have applied if the development were not PDA-associated development. This would include the relevant local government's infrastructure charging policy.⁵⁷

Stakeholder support for amendment of the Economic Development Act

The Chamber and Commerce & Industry Queensland and the Queensland Tourism Industry Council supported the amendments which would enable the MEDQ to approve and condition the part of the proposed bridge from the QWB development to South Bank. The submission stated that '[a]voiding a project-specific provision and instead using the definition of 'PDA-associated development' is a logical outcome-focussed approach to the legislation amendment'.⁵⁸

Committee comment

The committee considered the concerns raised by local governments about PDA-associated developments, and the advice of the department. On balance the committee considers that the PDA-

⁵³ Department of Infrastructure, Local Government and Planning, correspondence dated 26 February 2016, attachment, p 1.

⁵⁴ Brisbane City Council, submission 2, p 4.

⁵⁵ Brisbane City Council, submission 2, p 4.

⁵⁶ Department of Justice and Attorney-General, correspondence dated 22 February 2016, attachment, pp 4-5.

⁵⁷ Department of Infrastructure, Local Government and Planning, correspondence dated 26 February 2016, attachment, p 1.

⁵⁸ Queensland Tourism Industry Council and Chamber of Commerce & Industry Queensland, submission 5, p 7.

associated development is a reasonable policy response to the need to have a streamlined planning approval process for developments that are necessary for a PDA development. Noting the concerns raised by local governments, the committee encourages the Attorney-General to consider whether there is scope to further define the criteria for declaration of a PDA-associated development, along the lines proposed by Bundaberg Regional Council.

2.8 Amendment of other Acts

A number of amendments to other Acts are proposed by the Bill.⁵⁹

BCC raised concerns regarding changes to the *Liquor Act 1992* which allows for differentiated opening hours of a casino and other cultural and entertainment precincts in the city.⁶⁰ Specifically, BCC was concerned that:

This provision will provide the QWB precinct with a significant competitive advantage and consequently undermine the economic revitalisation of key cultural and entertainment precincts in the city.⁶¹

The department clarified that the amendments do not change the existing trading hours or lockout exemption for casinos. Rather, the amendments make clarifications to the wording of the provisions. The department's response also notes that the liquor licence relating to the casino is intended to apply only to an area within the integrated resort, and not the entire QWB precinct.⁶²

⁵⁹ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, pp 30 – 39.

⁶⁰ Brisbane City Council, submission 2, p 5.

⁶¹ Brisbane City Council, submission 2, p 5.

⁶² Department of Justice and Attorney-General, correspondence dated 22 February 2016, p 9.

3 Compliance with the *Legislative Standards Act 1992*

3.1 Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* (LSA) states that 'fundamental legislative principles' (FLPs) are the 'principles relating to legislation that underlie a parliamentary democracy based on the rule of law'. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals,
- the institution of parliament.

Rights and liberties of individuals

Section 4(2)(a) of the LSA provides the principles of FLPs include requiring that legislation has sufficient regard to rights and liberties of individuals. Sufficient regard to rights and liberties of individuals depends on whether, for example, the legislation is consistent with principles of natural justice.

The committee examined the application of FLPs to the Bill and considers that the clauses discussed below raise potential issues of fundamental legislative principles.

Administrative power

Section 4(3)(a) of the LSA provides that whether legislation has sufficient regard to the rights and liberties of individuals may depend on whether rights, liberties and obligations are dependent on administrative power only if the power is sufficiently defined and subject to appropriate review. The OQPC Notebook states:

Depending on the seriousness of a decision made in the exercise of administrative power and the consequences that follow, it is generally inappropriate to provide for administrative decision-making in legislation without providing criteria for making the decision.⁶³

Clauses 34, 37, 73 and 93 all potentially breach section 4(3)(a) of the LSA. The Explanatory Notes provide the following justifications for each of these clauses:

Clauses 34 and 37

The lack of appeal rights is considered justifiable on the basis that there is a need to maintain high standards of suitability in relation to those associated with the ownership, management or operations of the Queen's Wharf casino and complex. The Governor in Council's power to issue a direction to a person to take a particular action is therefore needed to ensure that the integrity and good reputation of casinos in Queensland remains unaffected.⁶⁴

Clause 73

This breach is considered justifiable as a casino licence grants rights of a commercial nature to the casino licensee; the terms of which are grounded, in part, in a contractual agreement between the State and the casino licensee. The commercial agreement will identify what, if any, conditions are to be placed on the casino licence to be issued. The QWB Casino Agreement, for example, provides that the casino licensee must not conduct casino operations under the casino licence unless and until all of the licence conditions which are specified in the casino licence to be conditions precedent to the conduct of casino operations are satisfied. These conditions will include the execution of relevant project documents, and the grant of the long term lease in respect of the land to be used for the

⁶³ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, p 15.

⁶⁴ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 8.

Queen's Wharf casino. In instances such as this where conditions have already been agreed to between the State and the casino licensee, it would not be appropriate for the conditions to be subject to an administrative review process.⁶⁵

Clause 93

The amendments to the Economic Development Act do not provide a specific right of review or appeal against the declaration by MEDQ to identify PDA-associated development outside a PDA. However, the approach is justified as MEDQ will be required to be satisfied that a number of criteria are met before making a declaration, while the Judicial Review Act 1991 will provide an avenue to appeal the decision making process. In addition, as supporting plans and documents are required to accompany the declaration, development proponents can be expected to assist MEDQ in identifying the development, while the public will have the opportunity to make submissions if PDA-associated development declared by MEDQ is PDA assessable development.⁶⁶

Committee comment

The committee notes that the nature of the Bill, including the QWB Casino Agreement in Schedule 1, means that a number of provisions technically breach the fundamental legislative principles.

In relation to clauses 34 and 37 the committee notes that the Minister must give written notice providing details of the grounds of the Minister's recommendation. Given this requirement and the justification set out in the Explanatory Notes the committee considers these clauses as appropriate.

As the QWB Casino Agreement is a commercial document between the State and licensee, the committee considers the department's justification in relation to clause 73 as appropriate.

In relation to clause 93, the committee notes that judicial review is still an option to appeal a decision. Given this avenue still exists the committee considers that sufficient regard has been given to fundamental legislative principles in this instance.

Rights and liberties - retrospectivity

Section 4(3)(g) of the *Legislative Standards Act 1992* (the LSA) provides that legislation should not adversely affect rights and liberties, or impose obligations retrospectively. Strong argument is required to justify an adverse effect on rights and liberties or the imposition of obligations retrospectively. The Explanatory Notes advise that the use of the *Economic Development Act 1992* may potentially breach section 4(3)(g) in terms of retrospectivity.

Clause 93 inserts a new division that establishes a process for the MEDQ to declare a PDA-associated development through the introduction of new section 40C into the *Economic Development Act 2012*.

Potential FLP Issue

The Explanatory Notes provide further information as to the potential FLP issue and how the *Economic Development Act 2012* will be applied:

Under amendments to the Economic Development Act, development rights and obligations may potentially change by subjecting PDA-associated development to the Economic Development Act, rather than the regulatory regime that would otherwise apply, in most cases of the Sustainable Planning Act. This may have implications for the type of assessment that is applicable, requirements for development and any requirements for public notification. However, the approach is justified because for assessable development, the planning instrument, plan, policy or code that would otherwise have applied will be considered by MEDQ to the extent relevant. In addition, as supporting plans and documents are required to accompany the declaration, development proponents can be expected to assist MEDQ in identifying the development, and the public will have the opportunity to

⁶⁵ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 9.

⁶⁶ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 9.

make submissions if PDA-associated development declared by MEDQ is PDA assessable development.⁶⁷

Committee comment

The committee considers that in light of the information set out in the Explanatory Notes, the clause is justified.

Delegation of legislative power

Clause 27

Section 4(4)(a) of the LSA provides that a Bill should allow the delegation of legislative power only in appropriate cases and to appropriate persons. Clause 27 potentially breaches this section by providing that a regulation may require a person to disclose information to the Minister or a relevant entity.

Clause 27(1) provides that a regulation may require a person to give a relevant entity or the Minister, stated information known to the person about any matter related to interests, or convertible securities, in the relevant entity.

Pursuant to section 27(2), for subsection (1), the relevant entities are:

- (a) the licensee or IR Holdco; or
- (b) any other relevant entity that is a trustee of the IR Holding Trust or IR Operating Trust; or
- (c) the IR Holding Trust or IR Operating Trust.

Potential FLP Issue

Generally, the greater the level of political interference with individual rights and liberties, or the institution of Parliament, the greater the likelihood that the power should be prescribed in an Act of Parliament and not delegated below Parliament.

In relation to clause 27, the Explanatory Notes state:

This approach (under which notice requirements in relation to certain specified relevant entities are to be prescribed by regulation while notice requirements in relation to other relevant entities are defined in the Bill itself) is necessary as there is a need for greater flexibility in defining notice requirements for the casino licensee, IR HoldCo, IR Holding Trust, IR Operating Trust, and other relevant entities that are a trustee of the IR Holding Trust or IR Operating Trust. In contrast to other relevant entities, the Bill places greater importance on these particular entities as evidenced by the more onerous requirements imposed on persons with interests in the casino licensee, IR HoldCo, IR Holding Trust, IR Operating Trust, and other relevant entities that are a trustee of the IR Holding Trust or IR Operating Trust. The increased flexibility provided through clause 27 is therefore, consistent with the framework under the Bill.⁶⁸

Comment

The committee notes that the power to make a regulation under clause 27 relates to accountability and suitability in relation to the casino agreement. While it is noted that the information that a person may disclose is likely to cover significant matters, the committee notes that any regulation tabled in relation to clause 27 will be subject to parliamentary scrutiny and disallowance powers and therefore considers the clause appropriate in the circumstances.

⁶⁷ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 10.

⁶⁸ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 12.

Clause 93

As previously mentioned, clause 93 inserts a new division that establishes a process for the MEDQ to declare a PDA-associated development through the introduction of new section 40C. Pursuant to section 40C(b)(iv) a declaration may be made only if the MEDQ satisfies another requirement prescribed by regulation. Pursuant to section 40D(d), a declaration under section 40C(1) must include any information prescribed by regulation.

Potential FLP Issue

In declaring a PDA through a regulation, clause 93 potentially breaches section 4(4)(b) of the LSA which provides that a Bill should sufficiently subject the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly.⁶⁹

The Explanatory Notes recognise the potential FLP issue and provide the following commentary:

The process that would otherwise apply (declaring a PDA) is approved by regulation and includes an instrument to regulate development in the PDA. The process for MEDQ to declare PDA-associated development is justified having regard to the following:

- the declaration by MEDQ is limited to certain prescribed development, rather than to a wide range of development within one or more geographical areas;
- to make a declaration MEDQ will need to be satisfied that a number of criteria are met, including that applying the Sustainable Planning Act 2009 may have an adverse effect on delivery of the proposed development and that the proposed development mitigates impacts of development in the PDA, provides infrastructure for the PDA or promotes the orderly development and management of the PDA in accordance with the development scheme for the PDA;
- the declaration also must not compromise the implementation of any planning instrument applying to the PDA, or applying to the site of the proposed development;
- consultation with the relevant local government, as well as appropriate government entities and government owned corporations, is required before a declaration is made by MEDQ;
- instruments applicable for regulating the development will already be in place, including, to the extent relevant, the instrument for the PDA, and instruments that would otherwise have applied; and
- public notification will be required for PDA-associated development declared by MEDQ that is PDA assessable development.⁷⁰

Comment

In light of the justification in the Explanatory Notes, and the fact that any subordinate legislation tabled in relation to clause 93 will be subject to disallowance powers, the committee considers that this provides sufficient parliamentary scrutiny in the circumstances.

Amendment of an Act only by Another Act

Several clauses in the Bill allow for certain matters to be dealt with by regulation and potentially breach section 4(4)(c) of the LSA.

⁶⁹ *Legislative Standards Act 1992*, s 4(4)(b).

⁷⁰ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, pp 12-13.

Schedule 1 – QWB Casino Agreement

Schedule 1 contains the QWB Casino Agreement between the State of Queensland and the Licensee.

Pursuant to clause 3.2(d)(ii) of the Agreement, the Licensee may alter or vary any of the following matters specified in the Casino License (the Licence) with the prior written approval of the Minister:

- the real property or other accurate description or the address of the Integrated Resort;
- the boundaries of the Casino;
- the name of the Licensee;
- any conditions attaching to the licence; or
- such other particulars as may be prescribed under the Casino Control Act 1992.

Clause 3.2(e) provides that the Minister must endorse a variation of the Licence to reflect any matters altered or varied under clause 3.2(d)(ii).

Potential FLP Issue

The ability of the Licensee to vary certain matters in the Agreement with executive authority and without the oversight and scrutiny of Parliament, breaches section 4(4)(c) of the *Legislative Standards Act 1992* which provides that a Bill should only authorise the amendment of an Act by another Act.

A clause in an Act, which enables the Act to be expressly or impliedly amended by subordinate legislation or executive action is defined as a Henry VIII clause. Such clauses potentially breach the FLP requiring legislation to have sufficient regard for the institution of Parliament.⁷¹ The possible use of Henry VIII clauses could potentially be justified in the following limited circumstances:

- to facilitate immediate executive action
- to facilitate the effective application of innovative legislation
- to facilitate transitional arrangements
- to facilitate the application of national scheme legislation.⁷²

The existence of these circumstances does not automatically justify the use of Henry VIII clauses.⁷³

The Explanatory Notes acknowledge the breach and provide the following justification:

While all attempts have been made to identify the areas which will initially relate to the casino, casino environs and precinct, it is likely there will be further amendments as plans and drawings for these areas are finalised and development approval is sought for them. Once the integrated resort is open to the public, it is envisaged that the casino licensee may also, from time to time, wish to alter the casino areas and casino environs to accommodate operational needs and patrons' preferences in order to maximise customer experience. For these reasons, it is considered necessary that these areas should be able to be amended by the licensee with the prior approval of the executive arm of government. To otherwise require the prior approval of the legislature would unduly impact on the

⁷¹ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, p 159.

⁷² Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, p 159.

⁷³ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, p 159; Alert Digest 2006/10, p 6, paras 21-24; Alert Digest 2001/8, p 28, para 31.

operational efficiency of an integrated resort that is intended to form part of a broader entertainment precinct to showcase Brisbane as a new world tourism destination.⁷⁴

Committee comment

The Bill allows for executive action to change the QWB Casino Agreement at Schedule 1 of the Bill. The scope of the activities which can be changed is restricted to those activities at section 3.2(d)(ii) of the Agreement.

Notwithstanding concerns about the use of Henry VIII clauses, the committee considers that the limited scope of the executive decision making power provides sufficient regard to the institution of Parliament.

Clause 10

Clause 10(1) provides that the Minister may, on behalf of the State, enter into an agreement on the terms, and with the other parties, set out in the proposed agreement at schedule 1. Pursuant to clause 10(2), if an agreement entered into under subsection (1) is approved by regulation, the agreement:

- (a) is taken to be ratified by the Legislative Assembly for the purposes of the Control Act, section 19; and
- (b) has effect as if it were a law of the State.

Section 19 of the *Casino Control Act 1992* states that an agreement regarding a casino licence has no force or effect unless and until it is ratified by Parliament. The current Agreement at schedule 1 is effectively a proposed agreement as it can be altered with the Minister's approval.

Potential FLP Issue

In approving the QWB Casino Agreement by regulation, clause 10 potentially breaches section 4(4)(c) of the LSA which provides that a Bill should only authorise the amendment of an Act by another Act. It could be argued that the provisions of clause 10 do not provide sufficient regard to the institution of Parliament as ideally Parliament would consider the final and fully executed Agreement. The committee notes the advice of the department that the final agreement is expected to be available to the Parliament by the second reading debate.

The potential FLP breach has been recognised in the Explanatory Notes and justified as follows:

The proposed approach under clause 10 is necessary to provide flexibility to allow for the finalisation and signing of the Agreement within timeframes agreeable to all parties. In any event, disallowance measures under the Statutory Instruments Act will provide Parliament with oversight of the approval of the finalised Agreement. The Statutory Instruments Act requires subordinate legislation, such as regulations, to be tabled in the Legislative Assembly within 14 sitting days after it is gazetted following a decision of the Governor in Council. Section 50 of the Statutory Instruments Act allows the Legislative Assembly to pass a resolution disallowing subordinate legislation on the motion of a member within 14 sitting days after the subordinate legislation is tabled.⁷⁵

Committee comment

While the committee notes that a casino agreement is a significant document to be approved by regulation, the Agreement is still the subject of Parliamentary scrutiny. Given the flexibility required for such an important infrastructure project, the committee considers this approach appropriate and justified in the circumstances.

⁷⁴ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, pp 15-16.

⁷⁵ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, p 16.

Clause 17

Pursuant to clause 17 each of the following entities is a relevant entity:

- (a) an entity listed in the casino agreement, schedule 3, column 1 or 2;
- (b) an entity that becomes a party to the casino agreement under chapter 3;
- (c) an entity declared by the Minister, by notice, to be a relevant entity.

Pursuant to clause 2(b) a relevant entity does not include an entity declared by the Minister by notice not to be a relevant entity. Clause 17(5) provides that a notice under subsection (1)(c) or (2)(b) is subordinate legislation.

Potential FLP Issue

It may be argued that the Minister's ability to decide who is and who is not a relevant entity is a breach of section 4(4)(c) of the Legislative Standards Act as it will enable the Act to be amended by executive action (Minister).

The Explanatory Notes provide the following justification for the clause:

As there could, at any time, be a number of entities interposed in the ownership chain between the ultimate parents of various entities involved in the ownership of the casino, and the casino licensee, IR HoldCo, IR Operating Trust and IR Holding Trust, clause 17 is necessary to enable the Minister to require any new entities to become subject to the same obligations imposed on or relating to relevant entities under the Casino Agreement particularly if the new entities are able to influence the ownership, management or operations of the Queen's Wharf casino or complex. It also allows the Minister to require any subsidiaries, or controlled or significantly influenced entities, of the casino licensee, IR HoldCo, IR Operating Trust and IR Holding Trust to be subject to the obligations imposed on relevant entities.

Clause 17 additionally requires the Minister's decision to be notified by publication on the Queensland legislation website as subordinate legislation. This provides Parliament with a level of oversight of the Minister's decision because if subordinate legislation is not tabled within 14 sitting days after it is notified as required under the Statutory Instruments Act or is disallowed by a resolution passed by the Legislative Assembly, the subordinate legislation ceases to have effect.⁷⁶

Committee comment

The committee notes that the declaration by the Minister is subordinate legislation under clause 17(5) and therefore subject to Parliamentary scrutiny, the clause has sufficient regard to FLP.

Clause 29

Clause 29 provides that a regulation may exempt a person, or a class of persons, in stated circumstances from the requirement to comply with a provision of division 1, subdivision 1 or 2 or division 2.

Potential FLP Issue

Clause 29 will allow the amendment of the Act by subordinate legislation which potentially breaches section 4(4)(c) of the LSA which provides that a Bill should only authorise the amendment of an Act by another Act.

⁷⁶ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, pp 13-14.

The Explanatory Notes acknowledge the potential breach and provide the following justification for the use of regulation:

Clause 29 is considered necessary to allow flexibility to exempt certain persons from approval requirements where the approval is technically required because of the breadth of the concepts of 'voting power' and 'relevant interests' but where there is minimal regulatory reason to require that approval. For example, provided that key members of a corporate group to obtain separate approvals.

It also allows future shareholding scenarios to be addressed which may not have been contemplated and which may be considered appropriate to include in the regulation exemption. The commercial reality is that corporate structures change from time to time for various reasons and it is not possible to foresee the type of corporate structure the consortium parties and their associated entities may have in place in the future particularly when it is envisaged that:

- the casino licensee will, subject to the casino licensee's continuing suitability, likely remain the casino licensee for the duration of the casino licence which, once granted, will remain in force for 99 years after casino operations commences;
- the casino licensee, IR HoldCo and each of the other three consortium parties to the QWB Casino Agreement will remain a party to the Agreement for as long as they have not ceased to be a party under a signed deed of cessation; and
- there is avenue for other entities, whose corporate structures are currently unknown, to become a party to the Casino Agreement under an accession deed.

Additionally, acquisitions of voting power, or relevant interests in non-voting interests and convertible securities are commercial transactions which most bodies corporate would seek to finalise within a reasonable timeframe. Therefore, should a body corporate be deemed suitable to be exempt from the requirements of chapter 4, part 2, division 1 (subdivision 1 or 2) or division 2 of the Bill, it would be desirable for the body corporate to be exempt through regulation (rather than under an Act) for reasons of commercial expediency.⁷⁷

Committee comment

In light of the justification provided in the Explanatory Notes, the committee considers the clause appropriate in the circumstances.

3.2 Explanatory notes

Part 4 of the LSA requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly and sets out the information an explanatory note should contain. Explanatory Notes were tabled with the introduction of the Bill. The notes contain the information required by Part 4 of the LSA.

⁷⁷ Queen's Wharf Brisbane Bill 2015, Explanatory Notes, pp 14-15.

Appendices

Appendix A – List of submitters

Sub #	Name
1	Bundaberg Regional Council
2	Brisbane City Council
3	Logan City Council
4	Council of the City of Gold Coast
5	Queensland Tourism Industry Council and Chamber of Commerce & Industry Queensland
6	Destination Brisbane Consortium
7	Local Government Association of Queensland
8	Heart Foundation Queensland

Appendix B - Officials at public briefing held on 17 February 2016

<p>Department of State Development</p> <p>Mr David Edwards, Projects Chief Executive Officer</p> <p>Mr Matthew Lawson, Project Director, Queen's Wharf Brisbane</p> <p>Ms Hannah Jorgensen, Principal Project Officer, Queen's Wharf Brisbane</p>
<p>Department of Justice and Attorney-General</p> <p>Mr David Ford, Deputy Director-General, Liquor, Gaming and Fair Trading, and Commissioner for Liquor and Gaming</p>
<p>Department of Local Government, Infrastructure and Planning</p> <p>Mr Tom Leach, Manager, Economic Development Queensland Planning</p> <p>Ms Jayne Griffiths, Principal Planner, Economic Development Queensland Planning</p>

