

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES COMMITTEE

Members present:

Mr J Pearce MP (Chair) Mr MJ Hart MP Mr S Knuth MP Mrs BL Lauga MP Mr LL Millar MP Mr RA Williams MP

Staff present:

Dr J Dewar (Research Director) Ms M Westcott (Principal Research Officer)

PUBLIC BRIEFING—EXAMINATION OF THE BRISBANE CASINO AGREEMENT AMENDMENT BILL 2016

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 16 MARCH 2016 Brisbane

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Committee met at 10.16 am

BANFIELD, Mr Simon, Director, Economic Development Queensland, Department of Infrastructure, Local Government and Planning

JACKSON, Ms Karen, Senior Policy and Research Officer, Office of Regulatory Policy, Department of Justice and Attorney-General

JORGENSEN, Ms Hannah, Principal Project Officer, Special Projects Unit, Department of State Development

LAWSON, Mr Matthew, Project Director, Queen's Wharf Brisbane, Department of State Development

LEACH, Mr Tom, Manager, Economic Development Queensland, Department of Infrastructure, Local Government and Planning

TURNER, Mr Craig, General Manager, Licensing, Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General

WOO, Ms Linda, Executive Director, Policy and Projects, Office of Regulatory Policy, Department of Justice and Attorney-General

CHAIR: Good morning. I declare open the public briefing for the committee's examination of the Brisbane Casino Agreement Amendment Bill 2016. I thank you for your attendance here today. I am Jim Pearce, the member for Mirani and chair of the committee. Other committee members here with me today include: Mr Michael Hart, the deputy chair and member for Burleigh; Ms Brittany Lauga, the member for Keppel; Mr Lachlan Millar, the member for Gregory; and Mr Rick Williams, the member for Pumicestone. Shane Knuth will be back shortly.

Those here today should note that these proceedings are being broadcast to the web and the media might also be present. It is possible that you might be filmed or photographed. The briefing is also being transcribed by Hansard.

This briefing is a formal committee proceeding and, as such, should be guided by schedule 8 of the standing orders, a copy of which has been provided. The aim of the briefing today is for the committee to gather preliminary information in relation to the bill. I now welcome representatives from the Department of Justice and Attorney-General. Ms Woo, would you like to make an opening statement?

Ms Woo: Yes, Mr Chair. Thank you for your invitation to provide the committee with a briefing on the Brisbane Casino Agreement Amendment Bill 2016. The Brisbane Casino Agreement Amendment Bill is a companion bill to the Queen's Wharf Brisbane Bill 2015, which was introduced late last year and is also being considered by this committee. Originally, the amendments proposed in the Brisbane Casino Agreement Amendment Bill were to be progressed as part of the Queen's Wharf Brisbane Bill 2015, but were subsequently deferred. The deferral was necessary to allow more time to fully consider how best to align the proposed Queen's Wharf Brisbane development regime with the regime currently operating under the Brisbane Casino Agreement. These amendments are now the focus of the Brisbane Casino Agreement Amendment Bill.

The primary purpose of the bill is to replace the Brisbane Casino Agreement, which is a schedule to the Brisbane Casino Agreement Act 1992, with a new agreement that no longer exempts the Brisbane casino-hotel complex and site from development legislation in force in the local government area. The exemption was originally designed to fast-track the planning, development and construction of the casino-hotel complex under a single approving authority, being the minister responsible for the administration of the Casino Control Act 1982.

Removal of this exemption means that development legislation, being the Economic Development Act 2012, will apply to the existing casino-hotel complex site, which will allow a development application to be lodged for the Queen's Wharf Brisbane integrated resort development and casino, including any redevelopment of the Brisbane casino-hotel complex and for this application to be assessed by the Minister for Economic Development Queensland. The bill also recognises the current rights of the operator under the current special lease and development relating to a material change of use, reconfiguration of a lot or building, or operational works related to the current use of the Brisbane casino-hotel complex will continue to be considered under the Brisbane Casino Agreement until the Brisbane Casino Agreement Act 1992 is repealed when the Queen's Wharf Brisbane Casino is opened.

The bill contains the final executed replacement agreement in schedule 1 for the parliament's ratification. This agreement was executed by the Attorney-General and Minister for Justice on behalf of the state of Queensland and Jupiters Ltd, the current casino licensee, on 18 February 2016. A consolidated copy of the former agreement has also been included in schedule 2 of the bill to make it easier for the development and planning regimes under each of the agreements to be readily identified and understood. Previously, the schedule provided for a number of separate deeds of variation and no original agreement. That concludes my overview of the bill. Thank you, Mr Chairman, for the opportunity to brief the committee today.

CHAIR: Thank you. Does anybody else want to make an opening statement? No. Would you explain to the committee why the current BCA agreement is being replaced? You covered it a little in your opening statement.

Ms Woo: I think it was to facilitate the development of the Queen's Wharf integrated resort. The current agreement provides for a whole range of things. I will defer to my EDQ colleagues to provide a bit more detail as to why we had to go down this path.

Mr Banfield: The integrated resort development proposal is quite a large development that covers from here right through to Queen Street. It is a significantly different development compared to what currently exists, so we needed to look at new types of legislation to deal with that. The current legislation was drafted in the late '80s and early '90s. Planning legislation has moved on since then and we also have the Economic Development Act, which was set up to deal with this sort of development. To try to bring it up to speed with contemporary times and how we want to manage this type of development into the future, there was a need to reform this piece of legislation. Effectively, it enables the current operation to continue under the current rules and the proposed development of the site that the current casino is on, as well as the balance of the area to be dealt with under the Economic Development Act.

CHAIR: The explanatory notes state that the existing development applications will be assessed and approved under the current BCA agreement. Can you explain to the committee the differences between the current BCA agreement and the proposed new BCA agreement in this regard?

Ms Jackson: I can talk about the current process under the BCA. Any development relating to the current use of the complex site will actually be submitted to our minister, the Attorney-General. Basically, it is assessed by the Office of Liquor and Gaming Regulation. Depending on the development, it will relate to who we have to consult: it might be Heritage or other public sector entities. Depending on the development, existing use, including heritage, it will come straight to the Office of Liquor and Gaming Regulation to be assessed in consultation with the other authorities.

Mr Banfield: Under the Economic Development Act, the proponent will need to make a development application to the Minister for Economic Development Queensland, which is currently the Deputy Premier. That will be assessed in a similar way to other development applications that are assessed throughout Queensland, although it is under the Economic Development Act. It will be assessed, it will be received, and it will be referred to relevant agencies for comment and input, such as the Department of Environment and Heritage Protection and the Queensland Heritage Council if there are heritage matters involved. Those agencies provide their advice and integrated development approval is granted by the MEDQ, if she is of a mind to give that approval. It is a similar process to normal planning legislation, with some of the steps that might normally apply not applying under the Economic Development Act.

CHAIR: How many government agencies are involved in this whole process?

Mr Banfield: Mr Lawson may want to comment on that, but in terms of planning matters, there are a range of agencies. Obviously, as I said, the Department of Environment and Heritage Protection and the Department of Transport and Main Roads are two very key ones that we have been liaising with. There are a number of other ones that have other more perhaps minor issues to do with this particular proposal.

Mr Lawson: I think Simon has covered it adequately to a degree. The project has been conceived as a whole-of-government approach to start with and that will be relevant in terms of the assessment process moving forward, as well, given the complexity of the project, its location in an inner CBD location and the sorts of issues involved when you are dealing with that sort of scale of development in terms of geographical area, as well.

CHAIR: Are you having regular meetings with all those different agencies? Is it split up into priority agencies and not such a priority agency?

Mr Banfield: We have involved the relevant agencies. There are two key streams to this proposal: there is the gambling side of the development and there is the planning side. Probably a key change that this is doing is separating those two matters as being different interests in terms of this development. On the planning side, as I said, the Department of Environment and Heritage Protection has been very involved in this whole process, as well as the Department of Transport and Main Roads with related matters, being the development of the development scheme that applies across the site. All agencies were given an opportunity to be involved in that process and we have had regular meetings with the Department of Transport and Main Roads and the Department of Environment and Heritage Protection in the development of the development scheme and also developing how we are going to manage the current operation into the future.

Mr HART: This is overarching legislation. The actual agreement is attached at the back. Why was it necessary? We presently have a BCA that covers the existing casino; is that correct?

Ms Jackson: Yes, that is right.

Mr HART: Why didn't we put another act in place, a separate act, for the new casino? Why are we amalgamating the two? I know they are owned by the same people and that it will be the same show, but have we considered the effect that this new bill will have on the old casino?

Ms Jackson: The Brisbane Casino Agreement Bill currently covers the existing casino, so they have separated with the Queen's Wharf casino agreement and the Queen's Wharf bill, to separate the two, because they will be two distinct casino entities. The agreement that we are actually amending in this one is just amending slightly the old one that related to the old building.

Mr HART: But the old BCA is replaced by this one; is that correct?

Ms Jackson: That is right. The former BCA is actually attached in the back, as well.

Mr HART: The agreement is dated April 2014?

Ms Jackson: 1993, I think.

Mr HART: The new one. I imagine it is still in the process of being locked down?

Ms Jackson: It is yet to be executed.

Mr HART: So there is already an agreement attached to this bill. Will it change before the bill is enacted?

Ms Jackson: I am sorry, Deputy Chair: do you mean the Queen's Wharf casino agreement?

Mr HART: That is a good question, isn't it? With regard to the Brisbane Casino Agreement that is attached in the back of this, does that apply to the old casino?

Ms Jackson: Definitely just the old casino. We have a new one for the new casino.

Mr HART: Right. When the new one for the new casino comes in—and I am confused more than you are—and when the new casino agreement is put in place, it will be an extra agreement?

Ms Jackson: Yes, that is right.

Mr HART: It will be attached into this legislation as well?

Ms Jackson: It will be attached to its own agreement act, which is Queen's Wharf agreement act. It will not impinge on the Brisbane Casino Agreement. We define them as Brisbane casino and the Queen's Wharf.

Mr HART: Okay; I was on the wrong track. So this is for the old casino completely, not the new one?

Ms Jackson: Not at all, no.

Mr HART: I missed that one. I do not know about the rest of you.

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Mr Banfield: Just to clarify, the current casino continues to operate until 2022—that is the plan—and they need to continue under this agreement.

Mr HART: Of course.

Mr Banfield: But the agreement needs to be amended because it was drafted a long time ago now and it does not really cater for the new development of the site. The new development redevelops a significant part of this city block up to the current casino and then the current casino gets repurposed, they call it. It actually gets redeveloped into a different type of use, so it is a very different development scenario we are looking at on this site, including the current operation. The current hotel will continue as a hotel as we understand it, but the current casino—and there are plans and things available—will be redeveloped into a retail type area.

Mr MILLAR: Mr Banfield, if I can explain it in layman's terms as someone who is not a planner. Basically we need to look at this BCA agreement because it expires in 2022 and I suppose under the old agreement it was a single casino licence for that area. You need to make some modifications to that BCA agreement to include that we have Queen's Wharf in the precinct as well. Is that right?

Mr Banfield: It needs to be amended so that the current operation can continue, but it also enables the Economic Development Act to commence on this site and be effective so that they can put their development application in for the future development. That is the complexity. It lets them continue with their existing use rights, if you like—that is, their current rights they have on this site if we did not have Queen's Wharf coming. They can continue in that regard, but we are also enabling them to make an application for the new development that they want to put on this site and the rest of the site.

Mr HART: The explanatory notes say—

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

You gentlemen were here at the Planning Bill hearing, or at least Tom was. How does that fit in with the heritage issues that were brought up at that Planning Bill meeting? I just want to see whether the two things are covering off on each other.

Mr Leach: Yes, sure. When the redevelopment application comes in over the existing casino complex, it will need to respond to or comply with the Queen's Wharf Brisbane development scheme because this complex is part of Queen's Wharf Brisbane PDA, priority development area. Within that scheme it does protect all the heritage places and then through the development application process they will need to undertake a conservation management plan which will be conditioned as part of the development approval for that site. The intention is that that will replace the heritage management plan that currently exists under the Brisbane Casino Agreement Act. So up to 2022 that existing heritage management plan under the development approval under the Queen's Wharf Brisbane PDA will have effect. Does that make sense?

Mr HART: Okay. I think I got that.

Mrs LAUGA: The same heritage provisions, whilst different to what is existing, will still generally apply? The heritage must still be taken into consideration when redeveloping this site?

Mr Banfield: Exactly, and it will be under the Minister for Economic Development Queensland. Currently it is under the Attorney-General. So it will change the responsible ministers, but it will be the Minister for Planning effectively who will be dealing with those matters. With the referrals I mentioned before built in, the Department of Environment and Heritage Protection and Queensland Heritage Council will be involved in the development of that conservation plan that Mr Leach mentioned.

Mrs LAUGA: Just touching on those two departments and other departments having a role, could you just explain the difference in the role that they have or is it the same?

Mr Banfield: It is very similar. They do not necessarily have a mandatory role at the moment and they will not necessarily have that under the new arrangement either, so it will be the minister who makes the decision in the end. But it is a similar sort of role. They get referrals on the heritage matters or any other matter that is a relevant state interest and they advise our minister on what they believe should happen with the development approval.

Mrs LAUGA: Do they have the same level of authority as existing? If there was an issue that came up relating to heritage for example, under the current regime would the department have the authority to really make a point about that? Would then the department under the new regime have the same authority?

Mr Banfield: Yes.

Mrs LAUGA: Great. I recognise that this is about amending the existing Brisbane Casino Agreement and we are talking also about this new Queen's Wharf development and integrated resort development process and I am interested in the requirements for casino operators in applying to the state for a casino licence. What information do these people have to submit to the state in order for these types of agreements to be formulated?

Ms Jackson: The Casino Control Act is the primary legislative statute that starts the ball rolling off for a particular licence. Generally in the past it has been the government that actually opens out an expression of interest for people to apply. The Casino Control Act outlines what categories of investigations that will be undertaken in order to actually have the Governor in Council approve the casino licence. We are looking at the integrity and business acumen. I can tell you the sections exactly in the Casino Control Act, but I cannot remember them off the top of my head but they are roughly that. The whole process is that probity investigations get undertaken and then a decision will be made by the minister and the Governor in Council will issue the licence.

Mrs LAUGA: What sorts of investigations around integrity, business acumen and probity are actually part of that process?

Ms Jackson: My colleague Mr Craig Turner can answer that.

Mr Turner: Part of my role is the overview of the area that conducts those suitability investigations into individuals and people who want to be associated with a casino licence in Queensland. There are a couple of different aspects to this particular issue beyond whether or not the state would be looking to issue a licence. If you are looking generally at the suitability requirements, they are listed in sections 20 and 30 of the Casino Control Act and are guite stringent and wideranging. We look into people's personal history, their criminal history, their background, their business acumen, their ability and previous history of being involved in a casino. In some of these larger developments the more important issues from our perspective are often financial background where they have been, financial position and how they are going to fund the development, and that is a critical point in finding out whether or not the people associated are suitable. That group of people that is tied up into that are not only the companies and the directors that are involved in that but the act requires us to go even further and look into their associates, be it a business associate or a family associate. We do not just look at people who have ownership. We also look at people who may not appear on the books but clearly have some sort of influence and control and potentially control over that side of things. Beyond those suitability investigations, if the Governor in Council does propose to find those people suitable, that is when the state will enter into negotiations with the casino licensee to enter into the agreements that you are looking at now. That is something that you have previously considered in the Queen's Wharf bill discussions.

Mrs LAUGA: That is really great. Thank you.

CHAIR: Just for interest's sake, what legislation covers you to make all those inquiries?

Mr Turner: The Casino Control Act. Very quickly—I will not bore you with it—the first one is if somebody is an applicant then there is a preapproval regime. The minister must be satisfied before they go to the Governor in Council. However, what we have found in recent times is given the globalisation of gaming—and these companies are often listed on the stock exchange—there are large companies that wish to come and take a piece of that, more recently Genting from Hong Kong and Malaysia, Crown casinos themselves and a number of other people. In that regard, we look at them before they are allowed into the industry.

Mrs LAUGA: Under the integrated resort development process, were applicants required to submit who the proposed operator was and provide all of that suitability information?

Mr Turner: Yes, that is a very large part of that review.

Mrs LAUGA: Essentially the proponents had to have an agreement with an operator before they could proceed?

Mr Turner: There are two ways of doing it. An operator themselves can be part of that proposal. In the case of the Destination Brisbane Consortium, Star were part of that consortium and they are a well-known and one of the largest operators of casinos in Australia and you would be aware that the other consortium, Crown casinos, was involved. You will find sometimes that a consortium will come in that does not have that experience and they would have to engage an operator. That engagement would be subject to ministerial approval, but it is a little bit different in these case where the two largest casino operators in Australia were going head to head, so to speak. **Mrs LAUGA:** So essentially the proponents, whether they are the operators themselves or independent, have to have some sort of casino operator attached to the proposal and that makes part of the application?

Mr Turner: Yes. Either they engage that service or they have that service available through their own experience. Again, that is part of the criteria of their suitability.

Mrs LAUGA: So it was not possible then for proponents to make application without providing the details of who was proposed to operate and run the casino?

Mr Turner: It would be very unlikely for the Governor in Council to find a group suitable without that expertise either within the group or an intention to sign up to that group.

Mrs LAUGA: Would the Governor in Council support an application where, I guess, it is the cart before the horse or the chicken before the egg? Would the Governor in Council support an application where there is no agreement and the applicant cannot provide who that operator would be, or does the Governor in Council definitely need that information before they can make a decision?

Mr Turner: The minister makes the recommendation to the Governor in Council and the Office of Liquor and Gaming Regulation under the department of justice would make a recommendation based on an investigation. A very large part of that investigation or the criteria upon which suitability is determined is having that necessary experience or the ability to rapidly engage that experience.

Mr MILLAR: When you say 'rapidly engage that experience'-

Mr Turner: They are my words, by the way.

Mr MILLAR: But do they have to have a casino operator or proponent attached to that?

Mr Turner: At that point in time?

Mr MILLAR: Yes.

Mr Turner: I think the Governor in Council or the minister would require some certainty on that particular point before anyone was found suitable.

Mr HART: We might come back to the Brisbane casino.

Mrs LAUGA: I was talking about casinos generally.

Mr WILLIAMS: Can you explain to the committee the differences between the current BCA agreement and the proposed agreement with regard to the redevelopment or repurposing applications?

Mr Banfield: The current agreement does not cater for the repurposing. It really only deals with dealing with the current operation through the process that Ms Woo explained, so that is the current agreement. It did not envisage, I suppose, in the late eighties or the early nineties that we would be talking about a development of the size that we are talking about now.

The new agreement, particularly at clause 13, provides for development legislation to apply for the repurposing of the operation that is there now. That development legislation is really the Economic Development Act, but it also provides for the current operation to continue the way it has been administered until this point and it allows that to continue right through until 2022 or when the lease ends. It enables Economic Development Queensland to consider a development application over that site for the future use of it. During that time, before they do that development, they can continue to operate or change things. There is a range of things they need to get approval for which Ms Woo can probably explain. They need to go through a process of getting approval for some works at the moment. There is a process for that catered for in the new agreement, and there is also a facility enabled in the agreement to apply for a development application for the proposed development. That is the difference really. There are no doubt other administrative differences that my colleagues may want to comment on, but there are some other differences in relation to other matters.

Mr WILLIAMS: This current BCA, which will now fall under Queen's Wharf, is really for Jupiters until 2022. What happens from 2022 onwards?

Ms Jackson: The special lease over Brisbane casino will end and a new lease over that site will commence, and that will force it into the new Queen's Wharf development regime. That agreement will end and we will have a new one covering the whole precinct for Queen's Wharf.

Ms Jorgensen: At that time, in 2022, when the Queen's Wharf casino opens, the Brisbane casino will close and the Brisbane casino act will be repealed.

Mr HART: I would like to go back to the heritage side of things for a minute. The explanatory notes tell us that the complex and the site are currently exempt from the application of any development or heritage legislation in force in the Brisbane local government area. The proposed

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new agreement will provide that exemption will no longer apply unless provided for in the agreement. Can anyone point to where in the agreement the listing of heritage sites is put? How is that covered in the legislation?

Ms Jackson: In part 3 of the Brisbane Casino Agreement it talks about heritage matters. In relation to the development legislation, that will not apply to the part 3 heritage section. The existing regime will continue, in effect. That is otherwise stated; it will be part of part 3 of the agreement.

Mr HART: Does it list specific places?

Ms Jackson: It is defined as a heritage place for part 3. There are four heritage places listed. Under part 3 of the current Brisbane Casino Agreement, that area will cover those four heritage places.

Mr Banfield: To clarify, in the future heritage will be embodied in this document, which is the development scheme that applies to the site. It lists the heritage sites that are of state significance and those that are of local significance. There are certain requirements on any matters that relate to those particular sites in terms of what they had to protect—what they need to do as part of their proposal.

Mr HART: When does this kick over from this to that?

Mr Banfield: This agreement, when it becomes effective through parliament, will enable this document to be used to assess any development application on the site where the current lease is. Queen's Wharf Brisbane is a much larger site than the current lease where the current casino is. Queen's Wharf is much bigger than that. At the moment we can control development in that area but not the area where the current casino is.

Mr HART: That was the heritage management plan, was it?

Mr Banfield: The heritage management plan is in the current agreement, but in this document which is the development scheme—that is, the planning instrument that applies to the whole site—it includes a list of significant buildings from a local and state perspective.

CHAIR: Are you able to make a copy of that available to us?

Mr Banfield: We can do that, yes.

CHAIR: Has consideration been given to the transition period between the time when the new casino will commence operation and the old one will end its operations?

Ms Jackson: The special lease over the existing site will expire I think 39 days after the new lease is created, for want of a better word. We believe there will be a transition period before that because the current casino would like to operate right up until they can, until they move everything across. We have factored in 39 days crossover that the current lease will still be in existence and the new one starts.

CHAIR: Is the commencement date locked in? It would be a bit hard to do that at the moment, would it not?

Ms Jackson: It is seven years out and it is difficult. There is no specific date set.

CHAIR: Because we could have lots of events that could cause delays.

Mr HART: With regard to the heritage management plan, where did you say it is?

Ms Jackson: It is part 3 of the Brisbane Casino Agreement.

Mr HART: It talks about a heritage management plan, but I do not see an actual plan.

Ms Jackson: It is an outside document. It is referred to in there, but it does exist in hard copy and we have an electronic copy that we could pass on to you if you want.

Mr HART: If we could have a copy of that, that would be great.

Ms Jackson: It lists every room—all the heritage places—in the casino and what should be protected. It is quite an interesting document.

Mr HART: I assume the Heritage Council has been involved in the development of that?

Ms Jackson: I believe it was created many, many years ago when the heritage minister and our minister walked through the building to earmark various rooms and things of significance.

Mr HART: Is the heritage management plan being altered to take into account the other heritage locations that are now inside the Queen's Wharf area, or are they already accounted for?

Mr Banfield: It is dealt with in a very different way because those heritage sites are recognised in this document and they are protected. As Mr Leach was explaining, when the development application is dealt with—and it may be three development applications across the site that could have a plan—there will have to be a conservation plan included in those documents that further protects those buildings and sites. There is a range of items including public infrastructure that is recognised as heritage throughout the site. You might have seen electricity boxes and those sorts of things on the street posts—going down to that level of detail—right up to the Treasury building. They are all recognised in schedule 3 at the back of this document that has the heritage places on it. It is a list and they are also recognised on a map. It is a different way of dealing with this matter in a more planning related way.

Mr HART: Ms Jackson was saying there is a very comprehensive room by room plan. This will be more of an overarching plan?

Mr Banfield: This will be worked through as the development is assessed. We think there will be an overarching conservation plan and there will be various parts of that plan that will require more detail, but it will depend on how much detail we require and that is not specified for a good reason.

Mrs LAUGA: My understanding is that there is a bit of concern out there about heritage and the protection of heritage not only with this agreement but with the Queen's Wharf one. Is it possible that someone could provide us with a briefing paper about heritage now, heritage under Queen's Wharf and how it will not only be acknowledged and identified in plans but also protected?

Mr Banfield: We can take that on notice if it is appropriate.

Mrs LAUGA: That would be great, thank you.

CHAIR: There being no further questions, we will close the briefing. We would appreciate it if the answers to questions taken on notice could be back by Tuesday, 29 March. I thank you for your attendance here today. We always appreciate the frankness that comes from groups like yourself. It certainly helps the committee get as much information as we need to make good recommendations to the parliament with regard to the legislation. I guess we will be talking again soon in the future.

Committee adjourned at 10.55 am