



Speech by

Hon. D. HAMILL

MEMBER FOR IPSWICH

Hansard 4 October 2000

JUPITERS CASINO AGREEMENT AMENDMENT BILL

Hon. D. J. HAMILL (Ipswich—ALP) (Treasurer) (11.44 a.m.): I move—

"That the Bill be now read a second time."

The Jupiters Casino Agreement Amendment Bill 2000 will amend the Jupiters Casino Agreement Act 1983 to remove a clause considered to be a Henry VIII provision and to give approval to the Jupiters Casino Agreement (the Agreement), which is a schedule to the Agreement Act.

The amendment to the Agreement will facilitate the \$84m upgrade and extension of the Jupiters Hotel Casino Complex which is to occur in conjunction with the establishment of the Gold Coast Convention and Exhibition Centre ("GCCEC"). The amendment will also update and simplify the Agreement.

I would like now to turn to the major provisions of the Bill. It is important to emphasise that section 4 of the Bill will amend a Henry VIII provision in the Agreement Act removing the ability to amend the Agreement by regulation.

I will expand a little on this point. Henry VIII provisions like the one in question permit an Act to be amended through the operation of a regulation. The concern is that such a provision subverts the legislative making power of Parliament thus constituting a breach of fundamental legislative principles. The Chair of the parliamentary Scrutiny of Legislation Committee has expressed the view that Henry VIII provisions in relation to various casino agreement Acts should be removed. The Government agrees with the committee and accordingly has taken action to remove the relevant provision in this Act.

I would now like to refer the House to section 6 of the Bill. Section 6 inserts a Proposed Further Agreement as a Schedule into the Agreement Act. This has the effect of amending the original Jupiters Casino Agreement.

Jupiters Limited is the preferred developer for the establishment of the GCCEC and is currently negotiating with the State as to the terms of the Development Agreement and Management Agreement. This amendment of the Agreement to facilitate the upgrade and extension of the Jupiters Hotel Casino Complex will be a condition precedent of the GCCEC Development Agreement.

Further the current Jupiters Casino Agreement has been reviewed to—

- (a) remove historical references from the Agreement which are of no further significance; and
- (b) update and simplify the Agreement to provide consistency with the other more recent casino agreements.

The Bill reflects both the work that has been undertaken in that review as well as facilitating the Jupiters Hotel Casino Complex upgrade and extension.

By way of background to the amendment of the Jupiters Casino Agreement Act 1983, I would draw to the attention of the House the Casino Control Act 1982. The Casino Control Act provides for the regulation and control of casinos in Queensland. The Jupiters Casino, located on the Gold Coast, was the first casino licensed in accordance with the Casino Control Act.

The Casino Control Act requires as a precondition to the grant of a casino licence that an agreement be entered into between the State and other appropriate parties. In support of this requirement, the Jupiters Casino Agreement Act authorised the Treasurer of the day to enter into an agreement for and on behalf of the State with the trustee of the Jupiters Trust for the purpose of the construction and operation of the current Jupiters Hotel Casino Complex.

The current Agreement as entered into by the parties deals with various matters including:

- (a) processes associated with the development of the original Jupiters Hotel Casino Complex;
- (b) the corporate organisation of parties deriving an interest in the Jupiters Hotel Casino Complex;
- (c) the grant of the casino licence;
- (d) the grant of the liquor licence;
- (e) controls in relation to casino operations within the Jupiters Hotel Casino Complex;
- (f) limits as to the application of local government development and zoning laws; and
- (g) the termination of the Agreement.

Pursuant to section 3 of the Agreement Act, the Agreement has the force of law and takes effect as if it were part of the Agreement Act.

Among other issues the new schedule provides that the Judicial Review Act 1991 and the Integrated Planning Act 1997 will not apply to certain decisions made under the updated Agreement that relate specifically to material change of use, regulated development of a lot and operational works for the further development of the Jupiters Hotel Casino site.

Generally, the exclusion of judicial review is consistent with the approach adopted for other casino developments. Primarily, this approach has been previously agreed to by the Parliament on the basis of the significant costs and capital requirements for such developments and the need to limit the ability of third parties to unreasonably subvert or delay the development of such projects.

The Integrated Planning Act 1997 will not apply to the extent that a new scheme that specifically addresses the changes to the configuration of the Jupiters Limited Island is to be put in place. The Integrated Planning Act 1997 will continue to apply to all buildings works and plumbing and drainage works.

These amendments have significant benefits for Queensland. The redevelopment of the Jupiters Hotel Casino Complex once commenced should result in employment opportunities within the building/construction, tourism, hospitality and gaming industries on the Gold Coast.

This is a timely amendment and will only have a positive roll-on effect for Queenslanders as a whole. It not only removes the Henry VIII provision and upgrades current outdated agreements but will enhance Queensland's current position as the premier tourist State in Australia. I commend the Bill to the House.
