Speech by

Hon. Stirling Hinchliffe

MEMBER FOR STAFFORD

Hansard Tuesday, 19 May 2009

RESORTS AND OTHER ACTS AMENDMENT BILL

Second Reading

Hon. SJ HINCHLIFFE (Stafford—ALP) (Minister for Infrastructure and Planning) (12.41 pm): I move—

That the bill be now read a second time.

The introduction of the Resorts and Other Acts Amendment Bill 2009 enables a package of interim amendments to provide early relief to resort communities as part of a broader reform program to modernise the Sanctuary Cove Resort Act 1985 and the Integrated Resort Development Act 1987. The resorts legislation predates the contemporary Integrated Planning Act 1997 for planning and development and the Body Corporate and Community Management Act 1997 for regulating bodies corporate management. The two acts were only ever designed to help the resorts develop over a 10-year time frame and do not address current planning and development issues. The two acts are also unclear or silent on a range of bodies corporate management issues, resulting in a range of inequities for resort residents.

Consequently, a two-phase reform package is underway to simplify and modernise the complex planning and body corporate management framework surrounding these six resorts: Sanctuary Cove, Royal Pines, Hope Island, Kingfisher Bay, Laguna Whitsundays and the Sheraton Marina Mirage at Port Douglas. The first phase is the Resorts and Other Acts Amendment Bill 2009, which aims to introduce the resorts communities to the concepts underlying the broad reform program, address a range of pressing equity issues for resort residents and facilitate improved planning and development outcomes in the short term.

The bill responds to key issues raised through the 2007 discussion paper 'Resort management and development in the 21st century' and includes: provisions of the Resorts and Other Legislation Amendment Bill 2008 which lapsed on 23 February 2009 with the dissolution of the Legislative Assembly; and proposed further amendments raised by resort stakeholders. Building on matters covered in the 2008 bill, this bill incorporates matters raised in consultation with stakeholders, including resort bodies corporate, resort owners and developers and other residential stakeholder groups.

Those stakeholders welcomed the initial bill, but took the opportunity to provide additional suggestions—many of which the government has incorporated into the new bill. I thank those resort stakeholders for the constructive role they have played in the development of this bill. Residential stakeholders told us during consultation that they wanted greater access to and involvement in the running of their community. Consequently, the bill provides for improved transparency and equity in the conduct of bodies corporate through:

- restrictions on the use of proxies;
- requirements regarding who can represent residents;
- increased financial disclosure;
- clearer access to dispute resolution;

- limiting certain body corporate management contracts to three years;
- introduction of several codes of conduct and related provisions relating to breaches of the code and termination procedures;
- provisions for more transparent election of certain bodies corporate representatives; and
- clarification of powers of certain bodies corporate including bringing SCRA into alignment with IRDA and resorts legislation into alignment with contemporary bodies corporate management legislation.

The bill also addresses current development issues, and responds to matters raised by resort owners and developers by:

- establishing a process to consider limited amendment to site boundaries provided that there is no net change to the resort site to effect good planning outcomes;
- introducing a process to amend land uses at Sanctuary Cove, currently available to all resorts except Sanctuary Cove; and
- making approved plan amendments sought by the Sanctuary Cove resort community with consequent voting entitlement changes.

The second phase of the broader resorts reform aims to transition the six resorts into contemporary frameworks and will achieve a clear separation between planning and body corporate issues. This will enable resort planning and development consistent with all other development under the Integrated Planning Act 1997 where:

- state interests are considered;
- there is clear community engagement in processes;
- rights, responsibilities and decision making are transparent; and
- resort development aligns with the resort's broader community and environment.

The transition would also allow:

- greater direction on appropriate conduct of bodies corporate,
- greater equity for residents; and
- rights, obligations and transparent conduct equivalent to those available to other residents in body corporate structures across the rest of Queensland.

This second phase will involve significant consultation and engagement with the resort communities and substantial legal and operational analysis to satisfactorily address complex rights, interests, obligations and other detailed transitional issues. In the meantime, this bill will address the pressing equity and procedural issues as a matter of priority and progress towards contemporary planning and management practice.

The bill will also make a minor amendment to the Iconic Queensland Places Act 2008 to clarify and confirm that building development applications are not captured within the ambit of that legislation. It was always intended that building development applications would not be captured by the Iconic Queensland Places Act, however the act did not specifically exclude building work where the council is the assessment manager. This amendment is required to make that intention absolutely clear and prevent unnecessary referrals of applications for building work in an iconic place to the development assessment panels for consideration.

This bill also contains amendments to the Liquor Act 1992, which regulates the sale and supply of liquor in Queensland. A review of the Liquor Act was recently completed with extensive legislative reforms coming into effect on 1 January 2009. A number of minor amendments are sought to clarify the government's intention relating to the application of ordinary trading hours of 10 am to midnight under the Liquor Act.

The first amendment relates to industrial canteens. Prior to the liquor reforms, industrial canteens were limited licences and not subject to ordinary trading hours. The canteens in question are located in remote localities with no permanent residential population where mining, road or rail construction is being undertaken. They trade for limited time periods and have a restricted clientele—primarily comprised of company employees, who are often shiftworkers. Employers have a vested interest in ensuring that liquor is sold and supplied responsibly so that employees are fit for work.

Industrial canteens that were licensed prior to 1 January 2009 can continue to trade during hours authorised on their licence. However, there are currently no provisions in the Liquor Act which allow the Office of Liquor, Gaming and Racing to amend these hours if a community need is established. Additionally, new industrial canteens are subject to ordinary trading hours of 10 am to midnight, which do not suit the unique conditions in which these canteens operate. In consideration of the low risk that the sale of liquor at these premises poses, an amendment is proposed to clarify, subject to the chief executive's approval, that industrial canteens are able to operate at times that suit the needs and conditions of the community in which they operate.

The second amendment relates to the trading hours of licences under the commercial special facility category. Prior to the liquor reforms, commercial special facility licences were special facility licences and not subject to ordinary trading hours of 10 am to midnight. When the new licensing category restructure commenced on 1 January 2009, special facility licences which converted to the new commercial special facility licence type kept the trading hours authorised by their previous licence, including pre 10 am hours. Apart from airports and casinos, which because of their unique characteristics are entitled to 24-hour trading under their commercial special facility licence, the government's intention for all other operators in this category is that they be subject to ordinary trading hours, like most other commercial licence types. Accordingly, the proposed amendment will remove any authorisation to trade prior to 10 am on all commercial special facility licences, other than airports and casinos.

The liquor reform implementation process has provided an opportunity to further review certain industry activities against the harm minimisation risk framework. In this regard, the third amendment is aimed at expanding the circumstances under which liquor may be sold without the authority of a licence. Although many of the recent liquor reforms were directed at minimising harm arising from the sale of liquor, red-tape reduction was also a goal of the reform process. The proposed amendment remains consistent with the goal of minimising the regulatory burden on industry in circumstances where the associated risk is low. A range of liquor sales are currently exempted under the Liquor Act, including spirituous cooking essences in specific volumes provided it is not used as or for making a beverage, sales to aircraft passengers, duty-free sales, sales by pharmacists for medicinal purposes, and sales at auction by licensed auctioneers. The Liquor Act clarifies the quantity of liquor and the conditions under which it may be sold by these operations without the requirement for a liquor licence.

Prior to the recently implemented liquor reforms, florists and gift basket providers had to obtain a liquor licence if they wished to provide liquor with other goods that they sold. The Liquor Act was recently amended to exempt these operators from requiring a liquor licence in circumstances where the liquor forms part of a floral arrangement or gift basket, the quantity of liquor is not greater than one litre and the value of the liquor does not exceed 50 per cent of the sale price of the basket or arrangement. It is proposed to broaden the exemption of liquor sales by florists and gift basket providers to allow them to sell up to two litres of beer or wine or up to one litre of spirits which forms part of a floral arrangement or gift basket and for the value of the liquor to not exceed 75 per cent of the sale price of the floral arrangement or gift basket. The arrangement or basket must be delivered to a person other than the purchaser, so there is no risk that these operators would be used as de facto bottle shops. This broadened exemption is further recognition that these operators pose little risk to the community in terms of liquor related harm and will also reduce the regulatory burden.

It is further proposed to extend the exemption provision of the Liquor Act to include the sale of liquor by other low-risk operators but under restricted circumstances. This amendment will enable retirement villages, limousines and hairdressers to sell or supply up to two standard drinks for consumption on the premises without having to obtain a liquor licence. The amendment will clarify exactly what quantity and under what conditions they may sell or supply liquor to their clients as a subsidiary aspect of their business. Sales of liquor by these businesses which exceed the specified restrictions would require the authority of a liquor licence. I commend the bill to the House.