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HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 9 December 1997

CASINO CONTROL (MORATORIUM) AMENDMENT BILL

Proposed Amendments

OWEN JENNINGS, in Committee, to move the following amendments:

Clause 2: To omit from proposed *new section 27A (1)* (which appears on page 1) the words “3-year”.

To omit from proposed *new section 27A*, in every place where it occurs in *subsections (1), (3) (a), and (4)* on pages 1 and 2, the date “16 October 1997”, and substitute the words “the date of assent to the *Casino Control (Moratorium) Amendment Act 1977*”.

EXPLANATORY NOTE

This Supplementary Order Paper supersedes Supplementary Order Paper No. 64 on this bill.

The Supplementary Order Paper shifts the date on which the proposed moratorium in the bill is to take effect from 16 October 1997 to the date on which the bill is assented to. This change is to similar effect to Appendix C to the Report of the Internal Affairs and Local Government Committee on the bill (page 14).

The proposed amendments will shift the operative date of the moratorium in respect of both the Authority’s consideration of applications and the Crown’s liability to pay compensation. As drafted, the bill provides for retrospective legislation in that the moratorium that it will establish is to take effect before the date of assent. It is generally accepted that retrospective legislation is undesirable in principle. It should be resorted to only where the circumstances make it essential to do so. It is suggested that no such exceptional circumstances exist in this case.

Some who have already made applications under the existing legislation stand to be adversely affected by this bill, and without the right to compensation. It is unfair and unjust to remove arbitrarily applicants’ rights when they have expended significant sums of money in good faith according to the law as it stood at the time they made their commercial decisions.

Through being retrospective in effect and thereby unnecessarily compromising the principle of non-retrospectivity, the bill reduces certainty in the commercial sector and increases business risk generally across the whole economy. This has negative implications for employment and the health of the economy generally.