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LAW

HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Tuesday, 9 December 1997

CASINO CONTROL (MORATORIUM) AMENDMENT BILL

*Proposed Amendments*

LIANNE DALZIEL, in Committee, to move the following amendments:

*Clause 2:* To omit proposed new *section 27A*, as inserted by this clause (page 1, lines 14 to 19, and page 2, lines 1 to 20), and substitute the following section:

**“27A. Authority not to consider applications received during moratorium—**(1) In this section, ‘moratorium’ means a 3-year period commencing on 1 January 1997 and ending with the close of 31 December 1999.

“(2) In relation to an application received by the Authority during the moratorium but before the commencement of this section, the Authority—

“(a) Must immediately cease to consider the application:

“(b) Must not grant a licence in respect of the application:

“(c) Must return the application and any related documents, and any fee accompanying the application, to the applicant as soon as practicable.

“(3) In relation to an application received by the Authority during the moratorium but on or after the commencement of this section, the Authority—

“(a) Must not consider the application:

“(b) Must not grant a licence in respect of the application:

“(c) Must return the application and any related documents, and any fee accompanying the application, to the applicant as soon as practicable.

“(4) The Authority may, in accordance with this Act, consider applications for, and grant, casino premises licences if the applications are received by the Authority before the moratorium commences or after it ceases.

“(5) The Crown is not liable to pay costs, compensation, or damages to a person—

“(a) Who makes an application; or

“(b) Who, but for this section, would have made an application—

for a casino premises licence to the Authority during the moratorium. This subsection is subject to **subsection (6)**.

“(6) The Crown is liable, in proceedings brought by an applicant who makes an application to the Authority on or before 16 October 1997, to pay compensation for the costs incurred by the applicant in preparing—

“(a) The parts of the application that are required under the Casino Control (Application and Hours) Regulations 1991 (S.R. 1991/247); and

“(b) The social impact report required by section 30, but only if that report has been lodged with the Authority on or before 16 October 1997.

“(7) This section applies despite sections 28 to 31.

To omit from proposed new *section 27B* the words “15 October 2000” (page 2, line 22), and substitute the words “31 December 1999”.

*Clause 3:* To omit the words “16 October 2000” (page 2, line 23), and substitute the words “1 January 2000”.

#### EXPLANATORY NOTE

This Supplementary Order Paper provides for the moratorium to start on 1 January 1997, but provides that the Crown is liable, in proceedings brought by an applicant, to pay some compensation in relation to an application lodged on or before 16 October 1997 (the date of the introduction of the Bill). This means that compensation is payable to five applicants, including Casinos Austria Limited.

The compensation available would be the actual and reasonable costs incurred by the applicant in preparing those parts of the application that are required under the relevant regulations. Compensation is also payable for the costs of preparing the social impact report, but only if the report was lodged on or before 16 October 1997. The application fee is refundable to all applicants.