



House of Representatives

Supplementary Order Paper

Wednesday, 4 October 2000

Casino Control (Moratorium Extension) Amendment Bill

Proposed amendments

Martin Gallagher, in Committee, to move the following amendments:

Clause 3

By omitting subclauses (1) and (2) (lines 11 to 17 on page 1), and substituting the following subclause:

- (1) Section 27A of the principal Act is amended by repealing subsections (1) to (3), and substituting the following subsections:
 - “(1) In this section, **moratorium period** means the period beginning on 16 October 1997 and ending with the close of 15 October 2003.
 - “(2) Between the date on which the Casino Control (Moratorium Extension) Amendment Act **2000** comes into force and the end of the moratorium period,—
 - “(a) the Authority may not consider or reconsider any application for a casino premises licence (whether received before or after the beginning of the moratorium period), or grant a licence in respect of any such application; and
 - “(b) any application for a casino premises licence received by the Authority must be returned to the applicant, along with any fee that accompanied it.”

By omitting subclause (4) (lines 4 to 6 on page 2), and substituting the following subclause:

- (4) The heading to section 27A of the principal Act is amended by omitting the words “**received between 16 October 1997 and 15 October 2000**”, and substituting the words “**or granting casino premises licences**”.
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Explanatory note

This Supplementary Order Paper (SOP) proposes to amend the Casino Control (Moratorium Extension) Amendment Bill. The effect of the SOP is to prevent the Casino Control Authority from granting a casino licence for a casino in Hamilton if the Court of Appeal confirms the High Court decision concerning the Hamilton casino licence application.

The background to this SOP is that Riverside Casinos applied for a casino premises licence for a casino in Hamilton on 3 September 1997. A moratorium on considering applications for casino premises licences was subsequently imposed on applications received on or after 16 October 1997. The Hamilton application was not affected by this. By a majority of 3 to 2 the Authority agreed in October 1999 to grant Riverside a licence, and it was granted in December that year. Opponents of the casino sought judicial review in the High Court on the basis of apparent bias on the part of 1 of the members of the Authority who voted in favour of granting the licence. In April this year, the High Court found in their favour, and the decision to grant the licence, and the grant of the licence, were set aside. Riverside has now appealed that decision to the Court of Appeal.

If the Court of Appeal upholds the High Court decision, the grant of the licence remains set aside. The Authority will have to reconsider the application afresh, and make a new decision. The Bill as introduced does not affect this. Under the amendments proposed by this SOP, the Authority would be prevented from reconsidering the application, and the application would, in effect, be put on hold until the end of the moratorium.

However, if the Court of Appeal overturns the High Court decision, the grant of the licence is automatically reinstated, and the Hamilton casino would subsequently go ahead. This is so under the Bill as introduced, and the amendments proposed by this SOP will not change that.
