

24 November 2004

Attorney-General

**LEGAL ADVICE
CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
GAMBLING AMENDMENT BILL**

1. We have considered the Gambling Amendment Bill (the "Bill") (PCO version 6249/2) for consistency with the New Zealand Bill of Rights Act 1990 (the "Bill of Rights Act"). We understand that this Bill is to be considered by Cabinet at its meeting on Monday, 29 November 2004.
2. The Bill would amend the Gambling Act 2003 to exempt members of licensing trusts and community trusts elected or appointed under the Sale of Liquor Act 1989 from the definition of key person set out in section 4(1) of the Gambling Act. The purpose of the exemption is to enable members of those trusts to be involved in decisions about the distribution of the net proceeds of class 4 gambling under section 113(1)(d) of the Act. This reverses the policy contained in the principal Act in relation to those members.
3. We consider that this Bill appears to be consistent with the Bill of Rights Act.
4. In accordance with your instructions, we attach a copy of this opinion for referral to the Minister of Justice. We also attach a copy for referral to the Minister of Internal Affairs, if you agree.

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CC Minister of Justice
Minister of Internal Affairs

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