

Gambling (Fees) Regulations 2007



Governor-General

Order in Council

At Wellington this 17th day of December 2007

Present:

~~His Excellency~~ The Governor General in Council

Pursuant to section 370 of the Gambling Act 2003, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the advice of the Minister of Internal Affairs after consultation with persons or organisations that appear to the Minister to be representative of the interests of persons likely to be substantially affected by these regulations, makes the following regulations.

Contents

		Page
1	Title	2
2	Commencement	2
	<i>Interpretation</i>	
3	Interpretation	2
	<i>General</i>	
4	Fees	3
5	When fees payable	3
6	Method of payment of fees	4

	<i>Application fees and annual fees</i>	
7	Class 4 application fees if licence granted for other than 12 months	4
8	Class 4 annual fee if licence granted for other than 12 months	5
9	Additional class 4 venue annual fee	6
10	Refund of annual fees if number of gaming machines reduced	6
11	Refund of annual fee if class 4 licence surrendered	7
12	Penalty for late payment of casino operator's annual fee	7
	<i>Monitoring fee</i>	
13	Secretary to notify amount of monitoring fee	8
	<i>Miscellaneous provisions</i>	
14	Fees inclusive of GST	8
15	Revocations	8
	Schedule	9
	Fees	

Regulations

- 1 Title**
These regulations are the Gambling (Fees) Regulations 2007.
- 2 Commencement**
These regulations come into force on 1 February 2008

Interpretation

- 3 Interpretation**
- (1) In these regulations, unless the context otherwise requires,—
- Act** means the Gambling Act 2003
- annual fee** means, in relation to a casino operator's licence, a class 4 operator's licence, or a class 4 venue licence, a fee payable to enable recovery of any or all of the costs (relating to a 12-month period) referred to in section 370(1) of the Act
- category A application** means, in relation to an application for a class 4 operator's licence or a class 4 venue licence, an application made by—
- (a) a club that the Secretary is satisfied intends to operate gambling equipment at a non-commercial class 4 venue that—

- (i) it owns or leases; and
 - (ii) is mainly for the use of club members:
- (b) the New Zealand Racing Board;
 - (c) a racing club

category B application means, in relation to an application for a class 4 operator's licence or a class 4 venue licence, an application that is not a category A application

electronic monitoring system means the electronic monitoring system operated under the Act

Secretary means the Secretary for Internal Affairs.

- (2) Unless the context otherwise requires, any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

General

4 Fees

The fees set out in the Schedule must be paid to the Secretary in accordance with regulation 5 by, as the case may be,—

- (a) the relevant applicant; or
- (b) the relevant licence holder; or
- (c) the relevant appellant.

5 When fees payable

The fees set out in the Schedule must be paid,—

- (a) in the case of a class 4 operator's annual fee or a class 4 venue annual fee,—
 - (i) on notification to the applicant of the Secretary's intention to grant a new licence (if the relevant licence is a new licence); or
 - (ii) on notification to the applicant of the Secretary's intention to grant an amendment to the existing licence (if the relevant licence is to be amended); or
 - (iii) on the making of an application for renewal of the existing licence (if the relevant licence is to be renewed); or
 - (iv) on notification to the applicant of the Secretary's intention to grant a renewal of the relevant licence (if an additional fee is payable under regulation 8(3)(a));

- (b) in the case of an additional class 4 application fee calculated in accordance with regulation 7(1), on notification to the applicant of the Secretary's intention to grant the licence:
- (c) in the case of a monitoring fee notified by the Secretary in accordance with regulation 13, on or before the 20th day of each month:
- (d) in the case of a casino operator's annual fee, by 4 equal instalments to be made on or before 20 April, 20 July, 20 October, and 20 January of the year in respect of which the fee is payable:
- (e) in the case of an appeal to the Gambling Commission, at the time the appeal is made:
- (f) in the case of a hearing before the Gambling Commission, before the commencement of the hearing:
- (g) in all other cases, at the time of the relevant application.

6 Method of payment of fees

The fees set out in the Schedule must be paid by—

- (a) direct debit; or
- (b) cheque; or
- (c) another method agreed in advance with the Secretary.

Application fees and annual fees

7 Class 4 application fees if licence granted for other than 12 months

- (1) If a class 4 operator's licence or a class 4 venue licence is to be granted for a period of more than 12 months, an additional application fee is payable and must be calculated in accordance with the following formula:

$$\frac{a}{12} \times (b - 12)$$

where—

- a is the relevant application fee; and
- b is the number of months for which the licence is to be granted.

- (2) If a class 4 operator's licence or a class 4 venue licence is to be granted for a period of less than 12 months, the Secretary may refund to the applicant part of the application fee.

- (3) A refund under subclause (2) must be calculated in accordance with the following formula:

$$\frac{a}{12} \times (12 - b)$$

where—

- a is the relevant application fee; and
 b is the number of months for which the licence is to be granted.

- (4) Subclauses (2) and (3) do not apply to a class 4 venue licence application fee (and no refund is payable) unless the class 4 venue licence is granted at the same time as, and for the same period as, the relevant class 4 operator's licence.

8 Class 4 annual fee if licence granted for other than 12 months

- (1) If a class 4 operator's licence is to be granted for a period other than 12 months, the class 4 operator's annual fee payable must be calculated in accordance with the following formula:

$$\frac{a}{12} \times b$$

where—

- a is the class 4 operator's annual fee; and
 b is the number of months for which the class 4 operator's licence is to be granted.

- (2) If a class 4 venue licence is to be granted for a period other than 12 months, the class 4 venue annual fee payable must be calculated in accordance with the following formula:

$$\left(\frac{a}{12} \times b \right) \times c$$

where—

- a is the annual fee payable in respect of a gaming machine; and
 b is the number of months for which the class 4 venue licence is to be granted; and
 c is the number of gaming machines specified in the class 4 venue licence.

- (3) If an annual fee has been paid under regulation 5(a)(iii) and the renewal of the relevant licence is to be granted for a period other than 12 months, the difference between the fee already paid and the fee calculated in accordance with this regulation—
- (a) is payable by the applicant (if the licence is to be renewed for more than 12 months); or
 - (b) may be refunded by the Secretary to the applicant (if the licence is to be renewed for less than 12 months)

9 Additional class 4 venue annual fee

- (1) An additional class 4 venue annual fee is payable if, during the term of the class 4 venue licence, the licence is amended to include additional gaming machines.
- (2) The additional fee must be calculated in accordance with the following formula:

$$\left(\frac{a}{12} \times b \right) \times c$$

where—

- a is the annual fee payable in respect of a gaming machine; and
- b is the number of months for which the class 4 venue licence remains valid; and
- c is the number of additional gaming machines.

10 Refund of annual fees if number of gaming machines reduced

- (1) The Secretary may refund to the holder of a class 4 venue licence any class 4 venue annual fees paid by the holder if the licence has been amended to specify a number of gaming machines that is smaller than the number of gaming machines specified in the licence immediately before the amendment.
- (2) A refund of class 4 venue annual fees must be calculated in accordance with the following formula:

$$\left(\frac{a}{12} \times b \right) \times c$$

where—

- a is the annual fee payable in respect of a gaming machine; and

- b is the number of months for which the class 4 venue licence remains valid; and
- c is the decrease in the number of gaming machines.

11 Refund of annual fee if class 4 licence surrendered

- (1) The Secretary may refund to a corporate society an annual fee paid by the society if the society has surrendered its relevant class 4 operator's licence (under section 63 of the Act) or class 4 venue licence (under section 79 of the Act)
- (2) A refund of a class 4 operator's annual fee must be calculated in accordance with the following formula:

$$\frac{a}{12} \times b$$

where—

- a is the class 4 operator's annual fee; and
 - b is the number of months that the licence would have remained valid had it not been surrendered.
- (3) A refund of a class 4 venue annual fee must be calculated in accordance with the following formula:

$$\frac{a}{12} \times b$$

where—

- a is the total of the annual fees payable in respect of the gaming machines specified in the class 4 venue licence; and
- b is the number of months that the licence would have remained valid had it not been surrendered.

12 Penalty for late payment of casino operator's annual fee

- (1) If an instalment payable in respect of a casino operator's annual fee, or any part of that instalment, is not paid within 20 working days of the date for payment set out in regulation 5(d), a penalty of 5% of that unpaid instalment may be added to the amount due.
- (2) If the instalment remains unpaid at the end of the month following the month in which liability for the penalty first arose, or at the end of any subsequent month, a further penalty (of 5% of the unpaid instalment and any previous penalties)

may be added to the amount due at the end of each of those months.

- (3) The casino operator must pay any penalty imposed under this regulation to the Secretary.

Monitoring fee

13 Secretary to notify amount of monitoring fee

- (1) The Secretary must, as soon as practicable each month, issue an invoice to the holder of a class 4 operator's licence for the monitoring fees payable for the previous month.
- (2) The monitoring fee for each gaming machine connected to the electronic monitoring system is calculated in accordance with the following formula:

$$a \times b$$

where—

- a is the number of days that the gaming machine operated in the month; and
- b is the monitoring fee
- (3) For the purposes of these regulations, a gaming machine is to be treated as having operated if the electronic monitoring system records a change in the gaming machine's electronic turnover meter.

Miscellaneous provisions

14 Fees inclusive of GST

The fees set out in the Schedule are inclusive of goods and services tax.

15 Revocations

The following regulations are revoked:

- (a) Gambling (Fees and Revocations) Regulations 2004 (SR 2004/154);
- (b) Gambling (Electronic Monitoring Fees) Regulations 2006 (SR 2006/41).
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Schedule Fees

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Part 1 Casino operator's annual fee

Matter in respect of which fee is payable	Fee (\$)
Casino operator's annual fee	
For the first 12-month period (the first period) after the commencement of these regulations—	
Sky City Auckland Casino	3,006,474.00
Sky City Hamilton Casino	764,062.00
Christchurch Casino	1,307,047.00
Dunedin Casino	570,000.00
Sky City Queenstown Casino	237,877.00
Wharf Casino (Queenstown)	222,287.00
For each subsequent 12-month period after the first period—	
Sky City Auckland Casino	2,894,927.00
Sky City Hamilton Casino	733,513.00
Christchurch Casino	1,253,045.00
Dunedin Casino	556,895.00
Sky City Queenstown Casino	237,824.00
Wharf Casino (Queenstown)	221,434.00

Part 2 Other fees

Matter in respect of which fee is payable	Fee (\$)
Applications for class 3 operator's licence	
New licence or renewal of licence (total value of prizes not exceeding \$50,000)	100.00
New licence or renewal of licence (total value of prizes equal to or exceeding \$50,000 and all housie)	707.00
Amendment to licence	344.00
Applications for class 4 operator's licence	
New licence (category A applications)	4,068.00
New licence (category B applications)	4,068.00
Renewal of licence (category A applications)	1,271.00
Renewal of licence (category B applications)	2,543.00
Amendment to licence, or notification under section 54 of the Act, related to key persons	636.00
Amendment to licence, or notification under section 54 of the Act, not related to key persons	254.00

Part 2—continued

Matter in respect of which fee is payable	Fee (\$)
Class 4 operator's annual fee	
Category B applications only	4,063 00
Applications for class 4 venue licence	
New licence (category A applications)	763 00
New licence (category B applications)	1,017 00
Renewal of licence (category A applications)	127 00
Renewal of licence (category B applications)	191 00
Notification under section 71 of the Act related to key persons	636 00
Amendment to licence, or notification under section 71 of the Act not related to key persons	254 00
Class 4 venue annual fee	
Annual fee per gaming machine	425 00
Monitoring fee	
Monitoring fee for each day or part of day (per gaming machine)	1.35
Applications for licensed promoter licence	
New licence or renewal of licence	1,375 00
Temporary authority	100 00
Applications for certificate of approval	
New certificate	328 00
Applications for casino operator's licence	
New licence	340,000 00
Amendment to licence	1,000 00
Temporary authority	23,000 00
Applications for casino venue agreement approval	
New agreement (including change of licensed operator)	23,000 00
Amendment to agreement	1,000 00
Applications for associated person approval	
New approval	330 00
Appeals to Gambling Commission	
Appeal filing	250 00
1-day hearing	450 00
Half-day and part half-day hearing (after first day)	450 00


 Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 February 2008, specify the fees payable to the Secretary for Internal Affairs to enable the recovery of the direct and indirect costs of the Secretary, the Gambling Commission, and the police arising from their duties and responsibilities under the Gambling Act 2003.

These regulations revoke and replace the Gambling (Fees and Revocations) Regulations 2004 and the Gambling (Electronic Monitoring Fees) Regulations 2006. In the main, they carry over the substance of the revoked regulations.

The principal changes from the revoked regulations include—

- the regulation allowing a penalty to be imposed for late payment of the monitoring fee, or part of the monitoring fee, is omitted; and
- the casino operator's annual fee is payable at a marginally higher rate for the first 12-month period after the commencement of these regulations than for each subsequent 12-month period after that first period to allow the general increase in that fee to be phased in over the next 4 instalments that are due after the commencement of these regulations; and
- increases in some of the application fees and annual fees; and
- an increase in the monitoring fee; and
- separate fees are prescribed for notifications and amendments to class 4 operators' licences and class 4 venue licences that relate or do not relate to key persons.

Issued under the authority of the Acts and Regulations Publication Act 1989

Date of notification in *Gazette*:

These regulations are administered by the Department of Internal Affairs.
