

Reprint
as at 1 February 2008

**Gambling (Fees and Revocations)
Regulations 2004**

(SR 2004/154)

Gambling (Fees and Revocations) Regulations 2004: revoked, on 1 February 2008, by regulation 15(a) of the Gambling (Fees) Regulations 2007 (SR 2007/401).

Pursuant to section 370 of the Gambling Act 2003, Her 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
3 Interpretation	2
4 Fees	3
5 When fees payable	3

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

These regulations are administered in the Department of Internal Affairs.

6	Class 4 application fee if licence granted for other than 12 months	4
7	Class 4 annual fee if licence granted for other than 12 months	5
8	Additional class 4 venue annual fee	6
9	Refund of annual fees if number of gaming machines reduced	6
10	Refund of annual fee if class 4 licence surrendered	7
11	Penalty for late payment of casino operator's annual fee	7
12	Fees inclusive of GST	8
13	Consequential amendments	8
14	Revocations	8
	Schedule Fees	8

1 Title
 These regulations are the Gambling (Fees and Revocations) Regulations 2004.

2 Commencement
 These regulations come into force on 1 July 2004.

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, 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 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 class 4 venue licence, an application that is not a category A application

Secretary means the Secretary for Internal Affairs.

(2) Unless the context otherwise requires, terms and expressions that are not defined in these regulations but that are defined in the Act have the same meaning as in the Act.

4 Fees

The fees set out in the Schedule must be paid—

- (a) to the Secretary:
- (b) by the relevant applicant, licence holder, or appellant in accordance with regulation 5.

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 7(3)(a));
- (b) in the case of an additional class 4 application fee calculated in accordance with regulation 6(1), on notification to the applicant of the Secretary's intention to grant the licence:
- (c) in the case of a casino operator's annual fee, by 4 equal instalments to be made on or before 20 July, 20 October,

20 January, and 20 April of the year in respect of which the fee is payable:

- (d) in the case of an appeal to the Gambling Commission, at the time the appeal is made:
- (e) in the case of a hearing before the Gambling Commission, before the commencement of the hearing:
- (f) in all other cases, at the time of the relevant application.

6 Class 4 application fee 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.

7 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).

8 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:

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

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.

9 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:

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

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.

10 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.

11 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(c), 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.

12 Fees inclusive of GST

The fees prescribed or fixed by these regulations are inclusive of goods and services tax.

13 Consequential amendments

The Gaming and Lotteries (Licensed Promoters) Regulations 1978 (SR 1978/144) are amended by revoking—

- (a) regulation 4; and
- (b) Schedule 2.

14 Revocations

The following regulations are revoked:

- (a) Housie Regulations 1989 (SR 1989/246);
- (b) Casino Control (Applications and Hours) Regulations 1991 (SR 1991/247);
- (c) Casino Control (Certificates of Approval and Warrants) Regulations 1994 (SR 1994/165);
- (d) Gaming and Lotteries (Licence Fees) Regulations 1997 (SR 1997/278).

**Schedule
Fees**

r 4

Matter in respect of which a fee is payable	Fee (\$)
Applications for class 3 operator's licence	
New licence or renewal of licence (total value of prizes not exceeding 550,000)	100
New licence or renewal of licence (total value of prizes exceeding \$50,000 and all housie)	707
Amendment of licence	344
Applications for class 4 operator's licence	

Matter in respect of which a fee is payable	Fee (\$)
New licence (category A applications)	973
New licence (category B applications)	1,295
Renewal of licence (category A applications)	887
Renewal of licence (category B applications)	1,123
Amendment of licence	344
Class 4 operator's annual fee	
Category B applications only	3,566
Applications for class 4 venue licence	
New licence (category A applications)	543
New licence (category B applications)	608
Renewal of licence (category A applications)	372
Renewal of licence (category B applications)	469
Amendment of licence	258
Class 4 venue annual fee	
Annual fee per gaming machine	373
Applications for licensed promoter licence	
New licence or renewal of licence	1,375
Temporary authority	100
Applications for certificate of approval	
New certificate	270
Applications for casino operator's licence	
New licence	340,000

Matter in respect of which a fee is payable	Fee (\$)
Amendment of licence	1,000
Temporary authority	23,000
Applications for casino venue agreement approval	
New agreement (including change of licensed operator)	23,000
Amendment to agreement	1,000
Applications for associated person approval	
New approval	330
Casino operator's annual fee	
Sky City Auckland Casino	2,218,207
Sky City Hamilton Casino	548,184
Christchurch Casino	925,431
Dunedin Casino	477,394
Sky City Queenstown Casino	237,501
Wharf Casino (Queenstown)	216,259
Appeals to Gambling Commission	
Appeal filing	120
First day of hearing	450
Half day and part half day hearing (after first day)	450

Diane Morcom,
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 July 2004, 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.

The times for payment of fees are specified, and provision is made for the calculation of fees if the licence is granted for a period other than 12 months, additional fees, and refunds of fees.

Penalties may be imposed in respect of any casino operator's annual fee that is not paid within 20 working days of the required date.

A consequential amendment is made to the Gaming and Lotteries (Licensed Promoters) Regulations 1978.

The following regulations, which are no longer required under the Gambling Act 2003, are revoked:

- Housie Regulations 1989:
- Casino Control (Applications and Hours) Regulations 1991:
- Casino Control (Certificates of Approval and Warrants) Regulations 1994:
- Gaming and Lotteries (Licence Fees) Regulations 1997.

Contents

- 1 General
 - 2 About this eprint
 - 3 List of amendments incorporated in this eprint (most recent first)
-

Notes**1 General**

This is an eprint of the Gambling (Fees and Revocations) Regulations 2004. It incorporates all the amendments to the Gambling (Fees and Revocations) Regulations 2004 as at 1 February 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 4 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see "Making online legislation official" under "Status of legislation on this site" in the About section of this website.

**3 List of amendments incorporated in this eprint
(most recent first)**

Gambling (Fees) Regulations 2007 (SR 2007/401): regulation 15(a)
