

Reprint
as at 17 December 2016



Gambling (Problem Gambling Levy) Regulations 2016 (LI 2016/120)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 30th day of May 2016

Present:

His Excellency the Governor-General in Council

These regulations are made under section 319 of the Gambling Act 2003—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Internal Affairs and Associate Minister of Health made after having considered the report submitted by the Gambling Commission under section 318(5) of that Act.

Contents

| | Page |
|---|------|
| 1 Title | 2 |
| 2 Commencement | 2 |
| 3 Interpretation | 2 |
| 4 Transitional, savings, and related provisions | 2 |
| 5 Value of W1 and W2 in levy formula | 2 |
| 6 Problem gambling levy | 3 |

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Department of Internal Affairs.

| | | |
|----|---|---|
| 7 | Period of levy | 3 |
| 8 | Casino operator must provide return and pay levy | 3 |
| 9 | Gaming machine operator must provide return and pay levy | 3 |
| 10 | Lotteries Commission must provide return and pay levy | 3 |
| 11 | New Zealand Racing Board must provide return and pay levy | 3 |
| 12 | GST excluded | 4 |
| 13 | Revocation | 4 |
| | Schedule 1 | 4 |
| | Transitional, savings, and related provisions | |
| | Schedule 2 | 4 |
| | Problem gambling levy rates | |

Regulations

1 Title

These regulations are the Gambling (Problem Gambling Levy) Regulations 2016.

2 Commencement

These regulations come into force on 1 July 2016.

Regulations: confirmed, on 17 December 2016, by section 13 of the Subordinate Legislation Confirmation Act 2016 (2016 No 103).

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Gambling Act 2003

casino operator has the same meaning as in section 12M of the Gaming Duties Act 1971

Commissioner has the same meaning as Commissioner of Inland Revenue in section 3(1) of the Tax Administration Act 1994

gaming machine operator has the same meaning as in section 12B of the Gaming Duties Act 1971

prescribed, in relation to any form, has the same meaning as in section 3 of the Gaming Duties Act 1971.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Value of W1 and W2 in levy formula

For the purpose of the formula set out in section 320(2) of the Act,—

- (a) W1 has the value of 0.1; and
- (b) W2 has the value of 0.9.

6 Problem gambling levy

The levy rates set out in Schedule 2 must be paid to the Commissioner by casino operators, gaming machine operators, the Lotteries Commission, and the New Zealand Racing Board.

7 Period of levy

The levy rates are payable for the period from 1 July 2016 to 30 June 2019 (both dates inclusive).

8 Casino operator must provide return and pay levy

A casino operator must, no later than the 20th day of each month,—

- (a) provide to the Commissioner a return in the prescribed form of the levy payable for the previous month; and
- (b) pay the levy to the Commissioner.

9 Gaming machine operator must provide return and pay levy

A gaming machine operator must, no later than the 20th day of each month,—

- (a) provide to the Commissioner a return in the prescribed form of the levy payable for the previous month; and
- (b) pay the levy to the Commissioner.

10 Lotteries Commission must provide return and pay levy

(1) The Lotteries Commission must, no later than 14 days after the date of the drawing of a New Zealand lottery,—

- (a) provide to the Commissioner a return in the prescribed form of the levy payable in respect of that New Zealand lottery; and
- (b) pay the levy to the Commissioner.

(2) For the purposes of a New Zealand lottery that is an instant game, the words “drawing of” in subclause (1) must be read as “closing of the sale of tickets in”.

11 New Zealand Racing Board must provide return and pay levy

The New Zealand Racing Board must, no later than the 20th day of each month,—

- (a) provide to the Commissioner a return in the prescribed form of the levy payable by the New Zealand Racing Board for racing betting and sports betting on events for which results have been declared during the previous month; and
- (b) pay the levy to the Commissioner.

12 GST excluded

- (1) The levy rates set out in Schedule 2 are exclusive of goods and services tax.
- (2) However, the levy that is payable is subject to goods and services tax.

13 Revocation

The Gambling (Problem Gambling Levy) Regulations 2013 (SR 2013/190) are revoked.

Schedule 1 Transitional, savings, and related provisions

r 4

Part 1 Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Schedule 2 Problem gambling levy rates

rr 6, 12

| Gambling sector | Levy rate (% (excluding GST)) |
|--------------------------|--------------------------------------|
| Casino operator | 0.87 |
| Gaming machine operator | 1.30 |
| Lotteries Commission | 0.40 |
| New Zealand Racing Board | 0.52 |

Michael Webster,
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 2016,—

- specify the problem gambling levy rates payable by a gaming machine operator, a casino operator, the Lotteries Commission, and the New Zealand Racing Board to the Commissioner of Inland Revenue (the **Commissioner**):
- specify that the levy rates are payable for the period from 1 July 2016 to 30 June 2019 (both dates inclusive):

- require casino operators, gaming machine operators, the Lotteries Commission, and the New Zealand Racing Board to provide the Commissioner with a return of the levy payable and to pay the levy:
- provide that the prescribed levy rates are exclusive of goods and services tax:
- provide that the levy payable is subject to goods and services tax:
- revoke the Gambling (Problem Gambling Levy) Regulations 2013.

These regulations follow the same format as the Gambling (Problem Gambling Levy) Regulations 2013.

These regulations are a confirmable instrument under section 47B of the Legislation Act 2012. They are revoked at 30 June 2017, unless earlier confirmed by an Act of Parliament. That stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Regulatory impact statement

The Department of Internal Affairs and the Ministry of Health produced a regulatory impact statement on 22 February 2016 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Regulatory-Impact-Statements-Index?OpenDocument
- <http://www.health.govt.nz/about-ministry/legislation-and-regulation/regulatory-impact-statements>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 2 June 2016.

Reprints notes

1 *General*

This is a reprint of the Gambling (Problem Gambling Levy) Regulations 2016 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Subordinate Legislation Confirmation Act 2016 (2016 No 103): section 13