



## Gambling (Fees) Amendment Regulations 2017

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 4th day of September 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 370 of the Gambling Act 2003—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the advice of the Minister of Internal Affairs after consultation in accordance with section 372 of that Act.

### Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 3 amended (Interpretation)	2
5 New regulations 19A to 19E and cross-heading inserted	2
<i>Casino venue licence renewal application fees</i>	
19A When fees payable	3
19B Refund of fee if actual application costs less than initial application fee	3
19C Adjustment fee payable if actual application costs exceed initial application fee	3
19D Penalty for late payment of adjustment fee	3
19E How actual application costs are calculated	4
6 Cross-heading above regulation 20 replaced	5

<i>Other casino fees</i>		
7	Regulation 21 amended (Penalty for late payment of casino operator's annual fee)	5
8	Regulation 23 amended (Fees exclusive of GST)	5
9	Schedule 2 amended	5
10	New Schedule 3 inserted	6
	<b>Schedule</b>	6
	<b>New Schedule 3 inserted</b>	

## Regulations

### 1 Title

These regulations are the Gambling (Fees) Amendment Regulations 2017.

### 2 Commencement

These regulations come into force on 8 September 2017.

### 3 Principal regulations

These regulations amend the Gambling (Fees) Regulations 2015 (the **principal regulations**).

### 4 Regulation 3 amended (Interpretation)

After regulation 3(1), insert:

(1A) In regulations 19A to 19E,—

**actual application costs** means the actual costs, determined in accordance with regulation 19E, incurred by the Gambling Commission in processing and considering an application for renewal of a casino venue licence under section 135 of the Act

**adjustment fee** means the adjustment fee for an application to renew a casino venue licence that is payable under regulation 19C at the amount determined under regulation 19C(3)

**initial application fee** means the initial fee for an application to renew a casino venue licence set out in Part 3A of Schedule 2.

### 5 New regulations 19A to 19E and cross-heading inserted

After regulation 19, insert:

*Casino venue licence renewal application fees***19A When fees payable**

- (1) The initial application fee must be paid at the time an application for the renewal of a casino venue licence is made.
- (2) If an adjustment fee is payable under regulation 19C, it must be paid on or before the due date specified in the invoice issued under regulation 19C(2)(b).

**19B Refund of fee if actual application costs less than initial application fee**

- (1) This regulation applies if the actual application costs are less than the initial application fee.
- (2) If this regulation applies, the Secretary must, as soon as practicable after the Gambling Commission has issued a decision on the application for renewal of the casino venue licence, refund to the applicant the difference between—
  - (a) the initial application fee; and
  - (b) the actual application costs.

**19C Adjustment fee payable if actual application costs exceed initial application fee**

- (1) This regulation applies if the actual application costs exceed the amount of the initial fee.
- (2) If this regulation applies,—
  - (a) an adjustment fee is payable; and
  - (b) the Secretary must, as soon as practicable after the Gambling Commission has issued a decision on the application for renewal of the casino venue licence, issue an invoice to the applicant for the amount of the adjustment fee.
- (3) The amount of the adjustment fee is the lesser of—
  - (a) the maximum adjustment fee set out in Part 3A of Schedule 2; and
  - (b) the difference between—
    - (i) the actual application costs; and
    - (ii) the initial application fee.

**19D Penalty for late payment of adjustment fee**

- (1) If an adjustment fee is not paid within 20 working days after the date for payment referred to in regulation 19A(2), subclause (2) applies.
- (2) If this subclause applies, a penalty of 5% of that unpaid fee must be added to the amount due unless the Secretary considers that imposing a penalty would be unreasonable or inappropriate.

- (3) If the adjustment fee 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, subclause (4) applies.
- (4) If this subclause applies, a further penalty of 5% of the unpaid adjustment fee and any previous penalties must be added to the amount due at the end of each of those months unless the Secretary considers that imposing a further penalty would be unreasonable or inappropriate.
- (5) The applicant must pay any penalty imposed under this regulation to the Secretary.

#### **19E How actual application costs are calculated**

- (1) The actual application costs are the following expenses incurred by the Gambling Commission in relation to an application for renewal of a casino venue licence:
  - (a) Chief Gambling Commissioner's fees:
  - (b) other Gambling Commissioners' fees:
  - (c) secretariat fees:
  - (d) legal fees:
  - (e) external expert fees:
  - (f) transcriptionist fees:
  - (g) out-of-town travel expenses fees (which cover accommodation, transportation (other than flights), and meals):
  - (h) the cost of flights for Gambling Commissioners, secretariat officials, legal advisers, and external experts to attend hearings or meetings:
  - (i) the cost of hiring a venue for the public hearings:
  - (j) the cost of advertising for the public hearings.
- (2) For each of the expenses in subclause (1)(a) to (f),—
  - (a) the daily rate at which an expense must be calculated is set out in Schedule 3; and
  - (b) the number of days for which the daily rate applies is the total whole number of full days, and part days, for which,—
    - (i) in relation to the expenses in subclause (1)(a) and (b), the relevant person worked on the application; and
    - (ii) in relation to the expenses in subclause (1)(c) to (f), the relevant service was provided in relation to the application.
- (3) For the expense in subclause (1)(g),—
  - (a) the fee is incurred by the Gambling Commission for each Gambling Commissioner, secretariat official, legal adviser, and external expert who

- attends a hearing or meeting in relation to an application that requires that person to travel away from the person's usual place of business; and
- (b) the daily rate at which the expense must be calculated is set out in Schedule 3; and
- (c) the number of days for which the daily rate applies is the total whole number of full days, or part days, on which the person was away from the person's usual place of business, or was travelling to or from the place where the hearing or meeting was held.
- (4) For each of the expenses in subclause (1)(h) to (j), the amount of the expense is the actual amount incurred by the Gambling Commission.

## **6 Cross-heading above regulation 20 replaced**

Replace the cross-heading above regulation 20 with:

*Other casino fees*

## **7 Regulation 21 amended (Penalty for late payment of casino operator's annual fee)**

- (1) In regulation 21(1), replace "may be added to the amount due" with "must be added to the amount due unless the Secretary considers that imposing a penalty would be unreasonable or inappropriate".
- (2) In regulation 21(2), replace "may be added to the amount due at the end of each of those months" with "must be added to the amount due at the end of each of those months unless the Secretary considers that imposing a further penalty would be unreasonable or inappropriate".

## **8 Regulation 23 amended (Fees exclusive of GST)**

In regulation 23, after "under", insert ", and any amounts referred to in,".

## **9 Schedule 2 amended**

- (1) In the Schedule 2 heading, before "5", insert "3(1A),".
- (2) In the Schedule 2 heading, after "19(2),", insert "19C(3),".
- (3) In Schedule 2, after Part 3, insert:

<b>Part 3A</b>	
<b>Casino venue licence renewal application fees</b>	
<b>Matter in respect of which fee is payable</b>	<b>Fee (\$) (excluding GST)</b>
Initial application fee for renewal of casino venue licence	143,008.00
Maximum adjustment fee for renewal of casino venue licence	30,905.00

**10 New Schedule 3 inserted**

After Schedule 2, insert the Schedule 3 set out in the Schedule of these regulations.

**Schedule  
New Schedule 3 inserted**

r 10

**Schedule 3  
Daily rates for expenses in consideration of casino venue licence  
renewal application**

r 19E

<b>Matter in respect of which expense is incurred</b>	<b>Daily rate (\$) (excluding GST)</b>
Chief Gambling Commissioner's fee	750.00
Other Gambling Commissioners' fee	475.00
Secretariat fee	500.00
Legal fee	3,120.00
External expert fee	1,500.00
Transcriptionist fee	2,500.00
Out-of-town travel expenses fee	308.70

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 8 September 2017, amend the Gambling (Fees) Regulations 2015 (the **principal regulations**).

The regulations insert *new regulations 19A to 19E* of the principal regulations relating to fees for the renewal of a casino venue licence. The new fees allow for the recovery of the costs of the Gambling Commission's processing and consideration of an application for the renewal of a casino venue licence. The new regulations establish an initial application fee for the renewal of a casino licence payable upon application. They provide for a refund to be paid to the applicant if the actual costs are less than the initial application fee. The regulations also provide for an adjustment fee, up to a specified maximum, to be paid if the actual costs of the application exceed the initial application fee, and a late payment penalty to apply to this fee. The new regulations set out how the actual costs of the application are to be calculated. The regulations insert

new definitions in regulation 3 of the principal regulations relating to *new regulations 19A to 19E*.

The regulations amend regulation 21 of the principal regulations to make clear the extent of the Secretary's discretion with regard to when a penalty for the late payment of a casino operator's annual fee must be paid. This is consistent with *new regulation 19D*, which relates to a penalty for late payment of an adjustment fee.

The regulations insert *new Part 3A* into Schedule 2 of the principal regulations, which sets out the amount of the initial application fee and the maximum adjustment fee for renewal of a casino venue licence.

The regulations also insert *new Schedule 3* of the principal regulations, which sets out the daily rates by which the actual costs of an application for the renewal of a casino venue licence are to be calculated. The regulations amend regulation 23 of the principal regulations to clarify that the amounts set out in *new Schedule 3* are exclusive of goods and services tax.

### Regulatory impact assessment

The Department of Internal Affairs produced a regulatory impact assessment on 18 July 2017 to help inform the decisions taken by the Government relating to the contents of this instrument.

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

- <https://www.dia.govt.nz/Resource-material-Regulatory-Impact-Statements-Index>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Department of Internal Affairs.