

Gambling Regulation in New Zealand

Gambling in New Zealand is regulated by the Gambling Act 2003. The Gambling Act replaced the Gaming and Lotteries Act 1977, and the Casino Control Act 1990.

The purpose of the Gambling Act 2003

The purpose of the Gambling Act is to:

- Control the growth of gambling
- Prevent and minimise the harm caused by gambling, including problem gambling
- Authorise some gambling and prohibit the rest
- Facilitate responsible gambling
- Ensure the integrity and fairness of games
- Limit opportunities for crime or dishonesty associated with gambling
- Ensure that money from gambling benefits the community
- Facilitate community involvement in decisions about the provision of gambling.

Overview of the Gambling Act

The Act stipulates that gambling in New Zealand is prohibited unless it is:

- Authorised by or under the Act, and complies with the Act and any relevant licence, game rules, and minimum standards
- Authorised by or under the Racing Act 2003 and complies with that Act and any regulations made under it
- Private gambling.

NOTE: Bookmaking and the advertising of overseas gambling in New Zealand are not authorised under the Gambling Act, meaning they are prohibited and illegal. Remote interactive gambling (which includes gambling conducted on the Internet or by phone/text messaging) is prohibited except in strictly defined circumstances.

See Fact Sheet 27 'Remote Interactive Gambling and Advertising Overseas Gambling'.

The Act regulates six classes of gambling.

These are:

- **Class 1** gambling (no licence required)
- **Class 2** gambling (no licence required)
- **Class 3** gambling (Class 3 operator's licence required)
- **Class 4** gambling (gambling involves the operation of gaming machines, Class 4 operator's and venue licences required)
- **Casino gambling** (casino operator's and venue licences required)
- Gambling conducted by the **New Zealand Lotteries Commission**.

NOTE: There are a number of criteria that must be observed for each Class of gambling.

See Fact Sheet 2 'What Class of Gambling is Your Activity?' and Fact Sheet 3 'Classes of Gambling'.

The Act also:

- Authorises private gambling (see Fact Sheet 3 'Classes of Gambling')
- Authorises sales promotion schemes (see Fact Sheet 9 'Sales Promotion Schemes')
- Recognises gambling authorised by or under the Racing Act 2003.

Regulatory agency roles

Department of Internal Affairs

A specialist unit within the Department of Internal Affairs called the Gambling Compliance Group is responsible for all forms of gambling law enforcement and licensing gambling outside casinos (except in relation to the Racing Act 2003).

The Department of Internal Affairs:

- Provides advice to the Government on gambling policy
- Licenses Class 3 and 4 gambling (mainly large-scale lotteries and gaming machines)
- Assesses the suitability of certain persons working or seeking to work for gambling providers
- Sets game rules and equipment standards for all licensed gambling
- Sets minimum operating standards and regulates compliance in casinos
- Monitors and ensures compliance with the Gambling Act, regulations, licence conditions, game rules and standards
- Provides public information and education.

More information can be found on the Department of Internal Affairs' website: www.dia.govt.nz

Gambling Commission

The Gambling Commission is responsible for licensing casinos and hearing appeals against decisions made by the Department of Internal Affairs in relation to both casino and Class 4 gambling.

The Gambling Commission:

- Specifies, varies and revokes casino licence conditions
- Considers applications for the renewal of casino venue licences when they expire (the first expires in 2019)
- Approves agreements and changes to agreements between casino operators and casino venue licence holders
- Considers and determines appeals against regulatory and licensing decisions made by the Department of Internal Affairs
- Considers and deals with complaints about the way the Department of Internal Affairs has handled complaints in relation to Class 4 gambling.

NOTE: The Gambling Commission has the powers of a Commission of Inquiry. In relation to Class 4 gambling, its rulings on appeals arising from Department of Internal Affairs decisions are final. In relation to casino gambling, its rulings on licence conditions or to cancel or suspend a casino licence can be appealed to the High Court and ultimately the Court of Appeal.

More information can be found on the Gambling Commission's website: www.gamblingcom.govt.nz

New Zealand Lotteries Commission

The New Zealand Lotteries Commission conducts Lotto, Instant Kiwi and a range of other gambling activities, to raise funds for distribution to the community by the Lottery Grants Board.

The New Zealand Lotteries Commission:

- Promotes, organises and conducts New Zealand lotteries
- Develops game rules for Lotto, Instant Kiwi etc.
- Maximises profits whilst ensuring that the risks of problem gambling and underage gambling are minimised.

More information can be found on the New Zealand Lotteries Commission's website: www.nzlotteries.co.nz

Ministry of Health

The Ministry of Health is responsible for the funding and coordination of problem gambling services.

The Ministry of Health has developed a six-year integrated problem gambling strategy focused on public health called, 'Preventing and Minimising Gambling Harm'.

This document outlines:

- Measures to promote public health by preventing and minimising the harm from gambling
- Services to treat and assist problem gamblers and their families and whānau
- Independent scientific research associated with gambling
- How the strategy will be evaluated.

Services are funded through a vote health allocation and the Crown recovers the cost of developing and implementing the strategy through a levy on gambling operators.

The problem gambling strategy can be found on the Ministry of Health website: www.moh.govt.nz

While reasonable measures have been taken to ensure the quality and accuracy of the information contained in this Fact Sheet it does not replace information contained in the Gambling Act 2003 or the Racing Act 2003 or any provisions pursuant to these Acts. This Fact Sheet is for general information only and is not a substitute for independent, professional legal or financial advice.