



Gambling (Gambling Harm Reduction) Amendment Act 2013

Public Act 2013 No 71
Date of assent 13 September 2013
Commencement see section 2

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Gambling (Gambling Harm Reduction) Amendment Act 2013.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Gambling Act 2003 (the **principal Act**).

4 Purpose

The purpose of this Act is to provide additional measures to implement the following purposes of the Gambling Act 2003:

- (a) to prevent and minimise the harm caused by gambling, including problem gambling (section 3(b));
- (b) to ensure that money from gambling benefits the community (section 3(g));
- (c) to facilitate community involvement in decisions about the provision of gambling (section 3(h)).

5 Section 90 amended (Register of class 4 venue licences must be maintained)

In section 90(1), after “17 October 2001”, insert “, and, if a new place is substituted for such a place in accordance with a relocation policy, must amend the register accordingly”.

6 Section 91 amended (No compensation)

In section 91, after “89 to 101”, insert “or section 102(5A)”.

7 New clause 97A inserted (Effect of relocation)

After section 97, insert:

“97A Effect of relocation

“(1) This section applies when—

- “(a) a territorial authority has adopted a relocation policy (as defined in section 101(5)); and

- “(b) in accordance with that policy, the territorial authority grants consent in respect of a venue (the **new venue**) to replace an existing venue (the **old venue**); and
- “(c) a new class 4 venue licence is granted in respect of the new venue.

“(2) When this section applies,—

- “(a) the Secretary must cancel the class 4 venue licence that relates to the old venue, in which case—
 - “(i) the cancellation takes effect on the date on which the new class 4 venue licence takes effect; and
 - “(ii) there is no right of appeal against the cancellation; and
- “(b) despite section 100(1)(b)(i), the maximum number of gaming machines permitted to operate at the new venue at the time when the new class 4 venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled; and
- “(c) for the purposes of this Act,—
 - “(i) if the old venue was a venue to which section 92 applied, the new venue must be treated as a venue to which section 92 applies; and
 - “(ii) the old venue must be treated as if no class 4 venue licence had ever been held by any society for that venue (which means that, under section 98, consent will be required for that venue if a class 4 venue licence is subsequently applied for in relation to it).”

8 Section 98 amended (When territorial authority consent is required)

After section 98(d), insert:

- “(e) a society proposes, in accordance with a relocation policy of the territorial authority, to change the venue to which a class 4 venue licence currently applies.”

9 Section 99 amended (Application for territorial authority consent)

After section 99(2), insert:

(3) An application for consent in accordance with a relocation policy may be made only with the agreement of the venue operator of the existing venue.”

10 Section 101 amended (Territorial authority must adopt class 4 venue policy)

(1) In section 101(3)(b), after “venue”, insert “; and”.

(2) After section 101(3)(b), insert:

“(c) may include a relocation policy.”

(3) After section 101(4), insert:

“(5) A **relocation policy** is a policy setting out if and when the territorial authority will grant consent in respect of a venue within its district where the venue is intended to replace an existing venue (within the district) to which a class 4 venue licence applies (in which case section 97A applies).”

11 Section 102 amended (Adoption and review of class 4 venue policy)

After section 102(5), insert:

“(5A) The first time that a territorial authority commences a review of a policy after the Gambling (Gambling Harm Reduction) Amendment Act 2013 comes into force, the territorial authority must (and may at any other time) consider whether to include a relocation policy (as defined in section 101(5)) in its class 4 venue policy.

“(5B) Whenever a territorial authority is considering whether to include a relocation policy in its class 4 venue policy, it must consider the social impact of gambling in high-deprivation communities within its district.”

12 Section 114 amended (Regulations regarding application or distribution of net proceeds from class 4 gambling)

After section 114(2), insert:

(3) Regulations may also be made under subsection (1) for the following purposes:

- “(a) requiring that a specified portion of the net proceeds of class 4 gambling be applied or distributed to or for authorised purposes in, or operating in, the geographical area from which those net proceeds were derived;
- “(b) limiting the amount of the proceeds of class 4 gambling that may be applied or distributed to or for authorised purposes in, or operating in, any specified geographical areas, or all geographical areas, that are outside the geographical area from which those net proceeds were derived;
- “(c) setting out how geographical areas are to be identified or defined for the purposes of the regulations; and different definitions may be adopted for different purposes;
- “(d) imposing rules about the application or distribution of net proceeds that are not required to be, or are not prohibited from being, applied or distributed to or for authorised purposes in, or operating in, a particular geographical area.”

13 Section 314 amended (Regulations relating to gaming machines in class 4 venue)

After section 314(1)(g), insert:

- “(ga) prescribing the use of pre-commitment, player tracking, or other harm-minimisation devices, technology, or systems in or associated with gaming machines:”.

Legislative history

9 September 2010	Introduction (Bill 209–1)
9 May 2012	First reading and referral to Commerce Committee
17 June 2013	Report of the Commerce Committee (Bill 209–2)
10 July 2013	Second reading
7 August 2013	Committee of the whole House
4 September 2013	Third reading
13 September 2013	Royal assent

This Act is administered by the Department of Internal Affairs.
