

Online Casino Gambling Bill

Government Bill

As reported from the Governance and Administration Committee

Commentary

Recommendation

The Governance and Administration Committee has examined the Online Casino Gambling Bill and recommends by majority that it be passed. We recommend all amendments by majority.

About the bill as introduced

The bill would establish a licensing regime for online casino gambling in New Zealand. The bill would:

- prohibit online casino gambling from being conducted or advertised in New Zealand without a licence
- create a three-stage process for the chief executive of the Department of Internal Affairs (the Secretary) to issue up to 15 licences
- set conditions, duties, and requirements for licensed operators of online casino gambling
- create enforcement tools to drive compliance
- set out review and appeal rights for certain decisions related to licences
- establish regulation-making powers, including for harm prevention and minimisation, consumer protection and record keeping, and advertising and marketing
- create a criminal offence of knowingly or recklessly gambling in an online casino on behalf of a person under the age of 18, with a fine on conviction of up to \$10,000.

The intention of the new regime for online casino gambling is to prohibit the conduct and advertisement of unlicensed online casino gambling, prevent and minimise harm, and protect consumers.

Proposed amendments

We discuss first the topic of financial returns to the community, then the number of licences. Finally, we provide a clause-by-clause summary of the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Financial returns to the community

Background

All forms of land-based gambling regulated under the Gambling Act 2003 are required to return some of the financial proceeds from gambling to the community.¹ This is a significant funding stream for community and sports groups.

In 2024, a total of \$345 million was distributed to the community via Class 4 grants. Class 4 gambling, commonly referred to as pokies, is any gambling activity that involves the use of a gaming machine at a location other than a casino. Corporate societies that operate Class 4 gambling are required to return at least 40% of their net proceeds to the community.

In July 2024, Cabinet agreed that there would be no requirement for online casino gambling to return funding to the community. Accordingly, the bill as introduced is silent on the matter. Cabinet also decided that the appropriate taxes for operators of online casino gambling would be a 13% goods and services tax and a 12% offshore gaming duty. This was considered in line with overseas jurisdictions.

Submissions

Of the 4,837 groups and individuals who submitted on the bill, 3,966 raised the issue of community returns. Many expressed concern that regulating online casino gambling would erode revenue from Class 4 gambling, reducing the funding available to community groups.

We were advised that it is unclear from the available evidence how, and to what extent, online casino gambling influences Class 4 gambling revenue. Most research suggests that online gambling is neutral or complementary to other forms of gambling, as opposed to being a substitute. However, some research indicates that online gambling can have a negative effect on land-based gambling.

In October 2025, Cabinet rescinded its previous decision that there would be no requirement for online casino gambling to return funding to the community. Cabinet

¹ Refer to pages 56 to 59 of the departmental report for an overview of the different distribution models for existing gambling operations.

agreed that the offshore gambling duty should be increased from 12% to 16% of gross gambling revenue, from 1 January 2027. Cabinet indicated that, of the total duty collected, an amount equivalent to 4% of gross gambling revenue would be ring-fenced for community funding. Our departmental advisers estimated that this could amount to between \$10 million and \$20 million.²

Our amendments

We agree with Cabinet that the offshore gambling duty should be increased. We recommend inserting clauses 80A and 80B into the bill to amend the Gaming Duties Act 1971 to increase the duty from 12% to 16% of gross gambling revenue.

We have listened to submitters and unanimously think there should also be a legislative requirement for the additional money that is raised from an increased offshore gambling duty to be returned to the community. We recommend amending clause 3 so that one of the purposes of the bill is to ensure that money from online casino gambling benefits the community.

We also recommend, by majority, inserting clauses 80C to 80F into the bill. These amendments would require the Commissioner of Inland Revenue, at the intervals or times the relevant Minister directs, to pay 25% of the online gambling duty paid to the Commissioner under section 12W into such account opened under section 286 of the Gambling Act 2003 as the Secretary for Internal Affairs directs. The Lottery Grants Board would then receive and distribute these funds. We are satisfied that these changes would address calls from submitters to ensure that money from online casino gambling benefits the community.

Process

We received a letter from the Minister of Internal Affairs on 24 November 2025, which stated the Government intends to move an amendment at the committee of the whole House stage that would enable the Lottery Grants Board to receive and distribute funds from online casino gambling. We have appended to this commentary the draft Amendment Paper the Minister shared with us.

We received advice from the Office of the Clerk that the bill is an acceptable omnibus bill (and has been since its introduction) despite not having that stated in its explanatory note. The Office of the Clerk advised that some of the amendments in the bill currently categorised as consequential are better seen as substantive, but necessary to the overall single broad policy which can be characterised as “the setting up of a new regulatory regime for online casino gambling”.

As this is the case, we were advised that the proposed amendment—drafted at our instruction—to the Gambling Act 2003 to enable the Lottery Grants Board to receive

² Refer to the document titled “Department of Internal Affairs (Assumptions for community returns funding)” for an explanation of this estimate. It is available on the Parliament website.

and distribute money above and beyond that from the lotteries (that is, from online casino gambling levies) would fit under the single broad policy as described above.

We also received advice from the Office of the Clerk on the Minister's proposed amendment set on a draft Amendment Paper (see Appendix B). The advice was that the Amendment Paper was beyond the scope of the single broad policy of the bill. We were therefore unable to include this option for the Lottery Grants Board in our revision-tracked version of the bill. We note that the Minister could move a motion to instruct the committee of the whole House to replace our amendment.

We also note that Cabinet has agreed to a review of the community returns policy two years after the bill comes into force. This review would assess the effects of online casino gambling on other forms of gambling and community returns. We support this review.

Number of licences

Clause 19(3) would prevent the Secretary for Internal Affairs from granting more than 15 licences for conducting online casino gambling.

Submissions

114 submitters commented on the proposed cap of 15 licences.

Some submitters considered that the number of 15 would be too low. They said that open licensing regimes are more common, there is a risk that this cap would not take account of the overall market size, and there is a risk that this cap would limit effectiveness and channelisation rates.

Other submitters considered that 15 licences would be too many. They were mainly concerned that this would increase access to gambling, causing more gambling harm and leading to market saturation of gambling advertising. One submitter also questioned the Secretary's ability to monitor 15 operators, suggesting a smaller number could be more effectively monitored.

Our position

By majority, we have not recommended any changes to the number of licences. We accept the advice we received that capping the number of licences available to 15 strikes a reasonable balance between providing consumer choice, ensuring a reasonably competitive market, and managing regulatory complexity and cost.

Commencement

The bill as introduced would come into force the day after Royal assent, except for clauses 66 and 67 which would come into force on 1 July 2026. (Clauses 66 and 67 relate to the new offence of knowingly or recklessly participating in online casino gambling on behalf of a person under the age of 18.)

We understand that the regulations relating to online casino gambling will not be ready until later in 2026. We therefore recommend amending clause 2 so that the bill would come into force on 1 May 2026, except for: clauses 66 and 67, which would

come into force on 1 December 2026; and clauses 80A to 80C, relating to the increase in the rate of online gambling duty, which would come into force on 1 January 2027.

Interpretation

Clause 5 defines various terms in the bill. We recommend two amendments to this clause, both to the term “advertisement”.

We agree with the submission that said communications to customers on administrative matters may be covered by the definition of “publish”. These communications could therefore be subject to restrictions. That is not the intent. Rather than amending the definition of “publish”, we think it more appropriate to amend the definition of “advertisement” to exclude administrative communications with customers.

We also recommend amending the definition of “advertisement” to exclude advertisements that occur in sports games broadcast in New Zealand but played outside the country by overseas sports teams. Those advertisements would be regulated by the jurisdiction in which the sport is played. The New Zealand regulator would have limited ability to enforce what occurs in overseas venues and broadcasts.

Synthetic lotteries

Lotto NZ suggested prohibiting “synthetic lotteries”, raising concern that these products can mislead players and encroach on Lotto NZ’s core business. In synthetic lotteries players bet on the outcome of a lottery draw with a third party. We agree, and recommend amending clauses 9 and 10 to prohibit licensed operators from offering or advertising synthetic lotteries on a protected New Zealand lottery. We also recommend amending clause 19 to prohibit the Secretary from granting a licence for a synthetic lottery. We consider these amendments would help to maintain the integrity of protected lotteries.

Information to be included in expression of interest

Clause 14 lists the information that would need to be included in an expression of interest to obtain a licence to conduct online casino gambling in New Zealand. We recommend amending clause 14 so that expressions of interest would have to include information about the applicant’s presence in New Zealand and other jurisdictions, and any contribution that the applicant makes or intends to make for community purposes in New Zealand.

Application for licence

Clause 17 sets out the third stage of the licensing process. Persons who have succeeded in the competitive process would be required to pay the amount determined for the licence, then apply for the licence within 20 working days. There is a risk this timeframe could be too short. We recommend amending clause 17 to give the Secretary the discretion to allow a longer period for a person to apply for a licence.

We also recommend amending clause 17 so that if someone withdraws their application, the Secretary for Internal Affairs may retain a portion of the amount payable for

a licence in order to meet reasonable costs associated with administering the competitive process. This amendment is intended to ensure that operators seriously considered their participation in the competitive process and to prevent applications that had the aim of blocking others.

Criteria for granting licence

Clause 19 would require that the Secretary not grant a licence unless satisfied that the applicant complied with certain requirements. We recommend expanding these requirements so the Secretary would have to consider the scope of the operator's presence in New Zealand and their contributions to the community.

Process for review

Clause 23 would enable the Secretary for Internal Affairs to impose, amend, or revoke conditions on a licence. Clause 32 would enable an operator to apply for a review of a decision made by the Secretary under clause 23. Clause 33 sets out the process for the review. We recommend amending clause 33 to clarify that the reviewer would act independently of the person who made the original decision when reviewing a decision to impose or amend a condition.

Minimise risk of harm from online casino gambling

In the bill as introduced, clause 39 would require that an operator take all reasonable steps to ensure that the risk of harm from online casino gambling was minimised. We recommend amending clause 39 to state that the steps to minimise harm must also be in accordance with procedures set out in regulations. Amending clause 39 to refer to regulations would align it with clause 40, which is about excluding problem gamblers.

Detailing provisions to prevent and minimise harm in regulations, rather than in primary legislation, would allow them to be updated more easily. This would allow the framework to better adapt to changes in online casino gambling.

Changes relating to ownership or significant influence

Clause 47 would require an operator to notify the Secretary for Internal Affairs if certain changes related to ownership of the operator occurred. We recommend amending clause 47 to require that, if these changes occurred, (for example, a licensed brand merged or was acquired by another company) the Secretary would have to assess whether the licence could continue. This policy was previously agreed by Cabinet but was omitted from the bill as introduced.

Changes relating to key officers

Under the bill, key officers include the chief executive, chief financial officer, and chief operating officer. Clause 48 would require an operator to notify the Secretary for Internal Affairs before a new key officer was employed or engaged. We recommend amending clause 48 to require the operator to:

- notify the Secretary of changes to key officers as soon as reasonably practicable, but no later than 5 working days, after the appointment was made
- pay a prescribed fee when notifying the Secretary of changes to key officers.

These amendments would be consistent with clause 49, including the requirement to pay a prescribed fee when notifying the Secretary of other changes in circumstances.

Enforcement of take-down notices

Clause 56 would enable the Secretary for Internal Affairs to issue a take-down notice to a person who does not hold a licence if the Secretary considers that the person is either:

- conducting online casino gambling in breach of clause 9
- publishing or arranging the publishing of an advertisement relating to online casino gambling in breach of clause 10.

Clause 59 would enable the Secretary to take enforcement proceedings in the District Court if someone fails or refuses to comply with a take-down notice.

We consider it would be more appropriate for enforcement proceedings to go through the High Court and recommend amending the bill accordingly. We think the most appropriate types of relief for enforcing take-down notices are in the High Court's jurisdiction.

Pecuniary penalties

Clause 61 would enable the Secretary for Internal Affairs to apply to the High Court for an order that a person pay a pecuniary penalty to the Crown in relation to a civil liability act. Clause 62 sets out the limits for the pecuniary penalties. We recommend inserting clause 79(1)(ba) so regulations could be made to adjust the pecuniary penalties for inflation.

Time for filing charging document

Clause 66 would make it an offence to participate in online casino gambling on behalf of a person in New Zealand who is under the age of 18. Clause 67 would require criminal proceedings for such an offence to be brought within 2 years of the date that the matter giving rise to the offence first became known, or should have become known, to the Secretary for Internal Affairs.

We note that the New Zealand Law Society's submission said:

A test that requires the defendant to ascertain when the Secretary either did, or should have, discovered the alleged offending before they can challenge the charging document as being out of time is both unfair to defendants and will cause considerable unnecessary administrative complexity and delay.

To address this concern, we recommend amending clause 67 so that the limitation period ends on the date that is 2 years from the date of the alleged offence.

Regulations relating to harm prevention and minimisation

Clause 75 contains regulation-making powers relating to harm prevention and minimisation. The bill as introduced is not explicit in providing for regulations about deposit limits (a mechanism for limiting how much money someone can deposit into a gambling account). For the avoidance of doubt, we recommend inserting paragraph (aa) into subclause (1) to clarify that regulations could be made about deposit limits.

We also recommend amending clause 75 to allow regulations to be made that enabled the Secretary for Internal Affairs to specify the content of messages and information, including harm minimisation messages, and where they must or must not be displayed; as well as the information that operators would have to collect to monitor, identify, and assist problem gamblers and how that information would have to be used. The bill as introduced would require changes in these areas to be made in regulations. The regulation-making process is unlikely to keep up with evolving technology and the frequency of change that is required to ensure gamblers do not become desensitised to repeated harm minimisation messages over time, thereby limiting opportunities to reduce the risk gambling harm.

Self-exclusion register

We recommend inserting clause 75(2A) to require the Minister to recommend regulations by 1 December 2027 that would establish a register of persons who wish to be excluded from online casino gambling. We recommend enabling people to record themselves in (or remove themselves from) the register as wishing to be excluded from online casino gambling (a self-exclusion register). Our amendment would allow for the costs of administering the register to be recovered from operators.

We also recommend amending clause 40 to require operators to take all reasonable steps to ensure that a person is excluded from gambling on its platform if the person has recorded themselves in the register as wishing to be excluded from online casino gambling.

Regulations relating to consumer protection and record-keeping

Clause 76 contains regulation-making powers relating to consumer protection and record-keeping. We recommend amending this clause to make it clear that regulations could be made to prohibit the use of credit cards. This proposed amendment is in response to submissions that highlighted the need for strong consumer protection regulations.

Regulations relating to advertising and marketing

Clause 77 contains regulation-making powers relating to the advertising and marketing of online casino gambling. Clause 77(1)(e) would enable regulations to be made that specify requirements about target audiences for advertisements. We agree with submissions that gambling advertising can be harmful and recommend that clause 77 also enable regulations to be made specifying requirements about the audiences to which advertisements may be designed to reasonably appeal. The bill as introduced

could inadvertently prevent regulations from being made that would affect advertisements that could reasonably appeal to different demographics (for example, children). This is because the current wording about targeting an audience implies an intent to reach that audience, whereas reasonably appealing to an audience does not require intent. It is a lower bar.

We also recommend amending clause 77(3) so that the Minister would have to recommend regulations by 1 December 2026 for the purposes of:

- minimising the risk of harm from the advertising and marketing of online casino gambling
- minimising the advertising and marketing of online casino gambling to persons who are under 18 years old.

Minimum standards relating to online casino gambling technology

Clause 80 would enable the Secretary for Internal Affairs to prescribe minimum standards for the design, manufacture, or performance of any online casino gambling technology. We recommend two amendments to clause 80.

The bill as introduced would enable the Secretary to require all technology to be tested by independent testing facilities before the technology was deployed. We recommend amending clause 80 to also enable the Secretary to require an operator to test that technology for monitoring and auditing purposes, to ensure ongoing compliance.

The bill as introduced would allow the Secretary to specify the information about online casino gambling technology that an operator must collect and maintain. We recommend amending clause 80 to also enable the Secretary to require information to be created by online casino gambling technology (such as audit logs that show what has changed about a game). This would ensure that testing facilities could test systems effectively.

Schedule 1: Transitional, savings, and related provisions

As with our proposed changes to the bill's commencement dates, we recommend amending Schedule 1 because the regulations relating to online casino gambling will not be ready until late 2026. We recommend amending Schedule 1 so that if a person applied for a licence before 1 December 2026, the prohibition on conducting online casino gambling without licence in clause 9 would not apply until their application was determined, or 1 June 2027 (whichever was earlier). We also recommend that if a person did not apply for a licence before 1 December 2026, the prohibition on conducting online casino gambling would apply to them from that date.

New Zealand Labour Party differing view

Labour opposes this bill.

While Labour agrees with the intent of regulating gambling for New Zealanders, we are concerned with the lack of protections for New Zealand consumers across a number of areas.

Number of licences

Labour members of the committee are concerned that the bill as drafted allows for too many online casino gambling licences, and there is a lack of significant controls over how many licences individual operators may hold.

Harm minimisation

Labour would support inclusion of harm minimisation specific provisions in primary legislation as opposed to regulations only, with specific safety provisions and the self-exclusion register.

Labour members of the committee are concerned that the currently proposed self-exclusion register via regulations will not be in place until December 2027 meaning the system set up by this bill will be in place for a significant period before this important safeguard is in place.

It is our view that any advertising provisions must meet a high threshold. The Labour Party is concerned that these changes will result in a significant amount of advertising of online casino gambling.

Community returns

This bill will allow the Government to collect duties and levies from the approved licensed operators, including for community grant funding.

Labour agrees with community funding distribution as part of the proceeds from online casino gambling, however we disagree with the approach that has been adopted. Labour supports the suggestions for a different distribution mechanism system, as recommended by the additional memorandum from Martin Snedden based on the current system for distributing class 4 gambling proceeds.

It is our view that this would help sports groups and community groups receive their portion of approved funding much faster than the current centralised Lottery Grants system. In that way, communities across Aotearoa would have a better understanding and local relationship with how to access proceeds introduced by this bill.

Additionally, Labour would support a higher rate for community returns of 8% rather than the 4% currently proposed.

Although Labour believes there is value in regulating online gambling, and we support the intent of the bill, we consider the risks of harm that may occur in the regulatory system proposed by this bill are too high, and have not been properly considered or addressed in primary legislation. We are concerned that as this bill currently stands it will create more harm and risk for vulnerable New Zealanders without the proper safeguards in place.

Green Party of Aotearoa New Zealand differing view

The Green Party has reservations about the passage of the Online Casino Gambling Bill.

We support sensible regulation of gambling, with the focus on harm reduction and minimisation. We believe that we should have a substantial understanding of the impacts and effects of new forms of gambling prior to being validated in Aotearoa.

Online gambling poses higher risks of addiction by being available 24/7; allows problem gamblers to hide their gambling, by moving it onto personal devices and into homes; can lack effective safeguards for age verification of gamblers; and poses problems with regulation due to the online and remote nature of the gambling environment. Problem gambling rates among those who gamble on the internet are 10 times higher than that of the general population.³

We are uneasy at the prospect of allowing the regulation of this digital form of gambling without a greater understanding of the societal impacts and potential harm.

Despite the purpose statement including harm minimisation, we are concerned that inadequate regulation of online casino gambling will lead to greater harm in communities, particularly among young people, Māori, Pasifika, and Asian communities.

Some of our main objections to this legislation include, but are not limited to:

- the number of licences is far too high, allowing up to potentially 15 operators
- the Minister's stated comments in the Cabinet paper that one of the primary justifications for this regulatory regime is revenue gathering
- a lack of detail on secondary legislation. We remain concerned that much of the regulation relating to harm minimisation, consumer protection, and advertising is yet to be seen. Failing to embed any framework within primary legislation means regulations will be developed through a closed stakeholder engagement process that will not require transparency and excludes wider community voices. This is a departure from the Gambling Act 2003, which identifies a framework for harm minimisation and prevention.
- the minimum age for online casino gambling is set at 18, a departure from the age of 20 for land-based casinos
- the lack of prohibitions on advertising
- no explicit requirement for consultation with communities affected by harmful gambling, particularly Māori, Pacific, and Asian communities, rangatahi, and those with lived experience of gambling harm
- the bill has no mechanism to give effect to Te Tiriti o Waitangi, and provides no commitment to Māori involvement in the regulatory regime, despite Māori being disproportionately impacted by gambling harm.

We note the submission of the Problem Gambling Foundation, who argued that without stronger and additional safeguards "the Bill risks enabling a commercially driven regulatory model that prioritises market entry over public health, leaving individuals and whānau to navigate structurally unsafe gambling environments with inadequate

³ <https://www.pgf.nz/knowledge-hub/online-gambling>.

protections”. We are highly concerned that this regulatory regime could enable more, not less, harm from gambling.

Appendix A

Committee process

The Online Casino Gambling Bill was referred to us on 15 July 2025. The House instructed us to report the bill back no later than 17 November 2025. We sought and received an extension to the report deadline to 4 December 2025.

We called for submissions on the bill with a closing date of 17 August 2025. We received and considered submissions from 4,837 interested groups and individuals. We heard oral evidence from 148 submitters during two days of hearings in Wellington and one day of hearings in Auckland. We wish to acknowledge the efforts of all submitters and thank them for their engagement.

The Department of Internal Affairs and Sport New Zealand provided advice on the bill. The Office of the Clerk provided advice on the bill's legislative quality and scope. The Parliamentary Counsel Office assisted with legal drafting. The Regulations Review Committee wrote to us about regulation-making powers in the bill.

Legislative scrutiny

As part of our consideration of the bill, we examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Committee membership

Camilla Belich (Chairperson)

Tim Costley

Andy Foster

Hon Melissa Lee

Tom Rutherford

Lemauga Lydia Sosene

Celia Wade-Brown

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Appendix B

Minister of Internal Affairs' draft Amendment Paper

House of Representatives

Amendment Paper

Online Casino Gambling Bill

Proposed amendments

Hon Brooke van Velden, in Committee, to move the following amendments:

New clauses 80A to 80C

Before clause 81 (page 44, before line 13), insert:

Power to allocate appropriations for community purposes

80A Principal Act

Sections 80B and 80C amend the Gambling Act 2003.

80B Section 4 amended (Interpretation)

In section 4(1), insert in its appropriate alphabetical order:

relevant appropriation means an amount appropriated in an appropriation Act for allocation by the Board under subpart 3 of Part 3

80C Section 274 amended (Function of Board)

In section 274, after “profits of New Zealand lotteries”, insert “and any relevant appropriations”.

Other matters

Schedule 2

In *Schedule 2*, after the item relating to section 68(1)(c) of the Gambling Act 2003 (page 48, after line 26), insert in their appropriate numerical order:

After section 276(1)(a), insert:

(aa) the amount of relevant appropriations made and in hand at the date of the statement:

In the heading to section 277, replace “**profits**” with “**amounts**”.

In section 277(1), after “profits of New Zealand lotteries”, insert “and any relevant appropriations”.

In section 277(7), after “Profits of New Zealand lotteries”, insert “and any relevant appropriations”.

In section 278(1), after “profits of New Zealand lotteries”, insert “and any relevant appropriations”.

In the heading to section 279, replace “**profits**” with “**amounts**”.

In section 279(1), after “profits of New Zealand lotteries”, insert “and any relevant appropriations”.

In section 281(1)(a), after “undistributed profits of New Zealand lotteries”, insert “and undistributed relevant appropriations”.

In section 281(2)(a), after “profits of New Zealand lotteries”, insert “and relevant appropriations”.

In section 282(1), after “profits of lotteries”, insert “and relevant appropriations”.

In section 284(5), after “profits arising from New Zealand lotteries”, insert “or relevant appropriations (as the case may be)”.

In section 287(1), after “profits of New Zealand lotteries”, insert “and any relevant appropriations”.

In section 287(2), after “profits arising from New Zealand lotteries”, insert “or relevant appropriations (as the case may be)”.

In section 289, insert as subsection (2):

(2) There may be paid out of undistributed relevant appropriations the amounts that the Minister approves—

- (a) for any purposes in connection with the management, investment, and distribution of relevant appropriations;
- (b) for the dissemination of information relating to the distribution of relevant appropriations;
- (c) for the administration of this subpart.

In the heading to section 290, delete “**of profits**”.

In section 290(1)(b), replace “section 245.” with “section 245; and”.

After section 290(1)(b), insert:

- (c) any relevant appropriations.

In section 290(2), after “true accounts with respect to”, insert “any relevant appropriations for that year and”.

In section 293(1) and (2), after “undistributed profits of New Zealand lotteries”, insert “and any undistributed relevant appropriations”.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

Hon Brooke van Velden

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<u>80A</u>	<u>Principal Act</u>	<u>47</u>
<u>80B</u>	<u>Section 12U amended (Offshore gambling duty)</u>	<u>47</u>
<u>80C</u>	<u>New section 12WA inserted (Ring-fenced online gambling duty)</u>	<u>47</u>
	<u>12WA Ring-fenced online gambling duty</u>	<u>47</u>
<u>80D</u>	<u>Principal Act</u>	<u>47</u>
<u>80E</u>	<u>Section 4 amended (Interpretation)</u>	<u>48</u>
<u>80F</u>	<u>Section 274 amended (Function of Board)</u>	<u>48</u>
<i><u>Other matters</u></i>		
81	Service of notices	48
82	Consequential amendments to legislation	49
Schedule 1		
Transitional, savings, and related provisions		
Schedule 2		
Consequential amendments		

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Online Casino Gambling Act **2025**.

2 Commencement

(1) This Act comes into force on ~~the day after Royal assent~~ **1 May 2026**.
~~(2) However, sections 66 and 67 come into force on 1 July 2026.~~
(2) However,—

(a) **sections 66 and 67** come into force on **1 December 2026**; and 5
(b) **sections 80A to 80F**, and the amendments in Schedule 2 to subpart 3 of Part 3 of the Gambling Act 2003, come into force on **1 January 2027**.

Part 1
Preliminary provisions

10

3 Purpose

The purpose of this Act is to—

(a) establish a licensing regime for online casino gambling; and
(b) prohibit the conduct and advertisement of unlicensed online casino gambling; and 15
(c) prevent and minimise harm from online casino gambling; and
(d) protect consumers who participate in online casino gambling; and
(e) ensure that money from online casino gambling benefits the community.

4 Territorial application

(1) The prohibitions in **sections 9(1) and 10(1)** apply to a person regardless of 20 whether the person is in or outside New Zealand.
(2) Provisions under this Act that apply to a person who takes part in the licensing process apply to that person regardless of whether the person is in or outside New Zealand.
(3) Provisions under this Act that apply to a person who conducts online casino 25 gambling apply to that person—
(a) regardless of whether the person is in or outside New Zealand; but
(b) only to the extent that the gambling is conducted in a manner that enables a person who is in New Zealand to participate in the gambling.
(4) Provisions under this Act that apply to a person who publishes or arranges to publish an advertisement relating to online casino gambling apply to that person— 30
(a) regardless of whether the person is in or outside New Zealand; but
(b) only to the extent that the advertisement is published in a manner that enables it to be brought to the attention of a person who is in New Zealand. 35

(5) The offence in **section 66** applies to a person who engages in the conduct described in that section—

- (a) regardless of whether the person is in or outside New Zealand; and
- (b) regardless of whether the person engages in any of the conduct in or outside New Zealand.

(6) A requirement to provide information under **section 71** applies to a person regardless of whether the person is in or outside New Zealand.

5

5 Interpretation

In this Act, unless the context otherwise requires,—

advertisement, in relation to online casino gambling,—

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(a) means any words, whether written, printed, or spoken (including on film, video recording, or other medium, or broadcast or telecast), any pictorial representation, design, or device (including endorsements, sponsorships, and similar third-party arrangements), and any other communication used to—

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- (i) encourage participation in online casino gambling; or
- (ii) notify the availability of online casino gambling; or
- (iii) promote a gambling platform; ~~and but~~

(b) does not include—

- (i) any health message concerning gambling that does not directly or indirectly promote online casino gambling or a gambling platform;

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- (ii) any communication used to promote technical equipment or software intended for distribution only to operators;

25

- (iii) any communication by or on behalf of the Secretary in relation to online casino gambling;

- (iv) any communication between an operator and a customer that is exclusively for administrative purposes:

30

- (v) any communication described in paragraph (a) that is made in the course of broadcasting a physical sporting event that is held outside New Zealand

advertising and marketing strategy means a document that—

(a) sets out an operator's strategy for advertising and marketing online casino gambling and the operator's gambling platform in New Zealand, including—

35

- (i) the operator's overall marketing objectives and intentions; and

- (ii) the operator's proposed—

- (A) marketing methods and techniques; and

(B) branding (for example, slogans and logo design); and

(iii) the operator's strategy with regards to—

(A) the frequency, volume, and type of advertisements; and

(B) the channels and media through which advertisements will be made; and

(C) the classes of consumers at which the advertisements will be targeted; and

(D) the use of any endorsements, sponsorships, or similar third-party arrangements; and

(iv) any market research or data that the operator has relied on to support its advertising and marketing decisions; and

(b) sets out how the operator will comply with regulations made under **section 77**

Advertising Standards Authority means the Advertising Standards Authority Incorporated (including the Advertising Standards Complaints Board and the Advertising Standards Complaints Appeal Board that are appointed by the Advertising Standards Authority Incorporated)

civil liability act has the same meaning as in **section 50**

class 3 operator's licence and class 4 operator's licence have the same meanings as in section 4(1) of the Gambling Act 2003

communication device means a machine, device, or thing for communicating at a distance and using any technology (including internet communication, telecommunication, radio communication, and broadcasting technology)

community purposes has the same meaning as in section 277 of the Gambling Act 2003

compliance strategy means a document that sets out an operator's strategies, plans, policies, systems, and processes (to the extent not already addressed in another strategy) to comply with—

(a) this Act; and

(b) the Gambling Act 2003; and

(c) the Anti-Money Laundering and Countering Financing of Terrorism Act 2009; and

(d) the Privacy Act 2020; and

(e) any secondary legislation made under an Act specified in **paragraphs (a) to (d)**

computer-simulated sporting event means any sport, game, competition, race, or other similar event that is simulated by a computer and does not involve human or animal competitors

conduct , in relation to online casino gambling,—	
(a) includes any of the following activities:	
(i) organising, managing, or supervising online casino gambling;	
(ii) operating a gambling platform through which gamblers can participate in online casino gambling;	5
(iii) distributing the turnover of online casino gambling (for example, by paying prizes or meeting costs);	
(iv) assisting in any activity described in subparagraphs (i) to (iii) ;	
but	
(b) does not include participating in online casino gambling as a gambler	10
consumer protection strategy means a document that sets out an operator's strategies, plans, policies, systems, and processes to—	
(a) verify the age and identity of consumers; and	
(b) ensure that the interests of consumers are protected; and	
(c) ensure that consumers are treated fairly; and	15
(d) comply with regulations made under section 76	
draw has the same meaning as in section 4(1) of the Gambling Act 2003	
expression of interest means an expression of interest to apply for a licence under section 13	
gambling —	20
(a) means betting, paying, or staking consideration, directly or indirectly, on the outcome of something seeking to win money when the outcome depends wholly or partly on chance; but	
(b) does not include—	
(i) a sales promotion scheme (as defined in section 4(1) of the Gambling Act 2003);	25
(ii) bookmaking (as defined in section 4(1) of the Gambling Act 2003);	
(iii) betting, paying, or staking consideration on the outcome of a physical sporting event (<u>whether or not held in New Zealand and whether or not authorised under the Racing Industry Act 2020</u>);	30
(iv) betting, paying, or staking consideration on the outcome of a novelty event;	
(v) an act, behaviour, or transaction that is declared not to be gambling for the purposes of the Gambling Act 2003 by regulations made under section 368 of that Act	35

gambling platform means ~~1 or more of the following an application, internet site, or other electronic medium~~ through which a person conducts online casino gambling:

- (a) an application:
- (b) an internet site:
- (c) another electronic medium

harm has the same meaning as in section 4(1) of the Gambling Act 2003

harm prevention and minimisation strategy means a document that sets out an operator's strategies, plans, policies, systems, and processes to—

- (a) prevent and minimise harm from online casino gambling; and
- (b) comply with regulations made under **section 75**

key officer, in relation to a person, means—

- (a) the chief executive of the person; and
- (b) the chief financial officer of the person; and
- (c) the chief operating officer of the person; and
- (d) a person ~~exercising~~performing functions equivalent to those of any of the persons mentioned in **paragraphs (a) to (c)**; and
- (e) any other person who has a significant level of influence over the decision making, management, or finances of the person

licence means a licence granted under this Act

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licensing process has the same meaning as in **section 11(1)**

Lotteries Commission has the same meaning as in section 4(1) of the Gambling Act 2003

New Zealand lottery has the same meaning as in section 4(1) of the Gambling Act 2003

25

novelty event means any cultural, social, political, environmental, economic, or other similar event, whether it takes place in or outside New Zealand

online casino gambling—

- (a) means gambling at a distance by interaction through a communication device, including using the communication device—
 - (i) to participate in gambling that relies on a random number generator or other wholly or partly chance-based outcome generation (such as slot machines or lotteries); or
 - (ii) to participate in casino table gambling (such as blackjack, poker, or baccarat); or
 - (iii) to bet, pay, or stake consideration on the outcome of a computer-simulated sporting event; but
- (b) does not include—

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- (i) class 3 gambling in the form of a lottery conducted by any gambling operator that holds a class 3 operator's licence that allows the gambling operator to conduct a lottery (as those terms are defined in section 4(1) of the Gambling Act 2003);
- (ii) gambling that is declared not to be online casino gambling by regulations made under **section 79(1)(a)** 5

online casino gambling technology—

- (a) means any software, hardware, firmware, or other technology used for the purposes of conducting or advertising online casino gambling; but
- (b) does not include anything that is declared not to be online casino gambling technology by regulations made under **section 79(1)(b)** 10

operator means a person who holds a licence to conduct online casino gambling

overseas regulator means a person or body in a country other than New Zealand that performs functions that correspond with, or are similar to, any of those conferred on the Secretary under this Act 15

personal information has the same meaning as in section 7(1) of the Privacy Act 2020

physical sporting event—

- (a) means any sport, game, competition, race, or other similar event that involves human or animal competitors, ~~whether it is held in or outside New Zealand~~; and 20
- (b) includes any electronic game involving human competitors

problem gambler has the same meaning as in section 4(1) of the Gambling Act 2003 25

protected New Zealand lottery means standard lotto, lotto powerball, or lotto strike (as those terms are defined in rule 3 of the Lotto Rules 2000 rules made under section 243 of the Gambling Act 2003)

publish means—

- (a) insert in any newspaper or other periodical publication printed, published, or distributed; or 30
- (b) send to any person by any means; or
- (c) deliver to a person or leave at a place owned or occupied by a person; or
- (d) broadcast; or
- (e) include in any film or video; or 35
- (f) include in any disk for use with a computer; or
- (g) convey by electronic medium; or
- (h) distribute by any means; or

- (i) display by way of a sign, notice, poster, or other means; or
- (j) store electronically in a way that it is accessible to the public; or
- (k) bring to the notice of the public in any other manner

registration audio mark means a distinctive sound that is publicly notified by the Secretary for the purposes of **section 41(2)** to indicate that a person is licensed to conduct online casino gambling 5

registration icon means a picture or symbol that is publicly notified by the Secretary for the purposes of **section 41(1)** to indicate that a person is licensed to conduct online casino gambling

regulations means regulations made under this Act 10

relevant legislation means—

- (a) this Act:
- (b) the Anti-Money Laundering and Countering Financing of Terrorism Act 2009:
- (c) the Companies Act 1993: 15
- (d) the Consumer Guarantees Act 1993:
- (e) the Corporations (Investigation and Management) Act 1989:
- (f) the Crimes Act 1961:
- (g) the Fair Trading Act 1986:
- (h) the Gambling Act 2003: 20
- (i) the Gaming Duties Act 1971:
- (j) the Goods and Services Tax Act 1985:
- (k) the Insolvency Act 2006:
- (l) the Privacy Act 2020:
- (m) the Tax Administration Act 1994: 25
- (n) the Unsolicited Electronic Messages Act 2007:
- (o) any secondary legislation made under an Act specified in **paragraphs (a) to (n):**
- (p) any overseas legislation equivalent to legislation specified in **paragraphs (a) to (o):** 30
- (q) any legislation publicly notified by the Secretary for the purposes of this paragraph

relevant offence means an offence under relevant legislation

Secretary means the Secretary for Internal Affairs

security has the same meaning as in section 6(1) of the Overseas Investment Act 2005 35

significant influence, in relation to a licence, has the same meaning as in **section 19(4)**

take-down notice means a notice issued under **section 56**

turnover means the aggregate stakes in an online casino gambling activity.

6 Transitional, savings, and related provisions

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The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

7 Act binds the Crown

This Act binds the Crown.

Part 2
Online casino gambling

10

Subpart 1—General provisions

8 Functions of Secretary

The functions of the Secretary under this Act are—

- (a) to administer the licensing regime under this Act: 15
- (b) to investigate breaches or suspected breaches of this Act:
- (c) to monitor and enforce compliance with this Act:
- (d) to investigate complaints against operators and other persons in relation to online casino gambling:
- (e) to maintain a public register with details of operators and licences: 20
- (f) to prescribe minimum standards in relation to online casino gambling technology:
- (g) to approve forms for the purposes of this Act:
- (h) to perform any other functions set out in this Act.

9 Prohibition on conducting online casino gambling without licence

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(1) A person ~~must not~~ may conduct online casino gambling in a manner that enables a person who is in New Zealand to participate in the gambling ~~unless~~ only if—

- (a) the person conducts the online casino gambling in accordance with a licence; and
- (b) the online casino gambling is not substantially similar to, and is not likely to be in competition with, a protected New Zealand lottery; and
- (c) the online casino gambling does not involve betting on the outcome of a protected New Zealand lottery.

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(2) Nothing in this section applies to the Lotteries Commission to the extent that it conducts New Zealand lotteries.

10 Prohibition on advertising online casino gambling without licence

(1) A person ~~must not~~ may publish or arrange to publish an advertisement relating to online casino gambling in a manner that enables the advertisement to be brought to the attention of a person who is in New Zealand ~~unless~~ only if—

(a) the person publishes or arranges to publish the advertisement in accordance with a licence; and

(b) the advertisement does not relate to online casino gambling that is substantially similar to, and is likely to be in competition with, a protected New Zealand lottery; and

(c) the advertisement does not relate to online casino gambling that involves betting on the outcome of a protected New Zealand lottery.

(2) Nothing in this section applies to the Lotteries Commission to the extent that it publishes or arranges to publish advertisements in relation to New Zealand lotteries.

Subpart 2—Licensing process

11 Overview of subpart

(1) This subpart sets out the process to obtain a licence to conduct online casino gambling in New Zealand (the **licensing process**).
20

(2) The licensing process consists of 3 stages that are set out in this subpart as follows:

(a) **sections 12 to 15** set out the first stage and contain provisions—

(i) enabling the Secretary to invite expressions of interest for a licence by giving public notice; and
25

(ii) requiring interested persons to submit expressions of interest with specified details relating to themselves, their key officers, and their compliance history; and

(iii) setting out criteria for the Secretary to accept an expression of interest;
30

(b) **section 16** sets out the second stage and requires the Secretary to invite persons whose expressions of interest have been accepted to participate in a competitive process to determine—

(i) who may apply for the licence; and

(ii) the amount payable for the licence;
35

(c) **sections 17 to 21** set out the third stage and contain provisions—

- (i) requiring persons who have been successful in the competitive process and who wish to apply for a licence to pay the amount for the licence determined by the competitive process and to make an application; and
- (ii) setting out criteria for the Secretary to grant a licence to an applicant; and
- (iii) requiring the Secretary to notify applicants of the Secretary's decision and to refund amounts paid for the licence by unsuccessful applicants.

(3) This section is only a guide to the general scheme and effect of this subpart. 10

Expressions of interest

12 Secretary to invite expressions of interest

- (1) The Secretary may invite an expression of interest for a licence by giving public notice.
- (2) The public notice must specify—
 - (a) the number of licences in respect of which an expression of interest is invited; and
 - (b) the minimum amount of capital that a person must have access to in order to conduct online casino gambling; and
 - (c) the information that must be included in an expression of interest; and
 - (d) the date by which an expression of interest must be submitted (in accordance with **section 13(1)**). 20

13 Expression of interest for licence

- (1) A person who wishes to submit an expression of interest for a licence to the Secretary must do so within—
 - (a) 20 working days of the public notice being given under **section 12**; or
 - (b) a longer period that the Secretary may allow.
- (2) An expression of interest must—
 - (a) include the information set out in **section 14**; and
 - (b) be in a form approved by the Secretary; and
 - (c) be accompanied by the prescribed fee (if any). 30

14 Information to be included in expression of interest

A person's expression of interest for a licence must include the following information:

- (a) the person's full name, physical address, and contact details: 35

(b) each key officer's full name, position title, physical address, and contact details;

(c) a full disclosure of the person's ownership structure, if applicable (including details about the jurisdictions in which each person who is part of the ownership structure is resident, incorporated, or otherwise has or is treated as having a presence):

(ca) information about any contribution that the person makes or intends to make for community purposes in New Zealand;

(d) information about any significant influence that the person has over an existing licence: 10

(e) information that the person is aware of about any person that would have significant influence over the licence that the expression of interest relates to, if the licence were granted;

(f) information about the gambling platform through which the person intends to conduct online casino gambling: 15

(g) information about the branding (for example, slogans or logo designs) that the person intends to use in conducting online casino gambling;

(h) whether the person or a key officer has, in the last 7 years,—

(i) been convicted of, or investigated for, a relevant offence;

(ii) been found to have breached, or been investigated for a breach of, 20 any relevant legislation;

(iii) been placed in receivership, gone into liquidation, or been adjudged bankrupt;

(iv) been found by the Advertising Standards Authority, or an equivalent overseas authority, to have breached any requirement or standard (whether or not legally binding) set by the authority: 25

(v) been prohibited from being a director or promoter of, or being concerned or taking part in the management of, a company or other body;

(vi) been a director of a company that has been placed in receivership or gone into liquidation: 30

(vii) held any securities in, or been a director or promoter of, or been concerned or taken part in the management of, a person who conducts, or who has applied for a licence to conduct, gambling or online casino gambling in New Zealand and, if so, details of that person: 35

(viii) held 1 or more of the following licences:

(A) a licence under this Act;

(B) a class 3 operator's licence:

(C) a class 4 operator's licence;

(D) an equivalent licence granted overseas;

(ix) had any licence referred to in **subparagraph (viii)** suspended or cancelled or had an application for the renewal of such a licence refused:

(i) information regarding the source and amount of capital available to the person to conduct online casino gambling.

15 Criteria for accepting expression of interest

(1) The Secretary may ~~only~~ accept a person's expression of interest only if the Secretary is satisfied that—

(a) the person has access to the amount of capital specified in the public notice given under **section 12(2)(b)**; and

(b) in the last 7 years, none of the following persons have been convicted of a crime involving dishonesty or an equivalent overseas crime or offence:

(i) the person;

(ii) the chief executive of the person, if applicable;

(iii) the chief financial officer of the person, if applicable;

(iv) the chief operating officer of the person, if applicable;

(v) a person ~~exercising~~performing functions equivalent to those of any of the persons mentioned in **subparagraphs (ii) to (iv)**, if applicable; and

(c) the person has provided the information required under **section 14**.

(2) However, the Secretary must not accept an expression of interest from a person if the Secretary considers that doing so is likely to prejudice New Zealand's international reputation with regards to trade or the maintenance of the law.

(3) In this section, **crime involving dishonesty** has the same meaning as in section 2(1) of the Crimes Act 1961.

Competitive process

16 Secretary to run competitive process

(1) The Secretary must invite a person whose expression of interest has been accepted to participate in a competitive process to determine—

(a) who may apply for the licence; and

(b) the amount payable for the licence.

(2) The Secretary may determine—

(a) the form of competitive process to be used (for example, an auction or a tender); and

(b) how the competitive process is to be run.

(3) The Secretary must, at least 10 working days before the start of the competitive process, give written notice to the person of the following matters:

(a) the form of competitive process to be used; and 5

(b) details on how to participate in the competitive process; and

(c) the date on which the competitive process starts and ends.

(4) The Secretary must, as soon as is reasonably practicable after the competitive process ends, notify the person in writing—

(a) whether the person may apply for a licence; and 10

(b) the amount payable for the licence; and

(c) that, under section 17(7), the Secretary may retain part of the amount paid for the licence if the person withdraws their application.

Application for licence

17 Application for licence

(1) This section applies to a person who has been notified under **section 16(4)(a)** 15 that they may apply for a licence.

(2) If the person wishes to apply for the licence, the person must first pay to the Secretary the amount notified under **section 16(4)(b)**.

(3) After paying the amount for the licence, the person must apply for the licence.

(4) The application must be made within 20 working days after the person is notified under **section 16(4)** or a longer period that the Secretary may allow. 20

(5) The application must—

(a) include the information set out in **section 18**; and

(b) be in a form approved by the Secretary; and

(c) be accompanied by the prescribed fee (if any). 25

(6) If the person does not apply for the licence within the period required under **subsection (4)**, the Secretary must refund the amount paid for the licence under **subsection (2)**.

(7) However, if the person withdraws their application, the Secretary may retain part of the amount paid for the licence to cover costs of administering the competitive process that the Secretary considers reasonable. 30

18 Information to accompany licence application

(1) An application made under **section 17** must be accompanied by the following information:

(a) the applicant's— 35

(i) advertising and marketing strategy; and

- (ii) consumer protection strategy; and
- (iii) harm prevention and minimisation strategy; and
- (iv) compliance strategy; and
- (b) the applicant's business plan for conducting online casino gambling in New Zealand, including ~~an outline of details about~~ 5
 - (i) the applicant's goals and objectives; and
 - (ii) the structure of the applicant's management and operations; and
 - (iii) the applicant's financial viability and projections; and
- (c) the applicant's physical address for service in New Zealand; and
- (d) details about the gambling platform, branding, and user interface that the applicant proposes to use to conduct online casino gambling; and 10
- (e) ~~an outline of details about~~ any changes to the information that was required to be provided under **section 14**.

(2) The Secretary may require the applicant to provide any further information relating to their application within a specified period. 15

19 Criteria for granting licence

Applicant compliance and suitability

- (1) The Secretary must not grant a licence to an applicant unless the Secretary is satisfied that— 20
 - (a) the applicant has met the requirements in **sections 17 and 18**; and
 - (b) the applicant is willing and able to comply with the duties and requirements under this Act; and
 - (c) the applicant is suitable to hold a licence.
- (2) In assessing whether the applicant is suitable to hold a licence under **subsection (1)(c)**, the Secretary must take into account the information provided under **sections 14 and 18(1)(e)** ~~(including whether the applicant has a presence in New Zealand and whether the applicant makes contributions for community purposes in New Zealand)~~ and any other matters that the Secretary considers relevant to the suitability of the applicant. 25

Limit on licences held or controlled 30

- (3) The Secretary must not grant a licence to a person if granting the licence would result in—
 - (a) more than 15 licences being held at any time; or
 - (b) any person having significant influence over more than 3 licences.
- (4) A person has **significant influence** over a licence if— 35
 - (a) the person is the licence holder; or

- (b) the percentage of the voting power that the person can directly or indirectly exercise or control at meetings of the licence holder is 20% or more; or
- (c) the percentage of securities in the licence holder that the person directly or indirectly owns or controls is 20% or more.

5

No licence for protected New Zealand lotteries

- (5) The Secretary must not grant a licence to a person to conduct online casino gambling that is ~~substantially similar to, and is likely to be in competition with, a protected New Zealand lottery.~~
 - (a) is substantially similar to, and is likely to be in competition with, a protected New Zealand lottery; or
 - (b) involves betting on the outcome of a protected New Zealand lottery.
- (6) In determining whether any online casino gambling is substantially similar to, and is likely to be in competition with, a protected New Zealand lottery, the Secretary must have regard to—
 - (a) the nature and type of the gambling; and
 - (b) the method and frequency of drawing, if applicable; and
 - (c) the value of the prizes to be won.

10

15

20 Requirements if licence granted

If the Secretary decides to grant a licence, the Secretary must—

- (a) notify the applicant in writing of—
 - (i) the decision; and
 - (ii) the applicant's right under **section 32** to seek a review of the Secretary's decision to impose any conditions; and
- (b) provide a copy of the licence to the applicant.

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21 Requirements if licence refused

If the Secretary refuses to grant a licence, the Secretary must—

- (a) notify the applicant in writing of—
 - (i) the decision and the reasons for the decision; and
 - (ii) the applicant's right to appeal the decision under **section 35**; and
- (b) refund to the applicant the amount paid for the licence under **section 17(2)**.

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Subpart 3—Other licensing provisions

General provisions

22 Licence contents

(1) A licence must specify—

- (a) the name of the operator; and 5
- (b) the gambling platform and branding that the licence authorises the operator to use; and
- (c) the period for which the licence is in force (including as a result of any renewal); and
- (d) any conditions imposed on the licence under **section 23**. 10

(2) The Secretary may amend a licence to take into account any changes to the matters specified in subsection (1)(a) to (d).

23 Licence conditions

(1) The Secretary may, at any time,—

- (a) impose conditions on a licence; or 15
- (b) amend or revoke any existing conditions.

(2) If the Secretary imposes a condition on a licence, the Secretary must give written notice to the operator of—

- (a) the condition; and
- (b) the reason for the condition; and 20
- (c) the operator's right to seek a review under **section 32**.

(3) If the Secretary amends or revokes a condition, the Secretary must give written notice to the operator of—

- (a) the amendment or revocation; and
- (b) the reason for the amendment or revocation; and 25
- (c) in the case of an amendment, the operator's right to seek an internal review under **section 32**.

24 Licence duration

(1) A licence remains in force for 3 years after the date that it is granted unless the Secretary specifies a shorter period in the licence. 30

(2) However, if an operator applies for renewal of their licence under **section 26**, the licence remains in force until the Secretary determines the application under **section 27**.

(3) A licence ceases to be in force—

- (a) while it is suspended: 35

- (b) if it is cancelled;
- (c) if it is surrendered.

25 Licence not transferable

A licence is not transferable to another person.

Renewal, suspension, cancellation, and surrender of licences

5

26 Renewal of licence

- (1) An operator who wishes to apply to the Secretary for renewal of the operator's licence must do so at least 6 months before the date on which the licence expires.
- (2) However, the Secretary may, at their sole discretion, accept an application for renewal that is submitted late. 10
- (3) An application for renewal must be accompanied by—
 - (a) ~~an outline of details about~~ any changes to the information that was required to be provided under—
 - (i) **section 14**; and 15
 - (ii) **section 18**; and
 - (b) confirmation that, as far as the operator is aware, the operator is complying with, and has at all times complied with, any conditions imposed under **section 23** or otherwise an explanation of any breaches of the conditions; and 20
 - (c) the prescribed fee (if any).
- (4) The Secretary may require the operator to provide, within a specified period, any further information to enable the Secretary to determine the operator's continued suitability to hold a licence.

27 Decision on renewal of licence

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- (1) The Secretary must not renew a licence unless the Secretary is satisfied that the criteria in **sections 15 and 19** continue to be met.
- (2) A licence may be renewed once only.
- (3) If the Secretary decides to renew a licence, the licence remains in force for 5 years after the date of renewal unless the Secretary specifies a shorter period in the licence. 30
- (4) The Secretary must notify the operator in writing—
 - (a) of the Secretary's decision on the application; and
 - (b) in the case of a refusal, of the reasons for the decision.

28 Suspension and cancellation of licence

(1) The Secretary may suspend or cancel a licence if the Secretary ~~has reasonable grounds to believe is satisfied~~ that—

- (a) any of the criteria in **sections 15 and 19** are no longer met; or
- (b) the operator is not complying with, or has not complied with, a duty or requirement under this Act; or
- (c) the operator has provided information that is materially false or misleading, including in relation to—
 - (i) an application for a licence or renewal of a licence; or
 - (ii) any investigation by the Secretary.

(2) The Secretary may exercise the power of suspension in respect of a breach that falls within **subsection (1)** whether or not—

- (a) the breach continues at the time that the power is exercised or is proposed to be exercised; or
- (b) a penalty is available for the breach.

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29 Procedure for suspension and cancellation of licence

(1) If the Secretary proposes to suspend or cancel a licence, the Secretary must—

- (a) notify the operator in writing with reasons for the proposed suspension or cancellation; and
- (b) give the operator at least 20 working days to respond; and
- (c) consider any response provided by the operator before making a decision to suspend or cancel the licence.

(2) If the Secretary decides to suspend a licence, the Secretary must give written notice to the operator that sets out—

- (a) the reasons for the suspension; and
- (b) the day on which the suspension takes effect; and
- (c) the duration of the suspension, which must not be longer than 6 months from the day the notice is given; and
- (d) the operator's right of appeal under **section 35**.

(3) The Secretary may lift a suspension before it ends if the Secretary considers that the non-compliance on which the suspension is based has been rectified.

(4) If the Secretary decides to cancel a licence,—

- (a) the Secretary must give written notice to the operator that sets out—
 - (i) the reasons for the cancellation; and
 - (ii) the day on which the cancellation takes effect; and
 - (iii) the operator's right of appeal under **section 35**; and

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(b)	the Secretary must not invite expressions of interest in relation to that licence under section 12 until all rights of appeal in relation to the decision to cancel the licence are exhausted.	
30	Surrender of licence	
(1)	An operator may apply to surrender the operator's licence at any time by giving written notice to the Secretary.	5
(2)	An application to surrender a licence must be accompanied by any fees, charges, or levies outstanding in relation to the licence.	
(3)	On receiving an application to surrender a licence, the Secretary may—	
(a)	request the operator to provide any information that the Secretary considers necessary; and	10
(b)	impose conditions that the operator must comply with before the Secretary consents to the surrender.	
(4)	The Secretary must consent to the surrender if—	
(a)	the operator complies with subsection (2) ; and	15
(b)	the operator has provided any additional information requested under subsection (3)(a) ; and	
(c)	the operator has complied with any conditions imposed under subsection (3)(b) .	
31	Obligations not affected by expiry, suspension, cancellation, or surrender	20
	The expiry, suspension, cancellation, or surrender of an operator's licence does not affect any existing obligations of the operator under this Act, including to—	
(a)	reward winners for gambling participated in before the licence expired or before the licence was suspended, cancelled, or surrendered; and	25
(b)	allow consumers to access their online casino gambling accounts and withdraw funds from those accounts; and	
(c)	comply with requirements in relation to record-keeping and reporting.	
	Subpart 4—Reviews and appeals of certain decisions	
	<i>Review of decisions relating to conditions</i>	30
32	Review of Secretary's decision to impose or amend condition	
(1)	An operator may apply for a review of a decision by the Secretary to impose or amend a condition under section 23 .	
(2)	The application must—	
(a)	be made in writing to the Secretary—	35

(i) within 15 working days after the Secretary gives written notice of the decision under **section 23** or by any later date permitted by the Secretary; and

(ii) in a form approved by the Secretary; and

(b) state the reasons for making the request. 5

33 Process for review

(1) On receiving an application for review under **section 32**, the Secretary must ensure that the decision is reviewed—

(a) as soon as is reasonably practicable after the request is made; and

(b) by a person (the **reviewer**) other than the person who made the original decision. 10

(1A) In reviewing the decision, the reviewer must act independently of the person who made the original decision.

(2) The Secretary may, by written notice, require the operator to provide any further information in connection with the review within 10 working days of that written notice. 15

(3) If the operator does not provide the further information within the required time, the reviewer may review the decision on the basis of the information held by the Secretary.

34 Outcome of review 20

(1) After conducting the review of a decision, the reviewer may confirm, modify, or reverse all or part of the decision or make a new decision.

(2) The Secretary must, as soon as is reasonably practicable after conducting the review, give written notice to the operator of—

(a) the decision on the review; and 25

(b) the reasons for the decision on the review.

Appeals against certain licensing decisions

35 Appeal to High Court against certain licensing decisions

(1) A person may appeal to the High Court against a decision of the Secretary to—

(a) refuse to grant a licence to the person; 30

(b) suspend or cancel the person's licence.

(2) A person must bring an appeal within 15 working days of being notified of the relevant decision.

(3) However, the High Court may, on the application of a party to an appeal, extend the time period for bringing an appeal. 35

(4) The High Court Rules 2016 and sections 126 to 130 of the District Court Act 2016 apply to an appeal under **subsection (1)**—

(a) as if it were an appeal under section 124 of the District Court Act 2016; and

(b) with all necessary modifications.

(5) A decision to suspend or cancel a person's licence is not reversed merely because the person appeals against the decision under this section or appeals against a decision of the High Court under **section 36**.

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36 Further appeal to Court of Appeal

(1) A party to an appeal under **section 35** may appeal to the Court of Appeal against a decision of the High Court on a question of law with the leave of the Court of Appeal.

(2) An application for that leave must be made to the Court of Appeal within 20 working days after the date of the decision against which the party wishes to appeal.

(3) The Court of Appeal hearing an appeal has the same power to adjudicate on the appeal as the High Court had.

(4) The decision of the Court of Appeal on any application for leave to appeal, or on an appeal, is final.

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Part 3
Duties and requirements

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*Gambling platform availability***37 Ensure gambling platform is operating and available**

(1) An operator must ensure that the gambling platform authorised by the operator's licence is operating and available to consumers in New Zealand within—

(a) 90 days of the commencement of the licence; or

(b) a longer period notified in writing to the operator by the Secretary.

(2) An operator must ensure that the gambling platform is operating and available to consumers in New Zealand for at least 270 days in total in any 12-month period.

(3) Any day during which the licence is suspended must be disregarded for the purposes of calculating—

(a) the period under **subsection (1)**; or

(b) the 12-month period under **subsection (2)**.

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*Consumer protection***38 Ensure gamblers are at least 18 years old**

An operator must take all reasonable steps to ensure that a person who participates in online casino gambling on the operator's platform is at least 18 years old.

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39 Minimise risk of harm from online casino gambling

An operator must take all reasonable steps to ensure that the risk of harm from online casino gambling is minimised, including complying with any procedures set out in regulations for that purpose.

40 Exclude problem gamblers certain persons

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An operator must take all reasonable steps to ensure that a person is excluded from gambling on its gambling platform if the person has, in accordance with any procedures set out in regulations,—

- (a) identified themselves to the operator as a problem gambler; or
- (aa) recorded themselves as wishing to be excluded from online casino gambling in the register established by regulations under section 75(2A); 15
or
- (b) requested the operator to exclude them from the operator's gambling platform; or
- (c) been identified by the operator as a problem gambler.

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41 Display registration icon and play registration audio mark

(1) An operator must display a registration icon as required by the Secretary—

- (a) on the gambling platform that is authorised under the operator's licence; and
- (b) on any visual advertisement that the operator publishes or arranges to publish in relation to online casino gambling in a manner that enables the advertisement to be brought to the attention of a person who is in New Zealand.

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(2) An operator must play a registration audio mark as required by the Secretary—

- (a) on the gambling platform that is authorised under the operator's licence; and
- (b) during any advertisement that uses audio that the operator publishes or arranges to publish in relation to online casino gambling in a manner that enables the advertisement to be brought to the attention of a person who is in New Zealand.

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(3) An operator must ensure that any registration icon or registration audio mark is removed from the operator's gambling platform and any advertisement that the

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operator publishes or arranges to publish as soon as is reasonably practicable, but no later than 24 hours, after the operator's licence—

- (a) is suspended or cancelled; or
- (b) is surrendered; or
- (c) expires.

(4) ~~A person who is not an operator must not A person who is not permitted to conduct online casino gambling under section 9 or to publish or arrange to publish an advertisement relating to online casino gambling under section 10 must not~~ display a registration icon or play a registration audio mark on a gambling platform or advertisement.

42 No credit for online casino gambling

A person who conducts online casino gambling must not offer or provide credit if the person knows or ought to know that the credit is intended to be used for gambling.

Information collection and retention

43 Collect and retain certain information

An operator must—

- (a) collect any information (including personal information) that is specified in regulations or minimum standards prescribed under section 80 for the duration of their licence; and
- (b) retain that information for 7 years following the expiry, cancellation, or surrender of their licence.

No significant influence arrangements

44 No arrangement for significant influence over more than 3 licences

An operator must take all reasonable steps to ensure that—

- (a) the operator does not have significant influence over more than 3 licences; and
- (b) the operator does not participate in an arrangement that results in any person having significant influence over more than 3 licences.

Complaints process and register

45 Complaints process

An operator must—

- (a) establish, maintain, and administer a publicly available complaints process in accordance with regulations; and
- (b) ensure that complaints are investigated and responded to—

- (i) in accordance with that complaints process; and
- (ii) within 40 working days of being received.

46 Complaints register

- (1) An operator must establish and maintain a complaints register.
- (2) The complaints register must contain the following information in relation to every complaint received by the operator: 5
 - (a) the date the complaint was received;
 - (b) the name of the complainant (if provided):
 - (c) details of the complaint;
 - (d) how the complaint is responded to; 10
 - (e) the date the complaint is closed.
- (3) The operator must keep the register up to date.
- (4) An operator must provide the Secretary with the following information every 3 months: 15
 - (a) the number of complaints made to the operator in the previous 3 months;
 - (b) any information about complaints set out in regulations.
- (5) The Secretary may require an operator to provide the Secretary with—
 - (a) further information regarding a specific complaint; or
 - (b) the whole or part of the complaints register.

Notifying changes and other circumstances

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47 Changes relating to ownership or significant influence

- (1) An operator must notify the Secretary in writing if the operator becomes aware that—
 - (a) a person who previously had significant influence over the operator's licence has ceased to have significant influence over it; or 25
 - (b) a person who previously did not have significant influence over the operator's licence has gained significant influence over it; or
 - (c) the operator or the operator's licence is part of, or is likely to be part of, an arrangement that results in any person having significant influence over more than 3 licences; or
 - (d) the operator has amalgamated, or is likely to amalgamate, with another licence holder under a law that results in 2 or more persons amalgamating and continuing as 1 person; or
 - (e) the operator has acquired, or is likely to acquire, all of the securities in another licence holder. 30 35

(2) The operator must notify the Secretary as soon as is reasonably practicable, but no later than 5 working days, after becoming aware of the matter.

(3) The Secretary must, as soon as is reasonably practicable following a notification under subsection (2), carry out an assessment to determine whether the criteria under sections 15 and 19 continue to be met.

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48 Changes relating to key officers

(1) An operator must notify the Secretary in writing ~~before as soon as is reasonably practicable, but no later than 5 working days,~~ after a new key officer is employed or engaged by the operator.

(2) The operator must ~~provide the Secretary with the information set out in section 14(h) in relation to that key officer.~~

(a) provide the Secretary with the information set out in section 14(h) in relation to the new key officer; and

(b) pay the prescribed fee (if any) for the Secretary to assess the new key officer.

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49 Other circumstances and changes

(1) An operator must notify the Secretary in writing of any of the following circumstances that have occurred since the operator was granted a licence:

(a) the operator or a key officer has—

(i) been convicted of, or investigated for, a relevant offence:

(ii) been found to have breached, or been investigated for a breach of, any relevant legislation:

(iii) been adjudicated bankrupt, placed in receivership, or gone into liquidation:

(iv) been found by the Advertising Standards Authority, or an equivalent overseas authority, to have breached any requirement or standard (whether or not legally binding) set by the authority:

(v) been prohibited from being a director or promoter of, or being concerned or taking part in the management of, a company or other body:

(vi) been a director of a company that has been placed in receivership or gone into liquidation:

(b) a key officer stops being a key officer or becomes incapable of performing the duties of that person's position:

(c) a change is made to—

(i) the name of the operator or a key officer; or

(ii) the operator's physical address for service in New Zealand; or

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(iii) any other information that has been previously provided by the operator to the Secretary under this Act;

(d) any other change that may affect the ability of the operator to comply with duties or requirements under this Act.

(2) The operator must—

(a) notify the Secretary as soon as is reasonably practicable, but no later than 5 working days, after becoming aware that the circumstance has occurred or is likely to occur; and

(b) pay the prescribed fee (if any) for the Secretary to assess the circumstance.

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Part 4

Compliance, enforcement, and regulatory matters

Subpart 1—Civil liability acts

50 Meaning of civil liability act

(1) A person carries out a **civil liability act** if—

(a) the person breaches this Act or any secondary legislation made under it, including (without limitation) if the person—

(i) conducts online casino gambling in breach of **section 9**; or

(ii) publishes or arranges to publish advertisements relating to online casino gambling in breach of **section 10**; or

(iii) displays or plays, or fails to display or play, a registration icon or registration audio mark in breach of **section 41**; or

(iv) offers or provides credit in breach of **section 42**; or

(v) fails to comply with a take-down notice issued by the Secretary under **section 56**; or

(vi) fails to comply with a requirement to provide information under **section 71**; or

(vii) breaches a condition of the person's licence; or

(b) the person provides false or misleading information to the Secretary under this Act.

(2) However, a person who commits an offence under **section 66** does not carry out a civil liability act.

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*Formal warnings***51 Formal warnings**

(1) The Secretary may, by written notice, issue 1 or more formal warnings to a person if the Secretary ~~has reasonable grounds to believe~~ is satisfied that the person has carried out a civil liability act. 5

(2) A formal warning must—

- state the reason for the formal warning; and
- be in a form approved by the Secretary.

(3) The Secretary must, as soon as is reasonably practicable after issuing a formal warning, give public notice of the warning. 10

(4) The Secretary must ensure that any personal information and commercially sensitive information is redacted from the publicly notified warning, unless the Secretary considers that publicly notifying the information is necessary or desirable to achieve the purposes of this Act.

Enforceable undertakings

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52 Enforceable undertakings

(1) The Secretary may accept a written undertaking given by a person in connection with a matter relating to a civil liability act or an alleged civil liability act. 20

(2) An undertaking may include (without limitation) any of the following:

- an undertaking to take action to avoid, remedy, or mitigate a civil liability act:
- an undertaking to pay to the Secretary all or part of the Secretary's costs incurred in investigating, or bringing proceedings in relation to, a civil liability act.

(3) An undertaking may include an admission of liability by the person giving it in relation to the civil liability act or alleged civil liability act to which the undertaking relates, but otherwise does not constitute an admission of liability. 25

(4) The person may withdraw or vary the undertaking with the written agreement of the Secretary.

(5) However, the undertaking may not be varied to relate to a different civil liability act or alleged civil liability act. 30

53 Notification requirements for undertakings

(1) The Secretary must give the person seeking to make an undertaking written notice of—

- the Secretary's decision to accept or reject the undertaking; and
- the reasons for the decision. 35

(2) If the Secretary accepts an undertaking, the Secretary must, as soon as is reasonably practicable, publicly notify the following:

- the undertaking;
- a brief description of the circumstances and nature of the civil liability act to which the undertaking relates;
- the Secretary's reasons for accepting the undertaking;
- any withdrawal or variation of the undertaking.

(3) The Secretary must ensure that any personal information and commercially sensitive information is redacted from the matters publicly notified under **subsection (2)**, unless the Secretary considers that publicly notifying the information is necessary or desirable to achieve the purposes of this Act.

54 When undertaking becomes enforceable

(1) An undertaking takes effect and becomes enforceable—

- on the date the Secretary gives notice of acceptance of the undertaking; or
- at any later date specified by the Secretary.

(2) A person must not breach an undertaking given by that person that is in force.

(3) No proceedings for a civil liability act may be brought against a person if—

- an undertaking is in force in relation to that act and the person is not in breach of the undertaking; or
- the person has completely discharged the undertaking.

(4) The Secretary may accept an undertaking in relation to a civil liability act or alleged civil liability act before proceedings in relation to that act have been completed.

(5) If the Secretary accepts an undertaking while proceedings are under way but before they are completed, the Secretary must take reasonable steps to have the proceedings discontinued as soon as is reasonably practicable to the extent that the proceedings relate to that civil liability act or alleged civil liability act.

55 Breach of undertaking

(1) If the Secretary considers that a person has breached an undertaking, the Secretary may apply to the High Court for an order under **subsection (2)**.

(2) If the court is satisfied that the person who made the undertaking has breached it, the court may make 1 of the following orders:

- an order directing the person to comply with the undertaking;
- an order discharging the undertaking.

(3) The court may also make any other order that the court considers appropriate in the circumstances, including orders directing the person to pay to the Secretary—

- (a) the costs of the proceedings; and
- (b) the reasonable costs of the Secretary for ongoing monitoring of compliance with the undertaking.

Take-down notices

56 Issue of take-down notices

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- (1) The Secretary may issue a take-down notice to a person who does not hold a licence if the Secretary considers that the person is—
 - (a) conducting online casino gambling in breach of **section 9**; or
 - (b) publishing or arranging to publish an advertisement relating to online casino gambling in breach of **section 10**.
- (2) The take-down notice may require the person to take any measures that the Secretary considers necessary or desirable to—
 - (a) prevent the gambling platform through which the person is conducting online casino gambling from being accessible to persons in New Zealand; or
 - (b) prevent the advertisement from being brought to the attention of persons in New Zealand.

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57 Content of take-down notices

- (1) A take-down notice must contain the following:
 - (a) the name of the person subject to the notice;
 - (b) the gambling platform or advertisement in respect of which the notice is issued;
 - (c) the reason for the notice;
 - (d) the required action under **section 56(2)**;
 - (e) the date and time by which the notice must be complied with, which must be within 2 days of the date the notice is issued to the person.
- (2) The notice may contain any other information that the Secretary considers appropriate.

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58 Person to comply with take-down notice

A person who is issued a take-down notice must comply with it as soon as is reasonably practicable but no later than the date and time specified in the notice.

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59 Enforcement of take-down notices

- (1) The Secretary may take enforcement proceedings in the ~~District Court~~ ~~High Court~~ if a person who has been issued a take-down notice fails or refuses to comply with it by the required date.

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(2) In proceedings under this section, the court—

- (a) must not examine or make a determination about the issuing or merits of a take-down notice;
- (b) may—
 - (i) determine whether the person had a reasonable justification for failing or refusing to comply with the notice by the date and time specified in the notice or for any further delay after that; and
 - (ii) order a remedy under **section 60**.

60 Remedies

In proceedings under **section 59**, the ~~District Court~~ High Court may order 10 that a person who has been issued a take-down notice ~~complies to comply~~ with it by a date specified in the order.

Pecuniary penalties

61 Pecuniary penalty order

(1) The Secretary may apply to the High Court for an order that a person (person A) pay a pecuniary penalty to the Crown in relation to a civil liability act. 15

(2) The court may make the order if it is satisfied that person A has carried out a civil liability act.

(3) The court must not make the order if person A satisfies the court that—

- (a) the conduct constituting the civil liability act occurred due to—20
 - (i) the act or omission of another person that was beyond person A's control; or
 - (ii) person A's reasonable reliance on information supplied by another person (other than person A's director, employee, or agent); or
- (b) person A took steps that were reasonable in the circumstances to prevent the civil liability act. 25

62 Considerations for court in determining pecuniary penalty

(1) In determining whether to make an order, and the amount of any pecuniary penalty to be paid, the court must have regard to all relevant matters, including—30

- (a) the nature and extent of the civil liability act;
- (b) the circumstances in which the civil liability act occurred;
- (c) the nature and extent of loss or damage caused to any person as a result of the civil liability act;
- (d) the nature and extent of any commercial gain made or commercial loss avoided by the person who carried out the civil liability act. 35

- (e) whether the civil liability act is likely to prejudice the integrity of the regulatory regime for online casino gambling;
- (f) whether the person involved in the civil liability act has been found to have engaged in similar conduct—
 - (i) for which the person has been formally warned under **section 51**; or
 - (ii) for which proceedings were taken for enforcement of an undertaking under **section 55**; or
 - (iii) in previous pecuniary penalty proceedings brought under **section 61**.

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Maximum amount of pecuniary penalty

- (2) **Subsections (3) and (4)** state the limits on the amounts of pecuniary penalty that the court may order.
- (3) In relation to a civil liability act specified in **section 50(1)(a)(vi) or (b)** (which relates to failing to provide information and providing false or misleading information), the limit is \$10,000.
- (4) In relation to any other civil liability act,—
 - (a) for an individual, the limit is \$300,000; and
 - (b) for any other person, the limit is \$5 million.

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Limit on penalty for same or substantially similar conduct

- (5) **Subsection (6)** applies if—
 - (a) the court finds, whether in the same or separate proceedings, that a person is liable to pay a pecuniary penalty in respect of 2 or more instances of conduct that relate to the same civil liability act; and
 - (b) those instances of conduct are of the same or a substantially similar nature and occurred at or about the same time.
- (6) The total amount of any pecuniary penalty imposed on the person in respect of those instances of conduct must not exceed the amount of the maximum pecuniary penalty that may be imposed in respect of a single instance of that conduct.

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63 Rules of civil procedure and civil standard of proof apply

A proceeding for a pecuniary penalty is a civil proceeding and the usual rules of court and rules of evidence and procedure for civil proceedings apply (including the standard of proof).

64 Limitation period for proceedings

A proceeding for a pecuniary penalty must be commenced within 7 years after the date on which the civil liability act was carried out.

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65 Liability of principals and employers

(1) This section applies if the person who is liable for a pecuniary penalty (**person A**) was acting as the agent or employee of another person (**person B**) at the time of the civil liability act. 5

(2) Person B is liable in the same manner and to the same extent as if person B had personally engaged in conduct constituting the civil liability act if it is proved— 10

- (a) that the act or omission that constituted the civil liability act took place with person B's actual or apparent authority, or express or implied permission or consent; or
- (b) that person B knew that the civil liability act was occurring or was to occur and failed to take reasonable steps to prevent or stop it.

(3) Person B's liability does not affect person A's liability.

(4) A court that makes an order for a pecuniary penalty against a body corporate may also make an order against a director or person concerned in the management of the body corporate if it is proved— 15

- (a) that the act or omission that constituted the civil liability act took place with the director or person's authority, permission, or consent; or
- (b) that the director or person knew that the civil liability act was occurring or was to occur and failed to take reasonable steps to prevent or stop it. 20

Subpart 2—Offence**66 Online casino gambling on behalf of person under 18 years**

(1) A person commits an offence if the person— 25

- (a) participates in online casino gambling on behalf of a person in New Zealand who is under the age of 18; and
- (b) knows, or is reckless as to whether, that person is under the age of 18.

(2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$10,000.

67 Time for filing charging document

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence under **section 66** ends on the date that is 2 years after the date on which the ~~matter giving rise to the charge first became known, or should have become known, to the Secretary offence was committed.~~ 30

Subpart 3—Complaints to Secretary

68 Complaints to Secretary

(1) A person may complain in writing to the Secretary about—
(a) an operator's conduct of online casino gambling; or
(b) the outcome of a complaint to an operator; or
(c) the way in which an operator handled a complaint; or
(d) a civil liability act or alleged civil liability act carried out by any person. 5

(2) A person may complain to the Secretary under **subsection (1)** without first complaining to the person to whom the complaint relates.

(3) A complaint must specify the grounds on which it is made. 10

69 Decision to investigate complaint

(1) In deciding whether to investigate a complaint, the Secretary must take into account the following matters:
(a) the extent of actual or potential harm arising from the alleged conduct:
(b) the culpability of the person to whom the complaint relates: 15
(c) whether the complaint relates to duties of the operator under this Act:
(d) whether or not investigating the complaint will maintain the integrity of the regulatory regime for online casino gambling or otherwise further the purposes of this Act.

(2) The Secretary must notify the complainant of the Secretary's decision under **subsection (1)**. 20

(3) If the Secretary decides to investigate a complaint, the Secretary must,—
(a) if the complainant agrees, give the person to whom the complaint relates a copy of the complaint; or
(b) in any other case, give the person a summary of the complaint. 25

(4) The Secretary must—
(a) give the person to whom the complaint relates a reasonable opportunity to make written comments on the complaint; and
(b) consider any comments made by the person before making a decision on the complaint. 30

(5) The Secretary may require the person to whom the complaint relates or the complainant to provide further information regarding the complaint.

70 Outcome of investigation

After investigating a complaint, the Secretary must, as soon as is reasonably practicable, notify the complainant and the person to whom the complaint relates in writing of the following: 35

- (a) the Secretary's decision in relation to the complaint;
- (b) whether any action has been or will be taken in relation to the complaint;
- (c) the nature of that action.

Subpart 4—Information gathering and sharing

71	Secretary's power to require information	5
(1)	The Secretary may, by written notice, require a person to provide the Secretary with information in the person's possession or control.	
(2)	However,—	
(a)	the Secretary may only do so <u>only</u> if the Secretary considers that the information is necessary or desirable for the purposes of performing the Secretary's functions or duties, or exercising the Secretary's powers, under this Act, including—	10
(i)	determining if—whether a person is complying with this Act (including any secondary legislation made under it or any licence conditions);	15
(ii)	sharing information with an overseas regulator under section 72 ;	
(iii)	complying with a request by an overseas regulator to inquire into a matter under section 73 ;	
(iv)	conducting research, or policy analysis and development, associated with the purposes of this Act; and	20
(b)	the Secretary must not—	
(i)	require a person to provide personal information for the purposes of paragraph (a)(iv) ; or	
(ii)	use or disclose any information obtained for the purposes of that paragraph as evidence in proceedings.	25
(3)	A written notice under subsection (1) must specify—	
(a)	the information that must be provided;	
(b)	the date by which the information must be provided;	
(c)	if applicable, that the information is required for the purposes of—	
(i)	sharing information with an overseas regulator under section 72 ; or	30
(ii)	complying with a request by an overseas regulator to inquire into a matter under section 73 .	
(4)	The written notice may—	
(a)	specify the manner or form in which the information is to be provided; and	35

(b) require the information to be provided regularly, at specified intervals, or in respect of specified periods.

(5) A person given a written notice must comply with it within the time specified in the notice.

(6) Nothing in this section limits or affects legal professional privilege. 5

72 Sharing of information with overseas regulators

(1) The Secretary may provide to an overseas regulator any information that the Secretary—

(a) holds in relation to the performance or exercise of the Secretary's functions, duties, or powers under this Act; and 10

(b) considers may assist the overseas regulator in the performance or exercise of its functions, duties, or powers.

(2) However, the Secretary may provide information to an overseas regulator under this section only if the Secretary is satisfied that appropriate protections are or will be in place for the purpose of maintaining the confidentiality of information provided (in particular, personal information). 15

(3) The Secretary may impose any conditions in relation to information provided to an overseas regulator, including conditions relating to—

(a) maintaining the confidentiality of information provided (in particular, personal information); 20

(b) storing, using, or accessing information provided:

(c) copying, returning, or disposing of copies of documents provided:

(d) paying the costs incurred by the Secretary in providing information or in generally complying with a request.

(4) In considering what conditions (if any) to impose, the Secretary must have regard to whether conditions are necessary or desirable in order to protect the privacy of any individual. 25

(5) The Secretary may use any information provided to it by an overseas regulator in the performance or exercise of the Secretary's functions, duties, or powers under this Act. 30

73 Power of Secretary to act on requests of overseas regulators

(1) An overseas regulator may request the Secretary to inquire into any matter related to the functions of that overseas regulator.

(2) In determining whether to comply with a request under **subsection (1)**, the Secretary must take into account—

(a) whether compliance will affect the performance of the Secretary's other functions under this Act; and 35

- (b) whether appropriate protections are or will be in place for the purpose of maintaining the confidentiality of information provided (in particular, personal information); and
- (c) any other matters that the Secretary considers appropriate.

Subpart 5—Public register

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74 Public register of operators and licences

- (1) The Secretary must maintain a register with details of—
 - (a) each operator, including—
 - (i) the operator’s physical address for service in New Zealand:
 - (ii) a description of the operator’s gambling platform and the methods for accessing it:
 - (iii) a summary of any enforcement action taken against the operator:
 - (b) each licence, including—
 - (i) the commencement date of the licence:
 - (ii) the expiry date of the licence:
 - (iii) any licence conditions:
 - (iv) whether the licence has been renewed:
 - (v) whether the licence is current, suspended, cancelled, surrendered, or expired:
 - (c) any other matters relating to this Act that the Secretary thinks fit.
- (2) The Secretary must—
 - (a) make the register available on an internet site maintained by or on behalf of the Secretary in a form that is readily accessible to the public at all reasonable times; and
 - (b) keep the register up to date.

Part 5

Regulations and minimum standards

75 Regulations relating to harm prevention and minimisation

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:
 - (a) prescribing limits on the amounts that may be bet, paid, or staked as consideration in online casino gambling:
 - (aa) prescribing limits on the amounts that may be deposited into an account on a gambling platform:

(b) prescribing limits on prizes, payouts, and returns from online casino gambling: 5

(c) prescribing limits on the duration and frequency of participation in online casino gambling:

(d) prescribing procedures to enable players to set limits of the kind described in **paragraphs (a) to (c)** in relation to their online casino gambling: 10

(e) prescribing the minimum or maximum payout ratio or average rate of return to a player:

(f) restricting or prohibiting inducements to participate in online casino gambling: 15

(g) prescribing enabling the Secretary to specify information or messages (for example, harm minimisation messages) that operators must or must not display to players (including specifying criteria relating to the kinds, frequency, and delivery mechanisms of such information or messages): 15

(ga) enabling the Secretary to specify where information or messages required to be displayed under paragraph (g) must be displayed:

(h) prescribing procedures to enable the identification of problem gamblers (including the grounds on which a person may be identified as a problem gambler and the sources of information that must or may be considered or sought to assist in identifying problem gamblers): 20

(i) prescribing procedures for enabling a person to identify themselves to the operator as a problem gambler or request the operator to exclude them from the operator's gambling platform:

(j) prescribing procedures for excluding a person who the operator has reasonable grounds to believe is a problem gambler: 25

(k) prescribing the rights of a person who is excluded under such a procedure, including rights of appeal against specified decisions:

(l) prescribing procedures that must be completed by the operator and a person to allow that person access to a gambling platform from which they have been excluded: 30

(la) enabling the Secretary to specify the information that an operator must collect to identify, assist, and monitor problem gamblers and how that information must be used:

(m) prescribing features, technology, or systems that must be used in relation to gambling platforms for the purposes of giving effect to any matters under **paragraphs (a) to (la)**: 35

(n) prescribing the use of pre-commitment, player-tracking, or other harm-minimisation devices, technology, or systems in or associated with online casino gambling. 40

(2) Regulations made under **subsection (1)** may apply—

- (a) to specified persons or classes of person;
- (b) to specified gambling platforms or classes of gambling platforms;
- (c) to any particular games, or classes of games, or categories, classes, or forms of online casino gambling. 5

(2A) Without limiting the regulations that the Minister may recommend under subsection (1), the Minister must, no later than 1 December 2027, recommend regulations under that subsection that—

- (a) establish a register of persons who wish to be excluded from online casino gambling; and 10
- (b) ensure that any person is able to—
 - (i) record themselves in the register as wishing to be excluded from online casino gambling; and
 - (ii) remove any such record; and
- (c) ensure that the register is in a form that is readily accessible to operators at all reasonable times; and 15
- (d) allow for the costs of administering the register to be recovered from operators; and
- (e) make any other provision that is necessary or desirable for the purposes of administering the register. 20

(3) Regulations made under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

76 Regulations relating to consumer protection and record-keeping

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes: 25

- (a) prescribing procedures for verifying the age and identity of customers;
- (b) prescribing procedures for checking the background of customers;
- (c) prescribing requirements in relation to record-keeping and reporting;
- (d) prescribing payment methods that an operator may or may not accept from a player (for example, credit cards); 30
- (e) prescribing procedures that an operator whose licence expires or is suspended, cancelled, or surrendered must follow in dealing with customers;
- (f) prescribing procedures for terminating customer accounts;
- (g) prescribing procedures for the management of consumer deposits and funds, including the withdrawal of uncommitted funds and winnings; 35

(h) prescribing procedures for ensuring that players are able to make informed decisions about participating in online casino gambling, including for informing players about game rules and odds: 5

(i) prescribing procedures for ensuring that game designs and features are not misleading:

(j) prescribing procedures for reporting, managing, and minimising collusion, cheating, and the use of technology to automate participation in online casino gambling:

(k) prescribing the form and content of complaints processes under **section 45**. 10

(2) Regulations made under **subsection (1)** may apply—

(a) to specified persons or classes of person:

(b) to specified gambling platforms or classes of gambling platform:

(c) to specified games or classes of games, or categories, classes, or forms of online casino gambling. 15

(3) Regulations made under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

77 Regulations relating to advertising and marketing

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for the purposes of controlling the advertising and marketing of online casino gambling, including regulations specifying requirements in relation to— 20

(a) the form of advertisements; and

(b) the content of advertisements; and

(c) the timing, frequency, and volume of advertisements; and 25

(d) the location and placement of advertisements; and

(e) the audiences at which advertisements may be targeted or to which the advertisements may be designed to reasonably appeal; and

(f) the use of endorsements, sponsorships, and similar third-party arrangements in advertisements (including prohibiting such use); and 30

(g) record-keeping in relation to advertisements.

(2) Regulations made under **subsection (1)** may apply—

(a) to specified persons or classes of person:

(b) to specified gambling platforms or classes of gambling platform:

(c) to specified classes of advertisements: 35

(d) to specified games or classes of games, or categories, classes, or forms of online casino gambling.

(3) ~~In recommending regulations under subsection (1), the Minister must have regard to the need to protect children from being harmed by online casino gambling.~~

(3) Without limiting the regulations that the Minister may recommend under subsection (1), the Minister must, no later than 1 December 2026, recommend regulations under that subsection for the purposes of—

- (a) minimising the risk of harm from the advertising and marketing of online casino gambling; and
- (b) minimising the advertising and marketing of online casino gambling to persons who are under 18 years old.

(4) Regulations made under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

78 Regulations relating to fees, levies, or charges

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations prescribing fees, levies, or charges to enable the recovery of the direct and indirect costs of the Secretary in—

- (a) publicising and informing people about the requirements of this Act:
- (b) administering, enforcing, and monitoring compliance with this Act:
- (c) doing anything else authorised or required by this Act.

(2) Examples of the costs that may be recovered include—

- (a) the costs of processing expressions of interest:
- (b) the costs of processing applications (including applications for renewals of licences):
- (c) the costs of issuing licences:
- (d) the costs of assessing any changes in circumstances notified under **sections 47 to 49:**
- (e) the costs of internal reviews:
- (f) the costs of providing, operating, and maintaining systems, databases, or other processes in connection with the administration of this Act:
- (g) the costs of services provided by third parties (for example, credit-checking agencies).

(3) Regulations made under **subsection (1)** may specify—

- (a) the matters in respect of which fees, levies, or charges are payable:
- (b) the amounts of fees, levies, or charges or the method or rates by which they are to be assessed:
- (c) the person or classes of person liable for payment of the fees, levies, or charges:
- (d) the circumstances in which a penalty for default in payment is payable:

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- (e) the circumstances in which the payment of the whole or a part of any fees, levies, or charges may be remitted or waived;
- (f) the manner in which the fees, levies, or charges are to be paid;
- (g) procedures for reviewing and reassessing fees, levies, and charges.

(4) Regulations made under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements). 5

79 Regulations relating to other matters

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:
 - (a) declaring anything not to be online casino gambling for the purposes of this Act; 10
 - (b) declaring anything not to be online casino gambling technology for the purposes of this Act;
 - (ba) amending the limits on pecuniary penalties in section 62(3) and (4) to take into account any movements in the Consumers Price Index since the limits were last set; 15
 - (c) prescribing systems for the management and operation of online casino gambling;
 - (d) auditing, reporting on, and monitoring persons who conduct or promote online casino gambling; 20
 - (e) requiring specified persons to retain documents and information relating to online casino gambling;
 - (f) prescribing requirements relating to the presentation of financial reports by licence holders;
 - (g) prescribing systems or processes to ensure compliance with this Act; 25
 - (h) prescribing systems or processes ancillary to online casino gambling, including the method of paying prizes;
 - (i) providing for any other matters that are contemplated by, or necessary for giving full effect to, this Act and its due administration.
- (2) Regulations made under **subsection (1)** may apply— 30
 - (a) to particular persons or classes of person;
 - (b) to particular gambling platforms or classes of gambling platform;
 - (c) to particular games or classes of games, or categories, classes, or forms of online casino gambling.
- (2A) In subsection (1)(ba), Consumers Price Index means the New Zealand Consumers Price Index (All Groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index. 35

(3) Regulations made under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

80 Minimum standards relating to online casino gambling technology

(1) The Secretary may prescribe minimum standards for the design, manufacture, or performance of any online casino gambling technology. 5

(2) Minimum standards may include (without limitation) specifications regarding—

- (a) functions of online casino gambling technology;
- (b) information or messages to be displayed or accessible on online casino gambling technology;
- (c) user interface features to be included with online casino gambling technology; 10
- (d) information that online casino gambling technology must generate or collect.

(3) Minimum standards may incorporate, by reference, all or part of a principle, statement, standard, specification, or requirement that is published by, or on behalf of, any body or person in any country. 15

(4) If a principle, statement, standard, specification, or requirement that is incorporated by reference into a minimum standard is amended, the amendment does not become part of the minimum standard until it is notified by the Secretary. 20

(5) Before prescribing any minimum standards under this section,—

- (a) the Secretary must consult any person ~~that~~ who the Secretary considers is likely to be directly affected by the standards; and
- (b) the Minister must be satisfied that the Secretary has consulted in accordance with this section. 25

(6) The process for consultation must, to the extent practicable in the circumstances, include—

- (a) giving adequate and appropriate notice of the intention to make the minimum standards; and
- (b) giving a reasonable opportunity for interested persons to make submissions; and 30
- (c) adequate and appropriate consideration of submissions.

(7) However, a failure to consult does not affect the validity of the minimum standards.

(8) The Secretary may declare, by notice, that any online casino gambling technology must be verified by the Secretary as complying with particular minimum standards before it may be used by an operator under a licence. 35

(9) The Secretary may require an operator to provide the Secretary with written confirmation from a particular body that any online casino gambling technology complies with particular minimum standards.

(9A) The Secretary may require an operator to monitor and test any online casino gambling technology. 5

(9B) Without limiting subsection (9A), the Secretary may specify—

- (a) the type of monitoring and testing that must be conducted; and
- (b) the particular body that must conduct the monitoring and testing; and
- (c) how often the monitoring and testing must be conducted; and
- (d) the particular certification or documentation relating to the monitoring and testing that the operator must provide to the Secretary. 10

(10) The following are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements):

- (a) minimum standards under this section:
- (b) a notice under **subsection (4) or (8).** 15

Part 6

Miscellaneous Gambling duty and other matters

Gambling duty

80A Principal Act

Sections 80B and 80C amend the Gaming Duties Act 1971. 20

80B Section 12U amended (Offshore gambling duty)

In section 12U, replace “the rate of 12%” with “the rate of 16%”.

80C New section 12WA inserted (Ring-fenced online gambling duty)

After section 12W, insert:

12WA Ring-fenced online gambling duty 25

- (1) The Commissioner must, at the intervals or times that the relevant Minister directs, pay 25% of the online gambling duty paid to the Commissioner under section 12W into such account opened under section 286 of the Gambling Act 2003 as the Secretary for Internal Affairs directs.
- (2) In this section, **relevant Minister** means the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of subpart 3 of Part 3 of the Gambling Act 2003. 30

80D Principal Act

Sections 80E and 80F amend the Gambling Act 2003.

80E Section 4 amended (Interpretation)

In section 4(1), insert in its appropriate alphabetical order:

ring-fenced online gambling duty means the online gambling duty paid by the Commissioner of Inland Revenue under **section 12WA** of the Gaming Duties Act 1971

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80F Section 274 amended (Function of Board)

In section 274, after “profits of New Zealand lotteries”, insert “and ring-fenced online gambling duty”.

*Other matters***81 Service of notices**

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(1) A notice required or authorised to be served on any person under this Act may—

- (a) be served on an individual—
 - (i) by delivering it personally or by an agent (such as a courier) to the person; or
 - (ii) by sending it by post addressed to the person at the person’s usual or last known place of residence or business; or
 - (iii) by sending it by email to the person’s email address provided by the person for the purpose:

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- (b) be served on a company, within the meaning of the Companies Act 1993, in a manner provided for in section 388 of that Act:
- (c) be served on an overseas company in a manner provided for in section 390 of the Companies Act 1993:
- (d) be served on any other body corporate in a manner in which it could be served if the body corporate were a company within the meaning of the Companies Act 1993.

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(2) In the absence of proof to the contrary, a notice sent to a person in accordance with—

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- (a) **subsection (1)(a)(ii)** must be treated as having been served on the person when it would have been delivered in the ordinary course of post; and, in proving the delivery, it is sufficient to prove that the notice was properly addressed and posted:
- (b) **subsection (1)(a)(iii)** must be treated as having been served on the person on the second working day after the day on which it is sent.

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(3) Section 392 of the Companies Act 1993 applies for the purposes of **subsection (1)(b) to (d)**.

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- (4) If a person is absent from New Zealand, a notice served on the person's agent in New Zealand in accordance with **subsection (1)** must be treated as having been served on the person.
- (5) If a person has died, the notice may be served, in accordance with **subsection (1)**, on their personal representative.

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82 Consequential amendments to legislation

Amend the legislation specified in **Schedule 2** as set out in that schedule.

Schedule 1

Transitional, savings, and related provisions

s 6

Part 1

Provisions relating to this Act as enacted

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1 Persons conducting online casino gambling on commencement

(1) This clause applies to any person who, on the commencement of this clause~~Act~~
~~(other than sections 66 and 67)~~, is conducting online casino gambling in a
manner that enables a person who is in New Zealand to participate in the gam-
bling.

(2) If the person applies for a licence to conduct online casino gambling under
~~section 17 before 1 July 2026~~ 1 December 2026, the prohibition in ~~sec-~~
~~tion 9(1)~~ does not apply to the person until the earlier of—

- (a) the day after the Secretary notifies the person that the Secretary has
granted or refused to grant the licence; and
- (b) ~~31 December 2026~~ 1 June 2027.

(3) In all other cases, the prohibition in ~~section 9(1)~~ does not apply to the person
until ~~1 July 2026~~ 1 December 2026.

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Schedule 2

Consequential amendments

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Part 1

Amendments to Acts

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Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (2009 No 35)

In section 5(1), insert in their appropriate alphabetical order:

online casino gambling has the same meaning as in **section 5** of the Online Casino Gambling Act **2025**

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online casino operator has the same meaning as operator in **section 5** of the Online Casino Gambling Act **2025**

In section 5(1), definition of **reporting entity**, after paragraph (a)(i), insert:

(ia) an online casino operator:

In section 5(1), definition of **transaction**, replace paragraph (c)(i) and (ii) with:

- (i) the placing of any bet unless—
 - (A) authorised under the Racing Industry Act 2020; or
 - (B) the bet is placed in the course of online casino gambling;
- (ii) participation in gambling (as defined in section 4(1) of the Gambling Act 2003) unless—
 - (A) authorised under the Racing Industry Act 2020; or
 - (B) the gambling is online casino gambling;

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After section 6(4)(d), insert:

(da) in the case of an online casino operator, the operator carries out activities that may give rise to a risk of money laundering or financing of terrorism:

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After section 48(b)(vi), insert:

(vii) the Online Casino Gambling Act **2025**.

In section 130(1)(d), after “casinos,”, insert “online casino operators.”.

In section 137(6) and (7), after “the Gambling Act 2003,”, insert “the Online Casino Gambling Act **2025**.”.

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After section 140(2)(p), insert:

(paaa) the Online Casino Gambling Act **2025**:

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Gambling Act 2003 (2003 No 51)

In section 4(1), insert in their appropriate alphabetical order:

Gambling Act 2003 (2003 No 51)—continued

online casino gambling has the same meaning as in **section 5** of the Online Casino Gambling Act **2025**

online casino operator has the same meaning as operator in **section 5** of the Online Casino Gambling Act **2025**

In section 4(1), definition of **remote interactive gambling**, after paragraph (b)(ii), 5
insert:

(iia) online casino gambling; or

In section 4(1), definition of **remote interactive gambling**, paragraph (b)(iii), after
“located outside New Zealand”, insert “that is not online casino gambling”.

After section 9(1)(b), insert: 10

(ba) online casino gambling; or

After section 15(4), insert:

(5) This section does not apply to a person conducting online casino gambling (*see* **section 42** of the Online Casino Gambling Act **2025**).

After section 16(2)(d), insert: 15

(da) an advertisement relating to online casino gambling (*see* **section 10** of the Online Casino Gambling Act **2025**); or

After section 20(2)(c), insert:

(d) recognises gambling authorised by or under the Online Casino Gambling Act **2025**. 20

After section 52(4)(c)(ii), insert:

(iia) the Online Casino Gambling Act **2025** (including secondary legislation made, and licences granted, under that Act); and

After section 68(1)(c)(ii), insert:

(iia) the Online Casino Gambling Act **2025** (including secondary legislation made, and licences granted, under that Act); and 25

After section 276(1)(a), insert:

(aa) the amount of ring-fenced online gambling duty in hand at the date of the statement:

In the heading to section 277, replace “**profits**” with “**amounts**”. 30

In section 277(1), after “profits of New Zealand lotteries”, insert “and ring-fenced online gambling duty”.

In section 277(7), after “Profits of New Zealand lotteries”, insert “and ring-fenced online gambling duty”.

In section 278(1), after “profits of New Zealand lotteries”, insert “and from ring-fenced online gambling duty”. 35

In the heading to section 279, replace “**profits**” with “**amounts**”.

Gambling Act 2003 (2003 No 51)—continued

In section 279(1), after “profits of New Zealand lotteries”, insert “and from ring-fenced online gambling duty”.

In section 281(1)(a), after “undistributed profits of New Zealand lotteries”, insert “and undistributed ring-fenced online gambling duty”.

In section 281(2)(a), after “profits of New Zealand lotteries”, insert “and ring-fenced online gambling duty”. 5

In section 282(1), after “profits of lotteries”, insert “and from ring-fenced online gambling duty”.

In section 284(5), after “profits arising from New Zealand lotteries”, insert “or to be ring-fenced online gambling duty (as the case may be)”. 10

In section 287(1), after “profits of New Zealand lotteries”, insert “and any ring-fenced online gambling duty”.

In section 287(2), after “profits arising from New Zealand lotteries”, insert “or to be ring-fenced online gambling duty (as the case may be)”.

In section 289, insert as subsection (2):

(2) There may be paid out of undistributed ring-fenced online gambling duty the amounts that the Minister approves—

(a) for any purposes in connection with the management, investment, and distribution of ring-fenced online gambling duty;

(b) for the dissemination of information relating to the distribution of ring-fenced online gambling duty;

(c) for the administration of this subpart.

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In the heading to section 290, delete “of profits”.

In section 290(1)(b), replace “section 245.” with “section 245; and”.

After section 290(1)(b), insert:

(c) ring-fenced online gambling duty.

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In section 290(2), after “true accounts with respect to”, insert “ring-fenced online gambling duty for that year and”.

In section 293(1) and (2), after “undistributed profits of New Zealand lotteries”, insert “and out of undistributed ring-fenced online gambling duty”. 30

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After section 318(1)(h)(iii), insert:

(iiia) at least 1 representative of online casino operators; and

After section 319(3), insert:

(3A) The regulations may impose the levy on an online casino operator regardless of whether the operator is in or outside New Zealand. 35

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After section 320(3)(a)(iii), insert:

Gambling Act 2003 (2003 No 51)—continued

(iiia) for an online casino operator, means turnover less prizes paid and payable; and

Gaming Duties Act 1971 (1971 No 34)

In the heading to Part 2C heading, replace “Offshore” with “Online”.

In section 12S(1), insert in their appropriate alphabetical order:

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class 3 gambling has the meaning set out in section 4(1) of the Gambling Act 2003

class 3 operator’s licence has the meaning set out in section 4(1) of the Gambling Act 2003

gambling operator has the meaning set out in section 4(1) of the Gambling Act 2003 10

Lotteries Commission has the meaning set out in section 4(1) of the Gambling Act 2003

lottery has the meaning set out in section 4(1) of the Gambling Act 2003

online gambling means any gambling or prize competition that a person who is resident in New Zealand pays an amount of money to participate in through the supply of remote services but does not include—

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- (a) gambling conducted by the Lotteries Commission; or
- (b) gambling authorised under the Racing Industry Act 2020; or
- (c) a sales promotion scheme that is in the form of a lottery and is conducted in New Zealand; or
- (d) class 3 gambling in the form of a lottery conducted by any gambling operator that holds a class 3 operator’s licence that allows the gambling operator to conduct a lottery

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online gambling operator—

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- (a) means a registered person who conducts any online gambling; and
- (b) for any return period and the obligations and liabilities under sections 12U to 12W of a person who was at any time during that period an online gambling operator, includes that person notwithstanding that the person may have ceased, during or after the return period, to be an online gambling operator within the meaning of **paragraph (a)**

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sales promotion scheme has the meaning set out in section 4(1) of the Gambling Act 2003

In section 12S(1), repeal the definitions of **offshore gambling** and **offshore gambling operator**.

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In section 12S(1), definition of **return period**, replace “offshore” with “online” in each place.

Gaming Duties Act 1971 (1971 No 34)—continued

In section 12S(2), replace “offshore” with “online”.

In the heading to section 12T, replace “**Offshore**” with “**Online**”.

In section 12T(1), replace “**Offshore**” with “**Online**”.

In section 12T(1), (2)(a) and (b), and (6), replace “offshore gambling” with “online gambling” in each place. 5

In the heading to section 12U, replace “**Offshore**” with “**Online**”.

In section 12U, replace “**offshore**” with “**online**”.

In the heading to section 12W, replace “**offshore**” with “**online**”.

In sections 12U, 12V, 12W, and 12X, replace “offshore” with “online” in each place.

Tax Administration Act 1994 (1994 No 166)

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In Schedule 7, after clause 34A, insert:

34B Department of Internal Affairs: online gambling duty

Section 18 does not prevent the Commissioner from communicating information to a person who is an employee of the Department of Internal Affairs that—

- (a) the person is authorised by the department to receive; and
- (b) the Commissioner considers is not undesirable to disclose and is essential to enable the person to carry out any duty lawfully conferred on the person under the Online Casino Gambling Act **2025**.

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Part 2
Amendments to regulations

20

Gambling (Problem Gambling Levy) Regulations 2025 (SL 2025/123)

In regulation 3, insert in its appropriate alphabetical order:

online casino operator has the same meaning as operator in **section 5** of the Online Casino Gambling Act **2025**

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In regulation 5, after “casino operators,”, insert “online casino operators (whether in or outside New Zealand),”.

After regulation 7, insert:

7A Online casino operator must provide return and pay levy

- (1) An online casino operator must, no later than the 20th day of each month due date for each return period,—
 - (a) provide to the Commissioner a return, in the prescribed form, of the levy payable for the previous monththe return period; and

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Gambling (Problem Gambling Levy) Regulations 2025 (SL 2025/123)—continued

(b) pay the levy to the Commissioner.

(2) In this section—

due date, in relation to a return period, means—

(a) 7 May if the return period ends on 31 March; or

(b) in any other case, the 28th of the month following the end of the return period 5

return period means any period of 3 consecutive calendar months that ends with the last day of March, June, September, or December.

In the Schedule, after the item relating to casino operators, insert:

Online casino operator

1.24

Legislative history

30 June 2025

Introduction (Bill 178–1)

15 July 2025

First reading and referral to Governance and Administration Committee