

Online Casino Gambling Bill

Government Bill

Explanatory note

General policy statement

Purpose of Bill

The Online Casino Gambling Bill (the **Bill**) establishes a licensing regime for online casino gambling to facilitate a safer and compliant regulated online casino gambling market. It prohibits the conduct and advertisement of unlicensed online casino gambling, prevents and minimises harm from online casino gambling, limits opportunities for crime and dishonesty, and provides protections for consumers, within the regulated online casino gambling market.

How Bill achieves its purposes

The Bill achieves its purpose by—

- establishing a 3-stage licensing process to enable the Secretary for Internal Affairs (the **Secretary**) to grant up to 15 licences to allow operators to conduct online casino gambling; and
- establishing duties and other requirements for licensed operators; and
- establishing the Secretary as the regulator and providing the Secretary with a set of enforcement tools to drive compliance with legislative requirements; and
- establishing powers to make secondary legislation, including for harm prevention and minimisation, consumer protection and record keeping, and advertising and marketing.

Key elements of Bill

Licensing regime for online casino gambling operators

The Bill establishes a 3-stage licensing process to determine who may apply for a licence and the amount payable for a licence. The Secretary may issue up to 15 licen-

ces. Licences will be granted for up to 3 years with a right of renewal for up to 5 years.

The Bill permits licensed operators to advertise, subject to restrictions that will be set out in regulations. The purpose of permitting licensed operators to advertise, with restrictions, is to attract customers to regulated online casino platforms rather than unregulated platforms.

If the Secretary refuses to grant a licence to an applicant, that person may appeal the Secretary's decision to the High Court.

Licence conditions

The Secretary may impose conditions on a licensed operator. The Secretary may also suspend or cancel a licence if the Secretary has reasonable grounds to believe that certain criteria have not been met.

The Bill enables a licensed operator to apply to surrender their licence at any time.

Duties and other requirements

The Bill requires licensed operators to comply with various duties, including taking all reasonable steps to ensure that people who use their gambling platform are at least 18 years old, that the risk of harm from gambling is minimised, and that problem gamblers are excluded. Other duties include ensuring their gambling platform is operating and available for and within specified periods, displaying a registration icon and playing a registration audio mark, not providing credit for gambling, collecting and retaining certain information that will be specified in regulations, and ensuring that the operator is not part of an arrangement for significant influence over more than 3 licences.

The Bill also provides a high-level complaints framework that requires licensed operators to have a complaints process and share information concerning complaints with the Secretary every 3 months. It also provides for complaints to be made directly to the Secretary.

The Secretary will be required to maintain a public register of operators and licences.

Compliance and enforcement

The Bill provides the Secretary with the power to obtain information from any person if that information is necessary or desirable for the purpose of performing or exercising the Secretary's functions, duties, or powers under the Bill, subject to certain restrictions.

The Bill also empowers active co-operation and information sharing with equivalent overseas regulators which may assist the Secretary and the overseas regulators in performing or exercising their functions, duties, or powers.

Aside from providing the Secretary with the ability to suspend or cancel a licence, the Bill provides the Secretary with a range of enforcement tools to drive compliance

with the Bill, and secondary legislation made under it, including formal warnings, enforceable undertakings, take-down notices, and pecuniary penalties.

Secondary legislation

The Bill establishes regulation-making powers, including for harm prevention and minimisation, consumer protection and record keeping, advertising and marketing, and fees, levies, or charges to enable cost recovery. The Bill also empowers the Secretary to make minimum standards relating to online casino gambling technology.

Consequential amendments

The Bill makes a number of consequential amendments, including amending the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 to make licensed operators reporting entities under that Act and to include online casino gambling transactions in the definition of transaction. This will allow for better identification of suspicious activity and support anti-money laundering outcomes.

The Bill also includes consequential amendments to the Gambling Act 2003, the Gaming Duties Act 1971, the Tax Administration Act 1994, and the Gambling (Problem Gambling Levy) Regulations 2025.

Departmental disclosure statement

The Department of Internal Affairs is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2025&no=178>

Regulatory impact statement

The Department of Internal Affairs produced regulatory impact statements on 2 July 2024 and 30 October 2024 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at—

- [https://www.dia.govt.nz/diawebsite.nsf/Files/Proactive-Releases-2024-25/\\$file/Cabinet-material-on-Online-Casino-Gambling-Phase-2-Decisions-13-Dec-24.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Proactive-Releases-2024-25/$file/Cabinet-material-on-Online-Casino-Gambling-Phase-2-Decisions-13-Dec-24.pdf)
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Bill comes into force on the day after Royal assent. However, *clauses 66 and 67*, which relate to an offence for

participating in online casino gambling on behalf of a person under the age of 18, come into force on 1 July 2026.

Part 1

Preliminary Provisions

Clause 3 sets out the purpose of the Bill, which is to—

- establish a licensing regime for online casino gambling; and
- prohibit the conduct and advertisement of unlicensed online casino gambling; and
- prevent and minimise harm from online casino gambling; and
- protect consumers who participate in online casino gambling.

Clause 4 provides for the extra-territorial application of the Bill. In particular, the following apply to a person regardless of whether they are in or outside New Zealand if certain conditions are met:

- the prohibitions on conducting and advertising online casino gambling in *clauses 9(1) and 10(1)*;
- provisions that apply to a person taking part in the licensing process;
- provisions that apply to a person who conducts or advertises online casino gambling;
- the offence of participating in online casino gambling on behalf of a person under the age of 18 under *clause 66*;
- any requirement for a person to provide information to the Secretary under *clause 71*.

Clause 5 defines various terms used in the Bill, including advertisement, civil liability act, conduct, gambling, online casino gambling, operator, problem gambler, and significant influence.

Clause 6 provides for the transitional, savings, and related provisions set out in *Schedule 1*. The Schedule provides that there will be a transitional period for any person who is already conducting online casino gambling in New Zealand when the Bill (other than *clauses 66 and 67*) commences. If the person applies for a licence before 1 July 2026, they will be able to continue conducting (but not advertising) online casino gambling until their application is determined or 31 December 2026 (whichever is earlier). Otherwise, the prohibition on conducting online casino gambling will apply to them from 1 July 2026.

Clause 7 provides for the Bill to bind the Crown.

Part 2

Online casino gambling

Subpart 1—General provisions

Clause 8 sets out the functions of the Secretary for Internal Affairs under the Bill, which include administering the licensing regime under the Bill and monitoring and enforcing compliance with the Bill.

Clauses 9 and 10 prohibit conducting and advertising online casino gambling unless in accordance with a licence. They also prohibit conducting and advertising online casino gambling that is substantially similar to, and is likely to be in competition with, a protected New Zealand lottery (which covers standard lotto, lotto powerball, and lotto strike). However, the prohibitions in *clauses 9 and 10* do not apply to the Lotteries Commission to the extent that it conducts or advertises a New Zealand lottery.

Subpart 2—Licensing process

Clause 11 provides an overview of *subpart 2*, which sets out the licensing process established under the Bill for online casino gambling. The licensing process consists of 3 stages comprising expressions of interest, a competitive process, and applications for licences.

Expressions of interest

Clause 12 provides that the Secretary may invite expressions of interest for licences by giving public notice.

Clause 13 provides that expressions of interest must be submitted within 20 working days of the public notice given under *clause 12* or any longer period that the Secretary determines, and sets out other requirements about the form and content of expressions of interest.

Clause 14 sets out the information that must be included in an expression of interest, including details relating to the applicant and their key officers, their compliance history, and the source and amount of capital available to the applicant for their proposed operations.

Clause 15 sets out the criteria for accepting an expression of interest and provides that the Secretary must not accept an expression of interest 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.

Competitive process

Clause 16 sets out the second stage of the licensing process, which involves a competitive process that persons who have had their expressions of interest accepted are invited to participate in. *Clause 16* provides that—

- the competitive process determines who may apply for a licence and how much they must pay for it; and
- the Secretary may determine the form of the competitive process and how it is to be run; and
- the Secretary must notify the participants as to whether they may apply for the licence and the amount payable, as soon as is reasonably practicable after the competitive process ends.

Application for licence

Clause 17 sets out the third stage of the licensing process, which involves persons who have been successful in the competitive process and have been notified that they may apply for a licence—

- paying the amount determined in the competitive process; and
- applying for the licence within 20 working days of being notified.

Clause 18 sets out the information that must accompany an application, including the applicant's strategies relating to advertising and marketing, consumer protection, harm prevention and minimisation, and compliance.

Clause 19 sets out the criteria for granting a licence. It provides that the Secretary must not grant a licence unless the Secretary is satisfied that the applicant complies with certain application and suitability requirements.

Clause 19 also provides that the Secretary must not grant a licence if it would result in—

- more than 15 licences being held at any time; or
- any person having significant influence over more than 3 licences.

A person has significant influence over a licence if the person is the licence holder or holds 20% or more of the securities or voting power of the licence holder.

Clause 19 also prohibits the Secretary from granting a licence to conduct online casino gambling that is substantially similar to, and is likely to be in competition with, a protected New Zealand lottery. It requires the Secretary to have regard to certain matters for the purposes of determining whether this is the case.

Clause 20 provides that if the Secretary decides to grant a licence, the Secretary must—

- notify the applicant of the decision and the applicant's right to seek a review of the Secretary's decision to impose any conditions; and
- give a copy of the licence to the applicant.

Clause 21 provides that if the Secretary refuses to grant a licence, the Secretary must—

- notify the applicant of the decision, the reasons for the decision, and the applicant's right of appeal under *clause 35*; and

- refund to the applicant the amount paid for the licence as determined by the competitive process under *clause 17*.

Subpart 3—Other licensing provisions

General provisions

Clause 22 provides that a licence must specify certain information, including the name of the operator, the gambling platform and branding that is authorised under the licence, the licence duration, and any licence conditions.

Clause 23 enables the Secretary to impose conditions on a licence, and amend or revoke those conditions, and sets out notification requirements that the Secretary must comply with when doing so.

Clause 24 provides for the duration of a licence. A licence is valid for 3 years after it is granted unless the Secretary specifies a shorter period in the licence. However, a licence continues to remain in force while any application for renewal is determined.

Clause 25 provides that a licence cannot be transferred to another person.

Renewal, suspension, cancellation, and surrender of licences

Clause 26 provides for the renewal of licences. An operator must submit a renewal application at least 6 months before the licence expires, but the Secretary may accept a late application. The application must be accompanied by certain information and any fees set out in regulations.

Clause 27 provides that the Secretary must not renew a licence unless satisfied that the criteria for holding a licence specified in *clauses 15 and 19* continue to be met. A licence may only be renewed once and remains in force for 5 years from the date of renewal unless the Secretary specifies a shorter period in the licence.

Clause 28 provides for the suspension and cancellation of licences. It provides that the Secretary may suspend or cancel a licence if the Secretary has reasonable grounds to believe that the operator no longer meets the criteria to hold a licence, has failed to comply with a duty or requirement under the Bill, or has provided materially false or misleading information to the Secretary.

Clause 29 sets out the procedure for suspending or cancelling a licence. It sets out notification requirements that the Secretary must comply with and provides that the Secretary may lift a suspension before it ends if the Secretary considers that the relevant non-compliance has been rectified.

Clause 30 provides that an operator may apply to the Secretary to surrender their licence. It provides that the Secretary must consent to the surrender if certain requirements are met, including that any outstanding fees, charges, or levies are paid and that any conditions imposed by the Secretary on the surrender are met.

Clause 31 provides that the expiry, suspension, cancellation, or surrender of an operator's licence does not affect the operator's existing obligations under the Bill, including rewarding winners for gambling and allowing consumers to access their accounts.

Subpart 4—Reviews and appeals of certain decisions

Review of decisions relating to conditions

Clause 32 provides that an operator may apply to the Secretary for a review of the Secretary's decision to impose or amend licence conditions under *clause 23* and sets out requirements for the application.

Clause 33 sets out the process for a review. It provides that the Secretary must ensure that the review is carried out as soon as is reasonably practicable by a person who did not make the original decision.

Clause 34 provides that the reviewer may confirm, modify, or reverse all or part of the original decision or make a new decision and that the Secretary must give the operator written notice of the outcome.

Appeals against certain licensing decisions

Clause 35 provides that a person may appeal to the High Court within 15 working days of being notified of a decision by the Secretary to—

- refuse to grant a licence to the person; or
- suspend or cancel the person's licence.

It provides that the High Court Rules 2016 and certain provisions of the District Court Act 2016 apply to the appeal, with necessary modifications.

Clause 36 provides that a party to an appeal under *clause 35* may, within 20 working days of the High Court decision, make a further appeal to the Court of Appeal on a question of law with the leave of that court, and that the Court of Appeal's decision is final.

Part 3

Duties and requirements

Gambling platform availability

Clause 37 requires the operator to ensure that its gambling platform is operating and available to consumers in New Zealand—

- within 90 days of the start of the operator's licence (or a longer period permitted by the Secretary); and
- for at least 270 days in any 12-month period.

Consumer protection

Clause 38 requires an operator to take all reasonable steps to ensure that a person who participates in online casino gambling on the operator's gambling platform is at least 18 years old.

Clause 39 requires an operator to take all reasonable steps to ensure that the risk of harm from gambling is minimised.

Clause 40 requires an operator to take all reasonable steps to ensure that a person is excluded from gambling on its gambling platform in accordance with regulations if the person has identified themselves as a problem gambler, requested the operator to exclude them, or been identified by the operator as a problem gambler.

Clause 41 requires an operator to—

- display a picture or symbol publicly notified by the Secretary (a **registration icon**) on the operator's gambling platform and any associated visual advertisement as required by the Secretary; and
- play a distinctive sound publicly notified by the Secretary (a **registration audio mark**) on the platform and during any associated audio advertisement as required by the Secretary.

Registration icons and registration audio marks indicate that the operator is licensed to carry out online casino gambling. *Clause 41* provides that a person who is not an operator, or whose licence has been suspended, cancelled, or surrendered, or whose licence has expired, must not use a registration icon or registration audio mark.

Clause 42 prohibits a person who conducts online casino gambling from offering or providing credit if the person knows or ought to know that the credit is intended to be used for gambling.

Information collection and retention

Clause 43 requires an operator to—

- collect information that is specified in regulations for the duration of their licence; and
- retain that information for 7 years following the expiry, cancellation, or surrender of their licence.

No significant influence arrangements

Clause 44 requires an operator to take all reasonable steps to ensure that the operator does not have significant influence over more than 3 licences or participate in an arrangement that results in any person having such significant influence.

Complaints process and register

Clause 45 requires an operator to establish a publicly available complaints process and to investigate and respond to a complaint, in accordance with that process, within 40 working days of receiving the complaint.

Clause 46 requires an operator to establish a complaints register containing specified information, including up-to-date details of complaints and how they have been responded to. It also requires the operator to provide the Secretary with information every 3 months about the number of complaints made and allows the Secretary to require further information about a complaint, or the whole or part of the complaints register.

Notifying changes and other circumstances

Clauses 47 to 49 require the operator to notify the Secretary of—

- certain changes relating to ownership (for example, an amalgamation with, or an acquisition of, another licence holder) or significant influence; and
- the employment or engagement of new key officers; and
- other changes in circumstances since the operator's licence was granted, including convictions for or investigations of relevant offences, breaches of relevant legislation, and any other changes that may affect the ability of the operator to comply with duties or requirements under the Bill.

Part 4

Compliance, enforcement, and regulatory matters

Subpart 1—Civil liability acts

Clause 50 provides that a person carries out a civil liability act if they breach the Bill or any secondary legislation made under it, or if they provide false or misleading information to the Secretary.

However, a civil liability act does not include an offence under *clause 66*.

Formal warnings

Clause 51 allows the Secretary to issue a formal warning to a person if the Secretary has reasonable grounds to believe the person has carried out a civil liability act. It also sets out certain criteria that a formal warning must comply with and requires the warning to be publicly notified, but with any personal and commercially sensitive information redacted unless the Secretary considers public notification of the information is necessary or desirable.

Enforceable undertakings

Clauses 52 to 55 provide that the Secretary may accept an undertaking given by an operator in relation to a civil liability act and set out provisions about the public notification and enforcement of such undertakings. The effect of the Secretary accepting an undertaking is that—

- proceedings for the relevant civil liability act cannot be brought, and proceedings underway must be discontinued, while the undertaking is in force and the person who gave it is complying with it; and
- if the person who gave the undertaking breaches it, the undertaking may be enforced by applying to the High Court under *clause 55*.

Take-down notices

Clauses 56 to 60 provide for the issue and enforcement of take-down notices. They provide that the Secretary may issue a take-down notice to a person who does not

hold a licence if the Secretary considers that they are conducting or advertising online casino gambling in breach of *clause 9 or 10*. The take-down notice may require the person to take any measures that the Secretary considers necessary or desirable to prevent the gambling platform or advertisement from being accessible to or brought to the attention of persons in New Zealand. The notice must be complied with within 2 days of its issue and may be enforced by applying to the District Court.

Pecuniary penalties

Clauses 61 to 65 provide for pecuniary penalty orders relating to civil liability acts.

Clause 61 provides that the Secretary may 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. The court may make the order if satisfied that the person has carried out the civil liability act. However, the court must not make the order in certain circumstances, for example, if the court is satisfied the person took reasonable steps to prevent the civil liability act.

Clause 62 sets out some of the considerations a court must have regard to when determining whether to make a pecuniary penalty order and the amount of the pecuniary penalty. Those include the nature of the civil liability act and the nature and extent of any commercial gain made or commercial loss avoided by the person who carried out the civil liability act.

The clause also sets out the monetary limits for pecuniary penalties. The limit for a person who fails to provide information when required to do so under *clause 71* or provides false or misleading information is \$10,000. The limit for other civil liability acts is \$300,000 for an individual and \$5 million otherwise.

Clause 63 provides that a proceeding for a pecuniary penalty is a civil proceeding and the usual rules for civil proceedings apply (including the standard of proof).

Clause 64 provides that a proceeding for a pecuniary penalty order must be started within 7 years of the date on which the civil liability act was carried out.

Clause 65 provides for the liability of—

- the principal or employer of a person who has carried out a civil liability act; and
- a director or manager of a body corporate that has carried out a civil liability act.

Subpart 2—Offence

Clause 66 provides that it is an offence to participate in online casino gambling on behalf of a person in New Zealand who is under the age of 18 if the person who participates in the online casino gambling knows or is reckless as to whether the person is under that age. The penalty for the offence is a fine not exceeding \$10,000.

Clause 67 provides that criminal proceedings for an offence under *clause 66* must be brought within 2 years of the date that the matter giving rise to the offence became known, or should have become known, to the Secretary.

Subpart 3—Complaints to Secretary

Clause 68 sets out the matters that a person can complain in writing to the Secretary about, including an operator's conduct of online casino gambling, the way in which an operator has handled a complaint, and a civil liability act or alleged civil liability act carried out by any person.

Clause 69 sets out matters that the Secretary must have regard to in deciding whether to investigate a complaint and sets out various notification requirements. In particular, it provides that if the Secretary decides to investigate a complaint, the Secretary must give the person complained about an opportunity to respond and must consider the response before making a decision.

Clause 70 requires the Secretary, after investigating the complaint, to notify the complainant and the person to whom the complaint relates of the Secretary's decision on the complaint (including the nature of any action to be taken).

Subpart 4—Information gathering and sharing

Clause 71 gives the Secretary the power to require a person to provide information if the Secretary considers that it is necessary or desirable for the purposes of performing or exercising the Secretary's functions, duties, or powers under the Bill. However, *clause 71* provides that information obtained to conduct research or policy analysis and development must not include personal information and cannot be used or disclosed in any proceedings. It also provides that nothing in that clause limits or affects legal professional privilege.

Clause 72 provides for information sharing between the Secretary and an equivalent overseas regulator if the Secretary considers that—

- the information will assist the overseas regulator in the performance or exercise of their functions, powers, or duties; and
- appropriate protections exist or will be in place for maintaining the confidentiality of information.

The Secretary may impose conditions relating to the provision of information to an overseas regulator, including conditions related to the access, disclosure, storage, and disposal of the information.

Clause 73 enables the Secretary to inquire into a matter relating to the functions of an overseas regulator at the request of that regulator and provides for certain matters that the Secretary must take into account in deciding whether to comply with a request, including—

- whether compliance will affect the performance of the Secretary's functions; and
- whether appropriate protections exist or will be in place for maintaining the confidentiality of information.

Subpart 5—Public register

Clause 74 requires the Secretary to maintain an up-to-date and publicly available register with details of operators and licences.

Part 5 Regulations and minimum standards

Clauses 75 to 79 contain regulation-making powers relating to—

- harm prevention and minimisation, including a power to prescribe procedures for enabling a person to identify themselves as a problem gambler (*clause 75*); and
- consumer protection and record keeping, including a power to prescribe procedures for verifying the age and identify of consumers (*clause 76*); and
- advertising and marketing relating to online casino gambling, including a power to prescribe the form, content, timing, frequency, and volume of advertisements (*clause 77*); and
- fees, levies, or charges to enable the recovery of the direct and indirect costs of the Secretary (*clause 78*); and
- other matters, including a power to declare anything not to be online casino gambling or online casino gambling technology for the purposes of the Bill (*clause 79*).

Clause 80 gives the Secretary the power to set minimum standards for the design, manufacture, and performance of online casino gambling technology (for example, software or hardware used for the purposes of conducting or advertising online casino gambling) after complying with certain consultation requirements. It also provides that the Secretary may—

- require particular online casino gambling technology to be verified by the Secretary before it may be used by an operator; and
- require the operator to provide the Secretary with written confirmation from a particular body that any online gambling technology complies with the minimum standards.

Part 6 Miscellaneous

Clause 81 makes provision about the service of notices on individuals, companies, and other bodies corporate if required or authorised under the Bill.

Clause 82 and Schedule 2 consequentially amend legislation, including for the purposes of—

- ensuring that operators are reporting entities and that online casino gambling is a transaction under the Anti-Money Laundering and Countering Financing of Terrorism Act 2009:
- ensuring that online casino gambling is primarily regulated under the Bill rather than the Gambling Act 2003:
- ensuring that gambling duty under the Gaming Duties Act 1971 applies to operators:
- ensuring that the Commissioner is not prevented under the Tax Administration Act 1994 from communicating information to authorised employees of the Department of Internal Affairs to enable them to carry out their duties under the Bill:
- ensuring that the levy under the Gambling (Problem Gambling Levy) Regulations 2025 applies to operators at a rate of 1.24%.

Hon Brooke van Velden

Online Casino Gambling Bill

Government Bill

Contents

		Page
1	Title	4
2	Commencement	4
Part 1		
Preliminary provisions		
3	Purpose	5
4	Territorial application	5
5	Interpretation	5
6	Transitional, savings, and related provisions	11
7	Act binds the Crown	11
Part 2		
Online casino gambling		
Subpart 1—General provisions		
8	Functions of Secretary	11
9	Prohibition on conducting online casino gambling without licence	12
10	Prohibition on advertising online casino gambling without licence	12
Subpart 2—Licensing process		
11	Overview of subpart	12
<i>Expressions of interest</i>		
12	Secretary to invite expressions of interest	13
13	Expression of interest for licence	13
14	Information to be included in expression of interest	14
15	Criteria for accepting expression of interest	15

Online Casino Gambling Bill

	<i>Competitive process</i>	
16	Secretary to run competitive process	15
	<i>Application for licence</i>	
17	Application for licence	16
18	Information to accompany licence application	16
19	Criteria for granting licence	17
20	Requirements if licence granted	18
21	Requirements if licence refused	18
	Subpart 3—Other licensing provisions	
	<i>General provisions</i>	
22	Licence contents	18
23	Licence conditions	19
24	Licence duration	19
25	Licence not transferable	19
	<i>Renewal, suspension, cancellation, and surrender of licences</i>	
26	Renewal of licence	19
27	Decision on renewal of licence	20
28	Suspension and cancellation of licence	20
29	Procedure for suspension and cancellation of licence	21
30	Surrender of licence	21
31	Obligations not affected by expiry, suspension, cancellation, or surrender	22
	Subpart 4—Reviews and appeals of certain decisions	
	<i>Review of decisions relating to conditions</i>	
32	Review of Secretary's decision to impose or amend condition	22
33	Process for review	22
34	Outcome of review	23
	<i>Appeals against certain licensing decisions</i>	
35	Appeal to High Court against certain licensing decisions	23
36	Further appeal to Court of Appeal	23
	Part 3	
	Duties and requirements	
	<i>Gambling platform availability</i>	
37	Ensure gambling platform is operating and available	24
	<i>Consumer protection</i>	
38	Ensure gamblers are at least 18 years old	24
39	Minimise risk of harm from online casino gambling	24
40	Exclude problem gamblers	24
41	Display registration icon and play registration audio mark	25

Online Casino Gambling Bill

42	No credit for online casino gambling	25
	<i>Information collection and retention</i>	
43	Collect and retain certain information	25
	<i>No significant influence arrangements</i>	
44	No arrangement for significant influence over more than 3 licences	26
	<i>Complaints process and register</i>	
45	Complaints process	26
46	Complaints register	26
	<i>Notifying changes and other circumstances</i>	
47	Changes relating to ownership or significant influence	27
48	Changes relating to key officers	27
49	Other circumstances and changes	27
	Part 4	
	Compliance, enforcement, and regulatory matters	
	Subpart 1—Civil liability acts	
50	Meaning of civil liability act	28
	<i>Formal warnings</i>	
51	Formal warnings	29
	<i>Enforceable undertakings</i>	
52	Enforceable undertakings	29
53	Notification requirements for undertakings	30
54	When undertaking becomes enforceable	30
55	Breach of undertaking	30
	<i>Take-down notices</i>	
56	Issue of take-down notices	31
57	Content of take-down notices	31
58	Person to comply with take-down notice	32
59	Enforcement of take-down notices	32
60	Remedies	32
	<i>Pecuniary penalties</i>	
61	Pecuniary penalty order	32
62	Considerations for court in determining pecuniary penalty	33
63	Rules of civil procedure and civil standard of proof apply	34
64	Limitation period for proceedings	34
65	Liability of principals and employers	34
	Subpart 2—Offence	
66	Online casino gambling on behalf of person under 18 years	34
67	Time for filing charging document	35

	Subpart 3—Complaints to Secretary	
68	Complaints to Secretary	35
69	Decision to investigate complaint	35
70	Outcome of investigation	36
	Subpart 4—Information gathering and sharing	
71	Secretary’s power to require information	36
72	Sharing of information with overseas regulators	37
73	Power of Secretary to act on requests of overseas regulators	37
	Subpart 5—Public register	
74	Public register of operators and licences	38
	Part 5	
	Regulations and minimum standards	
75	Regulations relating to harm prevention and minimisation	38
76	Regulations relating to consumer protection and record-keeping	40
77	Regulations relating to advertising and marketing	40
78	Regulations relating to fees, levies, or charges	41
79	Regulations relating to other matters	42
80	Minimum standards relating to online casino gambling technology	43
	Part 6	
	Miscellaneous	
81	Service of notices	44
82	Consequential amendments to legislation	45
	Schedule 1	46
	Transitional, savings, and related provisions	
	Schedule 2	47
	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.
- (2) However, **sections 66 and 67** come into force on **1 July 2026**.

Part 1

Preliminary provisions

- 3 Purpose** 5
- 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
 - (c) prevent and minimise harm from online casino gambling; and
 - (d) protect consumers who participate in online casino gambling.
- 4 Territorial application** 10
- (1) The prohibitions in **sections 9(1) and 10(1)** apply to a person regardless of 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. 15
 - (3) Provisions under this Act that apply to a person who conducts online casino 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. 20
 - (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—
 - (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. 25
 - (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 30
 - (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 Interpretation** 35
- In this Act, unless the context otherwise requires,—

advertisement, in relation to online casino gambling,—

- (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— 5
 - (i) encourage participation in online casino gambling; or
 - (ii) notify the availability of online casino gambling; or
 - (iii) promote a gambling platform; and
- (b) does not include— 10
 - (i) any health message concerning gambling that does not directly or indirectly promote online casino gambling or a gambling platform: 15
 - (ii) any communication used to promote technical equipment or software intended for distribution only to operators: 15
 - (iii) any communication by or on behalf of the Secretary in relation to online casino gambling

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— 20
 - (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 25
 - (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 30
 - (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 35
- (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** 5

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) 10

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 15
- (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)** 20

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: 25
 - (i) organising, managing, or supervising online casino gambling;
 - (ii) operating a gambling platform through which gamblers can participate in online casino gambling;
 - (iii) distributing the turnover of online casino gambling (for example, by paying prizes or meeting costs): 30
 - (iv) assisting in any activity described in **subparagraphs (i) to (iii)**; but
- (b) does not include participating in online casino gambling as a gambler

consumer protection strategy means a document that sets out an operator's strategies, plans, policies, systems, and processes to— 35

- (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

(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—

5

(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): 10

(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 (whether or not authorised under the Racing Industry Act 2020): 15

(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 20

gambling platform means an application, internet site, or other electronic medium through which a person conducts online casino gambling

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— 25

(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 30

(b) the chief financial officer of the person; and

(c) the chief operating officer of the person; and

(d) a person exercising 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 35

licence means a licence granted under this Act

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

novelty event means any cultural, social, political, environmental, economic, or other similar event, whether it takes place in or outside New Zealand 5

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 10
 - (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 15
- (b) does not include—
 - (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): 20
 - (ii) gambling that is declared not to be online casino gambling by regulations made under **section 79(1)(a)**

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 25
- (b) does not include anything that is declared not to be online casino gambling technology by regulations made under **section 79(1)(b)**

operator means a person who holds a licence to conduct online casino gambling 30

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

personal information has the same meaning as in section 7(1) of the Privacy Act 2020 35

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

- (b) includes any electronic game involving human competitors
- problem gambler** has the same meaning as in section 4(1) of the Gambling Act 2003
- 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) 5
- publish** means—
- (a) insert in any newspaper or other periodical publication printed, published, or distributed; or
 - (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 10
 - (d) broadcast; or
 - (e) include in any film or video; or
 - (f) include in any disk for use with a computer; or
 - (g) convey by electronic medium; or
 - (h) distribute by any means; or 15
 - (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 20
- 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 25
- relevant legislation** means—
- (a) this Act:
 - (b) the Anti-Money Laundering and Countering Financing of Terrorism Act 2009:
 - (c) the Companies Act 1993: 30
 - (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: 35
 - (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:
- (n) the Unsolicited Electronic Messages Act 2007: 5
- (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)**:
- (q) any legislation publicly notified by the Secretary for the purposes of this 10
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 15

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** 20

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 25

Online casino gambling

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: 30
- (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:
 - (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. 5
- 9 Prohibition on conducting online casino gambling without licence**
- (1) A person must not conduct online casino gambling in a manner that enables a person who is in New Zealand to participate in the gambling unless—
 - (a) the person conducts the online casino gambling in accordance with a licence; and 10
 - (b) the online casino gambling is not substantially similar to, and is not likely to be in competition with, a protected New Zealand lottery.
 - (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** 15
- (1) A person must not 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—
 - (a) the person publishes or arranges to publish the advertisement in accordance with a licence; and 20
 - (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.
 - (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. 25

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**). 30
- (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 35

- (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: 5
- (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: 10
- (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 15
 - (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. 20
- (3) This section is only a guide to the general scheme and effect of this subpart.

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. 25
- (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 30
 - (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)**).

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— 35
 - (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). 5
- 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:
 - (b) each key officer's full name, position title, physical address, and contact details: 10
 - (c) a full disclosure of the person's ownership structure, if applicable:
 - (d) information about any significant influence that the person has over an existing licence:
 - (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: 15
 - (f) information about the gambling platform through which the person intends to conduct online casino gambling:
 - (g) information about the branding (for example, slogans or logo designs) that the person intends to use in conducting online casino gambling: 20
 - (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, any relevant legislation: 25
 - (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: 30
 - (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: 35
 - (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:

- (viii) held 1 or more of the following licences:
 - (A) a licence under this Act:
 - (B) a class 3 operator's licence: 5
 - (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: 10
- (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 if the Secretary is satisfied that— 15
 - (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: 20
 - (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 functions equivalent to those of any of the persons mentioned in **subparagraphs (ii) to (iv)**, if applicable; 25
 - (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. 30
- (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— 35

- (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 5
 - (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
 - (b) details on how to participate in the competitive process; and 10
 - (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
 - (b) the amount payable for the licence. 15

Application for licence

17 Application for licence

- (1) This section applies to a person who has been notified under **section 16(4)(a)** 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)**. 20
- (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)**.
- (5) The application must— 25
 - (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).
- (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)**. 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— 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 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—
 - (a) the applicant has met the requirements in **sections 17 and 18**; and 20
 - (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)** and any other matters that the Secretary considers relevant to the suitability of the applicant. 25

Limit on licences held or controlled

- (3) The Secretary must not grant a licence to a person if granting the licence would result in— 30
 - (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—
 - (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 35

- (c) the percentage of securities in the licence holder that the person directly or indirectly owns or controls is 20% or more.

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. 5
- (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 10
 - (b) the method and frequency of drawing, if applicable; and
 - (c) the value of the prizes to be won.

20 Requirements if licence granted

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

- (a) notify the applicant in writing of— 15
 - (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.

21 Requirements if licence refused 20

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)**. 25

Subpart 3—Other licensing provisions

General provisions

22 Licence contents

A licence must specify— 30

- (a) the name of the operator; and
- (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 35

- (d) any conditions imposed on the licence under **section 23**.

23 Licence conditions

- (1) The Secretary may, at any time,—
 - (a) impose conditions on a licence; or
 - (b) amend or revoke any existing conditions. 5
- (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
 - (c) the operator's right to seek a review under **section 32**. 10
- (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
 - (c) in the case of an amendment, the operator's right to seek an internal review under **section 32**. 15

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.
- (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**. 20
- (3) A licence ceases to be in force—
 - (a) while it is suspended;
 - (b) if it is cancelled: 25
 - (c) if it is surrendered.

25 Licence not transferable

A licence is not transferable to another person.

Renewal, suspension, cancellation, and surrender of licences

26 Renewal of licence 30

- (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. 35

-
- (3) An application for renewal must be accompanied by—
- (a) an outline of any changes to the information that was required to be provided under—
 - (i) **section 14**; and
 - (ii) **section 18**; and 5
 - (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
 - (c) the prescribed fee (if any). 10
- (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**
- (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. 15
 - (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. 20
 - (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 that— 25
 - (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— 30
 - (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— 35
 - (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.

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 5
 - (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— 10
 - (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**. 15
- (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 20
 - (ii) the day on which the cancellation takes effect; and
 - (iii) the operator's right of appeal under **section 35**; and
 - (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. 25

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.
- (2) An application to surrender a licence must be accompanied by any fees, charges, or levies outstanding in relation to the licence. 30
- (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
 - (b) impose conditions that the operator must comply with before the Secretary consents to the surrender. 35
- (4) The Secretary must consent to the surrender if—

- (a) the operator complies with **subsection (2)**; and
 - (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)**. 5
- 31 Obligations not affected by expiry, suspension, cancellation, or surrender**
 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 10
 - (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 15
 - Review of decisions relating to conditions*
 - 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— 20
 - (a) be made in writing to the Secretary—
 - (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 25
 - (b) state the reasons for making the request.
 - 33 Process for review**
 - (1) On receiving an application for review under **section 32**, the Secretary must ensure the decision is reviewed—
 - (a) as soon as is reasonably practicable after the request is made; and 30
 - (b) by a person (the **reviewer**) other than 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. 35

- (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

- (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. 5
- (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
 - (b) the reasons for the decision on the review. 10

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;
 - (b) suspend or cancel the person's licence. 15
- (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.
- (4) The High Court Rules 2016 and sections 126 to 130 of the District Court Act 2016 apply to an appeal under **subsection (1)**— 20
- (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**. 25

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. 30
- (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. 35

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

Part 3 Duties and requirements

Gambling platform availability 5

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. 10
- (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— 15
- (a) the period under **subsection (1)**; or
 - (b) the 12-month period under **subsection (2)**.

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. 20

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. 25

40 Exclude problem gamblers

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 30
- (b) requested the operator to exclude them from the operators's gambling platform; or
- (c) been identified by the operator as a problem gambler.

- 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. 5
- (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 10
 - (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. 15
- (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 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 20
 - (b) is surrendered; or
 - (c) expires.
- (4) A person who is not an operator 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** 25
- 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** 30
- An operator must—
- (a) collect any information (including personal information) that is specified in regulations for the duration of their licence; and
 - (b) retain that information for 7 years following the expiry, cancellation, or surrender of their licence. 35

*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.

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*Complaints process and register***45 Complaints process**

An operator must—

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- (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.

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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:
 - (a) the date the complaint was received:
 - (b) the name of the complainant:
 - (c) details of the complaint:
 - (d) how the complaint is responded to:
 - (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:
 - (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.

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*Notifying changes and other circumstances***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 5
 - (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 10
 - (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. 15
- (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.

48 Changes relating to key officers

- (1) An operator must notify the Secretary in writing before a new key officer is employed or engaged by the operator. 20
- (2) The operator must provide the Secretary with the information set out in **section 14(h)** in relation to that key officer.

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: 25
 - (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: 30
 - (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: 35
 - (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— 5
 - (i) the name of the operator or a key officer; or
 - (ii) the operator's physical address for service in New Zealand; or
 - (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. 10
- (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 15
 - (b) pay the prescribed fee (if any) for the Secretary to assess the circumstance.

Part 4

Compliance, enforcement, and regulatory matters

Subpart 1—Civil liability acts 20

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 25
 - (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 30
 - (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 35

- (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.

Formal warnings

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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 that the person has carried out a civil liability act.
- (2) A formal warning must— 10
 - (a) state the reason for the formal warning; and
 - (b) 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.
- (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. 15

Enforceable undertakings

52 Enforceable undertakings 20

- (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.
- (2) An undertaking may include (without limitation) any of the following:
 - (a) an undertaking to take action to avoid, remedy, or mitigate a civil liability act: 25
 - (b) 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. 30
- (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. 35

53 Notification requirements for undertakings

- (1) The Secretary must give the person seeking to make an undertaking written notice of—
 - (a) the Secretary’s decision to accept or reject the undertaking; and
 - (b) the reasons for the decision. 5
- (2) If the Secretary accepts an undertaking, the Secretary must, as soon as is reasonably practicable, publicly notify the following:
 - (a) the undertaking;
 - (b) a brief description of the circumstances and nature of the civil liability act to which the undertaking relates: 10
 - (c) the Secretary’s reasons for accepting the undertaking;
 - (d) 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. 15

54 When undertaking becomes enforceable

- (1) An undertaking takes effect and becomes enforceable—
 - (a) on the date the Secretary gives notice of acceptance of the undertaking; or
 - (b) at any later date specified by the Secretary. 20
- (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—
 - (a) an undertaking is in force in relation to that act and the person is not in breach of the undertaking; or
 - (b) the person has completely discharged the undertaking. 25
- (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. 30

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)**. 35

- (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:
 - (a) an order directing the person to comply with the undertaking;
 - (b) 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

- (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.

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.

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.

59 Enforcement of take-down notices

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

(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: 10

(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 15

(ii) order a remedy under **section 60**.

60 Remedies

In proceedings under **section 59**, the District Court may order that a person who has been issued a take-down notice complies with it by a date specified in the order. 20

*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.

(2) The court may make the order if it is satisfied that person A has carried out a civil liability act. 25

(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—

(i) the act or omission of another person that was beyond person A's control; or 30

(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.

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—
- (a) the nature and extent of the civil liability act: 5
 - (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: 10
 - (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 15
 - (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**. 20

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. 25
- (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.

Limit on penalty for same or substantially similar conduct

- (5) **Subsection (6)** applies if— 30
- (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. 35
- (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 pecu-

niary penalty that may be imposed in respect of a single instance of that conduct.

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). 5

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.

65 Liability of principals and employers 10

- (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.
- (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— 15
 - (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. 20
- (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— 25
 - (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.

Subpart 2—Offence 30

66 Online casino gambling on behalf of person under 18 years

- (1) A person commits an offence if the person—
 - (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. 35
- (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.

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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.
- (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.

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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:
 - (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)**.
- (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.
- (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.

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- (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: 5

- (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 10

71 Secretary's power to require information

- (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 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— 15
 - (i) determining if a person is complying with this Act (including any secondary legislation made under it or any licence conditions): 20
 - (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 25
 - (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. 30
- (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**; 35
 - or

- (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 5
 - (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. 10
- 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 15
 - (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). 20
- (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): 25
 - (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. 30
- (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. 35
- 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
 - (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 5
 - (c) any other matters that the Secretary considers appropriate.

Subpart 5—Public register

74 Public register of operators and licences 10

- (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: 15
 - (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: 20
 - (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— 25
- (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 30

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:

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- (a) prescribing limits on the amounts that may be bet, paid, or staked as consideration in online casino gambling:
 - (b) prescribing limits on prizes, payouts, and returns from online casino gambling:
 - (c) prescribing limits on the duration and frequency of participation in online casino gambling: 5
 - (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:
 - (e) prescribing the minimum or maximum payout ratio or average rate of return to a player: 10
 - (f) restricting or prohibiting inducements to participate in online casino gambling:
 - (g) prescribing information or 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
 - (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
 - (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 (l)**:
 - (n) prescribing the use of pre-commitment, player-tracking, or other harm-minimisation devices, technology, or systems in or associated with online casino gambling. 35
- (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.
- (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** 5
- (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 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: 10
 - (d) prescribing payment methods that an operator may or may not accept from a player:
 - (e) prescribing procedures that an operator whose licence expires or is suspended, cancelled, or surrendered must follow in dealing with customers: 15
 - (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:
 - (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: 20
 - (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: 25
 - (k) prescribing the form and content of complaints processes under **section 45**.
- (2) Regulations made under **subsection (1)** may apply—
 - (a) to specified persons or classes of person: 30
 - (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.
- (3) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 35
- 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—
- (a) the form of advertisements; and
 - (b) the content of advertisements; and
 - (c) the timing, frequency, and volume of advertisements; and 5
 - (d) the location and placement of advertisements; and
 - (e) the audiences at which advertisements may be targeted; and
 - (f) the use of endorsements, sponsorships, and similar third-party arrangements in advertisements (including prohibiting such use); and
 - (g) record keeping in relation to advertisements. 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 classes of advertisements:
 - (d) to specified games or classes of games, or categories, classes, or forms of online casino gambling. 15
- (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.
- (4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 20
- 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— 25
- (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: 30
 - (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:** 35
 - (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— 5
 - (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: 10
 - (d) the circumstances in which a penalty for default in payment is payable:
 - (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. 15
 - (4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 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: 20
 - (a) declaring anything not to be online casino gambling for the purposes of this Act:
 - (b) declaring anything not to be online casino gambling technology for the purposes of this Act:
 - (c) prescribing systems for the management and operation of online casino gambling: 25
 - (d) auditing, reporting on, and monitoring persons who conduct or promote online casino gambling:
 - (e) requiring specified persons to retain documents and information relating to online casino gambling: 30
 - (f) prescribing requirements relating to the presentation of financial reports by licence holders:
 - (g) prescribing systems or processes to ensure compliance with this Act:
 - (h) prescribing systems or processes ancillary to online casino gambling, including the method of paying prizes: 35
 - (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—

-
- (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.
 - (3) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 5
 - 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.
 - (2) Minimum standards may include (without limitation) specifications regarding— 10
 - (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. 15
 - (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.
 - (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 the Secretary considers is likely to be directly affected by the standards; and 25
 - (b) the Minister must be satisfied that the Secretary has consulted in accordance with this section.
 - (6) The process for consultation must, to the extent practicable in the circumstances, include— 30
 - (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
 - (c) adequate and appropriate consideration of submissions.
 - (7) However, a failure to consult does not affect the validity of the minimum standards. 35

- (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.
- (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. 5
- (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)**. 10

Part 6

Miscellaneous

81 Service of notices

- (1) A notice required or authorised to be served on any person under this Act may— 15
 - (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 20
 - (iii) by sending it by email to the person's email address provided by the person for the purpose:
 - (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 25 390 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.
- (2) In the absence of proof to the contrary, a notice sent to a person in accordance with— 30
 - (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: 35
 - (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)**.
- (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
- (5) If a person has died, the notice may be served, in accordance with **subsection (1)**, on their personal representative.

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 **5**

- 1 Persons conducting online casino gambling on commencement**
- (1) This clause applies to any person who, on the commencement of this 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 gambling.
- (2) If the person applies for a licence to conduct online casino gambling under **section 17** before 1 July 2026, the prohibition in **section 9(1)** does not apply to the person until the earlier of— 10
- (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. 15
- (3) In all other cases, the prohibition in **section 9(1)** does not apply to the person until 1 July 2026.

Schedule 2

Consequential amendments

s 82

Part 1

Amendments to Acts

5

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:

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(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—

20

(A) authorised under the Racing Industry Act 2020; or

(B) the gambling is online casino gambling:

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:

25

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**:

Gambling Act 2003 (2003 No 51)

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

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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), insert: 5

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

(iia) 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. 30

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

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

Gaming Duties Act 1971 (1971 No 34) 35

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

Gaming Duties Act 1971 (1971 No 34)—continued

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

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

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

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

10

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—

- (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—

- (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.

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

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

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

Gaming Duties Act 1971 (1971 No 34)—continued

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

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”. 5

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

Tax Administration Act 1994 (1994 No 166)

In Schedule 7, after clause 34A, insert:

34B Department of Internal Affairs: online gambling duty

Section 18 does not prevent the Commissioner communicating information to a person who is an employee of the Department of Internal Affairs that— 10

- (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**. 15

Part 2**Amendments to regulations****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** 20

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 25

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

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

In the Schedule, after the item relating to casino operators, insert: 30

Online casino operator

1.24

