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Gambling venue policy

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Background and context

The Gambling Act (previously the "Responsible Gambling Bill") became law on the 18 September 2003. The Act gives territorial authorities limited powers in relation to gambling in their district. The vast majority of powers concerning gambling remain with the Department of Internal Affairs (DIA). Only the DIA have the power to revoke class 4 operator licenses.

Under the Act, territorial authorities are required to adopt a policy on class 4 venues for their district. Class 4 venues are defined in the Gambling Act to include any activity that involves the use of a gaming machine outside a casino. Class 4 gaming may only be conducted by a corporate society and only to raise money for authorised (community) purposes.

Section 101(3) provides that a territorial authority's class 4 venue policy:

- a) must specify whether or not class 4 venues may be established in the territorial authority district and, if so, where they may be located; and
- b) may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue.

Not all class 4 gambling venues require council gambling venue approval. Class 4 gambling venues licensed prior to 17 October 2001, and that have not ceased operations for any period longer than 6 months, do not require gambling venue approval from the council to continue their operations provided they are not increasing the number of machines on their premises.

Class 4 gambling venues that do require council gambling venue approval (refer section 98 of Gambling Act) are:

- a. Any Class 4 gambling venue that proposes to increase its number of machines from the number licensed; and
- b. Any new class 4 venue that was not licensed on or prior to 17 October 2001; and
- c. Any class 4 venue for whom their licence has lapsed for 6 months, and
- d. Any class 4 venue that holds a licence granted after 17 October 2001 and before 19 September 2003.

The Gambling Act also amended the Racing Act 2003 to require that territorial authorities adopt a board venue policy for the district. The policy must specify whether new New Zealand Racing Board venues (previously known as and commonly referred to as stand alone TAB agencies) may be established in the city, and if so, where they may be located. The policy does not extend to other venues, such as clubs and hotels, where TAB betting services are provided.

The Auckland City Council gambling venue policy covers both class 4 venues and New Zealand Racing board venues.

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Part 1 - Objectives of the gambling venue policy

- 1.1 To control the growth of gambling in Auckland city
- 1.2 To minimise the harm caused by gambling in Auckland city, including problem gambling
- 1.3 To allow those who are legally entitled to participate in class 4 and TAB gambling in Auckland city to do so if they wish and to do so safely
- 1.4 To seek to ensure that funds raised by gambling are distributed fairly for the benefit of communities within Auckland City

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Part 2 - Class 4 venue policy

This Class 4 Venue policy is adopted by the Council in accordance with section 101 and 102 of the Gambling Act 2003

2.0 Numbers and location of class 4 venues

- 2.1 The Council will not grant consent for any new class 4 venue.
- 2.2 The Council will not consent to an increase in the number of machines in an existing class 4 venue (being the total number of gaming machines authorised by licences in Auckland city as at 22 September 2003).
- 2.3 Existing licenses should be a premise licensed under the Sale of Liquor Act 1989 with a restricted designation or a tavern or club license (with the exception of New Zealand Racing Board venues).
- 2.4 Existing licenses comply with the relevant district plan provisions and relevant parts of the Auckland City Consolidated Bylaw 1988 (including Part 27 signs).
- 2.5 No new class 4 venues will be located on Council land.

3.0 All class 4 venues that require Council consent must:

- 3.1 Comply with the following signage requirements:
 - 3.1.1 Gaming machines are not visible from the street, road or highway
 - 3.1.2 Signs, including sandwich board signs, must not include prize money advertising of any description if able to be seen from the exterior of the premise
 - 3.1.3 Sandwich board signs must not be used to advertise a class 4 venue, or the provision of electronic gaming machine
 - 3.1.4 Signs must not exceed 1 metre by 0.3 metres in size (or other dimensions but of equivalent surface area)
 - 3.1.5 Signs advertising a class 4 venue, or the provision of electronic gaming machines, must not be illuminated by flashing lights or contain neon lighting
 - 3.1.6 Signs advertising a class 4 venue, or the provision of electronic gaming machines, must not be visible from a Residential Zone.
- 3.2 Comply with the maximum number of machines allowed per premise as stipulated in 2.2.
- 3.3 Provide the Council at least annually with a full report on how electronic gambling machine revenue raised at the venue has been distributed

4.0 Clubs and ministerial discretion

Council will not consent to clubs with class 4 licenses seeking Ministerial discretion under section 95 and 96 of the Act. That is, Council will not consent to clubs with class 4 licenses operating more than the statutory maximum number of machines. For the purposes of this policy, clubs with class 4 licenses must comply with the Council's class 4 venue policy in Part 1 of the Gambling Venue Policy.

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Part 3 - New Zealand racing board venue policy

The following policy on New Zealand Racing Board venues is adopted by the Council in accordance with section 65D of the Racing Act 2003.

The New Zealand Racing Industry Board and the Totaliser Agency Board (TAB) have been abolished by the Gambling Act 2003. This policy applies to all venues operated by the New Zealand Racing Board and to those venues previously operated by the New Zealand Racing Industry Board or the Totaliser Agency Board (TAB).

5.0 New Zealand racing board venues

- 5.1 Council will not grant consent for any new New Zealand Racing Board venues.
- 5.2 New Zealand Racing Board Venues with electronic gambling machines are a class 4 venue for the purposes of this policy and must comply with the Council's class 4 venue policy in Part 1 of the Gambling Venue Policy, with the exception of liquor license requirements as outlined in 2.3.

6.0 Review of policy

- 6.1 This policy will be reviewed triennially.

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