

## Gambling Act 2003

### 101 Territorial authority must adopt class 4 venue policy

(1) A territorial authority must, within 6 months after the commencement of this section, adopt a policy on class 4 venues.

(2) In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.

(3) The 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; and

(c) may include a relocation policy.

(4) In determining its policy on whether class 4 venues may be established in the territorial authority district, where any venue may be located, and any restrictions on the maximum number of gaming machines that may be operated at venues, the territorial authority may have regard to any relevant matters, including:

(a) the characteristics of the district and parts of the district:

(b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities:

(c) the number of gaming machines that should be permitted to operate at any venue or class of venue:

(d) the cumulative effects of additional opportunities for gambling in the district:

(e) how close any venue should be permitted to be to any other venue:

(f) what the primary activity at any venue should be.

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

### 102 Adoption and review of class 4 venue policy

(1) A policy on class 4 venues under [section 101](#) must be adopted in accordance with the special consultative procedure in [section 83](#) of the Local Government Act 2002 and, for the

purpose of subsection (1)(e) of that section, the territorial authority must give notice of the proposed policy, in a manner that the territorial authority considers appropriate, to—

(a) each corporate society that holds a class 4 venue licence for a venue in the territorial authority district; and

(b) organisations representing Māori in the territorial authority district.

(2) A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.

(3) Subsection (1)(b) does not affect the ability of a territorial authority to take similar action in respect of any other population group.

(4) A territorial authority must, as soon as practicable after adopting, amending, or replacing a policy, provide a copy of the policy to the Secretary.

(5) A territorial authority must complete a review of a policy within 3 years after the policy is adopted and then within 3 years after that review and each subsequent review is completed.

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

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

### **103 Provision of information relating to class 4 venues in territorial authority district**

On request from a territorial authority, the Secretary must provide—

(a) the name and address of each corporate society that holds a class 4 venue licence for a venue in the territorial authority district; and

(b) the name and address of each class 4 venue in the territorial authority district and the number of gaming machines permitted to operate there.