



Gambling (Infringement Notices) Regulations 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 18th day of October 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to section 360(c) of the Gambling Act 2003, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the advice of the Minister of Internal Affairs after consultation with persons or organisations that appear to the Minister to be representative of the interests of persons likely to be substantially affected by these regulations, makes the following regulations.

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Regulations

- 1 Title**
 These regulations are the Gambling (Infringement Notices) Regulations 2004.

2 Commencement

These regulations come into force on 1 December 2004.

3 Interpretation

In these regulations, **Act** means the Gambling Act 2003.

4 Infringement notices

- (1) An infringement notice issued under section 357 of the Act must be in form 1 set out in the Schedule.
- (2) A reminder notice issued under section 358 of the Act must be in form 2 set out in the Schedule.

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**Schedule
Forms**

Form 1

Infringement notice
Section 357, Gambling Act 2003

(Front)

Department of Internal Affairs
Te Tari Taiwhenua

Notice No:

Infringement notice served on—

First name(s): Family name (*or* company name):

Date of birth:

Full address [*residential or business*]:

Occupation:

Alleged infringement offence details

Date: Time: Day of week:

Location: Location code (if known):

Details of offence Infringement fee payable:

(provision breached and \$

description of offence): Offence code (if known):

Issuing details

Gambling inspector's warrant No:

Form 1—*continued*

Police officer [*name*]:

Method infringement notice served by [*personal service/post*]:

On [*insert date served*]:

Note: if served by post, the date of service for the notice is when the notice would have been delivered in the ordinary course of post.

Procedures for payment of infringement fee

The infringement fee is payable within 28 days after [*specify date*].

Important: please read the summary of rights printed on the back of this notice.

Infringement fees may be paid to the Department of Internal Affairs using 1 of the following methods:

- 1 By cheque with the attached deposit slip sent to [*insert postal details*].
- 2 By cash or cheque with the attached deposit slip at any branch of the [*insert bank details*].

Cheques should be payable to “Department of Internal Affairs” and should be crossed and marked “not transferable”.

Deposit slip

[*Name of branch*] [*Department logo*]

Date:

Notice No:

Notes:

Paid in by:

Cheques:

[*Please print name*]

[*As per back*]

For credit of Department of Internal Affairs Infringement Account:

[*Insert bank account details*]

[\$*Amount paid*]

(Back)

Summary of rights

Note: if, after reading this summary, you do not understand anything in it, consult a lawyer immediately.

Form 1—*continued***1 Payment of infringement fee**

If you pay the infringement fee within 28 days after the service of this notice, no further action in respect of the infringement offence will be taken. Payment should be made to the Department of Internal Affairs in accordance with the instructions on the front page of this notice.

Note: if, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with an informant in respect of an infringement fee payable by you, the provisions of paragraph 4 below do not apply and you are not entitled either to request a hearing to deny liability or to ask the Court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

2 Further action

If you wish to raise any matter relating to circumstances of the alleged offence, you should do so by writing to the enforcement authority at the address shown on the front of this notice within 28 days after the service of this notice.

3 Defences

You have a defence against any proceedings for the offence alleged in this notice if you can prove that the infringement fee has been paid to the Department of Internal Affairs at the address for payment shown on the front of this notice, or to [*insert bank details*], within 28 days after you have been served with a reminder notice in respect of the offence.

Note: late payment, or payment at any other address or to any other bank, will not be a defence.

4 Right to request hearing

- (1) You have the right to request a hearing. A request for a hearing must be made in writing, be signed by you, and be delivered to the address specified on the front of this notice within 28 days after you have been served with this notice. If you request a hearing, you may deny liability for the offence, or admit liability and make submissions as to penalty or any other matter.

Form 1—*continued*

- (2) If you deny liability for the offence, the Department of Internal Affairs will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court (unless the Department of Internal Affairs decides not to commence court proceedings).

Note: if the Court finds you guilty of the offence, costs will be imposed in addition to any fine.

- (3) If you admit liability for the offence but want the Court to consider your submissions, you should, in your request for a hearing,—
- (a) admit the offence; and
 - (b) set out the written submissions you wish to be considered by the Court. The Department of Internal Affairs will then file your letter with the Court (unless the Department of Internal Affairs decides not to commence court proceedings). There will be no oral hearing before the Court if you follow this course of action.

Note: any costs will be imposed in addition to any fine.

5 Consequences of taking no action

- (1) If you do not pay the infringement fee and do not request a hearing within 28 days after the service of this notice, you will be served with a reminder notice (unless the enforcement authority decides otherwise).
- (2) If you do not pay the infringement fee and do not request a hearing in respect of the alleged infringement offence within 28 days after the service of the reminder notice, you will become liable to pay costs in addition to the infringement fee (unless the enforcement authority decides not to commence court proceedings against you).

6 Questions and other correspondence

In any correspondence, please include—

- (a) the date of the infringement notice; and
- (b) the infringement notice number; and
- (c) the course of action you are taking in respect of the alleged offence; and
- (d) your address for replies.

Note: all queries and all correspondence regarding this notice must be directed to [*insert postal details*].

Form 1—*continued*

Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Form 2

Reminder notice

Section 358, Gambling Act 2003

(Front)

Department of Internal Affairs
Te Tari Taiwhenua

Notice No:

This notice is to remind you that an infringement notice has been issued to you. The details of the notice are as follows:

Infringement notice served on—

First name(s): Family name (*or* company name):
Date of birth:

Full address [*residential or business*]:

Occupation:

Alleged infringement offence details

Date: Time: Day of week:
Location: Location code (if known):
Details of offence Infringement fee payable:
(provision breached and \$
description of offence): Offence code (if known):

Service detailsReminder notice served by [*personal service/post*]:On [*insert date served*]:

Note: if served by post, the date of service for the notice is when the notice would have been delivered in the ordinary course of post.

Procedures for payment of infringement fee

The last day for payment of the infringement fee is [*insert date*], being 28 days after the date of service of this notice.

Important: please read the summary of rights printed on the back of this notice.

Infringement fees may be paid to the Department of Internal Affairs using 1 of the following methods:

- 1 By cheque with the attached deposit slip sent to [*insert postal details*].

Form 2—*continued*

- 2 By cash or cheque with the attached deposit slip at any branch of *[insert bank details]*.

Cheques should be payable to “Department of Internal Affairs” and should be crossed and marked “not transferable”.

Deposit slip

[Name of branch] *[Department logo]*

Date:

Notice No:

Notes:

Paid in by:

Cheques:

[Please print name]

[As per back]

For credit of Department of Internal Affairs Infringement Account:

*[Insert bank account
details]*

[\$[Amount paid]

(Back)

Summary of rights

Note: if, after reading this summary, you do not understand anything in it, consult a lawyer immediately.

1 Payment of infringement fee

If you pay the infringement fee within 28 days after the service of this notice, no further action in respect of the infringement offence will be taken. Payment should be made to the Department of Internal Affairs in accordance with the instructions on the front page of this notice.

Note: if, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with an informant in respect of an infringement fee payable by you, the provisions of paragraph 4 below do not apply and you are not entitled either to request a hearing to deny liability or to ask the Court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

Form 2—*continued***2 Further action**

If you wish to raise any matter relating to circumstances of the alleged offence, you should do so by writing to the enforcement authority at the address shown on the front of this notice within 28 days after the service of this notice.

3 Defences

You have a defence against any proceedings for the offence alleged in this notice if you can prove that the infringement fee has been paid to the Department of Internal Affairs at the address for payment shown on the front of this notice, or to the [*insert bank details*], within 28 days after you have been served with a reminder notice in respect of the offence.

Note: late payment, or payment at any other address or to any other bank, will not be a defence.

4 Right to request hearing

(1) You have the right to request a hearing. A request for a hearing must be made in writing, be signed by you, and be delivered to the address specified on the front of this notice within 28 days after you have been served with this notice. If you request a hearing, you may deny liability for the offence, or admit liability and make submissions as to penalty or any other matter.

(2) If you deny liability for the offence, the Department of Internal Affairs will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court (unless the Department of Internal Affairs decides not to commence court proceedings).

Note: if the Court finds you guilty of the offence, costs will be imposed in addition to any fine.

(3) If you admit liability for the offence but want the Court to consider your submissions, you should, in your request for a hearing,—

(a) admit the offence; and

Form 2—*continued*

- (b) set out the written submissions you wish to be considered by the Court. The Department of Internal Affairs will then file your letter with the Court (unless the Department of Internal Affairs decides not to commence court proceedings). There will be no oral hearing before the Court if you follow this course of action.

Note: any costs will be imposed in addition to any fine.

5 Consequences of taking no action

If you do not pay the infringement fee and do not request a hearing in respect of the alleged infringement offence within 28 days after the service of the reminder notice, you will become liable to pay costs in addition to the infringement fee (unless the enforcement authority decides not to commence court proceedings against you).

6 Questions and other correspondence

In any correspondence, please include—

- (a) the date of the infringement notice; and
- (b) the infringement notice number; and
- (c) the course of action you are taking in respect of the alleged offence; and
- (d) your address for replies.

Note: all queries and all correspondence regarding this notice must be directed to [*insert postal details*].

Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 December 2004, prescribe the forms of—

- an infringement notice issued under section 357 of the Gambling Act 2003; and
 - a reminder notice issued under section 358 of the Gambling Act 2003.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 21 October 2004.

These regulations are administered in the Department of Internal Affairs.
