# Gambling Fact Sheet #29

## Associated Persons – Casinos

Updated: February 2016

Note: While reasonable measures have been taken to ensure the quality and accuracy of the information contained in this Fact Sheet it does not replace information contained in the Gambling Act 2003 or the Racing Act 2003 or any provisions pursuant to these Acts. This Fact Sheet is for general information only and is not a substitute for independent, professional legal or financial advice.

Significant influence and assessment of suitability.

### Government Policy

The Gambling Act 2003 requires that persons whom it is determined have a significant influence in relation to a casino licence must be investigated by the Secretary for Internal Affairs to assess their suitability as an associated person. The meaning of significant influence is specified in section 7 of the Act.

Suitability criteria are specified in section 124. Vetting enquiries and requests for personal information are extensive and thorough.

Under section 149(8) from 1 July 2004, those persons approved as associated persons under section 48 of the Casino Control Act 1990 will be regarded as having the approval of the Secretary as an associated person.

### Significant influence

Under section 7 of the Gambling Act the following persons are considered to exercise a significant influence in a casino:

* Someone who is, or will be a director of a casino licence holder;
* Someone who is, or will be the chief executive or a senior manager of a casino;
* Someone who owns, or will own shares directly or indirectly, in the holder of a casino licence where those shares confer 20 per cent or more of the voting rights of shareholders in any class.

In addition, significant influence in a casino includes any influence that the Secretary or the Gambling Commission (where relevant) considers to be a significant interest in the management, ownership or operation of a casino.

Some guidelines on the scope of significant influence are available on the Department’s website (<http://www.dia.govt.nz/gambling>) to assist casino licensees in determining whether or not a person may exercise a significant influence in a casino

See: Fact Sheet 30 - Significant Influence in Casinos.

The Secretary advises casino operators to seek the assistance of a chartered accountant or similar when considering significant influence guidelines and assessing circumstances that may confer significant influence in relation to their casino licence.

Both prospective associated persons and casino licensees have responsibilities to provide the Secretary with information in relation to persons with or about to have, a significant influence in a casino.

These responsibilities include the following:

* Under section 151 a person who acquires a significant influence in a casino but has not been approved as an associated person must inform the Secretary and each holder of a casino licence for the relevant casino;
* Under section 152, where possible, a casino licence holder must apply to the Secretary for approval of a person before they acquire a significant influence in a casino. The application must be in the relevant form, available from the Department from 1 July;
* Under section 153, as soon as a casino licence holder becomes aware that a person has acquired a significant influence in the casino, they must advise the Secretary.

The Secretary may at any stage receive or obtain information about the degree of influence a person has in relation to a casino licence.

The Secretary requests that he/she is kept informed of up-to-date contact details of associated persons. The Secretary also requests that he/she is notified of changes that may affect the level of significant influence, or types of significant influence that an associated person exercises in relation to a casino.

### Appeals

Under section 150 of the Gambling Act, applicants have a statutory right to appeal to the Gambling Commission within 15 days a decision of the Secretary to refuse, or revoke the status of an associated person.

### Fees

The fee for an associated person application is $589.31.