Version
as at 1 November 2024

Gambling Act 2003

Public Act	2003 No 51
Date of assent	18 September 2003
Commencement	see section 2

Contents

		Page
1	Title	15
	Part 1 **Preliminary provisions**	
2	Commencement	16
3	Purpose	17
4	Interpretation	17
4A	Modification of definition of remote interactive gambling during specified period due to effects of COVID-19 *[Repealed]*	33
4A	Modification of definition of remote interactive gambling during specified period due to effects of COVID-19 *[Repealed]*	34
5	Extended meaning of conduct	34
5A	Meaning of net proceeds	34
6	Multi-terminal and multi-player gaming machines	35
7	Meaning of significant influence in casino	35
8	Secretary may seek information to assess influence	35
8AA	Transitional, savings, and related provisions	36
8A	Act binds the Crown	36

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Department of Internal Affairs.

Part 2
Gambling

Subpart 1—Prohibitions and authorisations

9	Gambling prohibited	36
10	No more casinos	36
11	No increase in casino gambling	37
12	What is increase in casino gambling	37
13	No compensation	37
14	Legality of gambling contracts	37
15	Providing credit for gambling prohibited	38
16	Advertising overseas gambling prohibited	38
17	Regulations may restrict or prohibit prizes	39
17A	Retail value of non-cash prize must be stated	40
18	Sales promotion schemes authorised	40
19	Offences	40

Subpart 2—Classes of gambling

Overview

20	Overview	41
21	Secretary may categorise gambling	41

Class 1 gambling

22	Meaning of class 1 gambling	42
23	No licence required	43

Class 2 gambling

24	Meaning of class 2 gambling	43
25	Requirements for class 2 gambling	44
26	No licence required	45

Class 3 gambling

27	Meaning of class 3 gambling	45
28	Requirements for class 3 gambling	46
29	Existing licences class 3 operators' licences	46

Class 4 gambling

30	Meaning of class 4 gambling	46
31	Requirements for class 4 gambling	47
32	Existing gaming machine licences and site approvals	47
33	Status of TAB NZ and racing clubs	47
34	Meaning of casino gambling	48

Subpart 3—Licensing of class 3 gambling

Applications for class 3 operator's licence

35	Application for class 3 operator's licence	49
36	Secretary must investigate applicant for class 3 operator's licence	49

Grant of class 3 operator's licence

37 Grounds for granting class 3 operator's licence 50
38 Content and conditions of class 3 operator's licence 51
38A Continuing obligations of class 3 operator 52
39 Significant changes in relation to class 3 operator's licence must be notified 52
40 Change of purpose and winding up provisions of holder of class 3 operator's licence ineffective without approval 53

Renewal or amendment of class 3 operator's licence

41 Renewal of class 3 operator's licence 53
42 Amending class 3 operator's licence 54

Suspension, cancellation, or refusal to amend or renew class 3 operator's licence

43 Suspension or cancellation of class 3 operator's licence 54
44 Procedure for suspending, cancelling, or refusing to amend or renew class 3 operator's licence 55
45 Consequences of suspension, cancellation, or refusal to amend or renew class 3 operator's licence 56
46 Appeal to Gambling Commission regarding class 3 operator's licence 57
47 Consequences of appeal regarding class 3 operator's licence 58

Other matters

48 Surrender of class 3 operator's licence 58
49 Class 3 operator's licence not transferable 58

Subpart 4—Licensing of class 4 gambling

Applications for class 4 operator's licence

50 Application for class 4 operator's licence 58
51 Secretary must investigate applicant for class 4 operator's licence 59

Grant of class 4 operator's licence

52 Grounds for granting class 4 operator's licence 60
52A Circumstances in which corporate society may apply net proceeds to authorised purpose 63
53 Content and conditions of class 4 operator's licence 63
53A Continuing obligations of class 4 operator 64
54 Significant changes in relation to class 4 operator's licence must be notified 65
55 Change of purpose and winding up provisions of holder of class 4 operator's licence ineffective without approval 65

Renewal or amendment of class 4 operator's licence

56 Renewal of class 4 operator's licence 66

57	Amending class 4 operator's licence	66
	Suspension, cancellation, or refusal to amend or renew class 4 operator's licence	
58	Suspension or cancellation of class 4 operator's licence	67
59	Procedure for suspending, cancelling, or refusing to amend or renew class 4 operator's licence	68
60	Consequences of suspension, cancellation, or refusal to amend or renew class 4 operator's licence	69
61	Appeal to Gambling Commission regarding class 4 operator's licence	70
62	Consequences of appeal regarding class 4 operator's licence	71
	Other matters	
63	Surrender of class 4 operator's licence	71
64	Class 4 operator's licence not transferable	71
	Applications for class 4 venue licence	
65	Application for class 4 venue licence	71
66	Secretary must investigate applicant for class 4 venue licence	73
	Grant of class 4 venue licence	
67	Grounds for granting class 4 venue licence	74
68	Determining suitability for class 4 venue licence	76
69	Form and content of class 4 venue agreement	77
69A	Continuing obligations of corporate society in relation to class 4 venue licence	78
70	Content and conditions of class 4 venue licence	78
71	Significant changes in relation to class 4 venue licence must be notified	80
	Renewal or amendment of class 4 venue licence	
72	Renewal of class 4 venue licence	81
73	Amending class 4 venue licence	81
	Suspension, cancellation, or refusal to amend or renew class 4 venue licence	
74	Suspension or cancellation of class 4 venue licence	82
75	Procedure for suspending, cancelling, or refusing to amend or renew class 4 venue licence	83
76	Consequences of suspension, cancellation, or refusal to amend or renew class 4 venue licence	84
77	Appeal to Gambling Commission regarding class 4 venue licence	85
78	Consequences of appeal regarding class 4 venue licence	86
	Other matters	
79	Surrender of class 4 venue licence	86

80 Class 4 venue licence not transferable 86
81 Complaints to Secretary 87
82 Certain information must be displayed at class 4 venue 87
83 Obligation on disposal of gaming machines 88
84 Prohibition on certain gaming machines in class 4 venue 88

Disabling gambling equipment and electronic monitoring of gaming machines

85 Disabling gambling equipment 89
86 Holder of class 4 operator's licence must connect to electronic monitoring system 89
87 Functions of electronic monitoring system 90
88 Secretary may select monitor 91

Particular limits on numbers of gaming machines

89 Notification required 91
90 Register of class 4 venue licences must be maintained 92
91 No compensation 92
92 Limit on number of gaming machines for which class 4 venue licence held on 17 October 2001 92
93 Limit on number of gaming machines for which class 4 venue licence granted after 17 October 2001 but before commencement 93
94 Limit on number of gaming machines for venue with venue licence granted after commencement 94
95 Ministerial discretion to permit more gaming machines if clubs merge 94
96 Ministerial discretion to permit more than 9 machines at certain class 4 venues 95
97 Power to issue, renew, or amend class 4 licence may be overridden 97
97A Effect of relocation 97

Territorial authority consent

98 When territorial authority consent required 97
99 Application for territorial authority consent 98
100 Considering and determining application for territorial authority consent 98
101 Territorial authority must adopt class 4 venue policy 99
102 Adoption and review of class 4 venue policy 100
103 Provision of information relating to class 4 venues in territorial authority district 101

Net proceeds and costs of class 4 gambling

104 Gaming machine profits must be banked 101
105 Interest, etc, on gaming machine profits 102
105A Management of gaming machine profits bank account 102

106	Corporate society must apply or distribute net proceeds from class 4 gambling to or for authorised purpose	103
107	Corporate society must provide annual report to Secretary	104
108	Contents of annual report	104
108A	Audit must be carried out in accordance with auditing and assurance standards	105
108B	Clubs that operate gambling equipment at non-commercial class 4 venues must make financial statements available to members	105
108C	Other corporate societies must make financial statements available on Internet	106
109	Annual review of criteria for distribution of net proceeds	106
110	Publication requirements for corporate societies	106
111	Application or distribution of net proceeds when corporate society ceases class 4 gambling	108
112	Orders regarding application or distribution of net proceeds	109
113	Key persons must not be involved in certain activities or decisions	110
114	Regulations regarding application or distribution of net proceeds from class 4 gambling	111
115	Payment of commission prohibited	113
115A	Duty on grant recipients	114
116	Secretary may limit or exclude operating costs of corporate society	114
117	Secretary may investigate and audit licensees, grant recipients, management services providers, and businesses at class 4 venues	115
118	Certain persons must not seek, receive, or offer benefits with improper conditions attached	116

Subpart 5—Licensing of casino gambling

General provisions

119	Requirements for casino gambling	118
120	Racing betting and sports betting in casinos	118
121	Casino branding	118
122	Existing casino licences and agreements	119
123	Directions as to operating casinos	119
124	Suitability requirements	119
125	Gambling Commission must investigate application concerning casino licences	121
126	Mortgage or assignment of casino licence	121
127	Casino licence not transferable	122

Casino operator's licence

128	Application for casino operator's licence	122
129	Consideration of application	122
130	Grant of casino operator's licence	122
131	Expiry of casino operator's licence	123

Casino venue agreements

132 Approval of casino venue agreement 123
133 Consideration of application 123

Renewal of casino venue licence

134 Application for renewal of casino venue licence 124
135 Process for determining applications for renewal 124
136 Information and matters to be considered 125
137 Renewal of casino venue licence 126
138 Expiry of casino venue licence 126

Amendment of casino licence

139 Conditions of casino licence 126
140 Procedure for specifying, varying, or revoking casino licence conditions 127
141 Minimum operating standards in casino licences 127
142 Procedure for specifying, varying, or revoking minimum operating standards 128
143 Appeal to Gambling Commission 129

Suspension, cancellation, and surrender of casino licence

144 Suspension or cancellation of casino licence 129
145 Procedure for suspending or cancelling casino licence 130
146 Notification of suspension and cancellation 131
147 Surrender of casino licence 132
148 Appeal against cancellation or suspension *[Repealed]* 132

Associated persons

149 Approval for associated persons required 132
150 Appeal to Gambling Commission 133
151 Responsibilities of person who acquires significant influence without approval 134
152 Licensee to seek prior approval 134
153 Responsibility of licensee aware of person with significant influence 134
154 Affected transactions 134
155 Review of associated persons by Secretary 135
156 Actions that may be taken by Gambling Commission 135

Certificates of approval

157 Existing certificates of approval 135
158 Certain casino employees must be approved 135
159 Application for certificate of approval 136
160 Secretary must investigate application for certificate of approval 136
161 Information and matters that Secretary may take into account 137
162 Refusal of application for certificate of approval 137

163	Issue of certificate of approval	138
164	Expiry of certificate of approval	138
165	Commencement of duties before issue of certificate of approval	138
166	Application for suspension or cancellation of certificate of approval	139
167	Making and revoking order suspending or cancelling certificate of approval	140
168	Secretary must notify casino	141
169	Surrender of certificate of approval	141
170	Restriction on holder of certificate of approval	141
171	Appeal to Gambling Commission regarding certificate of approval	141
	Operation of casinos	
172	Restricted hours of operation	142
173	On-licences under Sale and Supply of Alcohol Act 2012	143
174	Charges to enter and play not permitted	143
175	Information for customers	143
176	Training for employees	144
177	Books must be kept in casino venue	144
178	Gambling equipment must be kept in casino venue	145
179	Obligation on disposal of gaming machines	145
180	Prohibition on certain gaming machines in casino	146
181	Restriction on certain agreements	146
182	Review of agreements	146
183	Procedure after issue of notice	147
184	Consequences of termination of agreement	148
185	Bank may be required to provide information	148
186	Investigation of complaints	148
187	Temporary authority	149
	Subpart 6—Licensed promoters of class 3 gambling	
188	Society may engage licensed promoter	149
189	Licensed promoter may only promote licensed class 3 gambling activity	149
190	Existing licensed promoter licences	150
	Applications for licensed promoter's licence	
191	Eligibility for licensed promoter's licence	150
192	Application for licensed promoter's licence	150
193	Notice of licence application	151
194	Objections	151
	Bond	
195	Applicant must provide bond given by approved surety	151
196	When bond must be paid to Secretary	152
197	Secretary may appoint administrator	152

198 Compensation claims 152
199 Consideration and payment of claims 153

Grant of licensed promoter's licence

200 Secretary must investigate applicant for licensed promoter's licence 153
201 Grounds for granting licensed promoter's licence 154
202 Secretary must notify Police if licence granted 155
203 Content and conditions of licensed promoter's licence 156
203A Significant changes in relation to licensed promoter's licence must be notified 157
204 Secretary must keep register of licensed promoters 157

Renewal or amendment of licensed promoter's licence

205 Renewal of licensed promoter's licence 157
205A Amending licensed promoter's licence 158

Suspension, cancellation, or refusal to renew licensed promoter's licence

206 Suspension or cancellation of licensed promoter's licence 158
207 Procedure for suspending, cancelling, or refusing to renew licensed promoter's licence 159
208 Consequences of suspension, cancellation, or refusal to renew licensed promoter's licence 160
209 Appeal to Gambling Commission regarding licensed promoter's licence 160
210 Consequences of appeal regarding licensed promoter's licence 161

Trust account

211 Licensed promoter must have trust account 161
212 Trust account must be audited 162
213 Licensed promoter must render account to society 162

Other matters

214 Surrender of licensed promoter's licence 163
215 Temporary licence 163
216 Revocation of temporary licence 164
217 Incomplete promotions 164
218 Licensed promoter's licence not transferable 164
219 Regulations relating to licensed promoters 164

Part 3
Institutions

Subpart 1—Gambling Commission

220 Establishment of Gambling Commission 165
221 Membership 165
222 Appointment criteria 166

223	Termination of appointment of Gambling Commissioner	167
224	Functions of Gambling Commission	167
225	Gambling Commission is Commission of Inquiry	169
225A	Protection of Gambling Commission and Department	169
226	Gambling Commission may engage experts and receive wide evidence	170
227	Gambling Commission may sit in divisions	170
228	Department must service Gambling Commission	171
229	Gambling Commission must provide annual report to Minister	171
230	Remuneration of Gambling Commissioners	171
231	Disclosure of interests	171
232	Corrupt use of official information	172
233	Other enactments applying to Gambling Commission	172
234	Schedule 3 applies to Gambling Commission	172
235	Appeals	172
235A	No review of Secretary's decisions concerning class 3 or class 4 gambling until right of appeal exercised	173

Subpart 2—New Zealand Lotteries Commission

New Zealand Lotteries Commission

236	New Zealand Lotteries Commission	174
237	Crown entity status	174
238	Functions of Lotteries Commission	174
239	Capacity and powers *[Repealed]*	174
240	Board of Lotteries Commission	175
241	Further provisions about Lotteries Commission	175
242	Ministerial directions	175

Operation of New Zealand lotteries

243	Lottery rules	175
244	Minister may require Lotteries Commission products to comply with regulations and minimum standards	176
245	Special purpose lotteries	177
246	Lotteries Commission may determine additional prizes	177
247	Lottery proceeds	177
248	Method of drawing lottery	178
249	Scrutiny of drawings and allocations	178
250	Drawings to be open to public at discretion of Lotteries Commission	179
251	Official result	179
252	Lottery prize fund	179
253	Entitlement to prizes	180
254	Claims to lottery prizes	180
255	No entitlement to interest	181
256	Unclaimed prizes	181

Financial provisions relating to Lotteries Commission

257 Funds of Lotteries Commission 182
258 Bank accounts *[Repealed]* 182
259 Estimates of income and expenditure 182
260 Borrowing powers *[Repealed]* 183
261 Loans 183
262 Investment of funds 183
263 Payment of profits 183
264 Exemption from income tax 183
265 Financial year *[Repealed]* 184
266 Accounts and audit 184

Other matters

267 Protection of name 184
268 Protection of product names 185
269 Contracts with other bodies *[Repealed]* 185
270 Accounts of bodies assisting Lotteries Commission and audit of accounts 185

Transitional provision

271 Members of Lotteries Commission continue in office 186

Subpart 3—New Zealand Lottery Grants Board

New Zealand Lottery Grants Board

272 New Zealand Lottery Grants Board 186
273 Members and procedure 187
274 Function of Board 187
275 Powers of Board 187
276 Amounts available for allocation by Board 187
277 Purposes for which profits may be distributed 188
278 Distributions by Minister 188
279 Allocation of profits to certain statutory bodies 189

Distribution committees

280 Distribution committees 189
281 Functions of distribution committees 190

Applications for grants

282 Applications for assistance 190
283 Payments of grants 191
284 Subsidies and loans 191
285 Secretary is corporation sole for certain purposes 192

Financial provisions relating to Board and distribution committees

286 Bank accounts 192
287 Investment of money 193

288 Loans to Lotteries Commission 193
289 Miscellaneous expenditure 193
290 Accounts of profits and audit 193
291 Crown entity 194

Miscellaneous provisions

292 Appointment of officers 194
293 Remuneration of members of Board and distribution committees 194
294 Protection of members, distribution committees, and employees 195
295 Annual report 196

Transitional provision

296 Transitional provision 196

Subpart 4—Casino Control Authority

[Repealed]

297 Casino Control Authority abolished *[Repealed]* 196
298 Consequences of dissolution *[Repealed]* 196
299 Third parties *[Repealed]* 196
300 Employees of Authority *[Repealed]* 196

Part 4
Harm prevention and minimisation, enforcement, and other matters

Subpart 1—Age restriction on certain gambling

301 Age restriction on instant games and similar games 197
302 Age restriction on class 4 gambling 198
303 Age restriction on gambling in casinos 199
304 Power to require particulars 200
305 Gambling operator must refuse to pay under-age person 200
306 Court may order return of money or prize 201

Subpart 2—Admission to venues

307 Admission to class 4 venue and casino venue 201
308 Requirement to develop policy for identifying problem gamblers 201
309 Exclusion order may be issued to problem gambler identified under section 308 202
309A Duty to assist problem gambler if ongoing concern exists 203
310 Exclusion order must be issued to self-identified problem gambler 203
311 Requirement to remove person who enters gambling venue in breach of exclusion order 204
312 Offences relating to breach of exclusion order 204
312A Duty to keep record of excluded persons 205

Subpart 3—Regulations relating to harm prevention and minimisation

313 Regulations relating to harm prevention and minimisation 206
314 Regulations relating to gaming machines in class 4 venue 208
315 Regulations relating to admission to and exclusion from gambling area of class 4 venue and casino venue 209
316 Regulations relating to exclusion of problem gamblers 209

Subpart 4—Problem gambling levy

317 Integrated problem gambling strategy focused on public health 210
318 Process for developing integrated problem gambling strategy 211
319 Regulations relating to problem gambling levy 212
319A Problem gambling levy regulations are confirmable instrument *[Repealed]* 213
320 Calculating levy 213
320A Levy may be calculated for period of less than 3 years 215
321 Initial levy *[Repealed]* 216
322 Early reconsideration 216
323 Collection 216
324 Accountability 216
325 Problem gambling committee *[Repealed]* 216

Subpart 5—Minimum standards for gambling equipment

326 Gambling equipment must comply with minimum standards 216
326A Temporary operation of gambling equipment for research or evaluation purposes 217
327 Secretary may prescribe minimum standards 218
328 Secretary must give notice of minimum standard 219

Transitional provision

329 Transitional provision relating to gambling equipment 219

Subpart 6—Gambling inspectors

330 Secretary may appoint gambling inspectors 220
331 Authority to act as gambling inspector 220
332 Functions of gambling inspector 220
333 Power of gambling inspector to require information or documents 221
334 Power of gambling inspector to enter and demand information 221
335 Power of gambling inspector to seize equipment in casino venue 223
336 Power of gambling inspector to seize equipment in public place 223
337 Return of equipment seized under section 335 or section 336 *[Repealed]* 224
338 Other powers of gambling inspectors 224
339 Functions and powers of Police 224

Search warrants

340 Search warrants 224
341 Form and content of search warrant *[Repealed]* 225
342 Powers conferred by search warrant *[Repealed]* 225
343 Requirements when executing search warrant *[Repealed]* 225
344 Police may arrest persons found at place 225
345 Disposal of things seized under search warrant *[Repealed]* 226

Other matters

346 Obstructing gambling inspector 226
347 Restriction on class 4 gambling by certain persons 226
348 Restriction on gambling in casino by certain persons 227
349 Gambling inspectors and Police not criminally liable 227

Transitional provision

350 Transitional provision relating to gambling inspectors 228

Subpart 7—Offences relating to gambling in casinos

351 Cheating 228
352 Being in possession of equipment for cheating 228
353 Counterfeit chips 228

Subpart 8—Proceedings, evidence, etc

354 Relationship of this Part with Part 2 229
355 Proceedings for offences 229

Infringement offences

356 Infringement offences 229
357 Issue of infringement notice 230
358 Reminder notices 231
359 Infringement fees 231
360 Regulations relating to infringement offences 231

Evidence

361 Evidence of gambling 232
362 Evidence of bookmaking 232
363 Forfeiture 233

Subpart 9—Other matters

364 Notification 233
365 Information gathering 234
366 Secretary may issue standard forms 235
367 Power to make game rules 235
368 Regulations relating to forms of gambling and gambling equipment 236
369 Regulations relating to forms 237
370 Regulations relating to fees 237

370A Regulations relating to offences 238
371 Other regulations 239
372 Consultation before regulation 240
373 Amendments to Casino Control Act 1990 and Gaming and Lotteries Act 1977 *[Repealed]* 241
374 Amendments to other enactments 241
375 Repeals and revocations 241
376 Savings 241
377 Decisions during transitional period 242

Schedule 1AA 243
Transitional, savings, and related provisions

Schedule 1 244
Conditions that may attach to casino licence

Schedule 2 245
Minimum operating standards

Schedule 3 246
Gambling Commission

Schedule 4 247
New Zealand Lotteries Commission

Schedule 5 257
New Zealand Lottery Grants Board and distribution committees

Schedule 6 261
Infringement offences

Schedule 7 262
Amendments to Casino Control Act 1990 and Gaming and Lotteries Act 1977

[Repealed]

Schedule 8 262
Amendments to Racing Act 2003

[Repealed]

Schedule 9 263
Amendments to other Acts

1 Title

This Act is the Gambling Act 2003.

Part 1
Preliminary provisions

2 Commencement

(1) The following sections come into force on the day after the date on which this Act receives the Royal assent:

(a) sections 10 to 13; and

(b) section 30(b); and

(c) section 34; and

(d) section 84; and

(e) sections 86 to 93; and

(f) section 94(1), (2)(a), and (3); and

(g) section 97; and

(h) sections 98 to 103; and

(i) section 121; and

(j) section 180; and

(k) section 314; and

(l) sections 317 to 325; and

(m) section 372 as far as it relates to section 314; and

(n) *[Repealed]*

(o) section 376(2); and

(p) section 377; and

(q) Schedule 7 as far as it relates to the Casino Control Act 1990; and

(r) section 4(1) as far as it relates to the sections specified in paragraphs (a) to (q).

(2) Schedule 7 as far as it relates to the Gaming and Lotteries Act 1977 comes into force on 1 October 2003.

(3) The rest of this Act comes into force on a date to be appointed by the Governor-General by Order in Council, and 1 or more Orders in Council may be made appointing different dates for different provisions.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(1)(n): repealed, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 2(3): sections 16 and 376(3), and section 4(1), so far as it relates to those sections, brought into force, on 15 January 2004, by clause 2(1) of the Gambling Act Commencement Order 2003 (SR 2003/384).

Section 2(3): sections 220–223, 224(1)(o), 224(2), 225–234, and 235(5), and section 4(1), so far as it relates to those sections, brought into force, on 1 March 2004, by clause 2(2) of the Gambling Act Commencement Order 2003 (SR 2003/384).

Section 2(3): the rest of the Act, except for section 374 so far as it relates to the items in Schedule 9 relating to the Tax Administration Act 1994, brought into force, on 1 July 2004, by clause 2(3) of the Gambling Act Commencement Order 2003 (SR 2003/384).

Section 2(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

3 Purpose

The purpose of this Act is to—

(a) control the growth of gambling; and

(b) prevent and minimise harm from gambling, including problem gambling; and

(c) authorise some gambling and prohibit the rest; and

(d) facilitate responsible gambling; and

(e) ensure the integrity and fairness of games; and

(f) limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and

(g) ensure that money from gambling benefits the community; and

(h) facilitate community involvement in decisions about the provision of gambling.

Section 3(b): amended, on 3 March 2015, by section 4(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 3(f): amended, on 3 March 2015, by section 4(2) of the Gambling Amendment Act 2015 (2015 No 3).

4 Interpretation

(1) In this Act, unless the context otherwise requires,—

allocate, in relation to tickets in an instant game,—

(a) that is a New Zealand lottery or part of a New Zealand lottery, means to determine, in accordance with section 248, the tickets that are prize-bearing tickets or the prize that each ticket bears:

(b) that is not a New Zealand lottery or part of a New Zealand lottery, means to determine wholly by chance the tickets that are prize-bearing tickets or the prize that each ticket bears

apply, in relation to the application by a corporate society of net proceeds from class 4 gambling to an authorised purpose, means spending the net proceeds directly on the corporate society's own authorised purpose

approved evidence of age document has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012

approved surety—

(a) means a person or entity declared by the Secretary, by notice in the *Gazette*, to be an approved surety for the purpose of section 195; and

(b) includes a registered bank

associated person means a person who is approved as an associated person for a particular casino by the Secretary or the Gambling Commission, as the case may be

authorised chip means a chip that satisfies any applicable minimum operating standards specified by the Secretary under section 141

authorised purpose means,—

(a) for class 1 gambling, class 2 gambling, and class 3 gambling, any of the following purposes:

  (i) a charitable purpose:

  (ii) a non-commercial purpose that is beneficial to the whole or a section of the community:

  (iii) promoting, controlling, and conducting race meetings under the Racing Industry Act 2020, including the payment of stakes:

  (iv) an electioneering purpose:

(b) for class 4 gambling, any of the purposes specified in paragraph (a)(i) to (iii)

authorised representative, in relation to a society, means a natural person employed or engaged by the society for, mainly, non-gambling tasks

Authority means the Casino Control Authority established by section 7 of the Casino Control Act 1990

Board means the New Zealand Lottery Grants Board established by section 116A of the Gaming and Lotteries Act 1977 and continued in existence under section 272 of this Act

bookmaking—

(a) means running a business or making, or endeavouring to make, a living, totally or partly, from any of the following activities:

(i) taking or negotiating bets:

(ii) organising pool betting:

(iii) matching gamblers:

(iv) laying or offering odds:

(v) offering to bet with more than 1 person; but

(b) does not include—

(i) the activities of TAB NZ or a racing club under the Racing Industry Act 2020; or

(ii) private gambling; or

(iii) casino gambling

broadcaster and **broadcasting** have the same meanings as in section 2(1) of the Broadcasting Act 1989

casino count, in relation to a casino, means a count of money paid for the right to participate in casino gambling

casino gambling has the meaning given by section 34

casino licence means a casino operator's licence or a casino venue licence

casino operator's licence means a licence granted under section 130; and includes an existing casino operator's licence

casino venue, in relation to a licensed casino,—

(a) means the area defined as constituting the casino in the casino venue licence; and

(b) includes any building or room in which games are conducted and played and in which money counting, surveillance, storage, and other activities related to the conduct and playing of games are carried on

casino venue agreement means an arrangement or agreement made between the holder of a casino venue licence and the holder of a casino operator's licence to operate the casino to which the casino venue licence relates

casino venue licence means an existing casino premises licence that continues in existence under section 122

chip means a token used, or capable of being used, in the conduct of casino gambling instead of money

class 3 gambling has the meaning given by section 27

class 3 operator's licence means a licence granted under section 37

class 4 gambling has the meaning given by section 30

class 4 operator's licence means—

(a) a licence granted under section 52; or

(b) an existing gaming machine licence

class 4 venue means a place used to operate class 4 gambling

class 4 venue agreement means an agreement or agreements between the holder of, or applicant for, a class 4 operator's licence or a class 4 venue licence and the venue operator that sets out their respective rights and responsibilities

class 4 venue licence means—

(a) a licence granted under section 67; or

(b) a site approval

club means a voluntary association of persons combined for a purpose other than personal gain

commission means a payment that is based directly or indirectly on a percentage of the turnover in a gambling activity

communication device means a machine, device, or thing for communicating at a distance and using any technology (including telecommunication, radiocommunication, and broadcasting technology)

corporate society means 1 society that is—

(a) incorporated under the Incorporated Societies Act 1908; or

(b) incorporated as a board under the Charitable Trusts Act 1957; or

(c) a company incorporated under the Companies Act 1993 that—

  (i) does not have the capacity or power to make a profit; and

  (ii) is incorporated and conducted solely for authorised purposes; or

(d) a working men's club registered under the Friendly Societies and Credit Unions Act 1982

counterfeit chip includes an authorised chip that has been altered in any manner so as to resemble another authorised chip

crime involving dishonesty has the same meaning as in section 2(1) of the Crimes Act 1961

Department means the Department of Internal Affairs or any other department of State that has assumed responsibility for the administration of this Act

distribute, in relation to the distribution by a corporate society of net proceeds from class 4 gambling to an authorised purpose, means the corporate society making a grant to another person for that person to spend on an authorised purpose

draw, in relation to a lottery, means to determine by lot, or wholly by chance, the participants entitled to a prize

EFTPOS device means an electronic funds transfer at point of sale device

electioneering purpose means the purpose of a group or an individual standing for election to public office (including, for example, candidates in a national or local body election or candidates for election to community trusts or energy trusts)

electronic monitoring system means an electronic or computer system or communication device that is designed or adapted for use to—

(a) receive or send data from or to a gaming machine concerning the security, accounting, or operation of the gaming machine and any games or features played on, or associated with, the gaming machine; and

(b) remotely enable or disable a gaming machine

existing casino agreement means a casino agreement approved under section 42 of the Casino Control Act 1990

existing casino licence has the same meaning as the term casino licence in section 2(1) of the Casino Control Act 1990

existing casino operator's licence means a casino operator's licence granted under section 37 of the Casino Control Act 1990

existing casino premises licence means a casino premises licence granted under section 31 of the Casino Control Act 1990

existing gaming machine licence means a licence authorising a society to conduct gambling by way of gaming machines granted under section 8 of the Gaming and Lotteries Act 1977

existing licensed promoter's licence means a licensed promoter's licence granted under section 47 of the Gaming and Lotteries Act 1977

gambling—

(a) means 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; and

(b) includes a sales promotion scheme; and

(c) includes bookmaking; and

(d) includes betting, paying, or staking consideration on the outcome of a sporting event; but

(e) does not include an act, behaviour, or transaction that is declared not to be gambling by regulations made under section 368

gambling area means,—

(a) for a class 4 venue, that part of the venue that is specified by the Secretary, under section 70(2)(h), as an area where class 4 gambling is permitted or, if the Secretary does not specify an area under that section, the class 4 venue; or

(b) for a casino venue, that part of the venue that is specified by the Gambling Commission under section 139 or the Casino Control Authority under the Casino Control Act 1990 as an area where casino gambling is permitted or, if the Gambling Commission does not specify an area under that section or the Casino Control Authority has not specified an area, the casino venue

gambling assets means assets acquired to enable the conduct of gambling, including, but not limited to, any fittings or chattels

Gambling Commission means the commission established by section 220

Gambling Commissioner means a person appointed under section 221 as a member of the Gambling Commission

gambling equipment—

(a) means a machine, device, or thing used remotely or directly to conduct or monitor gambling; and

(b) includes equipment and things associated with the items specified in paragraph (a); and

(c) includes a gaming machine; and

(d) includes a machine, device, or thing declared to be gambling equipment by regulations made under section 368; but

(e) does not include a machine, device, or thing declared not to be gambling equipment by regulations made under section 368

gambling inspector means a person who is appointed as an inspector under section 330

gambling operator means a person or class of person who conducts gambling

game rules means rules made by the Secretary for particular games, categories, classes, or forms of gambling under section 367

gaming machine—

(a) means a device, whether totally or partly mechanically or electronically operated, that—

(i) is adapted or designed and constructed for gambling; and

(ii) is played or confers a right to participate, whether totally or partly, by the insertion of money into it or by the direct or indirect payment of money by any other means; and

(b) includes a device for gambling that is conducted partly by a machine and partly by other means; and

(c) includes a device, or type of device, that is declared to be a gaming machine by regulations made under section 368; but

(d) does not include—

(i) a device used only to draw a lottery; or

(ii) a random selection device used in a game of housie; or

(iii) a device used only to dispense tickets that is not capable of being used to decide the outcome of gambling; or

(iiia) a jackpot device that links a series of gaming machines and that can only be played through those gaming machines; or

(iv) a communication device that is used both to dispense tickets in and draw a lottery that is a sales promotion scheme; and

(e) does not include a device, or type of device, that is declared not to be a gaming machine by regulations made under section 368; and

(f) does not include a device operated by the Lotteries Commission

government agency means a government department or Crown entity

harm—

(a) means harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling; and

(b) includes personal, social, or economic harm suffered—

(i) by the person; or

(ii) by the person's spouse, civil union partner, de facto partner, family, whanau, or wider community; or

(iii) in the workplace; or

(iv) by society at large

housie—

(a) means gambling in which—

(i) the numbers are selected randomly and announced to participants; and

(ii) the participants mark or cover the numbers announced on their own cards; and

(iii) the winners are participants who mark or cover any given arrangement of the numbers on their card and announce that fact openly to the other participants and to the organisers; and

(b) includes any other game played in a similar manner to that specified in paragraph (a)

illegal gambling means gambling declared as illegal by section 9, 17(3), or 17A(2)

infringement offence means—

(a) an offence against a section listed in Schedule 6:

(b) an offence prescribed as an infringement offence by regulations made under section 360

instant game means a form of gambling where prizes are allocated before, or simultaneously with, the sale of a ticket

junket means entering New Zealand for a limited period of time with the primary purpose of gambling in a casino where—

(a) the arrangements are made, at least in part, by a junket organiser; and

(b) all, or a substantial part, of the costs of transportation, food, and accommodation for the person entering New Zealand is paid by or on behalf of the holder of a casino licence

junket organiser means a person who organises a junket for financial gain

key person means,—

(a) in relation to a class 4 operator's licence, a person who—

(i) is a trustee or other officer of a corporate society that is an applicant for, or holder of, a class 4 operator's licence:

(ii) is the chief executive (or performs that function) of a corporate society that is an applicant for, or holder of, a class 4 operator's licence:

(iii) exercises significant influence in the management of a corporate society that is an applicant for, or a holder of, a class 4 operator's licence:

(iv) is a management services provider for a corporate society that is an applicant for, or a holder of, a class 4 operator's licence:

(v) is the chief executive (or performs that function) of a management services provider for a corporate society that is an applicant for, or a holder of, a class 4 operator's licence:

(vi) exercises significant influence in the management of a management services provider for a corporate society that is an applicant for, or a holder of, a class 4 operator's licence; and

(b) in relation to a class 4 venue licence,—

(i) a venue manager:

(ii) venue personnel:

(iii) a venue operator:

(iv) a person who is a director, chief executive, or senior manager of a venue operator:

(iva) a person who has a significant interest in the management, ownership, or operation of a venue operator, except for the following persons holding office, elected, or appointed under the Sale and Supply of Alcohol Act 2012:

(A) a member of a licensing trust elected in accordance with sections 308 to 314 of that Act or appointed under section 315 of that Act; or

(B) a trustee of a community trust holding office under section 369 of that Act or elected in accordance with sections 370 to 373 of that Act or appointed under section 374 of that Act:

(ivb) a person who has the ability, directly or indirectly, to exert a significant degree of influence over the management or operations of a venue operator, except for the following persons holding office, elected, or appointed under the Sale and Supply of Alcohol Act 2012:

(A) a member of a licensing trust elected in accordance with sections 308 to 314 of that Act or appointed under section 315 of that Act; or

(B) a trustee of a community trust holding office under section 369 of that Act or elected in accordance with sections 370 to 373 of that Act or appointed under section 374 of that Act; and

(v) a person who services gambling equipment at a class 4 venue; and

(c) in relation to a licensed promoter's licence, a person who—

(i) is a director of, or holds office in, a company that is an applicant for, or holder of, a licensed promoter's licence:

(ii) is the chief executive (or performs that function) of a company that is the applicant for, or holder of, a licensed promoter's licence:

(iii) exercises significant influence in relation to a natural person who is the applicant for, or holder of, a licensed promoter's licence

licensed promoter means a person who is granted a licence under section 201 to promote a class 3 gambling activity on behalf of a society

licensed promoter's agreement means the agreement between a society and a licensed promoter referred to in section 188(3)

licensed promoter's licence means a licence granted under section 201

local authority has the same meaning as in the Local Government Act 2002

Lotteries Commission means the New Zealand Lotteries Commission established under section 72 of the Gaming and Lotteries Act 1977 and continued in existence under section 236 of this Act

lottery—

(a) means a scheme or device involving multiple participants for which—

(i) a person pays consideration to participate, directly or indirectly; and

(ii) prizes of money are distributed according to a draw that takes place after all participants have entered; and

(b) includes lotto, raffles, and sweepstakes

lottery prize fund account means the account referred to in section 252

management services provider, in relation to a corporate society that is an applicant for, or a holder of, a class 4 operator's licence, means a person who, under a contract or arrangement, provides to the corporate society ongoing services that—

(a) directly relate to the conduct of class 4 gambling; and

(b) are not solely confined to servicing gambling equipment at a class 4 venue; and

(c) would, in the absence of that contract or arrangement, be performed by the corporate society itself

minimum standards means minimum standards for the design, manufacture, and performance of gambling equipment prescribed by the Secretary under section 327

Minister means the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act or the relevant Part or provision of this Act

money includes—

(a) money's worth, whether or not convertible into money; and

(b) the right to money; and

(c) deferral or cancellation of some or all of an obligation to pay money

net proceeds has the meaning given by section 5A

New Zealand lottery—

(a) means a form of gambling conducted by the Lotteries Commission under subpart 2 of Part 3 that is—

(i) a lottery; or

(ii) a prize competition; or

(iii) an instant game; or

(iv) a combination of any of those 3 things; and

(b) includes any other gambling activity specified by regulations made under section 368 as a New Zealand lottery; but

(c) does not include any other gambling activity excluded by regulations made under section 368 from being a New Zealand lottery

occupier—

(a) means a person who is entitled to occupy a place; and

(b) includes—

(i) the owner of the place; and

(ii) a person who acts as if the person were the occupier of the place; and

(iii) a person who is involved in the care, management, or control of the place, whether or not the person is the physical occupier

operator's licence means a class 3 operator's licence, a class 4 operator's licence, or a casino operator's licence

organiser, in relation to a class 2 or class 3 gambling activity, means the natural person who conducts the activity

overseas gambling advertisement means a form of communication that—

(a) publicises or promotes gambling that is outside New Zealand or a gambling operator who is outside New Zealand; or

(b) is reasonably likely to induce persons to gamble outside New Zealand

owner means the person who is entitled to receive the rent for the place or who would be entitled to receive it if the place were let

place includes—

(a) a building, structure, or tent, whether fully or partly constructed; and

(b) a room in a building or structure; and

(c) a court or a mall; and

(d) land; and

(e) a vehicle, vessel, or aircraft; and

(f) a caravan or a trailer or other conveyance

prescribed fee means a fee prescribed by regulations made under section 370

previous gaming Acts means the Gaming and Lotteries Act 1977 and the Casino Control Act 1990

previous racing Acts means the Racing Act 2003 and the Racing Act 1971

private gambling means gambling by persons at a private residence in the following circumstances:

(a) all the stakes placed are distributed as reward to the winners; and

(b) the gambling is, primarily, a social event or entertainment; and

(c) no remuneration, commission, or reward is paid to, or received by, a person for conducting the gambling; and

(d) persons who do not live at the residence are not induced, formally or informally, to participate in the gambling by advertisement, notice, or other means; and

(e) if the gambling involves playing or staking against a person who has the role of "bank", that role passes from one person to another by chance or by regular rotation among all persons, without charge or other conditions; and

(f) all participants have an equal chance of winning; and

(g) no person other than a participant has a chance of winning; and

(h) no one pays for admission, directly or indirectly; and

(i) there are no deductions of any kind from a participant's stakes or winnings

prize competition means a scheme or competition—

(a) for which direct or indirect consideration is paid to participate; and

(b) that distributes prizes of money or in which participants seek to win money; and

(c) for which the result is determined partly by chance and partly by the performance by the participant of an activity of a kind that may be performed more readily by a participant possessing or exercising some knowledge or skill, whether or not it may also be performed successfully by chance

problem gambler means a person whose gambling causes harm or may cause harm

profits, in relation to New Zealand lotteries, means an amount calculated by subtracting from New Zealand lottery proceeds expenses incurred in producing those proceeds including, but not limited to,—

(a) the amounts of prize funds set in respect of New Zealand lotteries by any rules made under section 243; and

(b) all reasonable expenses incurred or expected to be incurred in conducting New Zealand lotteries; and

(c) all duties and taxes payable in respect of New Zealand lotteries; and

(d) the problem gambling levy payable in respect of New Zealand lotteries

property is defined in section 298(2) for the purpose of that section

publish means—

(a) insert or publish in a newspaper or other periodical published or distributed in New Zealand; or

(b) send to a person by any means; or

(c) deliver to a person or leave at a place owned or occupied by a person; or

(d) broadcast; or

(e) include in a film or video; or

(f) include on a disk for use with a computer; or

(g) convey by electronic medium; or

(h) distribute by any means; or

(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 New Zealand in any other manner

racing club has the same meaning as in section 5(1) of the Racing Industry Act 2020

racing code has the same meaning as in section 5(1) of the Racing Industry Act 2020

registered bank has the meaning given by section 2(1) of the Banking (Prudential Supervision) Act 1989

relevant offence means—

(a) a crime involving dishonesty; or

(b) an offence considered by the Secretary or the Gambling Commission (as the case may be) to be relevant; or

(c) an offence against this Act, the previous gaming Acts, the Racing Industry Act 2020 or the previous racing Acts; or

(d) an offence against a regulation made under the previous gaming Acts, the Racing Industry Act 2020 or the previous racing Acts

remote interactive gambling—

(a) includes—

  (i) gambling by a person at a distance by interaction through a communication device; or

  (ii) the conduct of gambling described in subparagraph (i) by a person; but

(b) does not include—

  (i) gambling conducted by the Lotteries Commission; or

  (ii) gambling authorised under the Racing Industry Act 2020; or

  (iii) gambling by a person in New Zealand conducted by a gambling operator located outside New Zealand; or

  (iv) a sales promotion scheme that is in the form of a lottery and is conducted in New Zealand; or

(v) 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

responsible gambling means lawful participation in gambling—

(a) that is lawful, fair, and honest; and

(b) conducted—

(i) in a safe and secure environment; and

(ii) without pressure or devices that encourage or may encourage gambling at levels that cause or may cause harm; and

(c) by informed participants who understand the nature of the activity and do not participate in ways that cause or may cause harm; and

(d) conducted in a manner that is consistent with the general law of New Zealand, including being consistent with the maintenance of law and order

responsible Ministers means the Minister responsible for the department developing and implementing the integrated problem gambling strategy and the Minister responsible for this Act

sales promotion scheme means gambling that does not involve a gaming machine nor a prize restricted or prohibited under section 17, used by a creator, distributor, or vendor of goods or services to promote the sale of those goods or services if—

(a) participation in the gambling requires a person to purchase the goods or services promoted for a price not exceeding the usual retail price; and

(b) the date or period on or over which the outcome of the gambling will be determined is clear to the participant at the time and place of sale; and

(c) the person is not required to pay direct or indirect consideration other than to purchase the goods or services promoted (except the cost, at the standard rate, incurred in submitting an entry into the promotion, for example, the cost of postage at the standard rate or sending a telecommunication by mobile telephone at the standard rate); and

(d) the outcome is determined—

(i) randomly or wholly by chance; or

(ii) partly by chance (whether chance plays the greater or lesser part) and partly by the application of some knowledge or skill

Secretary means the Secretary for Internal Affairs

site approval means that part of an existing gaming machine licence that approves a place for gambling with gaming machines

society means an association of persons established and conducted entirely for purposes other than commercial purposes

standard form means a form issued by the Secretary under section 366

territorial authority—

(a) has the same meaning as in section 5(1) of the Local Government Act 2002; but

(b) does not include the Minister of the Crown who is, for the time being, responsible for that Act

territorial authority consent means a consent granted by a territorial authority under section 100

territorial authority district means a district in respect of which a territorial authority is constituted

ticket means a document or thing that is evidence of, or signifies participation in, gambling or, if there is no document or thing, includes the right to participate

turnover means the aggregate stakes in a gambling activity

venue licence means a class 4 venue licence or a casino venue licence

venue manager means 1 natural person responsible for supervising the gambling and venue personnel at a class 4 venue and for banking the proceeds of class 4 gambling

venue operator means the occupier of a class 4 venue for which the licence application was required under section 65(3) to be accompanied by a class 4 venue agreement where the occupier owns the primary business at the venue

venue personnel means a person who works at a class 4 venue or a casino and whose work involves dealing with gambling equipment, gamblers, or the proceeds of gambling.

(2) *[Repealed]*

(2A) For the purposes of the definition of **sales promotion scheme**, the reference to standard rate means a rate that—

(a) is determined solely by a telecommunications provider or other service provider who is not associated with the sales promotion scheme; and

(b) relates solely to the communication cost incurred in submitting an entry into the promotion and does not reflect cost incurred in participating in the promotion.

(2B) In this Act, a reference to possibility, in relation to problem gambling or underage gambling, is a reference to risk, and vice versa.

(3) References to this Act include regulations made or continued under this Act.

Section 4(1) **allocate**: inserted, on 3 March 2015, by section 5(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **allocation**: repealed, on 3 March 2015, by section 5(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **apply**: inserted, on 3 March 2015, by section 5(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **approved evidence of age document**: inserted, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 4(1) **authorised purpose** paragraph (a)(iii): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 4(1) **bookmaking** paragraph (b)(i): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 4(1) **class 4 venue**: amended, on 3 March 2015, by section 5(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **distribute**: inserted, on 3 March 2015, by section 5(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **EFTPOS device**: inserted, on 3 March 2015, by section 5(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **gambling assets**: inserted, on 3 March 2015, by section 5(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **gaming machine** paragraph (a): replaced, on 3 March 2015, by section 5(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **gaming machine** paragraph (d)(iiia): inserted, on 3 March 2015, by section 5(5) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **game rules**: amended, on 15 December 2005, by section 3(1) of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

Section 4(1) **harm** paragraph (b)(ii): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 4(1) **housie** paragraph (a): amended, on 15 December 2005, by section 3(2) of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

Section 4(1) **illegal gambling**: replaced, on 3 March 2015, by section 5(6) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **infringement offence** paragraph (b): replaced, on 3 March 2015, by section 5(7) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **instant game**: replaced, on 3 March 2015, by section 5(8) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **key person** paragraph (a)(iii): replaced, on 21 October 2015, by section 4(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 4(1) **key person** paragraph (a)(iv): inserted, on 21 October 2015, by section 4(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 4(1) **key person** paragraph (a)(v): inserted, on 21 October 2015, by section 4(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 4(1) **key person** paragraph (a)(vi): inserted, on 21 October 2015, by section 4(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 4(1) **key person** paragraph (b)(iv): substituted, on 21 April 2005, by section 3 of the Gambling Amendment Act 2005 (2005 No 35).

Section 4(1) **key person** paragraph (b)(iva): replaced, on 21 October 2015, by section 4(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 4(1) **key person** paragraph (b)(ivb): inserted, on 21 October 2015, by section 4(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 4(1) **key person** paragraph (b)(v): amended, on 3 March 2015, by section 5(9) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **management services provider**: inserted, on 21 October 2015, by section 4(3) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 4(1) **net proceeds**: replaced, on 21 October 2015, by section 4(4) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 4(1) **New Zealand lottery** paragraph (a): amended, on 3 March 2015, by section 5(11) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **previous racing Acts**: inserted, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 4(1) **racing club**: amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 4(1) **racing code**: amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 4(1) **registered bank**: amended, on 1 July 2022, by section 300(1) of the Reserve Bank of New Zealand Act 2021 (2021 No 31).

Section 4(1) **relevant offence** paragraph (b): replaced, on 3 March 2015, by section 5(12) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **relevant offence** paragraph (c): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 4(1) **relevant offence** paragraph (d): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 4(1) **remote interactive gambling** paragraph (a): replaced, on 3 March 2015, by section 5(13) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **remote interactive gambling** paragraph (b)(i): amended, on 3 March 2015, by section 5(14) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **remote interactive gambling** paragraph (b)(ii): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 4(1) **remote interactive gambling** paragraph (b)(v): inserted, on 1 November 2024, by section 4 of the Gambling (Definition of Remote Interactive Gambling) Amendment Act 2024 (2024 No 44).

Section 4(1) **responsible gambling**: replaced, on 3 March 2015, by section 5(15) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **sales promotion scheme**: amended, on 3 March 2015, by section 5(16) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **sales promotion scheme** paragraph (c): replaced, on 3 March 2015, by section 5(17) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(1) **venue operator**: replaced, on 3 March 2015, by section 5(18) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(2): repealed, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 4(2A): inserted, on 3 March 2015, by section 5(19) of the Gambling Amendment Act 2015 (2015 No 3).

Section 4(2B): inserted, on 3 March 2015, by section 5(19) of the Gambling Amendment Act 2015 (2015 No 3).

4A Modification of definition of remote interactive gambling during specified period due to effects of COVID-19

[Repealed]

Section 4A: repealed, on the close of 31 October 2024, by section 4A(4).

4A Modification of definition of remote interactive gambling during specified period due to effects of COVID-19

[Repealed]

Section 4A: repealed, on the close of 31 October 2021, by section 4A(4).

5 Extended meaning of conduct

In this Act, **conduct**, in relation to gambling, includes any of the following activities:

(a) organising, using, managing, supervising, and operating (but not playing) gambling or gambling equipment:

(b) distributing the turnover of gambling (for example, by paying prizes, meeting costs, or making grants):

(c) selling tickets to participate in gambling:

(d) promoting gambling:

(e) assisting in activities described in paragraphs (a) to (d).

Section 5: replaced, on 3 March 2015, by section 6 of the Gambling Amendment Act 2015 (2015 No 3).

5A Meaning of net proceeds

(1) In this Act, **net proceeds**, in relation to any gambling, means—

(a) the sum of the amounts described in subsection (2); less

(b) the sum of the amounts described in subsection (3).

(2) The amounts referred to in subsection (1)(a) are—

(a) the turnover of the gambling concerned (less prizes):

(b) any interest or other investment return on that turnover:

(c) any gain from selling or disposing of a gambling asset at a price or value above the gambling asset's book value at the time of the sale or disposal.

(3) The amounts referred to in subsection (1)(b) are—

(a) the actual, reasonable, and necessary costs, levies, and taxes incurred in conducting the gambling; and

(b) the actual, reasonable, and necessary costs incurred in complying with any of the following in relation to the gambling:

(i) this Act or any other relevant enactment:

(ii) an operator's licence:

(iii) a venue licence; and

(c) the amount by which any gambling asset is depreciated in each year in accordance with generally accepted accounting practice (as defined in section 108) and, where applicable, the depreciation rates set under section 116; and

(d) any loss from selling or disposing of a gambling asset at a price or value below the gambling asset's book value at the time of the sale or disposal; and

(e) any payments made in compliance with regulations made under section 371(1)(dd).

Section 5A: inserted, on 21 October 2015, by section 5 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

6 Multi-terminal and multi-player gaming machines

In this Act, each terminal or player station of a multi-terminal or multi-player gaming machine must be treated as 1 gaming machine.

7 Meaning of significant influence in casino

(1) A person has **a significant influence in a casino** if the person—

(a) is or will be a director of the holder of, or applicant for, or proposed transferee or alienee of, a casino licence for the casino; or

(b) is or will be employed or engaged by the holder of, or applicant for, or proposed transferee or alienee of, a casino licence for the casino as the chief executive or a senior manager of the casino; or

(c) owns or will own shares, directly or indirectly, in the holder of, or applicant for, or proposed transferee or alienee of, a casino licence for the casino that confer control of 20% or more of the voting rights of shareholders of any class in the holder, applicant, or proposed transferee or alienee.

(2) A significant influence in a casino includes any influence that the Secretary or the Gambling Commission (as the case may be) considers to be a significant interest in the management, ownership, or operation of a casino, however acquired or to be acquired.

(3) Subsection (1) does not limit what the Secretary or the Gambling Commission, as the case may be, considers to be a significant influence under subsection (2).

(4) In subsection (1)(a), the term **director** includes a person described in section 126(1) of the Companies Act 1993.

8 Secretary may seek information to assess influence

(1) If the Secretary believes, on reasonable grounds, that a particular person may have a significant influence in a casino, the Secretary may advise that person and the holder of, or applicant for, or proposed transferee or alienee of, the relevant casino licence of that belief.

(2) The person believed to have a significant influence in a casino or other person to whom the Secretary has given advice may provide the Secretary with information and submissions about that belief within 1 month of receiving advice of that belief.

(3) The Secretary may then determine whether or not the person has a significant influence in a casino, having regard to submissions and information provided under subsection (2).

(4) A determination under subsection (3) that a person has a significant influence in a casino from a particular date does not prevent the Secretary deciding that a person had a significant influence before that date.

8AA Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 8AA: inserted, on 21 October 2015, by section 6 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

8A Act binds the Crown

This Act binds the Crown.

Section 8A: inserted, on 3 March 2015, by section 7 of the Gambling Amendment Act 2015 (2015 No 3).

Part 2
Gambling

Subpart 1—Prohibitions and authorisations

9 Gambling prohibited

(1) Gambling is prohibited and illegal unless it is—

(a) authorised by or under this Act and complies with this Act and any relevant licence, game rules, and minimum standards; or

(b) authorised by or under the Racing Industry Act 2020 and complies with that Act and any regulations made under it; or

(c) private gambling.

(2) The following types of gambling are prohibited and illegal and are not authorised by and may not be authorised under this Act:

(a) bookmaking:

(b) remote interactive gambling.

Section 9(1)(b): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

10 No more casinos

(1) No new casino venue licences may be granted under this Act.

(2) However, an existing casino venue licence may be renewed.

11 No increase in casino gambling

A person must not increase the opportunities for casino gambling.

12 What is increase in casino gambling

(1) Decisions on what constitutes an increase in the opportunities for casino gambling are a function of the Gambling Commission.

(2) An increase in the opportunities for casino gambling includes but is not limited to—

(a) an increase in the number of gaming machines unless the increase is accompanied by a reduction in the number of table games that the Gambling Commission believes is proportionate:

(b) an increase in the number of table games unless the increase is accompanied by a reduction in the number of gaming machines that the Gambling Commission believes is proportionate:

(c) an increase in total player space at table games unless the increase is accompanied by a reduction in other opportunities for casino gambling that the Gambling Commission believes is proportionate.

(3) Opportunities for casino gambling are not increased—

(a) by increases, in the Auckland casino, that comply with the Order for the Variation of Conditions of Casino Premises Licence dated 6 December 2002:

(b) by gambling conducted by TAB NZ referred to in section 120.

Section 12(1): replaced, on 3 March 2015, by section 8(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 12(2)(a): amended, on 3 March 2015, by section 8(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 12(2)(b): amended, on 3 March 2015, by section 8(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 12(2)(c): amended, on 3 March 2015, by section 8(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 12(3)(b): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

13 No compensation

No compensation is payable by the Crown to any person for any loss or damage arising from the enactment or operation of sections 10 to 12.

14 Legality of gambling contracts

(1) Every contract for, or relating to, illegal gambling is an illegal contract for the purposes of subpart 5 of Part 2 of the Contract and Commercial Law Act 2017, and that subpart applies accordingly.

(2) Gambling contracts authorised by or under this Act are enforceable at law.

Section 14(1): amended, on 1 September 2017, by section 347 of the Contract and Commercial Law Act 2017 (2017 No 5).

15 Providing credit for gambling prohibited

(1) A person conducting 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.

(2) Every person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding $10,000.

(3) Subsection (1) does not apply to credit offered or provided by the holder of a casino operator's licence to a person in circumstances that have been approved by—

(a) the Authority under section 66 of the Casino Control Act 1990; or

(b) the Gambling Commission under subsection (4).

(4) The Gambling Commission may approve circumstances in which an offer or provision of credit may be made by the holder of a casino operator's licence to a person.

Section 15(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

16 Advertising overseas gambling prohibited

(1) A person must not publish or arrange to publish, in New Zealand, an overseas gambling advertisement.

(2) Subsection (1) does not apply to publishing or arranging to publish—

(a) a health message concerning gambling; or

(b) an advertisement for services to prevent, minimise, or treat harm; or

(c) a message about preventing, minimising, or treating harm; or

(d) an advertisement for gambling equipment intended for distribution only to buyers of gambling equipment; or

(e) an advertisement in which the publicising or promotion of gambling or a gambling operator is incidental to the purpose of the advertisement.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $10,000.

(4) The Governor-General may, by Order in Council, restrict the application of this section, if satisfied that an order is necessary to enable New Zealand to comply with its international obligations relating to trade in services that are or will become binding on New Zealand.

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 16(2)(e): amended, on 3 March 2015, by section 9 of the Gambling Amendment Act 2015 (2015 No 3).

Section 16(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 16(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

17 Regulations may restrict or prohibit prizes

(1) The Governor-General may, by Order in Council, make regulations that, consistent with the purpose of this Act, restrict or prohibit any property (whether real or personal) or services being offered or used as a prize for gambling.

(2) Regulations made under subsection (1) may—

(a) specify a quantity or dollar value of any property or services that may not be offered or used as a prize for gambling:

(b) specify circumstances in which—

(i) any property or services may not be offered or used as a prize for gambling:

(ii) a quantity or dollar value of any property or services may not be offered or used as a prize for gambling:

(c) apply to all gambling or to particular games, or categories, classes, or forms of gambling.

(3) Gambling that offers or uses any property or services as a prize in breach of regulations made under subsection (1) is illegal gambling.

(4) In this section, **property or services** includes an entitlement to property or services.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 17: replaced, on 3 March 2015, by section 10 of the Gambling Amendment Act 2015 (2015 No 3).

Section 17(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

17A Retail value of non-cash prize must be stated

(1) A person who is conducting gambling must inform participants, at the time and place of sale of the tickets, of the retail value and characteristics of any non-cash prize offered or used as a prize for the gambling.

(2) Gambling that offers or uses any non-cash prize in breach of subsection (1) is illegal gambling.

Section 17A: inserted, on 3 March 2015, by section 11 of the Gambling Amendment Act 2015 (2015 No 3).

18 Sales promotion schemes authorised

A sales promotion scheme is authorised by this Act.

19 Offences

(1) A person who does any of the following things commits an offence:

(a) participates in illegal gambling:

(b) is, without reasonable excuse, at a place where illegal gambling is occurring:

(c) conducts illegal gambling:

(d) offers or provides credit if the person knows or ought to know that the credit may be used to commit an offence under paragraph (a) or paragraph (c):

(e) accepts credit from a person with the intention that it be used to commit an offence under paragraph (a) or paragraph (c):

(f) makes a direct or indirect pecuniary gain from illegal gambling other than as a direct participant:

(g) promotes illegal gambling or assists in doing so:

(h) causes or permits a place to be used for illegal gambling:

(i) advertises illegal gambling—

(i) to inform the public of places where illegal gambling takes place or will take place; or

(ii) to invite the public to participate in illegal gambling or to seek information about opportunities to do so; or

(iii) to invite the public to commit money for illegal gambling or to seek information about opportunities to commit money for illegal gambling:

(j) provides or installs gambling equipment if the person knows or ought to know that it is intended to be used for illegal gambling.

(2) Every person who commits an offence against subsection (1)(a) or (b) is liable on conviction to a fine not exceeding $1,000.

(3) Every person who commits an offence against subsection (1)(c) to (j) is liable on conviction,—

(a) in the case of an individual, to imprisonment for a term not exceeding 1 year or to a fine not exceeding $20,000:

(b) in the case of a body corporate, to a fine not exceeding $50,000.

Section 19(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 19(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Subpart 2—Classes of gambling

Overview

20 Overview

(1) This Act divides gambling into the following 6 legal classes:

(a) class 1 gambling (no licence required):

(b) class 2 gambling (no licence required):

(c) class 3 gambling (class 3 operator's licence required):

(d) class 4 gambling (class 4 operator's and venue licences required):

(e) casino gambling (casino operator's and venue licences required):

(f) gambling conducted by the Lotteries Commission.

(2) Additionally, this Act—

(a) authorises private gambling; and

(b) authorises sales promotion schemes; and

(c) recognises gambling authorised by or under the Racing Industry Act 2020.

Section 20(2)(c): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

21 Secretary may categorise gambling

(1) The Secretary may, by notice, categorise any game, or category or class of game, or form of gambling, as being included in or excluded from a class of gambling if the Secretary considers that—

(a) the categorisation contributes to achieving the purpose of this Act; and

(b) the level of risk associated with the game, or category or class of game, or form of gambling justifies the categorisation.

(2) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 21(1): replaced, on 3 March 2015, by section 12 of the Gambling Amendment Act 2015 (2015 No 3).

Section 21(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 21(2): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Class 1 gambling

22 Meaning of class 1 gambling

In this Act, **class 1 gambling** is gambling that satisfies the following criteria:

(a) either—

(i) the turnover of the gambling plus interest or other investment return on those proceeds less any actual, reasonable, and necessary costs incurred in conducting the gambling is applied to reward the winners of the gambling if the gambling is conducted by a person other than a society; or

(ii) the net proceeds from the gambling are applied or distributed to authorised purposes if the gambling is conducted by a society; and

(b) the total value of prizes offered or awarded to the winners of the gambling activity, or to the winners in 1 session (if the gambling is conducted in sessions of more than 1 game), does not exceed $500; and

(c) the potential turnover involved in the gambling activity, or in 1 session of gambling (if the gambling is conducted in sessions of more than 1 game), does not exceed $500; and

(d) if the gambling is conducted in sessions of more than 1 game, a society conducts no more than 1 session per day; and

(da) there are game rules for the gambling; and

(e) the gambling, and the conduct of the gambling, satisfies relevant regulations and game rules; and

(f) the gambling does not utilise or involve a gaming machine, directly or indirectly; and

(g) no commission is offered or paid to, or received by, a person for conducting the gambling; and

(h) no remuneration is offered or paid to, or received by, a person for conducting the gambling, except a caller of housie or an authorised representative of a society if the gambling is conducted by a society; and

(i) the Secretary has not categorised the gambling as another class of gambling.

Section 22(a)(i): amended, on 15 December 2005, by section 4 of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

Section 22(da): inserted, on 3 March 2015, by section 13(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 22(e): amended, on 3 March 2015, by section 13(2) of the Gambling Amendment Act 2015 (2015 No 3).

23 No licence required

Class 1 gambling may be conducted by a person without a licence under this Act.

Class 2 gambling

24 Meaning of class 2 gambling

(1) In this Act, **class 2 gambling** is gambling that satisfies the following criteria and the requirements specified in section 25:

(a) the net proceeds from the gambling are applied or distributed to authorised purposes; and

(b) the total value of prizes offered or awarded to the winners of the gambling activity, or to the winners in 1 session (if the gambling is conducted in sessions of more than 1 game), does not exceed $5,000; and

(c) the potential turnover involved in the gambling activity, or in 1 session of gambling (if the gambling is conducted in sessions of more than 1 game), does not exceed $25,000; and

(d) if the gambling is conducted in sessions of more than 1 game, a society conducts no more than 1 session per week; and

(da) there are game rules for the gambling; and

(e) the gambling, and the conduct of the gambling, satisfies relevant regulations and game rules; and

(f) the gambling does not utilise or involve a gaming machine, directly or indirectly; and

(g) no commission is offered or paid to, or received by, a person for conducting the gambling; and

(h) no remuneration is offered or paid to, or received by, a person for conducting the gambling, except a caller of housie or an authorised representative of a society; and

(i) the Secretary has not categorised the gambling as another class of gambling.

(2) To avoid doubt, class 2 gambling is gambling that is not class 1 gambling.

Section 24(1)(b): amended, on 15 December 2005, by section 5(1) of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

Section 24(1)(c): amended, on 15 December 2005, by section 5(1) of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

Section 24(1)(da): inserted, on 3 March 2015, by section 14(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 24(1)(e): amended, on 3 March 2015, by section 14(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 24(2): added, on 15 December 2005, by section 5(2) of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

25 Requirements for class 2 gambling

The requirements for class 2 gambling are that—

(a) the winners may claim prizes or rewards without incurring costs additional to the cost of participation:

(b) the following information is published at the point of sale:

(i) the name of the society:

(ii) the name and address of the organiser of the gambling:

(iii) the authorised purposes for which the gambling is conducted, stated specifically:

(iv) when entries close:

(v) details of where, when, and how results will be made available:

(vi) the value and characteristics of the prize or reward to be won:

(vii) the cost of entry:

(viii) the total number of tickets offered in the gambling:

(ix) the process for determining the winners:

(c) the organiser of the gambling is a member or an authorised representative of a society:

(d) except for housie, advertisements or notices soliciting entries include the name of the society, the name and address of the organiser, and the authorised purposes for which funds are being raised:

(e) the prizes or rewards offered, and the authorised purposes for which the gambling is conducted, remain unchanged after tickets are first offered for sale:

(f) every ticket sold, and no other ticket, is included or represented when the result is determined:

(g) neither the society nor the organiser holds a ticket:

(h) unless paragraph (i) or paragraph (j) applies, the result is—

(i) declared within 3 months of tickets first being offered for sale and within 14 days after ticket sales cease; and

(ii) notified publicly within 1 week after it is declared:

(i) if the gambling is ancillary to entertainment, the result must be declared while the entertainment continues:

(j) if the gambling is housie, the result must be declared during the housie session:

(k) prizes or rewards are given only to the persons who win:

(l) the society provides the following information to the Secretary, on request by the Secretary, within 14 days of that request:

(i) an audited statement of the receipts and payments from the gambling:

(ii) the name of each person who conducted the gambling, and any remuneration paid to, or received by, the person for doing so:

(m) if a prize or reward is unclaimed within 3 months of the declaration of a result, it may be disposed of according to the Secretary's directions:

(n) if a prize or reward is unclaimed within 3 months of the declaration of a result, the society must notify the Secretary within 10 working days.

26 No licence required

Class 2 gambling may be conducted by a society without a licence under this Act.

Class 3 gambling

27 Meaning of class 3 gambling

In this Act, **class 3 gambling** is gambling that satisfies the following criteria:

(a) the net proceeds from the gambling are applied or distributed to authorised purposes; and

(b) the total value of the prizes offered or awarded to the winners of the gambling activity, or to the winners of 1 session (if the gambling is conducted in sessions of more than 1 game), exceeds $5,000; and

(ba) there are game rules for the gambling; and

(c) the gambling, and the conduct of the gambling, satisfies relevant game rules; and

(d) the gambling does not utilise or involve a gaming machine, directly or indirectly; and

(e) no commission is offered or paid to, or received by, a person for conducting the gambling, except a licensed promoter; and

(f) the Secretary has not categorised the gambling as another class of gambling.

Section 27(ba): inserted, on 3 March 2015, by section 15(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 27(c): amended, on 3 March 2015, by section 15(2) of the Gambling Amendment Act 2015 (2015 No 3).

28 Requirements for class 3 gambling

(1) Class 3 gambling that is not conducted regularly may be conducted only by a society that holds a class 3 operator's licence for the gambling.

(2) Class 3 gambling that is conducted regularly may be conducted only by a corporate society that holds a class 3 operator's licence for the gambling.

(3) A licensed promoter may promote only class 3 gambling that is not conducted regularly.

(4) In this section, gambling is **conducted regularly** if it is conducted in sessions of more than 1 game.

29 Existing licences class 3 operators' licences

A licence issued under section 8 of the Gaming and Lotteries Act 1977 (except for an existing gaming machine licence), or section 26, or section 35 of that Act becomes, and must be treated as if it were, a class 3 operator's licence.

Class 4 gambling

30 Meaning of class 4 gambling

In this Act, **class 4 gambling** is gambling that satisfies the following criteria:

(a) the net proceeds from the gambling are applied to, or distributed for, authorised purposes; and

(b) either—

(i) no commission is paid to or received by a person for conducting the gambling; or

(ii) the only commission that is paid to or received by a person for conducting the gambling is a commission payment to a venue operator that complies with regulations made under section 371(1)(dd); and

(c) there are game rules for the gambling; and

(d) the gambling, and the conduct of the gambling, satisfies relevant game rules; and

(e) either—

(i) the Secretary has categorised the gambling as class 4 gambling and not as another class of gambling; or

(ii) the gambling utilises or involves a gaming machine.

Section 30: replaced, on 3 March 2015, by section 16 of the Gambling Amendment Act 2015 (2015 No 3).

Section 30(b): replaced, on 3 October 2016, by section 7 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

31 Requirements for class 4 gambling

Class 4 gambling may be conducted only by a corporate society that holds—

(a) a class 4 operator's licence for the gambling; and

(b) a class 4 venue licence for the place where the gambling is conducted.

32 Existing gaming machine licences and site approvals

(1) Despite section 375, an existing gaming machine licence held on the commencement of this section becomes, and must be treated as if it were, a class 4 operator's licence.

(2) A site approval held on the commencement of this section becomes, and must be treated as if it were, a class 4 venue licence (and expires on the same date as the relevant operator's licence).

(3) For the purposes of sections 56, 57, 72, and 73, the Secretary may treat a corporate society as the holder of a class 4 operator's licence or class 4 venue licence if the Secretary is satisfied that it is the same, or substantially the same, entity as the society that held an existing gaming machine licence on the commencement of this section.

33 Status of TAB NZ and racing clubs

(1) TAB NZ and societies that are racing clubs under the Racing Industry Act 2020 must be treated as corporate societies—

(a) for the purposes of—

(i) a class 4 operator's licence or class 4 venue licence; or

(ii) an application for, or the renewal or amendment of, either licence; and

(b) that, for the purposes of a class 4 operator's licence or a class 4 venue licence, apply net proceeds from class 4 gambling to an authorised purpose.

(1A) Despite subsection (1)(b) and to avoid doubt, section 52A does not apply to TAB NZ or a racing club.

(2) A class 4 venue licence may be issued to TAB NZ or a racing club to conduct class 4 gambling only at—

(a) a venue owned or leased by TAB NZ and used mainly for racing betting or sports betting; or

(b) a racecourse.

(3) However, a class 4 venue licence may not be issued to TAB NZ or a racing club if another corporate society (other than TAB NZ or that racing club)—

(a) holds a class 4 venue licence for the venue; or

(b) held a class 4 venue licence for the venue at any time during the 5-year period immediately before the date on which the application for the licence is made.

Section 33 heading: amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 33(1): replaced, on 3 March 2015, by section 17 of the Gambling Amendment Act 2015 (2015 No 3).

Section 33(1): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 33(1A): inserted, on 3 March 2015, by section 17 of the Gambling Amendment Act 2015 (2015 No 3).

Section 33(1A): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 33(2): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 33(2)(a): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 33(3): inserted, on 21 October 2015, by section 8 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 33(3): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

34 Meaning of casino gambling

In this Act, **casino gambling**—

(a) means gambling—

(i) for which there are game rules; and

(ii) that satisfies those game rules; and

(iii) which is conducted in accordance with those game rules; and

(iv) to which both a casino venue licence and casino operator's licence apply; but

(b) does not include gambling conducted by TAB NZ referred to in section 120.

Section 34: replaced, on 3 March 2015, by section 18 of the Gambling Amendment Act 2015 (2015 No 3).

Section 34(b): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Subpart 3—Licensing of class 3 gambling

Applications for class 3 operator's licence

35 Application for class 3 operator's licence

(1) A society may apply to the Secretary for a licence to conduct class 3 gambling.

(2) An application must be on the relevant standard form and be accompanied by,—

(a) if requested by the Secretary, a copy of the applicant's governing document; and

(b) details of the authorised purposes to or for which net proceeds from the class 3 gambling will be applied or distributed; and

(c) a copy of an agreement that satisfies regulations made under section 219(a) if the class 3 gambling is conducted by a licensed promoter; and

(d) any other relevant document requested by the Secretary.

(3) An application must include the following information:

(a) a description of the class 3 gambling to be provided; and

(b) a description of prizes that will be offered in the class 3 gambling; and

(c) the duration and frequency of the class 3 gambling; and

(d) the cost of entering the class 3 gambling; and

(e) information about the financial viability of the proposed gambling operation and the means proposed to maximise the net proceeds from the class 3 gambling to be applied to or distributed for authorised purposes; and

(f) the address and contact details of the society that will operate the class 3 gambling, the officers of the society, and the organiser of the class 3 gambling; and

(g) if relevant, the address of the place at which the society intends to conduct the class 3 gambling; and

(h) any other information requested by the Secretary.

(4) The Secretary may return an incomplete application, and the accompanying documents and any fee, to an applicant.

36 Secretary must investigate applicant for class 3 operator's licence

(1) The Secretary must undertake any investigations the Secretary considers necessary to determine whether an applicant is eligible and suitable to be granted a class 3 operator's licence.

(2) In undertaking investigations, the Secretary may—

(a) require the applicant to provide further information relating to the application and to undergo an independent investigation into its financial position and credit history by a person nominated by the Secretary:

(b) require the Police, a government agency (except for the Inland Revenue Department), or a racing code to provide information about, or comment on, the applicant (including the organiser of the class 3 gambling and the officers of the society) or other matters concerning the application:

(c) refer to the Police a copy of the application and any further information provided by the applicant.

(3) If a racing code is required to provide information about a person, then it must provide any information that it holds that relates to—

(a) breaches, within the last 7 years, by the person of any rules of racing made under the Racing Industry Act 2020 or the previous racing Acts; or

(b) the conviction, within the last 7 years, of the person for an offence against the Racing Industry Act 2020 or the previous racing Acts.

(4) A person required to provide information under this section must provide the information as promptly as is reasonable in the circumstances.

(5) Subsection (2) does not limit subsection (1).

Section 36(3)(a): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 36(3)(a): amended, on 3 March 2015, by section 19 of the Gambling Amendment Act 2015 (2015 No 3).

Section 36(3)(b): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 36(3)(b): amended, on 3 March 2015, by section 19 of the Gambling Amendment Act 2015 (2015 No 3).

Grant of class 3 operator's licence

37 Grounds for granting class 3 operator's licence

(1) The Secretary must refuse to grant a class 3 operator's licence unless the Secretary is satisfied that—

(a) the gambling to which the application relates is class 3 gambling; and

(b) the applicant's purpose in conducting class 3 gambling is to raise money for authorised purposes; and

(c) the applicant's proposed gambling operation is financially viable; and

(d) the applicant will maximise the net proceeds from the class 3 gambling and minimise the operating costs of that gambling; and

(e) the net proceeds from the class 3 gambling will be applied to or distributed for authorised purposes; and

(f) the applicant is able to comply with applicable regulatory requirements; and

(g) any investigations carried out by the Secretary do not cause the Secretary not to be satisfied about the suitability of the applicant, any officers of the applicant, or the organiser of the gambling.

(2) In assessing financial viability under subsection (1)(c), the Secretary must consider, among other things, the ability of the applicant to both reward winners and apply or distribute the net proceeds from the class 3 gambling to or for authorised purposes.

(3) The Secretary may refuse to grant a class 3 operator's licence if an applicant fails to provide the information requested by the Secretary in accordance with section 36.

(4) If the Secretary decides to refuse to grant a class 3 operator's licence, the Secretary must notify the applicant of—

(a) the reason for the decision; and

(b) the right to appeal the decision; and

(c) the process to be followed for an appeal under section 46.

38 Content and conditions of class 3 operator's licence

(1) A class 3 operator's licence must include the following information and conditions:

(a) the name of the society that holds the licence; and

(b) the commencement date and expiry date of the licence; and

(c) if the licence authorises regular gambling, a statement to that effect; and

(d) a specific description of the authorised purposes to or for which net proceeds from the class 3 gambling are intended to be applied or distributed; and

(e) any other information or conditions added by the Secretary.

(2) The conditions that the Secretary may add to a class 3 operator's licence include—

(a) conditions intended to minimise the risk of problem gambling:

(b) conditions concerning the management of the gambling, including the records that must be maintained and reporting requirements:

(c) conditions concerning the management, application, and distribution of funds derived from gambling and from the investment of those funds:

(d) conditions that restrict the authorised purposes to or for which net proceeds from the class 3 gambling may be applied or distributed:

(e) conditions requiring the society to inform players of the odds of winning, and specifying how that information is to be displayed or provided:

(f) conditions encouraging responsible gambling:

(g) any other conditions consistent with this Act that the Secretary considers will promote or ensure compliance with this Act.

(3) The Secretary may—

(a) amend or revoke a condition of a class 3 operator's licence; or

(b) add new conditions to a class 3 operator's licence.

(4) If the Secretary decides to amend or revoke a condition or add a new condition to a class 3 operator's licence, the Secretary must notify the society of—

(a) the right to appeal the decision; and

(b) the process to be followed for an appeal under section 46.

Section 38(2)(a): amended, on 3 March 2015, by section 20 of the Gambling Amendment Act 2015 (2015 No 3).

38A Continuing obligations of class 3 operator

Every society that holds a class 3 operator's licence must, in relation to class 3 gambling conducted by the society, ensure that at all times—

(a) the purpose of that gambling is to raise money for authorised purposes; and

(b) the net proceeds from that gambling are maximised and the operating costs of that gambling are minimised; and

(c) the costs incurred in conducting that gambling are actual, reasonable, and necessary; and

(d) the net proceeds from that gambling are applied to or distributed for authorised purposes; and

(e) all applicable regulatory requirements are complied with.

Section 38A: inserted, on 3 March 2015, by section 21 of the Gambling Amendment Act 2015 (2015 No 3).

39 Significant changes in relation to class 3 operator's licence must be notified

(1) A society holding a class 3 operator's licence must notify the Secretary, and provide details, of significant changes to the information supplied by a society in, or accompanying, an application for—

(a) a class 3 operator's licence; or

(b) renewal or amendment of a class 3 operator's licence.

(2) Notification must be made before, or as soon as practicable after, the changes occur.

(3) The powers and obligations in section 36 apply to a notification as if the notification were an application for a class 3 operator's licence.

(4) The Secretary may require the society to apply for an amendment under section 42, or may invoke the suspension or cancellation provisions under sections 43 and 44, as a result of the notification.

40 Change of purpose and winding up provisions of holder of class 3 operator's licence ineffective without approval

(1) A society holding a class 3 operator's licence must obtain the approval of the Secretary before it changes a provision in its governing document that may have the effect of altering—

(a) the society's status as an entity established and conducted entirely for non-commercial purposes; or

(b) the distribution of its assets on winding up; or

(c) its objects so that it is no longer capable of applying or distributing net proceeds from the class 3 gambling to or for authorised purposes.

(2) If a governing document is changed with an effect described in subsection (1) without the approval of the Secretary, the change may be ignored by the Minister, the Secretary, the Gambling Commission, or the Department in applying this Act.

Renewal or amendment of class 3 operator's licence

41 Renewal of class 3 operator's licence

(1) A corporate society that conducts class 3 gambling regularly may apply to the Secretary for a renewal of its class 3 operator's licence before the expiry of the licence.

(2) An application must be on the relevant standard form and be accompanied by any items listed in section 35 that the Secretary requests in order to consider the application and effect the renewal.

(3) The Secretary may return an incomplete application, and the accompanying documents and any fee, to an applicant.

(4) Sections 36 and 37 apply to an application for renewal as if it were an application for a class 3 operator's licence.

(5) The Secretary must refuse to renew a class 3 operator's licence if—

(a) any investigations carried out by the Secretary cause the Secretary not to be satisfied about any of the matters specified in section 37; or

(ab) the Secretary is not satisfied that the applicant complies with section 38A; or

(b) the Secretary is not satisfied that the applicant will comply with all relevant requirements of this Act, including the obligations set out in section 38A, licence conditions, game rules, and minimum standards.

(6) A class 3 operator's licence continues in force after its expiry date if—

(a) the corporate society has applied for a renewal before the expiry date; and

(b) the application has not been refused.

Section 41(1): amended, on 3 March 2015, by section 22(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 41(5)(ab): inserted, on 3 March 2015, by section 22(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 41(5)(b): amended, on 3 March 2015, by section 22(3) of the Gambling Amendment Act 2015 (2015 No 3).

42 Amending class 3 operator's licence

(1) A society must apply to the Secretary to amend its class 3 operator's licence if the society proposes to—

(a) change the authorised purpose to or for which net proceeds from the class 3 gambling will be applied or distributed; or

(b) make any other change that impacts on its ability to comply with this Act or the licence.

(2) An application must be on the relevant standard form and be accompanied by any items listed in section 35 that the Secretary requests in order to consider the application and effect the amendment.

(3) The Secretary may return an incomplete application, and the accompanying documents and any fee, to an applicant.

(4) Sections 36 and 37 apply to an application for amendment as if it were an application for a class 3 operator's licence.

(5) The Secretary must refuse to amend a class 3 operator's licence if—

(a) any investigations carried out by the Secretary cause the Secretary not to be satisfied about any of the matters specified in section 37; or

(b) the Secretary is not satisfied that the applicant complies with section 38A; or

(c) the Secretary is not satisfied that the applicant will comply with all relevant requirements of this Act, including the obligations set out in section 38A, minimum standards, game rules, and licence conditions.

Section 42(5): replaced, on 3 March 2015, by section 23 of the Gambling Amendment Act 2015 (2015 No 3).

Suspension, cancellation, or refusal to amend or renew class 3 operator's licence

43 Suspension or cancellation of class 3 operator's licence

(1) The Secretary may suspend for up to 6 months, or cancel, a class 3 operator's licence if the Secretary is satisfied that—

(a) any of the grounds in section 37 are no longer met; or

(b) the society is failing, or has failed, to comply with the obligations set out in section 38A or with any other relevant requirements, minimum standards, game rules, or licence conditions of this Act; or

(c) the society supplied information that is materially false or misleading in its application for the licence, or for a renewal or amendment of the licence.

(2) In deciding whether to suspend or cancel a class 3 operator's licence, the Secretary must take into account the matters in section 37.

(3) The Secretary may exercise the power of suspension conferred by this section in respect of any breach that falls within any of paragraphs (a) to (c) of subsection (1), whether or not—

(a) the breach continues at the time that the power is exercised or is proposed to be exercised:

(b) a penalty is prescribed for the breach.

Section 43(1)(b): replaced, on 3 March 2015, by section 24(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 43(3): inserted, on 3 March 2015, by section 24(2) of the Gambling Amendment Act 2015 (2015 No 3).

44 Procedure for suspending, cancelling, or refusing to amend or renew class 3 operator's licence

(1) If the Secretary proposes to suspend, cancel, or refuse to amend or renew a class 3 operator's licence, the Secretary must notify the society of—

(a) the proposal to suspend, cancel, or refuse to amend or renew the licence; and

(b) the reason for the proposed suspension, cancellation, or refusal; and

(c) the society's rights, and the procedure to be followed—

(i) before the suspension or cancellation takes effect; or

(ii) as a result of the refusal to amend or renew the licence.

(2) The society may make written submissions to the Secretary concerning the proposed suspension, cancellation, or refusal to amend or renew within—

(a) 20 working days after the date of the notice under subsection (1); or

(b) any longer period that the Secretary allows if an application for an extension is made within the time period specified in paragraph (a).

(3) The Secretary must consider any submissions made by the society.

(4) If the Secretary decides to suspend a licence, the Secretary must notify the society of—

(a) the date that the suspension takes effect; and

(b) the suspension period (up to 6 months); and

(c) the reason for the suspension.

(d) *[Repealed]*

(e) *[Repealed]*

(4A) Where the licence is suspended because of a continuing breach, the Secretary must notify the society of—

(a) the matters to be dealt with in order for the Secretary to consider withdrawing the suspension before the end of the suspension period; and

(b) the consequences of not dealing with the matters identified.

(5) If the Secretary decides to cancel or refuse to amend or renew a licence, the Secretary must notify the society of,—

(a) for a cancellation, the date on which the cancellation takes effect and the reason for the cancellation:

(b) for a refusal to amend or renew, the reason for the refusal.

(6) If subsection (4) or subsection (5) applies, the Secretary must also notify the society of—

(a) the right to appeal the decision; and

(b) the process to be followed for an appeal under section 46.

Section 44(4)(c): replaced, on 3 March 2015, by section 25(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 44(4)(d): repealed, on 3 March 2015, by section 25(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 44(4)(e): repealed, on 3 March 2015, by section 25(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 44(4A): inserted, on 3 March 2015, by section 25(2) of the Gambling Amendment Act 2015 (2015 No 3).

45 Consequences of suspension, cancellation, or refusal to amend or renew class 3 operator's licence

(1) The suspension or cancellation of, or refusal to amend or renew, a class 3 operator's licence does not affect—

(a) the obligation of the society to apply or distribute the net proceeds from the class 3 gambling in accordance with this Act and the licence; and

(b) any condition added to the licence by the Secretary relating to records that must be maintained and reporting requirements.

(2) The Secretary may decide to withdraw a suspension before the end of the suspension period if the reasons for the suspension are resolved to the satisfaction of the Secretary.

(3) The Secretary may decide to cancel a suspended licence at the end of the suspension period if the reasons for the suspension are not resolved to the satisfaction of the Secretary.

(4) Section 44(5) and (6) apply to the cancellation of a suspended licence.

(5) Subject to section 47, a licence that is suspended or cancelled or refused to be renewed or amended remains in force or unchanged (as the case may be) until the period for making an appeal expires.

(6) A society is not entitled to a refund of fees, taxes, or levies paid in relation to class 3 gambling if the Secretary suspends, cancels, or refuses to amend or renew its class 3 operator's licence.

46 Appeal to Gambling Commission regarding class 3 operator's licence

(1) A society may appeal to the Gambling Commission against a decision of the Secretary to—

(a) refuse to grant a class 3 operator's licence to the society; or

(b) amend or revoke a condition of the licence, or add a new condition to it; or

(c) refuse an application by the corporate society for the renewal of a class 3 operator's licence; or

(d) refuse to amend a class 3 operator's licence held by the society; or

(e) suspend or cancel a class 3 operator's licence held by the society.

(2) An appeal must be in writing and must be made within—

(a) 15 working days after the date of the notice of the Secretary's decision; or

(b) any longer period that the Gambling Commission allows if an application for an extension is made within the time period specified in paragraph (a).

(3) The Gambling Commission—

(a) may request any information from the society or the Secretary; and

(b) is not bound to follow any formal procedure; and

(c) does not need to hold a hearing; and

(d) must consider any information provided by the society or the Secretary.

(4) The Gambling Commission may then—

(a) confirm, vary, or reverse the decision of the Secretary; or

(b) refer the matter back to the Secretary with directions to reconsider the decision.

(5) The Gambling Commission must give notice of—

(a) its decision, with reasons, to both the society and the Secretary; and

(b) the date on which its decision takes effect (which may be a date that is later than the date on which it makes the decision).

Section 46(5): replaced, on 21 October 2015, by section 9 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

47 Consequences of appeal regarding class 3 operator's licence

(1) The conditions of a class 3 operator's licence remain unchanged pending the outcome of an appeal if the appellant appeals an amendment or revocation of a condition or the addition of a new condition under section 46(1)(b).

(2) A class 3 operator's licence remains in force until—

(a) the expiry of the period for an appeal under section 46(2); or

(b) the date that the Gambling Commission specifies under section 46(5), if the appellant—

(i) appeals a refusal to renew or amend the licence under section 46(1)(c) or (d); or

(ii) appeals a decision to suspend or cancel the licence under section 46(1)(e).

Section 47(2)(b): amended, on 21 October 2015, by section 10 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Other matters

48 Surrender of class 3 operator's licence

(1) A society may surrender a class 3 operator's licence to the Secretary at any time.

(2) The surrender of a class 3 operator's licence does not affect—

(a) the obligation of the society to apply or distribute the net proceeds from the gambling in accordance with this Act and the licence; and

(b) any conditions relating to records that must be maintained and reporting requirements.

49 Class 3 operator's licence not transferable

A class 3 operator's licence is not transferable.

Subpart 4—Licensing of class 4 gambling

Applications for class 4 operator's licence

50 Application for class 4 operator's licence

(1) A corporate society may apply to the Secretary for a licence to conduct class 4 gambling.

(2) An application must be on the relevant standard form and be accompanied by—

(a) a copy of the applicant's governing document; and

(b) details of the authorised purposes to or for which net proceeds from the class 4 gambling will be applied or distributed; and

(c) a statement by the applicant of how it proposes to minimise the risk of problem gambling (including the corporate society's policy for identifying problem gamblers); and

(d) information about the financial viability of the proposed gambling operation and the means proposed to maximise the net proceeds from the class 4 gambling to be applied to or distributed for authorised purposes; and

(da) in the case of an applicant that proposes to apply some or all of its net proceeds from the class 4 gambling to an authorised purpose, information to assist the Secretary to determine whether the applicant meets the requirements of section 52A(1); and

(e) in the case of an applicant that mainly or wholly distributes net proceeds from the class 4 gambling to the community, details of the methods, systems, and policies for consideration of applications and distribution of net proceeds; and

(f) a profile of each key person, including details of their experience in conducting class 4 gambling, character, and qualifications; and

(g) an application, and accompanying information, for a class 4 venue licence for each venue at which the applicant proposes to operate class 4 gambling; and

(h) any information requested by the Secretary to assist the Secretary to determine whether the applicant is suitable; and

(i) any information requested by the Secretary to show that the applicant will meet the requirements of this Act and the conditions of the proposed licence.

(3) The Secretary may return an incomplete application, and the accompanying documents and any fee, to an applicant.

Section 50(2)(c): amended, on 3 March 2015, by section 26(1)(a) of the Gambling Amendment Act 2015 (2015 No 3).

Section 50(2)(c): amended, on 3 March 2015, by section 26(1)(b) of the Gambling Amendment Act 2015 (2015 No 3).

Section 50(2)(da): inserted, on 3 March 2015, by section 26(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 50(2)(e): amended, on 3 March 2015, by section 26(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 50(2)(f): amended, on 3 March 2015, by section 26(4) of the Gambling Amendment Act 2015 (2015 No 3).

51 Secretary must investigate applicant for class 4 operator's licence

(1) The Secretary must undertake any investigations the Secretary considers necessary to determine whether the applicant and the key persons are eligible and suitable for the applicant to be granted a class 4 operator's licence.

(2) In undertaking investigations, the Secretary may—

(a) require the applicant and any key person to provide further information relating to the application and to undergo an independent investigation into its financial position and credit history by a person nominated by the Secretary:

(b) require the Police, a government agency (except for the Inland Revenue Department), or a racing code to provide information about, or comment on, the applicant and any key person or other matters concerning the application:

(c) refer to the Police a copy of the application and any further information provided by the applicant and any key person.

(3) If a racing code is required to provide information about a person, then it must provide any information that it holds that relates to—

(a) breaches, within the last 7 years, by the person of any rules of racing made under the Racing Industry Act 2020 or the previous racing Acts; or

(b) the conviction, within the last 7 years, of the person for an offence against the Racing Industry Act 2020 or the previous racing Acts.

(4) A person required to provide information under this section must provide the information as promptly as is reasonable in the circumstances.

(5) Subsection (2) does not limit subsection (1).

Section 51(3)(a): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 51(3)(a): amended, on 3 March 2015, by section 27 of the Gambling Amendment Act 2015 (2015 No 3).

Section 51(3)(b): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 51(3)(b): amended, on 3 March 2015, by section 27 of the Gambling Amendment Act 2015 (2015 No 3).

Grant of class 4 operator's licence

52 Grounds for granting class 4 operator's licence

(1) The Secretary must refuse to grant a class 4 operator's licence unless the Secretary is satisfied that,—

(a) the gambling to which the application relates is class 4 gambling; and

(b) the applicant's purpose in conducting class 4 gambling is to raise money for authorised purposes; and

(c) the applicant's proposed gambling operation is financially viable; and

(d) the applicant will maximise the net proceeds from the class 4 gambling and minimise the operating costs of that gambling; and

(e) the net proceeds from the class 4 gambling will be applied to or distributed for authorised purposes; and

(f) the applicant is able to comply with applicable regulatory requirements; and

(g) the applicant will minimise the risk of problem gambling; and

(h) any investigations carried out by the Secretary do not cause the Secretary not to be satisfied about the suitability of the applicant or any key person, in terms of subsection (4); and

(i) there are no factors that are likely to detract from achieving the purpose of this Act; and

(j) a key person is not a key person in relation to a class 4 venue licence held, or applied for, by the applicant (except in the case of a class 4 venue licence application, which was not or is not required under section 65(3) or (4) to be accompanied by a class 4 venue agreement).

(2) In assessing financial viability under subsection (1)(c), the Secretary must consider, among other things, the ability of the applicant to reward winners and pay levies, taxes, and other costs, as well as apply or distribute the net proceeds from the class 4 gambling to or for authorised purposes.

(3) The Secretary may refuse to grant a class 4 operator's licence if an applicant fails to provide the information requested by the Secretary in accordance with section 51.

(4) In determining whether an applicant is suitable for a class 4 operator's licence, the Secretary may investigate and take into account the following things:

(a) whether the applicant or a key person has, within the last 7 years,—

(i) been convicted of a relevant offence:

(ii) held, or been a key person in relation to a class 3 or class 4 operator's licence, a class 4 venue licence, a casino licence, or a licensed promoter's licence under this Act or any licence under previous gaming Acts that has been cancelled, suspended, or for which an application for renewal has been refused:

(iii) been placed in receivership, gone into liquidation, or been adjudged bankrupt:

(iv) been a director of a company that has been placed in receivership or put into liquidation, and been involved in the events leading to the company being placed in receivership or put into liquidation:

(v) been prohibited or disqualified from acting as a director or promoter of, or in any way, whether directly or indirectly, being concerned or taking part in the management of, a company under section 382, 383, or 385 of the Companies Act 1993:

(vi) been prohibited from acting as a director or directly or indirectly being concerned, or taking part, in the management of a company under section 299 of the Insolvency Act 2006; and

(b) the financial position and credit history of the applicant and each key person; and

(c) the profile of past compliance by the applicant and each key person with—

(i) this Act, minimum standards, game rules, *Gazette* notices, and licence conditions; and

(ii) the Racing Industry Act 2020 or the previous racing Acts (and any rules of racing made under any of those Acts); and

(iii) previous gaming Acts, and regulations made under previous gaming Acts; and

(iv) a licence or a site approval issued under a previous gaming Act; and

(d) any other matter that the Secretary considers relevant.

(5) The Secretary may take into account matters of a similar nature to those listed in subsection (4) that occurred outside New Zealand.

(6) If the Secretary decides to refuse to grant a class 4 operator's licence, the Secretary must notify the applicant of—

(a) the reason for the decision; and

(b) the right to appeal the decision; and

(c) the process to be followed for an appeal under section 61.

Section 52(1)(g): amended, on 3 March 2015, by section 28(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 52(1)(j): amended, on 3 March 2015, by section 28(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 52(4)(a): amended, on 3 March 2015, by section 28(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 52(4)(a)(iii): amended, on 3 March 2015, by section 28(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 52(4)(a)(iv): inserted, on 3 March 2015, by section 28(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 52(4)(a)(v): inserted, on 3 March 2015, by section 28(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 52(4)(a)(vi): inserted, on 3 March 2015, by section 28(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 52(4)(b): replaced, on 3 March 2015, by section 28(5) of the Gambling Amendment Act 2015 (2015 No 3).

Section 52(4)(c)(ii): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 52(4)(c)(iv): amended, on 21 October 2015, by section 11(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 52(4)(d): inserted, on 21 October 2015, by section 11(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

52A Circumstances in which corporate society may apply net proceeds to authorised purpose

(1) A corporate society may apply some or all of its net proceeds to an authorised purpose only if the Secretary is satisfied that the corporate society's primary activity is itself an authorised purpose and the conduct of gambling by the corporate society is only incidental to that activity.

(2) When considering whether subsection (1) applies to a corporate society, the Secretary may take the following into account:

(a) whether the corporate society can demonstrate a significant history of carrying out activities that are authorised purposes; and

(b) whether the corporate society's governing document is consistent with the corporate society having a primary objective of carrying out activities that are authorised purposes.

(3) When considering whether subsection (1) applies to a corporate society that is a club, the Secretary may also take the following into account:

(a) whether the club has, or had before merging under section 95, a significant history of operating as a club for club purposes; and

(b) whether the club has substantial active membership.

Section 52A: inserted, on 3 March 2015, by section 29 of the Gambling Amendment Act 2015 (2015 No 3).

53 Content and conditions of class 4 operator's licence

(1) A class 4 operator's licence must include the following information and conditions:

(a) the name of the corporate society that holds the licence; and

(b) the commencement date and expiry date of the licence; and

(c) a specific description of the authorised purposes to or for which net proceeds from the class 4 gambling are intended to be applied or distributed; and

(d) any other information or conditions added by the Secretary.

(1A) The Secretary may specify any expiry date for a class 4 operator's licence that is not more than 3 years after the commencement date of that licence.

(2) The conditions that the Secretary may add to a class 4 operator's licence include—

(a) conditions intended to minimise the risk of problem gambling:

(b) conditions concerning the management of the gambling, including the records that must be maintained and reporting requirements:

(c) conditions concerning the management, application, and distribution of funds derived from gambling and from the investment of those funds:

(d) conditions that restrict the authorised purposes to or for which net proceeds from the class 4 gambling may be applied or distributed:

(e) conditions requiring the corporate society to inform players of the odds of winning, and specifying how that information is to be displayed or provided:

(f) conditions encouraging responsible gambling:

(g) any other conditions consistent with this Act that the Secretary considers will promote or ensure compliance with this Act.

(3) The Secretary may—

(a) amend or revoke a condition of a class 4 operator's licence; or

(b) add new conditions to a class 4 operator's licence.

(4) If the Secretary decides to amend or revoke a condition or add a new condition to a class 4 operator's licence, the Secretary must notify the corporate society of—

(a) the right to appeal the decision; and

(b) the process to be followed for an appeal under section 61.

Section 53(1): amended, on 3 March 2015, by section 30(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 53(1)(b): amended, on 21 October 2015, by section 12(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 53(1A): inserted, on 21 October 2015, by section 12(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 53(2)(a): amended, on 3 March 2015, by section 30(2) of the Gambling Amendment Act 2015 (2015 No 3).

53A Continuing obligations of class 4 operator

Every corporate society that holds a class 4 operator's licence must, in relation to class 4 gambling conducted by the corporate society, ensure that, at all times,—

(a) the purpose of conducting that gambling is to raise money for authorised purposes; and

(b) the net proceeds from that gambling are maximised and the operating costs of that gambling are minimised; and

(c) the costs incurred in conducting that gambling are actual, reasonable, and necessary; and

(d) the net proceeds from that gambling are applied to, or distributed for, authorised purposes; and

(e) the risks of problem gambling posed by that gambling are minimised; and

(f) all applicable regulatory requirements are complied with.

Section 53A: inserted, on 3 March 2015, by section 31 of the Gambling Amendment Act 2015 (2015 No 3).

54 Significant changes in relation to class 4 operator's licence must be notified

(1) A corporate society holding a class 4 operator's licence must notify the Secretary, and provide details, if any of the following things occur:

(a) the corporate society or a key person is convicted of a relevant offence:

(b) the corporate society or a key person is placed in receivership, goes into liquidation, or is adjudged bankrupt:

(c) the corporate society or a key person breaches a rule of racing made under the Racing Industry Act 2020:

(d) a key person ceases to be a key person or is incapable of performing the duties of his or her position:

(e) a change is proposed to the corporate society's governing document that may affect the corporate society's ability to comply with this Act or the licence.

(2) Notification must be made before, or as soon as practicable after, the changes occur.

(3) The powers and obligations in section 51 apply to a notification as if the notification were an application for a class 4 operator's licence.

(4) The Secretary may require the corporate society to apply for an amendment under section 57, or may invoke the suspension or cancellation provisions under sections 58 and 59, as a result of the notification.

Section 54(1)(c): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

55 Change of purpose and winding up provisions of holder of class 4 operator's licence ineffective without approval

(1) A corporate society holding a class 4 operator's licence must obtain the approval of the Secretary before it changes a provision in its governing document that may have the effect of altering—

(a) the corporate society's status as an entity established and conducted entirely for non-commercial purposes; or

(b) the distribution of its assets on winding up; or

(c) its objects so that it is no longer capable of applying or distributing net proceeds from the class 4 gambling to or for authorised purposes.

(2) If a governing document is changed with an effect described in subsection (1) without the approval of the Secretary, the change may be ignored by the Minister, the Secretary, the Gambling Commission, or the Department in applying this Act.

Renewal or amendment of class 4 operator's licence

56 Renewal of class 4 operator's licence

(1) A corporate society may apply to the Secretary for a renewal of its class 4 operator's licence before the expiry of the licence.

(2) An application must be on the relevant standard form and be accompanied by—

(a) any items listed in section 50 that the Secretary requests in order to consider the application and effect the renewal; and

(b) if applicable, any items necessary to effect an application for a class 4 venue licence.

(3) The Secretary may return an incomplete application, and the accompanying documents and any fee, to an applicant.

(4) Sections 51 and 52 apply to an application for renewal as if it were an application for a class 4 operator's licence.

(5) The Secretary must refuse to renew a class 4 operator's licence if—

(a) any investigations carried out by the Secretary cause the Secretary not to be satisfied about any of the matters specified in section 52; or

(b) the Secretary is not satisfied that the applicant complies with section 53A; or

(c) the Secretary is not satisfied that the applicant will comply with all applicable regulatory requirements of this Act, including the obligations set out in section 53A, minimum standards, game rules, *Gazette* notices, and licence conditions.

(6) A class 4 operator's licence continues in force after its expiry date if—

(a) the corporate society has applied for renewal before the expiry date; and

(b) the application has not been refused.

Section 56(5): replaced, on 3 March 2015, by section 32 of the Gambling Amendment Act 2015 (2015 No 3).

57 Amending class 4 operator's licence

(1) A corporate society must apply to the Secretary to amend its class 4 operator's licence if the corporate society proposes to—

(a) change the authorised purpose to or for which net proceeds from the class 4 gambling will be applied or distributed; or

(b) change its problem gambling policies; or

(c) change its methods, systems, or policies for the consideration of applications for the distribution of net proceeds from the class 4 gambling; or

(d) add a new key person; or

(e) make any other change that impacts on its ability to comply with this Act or the licence.

(2) An application must be on the relevant standard form and be accompanied by—

(a) any items listed in section 50 that the Secretary requests in order to consider the application and effect the amendment; and

(b) if applicable, any items necessary to effect an application for a class 4 venue licence.

(3) The Secretary may return an incomplete application, and the accompanying documents and any fee, to an applicant.

(4) Sections 51 and 52 apply to an application for amendment as if it were an application for a class 4 operator's licence.

(5) The Secretary must refuse to amend a class 4 operator's licence if—

(a) any investigations carried out by the Secretary cause the Secretary not to be satisfied about any of the matters specified in section 52; or

(b) the Secretary is not satisfied that the applicant complies with section 53A; or

(c) the Secretary is not satisfied that the applicant will comply with all relevant requirements of this Act, including the obligations set out in section 53A, minimum standards, game rules, *Gazette* notices, and licence conditions.

Section 57(5): replaced, on 3 March 2015, by section 33 of the Gambling Amendment Act 2015 (2015 No 3).

Suspension, cancellation, or refusal to amend or renew class 4 operator's licence

58 Suspension or cancellation of class 4 operator's licence

(1) The Secretary may suspend for up to 6 months, or cancel, a class 4 operator's licence if the Secretary is satisfied that—

(a) any of the grounds in section 52 are no longer met; or

(b) the corporate society is failing, or has failed, to comply with all relevant requirements of this Act, including the obligations set out in section 53A, minimum standards, game rules, *Gazette* notices, and licence conditions; or

(c) the class 4 venue agreement is no longer consistent with ensuring compliance with this Act or the licence; or

(d) the corporate society supplied information that is materially false or misleading in its application for—

(i) a class 4 operator's licence; or

(ii) a renewal or an amendment of a class 4 operator's licence; or

(iii) a class 4 venue licence; or

(iv) a renewal or an amendment of a class 4 venue licence.

(2) In deciding whether to suspend or cancel a class 4 operator's licence, the Secretary must take into account the matters in section 52.

(3) The Secretary may exercise the power of suspension conferred by this section in respect of any breach that falls within any of paragraphs (a) to (d) of subsection (1) whether or not—

(a) the breach continues at the time that the power is exercised or is proposed to be exercised:

(b) a penalty is prescribed for the breach.

Section 58(1)(b): replaced, on 3 March 2015, by section 34(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 58(3): replaced, on 3 March 2015, by section 34(2) of the Gambling Amendment Act 2015 (2015 No 3).

59 Procedure for suspending, cancelling, or refusing to amend or renew class 4 operator's licence

(1) If the Secretary proposes to suspend, cancel, or refuse to amend or renew a class 4 operator's licence, the Secretary must notify the corporate society of—

(a) the proposal to suspend, cancel, or refuse to amend or renew the licence; and

(b) the reason for the proposed suspension, cancellation, or refusal; and

(c) the corporate society's rights, and the procedure to be followed—

(i) before the suspension or cancellation takes effect; or

(ii) as a result of the refusal to amend or renew the licence.

(2) The corporate society may make written submissions to the Secretary concerning the proposed suspension, cancellation, or refusal to amend or renew within—

(a) 20 working days after the date of the notice under subsection (1); or

(b) any longer period that the Secretary allows if an application for an extension is made within the time period specified in paragraph (a).

(3) The Secretary must consider any submissions made by the corporate society.

(4) If the Secretary decides to suspend a licence, the Secretary must notify the corporate society of—

(a) the date that the suspension takes effect; and

(b) the suspension period (up to 6 months); and

(c) the reason for the suspension.

(d) *[Repealed]*

(e) *[Repealed]*

(4A) Where the licence is suspended because of a continuing breach, the Secretary must notify the society of—

(a) the matters to be dealt with in order for the Secretary to consider withdrawing the suspension before the end of the suspension period; and

(b) the consequences of not dealing with the matters identified.

(5) If the Secretary decides to cancel or refuse to amend or renew a licence, the Secretary must notify the corporate society of,—

(a) for a cancellation, the date on which the cancellation takes effect and the reason for the cancellation; or

(b) for a refusal to amend or renew, the reason for the refusal.

(6) If subsection (4) or subsection (5) applies, the Secretary must also notify the corporate society of—

(a) the right to appeal the decision; and

(b) the process to be followed for an appeal under section 61.

Section 59(4)(c): replaced, on 3 March 2015, by section 35(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 59(4)(d): repealed, on 3 March 2015, by section 35(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 59(4)(e): repealed, on 3 March 2015, by section 35(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 59(4A): inserted, on 3 March 2015, by section 35(2) of the Gambling Amendment Act 2015 (2015 No 3).

60 Consequences of suspension, cancellation, or refusal to amend or renew class 4 operator's licence

(1) The suspension or cancellation of, or refusal to amend or renew, a class 4 operator's licence does not affect—

(a) the obligation of the corporate society to apply or distribute the net proceeds from the class 4 gambling in accordance with this Act and the licence; and

(b) any condition added to the licence by the Secretary relating to records that must be maintained and reporting requirements.

(2) The Secretary may decide to withdraw a suspension before the end of the suspension period if the reasons for the suspension are resolved to the satisfaction of the Secretary.

(3) The Secretary may decide to cancel a suspended licence at the end of the suspension period if the reasons for the suspension are not resolved to the satisfaction of the Secretary.

(4) Section 59(5) and (6) apply to the cancellation of a suspended licence.

(5) Subject to section 62, a licence that is suspended or cancelled or refused to be renewed or amended remains in force or unchanged (as the case may be) until the period for making an appeal expires.

(6) A corporate society is not entitled to a refund of fees, taxes, or levies paid in relation to class 4 gambling if the Secretary suspends, cancels, or refuses to amend or renew its class 4 operator's licence.

61 Appeal to Gambling Commission regarding class 4 operator's licence

(1) A corporate society may appeal to the Gambling Commission against a decision of the Secretary to—

(a) refuse to grant a class 4 operator's licence to the corporate society; or

(b) amend or revoke a condition of the licence, or add a new condition to it; or

(c) refuse an application by the corporate society for the renewal of a class 4 operator's licence; or

(d) refuse to amend a class 4 operator's licence held by the corporate society; or

(e) suspend or cancel a class 4 operator's licence held by the corporate society.

(1A) To avoid doubt, the specification of an expiry date under section 53(1A) is not a decision that may be appealed to the Gambling Commission.

(2) An appeal must be in writing and must be made within—

(a) 15 working days after the date of the notice of the Secretary's decision; or

(b) any longer period that the Gambling Commission allows if an application for an extension is made within the time period specified in paragraph (a).

(3) The Gambling Commission—

(a) may request any information from the corporate society or the Secretary; and

(b) is not bound to follow any formal procedure; and

(c) does not need to hold a hearing; and

(d) must consider any information provided by the corporate society or the Secretary.

(4) The Gambling Commission may then—

(a) confirm, vary, or reverse the decision of the Secretary; or

(b) refer the matter back to the Secretary with directions to reconsider the decision.

(5) The Gambling Commission must give notice of—

(a) its decision, with reasons, to both the corporate society and the Secretary; and

(b) the date on which its decision takes effect (which may be a date that is later than the date on which it makes the decision).

Section 61(1A): inserted, on 21 October 2015, by section 13(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 61(5): replaced, on 21 October 2015, by section 13(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

62 Consequences of appeal regarding class 4 operator's licence

(1) The conditions of a class 4 operator's licence remain unchanged pending the outcome of an appeal if the appellant appeals an amendment or revocation of a condition or the addition of a new condition under section 61(1)(b).

(2) A class 4 operator's licence remains in force until—

(a) the expiry of the period for an appeal under section 61(2); or

(b) the date that the Gambling Commission specifies under section 61(5), if the appellant—

(i) appeals a refusal to renew or amend the licence under section 61(1)(c) or (d); or

(ii) appeals a decision to suspend or cancel the licence under section 61(1)(e).

Section 62(2)(b): amended, on 21 October 2015, by section 14 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Other matters

63 Surrender of class 4 operator's licence

(1) A corporate society may surrender a class 4 operator's licence to the Secretary at any time.

(2) The surrender of a class 4 operator's licence does not affect—

(a) the obligation of the corporate society to apply or distribute the net proceeds from the gambling in accordance with this Act and the licence; and

(b) any conditions relating to records that must be maintained and reporting requirements.

64 Class 4 operator's licence not transferable

A class 4 operator's licence is not transferable.

Applications for class 4 venue licence

65 Application for class 4 venue licence

(1) A corporate society may apply to the Secretary for a class 4 venue licence.

(2) An application must be on the relevant standard form and be accompanied by—

(a) a description of the venue and its location; and

(b) a territorial authority consent if required under section 98; and

(c) a copy of a class 4 venue agreement if required under subsection (3); and

(d) a statement by the applicant of how it proposes to minimise the risk of problem gambling and underage gambling at the class 4 venue; and

(e) a profile of the venue manager and the venue operator, including details of their experience in conducting class 4 gambling, character, and qualifications; and

(f) details of gambling equipment that the applicant intends to operate at the venue and evidence that it meets relevant minimum standards; and

(g) if the application relates to a venue that is licensed to another corporate society, notice from the other corporate society that it is surrendering its venue licence for the venue; and

(h) if relevant, evidence that on issue of the licence the applicant will own any gambling equipment (except for electronic monitoring systems) that it proposes to operate; and

(i) evidence that any gambling equipment that the applicant proposes to operate under the licence is not and will not be financed by the manufacturer, distributor, or vendor of the equipment; and

(j) evidence that the class 4 venue is not to be used mainly for operating gaming machines; and

(k) if the application relates to a venue for which a class 4 venue licence was not held at the time of commencement of this section, evidence that the class 4 venue is not to be part of a place at which another class 4 venue or a casino is located; and

(l) evidence that the venue is suitable in all other respects to be a class 4 venue.

(3) The application must also be accompanied by a class 4 venue agreement unless the Secretary is satisfied that the applicant is a club that intends to operate gambling equipment at a non-commercial class 4 venue that—

(a) it owns or leases; and

(b) is mainly for the use of club members.

(4) Despite subsection (3), an application by TAB NZ or a racing club is not required to be accompanied by a venue agreement.

(5) The Secretary may return an incomplete application, and the accompanying documents and any fee, to an applicant.

(6) The Secretary may request from the applicant any further information that the Secretary considers necessary to consider the application properly.

Section 65(2)(d): amended, on 3 March 2015, by section 36(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 65(2)(e): amended, on 3 March 2015, by section 36(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 65(2)(k): amended, on 3 March 2015, by section 36(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 65(4): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

66 Secretary must investigate applicant for class 4 venue licence

(1) The Secretary must undertake any investigations the Secretary considers necessary to determine—

(a) whether the applicant is eligible and suitable to be granted a class 4 venue licence; and

(b) whether the venue manager and venue operator are suitable persons in terms of section 68.

(2) The Secretary may undertake whatever investigations the Secretary considers necessary to determine whether any other key person is a suitable person in terms of section 68.

(3) In undertaking investigations, the Secretary may—

(a) require the applicant and any key person to provide further information relating to the application and to undergo an independent investigation into its financial position and credit history by a person nominated by the Secretary:

(b) require the Police, a government agency (except for the Inland Revenue Department), or a racing code to provide information about, or comment on, the applicant and any key person or other matters concerning the application:

(c) refer to the Police a copy of the application and any further information provided by the applicant and any key person.

(4) If a racing code is required to provide information about a person, then it must provide any information that it holds that relates to—

(a) breaches, within the last 7 years, by the person of any rules of racing made under the Racing Industry Act 2020 or the previous racing Acts; or

(b) the conviction, within the last 7 years, of the person for an offence against the Racing Industry Act 2020 or the previous racing Acts.

(5) A person required to provide information under this section must provide the information as promptly as is reasonable in the circumstances.

(6) Subsection (3) does not limit subsection (1) or (2).

Section 66(4)(a): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 66(4)(a): amended, on 3 March 2015, by section 37(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 66(4)(b): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 66(4)(b): amended, on 3 March 2015, by section 37(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 66(6): amended, on 3 March 2015, by section 37(2) of the Gambling Amendment Act 2015 (2015 No 3).

Grant of class 4 venue licence

67 Grounds for granting class 4 venue licence

(1) The Secretary must refuse to grant a class 4 venue licence unless the Secretary is satisfied that—

(a) the applicant holds a class 4 operator's licence; and

(b) the possibility of persons under 18 years old gaining access to class 4 gambling at the class 4 venue is minimised; and

(c) the venue manager is an individual and any investigations carried out by the Secretary do not cause the Secretary not to be satisfied about his or her suitability, in terms of section 68, to supervise—

(i) the conduct of class 4 gambling at the venue; and

(ii) venue personnel; and

(d) any investigations carried out by the Secretary do not cause the Secretary not to be satisfied about the suitability of any other key person, in terms of section 68; and

(e) if the application relates to a class 4 venue that is licensed to another corporate society, the other corporate society has surrendered its class 4 venue licence for the venue; and

(f) the territorial authority has provided a consent (if required under section 98); and

(g) on issue of the licence, the applicant will own any gambling equipment (except for electronic monitoring systems) that it proposes to operate; and

(h) on issue of the licence, the applicant will not operate any gambling equipment that is financed by the manufacturer, distributor, or vendor of the equipment; and

(i) all gambling equipment to be operated at the venue meets relevant minimum standards; and

(j) the class 4 venue agreement (if required)—

(i) enables the class 4 gambling conducted at the class 4 venue to comply with this Act and the proposed class 4 venue licence; and

(ii) includes the information specified in section 69; and

(k) the class 4 venue is not used mainly for operating gaming machines; and

(l) if the application relates to a venue for which a class 4 venue licence was not held at the time of commencement of this section, the class 4 venue is not to be part of a place at which another class 4 venue or a casino is located; and

(m) for an application that is required under section 65(3) to be accompanied by a class 4 venue agreement, no person will be both a key person in relation to the relevant class 4 operator's licence and a key person in relation to the class 4 venue licence; and

(n) if TAB NZ is the applicant, the class 4 venue is either—

(i) owned or leased by TAB NZ and used mainly for racing betting or sports betting; or

(ii) a racecourse; and

(o) if the applicant is a racing club, the class 4 venue is a racecourse; and

(p) the risk of problem gambling at the class 4 venue is minimised; and

(q) the proposed venue is suitable in all other respects to be a class 4 venue; and

(r) there are no other factors that are likely to detract from achieving the purpose of this Act; and

(s) the applicant is able to comply with all other applicable regulatory requirements.

(2) If the Secretary decides to refuse to grant a class 4 venue licence, the Secretary must notify the applicant, or, if there is a venue agreement, the parties to the agreement, and the venue manager of—

(a) the reason for the decision; and

(b) the right to appeal the decision; and

(c) the process to be followed for an appeal under section 77.

Section 67(1)(b): amended, on 3 March 2015, by section 38(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 67(1)(l): amended, on 3 March 2015, by section 38(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 67(1)(m): amended, on 3 March 2015, by section 38(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 67(1)(n): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 67(1)(n)(i): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 67(1)(s): replaced, on 3 March 2015, by section 38(4) of the Gambling Amendment Act 2015 (2015 No 3).

68 Determining suitability for class 4 venue licence

(1) In determining whether a key person is a suitable person for the purpose of sections 66 and 67, the Secretary may investigate and take into account the following things:

(a) whether he, she, or it has, within the last 7 years,—

(i) been convicted of a relevant offence:

(ii) held, or been a key person in relation to, a class 3 or class 4 operator's licence, a class 4 venue licence, a casino licence, or a licensed promoter's licence under this Act or any licence under previous gaming Acts that has been cancelled, suspended, or for which an application for renewal has been refused:

(iii) been placed in receivership, gone into liquidation, or been adjudged bankrupt:

(iv) been a director of a company that has been placed in receivership or put into liquidation, and been involved in the events leading to the company being placed in receivership or put into liquidation:

(v) been prohibited or disqualified from acting as a director or promoter of, or in any way, whether directly or indirectly, being concerned or taking part in the management of, a company under section 382, 383, or 385 of the Companies Act 1993:

(vi) been prohibited from acting as a director or directly or indirectly being concerned, or taking part, in the management of a company under section 299 of the Insolvency Act 2006:

(b) the financial position and the credit history of the key person:

(c) the profile of past compliance by the key person with—

(i) this Act, minimum standards, game rules, *Gazette* notices, and licence conditions; and

(ii) the Racing Industry Act 2020 or the previous racing Acts (and any rules of racing made under any of those Acts); and

(iii) previous gaming Acts, and regulations made under previous gaming Acts; and

(iv) a licence or a site approval issued under a previous gaming Act; and

(d) any other matter that the Secretary considers relevant.

(2) The Secretary may take into account matters of a similar nature to those listed in subsection (1) that occurred outside New Zealand.

Section 68(1)(a): amended, on 3 March 2015, by section 39(a) of the Gambling Amendment Act 2015 (2015 No 3).

Section 68(1)(a)(iv): inserted, on 3 March 2015, by section 39(b) of the Gambling Amendment Act 2015 (2015 No 3).

Section 68(1)(a)(v): inserted, on 3 March 2015, by section 39(b) of the Gambling Amendment Act 2015 (2015 No 3).

Section 68(1)(a)(vi): inserted, on 3 March 2015, by section 39(b) of the Gambling Amendment Act 2015 (2015 No 3).

Section 68(1)(c)(ii): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 68(1)(c)(iv): amended, on 21 October 2015, by section 15(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 68(1)(d): inserted, on 21 October 2015, by section 15(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

69 Form and content of class 4 venue agreement

(1) The form and content of a class 4 venue agreement must be approved by the Secretary and must include—

(a) a schedule signed by the venue manager and the venue operator setting out—

(i) the full name, date of birth, and contact details of the venue manager; and

(ii) the gambling-related duties and responsibilities of the venue manager; and

(b) the payments to be made by the holder of the class 4 venue licence to the venue operator, which must be payments that comply with regulations made under section 371(1)(dd) or, if no such regulations are in force, payments in respect of an itemised list of costs associated with the operation of class 4 gambling at the venue; and

(c) the expiry date of the venue agreement.

(2) A class 4 venue agreement must be signed by the holder of, or applicant for, the class 4 venue licence and the venue operator.

(3) The expiry date of a class 4 venue agreement may be overridden by anything to the contrary in this Act, game rules, minimum standards, or licence conditions but, in any case, must not be later than 3 years after the date of the venue agreement.

(4) Approval of a class 4 venue agreement lapses if the corporate society ceases to hold a class 4 operator's licence or a class 4 venue licence for that venue.

Section 69(1)(b): replaced, on 3 October 2016, by section 16 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

69A Continuing obligations of corporate society in relation to class 4 venue licence

A corporate society that holds a class 4 venue licence must, in relation to class 4 gambling conducted at the class 4 venue for which the licence is held, ensure that, at all times,—

(a) the possibility of persons under 18 years old gaining access to class 4 gambling at the venue is minimised; and

(b) the corporate society owns all gambling equipment (except for electronic monitoring systems) that it operates at the venue; and

(c) the corporate society does not operate any gambling equipment that is financed by the manufacturer, distributor, or vendor of the equipment; and

(d) all gambling equipment operated at the venue meets relevant minimum standards; and

(e) the venue is not used mainly for operating gaming machines; and

(f) if TAB NZ is the licensee, the venue is used mainly for racing betting or sports betting; and

(g) the risk of problem gambling is minimised.

Section 69A: inserted, on 3 March 2015, by section 40 of the Gambling Amendment Act 2015 (2015 No 3).

Section 69A(f): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

70 Content and conditions of class 4 venue licence

(1) A class 4 venue licence must include the following information and conditions:

(a) the name of the corporate society that holds the licence; and

(b) the commencement date and expiry date of the licence; and

(c) the authorised purpose of the corporate society; and

(ca) the name of the class 4 venue; and

(d) the name of the venue operator; and

(e) the name of the venue manager; and

(f) a description of the class 4 venue and its location; and

(g) conditions about the class 4 gambling that may be conducted at the venue, including the number of gaming machines that may be operated; and

(h) details of the gambling equipment that may be operated at the venue; and

(i) conditions to prevent class 4 gambling being conducted at the venue unless the primary activity of the venue is offered and available at that time; and

(j) any other conditions added by the Secretary.

(1A) The Secretary may specify any expiry date for a class 4 venue licence that is not more than 3 years after the commencement date of that licence.

(2) The conditions that the Secretary may add to a class 4 venue licence include—

(a) conditions to ensure that both the venue operator and the venue manager can supervise effectively—

(i) the class 4 gambling at the venue; and

(ii) the venue personnel:

(b) conditions to minimise the possibility of persons under 18 years old gaining access to class 4 gambling at the class 4 venue:

(c) conditions concerning the banking of money from the gambling:

(d) conditions regarding the application or distribution of net proceeds from the class 4 gambling to or for authorised purposes:

(e) if the corporate society accepts applications for the distribution of net proceeds from gambling, conditions about the process for making, and the provision of information about how to make, an application:

(f) conditions regarding the display of the class 4 venue licence at the venue:

(fa) conditions to minimise the possibility of problem gambling at the venue:

(g) conditions encouraging responsible gambling at the venue:

(h) conditions specifying areas within a class 4 venue as the only areas permitted for conducting class 4 gambling:

(i) any other conditions consistent with this Act that the Secretary considers will promote or ensure compliance with this Act.

(3) The Secretary may—

(a) amend or revoke a condition of a class 4 venue licence; or

(b) add new conditions to a class 4 venue licence.

(4) If the Secretary decides to amend or revoke a condition or add a new condition to a class 4 venue licence, the Secretary must notify the corporate society or the parties to the venue agreement, and the venue manager, of—

(a) the right to appeal the decision; and

(b) the process to be followed for an appeal under section 77.

(5) Despite subsection (1)(b), a class 4 venue licence expires on the date that a class 4 operator's licence held by the corporate society that holds the class 4 venue licence is surrendered, expires, or is cancelled.

(6) For the purposes of subsection (1)(i), if the class 4 venue is a racecourse, the primary activity of the venue must be treated as including the provision of sports, recreation, entertainment, and convention facilities.

Section 70(1): amended, on 3 March 2015, by section 41(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 70(1)(b): amended, on 21 October 2015, by section 17(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 70(1)(ca): inserted, on 3 March 2015, by section 41(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 70(1A): inserted, on 21 October 2015, by section 17(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 70(2)(a): amended, on 3 March 2015, by section 41(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 70(2)(c): amended, on 3 March 2015, by section 41(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 70(2)(fa): inserted, on 3 March 2015, by section 41(5) of the Gambling Amendment Act 2015 (2015 No 3).

Section 70(2)(g): amended, on 3 March 2015, by section 41(6) of the Gambling Amendment Act 2015 (2015 No 3).

71 Significant changes in relation to class 4 venue licence must be notified

(1) A corporate society holding a class 4 venue licence must notify the Secretary, and provide details, if any of the following things occur:

(a) a key person in relation to the class 4 venue licence is convicted of a relevant offence:

(b) a key person in relation to the class 4 venue licence is placed in receivership, goes into liquidation, or is adjudged bankrupt:

(c) a key person in relation to a class 4 venue licence breaches a rule of racing made under section 37 of the Racing Industry Act 2020:

(d) the venue manager ceases to be the venue manager or is incapable of performing the duties of his or her position:

(da) the venue manager changes:

(e) the venue operator changes:

(f) the nature of the class 4 venue changes:

(g) the corporate society has not conducted class 4 gambling at the venue for a period of more than 4 weeks (in which case the class 4 venue licence must be surrendered, under section 79(1)(a), unless the Secretary agrees that the venue may remain inactive for a further specified period).

(2) Notification must be made before, or as soon as practicable after, an event listed in subsection (1) occurs.

(3) The powers and obligations in section 66 apply to a notification as if the notification were an application for a class 4 venue licence.

(4) The Secretary may require the corporate society to apply for an amendment under section 73, or may invoke the suspension or cancellation provisions under sections 74 and 75, as a result of the notification.

Section 71(1)(c): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 71(1)(da): inserted, on 3 March 2015, by section 42(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 71(1)(g): amended, on 3 March 2015, by section 42(2) of the Gambling Amendment Act 2015 (2015 No 3).

Renewal or amendment of class 4 venue licence

72 Renewal of class 4 venue licence

(1) A corporate society may apply to the Secretary for a renewal of its class 4 venue licence before the expiry of the licence.

(2) An application must be on the relevant standard form and be accompanied by any items listed in section 65 that the Secretary requests in order to consider the application and effect the renewal.

(3) The Secretary may return an incomplete application, and the accompanying documents and any fee, to an applicant.

(4) Sections 66 and 67 apply to an application for renewal as if it were an application for a class 4 venue licence.

(5) The Secretary must refuse to renew a class 4 venue licence if—

(a) the applicant does not hold the associated operator's licence; or

(b) any investigations carried out by the Secretary cause the Secretary not to be satisfied about any of the matters specified in section 67; or

(c) the Secretary is not satisfied that the applicant complies with section 69A; or

(d) the Secretary is not satisfied that the applicant will comply with all relevant requirements of this Act, including the obligations set out in section 69A, minimum standards, game rules, *Gazette* notices, and licence conditions.

(6) Unless the associated operator's licence is cancelled, suspended, or not renewed, a class 4 venue licence continues in force after its expiry date if—

(a) the corporate society has applied for renewal before the expiry date; and

(b) the application has not been refused.

Section 72(5): replaced, on 3 March 2015, by section 43 of the Gambling Amendment Act 2015 (2015 No 3).

73 Amending class 4 venue licence

(1) A corporate society must apply to the Secretary to amend its class 4 venue licence if the corporate society proposes to—

(a) change any gambling equipment at the venue; or

(b) increase the number of gaming machines that it may operate at the venue; or

(c) change any condition of the licence or any procedure that is a condition of the licence.

(2) An application must be on the relevant standard form and be accompanied by any items listed in section 65 that the Secretary requests in order to consider the application and effect the amendment.

(3) The Secretary may return an incomplete application, and the accompanying documents and any fee, to an applicant.

(4) Sections 66 and 67 apply to an application for amendment as if it were an application for a class 4 venue licence.

(5) The Secretary must refuse to amend a class 4 venue licence if—

(a) the applicant does not hold the associated operator's licence; or

(b) any investigations carried out by the Secretary cause the Secretary not to be satisfied about any of the matters specified in section 67; or

(c) the Secretary is not satisfied that the applicant complies with section 69A; or

(d) the Secretary is not satisfied that the applicant will comply with all relevant requirements of this Act, including the obligations set out in section 69A, minimum standards, game rules, *Gazette* notices, and licence conditions.

Section 73(5): replaced, on 3 March 2015, by section 44 of the Gambling Amendment Act 2015 (2015 No 3).

Suspension, cancellation, or refusal to amend or renew class 4 venue licence

74 Suspension or cancellation of class 4 venue licence

(1) The Secretary may suspend for up to 6 months, or cancel, a class 4 venue licence if the Secretary is satisfied that—

(a) any of the grounds in section 67 are no longer met; or

(b) the corporate society is failing, or has failed, to comply with all relevant requirements of this Act, including the obligations set out in section 69A, minimum standards, game rules, *Gazette* notices, and licence conditions; or

(c) the class 4 venue agreement is no longer consistent with ensuring compliance with this Act or the licence; or

(d) the corporate society supplied information that is materially false or misleading in its application for—

(i) a class 4 venue licence; or

(ii) a renewal or an amendment of a class 4 venue licence; or

(iii) a class 4 operator's licence; or

(iv) a renewal or an amendment of a class 4 operator's licence.

(2) In deciding whether to suspend or cancel a class 4 venue licence, the Secretary must take into account the matters in section 67.

(3) The Secretary may exercise the power of suspension conferred by this section in respect of any breach that falls within any of paragraphs (a) to (d) of subsection (1) whether or not—

(a) the breach continues at the time that the power is exercised or is proposed to be exercised:

(b) a penalty is prescribed for the breach.

Section 74(1)(b): replaced, on 3 March 2015, by section 45(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 74(3): inserted, on 3 March 2015, by section 45(2) of the Gambling Amendment Act 2015 (2015 No 3).

75 Procedure for suspending, cancelling, or refusing to amend or renew class 4 venue licence

(1) If the Secretary proposes to suspend, cancel, or refuse to amend or renew a class 4 venue licence, the Secretary must notify the corporate society or, if there is a venue agreement, the parties to the agreement, and the venue manager of—

(a) the proposal to suspend, cancel, or refuse to amend or renew the licence; and

(b) the reason for the proposed suspension, cancellation, or refusal; and

(c) their rights, and the procedure to be followed—

(i) before the suspension or cancellation takes effect; or

(ii) as a result of the refusal to amend or renew the licence.

(2) The corporate society or the parties to the venue agreement, and the venue manager may make written submissions to the Secretary concerning the proposed suspension, cancellation, or refusal to amend or renew within—

(a) 20 working days after the date of the notice under subsection (1); or

(b) any longer period that the Secretary allows if an application for an extension is made within the time period specified in paragraph (a).

(3) The Secretary must consider any submissions made by the corporate society or the parties to the venue agreement, or the venue manager.

(4) If the Secretary decides to suspend a licence, the Secretary must notify the corporate society or the parties to the venue agreement, and the venue manager of—

(a) the date that the suspension takes effect; and

(b) the suspension period (up to 6 months); and

(c) the reason for the suspension.

(d) *[Repealed]*

(e) *[Repealed]*

(4A) Where the licence is suspended because of a continuing breach, the Secretary must notify the society of—

(a) the matters to be dealt with in order for the Secretary to consider withdrawing the suspension before the end of the suspension period; and

(b) the consequences of not dealing with the matters identified.

(5) If the Secretary decides to cancel or refuse to amend or renew a licence, the Secretary must notify the corporate society or the parties to the venue agreement, and the venue manager of,—

(a) for a cancellation, the date on which the cancellation takes effect and the reason for the cancellation; or

(b) for a refusal to amend or renew, the reason for the refusal.

(6) If subsection (4) or subsection (5) applies, the Secretary must also notify the corporate society or the parties to the venue agreement, and the venue manager of—

(a) the right to appeal the decision; and

(b) the process to be followed for an appeal under section 77.

Section 75(4)(c): replaced, on 3 March 2015, by section 46(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 75(4)(d): repealed, on 3 March 2015, by section 46(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 75(4)(e): repealed, on 3 March 2015, by section 46(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 75(4A): inserted, on 3 March 2015, by section 46(2) of the Gambling Amendment Act 2015 (2015 No 3).

76 Consequences of suspension, cancellation, or refusal to amend or renew class 4 venue licence

(1) The suspension or cancellation of, or refusal to amend or renew, a class 4 venue licence does not affect—

(a) the obligation of the corporate society to apply or distribute the net proceeds from the class 4 gambling in accordance with this Act and the licence; and

(b) any condition added to the licence by the Secretary relating to records that must be maintained and reporting requirements.

(2) The Secretary may decide to withdraw a suspension before the end of the suspension period if the reasons for the suspension are resolved to the satisfaction of the Secretary.

(3) The Secretary may decide to cancel a suspended licence at the end of the suspension period if the reasons for the suspension are not resolved to the satisfaction of the Secretary.

(4) Section 75(5) and (6) apply to the cancellation of a suspended licence.

(5) Subject to section 78, a licence that is suspended or cancelled or refused to be renewed or amended remains in force or unchanged (as the case may be) until the period for making an appeal expires.

(6) A corporate society is not entitled to a refund of fees, taxes, or levies paid in relation to class 4 gambling if the Secretary suspends, cancels, or refuses to amend or renew its class 4 venue licence.

77 Appeal to Gambling Commission regarding class 4 venue licence

(1) A corporate society or, if there is a venue agreement, the parties to the agreement, and the venue manager may appeal to the Gambling Commission against a decision of the Secretary to—

(a) refuse to grant a class 4 venue licence to the corporate society; or

(b) amend or revoke a condition of the licence, or add a new condition to it; or

(c) refuse an application by the corporate society for the renewal of a class 4 venue licence; or

(d) refuse to amend a class 4 venue licence held by the corporate society; or

(e) suspend or cancel a class 4 venue licence held by the corporate society.

(1A) To avoid doubt, the specification of an expiry date under section 70(1A) is not a decision that may be appealed to the Gambling Commission.

(2) An appeal must be in writing and must be made within—

(a) 15 working days after the date of the notice of the Secretary's decision; or

(b) any longer period that the Gambling Commission allows if an application for an extension is made within the time period specified in paragraph (a).

(3) The Gambling Commission—

(a) may request any information from the corporate society or the parties to the agreement or the venue manager or the Secretary; and

(b) is not bound to follow any formal procedure; and

(c) does not need to hold a hearing; and

(d) must consider any information provided by the corporate society, or the parties to the venue agreement, and the venue manager and the Secretary.

(4) The Gambling Commission may—

(a) confirm, vary, or reverse the decision of the Secretary; or

(b) refer the matter back to the Secretary with directions to reconsider the decision.

(5) The Gambling Commission must give notice of—

(a) its decision, with reasons, to the corporate society, or the parties to the venue agreement, and the venue manager and the Secretary; and

(b) the date on which its decision takes effect (which may be a date that is later than the date on which it makes the decision).

Section 77(1A): inserted, on 21 October 2015, by section 18(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 77(5): replaced, on 21 October 2015, by section 18(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

78 Consequences of appeal regarding class 4 venue licence

(1) The conditions of a class 4 venue licence remain unchanged pending the outcome of an appeal if the appellant appeals an amendment or revocation of a condition or the addition of a new condition under section 77(1)(b).

(2) A class 4 venue licence remains in force until—

(a) the expiry of the period for an appeal under section 77(2); or

(b) the date that the Gambling Commission specifies under section 77(5), if the appellant—

(i) appeals a refusal to renew or amend the licence under section 77(1)(c) or (d); or

(ii) appeals a decision to suspend or cancel the licence under section 77(1)(e).

Section 78(2)(b): amended, on 21 October 2015, by section 19 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Other matters

79 Surrender of class 4 venue licence

(1) A corporate society—

(a) must surrender a class 4 venue licence to the Secretary in the circumstances described in section 71(1)(g):

(b) may surrender a class 4 venue licence to the Secretary at any other time.

(2) The surrender of a class 4 venue licence does not affect—

(a) the obligation of the corporate society to apply or distribute the net proceeds from the gambling in accordance with this Act and the licence; and

(b) any condition relating to records that must be maintained and reporting requirements.

80 Class 4 venue licence not transferable

A class 4 venue licence is not transferable.

81 Complaints to Secretary

(1) This section applies if a person makes a complaint to the Secretary about the conduct of class 4 gambling at a particular venue or by the holder of a class 4 operator's licence.

(2) The Secretary must, as soon as practicable after receiving a complaint, investigate the complaint and notify the complainant, if possible, as to whether any action has been, or will be, taken in respect of the complaint and the nature of any action taken.

(3) The complainant may complain to the Gambling Commission about the way the Secretary has handled the complaint.

(4) The Gambling Commission must then—

- (a) require the Secretary to provide a report about the way the complaint was handled; and
- (b) consider the matter in light of the Secretary's report; and
- (c) report to the Minister about the matter if the Gambling Commission considers that the Secretary did not handle the complaint appropriately; and
- (d) notify the complainant and the Secretary of its view and any report to the Minister.

82 Certain information must be displayed at class 4 venue

(1) The holder of a class 4 venue licence must display at the class 4 venue the following information:

- (a) the commencement date and expiry date of the class 4 venue licence:
- (b) contact details for the holder of the class 4 venue licence:
- (c) if the net proceeds from gambling at the class 4 venue are mainly or wholly distributed to the community,—
  - (i) details of how and where to apply for a grant of net proceeds; and
  - (ii) the corporate society's contact details for submitting complaints regarding the distribution of net proceeds; and
  - (iii) a statement that the law does not permit venue personnel to be involved in decisions about, or to manage or provide applications for, grants to the community:
- (d) that complaints about the conduct of gambling in the venue or the conduct of a holder of a class 4 operator's licence may be made to the Secretary.

(2) If a class 4 venue agreement is not required in respect of the class 4 venue under section 65(3) or (4), the information must be displayed at all times on a sign in the immediate area where gaming machines are located.

(3) For all other class 4 venues, the information must be displayed at all times—

(a) on a sign in the immediate area where gaming machines are located; and

(b) on a sign that can be easily read by persons immediately outside each principal entrance.

(4) The holder of a class 4 venue licence who fails to comply with this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

Section 82(1)(c): amended, on 3 March 2015, by section 47(a) of the Gambling Amendment Act 2015 (2015 No 3).

Section 82(1)(c)(ii): replaced, on 3 March 2015, by section 47(b) of the Gambling Amendment Act 2015 (2015 No 3).

Section 82(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

83 Obligation on disposal of gaming machines

(1) The holder or former holder of a class 4 operator's licence must provide the following information to the Secretary within 20 working days of disposing of a gaming machine:

(aa) the manufacturer, model, and serial number of the gaming machine and any other details necessary to identify the gaming machine with ease; and

(a) the means of disposal; and

(b) if relevant, the name of the acquirer of the gaming machine and the details necessary to contact the acquirer with ease.

(2) The holder or former holder of a class 4 operator's licence who contravenes this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

Section 83(1): amended, on 3 March 2015, by section 48(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 83(1)(aa): inserted, on 3 March 2015, by section 48(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 83(1)(b): amended, on 3 March 2015, by section 48(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 83(2): amended, on 3 March 2015, by section 48(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 83(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

84 Prohibition on certain gaming machines in class 4 venue

(1) On and from the date that is 6 months after the commencement of this section, the holder of a class 4 venue licence must not operate, or allow to be operated, at the class 4 venue a gaming machine that is able to accept banknotes with a denomination greater than $20.

(2) The holder of a class 4 venue licence who fails to comply with this section commits an offence and is liable on conviction to a fine not exceeding $10,000.

Section 84(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Disabling gambling equipment and electronic monitoring of gaming machines

85 Disabling gambling equipment

(1) The Secretary may disable or seal gambling equipment, without prior notice to the holder of the class 4 operator's licence or class 4 venue licence, the venue operator, or the venue manager, if the Secretary believes, on reasonable grounds, that the gambling equipment does not comply with minimum standards, or is faulty, or has been tampered with.

(2) The Secretary must enable or unseal gambling equipment if the Secretary no longer believes, on reasonable grounds, that the gambling equipment does not comply with minimum standards, or is faulty, or has been tampered with or the Secretary is satisfied that the problem has been, or will be, rectified.

(3) A disablement or subsequent enablement may—

(a) be effected manually or by means of an electronic monitoring system; and

(b) result from a decision of the Secretary or occur automatically by the operation of an electronic monitoring system.

(4) A disablement or sealing is not a suspension or cancellation of a class 4 operator's licence or a class 4 venue licence.

(5) The Secretary may disable or subsequently enable—

(a) a particular item of gambling equipment at a venue; or

(b) all gambling equipment at a venue; or

(c) all or some gambling equipment at various venues.

(6) If a fault in the electronic monitoring system or the telecommunications system used to operate the electronic monitoring system causes gambling equipment not to operate, the Crown or a person appointed under section 88 to implement and operate the system is not liable for any compensation to any person for loss or damage caused by the failure of the equipment to operate.

Section 85(6): amended, on 3 March 2015, by section 49 of the Gambling Amendment Act 2015 (2015 No 3).

86 Holder of class 4 operator's licence must connect to electronic monitoring system

(1) The holder of a class 4 operator's licence must connect the following gambling equipment to an electronic monitoring system specified by the Secretary in a notice to the holder:

(a) all gaming machines under the holder's control; and

(b) any other gambling equipment, or classes of gambling equipment, specified by the Secretary by notice.

(2) The holder of a class 4 operator's licence—

(a) must bear the cost of replacing or upgrading gambling equipment in order to enable the connection of gaming machines to an electronic monitoring system; and

(b) may be required by the Secretary to bear the cost of equipping or upgrading a class 4 venue for which it holds a licence in order to enable the connection of gaming machines to an electronic monitoring system.

(3) The holder of a class 4 operator's licence must comply with subsection (1) by the date or dates notified to that holder by the Secretary, and the Secretary may notify particular dates that apply—

(a) to particular corporate societies or classes of corporate society:

(b) to particular class 4 venues or classes of class 4 venues.

(4) *[Repealed]*

(5) The holder of a class 4 operator's licence must not operate gaming machines after the date or dates notified to the holder by the Secretary unless the machines are connected to an electronic monitoring system specified by the Secretary.

(6) A notice under subsection (1)(b) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 86(1): replaced, on 3 March 2015, by section 50(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 86(1)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 86(3)(a): replaced, on 3 March 2015, by section 50(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 86(4): repealed, on 3 March 2015, by section 50(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 86(6): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

87 Functions of electronic monitoring system

(1) The Secretary may use an electronic monitoring system for, amongst other things,—

(a) monitoring and receiving information about—

(i) the funds used to gamble on gaming machines and the destination of those funds:

(ii) the number and location of gaming machines:

(iii) the potential of gaming machines for problem gambling:

(iv) faults with gaming machines:

(v) tampering with gaming machines:

(vi) suspected contraventions of this Act:

(b) controlling gaming machines:

(c) disabling or enabling gaming machines.

(2) Any statistical information that is collated by the Secretary from information received under subsection (1)(a) must be made available on the Department's website, or in another electronic form that is easily accessible to the public, within a reasonable time after that information is collated.

88 Secretary may select monitor

(1) The Secretary may appoint 1 person that the Secretary considers to be suitable to implement and operate an electronic monitoring system.

(2) Despite subsection (1), the Secretary may appoint 1 or more persons that the Secretary considers to be suitable to implement and operate 1 or more electronic monitoring systems in order to facilitate the transfer of an electronic monitoring system from the person appointed under subsection (1) to another person.

Section 88(2): inserted, on 3 March 2015, by section 51 of the Gambling Amendment Act 2015 (2015 No 3).

Particular limits on numbers of gaming machines

89 Notification required

(1) A society that operates gaming machines on the commencement of this section must notify the Secretary, in the manner that the Secretary reasonably requests, within 1 month after the commencement of this section of—

(a) the class 4 venues where the gaming machines were lawfully operated (on the day 3 days after the commencement of this section); and

(b) the number of gaming machines lawfully operated at each class 4 venue (on the day 3 days after the commencement of this section); and

(c) the serial number and model of each gaming machine at each class 4 venue (on the day 3 days after the commencement of this section).

(2) If the Secretary decides to cancel a class 4 operator's licence because a society has not complied with subsection (1)—

(a) the Secretary is not required to follow the cancellation procedure under section 59; and

(b) the Secretary must notify the society that the class 4 operator's licence is cancelled from the date of notification; and

(c) there is no right of appeal from the decision.

90 Register of class 4 venue licences must be maintained

(1) The Secretary must maintain a register of places for which a class 4 venue licence was held on 17 October 2001, and, if a new place is substituted for such a place in accordance with a relocation policy, must amend the register accordingly.

(2) The Secretary must make an entry in the register if, at any time after 17 October 2001, there is a period of 6 months or more during which there is no class 4 venue licence for a class 4 venue to which subsection (1) applies.

Section 90(1): amended, on 14 September 2013, by section 5 of the Gambling (Gambling Harm Reduction) Amendment Act 2013 (2013 No 71).

91 No compensation

No compensation is payable by the Crown or a territorial authority to any person for any loss or damage arising from the enactment or operation of sections 89 to 101 or section 102(5A).

Section 91: amended, on 14 September 2013, by section 6 of the Gambling (Gambling Harm Reduction) Amendment Act 2013 (2013 No 71).

92 Limit on number of gaming machines for which class 4 venue licence held on 17 October 2001

(1) This section applies to a class 4 venue for which—

(a) a class 4 venue licence was held on 17 October 2001; and

(b) there has not been a period of 6 months or more since 17 October 2001 when no class 4 venue licence was held.

(2) A corporate society must not operate more than 18 gaming machines at a class 4 venue.

(3) The number of gaming machines notified to the Secretary under section 89(1), and the models and serial numbers of the gaming machines, must be treated as a condition of the class 4 venue licence and the corporate society must not change the gaming machines, or operate more than that number of gaming machines at the venue, unless—

(a) a new class 4 venue licence is obtained that allows the change; or

(b) the licence is amended to allow the change.

(4) The limit in subsection (2) and the condition as to number imposed under subsection (3) may be overridden under section 95 or reduced by regulations made under section 314(1)(a).

Section 92(2): amended, on 3 March 2015, by section 52 of the Gambling Amendment Act 2015 (2015 No 3).

Section 92(3): amended, on 3 March 2015, by section 52 of the Gambling Amendment Act 2015 (2015 No 3).

93 Limit on number of gaming machines for which class 4 venue licence granted after 17 October 2001 but before commencement

(1) This section applies to a class 4 venue—

(a) to which section 92 does not apply; and

(b) for which a class 4 venue licence is held that was granted after 17 October 2001 but before the commencement of this section.

(2) A corporate society must not operate more than 9 gaming machines at a class 4 venue.

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

(6) *[Repealed]*

(7) *[Repealed]*

(8) The number of gaming machines notified to the Secretary under section 89(1), and the models and serial numbers of the gaming machines, must be treated as a condition of the class 4 venue licence and the corporate society must not change the gaming machines, or operate more than that number of gaming machines at the venue, unless—

(a) a new class 4 venue licence is obtained that allows the change; or

(b) the licence is amended to allow the change.

(9) The limit in subsection (2) and the condition as to number imposed under subsection (8) may be overridden under section 96, or reduced by regulations made under section 314(1)(a).

Section 93(2): amended, on 3 March 2015, by section 53(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 93(3): repealed, on 3 March 2015, by section 53(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 93(4): repealed, on 3 March 2015, by section 53(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 93(5): repealed, on 3 March 2015, by section 53(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 93(6): repealed, on 3 March 2015, by section 53(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 93(7): repealed, on 3 March 2015, by section 53(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 93(8): amended, on 3 March 2015, by section 53(3) of the Gambling Amendment Act 2015 (2015 No 3).

94 Limit on number of gaming machines for venue with venue licence granted after commencement

(1) This section applies to a class 4 venue—

(a) to which section 92 does not apply; and

(b) for which a class 4 venue licence is granted after the commencement of this section.

(2) A corporate society must not operate at a class 4 venue more than the greater of—

(a) 9 gaming machines; or

(b) the number of gaming machines approved by the Minister under section 96.

(3) The limits in subsection (2) may be reduced by regulations made under section 314(1)(a).

95 Ministerial discretion to permit more gaming machines if clubs merge

(1) This section applies to 2 or more corporate societies that the Minister is satisfied are clubs and—

(a) 2 or more of which hold class 4 venue licences; and

(b) can each demonstrate a significant history of—

(i) operating as clubs for club purposes; and

(ii) operating the number of machines specified in any class 4 venue licences held immediately before making an application to the Minister under subsection (2); and

(c) can each demonstrate that they intend to merge into a single club operating at a single class 4 venue; and

(d) can demonstrate to the Minister's satisfaction that the proposed class 4 venue is not a commercial premises; and

(e) can demonstrate to the Minister's satisfaction that the merged club will have a substantial active membership; and

(f) have obtained a territorial authority consent for the venue, either without a condition on numbers of gaming machines or with a condition on numbers that is consistent with the number of gaming machines that it is proposed to operate at the venue.

(2) The corporate societies may apply jointly to the Minister for approval to operate up to the number of gaming machines consented to by the territorial authority at the proposed venue.

(3) The Minister may approve an application under subsection (2) as the Minister sees fit.

(4) The Minister's approval must specify the number of gaming machines that may be operated, but the number—

(a) must not exceed the number of gaming machines specified in a territorial authority consent; and

(b) must not in any case exceed the lesser of—

(i) 30; or

(ii) the sum of the number of gaming machines specified in all of the corporate societies' class 4 venue licences at the time of the application.

(5) The corporate societies may then apply jointly to the Secretary for a class 4 venue licence for the proposed venue in accordance with section 65, but the Secretary must not issue a class 4 venue licence until the corporate societies have—

(a) merged; and

(b) obtained a class 4 operator's licence.

(6) On issue of the class 4 venue licence,—

(a) the Secretary must cancel any previous class 4 venue licences held by the corporate societies, and there is no right of appeal against that cancellation; and

(b) a corporate society may not, within 6 months after the cancellation, submit an application for a class 4 venue licence in relation to any of the class 4 venues referred to in paragraph (a).

(7) The limits in subsection (4) may be reduced by regulations made under section 314(1)(a).

Section 95(1)(c): amended, on 3 March 2015, by section 54(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 95(3): replaced, on 3 March 2015, by section 54(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 95(6)(a): amended, on 3 March 2015, by section 54(3)(a) of the Gambling Amendment Act 2015 (2015 No 3).

Section 95(6)(b): replaced, on 3 March 2015, by section 54(3)(b) of the Gambling Amendment Act 2015 (2015 No 3).

96 Ministerial discretion to permit more than 9 machines at certain class 4 venues

(1) This section applies to a corporate society that the Minister is satisfied is a club that proposes to operate gaming machines at a class 4 venue and to which section 92 does not apply and that—

(a) holds a class 4 operator's licence; and

(b) can demonstrate a significant history of—

(i) operating as a club for club purposes; and

(ii) operating the number of machines specified in any class 4 venue licence held immediately before making an application to the Minister under subsection (2); and

(c) can demonstrate to the Minister's satisfaction that the proposed class 4 venue is not a commercial premises; and

(d) can demonstrate to the Minister's satisfaction that it has a substantial active membership; and

(e) has obtained a territorial authority consent for the venue, either without a condition on numbers of machines or with a condition on numbers that is consistent with the number of machines that it is proposed to operate at the venue.

(2) The corporate society may apply to the Minister for approval to operate up to 18 gaming machines at the proposed venue.

(3) The Minister may approve an application under subsection (2) as the Minister sees fit.

(4) The Minister's approval must specify the number of gaming machines that may be operated but the number—

(a) must not exceed the number of gaming machines specified in the territorial authority consent; and

(b) must not in any case exceed 18.

(5) The corporate society may then apply to the Secretary for a class 4 venue licence for the venue in accordance with section 65 or, if it holds a class 4 venue licence for the venue, an amendment to the licence in accordance with section 73.

(5A) On the issue of a new class 4 venue licence,—

(a) the Secretary must cancel any previous class 4 venue licences held by the corporate society, and there is no right of appeal against that cancellation; and

(b) a corporate society may not, within 6 months after the cancellation, submit an application for a class 4 venue licence in relation to any of the class 4 venues referred to in paragraph (a).

(6) The limits in subsection (4) may be reduced by regulations made under section 314(1)(a).

Section 96(3): replaced, on 3 March 2015, by section 55(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 96(5A): inserted, on 3 March 2015, by section 55(2) of the Gambling Amendment Act 2015 (2015 No 3).

97 Power to issue, renew, or amend class 4 licence may be overridden

The Secretary's power to issue, renew, or amend a class 4 operator's licence or class 4 venue licence may be overridden by regulations made under section 314.

97A Effect of relocation

(1) This section applies when—

(a) a territorial authority has adopted a relocation policy (as defined in section 101(5)); and

(b) in accordance with that policy, the territorial authority grants consent in respect of a venue (the **new venue**) to replace an existing venue (the **old venue**); and

(c) a new class 4 venue licence is granted in respect of the new venue.

(2) When this section applies,—

(a) the Secretary must cancel the class 4 venue licence that relates to the old venue, in which case—

(i) the cancellation takes effect on the date on which the new class 4 venue licence takes effect; and

(ii) there is no right of appeal against the cancellation; and

(b) despite section 100(1)(b)(i), the maximum number of gaming machines permitted to operate at the new venue at the time when the new class 4 venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled; and

(c) for the purposes of this Act,—

(i) if the old venue was a venue to which section 92 applied, the new venue must be treated as a venue to which section 92 applies; and

(ii) the old venue must be treated as if no class 4 venue licence had ever been held by any society for that venue (which means that, under section 98, consent will be required for that venue if a class 4 venue licence is subsequently applied for in relation to it).

Section 97A: inserted, on 14 September 2013, by section 7 of the Gambling (Gambling Harm Reduction) Amendment Act 2013 (2013 No 71).

Territorial authority consent

98 When territorial authority consent required

A territorial authority consent is required in the following circumstances:

(a) if a corporate society proposes to increase the number of gaming machines that may be operated at a class 4 venue (whether by way of an application for, or amendment to, a class 4 venue licence, and whether or

not in association with an application for ministerial discretion under section 95 or 96):

(b) if a corporate society applies for a class 4 venue licence and a class 4 venue licence has not been held by any corporate society for the venue within the last 6 months:

(c) if a corporate society proposes, in accordance with a relocation policy of the territorial authority, to change the venue to which a class 4 venue licence currently applies.

Section 98: replaced, on 3 March 2015, by section 56 of the Gambling Amendment Act 2015 (2015 No 3).

99 Application for territorial authority consent

(1) An application for a territorial authority consent must be made to the territorial authority for the district in which the class 4 venue is, or will be, located.

(2) The application must be accompanied by the information required by the territorial authority to enable it to consider the application properly.

(3) An application for consent in accordance with a relocation policy may be made only with the agreement of the venue operator of the existing venue.

Section 99(3): inserted, on 14 September 2013, by section 9 of the Gambling (Gambling Harm Reduction) Amendment Act 2013 (2013 No 71).

100 Considering and determining application for territorial authority consent

(1) A territorial authority must—

(a) consider and determine an application for a territorial authority consent in accordance with its class 4 venue policy; and

(b) then either—

(i) grant a consent with or without a condition specifying the maximum number of gaming machines that may be operated at the venue (but with no other condition); or

(ii) not grant a consent.

(2) However, if a corporate society applies for a territorial authority consent for an amendment to a class 4 venue licence to allow an increase in the number of gaming machines that may be operated at a venue, a territorial authority—

(a) must consider and determine the application in accordance with subsection (1); but

(b) may not include a condition specifying a maximum number of machines that may be operated at the venue that is fewer than the number of machines that may be operated currently at the venue.

(3) The territorial authority must notify the applicant of its determination within 30 working days after the later of—

(a) the date of receipt of the application; or

(b) the date that it adopts a class 4 venue policy.

(4) A territorial authority must not consider an application for a territorial authority consent before it has a class 4 venue policy.

(5) A territorial authority consent for a class 4 venue expires 6 months after its date of issue if no application for a class 4 venue licence in relation to the venue has been submitted.

Section 100(1)(a): amended, on 3 March 2015, by section 57(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 100(1)(a): amended, on 15 December 2005, by section 6 of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

Section 100(1)(b)(i): amended, on 3 March 2015, by section 57(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 100(3)(b): amended, on 15 December 2005, by section 6 of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

Section 100(4): amended, on 15 December 2005, by section 6 of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

Section 100(5): inserted, on 3 March 2015, by section 57(3) of the Gambling Amendment Act 2015 (2015 No 3).

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).

Section 101(3)(b): amended, on 14 September 2013, by section 10(1) of the Gambling (Gambling Harm Reduction) Amendment Act 2013 (2013 No 71).

Section 101(3)(c): inserted, on 14 September 2013, by section 10(2) of the Gambling (Gambling Harm Reduction) Amendment Act 2013 (2013 No 71).

Section 101(5): inserted, on 14 September 2013, by section 10(3) of the Gambling (Gambling Harm Reduction) Amendment Act 2013 (2013 No 71).

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.

(6) A policy does not cease to have effect because it is due for review or being reviewed.

Section 102(1)(a): amended, on 3 March 2015, by section 58 of the Gambling Amendment Act 2015 (2015 No 3).

Section 102(5A): inserted, on 14 September 2013, by section 11 of the Gambling (Gambling Harm Reduction) Amendment Act 2013 (2013 No 71).

Section 102(5B): inserted, on 14 September 2013, by section 11 of the Gambling (Gambling Harm Reduction) Amendment Act 2013 (2013 No 71).

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.

Section 103(a): amended, on 3 March 2015, by section 59 of the Gambling Amendment Act 2015 (2015 No 3).

Net proceeds and costs of class 4 gambling

104 Gaming machine profits must be banked

(1) A venue manager must bank all gaming machine profits from class 4 gambling into a dedicated account for gaming machine profits specified by, and in the name of, the holder of the class 4 operator's licence at a registered bank in New Zealand.

(2) The venue manager must bank the gaming machine profits within the time frame specified in regulations made under section 371 or, if no time frame is specified, as soon as reasonably practicable.

(3) If a venue manager contravenes subsection (1) or (2), the holder of the class 4 operator's licence—

(a) must advise the Secretary of the contravention as soon as possible after becoming aware of the contravention; and

(b) must immediately—

(i) take steps to disable all gaming machines at the class 4 venue and advise the Secretary of the disablement; or

(ii) request the Secretary to disable all gaming machines at the class 4 venue by means of the electronic monitoring system; and

(c) must not subsequently enable, or if paragraph (b)(ii) applies, request the Secretary to enable, the gaming machines at the class 4 venue until the gaming machine profits have been banked in accordance with subsection (1).

(4) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

(5) In this section and sections 105 and 105A, **gaming machine profits** means the turnover of class 4 gambling minus the total prizes paid.

Section 104(1): replaced, on 3 March 2015, by section 60(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 104(1): amended, on 21 October 2015, by section 20 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 104(2): amended, on 3 March 2015, by section 60(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 104(2): time frame specified as within 5 working days beginning on the day that the profits are, or ought to be, calculated, on 6 April 2006, by regulation 4 of the Gambling (Class 4 Banking) Regulations 2006 (SR 2006/40).

Section 104(3): replaced, on 3 March 2015, by section 60(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 104(4): amended, on 3 March 2015, by section 60(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 104(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 104(5): replaced, on 3 March 2015, by section 60(5) of the Gambling Amendment Act 2015 (2015 No 3).

105 Interest, etc, on gaming machine profits

(1) The holder of a class 4 operator's licence must ensure that the interest or other investment return on the gaming machine profits referred to in section 104, plus any gain above the book value from the sale of gambling assets, is credited directly to or banked directly into (as the case may be) a dedicated account for gaming machine profits in the name of the holder of the class 4 operator's licence at a registered bank in New Zealand.

(2) The interest, investment return, or proceeds must be banked within the time frame specified in regulations made under section 371 or, if no time frame is specified, as soon as reasonably practicable.

(3) *[Repealed]*

(4) A holder of a class 4 operator's licence who contravenes this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

Section 105(1): replaced, on 3 March 2015, by section 61(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 105(3): repealed, on 3 March 2015, by section 61(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 105(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

105A Management of gaming machine profits bank account

(1) The holder of a class 4 operator's licence must not meet the costs of the class 4 gambling operation or apply funds to, or distribute funds for, authorised purposes except from a dedicated account for gaming machine profits referred to in section 104(1) or 105(1).

(2) Unless the Secretary gives consent to some or all of the gaming machine profits, interest, investment return, and any gain above the book value from the sale of gambling assets being transferred to another bank account, the gaming machine profits, interest, investment return, and any gain above the book value from the sale of gambling assets must remain in the account for the gaming machine profits until the class 4 operator either—

(a) uses the gaming machine profits, interest, investment return, and any gain above the book value from the sale of gambling assets to meet the costs of the class 4 gambling operation; or

(b) applies the gaming machine profits, interest, investment return, and any gain above the book value from the sale of gambling assets to, or distributes the gaming machine profits, interest, investment return, and any gain above the book value from the sale of gambling assets for, authorised purposes.

(3) A holder of a class 4 operator's licence who contravenes this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

Section 105A: inserted, on 3 March 2015, by section 62 of the Gambling Amendment Act 2015 (2015 No 3).

106 Corporate society must apply or distribute net proceeds from class 4 gambling to or for authorised purpose

(1) A corporate society must apply or distribute the net proceeds from class 4 gambling only to or for an authorised purpose specified in the corporate society's licence.

(1A) To avoid doubt, the requirement in subsection (1) for a corporate society to apply or distribute the net proceeds from class 4 gambling is subject to the restriction in section 52A relating to the circumstances in which a corporate society may apply, rather than distribute, those net proceeds.

(2) A corporate society that fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding $10,000.

(3) A court that convicts a corporate society of an offence under this section may—

(a) make whatever orders are necessary to recover an amount of proceeds wrongly applied or distributed or to safeguard an amount not applied or distributed; and

(b) order the application or distribution of an amount of proceeds not yet applied or distributed.

(4) The effect of a conviction under this section is that—

(a) the class 4 operator's licence and all class 4 venue licences held by the corporate society are cancelled; and

(b) the corporate society does not have a right to appeal the cancellation.

Section 106(1A): inserted, on 3 March 2015, by section 63(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 106(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 106(3)(b): amended, on 3 March 2015, by section 63(2) of the Gambling Amendment Act 2015 (2015 No 3).

107 Corporate society must provide annual report to Secretary

(1) A corporate society must, not later than 3 months after the end of its financial year, provide to the Secretary an annual report on the conduct of class 4 gambling by the corporate society during the financial year.

(2) The annual report must include—

(a) the information described in section 108; and

(b) an auditor's report on the information contained in the report.

(3) The first financial year for which a corporate society must provide an annual report is the financial year that commences after the commencement of this section.

(4) The requirements of this section are in addition to any other reporting requirements imposed on the corporate society in or under this Act or any other enactment.

(5) This section does not limit the Secretary's power to require other financial information in accordance with this Act.

(6) In this section and section 108A, **auditor** means,—

(a) in the case of a public entity under the Public Audit Act 2001, the Auditor-General; or

(b) in any other case, a person who is a qualified auditor within the meaning of section 35 of the Financial Reporting Act 2013.

Section 107(6): replaced, on 1 April 2014, by section 89 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

108 Contents of annual report

(1) An annual report must include—

(a) an itemised statement of the application or distribution of net proceeds from class 4 gambling to or for authorised purposes; and

(b) financial statements prepared in accordance with generally accepted accounting practice.

(1A) The financial statements included in the annual report must comply with regulations made under section 371(1)(dc).

(2) In this section,—

financial statements has the same meaning as in section 6 of the Financial Reporting Act 2013

generally accepted accounting practice has the same meaning as in section 8 of the Financial Reporting Act 2013.

Section 108: replaced, on 1 April 2014, by section 90 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 108(1)(a): amended, on 3 March 2015, by section 64 of the Gambling Amendment Act 2015 (2015 No 3).

Section 108(1A): inserted, on 3 October 2016, by section 21 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

108A Audit must be carried out in accordance with auditing and assurance standards

(1) An auditor must, in carrying out an audit on the information contained in an annual report under section 107, comply with all applicable auditing and assurance standards.

(2) The auditor's report on the information contained in the annual report must comply with the requirements of all applicable auditing and assurance standards.

(3) This section does not apply to a corporate society that is a public entity under the Public Audit Act 2001.

(4) In this section, **applicable auditing and assurance standard** has the same meaning as in section 5 of the Financial Reporting Act 2013.

Section 108A: inserted, on 1 April 2014, by section 90 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

108B Clubs that operate gambling equipment at non-commercial class 4 venues must make financial statements available to members

(1) This section applies to a corporate society that is a club that operates gambling equipment at a non-commercial class 4 venue that—

(a) it owns or leases; and

(b) is mainly for the use of club members.

(2) A corporate society to which this section applies must ensure that a copy of any financial statements referred to in section 108(1)(b) and a copy of the auditor's report on those statements are sent to the members or shareholders of the society (if any) within 20 working days after the annual report is required to be provided to the Secretary under section 107.

(3) A corporate society that contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding $10,000.

Section 108B: inserted, on 1 April 2014, by section 90 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

108C Other corporate societies must make financial statements available on Internet

(1) This section applies to a corporate society other than a corporate society to which section 108B applies.

(2) A corporate society to which this section applies must, not later than 4 months after the end of its financial year, ensure that a copy of any financial statements referred to in section 108(1)(b) for that financial year and a copy of the auditor's report on those statements are available at all reasonable times on an Internet site maintained by or on behalf of the society.

(3) This section does not limit any other duty under this Act or regulations made under this Act to make available the annual report, the financial statements, or the auditor's report.

(4) A corporate society that contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding $10,000.

Section 108C: inserted, on 1 April 2014, by section 90 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

109 Annual review of criteria for distribution of net proceeds

A corporate society that mainly or wholly distributes net proceeds to the community must, at least annually, review the criteria, methods, systems, and policies it uses for consideration of applications for the distribution of net proceeds.

Section 109: amended, on 3 March 2015, by section 65 of the Gambling Amendment Act 2015 (2015 No 3).

110 Publication requirements for corporate societies

(1) This section applies to a corporate society that mainly or wholly distributes net proceeds to the community.

(2) A corporate society must publish, at intervals of not more than 3 months, the availability of net proceeds for authorised purposes.

(3) A corporate society must publish, at least 1 month before any net proceeds are distributed through grants to the community,—

(a) details of where to obtain an application form for a grant, who will consider applications, and the criteria against which they will be considered; and

(b) the names of the persons who hold office in the corporate society and a brief summary of their background; and

(c) the process that the corporate society follows for dealing with complaints regarding distribution of net proceeds.

(4) A corporate society must publish at least annually, or at any shorter intervals specified by regulations, a statement that discloses the following matters:

(a) details of all applications received from applicants during the reporting period:

(b) details disclosing, for each application that has been determined during the reporting period,—

(i) whether it has been accepted in full or declined in full:

(ii) whether it has been accepted in part and declined in part:

(iii) if it has been declined in full or in part, the reasons for that decision:

(c) every amount of net proceeds from class 4 gambling distributed in the reporting period and the applicant to whom that amount relates:

(d) any interest that any member of a corporate society's net proceeds committee has in any applicant who is a recipient of a grant that—

(i) has been made by that committee; and

(ii) is required to be disclosed under paragraph (c):

(e) the results of the corporate society's annual review of the criteria, methods, systems, and policies it uses for considering the distribution of net proceeds from class 4 gambling:

(f) any other matters prescribed by regulations.

(4A) For the purposes of subsection (4)(d), a member of a corporate society's net proceeds committee has an **interest** in a recipient of a grant (a **recipient**) if—

(a) the member may derive a financial benefit from the grant or may have a financial interest in the recipient; or

(b) the member is a part of the immediate family of the recipient; or

(c) where the recipient is an organisation, club, society, or association, the member is—

(i) an officer or a member of the recipient; or

(ii) a part of the immediate family of an officer or a member of the recipient; or

(d) the member is, or has been, the recipient's lawyer or is under a professional obligation to the recipient in another professional capacity; or

(e) the member is, or has been, employed by the recipient, or is, or has been, indebted to the recipient, or is, or has been, involved in business or financial dealings with the recipient; or

(f) the member is otherwise connected or involved with the recipient in a way that can reasonably be perceived as having influenced the decision to make the grant to the recipient.

(4B) A corporate society must, in accordance with the regulations, provide the Secretary with an electronic version of every statement published under subsection (4).

(5) A corporate society that fails to comply with this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

(6) In this section,—

applicant means persons or groups who have applied to the corporate society for grants of net proceeds from class 4 gambling

net proceeds committee means a committee established under the regulations to make decisions on the application or distribution of net proceeds to or for an authorised purpose specified in the licence

part of the immediate family, in relation to an officer or a member of a corporate society's net proceeds committee, means a person—

(a) who is the member's—

(i) spouse, civil union partner, or de facto partner; or

(ii) parent, child, sister, or brother; or

(b) who is the parent, child, sister, or brother of the member's spouse, civil union partner, or de facto partner

publish means to publish in accordance with the regulations

regulations means regulations made under section 114

reporting period, in relation to a statement of any kind required to be published under subsection (4), means the period prescribed by the regulations for a statement of that kind.

Section 110(1): amended, on 3 March 2015, by section 66(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 110(3)(c): amended, on 3 March 2015, by section 66(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 110(4): replaced, on 3 October 2016, by section 22(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 110(4A): inserted, on 3 October 2016, by section 22(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 110(4B): inserted, on 3 October 2016, by section 22(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 110(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 110(6): replaced, on 3 October 2016, by section 22(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

111 Application or distribution of net proceeds when corporate society ceases class 4 gambling

(1) A corporate society that has not operated class 4 gambling for a period of more than 4 weeks must, unless it has notified the Secretary and the Secretary has agreed that it may remain inactive for a further specified period,—

(a) report to the Secretary within 20 working days of the end of that 4-week period on how and when it proposes to apply or distribute the remaining net proceeds to or for authorised purposes; and

(b) promptly sell all gambling assets and apply or distribute any gain above the book value from the sale of gambling assets to or for authorised purposes; and

(c) promptly apply or distribute all other remaining net proceeds from its conduct of class 4 gambling to or for authorised purposes.

(1A) A corporate society that has applied or distributed net proceeds in accordance with subsection (1)(b) or (c) must report to the Secretary on the relevant standard form, within 5 working days of the application or distribution to or for authorised purposes, on—

(a) any gain above the book value from the sale of gambling assets; and

(b) the final application or distribution of net proceeds from class 4 gambling under subsection (1).

(2) A corporate society that fails to comply with this section commits an offence and is liable on conviction to a fine not exceeding $10,000.

Section 111(1): replaced, on 3 March 2015, by section 67 of the Gambling Amendment Act 2015 (2015 No 3).

Section 111(1A): inserted, on 3 March 2015, by section 67 of the Gambling Amendment Act 2015 (2015 No 3).

Section 111(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

112 Orders regarding application or distribution of net proceeds

(1) The Secretary may apply for orders in accordance with subsections (2) and (3) if—

(a) a corporate society ceases to conduct class 4 gambling, whether temporarily or permanently; or

(b) a corporate society fails to apply or distribute net proceeds from class 4 gambling within a time period prescribed by regulations made under section 114; or

(c) the Secretary considers that it is necessary in order to recover net proceeds from class 4 gambling that have been improperly paid to a person.

(2) An application for an order must be made to—

(a) the High Court if the net proceeds from class 4 gambling are, or are estimated to be, more than $350,000; or

(b) the District Court if the net proceeds from class 4 gambling are, or are estimated to be, $350,000 or less.

(3) On application by the Secretary under this section, the High Court or the District Court may—

(a) make whatever orders are necessary to recover an amount improperly paid out, applied, or distributed; or

(b) order the application or distribution of an amount not yet applied or distributed.

Section 112(2)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 112(2)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

113 Key persons must not be involved in certain activities or decisions

(1) A key person in relation to a class 4 venue licence, the application for which was required under section 65(3) to be accompanied by a class 4 venue agreement, must not—

(a) provide application forms for persons or groups in the community to complete in order to apply for grants of net proceeds from class 4 gambling; or

(b) be involved in decisions about, or in managing, the application or distribution of net proceeds from class 4 gambling conducted by a corporate society that operates at the venue (whether or not the net proceeds derive from that venue); or

(c) provide, or be involved in decisions about who will provide, goods or services to the corporate society that conducts gambling at the class 4 venue; or

(d) provide, or be involved in decisions about who will provide, goods or services to recipients of grants of net proceeds from class 4 gambling conducted by a corporate society at the venue if the goods or services constitute at least part of the authorised purpose for which net proceeds were granted; or

(e) be involved in decisions about who will provide goods or services to recipients of grants of net proceeds from class 4 gambling conducted by a corporate society that operates at the venue (whether or not the net proceeds derive from that venue) if the goods or services constitute at least part of the authorised purpose for which net proceeds were granted.

(1A) Subsection (1)(c) does not apply—

(a) to a person who is a key person in relation to the class 4 venue licence only because that person services gambling equipment at the class 4 venue; or

(b) to the provision of services listed in the class 4 venue agreement.

(2) A key person in relation to a class 4 venue licence who contravenes this section commits an offence and is liable on conviction to a fine not exceeding $10,000.

(3) A key person in relation to an operator's licence or the holder of a class 4 operator's licence who knowingly allows a key person in relation to a class 4 venue

licence to contravene this section commits an offence and is liable on conviction to a fine not exceeding $10,000.

Section 113(1): amended, on 3 March 2015, by section 68(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 113(1): amended, on 3 March 2015, by section 68(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 113(1)(c): replaced, on 3 March 2015, by section 68(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 113(1A): inserted, on 3 March 2015, by section 68(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 113(2): amended, on 3 March 2015, by section 68(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 113(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 113(3): amended, on 3 March 2015, by section 68(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 113(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

114 Regulations regarding application or distribution of net proceeds from class 4 gambling

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes relating to the application and distribution of net proceeds from class 4 gambling:

(a) prescribing the amount (or a minimum amount) that a corporate society must allocate for application, apply, or distribute to or for authorised purposes, and that amount may be prescribed as a specific amount or as a percentage (for example, as a percentage of turnover, player expenditure, or net proceeds):

(b) prescribing a time period within which the application or distribution to or for authorised purposes of net proceeds from class 4 gambling must occur:

(c) prescribing requirements for advertising the availability of net proceeds from class 4 gambling for distribution:

(d) prescribing requirements for the methods and processes used to deal with applications for the distribution of net proceeds from class 4 gambling:

(e) prescribing requirements for the publication of information about the application and distribution of net proceeds from class 4 gambling, which may, without limitation, include requirements that information of that kind, or any class of information of that kind, be published—

(i) in a stated manner, location, or form:

(ii) in an electronic form as well as, or instead of, a non-electronic form:

(f) prescribing any matter to be disclosed in a statement published under section 110(4), and the form in which those matters must be disclosed in that statement:

(g) prescribing the form of the electronic version required to be provided under section 110(4B) and the manner in which, and the time within which, it must be provided:

(h) specifying the reporting period to which a statement published under section 110(4) must relate, and different reporting periods may be specified for different cases:

(i) specifying intervals that are shorter than 12 months at which a statement under section 110(4) must be published, and different intervals may be specified for different cases:

(j) requiring that a portion of the proceeds of class 4 gambling (which may be specified or determined by a specified formula or definition) be applied or distributed to or for authorised purposes in, or operating in, the geographical area from which those proceeds were derived:

(k) setting out how geographical areas are to be identified or defined for the purposes of the regulations, and different definitions may be adopted for different purposes:

(l) prescribing the criteria or circumstances under which a corporate society may retain net proceeds to maintain financial viability:

(m) limiting the amount of the net proceeds of class 4 gambling that may be applied or distributed to or for authorised purposes in, or operating in, any specified geographical areas, or all geographical areas, that are outside the geographical area from which those net proceeds were derived:

(n) imposing rules about the application or distribution of net proceeds that are not required to be, or are not prohibited from being, applied or distributed to or for authorised purposes in, or operating in, a particular geographical area:

(o) prescribing any other matters concerning the management, application, or distribution of net proceeds.

(2) Regulations made under subsection (1) may apply—

(a) to specified licence holders or classes of licence holder; or

(b) in respect of specified venues or classes of venue; or

(c) in respect of specified gambling equipment or classes of gambling equipment; or

(d) in respect of specified games or classes of games.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(3) *[Repealed]*

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 114(1)(a): amended, on 3 March 2015, by section 69(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 114(1)(b): amended, on 3 March 2015, by section 69(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 114(1)(e): replaced, on 21 October 2015, by section 23(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 114(1)(f): replaced, on 21 October 2015, by section 23(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 114(1)(g): inserted, on 21 October 2015, by section 23(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 114(1)(h): inserted, on 21 October 2015, by section 23(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 114(1)(i): inserted, on 21 October 2015, by section 23(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 114(1)(j): inserted, on 21 October 2015, by section 23(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 114(1)(k): inserted, on 21 October 2015, by section 23(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 114(1)(l): inserted, on 21 October 2015, by section 23(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 114(1)(m): inserted, on 21 October 2015, by section 23(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 114(1)(n): inserted, on 21 October 2015, by section 23(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 114(1)(o): inserted, on 21 October 2015, by section 23(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 114(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 114(3): repealed, on 21 October 2015, by section 23(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

115 Payment of commission prohibited

(1) The payment of, or receipt of, commission by any person for conducting class 4 gambling is prohibited.

(1A) Subsection (1) does not apply to commission payments made to a venue operator if the payment complies with regulations made under section 371(1)(dd).

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $10,000.

Section 115(1A): inserted, on 3 October 2016, by section 24 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 115(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

115A Duty on grant recipients

(1) A grant recipient who receives a grant of net proceeds from class 4 gambling must use the grant—

(a) only for the specific authorised purpose for which it was granted; and

(b) in accordance with any conditions consistent with this Act attaching to the grant.

(2) A grant recipient who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $10,000.

Section 115A: inserted, on 3 March 2015, by section 70 of the Gambling Amendment Act 2015 (2015 No 3).

116 Secretary may limit or exclude operating costs of corporate society

(1) The Secretary may, by notice,—

(a) set limits on, or exclude, the operating costs that may be incurred by a corporate society that conducts class 4 gambling:

(b) set the rates of depreciation for gambling assets acquired by a corporate society in respect of class 4 gambling.

(2) A notice under subsection (1) may apply to specified licence holders or to classes of licence holder.

(3) A limit may be expressed in any way that the Secretary considers appropriate, for example,—

(a) as a specific amount:

(b) as a percentage:

(c) as an amount for each gaming machine.

(4) A contract or other arrangement or obligation entered into by a corporate society, whether before or after the enactment of this Act, that does not comply with limits set under subsection (1) is an illegal contract for the purposes of subpart 5 of Part 2 of the Contract and Commercial Law Act 2017.

(5) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(6) In this section, **operating costs**—

(a) includes the following:

(i) costs of operating the corporate society, including fees, salary, expenses, or any other payments to a key person, to a management services provider, or to another person involved in operating the corporate society:

(ii) costs associated with repairing and maintaining gambling equipment; but

(b) does not include any payment made to a venue operator.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 116: replaced, on 3 October 2016, by section 25 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 116(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 116(4): amended, on 1 September 2017, by section 347 of the Contract and Commercial Law Act 2017 (2017 No 5).

Section 116(5): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

117 Secretary may investigate and audit licensees, grant recipients, management services providers, and businesses at class 4 venues

(1) The Secretary may, to the extent that is necessary to determine compliance with this Act, investigate and audit the generation, application, and distribution of the proceeds from class 4 gambling, which may include—

(a) an investigation and audit of the holder of a class 4 operator's licence or a class 4 venue licence:

(b) an investigation and audit of a grant recipient:

(ba) an investigation and audit of a management services provider:

(c) an investigation and audit of a business operating at a class 4 venue.

(2) The persons referred to in subsection (1) must provide any information required by the Secretary for the purpose of carrying out an investigation or audit under that subsection.

(3) The Secretary may publish, or require the corporate society to publish, in the form that the Secretary considers appropriate—

(a) the results of the investigation and audit:

(b) a summary of the results of the investigation and audit with details of where to obtain the full results.

(4) The Secretary may recover the costs of investigating or auditing from the holder of class 4 operators' licences in accordance with regulations made under section 370.

(5) A person who fails to comply with this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

Section 117 heading: amended, on 21 October 2015, by section 26(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 117(1): amended, on 3 March 2015, by section 72 of the Gambling Amendment Act 2015 (2015 No 3).

Section 117(1)(ba): inserted, on 21 October 2015, by section 26(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 117(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

118 Certain persons must not seek, receive, or offer benefits with improper conditions attached

(1) A holder of, or key person in relation to, a class 4 operator's licence or a class 4 venue licence must not knowingly receive or seek money, a benefit, an advantage, a privilege, or a gift from the following persons if the receipt has an improper condition attached to it and whether the receipt or condition is direct, indirect, formal, informal, or otherwise:

(a) a grant recipient or potential grant recipient:

(b) a person that sells, repairs, services, or maintains gambling equipment.

(2) A key person in relation to a class 4 venue licence must not knowingly receive or seek money, a benefit, an advantage, privilege, or gift from the following persons, if the receipt has an improper condition attached to it and whether the receipt or condition is direct, indirect, formal, informal, or otherwise:

(a) a holder of a class 4 operator's licence:

(b) a key person in relation to a class 4 operator's licence.

(3) A holder of, or key person in relation to, a class 4 operator's licence, or person that sells, repairs, services or maintains gambling equipment must not knowingly offer money, a benefit, an advantage, a privilege, or a gift to the following persons if the receipt has an improper condition attached to it and whether the receipt or condition is direct, indirect, formal, informal, or otherwise:

(a) a grant recipient or potential grant recipient:

(b) a key person in relation to a class 4 venue licence.

(3A) Any other person involved in making decisions on grant applications made to the holder of a class 4 operator's licence must not knowingly receive or seek money, a benefit, an advantage, a privilege, or a gift from a grant recipient (or potential grant recipient) if the receipt has an improper condition attached to it, and whether the receipt or condition is direct, indirect, formal, informal, or otherwise.

(3B) A holder of a class 4 operator's licence or a class 4 venue licence, or a key person in relation to a class 4 operator's licence or a class 4 venue licence, must not knowingly receive any money, a benefit, an advantage, a privilege, or a gift that could reasonably be perceived as influencing decisions taken, or to be

taken, on applications for grants, whether the receipt is direct, indirect, formal, informal, or otherwise.

(4) To avoid doubt, subsections (2) and (3) do not prevent the holder of a class 4 operator's licence from paying a key person in relation to a class 4 venue the costs associated with the class 4 venue if the payment—

(a) complies with section 115 and regulations made under section 371; and

(b) is consistent with the relevant venue agreement; and

(c) is otherwise lawful.

(5) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding $10,000.

(6) To avoid doubt, this section applies whether—

(a) where an improper condition is an element of an offence, the condition is attached either before or after the money, benefit, advantage, privilege, or gift is received by the person concerned; or

(b) any money, benefit, advantage, privilege, or gift is actually received by the person concerned.

Section 118 heading: amended, on 21 October 2015, by section 27(1) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 118(1): amended, on 21 October 2015, by section 27(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 118(2): amended, on 21 October 2015, by section 27(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 118(2)(a): amended, on 21 October 2015, by section 27(3) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 118(2)(b): amended, on 21 October 2015, by section 27(3) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 118(3): amended, on 21 October 2015, by section 27(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 118(3A): inserted, on 3 March 2015, by section 73(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 118(3A): amended, on 21 October 2015, by section 27(2) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 118(3B): inserted, on 21 October 2015, by section 27(4) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 118(4): replaced, on 21 October 2015, by section 27(4) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 118(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 118(6)(a): amended, on 21 October 2015, by section 27(5) of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 118(6)(a): amended, on 3 March 2015, by section 73(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 118(6)(b): amended, on 3 March 2015, by section 73(2) of the Gambling Amendment Act 2015 (2015 No 3).

Subpart 5—Licensing of casino gambling

General provisions

119 Requirements for casino gambling

A casino may be operated only by a person who holds a casino operator's licence—

(a) if the casino gambling occurs at a place for which the person also holds a casino venue licence; or

(b) if the casino operator has an approved casino venue agreement with another person who holds a casino venue licence.

Compare: 1990 No 62 ss 20, 21

120 Racing betting and sports betting in casinos

(1) Racing betting or sports betting in a casino that is conducted by TAB NZ and that is authorised by, and complies with, the Racing Industry Act 2020 must not be treated as casino gambling and, accordingly, is not subject to this subpart.

(2) A casino licence holder must notify the Secretary within 10 working days after the licence holder enters into an agreement with TAB NZ that allows TAB NZ to conduct racing betting or sports betting in a casino.

Section 120(1): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 120(2): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

121 Casino branding

(1) Only the following persons may use in their branding the word casino, or any other word or get-up, in a way that conveys the impression that a place is a casino and accessible to the public:

(a) the holder of a casino licence that is not suspended:

(b) a person granted temporary authority to operate a casino under section 187:

(c) a person referred to in subsection (2) for the time specified in subsection (3).

(2) Subsection (3) applies to persons (other than persons referred to in subsection (1)(a) and (b)) who, at the time this section commences, use in their branding the word casino, or any other word or get-up, in a way that conveys the impression that a place is a casino and accessible to the public.

(3) Persons referred to in subsection (2) must cease using the word or get-up referred to in subsection (2) 18 months after the commencement of this section.

(4) This section does not override other laws affecting branding and use of words and get-up.

(5) A person who contravenes subsection (1) or subsection (3) commits an offence and is liable on conviction to a fine not exceeding $10,000.

Section 121(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

122 Existing casino licences and agreements

(1) An existing casino operator's licence becomes, and must be treated as if it were, a casino operator's licence granted under section 130.

(2) An existing casino premises licence becomes, and must be treated as if it were, a casino venue licence.

(3) An existing casino venue agreement becomes, and must be treated as if it were, a casino venue agreement approved under section 133.

123 Directions as to operating casinos

(1) Directions given by the Authority under section 70 of the Casino Control Act 1990 become, and must be treated as if they were, minimum operating standards specified under section 141.

(2) However, despite section 141(3), directions to which this section applies are not secondary legislation.

Section 123(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

124 Suitability requirements

(1) A casino operator's licence must not be granted and a casino venue licence must not be renewed unless the Gambling Commission is satisfied that the applicant and persons with a significant influence are suitable.

(2) In considering whether an applicant or person with a significant influence is suitable, the Gambling Commission must take into account the following matters:

(a) the honesty of the applicant or person with a significant influence, including—

(i) whether the applicant or person with a significant influence has been convicted of a relevant offence; and

(ii) whether the applicant or person with a significant influence has been disciplined by a professional body for ethical misconduct; and

(iii) whether the applicant or person with a significant influence has been disciplined in any way during previous involvement with a casino; and

(iv) any other matters raised in the Police report, and the report of any government agency to which the application is referred, provided under section 125; and

(b) the financial position of the applicant or person with a significant influence, including—

(i) whether the applicant or person with a significant influence has ever been adjudged bankrupt; and

(ii) whether the applicant or person with a significant influence has been directly involved in the management of a company that went into receivership or liquidation; and

(iii) whether the applicant or person with a significant influence has sufficient financial resources; and

(iv) whether the applicant or person has been prohibited or disqualified from acting as a director or promoter of, or in any way, whether directly or indirectly, being concerned or taking part in the management of, a company under section 382, 383, or 385 of the Companies Act 1993; and

(v) whether the applicant or person has been prohibited from acting as a director or directly or indirectly being concerned, or taking part, in the management of a company under section 299 of the Insolvency Act 2006; and

(c) the business skills of the applicant or person with a significant influence, including—

(i) whether the applicant or person with a significant influence has sufficient business management experience; and

(ii) whether the applicant or person with a significant influence has sufficient experience in casino operation or the operation of similar ventures; and

(iii) whether the applicant or person with a significant influence has qualifications relevant to the operation of a casino; and

(d) the management structure of the applicant, including—

(i) whether that structure is suitably arranged for effective compliance with this Act; and

(ii) the nature of all relevant interests in the financial and management structure of the applicant; and

(iii) whether all such interests encourage the applicant's effective compliance with the Act; and

(e) any other matter the Gambling Commission considers relevant.

Compare: 1990 No 62 s 23

Section 124(2)(b)(iv): inserted, on 3 March 2015, by section 74 of the Gambling Amendment Act 2015 (2015 No 3).

Section 124(2)(b)(v): inserted, on 3 March 2015, by section 74 of the Gambling Amendment Act 2015 (2015 No 3).

125 Gambling Commission must investigate application concerning casino licences

(1) On receiving an application for a casino operator's licence or for renewal of a casino venue licence, or for approval of a proposed transferee or alienee of a casino licence, the Gambling Commission must investigate the applicant, the proposed transferee or alienee, and persons with a significant influence.

(2) Without limiting subsection (1), the Gambling Commission—

(a) may require the applicant, the proposed transferee or alienee, and persons with a significant influence to consent to having their photograph and fingerprints taken; and

(b) may require the applicant, the proposed transferee or alienee, and persons with a significant influence to provide further information; and

(c) must refer a copy of the application, and any photographs, fingerprints, or other information obtained in the investigation, to the Police and any government agency (not including the Inland Revenue Department) that the Gambling Commission considers relevant.

(3) The Police and any government agency to whom the application is referred must inquire into, and report to the Gambling Commission on, the applicant, the proposed transferee or alienee, and persons with a significant influence.

(4) The Gambling Commission may refuse to grant a casino operator's licence or renew a casino venue licence or approve a proposed transferee or alienee of a casino licence if the applicant, transferee or alienee, or persons with a significant influence fail to provide information requested by the Gambling Commission or refuse to have fingerprints or a photograph taken.

(5) Fingerprints and photographs provided by the Gambling Commission to the Police or other government agency must be returned to the Gambling Commission for destruction under subsection (6).

(6) Fingerprints and photographs required by the Gambling Commission must be destroyed immediately after the Gambling Commission has made a decision as to whether or not to grant a casino operator's licence or renew a casino venue licence or approve a proposed transferee or alienee of a casino licence.

Compare: 1990 No 62 s 24

126 Mortgage or assignment of casino licence

(1) A holder of a casino licence may not mortgage, charge, or otherwise encumber a casino licence unless the proposed holder of, and the nature, terms, and conditions of, the mortgage, charge, or encumbrance are first approved by the Gambling Commission.

(2) A casino licence may not be transferred or alienated as a result of a mortgage, charge, or encumbrance being enforced unless the proposed transferee or alienee and any person who has or is likely to have a significant influence has first been approved by the Gambling Commission.

(3) A charge holder, mortgagee, or holder of an encumbrance, or the holder of the casino licence, may apply on the relevant form to the Gambling Commission for approval under subsection (1) or subsection (2).

(4) In considering whether to approve a proposed transferee or alienee, and any person with a significant influence under subsection (2), the Gambling Commission must investigate the suitability of the proposed transferee or alienee, and person, in accordance with sections 124 and 125.

Compare: 1990 No 62 s 47

127 Casino licence not transferable

A casino licence is not transferable except under section 126.

Casino operator's licence

128 Application for casino operator's licence

(1) A person may apply to the Gambling Commission for a licence to conduct casino gambling.

(2) An application must be on the relevant form.

Compare: 1990 No 62 s 35

129 Consideration of application

(1) On receiving an application under section 128, the Gambling Commission must investigate the applicant and any person with a significant influence under section 125.

(2) In considering an application, the Gambling Commission must have regard to—

(a) the suitability of the applicant and persons with a significant influence; and

(b) the expertise of the applicant that is relevant to the obligations of the holder of a casino operator's licence; and

(c) whether the applicant has the business management experience to operate a casino successfully.

Compare: 1990 No 62 s 36

130 Grant of casino operator's licence

(1) The Gambling Commission must not grant a casino operator's licence unless the Gambling Commission is satisfied that the applicant and any person with a significant influence is suitable in terms of section 124.

(2) On granting a casino operator's licence, the Gambling Commission may specify any conditions that it considers appropriate under section 139.

Compare: 1990 No 62 s 37

131 Expiry of casino operator's licence

A casino operator's licence expires when—

(a) the licensee surrenders the licence; or

(b) the licence is cancelled by the Gambling Commission under section 145.

Casino venue agreements

132 Approval of casino venue agreement

(1) Casino licence holders who propose to enter into a casino venue agreement must apply to the Gambling Commission for approval of the agreement before entering into it.

(2) A party to a casino venue agreement who seeks to amend that agreement must apply to the Gambling Commission for approval of the amendment before the amendment is made.

(3) An application for approval under subsection (1) or subsection (2) must be on the relevant form.

Compare: 1990 No 62 s 40

133 Consideration of application

(1) An application under section 132 for the approval of a casino venue agreement or of an amendment to a casino venue agreement must be considered by the Gambling Commission.

(2) The Gambling Commission may require the applicant to provide a copy of the proposed agreement and any other relevant information to assist the Gambling Commission to consider the application.

(3) In considering an application, the Gambling Commission must have regard to any suitability requirements specified in section 124 that the Gambling Commission considers relevant.

(4) The Gambling Commission must not approve a casino venue agreement or an amendment to a casino venue agreement unless it is satisfied that the agreement is conducive to the conduct of responsible gambling in the casino.

(5) A casino venue agreement expires according to its terms or when—

(a) a party to the casino venue agreement surrenders the party's casino licence; or

(b) the casino venue licence expires and is not renewed; or

(c) a casino licence of a party is cancelled; or

(d) the Gambling Commission approves a new casino venue agreement; or

(e) the casino venue agreement is entered into or amended without the approval of the Gambling Commission.

Compare: 1990 No 62 ss 41–43

Renewal of casino venue licence

134 Application for renewal of casino venue licence

(1) The holder of a casino venue licence may apply to the Gambling Commission to renew the licence.

(2) An application under subsection (1) must be—

(a) made in the period that is at least 1 year but not more than 2 years before the date on which the licence is due to expire; and

(b) on the relevant form; and

(c) accompanied by a casino impact report.

(3) A casino impact report must be prepared by a person approved by the Commission as independent of the applicant, and must—

(a) report on the expected social and economic effects on the local and regional areas affected by the operation of the casino, and on New Zealand generally, of—

(i) the continued operation of the casino; and

(ii) the closure of the casino; and

(b) report on matters identified by the Gambling Commission.

(4) The Gambling Commission may specify the research to be undertaken in preparing a casino impact report.

(5) The applicant for renewal of a casino venue licence must pay for the casino impact report.

135 Process for determining applications for renewal

(1) After receiving an application for renewal of a casino venue licence, the Gambling Commission must do the following things, although not necessarily in the order given:

(a) investigate the applicant and persons with a significant influence under section 125 to determine whether they—

(i) are suitable, in terms of section 124; and

(ii) have complied with this Act and previous gaming Acts and regulations made under them:

(b) give public notice of the application:

(c) by public notice, invite written submissions on the application:

(d) by public notice, invite people who wish to appear and be heard at a public hearing to apply to the Gambling Commission for authorisation:

(e) give public notice of the commencement of hearings, and of how people may find out where and when hearings are to be held:

(f) make available for public inspection, subject to any agreement between the applicant and the Gambling Commission regarding confidentiality, copies of the application, any amendments to it, the casino impact report, and any other relevant documentation:

(g) conduct a public hearing of the application at which evidence of the parties is heard and parties may examine and cross-examine witnesses:

(h) give public notice of the decision of the Gambling Commission:

(i) make copies of the decision available to the public.

(2) The Gambling Commission may require the Secretary to report to it on the matters referred to in subsection (1)(a) as part of its investigation under that paragraph.

(3) Subsection (1) sets out the minimum that the Gambling Commission must do to determine an application for renewal of a casino venue licence, but the Gambling Commission may take additional steps, or repeat or combine processes, as the Gambling Commission considers appropriate.

(4) Persons or groups who satisfy the Gambling Commission that they represent a section of the community in which the casino is located are entitled to appear and be heard at the public hearing of the application in person or by counsel or agent.

(5) In giving public notice under subsection (1), it is sufficient for the Gambling Commission to publish the notice twice, at intervals of not more than 14 days, in a major newspaper circulating in the locality of the casino to which the application relates.

Compare: 1990 No 62 ss 31, 34

136 Information and matters to be considered

Before deciding whether to renew a casino venue licence, the Gambling Commission must consider—

(a) the application; and

(b) the casino impact report; and

(c) any additional information or evidence provided by the applicant or person with a significant influence at the Gambling Commission's request; and

(d) any written submissions and other written and oral evidence; and

(e) the compliance record of the applicant and persons with a significant influence; and

(f) any views conveyed by a local authority after an opinion poll or community consultation process; and

(g) the results of investigations under section 125.

137 Renewal of casino venue licence

(1) The Gambling Commission must not renew a casino venue licence unless it is satisfied that—

(a) the applicant and persons with a significant influence are suitable in terms of section 124; and

(b) the applicant's compliance record, and that of persons with a significant influence, is satisfactory; and

(c) renewing the licence will result in a net benefit—

(i) to the local and regional communities around the casino; and

(ii) to New Zealand generally.

(2) In assessing whether there is a net benefit, the Gambling Commission must consider—

(a) the social and economic effects of granting, or refusing to grant, the renewal; and

(b) the level of support for the application, including the result of any poll conducted by the local authority; and

(c) the nature and standard of the casino facilities.

138 Expiry of casino venue licence

(1) A casino venue licence expires 25 years after the date the casino commenced operating.

(2) A licence that is renewed under section 137 expires 15 years after the date of renewal.

(3) A casino venue licence may be renewed more than once.

(4) A casino venue licence to which an application for renewal relates continues in force until the Gambling Commission decides whether or not to renew that licence.

Amendment of casino licence

139 Conditions of casino licence

(1) The Gambling Commission may specify the conditions of a casino licence or vary or revoke the conditions of a casino licence in the following circumstances:

(a) on granting a casino operator's licence:

(b) on renewing a casino venue licence:

(c) on approving a casino venue agreement or an amendment to it:

(d) on application by the holder of the casino licence:

(e) on its own initiative or on the request of the Secretary.

(2) A condition of a casino licence specified under subsection (1)—

(a) must be consistent with this Act; and

(b) must contribute to achieving the purpose of this Act; and

(c) must contribute to the efficient and effective administration of this Act; and

(d) must not permit an increase in the opportunities for casino gambling; and

(e) may relate to any matter, including the matters specified in Schedule 1, within the confines of paragraphs (a) to (d).

Section 39(2)(b): amended, on 3 March 2015, by section 75 of the Gambling Amendment Act 2015 (2015 No 3).

140 Procedure for specifying, varying, or revoking casino licence conditions

(1) The Gambling Commission must notify the holder of the relevant casino licence, the Secretary, and any other person who it considers is affected by a proposal to specify, vary, or revoke the conditions of a casino licence.

(2) Notification under subsection (1) must include—

(a) the reason for the proposal; and

(b) the procedure to be followed before the Gambling Commission makes a decision relating to the proposal.

(3) The holder of the casino licence, the Secretary, and any other person affected may make written submissions to the Gambling Commission concerning the proposal within 20 working days after the date of the notice under subsection (1) or within any longer period that the Gambling Commission allows.

(4) The Gambling Commission must consider any submissions made under subsection (3) and may, if it considers it appropriate, seek comment from the casino licence holder on the submissions received from the Secretary or other persons affected.

(5) The Gambling Commission must notify the holder of the casino licence, the Secretary, and other persons affected of—

(a) its decision concerning the proposal and the reasons for the decision; and

(b) the right to appeal the decision and the process for an appeal.

141 Minimum operating standards in casino licences

(1) The Secretary may specify the minimum operating standards for the day-to-day operation of a casino, for inclusion in a casino licence, or vary or revoke those standards, in the following circumstances:

(a) on the grant of a casino operator's licence:

(b) on the renewal of a casino venue licence:

(c) on the approval of a casino venue agreement or an amendment to it:

(d) on application by the holder of a casino licence:

(e) on the Secretary's own initiative.

(2) Minimum operating standards must relate to any matter concerning the day-to-day operation of a casino, including (but not limited to) some or all of the matters specified in Schedule 2.

(3) Minimum operating standards, and any variation or revocation of those standards, are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published. However, the maker must comply with section 142	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 141(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

142 Procedure for specifying, varying, or revoking minimum operating standards

(1) The Secretary must notify the holder of the relevant casino licence and other persons who the Secretary considers are affected by a proposal to specify, vary, or revoke the minimum operating standards of the casino licence.

(2) Notification under subsection (1) must include—

(a) the reason for the proposal; and

(b) the procedure to be followed before the Secretary makes a decision relating to the proposal.

(3) The holder of the casino licence and other persons affected may make written submissions to the Secretary concerning the proposal within 20 working days after the date of the notice under subsection (1) or within any longer period that the Secretary allows.

(4) The Secretary must consider any submissions made under subsection (3) and may, if he or she considers it appropriate, seek comment from the holder of the casino licence on the submissions received.

(5) The Secretary must notify the holder of the casino licence and other persons affected of—

(a) the Secretary's decision concerning the proposal and the reasons for the decision; and

(b) the right to appeal the decision and the process for an appeal.

143 Appeal to Gambling Commission

(1) The holder of a casino licence or other person affected may appeal to the Gambling Commission against a decision of the Secretary to specify, vary, or revoke, or to refuse to specify, vary, or revoke, the minimum operating standards of a casino licence.

(2) An appeal must be made within—

(a) 15 working days after the date of the notice of the Secretary's decision; or

(b) any longer period that the Gambling Commission allows if an application for an extension is made within the time period specified in paragraph (a).

(3) The Gambling Commission—

(a) may request any information from the appellant or the Secretary; and

(b) is not bound to follow any formal procedure; and

(c) does not need to hold a hearing; and

(d) must consider any information provided by the appellant or the Secretary.

(4) The Gambling Commission may then—

(a) confirm, vary, or reverse the decision of the Secretary; or

(b) refer the matter back to the Secretary with directions to reconsider the decision.

(5) The Gambling Commission must give notice of its decision, with reasons, to both the appellant and the Secretary.

Suspension, cancellation, and surrender of casino licence

144 Suspension or cancellation of casino licence

The Secretary may apply to the Gambling Commission for an order that a casino licence be suspended or cancelled if the Secretary is satisfied that—

(a) the licence holder is breaching or has breached this Act or a condition of the licence or minimum operating standards; or

(b) the licence holder or an associated person is no longer suitable to hold the licence or to be an associated person having regard to the suitability requirements in section 124; or

(c) the licence holder or an associated person is failing or has failed, without good cause, to supply information requested by the Secretary or a gambling inspector or knowingly has provided false information; or

(d) the licence holder—

(i) has failed to discharge its financial commitments; or

(ii) has entered into a compromise with its creditors; or

(iii) is being or has been wound up (voluntarily or by court order); or

(iv) is liquidated; or

(v) is subject to the appointment of a receiver or receiver and manager; or

(vi) is being or has been made subject to statutory management under Part 3 of the Corporations (Investigation and Management) Act 1989.

Compare: 1990 No 62 s 90

145 Procedure for suspending or cancelling casino licence

(1) The Gambling Commission must decide whether or not to grant an order sought by the Secretary under section 144 after following the procedure outlined in this section.

(2) The Gambling Commission must—

(a) send a copy of an application under section 144 to the holder of the casino licence affected; and

(b) notify the licensee and the parties to a casino venue agreement with the licensee of their right to make submissions under subsection (3); and

(c) notify the persons in paragraph (b) of their right to a hearing.

(3) The persons referred to in subsection (2)(b) may—

(a) make written submissions to the Gambling Commission concerning the application for suspension or cancellation within 20 working days after the date of the notice under subsection (2), or within any longer period that the Gambling Commission allows if an application for an extension is made within the time period specified in this paragraph; and

(b) request a hearing about the application for suspension or cancellation.

(4) If a hearing is requested, the Gambling Commission must—

(a) fix the earliest practicable date for the hearing; and

(b) give at least 20 working days' notice of the date, time, and place of the hearing to the persons referred to in subsection (2)(b).

(5) The Secretary and the persons referred to in subsection (2)(b) are entitled to produce evidence and to appear and be heard at the hearing, personally or by counsel or agent, and to call, examine, and cross-examine witnesses.

(6) The Gambling Commission may adjourn a hearing to allow the licence holder an opportunity to deal with any matters that the Gambling Commission requires the licence holder to deal with.

Compare: 1990 No 62 s 91

146 Notification of suspension and cancellation

(1) The Gambling Commission may grant an order sought under section 144 if it is satisfied that—

(a) 1 or more of the grounds in section 144 are met; and

(b) it considers it desirable to do so.

(1A) The Gambling Commission may exercise the power of suspension conferred by this section in respect of any breach that falls within section 144(a) or (c) whether or not—

(a) the breach continues at the time that the power is exercised or is proposed to be exercised:

(b) a penalty is prescribed for the breach.

(2) If the Gambling Commission decides to suspend a casino licence, the Gambling Commission must notify the licence holder of—

(a) the duration of the suspension (up to 6 months); and

(b) the reasons for the suspension; and

(c) where the casino licence is suspended because of a continuing breach,—

(i) the matters to be dealt with in order for the Gambling Commission to consider withdrawing the suspension before the end of the suspension period; and

(ii) the consequences of not dealing with the matters identified; and

(d) *[Repealed]*

(e) the right to appeal the decision under section 235.

(3) If the Gambling Commission decides to cancel a casino licence, the Gambling Commission must notify the licence holder of the date on which the cancellation takes effect, the reasons for the cancellation, and the right to appeal the decision under section 235.

(4) The Gambling Commission may revoke a suspension if it is satisfied that the reasons for the suspension have been resolved.

(5) A suspended casino licence must be cancelled if, at the end of the suspension period, the reasons for the suspension are not resolved to the satisfaction of the Gambling Commission.

(6) A person is not entitled to a refund of fees, taxes, or levies paid if the Gambling Commission suspends or cancels a casino licence.

Compare: 1990 No 62 s 91

Section 146(1A): inserted, on 3 March 2015, by section 76(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 146(2)(c): replaced, on 3 March 2015, by section 76(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 146(2)(d): repealed, on 3 March 2015, by section 76(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 146(2)(e): amended, on 3 March 2015, by section 76(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 146(3): amended, on 3 March 2015, by section 76(4) of the Gambling Amendment Act 2015 (2015 No 3).

147 Surrender of casino licence

(1) The holder of a casino licence—

(a) must surrender the licence to the Secretary, if it is cancelled; and

(b) may surrender the licence to the Secretary at any time.

(2) A surrender is effected by delivering to the Secretary—

(a) notice to that effect; and

(b) the licence.

Compare: 1990 No 62 s 94

148 Appeal against cancellation or suspension

[Repealed]

Section 148: repealed, on 3 March 2015, by section 77 of the Gambling Amendment Act 2015 (2015 No 3).

Associated persons

149 Approval for associated persons required

(1) No person may have or continue to have a significant influence in a casino unless that person is approved as an associated person for that casino—

(a) by the Secretary, in the circumstances described in this section; or

(b) by the Gambling Commission, on appeal from a decision of the Secretary, on application for a casino operator's licence, on application for renewal of a casino venue licence, and on application for approval of a proposed transferee or alienee of a licence.

(2) In the circumstances described in subsection (3), the Secretary—

(a) must undertake any investigations the Secretary considers necessary and decide whether a person has or is likely to have a significant influence in a casino; and

(b) if the Secretary decides the person has or is likely to have a significant influence in a casino, must then decide to either approve or refuse to approve the person as an associated person.

(3) The circumstances are as follows:

(a) receipt by the Secretary of information under section 151; or

(b) receipt by the Secretary of an application for approval under section 152; or

(c) receipt by the Secretary of advice by a casino licence holder under section 153; or

(d) if the Secretary receives or obtains information about the degree of influence a person has in the management, ownership, or operation of a casino and forms the belief that a particular person may have a significant influence in a casino.

(4) The Secretary must not approve a person as an associated person unless the Secretary is satisfied that the person meets the suitability requirements specified in section 124.

(5) In assessing suitability, the Secretary has the powers, and other persons have the obligations, in section 125 as if references to the Gambling Commission were references to the Secretary.

(6) The Secretary must notify the person investigated, and each casino licence holder to whom the decision directly relates, of the Secretary's decisions under subsection (2).

(7) If the Secretary refuses to approve a person as an associated person under this section, the person must not acquire or continue to hold the position or interest that confers the significant influence in the casino.

(8) A person who is approved under section 48 of the Casino Control Act 1990 as of the date this section comes into force is to be regarded as a person approved by the Secretary under subsection (1) as an associated person.

150 Appeal to Gambling Commission

(1) A person who has been refused status as an associated person in any of the circumstances described in section 149, or whose status as an associated person has been revoked under section 155, may appeal to the Gambling Commission against that refusal or revocation.

(2) An appeal must be made within—

(a) 15 working days after the date of the notice of the Secretary's decision; or

(b) any longer period that the Gambling Commission allows if an application for an extension is made within the time period specified in paragraph (a).

(3) The Gambling Commission—

(a) may request any information from the appellant or the Secretary; and

(b) is not bound to follow a formal procedure; and

(c) does not need to hold a hearing; and

(d) must consider any information provided by the appellant or the Secretary.

(4) The Gambling Commission may then—

(a) confirm, vary, or reverse the decision of the Secretary; or

(b) refer the matter back to the Secretary with directions to reconsider the decision.

(5) The Gambling Commission must give notice of its decision, with reasons, to both the appellant and the Secretary.

151 Responsibilities of person who acquires significant influence without approval

A person who acquires a significant influence in a casino and who is not approved as an associated person must inform the following persons of that significant influence:

(a) the Secretary or the Gambling Commission (as the case may be); and

(b) each holder of, or applicant for, a casino licence for the casino in which that person has acquired a significant influence.

152 Licensee to seek prior approval

(1) If possible, a casino licence holder must apply to the Secretary for approval of a person as an associated person before that person acquires a significant influence in a casino.

(2) An application must be in the relevant form.

153 Responsibility of licensee aware of person with significant influence

A casino licence holder must advise the Secretary that a person has acquired a significant influence in a casino to which the holder's licence relates as soon as the licence holder becomes aware of that fact.

154 Affected transactions

(1) This section applies if a person acquires a significant influence in a casino without prior approval as an associated person.

(2) An **affected transaction** means any transaction by which a person acquired a significant influence in a casino without prior approval as an associated person, and includes all aspects of the means by which that influence was acquired.

(3) If the Secretary refuses to approve a person with a significant influence as an associated person, the Secretary must then—

(a) advise the Gambling Commission that an affected transaction has occurred; and

(b) provide the Gambling Commission with a summary of the information held by the Secretary about the affected transaction.

Section 154(3): amended, on 15 December 2005, by section 8 of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

155 Review of associated persons by Secretary

(1) The Secretary may review the approval of a person as an associated person, and the provisions of section 149 apply to a review as if it were an original investigation.

(2) The Secretary may revoke the approval of a person as an associated person if, after a review, the Secretary considers that the person does not satisfy the suitability requirements specified in section 124.

(3) The Secretary must notify the relevant person, and each casino licence holder with whom that person is associated, of a revocation under subsection (2).

Section 155(3): amended, on 3 March 2015, by section 78 of the Gambling Amendment Act 2015 (2015 No 3).

156 Actions that may be taken by Gambling Commission

(1) This section applies if—

(a) a person is refused status as an associated person by the Secretary in any of the circumstances described in section 149 or has that status revoked under section 155; and

(b) the time for appeal under section 150 against the refusal or revocation has expired; and

(c) any appeal lodged under section 150 has been decided.

(2) The Gambling Commission may require a person who is refused status as an associated person or whose status as an associated person is revoked, and the relevant casino licence holder, to organise themselves to remove or circumvent the significant influence in the casino of the person.

Certificates of approval

157 Existing certificates of approval

A person who holds a certificate of approval issued under section 57 of the Casino Control Act 1990 must be treated as if the person were a person who holds a certificate of approval issued under section 163.

158 Certain casino employees must be approved

(1) A person employed in a casino to do an activity described in subsection (2) must hold a certificate of approval issued under section 163.

(2) The activities are—

(a) conducting approved games (for example, as a dealer):

(b) counting money or chips derived from or used in gambling:

(c) moving money or chips derived from or used in gambling:

(d) buying or redeeming chips:

(e) operating, maintaining, constructing, or repairing gambling equipment:

(f) supervising or managing any of the activities described in paragraphs (a) to (e).

(3) Regulations may be made under section 371 that prescribe other classes of casino employees who require a certificate of approval.

(4) A person engaged by a casino licence holder under a contract for services may be required to apply for a certificate of approval if the Secretary determines that the services relate to an activity described in subsection (2) or to an activity usually performed by a class of employees prescribed under subsection (3).

Compare: 1990 No 62 s 52

159 Application for certificate of approval

An application for a certificate of approval must be made to the Secretary on the relevant standard form.

Compare: 1990 No 62 s 53

160 Secretary must investigate application for certificate of approval

(1) On receiving an application for a certificate of approval, the Secretary must investigate and inquire as the Secretary considers necessary to enable the Secretary to consider the application properly.

(2) Without limiting subsection (1), the Secretary—

(a) may require the applicant to consent to having his or her photograph and fingerprints taken; and

(b) may require the applicant to provide further information to support the application; and

(c) must refer a copy of the application, and any photographs, fingerprints, or other information obtained by the Secretary in the investigation, to the Police and any government agency (not including the Inland Revenue Department) that the Secretary considers relevant.

(3) The Police and any agency to whom the application is referred must inquire into and report to the Secretary on the applicant.

(4) The Secretary may refuse to grant an application if the applicant fails to provide information requested by the Secretary or refuses to have fingerprints or a photograph taken.

(5) Fingerprints provided by the Secretary to the Police or a government agency must be returned to the Secretary for destruction under subsection (6).

(6) Fingerprints required by the Secretary must be destroyed by the Secretary immediately after the Secretary has made a decision as to whether or not to grant a certificate of approval.

Compare: 1990 No 62 s 54

161 Information and matters that Secretary may take into account

(1) In considering an application for a certificate of approval, the Secretary may take into account the following matters:

(a) the honesty of the applicant, including—

(i) whether the applicant has convictions for relevant offences; and

(ii) whether the applicant has been disciplined by a professional body for ethical misconduct; and

(iii) whether the applicant has been disciplined in any way during previous involvement with a casino; and

(iv) any other matters raised in a Police or other report provided under section 160; and

(b) the financial position of the applicant, including—

(i) whether the applicant has been adjudged bankrupt; and

(ii) whether the applicant was directly involved in the management of a company that went into receivership or liquidation during the period of the applicant's involvement; and

(iii) the credit history of the applicant; and

(iv) whether the applicant has been prohibited or disqualified from acting as a director or promoter of, or in any way, whether directly or indirectly, being concerned or taking part in the management of, a company under section 382, 383, or 385 of the Companies Act 1993; and

(v) whether the applicant has been prohibited from acting as a director or directly or indirectly being concerned, or taking part, in the management of a company under section 299 of the Insolvency Act 2006.

(2) The Secretary may take into account matters of a similar nature to those listed in subsection (1) that occurred outside New Zealand.

(3) The Secretary must not grant an application unless he or she is satisfied that the applicant is a suitable person to work in a casino.

Compare: 1990 No 62 s 55

Section 161(1)(b)(iii): amended, on 3 March 2015, by section 79 of the Gambling Amendment Act 2015 (2015 No 3).

Section 161(1)(b)(iv): inserted, on 3 March 2015, by section 79 of the Gambling Amendment Act 2015 (2015 No 3).

Section 161(1)(b)(v): inserted, on 3 March 2015, by section 79 of the Gambling Amendment Act 2015 (2015 No 3).

162 Refusal of application for certificate of approval

(1) This section applies if the Secretary proposes to refuse to grant an application for a certificate of approval.

(2) The Secretary must notify the applicant of the proposed refusal, and of the Secretary's reasons for it.

(3) The notice must invite the applicant to make submissions to the Secretary on the matter, either in person or in writing, within 15 working days after the date on which the notice is given to the applicant, or within any further period that the Secretary allows if an application for an extension is made within the time period specified in this subsection.

(4) If the applicant makes a submission to the Secretary within the time specified in subsection (3), the Secretary must consider the submission before finally determining whether or not to grant the application.

(5) If the Secretary decides to refuse the application, the Secretary must notify the applicant of that decision, and the reasons for it, and of the applicant's right to appeal against the decision under section 171.

Compare: 1990 No 62 s 56

163 Issue of certificate of approval

If the Secretary grants an application for a certificate of approval, the Secretary must issue to the applicant a certificate of approval in the form, and containing the information, specified in regulations made under section 369.

Compare: 1990 No 62 s 57

164 Expiry of certificate of approval

A certificate of approval expires—

(a) if the certificate of approval is cancelled by the Secretary under section 167; or

(b) if the holder of the certificate of approval surrenders it under section 169(1)(b); or

(c) 12 months after the holder of the certificate of approval ceases to be employed by, or contracted to, the holder of a casino licence—

(i) to do activities to which section 158(2) applies; or

(ii) to perform the services referred to in section 158(4); or

(iii) as a casino employee in any class prescribed in regulations made under section 371(1)(f); or

(d) if the holder of the certificate of approval dies.

Compare: 1990 No 62 s 58

Section 164(c): replaced, on 3 March 2015, by section 80 of the Gambling Amendment Act 2015 (2015 No 3).

165 Commencement of duties before issue of certificate of approval

(1) The Secretary may permit an applicant for a certificate of approval to commence employment in the casino or to undertake services for the casino licence

holder before the application is determined subject to any terms, conditions, and restrictions that the Secretary considers appropriate.

(2) Subsection (1) applies if the Secretary considers that—

(a) a decision on the application may not be made for some time; and

(b) the operation of the casino will be seriously prejudiced or disadvantaged by the delay in the employment or engagement of the applicant; and

(c) the commencement of the employment or engagement of the applicant will not prejudice the integrity of the operation of the casino.

Compare: 1990 No 62 s 60

166 Application for suspension or cancellation of certificate of approval

(1) A constable or a gambling inspector may apply to the Secretary for an order—

(a) suspending a certificate of approval; or

(b) cancelling a certificate of approval.

(2) An application for an order must—

(a) be made in the relevant form and manner; and

(b) contain the relevant information.

(3) The applicant must send or give a copy of the application to the holder of the certificate of approval and to the holder of the relevant casino operator's licence if the holder of the certificate of approval is employed in a casino or engaged by a casino licence holder.

(4) The holder of the relevant casino operator's licence must provide to the Secretary, on request, the latest contact details of the holder of the certificate of approval if the holder of the certificate of approval is employed in a casino or engaged by a casino licence holder.

(5) If the Secretary is satisfied that there are grounds to consider suspending or cancelling a certificate of approval, the Secretary must—

(a) obtain from the holder of the relevant casino operator's licence (if any) the contact details of the certificate of approval holder; and

(b) write to the holder of the certificate of approval, enclosing a copy of the application, advising the person that—

(i) he or she may make a written submission to the Secretary on the application; and

(ii) he or she may request, and appear at, a hearing (whether personally or by counsel) and may call, examine, and cross-examine witnesses.

(6) If the holder of the certificate of approval requests a hearing or the Secretary decides to hold a hearing, the Secretary must—

(a) fix the earliest practicable date for the hearing; and

(b) notify the holder of the certificate of approval and the applicant of the date, time, and place of the hearing, which must be no earlier than 15 working days after the notification.

(7) In considering an application and conducting any hearing, the Secretary—

(a) is not bound to follow any formal procedure; and

(b) must consider any submission or information provided to him or her by the applicant and the holder of the certificate of approval.

Compare: 1990 No 62 s 93

Section 166(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 166(6): amended, on 3 March 2015, by section 81 of the Gambling Amendment Act 2015 (2015 No 3).

167 Making and revoking order suspending or cancelling certificate of approval

(1) The grounds on which the Secretary may make an order suspending or cancelling a certificate of approval are as follows:

(a) that the certificate of approval was granted on the basis of information that was materially false or misleading:

(b) that the holder has been convicted, since applying for the certificate of approval, of an offence against this Act:

(c) that the holder has been convicted, since applying for the certificate of approval, of another offence reflecting on his or her suitability to be employed in a casino or engaged by a casino licence holder:

(d) that the holder has contravened section 170:

(e) that the conduct of the holder, since the issue of the certificate of approval, shows that he or she is not suitable to be employed in a casino or engaged by a casino licence holder.

(2) The Secretary may suspend for up to 6 months, or cancel, a certificate of approval if the Secretary is satisfied that—

(a) a ground in subsection (1) is established; and

(b) it is desirable to make an order.

(3) The Secretary must specify in the order the date that it takes effect.

(4) The Secretary must send a copy of the order and the reasons for it to the holder of the certificate of approval and notify the holder of the right of appeal under section 171.

(5) The Secretary may revoke the suspension of a certificate of approval if the Secretary is satisfied that the matters for which the suspension was imposed have been resolved (where possible) and that it would be just to revoke the suspension.

(6) A holder of a certificate of approval is not entitled to a refund of fees paid if the Secretary suspends or cancels the person's certificate of approval.

Compare: 1990 No 62 s 93

168 Secretary must notify casino

If the holder of a certificate of approval is employed in a casino or engaged by a casino licence holder, the Secretary must notify the holder of the relevant casino operator's licence—

(a) if the certificate of approval is suspended or cancelled; and

(b) if an appeal is lodged; and

(c) of the outcome of an appeal.

169 Surrender of certificate of approval

(1) The holder of a certificate of approval—

(a) must surrender the certificate of approval to the Secretary if the Secretary cancels or suspends it; or

(b) may surrender the certificate of approval to the Secretary by notice accompanied by the certificate of approval.

(2) A person who fails to comply with subsection (1)(a) commits an offence and is liable on conviction to a fine not exceeding $500.

Compare: 1990 No 62 s 94

Section 169(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

170 Restriction on holder of certificate of approval

(1) The holder of a certificate of approval must not, in relation to a casino in which he or she is employed or with which he or she is associated,—

(a) gamble; or

(b) solicit or accept tips, gratuities, or other benefits from a player or customer.

(2) A person who fails to comply with this section is liable on conviction to a fine not exceeding $5,000.

Compare: 1990 No 62 s 65

Section 170(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

171 Appeal to Gambling Commission regarding certificate of approval

(1) A person may appeal to the Gambling Commission against a decision of the Secretary to—

(a) refuse to grant a certificate of approval to the person; or

(b) suspend or cancel a certificate of approval held by the person.

(2) An appeal must be in writing and must be made within 15 working days after the date of notice of the Secretary's decision, or any longer time that the Gambling Commission allows if an application for an extension is made within the 15-day period.

(3) The Gambling Commission—

(a) may request any information from the person or the Secretary; and

(b) is not bound to follow any formal procedure; and

(c) does not need to hold a hearing; and

(d) must consider any information provided by the person or Secretary.

(4) The Gambling Commission may—

(a) confirm, vary, or reverse the decision of the Secretary; or

(b) refer the matter back to the Secretary with directions to reconsider the decision.

(5) The Gambling Commission must give notice of its decision, with reasons, to both the person and the Secretary.

(6) A certificate of approval remains unchanged until the period for appeal in subsection (2) expires, or pending the outcome of an appeal if the appellant appeals a suspension or cancellation under subsection (1)(b).

Compare: 1990 No 62 s 99

Operation of casinos

172 Restricted hours of operation

(1) A holder of a casino licence must not conduct casino gambling on Christmas Day, Good Friday, or on Anzac Day between the hours of 3 am and 1 pm.

(2) A holder of a casino licence who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $10,000.

(3) The Governor-General may, by Order in Council, make regulations prescribing the days on, and the hours during, which a licensed casino may conduct casino gambling and the activities that may be undertaken.

(4) Regulations made under subsection (3) must not override subsection (1) but may impose restrictions that are additional to the restrictions in that subsection.

(5) Regulations under subsection (3) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1990 No 62 s 61

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 172(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 172(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

173 On-licences under Sale and Supply of Alcohol Act 2012

Despite the Sale and Supply of Alcohol Act 2012, an on-licence granted under that Act for a licensed casino must be treated as authorising the sale of alcohol for consumption in the casino while the casino is lawfully operated.

Section 173: replaced, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

174 Charges to enter and play not permitted

(1) The holder of a casino licence must not charge or take a deposit, levy, or charge, directly or indirectly, to or from a person for the right to participate in casino gambling in the casino, except a commission or levy provided for in game rules.

(2) It makes no difference under subsection (1) that a deposit, levy, or charge is, or is claimed to be, refundable.

Compare: 1990 No 62 s 64

175 Information for customers

(1) The holder of a casino operator's licence must display at each gaming table or location for playing a game (other than a gaming machine) a notice for the game played advising customers of the following matters:

(a) that copies of the game rules for the game are available on request:

(b) the permissible minimum and maximum bets:

(c) how winning bets will be paid.

(2) If a person in a casino asks for a copy of the game rules for a game, the holder of the casino operator's licence must make a copy available for examination without delay.

(3) The holder of a casino licence who fails to comply with this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

Compare: 1990 No 62 s 69

Section 175(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

176 Training for employees

(1) The holder of a casino operator's licence must provide training courses for conducting games for persons employed, or to be employed, in conducting games in the casino.

(2) The content, format, and duration of courses must be approved by the Secretary.

(3) The holder of the casino operator's licence must not employ a person to conduct a game unless the employee has completed the approved course of training for the conduct of that game.

(4) The holder of the casino operator's licence may conduct simulated games for training purposes on terms approved by the Secretary.

(5) The Secretary may exempt an employee or class of employees from this section.

(6) The holder of a casino operator's licence who contravenes this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

(7) An exemption under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named employees.

Compare: 1990 No 62 s 71

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 176(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 176(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

177 Books must be kept in casino venue

(1) All books, records, and documents relating to the operation of a casino must be kept by the holder of the casino operator's licence in the casino venue.

(2) The Secretary may, on application by the holder of a casino operator's licence,—

(a) exempt the licence holder from compliance with subsection (1) in respect of specified books, records, or documents; or

(b) permit the licence holder to temporarily remove books, records, or documents from the casino venue.

(3) All books, records, and documents referred to in subsection (1) must be retained by the holder of the licence for 7 years after the completion of the last transaction to which they relate.

(4) The Secretary may, on application by the holder of the casino operator's licence, approve—

(a) the retention of books, records, and documents in an alternative form or manner; or

(b) the earlier destruction of any of the books, records, or documents not considered to be essential.

(5) Subsection (4) and any other enactment or rule of law relating to the retention or destruction of books, records, and documents override subsection (3).

Compare: 1990 No 62 s 72

178 Gambling equipment must be kept in casino venue

(1) Gambling equipment relating to the operation of a casino must be kept by the holder of the casino operator's licence in the casino venue.

(2) The Secretary may, on application by the holder of a casino operator's licence,—

(a) exempt the licence holder from compliance with subsection (1) in respect of specified gambling equipment; and

(b) permit the licence holder to temporarily remove specified gambling equipment from the casino venue.

(3) The Secretary may impose conditions on an exemption or permission under subsection (2) (for example, conditions relating to the security of the equipment or the period of its removal).

179 Obligation on disposal of gaming machines

(1) The holder of a casino operator's licence must provide the following information to the Secretary within 20 working days of disposing of a gaming machine:

(aa) the manufacturer, model, and serial number of the gaming machine and any other details necessary to identify the gaming machine with ease; and

(a) the method of disposal; and

(b) if relevant, the name of the acquirer and the details necessary to contact the acquirer with ease.

(2) The holder of a casino operator's licence who contravenes this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

Section 179 heading: amended, on 3 March 2015, by section 82(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 179(1)(aa): inserted, on 3 March 2015, by section 82(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 179(1)(a): amended, on 3 March 2015, by section 82(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 179(1)(b): amended, on 3 March 2015, by section 82(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 179(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

180 Prohibition on certain gaming machines in casino

(1) On and from the date that is 6 months after the commencement of this section, the holder of a casino licence must not operate, or allow to be operated, at the casino a gaming machine that is able to accept banknotes with a denomination greater than $20.

(2) The holder of a casino licence who fails to comply with this section commits an offence and is liable on conviction to a fine not exceeding $10,000.

Section 180(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

181 Restriction on certain agreements

(1) The holder of a casino licence must not, without the written approval of the Secretary, enter into or be a party to a lease, contract, agreement, or arrangement (whether written or unwritten) with any other person for that person to lease, let, lend, or provide a thing or service in return for—

(a) a direct or indirect interest in, or percentage or share of, money gambled at the casino; or

(b) a direct or indirect interest in, or percentage or share of, the turnover, revenues, profits, benefits, or earnings from or of the casino.

(2) The Secretary may, upon application, approve in writing a lease, contract, agreement, or arrangement referred to in subsection (1) if the Secretary considers that it is desirable or appropriate to do so in a particular case.

Compare: 1990 No 62 s 73

182 Review of agreements

(1) The holder of a casino licence must, if directed by the Secretary to do so, provide to the Secretary, within the time stipulated by the Secretary, the information that the Secretary thinks fit with respect to any lease, contract, agreement, or arrangement (in this section and sections 183 and 184 referred to as the **agreement**), written or unwritten, with any other person relating to the casino.

(2) Without limiting subsection (1), the Secretary may require the following information:

(a) the names of persons entering into the agreement:

(b) the description of any property, good, or other thing or service provided or to be provided:

(c) the value, type, or nature of any consideration:

(d) the operative period of the agreement.

(3) The holder of a casino licence must, if directed by the Secretary to do so, provide to the Secretary, within the time that may be stipulated by him or her, a copy of the agreement if it is in writing.

(4) If, upon a review of any information or document provided under this section, the Secretary is satisfied that the continuance of the agreement jeopardises the integrity of gambling at the casino, he or she must, without delay, issue to the licensee who is the party to the agreement a notice requiring the licensee to demonstrate why the agreement should not be terminated.

(5) The notice must—

(a) state the grounds for the notice; and

(b) stipulate a date that is not earlier than 20 working days after the issue of the notice, on or before which the licensee is required to respond under subsection (4).

(6) If the Secretary issues a notice, he or she must, at the same time, provide a copy to the other party to the agreement.

Compare: 1990 No 62 s 74(1)–(6)

183 Procedure after issue of notice

(1) The holder of a casino licence who receives a notice under section 182 may respond to the Secretary under section 182(4) not later than the date stipulated under section 182(5).

(2) The other party may make submissions to the Secretary not later than that stipulated date.

(3) The Secretary must consider the response and any submissions made by the other party and,—

(a) if, in the Secretary's opinion, satisfactory answers are given or submissions made, the Secretary must take no further action in relation to the matter; or

(b) if, in the Secretary's opinion, answers given or submissions made are not satisfactory or if no answers are given and no submissions made, the Secretary may direct the termination of the agreement.

(4) The Secretary's direction referred to in subsection (3)(b), and the reasons for it, must be given in writing to the parties to the agreement and must specify a date on which the agreement is terminated under this Act.

(5) The agreement in question, if not sooner terminated by the parties to the agreement, is terminated by force of this Act on the date specified in the direction.

Compare: 1990 No 62 s 74(7)–(11)

184 Consequences of termination of agreement

(1) The termination of the agreement does not affect the rights and obligations of the parties up to the time of termination.

(2) No liability for breach of the agreement attaches to a party or the Secretary by reason only of its termination by force of this Act.

Compare: 1990 No 62 s 74(12), (13)

185 Bank may be required to provide information

(1) The manager or other principal officer of a bank in which the holder of a casino licence keeps and maintains an account for the casino must, if required in writing by the Secretary, provide to the Secretary a statement of account and any other information required by the Secretary, including copies of cheques or records relevant to the account.

(2) No liability is incurred by the bank, the manager, or other principal officer for breach of trust or otherwise by reason only of providing information under this section.

Compare: 1990 No 62 s 75

186 Investigation of complaints

(1) A gambling inspector must investigate, as soon as practicable, a complaint from a customer about the conduct of casino gambling.

(2) The gambling inspector must inform the holder of the relevant casino operator's licence of the substance of the complaint, and give the licence holder a reasonable opportunity to respond to it.

(3) If, as a result of the investigation, the inspector is satisfied that any of the events in subsection (4) have occurred, the gambling inspector must provide a written report to the Secretary.

(4) The events are as follows:

(a) the conduct of a game in that casino has contravened—

(i) a condition of the casino operator's licence:

(ii) the game rules:

(b) there has been any contravention of, or non-compliance with, this Act.

(5) The gambling inspector must provide a copy of his or her report to the holder of the casino operator's licence and, if a casino venue agreement exists, to the other party to that agreement.

(6) A complainant must be informed of the result of the investigation of his or her complaint and any consequent action taken.

Compare: 1990 No 62 s 84

187 Temporary authority

(1) If the Gambling Commission cancels or suspends a casino operator's licence, the Gambling Commission may, on application, authorise the applicant (other than the holder of that casino operator's licence), or another suitable person nominated by the applicant, to carry on the operation of the casino.

(2) An authority given by the Gambling Commission must be for a period not exceeding 3 months.

(3) The Gambling Commission may—

(a) hear and determine an application *ex parte*; or

(b) direct that notice of the application and of the time and place fixed for any hearing be served on persons and in the manner specified by the Gambling Commission.

(4) On granting an application, the Gambling Commission may impose reasonable conditions that the Gambling Commission thinks fit.

(5) The holder of a temporary authority has the same duties, obligations, and liabilities as the holder of the licence to which the temporary authority relates.

Compare: 1990 No 62 s 92

Subpart 6—Licensed promoters of class 3 gambling

188 Society may engage licensed promoter

(1) A society may engage a licensed promoter, for reward, to promote licensed class 3 gambling, which is not conducted regularly, on its behalf.

(2) Reward paid to a licensed promoter under subsection (1) may be by way of remuneration, commission, or otherwise, but must not exceed the lesser of—

(a) the amount applied to authorised purposes from the promotion; or

(b) the amount prescribed by regulations made under section 219.

(3) A society must not engage a licensed promoter unless their relationship is covered by an agreement that satisfies any regulation made under section 219.

(4) In this section, **conducted regularly** has the same meaning as in section 28(4).

Compare: 1977 No 84 s 37

189 Licensed promoter may only promote licensed class 3 gambling activity

(1) A licensed promoter must not promote a class 3 gambling activity on behalf of a society unless the promoter believes on reasonable grounds that the society has obtained a class 3 operator's licence to conduct the gambling activity under section 37.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $5,000.

(3) In addition to any penalty that may be imposed under subsection (2), a court may order that the licensed promoter forfeit to the Crown all reward paid to the licensed promoter by the society for promoting the class 3 gambling activity.

Compare: 1977 No 84 s 38

Section 189(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

190 Existing licensed promoter licences

Despite section 375, an existing licensed promoter's licence held on the commencement of this section continues on its current terms as if it were a licence granted under section 201.

Applications for licensed promoter's licence

191 Eligibility for licensed promoter's licence

(1) Subject to subsection (2), the following persons may apply for, and obtain, a licensed promoter's licence:

(a) a natural person who is over the age of 18 years:

(b) a company.

(2) A person may not apply for, or obtain, a licensed promoter's licence if,—

(a) in the case of a natural person,—

(i) the person is an undischarged bankrupt; or

(ii) the person is a bankrupt whose order of discharge is suspended for a term that has not yet expired or is subject to conditions not yet fulfilled; or

(b) the person has previously held a licensed promoter's licence that was cancelled, or for which a renewal was refused, at any time within the period of 5 years immediately before the date of application.

(3) A person must not apply for, or obtain, a licensed promoter's licence knowing that the person is not eligible to do so.

(4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding $2,000.

Compare: 1977 No 84 s 39(1), (2), (4)

Section 191(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

192 Application for licensed promoter's licence

(1) An application for a licensed promoter's licence must be made to the Secretary on the relevant standard form and be accompanied by a bond that satisfies section 195.

(2) The Secretary may return an incomplete application, and the accompanying bond and any fee, to an applicant.

Compare: 1977 No 84 s 40

193 Notice of licence application

An applicant for a licensed promoter's licence must, after lodging the application with the Secretary,—

(a) send a copy of the application to a senior constable,—

(i) in the case of an applicant who is a natural person, in the district in which the applicant resides:

(ii) in the case of an applicant that is a company, in the district in which the company's registered office is situated:

(b) publish a notice of the application twice, at intervals of not more than 14 days, in a newspaper or newspapers approved for the purpose by the Secretary.

Compare: 1977 No 84 s 43

Section 193(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

194 Objections

(1) The Police or any other person may object to an application for a licensed promoter's licence.

(2) The Police must lodge an objection to an application within 1 month after a copy of the application has been received by the Police.

(3) A person, other than the Police, must lodge an objection to an application within 1 month after notice of the application is first published.

(4) Objections must—

(a) be lodged with the Secretary; and

(b) relate to the suitability of the applicant, or a key person of the applicant, in terms of the matters specified in section 201(2) and (3); and

(c) state the grounds of objection.

(5) The Secretary must send a copy of the objection to the applicant within 7 days after the objection is lodged with the Secretary.

Compare: 1977 No 84 ss 44, 45

Bond

195 Applicant must provide bond given by approved surety

(1) An application for a licensed promoter's licence must be accompanied by a bond given by a person who is nominated to the Secretary as a surety.

(2) The bond must—

(a) be for the amount of—

(i) $50,000, until the date that is 3 years after the date on which this Act receives the Royal assent:

(ii) $200,000, on and from the date that is 3 years after the date on which this Act receives the Royal assent; and

(b) bind the surety, unconditionally, to pay the bond to the Secretary on demand if the licensed promoter does 1 or more of the things specified in section 196(1).

(3) As soon as practicable after receiving the application, the Secretary must approve the person nominated as the surety, or refuse to approve the person.

(4) In considering whether or not to approve a person as an approved surety, the Secretary must have regard to the person's ability to pay the bond on demand.

(5) To avoid doubt, in the case of a licensed promoter's licence that was granted before the date specified in subsection (2)(a)(ii) and that is renewed after that date, the bond given by the approved surety must be increased to $200,000 at the time an application for a renewal of the licence is made.

Compare: 1977 No 84 s 41(1), (3)

196 When bond must be paid to Secretary

(1) The Secretary may demand immediate payment of the bond, and the approved surety must satisfy that demand, if the licensed promoter does 1 or more of the following:

(a) fails to meet a financial commitment to the society that engaged the licensed promoter:

(b) fails to pay prizes to winners of class 3 gambling promoted by the licensed promoter:

(c) breaches the obligations of a licensed promoter under this Act or the licensed promoter's licence.

(2) A copy of the demand must be sent to the licensed promoter.

(3) The Secretary must pay the bond received under subsection (1) into a bank account established to administer bonds.

197 Secretary may appoint administrator

The Secretary may appoint an administrator—

(a) to administer bonds paid by approved sureties to the Secretary; and

(b) to consider, negotiate, and pay compensation claims against a licensed promoter lodged under section 198.

198 Compensation claims

(1) The administrator may apply the bond received from an approved surety to compensate a society or participants in the class 3 gambling activity who have

suffered loss or damage in the circumstances set out in section 196(1) as a result of the acts or omissions of the licensed promoter.

(2) If subsection (1) applies, the administrator must publish a notice twice, at intervals of not more than 14 days in a newspaper or newspapers that the administrator considers sufficient, inviting people to lodge claims with the administrator.

(3) A person who wishes to lodge a claim must do so within 6 months of the first date on which the notice is published.

Compare: 1977 No 84 s 41(4), (6)

199 Consideration and payment of claims

(1) The administrator must—

(a) investigate whether a claim made under section 198(3) is justified; and

(b) negotiate the amount of a claim with the claimant; and

(c) negotiate any claims for interest and, if interest is payable, the rate of interest.

(2) The administrator's decision on whether or not to accept a claim, and the amount of the claim, is final.

(3) The administrator must apply the bond as follows:

(a) first, to pay the administrator's fees and expenses incurred in administering the bond:

(b) second, to pay compensation to persons whose claims have been accepted by the administrator under subsection (2):

(c) third, to pay to the approved surety any surplus after the amounts specified in paragraphs (a) and (b) have been satisfied.

(4) If the total claims accepted by an administrator exceed the bond amount paid by an approved surety, the administrator must (after deducting the administrator's fees and expenses) pay each person whose claim has been accepted the proportion of the bond amount that the person's claim bears to the total claims accepted.

(5) The administrator must not pay a claim until 6 months after the second notice required under section 198 is given.

Compare: 1977 No 84 s 41(7)–(9)

Grant of licensed promoter's licence

200 Secretary must investigate applicant for licensed promoter's licence

(1) The Secretary must undertake any investigations the Secretary considers necessary to determine whether an application for a licensed promoter's licence may be granted.

(2) In undertaking investigations, the Secretary may—

(a) require the applicant to provide further information relating to the application:

(b) require the Police to provide any relevant information that the Police may hold about the applicant or any key person:

(c) refer to the Police a copy of the application and any supporting information provided by the applicant.

(3) Subsection (2) does not limit subsection (1).

(4) A person required to provide information under subsection (2) must provide the information as promptly as is reasonable in the circumstances.

201 Grounds for granting licensed promoter's licence

(1) The Secretary must refuse to grant a licensed promoter's licence unless the Secretary is satisfied that the applicant is suitable and will comply with all relevant requirements of this Act.

(2) In determining whether an applicant is suitable for a licensed promoter's licence, the Secretary may investigate and take into account the following things:

(a) whether the applicant or a key person has, within the last 7 years,—

(i) been convicted of a relevant offence:

(ii) held, or been a key person in relation to, a licence under this Act or previous gaming Acts that has been cancelled, or suspended, or for which an application for renewal has been refused:

(iii) been placed in receivership, gone into liquidation, or been adjudged bankrupt:

(iv) been a director of a company that has been placed in receivership or put into liquidation, and been involved in the events leading to the company being placed in receivership or put into liquidation:

(v) been prohibited or disqualified from acting as a director or promoter of, or in any way, whether directly or indirectly, being concerned or taking part in the management of, a company under section 382, 383, or 385 of the Companies Act 1993:

(vi) been prohibited from acting as a director or directly or indirectly being concerned, or taking part, in the management of a company under section 299 of the Insolvency Act 2006:

(b) the profile of past compliance by the applicant and each key person with—

(i) this Act, minimum standards, game rules, *Gazette* notices, and licence conditions; and

(ii) the Racing Industry Act 2020 or the previous racing Acts (and any rules of racing made under any of those Acts); and

(iii) previous gaming Acts, and regulations made under previous gaming Acts; and

(iv) a licence or a site approval issued under a previous gaming Act; and

(c) the financial position and credit history of the applicant and each key person.

(3) The Secretary may take into account matters of a similar nature to those listed in subsection (2) that occurred outside New Zealand.

(4) The Secretary must refuse to grant an application for a licensed promoter's licence if—

(a) the Secretary refuses to approve a person nominated as a surety under section 195(3); or

(b) the applicant refuses to provide the information required by the Secretary under section 200(2)(a).

(5) If the Secretary decides to refuse to grant a licensed promoter's licence, the Secretary must notify the applicant of—

(a) the reason for the decision; and

(b) the right to appeal the decision; and

(c) the process to be followed for an appeal under section 209.

Section 201(1): amended, on 3 March 2015, by section 83(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 201(2): replaced, on 3 March 2015, by section 83(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 201(2)(b)(ii): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

202 Secretary must notify Police if licence granted

(1) The Secretary must, after granting a licence, notify the Police of—

(a) the full name and address of the licensed promoter and any key person; and

(b) the number of the licence; and

(c) the date on which the licence was granted; and

(d) the registered office of the licensed promoter, and any other place of business specified in the licence.

(2) The Secretary must also notify the Police if the Secretary takes any other action in respect of the licence.

(3) Notice required under this section must be given to a senior constable,—

(a) in the case of a holder of a licence who is a natural person, in the district in which the person resides:

(b) in the case of a holder of a licence that is a company, in the district where the company's registered office is situated.

Compare: 1977 No 84 s 51

Section 202(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

203 Content and conditions of licensed promoter's licence

(1) A licensed promoter's licence must include the following information:

(a) the name and business address of the licensed promoter and any key person; and

(b) the commencement date and expiry date of the licence; and

(c) the name and business address of the approved surety.

(2) A licensed promoter's licence is subject to the following conditions:

(a) the licence will be suspended until another bond is provided to the Secretary if—

(i) the bond provided by the approved surety under section 195 is withdrawn; or

(ii) the approved surety is required to pay the bond to the Secretary under section 196:

(b) the licensed promoter must not be associated directly or indirectly with providing ancillary services or prizes in a promotion, unless those services or prizes are provided free of charge:

(c) the licensed promoter must not, during the period of the licence, be employed by a society to conduct class 3 gambling, except in the capacity as a licensed promoter:

(d) any other conditions added by the Secretary.

(3) The conditions that the Secretary may add to a licensed promoter's licence include—

(a) conditions relating to the investigation and audit of the licensed promoter by the Secretary:

(b) any other conditions consistent with this Act that the Secretary considers will promote or ensure compliance with this Act.

(4) The Secretary may, after consultation with the licensed promoter,—

(a) amend or revoke a condition of a licensed promoter's licence; or

(b) add new conditions to a licensed promoter's licence.

(5) If the Secretary decides to amend or revoke a condition or add a new condition to a licence, the Secretary must notify the licensed promoter of—

(a) the right to appeal the decision; and

(b) the process to be followed for an appeal under section 209.

(6) A licensed promoter who contravenes subsection (2)(c) commits an offence and is liable on conviction to a fine not exceeding $1,000.

Compare: 1977 No 84 s 58

Section 203(5): amended, on 15 December 2005, by section 9 of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

Section 203(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

203A Significant changes in relation to licensed promoter's licence must be notified

(1) A licensed promoter must notify the Secretary and provide details of significant changes to the information supplied in, or accompanying, an application for a licence or an amendment to or renewal of a licence.

(2) Notification must occur before, or as soon as practicable after, the changes occur.

(3) The powers and obligations in section 200 apply to a notification of changes as if the notification were an application for a licensed promoter's licence.

(4) The Secretary may require the licensed promoter to apply for an amendment to the licence under section 205A or may invoke the suspension or cancellation provisions under section 206 or 207 as a result of the notification of changes.

Section 203A: inserted, on 3 March 2015, by section 84 of the Gambling Amendment Act 2015 (2015 No 3).

204 Secretary must keep register of licensed promoters

(1) The Secretary must keep and maintain a register that records the name and contact details of licensed promoters.

(2) The register may be kept and maintained in written or electronic form, or both.

(3) The register must be made available for inspection to constables and the public.

Section 204(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Renewal or amendment of licensed promoter's licence

Heading: amended, on 3 March 2015, by section 85 of the Gambling Amendment Act 2015 (2015 No 3).

205 Renewal of licensed promoter's licence

(1) A licensed promoter may apply to the Secretary for a renewal of his, her, or its licensed promoter's licence before the expiry of the licence.

(2) An application must be made on the relevant standard form and be accompanied by—

(a) a bond that satisfies section 195; or

(b) if the Secretary thinks fit, a statement by the existing approved surety that the surety is willing to continue to act as a surety for the licensed promoter and the prescribed bond amount.

(3) Sections 193, 200, and 201 apply to an application for renewal as if it were an application for a licensed promoter's licence.

(4) The Secretary must not renew a licence unless the bond or statement required under subsection (2)(a) or (b) has been lodged or given, as the case may be.

(5) A licensed promoter's licence continues in force after its expiry date if—

(a) the licensed promoter has applied for renewal of the licence before the expiry date; and

(b) the application has not been refused.

Section 205(3): amended, on 3 March 2015, by section 86 of the Gambling Amendment Act 2015 (2015 No 3).

205A Amending licensed promoter's licence

(1) A licensed promoter must apply to the Secretary to amend that licensed promoter's licence if he, she, or it proposes to make any change that impacts on the licensed promoter's ability to continue to comply with this Act or the licence.

(2) An application must be on the relevant standard form.

(3) The Secretary may return an incomplete application, and the accompanying documents and any fee, to an applicant.

(4) Sections 200 and 201 apply to an application for amendment as if it were an application for a licensed promoter's licence.

(5) The Secretary must refuse to amend a licensed promoter's licence if any investigations carried out by the Secretary cause the Secretary not to be satisfied about any of the matters specified in section 201.

Section 205A: inserted, on 3 March 2015, by section 87 of the Gambling Amendment Act 2015 (2015 No 3).

Suspension, cancellation, or refusal to renew licensed promoter's licence

206 Suspension or cancellation of licensed promoter's licence

(1) The Secretary may suspend for up to 6 months, or cancel, a licensed promoter's licence if the Secretary is satisfied that—

(a) the licensed promoter is no longer suitable to hold the licence, in terms of section 201(2) or (3):

(b) the licensed promoter is failing, or has failed, to comply with—

(i) this Act; or

(ii) the licence; or

(iii) the licensed promoter's agreement.

(2) In deciding whether to suspend or cancel a licensed promoter's licence, the Secretary must take into account the matters in section 201.

Compare: 1977 No 84 s 64

207 Procedure for suspending, cancelling, or refusing to renew licensed promoter's licence

(1) If the Secretary proposes to suspend, cancel, or refuse to renew a licensed promoter's licence, the Secretary must notify the licensed promoter of—

(a) the proposal to suspend, cancel, or refuse to renew the licence; and

(b) the reason for the proposed suspension, cancellation, or refusal; and

(c) the licensed promoter's rights, and the procedure to be followed,—

(i) before the suspension or cancellation takes effect; or

(ii) as a result of the refusal to renew the licence.

(2) A licensed promoter may make written submissions to the Secretary concerning the proposed suspension, cancellation, or refusal to renew within—

(a) 20 working days after the date of the notice under subsection (1); or

(b) any longer period that the Secretary allows if an application for an extension is made within the time period specified in paragraph (a).

(3) The Secretary must consider any submissions made by the licensed promoter.

(4) If the Secretary decides to suspend a licensed promoter's licence, the Secretary must notify the licensed promoter of—

(a) the date that the suspension takes effect, being the date of the notice or a specified date after the date of the notice; and

(b) the suspension period (up to 6 months); and

(c) the reason for the suspension; and

(d) the matters to be dealt with in order for the Secretary to consider withdrawing the suspension before the end of the suspension period; and

(e) the consequences of not dealing with the matters identified.

(5) If the Secretary decides to cancel or refuse to renew a licensed promoter's licence, the Secretary must notify the licensed promoter of,—

(a) for a cancellation, the date on which it takes effect and the reason for the cancellation:

(b) for a refusal to renew, the reason for the refusal.

(6) If subsection (4) or subsection (5) applies, the Secretary must also notify the licensed promoter of—

(a) the right to appeal the decision; and

(b) the process to be followed for an appeal under section 209.

208 Consequences of suspension, cancellation, or refusal to renew licensed promoter's licence

(1) The suspension or cancellation of, or refusal to renew, a licensed promoter's licence does not affect—

(a) the obligations of an approved surety to pay the bond amount on demand under section 196:

(b) the obligations of the licensed promoter to operate a trust account as required by section 211.

(2) The Secretary may decide to withdraw a suspension before the end of the suspension period if the reasons for the suspension are resolved to the satisfaction of the Secretary.

(3) The Secretary may decide to cancel a suspended licence at the end of the suspension period if the reasons for the suspension are not resolved to the satisfaction of the Secretary.

(4) Section 207(5) and (6) apply to the cancellation of a suspended licence.

(5) A licensed promoter is not entitled to a refund of fees paid in relation to its licensed promoter's licence if the Secretary suspends, cancels, or refuses to amend or renew its licensed promoter's licence.

209 Appeal to Gambling Commission regarding licensed promoter's licence

(1) An applicant for a licensed promoter's licence or a licensed promoter may appeal to the Gambling Commission against a decision of the Secretary to—

(a) refuse to grant a licensed promoter's licence to the applicant; or

(b) amend or revoke a condition of the licence, or add a new condition to it; or

(c) refuse an application by the licensed promoter for the renewal of the licensed promoter's licence held by the licensed promoter; or

(d) suspend or cancel a licence.

(2) An appeal must be in writing and must be made within—

(a) 15 working days after the date of the notice of the Secretary's decision; or

(b) any longer period that the Gambling Commission allows if an application for an extension is made within the time period specified in paragraph (a).

(3) The Gambling Commission—

(a) may request any information from the applicant, licensed promoter, or Secretary; and

(b) is not bound to follow any formal procedure; and

(c) does not need to hold a hearing; and

(d) must consider any information provided by the applicant, licensed promoter, or Secretary.

(4) The Gambling Commission may then—

(a) confirm, vary, or reverse the decision of the Secretary; or

(b) refer the matter back to the Secretary with directions to reconsider the decision.

(5) The Gambling Commission must give notice of its decision, with reasons, to both the applicant or licensed promoter and to the Secretary.

210 Consequences of appeal regarding licensed promoter's licence

(1) The conditions of a licensed promoter's licence remain unchanged pending the outcome of an appeal if the appellant appeals an amendment or revocation of a condition or the addition of a new condition under section 209(1)(b).

(2) A licensed promoter's licence remains in force until—

(a) the expiry of the period for an appeal under section 209(2); or

(b) the outcome of an appeal if the appellant—

(i) appeals a decision to amend or revoke a condition of a licence, or to add a new condition to a licence under section 209(1)(b); or

(ii) appeals a refusal to renew the licence under section 209(1)(c); or

(iii) appeals a decision to suspend or cancel the licence under section 209(1)(d).

Trust account

211 Licensed promoter must have trust account

(1) This section applies to all money raised by, or paid to, a licensed promoter (including interest)—

(a) to meet the expenses incurred by the licensed promoter on the society's behalf; or

(b) to be held by the licensed promoter on the society's behalf.

(2) A licensed promoter must pay the money into a trust account, at a registered bank, operated either—

(a) for the activities of the society or the licensed promoter generally; or

(b) for a particular promotion.

(3) No person may withdraw money paid into the trust account except—

(a) to pay it to the society on whose behalf it was received or, at the direction in writing of the society, to a person other than the licensed promoter; or

(b) for the purpose of paying an account rendered in accordance with section 213.

(4) Money paid into a licensed promoter's trust account must not—

(a) be used to pay debts of the licensed promoter, or of a key person of the licensed promoter:

(b) be attached or taken in execution under an order or process of a court:

(c) pass to the Official Assignee if the licensed promoter or a key person of the licensed promoter is adjudged bankrupt.

(5) A person who knowingly contravenes subsection (3) or subsection (4) commits an offence and is liable on conviction to a fine not exceeding $2,000.

(6) This section does not prevent money raised by, or paid to, a licensed promoter being paid into the society's bank account if the payment is permitted by the licensed promoter's agreement with the society.

Compare: 1977 No 84 s 55

Section 211(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

212 Trust account must be audited

A licensed promoter's trust account must be audited by a qualified auditor (within the meaning of section 35 of the Financial Reporting Act 2013) at the times and in the manner prescribed by regulations made under section 219.

Compare: 1977 No 84 s 56

Section 212: amended, on 1 July 2015, by section 17 of the Financial Reporting Amendment Act 2014 (2014 No 64).

213 Licensed promoter must render account to society

(1) A licensed promoter must render an account to the society that sets out, in full, particulars of—

(a) the money that has been received by the licensed promoter on behalf of the society; and

(b) how the money has been applied; and

(c) any outstanding amounts that remain to be applied.

(2) The account must be rendered—

(a) within 7 days of a request from the society to do so; or

(b) if no request has been made, within 28 days if the licensed promoter has ceased to act for the society.

(3) A licensed promoter who has rendered an account to a society that satisfies subsection (1) may appropriate money from the trust account to satisfy the account if the appropriation is permitted by the licensed promoter's agreement with the society and by this Act.

(4) A licensed promoter must pay all money held in the trust account on behalf of the society to the society—

(a) within 7 days of a request from the society to do so; or

(b) if no request has been made, within 28 days if the licensed promoter has ceased to act for the society.

(5) A person who knowingly contravenes this section commits an offence and is liable on conviction to a fine not exceeding $2,000.

Compare: 1977 No 84 s 57

Section 213(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Other matters

214 Surrender of licensed promoter's licence

(1) A licensed promoter may surrender a licensed promoter's licence to the Secretary at any time.

(2) The surrender of a licence by a licensed promoter does not affect—

(a) the obligations of the licensed promoter under this Act or the licence:

(b) the obligations of an approved surety under this Act.

215 Temporary licence

(1) The Secretary may, on the application of a person specified in subsection (2), authorise the applicant or any other person to carry on the business of a licensed promoter for a period of up to 3 months.

(2) The persons are—

(a) the manager of the licensed promoter's estate, if the licensed promoter becomes subject to a property order under the Protection of Personal and Property Rights Act 1988:

(b) the licensed promoter's personal representative, if the licensed promoter dies:

(c) the official assignee, if the licensed promoter is adjudged bankrupt:

(d) a liquidator, receiver, or statutory manager, if the licensed promoter is a company and is put into liquidation, placed in receivership, or declared to be subject to statutory management, as the case may be.

(3) An applicant must, after lodging the application with the Secretary, send a copy of it to the Police.

(4) If the application is granted, the person who is authorised to carry on the business of the licensed promoter must be treated as if the person were the licensed promoter.

(5) The Secretary must, after granting a licence under this section, notify the Police in accordance with section 202.

Compare: 1977 No 84 s 53(1)–(3)

216 Revocation of temporary licence

(1) The Police may apply to the Secretary for an authorisation under section 215(1) to be revoked if there are grounds to believe that—

(a) it is not in the public interest for the business to be carried on; or

(b) the person who is authorised to carry on the business has been convicted of a relevant offence.

(2) The Secretary may revoke the authorisation if the Secretary has good reason to believe that one or both of the grounds in subsection (1) have been established.

(3) In determining whether the grounds in subsection (1) have been established, the Secretary may take into account matters that occurred outside New Zealand.

(4) The revocation does not take effect until the Secretary has notified the person concerned.

Compare: 1977 No 84 s 53(4), (6)

217 Incomplete promotions

(1) This section applies if a licensed promoter is unable or unwilling to complete the promotion of a class 3 gambling activity.

(2) If subsection (1) applies, the society on whose behalf the promotion was undertaken may ask the Secretary to—

(a) authorise the society to wind up the promotion; or

(b) authorise the society to proceed on its own behalf with the promotion; or

(c) authorise the society to appoint another licensed promoter to take over and complete the promotion.

Compare: 1977 No 84 s 54(1), (2)

218 Licensed promoter's licence not transferable

(1) A licensed promoter's licence is not transferable.

(2) This section is subject to sections 215 and 217.

219 Regulations relating to licensed promoters

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing the content of a licensed promoter's agreement:

(b) providing for the manner and timing of the audit of a licensed promoter's trust account:

(c) prescribing the maximum, expressed in any appropriate way including a specific amount or a percentage, that may be deducted by a licensed promoter for expenses incurred in promoting class 3 gambling:

(d) prescribing the maximum reward, expressed in any appropriate way including a specific amount or a percentage, that may be paid to a licensed promoter for promoting class 3 gambling:

(e) providing for the maximum number of class 3 gambling activities that may be conducted or promoted by a licensed promoter during the period of a licence:

(f) providing for the supervision of class 3 gambling activities promoted by licensed promoters by the Police and gambling inspectors:

(g) providing for any other matters that are contemplated by, or necessary for, giving full effect to this subpart and its due administration.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1977 No 84 s 66

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 219(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 3
Institutions

Subpart 1—Gambling Commission

220 Establishment of Gambling Commission

A Gambling Commission is established.

221 Membership

(1) The Governor-General may, on the recommendation of the Minister, appoint up to 5 Gambling Commissioners.

(2) The Governor-General may, on the recommendation of the Minister, appoint 1 Gambling Commissioner as the Chief Gambling Commissioner.

(3) A Gambling Commissioner is appointed for a term of up to 3 years as specified in the instrument of appointment.

(4) A Gambling Commissioner may be reappointed.

(5) A person appointed as a Gambling Commissioner may hold that office concurrently with other appointments.

(6) No function or decision of the Gambling Commission is invalidated because—

(a) a Gambling Commissioner did not meet the requirements of section 222; or

(b) there was a defect in the appointment or reappointment of a Gambling Commissioner; or

(c) there is a vacancy in the membership of the Gambling Commission.

(7) Unless the Gambling Commissioner sooner vacates office under section 223, a Gambling Commissioner continues in office until a successor is appointed, despite the expiry of the Gambling Commissioner's term of office.

(8) A Gambling Commissioner is not employed in the Government service for the purposes of the Government Superannuation Fund Act 1956 or the State services for the purposes of the Public Service Act 2020 only because the person is a Gambling Commissioner.

Section 221(8): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

222 Appointment criteria

(1) All Gambling Commissioners must have, in the opinion of the Minister, the knowledge, skills, and experience to enable them to assist in undertaking the functions, powers, and responsibilities of the Gambling Commission.

(2) Additionally, the Chief Gambling Commissioner must be, or have been, a barrister and solicitor of the High Court of New Zealand with at least 7 years' legal experience that meets the requirements of rules made, under the Lawyers and Conveyancers Act 2006, for the purposes of section 30 of that Act.

(3) A proposed Gambling Commissioner must disclose to the Minister, before appointment,—

(a) any interest (direct or indirect) or other appointment that affects, or may affect, the discharge of the Gambling Commission's functions; and

(b) the proposed appointee's financial position; and

(c) whether or not the proposed appointee has been convicted of an offence in New Zealand or overseas.

(4) A Gambling Commissioner must disclose to the Minister any interest, other appointment or conviction referred to in subsection (3) that arises during the term of the Commissioner's appointment.

Section 222(2): amended, on 1 August 2008, by section 348 of the Lawyers and Conveyancers Act 2006 (2006 No 1).

223 Termination of appointment of Gambling Commissioner

(1) The appointment of a Gambling Commissioner (including the Chief Gambling Commissioner) may be terminated by the Governor-General on the recommendation of the Minister for any reason justifying removal, including—

(a) the inability or incapacity to perform; or

(b) neglect; or

(c) misconduct; or

(d) bankruptcy; or

(e) the non-disclosure of information under section 222; or

(f) an interest, other appointment or conviction disclosed under section 222(4).

(2) Before recommending termination, the Minister must give the Gambling Commissioner the reasons for the proposed termination and a reasonable opportunity to be heard and to make submissions.

(3) The Minister must advise the Gambling Commissioner and give him or her reasons in writing for the termination.

(4) A Gambling Commissioner may resign by writing to the Minister.

(5) No compensation is payable to a Gambling Commissioner for termination of appointment or for loss of office.

224 Functions of Gambling Commission

(1) The Gambling Commission's functions are to—

(a) consider and decide whether to grant applications for casino operators' licences:

(b) consider and decide whether to grant applications for the renewal of casino venue licences:

(c) consider and decide applications by the Secretary for orders to suspend or cancel a casino licence:

(d) consider and decide whether to approve—

(i) a mortgage, charge, or encumbrance of a casino licence; and

(ii) the proposed transferee or alienee (and persons with a significant influence) of a casino licence resulting from the enforcement of a mortgage, charge, or encumbrance over a casino licence:

(e) consider and decide whether to grant applications for the approval of—

(i) casino venue agreements; and

(ii) amendments to casino venue agreements:

(f) specify the conditions for inclusion in casino licences or vary or revoke the conditions of casino licences:

(g) consider and decide appeals against decisions of the Secretary to specify, vary, or revoke, or to refuse to specify, vary, or revoke, the minimum operating standards included in a casino licence:

(h) consider and decide appeals on—

(i) unsuccessful applications for a licensed promoter's licence; and

(ii) a decision by the Secretary to cancel, suspend, or refuse to renew a licensed promoter's licence; and

(iii) a decision by the Secretary to amend or revoke a condition of, or add a new condition to, a licensed promoter's licence:

(i) consider and decide appeals on—

(i) unsuccessful applications for a class 3 operator's licence, class 4 operator's licence, or class 4 venue licence; and

(ii) a decision by the Secretary to cancel or suspend or refuse to renew or amend a class 3 operator's licence, class 4 operator's licence, or class 4 venue licence; and

(iii) a decision by the Secretary to amend or revoke a condition of, or add a new condition to, a class 3 operator's licence, class 4 operator's licence, or class 4 venue licence:

(j) consider and decide appeals on—

(i) a decision by the Secretary not to grant a certificate of approval; and

(ii) a decision by the Secretary to suspend or cancel a certificate of approval:

(k) consider and decide appeals under section 150:

(l) consider and decide applications for temporary authority to operate a casino under section 187:

(m) deal with matters under section 156:

(n) consider and deal with complaints under section 81:

(o) facilitate a meeting and advise the responsible Ministers on the proposed problem gambling levy in accordance with the process established under sections 317 to 325:

(p) advise the Minister on matters relating to the performance of its functions or the administration of this Act, either at the Minister's request or on its own initiative:

(q) exercise any other functions that are given to the Gambling Commission by this Act or by another enactment.

(2) The Gambling Commission must make decisions independently of the Minister and the Secretary.

225 Gambling Commission is Commission of Inquiry

(1) Within the scope of its jurisdiction, and subject to this Act, the Gambling Commission (including any division) must be treated as if it were a Commission of Inquiry under the Commissions of Inquiry Act 1908.

(2) Accordingly, the Commissions of Inquiry Act 1908 applies to the Gambling Commission.

(3) The Gambling Commission has no power to—

(a) acquire, hold, or alienate property; or

(b) employ people.

(4) Powers conferred on the Gambling Commission by this subpart are additional to powers conferred on the Gambling Commission by the application of the Commissions of Inquiry Act 1908.

225A Protection of Gambling Commission and Department

(1) The Chief Gambling Commissioner, a Gambling Commissioner, or a person providing services to the Gambling Commission under section 228 is not liable—

(a) for any act or omission by reason only of being the Chief Gambling Commissioner, a Gambling Commissioner, or a person providing those services; or

(b) for any act or omission by him or her, in the performance or intended performance of the Gambling Commission's functions, unless done in bad faith.

(2) The Secretary may indemnify the Chief Gambling Commissioner, a Gambling Commissioner, or a person providing services to the Gambling Commission under section 228 for costs incurred by him or her in a proceeding that relates to acts or omissions by him or her in good faith in the performance or intended performance of the Gambling Commission's functions.

(3) The Secretary may effect insurance for the Chief Gambling Commissioner, a Gambling Commissioner, or a person providing services to the Gambling Commission under section 228 in relation to—

(a) liability (other than criminal liability) for any act or omission in the performance or intended performance of the Gambling Commission's functions; and

(b) costs incurred in any proceeding relating to that liability or in any criminal proceedings.

(4) In this section,—

(a) references to the Chief Gambling Commissioner, a Gambling Commissioner, or a person providing services to the Gambling Commission include references to a former Chief Gambling Commissioner, a former

Gambling Commissioner, and a person who formerly provided services to the Gambling Commission under section 228:

(b) **effect insurance** and **indemnify** have the same meanings as in section 294.

Section 225A: inserted, on 3 March 2015, by section 88 of the Gambling Amendment Act 2015 (2015 No 3).

226 Gambling Commission may engage experts and receive wide evidence

(1) The Gambling Commission may appoint experts to assist the Gambling Commission to exercise its functions or powers, or to do any of the things specified in subsection (2).

(2) A person appointed as an expert—

(a) may be required to make inquiries, conduct research, facilitate consultation, or provide reports on matters before the Gambling Commission; and

(b) is entitled to be paid fees by the Gambling Commission at rates that the Gambling Commission thinks fit; and

(c) may be separately reimbursed for expenses reasonably incurred in performing the services.

(3) The Gambling Commission may—

(a) reconsider any matter that has been determined by it and issue a fresh determination; and

(b) receive evidence that is not admissible in a court.

227 Gambling Commission may sit in divisions

(1) The Gambling Commission may, as it thinks fit, sit as a division to carry out any of its functions under section 224.

(2) If the Gambling Commission decides to sit as a division, the division must consist of up to 3 members, including the Chief Gambling Commissioner or a Gambling Commissioner acting on behalf of the Chief Gambling Commissioner.

(3) The Chief Gambling Commissioner decides who will sit in a division.

(4) *[Repealed]*

(5) *[Repealed]*

(6) *[Repealed]*

Section 227 heading: amended, on 3 March 2015, by section 89(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 227(1): replaced, on 3 March 2015, by section 89(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 227(2): replaced, on 3 March 2015, by section 89(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 227(4): repealed, on 3 March 2015, by section 89(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 227(5): repealed, on 3 March 2015, by section 89(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 227(6): repealed, on 3 March 2015, by section 89(3) of the Gambling Amendment Act 2015 (2015 No 3).

228 Department must service Gambling Commission

(1) The Secretary must arrange the administrative services necessary for the Gambling Commission to perform its functions.

(2) The Secretary must ensure that staff allocated to perform administrative services for the Gambling Commission are separated, physically and operationally, from other staff responsible for policy, licensing, and compliance concerning gambling.

(3) If the Gambling Commission requires a service from the Secretary that is not prescribed by this Act, the Chief Gambling Commissioner must report the requirement to the Minister.

(4) After consultation with the Secretary, the Minister may agree to the Secretary providing the services required by the Gambling Commission.

(5) The Secretary must report annually on the Department's servicing of the Gambling Commission in the Department's annual report.

(6) Information held by the Gambling Commission is to be treated as information of the Department.

229 Gambling Commission must provide annual report to Minister

(1) The Gambling Commission must, as soon as practicable after 30 June each year, provide to the Minister an annual report of its operations during the 12 months preceding 30 June of that year.

(2) The Minister must, within 12 sitting days of receiving the annual report, present a copy of it to the House of Representatives.

230 Remuneration of Gambling Commissioners

(1) The amount of a Gambling Commissioner's remuneration must be determined by the Minister in accordance with the fees framework for statutory and other bodies.

(2) A Gambling Commissioner's remuneration must be paid by the Department.

(3) A Gambling Commissioner is entitled to be reimbursed by the Department for actual and reasonable expenses incurred in performing the Gambling Commission's functions.

231 Disclosure of interests

(1) A Gambling Commissioner must disclose to the Gambling Commission any conflict or potential conflict of interest (direct or indirect) that affects, or may

affect, the proper and impartial discharge of any of the Commissioner's functions.

(2) A disclosure under this clause must be recorded in the Gambling Commission's minutes and, unless the Gambling Commission resolves otherwise, the Commissioner—

(a) must not take part, after the disclosure, in any deliberation or decision of the Gambling Commission relating to the matter that is the subject of the disclosure; and

(b) must be disregarded for the purpose of forming a quorum of the Gambling Commission for any deliberation or decision on that matter.

232 Corrupt use of official information

Every Gambling Commissioner is, while acting as such, an official within the meaning and for the purposes of Part 6 of the Crimes Act 1961.

233 Other enactments applying to Gambling Commission

The following enactments apply to the Gambling Commission:

(a) the Official Information Act 1982:

(b) the Ombudsmen Act 1975:

(c) the Privacy Act 2020:

(d) the Public Records Act 2005.

Section 233(c): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 233(d): substituted, on 21 April 2005, by section 67(1) of the Public Records Act 2005 (2005 No 40).

234 Schedule 3 applies to Gambling Commission

Schedule 3 applies to the Gambling Commission.

235 Appeals

(1) A person affected by a decision of the Gambling Commission in performing any of the functions in section 224(1)(a) to (f) may appeal that decision to the High Court.

(2) The High Court may reconsider afresh a matter that comes to it on appeal and may confirm, modify, or reverse a decision of the Gambling Commission or may direct the Gambling Commission to reconsider a decision.

(3) A person may appeal a decision of the High Court made on appeal under subsection (1) to the Court of Appeal—

(a) on a point of law only; and

(b) with the leave of the Court of Appeal.

(4) An appeal under subsection (1) or subsection (3) must be made within 15 working days of the date of the notice of the Gambling Commission's decision or the date of the High Court decision (as the case may be), or any longer period that the High Court or the Court of Appeal may allow.

(4A) To avoid doubt, a casino licence remains in force (unless it expires or is surrendered) until all appeals are decided, or the period for appeal expires.

(5) There is no appeal to a court against a decision of the Gambling Commission in performing the functions in section 224(1)(g) to (q).

Section 235(4): amended, on 3 March 2015, by section 90(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 235(4A): inserted, on 3 March 2015, by section 90(2) of the Gambling Amendment Act 2015 (2015 No 3).

235A No review of Secretary's decisions concerning class 3 or class 4 gambling until right of appeal exercised

(1) A person who has a right to appeal to the Gambling Commission against 1 or more of the decisions specified in subsection (2) is not entitled to apply for judicial review of the decision unless—

(a) that person exercises that right of appeal; and

(b) the appeal is finally determined.

(2) The decisions referred to in subsection (1) are—

(a) a decision by the Secretary to refuse to grant a class 3 operator's licence, class 4 operator's licence, or class 4 venue licence:

(b) a decision by the Secretary to cancel or suspend a class 3 operator's licence, class 4 operator's licence, or class 4 venue licence:

(c) a decision by the Secretary to amend or revoke a condition of, or add a new condition to, a class 3 operator's licence, class 4 operator's licence, or class 4 venue licence:

(d) a decision by the Secretary to refuse to renew a class 3 operator's licence, class 4 operator's licence, or class 4 venue licence:

(e) a decision by the Secretary to refuse to amend a class 3 operator's licence, class 4 operator's licence, or class 4 venue licence.

(3) In this section, **apply for judicial review** means—

(a) to make an application for review of the decision under the Judicial Review Procedure Act 2016; or

(b) to institute proceedings seeking any writ or order of, or in the nature of, mandamus, prohibition, or certiorari, or a declaration or injunction, in respect of that decision.

Section 235A: inserted, on 21 October 2015, by section 28 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 235A(3)(a): amended, on 1 March 2017, by section 24 of the Judicial Review Procedure Act 2016 (2016 No 50).

Subpart 2—New Zealand Lotteries Commission

New Zealand Lotteries Commission

236 New Zealand Lotteries Commission

(1) The New Zealand Lotteries Commission established under section 72 of the Gaming and Lotteries Act 1977 is continued in existence.

(2) *[Repealed]*

Compare: 1977 No 84 s 72

Section 236(2): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

237 Crown entity status

(1) The Lotteries Commission is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.

(2) The Crown Entities Act 2004 applies to the Lotteries Commission except to the extent that this Act expressly provides otherwise.

Section 237: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

238 Functions of Lotteries Commission

The functions of the Lotteries Commission are—

(a) to promote, organise, and conduct New Zealand lotteries for the purpose of generating profits for distribution by the New Zealand Lottery Grants Board, or for a community purpose for which a special purpose lottery is promoted under section 245:

(b) to maximise profits so generated, subject to ensuring that the risk of problem gambling and underage gambling is minimised:

(c) to make rules regulating the conduct and operation of New Zealand lotteries in accordance with section 243:

(d) to advise the Minister on matters relating to New Zealand lotteries.

Compare: 1977 No 84 s 83

Section 238(b): amended, on 3 March 2015, by section 91 of the Gambling Amendment Act 2015 (2015 No 3).

239 Capacity and powers

[Repealed]

Section 239: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

240 Board of Lotteries Commission

(1) The board of the Lotteries Commission consists of at least 2, and not more than 9, members.

(2) Members of the Lotteries Commission are the board for the purposes of the Crown Entities Act 2004.

Section 240: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 240(1): amended, on 3 March 2015, by section 92 of the Gambling Amendment Act 2015 (2015 No 3).

241 Further provisions about Lotteries Commission

Schedule 4 applies to the Lotteries Commission, its board members, its procedures, its employees, and related matters.

242 Ministerial directions

(1) *[Repealed]*

(2) Written directions given by the Minister may require the Lotteries Commission to vary or revoke any rule made under section 243 or under previous gaming Acts, or to make a new rule under that section.

(3) The Minister must consult with the Lotteries Commission before giving a direction to it.

(4) As soon as practicable after giving a direction under this section, the Minister must—

(a) publish a copy of it in the *Gazette*; and

(b) present a copy of it to the House of Representatives.

(5) A direction may be amended or revoked in the same way as it may be given.

(6) The Lotteries Commission must give effect to a direction under subsection (2) despite section 104 of the Crown Entities Act 2004.

Compare: 1977 No 84 s 87

Section 242(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 242(2): amended, on 18 July 2013, by section 42 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 242(6): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Operation of New Zealand lotteries

243 Lottery rules

(1) The Lotteries Commission may make rules not inconsistent with this Act for or with respect to the conduct and operation (including the establishment and distribution of prize funds) of New Zealand lotteries or any type of New Zealand lotteries.

(2) The rules must be approved by the Minister before being made.

(3) *[Repealed]*

(4) Rules made under this section may authorise designs or specifications or other matters of detail to be determined by the Lotteries Commission, and may not be challenged on the ground that they leave such matters to the discretion of the Commission.

(5) Despite subsection (4), the Minister may, in writing to the Lotteries Commission, require that any design, specification, or other matter of detail be incorporated in rules and not left to the discretion of the Commission.

(6) In making any rules under this section, the Lotteries Commission must have regard to the desirability of—

(a) minimising the risk of players or participants in New Zealand lotteries becoming problem gamblers; and

(b) minimising the risk of under-age gambling.

(7) Rules under this section—

(a) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) take effect on the day after the date of their publication under that Act, or on any later date that is specified in the rules.

Compare: 1977 No 84 s 90

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 243(3): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 243(7): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

244 Minister may require Lotteries Commission products to comply with regulations and minimum standards

(1) The Minister may, by notice,—

(a) require that any New Zealand lottery or class of New Zealand lotteries must comply with the requirements of any regulations or minimum standards made under section 313 or section 327; and

(b) accordingly, require the Lotteries Commission to vary or revoke any relevant rule made under section 243, or make a new rule under that section, to ensure compliance.

(2) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(3) A copy of the notice must be provided to the Lotteries Commission as soon as practicable after publication.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must: • publish it in the *Gazette* • give it to the Lotteries Commission	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 244(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 244(1)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 244(2): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 244(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

245 Special purpose lotteries

(1) The Minister may, from time to time, instruct the Lotteries Commission to promote a New Zealand lottery for any community purpose that the Minister thinks fit.

(2) In this section, **community purpose** has the same meaning as in section 277.

(3) An instruction under this section is a direction for the purposes of the Crown Entities Act 2004.

Compare: 1977 No 84 s 85

Section 245(3): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

246 Lotteries Commission may determine additional prizes

The Lotteries Commission may, from time to time, determine additional prizes to be distributed in accordance with a New Zealand lottery to—

(a) prize winners in any New Zealand lottery; or

(b) any particular class of such prize winners determined by the Commission.

Compare: 1977 No 84 s 84A(3)

247 Lottery proceeds

(1) Every selling agent of tickets in a New Zealand lottery must pay the proceeds that the agent accrues from the sale of tickets in the lottery, at times or intervals

determined by the Lotteries Commission, into such account opened by the Commission as the Commission directs.

(2) A selling agent may however deduct money from those proceeds as authorised by the Lotteries Commission.

(3) The Lotteries Commission must keep those proceeds in the account, or invest them in accordance with the Trusts Act 2019, until they are dealt with under section 263.

(4) Any interest accruing from an investment under subsection (3), or any proceeds from the realisation of such an investment, must be paid into the account referred to in subsection (1) and treated as part of the lottery proceeds on which the interest or realisation was accrued.

Compare: 1977 No 84 s 94

Section 247(1): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 247(3): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

248 Method of drawing lottery

(1) Every New Zealand lottery must be drawn and prizes allocated in a manner and under conditions determined by the Lotteries Commission.

(2) Subsection (1) is subject to any rules made under section 243 and any provisions specified by the Minister under section 244(1)(a).

(3) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1977 No 84 s 95

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 248(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

249 Scrutiny of drawings and allocations

The Secretary and the Auditor-General must exercise the scrutiny that they determine necessary—

(a) to ensure the security and proper operation of the equipment, processes, and procedures used in connection with the drawing of a New Zealand lottery or an allocation; and

(b) over the drawing and accuracy of the official results of New Zealand lotteries.

Compare: 1977 No 84 ss 96, 96A

250 Drawings to be open to public at discretion of Lotteries Commission

(1) Except as provided in subsection (2), the drawing of every New Zealand lottery must be open to the public.

(2) The Lotteries Commission may, from time to time, determine that the drawing of a particular type of New Zealand lottery is not to be open to the public. In making such a determination, the Commission must have regard to the method and frequency of the drawing and the technology used in the drawing.

(3) Where the drawing of a New Zealand lottery is open to the public, the Lotteries Commission must publicly notify or announce, in any manner that it thinks fit,—

(a) the time and place of the drawing; and

(b) in the case of a drawing that is to be broadcast, the time and channel or station of the drawing.

(4) Subsection (2) is subject to any rules made under section 243 and to any provisions specified by the Minister under section 244(1)(a).

Compare: 1977 No 84 s 97

251 Official result

(1) Immediately after the drawing of any New Zealand lottery, the Lotteries Commission must—

(a) carry out any procedure for verification of the result for the time being agreed by the Commission, the Department, and the Auditor-General; and

(b) announce or display the official result in accordance with the rules for the type of New Zealand lottery to which the drawing relates.

(2) No person, other than a broadcaster with whom the Lotteries Commission specifically contracts for the purpose, may publish or broadcast the announced results of a New Zealand lottery before the official result is announced or displayed under subsection (1)(b).

(3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding $200.

(4) In this section, **official result** means the result of drawing a New Zealand lottery under this Act.

Compare: 1977 No 84 s 98

Section 251(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

252 Lottery prize fund

(1) All the money that constitutes the prize fund of a New Zealand lottery must be paid into a lottery prize fund account.

(2) The Lotteries Commission must pay out of the lottery prize fund account the prizes set for the relevant type of lottery in accordance with rules made under section 243 and any provisions specified by the Minister under section 244(1)(a).

(3) The money kept in the lottery prize fund account may be applied only towards the payment of prizes in New Zealand lotteries, except as provided in subsection (4).

(4) The Lotteries Commission may invest, in accordance with the Trusts Act 2019, any money kept in the lottery prize fund account that is not immediately required for the payment of prizes.

(5) Any interest accruing from those investments, and any proceeds from the realisation of the investments,—

(a) must be paid into the lottery prize fund account; and

(b) forms, in accordance with any rules made under section 243 and any provisions specified by the Minister under section 244(1)(a), a prize pool for any lottery conducted at a later date.

Compare: 1977 No 84 s 101

Section 252(4): replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

253 Entitlement to prizes

(1) The Lotteries Commission must pay the prizes of each New Zealand lottery to the participants who are entitled to those prizes in accordance with the official results of the drawing of that lottery and in accordance with any rules made under section 243 and any provisions specified by the Minister under section 244(1)(a).

(2) If, after the drawing of a lottery, no entitlement exists to a prize offered in the lottery, the amount of the prize must—

(a) be retained within the lottery prize fund account; and

(b) be dealt with in accordance with any rules made under section 243 and any provisions specified by the Minister under section 244(1)(a).

Compare: 1977 No 84 s 102

254 Claims to lottery prizes

(1) A participant who is entitled to a lottery prize may be required to submit evidence of his or her entitlement to the prize, in accordance with rules made under section 243 and any provisions specified by the Minister under section 244(1)(a), to the Lotteries Commission or to a selling agent of the Commission.

(2) If the Lotteries Commission or, if appropriate, the selling agent is satisfied that the participant is entitled to the prize, the Commission or agent must pay the participant the amount of the prize out of the money constituting the prize fund for the lottery.

(3) If the Lotteries Commission is not satisfied that a claiming participant is entitled to the prize claimed, the Commission must retain the amount of the prize in the lottery prize fund account until the question of entitlement is resolved.

(4) If it is determined that the entitlement exists, the Lotteries Commission must pay the amount of the prize in accordance with that determination.

(5) If it is determined that no entitlement exists, the Lotteries Commission must deal with the amount of the prize in accordance with section 256 as if it were an unclaimed prize.

(6) Despite anything in this section, no claim submitted to the Lotteries Commission under subsection (1) may be recognised if it is made later than 12 months after the drawing of the lottery to which it relates.

Compare: 1977 No 84 s 103

255 No entitlement to interest

A person is not entitled to the payment of interest in respect of a prize in a New Zealand lottery unless the Lotteries Commission had no reasonable grounds for—

(a) questioning entitlement to the prize; or

(b) withholding payment of the prize.

Compare: 1977 No 84 s 104

256 Unclaimed prizes

(1) If any prize in a New Zealand lottery is not claimed within 12 months after the drawing of that lottery, or any prize in a New Zealand lottery that is an instant game is not claimed within 12 months after the date of closure of that instant game,—

(a) the Lotteries Commission must retain the prize in the lottery prize fund account, if so provided in rules made under section 243 or provisions specified by the Minister under section 244(1)(a); and

(b) the prize then forms, in accordance with those rules or provisions, a part of the prize pool for any New Zealand lottery conducted at a later date.

(2) If rules made under section 243 or provisions specified by the Minister under section 244(1)(a) do not provide for the retention of an unclaimed prize in the lottery prize fund account, then, at the expiry of the 12-month period that applies under subsection (1), the Lotteries Commission must pay the amount of the prize from the lottery prize fund account into such account opened under section 286 as the Secretary directs. The amount of the prize must then be dealt with as if it were part of the undistributed profits of New Zealand lotteries.

(3) For the purposes of this section, the **date of closure** of a New Zealand lottery that is an instant game is—

(a) the date on which the last ticket is sold, or any tickets remaining unsold are cancelled by the Lotteries Commission; or

(b) if provision is made by the Lotteries Commission for additional prizes in accordance with section 246, the date on which those additional prizes are determined.

Compare: 1977 No 84 s 105

Financial provisions relating to Lotteries Commission

257 Funds of Lotteries Commission

The funds of the Lotteries Commission consist of—

(a) all lottery proceeds set aside for expenses incurred or expected to be incurred in conducting lotteries and for the purposes of the Commission under section 263:

(b) all money advanced or made available to the Commission under section 288:

(c) all money received by the Commission by way of fees, rent, or otherwise in respect of—

(i) any real or personal property vested in or controlled by the Commission; or

(ii) the performance or exercise of any of the functions or powers of the Commission:

(d) all money received by the Commission from the sale or other disposal of any of its real or personal property:

(e) all accumulations of income derived from any such money.

Compare: 1977 No 84 s 106

258 Bank accounts

[Repealed]

Section 258: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

259 Estimates of income and expenditure

(1) The Lotteries Commission must, before 1 June in each financial year, prepare and submit to the Minister an estimate of the Commission's income and expenditure for the next financial year.

(2) The estimate must be approved by the Minister either—

(a) as submitted by the Lotteries Commission; or

(b) after it has been amended by the Commission in a manner required by the Minister.

(3) All expenditure by the Lotteries Commission in any financial year must be in accordance with the approved estimate for that year, unless the Minister expressly approves otherwise.

(4) The Commission must also promptly supply to the Secretary for Internal Affairs the information needed by the Secretary to enable him or her to comply with section 276(1).

Compare: 1977 No 84 s 108

260 Borrowing powers

[Repealed]

Section 260: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

261 Loans

The Lotteries Commission may, for the purpose of assisting in the promotion, organisation, and conduct of New Zealand lotteries, or for other purposes that the Minister approves,—

(a) make advances to any person or body corporate, with or without security, at the rates of interest that it determines or free of interest:

(b) guarantee to any person or body corporate, with or without security, advances made by any person or body corporate.

Compare: 1977 No 84 s 110

262 Investment of funds

The Lotteries Commission may invest any of its funds in accordance with the Trusts Act 2019.

Compare: 1977 No 84 s 111

Section 262: amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

263 Payment of profits

(1) Except as provided in subsection (2), the Lotteries Commission must, at the intervals or times that the Minister may direct, consistent with the estimate of income and expenditure approved by the Minister under section 259, pay its profits into such account opened under section 286 as the Secretary directs.

(2) The Minister may from time to time authorise the Lotteries Commission to retain the portion of its profits that the Minister thinks fit for the purposes of the Commission.

Compare: 1977 No 84 s 99

264 Exemption from income tax

The Lotteries Commission is exempt from the payment of income tax.

Compare: 1977 No 84 s 112

265 Financial year

[Repealed]

Section 265: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

266 Accounts and audit

(1) *[Repealed]*

(2) The financial statements that must be prepared by the Lotteries Commission under Part 4 of the Crown Entities Act 2004 must include its financial transactions relating to the proceeds from sales of tickets in New Zealand lotteries and every special purpose lottery promoted under section 245.

(3) *[Repealed]*

Compare: 1977 No 84 s 114

Section 266(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 266(2): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 266(3): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Other matters

267 Protection of name

(1) No body may be incorporated or registered under any enactment or in any other manner—

(a) under the name "New Zealand Lotteries Commission"; or

(b) under any other name that so resembles the name of the Lotteries Commission that it is likely to mislead any person.

(2) No person other than the Lotteries Commission may, either alone or with any other person,—

(a) trade or carry on business under the name "New Zealand Lotteries Commission" unless that person has carried on business continuously under the name of "New Zealand Lotteries Commission" since any date before 1 November 1986; or

(b) trade or carry on business under any other name, knowing that the name so resembles the name of the Lotteries Commission that it is likely to mislead any person.

(3) A person who contravenes subsection (2) commits an offence and is liable on conviction to,—

(a) in the case of an individual,—

(i) a fine not exceeding $5,000; and

(ii) in the case of a continuing offence, a further fine not exceeding $500 for every day or part of a day during which the offence has continued:

(b) in the case of a body corporate,—

(i) a fine not exceeding $50,000; and

(ii) in the case of a continuing offence, a further fine not exceeding $5,000 for every day or part of a day during which the offence has continued.

Section 267(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

268 Protection of product names

(1) No person other than the Lotteries Commission may, either alone or with any other person, promote, organise, or conduct any gambling—

(a) under the product names specified in subsection (3); or

(b) under any other name, knowing that the name so resembles a product name specified in subsection (3) that it is likely to mislead any person.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to,—

(a) in the case of an individual, a fine not exceeding $5,000:

(b) in the case of a body corporate,—

(i) a fine not exceeding $50,000; and

(ii) in the case of a continuing offence, a further fine not exceeding $5,000 for every day or part of a day during which the offence has continued.

(3) The specified product names are “Lotto Combo”, “Instant Kiwi”, and “Golden Kiwi”.

(4) Nothing in this section prevents the use by any person of the words “Lotto”, “Combo”, “Instant”, “Golden”, or “Kiwi” separately.

Compare: 1977 No 84 ss 115A, 139

Section 268(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

269 Contracts with other bodies

[Repealed]

Section 269: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

270 Accounts of bodies assisting Lotteries Commission and audit of accounts

(1) A person, body corporate, or department that has entered into an arrangement, agreement, or contract under section 17 of the Crown Entities Act 2004 to do

anything as agent for the Lotteries Commission, or otherwise act on behalf of the Commission, in the promotion, organisation, or conduct of any New Zealand lottery must—

(a) keep full and true accounts of everything done by him, her, or it relating to the lottery in a manner and form approved by the Commission; and

(b) as soon as practicable after the end of each financial year, or (if earlier) after the termination of the arrangement, agreement, or contract,—

(i) prepare a statement of account of his, her, or its activities on behalf of the Commission during the year or other relevant period; and

(ii) on receipt of a written request from the Commission, submit the statement to the Commission.

(2) Every statement proposed under subsection (1) must be audited by the Auditor-General, who, for that purpose, has and may exercise all his or her powers under the Public Audit Act 2001.

(3) For the purposes of this section, **financial year** means the period commencing with 1 July in each year and ending with 30 June in the following year.

Compare: 1977 No 84 s 89

Section 270(1): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Transitional provision

271 Members of Lotteries Commission continue in office

The persons who were members or alternate members of the Lotteries Commission immediately before the commencement of this subpart are deemed to have been appointed as members or alternate members of the board of the Lotteries Commission, and continue in office as such for the remainder of the terms for which they were appointed as members or alternate members of the Lotteries Commission.

Subpart 3—New Zealand Lottery Grants Board

New Zealand Lottery Grants Board

272 New Zealand Lottery Grants Board

(1) The New Zealand Lottery Grants Board established by section 116A of the Gaming and Lotteries Act 1977 is continued in existence.

(2) The Board consists of—

(a) the Minister, who is the presiding member of the Board:

(b) the Prime Minister:

(c) the member of the House of Representatives who is for the time being the Leader of the Opposition:

(d) 3 persons appointed by the Governor-General having regard to the appointees' knowledge, skills, and experience relating to the functions and powers of the Board.

Compare: 1977 No 84 s 116A

273 Members and procedure

Part 1 of Schedule 5 applies in relation to the Board's members and procedure.

274 Function of Board

The general function of the Board is to determine the proportions in which the profits of New Zealand lotteries are allocated for distribution in accordance with this subpart.

Compare: 1977 No 84 s 116F(1)

275 Powers of Board

In addition to the powers specifically provided in this Act, the Board has all the powers that are necessary or expedient to enable it to perform its functions.

Compare: 1977 No 84 s 116F(2)

276 Amounts available for allocation by Board

(1) The Board may from time to time require the Secretary for Internal Affairs to prepare and forward to the Board a statement showing—

(a) the amount of profits arising from New Zealand lotteries and in hand at the date of the statement:

(b) an estimate of the amount of profits arising from New Zealand lotteries expected to be derived during the period specified by the Board:

(c) an estimate of the costs of administration payable under this subpart during that period.

(2) The Board, after considering the statement, must—

(a) determine the amount that will be allocated to each distribution committee, or to the Minister, during the period to which the determination relates; and

(b) notify each distribution committee of the amount allocated to it for that period.

(3) A copy of every notification made under this section must be forwarded by the Secretary of the Board to the Secretary for Internal Affairs.

(4) A determination of the Board under this section may, by subsequent resolution, be varied or revoked and the Board must notify each distribution committee concerned of the subsequent resolution.

Compare: 1977 No 84 s 116G

277 Purposes for which profits may be distributed

(1) Except as otherwise expressly provided in this subpart, the profits of New Zealand lotteries must be distributed, in accordance with the determinations of the distribution committees or the Minister, for community purposes only and for no other purpose.

(2) For the purposes of this section, a distribution is for community purposes if it would contribute to the building of strong sustainable communities by encouraging or enabling—

(a) community self-reliance, capacity building, and stability; or

(b) opportunities for social, recreational, civil, or cultural participation and reducing or overcoming barriers to such participation; or

(c) community and environmental health; or

(d) development and preservation of New Zealand's arts, culture, heritage, and national identity; or

(e) sports and recreation.

(3) A distribution for community purposes must be for a purpose that involves a community benefit of a public nature. A distribution will not be treated as being for community purposes if it involves private pecuniary profit or gain for an individual or body, except to the extent that the profit or gain arises as a mere incident of the principal purpose or purposes of the distribution.

(4) In considering the matters specified in subsection (2), a distribution committee or the Minister must have regard to the needs of Māori.

(5) In considering those matters, a distribution committee or the Minister must, as appropriate, also have regard to the needs of older people, Pacific people and other ethnic communities, women, youth, and people with disabilities.

(6) Despite anything in this section, if the Minister instructs the Lotteries Commission to promote and conduct a New Zealand lottery for a particular purpose under section 245, the profits of the lottery must be expended for that purpose.

(7) Profits of New Zealand lotteries distributed in accordance with subsection (1) or expended in accordance with subsection (2) are not subject to section 165 of the Crown Entities Act 2004.

Compare: 1977 No 84 s 116H

Section 277(7): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

278 Distributions by Minister

(1) The Board may allocate from profits of New Zealand lotteries a specified sum of money for distribution by the Minister in response to applications referred to the Minister under section 282(2).

(2) The Minister may distribute any such sum accordingly, on a qualifying application referred to the Minister under section 282(2) for the purposes set out in section 277.

Compare: 1977 No 84 s 116I

279 Allocation of profits to certain statutory bodies

(1) The Board may allocate from the profits of New Zealand lotteries a specified sum of money for expenditure, in accordance with the terms of their statutes, by any of the following bodies:

(a) the Arts Council of New Zealand Toi Aotearoa constituted under the Arts Council of New Zealand Toi Aotearoa Act 2014:

(b) the New Zealand Film Commission established under the New Zealand Film Commission Act 1978:

(c) Sport and Recreation New Zealand, as established under the Sport and Recreation New Zealand Act 2002.

(2) Where a sum is allocated to any of these bodies,—

(a) the Board must notify the Secretary and that body accordingly; and

(b) on receipt of the notification, the Secretary must cause the amount allocated to be paid to the body concerned at the intervals that the Board determines.

Section 279(1)(a): amended, on 30 April 2014, by section 27 of the Arts Council of New Zealand Toi Aotearoa Act 2014 (2014 No 1).

Distribution committees

280 Distribution committees

(1) For the purposes of this subpart, the Minister may, by notice, establish such number of distribution committees as he or she thinks fit.

(2) A distribution committee consists of the number of persons that the Minister thinks fit, being not less than 3 nor more than 5 persons.

(3) The members of each distribution committee are to be appointed by the Minister having regard to the appointees' knowledge, skills, and experience relating to the functions and powers of the distribution committee.

(4) The Minister must appoint a member of each committee to be the presiding member.

(5) The Minister may vary the purposes in respect of which any distribution committee has been established, and may disestablish any distribution committee.

(6) Part 2 of Schedule 5 applies in relation to the members and proceedings of distribution committees.

(7) A notice under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1977 No 84 s 116K

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 280(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 280(7): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

281 Functions of distribution committees

(1) The functions of each distribution committee are—

(a) to approve for distribution in accordance with this subpart those undistributed profits of New Zealand lotteries that are available to it for distribution:

(b) to exercise any other functions that may be conferred on it by this subpart or by regulations made under this Act.

(2) In the exercise of its functions and powers, a distribution committee must—

(a) comply with the policy of the Board with respect to the distribution of profits of New Zealand lotteries; and

(b) comply with any directions of the Board in respect of that policy.

Compare: 1977 No 84 s 116O

Applications for grants

282 Applications for assistance

(1) Every application for assistance from profits of lotteries must be addressed to the Secretary, who must refer each application that comes within the purposes specified in section 277 to the appropriate distribution committee.

(2) If there is no appropriate distribution committee, a qualifying application must be referred to the Minister.

(3) On receipt of an application, a distribution committee (or the Minister) must, after having regard to the amount available for distribution and all relevant matters,—

(a) determine whether or not the application should be granted; and

(b) if so, determine the amount that should be granted; and

(c) notify the Secretary of those determinations.

(4) A grant by a distribution committee or the Minister may be subject to the terms and conditions, not inconsistent with this Act, that the committee or the Minister thinks fit.

(5) The distribution committee, or the Minister, may vary or cancel any terms or conditions attached to the grant or add new conditions to the grant.

Compare: 1977 No 84 s 116Q

283 Payments of grants

On receipt of any determination of a distribution committee or the Minister under section 282 approving a grant, the Secretary must—

(a) cause the amount of the grant to be paid in accordance with the terms of the approval; and

(b) notify the person to whom the grant is made of any terms or conditions attached to the grant, including any terms and conditions subsequently added to the grant under section 282(5).

Compare: 1977 No 84 s 116R

284 Subsidies and loans

(1) Subject to any general directions of the Board or any specific restrictions imposed by it, a distribution committee may, in addition to approving grants under section 282, approve—

(a) the payment of subsidies; or

(b) the making of loans, with or without security and at the rates of interest or free of interest that the committee determines, to—

(i) local authorities within the meaning of the Local Government Act 2002 (subject to the provisions of that Act as to loans); or

(ii) organisations of a kind approved for the time being by the Board; or

(c) the variation, cancellation, or discharge of any subsidy or loan previously approved under this subsection, or the increase of the amount of any such subsidy or loan.

(2) On being notified of an approval under subsection (1), the Secretary must, in accordance with the terms of the approval,—

(a) pay any subsidy referred to in the approval:

(b) make any loan referred to in the approval:

(c) do any other thing necessary to give effect to the approval.

(3) An approval given under this section may be made subject to any terms and conditions that the distribution committee thinks fit.

(4) For the purposes of this section, a distribution committee may—

(a) establish any endowment or create any trust upon any terms and conditions, and having the objects, that the committee thinks fit; and

(b) appoint trustees for the purpose.

(5) All amounts of interest paid in respect of loans made under this section, and money received in repayment of the loans, are deemed to be profits arising from New Zealand lotteries, and must be dealt with accordingly.

Compare: 1977 No 84 s 116S

285 Secretary is corporation sole for certain purposes

(1) For the purposes of section 284(2), the Secretary, where acting on behalf of a distribution committee, is incorporated as a corporation sole with perpetual succession and a seal of office.

(2) The corporation is capable of suing and being sued and, for the purposes of section 284(2), may acquire, hold, and dispose of real and personal property and do and suffer all acts and things that a body corporate may do and suffer.

(3) The seal of the corporation may not be affixed to any instrument or document except in the presence of the Secretary, or an officer of the Department for the time being authorised by the Secretary for the purpose of this section, who must attest by his or her signature the fact and date of the affixing of the seal.

(4) All courts and persons acting judicially must—

(a) take judicial notice of the seal of the corporation that has been affixed to any instrument or document; and

(b) until the contrary is proved, presume that the seal was properly affixed.

Compare: 1977 No 84 s 116T

Financial provisions relating to Board and distribution committees

286 Bank accounts

(1) For the purposes of this subpart and subpart 2, the Secretary may open at any bank 1 or more accounts under the names that the Secretary thinks fit.

(2) The accounts may be operated by any 2 officers of the Department who are authorised by the Secretary for the purpose.

(3) Cash may not be withdrawn from an account referred to in subsections (1) and (2).

Compare: 1977 No 84 s 116U

Section 286(2): amended, on 5 December 2013, by section 4(1) of the Gambling Amendment Act 2013 (2013 No 118).

Section 286(3): inserted, on 5 December 2013, by section 4(2) of the Gambling Amendment Act 2013 (2013 No 118).

287 Investment of money

(1) Subject to any directions of the Board, the Secretary may invest any profits of New Zealand lotteries in accordance with the Trusts Act 2019, pending their distribution under section 277.

(2) Any amounts of interest arising from the investments, and the proceeds of any realisation of the investments, are deemed to be profits arising from New Zealand lotteries and must be dealt with accordingly.

Compare: 1977 No 84 s 116V

Section 287(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

288 Loans to Lotteries Commission

(1) Despite section 287, the Board may authorise the Secretary to advance any profits of New Zealand lotteries, pending their distribution under section 277, to the Lotteries Commission to enable the Commission to perform and exercise its functions and powers under subpart 2.

(2) Any such advance may be made by the Secretary, with or without security, at rates of interest determined by the Board.

(3) The Board may guarantee, with or without security, advances made to the Lotteries Commission by any other person under section 260.

(4) Any money required to be paid by the Secretary by virtue of a guarantee given by the Board under subsection (3) is to be paid by the Secretary out of the undistributed profits of New Zealand lotteries.

Compare: 1977 No 84 s 116W

289 Miscellaneous expenditure

There may be paid out of the undistributed profits of New Zealand lotteries the amounts that the Minister approves—

(a) for any purposes in connection with the management, investment, and distribution of profits of New Zealand lotteries:

(b) for any research or investigation relating to New Zealand lotteries and other gambling activities:

(c) for the dissemination of information relating to the distribution of profits of New Zealand lotteries:

(d) for the administration of this subpart and subpart 2.

Compare: 1977 No 84 s 116X

290 Accounts of profits and audit

(1) The Secretary must keep full and true accounts with respect to—

(a) the profits of New Zealand lotteries generally; and

(b) the profits of every special purpose lottery conducted under section 245.

(2) As soon as practicable after the end of each financial year, the Secretary must cause to be prepared and submitted to the Auditor-General full and true accounts with respect to the profits of New Zealand lotteries and every special lottery for that year.

(3) The accounts must be presented in accordance with generally accepted accounting practice as if they were for an entity.

(4) The accounts must be audited by the Auditor-General, who, for that purpose, has and may exercise all his or her powers under the Public Audit Act 2001.

(5) After the audit, the Secretary must forward a copy of the accounts to the Board.

Compare: 1977 No 84 s 116Y

291 Crown entity

The Board is, for the purposes of subpart 2 of Part 5 of the Public Finance Act 1989, an organisation named or described in Schedule 4 of that Act.

Compare: 1977 No 84 s 116YA

Section 291: amended, on 3 March 2015, by section 93 of the Gambling Amendment Act 2015 (2015 No 3).

Section 291: amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Miscellaneous provisions

292 Appointment of officers

(1) There may be appointed under the Public Service Act 2020 a secretary of the Board, and any other employees that may be required to assist the Minister, the Board, the distribution committees, and the Secretary for Internal Affairs for the purposes of this subpart and subpart 2.

(2) Any such position may be held separately or in conjunction with any other office in the State services.

Compare: 1977 No 84 s 116ZA

Section 292(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

293 Remuneration of members of Board and distribution committees

(1) If the Minister so directs, there may be paid out of the undistributed profits of New Zealand lotteries to any appointed member of the Board, and to any member of a distribution committee or subcommittee, any remuneration by way of fees or allowances that may be approved by the Minister.

(2) The Board and each distribution committee and subcommittee are statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951, and travelling allowances or expenses in accordance with the provisions of that Act are to be paid out of the undistributed profits of New Zealand lotteries to

members of the Board and members of the committees and subcommittees accordingly.

Compare: 1977 No 84 s 116ZB

294 Protection of members, distribution committees, and employees

(1) A member of the Board or of a distribution committee or subcommittee, or an employee of the Secretary, is not liable for any act or omission of the Board or distribution committee or subcommittee by reason only of being such a member or employee.

(2) Such a member or employee is not liable to any person (other than the Board) for any act or omission by him or her, in the performance or intended performance of the Board's or distribution committee's or subcommittee's functions, unless done in bad faith.

(3) The Board is liable for any act or omission for which, but for this section, a board member, committee or subcommittee member, or employee would have been liable to a person.

(4) The Board may indemnify a board member, committee or subcommittee member, or employee for costs incurred by him or her in a proceeding—

(a) that relates to acts or omissions by him or her in good faith in the performance or intended performance of the Board's or committee's or subcommittee's functions; and

(b) in which judgment is given in his or her favour, in which he or she is acquitted, or that is discontinued.

(5) The Board may effect insurance for a board member, committee or subcommittee member, or employee in relation to—

(a) liability (other than criminal liability) for any act or omission in the performance or intended performance of the Board's, committee's, or subcommittee's functions; and

(b) costs incurred in any proceeding relating to that liability or in any criminal proceedings.

(6) In this section,—

(a) references to members and employees include references to former members of the Board or of a distribution committee or subcommittee and to former employees of the Secretary:

(b) **effect insurance** includes pay, whether directly or indirectly, the costs of the insurance:

(c) **indemnify** includes relieve or excuse from liability whether before or after the liability arises.

Compare: 1977 No 84 s 116ZC

295 Annual report

(1) As soon as practicable after the end of each financial year, the Board must deliver to the Minister a report on its operations and the operations of each distribution committee during that financial year.

(2) The Minister must present a copy of the report to the House of Representatives in accordance with section 150(3) of the Crown Entities Act 2004.

Compare: 1977 No 84 s 116Z

Section 295(2): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Transitional provision

296 Transitional provision

Despite sections 277, 278, 376, and 377, any application for assistance made under section 116Q of the Gaming and Lotteries Act 1977 before the commencement of this section may be determined by a distribution committee or by the Minister as if this Act had not been passed.

Subpart 4—Casino Control Authority

[Repealed]

Subpart 4: repealed, on 3 March 2015, by section 94 of the Gambling Amendment Act 2015 (2015 No 3).

297 Casino Control Authority abolished

[Repealed]

Section 297: repealed, on 3 March 2015, by section 94 of the Gambling Amendment Act 2015 (2015 No 3).

298 Consequences of dissolution

[Repealed]

Section 298: repealed, on 3 March 2015, by section 94 of the Gambling Amendment Act 2015 (2015 No 3).

299 Third parties

[Repealed]

Section 299: repealed, on 3 March 2015, by section 94 of the Gambling Amendment Act 2015 (2015 No 3).

300 Employees of Authority

[Repealed]

Section 300: repealed, on 3 March 2015, by section 94 of the Gambling Amendment Act 2015 (2015 No 3).

Part 4
Harm prevention and minimisation, enforcement, and other matters

Subpart 1—Age restriction on certain gambling

301 Age restriction on instant games and similar games

(1) Every person under 18 years commits an offence who purchases, or attempts to purchase, a ticket in the following games, either on the person's own behalf or on behalf of any other person:

(a) an instant game that is a New Zealand lottery:

(b) a New Zealand lottery that is highly repetitive or frequently drawn:

(c) any other similar game run by the Lotteries Commission and that is declared by the Minister, by notice, to be subject to this section.

(2) Every person commits an offence who purchases, or attempts to purchase, a ticket in a game listed in subsection (1) on behalf of a person under 18 years.

(3) Every person commits an offence who—

(a) sells, or offers to sell, a ticket in a game listed in subsection (1) to a person under 18 years, whether the ticket is purchased or intended to be purchased for that person or for any other person; or

(b) provides credit to a person under 18 years to enable that person to purchase a ticket.

(4) It is a defence to a charge under subsection (2) or subsection (3) if the defendant proves that the defendant had reasonable grounds to believe that the person to whom the charge relates was 18 years or over.

(5) Without limiting subsection (4), reasonable grounds exist for the purposes of that subsection if the defendant proves that the defendant had sighted an evidence of age document of the person to whom the charge relates, indicating that the person was 18 years or over.

(6) Every person who commits an offence—

(a) against subsection (1) is liable on conviction to a fine not exceeding $500:

(b) against subsection (2) or subsection (3) is liable on conviction to a fine not exceeding $1,000.

(7) A notice under subsection (1)(c) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1977 No 84 s 116ZE

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Act.

Section 301(1)(c): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 301(5): amended, on 3 March 2015, by section 95 of the Gambling Amendment Act 2015 (2015 No 3).

Section 301(6)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 301(6)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 301(7): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

302 Age restriction on class 4 gambling

(1) Every person under 18 years commits an offence who participates in class 4 gambling.

(2) Every corporate society commits an offence that allows a person under 18 years to participate in class 4 gambling at a venue for which it holds a class 4 venue licence.

(3) Every venue manager or person who is a key person at a class 4 venue commits an offence who allows a person under 18 years to participate in class 4 gambling at the venue where the manager or person is employed.

(4) It is a defence to a charge under subsection (2) if the defendant proves that—

(a) the offence was committed without the knowledge of the defendant; and

(b) the defendant had reasonable grounds to believe that there were effective procedures operating to minimise the possibility of a person under 18 years participating in class 4 gambling.

(5) It is a defence to a charge under subsection (3) if the defendant proves that the defendant had reasonable grounds to believe that the person to whom the charge relates was 18 years or over.

(6) Without limiting subsection (5), reasonable grounds exist for the purposes of that subsection if the defendant proves that the defendant had sighted an evidence of age document of the person to whom the charge relates, indicating that the person was 18 years or over.

(7) Every person who commits an offence—

(a) against subsection (1) is liable on conviction to a fine not exceeding $500:

(b) against subsection (2) is liable on conviction to a fine not exceeding $5,000:

(c) against subsection (3) is liable on conviction to a fine not exceeding $1,000.

Section 302(5): amended, on 3 March 2015, by section 96 of the Gambling Amendment Act 2015 (2015 No 3).

Section 302(6): amended, on 3 March 2015, by section 96 of the Gambling Amendment Act 2015 (2015 No 3).

Section 302(7)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 302(7)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 302(7)(c): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

303 Age restriction on gambling in casinos

(1) Every person under 20 years commits an offence who—

(a) participates in casino gambling; or

(b) is found in the gambling area of a casino.

(2) Every holder of a casino operator's licence commits an offence who allows a person under 20 years—

(a) to participate in casino gambling; or

(b) to enter, or remain in, the gambling area of a casino.

(3) It is a defence to a charge under subsection (2) if the defendant proves that the defendant had reasonable grounds to believe that the person to whom the charge relates was 20 years or over.

(4) Without limiting subsection (3), reasonable grounds exist for the purposes of that subsection if the defendant proves that the defendant had sighted an evidence of age document of the person to whom the charge relates, indicating that the person was 20 years or over.

(5) Every person who commits an offence—

(a) against subsection (1) is liable on conviction to a fine not exceeding $500:

(b) against subsection (2) is liable on conviction to a fine not exceeding $5,000.

Compare: 1990 No 62 s 105

Section 303(3): amended, on 3 March 2015, by section 97 of the Gambling Amendment Act 2015 (2015 No 3).

Section 303(4): amended, on 3 March 2015, by section 97 of the Gambling Amendment Act 2015 (2015 No 3).

Section 303(5)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 303(5)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

304 Power to require particulars

(1) A gambling inspector or a constable who has reasonable grounds to suspect that a person has committed, is committing, or is attempting to commit, an offence against sections 301 to 303 may require the person to give his or her name, address, and date of birth.

(2) If the gambling inspector or constable has reasonable grounds to suspect that the particulars given are false, the gambling inspector or constable may require the person to supply evidence verifying those particulars.

(3) The gambling inspector or constable must warn the person of the consequences if—

(a) the person fails to give his or her particulars; or

(b) the person fails, without reasonable excuse, to provide satisfactory verification of those particulars.

(4) If a person persists in failing to give particulars or, without reasonable excuse, fails to provide satisfactory verification of those particulars after having received a warning under subsection (3), a constable may arrest the person without warrant.

(5) Every person commits an offence and is liable on conviction to a fine not exceeding $500, who—

(a) fails to give particulars if required to do so; or

(b) fails, without reasonable excuse, to provide satisfactory verification of those particulars if required to do so; or

(c) provides false particulars or evidence, knowing the particulars or evidence to be false.

(6) For the purposes of this section, **satisfactory verification of particulars** includes an evidence of age document.

Compare: 1990 No 62 s 111

Section 304(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 304(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 304(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 304(4): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 304(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

305 Gambling operator must refuse to pay under-age person

(1) If a gambling operator under sections 301 to 303 has reasonable grounds to suspect that a person is under the age specified in those sections, the gambling operator must refuse to pay any money or prizes won by the person.

(2) If any money or prize is withheld under subsection (1), the gambling operator must—

(a) keep a record of—

(i) the name and address of the person who is suspected of being under-age; and

(ii) the amount of money or the prize won by the person; and

(iii) the date on which the money or prize was withheld; and

(b) advise the person that if he or she provides satisfactory verification of his or her age to the gambling operator within 7 days, the person may claim the money or prize withheld.

(3) Any money or prize from class 4 gambling that is not claimed under subsection (2)(b) within 7 days must be treated as if it were net proceeds of class 4 gambling.

(4) This section does not apply to any money or prize won in a New Zealand instant game if the winning ticket was purchased before the commencement of this section.

306 Court may order return of money or prize

If a person is convicted under section 301(1) or section 302(1) or section 303(1) of being an under-age gambler, the court may, in addition to any other penalty that may be imposed, order that the person refund the money or return the prize to the gambling operator from whom it was won.

Subpart 2—Admission to venues

307 Admission to class 4 venue and casino venue

(1) The fact that a class 4 venue or casino venue is licensed under this Act does not entitle a person to enter or remain on the premises.

(2) Subject to any right conferred by or under this Act, or any other Act, a person must leave a class 4 or casino venue if required to do so by, or on behalf of, the holder of a class 4 venue licence or casino operator's licence.

(3) The holder of a class 4 venue licence or casino operator's licence, or any person acting on behalf of the licence holder, need not give any reason for denying entry to a person or requiring a person to leave a venue.

(4) This section applies in addition to the Trespass Act 1980 and any other relevant enactment.

Compare: 1990 No 62 s 67

308 Requirement to develop policy for identifying problem gamblers

(1) The following persons must develop a policy for identifying problem gamblers:

(a) every holder of a class 4 venue licence:

(b) every holder of a casino operator's licence who is conducting casino gambling.

(2) The policy must include any procedures prescribed by regulations made under section 316.

(3) The venue manager or the holder of a casino operator's licence must display a notice in the gambling area of the class 4 or casino venue advising customers—

(a) that the venue has a policy for identifying problem gamblers; and

(b) that a copy of the policy will be made available on request.

(4) A venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, must take all reasonable steps to ensure that the policy is used to identify actual or potential problem gamblers.

(5) A venue manager, or holder of a casino operator's licence, who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding $5,000.

(6) A venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, who contravenes subsection (4) commits an offence and is liable on conviction to a fine not exceeding $5,000.

Section 308(3): amended, on 3 March 2015, by section 98(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 308(4): replaced, on 3 March 2015, by section 98(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 308(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 308(6): inserted, on 3 March 2015, by section 98(3) of the Gambling Amendment Act 2015 (2015 No 3).

309 Exclusion order may be issued to problem gambler identified under section 308

(1) The venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, must, after identifying a person under section 308(4) who he, she, or it has reasonable grounds to believe is a problem gambler, approach the person and offer information or advice to the person about problem gambling.

(2) The information or advice offered under subsection (1) must include a description of—

(a) the self-exclusion procedure available under section 310; and

(b) any procedures prescribed by regulations made under section 316.

(3) A venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, may, after offering advice or information to a person under subsection (1), issue an exclusion order to the person that prohibits the person from entering the gambling area of the class 4 venue or casino venue (as the case may be) for a period of up to 2 years.

(4) If an exclusion order is issued under this section, the venue manager or holder of the casino operator's licence, or a person acting on behalf of either of those persons, may require the person to whom it is issued, as a condition of re-entry, to participate, during the period of exclusion, in a procedure prescribed by regulations made under section 316(1)(e).

Section 309(1): amended, on 3 March 2015, by section 99(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 309(3): amended, on 3 March 2015, by section 99(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 309(4): amended, on 3 March 2015, by section 99(2) of the Gambling Amendment Act 2015 (2015 No 3).

309A Duty to assist problem gambler if ongoing concern exists

A venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, must take all reasonable steps to assist a person including, if appropriate, issuing the person with an exclusion order under section 309(3) if—

(a) the venue manager or the holder of the casino operator's licence, or a person acting on behalf of either of those persons, has already approached the person and provided information or advice to the person about problem gambling under section 309(1); and

(b) the person has not requested that he or she be issued with an exclusion order under section 310(1) (which relates to the exclusion of a self-identified problem gambler); and

(c) the person's ongoing gambling or other behaviour at the venue means that the venue manager or the holder of the casino operator's licence, or a person acting on behalf of either of those persons, still has reasonable grounds to believe that the person is a problem gambler.

Section 309A: inserted, on 3 March 2015, by section 100 of the Gambling Amendment Act 2015 (2015 No 3).

310 Exclusion order must be issued to self-identified problem gambler

(1) A venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, must, promptly after being requested, issue an exclusion order to a person that prohibits the person from entering the gambling area of the class 4 venue or casino venue (as the case may be) for a period of up to 2 years if the person—

(a) has identified himself or herself to the venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, as being a problem gambler; and

(b) has requested that the venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, prohibit the person from entering the gambling area of the venue concerned.

(1A) A venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, may refuse to issue an exclusion order under subsection (1) if—

(a) the person requesting the order fails or refuses to comply with a request to—

(i) provide the person's name and date of birth; and

(ii) either provide a recent photograph of the person or consent to a photograph of him or her being taken; or

(b) the quality of the photograph referred to in paragraph (a)(ii) is such that the person cannot be readily identified.

(2) A venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, may require a person to whom an exclusion order is issued, as a condition of re-entry, to participate, during the period of exclusion, in a procedure prescribed by regulations made under section 316(1)(e).

Section 310(1)(a): amended, on 3 March 2015, by section 101(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 310(1)(b): amended, on 3 March 2015, by section 101(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 310(1)(b): amended, on 3 March 2015, by section 101(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 310(1A): inserted, on 3 March 2015, by section 101(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 310(2): amended, on 3 March 2015, by section 101(4) of the Gambling Amendment Act 2015 (2015 No 3).

311 Requirement to remove person who enters gambling venue in breach of exclusion order

(1) A venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, must remove any person who enters the gambling area of a class 4 venue or casino venue in breach of an exclusion order issued, or a condition of re-entry imposed, under section 309 or section 310.

(2) A constable may, if called on to assist a person specified in subsection (1) in effecting a removal, use such force as is reasonable in the circumstances to effect the removal.

Section 311(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

312 Offences relating to breach of exclusion order

(1) Every person commits an offence who enters the gambling area of a class 4 venue or casino venue—

(a) in breach of an exclusion order issued under section 309(3) or 310(1); or

(b) in breach of a condition of re-entry imposed under section 309(4) or 310(2).

(2) Every venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, commits an offence who, after having received a request under section 310(1) that includes the information specified in section 310(1A), fails to issue an exclusion order to a self-identified problem gambler.

(3) Every venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, commits an offence who—

(a) allows a person who is subject to an exclusion order under section 310(1) to enter the gambling area of a class 4 venue or casino venue; or

(b) fails to remove a person who has entered those areas—

(i) in breach of an exclusion order issued under section 310(1); or

(ii) in breach of a condition of re-entry imposed under section 310(2).

(4) It is a defence to a charge under subsection (3) if the defendant proves that—

(a) there were procedures in place at the venue to prevent a person subject to an exclusion order issued under section 310(1) from entering, or remaining in, the gambling area of the class 4 venue or casino venue; and

(b) the defendant had reasonable grounds to believe that those procedures would be effective in preventing a person subject to an exclusion order issued under section 310(1) from entering, or remaining in, the gambling area of the class 4 venue or casino venue; and

(c) despite the breach of subsection (3), the defendant took all reasonable steps to ensure that those procedures were complied with.

(5) Every person who commits an offence—

(a) against subsection (1) is liable on conviction to a fine not exceeding $500:

(b) against subsection (2) or (3) is liable on conviction to a fine not exceeding $5,000.

Section 312: replaced, on 3 March 2015, by section 102 of the Gambling Amendment Act 2015 (2015 No 3).

312A Duty to keep record of excluded persons

Every holder of a class 4 venue licence or casino operator's licence must,—

(a) in relation to each person excluded from the class 4 venue or casino venue (as the case may be), keep a record of—

(i) the person's name and date of birth (if provided); and

(ii) whether the person was excluded from the venue under section 309 or 310; and

(iii) the date on which the exclusion order was issued and the date of its expiry; and

(iv) any conditions imposed on the person's re-entry to the venue; and

(b) provide the person's initials and date of birth and the information referred to in paragraph (a)(ii) to (iv) to the Secretary if requested to do so by the Secretary.

Section 312A: inserted, on 3 March 2015, by section 103 of the Gambling Amendment Act 2015 (2015 No 3).

Subpart 3—Regulations relating to harm prevention and minimisation

313 Regulations relating to harm prevention and minimisation

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing the maximum stake that may be placed in gambling authorised by this Act:

(b) prescribing the maximum prize limit for gambling authorised by this Act:

(ba) restricting or prohibiting inducements to gamble:

(c) prescribing requirements for the design, layout, and furnishing of a class 4 venue or casino venue:

(d) declaring a venue or class of venue as suitable or unsuitable to be a class 4 venue:

(e) regulating the intensity of gambling, including—

(i) the frequency at which successive games may be played or successive bets may be placed:

(ii) the concentration of gambling positions at a venue, for example, the number and spacing of gaming machines or gaming tables, and the number of seats at those machines or tables:

(iii) the kinds or frequency of information or messages that must be displayed to gamblers during a playing session, for example, the duration of the session, losses during the session, reminders about the desirability of breaks in the session, warnings about problem gambling and advice about sources of assistance for problem gambling:

(ea) regulating the transfer of money to a gaming machine:

(f) prescribing the information or messages that gambling operators must provide:

(g) restricting or prohibiting the advertising of gambling, gambling delivery mechanisms, gambling venues, gambling prizes, or any other thing rela-

ted to gambling, or prescribing codes requiring such advertising to be responsible:

(h) requiring gambling operators to provide problem gambling awareness training for employees involved in supervising gambling:

(ha) specifying minimum standards or content for problem gambling awareness training:

(i) prescribing systems or processes ancillary to gambling, including—

(i) the method of paying prizes:

(ii) the availability of automatic teller machines at a venue:

(iia) the availability of EFTPOS devices in close proximity to gambling equipment at a venue:

(iii) the disabling of a bank note acceptor device associated with a gaming machine at a venue:

(j) providing for any other matters related to harm prevention or minimisation 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 specified licence holders or classes of licence holder:

(b) to specified venues or classes of venue:

(c) to specified gambling equipment or classes of gambling equipment:

(d) to any particular games, or classes of games, or categories, classes, or forms of gambling.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 313(1)(ba): inserted, on 3 March 2015, by section 104(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 313(1)(e): amended, on 3 March 2015, by section 104(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 313(1)(e)(iii): amended, on 3 March 2015, by section 104(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 313(1)(ea): inserted, on 3 March 2015, by section 104(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 313(1)(f): amended, on 3 March 2015, by section 104(5) of the Gambling Amendment Act 2015 (2015 No 3).

Section 313(1)(g): replaced, on 3 March 2015, by section 104(6) of the Gambling Amendment Act 2015 (2015 No 3).

Section 313(1)(ha): inserted, on 3 March 2015, by section 104(7) of the Gambling Amendment Act 2015 (2015 No 3).

Section 313(1)(i)(iia): inserted, on 3 March 2015, by section 104(8) of the Gambling Amendment Act 2015 (2015 No 3).

Section 313(2)(d): replaced, on 3 March 2015, by section 104(9) of the Gambling Amendment Act 2015 (2015 No 3).

Section 313(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

314 Regulations relating to gaming machines in class 4 venue

(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 the maximum number of gaming machines that may be operated in New Zealand or any area within New Zealand (or both):

(b) prescribing policies, procedures, or systems for considering class 4 operator licence applications if maximum limits are set under paragraph (a) (for example, a sinking lid policy):

(c) prescribing transitional and savings provisions if maximum limits are set under paragraph (a):

(d) prescribing the maximum stake that may be placed on a single play of a gaming machine:

(e) prescribing the maximum prize that may be won from a single play of a gaming machine:

(f) prescribing the minimum or maximum payout ratio or average rate of return to a player:

(g) prescribing requirements relating to the electronic monitoring of gaming machines:

(ga) prescribing the use of pre-commitment, player tracking, or other harm-minimisation devices, technology, or systems in or associated with gaming machines:

(h) 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 specified licence holders or classes of licence holder:

(b) to specified venues or classes of venue:

(c) to specified gaming machines or classes of gaming machine.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 314(1)(ga): inserted, on 14 September 2013, by section 13 of the Gambling (Gambling Harm Reduction) Amendment Act 2013 (2013 No 71).

Section 314(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

315 Regulations relating to admission to and exclusion from gambling area of class 4 venue and casino venue

(1) The Governor-General may, by Order in Council, make regulations controlling or prohibiting admission to the gambling area of class 4 venues and casino venues.

(2) The regulations may exclude from the gambling area of a class 4 venue or casino venue any specified class or classes of person, either absolutely or subject to any special conditions that may be specified in the regulations.

(3) Every person who enters, or remains in, the gambling area of a class 4 venue or casino venue in breach of any regulations made under this section must be treated as having committed an offence against section 4 of the Trespass Act 1980 and is liable accordingly.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1990 No 62 s 68

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 315(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

316 Regulations relating to exclusion of problem gamblers

(1) The Governor-General may, by Order in Council, make regulations—

(a) prescribing 1 or more procedures to enable a venue manager, the holder of a class 4 operator's licence or the holder of a casino operator's licence, or a person acting on behalf of any of those persons, to identify problem gamblers (including the sources of information that must or may be considered or sought to assist in identifying problem gamblers):

(b) prescribing procedures for prohibiting identified problem gamblers from entering the gambling area of a class 4 venue or casino venue:

(c) prescribing procedures for removing a person who a venue manager or the holder of a casino operator's licence has reasonable grounds to believe is a problem gambler:

(d) ensuring that access to the gambling area of class 4 venues and casino venues by identified problem gamblers is restricted:

(e) prescribing 1 or more procedures that must be completed by a problem gambler as a condition of re-entry to the gambling area of a class 4 venue or casino venue.

(2) Regulations made under subsection (1) may—

(a) specify the grounds on which a person may be identified as a problem gambler:

(b) set out the steps to be taken to identify a person as a problem gambler:

(c) prescribe the persons (including the qualifications of those persons) who are authorised to perform specific functions in relation to identifying and excluding problem gamblers:

(d) set out the rights, including the rights of appeal against specified decisions, of a person who is subject to the procedure.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 316(1)(a): replaced, on 3 March 2015, by section 105(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 316(2): amended, on 3 March 2015, by section 105(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 316(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Subpart 4—Problem gambling levy

317 Integrated problem gambling strategy focused on public health

(1) The Government may allocate responsibility for an integrated problem gambling strategy to a department, which need not be the Department responsible for this Act.

(2) An integrated problem gambling strategy must include—

(a) measures to promote public health by preventing and minimising the harm from gambling; and

(b) services to treat and assist problem gamblers and their families and whanau; and

(c) independent scientific research associated with gambling, including (for example) longitudinal research on the social and economic impacts of gambling, particularly the impacts on different cultural groups; and

(d) evaluation.

318 Process for developing integrated problem gambling strategy

(1) The department that has responsibility for implementing the problem gambling strategy must do the following things in developing the strategy:

(a) undertake a needs assessment; and

(b) prepare a strategy in draft; and

(c) develop costings for the draft strategy; and

(d) in the case of the initial levy period, estimate the costs of the department that has responsibility for the integrated problem gambling strategy during the transition to the strategy in the period before the introduction of the initial levy; and

(e) take into account any under-recovery or over-recovery of levy (gambling sector by gambling sector) in previous levy periods; and

(f) estimate annual funding requirements for the strategy for a 3-year period; and

(g) estimate, using the formula set out in section 320, levy rates for each gambling sector liable to pay the levy; and

(h) consult on the matters outlined in paragraphs (a) to (g) with—

(i) at least 1 representative of corporate societies licensed to operate gaming machines in commercial venues; and

(ii) at least 1 representative of corporate societies licensed to operate gaming machines in non-commercial venues; and

(iii) at least 1 representative of casino licence holders; and

(iv) TAB NZ; and

(v) the New Zealand Lotteries Commission; and

(vi) representatives of the providers of problem gambling services; and

(vii) any other groups it believes are likely to be affected significantly by the proposed strategy.

(2) The department responsible for the integrated problem gambling strategy must then submit the proposed strategy and the proposed levy rates to the Gambling Commission and the responsible Ministers.

(3) On receipt of the proposed integrated problem gambling strategy and the proposed levy rates, the Gambling Commission, or its expert representative, must convene a meeting to consult on the strategy and the rates.

(4) At a minimum, the following persons must be requested to attend the meeting referred to in subsection (3):

(a) the department responsible for the integrated problem gambling strategy:

(b) the department responsible for the administration of this Act:

(c) 1 or more representatives of gambling operators who will be subject to the levy:

(d) 1 or more representatives of providers of problem gambling services:

(e) 1 or more representatives of any other groups the Gambling Commission believes are likely to be significantly affected.

(5) Within 10 working days of the meeting convened under subsection (3), the Gambling Commission must submit a report to the responsible Ministers making recommendations on the total annual amount of the problem gambling levy for the relevant 3-year period and the levy rate for each gambling sector or each gambling operator or each class of gambling operator that is subject to the levy.

(6) To avoid doubt, the Gambling Commission may engage an expert under subsection (3) in any area that it considers relevant (for example, facilitation or mediation).

Section 318(1)(e): replaced, on 3 March 2015, by section 106 of the Gambling Amendment Act 2015 (2015 No 3).

Section 318(1)(h)(iv): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

319 Regulations relating to problem gambling levy

(1) The Governor-General may, by Order in Council made on the recommendation of the responsible Ministers after they have considered the report submitted to them by the Gambling Commission under section 318(5), make regulations requiring gambling operators to pay a levy to the Crown.

(2) The purpose of the levy is to recover the cost of developing, managing, and delivering the integrated problem gambling strategy.

(3) The regulations may impose the levy on a gambling operator, or classes of gambling operator, in a specified sector of gambling or specified sectors of gambling and may prescribe the following:

(a) the sectors whose gambling operators must pay the levy:

(b) the gambling operator or class of gambling operator that must pay the levy:

(c) the levy rate for each gambling operator or each class of gambling operator or each gambling sector:

(d) the period for which the levy is payable or may be collected:

(e) the time by which a levy must be paid, and a penalty for late payment:

(f) the value of items W1 and W2 in the formula in section 320:

(g) any other matters necessary or desirable to calculate, administer, collect, and enforce the levy.

(4) Regulations under this section—

(a) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) must be confirmed by an Act (*see* subpart 3 of Part 5 of the Legislation Act 2019).

(4) *[Repealed]*

(5) *[Repealed]*

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 319(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 319(4): repealed, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Section 319(5): repealed, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

319A Problem gambling levy regulations are confirmable instrument

[Repealed]

Section 319A: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

320 Calculating levy

(1) The formula in subsection (2) provides a mechanism for allocating among gambling operators, and collecting from them, the approximate cost of an integrated problem gambling strategy.

(2) The following formula is to be used to assist in estimating the proposed levy rates payable by gambling operators:

$$\text{levy rate} = (\{[(A \times W1) + (B \times W2)] \times C\} \pm R) \div D$$

where—

A is the estimated current player expenditure in a sector divided by the total estimated current player expenditure in all sectors subject to the levy

B is the customer presentations to problem gambling services that can be attributed to gambling in a sector divided by total customer presentations to problem gambling services in which a sector that is subject to the levy can be identified

C is the funding requirement for the period for which the levy is payable

D is the forecast player expenditure in a sector for the period during which the levy is payable

R is the estimated under-recovery or over-recovery of levy from a sector in previous levy periods

W1 and W2 are weights, the sum of which is 1.

(3) In this section,—

(a) **player expenditure**,—

(i) for TAB NZ, has the same meaning as betting profits in section 73(3) of the Racing Industry Act 2020; and

(ii) for a gaming machine operator (including TAB NZ), has the same meaning as gaming machine profits in section 104(5); and

(iii) for a casino operator, has the same meaning as casino win in section 12M of the Gaming Duties Act 1971; and

(iv) for the Lotteries Commission, means turnover less prizes paid and payable:

(b) the proposed amounts of A and B, and the periods to which they apply, must take into account the latest, most reliable, and most appropriate sources of information from—

(i) the Inland Revenue Department, TAB NZ or the department responsible for the administration of this Act on expenditure; and

(ii) the department responsible for the integrated problem gambling strategy on customer presentations to problem gambling services:

(c) the proposed amount of C must take into account the approximate cost to Government of the integrated problem gambling strategy in the 3-year period for which the levy is payable:

(d) the proposed amount of D must take into account—

(i) the latest, most reliable, and most appropriate sources of information on past expenditure available from the Inland Revenue Department, TAB NZ or the department responsible for the administration of this Act; and

(ii) advice from the Secretary on an appropriate forecasting method:

(e) the values of W1 and W2 must be specified in the regulations.

(4) The problem gambling levy payable by a gambling operator is calculated by multiplying player expenditure by the levy rate calculated for that operator.

(5) To avoid doubt, in calculating the problem gambling levy, and in making regulations under this section,—

(a) the amount of player expenditure may be for less than a year (for example, a week, a month, or a quarter); and

(b) the levy may be calculated and collected at intervals of less than a year (for example weekly, monthly, or quarterly).

Section 320(2) formula: W1 has the value of 0.3, and W2 has the value of 0.7, on 1 July 2019, by regulation 5 of the Gambling (Problem Gambling Levy) Regulations 2019 (LI 2019/134).

Section 320(2) formula: amended, on 3 March 2015, by section 107(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 320(2) formula item R: inserted, on 3 March 2015, by section 107(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 320(3): amended, on 3 March 2015, by section 107(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 320(3)(a): amended, on 3 March 2015, by section 107(4) of the Gambling Amendment Act 2015 (2015 No 3).

Section 320(3)(a)(i): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 320(3)(a)(ii): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 320(3)(a)(ii): amended, on 3 March 2015, by section 107(5) of the Gambling Amendment Act 2015 (2015 No 3).

Section 320(3)(b)(i): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 320(3)(b)(i): amended, on 3 March 2015, by section 107(6) of the Gambling Amendment Act 2015 (2015 No 3).

Section 320(3)(c): replaced, on 3 March 2015, by section 107(7) of the Gambling Amendment Act 2015 (2015 No 3).

Section 320(3)(d)(i): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 320(3)(d)(i): amended, on 3 March 2015, by section 107(8) of the Gambling Amendment Act 2015 (2015 No 3).

320A Levy may be calculated for period of less than 3 years

(1) Sections 319 and 320 authorise (but do not require) the calculation of the levy on the basis that—

(a) it will be payable only for a period that commences part-way through the 3-year period to which it relates; but

(b) it is set at a rate sufficient to recover the full cost of the integrated problem gambling strategy for the whole of that 3-year period.

(2) Subsection (1) is for the avoidance of doubt.

Section 320A: inserted, on 3 March 2015, by section 108 of the Gambling Amendment Act 2015 (2015 No 3).

321 Initial levy

[Repealed]

Section 321: repealed, on 3 March 2015, by section 109 of the Gambling Amendment Act 2015 (2015 No 3).

322 Early reconsideration

If the department responsible for the integrated problem gambling strategy considers that a significant change in the gambling environment warrants an earlier reconsideration of the strategy or the levy or the levy rates, it may initiate the process in this subpart within the 3-year period.

323 Collection

(1) The problem gambling levy is neither a tax nor a duty.

(2) The powers of collection, recovery, and enforcement in the Gaming Duties Act 1971 and the Tax Administration Act 1994 apply to the levy as if it were a duty.

(3) An amount of unpaid levy is recoverable in a court of competent jurisdiction as a debt due to the Crown.

324 Accountability

The department responsible for the integrated problem gambling strategy must report annually to Parliament on the expenditure of funds appropriated by Parliament for the strategy against money collected by the problem gambling levy.

325 Problem gambling committee

[Repealed]

Section 325: repealed, on 3 March 2015, by section 110 of the Gambling Amendment Act 2015 (2015 No 3).

Subpart 5—Minimum standards for gambling equipment

326 Gambling equipment must comply with minimum standards

(1) The Secretary may, by notice in the *Gazette*, declare that any particular gambling equipment or class of gambling equipment must be approved by the Secretary as complying with minimum standards relevant to the equipment before it may be used under a licence granted under this Act.

(2) It is a condition of every class 3 licence, class 4 venue licence, and casino operator's licence granted under this Act—

(a) that all gambling equipment used for the purposes of the licence must comply with minimum standards for the design, manufacture, and performance relevant to the equipment; and

(b) if the Secretary has declared under subsection (1) that gambling equipment must be approved by the Secretary as complying with minimum standards, that such an approval has been granted.

(3) The Secretary may require a society or the holder of a casino operator's licence to provide the Secretary with written confirmation from a specified body that a particular item or model of gambling equipment complies with relevant minimum standards.

326A Temporary operation of gambling equipment for research or evaluation purposes

(1) Despite section 326, the Secretary may, by notice in the *Gazette*, declare that any gambling equipment may be temporarily operated at a class 4 venue or casino venue without complying with minimum standards if—

(a) the operation of the gambling equipment is primarily for research or evaluation purposes for the purpose of this Act; and

(b) the methodology of the research or evaluation proposal is approved by the department responsible for the integrated problem gambling strategy; and

(c) the gambling equipment used for the research or evaluation purposes is to be operated for no longer than 12 months; and

(d) the operation of the gambling equipment complies with all other relevant requirements of this Act.

(2) A declaration made under subsection (1) must include the following information and conditions:

(a) the purpose of the research or evaluation; and

(b) the commencement and expiry date of the research or evaluation; and

(c) the name of the gambling operator who will conduct the gambling at the venue at which the research or evaluation will take place; and

(d) the address and a description of the venue at which the gambling will be conducted; and

(e) details of the gambling equipment that may be operated at the venue for the research or evaluation purposes; and

(f) any other conditions that the Secretary thinks fit, including conditions relating to—

(i) the management of the research or evaluation:

(ii) the ownership of the data generated by the research or evaluation:

(iii) the management of the gambling that will be conducted, including records that must be kept and reporting requirements:

(iv) the need to minimise the possibility of problem gambling while conducting the research or evaluation:

(v) the need to encourage responsible gambling while conducting the research or evaluation:

(vi) the areas within a venue that are the only areas permitted for operating gambling equipment in conducting the research or evaluation; and

(g) any other conditions consistent with this Act that the Secretary considers will promote or ensure compliance with this Act.

(3) The Secretary may revoke an approval given under subsection (1) at any time during the conduct of the research or evaluation.

(4) The Secretary may consider a request from any person to make a declaration under subsection (1).

Section 326A: inserted, on 3 March 2015, by section 111 of the Gambling Amendment Act 2015 (2015 No 3).

327 Secretary may prescribe minimum standards

(1) The Secretary may prescribe minimum standards for the design, manufacture, and performance of any particular gambling equipment or class of gambling equipment and may at any time amend or revoke any minimum standard.

(2) Minimum standards may, without limitation, include requirements that gambling equipment—

(a) has features designed to reduce the likelihood of problem gambling or other harm arising from its use:

(b) is capable of being monitored and controlled electronically.

(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.

(5) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):

(a) minimum standards prescribed under this section:

(b) a notice under subsection (4).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must comply with section 328	LA19 ss 73, 74(1)(a), Sch 1 cl 14

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 327(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 327(5): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

328 Secretary must give notice of minimum standard

(1) The Secretary must publish a notice in the *Gazette*—

(a) stating that a minimum standard has been prescribed, amended, or revoked; and

(b) stating the particular gambling equipment or class of gambling equipment to which the standard, amendment, or revocation applies; and

(c) stating the date on which the standard, amendment, or revocation takes effect; and

(d) indicating how copies of the minimum standard, amendment (including any material incorporated by reference), or revocation may be obtained.

(2) If no minimum standard exists in respect of a particular item of gambling equipment, a person may apply to the Secretary for a minimum standard to be prescribed.

Section 328(1)(c): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 328(1)(d): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Transitional provision

329 Transitional provision relating to gambling equipment

(1) Gambling equipment that was authorised for use and operating immediately before the commencement of this section must be treated as having complied with all the relevant minimum standards prescribed under section 327 until the close of a date prescribed for the purpose by the Governor-General by Order in Council.

(2) For the purposes of subsection (1), 1 or more Orders in Council may be made appointing different dates for different purposes.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Act.

Section 329(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Subpart 6—Gambling inspectors

330 Secretary may appoint gambling inspectors

The Secretary may appoint gambling inspectors, on a permanent or temporary basis, to perform the functions set out in section 332 and exercise the powers conferred by this Act.

Compare: 1977 No 84 s 133; 1990 No 62 s 80

331 Authority to act as gambling inspector

(1) The Secretary must issue a warrant of appointment to every person appointed as a gambling inspector.

(2) A warrant of appointment must—

(a) be in the prescribed form; and

(b) bear the photograph and signature of the holder; and

(c) contain any other particulars that may be prescribed.

(3) A warrant of appointment is, in the absence of evidence to the contrary, sufficient proof that the holder of the warrant may exercise the powers conferred on a gambling inspector under sections 333 to 338.

(4) A person who ceases to be a gambling inspector must return the person's warrant of appointment.

(5) A person who fails to comply with subsection (4) commits an offence and is liable on conviction to a fine not exceeding $1,000.

Compare: 1977 No 84 s 134; 1990 No 62 s 82

Section 331(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

332 Functions of gambling inspector

A gambling inspector must ensure, to the extent that is reasonably practicable, compliance with this Act by carrying out the following functions:

(a) inspecting, monitoring, and auditing, to the extent that is necessary, the conduct of gambling (including inspecting gambling equipment):

(b) inspecting, monitoring, and auditing, to the extent that is necessary, the counting of money and chips:

(c) conducting compliance audits of all aspects of the operations of gambling operators, businesses operating at class 4 venues, and grant recipients, to the extent that is necessary to determine compliance with this Act:

(d) detecting, investigating, and prosecuting offences against this Act and crimes involving dishonesty that involve or relate to gambling or conducting gambling, whether committed by a licensed gambling operator or any other person:

(e) liaising and co-operating with other enforcement agencies:

(f) investigating complaints from members of the public about the conduct of gambling:

(g) reporting to the Gambling Commission on any matter requested by the Gambling Commission:

(h) reporting to the Secretary on any matters relating to the gambling inspector's functions.

Section 332(c): amended, on 3 March 2015, by section 112(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 332(d): amended, on 3 March 2015, by section 112(2) of the Gambling Amendment Act 2015 (2015 No 3).

333 Power of gambling inspector to require information or documents

(1) If a gambling inspector considers it necessary or desirable for the purposes of carrying out his or her functions and exercising his or her powers under this Act, the inspector may by notice served on any person, require the person—

(a) to provide to the inspector, within the time and in the manner specified in the notice, any information or class of information specified in the notice; or

(b) to produce to the inspector, or to any person specified in the notice as acting on behalf of the inspector, any document or class of documents specified in the notice.

(2) A person required to provide information or documents under subsection (1) must provide the information or documents as promptly as is reasonable in the circumstances.

(3) A person (other than a licence holder) is not required to provide any information, or to produce any documents, if the supply of the information or documents would or could tend to incriminate the person.

(4) Before the inspector requires a person (other than a licence holder) to provide any information, or to produce any documents, the person must be informed of the right specified in subsection (3).

Section 333(2): amended, on 3 March 2015, by section 113 of the Gambling Amendment Act 2015 (2015 No 3).

334 Power of gambling inspector to enter and demand information

(1) A gambling inspector may, for the purpose of carrying out his or her functions, enter, at all reasonable times, and remain at a place (not being a private residence)—

(a) to which a venue licence applies, or at which a gambling inspector has reasonable grounds to believe that gambling has been, or is being, conducted; or

(b) where the holder, or the former holder, of an operator's licence or a licensed promoter's licence has a registered office or keeps records that relate to the conduct of gambling by the holder, or former holder, of the licence.

(2) A gambling inspector must not enter a place under subsection (1) at any time that the place is not open to the public unless—

(a) the entry occurs with the knowledge of the owner or occupier of the place; or

(b) the inspector is accompanied by the owner or occupier of the place, or a representative, agent, or employee of the owner or occupier.

(3) During an inspection, a gambling inspector may—

(a) require the production of, and examine, any books, accounts, records, tickets, or other documents (including electronic records or documents), or machine or equipment that relates to, or is used in, gambling or the conduct of gambling; and

(b) inspect any gambling equipment found on the premises to ensure that it conforms with minimum standards as required by section 326; and

(c) disable and seal any gambling equipment that the gambling inspector has reasonable grounds to believe does not conform with minimum standards, is faulty, or has been tampered with; and

(d) demand from the occupier of the place any other information that the gambling inspector may reasonably require for the purpose of the inspection; and

(e) take copies of the information referred to in paragraphs (a) and (d), or require that the information be forwarded to the inspector's place of business.

(4) A gambling inspector who exercises powers under this section must show his or her warrant of appointment to any person at the place who may be interested in, or affected by, the exercise of those powers.

(5) A person (other than a licence holder) is not required to answer a question asked by an inspector under this section if the answer would or could tend to incriminate the person.

(6) Before an inspector requires a person (other than a licence holder) to answer a question, the person must be informed of the right specified in subsection (5).

Compare: 1977 No 84 s 135; 1990 No 62 s 86

Section 334(1)(b): amended, on 3 March 2015, by section 114(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 334(3)(a): amended, on 3 March 2015, by section 114(2) of the Gambling Amendment Act 2015 (2015 No 3).

335 Power of gambling inspector to seize equipment in casino venue

(1) A gambling inspector may, while in a casino venue, seize any gambling equipment, device, or thing if the inspector has reasonable grounds to believe it will be evidence of the commission of an offence against sections 351 to 353.

(2) A gambling inspector may exercise the power set out in subsection (1) only after he or she has given the person from whom the gambling equipment, device, or thing is proposed to be seized the opportunity to surrender the item to the inspector.

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply.

(4) To avoid doubt, subsection (1) does not authorise a gambling inspector to search any person.

(5) *[Repealed]*

Compare: 1990 No 62 s 87

Section 335(3): replaced, on 1 October 2012, by section 254(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 335(5): repealed, on 1 October 2012, by section 254(3) of the Search and Surveillance Act 2012 (2012 No 24).

336 Power of gambling inspector to seize equipment in public place

(1) A gambling inspector may, while in a public place, seize any gambling equipment, device, or thing if the inspector has reasonable grounds to believe it will be evidence of an offence.

(2) A gambling inspector may exercise the power set out in subsection (1) only after he or she has given the person from whom the gambling equipment, device, or thing is proposed to be seized the opportunity to surrender the item to the inspector.

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply.

(4) To avoid doubt, subsection (1) does not authorise a gambling inspector to search any person.

(5) *[Repealed]*

(6) In this section, **offence** means—

(a) an offence against this Act; or

(b) a crime involving dishonesty that involves or relates to gambling or the conduct of gambling.

Section 336(3): replaced, on 1 October 2012, by section 254(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 336(5): repealed, on 1 October 2012, by section 254(5) of the Search and Surveillance Act 2012 (2012 No 24).

Section 336(6)(b): amended, on 3 March 2015, by section 115 of the Gambling Amendment Act 2015 (2015 No 3).

337 Return of equipment seized under section 335 or section 336

[Repealed]

Section 337: repealed, on 1 October 2012, by section 254(6) of the Search and Surveillance Act 2012 (2012 No 24).

338 Other powers of gambling inspectors

A gambling inspector may—

(a) apply to the Secretary for the suspension or cancellation of a certificate of approval under section 166:

(b) issue an infringement notice to any person under section 357.

339 Functions and powers of Police

Every constable—

(a) may perform the functions of a gambling inspector under section 332; and

(b) has and may exercise the powers of a gambling inspector under sections 333 to 338.

Compare: 1990 No 62 s 81

Section 339: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Search warrants

340 Search warrants

(1) A gambling inspector or constable may apply for a search warrant to search a place or thing.

(2) An application must be made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012 to an issuing officer (within the meaning of section 3 of that Act).

(3) The issuing officer may issue a search warrant to a gambling inspector or a constable if there are reasonable grounds for believing that—

(a) an offence has been, or is being, committed at the place or involving the thing:

(b) there is in, on, over, or under the place or thing, any thing that is evidence of an offence.

(3A) Subject to subsection (3B), the provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(3B) Despite subsection (3A), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a warrant issued to a named constable or every constable.

(4) In this section and section 344, **offence** means—

(a) an offence against this Act; or

(b) a crime involving dishonesty that involves or relates to gambling or the conduct of gambling.

Compare: 1977 No 84 s 117

Section 340(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 340(2): replaced, on 1 October 2012, by section 254(7) of the Search and Surveillance Act 2012 (2012 No 24).

Section 340(3): amended, on 1 October 2012, by section 254(8) of the Search and Surveillance Act 2012 (2012 No 24).

Section 340(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 340(3A): inserted, on 1 October 2012, by section 254(9) of the Search and Surveillance Act 2012 (2012 No 24).

Section 340(3B): inserted, on 1 October 2012, by section 254(9) of the Search and Surveillance Act 2012 (2012 No 24).

Section 340(4): amended, on 1 October 2012, by section 254(10) of the Search and Surveillance Act 2012 (2012 No 24).

Section 340(4)(b): amended, on 3 March 2015, by section 116 of the Gambling Amendment Act 2015 (2015 No 3).

341 Form and content of search warrant

[Repealed]

Section 341: repealed, on 1 October 2012, by section 254(11) of the Search and Surveillance Act 2012 (2012 No 24).

342 Powers conferred by search warrant

[Repealed]

Section 342: repealed, on 1 October 2012, by section 254(11) of the Search and Surveillance Act 2012 (2012 No 24).

343 Requirements when executing search warrant

[Repealed]

Section 343: repealed, on 1 October 2012, by section 254(11) of the Search and Surveillance Act 2012 (2012 No 24).

344 Police may arrest persons found at place

A constable who is executing, or assisting in the execution of, a search warrant at a place may, without further warrant, arrest any person found at the place if

he or she has reasonable grounds to believe that the person is committing, or has committed, an offence.

Compare: 1977 No 84 s 118

Section 344: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

345 Disposal of things seized under search warrant

[Repealed]

Section 345: repealed, on 1 October 2012, by section 254(11) of the Search and Surveillance Act 2012 (2012 No 24).

Other matters

346 Obstructing gambling inspector

(1) Every person commits an offence who—

(a) intentionally obstructs or attempts to obstruct a gambling inspector from entering or remaining at a place referred to in section 334(1) in the execution of his or her duty; or

(b) refuses, without reasonable excuse, to provide any information or produce any documents that a gambling inspector has required under section 333(1); or

(c) refuses, except on the grounds of self-incrimination, to provide the information that a gambling inspector has demanded from the person under section 334(3); or

(d) otherwise intentionally obstructs or attempts to obstruct a gambling inspector in the execution of a power or duty.

(2) Every person who commits an offence against subsection (1) is liable on conviction,—

(a) in the case of an individual, to a fine not exceeding $2,000:

(b) in the case of a holder of a class 3 operator's licence, class 4 operator's licence, or casino licence, to a fine not exceeding $5,000.

Compare: 1990 No 62 s 109

Section 346(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

347 Restriction on class 4 gambling by certain persons

(1) No person referred to in subsection (2) may participate in class 4 gambling—

(a) except in the performance of his or her duty; and

(b) only to the extent necessary for the performance of his or her duty.

(2) The persons are—

(a) a member of the Gambling Commission:

(b) the Secretary:

(c) a gambling inspector:

(d) an employee or class of employee of the Department specified by the Secretary.

(3) A person who fails to comply with this section,—

(a) in the case of a person specified in subsection (2)(a) or (b), commits an offence and is liable on conviction to a fine not exceeding $5,000; and

(b) in the case of a person specified in subsection (2)(c) or (d), must be treated as having breached the relevant minimum standards (if any) under section 17 of the Public Service Act 2020.

Section 347(3)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 347(3)(b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

348 Restriction on gambling in casino by certain persons

(1) No person referred to in subsection (2) may gamble in a casino—

(a) except in the performance of his or her duty; and

(b) only to the extent necessary for the performance of his or her duty.

(2) The persons are—

(a) a member of the Gambling Commission:

(b) the Secretary:

(c) a gambling inspector:

(d) an employee or class of employee of the Department specified by the Secretary.

(3) A person who fails to comply with this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

Compare: 1990 No 62 s 108

Section 348(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

349 Gambling inspectors and Police not criminally liable

(1) No gambling inspector or constable may be charged with an offence against this Act for an act done in the performance of his or her duty.

(2) Subsection (1) applies despite the fact that, but for this section, the act would have otherwise constituted an offence.

Compare: 1977 No 84 s 125

Section 349(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Transitional provision

350 Transitional provision relating to gambling inspectors

Every person who, immediately before the commencement of this section, held office as an inspector under the Gaming and Lotteries Act 1977 or the Casino Control Act 1990 must be treated as having been appointed as a gambling inspector under section 330.

Subpart 7—Offences relating to gambling in casinos

351 Cheating

(1) Every person commits the offence of cheating in a casino venue who knowingly contravenes the rules of a game with the intention of obtaining a pecuniary advantage (whether directly or indirectly) on the person's own behalf or on behalf of any other person.

(2) Every person who commits an offence against subsection (1) is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding $20,000.

Compare: 1990 No 62 s 102

Section 351(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

352 Being in possession of equipment for cheating

(1) Every person commits an offence who has in the person's possession any equipment, instrument, or device that is capable of being used for cheating in a casino venue in circumstances that show an intention to use the equipment, instrument, or device to cheat.

(2) Every person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding $10,000.

Compare: 1990 No 62 s 103

Section 352(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

353 Counterfeit chips

(1) Every person commits an offence who—

(a) counterfeits a chip resembling an authorised chip with the intention to use it in gambling in a casino venue as an authorised chip; or

(b) has in the person's possession or control anything intended to be used to counterfeit a chip resembling an authorised chip in circumstances that show an intention to use it for the purpose of counterfeiting chips.

(2) Every person commits an offence who—

(a) supplies a counterfeit chip to another person knowing it to be counterfeit; or

(b) passes, or attempts to pass, a counterfeit chip to another person knowing it to be counterfeit.

(3) Every person commits an offence who has in the person's possession or under the person's control a counterfeit chip knowing it to be counterfeit and intending to pass it to another person as authorised.

(4) Every person who commits an offence—

(a) against subsection (1) is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding $100,000:

(b) against subsection (2) or subsection (3) is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding $50,000.

Compare: 1990 No 62 s 104

Section 353(4)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 353(4)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Subpart 8—Proceedings, evidence, etc

354 Relationship of this Part with Part 2

To avoid doubt, this Part does not prevent the Secretary from exercising his or her powers under Part 2.

355 Proceedings for offences

(1) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act or any regulations made under it ends on the date that is 2 years after the date on which the offence was committed.

(1A) Despite subsection (1), the limitation period in respect of an offence against section 113 or 118 ends on the date that is 5 years after the date on which the offence was committed.

(2) Only a gambling inspector or a constable may file a charging document for an offence against this Act.

Section 355: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 355(1A): inserted, on 21 October 2015, by section 29 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Infringement offences

356 Infringement offences

(1) If a person is alleged to have committed an infringement offence, the person may either—

(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be served with an infringement notice as provided in section 357.

(2) Despite section 21 of the Summary Proceedings Act 1957, leave of a District Court Judge or Registrar to file a charging document is not necessary if proceedings for an infringement offence are commenced by filing a charging document under the Criminal Procedure Act 2011.

Section 356: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

357 Issue of infringement notice

(1) If a gambling inspector or constable has reasonable grounds to believe that a person is committing, or has committed, an infringement offence, the gambling inspector or constable may issue an infringement notice to the person for the offence.

(2) An infringement notice may be served—

(a) by delivering it, or a copy of it, personally to the person alleged to have committed the infringement offence; or

(b) by sending it, or a copy of it, by post addressed to the person at his or her last known place of residence or business or postal address.

(3) An infringement notice that is sent to a person by post under subsection (2)(b) is served on the person when it would have been delivered in the ordinary course of post.

(4) An infringement notice must be in the prescribed form and must contain the following particulars:

(a) the details of the alleged infringement offence that are necessary to sufficiently inform the person of the time, place, and nature of the alleged offence; and

(b) the amount of the infringement fee specified for the offence; and

(c) the address of the place at which the infringement fee may be paid; and

(d) the time by which the infringement fee must be paid; and

(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and

(f) a statement of the right of the person served with the notice to request a court hearing; and

(g) a statement of the consequences if the person served with the notice does not pay the infringement fee and does not make a request for a court hearing; and

(h) any other particulars as may be prescribed.

(5) Different forms of infringement notices may be prescribed for different kinds of infringement offences.

Section 357(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 357(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

358 Reminder notices

(1) A form of reminder notice may be prescribed by regulations made under this Act.

(2) Different forms of reminder notices may be prescribed for different kinds of infringement offences.

(3) If a form of reminder notice is prescribed under this Act, it must contain the information set out in section 357(4).

Section 358: substituted, on 9 October 2006, by section 34 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

359 Infringement fees

(1) The infringement fee payable for an infringement offence is the fee prescribed for the offence by Schedule 6 or by regulations made under section 360.

(2) All infringement fees received by the Secretary under this Act or recovered under the Summary Proceedings Act 1957 must be paid into a Crown Bank Account.

Section 359(2): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

360 Regulations relating to infringement offences

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing infringement offences for the breach of any regulations or game rules made under this Act:

(b) setting the infringement fee for infringement offences specified by or prescribed under this Act, which,—

(i) in the case of a licence holder, may not exceed $5,000:

(ii) in the case of an individual, may not exceed $2,500:

(c) prescribing the forms that must be used for issuing an infringement notice.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 360(1)(b): amended, on 15 December 2005, by section 10 of the Gambling Amendment Act (No 2) 2005 (2005 No 104).

Section 360(1)(b)(i): amended, on 3 March 2015, by section 117(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 360(1)(b)(ii): amended, on 3 March 2015, by section 117(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 360(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Evidence

361 Evidence of gambling

(1) The presence of gambling equipment at a place is, in the absence of evidence to the contrary, sufficient proof that the owner or occupier of the place was conducting illegal gambling in contravention of section 19(1).

(2) In proceedings for an illegal gambling offence, it is not necessary for the prosecution to prove—

(a) that the person actually used the gambling equipment in the presence of a gambling inspector or a constable; or

(b) that the person found using the gambling equipment had paid for the right to participate.

Compare: 1977 No 84 s 121

Section 361(2)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

362 Evidence of bookmaking

(1) The presence of a document or thing designed, adapted, or intended for use in bookmaking at a place is, in the absence of evidence to the contrary, sufficient proof—

(a) that the owner or occupier of the place was causing or permitting the place to be used for bookmaking in contravention of section 19(1):

(b) that the owner or occupier was conducting bookmaking in contravention of section 19(1).

(2) In proceedings for a bookmaking offence, it is not necessary for the prosecution to prove that a bet was made in the presence of a gambling inspector or constable.

(3) However, it is sufficient evidence, unless the contrary is proved, that the person was carrying on the business of bookmaking if it is shown that the person—

(a) has offered, directly or indirectly, to receive or negotiate any bet or to lay any odds; or

(b) has issued or has been party to the issue of any card, circular, advertisement, or other document (including in electronic form) indicating or purporting to indicate, in any manner, where or with whom or at what odds a bet may be made.

Compare: 1977 No 84 s 122

Section 362(1)(b): amended, on 3 March 2015, by section 118 of the Gambling Amendment Act 2015 (2015 No 3).

Section 362(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

363 Forfeiture

(1) If a person is convicted of an offence against this Act, the court may, in addition to any other penalty that may be imposed, order that any equipment, thing, document, or money used in the commission of the offence be forfeited to the Crown.

(2) Section 199(4) to (6) of the Summary Proceedings Act 1957 applies with any necessary modifications to an order made under subsection (1).

(3) Subject to subsection (2),—

(a) all equipment, things, or documents forfeited to the Crown must be delivered to the Secretary, and may be destroyed or otherwise disposed of in the manner that the Secretary thinks fit:

(b) all money forfeited to the Crown must be paid into a Crown Bank Account.

Compare: 1977 No 84 s 123; 1990 No 62 s 114

Section 363(3)(b): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Subpart 9—Other matters

364 Notification

(1) A notice or notification of a matter must be in writing and must be—

(a) given personally; or

(b) sent by post addressed to the person for whom it is intended at the person's last known postal, business, or residential address; or

(c) transmitted by fax addressed to the person for whom it is intended at the person's fax number; or

(d) sent or transmitted by any other means (including electronic means) acceptable to the person for whom it is intended.

(2) For a notice referred to in any of sections 44(1), 46(2), 59(1), 61(2), 75(1), 77(2), 140(2), 142(2), 143(2), 145(2), 150(2), 162(2), 166(6), 171(2), 207(1), 209(2), 333(1), or 337(1),—

(a) the date of the notice must be the date on which it is given, posted, or transmitted; and

(b) the notice is presumed to be given, posted, or transmitted on the date of the notice unless the person for whom it is intended raises evidence to the contrary.

(3) Subsection (1) does not apply to—

(a) notification of any matter in the *Gazette*; or

(b) public notification; or

(c) a notification to the Secretary under section 89(1); or

(d) the issuing of an infringement notice under section 357; or

(e) notification of a public meeting under clause 2(4) of Schedule 3.

365 Information gathering

(1) The Secretary may require information from the following persons for research, and policy analysis and development, associated with the purposes of this Act:

(a) holders of class 3 operators' licences, class 4 operators' licences, class 4 venue licences, casino licences, licensed promoters' licences, and certificates of approval; and

(b) any other person who conducts gambling authorised by this Act or the Racing Industry Act 2020.

(2) The Secretary may require the information necessary to calculate, administer, and collect levies and fees under this Act from the following persons:

(a) holders of venue licences and operators' licences; and

(b) any other person who conducts gambling authorised by this Act or the Racing Industry Act 2020.

(3) A person who is required by the Secretary to provide information under subsection (1) or subsection (2) must provide that information within 10 working days, or any longer time frame that the Secretary may allow.

(4) For the purposes of this section, the Secretary—

(a) may specify the types of information that may be required under subsection (1) or (2); and

(b) may specify the manner and form in which that information must be collected and provided to the Secretary; and

(c) may require that information to be provided regularly, at specified intervals or in respect of specified periods; and

(d) must make any statistical information collated by the Secretary from that information available on the Department's Internet site, or in another electronic form that is easily accessible to the public, within a reasonable time after that information is collated.

Section 365(1)(b): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 365(2)(b): amended, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Section 365(4): inserted, on 3 March 2015, by section 119 of the Gambling Amendment Act 2015 (2015 No 3).

366 Secretary may issue standard forms

The Secretary may issue standard forms for the purposes of this Act and must make copies of those forms available free of charge upon request.

367 Power to make game rules

(1) The Secretary may make rules and amend or revoke rules made—

(a) for playing or participating in particular games or classes of games, or categories, classes, or forms of gambling; and

(b) for the systems, processes, information, and documentation associated with particular games or classes of games, or categories, classes, or forms of gambling.

(2) *[Repealed]*

(3) *[Repealed]*

(4) The Secretary may require the holder of a class 4 operator's licence or a casino operator's licence to display game rules prominently at a place used for gambling or on or near to gambling equipment.

(5) If no game rules exist in respect of a particular gambling activity, a person may apply to the Secretary for the approval of game rules in relation to the activity.

(6) An application under subsection (5) must include a full description of the gambling activity.

(7) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):

(a) game rules:

(b) any amendment to, or revocation of, game rules.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must notify it in the *Gazette* with the date on which it takes effect and a statement that a copy of it may be obtained from the Secretary, and how it may be obtained	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 367(1): replaced, on 3 March 2015, by section 120 of the Gambling Amendment Act 2015 (2015 No 3).

Section 367(2): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 367(3): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 367(7): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

368 Regulations relating to forms of gambling and gambling equipment

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) declaring any act, behaviour, or transaction, or type of act, behaviour, or transaction not to be gambling for the purposes of this Act:

(b) declaring any machine, device, or thing, or type of machine, device, or thing to be or not to be gambling equipment for the purposes of this Act:

(c) declaring any device, or type of device, to be or not to be a gaming machine for the purposes of this Act:

(d) declaring a form of gambling to be or not to be a New Zealand lottery.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 368(1)(a): amended, on 3 March 2015, by section 121(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 368(1)(b): amended, on 3 March 2015, by section 121(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 368(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

369 Regulations relating to forms

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing forms for the purposes of this Act and prescribing the information to be provided by applicants:

(b) prescribing procedures for the service and publication of documents:

(c) prescribing the form of a certificate of approval:

(d) prescribing the form of a warrant of appointment of a gambling inspector under section 331.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 369(1)(d): amended, on 1 October 2012, by section 254(12) of the Search and Surveillance Act 2012 (2012 No 24).

Section 369(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

370 Regulations relating to fees

(1) The Governor-General may, by Order in Council, make regulations prescribing the fees or charges payable to enable the recovery of the direct and indirect costs of the Secretary, the Gambling Commission, or the Police in—

(a) publicising and informing people about this Act:

(b) administering this Act:

(c) enforcing and monitoring compliance with this Act:

(d) doing anything else authorised or required by this Act.

(2) Examples of the costs that may be recovered include—

(a) the cost of processing applications:

(b) the costs of issuing licences or certificates:

(c) the cost of funding the gambling inspectorate:

(d) the costs of providing, operating, and maintaining systems, databases, or other processes in connection with the administration of this Act:

(e) the costs of services provided by third parties (for example, credit checking agencies).

(3) Regulations made under subsection (1) may specify—

(a) the matters in respect of which fees or charges are payable:

(b) the amounts of fees 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 or charges:

(d) gambling equipment or classes of gambling equipment or particular games or classes of game to which the fees or charges apply:

(e) the circumstances in which penalty for default in payment is payable or the payment of the whole or a part of those fees or charges may be remitted or waived:

(f) the manner in which the fees or charges are to be paid.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 370(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

370A Regulations relating to offences

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing offences in respect of the contravention of any regulation or game rule made under this Act:

(b) prescribing the penalty for each offence under paragraph (a), which,—

(i) in the case of a licence holder, must not exceed $10,000:

(ii) in the case of an individual, must not exceed $5,000.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 370A: inserted, on 3 March 2015, by section 122 of the Gambling Amendment Act 2015 (2015 No 3).

Section 370A(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

371 Other regulations

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing systems for the management and operation of gambling and gambling equipment:

(b) auditing, reporting on, and monitoring persons who conduct or promote gambling:

(c) requiring specified persons to retain documents and information relating to gambling and gambling equipment:

(d) specifying the time frame within which, and the accounts into which, the profits from gambling must be banked:

(da) specifying the time frame within which, and the accounts from which, the costs incurred in conducting gambling must be met:

(db) specifying the time frame within which, and the accounts from which, funds must be applied to or distributed for authorised purposes:

(dc) prescribing requirements relating to the presentation of financial reports by holders of class 4 operators' licences, and specifying matters that must be included in those reports, including, without limitation, key indicators of operational efficiency:

(dd) prescribing the payments that corporate societies may make to venue operators and, for that purpose, providing for 1 or more of the following:

(i) the matters for which venue operators may or may not be paid, including (but not limited to) costs:

(ii) any limit on the payment for a matter of a particular kind:

(iii) that, subject to any conditions that may be prescribed, the payment for 1 or more matters may be up to an amount that does not exceed a specified percentage of the turnover (exclusive of prizes and goods and services tax) of the class 4 gambling, for a stated period, at the venue:

(de) prescribing the manner in which payments prescribed under paragraph (dd) are to be set out in class 4 venue agreements:

(e) prescribing systems or processes to ensure compliance with this Act:

(f) prescribing classes of persons who are casino employees who require a certificate of approval:

(g) prohibiting junkets or specifying the terms on which the holder of a casino licence may associate with a junket organiser or may participate in a junket:

(h) prescribing offences for unlawfully organising a junket or associating with a junket organiser or a junket:

(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 under subsection (1) may apply—

(a) to particular persons or classes of person:

(b) to a particular place or class of place:

(c) to particular gambling equipment or classes of gambling equipment:

(d) to particular games or classes of games, or categories, classes, or forms of gambling.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 371(1)(d): amended, on 3 March 2015, by section 123(1) of the Gambling Amendment Act 2015 (2015 No 3).

Section 371(1)(da): inserted, on 3 March 2015, by section 123(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 371(1)(db): inserted, on 3 March 2015, by section 123(2) of the Gambling Amendment Act 2015 (2015 No 3).

Section 371(1)(dc): inserted, on 21 October 2015, by section 30 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 371(1)(dd): inserted, on 21 October 2015, by section 30 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 371(1)(de): inserted, on 21 October 2015, by section 30 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Section 371(2)(d): amended, on 3 March 2015, by section 123(3) of the Gambling Amendment Act 2015 (2015 No 3).

Section 371(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

372 Consultation before regulation

(1) This section applies to regulations proposed to be made under sections 17, 21, 86, 114, 116, 172, 219, 301, 313 to 316, 327, 360, 367, 368, 370, 370A, and 371.

(2) Before making regulations under those sections, the Minister must consult, or be satisfied that the Secretary has consulted, in accordance with subsections (3) and (4).

(3) The Minister or the Secretary must consult with the persons or organisations that appear to the Minister or the Secretary to be representative of the interests of persons likely to be substantially affected by the relevant regulations.

(4) The process for consultation should, to the extent practicable in the circumstances, include—

(a) giving adequate and appropriate notice of the intention to make the regulations; and

(b) giving a reasonable opportunity for interested persons to make submissions; and

(c) adequate and appropriate consideration of submissions.

(5) A failure to comply with this section does not affect the validity of regulations made.

Section 372(1): amended, on 3 March 2015, by section 124(a) of the Gambling Amendment Act 2015 (2015 No 3).

Section 372(1): amended, on 3 March 2015, by section 124(b) of the Gambling Amendment Act 2015 (2015 No 3).

373 Amendments to Casino Control Act 1990 and Gaming and Lotteries Act 1977

[Repealed]

Section 373: repealed, on 3 March 2015, by section 125 of the Gambling Amendment Act 2015 (2015 No 3).

374 Amendments to other enactments

The Acts specified in Schedules 8 and 9 are amended in the manner set out in those schedules.

375 Repeals and revocations

(1) The following Acts are repealed:

(a) Casino Control Act 1990 (1990 No 62):

(b) Gaming and Lotteries Act 1977 (1977 No 84).

(2) The Instant Kiwi (Prize Competition) Rules 1989 (SR 1989/261) are revoked.

376 Savings

(1) Despite section 375(1), the following continue in force, with all necessary modifications as if they were made under this Act:

(a) all regulations made under the previous gaming Acts currently in force:

(b) all game rules made under section 63 of the Casino Control Act 1990 currently in force:

(c) all rules made by the New Zealand Lotteries Commission under section 90 of the Gaming and Lotteries Act 1977, except the rules specified in section 375(2).

(2) *[Repealed]*

(3) However, if there is any inconsistency between the provisions of this Act and any provisions of the Gaming and Lotteries Act 1977, this Act prevails.

Section 376(2): repealed, on 3 March 2015, by section 126 of the Gambling Amendment Act 2015 (2015 No 3).

377 Decisions during transitional period

(1) This section applies to applications made under the previous gaming Acts to the Minister, the Secretary, the Casino Control Authority, or a court.

(2) An application that is decided in the period from the date on which this Act receives the Royal assent until the date of repeal of the previous gaming Acts must be based on both the previous gaming Acts and any relevant parts of this Act currently in force.

(3) An application that is received but not decided before the repeal of the previous gaming Acts (except an application concerning class 4 gambling) must be based solely on this Act.

(4) An application concerning class 4 gambling that is decided in the period from the date of repeal of the previous gaming Acts and until the date on which all of subpart 4 of Part 2 of this Act comes into force must be based on the previous gaming Acts and the relevant parts of this Act then in force.

(5) An application concerning class 4 gambling that is not decided before all of subpart 4 of Part 2 comes into force must be decided solely on the basis of this Act.

(6) For the purposes of subsections (2) and (4), if there is any inconsistency between the provisions of this Act and any provisions of the previous gaming Acts, this Act prevails.

Schedule 1AA
Transitional, savings, and related provisions

s 8AA

Schedule 1AA: inserted, on 21 October 2015, by section 31 of the Gambling Amendment Act (No 2) 2015 (2015 No 90).

Transitional provisions relating to Gambling Amendment Act (No 2) 2015

1 Annual reports

Section 108 of the principal Act as in force before the commencement of section 21 of the Gambling Amendment Act (No 2) 2015 continues to apply to any annual report that relates to a period that commenced before that commencement.

2 Publication requirements

A corporate society may, in respect of any matter that occurred before the commencement of section 22 of the Gambling Amendment Act (No 2) 2015, choose to comply with section 110 of the principal Act as in force before that commencement instead of section 110 of the principal Act as in force on that commencement.

3 Certain venue agreements deemed to be amended

A venue agreement that is in force on the commencement of regulations made under section 371(1)(dd) is, to the extent of any inconsistency with those regulations, deemed, on and from that commencement, to be amended so as to make that agreement consistent with those regulations, and, in particular, any provision in that agreement—

(a) is deemed to be deleted so far as it provides for the payment of a matter for which the venue operator may not be paid under those regulations; and

(b) that provides for payment in excess of a limit prescribed by those regulations is deemed to be reduced so as not to exceed that limit.

4 No judicial review unless and until appeal rights exercised

Section 235A of the principal Act as inserted by section 28 of the Gambling Amendment Act (No 2) 2015 applies to decisions by the Secretary made on or after the commencement of that section 28, but does not apply to decisions made before that commencement.

Schedule 1
Conditions that may attach to casino licence

s 139

1 Initiatives to encourage responsible gambling.

2 Initiatives to minimise harm.

3 Arrangements for any contributions to the community.

4 Control on the placement of banking facilities available to patrons in a casino.

5 Requirements for security and surveillance in a casino.

6 The nature and standard of the casino facilities.

7 The designation of areas within a casino where casino gambling may be conducted.

8 The approval of, and procedures for the approval of, alterations to floor plans and the placement of gaming tables and gambling equipment.

9 Conditions regulating the number of gaming machines and table games, and the ratio of one to the other, and player space and positions at tables and machines.

10 The standard, type, installation, and operation of electronic monitoring systems and other surveillance equipment, including closed-circuit television systems.

11 The standard of facilities to be provided for gambling inspectors and the Police.

12 Procedures, forms, and, if appropriate, formulas for, or with respect to,—

(a) hold percentages and calculations of hold percentages; and

(b) revenue drop; and

(c) expense and overhead schedules; and

(d) complementary services; and

(e) salary arrangements; and

(f) personnel practices.

Schedule 2
Minimum operating standards

s 141

1 Accounting procedures, standard forms, and definition of terms to be utilised in gambling.

2 Job description, the system of organising personnel, and the chain of command authority, for example, to establish diversity of responsibility among employees engaged in casino operations and the identification of primary and secondary supervisory positions for areas of responsibility (other areas must not be so extensive as to be impractical for an individual to supervise effectively).

3 The conduct of games.

4 Within a cashier's cage, the receipt, storage, and disbursement of chips and cash, and the redemption of chips and the recording of all transactions pertaining to gambling.

5 The collection and security of money at the gambling tables and other places where gambling is conducted.

6 The transfer of chips to and from the gaming tables and other places where games are conducted and to and from a cashier's cage.

7 The transfer of money from the gaming tables and other places where games are conducted to other areas for counting.

8 The transfer of money or chips to and from a gambling area.

9 The counting and recording of revenue.

10 The transfer of money to and from a bank.

11 The security, storage, and recording of chips utilised in the gambling operations.

12 The maintenance, security, and storage of gambling equipment.

13 The payment and recording of winnings if winnings are paid by cash or cheque.

14 The issue of chip purchase vouchers and the record of those transactions.

15 The establishment and use of deposit advance accounts.

16 The use and maintenance of security and surveillance facilities, including closed-circuit television systems.

17 The utilisation of security personnel.

18 The control of keys for use in gambling operations.

19 The design and manufacture of chips.

Schedule 3
Gambling Commission

s 234

1 Application

This schedule applies to the Gambling Commission and to a division of the Gambling Commission.

2 Meetings

(1) The Gambling Commission may regulate its procedure as it thinks fit.

(2) Gambling Commission meetings are held at times and places decided by the Chief Gambling Commissioner.

(3) The Gambling Commission may meet in private or in public as the Chief Gambling Commissioner decides.

(4) The Gambling Commission must give notice of public meetings of the Gambling Commission to persons likely to be interested in the subject matter of the meeting, in whatever way it thinks appropriate.

(5) At all Gambling Commission meetings (but not at meetings of a division of the Gambling Commission) the quorum necessary for the transaction of business is 3 Gambling Commissioners, including the Chief Gambling Commissioner or a Gambling Commissioner acting for the Chief Gambling Commissioner.

(6) The Chief Gambling Commissioner presides at all meetings of the Gambling Commission at which the Chief Gambling Commissioner is present.

(7) If the Chief Gambling Commissioner is not at a meeting, the Gambling Commissioners present must appoint one of their number to be the chairperson of that meeting.

3 Voting

(1) All questions arising at a meeting of the Gambling Commission must be decided by a majority of votes of the Gambling Commissioners present and voting.

(2) The Chief Gambling Commissioner (or any chairperson appointed in the absence of the Chief Gambling Commissioner) has a deliberative vote and, if there is equal voting, also has a casting vote.

(3) A resolution in writing signed, or assented to by telegraphic or electronic means, by all Gambling Commissioners is valid and effective as if it had been passed at a meeting of the Gambling Commission duly called and constituted.

Schedule 4
New Zealand Lotteries Commission

s 241

Part 1
Key provisions about governance and operation of Lotteries Commission

Board members' role

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

1 Board members' role

[Repealed]

Schedule 4 clause 1: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

2 Accountability of board members to Minister

[Repealed]

Schedule 4 clause 2: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Minister's role

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

3 Minister's role

[Repealed]

Schedule 4 clause 3: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

4 Minister accountable to House of Representatives

[Repealed]

Schedule 4 clause 4: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Operation of Lotteries Commission—collective board duties

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

5 Must act consistently with functions and statement of intent

[Repealed]

Schedule 4 clause 5: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

6 Functions must be performed efficiently, effectively, and consistently with spirit of service to public

[Repealed]

Schedule 4 clause 6: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

7 Operation must be in financially responsible manner

[Repealed]

Schedule 4 clause 7: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

8 Government policy and directions must be complied with

[Repealed]

Schedule 4 clause 8: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

9 Acquisition of shares or interests in companies

[Repealed]

Schedule 4 clause 9: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

10 Subsidiaries

[Repealed]

Schedule 4 clause 10: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Further duties of board members

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

11 Duty to not contravene this Act

[Repealed]

Schedule 4 clause 11: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

12 Duty to act in good faith and not at expense of Lotteries Commission's interests

[Repealed]

Schedule 4 clause 12: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

13 Duty to exercise reasonable care, diligence, and skill

[Repealed]

Schedule 4 clause 13: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

14 Use and disclosure of information

[Repealed]

Schedule 4 clause 14: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

15 Principles of good conduct for board members

[Repealed]

Schedule 4 clause 15: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Reliance on information and advice

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

16 When board members may rely on certain information and advice

[Repealed]

Schedule 4 clause 16: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Conflict of interest provisions

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

17 Meaning of interested

[Repealed]

Schedule 4 clause 17: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

18 Obligation to disclose interest

[Repealed]

Schedule 4 clause 18: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

19 Method of disclosure of interest

[Repealed]

Schedule 4 clause 19: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

20 Consequences of interest

[Repealed]

Schedule 4 clause 20: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Delegation

21 Ability to delegate

(1) The Lotteries Commission must not delegate—

(a) any power to borrow money that it may have under section 160 or section 162 of the Crown Entities Act 2004; or

(b) the power to make, alter, or rescind rules conferred by section 243.

(2) This clause applies despite section 73 of the Crown Entities Act 2004.

Schedule 4 clause 21: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

22 Effect of delegation

[Repealed]

Schedule 4 clause 22: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Effect of non-compliance with board duties

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

23 Effect of non-compliance with board duties

[Repealed]

Schedule 4 clause 23: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Annual report

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

24 Annual report

[Repealed]

Schedule 4 clause 24: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Part 2
Board members, committees, and employees

Appointment, removal, and conditions of membership of board

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

25 Method of appointment

[Repealed]

Schedule 4 clause 25: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

26 Requirements before appointment

[Repealed]

Schedule 4 clause 26: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

27 Qualifications of board members

[Repealed]

Schedule 4 clause 27: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

28 Term of appointment

[Repealed]

Schedule 4 clause 28: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

29 Validity of acts

[Repealed]

Schedule 4 clause 29: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

30 Alternate members

[Repealed]

Schedule 4 clause 30: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

31 Committees

[Repealed]

Schedule 4 clause 31: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

32 Resignation

[Repealed]

Schedule 4 clause 32: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

33 Removal from office

[Repealed]

Schedule 4 clause 33: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

34 No compensation for ceasing to hold office

[Repealed]

Schedule 4 clause 34: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

35 Board members ceasing to hold office

[Repealed]

Schedule 4 clause 35: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

36 Board members' remuneration and allowances

[Repealed]

Schedule 4 clause 36: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Employees

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

37 Lotteries Commission to be good employer

[Repealed]

Schedule 4 clause 37: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

38 Chief executive and other employees

[Repealed]

Schedule 4 clause 38: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Protection from liability of board members, committee members, and employees

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

39 Protection for board members, committee members, and employees from liabilities of Lotteries Commission

[Repealed]

Schedule 4 clause 39: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

40 Immunity of board members, committee members, and employees from civil liability to third parties

[Repealed]

Schedule 4 clause 40: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

41 Indemnity for board members, committee members, and employees for costs from civil and criminal proceedings

[Repealed]

Schedule 4 clause 41: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

42 Insurance for board members, committee members, and employees

[Repealed]

Schedule 4 clause 42: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

43 Definitions for protections from liability

[Repealed]

Schedule 4 clause 43: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Disclosure of remuneration, etc

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

44 Matters relating to remuneration, etc, to be included in annual report

[Repealed]

Schedule 4 clause 44: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

General

45 Board members, committee members, and employees are officials

[Repealed]

Schedule 4 clause 45: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

46 Application of Government Superannuation Fund Act 1956 to board members and employees

(1) *[Repealed]*

(2) Despite anything in this Act, a person who, immediately before becoming an employee of the Lotteries Commission, is a contributor to the Government Superannuation Fund under Part 2 or Part 2A of the Government Superannuation Fund Act 1956 is to be treated for the purposes of that Act as being employed in the Government service so long as he or she continues to be an employee of the Commission, and—

(a) that Act applies to the person in all respects as if service as that employee were Government service; and

(b) for the purposes of that Act, the Commission is the controlling authority in relation to the person.

Schedule 4 clause 46(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Part 3
Administration

47 Method of contracting

[Repealed]

Schedule 4 clause 47: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

48 Attorney

[Repealed]

Schedule 4 clause 48: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

49 Presumptions and saving of certain transactions

(1) The validity or enforceability of any deed, agreement, right, or obligation entered into, conferred on, or incurred by the Lotteries Commission is not affected by a failure of the Crown or the Minister to comply with any provision of this Act.

(2) This clause does not limit sections 19 and 20 of the Crown Entities Act 2004.

Schedule 4 clause 49(1): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Schedule 4 clause 49(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Part 4
Board procedure

[Repealed]

Schedule 4 Part 4: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

Presiding member of board

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

50 Appointment

[Repealed]

Schedule 4 clause 50: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

51 Term of appointment

[Repealed]

Schedule 4 clause 51: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

52 Resignation

[Repealed]

Schedule 4 clause 52: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

53 Removal

[Repealed]

Schedule 4 clause 53: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Procedure of board

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

54 Procedure generally

[Repealed]

Schedule 4 clause 54: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

55 Meetings

[Repealed]

Schedule 4 clause 55: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

56 Power to make procedural rules

[Repealed]

Schedule 4 clause 56: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Schedule 5
New Zealand Lottery Grants Board and distribution committees

ss 273, 280(6)

Part 1
New Zealand Lottery Grants Board

1 Term of office of appointed members

(1) A member of the Board appointed under section 272(2)(d) is to be appointed for a term not exceeding 3 years, as specified by the Governor-General in the member's instrument of appointment, and may be reappointed.

(2) Unless sooner vacating office under clause 2, a member continues in office until his or her successor is appointed, despite the expiry of the term of the member's appointment.

Compare: 1977 No 84 s 116B

2 Extraordinary vacancies

(1) An appointed member of the Board may at any time be removed from office by the Governor-General for inability in performance of office, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General.

(2) An appointed member may resign from office by notice to the Governor-General.

(3) If the office of an appointed member becomes vacant by death, resignation, or removal from office, the vacancy created must as soon as practicable be filled in the manner in which the appointment to the vacant office was originally made.

(4) A person appointed to fill a vacancy holds office for the residue of the term for which the person's predecessor would have held office if the vacancy had not occurred.

Compare: 1977 No 84 s 116C

3 Prime Minister and Leader of Opposition may appoint deputies

(1) The Prime Minister or the Leader of the Opposition may appoint any member of Parliament as an alternate member to attend meetings in his or her stead, either generally or for any particular meeting.

(2) A person appointed under subclause (1) is deemed for all purposes to be a member of the Board while attending any meeting of the Board.

(3) No appointment of a person under this clause, and no acts done by the person or by the Board while the person is a member, may in any proceedings be ques-

tioned on the ground that the occasion of the person's appointment had not arisen or had ceased.

Compare: 1977 No 84 s 116D

4 Board's powers not affected by vacancy in membership

The powers of the Board are not affected by any vacancy in its membership, or by any deficiency in the appointment of any member.

Compare: 1977 No 84 s 116A(3)

5 Meetings of Board

(1) Meetings of the Board are to be held at the times and places that the Board appoints.

(2) A special meeting of the Board may at any time be convened by the presiding member. The presiding member must call a special meeting whenever requested to do so in writing by 2 or more members of the Board.

(3) At least 7 clear days' notice in writing of each meeting, and of the business to be transacted at the meeting, must be given to each member for the time being present in New Zealand.

(4) The quorum for any meeting is 4 members.

(5) The presiding member presides at each meeting of the Board at which he or she is present.

(6) In the absence from any meeting of the presiding member, the members present must elect one of their number to preside at the meeting.

(7) Every question that arises at a meeting is determined by a majority of votes of the members present and voting on it.

(8) The presiding member has a deliberative vote on each question and, in the case of an equality of votes, also has a casting vote.

(9) A resolution that is signed, or that is assented to in writing by letter, telegram, facsimile, email, telex message, or other method of communication, by every member who is for the time being in New Zealand (being at least the number required for a quorum) has the same effect as a resolution passed at a meeting of the Board.

(10) Subject to this schedule and to subpart 3 of Part 3, the Board may regulate its procedure in the manner that it thinks fit.

Compare: 1977 No 84 s 116E

Part 2
Distribution committees

6 Terms of office of members

(1) A member of a distribution committee is to be appointed for a term not exceeding 3 years, as specified by the Minister in the member's instrument of appointment, and may be reappointed.

(2) Unless sooner vacating office under clause 7, a member continues in office until his or her successor is appointed, despite the expiry of the term of the member's appointment.

Compare: 1977 No 84 s 116L

7 Extraordinary vacancies

(1) A member of a distribution committee may at any time be removed from office by the Minister for inability in performance of office, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister.

(2) A member may resign office by notice to the Minister.

(3) When the office of an appointed member of a distribution committee becomes vacant by death, resignation, or removal from office, that vacancy must as soon as practicable be filled in the manner in which the appointment to the vacant office was originally made.

(4) Every person so appointed holds office for the residue of the term for which the person's predecessor would have held office if the vacancy had not occurred.

Compare: 1977 No 84 s 116M

8 Powers not affected by vacancy in membership

The powers of a distribution committee are not affected by any vacancy in its membership, or by any deficiency in the appointment of any member.

Compare: 1977 No 84 s 116K(6)

9 Meetings

(1) Meetings of a distribution committee are to be held at the times and places that the committee appoints.

(2) A special meeting of a distribution committee may at any time be convened by the presiding member. The presiding member must call a special meeting whenever requested to do so in writing by 2 or more members of the committee.

(3) At least 7 clear days' notice of each meeting, and of the business to be transacted at the meeting, must be given to each member for the time being present in New Zealand.

(4) The quorum for any meeting is a number of members that is not less than half of the membership of the committee.

(5) The presiding member presides at each meeting of the committee at which he or she is present.

(6) In the absence from any meeting of the presiding member, the members present must elect one of their number to preside at the meeting.

(7) Every question that arises at a meeting is determined by a majority of votes of the members present and voting on it.

(8) The presiding member has a deliberative vote on each question and, in the case of an equality of votes, also has a casting vote.

(9) A resolution that is signed, or that is assented to in writing by letter, telegram, facsimile, email, telex message, or other method of communication, by every member who is for the time being in New Zealand (being at least the number required for a quorum) has the same effect as a resolution passed at a meeting of the committee.

(10) Subject to this schedule and to subpart 3 of Part 3, a distribution committee may regulate its procedure in the manner that it thinks fit.

Compare: 1977 No 84 s 116N

10 Distribution committee may delegate functions

(1) A distribution committee may appoint any 1 or more persons (whether or not a member of the committee) to be a subcommittee and may, in writing, delegate to a subcommittee its power to determine any application or class of applications made under section 282.

(2) Subject to any general or special directions given or conditions or restrictions imposed by the distribution committee, the subcommittee to which the power is delegated may perform and exercise it in the same manner and with the same effect as if it had been conferred directly by this Act and not by delegation.

(3) A subcommittee that purports to act under a delegation under this clause is, in the absence of proof to the contrary, presumed to be acting within the terms of the delegation.

(4) An appointment of a subcommittee or a delegation of power under this section—

(a) is revocable at will:

(b) does not prevent the exercise of the power by the distribution committee.

(5) A delegation continues in force according to its tenor until it is revoked, and the appointment of a subcommittee continues in force, despite any change in the membership of the distribution committee.

Compare: 1977 No 84 s 116P

Schedule 6
Infringement offences

ss 4, 356–360

Provision	Description of offence	Fees ($)
s 16	Advertising overseas gambling prohibited	$5,000
s 82	Certain information that must be displayed at class 4 venue	$2,500
s 83	Obligation to provide information on disposal of gaming machines	$2,500
s 84	Prohibition on certain gaming machines in class 4 venue	$5,000
s 104	Banking and other related requirements for gaming machine profits	$2,500
s 105	Banking requirements for interest, investment return, etc, on gaming machine profits	$2,500
s 105A	Management of bank accounts for gaming machine profits	$2,500
s 110	Publication requirements for corporate societies	$2,500
s 117	Failure to provide information Secretary requires for investigation and audit	$2,500
s 121	Casino branding	$5,000
s 172(2)	Operating outside restricted hours	$5,000
s 175	Information that must be displayed to customers in casino venue	$2,500
s 176	Failure to provide training for employees	$2,500
s 179	Obligation to provide information on disposal of gaming machine	$2,500
s 180	Prohibition on certain gaming machines in casino venue	$5,000
s 203(6)	Licensed promoter may only be employed by society as licensed promoter	$500
s 213	Requirement of licensed promoter to render an account to a society	$1,000
s 251(2)	Person other than broadcaster who publishes or broadcasts announced result of New Zealand lottery	$100
s 267(2)	Protection of name of Lotteries Commission	$2,500
s 268(1)	Protection of product names of Lotteries Commission	$2,500
s 301(1)	Restriction on purchasing a ticket in an instant game or similar game by person under 18 years	$500
s 302(1)	Restriction on class 4 gambling by person under 18 years	$500
s 303(1)	Restriction on casino gambling by person under 20 years	$500

Provision	Description of offence	Fees ($)
s 308(5)	Requirement to display notice of policy for identifying problem gamblers	$2,500
s 312(1)	Breach of an exclusion order issued under section 309 or section 310	$500

Schedule 6: amended, on 3 March 2015, by section 127(1) of the Gambling Amendment Act 2015 (2015 No 3).

Schedule 6: amended, on 3 March 2015, by section 127(2) of the Gambling Amendment Act 2015 (2015 No 3).

Schedule 6: amended, on 3 March 2015, by section 127(3) of the Gambling Amendment Act 2015 (2015 No 3).

Schedule 6: amended, on 3 March 2015, by section 127(4) of the Gambling Amendment Act 2015 (2015 No 3).

Schedule 7
Amendments to Casino Control Act 1990 and Gaming and Lotteries Act 1977

[Repealed]

s 373

Schedule 7: repealed, on 3 March 2015, by section 128 of the Gambling Amendment Act 2015 (2015 No 3).

Schedule 8
Amendments to Racing Act 2003

[Repealed]

s 374

Schedule 8: repealed, on 1 August 2020, by section 129 of the Racing Industry Act 2020 (2020 No 28).

Schedule 9
Amendments to other Acts

s 374

Arts Council of New Zealand Toi Aotearoa Act 1994 (1994 No 19)
Amendment(s) incorporated in the Act(s).

Boxing and Wrestling Act 1981 (1981 No 28)
Amendment(s) incorporated in the Act(s).

Building Societies Act 1965 (1965 No 22)
Amendment(s) incorporated in the Act(s).

Conservation Act 1987 (1987 No 65)
Amendment(s) incorporated in the Act(s).

Countrywide Banking Corporation Limited Act 1994 (1994 No 1 (P))
Amendment(s) incorporated in the Act(s).

Finance Act (No 2) 1990 (1990 No 73)
Amendment(s) incorporated in the Act(s).

Financial Transactions Reporting Act 1996 (1996 No 9)
Amendment(s) incorporated in the Act(s).

Fisheries Act 1996 (1996 No 88)
Amendment(s) incorporated in the Act(s).

Flags, Emblems, and Names Protection Act 1981 (1981 No 47)
Amendment(s) incorporated in the Act(s).

Gaming Duties Act 1971 (1971 No 34)
Amendment(s) incorporated in the Act(s).

Goods and Services Tax Act 1985 (1985 No 141)
Amendment(s) incorporated in the Act(s).

Income Tax Act 1994 (1994 No 164)
Amendment(s) incorporated in the Act(s).

Insurance Law Reform Act 1985 (1985 No 117)
Amendment(s) incorporated in the Act(s).

New Zealand Film Commission Act 1978 (1978 No 61)

Amendment(s) incorporated in the Act(s).

Ombudsmen Act 1975 (1975 No 9)

Amendment(s) incorporated in the Act(s).

Post Office Bank Act 1987 (1987 No 114)

Amendment(s) incorporated in the Act(s).

Privacy Act 1993 (1993 No 28)

Amendment(s) incorporated in the Act(s).

Public Finance Act 1989 (1989 No 44)

Amendment(s) incorporated in the Act(s).

Securities Markets Act 1988 (1988 No 234)

Amendment(s) incorporated in the Act(s).

Smoke-free Environments Act 1990 (1990 No 108)

Amendment(s) incorporated in the Act(s).

Sport and Recreation New Zealand Act 2002 (2002 No 38)

Amendment(s) incorporated in the Act(s).

Summary Proceedings Act 1957 (1957 No 87)

Amendment(s) incorporated in the Act(s).

Tax Administration Act 1994 (1994 No 166)

Insert, after section 81(4)(e):

(ea) communicating to any officer, being an employee of the Department of Internal Affairs, any information, being information—

(i) which that officer is authorised by the Department to receive; and

(ii) which the Commissioner considers is not undesirable to disclose and is essential to enable that officer to carry out any duty lawfully conferred on the officer relating to the determination of the problem gambling levy rate:

Insert in section 87(5)(a)(i), after the expression “(e),”, the expression “(ea),”.

Trans-Tasman Mutual Recognition Act 1997 (1997 No 60)

Amendment(s) incorporated in the Act(s).

Gambling Amendment Act 2015

Public Act	2015 No 3
Date of assent	2 March 2015
Commencement	see section 2

1 Title

This Act is the Gambling Amendment Act 2015.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Gambling Act 2003.

Part 4
Repeals and other amendments

Transitional provisions

132 Notices under section 116(1)(b) to have prospective effect only

A notice under section 116(1)(b) of the principal Act, as enacted by section 71 of this Act, does not apply in respect of any financial year of a corporate society that commenced before the commencement of this Act.

133 New definition of net proceeds to have prospective effect only

The net proceeds of a corporate society in any financial year that commenced before the commencement of this Act must be determined as if section 5(10) had not been enacted.

Notes

1 General

This is a consolidation of the Gambling Act 2003 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Gambling (Definition of Remote Interactive Gambling) Amendment Act 2024 (2024 No 44)

Reserve Bank of New Zealand Act 2021 (2021 No 31): section 300(1)

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Privacy Act 2020 (2020 No 31): section 217

Racing Industry Act 2020 (2020 No 28): section 129

Trusts Act 2019 (2019 No 38): section 161

Gambling (Problem Gambling Levy) Regulations 2019 (LI 2019/134): regulation 5

Contract and Commercial Law Act 2017 (2017 No 5): section 347

Judicial Review Procedure Act 2016 (2016 No 50): section 24

District Court Act 2016 (2016 No 49): section 261

Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120): section 14

Gambling Amendment Act (No 2) 2015 (2015 No 90)

Gambling Amendment Act 2015 (2015 No 3)

Financial Reporting Amendment Act 2014 (2014 No 64): section 17

Arts Council of New Zealand Toi Aotearoa Act 2014 (2014 No 1): section 27

Gambling Amendment Act 2013 (2013 No 118)

Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): sections 89, 90

Gambling (Gambling Harm Reduction) Amendment Act 2013 (2013 No 71)

Crown Entities Amendment Act 2013 (2013 No 51): section 42

Sale and Supply of Alcohol Act 2012 (2012 No 120): section 417(1)

Search and Surveillance Act 2012 (2012 No 24): section 254
Criminal Procedure Act 2011 (2011 No 81): section 413
Financial Reporting Amendment Act 2011 (2011 No 22): section 12
Policing Act 2008 (2008 No 72): section 116(a)(ii)
Summary Proceedings Amendment Act 2006 (2006 No 13): section 34
Lawyers and Conveyancers Act 2006 (2006 No 1): section 348
Gambling (Class 4 Banking) Regulations 2006 (SR 2006/40): regulation 4
Gambling Amendment Act (No 2) 2005 (2005 No 104)
Public Records Act 2005 (2005 No 40): section 67(1)
Gambling Amendment Act 2005 (2005 No 35)
Relationships (Statutory References) Act 2005 (2005 No 3): section 7
Crown Entities Act 2004 (2004 No 115): section 200
Public Finance Amendment Act 2004 (2004 No 113): section 37(1)
Gambling Act Commencement Order 2003 (SR 2003/384)
Gambling Act 2003 (2003 No 51): section 4A(4)
Public Finance Act 1989 (1989 No 44): section 65R(3)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2024