

**Reprint
as at 1 October 2008**



**Gambling (Licensed Promoters)
Regulations 2005**
(SR 2005/185)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 27th day of June 2005

Present:
Her Excellency the Governor-General in Council

Pursuant to section 219 of the Gambling Act 2003, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the advice of the Minister of Internal Affairs after consultation with persons or organisations that appear to the Minister to be representative of the interests of persons likely

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Department of Internal Affairs.

to be substantially affected by these regulations, makes the following regulations.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Agreement between society and licensed promoter to promote class 3 gambling	3
5 Maximum reward that may be paid to licensed promoter	3
6 Licensed promotion may be supervised	3
<i>Audit provisions</i>	
7 Annual audit of licensed promoter's trust account	3
8 Audit of trust account for each class 3 gambling activity	4
9 Secretary may direct immediate audit of trust account	4
10 Licensed promoter must provide information for audit	5
11 Duties of auditor	5
12 Costs of audit	5
<i>Revocation</i>	
13 Revocation	6

Regulations

- 1 Title**

These regulations are the Gambling (Licensed Promoters) Regulations 2005.
- 2 Commencement**

These regulations come into force on 1 August 2005.
- 3 Interpretation**
 - (1) In these regulations, **Act** means the Gambling Act 2003.
 - (2) Unless the context otherwise requires, terms and expressions that are used but not defined in these regulations but that are defined in the Act have the same meaning as in the Act.

4 Agreement between society and licensed promoter to promote class 3 gambling

An agreement between a society and a licensed promoter referred to in section 188(3) of the Act must include the following information:

- (a) the name and contact details of the society;
- (b) the name and contact details of the licensed promoter;
- (c) the reward that the licensed promoter will be paid by the society for promoting class 3 gambling on the society's behalf;
- (d) a list of items that may be claimed by the licensed promoter as expenses for promoting class 3 gambling on the society's behalf.

5 Maximum reward that may be paid to licensed promoter

The maximum reward that may be paid by a society to a licensed promoter for promoting class 3 gambling on its behalf is the lesser of—

- (a) the amount applied to authorised purposes from the class 3 gambling activity promoted; or
- (b) 10% of the gross proceeds (including goods and services tax) from actual ticket sales for the class 3 gambling activity.

6 Licensed promotion may be supervised

- (1) A gambling inspector or constable may supervise the determination of the winner of a class 3 gambling activity promoted by a licensed promoter.
- (2) Subclause (1) does not apply to the determination of a winner in an instant game promoted by the licensed promoter.

Regulation 6(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Audit provisions

7 Annual audit of licensed promoter's trust account

- (1) Each year, a licensed promoter must arrange for an auditor to conduct an annual audit of the licensed promoter's trust account.

- (2) The annual audit must be conducted within 3 months of the expiry of the licensed promoter's licence.

8 Audit of trust account for each class 3 gambling activity

- (1) A licensed promoter must arrange for an auditor to conduct an audit of the licensed promoter's trust account for each class 3 gambling activity promoted by the licensed promoter.
- (2) The audit must be conducted,—
- (a) in the case of a prize competition or lottery promoted by the licensed promoter, within 3 weeks after the result of the prize competition or lottery has been determined; and
 - (b) in the case of an instant game promoted by the licensed promoter, within 6 weeks after the last date for claiming a prize in the game.

9 Secretary may direct immediate audit of trust account

- (1) The Secretary may direct that an immediate audit of a licensed promoter's trust account be conducted if—
- (a) the licensed promoter has surrendered a licensed promoter's licence under section 214 of the Act; or
 - (b) a person holds a temporary licence under section 215 of the Act; or
 - (c) a person's temporary licence is revoked under section 216 of the Act; or
 - (d) the licensed promoter is unable or unwilling to complete a promotion under section 217 of the Act; or
 - (e) there are reasonable grounds to suspect that—
 - (i) the licensed promoter has done 1 or more of the things listed in section 196(1) of the Act; or
 - (ii) any of the grounds to suspend or cancel the licensed promoter's licence under section 206(1) of the Act exist; or
 - (iii) the society is failing, or has failed, to comply with the Act, these regulations, the conditions of its class 3 operator's licence, or the licensed promoter's agreement.
- (2) The audit must be conducted by an auditor nominated by the Secretary.

10 Licensed promoter must provide information for audit

A licensed promoter who is being audited under regulation 7, 8, or 9 must provide to the auditor conducting the audit—

- (a) the monthly balances of the licensed promoter's trust account; and
- (b) if required by the auditor, any of the following information:
 - (i) any trust account statements relating to the licensed promoter's trust account;
 - (ii) the full details of all tickets relating to the class 3 gambling promoted by the licensed promoter (including any butts relating to those tickets, any claimed prize-bearing tickets, and any unsold tickets);
 - (iii) the full details of all expenditure relating to the class 3 gambling promoted by the licensed promoter.

11 Duties of auditor

- (1) In conducting an audit under regulation 7, 8, or 9, the auditor must examine the licensed promoter's trust account and be satisfied that—
 - (a) all trust account money has been properly paid into the account by the licensed promoter;
 - (b) all money in the trust account has been properly accounted for by the licensed promoter.
- (2) Within 2 weeks after conducting the audit, the auditor must provide a letter to the Secretary stating whether—
 - (a) the licensed promoter's trust account is in order; and
 - (b) the licensed promoter has complied with regulation 10; and
 - (c) the licensed promoter has complied with the licensed promoter's agreement.

12 Costs of audit

- (1) The licensed promoter must meet the costs of an audit conducted under regulation 7.
- (2) The licensed promoter must meet the costs of an audit conducted under regulation 8, unless the licensed promoter has

agreed in writing with the society that the society will meet the costs.

- (3) The Secretary must meet the costs of an audit conducted under regulation 9.

Revocation

13 Revocation

The Gaming and Lotteries (Licensed Promoters) Regulations 1978 (SR 1978/144) are revoked.

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 30 June 2005.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Gambling (Licensed Promoters) Regulations 2005. The reprint incorporates all the amendments to the regulations as at 1 October 2008, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see*

<http://www.pco.parliament.govt.nz/legislation/reprints.shtml>
or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Policing Act 2008 (2008 No 72): section 116(a)(ii)
