



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Interpretation</p> <p>3. Meaning of "illegal game of chance"</p> <p>4. Renewal and amendment of licences to conduct games of chance</p>	<p>5. New sections inserted</p> <p style="padding-left: 20px;">8A. Existing licences in relation to gaming machines</p> <p style="padding-left: 20px;">8B. Regulations</p> <p>6. Meaning of "illegal prize competition"</p> <p>7. Meaning of "illegal lottery"</p>
--	--

1991, No. 89

An Act to amend the Gaming and Lotteries Act 1977

[8 August 1991]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Gaming and Lotteries Amendment Act 1991, and shall be read together with and deemed part of the Gaming and Lotteries Act 1977 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by omitting from the definition of the term "game of chance" the words "or a prize competition, or a lottery,".

(2) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term "gaming machine", and substituting the following definition:

"Gaming machine"—

"(a) Means a machine that is constructed or adapted for use in a game of chance, instant game, lottery, or prize competition, whether the game, lottery, or competition is participated in, played, or commenced by—

"(i) The insertion in a slot or other aperture of money or money's worth in the form of cash or tokens; or

"(ii) The payment of money or money's worth by any other means; and

“(b) Includes a machine used for the purpose of a game of chance, instant game, lottery, or prize competition where the game, lottery, or competition is participated in or played partly by means of the machine and partly by any other means; but

“(c) Does not include—

“(i) A machine used by a person as a means of drawing a lottery; or

“(ii) A random selection device used in a game of housie:”.

(3) Section 2 (1) of the principal Act is hereby further amended by inserting, after the definition of the term “illegal prize competition”, the following definition:

“‘Instant game’ means a scheme, arrangement, or game—

“(a) In respect of which direct or indirect consideration is paid to participate; and

“(b) Which is played with a view to winning money or money’s worth; and

“(c) In which either—

“(i) The ticket or tickets bearing a prize are determined before, or simultaneously with, the sale of any ticket; or

“(ii) The prize which each ticket bears is determined before, or simultaneously with, the sale of any ticket;—

but does not include any such game to which Part VII of this Act applies.”

(4) Section 2 (1) of the principal Act is hereby further amended by inserting in the definition of the term “prize competition”, after the words “does not include” (as substituted by section 2 (4) of the Gaming and Lotteries Amendment Act 1987), the words “an instant game or”.

(5) Section 2 (1) of the principal Act is hereby further amended by inserting, after the definition of the term “prize competition”, the following definition:

“‘Prize-bearing ticket’, in relation to an instant game or any portion of an instant game, means a ticket sold to a participant, and determined in accordance with an allocation to bear a prize:”.

(6) Section 2 (1) of the principal Act is hereby further amended by repealing the definition of the term “ticket”, and substituting the following definition:

“‘Ticket’, in relation to—

“(a) A game of chance; or

“(b) An instant game; or

“(c) A lottery or a New Zealand lottery; or

“(d) A prize competition or a New Zealand prize competition,—

means any document or thing evidencing or prepared for the purpose of evidencing a right to participate in, or to claim a prize in, the game of chance, instant game, lottery, New Zealand lottery, prize competition, or New Zealand prize competition; and, in a case where no such document or thing is issued to a participant, includes the right to participate itself.”

(7) Section 2 of the principal Act is hereby further amended by adding the following subsections:

“(3) For the purposes of this Act, except section 33, an instant game is deemed to be an illegal game of chance unless—

“(a) It is authorised under, and in compliance with, the provisions of section 8 or section 9 of the Act; and

“(b) The prize or the prize-bearing ticket or tickets are determined on a random basis or wholly by chance.

“(4) For the purposes of section 33 of this Act, an instant game, other than an instant game that involves the use of a gaming machine, is deemed to be a lottery.”

(8) The Gaming and Lotteries Amendment Act 1981 is hereby consequentially repealed.

3. Meaning of “illegal game of chance”—Section 3 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Notwithstanding subsection (1) of this section, a game of chance is not illegal for the purposes of this Part of this Act if—

“(a) It is authorised by a licence issued under section 8 of this Act and is conducted in compliance with all the provisions of section 8 of this Act and with all the provisions of all the conditions to which that licence is subject (including conditions specified by the Minister pursuant to subsection (3) of that section and conditions prescribed under subsection (5) of that section); or

“(b) It is authorised by, and is conducted in compliance with, all the provisions of section 9 or section 10 of this Act.”

4. Renewal and amendment of licences to conduct games of chance—(1) Section 8 of the principal Act is hereby amended by inserting, after subsection (3), the following subsections:

“(3A) Any licence granted under subsection (1) of this section may be issued for a specified period of time, and the Minister may at any time, at his or her discretion, grant renewals of any such licence.

“(3B) Subject to any regulations made under this Act, every application for the renewal of a licence granted under subsection (1) of this section shall be made in writing to the Minister and be lodged not later than the date on which the licence is due to expire.

“(3C) Where any application for the renewal of a licence made under subsection (3B) of this section is not determined before the date on which the licence is due to expire, the licence shall continue in force until the application has been determined.

“(3D) Subject to subsection (2) of this section, the Minister may at any time amend any licence granted under subsection (1), or renewed under subsection (3A), of this section, and may at any time add to, vary, or amend any conditions specified under subsection (3) of this section.”

(2) Section 8 of the principal Act is hereby further amended by inserting, after subsection (4), the following subsection:

“(4A) Before exercising any discretion conferred by this section, the Minister may seek and consider advice and information from such sources (including the Police) as the Minister considers relevant.”

(3) Section 8 (5) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) Prescribing the manner in which applications for the renewal or amendment of licences under this section are to be made:”.

5. New sections inserted—The principal Act is hereby amended by inserting, after section 8, the following sections:

“8A. Existing licences in relation to gaming machines—Every licence in force immediately before the commencement of this section (being a licence granted under section 8 of this Act and authorising a society to conduct a game of chance involving the use of one or more gaming machines) is hereby deemed to have been issued for a period expiring with the close of the 30th day of September 1991.

“8B. Regulations—(1) Regulations made under section 141 of this Act may prescribe, in relation to any licence issued or renewed under section 8 of this Act, fees to be payable on—

- “(a) Any application for the issue of any such licence:
- “(b) Any application for the renewal of any such licence:
- “(c) Any application for the amendment of any such licence:
- “(d) The issue of any such licence:
- “(e) The renewal of any such licence.

“(2) Any regulations made pursuant to subsection (1) of this section may relate to games of chance, in general, or to any specified class or classes of games of chance, or to any specified game or games of chance.

“(3) Any fee prescribed pursuant to paragraph (d) or paragraph (e) of subsection (1) of this section in respect of the issue or renewal of any licence to conduct a game of chance, instant game, prize competition, or lottery, involving the use of one or more gaming machines, may be a fee of a stated amount for each machine subject to the licence.

“(4) In any case where—

- “(a) A licence for the conduct of games of chance involving the use of one or more gaming machines has been issued or renewed for a specified period of time; and
- “(b) A fee, as prescribed, of a stated amount for each gaming machine subject to the licence has been paid; and
- “(c) Within the specified period of time the licence is amended so as to increase the number of gaming machines subject to the licence,—

an additional fee, of an amount calculated in accordance with subsection (7) of this section, shall be payable, in respect of each additional machine, by the holder of the licence.

“(5) In any case where—

- “(a) A licence for the conduct of games of chance involving the use of one or more gaming machines has been issued or renewed for a specified period of time; and
- “(b) A fee, as prescribed, of a stated amount for each gaming machine subject to the licence has been paid; and
- “(c) Within the specified period of time the licence is amended so as to reduce the number of gaming machines subject to the licence,—

a refund, of an amount calculated in accordance with subsection (7) of this section, shall be payable to the holder of the licence.

“(6) The refund under subsection (5) shall be payable in respect of each machine that, as a result of the reduction, is no longer subject to the licence.

“(7) Every additional fee payable under subsection (4) of this section, and every refund payable under subsection (5) of this section, shall be of a sum which represents the portion of the prescribed fee which is equal to the proportion of the specified period of the licence which remains unexpired at the time of the increase or reduction in the number of gaming machines subject to the licence.”

6. Meaning of “illegal prize competition”—(1) Section 17 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) That is conducted wholly or partly by means of a gaming machine; or”.

(2) Section 17 (2) of the principal Act is hereby amended by adding the words “unless it is conducted by means of a gaming machine, or partly by means of a gaming machine”.

7. Meaning of “illegal lottery”—Section 27 of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

“(aa) Is conducted wholly or partly by means of a gaming machine; or”.

This Act is administered in the Department of Internal Affairs.
