

# **Gaming and Lotteries Amendment Bill**

Government Bill

## **Explanatory note**

### *General policy statement*

There is long-standing and widespread recognition that the ex officio position of the Secretary for Internal Affairs on the New Zealand Lotteries Commission creates significant conflicts of interest with the Secretary's role as advisor to the responsible Minister on the Commission's performance and policies. This Bill provides for the removal of the ex officio membership of the Secretary from the Commission. This will clarify the monitoring and accountability roles of the Secretary for Internal Affairs with respect to the Commission.

In effect, the Bill decreases the number of members of the Commission from 6 to 5. The decrease will not have an adverse effect on the conduct of the Commission's business.

The Bill consequentially repeals section 77 of the Gaming and Lotteries Act 1977 ("the principal Act"), but saves its application to deal with any challenges that might arise with respect to acts done by an authorised officer acting in the place of the Secretary, or the Commission while the officer was acting in place of the Secretary, before the Bill takes effect. It clarifies that the acts of an officer acting in the place of the Secretary, or the Commission while the officer was acting in the place of the Secretary, may not be questioned in any proceedings on the grounds that the officer's authorisation had not arisen or had ceased.

*Clause by clause analysis*

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. The Bill comes into force on **23 August 2000**.

*Clause 3* repeals section 73(1)(b) of the principal Act, which removes the Secretary for Internal Affairs from the Commission.

*Clause 4* consequentially amends the principal Act. As a result of removing the Secretary for Internal Affairs from the Commission, distinguishing other members of the Commission as appointed members is no longer necessary. Therefore, the word “appointed” is omitted from the term “appointed member” (and its variations) in various provisions of the principal Act.

*Clause 5* consequentially repeals section 77 of the principal Act, which allows the Secretary for Internal Affairs to authorise another officer of the Department of Internal Affairs to attend meetings of the Commission in the Secretary’s place. However, the effect of section 77(3) of the principal Act is preserved, ensuring that it continues to apply to deputised acts undertaken before this Bill comes into force.

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*Hon Mark Burton*

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**The Parliament of New Zealand enacts as follows:**

### **1 Title**

- (1) This Act is the Gaming and Lotteries Amendment Act **2000**.
- (2) In this Act, the Gaming and Lotteries Act 1977<sup>1</sup> is called “the principal Act”.

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<sup>1</sup> 1977 No 84

### **2 Commencement**

This Act comes into force on **23 August 2000**.

### **3 Membership of Commission**

Section 73(1)(b) of the principal Act is repealed.

### **4 Consequential amendments**

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- (1) Section 75(1) and (6) of the principal Act is amended by omitting the words “an appointed”, and substituting the word “a”.
- (2) Section 75(3) of the principal Act is amended by—
  - (a) omitting the words “any other appointed member”, and substituting the words “any other member”; and
  - (b) omitting the words “the appointed member”, and substituting the words “the incapacitated member”.

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- (3) Section 76(1) and (3) of the principal Act is amended by omitting the word “appointed”.

**5 Consequential repeal**

- (1) Section 77 of the principal Act is repealed.
- (2) Despite the repeal of section 77 of the principal Act by **sub-section (1)**, no authorisation of any officer under that section and no acts done by the officer and no act done by the New Zealand Lotteries Commission while the officer was acting in the place of the Secretary for Internal Affairs may in any proceedings be questioned on the grounds that the occasion of the officer’s authorisation had not arisen or had ceased.