

Gambling (Reinstating COVID-19 Modification) Amendment Bill

Government Bill

Explanatory note

General policy statement

This Bill amends the Gambling Act 2003 to reinstate a modification of the definition of remote interactive gambling during a specified period due to effects of COVID-19. This will enable Class 3 lotteries to be conducted remotely until the close of 31 October 2024. (For example, operators would be able to receive payments through phone or Internet banking, which would otherwise be prohibited.) Class 3 lotteries are used to raise funds for charitable or non-commercial purposes.

Remote interactive gambling is normally prohibited for Class 3 lotteries. The Gambling Act was amended on 16 May 2020 to add a modification of the definition of remote interactive gambling during a specified period (on and after 16 May 2020 and until the close of 31 October 2021) to enable specified class 3 operators to conduct their lotteries remotely. The specified operators were Countdown Kids Charitable Trust, the National Heart Foundation of New Zealand, and the Royal New Zealand Coastguard Incorporated.

The modification was proposed to be extended (until the close of 31 October 2024), expanded to include any Class 3 lottery (not just those conducted by those 3 specified operators), and simplified, by amendments in the COVID-19 Response (Management Measures) Legislation Act 2021. Unfortunately, due to administrative oversight, while the Bill had its third reading in time, the section expired before the Bill received Royal assent. As a result, as it relates to the section, the Act was ineffective, and this Bill is required to reinstate the modification (expanded and simplified as earlier proposed) after Royal assent and until the close of 31 October 2024.

Departmental disclosure statement

The Department of Internal Affairs is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2021&no=105>

Regulatory impact statement

The Treasury has determined that this proposal is exempted from the regulatory impact analysis requirements on technical grounds (in accordance with CAB-21-MIN-0394).

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 relates to commencement. The Amendment Act will come into force on the day after Royal assent.

Clause 3 provides that the Amendment Act amends the Gambling Act 2003.

Clause 4 inserts *new section 4A*, which reinstates the modification (expanded and simplified as earlier proposed) after Royal assent and until the close of 31 October 2024.

Hon Jan Tinetti

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Contents

		Page
1	Title	1
2	Commencement	1
3	Principal Act	1
4	New section 4A inserted (Modification of definition of remote interactive gambling during specified period due to effects of COVID-19)	2
	4A Modification of definition of remote interactive gambling during specified period due to effects of COVID-19	2

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Gambling (Reinstating COVID-19 Modification) Amendment Act **2021**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**
This Act amends the Gambling Act 2003.

4 New section 4A inserted (Modification of definition of remote interactive gambling during specified period due to effects of COVID-19)

After section 4, insert:

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

- (1) The purpose of this section is to enable any gambling operator that holds a class 3 operator’s licence that allows them to conduct a lottery to conduct that form of class 3 gambling by remote interactive gambling for a specified period due to the effects of COVID-19 on their ability to fund-raise.
- (2) This section applies during the period—
- (a) beginning on the day on which this section comes into force; and
 - (b) ending on the close of 31 October 2024.
- (3) While this section applies, paragraph (b) of the definition of **remote interactive gambling** in section 4(1) must be read as if “; or” and the following subparagraph were inserted after subparagraph (iv):
- “(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 them to conduct a lottery.”
- (4) This section is repealed on the close of 31 October 2024.
- (5) The repeal of this section does not otherwise affect the previous operation of the definition of remote interactive gambling (as amended by this section) or anything done under it.

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