



Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 15th day of May 2023

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under sections 313 and 316 of the Gambling Act 2003 on the advice and with the consent of the Executive Council.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations	3
Part 1		
Amendments commencing 28 days after date of notification in <i>Gazette</i>		
4	Regulation 9 amended (Restriction on jackpot advertising at class 4 and casino venues)	3
5	Regulation 10 amended (Restriction on jackpot branding)	3
Part 2		
Amendments commencing on 1 September 2023		
6	Regulation 3 amended (Interpretation)	3
7	Regulation 12 amended (Requirement to provide problem gambling awareness training)	3
8	New Schedule inserted	5

Part 3**Amendments commencing on 1 December 2023**

9	Regulation 5 amended (Restriction on automatic teller machines in class 4 and casino venues)	5
10	New regulation 5A inserted (Gaming machines must not be visible from outside certain class 4 venues)	5
	5A Gaming machines must not be visible from outside certain class 4 venues	6
11	Regulation 12 replaced (Requirement to provide problem gambling awareness training)	6
	<i>Problem gambling awareness training: casinos</i>	
12	Requirement to provide problem gambling awareness training: casinos	6
	<i>Problem gambling awareness training: class 4 venues</i>	
13	Requirement to provide problem gambling awareness training: class 4 venues	7
	<i>Gambling area sweeps</i>	
14	Gambling area sweeps	8
	<i>Venue manager must ensure that venue personnel consider whether player is exhibiting signs of harm</i>	
15	Venue manager must ensure that venue personnel consider whether player is exhibiting signs of harm	9
	<i>Records relating to gambling area sweeps and signs of harm</i>	
16	Records relating to gambling area sweeps and signs of harm	9
	Schedule	11
	New Schedule inserted	

Regulations**1 Title**

These regulations are the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023.

2 Commencement

- (1) These regulations, except for Parts 2 and 3, come into force on the date that is 28 days after the date of their notification in the *Gazette*.
- (2) Part 2 comes into force on 1 September 2023.

- (3) Part 3 comes into force on 1 December 2023.

3 Principal regulations

These regulations amend the Gambling (Harm Prevention and Minimisation) Regulations 2004.

Part 1

Amendments commencing 28 days after date of notification in *Gazette*

4 Regulation 9 amended (Restriction on jackpot advertising at class 4 and casino venues)

In regulation 9(1)(a), delete “venue manager and”.

5 Regulation 10 amended (Restriction on jackpot branding)

In regulation 10(1)(a), delete “venue manager and”.

Part 2

Amendments commencing on 1 September 2023

6 Regulation 3 amended (Interpretation)

In regulation 3(1), insert in its appropriate alphabetical order:

gambling area sweep, in relation to a class 4 venue, means the physical observation of a place where gaming machines are located to—

- (a) observe player behaviour; and
- (b) monitor for signs of harm, including those described in the Schedule

7 Regulation 12 amended (Requirement to provide problem gambling awareness training)

- (1) Replace regulation 12(1) with:

- (1) The holder of a class 4 venue licence or casino operator’s licence must, in relation to a venue at which it conducts gambling,—

- (a) provide problem gambling awareness training, in the case of a class 4 venue, to the venue manager and any other venue personnel so as to ensure that there is always a trained person at the venue when class 4 gambling is available;
- (b) provide problem gambling awareness training, in the case of a casino venue, to the manager of the venue and any employee of the venue who is in direct contact with players in the course of their duties at the venue.

- (1A) As a minimum, the training referred to in subclause (1)(a) must enable the venue manager or venue personnel to whom the training has been provided to—
- (a) approach a player that the venue manager or venue personnel have reasonable grounds to believe may be experiencing difficulties relating to gambling; and
 - (b) provide information to a player about the characteristics of problem gambling (including recognised signs of problem gambling); and
 - (c) provide information to a player about the potential dangers of problem gambling; and
 - (d) provide information to a player about how to access problem gambling services; and
 - (e) remind a player that the venue manager or a person acting on the manager's behalf may identify a person who they have reasonable grounds to believe is a problem gambler and exclude the player from the gambling area of the venue for up to 2 years; and
 - (f) remind a player that they can identify themselves as a problem gambler and request that the venue manager or a person acting on the manager's behalf exclude them from the gambling area of the venue for up to 2 years; and
 - (g) monitor for signs of harm, including through conducting gambling area sweeps.
- (1B) As a minimum, the training referred to in subclause (1)(a) must include—
- (a) practical and interactive sessions on—
 - (i) interacting with players to gain familiarity and build rapport with them; and
 - (ii) initiating conversations with a player who may be experiencing harm; and
 - (iii) how to interact with a player who is distressed or agitated; and
 - (iv) how venue personnel can support problem gamblers through the exclusion process, including how to start conversations with players about the exclusion process and how players can access multi-venue exclusion; and
 - (b) the following information:
 - (i) information about identifying the signs of harm (including those described in the Schedule):
 - (ii) basic information about how gaming machines work, including why they can be addictive:
 - (iii) first-hand accounts (which may be pre-recorded) from people who have experienced or been affected by harm:

- (iv) information about the types of harm:
- (v) information about local and national problem gambling services and other organisations that can provide support to people affected by harm:
- (vi) information about what harm resources are available to support venue managers or venue personnel to help prevent and minimise harm:
- (vii) the procedure for self-exclusion and venue-initiated exclusion, including when it is appropriate for the venue manager or a person acting on their behalf to consider excluding an individual; and
- (c) guidance on the following matters:
 - (i) how to maintain records to ensure that information is retained so that actual or potential problem gamblers can be identified, and obligations under the Privacy Act 2020 can be complied with:
 - (ii) how to conduct gambling area sweeps.

- (2) In regulation 12(2), replace “subclause (1)” with “subclause (1)(b)”.
- (3) In regulation 12(2)(e),—
 - (a) delete “venue manager or”; and
 - (b) replace “the manager or operator” with “the operator”.
- (4) In regulation 12(2)(f), delete “venue manager or”.

8 New Schedule inserted

After regulation 12, insert the Schedule set out in the Schedule of these regulations.

Part 3

Amendments commencing on 1 December 2023

9 Regulation 5 amended (Restriction on automatic teller machines in class 4 and casino venues)

- (1) In the heading to regulation 5, replace “**Restriction**” with “**Restrictions**”.
- (2) In regulation 5, insert as subclause (2):
- (2) The holder of a class 4 venue licence must ensure that all automatic teller machines available in the venue are in the line of sight of staff at the main bar area of the venue or, if the venue does not have a bar area, the main customer service area of the venue.

10 New regulation 5A inserted (Gaming machines must not be visible from outside certain class 4 venues)

After regulation 5, insert:

5A Gaming machines must not be visible from outside certain class 4 venues

- (1) This regulation applies to the venue operator of a class 4 venue operating under a class 4 venue licence that has a condition set under section 70(2)(h) of the Act that specifies the area permitted for class 4 gambling.
- (2) The venue operator must ensure that gaming machines in the area permitted for class 4 gambling are not visible from outside the venue (except intermittently when an external door is in use).

11 Regulation 12 replaced (Requirement to provide problem gambling awareness training)

Replace regulation 12 with:

*Problem gambling awareness training: casinos***12 Requirement to provide problem gambling awareness training: casinos**

- (1) The holder of a casino operator's licence must, in relation to a venue at which it conducts gambling, provide problem gambling awareness training to the manager of the venue and any employee of the venue who is in direct contact with players in the course of their duties at the venue.
- (2) As a minimum, the training referred to in subclause (1) must enable the manager or employee to whom the training has been provided to—
 - (a) approach a player that the manager or employee has reasonable grounds to believe may be experiencing difficulties relating to gambling;
 - (b) provide information to a player about the characteristics of problem gambling (including recognised signs of problem gambling);
 - (c) provide information to a player about the potential dangers of problem gambling;
 - (d) provide information to a player about how to access problem gambling services;
 - (e) remind a player that the holder of a casino operator's licence may identify a person who the operator has reasonable grounds to believe is a problem gambler and ban the player from the gambling area of the venue for up to 2 years;
 - (f) remind a player that they can identify themselves as a problem gambler and request that the casino operator exclude them from the gambling area of the venue for up to 2 years.

*Problem gambling awareness training: class 4 venues***13 Requirement to provide problem gambling awareness training: class 4 venues**

- (1) The holder of a class 4 venue licence must, in relation to a class 4 venue at which it conducts gambling, provide problem gambling awareness training to the venue manager, and any other venue personnel who supervise gambling in the course of their duties at the venue,—
 - (a) before the venue manager or venue personnel first start supervising gambling in the course of their duties at the venue; and
 - (b) at least once a year.
- (2) As a minimum, the training referred to in subclause (1) must enable the venue manager or venue personnel to whom the training has been provided to—
 - (a) approach a player that the venue manager or venue personnel have reasonable grounds to believe may be experiencing difficulties relating to gambling; and
 - (b) provide information to a player about the characteristics of problem gambling (including recognised signs of problem gambling); and
 - (c) provide information to a player about the potential dangers of problem gambling; and
 - (d) provide information to a player about how to access problem gambling services; and
 - (e) remind a player that the venue manager or a person acting on the manager's behalf may identify a person who they have reasonable grounds to believe is a problem gambler and exclude the player from the gambling area of the venue for up to 2 years; and
 - (f) remind a player that they can identify themselves as a problem gambler and request that the venue manager or a person acting on the manager's behalf exclude them from the gambling area of the venue for up to 2 years; and
 - (g) monitor for signs of harm, including through conducting gambling area sweeps.
- (3) As a minimum, the training referred to in subclause (1) must include—
 - (a) practical and interactive sessions on—
 - (i) interacting with players to gain familiarity and build rapport with them; and
 - (ii) initiating conversations with a player who may be experiencing harm; and
 - (iii) how to interact with a player who is distressed or agitated; and

- (iv) how venue personnel can support problem gamblers through the exclusion process, including how to start conversations with players about the exclusion process and how players can access multi-venue exclusion; and
- (b) the following information:
 - (i) information about identifying the signs of harm (including those described in the Schedule):
 - (ii) basic information about how gaming machines work, including why they can be addictive:
 - (iii) first-hand accounts (which may be pre-recorded) from people who have experienced or been affected by harm:
 - (iv) information about the types of harm:
 - (v) information about local and national problem gambling services and other organisations that can provide support to people affected by harm:
 - (vi) information about what harm resources are available to support venue managers or venue personnel to help prevent and minimise harm:
 - (vii) the procedure for self-exclusion and venue-initiated exclusion, including when it is appropriate for the venue manager or a person acting on their behalf to consider excluding an individual; and
- (c) guidance on the following matters:
 - (i) how to maintain records to ensure that information is retained so that actual or potential problem gamblers can be identified, and obligations under the Privacy Act 2020 can be complied with:
 - (ii) how to conduct gambling area sweeps.
- (4) The holder of a class 4 venue licence must ensure that a person who has received problem gambling awareness training is present at the class 4 venue at all times when gambling activities are available to players.

Gambling area sweeps

14 Gambling area sweeps

- (1) The venue manager must ensure that venue personnel conduct a gambling area sweep at least 3 times per hour while the gambling area is operating, with each sweep being at least 10 minutes after the previous sweep.
- (2) The venue manager must ensure that venue personnel, when conducting a gambling area sweep, take all reasonable steps to identify whether any player has been gambling during 9 or more consecutive gambling area sweeps.

- (3) Despite subclause (1), venue personnel are not required to conduct a gambling area sweep if the personnel can verify through other means that the gambling area is unoccupied by players.

Venue manager must ensure that venue personnel consider whether player is exhibiting signs of harm

15 Venue manager must ensure that venue personnel consider whether player is exhibiting signs of harm

- (1) The venue manager must ensure that venue personnel consider whether any player is exhibiting any of the signs of harm, including those described in the Schedule.
- (2) The venue manager must ensure that venue personnel, after identifying that a player is exhibiting 1 or more of the signs of harm (including any of those described in the Schedule), have a conversation with that player to assist with identifying whether the player is a problem gambler.

Records relating to gambling area sweeps and signs of harm

16 Records relating to gambling area sweeps and signs of harm

- (1) The venue manager must maintain records for the purposes of recording the information required by subclauses (2) to (6).
- (2) The venue manager must ensure that venue personnel record the following information in relation to a gambling area sweep:
- (a) identification of the venue personnel who conducted the gambling area sweep:
 - (b) the date and time that the venue personnel conducted the gambling area sweep:
 - (c) how many players were present in the gambling area during the gambling area sweep:
 - (d) evidence of the steps taken by the venue personnel to monitor and identify whether players have been gambling during consecutive gambling area sweeps:
 - (e) if a gambling area sweep is not conducted because venue personnel could verify through other means that the gambling area was unoccupied by players,—
 - (i) the method by which venue personnel verified that the gambling area was unoccupied by players; and
 - (ii) the date and time that the gambling area sweep was not conducted.
- (3) The venue manager must ensure that venue personnel record the following information in relation to each sign of harm identified:

- (a) the name of the venue personnel who identified the sign of harm:
 - (b) the date and time that the venue personnel identified the sign of harm:
 - (c) information that would help venue personnel to identify a player who displayed the sign of harm (for example, their name, if known, or a general description of their appearance):
 - (d) which sign of harm was identified:
 - (e) the name of the venue personnel who talked to the player as required by regulation 15(2):
 - (f) the date and time that the venue personnel talked to the player:
 - (g) a summary of the conversation with the player:
 - (h) any further action taken in respect of the player.
- (4) The venue manager must review, or ensure that a person reviews on their behalf, the records for at least the previous 7 days at least once each week to—
- (a) assess whether venue personnel have taken appropriate action following the identification of 1 or more signs of harm in a player; and
 - (b) assess whether further action is required in respect of a player; and
 - (c) determine whether there are any players who the venue manager, or the person acting on their behalf, has reasonable grounds to believe are problem gamblers.
- (5) The venue manager, or the person acting on their behalf, after reviewing the records in accordance with subclause (4), must record—
- (a) the date of the review; and
 - (b) any further action taken as a result of the review.
- (6) The venue operator must ensure that information recorded is retained for a period of 3 years after the date on which it was recorded.

Schedule

New Schedule inserted

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Schedule

Signs of harm

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For the purposes of these regulations, the **signs of harm** include (without limitation) the following:

- (a) withdrawing, or attempting to withdraw, cash from an automatic teller machine or EFTPOS device on 2 or more occasions in 1 day to use for gambling at the venue:
- (b) gambling during 9 or more consecutive gambling area sweeps:
- (c) attempting to borrow money from venue personnel or other venue customers to use for gambling:
- (d) leaving children in a car or otherwise unattended at the venue:
- (e) waiting to gamble as soon as the venue opens:
- (f) refusing to stop gambling at the venue when the venue is closing, or otherwise appearing unable to stop gambling:
- (g) appearing visibly distressed or angry either during or after gambling (for example, crying, holding their head in their hands, or hitting a machine).

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Gambling (Harm Prevention and Minimisation) Regulations 2004 (the **principal regulations**). The regulations, except for *Parts 2 and 3*, come into force on the 28th day after the date of their notification in the *Gazette*. *Part 2* comes into force on 1 September 2023. *Part 3* comes into force on 1 December 2023.

The amendments in *Part 1* remove references to venue managers from regulations 9 and 10 of the principal regulations. The effect of this is that certain obligations relating to jackpot advertising and jackpot branding apply only to the venue operator of a class 4 venue and the licence holder.

Part 2—

- amends regulation 3 of the principal regulations to insert a definition of gambling area sweep. A gambling area sweep is a physical observation of a place where gaming machines are located in a class 4 venue to observe player behaviour and look for signs of harm:
- amends regulation 12 of the principal regulations to set out new problem gambling awareness training requirements for class 4 venues:
- inserts a *new Schedule* into the principal regulations. The *new Schedule* sets out a non-exhaustive list of signs of harm.

Part 3—

- amends regulation 5 of the principal regulations to require the holder of a class 4 venue licence to ensure that all automatic teller machines at the venue are within the line of sight of staff at the main bar area of the venue or, if the venue does not have a bar area, the main customer service area of the venue:
- inserts *new regulation 5A* into the principal regulations. *New regulation 5A* requires venue operators to ensure that gaming machines are not visible from the outside of the venue if a condition of the licence specifies the area permitted for class 4 gambling:
- replaces regulation 12 of the principal regulations. *New regulation 12* sets out the requirements relating to problem gambling awareness training for casinos. No changes are being made to the provisions relating to casinos:
- inserts *new regulation 13* into the principal regulations. *New regulation 13* sets out the problem gambling awareness training requirements for class 4 venues, including when and how often venue managers and venue personnel must receive training:
- inserts *new regulation 14* into the principal regulations. *New regulation 14* requires a venue manager at a class 4 venue to ensure that a gambling area sweep is carried out at least 3 times per hour while the venue is open, and that venue personnel take all reasonable steps, when carrying out a gambling area sweep, to identify whether a player has been present during 9 or more consecutive gambling area sweeps:
- inserts *new regulation 15* into the principal regulations. *New regulation 15* requires a venue manager at a class 4 venue to ensure that venue personnel consider whether any player is showing signs of harm, and that venue personnel have a conversation with any player showing signs of harm to ascertain whether that player's gambling is causing harm:
- inserts *new regulation 16* into the principal regulations. *New regulation 16* sets out requirements relating to records, including requirements to record certain information about gambling area sweeps and identified signs of harm. The venue manager of a class 4 venue must review the records at least once a week and record information about the review.

Regulatory impact statement

The Department of Internal Affairs produced a regulatory impact statement on 21 September 2022 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.treasury.govt.nz/publications/risa/regulatory-impact-statement-regulatory-amendments-reduce-pokies-harm>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

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These regulations are administered by the Department of Internal Affairs.