

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 20 August 1991

GAMING AND LOTTERIES AMENDMENT BILL

Proposed Amendments

Hon. GRAEME LEE, in Committee, to move the following amendment:

Clause 2: To omit this clause, and substitute the following clause:

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “aircraft”, the following definition:

“‘Allocation’ in relation to a New Zealand instant game, has the meaning assigned to that term by section 71 of this Act.”.

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

“‘New Zealand instant game’ has the meaning assigned to that term by section 71 of this Act:

“‘New Zealand lottery’ has the meaning assigned to that term by section 71 of this Act:

“‘New Zealand prize competition’ has the meaning assigned to that term by section 71 of this Act.”.

(3) Section 2 (1) of the principal Act is hereby further amended by omitting from the definition of the term “prize competition” (as amended by section 2 (4) of the Gaming and Lotteries Amendment Act 1987 and section 2 (4) of the Gaming and Lotteries Amendment Act 1991) the words “but does not include an instant game or any such scheme or competition to which Part VII of this Act applies”, and substituting the words “but does not include—

“(a) An instant game; or

“(b) A New Zealand instant game; or

“(c) Any such scheme or competition to which Part VII of this Act applies.”.

(4) Section 2 (1) of the principal Act is hereby further amended by repealing the definition of the term “sales promotion scheme” (as amended by section 2 of the Gaming and Lotteries Amendment Act (No. 2) 1987), and substituting the following definition:

“‘Sales promotion scheme’—

“(a) Means any prize competition or lottery or instant game—

“(i) Promoted by the manufacturer or a distributor, wholesaler, or retailer of any goods or services for the purpose (which shall be a question of fact) of promoting the sale of those goods or services; and

“(ii) In respect of which the right to enter is dependent on the purchase, at a price not exceeding the usual retail price, of any such goods or services, or any specified quantity or value of such goods or services, within a specified period; and

“(iii) In respect of which no other direct or indirect consideration is paid to participate; but

“(b) Does not include any instant game that involves the use of a gaming machine:”.

(5) Section 2 (1) of the principal Act is hereby further amended by repealing the definition of the term “ticket” (as substituted by section 2 (6) of the Gaming and Lotteries Amendment Act 1991), and substituting the following definition:

“ ‘Ticket’, in relation to—

“(a) A game of chance; or

“(b) An instant game or a New Zealand 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, New Zealand 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:”.

(6) Section 2 of the principal Act is hereby further amended by repealing subsections (3) and (4) (as inserted by section 2 (7) of the Gaming and Lotteries Amendment Act 1991), and substituting the following subsections:

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

(7) The following enactments are hereby consequentially repealed:

(a) Section 2 (4) of the Gaming and Lotteries Amendment Act 1987:

(b) Section 2 of the Gaming and Lotteries Amendment Act (No. 2) 1987:

(c) Subsections (4), (6), and (7) of section 2 of the Gaming and Lotteries Amendment Act 1991.

EXPLANATORY NOTE

This Supplementary Order Paper amends the Gaming and Lotteries Amendment Bill by omitting clause 2 (which relates to the interpretation of terms used in the Bill), and substituting a new clause.

The new clause takes account of the amendments made to the principal Act by the Gaming and Lotteries Amendment Act 1991.

Subclauses (1) and (2) apply, for the purposes of the principal Act,—

- (a) The definitions of the terms “allocation” and “New Zealand instant game” (which appear in *clause 6* of the Bill); and
- (b) The definitions of the terms “New Zealand lottery” and “New Zealand prize competition” (which were inserted into section 71 of the principal Act by section 3 (1) of the Gaming and Lotteries Amendment Act 1987).

Subclause (3) provides that a “New Zealand instant game” does not come within the definition of the term “prize competition”. An amendment having the same effect was included in Supplementary Order Paper No. 29 (which was withdrawn).

Subclause (4) has the same effect as the subclause (2A) set out on page 3 of the Bill.

Subclause (5) has the same effect as the subclause (3) set out in lines 33 to 42 on page 3 and in lines 1 to 6 on page 4 (as proposed to be amended by Supplementary Order Paper No. 29, which was withdrawn). The definition of the term “ticket” now includes references to a “New Zealand instant game”.

Subclause (6) has the same effect as the subclause (4) that appears in lines 7 to 19 on page 4. The new subsections (3) and (4) (as substituted by *subclause (6)*) now include references to a “New Zealand instant game”.

Subclause (7) effects consequential repeals.