

**Reprint
as at 3 September 2004**



**Gambling (Harm Prevention and
Minimisation) Regulations 2004**

(SR 2004/276)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 30th day of August 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 313 and 314 of the Gambling Act 2003, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the advice of the Minister of Internal Affairs after consultation with persons or organisations that appear to the Minister to be representative of the interests of

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Department of Internal Affairs.

persons likely to be substantially affected by these regulations, makes the following regulations.

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Regulations

- 1 Title**
These regulations are the Gambling (Harm Prevention and Minimisation) Regulations 2004.
- 2 Commencement**
- (1) Regulations 5 and 11 come into force on 1 April 2005.
 - (2) Regulations 7 and 8 as far as they relate to—

- (a) new gaming machines come into force on 1 October 2005;
 - (b) all other gaming machines come into force on 1 July 2009.
- (3) Regulations 9, 10, and 12 come into force on 1 October 2005.
- (4) The rest of these regulations come into force on 1 October 2004.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
- Act** means the Gambling Act 2003
- gaming machine jackpot** means an accumulated prize amount that is generated from a linked series of gaming machines
- new gaming machine** means a new gaming machine that was purchased by the holder of a class 4 operator's licence or casino operator's licence on or after 1 October 2005
- single play**—
- (a) means a sequence of actions and states in a gaming machine that are—
 - (i) activated by a player through a wagering of credits; and
 - (ii) terminated when—
 - (A) all the credits wagered by the player relating to those actions or states have been lost; or
 - (B) all winnings relating to those actions or states have been paid out to the player or transferred to the player's credit meter and are no longer available to be wagered on that sequence; and
 - (b) includes any feature of the gaming machine that is triggered by the wagering of the credits, unless all winning credits are transferred to the player's credit meter before the feature is activated.
- (2) In these regulations, a term that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

*Restrictions on venues***4 Unsuitable class 4 venues**

The following venues are declared unsuitable to be a class 4 venue:

- (a) a venue at which the primary activity is anything other than onsite entertainment, recreation, or leisure focused on persons 18 years and over, including (without limitation)—
 - (i) a dairy, supermarket, or other similar venue:
 - (ii) a fast-food outlet or other similar venue:
 - (iii) an office:
 - (iv) a private residence:
 - (v) a sports stadium:
 - (vi) a circus, fair, amusement parlour, arcade or park, theme park, or other similar venue:
- (b) a venue that is not a fixed permanent structure, including (without limitation)—
 - (i) a tent or marquee:
 - (ii) a vehicle, vessel, aircraft, trailer, or other conveyance:
- (c) a footpath (whether or not undercover):
- (d) a concourse area (whether or not enclosed):
- (e) an Internet café or cyber-café, or any other venue at which the primary activity is electronic media (including games):
- (f) a library, art gallery, museum, theatre, cinema, or other similar venue:
- (g) a place of worship.

5 Restriction on automatic teller machines in class 4 and casino venues

The holder of a class 4 venue licence or casino operator's licence must ensure that there are no automatic teller machines available in the gambling area of a venue in which it conducts gambling.

Stake and prize limits for class 4 gambling

6 Stake and prize limits for class 4 gambling

The holder of a class 4 operator's licence must ensure, in relation to a gaming machine used to conduct class 4 gambling, that—

- (a) the maximum amount that may be staked for a single play of the gaming machine (whether or not it is linked to other gaming machines) does not exceed \$2.50; and
- (b) the maximum prize for a single play of the gaming machine does not exceed \$500; and
- (c) the maximum jackpot prize for a single play of the gaming machine that is linked to other gaming machines does not exceed \$1,000.

Requirements relating to gaming machines

7 Gaming machine must display certain messages

- (1) The holder of a class 4 operator's licence or casino operator's licence must, at a venue at which it conducts gambling, ensure that a gaming machine includes a feature that provides the messages specified in subclause (2).
- (2) The messages are—
 - (a) game information, relating to—
 - (i) the odds of winning the game (including the 5 top and bottom winning combinations);
 - (ii) the average winnings paid out to players of the game over a particular period of time or a particular number of plays;
 - (iii) the maximum and minimum player spend rate for the game;
 - (b) player information, relating to—
 - (i) the duration of the player's session of play; and
 - (ii) the amount, expressed in dollars and cents, that the player has spent during the player's session of play; and
 - (iii) the player's net wins or net losses during the player's session of play.
- (3) The messages referred to in subclause (2) must be displayed at the election of the player.

- (4) The holder of a class 4 operator's licence or casino operator's licence must, at a venue at which it conducts gambling, ensure that a gaming machine displays the correct time while it is being used by a player.

8 Gaming machine must include feature that interrupts play

- (1) The holder of a class 4 operator's licence or casino operator's licence must, at a venue at which it conducts gambling, ensure that a gaming machine includes a feature that—
- (a) interrupts play at irregular intervals (not exceeding 30 minutes of continuous play); and
 - (b) informs the player of—
 - (i) the duration of the player's session of play; and
 - (ii) the amount, expressed in dollars and cents, that the player has spent during the player's session of play; and
 - (iii) the player's net wins or net losses during the player's session of play; and
 - (c) asks the player whether or not he or she wishes to continue with his or her session of play.
- (2) For the purposes of subclause (1)(c), if the player does not wish to continue with his or her session of play, the gaming machine must include a feature that automatically pays out any winnings and credits to the player.

Jackpot advertising and branding

9 Restriction on jackpot advertising at class 4 and casino venues

- (1) This regulation applies to—
- (a) the holder of a class 4 venue licence, and to the venue manager and venue operator, in relation to that licence; and
 - (b) the holder of a casino operator's licence.
- (2) A person referred to in subclause (1) must ensure that no advertising relating to a gaming machine jackpot at the class 4 venue or casino venue (as the case may be) is published, either—

- (a) inside the venue in a way that makes the gaming machine jackpot advertising visible or audible to persons outside the venue; or
- (b) outside the venue.

10 Restriction on jackpot branding

- (1) This regulation applies to—
 - (a) the holder of a class 4 venue licence, and to the venue manager and venue operator, in relation to that licence; and
 - (b) the holder of a casino operator’s licence.
- (2) A person referred in subclause (1) must ensure that, in any advertising related to the class 4 venue or casino venue, the word “jackpot” is not published in a way that explicitly or implicitly conveys the impression that there is a gaming machine jackpot at the venue.
- (3) Subclause (2) applies to any other similar word or get-up.

Requirements relating to problem gambling

11 Requirement to provide information about problem gambling

The holder of a class 4 venue licence or casino operator’s licence must, at a venue at which it conducts gambling,—

- (a) make available to players—
 - (i) pamphlets providing information about the odds of winning on gaming machines;
 - (ii) information about the characteristics of problem gambling (including the recognised signs of problem gambling) and how to seek advice for problem gambling; and
- (b) display signage that is clearly visible to all players that—
 - (i) encourages players to gamble only at levels they can afford;
 - (ii) contains advice about how to seek assistance for problem gambling.

12 Requirement to provide problem gambling awareness training

- (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, provide problem gambling awareness training—
 - (a) 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) in the case of a casino venue, the manager of the venue and any employee of the venue who is in direct contact with players in the course of his or her 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 related 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 risks and consequences of problem gambling:
 - (d) provide information to a player about how to access problem gambling services:
 - (e) remind a player that the venue manager or the holder of a casino operator's licence (as the case may be) may identify a person that the manager or operator has reasonable grounds to believe is a problem gambler and ban the player from the gambling area of the venue concerned for up to 2 years:
 - (f) remind a player that he or she can identify himself or herself as a problem gambler and request that the venue manager or casino operator (as the case may be) exclude the player from the gambling area of the venue for up to 2 years.
- (3) The holder of a class 4 venue licence must ensure that an employee who has received problem gambling awareness train-

ing is present at the class 4 venue at all times when gambling activities are available to players.

Diane Morcom,
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, which (except *regulations 5 and 7 to 12*) come into force on 1 October 2004, prescribe matters relating to harm prevention and minimisation under the Gambling Act 2003.

Regulation 4 lists the venues that are declared as unsuitable to be a class 4 venue.

Regulation 5, which comes into force on 1 April 2005, restricts the availability of automatic teller machines at class 4 and casino venues.

Regulation 6 sets out the stake and prize limits for class 4 gambling.

Regulations 7 and 8 provide that gaming machines must display certain messages and include a feature that interrupts play while the machine is being used by a player. These regulations come into force on—

- 1 October 2005, as far as they relate to new gaming machines;
- 1 July 2009, as far as they relate to all other gaming machines.

Regulations 9 and 10, which come into force on 1 October 2005, restrict jackpot advertising and jackpot branding at class 4 and casino venues.

Regulation 11, which comes into force on 1 April 2005, requires the holder of class 4 venue licence or casino operator's licence to provide information to players about problem gambling at the venue at which it conducts gambling.

Regulation 12, which comes into force on 1 October 2005, requires the holder of a class 4 venue licence or casino operator's licence to

provide problem gambling awareness training to certain employees
of the venue at which it conducts gambling.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 2 September 2004.

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Notes

1 *General*

This is a reprint of the Gambling (Harm Prevention and Minimisation) Regulations 2004. The reprint incorporates all the amendments to the regulations as at 3 September 2004, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see*

<http://www.pco.parliament.govt.nz/legislation/reprints.shtml>
or Part 8 of the *Tables of Acts and Ordinances and Statutory
Regulations, and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
