

Gaming and Lotteries Act 1977

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An Act to make better provision for the conduct of games of chance, prize competitions, and lotteries for amusement and for the raising of funds for certain purposes while continuing to prohibit the conduct of such activities for commercial gain, to continue the prohibition of bookmaking, and to consolidate and amend the Gaming Act 1908 and its amendments

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Gaming and Lotteries Act 1977.
- (2) This Act shall come into force on the 1st day of April 1978.

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—

“Aircraft” has the same meaning as in the Civil Aviation Act 1964:

“Authorised employee”, in relation to a society, means any employee or agent of that society who is employed or engaged by the society otherwise than principally for the purpose of conducting games of chance, prize competitions, or lotteries on behalf of the society:

“Authorised purpose” means any charitable, philanthropic, cultural, or party political purpose, or any other purpose that is beneficial to the community or any section of it:

“Bet” includes the act of paying, receiving, negotiating, or settling a bet; and also includes the act of offering or agreeing to pay, receive, negotiate, or settle a bet; but does not include any such act if done in the course of or incidental to the playing of any game of chance:

“Bookmaker” means a person who—

- (a) Carries on the business of receiving or negotiating bets or of laying odds; or
- (b) By way of business, in any manner holds himself out, or permits himself to be held out, or holds out any other person, as a person with whom bets may be made or negotiated or odds laid; or

(c) By way of business, offers to bet on any particular event or class of events with more than one person;—

and “bookmaking” has a corresponding meaning:

“Department” means the Department of Internal Affairs:

“Draw”, in relation to a lottery, means determine the result of the lottery:

“Equalisator licence” means a licence of that description granted under section 48 of the Racing Act 1971:

“Game of chance” means a game—

(a) In respect of which direct or indirect consideration is paid to participate; and

(b) That is played with a view to winning money or money’s worth; and

(c) The outcome of which depends wholly or partly on chance;—

but does not include an athletic game, or a sporting event, or a prize competition, or a lottery, or a New Zealand lottery, or a New Zealand prize competition:

“Gaming machine” means a machine that is constructed or adapted for use in a game of chance, whether the game is played or commenced by the insertion in a slot or other aperture of money or money’s worth in the form of cash or tokens, or by payment of money or money’s worth by any other means; and includes a machine used for the purpose of a game of chance where the game is played partly by means of the machine and partly by any other means, but only if the element of chance in the game is provided by means of the machine:

“Hovercraft” has the same meaning as in the Hovercraft Act 1971:

“Illegal game of chance” has the meaning assigned to that term by section 3 of this Act:

“Illegal lottery” has the meaning assigned to that term by section 27 of this Act:

“Illegal prize competition” has the meaning assigned to that term by section 17 of this Act:

“Local authority” means a borough council, county council, district council, or town council:

“Lottery” means a scheme or device in respect of which direct or indirect consideration is paid to participate and by which money or money’s worth is disposed of by lot, or otherwise wholly by chance; and includes a raffle, a sweepstake, and every other similar scheme or device; but does not include a New Zealand lottery:

“Minister” means the Minister of Internal Affairs:

“New Zealand lottery” means a lottery promoted by the Minister under Part VII of this Act:

“New Zealand prize competition” means a prize competition promoted by the Minister under Part VII of this Act:

“Occupier”, in relation to any premises, means the person entitled to occupy the premises; and includes—

- (a) The owner of the premises:
- (b) A person who, at any material time, acts as, or as if he were, the occupier of the premises:
- (c) A person who, at any material time, is involved in the care, management, or control of the premises,—

whether he is the actual occupier or not:

“Owner”, in relation to any premises, means the person for the time being entitled to receive the rack rent of the premises, or who would be entitled to receive it if the premises were let:

“Participant”, in relation to a game of chance, means a person who takes part in the game, whether directly or indirectly; and, in relation to a game of chance that involves playing or staking against a bank, includes the person for the time being acting as banker; and “to participate” has a corresponding meaning:

“Premises” means a building, office, room, or place (whether enclosed or not); and includes an aircraft, a hovercraft, a vehicle, and a vessel:

“Prize competition” means a scheme or competition in respect of which direct or indirect consideration is paid to participate, and of which the result is determined partly by a considerable element of chance (whether chance plays the greater or lesser part), and partly by the performance by the contestants of some activity of a kind that may be performed more readily by contestants possessing or exercising some knowledge or skill, whether or not it may also be performed successfully by chance; but does not include a New Zealand prize competition:

“Public place” means—

- (a) Every place to which members of the public have access with or without the payment of any fee or other consideration; and
- (b) Every aircraft, hovercraft, vehicle, and vessel to which members of the public have access with or without the payment of any fee, fare, or other consideration;—

and includes a motorway, a road, a street, a private street, a footpath, an access way, a service lane, a court, a mall, and a thoroughfare:

“Publishes” includes broadcasts:

“Sales promotion scheme” means any prize competition—

- (a) Promoted by the manufacturer or a 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

- (b) 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
- (c) In respect of which no other direct or indirect consideration is paid to participate:

“Secretary” means the Secretary for Internal Affairs:

“Society” means any corporation sole, association of persons (whether incorporated or not), or local or affiliated branch of any such association, that is established and conducted entirely for any purpose other than a commercial one:

“Ticket”, in relation to a game of chance, or a prize competition, or a New Zealand lottery, or a New Zealand prize competition, means any document or thing evidencing or prepared for the purpose of evidencing a right to participate in the game of chance, prize competition, lottery, New Zealand lottery, 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:

“Totalisator Agency Board” means the Board of that name established under section 62 of the Racing Act 1971:

“Totalisator licence” means a licence of that description granted under section 37 of the Racing Act 1971:

“Vehicle” has the same meaning as in the Transport Act 1962:

“Vessel” has the same meaning as in the Harbours Act 1950.

- (2) The application of the proceeds of a game of chance, a prize competition, or a lottery for any purpose calculated to benefit a society as a whole shall not be held to be applied to a purpose other than an authorised one merely because their application for that purpose results in benefit to any person as an individual.

Compare: 1908, No. 68, ss. 2, 6, 13; 1920, No. 10, s. 8; 1949, No. 32, s. 2; 1971, No. 70, s. 2(2); 1971, No. 155, s. 106(1)

Part I Games of Chance

3 Meaning of “illegal game of chance”

- (1) In this Part of this Act, “illegal game of chance” means a game of chance—
 - (a) The nature of which (regardless of the manner in which the game is actually being played at any material time) is such that the chances involved are not equal as between all the participants; or
 - (b) The nature of which (regardless of the manner in which the game is actually being played at any material time) is such that a person other

- than a participant has a chance of winning, and the chances involved are more favourable to that person than to a participant; or
- (c) Where the game involves playing or staking against a bank, the bank does not pass from one participant to another by chance, or by regular rotation among all the participants, without charge or other prior conditions; or
 - (d) That is actually being played at any material time in such a manner that—
 - (i) The chances are not equal as between all the participants; or
 - (ii) A person other than a participant has a chance of winning, and the chances involved are more favourable to that person than to a participant; or
 - (iii) It involves playing or staking against a bank, and the bank does not pass from one participant to another by chance, or by regular rotation among all the participants without charge or other prior conditions:
 - (e) Where any money or money's worth that a participant directly or indirectly puts down as a stake or pays by way of losses, or pays in exchange for tokens used in playing the game, is disposed of otherwise than by payment to a participant or participants as winnings; or
 - (f) Where a payment in money or money's worth, whether by way of an admission charge or in any other manner whatever (except by way of stakes), is made by any person, whether voluntarily or not, to take part in the game; or
 - (g) Where a deduction is made from, or a levy is charged on, any of the participants' stakes or winnings, whether directly or indirectly, and whether voluntarily or not; or
 - (h) That is played by way of a gaming machine; or
 - (i) That takes place in a public place.
- (2) An annual subscription or an entrance fee required to be paid by a person for the purpose of remaining or becoming a member of a club shall not be held, in any proceedings for an alleged offence against this Part of this Act, to constitute a charge for the purposes of subsection (1)(f) of this section if the club proves—
- (a) That it is not so constituted or conducted as to be of a temporary character; and
 - (b) That it has not been established wholly or principally for the purpose of participating in games of chance; and
 - (c) That the subscription or fee has not been paid principally for the purpose of enabling the payer to participate in a game of chance.

- (3) Notwithstanding subsection (1) of this section, a game of chance is not illegal for the purposes of this Part of this Act if it is authorised by or under, and is played in compliance with all the provisions of and all conditions imposed under, section 8, or section 9, or section 10, of this Act.

Compare: 1908, No. 68, ss 9, 10; 1927, No. 35, s. 52(1)(e)

4 Participation in illegal game of chance prohibited

- (1) Every person commits an offence and is liable to a fine not exceeding \$500 who participates in an illegal game of chance or who is present without reasonable excuse on premises where an illegal game of chance is being played.
- (2) It is a defence to a charge of being present on premises where an illegal game of chance is being played if the defendant shows that he neither knew nor had reasonable cause to suspect that an illegal game of chance was being played on the premises.

Compare: 1908, No. 68, s. 4(2)

5 Offering, giving, or accepting credit for illegal games of chance prohibited

- (1) Every person commits an offence who, in any manner whatever, offers or gives credit for money or money's worth to any other person if he knows that the credit is for the purpose of enabling that other person to participate in an illegal game of chance, or for use by that person in an illegal game of chance.
- (2) Every person commits an offence who, while participating in or being present at an illegal game of chance, accepts credit for money or money's worth, in any manner whatever, to enable him to participate in an illegal game of chance or for use by him in an illegal game of chance.
- (3) Every person who commits an offence against subsection (1) of this section is liable to a fine not exceeding \$500.
- (4) Every person who commits an offence against subsection (2) of this section is liable to a fine not exceeding \$200.

Compare: 1908, No. 68, s. 4(1)

6 Organising illegal games of chance prohibited

- (1) Every person commits an offence who, in any manner whatever,—
- (a) Organises, promotes, manages, or conducts an illegal game of chance; or
 - (b) Assists in the organisation, promotion, management, or conduct of an illegal game of chance; or
 - (c) Makes a direct or indirect pecuniary gain (otherwise than by way of winnings received as a participant) from the playing of an illegal game of chance that he would not otherwise have made.
- (2) Every person who commits an offence against subsection (1) of this section is liable to—

- (a) In the case of an individual, imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000:
- (b) In the case of a body corporate, a fine not exceeding \$5,000.

7 Causing or permitting premises to be used for games of chance, etc., prohibited

- (1) Every person who causes or permits any premises of which he is the owner or occupier to be used for the playing of an illegal game of chance commits an offence and is liable to a fine not exceeding \$1,000.
- (2) Every person who charges any other person for admission to any premises on which a game of chance is being, or is proposed to be, played commits an offence and is liable to a fine not exceeding \$1,000.
- (3) An annual subscription or an entrance fee required to be paid by a person for the purpose of remaining or becoming member of a club shall not be held, in any proceedings for an alleged offence against subsection (2) of this section, to constitute a charge for the purposes of that subsection if the club proves each of the matters referred to in paragraphs (a) to (c) of section 3(2) of this Act.

Compare: 1908, No. 68, s. 4(1)

8 Minister may grant licences to conduct games of chance

- (1) The Minister may from time to time, at his discretion, on the application in writing of any society, grant to that society, in respect of any game or games of chance that would otherwise be illegal, a licence authorising it to conduct the game or games of chance specified in the licence if he is satisfied that the society's object in doing so will be to raise money for an authorised purpose.
- (2) Every such licence shall be subject to the condition that no money shall be paid to or received by any person (other than an authorised employee of the society) whether directly or indirectly, by way of remuneration or commission for conducting or helping to conduct the game or games of chance, and that no remuneration by way of commission shall be paid to or received by any such authorised employee for conducting or helping to conduct the game or games of chance.
- (3) Subject to subsection (2) of this section and to any regulations made under subsection (5) of this section, the Minister may grant a licence to conduct any game of chance either unconditionally or subject to such conditions as he may specify.
- (4) The Minister may at any time, at his discretion, cancel a licence issued under subsection (1) of this section.
- (5) The Governor-General may from time to time, by Order in Council, make regulations for any of the following purposes:
 - (a) Prescribing the games of chance in respect of which licences may or may not be issued:

- (b) Prescribing the manner in which applications for licences under this section are to be made:
 - (c) Requiring particulars of proposed games of chance to be supplied to the Police, and prescribing the particulars to be supplied:
 - (d) Prescribing the conditions to be complied with by persons conducting games of chance, and by those playing them:
 - (e) Prescribing the maximum number of games of chance permitted at any one venue during any specified period:
 - (f) Prescribing the days on which and the hours during which games of chance may or may not be played:
 - (g) Prescribing forms to be used in any game of chance, and prescribing special conditions to be complied with where a jackpot is offered in any such game:
 - (h) Requiring statements of account and other reports relating to the conduct of games of chance to be supplied to the Secretary, and prescribing the matters to be dealt with in the statements and reports:
 - (i) Requiring records to be kept in respect of each game of chance played, and prescribing the matters to be dealt with in the records:
 - (j) Prescribing offences in respect of the contravention or non-compliance with any regulations made under this section, and the amount of the fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding \$200, and, where the offence is a continuing one, a further amount not exceeding \$20 for every day or part of a day during which the offence has continued:
 - (k) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this section, and for its due administration.
- (6) Any regulations made under subsection (5) of this section may relate to games of chance generally, or to any specified game or games of chance only.

Compare: 1959, No. 65, s. 2

9 Societies may conduct games of chance at fairs, etc., under certain conditions

- (1) A society may, with the object of raising money for any authorised purpose, conduct games of chance at any fair, gala, fete, bazaar, or other entertainment of a similar nature if—
- (a) The outcome of the game does not depend entirely on chance; and
 - (b) The game is not played by means of a gaming machine; and
 - (c) The whole of the proceeds of the game, after deducting expenses lawfully incurred in conducting the game, is applied to the provision of

- prizes in respect of the game, and to the authorised purpose for which the game is conducted; and
- (d) The amount payable for one opportunity to participate in the game does not exceed 50 cents; and
 - (e) The acceptance of entries and the declaration of the result take place on the same day, and on the same premises, on which the game is played, and while the entertainment is still being provided; and
 - (f) No prize given or offered in respect of the game exceeds \$50 in value; and
 - (g) The opportunity to participate in the game is not the only or principal inducement to persons to attend the entertainment; and
 - (h) Neither the purchase of a ticket nor the winning of the game entitles that person (whether on payment of any charge or otherwise) to participate in any other game of chance, or in any prize competition or lottery; and
 - (i) No remuneration or commission is paid directly or indirectly to any person (other than an authorised employee of the society) for conducting or helping to conduct the game, and no remuneration by way of commission is paid to or received by any such authorised employee for conducting or helping to conduct, the game.
- (2) It is a defence to a charge brought under section 4 or section 7 of this Act relating to a game of chance that has been rendered illegal by reason of non-compliance with any of the provisions of subsection (1) of this section if the defendant shows that he neither knew nor had reasonable cause to suspect that the non-compliance had occurred.

10 Games of chance may be played by means of amusement devices under certain conditions

- (1) A game of chance may be played by way of an amusement device if—
- (a) The amount payable for one opportunity to play the game does not exceed 20 cents; and
 - (b) A successful player is neither offered nor given any benefit other than—
 - (i) The opportunity, afforded by the automatic action of the device, to play the game once more without further payment; or
 - (ii) The delivery, by the automatic action of the device, of a coin or coins not exceeding an aggregate value of the amount paid for the opportunity to play the game once; or
 - (iii) Both of the benefits specified in subparagraphs (i) and (ii) of this paragraph; and
 - (c) The opportunity to play the game is not the only or principal inducement to persons to attend the premises in which the device is situated, unless

the device is situated in premises licensed as an amusement gallery under bylaws made by a local authority.

- (2) It is a defence to a charge brought under section 4 or section 7 of this Act relating to a game of chance that has been rendered illegal by reason of non-compliance with any of the provisions of subsection (1) of this section if the defendant shows that he neither knew nor had reasonable cause to suspect that the non-compliance had occurred.

11 Advertising games of chance prohibited

- (1) Subject to subsection (2) of this section, every person who publishes or causes to be published an advertisement—
- (a) Informing the public that any premises are premises in which games of chance take place or will take place; or
 - (b) Inviting the public to participate in any game of chance or to apply for information relating to the opportunity to participate in any game of chance; or
 - (c) Inviting the public to subscribe any money or money's worth for the purposes of any game of chance or to apply for information relating to the opportunity to subscribe any money or money's worth for those purposes—

commits an offence and is liable to a fine not exceeding \$1,000.

- (2) Nothing in subsection (1) of this section applies in respect of any advertisement relating to a game of chance that is authorised by or under, and is or will be conducted in compliance with all the provisions of and conditions imposed under, section 8 or section 9 of this Act, or that has been or will be played in accordance with section 10 of this Act in premises licensed as an amusement gallery under bylaws made by a local authority.
- (3) It is a defence to a charge brought under subsection (1) of this section relating to the advertising of any game of chance that has been rendered illegal by reason of non-compliance with any of the provisions of section 8 or section 9 or section 10 of this Act if the defendant shows that he neither knew nor had reasonable cause to suspect that the non-compliance had occurred.

Part II Bookmaking and Betting

12 Bookmaking prohibited

- (1) Every person who acts as a bookmaker commits an offence and is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$5,000.

- (2) Every person who acts as an agent for any other person in the course of that other person's business as a bookmaker commits an offence and is liable to a fine not exceeding \$2,000.

Compare: 1920, No. 10, s. 2; 1953, No. 109, s. 3

13 Causing or permitting premises to be used for bookmaking prohibited

Every person who causes or permits any premises of which he is the owner or occupier to be used for the purposes of bookmaking commits an offence and is liable to a fine not exceeding \$2,000.

Compare: 1908, No. 68, s. 36

14 Betting with bookmaker prohibited

- (1) Every person who bets with a bookmaker commits an offence and is liable to a fine not exceeding \$500.
- (2) It is a defence to a charge brought under subsection (1) of this section if the defendant shows that he neither knew nor had reasonable cause to suspect that the person with whom he bet was a bookmaker.

Compare: 1920, No. 10, s. 3

15 Betting in public place prohibited

- (1) Every person who bets in a public place commits an offence and is liable to a fine not exceeding \$500.
- (2) Subsection (1) of this section does not apply to the placing of a bet with the Totalisator Agency Board, or with the holder of a totalisator licence or an equalisator licence.

Compare: 1908, No. 68, ss. 26, 27; 1910, No. 56, s. 2(1)–(4)

16 Acting as or employing agent in placing of bets with Totalisator Agency Board prohibited

- (1) Every person who, in any manner whatever,—
- (a) Offers to act or acts as agent for another person in the placing of a bet with the Totalisator Agency Board or any of its agencies, or with the holder of a totalisator licence or an equalisator licence; or
- (b) Offers to employ or employs another person as agent in the placing of a bet with that Board, or with the holder of such a licence—
- commits an offence and is liable to a fine not exceeding \$500.
- (2) Subsection (1) of this section does not apply where—
- (a) The person offering to act or acting as agent does not request or receive any fee, commission, or other remuneration for acting as agent:

- (b) The person offering to employ or employing the other person as agent does not offer to pay or pay any fee, commission, or other consideration to that other person for acting as agent.

Compare: 1908, No. 68, s. 53; 1949, No. 32, s. 21; 1954, No. 50, s. 40(1); 1971, No. 155, s. 106(5)

Part III

Prize Competitions

17 Meaning of “illegal prize competition”

- (1) In this Part of this Act, “illegal prize competition” means a prize competition—
 - (a) In which the competitors are required to nominate—
 - (i) The result of a race, event, match, contest, or competition involving a horse race, a greyhound race, an athletic game, or a sport; or
 - (ii) Any contingency (other than the final result) of or relating to any such race, event, match, contest, or competition; or
 - (iii) The result of a future event other than an event to which subparagraph (i) of this paragraph applies; or
 - (iv) The result of a past event, the outcome of which has not yet been ascertained, or is not yet generally known; or
 - (b) The result of which or the solution to which, or the identity of the person whose opinion or decision will determine the result or solution, is known to any person before the date fixed for the closing of entries to the prize competition; or
 - (c) That disposes of or is intended to dispose of any property or class of property specified in a notice for the time being in force under section 70 of this Act.
- (2) Notwithstanding subsection (1) of this section, a prize competition is not illegal for the purposes of this Part of this Act if it is authorised by or under, and is conducted in compliance with all the provisions of and all conditions imposed under, section 23, or section 24, or section 25, or section 26, or section 69, of this Act.

18 Part does not apply to sales promotion schemes

Notwithstanding section 17 of this Act, nothing in this Part of this Act applies to a prize competition that is a sales promotion scheme.

19 Organising illegal prize competitions prohibited

- (1) Every person commits an offence who, in any manner whatever,—
 - (a) Organises, promotes, manages, or conducts an illegal prize competition; or

- (b) Assists in the organisation, promotion, management, or conduct of an illegal prize competition; or
 - (c) Makes a direct or indirect pecuniary gain (otherwise than by way of winning a prize) from an illegal prize competition that he would not otherwise have made.
- (2) Every person who commits an offence against any of the provisions of subsection (1) of this section is liable to—
- (a) In the case of an individual, imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000:
 - (b) In the case of a body corporate, a fine not exceeding \$5,000.

20 Causing or permitting premises to be used for illegal prize competition prohibited

Every person who causes or permits any premises of which he is the owner or occupier to be used for the purposes of an illegal prize competition commits an offence and is liable to a fine not exceeding \$2,000.

21 Certain other acts in relation to illegal prize competitions prohibited

- (1) Every person commits an offence who, in any manner whatever, in connection with an illegal prize competition,—
- (a) Prints a ticket; or
 - (b) Sells, offers for sale, or distributes, or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, a ticket; or
 - (c) Prints, publishes, or distributes, or has in his possession for the purpose of printing, publication, or distribution,—
 - (i) An advertisement, or any other matter that is likely to induce persons to participate in the competition, or in any other illegal prize competition; or
 - (ii) A list (whether or not complete) of prize winners or of winning entries; or
 - (d) Receives an entry fee, or acts as or holds himself out to be an agent for the collection of entry fees; or
 - (e) Imports, or invites any other person to send, into New Zealand, for the purpose of sale or distribution, a ticket; or
 - (f) Causes or procures or attempts to cause or procure any other person to do any act mentioned in any of paragraphs (a) to (e) of this subsection.
- (2) Subsection (1) of this section applies to illegal prize competitions whether promoted in or outside New Zealand.

- (3) Every person who commits an offence against any of the provisions of subsection (1) of this section is liable to a fine not exceeding \$1,000.

22 Buying ticket in illegal prize competition prohibited

- (1) Every person who buys a ticket in an illegal prize competition commits an offence and is liable to a fine not exceeding \$100.
- (2) It is a defence to a charge brought under subsection (1) of this section if the defendant shows that he neither knew nor had reasonable cause to suspect that the prize competition was illegal.

23 Societies may conduct prize competitions at fairs, etc., under certain conditions

- (1) A society may, with the object of raising money for any authorised purpose, conduct a prize competition at a fair, gala, fete, bazaar, or other entertainment of a similar nature if—
- (a) The whole of the proceeds of the prize competition, after deducting expenses lawfully incurred in connection with conducting the prize competition, is applied to the provision of prizes in respect of the prize competition, and to the authorised purpose for which the prize competition is conducted; and
 - (b) No remuneration or commission is paid to or received by any person (other than an authorised employee of the society) whether directly or indirectly for conducting or helping to conduct the prize competition, and no remuneration by way of commission is paid to or received by any such authorised employee for conducting or helping to conduct the prize competition; and
 - (c) The value of the prizes distributed in respect of the prize competition does not exceed \$50 in aggregate; and
 - (d) No ticket is sold or issued otherwise than on the premises where the entertainment is being provided, and while the entertainment is still being provided; and
 - (e) The determination and declaration of the result are open to the public, and are made on the premises where the entertainment is being provided, and while the entertainment is still being provided; and
 - (f) The opportunity to participate in the prize competition is not the only or principal inducement to persons to attend the entertainment.
- (2) It is a defence to a charge brought under any of sections 19 to 21 of this Act relating to a prize competition that has been rendered illegal by reason of non-compliance with any of the provisions of subsection (1) of this section if the defendant shows that he neither knew nor had reasonable cause to suspect that the non-compliance had occurred.

24 Prize competitions may be conducted privately under certain conditions

- (1) A person or society may conduct a prize competition if—
- (a) The whole of the proceeds of the prize competition, after deducting expenses lawfully incurred in connection with conducting the prize competition, is applied—
 - (i) In the case of a prize competition conducted by a person, to the provision of prizes in respect of the prize competition; or
 - (ii) In the case of a prize competition conducted by a society, to the provision of prizes in respect of the prize competition, or to any authorised purpose, or to both; and
 - (b) The sale of tickets is limited to persons who—
 - (i) All belong to a particular society; or
 - (ii) Are all employed by the same employer; or
 - (iii) All reside in the same premises; or
 - (iv) Are all attending the same premises for the purposes of a social, sporting, or similar gathering; and
 - (c) In any case to which subparagraph (iii) or subparagraph (iv) of paragraph (b) of this subsection applies, all the tickets are sold in or on the premises where the persons referred to in that subparagraph reside, or are attending, as the case may require; and
 - (d) No remuneration or commission is paid to or received by any person (other than an authorised employee of the society) whether directly or indirectly for conducting or helping to conduct the prize competition, and no remuneration by way of commission is paid to or received by any such authorised employee for conducting or helping to conduct the prize competition; and
 - (e) The prize competition is conducted by one of the persons referred to in paragraph (b) of this subsection who, in the case of a prize competition conducted on behalf of a society, is a member or an authorised employee of the society authorised to conduct the prize competition by the governing body of the society; and
 - (f) No notice, advertisement, or other matter likely to induce persons to participate in the prize competition is exhibited, published, or distributed, otherwise than in or on the premises of the society by which the prize competition is being conducted or, as the case may require, the premises where the prize competition is being conducted; and
 - (g) The value of the prizes distributed in respect of the prize competition does not exceed \$50 in the aggregate.
- (2) It is a defence to a charge brought under any of sections 19 to 21 of this Act relating to a prize competition that has been rendered illegal by reason of

non-compliance with any of the provisions of subsection (1) of this section if the defendant shows that he neither knew nor had reasonable cause to suspect that the non-compliance had occurred.

25 Prize competitions may be conducted under certain conditions if prizes do not exceed \$500 in aggregate

- (1) A society may conduct a prize competition with the object of raising money for any authorised purpose if—
- (a) The whole of the proceeds of the prize competition, after deducting expenses lawfully incurred, in connection with conducting the prize competition, is applied to the provision of prizes or awards in respect of the prize competition, and to the authorised purpose for which the prize competition is organised; and
 - (b) The value of the prizes and awards distributed in respect of the prize competition, or (where a series of prize competitions is conducted) the value of the prizes and awards distributed in respect of all the prize competitions in the series, does not exceed \$500 in the aggregate; and
 - (c) The organiser of the prize competition has given the officer in charge of the nearest police station not less than 7 clear days' notice of the intention to conduct the prize competition, and the time and place at which the result of the prize competition will be determined;
 - (d) Except where entrance to the prize competition is limited to members of the society, there is clearly printed on every ticket—
 - (i) The name of the society, and the name and address of the person nominated by the society for the purposes of this section to be the organiser of the prize competition; and
 - (ii) The authorised purpose to which the proceeds are to be applied, and the society or person to whom they are to be paid; and
 - (iii) The date fixed for the closing of entries; and
 - (iv) The name of the newspaper in which and the date on which the result is to be published; and
 - (v) A list of the prizes or awards to be won in the prize competition; and
 - (vi) The amount of the entry fee; and
 - (e) Where entrance to the prize competition is limited to members of the society, no entry is accepted from a person who is not a member; and
 - (f) Where the conducting of the prize competition is ancillary to the provision of entertainment,—
 - (i) No entry is accepted otherwise than on the premises where the entertainment is being provided, and while it is still being provided; and

- (ii) The result is declared on those premises while the entertainment is still being provided; and
- (iii) The opportunity to participate in the prize competition is not the only or principal inducement to persons to attend the entertainment; and
- (g) The prize competition is conducted by a member or an authorised employee of the society authorised to do so by the governing body of the society; and
- (h) Every notice or advertisement soliciting entries to the prize competition includes all the information referred to in paragraph (d) of this subsection; and
- (i) The prizes and awards to be offered in the prize competition, and the purpose to which the proceeds from the prize competition are to be applied, remain unchanged from the time when entries are first solicited; and
- (j) No ticket is sent to any person otherwise than at the request of that person; and
- (k) No remuneration or commission is paid to or received by any person (other than an authorised employee of the society) whether directly or indirectly for conducting or helping to conduct the prize competition, and no remuneration by way of commission is paid to or received by any such authorised employee for conducting or helping to conduct the prize competition; and
- (l) No entry is submitted by, in the name of, or on behalf of, the society; and
- (m) Except where the conduct of the prize competition is ancillary to the provision of entertainment, the result is declared within 3 months after entries to the prize competition are first solicited; and
- (n) Except where entrance to the prize competition is limited to members of the society, or where the conducting of the prize competition is ancillary to the provision of entertainment, the result of the prize competition is publicly notified, within 1 week after it is declared, in the newspaper referred to in paragraph (d)(iv) of this subsection; and
- (o) No prize or award is paid or given to any person other than the person who submitted the winning entry; and
- (p) The organiser of the prize competition, on request by the Secretary or by a commissioned officer of the Police, furnishes to the Secretary or that officer, within 14 days after the request, an audited statement of the receipts and payments in respect of the prize competition, including a statement of the name of every authorised employee of the society who conducted or helped to conduct the prize competition, and of any

remuneration paid to or received by any such authorised employee for conducting or helping to conduct it; and

- (q) Every prize that is not claimed within 3 months after the result of the prize competition has been declared is disposed of by the society in accordance with the Minister's directions.
- (2) Notwithstanding subsection (1) of this section, but subject to subsection (3) of this section, the Minister may, at his discretion, on the written request of a society intending to conduct a prize competition with the object of raising money for an authorised purpose, exempt that society from compliance with any of the requirements of the said subsection (1), either unconditionally, or subject to such conditions as the Minister may specify.
 - (3) The Minister shall not exercise his powers under subsection (2) of this section—
 - (a) In respect of the requirement set out in paragraph (b) or paragraph (k) of subsection (1) of this section; or
 - (b) In respect of any of the requirements set out in that subsection, other than those set out in subparagraphs (iii) and (iv) of paragraph (d) of that subsection, after the sale of tickets has commenced.
 - (4) Every person who fails to comply with paragraph (p) of subsection (1) of this section commits an offence and is liable to a fine not exceeding \$200, but the failure shall not by itself make the prize competition illegal and the defendant shall be deemed not to have committed an offence against section 19 of this Act if all the other provisions of subsection (1) of this section have been complied with.
 - (5) It is a defence to a charge brought under any of sections 19 to 21 of this Act relating to a prize competition that has been rendered illegal by reason of non-compliance with any of the provisions of subsection (1) of this section if the defendant shows that he neither knew nor had reasonable cause to suspect that the non-compliance had occurred.

26 Minister may grant licences to conduct prize competitions with prizes exceeding \$500 in aggregate

- (1) The Minister may from time to time, at his discretion, on the application in writing of any society, grant to that society a licence authorising it to conduct a prize competition, with prizes or awards of an aggregate value of more than \$500, if he is satisfied that the society's object in doing so will be to raise money for an authorised purpose.
- (2) Every such licence shall be subject to the condition that, except in accordance with section 37 of this Act, no money shall be paid to or received by any person (other than an authorised employee of the society) whether directly or indirectly by way of remuneration or commission for conducting or helping to conduct the prize competition, and that no remuneration by way of commission

shall be paid to or received by any such authorised officer for conducting or helping to conduct the prize competition.

- (3) Subject to subsection (2) of this section and to any regulations made under subsection (5) of this section, the Minister may grant a licence under subsection (1) of this section either unconditionally, or subject to such conditions as he may specify.
- (4) The Minister may at any time, at his discretion, cancel a licence issued under subsection (1) of this section.
- (5) The Governor-General may from time to time, by Order in Council, make regulations for any of the following purposes:
 - (a) Prescribing the manner in which applications for licences under, this section are to be made:
 - (b) Requiring particulars of a proposed prize competition to be supplied to the Police, and prescribing the particulars to be supplied:
 - (c) Prescribing the conditions to be complied with by persons conducting prize competitions, and by those participating in them:
 - (d) Prescribing the maximum aggregate value of prizes to be offered in any prize competition:
 - (e) Prescribing the days on which and the hours during which tickets in respect of any prize competition may or may not be sold:
 - (f) Requiring statements of account and other reports relating to the conduct of any prize competition to be supplied to the Secretary, and prescribing the matters to be dealt with in the statements and reports:
 - (g) Requiring records to be kept in respect of each prize competition, and prescribing the matters to be dealt with in the records:
 - (h) Prescribing offences in respect of the contravention or non-compliance with any regulations made under this section, and the amount of the fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding \$200, and, where the offence is a continuing one, a further amount not exceeding \$20 for every day or part of a day during which the offence has continued:
 - (i) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this section, and for its due administration.

Part IV Lotteries

27 Meaning of “illegal lottery”

In this Part of this Act, “illegal lottery” means a lottery that—

- (a) Is not authorised by or under, or that does not comply with all the provisions of or with all the conditions and restrictions imposed under, section 32, or section 33, or section 34, or section 35, or section 69, of this Act; or
- (b) Disposes of or is intended to dispose of any property or class of property specified in a notice for the time being in force under section 70 of this Act;—

but does not include a lottery authorised by or under any other Act.

28 Organising illegal lotteries prohibited

- (1) Every person commits an offence who, in any manner whatever,—
 - (a) Organises, promotes, manages, or conducts an illegal lottery; or
 - (b) Assists in the organisation, promotion, management, or conduct of an illegal lottery; or
 - (c) Makes a direct or indirect pecuniary gain (otherwise than by way of winning a prize) from an illegal lottery that he would not otherwise have made.
- (2) Every person who commits an offence against any of the provisions of subsection (1) of this section is liable to—
 - (a) In the case of an individual, imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000;
 - (b) In the case of a body corporate, a fine not exceeding \$5,000.

Compare: 1908, No. 68, s. 41

29 Causing or permitting premises to be used for illegal lotteries prohibited

Every person who causes or permits any premises of which he is the owner or occupier to be used for the purposes of an illegal lottery commits an offence and is liable to a fine not exceeding \$2,000.

30 Certain other acts in relation to illegal lotteries prohibited

- (1) Every person commits an offence who, in any manner whatever, in connection with an illegal lottery,—
 - (a) Prints or otherwise prepares any ticket or other document or device for use in the lottery; or
 - (b) Sells, offers for sale, or distributes, or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any such ticket, document, or device; or
 - (c) Prints, publishes, or distributes, or has in his possession for the purpose of printing, publication, or distribution,—

- (i) An advertisement, or any other matter that is likely to induce persons to participate in the lottery, or in any other illegal lottery; or
 - (ii) A list (whether or not complete) of prize winners or of winning entries; or
 - (d) Receives any money for the purchase of a ticket to enter the lottery, or acts as or holds himself out to be an agent for the collection of any such money; or
 - (e) Imports, or invites any person to send into New Zealand, for the purpose of sale or distribution, any ticket or other document or device; or
 - (f) Causes or procures, or attempts to cause or procure any other person to do any act mentioned in any of paragraphs (a) to (e) of this subsection.
- (2) Subsection (1) of this section applies to illegal lotteries whether promoted in or outside New Zealand.
- (3) Every person who commits an offence against any of the provisions of subsection (1) of this section is liable to a fine not exceeding \$500.

Compare: 1908, No. 68, s. 41

31 Buying ticket in illegal lottery prohibited

- (1) Every person who buys a ticket in an illegal lottery commits an offence and is liable to a fine not exceeding \$100.
- (2) It is a defence to a charge brought under subsection (1) of this section if the defendant shows that he neither knew nor had reasonable cause to suspect that the lottery was illegal.

Compare: 1908, No. 68, s. 64

32 Societies may conduct lotteries at fairs, etc., under certain conditions

- (1) A society may, with the object of raising money for an authorised purpose, conduct a lottery at a fair, gala, fete, bazaar, or other entertainment of a similar nature if—
- (a) The whole of the proceeds of the lottery, after deducting expenses lawfully incurred in connection with conducting the lottery, is applied to the provision of prizes in respect of the lottery, and to the authorised purpose for which the lottery is conducted; and
 - (b) No remuneration or commission is paid to or received by any person (other than an authorised employee of the society) whether directly or indirectly for conducting or helping to conduct the lottery, and no remuneration by way of commission is paid to or received by any such authorised employee for conducting or helping to conduct the lottery; and

- (c) The value of the prizes distributed in respect of the lottery does not exceed \$50 in aggregate; and
 - (d) No ticket is sold or issued otherwise than on the premises where the entertainment is being provided, and while the entertainment is still being provided; and
 - (e) The drawing of the lottery and the declaration of the result are open to the public, and are made on the premises where the entertainment is being provided, and while the entertainment is still being provided; and
 - (f) The opportunity to participate in the lottery is not the only or principal inducement to persons to attend the entertainment.
- (2) It is a defence to a charge brought under any of sections 28 to 31 of this Act relating to a lottery that has been rendered illegal by reason of non-compliance with any of the provisions of subsection (1) of this section if the defendant shows that he neither knew nor had reasonable cause to suspect that the non-compliance had occurred.

33 Lotteries may be conducted privately under certain conditions

- (1) A person or society may conduct a lottery if—
- (a) The whole of the proceeds of the lottery, after deducting expenses lawfully incurred in connection with conducting the lottery, is applied—
 - (i) In the case of a lottery conducted by a person, to the provision of prizes in respect of the lottery; or
 - (ii) In the case of a lottery conducted by a society, to the provision of prizes in respect of the lottery, or to any authorised purpose, or to both; and
 - (b) The sale of tickets is limited to persons who—
 - (i) All belong to a particular society; or
 - (ii) Are all employed by the same employer; or
 - (iii) All reside in the same premises; or
 - (iv) Are all attending the same premises for the purposes of a social, sporting, or similar gathering; and
 - (c) In any case to which subparagraph (iii) or subparagraph (iv) of paragraph (b) of this subsection applies, all the tickets are sold in or on the premises where the persons referred to in that subparagraph reside, or are attending, as the case may require; and
 - (d) No remuneration or commission is paid to any person (other than an authorised employee of the society) whether directly or indirectly for conducting or helping to conduct the lottery, and no remuneration by way of commission is paid to or received by any such authorised employee for conducting or helping to conduct the lottery; and

- (e) The lottery is conducted by one of the persons referred to in paragraph (b) of this subsection who, in the case of a lottery conducted on behalf of a society, is a member or an authorised employee of the society authorised to conduct the lottery by the governing body of the society; and
 - (f) No notice, advertisement, or other matter likely to induce persons to participate in the lottery is exhibited, published, or distributed, otherwise than in or on the premises of the society by which the lottery is being conducted or, as the case may require, the premises where the lottery is being conducted; and
 - (g) The value of the prizes distributed in respect of the lottery does not exceed \$50 in the aggregate.
- (2) It is a defence to a charge brought under any of sections 28 to 31 of this Act relating to a lottery that has been rendered illegal by reason of non-compliance with any of the provisions of subsection (1) of this section if the defendant shows that he neither knew nor had reasonable cause to suspect that the non-compliance had occurred.

34 Lotteries may be conducted under certain conditions if prizes do not exceed \$500 in aggregate

- (1) A society may conduct a lottery with the object of raising money for an authorised purpose if—
- (a) The whole of the proceeds of the lottery, after deducting expenses lawfully incurred in connection with conducting the lottery, is applied to the provision of prizes in respect of the lottery, and to the authorised purpose for which the lottery is conducted; and
 - (b) The value of the prizes distributed in respect of the lottery; or (where a series of lotteries is conducted) the value of the prizes distributed in respect of all the lotteries in the series, does not exceed \$500 in the aggregate; and
 - (c) The organiser of the lottery has given the officer in charge of the nearest police station not less than 7 clear days' notice of the intention to conduct the lottery, the authorised purpose to which the proceeds are to be applied, and the time and place fixed for the drawing of the lottery; and
 - (d) Except where entrance to the lottery is limited to members of the society, there is clearly printed on every ticket—
 - (i) The name of the society, and the name and address of the person nominated by the society for the purposes of this section to be the organiser of the lottery; and
 - (ii) The persons or class of persons, if any, to whom the sale of tickets is limited; and

- (iii) The authorised purpose to which the proceeds are to be applied, and the society or person to whom they are to be paid; and
- (iv) The place and time at which the lottery is to be drawn; and
- (v) The name of the newspaper in which and the date on which the result is to be published; and
- (vi) A list of the prizes to be won in the lottery; and
- (vii) The price of a ticket; and
- (e) Where entrance to the lottery is limited to members of the society, no entry is accepted from a person who is not a member; and
- (f) Where the conducting of the lottery is ancillary to the provision of entertainment,—
 - (i) No entry is accepted otherwise than on the premises where the entertainment is being provided, and while it is still being provided; and
 - (ii) The result is declared on those premises while the entertainment is still being provided; and
 - (iii) The opportunity to participate in the lottery is not the only or principal inducement to persons to attend the entertainment; and
- (g) The lottery is conducted by a member or an authorised officer of the society authorised to do so by the governing body of the society; and
- (h) The tickets are consecutively numbered; and
- (i) In respect of each ticket there is a butt, showing the number of the ticket and the name of the society and the name and address of the organiser of the lottery, with space for the name and address of the purchaser of the ticket to be entered on the butt; and
- (j) Every notice or advertisement soliciting entries to the lottery includes all the information referred to in paragraph (d) of this subsection; and
- (k) The prizes to be offered in the lottery, and the purpose to which the proceeds of the lottery are to be applied, remain unchanged from the time when tickets are first offered for sale; and
- (l) No ticket is sent to any person otherwise than at the request of that person; and
- (m) No remuneration or commission is paid to or received by any person (other than an authorised employee of the society) whether directly or indirectly for conducting or helping to conduct the lottery, and no remuneration by way of commission is paid to or received by any such authorised employee for conducting or helping to conduct the lottery; and
- (n) Every ticket sold, and no other ticket, is included or represented in the draw; and

- (o) No ticket is held by, in the name of, or on behalf of, the society; and
 - (p) The drawing of the lottery is open to the public; and
 - (q) Except where the conduct of the lottery is ancillary to the provision of entertainment, the result is declared within 3 months after tickets are first offered for sale, and within 14 days after the sale of tickets ceases; and
 - (r) Except where entrance to the lottery is limited to members of the society, or where the conducting of the lottery is ancillary to the provision of entertainment, the result of the lottery is publicly notified, within 1 week after it is declared, in the newspaper referred to in paragraph (d)(v) of this subsection; and
 - (s) No prize is paid or given to any person other than the person who purchased the winning ticket; and
 - (t) The organiser of the lottery, on request by the Secretary, or by a commissioned officer of the Police, furnishes to the Secretary or that officer, within 14 days after the request, an audited statement of the receipts and payments in respect of the lottery, including a statement of the name of every authorised employee of the society who conducted or helped to conduct the lottery, and of any remuneration paid to or received by any such authorised employee for conducting or helping to conduct it; and
 - (u) Every prize that is not claimed within 3 months after the result of the lottery has been declared is disposed of by the society in accordance with the Minister's directions.
- (2) Notwithstanding subsection (1) of this section, but subject to subsection (3) of this section, the Minister may, at his discretion, on the written request of a society intending to conduct a lottery with the object of raising money for an authorised purpose, exempt that society from compliance with any of the requirements of the said subsection (1), either unconditionally, or subject to such conditions as the Minister may specify.
- (3) The Minister shall not exercise his powers under subsection (2) of this section—
- (a) In respect of the requirement set out in paragraph (b) or paragraph (m) of subsection (1) of this section; or
 - (b) In respect of any of the requirements set out in that subsection, other than those set out in subparagraphs (iv) and (v) of paragraph (d) of that subsection, after the sale of tickets has commenced.
- (4) Every person who fails to comply with paragraph (t) of subsection (1) of this section commits an offence and is liable to a fine not exceeding \$200, but the failure shall not by itself make the lottery illegal and the defendant shall be deemed not to have committed an offence against section 28 of this Act if all the other provisions of subsection (1) of this section have been complied with.

- (5) It is a defence to a charge brought under any of sections 28 to 30 of this Act relating to a lottery that has been rendered illegal by reason of non-compliance with any of the provisions of subsection (1) of this section if the defendant shows that he neither knew nor had reasonable cause to suspect that the non-compliance had occurred.

35 Minister may grant licences to conduct lotteries with prizes exceeding \$500 in aggregate

- (1) The Minister may from time to time, at his discretion, on the application in writing of any society, grant to that society a licence authorising it to conduct a lottery, with prizes of an aggregate value of more than \$500, if he is satisfied that the society's object in doing so will be to raise money for an authorised purpose.
- (2) Every such licence shall be subject to the condition that, except in accordance with section 37 of this Act, no money shall be paid to or received by any person (other than an authorised employee of the society) whether directly or indirectly by way of remuneration or commission for conducting or helping to conduct the lottery, and that no remuneration by way of commission shall be paid to or received by any such authorised employee for conducting or helping to conduct the lottery.
- (3) Subject to subsection (2) of this section and to any regulations made under subsection (5) of this section, the Minister may grant a licence under subsection (1) of this section either unconditionally, or subject to such conditions as he may specify.
- (4) The Minister may at any time, at his discretion, cancel a licence issued under subsection (1) of this section.
- (5) The Governor-General may from time to time, by Order in Council, make regulations for any of the following purposes:
- (a) Prescribing the manner in which applications for licences under this section are to be made:
 - (b) Requiring particulars of a proposed lottery to be supplied to the Police, and prescribing the particulars to be supplied:
 - (c) Prescribing the conditions to be complied with by persons conducting lotteries, and by those participating in them:
 - (d) Prescribing the maximum aggregate value of prizes to be offered in any lottery:
 - (e) Prescribing the days on which and the hours during which tickets in respect of any lottery may or may not be sold:
 - (f) Requiring statements of account and other reports relating to the conduct of any lottery to be supplied to the Secretary, and prescribing the matters to be dealt with in the statements and reports:

- (g) Requiring records to be kept in respect of each lottery, and prescribing the matters to be dealt with in the records:
- (h) Prescribing offences in respect of the contravention or non-compliance with any regulations made under this section, and the amount of the fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding \$200, and, where the offence is a continuing one, a further amount not exceeding \$20 for every day or part of a day during which the offence has continued:
- (i) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this section, and for its due administration.

Part V

Licensed Promoters

36 Interpretation

- (1) In this Part of this Act, unless the context otherwise requires,—

“Court” means a Magistrate’s Court:

“Crime involving dishonesty” has the same meaning as in section 2 of the Crimes Act 1961;

“Licence” means a promoter’s licence issued under this Part of this Act; and “licensee” and “licensed promoter” have corresponding meanings:

“Promote”, in relation to a prize competition or lottery, means organise or conduct the sale of tickets in that prize competition or lottery:

“Registrar of the Court” means a Registrar of a Magistrate’s Court; and includes a Deputy Registrar.

- (2) Where, under this Part of this Act, any notice or other document is to be given to or served on the Police, it shall be given to or served on the senior member, for the time being, of the Police in the district or place of residence of the applicant or holder of the licence to whom the notice or other document relates.

37 Societies may engage licensed promoters

Notwithstanding anything in Part III or Part IV of this Act, any society that proposes to conduct a prize competition or a lottery pursuant to a licence issued to it under section 26 or section 35 of this Act may engage for reward a licensed promoter to promote the lottery or prize competition on its behalf; and in such a case the fact that any remuneration is paid to the promoter for promoting the prize competition or lottery shall not of itself render the prize competition or lottery illegal unless, at the time of the payment, the society knows that the promoter no longer holds a licence under this Part of this Act, or that his licence has been suspended.

38 Licensed promoters to promote only licensed prize competitions and lotteries

- (1) No licensed promoter shall promote or offer to promote for reward any prize competition or lottery otherwise than on behalf of a society that is authorised to conduct the prize competition or lottery pursuant to a licence issued to the society under section 26 or section 35 of this Act.
- (2) Every licensed promoter who contravenes subsection (1) of this section commits an offence and is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$5,000.
- (3) In addition to any penalty that may be imposed under subsection (2) of this section, every person who commits an offence against this section shall be liable to forfeit to Her Majesty the Queen all money received by him by way of commission or profit for any services or work performed by him in promoting the prize competition or lottery.
- (4) All money forfeited to Her Majesty under subsection (3) of this section shall be recoverable at the suit of Her Majesty in any Court of competent jurisdiction, or may be assessed by the Court by which the defendant is convicted, and be recoverable in like manner as a fine.

39 Eligibility for licence

- (1) Subject to the succeeding provisions of this Part of this Act, every person who—
 - (a) Has attained his majority; or
 - (b) Is a company—is eligible to apply for and obtain a licence under this Part of this Act.
- (2) Notwithstanding anything in subsection (1) of this section, no person shall be eligible to apply for or obtain a licence under this Part of this Act if he—
 - (a) Is a bankrupt and has not obtained his order of discharge, or, if he has obtained his order of discharge, it is suspended for a term not yet expired or is subject to conditions not yet fulfilled; or
 - (b) Has been convicted, at any time within the period of 10 years immediately preceding the date of the application, of any crime involving dishonesty, or of any offence against this Act or the Gaming Act 1908 or the Racing Act 1971; or
 - (c) Has previously held a promoter's licence that has been cancelled in accordance with this Part of this Act at any time within the period of 5 years immediately preceding the date of the application.
- (3) No company shall apply for or obtain a licence if any person who will be an officer of the company if the company is granted a licence is disqualified, under any of the foregoing provisions of this section, from applying for or obtaining a licence under this Act in his own right.

- (4) Every person who applies for or obtains a licence knowing that he is not eligible to do so under the foregoing provisions of this section commits an offence and is liable to a fine not exceeding \$2,000.

40 Application for licence

- (1) Every person who desires to obtain a licence shall make application to the Court in the prescribed form.
- (2) The application shall state the following information:
- (a) The full name, residential address, occupation, and date of birth of the applicant:
 - (b) In the case of a company, the full name, residential address, occupation, and date of birth of every officer of the company, and the nature of all other business carried on or proposed to be carried on by the applicant:
 - (c) The full address of every place of business from which the applicant proposes to carry on the business of a promoter:
 - (d) Such other matters as may be prescribed.
- (3) The application may also state an address, other than the residential address of the applicant, at which documents relating to the application may be served on him.
- (4) The application shall be accompanied by—
- (a) The prescribed fee; and
 - (b) A declaration in the prescribed form to the effect that the applicant is eligible to apply for and hold a licence under this Act.

41 Approved bond by promoter

- (1) With every application for a promoter's licence there shall be lodged with the Court a bond to Her Majesty the Queen in the prescribed form with one or more approved sureties, in the sum of \$10,000 conditioned to secure the performance by the applicant of the obligations specified in the bond.
- (2) Where 2 or more persons propose to carry on business in partnership as promoters, it shall be sufficient if one bond is lodged with the Court that is conditioned to secure the performance by each of the partners in the firm of the obligations specified in the bond, and that in all other respects complies with subsection (1) of this section.
- (3) In subsection (1) of this section the term "approved surety" means—
- (a) Any person who is declared by the Secretary, by notice in the *Gazette*, to be an approved surety for the purposes of this section; or
 - (b) Any person approved as a surety by the Secretary for the purposes of any specified application for a licence.

- (4) The sum named in a bond under this section shall not be a penalty, but shall be liquidated damages, and accordingly shall be recoverable in full as a debt due by the surety or sureties to Her Majesty the Queen, unless the surety or sureties proves or prove the performance of the condition on which the bond is defeasible.
- (5) Every sum so recovered shall be paid into the Public Account to the credit of the Trust Account, and the amount remaining after deduction of costs and other expenses may, with the approval of the Minister of Finance and without further appropriation than this Act, be applied—
 - (a) In compensating any persons for whom a licensee or his firm acts in the course of the business of a promoter, and any other persons, for any loss sustained by them by reason of the defaults or omissions, during the currency of the bond, of the licensee or of any other partner in the firm or of any officer, employee, or agent of the licensee or firm; and
 - (b) In refunding to the surety or sureties any balance left after payment of that compensation.
- (6) Where any claim is received by the Court from any person for compensation out of any sum recovered under a bond under this section, the Court shall cause a notice to be published in such newspaper or newspapers as it considers sufficient, calling on all persons wishing to claim compensation for loss sustained by reason of any defaults or omissions specified in paragraph (a) of subsection (5) of this section to establish their claims to the satisfaction of the Court (whether by judgment against the licensee or firm or otherwise) within 6 months after the date of the first advertisement of the notice.
- (7) The Court shall not apply any sum so recovered in compensating any person until the expiration of the period of 6 months.
- (8) Where any claim is established to the satisfaction of the Court, there shall be payable to the claimant, out of the money recovered under the bond, interest on the amount of the claim so established. The interest shall be calculated from the date on which the claim is received by the Court until the expiration of the period of 6 months at the rate for the time being payable in respect of judgments entered in the Supreme Court.
- (9) Where several claims are established to the satisfaction of the Court within the period of 6 months, and the balance of the money recovered under the bond is insufficient to pay all those claims in full and any interest payable under subsection (8) of this section, that balance shall be applied rateably among those claimants in the proportions that their respective claims bear to the total of all their claims.
- (10) Where any sum is recovered under this section from any surety or sureties under a bond, every licence to which the bond relates shall be deemed to be suspended until another bond that complies with this section is lodged with the Court.

- (11) Nothing in subsection (10) of this section shall derogate from any power of the Court under this Act to cancel or suspend a licence.

42 Effect of bond on renewal of licence

- (1) A bond given under section 41 of this Act may, if it so provides, have effect not only during the term of any licence in respect of which it is originally given, but also during any further term or terms for which the licence is renewed.
- (2) If the bond is given so as to have effect for any term for which the licence is renewed, the surety or sureties may, by notice in writing filed with the Court at any time before any renewal of the licence, determine his or their liability under the bond in respect of any default or omission that may occur after the 31st day of March next following the filing of the notice.
- (3) Where a notice is filed with the Court under subsection (2) of this section, the Court shall not renew the licence until another bond in respect of the licence has been lodged with the Court in accordance with section 41 of this Act.

43 Notice of application for licence

- (1) An applicant for a licence shall, after filing the application with the Court, serve a copy of the application on the Police and the Department.
- (2) The applicant shall also cause a notice of the application to be published twice, at intervals of not more than 14 days, in a newspaper or newspapers approved for the purpose by the Court.
- (3) The application shall not be heard before the expiry of 1 month after the applicant has complied with subsection (1) and subsection (2) of this section.

44 Objections by Police to application for licence

- (1) The Police may, within 1 month after a copy of an application for a licence has been served on them under section 43(1) of this Act, file with the Court a notice of objection to the grant of the application.
- (2) The notice shall state the grounds of the objection.
- (3) The Police shall cause a copy of the notice of objection to be served on the applicant within 7 days after it is filed with the Court.

45 Objections by other persons

- (1) Any person other than a member of the Police may, within 1 month after the first date of publication of a notice under section 43(2) of this Act in respect of an application for a licence, file with the Registrar a notice of objection to the grant of the application.
- (2) No objection may be made under this section except on one or more of the following grounds:

- (a) Where the applicant is a person other than a company, that the applicant is not, by reason of his personal character, fitness, or financial position, a proper person to be the holder of the licence:
 - (b) Where the applicant is a company, that it is not, by reason of its financial position or of the nature of any other business carried on or to be carried on by it, a proper person to be the holder of the licence:
 - (c) Where the applicant is a company, that any officer of the company is not, by reason of his personal character or fitness, a proper person to be employed by the company in the course of the business to which the application relates.
- (3) The notice shall state the grounds of the objection.
 - (4) The objector shall cause a copy of the notice of objection to be served on the applicant within 7 days after it is filed with the Court.

46 Hearing of application

- (1) An application for a licence, or any evidence in relation to an application, may be heard by the Magistrate, either wholly or partly, in open Court or in Chambers, as he thinks fit.
- (2) The applicant, the Police, and every person who has filed a notice of objection in respect of the application under section 45(1) of this Act, shall be entitled to appear and be heard in respect of the application.
- (3) At the hearing of any application, the Magistrate may receive as evidence any statement, document, information, or matter that in his opinion may assist him to deal with the matter, whether or not it would be otherwise admissible in a Court of law.

47 Determination of application

- (1) Where the Magistrate is satisfied in respect of an application for a licence that the provisions of this Act have been complied with and that the applicant is a proper person to be the holder of the licence, he shall grant the application, but otherwise he shall refuse to grant the application.
- (2) The Registrar of the Court shall notify the applicant in writing of the Magistrate's decision.
- (3) Where the Magistrate grants an application for a licence, he shall specify in the licence a place of business to be the registered office of the applicant, and may also specify in the licence any other places from which the applicant may carry on the business of a promoter.
- (4) Where the Magistrate grants an application for a licence, the Registrar shall, on payment of the prescribed fee, issue to the applicant a licence in the prescribed form.

48 Court to require evidence as to suitability of applicant

- (1) The Magistrate shall not determine under section 47 of this Act that an applicant for a licence (other than a company) is a proper person to be the holder of the licence unless he is satisfied, by the production to him of sufficient evidence, that the personal character, fitness, and financial position of the applicant is such that, having regard to the interests of the public, the applicant is a proper person to be the holder of the licence.
- (2) The Magistrate shall not determine under section 47 of this Act that any company that is an applicant for a licence is a proper person to be the holder of the licence unless he is satisfied, by the production to him of sufficient evidence, that—
 - (a) The financial position of the company; and
 - (b) The personal character and fitness of every officer of the company; and
 - (c) The nature of all business that the company carries on or proposes to carry on (other than the business to which the application relates)—are such that, having regard to the interests of the public, the company is a proper person to be the holder of the licence.
- (3) Nothing in this section shall limit the discretion of the Magistrate to refuse to grant an application for a licence if he is not satisfied that the applicant is a proper person to be the holder of the licence.

49 Effect of licence

- (1) A promoter's licence shall authorise the licensee to carry on the business of a promoter on his own account during the currency of the licence, either by himself or in partnership with any other person or persons who holds or hold a promoter's licence.
- (2) Notwithstanding subsection (1) of this section, a licence shall not authorise a licensee to carry on the business of a promoter from any place of business that is not specified in the licence.

50 Duration of licence

Every licence shall, unless it has been terminated in accordance with this Act, continue in force for a period ending with the 31st day of March next following the date on which it is issued, but may from time to time be renewed in accordance with this Part of this Act.

51 Registrar to notify Secretary and Police when licence issued

- (1) The Registrar of the Court shall, after issuing a licence, notify the Secretary and the Police in writing of—
 - (a) The full name and residential address of the licensee; and
 - (b) The nature and number of the licence; and

- (c) The date on which it was issued; and
 - (d) The registered office of the licensee and the other places of business specified in the licence.
- (2) The Registrar of the Court shall also notify the Secretary and the Police whenever the Court takes any other action in respect of a licence issued under this Part of this Act.

52 Renewal of licence

- (1) An application for the renewal of a licence shall be made in the prescribed form, and shall be filed in the Court not earlier than the 1st day of January and not later than the 15th day of February preceding the date of the expiry of the licence.
- (2) After filing the application in the Court, the applicant shall serve a copy of it on the Police and the Department, in the same manner as if the application were an application for the issue of a licence.
- (3) The application shall not be heard before the expiration of 1 month after the applicant has complied with subsection (2) of this section.
- (4) The Police may, before the 7th day of March preceding the date of the expiry of the licence, file in the Court a notice of their desire to object to the renewal of the licence, or to be heard in respect of the application, in the same manner as if the application were an application for the issue of a licence, and section 44(3) of this Act, with any necessary modifications, shall apply accordingly.
- (5) Any person other than the Police may, before the 7th day of March preceding the date of the expiry of the licence, file in the Court a notice of that person's desire to object to the renewal of the licence on the grounds specified in subsection (6) of this section.
- (6) No objection may be made under subsection (5) of this section except on one or more of the following grounds:
- (a) Where the applicant is a person other than a company, that the applicant is not, by reason of his personal character, fitness, or financial position, a proper person to be the holder of the licence:
 - (b) Where the applicant is a company, that it is not, by reason of its financial position or of the nature of any other business carried on or to be carried on by it, a proper person to be the holder of the licence:
 - (c) Where the applicant is a company, that any officer of the company is not, by reason of his personal character or fitness, a proper person to be employed by the company in the course of the business of a promoter.
- (7) The notice shall state the grounds of the objection.
- (8) The objector shall cause a copy of the notice of objection to be served on the applicant within 7 days after it is filed with the Court.

- (9) In any case where no notice is filed in the Court under subsection (4) or subsection (5) of this section, the Magistrate shall grant the application without further inquiry.
- (10) Where a notice is filed in the Court within the time allowed, the application shall be heard and determined by a Magistrate, and sections 46 to 48 of this Act, with any necessary modifications, shall apply as if the application were an application for the issue of a licence.
- (11) An application for the renewal of a licence, or any objection to the renewal of a licence, may be heard and determined under this section notwithstanding that the application or notice of objection is not filed by the date specified in this section, if the application or notice is filed before the date of the expiry of the licence.
- (12) Where an application for the renewal of a licence is granted, the Registrar of the Court shall, on payment to him of the prescribed fee, endorse the licence accordingly.
- (13) Where an application for the renewal of a licence has been made but not determined before the date on which the licence would otherwise expire, the licence shall, notwithstanding section 50 of this Act, continue in force until the application is determined.

53 Temporary licence

- (1) Any person who,—
 - (a) In the case of a licensee who is a protected patient within the meaning of the Mental Health Act 1969, is the manager of his estate; or
 - (b) In the case of a licensee in respect of whom a protection order is in force under the Aged and Infirm Persons Protection Act 1912, is the manager of his estate; or
 - (c) In the case of a licensee who is deceased, is his personal representative; or
 - (d) In the case of a licensee who has been adjudicated bankrupt, is his assignee in bankruptcy—may apply to the Court in the prescribed form for authority to carry on or appoint some other person to carry on the licensee's business as a promoter for such period not exceeding 3 months as the Magistrate may allow, and the Magistrate may make such order as he thinks fit.
- (2) While any person carries on any business pursuant to an order made under subsection (1) of this section, he shall, for the purposes of this Act, be deemed to be the holder of the licence.
- (3) A copy of every application made under subsection (1) of this section shall be sent by the applicant to the Police and the Department, and the Police shall be entitled to appear and be heard at the hearing of the application.

- (4) In any case where an order has been made under subsection (1) of this section authorising any person to carry on a licensee's business, the Police may at any time apply to the Court for the revocation of the authority on the ground—
 - (a) That it is not in the interests of the public for the business to be carried on; or
 - (b) That the person carrying on the business has been convicted of an offence against this Act or against the Racing Act 1971.
- (5) A copy of every application made under subsection (4) of this section shall, not later than 10 days before the date fixed for the hearing of the application, be sent to the person to whom the authority was granted, and that person shall be entitled to appear and be heard at the hearing of the application.
- (6) On the hearing of an application under subsection (4) of this section, the Magistrate, if the ground of the objection is proved to his satisfaction, may cancel the authority, and thereupon the person who has been carrying on the business shall no longer be deemed to be the holder of a licence in respect of that business.
- (7) Notwithstanding any of the foregoing provisions of this section, where under subsection (1) of this section a person mentioned in that subsection has applied to the Court for authority to carry on or to appoint some other person to carry on a licensee's business and the application has not been determined, the Registrar may, in writing, authorise the applicant to carry on the licensee's business, either personally or by an agent, for any period not exceeding 1 month, or such longer period not exceeding 3 months as a Magistrate, on application made to him in that behalf, may allow.
- (8) Notwithstanding subsection (7) of this section, an authority given under that subsection shall in any event cease to have effect when the application for the Court's authority under subsection (1) of this section is determined.

54 Court's powers where promoter in default

- (1) This section applies to every case, not being a case to which section 53 of this Act applies, where, for whatever reason, a licensed promoter is unable or unwilling to complete the promotion of any prize competition or lottery undertaken by him.
- (2) In any case to which this section applies, the society on whose behalf the promotion was undertaken may apply to the Court for an order—
 - (a) Winding up the promotion; or
 - (b) Authorising the society to proceed on its own behalf with the promotion; or
 - (c) Authorising the society to appoint some other licensed promoter to take over and complete the promotion.

- (3) Where a Magistrate makes an order under subsection (2) of this section, he may make such order as he thinks fit in respect of money held in the defaulting promoter's trust account on behalf of the society or in respect of the promotion, and all such other ancillary or incidental orders as seem to him just.

55 Money in anticipation of expenditure to be paid into trust account

- (1) This section applies to all money that is paid to the holder of a promoter's licence or to his firm—
 - (a) For the purpose of meeting expenditure to be incurred by the licensee or the firm while acting in the course of the business of a promoter for any society; or
 - (b) To be held on behalf of any society for whom the licensee or the firm is acting or has been acting in the course of the business of a promoter.
- (2) The licensee shall cause such money to be paid forthwith into a general or special trust account in the name of the licensee or the firm at a bank in New Zealand.
- (3) No person shall withdraw such money from the trust account except—
 - (a) To repay it to the society on whose behalf it was received or, at the direction in writing of that society, to any person other than the licensee or a partner or employee of the firm; or
 - (b) For the purpose of applying it in payment of an account rendered in accordance with section 57 of this Act.
- (4) No such money, while in a trust account, shall be available for payment of the debts of the licensee or of the firm to any creditor of the licensee or firm, or shall be liable to be attached or taken in execution under the order or process of any Court at the instance of such a creditor, or shall pass to the Official Assignee on the bankruptcy of any partner in the firm.
- (5) Every licensee who knowingly contravenes subsection (2) or subsection (3) of this section commits an offence and is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000.

56 Trust account to be audited

- (1) Every holder of a licence shall cause his trust account to be audited by a chartered accountant in public practice at the times and in the manner prescribed by regulations made under this Act.
- (2) No auditor shall knowingly disclose to any person any information that is obtained by the auditor in the course of the audit, pursuant to this Act, of a trust account of a licensee unless—
 - (a) The disclosure is made to the Court, or the licensee, or a partner of the licensee, or (where the licensee is a company) a director or manager of the licensee; or

- (b) The disclosure is required or authorised by regulations made under this Act; or
 - (c) The disclosure is made for the purposes or in the course of any criminal proceedings; or
 - (d) The licensee consents to the disclosure.
- (3) Every person who contravenes subsection (1) or subsection (2) of this section commits an offence and is liable to a fine not exceeding \$200.

57 Promoter to render account to principal

- (1) Every holder of a promoter's licence,—
- (a) Within 7 days after being requested to do so by any person on behalf of a society for whom the licensee or his firm is acting in the course of the business of a promoter; or
 - (b) If no request is made, then within 28 days after the licensee or the firm ceases to act for that society—
- shall render to that society an account in writing setting out full particulars of all money that has been received by the licensee or the firm for or on behalf of that society, and the application of that money.
- (2) Any licensee who has rendered an account in accordance with subsection (1) of this section in respect of any money expended by him or by his firm in the course of acting for any society may appropriate any money standing in his account to the credit of that society in satisfaction of the account rendered.
- (3) Except as provided in subsection (2) of this section, every licensee shall,—
- (a) Within 7 days after being requested to do so by any person on behalf of a society for whom the licensee or his firm is acting in the course of the business of a promoter; or
 - (b) If no such request is made, then within 28 days after the licensee or firm ceases to act for that society—
- pay to that society all money held for that society in the trust account of the licensee or firm.
- (4) Every licensee who contravenes subsection (1) or subsection (3) of this section commits an offence and is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000.

58 Licensed promoter not to act as authorised employee

- (1) No licensee shall, during the currency of his licence, be employed by any society (otherwise than in his capacity as a licensee) to conduct any game of chance or prize competition or lottery.
- (2) Every licensee who acts in contravention of subsection (1) of this section commits an offence and is liable to a fine not exceeding \$1,000.

59 Complaints against licensee

- (1) The Police may at any time file a written complaint with the Court against any licensee.
- (2) Any person other than a member of the Police may at any time, with the leave of the Court, file a written complaint with the Court against any licensee.
- (3) The Court shall refuse leave under subsection (2) of this section unless it is satisfied that the complainant has a personal interest in the subject-matter of the complaint, and that the complaint is made in good faith and is not frivolous or vexatious.
- (4) No complaint may be made under this section except on one or more of the following grounds:
 - (a) That the licensee has been convicted of any crime involving dishonesty:
 - (b) Any of the grounds specified in section 64 of this Act:
 - (c) That the licensee has contravened any provision in this Act or in any regulations made under this Act:
 - (d) That the licensee has been guilty of misconduct or negligence in the course of the business to which the licence relates.
- (5) The complaint shall specify the grounds on which it is made.
- (6) The complainant shall, within 7 days after filing the complaint with the Court, cause a copy of the complaint to be served on the licensee.

60 Court may refer matter to Police

- (1) On receipt of a complaint from a person under section 59(2) of this Act, the Magistrate may send a copy of the complaint to the Police and request the Police to submit a report on the complaint to the Court.
- (2) In any other case where the Magistrate suspects on reasonable grounds that there may be any grounds for complaint against a licensee, he may refer the matter to the Police and request the Police to investigate it with a view to deciding whether a complaint against the licensee should be filed under section 59(1) of this Act.

61 Suspension of licence pending determination of complaint

- (1) Where a complaint has been filed under section 59 of this Act and the Magistrate is satisfied that it is necessary or desirable to do so having regard to the interests of the public, and to the possibility of further loss or damage occurring if he does not make an order under this section, he may make an order suspending the licence of the licensee in respect of whom the complaint is made until the complaint is heard and determined by the Magistrate in accordance with this Part of this Act.
- (2) The Magistrate shall not be obliged to give any notice to the licensee that he intends to make an order of suspension under this section.

- (3) The Magistrate shall notify the licensee in writing of any order of suspension made by him under this section and of his reasons for making the order, and shall, as soon as practicable thereafter, afford the licensee an opportunity to make representations to the Magistrate for the revocation of the order.
- (4) An order of suspension made under this section shall come into force when the licensee is notified of the order in accordance with subsection (3) of this section, and while it continues in force, the licence to which it relates shall cease to have effect, and shall not be renewed, and no new licence shall be granted to the licensee.
- (5) The Magistrate may at any time, on his own motion or on the application of the licensee, revoke an order of suspension made under this section.

62 Hearing of complaint

- (1) Where a complaint has been filed with the Court against any licensee under section 59 of this Act, and the Magistrate is satisfied that the requirements of that section have been complied with, the Magistrate shall fix a time and place for the hearing of the complaint.
- (2) The Magistrate shall give not less than 14 days' notice of the hearing—
 - (a) To the licensee; and
 - (b) To the complainant; and
 - (c) Where the Magistrate wishes the Police to attend, to the Police.
- (3) At the hearing, the complainant, the licensee, and the Police shall be entitled to appear and to be heard, and to call evidence, and to cross-examine, and re-examine witnesses.
- (4) Any party at the hearing may conduct his case personally or may be represented by counsel.

63 Powers of Court on determining complaint

- (1) If, after hearing a complaint in respect of a licensee in accordance with section 62 of this Act, the Magistrate is satisfied that the grounds of the complaint have been proved, he may do all or any of the following things:
 - (a) Subject to section 64 of this Act, make an order cancelling the licence:
 - (b) Make an order suspending the licence for such period, not exceeding 3 years, as the Magistrate shall specify in the order:
 - (c) Fine the licensee any amount not exceeding \$200:
 - (d) Reprimand the licensee:
 - (e) Where the Magistrate is satisfied in the case of a licensee that is a company that the grounds of the complaint relate to any conduct or omission by a particular officer of the company, make an order directing the licensee to terminate the employment of that officer within such time as the Magistrate shall specify in the order.

- (2) If, after hearing the complaint, the Magistrate is not satisfied that the grounds of the complaint have been proved, he shall dismiss the complaint.
- (3) While any order of suspension of a licence made under this section continues in force, the licence shall cease to have effect, and shall not be renewed, and no new licence shall be issued to the licensee.
- (4) The Magistrate shall forthwith give notice in writing to the licensee, the Police, and (where the complainant is not a member of the Police) the complainant, of the decision made by him under this section, and of any penalty imposed by him under this section.
- (5) Where the Magistrate makes an order under paragraph (e) of subsection (1) of this section, he shall also give notice in writing of the order forthwith to the officer to whom it relates.

64 Grounds for cancellation of licence

- (1) No licence may be cancelled under this Act except on one or more of the following grounds:
 - (a) Where any person specified in subsection (2) of this section is convicted of a crime involving dishonesty:
 - (b) Where any person specified in subsection (2) of this section, is convicted of an offence against this Act or the Racing Act 1971:
 - (c) Where any person specified in subsection (2) of this section has been guilty of misconduct or negligence in the course of the business of a promoter, and in the opinion of the Magistrate the licensee is for that reason not a proper person to carry on that business:
 - (d) Where any person specified in subsection (2) of this section is adjudged bankrupt, or makes any assignment for the benefit of his creditors, or makes any composition with his creditors:
 - (e) In the case of a licensee that is a company, where the Supreme Court makes an order for the winding up of the licensee, or the licensee passes a resolution for voluntary winding up:
 - (f) In the case of a licensee that is a company, where the licensee fails to comply with an order made under section 63(1)(e) of this Act in respect of any officer of the company.
- (2) The persons referred to in subsection (1) of this section are—
 - (a) The licensee; and
 - (b) In the case of a licensee that is a company, any officer of the company.

65 Appeals to Supreme Court

- (1) In every case where a Magistrate refuses under section 47 or section 52 of this Act to grant any application, the applicant shall have a right of appeal to the Supreme Court against the decision of the Magistrate.

- (2) In every case where a Magistrate suspends or cancels a licence under section 63 of this Act, the person whose licence is suspended or cancelled shall have a right of appeal to the Supreme Court against the decision of the Magistrate.
- (3) In every case where a Magistrate makes an order under section 63 of this Act directing a licensee that is a company to terminate the employment of any of its officers, the officer to whom the order relates shall have a right of appeal to the Supreme Court against the decision of the Magistrate.
- (4) Every appeal under this section shall be heard and determined by the Administrative Division of the Supreme Court.
- (5) Every appeal under this section shall be brought within 28 days after the date on which the appellant was notified in writing by the Registrar of the Court of the decision appealed against, or within such further period as the Court may allow.
- (6) On hearing the appeal, the Court may—
 - (a) Confirm or reverse the decision appealed against; or
 - (b) In the case of an order suspending a licence, vary the period of the suspension; or
 - (c) Refer the matter back to the Magistrate with directions to him to reconsider the whole or any specified part of the matter.
- (7) The decision of the Court on the appeal shall be final.
- (8) Subject to the other provisions of this section, the procedure in respect of the appeal shall be in accordance with rules of Court.

66 Regulations

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing forms to be used for the purposes of this Act and the matters to be specified in such forms:
- (b) Prescribing fees payable under this Act in respect of applications and the issue and renewal of licences:
- (c) Providing for audits from time to time of the trust accounts of holders of promoters' licences, and the manner in which those audits shall be conducted, and for reports of the results of those audits:
- (d) Requiring holders of promoters' licences to give such notice of the appointment of auditors as may be prescribed:
- (e) Authorising a Magistrate to direct at any time an audit of any trust account of any holder of a promoter's licence:
- (f) Requiring the production to auditors of books, papers, and accounts of holders of promoters' licences:

- (g) Prescribing the persons to whom the reports of auditors shall be sent for inspection, information, or record:
- (h) Prescribing maximum amounts that may be deducted by licensed promoters on account of expenses incurred in promoting any prize competition or lottery:
- (i) Prescribing maximum fees that may be paid to licensed promoters for promoting any prize competition or lottery:
- (j) Providing for the maximum number of prize competitions or lotteries that may be conducted during the duration of a licence:
- (k) Providing for the supervision of prize competitions and lotteries by Police officers and officers of the Department:
- (l) Prohibiting licensed promoters from carrying on business otherwise than under their own name without the consent of the Court, and prescribing the terms on which any such consent may be given or refused:
- (m) Prohibiting licensed promoters from carrying on business otherwise than at any address noted on their licences, and requiring licensed promoters to notify the Court of any proposed change of business address:
- (n) Prohibiting licensed promoters from entering into partnership with any person other than a licensed promoter, and requiring licensed promoters to notify the Court on entering into any partnership with another promoter:
- (o) Prohibiting licensed promoters that are companies from employing any persons as officers without the approval of the Court, and prescribing the terms on which any such approval may be given or refused:
- (p) Providing for the voluntary surrender of licences:
- (q) Providing for the amendment of any condition attaching to a licence, and prescribing the circumstances in which any such amendment may be made:
- (r) Providing for the issue of duplicate licences in the event of loss of or damage to the original licences:
- (s) Requiring the Secretary to keep a register or registers for the purposes of this Part of this Act, prescribing the particulars to be entered in the registers, and providing for the inspection of such registers by members of the Police and the public:
- (t) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Part of this Act, and prescribing the amount of any fine that may be imposed in respect of such offence, being an amount not exceeding \$200 and, where the offence is a continuing one, a further amount not exceeding \$20 for every day during which the offence has continued:

- (u) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act and for its due administration.

Part VI

Further Powers of Minister Relating to Games of Chance, Prize Competitions, and Lotteries

67 Minister may increase prize limits

- (1) Notwithstanding any of the provisions of Parts I to IV of this Act, the Minister may from time to time, at his discretion, by notice in the *Gazette*, increase the maximum value of any prize or the maximum aggregate value of all prizes, that, by virtue of any of those provisions or of any regulations made under this Act, may otherwise be offered in respect of any game of chance, or prize competition, or lottery.
- (2) Any such notice may relate to—
 - (a) All prize limits specified by Parts I to IV of this Act or by regulations made under this Act; or
 - (b) Prize limits so specified in respect of games of chance or any class of games of chance only; or
 - (c) Prize limits so specified in respect of prize competitions or any class of prize competitions only; or
 - (d) Prize limits so specified in respect of lotteries or any class of lotteries only.

68 Minister may increase stakes and entrance fees limits

- (1) Notwithstanding any of the provisions of Parts I to IV of this Act, the Minister may from time to time, at his discretion, by notice in the *Gazette*, increase the maximum amount of any stake or entrance fee that, by virtue of any of those provisions or of any regulations made under this Act, may otherwise be charged for one opportunity to participate in any game of chance, or prize competition, or lottery.
- (2) Any such notice may relate to—
 - (a) All such maximum amounts specified by Parts I to IV of this Act or by regulations made under this Act; or
 - (b) All such amounts so specified in respect of games of chance or any class of games of chance only; or
 - (c) All such amounts so specified in respect of prize competitions or any class of prize competitions only; or
 - (d) All such amounts so specified in respect of lotteries or any class of lotteries only.

69 Minister may permit overseas prize competitions and lotteries to be conducted in New Zealand

- (1) Notwithstanding anything to the contrary in this Act, the Minister may from time to time, at his discretion, by notice in the *Gazette*, permit the conduct within New Zealand of a prize competition or lottery promoted outside New Zealand.
- (2) The Minister may give his permission either unconditionally, or subject to such conditions as he may specify in the notice.
- (3) The Minister may from time to time, at his discretion, by notice in the *Gazette*, vary or revoke a notice given under subsection (1) of this section.

70 Minister may specify property not to be disposed of by prize competition or lottery

- (1) Notwithstanding anything to the contrary in this Act, the Minister may from time to time, at his discretion, by notice in the *Gazette*, specify any property or class of property that may not be disposed of by prize competition or lottery.
- (2) The Minister may from time to time, at his discretion, by notice in the *Gazette*, vary or revoke a notice given under subsection (1) of this section.

Part VII New Zealand Lotteries

71 Interpretation

In this Part of this Act, unless the context otherwise requires,—

“Board” means the New Zealand Lottery Board established under section 85 of this Act:

“Charitable purpose” means any charitable, philanthropic, or cultural purpose; and includes every other purpose that is beneficial to the community or any section of the community:

“Organiser” means a person appointed by the Minister under section 74 of this Act to conduct any New Zealand lottery or lotteries.

Compare: 1962, No. 114, s. 2

Promotion of Lotteries

72 Minister may promote lotteries

The Minister may from time to time promote New Zealand lotteries, to be known by such names and to be conducted for such purposes as he thinks fit.

Compare: 1962, No. 114, s. 3

73 Conduct of lotteries

- (1) Every New Zealand lottery shall be conducted in such a manner as the Minister thinks fit.
- (2) Without limiting the powers of the Minister under subsection (1) of this section, the Minister may from time to time determine with respect to any New Zealand lottery or to New Zealand lotteries generally—
 - (a) The number of tickets to be offered:
 - (b) The price to be charged for tickets:
 - (c) The form of the tickets:
 - (d) The number and amounts of the prizes to be distributed:
 - (e) The rate of commission or other remuneration to be paid to the organiser or to district agents or to selling agents:
 - (f) The bonuses (if any) to be paid to agents selling winning tickets:
 - (g) The expenses that may be recovered by the organiser from the proceeds of the sale of tickets:
 - (h) The security (if any) to be provided by the organiser to secure the payment of prizes and the payment, in accordance with this Part of this Act, of the profits of the lottery.

Compare: 1962, No. 114, s. 4

*Organisers***74 Appointment of organiser**

- (1) The Minister shall appoint a person to be the organiser to conduct any New Zealand lottery or to conduct New Zealand lotteries generally, subject to such conditions as the Minister thinks fit.
- (2) The Minister may at any time revoke the appointment of any organiser.
- (3) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or of the Government Superannuation Fund Act 1956 by reason of his having been appointed to be an organiser under this section.
- (4) Every person who was appointed as an organiser of any lottery under section 5 of the Gaming Amendment Act 1962 and whose appointment is subsisting at the date of the commencement of this Part of this Act shall be deemed to have been so appointed under this section.

Compare: 1962, No. 114, s. 5

75 District agents and selling agents

- (1) Subject to the provisions of section 74 of this Act, district agents and selling agents may from time to time be appointed by the organiser upon such conditions as may be agreed upon.

- (2) The commission or other remuneration to which district agents and selling agents are entitled shall be payable by the organiser from the proceeds of the sale of tickets.
- (3) Every person who was appointed as a district agent or a selling agent under section 6 of the Gaming Amendment Act 1962 and whose appointment is subsisting at the date of the commencement of this Part of this Act shall be deemed to have been so appointed under this section.

Compare: 1962, No. 114, s. 6

76 Organiser may enter into contracts

- (1) Subject to subsection (2) of this section, the organiser may from time to time enter into contracts for the printing of tickets for any New Zealand lottery, and for advertising any New Zealand lottery and the results of any such lottery.
- (2) The Minister may from time to time fix the maximum amount that may be expended in respect of any such contract or of any class of such contracts.

Compare: 1962, No. 114, s. 7

Drawing Lotteries

77 Method of drawing

Every New Zealand lottery shall be drawn in such a manner as the Minister from time to time directs.

Compare: 1962, No. 114, s. 8

78 Determination of minor prizes by means other than drawing

Notwithstanding section 77 of this Act, the Minister may determine, in respect of national lotteries generally or in respect of any class of national lotteries or in respect of any particular national lottery, that the entitlement to any prize not exceeding \$20 in value shall be determined otherwise than by means of a draw; and in such a case the provisions of sections 79 to 82 of this Act shall be read subject to all necessary modifications.

79 Lottery not to be drawn until all tickets sold unless Minister otherwise authorises

- (1) Except with the authority of the Minister given under subsection (2) or subsection (3) of this section, no New Zealand lottery shall be drawn until all the tickets have been sold.
- (2) The Minister may, in respect of any New Zealand lottery or class of New Zealand lotteries, authorise the drawing of the lottery or lotteries before all the tickets have been sold, subject to such conditions (if any) as he thinks fit to impose.

- (3) Where the Minister is satisfied that any tickets have been lost in transit to a district agent or to a selling agent and have not been sold, he may authorise the drawing of the lottery subject to those tickets being excluded from the draw.
- (4) When all the tickets in respect of any lottery have been sold (except any tickets to be excluded from the draw under subsection (3) of this section), the organiser shall forward a certificate to that effect to the Secretary.

Compare: 1962, No. 114, s. 9; 1972, No. 62, s. 2

80 Lottery to be drawn under supervision of Department and Police

Every New Zealand lottery shall be drawn under the supervision of an officer of the Department and a member of the Police.

Compare: 1962, No. 114, s. 10

81 Drawings to be open to public

The drawing of every New Zealand lottery shall be open to the public, and the time and place of every such drawing shall be advertised by the organiser in such a manner as the Minister from time to time directs.

Compare: 1962, No. 114, s. 11

82 Official result

- (1) The officer of the Department under whose supervision any New Zealand lottery is drawn shall, immediately after the drawing, supply to the organiser a certified statement setting out the result of the drawing of the lottery.
- (2) That statement shall be deemed to be the official result of the drawing, and prizes shall be paid by the organiser in accordance with it.
- (3) The official result of the drawing of every New Zealand lottery shall be advertised by the organiser in such manner as the Minister from time to time directs.

Compare: 1962, No. 114, s. 12

83 Statements as to lotteries drawn and banking of profits

- (1) The organiser shall,—
 - (a) Whenever required to do so by the Secretary, furnish to the Secretary such statements, returns, and accounts with respect to any New Zealand lottery drawn as the Secretary requires:
 - (b) As soon as possible after the drawing of any New Zealand lottery, pay into such account opened under section 105 of this Act as the Secretary directs the proceeds of the sale of the tickets in the lottery, after deducting the amount of all prizes payable in respect of that lottery, the amount of any commission or other remuneration payable to the organiser or to district agents or selling agents, all bonuses payable to the sellers of winning tickets, all lottery duty payable by the organiser in respect of the lottery, and all other expenses of conducting the lottery that the organiser is lawfully entitled to recover from those proceeds.

- (2) All money paid into any account under paragraph (b) of subsection (1) of this section shall be deemed for the purposes of this Part of this Act to be profits of the lottery, and shall be dealt with accordingly.

Compare: 1962, No. 114, s. 13

84 Unclaimed prizes

- (1) If no person establishes his claim to any prize to the satisfaction of the organiser before the expiration of 6 months after the result of the drawing of the New Zealand lottery is advertised, the organiser shall, at the expiration of that period, pay the amount of the prize into such account opened under section 105 of this Act as the Secretary directs, and that amount shall be dealt with as if it were part of the profits of the lottery.
- (2) Notwithstanding anything in subsection (1) of this section, the Minister may, in his discretion, at any time after the expiration of the said period of 6 months, but before the expiration of 5 years after the result of the drawing of the lottery is advertised, authorise payment of the amount of any prize dealt with under that subsection out of the undistributed profits of lotteries to any person who satisfies the Minister that he is entitled to the prize.

Compare: 1962, No. 114, s. 14

New Zealand Lottery Board

85 Constitution of Board

- (1) For the purposes of this Part of this Act there shall be a board to be called the New Zealand Lottery Board, which shall be deemed to be the same Board as that existing under the name of the Board of Control at the date of the commencement of this Part of this Act.
- (2) The Board shall consist of—
- (a) The Minister, who shall be Chairman:
 - (b) The Prime Minister:
 - (c) The Member of the House of Representatives who is for the time being Leader of the Official Opposition:
 - (d) Three persons appointed by the Governor-General in Council.
- (3) Every person who was appointed to the said Board of Control pursuant to section 15(1)(d) of the Gaming Amendment Act 1962 and whose appointment is subsisting at the date of the commencement of this Part of this Act shall be deemed to have been so appointed to the New Zealand Lottery Board pursuant to subsection (2)(d) of this section, except that his term of office shall expire on the date on which it would have expired had this Act not been passed.

Compare: 1962, No. 114, s. 15(1)

86 Prime Minister and Leader of Opposition may appoint deputies

- (1) In the absence of the Prime Minister from any meeting he may appoint any Minister of the Crown to attend that meeting in his stead.
- (2) In the absence of the Leader of the Official Opposition from any meeting he may appoint any Member of Parliament to attend that meeting in his stead.
- (3) Any person who attends any meeting of the Board pursuant to this section shall, for the purposes of that meeting, be deemed to be a member of the Board.

Compare: 1962, No. 114, s. 15(2) – (4)

87 Terms of office of appointed members

- (1) Except as otherwise provided by this Part of this Act, every member of the Board appointed under section 85(2)(d) of this Act shall be appointed for a term of 3 years, but may from time to time be reappointed.
- (2) Notwithstanding anything to the contrary in this section, every appointed member of the Board, unless he sooner vacates his office under section 88 of this Act, shall continue in office until his successor comes into office.

Compare: 1962, No. 114, s. 16

88 Extraordinary vacancies

- (1) Any appointed member of the Board may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by written notice given to the Minister.
- (2) If any appointed member of the Board dies, or resigns, or is removed from office, his office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.
- (3) An extraordinary vacancy shall be filled by the appointment of a person in the same manner as the appointment of the vacating member.
- (4) Every person appointed to fill an extraordinary vacancy shall be appointed for the residue of the term for which the vacating member was appointed.
- (5) The powers of the Board shall not be affected by any vacancy in its membership.

Compare: 1962, No. 114, s. 17

89 Meetings of Board

- (1) Meetings of the Board shall be held at such times and places as the Board from time to time appoints.
- (2) The Chairman of the Board, or any 2 members, may at any time call a special meeting of the Board.
- (3) At every meeting of the Board the quorum necessary for the transaction of business shall be 4 members.

- (4) The Chairman shall preside at every meeting of the Board at which he is present.
- (5) In the absence of the Chairman from any meeting, the members present shall elect one of their number to preside at that meeting.
- (6) Every question arising at any meeting of the Board shall be decided by a majority of the valid votes recorded thereon.
- (7) At every meeting of the Board the Chairman or other person presiding shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.
- (8) A resolution in writing signed or assented to by letter or telegram by all members of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.
- (9) Subject to the provisions of this Part of this Act, and of any regulations made for the purposes of this Part, the Board may regulate its procedure in such a manner as it thinks fit.

Compare: 1962, No. 114, s. 18

90 Functions of Board

- (1) The general functions of the Board shall be to determine the proportions in which the profits of New Zealand lotteries shall be allocated for distribution in accordance with this Part of this Act.
- (2) The Board shall have such other functions and powers as are conferred on it by this Act.

Compare: 1962, No. 114, s. 19

91 Allocations by Board

- (1) As soon as practicable after the commencement of this Act, and thereafter from time to time as required by the Board, the Secretary shall cause to be prepared and forwarded to the Board a statement showing—
 - (a) The amount of profits arising from New Zealand lotteries and in hand at the date of the statement:
 - (b) An estimate of the amount of profits arising from New Zealand lotteries expected to be derived during the period specified by the Board:
 - (c) An estimate of any costs of administration payable under this Part of this Act during that period.
- (2) The Board, after considering any statement forwarded to it under subsection (1) of this section, shall notify each Distribution Committee in writing of the amount that will be available for distribution by that Committee during the period referred to in the notification.
- (3) The Board shall also from time to time notify the Minister of any amount allocated for distribution under section 93 of this Act.

- (4) A copy of every notification under this section shall be forwarded to the Secretary.
- (5) Any determination of the Board under this section or under section 93 of this Act may from time to time, by a subsequent resolution, be varied or revoked, and the Board shall notify each Distribution Committee concerned or, as the case may be, the Minister, of the subsequent resolution.

Compare: 1962, No. 114, s. 20

Distribution of Profits of Lotteries

92 Distribution of profits

- (1) The profits of New Zealand lotteries shall be distributed for charitable purposes and, except as otherwise provided by this Act, for no other purpose.
- (2) The profits of New Zealand lotteries shall—
 - (a) Be expended in accordance with the determinations of Distribution Committees; or
 - (b) Be paid into a reserve account established for the purposes of this Part of this Act; or
 - (c) Be otherwise expended in accordance with this Part of this Act.
- (3) Notwithstanding any of the foregoing provisions of this section, where the Minister promotes a New Zealand lottery for a particular purpose, the profits of the lottery shall be expended for that purpose.

Compare: 1962, No. 114, s. 21

93 Distributions by Minister

The Board may from time to time allocate from profits of New Zealand lotteries a specified sum of money for distribution by the Minister for purposes referred to in subsection (1) of section 92 of this Act but not allocated for distribution under paragraph (a) or paragraph (b) of subsection (2) of that section, and the Minister may, in accordance with this Part of this Act, distribute any such sum accordingly.

Compare: 1962, No. 114, s. 22

94 Allocation of profits to Queen Elizabeth the Second Arts Council

- (1) The Board may, from time to time, allocate from profits of New Zealand lotteries a specified sum of money for expenditure by the Queen Elizabeth the Second Arts Council of New Zealand established under the Queen Elizabeth the Second Arts Council of New Zealand Act 1974 (in this Part referred to as the Arts Council) in accordance with that Act.
- (2) Where any sum is allocated under this section, the Board shall notify the Secretary and the Arts Council accordingly, and on receipt of the notification

the Secretary shall cause the amount referred to therein to be paid to the Arts Council.

Compare: 1962, No. 114, s. 22a; 1963, No. 28, s. 4(1)

95 Allocation of profits for encouragement of film-making

- (1) In this section the term “designated body” means any commission, committee, or other body having as its primary aim the encouragement of the film-making industry in New Zealand, designated from time to time by the Minister in writing to the Board for the purposes of this section.
- (2) The Board may, from time to time, allocate from profits of New Zealand lotteries a specified sum of money for expenditure by the designated body in accordance with any Act by which the designated body is established or, where there is no such Act, in accordance with such directions as the Minister may give to the designated body.
- (3) Where any sum is allocated under this section, the Board shall notify the Secretary and the designated body accordingly, and on receipt of the notification the Secretary shall cause the amount referred to therein to be paid to the designated body.

Distribution Committees

96 Distribution Committees

- (1) For the purposes of this Part of this Act, there shall be appointed such number of Distribution Committees as the Governor-General in Council thinks fit.
- (2) Each Distribution Committee shall consist of such number of persons (being not less than 3 nor more than 5) as the Governor-General in Council thinks fit.
- (3) Without limiting the generality of subsection (1) of this section, a Distribution Committee may be appointed in respect of the distribution of profits of New Zealand lotteries for any of the following purposes:
 - (a) The welfare of aged persons:
 - (b) The provision of social amenities and the promotion of social welfare:
 - (c) The provision of recreational facilities and the encouragement of beneficial activities by young people:
 - (d) The promotion of medical research:
 - (e) The promotion of scientific research:
 - (f) General purposes.
- (4) The Governor-General may from time to time, by Order in Council, vary the purposes in respect of which any Distribution Committee has been appointed.
- (5) The members of each Distribution Committee shall be appointed by the Governor-General in Council, and a member of each Committee shall be appointed as Chairman.

- (6) Every Distribution Committee appointed under section 24 of the Gaming Amendment Act 1962 and in existence at the date of the commencement of this Part of this Act, and every person who was appointed to any such committee and whose appointment is subsisting at that date, shall be deemed to have been so appointed under this section, except that every such person's term of office shall expire on the date on which it would have expired had this Act not been passed.

Compare: 1962, No. 114, s. 24; 1963, No. 28, s. 4(2)

97 Terms of office of members of Distribution Committees

- (1) Except as otherwise provided by this Act, every member of a Distribution Committee shall be appointed for a term of 3 years, but may from time to time be reappointed.
- (2) Notwithstanding anything to the contrary in this section, every member of a Distribution Committee, unless he sooner vacates his office under section 98 of this Act, shall continue in office until his successor comes into office.

Compare: 1962, No. 114, s. 25

98 Extraordinary vacancies

- (1) Any member of a Distribution Committee may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General, or may at any time resign his office by written notice given to the Minister.
- (2) If any member of a Distribution Committee dies or resigns or is removed from office, his office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.
- (3) An extraordinary vacancy shall be filled by the appointment of a person in the same manner as the appointment of the vacating member.
- (4) Every person appointed to fill an extraordinary vacancy shall be appointed for the residue of the term for which the vacating member was appointed.
- (5) The powers of a Distribution Committee shall not be affected by any vacancy in its membership.

Compare: 1962, No. 114, s. 26

99 Meetings of Distribution Committees

- (1) Meetings of a Distribution Committee shall be held at such times and places as the Committee from time to time appoints.
- (2) The Chairman of a Distribution Committee or any 2 members may at any time call a special meeting of the Committee.
- (3) At every meeting of a Distribution Committee the quorum necessary for the transaction of business shall be a number of members not less than half of the membership of the Committee.

- (4) The Chairman shall preside at every meeting of a Distribution Committee at which he is present.
- (5) In the absence of the Chairman, the members present shall elect one of their number to preside at the meeting.
- (6) Every question arising at any meeting of a Distribution Committee shall be decided by a majority of the valid votes recorded thereon.
- (7) At every meeting of a Distribution Committee the Chairman or other person presiding shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.
- (8) A resolution in writing signed or assented to by letter or telegram by every member of a Distribution Committee shall be as valid and effectual as if it had been passed at a meeting of the Committee duly called and constituted.
- (9) Subject to the provisions of this Part of this Act and of any regulations made for the purposes of this Part, the Committee may regulate its procedure in such manner as it thinks fit.

Compare: 1962, No. 114, s. 27

100 Functions of Distribution Committees

- (1) The functions of each Distribution Committee shall be—
 - (a) To approve for distribution in accordance with this Part of this Act such of the undistributed profits of New Zealand lotteries as are available to it for distribution:
 - (b) To exercise such other functions as may be conferred on it by this Part of this Act or as may be prescribed by regulations made under this Act.
- (2) In the exercise of its functions and powers, every Distribution Committee shall have regard to the general policy of the Board with respect to the distribution of profits of New Zealand lotteries, and shall comply with any general directions of the Board in respect of that policy.

Compare: 1962, No. 114, s. 28

101 Applications for assistance

- (1) Every application for assistance from profits of lotteries shall be forwarded to the secretary of the Board who shall refer each application to the appropriate Distribution Committee or, if there is no appropriate Distribution Committee, to the Minister.
- (2) On receipt of any application under subsection (1) of this section, the Distribution Committee or, as the case may be, the Minister, having regard to the amount available for distribution and to all relevant matters, shall determine—
 - (a) Whether or not the application should be granted; and if so
 - (b) The amount that should be granted—and shall notify the Secretary of any such determination.

- (3) Any grant by a Distribution Committee or the Minister may be subject to such terms and conditions (not inconsistent with this Act) as the Committee or, as the case may be, the Minister, thinks fit.

Compare: 1962, No. 114, s. 29

102 Payments of grants

On receipt of any determination of a Distribution Committee or of the Minister under section 101 of this Act approving a grant, the Secretary shall cause the amount of the grant to be paid in accordance with the terms of the approval, and shall notify the person to whom the grant is made of any terms or conditions attached to the grant.

Compare: 1962, No. 114, s. 30

103 Subsidies and loans

- (1) Subject to any general directions of the Board, any Distribution Committee may, in addition to approving a grant under section 101 of this Act, approve—
- (a) The payment of subsidies; or
 - (b) The making of loans, with or without security and at such rates of interest or free of interest as the Committee determines, to local authorities within the meaning of the Local Authorities Loans Act 1956 or to organisations of a kind approved from time to time by the Board, subject, in the case of loans to any such local authorities, to the provisions of that Act.
- (2) The Secretary, on being notified of any approval under subsection (1) of this section, shall, in accordance with the terms of the approval—
- (a) Pay any subsidy referred to in the approval:
 - (b) Make any loan referred to in the approval.
- (3) Any payment made under subsection (2) of this section may be made subject to such terms and conditions as the Distribution Committee thinks fit.
- (4) For the purposes of this section, any Distribution Committee may establish any endowment or create any trust upon such terms and conditions and having such objects as the Committee thinks fit, and may appoint trustees thereof.
- (5) All interest paid in respect of loans made under this section and money received in repayment of any such loans shall be deemed to be profits arising from New Zealand lotteries, and shall be dealt with accordingly.

Compare: 1962, No. 114, s. 31

Financial and Administrative Provisions

104 Investment of funds

- (1) The Board may invest any profits of New Zealand lotteries, pending their distribution under section 92 of this Act, or any funds forming part of the

Reserve Account that are available for investment, in such manner and on such securities as it from time to time determines.

- (2) All income derived from the investment of any money invested under subsection (1) of this section shall be deemed to be profits arising from New Zealand lotteries and shall be dealt with accordingly.

Compare: 1962, No. 114, s. 23

105 Banking of money

- (1) For the purposes of this Act, the Secretary shall open, in any bank within the meaning of the Banking Act 1908, one or more accounts under such names as he thinks fit.
- (2) Each such account shall be operated on only by cheque signed by any 2 officers of the Department authorised from time to time by the Secretary for that purpose.

Compare: 1962, No. 114, s. 32

106 Miscellaneous expenditure

There may from time to time be paid out of the undistributed profits of New Zealand lotteries such amounts as the Minister approves—

- (a) For the purpose of acquiring equipment for drawing New Zealand lotteries and maintaining, testing, and checking any such equipment, whether the equipment was acquired before or after the passing of this Act:
- (b) For any other purpose in connection with the conduct of New Zealand lotteries and the management, investment, and distribution of the profits thereof, and the administration of this Act.

Compare: 1962, No. 114, s. 35

107 Audit of organiser's accounts

- (1) The accounts of every organiser in relation to lotteries conducted by him shall be subject to the audit of an auditor appointed by the Minister.
- (2) No person shall be qualified for appointment as an auditor under this section unless he is a chartered accountant in public practice within the meaning of the New Zealand Society of Accountants Act 1958.

Compare: 1962, No. 114, s. 36

108 Accounts of profits to be kept and audited

- (1) The Secretary shall keep proper accounts with respect to the profits of New Zealand lotteries, and those accounts shall be audited by the Audit Office, which for that purpose shall have all such powers as it has under the Public Finance Act 1977 in respect of public money and public stores and the audit of local authorities' accounts.

- (2) A copy of the accounts shall be supplied to the Board.

Compare: 1962, No. 114, s. 37

109 Reports and accounts to be laid before Parliament

- (1) As soon as may be reasonably practicable after the end of each financial year, the Board shall furnish to the Minister a report of its operations and the operations of each Distribution Committee for that year, together with a copy of the accounts of the Secretary supplied under section 108 of this Act.
- (2) A copy of every such report and accounts shall be laid before Parliament after their receipt by the Minister if Parliament is then sitting, and otherwise within 28 days after Parliament reassembles.

Compare: 1962, No. 114, s. 39

110 Appointment of officers

- (1) There shall be appointed in accordance with the State Services Act 1962 a secretary of the Board, and such other officers as may be necessary for the administration of this Part of this Act.
- (2) Any officer of the Public Service may be appointed under this section notwithstanding that he holds any other office in the Public Service, and any such officer may hold office under this section in conjunction with any other office in the Public Service.
- (3) Every person who was appointed to any office under section 33 of the Gaming Amendment Act 1962 and whose appointment is subsisting at the date of the commencement of this Part of this Act shall be deemed to have been so appointed under this section.

Compare: 1962, No. 114, s. 33

111 Fees and travelling allowances

- (1) The Board and every Distribution Committee are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.
- (2) There may be paid to the appointed members of the Board and to the members of any Distribution Committee remuneration by way of fees, salary, or allowances, and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.
- (3) Any money payable under this section shall be paid from the profits of New Zealand lotteries.

Compare: 1962, No. 114, s. 34

112 Members not personally liable

No member of the Board or of a Distribution Committee shall be personally liable for any act or default done or made by the Board or the Distribution

Committee, or by any member thereof, in good faith in the course of the operations of the Board or the Distribution Committee.

Compare: 1962, No. 114, s. 40

Miscellaneous Provisions

113 Offences

Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who—

- (a) Not being a duly appointed selling agent, sells or offers for sale any ticket in any New Zealand lottery; or
- (b) Gives or disposes of or offers to give or dispose of any ticket in any New Zealand lottery to any person in consideration of that person buying or having bought any goods or services or the right to attend any entertainment; or
- (c) By any means advertises that he will receive money for a share in a ticket in any New Zealand lottery; or
- (d) Prints or publishes any such advertisement.

Compare: 1962, No. 114, s. 41

114 Regulations

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Providing safeguards against fraudulent or improper practices in respect of New Zealand lotteries or tickets therein or the drawing thereof or against the trafficking in such tickets:
- (b) Prescribing conditions governing the sale of tickets in New Zealand lotteries:
- (c) Prescribing fines not exceeding \$200 for a breach of any such regulations:
- (d) Generally providing for such other matters as are contemplated by or necessary for giving full effect to this Part of this Act and for its due administration.

Compare: 1962, No. 114, s. 42

115 Application of this Part to profits of former lotteries

This Part of this Act shall apply with respect to—

- (a) All profits undistributed at the commencement of this Act derived from any lottery known as a “Golden Kiwi” lottery, or from any lottery conducted under Part I of the Gaming Amendment Act 1962, drawn before the commencement of this Act, and to all profits derived from any such

lottery promoted before the passing of this Act and drawn after the commencement of this Act; and

- (b) All money that at the commencement of this Act is held by or on behalf of the Minister and was derived from any other lottery or art union drawn before the commencement of this Act; and
- (c) All unclaimed prizes in any such lotteries or art unions.—

as if those lotteries or art unions had been promoted under this Part of this Act.

Compare: 1962, No. 114, s. 38

116 Minister may promote prize competitions

- (1) The Minister may from time to time promote New Zealand prize competitions, to be known by such names and to be conducted for such purposes as he thinks fit.
- (2) The provisions of this Part of this Act, so far as they are applicable and with the necessary modifications, shall apply to every New Zealand prize competition as if it were a New Zealand lottery.

Part VIII

Enforcement by Criminal Proceedings

117 Search warrants

- (1) Any Magistrate or Justice, or any Registrar (not being a constable), may issue a search warrant, in the form set out in the First Schedule to this Act, if, on an application in writing made on oath, he is satisfied that there is reasonable ground for believing that there is in any building, aircraft, vessel, hovercraft, carriage, vehicle, box, receptacle, premises, or place—
 - (a) Any thing upon or in respect of which any offence against any of the provisions of this Act or of any regulations made under this Act has been or is suspected of having been committed; or
 - (b) Any thing that there is reasonable ground to believe will be evidence as to the commission of any such offence; or
 - (c) Any thing that there is reasonable ground to believe is intended to be used for the purpose of committing any such offence;—

and the provisions of subsections (2) to (7) of section 198 and section 199 of the Summary Proceedings Act 1957 shall apply accordingly.

- (2) Where a search warrant is issued under subsection (1) of this section, any member of the Police executing it or any of his assistants may search any person found in or on the building, aircraft, vessel, hovercraft, carriage, vehicle, premises, or place to which the warrant relates, and may seize any thing referred to in that subsection that is found on or in the possession of that person.

118 Police may arrest persons found on premises

In any case to which section 117 of this Act applies, the member of the Police executing the warrant or any of his assistants may, without further warrant, arrest any person found in or on the building, aircraft, vessel, hovercraft, carriage, vehicle, premises, or place to which the warrant relates if he has reasonable ground to believe that that person is committing or has committed an offence against any of the provisions of this Act or of any regulations made under this Act.

Compare: 1908, No. 68, s. 58

119 Punishment of offences

Every offence against this Act or against any regulations made under this Act shall be punishable on summary conviction.

Compare: 1908, No. 68, ss. 75, 77

120 Commencement of proceedings

Notwithstanding anything in section 14 of the Summary Proceedings Act 1957, any information for an offence against this Act or against any regulations made under this Act may be laid at any time within 2 years from the time when the matter of the information arose.

Compare: 1908, No. 68, s. 74

121 Evidence of gaming

- (1) If any board, card, dice, ball, counter, table, gaming machine, or other instrument of gaming is found on any premises it shall, in the absence of evidence to the contrary, be sufficient proof—
 - (a) That every owner and occupier found on the premises was conducting an illegal game of chance in contravention of section 6 of this Act:
 - (b) That every other person found on the premises was participating in an illegal game of chance in contravention of section 4 of this Act.
- (2) It shall not be necessary, in any proceedings against any person for an alleged offence under any of the provisions of Part I of this Act or of any regulations made under this Act relating to any illegal game of chance, for the prosecution to prove—
 - (a) That any person actually played at the game in the presence of any member of the Police; or
 - (b) That any person found playing at the game had made any payment for the right to participate in the game.

Compare: 1908, No. 68, ss. 5, 6, 7(1)

122 Evidence of bookmaking, etc.

- (1) If any document or thing designed, adapted, or intended for use, or used, for the purposes of bookmaking is found on any premises, it shall, in the absence of evidence to the contrary, be sufficient proof—
 - (a) That every owner and every occupier of the premises was causing or permitting the premises to be used for the purposes of bookmaking in contravention of section 13 of this Act:
 - (b) That every such owner and occupier was carrying on the business of bookmaking in contravention of section 12 of this Act:
 - (c) That every other person found on the premises was betting with a bookmaker in contravention of section 14 of this Act.
- (2) It shall not be necessary, in any proceedings against any person for an alleged offence under any of the provisions of Part II of this Act or of any regulations made under this Act relating to bookmaking or betting, for the prosecution to prove that any bet was made in the presence of a member of the Police.
- (3) If, in any proceedings to which subsection (2) of this section refers, it is shown that any person—
 - (a) Has offered, directly or indirectly, to receive or negotiate any bet or to lay any odds; or
 - (b) Has issued or has been party to the issue of any card, circular, advertisement, or other document indicating or purporting to indicate, in any manner, where or with whom or at what odds any bet may be made—

it shall, in the absence of evidence to the contrary, be sufficient proof that that person was carrying on the business of bookmaking in contravention of section 12 of this Act.

Compare: 1920, No. 10, s. 4

123 Forfeiture of seized things and documents

- (1) On the conviction of any person of an offence against any of the provisions of this Act or of any regulations made under this Act, the Court in which the conviction is entered may, by order, direct that any thing or document or money properly produced in evidence of the commission of the offence be forfeited to the Crown.
- (2) Where any such order is made the provisions of subsections (4) to (6) of section 199 of the Summary Proceedings Act 1957, so far as they are applicable and with any necessary modifications, shall apply.
- (3) Subject to subsection (2) of this section, every thing or document forfeited to the Crown under this section shall be delivered to the Secretary, and may be destroyed or otherwise disposed of in such manner as the Secretary thinks fit.
- (4) Subject to subsection (2) of this section, all money forfeited to the Crown under this section shall be paid into the Public Account.

124 Bookmakers' telephones

- (1) If any person is convicted of an offence against section 12 of this Act, the Court by which he is convicted may, in addition to any penalty imposed under that section, make an order directing that any telephone exchange connection installed in premises used by that person for bookmaking be disconnected from those premises for such period, not exceeding 3 years, commencing with the date of the conviction, as may be specified in the order, and prohibiting that person from obtaining any other telephone exchange connection during the period when the order is in force.
- (2) Notwithstanding subsection (1) of this section, if the person convicted is not the occupier of the premises concerned, no order shall be made under that subsection unless the occupier has had an opportunity of being heard in the matter.
- (3) If the person convicted is the lessee of the telephone connection concerned, the order, in the discretion of the Court, may apply to all telephone connections of which he is the lessee or to such one or more of those connections as the Court may specify.
- (4) An order under subsection (1) of this section shall be notified by the Registrar of the Court to the Director-General of the Post Office, who shall take such steps as may be necessary to give effect to the order.
- (5) Any person affected by an order of the Court under this section may from time to time apply to the Court by which the order was made to remove the disqualification to which the order relates, or such part of the disqualification as may be referred to in the application, and on any such application the Court may, having regard to any hardship that the applicant or his family may suffer if the application is refused, the character of the applicant, the likelihood of the telephone service being used for bookmaking, and any other circumstances of the case, either by order remove the disqualification in whole or in part as from such date as may be specified in the order, or refuse the application.

Compare: 1963, No. 28, s. 2

125 Member of Police and Inspector of Gaming not criminally liable

No member of the Police and no Inspector of Gaming shall be charged with an offence against any of the provisions of this Act, or of any regulations made under this Act, in respect of any act done by him in the performance of his duty, notwithstanding that that act, but for this section, would have constituted such an offence.

Compare: 1908, No. 68, s. 54

Part IX

Enforcement by Civil Proceedings

126 This Part to be a code

- (1) The provisions of this Part of this Act shall have effect in place of all rules of common law or equity relating to gaming and wagering.
- (2) No contract to which any of the provisions of this Part of this Act applies, and no term of any such contract, shall be held to be ineffectual, unenforceable, or illegal by reason only of the fact that it relates to wagering or gaming, otherwise than by virtue of any of those provisions.

127 Application to undertakings, etc., by deed

The provisions of this Part of this Act shall apply to every deed whereby any person undertakes, agrees, or covenants to do or refrain from doing anything in respect of any wager, or any game of chance, prize competition, or lottery, as if the terms of the deed were terms of a contract.

128 Wagering contracts unenforceable

- (1) The following contracts shall be unenforceable:
 - (a) Wagering contracts:
 - (b) Every contract of loan whereby the lender agrees to advance any sum to the borrower for the purpose of enabling or assisting the borrower to enter into any wagering contract:
 - (c) Every contract of agency whereby the agent agrees to perform any service on behalf of the principal in respect of any wagering contract in consideration of the principal agreeing to pay any remuneration (whether by way of fee or commission or otherwise) to the agent:
 - (d) Contracts entered into for the purpose of avoiding or mitigating any of the consequences of this section in relation to any contract to which paragraph (a) or paragraph (b) or paragraph (c) of this subsection applies.
- (2) The provisions of section 6 of the Illegal Contracts Act 1970 shall apply to every contract declared by subsection (1) of this section to be unenforceable, whether or not it is an illegal contract within the meaning of that Act.
- (3) Notwithstanding anything in the Illegal Contracts Act 1970, no Court shall have jurisdiction to grant relief under section 7 of that Act in respect of any contract declared by subsection (1) of this section to be unenforceable.
- (4) This section shall be a bar to proceedings to enforce any contract declared by subsection (1) of this section to be unenforceable whether or not it is pleaded.

129 Certain contracts subject to Illegal Contracts Act 1970

- (1) The following contracts are hereby declared to be illegal contracts for the purposes of the Illegal Contracts Act 1970 and the provisions of that Act shall apply accordingly:
 - (a) Every contract (not being a wagering contract) relating to the participation of any person in any game of chance or prize competition or lottery, whether that game of chance or prize competition or lottery is or is not an illegal game of chance or illegal prize competition or illegal lottery, as the case may be:
 - (b) Every contract of loan whereby the lender agrees to advance any sum to the borrower for the purpose of enabling or assisting the borrower to participate in any game of chance or prize competition or lottery, whether that game of chance or prize competition or lottery is or is not an illegal game of chance or illegal prize competition or illegal lottery, as the case may be:
 - (c) Every contract of agency whereby the agent agrees to perform any service on behalf of the principal in respect of any game of chance or prize competition or lottery, whether that game of chance or prize competition or lottery is or is not an illegal game of chance or illegal prize competition or illegal lottery, as the case may be.
- (2) The provisions of this section shall be read subject to the provisions of section 128 of this Act.

130 Certain contracts not to be deemed unenforceable

- (1) No contract of loan (other than a contract to which section 128(1)(b) or section 129(1)(b) of this Act applies) shall be deemed ineffectual, unenforceable, or illegal by reason only of the fact that—
 - (a) The purpose of the loan is to enable or assist the borrower to pay any debt already incurred by him in respect of any wager, game of chance, prize competition, or lottery; or
 - (b) The borrower applies the sum advanced, or any part of that sum, for the purpose of any wager, game of chance, prize competition, or lottery.
- (2) No contract of agency whereby the agent agrees to perform any service on behalf of the principal in respect of any game of chance, prize competition, or lottery shall be deemed ineffectual, unenforceable, or illegal as against the principal or as against the agent if that party did not know that the game of chance or prize competition or lottery was an illegal game of chance or illegal prize competition or illegal lottery, as the case may be.
- (3) The provisions of this section shall be read subject to the provisions of section 128(1)(d) of this Act.

131 Recovery of stakes

- (1) Notwithstanding anything in this Part of this Act or any rule of law to the contrary, any party to a contract that is declared to be unenforceable by any of the provisions of this Part of this Act who pays any stake to a stakeholder may recover that stake, in any Court of competent jurisdiction, from the stakeholder at any time before the stakeholder pays it to any other party in accordance with the contract.
- (2) Nothing in subsection (1) of this section shall in itself entitle any person to recover any stake paid to and held by the Totalisator Agency Board or the holder of a totalisator licence or an equalisator licence.

132 Disposition of property in payment, etc., of wagering debts

- (1) Notwithstanding any enactment relating to the registration of title to real or personal property, but subject to subsection (2) of this section, no disposition of any property, and no agreement to dispose of any property, made or entered into by way of payment of or security for any debt incurred or that may be incurred by any person in respect of any wager, shall be effectual or enforceable.
- (2) Nothing in this section shall invalidate—
 - (a) Any disposition of property by a party to a wagering contract for valuable consideration; or
 - (b) Any disposition of property made by or through a person who became entitled to the property under a disposition to which paragraph (a) of this subsection applies—

if the person to whom the disposition was made was not a party to the wagering contract and had not, at the time of the disposition, notice that the property was the subject of, or the whole or part of the consideration for, a wagering contract, and otherwise acted in good faith.

Part X Miscellaneous Provisions

133 Inspectors of Gaming

- (1) The Secretary may from time to time appoint such number of persons to be Inspectors of Gaming as may be required for the purposes of this Act, and may at any time remove any Inspector from office.
- (2) Inspectors of Gaming shall be paid, from the Consolidated Revenue Account out of money appropriated by Parliament for the purpose, such remuneration and allowances as may from time to time be determined by the State Services Commission.
- (3) No person shall be deemed to be employed in the Public Service for the purposes of the State Services Act 1962, or in the Government service for the

purposes of the Government Superannuation Fund Act 1956 by reason only of holding office as an Inspector of Gaming.

- (4) Every Inspector shall exercise and perform such functions and duties as are conferred or imposed on him by this Act or by the Secretary.

134 Authority to act as Inspector

- (1) No person shall act as an Inspector unless the Secretary has issued to him a written authority to do so.
- (2) Every person who ceases to hold office as an Inspector shall forthwith return any authority that has been issued to him under subsection (1) of this section.
- (3) The production by an Inspector of an authority purporting to have been issued under this section shall be sufficient evidence that it has been so issued in the absence of proof to the contrary.

135 Powers of Inspectors

- (1) Any Inspector may at any time, for the purposes of inspection, enter any premises—
 - (a) On which a game of chance is being conducted pursuant to any of the provisions of Part I of this Act; or
 - (b) On which a prize competition is being conducted pursuant to any of the provisions of Part III of this Act; or
 - (c) On which a lottery is being conducted pursuant to any of the provisions of Part IV of this Act; or
 - (d) On which the holder of a promoter's licence issued under Part V of this Act has his registered office; or
 - (e) On which a prize competition or a lottery is being conducted pursuant to section 69 of this Act.
- (2) During any such inspection the Inspector may examine any books, accounts, records, tickets, or other documents, or any machine or equipment, used in respect of the game of chance, prize competition, or lottery, or, as the case may require, the promoter's business, and, subject to subsection (3) of this section, may demand from the occupier of the premises any information that he may reasonably require for the purposes of the inspection.
- (3) No person shall be required to answer any question by an Inspector if the answer would or could tend to incriminate that person.

136 Obstructing Inspector

Every person commits an offence and is liable to a fine not exceeding \$1,000 who—

- (a) Wilfully hinders or attempts to hinder any Inspector entering, in the execution of his duty, any premises referred to in section 135(1) of this Act; or
- (b) Refuses, otherwise than on the ground set out in section 135(3) of this Act, to give any information that any Inspector has lawfully demanded from him under this Act; or
- (c) Otherwise wilfully hinders or attempts to hinder any Inspector in the execution of any power or duty.

137 Act not to apply to Totalisator Agency Board, etc.

This Act does not apply to the Totalisator Agency Board or any member, employee, or agent of the Board, or to the holder of a totalisator licence or an equalisator licence, or any member, employee, or agent of the holder of such a licence, acting in its or his official capacity.

Compare: 1920, No. 10, s. 6; 1971, No. 155, s. 106(5)

138 Act not to apply to building society ballots

This Act does not apply to any ballot conducted by a building society (within the meaning of the Building Societies Act 1965) for the purpose of determining entitlement for loans if the ballot is conducted in accordance with the rules of the society.

139 Protection of name of “Golden Kiwi”

- (1) No person shall organise, promote, manage, or conduct any lottery or any prize competition under the name of “Golden Kiwi” or any name incorporating those words.
- (2) Every person who contravenes subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$200.

140 Delegation of powers

- (1) Subject to subsection (2) of this section, the Minister may delegate to the Secretary any power conferred on him by this Act or by any regulation made under this Act, including this power of delegation.
- (2) The Minister shall not delegate any of the powers conferred on him by any of the provisions of Part VI of this Act.
- (3) Any power conferred on the Secretary by or under this Act or by or under any regulations made under this Act may be exercised by any officer of the Department nominated by the Secretary, subject to the control of the Secretary.

141 Regulations

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Providing for official supervision, whether by a member of the Police or otherwise, of the conduct of any game of chance, prize competition, or lottery conducted under this Act, or of the determination of the result of any such game of chance, prize competition, or lottery:
- (b) Prescribing the manner in which the result of any such game of chance, prize competition, or lottery is to be notified to the general public or to participants:
- (c) Providing for the disposal of unclaimed prizes in respect of any such game of chance, prize competition, or lottery:
- (d) Prescribing the form and manner in which any notice required to be given and any record required to be kept under this Act is to be given or kept:
- (e) Prescribing fees to be payable on any application for or on the issue of any licence under this Act:
- (f) Providing for such other matters as are contemplated by or are necessary for giving full effect to this Act and for its due administration.

142 Repeals, amendments, and savings

- (1) The enactments specified in the Second Schedule to this Act are hereby repealed.
- (2) As from the commencement of this Act the enactments specified in the Third Schedule to this Act shall cease to have effect as part of the law of New Zealand.
- (3) Section 248 of the Sale of Liquor Act 1962 is hereby consequentially amended by repealing paragraph (a) of subsection (1), and substituting the following paragraph:

“(a) Promotes or conducts, or allows to be promoted or conducted, on the licensed premises any illegal game of chance or illegal prize competition or illegal lottery within the meaning of the Gaming and Lotteries Act 1977; or”.
- (4) The said section 248 is hereby further consequentially amended by omitting from subsection (3) the words “Gaming Act 1908”, and substituting the words “Gaming and Lotteries Act 1977 or any regulations made under that Act”.
- (5) Section 3 of the Gaming Duties Act 1971 is hereby consequentially amended by omitting the definition of the term “lottery”, and substituting the following definition:

“‘Lottery’ means a New Zealand lottery promoted by the Minister of Internal Affairs under Part VII of the Gaming and Lotteries Act 1977:”.
- (6) Without limiting anything in the Acts Interpretation Act 1924,—
 - (a) The Housie Regulations 1975 shall, notwithstanding the repeal of the Gaming Act 1908 by subsection (1) of this section, continue in force and

have the same effect as if they had been made pursuant to section 8(5) of this Act:

- (b) Every licence to conduct a lottery issued pursuant to section 42 of the Gaming Act 1908 shall, notwithstanding the repeal of that Act by subsection (1) of this section, continue in force and have the same effect as if it had been issued under section 35 of this Act.

SCHEDULES**FIRST SCHEDULE****Search Warrant**

Section 117

Section 117, Gaming and Lotteries Act 1977

To every constable:

(Or To [*Full name*], constable:)

I am satisfied on an application in writing made on oath (*or* on an application made on oath orally, the grounds for which I have noted in writing) that there is reasonable ground for believing that there is (are) in [*Here describe building, aircraft, vessel, carriage, vehicle, box, receptacle, premises, or place*] the following thing(s), [*Here insert description of the things to be searched for*] upon or in respect of which an offence of [*State offence*] has been or is suspected of having been committed (*or* which there is reasonable ground to believe will be evidence as to the commission of an offence [*State offence*])(*or* which there is reasonable ground to believe is intended to be used for the purpose of committing an offence of [*State offence*]).

This is to authorise you at any time or times within 1 month from the date of this warrant to enter and search the said with such assistants as may be necessary, and if necessary to use force for making entry, whether by breaking open doors or otherwise, and also to break open the box (receptacle)(*or* any box or receptacle therein or thereon) by force if necessary; and also to seize any thing upon or in respect of which the offence has been or is suspected of having been committed (*or* any thing which there is reasonable ground to believe will be evidence as to the commission of the offence)(*or* any thing which there is reasonable ground to believe is intended to be used for the purpose of committing the offence).

Dated at this day of 19

Magistrate

(*or* Justice of the Peace or Registrar (not being a constable)).

SECOND SCHEDULE

Enactments Repealed

Section 142(1)

- 1908, No. 68—The Gaming Act 1908 (1957 Reprint, Vol. 5, p. 505.)
- 1910, No. 56—The Gaming Amendment Act 1910. (1957 Reprint, Vol. 5, p. 562.)
- 1920, No. 10—The Gaming Amendment Act 1920. (1957 Reprint, Vol. 5, p. 563.)
- 1924, No. 41—The Gaming Amendment Act 1924. (1957 Reprint, Vol. 5, p. 563.)
- 1933, No. 38—The Card Tournaments Regulation Act 1933.
- 1949, No. 32—The Gaming Amendment Act 1949. (1957 Reprint, Vol. 5, p. 564.)
- 1950, No. 65—The Limitation Act 1950: So much of the Second Schedule as relates to the Gaming Act 1908.
- 1953, No. 109—The Gaming Amendment Act 1953. (1957 Reprint, Vol. 5, p. 567.)
- 1959, No. 65—The Gaming Amendment Act 1959.
- 1961, No. 82—The Gaming Amendment Act 1961.
- 1962, No. 114—The Gaming Amendment Act 1962.
- 1963, No. 28—The Gaming Amendment Act 1963.
- 1971, No. 155—The Racing Act 1971: Section 106(1), (2), (3).
- 1972, No. 62—The Gaming Amendment Act 1972.

THIRD SCHEDULE
Enactments Ceasing to Have Effect as Part of Law of New Zealand

Section 142(2)

Session and Chapter	Title or Short Title
33 Hen. 8 c. 9	An Act for the maintenance of archery and the debaring of unlawful games
16 Cha. 2 c. 7	An Act against deceitful, disorderly, and excessive gaming
9 Anne c. 19	The Gaming Act 1710
2 Geo. 2 c. 28	The Unlawful Games Act 1728
12 Geo. 2 c. 28	The Gaming Act 1738
13 Geo. 2 c. 19	The Gaming Act 1739
18 Geo. 2 c. 34	The Gaming Act 1744
42 Geo. 3 3.119	An Act to suppress certain games and lotteries not authorised by law
5 & 6 Will. 4 c. 41	The Gaming Act 1835

Act is administered in the Department of Internal Affairs.