

# **Racing Industry Amendment Bill**

Government Bill

As reported from the committee of the whole House



**Racing Industry Amendment Bill**

---

**Key to symbols used in reprinted bill**

**As reported from the committee of the whole House**

text inserted

~~text deleted~~



*Rt Hon Winston Peters*

# **Racing Industry Amendment Bill**

Government Bill

## **Contents**

	Page
1 Title	2
2 Commencement	2
3 Principal Act	3
<b>Part 1</b>	
<b>Amendments to principal Act</b>	
<i>Amendments relating to TAB NZ and betting</i>	
4 Section 55 amended (Governing body of TAB NZ)	3
5 New section 58A inserted (Minister may require information from TAB NZ)	3
58A Minister and chief executive may require information from TAB NZ	3
6 New section 74AAA inserted (Prohibition on offering betting to persons in New Zealand)	3
74AAA Prohibition on offering betting to persons in New Zealand	3
7 Section 74 amended (TAB NZ may conduct betting)	4
7A Section 76 amended (Racing betting rules)	4
7B Section 78 amended (Sports betting rules)	4
7C Section 83 amended (Rules relating to other racing or sports betting conducted by TAB NZ)	4
8 <del>Section 92 replaced (Bets may be refused)</del>	4
92 When bets may be refused	4
<del>8 Section 92 amended (Bets may be refused)</del>	<del>5</del>
9 New sections 92A and 92B inserted	5
92A Department to monitor compliance	5
92B Delegation	5
10 Subpart 2 heading in Part 4 amended	6

11	Section 98 amended (Regulations relating to harm prevention and minimisation)	6
12	New section 98A inserted (Regulations relating to consumer protection)	7
	98A Regulations relating to consumer protection	7
12A	Section 100 amended (Regulations relating to exclusion of problem gamblers from TAB venues and racecourses)	8
	<i>Repeal of consumption charges</i>	
13	Sections 113 to 117 and cross-heading above section 113 repealed	8
	<i>Other amendments</i>	
13A	Schedule 1 amended	9
14	Consequential amendments to principal Act	9
	<b>Part 2</b>	
	<b>Consequential amendment and revocation</b>	
	<i>Amendments to Gambling Act 2003</i>	
15	Principal Act	9
16	Section 4 amended (Interpretation)	9
16A	Section 19 amended (Offences)	9
	<i>Revocation</i>	
17	Revocation	9
	<b>Schedule 1</b>	10
	<b>New Part 2 inserted into Schedule 1 of Racing Industry Act 2020</b>	
	<b>Schedule 2</b>	11
	<b>Consequential amendments to principal Act</b>	

**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Racing Industry Amendment Act **2024**.

**2 Commencement**

- (1) **Sections 13, 14, and 17** come into force on the earlier of the following: 5
- (a) a date appointed by the Governor-General by Order in Council; and
  - (b) the date that is 2 years after the date on which this Act receives the Royal assent.
- (2) The rest of this Act comes into force on the day after Royal assent.
- (3) An Order in Council made under **subsection (1)(a)** is secondary legislation 10  
(see Part 3 of the Legislation Act 2019 for publication requirements).

### 3 Principal Act

This Act amends the Racing Industry Act 2020.

## Part 1 Amendments to principal Act

### *Amendments relating to TAB NZ and betting* 5

#### 4 Section 55 amended (Governing body of TAB NZ)

After section 55(5)(g), insert:

- (h) monitoring of legal compliance, contractual obligations, and financial performance.

#### 5 New section 58A inserted (Minister may require information from TAB NZ) 10

After section 58, insert:

##### **58A Minister and chief executive may require information from TAB NZ**

- (1) For the purpose of overseeing the performance of TAB NZ's functions, the Minister may, at any time, by written notice require TAB NZ to provide the Minister with any relevant information (or class of information) specified in the notice. 15
- (2) A notice under **subsection (1)** must specify—
  - (a) the nature of the information to be provided; and
  - (b) a reasonable time within which the information must be provided. 20
- (2A) For the purposes of this section, the chief executive may, by written notice, require TAB NZ to provide the Department with any relevant information specified by the chief executive to enable the Department to advise the Minister about TAB NZ's performance of its functions.
- (3) TAB NZ must comply with a requirement under this section. 25

#### 6 New section 74AAA inserted (Prohibition on offering betting to persons in New Zealand)

Before section 74, insert:

##### **74AAA Prohibition on offering betting to persons in New Zealand**

- (1) No person other than TAB NZ may offer racing betting, sports betting, or other racing or sports betting (or any combination of those forms of betting) to a person in New Zealand. 30
- (2) **Subsection (1)** applies to a person (other than TAB NZ) regardless of where the person is resident or incorporated.

- 7 Section 74 amended (TAB NZ may conduct betting)**  
Replace the heading to section 74 with “**Conduct of betting by TAB NZ**”.
- 7A Section 76 amended (Racing betting rules)**  
~~Section 76(5),~~ After section 76(5), insert:
- (5A) Rules made under this section apply subject to any regulations made under **section 98A**. 5
- 7B Section 78 amended (Sports betting rules)**  
After section 78(4), insert:
- (4A) Rules made under this section apply subject to any regulations made under **section 98A**. 10
- 7C Section 83 amended (Rules relating to other racing or sports betting conducted by TAB NZ)**  
In section 83(1), after “this Act”, insert “or regulations made under this Act”.
- 8 Section 92 replaced (Bets may be refused)**  
Replace section 92 with: 15
- 92 When bets may be refused**
- (1) TAB NZ or a TAB operator may refuse to accept all or any part of a bet from an individual if—
- (a) the individual seeking to make the bet has been identified by TAB NZ or a TAB operator as a problem gambler: 20
- (b) the individual seeking to make the bet has previously been convicted of a relevant offence:
- (c) the individual seeking to make the bet has engaged in, or is engaging in, behaviour that—
- (i) poses a threat to the safety of any member of TAB NZ staff; or 25
- (ii) is harassing, intimidating, or causes serious emotional distress to any member of TAB NZ staff:
- (d) any other grounds set out in regulations made under **section 98A** apply in respect of the individual seeking to make the bet.
- (2) If TAB NZ refuses a bet under this section, it must inform the individual seeking to make the bet of the reason for refusal as soon as practicable after making the decision to refuse the bet. 30
- (3) In **subsection (1)(b)**, **relevant offence** has the same meaning as in section 4(1) of the Gambling Act 2003.

**8 Section 92 amended (Bets may be refused)**

In section 92, insert as subsection (2):

- (2) This section applies subject to any regulations made under **section 98A**.

**9 New sections 92A and 92B inserted**

After section 92, insert:

5

**92A Department to monitor compliance**

- (1) The Department must monitor—
- (a) compliance with the prohibition set out in **section 74AAA**; and
  - (b) compliance by TAB NZ with a requirement to provide information to the Minister or the Department under **section 58A**.
- (2) TAB NZ must pay the reasonable costs that the Department incurs in carrying out the monitoring functions referred to in **subsection (1)**.
- (3) The chief executive of the Department and TAB NZ must enter into an agreement relating to the recovery of the reasonable costs that the Department incurs in carrying out the monitoring functions.

10

15

**92B Delegation**

- (1) The chief executive of the Department may, in writing, delegate the Department's monitoring functions under **section 92A** to—
- (a) another department; or
  - (b) a Crown entity (as defined in section 7 of the Crown Entities Act 2004).
- (2) In deciding whether to delegate the Department's monitoring functions, the chief executive must take into account—
- (a) whether the other department or Crown entity has the knowledge of, or existing relationships with, offshore betting operators that is necessary to perform the functions or exercise the powers that the Department proposes to delegate; and
  - (b) any conflict of interest or potential conflict of interest the proposed delegation would create.
- (3) A delegation must not include the power to delegate under this section.
- (4) A department or Crown entity to whom any functions or powers have been delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred on the department or Crown entity directly by this Act and not by delegation.
- (5) A department or Crown entity purporting to act under a delegation is, in the absence of evidence to the contrary, presumed to be acting in accordance with the terms of the delegation.
- (6) A delegation under this section—

20

25

30

35

- (a) may be subject to any conditions that the chief executive thinks fit:
- (b) is revocable at any time, by notice in writing:
- (c) does not prevent the Department from performing the function or exercising the power.

**10 Subpart 2 heading in Part 4 amended** 5

In Part 4, in the subpart 2 heading, replace “venues” with “venues and operations”.

**11 Section 98 amended (Regulations relating to harm prevention and minimisation)**

Replace section 98(1) with: 10

- (1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:
- (a) restricting or prohibiting inducements to engage in betting:
  - (b) regulating the intensity of betting using any online betting system provided by TAB NZ, including (without limitation)— 15
    - (i) regulating the frequency at which successive bets may be placed:
    - (ii) prescribing requirements for setting spending limits on bets made with TAB NZ:
    - (iii) prescribing time restrictions on the availability of betting products generally or in relation to any specified class of persons: 20
    - (iv) prescribing processes or procedures in relation to any person who has identified themselves to TAB NZ or a TAB operator as being a problem gambler:
  - (c) prescribing the information or messages that TAB NZ must provide to people about betting: 25
  - (ca) prescribing the use of pre-commitment, player tracking, or other harm-minimisation devices, technology, or systems in or associated with betting:
  - (cb) prescribing requirements relating to customer verification by TAB NZ, including the information that is to be provided to or obtained by TAB NZ for the purposes of identifying and verifying persons seeking to place bets with TAB NZ: 30
  - (d) requiring TAB NZ to provide problem gambling awareness training for employees involved in supervising betting, including (without limitation) at TAB venues: 35
  - (e) prescribing codes requiring the advertising of betting, racecourses, and TAB venues to be responsible:

- (f) prescribing requirements for the design, layout, and furnishing of TAB venues:
- (g) prescribing systems or processes ancillary to betting, including (without limitation) the availability of automatic teller machines at TAB venues:
- (ga) restricting any specified means of payment for a bet with TAB NZ (for example, payment by credit or debit card): 5
- (h) prescribing any other requirements relating to harm prevention or minimisation in respect of betting.

**12 New section 98A inserted (Regulations relating to consumer protection)**

After section 98, insert: 10

**98A Regulations relating to consumer protection**

- (1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:
  - (a) prescribing processes or procedures to ensure that persons participating in betting receive adequate consumer protection: 15
  - (b) ~~specifying the circumstances in which TAB NZ may limit or exclude a person from participating in betting:~~
  - (b) specifying the circumstances in which TAB NZ or a TAB operator may limit or exclude a person from participating in betting, including (without limitation) the circumstances in which TAB NZ or a TAB operator may refuse to accept all or any part of a bet, for example, if the individual seeking to make the bet— 20
    - (i) has been identified as a problem gambler:
    - (ii) has previously been convicted of a specified offence:
    - (iii) has engaged in, or is engaging in, any behaviour that poses a threat to the safety of TAB NZ staff or is harassing, intimidating, or causing serious emotional distress to TAB NZ staff: 25
  - (ba) requiring TAB NZ or a TAB operator to provide specified information to an individual whose bet has been refused:
  - (c) prescribing matters relating to the conduct and operation of betting by TAB NZ, including (without limitation)— 30
    - (i) specifying minimum bet limits:
    - (ii) specifying the maximum hold that TAB NZ may take from bets:
    - (iii) prescribing requirements relating to the odds that may be offered by TAB NZ: 35
    - (iv) prescribing requirements relating to the range of betting products ~~or~~, products, or services relating to betting, that may be offered by TAB NZ:

(v)	imposing duties on, or prescribing requirements relating to, TAB NZ honouring or cancelling bets:	
(d)	prescribing information that TAB NZ must make publicly available to consumers:	
(e)	providing for, or setting out, a complaints and disputes resolution process in relation to bets made with TAB NZ.	5
(2)	Regulations made under this section are secondary legislation ( <i>see</i> Part 3 of the Legislation Act 2019 for publication requirements).	
<b>12A</b>	<b>Section 100 amended (Regulations relating to exclusion of problem gamblers from TAB venues and racecourses)</b>	<b>10</b>
(1)	In the heading to section 100, replace “TAB venues and racecourses” with “betting”.	
(2)	Replace section 100(1) with:	
(1)	The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:	15
(a)	prescribing procedures to enable TAB NZ, TAB operators, and racing clubs to identify problem gamblers:	
(b)	prescribing procedures for prohibiting identified problem gamblers from—	
(i)	entering TAB venues or racecourses:	20
(ii)	accessing any betting products or services provided by TAB NZ:	
(c)	prescribing procedures for removing a person who a TAB operator or a racing club has reasonable grounds to believe is a problem gambler from a TAB venue or a racecourse:	
(d)	ensuring that access to TAB venues and racecourses by identified problem gamblers is restricted:	25
(e)	prescribing procedures that must be completed by an identified problem gambler as a condition of—	
(i)	re-entry to a TAB venue or a racecourse:	
(ii)	resuming access to any betting products or services provided by TAB NZ.	30

*Repeal of consumption charges*

**13 Sections 113 to 117 and cross-heading above section 113 repealed**

Repeal sections 113 to 117 and the cross-heading above section 113.

*Other amendments*

**13A Schedule 1 amended**

In Schedule 1,—

- (a) insert the **Part 2** set out in **Schedule 1** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

5

**14 Consequential amendments to principal Act**

Amend the principal Act as set out in **Schedule 2**.

**Part 2**

**Consequential amendment and revocation**

*Amendments to Gambling Act 2003*

10

**15 Principal Act**

**Sections 16 and 16A** amend the Gambling Act 2003.

**16 Section 4 amended (Interpretation)**

In section 4(1), definition of **remote interactive gambling**, paragraph (b)(iii), replace “gambling by” with “subject to **section 74AAA** of the Racing Industry Act 2020, gambling by”.

15

**16A Section 19 amended (Offences)**

After section 19(3), insert:

- (4) An individual may not be convicted of an offence under subsection (1)(a) for placing a bet with an offshore betting operator (as defined in section 105 of the Racing Industry Act 2020) in contravention of **section 74AAA** of the Racing Industry Act 2020.

20

*Revocation*

**17 Revocation**

The Racing Industry (Offshore Betting—Consumption Charges) Regulations 2021 (LI 2021/167) are revoked.

25

**Schedule 1**  
**New Part 2 inserted into Schedule 1 of Racing Industry Act 2020**

s 13A

**Part 2**

**Provision relating to Racing Industry Amendment Act 2025**

- 29 Chief executive may require offshore betting operator to provide relevant information for purpose of assessing financial viability of collecting consumption charges** 5
- (1) This clause applies to an offshore betting operator who is liable to pay consumption charges to the designated authority under section 113 (as in force before the repeal of that section by the Racing Industry Amendment Act **2025**). 10
- (2) On and after commencement of this clause, the chief executive may, by written notice, require the offshore betting operator to provide the Department with any relevant information the chief executive specifies for the purpose of assessing the financial viability of continuing to collect consumption charges from all offshore betting operators. 15
- (3) The offshore betting operator must comply with a requirement under **sub-clause (2)**.

**Schedule 2**  
**Consequential amendments to principal Act**

**s 14**

**Section 103**

Replace section 103(2) with:

5

- (2) To that end, this subpart—
  - (a) establishes a scheme for betting information use charges that requires offshore betting operators to—
    - (i) obtain permission from the relevant racing code, the relevant New Zealand national sporting organisation, or Sport and Recreation New Zealand (or a relevant nominee) before using New Zealand racing and sporting information for taking bets on racing events and sporting events taking place in New Zealand; and 10
    - (ii) enter into an agreement that sets out the terms and conditions on which that permission is granted, including the offshore betting operator’s agreement to pay betting information use charges for using the information in the operator’s betting operations; and 15
  - (b) provides for the designated authority (or its delegate) to—
    - (i) enforce the scheme for betting information use charges; and
    - (ii) apply the money received by the designated authority to purposes relating to racing and sports in New Zealand. 20

**Section 105**

Repeal the definitions of **consumption charges** and **scheme for consumption charges**.

In the definition of **offshore betting charges**, delete “or consumption charges”. 25

**Section 107**

In the heading to section 107, delete “**for each scheme**”.

In section 107, delete “and the scheme for consumption charges”.

**Section 108**

Repeal section 108(2). 30

Re-number section 108(3) as section 108(2).

**Section 109**

In section 109(1), replace “may delegate in writing” with “may, in writing, delegate”.

In section 109(3)(b), delete “or 116(4)(b)”.

**Section 118**

Replace section 118 with:

**118 Application of money received from penalties**

The designated authority must apply the money received from penalties under section 112 towards paying the costs of administering the scheme for betting information use charges. 5

**Section 119**

In section 119, replace “either of section 112 or section 116” with “section 112”.

**Section 120**

In section 120(1), replace “consumption charges and penalties payable by an offshore betting operator under section 112 or 116” with “penalties payable by an offshore betting operator under section 112”. 10

**Section 121**

In section 121(1)(a), delete “or 116(4)(b)”.

**Section 122**

In section 122(1), delete “or 116”. 15

**Section 123**

Repeal section 123(1)(b), (c), and (e) and the heading above section 123(1)(b).

In section 123(1)(f), delete “and 116(5)”.

**Legislative history**

9 December 2024	Introduction (Bill 101–1)
10 December 2024	First reading and referral to Governance and Administration Committee
16 April 2025	Reported from Governance and Administration Committee (Bill 101–2)
15 May 2025	Second reading
20 May 2025	Committee of the whole House