



## **Gambling (Class 4 Net Proceeds) Amendment Regulations 2011**

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 15th day of August 2011

Present:

His Excellency the Governor-General in Council

Pursuant to sections 114, 371, and 372 of the Gambling Act 2003, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the advice of the Minister of Internal Affairs after consultation with persons or organisations that appear to the Minister to be representative of the interests of persons likely to be substantially affected by the regulations.

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## Regulations

- 1 Title**  
These regulations are the Gambling (Class 4 Net Proceeds) Amendment Regulations 2011.
- 2 Commencement**  
These regulations come into force on the 28th day after the date of their notification in the *Gazette*.
- 3 Principal regulations amended**  
These regulations amend the Gambling (Class 4 Net Proceeds) Regulations 2004.
- 4 Timing requirements for distribution of proceeds for authorised purposes**
  - (1) The heading to regulation 11 is amended by inserting “**application or**” after “**requirements for**”.
  - (2) Regulation 11(1) is amended by omitting “distribute for” and substituting “apply to, or distribute for,”.
- 5 Requirements for maintenance of websites**  
Regulation 13(2) is amended by inserting the following paragraph after paragraph (b):  
“(ba) a copy of the licence holder’s current annual report required to be provided to the Secretary by section 107 of the Act.”.
- 6 Other requirements in respect of net proceeds committees that mainly distribute net proceeds to community**
  - (1) Regulation 16(g) is amended by omitting “and not on the understanding that grants will be approved in respect of net proceeds that will be available in the future”.

(2) Regulation 16 is amended by adding the following subclause as subclause (2):

“(2) A grant referred to in subclause (1) may be made by instalments in relation to 1 or more years (a **multi-year grant**), but only in accordance with regulation 16A.”

#### **7 New regulation 16A inserted**

The following regulation is inserted after regulation 16:

##### **“16A Requirements relating to multi-year grants**

If a net proceeds committee commits to making a multi-year grant, the licence holder must ensure that—

- “(a) the commitment does not exceed 4 years; and
- “(b) the grant applicant is made aware, on or before the time that the first instalment of the grant is paid, that payment of any future instalments of the grant is conditional on—
  - “(i) the licence holder continuing to hold a licence; and
  - “(ii) the licence holder continuing to have available net proceeds; and
  - “(iii) the specific authorised purpose for which the grant was made continuing to be lawful; and
- “(c) each instalment of the grant is re-confirmed by the net proceeds committee before payment; and
- “(d) the grant applicant provides the net proceeds committee with documentary evidence that previous instalments of the grant were spent for its intended purpose; and
- “(e) it discloses the existence of multi-year grants it has entered into—
  - “(i) in its current annual report required to be provided to the Secretary under section 107 of the Act; and
  - “(ii) with the information required to be published under section 110(2) to (4) of the Act.”

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### Explanatory note

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

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, amend the Gambling (Class 4 Net Proceeds) Regulations 2004 (the **principal regulations**).

The main change is the revocation of the current prohibition in regulation 16(g) of the principal regulations on a net proceeds committee making grants from available net proceeds on a multi-year basis. *New regulations 16(2) and 16A* provide that a net proceeds committee may make multi-year grants subject to certain conditions relating to—

- the maximum duration of the grant; and
  - the licence holder continuing to hold a licence; and
  - the licence holder continuing to have available net proceeds; and
  - the specific authorised purpose for which the grant was made continuing to be lawful; and
  - each instalment of the grant being re-confirmed by the net proceeds committee before it is paid; and
  - the grant applicant providing the net proceeds committee with evidence that previous instalments of the grant were spent for its intended purpose; and
  - the licence holder complying with disclosure requirements about the multi-year grants it makes.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 18 August 2011.

These regulations are administered by the Department of Internal Affairs.

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