|  |
| --- |
| **Gambling Act 2003:****Consultation on proposed changes to the 2006 Game Rules****September 2015** |
| \\officetemplates.dia.govt.nz\diatemplates$\Templates\Images\Cover-fern.png  |

## Consultation Document – Class 4 Game Rules

### What this document is about

1. The Gambling Act 2003 (“the Act”) contains a number of regulatory requirements for the operation of non-casino gambling. The Act specifically provides under section 367 for the making of game rules to govern how various games should be run; and under section 372 of the Act, consultation with persons or organisations which appear to be representative of the interests of persons likely to be substantially affected must also occur.
2. The game rules have not been revised since 2006. Since then, there have been a number of technological changes that have rendered some of the rules obsolete. It is therefore timely that the game rules be looked at again to ensure that they remain fit for purpose.
3. The objectives of the game rules are to ensure the integrity and fairness of games and minimise harm and maximise benefit. In order to develop a revised set of game rules, a set of guiding principles for the rules was established and are listed below:

### Principles

* Effectiveness
	+ Achieves the intended objectives and facilitates compliance i.e. a fit for purpose regulatory tool
* Clear and understandable
	+ Should be readily understood by people that use them
* Concise
	+ Removing duplication and redundancy leaving only necessary rules
* Simple
* Complete
	+ Cater for all likely/foreseeable situations and events
* Enforceable
	+ Breaches of the rules need to be identifiable for enforcement purposes
* Predictable, consistent and logical
	+ They should be consistent with each other and follow logically
* Transparent
	+ The consequences for breaches of the rules are clear
* Minimal cost of compliance
1. This document summarises proposed changes that have been made to the game rules after consultation with a group of class 4 gambling sector representatives. As part of the simplification process, and in order to make the presentation of the rules more logical, the game rules are now organised into three parts rather than the four parts of the previous rules. Part 1 includes rules relating to players and playing; Part 2 covers rules relating to the operation of a venue; and Part 3 covers rules relating to the operation of corporate societies.
2. This reorganisation of the parts means that some rules have moved from one part to another part while many of the rules have been deleted. Significant changes that have been provisionally made include:
	1. Part 4 of the previous rules has been broken up and merged into Part 2 and Part 3 of the new proposed rules. Obsolete parts of these rules have been deleted.
	2. Clauses referring to non-downloadable jackpots have been removed as they will not be necessary after 1 December 2015 when this equipment will no longer be used.
	3. Now that the Electronic Monitoring System (EMS) is so well established, a large number of forms that were previously required for audit purposes are now no longer needed because this information is captured electronically.
	4. Many of the game rules came from a time when the process for ensuring compliance was more manual and paper based – with EMS now thoroughly bedded in, these rules are no longer needed and have been deleted.
	5. Some rules were removed for simplicity because they duplicate rules that already exist in other instruments such as the National Standards, Technical Standards or Harm Minimisation Regulations.
	6. Some rules which reflect “best practice” within the sector have been removed as it is thought that they sit more appropriately within a sector representatives produced “best practice guidelines”.
	7. Section 90 **Key persons** (now section 63) of the previous game rules has been modified so that venue operators now have the responsibility for maintaining up to date records of all venue personnel.
	8. Some rules have had their names changed to more accurately reflect their content.
	9. The rules regarding hard meters (section 117(2)) and the use of thermal paper (old rule 24(f)) have been updated (new rule 14(2)(c)).
	10. There has been a general tidy-up so that terms are used consistently.
3. Where a game rule has been removed, there is nothing to stop a society or club from continuing to follow the rule if they think it is still useful to them. Sector representatives are developing a set of sector “best practice” guidelines and it is likely that many of the rules removed from the previous game rules will make it in to the guidelines in some form.
4. We would like you to think about the proposed changes that have been made to the game rules and provide us with your comments on the proposals. We will carefully consider all submissions before finalising the Game Rules. Once we have concluded the consultation process and finalised the drafting of these rules, they will be published in the New Zealand Gazette and will take effect from the date specified in the Gazette notice.

## Questions for you

How will these proposals affect you?

Do you agree that the proposed amendments will bring efficiencies?

Are there any additional rules that you think we should add?

Are there any rules that are still in the Game Rules that you think are redundant and should be removed? If so, why should they be removed?

Are your obligations under any of the Rules difficult to understand or implement? If so, in what way?

1. The period for consultation begins on **4 September 2015 and lasts until 2 October 2015**.

**You can send us your submissions in either of the following ways:**

Email class4.gamerules@dia.govt.nz

**Or send mail to:**

Dr Mark Thornton
Senior Policy Advisor, Operational Policy
Department of Internal Affairs Te Tari Taiwhenua
PO Box 805, Wellington 6140

Please note that all submissions may be made publically available. Even if you request confidentiality, we might have to release your submission at a later date if someone makes a request under the Official Information Act.