

# Gambling Fact Sheet #27

## Remote Interactive Gambling & Advertising Overseas Gambling

**Note:** While reasonable measures have been taken to ensure the quality and accuracy of the information contained in this Fact Sheet it does not replace information contained in the Gambling Act 2003 or the Racing Act 2003 or any provisions pursuant to these Acts. This Fact Sheet is for general information only and is not a substitute for independent, professional legal or financial advice.

### Remote interactive gambling prohibited

The Gambling Act 2003 prohibits remote interactive gambling (section 9 (2)(b)). Remote interactive gambling includes gambling by a person at a distance by interaction through a communication device.

Communication devices include such things as computers, telephones, radios and similar devices. To fall into the definition of gambling the participant must pay something to participate (directly or indirectly) and there must be an element of chance in order to win money or a prize. This would include selling lottery tickets on the Internet for example.

There are several exemptions to this general rule:

- Sales promotions in the form of a lottery and conducted in New Zealand are excluded from the ban on remote interactive gambling
- The New Zealand Lotteries Commission and the New Zealand Racing Board can conduct approved forms of remote interactive gambling.

The prohibition is on remote interactive gambling in New Zealand and therefore it does not prohibit gambling conducted overseas. It is not illegal for someone in New Zealand to participate in gambling over the Internet if that website is overseas for example.

However, if any part of this gambling is conducted in New Zealand, it may be caught by the Gambling Act and thus become illegal gambling.

As technology changes the types of communication devices, and ways of gambling, may change. These will be considered on a case-by-case basis against the definitions above to ensure they do not fall into the definition of remote interactive gambling.

The Gambling Act provides for penalties for anybody who participates in or conducts unauthorised gambling.

### Advertising overseas gambling prohibited

An overseas gambling advertisement is any communication that publicises or promotes gambling, or a gambling operator, when that gambling, or operator, is outside New Zealand or is reasonably likely to induce people to gamble outside New Zealand. Section 16 makes this an offence under the Gambling Act.

There are some exceptions to this rule including:

- When the promotion of the gambling or the gambling operator is merely incidental to the purpose of the communication, for example, a tourism advertisement that mentions a casino in a city.
- Advertisements intended for the promotion of gambling equipment intended only for buyers of gambling equipment
- Advertisements or messages intended to prevent, minimise or treat harm including health messages concerning gambling.