

Version
as at 1 December 2023



Gambling (Harm Prevention and Minimisation) Regulations 2004 (SR 2004/276)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 30th day of August 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 313 and 314 of the Gambling Act 2003, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and 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 these regulations, makes the following regulations.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Department of Internal Affairs.

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Regulations

1 Title

These regulations are the Gambling (Harm Prevention and Minimisation) Regulations 2004.

2 Commencement

- (1) Regulations 5 and 11 come into force on 1 April 2005.
- (2) Regulations 7 and 8 as far as they relate to—
 - (a) new gaming machines come into force on 1 October 2005:
 - (b) all other gaming machines come into force on 1 July 2009.
- (3) Regulations 9, 10, and 12 come into force on 1 October 2005.
- (4) The rest of these regulations come into force on 1 October 2004.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the Gambling Act 2003

gambling area sweep, in relation to a class 4 venue, means the physical observation of a place where gaming machines are located to—

- (a) observe player behaviour; and
- (b) monitor for signs of harm, including those described in the Schedule

gaming machine jackpot means an accumulated prize amount that is generated from a linked series of gaming machines

new gaming machine means a new gaming machine that was purchased by the holder of a class 4 operator's licence or casino operator's licence on or after 1 October 2005

single play—

- (a) means a sequence of actions and states in a gaming machine that are—
 - (i) activated by a player through a wagering of credits; and
 - (ii) terminated when—
 - (A) all the credits wagered by the player relating to those actions or states have been lost; or
 - (B) all winnings relating to those actions or states have been paid out to the player or transferred to the player's credit meter and are no longer available to be wagered on that sequence; and
- (b) includes any feature of the gaming machine that is triggered by the wagering of the credits, unless all winning credits are transferred to the player's credit meter before the feature is activated.

- (2) In these regulations, a term that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

Regulation 3(1) **gambling area sweep**: inserted, on 1 September 2023, by regulation 6 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

Restrictions on venues

4 Unsuitable class 4 venues

The following venues are declared unsuitable to be a class 4 venue:

- (a) a venue at which the primary activity is anything other than onsite entertainment, recreation, or leisure focused on persons 18 years and over, including (without limitation)—
- (i) a dairy, supermarket, or other similar venue:
 - (ii) a fast-food outlet or other similar venue:
 - (iii) an office:
 - (iv) a private residence:
 - (v) a sports stadium:
 - (vi) a circus, fair, amusement parlour, arcade or park, theme park, or other similar venue:
- (b) a venue that is not a fixed permanent structure, including (without limitation)—
- (i) a tent or marquee:
 - (ii) a vehicle, vessel, aircraft, trailer, or other conveyance:
- (c) a footpath (whether or not undercover):
- (d) a concourse area (whether or not enclosed):
- (e) an Internet café or cyber-café, or any other venue at which the primary activity is electronic media (including games):
- (f) a library, art gallery, museum, theatre, cinema, or other similar venue:
- (g) a place of worship.

5 Restrictions on automatic teller machines in class 4 and casino venues

- (1) The holder of a class 4 venue licence or casino operator's licence must ensure that there are no automatic teller machines available in the gambling area of a venue in which it conducts gambling.
- (2) The holder of a class 4 venue licence must ensure that all automatic teller machines available in the venue are in the line of sight of staff at the main bar area of the venue or, if the venue does not have a bar area, the main customer service area of the venue.

Regulation 5 heading: amended, on 1 December 2023, by regulation 9(1) of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

Regulation 5(2): inserted, on 1 December 2023, by regulation 9(2) of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

5A Gaming machines must not be visible from outside certain class 4 venues

- (1) This regulation applies to the venue operator of a class 4 venue operating under a class 4 venue licence that has a condition set under section 70(2)(h) of the Act that specifies the area permitted for class 4 gambling.
- (2) The venue operator must ensure that gaming machines in the area permitted for class 4 gambling are not visible from outside the venue (except intermittently when an external door is in use).

Regulation 5A: inserted, on 1 December 2023, by regulation 10 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

Stake and prize limits for class 4 gambling

6 Stake and prize limits for class 4 gambling

The holder of a class 4 operator's licence must ensure, in relation to a gaming machine used to conduct class 4 gambling, that—

- (a) the maximum amount that may be staked for a single play of the gaming machine (whether or not it is linked to other gaming machines) does not exceed \$2.50; and
- (b) the maximum prize for a single play of the gaming machine does not exceed \$500; and
- (c) the maximum jackpot prize for a single play of the gaming machine that is linked to other gaming machines does not exceed \$1,000.

Requirements relating to gaming machines

7 Gaming machine must display certain messages

- (1) The holder of a class 4 operator's licence or casino operator's licence must, at a venue at which it conducts gambling, ensure that a gaming machine includes a feature that provides the messages specified in subclause (2).
- (2) The messages are—
 - (a) game information, relating to—
 - (i) the odds of winning the game (including the 5 top and bottom winning combinations):
 - (ii) the average winnings paid out to players of the game over a particular period of time or a particular number of plays:
 - (iii) the maximum and minimum player spend rate for the game:
 - (b) player information, relating to—

- (i) the duration of the player's session of play; and
 - (ii) the amount, expressed in dollars and cents, that the player has spent during the player's session of play; and
 - (iii) the player's net wins or net losses during the player's session of play.
- (3) The messages referred to in subclause (2) must be displayed at the election of the player.
- (4) The holder of a class 4 operator's licence or casino operator's licence must, at a venue at which it conducts gambling, ensure that a gaming machine displays the correct time while it is being used by a player.

8 Gaming machine must include feature that interrupts play

- (1) The holder of a class 4 operator's licence or casino operator's licence must, at a venue at which it conducts gambling, ensure that a gaming machine includes a feature that—
- (a) interrupts play at irregular intervals (not exceeding 30 minutes of continuous play); and
 - (b) informs the player of—
 - (i) the duration of the player's session of play; and
 - (ii) the amount, expressed in dollars and cents, that the player has spent during the player's session of play; and
 - (iii) the player's net wins or net losses during the player's session of play; and
 - (c) asks the player whether or not he or she wishes to continue with his or her session of play.
- (2) For the purposes of subclause (1)(c), if the player does not wish to continue with his or her session of play, the gaming machine must include a feature that automatically pays out any winnings and credits to the player.

Jackpot advertising and branding

9 Restriction on jackpot advertising at class 4 and casino venues

- (1) This regulation applies to—
- (a) the holder of a class 4 venue licence, and to the venue operator, in relation to that licence; and
 - (b) the holder of a casino operator's licence.
- (2) A person referred to in subclause (1) must ensure that no advertising relating to a gaming machine jackpot at the class 4 venue or casino venue (as the case may be) is published, either—

- (a) inside the venue in a way that makes the gaming machine jackpot advertising visible or audible to persons outside the venue; or
- (b) outside the venue.

Regulation 9(1)(a): amended, on 15 June 2023, by regulation 4 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/83).

10 Restriction on jackpot branding

- (1) This regulation applies to—
 - (a) the holder of a class 4 venue licence, and to the venue operator, in relation to that licence; and
 - (b) the holder of a casino operator’s licence.
- (2) A person referred in subclause (1) must ensure that, in any advertising related to the class 4 venue or casino venue, the word “jackpot” is not published in a way that explicitly or implicitly conveys the impression that there is a gaming machine jackpot at the venue.
- (3) Subclause (2) applies to any other similar word or get-up.

Regulation 10(1)(a): amended, on 15 June 2023, by regulation 5 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/83).

Requirements relating to problem gambling

11 Requirement to provide information about problem gambling

The holder of a class 4 venue licence or casino operator’s licence must, at a venue at which it conducts gambling,—

- (a) make available to players—
 - (i) pamphlets providing information about the odds of winning on gaming machines:
 - (ii) information about the characteristics of problem gambling (including the recognised signs of problem gambling) and how to seek advice for problem gambling; and
- (b) display signage that is clearly visible to all players that—
 - (i) encourages players to gamble only at levels they can afford:
 - (ii) contains advice about how to seek assistance for problem gambling.

Problem gambling awareness training: casinos

Heading: inserted, on 1 December 2023, by regulation 11 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

12 Requirement to provide problem gambling awareness training: casinos

- (1) The holder of a casino operator’s licence must, in relation to a venue at which it conducts gambling, provide problem gambling awareness training to the

manager of the venue and any employee of the venue who is in direct contact with players in the course of their duties at the venue.

- (2) As a minimum, the training referred to in subclause (1) must enable the manager or employee to whom the training has been provided to—
- (a) approach a player that the manager or employee has reasonable grounds to believe may be experiencing difficulties relating to gambling;
 - (b) provide information to a player about the characteristics of problem gambling (including recognised signs of problem gambling);
 - (c) provide information to a player about the potential dangers of problem gambling;
 - (d) provide information to a player about how to access problem gambling services;
 - (e) remind a player that the holder of a casino operator's licence may identify a person who the operator has reasonable grounds to believe is a problem gambler and ban the player from the gambling area of the venue for up to 2 years;
 - (f) remind a player that they can identify themselves as a problem gambler and request that the casino operator exclude them from the gambling area of the venue for up to 2 years.

Regulation 12: replaced, on 1 December 2023, by regulation 11 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

Problem gambling awareness training: class 4 venues

Heading: inserted, on 1 December 2023, by regulation 11 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

13 Requirement to provide problem gambling awareness training: class 4 venues

- (1) The holder of a class 4 venue licence must, in relation to a class 4 venue at which it conducts gambling, provide problem gambling awareness training to the venue manager, and any other venue personnel who supervise gambling in the course of their duties at the venue,—
- (a) before the venue manager or venue personnel first start supervising gambling in the course of their duties at the venue; and
 - (b) at least once a year.
- (2) As a minimum, the training referred to in subclause (1) must enable the venue manager or venue personnel to whom the training has been provided to—
- (a) approach a player that the venue manager or venue personnel have reasonable grounds to believe may be experiencing difficulties relating to gambling; and

- (b) provide information to a player about the characteristics of problem gambling (including recognised signs of problem gambling); and
 - (c) provide information to a player about the potential dangers of problem gambling; and
 - (d) provide information to a player about how to access problem gambling services; and
 - (e) remind a player that the venue manager or a person acting on the manager's behalf may identify a person who they have reasonable grounds to believe is a problem gambler and exclude the player from the gambling area of the venue for up to 2 years; and
 - (f) remind a player that they can identify themselves as a problem gambler and request that the venue manager or a person acting on the manager's behalf exclude them from the gambling area of the venue for up to 2 years; and
 - (g) monitor for signs of harm, including through conducting gambling area sweeps.
- (3) As a minimum, the training referred to in subclause (1) must include—
- (a) practical and interactive sessions on—
 - (i) interacting with players to gain familiarity and build rapport with them; and
 - (ii) initiating conversations with a player who may be experiencing harm; and
 - (iii) how to interact with a player who is distressed or agitated; and
 - (iv) how venue personnel can support problem gamblers through the exclusion process, including how to start conversations with players about the exclusion process and how players can access multi-venue exclusion; and
 - (b) the following information:
 - (i) information about identifying the signs of harm (including those described in the Schedule):
 - (ii) basic information about how gaming machines work, including why they can be addictive:
 - (iii) first-hand accounts (which may be pre-recorded) from people who have experienced or been affected by harm:
 - (iv) information about the types of harm:
 - (v) information about local and national problem gambling services and other organisations that can provide support to people affected by harm:

- (vi) information about what harm resources are available to support venue managers or venue personnel to help prevent and minimise harm:
 - (vii) the procedure for self-exclusion and venue-initiated exclusion, including when it is appropriate for the venue manager or a person acting on their behalf to consider excluding an individual; and
- (c) guidance on the following matters:
- (i) how to maintain records to ensure that information is retained so that actual or potential problem gamblers can be identified, and obligations under the Privacy Act 2020 can be complied with:
 - (ii) how to conduct gambling area sweeps.
- (4) The holder of a class 4 venue licence must ensure that a person who has received problem gambling awareness training is present at the class 4 venue at all times when gambling activities are available to players.

Regulation 13: inserted, on 1 December 2023, by regulation 11 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

Gambling area sweeps

Heading: inserted, on 1 December 2023, by regulation 11 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

14 Gambling area sweeps

- (1) The venue manager must ensure that venue personnel conduct a gambling area sweep at least 3 times per hour while the gambling area is operating, with each sweep being at least 10 minutes after the previous sweep.
- (2) The venue manager must ensure that venue personnel, when conducting a gambling area sweep, take all reasonable steps to identify whether any player has been gambling during 9 or more consecutive gambling area sweeps.
- (3) Despite subclause (1), venue personnel are not required to conduct a gambling area sweep if the personnel can verify through other means that the gambling area is unoccupied by players.

Regulation 14: inserted, on 1 December 2023, by regulation 11 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

Venue manager must ensure that venue personnel consider whether player is exhibiting signs of harm

Heading: inserted, on 1 December 2023, by regulation 11 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

15 Venue manager must ensure that venue personnel consider whether player is exhibiting signs of harm

- (1) The venue manager must ensure that venue personnel consider whether any player is exhibiting any of the signs of harm, including those described in the Schedule.
- (2) The venue manager must ensure that venue personnel, after identifying that a player is exhibiting 1 or more of the signs of harm (including any of those described in the Schedule), have a conversation with that player to assist with identifying whether the player is a problem gambler.

Regulation 15: inserted, on 1 December 2023, by regulation 11 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

Records relating to gambling area sweeps and signs of harm

Heading: inserted, on 1 December 2023, by regulation 11 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

16 Records relating to gambling area sweeps and signs of harm

- (1) The venue manager must maintain records for the purposes of recording the information required by subclauses (2) to (6).
- (2) The venue manager must ensure that venue personnel record the following information in relation to a gambling area sweep:
 - (a) identification of the venue personnel who conducted the gambling area sweep:
 - (b) the date and time that the venue personnel conducted the gambling area sweep:
 - (c) how many players were present in the gambling area during the gambling area sweep:
 - (d) evidence of the steps taken by the venue personnel to monitor and identify whether players have been gambling during consecutive gambling area sweeps:
 - (e) if a gambling area sweep is not conducted because venue personnel could verify through other means that the gambling area was unoccupied by players,—
 - (i) the method by which venue personnel verified that the gambling area was unoccupied by players; and
 - (ii) the date and time that the gambling area sweep was not conducted.

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- (3) The venue manager must ensure that venue personnel record the following information in relation to each sign of harm identified:
- (a) the name of the venue personnel who identified the sign of harm:
 - (b) the date and time that the venue personnel identified the sign of harm:
 - (c) information that would help venue personnel to identify a player who displayed the sign of harm (for example, their name, if known, or a general description of their appearance):
 - (d) which sign of harm was identified:
 - (e) the name of the venue personnel who talked to the player as required by regulation 15(2):
 - (f) the date and time that the venue personnel talked to the player:
 - (g) a summary of the conversation with the player:
 - (h) any further action taken in respect of the player.
- (4) The venue manager must review, or ensure that a person reviews on their behalf, the records for at least the previous 7 days at least once each week to—
- (a) assess whether venue personnel have taken appropriate action following the identification of 1 or more signs of harm in a player; and
 - (b) assess whether further action is required in respect of a player; and
 - (c) determine whether there are any players who the venue manager, or the person acting on their behalf, has reasonable grounds to believe are problem gamblers.
- (5) The venue manager, or the person acting on their behalf, after reviewing the records in accordance with subclause (4), must record—
- (a) the date of the review; and
 - (b) any further action taken as a result of the review.
- (6) The venue operator must ensure that information recorded is retained for a period of 3 years after the date on which it was recorded.

Regulation 16: inserted, on 1 December 2023, by regulation 11 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

Schedule

Signs of harm

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Schedule: inserted, on 1 September 2023, by regulation 8 of the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82).

For the purposes of these regulations, the **signs of harm** include (without limitation) the following:

- (a) withdrawing, or attempting to withdraw, cash from an automatic teller machine or EFTPOS device on 2 or more occasions in 1 day to use for gambling at the venue:
- (b) gambling during 9 or more consecutive gambling area sweeps:
- (c) attempting to borrow money from venue personnel or other venue customers to use for gambling:
- (d) leaving children in a car or otherwise unattended at the venue:
- (e) waiting to gamble as soon as the venue opens:
- (f) refusing to stop gambling at the venue when the venue is closing, or otherwise appearing unable to stop gambling:
- (g) appearing visibly distressed or angry either during or after gambling (for example, crying, holding their head in their hands, or hitting a machine).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 2 September 2004.

Notes**1 *General***

This is a consolidation of the Gambling (Harm Prevention and Minimisation) Regulations 2004 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (SL 2023/82)

Gambling Amendment Act 2015 (2015 No 3): section 131