

1 December 2021

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Gambling (Reinstating COVID-19 Modification) Amendment Bill

1. We have considered whether the Gambling (Reinstating COVID-19 Modification) Amendment Bill (the Bill) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. This advice has been prepared in relation to PCO 24316/1.2. We understand that this version of the Bill was discussed at the Cabinet Business Committee on 29 November, for introduction next week.
3. Clause 4 of the Bill inserts a new s 4A of the Gambling Act 2003. Section 4A creates a temporary exclusion from the general prohibition on remote interactive gambling and will allow class 3 lotteries (which are used to raise funds for charitable and non-commercial purposes) to be conducted remotely until the end of October 2024. This is intended to enable class 3 lotteries to continue to operate despite ongoing social restrictions and the continuing impact of COVID-19 on face-to-face sales.
4. The Gambling Act 2003 was previously amended on 16 May 2020 to modify the definition of remote interactive gambling for a specified period to enable particular specified class 3 operators to conduct their lotteries remotely. Amendments in the COVID-19 Response (Management Measures) Legislation Act 2021 were intended to extend the specified period, to expand the definition to include any class 3 lottery, and to simplify the provision. However, the section of the Gambling Act as amended in May 2020 expired before the COVID-19 Response (Management Measures) Legislation Act 2021 received Royal assent, meaning that the Gambling Act amendments were ineffective. This Bill reinstates the modification, expanded and simplified as earlier proposed, until the close of 31 October 2024.
5. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



Jeff Orr
Chief Legal Counsel
Office of Legal Counsel