

## **DONATION CRITERIA – PUB CHARITY LIMITED**

1. All applications must meet the Department of Internal Affairs' criteria and the definition of Authorised Purposes in the Gambling Act 2003.
2. All approved applications must be consistent with and be in accordance with the Authorised Purposes outlined in the constitution of Pub Charity Limited.
3. All applicants shall be non-profit organizations correctly incorporated either as charitable organisations or other associations promoting charitable purposes or amateur sport, and shall have a valid constitution and a set of rules and provide credible financial statements.
4. All funds applied for shall be for expenditure consistent with and in accordance with the Authorised Purposes outlined in the constitution of Pub Charity Limited and for purposes in New Zealand.
5. Generally, donations paid should provide some enduring or demonstrable community benefit. As an example this may be asset or facilities funding or contributing towards community or sports development projects.
6. Applications shall not be approved where the applicant is not the beneficiary.
7. Applications may not be considered where the applicant operates their own gaming machines.
8. Applications for property maintenance or purchase costs will be required to have supporting information as to the tenure or ownership of the relevant property.
9. Generally, funds will be distributed in the territorial local authority area from which they were generated with priority given to applicants from the local communities where Pub Charity venues are operating. However, the Net Proceeds Committee may, in their discretion, distribute funds generated from one area into another area where the Net Proceeds Committee consider there is a community of interest between the two areas. Further, the Net Proceeds Committee may, in their discretion, distribute funds available to national societies, agencies, or causes.
10. Applications will need to be within one of the following generic donation distribution groups:
  - (i) a community/welfare group/organisation;
  - (ii) education (including pre-school, kindergartens, playgroups, Nga Kohanga Reo);
  - (iii) fire brigade, ambulance, lifesaving;
  - (iv) health, and health related purposes;
  - (v) youth.
11. To comply with the Gambling (Class 4 Net Proceeds) Regulations R16(e) promulgated by the Department of Internal Affairs there is a prohibition for donation money to be approved for expenditure that has been incurred prior to the application being considered (i.e. retrospective payments).
12. The Pub Charity Limited Net Proceeds Committee is the final arbitrators as to the success or otherwise of any donation application irrespective of such application meeting all or any of the published authorised purpose and or donation criteria, including where;
  - (i) There are no Pub Charity Limited gaming machines operating in the applicant's local community or there are gaming machines operated by another Corporate Society closer
  - (ii) Available funds have been exceeded or Pub Charity Limited has limited funds available in your local area
  - (iii) Pub Charity Limited Donations Criteria in most instances exclude applications for salaries, operating costs, certain vehicles, affiliation fees and catering
  - (iv) Application includes overseas expenditure
  - (v) The application is for retrospective expenditure
  - (vi) Where the applicant has applied to more than one funding provider at the same time for the same purpose
  - (vii) The applicant appears to hold sufficient funds to meet the purpose applied for
  - (viii) The applicant is a start-up or new entity with limited financial history
  - (ix) The applicant is not the final beneficiary
  - (x) The applicant has supplied incomplete or inadequate information
  - (xi) Pub Charity Limited funds for this purpose are fully subscribed
  - (xii) The applicant has recently benefitted from Pub Charity Limited funding

- (xiii) It is the Net Proceeds Committee's discretion to partially fund the application
- (xiv) The Net Proceeds Committee chose to support other organisations in the funding round

### Example of a Properly Worded Resolution

It was agreed at the committee meeting held on the 1<sup>st</sup> of August 2012 of the Lakeside Writing Club to apply to **Pub Charity Limited** for a Donation to cover the costs of a **new computer**.

I certify that this is a true and correct record of a resolution passed at that meeting.



William Wordsworth  
Secretary  
Lakeside Writing Club

**Licence Number:** 80002104

## LICENCE TO OPERATE GAMING MACHINES

Pursuant to section 56 of the Gambling Act 2003 (the Act), the Secretary for Internal Affairs (the Secretary) hereby grants a class 4 operator's licence to:

### **PUB CHARITY LIMITED** (the corporate society)

authorising it to conduct class 4 gambling by way of gaming machines for the sole objective of distributing the net proceeds from the gambling to the following authorised purpose(s):

#### Authorised Purposes

##### 1. Interpretation

In this schedule, "Authorised Purposes" has the meaning given to that term under section 4 of the Gambling Act 2003, but in relation to the Company will be restricted to exclusively charitable purposes.

##### 2. Company carried on exclusively for Authorised Purposes.

Subject to clause 3 of this schedule, the Company has the capacity to carry on or undertake any business or activity, do any act or enter into any transaction, provided that the Company shall exercise all such powers and privileges and apply all Company property exclusively towards the furtherance of any Authorised Purposes including, without limitation, all or any of the following purposes to the extent that they may from time to time be or constitute Authorised Purposes, namely:

##### a) Any purpose which for the time being constitutes a charitable purpose in New Zealand, including, without limitation:

- (i) The advancement of education;
- (ii) The promotion of scientific research and learning;
- (iii) The promotion and support of the relief of poverty, including physical welfare;
- (iv) The promotion and support of other purposes beneficial to the community, including literature and arts;

##### b) a non-commercial purpose that is beneficial to the whole or a section of the community.

##### 3. Company not to make a profit

The company does not have the capacity or power to make a profit

4. Authorised Purposes limited to exclusively charitable purposes paramount notwithstanding anything else contained in Pub Charity Limited's Constitution, no power or reservation expressed or implied in the Constitution shall authorise directors of the Company to do or suffer any act which does not further the Authorised Purposes expressed in clauses 1 and 2 of this schedule which shall at all times be paramount so as to exclude any act or omission which is or may be deemed to be not in accordance with such Authorised Purposes restricted to exclusively charitable purposes.



**Licence Number:** 80002104

This licence is granted subject to the provisions of the Act, any regulations or game rules made under the Act, and the licence conditions included in or added to this licence. A breach of the Act, regulations, game rules or licence conditions may be an offence under the Act and may result in the suspension, cancellation, refusal to amend, or non-renewal of this licence.

The authority granted by this licence commences on 28 August 2018 and expires on 31 December 2018 subject to section 56(6) of the Act.

Dated at Wellington this **28th day of August 2018**



**Brent Addison**

Senior Gambling Inspector Licensing  
Regulatory and Compliance Operations  
for Secretary for Internal Affairs



**Licence Number:** 80002104

**CLASS 4 OPERATOR'S LICENCE****CONDITIONS APPLYING TO PUB CHARITY LIMITED**

**(Issued pursuant to Section 53 of the Gambling Act 2003)**

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**Licence Condition 1**

Payments from dedicated accounts:

- (1) The holder of a class 4 operator's licence must ensure that all payments made for the following purposes are paid from the licence holder's dedicated account or dedicated accounts established for the purposes of section 104 and section 105 of the Act:
  - (a) the actual, reasonable, and necessary costs (including prizes), levies, taxes incurred in conducting class 4 gambling; and
  - (b) the actual, reasonable, and necessary costs incurred in complying with:
    - (i) the Gambling Act or any other Act;
    - (ii) an operator's licence;
    - (iii) a venue licence;
  - (c) the application or distribution of net proceeds to or for the licence holder's authorised purposes;
- (2) All payments from the dedicated account or dedicated accounts must be paid by either:
  - (a) cheque made out in the name of the payee and crossed "Account Payee Only" or "Not Transferable"; or
  - (b) fully auditable direct bank payment.

