Leniency and cooperation policies adopted

The Department has introduced leniency and cooperation policies to assist in preventing and detecting behaviour that contravenes the Gambling Act 2003.

Under the policies, immunity from proceedings is available where the Department has not commenced an investigation or attained suitable evidence during an investigation. Where the Department has already progressed an investigation, concessions may be available to persons who cooperate and are able to assist in any proceedings.

The policies apply to all gambling conducted in New Zealand and are available for all illegal activities ranging from underground casinos to breaches of the conflict of interest provisions involving gaming machine operations (e.g. a person receiving a benefit with a condition attached). The Leniency Policy particularly lends itself to disrupting arrangements involving several parties seeking to capture gaming machine funding.

Immunity from proceedings

The Secretary will grant immunity from Department-initiated proceedings to the first person, corporate society or company, involved in an activity that contravenes the Act, who comes forward with relevant information and evidence and cooperates fully with the Department in any subsequent investigation and proceedings. Other persons involved in the reported breach of the Act will not be eligible for immunity.

Where immunity is granted to a corporate society or company, it may extend to any current or former director, trustee, officer or employee of that organisation. Where an individual within an organisation comes forward independently with respect to their role in a breach of the Act, immunity will not then be available to that corporate society or company.

A person or organisation that is granted immunity from proceedings under the Act will enter into an agreement with the Department. This agreement sets out the respective obligations of the parties such as the nature of cooperation, the treatment of information and confidentiality requirements.

The Department will endeavour, where possible, to keep confidential the identity of successful and unsuccessful applicants for immunity.

The Department will not be bound by its grant of immunity if it determines that the person involved has failed to meet any of the conditions. It may use information provided in proceedings against that person.

(continued next page)
Cooperation during investigations

Investigations are often assisted by input from individuals and organisations and the Department wants to encourage this through its Cooperation Policy.

Under the policy the Department will exercise its discretion to take a lower level of enforcement action, or no action at all, against an individual or organisation in exchange for information and full, continuing and complete cooperation. A lower level of enforcement action may include a settlement, or a submission made by the Department to the court for a reduction in penalty on behalf of an individual or organisation.

The Department is more likely to consider requests for a lower level of enforcement action where individuals or organisations:

- Inform the Department fully about the behaviour that may have contravened the Act
- Cooperate fully with the Department during any subsequent investigations including the full, frank and truthful disclosure of their own behaviour and provision of all relevant information to the Department including written documents. In some circumstances, this may include giving evidence in court
- Are prepared to pay compensation to injured parties where the Department considers that this is appropriate
- Upon discovering that their behaviour may contravene the Act, stop that behaviour immediately
- Are willing to put in place an effective compliance programme.

The Department is unlikely to agree to a lower level of enforcement action where an individual or organisation forced or encouraged others to take part in activity that contravened the Act.

Enquiry

If you wish to know whether the Department’s Leniency and Cooperation policies will apply to you or your organisation, you (or your advisers) may approach the Department for clarification.

The Department will deal with such inquiries on a ‘hypothetical’ or ‘off the record’ basis.

Any information provided to the Department in this context will not be used by the Department for any purpose other than to provide the requested clarification.

The complete policy, contacts and associated documentation are available on the Department’s website: www.dia.govt.nz

FUNDING FOR COMMUNITY GROUPS, VISIT www.dia.govt.nz

The Department’s website provides extensive information about the gambling sector, including details of gaming machine societies that make grants to community groups.

Click on “gambling” for funding for community groups • gambling statistics • relevant law • application forms for licences, including housie and raffles • and much more.

Click on “resources” for press releases.

Click on “what’s new” for new additions to the website.
Options available in non-compliance

To ensure that Class 4 gambling operates in accordance with the Gambling Act 2003 and benefits to the community are maximised while risk is minimised, the Gambling Compliance Group takes action where non-compliance is identified. The Department has a range of tools available for dealing with non-compliance including formal warnings, infringement notices, licence suspensions and cancellations.

Sanctions imposed under the Gambling Act 2003

Sections 58 and 74 provide grounds under which the Secretary can suspend, cancel, or refuse to amend or renew the licence of a Class 4 operator or venue. Sections 59 and 75 outline the procedure to be followed in each case.

If the Secretary decides to impose a sanction, he must notify specified interested parties of his proposal to impose a sanction, the reason for the proposed sanction, and the parties’ rights and the procedure to be followed as a consequence of the sanction. The parties have 20 working days after the date of this notice to make submissions to the Secretary concerning the proposed sanction. The Secretary makes his final decision after considering any submissions he has received. He then notifies the parties of his final decision in a letter that must contain information specified in the Act. The decision letter must inform the recipient of their right to appeal the Secretary’s decision and the process to be followed for an appeal.

If a party appeals the Secretary’s decision to the Gambling Commission, that decision does not take effect until the Commission has either confirmed or overturned the Secretary’s decision.

Suspensions may be punitive and/or remedial

Under Sections 59(4)(d) and 75(4)(d), if the Secretary decides to suspend a Class 4 operator’s or venue licence, he must notify specified interested parties of the matters to be dealt with in order for him to consider withdrawing the suspension before the end of the suspension period.

Punitive sanctions, such as suspensions of a venue or operator licence, are imposed to punish and deter further non-compliance by that operator or, more generally, that behaviour by other operators in the sector. Remedial sanctions require certain matters to be dealt with in order to rectify the situation.

In some cases a breach of the Act will be met with a remedial suspension only, whereby the suspension is revoked if the matters leading to the breach of the Act are resolved satisfactorily. However, suspension is a sanction also available for breaches of the Act that cannot be remedied, for instance if there has been a breach of the Act, licence conditions, game rules, and minimum standards [Sections 58(1)(b) or 74(1)(b)]. In these cases, a punitive suspension will be imposed. Some suspensions include both remedial and punitive elements.

Gambits’ Editor is Trevor Henry.

If you have any questions about articles in Gambits, would like further information or have comments about what information we could provide to make Gambits more useful to you, please contact: Trevor Henry.

Ph: (04) 495 7211 or 0275 843 679
E-mail: trevor.henry@dia.govt.nz
Sanction decisions

Following requests from the sector and to assist in better understanding our approach to non-compliance issues, the following is a list of sanction decisions relating to Class 4 licences proposed between 1 January 2009 and 31 January 2010.

<table>
<thead>
<tr>
<th>OPERATOR</th>
<th>LICENCE TYPE</th>
<th>PROPOSED SANCTION</th>
<th>BREACH/REASON</th>
<th>DATE OF PROPOSAL</th>
<th>OUTCOME/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pub Charity</td>
<td>Venue licence The Criterion Hotel</td>
<td>Cancellation</td>
<td>Failure to notify Secretary – inactive gaming machines</td>
<td>Jan 09</td>
<td>Licence surrendered</td>
</tr>
<tr>
<td>Pub Charity</td>
<td>Venue licence The Outback Inn</td>
<td>Cancellation</td>
<td>Failure to notify Secretary – inactive gaming machines</td>
<td>Feb 09</td>
<td>Licence surrendered</td>
</tr>
<tr>
<td>Perry Foundation Trust</td>
<td>Venue licence Graffiti Sports Bar &amp; Café</td>
<td>Suspension</td>
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<td>March 09</td>
<td>Licence suspended: Three days</td>
</tr>
<tr>
<td>Perry Foundation Trust</td>
<td>Venue licence Northern Wairoa Hotel</td>
<td>Suspension</td>
<td>Failure to notify Secretary – change of venue manager/operator</td>
<td>March 09</td>
<td>Licence suspended: Three days</td>
</tr>
<tr>
<td>Perry Foundation Trust</td>
<td>Venue licence Dodgy Ref Sports Bar</td>
<td>Suspension</td>
<td>Failure to notify Secretary – change of venue manager/operator</td>
<td>March 09</td>
<td>Licence suspended: Two days</td>
</tr>
<tr>
<td>Eureka Trust</td>
<td>Venue licence The Empire Hotel</td>
<td>Cancellation</td>
<td>Key person suitability (venue manager) – late banking</td>
<td>March 09</td>
<td>Licence cancelled</td>
</tr>
<tr>
<td>NZCT</td>
<td>Venue licence The Winchester Club</td>
<td>Cancellation</td>
<td>Failure to notify Secretary – inactive gaming machines</td>
<td>March 09</td>
<td>Licence cancelled</td>
</tr>
<tr>
<td>Perry Foundation Trust</td>
<td>Venue licence Sport Billy’s</td>
<td>Suspension</td>
<td>Failure to notify Secretary – change of venue manager</td>
<td>April 09</td>
<td>Licence suspended: Two days</td>
</tr>
<tr>
<td>Perry Foundation Trust</td>
<td>Venue licence Kenny’s Bar and Grill</td>
<td>Suspension</td>
<td>Failure to notify Secretary – change of venue manager/operator</td>
<td>April 09</td>
<td>Licence suspended: Two days</td>
</tr>
<tr>
<td>Perry Foundation Trust</td>
<td>Venue licence Winner’s Sports Tavern</td>
<td>Suspension: Two days proposed</td>
<td>Failure to notify Secretary – change of venue manager/operator</td>
<td>April 09</td>
<td>Licence suspended</td>
</tr>
<tr>
<td>Perry Foundation Limited</td>
<td>Venue licence The London Shed</td>
<td>Suspension</td>
<td>Failure to notify Secretary – change of venue manager/operator</td>
<td>April 09</td>
<td>Licence suspended: Two days</td>
</tr>
<tr>
<td>NZCT</td>
<td>Operator’s licence</td>
<td>Suspension</td>
<td>Failure to provide information</td>
<td>April 09</td>
<td>Licence suspended: One day</td>
</tr>
<tr>
<td>Perry Foundation Limited</td>
<td>Venue licence Hilly Bar and Café</td>
<td>Suspension</td>
<td>Failure to notify Secretary – change of venue manager/operator</td>
<td>April 09</td>
<td>Licence suspended: One day</td>
</tr>
<tr>
<td>The Southern Trust</td>
<td>Venue licence Dunollie Hotel</td>
<td>Cancellation</td>
<td>Key person suitability (venue manager)</td>
<td>May 09</td>
<td>Licence surrendered</td>
</tr>
<tr>
<td>Perry Foundation Limited</td>
<td>Venue licence Mad Dogs &amp; Englishmen</td>
<td>Suspension</td>
<td>Failure to notify Secretary – change of venue manager</td>
<td>May 09</td>
<td>Licence suspended: One day</td>
</tr>
<tr>
<td>Otatara Combined Sports Complex Inc</td>
<td>Operator’s licence</td>
<td>Refuse to renew</td>
<td>Financial viability</td>
<td>June 09</td>
<td>Refusal of licence renewal</td>
</tr>
<tr>
<td>Water Safety Education Foundation</td>
<td>Venue licence Woody’s Bar</td>
<td>Refuse to grant</td>
<td>Key person suitability (venue manager) – previous banking shortfall</td>
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</tr>
<tr>
<td>Youthtown</td>
<td>Venue licence Pub &amp; Grub</td>
<td>Suspension</td>
<td>Failure to notify Secretary – change of venue manager</td>
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<td>Licence suspended: One day</td>
</tr>
<tr>
<td>Eureka Trust</td>
<td>Venue licence Robbie’s Bar and Bistro (Barrington)</td>
<td>Refuse to renew</td>
<td>Key person suitability</td>
<td>Aug 09</td>
<td>Proposal withdrawn – Key persons no longer involved</td>
</tr>
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</table>
## Secretary’s Decisions Concluded (I.E. Not Gambling Commission Decisions on Appeal)

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<tr>
<th>Operator</th>
<th>Licence Type</th>
<th>Proposed Sanction</th>
<th>Breach/Reason</th>
<th>Date of Proposal</th>
<th>Outcome/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mainland Foundation</td>
<td>Venue licence Tui Bar &amp; Restaurant</td>
<td>Refuse to renew</td>
<td>Key person suitability (venue manager) – late banking</td>
<td>Aug 09</td>
<td>Proposal withdrawn – Key person no longer involved</td>
</tr>
<tr>
<td>Prime Community Trust</td>
<td>Venue licence Cobb &amp; Co</td>
<td>Cancellation</td>
<td>Failure to notify Secretary – inactive gaming machines</td>
<td>Aug 09</td>
<td>Licence surrendered</td>
</tr>
<tr>
<td>Waimairi Beach Golf Club Inc</td>
<td>Operator’s licence</td>
<td>Refuse to renew</td>
<td>Financial viability</td>
<td>Aug 09</td>
<td>Licence surrendered</td>
</tr>
<tr>
<td>Eureka Trust</td>
<td>Venue licence Bar 25</td>
<td>Refuse to renew</td>
<td>Key person suitability (venue manager) – late banking</td>
<td>Aug 09</td>
<td>Refusal of licence renewal</td>
</tr>
<tr>
<td>Pub Charity</td>
<td>Venue licence Midtown Motor Inn</td>
<td>Cancellation</td>
<td>Key person suitability (venue manager) – late banking</td>
<td>Aug 09</td>
<td>Proposal withdrawn – Key person no longer involved Special condition added to licence – must bank within 3 working days</td>
</tr>
<tr>
<td>NZCT</td>
<td>Venue licence Timpeallan Café &amp; Bar</td>
<td>Cancellation</td>
<td>Key person suitability (venue manager) – late banking</td>
<td>Sep 09</td>
<td>Licence cancelled</td>
</tr>
<tr>
<td>NZCT</td>
<td>Venue licence El Taverna</td>
<td>Cancellation</td>
<td>Key person suitability (venue manager) – late banking</td>
<td>Sep 09</td>
<td>Proposal withdrawn – Key person no longer involved</td>
</tr>
<tr>
<td>NZCT</td>
<td>Venue licence Petone Sports Bar</td>
<td>Cancellation</td>
<td>Key person suitability (venue manager) – late banking</td>
<td>Sep 09</td>
<td>Proposal withdrawn – Key person no longer involved</td>
</tr>
<tr>
<td>NZCT</td>
<td>Venue licence The Corner Bar</td>
<td>Cancellation</td>
<td>Key person suitability (venue manager) – late banking</td>
<td>Sep 09</td>
<td>Proposal withdrawn – Key person no longer involved</td>
</tr>
<tr>
<td>NZCT</td>
<td>Venue licence Dispensary Bar</td>
<td>Cancellation</td>
<td>Key person suitability (venue manager) – late banking</td>
<td>Oct 09</td>
<td>Proposal withdrawn – venue operator went out of business</td>
</tr>
<tr>
<td>NZCT</td>
<td>Venue licence Star Hotel</td>
<td>Cancellation</td>
<td>Late Banking/failure to turn off gaming machines</td>
<td>Nov 09</td>
<td>Licence cancelled</td>
</tr>
<tr>
<td>Pelorus Trust</td>
<td>Venue licence Bedrocks Bar &amp; Brassiere</td>
<td>Cancellation</td>
<td>Key person (venue manager) suitability – late banking</td>
<td>Nov 09</td>
<td>Proposal withdrawn – Key person no longer involved</td>
</tr>
<tr>
<td>Pub Charity</td>
<td>Venue licence Opononi Hotel</td>
<td>Suspension</td>
<td>Failure to notify Secretary – change of venue manager</td>
<td>Nov 09</td>
<td>Licence suspended: Two days</td>
</tr>
<tr>
<td>The Lion Foundation</td>
<td>Venue licence Alibi on Broadway</td>
<td>Cancellation</td>
<td>Key person (venue manager) suitability – late banking</td>
<td>Nov 09</td>
<td>Licence surrendered</td>
</tr>
<tr>
<td>The Lion Foundation</td>
<td>Venue licence The Crown and Anchor</td>
<td>Cancellation</td>
<td>Key person (venue manager) suitability – late banking</td>
<td>Nov 09</td>
<td>Proposal withdrawn – Key person no longer involved</td>
</tr>
<tr>
<td>The Lion Foundation</td>
<td>Venue licence The Pacific Tavern</td>
<td>Suspension</td>
<td>Key person (venue manager) suitability – late banking</td>
<td>Nov 09</td>
<td>Licence suspended: three days</td>
</tr>
<tr>
<td>NZCT</td>
<td>Venue licence Ramarama Country Inn</td>
<td>Suspension</td>
<td>Late banking/failure to turn off gaming machines</td>
<td>Nov 09</td>
<td>Licence suspended: three days</td>
</tr>
<tr>
<td>Manukau Golf Club</td>
<td>Operator’s licence</td>
<td>Suspension (30 days)</td>
<td>Venue payments – overpayment; late banking/failure to turn off gaming machines; Expenses not ARN; Staff poorly trained in harm minimisation; Failure to complete gaming machine analysis forms</td>
<td>Dec 09</td>
<td>Licence surrendered</td>
</tr>
</tbody>
</table>
SANCTIONS

Venue penalised for PG failure

Failing to minimise the risk of problem gambling may result in the venue licence for Tomo’s Sports Bar in Gisborne being suspended for three days.

The suspension will be reduced by one day if the venue installs a new high resolution digital video surveillance system to monitor the gaming room and surrounding area.

New Zealand Community Trust (NZCT), which owns the bar’s 18 machines, has appealed the decision to the Gambling Commission and, pending a result, Tomo’s will continue to operate as normal.

The Department said two excluded problem gamblers had on separate occasions gambled at the venue undetected by the duty manager. In one case the Department formally warned NZCT and the venue operator and said they must check that all employees familiarise themselves with photographs of excluded persons.

In the other case, which resulted in the proposed suspension, the excluded gambler was in the gaming room for an hour and 46 minutes before the duty manager went anywhere near the room and that was because of operational necessity. Although the gambler took steps to avoid detection he did not hide and was there to be seen had the manager looked. NZCT’s venue agreement with Tomo’s says the venue manager must enter the machine area at least once every 30 minutes and must also ensure the area is monitored at all times.

The Department was also concerned that the poor picture quality from the constant monitoring of the gaming room made it all but impossible to identify players, despite the venue agreement stipulating that surveillance equipment must be high resolution.

The Department said venue staff are at the “coalface” of the Class 4 sector and the implementation of legislation depends on them fulfilling their role.

Other GC appeals

Apart from the NZCT/Tomo’s case, the Gambling Commission is considering several appeals against Department decisions:

**The Southern Trust** – operator’s licence suspension for five days for incorrect treatment and recording of venue expenses and other expenses that were not actual, reasonable and necessary.

**The Trusts Charitable Foundation** – operator’s licence suspension for two days for failure to minimise operating costs as required by S52(1)(d) of the Gambling Act 2003.

**Brunner Rugby League Club Incorporated** – refusal to renew operator’s licence because the Secretary was not satisfied that the gambling operation was financially viable or that the club was able to meet the required minimum return to authorised purposes.

**Caversham Foundation Ltd** – refusal to renew The Crossing on Kaiapoi’s Class 4 venue licence because the Secretary was not satisfied with the suitability of the key persons in terms of S68, due to an extensive history of non compliance at the venue.

**Infinity Foundation Limited, The Lion Foundation and Perry Foundation Limited** – licence conditions added to their operators’ licences, which prevent grants being made to four trotting clubs.

**Perry Foundation Trust** – licence conditions added to its operator’s licence, which prevent grants being made to Linfield Cultural Recreational Sports Club Inc or any of its associated clubs and organisations.

**Te Aroha Club** – refusal to amend a licence condition (which describes the required minimum return to authorised purposes), and to refuse to renew its Class 4 operator’s licence. The Secretary made these decisions because he was not satisfied the gambling operation was financially viable or that the club was able to meet the required minimum return to authorised purposes.

**First Sovereign Trust** – refusal to renew operator’s licence because of concerns relating to society expenses and venue costs and suitability of a key person. The Gambling Commission declined a request to delay progressing the appeal pending the outcome of criminal proceedings scheduled for later this year.

**Pub Charity** – A licence condition added to the venue licence for the Wave stating that “gaming machines must not be capable of being played by people who are in areas where smoking is permitted.” The Secretary added the condition because he was of the view that the risk of problem gambling at the venue was not being minimised after gaming machines were moved so that they could be played by patrons in the outdoor smoking area.
Change in audit reports

There have been several changes in the way the Gambling Compliance Unit has been reporting on audits of Class 4 societies’ operators for 2009/10.

A major change is that audit findings will be presented on an exception basis. This means that only matters of non-compliance will be commented on in the audit report.

Also, there will be no draft audit report. Only one audit report will be issued to societies to make any submissions on the report’s findings. The benefits of one audit report are that it negates any confusion through having both draft and final audit reports in circulation and reduces the time societies spend in providing submissions on both reports.

Removing the draft audit report means the Department reduces the overall time to complete audits and provide societies with audit findings in a timely manner.

We look forward to working with those societies who demonstrate a willingness to address concerns in a proactive manner.

Trusts take the initiative

The Department welcomes action taken by two gaming machine trusts to ensure venue operators comply with Gambling Act requirements.

Perry Foundation Trust advised that it had disabled a venue’s gaming machines indefinitely after the operator failed to provide the society with information requested by the Department in support of a S71 (1) notification.

Eureka Trust suspended venue payments to one of its venue operators in an effort to obtain required documentation, also in support of a S71 (1) notification. The information arrived about 10 days later.

The Gambling Act requires documentation about, and in support of, changes in venue operators and venue managers to be supplied to the Department’s Licensing unit promptly and there are consequences if it is not.

The Department says the action taken by Perry and Eureka are good examples of societies being responsible and self-regulating.

When theft occurs

The security of gaming machine profits (GMP) and the potential for theft at Class 4 venues is a problem for many hotels and clubs struggling with reduced cash flow during general economic downturn.

The immediate availability of sometimes large amounts of GMP can lead to acts of theft and dishonesty by venue personnel.

Under Game Rule 98(b) of the Class 4 Game Rules 2004, every corporate society must notify the Department immediately of:

“any incident of theft, burglary, robbery or any other event that impacts upon the ability of any Class 4 venue of the corporate society to comply with banking requirements under section 104 of the Act, regulations, game rules or licence conditions.”

Societies and club management are also expected to inform the police in all cases of theft. This will ensure that insurance claims are processed and will deter venue key persons falsely reporting to a society external theft as a cover for what is in effect an internal theft. Details including the police file reference number and the name of the officer assigned to conduct enquiries should be passed on to the Department.

Under Game Rule 98 and its Misuse of GMP Policy, the Department expects corporate societies to tell it of all thefts they learn of, even if the venue is still banking GMP in a timely manner. This requirement is not satisfied by notifying only the police.
Regional forums organised

Minimising risk from problem gambling and understanding what happens when receivers move into venues feature in this month’s regional forums organised by the Department for the sector.

The forums provide an opportunity for the Department and those working in the sector to discuss issues of concern. Departmental representatives from Compliance, Licensing and Operational Policy will again be on hand to address concerns and questions from the floor.

Topics for this month’s meetings include:

- Harm prevention and minimisation at venues – presentation by Dr. Phil Townshend, Research Director for the Problem Gambling Foundation
- An overview of the society audit process
- The issue of receivers taking control of venues where there is outstanding gaming machine proceeds to be banked
- The Department’s standardisation of venue costs
- The Department’s development of an Integrated Gambling Platform
- General question & answer session.

The meetings have been arranged for:

**CHRISTCHURCH:**
Date: Thursday 25 March 2010
Time: 9.00am (morning tea provided)
Venue: Latimer Lodge, 30 Latimer Square, Christchurch. (Room details will be available in the venue foyer)
Department contact: Janene.King@dia.govt.nz
Telephone: (03) 353 8320

**DUNEDIN:**
Date: Friday 26 March 2010
Time: 9.00am
Venue: Burns House (Level 6), 10 George Street.
Department contact: Duane.Calvert@dia.govt.nz
Telephone: (03) 470 1509

**WELLINGTON**
Date: Monday 29 March 2010
Time: 9.00 am – 11.30am (morning tea provided)
Venue: Department of Internal Affairs, Head Office, Waring Taylor St (Level One).
Department contact: Neove.Christoforou@dia.govt.nz
Telephone: (04) 494 0503

**AUCKLAND**
Date: Tuesday 30 March 2010
Time: 1.00pm – 3.00pm approx (afternoon tea provided)
Venue: Richmond Yacht Club, Westhaven Drive, Auckland City. (Note: This venue is at the foot of the Harbour Bridge).
Department contact: Pamela.Yee Joy@dia.govt.nz
Telephone: (09) 363 0754

Daylight saving ends on Easter Sunday

Daylight saving ends on Sunday 4 April 2010 when 3.00am becomes 2.00am.
It will begin again on Sunday 26 September 2010 when clocks will advance an hour.
The period runs annually from the last Sunday in September to the first Sunday in April.
IGP update

Progress in developing an electronic Integrated Gambling Platform (IGP) is one of the topics for discussion at the regional forums.

The IGP is a business solution that will complement the existing electronic monitoring of gaming machines (EMS) and enhance the compliance capability of the Department and the Class 4 sector, create more efficient interactions through electronic licensing, provide transparency of community returns with a grants database and provide comprehensive monitoring, reporting and research information.

The Department will provide more information to the sector in the coming months and seek input into key aspects of the project, particularly the proposed e-licensing module, which will be the first deliverable.

Name suppression rejected

The Gambling Commission says non-publication orders should be granted only in exceptional circumstances.

Late last year the Commission rejected Southern Trust’s application for name suppression in its appeal against the Department’s decision to suspend its licence for five days. The Trust applied for an order after another Class 4 operator asked the Commission to name the appellant after the Department said it would not publish its suspension decision pending the appeal.

The Trust argued it risked losing new and existing venues to other Class 4 operators targeting its venues knowing of the suspension decision and pending appeal. It would also have limited remedies to mitigate any damage done by publication of its name if the Department’s decision was found to be wrong.

However, in its decision the Commission said the principle of open justice is generally paramount and non-publication orders should be granted only where it is necessary for justice to be done in the particular case.

The potential commercial prejudice the Trust faced if the decision were published was not an exceptional circumstance.

“Further, in this case the public interest in open justice outweighs the Trust’s interest in preventing potential damage to its interim commercial interests,” the Commission said in its decision.

Moreover, given that the Secretary’s decision, if it is upheld, will take effect after the resolution of the appeal, the Trust is in effect asking the Commission to assist it to hide from venue operators the risk that after signing with the Trust, they may be affected by a five day suspension order, the possibility of which was deliberately obscured during the negotiations.

“In addition, the public interest is not limited to the interests of venue operators. Grant recipients, the gaming public and the general public have an interest in knowing the results of Departmental decisions and appeals.”

New policy on website

The Misuse (Late Banking) of Gaming Machine Profits Policy outlined in the December 2009 issue of Gambits is now available in the Class 4 section of the Department’s website: www.dia.govt.nz

The policy, which relates to the late banking of gaming machine proceeds, was outlined last year in four regional forums for non-club Class 4 gaming societies.
Venues on watch

The Hamilton venues found wanting after gambling inspectors checked them for underage access last November will be rechecked this year to see if their procedures have been tightened (see Gambits Dec 2009).

Only one of nine venues responded appropriately when inspectors used a 15-year-old youth to access the gambling areas and remain there for several minutes. In many cases staff were too busy seeing to hospitality needs to properly monitor the gambling operation.

A meeting between the Department and the three trusts involved - Perry Foundation, Grassroots and Producers’ – illustrated that a society’s harm minimisation policy and procedures rely on the attitude taken by venues. Venue duty managers were said to be shocked when reminded of the potential consequences for non compliance.

The societies were asked to advise the Department how they would address the issue at each venue and it was made very clear that more significant consequences would result if similar findings occurred the next time the venues were tested.

UK GamCare briefed on PG exclusion model

International interest has been shown in Queenstown’s pioneering multi-venue exclusion order (MVEO) model.

A representative from the United Kingdom’s problem gambling care provider, GamCare, sought a meeting with the Department’s gambling inspectors in Queenstown to learn how the MVEO system works.

The system is aimed at assisting gamblers who recognise they have a problem bar themselves from venues in their particular neighbourhood. The system was developed by gambling inspectors in Queenstown in 2006 and averages 19 multi-venue exclusions per year, approximately 85 per cent of total exclusions for the town.

It has since been adopted in several areas including Invercargill, Dunedin, Nelson and Hamilton. A pilot for the Wellington area is being trialled in Lower Hutt.

In the briefing for the Gamcare representative, the inspectors told how many patrons with gambling problems would self-exclude from one of Queenstown’s two casinos but then gamble at the other or a pub with gaming machines. To self-exclude from all local venues the gambler would have to contact them all individually.

The solution was a ‘one stop shop’ for multi-venue exclusion. The first venue visited by the person wanting to self-exclude becomes the initiating venue and goes through the normal self-exclusion process. The venue then offers the person the option of filling out a letter to the other venues.

In the letter the patron selects other venues in the area from which they want to be excluded. They specify the period of exclusion, sign the letter, and have their photo taken. Then the initiating venue sets the multi-exclusion process in motion by sending the letter to all the venues specified by the patron. On receipt, other nominated venues issue their own exclusion orders to the patron.

After the scheme was developed the inspectors sought agreement from local gambling providers and encouraged them to take ownership and responsibility for the programme.
EMS Annual Performance Summary

EMS helpdesk calls dropped almost 40 per cent between 2007, when the system was introduced, and 2009.

The New Zealand Class 4 Electronic Monitoring System (EMS) was completed in March 2007 and in its first year the helpdesk handled almost 70,300 calls. In 2009 calls had dropped to some 42,400.

Internal Affairs Minister, Nathan Guy, told last month’s international gambling conference in Auckland that EMS has greatly enhanced capacity to achieve compliance with the Gambling Act. It has also significantly increased the amount and improved the reliability of data available for researchers and intervention services.

The EMS is provided by Intralot New Zealand and monitors more than 19,000 electronic gaming machines (EGMs) located in more than 1400 venues across New Zealand. The EMS and Intralot New Zealand are carefully monitored on a month-by-month basis to ensure that strict performance requirements are met.

EMS Helpdesk calls – Over 42,400 helpdesk calls were made in 2009 against 57,100 calls in 2008. The EMS service agreement requires that 90 per cent of all EMS helpdesk calls are answered within 20 seconds. Monthly figures for 2009 show that, on a month-by-month breakdown, between 97.1 per cent and 99.1 per cent of all calls met this requirement, an improvement on the 2008 figures when between 94.4 per cent and 98.6 per cent were answered within 20 seconds.

EMS website availability – Users’ ability to connect and logon to the EMS website and start up and complete a website session was between 99.9 per cent and 100 per cent on a monthly basis. This continues the availability range achieved in 2008. The EMS service agreement requires 98 per cent website availability.

Incident and problem management (excluding field service) – There are four grades of incident severity described ranging from severity 1, which requires a 90 per cent response within 20 minutes and progress updates within five hours, to severity 4, which requires a 90 per cent response within 48 hours and updates within five days. The level of service provided ranged from 96 per cent to 99 per cent for severity 1 incidents, and progress updates and service updates of 97 per cent to 99 per cent for severity 4 incidents.

EMS facts & figures – During 2009 the EMS host requested site data from venue site controllers over 643,000 times; these requests resulted in the EMS gathering data on over 7.5 million individual meter readings and more than 192 million separate EGM events. This is very similar to the figures for 2008.

EMS has greatly enhanced capacity to achieve compliance with the Gambling Act. It has also significantly increased the amount and improved the reliability of data available for researchers and intervention services.

Casino monitoring system to be replaced

SkyCity has indicated to the Department that its current monitoring system, Dacom, is approaching the end of its life and would need to be replaced.

With that objective in mind, the Department’s Operational Policy and Gaming Technology teams met SkyCity recently and are working closely on the casino’s monitoring system approval submission.
QCOM 1.6 rollout - important venue/society message

Following a successful pilot, the full roll out of QCOM version 1.6 to all venues commenced on 2 March 2010. It is important to note:

1. Hopper refill defaults

The process of updating the site controller to QCOM version 1.6 will result in the gaming machine screen Hopper Refill default being reset to the Global default value of $200. This also applies to the Hopper Collect/Cancelled Credit limit. Some gaming machines allowed the $200 value to be changed to another value by your service agent following the initial EMS game configuration.

If your gaming machine previously had a value of Hopper Refill/Hopper Collect different to $200, please contact your society/service agent to have your previous value reset manually. Until this is done, make sure the actual amount of refill is correctly recorded on the gaming machine screen.

Note: Do not contact the Intralot Help Desk. Any change in value(s) must be done at the gaming machine and in most cases by your service agent.

2. Gaming machine disabled with message “QCOM: SEALED AREA ACCESS”

The logic cage contains software critical to gaming machine operation. Access to this area is strictly controlled and to obtain entry a security seal must be broken. The site controller will now disable the gaming machine following any access to this area while displaying the above message.

Previously the gaming machine did not disable but this is now perfectly normal if an authorised person, e.g., a technician, has been working on the EGM.

During the pilot it was observed in a few instances that a non-standard maintenance issue may also result in the EGM being disabled for no apparent reason. On request, EMS Help Desk will re-enable the EGM but the venue should contact its society and request that a technician investigate the issue.

The problem is confined to a very small number of gaming machines.

It should become normal practice following any service visit by a technician that they ensure that the gaming machine has been re-enabled for play if they have accessed the logic area, i.e., broken the security seal. Venues should confirm before the technician leaves that the gaming machine has been enabled.

3. Konami gaming machines with an installed game that has an SAP feature will disable on first play. The gaming machine will be enabled when you contact the EMS Help Desk. The issue will not recur.

4. The 2009 December Gambits page 12 has a table headed “QCOM 1.6 EGM messages and required actions”. Familiarise yourself with this table and always keep a copy handy.

Occasionally the ‘EGM Disabled’ message is replaced by a codeword ‘D’ so that the full message reads “Play disabled”. Other code words may also be used, so if in doubt about the message and whom you should contact, please check with your society/service agent for clarification before contacting the EMS Help Desk.

Class 4 jackpot standard consultation

The Department has been consulting on amendments to minimum equipment standards for jackpot systems. The proposal suggested the withdrawal of non-downloadable jackpots and the addition of a credit limit on gaming machines.

Initially intended to finish on 19 February 2010, the consultation generated considerable interest and, at the request of some respondents, the consultation period was extended to 5 March 2010.

The consultation documents can be found in the News, Press Releases & Consultation page of the Gambling section of the Department’s website www.dia.govt.nz
New unit established

The Department’s Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT) unit has been established.

The unit, currently with three staff, will carry out the Department’s supervisory role under the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 to ensure that a range of businesses including casinos comply with the new law.

Internal Affairs is one of three supervisors under the Act, along with the Reserve Bank and the Securities Commission. The Department will supervise casinos, the only gambling providers currently covered by the Act, non-deposit-taking money lenders, money changers and reporting entities not covered by the other supervisors.

Supervision of the Department’s sector includes monitoring and assessing the money laundering and terrorist financing risk and monitoring compliance with the Act and Regulations. It also involves developing and implementing a supervisory programme, providing guidance to the sector, and investigating and enforcing compliance.

The purposes of the Act are:

- To detect and deter money laundering and financing of terrorism
- To maintain and enhance New Zealand’s international reputation by adopting, where appropriate in the New Zealand context, recommendations issued by the Financial Action Task Force
- To contribute to public confidence in the financial system

The Act will come fully into force at a date yet to be determined, but no earlier than October 2011. By then “reporting entities” – financial service providers and casinos – will need to be compliant with the Act and have an AML/CFT programme that includes risk assessment, customer due diligence, staff training, record keeping and reporting procedures.

Further information on the requirements of the Act was provided in last December’s Gambits and is also available on the Department’s website www.dia.govt.nz

Cross-agency coordination and cooperation is a fundamental requirement of the new legislation. The Department is represented on a national coordination committee, which is chaired by the Ministry of Justice and includes the other two supervisors, NZ Police and Customs. The committee is tasked with ensuring that the necessary connections between the key agencies are made to ensure the consistent, effective, and efficient operation of this new regulatory regime.

The Ministry of Justice has been consulting interested parties on proposed Regulations and Codes of Practice to support the Act. The scope of the Regulations and Codes of Practice currently proposed includes:

- Exemptions, exclusions and thresholds
- Customer due diligence
- Third party relationships
- Institutional arrangements (designated business groups).

The ministry is also seeking stakeholders’ views on an appropriate commencement date for the parts of the Act that are not yet in force, such as the AML/CFT requirements for reporting entities.

The Regulations and Codes of Practice discussion document can be found on the Ministry of Justice website. Submissions closed on 19 March but there will be an opportunity to make submissions on a further consultation document later this year.
Stakeholders surveyed

Most stakeholders consider the Department’s gambling regulation to be fair, timely and consistent in decision-making.

Sixty-one percent of respondents to a survey conducted last year agreed that our regulation of gambling is fair; 52 per cent agreed that activities were timely; and 56 per cent agreed that the Department was consistent in its gambling regulation decisions.

Previous surveys were limited to non-casino gaming machine operators. Last year’s survey was broadened to include Class 3 licence holders (operators of lotteries, housie and prize competitions), casinos and Gambits subscribers – people who have indicated an interest in gambling regulation. Most respondents (52 per cent) were from gaming machine societies or clubs. A further 18 per cent were from the wider gambling sector such as gambling service providers, manufacturers, casinos and gaming machine venues.

As a group, stakeholders believed that the Department effectively encourages compliance with gambling regulation (80 per cent of all stakeholders have some level of agreement); and that it was an effective regulator of the gambling sector (72 per cent have some level of agreement).

Forty-seven per cent of stakeholders surveyed felt that the Department’s effectiveness as a regulator had stayed the same over the past 12 months. Another 27 per cent of all respondents said it had improved.

Stakeholders were divided over whether communities were able to effectively influence where gambling profits go. Thirty percent of all respondents agreed that communities could have an influence, but 36 per cent generally disagreed. Fifty per cent of respondents from outside the gambling sector disagreed that communities could influence where the profits go. Gambling sector respondents agreed with the statement (37 per cent top-three box score) or were “neutral” (28 per cent).

Among gambling sector respondents, Gambits was the most consulted Departmental communication. Seventy-one percent used it monthly or more often. Only four per cent never, or almost never, used it. However, among respondents from outside the gambling sector, Gambits was the least consulted Departmental communication – 43 per cent never or almost never consulted it. These stakeholders preferred to use the DIA website.

Among the gambling sector, 83 per cent agreed Gambits was the best information source. For 72 per cent of non-gambling sector respondents the DIA website was the best source of information.

Satisfaction with the information services provided by the Department was very high among respondents. Ninety-six percent of respondents described these information services as either “satisfactory” (19 per cent), ”good” (38 per cent), or “very good” (39 per cent).

FUNDING FOR COMMUNITY GROUPS, VISIT www.dia.govt.nz

The Department’s website provides extensive information about the gambling sector, including details of gaming machine societies that make grants to community groups.

Click on “gambling” for funding for community groups • gambling statistics • relevant law • application forms for licences, including housie and raffles • and much more.

Click on “resources” for press releases.
Click on “what’s new” for new additions to the website.
Gamblers spent a little less in 2008/09

New Zealanders’ gambling expenditure in 2008/09 decreased by less than one per cent on the previous year.

Releasing the gambling expenditure figures for 2008/09, the Department of Internal Affairs Gambling Policy Manager, John Markland, said that spending on the main forms of gambling decreased by 0.3 per cent from $2.034 billion in 2007/08 to $2.028 billion. Gambling expenditure reached a peak of $2.039 billion in 2003/04.

“Spending on Lotteries Commission products in the last year increased by almost 17 per cent to a new high of $404 million, due largely to record sales for two unusually large Powerball and Big Wednesday jackpot draws. Spending was down on racing and sports betting, non-casino gaming machines and casino gambling,” Mr Markland said.

OVERALL SPENDING IN 2008/09 ON GAMBLING WAS MADE UP OF:

<table>
<thead>
<tr>
<th>GAMBLING PRODUCT</th>
<th>2008/09 SPENDING (PLAYER LOSSES) ROUNDED</th>
<th>INCREASE/DECREASE FROM 2007/08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Racing and sports betting</td>
<td>$269m</td>
<td>-1.2%</td>
</tr>
<tr>
<td>Lotteries Commission products</td>
<td>$404m</td>
<td>+16.7%</td>
</tr>
<tr>
<td>Casinos</td>
<td>$465m</td>
<td>- 2.4%</td>
</tr>
<tr>
<td>Non-casino gaming machines</td>
<td>$889m</td>
<td>- 5.3%</td>
</tr>
<tr>
<td><strong>TOTAL SPENDING</strong></td>
<td><strong>$2.028 BILLION</strong></td>
<td><strong>- 0.3%</strong></td>
</tr>
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</table>

The figures relate to the year ended 30 June 2009 except for racing and sports betting, which is for the year to 31 July 2009.

Mr Markland said the decrease in racing and sports betting was due largely to the global economic downturn. The previous year’s outbreak of equine influenza in Australia also had an effect.

“However, this year’s nominal figure is still the second highest ever for racing and sports betting – it matches 2007 expenditure – but, when inflation is taken into account, it is still behind the racing only figure of $232 million in 1989,” he said.

“The 17 per cent increase for Lotteries Commission products reflects the large jackpots and almost matched the decrease in expenditure for the other three main gambling sectors combined.

“Spending on non-casino gaming machines – the pokies – is traditionally the largest of the four main gambling sectors but that expenditure decreased the most, from $938 million in 2007/08 to $889 million in 2008/09. The main reason for this was likely to have been the economic recession.

“The 2.4 per cent decrease in casino gambling expenditure from $477 million to $465 million reflects the gambling spending trends reported by SkyCity, owner or part-owner of four of New Zealand’s six casinos, and particularly the trends in its Auckland casino. Spending in Auckland was down a little in 2008/09 when compared with 2007/08.”

Mr Markland also noted that these four main forms of gambling together raised around $640 million for a variety of purposes in 2008/09.

“The New Zealand Racing Board raised around $120 million for the racing industry and to support racing club infrastructure. The New Zealand Lotteries Commission transferred $189 million to the Lottery Grants Board for allocation to various arts, cultural, sporting and other community purposes. The casinos paid around $3 million to their community trusts. It is more difficult to provide precise numbers for the non-casino gaming machine sector, partly because gaming machine societies have different financial years. However, a reasonable estimate is that non-casino gaming machines raised around $330m for community purposes in 2008/09.”
Pokie spend drops over year

29 January 2010

Gaming machine expenditure in the country’s 1500 pubs and clubs in the year ended December 2009 decreased 5.2 per cent compared to 2008, according to figures released by the Department of Internal Affairs. Spending dropped from $912.6 million in 2008 to $865.5 million in 2009.

Spending in the fourth quarter of 2009 dropped almost 1 per cent on the September quarter and, at $218.8 million, was 5.2 per cent lower than the $230.7 million spent in the December 2008 quarter.

The Department tracks and monitors non-casino gaming machine operations and captures spending through electronic monitoring (EMS), ensuring the integrity of games and the accurate accounting of money. EMS became fully operational in March 2007.
Further information, including numbers of venues, machines and expenditure by territorial authority and changes in the quarter, is available from the Department’s Gaming Statistics web page at: www.dia.govt.nz

GAMBLING COMPLIANCE KEY CONTACTS

0800 257 887
GM societies’ contacts

The Department’s gambling compliance and licensing inspectors each have responsibilities for liaising with gaming machine societies. If societies have issues to discuss, they may contact these inspectors first by phoning the Department’s toll free number 0800 257 887.

<table>
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<th>SOCIETY</th>
<th>COMPLIANCE INSPECTOR</th>
<th>LICENSING INSPECTOR</th>
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<tr>
<td>AHAURA/GREY VALLEY LIONS CLUB INC</td>
<td>Lisa Barclay ext 7031</td>
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</table>
Keith Manch  
Deputy Secretary, Regulation and Compliance Branch  
The Regulation and Compliance Branch encompasses all the roles where the Department is, in effect, the regulator of a sector of the economy.

In addition to gambling, this includes censorship and anti-spam compliance, fire service policy, identity services policy, civil defence and emergency management policy and crown entity monitoring functions. For the sake of simplicity, the functions outside the gambling sector are not included on this page.

For gambling regulation this includes the management of Gambling, Censorship and Racing Policy and Gambling Compliance.

John Markland  
Manager Gambling, Racing and Censorship Policy  
This team is responsible for policy advice to the Government, especially in relation to Acts and Regulations. This Policy team is in the same branch as the Gambling Inspectors and other Gambling Compliance staff. This means that policy and operational staff can benefit from each other’s knowledge and experience.

Mike Hill  
Director Gambling Compliance  
This position is responsible for the Inspectors and other staff working with the gambling sector to bring about compliance with the law. The Director works closely with the Manager Gambling, Racing and Censorship Policy so that there is a constant flow of information between the staff involved in applying the law and those who develop the law.

Debbie Despard  
National Manager Compliance  
This position is primarily responsible for delivering compliance and audit services as well as developing and implementing an integrated compliance strategy.

John Currie  
National Manager Licensing  
This position has prime responsibility for Class 4 Licensing, championing a new electronic licensing regime and management oversight of the Electronic Monitoring System contract with Intralot.

Michael Cassidy  
National Manager Gaming Technology  
This position oversees the technical integrity of gaming issues across casino and all other classes of gambling.

Heather McShane  
National Manager Operational Policy  
Operational policy provides support and advice to the Gambling Inspectors and other staff working in the sector. It develops standards, game rules and other “deemed regulations”. In broad terms, its role is to develop the Department’s policies about how the law will be turned into the work done in the field.

Dave Sayers  
Acting National Manager Investigations  
The Investigations Unit is responsible for undertaking significant (complex, cross group, lengthy and sensitive) investigation projects involving criminal, legal and financial issues related to the governance and operation of gaming sector people and organisations. It also provides expertise and support to investigations and audits across the group.

Sanjay Sewambar  
National Manager Performance Assurance  
This unit focuses on ensuring that the Gambling Compliance Group achieves both its strategic objectives (short and long term) and its business goals. It coordinates strategic and business planning for GCG as well as providing robust analysis, monitoring and reporting around performance.

Kate Reid  
Manager Anti-Money Laundering/Countering Financial Terrorism  
Under The Anti-Money Laundering and Countering Financing of Terrorism Act 2009 this unit monitors casinos, non-deposit-taking lenders, money changers and reporting entities not covered by the other supervisors, The Reserve Bank and the Securities Commission.
The Department of Internal Affairs produces Gambits quarterly. Copies are distributed in March, June, September and December. Gambits provides information about the Department’s recent work and significant issues in the gambling sector.

It is intended for sector organisations and the community in general, to increase understanding of and compliance with the law.

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