

IN THE MATTER of the Gambling Act 2003

AND on the status of submissions made to the Gambling Commission in relation to the application by **SKYCITY CASINO MANAGEMENT LIMITED** and **SKYCITY HAMILTON LIMITED** to substitute gaming machines for gaming tables at the Hamilton Casino

BEFORE THE GAMBLING COMMISSION

Members: G L Reeves (Chief Gambling Commissioner)
D C Matahaere-Atariki
W N Harvey
S C L Pearson

Date of Decision: 16 July 2019

Date of Notification
of Decision: 17 July 2019

**DECISION ON THE STATUS OF SUBMISSIONS MADE TO THE GAMBLING COMMISSION
IN RELATION TO THE APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED AND
SKYCITY HAMILTON LIMITED TO SUBSTITUTE GAMING MACHINES FOR GAMING
TABLES AT THE HAMILTON CASINO**

Introduction

1. The Gambling Commission received an application from SKYCITY Casino Management Limited and SKYCITY Hamilton Limited (together referred to as "SKYCITY") proposing a number of changes to the Hamilton Casino, including changes to SKYCITY's licence conditions. In particular, SKYCITY has applied to deploy 60 gaming machines in substitution for three Black Jack tables.
2. The Commission subsequently gave public notice of SKYCITY's application and invited submissions from potentially interested parties and members of the public. It does not usually publicly notify applications for casino licence condition changes. Most applications which come before it are notified only to interested parties and submissions invited from them.
3. The Commission's practice in the past has been limited to accepting submissions only from the party making them or from a party's lawyer. The Commission has prior experience, however, of receiving from submitting parties materials indicating that the party's submissions are supported by a list of other persons. In those cases, the persons

whose views were conveyed within the submitting party's submitted material have not been regarded as parties in their own right, although the Commission has been aware of their views and taken them into account in its decisions.

4. The invitation to file submissions made on the Commission's website and in the Commission's public notices assumed that submissions would be received in the usual way. However, in addition to receiving submissions directly from individuals and organisations in their own right, the Commission received submissions from individuals and organisations which included, in various forms, the views of other people.
5. In some cases, separate submission forms were completed by an individual, but collected and forwarded to the Commission by a third-party organisation. Some of these forms were completed by hand and others were in digital in form.
6. In another case, a party created its own online form to capture the views of others and converted the results into a set of submission forms of its own creation. In this case, the party offered those responding a number of options, including anonymity. If the anonymity option were selected, the resulting form was from an unidentified person.
7. In other cases, parties who lodged their own submission, attached a single statement with a list of identified persons who supported the statement.
8. The Commission has not had prior experience of submitting parties acting as intermediary transmitters of the views of others. As a result, none of the practices outlined above have been the subject of any prior procedural ruling by the Commission.
9. Because the practices outlined above differed from its past practice and its expectations of how submissions would be made as a result of the public notices, the Commission has had to consider how to treat formally the various forms in which the transmitted views of others have been delivered. To be clear, the issue is not whether regard would be had to the content of the material setting out those views but solely whether the persons whose views have been conveyed by other parties should be treated formally as parties in their own right, independent of the parties who conveyed their views.
10. By email dated 29 May 2019, the Commission set out the foregoing and sought submissions on two questions in relation to some of the submissions that had been filed on SKYCITY's application. Those questions were as follows:
 - To what extent, and in what circumstances, should views of a person conveyed through another party be treated as a formal submission by that person in its own right, independent of the submission of the party conveying those views?
 - Should party status be accorded to unidentified persons?

11. The Commission received submissions from Tully Billett, Audra Cooper, Waimarie: Hamilton East Community House, the Secretary for Internal Affairs, Waikato District Council, Ministry of Health, K'aute Pasifika Trust, Salvation Army Oasis, and SKYCITY.
12. The submissions received fell into three broad categories:
 - (a) Some submitters (Tully Billett, Audra Cooper) were unconcerned with the technicalities surrounding formal party status and were comfortable with the Commission considering all views received regardless of how they were filed, or by whom.
 - (b) Other submitters (Waimarie: Hamilton East Community House, MoH, K'aute Pasifika Trust, SA, the Secretary) considered that all third-party views communicated should be viewed by the Commission as constituting separate submissions, independent of the conveyor of those views, regardless of their form.
 - (c) The third group (Waikato District Council, SKYCITY) submitted that the Commission should accept the conveyed view of a third party as being a separate submission independent of the party conveying it provided that the author was clearly identifiable.

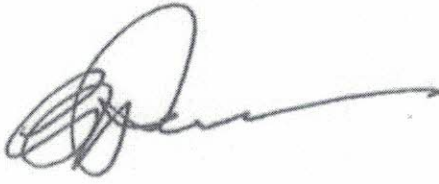
Status of submissions – decision

13. There is an obvious integrity to a process by which all submitting parties send their submissions directly to the Commission and the Commission has a strong preference for receiving submissions in that way. Such a practice removes the risk of allegations that the submissions conveyed through other parties have been interfered with by the intermediary or selectively conveyed.
14. Good order, natural justice and fairness requires a degree of formality and rigour in accepting documents received through other parties as genuine, independent submissions in order to ensure that all parties, including the Applicant, can be satisfied that they are genuine submissions from identified authors. It would be unsatisfactory and unfair to other parties for the Commission to treat anonymous submissions, or submissions which omit contact details of the author, as the same as submissions accompanied by the full name and contact details of the party making them. Even though not received directly but transmitted via another party, in the case of a submission bearing a name and contact details of the author, it is possible to verify the author and the submission and to contact the author to obtain clarification, if necessary.

15. For that reason, the Commission has decided to treat as separate submissions, independent of the parties that conveyed them, only submission documents which clearly convey the intention that they are to be treated as separate and independent submissions and which include the full name and contact details of the submitter. The Commission considers that it should accept such documents as independent submissions on the basis that the parties conveying them were effectively acting only as an intermediary on behalf of an identifiable submitter.
16. The Commission will not accept as constituting a separate and independent submission, any statement of views that is anonymous or effectively anonymous, or which provides no contact details for the submitter.
17. The Commission will also not accept as constituting a separate and independent submission, a name listed as supporting another party's submission without making a submission of its own.
18. In both of the foregoing cases, the information will be treated as part of the conveying party's submission, and the views and support will be noted and considered accordingly.
19. **Attached** to this decision is an Index which numbers the documents received by the Commission in response to its invitation for submissions. Applying the abovementioned approach, the Commission determined as follows:
 - (a) The documents numbered 13-15, 17-19, 21-23, 25-29, 33, 38, 40, 46, 48, 58-63, 65-68 and 71 were forwarded to the Commission by PGF. The Commission will treat these as separate and independent submissions because the clear intention was for them to be independent and they included name and contact details.
 - (b) The documents numbered 20, 64 and 114-229 were also forwarded by PGF but will not be treated as separate and independent submissions because they failed to include either the submitter's full name or contact details.
 - (c) The documents numbered 73-82 were forwarded to the Commission by Anglican Action. The Commission will treat these as separate and independent submissions because the clear intention was for them to be independent and they included name and contact details.
 - (d) The documents numbered 83-101 and 103-112 were forwarded to the Commission by K'aute Pasifika Trust but will not be treated as separate and independent submissions because they failed to include contact details for the submitters.

- (d) The documents numbered 83-101 and 103-112 were forwarded to the Commission by K'aute Pasifika Trust but will not be treated as separate and independent submissions because they failed to include contact details for the submitters.
- (e) Document 102 was also forwarded to the Commission by K'aute Pasifika Trust. The Commission will treat this as a separate and independent submission because, although Ms Hooker did not include her contact details with her submission, she forwarded the abovementioned submissions to the Commission on behalf of K'aute Pasifika Trust, so the Commission has her contact details in any event.
- (f) SA annexed 56 documents to its submission to the Commission. Of these 56 documents, 33 were anonymous, while three submitters provided a single name only ("Amy", "Matenga" and "Baillie"). None of the 56 submission documents included contact details, although SA has subsequently provided the Commission with contact details for all of its submitters, at the Commission's request. The Commission will not treat as separate and independent submissions, any of the 33 anonymous submissions. Although the Commission has since been provided with the full names and contact details for all 33 submitters, the form of the submission, including the request for anonymity, means that it is not clear that, as made, it was intended to be an independent submission. The Commission will not treat as separate and independent submissions, the submissions by Amy, Matenga and Baillie as they did not provide their full names.
- (g) The Commission will treat as separate and independent the 20 submissions annexed to the SA's submission which included names and for whom the Commission received contact details. Those submitters are Shane Kennard, Courtney Willison, Max Coyle, Kathryn Tiplady, Charity Tunoho, Dr Maxine Campbell, Roger Stratford, Kylie Bryant, Faataualofa Smith, Vicki Hirini, Norman Holm, Kevin Collins, Kyra White, Paul Bradley, Christine Black, Ted Wilson, Anna Casey-Cox, Seth Le Leu, Janyce Emerson, and Joseph Whitton. These submissions will be added to the existing list of submitters and uploaded to the Commission's website (under the submission by Voice Waikato).
- (h) The Commission will not treat any of the 206 names provided by Deborah Fisher with her submission as having made a separate and independent submission in their own right. The Commission will treat the list of persons as part of Ms Fisher's submission, which the Commission has already accepted and uploaded to its website.

- (i) Except for those submissions which have been withdrawn, the Commission will treat the other documents in the Index as independent and separate submissions.



Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

17 July 2019



Index of documents filed with the Commission in response to its invitation to file submissions on the application by SKYCITY to substitute gaming machines for gaming tables at the Hamilton Casino

1. Submission by Te Ariki Paitai, 27/03/2019
2. Submission by Dennis Trotter, 01/05/2019
3. Submission by Audra Cooper, 02/05/2019
4. Submission by DIA, 03/05/2019
Supplemental submission by DIA, 10/05/2019
5. Submission by Dwayne Henshilwood, 07/05/2019
6. Submission by Methodist City Action, Hamilton, 09/05/2019
7. Submission by Rebecca So'e, 10/05/2019
8. Submission by Tully Billett, 12/05/2019
9. Submission by Shane Ponting, 12/05/19
10. Submission by Graeme Blake, 13/05/2019
11. Submission by Waikato District Council, 13/05/2019
12. Submission by Beth Wong, 13/05/2019
13. Submission by Bhooghen Ramkissoon, 14/05/2019
14. Submission by Janette Williams, 14/05/2019
15. Submission by Mark Esekielu, 14/05/2019
16. Submission by D.V. Bryant Trust, 14/05/2019
17. Submission by William Nicholson, 15/05/2019
18. Submission by Paul Emery, 15/05/2019
19. Submission by Farrah Jafar, 15/05/2019
20. Submission by D Tumahe, 15/05/2019
21. Submission by Olivia Miller, 15/05/2019
22. Submission by Callum Wakefield, 15/05/2019
23. Submission by Bana Redfern, 15/05/2019
24. Submission by Waikato District Health Board, 04/04/2019
25. Submission by Bonnierville Wade, 15/05/2019
26. Submission by Maar: Rose Thompson, 15/05/2019
27. Submission by Dhivya Nair, 15/05/2019
28. Submission by Claire Gibson, 15/05/2019
29. Submission by Jahna Walls, 15/05/2019
30. Submission by Ken Rutherford, 15/05/2019
31. Submission by the Social & Ecumenical Action Committee, Parish Council of St Andrew's Presbyterian Church, 15/05/2019
32. Submission by Chiefs Super Rugby Club, 16/05/2019 – submission withdrawn
33. Submission by David Gock, 16/05/2019
34. Submission by Northern Districts Cricket Association, 16/05/2019
35. Submission by the Waikato Chamber of Commerce, 16/05/2019
36. Submission by K'aute Pasifika Trust, 16/05/2019
37. Submission by Problem Gambling Foundation, 16/05/2019

38. Submission by ME Family Services, 16/05/2019
39. Submission by Ministry of Health, 16/05/2019
40. Submission by Teah Carlson, 16/05/2019
41. Submission by Des Corcoran, 16/05/2019
42. Submission by Anglican Action, 16/05/2019
43. Submission by Tui Ora, 16/05/2019
44. Submission by Deborah Fisher, 17/05/2019
45. Submission by Hamilton & Waikato Tourism, 16/05/2019 – submission withdrawn
46. Submission by Mosese Karake, 15/05/2019
47. Submission by Andy Hart, 17/05/2019
48. Submission by Taranaki Suicide Prevention, 17/05/2019
49. Submission by The Salvation Army Oasis, 17/05/2019
50. Submission by Jason Howarth, 17/05/2019
51. Submission by Ka Pai Kaiti, 17/05/2019
52. Submission by Dave MacPherson, 17/05/2019
53. Submission by Christchurch Casinos Limited, 17/05/2019
54. Submission by Community Waikato, 17/05/2019
55. Submission by Waimarie Hamilton East Community House, 17/05/2019
56. Submission by Mapu Maia, 17/05/2019
57. Submission by Hamilton City Council, 17/05/2019
58. Submission by Kay Whitefield, 17/05/2019
59. Submission by Jill Hobden, 17/05/2019
60. Submission by Christine Andrew, 17/05/2019
61. Submission by Carly Apps, 17/05/2019
62. Submission by Amelia Takataka, 17/05/2019
63. Submission by Harry Wilkinson, 17/05/2019
64. Submission by Sarah Timu, 17/05/2019
65. Submission by Natalie Frew, 17/05/2019
66. Submission by Steven Naidu, 17/05/2019
67. Submission by Cath Healey, 16/05/2019
68. Submission by Strive Community Trust, 17/05/2019
69. Submission by Eru Loach, 17/05/2019
70. Submission by Colin Bridle, 17/05/2019
71. Submission by Bridget & Peter Cameron, 17/05/2019
72. Submission by Christian Alliance, 17/05/2019
73. Submission by Grace Monk, 04/04/2019
74. Submission by Suzi Gallagher, 04/04/2019
75. Submission by Centaine Te Aotanga, 05/04/2019
76. Submission by Norman Sainsbury, 10/04/2019
77. Submission by Stephen Cantwell, 11/04/2019
78. Submission by Jay Ratham, 11/04/2019
79. Submission by Matthew House, 11/04/2019
80. Submission by Kelvin Shaw, 15/04/2019

81. Submission by Ekta Gyuwali, 16/04/2019
82. Submission by Brian Utikere, 17/04/2019
83. Submission by Leinati Lima, 18/04/2019
84. Submission by Moliame Moala, 18/04/2019
85. Submission by Manuia Tehumu, 18/04/2019
86. Submission by Epoki Veituna, 18/04/2019
87. Submission by Ulinitone Vaosea, 18/04/2019
88. Submission by Tebikeiti Taoaba 18/04/2019
89. Submission by Talei Namua, 18/04/2019
90. Submission by Faataualofa Smith, 18/04/2019
91. Submission by Baitika Toum Aviata, 18/04/2019
92. Submission by Raphael Semel, 26/04/2019
93. Submission by Amina Abidin, 26/04/2019
94. Submission by Robyn Strickland, 26/04/2019
95. Submission by Faataape Ale, 26/04/2019
96. Submission by Renee Enosa, 26/04/2019
97. Submission by Jusamat Aghmua, 26/04/2019
98. Submission by Abidin Alhassan, 26/04/2019
99. Submission by Vale Laulaupeaalu, 06/05/2019
100. Submission by Mareta Matenga, 11/05/2019
101. Submission by Ivone Tavares, 11/05/2019
102. Submission by Roz Hooker, 11/05/2019
103. Submission by La Kelesi, 14/05/2019
104. Submission by Naomi Harris, 14/05/2019
105. Submission by Helena Kaufononga, 14/05/2019
106. Submission by F Smith, 14/05/2019
107. Submission by Luisa Salele, 14/05/2019
108. Submission by Joseph Mouise, 14/05/2019
109. Submission by Leinati Lima 2nd sub, 14/05/2019
110. Submission by Api More, 14/05/2019
111. Submission by Talei Namua, 15/05/2019
112. Submission by Vitinia Waqairatu, 15/05/2019
113. Submission by Wanderers Sports Club (Hamilton) Incorporated, 20/05/2019
114. Submission by Jade Matheuson, Undated
115. Submission by Georgia Murray, 09/04/19
116. Submission by Amy Middleton, 09/04/19
117. Submission by Megan Rodger, 09/04/19
118. Submission by Rebecca Giles, 09/04/19
119. Submission by Miria Temoni, 09/04/19
120. Submission by Waikauri Hirini, 09/04/19
121. Submission by Tyler Simek, 09/04/19
122. Submission by Molly Hale, 09/04/19
123. Submission by Nicole Steere, 09/04/19

124. Submission by Sophia Mendoza, 09/04/19
125. Submission by Sue Sloan, 11/04/19
126. Submission by Kevin Billot, 11/04/19
127. Submission by Shalima Dalob, 11/04/19
128. Submission by Nicole Lambert, 11/04/19
129. Submission by Jen Halie, 11/04/19
130. Submission by Jessica McKellar, 11/04/19
131. Submission by Catherine Warwyck, 11/04/19
132. Submission by Lauren Edwards, 11/04/19
133. Submission by Caleb Walker, 11/04/19
134. Submission by Tayla Walker, 11/04/19
135. Submission by Angela Halie, 11/04/19
136. Submission by Sarah Harris, 11/04/19
137. Submission by Matt Besley, 11/04/19
138. Submission by Louise Peta, 11/04/19
139. Submission by Christine Ritchie, 11/04/19
140. Submission by Cheryl Austin, 11/04/19
141. Submission by Yiming Ahmed, 11/04/19
142. Submission by Natasha Rich, 11/04/19
143. Submission by Alan Barras, 11/04/19
144. Submission by Tracey Mason, 11/04/19
145. Submission by Amy Wright, 11/04/19
146. Submission by Judy Elliott, 11/04/19
147. Submission by Bronwyn Layne, 11/04/19
148. Submission by Alyssa Sumner, 12/04/19
149. Submission by Jancki Rye, 12/04/19
150. Submission by April Hyland, 12/04/19
151. Submission by Robyn Baxter, 12/04/19
152. Submission by Holly Arthur, 12/04/19
153. Submission by Kristen Cooper, 12/04/19
154. Submission by Allanah Michels, 12/04/19
155. Submission by Michelle Stimpson, 12/04/19
156. Submission by Nerissa Morton, 12/04/19
157. Submission by Jacob Tannahill-Swift, 12/04/19
158. Submission by Riqalla Tuia, 12/04/19
159. Submission by Brad Adams, 12/04/19
160. Submission by Sharon McWatson, 12/04/19
161. Submission by Emma Robertson, 12/04/19
162. Submission by Stephanie Cull, 12/04/19
163. Submission by Nicky Henderson, 12/04/19
164. Submission by Liana Lister, 12/04/19
165. Submission by Pete Polharn, 12/04/19
166. Submission by Ovia Ma, 12/04/19

167. Submission by Matthew Frandi, 12/04/19
168. Submission by Tyler Mapstone, 12/04/19
169. Submission by Shenae Bishop, 12/04/19
170. Submission by Nicholas Goodhew, 12/04/19
171. Submission by Adriaan Tocker, 12/04/19
172. Submission by Liam Dawson, 12/04/19
173. Submission by Firme Boston, 12/04/19
174. Submission by Ji Yang, 12/04/19
175. Submission by Talia Hall, 12/04/19
176. Submission by Tara Disher, 12/04/19
177. Submission by Rebecca Norman, 13/04/19
178. Submission by Daniel Bunting, 16/04/19
179. Submission by Edward Fraser, 16/04/19
180. Submission by Lynette Jayne, 16/04/19
181. Submission by Shane Whitford, 16/04/19
182. Submission by Kathie Robinson, 16/04/19
183. Submission by Aaron Maynard, 16/04/19
184. Submission by Shawnon Urlich, 17/04/19
185. Submission by Pippa Hudd, 17/04/19
186. Submission by Catrina Mateer, 17/04/19
187. Submission by Puneet Dabas, 17/04/19
188. Submission by Tuahuroa Akuhata, 19/04/19
189. Submission by Georgia Urlich, 19/04/19
190. Submission by Troy Urlich, 27/04/19
191. Submission by Sarah Hill, 27/04/19
192. Submission by Ellen Churchward, 27/04/19
193. Submission by Israel Katene, 27/04/19
194. Submission by Kiko Rodriguez, 27/04/19
195. Submission by Pierce Rameka, 27/04/19
196. Submission by Nesta Latimer, 27/04/19
197. Submission by Zsaraya Waters, 27/04/19
198. Submission by Olivia Urlich, 27/04/19
199. Submission by Hazel Burroughs, 27/04/19
200. Submission by Janet Feeney, 07/05/19
201. Submission by Te Aniwa, 08/05/19
202. Submission by Martel R, 08/05/19
203. Submission by William A Watas, 10/05/19
204. Submission by Teena Williams, 10/05/19
205. Submission by Heidi McGregor, 10/05/19
206. Submission by Mormon, 10/05/19
207. Submission by Crystal Max, 10/05/19
208. Submission by Ataahua A, 10/05/19
209. Submission by Tahei Tiaou, 10/05/19

210. Submission by Karen Gubb, 10/05/19
211. Submission by Arlene Gubb, 10/05/19
212. Submission by Brenda McGregor, 10/05/19
213. Submission by Meredith Connolly, 10/05/19
214. Submission by Mandy Hester, 10/05/19
215. Submission by Rangi Tahapeehi, 10/05/19
216. Submission by Temantea Toromon, 10/05/19
217. Submission by Kim Anderson, 10/05/19
218. Submission by Maleesha Tengu, 10/05/19
219. Submission by Amy York, 10/05/19
220. Submission by Teresa Hancock, 10/05/19
221. Submission by Monique Heward, 10/05/19
222. Submission by Davina Tini, 10/05/19
223. Submission by Sally Waters, 10/05/19
224. Submission by Inez E Clarke, 10/05/19
225. Submission by Dolly McGregor, 10/05/19
226. Submission by Jacqueline Parsons, 10/05/19
227. Submission by Garth, 10/05/19
228. Submission by M Watene, 10/05/19
229. Submission by Trish Kilburn, 10/05/19
230. Submission by Voice Waikato, 31/05/2019