

Submission ID:	Submission Date:	2024-10-19 16:41:49
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If so, please provide your name and the best way to contact you and our Policy Team will be in touch.

Steve Cullen

Which area are you based in?

Morrinsville Ward

How familiar are you with the current Bylaws?

Please let us know your overall thoughts on the current Public Safety and Public Amenities Bylaws. Do they cover the issues that you care about? Are there any issues that should be included or removed?

The current Public Safety and Amenities Bylaws cover a range of different issues. Would you like to comment on any of these topics? We’ve included some prompts to help when providing feedback but please feel free to share any other insights you may have.

Behaviour and personal safety Neighbourly issues Public health and safety

Have you noticed any issues with alcohol and/or drug use in public places in our district? If so, where did this occur and what happened?

The current Public Safety Bylaw contains areas where drinking alcohol is banned. Do you think these areas are still suitable or are changes required? Please explain:

What are your thoughts on the current rules around animals in public amenities (e.g. parks and reserves)? Are there any changes needed for the safety and enjoyment of all users e.g. more rules, signage, enforcement etc.?

What do you think about the rules around the number and type of animals that are allowed to be kept (e.g. chickens, roosters, goats, pigs etc.)? Have you ever experienced any issues in your neighbourhood? Are any changes needed?

Have you ever experienced behaviour in our district that made you feel uncomfortable or unsafe? If so, what happened and where did this occur?

Neighbours having a drunken brawl on their front lawn

[redacted].

Neighbours went away and left their dog tied up and barking continuously for 12 hours, [redacted].

We regularly see dogs roaming around our area and they are mostly Pitbull type dogs with no collar or registration tag.

Neighbours lighting open fires and incinerators causing smoke to drift through our house.

I am a chronic asthmatic so this can have an adverse effect on my health.

On Saturday 12th October some people down the road at [redacted] decided to light an open fire while there was quite a significant Westerly wind blowing.

The fire got out of control fairly quickly and the fire brigade was called.

Which specific behaviours or actions in the community concern you the most and why?

Antisocial behaviour, loud noisy parties, drunken brawls

Roaming Dogs.

Dogs tied up and continuously barking for hours and hours on end.

The lighting of open fires and incinerators

What are your thoughts on the current rules to keep people safe in public places around littering, camping, lighting fires, skating, loitering etc.?

Like most other laws in this country, the problem is not the law itself.

The problem is there is no one around to enforce the law.

Therefore people are free to do whatever they choose without any consequences.

What changes (if any) would you recommend to the bylaws to better manage nuisance or offensive behaviour in the community e.g. more rules, signage, enforcement etc.?

Tougher penalties for non compliant dog owners including harsher consequences for repeat offenders

A ban on all outside fires and incinerators except for barbecues.

Have you seen any issues at cemeteries like antisocial behaviour or activities that are not allowed such as removal of monuments or tablets? If yes, please describe the issue(s) you encountered and where this occurred.

What rules (if any) do you think should be in place to help maintain and respect cemeteries?

What makes a good or bad neighbour? Please provide some examples.

It's quite simple really.

A Rad neighbour is one who has a bit of consideration for their neighbours.

Unfortunately we have not experienced this.

A Bad neighbour is:

Has loud, drunken, noisy parties regularly

Ties their dog up in the back yard and leaves it to bark continuously for hours and hours on end.

Let's their dog roam, doesn't bother to register their dog.

Lights open fires or incinerators without any consideration for their neighbours

Have you experienced anything in your neighbourhood that caused problems e.g. burning of rubbish or insanitary conditions? Please describe:

A party that ended up in a drunken brawl on the front lawn

Neighbours having loud noisy parties until the early hours of the morning

Neighbours that tied their dog up in the back yard and left it to bark continuously for 12 hours.

Neighbours regularly lighting open fires and incinerators smoking us out.

Random people entering our property without our consent.

What (if anything) should Council include in its bylaws to support the safety of food premises in the district?

Are the rules in the current Public Safety Bylaw clear and relevant for maintaining health and safety of hostels, guest houses, boarding houses, and similar accommodation? If not, please provide suggested changes.

Is there anything else that Council should include to support public health and safety?

Council's current Public Safety Bylaw includes rules and standards around signage. Do you think rules should be in place to control signage and keep our towns looking great and, if so, what should be included?

What are your thoughts on the current rules around activities such as trading, fundraising, and performing in public places? Should there be specific conditions or restrictions, and if so, what should they be?

The current Public Safety Bylaw contains areas excluded from mobile shop trading. Do you think any changes should be made to where mobile shops are allowed to operate from within our district?

Have you ever seen dangerous driving in a park or reserve? Please describe what happened and where this occurred. Was there any damage done?

How could Council better manage vehicles in parks and reserves so that everyone can enjoy these spaces e.g. more rules, signage, enforcement etc.?

Do you have specific comments about any of the other topics included in the Bylaws?

Is there anything else you'd like to share about what makes a good neighbour and citizen to help us understand what should be included when writing the new Bylaw/s?

Would you like to discuss your comments/responses further?

Yes

Submission ID:

Submission Date:

2024-10-19

16:45:08

If so, please provide your name and the best way to contact you and our Policy Team will be in touch.

KELLY RALPH

Which area are you based in?

Morrinsville Ward

How familiar are you with the current Bylaws?

Please let us know your overall thoughts on the current Public Safety and Public Amenities Bylaws. Do they cover the issues that you care about? Are there any issues that should be included or removed?

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What are your thoughts on the current rules around animals in public amenities (e.g. parks and reserves)? Are there any changes needed for the safety and enjoyment of all users e.g. more rules, signage, enforcement etc.?

What do you think about the rules around the number and type of animals that are allowed to be kept (e.g. chickens, roosters, goats, pigs etc.)? Have you ever experienced any issues in your neighbourhood? Are any changes needed?

Have you ever experienced behaviour in our district that made you feel uncomfortable or unsafe? If so, what happened and where did this occur?

yes neighbours lighting incinerators and open fires in [redacted] resulting in smoke pouring across our section and into our house and other neighbours houses my partner is a severe asthmatic and smoke inhalation can put him in hospital and also kill him . really he also suffers from anaphylactic shocks eg swelling of the throat inhaling smoke can also cause this. also our neighbour lit the incinerator 3 feet off our 6 ft wooden fence the corner of our house is very close to this fence and we have major problems with cross winds in our street which could cause the flames to jump to fence then catch our house on fire there is absolutely no need to have outside fires in town neighbours have the right to breathe fresh air especially inside their houses .THIS IS A HEALTH AND SAFETY ISSUE PLEASE ADDRESS IT .

Which specific behaviours or actions in the community concern you the most and why?

PARTIES OUR NEIGHBOUR had a party and it turned into a fist fight resulting in 2 guys slamming each other into the fence we watched in horror as the fence rocked and bent and at one stage we thought the fence was going to collapse we called police it took over an hour for them to arrive .we have also had neighbours smash a fence panel and keep quiet about it no offer to repair it.neighbours kids kicking balls over the fence into our property and smashing outside lights no offer to repair or say sorry . NEIGHBOURS PEEING IN FRONT OF OUR KITCHEN WINDOWS AND FENCES WE DON'T NEED TO SEE OUR NEIGHBOURS [redacted] .

What are your thoughts on the current rules to keep people safe in public places around littering, camping, lighting fires, skating, loitering etc.?

THERE SHOULD BE NO INCINERATORS IN TOWN FULL STOP OR OUTSIDE FIRES NEIGHBOURS SHOULD NOT HAVE TO PUT UP WITH SMOKE INSIDE THEIR HOUSES THERE IS A LAW THAT SAYS NEIGHBOURS CANNOT DO THINGS TO OTHER NEIGHBOURS THAT RUIN THE ENJOYMENT OF THEIR PROPERTY AND QUIET FRANKLY [redacted] PEOPLE JUST THINK THEY CAN FLOUT THE LAW .

What changes (if any) would you recommend to the bylaws to better manage nuisance or offensive behaviour in the community e.g. more rules, signage, enforcement etc.?

BYLAWS NEED TO BE CHANGED REGARDING FIRES AND INCINERATORS BYLAWS NEED TO BE CHANGED REGARDING OUT OF CONTROL PARTIES. BYLAW SHOULD BE INTRODUCED REGARDING FIREWORKS PUBLIC DISPLAYS ONLY AS SOME OF OUR NEIGHBOURS DO IT 2 NIGHTS IN A ROW BESIDE OUR HOUSE SOME DO IT ALL [redacted] WEEK AND THEY SET ALL THE DOGS OFF BARKING .

Have you seen any issues at cemeteries like antisocial behaviour or activities that are not allowed such as removal of monuments or tablets? If yes, please describe the issue(s) you encountered and where this occurred.

What rules (if any) do you think should be in place to help maintain and respect cemeteries?

What makes a rad or bad neighbour? Please provide some examples.

LIGHTING OUTSIDE FIRES AND INCERATORS

PEEING IN FRONT OF NEIGHBOURS WINDOWS

OUT OF CONTROL PARTIES

WANDERING DOGS

NEIGHBOURS CHOOKS WANDERING ONTO OTHER NEIGHBOURS PROPERTY

DAMAGING FENCES

THROWING BALLS AND FRUIT ONTO NEIGHBOURS PROPERTIES WHICH HAS RESULTED IN SMASHED LIGHTS AND WINDOWS

Have you experienced anything in your neighbourhood that caused problems e.g. burning of rubbish or insanitary conditions? Please describe:

YES WE HAVE ALL THESE PROBLEMS

What (if anything) should Council include in its bylaws to support the safety of food premises in the district?

Are the rules in the current Public Safety Bylaw clear and relevant for maintaining health and safety of hostels, guest houses, boarding houses, and similar accommodation? If not, please provide suggested changes.

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Is there anything else you'd like to share about what makes a good neighbour and citizen to help us understand what should be included when writing the new Bylaw/s?

Would you like to discuss your comments/responses further?

Yes



15 April 2025

To: Matamata-Piako District Council (MPDC)

Subject: Review of Matamata-Piako Public Safety Bylaw 2014 (amended 2019)

Requirement to be satisfied: Section 147A; Local Government Act 2002.

Name: Inspector Mike HENWOOD; New Zealand Police

Submitter's position on current Bylaw: Strongly supports.

I write this letter on behalf of NZ Police to support a continuation of the Matamata-Piako Public Safety Bylaw and specifically the Alcohol Control aspect via the existing Liquor Ban.

What the submitter would like the council to do: renew the existing bylaw.

Reason for supporting the bylaw:

The existing Alcohol ban areas were identified to address the level of alcohol related crime, violence, disorder and nuisance behaviour etc. within Matamata Piako District Council (MPDC) area.

Specifically the central public areas in each township where typically licensed premises are situated and large numbers of the general population congregate for business, shopping, tourism and hospitality.

In essence, the bylaw is working as MPDC public place crime (violence and disorder) are significantly lower since the liquor ban was introduced by council and enforced by Police. Removal or the reduction of the Alcohol ban would almost certainly lead to crime increasing back to the pre-existing levels, unnecessarily putting the community at risk. Any change to the current bylaw to reduce the geographic coverage of the Alcohol ban areas to be restricted to the central business areas and parks and reserves would create uncertainty to the public and could result in issues of offending persons sitting "just outside" the Alcohol ban areas and ultimately negating the effectiveness of the ban.

SUBMISSION:

1. Crime and violence

In New Zealand (New Zealand Police, 2010) alcohol is responsible for:

- a third of all violence (33%)
- a third of all family violence (34%)
- half of all sexual assaults (54%) and homicides (49.5%).

In 2018, there were (on average) 103 offences recorded every day in which the identified offender had consumed alcohol prior to offending (NZ Police, 2018).

Alcohol contributes to between 9.6% and 9.9% of 'impulsive' crimes (e.g., property damage, vandalism, arson) (Boden, Fergusson, & Horwood, 2013).

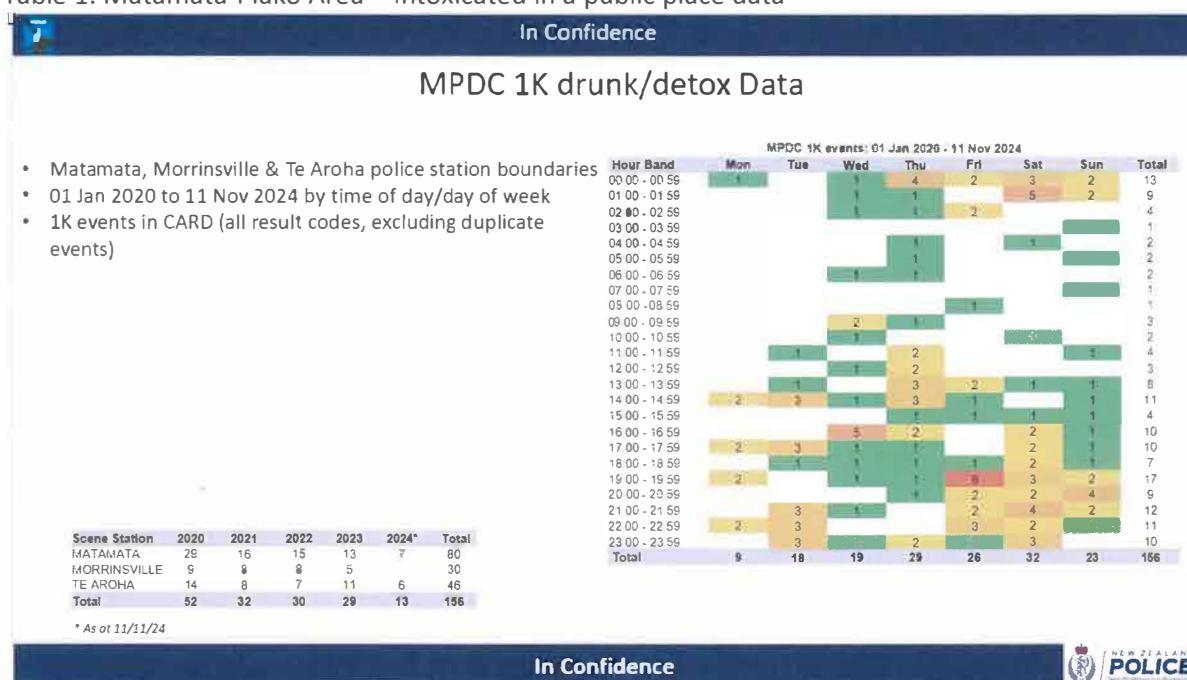
2. Disorderly behaviour, intoxicated in a public place and Liquor Ban offences

The first piece of data from NZ Police records (Table 1 below) indicates a couple of points and describes the volume and generally when and where Police deal with persons so intoxicated in a public place the Police are called by the public or they are observed by Police patrols;

(a). The incidence of public place intoxication has been slowly decreasing in the Area in recent years. This is against a backdrop of general alcohol consumption remaining largely the same during the same time. One can reasonably assume the existing bylaw and it's enforcement has contributed to this.

(b). Public place intoxication peaks later in the day and around the weeks but there is clear indication that it also can occur at almost any time of the day or day of the week. Once can assume the 24/7 nature of the bylaw is therefore both required and relevant.

Table 1: Matamata-Piako Area – Intoxicated in a public place data

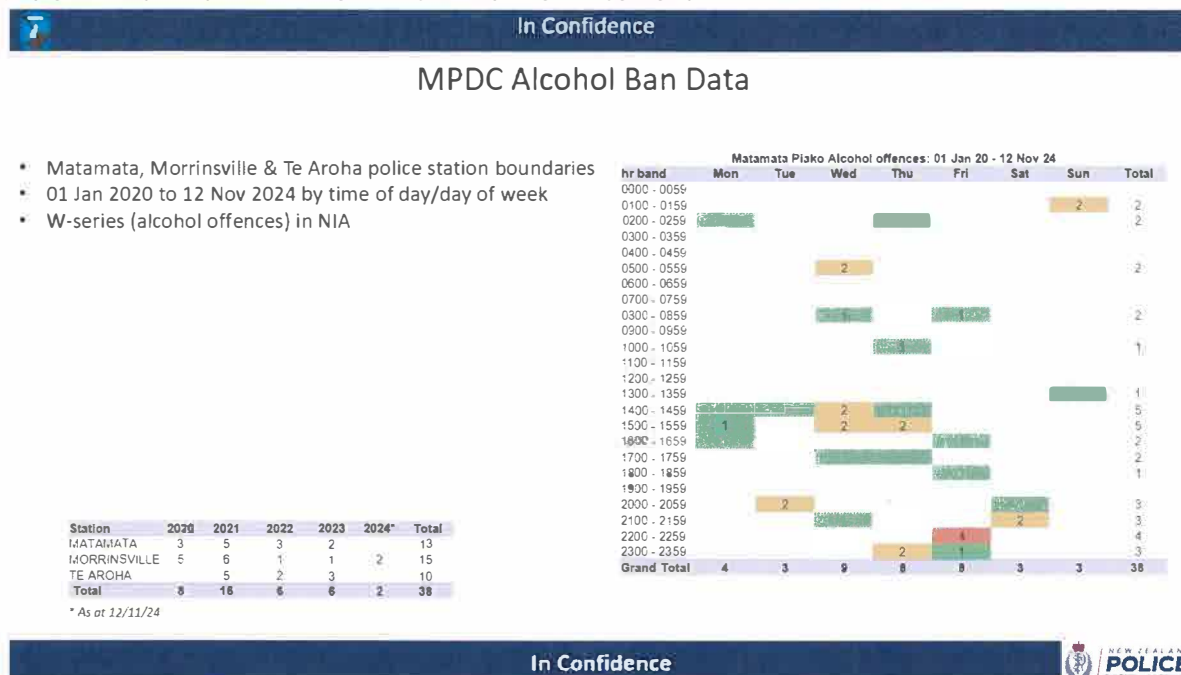


The second piece of data from NZ Police records (Table 2 below) indicates when Police have detected and enforce the existing liquor ban in recent years. Relevant points are:

(a). While these are not large numbers compared to when this bylaw was originally enacted this can be interpreted that the bylaw has had an affect rather than that it is not required.

(b). The existence of bylaw breaches in weekday daylight hours between 2pm and 5pm indicates that without the existence of the bylaw the problems associated with public place drinking would be experienced by the wider public at a time of the day when retail businesses are open, kids are walking home from school and the majority of the public are out and about going about their daily business.

Table 2: Matamata-Piako Area – Alcohol ban enforcement



Removing this preventative tool would almost certainly lead to increased crime, in the form of public place violence and disorder in the public areas currently governed by the liquor ban.

Every Waikato District council in the vicinity has an Alcohol ban and by not having one Matamata Piako District Council (MPDC) would almost certainly become the destination of choice for vagrants or young person's wanting to drink in public places with no repercussions.

3. Police Graduated Response Model applied to Liquor Ban Breaches

It is important to note that since 2008 when the original liquor ban was implemented the way Police deal with such matters has changed significantly.

In late 2013 the Alcohol Infringement Offence Notice (AION) system was introduced increasing the enforcement options Police have at their discretion and arguably alleviating many of the concerns the average rate-payer has that they might be arrested for having a social drink without knowing they were in an Alcohol ban area i.e. having a bottle of wine with a picnic in the park.

The reasonable use of discretion is the defining feature of the NZ Police Graduated Response Model for policing local liquor bans. The behaviour, actions and intoxication levels of individuals detected breaching any Alcohol ban bylaw are assessed on a case-by-case basis and common sense applied:

- (1) Engage and communicate.
- (2) Educate.
- (3) Encourage compliance.
- (4) Enforcement.

This results in four options to Police staff in terms of outcomes; (a) a verbal warning, (b) written warning, (c) instant fine or (d) arrest.

It allows for a case-by-case response and allows individuals likely to cause or be the victims of crime later to be targeted i.e. a group of young males drinking a box of beers in a car outside a bar, as opposed to harmless persons better dealt with by way of some brief education and a warning.

4. Support from Research Literature

Relevant research by accepted experts in this field can provide valuable background when considering this bylaw.

"The widespread introduction of liquor bans has been credited as a significant tool in ongoing efforts to prevent and reduce alcohol-related problems."

"A critical feature of the liquor ban regime is the power of arrest that police officers have where by-law breaches are detected. The ability to apprehend and remove troublemakers from hot spots, and to physically take them to the local police station for processing (thereby allowing them to cool down in an environment that is safer for both themselves and others), is seen by frontline officers as probably the critical factor in being able to 'nip alcohol-related problems in the bud', before they begin to escalate."

"Liquor ban bylaws are now a widely-used and well-established strategy to address alcohol-related problems in public places."

"This acts as strong disincentive to irresponsible alcohol-related behaviour in the areas covered by bans, which in the past have often been trouble spots."

"The liquor ban is a tremendous tool for staff policing...This also helps in keeping the city a safer place and enhances public perception of such. There is a notable decrease in the number of 'macho type' young males strolling the inner city streets with liquor in-hand, intimidating and depositing dangerous litter."

Webb, M. et al (2004). Banning the bottle: Liquor bans in New Zealand.

<http://www.alcohol.org.nz/sites/default/files/useruploads/ActsImagePdf/banningbottleliquorbans.pdf>

"Controls over public place drinking stem from established knowledge that poorly controlled drinking environments are one of a constellation of factors that influence exposure to alcohol-related harm."

Plant, M., et al (2002). People and Places: Some factors in the alcohol violence link, Journal of Substance Use, Vol 7:201-213

"The most commonly indicated problems associated with drinking in public places are underage drinking, alcohol-related violence and later drink driving."

Single, E. (1997). 'Public Drinking, problems and prevention measures in twelve countries: Results of the WHO project on public drinking', Contemporary Drug Problems, vol 24: 425-448.

(5). Conclusion

Common sense, Police statistics over a number of years and considerable research literature indicates the positive effect of liquor bans on helping curb crime and anti-social behaviour, specifically in public places.

Clearly in the Matamata-Piako District Council areas the establishment and enforcement of the liquor ban has contributed to a decrease in crime; specifically public place violence and disorder.

On this basis section 147A of the Local Government 2002 (LGA) is certainly satisfied; crime caused or made worse by alcohol, would return or arise in the specified public places if the bylaw was revoked.

In summary Police would be significantly disadvantaged in maintaining law and order if the existing liquor ban was removed and actual public safety and perceptions of safety would decrease.

Regards

A handwritten signature in black ink, appearing to read 'MH', with a long, sweeping horizontal stroke extending to the right.

Inspector Mike HENWOOD BMS
Area Commander
East Waikato Police

The Gaming Machine Association of New Zealand's Submission on Matamata-Piako District Council's Gambling Venue Policy

Introduction

1. The Gaming Machine Association of New Zealand ("the Association") represents the vast majority of the gaming machine societies that operate in New Zealand. The Association wishes to provide the Matamata-Piako District Council with pertinent information regarding gaming machine gambling to help council to make a balanced, evidence-based decision.

Summary

2. The Association supports the proposed option 1, namely:
 - A district-wide cap of 15 venues and 201 gaming machines.
 - A relocation provision that enables venues to move to a location with the same or lower deprivation score.
 - A restriction on venues being within 100 metres of a sensitive site, with the ability for non-compliant applications to still be considered by Council on a case-by-case basis.
3. A district-wide cap is easier to administer and easier to calculate. The current population-based cap per town is difficult to administer as the cap changes. The population information is often out of date and of limited value, due to delays in obtaining census data.
4. The removal of the requirement to consult and get approval from affected parties within a 250-metre radius of the proposed venue is supported. There is no requirement in the Gambling Act 2003 for approval to be sought from affected parties during each application. The Act provides for public notification and public input into the policy itself. This is a more efficient process than a large number of potentially affected parties having input into each application made under the established policy.
5. The existing requirement to obtain approval from all affected parties is also subject to abuse. An affected party currently includes an existing nearby gaming venue. Naturally an existing nearby venue would object to potential new competition.
6. The current consultation and hearing process results in applications taking longer than the statutory requirement to consider and determine applications within 30 working days of receipt: s 100(3). This timeframe is an absolute requirement, with no ability to extend the timeframe due to the time required for a hearing.

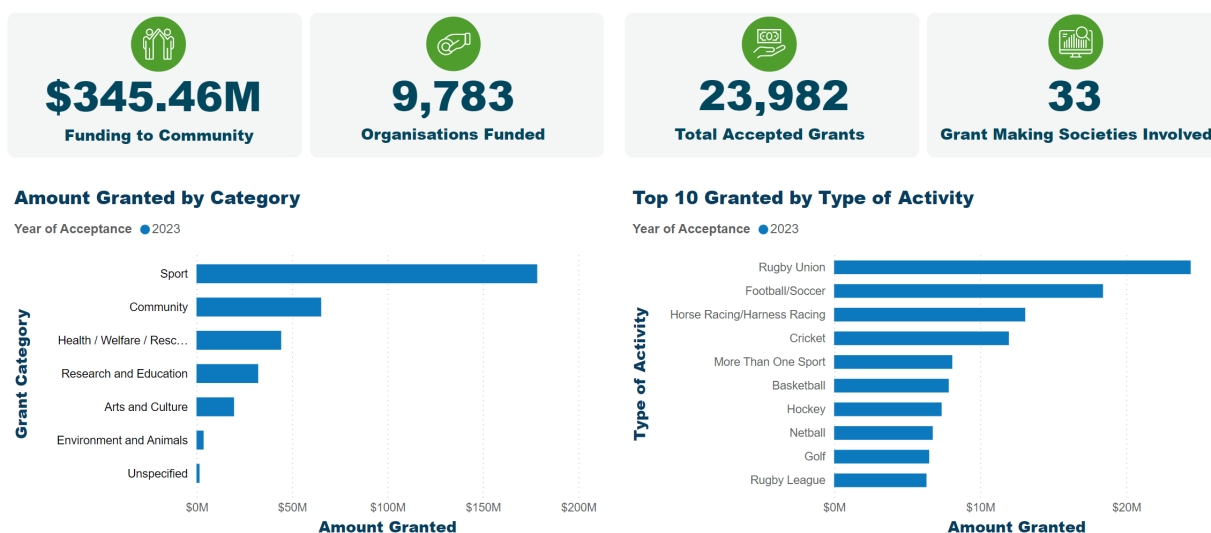
Problem Gambling in the Matamata-Piako District

7. The Ministry of Health keeps a record of the number of people in each territorial authority that seek help via the phone, text, email or face-to-face counselling services that are available. Problem gambling presentations from persons based in the Matamata-Piako District are extremely low, with no new clients being seen in the 12 month period 1 July 2022 to 30 June 2023. The Matamata-Piako District presentation data¹ (Table 10 – excludes brief interventions) are as follows:

2019/20	new clients 2	total clients seen 2
2020/21	new clients 1	total clients seen 2
2021/22	new clients 4	total clients seen 8
2022/23	new clients 0	total clients seen 2

Benefits from Gaming Machines - Gaming Machine Funding

8. The Gambling Act 2003 seeks to balance the potential harm from gambling against the benefits of using gaming machines as a mechanism for community fundraising.
9. In 2023, approximately \$345m of grant funding was approved across 23,982 grants to 9,783 different organisations.² In addition, over \$50m was applied by various RSAs and Workingmen's Clubs to support their own activities. Of the grants distributed in 2023, 51% were sports-related. The second most popular category was community (19%). This funding is crucial.



¹ <https://www.health.govt.nz/our-work/mental-health-and-addiction/addiction/gambling/service-user-data/intervention-client-data#territorial>

² <https://granted.govt.nz/dashboard.html>

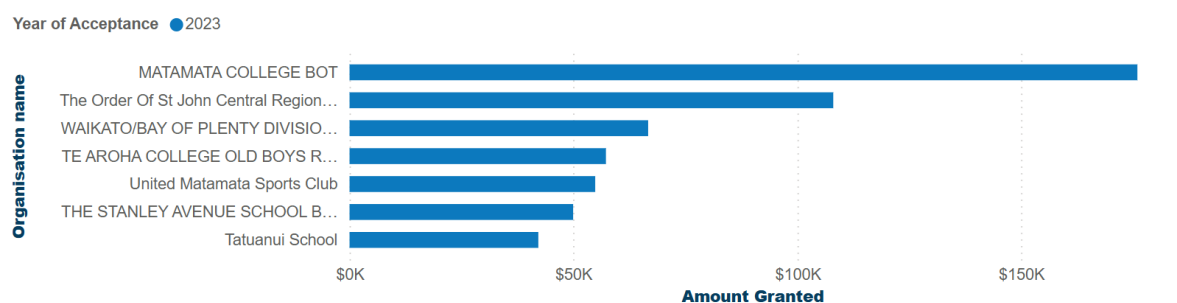
10. The local benefit from gaming machine funding includes the following:

- External grants made to local community groups;
- External grants made to national and regional organisations that provide services and support locally; and
- Gaming profits used by local club venues to fund the upkeep of their clubrooms and to provide sporting and recreational facilities to their members.

External Grants

11. The grants made to Matamata-Piako District-based organisations are posted on the granted.govt.nz website.

12. In 2023, grants totalling **\$1,656,460.00** were made to the Matamata-Piako District:



Grants to National and Regional Organisations

13. Approximately 6% of all grants are made to national and regional organisations. For example, if St John sought funding for a new ambulance for the Matamata station, the funding application would be made by the Auckland-based head office, and the funding allocated to Auckland, despite the grant having a direct benefit to Matamata-Piako District.

Club Authorised Purpose Payments

14. Three of the 10 venues that operate gaming in the Matamata-Piako District are clubs:

- Matamata Club – 18 gaming machines.
- Te Aroha Memorial RSA – 7 gaming machines.
- The Town and Country Club – 6 gaming machines.

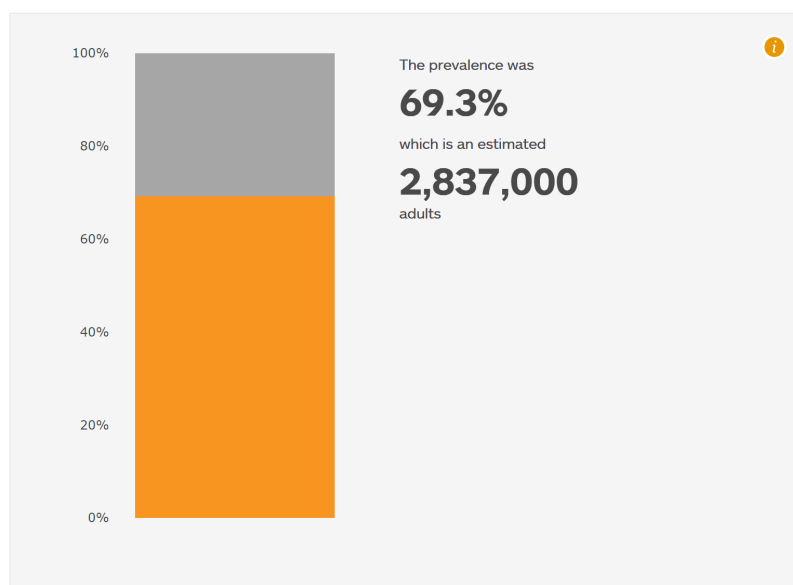
15. The gaming machine proceeds are used by these clubs to benefit the very members who play the machines. All the profits remain within the local economy. Clubs are required to publish their accounts on the Incorporated Societies website or the Friendly Societies website. The accounts set out the gross gaming revenue, the gaming profits, and how the profits are allocated.

16. By way of example, in the year ended 30 June 2024, the Matamata Club made a profit of **\$135,331.00** from its gaming machines. This money was used to support the club's various adjuncts and used for repairs and maintenance to the clubrooms, rates, and other non-bar-related operational costs.

Benefits from Gaming Machines - Gambling is an Enjoyable Activity

17. Gambling is a popular form of entertainment that most New Zealanders participate in. The 2020 Te Hiringa Hauora Health and Lifestyles Survey³ found that 69.3% of adult New Zealanders had participated in some form of gambling in the previous 12 months (estimated to be 2,837,000 New Zealanders aged 16 and over).

2020 Health and Lifestyles Survey



18. The majority of people who gamble do so because they find it an enjoyable activity. This was observed by Suits (1979, p. 155)⁴, who stated:

Gambling is a recreational activity or a kind of participation sport from which the principal satisfaction derives from the activity itself and from the ebb and flow of wins and losses rather than from ultimate outcome - the net amount won or lost. For most gamblers, the purpose of gambling is not to get rich, but to "have fun," to experience "excitement," or to have "something to look forward to," and they view payment for this recreation in the same light as others look on outlays for theatre tickets, vacation trips, or a night on the town.

19. Gambling for the non-addicted gambler may also be an avenue for socialising, stress relief and a way of having fun. Contrary to how it may appear from a non-gambler's perspective, gamblers do not necessarily anticipate they will make money from gambling.

³ <https://kupe.healthpromotion.govt.nz/#!/gambling/gambling-participation>

⁴ Suits, D. (1979). The Elasticity of Demand for Gambling. The Quarterly Journal of Economics, 93(1), 155–162. <https://doi.org/10.2307/1882605>

Parke (2015)⁵ stated:

Players mostly realise that they are paying for a leisure experience. They are not expecting to be paid, except for a small minority, who are going to earn an income as a professional gambler.

Benefits from Gaming Machines - Positive Wellbeing Impact from Gambling in New Zealand

20. The 2021 TDB Advisory report, *Gambling in New Zealand: A National Wellbeing Analysis*⁶, found that gambling in New Zealand had a net positive wellbeing benefit totalling around \$1.74b to \$2.16b per annum.



Revenue Breakdown

21. The return to players on a non-casino gaming machine is required to be set between 78% and 92%, with most being set at 91.5%. On average, for every \$1.00 gambled, 91.5 cents are returned to the player in winnings. The money retained is typically allocated as follows:

Typical Distribution of Gaming Machine Profits

	GST Inclusive	GST Exclusive
Government Duty	20%	23%
GST	13.04%	0
Problem Gambling Levy	1.08%	1.23%
DIA Costs	2.9%	3.33%
Gaming Machine Depreciation	6.95%	8%
Repairs & Maintenance	2.84%	3.27%

5 Parke, J. (2015). Gambling, leisure and pleasure: Exploring psychosocial need satisfaction in gambling. Presentation at the KPMG eGaming summit. <https://assets.kpmg/content/dam/kpmg/pdf/2016/07/im-esummit-report-2015.pdf>.

6 https://www.gamblinglaw.co.nz/download/Gambling_in_New_Zealand.pdf

Venue Costs	13.9%	16%
Society Costs	1.74%	2%
Donations	37.53%	43.16%

Gaming Machines – Key Facts

22. Gaming machines have been present in New Zealand communities since the early 1980s. Initially the machines were operated without a gaming licence. The first gaming licence was issued to Pub Charity on 25 March 1988, nearly 37 years ago.
23. Gaming machine numbers are in natural decline. In 2003, New Zealand had 25,221 gaming machines. In December 2024, New Zealand had 13,985 gaming machines.
24. New Zealand has a very low problem gambling rate by international standards. The New Zealand National Gambling Study: Wave 4 (2015)⁷ found the problem gambling rate was 0.2% of people aged 18 years and over (approximately 8,000 people nationally). The problem gambling rate is for all forms of gambling, not just gaming machine gambling.
25. All gaming machine societies contribute to a problem gambling fund. This fund provides over \$25 million per annum to the Ministry of Health to support and treat gambling addiction and to increase public awareness. The funding is ring-fenced and not able to be redirected to other health areas.
26. An excellent, well-funded problem gambling treatment service exists. The problem gambling helpline is available 24 hours a day, 365 days per year. Free, confidential help is available in 40 different languages. Free face-to-face counselling is also available, and specialist counselling is available for Māori, Pasifika and Asian clients. An anonymous, free text service (8006) is available. Support via email is also available (help@pgfnz.org.nz).

Existing Gaming Machine Safeguards

27. Introducing a more restrictive policy is not necessary given the significant measures that are already in place to minimise the harm from gaming machines.
28. **Gamblers are now only permitted to make one cash withdrawal per day.** If a second cash withdrawal is made, the venue staff are required to talk to the player about their gambling and complete a two-page report about the person's gambling. That report must then be reviewed by the venue manager within seven days.
29. ATMs are excluded from all gaming rooms. ATMs at gaming venues must be in direct line of sight from the main bar area or main customer service area.
30. Gaming machines cannot be visible from outside the venue.
31. Venue staff are required to undertake three formal sweeps of the gaming room per hour

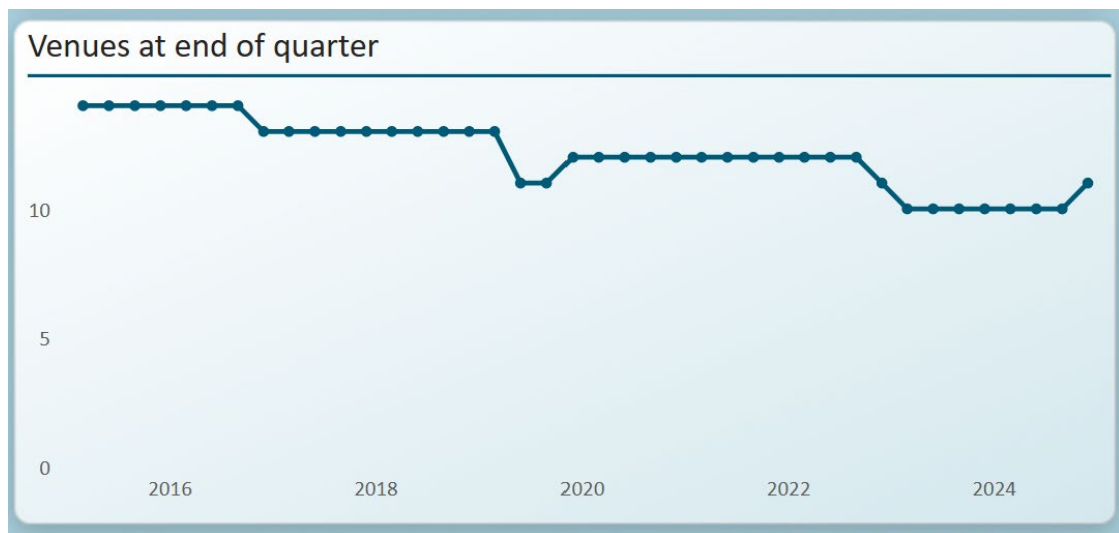
⁷ <https://www.health.govt.nz/system/files/documents/publications/national-gambling-study-report-6-aug18.pdf>

and keep a detailed record of each sweep.

32. Limits exist on the type of venues that can host gaming machines. The primary activity of all gaming venues must be focused on persons over 18 years of age. For example, it is prohibited to have gaming machines in venues such as sports stadiums, internet cafes, and cinemas.
33. There is a statutory age limit that prohibits persons under 18 years of age playing a gaming machine.
34. There are very restrictive limits on the amount of money that can be staked and the amount of prize money that can be won. The maximum stake is \$2.50. The maximum prize for a non-jackpot machine is \$500.00. The maximum prize for a jackpot-linked machine is \$1,000.00.
35. All gaming machines in New Zealand have a feature that interrupts play and displays a pop-up message. The pop-up message informs the player of the duration of the player's session, the amount spent, and the amount won or lost. A message is then displayed asking the player whether they wish to continue with their session or collect their credits.
36. Gaming machines in New Zealand do not accept banknotes above \$20.00 in denomination.
37. All gaming venues have a harm minimisation policy.
38. All gaming venues have pamphlets that provide information about the characteristics of problem gambling and how to seek advice for problem gambling.
39. All gaming venues have signage that encourages players to gamble only at levels they can afford. The signage also details how to seek assistance for problem gambling.
40. All gaming venue staff are required to have undertaken comprehensive problem gambling awareness and intervention training.
41. Any person who advises that they have a problem with their gambling is required to be excluded from the venue.
42. It is not permissible for a player to play two gaming machines at once.
43. All gaming machines have a clock on the main screen. All gaming machines display the odds of winning.
44. The design of a gaming machine is highly regulated and controlled. For example, a gaming machine is not permitted to generate a result that indicates a near win (for example, if five symbols are required for a win, the machine is not permitted to intentionally generate four symbols in a row).
45. It is not permissible to use the word "jackpot" or any similar word in advertising that is visible from outside a venue.

The Proposed Cap is Reasonable

46. The proposed cap is reasonable, given the current environment of high regulation and naturally reducing machine numbers.
47. Gaming machine venue numbers have already declined considerably. In 2015, the Matamata-Piako District had 14 venues and 173 gaming machines; the district currently only has 11 venues and 147 gaming machines.



48. There is no direct correlation between gaming machine numbers and problem gambling rates. Over the last ten years, the problem gambling rate has remained the same, despite gaming machine numbers declining rapidly (4,618 gaming machines have been removed from the market).
49. The 2012 National Gambling Survey⁸ concluded that the prevalence of problematic gambling reduced significantly during the 1990s and has since stayed about the same. The report stated on pages 17 and 18:

Problem gambling and related harms probably reduced significantly during the 1990s but have since remained at about the same level despite reductions in non-casino EGM numbers and the expansion of regulatory, public health and treatment measures. Given that gambling availability expanded markedly since 1987 and official expenditure continued to increase until 2004, these findings are consistent with the adaptation hypothesis. This hypothesis proposes that while gambling problems increase when high risk forms of gambling are first introduced and made widely available, over time individual and environmental adaptations occur that lead to problem reduction.

⁸ <https://www.health.govt.nz/system/files/documents/publications/national-gambling-study-report-2.docx>

50. The New Zealand National Gambling Study: Wave 3 (2014)⁹ noted that the problem gambling rate had remained the same over the last 10-15 years despite gaming machine numbers decreasing. The report stated on page 19:

In contrast to the 1990s, there is no evidence that problem gambling prevalence decreased with decreasing participation rates during the 2000s. When methodological differences between studies are taken into account, it appears that problem gambling prevalence has remained much the same during the past 10 to 15 years.

...gambling participation has decreased substantially in New Zealand during the past 20 years, and problem gambling and related harm has probably plateaued...

51. Professor Max Abbott is New Zealand's leading expert on problem gambling. In 2006, Professor Abbott published a paper titled *Do EGMs and Problem Gambling Go Together Like a Horse and Carriage?* The paper noted that gaming machine reductions and the introduction of caps generally appear to have little impact on problem gambling rates. Professor Abbott noted:

EGM reductions and the introduction of caps generally appear to have little impact (page 1).

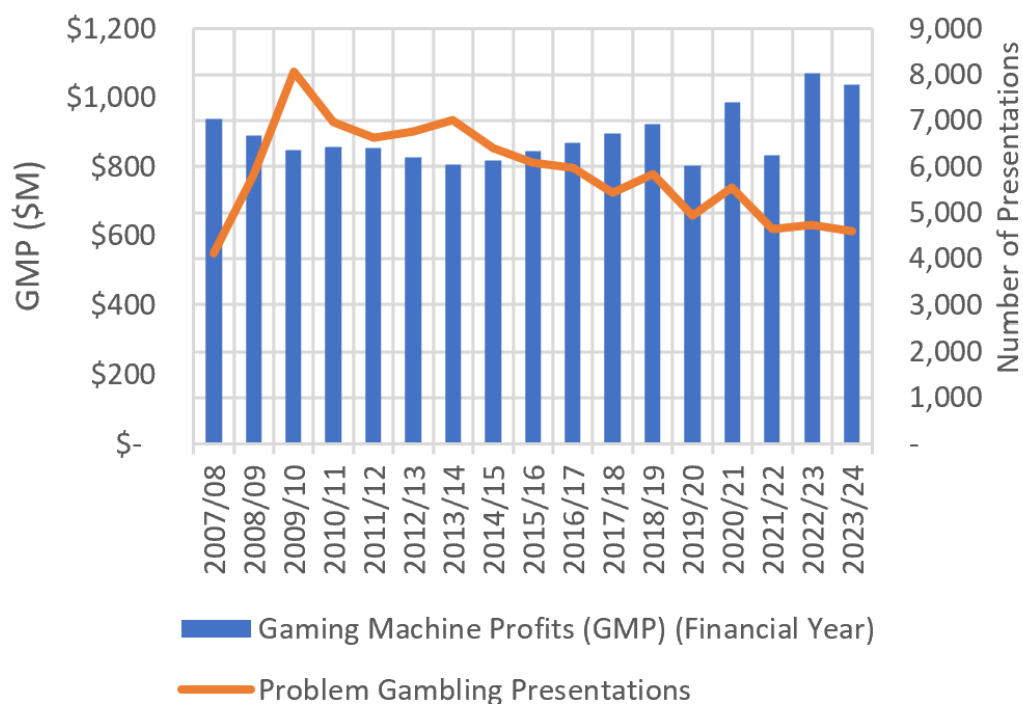
Over time, years rather than decades, adaptation ('host' immunity and protective environmental changes) typically occurs and problem levels reduce, even in the face of increasing exposure (page 6).

Contrary to expectation, as indicated previously, although EGM numbers and expenditure increased substantially in New Zealand from 1991 to 1999, the percentage of adults who gambled weekly dropped from 48% to 40%. This is of particular interest because it suggests that greater availability and expenditure do not necessarily increase high-risk exposure (page 14).

52. There is no direct correlation between gaming machine spend and problem gambling presentations:

⁹ <https://www.health.govt.nz/publication/new-zealand-national-gambling-study-wave-3-2014>

Problem Gambling Presentations and GMP



Source: DIA website: https://catalogue.data.govt.nz/dataset/class-4-gambling-key-performance-indicators/resource/4893f532-b4b8-4966-b33c-de3836817a49?inner_span=True

53. Adopting a more restrictive policy is unlikely to reduce problem gambling, but will, over time, reduce the amount of funding available to community groups based in the Matamata-Piako District. Reducing gaming machine venues reduces casual and recreational play, and therefore reduces machine turnover and the amount of money generated for grant distribution. However, problem gamblers are people who are addicted to gambling. If a new bar is established and the policy prevents that bar from hosting gaming machines, a person who is addicted to gambling will simply travel the short distance to the next bar that has gaming machines, or worse, may move to another form of gambling such as offshore-based internet and mobile phone gambling.

Unintended Consequences – Increase in Internet and Mobile Phone Gambling

54. Any reduction in the local gaming machine offering may have unintended consequences, as this may simply lead to a migration of the gambling spend to offshore internet- and mobile-based offerings. While it is illegal to advertise overseas gambling in New Zealand, it is not illegal to participate in gambling on an overseas-based website or mobile phone application.



55. It now takes only a simple search and a few minutes to download to your computer, tablet, or mobile phone any type of casino game you desire, including an exact replica of the gaming machine programs currently available in New Zealand venues.
56. There is no question that New Zealanders love gambling online.
57. The 2020 Health and Lifestyle Survey found that 1 in 4 New Zealand adults participated in some form of online gambling, with 19% participating almost every week.¹⁰

In the last 12 months,

1 in 4 (27%) New Zealand adults participated in some form of online gambling.

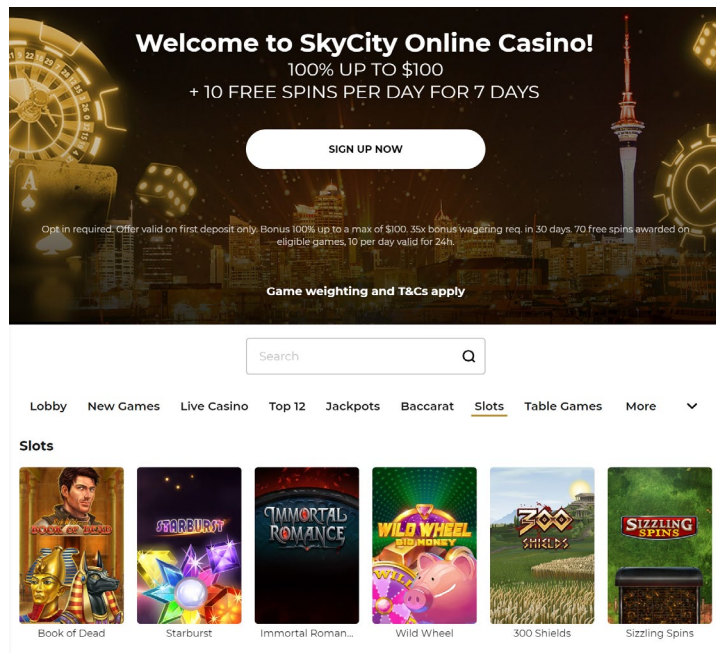


19% of online gamblers participated in online gambling almost every week.



58. TAB New Zealand's online channels make up over 80% of its betting turnover.
59. SkyCity has a very popular offshore-based online casino with a large selection of gaming machine games.

¹⁰ <https://www.hpa.org.nz/sites/default/files/2020%20Health%20and%20Lifestyles%20Survey%20Top%20line%20report.pdf>



60. TAB New Zealand estimates that the total online spend with offshore gambling websites by New Zealanders for the 12 months to August 2020 was \$570-\$580m.
61. In March 2022, Kiwibank advised¹¹ that its customers were spending around \$30 million every month playing on online gambling sites. Kiwibank is only one bank; one of the smaller banks.
62. The migration from physical Lotto stores and SkyCity was apparent during the Covid-19 lockdowns. When the physical venues were closed, the number of online registered players, and the amount of online revenue, skyrocketed:

'MyLotto':

- 2018 748,000 registered players.
- 2020 1,230,000 registered players.

- 2018 \$201m spend.
- 2020 \$430m spend.

SkyCity online casino:

- 2018 25,661 registered players.
- 2020 48,958 registered players.

- 2018 \$254m spend.
- 2020 \$793m spend.

¹¹ <https://www.newshub.co.nz/home/new-zealand/2022/03/kiwibank-customers-spending-30m-every-month-playing-on-online-gambling-sites.html>

63. The Australian National University 2024 study *Gambling Participation in Australia 2024, Trends Over Time, and Profiles Associated with Online Gambling*¹² confirmed the player migration from physical gambling venues to online. The study found at page 6:

Our data also suggest that these individuals may have ‘switched’ their gambling activity from venue-based gambling (e.g. EGM gambling) to activities that are readily available online in Australia, such as betting on sports and racing. This may reflect increase in overall online gambling participation that has been observed prior to COVID-19.

64. Offshore-based online gambling poses considerable risks because it:

- Is highly accessible, being available 24 hours a day from the comfort and privacy of your home;
- Has no restrictions on bet sizes;
- Has no capacity for venue staff to observe and assist people in trouble;
- Reaches new groups of people who may be vulnerable to the medium;
- Provides no guaranteed return to players;
- Is more easily abused by minors;
- Has reduced protections to prevent fraud, money laundering or unfair gambling practices; and
- Is unregulated, so on-line gamblers are often encouraged to gamble more by being offered inducements or by being offered the opportunity to gamble on credit. For example, many overseas sites offer sizable cash bonuses to a customer’s account for each friend that they induce to also open an account and deposit funds.

65. Offshore-based online gambling does not generate any community funding for New Zealanders, and does not make any contribution to the New Zealand health and treatment services, as no contribution is made to the problem gambling levy.

66. The Government recently confirmed that it has made a decision to regulate online casino gambling and issue online gambling licences from early 2026. The introduction of a licensing system will enable offshore-based online providers to market and advertise more freely, which will lead to even greater growth. While the online providers will be licensed and required to pay gaming duty, they will not be required to make any community grants and may remain entirely based offshore (no local employment and all profits being removed from New Zealand).

¹² https://www.gamblinglaw.co.nz/download/Gambling_in_Australia_2024_002.pdf

Retaining the Relocation Provision

67. In September 2013, Parliament recognised the merit in enabling venues to relocate, and expressly amended the Gambling Act 2003 to enable venues to relocate and retain the same number of machines when a relocation consent was obtained.
68. Venue relocation is a harm minimisation tool.
69. If a venue wishes to relocate out of a high deprivation area to a lower deprivation area, the policy should permit this.
70. If a venue wishes to relocate out of a suburban/residential area to a more suitable area, such as a central business district, the policy should permit this.
71. If a venue wishes to relocate away from sensitive sites, the policy should permit this.
72. Restricting the option to relocate simply entrenches venues in undesirable locations.
73. The proposed relocation policy supports businesses that wish to move to new, modern, refurbished premises. Allowing local businesses to upgrade their premises and provide a more modern, attractive offering to the public helps to revitalise business districts, improves the local economy and encourages tourism.
74. The first venue to relocate under the amendments made to the Gambling Act 2003 was the Te Rapa Tavern in Hamilton. The photos below show the old, rundown premises and the new modern premises. The redevelopment cost \$3,000,000.



The old Te Rapa Tavern



The new Te Rapa Tavern

75. The relocation policy should continue to enable venues to move to smaller, more suitable premises. Enabling venues to move away from large premises, with large car parking areas, to newer, smaller premises also has the advantage of freeing up large areas of land, which may be better used for affordable high-density housing.
76. The relocation policy should continue to enable venues to move out of earthquake-prone buildings to stronger, more modern buildings. This is a health and safety issue.

77. The relocation policy should continue to enable venues to relocate when the move is due to onerous rental sums or lease terms being imposed. Currently, once a venue has obtained a licence to host gaming machines its value is artificially increased. This often leads to landlords demanding higher than normal rentals. Allowing flexible relocation prevents landlords demanding unreasonable rentals as it gives the venue operator the ability to relocate to an alternative venue.
78. Previously, venues were able to relocate a short distance without needing to obtain Council consent under what was known as the Waikiwi Tavern precedent. This option was removed by the High Court on 19 February 2024: *Feed Families Not Pokies Aotearoa Inc v Secretary for Internal Affairs* [2024] NZHC 217 [19 February 2024]. The only way now for a venue to relocate, no matter how minor the distance, is to obtain a relocation consent under Council's gambling venue policy. It is therefore more important than ever that Councils cater for venue relocations in their gambling venue policies.

Council Conflicts of Interest

79. It is important that the committee of councillors that determines the gambling venue policy reflects the full views of the community. It has, however, become common for councillors who are involved in community and sporting groups to withdraw from the gambling venue policy deliberation as they consider the receipt of funding by a group that they are associated with constitutes a conflict. It has also been common for councillors with very strong, pre-determined anti-gambling views to refuse to withdraw from the policy deliberation, despite their strongly held views.
80. The Association has sought independent legal advice (copy attached) from Brookfields Lawyers regarding gambling venue policy conflicts. In summary, the key advice is:
- Being a member of a club or organisation that receives funding from a gaming grant will not usually give rise to conflict of interest when it comes to deciding or discussing Council's gambling venue policy, unless that member holds a paid role (e.g., a coach who is paid for that service); and
 - Where an elected member, outside of a debate on the issue, has expressed a view on the gambling venue policy that suggests that they do not and cannot have an open mind on the matter, this could give rise to a conflict of interest on the grounds of predetermination.

Oral Hearing

81. Jarrod True, on behalf of the Gaming Machine Association of New Zealand, would like to make a presentation at the upcoming oral hearing.

12 March 2025

Jarrod True

Counsel

Gaming Machine Association of New Zealand

15 March 2021

By Email: chair@gmanz.nz

Gaming Machine Association of New Zealand
c/o Peter Dengate-Thrush
Independent Chair

ATTENTION: Peter-Dengate Thrush

GAMBLING VENUE POLICY - CONFLICT OF INTEREST

We refer to your email instructions of 26 February 2021, seeking our advice regarding councillor conflicts of interest with respect to decision-making on Council's gambling venue policy.

YOUR QUESTIONS

1. You have asked us to advise whether:
 - a. Membership of a club or organisation that receives gaming machine grant funding would constitute a conflict of interest that would require the councillor to withdraw from decision-making or discussion regarding a proposed gambling venue policy; and
 - b. If Council has itself received gambling grant funding, does this impact on its ability to decide on a gambling venue policy, such that the decision should be made by an independent commissioner?

EXECUTIVE SUMMARY

1. In summary:
 - a. If an elected member has a financial interest in a club or organisation that may be impacted by the gambling venue policy, the member must not participate in any discussion or decision-making on the policy. It would be rare for a financial interest to arise in this context, but examples may be where the elected member is in a paid role at a club or organisation, and the role is funded from a gaming grant. A more remote interest may arise where the quantum of membership fees paid to a club or organisation may be impacted by a gaming grant. In those circumstances,

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it may be prudent to seek a decision from the Auditor-General as to whether the potential interest is deemed too remote to influence decision-making.

- b. Being a member of a club or organisation that receives funding from a gaming grant will not usually give rise to a conflict of interest when it comes to deciding or discussing Council's gambling venue policy, unless that member holds a paid role (e.g. a coach who is paid for that service).
 - c. Being a member of a club or organisation that operates a gaming licence will give rise to a conflict of interest, particularly where the elected member serves in an executive role at the club or organisation.
 - d. Where an elected member, outside of a debate on the issue, had expressed a view on the gambling venue policy that suggests that they do not and cannot have an open mind on the matter, this could give rise to a conflict of interest on the grounds of predetermination.
2. The fact that Council may have previously been the recipient of gaming grant money would not create a conflict of interest when deciding its gambling venue policy. Such democratic decision-making is fundamental to its role and is distinguishable from regulatory or quasi-judicial decision-making where appointment of an independent commissioner may be appropriate to avoid any appearance of bias. The decision-making processes in the Local Government Act 2002 (**LGA**) already impose important requirements to ensure that such decision-making involves consideration of broader community views and not just the interests of Council as an organisation. It would therefore be unnecessary and inappropriate to appoint an independent commissioner because Council initiatives may have previously benefited from gaming grants.

ANALYSIS

3. Under section 101 of the Gambling Act 2003 (**GA**), territorial authorities must, using the special consultative procedure in section 83 of the LGA, adopt a policy that specifies whether class 4 venues may be established in the district, and if so, where they may be located (**the policy**). The policy may also specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue and may include a relocation policy.

Does membership of an organisation or club create a conflict of interest for participation in discussion or decision-making on gambling venue policies?

4. It is not uncommon for councillors to be members of organisations and clubs, some of which may receive grant funding from gaming machines. This raises the question of whether membership of such a club or organisation would constitute a conflict of interest that would prevent the councillor from participating in discussion or decision-making regarding the policy.
5. Broadly speaking, a conflict of interest occurs when an elected member is affected by some other interest that he or she has in their private life. There are different types of conflict of interest:

- a. Financial conflicts of interest – where the member (or their spouse or partner) has a direct or indirect financial interest in a particular decision, they cannot discuss or vote on the matter.¹
- b. Non-financial conflicts of interest.

Financial conflicts of interest

6. The applicable legislation is the Local Authorities (Members' Interests) Act 1968 (**LAMIA**). While the LAMIA does not define what a financial interest is, section 6(2) outlines a number of examples where a member will be deemed to have a financial interest:
 - The member, or his or her spouse, owns 10% or more of the issued capital of an incorporated company or any company controlling that company, that has a pecuniary interest (direct or indirect) in a matter before the local authority or committee; or
 - The member, or his or her spouse, is a member of the company and either of them is the managing director or the general manager of the company; or
 - The member, or his or her spouse, is a member of a company controlling the company having a pecuniary interest in the matter before the local authority or committee, and either the member, or his or her spouse, is the managing director or the general manager; or
 - The member, or his or her spouse, is the managing director or general manager of the company, and either of them is a member of a company controlling that company.
7. Other than these examples, the LAMIA does not define what a "financial interest" is. However, the Auditor-General has described a "financial interest" as "a reasonable expectation of financial loss or gain from the particular decision".²
8. It is unlikely that membership alone of a community organisation that receives gaming grant funding would give rise to a financial interest. This is because such organisations and clubs are usually run on a not-for-profit basis. One example where a financial interest could potentially arise would be if the member were in a paid position at the club or organisation, and the funding for that position comes from gaming grants. Another example may be where there is a prospect that membership fees or subscriptions to a club could be affected by the amount of gaming grant funding. However, given that gambling venue policies are relatively high-level in nature and do not directly address matters such as the licensing of particular venues (which involve a separate decision-

¹ Section 6(1) of the Local Authorities (Members' Interests) Act 1968.

² Controller and Auditor-General, **Local Authorities (Members' Interests) Act 1968: A Guide for members of local authorities on managing financial conflicts of interest**, June 2020, at 4.15, referring to the definition of a financial interest in **Downward v Babington** [1975] VR 872.

making process, often by Council officers acting under delegated authority), or allocation of gaming grants (which are decided by the organisations that operate gaming licences subject to statutory requirements), any such potential impact is likely to be too speculative or remote to constitute a financial interest in the decision-making on a gambling venue policy.

9. Notwithstanding this view, where an elected member may receive a financial benefit of the kind described above from a club or organisation receiving gaming grant funding, they may as a matter of prudence wish to first obtain an exemption from the Auditor-General under section 6(3)(f) of the LAMIA (on the grounds that the financial interest is too remote or insignificant to be regarded as likely to influence him or her in voting or taking part in the discussion of the policy) before participating in discussion or decision-making on the policy. It is a relatively simple process to apply for such an exemption.

Non-financial conflicts of interest

10. A non-financial conflict of interest is any situation where a member is not affected financially by a decision but is affected in some other way that may constitute bias or the appearance of bias. Non-financial conflicts of interest are relevant to the avoidance of bias in decision-making. As opposed to financial interests, which can create personal liability for an elected member, bias is a matter of Council's accountability to the public. The avoidance of bias is part of the administrative law principles of natural justice, which require the Council to act fairly in reaching its decisions. The fairness principle has been described in these terms:³

In exercising that discretion, as in exercising any other administrative function, they [members] owe a constitutional duty to perform it fairly and honestly ... What is a fair procedure to be adopted at a particular enquiry will depend upon the nature of its subject matter.

11. The test for whether an interest may give rise to an apparent bias has been stated by the Court of Appeal as being where circumstances:⁴

...might lead a fair-minded lay observer to reasonably apprehend that the judge might not bring an impartial mind to the resolution of the instant case.

12. Unlike a financial conflict of interest, a potential non-financial conflict does not automatically exclude a member from participating in a decision. It will depend on how serious the conflict is. The Auditor-General has suggested a number of factors that may be relevant to an assessment of whether a potential conflict is serious enough to exclude a member from participation in decision-making. They include:⁵

- The type or size of the person's other interest;
- The nature or significance of the particular decision or activity being carried out by the public organisation;
- The extent to which the person's other interest could specifically affect, or be affected by, the public organisation's decision or activity; and

³ **Bushell v Secretary of State for the Environment** [1981] AC 75, 95.

⁴ **Muir v Commissioner of Inland Revenue** [2007] 3 NZLR 495.

⁵ Controller and Auditor-General, **Managing conflicts of interest: A guide for the public sector**, June 2020, at 4.31.

- The nature or extent of the person's current or intended involvement in the public organisation's decision or activity.

13. In our view, in the context of decision-making on a gambling venue policy, the mere fact that an elected member is also a lay member of an organisation or club that receives gaming grant funding is unlikely to give rise to a conflict of interest. This is because of the level of remoteness from any possible benefit or loss associated with the decision-making. In most cases, the contents of a gambling venue policy will not directly impact on funding that has or may be received by a club or organisation from gaming machine grants. The purpose of the policy is to specify whether class 4 venues may be established, and if so their location. It can also specify restrictions on the number of gaming machines that may operate at a class 4 venue. Such matters do not necessarily impact directly on whether a club or organisation may receive gaming grant funding, and if so, the amount of any such grant. Funding decisions are made by the organisations who operate the gaming machines, not the Council. The fact that a member, by virtue of membership of a club or organisation that has received gaming grants, has knowledge or experience of the beneficial impacts that gaming grants can have on the community does not give rise to a conflict of interest. To the contrary, it may contribute to a fair and balanced consideration of the issues arising when making decisions on a gambling venue policy. This would be consistent with the purpose of the GA, which is *inter alia* to ensure that money from gambling benefits the community and to facilitate community involvement in decisions about the provision of gambling.⁶

14. It is important to distinguish between membership of a club or organisation that receives gaming grants, and membership of a club or organisation that holds a gaming licence. In our view, while the former would not give rise to a conflict of interest in decision-making on a gambling venue policy, there is a much greater likelihood that the latter could give rise to a conflict of interest. This is particularly the case if the elected member holds an executive role in the club or organisation that operates a gaming licence. This is because, while a gambling venue policy does not specify whether or not a particular club or organisation is able to obtain a gaming licence *per se*, the policy may affect the eligibility of a club or organisation to hold a licence. As such, participation in the discussion or decision-making by a member of any such club or organisation could create an appearance of bias and therefore a conflict of interest.

15. Elected members should also always be mindful of avoiding predetermination, i.e., approaching decision-making with a closed mind. Elected members are entitled (and expected) to bring their previous knowledge and experiences to decision-making, but to approach any decision with an open mind. This means that elected members should be cautious about being vocal, other than in the course of Council debates, about particular views in a manner that may suggest that they do not and cannot have an open mind on a particular matter. This is because a conflict of interest may arise as a result of possible predetermination (i.e. actual or perceived bias).

16. In summary:

⁶ Section 3 of the GA.

- a. If an elected member has a financial interest in a club or organisation that may be impacted by the gambling venue policy, the member must not participate in any discussion or decision-making on the policy. It would be rare for a financial interest to arise in this context, but examples may be where the elected member is in a paid role at a club or organisation, and the role is funded from a gaming grant. A more remote interest may arise where the quantum of fees paid to a club or organisation may be impacted by a gaming grant. In those circumstances, it may be prudent to seek a decision from the Auditor-General as to whether the potential interest is deemed to remote to influence decision-making.
- b. Being a member of a club or organisation that receives funding from a gaming grant will not usually give rise to a conflict of interest when it comes to deciding or discussing Council's gaming venue policy.
- c. Being a member of a club or organisation that operates a gaming licence will give rise to a conflict of interest, particularly where the elected member serves in an executive role at the club or organisation.
- d. Where an elected member, outside of a debate on the issue, has expressed a view on the gambling venue policy that suggests that they do not and cannot have an open mind on the matter, this could give rise to a conflict of interest on the grounds of predetermination.

Would Council be conflicted in deciding a gambling venue policy because it has previously received gaming grants?

17. Council initiatives will frequently fall within the second category of the definition of an "authorised purpose" for which gaming proceeds may be used, as set out in section 4 of the GA i.e., "a non-commercial purpose that is beneficial to the whole or a section of the community". Notwithstanding the eligibility for Council initiatives to receive gaming grants, Parliament conferred territorial authorities with the responsibility of formulating a gaming venue policy for their districts. We do not consider that any conflict of interest would arise in relation to decision-making on a gambling venue policy because the Council may have previously been awarded gaming grants. This is because:

- a. While individual elected members are subject to the LAMIA which prevents them from participating in decision-making where they have a financial interest, Council as an entity is not subject to the LAMIA.
- b. Caselaw recognises the inevitability of a degree of conflict within councils when exercising certain statutory functions. It is established, for example, that a council may object to its own district plan, prosecute itself, and apply to itself for a resource consent.
- c. The standard of impartiality for a Council is that it must approach its duty of inquiring into submissions with an open mind.⁷ Given the requirement to undertake a special consultative process and the diverse views of individual members, it is unlikely that the fact that certain projects

⁷ **Lower Hutt City Council v Bank** [1974] 1 NZLR 545 at 550.

undertaken by Council have benefited from gaming grants would unduly influence Council decision-making on its gambling venue policy. For the same reasons outlined above in relation to individual members, the connection between gaming grant money and decision-making on gambling venues is too remote to constitute a conflict of interest. In any event, compliance with the statutory rules in the LGA regarding decision-making by local authorities⁸ and the general principles relating to local authorities⁹ are intended to ensure that Council decision-making is open, transparent, and has regard to the diversity of community interests, notwithstanding the many facets and activities undertaken by Council.

18. We note that Council is not undertaking a quasi-judicial role when formulating a gambling venue policy. There is greater need to avoid the appearance of bias when it comes to regulatory or quasi-judicial decision making (such as considering a resource consent application). In those circumstances, where there is an apparent conflict in Council's interests, it is common for Council to delegate its decision-making to an independent commissioner. To that end, the Resource Management Act 1991 (**RMA**) specifically allows for the appointment of independent commissioners to decide consent applications. However, while Council may delegate its decision-making on a gambling venue policy to a particular committee or sub-committee of Council, it would be unnecessary (and in our view, inappropriate) to delegate such decision-making to an independent commissioner.

Yours faithfully
BROOKFIELDS


Linda O'Reilly
Partner

⁸ Section 76 of the LGA.

⁹ Section 14 of the LGA.



Submission to Matamata-Piako District Council:
Proposed Class 4 Gambling Venues Policy

April 2025

1. INTRODUCTION

We are pleased to submit The Lion Foundation's (TLF) response to the Matamata-Piako District Council's Gambling Policy Review.

The Lion Foundation is one of New Zealand's largest gaming machine societies by venue number, machine number and money returned to the community through grants.

Formed in 1985, we have distributed over \$1 billion in grants to local, regional and national community causes since our inception.

The New Zealand community funding model is one of the most efficient in the world and we support any review that allows consideration to be given to the **total impact** that gambling has on and within our communities. In New Zealand, gaming is not operated for commercial gain, but rather for community gain.

We would appreciate an opportunity to speak to our submission.

2. SUMMARY OF THE LION FOUNDATION'S POSITION – Class 4 Gambling Venues

The Lion Foundation supports the adoption of the Draft Gambling Venue Policy 2025. TLF also acknowledges the extensive community engagement prior to the release of the Draft Policy.

3. ABOUT THE LION FOUNDATION (TLF)

The Lion Foundations' purpose, simply put, is to effectively and efficiently sustain community funding. Our aim is to protect and help people build better communities in a way that is safe, ethical, transparent, and consistent with the intent of the Gambling Act.

Our focus is on compliance and the reduction of gambling harm. The Lion Foundation is not here to grow or promote gambling.

We currently operate (EGMs) at four venues in the district: -

- **Horse and Jockey Inn** - 18 EGMs
- **Nottingham Castle Hotel** -18 EGMs
- **Tahuna Tavern** - Licensed to operate 6 , operating 3 EGMs
- **Waihou Tavern** - 9 EGMs

The Venue Operators, Managers and staff are members of the local community and have the community's interest at the heart of the business.

Venue Operators receive a limited /capped payment – defined by the Gambling Act 2003 and related Regulations, more specifically the Gambling (Venue Payments) Regulations 2016 ¹. The venue payment is a fair and equitable payment designed to compensate the Venue Operators for the operational costs incurred in operating the EGMs for the Class 4 Society.

¹ <https://www.legislation.govt.nz/regulation/public/2016/0191/latest/DLM6917617.html>

4. GAMING MACHINE FUNDING

TLF aims to return at least 90% of funds back to the community of origin (where the funds were generated), with the remaining 10% of funds being returned to organisations providing a national benefit to all New Zealanders.

We are a broad based, inclusive funder - that is, we fund a wide range of organisations across all community groups. Our grants are committed to the following community sectors:

- Sport
- Community, Arts & Culture
- Health
- Education

Our ability to distribute funding to the local community is **entirely dependent** on TLF receiving completed and eligible funding applications. TLF acknowledges that a vast majority of volunteer-based community organisations do not always have the ability to navigate the process that is involved in applying for Class 4 funding. Over the past 24 – 36 months and to ensure that all community organisations have a fair opportunity to access community funding, TLF has launched a series of educational webinars. More recently interactive Q& A sessions have been hosted. The webinars provide valuable “*how to information*” and are proving to be a success. These educational initiatives supplement the ongoing work that TLF’s Grants Advisors undertake within the community.

Wherever possible, the members of TLF’s Net Proceeds Committee endeavour to distribute funding to organisations within the district. However, and as will be evident from the list of grants distributed (see attached) distributions have been made to organisations that are not domiciled within the district’s borders.

In these instances, the members of the Net Proceeds Committee have determined that the community within Matamata-Piako benefits directly from the services provided by these organisations, and accordingly it is appropriate to utilise a percentage of local funds to support these excellent organisations.

As stated previously, approximately 10% of all funds generated from all venues is allocated to national organisations, which include (not an exhaustive list):

Life Education Trust	Royal NZ Ballet	Graeme Dingle Foundation
Holocaust Centre of NZ	NZ Football	Surf Lifesaving NZ Inc
Special Olympics NZ	Netball NZ	Basketball NZ
Endometriosis N Z	Assistance Dogs NZ	Royal NZ Plunket Soc Inc
Barnardo's N Z	NZ Spinal Trust	NZ Rugby League Inc

We commenced this submission by stating that consideration needs to be given to the total impact that gambling has on and within the community. During the pre-engagement process, TLF asked grant

recipients to contact the Council directly and inform Council of their thoughts relating to the value of funding distributed by TLF and other class 4 societies. Some of the feedback that we have been made aware of:

- Te Aroha Croquet Club – *Without the assistance of grants, our club (of just 24 members) could not exist in the valuable way it currently contributes to our community.*
- Morrinsville Intermediate School - . *As an eligible community organization, our school has benefited from funds derived directly from licensed gaming machines within our community and we would obviously be impacted if the council were to introduce a more restrictive policy as it is likely to reduce the availability of community funding over time.*
- Matamata Futures Trust - *I will be providing the council with some feedback about the importance of the funding many community groups receive from your foundation and the others in town. I am involved with many groups including sports and schools and we rely heavily on extra funding so I will be stressing this to the council. Thank you for your continued support in the Matamata area. We are all truly grateful*

The Gambling Act 2003 seeks to balance the potential harm from gambling as well as the benefits of using gaming machines as a mechanism for community fundraising. The proposed Draft Policy is working and balances the potential harm from gambling whilst preserving access to community funding.

5. POLICY DISCUSSION – Retention of Capped Policy

- The Lion Foundation supports and encourages the retention of the capped policy, which includes a suitable relocation policy.
- We support the restriction on venues not being within 100 metres of a sensitive site, with the ability for non-compliant applications to still be considered by Council on a case-by-case basis.
- The current environment of high regulation and naturally reducing machine numbers as well as the fact that there is no evidence to support the finding that a reduction in venues or machines results in a reduction in problem gambling, a capped policy is appropriate.
- There is no evidence that a reduction in venues or machines results in a reduction in problem gambling². The most recent Needs Assessment Report (Malatest International) commissioned by the Ministry of Health in support of its [Draft] Strategy to Prevent and Minimise Gambling Harm 2025-2028 confirms that *that The most recent gambling harm data captured in the HLS shows no statistically significant changes in harmful gambling between 2018 and 2020 (Te Whatu Ora, 2020).*

² National Gambling Study, MOH, 2012-2015. *The National Gambling Study (NGS) was the first NZ longitudinal study into gambling, health, lifestyles, and attitudes about gambling. Evidence to date shows that there is no correlation between the number of machines and the prevalence of people seeking help for problem gambling.*

Funded by the Ministry of Health, the NGS started in 2012 with a randomly selected national sample and followed those respondents over 4 years. The Study showed that despite a reduction in the number of machines from 18,000 in 2012 to 16,000 in 2018, the problem gambling risk did not change significantly from 2012 to 2015. Given population growth, per capita expenditure actually decreased over this period.

- Figures from the Ministry of Health's Intervention Client data³ report that in Matamata-Piako District Council's a total of 2 clients sought help in the period July 2022 – June 2023. Of this number – nil were noted as *new clients*.
- Available research has concluded that gambling is a popular form of entertainment that people find enjoyable.
 - Players mostly realise that they are paying for a leisure experience. They are not expecting to be paid, except for a small minority, who are going to earn an income as a professional gambler.⁴
 - Gambling is a recreational activity or a kind of participation sport from which the principal satisfaction derives from the activity itself and from the ebb and flow of wins and losses rather than from ultimate outcome - the net amount won or lost. For most gamblers, the purpose of gambling is not to get rich, but to "have fun," to experience "excitement," or to have "something to look forward to," and they view payment for this recreation in the same light as others look on outlays for theatre tickets, vacation trips, or a night on the town.⁵
- Furthermore, TLF believes adopting a more restrictive policy – ie a sinking lid policy is not appropriate given the significant measures that are already in place to minimise the harm from gaming machines. These existing measures have been enhanced with the introduction of new gambling harm regulations (December 2023). By way of example (not an exhaustive list):
 - There is a statutory age limit that prohibits persons under 18 years of age playing a gaming machine.
 - There are very restrictive limits on the amount of money that can be staked and the amount of prize money that can be won.
 - Gaming machines in New Zealand do not accept banknotes above \$20.00 in denomination.
 - ATMs are excluded from all gaming rooms.
 - All gaming venues have pamphlets that provide information about the characteristics of problem gambling and how to seek advice for problem gambling.
 - All gaming venues have signage that encourages players to gamble only at levels they can afford. The signage also details how to seek assistance for problem gambling.
 - All gaming venues have a harm minimisation policy.
 - All gaming venue staff are required to have undertaken comprehensive problem gambling awareness and intervention training.
 - It is not permissible for a player to play two gaming machines at once; and
 - The design of a gaming machine is highly regulated and controlled. For example, a gaming machine is not permitted to generate a result that indicates a near win (for example, if five symbols are required for a win, the machine is not permitted to intentionally generate four symbols in a row).

³<https://www.health.govt.nz/statistics-research/statistics-and-data-sets/problem-gambling/gambling-harm-services-data>, Refer Table 10

⁴ Parke, J. (2015). Gambling, leisure and pleasure: Exploring psychosocial need satisfaction in gambling. Presentation at the KPMG eGaming summit. <https://assets.kpmg/content/dam/kpmg/pdf/2016/07/im-esummit-report-2015.pdf>.

⁵ Suits, D. (1979). The Elasticity of Demand for Gambling. The Quarterly Journal of Economics, 93(1), 155–162. <https://doi.org/10.2307/1882605>

6. RELOCATION CLAUSE

TLF supports the continued inclusion of a relocation clause

7. HARM MINIMISATION

The Lion Foundation is committed to preventing and minimising harm from gambling, including problem gambling, whilst facilitating a responsible and legal form of recreational gambling.

We are committed to creating safe gambling environments in all our venues, and minimising the harm caused by problem gambling.

At TLF we play a considerable part in the prevention and minimisation of harm at the venues – *a fence at the top of the cliff* approach. We ensure our Venue Operators and their gaming staff are fully trained in all relevant areas of harm minimisation. We have released an online training system which has been developed by industry professionals. Input has been sought and received from all walks of life, including employees of the Salvation Army Oasis National Office. In December 2024 the Department of Internal Affairs approved TLF's Harm Minimisation Policy (we actually refer to it as TLF's Duty of Care Policy) which incorporates all aspects of the re-written Gambling (Harm Prevention and Minimisation) Regulations 2004.

In addition to our online programme, all staff involved in gaming at The Lion Foundation venues undertake frequent face to face training courses (including refresher courses) run by experienced TLF personnel. All TLF personnel have a wealth of experience in the gaming and hospitality sectors. Training focuses on the prevention and minimisation of incidences of problem gambling – how to observe and identify problem gamblers, how to support problem gamblers and how to ensure that harm is minimised. In addition to the ongoing training, our industry trained staff are constantly in contact with the venue staff and are available to assist with a variety of matters at a moment's notice – either in person or telephonically.

Our Account Managers are physically present in the venues on a weekly basis – ensuring compliance standards are met.

The Lion Foundation offers a range of harm minimisation material to the gambler in the venue – including, but not limited to, wallet cards with information for potential problem gamblers, signage in and around gaming rooms from the Health Promotion Agency, etc. Venue staff interaction and supervision and observation of patrons is also key to the minimisation of harm.

We support the introduction of new harm minimisation measures, provided they are based on good evidence that they will have a positive impact on the reduction in harm caused by gambling.

Apart from TLF's own efforts, an excellent, well-funded problem gambling treatment service exists. The problem gambling helpline is available 24 hours a day, 365 days per year. Free, confidential help is available in 40 different languages. Free face-to-face counselling is also available, and specialist counselling is available for Māori, Pasifika and Asian clients. An anonymous, free text service (8006) is available. Support via email is also available(help@pgfnz.org.nz).

8. CONCLUSION

It is our submission that the Council's Draft Policy optimises the balance between reasonable controls over the incidence of problem gambling against the generation of funds for the community from legitimate gambling.

Finally, we are not here to grow gambling; we believe though that pragmatic use of funds generated by this legalised form of entertainment make a hugely positive contribution to community life across New Zealand.

Grants per Salesforce Grant CRM (1 April 2024 - 31 December 2024)

Grant Request:			Allocated Amount		
Grant Request Number	Grant Request: Organisation Name	Grant Request: Amount Requested	from Matamata-Piako	ORG originating TLA	Request Category
9050170	Perry Outdoor Education Trust	120000	35000	Hamilton City Council	
9050007	Hamilton Gardens Summer Festival Foundation	43324.24	10000	Hamilton City Council	Community - Culture - Arts
9050134	Adastra Foundation	44340	15000	Hamilton City Council	Education
9046615	Te Tamawai Trust	129852.62	30000	Hamilton City Council	Education
9050132	Waikato Golf Assn Inc	65000	20000	Hamilton City Council	Sport
9049249	Order of St John Northern Region	100000	20000	Hauraki District Council	Health
9046569	Youth Arts New Zealand	75000	8750	LF National	Community - Culture - Arts
9050016	Ovarian Cancer Foundation New Zealand	21758	2500	LF National	Health
9049186	Matamata Agricultural & Pastoral Assn	14875.89	10000	Matamata-Piako District Council	Community - Culture - Arts
9047236	Matamata Citizen Band Inc	8616	3500	Matamata-Piako District Council	Community - Culture - Arts
9047722	Matamata Festival of Flowers Inc	14582	5000	Matamata-Piako District Council	Community - Culture - Arts
9048511	Matamata Futures Incorporated Trust	64975	50000	Matamata-Piako District Council	Community - Culture - Arts
9046063	Matamata-Piako District Council	600000	250000	Matamata-Piako District Council	Community - Culture - Arts
9048192	Morrinsville Art Gallery Charitable Trust	75000	10000	Matamata-Piako District Council	Community - Culture - Arts
9048041	Morrinsville Historical Soc Inc	14919	5000	Matamata-Piako District Council	Community - Culture - Arts
9048025	Te Aroha & Districts Riding for the Disabled Assn Inc	13313	8000	Matamata-Piako District Council	Community - Culture - Arts
9048644	Te Aroha A P & H Assn	5229	4500	Matamata-Piako District Council	Community - Culture - Arts
9046631	Te Aroha Contract Bridge Club Inc	1341.25	818	Matamata-Piako District Council	Community - Culture - Arts
9049198	Matamata Playcentre	9000	9000	Matamata-Piako District Council	Education
9047755	Morrinsville College	27184	10000	Matamata-Piako District Council	Education
9047854	Morrinsville Intermediate School	52000	20000	Matamata-Piako District Council	Education
9049639	Morrinsville School	46952	20000	Matamata-Piako District Council	Education
9047231	S A N Z - Waikato Scout & Guide Gang Show	9471.4	3000	Matamata-Piako District Council	Education
9049925	Tatuanui School	135000	30000	Matamata-Piako District Council	Education
9046625	Te Aroha College	10664.24	8000	Matamata-Piako District Council	Education
9045617	Hinuera Bowling Club Inc	11777.76	3000	Matamata-Piako District Council	Sport
9049775	Hinuera Rugby & Sports Inc	7489.97	6513	Matamata-Piako District Council	Sport
9049222	Kereone Rugby & Sports Club	11672.5	6758	Matamata-Piako District Council	Sport
9049629	Matamata Athletic Club	3795	3795	Matamata-Piako District Council	Sport
9049239	Matamata Equestrian Group Inc	11114.57	5000	Matamata-Piako District Council	Sport
9047794	Matamata Golf Club Inc	100000	25000	Matamata-Piako District Council	Sport
9047779	Morrinsville Bowling Club Inc	24000	10000	Matamata-Piako District Council	Sport
9048647	Morrinsville Cricket Assn Inc	76194.5	16000	Matamata-Piako District Council	Sport
9048632	Morrinsville Golf Club Inc	70000	25000	Matamata-Piako District Council	Sport
9050210	Morrinsville RSA Bowling Club Inc	12801	7500	Matamata-Piako District Council	Sport
9046441	Morrinsville Squash Rackets Club Inc	15000	10000	Matamata-Piako District Council	Sport
9047735	Tahuna Golf Club Inc	33119	10000	Matamata-Piako District Council	Sport

9049636	Tatuanui Tennis Club Inc	4000	2880 Matamata-Piako District Council	Sport
9046880	Te Aroha College Old Boys Rugby & Sports Club Inc	19658.14	8000 Matamata-Piako District Council	Sport
9047337	Te Aroha Croquet Club Inc	30000	5000 Matamata-Piako District Council	Sport
9048126	Te Aroha Hack and Hunters Club Inc	8315.48	5000 Matamata-Piako District Council	Sport
9047395	Tui Park Bowling Club Inc	17500	12000 Matamata-Piako District Council	Sport
Total			749514	

Grants Per COMs Grants System 1 January 2025 - 31 March 2025.

App Ref	Org Trading Name	Total Sum of App Requested Amount	Allocated Amount from Matamata-Piako	Org Originating TLA	App Category
GA241204-0749	Te Aroha Rugby Sub-Union Incorporated	\$40,000.00	\$30,000.00	015 - Matamata-Piako District	Sport
GA241204-0773	Waikato Institute For Leisure and Sport Studies Trust Board	\$60,000.00	\$12,500.00	016 - Hamilton City	Education
GA241209-1613	Morrinsville Community House Incorporated	\$2,969.68	\$2,777.00	015 - Matamata-Piako District	Health/Welfare
GA241210-1924	Te Aroha Indoor Basketball Association Incorporated	\$80,000.00	\$60,000.00	015 - Matamata-Piako District	Sport
GA250106-382C	United Matamata Squash Club Incorporated	\$8,784.00	\$8,784.00	015 - Matamata-Piako District	Sport
GA250113-4394	The Morrinsville Little Theatre Incorporated	\$15,000.00	\$15,000.00	015 - Matamata-Piako District	Community-Arts-Culture
GA250115-4667	Matamata Musical Theatre Incorporated	\$5,846.00	\$5,846.00	015 - Matamata-Piako District	Community-Arts-Culture
GA250124-591A	Walton Golf Club Incorporated	\$40,000.00	\$25,000.00	015 - Matamata-Piako District	Sport
GA250128-6168	Matamata Hearing Association Incorporated	\$15,000.00	\$14,776.00	015 - Matamata-Piako District	Health/Welfare
GA250129-644F	The Osteoporosis New Zealand Trust	\$35,000.00	\$5,000.00	999 - National	Health/Welfare
GA250131-684F	Matamata Association Football Club Incorporated	\$63,689.62	\$45,000.00	015 - Matamata-Piako District	Sport
GA250224-973F	Showquest Charitable Trust	\$35,000.00	\$5,000.00	999 - National	Community-Arts-Culture
GA250307-1642	Rangers Netball Club Incorporated	\$13,764.00	\$13,764.00	015 - Matamata-Piako District	Sport
		\$415,053.30	\$243,447.00		

Mapu Maia Submission

Matamata-Piako District Council

Class 4 Gambling and TAB Venues Policy Review 2025

Submitted to	Niall Baker
	Policy Team Leader
Submitters Details	Matamata-Piako District Council
	Class 4 Gambling and TAB Venues Policy Review 2025
	Pesio Ah-Honi
	Chief Executive Officer
Physical Address	Raymond Une
	Health Promoter
	Manukau, Auckland
Date of Submission	13 April 2025

Introduction:

MapuMaia is a national Pasifika service created by Pasifika with a focus on catering to different communities in Aotearoa and is dedicated to achieving healthier and more equitable health outcomes. Our goal is to build resilience against gambling harm through our integrated service model of practice, which is grounded by Vā Tagata and Pacific values. Supported by Te Whatu Ora (TWO), we deliver crucial public health services and clinical interventions. Our primary focus is to reduce gambling harm within communities by offering individual and family counselling and social support services. We provide counselling for both those directly affected by gambling and their families. In addition to our direct services, we advocate for and actively contribute to the development and implementation of public policies aimed at preventing and minimising gambling harm in Pasifika communities, as well as others. This includes partnering with Territorial Local Authorities (TLAs) to promote policies that address concerns regarding the concentration and location of gambling venues.

At MapuMaia, we work in close collaboration with Problem Gambling Foundation (PGF) and Asian Family Services (AFS) to support communities across New Zealand through joint policy submissions. Together, we strive to ensure that the voices of Pacific and marginalised communities are heard and represented in policy discussions. By combining our expertise, we develop submissions that advocate for culturally relevant and community-led solutions, addressing critical issues such as social equity, mental health, and prevention, as well as early intervention for gambling harm. Our partnership enables us to propose policies that reflect the values and priorities of the communities we serve, promoting inclusivity and improving outcomes for all New Zealanders. Thank you for the opportunity to submit feedback on the Central Hawkes Bay District City Council gambling venue and TAB policy review and proposed changes. MapuMaia proposes to:

- No TAB venues
- Keep current requirements for establishing new venues.
- Prevent venues from merging
- Adopting a sinking lid policy

No TAB venues

MapuMaia proposes that the council does not approve any applications for standalone TAB venues to operate in the district.

The local council of Matamata-Piako should prioritise the well-being of its community by refraining from establishing new TAB venues and instead focus on increasing access to in-person counselling services for those affected by gambling and gambling harm. While gambling venues may provide short-term economic benefits, they also contribute to long-term social costs, including addiction, financial hardship, and family breakdowns. Currently, the district has no access to in-person counselling services for gambling, leaving those in need of support without local resources. By directing resources towards expanding support services, such as counselling, the council can address the root causes of gambling harm and provide those affected with the tools and assistance needed for recovery. Strengthening mental health and support systems not only helps individuals regain control over their lives but also promotes a healthier, more resilient community. This proactive approach focuses on prevention and support, rather than enabling the expansion of activities that exacerbate gambling-related issues.

Keep current requirements for new venue establishment

MapuMaia proposes to keep the current requirements of new venues. New gambling venues with pokies or TAB venues must consult with parties within a 250-meter radius and get written consent before the venue can be established.

The requirement for new gambling venues with pokies or TAB venues to consult with parties within a 250-metre radius and obtain written consent before establishment is crucial for the Matamata-Piako district as it ensures that the local community has a say in the presence of such venues. This consultation process fosters transparency, allowing residents and businesses who may be directly impacted by the venue's operation—such as those located near schools, parks, or residential areas—to voice their concerns. By involving affected parties, the policy helps mitigate potential harm from increased gambling access, protects vulnerable groups from exposure to gambling-related risks, and promotes responsible urban planning. Furthermore, it ensures that venues are not placed in areas where they could negatively affect the social fabric, health, or safety of the community, ensuring the district remains a healthy and well-balanced environment for all residents.

Prevent venues from merging

MapuMaia proposes to the council to adopt a no-merging venue policy. With limited information provided on location requirements, this structure can lead to the development of a major gambling hub within specific areas, amplifying the harmful social and economic impacts on the community. Larger merged venues would likely attract more people, encouraging prolonged gambling sessions and making it easier for individuals to lose track of their spending. The closer

proximity of a larger number of pokies in one location could escalate gambling-related harm, including addiction, financial strain, and social isolation, particularly for vulnerable populations. Moreover, merging venues could also undermine the council's efforts to limit the availability of gambling in specific areas, contradicting the goal of responsible distribution and risk mitigation. By preventing venue mergers, the council would help to ensure that gambling opportunities are kept at manageable levels, maintaining a healthier balance within the district. Instead, the focus should be on supporting measures that reduce gambling harm, such as better access to counselling services and community education, rather than facilitating larger, more concentrated gambling hubs that would only increase the risks.

Adopt a Sinking Lid Policy

MapuMaia proposes that the council adopt a sinking lid policy for gambling venues and gaming machines within the district. The sinking lid policy seeks to progressively reduce the number of gambling venues and machines in each town, with the key provision that if a venue closes, it cannot be replaced.

While it is acknowledged that the immediate results of a sinking lid policy may not show a dramatic reduction in gambling harm, it is important to recognise that the full benefits of such a policy may take time to materialise. By gradually limiting the availability of gambling venues, the sinking lid policy prevents the further expansion of gambling access and mitigates the potential escalation of harm over time. Furthermore, this policy reduces the risk of gambling becoming normalised within the community, particularly in vulnerable areas where individuals may be more susceptible to harm. Although gambling revenues may remain steady initially, this does not necessarily indicate that the policy is ineffective. It may suggest that those who previously gambled at venues have simply shifted to alternative forms of gambling, which is a natural consequence of reducing the availability of physical venues.

Over the long term, the steady reduction in the number of gambling venues can help foster a cultural shift away from gambling, reducing its prevalence in the community and, ultimately, lowering the associated harm. This policy also sends a clear message that the community prioritises the well-being of its residents by actively working to limit the accessibility of gambling.

The adoption of the sinking lid policy represents a proactive and responsible approach to curbing the availability of gambling in our district, with the potential to reduce gambling harm sustainably, fostering positive social change for the community.

Final Recommendations:

Despite a decline in the number of venues and gaming machines in Matamata-Piako, gambling activity in the district has risen. The Matamata-Piako District Council has the opportunity to take the lead in implementing transformative policies that address the shortcomings of current regulations. By adopting innovative measures, we can effectively respond to this trend and promote a healthier community.

Mandatory annual training for all venue staff dealing with the community is recommended to ensure the safety of the community members who are taking part in gambling activity and consistency in approach. All pokie trusts/societies should train venue staff using specified training components, especially in high-deprivation areas of Aotearoa, in which the venues of Matamata-Piako are located.

We encourage local authorities to take full advantage of their obligations under section 101 of the Gambling Act (2003) by considering the exclusion of class 4 gambling in high-deprivation areas of their districts. This proactive step can significantly safeguard vulnerable communities and promote healthier environments for all resident's high deprivation areas.

Conclusion:

In conclusion, the introduction and implementation of a sinking lid policy, keeping current requirements of new venues, disallowing the inception of new TAB venues, and a no-merging policy are strongly encouraged. This will ensure the well-being of the people residing in the Matamata-Piako district, thereby promoting the well-being and resilience of all community members.

Thank you for considering our policy submission. We remain committed to working collaboratively towards creating a safer and healthier community for all.

09 April 2025

Matamata-Piako District Council

Re: Submission for Matamata-Piako District Council's Gambling Venue and TAB Venue Policies

Introduction

Asian Family Services (AFS) is a non-governmental organisation (NGO) committed to providing gambling harm minimisation and mental wellbeing support services to individuals of Asian background living in Aotearoa/New Zealand. Our gambling harm initiatives are funded by Te Whatu Ora. Our services offered are face-to-face by qualified counsellors, psychologists, social workers, and public health practitioners who speak various Asian languages, including Mandarin, Cantonese, Hindi, Korean, Japanese, Thai, Vietnamese, and English.

Recommendations

Thanks Matamata-Piako District Council, for the opportunity to comment the proposed modifications to the Gambling Venue and TAB Venue Policies. We would like to provide the following recommendations. Asian Family Services also endorses and supports the submission made by PGF and Mapu Maia.

- We recommend Council to introduce Sinking Lid policy.
- We advocate for the Council to explore the adoption of a more restricted sinking lid approach, complete with provisions prohibiting relocation and club mergers.

We kindly request the Council to engage in a policy review and fine-tune their decision-making process, taking into account the following points.

Rationale Behind Our Recommendations

Gambling Harm

- The Ministry of Health (2022) points out that "Gambling harm is a significant social and economic issue. About one in five people in New Zealand will experience harm in their lifetime due to their own or someone else's gambling."
- The New Zealand National Gambling Study, which comprises a sample size of 12,000 and was conducted in 2012, stands as the sole comprehensive national investigation into gambling issues in New Zealand. This study, as outlined by Abbott et al. (2014), offers the most accurate and representative data regarding the prevalence and characteristics of

gambling harm experienced by family and affected others (FAOs) within the New Zealand population. The study's findings have led to the conclusion that harmful gambling has a pronounced adverse impact on the well-being of FAOs. The most significant adverse effects, as identified, include financial impacts (21%), loss of relationships (9.5%), stress inflicted upon family members (8%), erosion of trust (7%), and the experience of emotions such as anger, frustration, or resentment (6.5%). On a global scale, extensive research and studies consistently reveal that gambling is associated with a wide range of adverse outcomes that impact not only the individuals who gamble but also extend to their families and communities. These consequences span a spectrum, encompassing, but not limited to, financial difficulties leading to bankruptcy, disruptions in relationships (Currie et al., 2009), emotional or psychological distress, cultural harm, engagement in criminal activities, and even the potential for suicidal tendencies (Langham et al., 2015). Importantly, the repercussions of gambling can endure over the long term, affecting individuals well beyond the period of active gambling (Hodgins et al. 2005.) Also, gambling may also contribute to child neglect and family violence (Ministry of Health, 2022).

Class 4 Gambling Harm

- It is evident that various forms of gambling carry differing levels of harm, a fact underscored by the distinct classifications of gambling delineated within the Gambling Act of 2003.
- The most harmful form of gambling in New Zealand is non-casino gaming machines (NCGMs) at pubs / clubs (defined in the Act as class 4 gambling). At-risk and problem gamblers accounted for over half of the total (estimated) electronic gaming machine (EGM) expenditure in 2015 (moderate-risk and problem gamblers 28 percent; low-risk gamblers 24 percent). Similarly, analysis from the 2020 Health Life Survey shows 50.3 percent of those who played EGMs in pubs or clubs at least once a month experienced some level of gambling harm (Ministry of Health, 2022).
- Class 4 EGMs is more harmful than casino EGMs is their location within our communities and the design of EGM rooms within Class 4 venue.

Vulnerable groups susceptible to the adverse effects of gambling harm

- The Ministry of Health (2022) underscores that gambling harm is also an equity issue. This is particularly pertinent because **Māori**, Pacific peoples, some Asian communities, young individuals/rangatahi, and those with **lower incomes** bear a disproportionate burden of the harmful effects of gambling.

Demographic Profile of Matamata-Piako District Council

- Based on the data from the 2018 Census, Matamata-Piako District Council is home to a population of 34,404 residents. This demographic makeup is characterised by European, comprising 84.4% of the population, Māori at 16.7%, Asians at 5.7%, and Pacific population accounting for 2.1%.
- As per Stats New Zealand (2021), New Zealand is projected to experience increased ethnic diversity by 2043, with the Māori, Asian, and Pacific ethnic populations growing across all regions and territorial authority areas. Matamata-Piako District Council is expected to align with this trend, indicating that the proportion of vulnerable communities susceptible to gambling harm is likely to rise.

Demographic Profile of Matamata-Piako District Council (Income)

- In 2018, the median income in the Matamata-Piako District was \$32,400, slightly above the national median of \$31,800.
- However, a significant proportion of the population—43.8%—reported an annual income of less than \$30,000. This raises concerns from a public health and equity perspective, as low-income communities are known to be disproportionately affected by gambling-related harm.

Efficacy of Sinking Lid

- One of the pivotal factors influencing gambling behaviour is frequently explained through the "availability hypothesis." According to this theory, problem gambling exhibits a positive correlation with exposure, meaning that as gambling opportunities expand, the incidence of pathological gambling tends to rise. Initial research, which examined the legalization of various forms of gambling at the state level in the United States during the 1980s and 1990s, provided support for this hypothesis (Volberg, 1994).
- On a global scale, evidence-based research consistently highlights the effectiveness of reducing the density of EGMs in mitigating gambling harm. A notable study by Storer et al. (2009) provides a critical insight: with each additional EGM introduced into an area, there was an average association with 0.8 new problem gamblers. This underscores the paramount importance of implementing policies aimed at restricting or reducing the concentration of EGMs, as they are likely to play a pivotal role in curbing or alleviating the harms linked to gambling. Furthermore, as noted by Robert J. Williams (2009), the most dependency-prone forms of gambling typically involve continuous gameplay with rapid game frequency. EGMs, continuous lotteries, and casino table games epitomise this feature. Therefore, taking measures to eliminate or significantly reduce the number of these games holds significant preventative value in addressing gambling-related issues.

- Within the New Zealand context, the New Zealand Work Research Institute at Auckland University of Technology conducted a comprehensive study aimed at assessing the consequences of public policy interventions on problem gambling in the country. The research findings emphasize that policies involving per capita caps and sinking lids have proven to be the most efficacious in curbing gambling expenditure. Furthermore, the study indicates that Territorial Local Authorities (TLAs) that implemented additional restrictions beyond the requirements stipulated by the Gambling Act observed a decrease in gambling-related harm compared to TLAs that did not take such additional measures.
- The research conducted by Christopher Erwin et al. in 2022 provided support for the availability hypothesis within the New Zealand context. The study's findings indicate that regions implementing sinking lid policies, which go beyond the restrictions mandated at the national level, experience a noteworthy 13% reduction in gambling expenditure compared to regions that do not adopt such additional policies.

Conclusion

- The enactment of the Gambling Act 2003 was driven by the objective of adopting a public health-oriented approach to regulate gambling and mitigate the adverse effects of gambling harm.
- Non-casino gaming machines (NCGMs), classified as class 4 gambling under the Act, are acknowledged as the most detrimental form of gambling in New Zealand. Therefore, it is imperative for the Council to ensure the implementation of the most effective policies aimed at safeguarding the community from the adverse effects of gambling harm.
- Demographic data underscores the substantial presence of Māori, Pacific peoples, Asian, and low-income residents in Matamata-Piako District Council, a population segment that is disproportionately impacted by gambling harm. In light of this, it becomes the Council's responsibility to institute a more stringent policy aimed at protecting the community from the gambling harm.
- Evidence-based research unequivocally demonstrates that reducing the availability of EGMs is an effective strategy to curtail gambling expenditure and consequently mitigate harm within the community. With the Council's existing adoption of the Sinking Lid policy, which refrains from issuing new licenses, it is worth considering an even more restrictive approach. Implementing policies that disallow both relocation and club mergers would further enhance the reduction in EGM availability, thereby bolstering community protection against the adverse effects of gambling harm.

Thank you for your time and consideration. We look forward to your response.

Ngā mihi nui,

A handwritten signature in black ink, appearing to read 'Kelly Feng', with a stylized flourish at the end.

Kelly Feng

Chief Executive

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10 April 2025

To:

Niall Baker

Policy Team Leader

Matamata-Piako District

Reference: 195.2025.318

From:

Taloto Rufo Pupualii

Senior Social Worker and Advocate for the Samoan Community in Matamata-Piako

SUBMISSION TITLES:

1. Strongly Support the Adoption of Sinking Lid Policy for Class 4 Gambling at Matamata-Piako District
2. NO more TAB Venues
3. Consultations, and Written Consents are a priority. Consult with the affected parties for better community and whanau focused.

Talofa Lava, Pacific Greetings.

I write to represent the voice of my Samoan families and community, including...

The Parents, Grandparents, Rainbow Families, Island Born Migrants, Young People and the wider Extended Families, who live and reside in Matamata-Piako Regional District. According to them, they envision this district as a safer place of hope for their future generations.

Sadly, gambling has plagued our Aiga (families) for years. Many of our whanau/ aiga migrated from Samoa, seeking better educational opportunities for their children. However, the devastating effects of gaming machines/ pokies and TAB have, shattered dreams, lost hope and negatively impacted on their younger children's lives. Their brighter future has dimmed by all harms caused by gambling.

I strongly urge the Council to consider protection over the mental, environmental, social, cultural, educational and psychological wellbeing of whanau/ aiga from these gambling harms. My whanau/ Aiga already experienced higher gambling problems of financial debts, poverty, broken relationships, anxiety and depressions. Besides, the Pacific population at Matamata-Piako is estimated to 5.5% of the total population, which is approximately amounted to 1,914. The Samoans are in total of estimated 843, living in the area. My extended family scattered around Matamata, Morrinsville and Te Aroha, where the numbers of gaming machines are unbelievable.

So, I strongly recommend that the Matamata Piako District Council incorporates the following into the Gambling Policy Review as mentioned above;

Supporting the adoption of the Sinking Lid Policy for the next three years and opposing Per Capita Policy to help reduce gambling harm in vulnerable communities, including my extended whanau/ aiga living in the district. The Sinking Lid gradually decreases the number of gaming machines in the district and minimises accessibility by whanau/ aiga.

There are 140 current gaming machines in the district, and that the number is too much, for the 34,000 of the local population. The vulnerable communities to Maori and Pacific are targeted by these pokies. From my social worker role in the health sector, and as an affected other, gambling harm is identified as a mental health issue, with the increased numbers of anxiety, depression, suicidal thoughts and broken families. The Social Impact measures of Problem Gambling on the lives of the Samoan Community and my whanau, outweigh their positive future plannings and hopeful dreams.

Supporting a Stop on TAB venues, and not to allow any to the District Council.

TAB venues also target vulnerable communities and whanau in lower-socio-economic areas, while they are continue struggling to fulfil their family financial obligations. TAB venues normally re-direct millions of dollars out of local economies and into corporate profits, which is unfair to those players of the community. It does not benefit the community but continuing to lose their potential to apply for grants for local community use.

A meaningful consultation and consent requirements to conduct thoroughly with the

- *Whanau/ aiga affected by Gambling*
- *The Lived Experience who are in their recovery journey*
- *Local community groups*

- *Pacific and Maori Gambling Providers, for the best practical and health related solutions*

Consultation is not a tick box exercise, but it strongly requires meaningful engagement with affected whanau, aiga, and the communities. To ensure the wellbeing, views, and rights of those affected from harmful gambling are acknowledged in policy making, meaningful decisions and societal whanau focused. Policies review, and effective Council planning, must incorporate the community's perspective. As I always reflect on the Maori strong voice and quote *"E aha o te mea nui o te ao, he tangata, he tangata, he tangata. What is the most important thing in the world, it is people, it is people, it is people."* This is the greatest single step towards getting the effective answer, is to get the advice from the right people, and listening to their voices.

Soifua ma ia Manuia

With Respect

Taloto Rufo Pupualii

ID: GVP258

PGF Services Submission
Matamata-Piako District Council
Class 4 Gambling and TAB Venues Policy Review 2025

Submitted to	Matamata-Piako District Council Draft Gambling Venue (Class 4) Policy and TAB Venues Policy Review via online portal submission
Details of Submitter	Madelaine Cullen
Physical Address	Auckland
Date of Submission	13 April 2025

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EXECUTIVE SUMMARY

PGF Services appreciates the opportunity to comment on Matamata-Piako District Council's Class 4 Gambling and TAB Venues Policy review.

It is our understanding that the proposed policy option is the implementation of a region-wide cap on electronic gaming machines (201) and venues (15), with provisions for venue mergers and relocations. We are also aware that Council is proposing to implement restrictions on the location of venues, in that they must not be within 100-meter radius of a sensitive site.

While we recognise that MPDC is thinking seriously about the harm caused by gambling in the region, it is our opinion that the proposed changes do not go far enough in protecting the community from gambling harm. The proposed policy does not afford for any reduction in machines or venues. We strongly encourage Matamata-Piako District Council adopt a sinking lid policy – for Class 4 gambling and TAB venues.

Evidence shows that a sinking lid policy will gradually reduce the number of pokie machines over time, ensuring that no new licenses are issued or transferred. This approach helps to protect communities, particularly those disproportionately impacted by gambling harm, by limiting access to pokies and reducing the associated social and financial harm. By adopting this policy, the Council will take an important step toward minimising gambling-related harm and demonstrate its commitment to the well-being of its community.

A sinking lid policy is one of the best policies available to reduce gambling losses and harm from gambling. This is a step in the right direction as over half of all councils (55%) across Aotearoa New Zealand have a sinking lid policy.

Our submission is evidence-based and founded on what is known about gambling harm across Aotearoa New Zealand and beyond. PGF advocates for councils to take a closer look at the relationship between harmful gambling, social disparity, and a funding model that enables it. Funding communities based on a system that relies on our lowest income households putting money they can ill-afford into gaming machines is both unethical and inequitable. The saturation of Class 4 venues in areas of high social deprivation and the resulting harm placed on these communities is disproportionately borne by Māori.

RECOMMENDATIONS AND SUBMISSION

CLASS 4 GAMBLING AND TAB VENUES POLICY OPTIONS

1. PGF Services **encourage** Matamata-Piako District Council to adopt a sinking lid policy for both Class 4 gambling and TAB venues.

INTRODUCTION

ABOUT PGF SERVICES

2. The Problem Gambling Foundation trades as PGF Services. We operate under contract to Te Whatu Ora and are funded from the gambling levy to provide public health and clinical services that contribute to the wellbeing of whānau and communities.
3. As part of our public health work, we advocate for the development of public policy that contributes to the prevention and minimisation of gambling related harms.
4. This includes working with Territorial Local Authorities (TLAs) to encourage the adoption of policies that address community concerns regarding the density and locality of gambling venues, in this case, a sinking lid policy.

PGF SERVICES' POSITION ON GAMBLING

5. It is important to note that we are not an 'anti-gambling' organisation. We are, however, opposed to the harm caused by gambling and advocate strongly for better protections for those most at risk of experiencing gambling harm.
6. We recognise that many New Zealanders do not gamble harmfully.
7. While most New Zealanders gamble without experiencing any apparent harm, a significant minority do experience harm from their gambling, including negative impacts on their own and the lives of others. It should also be noted that nearly 50% of all gambling harm is experienced by people who participate in low-risk gambling (harms include damage to relationships, emotional distress, financial impacts and disruptions to work or study). This suggests we need to focus on reducing gambling harm at the whole-of-population level (1).
8. As at 2023/24, total expenditure (losses, or the amount remaining after deducting prizes and pay-outs from turnover) across the three main forms of gambling; Class 4 Electronic Gaming Machines (EGMs), Lotto, TAB, and Casinos, was more than \$2.79 billion. (2)

9. In 2024, over \$1,037 billion was lost to pokies across Aotearoa New Zealand (3). This was a small drop in losses from the previous year which was the highest annual loss since 2003.
10. Most money spent on gambling in New Zealand comes from the relatively limited number of people who use Class 4 EGMs, and most clients accessing gambling support services cite pub/club EGMs as a primary problem gambling mode (4).

INFORMATION FOR COUNCIL DECISION MAKING

CLASS 4 GAMBLING

11. The harms caused by different forms of gambling are not equal, as evidenced by the different classifications of gambling within the Gambling Act 2003.
12. Class 4 gambling – EGMs in pubs, clubs and TABs – is characterised as high-risk, high-turnover gambling, and continues to be the most harmful form of gambling in New Zealand and the primary mode of gambling for those seeking help (5).
13. EGMs are particularly harmful because they allow continuous gambling (6). The short turnaround time between placing a bet and finding out whether you have won or lost, coupled with the ability to play multiple games in quick succession makes continuous gambling one of the most addictive forms of gambling available.

GAMING MACHINE PROFITS (GMP) STATISTICS

14. As at December 2024, there are 11 Class 4 gambling venues in the Matamata-Piako District, hosting a total of 147 EGMs (7).
15. Between December 2023 and December 2024, \$7,214,382.76 was lost to Class 4 EGMs in the Matamata-Piako District (3).
16. From 2015 to the current quarter the GMP has shown a consistent upward trend in the long term. Between September 2023 and December 2024, the nominal GMP decreased by 1.4%. While this represents a marginal decline, it should not be interpreted as a clear indicator of reduced gambling harm, especially when the overall numbers have traditionally shown an increase over time. The long-term trend continues to show an overall upward trajectory in gambling activity, and this should be considered when assessing the effectiveness of current harm reduction strategies.

CLIENT INTERVENTION DATA

17. A total of 20 clients from the Matamata-Piako District were assisted between July 2022 to September 2023 for all intervention types, including brief interventions¹ (4). The data for 2023/2024 is not available yet.
18. However, this figure does not necessarily reflect the exact number of people impacted by gambling in the Matamata-Piako District. There are many reasons people do not present to support services for help, such as stigma and shame, so to measure the severity of gambling harm in a region based only on the number of interventions is flawed.
19. The Ministry of Health's *Strategy to Prevent and Minimise Gambling Harm* states that "needs assessment and outcomes monitoring reports show that only 16% of potential clients for gambling support services (that is, people whose reported harm results in a moderate to high PGSI² score) actually access or present at these services", and that this low service use is also evident for other forms of addiction such as alcohol and drugs (5).
20. The Ministry of Health's Continuum of Gambling Behaviour and Harm (Figure 1) estimates the number of people experiencing mild, moderate or severe gambling harm is more than 250,000 – that's more than the population of Wellington (5).

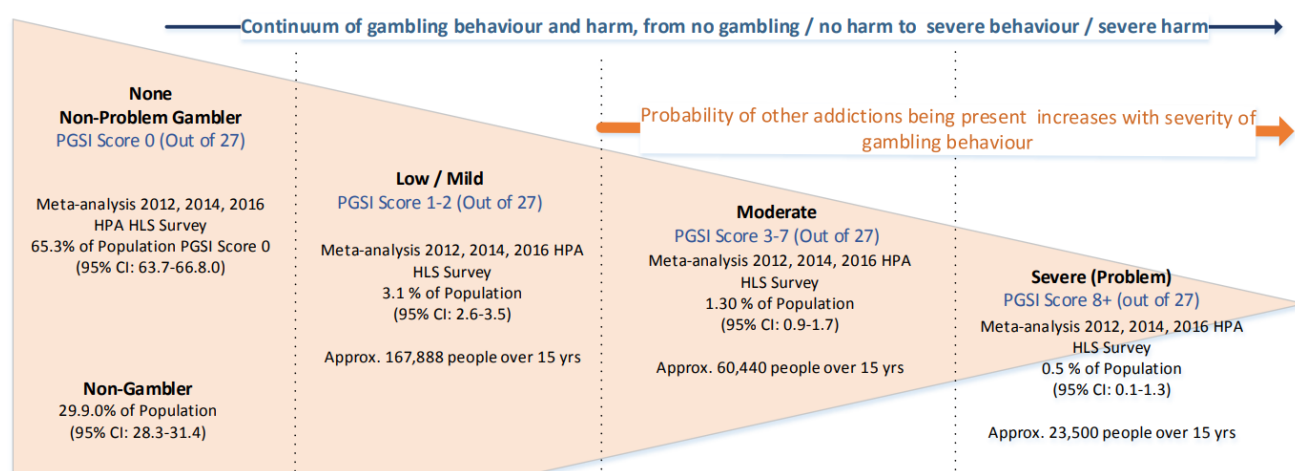


Figure 1: Continuum of Gambling Behaviour and Harm (Ministry of Health, 2019)

¹ Brief Interventions are specialised interventions that focus on engaging with people at risk of gambling harm and encouraging them to recognise the potential impacts of their own or another's gambling on their life.

² The Problem Gambling Severity Index (PGSI) is commonly used to screen and categorise three levels of harm: severe or high risk (problem gambling), moderate risk and low risk.

21. A New Zealand gambling study estimates that 30% of EGM losses is from problem and moderate risk gamblers (7).
22. While the Ministry of Health’s client intervention data is not an accurate measure of the prevalence of gambling harm in New Zealand, it can tell us the rate of harm from different classes of gambling amongst those who have sought help.
23. Data for 2022/23 shows that of the 4,411 individuals who received full intervention support for their own or someone else’s gambling, 1,987 (45.0%) were for Class 4 EGMs (4).

Primary Mode	Full Interventions	Percentage
Non-Casino Gaming Machines (EGMs or Pokies)	1,987	45.0%
Lotteries Commission Products	490	11.1%
Overseas online gambling	478	10.8%
Casino Gaming Machines (EGMs or Pokies)	439	10.0%
TAB (NZ Racing Board)	388	8.8%
Casino Table Games (inc. Electronic)	332	7.5%
NZ Other gambling	213	4.8%
Housie	49	1.1%
Cards	35	0.8%
Total	4,411	100%

Table 1: 2022/23 client intervention data by primary gambling mode.

24. Given that almost half of the clients in 2022/23 sought help due to Class 4 EGMs, this indicates the level of harm EGMs are causing in our communities.
25. We further acknowledge that the Matamata-Piako District has limited support services for those affected by gambling harm. While we are a national gambling harm service provider, our closest office is in Hamilton.

ONLINE GAMBLING

26. Online gambling is not within the scope of Matamata-Piako District Council’s Class 4 gambling and TAB venues policy review. Online gambling is the purview of the DIA who are responsible for addressing online gambling within legislation.
27. Like many others in Aotearoa New Zealand, we are concerned that children and young people, are not receiving adequate protections to harmful online content, including exposure to and availability of gambling and gaming products.

28. The Gambling Act 2003 is now almost 20 years old and no longer reflects the online gambling and gaming environment we now have, nor does it afford the robust regulatory framework that will protect consumers online.
29. PGF also notes that an area of concern for local government is that an ‘unintended consequence’ of a reduction in physical gaming machines through more restrictive Class 4 gambling policy, would lead to an increase in online gambling.
30. As a comment of assurance, there is no tangible evidence that this occurs more rapidly due to a sinking lid policy. There are no New Zealand studies tracking the migration patterns of pokie players. Rather, the COVID-19 lockdowns have shown that while there was an increase in online gambling during lockdown (namely, MyLotto sales) (8, 9), people returned to Class 4 gambling after the lockdown. This was highlighted when the DIA data showed an increase in GMP by 116% in the June to September 2020 quarter, which followed the COVID-19 lockdown in 2020 (10).
31. PGF also anticipated that clients would migrate to online gambling during the 2020 lockdown, but this did not happen. Venue closures due to COVID provided a forced break from pokies that yielded many benefits. Many clients did not gamble at all; they saved money; enjoyed their families and reassessed their priorities. Online gambling at home was too visible and confronting. Part of visiting venues is that gambling is invisible to the family and private.
32. Evidence suggests that Class 4 gambling competes with other industries for household expenditure, but not so much with other forms of gambling. The New Zealand Institute of Economic Research (NZIER) found that the cost to retail sales of Class 4 gambling was estimated to be \$445 million for the 2018/19 year. Increased retail sales would generate an additional 1,127 full-time equivalent jobs for 1,724 workers worth approximately \$50 million in wages and salaries (10). This is an interesting finding given that previous cost-benefit assessments of Class 4 gambling have tended to assume that this activity creates additional employment or is neutral from an employment perspective.

DENSITY OF CLASS 4 GAMBLING VENUES

33. What makes Class 4 EGMs more harmful than casino EGMs is their location within our communities and the design of EGM rooms within Class 4 venues.

34. In the Matamata-Piako District, SA1 shows us that the 11 Class 4 gambling venues (as at December 2024) are located in a variety of high (2), medium high (6) and medium (2) deprivation areas (3).
35. Data published by the DIA shows that almost 61% (603 out of 991 as at 30 June 2024) of Class 4 gambling venues in New Zealand are located in medium-high or very-high deprivation areas (3).

Very Low Decile 1–2	Medium Low Decile 3–4	Medium Decile 5–6	Medium High Decile 7–8	Very High Decile 9–10
66	136	186	273	330

Table 2: Class 4 gambling venues as at 30 June 2024 by deprivation score.

36. A report commissioned by the Ministry of Health notes that EGMs in the most deprived areas provide over half of the total Class 4 EGM expenditure (12).

IMPACT OF GAMBLING HARM TO VULNERABLE POPULATION GROUPS

37. It is unethical that the majority of Class 4 EGM expenditure is coming from our lowest income households who can least afford it.
38. This is particularly concerning given that this disproportionately impacts Māori who generally live in the areas where many Class 4 venues are located. We note that approximately 16% of the Matamata-Piako District population identified as Māori (13).
39. The 2020 Health and Lifestyles Survey estimates indicated that Māori were 3.13 times more likely to be moderate-risk or problem gamblers than non-Māori and non-Pacific peoples (14).
40. Research indicates that Māori experience harmful gambling differently, and that this disparity has not diminished over the years. This is a systemic issue that is inequitable.

EFFICACY OF A SINKING LID

41. From a public health perspective, there is a generally held view that the easier it is to access an addictive product, the more people there are who will consume that product.
42. It follows then that stronger restrictions on the number and location of addictive products, such as EGMs, require a public health approach to the prevention and minimisation of gambling harm.

43. Sections 92 and 93 of the Gambling Act mandate the maximum number of pokie machines a Class 4 venue can host (18 if the venue licence was held on or before 17 October 2001, nine if the licence was granted after that date). This is the minimum regulation a TLA must implement in its Class 4 gambling policy.
44. The Auckland University of Technology's New Zealand Work Research Institute recently published a research paper, *Capping problem gambling in New Zealand: the effectiveness of local government policy intervention*, which aimed to understand the impact of public policy interventions on problem gambling in New Zealand (15).
45. This research focussed on Class 4 gambling to assess the impact of local government interventions (absolute and per capita caps on the number of machines and/or venues and sinking lid policies) on the number of machines/venues and the level of machine spending over the period 2010-2018.
46. Key findings from this research include:
- a. All three forms of policy intervention are effective in reducing Class 4 venues and EGMs, relative to those TLAs with no restrictions beyond those mandated by the Gambling Act.
 - b. Sinking lids and per capita caps are equally the most effective at reducing machine spending.
 - c. Those TLAs who adopted restrictions above and beyond those mandated by the Gambling Act experienced less gambling harm than those TLAs who have not.

THE FUNDING SYSTEM

47. Following the removal of tobacco funding, EGMs were introduced with the primary purpose of funding communities.
48. Trusts and Societies are required to return 40% of GMP to the community by grants or applied funding. This has inextricably linked gambling harm with the survival of community groups, sports and services.
49. Unlike trusts and societies, clubs are allowed to keep their profits for their own use. Clubs use their GMP to support their own operations, and in some cases, allocate grants to community

projects and sports clubs. There is no requirement, however, to return 40% of GMP to the community.

50. In 2024 the overall gaming machine profit (GMP) for the Matamata-Piako District from DIA data was \$7,214,382.76. However, according to the Granted website, Class 4 trusts and societies in the area only returned \$1,656,460.00 of the GMP to the community (15). This represents just 23% of the total funds generated. This disparity highlights a significant gap between the amount lost through Class 4 gambling in the community and the proportion granted to local community initiatives.
51. What we do know is that the unethical nature of the funding model cannot be ignored. The *Gambling Harm Reduction Needs Assessment* (2018), prepared for the Ministry of Health, raises fundamental questions about the parity of this funding system (15).
52. Further research commissioned by the DIA revealed that there is a very strong redistributive effect from more deprived communities to less deprived communities when examining the origin of GMP and the destination of Class 4 grants (16).
53. Overall, less deprived communities (decile 1-5) provided 26% of the GMP but receive 88% of the grants. Conversely, more deprived communities (decile 6-10) provide 74% of the GMP but receive only 12% of the grants (16).

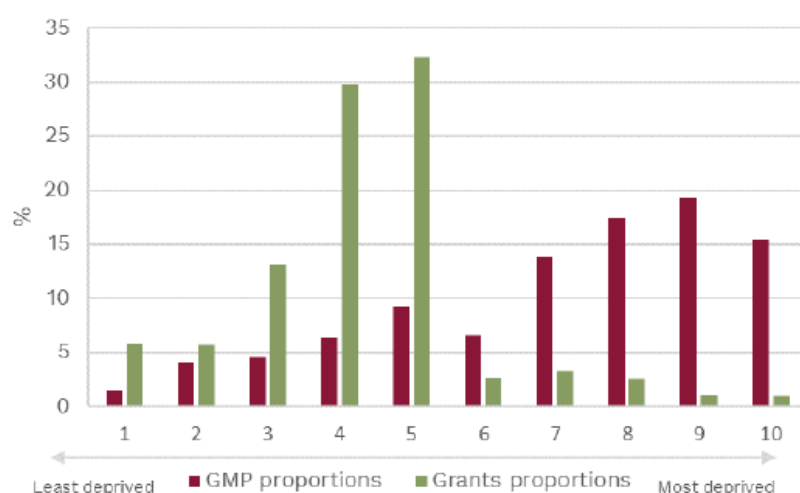


Figure 2: The origin of GMP and the destination of Class 4 grants by socio-economic decile (BERL, 2020)

PRIORITISING THE PREVENTION OF HARM

54. While a sinking lid is at present the best public health approach available to TLAs to prevent and minimise gambling harm in their communities, we contend that such a policy does not go far enough – or work fast enough – to do this.
55. Several councils have already expressed their frustration at the limited opportunities available to them in their attempts to reduce the harm from Class 4 gambling in their communities.
56. We continue to encourage Council to advocate to central government for the following:
 - a. Adoption of a more sustainable, ethical, and transparent community funding system.
 - b. More powers for councils to remove EGMs from their communities.
 - c. The urgent removal of Class 4 EGMs from high deprivation areas 7-10 in New Zealand.

CONCLUSION

57. The Gambling Act 2003 was enacted to provide a public health approach to the regulation of gambling and to reduce gambling harm.
58. We commend Matamata-Piako District Council for their attempt to strengthen gambling harm policy in the region. We ask Council to seriously consider the known harm prevention merits of a sinking lid policy with no relocations or venue merger provisions as the preferred option. This is the best public health approach available to councils to prevent and minimise gambling harm in their communities.
59. PGF appreciates the opportunity to make a written submission on Matamata-Piako District Council's Gambling Venues Policy.

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ID: GVP263

10 April 2025

Matamata-Piako District Council

Po Box 266,

Te Aroha 3342

Tēnā koutou katoa

**Matamata-Piako District Council,
Kaupapa mō ngā Wāhi Petipeti 2025 / Gambling Venue Policy 2025 &
Kaupapahere mō ngā Wāhi TAB 2025 / TAB Venue Policy 2025**

Health New Zealand –Te Whatu Ora National Public Health Service (Health NZ) in the Te Manawa Taki region is providing technical advice on the Kaupapa mō ngā Wāhi Petipeti 2025 / Gambling Venue Policy 2025 & Kaupapahere mō ngā Wāhi TAB 2025 / TAB Venue Policy 2025.

National Public Health Service Te Manawa Taki services the Taranaki, Waikato, Bay of Plenty, Lakes and Tairāwhiti areas. Our National Public Health Service purpose is to:

Manaakitia ngā whānau mō pae ora |

Enable whānau and communities to lead lives of wellness.

Technical advice - recommendations

Health NZ recommends that the Gambling Venue Policy includes a sinking lid for the total number of pokie machines and venues. However, if Council decides not to include a sinking lid, then Health NZ recommends a new **cap** on the total number of pokie machines and venues be set as follows:

- a) the cap on the maximum number of machines be set at 140, the current number in the district, to prevent further growth in numbers. Currently there is approval for up to 201 pokie machines in the district; and,
- b) the cap on the maximum number of venues with pokies be set at **10**, the current total number in the district. Currently there is approval for a maximum of 15 venues in the district at any one time.

Health NZ commends the consideration of where gambling venues can be located, including restricting new venues from being within 100m of a sensitive site or adjoining an existing class 4 venue.

Health NZ recommends that the relocation or merging of Class 4 gambling venues is not permitted.

- However, if mergers are allowed, Health NZ recommends that Council limits the number of permitted machines to the existing total for one venue and not the sum of both venues.
- Should relocations or new venues be permitted, then we recommend that assessment criteria has a harm minimisation focus, considering the social deprivation in the proposed location, along with limiting exposure to gambling to young people/rangatahi⁴.

Full technical advice is offered below.

Health NZ is open to meeting with you to discuss our technical advice.

The primary contact point for this technical advice is:

Dr Richard Wall, Public Health Medicine Specialist/ Medical Officer of Health

Nāku iti nei, nā



Dr Richard Wall
Public Health Medicine Specialist/ Medical Officer of Health
National Public Health Service – Te Manawa Taki
Health New Zealand – Te Whatu Ora

Ko wai mātou?

In offering this technical advice, Health NZ recognises its responsibilities to improve, promote and protect the health and wellbeing of people and communities of Aotearoa New Zealand under the Pae Ora (Healthy Futures) Act 2022 and the Health Act 1956. To achieve healthy communities and health equity across population groups Health NZ will work together with other sectors to address the determinants of health.¹

This technical advice aligns to Health NZ's position to realise healthier and more resilient communities. Incorporating public health commitments will support efforts to reduce inequities and promote the good health and wellbeing of communities along with the environment and places where we grow, live, learn, work and play.

Ko te pae tawhiti whāia kia tata, Ko te pae tata whakamaua kia tīna!

Seek to bring distant horizons closer and sustain/maintain those that have been arrived at.

¹ *Determinants of health*. (2017, February 3). World Health Organisation. <https://www.who.int/news-room/questions-and-answers/item/determinants-of-health>

Health NZ – Te Manawa Taki region welcomes opportunities to share public health perspectives in planning and decision-making with Matamata-Piako District Council.

Health NZ commends Matamata-Piako District Council for its timely review of both the Kaupapa mō ngā Wāhi Petipeti 2025 / Gambling Venue Policy 2025 & Kaupapahere mō ngā Wāhi TAB 2025 / TAB Venue Policy 2025.

Technical advice evidence

A public health approach considers the burden of harm across the continuum and not just on the individual gambler, for example, harm at the individual, family/whānau, community, and society levels. Harm from gambling includes emotional and psychological stress, financial harm such as increased credit card debt, reduced performance at work or education, relationship conflict, disruption and breakdown, and criminal activity⁸. Of particular concern, are the multiple forms of harm experienced by children under the care of those experiencing problems with gambling. Harm can include neglect; staying up late; losing sleep; missing school; being hungry; eating more take away or convenience foods, and potential vulnerability to abuse through lack of supervision¹⁵.

In New Zealand, harmful gambling behaviour is strongly correlated with family, whānau or partner violence, with half of problem gamblers reporting having experienced family or whānau violence⁵. There is also evidence that children and young adults are exposed to gambling messaging, for example, through advertising which can normalise harmful gambling behaviours¹⁴.

The population groups more likely to experience disproportionate levels of gambling harm are those living in areas of high deprivation, Māori, Pacific peoples, some Asian communities and rangatahi (young people)¹⁰.

Māori and Pacific peoples are also more likely to have other risk factors for gambling harm, such as low incomes and subsequently living in low socioeconomic neighbourhoods, where some forms of gambling are more accessible³. The 2020 Health and Lifestyles Survey found that Māori were 3.4 times more likely to report either gambling-related arguments or money problems related to gambling compared to non-Māori and non-Pacific peoples. Pacific peoples were 2.67 times more likely to report these harms than non-Pacific peoples and non-Māori¹¹.

Population data from the 2023 Census indicates the across the Matamata-Piako District 18.6% are Māori and 2.6% Pacific peoples². The social impact assessment further points out that seven of the ten class 4 venues are in areas with a social deprivation score of 7 or higher².

Matamata-Piako people lost \$7.3 million through Class 4 gambling (non-casino gambling machines, or pokies) in 2023, an additional \$301,669 increase on the previous year. This community loss averages to roughly \$20,000 every day, which could have been spent in local homes and businesses where there is medium-high socioeconomic deprivation.¹

The New Zealand Institute of Economic Research found that New Zealand's retail sector could have gained an estimated \$445 million in 2018/19 if household expenditure on Class 4 gambling was diverted to other uses¹².

Council's social impact assessment reports that approximately \$1.6 million (around 22%) of gambling debt was returned to the community in 2023 via community grants². Research has found that 74% of the money spent on pokies comes from areas of high deprivation, but these communities on average receive just 12% of the grants in return¹. The level of harm from Class 4 gambling is not offset by the proceeds that go back into communities.

There are no consistent screening practices for problem gambling in Aotearoa New Zealand, thus it is impossible to identify the true extent of problem gambling in Matamata-Piako. It is estimated that, nationally, only 16% of moderate-risk and problem gamblers access services⁸. Without accurate data on the prevalence of problem gambling, it is challenging to identify the extent to which Matamata-Piako communities experience negative consequences of problem gambling.

At a national level, it is estimated that one in five people in Aotearoa/New Zealand will experience harm from either their own or someone else's gambling⁴. Research indicates that approximately 5% of the population gambles at a level where they will experience some amount of harm; this figure has remained relatively steady since 2012¹⁶.

A lack of accurate local data prevents healthcare services from developing targeted interventions, allocating resources effectively, and treating co-existing problems that often accompany problem gambling.^{6-8,11,13} In Matamata-Piako, these problems are compounded since there is no in-person gambling specific support service, the closest is Hamilton. The lack of local support services creates a barrier to accessing support and assistance for whānau affected by gambling harm. This is one of the reasons public health recommends strategies to prevent gambling harm from occurring.

Most gambling-related harm originates from using electronic gaming machines (pokies), which results in high-risk, high-turnover gambling,^{6,7,8}. Reducing access to gambling opportunities and reducing the normalisation of gambling behaviour can help minimise gambling related harm⁴.

National studies suggest that most gambling-related harm originates from the use of gambling machines at pubs or clubs, resulting in high-risk, high-turnover gambling⁶⁻⁸. The 2016 Health and Lifestyles Survey found that 50.3% of people who played pokies in pubs or clubs at least once a month experienced some level of gambling harm⁷.

Gambling policy objectives should emphasise harm reduction/minimisation. Problem gambling behaviour is associated with living near gambling venues⁴ and research indicates that, where Territorial Authorities have gambling venue policies in place, a reduction in access to electronic gambling machines (EGMs) is associated with a reduction in gambling expenditure on EGMs⁵. Further research indicates that sinking lid and per capita policies are equally the most effective at reducing machine spending⁵.

Gambling policies, which restrict non-casino gaming machines or pokie operations, could lead to reduced gambling opportunities and mitigate subsequent harm over time^{6,9}.

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Te Manawhenua Forum mō Matamata-Piako (Forum)

14 April 2025

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Te Aroha 3342

Tēnā koutou,

Submission to the Matamata-Piako Policy and Bylaw consultations

This submission reflects discussions held at Forum workshops and meetings in 2024 and 2025. We acknowledge the incorporation of some of this feedback into the draft documents.

Gambling Policy 2025

At the 3 December 2024 hui the Forum formally recommended Council adopt a 'sinking lid' policy in light of the disproportionate social, financial, and spiritual harm that gambling harm has on Māori and wider whānau. The Forum supports a sinking lid approach for gaming machines and venues within the district.

Bylaw Consultation 2025

During early engagement, the Forum recommended that Council staff work directly with local marae and social services to ensure community concerns were captured. It was recommended to arrange a webinar to improve accessibility, particularly for those unable to attend daytime events. We are pleased to see some of these initiatives progressed.

The Forum emphasises the importance of aligning Council's policies and bylaws with Te Tiriti o Waitangi and recommends further governance-level kōrero to explore how this can be achieved.

Following adoption of the bylaws, the Forum recommends that Council prioritise public education on the rules to ensure communities are informed and to promote safer, healthier environments.

Attendance at the Council hearing

The Forum does not wish to present its submission in person at the Council hearing.

Thank you for considering the Forum's submission.

Nāku iti noa, nā,
Te Manawhenua Forum mō Matamata-Piako