



25 September 2013

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RSOC 13128

Ms Julie Fairey
FYI-Request

Email: fyi-request-1112-c72b13eb@requests.org.nz

Dear Julie Fairey

**OFFICIAL INFORMATION ACT (the OIA) 1982 REQUEST - SKYCITY GAMBLING
LOANS NON-PROSECUTION**

I have received your 5 September 2012 request for a copy of the advice considered by the Department of Internal Affairs (DIA) in deciding not to prosecute SkyCity for giving loans for the purpose of gambling, in contravention of the Gambling Act 2003 (the Act). You have provided a link to the article published on the Stuff website.

You also ask who made the decision not to prosecute.

As you point out correctly, the provision of credit for gambling is illegal under section 15 of the Act. However, sub-sections 3 and 4 of that section make provision for the Gambling Commission (the Commission) to approve exceptions to this prohibition. The Commission last issued such an approval in 2010. A copy of the decision and approval can be found here:

[http://www.gamblingcommission.govt.nz/GCwebsite.nsf/Files/Decision174/\\$file/DecisionGC0410.pdf](http://www.gamblingcommission.govt.nz/GCwebsite.nsf/Files/Decision174/$file/DecisionGC0410.pdf)

The above approval under section 15(4) of the Gambling Act, allows cheques to be used as security against credit. The Department's inspectors made enquiries about the claims made in the newspaper article. The casino confirmed that an arrangement under section 15(4) of the Act had been made with the players. SkyCity had acted within the law in accepting the gamblers' cheques. This meant that there was no basis or reason to consider a prosecution.

This amounts to a refusal (under section 18(e)) of the OIA not to provide the advice considered by DIA in deciding not to prosecute SkyCity because the information does not exist.

Under section 18(d) of the OIA I am also refusing the information you have requested because a related document which authorises the casino's action is already publicly available on the Gambling Commission's website.

You have the right to complain to the Office of the Ombudsman under section 28 of the OIA to seek an investigation of my decisions about the information. The Office of the Ombudsman can be contacted at PO Box 10152, Wellington 6143 or by phoning 0800 802 602.

Yours sincerely



Craig Press
Team Leader Official Correspondence
Regulatory Support