

Document 37

**From:** [Jason Hewett \(Parliament\)](#)  
**To:** [Lisa Doyle](#)  
**Cc:** [Jason Hewett](#); [Keren Ross](#); [Lloyd Bezett](#)  
**Subject:** RE: 14 Ministerials on loot boxes  
**Date:** Thursday, 7 December 2017 5:24:58 PM  
**Attachments:** [image001.jpg](#)

---

Hi Lisa

It is important to get the answer right given the attention on this issue.

**Jason Hewett**

Private Secretary for the Minister of Internal Affairs

Hon Tracey Martin

5.3L Executive Wing | Parliament Buildings

DDI: 04 817 8340 | M: 021 420 602 | E: [xxxxx.xxxxxx@xxxxxxxxxxx.xxxx.xx](mailto:xxxxx.xxxxxx@xxxxxxxxxxx.xxxx.xx)

---

**From:** Lisa Doyle [mailto:[xxxx.xxxxx@xxx.xxxx.xx](mailto:xxxx.xxxxx@xxx.xxxx.xx)]

**Sent:** Thursday, 7 December 2017 4:41 PM

**To:** Jason Hewett <[xxxxx.xxxxxx@xxxxxxxxxxx.xxxx.xx](mailto:xxxxx.xxxxxx@xxxxxxxxxxx.xxxx.xx)>

**Cc:** Jason Hewett <[xxxxx.xxxxxx@xxx.xxxx.xx](mailto:xxxxx.xxxxxx@xxx.xxxx.xx)>; Keren Ross <[xxxxx.xxxx@xxx.xxxt.nz](mailto:xxxxx.xxxx@xxx.xxxt.nz)>; Lloyd Bezett <[xxxxx.xxxxxx@xxx.xxxx.xx](mailto:xxxxx.xxxxxx@xxx.xxxx.xx)>

**Subject:** 14 Ministerials on loot boxes

Good afternoon Jason

Just to let you know that those 14 Ministerials about loot boxes are still in the review stage. Nine of these Ministerials are due to the Minister's Office tomorrow, but it is unlikely that they will be ready by then. We are hoping to get them to our General Manager tomorrow, and except them to be with you early next week. As you may be aware our General Manager was intending to discuss them with the Minister at his meeting with her on Tuesday, hence the slight delay. We will keep you in the loop on progress. Please let us know if there are any issues with this.

Kind regards,  
Lisa

**Lisa Doyle** | Policy Advisor, Official Correspondence  
Planning, Correspondence & Capability | Regulatory Services  
**The Department of Internal Affairs Te Tari Taiwhenua**  
Direct Dial: +64 4 495 7274 | Extn: 5274  
147 Lambton Quay, Wellington 6011, New Zealand | [www.dia.govt.nz](http://www.dia.govt.nz)

Update your email signature to the Coat of Arms



---

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

## Document 38

**From:** [Lloyd Bezett](#)  
**To:** [Poni Lealofi](#)  
**Cc:** [Heather McShane](#); [Liz Hibbs](#)  
**Subject:** Lootbox departmentals  
**Date:** Monday, 11 December 2017 8:22:59 AM  
**Attachments:** [Lootbox departmentals.docx](#)

---

Hi Poni

With the ministerials going through their final approval, I thought we could prepare the Departmentals. This version is a bit different from the earlier one.

Cheers

**Lloyd Bezett** | Senior Policy Advisor | Operational Policy | Regulatory Services  
Direct Dial: +64 4 495 9367 | Extn: 5367

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 40

**From:** [Lloyd Bezett](#)  
**To:** [Keren Ross](#)  
**Subject:** RE: Loot boxes Mins  
**Date:** Monday, 11 December 2017 2:57:31 PM  
**Attachments:** [image001.gif](#)

---

Keren

[Redacted]

Section 9(2)(g)(i) of the OIA

Lloyd

---

**From:** Keren Ross  
**Sent:** Monday, 11 December 2017 2:01 PM  
**To:** Rachel Groves  
**Cc:** Raj Krishnan; Lisa Doyle; Lloyd Bezett  
**Subject:** FW: Loot boxes Mins

Hi Rachel,

I haven't managed to touch base with Raj yet, are you able to advise what Policy's planned approach on loot boxes is? Reg Services has prepared responses to 14 Ministerials on this issue, and we liaised with Policy (Bruce Atmore, specifically I believe) and Legal on preparing them, however we have now been made aware there is a commitment within Policy to look at the issue?

Kind regards,

Keren

**Keren Ross** | Manager Planning Correspondence and Capability  
Operations Support | Regulatory Services  
**The Department of Internal Affairs Te Tari Taiwhenua**  
Direct Dial: +64 4 4940663 | Extn: 5663  
147 Lambton Quay, Wellington 6011, New Zealand | [www.dia.govt.nz](http://www.dia.govt.nz)  
DIA Logo - Email Signature



---

**From:** Maarten Quivooy  
**Sent:** Monday, 11 December 2017 1:52 PM  
**To:** Keren Ross; Rachel Groves; Raj Krishnan  
**Cc:** Lloyd Bezett; Lisa Doyle; Louise Cavanagh  
**Subject:** RE: Loot boxes Mins

Keren,

Please check in with Raj or Rachel on their planned approach to this issue – and we can then amend the responses if required. Please let me know if this impacts our timeframes.

Cheers

Maarten

---

**From:** Keren Ross  
**Sent:** Monday, 11 December 2017 12:30 PM  
**To:** Marilyn Little; Maarten Quivooy; Louise Cavanagh  
**Cc:** Lloyd Bezett; Lisa Doyle  
**Subject:** RE: Loot boxes Mins

Hi Marilyn,

Thanks for that, I will check in with Raj – would you like the Ministerial responses amended to reflect the commitment to look at the issue?

Thanks,

Keren

---

**From:** Marilyn Little  
**Sent:** Monday, 11 December 2017 12:25 PM  
**To:** Maarten Quivooy; Keren Ross; Louise Cavanagh  
**Subject:** Loot boxes Mins

Morning all

You won't be aware that loot boxes came up at Start up with the CE this morning. While Raj confirmed that they were outside scope of the GA, a broad commitment to look at the issue was given. Can you please liaise with him. I need to be sure that PG and RS are aligned on this.

Thanks  
Marilyn

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 41

**From:** [Lloyd Bezett](#)  
**To:** [UM\\_PRC\\_RS\\_Operational\\_Policy](#)  
**Subject:** Lootbox ministerials  
**Date:** Tuesday, 12 December 2017 8:22:15 AM  
**Attachments:** [Lootbox\\_ministerials.docx](#)

---

FYI

Attached is the draft response to ministerials on the subject of loot boxes in computer games.

Regards

**Lloyd Bezett** | Senior Policy Advisor | Operational Policy | Regulatory Services  
Direct Dial: +64 4 495 9367 | Extn: 5367

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

## Document 43

**From:** [Bruce Atmore](#)  
**To:** [Trish Millward](#)  
**Subject:** FW: Loot boxes  
**Date:** Thursday, 14 December 2017 10:58:43 AM  
**Attachments:** [image001.jpg](#)

---

Hi Trish

You're all over the media! I recognise material from Lloyd's work on the numerous ministerials coming at the moment...

Here's Graham's take on the expanding culture in and around these games. He has involvement and a strong interest in gaming culture.

Still doesn't make it gambling, but. And I've no idea what's "peri-game trades"!!

---

**From:** Graham Nielsen  
**Sent:** Wednesday, 13 December 2017 12:06 PM  
**To:** Bruce Atmore  
**Subject:** Loot boxes

Clearly someone is not aware of the full range of loot box, in-game currency, and peri-game trades and sales that occur.

<https://www.gameplanet.co.nz/news/g5a3055a2c8e42/Loot-boxes-are-not-gambling-says-NZ-Department-of-Internal-Affairs/>

**Graham Nielsen** | Senior Policy Analyst  
Policy, Regulation and Communities  
**The Department of Internal Affairs | Te Tari Taiwhenua**  
Mobile: +64 27 541 8832  
Level 6, 45 Queen Street, Auckland  
PO Box 106-483, Auckland 1143  
[www.dia.govt.nz](http://www.dia.govt.nz)

DIA Logo - Black



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

## Document 44

**From:** [Lloyd Bezett](#)  
**To:** [Mark Thornton](#)  
**Subject:** Loot box document set  
**Date:** Thursday, 14 December 2017 1:08:34 PM  
**Attachments:** [image001.png](#)

---

<https://dia.cohesion.net.nz/Sites/GMB/PLM/POLA/PolicyandLegislationAdvice2017/Loot%20boxes%20in%20computer%20games?Web=1>

Lloyd Bezett | Senior Policy Advisor | Operational Policy | Regulatory Services  
The Department of Internal Affairs Te Tari Taiwhenua  
Direct Dial: +64 4 495 9367 | Extn: 5367  
147 Lambton Quay | PO Box 805, Wellington 6140, New Zealand | [www.dia.govt.nz](http://www.dia.govt.nz)  
Crest2



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



**From:** [Trish Millward](#)  
**To:** [Lisa Doyle](#)  
**Subject:** RE: OIA Request - Loot Boxes  
**Date:** Thursday, 14 December 2017 9:36:32 AM  
**Attachments:** [image001.jpg](#)

---

Thanks.

Trish

---

**From:** Lisa Doyle  
**Sent:** Thursday, 14 December 2017 9:12 AM  
**To:** Trish Millward  
**Cc:** Keren Ross  
**Subject:** FW: OIA Request - Loot Boxes

Hi Trish

Section 9(2)(a) of the OIA

Just as an FYI, we received this other OIA request from [REDACTED] today re. loot boxes (see his email below). We will work with Op Pol to produce a response.

Thanks,  
Lisa

---

**From:** [REDACTED]  
**Sent:** Thursday, 14 December 2017 8:26 AM  
**To:** Lisa Doyle  
**Subject:** OIA Request - Loot Boxes

Section 9(2)(a) of the OIA

Can you please also forward to me the internal reports/discussion documents on the issue of whether loot boxes meet the legal definition of gambling, and the decision document.

I understand that a decision has been communicated that because gamers do not purchase loot boxes seeking to win money or something that can be converted into money, loot boxes are not gambling.

[REDACTED]



Section 9(2)(a) of the OIA

The information contained in this email message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. When addressed to our clients any opinions or advice contained in this email are subject to the terms and conditions expressed in the governing [REDACTED] client letter of engagement.

Section 9(2)(a) of the OIA.

Document 46

**From:** [Lloyd Bezett](#)  
**To:** [Trish Millward](#)  
**Cc:** [Mike Osmond](#)  
**Subject:** RE: Query about Loot Boxes in Video Games  
**Date:** Friday, 15 December 2017 9:36:57 AM

---

Hi Trish

The Gambling Act 2003 provides that remote interactive gambling (gambling at a distance through a communication device) is illegal. However, the Act provides a number of exemptions from this general rule, including the Lotteries Commission, the TAB, certain sales promotions and gambling with a gambling operator located outside New Zealand. This means that no person in New Zealand, regardless of age, is prohibited from gambling with an overseas gambling operator.

The Act seeks to control the amount of overseas gambling by prohibiting the publication of overseas gambling advertisements.

Regards

**Lloyd Bezett** | Senior Policy Advisor | Operational Policy | Regulatory Services  
Direct Dial: +64 4 495 9367 | Extn: 5367

---

**From:** Trish Millward  
**Sent:** Thursday, 14 December 2017 8:03 PM  
**To:** Lloyd Bezett; Poni Lealofi  
**Subject:** Fwd: Query about Loot Boxes in Video Games

Hi both another loot box secondary market query. Can you please draft a response?

Thanks Trish

Sent from my iPhone

Begin forwarded message: **Section 9(2)(a) of the OIA**

**From:** [REDACTED]  
**Date:** 14 December 2017 at 2:30:09 PM NZDT  
**To:** <[trish.millward@dia.govt.nz](mailto:trish.millward@dia.govt.nz)>  
**Subject:** Query about Loot Boxes in Video Games

Happy Thursday Trish.

I was reading your response to Katherine from Gamastura and wondered if you had the time to clarify something for me.

You say that it is not illegal for New Zealanders to gamble with overseas providers.

Does this mean it isn't regulated at all? i.e. a child could gamble with an

overseas provider where it may not be illegal, legally in NZ?

Or do you mean in general, and it is still illegal for someone under 18 to play online slots or something of that nature.

The reason I am interested in this is because "lootboxes" that net items that can be sold for real money can be gambled online.

The most obvious example is Counter Strike gambling sites. You can buy and sell "skins" which you can proceed to use as gambling chips on multiple sites.

I am curious what the stance would be here, hence the query.

Hope you have time to get back to me.

Regards



Section 9(2)(a) of the OIA

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document 47

**From:** [Lloyd Bezett](#)  
**To:** [Trish Millward](#); [Poni Lealofi](#)  
**Subject:** FW: Interesting article on the DIA response to lootboxes  
**Date:** Friday, 15 December 2017 8:30:53 AM  
**Attachments:** [image001.jpg](#)

---

FYI

---

**From:** Thomas Hawkins  
**Sent:** Thursday, 14 December 2017 1:55 PM  
**To:** Lloyd Bezett; Joshua Chand  
**Subject:** Interesting article on the DIA response to lootboxes

[https://www.gamasutra.com/view/news/311463/New\\_Zealand\\_says\\_lootboxes\\_do\\_not\\_meet\\_the\\_legal\\_definition\\_for\\_gambling.php](https://www.gamasutra.com/view/news/311463/New_Zealand_says_lootboxes_do_not_meet_the_legal_definition_for_gambling.php)

Thomas Hawkins | Summer Intern | Compliance Analysis  
The Department of Internal Affairs Te Tari Taiwhenua  
147 Lambton Quay | PO Box 805, Wellington 6140, New Zealand | [www.dia.govt.nz](http://www.dia.govt.nz)

Update your email signature to the Coat of Arms



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



Minister for Children  
Minister of Internal Affairs  
Minister for Seniors

Associate Minister of Education

COMPLETED

18 DEC 2017

[REDACTED] Section 9(2)(a) of the OIA

Dear [REDACTED] Section 9(2)(a) of the OIA

Thank you for your email of 15 November 2017 about the inclusion of "loot boxes" within computer games and the potential harm they may cause to the vulnerable in society, particularly children.

I understand that the issue of loot boxes within computer games has been the source of much debate internationally, with different jurisdictions examining the issue in terms of their own legislation to determine if it is gambling. There has also been considerable consumer comment about the introduction of in-game micro transactions, suggesting that these are exploitative.

There are many games which enable the user to purchase additional items to enhance the gaming experience. Loot boxes are a variation on this theme. Gamers do not purchase loot boxes seeking to win money or something that can be converted into money. They buy loot boxes so that they can use their contents within the game and thereby have a better gaming experience.

While the payment of money for a loot box, the contents of which are determined by chance, may appear to be gambling, my officials' view is that it does not meet the legal definition of gambling and cannot be regulated under the Gambling Act 2003. However officials will continue to follow international developments, including the discussion about loot boxes.

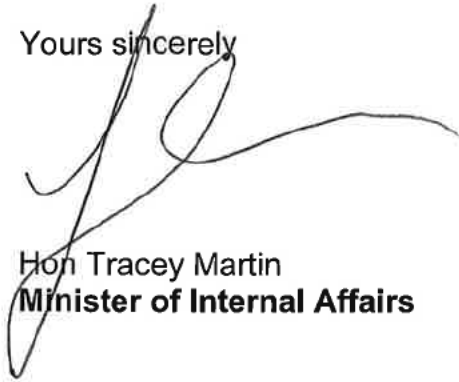
You have also raised the possibility of restricting access to computer games containing loot boxes to persons over a certain age. The classification of video games is conducted by the Office of Film and Literature Classification, an independent Crown entity, under the Films, Videos, and Publications Classification Act 1993 (the Classification Act).

I am advised that, under the Classification Act, a video game may only be made age-restricted if it deals with matters such as sex, horror, crime, cruelty, violence or highly offensive language. The Office of Film and Literature Classification is not able to restrict public access to video games due to the presence of other matters.

There is a need for all New Zealanders to be knowledgeable about living and learning in a digital society. This need is recognised by the National Library which provides advice and support to schools for developing digital literacy and digital citizenship. An informed population is better able to protect itself from the risks that come with connectivity.

Thank you again for writing.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tracey Martin', written over the typed name.

Hon Tracey Martin  
**Minister of Internal Affairs**

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982