



## **REVIEW OF THE CLASS 4 GAMBLING AND TAB VENUE POLICY**

### **STATEMENT OF PROPOSAL**

## INTRODUCTION

1. This Statement of Proposal is prepared in accordance with section 83(1)(a) of the Local Government Act 2002 (LGA), in relation to the review of the Class 4 Gambling and TAB Venue Policy (the Policy) previously known as the Class 4 and TAB Gambling Venue Policy (Existing Policy).
2. The Class 4 Gambling and TAB Venue Policy (Draft Policy) was previously open for public consultation from 3 April 2023 to 5 May 2023.
3. Once public consultation period closed, it was noted that there were two errors in the draft Policy.
4. The Draft Policy has been amended with these errors removed. The Queenstown Lakes District Council (Council) is seeking public feedback on its amended draft Policy.
5. Once the submission period closes, Council will conduct a hearing for anyone who wishes to speak in support of their submissions.

## AMENDMENT

6. These errors were:
  - Section 4.4 – Maximum Permitted Electronic Gaming Machines (EGM)**
    - The Draft Policy enables an increase in the number of EGMs to 18 where a Class 4 Venue held a gambling licence on or before 17 October 2001.
    - The Existing Policy does not provide for this, and the Draft Policy did not seek a change to increase the number of EGMs permitted in a venue to exceed nine EGMs.
    - The Draft Policy does not intend to allow for a venue to provide up to 18 EGMs.
  - Section 5 – Club Venues**
    - The Draft Policy included a clause that enabled two or more clubs (owned and operated by Societies) that have class 4 venue licences to merge.
    - The Existing Policy does not permit two or more clubs that hold class 4 venue licences to merge, the Draft Policy does not intend any changes to the Existing Policy in respect of the merger of Class 4 Venue mergers.
    - Accordingly, the drafting error is not consistent with the Existing Policy, was not intended to be the focus of the review put to Council and should not have been incorporated into the Draft Policy.
7. These errors do not support the key objectives of the Policy which are:
  - Prevent and minimise harm to the community caused by gambling.
  - Control and manage the growth of gambling in the District.
  - Restrict the locations of gambling venues within the District.
  - Facilitate community involvement in decisions about how gambling should be provided for.
  - Ensure that money from gambling benefits the community.
  - Ensure the council and the community have an influence over the delivery and location of new gambling venues within the District.
8. The Draft Policy has now been amended; public consultation is required regarding the removal of these two errors. No other changes have been proposed.

9. Submissions received during the first consultation period will still be accepted and all submitters will be advised that their submissions will remain on file.

## OPTIONS

10. **Option 1:** Council adopt the amended Statement of Proposal. Note that it is open to Council to recommend changes to the draft bylaw as part of this option.

### **Advantages:**

- The errors were noted before the Draft Policy was adopted; gaming Societies are not given the opportunity to increase EGMs at a venue.
- Limiting the number of EGMs in the district aligns with the Policy's objectives.
- Council is meeting its legislative requirements to correctly inform the public of these errors and gives opportunity to provide feedback.

### **Disadvantages:**

- The public only have the opportunity to provide feedback on the removal of the two errors. They do not have a second opportunity to submit on the changes proposed to the Draft Policy during the original consultation period which was held from 24 March 2023 to 30 April 2023.
- There could be an increase in the number of gaming machines in the district which could potentially increase gambling related harm in the district.

11. **Option 1** is the only reasonably practicable option as the original Draft Policy does not align with the previous SOP, therefore the Policy cannot be adopted. The Council is required by law to have a class 4 venue and TAB (Totalisator Agency Board) venue policy in place. Further, adoption of **Option 1** means:

- a. Council will have the opportunity to rectify two errors in the Draft Policy.
- b. The public are now fully informed of the proposed changes to the Existing Policy.
- c. Council is required to review these policies every three years and the current review ensures they are up-to-date and fit-for-purpose.

## LEGISLATIVE FRAME WORK

12. Under section 102 of the Gambling Act 2023 (GA) and section 97 of the Racing Industry Act 2020 (RA), Council is required to adopt a class 4 gaming and TAB venue policy which must be reviewed every three years.
13. The Policy was last reviewed in 2018.
14. Sections 102(6) of the GA and 97(5) of the RA states that a policy does not cease to have effect because it is due for review or being reviewed.
15. Sections 102(2) of the GA and 97(2) of the RA states that a special consultative procedure be carried out should the Policy be amended or replaced.

## PROPOSAL

16. Council is undertaking its statutory requirement to review its Class 4 Gambling and TAB Venue Policy.

17. Council recommends that amendments to the current Policy be made by adopting the proposed Class 4 Gambling and TAB Venue Policy.
18. This Statement of Proposal has been prepared in accordance with the requirements of section 83 of the LGA.

#### INSPECTION OF DOCUMENTS AND OBTAINING COPIES

19. Copies of this Statement of Proposal and the proposed Class 4 Gambling and TAB Venue Policy can be inspected at the following location or a copy obtained at no cost from:
  - At any Council office in the district: 10 Gorge Road, Queenstown or 74 Shotover Street, Queenstown, or 47 Ardmore Street, Wānaka
  - Any library within the Queenstown Lakes District
  - The Consultation page on QLDC's website: <https://letstalk.qldc.govt.nz/>

#### RIGHT TO MAKE A SUBMISSION AND BE HEARD

20. Any person or organisation has a right to be heard in regard to this Proposal and the Council encourages everyone with an interest to do so. Submissions should be directed toward matters that are within the scope of the Proposal.
21. The Council would prefer that all parties intending to make a submission:
  - go to the Queenstown Lakes District Council website: [www.qldc.govt.nz](http://www.qldc.govt.nz) or
  - post their submission to: the Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
22. Submissions will be open from 3 July 2023 and close 4 August 2023
23. The Council will give equal consideration to written and oral submissions.
24. The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
25. Every submission made to the Council will be acknowledged in accordance with the LGA, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
26. Section 82 of the LGA sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

#### MAKING AN EFFECTIVE SUBMISSION

27. Written submissions can take any form (e.g. email or letter) but we recommend your submission be made on a standard submission form available from Council. An effective submission references the clause(s) of the Draft bylaw you wish to submit on, states why the clause is supported or not supported, and states what change to the clause is sought.
28. Submissions on matters outside the scope of the Proposal cannot be considered by the Hearings Panel.

<b>TIMETABLE FOR CONSULTATION</b>	
<b>Action</b>	<b>Date</b>
Council resolves to undertake public consultation regarding the Proposal	Thursday 29 June 2023
Advertisement in:	Otago Daily Times – Saturday 1 July 2023 Mountain Scene – Thursday 6 July 2023 Wānaka Sun – Friday 7 July 2023
Submissions open	Monday 3 July 2023
Submissions close	Friday 4 August 2023
Submissions heard by subcommittee of Councillors	Late August/ September 2023 (exact date to be advised)
Council considers outcome of consultation process and whether to make decisions on the Proposal	Thursday 12 October 2023
Public notice of final decision	Friday 13 October 2023

APPENDIX 1 – (Amended) Draft Class 4 Gambling and TAB Venue Policy 2023

APPENDIX 2 – (Existing) Class 4 and TAB Gambling Venue Policy 2018