



NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND

TE KAUNIHERA WAHINE O AOTEAROA

20 August 2013

S13.09

Submission to the Commerce Committee on the New Zealand International Convention Centre Bill

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 47 organisations affiliated at national level and a further 41 organisations affiliated at branch level. It has 22 branches throughout the country attended by representatives of these organisations, as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Social Issues Standing Committee and the Parliamentary Watch Committee. The combination of NCWNZ resolutions and previously written submissions on the harm of gambling has formed the basis for this commentary.

General Comments

NCWNZ questions why we have the Gambling Act 2003, when a business transaction becomes the basis for the construction of a company-specific law, which will allow for the bypassing of democratically agreed to law; the substantive law.

NCWNZ supports minimising the potential harm arising from increased access to gambling opportunities, and this legislation flies in the face of that mandate. This body has had the following to say on gambling since the early 20th Century and the position remains unchanged:

- NCWNZ deplored the fact that gambling was increasing among young people (1920);
- NCWNZ registered its very strong protest against any proposal by Government to further increase gambling facilities (1924);
- And in more recent times, from the 1990s onwards, NCWNZ has advised Government and its agencies cooperatively, to minimise the opportunity to engage in and the harm arising from, gambling.

It was relatively easy for women at the start of last century to oppose gambling so vehemently. Women knew other women who as a result of husbands, brothers and fathers had lost their wealth, livelihood, ability to sustain their families at a time that limits were in place on the employment of women, and thus women's financial independence. This was the time of 'grin and bear it' and generally women did not have to acknowledge in themselves this 'flaw'.

Today, our women enjoy public life, a career, parenting and a vastly increased level of financial independence. This has come at a cost, where the rigours of being successful and independent, combined with freedom of access to the domains which historically were only for men and have led to some women also becoming addicted to gambling.

There is an increasing body of evidence to be found in the field of psychology which explains why human beings adopt addictions to things or behaviours as a means of forgetting the stress, responsibility and obligations of everyday life; self-soothing or self-medicating are the common terms used to describe what we do. Human beings develop patterned ways of being and some of these patterns harm us.

Keeping this in the confines of women and gambling, one recent prosecution case highlights the damage arising from gambling addiction and just how widespread the effects can be:

"A former Women's Refuge manager has pleaded guilty to ripping off the organisation for more than \$100,000 to fund her gambling addiction, forcing the branch she ran to close its doors..."

To know that you're putting your own personal needs ahead of the needs of women, for many of whom it's a life and death situation..."¹

Were this one isolated case, then it could readily be dismissed. Yet, NCWNZ members are aware that every couple of months, another gambling addict is being prosecuted for stealing from business, or not-for-profit organisations, which have led to redundancies, cessation of the breadth of services to the public, prosecution and dire disruption to the family, the list of impacts is plentiful. Yet gambling addiction with its resultant impacts confined to the home only has little statistical representation, and frequently remains known by word-of-mouth only. It is debilitating for the non-gambler.

NCWNZ notes that New Zealand's economic growth is very reasonably targeting the Asian economy, and that Asian men in particular are fond of gambling. Considering New Zealand's Asian-Kiwi population, our members ask what research or studies have been undertaken to understand the impact on the wives, mothers, daughters and sisters in New Zealand or abroad. Squandered income through gambling means depletion of resources and opportunities.

¹ Kidd, Robb, Sunday Star Times "Gambler's theft led to refuge closure", A4 News, August 18 2013

Unlike Clubs and Pubs that offer gambling opportunities, a Casino provides the gambler with a heightened level of anonymity. Where there is anonymity, there is also reduced ability to identify problem gamblers. If the Government opts to enable a Casino to monopolise and expand its influence in the gambling industry, this coupled with anonymity can only be more attractive to those with gambling addiction.

This proposed legislation stretches across two generations, and moreover appears on the surface to provide for variation to the terms of the Agreement over that period. Yet NCWNZ has heard nothing about any form of Casino-specific monitoring being put in place that will weigh up the economic benefits versus costs to societal health arising from this deal. Going forward, NCWNZ believes it will be a necessity for all gambling addicts:

- who have purloined funds from employers to publicly identify where they enacted their gambling behaviour;
- to indicate what gambling harm minimisation information, or practise they were presented with during their period of high addiction;
- to indicate what formulated their preference in venues;
- to indicate what impact the addiction had on other parties, in detail.

One last point that NCWNZ wishes to register as a general comment Is now the time for this venture when two major cities in New Zealand are experiencing high magnitude earthquakes, which are inclined to reduce the prospect of increased tourism? Without considering the aforementioned, opposition to this legislation had already signalled that the International Convention Centre could be a 'White Elephant'. Is this Government prepared to show the level of adaptability needed, when our living environment has become shaky, unstable and rapidly less attractive to overseas visitors. In other words, the timing may simply be wrong and it could not have been predicted.

Specific comments on the legislative reforms proposed

Part 2 Substantive provisions, 6 Regulatory concessions authorised (1), (2), and (3) and 8 Regulatory concessions administered and enforced in accordance with gambling law, (1)

In reference to the aforementioned, NCWNZ has no hesitation in rejecting what has been put forward.

It is noted, "...more favourable in relation to SkyCity Casino", which in this context means than public health, or families prospering because one adult member is not squandering their contribution to the household on pokies. Or, the minimisation of crime, since crime

and gambling in historical and contemporary terms walk hand-in-hand; a deal with a Casino ranks more highly than the wellbeing of society.

Moreover women are left wondering, what precedent is set when a business transaction gives rise to law change. The New Zealand public are aware of changes made to Employment Law which supported the opportunities for our Film industry, and comparison could be drawn. Yet, the key difference in this case was those amendments to law did not specifically increase the access to addictive opportunities, the enablement of harmful behaviours, unlike this legislation.

Part 2 Substantive provisions, 8 Regulatory concessions administered and enforced in accordance with gambling law, (2)

Again, NCWNZ rejects this in its entirety.

This is redundant legislation which suggests protections at the administrative level will be undertaken. The message perceived is that the Government will keep this safe, monitored and policed. Yet, NCWNZ reminds the Select Committee that “favourable to the business entity, SkyCity Casino” is being entrenched in law. In explicit terms, trust is lost, and this clause is simply cosmetic.

Part 2 Substantive provisions, 9 Obligations of Gambling Commission

NCWNZ notes “Without limiting sections 6 and 8 (2) (a) ... concessions”, and translates the law proposed, being 6 and 8 are the substantive, the priority. In other words, 6 and 8 won’t be overridden by whatever the obligations are afforded to the Gambling Commission. This is a redundancy; NCWNZ rejects.

If anything, “(b) ... consistently with this Act”, reinforces that the Commission’s power are to be diluted, so that SkyCity can monopolise.

Part 2 Substantive provisions, 10 Obligations of Secretary

Please refer to the point raised above relating to Part 2, Clause 9 – same applies.

Further provisions relating to Agreement, 11 No variation to Agreement that increase opportunities for casino gambling except by Act of Parliament

So, NCWNZ is now learning that each time the Government makes the choice to transact with business, which prospers from potential harm to the public, the Government intends to entrench such happening in law.

NCWNZ is compelled to ask does the Government intend to engage in more business transactions, which will further extend harm to New Zealand Society; is there a bottom-line.

14 Access to Agreement, (1) (a) the Agreement is publicly available on and after the date on which this Act comes into force; and (b) any variation to the Agreement is publicly available after the close of the date on which the variation comes into force.

NCWNZ contends that the populace is being asked to agree to a change in law, to meet the conditions of a business transaction without actually being told, in advance exactly what the Agreement contains and thus what the public will be agreeing to. Moreover, we are learning that any variations to the Agreement will be treated in the same manner.

Under circumstances where NCWNZ was not being asked to set aside the Gambling Act 2003, which was put in place to control and monitor gambling so that harm arising from addiction-related behaviour could be minimised, then perhaps our Members would trust sufficiently that such an Agreement was in their best interests, without actually knowing what was being agreed to. However, probably not, as our women are smart, cautious, and in many cases business savvy. Hence, they like to know what they are agreeing to, and to suggest otherwise is insulting to intelligence.

If suggested that disclosure would be contrary to commonplace business practise and confidentiality agreements is irrelevant, because in this case, NCWNZ is being asked to endorse law change and to do so blindly. While for example, an Official Information Act (OIA) request can be turned down on the basis of “business-confidentiality”; do not ask this body to respect such a practise when considering appropriate law for the populace.

NCWNZ is particularly uncomfortable with endorsing this law, when there is provision put in place for variations to the Agreement. Considering that this Bill affords all privileges to SkyCity, should this Bill be promoted to an Act then, variations could be made to the Agreement without having to revisit this Act.

It is important to note that NCWNZ represents the community, the layperson, thus it is acknowledged that interpretative errors may occur. Yet, when NCWNZ members consider the implications relating to Part 2, Section 6, Clauses 1 – 3 in conjunction with the ability to vary this Agreement suspicions mount.

NCWNZ asks, if SkyCity request a variation to the Agreement which includes an increase in the number of gaming machines, will the regulatory concessions authorised, which are in favour of SkyCity Casino, be afforded without having to revisit changes to a Bill? Will for example, an update to the Schedules of the Act be the only requirement, and thus the re-engagement of the public could be circumvented.

In conclusion

There have been to date too many examples of Government driven business transactions where the public come out second best and currently, NCWNZ is not satisfied that its members won't again be left regretting their naivety when dealing with savvy business interests.

NCWNZ does not like enabling laws, which dilute existing laws that have been put in place to protect our interests. Moreover, Agreements which stretch across two generations have serious implications for society, and were this law to benefit our citizens, this body would not hold its support back. This Bill does not achieve that desirable end.

NCWNZ acknowledges that New Zealand's economy has managed the recessionary period and comparatively speaking been a high performer globally and that Government has played a substantial role in this. But, NCWNZ is also embarrassed that we are being asked to venture towards benefitting from human fragility, prospering off addiction. As a nation, with our innovation and invention, Government is asking us to align, to normalise and enable the SkyCity Casino to monopolise the gambling industry.

NCWNZ opposes this Bill in its entirety on the basis of the harm that we can do to ourselves, or to our family members, loved-ones and friends, and all for the sake of a Pokie machine jackpot, and a very poor business transaction.

Barbara Arnold
National President

Lynda Sutherland
Convenor, Social Issues SC