

13 February 2019

J Howarth

Email: fyi-request-9510-41339467@requests.fyi.org.nz

Dear Mr Howarth

OFFICIAL INFORMATION ACT REQUEST

1. We have received your request dated 4 February 2019. Your request is as follows:

Under OIA I request for a period between (1 January 2018 until 1 February 2019) the dates, duration and topic of meetings between:

- The Executive Director of the Gambling Commission and Graeme Stephens or predecessor (CEO SkyCity) - The Executive Director of the Gambling Commission and Michael Adhearne (COO SkyCity) - The Executive Director of the Gambling Commission and Phil O'Connell (Regulatory Manager SkyCity) - The Executive Director of the Gambling Commission and Rob Campbell and (Chairman Skycity) - The Executive Director of the Gambling Commission and Bruce Carter (Deputy Chairman Skycity)
- The Chief Gambling Commissioner and Graeme Stephens or predecessor (CEO SkyCity) - he Chief Gambling Commissioner and Michael Adhearne (COO SkyCity) - The Chief Gambling Commissioner and Phil O'Connell (Regulatory Manager SkyCity) - The Chief Gambling Commissioner and Rob Campbell (Chairman Skycity) - The Chief Gambling Commissioner and Bruce Carter (Deputy Chairman Skycity)

I also request all correspondence between Skycity and the gambling commission, including emails, texts and conversations between the Chief Gambling Commissioner and any of the named members above, and the Executive Director of the Gambling Commission and any of the named members above

2. You have requested this information under the Official Information Act 1982 (the "OIA"). Not all information held by the Commission is available to the public under the OIA.

3. "Official information" is defined by section 2 of the OIA as any information held by a department, a Minister of the Crown in his official capacity, or an organisation. However section 2(6) provides that "department" and "organisation" under OIA do not include certain bodies in certain circumstances, namely:

- (a) a court; or
- (b) in relation to its judicial functions, a tribunal;
....
- (c) a commission of inquiry appointed by an Order in Council made under the Commissions of Inquiry Act 1908; or
- (d) a commission of inquiry or board of inquiry or court of inquiry or committee of inquiry appointed, pursuant to, and not by, any provision of an Act, to inquire into a specified matter;
...

4. The functions of the Commission are set out in section 224 of the Gambling Act 2003. Subsections (1) (a) to (n) set out the Commission's judicial functions; subsections (o), (p) and (q) set out its non-judicial functions. Only the information held by the Commission in relation to its non-judicial functions (subsections 224 (1) (o), (p) and (q)) is subject to the OIA.
5. Section 225 of the Gambling Act expressly requires the Commission to be treated as if it were a commission of inquiry under the Commissions of Inquiry Act 1908 and the Commission was appointed under the Gambling Act to inquire into the series of specified matters set out in the functions listed in section 224. The definition of "official information" also expressly excludes, in (h), evidence given or submissions made to a commission of inquiry.
6. The information which is subject to your request is limited accordingly.
7. In relation to meetings between the Chief Gambling Commissioner and the Executive Director of the Gambling Commission, and the named SKYCITY representatives, the Commission answers as follows:
 - On 8 March 2018, the Chief Gambling Commissioner met with Phil O'Connell and Graeme Stephens to discuss SKYCITY's desire to establish an online gambling platform from outside of New Zealand. The Commission did not make a note of the meeting's duration.
 - On 16 March 2018, Michael Ahearne attended a Gambling Commission meeting. The Executive Director, the Chief Gambling Commissioner and other Gambling Commissioners were present. The purpose of the meeting was for Mr Ahearne to introduce himself to the Commission. Mr Ahearne attended for approximately 40 minutes.
 - On 9 July 2018, the Executive Director met with Graeme Stephens and Michael Ahearne to discuss SKYCITY's desire to establish an online gambling platform from outside of New Zealand. The meeting lasted approximately 90 minutes.
 - On 3 August 2018, Michael Ahearne attended a Gambling Commission meeting. The Executive Director, the Chief Gambling Commissioner and other Gambling Commissioners were present. The purpose of the meeting was to discuss SKYCITY's desire to establish an online gambling platform from outside of New Zealand. Mr Ahearne attended for approximately 40 minutes.
8. In addition to the abovementioned meetings, Phil O'Connell and the Executive Director have frequent telephone conversations in relation to casino licensing matters. Given the subject matter of these conversations, they are not official information.
9. In relation to your request for all correspondence between SKYCITY and the Commission, including emails, texts and conversations, we now list the documents that are official information pursuant to the terms set out above:

(i)	01/02/18	Email	Blair Cairncross to Phil O'Connell
(ii)	01/02/18	Email	Phil O'Connell to Blair Cairncross
(iii)	01/02/18	Email	Blair Cairncross to Phil O'Connell
(iv)	28/02/18	Email	Blair Cairncross to Phil O'Connell
(v)	28/02/18	Email	Phil O'Connell to Blair Cairncross
(vi)	28/02/18	Email	Blair Cairncross to Phil O'Connell
(vii)	28/02/18	Email	Blair Cairncross to Phil O'Connell
(viii)	11/06/18	Email	Phil O'Connell to Graeme Reeves
(ix)	14/06/18	Email	Blair Cairncross to Phil O'Connell
(x)	14/06/18	Email	Phil O'Connell to Blair Cairncross

(xi)	14/06/18	Email	Blair Cairncross to Phil O'Connell
(xii)	05/07/18	Email	Phil O'Connell to Blair Cairncross
(xiii)	05/07/18	Email	Blair Cairncross to Phil O'Connell
(xiv)	05/07/18	Email	Phil O'Connell to Blair Cairncross
(xv)	05/07/18	Email	Blair Cairncross to Phil O'Connell
(xvi)	05/07/18	Email	Phil O'Connell to Blair Cairncross

10. We now **attach** a copy of these documents. Please note that documents (viii), (ix), (xii) and (xiii) contain redacted information. The redacted information in documents (viii) and (ix) is commercially sensitive to SKYCITY. The redacted information in documents (xii) and (xiii) relates to work undertaken by the Commission in its judicial function and is not official information.

Yours faithfully



Blair Cairncross

Executive Director Gambling Commission

Tel: 09-365 8854

blair.cairncross@gamblingcom.govt.nz

Blair Cairncross

i

From: Blair Cairncross
Sent: Thursday, 1 February 2018 12:25 PM
To: 'Peter Treacy'; 'Phil O'Connell'
Subject: My Movements

Hello gents

Just a quick note to let you know that my secondment at the Water Inquiry has concluded, and I am now back at the Gambling Commission. I look forward to catching up in the near future but you should feel free to contact me directly if there is anything pressing that requires Commission consideration.

Regards, Blair

Released under the Official Information Act 1982

Blair Cairncross



From: phil.oconnell@skycity.co.nz
Sent: Thursday, 1 February 2018 2:26 PM
To: Blair Cairncross
Subject: RE: My Movements

Welcome back!! It would be good to catch up at some point once you get settled.

Phil

Phil O'Connell | Group General Manager, Regulatory Affairs and AML | **SKYCITY Entertainment Group**

Tel +64 9 363 6455 | **Mobile** +64 27 246 0038 | **web** www.skycity.co.nz

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Blair Cairncross



From: Blair Cairncross
Sent: Thursday, 1 February 2018 4:51 PM
To: phil.oconnell@skycity.co.nz
Subject: Re: My Movements

Sounds good Phil. I'll tee something up in the next week or so.

Sent from my iPhone

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From: Blair Cairncross
Sent: Wednesday, 28 February 2018 9:28 AM
To: 'Phil O'Connell'; Lance Daly
Subject: Look around the Casino

Morning gents

As previously discussed, I would like to re-familiarise myself with the Auckland casino. I'm meeting Peter Treacy at 10am on Friday (for maybe 30-45 minutes), so does it suit to have a walk-around after that? Lance – you don't need to be present personally – I'm very happy to walk around with one of your inspectors if you're busy, but I'll leave that with you.

Cheers, Blair

Blair Cairncross | Executive Director
Gambling Commission

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Level 1, National Library, 8 Stanley Street, Parnell, Auckland | PO Box 3310, Shortland Street, Auckland 1140, New Zealand |

<http://www.gamblingcommission.govt.nz/GCwebsite.nsf>

This communication is confidential and may be legally privileged.

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Blair Cairncross



From: phil.oconnell@skycity.co.nz
Sent: Wednesday, 28 February 2018 11:28 AM
To: Blair Cairncross
Cc: Lance Daly
Subject: RE: Look around the Casino

Hi Blair

It would be good to catch up but I won't be back from Uni until just after 11.00am. If you are happy to do the tour then, then fine by me, otherwise I could maybe arrange for someone else to accompany you on the tour.

Phil

Phil O'Connell | Group General Manager, Regulatory Affairs and AML | **SKYCITY Entertainment Group**

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From: Blair Cairncross
Sent: Wednesday, 28 February 2018 11:39 AM
To: phil.oconnell@skycity.co.nz
Cc: Lance Daly
Subject: RE: Look around the Casino

11 is fine by me, Phil.

Blair Cairncross | Executive Director
Gambling Commission

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From: Blair Cairncross
Sent: Wednesday, 28 February 2018 11:41 AM
To: Lance Daly; phil.oconnell@skycity.co.nz
Subject: RE: Look around the Casino

Perfect – thank you both.

Blair Cairncross | Executive Director

Gambling Commission

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From: Phil O'Connell [mailto:Phil.OConnell@skycity.co.nz]
Sent: Monday, 11 June 2018 1:10 p.m.
To: graeme.reeves@xtra.co.nz
Subject: On-line gambling presentation

Hi Graeme

Trust you had a good weekend. I understand Steph contacted you recently about a possible meeting with Graeme and Michael on 9 July but that you are otherwise committed on that date. We understand that of course but I thought I should provide you with a little more background in case you thought it might be appropriate/feasible for another member of the Commission to attend.

Some time ago, SKYCITY engaged [REDACTED] to undertake an online gaming market review looking at market sizing in NZ and possible regulatory options for controlling/regulating that market. One of the partners will be briefly visiting SKYCITY on 9 and 10 July to discuss issues arising from that review and there is a window on the afternoon of the 9th (in Wellington) that Graeme had hoped to use to brief yourself on these developments. In your absence, would it be appropriate/feasible/worthwhile to discuss these issues with another member of the Commission?

We are keen to keep the Commission apprised of our ongoing work in this area but appreciate the timing on this occasions may be unsuitable.

Regards

Phil


Phil O'Connell | Group General Manager, Regulatory Affairs and AML | **SKYCITY Entertainment Group**

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From: Blair Cairncross
Sent: Thursday, 14 June 2018 11:49 AM
To: Phil O'Connell (Phil.OConnell@skycity.co.nz)
Subject: FW: On-line gambling presentation

Hi Phil

I've just been talking to Graeme and Lisa about the meeting on 9 July regarding 

Is there any difficulty if I attend as well?

Thanks, Blair

Blair Cairncross | Executive Director

Gambling Commission

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Blair Cairncross

x

From: phil.oconnell@skycity.co.nz
Sent: Thursday, 14 June 2018 12:00 PM
To: Blair Cairncross
Subject: RE: On-line gambling presentation

No, I don't see any problem with that Blair, I will let the others know that you will be joining them

Regards

Phil

Phil O'Connell | Group General Manager, Regulatory Affairs and AML | SKYCITY Entertainment Group

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Released under the Official Information Act 1982

Blair Cairncross

From: Blair Cairncross
Sent: Thursday, 14 June 2018 12:48 PM
To: phil.oconnell@skycity.co.nz
Subject: RE: On-line gambling presentation

Thanks very much, Phil. Lock it in.

Blair

Blair Cairncross | Executive Director

Gambling Commission

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From: phil.oconnell@skycity.co.nz
Sent: Thursday, 5 July 2018 9:17 AM
To: Blair Cairncross
Subject: 9 July meeting

Hi Blair

In terms of the meeting with you and Lisa which I understand is initially over lunch and then subsequently at Lisa's offices, I believe Michael wants to present some slides – not sure whether Lisa would have a projector at her offices? If so I think we would find a use for that, if not I'll let Michael know and no doubt they can adjust their approach accordingly.

Regards

Phil

Phil O'Connell | Group General Manager, Regulatory Affairs and AML | SKYCITY Entertainment Group

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Blair Cairncross

From: Blair Cairncross
Sent: Thursday, 5 July 2018 11:08 AM
To: phil.oconnell@skycity.co.nz
Subject: RE: 9 July meeting

Hi Phil

Lisa said that her office doesn't yet have a projector facility but that she's working on it. So I not sure what this means for Monday, but perhaps Michael should think about a work-around.

Blair

Blair Cairncross | Executive Director

Gambling Commission

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From: phil.oconnell@skycity.co.nz
Sent: Thursday, 5 July 2018 11:13 AM
To: Blair Cairncross
Subject: RE: 9 July meeting

Cheers Blair, I will pass that on

Phil O'Connell | Group General Manager, Regulatory Affairs and AML | **SKYCITY Entertainment Group**

Tel +64 9 363 6455 | Mobile +64 27 246 0038 | web www.skycity.co.nz

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From: Blair Cairncross
Sent: Thursday, 5 July 2018 12:44 PM
To: phil.oconnell@skycity.co.nz
Subject: RE: 9 July meeting

Phil

Things clearly move quicker in the private sector than the public sector. Lisa tells me that she now has a projector and it should be OK for Monday!

However, as the technology is as yet untested, it may pay for Michael to have a Plan B, just in case.

Blair

Blair Cairncross | Executive Director

Gambling Commission

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Released under the Official Information Act 1982

From: phil.oconnell@skycity.co.nz
Sent: Thursday, 5 July 2018 1:02 PM
To: Blair Cairncross
Subject: RE: 9 July meeting

Haha cheers Blair

Phil O'Connell | Group General Manager, Regulatory Affairs and AML | **SKYCITY Entertainment Group**

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