

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

CIV-2023-485-413

**I TE KOTI MATUA O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

UNDER the Judicial Review Procedure Act 2016;
Part 30 of the High Court Rules; the
Declaratory Judgments Act 1908; and the
Common Law

IN THE MATTER OF an application for judicial review and/or
for declaratory judgments

BETWEEN **ONE FOUNDATION LTD**, a duly
incorporated company having its
registered offices at Level 1, 75
Marguerita Street, Rotorua
First Applicant

AND **AIR RESCUE SERVICES LTD**, a duly
incorporated company having its
registered offices at Unit 9, 150 Cavendish
Road, Casebrook, Christchurch
Second Applicant

AND **KIWI GAMING FOUNDATION LTD**,
a duly incorporated company having its
registered offices at 35 Edgeware Road, St
Albans, Christchurch
Third Applicant

[... continued over...]

**AMENDED STATEMENT OF CLAIM
(APPLICATION FOR JUDICIAL REVIEW AND DECLARATIONS)**

Dated: 1 September 2023

Solicitor:	Jarrold True
	True Legal
Address:	697B Wairere Drive
	Chartwell, Hamilton
Telephone:	027 452 7763
Email:	jarrod.true@truelegal.co.nz

Counsel:	Matthew S. Smith
	Thorndon Chambers
Address:	PO Box 1530
	Wellington 6140
Telephone:	04 499 6040
Email:	matthew.smith@chambers.co.nz

AND

**GAMING MACHINE ASSOCIATION
OF NEW ZEALAND INC**, a duly
incorporated society having its registered
offices at 98 Glasgow Street, South
Dunedin

Fourth Applicant

AND

**THE MINISTER OF INTERNAL
AFFAIRS**, of Wellington

Respondent

The applicants by their solicitor say:

A. THE PARTIES

1. There are four applicants for judicial review, being:
 - 1.1 The first applicant, which is a duly incorporated company having its registered offices at Level 1, 75 Marguerita Street, Rotorua;
 - 1.2 The second applicant, which is a duly incorporated company having its registered offices at Unit 9, 150 Cavendish Road, Casebrook, Christchurch;
 - 1.3 The third applicant, which is a duly incorporated company having its registered offices at 35 Edgeware Road, St Albans, Christchurch; and
 - 1.4 The fourth applicant, which is a duly incorporated society having its registered offices at 98 Glasgow Street, South Dunedin (**GMANZ**).
2. The first, second and third applicants (collectively, **the Societies**) all hold, and at all times material to this application they have held, class 4 operator's licences under the Gambling Act 2003 (the **Act**).
3. The fourth applicant, **GMANZ**, is a peak body that represents the vast majority of the class 4 gaming machine societies that operate in New Zealand.
4. The respondent is the Minister of Internal Affairs (the **Minister**).
5. The Minister has a number of responsibilities in relation to the administration of the Act, relevantly including compliance with the consultation requirements specified in s 372 of the Act and the presentation of lawful regulations to the Governor-General in terms of the regulation making powers in ss 313 and 316.
6. The Minister relies on the Department of Internal Affairs (the **DIA**) to assist her to discharge her duties under the Act, including her consultation related duties.

B. RELEVANT LEGAL FRAMEWORK

7. The Act provides for four classes of gambling.
8. One of those classes is “class 4 gambling”, which is defined in s 30 of the Act.
9. In the Act, the statutory requirements in respect of the conduct of class 4 gambling are set out principally, but not exclusively, in subpart 4 of Part 2.
10. The Act also enables further requirements in respect of the conduct of class 4 gambling to be prescribed by regulations made under subpart 3 of Part 3.
11. Such regulations, to be lawful, must:
 - 11.1 Have complied with the consultation requirements in s 372 of the Act;
 - 11.2 Have complied with common law rights of procedural fairness;
 - 11.3 Have complied with the right to natural justice that is affirmed in s 27(1) of the New Zealand Bill of Rights Act 1990 (**BORA**); and
 - 11.4 Be lawful, rational, reasonable, proportionate and Rule of Law compliant in the requirements that they set.

C. FLAWED CONSULTATION PROCESS

12. From March 2022 to January 2023 the DIA, on behalf of the Minister, designed and carried out a process that resulted in the introduction of requirements:
 - 12.1 For class 4 venue staff to approach and speak with gamblers who have made two or more cash withdrawals in one day for gambling, a requirement to make a detailed record of those withdrawals/approaches, and a requirement for the venue manager to review the records and to assess whether the appropriate action was taken following the withdrawal (the **new cash withdrawal duties**); and
 - 12.2 For class 4 venue staff to undertake three gaming room sweeps per hour and to make a record of each sweep, including a record of steps taken to describe players and monitor and identify whether they have been gambling during consecutive sweeps (the **associated sweep duties**).

13. The new cash withdrawal duties and the associated sweep duties are set out in the Gambling (Harm Prevention and Minimisation) Amendment Regulations 2023 (the **Regulations**).
14. The Regulations were notified on 18 May 2023, and by the operation of reg 2(3) the two new duties at [12] above will come into force on 1 December 2023.

C.1. The new cash withdrawal duties

15. In the Regulations, the new cash withdrawal duties are set out in regs 15-16 and the associated definition of “signs of harm” in the Schedule. They state:

15 Venue manager must ensure that venue personnel consider whether player is exhibiting signs of harm

- (1) The venue manager must ensure that venue personnel consider whether any player is exhibiting any of the signs of harm, including those described in the Schedule.
- (2) The venue manager must ensure that venue personnel, after identifying that a player is exhibiting 1 or more of the signs of harm (including any of those described in the Schedule), have a conversation with that player to assist with identifying whether the player is a problem gambler.

16 Records relating to gambling area sweeps and signs of harm

- (1) The venue manager must maintain records for the purposes of recording the information required by subclauses (2) to (6).

...

- (3) The venue manager must ensure that venue personnel record the following information in relation to each sign of harm identified:

- (a) the name of the venue personnel who identified the sign of harm:
- (b) the date and time that the venue personnel identified the sign of harm:
- (c) information that would help venue personnel to identify a player who displayed the sign of harm (for example, their name, if known, or a general description of their appearance):
- (d) which sign of harm was identified:
- (e) the name of the venue personnel who talked to the player as required by regulation 15(2):
- (f) the date and time that the venue personnel talked to the player:
- (g) a summary of the conversation with the player:
- (h) any further action taken in respect of the player.

- (4) The venue manager must review, or ensure that a person reviews on their behalf, the records for at least the previous 7 days at least once each week to—

- (a) assess whether venue personnel have taken appropriate action following the identification of 1 or more signs of harm in a player; and
- (b) assess whether further action is required in respect of a player; and
- (c) determine whether there are any players who the venue manager, or the person acting on their behalf, has reasonable grounds to believe are problem gamblers.

- (5) The venue manager, or the person acting on their behalf, after reviewing the records in accordance with subclause (4), must record—

- (a) the date of the review; and
- (b) any further action taken as a result of the review.

(6) The venue operator must ensure that information recorded is retained for a period of 3 years after the date on which it was recorded.

**Schedule
Signs of harm**

For the purposes of these regulations, the signs of harm include (without limitation) the following:

(a) withdrawing, or attempting to withdraw, cash from an automatic teller machine or EFTPOS device on 2 or more occasions in 1 day to use for gambling at the venue:

...

16. The effect of paragraph (a) of the definition of “Signs of harm” in the Schedule to the Regulations is that the obligations in regs 15 and 16:
 - 16.1 Are not limited to withdrawals made at the venue, but extend to withdrawals made any time that day at an ATM located off-site;
 - 16.2 Are not limited to withdrawals made for the purpose of gaming machine gambling, but extend to money used for any form of gambling at a venue, including purchasing a ticket in a meat raffle or placing a TAB bet;
 - 16.3 Require venue staff to undertake intimate surveillance and interventions regardless of actual context or evidence that the person is experiencing adverse consequences;
 - 16.4 Effectively require venue staff to treat every player who has cash on them and is gambling, as a player who has withdrawn cash for use for gambling at the venue unless the player can confirm that the cash was withdrawn on another day or obtained from another source;
 - 16.5 The first withdrawal made in the day before gambling has started counts as one of the two withdrawals; and
 - 16.6 Are not reasonably reflective of a sign of gambling harm. A player who has got \$20.00 out to start a gambling session and then a short period of time afterwards gets \$20.00 out to continue their gambling session, is not showing signs of gambling related harm.
17. A breach of the new cash withdrawal duties:

- 17.1 Is an infringement offence, having an infringement fee of \$1,000, under the Schedule to the Gambling (Infringement Offences) Regulations 2023, as amended on and from 1 December 2023 by reg 4 of the Gambling (Infringement Offences) Amendment Regulations 2023;
- 17.2 Might provide grounds for suspending or cancelling a class 4 venue licence, under s 74(1)(b) of the Act; and
- 17.3 Might provide grounds for a prosecution, under s 308 of the Act.

C.2. The associated sweep duties

- 18. In the Regulations, the associated sweep duties are set out in regs 14 and 16 and the associated definition of “signs of harm” in the Schedule. They state:

14 Gambling area sweeps

- (1) The venue manager must ensure that venue personnel conduct a gambling area sweep at least 3 times per hour while the gambling area is operating, with each sweep being at least 10 minutes after the previous sweep.
- (2) The venue manager must ensure that venue personnel, when conducting a gambling area sweep, take all reasonable steps to identify whether any player has been gambling during 9 or more consecutive gambling area sweeps.
- (3) Despite subclause (1), venue personnel are not required to conduct a gambling area sweep if the personnel can verify through other means that the gambling area is unoccupied by players.

16 Records relating to gambling area sweeps and signs of harm

- (1) The venue manager must maintain records for the purposes of recording the information required by subclauses (2) to (6).
- (2) The venue manager must ensure that venue personnel record the following information in relation to a gambling area sweep:
 - (a) identification of the venue personnel who conducted the gambling area sweep:
 - (b) the date and time that the venue personnel conducted the gambling area sweep:
 - (c) how many players were present in the gambling area during the gambling area sweep:
 - (d) evidence of the steps taken by the venue personnel to monitor and identify whether players have been gambling during consecutive gambling area sweeps:
 - (e) if a gambling area sweep is not conducted because venue personnel could verify through other means that the gambling area was unoccupied by players,—
 - (i) the method by which venue personnel verified that the gambling area was unoccupied by players; and:
 - (ii) the date and time that the gambling area sweep was not conducted.

...

Schedule Signs of harm

For the purposes of these regulations, the signs of harm include (without limitation) the following:

- ...
- (b) gambling during 9 or more consecutive gambling area sweeps:
- ...

19. The DIA has prepared draft guidance on the Regulations (the **Guidance**).
20. The Guidance states at pages 11-12:

DIA's expectations are that procedures are in place to track all ATM and EFTPOS withdrawals, and that venue personnel are applying these procedures carefully and consistently to identify withdrawals used for gambling. This will include:

- Venue operators must ensure they are fulfilling this responsibility, including during busy times. This may require employing extra trained venue personnel at times.
- If a manual system is being used to monitor the ATM and EFTPOS withdrawals, the responsible venue personnel will need to make a record each time someone withdraws money for gambling.
- This record must record sufficient information to identify each gambler making a withdrawal. This could be by name, if known, nickname or by a description, with sufficient information to allow venue personnel to be able to identify that gambler the next time they make a withdrawal (e.g., physical appearance, clothing, age).
- If you choose to use monitoring technology, this cannot replace physical monitoring by trained venue personnel, but it can supplement it. For example: software may help identify multiple transactions on a specific card, but venue personnel will still need to monitor individuals in case they are using different cards.
- A method to determine the money is being used for gambling, for example:

> If an EFTPOS withdrawal is made at the bar, and is not immediately used to purchase food or drinks, venue personnel may ask if the person is going to use the money for gambling, eg: "Are you heading back to the pokies now?"

If either a second EFTPOS or an ATM withdrawal is made and the person immediately goes back into the gambling room or area with that money, then it is reasonable for venue personnel to conclude that the money is to be used for gambling.

When a gambler reaches two withdrawals or attempts at the ATM or EFTPOS, and every subsequent withdrawal, venue personnel will need to have a conversation with the gambler, and the conversation and its outcome will need to be recorded.

On inspection, the DIA will expect to see a system to monitor ATM and EFTPOS transactions, and records of conversations where two or more withdrawals have been made for gambling.

How to track players through 9 or more consecutive sweeps

...

We expect a compliant approach would have the following features:

- A paper-based or electronic template form with the venue personnel's identification (this could be a number, a code or their name if preferred), date and times of sweeps recorded, and number of players and gaming machines on the floor.
- When a person is first observed during a sweep of the gambling area, venue personnel should note one or more identifying features of the person. This would be their name or nickname if known, or if not, some other key features sufficient for venue personnel to identify that person. A code or abbreviations may need to be used, such as male/female, age, appearance or particular item of clothing etc.
- When a gambler has been noted as present for 9 consecutive sweeps, and for each subsequent sweep that they are recorded as present, venue personnel will need to have a conversation with the gambler, and the conversation and its outcome will need to be recorded.
- The key thing is that only enough information to identify the gambler is required, as venue personnel only need to know if that person is present for 9 consecutive sweeps.

C.3. Unfair process leading to the new duties

21. There were three main steps to the process referred to at [12] above.

Step 1

22. First, the DIA published *Reducing Pokies Harm Public Discussion Document* (the **Discussion Document**).
23. Consultation on the Discussion Document ran from 17 March to 12 May 2022.
24. The Discussion Document:

- 24.1 Set out 10 "options" on page 17 and 11 "specific proposals" at pages 28-29;
- 24.2 Did not include the new cash withdrawal duties or the associated sweep duties amongst those options / specific proposals.

Step 2

25. The second step in the consultation process involved the DIA holding a series of hui via zoom with stakeholder groups.
26. Those hui also took place in 2022.
27. The new cash withdrawal duties and the associated sweep duties were not amongst the options that were specifically identified and discussed in the hui.

Step 3

28. The third step involved a process of targeted consultation (the **preferential input process**) from 6 December 2022 to 27 January 2023, through which:
 - 28.1 The DIA gave individuals associated with 11 organisations, who were all selected by the DIA alone, confidential and legally privileged copies of draft Regulations containing the new cash withdrawal duties and the associated sweep duties;
 - 28.2 Individuals affiliated to the Societies were not amongst those DIA-selected individuals;
 - 28.3 The DIA asked its selected individuals to provide feedback to it on the draft Regulations, but they were not allowed to share a copy of the draft Regulations with anyone without the DIA's prior written consent;
 - 28.4 GMANZ's National Venue Operator Sub-committee (which was chaired by Tony Crosbie) requested access to the draft Regulations for the purposes of the consultation. This request was declined by the DIA; and
 - 28.5 The restrictions imposed by the DIA also prevented the feedback submitted by a peak body on the draft regulations from being subsequently shared with the members of the peak body.

29. The comments received by the DIA in the preferential input process included:

29.1 Comments on 6 December 2022 from an individual affiliated to Clubs New Zealand that:

We are very concerned that these draft regulations are subject to legal professional privilege, this places a number of limitations on our organisation and our ability to provide feedback that represents the interests of our membership. Additionally, given the finality of the draft regulations, it appears on the surface, that any feedback provided is not going to be given appropriate consideration. ...

29.2 Comments on 26 January 2023 from an individual affiliated to GMANZ that:

As the documents were provided under legal professional privilege, this has limited our ability to consult with our members and the wider sector. It would have been helpful if we could have consulted with our venue operators, who would be most impacted by the proposed amendments.

... we reiterate our concern regarding the legal restrictions that have limited our ability to consult appropriately across the sector. The lack of operational consideration and consultation prior to drafting the Regulations is evident and was completely avoidable.

29.3 Comments on 27 January 2023 from individuals affiliated to the New Zealand Community Trust that:

... the documents were provided under legal professional privilege and this has limited our ability to consult within our organisation. More importantly, the limits on disclosure have effectively prohibited us from consulting our venue operators, which would be significantly impacted, should the proposed regulatory changes be promulgated in current form.

... we convey our disappointment that the detail of the proposals has not been shared appropriately across the sector, in order to properly determine practical issues and highlight any unintended consequences that could impact negatively on the class 4 funding model. It is not sufficient to send the documents under cover of 'privilege' to (non-legal) personnel/officers such as the CE and Chair of an unspecified number of societies, while prohibiting any reasonable sector-wide discussion of the possible implications.

30. The following persons did not receive a copy of a draft of the Regulations, or the proposed text of the new cash withdrawal duties or the associated sweep duties, outside of the preferential input process:

30.1 The Societies;

- 30.2 Any class 4 venue, who could provide a perspective as such;
 - 30.3 Any class 4 grant recipient, who could provide a perspective as such; and
 - 30.4 Any gaming machine player, who could provide a perspective as such.
31. As a result, none of the stakeholders that have been identified at [30.1] to [30.4] above had an opportunity to comment on the new cash withdrawal duties or on the associated sweep duties before those duties were finalised and promulgated in the form of the Regulations.

D. DISCONNECT WITH CASINO REGULATION

32. The new cash withdrawal duties and the associated sweep duties do not apply to casinos, even though casinos host approximately 3,146 gaming machines, being 17.9% of the approximately 17,600 total gaming machines in New Zealand at March 2023.
33. Consequently, the harm minimisation procedures for casinos remain determined by way of policy.
34. Relevantly, each casino has a harm minimisation policy and, as a condition of its licence, the Gambling Commission must regularly review that policy.
35. In the casino environment, the Gambling Commission has endorsed the wording “repeated ATM visits” as a sign of harm, in decisions GC29/15 (22 December 2015, at [43(k)]), GC04/17 (28 March 2017, at [12] and [17]) and GC11/17 (28 July 2017, at [61]). That wording is currently used in all the casinos except Auckland, whose policy does not have any reference to ATM withdrawals.
36. Casinos also have no limit on successful EFTPOS transactions; the only sign of harm relating to EFTPOS transactions is multiple declined EFTPOS transactions. The DIA has requested repeated (successful) EFTPOS transactions being included as a sign of harm, but this has been rejected by the Gambling Commission.
37. Casinos have no requirement to write down a description of all the gamblers using gaming machines three times per hour.

38. Casinos have no requirement to write down a description of everyone who makes a cash withdrawal for the purpose of gaming machine gambling.
39. The casino position that has been endorsed by the Gambling Commission was developed after careful consideration, hearing multiple submissions, and input from Dr Paul Delfabbro from the University of Adelaide in Australia, who is an expert on the signs for identifying problem gamblers in gambling venues.
40. A consequence of the position outlined at [32] to [39] above is that:
 - 40.1 Two ATM visits or two EFTPOS withdrawals in one day is a sign of harm for problem gambling purposes at a class 4 venue, but not at a casino that hosts significantly more gaming machines than a class 4 venue hosts; and
 - 40.2 The record keeping obligations at class 4 venues are significantly higher than the record keeping obligations placed on casinos in New Zealand.

E. DECISIONS AMENABLE TO REVIEW

41. The decisions to undertake the preferential input process, and to exclude from that process the stakeholders identified at [30.1] to [30.4] above (who include the Societies), and to limit GMANZ's use of the draft Regulations that were shared with some of its representatives, involved the exercises of statutory powers or statutory powers of decision in terms of the Judicial Review Procedure Act 2016 or (further or in the alternative) the exercise or purported exercise of public authority amenable to judicial review under Part 30 of the High Court Rules.
42. There were further exercises of statutory powers or statutory powers of decision in terms of the Judicial Review Procedure Act 2016 or (further or in the alternative) exercises or purported exercises of public authority amenable to judicial review under Part 30 of the High Court Rules, in:
 - 42.1 The failure by the DIA and the Minister to provide the stakeholders identified at [30.1] to [30.4] above (who include the Societies) with any opportunity to comment on the new cash withdrawal duties and the

associated sweep duties prior to the finalisation and introduction of those duties through regs 14-16 and the Schedule to the Regulations (the **notice and comment decision**); and

- 42.2 The decision by the DIA and the Minister that the Regulations complied with the requirements referred to at [11] above and could, accordingly, be lawfully promulgated (the **promulgation decision**); and
- 42.3 The decision by the DIA and the Minister to adopt the positions set out in the Guidance, which reflect how the Regulations will be implemented and applied by the DIA when they come into force on 1 December 2023 (the **Guidance decision**).

F. REVIEWABLE FLAWS

- 43. The preferential input process, the notice and comment decision, the promulgation decision and the Guidance decision (collectively **the reviewable decisions**) were all legally flawed. In particular:

Process flaws

- 43.1 The reviewable decisions unfairly deprived the stakeholders identified at [30.1] to [30.4] above (who include the Societies) of a chance to identify problems with the new cash withdrawal duties and the associated sweep duties before those duties were implemented in the Regulations. That breached s 372(3) of the Act, it was procedurally unfair and it breached the right to justice in s 27(1) of BORA.
- 43.2 The reviewable decisions breached the Societies' legitimate expectation that they would get an opportunity to review and comment on the new cash withdrawal duties and the associated sweep duties that have come to be included in the Regulations. That legitimate expectation was based on the statement in the Discussion Document that "If the Government decides to progress the proposals to amend the regulations, these changes will go through another, more targeted consultation (an 'exposure draft') to provide a further opportunity for feedback" (quoting Discussion Document at page 23).

43.3 The reviewable decisions were unfair, irrational and/or unreasonable as:

- (a) There was no objectively rational basis to exclude the stakeholders identified at [30.1] to [30.4] above (who include the Societies) from having an opportunity to comment on the new cash withdrawal duties and the associated sweep duties prior to the finalisation and introduction of those duties through the Regulations; and
- (b) There was no objectively rational basis to restrict GMANZ's draft Regulations review in terms of [28.4] and [28.5] above.

Substantive flaws

43.4 The Regulations, in criminalising omissions relating to unspecified "signs of harm" (being the "signs of harm" that fall within the inclusive definition of that term in the Schedule and in regs 15(1) and 15(2), but that are not specifically enumerated in the definition in the Schedule), are contrary to the Rule of Law, unlawful and invalid for uncertainty.

43.5 The Guidance, in purporting to criminalise the expanded list of 26 "signs of harm" that are referred to at page 7 and more specifically enumerated in Appendix 1 (at page 32), is contrary to the Rule of Law and unlawful.

43.6 The Guidance, in purporting to include as "signs of harm" (which trigger obligations under the Regulations and associated offences for non-compliance with those obligations) the minor actions of rubbing a gaming machine or of talking to a gaming machine, is unlawful, irrational, unreasonable and/or disproportionate.

43.7 The Guidance, in setting out at page 11 an expectation that every ATM and EFTPOS withdrawal will be tracked and recorded, goes beyond steps that are required by the Regulations and is unlawful, irrational, unreasonable and/or disproportionate.

43.8 The new cash withdrawal duties in regs 15 and 16 of the Regulations are unlawful, irrational, unreasonable and/or disproportionate, given:

- (a) The effects as set out at [16] above;
- (b) The disconnect with casinos as set out at [40.1] above;
- (c) The acknowledgment in the Regulatory Impact Statement that there was no “evidence of the potential efficacy of individual proposals against a counterfactual setting which is comprised of variable Class 4 society-based harm minimisation policies and practices across New Zealand’s 1,045 ‘venues’”; and/or
- (d) The breadth and invasiveness of the duties that are imposed.

43.9 The associated sweep duties in regs 14 and 16 of the Regulations are unlawful, irrational, unreasonable and/or disproportionate, given:

- (a) The disconnect with casinos as set out at [40.2] above;
- (b) The time consuming nature of the requirements imposed and the likelihood that they will result in venue staff completing excessive documentation which will distract venue staff from their core responsibility of observing player behaviour;
- (c) The acknowledgment in the Regulatory Impact Statement that there was no “evidence of the potential efficacy of individual proposals against a counterfactual setting which is comprised of variable Class 4 society-based harm minimisation policies and practices across New Zealand’s 1,045 ‘venues’”; and/or
- (d) The breadth and invasiveness of the duties that are imposed.

G. APPROPRIATE RELIEF

44. **Wherefore** the following relief is sought:

- 44.1 A declaration that the reviewable decisions were unlawful for one or more of the reasons set out at [43] above.

44.2 A declaration that the text in the Regulations that is specified below should be changed in the ways that are specified below, and an order in the nature of mandamus requiring those changes to be made:

- (a) In reg 15(1) delete “, including those”;
- (b) In reg 15(2) delete “(including any of those” and the closed bracket (i.e. “)”) that follows “Schedule”;
- (c) In reg 16(2) delete paragraph (d);
- (d) In the Schedule replace “include (without limitation)” with “are”; and
- (e) In the Schedule change paragraph (a) of the definition of “signs of harm” to “three or more in-venue ATM visits and/or three or more in-venue EFTPOS cash out requests made during one gambling session, for the purpose of immediately continuing their class 4 gambling”.

44.3 Such further or other relief as the Court considers just.

44.4 The costs of and incidental to this proceeding.

This statement of defence is filed by Jarrod True, solicitor for the applicants.

The address for service of the applicants is True Legal, Portland Park Business Centre, First Floor, TVC Building, 697B Wairere Drive, Chartwell, Hamilton.

Documents for service may be left at the address for service or may be:

- (a) Posted to the solicitor at the address for service; or
- (b) Emailed to the solicitor at jarrod.true@truelegal.co.nz, and copied in all cases to counsel at matthew.smith@chambers.co.nz.