

IN THE MATTER of the Gambling Act 2003

AND on an application by
**CHRISTCHURCH CASINOS
LIMITED** for approval of a
temporary cashiering facility at the
Christchurch casino

BEFORE THE GAMBLING COMMISSION

Members: L M Hansen (Chief Gambling Commissioner)
D C Matahaere-Atariki
W N Harvey
S C L Pearson

Date of Application: 20 March 2020

Date of Decision: 20 March 2020

Date of Notification
of Decision:  April 2020

**DECISION ON AN APPLICATION BY CHRISTCHURCH CASINOS LIMITED FOR APPROVAL
OF A TEMPORARY CASHIERING FACILITY AT THE CHRISTCHURCH CASINO**

Introduction

1. Christchurch Casinos Limited ("**CCL**") applied to the Commission, under condition 23 of CCL's operator's licence, for approval of a temporary cashiering facility on level 2 at the Christchurch casino.

Licence condition

2. The relevant licence condition is as follows:

CCL's operator's licence

23. The approval of the Commission is required for the construction of any additional cashiering facilities in other parts of the Gambling Area (Schedule 1) and Additional Gambling Areas (Schedules 2, 3 or 4). Any such additional facilities must comply with the surveillance equipment requirements set out in the Surveillance Standard and be fitted with manually triggered alarm systems connected to the surveillance department.

CCL's submissions

3. CCL submitted, in summary, as follows:
 - (a) It wants to erect temporary hoardings at the Christchurch casino. The hoardings will physically separate the casino into five different areas in order to keep people apart during the current COVID-19 crisis.

- (b) This segmentation will comply with the latest guidelines from the Government and Ministry of Health; to allow for a maximum guest and staff capacity of 500 people. By doing so, it hopes to be able to continue to operate.
- (c) The hoardings will be approximately 2 metres in height and will be located in the positions shown on the plans attached to the application. The height will be sufficient to maintain and restrain the transference of viruses while still complying with fire safety and egress requirements.
- (d) It also wants to re-establish a temporary cash-desk on level 2 of the casino.
- (e) From today (20 March 2020), it has also implemented a "Players Club" only policy. That is, only loyalty programme members will be permitted to enter the casino and they must use their loyalty cards in order to play. This measure, together with the casino's facial recognition cameras, will allow it to track the movements of individuals and to identify both them and those with whom they have been in contact at the casino.
- (f) In 2017, the Commission approved the removal of the cash desk from the proposed level 2 location. In 2018 the area was re-purposed into a Lounge for PlayStation games. In the circumstances that currently exist with COVID-19, CCL now wants to re-establish a cashiering facility in the former area on a temporary basis. It will have all the requirements of a cash desk in terms of camera coverage and one EFTPOS terminal.
- (g) The hoardings and the temporary cash desk will help to isolate players as they will remove the need for them to travel between zones to access facilities such as the main cash desk.

The Secretary's submissions

- 6. The Secretary advised that he had no regulatory concerns with CCL's proposal.

Analysis

- 7. CCL applied to the Commission for two approvals following the outbreak of the COVID-19 virus. The purpose of the approvals was to allow CCL to continue to operate the Christchurch casino in compliance with the Government's (then current) guidelines in relation the number of people permitted to congregate in any venue at one time.
- 8. As the Commission's Executive Director had already approved the installation of the temporary hoardings, pursuant to his delegated authority under condition 6 of CCL's

venue licence, the Commission was required only to consider the application for approval of a temporary cashiering facility.

9. CCL asked the Commission to consider the application on an urgent basis and outside of its usual monthly meeting cycle. In the extraordinary circumstances that existed when the application was made, the Commission was prepared to do so. The Commission also took the unusual step of notifying CCL of its decision by email and in advance of the release of a fully reasoned, written decision. The Commission did so because it anticipated that, because of the dynamic nature of New Zealand's social and legal landscape in the context of the COVID-19 outbreak, unless CCL were notified of the decision immediately, it was highly likely that the approval would be unusable.
10. The Commission wants to make it very clear to CCL, and other casino operators, that these steps have been taken solely because of the extraordinary circumstances that currently exist. The Commission's usual practice does not involve considering applications on an expedited basis outside of its usual monthly meeting cycle nor advising applicants about the outcome of an application in advance of issuing a written decision. Its decision to do so in this case (and in its contemporaneous decision in GC08/20) should not be taken as signaling a change in practice.
11. In relation to the application itself, the Commission was prepared to approve CCL's application for a temporary cashiering facility in the previously approved location on level 2. As the Commission has noted in two of its recent decisions (GC05/20 and GC06/20), cash access at casinos is a matter that requires careful consideration. However, in the circumstances that currently exist, the Commission was comfortable approving the facility on a temporary basis, particularly as CCL's proposal was partly aimed at preventing the spread of the COVID-19 virus, a matter the Commission considered to be highly relevant in the circumstances.
12. The Commission noted that the Secretary had no regulatory concerns with CCL's proposal.
13. CCL may operate the temporary facility for one month to 20 April 2020. If CCL wants to extend the approval beyond this time, it must seek approval to do so with sufficient time to allow the Commission to re-consult with the Secretary and reach a view on any extension before the initial approval expires.

Decision

14. The Commission approved, under condition 23 of CCL's operator's licence, CCL's application for approval of a temporary cashiering facility on level 2 at the Christchurch casino. The approval is for a one-month period and will expire on 20 April 2020. If CCL

wants to extend the approval beyond this date, it must make an application before 20 April 2020, as outlined above in paragraph 13.

Right of appeal

15. Pursuant to section 235 of the Act, a person affected by this decision may appeal that decision to the High Court. An appeal must be made within 15 working days of the date of notice of the Commission's decision, or any longer period that the High Court may allow.

Lisa Hansen

Lisa Hansen
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

23 April 2020

