

**IN THE MATTER** of the Gambling Act 2003

**AND** of an application by **DUNEDIN CASINOS MANAGEMENT LIMITED** to vary condition 8 attached to its operator's licence, and for an approval to deploy mobile EFTPOS devices at the Dunedin Casino under condition 15

**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: 18 February 2021

Date of Decision: 4 June 2021

Date of Notification  
of Decision: 28 June 2021

**DECISION ON AN  
APPLICATION BY DUNEDIN CASINOS MANAGEMENT LIMITED TO VARY CONDITION 8  
ATTACHED TO ITS OPERATOR'S LICENCE, AND FOR AN APPROVAL TO DEPLOY  
MOBILE EFTPOS DEVICES AT THE DUNEDIN CASINO UNDER CONDITION 15**

**Application**

1. Dunedin Casinos Management Limited ("**DCML**") applied to the Commission:
  - (a) to vary condition 8 of its operator's licence, pursuant to section 139(1)(d) of the Gambling Act 2003 ("**Act**"); and
  - (b) for an approval, under condition 15 of its operator's licence, to deploy mobile EFTPOS or like devices in the Gambling Area of the Dunedin casino for the purchase of food and beverages.
2. The Commission sought written submissions on the applications from the Secretary for Internal Affairs (the "**Secretary**"), Ministry of Health ("**MoH**"), PGF Group ("**PGF**"), Dunedin City Council, Southern DHB and Salvation Army/Oasis ("**SA**"). It received submissions from the Secretary, MoH, PGF and SA. DCML lodged written submissions in reply.

## Licence conditions

3. The relevant licence conditions, together with the proposed amendments to condition 8 shown in mark-up, are as follows:

### DCML's operator's licence

8. ~~Except where otherwise approved by the Gambling Commission, when the casino is operating, the Licence Holder shall ensure that there is at least 24 authorised table games open for play between the hours of midday to 6pm, at least 2 authorised table games open for play between the hours of 6pm to 3am and at least 1 authorised table game open for play between the hours of 3am and 6am. Between the hours of 6am and 6pm midday, the Licence Holder may, but shall not be required to, offer table gaming in the Casino.~~
15. The Licence Holder is prohibited from using mobile EFTPOS terminals (cash or non-cash dispensing) or like devices in the Gambling Area unless approved by the Commission. The approval of the Commission shall be revocable at the discretion of the Commission and may be subject to such conditions as the Commission may from time to time impose.

## Relevant sections of the Act

4. The relevant sections of the Act are as follows:

### Purpose

The purpose of this Act is to—

- (a) control the growth of gambling; and
- (b) prevent and minimise harm from gambling, including problem gambling; and
- (c) authorise some gambling and prohibit the rest; and
- (d) facilitate responsible gambling; and
- (e) ensure the integrity and fairness of games; and
- (f) limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and
- (g) ensure that money from gambling benefits the community; and
- (h) facilitate community involvement in decisions about the provision of gambling.

### 139 Conditions of casino licence

- (1) The Gambling Commission may specify the conditions of a casino licence or vary or revoke the conditions of a casino licence in the following circumstances:
  - (a) on granting a casino operator's licence;
  - (b) on renewing a casino venue licence;
  - (c) on approving a casino venue agreement or an amendment to it;
  - (d) on application by the holder of the casino licence;
  - (e) on its own initiative or on the request of the Secretary.
- (2) A condition of a casino licence specified under subsection (1)—
  - (a) must be consistent with this Act; and
  - (b) must contribute to achieving the purpose of this Act; and
  - (c) must contribute to the efficient and effective administration of this Act; and
  - (d) must not permit an increase in the opportunities for casino gambling; and
  - (e) may relate to any matter, including the matters specified in Schedule 1, within the confines of paragraphs (a) to (d).

**140 Procedure for specifying, varying, or revoking casino licence conditions**

- (1) The Gambling Commission must notify the holder of the relevant casino licence, the Secretary, and any other person who it considers is affected by a proposal to specify, vary, or revoke the conditions of a casino licence.
- (2) Notification under subsection (1) must include—
  - (a) the reason for the proposal; and
  - (b) the procedure to be followed before the Gambling Commission makes a decision relating to the proposal.
- (3) The holder of the casino licence, the Secretary, and any other person affected may make written submissions to the Gambling Commission concerning the proposal within 20 working days after the date of the notice under subsection (1) or within any longer period that the Gambling Commission allows.
- (4) The Gambling Commission must consider any submissions made under subsection (3) and may, if it considers it appropriate, seek comment from the casino licence holder on the submissions received from the Secretary or other persons affected.
- (5) The Gambling Commission must notify the holder of the casino licence, the Secretary, and other persons affected of—
  - (a) its decision concerning the proposal and the reasons for the decision; and
  - (b) the right to appeal the decision and the process for an appeal.

**Submissions by DCML**

5. DCML submitted, in summary, as follows:

*Condition 8*

- (a) It has applied to amend condition 8 of its operator's licence to remove the mandatory requirement to have at least 1 gaming table open for play between midday and 6pm.
- (b) COVID-19 has had a material impact on the casino and resulted in reduced patronage. From November to March, cruise ships normally visit Dunedin and this results in visits to the casino to play gaming tables. This has not happened during 2020 or 2021 because of COVID-19 and as such, there has been less demand for gaming tables.
- (c) COVID-19 has also resulted in a number of job losses at the casino and an ongoing need for staff to be more flexible. It is striving to maintain current jobs but this has meant that some staff have been trained to work in different areas.
- (d) As a result of all of this, it needs to consider different scenarios, and creative ways, to ensure that the business remains viable and competitive.
- (e) There is currently sufficient demand to have at least two gaming tables open from 6pm through until closing time. When there is demand from midday until 6pm, it

wants to have at least one gaming table open, but this is not possible in the current climate.

- (f) It is aware of previous Commission decisions on this issue; namely GC11/19, GC02/20 and GC12/20.

*Condition 15*

- (g) In decision GC02/20, the Commission permitted Christchurch casino to deploy mobile EFTPOS devices in the Gambling Area for the purchase of food and beverages. It seeks a similar approval for the Dunedin casino.
- (h) The principal reason for this application is customer service. Many patrons do not carry cash and many prefer to purchase a TITO ticket with cash, which then provides a set amount to gamble with. Patrons then use the TITO ticket when moving from machine to machine.
- (i) The use of cash in the casino has reduced over the years.
- (j) All gaming machines now have TITO features and no coins can be placed into them.
- (k) Host responsibility has improved markedly over the years and it is always considering ways to ensure the safety and wellbeing of its customers. An approval under condition 15 will not impact on its ability to monitor patrons from a host responsibility perspective.
- (l) A facial recognition system will be installed within a month.

**Submissions by the Secretary**

6. The Secretary submitted, in summary, as follows:

- (a) Condition 8 – as he has submitted on similar applications previously, it serves no useful purpose for a gaming table to be staffed when no patrons are playing. He has no regulatory concerns with this proposal.
- (b) Condition 15 – he does not object to the casino being given approval to deploy EFTPOS devices in the Gambling Area to enable patrons to purchase F&B.

## Submissions by MoH

7. MoH submitted, in summary, as follows:

### *Condition 8*

- (a) Reducing the hours of operation for table games seems like a reduction in gambling opportunities and therefore, a reduction in potential harm. However, the long-term effects of this change are unclear.
- (b) The Hamilton, Christchurch, Dunedin and Queenstown casinos already have a similar condition 8, while Wharf casino's condition 8 was revoked altogether.
- (c) In previous applications to vary condition 8, submitters have raised concerns about casinos reducing table game operations and becoming primarily EGM venues; the concern being that continuous forms of gambling, such as EGMs, are widely shown to be the most harmful form of gambling available in New Zealand.
- (d) It has been argued that reducing table game operations will funnel patrons to play EGMs if there is nothing else available. This has been referred to as "forced choice".
- (e) It could also be argued that the ratio of EGMs to gaming tables on the gaming floor, as present in licence conditions, is meaningless if the ratio of EGMs and tables operating at a point in time is significantly different.
- (f) SKYCITY Hamilton's application to substitute gaming machines for gaming tables further illustrates that EGMs are the most popular form of gambling and appear to be the primary income source for most casinos in New Zealand.
- (g) If changes to licence conditions keep going in this direction, then it is very likely that table games will disappear and casinos will not be in keeping with what the public considers to be a casino.
- (h) Regardless of what products are made available, it is the Casino's responsibility to ensure it has adequate staff to satisfy its various obligations, including those of a responsible host.
- (i) It suggests a temporary relaxation, with a report from DCML and the Secretary on the effects of the change (similar to decisions GC08/18 and GC11/19 for Wharf casino). To assist with decision-making, before and after the proposed change, it would be useful to have information on current and future utilisation rates for table games and EGMs.

- (j) As there is limited evidence to determine the effectiveness of DCML's HRP, it would be useful to have an independent evaluation/review of host responsibility effectiveness in practice. This should be standard for all casinos as a matter of course, even if they are not applying for changes to licence conditions.

*Condition 15*

- (k) Although DCML cites decision GC02/20, its application did not specify that the EFTPOS devices would be used only for the purchase of F&B, and that cash out would not be allowed. It would appear that DCML is seeking approval to have EFTPOS available in the Gambling Area so that customers can get cash out and purchase TITO tickets.
- (l) If DCML does not intend to use the EFTPOS devices solely for food or beverages, then the approval should not be granted. It has no concerns if they are used only for the purchase of food or beverages.

**Submissions by PGF**

8. PGF submitted, in summary, as follows:

*Condition 8*

- (a) It refers the Commission to the purpose of the Act.
- (b) Applications to operate no, or fewer, table games between certain hours have been made by other casinos. Arguments for and against the requirement to have table games available have been set out in previous decisions in relation to the Hamilton, Christchurch, Queenstown and Wharf casinos.
- (c) Section 11 of the Act prohibits an increase in casino gambling opportunities. Varying condition 8 to allow more limits in the number of open gaming tables means that the casino may become primarily an EGM venue. This represents an increase in casino gambling, which is prohibited under section 11. On this basis, it is opposed to the proposed variation.
- (d) EGMs are a continuous form of gambling with higher rates of play, qualities that make them more potent or addictive, more attractive to at-risk populations, and ultimately cause more harm.
- (e) Without any report from DCML and the Secretary on the effects of these changes, including, for example, current and future utilisation rates for tables and EGMs, it cannot be certain that there will be no impact from this change to rates of gambling harm.

- (f) It agrees with previous submissions by MoH and SA, that an independent review of host responsibility effectiveness should be standard for all casinos.

*Condition 15*

- (g) Regulations 4 and 5 of the Gambling (Harm Prevention and Minimisation) Regulations 2004 provide as follows:

4 Unsuitable class 4 venues

The following venues are declared unsuitable to be a class 4 venue:

- (a) a venue at which the primary activity is anything other than onsite entertainment, recreation, or leisure focused on persons 18 years and over, including (without limitation)—
- (i) a dairy, supermarket, or other similar venue:
  - (ii) a fast-food outlet or other similar venue:
  - (iii) an office:
  - (iv) a private residence:
  - (v) a sports stadium:
  - (vi) a circus, fair, amusement parlour, arcade or park, theme park, or other similar venue:
- (b) a venue that is not a fixed permanent structure, including (without limitation)—
- (i) a tent or marquee:
  - (ii) a vehicle, vessel, aircraft, trailer, or other conveyance:
- (c) a footpath (whether or not undercover):
- (d) a concourse area (whether or not enclosed):
- (e) an Internet café or cyber-café, or any other venue at which the primary activity is electronic media (including games):
- (f) a library, art gallery, museum, theatre, cinema, or other similar venue:
- (g) a place of worship.

5 Restriction on automatic teller machines in class 4 and casino venues

The holder of a class 4 venue licence or casino operator's licence must ensure that there are no automatic teller machines available in the gambling area of a venue in which it conducts gambling.

- (h) Regulation 4 relates to purpose (b) of the Act. In decision GC16/05, the Commission stated that even though the regulation does not specially refer to EFTPOS terminals, the "spirit and intent" of the regulation would be compromised if cash access opportunities were enlarged.
- (i) Mobile EFTPOS terminals will make cash more readily available at the casino and this increased access is likely to increase gambling harm, which runs counter to the purpose of the Act. There is no evidence that there will not be an increase in gambling harm to people who use the mobile EFTPOS terminals. On this basis, it opposes the application.
- (j) If the Commission approves the additional terminals, there should be a condition to include additional host responsibility measures around their use.

- (k) Provision of information to be made available to players required under Regulation 11(a)(ii) should apply to the use of EFTPOS terminals. Information about the characteristics of problem gambling (including the recognised signs of problem gambling) and how to seek advice for problem gambling, should be displayed on all printed EFTPOS receipts, similar to supermarket receipts used to display advertisements and petrol discounts. These messages should be required on all new and currently operating EFTPOS terminals at the casino.

### **Submissions by SA**

9. SA submitted, in summary, as follows:

- (a) The applications in question are familiar, with arguments for and against the requirement to have table games available having been set out in earlier Commission decisions for the Hamilton, Christchurch, Queenstown and Wharf casinos. Similarly, DCML's application in relation to condition 15 is preceded in decision GC02/20. It anticipates that DCML's applications will be approved.
- (b) However, it retains its aforementioned concerns regarding casinos becoming primarily EGM venues and opposes the proposed amendment to condition 8. It appreciates that the level of risk of harm posed by EGMs in comparison with table games is not straightforward and it accepts that table games can cause harm. It also understands supply and demand, and the desire to dispense with a product for which there is no demand.
- (c) However, some of the qualities which make EGMs more popular than table games, such as ease of play, lower minimum bet price, small intermittent wins, and rapid rate of play, are the same qualities that make them more potent or addictive, and more attractive and harmful to at-risk populations. It continues to see more help-seekers citing casino EGMs as their primary problem gambling mode compared to casino table games.
- (d) It cannot be certain that closing the casino's gaming tables will induce more patrons to participate in EGMs or that it will increase the risk of gambling harm. However, neither can it be certain that there will be no impact on harm. Without any report from DCML and the Secretary on the effects of these changes it simply does not know. What it does know is that without table games on offer, patrons' options will be limited to those products most associated with harm. More evidence is required to respond properly to these proposals and determine whether gambling harm is being appropriately addressed.

- (e) As elsewhere, it relies on the casino's HRP to mitigate any ensuing harm. However, without independent evaluation of the impact of the HRP, it cannot be assured that it will effectively prevent harm. It agrees with the MoH's position as noted in decision GC02/20, and as requested in previous submissions; namely that an independent review of host responsibility effectiveness should be standard for all casinos as a matter of course. This will ensure that gambling harm is prevented and minimised, as required by the Act.
- (f) It does not oppose the deployment of mobile EFTPOS terminals, provided they are not cash-dispensing and are used only for F&B purchases. However, it is concerned that another protective factor is being lost if patrons can make these purchases with no interruption in play. This reflects a standard of harm prevention and minimisation that is decreasing in unnoticed increments. It expects that the deployment of additional terminals would require additional host responsibility measure around the use of these terminals, such as a reduction in the current thresholds for "continuous presence" and "continuous play".
- (g) Without any robust evaluation data on the effectiveness of casino HRPs, all parties to these applications are unable to justify or challenge the changes proposed. This is a significant issue that needs to be acknowledged and rectified to ensure that the purposes of the Act, including harm prevention and minimisation, are being met.

### **Applicant's submissions in reply**

10. In reply, DCML submitted, in summary, as follows:

#### *Condition 8*

- (a) The Commission has previously stated that there is no obligation under the Act for gaming tables to be open.
- (b) SA and PGF submit that there is a risk of the casino becoming an EGM venue. The casino is an entertainment and hospitality venue and it has no intention of it becoming an EGM venue. It aims to appeal to people through a number of entertainment offerings and gaming tables is one of these. Considerable investment has recently been made in upgrading the restaurant and bar area and given its success, it is now considering a refurbishment of the Gainsborough Room, where gaming tables are located, in order to offer a better atmosphere for players.
- (c) MoH submits that reducing table games while still having all the EGMs available, will funnel patrons to play EGMs. The vast majority of table game players have no interest in playing on EGMs. Table game players are interested in the strategy and the tactics of the other player, much like some people enjoy bridge or chess for the

same reason. The only exception would be the six EGMs that currently enable customers to play Roulette, Baccarat and Tai Sai.

- (d) SA submits that without independent evaluation of the impact of the HRP, it cannot be assured that it will effectively prevent harm. It is committed to its host responsibilities. To highlight this point, in the past 10 days, the following incidents have occurred:
- a regular daytime table games player self-excluded for 24 months;
  - a predominantly daytime table games player was encouraged to take time out from the casino. The player has now self-excluded for 12 months;
  - a young table games player who has been gambling frequently recently was approached. After discussion, the player has opted to take a 3 month break.
- (e) This demonstrates that it is not afraid to act with table games players if it believes the situation warrants it. Dunedin Casino is very small in size with around 40 table games players. These players are well known and as demonstrated above, the Casino's monitoring is vigorous.
- (f) In 2020 the DIA conducted a Host Responsibility audit and apart from small recommendations, it was happy with the HRP and its application.
- (g) Fully trained Responsible Gambling staff continually patrol the EGM areas of the Casino and all staff are aware of the need to monitor five hours of continuous play for all players. Recently it excluded three regular players for a period of three months for breaching the '5 hour rule' without a break.
- (h) Clearly, a closure of tables is going to decrease, rather than increase, the casino gambling opportunities, as submitted by PGF.
- (i) It continues to look at ways to improve its HRP.
- (j) Flexibility is sought to defer the need to have a table game open between midday and 6.00pm. However, if there is demand to open a table during this time, it would certainly look to do so.

#### *Condition 15*

- (k) It seeks approval to deploy EFTPOS devices in the Gambling Area solely for the purchase of beverages (due to COVID it has suspended food service but it will re-establish this once the alert levels are over). While it is not entirely clear in its original application, it was never intended for these devices to dispense cash.

- (l) An approval under condition 15 would bring the Casino into line with approvals given to other casinos, with the most recent decision GC02/20 for Christchurch.
- (m) While patrons can order beverages at the machines (and food, once COVID alert levels are suspended), they must still take a break in order to consume the food. Due to COVID, it was decided to ban the consumption of food in the table and machine areas.

## Analysis

### *Condition 8*

11. DCML has applied to vary condition 8 of its operator's licence, with the effect of the proposal being to remove the obligation to deploy table games from 12.00pm to 6.00pm (although can deploy them during this time if it wishes).
12. The Commission is very conversant with this type of application, having previously considered applications to vary or revoke condition 8 for the Wharf, Hamilton, Queenstown and Christchurch casinos. In its previous decisions, the Commission has set out both sides of the argument in relation to reducing/removing table game requirements, together with arguments in favour of not doing so. The arguments set out in those decisions are equally applicable to DCML's application.
13. The two main arguments in favour of maintaining a minimum table requirement are that the public expects casinos to offer table games, rather than EGMs alone, and that if table games are removed, the only form of gambling remaining would be EGMs, which some submitters suggested is the most harmful form of gambling.
14. Allowing DCML the flexibility sought does not raise any issues of regulatory concern for the Commission. As the Commission noted in its previous decisions (see GC08/18, GC11/19 and GC02/20), there is nothing in the Act which requires a casino operator to deploy any particular form of gambling product, including table games. Section 34 of the Act provides as follows:

#### **34 Meaning of casino gambling**

In this Act, **casino gambling**—

- (a) means gambling—
  - (i) for which there are game rules; and
  - (ii) that satisfies those game rules; and
  - (iii) which is conducted in accordance with those game rules; and
  - (iv) to which both a casino venue licence and casino operator's licence apply; but
- (b) does not include gambling conducted by TAB NZ referred to in section 120.

15. Section 119 of the Act provides as follows:

**119 Requirements for casino gambling**

A casino may be operated only by a person who holds a casino operator's licence—

- (a) if the casino gambling occurs at a place for which the person also holds a casino venue licence; or
- (b) if the casino operator has an approved casino venue agreement with another person who holds a casino venue licence.

16. All that is required to meet the Act's requirements for casino gambling is for there to be gambling for which there are game rules, and which satisfies those game rules, and which is conducted in accordance with those rules by a person with the appropriate casino licences and, if required, a casino venue agreement.

17. As the governing statute does not require casinos to deploy any table games (meaning to set up gaming tables in their designated Gambling Areas), the source of any regulatory obligation concerning their deployment or availability for immediate use is the licence conditions imposed by the Commission or its predecessor, the Casino Control Authority. In each case, the conditions relating to deployment of table games (expressed as a ratio with deployed EGMs) and having a (lesser) number of table games open for play were originally imposed by the Authority under the predecessor Act, the Casino Control Act 1990. The purposes of that Act and the Gambling Act 2003 are fundamentally different. The Commission is empowered to vary and revoke any existing casino licence conditions pursuant to section 139 of the Act. Variation of obligations to deploy tables or to make tables immediately available for use comes within the Commission's jurisdiction.

18. In this instance, removing the obligation from opening table games between 12pm and 6pm does not raise any issues of concern for the Commission (or the Secretary).

19. Further, the Commission considered there to be force in a submission made by the Secretary; namely that there is little value in requiring an operator to open and staff a gaming table when there is no customer demand to use it.

20. The Commission noted four additional points in permitting DCML's application, as follows:

- (a) the proposed amendment stipulates *minimum* table game requirements. It does not stipulate that *no* table games can be deployed. If there were demand for casino tables between midday and 6pm, common sense would suggest that the Dunedin casino would open them to meet this demand. DCML confirmed this in its submissions in reply.
- (b) DCML's minimum table game offering will remain unchanged during the key time of the day, from 6.00pm-3.00am, when two tables are required to be open.

- (c) In an unrelated application, the Commission received extensive expert evidence on the relative risks of harm generated by both EGMs and table games which indicated that the position is not a straightforward as submissions that it has recorded in the past have indicated.
- (d) PGF submitted that allowing “more limits in the number of open gaming tables” will *increase* casino gambling opportunities. The Commission considered that the proffered description of the act of removing requirements to have table games open and available was an odd one. In any event, the proposition is illogical and therefore rejected. The removal of a minimum open table requirement can be expected to have no effect on the **opportunities** for casino gambling.

#### *Condition 15*

- 21. In the light of subsequent events, the Commission did not see any merit in the suggestion made by MoH that relaxation of the open table obligation should be temporary and re-assessed after 12 months as had been done initially at Wharf casino.
- 22. DCML sought an approval under condition 15 of its operator’s licence, identical to an approval granted by the Commission to CCL in decision GC02/20; namely to deploy mobile EFTPOS or like devices in the Gambling Area for the purchase of food and beverage (F&B). MoH expressed concern that DCML’s application for approval may not have been sufficiently clear that the approval sought was limited to deploy mobile EFTPOS devices for the purchase of F&B only, with the result that the Commission might issue a sufficiently broad approval to permit DCML to use mobile EFTPOS devices in the Gambling Area for purchases other than F&B, including the ability to dispense cash.
- 23. The Commission understood the application to have been so limited and, in any event, DCML confirmed its intention to seek an approval to deploy mobile EFTPOS devices in the Gambling Area, the use of which would be limited to the purchase of F&B only.
- 24. As was the case with the earlier CCL application, approving DCML’s application raised no issues of regulatory concern for the Commission. The Commission set out the history of its imposition of limitations on cash access in the gambling areas of casinos and the reasons why it now considered that developments since 2005-2006 justified a more relaxed approach to the use of mobile EFTPOS devices in the gambling area for F&B purchases, including the general reduction in the use of cash, improvements in host responsibility obligations and the anomaly of forbidding purchases of F&B in the gambling area by mobile EFTPOS when cash and chips may be used. Those considerations continue to apply.

*Other*

25. Submitters raised additional matters in their submissions on DCML's applications, as follows:
- (a) PGF and SA submitted that the casinos' HRPs should be independently evaluated and reviewed for effectiveness.
  - (b) PGF submitted that the Commission should include additional host responsibility measures around the use of the mobile EFTPOS devices, if it were to approve their use.
  - (c) PGF submitted that information about the characteristics of problem gambling, including the recognised signs of problem gambling and how to seek advice, should be displayed on all printed EFTPOS receipts.
26. The Commission did not consider that any of the proposals should be adopted in the context of the DCML applications. The Commission, which is independent of the casino operators, conducts regular periodic reviews of the content of casino HRPs, and seeks submissions on suggested improvements when it does so. Its review decisions indicate that its focus is on effective improvements and it usually seeks supporting evidence of likely effectiveness. No such evidence was advanced in support of the proposed changes. It does not consider that it is wise to make piecemeal HRP changes (which all of the suggestions above would be), unless there is a clear case for urgent change. No such case has been advanced. The proposals can be advanced with supporting evidence in the course of future HRP reviews.

**Decision**

27. The Commission:
- (a) varied licence condition 8 of DCML's operator's licence, pursuant to section 139(1)(d) of the Act, in the manner proposed. Condition 8 now provides as follows:
    - 8. Except where otherwise approved by the Gambling Commission, when the casino is operating the Licence Holder shall ensure that there is at least 2 authorised table games open for play between the hours of 6pm to 3am and at least 1 authorised table game open for play between the hours of 3am and 6am. Between the hours of 6am and 6pm, the Licence Holder may, but shall not be required to, offer table gaming in the Casino.
  - (b) provided DCML with an approval under condition 15 of DCML's operator's licence, to deploy mobile devices in the Gambling Area of the Dunedin casino. The approval is granted on the condition that the terminals may be used only to pay for the purchase of food and beverages.

**Right of appeal**

28. 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.



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**Lisa Hansen**  
Chief Gambling Commissioner

for and on behalf of the  
Gambling Commission

28 June 2021

