

IN THE MATTER of the Gambling Act 2003

AND on an application by
CHRISTCHURCH CASINOS LIMITED for approval of two temporary cashiering facilities 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 May 2020

Date of Decision: 22 May 2020

Date of Notification
 of Decision: 29 May 2020

DECISION ON AN APPLICATION BY CHRISTCHURCH CASINOS LIMITED FOR APPROVAL OF TWO TEMPORARY CASHIERING FACILITIES AT THE CHRISTCHURCH CASINO

Introduction

1. Christchurch Casinos Limited ("**CCL**") applied to the Commission, under conditions 6, 7 and 12 of CCL's venue licence, and condition 23 of CCL's operator's licence, for approval to install two temporary cashiering facilities at the Christchurch casino.

Licence conditions

2. The relevant are licence conditions as follows:

CCL's venue licence

6. Subject to the provisions of condition 7, the Licence Holder must obtain the approval of the Commission prior to:
 - (a) Any construction or design changes whatsoever in the Gambling Area (Schedule 1) and Additional Gambling Areas (Schedules 2, 3 or 4) and for any construction or design changes elsewhere in the Casino Venue which may impact on the matters set out in condition 7;
 - (b) the construction or relocation outside the Gambling Area and Additional Gambling Areas and within the Casino Venue of bank facilities available to the public excluding ATMs, EFTPOS and like devices; and
 - (c) the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue or on or around the building within which it is located.

The process by which the Licence Holder may obtain approval for construction or design changes to Levels 3 and 4 and the rooftop area of the Casino Venue, (paragraph (a) above) is set out in condition 7. The Commission will determine any application for approval under 6(b). The Executive Director may approve the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue or on or around the building within which it is located (paragraph (c) above) if he/she is satisfied the proposed changes will have no potentially adverse effects. If he/she is not so satisfied, the proposed changes must be referred to the Commission for a decision on approval.

7. The Licence Holder must notify the Executive Director of any proposed changes to the construction or design for which approval is required under condition 6. Notification must be accompanied by relevant drawings and an assessment of any impacts the alterations may have on:
- (a) the integrity and fairness of games;
 - (b) the effectiveness of security and surveillance;
 - (c) harm prevention, harm minimisation and responsible gambling;
 - (d) potential access to the Gambling Area by persons under 20 years of age; and
 - (e) compliance by any person with the Act, including section 11 of the Act.

The Executive Director may approve the proposed changes to the construction or design if he or she is satisfied that there are no adverse impacts in relation to the matters specified in (a)-(e) above. If the Executive Director is not satisfied, he or she will refer the proposal to the Commission for determination.

12. The approval of the Commission is required for the construction of any additional cashiering facilities in 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 operator's licence

23. The approval of the Commission is required for the construction of any additional cashiering facilities in 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 seeks approval to install two temporary cash desks. In addition to servicing its customers, its goal is to eliminate, or minimise, the movement of guests between zones at the casino, and thereby limit the potential spread of the COVID-19 virus.
 - (b) In effect, it hopes to be able to create four self-contained spaces, each with their own range of facilities; namely gambling options, food and beverage offerings, bathrooms and cash desks.

- (c) It has already obtained approval from the Commission to segment the casino into four distinct areas, as follows:
- (i) the Valley Bar, which will include most of the EGMs on this level;
 - (ii) the Main Gaming Floor (including the Main Cage cashiering facilities);
 - (iii) the Gallery and Monza; and
 - (iv) the VIP Room, Aspinalls (which has its own cashiering facilities).
- (d) At present, only the MGF and the VIP Room have cashiering facilities so the Valley Bar on level 1 and the Gallery and Monza area on level 2 would be left without cashiering facilities. Therefore, a non-VIP guest would need to go onto the MGF to access a cashiering facility.
- (e) In decision GC07/20, the Commission approved a temporary cashiering facility on level 2, due to the special circumstances arising out of the COVID-19 virus. This approval expired on 20 April 2020. However, the special circumstances still exist so it wants to install two additional, temporary, cashiering facilities to minimise the potential of customers interacting with each other.
- (f) The first facility will be in the same position as that approved by the Commission in decision GC07/20, while the second will be on level 1, adjacent to the Valley Bar.
- (g) The proposed cashiering facilities will only be operational while the physical distancing requirements in response to COVID-19 are in place. Their existence, if approved, is solely to assist with physical distancing and to minimise unnecessary contact tracing.
- (h) In view of their temporary nature, the cashiering facilities are likely to be relatively basic; just a high desk for a staff member to stand behind, with a counter top, computer and lockable drawers. However, the requirements of condition 12 of its venue licence and condition 23 of its operator's licence will be met.
- (i) To minimise any other potential risks, the cash desks will have limited funds at any one time.
- (j) No other construction will be required. Their placement on the floor will have no adverse impact on the matters set out in condition 7(a)-(e) of its venue licence.

The Secretary's submissions

6. The Secretary advised that he had no objections to CCL's proposal provided that appropriate security and surveillance measures are in place and all licence conditions regarding cash handling are adhered to.

Analysis

7. CCL applied to the Commission to install two temporary cashiering facilities at the Christchurch casino.
8. As with some recent decisions, the Commission has been asked to consider this application with some urgency and outside of its usual monthly meeting cycle owing to the extraordinary circumstances that exist with COVID-19. Because of these extraordinary circumstances, the Commission was prepared to do so.
9. The Commission also took the unusual step of notifying CCL of its decision by email and in advance of issuing a fully reasoned, written decision. The Commission did so because the value of determining the application quickly would have been undermined if the outcome had not been relayed until a written decision was available.
10. However, as it also noted in the similar recent decisions, the Commission emphasises that the foregoing steps were taken solely in the light 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 of the outcome of an application in advance of issuing a written decision. Its decision to do so in this and similar recent cases should not be taken as signaling a change in practice.
11. The purpose of CCL's application is to allow it to create two additional, temporary cash desks in the two casino zones that do not have such facilities.
12. In light of the extraordinary circumstances that currently exist with COVID-19, the Commission is prepared to grant the approval sought.
13. As the Commission has noted in some of its recent decisions, cash access at casinos is a matter that requires careful consideration. However, in the circumstances that currently exist, the Commission was comfortable approving the facilities 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 considers to be highly relevant in the circumstances, and because the Secretary had no objections.
14. The approval will remain in place until New Zealand leaves Alert Level 1.

Decision

15. The Commission approved, under conditions 6, 7 and 12 of CCL's venue licence, and condition 23 of CCL's operator's licence, CCL's application for approval of two temporary cashiering facilities on levels 1 and 2 at the Christchurch casino. The temporary approvals are valid until New Zealand leaves Alert Level 1.

Right of appeal

16. 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

29 May 2020

