

IN THE MATTER of the Gambling Act 2003

AND on applications by
CHRISTCHURCH CASINOS LIMITED: to vary conditions 9A and 9B of its venue licence; to dispense cash from an EFTPOS terminal in the casino's Gambling Area; and to vary condition 15 of its operator's licence

BEFORE THE GAMBLING COMMISSION

Members: G L Reeves (Chief Gambling Commissioner)
P J Stanley
L M Hansen
R D Bell
A K Foote

Date of Applications: 10 February 2012, 11 March 2012

Date of Decisions: 11 May 2012, 15 June 2012

Date of Notification of Decision: ^{15th} August 2012

**DECISION ON
APPLICATIONS BY CHRISTCHURCH CASINOS LIMITED:
TO VARY CONDITIONS 9A and 9B OF ITS VENUE LICENCE;
TO DISPENSE CASH FROM AN EFTPOS TERMINAL IN THE CASINO'S GAMBLING AREA;
AND TO VARY CONDITION 15 OF ITS OPERATOR'S LICENCE**

Introduction

1. Christchurch Casinos Limited ("CCL") applied to the Commission:
 - (a) to vary licence conditions 9A and 9B of its venue licence, pursuant to section 139(1)(d) of the Gambling Act 2003 (the "Act");
 - (b) for approval, under condition 14 of CCL's operator's licence, to dispense up to \$50 cash from an EFTPOS terminal (contemporaneous with a purchase) in the casino's Gambling Area; and
 - (c) to vary licence condition 15 of its operator's licence, pursuant to section 139(1)(d) of the Act.

The variations, if approved, would provide CCL with a default Gambling Area and three additional Gambling Areas, with the ability to add temporarily any of the three additional Gambling Areas to the default area, to create a larger "live" Gambling Area, and would allow

CCL to deploy mobile EFTPOS terminals in the casino's alternative Gambling Areas when those areas were not "live" (that is, when those areas were not being used as part of the active Gambling Area).

2. The Commission considered the three applications at its 11 May 2012 meeting, reaching decisions on the applications outlined in paragraphs 1(a) and (c) above. The Commission formed a number of preliminary views on the application outlined in paragraph 1(b) and requested further submissions from CCL as a result of those preliminary views.
3. CCL filed additional submissions which were forwarded to the Secretary and PGF to file submissions in reply. Neither party did so.

Licence conditions

4. The relevant licence conditions are 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) construction or design changes to Levels 3 and 4 and the rooftop area of the Casino Venue, including the Gambling Area (Schedule 1) and alternate Gambling Area (Schedule 2) but excluding the foyer and bar areas on Level 3 outside the Gambling Area (unless construction or design changes to any of these excluded areas may impact on matters set out in condition 7 in which case prior approval must be sought);
 - (b) the construction or relocation outside the Gambling Area and within the Casino Venue of bank facilities available to the public excluding ATMs, EFTPOS and like devices;
 - (c) the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue.

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) and (c).

7. The Licence Holder must notify the Executive Director of any proposed changes to the construction or design of Levels 3 and 4 and the rooftop area of the Casino Venue, including the Gambling Area (Schedule 1) and alternate Gambling Area (Schedule 2) but excluding the foyer and bar areas outside the Gambling Area. 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.

- 9A. The Gambling Area within the Casino Venue comprises the areas specified in plans marked "Schedule 1" and "Schedule 2" and dated 7 April 2010, attached to Commission decision GC07/10. The standard Gambling Area for the casino venue is delineated in Schedule 1. The alternative Gambling Area for the casino is delineated in Schedule 2. When Schedule 2 is activated, the Grand Café may be used (other than for dining purposes) only to conduct casino promotions. Commission approval needs to be obtained before the Licence Holder conducts any other form of gambling in the Grand Café, or in the Velvet Room.
- 9B. The alternative Gambling Area will take effect subject to the following:
- (a) the Licence Holder providing the Commission and the Inspectorate with a minimum of 10 working days notice in writing of its intention to use the alternative Gambling Area; and
 - (b) the Licence Holder specifying in that notice the dates and times at which the alternative gambling area will apply and terminate. At termination the Gambling Area will revert to the area delineated in Schedule 1.
- ...
12. 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 alternate Gambling Area (Schedule 2) to service dedicated areas or rooms. 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

13. A maximum of 2 automatic teller machines is permitted in the Casino Venue outside the Gambling Area (Schedule 1) and Alternate Gambling Area (Schedule 2).
14. The Licence Holder is prohibited from dispensing cash from EFTPOS and like devices in the Gambling Area unless approved by the Authority or the Commission. The approval of the Authority or 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.
15. The Licence Holder is prohibited from using mobile EFTPOS terminals (cash or non-cash dispensing) or like devices in the Gambling Area (Schedule 1) and Alternate Gambling Area (Schedule 2).
16. Except for any approval granted pursuant to condition 14 the Licence Holder is prohibited from dispensing more than \$50 cash per transaction from EFTPOS terminals or like devices within the Casino Venue and must ensure that any cash withdrawals are contemporaneous with a purchase.
17. Subject to the restrictions specified in conditions 14, 15 and 16 above, EFTPOS terminals or like devices may be installed and removed by the Licence Holder within the Casino Venue.
18. The Licence Holder is required to notify the Commission if it moves ATMs in the Casino Venue or if it installs or moves EFTPOS terminals or like devices in the Gambling Area (Schedule 1) and Alternate Gambling Area (Schedule 2).
- ...

20. The Licence Holder shall provide security and surveillance equipment and facilities in the Gambling Area (Schedule 1) and Alternate Gambling Area (Schedule 2) and surveillance areas which shall at all times meet and may exceed the Surveillance Standard in whatever form is currently approved by the Commission. The Commission may at any time institute an audit or require the Licence Holder to report on the standard and/or quality of surveillance equipment to ensure it meets or exceeds the Surveillance Standard.
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 Alternate Gambling Area (Schedule 2) to service dedicated areas or rooms. 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.
5. CCL's proposed variations to conditions 9A and 9B of its venue licence, and condition 15 of its operator's licence, are shown in mark-up as follows:

- 9A. The Gambling Area within the Casino Venue comprises the areas specified in plans marked "Schedule 1" and "Schedule 2", ~~"Schedule 3" and "Schedule 4"~~ and dated ~~[new date to be inserted]~~ 7 April 2010, attached to Commission decision ~~GC~~ ~~[new reference to be inserted]~~ 07/10. The standard Gambling Area for the casino venue is delineated in Schedule 1. The ~~additional~~ ~~alternative~~ ~~G~~gambling ~~A~~areas for the casino ~~are~~is delineated in Schedules ~~2, 3 and 4~~. When Schedules ~~2, and/or 3 and/or 4 are~~ activated, the Grand Café ~~these areas~~ may be used (other than for dining purposes) only to conduct casino promotions. Commission approval needs to be obtained before the Licence Holder conducts any other form of gambling in ~~these areas~~ the Grand Café, or in the Velvet Room.
- 9B. The ~~additional~~ ~~alternative~~ Gambling Areas will take effect subject to the following:
- (a) the Licence Holder providing the ~~Gambling~~ Commission and the Inspectorate with a minimum of ~~3-10~~ working days notice in writing of its intention to use ~~any or all of the alternative~~ Gambling Areas; and
- (b) the Licence Holder specifying ~~in that notice~~ the planned dates and times at which the ~~alternative~~ gambling area(s) will apply and terminate. At termination the Gambling Area will revert to the default Gambling aArea delineated in Schedule 1.
15. The Licence Holder is prohibited from using mobile EFTPOS terminals (cash or non-cash dispensing) or like devices in the Gambling Area (Schedule 1) ~~and Alternate Gambling Area (Schedule 2) or any Alternate Gambling Area~~ when it is activated to form a part of the designated Gambling Area.

CCL's submissions on its application to vary conditions 9A and 9B

6. CCL submitted, in summary, that:
- (a) It previously applied to redefine the default Gambling and alternative Gambling Areas of the Christchurch casino, seeking the removal of the Monza Bar from the default Gambling Area.

- (b) One of the reasons it asked for the Monza Bar to be removed from the Gambling Area was to enable the use of a mobile EFTPOS terminal in that Bar. Decision GC38/11 achieved this by removing the Monza Bar from the Gambling Area, but it also removed CCL's ability to conduct promotional activities in that bar.
- (c) Each of the three areas that it wants approved as alternative non-gambling areas are primarily food and beverage areas, but occasionally they are used for casino promotions. It is therefore necessary that these areas are able to be licensed for gambling.
- (d) It does not plan to conduct any form of gambling other than casino promotions in these areas and, as the Commission has previously noted, to do so would require a revised floor plan. This requirement provides the Commission with effective control over these areas.
- (e) It previously asked that the notification period to utilise the alternative Gambling Areas be reduced from 10 working days to three clear days to be consistent with the Rules for Casino Promotions.
- (f) Decision GC38/11 declined CCL's application to make the Monza Bar an alternative Gambling Area, stating that "CCL does not currently offer any form of gambling in the Monza Bar" and therefore "retaining the Monza Bar as part of the designated Gambling Area does not increase CCL's flexibility in any way, nor does it assist CCL to meet the demands of its clientele."
- (g) Casino promotions are an integral part of CCL's operational activities and the casino has conducted them since before the Gambling Act came into effect. They are a legitimate operational activity so CCL considers the Gambling Commission's rationale for declining the original application was based on a misunderstanding of how important promotions are to the business, especially in the current economic climate.
- (h) CCL wants to continue to offer casino promotions in its alternative Gambling Areas of the Grand Café, the Canterbury Lounge (previously named the Velvet Room) and the Monza Bar, and asks the Commission to reconsider this matter.
- (i) To restate its original application, CCL proposed the following:
- The default Gambling Area will remain substantially the same with the Monza Bar on level 4 excluded.



- It has three food and beverage areas that it wants to be able to designate temporarily and independently as additional Gambling Area. The first two encompass what already exist as CCL's alternative Gambling Area (the Grand Café and Canterbury Lounge – but it is now sought to separate these to maximise flexibility). The third area is the Monza Bar.
 - The new default Gambling Area together with the three additional food and beverage areas are identified on plans, as follows:
 - Area A – Monza Bar
 - Area B – Canterbury Lounge
 - Area C – Grand Café.
 - Rather than producing seven alternate gambling area plans for all possible combinations of those plans, it proposes that all three areas be approved as alternative Gambling Areas (A, B and C) which may be added by notice to the default Gambling Area.
 - The proposed change neither introduces any new gambling areas nor increases opportunities for casino gambling. However it does increase CCL's flexibility.
- (j) Other consequential changes, as identified by the Commission in decision GC38/10, are required to conditions 6, 7 and 12 of CCL's venue licence and conditions 13, 15, 18, 20 and 23 of CCL's operator's licence, where the words "Schedule 2" would be replaced by reference to "Schedules 2, 3 and 4".
- (k) Condition 9A already limits the permissible use of the alternative Gambling Areas (other than dining) to casino promotions. It therefore suggests that the number of days notice to advise of the activation of the alternative gambling areas be reduced to three to be consistent with the notice requirements for casino promotions.

Secretary's submissions on CCL's application to vary conditions 9A and 9B

7. The Secretary submitted, in summary, that:
- (a) The Commission considered this matter in December 2011, declining the application on the basis that CCL had no use for the approval it was seeking. CCL has now clarified that it wants to use the alternative Gambling Areas to conduct casino promotions and has asked the Commission to revisit the application.
 - (b) He does not have any regulatory concerns with the notion of alternative gambling areas. However, he notes that CCL may not have fully addressed the ramifications of amending conditions 6, 7 and 12 of its venue licence and conditions 13, 15, 18,

20 and 23 of the operator's licence to include references to "schedules 2, 3 and 4." That is, from CCL's proposed wording, it is unclear whether these conditions are intended to apply when the gambling area is not in use and he considers this matter could benefit from further clarification.

- (c) He does not have any regulatory concerns with CCL's request to reduce the notice period from 10 days to three.

CCL's submissions on its applications to vary condition 15 of its operator's licence and to dispense cash from an EFTPOS terminal located within its Gambling Area

8. CCL submitted, in summary, that:

Additional EFTPOS terminal – Valley Bar

- (a) In order to meet an increase in customer demand, it recently installed an additional EFTPOS terminal in the Valley Bar. This terminal does not dispense cash. The two existing EFTPOS terminals in that bar have previously been approved to dispense cash – up to \$50, provided that the withdrawal is contemporaneous with a purchase.
- (b) It wants the new EFTPOS terminal to be able to dispense cash at the same level as the two existing terminals. Such an approval will have little, if any, impact on the amount of cash that may be dispensed at the bar. It will however make things clearer to customers who simply do not understand why two of the terminals can dispense cash while the third terminal, which is just a metre or two away, cannot.

Mobile EFTPOS terminal usage in Alternate Gambling Areas

- (c) It has operated with at least one mobile EFTPOS terminal since the very early days of the casino opening. The Casino Control Authority (the "CCA") required that all EFTPOS terminals be approved, and it strictly controlled both the number and type of these devices.
- (d) The casino's historical records were lost in the Christchurch earthquakes, but an electronic copy of a letter from CCL to the CCA dated 31 August 2000 confirms that the CCA was aware, and therefore by default had approved the use, of mobile EFTPOS within the casino.
- (e) This approval has flowed through under the transitional provisions of the Act. An additional mobile EFTPOS terminal was recently put into service in the Monza Bar, which was removed from the gambling area by decision GC38/11. CCL has reapplied to have this and the Grand Café and the Canterbury Lounge designated as gambling areas. The current wording of the licence conditions prohibits the use

of a mobile EFTPOS terminal in these areas, even when they do not form part of the "live" Gambling Area.

- (f) The use of mobile EFTPOS is commonplace in bars and restaurants outside the casino environment and the Commission has already approved their use in non-gambling areas of the casino. It accepts the rationale for the prohibition of mobile EFTPOS devices in the ("live") Gambling Area as a means of minimising any potential harm from gambling. However, as the areas where it would like to operate mobile EFTPOS devices are normally food and beverage areas, approval is now sought to amend condition 15 of its operator's licence to use mobile EFTPOS terminals in these areas when they are not part of the "live" Gambling Area.
- (g) This minor change would clarify the position and reflect the intention of the condition. It would permit the use of mobile EFTPOS terminals in the food and beverage areas outside of the time that the areas were a part of the ("live") Gambling Area.
- (h) It has considered the Secretary's submission in respect of the consequential changes required for other licence conditions. The change it now seeks in relation to mobile EFTPOS terminals should clarify matters.

The Secretary's submissions on CCL's applications to vary condition 15 of its operator's licence and to dispense cash from an EFTPOS terminal located within its Gambling Area

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

- (a) The Valley Bar is within the designated Gambling Area. No table games or gaming machines are operated in this Bar, but gaming machines are situated nearby.
- (b) CCL submitted that it wants to dispense cash from the third EFTPOS terminal in order to clarify the position for customers. Licence condition 14 prohibits cash dispensing in the Gambling Area unless approved by the Authority or the Commission.
- (c) CCL refers a letter that it wrote to the CCA as indicative evidence of an approval for the use of mobile EFTPOS. In his view, the letter is more indicative of an approval for the two fixed cash-dispensing EFTPOS terminals in the Valley Bar. He has no knowledge of any mobile EFTPOS approval being given.
- (d) Decision GC16/05 is relevant to this application. In that decision SCML sought approval to allow non-gaming EFTPOS terminals to dispense cash of up to \$50 in conjunction with a purchase. In his submission to the Commission on that matter,

he raised concerns about non-gaming cash-dispensing EFTPOS terminals being located in gambling areas (as opposed to terminals located outside the Gambling Area). He suggested there was potential for "the proliferation of pseudo cashing stations through the gambling area", and further submitted that:

Non-cash dispensing terminals within the gambling area should not be allowed to dispense cash. To do so would increase the availability of cash, compromising the spirit and intent of Regulation 5.

The addition of cash dispensing EFTPOS terminals should only be considered where practical need outweighs or obviates harm prevention and minimisation concerns. SCML had not demonstrated such a need.

- (e) The Commission agreed with the Secretary and resolved unanimously to "prohibit non-gaming EFTPOS terminals within the gambling area from dispensing cash." (By "non-gaming EFTPOS terminals", the Commission was referring to EFTPOS terminals in the Gambling Area other than those located at an approved cashiering desk.)
- (f) CCL's application for an additional cash-dispensing EFTPOS terminal in the Valley Bar should be declined for the same reasons as outlined in decision GC16/05. He recognises there have been times when the Commission has approved the provision of cash-dispensing EFTPOS terminals as part of a casino's cashiering facilities (located in Gambling Areas). However, he does not support the provision of additional cash-dispensing EFTPOS facilities located in casino gambling areas.
- (g) With respect to the two current cash-dispensing EFTPOS terminals, in order to be consistent with decision GC16/05, the Commission may wish to exercise its power prescribed in licence condition 14 – to revoke the existing approvals of the CCA.

Proposed amendment to condition 15

- (h) CCL submits that it has approval for the use of one mobile EFTPOS terminal in the Grand Café. He is not aware of any such approval, and does not understand how any effective approval could exist given the current wording of condition 15.
- (i) However he does not have any general concerns with the proposed amendment to condition 15, given that no gaming machines or tables are operated from these areas.

PGF's submissions

10. PGF submitted, in summary, as follows:

- (a) It opposes the proposal to dispense cash from an EFTPOS terminal in the Gambling Area. Gamblers can effectively set limits to their gambling losses by bringing a limited amount of cash which requires some effort to replenish. The effort to replenish gives the gambler the opportunity to consider not exceeding his/her earlier preset limit. Having another cash-dispensing EFTPOS terminal within the Gambling Area will therefore be likely to increase gambling-related harm. On this basis, it opposes the proposal.
- (b) It has no objection to the request to vary condition 15. If the area is not being used for gambling at the time, it would appear no more potentially harmful than any other machine situated outside an area that is being used for gambling.

CCL's submissions in reply to the applications to vary condition 15 and to dispense cash from an EFTPOS terminal

11. In reply CCL submitted, in summary, as follows:

PGF

- (a) While PGF's comments have some validity, they may have been made in the absence of a full appreciation of the layout of the Valley Bar and the Christchurch casino. From the casino's perspective it does not expect any increase in the cash that may otherwise be dispensed at this bar. The request is simply to avoid customer confusion between the existing terminals and to ensure the highest level of customer service.

The Secretary

- (b) The Secretary has indicated that the application to dispense cash from the third terminal should be declined to provide consistency, and he has cited decision GC16/05 as justification for this stance. However, in the Secretary's submission to the Commission on that matter, he stated that "the addition of cash dispensing EFTPOS terminals should only be considered where practical need outweighs or obviates harm prevention and minimisation concerns. SCML had not demonstrated such a need." These exact circumstances do now exist in Christchurch following the earthquakes.
- (c) Whereas the people of, and visitors to, Christchurch previously had a plethora of ATM and EFTPOS facilities in the central city, these have all but gone, or are unable to be accessed because of the CBD cordon.

- (d) New Zealanders are recognised as being amongst the highest users of EFTPOS per head of population anywhere in the world. As such it has become the norm to be able to access cash, albeit in limited quantities, if wanted when making a purchase. This functionality has been in place at Christchurch casino for many years, well prior to the Act and the Harm Prevention and Minimisation Regulations, without any concerns.
- (e) The nearest ATM outside the casino is over 5kms away.
- (f) Four further points for consideration are as follows:
 - (i) Prior to the refurbishment, there was an additional Cash Desk located immediately behind the Valley Bar. The number of approved cash desks has reduced from four to three.
 - (ii) The limit of up to \$50 in cash contemporaneous with a purchase provides a safety threshold whereby guests have to interact with one of the problem gambling trained staff each time they wish to obtain additional funds.
 - (iii) All EFTPOS transactions are monitored for signs of potential problem gambling, eg repeated declines, or multiple requests for cash. Indicatively over the past month an average of approximately \$20 per hour open was issued from the Valley Bar. The risk of potential harm is therefore relatively low.
 - (iv) While gaming machines are operated close to the Valley Bar, there are none in it. Therefore to obtain any cash for use in an EGM, a guest would also have to purchase some food or drink(s), necessitating a break from gaming. Effectively, this immediate area, whilst licensed for gambling, is only used for promotional purposes – the same as any bar or restaurant being commercially operated and with which the Commission has previously stated it has no concerns.
- (i) The Commission may wish to consider a compromise arrangement with CCL's request being approved but reviewed in three to five years time.



CCL's additional submissions on the Commission's preliminary views

12. In response to the Commission's preliminary views, CCL submitted as follows:

Why CCL should be permitted to dispense cash from EFTPOS terminals within the casino's Gambling Area when other casinos in New Zealand do not do so (except at terminals within designated cashiering facilities)

- (a) While CCL's records were mostly lost in the Christchurch earthquakes, the DIA Inspectorate was able to find a copy of the CCA's Policy for Cash Dispensing Devices dated 12 December 2000.
- (b) Within this policy a number of key principles are confirmed which are consistent with CCL's current operational activities. The CCA's policy differs from the Commission's current view in that up to \$50 cash can be issued from bars and restaurants within the Gambling Area, subject to the contemporaneous purchase of non-gaming goods and/or services. To the best of CCL's knowledge, this approval is still in force and so CCL's existing practice is compliant with condition 14.

Why CCL should be permitted to dispense cash from EFTPOS terminals within the casino's Gambling Area when the intent of condition 14 is to prevent this (except at terminals within designated cashiering facilities)

- (c) The intent of condition 14 is to limit and control cash-dispensing EFTPOS and like devices in the Gambling Area, rather than to prohibit it. CCL considers the CCA's goal was to prevent and/or minimise harm while promoting a safe and enjoyable gaming environment. The Commission has previously expressed similar views. In decision GC07/05 it said it "seeks to strike a balance which enables the operator to meet the customer service expectations of its patrons, while discharging its obligations under the Act to promote responsible gambling, and protect potentially at-risk gambling patrons." In decision GC25/07, it said "The Commission considers its ability to revoke approvals to dispense cash, or impose conditions on the dispensing of cash, to be an important tool in regulating cash access."
- (d) CCL has never had any issue in managing its ability to dispense cash at the EFTPOS terminals within its restaurants and bars. It therefore believes there are no grounds to justify the revocation of the existing approval. It is simply a customer service which it is very keen to retain.

What detriment would CCL and its patrons suffer if the application is declined and any earlier approval is revoked, noting that two ATMs are immediately outside the Valley Bar

- (e) Declining the additional EFTPOS terminal would not be catastrophic, but revoking of the earlier CCA approval could be quite significant, although it has no way to gauge

the impact of this as it has always had the ability to dispense controlled amounts of cash with purchases from these terminals.

- (f) It considers the best way forward is for the Commission to allow the new terminal to function as the other terminals already do. This will allow time to gather empirical data so a fully informed decision can be made. This approval could be for a limited period, say three to five years.
- (g) New Zealand is becoming a more cashless society with expectations that, if cash is needed, it is available either from ATMs or as a limited add on to a purchase. Although the casino has two ATM facilities in close proximity to the Valley Bar, they service customers wishing to obtain greater amounts of cash. CCL firmly believes that the personal interaction with bar staff when paying for F&B purchases gives a greater opportunity to interact and monitor customers for potential harmful behaviours or indicators.
- (h) Paragraph 3.12 of decision GC25/07 provides "... the Commission concluded that the imposition of limits on credit card use would be an unreasonable restraint on customers who are accustomed to purchasing goods and services with credit cards." This rationale applies equally to EFTPOS cards where CCL's customers have become accustomed to using their EFTPOS cards and, if desired, being able to obtain cash with their purchase.
- (i) CCL also reiterates its earlier submissions – that special circumstances warrant the approval of the application and ratification of the existing approval from the CCA.
- (j) CCL considers that it is sometimes useful to look at the reverse of a situation. In this case, if the Valley Bar was removed from the defined Gambling Area, the approval for the additional cash-dispensing EFTPOS terminal would be automatic. CCL would like to keep the bar within the Gambling Area so that promotional activities may be able to be considered. However, given that this would be the only difference, and that any floor changes must still be approved by the Commission, it highlights that the risks associated with the dispensing of limited cash at these EFTPOS terminals are more perceived than real.
- (k) It appears from the Commission's language that the Commission wants consistency across all casinos. Consistency is important, but there is a place for the Commission to consider requests on a site-by-site basis to take into account individual site characteristics and circumstances. This discretion should be applied here, at least for a limited period of three to five years.

Analysis

Application to vary conditions 9A and 9B

13. Pursuant to decisions GC07/10 and GC38/11, CCL has a standard or default Gambling Area and an alternative Gambling Area which may be added to the standard Gambling Area on notice for a limited purpose. The standard Gambling Area comprises the parts of the casino within which CCL operates all of its gaming machines and gaming tables, while the alternative Gambling Area comprises the Grand Café and the Canterbury Lounge (previously known as the Velvet Room).
14. The Grand Café and the adjoining Canterbury Lounge are used predominantly for food and beverage purposes but CCL does, on occasion, undertake casino promotions in the Grand Café. As casino promotions are a form of gambling activity, they must take place in the designated Gambling Area of a casino but, if an area is designated as Gambling Area, it is subject to restrictions which would be unnecessary when no gambling activity is permitted. CCL therefore obtained Commission approval for the Grand Café and the Canterbury Lounge to be activated temporarily as part of the "live" gambling area solely for this limited purpose, and only when necessary.
15. CCL wants to vary this arrangement to provide it with the ability to separately and independently include the Grand Café, the Canterbury Lounge and the Monza Bar within the activated Gambling Area when required on the same basis.
16. The Commission previously declined an earlier application from CCL in decision GC38/11. CCL made that application to remove the Monza Bar from the standard Gambling Area, by changing it instead to an alternative Gambling Area, in order to deploy a mobile EFTPOS terminal in that Bar.
17. Although it declined the application to change it to an alternative Gambling Area, the Commission enabled CCL to deploy a mobile EFTPOS terminal in the Monza Bar by removing the Monza Bar from all Gambling Areas. In making its decision, the Commission noted that no gambling took place in the Monza Bar, so simply removing that part of the casino from the Gambling Area would provide CCL with the desired outcome. In fact, as discussed below, it was the only means by which that outcome (use of a mobile EFTPOS device in the bar) could have been secured under the current licence conditions.
18. CCL now wants the Commission to reconsider this matter. It submitted that, contrary to the Commission's understanding, gambling activity will in fact take place in the Monza Bar as it wishes to conduct casino promotions there and that the Commission has misunderstood the importance of casino promotions to CCL's business.

19. The Commission's decision in GC38/11 does not rest on any misunderstanding of the importance of casino promotions, as suggested, but rather on the absence of any reference in CCL's submissions to a practice or intention of conducting casino promotions in the Monza Bar. If CCL had done so in its earlier application, GC38/11 may have been decided differently.
20. As the Commission is now aware that CCL does wish to conduct casino promotions in the Monza Bar, it is satisfied that there is a legitimate basis for this Bar to be activated as part of the Gambling Area, on occasion.
21. As noted above, the present alternative Gambling Area is comprised of the Grand Café and the Canterbury Lounge. CCL wants to separate these two rooms so that each may be independently deployed as part of the Gambling Area. This proposal raised no issues of regulatory concern for the Commission. The Monza Bar will also form part of this alternate Gambling Area, resulting in CCL having the ability, by giving the required notice, to add any or all of these three additional areas to the casino's standard Gambling Area to create a larger activated gambling area when required for casino promotions.
22. The casino's standard gambling area is to be marked as "Schedule 1", with the Grand Café to be marked as "Schedule 2", the Canterbury Lounge to be marked as "Schedule 3" and the Monza Bar to be marked as "Schedule 4". The only forms of gambling permitted in the areas shown in Schedules 2, 3 and 4 are casino promotions. No other form of gambling activity is permitted in those areas even once activated. This prohibition is not subject to any potential consent process (including floor plan approval) and its modification would require a licence condition variation. As the areas in Schedules 2, 3 and 4 are invariably additional to the standard Gambling Area in Schedule 1, rather than alternative to it, the Commission considers that it is preferable to call them Additional Gambling Areas.
23. CCL is presently required to provide ten days written notification of its intention to use the present "alternative Gambling Area", but wants to reduce this period to three days. No issues of regulatory concern were raised by the Secretary. The Commission agrees that three days written notice is sufficient to activate for use only for casino promotions and so approves this aspect of the proposal.

Application to vary condition 15

24. As noted above, the purpose of CCL's earlier application was to deploy a mobile EFTPOS terminal in the Monza Bar when it did not form part of the activated Gambling Area. It appears that CCL did not appreciate that, if the Commission had approved the application to change the Monza Bar to Alternative Gambling Area, CCL could not have deployed a mobile EFTPOS terminal there, as doing so is expressly prohibited by condition 15 of CCL's

operator's licence. Condition 15 prohibits the use of mobile EFTPOS terminals in the Gambling Area and alternative Gambling Area.

25. CCL appears to have assumed that condition 15 only prohibits the use of mobile EFTPOS terminals in the Gambling Areas when those Areas are activated. However condition 15 expressly prohibits the use of mobile EFTPOS terminals in either the standard Gambling Area or the alternative Gambling Area and contains no words of limitation in the event that the alternative Gambling Area is not activated.
26. It appears that CCL only appreciated this after it filed its second application to amend conditions 9A and 9B, when it filed the application to amend condition 15 (to enable it to deploy mobile EFTPOS terminals in the alternative gambling areas when those areas were not activated).
27. Neither the Secretary nor PGF opposed the proposal. Neither identified any harm that could arise from its implementation.
28. The application raised no regulatory concerns for the Commission. No increased harm would result from the use of mobile EFTPOS terminals in areas that are normally used for food and beverage purposes, when they are used for those purposes only. Although the areas can be used for gambling, in the form of casino promotions only, on a temporary basis for short periods, harm minimisation concerns do not require mobile EFTPOS devices to be prohibited there at other times.
29. Approving the proposal would also resolve an issue for CCL that this application has uncovered. CCL stated that it presently deploys a mobile EFTPOS terminal in the Grand Café. The Commission was unaware of this and, as the Secretary submitted, such use by CCL is prohibited by condition 15.
30. CCL says that it has an unrevoked CCA approval to operate this mobile terminal. On the face of condition 15, even if such an approval existed, it would not have been effective as, unlike condition 14, which provides for the continuation of prior approvals, condition 15 prohibits mobile EFTPOS devices in the Gambling Area absolutely and does not provide for exceptions by approval.
31. Notwithstanding that, the issue can now be resolved by an amendment to condition 15 to restrict the use of mobile EFTPOS terminals in the Additional Gambling Areas only when they are activated and able to be used for gambling activities. The Commission sees no reason why cash access restrictions applicable to a gambling area should apply when the area cannot be used for gambling and is prepared to amend condition 15 accordingly.

32. The Commission has been disturbed, however, to learn that CCL has been carrying out a practice in breach of a licence condition on the basis of a belief that it is permitted by a CCA approval of which there is no record. The Commission's inquiries indicate that no other casino has been operating on the same assumption. In order to avoid the possibility of future similar misapprehensions, the Commission will revoke all previous cash-dispensing consents or approvals given by the CCA to CCL. The Commission will address the consequences of this revocation in more detail later in this decision.
33. Conditions 9A, 9B and 15 will be amended, with minor changes from CCL's proposal. The amendments from the current conditions are shown in mark-up, as follows:
- 9A. The Gambling Area within the Casino Venue comprises the areas specified in plans marked "Schedules 1, 2, 3 and 4" ~~annexed to Commission decision GC19/12,~~ and "Schedule 2" ~~and dated 7 April 2010, attached to Commission decision GC07/10.~~ The standard Gambling Area for the Casino Venue is delineated in Schedule 1. ~~The alternative Additional Gambling Areas for the Casino Venue are is-delineated in Schedules 2, 3 and 4 and will form part of the Gambling Area only when activated as provided in condition 9B. When any of Schedules 2, 3 or 4 are so is-activated, the area(s) Grand Café may be used (other than for dining purposes) only to conduct casino promotions only. No other form of gambling activity is permitted in the Additional Gambling Areas. Commission approval needs to be obtained before the Licence Holder conducts any other form of gambling in the Grand Café, or in the Velvet Room.~~
- 9B. ~~The alternative Additional Gambling Areas will take effect subject to when the following conditions are satisfied~~the following:
- (a) ~~The Licence Holder providing~~ must provide the Commission and the Inspectorate with a minimum of 3 ~~40~~-working days notice in writing of its intention to use an identified ~~the alternative Additional Gambling Area;~~ and
- (b) ~~The Licence Holder~~ must specifying in that notice the dates and times at which the Additional alternative ~~Ggambling Area(s)~~ will apply take effect and terminate. At the notified termination date and time, the Gambling Area will revert to the Gambling Area delineated in Schedule 1.
15. The Licence Holder is prohibited from using mobile EFTPOS terminals (cash or non-cash dispensing) or like devices in the Gambling Area (Schedule 1) at all times and in the Alternate Additional Gambling Areas (Schedules 2, 3 or 4) whenever the additional Gambling Areas are activated pursuant to condition 9B.
34. As the Commission has amended conditions 9A, 9B and 15, a number of other licence conditions also require amendment. The Commission has amended conditions 6, 7 and 12 of CCL's venue licence, and conditions 13, 14, 18, 20 and 23 of CCL's operator's licence to recognise the additional gambling areas. The amendments include the correction of aspects of the current wording of conditions 6 and 7 to narrow their scope to what is intended and the amendment of condition 14 to limit its effect on the Additional Areas to periods of activation in a manner similar to condition 15. These amendments are shown in mark-up, as follows:

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 to Levels 3 and 4 and the rooftop area of the Casino Venue, including the Gambling Area (Schedule 1) and alternate Additional Gambling Areas (Schedules 2, 3 or 4), but excluding the foyer and bar areas on Level 3 outside the Gambling Area (unless and for any construction or design changes elsewhere in the Casino Venue to any of these excluded areas which may impact on the matters set out in condition 7 in which case prior approval must be sought);~~
 - (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.

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) and (c).

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, of Levels 3 and 4 and the rooftop area of the Casino Venue, including the Gambling Area (Schedule 1) and alternate Gambling Area, (Schedule 2) but excluding the foyer and bar areas outside the Gambling Area. 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 cashing facilities in ~~other parts of the Gambling Area (Schedule 1) and alternate Additional Gambling Areas (Schedules 2, 3 or 4) to service dedicated areas or rooms.~~ 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.

Operator's Licence

13. A maximum of 2 automatic teller machines is permitted in the Casino Venue outside the Gambling Area (Schedule 1) and ~~Alternate Additional~~ Gambling Areas (Schedules 2, 3 or 4).
14. Except as approved in writing by the Commission, {The Licence Holder is prohibited from dispensing cash from EFTPOS and like devices in the

~~Gambling Area unless approved by the Authority or the Commission (Schedule 1) at all times and Additional Gambling Areas (Schedules 2, 3 or 4) whenever the Additional Gambling Areas are activated pursuant to condition 9B.~~ The approval of ~~the Authority or 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.

18. The Licence Holder is required to notify the Commission if it moves ATMs in the Casino Venue or if it installs or moves EFTPOS terminals or like devices in the Gambling Area (Schedule 1) or ~~Alternate-Additional~~ Gambling Areas (Schedules 2, 3 or 4).
20. The Licence Holder shall provide security and surveillance equipment and facilities in the Gambling Area (Schedule 1) and ~~Alternate-Additional~~ Gambling Areas (Schedules 2, 3 or 4) and surveillance areas which shall at all times meet and may exceed the Surveillance Standard in whatever form is currently approved by the Commission. The Commission may at any time institute an audit or require the Licence Holder to report on the standard and/or quality of surveillance equipment to ensure it meets or exceeds the Surveillance Standard.
23. The approval of the Commission is required for the construction of any additional cashing facilities in ~~other parts of~~ the Gambling Area (Schedule 1) and ~~Alternate-Additional~~ Gambling Areas (Schedules 2, 3 or 4) ~~to service dedicated areas or rooms.~~ 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.

Cash-dispensing from an EFTPOS terminal in the Valley Bar

35. CCL sought Commission approval to dispense up to \$50 cash from a third EFTPOS terminal at the Valley Bar (which is within the casino's Gambling Area), provided that the dispensing of cash is contemporaneous with a purchase. CCL stated that such an approval would make the third terminal consistent with the other two EFTPOS terminals at the Valley Bar, which can both dispense cash.
36. The dispensing of cash from EFTPOS terminals in the Gambling Area is prohibited by condition 14 of CCL's operator's licence unless approved by the CCA or the Commission.
37. The Commission formed a number of preliminary views when it first considered the application, but sought CCL's further submissions before reaching a conclusion.
38. In response, CCL stated that it had located the CCA's policy for cash dispensing devices at casinos in New Zealand, and submitted that this document effectively provided it with an approval to dispense cash in the manner that CCL sought. CCL submitted that the CCA "approval" is still in force, so its existing practice is compliant with condition 14.
39. The Commission sought clarification from CCL on the effect of the policy and in particular how it constituted an approval from the CCA. In response CCL stated as follows:

To the best of [its] memory the way the CCA used to control EFTPOS and like devices was by limiting the number approved for use. The how they were used was

covered under the policy. So the approval to dispense cash is or was derived from an approved policy – the "Policy for Cash Dispensing Devices" ...

So as [CCL's letter of application] advises this Policy for Cash Dispensing Devices was approved by the CCA and related to the number of EFTPOS devices already in place. Sorry [it] can't give [the Commission] more detail or the specific "approval" for our EFTPOS terminals but as the original documents attached to our application show the CCA were well aware of the terminal numbers we operated – letter to Alistair Spence dated 31 August 2000.

40. The Commission contacted CCL to ask whether it is dispensing cash from other EFTPOS terminals within the casino's Gambling Area (other than from terminals at the casino's cashiering desks, the Grand Café and the Valley Bar). CCL stated that it is, with most of its EFTPOS terminals within the Gambling Area (or Alternative Gambling Area) being cash-dispensing.
41. The Commission contacted the other five casinos to ask whether they too are dispensing cash from EFTPOS terminals within their Gambling Areas (other than from terminals at their cashiering desks) on the basis of a similar understanding of an earlier CCA approval. None of them are doing so.
42. In the Commission's view, neither of the documents provided by CCL constituted an approval from the CCA to dispense cash from EFTPOS terminals within the casino's Gambling Area(s) (but outside the cashiering desks). Rather, it appeared that the CCA policy set out a number of principles pursuant to which applications for approvals could be made, while the letter from CCL to the CCA dated 31 August 2000 appeared to form part of the communications between those parties which eventually resulted in the abovementioned policy.
43. Notwithstanding that, the Commission went on to consider whether it should permit CCL to continue dispensing cash from those terminals (outside the cashiering desks but within the Gambling Area(s)).
44. The Commission decided that there is no compelling reason for this activity to continue or for Christchurch casino to be treated differently to the other casinos, other than as a temporary transitional arrangement.
45. By way of background, the Commission has extensively considered the issue of cash access at all casinos in New Zealand and made a deliberate decision to allow cash to be dispensed within Gambling Areas only from the dedicated cashiering stations. In decisions 07/05 and 16/05, the Commission consulted widely on the Issue, receiving submissions from the Secretary, Ministry of Health, Problem Gambling Foundation and Gambling Helpline. In decision 16/05, the Commission held, as follows:

15. The Commission considered that permitting non cash-dispensing EFTPOS terminals in the Gambling Area to dispense cash would increase the risk of harm by enlarging the cash access opportunities available to patrons. ... The Secretary also raised concerns about the potential for "the proliferation of pseudo cashiering stations throughout the Gambling Area". The Commission noted that Regulation 5 does not specifically refer to EFTPOS terminals, but concurred with the Secretary's submission that "the spirit and intent" of the Regulation would be compromised if cash access opportunities were enlarged as proposed. This would be inconsistent with one of the specific purposes of the Act "to prevent and minimise the harm caused by gambling, including problem gambling".
16. The Commission did not consider that the same risks arose in respect of EFTPOS terminals outside the gambling area, and accepted that it was common commercial practice to provide for the withdrawal of modest amounts of cash when purchases were made. It decided to permit EFTPOS terminals outside the gambling area to dispense up to \$50, provided that the withdrawal takes place contemporaneously with a purchase. The Commission considered \$50 to be an appropriate upper limit, noting that if greater amounts could be withdrawn, it would potentially undermine existing controls on cash access on the gambling floor. This is particularly the case given the large number of EFTPOS terminals within the casino venue but outside the gambling area.
17. The Commission resolved unanimously to:
- ...
- e) prohibit non-gaming EFTPOS terminals within the Gambling Area from dispensing cash; and
 - f) permit EFTPOS terminals outside the Gambling Area to dispense cash up to \$50, provided the withdrawal is contemporaneous with a purchase.
46. The Commission enshrined this approach in licence conditions when it reviewed licence conditions in 2005/06, commencing with the review of the licence conditions for the Auckland casino. Similar licence conditions were later attached to the licences for the other five casinos, including Christchurch, to ensure consistency of approach. Granting permission to CCL to dispense cash from EFTPOS terminals within its Gambling Area (outside the cashiering desks) would be inconsistent with the Commission's previous considered approach to this issue.
47. CCL's argument in relation to the earthquakes and the unavailability of ATMs in the Christchurch CBD does not provide a basis for Christchurch casino to be treated preferentially to the other 5 casinos. For one thing, the statement that the nearest ATM outside the casino creates a misleading impression as it omits to mention the 2 ATMs inside the casino (and outside the Gambling Areas and its cashiering desks). But in any event, it is not Christchurch casino's role to provide cash-dispensing facilities to the people of Christchurch from within its Gambling Area and an exception is not justified on that basis.
48. Further, the Commission did not consider that either CCL or its patrons would suffer any detriment if the EFTPOS terminals in the Gambling Areas were prevented from dispensing cash. The Christchurch casino is a reasonably compact premise with both entertainment

levels having a dedicated cash desk, as does the VIP area. Also, level 3 has two ATMs in the stairwell just outside the Valley Bar.

49. The Commission therefore declined CCL's application to dispense cash from the third EFTPOS terminal in the Valley Bar.
50. As noted at paragraph 32 above, the Commission revokes all prior CCA cash-dispensing approvals. Contemporaneously the Commission grants approval for the continued use, pursuant to condition 14 of CCL's operator's licence, of the seven cash-dispensing EFTPOS terminals currently installed at the three Cash Desks within the casino.
51. The Commission next considered the situation regarding CCL's current practice of dispensing cash from EFTPOS terminals within the Gambling Area, but outside of the cash desks. In particular, the Commission considered whether the practice should be ended immediately to provide consistency with the other five casinos, or whether to allow a period within which CCL can re-train staff and realign customer expectations. The Commission has decided to allow a transitional period and to issue a temporary approval accordingly. The Commission therefore approves, for a period of 12 months from the date of notification of this decision, the issuing of up to \$50 cash per transaction (contemporaneous with a non-gambling purchase) from the following EFTPOS terminals within the Gambling Area, or additional Gambling Areas, of the Christchurch casino:
 - (a) the two (original) EFTPOS terminals in the Valley Bar;
 - (b) the four EFTPOS terminals in the Monza Bar;
 - (c) the two EFTPOS terminals in the Diamond Bar; and
 - (d) the two EFTPOS terminals in the Canterbury Lounge.

This approval does not extend to the recently installed non-cash dispensing EFTPOS terminal in the Valley Bar, nor to the single EFTPOS terminal at the Player's Club Desk which presently does not dispense cash.

Decision

52. The Commission decided:
 - (a) to vary, under section 139(1)(d) of the Act, conditions 9A and 9B of CCL's venue licence (with amendments). Schedules 1, 2 3 and 4 are **attached**;
 - (b) to vary, under section 139(1)(d) of the Act, condition 15 of CCL's operator's licence (with amendments);

- (c) to vary, under section 139(1)(d) of the Act, conditions 6, 7 and 12 of CCL's venue licence and 13, 14, 18, 20 and 23 of CCL's operator's licence (with amendments);
- (d) to decline the application for approval under condition 14 of CCL's operator's licence;
- (e) to revoke, under condition 14 of CCL's operator's licence, all existing CCA approvals which permit CCL to dispense cash within the Gambling Areas of the Christchurch casino;
- (f) to grant an approval, under condition 14 of CCL's operator's licence, for the continued use of the cash-dispensing facilities, including EFTPOS, currently installed at the three Cash Desks within the standard (Schedule 1) Gambling Area;
- (g) to grant an approval, under condition 14 of CCL's operator's licence, for a period of 12 months from the date of notification of this decision, to issue up to \$50 cash per transaction, and contemporaneous with a non-gambling purchase, from EFTPOS terminals in the following locations:
 - (i) the two (original) EFTPOS terminals in the Valley Bar;
 - (ii) the four EFTPOS terminals in the Monza Bar;
 - (iii) the two EFTPOS terminals in the Diamond Bar; and
 - (iv) the two EFTPOS terminals in the Canterbury Lounge.

53. Conditions 6, 7, 9A, 9B and 12 of CCL's venue licence and conditions 13, 14, 15, 18, 20 and 23 of CCL's operator's licence are as follows:

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
 - (d) the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue.

The process by which the Licence Holder may obtain approval for construction or design changes (paragraph (a) above) is set out in condition

7. The Commission will determine any application for approval under 6(b) and (c).
8. The Licence Holder must notify the Executive Director of any proposed changes to 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:
- (f) the integrity and fairness of games;
 - (g) the effectiveness of security and surveillance;
 - (h) harm prevention, harm minimisation and responsible gambling;
 - (i) potential access to the Gambling Area by persons under 20 years of age; and
 - (j) 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.

- 9A. The Gambling Area within the Casino Venue comprises the areas specified in plans marked "Schedules 1, 2, 3 and 4" annexed to Commission decision GC19/12. The standard Gambling Area for the Casino Venue is delineated in Schedule 1. The Additional Gambling Areas for the Casino Venue are delineated in Schedules 2, 3 and 4 and will form part of the Gambling Area only when activated as provided in condition 9B. When any of Schedules 2, 3 or 4 are so activated, the area(s) may be used to conduct casino promotions only. No other form of gambling activity is permitted in the Additional Gambling Areas.
- 9B. The Additional Gambling Areas will take effect when the following conditions are satisfied:
- (a) The Licence Holder must provide the Commission and the Inspectorate with a minimum of 3 days notice in writing of its intention to use an identified Additional Gambling Area.
 - (b) The Licence Holder must specify in that notice the dates and times at which the Additional Gambling Area(s) will take effect and terminate. At the notified termination date and time, the Gambling Area will revert to the Gambling Area delineated in Schedule 1.
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.
15. The Licence Holder is prohibited from using mobile EFTPOS terminals (cash or non-cash dispensing) or like devices in the Gambling Area (Schedule 1) at all times and in the Additional Gambling Areas (Schedules 2, 3 or 4) whenever the additional Gambling Areas are activated pursuant to condition 9B.

Operator's licence

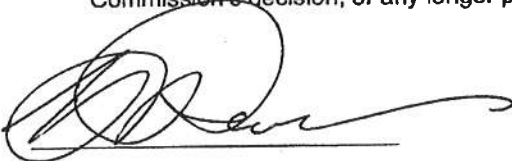
13. A maximum of 2 automatic teller machines is permitted in the Casino Venue outside the Gambling Area (Schedule 1) and Additional Gambling Areas (Schedules 2, 3 or 4).
14. Except as approved in writing by the Commission, the Licence Holder is prohibited from dispensing cash from EFTPOS and like devices in the

Gambling Area (Schedule 1) at all times and Additional Gambling Areas (Schedules 2, 3 or 4) whenever the Additional Gambling Areas are activated pursuant to condition 9B. 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.

18. The Licence Holder is required to notify the Commission if it moves ATMs in the Casino Venue or if it installs or moves EFTPOS terminals or like devices in the Gambling Area (Schedule 1) or Additional Gambling Areas (Schedules 2, 3 or 4).
20. The Licence Holder shall provide security and surveillance equipment and facilities in the Gambling Area (Schedule 1) and Additional Gambling Areas (Schedules 2, 3 or 4) and surveillance areas which shall at all times meet and may exceed the Surveillance Standard in whatever form is currently approved by the Commission. The Commission may at any time institute an audit or require the Licence Holder to report on the standard and/or quality of surveillance equipment to ensure it meets or exceeds the Surveillance Standard.
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.

Right of Appeal

54. Pursuant to section 235 of the Act, a person affected by this decision may appeal 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.



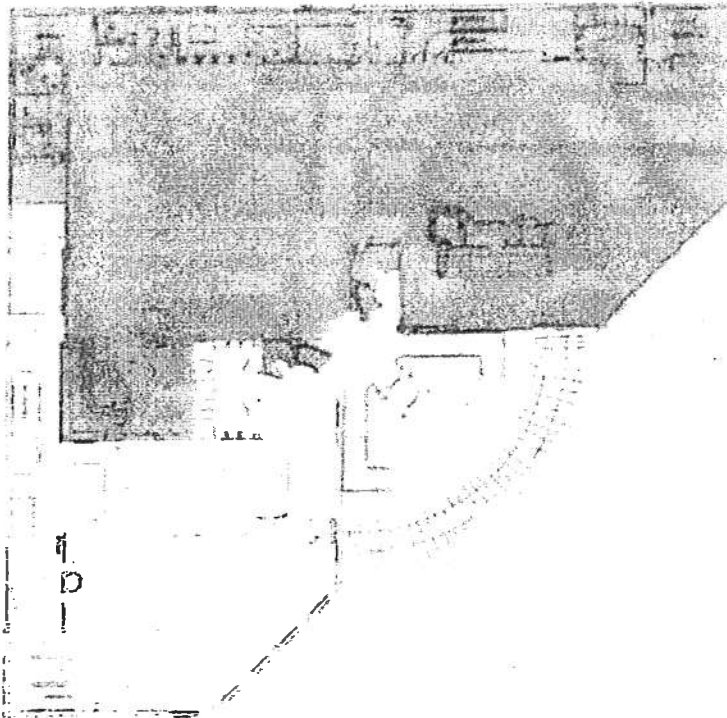
Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

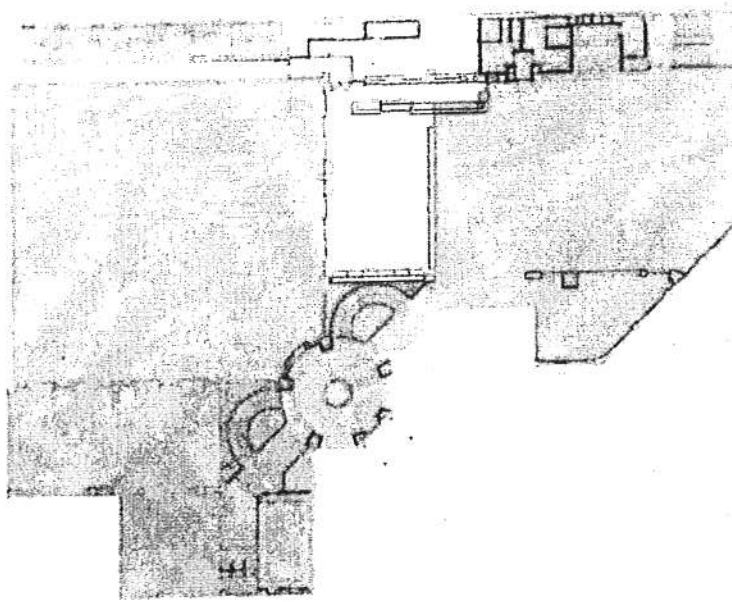
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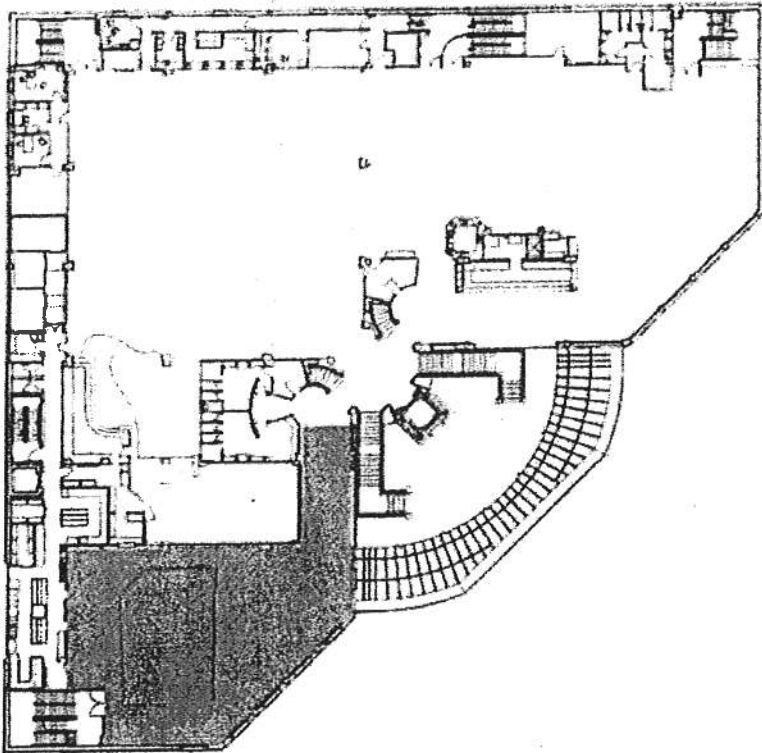
SCHEDULE 1
Standard Gambling Area – Level 3



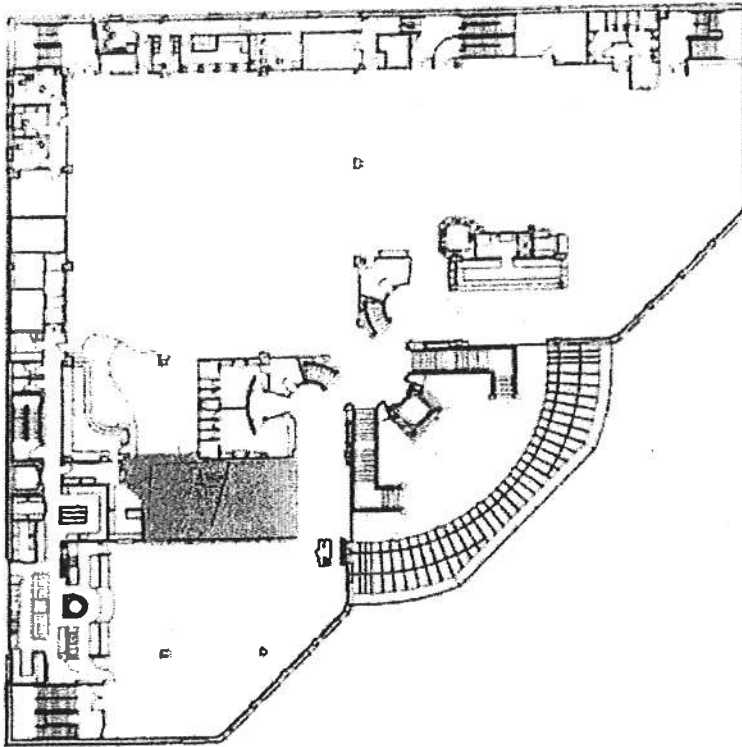
SCHEDULE 1
Standard Gambling Area – Level 4



SCHEDULE 2
Additional Gambling Area – Level 3
Grand Café



SCHEDULE 3
Additional Gambling Area – Level 3
Canterbury Lounge



SCHEDULE 4
Additional Gambling Area – Level 4
Monza Bar

