



**Te Tari Taiwhenua
Internal Affairs**

Gambling Compliance Unit

Job Sheet

SUBJECT: Initial Phone call with Paul Barrett regarding his late father Morgan Barrett's excessive gambling behaviours

IGP Reference: 172788780

DATE and TIME	First plan your enquiry then set out the action taken, inquiries made, oral statements of persons seen and information gained, etc.
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**Monday
12/02/18
4.30 pm**

Monday 12 February 2018 4.30 pm

SGI Nicky Beechey received a phone call from Paul Barrett. He explained that his father had recently passed away (end of January) and since then he had become aware that his father had gambled away \$450,000 of his life savings at a handful of venues in Kaiapoi.

PB said that his mother was unaware of the extent of her late husband's gambling behaviour and she was shocked and upset to learn that their life savings had gone.

PB said his father had not gambled at the Casino. PB said he himself works at the SkyCity Casino as an Executive Chef, and he asked me to use his work email for communications. NB also sought a private email address.

NB asked how many venues were involved and which ones were they? PB said he had four years worth of bank statements that he could send through to us.

PB said he was not trying to get the money back or anything like that. He just wants to ensure that something like this does not happen to anyone else.

NB said that she will refer this complaint to our Christchurch office which will follow up with the relevant venues and societies. PB said he had just been in Christchurch with his mother but he didn't wish to raise it with the Christchurch authorities as his mother was feeling very upset and sensitive as all this had happened on her doorstep.

Prepared by: Nicky Beechey
Senior Gambling Inspector
Gambling Compliance Unit
Department of Internal Affairs

Date Prepared: 14-02-18

Job Sheet

SUBJECT: Initial Phone call with Paul Barrett regarding his late father Morgan Barrett's excessive gambling behaviours

IGP Reference: 172788780

PB sent the bank statements on 13-02-18. See documents tab.

14-02-18 9.40 am

NB mentioned this complaint to Gareth Bostock, Director Gambling Compliance.

Gareth asked NB to send him an email with bullet points about the complaint for him to send to Communications as it could represent a media risk if the family were to go public with their concerns at a future date. NB said there was no indication of this at this point as the family are still very upset and grieving, but acknowledged that could change in the future. NB mentioned that confidentiality for the family at present was very important.

14-02-18 10.00 am

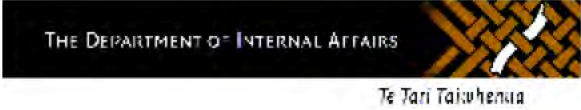
NB phoned Stuart Fuller to give him the background on this complaint before referring to Christchurch office via IGP. NB mentioned the family, especially the mother, **9(2)(a)** [REDACTED], is very upset and sensitive about the situation they find themselves in.

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Prepared by:

Nicky Beechey
Senior Gambling Inspector
Gambling Compliance Unit
Department of Internal Affairs

Date Prepared:



ENQUIRY JOB SHEET

<p>DATE TIME Times are approximate unless otherwise stated</p>	<p>Meeting with 9(2)(a), Owner/Operator/Venue Manager of 9(2)(a)</p> <p>Society: 9(2)(a)</p> <p>Present: Charles Wang, Sonya Karatau-Neeson</p>
<p>Thursday 8 March 2018 11am-12pm</p>	<p>9(2)(a) said Morgan Barrett was well known to everyone at 9(2)(a). The venue knew Morgan more than a customer, “he talked to us about his job (part time at Godfreys), his son who works at SkyCity, and his family”.</p> <p>9(2)(a) said Morgan would go out for a smoke, and sometimes just smoke half of a cigarette and come back in. 9(2)(a) thought that maybe had to do Morgan’s health issues and he was trying to quit smoking.</p> <p>9(2)(a) said Morgan never mentioned his wife, and they never saw his wife at the venue. 9(2)(a) said Morgan liked to drink Heineken.</p> <p>Sonya asked 9(2)(a) a series of questions around Morgan’s usual behavior while playing at the venue, 9(2)(a) stated that Morgan would come in around 5 or 6pm after work, and;</p> <p>“Morgan would visit the venue 2 or 3 times a week, and stay for 1- 3 hours”.</p> <p>“He hardly ever stayed longer than the three hours”</p> <p>“9(2)(a) would do a couple of \$100 withdrawals a night plus drinks”.</p> <p>“9(2)(a) would order off the kids menu – fish and chips”</p> <p>“Once Morgan came into the venue he never left and returned at a later time”.</p> <p>9(2)(a) stated that Morgan started coming to the venue about a year ago. He would gamble more than other patrons. 9(2)(a) said they handed to Morgan the HPA wallet size pamphlet when he first noticed how much he</p>

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<p>Completed by:</p>	<p>Charles Wang</p>
<p>Signed:</p>	<p></p>

played.

9(2)(a) said Morgan's demeanor was always the same, whether he lost or won. 9(2)(a) said Morgan won a lot of money too, but he was not over the moon when he won jackpots, his attitude never changed, always a happy customer, engaging and socializing with staff and other customers.

9(2)(a) stated that they have 11 staff, 7 of which are trained in harm min working at the bar but only 4 of them really deal with the cancelled credits etc.

9(2)(a) was asked if the venue had a policy on EFTPOS withdrawals, 9(2)(a) said no.

Sonya noted that the venues harm min policy did in fact state quite clearly that certain behavioural signs may provide an indication that someone has a problem. And that the following behavioural indicators should be on the venues radar screen:

"Multiple ATM/EFTPOS withdrawals are a main contributor to catastrophic loss" and "to be aware of players approaching staff for several EFTPOS transactions in one playing session".

When asked whether he was aware of as many as 27 EFTPOS transactions were made on one day at the venue, 9(2)(a) said no. 9(2)(a) said there were never any withdraw declines for Morgan.

When 9(2)(a) was asked if he thought that up to 27 withdrawals were excessive, 9(2)(a) stated that they would ask Morgan if he was ok to try and slow it down but if he was still happy and didn't show signs of distress then they let him carry on.

Sonya asked if he thought that the amount of transaction over a one to three hour period on average was significant and raised any red flags in relation to strong signs of harm (so nine withdrawals an hour over three hours equaling one withdrawal every 6-7 mins). 9(2)(a) said they don't have a policy and it's not on the card (HPA strong/general signs of gambling).

Sonya asked if they had recorded any talks around multiple EFTPOS transactions or any of the conversations around if Morgan was ok in the venue log book or incident register. 9(2)(a) said no. Sonya asked to look through both. 9(2)(a) stated there were no gambling related incidents in the log book that was only for bar/restaurant issues unless there were fights or aggressive behavior in the gaming room.

Completed by:	Charles Wang
Signed:	

9(2)(a) argued that it was not always 27 withdrawals or anywhere near, Sonya said it looks like on average he makes around six withdrawals a night. The average total nightly spend is \$687.02 (according to the sheet).

When asked if he thought Morgan could afford to gamble that amount? 9(2)(a) said yes. 9(2)(a) was asked if he knew how much Morgan had spent at his venue over the last year. 9(2)(a) said no.

9(2)(a) was informed that Mr Morgan had spent \$63,893.10 at his venue over a 9 month period. 9(2)(a) said nothing.

It was confirmed that there was no single log entry about Morgan in the incident book. However, there was a couple of gambling related recordings. Copies obtained. Sonya asked if these were the only incidents that had been recorded over the last year. 9(2)(a) said yes. There were three incidents.

Sonya asked if 9(2)(a) had done any venue initiated exclusion orders 9(2)(a) said no. They have eight MVE's and one self-exclusion.

9(2)(a) said Morgan never showed any signs of distress, anxiety or anger. They would judge a gambler the same as an alcohol drinker. If they saw a change of behavior, they would step in. "It's hard to judge a person's personal circumstances, he always seemed happy". "His mood was always stable".

9(2)(a) said Morgan was "a really nice guy, made friends with other patrons, he really enjoyed being here". "We never saw him upset or angry".

9(2)(a) said "we have good regulars here, both on the machines and at the bar. We look after them, we engage with all of them, they are not just a name and a number, they are wanted here".

9(2)(a) said the 9(2)(a) rep 9(2)(a) used to call in at the venue every fortnightly, and they discussed about Morgan. They knew Morgan was a regular and big spender.

9(2)(a) also said there was a customer called 9(2) who noticed that Morgan would leave his cash in the hopper and get up to the counter to withdraw more cash, they thought it was weird, and was speculating what was going on in Morgan's life.

9(2)(a) said they were aware Morgan passed away on a Friday night.

Completed by:	Charles Wang
Signed:	

Morgan came in that evening, stayed for about 1.5 hours, but left without saying goodbye, which was unusual for Morgan. 9(2)(a) said if appropriate, "please pass on our condolences to the family. Morgan was not just a nameless person here, we liked him, and we knew him. He was a happy, fun person".

9(2)(a) said he took over the venue from 9(2)(a), and he has been in hospo business all his life since he was 18. "It's all about looking after people".

9(2)(a) was 9(2)(a) prior to moving here and had worked in 9(2)(a) running bars and restaurants.

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Completed by:	Charles Wang
Signed:	

Outcomes & Advisory Board

Gambling Compliance, CIPU and Taupo Harbourmaster

Title: Barrett Investigation
Date: 2 May 2018
Author: Charles Wang
Team Leader: Stuart Fuller

What type of paper is this?	Timeframe
Decision making	As soon as possible

Parties involved

12 c4 venues and two clubs in Canterbury region and their respective societies

Summary of matter

Background

In February 2018, Gambling Compliance received a complaint from Paul Barrett, son of Morgan Barrett. Paul said his father recently passed away (January 2018). While tidying up Barrett's state of affairs, the family found Mr Barrett had gambled away a lot of money on pokie machines in Canterbury, to the tune of \$450,000, from 2014 to 2017.

Paul said his mother was unaware of the extent of her late husband's gambling behaviour and she was shocked and upset to learn that their life savings had gone. Paul later mentioned that his 9(2)(a)

Paul said he was not trying to get the money back, he just wants to ensure that something like this does not happen to anyone else.

Paul subsequently provided his late father's bank statements and photos to us.

Barrett was said to be working part time at Godfreys Northwood. He was 68 years of age.

Analysis of bank statements

We have analysed the bank accounts and transferred all the relevant information into a spreadsheet in order to identify the level of spending at each venue.

One of the saving accounts, for the period of 2014 to 2017, had an opening balance of \$450,020 as at February 2014. It ended up in an overdraft of \$1.86 as at December 2017. This account was mainly used to transfer credit into Barrett's day-to-day accounts to fund his spending at the venues.

Statements for two day-to-day bank accounts were provided for the period of April – December 2017. From these bank statements, 10 c4 venues and two clubs in the Canterbury region were identified, which Barrett had frequently visited, and made the most cash withdrawals.

The analysis of the bank statements show that there is a pattern of multiple withdrawals via EFTPOS or ATM at the venues identified, and Barrett would visit as many as seven venues on the same day.

The total value of cash withdrawals at venues for the period April to December 2017 amounts to \$101,494.20, of which, \$63,893 was withdrawn at one venue.

Summary of our findings

A risk based analysis was carried out and seven venues and one club were identified as those being of greatest risk based on amount withdrawn, frequency of withdrawals, and frequency of visits to the venue. All eight venues were visited and the Venue Manager (VM) spoken to. We did the following at each of the venues:

- Met with the VM in order to ascertain their knowledge of Barrett's visits and spending at the venue;
- Reviewed relevant society's harm min policy applicable to the venue;
- Reviewed log/incident books in order to determine whether any entries were made in regard to Barrett; and
- Reviewed exclusion process to ascertain whether Barrett has been excluded from any of these venues.

We have found the following:

- All the venues, except two, knew Barrett;
- No venue has recorded any observations about Barrett in its logbook;
- No venue followed its society's policy on EFTPOS withdrawal limits;
- In cases where a venue had its own guidelines on EFTPOS withdrawal limits, those guidelines were not followed ; and
- Barrett was not excluded from any of the venues.

All the venues claimed Barrett had never displayed any signs of anxiety, distress, or being upset:

- "He was always well-dressed, tidy, well spoken, polite, and friendly".
- "He was never agitated. He never did anything that would draw attention to himself".
- "He was definitely not he last person to leave the venue".
- "He never portrayed himself as a problem gambler".
- "His wife has some disability, he needed time out".
- "We're not there to infringe on people's personal lives".

As to no limits on EFTPOS withdrawals, the venues claimed:

- "People withdraw money to pay rent, buy meat or to play TAB".
- "It's a cashless society. Sometimes people need to withdraw some money for pocket money".

Findings at venues

9(2)(a))

From April to December 2017 Barrett

- visited the venue 93 times;
- total withdrawn \$63,893.10;
- average withdrawn per visit \$687.02; and
- average number of withdrawals per visit 6.24.

Our analysis reveals that 9(2)(a) stands out from all the other venues, in terms of amount withdrawn, frequency of withdrawals, and frequency of visits to the venue.

On one particular day, Barrett made 27 EFTPOS withdrawals, totalling \$3,349.50, that is, on average, one withdrawal every six or seven minutes based on a three-hour visit (as claimed by VM).

Despite the frequency and amount of withdrawals, the only interaction undertaken was to hand Barrett the HPA wallet size pamphlet when they first noticed how much Barrett played.

According to the VM, they knew Barrett quite well: "We knew him more than a customer".

VM stated Barrett was their highest spender and would gamble more than other patrons.

VM said Barrett's demeanour was always the same, whether he lost or won. His attitude never changed, always a happy customer, engaging and socialising with staff and other customers.

VM said Barrett was "a really nice guy, made friends with other patrons, he really enjoyed being here". "We never saw him upset or angry".

VM said "we have good regulars here, both on the machines and at the bar. We look after them, we engage with all of them, they are not just a name and a number, they are wanted here".

VM said the 9(2)(a) rep used to call in at the venue every fortnight, and they discussed Barrett. They knew Barrett was a regular and big spender.

No log book entry about Barrett.

9(2)(a) harm minimisation policy stipulates that "Multiple ATM/EFTPOS withdrawals are a main contributor to catastrophic loss" and "to be aware of players approaching staff for several EFTPOS transactions in one playing session". The venue has not heeded this advice provided in the policy, nor has the venue determined its own policy or guidelines in this regard.

According to HPA's materials, two or more times cash withdrawals are a general sign of problem gambling. This venue claimed Barrett displayed no other signs that suggested to staff that he was a potential problem gambler, however, we believe withdrawals on such a scale as Barrett did should be escalated and alert staff to take note and intervene appropriately.

The VM at this venue did not do enough to ascertain whether Barrett was a potential problem gambler. Barrett was allowed to make frequent multiple cash withdrawals via EFTPOS to fund his gambling at the venue almost without question. Staff had the opportunity to intervene every time he withdrew money, and only on one occasion was he presented with a pamphlet regarding responsible gambling despite Barrett withdrawing money 27 times in one visit.

9(2)(a)

From April to September 2017 Barrett

- visited the venue 37 times;
- total withdrawn \$12,666;
- average withdrawn per visit \$342.32; and
- average number of withdrawals per visit 3.27.

9(2)(a) rep 9(2)(a) who turned up during the middle of the interview said it was the

frequency rather than the amount of EFTPOS withdraws that would ring an alarm bell.

No log book entry about Barrett.

9(2)(a) [REDACTED]

From July to September 2017 Barrett

- visited the venue 9 times;
- total withdrawn \$3,563;
- average withdrawn per visit \$395.88; and
- average number of withdrawals per visit 3.78.

VM also said Barrett never had any declines, "I thought he had the money he could afford to spend", and the VM indicated that he had no reason to consider him to be a problem gambler".

After discussing about the number of withdrawals and average daily spending of \$395.88 over a 3-month time period, VM agreed it was excessive gambling. This shouldn't have been acceptable". "I'm the one who is ultimately responsible".

No log book entry about Barrett.

9(2)(a) [REDACTED]

From April to November 2017 Barrett

- visited the venue 8 times;
- total withdrawn \$4,105.40;
- average withdrawn per visit \$513.18; and
- average number of withdrawals per visit 3.88.

9(2)(a) [REDACTED] VM claimed the reason why they didn't remember him was that quite a few of Barrett's transactions at the venue were on ATM, rather than via EFTPOS, so there was no direct face to face contact with bar staff in those instances.

VM also claimed that the week beginning 13 November 2017 was Canterbury's cup week, extremely busy at the venue, it may well be that multiple staff had served Barrett during that week, hence no logbook entries.

No log book entry about Barrett.

9(2)(a) [REDACTED]

From April to November 2017 Barrett

- visited the venue 17 times;
- total withdrawn \$4,097;
- average withdrawn per visit \$241; and
- average number of withdrawals per visit 2.53.

No log book entry about Barrett.

9(2)(a)

From April to August 2017 Barrett

- visited the venue 6 times;
- total withdrawn \$2,542.50;
- average withdrawn per visit \$423.75; and
- average number of withdrawals per visit 4.12.

VM Agreed Barrett's gambling was "excessive, concerning".

VM said he would be disturbed if it wasn't picked up when Barrett made so many withdrawals and spent them all on the machines, I'll have to look at the roster".

VM said to me "it was good you came today. If there were any lapses, we will bring it up at our next staff meeting".

No log book entry about Barrett.

9(2)(a)

From June to November 2017 Barrett

- visited the venue 6 times;
- total withdrawn \$1,182.30;
- average withdrawn per visit \$197.05; and
- average number of withdrawals per visit 2.
-

The Duty Manager (DM) has known Barrett for 10 years from a previous 9(2)(a)

DM said Barrett lost his house in the earthquakes, and was renting for a while.

DM said Barrett's 9(2)(a), Barrett "needed some time out, away from home. He always looked tired. I often saw him reading a book in his white Nissan Primera, for a long period of time".

No log book entry about Barrett.

9(2)(a)

Our analysis shows Barrett

- visited the club once, in May 2017;
- made 12 cash withdrawals;
- total withdrawn \$1,237.

General Manager (GM) of 9(2)(a) said Barrett was not a member of their club, but could be a member of 9(2)(a), and if so, he was allowed to come here, because those clubs are affiliated with each other. Or, Barrett could have been singled in by a member of 9(2)(a).

GM said he would be disappointed if no one had picked it up when Barrett made 12 withdrawals in

one day. GM said they have since enhanced their harm min training.

No log book entry about Barrett.

ATM withdrawals

There are six other venues that Barrett visited and withdrew money primarily from ATM machines. The frequency of withdrawals and amounts withdrawn at those venues are not of great concern in this investigation. Accordingly, those venues will be approached with a view to discussing what, if any, measures are in place to monitor ATM usage with a view to lifting practice in this area.

At the 9(2)(a) [REDACTED], the VM suggested that when the venue is busy, monitoring of the ATM is difficult. This raises concerns at any venue that uses stand-alone ATM machines.

This was also discussed with the VM at the 9(2)(a) [REDACTED]. He stated that he had already identified an issue with the location of the ATM, and was considering relocating it to allow staff better monitoring of its use.

Applicable legislation (Gambling Act 2003)

69A Continuing obligations of corporate society in relation to class 4 venue licence

A corporate society that holds a class 4 venue licence must, in relation to class 4 gambling conducted at the class 4 venue for which the licence is held, ensure that, at all times,
(g) the risk of problem gambling is minimised.

308 Requirement to develop policy for identifying problem gamblers

(1) The following persons must develop a policy for identifying problem gamblers:

(a) every holder of a class 4 venue licence.

(4) A venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, must take all reasonable steps to ensure that the policy is used to identify actual or potential problem gamblers.

309 Exclusion order may be issued to problem gambler identified under section 308

(1) The venue manager or the holder of a casino operator's licence, or a person acting on behalf of either of those persons, must, after identifying a person under section 308(4) who he, she, or it has reasonable grounds to believe is a problem gambler, approach the person and offer information or advice to the person about problem gambling.

Precedent cases

9(2)(a) [REDACTED]

An investigation was undertaken recently into a similar matter that occurred at this club whereby a patron gambled and lost large amounts of money. The result of that investigation was the suspension of the club's licence for a period of five days based primarily on the failure to implement harm minimisation requirements at the club.

Advice required from OAB

Confirmation of the actions recommended below.

Recommendations

Venue	Recommendation
9(2)(a)	<ol style="list-style-type: none"> Suspension of venue licence for a period of five days. Determine the suitability or otherwise of the VM.
9(2)(a)	Warning to the VM for failing to take all reasonable steps to ensure that the society's harm minimisation policy is used to identify actual or potential problem gamblers.
9(2)(a)	Warning to the VM for failing to take all reasonable steps to ensure that the society's harm minimisation policy is used to identify actual or potential problem gamblers.
9(2)(a)	Education to assist in lifting practice in monitoring patrons to ensure gambling harm is minimised.
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Investigation Report

Harm Minimisation Practices re Morgan Barrett

Background

In February 2018, Gambling Compliance received a complaint from Paul Barrett, son of Morgan Barrett. Paul said his father Morgan recently passed away (January 2018). While **tidying up Morgan's state of affairs, the family found Morgan had gambled away a lot of money on pokie machines in Canterbury, to the tune of \$450,000, from 2014 to 2017.**

Paul said his mother was unaware of the extent of her late husband's gambling behaviour and she was shocked and upset to learn that their life savings had gone. Paul later mentioned that his mother is **9(2)(a)** and his late father was her care giver.

Paul said he was not trying to get the money back, he just wants to ensure that something like this does not happen to anyone else.

Paul subsequently provided his late father's bank statements and photos to us.

Morgan was said to be working part time at Godfreys Northwood. He was 68 years of age.

Analysis of bank statements

We have analysed the bank accounts and transferred all the relevant information into a spreadsheet in order to identify the level of spending at each venue.

One of the saving accounts, for the period of 2014 to 2017, had an opening balance of \$450,020 as at February 2014. It ended up in an overdraft of \$1.86 as at December 2017. **This account was mainly used to transfer credit into Morgan's day-to-day accounts to fund his spending at the venues.**

Statements for two day-to-day bank accounts were provided for the period of April – December 2017. From these bank statements, 10 c4 venues and two clubs in the Canterbury region were identified, which Morgan had frequently visited, and made the most cash withdrawals.

The analysis of the bank statements show that there is a pattern of multiple withdrawals via EFTPOS or ATM at the venues identified, and Morgan would visit as many as seven venues on the same day.

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- Met with the VM in order to ascertain their knowledge of Morgan's visits and spending at the venue;
- Reviewed **relevant society's harm min policy applicable to the venue;**

- Reviewed log/incident books in order to determine whether any entries were made in regard to Morgan; and
- Reviewed exclusion process to ascertain whether Morgan has been excluded from any of these venues.

We have found the following:

- All the venues, except two, knew Morgan;
- No venue has recorded any observations about Morgan in its logbook;
- No venue has a policy about EFTPOS withdrawal limits or followed its society's policy on this; and
- Morgan was not excluded from any of the venues.

All the venues claimed Morgan had never displayed any signs of anxiety, distress, or being upset:

- "He was always well-dressed, tidy, well spoken, polite, and friendly".
- "He was never agitated. He never did anything that would draw attention to himself".
- "He was definitely not the last person to leave the venue".
- "He never portrayed himself as a problem gambler".
- "His wife has some disability, he needed time out".
- "We're not there to infringe on people's personal lives".

As to no limits on EFTPOS withdrawals, the venues claimed:

- "People withdraw money to pay rent, buy meat or to play TAB".
- "It's a cashless society. Sometimes people need to withdraw some money for pocket money".

These visited venues are

- 9(2)(a) [REDACTED]

Our analysis reveals that 9(2)(a) [REDACTED] stands out from all the other venues, in terms of amount withdrawn, frequency of withdrawals, and frequency of visits to the venue.

From April to December 2017 Morgan

- visited the venue 93 times;
- total withdrawn \$63,893.10;
- average withdrawn per visit \$687.02; and
- average number of withdrawals per visit 6.24.

On one particular day, Morgan made as many as 27 EFTPOS withdrawals, totalling \$3,349.50, that is, on average, one withdrawal every six or seven minutes based on a three-hour visit (as claimed by VM).

According to the VM at 9(2)(a) [REDACTED], they knew Morgan quite well: "We knew him more than a customer, "he talked to us about his job, his son who works at SkyCity, and his family". "Morgan liked to drink Heineken". "He was a smoker".

"Morgan would get a couple of \$100 EFTPOS withdrawals a night along with a drink and occasionally get fish and chips off the children's menu".

VM stated Morgan was their highest spender and would gamble more than other patrons, and said they handed to Morgan the HPA wallet size pamphlet when they first noticed how much Morgan played.

VM said Morgan's demeanour was always the same, whether he lost or won.

According to the VM, Morgan won a lot of money too, but he was not "over the moon" when he won jackpots, his attitude never changed, always a happy customer, engaging and socialising with staff and other customers.

VM said Morgan was "a really nice guy, made friends with other patrons, he really enjoyed being here". "We never saw him upset or angry".

VM said "we have good regulars here, both on the machines and at the bar. We look after them, we engage with all of them, they are not just a name and a number, they are wanted here".

VM said the 9(2)(a) rep used to call in at the venue every fortnight, and they discussed Morgan. They knew Morgan was a regular and big spender.

According to the VM, Morgan's longest stay at the venue was three hours on one visit. He never left the venue and returned later, only ever leaving to go outside for a smoke.

- 9(2)(a)

From April to September 2017 Morgan

- visited the venue 37 times;
- total withdrawn \$12,666;
- average withdrawn per visit \$342.32; and
- average number of withdrawals per visit 3.27.

The VM of 9(2)(a) said Morgan normally came in on Mondays, mostly once a week, perhaps twice a week. Morgan came in around 5-6pm, "looks like he was calling in on his way back home, and wouldn't stay long, usually for 1-1.5 hours. He was definitely not the last person to leave. He liked Heineken light. He was a heavy smoker, bought cigarettes from the bar".

VM said Morgan was a polite, quiet, and reserved person. He was never agitated. He never did anything that would draw attention to himself. He kept to himself. "The only reason I distinctly remember him was because he said he worked for Godfreys and we talked about vacuum cleaners". He didn't show any signs of anxiety. "He was not unfriendly, not overly friendly either".

When asked was there any policy on EFTPOS withdrawals, VM said no, because "people withdraw money to pay rent, buy meat in the freezing works or to play TAB".

When asked was there anything done when Morgan made 15 withdrawals in one day, VM said she would have to check who was on duty that day and find out whether anything was said to Morgan or anything was done.

There were no logbook entries about Morgan.

9(2)(a) rep 9(2)(a) turned up during the middle of the interview. He said the VM was very genuine, one of his good operators. "Pokies have been a peripheral part of the business".

9(2) said it was the frequency rather than the amount of EFTPOS withdraws that would ring an alarm bell.

- 9(2)(a)

From July to September 2017 Morgan

- visited the venue 9 times;
- total withdrawn \$3,563;
- average withdrawn per visit \$395.88; and
- average number of withdrawals per visit 3.78.

The VM said Morgan was well dressed, well spoken, nice, polite, and outgoing, "you never see him depressed or anything like that". "I don't infringe on people's private life".

VM said Morgan wouldn't stay long, usually for one hour or so. He played the machines and drank Heineken light, smoked cigarettes, but didn't have meals at the venue.

VM said in his memory Morgan usually had a maximum of three EFTPOS withdrawals, no more than \$60 each time. "He would never go over \$180 on the machines".

"He never looked stressed when he cashed out. Never looked upset".

"He is just a normal guy". "He just come and go". "He would never do anything that I would be upset about the machines".

He stated that one of his ex-employees had spoken to Morgan a while back about his gambling asking if he should be doing this (gambling) and Morgan had not returned for a long time.

When asked if there was any policy on EFTPOS withdrawals, either on number of times or amount each time, VM said no, because "it's a cashless society now, sometimes people need to withdraw money for pocket money". "We never have big problems in terms of EFTPOS withdrawals here as this is a small pub".

When asked if 9(2)(a) has any policy on withdrawals, VM said no, "it's really up to the venue's discretion".

When asked if he had people coming in and getting \$400-500 dollars a night out of the EFTPOS, VM stated that he has no one getting that amount of money out ever.

When presented with the spreadsheet about Morgan's spending at the venue – up to six separate \$100 cash withdrawals on one visit, VM said he "wouldn't have thought of anything like that, I need to speak to the girls about it".

VM also said Morgan never had any declines, "I thought he had the money he could afford to spend". "I had no reason to doubt he is a problem gambler". The spreadsheet also showed that Morgan visited the venue at least five times in September 2017.

VM was asked if he thought that the amount of withdrawals Morgan made was excessive, he said he didn't know he couldn't afford it so didn't worry about him.

VM was asked if he thought it was reasonable to allow Morgan to have that many withdrawals over a very short time period up to one withdrawal every ten minutes given Morgan only stayed for an hour usually. VM stated that there was no policy and he didn't know it was that many.

On one day Morgan made as many as six withdrawals which amounted to \$718.

There were no logbook entries about Morgan.

After discussing about the number of withdrawals and average daily spending of \$395.88 over a 3-month time period, VM agreed it was excessive gambling. This shouldn't have been acceptable". "I'm the one who is ultimately responsible".

- 9(2)(a) [REDACTED]

From April to November 2017 Morgan

- visited the venue 17 times;
- total withdrawn \$4,097;
- average withdrawn per visit \$241; and
- average number of withdrawals per visit 2.53.

The VM said Morgan was **always pleasant to deal with**. "He didn't portray himself as a **problem gambler, he was not a guy who spent a lot, didn't come in every night. He was not there to get his money back**. He was always tidy, quite friendly, never seen him distressed or anything. He never came across as a customer you would worry about". VM said Morgan was not a big drinker either (drinking Heineken light only), he always seemed to be in control of himself.

When asked if there was any policy on EFTPOS withdrawals, either on number of times or amount each time, VM said they would talk to the customer after a few withdrawals. VM said **Morgan always came in after work time, it was so busy at the bar, "I don't remember him getting lots of cash out from the till"**.

When presented with the spreadsheet which shows on 3 occasions Morgan had as many as 5 or 6 withdrawals in one day, VM said it may well be that different girls have served him when he visited.

There are quite a few gambling related entries in the venue's Harm Min Incident Forms (log book), but no recordings about Morgan.

- 9(2)(a) [REDACTED]

From April to November 2017 Morgan

- visited the venue 8 times;
- total withdrawn \$4,105.40;
- average withdrawn per visit \$513.18; and
- average number of withdrawals per visit 3.88.

9(2)(a) [REDACTED] VM claimed the reason why **they didn't remember** him was that quite a few of **Morgan's** transactions at the venue were on ATM, rather than via EFTPOS, so no direct face to face contact with bar staff.

The ATM is directly in front of the bar so all staff have full view of the ATM machine and persons using it.

They also claimed that the week beginning 13 November 2017 was Canterbury's cup week. It was extremely busy at the venue, it may well be that multiple staff had served Morgan during that week, hence no logbook entries.

- 9(2)(a) [REDACTED]

From April to August 2017 Morgan

- visited the venue 6 times;
- total withdrawn \$2,542.50;
- average withdrawn per visit \$423.75; and
- average number of withdrawals per visit 4.12.

VM said there was no set policy on EFTPOS withdrawals. "If it was hard and fast gambling, they would set it at 3 times, a total of \$300", **"it depends on the service host/duty manager's judgement"**.

When asked what they would do if they noticed any unusual behaviors, VM said they **would talk to the patron, offer advice, give PGF's helpline number, and hand out PHA pamphlets, etc.**

VM **said Morgan didn't show any signs of agitation.** "If he did, we would have noted it in the incident book. Morgan had a calm demeanour, no change of behaviour, pleasant, not rude or abrupt". He would stay for about 2-2.5 hours on one visit.

There were a few gambling related entries in the venue's log book, but no recordings about Morgan.

When presented with the spreadsheet which shows on one occasion Morgan had six withdrawals, totalling \$736, VM **said it was "excessive, concerning"**.

VM **said he would be disturbed if it wasn't picked up when Morgan made so many withdrawals and spent them all on the machines, I'll have to look at the roster"**.

VM said to me **"it was good you came today"**. It there were any lapses, we will bring it up at our next staff meeting".

- **9(2)(a)**

From June to November 2017 Morgan

- visited the venue 6 times;
- total withdrawn \$1,182.30;
- average withdrawn per visit \$197.05; and
- average number of withdrawals per visit 2.

The Duty Manager (DM) at **9(2)(a)** has known Morgan for 10 years. She knew Morgan from a previous venue in Kaiapoi **9(2)(a)**

DM said Morgan liked Heinekens, worked at Godfreys Northwood. He was a smoker. **Morgan wore "a beautiful black ring, with a stone, it stood out"**.

Morgan **was always well dressed, well spoken, polite.** "I've never seen him in such casual clothes" (referring to the photo of Morgan taken in Lake Tekapo). He never seemed to have a problem".

DM said Morgan lost his house in the earthquakes, and was renting for a while.

DM **said Morgan's 9(2)(a), Morgan "needed some time out, away from home. He always looked tired. I often saw him reading a book in his white Nissan Primera, for a long period of time"**.

DM said Morgan would have cash withdrawals of \$100. He would **have a break, that's why he would go out for a smoke. "I enjoy talking to him over cigarettes"**.

Both VM and DM said the limit on EFTPOS withdrawals would be \$200-\$300, "except when **you're buying TAB vouchers. If you are going \$300, you're definitely pushing it"**.

DM said Morgan knew from the previous bar she used to work that DM would only allow **3 or 4 cash outs, that's why Morgan knew he wouldn't get more than that from DM at this venue.**

Spreadsheet shows Morgan had on one occasion 4 cash withdrawals at the venue.

There were no log book entries about Morgan.

- 9(2)(a)

Our analysis shows Morgan

- visited the club once, in May 2017;
- made 12 cash withdrawals;
- total withdrawn \$1,237.

General Manager of 9(2)(a) said Morgan was not a member of their club, but could be a member of 9(2)(a), and if so, he was allowed to come here, because those clubs are affiliated with each other. Or Morgan could have been signed in by a member of 9(2)(a).

When asked about cash withdrawal limits, GM said normally 3 times of \$100.

There were no logbook entries about Morgan. GM said he would be disappointed if no one had picked it up when Morgan made 12 withdrawals in one day. GM said they have since enhanced their harm min training.

Other venues

There are another six venues identified where all or most of the transactions were made via ATM rather than EFTPOS. These venues will be visited at a later stage.

Recommendations

1. Decide the appropriate next course of action against 9(2)(a), via OAB, which could include sanctions against the venue, such as suspension of venue licence or considering the suitability of the VM, or both, given the level of **Morgan's** spending and inaction from the venue;
2. Issue warning letters to 9(2)(a) and 9(2)(a) reminding them of their failings in looking after and protecting their patrons against gambling harm;
3. Follow up educational visits, or phone calls to 9(2)(a), 9(2)(a), and 9(2)(a) to reiterate our expectations in looking after and protecting problem gamblers; and
4. At a later stage, visit the last six venues, especially about ATM withdrawal monitoring issues.

Transcript

Paul Barrett

6 August 2018, 12:10 pm

Level 7, 99 Albert Street

Auckland

Present: Marty Greentree, Senior Investigator, Department of Internal Affairs
Paul Barrett

MG Alright so its recording now. Okay good afternoon. I will do some introductions first. My name is Marty Greentree I am a Senior Investigator for the Department of Internal Affairs. Today's date is Monday, 6th August 2018. Time now is 12.10pm and were here on Level 7 in one of the meeting rooms in the offices of the Department of Internal Affairs and I am joined today by Paul Barrett. Can you just introduce yourself Paul.

PB My name is Paul Barrett, son of Morgan Barrett.

MG Son of Morgan Barrett and just your residential address please?

PB

MG

[Time 0.47.6]

MG: Okay. Thanks for that. Our reason for meeting today is to discuss with you your late father Morgan Barrett's gambling activity particularly in the last four years or so.

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PB: Yeah.

MG: At various pokie machine venues in Christchurch. Because I am talking to you today I just have to let you know that anything we do say and discuss may be given in evidence. Do you understand that?

PB: Yes yes I do.

MG: Are you happy to continue?

PB: Yes I am happy to continue. Yeap.

MG: And you know I understand the sensitivity of the topic today but are you happy to continue without a support person present?

PB: Yes.

MG: If at any stage you want to stop or have a break just let me know and we will stop and pause things.

PB: Yeap.

MG: So if we could just start off by talking and getting a bit of background about your father Morgan. I understand he was 68 years old when he died?

PB: Yeah. He was retired he retired but then he did some part time work vacuum cleaning and sales in Christchurch. It was January 26 when he had a heart attack and died. Just a brief we went down to me and my brother went down there as soon as we got the information we were there for the weekend and we and how we knew that something was wrong was our mother gave us an ETFPOS card to get some shopping for them for the weekend and we found out that there was no money in the card and it sort of I wouldn't say alarm bells but we knew that they were paid out from the earthquake a certain amount of money so there should have been plenty of money in the bank accounts because it was a joint account.

MG: Yeah.

PB: We didn't go to the bank until Monday morning and then we found out the extent of what was happening.

MG: Okay.

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PB: In terms of that there was no money left.

[Time: 3.04.6]

PB: That's when we requested four years' worth of bank statements from the banks so we could see what was happening and in that probably half an hour we found out that there was lots of money going out at certain venues that were on the bank statements and no money coming in or very little. We found out that the whole of his Kiwi Saver money was gone as well. So the process of dealing with that was very hard for my mother to take but also finding out that there was no money as well so it was probably a double whammy for my mother and for us as a family.

MG: Okay. Your father what was his date of birth?

PB: Oh. March sorry off the top of my head I can't remember. I think it was either 9(2)(a) I would have to. All the information I have I sorry.

MG: That's all right. Don't worry mate.

And your mother's name.

PB: 9(2)(a)

MG: 9(2)(a)

PB: 9(2)(a)

MG: Okay. How long were your parents married?

PB: Oh nearly 40 years. 41 years.

MG: Yeah. And other family members in terms of siblings you have.

PB: One brother, Matthew Barrett.

MG: Matthew. All right and you mentioned that your father had retired and gone on to part time work.

PB: Yeap.

MG: When did he retired.

PB: He would have retired at 65.

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MG: So, he was still working part time?

PB: Part time for. I would have to get you the name of the actual vacuum cleaner.

MG: On file here it says Godfrey's

PB: Godfrey's yeap that's the one he actually worked at.

MG: Do you any idea of how many hours he was doing each week?

PB: No. Maybe two or three days maybe sometimes one. But what he was doing was not telling the truth to our mother how many hours he was actually working there. He was saying he was working there more but he was actually working less maybe sometimes one day a week and he was finishing at 2 o'clock. And at 2 o'clock he would go and gamble. That's what we found out from the owner of Godfrey's as well.

MG: Yes.

PB: And what also probably sparked my concern was when he was when I was sending money down before Christmas and early January and I going because he said he had tied up all the money in long term or short term deposits things so he couldn't touch the money. I sent about probably \$3000 nearly \$4000 down to him.

[Time: 6.03.8]

MG: Yeap.

PB: Because he said he needed it just to pay the bills. I said okay that was fine as i know he would pay me back once. Well we found out that he wouldn't be able to pay me back. And then I was just too busy at work because I was doing ASB Tennis at that time so I was going to go down but then again then we put it to the side. Put it that way.

MG: All right. You have provided the department with some bank statements I believe.

PG: Yeah four years of statements.

MG: Four years. My understanding is that there were about nine accounts.

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PG: Nine accounts. Some of them were four or five of them were closed so there was about three or four that were just active.

MG: Okay.

PG: Very little money in any of them. I would say about \$100.

MG: What bank was he with?

PG: ANZ.

MG: ANZ. Yeah.

Right.

So when the earthquake happened there was a pay out that occurred?

PG: It took several years for the pay out to happen.

MG: Yeah.

PG: And this was probably a couple of years later when they got the actual pay out from the Earthquake Commission of \$450,000. As I said he probably also had Kiwi Saver as well \$40,000 to \$50,000 in Kiwi Saver.

MG: 40 to 50 thousand.

PB: Yeah 40 to 50 thousand roughly.

MG: And I haven't looked at the accounts yet but from your analysis looking at those accounts was the Kiwi Saver money used as well during that same period?

PB: I think it was the whole wash up of all it there was he was transferring his Kiwi Saver into his account. The main account the joint account and spending on that so the problem is that he was spending more money than he was earning and the gambling on top of that the money was going down. Some I think there was one day 31 July I saw he was there for nearly 12 to 14 hours.

[Time: 8.12.6]

PB: And he spent about 3-5 thousand dollars in that period of time. And that is just one just one just from my memory cause I still have the statements and I look at them, not that I

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want to but and mother doesn't she has tried to look at them but she doesn't she can't look at it so.

MG: Okay.

So your mother what is going on in their lives in the last four years. 9(2)(a)

PB: 9(2)(a)

MG: Yeap.

PB: 9(2)(a)

MG: Okay.

PB: So my mother did not know anything about the financial because she never dealt with it. My father was 9(2)(a) 9(2)(a) He used to take and deal with and basically take care of mum.

MG: Okay.

PB: So, she wouldn't never make any decisions. My dad would make all the decision and he would not that he shared any of that information but

MG: So she had no oversight over any of the accounts or finances.

PB: She never dealt with any of the money.

MG: All right. 9(2)(a)

PB: 9(2)(a)

MG: Yeah. Okay.

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I know you have these things have come to light for yourself and the family after his death. Prior to that was there any indications that you could pick up on behaviour changes or that sort of thing.

PB: No for myself I have been overseas and in Auckland. They shifted from Auckland down to Christchurch that would be a good ten years now.

MG: Okay ten years they shifted down there.

PB: Yeah. They shifted down there they sold the house. And I don't know if that was because he was as far as I went back ten years I found some more statements. I found out that he was gambling then. It was whether and it was starting to effect him then I will never know to be honest with you.

MG: Yeah.

PB: They sold the house, he sold the house because it was cheaper to live in Christchurch than it was to live in Auckland cause he was made redundant.

MG: Okay.

PB: And I will never know if that decision was because he was using up all his money or the gaming thing was getting to him.

MG: Did he have a particular career before that?

PB: He was a sales rep.

MG: Sales rep. Yeah.

PB: He was very good at that. He was probably at the senior management level. He was medical supplies, dental supplies where he was earning a decent salary.

MG: When he was in Christchurch ten years ago was he still was he still in the sales game?

PB: No he found it very hard to get work down there.

MG: So he hadn't been with Godfrey's for.

PB: Not for the whole time. I think he was a car salesman. Godfrey's was the one he spent most of the time when we went down there.

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MG: Okay.

[Time: 11.43.1]

MG: How often would you say you had contact with him and your mum.

PB: Probably two or three times a year because of where my work and also I went overseas for a little bit and probably in that period of time twice. I went to 9(2)(a) and also 9(2)(a) and I probably only see them once I came back on holiday or when I had a break from work.

MG: Okay. So its two or three times face to face.

PB: Face to face.

MG: Did you have contact over the phone.

PB: I would phone on a regular basis but then you can't I think 9(2)(a)

MG: Yeah.

PB: But not to that extent. She was frustrated with him because they hadn't found a house for four years. And I think that all the lies were starting to catch up with my father and the stress must have got to him because the money was going. The last week when he died there was no money left.

MG: Okay.

PB: So the stress of not having that and he was skint and asking me for money as well which I felt strange and I was about to come down and see them and see what was going on because I knew the money was there I couldn't understand why they wanted more.

MG: So it yours and family's understanding that the \$450,000 that had been set aside was there and the intention was some point to buy a new house.

PB: And he was always finding reasons not to. Not to buy the house or it was either not enough room or whatever reason he found he couldn't and then he the stress was starting to get to him at the end.

MG: Yeah. So they were renting?

PB: They were renting when we down there they were renting two places. There was one in the centre of Kaipoi and then they moved to the current place that they were at and when
9(2)(a)

MG: Yeah.

PB: Which she doesn't like but I mean it is better than being on the streets. To be honest with you.

[Time: 14.4.3]

MG: Yeah.

Your brother

PB: Yeah.

MG: Matthew where is he based?

PB: 9(2)(a)

MG: Okay

PB: 9(2)(a)

MG: Is there anyone else down within their social network or network that knows of the..

PB: There have been a couple of friends since we have the conversation that saw him at these places but going from what I have been told he was pleasant he didn't cause any trouble so no one questioned it.

MG: Yeah.

PB: But if you are there for that period of time somebody should have said something.

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MG: Yeap.

PB: I know I work at casino not that this is any factor and I know that if you are there for any period of time something should be done. If you are spending that many times at a place and spending that sort of money and he can't be drinking it all because a lot of it generic \$100 here \$100 here \$100 there and there was maybe a \$108 and there would be a drink.

MG: How would you describe your dad's personality generally the demeanour like interacting with people.

PG: He was very good. He was a good talker. He was very well respected in the job that he was at and also by generally by all his friends as well.

MG: Yeah.

PG: I couldn't I never saw any signs of it but then I wasn't there all the time. I couldn't see that side.

[Time: 15.58.1]

MG: Yeah.

PG: To be honest with you. But I was never there so when they lived in Christchurch we were never there in Auckland. I never saw it when I was growing up but then if I go back 10-12 years I was always out of the country as well. I was overseas on my OE for five years as well.

MG: Yeah. Okay.

Sorry I am just reading over some notes making sure I've got everything covered.

[Time: 16.58.8]

MG: Right so his cause of death.

PB: Heart attack.

MG: Heart attack.

MG: The circumstances. Sorry I know it's hard, but the circumstances surrounding his death?

PB: He was going down to the weekly shopping. He was going for a walk and then some men on a construction site him walking around and then they found him passed out on a car and that's when they tried to revive him.

MG: Yeah.

PB: I think that is when he found out he didn't have any money left basically that was the last when we looked at the statements on the Monday we found there was nothing. There was less \$100 dollars.

MG: Yeah. Had he been able to buy some shopping.

PB: There was some shopping in the bag. But there was not a huge amount of shopping.

MG: Yeah.

PB: I think he was starting to borrow from friends of I don't know the amount but \$1000 maybe \$1500 from one of the friends that they have down there. He just started to borrow.

MG: Okay.

PB: So we done it probably would have made I am not saying a silver lining but then there was no debt that we could see. There was also no money so.

MG: Okay.

PB: We don't know if he continued to do what he was doing how much debt he would have probably accrued.

MG: All right. At the time of his death how was his mental state. Was he on any medications?

PB: No. The last conversation he was quite stressed because he was asking me for money and I was saying why do you need money? I don't mind sending you money but I have to clear out money to give you to send down. And he was saying that it was in a term deposit.

MG: Okay.

PB: I still felt it strange. Why would you put all your money into a term deposit but he is my father so I am going to go okay here.

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MG: Course.

PB: It would have been during tennis. It would have been the first or second week of maybe the end of the first week of January. Cause I was in the middle of service when he rang me and said he needed some money. I said well I am busy at the moment when I get a free hour or two I can start transferring some money down to you.

[Time: 19.27.0]

MG: Okay.

PB: And that when I did not think it was all right I did think there was something wrong there. We also if we go back we paid for their mortgage before the earthquake because they needed our financial help.

MG: Yeap.

PB: In hindsight should we have been doing that. Because when we saw that money go in he was gambling then as well.

MG: Okay.

PB: When they went down to Christchurch to buy a house they didn't have enough money to buy the house they were about 50-60 thousand short.

MG: Okay.

PB: And so we said okay we will help you. Me and my brother helped them for the deposit for another house.

MG: Topped it up.

PB: Topped it up.

MG: The last time you actually saw him were you there for Christmas?

PB: I went down for my mother's birthday and that was probably the last time I was down there and I took some money down for her and I should of and in hindsight they were saying that they didn't have enough money to buy certain things and I am going why was that the case when I took some money down there and again. Gave them money to buy a TV and

bought them a phone and all that sort of stuff. And I am going and in hindsight I didn't really think much of it I know they were trying to find and their money was tied up or in my mind it was tied up.

MG: When was your mother's birthday?

PB: 9(2)(a)

MG:

PB: It's not too far away so.

MG: So, when your father was confirmed when he died was it confirmed by the doctor or did it go through to a coroner.

PB: It went to the coroner. They did a

MG: Inquest.

PB: Inquest. We had to wait probably a month a month or so before they confirmed what it was. We suspected a heart attack but we know. They wanted to get a coroner's thing so

MG: So the cause of death was from heart attack.

PB: It was a heart attack. But I think from my personal opinion it was the stress of not having any money left would have been probably weighing on him a lot.

MG: Holding onto that lie.

PB: It was probably not knowing what he could do. He was running out of he was running out of excuses for everything for not being able to find a house.

MG: Yeah.

PB: And then there was a big stress from my mother's conversations to me and his conversations for not being able to but they would never have been able to afford one as there was no money.

MG: Yeah. Okay. Right and you sent some emails through earlier.

PB: Yeah.

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MG: You forwarded some comments on from your mother, yourself and also your brother Matts contributed some things. Really what has been the impact on your mother I

9(2)(a)

PB: 9(2)(a)

[Time: 22.54.3]

MG: Okay.

PB: 9(2)(a)

MG: Yeah.

PB: 9(2)(a)

MG: Yeah. Right. And the effect on yourself.

PB: I probably haven't dealt with it I have been dealing with trying to help my mother to be honest with you. Its I have looked at it from the perspective of it has really happened to us I can't change it yes it hurts but I also think from the perspective of making sure it doesn't happen to anyone else. These venues are still operating. I want them to be aware that there is a cost and effect of it. Just as from a human point of view but

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also from a financial point of view. They're yes gaming. I work in the gaming industry as well I understand it's a business. I understand but there is also responsibility as well and I want them to responsible for what has happened. If someone said something or done something he might be alive. Yes we would still be in a lot of problems but he would still be alive.

MG: How long have you been working in for Sky City?

PB: Six or seven years.

MG: Seven years.

PB: Yeah.

MG: You are an executive chef there.

PB: Yeah.

MG: Right. Your brother have you spoken how is he coping with things?

PB: 9(2)(a)

MG: Yeah.

PB: A shock to the system not knowing do you actually know this person because we never knew what was happening.

MG: Yeap.

PB: It was very well hidden. We didn't know that there was these coming on but

[Time: 25.35.0]

I mean what were the signs we didn't know what the signs were to be honest with you. Things in hindsight having your bank statements sent to your work would probably be one. My mother not having any financial overseeing. But she chose that as well so if she was a bit more involved she might have caught it a lot earlier.

MG: So she. Your father had all the online banking access.

PB: Yeah.

MG: And the bank statements were all sent to his work.

PB: Yeap.

MG: Is that the Godfrey's.

PB: Even if you speak to the manager there he thought it was quite strange that he was getting bank statements there as well.

MG: Yeah.

PB: Because it is not normal. It is not a normal process you would send your bank statements to work.

MG: Are there any other extended family. Are there grandchildren involved.

PB: 9(2)(a)

MG: Okay.

PB: 9(2)(a)

MG: Okay. What about the wider are there brothers and sisters that your parents.

PB: 9(2)(a)

MG: Okay.

PB: 9(2)(a)

MG: All right.

PB: 9(2)(a)

MG:

PB:

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MG: All right.

PB:

9(2)(a) [Redacted]

MG: Yeap.

Okay.

I think, so correct me if I am wrong your intent is that you would hope that this doesn't happen to anyone else?

PB:

Yeah. It is my intent to do my best to make sure that there is at the least there is something done whether it's a reprimand or a cancel of licences or somebody's made accountable for, if someboday did their job he might've been hey you need some help

MG:

Yeap.

PB:

and then maybe the family as a whole we could have done something about it but we not just talking about four years we are talking longer than four years.

MG:

Yeah.

[Time: 28.11.1]

PB:

And a lot of we don't have the bank statements for four years or back cause we actually destroyed them my mother didn't want to keep anything so I can actually go to the bank. Its my thing to make sure that I don't know, it's not just about prosecution I know we are not going to get the money back for my mother but at least some closure so she...

MG:

Yeap.

PB:

9(2)(a) [Redacted]

MG:

No I can imagine.

PB:

So.

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MG: All right is there anything else you would like to add?

PB: I don't know if I have enough words to say what in terms of what I would want to be done. I would like these places stripped of their licences. Because some of them should have been doing something about it. The amount of time you see if I go through the bank statements, but again I know there is a process and that has to go through that process.

MG: Okay.

PB: People need to be made aware of it.

MG: Yeap.

PB: At least.

MG: Yeap.

PB: A lot of these places he went to, their licences are with charities and these charities are getting money from this well then they should be made aware of it and maybe think about what harm they are doing.

MG: Okay.

All right.

PB: That's it for me.

MG: Well thanks again Paul for coming in today. I acknowledge the pain this has caused your family and on behalf of the Department I would just like to offer our condolences to you and your family for this tragic event that has happened to you. But rest assured we are looking into this thoroughly and doing what's right. We take this very seriously.

So I will stop the recorder there the time now is 12.40pm.

[Time: 30.16.5]

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9(2)(a)

21 August 2018

Department of Internal Affairs
Regulatory Investigations
PO Box 2220
Auckland 1140

By email: marty.greentree@dia.govt.nz

Dear Marty,

Your ref: 172798400 9(2)(a)

Further to your letter of 7 August 2018, we now provide the following information as requested. As advised to John Hennerbry, this has taken slightly longer than anticipated due to the volume of information requested and the manual extraction required for archived files.

Harm minimisation training

1. From 1 May 2016, harm minimisation training was provided as follows (attachments A & B):

27 June 2016	- 8 staff members full training
11 July 2016	- 2 staff members full training
8 March 2017	- 2 staff members full training
15 March 2018	- 3 staff members full training
2. Dates (not times) of training are recorded and as above.
3. All training is face to face, on-site, and facilitated by the relevant Account Manager. 9(2) 9(2)(a) was in this position until 8 December 2017 and 9(2)(a) commenced 11 December 2017.
4. Full training is delivered in line with the most recent HPA 'choice not chance' document (including the Powerpoint presentation) and all Account Managers go through the Powerpoint presentation and supporting material. We trust that the Department is very familiar with this document and training material. An extract is enclosed as Attachment C. (link: <https://gamblehostpack.choicenotchance.org.nz/trainers>). This document was updated by the Health Promotion Agency in 2017 and our training was updated accordingly.

Refresher training is tailored to the specific needs of the venue and uses the Powerpoint presentation as a basis. This may include scenario cards (based around the DIA mystery shopper exercise) or conversation around signals / warning signs. Information is then

9(2)(a)

recorded on our customer management system, Salesforce, but this does not detail a course outline of the refresher training.

Diary information

We enclose all diary notes and visitation logs entered on Salesforce for the period from 1 May 2016 to 15 August 2018 (Attachment D) and highlight for your reference those entries specifically discussing harm minimisation or customer behaviour (Extract 1).

Should you require any information or have any queries regarding the enclosed, please contact 9(2)(a) Senior Account Manager, at 9(2)(a) or myself as Compliance Manager on 9(2)(a)

Regards,

9(2)(a)

cc: 9(2)(a)

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9(2)(a)

Register of Persons Who Have Completed Harm Minimisation Training

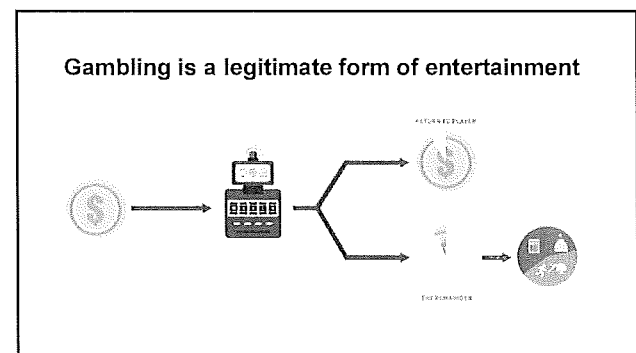
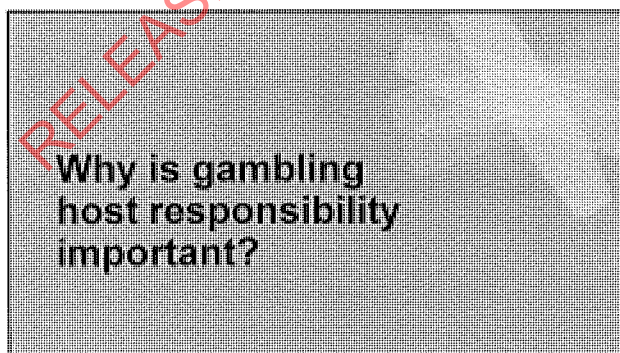
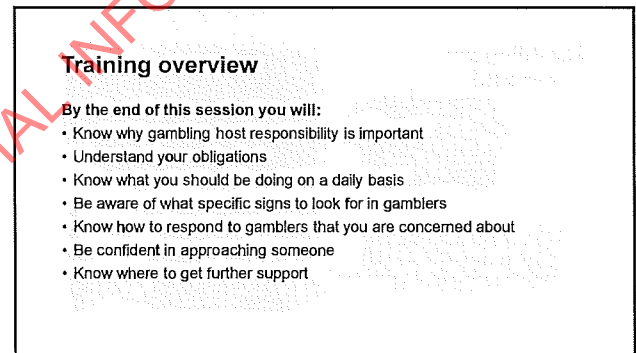
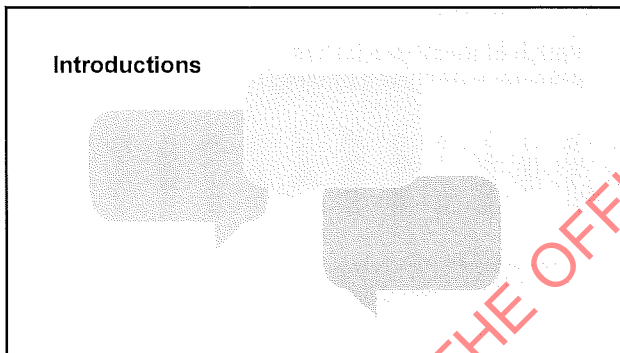
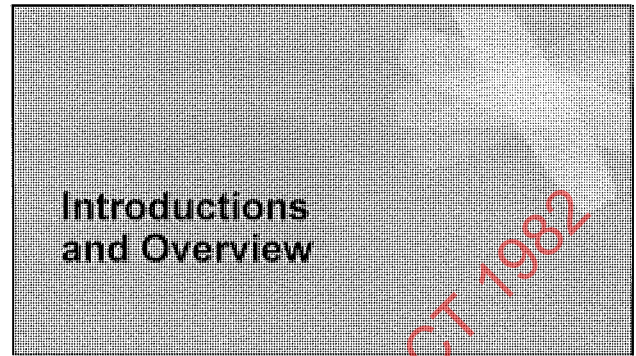
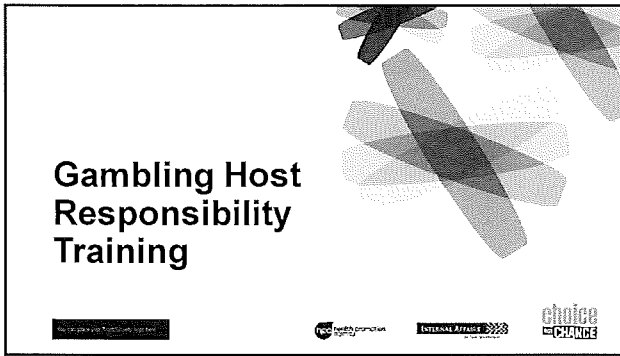
Date	Name	Signature
27/06/16	9(2)(a)	
27/06/16		
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27/06/16		
27/06/16		
11/07/16		
11/07/16		
8/3/17		
8-3-17		
15/3/18		
15/3/18		
15/3/18		

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GMV#	IF08 VENUE #	VENUE NAME	DATE OF PREVIOUS TRAINING	DATE OF TRAINING	TRAINED PERSONNEL	Sept	Oct	Nov	Dec	Previous 6 Mthly Check
9(2)(a)			N/A	27/06/2016	9(2)(a)	28/09/16		24-Nov	21-Dec	

9(2)(a)
2016

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There are positive community benefits

The money not returned to players is split in the following ways...

Category	Percentage
SOCIETY COSTS	33%
GOVERNMENT DUTIES, LEVIES & LICENSING FEES	35%
COMMUNITY	32%

What are the odds?

- Machines are designed to take in more than they pay out.
- It's important to know that losses can quickly stack up.

Gambling can be harmful

"Every week I lose money and I'm angry about gambling."

"It scares me big time. It's the relationship. It's the lies. It's the isolation for me at home."

Which of these people has a problem with their gambling?

- It could be any one of these people.
- There are however some clear signs to look for, which we will cover in this training.

What's the likelihood that gamblers are experiencing harm in your venue?

For every 18 gambling patrons...

Category	Count
RECREATIONAL GAMING	10
PROBLEM GAMING	8

What are your obligations?

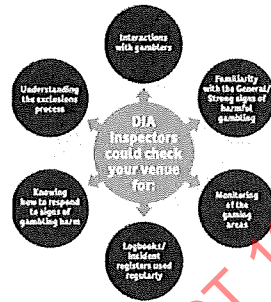
Laws and fines

- Like alcohol, there are certain legal requirements that must be met.
- These are set out in the Gambling Act.
- Venues and staff have a clearly defined role, which we will cover in the training.
- Venues and staff can be fined for breaking the law.



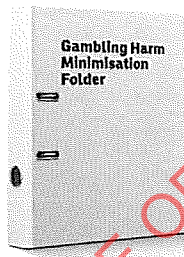
Under age gamblers <small>Allowing someone under 18 to play/paid to play</small>
\$1,000 fine for staff
\$5,000 fine for society/trust
\$500 fine for gambler
Exclusions <small>Failing to exclude non-eligible persons, gambler or failing to notify associated gambler</small>
\$5,000 fine for venue manager/staff
\$500 fine for gambler

DIA venue assessments



Venue policy and folder

- Your venue will have a **gambling harm minimisation policy** that sets out your venue's commitment.
- Your venue is likely to have a **gambling harm minimisation folder** or resource kit.
- It's important that you know where these are located and understand what they require you to do.



What should you be doing on a daily basis?

What is your role?

Communicate with the community. Take the lead on harm minimisation.

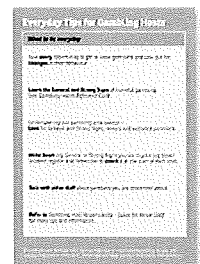
"There's a difference between a counsellor's role and a staff member's role."

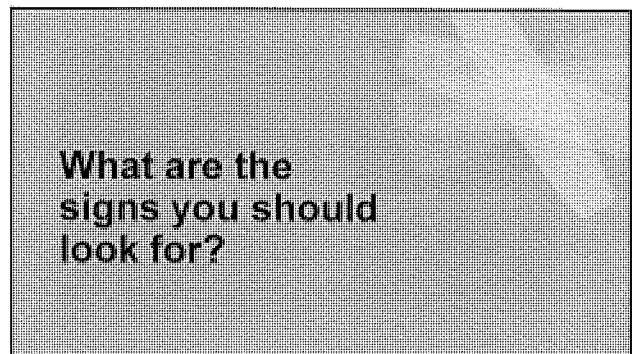
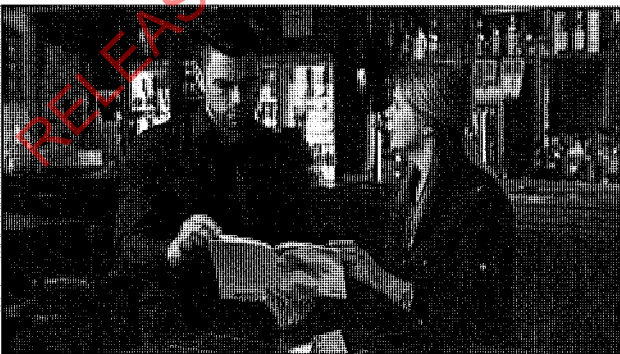
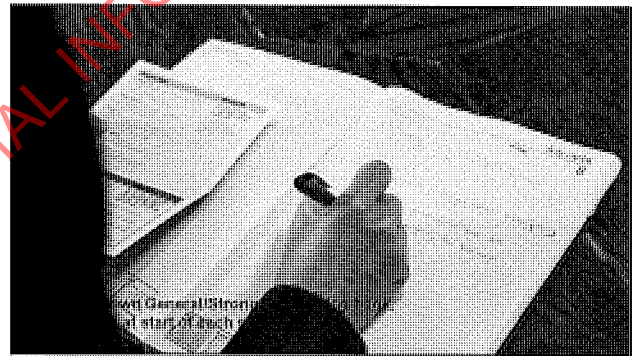


Everyday activities

- What do you currently do in your venue to minimise harm?
- What else could you be doing?

Let's take a look at these helpful tips...





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What are the General and Strong Signs of harmful gambling?



Can you spot any General Signs?

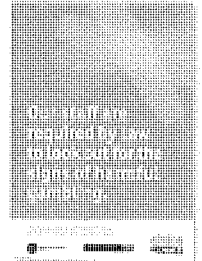


Can you spot any Strong Signs?



Remember...

- It's not your job to judge if someone can afford to gamble.
- Simply look for the General/Strong signs – they are based on research.
- Get to know your gamblers. Look for changes in behaviour.
- Use your sweeps and observations in the bar area to look for General/Strong Signs.
- Remember to note down anything you see in your logbook – it will help you to build a picture and help other staff.



How should you respond?

How might you respond to General Signs?

Let's look at an example...



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How should you respond to General Signs?

Let's practice the gentle check-in

How might you respond to Strong Signs?

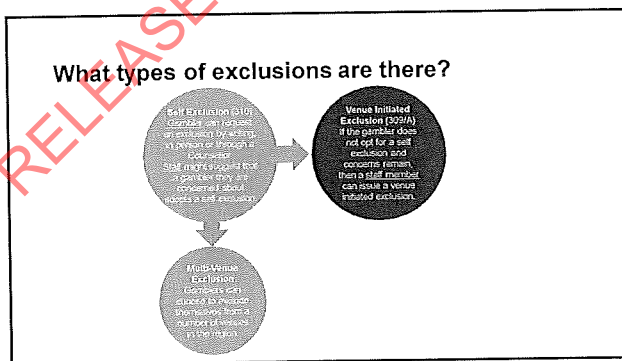
Let's look at some examples...

How should you respond to Strong Signs?

Let's practice the approach

Remember...

- You do have a role to play
- It's similar to alcohol host responsibility
- You are not expected to be a counsellor
- Your safety is important
- You should work as a team
- Even a small change can make a big difference



- ### What steps need to be taken with exclusion?
- 1 You (or another staff member) must issue an exclusion order promptly.
 - 2 Agree on the length of the exclusion period (recommend between 6 months to 2 years).
 - 3 Provide information on how the person may exclude themselves from more than one venue (Multi-Venue Exclusion).
 - 4 Offer to put them in contact with a counsellor.
 - 5 If it is a self-exclusion, ensure you have the person's name, birthdate and a photo. If it is a venue-initiated exclusion, ensure you have enough information to reasonably identify the person.
 - 6 Fill out the paper work and follow the processes associated with exclusion orders in your venue.
 - 7 Once the exclusion order is complete, follow your venue's process for record-keeping and tracking exclusions. This includes knowing what to do if you see an excluded person in the gambling area of your venue.

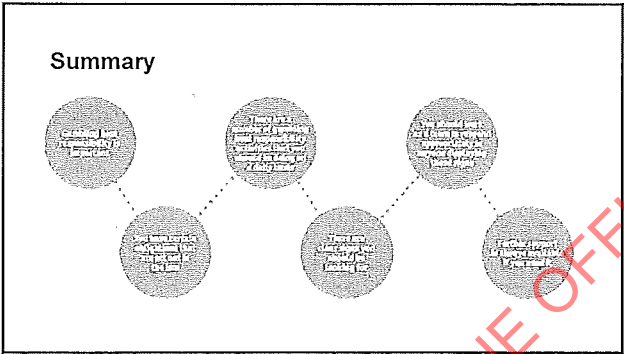
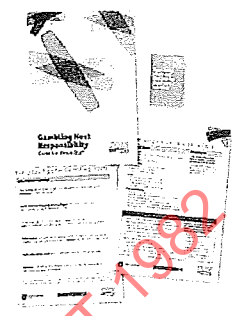
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Some final points

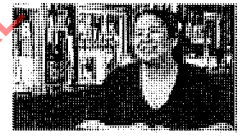
Further support

You are not alone. Further support is available.


- Your manager/team
- Your Society representative
- Gambling Helpline and local minimising gambling harm support services
- Gamble Host resources, plus your harm minimisation folder and policy



Final thoughts



So what will I do differently?



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Attachment 'D'
[redacted]

Date	Subject	Created By	Full Comments
5.05.16		9(2)(a)	Venue visit to check on progress.
	<u>Visit</u>		
9.05.16			Venue visit to do staff training on Smart Op and machines. Performed refills on all machines with staff. Made some changes in SO and added users.
	<u>Visit</u>		
11.05.16			Venue visit to show 9(2)(a) shift start up and go over refills & c/credits again.
	<u>Visit</u>		
12.05.16			Venue visit again as the (franchisor) licence holder of 9(2)(a) has requested the gaming room size to be reduced as not enough storage on the premises. The main entrance to the gaming room is to be closed off and the side entrance to be used which does give full visibility from the bar. No licence conditions affecting this change.
	<u>Visit</u>		
15.05.16			Venue visit to meet 9(2)(a) and GMd to discuss room change.
	<u>Visit</u>		
25.05.16			Venue visit to measure up gaming room and sketch floor plan.
	<u>Visit</u>		
26.05.16			Venue visit to take room layout to confirm with 9(2)(a) and the builder.
	<u>Visit</u>		
1.06.16			Venue visit to check on renovation progress.
	<u>Visit</u>		
2.06.16			Venue visit to inform 9(2)(a) bases wouldn't be completed till Tuesday and machines installed Tuesday afternoon.
	<u>Visit</u>		
10.06.16			Venue visit to set up gaming.
	<u>Visit</u>		
13.06.16			Venue visit to do first weekly audit with 9(2)(a) and train him on total float balancing. booked harm min training for Monday 27th at 7pm.
	<u>Visit</u>		
20.06.16			Venue visit with 9(2)(a) showed 9(2)(a) the new room layout and introduce him to 9(2)(a)
	<u>Visit</u>		
24.06.16			Booked Harm min training for Monday 27th at 7pm. Venue visit to check 9(2)(a) had no issues with cash clearance and balancing. Confirmed Harm Min training on the 27th, 7pm.
	<u>Visit</u>		
27.06.16	<u>Meeting</u>		Venue visit to do Harm Min training with 8 staff. Details have been sent to 9(2)(a)
4.07.16			Venue visit to check weekly audit and EB. Booked Harm Min training for remaining staff next Monday.
	<u>Visit</u>		
11.07.16			Venue visit to check weekly audit and hoppers. Harm Min training for 2 staff completed. One participant doesn't do gaming but Hamish wanted all staff to do training. All completed now. Exclusion orders completed with previous owner had been removed when venue sold. Will follow up with PGF to have resent.
	<u>Visit</u>		
17.08.16			First venue visit since back from leave. Checked cash management and weekly audits. No issues. Put up new licence. Discussed office move with 9(2)(a)
	<u>Visit</u>		
24.08.16			Venue visit to check out office move.
	<u>Visit</u>		

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29.08.16

Visit

Venue visit to go over Smart Op and machine training with staff.

7.09.16

Venue visit. Collected the completed exclusion requests that we requested from PGF that had been previously issued by old operator. 9(2)(a) very proactive with this. discussed the compliance newsletter especially the Harm min aspect.

Visit

15.09.16

Venue visit with 9(2)(a)

Visit

28.09.16

Venue visit to check EB is under control.

Visit

6.10.16

venue visit to check changes to security system location.

Visit

13.10.16

Venue visit to check out move of security system.

Visit

2.11.16

Venue visit to check 9(2)(a) is working with EB ok.

Visit

24.11.16

Venue visit to do monthly compliance check .No issues. 9(2)(a) has a new staff member who will not be working alone & another starting shortly. Will book harm min training when the second person starts at the venue. Collected an exclusion order.

Visit

7.12.16

Venue visit to check no issues with gaming.

Visit

21.12.16

Venue visit to deliver Smart Op rolls and Xmas info letter. 9(2)(a) has 2 new staff starting in the New Year. Will book harm min training for early Feb. First venue visit since Xmas.

Visit

25.01.17

Visit

2.02.17

Venue visit to catch up with 9(2)(a)

Visit

2.03.17

Venue visit to catch up with 9(2)(a)

Visit

6.03.17

Have booked Harm min training for next Wednesday morning at 10am. Phone call from 9(2)(a) He had misplaced a set of keys last week but had hoped he would find them before I ordered a replacement set and was using the spare set in the interim.

Phone Call

8.03.17

Harm min training with 2 new staff. 9(2)(a) will only be integrating them slowly into gaming but likes all staff to be trained in Harm min.

Visit

30.03.17

Venue visit to do monthly compliance.

Visit

6.04.17

Visit

12.04.17

Venue visit to go over monthly reports with 9(2)(a)
Venue visit with 9(2)(a) Had a catch up with 9(2)(a)

Visit

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28.04.17		9(2)(a)	Venue visit to do monthly compliance.
	Visit		
10.05.17			Venue visit to go over monthly reports with 9(2)(a)
	Visit		
17.05.17			Venue visit to do 6 monthly compliance.
	Visit		
1.06.17			Venue visit to go over commission statement with 9(2)(a) Collected an exclusion order.
	Visit		
14.06.17			Venue visit to assist 9(2)(a) with Smart Op.
	Visit		
21.06.17			Venue visit to do monthly compliance.
	Visit		
14.07.17			Venue visit to go over total float with 9(2)(a)
	Visit		
17.07.17			Venue visit to do a total float balance with Hamish as he hadnt been adding hoppers into the total float.
	Visit		
24.07.17			Venue visit to check eftpos recon with 9(2)(a) Discussed a broken Viridian screen. Incident happened on Friday night and repaired by GMD Saturday. A friend of the offender told 9(2)(a) after the incident happened and 9(2)(a) was able to speak to both of them. Informed them that he wasn't sure of the process regarding the damage but would get back to them when he found out. 9(2)(a) wasn't sure of the offenders name but with a bit of investigation and some help from social media all details required were collated. Footage on CCTV system was very clear and showed clearly the incident and the offender. Incident report was completed and I requested a copy of the invoice from GMD. After discussion with 9(2)(a) have emailed him all the relevant info and he is going to contact the person and discuss payment of the option of laying a complaint with the police of wilful damage.
	Visit		
31.07.17			Venue visit to check weekly audit and balance eftpos.
	Visit		
1.08.17			Phone call to 9(2)(a) to confirm the figures for the eftpos for last week.
	Phone Call		
7.08.17			Venue visit to go over weekly cash management with 9(2)(a) and assist with eftpos recon. Discussed update on broken Viridian screen. We have received the invoice from GMD and waiting for invoice from finance dept to send to customer. 9(2)(a) has spoken to the customer who has admitted liability and informed him an invoice would be on the way.
	Visit		
13.08.17			Venue visit to go over monthly reports with 9(2)(a) Discussed broken viridian screen. Informed 9(2)(a) invoice was sent to customer last Friday. 9(2)(a) wants to be kept updated as he intends to exclude the customer from both the gaming room and venue until the issue is resolved/ paid for.
	Visit		
21.08.17			Venue visit to discuss issues with jackpot display.
	Visit		
31.08.17			Venue visit to do montly compliance.
	Visit		
5.09.17			Venue visit to check weekly cash management. Went over compliance newsletter and forum invite.
	Visit		
14.09.17			Venue visit to discuss upgrade of camera system.
	Visit		
18.09.17			Venue visit to follow up on additional security cameras and upgrade of existing system.
	Visit		

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25.09.17

Visit

2.10.17

Visit

4.10.17

Meeting

11.10.17

Phone Call

16.10.17

Meeting

25.10.17

Visit

30.10.17

Visit

9.11.17

Visit

15.11.17

Visit

22.11.17

Visit

29.11.17

Visit

4.12.17

Visit

12.12.17

Venue Visit

20.12.17

Venue Visit

29.12.17

Phone Call

11.01.18

Visit

30.01.18

Venue Visit

1.02.18

Venue Visit

20.02.18

Venue Visit

26.02.18

Venue Visit

9(2)(a)

Venue visit to do monthly compliance. with this.

The customer who broke the viridian screen still hasn't returned to the venue but 9(2)(a) is happy

Venue visit to discuss security camera upgrade with 9(2)(a)

Meeting with 9(2)(a) from Seit security.

Phone call with 9(2)(a)

Viridian screen by a customer. As we had had no further contact with the customer I asked if 9(2)(a) definitely wants the issue pursued. Will discuss with 9(2)(a)

Discussed the non payment of the broken

9(2)(a) wanted us to pursue it with the police. 9(2)(a)

Venue visit to check on camera upgrade.

Venue visit to inform 9(2)(a)

It was my last week at TLF.

Venue visit to inform 9(2)(a) would be staying on with Tlf until potentially Xmas time so he is a happy camper again.

Venue visit to go over monthly reports with 9(2)(a)

Venue visit to catch up with 9(2)(a)

Venue visit to do 6 monthly compliance check. on regarding Harm Min.

9(2)(a) has a couple of customers he is keeping an eye

Venue visit to catch up with 9(2)(a)

Final venue visit to deliver signage flag.

Initial introductory visit with 9(2)(a) to meet 9(2)(a)

Arranged to meet with 9(2)(a) to go over the Christmas Banking dates as well as giving him the Harm Min folder and asked him to make sure that all his staff read and sign the form of acknowledgement. He spoke about the fact that there are a couple of new staff that need to be trained in harm min and we ill plan to do this in the new year. Wish him a Merry Christmas and told him that if he needed anything to just give me a call.

Had an email from 9(2)(a) in regards on how to add and delete people from the Smart Operator. Rang him and walked him through the process and will check again in the New Year.

Met with 9(2)(a) He said that they had recently had a customer who had won a jackpot but then rang approximately four hours later claiming that she had been underpaid by \$100. 9(2)(a) went back though his records for the day and explained to her that what she had singed for was what she was paid. Logged it in the incident register. All staff have now read and understood the harm min policy. 9(2)(a) wanted the general and strong signs poster to be copies to A3 and laminated for his office wall.

Met with 9(2)(a) and completed the compliance check. All ok.

Met with 9(2)(a) at his request to act as a witness

Picked up Exclusions recently done. Checked room. All ok

The Viridian LC was installed however there was an issue

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12.03.18		9(2)(a)	Had a meeting with 9(2)(a) after he had called me whilst in Brisbane to say that the DIA had interviewed him over a complaint. It seems that one of his customers who had died recently had spent over \$65k in the gaming room over the course of 9 months. There were 6 other venues as well that the DIA were interviewing. In some cases, this customers had withdrawn cash of up to 20 times in the one day, all amounts of around \$100.00. The family has laid this complaint after discovering the customers bank statements. Planned for further harm min training later in the week. Advised Hamish that we should wait until the letter comes from the DIA to see what course of action they plan. Suggested that he put in place a limit on eftpos transaction which he has now done.
15.03.18	<u>Venue Visit</u>		
29.03.18	<u>Call</u>		Harm min training with 9(2)(a) and two of his bar staff.
			Met with 9(2)(a)
	<u>Venue Visit</u>		
10.04.18			Met with 9(2)(a) The lady that had been leaving her kids in the car whilst she was gambling has now excluded herself for 9 months. 9(2)(a) is still to hear anything back from the department in regards to the complaint that was laid against them a couple of months ago. Have since spoken to other operators who were involved and they havet heard anything either. Otherwise all good.
18.04.18	<u>Venue Visit</u>		
	<u>Call</u>		Met with 9(2)(a) Went over the machine performance.
30.04.18	<u>Venue Visit</u>		Met with 9(2)(a) Picked up two MVE requests.
24.05.18	<u>Venue Visit</u>		Compliance Check
30.05.18	<u>Venue Visit</u>		Meeting with 9(2)(a) Went over some of the possible changes to Smart Op module Booked in for
27.06.18	<u>Call</u>		further harm min and mystery shopper training for next week
27.06.18	<u>Call</u>		6 month compliance check
5.07.18	<u>Meeting</u>		Compliance check. Met with 9(2)(a) All ok. Have booked to complete further Harm Min training next week.
10.07.18			Catch up with 9(2)(a) They had recently had an issue with a customer who claimed that the machine should have paid her more than it did. They filled out the correct paperwork and I advised them that they had done the right thing. No further follow up required unless the customer wants to take it further.
	<u>Venue Visit</u>		
18.07.18			Catch up with 9(2)(a) No further development from the customer who had a complaint re the wins she thought she should have had. They have become very vigilant when it comes to harm min and making sure that there is no repeat of the complaint that was recently laid by one of their customers. No other issues.
	<u>Meeting</u>		
8.08.18	<u>Meeting</u>		Met with 9(2)(a) Went over the MVE's and checked to see what was missing. All ok

*Note comments have been whited out where they do not directly relate to the information requested.

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Date	Subject	Created By	Full Comments
13.06.16	<u>Visit</u>	9(2)(a)	Venue visit to do first weekly audit with 9(2)(a) and train him on total float balancing. booked harm min training for Monday 27th at 7pm.
24.06.16	<u>Visit</u>		Venue visit to check 9(2)(a) had no issues with cash clearance and balancing. Confirmed Harm Min training on the 27th, 7pm.
27.06.16	<u>Meeting</u>		Venue visit to do Harm Min training with 8 staff. Details have been sent to Anne.
4.07.16			Venue visit to check weekly audit and EB. Booked Harm Min training for remaining staff next Monday.
11.07.16	<u>Visit</u>		Venue visit to check weekly audit and hoppers. Harm Min training for 2 staff completed. One participant doesn't do gaming but 9(2)(a) wanted all staff to do training. All completed now. Exclusion orders completed with previous owner had been removed when venue sold. Will follow up with PGF to have resent.
7.09.16	<u>Visit</u>		Venue visit. Collected the completed exclusion requests that we requested from PGF that had been previously issued by old operator. discussed the compliance newsletter especially the Harm min aspect. 9(2)(a) very proactive with this.
24.11.16	<u>Visit</u>		Venue visit to do monthly compliance check. No issues 9(2)(a) has a new staff member who will not be working alone & another starting shortly. Will book harm min training when the second person starts at the venue. Collected an exclusion order.
21.12.16	<u>Visit</u>		Venue visit to deliver Smart Op rolls and Xmas info letter. 9(2)(a) has 2 new staff starting in the New Year. Will book harm mni training for early Feb.
2.02.17	<u>Visit</u>		Venue visit to catch up with 9(2)(a) Booked Harm Min training for Wednesday 1st March.
8.03.17	<u>Visit</u>		Harm min training with 2 new staff. 9(2)(a) will only be integrating them slowly into gaming but likes all staff to be trained in Harm min.
24.07.17	<u>Visit</u>		Venue visit to check eftpos recon with 9(2)(a) Discussed a broken Viridian screen. Incident happened on Friday night and repaired by GMD Saturday. A friend of the offender told 9(2)(a) after the incident happened and 9(2)(a) was able to speak to both of them. Informed them that he wasn't sure of the process regarding the damage but would get back to them when he found out. 9(2)(a) wasn't sure of the offenders name but with a bit of investigation and some help from social media all details required were collated. footage on CCTV system was very clear and showed clearly the incident and the offender. Incident report was completed and I requested a copy of the invoice from GMD. After discussion with 9(2)(a) have emailed him all the relevant info and he is going to contact the person and discuss payment of the option of laying a complaint with the police of wilful damage.
13.08.17	<u>Visit</u>		Venue visit to go over monthly reports with 9(2)(a) Discussed broken viridian screen. Informed 9(2)(a) invoice was sent to customer last Friday. 9(2)(a) wants to be kept updated as he intends to exclude the customer from both the gaming room and venue until the issue is resolved/ paid for.
25.09.17	<u>Visit</u>		Venue visit to do monthly compliance. The customer who broke the viridian screen still hasn't returned to the venue but 9(2)(a) is happy with this.
22.11.17	<u>Visit</u>		Venue visit to do 6 monthly compliance check. 9(2)(a) has a couple of customers he is keeping an eye on regarding Harm Min.
	<u>Visit</u>		

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20.12.17

9(2)(a)

Arranged to meet with 9(2)(a) to go over the Christmas Banking dates as well as giving him the Harm Min folder and asked him to make sure that all his staff read and sign the form of acknowledgement. He spoke about the fact that there are a couple of new staff that need to be trained in harm min and we will plan to do this in the new year. Wish him a Merry Christmas and told him that if he needed anything to just give me a call.

Venue Visit

11.01.18

Met with 9(2)(a) He said that they had recently had a customer who had won a jackpot but then rang approximately four hours later claiming that she had been underpaid by \$100. 9(2)(a) went back through his records for the day and explained to her that what she had signed for was what she was paid. Logged it in the incident register. All staff have now read and understood the harm min policy. 9(2)(a) wanted the general and strong signs poster to be copies to A3 and laminated for his office wall.

Visit

20.02.18

Venue Visit

12.03.18

Picked up Exclusions recently done. Checked room. All ok

Had a meeting with 9(2)(a) after he had called me whilst in Brisbane to say that the DIA had interviewed him over a complaint. It seems that one of his customers who had died recently had spent over \$65k in the gaming room over the course of 9 months. There were 6 other venues as well that the DIA were interviewing. In some cases, this customers had withdrawn cash of up to 20 times in the one day, all amounts of around \$100.00. The family has laid this complaint after discovering the customers bank statements. Planned for further harm min training later in the week. Advised 9(2)(a) that we should wait until the letter comes from the DIA to see what course of action they plan. Suggested that he put in place a limit on eftpos transaction which he has now done.

Venue Visit

15.03.18

Call

Harm min training with 9(2)(a) and two of his bar staff.

10.04.18

Met with 9(2)(a) The lady that had been leaving her kids in the car whilst she was gambling has now excluded herself for 9 months. 9(2)(a) still to hear anything back from the department in regards to the complaint that was laid against them a couple of months ago. Have since spoken to other operators who were involved and they have heard anything either. Otherwise all good.

Venue Visit

24.05.18

Venue Visit

Met with 9(2)(a) Picked up two MVE requests.

27.06.18

Meeting with 9(2)(a) Went over some of the possible changes to Smart Op module

Booked in for

Call

5.07.18

Meeting

further harm min and mystery shopper training for next week

Compliance check. Met with 9(2)(a) All ok. Have booked to complete further Harm Min training next week.

10.07.18

Catch up with 9(2)(a) They had recently had an issue with a customer who claimed that the machine should have paid her more than it did. They filled out the correct paperwork and I advised them that they had done the right thing. No further follow up required unless the customer wants to take it further.

Venue Visit

18.07.18

Catch up with 9(2)(a) No further development from the customer who had a complaint re the wins she thought she should have had. They have become very vigilant when it comes to harm min and making sure that there is no repeat of the complaint that was recently laid by one of their customers. No other issues.

Meeting

8.08.18

Meeting

Met with 9(2)(a) Went over the MVE's and checked to see what was missing. All ok

*Note comments have been whited out where they do not directly relate to the information requested.

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**Te Tari Taiwhenua
Internal Affairs**

Transcript

9(2)(a)

23 August 2018, 9:51 am

Department of Internal Affairs
120 Hereford Street
Christchurch

Present: Marty Greentree, Senior Investigator, Regulatory Services,
Department of Internal Affairs, Ashneel Kumar, Investigator,
Regulatory Services, Department of Internal Affairs, 9(2)(a)

[Redacted]
[Redacted]
[Redacted]
[Redacted]

MG Good morning. My name is Marty Greentree, I'm a Senior Investigator for the Department of Internal Affairs. Today's date is Thursday the 23rd of August 2018, and the time now is 9:51 am, and we're here at the Department of Internal Affairs offices at 120 Hereford Street in Christchurch and we have a meeting scheduled with 9(2)(a). Before we start, I'll just do a round of introductions. I have my colleague here with me today Ashneel Kumar.

AK My names Ashneel Kumar, Investigator with the Regulatory Services at the Department of Internal Affairs in Auckland.

MG Okay, and we have 9(2)(a) here as well...

9(2)(a) Yeah, 9(2)(a) in Kaiapoi.

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**Te Tari Taiwhenua
Internal Affairs**

MG

Thank you and 9(2)(a)

9(2)(a)

9(2)(a)

MG

And 9(2)(a)

9(2)(a)

Ah 9(2)(a)

MG

Thanks for that. The reason for our interview today, 9(2)(a) is as discussed, is to talk about a former customer of yours, Mr Morgan Barrett who passed away. As you know the Department received a complaint from his family. After his death, his passing, the family had a look through his bank accounts and uncovered that there was a lot of gambling activity at Class 4 venues throughout Christchurch, including yours, and the extent of that was quite significant to the extent of a problem gambling situation. So we're here to discuss that, your interactions with him, and also talk about the implementation of your Harm Minimisation policy at the 9(2)(a). Alright?

9(2)(a)

Yeah.

MG

Because I'm talking to you, I have to let you know that you're not being detained. You are free to leave at any time. You don't have to answer any of my questions; however anything you do say may be given in evidence.

9(2)(a)

Yeah.

MG

Do you understand what that means?

9(2)(a)

Understand it, yeah.



**Te Tari Taiwhenua
Internal Affairs**

MG Okay, so 'evidence', I mean that out of fairness we tell everyone up front and it's not to predict the outcome of what's going to happen, but that there's always a potential when we get involved in things that court proceedings could result, so we tell people up front.

9(2)(a) Of course.

MG Understand yeah?

9(2)(a) Yeah.

MG And I see you've got a couple of support people here today,
9(2)(a)

9(2)(a) Yes.

MG And I'm sure you guys are all aware that the purpose of the meeting is to get the information from 9(2)(a) you are welcome to support him, but the questions have to come ... I mean the answers directly from yourself.

9(2)(a) Yeah, of course.

MG Alright. Thanks for that. So I might just get a bit of background about you 9(2)(a) I understand you've owned
9(2)(a)

9(2)(a) Yeah, two and a half years, yeah.

MG Oh yeah. Prior to that, you're familiar with the term Class 4 gambling.

9(2)(a) Yes.

MG What does that mean to you?



**Te Tari Taiwhenua
Internal Affairs**

9(2)(a)

It means gaming machines, pokie machines, as they're generally referred to in bars and restaurants.

MG

Yeah, alright, and how long have you been involved in hospitality, owning bars and Class 4?

9(2)(a)

Bars, restaurants, all my life, we started the 9(2)(a) [REDACTED], where we first use ah ... or ran machines. Admittedly that was about twenty years ago. Ah we now moved ... spent three years working there, um eighteen venue, eighteen machine site. 9(2)(a) [REDACTED]

MG

Okay, so is 9(2)(a), is that your first Class 4 venue?

9(2)(a)

Owning, yes.

MG

Owning, okay. You've had prior involvement working at venues that have had Class 4 machines, right.

9(2)(a)

Yes.

MG

Alright, I think what I might do, if it makes sense, is I've got some notes here from Sonya and Charles.

9(2)(a)

Okay.

MG

Maybe if I go through those notes, because you've already had a conversation about a lot of this stuff, and we'll talk through it, and maybe you could confirm whether or not you recall.

9(2)(a)

Cool.

MG

So Sonya spoke to you about your interaction with Morgan Barrett as a customer. Tell me about Morgan Barrett?



**Te Tari Taiwhenua
Internal Affairs**

9(2)(a)

Ah Morgan, hell of a nice guy.

MG

Yeah.

9(2)(a)

Known him in the venue oh nine months to year I suppose, he ... everyone knew him by name, we served him, looked after him. I hate using that customer, I prefer to use the word guest, in our venue, in our home. He would come in, drink, dine, ah and gamble, all the staff knew him by name, all the staff would go and see him when they arrived on shift. Hello Morgan, how you going today.

MG

Yeah.

9(2)(a)

And spend time interacting with him. People would yeah look after him.

MG

Alright, so when do you recall first meeting him or seeing him?

9(2)(a)

That's impossible for me to give a date sorry, I ... yes, yeah.

MG

That's alright.

9(2)(a)

Any date I would give you on that would be a pure guess.

MG

Yeah, but you knew him for about nine ... nine to twelve months?

9(2)(a)

Nine months to a ... a year and a half, I'd put in that sort of ball park area, yeah.

MG

Okay. How often would you say he came to your venue?

9(2)(a)

Um on average recollection, ah three times a week, yeah.

MG

Three times a week, yeah.

9(2)(a)

Maybe more, ah maybe less.



**Te Tari Taiwhenua
Internal Affairs**

MG Yeah, was there a particular time of the day that he would come in there?

9(2)(a) No, always ... always varied.

MG Varied, yeah.

9(2)(a) Yeah.

MG And what about the venue itself, what hours are you open?

9(2)(a) Um um licensed from eight in the morning until ah eleven o'clock, Sunday through to Thursday, and till one am Friday and Saturday. We traded um eleven o'clock Monday to Friday and nine in the morning Saturday/Sunday, week ... ah weekends.

MG Yeah.

9(2)(a) And um ah till late. We're more of a restaurant than a bar.

MG Okay.

9(2)(a) So closing, you know, on average, if you leaving there by ten thirty, it's about average.

MG Alright, and the pokie machines? What times are the gaming areas open, is that the same as ..

9(2)(a) When the venue is open, they're open.

MG You're recollection from what I'm reading here is you said that in terms of your knowledge of Morgan's gambling, it was a couple of hundred dollar withdrawals a night plus drinks.

9(2)(a) Yes, yes, yeah.



**Te Tari Taiwhenua
Internal Affairs**

MG Alright. There's notes here that say that you said to Sonya that Morgan's demeanor was always the same, whether he lost or won. 9(2)(a) *said Morgan won a lot of money too, but he was not over the moon when he won jackpots. His attitude never changed, always a happy customer, engaging and socialising with staff and other customers.*" Is that your recollection?

9(2)(a) Correct, yeah, yeah.

MG How many staff do you have at your venue?

9(2)(a) Ah ten to twelve, at the moment we've got eleven.

MG Ten to twelve.

9(2)(a) Um back a year ago I think it may have been a couple more. but around the sort of eleven/twelve mark.

MG Okay, eleven/twelve mark.

9(2)(a) That includes chefs in the kitchen though.

MG Sonya made you aware of all the EFTPOS transactions at your venue.

9(2)(a) Yes.

MG That they discovered in the bank statements.

9(2)(a) Yes.

MG Yeah. Were you aware of the extent of those transactions?

9(2)(a) No.

MG No?

9(2)(a) No.



**Te Tari Taiwhenua
Internal Affairs**

MG So knowing Morgan in your venue, as you did, initially you said it was three, two or three withdrawals, you ... you never noticed ... ?

9(2)(a) On ... on ... on average, yeah, yeah.

MG On average, yeah.

9(2)(a) Sometimes it might be more, sometimes it might be less yeah.

MG Okay, there was ... there was some occasions where there were... on one occasion there was twenty seven EFTPOS transactions made in one day at your venue.

9(2)(a) Yes, yeah.

MG Yes.

9(2)(a) I was made aware of that, yes.

MG Made aware of it, yeah. Is that something that you would expect your staff to pick up on?

9(2)(a) Um, as a ... as an individual member of staff, yeah.

MG Yeah.

9(2)(a) I ... I would, I would.

MG Yeah.

9(2)(a) Um, um it's yeah I would.

MG Yeah, so with your Harm Minimisation training, 9(2)(a) has provided some of the documentation and your training records that for your venue. [09.06 – 09.15 pause] For the recording I'm showing you a 9(2)(a) register of persons who have completed Harm Minimisation training.



**Te Tari Taiwhenua
Internal Affairs**

I've called it document 0011. Can you just have a look at that? Is that document familiar to you?

9(2)(a)

Yes.

MG

Okay, and is that a document that you keep at your venue?

9(2)(a)

Yes.

MG

And those names there, are they all your staff who have trained?

9(2)(a)

At that time period yes, yes.

MG

Okay, thanks for that. So let's talk about the Harm Minimisation training that you received since taking over the venue. I understand initially you had a 9(2)(a) rep by the name of 9(2)(a)

9(2)(a)

Yes.

MG

Tell me about the Harm Minimisation training that you've received.

9(2)(a)

There's um ... there's a ... a video that we've ah been taken through.

MG

Yeah.

9(2)(a)

Um which shows ah off memory scenarios of ... of what to look for and ... and ... and how to act and interact. There's ah um the booklet that ah is put out by, I believe, you guys, is that correct?

9(2)(a)

HPA, yeah.

9(2)(a)

Yeah, that's it, yeah, that's right.

9(2)(a)

Yeah, sorry, yeah, yeah, yeah, ah which we keep at the till.



**Te Tari Taiwhenua
Internal Affairs**

MG

Yeah.

9(2)(a)

We have a gaming um ah help card we've blown up to A3 and put on the back of our fridge door in the office, so it's always the sort of cues or what to look are always in our minds.

MG

Yeah.

9(2)(a)

Um yeah.

MG

Okay.

9(2)(a)

So just on that, the training, the video he's talking about is the HPA powerpoint presentation videos.

9(2)(a)

Yes.

MG

Yeah.

9(2)(a)

Yeah.

MG

9(2)(a) also kindly provided that to me.

9(2)(a)

Yes, that's it.

MG

This is it... I'm showing you a copy of that. Does that look familiar to you?

9(2)(a)

Yes.

MG

Yeah.

9(2)(a)

Perhaps not in that format, because I've ... yeah.

9(2)(a)

Yeah, yeah.

MG

Yeah.

9(2)(a)

I've shrunk it.



**Te Tari Taiwhenua
Internal Affairs**

- 9(2)(a) Yeah it looks familiar yes.
- MG Alright, but it is, it's the choice not chance training you've had?
- 9(2)(a) Yeah, yes.,
- MG Alright.
- 9(2)(a) Also what I sent you obviously is only an extract because it's quite ... it's ...
- MG Yeah, it's on the website there aye, with all the resources.
- 9(2)(a) You'll be very familiar with it, yeah.
- MG Yeah, that's fine. Okay, so having done the training 9(2)(a) what's your understanding about ... tell me about the general signs of problem gambling that you should be aware of.
- 9(2)(a) It's the patterns of behaviour of ... of ah of people.
- MG Yeah.
- 9(2)(a) Um very similar to the way you ... you assess drinking in a venue, a nightclub or a bar.
- MG Yeah.
- 9(2)(a) Um normal patterns of behaviour, how they've come in, there's cues, they may talk to you about, about their day, we're always interacting with our customers, um so it might be hello how you going.
- MG Yeah.
- 9(2)(a) They might say bad day, you enquire more, um you might see someone um shouting at a machine, banging a machine.



**Te Tari Taiwhenua
Internal Affairs**

MG Yeah.

9(2)(a)

you're ... you're seeing their ... their mood and demeanour change and ... and those are cues for us to um to ah interact more and then make an assessment.

MG Yeah, where does multiple EFTPOS transactions, where does that fit into Harm Minimisation?

9(2)(a)

I don't believe it did, in the ... in the booklet that we've been provided, it's ... it's not really there, um it does say about um trying to withdraw two or more times, ah that kind of to me was meaning trying to withdraw, meaning trying to, not successful.

MG Yeah.

9(2)(a)

Um, um, um when you're looking at patterns of behaviour, if ... if someone's not showing those and you're still interacting with them, then they're obviously comfortable with what their doing, was ...

MG Is that your recollection from the training you've had?

9(2)(a)

Um, I ...

MG The reason why I ask is just that ...

9(2)(a)

Yeah, yeah.

MG That view seems inconsistent with the resources and the training material for the choice not chance ...

9(2)(a)

Well we ... you're ... if someone ... if someone is um gambling heavily.

MG Yeah.



**Te Tari Taiwhenua
Internal Affairs**

9(2)(a)

Ah we ... we engage with them, ah.

MG

Yeah.

9(2)(a)

And we make sure it is a choice they're making, and not them taking a chance.

MG

Yeah.

9(2)(a)

So I ... I believe it is, um ... if um if someone there is gambling ah gambling what ... ah the amount to me wasn't the issue his demeanour was and he was always happy, always cheerful, we engaged with him.

MG

There's ... there's some specific slides in the training and it says you know, how do you ... how do you identify a problem gambler, it's not just demeanour.

9(2)(a)

Oh there's lots of them yeah.

MG

And there's ... there's videos in there that I'm sure you've been through with 9(2)(a)

9(2)(a)

Yeah.

MG

It's quite a comprehensive training package in there. Some video in there specifically about multiple EFTPOS transactions, so you're telling me that that wasn't a trigger to you, that that's not a concern for you or didn't register as a general sign?

9(2)(a)

No, in the ... in the ... in the ... in the training, it's a ... it's a general sign.

MG

Yeah.

9(2)(a)

And you need three or more to upgrade it to a strong sign.



**Te Tari Taiwhenua
Internal Affairs**

MG

Yeah.

9(2)(a)

Um when you're seeing one ... one sign or so you're ... you're engaging with them, you're ...

MG

Yeah.

9(2)(a)

You're ... you're talking with them, you're interacting with them.

MG

Okay. So just to be clear, in the training that you've had, prior to 9(2)(a) coming on board from say last year, to the end of ... end of last year, um you ... you haven't been trained to identify multiple EFTPOS transactions as ... as a concern or as a sign, a general sign that you should be aware of?

9(2)(a)

Oh it's hard to remember a year and a half ago or a year ago, I'm sorry. Um, um, yeah I understand what you're saying, yeah.

MG

Yeah, I mean this is ... are you familiar with this document? This is the 9(2)(a) Gambling Harm Minimisation policy.

9(2)(a)

Yes we have that, we've ah ... we've been through that ah that's in our um we call it our big red folder, yes.

MG

Yeah, okay, I just might draw your attention to a particular page here and it's ... it's authored by 9(2)(a) and it does exclusively talk about that issue. Oh [15.35 – 15.42 pause] it's on page seven, I'll give it to you in a second, there's a statement that says: "Venue staff recognise when a gambler displays any of the general or strong signs of harmful gambling, staff can distinguish between general and strong signs. Staff understand that while one general sign on its own may not mean someone's gambling is causing them



**Te Tari Taiwhenua
Internal Affairs**

harm. These behaviours are good indicators of gambling harm. Staff understand that if a gambler is displaying any strong signs, these behaviours are very likely to indicate gambling harm.” And then the policy says that, “we will meet this through”, and the first point says: “staff can identify the general signs of problem gambling, gambles for hours without a break, ... wants to continue at closing time, becomes rude, angry or aggressive to staff or patrons. Makes two or more EFTPOS withdrawals or leaves venue to get more money. Shows signs of frustration or distress while playing.” It’s just that first point there.

9(2)(a)

[16.40 – 16.50 pause]. Yes, yeah.

MG

Yeah, so did you ... I mean what’s your view on that because this is pretty clear to me that if someone is ... you know twenty seven is a pretty extreme example.

9(2)(a)

Yes, totally agree.

MG

And you know that’s the highest but there’s many transactions that were more than ten, there’s a twenty times in one night transaction, twenty two times, in total I think we’re roughly from about April last year to the end of last year, he spent about sixty three thousand dollars at your venue.

9(2)(a)

Yes.

MG

I’ve filtered some of the info from his bank statements there, for the recording I’m showing a spreadsheet of EFTPOS transactions at 9(2)(a) . Those are all EFTPOS transactions. None of them are ATM. [17.58 – 18.15 pause] Looking at that, how do you think that



**Te Tari Taiwhenua
Internal Affairs**

reconciles with your Harm Minimisation training and obligations?

9(2)(a)

That's a high number.

MG

Yeah.

9(2)(a)

I fully agree with that.

MG

Yeah.

9(2)(a)

Um every time, well with all our customers, not just Morgan, all of our customers.

MG

Yeah.

9(2)(a)

We interact with them, we engage with them. I'm not just talking about a um a general walk around the room, how we going, we actually come round and talk to him face to face.

MG

Yeah.

9(2)(a)

Um, um that was ... that's one sign there, he showed no other signs, no other signs. Um, he would stop for a chat at the bar, he would have dinner um he would stop and talk to staff who was having a dinner break.

MG

Yeah.

9(2)(a)

Not just for a five second, how are you going.

MG

Yeah.

9(2)(a)

You know, ten, twenty, thirty minutes, you know. He showed no other signs of a problem gambler.

MG

Yeah.

9(2)(a)

Ah we would engage with him, talk to him.



**Te Tari Taiwhenua
Internal Affairs**

MG Did any of your other staff have any concerns about Mr Barrett or about his gambling?

9(2)(a) No.

MG No?

9(2)(a) No.

MG You're saying to me that you ... yourself, you weren't aware of the frequency of his EFTPOS transactions?

9(2)(a) No, I wasn't, no.

MG No. Were there any other staff, any of the other employees were they aware of the volume of EFTPOS transactions that were occurring?

9(2)(a) I think as a group, no.

MG No.

9(2)(a) No.

MG Alright ...so why, why? I mean you said you engaged with him, there's mention in the notes from Sonya, from your previous discussion, that he was known as one of your biggest spenders or...?

9(2)(a) He ... known ... known as ... as one of our biggest customers, yeah.

MG Yeah.

9(2)(a) As in time in the venue, yeah, yeah, um ...

MG And at one stage, I understand um from the notes of your meeting with Sonya, you did provide him with an HPA pamphlet?



**Te Tari Taiwhenua
Internal Affairs**

9(2)(a)

Yes. I think ... I think most of our customers who have been in our venue and ... and for a long period of time, as in months, weeks, type thing, we've all been spoken to about Harm Minimisation ah pamphlets and putting up posters, those sorts of things yeah.

MG

What who gave out the pamphlet?

9(2)(a)

I ... I don't ... don't recall, sorry.

MG

How did it come to your attention, how were you made aware that the pamphlet had been given out?

9(2)(a)

We ... we have staff briefs um every day.

MG

Yeah.

9(2)(a)

Ah we talk about um everything in the business, um, how the food's going, customers, um opening/closing times, everything.

MG

Yeah.

9(2)(a)

Including gambling, it's a part of the business.

MG

The incident book, you've got a log book?

9(2)(a)

Yes.

MG

At what point would you enter someone's name in there?
What do you use that book for?

9(2)(a)

Ah, we enter ... we've gone through a bit of a review of what we do, how we do it.

MG

Yeah.



**Te Tari Taiwhenua
Internal Affairs**

9(2)(a)

Um we would enter things in there that were of a concern.
Um we have two log books, one's a gaming book, one's our
um in-house book for um alcohol ... alcohol related matters.

MG

So you were saying that you have staff briefs where you talk
about ... so have you discussed Mr Barrett at your staff briefs
last year?

9(2)(a)

He's been ... he would have been mentioned yes, yes.

MG

Yeah.

9(2)(a)

Um ... um and it would have been mentioned about how ...
how ... all customers ... how ... how is he.

MG

Yeah.

9(2)(a)

Is he happy, content, how's he ... how's he ... how's he
managing, you know.

MG

Okay.

9(2)(a)

Is he ... is he showing signs of ... yeah.

MG

So at those briefs, the short story is that no one said or
expressed any concerns about his gambling?

9(2)(a)

No.

MG

None of your staff?

9(2)(a)

No.

MG

[22.17 – 22.22 pause] And because you didn't consider him
a problem gambler, he wasn't noted in the book?

9(2)(a)

Correct, yeah.



**Te Tari Taiwhenua
Internal Affairs**

MG [22.32 – 22.37 pause] And you're saying that no one, to your knowledge was aware of the volume of transactions that were occurring?

9(2)(a) No.

MG Yeah. Would you expect your staff to be aware of that? Because I mean this is some pretty serious activity, you know and sure he's going up to the bar there's a hundred and eight dollars and fifty cents, probably buying a Heineken and ...

9(2)(a) Yeah.

MG With getting a hundred dollars cash out. Does that surprise you, that none of your staff made you aware of this?

9(2)(a) Yes, those numbers did surprise me when I saw them yeah, yeah.

MG Yeah, but would you have an expectation that your staff would have made you aware of that volume of transactions?

9(2)(a) I have an expectation that if my staff are concerned about any customer for any reason that I'd know about it, yes.

MG Yeah, but none of them made you aware of Mr Barrett's spending.

9(2)(a) No, no.

MG Just to clarify, because it looks, on the face of it anyway that you failed to follow the policy on EFTPOS withdrawals and that sort thing in terms of identifying it.

9(2)(a) I don't totally agree with that.

MG You don't agree with it?



**Te Tari Taiwhenua
Internal Affairs**

9(2)(a)

I don't totally agree with it, no.

MG

Okay, what part don't you agree with?

9(2)(a)

Um, in there, can you show me the policy part that you're referring to please?

MG

That's all part of the ...

9(2)(a)

Yeah, yeah, so that's one sign.

MG

Yeah.

9(2)(a)

We've got to review many signs.

MG

Yeah.

9(2)(a)

Um, we've reviewed many signs and we've ... yeah.

MG

I guess the concern is that that concentration of one sign should, I would have a reasonable expectation that that would trigger some kind of notation in your log book or should trigger a minute ... a bullet point in your briefings by a staff member. What's your view on that?

9(2)(a)

I don't have a view on that sorry.

MG

Yourself, your other staff members did they know Mr Barrett personally?

9(2)(a)

No one ... oh that's a fine line to walk.

MG

Yeah.

9(2)(a)

Um we know all our ... it's our ... in the industry it is a very ... so a business/personal, we're all invested in our customers, um in the bar we're obviously ah, ah ... we engage with them, we know things about them.



**Te Tari Taiwhenua
Internal Affairs**

MG Yeah.

9(2)(a) We ... we ... we know where they work, we know what their work plans are, we know about their families, ah um we know intimate details about them, that's ... that's part of doing our job.

MG In the notes from Sonya, you mentioned that you discussed Mr Morgan Barrett with 9(2)(a) the previous rep?

9(2)(a) Yes.

MG Okay, tell me about those discussions you had with 9(2)

9(2)(a) Um hard to fully remember that far back, but his name would have been brought up as a ... as um a ... a customer, um who is there more than most, um and yeah, that's ... he was spoken about.

MG Yeah so you're saying you brought it to 9(2) attention because he was a customer who was there more than most?

9(2)(a) Yes.

MG Yeah. What did 9(2)(a) advise you about that, or was there anything further after that advisement?

9(2)(a) Um, not ... not that I'm aware of, I think ah it was mainly about just ah ... just monitoring him um and if we do see signs, then act on them.

MG Yeah.

9(2)(a) Hard to remember you know a year ago, or nine months ago or [26.24 indistinct].

MG Yeah, but you recall telling 9(2)(a) about him?



**Te Tari Taiwhenua
Internal Affairs**

9(2)(a)

Yeah, yeah.

MG

Um but you told her from a point of view of him being a good customer...

9(2)(a)

We ... we talk to all of our reps, whether it be the 9(2)(a) .

MG

Yeah.

9(2)(a)

Whether it be beverage reps, about all ... all aspects of our business, um, um and because he's one of our bigger customers.

MG

Yeah.

9(2)(a)

In the bar, not just on gambling but beer, time, we interact with him whatnot.

MG

Yeah.

9(2)(a)

Ah we talk about it.

MG

Okay, 9(2)(a) have provided me with the rep notes and they record all the visits that have occurred and the notes that are associated with those visits, such as you know the purpose of the visit and if there's anything to do with issues with customers and other compliance related issues. But I don't see any mention of Morgan Barrett on these notes. Do you recall when ... you're saying you can't remember that far back?

9(2)(a)

I wouldn't have a clue, sorry.

MG

Okay. How many times do you think you spoke with 9(2)(a) about Morgan?

9(2)(a)

I recollect at least once but it could be more.



- MG Once.
- 9(2)(a) Um ...
- MG [27.44 -27.50 pause] And you're saying he was ... would he be the biggest customer you've had or are there other people as well that ...?
- 9(2)(a) Are you ... you meaning money or time?
- MG Money and time, both.
- 9(2)(a) Um hard to give a straight answer to that.
- MG Yeah.
- 9(2)(a) Um I would say yes, um ...
- MG Yeah.
- 9(2)(a) But it's ... it's ...
- MG Yeah.
- 9(2)(a) Not an easy one to give you a straight answer, but I'd say yes.
- MG Yeah. Have you had a consistent, I mean you've got a staff list of people who are trained here, have you had much staff turnover and that sort of thing?
- 9(2)(a) Um of our senior staff, yeah a couple, um we've had um on those ... on that form that you showed me.
- MG Yeah.
- 9(2)(a) Ah a couple of staff that have left since ... ah since then.
- MG Okay. [28.30 – 28.47 pause] So you spoke to me about some of the things um that you do well at the venue in terms



Te Tari Taiwhenua Internal Affairs

of monitoring problem gambling. You engage with your customers, you're quite personal, you're saying all your staff do that. Um you check on their wellbeing, see how they are. What other systems or processes do you have in place to monitor that Harm Minimisation in the gaming room and what sorts of things, checks do you do?

9(2)(a)

We're in there every ah fifteen minutes. Um we're doing ...

MG

Yeah.

9(2)(a)

... I think it's called sweeps of the venues, what's the ... the lingo is, so we're in ... we're in there and it's not just the gaming room, it's the whole venue, but the gaming room, we're walking in there, we're straightening up chairs, collecting glasses, we're talking to our people, um we're not just saying words to them, we're actually hearing a response back and there's dialogue to ... both ways.

MG

Yeah.

9(2)(a)

We're asking about their days, um we want to make sure that um when we go in there, our ... our people are stopping what they're doing, looking at us and talking to us.

MG

Yeah.

9(2)(a)

Um you know it's a ... we're a people business.

MG

Right. I haven't been to your venue before, but you're staff have a line of sight to the gaming room and yeah?

9(2)(a)

Yes, absolutely.

MG

And do you have CCTV?

9(2)(a)

Yes we do.



**Te Tari Taiwhenua
Internal Affairs**

MG Yeah, how often is that monitored? Is that in a place where you can or staff can see it or..?

9(2)(a) Yes, oh yes in the office, yes.

MG But you conduct fifteen minute sweeps?

9(2)(a) Yes.

MG Do you record any of these processes anywhere else, other ... like are these normal ordinary sort of checks that you do?

9(2)(a) These are normal everyday checks.

MG Yeah.

9(2)(a) From um it's just what we do.

MG Yeah.

9(2)(a) It's what ... it's what we all do. Um ah there has been ah ... yeah, it's what we do.

MG But do you have a process at your venue where you mark off if someone's done a sweep or ...

9(2)(a) No we don't.

MG Nothing like that?

9(2)(a) No.

MG Or ... okay. Um ...

9(2)(a) Just ... just on that, on the smart operating system that they have in the venue, it has a message that comes up their ... at every fifteen minutes that they must do a sweep.

MG Okay.



**Te Tari Taiwhenua
Internal Affairs**

9(2)(a)

And that ... that doesn't disappear until they've actually done a sweep and pushed the button as well.

MG

Oh I see, I see.

9(2)(a)

Yeah.

MG

Alright, so you have to reset that?

9(2)(a)

Yeah.

9(2)(a)

That's right.

MG

Yeah. How often ... how long has that process been in place?

9(2)(a)

Um, two months, a month?

9(2)(a)

No, it would have been only ... it would be about three months.

MG

Three months, alright, so Mr Barrett's activity was prior. But alright. [31.21 – 31.34 pause]. So just to clarify the incident book, the log book for gaming, what do you actually use that for again?

9(2)(a)

To log incidents.

MG

Incidents, yeah, what would be the threshold for an incident in your ... your understanding?

9(2)(a)

Um, well a couple of examples, we had a ... a lady who was um ... um gambling, um her ... she must have been in her forties. Her and her mother were in there. Ah we were made aware they weren't comfortable. Ah we monitored them, we saw them on the phone, ah making comments and being upset.



**Te Tari Taiwhenua
Internal Affairs**

MG Yeah.

9(2)(a)

And we engaged with them, we spoke with them, um gave them help cards, suggested taking a break.

MG Yeah.

9(2)(a)

That made the log book. I ah excluded a lady um a couple of months ago um, ah for her behaviour. Um sat her down, gave her a coffee, we spoke about you know how things are going, what not, suggested a break.

MG Yeah, yeah.

9(2)(a)

And um I ... I recommended that she ah look at the options of a ... you know a ... a period of time um and she chose herself to I think it was a two year break, I think it was, um so that's ... that's cool. Um we supported them through ah through that, um ... um the log book, um ... a gentleman came in a few months ago and ... and um made a comment for having a bad day um as in the process of getting money out, oh it's been a shit day what not and we've um engaged with why um and we made sure it was his last cash out. Those ... those sort of things, um yeah.

MG Okay, and do you have a process when you give out a HPA wallet pamphlet, do you record that anywhere?

9(2)(a)

Um in the past no, ah we are now.

MG Right, and how many of those pamphlets would have given out last year, a guess?

9(2)(a)

Um last year, ah six to twelve.

MG Six to twelve.

9(2)(a)

Bit of ... bit of a guess there, yeah.



**Te Tari Taiwhenua
Internal Affairs**

MG Yeah, and was there any ... once you give a pamphlet out, is there any ongoing monitoring or after care involved?

9(2)(a) If a pamphlet's been given out we've ... we've spoke about that in our ... um in our staff brief, we've given a pamphlet to whatever person what not.

MG Yeah.

9(2)(a) Ah so we're all ... we're all aware of what's happened.

MG Yeah.

9(2)(a) Um and we are, as a team, monitor them and if it needs to be escalated, we escalate it.

MG Yeah, so in the case of Morgan, a pamphlet was given to him, the after care and monitoring after that was done ... like how did you do that, was that just interacting with him and ...

9(2)(a) Interacting with him, asking how he's going, spend the time with him.

MG Yeah.

9(2)(a) Um, he was taking breaks from gambling, you know, so ... so we didn't believe it was a problem.

MG Okay. So correct me if I'm wrong but your ... in your view or how you have previously operated in the last year say, was that you were focused on demeanour of a customer?

9(2)(a) That's very simplistic but ...

MG Yeah.



**Te Tari Taiwhenua
Internal Affairs**

9(2)(a)

But we ... we would ... we would look at them, we would judge them, we would judge their attitude, how they talk to us.

MG

Yeah.

9(2)(a)

Those questions, what not, it's...

MG

Yeah.

9(2)(a)

It's not just one thing, it's a variety of things, yeah.

MG

Yeah.

9(2)(a)

Um it's a quite a complex thing to go through when you've never met someone before.

MG

Yeah.

9(2)(a)

To judge, you know make snap judgements, what not.

MG

Yeah, so if they weren't aggressive or if they were...

9(2)(a)

Rude.

MG

Showing ... obviously showing signs of distress ...

9(2)(a)

Yeah, rude, disrespectful um.

MG

Yeah.

9(2)(a)

Upset, taking phone calls, um making excuses.

MG

Yeah.

9(2)(a)

Um, um, um, how they deal with other ... other patrons and ... and I guess the venue.

MG

Okay.



**Te Tari Taiwhenua
Internal Affairs**

9(2)(a)

There's many things involved in it yeah.

MG

Yeah, but EFTPOS transactions over the bar, that was something that you didn't monitor?

9(2)(a)

No.

MG

Or didn't consider to be a ...

9(2)(a)

No, it wasn't no.

MG

... an issue. Okay, and finally, you didn't consider high volume of EFTPOS transactions to be an issue because ...?

9(2)(a)

Well we weren't ... well I wasn't aware of the extent of them.

MG

Okay, and would it be fair to say that you and your staff weren't aware of the extent of that?

9(2)(a)

Yeah I think that's fair to say, yeah.

MG

Do you have anything you'd like say or ... or add?

9(2)(a)

Yeah, I'd like just to ... just to ... Morgan was more than just a customer, everyone knew him, you know, we were organising ah his work function with us, he'd eat with us, we'd spend time with him um, um he was happy around the venue, around us, he was interacting with our other patrons as well.

MG

Yeah.

9(2)(a)

Um we take our responsibility seriously. With how we run our venue. Um as I said, we're a people ah business, yeah, people's welfare is ... is important, um, um, and we believe we've ... we've acted appropriately. Um ...



**Te Tari Taiwhenua
Internal Affairs**

MG Alright, on reflection, do you think there was more you could have done?

9(2)(a)

Hindsight is wonderful. Um, it really is. Um we've ... we've adjusted some of our um in-house rules with how we handle ... handle things, um, um and made some adjustments because of this. Um but um that's a normal daily occurrence, every single day we are ... we are looking at what we could do better, and making different calls on ... on that, so ...

MG

Tell me about some of the things you've adjusted?

9(2)(a)

Um we've taken um, um, um we now have an in-house rule of three transactions per day.

MG

Three what?

9(2)(a)

Transactions per day, sorry, getting a bit of a dry mouth here, lot of talking. Three transactions per day. Um we're more engaged in that process, we're more ... we've ... we've got staff away from doing cash outs on other tills, so anyone wanting cash out is all going through one till um and therefore it's been isolated to less staff, so less staff involved in handing money out, more communication with that. Um we're recording more things, ah more incidents, we're recording them. Ah there's been more training given.

MG

Tell me what kind of incidents that you're recording now?

9(2)(a)

Oh anyone that has a card or a help card is ... is ... is recorded, um anyone that is ah ... is ah suspected of any kind of issue, no matter how small, that is ... is recorded. Even if it goes no further.

MG

Yeah.

9(2)(a)

It's ... it's recorded, um ...



**Te Tari Taiwhenua
Internal Affairs**

MG Yeah, and where are you recording this specifically?

9(2)(a) Um in the ... in the log books.

MG Log book okay.

9(2)(a) Yeah, in the log book, there's been a new log book come offline, it's great, so it's ... it's more ... it's easier, yes.

MG Alright, and this is a practice that you've implemented now, how long have you had this in place?

9(2)(a) Ah well since we were made ... made aware at the meeting with Sonya and Charles ah pretty much.

MG Oh right.

9(2)(a) We um had a chat with um I called 9(2)(a) straight away, um had...

9(2)(a) Just on the log books, they're always had incident registers within the compliance folder and we've just redeveloped a different version of the log book.

9(2)(a) Correct.

9(2)(a) Which is something that sits behind ... underneath the smart operator till.

MG Oh yeah.

9(2)(a) So that's what he's saying about he ...

MG Yeah.

9(2)(a) It's always been there.

MG Yeah.

9(2)(a) Just we've implemented a slightly different system in doing it.



**Te Tari Taiwhenua
Internal Affairs**

9(2)(a)

Yeah, so ...

MG

Yeah, okay, I'll just double check, I think I've covered everything I need to. [39.18 – 39.41 pause] Alright, I think I might um stop the interview there, if you're happy and have nothing else to add?

9(2)(a)

No that's fine.

MG

Look I thank you for your time today, and I understand the circumstances of our meeting are quite sombre and it's quite difficult to be here in these circumstance when you're looking back after ah the passing of someone that you knew, Morgan Barrett, but I thank you for your time, and I'll stop the recorder there. The time now is 10:31 am.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

From: Morgan Barrett
To: [Marty Greentree](#)
Subject: re additive gambling of my husband Morgan Barrett
Date: Saturday, 25 August 2018 9:23:59 AM

Marty thankyou for your visit yesterday also for the lovely flowers it was very kind.Yesterday was very upsetting and distressing for me which had nothing to do with you personally it was a meeting that I needed to do I

9(2)(a)

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Morgan Barrett

From: Morgan Barrett
To: [Marty Greentree](#)
Subject: RE GAMBLING ADDITION OF MY LATE HUSBAND MORGAN BARRETT
Date: Monday, 27 August 2018 8:57:37 AM

Hello Marty sorry to bother you again I told my best friend about what I had written to you and she tells me I need to write again. I have written re the devastation re my husband's passing and the aftermath and what it has

9(2)(a)

Morgan Barrett

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Statement

9(2)(a) states:

1. That is my full name. I live in Kaiapoi, Christchurch. 9(2)(a) I am the widow of Morgan Barrett. He passed away suddenly on 26 January 2018 when he was 68 years old.
2. I am making this statement regarding my deceased husband's addiction to 'pokie machines' and the financial loss suffered as a result of this addiction. He was a problem gambler.

Source of funds and family finances

3. Following the first Christchurch Earthquake in 2010 our house was badly damaged. We received an insurance settlement as our house was unable to be repaired and had to be demolished.
4. The insurance settlement was in excess of \$450,000.
5. My husband and I had a joint bank account at ANZ Bank, however he had complete control and oversight of our finances.
6. My husband took responsibility for paying all the household bills, whenever we went grocery shopping he would pay. Whenever I needed cash he would offer to get cash out for me. My husband did not insist on being in control of the finances, this was simply the way we had always handled our finances. I trusted my husband.
7. I did not look for or see bank statements from our accounts, and I later found out my husband had these redirected to his work address. I did have my own EFTPOS card linked to our joint account but I did not have access to internet banking.

Housing

8. Following the earthquakes my husband and I lived in four different rental properties.
9. I wanted to buy a house with the insurance settlement money.
10. We went to a number of open homes, but my husband would always say there was something wrong with the property. Sometimes he would say the house next door was too close, or if the house next door was double storied, he would say the next-door neighbours would be looking on them.

11. I found a house I liked and wanted to buy, but at the time we were already committed to a 6-month fixed-term tenancy. I asked my husband to talk to our landlord, to see if we could pay the rent remaining, to leave the tenancy early. It would have been approximately \$6000 in rent. My husband said he didn't believe in paying the owner for nothing, but he agreed to speak to the landlord. My husband stated the landlord told him we could not get out of the rental contract early, even if we paid the remaining rent. I know now that he was making excuses as we did not have the money due to his problem gambling.

Mr Barrett's routine

12. My husband was employed by Godfrey's The Vacuuming and Cleaning Specialists.
13. My understanding was he worked part time, three days a week at Godfreys. In the morning I would make him sandwiches for him to take for his lunch, and he would return home in the evening around 6pm or 6.30pm.
14. At my husband's funeral I spoke to his manager Ivan who told me my husband had only been employed at Godfrey's for a couple of hours each day.
15. I did not know what he was doing for the rest of each working day until after his death when I became aware of the problem gambling.
16. My knowledge of his gambling was limited to when we would attend the 9(2)(a) 9(2)(a) once or twice a year for dinner.

Discovery of the financial loss and complaint to Department of Internal Affairs

17. After my husband's death, my two sons came to Christchurch to attend their father's funeral. During this time, I asked one of my sons to go and buy me a top-up card for my prepay mobile. I gave him my EFTPOS card. He returned saying there was no money on the card.
18. I went with my sons to my bank and discovered there was only \$46 left in our account. My eldest son Paul took all the bank statements provided by the bank, and later made a complaint to the Department of Internal Affairs. The bank statements showed many withdrawals over the course of years to gaming machine venues. This was devastating for me as I had no idea my husband was visiting these venues or spending our money.
19. I know where the 9(2)(a) is as it is next 9(2)(a) in 9(2)(a) I can confirm I have never accompanied my husband on his gambling binge sessions at 9(2)(a)
20. 9(2)(a)
21. After my husband's death my son Paul told me his father had asked him on multiple occasions for loans. Paul did not understand why we needed money as he knew we had received a large insurance settlement and had not used it to buy a new house yet. My husband told Paul the loan was needed to pay bills, as all of our money was tied up in Government Bonds. My husband specifically told my son not to mention this to me, as he did not want to worry me.

9(2)(a)

Initial

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signature 9(2)(a) Name: 9(2)(a)

Witnessed by: [Signature] Name: Gary Dorseath

Signature of witness

Date: 5 August 2020 Time: 0855

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Initial 9(2)(a)



Victim Impact Statement

9(2)(a) states:

1. That is my full name. 9(2)(a). I live in Kaiapoi, Christchurch. I am the widow of Morgan Barrett.
2. My husband Morgan and I were married 47 years. We have two sons, Paul and Matthew.
3. Following the Christchurch Earthquake in 2010 we received an insurance settlement in excess of \$450,000. This money was to be used to buy us a new house.
4. I am making this statement regarding the impact of my deceased husband's addiction to 'pokie machines'.

Death of my husband

5. My husband was found slumped over the steering wheel of his parked car by a passer by on 26 January 2018. He was 68 years old. His death was referred to the Coroner, and a Post Mortem was performed. It was confirmed my husband suffered a heart attack.

Discovery of the financial loss after the death of my husband

6. Shortly after my husband's death my son's and I went to the bank and discovered there was only \$46 left in our account.
7. It transpired that my husband was a problem gambler and had spent all of our money on pokie machines. He had spent \$72,000 in the space of 9 months at a single venue, 9(2)(a).
8. All of our insurance settlement money was gone. This wasn't just his money, was our money. He has left me with nothing.
9. 9(2)(a)
- 10.
- 11.

Coping since my husband's death

12. 9(2)(a)

13

14. 9(2)(a)

15.

16.

17.

18.

19.

20.

21.

Hope for deterrence

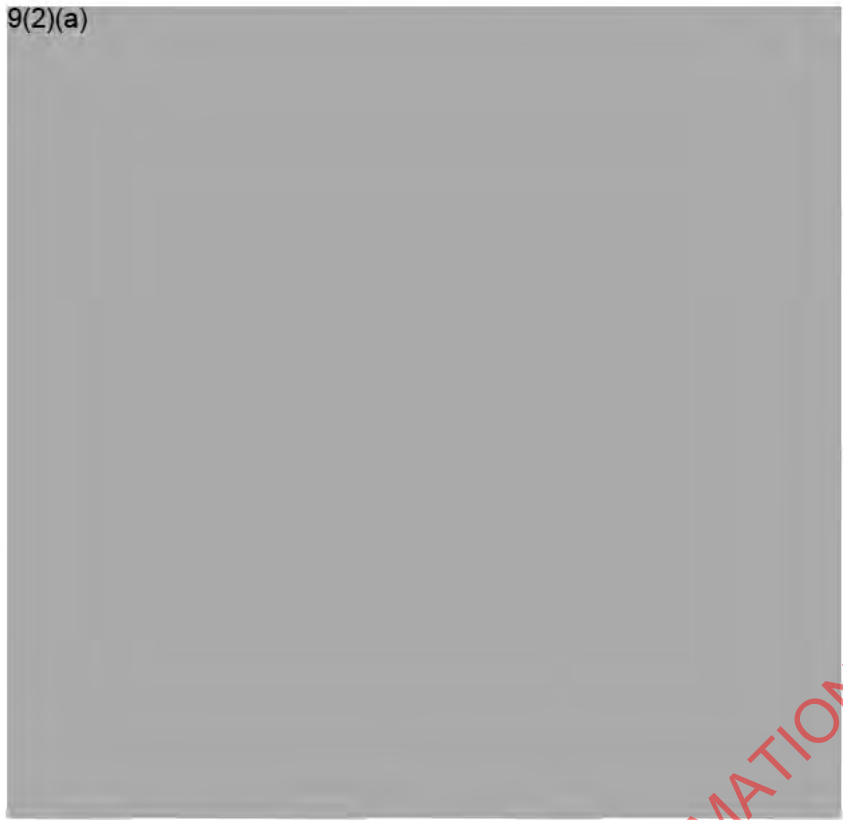
22. I hope these court proceedings highlight the importance of harm minimisation policy in pokie machine venues.

23. I hope taking this case stops even one family from going through the total devastation I have gone through.

24. Pokie machines are an awful scourge on society. I have lost everything because of my husband's problem gambling. 9(2)(a)

25. I wish the staff at the 9(2)(a) had considered whose money was being spent. I wish someone at 9(2)(a) would take responsibility for not doing their job properly. I hope staff at all venue's become aware that there are consequences if they do not do their job properly.

26. My life will never be the same because of pokie machines. I don't believe I will ever get over this trauma.



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9(2)(a) - Personal statement from Morgan Barrett's wife

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9(2)(a) - Personal statement from Morgan Barrett's wife

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

9(2)(a) - Personal statement from Morgan Barrett's wife

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Memo

To	Gambling Operations Advisory Board
From	Marty Greentree, Manager Investigations
Date	10 August 2020
Subject	DIA v 9(2)(a) prosecution, preparing for the outcome

Purpose

The purpose of this memo is to assist with discussions in advance of outcomes that may result from the prosecution of 9(2)(a).

Background

The attached summary of the facts refers.

A four-day Judge Alone trial has been set to commence Monday 7 September 2020 at the Christchurch District Court.

A pre-trial call-over has been set for Friday 14 August 2020 to finalise preparations.

The prosecution will be calling seven witnesses:

1. 9(2)(a), widow of Mr BARRETT
2. Charles WANG, former Gambling Inspector
3. 9(2)(a), former Account Manager, 9(2)(a)
4. Daniel DOMINEY, Gambling Regulator
5. 9(2)(a), 9(2)(a), Health Promotion Agency (expert witness)
6. Diana KIM, former Forensic Accountant
7. Marty GREENTREE O/C

The defence have advised they will be calling six witnesses:

- 9(2)(a), Associate Professor, University of Sydney (expert witness)
- 9(2)(a), Defendant
- 9(2)(a), General Manager, 9(2)(a)
- 3 x Staff members of 9(2)(a)

Discussion

Possible outcomes:

1. Defendant found guilty, conviction and fine (up to \$5000)
2. Defendant found guilty and;
 - Successful with a s 106 application and discharged without conviction (on the basis that the consequences outweigh the gravity of the offending)
 - Gains permanent name suppression (on the basis that publishing the name of the defendant would affect business and cause undue hardship)
3. Defendant found not guilty

Recommend draft media releases be prepared for possible prosecution results and wider messaging.

Realising the 'strategic value'

This prosecution has been identified as important due to its strategic value. With reference to the possible outcomes what is the most effective way of realising this value as a catalyst for behaviour, legislative or policy change?

- Deterrence
- Serious regulatory offending that is miscategorised as lowly offence and penalty
- Does the Regulator need to be more prescriptive around the content of venue harm minimisation policies that are used?

Civil actions

Pursuing the cancellation of venue licence. Gambling operations drafted venue licence cancellation letters for 9(2)(a) and four other venues which were submitted to legal but paused pending prosecution outcome.

Possible issues:

- Regardless of the success of the prosecution there is a strong case to be made that 9(2)(a) has rectified its past short comings and has now implemented the reasonable steps to identify actual or potential problem gambling. (they now have the systems in place to monitor EFTPOS withdrawals and length of play)
- When the prosecution concludes how can the secretary 'not be satisfied that the risk of problem gambling is minimised' and proceed with licence cancellation on basis of past non-compliance that is no longer continuing?

Other venues:

9(2)(a)

Mr Barrett visited 9(2)(a) 42 times from 1 April 2017 to 13 January 2018. During that time, he made 128 bank transactions at the venue totalling \$13,372.00. Mr Barrett transacted up to 15 times and spent over four hours at the venue.

9(2)(a)

Mr Barrett visited 9(2)(a) 6 times from 1 April 2017 to 13 January 2018. During that time, he made 33 bank transactions at the venue totalling \$4,216.40. Mr Barrett transacted up to 13 times (seven withdrawals from ATM and six as EFTPOS transaction) and spent over 6.5 hours at the venue.

9(2)(a)

Mr Barrett visited 9(2)(a) 19 times from 1 April 2017 to 13 January 2018. During that time, he made 51 bank transactions at the venue totalling \$4,558.00. Mr Barrett transacted up to 7 times and spent over 1.5 hours at the venue.

9(2)(a)

Mr Barrett visited 9(2)(a) 13 times from 1 April 2017 to 13 January 2018. During that time, he made 69 bank transactions at the venue in the sum of \$4,558.00. Mr Barrett transacted up to 14 times and spent over 4 hours at the venue.

Recommend this aspect is re-opened and returned to Christchurch Operations team to complete any outstanding actions (venue manager interviews) and to align timing of any sanctions (warning?) that might be applied with the conclusion of the prosecution.



CAPTION SHEET

Department of Internal Affairs v

9(2)(a)

Kaiapoi
OCC: Venue manager

Being a venue manager of the holder of a class 4 venue licence, failed to take all reasonable steps to ensure that the problem gambling policy was used to identify a potential or actual problem gambler, including Morgan Barrett.

Particulars:

The reasonable steps that 9(2)(a) should have taken were as follows:

1. Develop and implement an adequate system to ensure the number of EFTPOS transactions made by individuals gambling at the venue at which he was a venue manager could be recorded and monitored; and
2. Develop and implement an adequate system to ensure that the length of gambling sessions by individuals gambling at the venue at which he was a venue manager could be recorded and monitored.

Contrary to: Sections 308(4) and (6) of the Gambling Act 2003.

Penalty: A fine not exceeding \$5,000.

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SUMMARY OF FACTS

Offending summary

1. 9(2)(a) (the defendant) is the venue manager at 9(2)(a) in Kaiapoi. 9(2)(a) is operated by 9(2)(a) and the defendant is its sole director.
2. The victim, Mr Morgan Barrett, was a problem gambler. Upon his death on 26 January 2018, his family discovered that between 1 April 2017 and 26 January 2018 Mr Barrett spent approximately \$106,660 across 14 gambling venues in the Canterbury region.
3. Of this amount, Mr Barrett spent a significant majority at 9(2)(a) approximately \$72,439. In the course of spending that money Mr Barrett made approximately 702 EFTPOS withdrawals over 137 separate visits. On 14 days, Mr Barrett made between 10 to 17 EFTPOS withdrawals at 9(2)(a) which, on each occasion, totalled up to \$1,968. There are 5 occasions where Mr Barrett's visits to 9(2)(a) lasted for five to eight hours and on those occasions he gambled continuously.
4. Throughout the relevant period, none of 9(2)(a) staff raised any concerns about Mr Barrett.
5. In accordance with a contract between 9(2)(a) and the 9(2)(a), 9(2)(a) is permitted to operate up to nine "pokies" gambling slot machines (the venue agreement). The venue agreement was signed on 11 April 2016.
6. As the holder of a class 4 venue licence 9(2)(a) was required to develop a policy for identifying problem gamblers. The applicable policy was the 9(2)(a) Gambling Harm Minimisation Policy dated November 2013 (the Policy).
7. The legislative background is set out in **Annexure 2**.

The policy

8. The Policy prescribed the following, among others, as "obvious signs" of problem gambling behaviour that staff were required to recognise:

- *Multiple ATM transactions. Research suggests that players attribute multiple ATM/EFTPOS transactions as a main contributor to a catastrophic loss. Be aware of players approaching staff for several EFTPOS transactions in one playing session.*
 - *Length of Playing Session. Research suggests that playing sessions in excess of 5 to 6 hours would raise concerns, especially if linked to a number of similar sessions per week.*
9. If a gambler at 9(2)(a) was showing signs of problem gambling, the Policy required staff to approach that person and offer them information or advice about problem gambling. That information or advice must include a description of the “self-exclusion procedure”. The self-exclusion procedure involved prohibiting self-identified problem gamblers, who had sought exclusion, from entering the gambling area for a period of up to two years.
 10. As part of their harm minimisation procedures, 9(2)(a) was required to record in their incident book the details of what took place and the outcome for any problem gamblers identified in their venue. From January 2017 to 2018, 9(2)(a) incident book recorded a total of three incidents but this did not include any entries about Mr Barrett, as he was never identified as a problem gambler.
 11. Also, as a part of its harm minimisation procedures, the defendant was responsible for ensuring that 9(2)(a) conducted “a sweep of the Gaming Room at least every 15 minutes”, albeit the purpose of that being to identify underage persons.

Reasonable steps

12. The defendant failed to take all reasonable steps to ensure that the Policy was used to identify potential or actual problem gamblers.
13. The reasonable steps that the defendant could have taken, but did not take, were broadly to ensure that there were adequate systems in place to ensure appropriate monitoring of the number of EFTPOS transactions and the length of gambling sessions.

Failure to record and monitor the number of EFTPOS transactions

14. As stated in the Policy, multiple EFTPOS transactions were an obvious sign of problem gambling.
15. Because a 9(2)(a) staff member would always need to facilitate EFTPOS withdrawal transactions, there were multiple opportunities to observe obvious warning signs based on multiple EFTPOS transactions.
16. However, at the relevant time, the defendant did not have a system in place for recording the number of EFTPOS transactions made by individuals gambling at 9(2)(a). Rather, tracking the number of transactions made by each gambler relied on individual staff members' memory of withdrawals.
17. The scale of Mr Barrett's EFTPOS went undetected for this reason.
18. Accordingly a step the defendant could have taken was to develop and implement an adequate system to ensure the number of EFTPOS transactions made by individuals gambling at 9(2)(a) could be recorded and monitored, including:
 - a. holding regular staff meetings to discuss individuals showing signs of problem gambling;
 - b. monitoring the completion of logbooks by the venue manager at the close of each day;
 - c. recording in the logbook individuals making multiple EFTPOS transactions;
 - d. requiring all EFTPOS transactions to go through to go through one till, to assist staff to recognise multiple transactions;
 - e. having an in-house rule that limits individuals from making more than three EFTPOS transactions daily, making it easier to identify those demonstrating problem gambling behaviour.

Failure to record and monitor the length of gambling sessions by individuals

19. As stated in the Policy, playing sessions in excess of 5 to 6 hours would raise concerns, especially if linked to a number of similar sessions per week. Accordingly, a step the defendant could have taken was to develop and implement an adequate system to ensure that the length of gambling sessions by individuals gambling at 9(2)(a) could be recorded and monitored.
20. The defendant did not have in place an adequate system at 9(2)(a) for recording and monitoring the length of gambling sessions by individuals.
21. While 9(2)(a) staff undertook sweeps of the gambling area every 15 minutes, the purpose of those sweeps was to observe demeanour and interact with gamblers, rather than for recording gambling-session lengths.
22. The failure to put in place any system for tracking playing session lengths was a failure to take a reasonable step. Reasonable steps 9(2)(a) ought to have taken may have included:
 - a. holding regular staff meetings to discuss individuals showing signs of problem gambling;
 - b. monitoring the completion of logbooks by the venue manager at the close of each day;
 - c. regularly checking CCTV footage of the gaming area to record how long each individual has been gambling;
 - d. checking on individuals during 15-minute sweeps of the gaming area;
 - e. recording in the logbook individuals gambling for long periods of play.
23. On 7 days, Mr Barrett spent between five to eight hours at 9(2)(a) as set out in **Annexure 3.**

Defendant

24. When interviewed, the defendant said the venue had known Mr Barrett for approximately a year and a half. Mr Barrett would visit 9(2)(a) approximately three times a week and his visiting times always varied.
25. The defendant said he did not regard Mr Barrett as a problem gambler because he appeared to be a happy customer that was always socialising with staff.
26. When questioned, the defendant stated he and his staff at 9(2)(a) were unaware of the frequency of Mr Barrett's EFTPOS withdrawals, but they recognised him as one of their biggest customers. The defendant said an unidentified staff member handed Mr Barrett an information card about problem gambling. The defendant admitted that 9(2)(a) did not monitor EFTPOS transactions made over the bar.
27. The defendant is a 9(2)(a) .

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Annexure 1

Legislative background

28. The Gambling Act 2003 (**the Act**) regulates the gambling sector in New Zealand. Gambling that involves gaming machines (commonly referred to as pokies) is known as class 4 gambling. Class 4 gambling in pubs and clubs may only be conducted by a corporate society. A corporate society is a not-for profit society that is an incorporated society, a company or a charitable trust. The corporate societies own the gaming machines in the public venues, and collect gaming machine profits to distribute to the community for authorised purposes.
29. Section 308(1) of the Act requires corporate societies that hold a class 4 venue licence to develop a policy for identifying problem gamblers. Section 308(4) of the Act requires a venue manager to take all reasonable steps to ensure that the problem gambling policy is used to identify actual or potential problem gamblers within their venue.
30. Section 3 of the Act provides that a purpose of the Act is to prevent and minimise the harm caused by problem gambling and to ensure that actual or potential problem gamblers are identified by venues and offered help.
31. In the Department's Report on the Social Impact of Gambling 1995, problem gambling is described as an occasional or regular gambling to excess to the extent that it leads to problems in other areas of life, particularly with finances and inter-personal relationships. These problems can range from minor ones involving, for example, arguments with family over gambling expenditure, to problems involving a compulsive addiction to gambling resulting in major financial and inter-personal difficulties.

Annexure 2 — days of high numbers of EFTPOS withdrawals

Date of visit to ^{9(2)(a)}	Number of withdrawals	Value of transactions	Minimum¹ time spent at ^{9(2)(a)}
28 April 2017	12	\$951.00	4 hours and 53 minutes
13 July 2017	13	\$1,351.00	3 hours and 50 minutes
14 July 2017	10	\$994.00	2 hours and 43 minutes
11 August 2017	17	\$1,968.00	5 hours and 52 minutes
29 August 2017	12	\$1,276.00	5 hours and 2 minutes
11 September 2017	14	\$1,688.50	4 hours and 53 minutes
19 September 2017	14	\$1,959.00	4 hours and 19 minutes
23 September 2017	15	\$1,880.00	5 hours and 40 minutes
25 September 2017	10	\$1,376.90	3 hours and 3 minutes
21 October 2017	12	\$1,264.90	3 hours and 21minutes
23 October 2017	11	\$1,253.50	2hour and 37minutes
11 November 2017	11	\$1,144.50	4 hours and 13 minutes
29 November 2017	11	\$674.00	2 hours and 29 minutes
11 January 2018	11	\$550.00	3 hours and 19 minutes

¹ This ts the minimum time spent at ^{9(2)(a)} as this is simply the length of time between the first and last transaction by Mr Barret on a particular day.

Annexure 3 — days where playing sessions exceeded five hours

Date of visit to ^{9(2)(a)}	Number of withdrawals	Value of transactions	Minimum time spent at ^{9(2)(a)}
27 July 2017	7	\$633.00	5 hours and 21 minutes
11 August 2017	17	\$1,968.00	5 hours and 52 minutes
24 August 2017	8	\$935.00	8 hours 24 minutes
29 August 2017	12	\$1,276.00	5 hours and 2 minutes
23 September 2017	15	\$1,880.00	5 hours and 40 minutes

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Department of Internal Affairs

Formal Statement

Section 82 Criminal Procedure Act 2011

Charles QI WANG states:

1. That is my full name. I live in Christchurch.

BACKGROUND

2. I started working for the Department of Internal Affairs (the Department) in May 2015. I joined the Gambling Team as a Gambling Inspector. I changed roles in November 2018. I became an AML Regulator and I am currently still in that role.
3. As a Gambling Inspector my role involved Venue Inspections, Society audits and investigating other gambling related matters. Basically, ensure that people comply with their obligations and responsibilities under the Gambling Act.
4. When we do venue inspections we go to the venue and speak with the venue manager and other staff working at the venue if necessary.
5. When we go there, our focus is on how the venue minimises harm of problem gambling, specifically people who play the Pokie machines at the venue. Basically, to ensure the Gambling Act is being complied in terms of venue obligations and responsibility.
6. We ask various questions and see their harm minimisation Policy for that specific venue. And we also ask if they have issued any venue exclusion orders to those who they think are habitual or problem gamblers.
7. We are wanting to know how they deal with the problem gamblers and how they pick up the signs of anyone who exhibited being a problem gambler at the venue. And then anyone noticed with those signs what do the venue do with it.
8. Of course, we want to see the evidence of it and we test the staff's understanding of the signs of problem gambling and how to deal with it when they spot someone who maybe a problem gambler.
9. Normally we would ask staff what the signs or indicators of a person are having a gambling problem and ask for examples. Another thing is we want to see the venues Log Book or Incident book.
10. The reason for viewing the Log Book is to see if they record their observations or any incidents involving a person they identify as a problem gambler.
11. The Log Book or incident book is a very important tool in Harm Minimisation because we want venues to make a record of any person suspected of being a problem gambler to prevent harm.

Initials: *QI*

12. This is important because if the problem gambler turns up again and another staff member is on shift and have never seen this customer before, they can check the book to see if the venue have dealt with the person.
13. Good record keeping would assist staff in identifying someone who has previously been noticed by other staff as being at risk of having a problem gambler.

Discussion with 9(2)(a) at the 9(2)(a) Kaiapoi 8 March 2018

14. I am making this statement in relation to my interactions as a Gambling Inspector with the 9(2)(a) 9(2)(a) and its Venue Manager 9(2)(a)
15. I was assigned to speak with the above-mentioned venue at the start of an investigation after the Department received a complaint alleging that they did not carry out their obligations to identify and appropriately respond to a problem gambler.
16. Prior to this, I don't recall having any dealings with the 9(2)(a)
17. On the 8th of March 2018 at about 11am Senior Gambling Inspector Sonya KARATAU-NEESON and I went to the 9(2)(a) for a venue inspection and to speak with 9(2)(a)
18. We asked 9(2)(a) questions about Morgan BARRETT, who is alleged to be the problem gambler related to this investigation.
19. Sonya and I both spoke to 9(2)(a) and asked questions regarding Morgan and harm minimisation.

I refer to the notes of the conversation with 9(2)(a) and the venue inspection which I recorded in my notebook and then later on a Job Sheet (doc ref 00007)

20. From that conversation I discovered that while at the venue, Morgan would go outside for a smoke and then come back inside to carry on gambling.
21. Morgan didn't speak about his wife to staff at the venue and as far as 9(2)(a) could tell, she never accompanied Morgan to the venue.
22. We asked about the amount of times Morgan would visit the venue to gamble. 9(2)(a) estimated that Morgan would visit between 2-3 times a week and each visit would stay between 1-3 hours to gamble.
23. It was common for Morgan to make a couple of \$100 withdrawals per visit. He would also make food and drink purchases.
24. After arriving at the venue, Morgan would remain on site for the 1-3 hours rather than leaving and then returning on the same night.
25. It was approximately a year since Morgan was noticed as a regular gambler at the venue and it was observed that he would gamble more the other patrons.

26. We spoke about the HPA (Harm Prevention Agency) wallet. It is a wallet size pamphlet which is helpful to show the staff signs to look out for in regard to a problem gambler.
27. The discreet wallet sized leaflet is designed for gamblers that maybe experiencing harm. Venues are required to provide odds of winnings and signs of problem gambling.
28. Morgan's demeanour while at the venue was described as always happy, regardless of whether he won or lost. When Morgan won a prize, he didn't seem over the moon. His attitude didn't change, he was always a happy customer that engaged and socialized with other patrons and staff.
29. We spoke about the staff at the venue. There are 11 staff, 7 of which are trained in harm minimisation but only 4 of them deal with cancelled credits relating to the gambling machines.
30. We then discussed if the venue had a policy of EFTPOS withdrawals which we were told they didn't.
31. Sonya raised the point that the venues harm minimisation policy stated certain behaviours may provide an indication that someone has a gambling problem which includes the following:
32. *"Multiple ATM/EFTPOS withdrawals are a main contributor to catastrophic loss" and "to be aware of players approaching staff for several EFTPOS transactions in one playing session".*
33. When the complaint was received, the family of Morgan Barrett provided bank statements which indicated a high volume of EFTPOS transactions occurring at the 9(2)(a) [REDACTED]
34. I conducted the initial analysis of the EFTPOS transactions as represented on these bank statements and according to those found 27 withdrawals at the venue during one visit. 9(2)(a) was not aware of that figure or any figures beyond three and explained that there were never any withdrawal declines for Morgan.
35. I have since been made aware that the bank statements I was supplied represented the process date and further banking records have been obtained and analysis conducted by the Investigation team which confirm the actual EFTPOS transaction times and dates.
36. Sonya then asked if that amount of transactions between a 1-3-hour visit was excessive and raised any red flags to problem gambling. 9(2)(a) advised that the venue doesn't have a policy regarding withdrawals, and it is not on the HPA card as a sign of problem gambling relating to the amount of withdrawals.
37. Upon further discussion it was learnt that there was no Log Book or incident record of any talks between the venue and Morgan around the multiple EFTPOS transactions.

Refer Exhibit 9(2)(a) [REDACTED] incident nook records (doc ref 00031)

38. Sonya requested to view the venue Log Book or incident book. We were told there were no gambling related incidents in the book.

39. After viewing the Log Book it was discovered that there was no single log entry about Morgan. However, there were several unrelated entries.

40. We asked for copies of the Log book and it was provided at the time by 9(2)(a)

Produce Exhibit_9(2)(a) incident nook records (doc ref 00031)

41. 9(2)(a) informed us that Morgan never showed any signs of distress, anxiety or anger. He also informed us that they would judge a gambler the same way as an alcohol drinker.

42. If they saw a change in behaviour, they would step in. He further added it is hard to judge a person's personal circumstances. Morgan always seemed happy and his mood was always stable.

43. 9(2)(a) also informed us that ex 9(2)(a) used to call in at the venue every fortnight and amongst other things would discuss Morgan because they knew Morgan was a regular and big spender.

44. We were also made aware by 9(2)(a) that a patron informed him that Morgan would leave his cash in the hopper and get up to the counter to withdraw more cash.

45. The patron told 9(2)(a) he thought it was weird and speculated what was going on in Morgan's life.

46. Regarding Morgan's passing, 9(2)(a) was aware this occurred on a Friday night and that Morgan was at the venue gambling before.

47. Morgan gambled for about 1 and a half hours before leaving. 9(2)(a) noted how it was strange that he didn't say goodbye that night.

I confirm the truth and accuracy of this statement. I make the statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signature:



Name:

Charles Qi Wang

Witnessed by:



Signature of witness

Name:

Gary Donseath

Date:

10 / 8 / 2020

Time: 4:50 hrs

Formal Statement

Section 82 Criminal Procedure Act 2011

Daniel Raymond Dominey states:

1. That is my full name. I live in Wellington.
2. I am currently employed as a Gambling Regulator for the Department of Internal Affairs.

9(2)(a)



Legislation

3. The Gambling Act (**the Act**) regulates the gambling sector in New Zealand. Gambling that involves gaming machines (commonly referred to as pokies) is known as class 4 gambling. Class 4 gambling in pubs and clubs may only be conducted by a corporate society. A corporate society is a not-for profit society that is an incorporated society, a company or a charitable trust. The corporate societies own the gaming machines in the public venues and collect gaming machine profits to distribute to the community for authorised purposes.
4. Section 308(1) of the Act requires corporate societies that hold a class 4 venue licence to develop a policy for identifying problem gamblers. Section 308(4) of the Act requires a venue manager to take all reasonable steps to ensure that the problem gambling policy is used to identify actual or potential problem gamblers within their venue.
5. Section 3 of the Act provides that a purpose of the Act is to prevent and minimise the harm caused by problem gambling and to ensure that actual or potential problem gamblers are identified by venues and offered help.

Inspections of class 4 gambling venues

6. As a Gambling Regulator one of my core functions is to conduct compliance inspections and investigations of class 4 'pokie machine' venues and operators that are licensed and regulated under the Gambling Act 2003.



7. I have personally undertaken over 250 site visits to class 4 'pokie machine' venues throughout Christchurch and the South Island to assess levels of compliance and practice around the implementation of a harm minimisation policy to identify actual or potential problem gamblers.
8. The site visit typically involves an inspection of the physical bar and gaming area, conducting face to face interviews with venue managers and bar staff and the review and analysis of venue processes and documentation such as the harm minimisation policy and gambling incident or log book. These visits can take anywhere between 30 minutes to two hours.
9. Harm minimisation is a major component of the site visit and it is common practice to provide advice and feedback to staff and the venue on how to improve the venues harm minimisation policy and practices or, if a more serious issue is found, require the venue manager to correct the situation.

9(2)(a)

10. According to the Departments Integrated Gambling Platform (IGP) computer system, used to record gambling licence and compliance information, The 9(2)(a) 9(2)(a) is a class 4 gaming machine venue (GMV) number 9(2)(a) 9(2)(a) in Kaiapoi. There is no record to indicate there is an ATM located inside 9(2)(a)

Refer Exhibit__ Class 4 venue licence(s) number 9(2)(a) which is issued to 9(2)(a) (the corporate society).

11. 9(2)(a) (the defendant) is the venue manager at 9(2)(a) is operated by 9(2)(a) 9(2)(a)
12. 9(2)(a)
13. 9(2)(a)

Produce Exhibit__ Class 4 venue licence(s) number 9(2)(a) which is issued to 9(2)(a) (the corporate society).

Refer Exhibit__ Floor plan of 9(2)(a)

14. This is the floor plan filed in the IGP system showing location of the gaming area and its proximity to bar.

Produce Exhibit__ Floor plan of 9(2)(a)

Gaming Machine Profits

15. Every week (at 2 AM on Monday morning) the venue has its weekly Gaming Machine Profits (GMP) calculated by the EMS monitoring system which is linked to all machines. GMP are funds that remain after gamers have been paid out their winnings. As all gaming machines never return the full 100% of the money put into them (the pay-out range is between 78% and 92%) this amount reflects a percentage of the total play on the machine and the venue overall. GMP forms the basis of the funds that the gaming society will distribute to the community through various grants.
16. The venue has five working days to bank this amount to the gaming society who owns the machines at the venue. Banking GMP on time is an important and integral part of a venues Class 4 operations. Venues which do not bank on time will be subject to warnings and sanction by the Department if it continues.
17. All gaming machines in a venue (also known as EGMs) are hooked up to an electronic monitoring system (called EMS) which is, in turn, connected to the Departments systems which allow venue activity to be monitored and gaming/gambling information gathered.

Refer Exhibit__print out of 9(2)(a) GMP

18. I refer to the attached information sheet (Appendix A) which shows the amount of GMP generated at the 9(2)(a) for the years 2016 to 2020 showing the annual and monthly levels of GMP generated. For example, the venue generated 9(2)(a) in GMP the 2017 and 2019 calendar years respectively. Additionally, this info shows that in September 2017 the venue generated 9(2)(a) in GMP in September 2017.

Produce Exhibit__print out of 9(2)(a) GMP

19. Each venue receives Venue Commission Payments which are payments made, by the gaming society, to the venue in line with the Gambling (Venue payments) regulations 2016 for operating the gaming machines at the venue. Venue commission payments can be paid at the rate of 1.28% plus GST of the venues weekly turnover or at a 16% cap on the venues annual turnover. Turnover is the aggregate of all stakes on a gambling activity and differs from GMP.

Problem gambling

20. I have been asked to comment on how 9(2)(a) could have identified obvious signs of problem gambling.



21. I have worked on this case since the initial gambling regulator who started the case moved to a new role. I prepared the files for the investigation, did analysis on Mr Barrett's spending and movements as well as liaise with the family of Morgan Barrett.
22. In my opinion, based on my experience, below are the reasonable steps ^{9(2)(a)} could have implemented to record and monitor the obvious signs of problem gambling at the venue:
23. These steps are analogous with many common practices found in the hospitality industry (such as having a log for other activities in the bar, maintaining a high level of host responsibility regarding alcohol consumption and having appropriately trained staff).
24. I also wish to note that the steps I have outlined below are neither onerous or extreme in their implementation and undertaking as they are common to many, if not most, class 4 gaming venues I have visited as well as having been endorsed by the Department and by many gaming societies themselves.

Multiple EFTPOS transactions

- a. Having an in-house rule that limits individuals from making more than three EFTPOS transactions daily, making it easier to identify those demonstrating problem gambling behaviour;
- b. Recording in the venue's logbook individuals making multiple EFTPOS transactions;
- f. Monitoring the completion of log books by the venue manager at the close of each day or shift handover;
- c. Holding regular staff meetings to discuss harm minimisation that includes individuals showing signs of problem gambling (of which multiple EFTPOS withdrawals is one);
- d. Requiring all EFTPOS transactions to go through one till, to assist staff to recognise multiple transactions.

Length of play and amount spent during gambling session

- e. Having an in-house rule that limits the amount of money an individual is able to withdraw via EFTPOS per day, making it easier to identify those demonstrating problem gambling behaviour;
- g. Monitoring length of play by individuals in the gaming area, during 15-minute sweeps;
- h. Requiring staff to regularly check CCTV footage of the gambling area and the gaming machine management software (if available) to record how long and how much each individual has been gambling;
- i. Recording in the log book individuals gambling for long periods of play and/or the amounts spent above the limit established by the venue;

- j. Monitoring the completion of log books by the venue manager at the close of each day or shift handover;
- k. Holding regular staff meetings to discuss harm minimisation that includes individuals showing signs of problem gambling (of which length of play and amount spent are two).

Assessment of Mr Barrett's gaming behaviour

- 25. Based on my experience as a gambling regulator, which incorporates feedback from class 4 venue operators and staff on the known and expected behaviours of the gambling patrons, both the frequency of EFTPOS withdrawals and the amount usually spent by Mr Barrett in individual gaming sessions would have constituted obvious, significant, as well as concerning, indications of problem gambling.
- 26. The sums spent by Mr Barrett in the venue 9(2)(a) within the nine-month period of the bank records examined are far outside what would constitute responsible play behaviour for a class 4 venue as Mr Barrett visited the venue 93 times in a nine-month period and spent over \$72,000 in that time.
- 27. In several instances the sums spent by Mr Barrett in a single session (for example \$1968.00 via 17 withdrawals on 11/08/2017 and \$1880 via 15 withdrawals on 23/09/2017) are of such a magnitude and clearly indicative of serious problem gambling that it is both extraordinary and, in my experience as a gambling regulator, difficult to comprehend why the venue and its staff did not take immediate action to prevent him from gambling further.
- 28. Additionally, Mr Barrett would often visit the venue on concurrent days and repeatedly display these behaviours which would only highlight further his problem gambling.
- 29. Further when the level of spending and EFTPOS withdrawals across venues is viewed in total it is clear that 9(2)(a) was Mr Barrett's primary/regular gambling location for the period we examined and given its 9(2)(a) likely for much of the period when he was gambling.
- 30. Also, all class 4 gaming venues have the means to exclude any individual who shows signs of problem gambling from the venues gaming area (via the venue exclusion process) or the entire venue itself if warranted. This process does not require the permission of the problem gambler and is entirely at the venue managers discretion.
- 31. Therefore, it is difficult to comprehend how Mr Barrett's problem gambling behaviour did not prompt direct and immediate action from the venue manager and its staff to prevent him from gambling further as it is incredulous that such a volume of activity and the amounts associated could not be noticed, recorded or acted upon.



I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signature [Signature] Name: DANIEL DOMINEY.

Witnessed by: [Signature] Name: MARY GREENTREE.

Signature of witness

Date: 11 AUGUST 2020 Time: 1530 hrs

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Statutory Instruments

Document / Document

9(2)(a)

1. The following have 9(2)(a)

9(2)(a)

9(2)(a)

9(2)(a)

9(2)(a)

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- 9(2)(a)
- 9(2)(a)
- 9(2)(a)
- 9(2)(a)
- 9(2)(a)

7. I was the project manager responsible for leading the development of the Gamble Host resources. I led a cross government project team involving the DIA and Ministry of Health.

Refer Exhibit__ Gamble Host Pack resources

Development of the Gamble Host materials

8. The Gamble Host project was established to support venues with host responsibility. It had become clear, through both qualitative and quantitative research studies and feedback from the gambling industry in 2014/15, that venues found it very challenging to undertake gambling host responsibility duties. The Gamble Host resources were developed to help them meet their obligations under the Gambling Act. While Societies/venues are not specifically required to use the resources, it provides practical information to help them meet their responsibilities.
9. A key part of the early development process was the research component. Te Hiringa Hauora (then called Health Promotion Agency) commissioned qualitative research in 2015 with 28 gambling venue managers and 6 staff to determine what resources would be useful to support their efforts to meet DIA host responsibility requirements and with 28 gambling patrons to determine what messages they would find helpful in venues and how they would like staff to approach them.
10. We also undertook desk based research in 2015 to determine if there was any useful literature on host responsibility in gambling venues. Having reviewed both NZ and international literature we identified a significant body of research from Professor Paul Delfrabbro and colleagues in Australia. His research looked at what signs were most evident at a venue level in those experiencing gambling problems. We drew heavily on these indicators for the Gamble Host material. We also overlaid that with a range of Gambling Societies policies (17 in total including Lion Foundation) that were being used at the time, to determine a slightly more simplified set of indicators.
11. The other significant part of the development of the Gamble Host pack was a collaborative process involving a wide range of stakeholders over a number of years (2014-2017). The HPA, DIA and Ministry of Health were key players throughout the entire project. The stakeholders that were consulted throughout the process included all Gambling Societies, a number of gambling venue managers and staff, DIA Gambling Inspectors and Minimising Gambling Harm services. The consultation process involved input through regular sector forums as well as individual meetings and phone/email communications.

12. While stakeholders contributed to the development of all of the material that we developed, it was the Gambling Harm Reference Card with the key indicators to look for and how to respond that were key. The additional guidance contained within the pack was a combination of best practice initiatives that a number of venues were already implementing at the time and suggestions that were considered reasonable to implement at a venue level.

13. The first suite of Gamble Host resources was launched and disseminated to all Gambling Societies between November 2015 and January 2016. The Pack included:

Support for Staff

- How to use your Gamble Host Pack
- Gambling Host Responsibility Guide for Venue Staff
- Gambling Harm Reference Card
- Every Tips for Gambling Hosts
- Gambling Harm logbook template

Messages for Customers

- Harm minimisation wallet leaflet (+ wallet leaflet holders)
- Harm minimisation posters
- Legal signs and posters

14. The second suite of resources were produced in June 2017. A series of Phase 2 train the trainer workshops were held for societies, pubs and club staff in the middle of 2017. The materials rolled out through this training included the following:

- Trainer Resource Pack – including USB presentation, Facilitator Guide, Verbal Prompts cards and staff training certificates
- Harm Minimisation Policy template
- Tips for Venue Management & Action Plan template
- Gambling Host Commitment to Care poster

Produce Exhibit__ Gamble Host Pack resources

Indefiniteness of Gambling Losses

(3) [Redacted text regarding gambling losses]

15. [Redacted text regarding gambling losses]

17. [Redacted text regarding gambling losses]

[Redacted text regarding gambling losses]

- This is a written report prepared by the... 9(2)(a) ...
- This is a written report prepared by the... 9(2)(a) ...
- This is a written report prepared by the... 9(2)(a) ...

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

9(2)(a) ... 9(2)(a) ... 9(2)(a) ...

2) I ascertained the names of persons who were a significant part of the group which was the subject of the investigation. 9(2)(a) 9(2)(a) 9(2)(a) I ascertained the names of persons who were a significant part of the group which was the subject of the investigation. I ascertained the names of persons who were a significant part of the group which was the subject of the investigation.

3) The Bureau has not received any information which would indicate that any person has been involved in any way in the activities of the group which was the subject of the investigation. I ascertained the names of persons who were a significant part of the group which was the subject of the investigation. I ascertained the names of persons who were a significant part of the group which was the subject of the investigation.

- The date and time
- The name of the person who provided the information
- A description of the information
- The location where the information was obtained

4) With the exception of the information which was furnished to the Bureau by the person who provided the information, I ascertained the names of persons who were a significant part of the group which was the subject of the investigation. I ascertained the names of persons who were a significant part of the group which was the subject of the investigation.

5) Based on my knowledge of the activities of the group which was the subject of the investigation, I ascertained the names of persons who were a significant part of the group which was the subject of the investigation. I ascertained the names of persons who were a significant part of the group which was the subject of the investigation.

The Board has not received evidence that the petitioners have a firm, definite plan to start a business, and they will usually lose that effort if not for their petition. If they are successful in their petition, they will receive a grant of \$10,000 per month for 12 months, and they will receive a grant of \$10,000 per month for 12 months. The Board has not received evidence that the petitioners have a firm, definite plan to start a business, and they will usually lose that effort if not for their petition. If they are successful in their petition, they will receive a grant of \$10,000 per month for 12 months, and they will receive a grant of \$10,000 per month for 12 months.

9(2)(a) The Board has not received evidence that the petitioners have a firm, definite plan to start a business, and they will usually lose that effort if not for their petition. If they are successful in their petition, they will receive a grant of \$10,000 per month for 12 months, and they will receive a grant of \$10,000 per month for 12 months.

The Board has not received evidence that the petitioners have a firm, definite plan to start a business, and they will usually lose that effort if not for their petition. If they are successful in their petition, they will receive a grant of \$10,000 per month for 12 months, and they will receive a grant of \$10,000 per month for 12 months.

The Board has not received evidence that the petitioners have a firm, definite plan to start a business, and they will usually lose that effort if not for their petition. If they are successful in their petition, they will receive a grant of \$10,000 per month for 12 months, and they will receive a grant of \$10,000 per month for 12 months.

Signature: 9(2)(a) _____ Date: 9(2)(a) _____

Signature: _____ Date: _____

Signature: _____ Date: _____



Statement

Paul Thomas Barrett states:

1. That is my full name. I live in the Auckland Central Business District. I am a chef for a catering company. I am the eldest son of Morgan Barrett. He passed away suddenly from a heart attack on 26 January 2018 when he was 68 years old. My father was not receiving any treatment or taking any medication for any heart condition at the time of his death. I believe the stress from my father's gambling addiction contributed to his heart attack.
2. I am making this statement regarding the times my deceased father asked to borrow money from me shortly before his death. He was a problem gambler.

First phonecall my father asked to borrow money

3. My father called me in early January 2018 when I was working at the ASB Classic Tennis tournament. He asked me if he could borrow \$1,500. I told him I would help him, but I could not help him right then, as I was mid-way through a 14 hour shift. I made a bank transfer of \$1500 to my father a couple of days later.

Second phonecall my father asked to borrow money

4. My father called me to ask for money a second time in January 2018, on the week of his death. This time he asked me for \$1000. He said it was needed for rent and basic expenses. I didn't have the money available. I said to him, if he needed money please let me know in advance, so I could make arrangements to have money ready when he needed it.
5. I asked Dad where all his money was, as I knew he and my mother had received a large insurance settlement in excess of \$450,000 and it was to be used to purchase a new home when they found a suitable one. Dad told me all their money was tied up in bonds, and the money wouldn't be released for a couple of months.
6. Dad told me not to say anything about this phonecall to my mother, as all she would do is get upset.
7. I had no reason to doubt or question my father.

Conversation with my brother

8. After the second phonecall where my father asked to borrow money I spoke to my brother Matthew and told him I wanted to find time to fly down to Christchurch to visit our parents. I wanted to talk face to face to my father and find out what was happening with their finances. I didn't understand why they would need money if they had over \$450,000 sitting in the bank and my father also worked part time. It felt strange.

Initial 

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signature  Name: Paul Bennett

Witnessed by: _____ Name: Tess Cuthbert

Signature of witness

Date: 31/08/2020 Time: 06.50pm

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From: 9(2)(a)
To: [Marty Greentree](#)
Subject: The Council's response to the OIA request for information regarding 9(2)(a) in Kaiapoi
Date: Wednesday, 12 May 2021 12:53:07 PM
Attachments: [image001.jpg](#)
[OIA Response to Marty Greentree at the Department of Internal Affairs regarding 9\(2\)\(a\) - 11 May 2021.pdf](#)

Good Day

Please find attached the Council's response to your OIA request for information regarding 9(2)(a) in Kaiapoi.

I trust this answers your current query.

9(2)(a) | **Governance Team Leader**
Governance

9(2)(a)



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9(2)(a)

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9(2)(a)

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Formal Statement

Section 82 Criminal Procedure Act 2011

Diana Ye Jin Kim states:

1. That is my full name. I live in Auckland.
2. I held the position of Forensic Accountant with the Department of Internal Affairs Regulatory Services Group based in Auckland from October 2018 to March 2020. Prior to this, I was a specialist tax investigator at the Inland Revenue Department from February 2014 to October 2018 and a senior consultant at Deloitte Forensic, in Korea from March 2012 to September 2013.
3. As a Forensic Accountant, I was responsible to provide forensic analysis in serious or complex investigations under the Gambling Act 2003.
4. I am making this Formal Statement about my forensic analysis of EFTPOS transaction activity of the card number 9(2)(a) that occurred between 1 April 2017 and 25 January 2018, at the 9(2)(a).
5. Mr Barrett was a cardholder of EFTPOS card that is mentioned above (referred to as Mr Barrett's card).
6. I was tasked to complete the analysis by Marty Greentree, Manager Investigations in December 2018.
7. In August 2020, the investigation sought additional transaction statements from the ANZ bank. As a result, I re-analysed the new information together with the data used in my December 2018 analysis.

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Method used

8. Through information requests, ANZ provided a list of bank transactions which stamp the time and the place when Mr Barrett's card was used (referred to as the List).
9. There are two significant differences between the List and a standard bank statement. These are:
 - a. Grouping of transactions: A standard bank statement groups the transactions by individual bank account whereas the List groups by EFTPOS card number. This means that the List includes both cheque and savings accounts which the EFTPOS card is connected to.
 - b. Date: A standard bank statement shows the date when the bank processed the transaction whereas the List shows the actual transacted time when the EFTPOS card was used. This meant that on the standard bank statement, transactions incurred after business hours or day will show on the next business hours.
10. The List has been cleansed, removing duplicates and organised into the date, time and amount transacted at ^{9(2)(a)} [REDACTED]. The List was grouped by the date which enables to show: (1) frequency usage of EFTPOS and (2) the time difference between the first and the last EFTPOS transaction at ^{9(2)(a)} [REDACTED] on a particular day (overall transaction time).

Analysis of Mr Barrett's card

11. I refer to my analysis of Mr Barrett's ANZ EFTPOS card from 2 April 2017 to 25 January 2018 [EXHIBIT 00022].
12. The analysis shows during 1 April 2017 to 25 January 2018, Mr Barrett's card was used at ^{9(2)(a)} [REDACTED] for 137 days for a total of \$75,914.80.

13. Within the 137 days, there were 738 EFTPOS transactions and the overall transaction time at ^{9(2)(a)} aggregated to 234 hours and 11 minutes.
14. There were 15 occasions where Mr Barrett card was transacted on and above 10 times at ^{9(2)(a)} with a maximum of 27 transactions for the sum of \$1,674.00.
15. There are 12 occasions where the overall transaction time at ^{9(2)(a)} was over four hours with the longest time being 8 hours and 24 minutes.
16. I now produce my analysis of Mr Barrett's ANZ EFTPOS card from 1 April 2017 to 25 January 2018 EXHIBIT 00022.
17. I have also reviewed the ANZ joint accounts belonging to Mr and Mrs Barrett [EXHIBIT 00029]. On 1 April 2017, the balance of the five accounts was at \$142,855.28 and on the day of Mr Barrett's death (26 January 2018) the balance was at \$146.31.

I confirm the truth and accuracy of this statement. I make the statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signature: _____

Diana Ye Jin Kim

Date: 20/05/2021 Time: 6:34 PM

Witnessed by: _____

Ida Cheung-Tau, Senior Investigator

Date: 20/05/2021 Time: 6:55 PM

Initial 



Formal Statement

Section 82 Criminal Procedure Act 2011

9(2)(a) states:

1. That is my full name. I live in Christchurch.
2. I work in hospitality and have done so for approximately 20 years. My experience includes involvement in class 4 gambling sector at both the venue (manager) and society level.
3. From 2012 to December 2017 I was employed by 9(2)(a) as a Christchurch based account manager. My responsibilities included the delivery of harm minimisation training to staff responsible for the oversight of 'pokie' gaming machines operating at 9(2)(a) affiliated gaming venues.
4. One of the 9(2)(a) venues I looked after was the 9(2)(a) 9(2)(a) I met the owner and venue manager 9(2)(a) when he took over the business in 9(2)(a) and provided training and ongoing venue support up until December 2017 when I left the role.

9(2)(a) **Gambling Harm minimisation training**

5. Generally training was delivered when we were notified of new staff. Refresher training was also provided on an as needed basis. The key focus of the training was around the identification of signs related to problem gambling and the appropriate actions to take.
6. I refer to the 9(2)(a) training records; **'Register of Persons Who Have Completed Harm Minimisation Training'** (doc 00011 p3) and the table of trained 9(2)(a) personnel (doc 00011 p4) from the 9(2)(a) electronic records
7. I can confirm that I delivered gambling harm minimisation training on three occasions to 9(2)(a) venue staff on the following dates:

- 27 June 2016: 9(2)(a)

9(2)(a)

- 11 July 2016 9(2)(a)

- 8 March 2017: 9(2)(a)

9(2)(a)
Initial

8. Training was provided at 9(2)(a) using a power point presentation to venue staff who sat around a table and participated in group discussion as I worked through the slides and key resources provided by the 9(2)(a) which included;
- The Gambling Harm minimisation folder containing 9(2)(a) venue harm minimisation policy and resources.
 - Gambling Host responsibility pack containing a range of the 'choice not chance resources' including posters, pamphlets, wallet cards (to distribute to patrons whose gambling was of concern) and guidance to venue staff around the identification of problem gamblers.
 - The incident record book for entering details of an incident or observation in relation to potential problem gambling.
9. I refer to the **'Gambling Host Responsibility Training' slides (doc 00011 p 5 – 11)** produced by Health Promotion Agency (HPA) specifically for venue staff managing the operation of pokie machines. I am familiar with this material as I attended forums run by the DIA and HPA in consultation with the class 4 gambling sector during its development. I recall these training slides were implemented in this format around mid-2017.
10. When I delivered training for 9(2)(a) staff the content of the slides I used were very similar and although not identical, the Gambling host pack containing the 'choice not chance' resources as referred to in the **'Gambling Host Responsibility Training' slides (doc 00011 p 5 – 11)** was available and used in my training.

Morgan Barrett, Problem Gambler

11. I have been advised that the DIA investigation has uncovered expenditure of \$106,660 by a problem gambler named Morgan Barrett at various class 4 gaming machine venues in the Canterbury area between 1 April 2017 to 26 January 2018. Of this amount \$72, 439 has been attributed to EFTPOS withdrawals at the 9(2)(a)
12. I refer to the **summary table (doc ref)** that I understand represents a portion of the expenditure at 9(2)(a); specifically, 14 occasions where more than 10 cash withdrawals by EFTPOS occurred to maximum of 17 on a single day.
13. I understand that on these 14 days, the length of time between the first and last transaction range from 2 hours 29 minutes to 5 hours 52 minutes. I have been told that there were four occasions where playing sessions based on the first and last EFTPOS transactions exceeded 5 hours.
14. Based on this activity as outlined, I have been asked to comment on the reasonable steps I would expect to have been implemented at the time to identify problem gambling in accordance with training that I provided them.

9(2)(a)

Initial

15. I can confirm that I have read the code of conduct for expert witnesses.
16. Although it is difficult to judge how much expendable cash people have available to gamble, my initial reaction when I became aware that more than \$72,000 was spent at 9(2)(a) by Morgan Barrett was 'wow'.
17. In my experience, I have known other gaming venues to monitor EFTPOS transactions by setting cash withdrawal limits to amounts such as \$60 a time and some others also limit the amount of transactions to 2 or 3 times but allow up to \$100 a time.
18. Beyond the obvious behavioural signs such as distress or aggression multiple EFTPOS transactions are another indicator of problem gambling. This is consistent with the training and resources provided to 9(2)(a)
19. I refer to the 9(2)(a) **Harm minimisation – Problem Gambling & Procedures document (doc 0030 p4)**. This is the 9(2)(a) policy provided by 9(2)(a) 9(2)(a) and was part of the training I delivered. The policy outlines some of the obvious signs of problem gambling that staff were trained to look out for which included:
- "Multiple ATM transactions. Research suggests that players attribute multiple ATM/EFTPOS transactions as a main contributor to a catastrophic loss. Be aware of players approaching staff for several EFTPOS transactions in one playing session."*
20. I would expect that multiple EFTPOS withdrawals to the extent outlined and extended sessions of play be recognised as a sign of problem gambling. Particularly if he was a regular customer and well known to staff. I would expect staff to have politely questioned Morgan Barrett about his expenditure and created a record of that interaction in the venue incident book.
21. I have been told that a 9(2)(a) staff member did at one point give Morgan Barrett a HPA 'choice not chance' wallet card containing information about gambling harm. I would expect this to be provided in circumstances where staff had identified a concern around problem gambling. The details of that interaction should have been recorded in the venue incident book.
22. This is consistent with the policy; the 9(2)(a) **Harm minimisation – Problem Gambling & Procedures document (doc 0030 p5)** which in the 'Problem Gambling Procedures' section lists as a final step:
- "..Ensure you record the details of what took place and the outcome."*
23. I refer to 9(2)(a) **Incident records for 9(2)(a) doc ref 00031 p1 – 4)**. This is a templated form with the key information I would expect to have been completed, including the name of the staff member, date, time and description of player and details of the incident of observation and action taken.

24. Beneath the 'Details of Incident or Observation' section are further additional prompts that reinforce the 9(2)(a) harm minimisation policy outlining the type of indicators that should be recorded including: "...long sessions of playing, increased cash withdrawals, frequent attendance,..."
25. There are no records in the incident book whatsoever regarding Morgan Barrett.
26. Using the incident book to record such incidents is one important tool to keep all staff informed of issues who work across different shifts. Incoming staff should read the incident book at the start of each shift for updates. This is consistent with the training I provided to 9(2)(a) staff.
27. I refer to **Diary notes and Visitation logs for 9(2)(a) from the Salesforce system 00011 p13-20**.
28. This is a printout from the 9(2)(a) customer management system, Salesforce which was the computer application I used to record notes and visits to 9(2)(a)
29. At no stage was the extent of Morgan Barrett's gambling brought to my attention. I was not aware that he was known to 9(2)(a) as his biggest customer in terms of money spent and that he was at 9(2)(a) more than most.
30. These records also show I was in regular contact with 9(2)(a) and conducted 6 monthly compliance checks to ensure 9(2)(a) was meeting its obligations which included the implementation of the harm minimisation policy and checking the incident books and topping up any other resources.
31. I do recall meeting Morgan Barrett on one occasion during a visit to 9(2)(a) I have a vague recollection of 9(2)(a) introducing him to me in passing as he was having a drink. Even if part of his expenditure represents spending on beer and meals this would appear to be a very minimal part.
32. I was not told that Morgan Barrett had been given an HPA 'choice not chance' wallet card about gambling harm. Had I been aware of this I would have advised 9(2)(a) staff to at the very least record it in the venue incident book.
33. Had I been made aware of any concerns 9(2)(a) had in relation to Morgan Barrett I would have created a note within the system to indicate this.


I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signature: 9(2)(a) Name: 9(2)(a)

Initi: 9(2)(a)

Witnessed by: _____

Signature of witness



Name: Garry Donseath

Date: 10-8-20

Time: 9:00

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Initia 9(2)(a)

Schedule 4
Code of conduct for expert witnesses

r 9.43

Duty to the court

- 1 An expert witness has an overriding duty to assist the court impartially on relevant matters within the expert's area of expertise.
- 2 An expert witness is not an advocate for the party who engages the witness.
- 2A If an expert witness is engaged under a conditional fee agreement, the expert witness must disclose that fact to the court and the basis on which he or she will be paid.
- 2B In subclause 2A, **conditional fee agreement** has the same meaning as in rule 14.2(3), except that the reference to legal professional services must be read as if it were a reference to expert witness services.

Evidence of expert witness

- 3 In any evidence given by an expert witness, the expert witness must—
 - (a) acknowledge that the expert witness has read this code of conduct and agrees to comply with it;
 - (b) state the expert witness' qualifications as an expert;
 - (c) state the issues the evidence of the expert witness addresses and that the evidence is within the expert's area of expertise;
 - (d) state the facts and assumptions on which the opinions of the expert witness are based;
 - (e) state the reasons for the opinions given by the expert witness;
 - (f) specify any literature or other material used or relied on in support of the opinions expressed by the expert witness;
 - (g) describe any examinations, tests, or other investigations on which the expert witness has relied and identify, and give details of the qualifications of, any person who carried them out.
- 4 If an expert witness believes that his or her evidence or any part of it may be incomplete or inaccurate without some qualification, that qualification must be stated in his or her evidence.
- 5 If an expert witness believes that his or her opinion is not a concluded opinion because of insufficient research or data or for any other reason, this must be stated in his or her evidence.

Duty to confer

- 6 An expert witness must comply with any direction of the court to—
 - (a) confer with another expert witness;
 - (b) try to reach agreement with the other expert witness on matters within the field of expertise of the expert witnesses;
 - (c) prepare and sign a joint witness statement stating the matters on which the expert witnesses agree and the matters on which they do not agree, including the reasons for their disagreement.
- 7 In conferring with another expert witness, the expert witness must exercise independent and professional judgment, and must not act on the instructions or directions of any person to withhold or avoid agreement.
Schedule 4 clause 2A: inserted, on 1 September 2017, by rule 28 of the High Court Rules 2016 Amendment Rules (No 2) 2017 (LI 2017/191).
Schedule 4 clause 2B: inserted, on 1 September 2017, by rule 28 of the High Court Rules 2016 Amendment Rules (No 2) 2017 (LI 2017/191).
Schedule 4 clause 7: replaced, on 1 December 2009, by rule 10 of the High Court Amendment Rules (No 2) 2009 (SR 2009/334).

9(2)(a)

21 August 2018

Department of Internal Affairs
Regulatory Investigations
PO Box 2220
Auckland 1140

By email: marty.greentree@dia.govt.nz

Dear Marty,

Your ref: 9(2)(a)

Further to your letter of 7 August 2018, we now provide the following information as requested. As advised to John Hennerbry, this has taken slightly longer than anticipated due to the volume of information requested and the manual extraction required for archived files.

Harm minimisation training

1. From 1 May 2016, harm minimisation training was provided as follows (attachments A & B):

27 June 2016	- 8 staff members full training
11 July 2016	- 2 staff members full training
8 March 2017	- 2 staff members full training
15 March 2018	- 3 staff members full training
2. Dates (not times) of training are recorded and as above.
3. All training is face to face, on-site, and facilitated by the relevant Account Manager. 9(2)(a) 9(2)(a) was in this position until 8 December 2017 and 9(2)(a) commenced 11 December 2017.
4. Full training is delivered in line with the most recent HPA 'choice not chance' document (including the Powerpoint presentation) and all Account Managers go through the Powerpoint presentation and supporting material. We trust that the Department is very familiar with this document and training material. An extract is enclosed as Attachment C. (link: <https://gamblehostpack.choicenotchance.org.nz/trainers>). This document was updated by the Health Promotion Agency in 2017 and our training was updated accordingly.

Refresher training is tailored to the specific needs of the venue and uses the Powerpoint presentation as a basis. This may include scenario cards (based around the DIA mystery shopper exercise) or conversation around signals / warning signs. Information is then

9(2)(a)

recorded on our customer management system, Salesforce, but this does not detail a course outline of the refresher training.

Diary information

We enclose all diary notes and visitation logs entered on Salesforce for the period from 1 May 2016 to 15 August 2018 (Attachment D) and highlight for your reference those entries specifically discussing harm minimisation or customer behaviour (Extract 1).

Should you require any information or have any queries regarding the enclosed, please contact 9(2)(a) Senior Account Manager, at 9(2)(a) or myself as Compliance Manager on 9(2)(a)

Regards,

9(2)(a)

cc: 9(2)(a)

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9(2)(a)

Register of Persons Who Have Completed Harm Minimisation Training

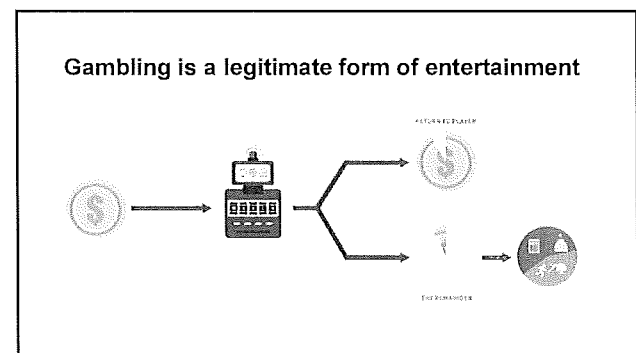
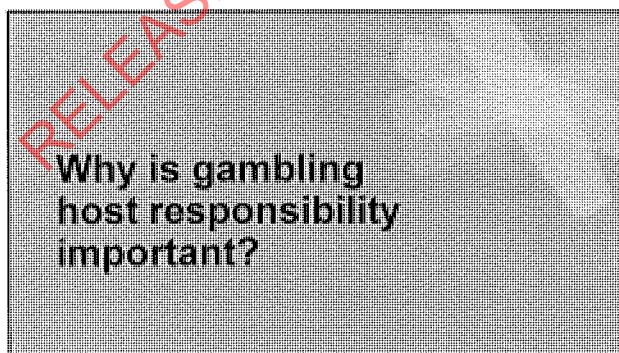
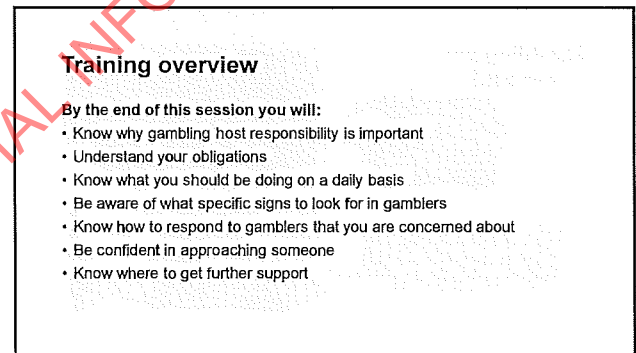
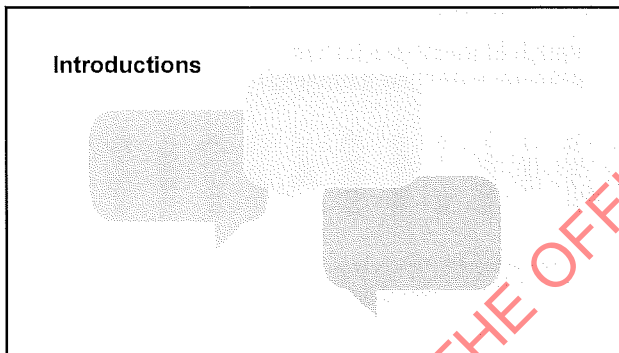
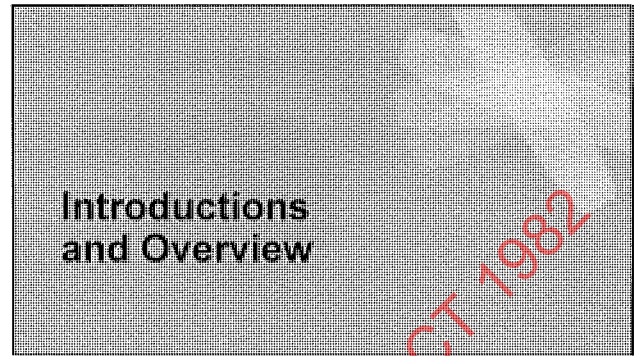
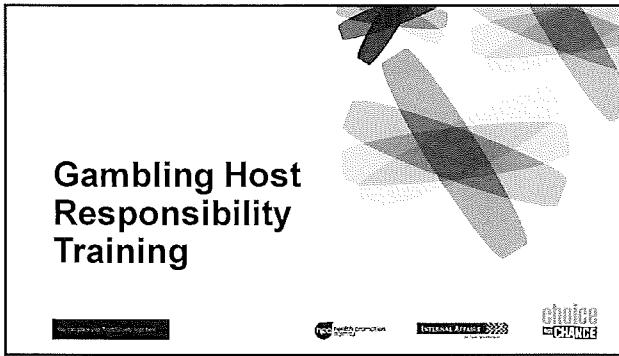
Date	Name	Signature
27/06/16	9(2)(a)	
27/06/16		
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27/06/16		
27/06/16		
11/07/16		
11/07/16		
8/3/17		
8-3-17		
15/3/18		
15/3/18		
15/3/18		

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GMV#	IF08 VENUE #	VENUE NAME	DATE OF PREVIOUS TRAINING	DATE OF TRAINING	TRAINED PERSONNEL	Sept	Oct	Nov	Dec	Previous 6 Mthly Check
9(2)(a)			N/A	27/06/2016	9(2)(a)	28/09/16		24-Nov	21-Dec	

9(2)(a)
2016

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There are positive community benefits

The money not returned to players is split in the following ways...

Category	Percentage
SOCIETY COSTS	33%
GOVERNMENT DUTIES, LEVIES & LICENSING FEES	35%
COMMUNITY	32%

What are the odds?

- Machines are designed to take in more than they pay out.
- It's important to know that losses can quickly stack up.

Gambling can be harmful

"Every week I lose money and I'm angry about it."

"It scares me big time. It's the relationship. It's the lies. It's the isolation for me at home."

Which of these people has a problem with their gambling?

- It could be any one of these people.
- There are however some clear signs to look for, which we will cover in this training.

What's the likelihood that gamblers are experiencing harm in your venue?

For every 18 gambling patrons...

Category	Count
RECREATIONAL GAMING	17
PROBLEM GAMING	1

What are your obligations?

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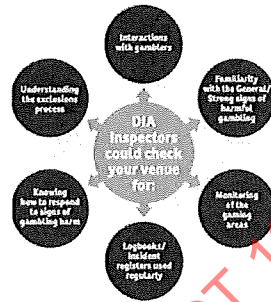
Laws and fines

- Like alcohol, there are certain legal requirements that must be met.
- These are set out in the Gambling Act.
- Venues and staff have a clearly defined role, which we will cover in the training.
- Venues and staff can be fined for breaking the law.



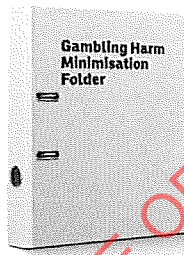
Under age gamblers <small>Allowing someone under 18 to play/paid to play</small>
\$1,000 fine for staff
\$5,000 fine for society/trust
\$500 fine for gambler
Exclusions <small>Failing to exclude non-eligible gamblers, gambler or failing to notify associated gambler</small>
\$5,000 fine for venue manager/staff
\$500 fine for gambler

DIA venue assessments



Venue policy and folder

- Your venue will have a **gambling harm minimisation policy** that sets out your venue's commitment.
- Your venue is likely to have a **gambling harm minimisation folder** or resource kit.
- It's important that you know where these are located and understand what they require you to do.



What should you be doing on a daily basis?

What is your role?

Communicate with the community. Take the lead on harm minimisation.

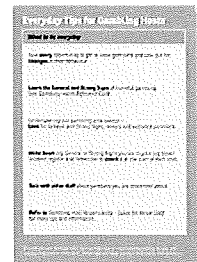
"There's a difference between a counsellor's role and a staff member's role."

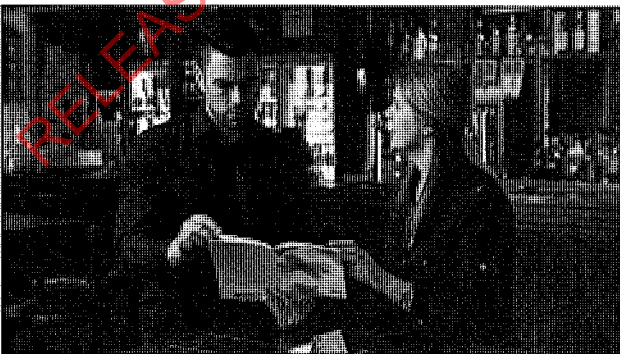


Everyday activities

- What do you currently do in your venue to minimise harm?
- What else could you be doing?

Let's take a look at these helpful tips...





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What are the General and Strong Signs of harmful gambling?



Can you spot any General Signs?

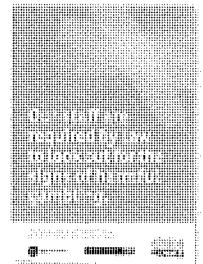


Can you spot any Strong Signs?



Remember...

- It's not your job to judge if someone can afford to gamble.
- Simply look for the General/Strong signs – they are based on research.
- Get to know your gamblers. Look for changes in behaviour.
- Use your sweeps and observations in the bar area to look for General/Strong Signs.
- Remember to note down anything you see in your logbook – it will help you to build a picture and help other staff.



How should you respond?

How might you respond to General Signs?

Let's look at an example...



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How should you respond to General Signs?

Let's practice the gentle check-in

How might you respond to Strong Signs?

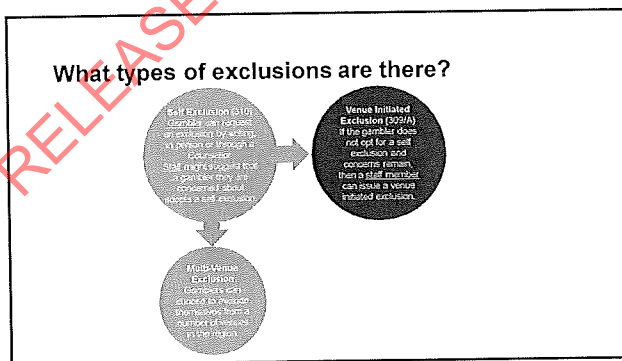
Let's look at some examples...

How should you respond to Strong Signs?

Let's practice the approach

Remember...

- You do have a role to play
- It's similar to alcohol host responsibility
- You are not expected to be a counsellor
- Your safety is important
- You should work as a team
- Even a small change can make a big difference



- ### What steps need to be taken with exclusion?
- You (or another staff member) must issue an exclusion order promptly.
 - Agree on the length of the exclusion period (recommend between 6 months to 2 years).
 - Provide information on how the person may exclude themselves from more than one venue (Multi-Venue Exclusion).
 - Offer to put them in contact with a counsellor.
 - If it is a self-exclusion, ensure you have the person's name, birthdate and a photo. If it is a venue-initiated exclusion, ensure you have enough information to reasonably identify the person.
 - Fill out the paper work and follow the processes associated with exclusion orders in your venue.
 - Once the exclusion order is complete, follow your venue's process for record-keeping and tracking exclusions. This includes knowing what to do if you see an excluded person in the gambling area of your venue.

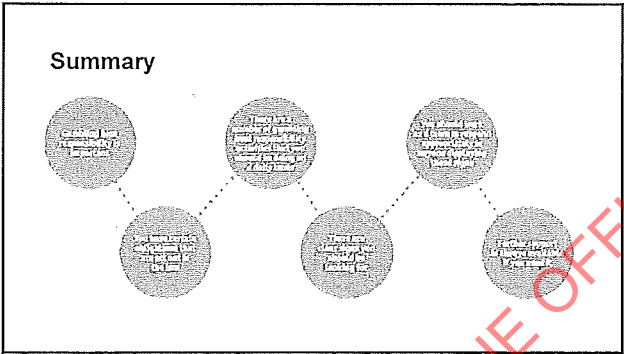
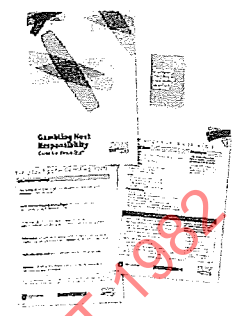
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Some final points

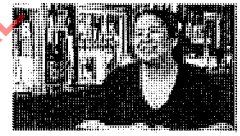
Further support

You are not alone. Further support is available.


- Your manager/team
- Your Society representative
- Gambling Helpline and local minimising gambling harm support services
- Gamble Host resources, plus your harm minimisation folder and policy



Final thoughts



So what will I do differently?



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Attachment 'D'
[redacted]

Date	Subject	Created By	Full Comments
5.05.16		9(2)(a)	Venue visit to check on progress.
	<u>Visit</u>		
9.05.16			Venue visit to do staff training on Smart Op and machines. Performed refills on all machines with staff. Made some changes in SO and added users.
	<u>Visit</u>		
11.05.16			Venue visit to show 9(2)(a) shift start up and go over refills & c/credits again.
	<u>Visit</u>		
12.05.16			Venue visit again as the (franchisor) licence holder of 9(2)(a) has requested the gaming room size to be reduced as not enough storage on the premises. The main entrance to the gaming room is to be closed off and the side entrance to be used which does give full visibility from the bar. No licence conditions affecting this change.
	<u>Visit</u>		
15.05.16			Venue visit to meet 9(2)(a) and GMd to discuss room change.
	<u>Visit</u>		
25.05.16			Venue visit to measure up gaming room and sketch floor plan.
	<u>Visit</u>		
26.05.16			Venue visit to take room layout to confirm with 9(2)(a) and the builder.
	<u>Visit</u>		
1.06.16			Venue visit to check on renovation progress.
	<u>Visit</u>		
2.06.16			Venue visit to inform 9(2)(a) bases wouldn't be completed till Tuesday and machines installed Tuesday afternoon.
	<u>Visit</u>		
10.06.16			Venue visit to set up gaming.
	<u>Visit</u>		
13.06.16			Venue visit to do first weekly audit with 9(2)(a) and train him on total float balancing. booked harm min training for Monday 27th at 7pm.
	<u>Visit</u>		
20.06.16			Venue visit with 9(2)(a) showed 9(2)(a) the new room layout and introduce him to 9(2)(a)
	<u>Visit</u>		
24.06.16			Booked Harm min training for Monday 27th at 7pm. Venue visit to check 9(2)(a) had no issues with cash clearance and balancing. Confirmed Harm Min training on the 27th, 7pm.
	<u>Visit</u>		
27.06.16	<u>Meeting</u>		Venue visit to do Harm Min training with 8 staff. Details have been sent to 9(2)(a)
4.07.16			Venue visit to check weekly audit and EB. Booked Harm Min training for remaining staff next Monday.
	<u>Visit</u>		
11.07.16			Venue visit to check weekly audit and hoppers. Harm Min training for 2 staff completed. One participant doesn't do gaming but Hamish wanted all staff to do training. All completed now. Exclusion orders completed with previous owner had been removed when venue sold. Will follow up with PGF to have resent.
	<u>Visit</u>		
17.08.16			First venue visit since back from leave. Checked cash management and weekly audits. No issues. Put up new licence. Discussed office move with 9(2)(a)
	<u>Visit</u>		
24.08.16			Venue visit to check out office move.
	<u>Visit</u>		

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29.08.16

Visit

Venue visit to go over Smart Op and machine training with staff.

7.09.16

Venue visit. Collected the completed exclusion requests that we requested from PGF that had been previously issued by old operator. 9(2)(a) very proactive with this. discussed the compliance newsletter especially the Harm min aspect.

Visit

15.09.16

Venue visit with 9(2)(a)

Visit

28.09.16

Venue visit to check EB is under control.

Visit

6.10.16

venue visit to check changes to security system location.

Visit

13.10.16

Venue visit to check out move of security system.

Visit

2.11.16

Venue visit to check 9(2)(a) is working with EB ok.

Visit

24.11.16

Venue visit to do monthly compliance check .No issues. 9(2)(a) has a new staff member who will not be working alone & another starting shortly. Will book harm min training when the second person starts at the venue. Collected an exclusion order.

Visit

7.12.16

Venue visit to check no issues with gaming.

Visit

21.12.16

Venue visit to deliver Smart Op rolls and Xmas info letter. 9(2)(a) has 2 new staff starting in the New Year. Will book harm min training for early Feb. First venue visit since Xmas.

Visit

25.01.17

Visit

2.02.17

Venue visit to catch up with 9(2)(a)

Visit

2.03.17

Venue visit to catch up with 9(2)(a)

Visit

6.03.17

Have booked Harm min training for next Wednesday morning at 10am. Phone call from 9(2)(a) He had misplaced a set of keys last week but had hoped he would find them before I ordered a replacement set and was using the spare set in the interim.

Phone Call

8.03.17

Harm min training with 2 new staff. 9(2)(a) will only be integrating them slowly into gaming but likes all staff to be trained in Harm min.

Visit

30.03.17

Venue visit to do monthly compliance.

Visit

6.04.17

Venue visit to go over monthly reports with 9(2)(a)

Visit

12.04.17

Venue visit with 9(2)(a) Had a catch up with 9(2)(a)

Visit

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28.04.17

9(2)(a)

Venue visit to do monthly compliance.

Visit

10.05.17

Venue visit to go over monthly reports with 9(2)(a)

Visit

17.05.17

Venue visit to do 6 monthly compliance.

Visit

1.06.17

Venue visit to go over commission statement with 9(2)(a) Collected an exclusion order.

Visit

14.06.17

Venue visit to assist 9(2)(a) with Smart Op.

Visit

21.06.17

Venue visit to do monthly compliance.

Visit

14.07.17

Venue visit to go over total float with 9(2)(a)

Visit

17.07.17

Venue visit to do a total float balance with Hamish as he hadnt been adding hoppers into the total float.

Visit

24.07.17

Venue visit to check eftpos recon with 9(2)(a) Discussed a broken Viridian screen. Incident happened on Friday night and repaired by GMD Saturday. A friend of the offender told 9(2)(a) after the incident happened and 9(2)(a) was able to speak to both of them. Informed them that he wasn't sure of the process regarding the damage but would get back to them when he found out. 9(2)(a) wasn't sure of the offenders name but with a bit of investigation and some help from social media all details required were collated. Footage on CCTV system was very clear and showed clearly the incident and the offender. Incident report was completed and I requested a copy of the invoice from GMD. After discussion with 9(2)(a) have emailed him all the relevant info and he is going to contact the person and discuss payment of the option of laying a complaint with the police of wilful damage.

Visit

31.07.17

Venue visit to check weekly audit and balance eftpos.

Visit

1.08.17

Phone call to 9(2)(a) to confirm the figures for the eftpos for last week.

Phone Call

7.08.17

Venue visit to go over weekly cash management with 9(2)(a) and assist with eftpos recon. Discussed update on broken Viridian screen. We have received the invoice from GMD and waiting for invoice from finance dept to send to customer. 9(2)(a) has spoken to the customer who has admitted liability and informed him an invoice would be on the way.

Visit

13.08.17

Venue visit to go over monthly reports with 9(2)(a) Discussed broken viridian screen. Informed 9(2)(a) invoice was sent to customer last Friday. 9(2)(a) wants to be kept updated as he intends to exclude the customer from both the gaming room and venue until the issue is resolved/ paid for.

Visit

21.08.17

Venue visit to discuss issues with jackpot display.

Visit

31.08.17

Venue visit to do monthly compliance.

Visit

5.09.17

Venue visit to check weekly cash management. Went over compliance newsletter and forum invite.

Visit

14.09.17

Venue visit to discuss upgrade of camera system.

Visit

18.09.17

Venue visit to follow up on additional security cameras and upgrade of existing system.

Visit

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25.09.17

Visit

2.10.17

Visit

4.10.17

Meeting

11.10.17

Phone Call

16.10.17

Meeting

25.10.17

Visit

30.10.17

Visit

9.11.17

Visit

15.11.17

Visit

22.11.17

Visit

29.11.17

Visit

4.12.17

Visit

12.12.17

Venue Visit

20.12.17

Venue Visit

29.12.17

Phone Call

11.01.18

Visit

30.01.18

Venue Visit

1.02.18

Venue Visit

20.02.18

Venue Visit

26.02.18

Venue Visit

9(2)(a)

Venue visit to do monthly compliance. with this.

The customer who broke the viridian screen still hasn't returned to the venue but 9(2)(a) is happy

Venue visit to discuss security camera upgrade with 9(2)(a)

Meeting with 9(2)(a) from Seit security.

Phone call with 9(2)(a)

Viridian screen by a customer. As we had had no further contact with the customer I asked if 9(2)(a) definitely wants the issue pursued. Will discuss with 9(2)(a)

Discussed the non payment of the broken

9(2)(a) wanted us to pursue it with the police. 9(2)(a)

Venue visit to check on camera upgrade.

Venue visit to inform 9(2)(a)

It was my last week at TLF.

Venue visit to inform 9(2)(a) would be staying on with Tlf until potentially Xmas time so he is a happy camper again.

Venue visit to go over monthly reports with 9(2)(a)

Venue visit to catch up with 9(2)(a)

Venue visit to do 6 monthly compliance check. on regarding Harm Min.

9(2)(a) has a couple of customers he is keeping an eye

Venue visit to catch up with 9(2)(a)

Final venue visit to deliver signage flag.

Initial introductory visit with 9(2)(a) to meet 9(2)(a)

Arranged to meet with 9(2)(a) to go over the Christmas Banking dates as well as giving him the Harm Min folder and asked him to make sure that all his staff read and sign the form of acknowledgement. He spoke about the fact that there are a couple of new staff that need to be trained in harm min and we ill plan to do this in the new year. Wish him a Merry Christmas and told him that if he needed anything to just give me a call.

Had an email from 9(2)(a) in regards on how to add and delete people from the Smart Operator. Rang him and walked him through the process and will check again in the New Year.

Met with 9(2)(a) He said that they had recently had a customer who had won a jackpot but then rang approximately four hours later claiming that she had been underpaid by \$100. 9(2)(a) went back though his records for the day and explained to her that what she had singed for was what she was paid. Logged it in the incident register. All staff have now read and understood the harm min policy. 9(2)(a) wanted the general and strong signs poster to be copies to A3 and laminated for his office wall.

Met with 9(2)(a) and completed the compliance check. All ok.

Met with 9(2)(a) at his request to act as a witness

Picked up Exclusions recently done. Checked room. All ok

The Viridian LC was installed however there was an issue

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12.03.18		9(2)(a)	Had a meeting with 9(2)(a) after he had called me whilst in Brisbane to say that the DIA had interviewed him over a complaint. It seems that one of his customers who had died recently had spent over \$65k in the gaming room over the course of 9 months. There were 6 other venues as well that the DIA were interviewing. In some cases, this customers had withdrawn cash of up to 20 times in the one day, all amounts of around \$100.00. The family has laid this complaint after discovering the customers bank statements. Planned for further harm min training later in the week. Advised Hamish that we should wait until the letter comes from the DIA to see what course of action they plan. Suggested that he put in place a limit on eftpos transaction which he has now done.
15.03.18	<u>Venue Visit</u>		
29.03.18	<u>Call</u>		Harm min training with 9(2)(a) and two of his bar staff.
			Met with 9(2)(a)
	<u>Venue Visit</u>		
10.04.18			Met with 9(2)(a) The lady that had been leaving her kids in the car whilst she was gambling has now excluded herself for 9 months. 9(2)(a) is still to hear anything back from the department in regards to the complaint that was laid against them a couple of months ago. Have since spoken to other operators who were involved and they havet heard anything either. Otherwise all good.
18.04.18	<u>Venue Visit</u>		
	<u>Call</u>		Met with 9(2)(a) Went over the machine performance.
30.04.18	<u>Venue Visit</u>		Met with 9(2)(a) Picked up two MVE requests.
24.05.18	<u>Venue Visit</u>		Compliance Check
30.05.18	<u>Venue Visit</u>		Meeting with 9(2)(a) Went over some of the possible changes to Smart Op module Booked in for
27.06.18	<u>Call</u>		further harm min and mystery shopper training for next week
27.06.18	<u>Call</u>		6 month compliance check
5.07.18	<u>Meeting</u>		Compliance check. Met with 9(2)(a) All ok. Have booked to complete further Harm Min training next week.
10.07.18			Catch up with 9(2)(a) They had recently had an issue with a customer who claimed that the machine should have paid her more than it did. They filled out the correct paperwork and I advised them that they had done the right thing. No further follow up required unless the customer wants to take it further.
	<u>Venue Visit</u>		
18.07.18			Catch up with 9(2)(a) No further development from the customer who had a complaint re the wins she thought she should have had. They have become very vigilant when it comes to harm min and making sure that there is no repeat of the complaint that was recently laid by one of their customers. No other issues.
	<u>Meeting</u>		
8.08.18	<u>Meeting</u>		Met with 9(2)(a) Went over the MVE's and checked to see what was missing. All ok

*Note comments have been whited out where they do not directly relate to the information requested.

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Date	Subject	Created By	Full Comments
13.06.16	<u>Visit</u>	9(2)(a)	Venue visit to do first weekly audit with 9(2)(a) and train him on total float balancing. booked harm min training for Monday 27th at 7pm.
24.06.16	<u>Visit</u>		Venue visit to check 9(2)(a) had no issues with cash clearance and balancing. Confirmed Harm Min training on the 27th, 7pm.
27.06.16	<u>Meeting</u>		Venue visit to do Harm Min training with 8 staff. Details have been sent to Anne.
4.07.16			Venue visit to check weekly audit and EB. Booked Harm Min training for remaining staff next Monday.
11.07.16	<u>Visit</u>		Venue visit to check weekly audit and hoppers. Harm Min training for 2 staff completed. One participant doesn't do gaming but 9(2)(a) wanted all staff to do training. All completed now. Exclusion orders completed with previous owner had been removed when venue sold. Will follow up with PGF to have resent.
7.09.16	<u>Visit</u>		Venue visit. Collected the completed exclusion requests that we requested from PGF that had been previously issued by old operator. discussed the compliance newsletter especially the Harm min aspect. 9(2)(a) very proactive with this.
24.11.16	<u>Visit</u>		Venue visit to do monthly compliance check. No issues 9(2)(a) has a new staff member who will not be working alone & another starting shortly. Will book harm min training when the second person starts at the venue. Collected an exclusion order.
21.12.16	<u>Visit</u>		Venue visit to deliver Smart Op rolls and Xmas info letter. 9(2)(a) has 2 new staff starting in the New Year. Will book harm mni training for early Feb.
2.02.17	<u>Visit</u>		Venue visit to catch up with 9(2)(a) Booked Harm Min training for Wednesday 1st March.
8.03.17	<u>Visit</u>		Harm min training with 2 new staff. 9(2)(a) will only be integrating them slowly into gaming but likes all staff to be trained in Harm min.
24.07.17	<u>Visit</u>		Venue visit to check eftpos recon with 9(2)(a) Discussed a broken Viridian screen. Incident happened on Friday night and repaired by GMD Saturday. A friend of the offender told 9(2)(a) after the incident happened and 9(2)(a) was able to speak to both of them. Informed them that he wasn't sure of the process regarding the damage but would get back to them when he found out. 9(2)(a) wasn't sure of the offenders name but with a bit of investigation and some help from social media all details required were collated. footage on CCTV system was very clear and showed clearly the incident and the offender. Incident report was completed and I requested a copy of the invoice from GMD. After discussion with 9(2)(a) have emailed him all the relevant info and he is going to contact the person and discuss payment of the option of laying a complaint with the police of wilful damage.
13.08.17	<u>Visit</u>		Venue visit to go over monthly reports with 9(2)(a) Discussed broken viridian screen. Informed 9(2)(a) invoice was sent to customer last Friday. 9(2)(a) wants to be kept updated as he intends to exclude the customer from both the gaming room and venue until the issue is resolved/ paid for.
25.09.17	<u>Visit</u>		Venue visit to do monthly compliance. The customer who broke the viridian screen still hasn't returned to the venue but 9(2)(a) is happy with this.
22.11.17	<u>Visit</u>		Venue visit to do 6 monthly compliance check. 9(2)(a) has a couple of customers he is keeping an eye on regarding Harm Min.
	<u>Visit</u>		

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20.12.17

9(2)(a)

Arranged to meet with 9(2)(a) to go over the Christmas Banking dates as well as giving him the Harm Min folder and asked him to make sure that all his staff read and sign the form of acknowledgement. He spoke about the fact that there are a couple of new staff that need to be trained in harm min and we will plan to do this in the new year. Wish him a Merry Christmas and told him that if he needed anything to just give me a call.

Venue Visit

11.01.18

Met with 9(2)(a) He said that they had recently had a customer who had won a jackpot but then rang approximately four hours later claiming that she had been underpaid by \$100. 9(2)(a) went back through his records for the day and explained to her that what she had signed for was what she was paid. Logged it in the incident register. All staff have now read and understood the harm min policy. 9(2)(a) wanted the general and strong signs poster to be copies to A3 and laminated for his office wall.

Visit

20.02.18

Venue Visit

12.03.18

Picked up Exclusions recently done. Checked room. All ok

Had a meeting with 9(2)(a) after he had called me whilst in Brisbane to say that the DIA had interviewed him over a complaint. It seems that one of his customers who had died recently had spent over \$65k in the gaming room over the course of 9 months. There were 6 other venues as well that the DIA were interviewing. In some cases, this customers had withdrawn cash of up to 20 times in the one day, all amounts of around \$100.00. The family has laid this complaint after discovering the customers bank statements. Planned for further harm min training later in the week. Advised 9(2)(a) that we should wait until the letter comes from the DIA to see what course of action they plan. Suggested that he put in place a limit on eftpos transaction which he has now done.

Venue Visit

15.03.18

Call

Harm min training with 9(2)(a) and two of his bar staff.

10.04.18

Met with 9(2)(a) The lady that had been leaving her kids in the car whilst she was gambling has now excluded herself for 9 months. 9(2)(a) still to hear anything back from the department in regards to the complaint that was laid against them a couple of months ago. Have since spoken to other operators who were involved and they have heard anything either. Otherwise all good.

Venue Visit

24.05.18

Venue Visit

Met with 9(2)(a) Picked up two MVE requests.

27.06.18

Meeting with 9(2)(a) Went over some of the possible changes to Smart Op module

Booked in for

Call

further harm min and mystery shopper training for next week

5.07.18

Meeting

Compliance check. Met with 9(2)(a) All ok. Have booked to complete further Harm Min training next week.

10.07.18

Catch up with 9(2)(a) They had recently had an issue with a customer who claimed that the machine should have paid her more than it did. They filled out the correct paperwork and I advised them that they had done the right thing. No further follow up required unless the customer wants to take it further.

Venue Visit

18.07.18

Catch up with 9(2)(a) No further development from the customer who had a complaint re the wins she thought she should have had. They have become very vigilant when it comes to harm min and making sure that there is no repeat of the complaint that was recently laid by one of their customers. No other issues.

Meeting

8.08.18

Meeting

Met with 9(2)(a) Went over the MVE's and checked to see what was missing. All ok

*Note comments have been whited out where they do not directly relate to the information requested.

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A 2 — days of high numbers of EFTPOS withdrawals

Date of visit to^{9(2)(a)}	Number of withdrawals	Value of transactions	Minimum¹ time spent at ^{9(2)(a)}
28 April 2017	12	\$951.00	4 hours and 53 minutes
13 July 2017	13	\$1,351.00	3 hours and 50 minutes
14 July 2017	10	\$994.00	2 hours and 43 minutes
11 August 2017	17	\$1,968.00	5 hours and 52 minutes
29 August 2017	12	\$1,276.00	5 hours and 2 minutes
11 September 2017	14	\$1,688.50	4 hours and 53 minutes
19 September 2017	14	\$1,959.00	4 hours and 19 minutes
23 September 2017	15	\$1,880.00	5 hours and 40 minutes
25 September 2017	10	\$1,376.90	3 hours and 3 minutes
21 October 2017	12	\$1,264.90	3 hours and 21 minutes
23 October 2017	11	\$1,253.50	2 hour and 37 minutes
11 November 2017	11	\$1,144.50	4 hours and 13 minutes
29 November 2017	11	\$674.00	2 hours and 29 minutes
11 January 2018	11	\$550.00	3 hours and 19 minutes

¹ This is the minimum time spent at ^{9(2)(a)} as this is simply the length of time between the first and last transaction by Mr Barrett on a particular day.

A 3 — days where playing sessions exceeded five hours

Date of visit to^{9(2)(a)}	Number of withdrawals	Value of transactions	Minimum time spent at^{9(2)(a)}
27 July 2017	7	\$633.00	5 hours and 21 minutes
11 August 2017	17	\$1,968.00	5 hours and 52 minutes
24 August 2017	8	\$935.00	8 hours 24 minutes
29 August 2017	12	\$1,276.00	5 hours and 2 minutes
23 September 2017	15	\$1,880.00	5 hours and 40 minutes

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Janie Pollock
 V ONS

9(2)(a)

9(2)(a)

Harm Minimisation - Problem Gambling Policy & Procedures

Introduction

Counselling assistance in the treatment of problem gambling is the responsibility of suitably qualified and experienced health practitioners. However, 9(2)(a) 9(2)(a) members potentially can assist with the identification of problem gambling and the referral of affected customers to appropriate sources of help and support.

Information is prominently displayed in gaming venues about the risks of problem gambling, how to recognise signs of such a problem arising and where to get help. Brochures specifying treatment providers and how they can be contacted are readily available in every venue.

Those of us that have worked in the hospitality environment are familiar with the rules and regulations pertaining to The Sale of Liquor Act (1989). Drinking socially is a valued part of life in New Zealand. Most New Zealanders drink alcohol - normally in moderation. But sometimes people have too much of a good thing, resulting in problems for themselves and others.

Gambling should be viewed in a similar way. Gaming machines are supposed to be fun - and there's nothing wrong with paying for a little enjoyment. But as with so many things in life, it's overdoing it that can cause harm. You already have the skills and experience for creating and managing a responsible drinking environment and gaming is no different.

The new rules and regulations that have been introduced in The Gambling Act require that the operators of Gaming Machines establish environments that minimise the harm caused by gambling and facilitate responsible gambling.

What is Problem Gambling?

Problem Gambling can manifest itself in different ways - from those with a short-term desire to beat the odds, through to the compulsive or pathological gambler who simply cannot control their gambling and can no longer make sensible gambling decisions.

It is common for problem gamblers to want to keep on betting until they win back what they have lost (chasing). If they keep losing, the distress and guilt that they often feel can affect many areas of their lives, including work performance and relationships with family and friends.

In the DIA's Report on the Social Impact of Gambling 1995, Problem Gambling is described as an occasional or regular gambling to excess to the extent that it leads to problems in other area of life, particularly with finances and inter-personal relationships. These problems can range from minor ones involving, for example, arguments with the family over gambling expenditure, to problems involving a compulsive addiction to gambling resulting in major financial and inter-personal difficulties.

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What Are The Signs?

It can be very difficult to tell whether someone is experiencing problems with their gambling. Whilst with alcohol there are a number of overt signs that indicate a person is intoxicated the signs that indicate a person may be having a problem with gambling are less clear. We do not expect you to become mind readers and nor should we encroach on the rights of individuals to spend their discretionary income as they see fit.

Currently, the essential characteristics of problem (pathological) gambling are deemed to include:

- ❖ A continuous or periodic loss of control over gambling
- ❖ A progression, in gambling frequency and amounts wagered, in the preoccupation with gambling and in obtaining moneys with which to gamble, and
- ❖ Continuation of gambling involvement despite adverse consequences.

What the Professional Medical Practitioners Look For?

International research has identified a number of tell tale signs that indicate that an individual may have a gambling problem. When considering the following signs the professional practitioner considers them as a whole rather than treating them in isolation. If a person is displaying five or more of the following signs they are deemed to have a gambling problem:

- ❖ Is preoccupied with gambling (e.g. reliving past gambling experiences, planning the next venture, or thinking of ways to get money with which to gamble)
- ❖ Needs to gamble with increasing amounts of money in order to achieve the desired excitement
- ❖ Has repeated unsuccessful efforts to control, cut back or stop gambling
- ❖ Is restless or irritable when attempting to cut down or stop gambling
- ❖ Gambles as a way of escaping from problems or relieving a dysphoric mood (e.g. feelings of helplessness, guilt, anxiety, depression)
- ❖ After losing money gambling, often returns another day to get even (chasing ones losses)
- ❖ Lies to family members, therapists, or others to conceal the extent of involvement with gambling
- ❖ Has committed illegal acts such as forgery, fraud, theft or embezzlement in order to finance gambling
- ❖ Has jeopardised or lost a significant relationship, job, or educational or career opportunity because of gambling
- ❖ Relies on others to provide money to relieve a desperate financial situation caused by gambling

Reference: What do we know about problem gambling in New Zealand? Report number seven of the New Zealand Gaming Survey; Max Wenden Abbott, June 2001

The Obvious Signs that You Should Look For

We recognise that neither you nor your staff are qualified health professionals. Therefore we are not expecting you to make clinical assessments based on the indicators listed in the last section. However, you are at the 'coal face' when dealing with customers and therefore the most likely to recognise the signs of a problem.

Again international research has suggested that certain behavioural signs may provide an indication that someone has a problem. The following behavioural indicators you should have on your 'radar screen'.

1. Multiple ATM transactions. Research suggests that players attribute multiple ATM/EFTPOS transactions as a main contributor to a catastrophic loss. Be aware of players approaching staff for several EFTPOS transactions in one playing session.
2. Borrowing Money. This is frequently mentioned by players as a strong sign that they are having problems. Staff should be concerned if they are either approached to loan money or other players notify them of this occurring.
3. Aggressive Behaviour. Players with a problem may become aggressive to the machine, or display other signs like 'holding their head in their hands', crying or loudly criticising the machine or the gaming industry.
4. Family member's intervention. Whilst not always related to gambling, family members seeking out the player or expressing direct concerns over their gambling can be signs of a problem.
5. Length of Playing Session. Research suggests that playing sessions in excess of 5 to 6 hours would raise concerns, especially if linked to a number of similar sessions per week.

General interaction with the players may also alert you to potential problems. Be alert for players expressing concerns over their gambling behaviour. They may make comments like:

- ❖ 'I really shouldn't be here.'
- ❖ 'I don't know how I am going to pay for the groceries this week.'
- ❖ 'If I get one decent win I should be OK.'
- ❖ 'When I stop playing I fell gutted!'
- ❖ 'I don't enjoy playing the machines anymore.'
- ❖ 'I just can't talk to my partner anymore.'

In a hospitality environment you find that guests open up to you with a surprising number of very personal issues.

Use your common sense and intuition if you feel that a guest may be having a problem. When you evaluate an intoxicated patron you usually identify a number of symptoms before making your decision – use the same process here.

Legal Responsibilities of Your Venue

The Gambling Act 2003 came into full effect on 1st July 2004 and created new requirements relating to harm minimisation and problem gambling. These include

1. The venue must have a policy for identifying problem gamblers. This document is your policy. You must display a notice in the gambling area advising customers that you have such a policy and that a copy of the policy will be made available on request. (section 308)
2. You must take all reasonable steps to use the policy to identify actual or potential problem gamblers. (section 308) This includes all staff working under your direction in relation to the gambling area.
3. Once you have identified a problem gambler or you have reasonable grounds to believe that the person is a problem gambler, you must approach that person and offer information or advice to the person about problem gambling. That information or advice must include a description of the self-exclusion procedure. (section 309) - 1
4. After offering the advice and information you may issue an exclusion order to the person that prohibits the person from entering the gambling area where there is an exclusion order in place in respect of that person for a period of up to 2 years. (section 309)
5. You must issue an exclusion order prohibiting the person from entering the gambling area for a period of up to 2 years if the person has identified themselves as being a problem gambler and has requested that the venue prohibit the person from entering the venue concerned. (section 310)
6. You must remove any person from your gambling area where there is an exclusion order in place in respect of that person. (section 311)
7. You must be aware of the new penalties prescribed in the Act for breaching certain provisions. These include;
 - Every Venue Manager commits an offence who fails to issue an exclusion order when so requested by a self-identified problem gambler. Fine up to \$10,000.
 - Every venue manager, or person acting on their behalf, who knowingly allows a person to enter the gambling area of a venue, or knowingly fails to remove such a person who is in breach of an exclusion order or condition of re-entry of an exclusion order, commits an offence. Fine up to \$10,000.

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Problem Gambling Procedures

When you or your staff have either identified or been approached by a self identified problem gambler following these helpful guidelines:

1. Remember your legal responsibilities as outlined in this policy.
2. Approach the person with an understanding and sympathetic approach.
3. Try and talk to the person in an area where privacy and confidentiality can be maintained.
4. Consider asking a staff member to be with you for support and safety.
5. Explain your concerns in a non- threatening manner. Remember people may well be very embarrassed and avoid the issue.
6. Listen to their responses; they may have an explanation that satisfies your concerns.
7. Remain committed to your chosen course of action. You may need to be firm in ensuring the message gets across.
8. Emphasise your desire to help the person and refer them to the help literature available at your venue.
9. Ensure you record the details of what took place and the outcome.

Ensure that problem gambling brochure holders are well stocked.

Intoxicated persons are not permitted to play the gaming machines. That is, if you cut a person off from the bar they are not allowed to play the gaming machines.

In providing information and advice to problem gamblers, use the brochures provided and recommend that they contact suitably qualified counsellor(s) in the field of problem gambling:

Gambling Problem Helpline	0800	654 655
Woodlands Trust	0800	333 122
Salvation Army Oasis Centres	09	639 1162 (Auckland)
	07	839 6871 (Hamilton)
	07	578 4264 (Tauranga)
	03	365 9659 (Christchurch)
	03	477 9852 (Dunedin)
Asian Hotline	0800	862 342
Pasifika Gambling Problem Helpline	0800	654 657

Ensure that your communication with patrons is supportive and that you show empathy for their situation. It will have taken a lot of courage for them to recognise that they are having a problem and your reaction may be critical to their chances of recovery.

Exclusion Order

A copy of the exclusion order is provided for your use when required. There are two types of exclusion orders - one relates to a request to be self-excluded (section 310) and the other relates to an exclusion order where you have identified the problem gambler (section 309).

Both orders are included in a single form but you will need to identify on the form the type of exclusion being used.

Please ensure that all the relevant information is completed and that you retain a copy of the order on site. The original is to be provided to the excluded person. You have the ability to determine the length of the exclusion period (no more than 2 years). You should use your discretion in determining what is appropriate in the circumstances. 9(2)(a) has a policy of setting the minimum period of any exclusion order as 3 months. You should use a longer term (6, 9, 12, 15, 18 or 24 months) if you consider this to be appropriate. As regulations are developed the form, content and conditions of the order may change. We will provide amended copies when any such change occurs.

A person cannot enter a gaming room from which they are excluded while the order remains in force, even if the person claims the order is no longer needed or that they no longer have a gambling problem.

Discretion

Information obtained is confidential and used solely to assist venue management in preventing the patron from returning to the gaming area. Venue operators and 9(2)(a) will not send correspondence or promotional material to people who are excluded or who have formally requested that such information not be sent to them.

Assistance

9(2)(a) is available to assist with guidance and advice should this be required. Please contact your local regional manager for help in the first instance.

9(2)(a)

00031 Incidents over the last year

Incident Record

Venue Name:

[Redacted] 9(2)(a) [Redacted]

Staff Name: [Redacted] 9(2)(a) Date: 02/01/10 Time: 7pm

Name / Description of player: [Redacted] 9(2)(a)

Details of Incident or Observation: [Redacted] 9(2)(a)

(ie. Player is abusive, angry, long sessions of playing, increased cash withdrawals, frequent attendance, intoxicated etc.)

Went to pay out \$1100 with seat out win!
today called at 7pm to say she
was short paid \$100 must committed full
straight away \$7-10 down

Action taken: [Redacted] 9(2)(a)

(ie. Discussion/meeting, Information on problem gambling issued, Exclusion Order Issued)

[Redacted] 9(2)(a) called her back to chat & confirm
she was not short paid

Signed: [Signature] Position: Owner

[Redacted]

Staff Name: _____ Date: _____ Time: _____

Name / Description of player: _____

Details of Incident or Observation: _____

(ie. Player is abusive, angry, long sessions of playing, increased cash withdrawals, frequent attendance, intoxicated etc.)

Action taken: _____

(ie. Discussion/meeting, Information on problem gambling issued, Exclusion Order-issued)

Signed: _____ Position: _____

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Incident Record

1721

Venue Name: 9(2)(a)

9(2)(a)

Staff Name: 9(2)(a) Date: 08/10/17 Time: 4pm

Name / Description of player: Mother + Daughter

Details of Incident or Observation:

(ie. Player is abusive, angry, long sessions of playing, increased cash withdrawals, frequent attendance, intoxicated etc.)

Player - long sessions + being upset + left venue quickly
think she might be gaming (real money)

Action taken:

(ie. Discussion/meeting, information on problem gambling issued, Exclusion Order issued)

on next visit!

Signed: 9(2)(a) Position: owner

Staff Name: 9(2)(a) Date: 15/10/17 Time: 4:30pm

Name / Description of player: AS above

Details of Incident or Observation:

(ie. Player is abusive, angry, long sessions of playing, increased cash withdrawals, frequent attendance, intoxicated etc.)

Spoke to mother about gaming + leaving venue upset.

Pass over my Business card + gaming help card

Action taken:

(ie. Discussion/meeting, information on problem gambling issued, Exclusion Order issued)

Signed: 9(2)(a) Position: owner

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Incident Record

Venue Name:

9(2)(a)

Staff Name: WJ Date: 18/11/17 Time: 3:46

Name / Description of player: Non talker Island lady

Details of Incident or Observation:

(ie. Player is abusive, angry, long sessions of playing, increased cash withdrawals, frequent attendance, intoxicated etc.)

● children outside w/ guitar for her, came in 3 times to find her

Action taken:

(ie. Discussion/meeting, information on problem gambling issued, Exclusion Order issued)

9(2)(a) explain we have a duty of care for her, her family
Signed: 9(2)(a) Position: owner

Staff Name: _____ Date: _____ Time: _____

Name / Description of player: 9(2)(a)

Details of Incident or Observation:

(ie. Player is abusive, angry, long sessions of playing, increased cash withdrawals, frequent attendance, intoxicated etc.)

REFUSED UNDER THE OFFICIAL INFORMATION ACT 9(2)(a)
this lady came back w/ kids ground she was found, to have the kids in her car.

Action taken:

(ie. Discussion/meeting, information on problem gambling issued, Exclusion Order issued)

9(2)(a) to talk + possible exclude
Signed: her in Position: partner
WOT + 11/17

Incident Record

Venue Name:

[Redacted] 9(2)(a) [Redacted]

Staff Name:

9(2)(a)

Date:

19/10/18

Time:

4:00

Name / Description of player:

Island lady
Does not talk very much

Details of Incident or Observation:

(ie. Player is abusive, angry, long sessions of playing, increased cash withdrawals, frequent attendance, intoxicated etc.)

9(2)(a)

She has explain she is not about to have children in care while she is gambling.

Action taken:

(ie. Discussion/meeting, information on problem gambling issued, Exclusion Order issued)

- she says she understands
- All staff are aware!

Signed:

Position:

[Redacted]

Staff Name:

9(2)(a)

Date:

Thursday 08-08/18

Time:

11am

Name / Description of player:

9(2)(a)

from

9(2)(a)

has been informed.

Details of Incident or Observation:

(ie. Player is abusive, angry, long sessions of playing, increased cash withdrawals, frequent attendance, intoxicated etc.)

Meeting with Charlie Wong
All complaints made to him

Action taken:

(ie. Discussion/meeting, information on problem gambling issued, Exclusion Order issued)

Signed:

Position:

[Redacted]



**Te Tari Taiwhenua
Internal Affairs**

CAPTION SHEET

Department of Internal Affairs v

9(2)(a)



Being a venue manager of the holder of a class 4 venue licence, failed to take all reasonable steps to ensure that the problem gambling policy was used to identify a potential or actual problem gambler, including Morgan Barrett.

Particulars:

The reasonable steps that 9(2)(a) should have taken were as follows:

1. Develop and implement an adequate system to ensure the number of EFTPOS transactions made by individuals gambling at the venue at which he was a venue manager could be recorded and monitored; and
2. Develop and implement an adequate system to ensure that the length of gambling sessions by individuals gambling at the venue at which he was a venue manager could be recorded and monitored.

Contrary to: Sections 308(4) and (6) of the Gambling Act 2003.

Penalty: A fine not exceeding \$5,000.

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SUMMARY OF FACTS

Offending summary

1. 9(2)(a) (the defendant) is the venue manager at 9(2)(a) . 9(2) is operated by 9(2)(a) and the defendant is its sole director.
2. The victim, Mr Morgan Barrett, was a problem gambler. Upon his death on 26 January 2018, his family discovered that between 1 April 2017 and 25 January 2018 Mr Barrett spent approximately \$106,660 across 14 gambling venues in the Canterbury region.
3. Of this amount, Mr Barrett spent a significant majority at 9(2)(a) approximately \$75,714.80. In the course of spending that money Mr Barrett made approximately 737 EFTPOS withdrawals over 137 separate visits. On 15 days, Mr Barrett made between 10 to 27 EFTPOS withdrawals at 9(2)(a) which, on each occasion, totalled up to \$2,076.50. There are five occasions where Mr Barrett's visits to 9(2)(a) lasted about five to eight hours and on those occasions he gambled continuously.
4. Throughout the relevant period, none of 9(2)(a) staff raised any concerns about Mr Barrett.
5. In accordance with a contract between 9(2)(a) and 9(2)(a) 9(2)(a) is permitted to operate up to nine "pokies" gambling slot machines (the venue agreement). The venue agreement was signed on 11 April 2016.
6. As the holder of a class 4 venue licence 9(2)(a) was required to develop a policy for identifying problem gamblers. The applicable policy was 9(2)(a) Gambling Harm Minimisation Policy dated November 2013 (the Policy).
7. The legislative background is set out in **Annexure 2**.

The policy

8. The Policy prescribed the following, among others, as "obvious signs" of problem gambling behaviour that staff were required to recognise:

- *Multiple ATM transactions.* Research suggests that players attribute multiple ATM/EFTPOS transactions as a main contributor to a catastrophic loss. Be aware of players approaching staff for several EFTPOS transactions in one playing session.
 - *Length of Playing Session.* Research suggests that playing sessions in excess of 5 to 6 hours would raise concerns, especially if linked to a number of similar sessions per week.
9. If a gambler at 9(2)(a) was showing signs of problem gambling, the Policy required staff to approach that person and offer them information or advice about problem gambling. That information or advice must include a description of the “self-exclusion procedure”. The self-exclusion procedure involved prohibiting self-identified problem gamblers, who had sought exclusion, from entering the gambling area for a period of up to two years.
 10. As part of their harm minimisation procedures, 9(2)(a) was required to record in their incident book the details of what took place and the outcome for any problem gamblers identified in their venue. From January 2017 to 2018, 9(2)(a) incident book recorded a total of three incidents but this did not include any entries about Mr Barrett, as he was never identified as a problem gambler.
 11. Also, as a part of its harm minimisation procedures, the defendant was responsible for ensuring that 9(2)(a) conducted “a sweep of the Gaming Room at least every 15 minutes”, albeit the purpose of that being to identify underage persons.

Reasonable steps

12. The defendant failed to take all reasonable steps to ensure that the Policy was used to identify potential or actual problem gamblers.
13. The reasonable steps that the defendant could have taken, but did not take, were broadly to ensure that there were adequate systems in place to ensure appropriate monitoring of the number of EFTPOS transactions and the length of gambling sessions.

Failure to record and monitor the number of EFTPOS transactions

14. As stated in the Policy, multiple EFTPOS transactions were an obvious sign of problem gambling.
15. Because a 9(2)(a) staff member would always need to facilitate EFTPOS withdrawal transactions, there were multiple opportunities to observe obvious warning signs based on multiple EFTPOS transactions.
16. However, at the relevant time, the defendant did not have a system in place for recording the number of EFTPOS transactions made by individuals gambling at 9(2)(a). Rather, tracking the number of transactions made by each gambler relied on individual staff members' memory of withdrawals.
17. The scale of Mr Barrett's EFTPOS went undetected for this reason.
18. Accordingly a step the defendant could have taken was to develop and implement an adequate system to ensure the number of EFTPOS transactions made by individuals gambling at 9(2)(a) could be recorded and monitored, including:
 - a. holding regular staff meetings to discuss individuals showing signs of problem gambling;
 - b. monitoring the completion of logbooks by the venue manager at the close of each day;
 - c. recording in the logbook individuals making multiple EFTPOS transactions;
 - d. requiring all EFTPOS transactions to go through to go through one till, to assist staff to recognise multiple transactions;
 - e. having an in-house rule that limits individuals from making more than three EFTPOS transactions daily, making it easier to identify those demonstrating problem gambling behaviour.

Failure to record and monitor the length of gambling sessions by individuals

19. As stated in the Policy, playing sessions in excess of 5 to 6 hours would raise concerns, especially if linked to a number of similar sessions per week. Accordingly, a step the defendant could have taken was to develop and implement an adequate system to ensure that the length of gambling sessions by individuals gambling at 9(2)(a) could be recorded and monitored.
20. The defendant did not have in place an adequate system at 9(2)(a) for recording and monitoring the length of gambling sessions by individuals.
21. While 9(2)(a) staff undertook sweeps of the gambling area every 15 minutes, the purpose of those sweeps was to observe demeanour and interact with gamblers, rather than for recording gambling-session lengths.
22. The failure to put in place any system for tracking playing session lengths was a failure to take a reasonable step. Reasonable steps 9(2)(a) ought to have taken may have included:
 - a. holding regular staff meetings to discuss individuals showing signs of problem gambling;
 - b. monitoring the completion of logbooks by the venue manager at the close of each day;
 - c. regularly checking CCTV footage of the gaming area to record how long each individual has been gambling;
 - d. checking on individuals during 15-minute sweeps of the gaming area;
 - e. recording in the logbook individuals gambling for long periods of play.
23. On 5 days, Mr Barrett spent between five to eight hours at 9(2)(a) as set out in **Annexure 3.**

Defendant

24. When interviewed, the defendant said the venue had known Mr Barrett for approximately a year and a half. Mr Barrett would visit 9(2)(a) approximately three times a week and his visiting times always varied.
25. The defendant said he did not regard Mr Barrett as a problem gambler because he appeared to be a happy customer that was always socialising with staff.
26. When questioned, the defendant stated he and his staff at 9(2)(a) were unaware of the frequency of Mr Barrett's EFTPOS withdrawals, but they recognised him as one of their biggest customers. The defendant said an unidentified staff member handed Mr Barrett an information card about problem gambling. The defendant admitted that 9(2)(a) did not monitor EFTPOS transactions made over the bar.
27. 9(2)(a)

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Annexure 1

Legislative background

28. The Gambling Act 2003 (**the Act**) regulates the gambling sector in New Zealand. Gambling that involves gaming machines (commonly referred to as pokies) is known as class 4 gambling. Class 4 gambling in pubs and clubs may only be conducted by a corporate society. A corporate society is a not-for profit society that is an incorporated society, a company or a charitable trust. The corporate societies own the gaming machines in the public venues, and collect gaming machine profits to distribute to the community for authorised purposes.
29. Section 308(1) of the Act requires corporate societies that hold a class 4 venue licence to develop a policy for identifying problem gamblers. Section 308(4) of the Act requires a venue manager to take all reasonable steps to ensure that the problem gambling policy is used to identify actual or potential problem gamblers within their venue.
30. Section 3 of the Act provides that a purpose of the Act is to prevent and minimise the harm caused by problem gambling and to ensure that actual or potential problem gamblers are identified by venues and offered help.
31. In the Department's Report on the Social Impact of Gambling 1995, problem gambling is described as an occasional or regular gambling to excess to the extent that it leads to problems in other areas of life, particularly with finances and inter-personal relationships. These problems can range from minor ones involving, for example, arguments with family over gambling expenditure, to problems involving a compulsive addiction to gambling resulting in major financial and inter-personal difficulties.

Annexure 2 — days of high numbers of EFTPOS withdrawals

Date of visit to ^{9(2)(a)}	Number of withdrawals	Value of transactions	Minimum¹ time spent at ^{9(2)(a)}
28 April 2017	13	\$1,051.00	4 hours and 53 minutes
13 July 2017	13	\$1,351.00	3 hours and 50 minutes
14 July 2017	10	\$994.00	2 hours and 43 minutes
11 August 2017	18	\$2,076.50	6 hours and 1 minute
29 August 2017	12	\$1,276.40	5 hours and 2 minutes
11 September 2017	14	\$1,688.50	4 hours and 53 minutes
19 September 2017	14	\$1,959.00	4 hours and 19 minutes
23 September 2017	15	\$1,880.00	5 hours and 40 minutes
25 September 2017	10	\$1,376.90	3 hours and 3 minutes
21 October 2017	15	\$1,782.90	3 hours and 29 minutes
23 October 2017	11	\$1,253.50	2 hours and 37 minutes
11 November 2017	15	\$1,991.40	4 hours and 37 minutes
20 November 2017	13	\$1,378.50	4 hours 52 minutes
29 November 2017	27	\$1,674.00	3 hours and 57 minutes
11 January 2018	12	\$600.00	3 hours and 19 minutes

¹ This is the minimum time spent at ^{9(2)(a)} as this is simply the length of time between the first and last transaction by Mr Barret on a particular day.

Annexure 3 — days where playing sessions exceeded five hours

Date of visit to ^{9(2)(a)}	Number of withdrawals	Value of transactions	Minimum time spent at ^{9(2)(a)}
27 July 2017	7	\$633.00	5 hours and 21 minutes
11 August 2017	18	\$2,076.50	6 hours and 1 minute
24 August 2017	8	\$935.00	8 hours and 24 minutes
29 August 2017	12	\$1,276.40	5 hours and 2 minutes
23 September 2017	15	\$1,880.00	5 hours and 40 minutes

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Formal Statement

Section 82 Criminal Procedure Act 2011

Rochell Marie Brown states:

1. That is my full name. I live in Wellington.
2. I am currently employed as a Senior Gambling Regulator for the Department of Internal Affairs (**the Department**). Since 21 July 2008 I have worked in the business group at the Department responsible for gambling regulation and have held various roles including; Gambling Inspector, Senior Gambling Inspector and Practice Specialist.
3. These roles have included responsibility for matters relating to the licensing of class 4 gambling under the Gambling Act 2003.

Legislation

4. The Gambling Act (**the Act**) regulates the gambling sector in New Zealand. Gambling that involves electronic gambling equipment (ege) in pubs and clubs (commonly referred to as pokies) is known as class 4 gambling. Class 4 gambling in pubs and clubs may only be conducted by a corporate society. A corporate society is a not-for profit society that is an incorporated society, a company or a charitable trust. The corporate societies own the gaming machines in the public venues and collect gaming machine profits to distribute to the community for authorised purposes.
5. Section 308(1) of the Act requires corporate societies that hold a class 4 venue licence to develop a policy for identifying problem gamblers. Section 308(4) of the Act requires a venue manager to take all reasonable steps to ensure that the problem gambling policy is used to identify actual or potential problem gamblers within their venue.
6. Section 3 of the Act provides that a purpose of the Act is to prevent and minimise harm from gambling, including problem gambling.
7. Section 50(2)(c) of the Act requires an application for a class 4 operator's licence to be accompanied by a statement by the applicant of how it proposes to minimise the risk of problem gambling (including the corporate society's policy for identifying problem gamblers).

MB

Rochell Marie Brown

8. Section 52(1)(g) of the Act requires the Secretary (the Department) to refuse to grant a class 4 operator's licence unless the Secretary is satisfied that the applicant will minimise the risk of problem gambling. Section 53A(e) requires every corporate society that holds a class 4 operator licence to, ensure that, at all times the risk of problem gambling posed by that gambling are minimised.
9. Section 57(1)(b) requires a corporate society to apply to the Secretary to amend its class 4 operator's licence if the corporate society proposes to change its problem gambling policies.
10. When assessing this aspect of the licensing application the Department, does not approve the policy, but reviews the corporate society's policy for identifying problem gambling against the following guidance:
- Gambling Act 2003 refer to sections 50(2)(c), 52(1)(g), 65(2)(d), 67(1)(b), 67(1)(p), 69A(g), 308
 - Gambling (Harm Prevention and Minimisation) Regulations 2004 (section 12)
11. On some occasions feedback will be provided to the applicant suggesting improvements to the policy.
12. Section 65(2)(d) requires an application for a class 4 venue licence to be accompanied by a statement by the applicant of how it proposes to minimise the risk of problem gambling and underage gambling at the class 4 venue.
13. In practice most corporate society's, including 9(2)(a) write a venue specific harm prevention and minimisation template that can be customised for each venue. Customisation will include the name of the venue and where necessary be amended to reflect specific characteristics of the venue.

9(2)(a)

14. According to the Departments Kotare computer system used to record gambling licence and compliance information, 9(2)(a) is a licensed class 4 gambling venue, licence number, 9(2)(a)

9(2)(a) There is no record to indicate there is an 9(2)(a)

9(2)(a)

Refer Exhibit_Licence Doc_1721_2014-11-11

15. The venue is described on the class 4 venue licence as a 9(2)(a)

mlr

R. Brown

16. A venue licence to operate up to 9 gaming machines has been held by 9(2)(a) 9(2)(a) At the time of issue, the venue was called 9(2)(a) 9(2)(a) and the venue operator was specified as 9(2)(a)

Refer Exhibit__ Venue Agreement_1721_2014-09-12 dated 12 September 2014

Refer Exhibit__ HPM Policy_1721

17. Documents submitted in relation to this licensing application included a venue agreement and accompanying harm minimisation policy which was created by 9(2)(a) for the Venue.

18. These documents include responsibilities of the venue manager and operator in relation to harm minimisation.

Produce Exhibit__ Venue Agreement_1721_2014-09-12 dated 12 September 2014

Produce Exhibit__ HPM Policy_1721

Refer Exhibit__ Licence Doc_1721_2016-05-31

Refer Exhibit__ Venue Agreement_1721_2016-04-11

19. Records show that the venue changed ownership and the 9(2)(a) From 11 April 2016 9(2)(a) (the defendant) has been the venue manager at 9(2)(a) operated by 9(2)(a) and the defendant is its sole director and shareholder.

20. 9(2)(a) notified this change on 13 April 2016, the notification included a copy of the venue agreement between 9(2)(a) An amended venue licence specifying 9(2)(a) as the venue operator and 9(2)(a) as the venue manager was issued on 31 May 2016.

21. The notification did not include an updated or amended statement by 9(2)(a) of how it proposed to minimise the risk of problem gambling and underage gambling at the class 4 venue.

Produce Exhibit__ Venue Agreement_1721_2016-04-11

Produce Exhibit__ Licence Doc_1721_2016-05-31

Refer Exhibit__ Floor Plan_2016-05-16

Refer Exhibit__ Licence_doc_1721_2016-06-02

MLA

Alfonso

22. On 25 May 2016 ^{9(2)(a)} applied amend the class 4 venue licence to change the defined gambling area at the venue, as part of this amendment, ^{9(2)(a)} provided this floor plan showing the location of the gaming area and its proximity to the bar. An amended class 4 venue licence was issued on 2 June 2016.

Produce Exhibit__ Floor Plan_2016-05-16

Produce Exhibit_Licence_doc_1721_2016-06Gaming Machine Profits

23. Every week (at 2 AM on Monday morning) the venue has its weekly Gaming Machine Profits (GMP) calculated by the EMS monitoring system which is linked to all machines. GMP are funds that remain after gamers have been paid out their winnings. As all gaming machines never return the full 100% of the money put into them (the pay-out range is between 78% and 92%) this amount reflects a percentage of the total play on the machine and the venue overall. GMP forms the basis of the funds that the gaming society will distribute to the community through various grants.

24. The venue has five working days to bank this amount to the gaming society who owns the machines at the venue. Banking GMP on time is an important and integral part of a venues Class 4 operations. Venues which do not bank on time will be subject to warnings and sanction by the Department if it continues.

25. All gaming machines in a venue (also known as EGMs) are hooked up to an electronic monitoring system (called EMS) which is, in turn, connected to the Departments systems which allow venue activity to be monitored and gaming/gambling information gathered.

Refer Exhibit__print out of ^{9(2)(a)}GMP

26. I refer to the attached information sheet (Appendix A) which shows the amount of GMP generated at the ^{9(2)(a)} for the years 2016 to 2020 showing the annual and monthly levels of GMP generated. For example, the venue generated ^{9(2)(a)} in GMP the 2017 and 2019 calendar years respectively. Additionally, this info shows that in September 2017 the venue generated ^{9(2)(a)} in GMP in September 2017.

Produce Exhibit__print out of ^{9(2)(a)}GMP

27. Each venue receives Venue Commission Payments which are payments made, by the gaming society, to the venue in line with the Gambling (Venue payments) Regulations 2016, for operating the gaming machines at the venue. A corporate society must not, in respect of a week, pay to a venue operator payments that in total exceed 1.28% of the week's turnover from a particular venue; and in addition to the weekly limit, a corporate society must not make payments to a venue operator that in total exceed 16% of the turnover (exclusive of prizes and goods and services tax) from a particular venue in the financial year;

all

R. Brown

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signature *R Brown* Name: Rochell Brown
Witnessed by: *Martin Greentree* Name: Martin Greentree
Signature of witness

Date: 02/06/21 Time: 2:50pm

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

R Brown



Formal Statement

Section 82 Criminal Procedure Act 2011

Martin Talauati GREENTREE states:

1. That is my full name. I live in Auckland.
2. I am currently employed as the Manager Investigations, within the Regulatory Services group at the Department of Internal Affairs (the Department). I have held this position since October 2018 after initially joining as Senior Investigator in May 2017. My previous experience includes investigation and law enforcement roles with the Ministry of Social Development, Department of Corrections and New Zealand Police.
3. My role with the Department includes responsibility for the investigation of gambling related matters under the Gambling Act 2003 (the Act).

Investigation background

4. In February 2018, following a complaint from the family of deceased problem gambler Morgan Barrett (Mr Barrett), the Department commenced an investigation into his gambling activity at various class 4 venues within the Christchurch region. The initial enquiries were conducted by the Departments Gambling Inspectors from the Christchurch Gambling compliance team.
5. In August 2018, as a result of those enquiries, I was assigned to investigate the 9(2)(a) 9(2)(a) which had been identified as a venue where the majority of Mr Barrett's recent expenditure had occurred leading up to his death. The objective of the investigation was to ascertain whether 9(2)(a) had taken all reasonable steps to identify the problem gambling of Mr Barrett.

I familiarised myself with records held in the Departments computer systems in respect of 9(2)(a) including class 4 gambling venue licence information which identified the defendant 9(2)(a) as the venue manager and owner under his company 9(2)(a). I noted that 9(2)(a) is a venue affiliated to 9(2)(a) the corporate society that holds the class 4 operators' licence.

Refer Exhibit ___ 9(2)(a) Problem Gambling Harm minimisation policy for 9(2)(a) (doc 00030)

6. From the Departments computer records I retrieved a copy of the applicable gambling harm minimisation policy for 9(2)(a) that was in place from the time 9(2)(a) took ownership of the venue.

Upon review I noted that on page 4 it outlines an obvious sign of problem gambling:

"Multiple ATM transactions. Research suggests that players attribute multiple ATM/EFTPOS transactions as a main contributor to a catastrophic loss. Be aware of players approaching staff for several EFTPOS transactions in one playing session."

I also noted that in 'Problem gambling procedures; section it lists as a final step:

"..Ensure you record the details of what took place and the outcome."

Produce Exhibit__ 9(2)(a) Problem Gambling Harm minimisation policy for CBK (doc 00030)

7. I also reviewed the file containing information collected by Gambling Inspectors in relation to the initial enquiries into this matter. With reference to the **Job sheet of Gambling Inspector Charles WANG (doc ref 00007)** I noted that Mr Barrett was very well known to 9(2)(a) he liked Heineken and ordered the kid's fish and chip meal. It was also known that he would gamble more than other patrons.

Refer Exhibit__ HPA Gambling harm minimisation wallet leaflet and brochure (doc 00026 refers)

8. At one point it was mentioned that Mr Barrett was handed an 'HPA wallet sized pamphlet.' This was later confirmed to me by 9(2)(a) himself when I interviewed him. I also reviewed **Exhibit_ 9(2)(a) incident book records (doc ref 00031)** obtained from 9(2)(a) by the Gambling Inspectors and found there was no record of this interaction in the incident book.

9. HPA stands for Health Promotion Agency who produce a range of gambling harm resources as part of a joint initiative with the Department of Internal Affairs, Ministry of Health in consultation with the Class 4 gambling sector. I am familiar with these resources as the Department has a supply and they are widely available for free online and are common place in gambling venues

10. From the Departments storage I located the applicable HPA wallet leaflet and brochure. I note that the production date on this resource is April 2016. From my enquiries with HPA, I understand that this resource is still in use and there have been no further amendments. On this basis I conclude that the the copy I have located is the same as the HPA wallet card that was give to Mr Barrett at 9(2)(a)

Produce Exhibit__ HPA Gambling harm minimisation wallet leaflet and brochure (doc 00026 refers)

uk

11. I noted that the Barrett family in support of their complaint had provided the Department ANZ bank statements showing Mr Barrett's expenditure. From this an initial analysis of EFTPOS expenditure at the 9(2)(a) had been undertaken by Gambling Inspector Charles Wang. (*doc ref 00008 refers*) Upon reviewing this analysis, I noted that the bank statements did not include the times the transactions occurred.

Refer Exhibit __ ANZ Bank - Statement of Accounts for Mr & Mrs Barrett (doc ref 000016 & 29)

Refer Exhibit __ ANZ Bank – traces re EFTPOS timestamp at 9(2)(a) (doc ref 00019,20 & 21)

12. On 6 August 2018 I contacted the ANZ bank for further details in relation to Mr Barrett's expenditure. Further enquiries followed where I came to learn that the bank statements reflected the process date of EFTPOS transactions which can differ from the actual time and date the transactions occurred. For example, EFTPOS activity that occurred on Saturday and Sunday is processed on Monday. ANZ subsequently provided timestamped traces of Mr Barrett's EFTPOS activity at 9(2)(a) containing the actual time and dates.

Produce Exhibit __ ANZ Bank - Statement of Accounts for Mr & Mrs Barrett (doc ref 000016 & 29)

Produce Exhibit __ ANZ Bank – traces re EFTPOS timestamp at 9(2)(a) (doc ref 00019,20 & 21)

13. In December 2018, I provided the ANZ information received to Diana Kim, Forensic Accountant attached to my investigations team and tasked her with completing the analysis of Mr Barrett's EFTPOS expenditure at 9(2)(a) for the period 1 April 2017 to 25 January 2018.

Refer Exhibit 9(2)(a) training records and diary notes (doc 00011 refers)

14. On 7 August 2018 I sent a section 117 notice under the Act to 9(2)(a) requiring the production of the following information (*doc 00009 refers*):

All records of harm minimisation training provided to venue staff at the 9(2)(a) 9(2)(a) for the period 1 May 2016 to date, to include the following details:

- a. Dates, times and location of training,
- b. Content of training delivered
- c. Names of venue staff who attended.
- d. Name of facilitator who delivered training

Diary notes and visitation logs of 9(2)(a) representative visits made to 9(2)(a) 9(2)(a) for the period 1 May 2016 to date to include the following;

- a. Date, time and name of 9(2)(a) representative who visited
- b. Purpose of visit
- c. Records of discussions had/advisements received in relation to the behaviour of customers participating in Class 4 Gambling at the venue

15. On 21 August 2018 I received the requested information from the 9(2)(a) I reviewed this information and noted that harm minimisation training had been delivered to 9(2)(a) staff on three occasions from when 9(2)(a) commenced his ownership in May 2016 to Mr Morgan's death on 26 January 2018. The training was delivered by 9(2)(a) Account Manager 9(2)(a)
16. I also reviewed the 9(2)(a) diary notes relating to visits from 9(2)(a) and noted there was no record entered which indicated a discussion between 9(2)(a) and 9(2)(a) 9(2)(a) in relation to the gambling of Mr Barrett.
17. On 23 August 2018 I spoke with 9(2)(a) account manager who was responsible for the delivery of gambling harm minimisation training to 9(2)(a) when 9(2)(a) took ownership of the business.
18. I referred 9(2)(a) to the information provided to me by the 9(2)(a) and she confirmed it was correct to the best of her knowledge. She also confirmed that during her visits to the venue she was not told that Mr Barrett was a problem gambler or advised to any extent of the nature of his gambling.

Produce Exhibit__ 9(2)(a) training records and diary notes (doc 00011 refers)

Refer Exhibit__ Master copy audio CD interview of 9(2)(a) 23 August 2018

19. On 23 August 2018 I interviewed 9(2)(a) at the Departments office at 120 Hereford Street, Christchurch. The interview was audio recorded. The audio interview was transferred into the Departments secure investigation drive and then onto a master CD.

Produce Exhibit__ Master copy audio CD interview of 9(2)(a) 23 August 2018

20. The audio recording of the interview was transcribed and is available to assist the Court.

(Seek leave to offer of transcript as an aid for the court)

EFTPOS expenditure

21. I have further reviewed the analysis of Mr Barrett's EFTPOS withdrawals at 9(2)(a) as identified through the bank accounts. I note a common pattern occurring in that there are numerous EFTPOS withdrawals for an amount that are not for a common note denomination. An example of this are transactions occurring on 28 April 2017. From 16:54 hrs to 21:47hrs Mr Barrett makes 13 withdrawals totalling \$1051. The withdrawal amounts are grouped as follows:

3 x \$8.50
3 x \$108.50
7 x \$100

22. I have concluded that these amounts of \$8.50 relate to the purchase of alcohol and the amount of \$108.50 relates to the purchase of alcohol together with a \$100 cash withdrawal which is then used to gamble.
23. I have based this conclusion on the fact that 9(2)(a) is a bar and it does not have an ATM located within the bar itself to enable cash withdrawals outside of the till. The amount \$8.50 is also consistent with the cost of a single alcoholic beverage such as Heineken. This is supported by 9(2)(a) statements that indicate Mr Barrett was known to drink Heineken and eat the kids' fish and chip meal. I note the familiarity of 9(2)(a) and his 9(2)(a) staff and the attention they placed on his behaviour while at the bar which gave them no cause for concern.
24. I have also made enquiries with the family of Mr Barrett which have not revealed any information which suggests the consumption of alcohol was a feature of any significance.
25. On this basis I consider the purchase of alcohol and any meals by Mr Barrett when considered in terms of his total spend at the bar to be negligible and incidental to his primary activity of problem gambling at the 9(2)(a). Given that he spent in excess of \$70,000 and the frequency of his EFTPOS transactions occurring in a relatively short time periods it is not realistic to suggest otherwise.

Refer to Exhibit ___ Morgan Barrett daily ANZ EFTPOS card transactions

26. To further contextualise the daily expenditure at 9(2)(a) by Mr Barrett a further request for information was sent to ANZ for complete EFTPOS card transaction relating to Mr Barrett's EFTPOS card.

Produce Exhibit ___ Morgan Barrett daily ANZ EFTPOS card transactions

27. I have identified the following examples of significance which show a high number of EFTPOS withdrawals and extended periods of gambling:

13 July 2017

28. I refer to Mr Barrett's ANZ bank EFTPOS transactional activity occurring on 13 July 2017. From 1247hrs to 1638hrs Mr Barrett makes 13 EFTPOS transactions and spends a total of \$1351. I note that his bank statements show there have been no other EFTPOS transactions during this time and I conclude that this represents the minimum time Mr Barrett was in the bar continuously gambling. Following this session, the next EFTPOS transaction occurs at 1704 hrs at 9(2)(a)



14 July 2017

29. I refer to Mr Barrett's ANZ bank transactional activity occurring the very next day 14 July 2017. From 1838hrs to 2122hrs Mr Barrett makes 10 EFTPOS transactions and spends a total of \$994. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. Following this session there is no other transactional activity in his bank account for the remainder of the day.

27 July 2017

30. I refer to Mr Barrett's EFTPOS transactional activity occurring on 27 July 2017. From 1348hrs to 1910hrs Mr Barrett makes 8 EFTPOS transactions totalling \$633. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. **This indicates a session in excess of 5 hours.** Following this session, the next EFTPOS transaction occurs 22 minutes later at 1933hrs at 9(2)(a)

11 August 2017

31. I refer to Mr Barrett's EFTPOS transactional activity occurring on 11 August 2017. From 1314hrs to 1915 hrs Mr Barrett makes 19 EFTPOS withdrawals totalling \$2076.50.

Refer Exhibit__ Google Map location of Westpac ATM at 9(2)(a)

32. I note there was a single ATM withdrawal for \$200 that occurred in between these times at the Westpac ATM machine located at 9(2)(a). This is located next to the 9(2)(a) and is part of the same commercial property with the address of 9(2)(a) 9(2)(a)

Produce Exhibit__ Google Map location of Westpac ATM at 9(2)(a)

33. I also note the EFTPOS transactions that occurred immediately before and after the ATM withdrawal were closely timed and suggest to me that he left the venue momentarily to withdraw from the ATM and returned to 9(2)(a) to continue gambling at the 9(2)(a)

At 1349hrs Mr Barrett withdrew \$108.50 from 9(2)(a)

At 1400hrs Mr Barrett withdrew \$200 from the ATM next to 9(2)(a)

At 1419hrs Mr Barrett withdraws \$108.50 from 9(2)(a)

34. On this basis I conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. **This indicates a session in excess of 5 hours.** Following this session, the next EFTPOS transaction occurs 40 minutes later at 1947hrs at 9(2)(a) 9(2)(a)

Handwritten signature

29 August 2017

35. I refer to Mr Barrett's ANZ bank transactional activity 29 August 2017. From 1620hrs to 2123hrs Mr Barrett makes 12 EFTPOS transactions and spends a total of \$1276. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. **This indicates a session in excess of 5 hours.** Following this session there is no other transactional activity in his bank account for the remainder of the day.

11 September 2017

36. I refer to Mr Barrett's ANZ bank EFTPOS transactional activity occurring on 11 September 2017. From 1651hrs to 2145hrs Mr Barrett makes 14 EFTPOS transactions and spends a total of \$1689. I note that his bank statements show there have been no other EFTPOS transactions during this time and I conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. Following this session, the next EFTPOS transaction occurs 32 minutes later at 2217hrs at 9(2)(a)

19 September 2017

37. I refer to Mr Barrett's ANZ bank transactional activity occurring on 19 September 2017. From 1637hrs to 1737hrs Mr Barrett makes 5 EFTPOS transactions and spends a total of \$605. The bank information indicates he left 9(2)(a) momentarily and went to 9(2)(a) 9(2)(a) where he spent \$33.64 at 1817hrs by way of EFTPOS.

Refer to Exhibit__ Google Map location of 9(2)(a)

38. 9(2)(a) is located next to 9(2)(a)

Produce to Exhibit__ Google Map location of 9(2)(a)

39. Mr Barrett returns to 9(2)(a) at 1838hrs at the latest where a further 9 EFTPOS transactions occur with the last one being 2056hrs. The total amount spent on this day was \$1354.

40. Following this session there is no other transactional activity in his bank account for the remainder of the day.

23 September 2017

41. I refer to Mr Barrett's ANZ bank transactional activity 23 September 2017. From 1553hrs to 2134hrs Mr Barrett makes 15 EFTPOS transactions and spends a total of \$1880. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. **This indicates a session in excess of 5 hours.** Following this session there is no other transactional activity in his bank account for the remainder of the day.

25 September 2017

42. I refer to Mr Barrett's ANZ bank transactional activity 25 September 2017. From 1610hrs to 1914hrs Mr Barrett makes 10 EFTPOS transactions and spends a total of \$1376.90. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. Following this session there is no other transactional activity in his bank account for the remainder of the day.

21 October 2017

43. I refer to Mr Barrett's ANZ bank transactional activity 21 October 2017. From 1335hrs to 1705hrs Mr Barrett makes 15 EFTPOS transactions and spends a total of \$1782.90. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. Following this session, the next EFTPOS transaction occurs 1 hour 26 minutes later at 1832hrs at 9(2)(a)

23 October 2017

44. I refer to Mr Barrett's ANZ bank transactional activity 23 October 2017. From 1734hrs to 2011hrs Mr Barrett makes 11 EFTPOS transactions and spends a total of \$1253.50. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. Following this session, the next EFTPOS transaction occurs 47 minutes later at 2058hrs at the 9(2)(a)

27 October 2017

45. I refer to Mr Barrett's ANZ bank transactional activity 27 October 2017. From 1353hrs to 1617hrs Mr Barrett makes 8 EFTPOS transactions and spends a total of \$843.50. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. Following this session, the next EFTPOS transaction occurs 1 hour 27 minutes later at 1744hrs at 9(2)(a)



11 November 2017

46. I refer to Mr Barrett's ANZ bank transactional activity 11 November 2017. From 1246hrs to 1659hrs Mr Barrett makes 15 EFTPOS transactions and spends a total of \$1582.40.

47. At 1706hrs Mr Barrett the bank information shows he has left ^{9(2)(a)} briefly as indicated by an EFTPOS transaction at the ^{9(2)(a)} for \$27.40. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling.

Refer to Exhibit__ Google map search ^{9(2)(a)}

48. ^{9(2)(a)} is located across the road from ^{9(2)(a)}
Google maps indicates it takes 2 minutes to walk from ^{9(2)(a)}

Produce Exhibit__ Google map search ^{9(2)(a)}

49. On this same day he returns to ^{9(2)(a)} 2 minutes 35 seconds later at 1709hrs when a further EFTPOS transaction occurs for \$109, then another for \$100 at 1719hrs followed and finally \$200 at 1723hrs.

50. On this day 18 EFTPOS transactions occurred at ^{9(2)(a)} between 1246hrs and 1723hrs totalling \$1991.40

20 November 2017

51. I refer to Mr Barrett's ANZ bank transactional activity 20 November 2017. From 1731hrs to 2026hrs Mr Barrett makes 13 EFTPOS transactions and spends a total of \$1378.50. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. Following this session there is no other transactional activity in his bank account for the remainder of the day.

29 November 2017

52. I refer to Mr Barrett's ANZ bank transactional activity 29 November 2017. From 1308hrs to 2129hrs Mr Barrett makes 27 EFTPOS transactions and spends a total of \$1674. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. **This indicates a session of 3 hours and 57 minutes.** Following this session there is no other transactional activity in his bank account for the remainder of the day.

Alle

11 January 2018

53. I refer to Mr Barrett's ANZ bank transactional activity 11 January 2018. From 1344hrs to 1704hrs Mr Barrett makes 12 EFTPOS transactions and spends a total of \$600. I note that his bank statements show there have been no other EFTPOS transactions during this time and conclude that this represents the minimum time Mr Barret was in the bar continuously gambling. Following this session, the next EFTPOS transaction occurs 1 hour 5 minutes later at 1810hrs at the 9(2)(a)

54. Based on the information collected during the course of the investigation I have concluded that 9(2)(a) failed to take all reasonable steps to ensure that the problem gambling policy was used to identify a potential or actual problem gambler including Morgan Barrett.

55. Given the nature of Mr Barrett's gambling all reasonable steps 9(2)(a) should have taken were:

- Develop and implement an adequate system to ensure the number of EFTPOS transactions made by individuals gambling at the venue at which he was a venue manager could be recorded and monitored; and
- Develop and implement an adequate system to ensure that the length of gambling sessions by individuals gambling at the venue at which he was a venue manager could be recorded and monitored.

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Signature *Martin Greentree* Name: Martin Greentree

Witnessed by: *Arthur McCallum* Name: Arthur McCallum

Signature of witness

Date: 11 June 2021 Time: 14:19hrs

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

From: [Marty Greentree](#)
To: [Andrew Holmes](#)
Subject: Re: my email attached
Date: Thursday, 2 August 2018 12:36:13 PM
Attachments: [image002.png](#)

Hi Andrew,

I can call Paul today and meet with him tomorrow or Monday no problem. I'll review the file to get up to speed in the interim, but I think Daniel has got his wires crossed somewhat and is a bit loose with the term prosecution. As I understand it, although legal have reviewed the file there are further interviews required before charges are laid. Anyway I'll get onto it and make it a priority.

Cheers

Marty

On 2/08/2018, at 12:04 PM, Andrew Holmes <xxxxxxx.xxxxxx@xxx.xxxx.xx> wrote:

Hi Marty,

I wonder if this person calls me, that we arrange to interview him sooner rather than waiting for Artie's return.

I understand Paul works at Skycity

Can we discuss at some point

Thanks

Andrew

From: Daniel Dominey
Sent: Thursday, 2 August 2018 11:37 AM
To: Paul Barrett
Cc: Andrew Holmes
Subject: RE: my email attached

Good morning Paul

Just sending you a quick update on the current course of the prosecution of one of the venues related to your father.

As I noted in our phone call last week this was being handled by another individual in our Regulatory Investigations team and currently that person is on leave for a period of time so they can't update you directly. I will continue to handle the cancelation work for the other venues where your father gambled.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1992

However I have spoken to the manager of Operations, Andrew Holmes, in Auckland and he is happy to chat to you about the prosecution case.

Therefore if you would like any further information about that part of our work regarding your father please contact him directly on 09 362 5147. You can continue to contact me for the other venues.

Sincerely

Daniel

Daniel Dominey | Gambling Regulator | Regulatory Services
Department of Internal Affairs - Te Tari Taiwhenua
Level 1, 120 Hereford Street, Christchurch
DDI: +64 3 339 5456 | Ext: 4256

<image002.png>

From: Paul Barrett [9(2)(a)]
Sent: Friday, 27 July 2018 10:55 AM
To: Daniel Dominey
Subject: my email attached

Paul Barrett | 9(2)(a) Conference and Events | SKYCITY Entertainment
Group
9(2)(a) Web
www.skycity.co.nz

<image003.gif>

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<image004.jpg>

<image005.gif> Please consider the environment before printing this e-mail

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From: Paul Barrett
Sent: Friday, 27 July 2018 10:53 a.m.
To: 'xxxxxx.xxxxxxx@xxx.xxx.xx'
Subject:

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