



## Formal Statement

Section 82 Criminal Procedure Act 2011

9(2)(a)

1. That is my full name. 9(2)(a)
2. I am currently employed by the Te Hiringa Hauora/Health Promotion Agency as the 9(2)(a) 9(2)(a) Te Hiringa Hauora is a Crown Entity and our role in relation to gambling is to provide an education and awareness campaign and work with other key stakeholders to help minimise gambling harm. I have been in this role for approximately two and a half years and prior to this I was the 9(2)(a) 9(2)(a) I have been with Te Hiringa Hauora and its predecessor the Health Sponsorship Council for 12 years. I have worked across a number of Government departments on health and social issues and have a post graduate diploma in guidance counselling.
3. At the request of the Department of Internal Affairs (DIA) I have agreed to be an expert witness in relation to the gambling of Mr Barrett at the 9(2)(a) I am providing my expertise in my capacity as a senior official at Te Hiringa Hauora involved with the development and implementation of national Gamble Host resources.
4. I can confirm that I have read the code of conduct for expert witnesses provided under Schedule 4 of the High Court Rules Act 2016.
5. In this regard I provide my comments based on the following material provided to me by the DIA in relation to the prosecution case:
  - Summary of facts
  - Charging document
  - Financial analysis
  - 9(2)(a) harm minimisation policy
  - Witness statements.
6. In reviewing this material, I note that the Gambling Host resources are of relevance in that they were used in the training of 9(2)(a) staff and at one time a gambling harm wallet leaflet was provided to Mr Barrett.

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**

## Indicators of Gambling Harm

15. I have been asked if I believe Mr Barrett exhibited signs of being a "problem gambler". The Gambling Act defines a "problem gambler" as a person whose gambling causes harm or may cause harm. It further states that "harm: a) means harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling; and b) includes personal, social, or economic harm suffered – i) by the person; or ii) by the person's spouse, civil union partner, de facto partner, family, whānau, or wider community; or iii) in the workplace; or iv) by society at large". On the basis of the statement of his wife, together with the financial information supplied for this case, I believe that Mr Barrett was a problem gambler. It was evident from that information that Mr Barrett's gambling was causing harm to both him and Mrs Barrett.

16. It can be very difficult to determine if someone is a problem gambler at a venue level alone. By this I mean by staff working in a venue and observing customers. Staff typically do not know a person's financial or personal circumstances, including any harmful impacts their gambling may be having on them or someone else. It is, however, possible to observe signs that a person's gambling may or is likely to be causing them harm and to respond appropriately. The Gamble Host materials provide clear indicators to look for and recommendations for how to respond. As I mentioned earlier, while the Societies/venues are not specifically required to use these resources, they are designed to help them meet their obligations under the Gambling Act.

17. Having considered the material provided by DIA, I believe the following four indicators from the Gambling Harm Reference Card are particularly relevant to this case. The Gamble Host material state that these behaviours (as well as a number of other indicators) "are more likely to be seen in gamblers experiencing problems and are good predictors of problem gambling". I note that EFTPOS transactions and long playing sessions were also specified in 9(2)(a) harm minimisation policy at the time as an "indication that someone has a problem".

- "Gambles for long periods (three or more hours) without taking a break". The financial analysis shows that on five occasions Mr Barrett gambled at 9(2)(a) for five or more hours. This length of time is an indicator of a potential problem and exceeds both the recommendations in the Gamble Host material and in 9(2)(a) own policy.

- *"Tries to withdraw money two or more times"*. On 14 occasions Mr Barrett had 10 or more EFTPOS transactions during his time at 9(2)(a). Based on my knowledge in this area, I believe that 10 or more transactions in any one session would have been a significant indicator. 9(2)(a) own policy identifies 'multiple ATM transactions' as a behavioural indicator stating that "research suggests that players attribute multiple ATM/EFTPOS transactions as a main contributor to catastrophic loss".
- *"Plays very fast (high spend per line)"*. The financial analysis shows that there were also 3 slightly shorter session times (of around three hours) where Mr Barrett spent more than \$1,200 across 10 or more transactions. The intensity of these shorter playing sessions may also have been an observable indicator that Mr Barrett's gambling could have been a problem.
- *"Gamble most days"*. I note that there were periods of time during late May, July, September and October 2017 that Mr Barrett gambled most days. This is another indicator.

#### **Steps to identify 'potential or actual problem gamblers'**

18. With reference to the material provided, I have been asked if I believe that it is a reasonable step for the holder of a class 4 licence to do the following in order to ensure that the problem gambling policy was used to identify potential or actual problem gamblers:

- a. Develop and implement an adequate system to ensure the number of EFTPOS transactions made by individuals gambling at the venue (at which he/she is a venue manager) could be recorded and monitored; and/or
- b. Develop and implement an adequate system to ensure that the length of gambling sessions by individual's gambling at the venue (at which he/she is a venue manager) could be recorded and monitored.

19. Firstly, I note that the relevant 9(2)(a) harm minimisation policy implemented at the time identified multiple EFTPOS transactions and length of play exceeding 5 or 6 hours as indicators that someone might have a problem. It is my understanding that a venue is required to use their policy to identify potential or actual problem gamblers. I note that the policy does not include specific details on how they might do that and, beside having a logbook, I have not seen any specific details of procedures or policies at a venue level that might support that process. The Statement from 9(2)(a) however indicates that 9(2)(a) staff were provided with the Gamble Host material to help them do that and were trained on the basis of that material.

20. I see from the material provided that 9(2)(a) did have a logbook/incident register and that was included in the training that 9(2)(a) provided to 9(2)(a) staff. Based on the venues own harm minimisation policy and the training and material they had received, I believe that they should have been using there logbook/incident register to help monitor Mr Barrett's gambling and that it should have had a number of entries indicating signs that they observed and conversations they had had with him.
21. The Gambling Host Responsibility Guide for Venue Staff explains that "All venues should keep up-to-date written records of any concerns about gamblers in their venue... If you have noticed any General or Strong Signs of harmful gambling in your patrons or have any concerns, then you should note those down in your venue's gambling log book/incident register. If in doubt, write it down. Remember to look through the gambling log book/incident register each time you come in for a shift. This will bring you up to speed with what's been happening. Log books are important for piecing together a series of unrelated incidents and showing a pattern in a player's behaviour over time .... When filling in the gambling log book/incident register, you should note:
- The date and time
  - The name of the gambler involved (if you know it) or a nickname/description so other staff may know who you are talking about, and any contact details you know
  - A description of the sign/s that you observed
  - What action you took (if any)
  - Your name and the name/s of any other staff who noticed the sign".
22. With that guidance in mind, it would be reasonable to expect that 9(2)(a) staff would have noted down in the logbook the dates that Mr Barrett's gambling exceeded the five hours specified in their Policy and any conversations that they would have had with him about that. Further logbook entries should have noted the days when Mr Barrett had multiple EFTPOS transactions and what conversations with him they had had about that. All entries should have provided Mr Barrett's name (since he was known to staff) and the name of the staff member who made the entry.
23. Based on my knowledge of what other venues were doing at the time, I also believe that staff should have at some point set a daily spend limit or declined Mr Barrett's request to withdraw more cash for gambling.

24. The Gamble Host material explains that "Most gamblers have a limit in mind before they start gambling, and they will usually take that amount out on their first withdrawal. If they make repeated EFTPOS withdrawals, they are likely to be spending more than they wanted to. Your venue may decide to limit EFTPOS withdrawals to one per customer per day and/or a maximum cash limit. Alternatively, your venue may decide to use the second withdrawal as an opportunity to discreetly hand over a harm minimisation wallet leaflet with their cash. This will demonstrate that your venue is committed to reducing gambling harm and make it easier for staff to keep customers safe. Decide what your venue's withdrawal limits are, and let players know these limits".

25. 9(2)(a) own policy indicates that multiple EFTPOS transactions is a main contributor to catastrophic loss. I therefore think it would have been reasonable to expect that the staff would have had a conversation/s about Mr Barrett's multiple transactions and decided on a way that they would limit that.

26. I believe the steps set out above are all reasonable to expect of a venue. The Gamble Host guidance that these steps were based on came through the Gamble Host development process with Societies and venues. They were a combination of best practice initiatives that a number of venues were already implementing at the time and recommendations that were considered reasonable to implement at a venue level.

**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: \_\_\_\_\_ Name: \_\_\_\_\_

Signature of witness

Date: \_\_\_\_\_ Time: \_\_\_\_\_