

**IN THE MATTER** of the Gambling Act 2003  
**AND** of an application by  
**CHRISTCHURCH**  
**CASINOS LIMITED** for  
temporary change to game  
mix

**BEFORE THE GAMBLING COMMISSION**

Members: P Chin (Chief Gambling Commissioner)  
K M Ford  
M M Lythe  
P Stanley  
G Reeves

Date of Application: 27 January 2005

Date of Decision: 9 March 2005

Date of Notification  
of Decision: 9 March 2005

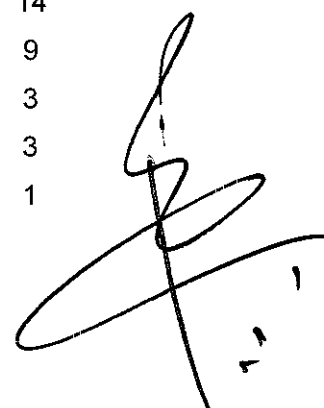
**DECISION**

**ON AN APPLICATION BY CHRISTCHURCH CASINOS LIMITED  
FOR TEMPORARY CHANGE TO GAME MIX**

**Application**

- Christchurch Casinos Limited (the "**applicant**") applied to the Gambling Commission (the "**Commission**") for approval to temporarily swap a Roulette, Black Jack and a Caribbean Stud Poker table for three Poker tables for the New Zealand Poker Championships, to be held at the casino from 2-9 April 2005.
- There are 34 tables at the casino, with the regular table game mix (as at 1 February 2005) comprised as follows:

<b>Table game</b>	<b>Number of tables</b>
Black Jack	14
American Roulette	9
Caribbean Stud Poker	3
Midi Baccarat	3
Mini Baccarat	1



Money Wheel Table	1
Poker	2
Tai Sai	1

### **Licence condition**

3. Condition 1 of the casino venue licence (as amended by the Commission by decision GC06/04) provides as follows:

**Casino premises to be designed, developed, constructed, fitted out and commissioned for operation in accordance with application**

The casino premises shall be designed, developed, constructed, fitted out and commissioned for operation generally in accordance with the application of the licence holder or with such changes as may from time to time be approved by the Commission, provided however that nothing in this condition shall apply in respect of any matter specified in the Second Schedule to the Casino Control Act 1990 (the "Act")

4. The Second Schedule referred to in the above condition identifies various operational matters, but does not refer to the game mix which formed part of the original licence application.

### **Statutory criteria**

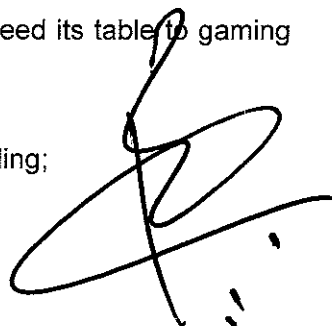
5. The application is for approval under an existing licence condition. Section 139 and 140 of the Gambling Act 2003 (the "Act") do not apply. The Commission consulted with the Secretary in relation to the application, given his operational interest

### **Submissions by the applicant**

6. The applicant submitted in support of the application that:
- (a) the Poker Championship is an annual event, which has been staged for the previous six years;
  - (b) there will be no increase in opportunities for casino gambling. Each poker table has nine gaming positions but does not have any provision for back betting.

### **Submissions by the Secretary**

7. By letter dated 18 February 2005, the Secretary advised that he had no objection provided:
- (a) the dispensation did not cause the casino operator to exceed its table to gaming machine ratio;
  - (b) there was no increase in the opportunities for casino gambling;



- (c) the local casino inspectorate was notified at least 24 hours prior to the temporary swap and that the advice included:
  - (i) the proposed storage location for the tables;
  - (ii) the proposed time for the change; and
  - (iii) the proposed date for the change

8 The Secretary also noted that if the swapped tables were to be stored off site, an application to the Secretary would be required under s178 of the Act.

9. The Secretary also asked the Commission to consider whether, in the event of unscheduled maintenance to a table, eg spillage on the table layout, the operator should be required to apply for a temporary dispensation.

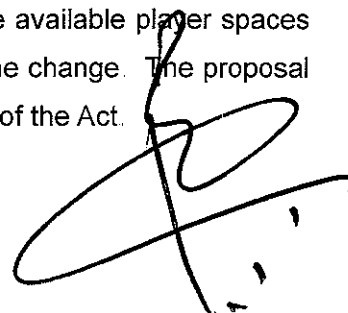
#### **Response by the applicant**

10. The applicant responded to the matters raised by the Secretary in a letter dated 22 February 2005, as follows:

- (a) the substitution of the three existing tables by three Poker tables would not cause it to exceed its current tables to machine ratio of 15:1;
- (b) the three Poker tables represented 27 gambling opportunities, as opposed to 38 such opportunities across the Black Jack, Caribbean Stud Poker and Roulette tables being removed;
- (c) the local casino inspectorate will be notified 24 hours prior to any temporary swap and that notice will specify the proposed storage locations, time and date;
- (d) there was no reason to apply for approval for a temporary dispensation to licence conditions in the event that a table game had a drink spilled on its surface. In the normal course of events, the spillage would be cleared and dried and gaming would continue, or the tablecloth layout would be replaced with an identical layout.

#### **Analysis**

11. Currently the applicant operates two Poker tables out of a total mix of 34 gaming tables. The dispensation will increase the Poker table count to five, with no increase in total table numbers and no change to the ratio of tables to machines. The available player spaces will be temporarily reduced by 11 places as a consequence of the change. The proposal was accordingly judged to be consistent with sections 11 and 12 of the Act.



12. The applicant agrees to the notification requirements proposed by the Secretary, and has addressed the matter raised by the Secretary relating to storage of the swapped gaming tables. The Secretary also invited the Commission to consider whether the operator will be required to apply for approval for a temporary dispensation to cover unscheduled maintenance. The applicant responded that it did not consider this necessary as such events are presently managed by it without the requirement for such a special dispensation. On this basis, and in the absence of a more specific submission by the Secretary, it would not appear necessary to require this for the Poker Championship.

#### **Decision of Commission**

13. The Commission decided unanimously that the proposal was consistent with the Act and to approve the substitution of a Roulette, Black Jack and Caribbean Stud Poker table for three Poker tables for use during the period 2-9 April 2005 as part of the New Zealand Poker Championship.
14. The Commission required that the applicant notify the local casino inspectorate 24 hours prior to changing the tables, and that the applicant's advice to the inspectorate should include the proposed storage location for tables, and a proposed time and date for the substitution of the tables.
15. The Commission noted that the venue licence does not currently specify a table game mix for the casino (although the licence holder is bound by condition 1). As part of the general review of licence conditions, the Commission intends to review the question of an express condition specifying a table game mix for Christchurch, and all other casinos.

#### **Right of appeal**

16. Pursuant to section 235 of the Act, a person affected by this decision may appeal that decision to the High Court. An appeal must be made within 15 working days of the date of notice of the Commission's decision, or any longer period that the High Court may allow.



**Peter Chin**  
Chief Gambling Commissioner

for and on behalf of the  
Gambling Commission

9 March 2005