

IN THE MATTER of the Gambling Act 2003
AND on an application by **SKYCITY CASINO MANAGEMENT LIMITED**
to amend a licence condition

BEFORE THE GAMBLING COMMISSION

Members: P Chin (Chief Gambling Commissioner)
M M Lythe
P J Stanley
G L Reeves
M J Richardson

Date of Application: 6 October 2008

Date of Decision: 14 November 2008

Date of Notification
of Decision: 26 November 2008

DECISION
ON AN APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED
TO AMEND A LICENCE CONDITION

Introduction

- 1 SKYCITY Casino Management Limited ("**SCML**") applied, under section 139(1)(d) of the Gambling Act 2003 (the "**Act**"), to vary condition 12 of SCML's operator's licence for the Auckland casino. Condition 12 provides that a maximum of 10 automatic teller machines ("**ATMs**") is permitted in the Casino Venue outside the Gambling Area. SCML applied to amend the condition to enable it to install ATMs in non-public areas of the Casino Venue. The proposed variation, in mark-up, is as follows:

- 12 A maximum of 10 automatic teller machines ~~is~~are permitted in public areas of the Casino Venue outside the Gambling Area. The Licence Holder may install additional ATMs in non-public areas of the Casino Venue and shall notify the Commission of the location(s) of any such installations and the controls around public access.

Submissions by SCML

- 2 SCML stated, in summary, that:

- (a) It wants to install one additional ATM in the casino. The ATM will be located "back of house" and close to the staff cafeteria

- (b) Staff purchasing food from the cafeteria currently use EFTPOS terminals, but these are widely used and their use creates a bottleneck, particularly at shift changeover times

3 SCML submitted, in summary, that:

- (a) The installation of an ATM near the cafeteria will reduce the demand on the cafeteria EFTPOS facilities, and create an improved pedestrian flow;
- (b) The current limitations on the number of ATMs in the casino were designed as a constraint on casino patrons wanting to access funds. The installation of an additional ATM in a non-public part of the casino for the convenience of staff, who are prohibited from gambling at the casino, would have no bearing on this host responsibility rationale, which limits the number of ATMs in the casino to 10; and
- (c) It has proposed a variation to condition 12, but would be unconcerned if the Commission preferred a different wording which achieved the same result

Submissions by the Secretary for Internal Affairs

4 The Secretary submitted, in summary, as follows:

- (a) As casino staff are prohibited from gambling at the casino, the installation of an ATM in a non-public area near the staff cafeteria is unproblematic
- (b) The licence condition amendment proposed by SCML, which will allow for additional ATMs to be installed in areas of the casino that cannot be accessed by the public, is also unproblematic

Analysis

5 SCML has stated that it wants to introduce one additional ATM into a back of house area of the casino, adjacent to the staff cafeteria, to relieve the heavy usage of the EFTPOS terminals in the cafeteria

6 The Commission considered that the installation of one ATM "back of house" did not raise any issues of concern as the ATM would not be accessible by casino patrons, rather it would be used solely by casino staff who are prohibited from gambling at the casino

7 The Commission noted that, although SCML's supporting documentation identified a need to introduce one additional ATM adjacent to the staff cafeteria, the licence condition variation proposed by SCML would have the effect of allowing SCML to install as many

ATMs as it wishes, provided they are in non-public areas of the Casino Venue and SCML notifies the Commission of their location. The Commission considered it preferable to vary condition 12 to permit the additionally required ATM only, and amended the condition accordingly.

Decision

8 The Commission decided unanimously to vary, under section 139(1)(d) of the Act, condition 12 of SCML's operator's licence to provide as follows:

- 12 A maximum of 11 automatic teller machines are permitted in the Casino Venue, all of them outside the Gambling Area. One of the permitted machines must be located adjacent to the staff cafeteria and must, at all times, be accessible only by members of the operator's staff with controls in place to ensure that it cannot be accessed by casino patrons or other members of the public.


Peter Chin
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

**GAMBLING
COMMISSION**

26 November 2008