

IN THE MATTER of the Gambling Act 2003

AND on an application by **SKYCITY AUCKLAND LIMITED** for approval of construction and design changes at the Auckland casino

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: 31 March 2009

Date of Decision: 17 April 2009

Date of Notification
of Decision: 21 April 2009

**DECISION ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED
FOR APPROVAL OF CONSTRUCTION AND DESIGN CHANGES
AT THE AUCKLAND CASINO**

Introduction

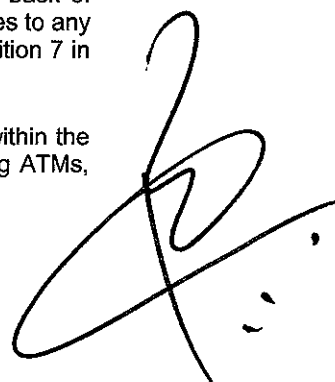
1. SKYCITY Auckland Limited ("**SCAL**") applied to the Commission for approval of construction and design changes to the "Bar 3" area at Auckland casino, under conditions 6 and 7 of SCAL's venue licence.

Licence conditions

2. The relevant licence conditions are as follows:

SCAL's venue licence

6. The Licence Holder must obtain the approval of the Commission prior to:
 - (a) construction or design changes to Levels 2 and 3, including the Gambling Area but excluding the SKYCITY Theatre and foyer area, restaurant and bar areas outside the Gambling Area, and the back of house areas used by staff (unless construction or design changes to any of these excluded areas may impact on matters set out in condition 7 in which case prior approval must be sought);
 - (b) the construction or relocation outside the Gambling Area and within the Casino Venue of bank facilities available to the public excluding ATMs, EFTPOS and like devices;



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

The process by which the Licence Holder may obtain approval for construction or design changes to Levels 2 and 3, including the Gambling Area (paragraph (a) above) is set out in condition 7. The Commission will determine any application for approval under 6(b) and (c)

- 7. The Licence Holder must notify the Executive Director of any proposed changes to the construction or design of Levels 2 and 3, including the Gambling Area but excluding SKYCITY Theatre and foyer area, restaurant and bar areas outside the Gambling Area, and the back of house areas used by staff. Notification must be accompanied by relevant drawings and an assessment of any impacts the alterations may have on:
 - (a) the integrity and fairness of games;
 - (b) the effectiveness of security and surveillance;
 - (c) harm prevention, harm minimisation and responsible gambling;
 - (d) potential access to the Gambling Area by persons under 20 years of age; and
 - (e) compliance by any person with the Act, including section 11.

The Executive Director may approve the proposed changes to the construction or design if he or she is satisfied that there are no adverse impacts in relation to the matters specified in (a)-(e) above. If the Executive Director is not satisfied, he or she will refer the proposal to the Commission for determination.

Submissions by SCAL

- 3. SCAL stated that:

- (a) It wants to undertake a refurbishment of Bar 3, which is a bar located on level 3 of the Auckland casino, and extend it into the Level 3 Gambling Area.
- (b) It will replace a wall separating Bar 3 from the Gambling Area with bi-fold glass doors. These bi-fold doors will mostly be open to allow access between Bar 3 and the Gambling Area, but could be closed to make Bar 3 useable for private functions. A further set of bi-fold doors will be installed in the Gambling Area, beyond the first bi-fold doors, to effectively denote the new Bar 3 boundary.
- (c) No approval is necessary for the alterations within Bar 3, but Commission approval is required for the work which extends Bar 3 into the Gambling Area.
- (d) It intends installing three or four Fun Play tables in the extended facility (and within the Gambling Area) but it will make a separate application for approval to do so in the future.

- 4. SCAL assessed the proposed construction and design changes against the five matters listed in condition 7 of its venue licence, and submitted as follows:

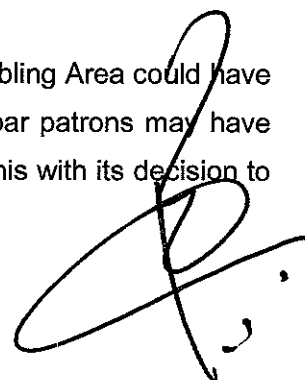
- (a) The integrity and fairness of games: The alterations have no bearing on this.
- (b) The effectiveness of security and surveillance: The alterations have no bearing on this and the requirements of the Surveillance Standard will continue to be met.
- (c) Harm prevention, harm minimisation and responsible gambling: The alterations have no bearing on this - they simply provide improved access to the Gambling Area from an existing facility within the casino.
- (d) Potential access to the Gambling Area by persons under 20 years of age: Bar 3 is currently restricted to persons aged 18 years and over. Rather than restricting access to the Gambling Area from this facility, it wants to make Bar 3 an R20 area and station security officers at the bar entrance(s) to ensure that under 20 year olds will not enter the Gambling Area.
- (e) Compliance by any person with the Act, including section 11: The alterations raise no issues relevant to section 11 of the Act.

Submissions by the Secretary

- 5. The Secretary concurred with SCML's assessment of the condition 7 requirements, and supported the proposal to make Bar 3 an R20 area.

Analysis

- 6. SCAL wants to refurbish Bar 3 and applied for approval of construction and design changes to extend Bar 3 into the Gambling Area. The Executive Director has the ability to approve this application, pursuant to condition 7 of SCAL's venue licence, but in this instance, referred it to the Commission for determination.
- 7. It is incumbent upon SCAL to satisfy the Commission that its proposal will not impact negatively on any of the five matters listed in condition 7 of SCAL's venue licence, namely the integrity and fairness of games; the effectiveness of security and surveillance; harm prevention, harm minimisation and responsible gambling; potential access to the Gambling Area by persons under 20 years of age; and compliance by any person with the Act, including section 11. The Commission decided that SCAL's proposal would not negatively impact upon any of these matters, and did not raise any other issues of regulatory concern.
- 8. The alterations which will allow access between Bar 3 and the Gambling Area could have impacted negatively on condition 7(d) in that 18 and 19 year old bar patrons may have used Bar 3 to enter the Gambling Area, but SCAL has addressed this with its decision to make Bar 3 an R20 area, and police patrons who enter the bar.



Decision

9. The Commission decided to approve SCAL's proposed construction and design changes to the Bar 3 area, under conditions 6 and 7 of SCAL's venue licence.



**GAMBLING
COMMISSION**
Peter Chin
Chief Gambling Commissioner
for and on behalf of the
Gambling Commission

21 April 2009