

IN THE MATTER of the Gambling Act 2003

AND

on an application by **DUNEDIN CASINOS MANAGEMENT LIMITED** to amend licence conditions to introduce fun play tables

BEFORE THE GAMBLING COMMISSION

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

Date of Applications: 18 March 2009

Date of Decision: 22 May 2009

Date of Notification
of Decision: 9 June 2009

**DECISION ON AN APPLICATION BY DUNEDIN CASINOS MANAGEMENT LIMITED
TO AMEND LICENCE CONDITIONS TO INTRODUCE FUN PLAY TABLES**

Introduction

1. Dunedin Casinos Management Limited ("DCML") applied to the Commission for approvals to introduce up to two Fun Play tables into the Gambling Area at the Dunedin casino. The approvals sought were as follows:
 - (a) to specify new licence conditions 6A and 6B to DCML's operator's licence, under section 139(1)(d) of the Gambling Act 2003 (the "Act");
 - (b) to amend licence conditions 6, 7, 8, 26(b) and 31 of DCML's operator's licence, under section 139(1)(d) of the Act;
 - (c) to add a new paragraph to Annex A of DCML's operator's licence, under condition 9 of its operator's licence. The new paragraph would read as follows:

The foregoing game mix numbers concern only the standard gaming tables permitted under condition 6. Any of the game types listed in any of the game mixes may be played on the tables permitted under condition 6A and those games shall not form part of the relevant game mix totals.

2. The proposed new and amended licence conditions, shown mark-up, are as follows:

6. The number of gaming tables in the Gambling Area shall not exceed 12, except as permitted by condition 6A

6A In addition to the gaming tables specified in condition 6, the Licence Holder may install up to 2 further tables on which casino type games may be played in the Gambling Area, provided those tables are not used for gambling purposes and satisfy the following minimum requirements:

- a Table signage must contain a message to the effect, 'Fun Play Only – Not to be Used for Gambling';
- b the tables may only provide for play on casino type games that form part of the approved game mixes specified in Annex A attached to this Licence;
- c the tables shall not have drop boxes attached to them;
- d the tables shall not have drop box slots for the placement of funds;
- e the tables shall not be entered onto the SGM system or any replacement table management system.

6B Games conducted on the tables permitted by condition 6A shall be conducted in accordance with the approved Rules applicable to that casino game type.

- 7 The ratio of gaming machines to gaming tables in the Gambling Area, excluding the tables permitted by condition 6A, shall not exceed 15 to 1, except with the approval of the Commission
- 8 When the casino is operating and excluding the tables permitted by condition 6A, the Licence Holder shall ensure that there is at least 1 authorised table game open for play [for gambling purposes] between the hours of midday to 6pm, at least 2 authorised table games open for play between the hours of 6pm to 3am and at least 1 authorised table game open for play between the hours of 3am and 6am. Between the hours of 6am and midday, the Licence Holder may, but shall not be required to, offer table gaming in the Casino
- 26 (b) The provision of signage, brochures and publications, and the effective display and distribution of the same, to inform gamblers of the odds of winning ~~on gaming machines~~, how to gamble safely, the characteristics of problem gambling and the availability of counselling and other support services;
- 31 The Licence Holder shall comply with the Advertising Standards Authority Code for Advertising Gaming and Gambling dated 1 June 2001, or any update or replacement thereof, and any relevant regulations in respect of the advertising of gaming activities, including for the purposes of this requirement, Fun Play or similar activities which resemble casino gambling

Licence condition

- 3 The relevant licence condition (not already shown above) is as follows:

DCML operator's licence

- 9 The Licence Holder may operate on casino gaming tables the game types and game mixes specified in Annex A attached to this Licence. The Licence Holder shall obtain the prior approval of the Commission for any change to the game types and/or game mixes specified

The Act

- 4 The relevant sections of the Act are as follows:

- 3 Purpose
The purpose of this Act is to –

- (a) control the growth of gambling; and
- (b) prevent and minimise the harm caused by gambling, including problem gambling; and
- (c) -
- (d) facilitate responsible gambling; and
- (e)
- (f)
- (g)
- (h)

11. **No increase in casino gambling**
A person must not increase the opportunities for casino gambling

139. Conditions of a casino licence

- (1)
- (2) A condition of a casino licence specified under subsection (1) –
 - i. must be consistent with this Act; and
 - ii. must contribute to achieving the purposes of this Act; and
 - iii. must contribute to the efficient and effective administration of this Act; and
 - iv. must not permit an increase in the opportunities for casino gambling; and
 - v. may relate to any matter, including the matters specified in Schedule 1, within the confines of paragraphs (a) to (d)

Submissions by DCML

5. DCML stated, in summary, that:

- (a) Following decision GC31/08 (where the Commission approved an application by SKYCITY Casino Management Limited (“SCML”) to introduce Fun Play tables into the Gambling Area at Auckland casino), it wants to introduce up to two Fun Play tables into the Gambling Area of the Dunedin casino
- (b) Its application is similar to the SCML application, and incorporates almost all of the licence condition amendments from that application, with the main difference being that it will not inscribe the playing cloths of the Fun Play tables with words stating that the tables are Fun Play only. It will, instead, install signage stating that the tables are Fun Play only

6. DCML submitted, in summary, that:

- (a) It will meet any Minimum Operating Standards for the use of Fun Play tables
- (b) Current CCTV coverage is sufficient to monitor any activities at the Fun Play tables and it will liaise with the local inspectorate to ensure coverage is satisfactory
- (c) It will, in future, seek approval of floor plans which depict where the Fun Play tables will be located
- (d) The Fun Play signage will provide sufficient awareness to patrons that tables are intended for Fun Play only

- (e) The proposed conditions are consistent with the Act and contribute to its purpose in that they will facilitate responsible gambling by offering patrons the opportunity to learn games and make a more educated decision regarding their gambling; they will not result in any growth in gambling; they will not impact on the integrity and fairness of casino gambling; they will not create opportunity for crime or dishonesty; they will not impact on money from casino gambling benefiting the community; and they will not affect community involvement in decisions around the provision of gambling

The Secretary's submissions

- 7 The Secretary submitted that he has no concerns with DCML's proposal, including its proposal to use signage to differentiate Fun Play tables from tables used for gambling purposes

Analysis

- 8 In decision GC31/08, the Commission approved an application by SCML to introduce Fun Play tables into the Gambling Area at the Auckland casino. In that decision, the Commission determined that the use of Fun Play tables will not increase opportunities for casino gambling, and is not inconsistent with the purpose of the Act. DCML's proposal is almost identical to the SCML matter, and therefore does not raise any issues of regulatory concern.
- 9 The main difference between SCML's use of Fun Play tables and DCML's proposal is that DCML proposes not inscribing its playing cloths with the words "Fun Play only – not to be used for Gambling". It will, instead, install signage with the same words to make it clear to patrons which tables are Fun Play only. The Commission considered the use of appropriate signage to be acceptable provided that the sign is easily visible to patrons and permanently affixed to the table. Accordingly, the Commission amended condition 6A(a) to provide as follows:

The tables shall bear a permanent sign, or signs, easily visible to all players using the tables, bearing words to the effect "Fun Play Only – Not to be used for Gambling"

- 10 For the sake of clarity, the Commission would consider a sign to be permanently affixed if it were, for example, screwed to the table when it is used for Fun Play purposes, thus allowing DCML to unscrew the sign should it subsequently want to use that table for regular gambling purposes. A sign would not be permanently affixed if it were simply placed on the table so that it could be removed by picking it up, or easily knocked over.

- 11 The Commission also amended condition 8 from that proposed by DCML to provide greater clarity. Condition 8 now reads:

8 When the casino is operating, the Licence Holder shall ensure that the following minimum number of tables, in each case excluding the tables permitted by condition 6A are open for gambling purposes:

- (a) At least 1 authorised table game between the hours of midday to 6 pm;
- (b) At least 2 authorised table games between the hours of 6pm and 3am;
- (c) At least 1 authorised table game between the hours of 3am and 6am
- (d) Between the hours of 6am and midday, the Licence Holder may, but shall not be require to, offer table gaming in the Casino

12 The Commission understands that DCML will, in the future, make a separate application for approval of new floor plans depicting where the Fun Play table(s) will be deployed

Decision of the Commission

13 The Commission decided to:

- (a) specify, as proposed by DCML, new licence conditions 6A (with the abovementioned amendments) and 6B to DCML's operator's licence, under section 139(1)(d) of the Act
- (b) amend, as proposed by DCML, licence conditions 6, 7, 8 (with the abovementioned amendments), 26(b) and 31 of DCML's operator's licence, under section 139(1)(d) of the Act;
- (c) amend Annex A of DCML's operator's licence (**attached**), under condition 9 of its operator's licence, to add the following paragraph:

The foregoing game mix numbers concern only the standard gaming tables permitted under condition 6. Any of the game types listed in any of the game mixes may be played on the tables permitted under condition 6A and those games shall not form part of the relevant game mix totals

Right of appeal

14 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

GAMBLING
allow
COMMISSION

Peter Chin
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

9 June 2009

ANNEX A

Dunedin Casino is limited to operating the following approved game mixes:

<p>Game Mix A American Roulette – 3 games Black Jack – 5 games Midi Baccarat – 1 game Caribbean Stud Poker – 1 game Poker – 2 games</p>	<p>Game Mix B American Roulette – 3 games Black Jack – 4 games Midi Baccarat – 1 game Caribbean Stud Poker – 1 game Poker – 3 games</p>
<p>Game Mix C American Roulette – 3 games Black Jack – 5 games Midi Baccarat – 2 game Caribbean Stud Poker – 1 game Poker – 1 game</p>	<p>Game Mix D American Roulette – 3 games Black Jack – 4 games Midi Baccarat – 2 games Caribbean Stud Poker – 1 game Poker – 2 games</p>
<p>Game Mix E American Roulette – 3 games Black Jack – 4 games Midi Baccarat – 1 game Mini Baccarat – 1 game Caribbean Stud Poker – 1 game Poker – 2 games</p>	<p>Game Mix F American Roulette – 3 games Black Jack – 3 games Midi Baccarat – 1 game Mini Baccarat – 1 game Caribbean Stud Poker – 1 game Poker – 3 games</p>
<p>Game Mix G American Roulette – 3 games Black Jack – 4 games Midi Baccarat – 2 games Mini Baccarat – 1 game Caribbean Stud Poker – 1 game Poker – 1 game</p>	<p>Game Mix H American Roulette – 3 games Black Jack – 3 games Midi Baccarat – 2 games Mini Baccarat – 1 game Caribbean Stud Poker – 1 game Poker – 2 games</p>
<p>Game Mix I American Roulette – 3 games Black Jack – 3 games Midi Baccarat – 1 game Mini Baccarat – 2 games Caribbean Stud Poker – 1 game Poker – 2 games</p>	<p>Game Mix J American Roulette – 3 games Black Jack – 2 games Midi Baccarat – 1 game Mini Baccarat – 2 games Caribbean Stud Poker – 1 game Poker – 3 games</p>
<p>Game Mix K American Roulette – 3 games Black Jack – 3 games Midi Baccarat – 2 games Mini Baccarat – 2 games Caribbean Stud Poker – 1 game Poker – 1 game</p>	<p>Game Mix L American Roulette – 3 games Black Jack – 2 games Midi Baccarat – 2 games Mini Baccarat – 2 games Caribbean Stud Poker – 1 game Poker – 2 games</p>

Note

- (a) The foregoing game mix numbers concern only the standard gaming tables permitted under condition 6. Any of the game types listed in any of the game mixes may be played on the tables permitted under condition 6A and those games shall not form part of the relevant game mix totals.
- (b) The Licence Holder must operate in accordance with the approved Table Games Floor Plan, using only the game types shown in the positions specified;
- (c) The Licence Holder may only operate the above table game mixes;
- (d) The Licence Holder must comply with the notification and other requirements specified in MOS C-C 12 when altering the game mix by "flipping" tables;
- (e) For the avoidance of doubt, the Promotional Wheel may be used only for promotional purposes in accordance with the Act, and must not be used to conduct casino gambling.

