

**IN THE MATTER** of the Gambling Act 2003

**AND**

on an application by **SKYCITY CASINO MANAGEMENT LIMITED** to vary licence condition 12 of its operator's licence for 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: 2 October 2009

Date of Decision: 16 October 2009

Date of Notification  
of Decision: 27 October 2009

**DECISION ON APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED  
TO VARY LICENCE CONDITION 12 OF ITS OPERATOR'S LICENCE FOR  
THE AUCKLAND CASINO**

**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 11 ATMs are permitted in the Auckland casino outside the Gambling Area, one of which must be near the staff cafeteria. SCML applied to reduce the number of ATMs to 10, and to remove the requirement to have one ATM located near the staff cafeteria. The proposed variation, in mark-up, is as follows:

12. A maximum of ~~10~~ 14 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 operating staff with controls in place to ensure that it cannot be accessed by casino patrons or other members of the public.~~

**Submissions by SCML**

SCML submitted as follows:

- (a) In October 2008, it applied to the Commission to vary condition 12 of its operator's licence to allow it to install an ATM in a non-public, back of house area of the casino for the exclusive use of its staff members. The Commission varied

condition 12, but favoured a more prescriptive wording than that which it advanced.

- (b) It has since been unable to secure an ATM unit in the proposed location on suitable commercial terms and as such, has decided not to pursue this initiative.
- (c) The Commission's wording of condition 12 has the apparent effect of obligating it to install an ATM in the area concerned. As it no longer intends to install an ATM in the proposed back of house area, the most appropriate fix is to restore condition 12 to its original wording.

### **The Secretary's submissions**

- 3. The Secretary submitted that he had no concerns with the Applicant's proposal.

### **Analysis**

- 4. SCML's proposal involves returning the wording of condition 12 to its previous form, following its inability to secure an ATM on suitable terms for the back of house area. The proposed wording raises no issues of regulatory concern.

### **Decision of the Commission**

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

**GAMBLING  
COMMISSION**

12. maximum of 10 automatic teller machines are permitted in the Casino Venue outside the Gambling Area.

Peter Chin  
Chief Gambling Commissioner

for and on behalf of the  
Gambling Commission

27 October 2009