

IN THE MATTER of the Gambling Act 2003
AND on an application by **SKYCITY
AUCKLAND LIMITED** and
**SKYCITY CASINO
MANAGEMENT LIMITED** for
approval of changes to Level 3 of
the Auckland casino

BEFORE THE GAMBLING COMMISSION

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

Date of Application: 28 June 2010

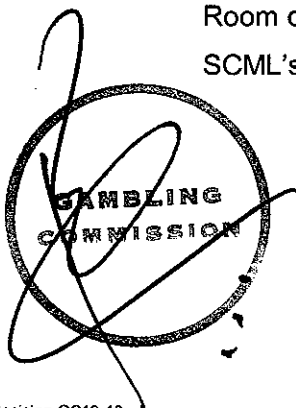
Date of Decision: 13 August 2010

Date of Notification
of Decision: 17 August 2010

**DECISION ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED AND
SKYCITY CASINO MANAGEMENT LIMITED
FOR APPROVAL OF CHANGES TO LEVEL 3 OF THE AUCKLAND CASINO**

Introduction

1. SKYCITY Auckland Limited ("**SCAL**") and SKYCITY Casino Management Limited ("**SCML**") (together referred to as the "**Applicants**") applied to the Commission for approval:
 - (a) of construction and design changes to the Platinum Room on level 3 of the Auckland casino, under conditions 6 and 7 of SCAL's venue licence;
 - (b) of construction and design changes to the existing Platinum Room cashiering facility on level 3 of the Auckland casino, under conditions 6, 7 and 13 of SCAL's venue licence and condition 22 of SCML's operator's licence;
 - (c) to install a new cash-dispensing EFTPOS terminal in the existing Platinum Room cashiering facility on level 3 of the Auckland casino, under condition 13 of SCML's operator's licence.



2. The relevant licence conditions are as follows:

SCAL venue licence

6. The Licence Holder must obtain the approval of the Commission prior to:
- (a) construction or design changes to Levels 2 or 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 or 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).

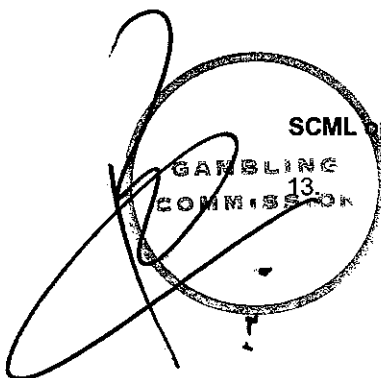
7. The Licence Holder must notify the Executive Director of any proposed changes to the construction or design of Levels 2 or 3, including the Gambling Area but excluding SKYCITY Theatre and foyer area, restaurant and bar areas outside the Gambling Area, and the back of house areas used by staff. Notification 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.

13. The approval of the Commission is required for the construction and relocation of cashiering facilities additional to the principal facility in other parts of the Gambling Area or casino venue. Any such additional facilities must comply with the surveillance equipment requirements set out in the Surveillance Standard and be fitted with manually triggered and automatic silent alarm systems connected to the surveillance department.

SCML operator's licence (Auckland casino)

The Licence Holder is prohibited from dispensing cash from EFTPOS and like devices in the Gambling Area unless approved by the Commission. The approval of the Commission shall be revocable at the discretion of the



Commission and may be subject to such conditions as the Commission may from time to time impose.

22. The approval of the Commission is required for the construction and relocation of cashiering facilities additional to the principal facility in other parts of the Gambling Area or casino venue. Any such additional facilities must comply with the surveillance equipment requirements set out in the Surveillance Standard and be fitted with manually triggered and automatic silent alarm systems connected to the surveillance department.

Submissions by the Applicants

3. The Applicants submitted as follows:

- (a) They want to refurbish an area on level 3 of the Auckland casino, encompassing the Player's Lounge, Platinum Room, and Platinum VIP Room, with the most significant being:

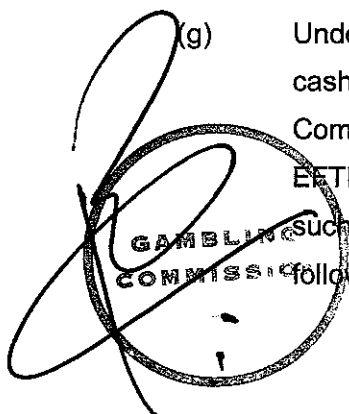
- The expansion of the VIP gaming area within the Platinum Room.
- The creation of one additional cashiering station in the cashiering facility within the Platinum Room.
- The installation of glass doors at the entrance to the Platinum Room.
- The creation of two entrances to the smoking deck on the western side of level 3, and dividing the deck with a glass screen, to prevent non-authorised access into the Platinum Room from the smoking deck.

- (d) The proposed refurbishment to this "members only" area has no impact on condition 7 of SCAL's venue licence.

- (e) The cashiering facility in the Platinum Room was approved by the Commission in decision GC11/05. That facility provided for two cashiering stations. It wants the facility to accommodate a third cashiering station. The revised facility will comply with the requirements set out in the Surveillance Standard.

- (f) They propose equipping the third cashiering station with an EFTPOS facility, which could be used to dispense cash.

- (g) Under condition 13 of its operator's licence, SCML is prohibited from dispensing cash from EFTPOS terminals in the Gambling Area unless approved by the Commission. The Commission has previously approved 22 cash-dispensing EFTPOS terminals in the Gambling Area, although it currently only operates 17 such terminals. The number of cash-dispensing terminals will reduce to 14 following changes soon to be implemented on the Main Gaming Floor, so the



introduction of an additional cash-dispensing EFTPOS terminal on level 3 would increase the number of terminals to 15, well within the approved limit of 22 terminals.

The Secretary's submissions

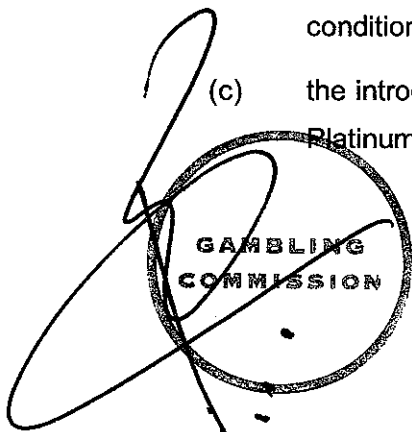
4. The Secretary had no regulatory concerns with the Applicant's proposal.

Analysis

5. As part of its ongoing refurbishment of the Auckland casino, SKYCITY wants to refurbish the Platinum Room on Level 3 of the casino.
6. The proposed changes do not raise any issues of regulatory concern and do not contravene condition 7 of SCAL's venue licence.
7. The proposal will result in an additional cashiering station and cash-dispensing EFTPOS terminal. As the Commission has noted in previous decisions on cash access, it seeks to strike a balance which enables the operator to meet the customer service expectations of its patrons, while discharging its obligations under the Act to promote responsible gambling, and protect potentially at-risk gambling patrons.
8. The additional EFTPOS terminal for Level 3 will be installed in an existing cashiering location which will be accessed by VIP patrons only. The total number of cash-dispensing EFTPOS terminals in the casino, 15, will remain within SCML's approved overall limit of 22 terminals.

Decision of the Commission

9. The Commission decided to approve:
 - (a) the construction and design changes to the Platinum Room, under conditions 6 and 7 of SCAL's venue licence; and
 - (b) the construction and design changes to the existing Platinum Room cashiering facility on level 3, under conditions 6, 7 and 13 of SCAL's venue licence and condition 22 of SCML's operators licence;
 - (c) the introduction of an additional cash-dispensing EFTPOS terminal in the existing Platinum Room cashiering facility, under condition 13 of SCML's venue licence.



10. The construction and design changes are to be generally in accordance with the application. The Applicants are to seek the Commission's approval for any variations.



Peter Chin
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission



17 August 2010