

IN THE MATTER of the Gambling Act 2003

AND on an application by **SKYCITY HAMILTON LIMITED** to redesignate the Gambling Area at the Hamilton casino

BEFORE THE GAMBLING COMMISSION

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

Date of Application: 8 July 2010

Date of Decision: 13 August 2010

Date of Notification
of Decision: 17 August 2010

**DECISION ON AN APPLICATION BY SKYCITY HAMILTON LIMITED
TO REDESIGNATE THE GAMBLING AREA AT THE HAMILTON CASINO**

Introduction

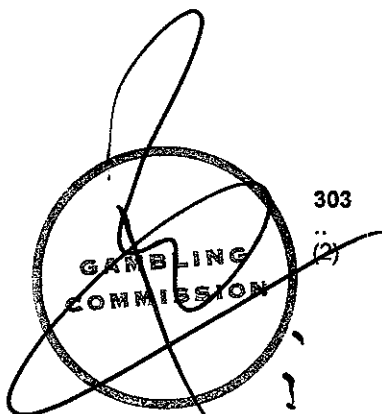
- 1 SKYCITY Hamilton Limited ("**SHL**") applied to the Commission, under section 139(1)(d) of the Gambling Act 2003 (the "**Act**"), to vary condition 9 of SHL's venue licence to redesignate the Gambling Area at the Hamilton casino
- 2 The relevant sections of the Act are as follows:

139 Conditions of casino licence

- (1) The Gambling Commission may specify the conditions of a casino licence or vary or revoke the conditions of a casino licence in the following circumstances:
 - (d) on application by the holder of the casino licence:
- (2) A condition of a casino licence specified under subsection (1)—
 - (a) must be consistent with this Act; and
 - (b) must contribute to achieving the purposes of this Act; and
 - (c) must contribute to the efficient and effective administration of this Act; and
 - (d) must not permit an increase in the opportunities for casino gambling; and
 - (e) may relate to any matter, including the matters specified in Schedule 1, within the confines of paragraphs (a) to (d)

303 Age restriction on gambling in casinos

- (2) Every holder of a casino operator's licence commits an offence who allows a person under 20 years—
 - (a) to participate in casino gambling; or



(b) to enter, or remain in, the gambling area of a casino

3 The relevant licence condition is as follows:

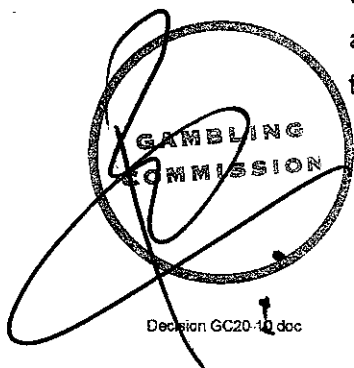
SHL venue licence

9 The Gambling Area within the Casino Venue comprises the areas specified in a plan dated 26 July 2006 approved by the Commission in its decision GC40/06

Submissions by SHL

10 SHL submitted as follows:

- (a) In decision GC40/06 the Commission specified the Gambling Area at the casino as being the area specified in Plan A dated 26 July 2006.
- (b) Prior to that decision, the Gambling Area at the Hamilton casino was defined by two distinct areas – the Main Gaming Floor and the Exchange Room – separated by an access route from the casino entrance to the restaurant. This allowed for unrestricted access to the restaurant, which has never been part of the specified Gambling Area. However having two distinct gambling areas to provide access to the restaurant meant that it had to police the age restriction from two separate points, creating labour inefficiencies. It sought to address this by creating a single gambling area.
- (c) The new (single) Gambling Area allowed it to police the age restriction from one point – the casino entrance, which meant that access to the restaurant from the casino entry was restricted to persons 20 years and over. However it also meant that restaurant staff under the age of 20 could only access the restaurant from the service lifts within the kitchen. This has been workable, although difficulties have arisen where the service lift has malfunctioned, or has undergone maintenance, and when lifts cannot be used. As the stairwell may only be accessed from the Gambling Area, the only way out when the service lift is unavailable is through the Gambling Area.
- (d) It wants to create a channel from the restaurant to the casino entrance which could be used at its discretion to allow staff (not patrons) aged under 20 years to enter/exit the restaurant without committing an offence under section 303(2) of the Gambling Act. It will continue to police the age restriction from a single point at the casino entrance and is not proposing to relax the age restriction on access to the restaurant.



- (e) Subject to the Commission's approval, the new designation will take effect immediately

The Secretary's submissions

11 The Secretary submitted as follows:

- (a) SHL's proposal will help promote compliance with section 303(2) of the Act
- (b) There may be risk associated with the proposal as underage restaurant staff could access the Gambling Areas from the restaurant without being detected. However this risk would be mitigated by the vigilance of casino staff. In reply, SHL submitted that the same risk exists now, but it informs staff of the consequences that exist should that occur.
- (c) Should the Commission approve the proposal, he expects SHL to apply to amend the relevant Minimum Operating Standards. In reply, SHL submitted that it will do so.

Analysis

12 SHL wants to again create two distinct gambling areas to allow a non-gambling area/walkway between the casino entrance and the restaurant. The walkway will be used only by restaurant staff aged under 20 and was sought by the operator to prevent technical breaches of section 303 of the Act by those employees when they could not otherwise exit the restaurant by compliant means. The Commission considered this to be sensible. The proposal did not raise any issues of regulatory concern as SHL will maintain its current R20 policy for the venue. The risk of underage restaurant staff accessing the Gambling Areas from the restaurant will not increase.

Decision of the Commission

13 The Commission decided to vary condition 9 of SHL's venue licence, under section 139(1)(d) of the Act, to redesignate the Gambling Area at the Hamilton casino. Condition 9 now provides:

- 9 The Gambling Area within the Casino Venue comprises the areas specified in a plan dated 16 August 2010 approved by the Commission in its decision GC20/10

10 The designated Gambling Area is shown on the **attached** plan



11 The variation is made on condition that SHL maintains its R20 policy for the casino venue


Peter Chin
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission



17 August 2010

