

**IN THE MATTER** of the Gambling Act 2003  
**AND** on an application by **SKYCITY HAMILTON LIMITED** to designate Gambling Area

**BEFORE THE GAMBLING COMMISSION**

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

Date of Application: 10 November 2006

Date of Decision: 15 December 2006

Date of Notification  
of Decision: 21 December 2006

**DECISION**

**ON AN APPLICATION BY SKYCITY HAMILTON LIMITED  
TO DESIGNATE GAMBLING AREA**

**Application**

1. SKYCITY Hamilton Limited ("**SCHL**") applied to the Gambling Commission (the "**Commission**"), under section 139 of the Gambling Act 2003 (the "**Act**"), to specify as Gambling Area, the area delineated on Plan A **attached** to this decision.

**Gambling Act 2003 and licence conditions**

2. Condition 5.2 of SCHL's venue licence provides as follows:

**Approval of plans and specifications**

- 5.2 The licence holder shall submit working drawings and specifications to the Authority for approval, such approval to be obtained progressively as the working drawings are developed. The Authority will not unreasonably or arbitrarily withhold its approval.

The Authority shall, upon approval of the final plans of the casino premises, designate the gaming area.

3. Section 4(1) of the Act provides as follows:

**Gambling Area** means, -

- (a) ...
- (b) for a casino venue, that part of the venue that is specified by the Gambling Commission under section 139 or the Casino Control Authority under the

Casino Control Act 1990 as an area where casino gambling is permitted or,

4. Section 139 of the Act provides 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:
  - (a) on granting a casino operator's licence;
  - (b) on renewing a casino venue licence;
  - (c) on approving a casino venue agreement or an amendment to it;
  - (d) on application by the holder of the casino licence;
  - (e) on its own initiative or on the request of the Secretary.
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).

**Submissions by SCHL**

5. SCHL stated that the Casino Control Authority (the “CCA”) specified the Gambling Area at the Hamilton casino in a plan dated 18 May 2003. That plan provides for two distinct Gambling Areas, the Main Gaming Floor and the Exchange Room, which are separated by an access route from the casino entrance to the restaurant. This access route was to allow families to access the restaurant without the barrier of age restriction.
6. SCHL wishes to create one Gambling Area at the casino, including the access route, and submitted that doing so:
  - (a) would see age restriction policed at a single point, the entrance to the casino, rather than at two separate points, as is the case at present;
  - (b) complied with section 139(2) of the Act;
  - (c) would not increase opportunities for casino gambling as there would be no increase in the number of tables, size of tables, machines, or wagering positions.

7. SCHL stated that it will, in future, replace the restaurant with a new café which will have no need for general access.
8. SCHL wants the designation of the Gambling Area to take effect five days after notification to the Commission.

#### **Submissions by the Secretary**

9. The Secretary submitted that the application would have a number of benefits including removing any ambiguity about Gambling Area boundaries; reducing the risk of minors accidentally entering the Gambling Area; reducing the possibility of people outside the Gambling Area hearing or seeing jackpot advertising; and that it would not increase opportunities for casino gambling.

#### **Analysis**

10. Section 4 of the Act defines the Gambling Area of a casino to be that part of the casino venue specified as such by either the Commission or the CCA. The CCA designated the Gambling Area for the Hamilton casino in a plan dated 18 May 2003. Under section 139, the Commission is empowered to specify the Gambling Area by way of licence condition.
11. The Applicant applied to include in the Gambling Area, the access route from the casino entrance to the casino restaurant. The Commission was satisfied that this proposal was consistent with section 139(2) criteria and sections 11 and 12 of the Act, prohibiting increases in opportunities for casino gambling.
12. The Commission noted that there would be no increase in the number of tables, machine numbers, player spaces or the size of tables, and concluded that the proposal would not increase the theoretical maximum level of permitted gambling activity.
13. The Commission also noted that the proposal would have a number of benefits.

#### **Decision**

14. Having determined that the proposal was consistent with section 139(2) criteria and sections 11 and 12 of the Act, the Commission unanimously decided to:

- (a) amend condition 5.2 of the venue licence by deleting the last sentence as follows:

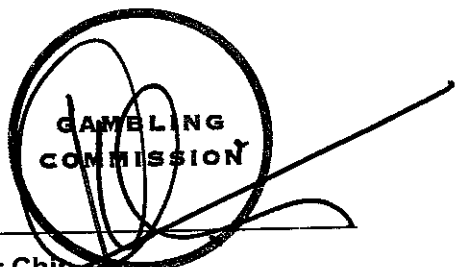
The Authority shall, upon approval of the final plans of the casino premises, designate the gaming area.

- (b) insert the following new licence condition in SCHL's venue licence after condition 5.2, specifying the Gambling Area as follows:

**Gambling Area**

5.2(a) The Gambling Area within the Casino Venue comprises the area specified in plan A dated 26 July 2006 attached to Gambling Commission decision GC40/06

15. Designation of the new Gambling Area will take effect five days after notification by SCHL.



**Peter Chin**  
Chief Gambling Commissioner

for and on behalf of the  
Gambling Commission

21 December 2006

