

CASINO CONTROL AUTHORITY

CASINO PREMISES LICENCE

Section 31, Casino Control Act 1990

Name of holder of casino premises
licence:

Sky Tower Casino Limited

Address of holder of casino
premises licence:

Level 9, CML Building, 22-24 Victoria Street,
Wellington, New Zealand

Address and description of casino
premises (amended pursuant to the
judgment in *Auckland Casino Limited
v Casino Control Authority* (M 81/94,
High Court, Auckland Registry, 13
July 1994, Robertson J)):

All of the land and buildings bounded by Hobson Street,
Wellesley Street West, Federal Street and Victoria Street
West, Auckland, New Zealand, being the parcels of land
comprising:

- (i) All that parcel of land containing 6342 square metres more or less being Lot 1 Deposited Plan 105225 and being Allotments 23, 24, 25, 33, 34, 35 and 43 and part Allotments 19, 20, 21 and 22, Section 22 City of Auckland (Certificate of Title 58A/312 North Auckland Registry);
- (ii) All that parcel of land containing 5513 square metres more or less being Lot 1 Deposited Plan 108126 and being Allotments 26, 27, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42 and part Allotments 12 and 13, Section 22 City of Auckland (Certificate of Title 60C/167 North Auckland Registry);
- (iii) All that parcel of land containing 834 square metres more or less being Part Allotment 13, Section 22 City of Auckland (Certificate of Title 31C/1327 North Auckland Registry)

excluding the underground car park, the bus terminal, the Sky Tower and the walkway between the Sky Tower and the casino complex.



Handwritten signatures and initials, including a large 'B' in a circle.

This licence authorises the use of the premises to which it relates as a casino for a period of 25 years commencing with the date on which the operation of the casino commences, and shall then expire, unless -

- (a) The holder of the licence sooner surrenders the licence under section 51 of the Casino Control Act 1990; or
- (b) The licence is sooner cancelled by the Casino Control Authority; or
- (c) The licence lapses under section 26 of the Casino Control Act 1990; or
- (d) The licence is renewed under section 34 of the Casino Control Act 1990.


Conditions


This licence is subject to -

- (a) The conditions contained in the Act; and
- (b) The conditions set out in the Schedule to this licence; and
- (c) Any conditions imposed by regulations made under the Casino Control Act 1990; and
- (d) Any directions given by the Casino Control Authority pursuant to section 70 of the Casino Control Act 1990; and
- (e) A condition that the operation of the casino authorised by this licence shall commence within 2 years after the date on which this licence is granted, namely, the 21st day of January 1994; and that if the operation of the casino does not commence within that period, this licence shall lapse unless the Casino Control Authority extends that period in accordance with section 26 (2) of the Casino Control Act 1990; and
- (f) Any further conditions attached to this licence by the Casino Control Authority pursuant to section 43 of the Casino Control Act 1990 on granting any approval under section 42 of that Act.

Dated this 24th day of April 1995.

BY the direction of the Casino Control Authority the seal of the Casino Control Authority is hereunto affixed in the presence of:







SCHEDULE – CONDITIONS

Preamble

1. The following conditions apply to the Casino Venue.
2. The Licence Holder must comply with these conditions. Failure to do so could result in the suspension or cancellation of this Licence

Interpretation

3. Words and expressions in these conditions shall have the same meaning as defined in the Gambling Act 2003.
4. In these conditions:

Act means the Gambling Act 2003.

Authority means the Casino Control Authority.

Casino Venue means the area defined as constituting the casino premises in this Licence.

Commission means the Gambling Commission.

Deed of Trust means the undated Deed of Charitable Trust concluded in June 1997 settled by Harrah's SKY CITY Limited.

Executive Director means the Executive Director of the Commission.

Gambling Area means that part of the Casino Venue designated by the Commission pursuant to condition 9 where casino gambling is permitted by the Commission.

Licence Holder means SKYCITY Auckland Limited.

Secretary means the Secretary for Internal Affairs.

Surveillance Standard means the Surveillance Policy describing the required standard, type, operation and installation of surveillance facilities, approved by the Authority with effect from 5 December 2003, as may be substituted or amended by the Commission from time to time.

Design and Construction

5. The Licence Holder shall lodge and maintain with the Commission and the Secretary updated as built architectural floor plans of the Ground Floor, Level 2 and Level 3 of the

Casino Venue showing walls, structures and dimensions. Updated as built architectural floor plans shall be lodged with the Commission and the Secretary if the Licence Holder makes alterations to the Ground Floor, Level 2 or Level 3 of the Casino Venue requiring building consent from a territorial authority.

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

8. The Licence Holder shall ensure that:
- (a) gambling activity is not visible from the street or other public areas outside the Casino Venue;
 - (b) there is provision for generation of emergency power to maintain in situations of an interruption to mains power:
 - (i) minimum services to the Gambling Area; and
 - (ii) lighting in highly sensitive areas such as count rooms, surveillance suite, cashiering locations and gambling equipment storerooms.

Gambling Area

9. The Gambling Area within the casino venue shall comprise an area specified in plans 'A1', 'B' and 'C' dated 25 November 2009.

General specifications for the soft count room facility

10. The Licence Holder shall ensure that the soft count room is located in a secure area and shall, as a minimum requirement, provide the following:
- (a) effective electronic surveillance in accordance with the Surveillance Standard;
 - (b) an alarm device connected to the entrance of the count room which signals to the security/surveillance department whenever the door is opened;
 - (c) a telephone link;
 - (d) a count table constructed of transparent material with clear visibility through to the floor;
 - (e) an area within, or with access from, the count room to house an enclosed cabinet or trolley(s) with a separately keyed double locking system for the storage of drop boxes.

General specifications for the hard count room facility

11. The Licence Holder shall ensure that the hard count room is located in a secure area and shall, as a minimum requirement, provide the following:
- (a) effective electronic surveillance in accordance with the Surveillance Standard;
 - (b) an alarm device connected to the entrance of the count room which signals to the security/surveillance department whenever the door is opened;
 - (c) a telephone link;
 - (d) a coin storage area with a double lock system with access from the count room while still inside the secured area.

General specifications for cage/chip bank facilities

12. (i) The Licence Holder shall maintain at least one principal cashiering facility on levels 2 and 3 of the gaming area which is clearly visible to patrons. Each such cashiering facility shall as a minimum requirement include the following:
- (a) accommodation for general cashiers;
 - (b) storage facilities for cashiering inventory;
 - (c) manually triggered and automatic silent alarm systems connected directly to monitor rooms of the security and surveillance departments.
- (ii) The Licence Holder may provide accommodation for chip bank cashiers in the principal cashiering facility which shall be physically separate from general cashiers unless the Commission approves otherwise.
- (iii) Chips and plaques held in reserve and not used for active gaming shall be housed in a locked compartment within the chip bank.
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.

General specifications for Inspectors/Police facilities

14. The Licence Holder shall provide facilities within the Casino Venue for the use of Gambling Inspectors and the Police as directed by the Commission. Before issuing any

such direction, the Commission shall consult with the Licence Holder and the Department of Internal Affairs and/or the New Zealand Police (as applicable) and invite submissions from each party in relation to any proposal.

Independent Charitable Trust

15. The Licence Holder shall financially support the Independent Charitable Trust established by the Deed of Trust. The Licence Holder shall pay to the Trust, in respect of each full year of casino operations, not less than 2.5% of the net profit after tax from the on-site businesses of the Casino Venue and conjunct facilities including the Sky Tower, hotel facilities and the Convention Centre opposite the Casino Venue, such payment in any one year never to be less than \$500,000. The Licence Holder is required to provide annually to the Commission an audited statement certifying the amount constituting 2.5% of the net profit after tax from the on-site businesses of the Casino Venue and conjunct facilities, the amount paid by the Licence Holder to the Trust, and confirming that payment by the Licence Holder to the Trust has been made in accordance with condition 15.
16. The Licence Holder is required to ask the Trust on an annual basis to provide a list of persons granted funding for the previous year and in what amount, and a list of unsuccessful applicants for funding. The Licence Holder is required to publish annually the amount paid to the Trust, and the information provided to it by the Trust relating to the allocation of funds, as specified in this condition.

Notification requirements

17. The Licence Holder shall notify the Commission and the Secretary in writing as soon as possible of any change in the state of affairs of the Licence Holder which has a significant bearing on the holding of the Casino Venue licence, including any person ceasing to be an associated person of the Licence Holder.
18. The Licence Holder, immediately on becoming aware of such an occurrence, shall notify the Commission and Secretary in writing if the Licence Holder or an associated person of the Licence Holder is involved in any:
 - (a) conviction for an offence involving dishonesty;
 - (b) censure or disciplinary action by a professional body for ethical misconduct;
 - (c) censure in any way in relation to a casino in another jurisdiction;
 - (d) current investigation (other than routine or periodical inspections) by any governmental or statutory body; and

- (e) bankruptcy, receivership or liquidation

Casino Agreement

- 19. The Licence Holder shall not permit any person to operate the Casino otherwise than in accordance with the terms of the approved Management Agreement between the Licence Holder and SKYCITY Casino Management Limited and others dated 26 May 1998, as varied by the Variation to Management Agreement dated 13 November 2001, or such variation thereof or further Casino Agreement as may from time to time be approved by the Commission.

Audit

- 20. The Commission may at any time request access to the Licence Holder's internal audit information or institute an audit of the Licence Holder's Casino business.
- 21. The Licence Holder shall submit for the approval of the Commission the name of the person or body of persons appointed from time to time by the Licence Holder as Auditor to audit the Casino business. The approval of the Commission shall be revocable in the discretion of the Commission and shall be subject to such conditions as the Commission from time to time imposes.

Bank accounts

- 22. The Licence Holder shall not open any bank account to facilitate, or in connection with, the operation of the Casino without the approval of the Commission.

Provision of information

- 23. The Licence Holder shall, within such period as the Commission may require, provide to the Commission, or to any person authorised by the Commission to receive the same, such reports or other information as may be specified by the Commission relating to:
 - (a) the operations of the Licence Holder or any entity or person associated with the Licence Holder;
 - (b) the operation of the Casino; or
 - (c) any associated person of the Licence Holder, being information in the possession of the Licence Holder, as may be specified by the Commission in writing from time to time, within such period as the Commission may require.

24. The Licence Holder shall allow the Commission or staff of the Commission Secretariat, or any other person authorised by the Commission, to enter and remain in any part of the Casino Venue at any time for the purpose of his or her official duties under the Act.

Address for service

25. The Licence Holder shall file with the Commission an address in New Zealand for the service of notices upon it.
26. The Licence Holder may, by notice given to the Commission, change its address for the service of notices.

Consolidated to 25 November 2009