

IN THE MATTER of the Gambling Act 2003
AND of an application by
DUNEDIN CASINOS LIMITED for approval of
floor layout plans

BEFORE THE GAMBLING COMMISSION

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

Date of Application: 23 July 2005

Date of Decision: 16 December 2005

Date of Notification of Decision: 20 December 2005

DECISION

**ON AN APPLICATION BY DUNEDIN CASINOS LIMITED
FOR APPROVAL OF FLOOR LAYOUT PLANS**

Application

1. In July 2005, Dunedin Casinos Limited (the "**Applicant**") applied to the Gambling Commission (the "**Commission**"):
 - (a) to amend condition 2.1 of its venue licence; and
 - (b) for approval under amended licence condition 2.1 of modified floor plans involving:
 - (i) changes to the table game layout;
 - (ii) changes to the table game mix, including the introduction of Poker;
 - (iii) an increase in gaming machine numbers from 167 to 175; and
 - (iv) the reconfiguration of the position of gaming machines.

2. The Commission issued an interim decision, GC24/05, on that application, in which the Commission decided, inter alia, to:
 - (a) amend condition 2.1 of the Applicant's venue licence; and
 - (b) approve the proposed gaming machine numbers and reconfiguration.

3. The Commission did not approve the table game proposal as it was not satisfied that it provided adequate certainty to either the Commission or Inspectorate staff. The Commission invited the Applicant to:
 - (a) submit for approval a revised plan or plans specifying table game mix(es) with no more than 12 table games;
 - (b) identify on those plans, or in an Appendix to it, which table games it proposed should be "flip top", and which games it proposed to play on those flip top tables;
 - (c) identify those tables which it proposed should be able to be replaced in their entirety (by unscrewing the top of the table), and which games it proposed to play on those tables.

4. In November 2005, the Applicant submitted for approval a revised Table Games Floor Plan and Schedule A specifying 12 different table game mixes, A-L.

Submissions by the Applicant

5. The Applicant submitted that its revised proposal addressed the concerns raised by the Commission in its interim decision. The proposal would allow the casino to offer various game mixes to cater for patron demand, while removing the uncertainty associated with its earlier proposal.

6. Of the 12 tables permitted at Dunedin casino, the Applicant identified in a revised Table Games Floor Plan eight tables on which only one game can be played, and four tables upon which two games can be played, by "flipping" the top of the table. The Applicant stated that it did not anticipate having to remove table tops in future.

7. The Applicant calculated player space using the 12 games in the proposed game mix with the greatest number of player spaces (for example, it used Money Wheel and Tai Sai in its calculation, which can notionally accommodate 24 people or more, rather than Poker and Caribbean Stud Poker which accommodate less). Based on this analysis, the Applicant submitted that the proposed game mix would result in a maximum of 256 player spaces, 11 fewer spaces than the maximum of 267 currently permitted.

8. The Applicant indicated that the transition to the new floor layout would take approximately six weeks.

Submissions by the Secretary

9. The Secretary had no objections to the Applicant's proposed game mixes in Schedule A. He noted that the Applicant must notify the Inspectorate prior to any proposed alteration between game mixes, pursuant to the Minimum Operating Standards applying to Dunedin casino.
10. The Secretary noted that, while the Applicant wished to retain the ability to utilise both Money Wheel and Tai Sai in its overall game mix, it cannot operate either of these games under the game mixes specified in Schedule A. The Secretary noted that a separate application to the Commission would be required if the Applicant wished to operate these games in the future.
11. The Secretary also noted that the "promotional wheel" shown on the floor plan may be used only for promotional purposes, and must not be used to conduct casino table gaming.

Analysis

12. In its original application, the Applicant sought complete flexibility to alter its game mix by operating a range of games using the "flip top" procedure on a "blank box" layout. This approach was rejected by the Commission in its interim decision, in particular because it failed to provide the certainty necessary to enable the Department of Internal Affairs to undertake its surveillance and auditing functions under the Act.
13. The Commission invited the Applicant to submit revised floor plans clarifying what it sought, and providing clearer operational parameters. The Applicant has done this. The Commission notes that the Secretary has no difficulties with the Applicant's revised proposal and is satisfied that it provides adequate certainty.
14. The Applicant has submitted a revised floor plan which clearly identifies which games can be played on each table, the tables which can be "flipped" in accordance with the approved Flip Top Standards specified in Minimum Operating Standards, and the games that can be played at these tables. The Applicant has also confirmed it will not in future unscrew table tops and replace them with new games, as it has done previously.
15. The Applicant proposes that the Commission approve an overall game mix, listing 18 possible games, but acknowledges that only the game mixes specified in Schedule A will be deployed. Schedule A is an extrapolation of all the possible combinations of game mixes which can arise if the table games specified on the floor plan are "flipped".

16 In relation to opportunities to gamble, the Commission accepted in its interim decision that the Applicant could provide up to 267 player spaces at its table games under the current game mix. The Applicant submitted that the overall table game mix for which approval was sought would provide for a maximum number of 256 player spaces. The actual game mixes proposed in Schedule A provide player spaces well below this number. The Commission accepted that the proposed game mixes would not increase opportunities for casino gambling.

17 In light of the Commission's decision to approve Schedule A, the Commission notes that, in order to avoid potential confusion, Minimum Operating Standards C-1 12 may require amendment by the Secretary to delete the following provision:

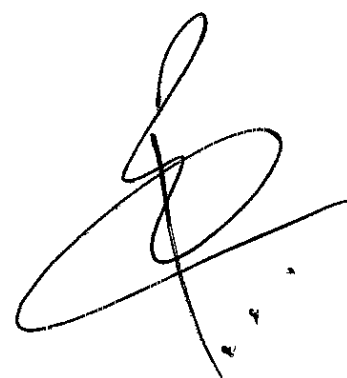
The casino operator reserves the right to designate the game and change the game in relation to the flip top tables

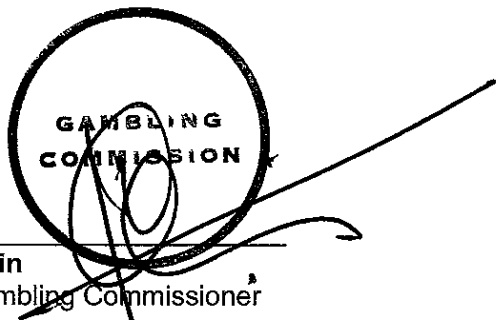
18 In making its decision, the Commission has varied the proposed Table Games Floor Plan and Schedule A slightly, in particular, to clarify the relationship between the overall approved game mix, and the game mixes which may be deployed.

Decision of Commission

19 The Commission decided unanimously that the application was consistent with the Act and pursuant to condition 2.1 of the Applicant's premises licence, approved the Table Games Floor Plan and Schedule A **attached** to this decision, subject to the following requirements:

- (a) The Licence Holder must operate in accordance with the Table Games Floor Plan, using only the game types shown in the positions specified.
- (b) The Licence Holder may only operate the table game mixes specified in Schedule A.
- (c) The Licence Holder must comply with the notification and other requirements specified in MOS C-1 12 when altering the game mix by "flipping" tables.
- (d) For the avoidance of doubt, the Promotional Wheel may be used only for promotional purposes in accordance with the Act, and must not be used to conduct casino gambling.





Peter Chin
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

20 December 2005

SCHEDULE A – APPROVED TABLE GAME MIXES

Subject to the specific game mix requirements set out below, Dunedin Casino may operate no more than 12 Table Games made up of the following:

American Roulette - up to 3
 Black Jack - up to 5
 Midi Baccarat - up to 2
 Mini Baccarat - up to 2
 Caribbean Stud Poker - 1
 Poker - up to 3
 Tai Sai - 1
 Money Wheel - 1

Dunedin Casino is limited to operating the following approved game mixes:

Game Mix A		Game Mix B	
American Roulette	x 3	American Roulette	x 3
Black Jack	x 5	Black Jack	x 4
Midi Baccarat	x 1	Midi Baccarat	x 1
Caribbean Stud Poker	x 1	Caribbean Stud Poker	x 1
Poker	x 2	Poker	x 3
Game Mix C		Game Mix D	
American Roulette	x 3	American Roulette	x 3
Black Jack	x 5	Black Jack	x 4
Midi Baccarat	x 2	Midi Baccarat	x 2
Caribbean Stud Poker	x 1	Caribbean Stud Poker	x 1
Poker	x 1	Poker	x 2
Game Mix E		Game Mix F	
American Roulette	x 3	American Roulette	x 3
Black Jack	x 4	Black Jack	x 3
Midi Baccarat	x 1	Midi Baccarat	x 1
Mini Baccarat	x 1	Mini Baccarat	x 1
Caribbean Stud Poker	x 1	Caribbean Stud Poker	x 1
Poker	x 2	Poker	x 3
Game Mix G		Game Mix H	
American Roulette	x 3	American Roulette	x 3
Black Jack	x 4	Black Jack	x 3
Midi Baccarat	x 2	Midi Baccarat	x 2
Mini Baccarat	x 1	Mini Baccarat	x 1
Caribbean Stud Poker	x 1	Caribbean Stud Poker	x 1
Poker	x 1	Poker	x 2
Game Mix I		Game Mix J	
American Roulette	x 3	American Roulette	x 3
Black Jack	x 3	Black Jack	x 2
Midi Baccarat	x 1	Midi Baccarat	x 1
Mini Baccarat	x 2	Mini Baccarat	x 2
Caribbean Stud Poker	x 1	Caribbean Stud Poker	x 1
Poker	x 2	Poker	x 3
Game Mix K		Game Mix L	
American Roulette	x 3	American Roulette	x 3
Black Jack	x 3	Black Jack	x 2
Midi Baccarat	x 2	Midi Baccarat	x 2
Mini Baccarat	x 2	Mini Baccarat	x 2
Caribbean Stud Poker	x 1	Caribbean Stud Poker	x 1
Poker	x 1	Poker	x 2

TABLE GAMES FLOOR PLAN

These 12 positions represent Table Game positions at Dunedin Casino

The Licence Holder may only play on Individual tables the games specified in the locations shown

The game mixes which may be operated by the Licence Holder are specified in Schedule A

Legend

- AR - American Roulette
- BJ - Black Jack
- CS - Caribbean Stud Poker
- MB - Mini Baccarat
- MD - Midi Baccarat
- PK - Poker

