DECISION UNDER DELEGATED AUTHORITY ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED FOR APPROVAL OF CONSTRUCTION AND DESIGN CHANGES TO THE AUCKLAND CASINO

Date of Decision: 26 **November 2014**

1. On 21 November 2014, SKYCITY Auckland Limited ("**SCAL**") applied, pursuant to conditions 6 and 7 of its venue licence, for approval of construction and design changes to the Premier Rewards Station and its surroundings at the Auckland casino.

2. Conditions 6 and 7 provide as follows:

> 6. The Licence Holder must obtain the approval of the Commission prior to:
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> (a) construction or design changes to Levels 1, 2, 3, 5 and 6 of the casino venue, including the Gambling Area but excluding the SKYCITY Theatre and foyer area, restaurant and bar areas outside the Gambling Area, hotel rooms 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);
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> (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;
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> (c) the addition or alteration of signage relating to the casino business on any building, road or structure within the block of land bounded by Hobson Street, Wellesley Street West, Federal Street and Victoria Street West, including the Casino Venue, Sky Tower, car park, bus terminal and walkways between the casino and the Sky Tower and the convention centre.
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> The process by which the Licence Holder may obtain approval for construction or design changes to Levels 1, 2, 3, 5 and 6 of the casino venue, including the Gambling Area (paragraph (a) above) is set out in condition 7. The Commission will determine any application for approval under 6(b). The Executive Director may approve the addition or alteration of signage relating to the casino business on any building, road or structure within the casino block (paragraph (c) above) if he/she is satisfied the proposed changes will have no potentially adverse effects. If he/she is not so satisfied, the proposed changes must be referred to the Commission for a decision on approval.
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> 7. The Licence Holder must notify the Executive Director of any proposed changes to the construction or design of Levels 1, 2, 3, 5 and 6 of the casino venue, including the Gambling Area but excluding SKYCITY Theatre and foyer area, restaurant and bar areas outside the Gambling Area, hotel rooms 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:
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> (a) the integrity and fairness of games;
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> (b) the effectiveness of security and surveillance;
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> (c) harm prevention, harm minimisation and responsible gambling;
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> (d) potential access to the Gambling Area by persons under 20 years of age; and
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> (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.

Submissions

3. SCAL stated that it wants to relocate a wall from the back of the main Premier Rewards Station on level 2 to an adjacent area near the level 2 Deli. It will construct a new Premier Rewards Station at this area, which will be additional to the Premier Rewards Station in its current location.

4. It wants to relocate the wall from its current location in order to create greater visibility to the Gambling Area behind the Premier Rewards Station, which is presently under-used. The desks currently housed in the existing station will be relocated to the new area in front of the Deli and a purpose built desk will be established in their place.

5. SCAL submitted that the proposed changes will have no bearing on any of the matters set out in condition 7; namely the integrity and fairness of games, the effectiveness of security and surveillance, harm prevention, harm minimisation and responsible gambling, or compliance by any person with the Gambling Act 2003, including section 11.

6. It submitted that the only relevant matter relates to potential access to the Gambling Area by persons under 20 years of age. The removal of the wall will mean that there will be no physical barrier between the Premier Rewards Station, which is non-gambling area, and the Gambling Area which sits behind it. However, it submitted that the area in question will be monitored by Premier Rewards staff initially from one of the existing desks stationed in that area, and ultimately from the new desk that is to be installed. Signage will also be erected to make it clear that there is no entry to minors beyond the point in question.

7. SCAL submitted that the new arrangements will ensure that there is no potential access to the Gambling Area by persons under 20 years of age.

Decision

8. SCAL correctly identified the main area of concern as being the potential access by minors to the Gambling Area. SCAL addressed this by submitting that Premier Rewards staff would monitor the area and that signage will be erected to make it clear that minors are not permitted beyond a certain point. The Commission accepted these submissions and further noted that SCAL's security staff are also located at the area in question and that they would continue to monitor for minors, as they presently do.

9. As such, the Commission was satisfied that the proposed construction and design changes would not increase the risk of minors accessing the Gambling Area from the main entrance on level 2. The Commission was also satisfied that the proposed construction and design changes would not adversely impact upon any of the matters set out in condition 7. Accordingly the construction and design changes are approved by the Executive Director under delegated authority pursuant to conditions 6 and 7 of SCAL's venue licence.

10. As a condition of the approval, SCAL is to provide a quarterly report to the Commission, and the DIA's Auckland Inspectorate, which provides details in relation to minors accessing the Gambling Area by way of the main entrance on level 2. The report will provide data setting out how many minors have accessed the Main Gaming Floor using the main entrance, the circumstances of the access and commentary addressing whether such access by minors has increased following this approval. The first report is due after 31 March 2015.

Blair Cairncross
Executive Director
Gambling Commission

26 November 2014

GAMBLING COMMISSION