

IN THE MATTER of the Gambling Act 2003

AND on an application by **SKYCITY CASINO MANAGEMENT LIMITED** for approval of a new game mix Annex, Annex B, for the Auckland casino

BEFORE THE GAMBLING COMMISSION

Members: S W Hughes KC (Chief Gambling Commissioner)
S C L Pearson
W A Acton
S T Shaw
C M Risk

Date of Application: 29 February 2024

Date of Decision: 12 April 2024

Date of Notification
of Decision: 15 April 2024

DECISION ON AN APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED FOR APPROVAL OF A NEW GAME MIX ANNEX, ANNEX B, FOR THE AUCKLAND CASINO

Introduction

1. SKYCITY Casino Management Limited (“**SCML**”) applied to the Commission, under condition 9 of its operator’s licence for the Auckland Casino, for approval of a new game mix Annex, Annex B, for the Auckland Casino.

Licence condition

2. The relevant licence condition is as follows:

SCML’s operator’s licence (Auckland)

9. The Licence Holder may operate on casino gaming tables the game types and game mix(es) specified by the Commission in Annex A attached to this Licence. As an alternative to Annex A, the Licence Holder may operate on casino gaming tables the game types and game mix(es) specified by the Commission in any additional annex approved by the Commission and attached to this Licence. The Licence Holder must give the Inspectorate prior notification before it commences operation under a different annex. The game types and game mixes specified in an annex can only be changed by the Commission.

SCML’s submissions

3. SCML submitted, in summary, as follows:

- (a) It currently has approved game mixes set out in Annexes A and B attached to its operator's licence for the Auckland Casino. It seeks approval of an updated Annex B.
- (b) In the new Annex B, it wants to add a new game mix, H, to the approved game mixes for the area known as Eight. It also wants to add four new game mixes, I to L, to the approved game mixes for the Main Gaming Floor ("MGF").
- (c) The new game mixes are designed to accommodate additional Poker, and Poker variant games in both areas, together with a further Tai Sai game on the MGF.
- (d) The new game mixes will not increase opportunities for casino gambling.

The Secretary's submissions

- 4. The Secretary submitted that SCML's proposal raised no issues of regulatory concern.

Analysis

- 5. SCML has approval to operate two game mix Annexes at the Auckland Casino, Annex A and Annex B. Within these approved Annexes, SCML has approval to deploy a number of specific game mixes at a number of different locations at the Auckland casino. SCML is seeking approval to introduce one new game mix, H, to one of these locations, a VIP room known as Eight. It also wants to add four new game mixes, I-L, to the MGF.
- 6. The Commission's approach when considering a new game mix is to compare what is proposed with the approved game mix that provides the most opportunities for casino gambling and form a view, in the round, on whether it will increase opportunities for casino gambling. As the Auckland Casino has multiple Gambling Areas in which only specific game mixes can be deployed, this approach is varied slightly, requiring the Commission to identify the game mix for each Gambling Area that generates the most opportunities, combine them all, and then compare the combined game mix with the game mix that forms the casino's regulatory benchmark.
- 7. The Commission undertook this exercise and was satisfied, in the round, that no combination of game mixes, including proposed game mix H in Eight, and proposed game mixes I-L on the MGF, could be deployed which would increase opportunities for casino gambling at the Auckland casino. The Commission made this assessment on a common-sense basis, in the round, rather than by calculating opportunities based on tables of data or upon a formula.

Decision

8. The Commission approved Annex B (**attached**), under condition 9 of SCML's operator's licence for the Auckland casino.

Right of appeal

9. Pursuant to section 235 of the Act, a person affected by this decision may appeal that decision to the High Court. An appeal must be made within 15 working days of the date of notice of the Commission's decision, or any longer period that the High Court may allow.



Susan Hughes KC
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

15 April 2024



ANNEX B

GAME MIX AS AT 19 SEPTEMBER 2003

Black Jack/Pontoon	44 games
Roulette	24 games
Electronic Roulette	1 game
Caribbean Stud Poker	10 games
Midi Baccarat	17 games
Mini Baccarat	7 games
Pai Gow	4 games
Tai Sai (double sided)	1 game
Tai Sai (single sided)	1 game
Money Wheel (double sided)	1 game
Total:	110 games

Notes for Game Mix As At 19 September 2003

1. The Licence Holder is permitted to operate automatic shufflers on 50% of open Black Jack tables, and all Caribbean Stud Poker and Baccarat tables.
2. The Electronic Roulette table comprises up to 14 player spaces and no manual table

GAME MIX 'A' AUTHORISED BY NEW ZEALAND INTERNATIONAL CONVENTION CENTRE ACT 2013

Pursuant to condition 9, the following game mix may be operated by the Licence Holder on casino gaming tables, subject to the following conditions noted:

Black Jack/Pontoon (Manual Shuffle)	31 games
Black Jack/Pontoon (Auto Shuffle)	30 games
Caribbean Stud Poker (Auto Shuffle)	13 games
Midi Baccarat (Auto Shuffle)	23 games
Mini Baccarat (Auto Shuffle)	9 games
Money Wheel (Double Side)	3 games
Pai Gow	5 games
Roulette	31 games
Electronic Roulette	3 games
Tai Sai (Double Side)	1 game
Tai Sai (Single Side)	1 game
Total:	150 games

Notes for Game Mix 'A'

1. The Electronic Roulette tables comprise up to 14 player spaces and no manual table.
2. Where table games provide for the use of automatic shufflers, the use of those shufflers shall be discretionary.
3. The Licence Holder is permitted to operate alternative game mixes of up to 150 tables as specified in the Annex.

GAME MIX 'A.1' AUTHORISED BY NEW ZEALAND INTERNATIONAL CONVENTION CENTRE ACT 2013

Pursuant to condition 9, the following game mix may be operated by the Licence Holder on casino gaming tables, subject to the following conditions noted:

Black Jack/Pontoon (Auto Shuffle)	3 games
Caribbean Stud Poker (Auto Shuffle)	2 games
Midi Baccarat (Auto Shuffle)	2 games
Mini Baccarat (Auto Shuffle)	2 games
Pai Gow	1 game
Roulette	1 game
Tai Sai (Double Side)	1 game
Total	12 games

Notes for Game Mix A.1

1. Where table games provide for the use of automatic shufflers, the use of those shufflers shall be discretionary.
2. The Licence Holder is permitted to operate alternative game mixes of up to 12 tables as specified in the Annex.
3. The Licence Holder is permitted to substitute each table in Game Mix A.1 for up to 20 Automated Table Game terminals.
4. The Licence Holder may not substitute tables between Game Mix A and Game Mix A.1.

ALTERNATIVE GAME MIXES (GAME MIX 'A')

Pursuant to condition 9 the following game mixes may be operated by the Licence Holder on casino gaming tables in the locations specified, subject to the following conditions and requirements noted:

In gaming salon 82 to the south of the elevators on level 5, any one of the following two table game mixes:

	A1	B1	C1	D1	E1	F1	G1	H1	I1	J1	K1	L1
Midi Baccarat	2	1	1	0	0	0	0	1	0	0	0	0
Roulette	0	1	0	1	2	0	0	0	0	0	1	0
Black Jack	0	0	1	1	0	2	1	0	0	1	0	0
Mini Baccarat	0	0	0	0	0	0	0	0	1	0	0	0
Pai Gow	0	0	0	0	0	0	0	0	1	1	0	0
Three Card Poker	0	0	0	0	0	0	1	1	0	0	1	0
Poker	0	0	0	0	0	0	0	0	0	0	0	2
Total	2	2	2	2	2	2	2	2	2	2	2	2

together with

In gaming salon 86 to the south of the elevators on level 5, any one of the following two table game mixes:

	A2	B2	C2	D2	E2	F2	G2	H2	I2	J2	K2	L2
Midi Baccarat	2	1	1	0	0	0	0	1	0	0	0	0
Roulette	0	1	0	1	2	0	0	0	0	0	1	0
Black Jack	0	0	1	1	0	2	1	0	0	1	0	0
Mini Baccarat	0	0	0	0	0	0	0	0	1	0	0	0
Pai Gow	0	0	0	0	0	0	0	0	1	1	0	0
Three Card Poker	0	0	0	0	0	0	1	1	0	0	1	0
Poker	0	0	0	0	0	0	0	0	0	0	0	2
Total	2	2	2	2	2	2	2	2	2	2	2	2

together with

In gaming salon 88 to the south of the elevators on level 5, any one of the following five table game mixes:

	A3	B3	C3	D3	E3	F3	G3	H3	I3	J3	K3	L3	M3	N3	O3	P3	Q3	R3
Midi Baccarat	5	4	4	3	3	3	2	2	2	2	2	3	3	4	3	3	3	2
Roulette	0	1	0	1	2	0	0	1	1	1	1	1	0	0	0	1	0	1
Black Jack	0	0	1	1	0	2	1	1	1	2	1	0	1	0	0	0	1	1
Mini Baccarat	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0
Pai Gow	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0
3 Card Poker	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0
Poker	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1	1	1
Total	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5

	S3	T3	U3	V3	W3	X3	Y3	Z3	AA3	AB3	AC3	AD3	AE3	AF3
Midi Baccarat	2	2	2	0	0	0	0	0	0	2	2	1	1	0
Roulette	2	0	2	2	3	4	1	5	0	0	3	4	0	0
Black Jack	0	2	1	3	2	1	4	0	5	3	0	0	4	0
Mini Baccarat	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pai Gow	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3 Card Poker	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Poker	1	1	0	0	0	0	0	0	0	0	0	0	0	5
Total	5	5	5	5	5	5	5	5	5	5	5	5	5	5

In the gaming salon 81 to the north of the elevators on level 5, any one of the following six table game mixes:

	A4	B4	C4	D4	E4	F4	G4	H4	I4	J4	K4	L4	M4	N4	O4	P4	Q4	R4	S4	T4	U4	V4	W4	X4
Midi Baccarat	6	5	5	4	4	4	2	2	2	2	2	3	4	4	5	3	4	3	3	2	2	2	3	2
Roulette	0	1	0	1	2	0	1	1	1	1	1	1	1	0	0	1	0	1	0	1	2	0	2	2
Black Jack	0	0	1	1	0	2	1	1	2	2	3	1	0	1	0	2	0	0	1	1	0	2	1	2
Mini Baccarat	0	0	0	0	0	0	1	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pai Gow	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3 Card Poker	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0
Poker	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2	2	2	2	0	0
Total	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6

in conjunction with

The gaming area salon 81A to the north of the elevators on level 5, any one of the following two table game mixes:

	A4A	B4A	C4A	D4A	E4A	F4A	G4A	H4A	I4A	J4A	K4A	L4A
Midi Baccarat	2	1	1	0	0	0	0	1	0	0	0	0
Roulette	0	1	0	1	2	0	0	0	0	0	1	0
Black Jack	0	0	1	1	0	2	1	0	0	1	0	0
Mini Baccarat	0	0	0	0	0	0	0	0	1	0	0	0
Pai Gow	0	0	0	0	0	0	0	0	1	1	0	0
3 Card Poker	0	0	0	0	0	0	1	1	0	0	1	0
Poker	0	0	0	0	0	0	0	0	0	0	0	2
Total	2	2	2	2	2	2	2	2	2	2	2	2

together with

In the area designated as Eight to the north of the elevators on level 5, any one of the following twenty two table game mixes:

	A5	B5	C5	D5	E5	F5	G5	H5
Midi Baccarat (9 Box)	10	10	10	10	10	10	10	10
Midi Baccarat (7 Box)	4	4	4	6	5	7	3	2
Roulette	3	4	4	2	4	2	4	4
Electronic Roulette/Tai Sai/Baccarat	1	1	0	0	0	0	0	0
Blackjack (7 Box)	4	3	4	4	3	3	4	4
Ultimate Texas Hold-em	0	0	0	0	0	0	1	2
Total	22	22	22	22	22	22	22	22

together with

In the gaming salon Grand Horizon 8 on level 7 of the Grand Hotel, any one of the following four table game mixes:

	A6	B6	C6	D6	E6	F6	G6	H6	I6	J6	K6	L6	M6	N6	O6	P6	Q6	R6	S6	T6
Midi Baccarat	4	3	3	2	2	2	0	0	0	0	0	1	2	2	3	1	1	0	0	0
Roulette	0	1	0	1	2	0	1	1	1	1	1	1	1	0	0	1	2	4	0	2
Black Jack	0	0	1	1	0	2	1	1	2	2	3	1	0	1	0	2	1	0	4	2
Mini Baccarat	0	0	0	0	0	0	1	2	0	1	0	0	0	0	0	0	0	0	0	0
Pai Gow	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0
3 Card Poker	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0	0
Total	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4

together with

In the gaming salon Grand Horizon 18 on level 7 of the Grand Hotel, any one of the following three table game mixes:

	A7	B7	C7	D7	E7	F7	G7	H7	I7	J7	K7
Midi Baccarat	3	2	2	1	1	1	0	0	0	0	0
Roulette	0	0	1	1	0	2	2	1	0	3	0
Black Jack	0	1	0	1	2	0	1	2	3	0	0
Poker	0	0	0	0	0	0	0	0	0	0	3
Total	3	3	3	3	3	3	3	3	3	3	3

together with

In the gaming salon Grand Horizon 68 on level 7 of the Grand Hotel, any one of the following two table game mixes:

	A8	B8	C8	D8	E8	F8	G8	H8	I8	J8	K8	L8
Midi Baccarat	2	1	1	0	0	0	0	1	0	0	0	0
Roulette	0	1	0	1	2	0	0	0	0	0	1	0
Black Jack	0	0	1	1	0	2	1	0	0	1	0	0
Mini Baccarat	0	0	0	0	0	0	0	0	1	0	0	0
Pai Gow	0	0	0	0	0	0	0	0	1	1	0	0
3 Card Poker	0	0	0	0	0	0	1	1	0	0	1	0
Poker	0	0	0	0	0	0	0	0	0	0	0	2
Total	2	2	2	2	2	2	2	2	2	2	2	2

together with

In all Gambling Areas other than the five gaming salons and VIP area known as ‘Eight’ on level 5, and the three VIP gaming salons on level 7 of the Grand Hotel, any one of the following 102 table game mixes:

	A9	B9	C9	D9	E9	F9	G9	H9	I9	J9	K9	L9
Money Wheel (double side)	1	1	1	1	1	1	1	1	1	1	1	1
Tai Sai (single side)	4	5	4	5	4	5	4	5	4	4	5	5
Pai Gow	2	2	1	1	2	2	1	1	0	0	0	0
Caribbean Stud Poker	3	3	3	3	3	3	3	3	2	2	2	2
Midi Baccarat	22	21	20	20	22	21	20	20	22	22	22	22
Poker	10	10	15	15	10	10	15	15	15	15	15	15
Electronic Roulette/Tai Sai/Baccarat	4	4	4	4	4	4	4	4	4	4	4	4
Electronic Roulette/Tai Sai/Baccarat & Manual Baccarat	0	0	0	0	1	1	1	1	0	0	0	0
Mini Baccarat	7	7	7	7	6	6	6	6	6	6	6	6
Roulette	20	20	18	18	20	20	18	18	20	20	20	20
Black Jack (7 Box)	20	21	20	20	17	19	21	20	20	19	19	18
Black Jack (5 Box)	1	0	1	0	4	2	0	0	0	0	0	0
3 Card Poker	3	3	3	3	3	3	3	3	3	3	3	3
Ultimate Texas Hold'em	3	3	3	3	3	3	3	3	3	4	3	4
Lunar Poker	1	1	1	1	1	1	1	1	1	1	1	1
Snake Eyes	1	1	1	1	1	1	1	1	1	1	1	1
Total	102	102	102	102	102	102	102	102	102	102	102	102

Notes for the alternative game mixes:

1. The Licence Holder is permitted to change game mixes subject to providing the Inspectorate with prior notification including notification of the electronic table type(s) associated with that game mix.
2. The Licence Holder is permitted to operate automatic shufflers on each of the Black Jack, Caribbean Stud Poker, Baccarat, Poker, 3-Card Poker, Ultimate Texas Hold'em, Casino War and Lunar Poker tables.
3. At least 50% of the total number of Midi Baccarat games shall be conducted in accordance with dealing style B or (where permitted by the Baccarat rules) dealing style D.
4. All Midi Baccarat games in salon 81, 81A, 82, 86, and 88 shall have 7 boxes only.
5. Electronic Roulette, Electronic Baccarat and Electronic Tai Sai tables comprise up to 30 player spaces and the games may be used interchangeably. When relying on game mixes E-H on the MGF (E9-H9), the licence holder may offer players the option of placing wagers on a 7 box manual Baccarat layout as well as via the electronic terminals used in the game of Electronic Baccarat.

6. The number of player spaces at poker tables (other than Caribbean Stud Poker, Ultimate Texas Hold'em and 3-Card Poker) may not exceed 10, even if game rules provide for more.
7. Electronic dice tumblers may be used on any Tai Sai game and U-Spin devices approved by the Department of Internal Affairs may be used on any Roulette games.