

**IN THE MATTER** of the Gambling Act 2003

**AND** on an application by **SKYCITY CASINO MANAGEMENT LIMITED** for approval to relocate an EFTPOS terminal at the Auckland casino and to relax the requirement to seek prior Commission approval to relocate EFTPOS terminals within the Gambling Area

**BEFORE THE GAMBLING COMMISSION**

Members: G L Reeves (Chief Gambling Commissioner)  
L M Hansen  
W N Harvey  
S C L Pearson

Date of Application: 11 February 2019

Date of Decision: 15 February 2019

Date of Notification  
of Decision:  February 2019

**DECISION ON AN APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED FOR APPROVAL TO RELOCATE AN EFTPOS TERMINAL AT THE AUCKLAND CASINO AND TO RELAX THE REQUIREMENT TO SEEK PRIOR COMMISSION APPROVAL TO RELOCATE EFTPOS TERMINALS WITHIN THE GAMBLING AREA**

**Introduction**

1. SKYCITY Casino Management Limited ("**SCML**") applied to the Commission for approval, under condition 13 of its operator's licence for the Auckland casino, to relocate an EFTPOS terminal. It also asked the Commission to relax the requirement which specifies where individual EFTPOS terminals may be located within the Gambling Area.

**Licence condition**

2. The relevant licence condition is as follows:

**SCML operator's licence (Auckland)**

13. The Licence Holder is prohibited from dispensing cash from EFTPOS and like devices in the Gambling Area unless approved by the Commission. The approval of the Commission shall be revocable at the discretion of the Commission and may be subject to such conditions as the Commission may from time to time impose.

**SCML submissions**

6. SCML submitted, in summary, as follows:

- (a) The Commission has previously approved the installation of 22 cash-dispensing EFTPOS terminals in the following areas in the Gambling Area of the Auckland casino:

Main Cage	8
Diamond Room	3
Platinum Room	3
VIP Black	2
Baccarat Room	2
Eight	2
Rouge	1

- (b) It is proposing to close one of the three cashiering windows in the Platinum Room and to relocate one EFTPOS terminal to the area "Eight". The relocation of the terminal requires the Commission's approval pursuant to condition 13.

- (c) If approved, the terminals would be installed as follows:

Main Cage	8
Diamond Room	3
Platinum Room	2
VIP Black	2
Baccarat Room	2
Eight	3
Rouge	1

- (d) The overall number of cash dispensing EFTPOS terminals deployed within the Gambling Area will remain at 21, one less than the 22 originally approved by the Commission.
- (e) While relocations of this nature are relatively rare, they do require Commission approval by virtue of the fact that the cash dispensing terminals have been approved to the specific locations set out. It wants the Commission to consider relaxing the condition which specifies where individual terminals may be located, and allow it to deploy the approved 22 cash dispensing terminals in any cashiering location within the Gambling Area. This would avoid the need to seek Commission approval on those occasions when it wants to relocate a terminal from one cashiering location to another.

#### **The Secretary's submissions**

7. The Secretary submitted that he has no regulatory concerns in relation to the relocation of an EFTPOS terminal from the Platinum Room to "Eight".
8. He also had no regulatory concerns in relation to the proposal to relax the condition specifying where individual EFTPOS terminals may be relocated within the Gambling Area, provided that any movement is only within the seven approved locations currently

specified. However, he stated that Commission approval should be required if SCML wants to move the existing locations closer to the gaming tables or the gaming machines.

9. In response, SCML stated that it has no difficulty with the Secretary's position as it simply wants the flexibility to move the approved EFTPOS terminals within the approved locations. In any event, if it wanted to move an approved location, it would first need to obtain approval for construction and design changes and would address the related approval for the EFTPOS facilities in that location at that time.

#### **Analysis**

10. SCML's application to relocate an EFTPOS terminal from the Platinum Room to Eight raised no issues of regulatory concern. As SCML noted in its application, it is currently operating 21 cash-dispensing terminals, which is one less than its permitted maximum, across seven existing, approved locations.
11. SCML's proposal for it to relocate the cash-dispensing terminals between any of the seven locations within the Gambling Area also raised no issues of regulatory concern. Those areas have been approved to dispense cash and the Commission is comfortable with SCML relocating terminals between those locations on condition that SCML first notifies the DIA and the Commission prior to the relocation taking place.
12. As SCML submitted, should it want to place terminals outside of the existing seven locations, additional Commission approvals would be required.

#### **Decision**

13. The Commission approved, under condition 13 of SCML's operator's licence, SCML's application to relocate one cash-dispensing EFTPOS terminal from the Platinum Room to "Eight".
14. SCML is permitted to relocate the cash-dispensing EFTPOS terminals between the seven existing, approved locations within the Gambling Area (Main Cage, Diamond Room, Platinum Room, VIP Black, Baccarat Room, Eight and Rouge) on condition that SCML notifies the DIA and the Commission of all relocations before they take place.

**Right of appeal**

15. 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.



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Graeme Reeves  
Chief Gambling Commissioner

for and on behalf of the  
Gambling Commission



February 2019

