

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

**AND** on an application by **SKYCITY CASINO MANAGEMENT LIMITED** for approval to deploy electronic enhancements on its gaming tables at the Auckland, Hamilton and Queenstown Casinos

**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: 1 May 2025

Date of Decision: 16 May 2025

Date of Notification of Decision: 16 May 2025

**DECISION ON AN APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED FOR APPROVAL TO DEPLOY ELECTRONIC ENHANCEMENTS ON ITS GAMING TABLES AT THE AUCKLAND, HAMILTON AND QUEENSTOWN CASINOS**

**Introduction**

1. SKYCITY Casino Management Limited (“**SCML**”) applied to the Commission, pursuant to condition 10 of its operator’s licences for the Auckland, Hamilton, and Queenstown casinos, for approval to install an LED light feature on the gaming tables at each of its three casinos. The LED lights will be deployed as part of SCML’s process to roll out Account Based Play (“**ABP**”).

**Licence condition**

2. The relevant licence condition (which is identical for all three venues) is as follows:

**Auckland, Hamilton and Queenstown casinos (operator’s licences)**

10. The approval of the Commission is required prior to the use by the operator of any electronic version of the game types specified in condition 9 above or electronic aids or enhancements or changes to table game rules which create new wagering opportunities.

## Relevant sections of the Act

3. The relevant sections of the Act are as follows:

### 3. Purpose

The purpose of this Act is to—

- (a) control the growth of gambling; and
- (b) prevent and minimise harm from gambling, including problem gambling; and
- (c) authorise some gambling and prohibit the rest; and
- (d) facilitate responsible gambling; and
- (e) ensure the integrity and fairness of games; and
- (f) limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and
- (g) ensure that money from gambling benefits the community; and
- (h) facilitate community involvement in decisions about the provision of gambling.

### 11. No increase in casino gambling

A person must not increase the opportunities for casino gambling.

### 12. What is increase in casino gambling

- (1) Decisions on what constitutes an increase in the opportunities for casino gambling are a function of the Gambling Commission.
- (2) An increase in the opportunities for casino gambling includes but is not limited to—
  - (a) an increase in the number of gaming machines unless the increase is accompanied by a reduction in the number of table games that the Gambling Commission believes is proportionate;
  - (b) an increase in the number of table games unless the increase is accompanied by a reduction in the number of gaming machines that the Gambling Commission believes is proportionate;
  - (c) an increase in total player space at table games unless the increase is accompanied by a reduction in other opportunities for casino gambling that the Gambling Commission believes is proportionate.
- (3) Opportunities for casino gambling are not increased—
  - (a) by increases, in the Auckland casino, that comply with the Order for the Variation of Conditions of Casino Premises Licence dated 6 December 2002;
  - (b) by gambling conducted by TAB NZ referred to in section 120.

## SCML's application

4. The Applicant submitted, in summary, as follows:

- (a) Pursuant to condition 10 of its operator's licences, Commission approval is required prior to the use by the operator of any electronic version of the game types specified in condition 9, or electronic aids and enhancements or changes to game rules which create new wagering opportunities.

- (b) It will shortly implement ABP at its Auckland, Hamilton and Queenstown casinos. Once implemented, all customers who wish to gamble will be required to use an electronic card or other form of unique identifier.
- (c) Where a customer wishes to gamble at an electronic gaming machine, the machine will not operate until their unique identifier is validated by the casino's account-based play system. However, there is currently no technology to replicate this feature at table games.
- (d) In most cases, table game staff will be required to validate each customer's unique identifier at the table. In order to minimise the possibility that a customer may engage in table game play without having their unique identifier validated, it wants to equip its tables with a feature that will illuminate an LED light adjacent to a player position when a customer's electronic card is inserted into a numbered slot associated with the corresponding player position.
- (e) This approach will provide a visual confirmation to casino staff that a customer is using their unique identifier to gamble, and will assist with the administration of ABP.
- (f) The feature has no bearing on game output or casino gambling opportunities.
- (g) As it begins to operationalise ABP, further technology will be developed to assist with its administration. While some of these solutions will be deployed at table games, they will not relate to the game rules or the way that the games are played. It seeks the Commission's clarification of the applicability of condition 10 to these types of solutions.

### **Secretary's submission**

- 5. The Secretary submitted, in summary, as follows:
  - (a) The proposed enhancement supports the administration of ABP by providing a visual confirmation to casino staff once a customer's unique identifier card is inserted and verified at the gaming table. This feature does not change how the games will be played or introduce any new wagering opportunities.
  - (b) He has no regulatory concerns with the proposal.

### **Analysis**

- 6. SCML sought the Commission's approval to deploy a new electronic light feature on its table games at the Auckland, Hamilton and Queenstown casinos. The proposed lighting

feature is designed to provide a visual confirmation to casino staff that a patron's electronic card is engaged while gambling at gaming tables after ABP is introduced.

7. The Commission was satisfied that the deployment of the LED lights on SCML's gaming tables will not increase opportunities for casino gambling. The proposal raised no other issues of regulatory concern and the Commission approved the application accordingly.
8. SCML sought Commission clarification on the application of condition 10 to these type of applications as it works to deploy ABP. Condition 10 requires Commission approval "prior to the use by the operator of any electronic version of the game types specified in condition 9 above or electronic aids or enhancements or changes to table game rules which create new wagering opportunities".
9. The Commission addressed applications of this type in decision GC06/23. Paragraph 9 of that decision stated as follows:
  9. ... Approval was sought pursuant to condition 10 of the operator's licences for these three venues because the addition of an electronic feature has the potential to increase the speed of a game and therefore, to increase opportunities for casino gambling. Section 11 of the Act provides that no person can increase opportunities for casino gambling, with condition 10 providing the Commission with a mechanism to ensure that increases in casino gambling opportunities do not occur by virtue of the unsanctioned adoption of technical improvements which may have the effect of increasing casino gambling opportunities above the previously assessed control limits already in place.
10. The Commission also addressed condition 10 in detail when it amended the licence conditions for the Auckland casino in 2005 and 2006 – see the Interim and Final Decisions published in 2006.
11. While the Commission does not wish to hinder SCML with the roll-out of a major host responsibility initiative, compliance with Condition 10, which involves clearing electronic aids and enhancements to table gambling with the Commission, is an important mechanism to assist with one of its core functions; controlling casino gambling opportunities. As noted in GC06/23, condition 10 enables the Commission to ensure that increases in opportunities do not occur by virtue of the unsanctioned or careless adoption of technical changes.

### **Decision**

12. The Commission approved, pursuant to condition 10 of SCML's operator's licences for the Auckland, Hamilton, and Queenstown Casinos, SCML's application to install an LED light feature on its gaming tables at these casinos. The LED lights are to be deployed strictly accordance with SCML's application, with a further and separate approval required for any electronic features beyond the scope of the current application.

**Right of appeal**

13. 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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Susan Hughes KC  
Gambling Commissioner

for and on behalf of the  
Gambling Commission

16 May 2025

