

IN THE MATTER of the Gambling Act 2003
AND of an application by **DUNEDIN CASINOS MANAGEMENT LIMITED** for approval of new game mixes at the Dunedin Casino

BEFORE THE GAMBLING COMMISSION

Members: D C Matahaere-Atariki
W N Harvey
S C L Pearson

Date of Application: 13 February 2020

Date of Decision: 13 March 2020

Date of Notification
of Decision: 23 March 2020

**DECISION ON AN
APPLICATION BY DUNEDIN CASINOS MANAGEMENT LIMITED
FOR APPROVAL OF NEW GAME MIXES AT THE DUNEDIN CASINO**

Application

1. Dunedin Casinos Management Limited ("**DCML**") applied to the Commission for approval, under condition 9 of its operator's licence, for approval to revise its game mix Annex for the Dunedin casino. DCML applied to deploy 33 new game mixes and to amend the Notes attached to its game mix Annex.

Licence condition

2. The relevant licence condition is as follows:

DCML's operator's licence

9. The Licence Holder may operate on casino gaming tables the game types and game mixes specified in Annex A attached to this Licence. The Licence Holder shall obtain the prior approval of the Commission for any change to the game types and/or game mixes specified.

Submissions by DCML

3. DCML submitted, in summary, as follows:
 - (a) It wants to add 33 new game mixes, J-AP, to its game mix Annex. The proposed new game mixes will allow it to introduce Ultimate Texas Hold'em.

- (b) The proposed new game mixes provide fewer opportunities than its benchmark game mix, game mix A, as follows:

Game mix	Player spaces	Overall opportunities
A	244	29337
J	222	25725
K	222	27237
L	228	27594
M	228	29106
N	222	25893
O	222	27405
P	228	27762
Q	228	29274
R	211	24781
S	225	25810
T	211	23269
U	231	29191
V	217	26650
W	231	27679
X	217	25138
Y	211	24949
Z	225	25978
AA	211	23437
AB	217	26818
AC	231	27847
AD	217	25306
AE	200	22325
AF	214	23354
AG	200	20813
AH	200	22493
AI	214	23522
AJ	200	20981
AK	183	18000
AL	197	19029
AM	183	16488
AN	183	18168
AO	197	19197
AP	183	16656

- (c) It also wants to amend the Notes at the foot of its game mix Annex. The current Notes are as follows:

- (a) The Licence Holder must comply with the notification, and other requirements specified in MOS C 1.12 when changing the game mix by "flipping" tables. Otherwise the Licence Holder is permitted to change between the above table game mixes, subject to providing the Inspectorate with a minimum of five working days' notice in writing of its intention to do so.
- (b) 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.
- (c) The Licence Holder is permitted to operate automatic shufflers on:

- no more than 50% of open Blackjack games specified in game mix A;
- all Blackjack games in game mixes B-I;
- on the Caribbean Stud Poker table specified in game mixes A-I;
- on the 3 Card Poker table specified in game mixes B-I;
- on the Casino War table specified in game mixes D, E, H and I.

(d) The Licence Holder is permitted to change between the above table game mixes, subject to providing the Inspectorate with weekly advice of the table game mix to be used for the forthcoming week, and five working days' notice of any change from one approved game mix to another.

(d) It would like to remove Notes (a), (b) and (d), and amend Note (c) as much of the information contained in the current Notes is irrelevant or has been superseded elsewhere. The amended Note (c) would be as follows:

The Licence Holder is permitted to operate automatic shufflers on:

- no more than 50% of open Blackjack games specified in game mix A;
- all Blackjack games in game mix B-AP;
- Caribbean Stud Poker;
- 3 Card Poker;
- Casino War; and
- Ultimate Texas Hold'em.

Submissions by the Secretary

4. The Secretary submitted that he had no regulatory concerns with either the application to amend the game mixes or the application to amend the Notes at the foot of the Annex.

Analysis

5. DCML has approval to deploy game mixes A-I at the Dunedin Casino and now seeks approval to deploy 33 new games, J-AP.
6. The Commission's usual approach for approving new game mixes is to compare the proposed game mixes with the approved game mix which provides the most opportunities for casino gambling and form a view, in the round, on whether they will increase opportunities for casino gambling. The Commission makes the assessment on a common-sense basis, rather than by calculating opportunities based upon a formula, or tables of data.
7. Game mix A is the approved game mix that provides the most opportunities at Dunedin casino. The Commission compared each new game mix with game mix A and was satisfied that, in the round, none of them will increase opportunities for casino gambling. The proposed game mixes raise no other issues of regulatory concern.
8. DCML has also applied to amend the Notes attached to its game mix Annex. Notes (a), (b) and (d) were attached by the Commission to provide clarity and to assist the DIA

Inspectorate. As the Secretary expressed no regulatory concerns in relation to the removal of these Notes, the Commission was happy to do so.


9. DCML proposed to amend Note (c) to remove references to some of the game mixes identified as being approved to deploy automatic shufflers, on the basis that doing so would make the Note easier to understand. Although not a major point, the Commission was of the view that there is value in the Note specifying exactly which game mixes can deploy automatic shufflers (and by implication, which ones cannot). Assessing casino gambling opportunities is an important aspect of the Commission's work. This includes assessing the impact of an automatic shuffler on a proposed game mix. The Commission is of the view that specifying the game mixes approved to deploy automatic shufflers provides clarity to all parties.
10. DCML's proposal raises no other issues of regulatory concern.

Decision

11. The Commission:
 - (a) approved the new game mixes, J-AP, under condition 9 of DCML's operator's licence for the Dunedin Casino.
 - (b) The Commission also approved the deletion of Notes (a), (b) and (d), but retained Note (c) (now labelled as Note (a)). The new Annex is attached.

Right of appeal

12. 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.


Wendie Harvey
Gambling Commissioner

for and on behalf of the
Gambling Commission

23 March 2020



ANNEX A

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

- A. Roulette – 3 games
Blackjack – 6 games
Midi Baccarat – 1 game
Mini Baccarat – 1 game
Caribbean Stud Poker – 1 game

- B. Roulette – 2 games
Blackjack – 5 games
Midi Baccarat – 2 games
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Poker (up to 10 player spaces) – 1 game

- C. Roulette – 2 games
Blackjack – 5 games
Midi Baccarat – 1 game
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Poker (up to 10 player spaces) – 2 games

- D. Roulette – 2 games
Blackjack – 4 games
Midi Baccarat – 2 games
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Casino War – 1 game
Poker (up to 10 player spaces) – 1 game

- E. Roulette – 2 games
Blackjack – 4 games
Midi Baccarat – 1 game
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Casino War – 1 game
Poker (up to 10 player spaces) – 2 games

- F. Roulette – 2 games
Blackjack – 4 games
Midi Baccarat – 1 game
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Poker (up to 10 player spaces) – 3 games

- G. Roulette – 2 games
Blackjack – 4 games
Midi Baccarat – 2 games
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Poker (up to 10 player spaces) – 2 games

- H. Roulette – 2 games
 Blackjack – 3 games
 Midi Baccarat – 1 game
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Poker (up to 10 player spaces) – 3 games
- I. Roulette – 2 games
 Blackjack – 3 games
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Poker (up to 10 player spaces) – 2 games
- J. Roulette – 3 games
 Blackjack – 3 games
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Ultimate Texas Hold'em – 1 game
- K. Roulette – 2 games
 Blackjack – 4 games
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Ultimate Texas Hold'em – 1 game
- L. Roulette – 3 games
 Blackjack – 2 games
 Midi Baccarat – 3 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Ultimate Texas Hold'em – 1 game
- M. Roulette – 2 games
 Blackjack – 3 games
 Midi Baccarat – 3 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Ultimate Texas Hold'em – 1 game
- N. Roulette – 3 games
 Blackjack – 4 games
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Ultimate Texas Hold'em – 1 game

- O. Roulette – 2 games
Blackjack – 5 games
Midi Baccarat – 2 games
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Ultimate Texas Hold'em – 1 game
- P. Roulette – 3 games
Blackjack – 3 games
Midi Baccarat – 3 games
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Ultimate Texas Hold'em – 1 game
- Q. Roulette – 2 games
Blackjack – 4 games
Midi Baccarat – 3 games
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Ultimate Texas Hold'em – 1 game
- R. Roulette – 2 games
Blackjack – 3 games
Midi Baccarat – 2 games
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Casino War – 1 game
Ultimate Texas Hold'em – 1 game
Poker (up to 10 player spaces) – 1 game
- S. Roulette – 3 games
Blackjack – 3 games
Midi Baccarat – 2 games
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Casino War – 1 game
Poker (up to 10 player spaces) – 1 game
- T. Roulette – 3 games
Blackjack – 2 games
Midi Baccarat – 2 games
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Casino War – 1 game
Ultimate Texas Hold'em – 1 game
Poker (up to 10 player spaces) – 1 game
- U. Roulette – 2 games
Blackjack – 3 games
Midi Baccarat – 3 games
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Casino War – 1 game
Poker (up to 10 player spaces) – 1 game

- V. Roulette – 2 games
 Blackjack – 2 games
 Midi Baccarat – 3 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Ultimate Texas Hold'em – 1 game
 Poker (up to 10 player spaces) – 1 game
- W. Roulette – 3 games
 Blackjack – 2 games
 Midi Baccarat – 3 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Poker (up to 10 player spaces) – 1 game
- X. Roulette – 3 games
 Blackjack – 1 game
 Midi Baccarat – 3 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Ultimate Texas Hold'em – 1 game
 Poker (up to 10 player spaces) – 1 game
- Y. Roulette – 2 games
 Blackjack – 4 games
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Ultimate Texas Hold'em – 1 game
 Poker (up to 10 player spaces) – 1 game
- Z. Roulette – 3 games
 Blackjack – 4 games
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Poker (up to 10 player spaces) – 1 game
- AA. Roulette – 3 games
 Blackjack – 3 games
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Ultimate Texas Hold'em – 1 game
 Poker (up to 10 player spaces) – 1 game
- AB. Roulette – 2 games
 Blackjack – 3 games
 Midi Baccarat – 3 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Ultimate Texas Hold'em – 1 game
 Poker (up to 10 player spaces) – 1 game

- AC. Roulette – 3 games
 Blackjack – 3 games
 Midi Baccarat – 3 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Poker (up to 10 player spaces) – 1 game
- AD. Roulette – 3 games
 Blackjack – 2 games
 Midi Baccarat – 3 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Ultimate Texas Hold'em – 1 game
 Poker (up to 10 player spaces) – 1 game
- AE. Roulette – 2 games
 Blackjack – 2 games
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Ultimate Texas Hold'em – 1 game
 Poker (up to 10 player spaces) – 2 games
- AF. Roulette – 3 games
 Blackjack – 2 games
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Poker (up to 10 player spaces) – 2 games
- AG. Roulette – 3 games
 Blackjack – 1 game
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Casino War – 1 game
 Ultimate Texas Hold'em – 1 game
 Poker (up to 10 player spaces) – 2 games
- AH. Roulette – 2 games
 Blackjack – 3 games
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Ultimate Texas Hold'em – 1 game
 Poker (up to 10 player spaces) – 2 games
- AI. Roulette – 3 games
 Blackjack – 3 games
 Midi Baccarat – 2 games
 Caribbean Stud Poker – 1 game
 3 Card Poker – 1 game
 Poker (up to 10 player spaces) – 2 games

- AJ. Roulette – 3 games
Blackjack – 2 games
Midi Baccarat – 2 games
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Ultimate Texas Hold'em – 1 game
Poker (up to 10 player spaces) – 2 games
- AK. Roulette – 2 games
Blackjack – 2 games
Midi Baccarat – 1 game
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Casino War – 1 game
Ultimate Texas Hold'em – 1 game
Poker (up to 10 player spaces) – 3 games
- AL. Roulette – 3 games
Blackjack – 2 games
Midi Baccarat – 1 game
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Casino War – 1 game
Poker (up to 10 player spaces) – 3 games
- AM. Roulette – 3 games
Blackjack – 1 game
Midi Baccarat – 1 game
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Casino War – 1 game
Ultimate Texas Hold'em – 1 game
Poker (up to 10 player spaces) – 3 games
- AN. Roulette – 2 games
Blackjack – 3 games
Midi Baccarat – 1 game
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Ultimate Texas Hold'em – 1 game
Poker (up to 10 player spaces) – 3 games
- AO. Roulette – 3 games
Blackjack – 3 games
Midi Baccarat – 1 game
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Poker (up to 10 player spaces) – 3 games
- AP. Roulette – 3 games
Blackjack – 2 games
Midi Baccarat – 1 game
Caribbean Stud Poker – 1 game
3 Card Poker – 1 game
Ultimate Texas Hold'em – 1 game
Poker (up to 10 player spaces) – 3 games

Notes

(a) The Licence Holder is permitted to operate automatic shufflers on:

- no more than 50% of open Blackjack tables specified in game mix A;
- all Blackjack tables in game mixes B-AP;
- on the Caribbean Stud Poker table specified in game mixes A-AP;
- on the 3 Card Poker table specified in game mixes B-AP;
- on the Casino War table specified in game mixes D, E, H, I, J, K, L, M, R, S, T, U, V, W, X, AE, AF, AG, AK, AL and AM;
- on the Ultimate Texas Hold'em table in game mixes J, K, L, M, N, O, P, Q, R, T, V, X, Y, AA, AB, AD, AE, AG, AH, AJ, AK, AM, AN and AP.