

IN THE MATTER of the Gambling Act 2003

AND on an application by **SKYCITY CASINO MANAGEMENT LIMITED** for approval to deploy two mobile EFTPOS terminals in the Gambling Area of the Auckland casino for the purchase of gaming machine tickets and chips

BEFORE THE GAMBLING COMMISSION

Members: L M Hansen (Chief Gambling Commissioner)
D C Matahaere-Atariki
W N Harvey
S C L Pearson

Date of Application: 20 March 2020

Date of Decision: 20 March 2020

Date of Notification
of Decision: 23 April 2020

**DECISION ON AN APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED
FOR APPROVAL DEPLOY TWO MOBILE EFTPOS TERMINALS IN THE GAMBLING AREA
OF THE AUCKLAND CASINO FOR THE PURCHASE OF
GAMING MACHINE TICKETS AND CHIPS**

Introduction

1. SKYCITY Casino Management Limited ("**SCML**") applied to the Commission, under condition 14 of SCML's operator's licence for the Auckland casino, for approval to extend an approval granted to it in decision GC09/19; namely to permit it to deploy two mobile EFTPOS terminals in the casino's Gambling Area for the purchase of gaming machine tickets and chips.

Licence condition

2. The relevant licence condition is as follows:

SCML operator's licence (Auckland)

14. The Licence Holder is prohibited from using mobile EFTPOS terminals (cash or non-cash dispensing) or 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

3. SCML submitted, in summary, as follows:

- (a) In GC09/19 the Gambling Commission approved:
 - (i) the installation of two mobile cash-dispensing EFTPOS terminals in the Main Cage or in any other approved cashiering location should SCML relocate them to one of those approved locations;
 - (ii) the relocation of the two mobile EFTPOS terminals from an approved cash-dispensing location, for deployment in the Gambling Area.
- (b) The approval set out in (a)(ii) above was granted on condition that the mobile terminals are to be used only to pay for Poker tournament fees when they are deployed away from one of the approved cash-dispensing locations, and that the tournament fees are not to be paid for by a patron while that patron is sitting at a gaming machine or a gaming table.
- (c) SKYCITY Auckland Limited recently sought and obtained an approval, pursuant to conditions 6 and 7 of its casino venue licence, to create five distinct areas on the Main Gaming Floor ("**MGF**"), with each area divided by temporary hoardings.
- (d) In order to discourage persons moving between the five areas, it needs to provide sufficient facilities and services within each area. This means ensuring that persons can purchase gaming machine tickets/chips within each area. The relocation of the two EFTPOS terminals from the Main Cage to other parts of the Gambling Area would enable it to satisfy this requirement. The terminals would not be used to dispense cash, but rather would allow customers to purchase tickets for use in gaming machines.
- (e) The terms of the Commission's approval in decision GC09/19 only allow the mobile EFTOS terminals to be relocated for the purpose of facilitating payment of Poker tournament fees. It would like to extend the terms of this approval to enable the two terminals to be used for the purchase of gaming machine tickets and chips. This extension would continue to be subject to the condition that such purchases are not to be paid for by a patron while that patron is sitting at a gaming machine or a gaming table.

- (f) As an aside, it appears that the licence conditions would allow it to deploy additional fixed (non-cash dispensing) EFTPOS terminals in the Gambling Area without regulatory approval. However, it may be difficult to create the cabling necessary for the installation of fixed terminals at short notice; thus the desire to relax the terms associated with the mobile terminals.

The Secretary's submissions

- 4. The Secretary advised that he had no regulatory concerns with the proposal.

Analysis

- 5. SCML applied to the Commission for an approval following the outbreak of the COVID-19 virus. In particular, SCML applied to extend the terms of an approval granted by the Commission in decision GC09/19. In that decision, the Commission approved:
 - (a) the installation of two mobile cash-dispensing EFTPOS terminals in the Main Cage or in any other approved cashiering location should SCML relocate them to one of those approved locations; and
 - (b) the relocation of two mobile EFTPOS terminals from an approved cash-dispensing location, for deployment in the Gambling Area. This relocation was granted upon the conditions that the mobile EFTPOS terminals are to be used only to pay for Poker tournament fees, and that the tournament fees are not to be paid for by a patron while that patron is sitting at a gaming machine or a gaming table.
- 6. The purpose of the current proposal is to allow SCML to continue to operate the Auckland casino in compliance with the Government's (then current) guidelines in relation the number of people permitted in any venue at one time.
- 7. SCML had created five distinct areas on the casino's MGF which were divided by temporary hoardings, and it wants to provide facilities to its patrons within each zone. Rather than limiting use of the two mobile EFTPOS terminals for the payment of Poker fees only, SCML wants to be able to deploy them to allow patrons to purchase gaming machine tickets and chips.
- 8. As with its contemporaneous decision GC07/20, the Commission has been asked to provide an urgent approval outside of its usual monthly meeting cycle. In the extraordinary circumstances that existed when the application was made, the Commission was prepared to do so. The Commission also took the unusual step of notifying SCML of its decision by email and in advance of issuing a fully reasoned, written

decision. The Commission did so because of the dynamic nature of New Zealand's social and legal landscape in the context of the COVID-19 outbreak, it anticipated that, unless SCML were notified of the decision immediately, it was highly likely that the approval would be unusable.

9. As it also noted in decision GC07/20, the Commission wants to make it very clear that the foregoing steps have been taken solely because of the extraordinary circumstances that currently exist. The Commission's usual practice does not involve considering applications on an expedited basis outside of its usual monthly meeting cycle nor advising applicants of the outcome of an application in advance of issuing a written decision. Its decision to do so in this case (and in its contemporaneous decision in GC07/20) should not be taken as signaling a change in practice.
10. In relation to the application itself, the Commission was prepared to approve the application on a temporary basis, so SCML may deploy two mobile EFTPOS terminals in the Gambling Area of the Auckland casino for the purchase of gaming machine tickets and chips. The terminals are not to be used to dispense cash and cannot be used by a patron while that patron is sitting at a gaming machine or a gaming table.
11. SCML's proposal was partly aimed at preventing the spread of the COVID-19 virus, a matter the Commission considered to be highly relevant to this particular application.
12. The Commission noted that the Secretary had no regulatory concerns with SCML's proposal.
13. SCML may deploy the terminals for their extended use for one month to 20 April 2020. If SCML wants to extend the approval beyond this time, it must seek approval to do so with sufficient time to allow the Commission to re-consult with the Secretary and reach a view on any extension before the initial approval expires.

Decision

14. The Commission approved, under condition 14 of SCML's operator's licence for the Auckland casino, the deployment of the two mobile EFTPOS terminals (approved in decision GC09/19) in the Gambling Area to pay for gaming machine tickets and chips. The approval is granted upon the conditions that the mobile terminals are not to be used to dispense cash, and that the gaming machine tickets or chips are not to be paid for by a patron while that patron is sitting at a gaming machine or a gaming table.
15. The approval is for a one-month period and will expire on 20 April 2020. If SCML wants to extend the approval, beyond this date, it must make an application before 20 April 2020, as outlined above in paragraph 13.

Right of appeal

16. 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.

Lisa Hansen

Lisa Hansen
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

23

April 2020

