

IN THE MATTER of the Gambling Act 2003

AND on an application by **SKYCITY AUCKLAND LIMITED** for approval to amend licence conditions 9 and 9A of its venue licence for the Auckland Casino

BEFORE THE GAMBLING COMMISSION

Members: G L Reeves (Chief Gambling Commissioner)
R D Bell
W N Harvey

Date of Application: 3 April 2017

Date of Decision: 16 May 2017

Date of Notification of Decision: *29th* May 2017

DECISION ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED FOR APPROVAL TO AMEND LICENCE CONDITIONS 9 AND 9A OF ITS VENUE LICENCE FOR THE AUCKLAND CASINO

Introduction

1. SKYCITY Auckland Limited ("**SCAL**") applied to the Commission for approval to amend conditions 9 and 9A of its venue licence, under section 139(1)(d) of the Gambling Act 2003 (the "**Act**"). The proposed amendment would mean that SCAL's Gambling Areas for the Auckland casino can be specified in two Schedules rather than the existing five.
2. Section 140 of the Act requires the Commission to notify the licence holder, the Secretary for Internal Affairs ("**Secretary**") and other potentially affected persons of the proposed changes. The Commission notified the licence holder and the Secretary only; there being no other potentially affected persons.

Licence conditions

3. The licence conditions, with the proposed variations shown in mark-up, are as follows:

Auckland venue licence

9. The current standard Gambling Area for the casino venue is delineated in the plans attached as Schedule 1 to these conditions. An Additional Gambling Area for levels 2 and 3 of the casino is and level 7 of the Grand Hotel are delineated in the plans attached as Schedules 2, 3, 4 and 5 and will form part of the Gambling Area only after being activated as provided for in condition 9A.
- 9A. The Additional Gambling Areas depicted in the plans attached as Schedules 2, 3, 4 and 5 will take effect subject to the following:

- (a) ~~the as part of the Gambling Area only after the Licence Holder has provided the Commission and the Inspectorate with a minimum of two40 working days notice in writing of its intention to useactivate the additional one or more of the alternative Gambling Areas; and referred to in Condition 9 and shown in Schedules 2, 3, 4 and 5.~~
- (b) ~~the Licence Holder specifying in the notice, the date and time at which the additional Gambling Area will take effect and the date and time it will terminate. At the end of the notified period the Gambling Area will revert to the area delineated in Schedule 1.~~

The Act

4. The relevant section of the Act is as follows:

139 Conditions of casino licence

- (1) The Gambling Commission may specify the conditions of a casino licence or vary or revoke the conditions of a casino licence in the following circumstances:
- (a) on granting a casino operator's licence;
 - (b) on renewing a casino venue licence;
 - (c) on approving a casino venue agreement or an amendment to it;
 - (d) on application by the holder of the casino licence;
 - (e) on its own initiative or on the request of the Secretary.
- (2) A condition of a casino licence specified under subsection (1)—
- (a) must be consistent with this Act; and
 - (b) must contribute to achieving the purposes of this Act; and
 - (c) must contribute to the efficient and effective administration of this Act; and
 - (d) must not permit an increase in the opportunities for casino gambling; and
 - (e) may relate to any matter, including the matters specified in Schedule 1, within the confines of paragraphs (a) to (d).

SCAL's submissions

5. SCAL submitted, in summary, as follows:
- (a) Pursuant to condition 9 of its venue licence, the current standard Gambling Area for the casino venue is delineated in the plans attached as Schedule 1 to these conditions. Additional Gambling Areas for levels 2 and 3 of the casino, and level 7 of the Grand Hotel, are delineated in the plans attached as Schedules 2, 3, 4 and 5 and will form part of the Gambling Area only after being activated, as provided for in condition 9A.
 - (b) The additional Gambling Areas as set out in Schedules 2, 3, 4 and 5 have all been activated. It therefore seeks to consolidate the Gambling Areas into a single Schedule, and to add a further Gambling Area on level 3 of the casino, which would be included in a second Schedule. The second Schedule would be activated from time to time, by the Licence Holder giving prior notice to the Commission and the Inspectorate.

- (c) Under the Rules of Casino Promotions, the casino operator shall conduct all casino promotions in a Gambling Area, and Bar 21 has been identified as an area it wishes to use from time to time for the conduct of promotional draws. There would be relatively few occasions where this would be necessary, and the promotional activity would be undertaken during a fixed identifiable period, at the end of which the area would revert to its normal status.
- (d) On those occasions where the additional Gambling Area was activated, security arrangements would be put in place to ensure that persons under 20 years did not access the area concerned.
- (e) Condition 9A currently specifies that the plans attached in the additional Schedules take effect on the provision of a minimum 10 working days' notice in writing to the Commission and the Inspectorate. The 10 day notice period seems excessive and unnecessary. The activation of alternative Gambling Areas at Queenstown Casino only requires a minimum of two days prior notice. A similar two day notification would be satisfactory for Auckland.

The Secretary's submissions

- 6. The Secretary advised that he had no regulatory concerns either in relation to the consolidation of Schedules 1 to 5, or in relation to the creation of a further Gambling Area which will utilise Bar 21 from time to time for promotions.

Analysis

- 7. This application combines a number of schedules into a single schedule and identifies a further temporary gambling area and reduces the notice period for activation to two days. The Secretary has no regulatory concerns.

Decision

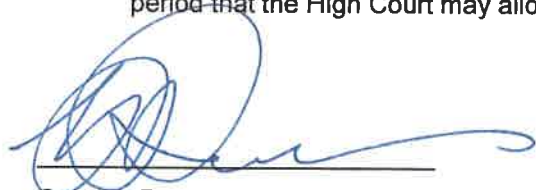
- 8. The Commission approved SCAL's application to amend conditions 9 and 9A of its venue licence for the Auckland casino, pursuant to section 139(1)(d) of the Act. Conditions 9 and 9A now read as follows:
 - 9. The current standard Gambling Area for the casino venue is delineated in the plans attached as Schedule 1 to these conditions. An additional Gambling Area for level 3 of the casino is delineated in the plan attached as Schedule 2 and will form part of the Gambling Area only after being activated as provided for in condition 9A.
 - 9A. The additional Gambling Area depicted in the plan attached as Schedule 2 will take effect subject to the following:



- (a) the Licence Holder providing the Commission and the Inspectorate with a minimum of two working days' notice in writing of its intention to use the additional Gambling Area; and
- (b) the Licence Holder specifying in the notice, the date and time at which the additional Gambling Area will take effect and the date and time it will terminate. At the end of the notified period the Gambling Area will revert to the area delineated in Schedule 1.

Right of appeal

10. Pursuant to section 235 of the Act, a person affected by the decision recorded in paragraph 26 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.

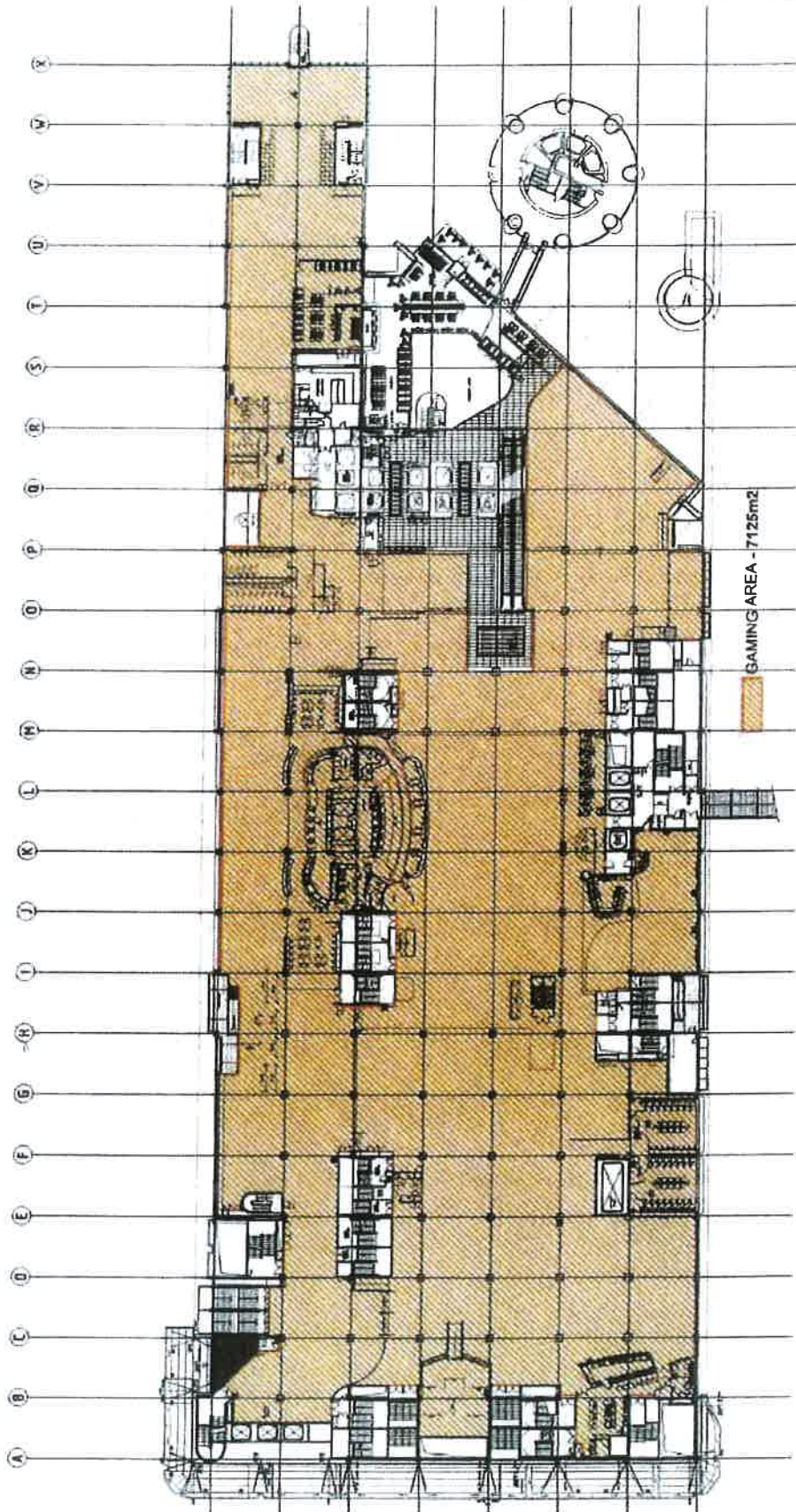


Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

29 May 2017

SCHEDULE 1



SCHEDULE

| Symbol | Description |
|--------|-------------|
| ○ | Column |
| □ | Wall |
| ▨ | Window |
| ▩ | Door |
| ▭ | Stair |
| ▮ | Elevator |
| ▯ | Escalator |
| ▰ | Roof |
| ▱ | Floor |
| ▲ | Ceiling |
| △ | Structure |
| ▴ | Other |



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SKY CITY

Entertainment Group
 Gaming Layouts

Project # 5132C
 Date: November 2015

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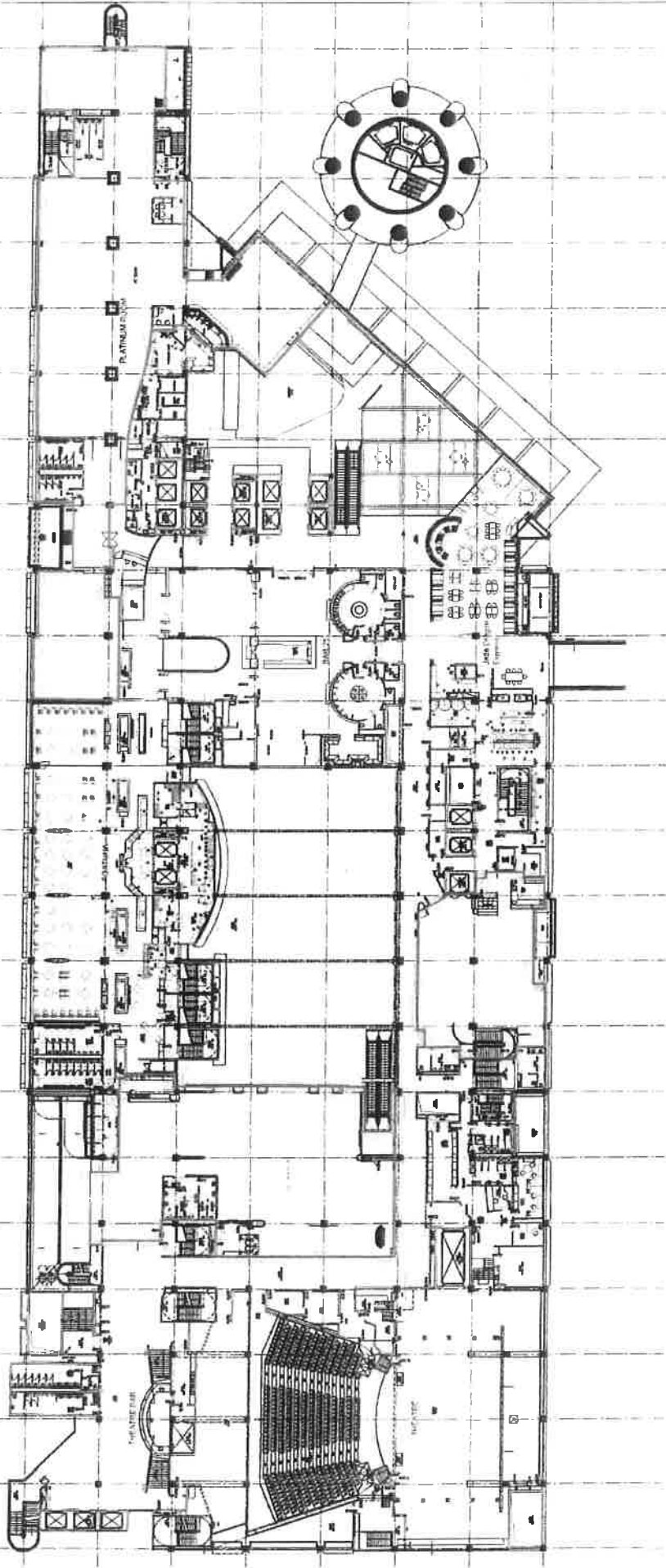
SKY CITY

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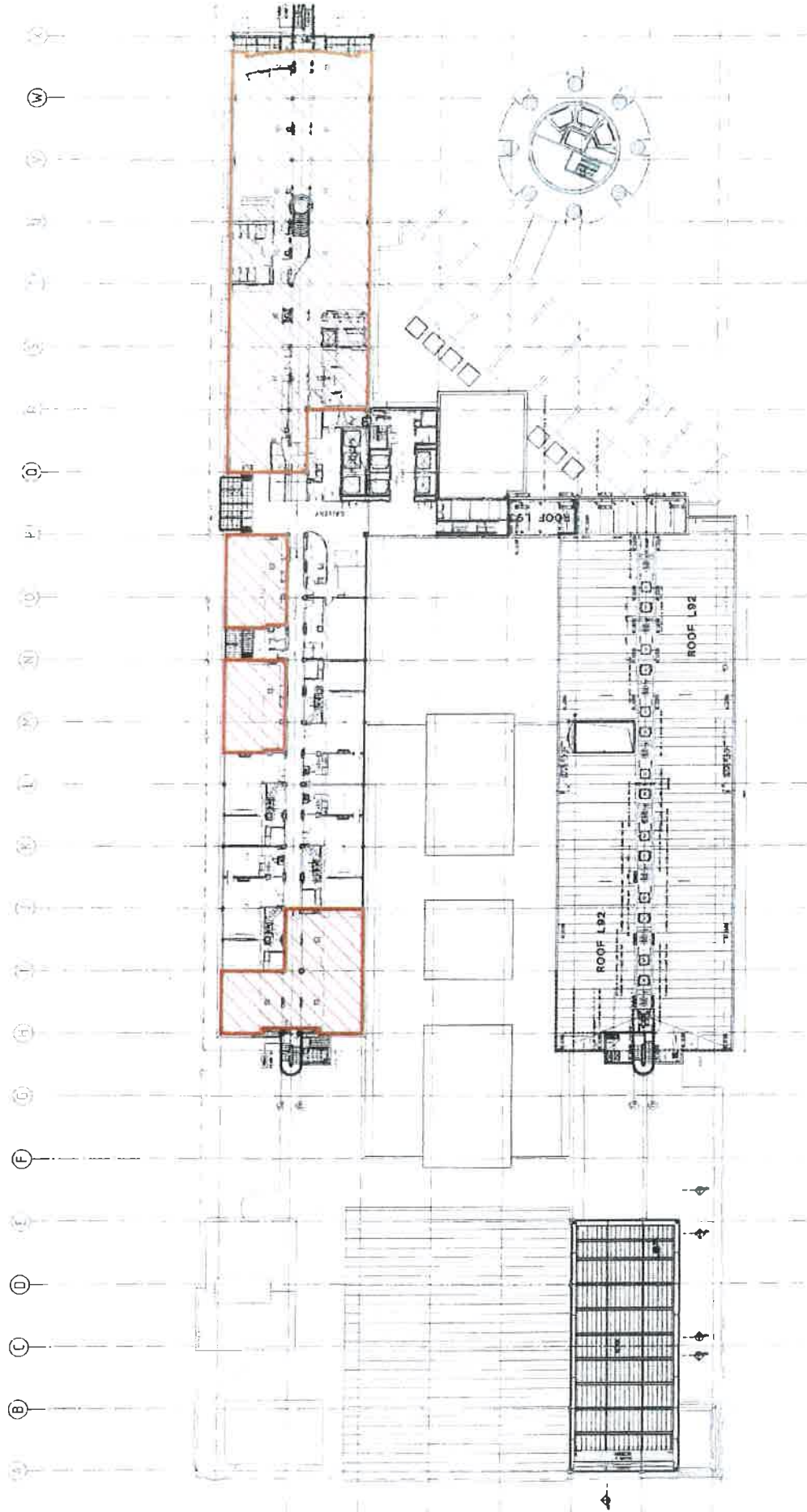
A B C D E F G H I J K L M N O P Q R S T U V W X



SKY CITY MAIN SITE
Level 3

DO NOT SCALE

F. N. DOUBT C/P



GAMING AREA: 1,309m²

Call 604 9 3370688
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 1000 West Broadway, Suite 1000
 Vancouver, BC V6C 3R8, Canada

moller. Moller Architects[®]



Sky City Entertainment Group
 Gaming Layouts

SKYCITY - VIP GAMING
 LEVEL H5
 GAMING AREAS
 15/10/2012



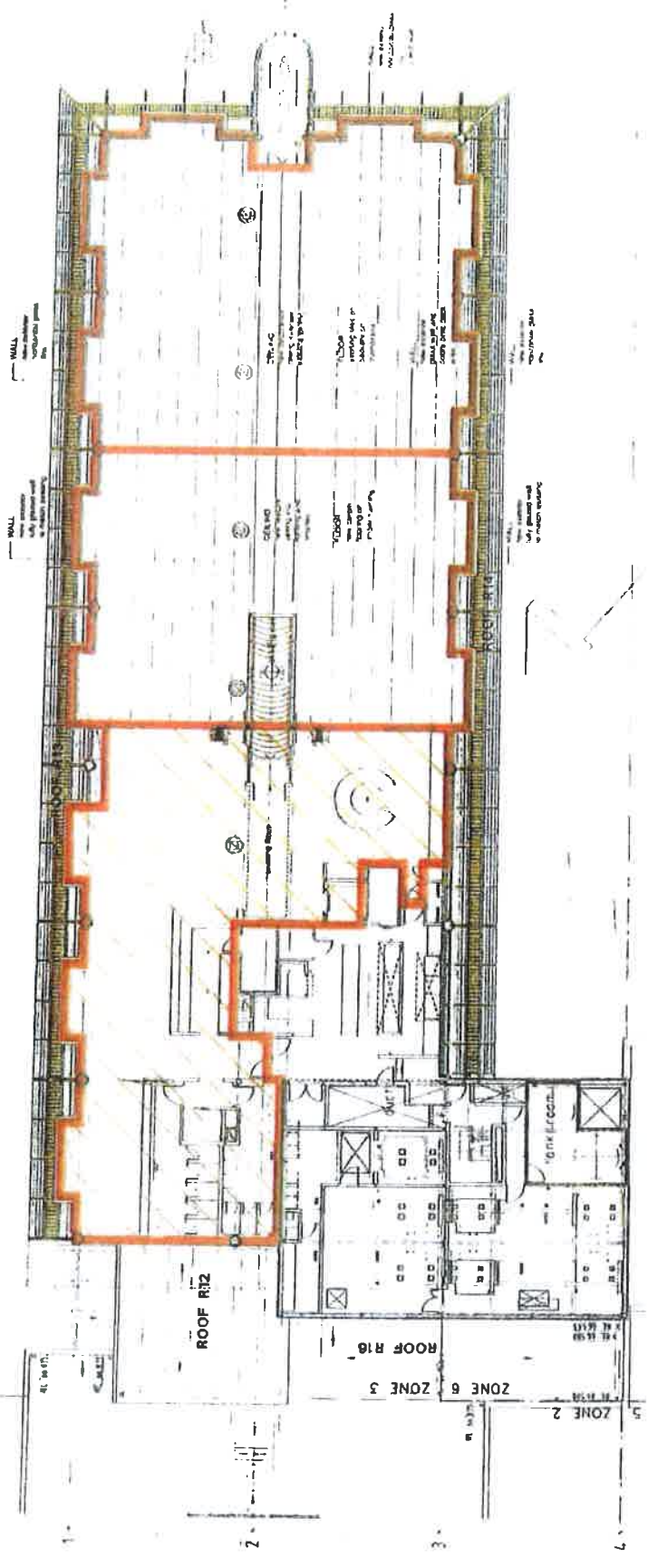
P O R S T U V W X

ZONE 3
ZONE 2

ANCILLARY
AREA: 320m²

INTERNAL
NON-SMOKING
AREA: 263m²

EXTERIOR
SMOKING
AREA: 303m²

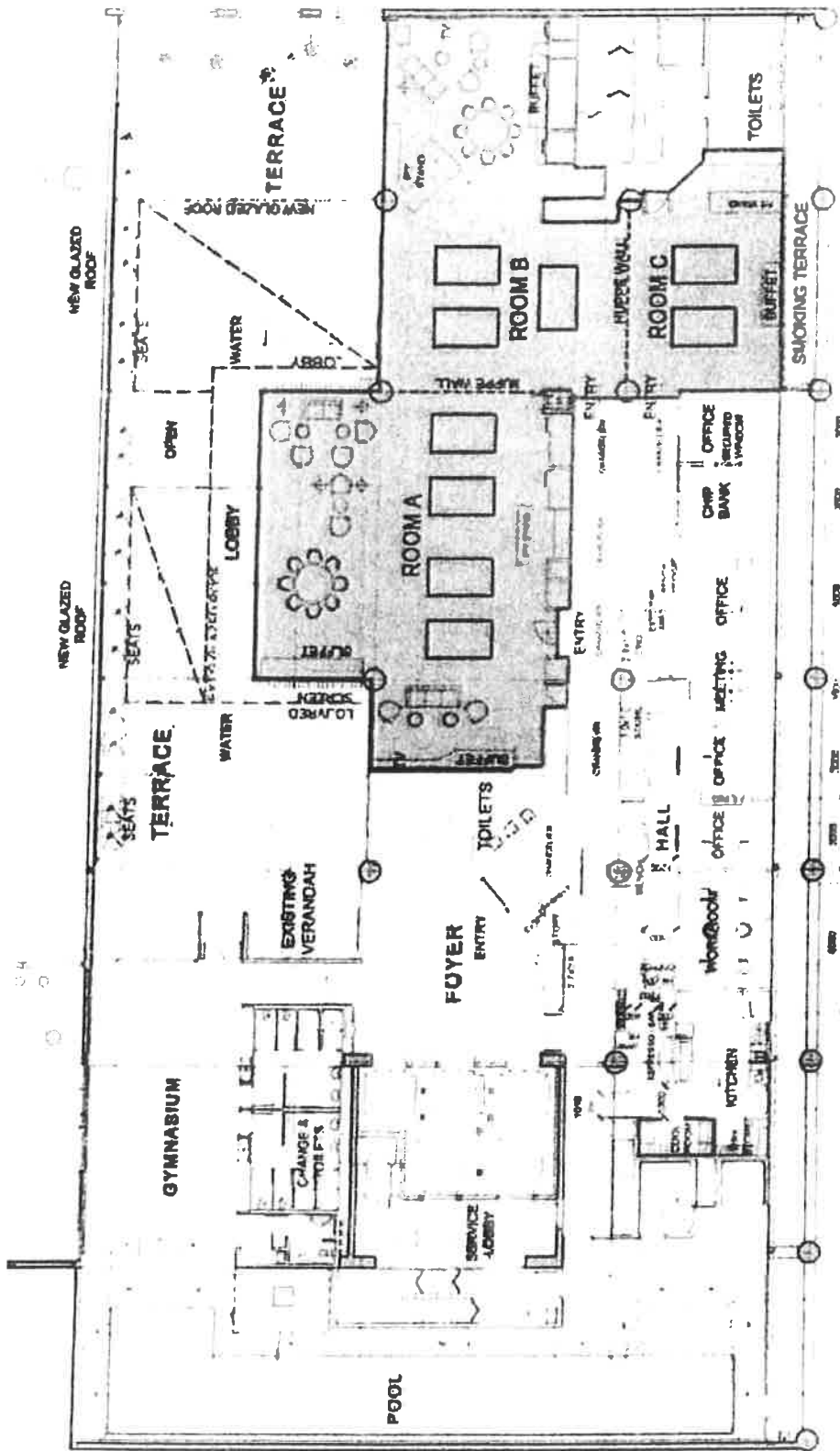


Scale: 1/8" = 1'-0"
Date: 4/12/2012



Sky City Entertainment Group
Gaming Layouts

SKY CITY - VIP GAMING
LEVEL H6
GAMING AREAS
4/12/2012



SCHEDULE 2

Drawing Status: 100% - RVT - 03/11/14

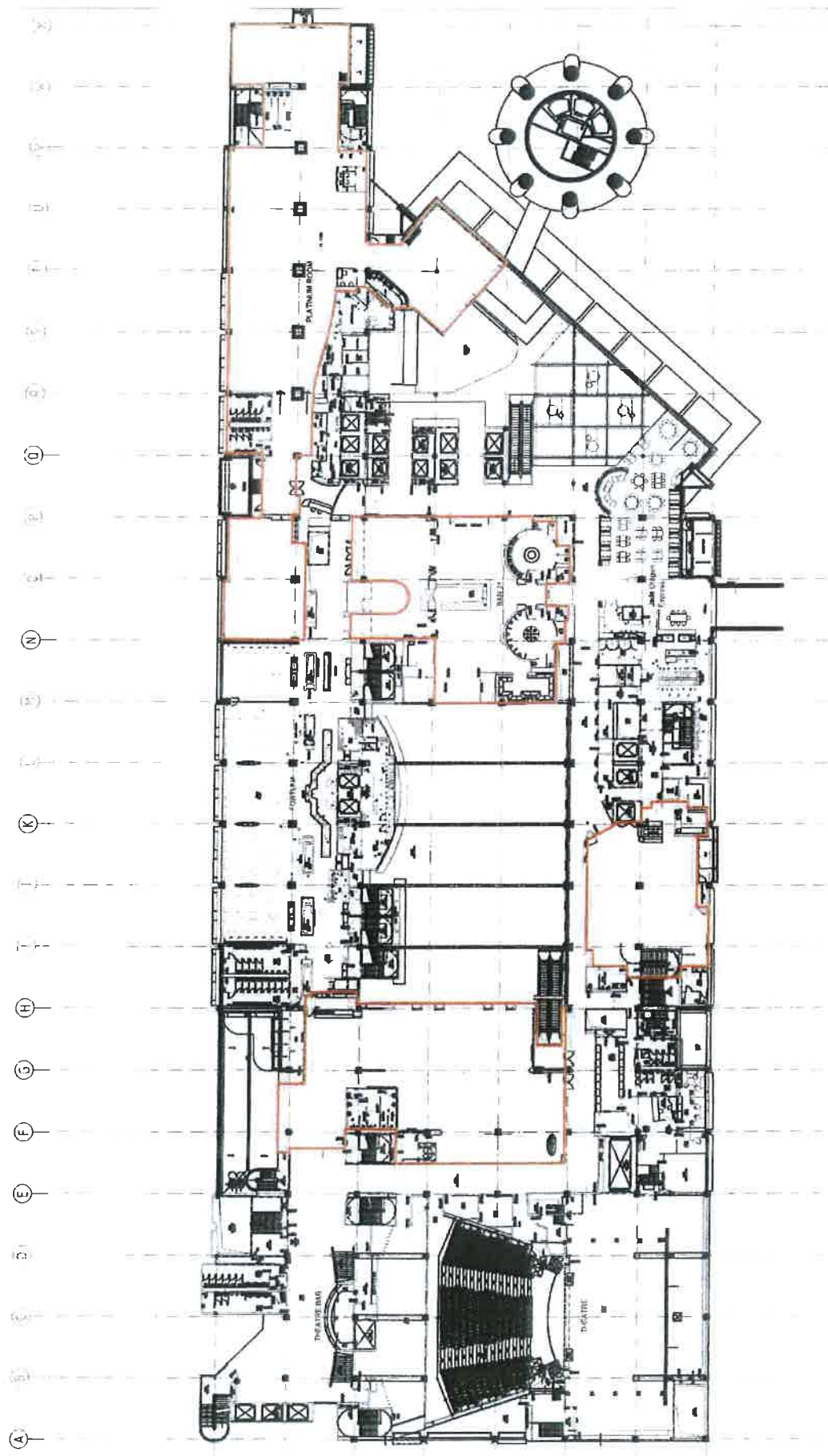
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100%



SKY CITY MAIN SITE Level 3

100%



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