

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

**AND** on an application by **DUNEDIN CASINOS MANAGEMENT LIMITED** for approval of new floor plans and game mixes

**BEFORE THE GAMBLING COMMISSION**

Members: P Chin (Chief Gambling Commissioner)  
M M Lythe  
P J Stanley  
G L Reeves

Date of Proposal: 19 February 2010

Date of Decision: 14 May 2010

Date of Notification  
of Decision: 25 May 2010

**DECISION ON AN  
APPLICATION BY DUNEDIN CASINOS MANAGEMENT LIMITED  
FOR APPROVAL OF NEW FLOOR PLANS AND GAME MIXES**

**Introduction**

1. Dunedin Casinos Management Limited ("**DCML**") applied to the Commission for approval of:
  - (a) floor plans, "A", "B", "C" and "D", under conditions 11 and 12 of DCML's operator's licence;
  - (b) a new Annex A, incorporating three new game mixes "Q", "R" and "S", under condition 9 of DCML's operator's licence.
2. The relevant licence conditions are 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.
11. The Licence Holder shall operate in accordance with approved floor layouts showing the position of gaming tables and gaming machines.
12. The Licence Holder shall obtain the approval of the Commission for new floor plans prior to relocating or installing tables or machines in positions not specified in approved floor layouts. When applying, the Licence Holder must submit fresh plans showing the floor layout for the Gambling Area and details of the proposed CCTV layout for the consideration of the Commission. Any change must comply with the Surveillance Standard



**DCML's submissions**

3. DCML submitted that:

- (a) It wants to introduce Electronic Roulette to Dunedin casino, and needs to amend its floor plans and game mixes accordingly
- (b) It will deploy Electronic Roulette pursuant to floor Plans C and D. The Electronic Roulette table will replace a "regular" Roulette table, and will not operate in association with a regular table.
- (c) The only difference between Plans C and D, is that one Black Jack table and one Caribbean Stud Poker table swap positions.
- (d) Floor plans A and B are its current approved plans. It seeks to amend them only in relation to the type of graphics used to depict the table game shapes, and the lettering used to identify each table.
- (e) It has 16 approved game mixes (A-P) and wants to introduce three new game mixes, Q, R and S, to allow it to operate Electronic Roulette. The new game mixes will not increase opportunities for casino gambling as they generate fewer rounds per hour and fewer overall opportunities than game mix A, which is its regulatory benchmark.
- (f) Game mixes Q and R both offer fewer player spaces, slower rates of play and fewer overall opportunities to gamble than game mix A. Game mix S has two more player spaces than game mix A but this is offset by it having a slower rate of play, and offering fewer opportunities overall, as follows:

Game mix	A	Q	R	S
Player spaces	244	212	229	246
Rounds per hour	633	580	605	630
Overall opportunities	13,187	10,958	11,939	12,920

- (g) It will provide no less than five working days notice to the Commission and the Secretary of its intention to change between approved floor plans
- (h) All necessary adjustments to the CCTV layout will be made to recognise the new floor configuration and to ensure it complies with the Surveillance Standard. It will notify the Secretary of all such changes in accordance with the requirements of its Minimum Operating Standards.



- (i) In the event that changes are made to surveillance camera positions, it will supply both the Commission and the Secretary with an updated layout depicting the position of surveillance cameras after those changes have been made
- (j) It is aware that SKYCITY has an application before the Commission in which it proposes using new information to assist in the determination of opportunities for casino gambling. It does not believe that the Commission should use that information for this application; rather it should use the information that was used to determine its benchmark game mix. It will consider the implications of the SKYCITY application once the Commission has decided on that matter.

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

4. The Secretary submitted that:

- (a) He has no regulatory concerns with the proposed floor plans or the introduction of Electronic Roulette to Dunedin casino.
- (b) The number of player positions on the plans do not always equate to the number of player positions for given games (eg non flip-top Midi Baccarat) but this does not cause him concern as game rules dictate maximum player numbers. DCML subsequently addressed this by submitting amended floor plans without any player positions.
- (c) He agrees with DCML that game mixes Q, R and S will not increase opportunities for casino gambling. The DCML proposal, on a calculation basis, would remain below the regulatory benchmark unless the figures for Midi Baccarat include dealing Style A rates across all game mixes. In this scenario, proposed game mix S would constitute an increase in theoretical gambling opportunities.

#### **DCML's submissions in reply**

5. DCML submitted, in reply, that:

- (a) It is concerned about the possible impact that SKYCITY's proposed new information could have on its existing approved game mixes, and in particular, whether they will result in the existing game mixes being deemed to have a greater number of opportunities than its current benchmark. If SKYCITY's proposal is accepted, nothing will actually change other than the theoretical rates of play ascribed to each type of game available to the casinos. It follows that it would be unreasonable to end up having to amend existing game mixes to ensure that they fall under a benchmark which has already been calculated using theoretically constructed rate of play values that are subject to change.



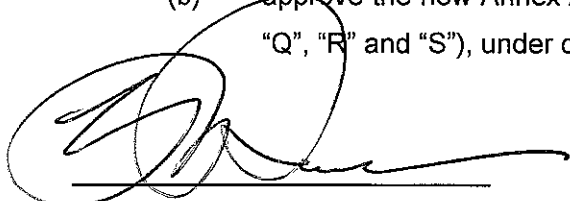
- (b) This highlights the difficulties that arise when rates of play are used to calculate opportunities to gamble. It is more appropriate to look only at the number of tables available and number of player positions at the tables, when determining opportunities.

### Analysis

6. DCML currently has two approved floor plans, A and B. It wants to make minor amendments to these plans, and to introduce two new plans, C and D, which depict the deployment of electronic roulette. The Commission had no issues of regulatory concern with any of the proposed floor plans.
7. In relation to the proposed new game mixes, the Commission's approach is to compare what is proposed with the approved game mix that provides the greatest opportunities for casino gambling and which the Commission regards as the benchmark mix. The Commission compared game mixes Q, R and S with game mix A and was satisfied that they will not increase opportunities for casino gambling.
8. In reaching this decision, the Commission did not rely upon the SKYCITY information that the parties referred to in their submissions. The SKYCITY information has not yet been critically considered by the Commission and it is not appropriate to rely upon it until this has happened. The Commission used its common sense "in the round" assessment of the likely effect of a proposed changes on the level of opportunities.

### Decision

9. The Commission decided to
- (a) approve floor plans "A", "B", "C" and "D" (**attached**), under conditions 11 and 12 of DCML's operator's licence;
- (b) approve the new Annex A (**attached**) (which incorporates three new game mixes "Q", "R" and "S"), under condition 9 of DCML's operator's licence.



**Graeme Reeves**  
Gambling Commissioner

for and on behalf of the  
Gambling Commission

25 May 2010



## 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  
Black Jack – 6 games  
Midi Baccarat – 1 game  
Mini Baccarat – 1 game  
Caribbean Stud Poker – 1 game
  
- B. American Roulette – 3 games  
Black Jack – 5 games  
Midi Baccarat – 1 game  
Caribbean Stud Poker – 1 game  
Poker – 2 games
  
- C. American Roulette – 3 games  
Black Jack – 4 games  
Midi Baccarat – 1 game  
Caribbean Stud Poker – 1 game  
Poker – 3 games
  
- D. American Roulette – 3 games  
Black Jack – 5 games  
Midi Baccarat – 2 games  
Caribbean Stud Poker – 1 game  
Poker – 1 game
  
- E. American Roulette – 3 games  
Black Jack – 4 games  
Midi Baccarat – 2 games  
Caribbean Stud Poker – 1 game  
Poker – 2 games
  
- F. American Roulette – 3 games  
Black Jack – 4 games  
Midi Baccarat – 1 game  
Mini Baccarat – 1 game  
Caribbean Stud Poker – 1 game  
Poker – 2 games
  
- G. American Roulette – 3 games  
Black Jack – 3 games  
Midi Baccarat – 1 game  
Mini Baccarat – 1 game  
Caribbean Stud Poker – 1 game  
Poker – 3 games
  
- H. American Roulette – 3 games  
Black Jack – 4 games  
Midi Baccarat – 2 games  
Mini Baccarat – 1 game  
Caribbean Stud Poker – 1 game  
Poker – 1 game



- I. American Roulette – 3 games  
Black Jack – 3 games  
Midi Baccarat – 2 games  
Mini Baccarat – 1 game  
Caribbean Stud Poker – 1 game  
Poker – 2 games
- J. American Roulette – 3 games  
Black Jack – 3 games  
Midi Baccarat – 1 game  
Mini Baccarat – 2 games  
Caribbean Stud Poker – 1 game  
Poker – 2 games
- K. American Roulette – 3 games  
Black Jack – 2 games  
Midi Baccarat – 1 game  
Mini Baccarat – 2 games  
Caribbean Stud Poker – 1 game  
Poker – 3 games
- L. American Roulette – 3 games  
Black Jack – 3 games  
Midi Baccarat – 2 games  
Mini Baccarat – 2 games  
Caribbean Stud Poker – 1 game  
Poker – 1 game
- M. American Roulette – 3 games  
Black Jack – 2 games  
Midi Baccarat – 2 games  
Mini Baccarat – 2 games  
Caribbean Stud Poker – 1 game  
Poker – 2 games
- N. American Roulette – 3 games  
Black Jack – 3 games  
Midi Baccarat – 2 games  
Caribbean Stud Poker – 1 game  
Poker – 3 games
- O. American Roulette – 3 games  
Black Jack – 4 games  
Midi Baccarat – 3 games  
Caribbean Stud Poker – 1 game  
Poker – 1 game
- P. American Roulette – 3 games  
Black Jack – 3 games  
Midi Baccarat – 3 games  
Caribbean Stud Poker – 1 game  
Poker – 2 games

- Q. American Roulette – 2 games  
Black Jack – 5 games  
Midi Baccarat – 1 game  
Caribbean Stud Poker – 1 game  
Electronic Roulette – 1 game (comprising a maximum of 11 terminals and no manual table)  
Poker – 2 games
- R. American Roulette – 2 games  
Black Jack – 5 games  
Midi Baccarat – 2 games  
Caribbean Stud Poker – 1 game  
Electronic Roulette – 1 game (comprising a maximum of 11 terminals and no manual table)  
Poker – 1 game
- S. American Roulette – 2 games  
Black Jack – 5 games  
Midi Baccarat – 3 games  
Caribbean Stud Poker – 1 game  
Electronic Roulette – 1 game (comprising a maximum of 11 terminals and no manual table)  
Poker – 2 games

**Note**

- (a) The Licence Holder must operate in accordance with one of the approved table games floor plans A, B, C or D.
- (b) The Licence Holder must comply with the notification, and other, requirements specified in MOS C-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 and the Commission with a minimum of five working days notice in writing of its intention to do so.
- (c) 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.
- (d) The Licence Holder is permitted to operate automatic shufflers on no more than 50% of open Black Jack games specified in game mixes A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R and S.
- (e) 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.



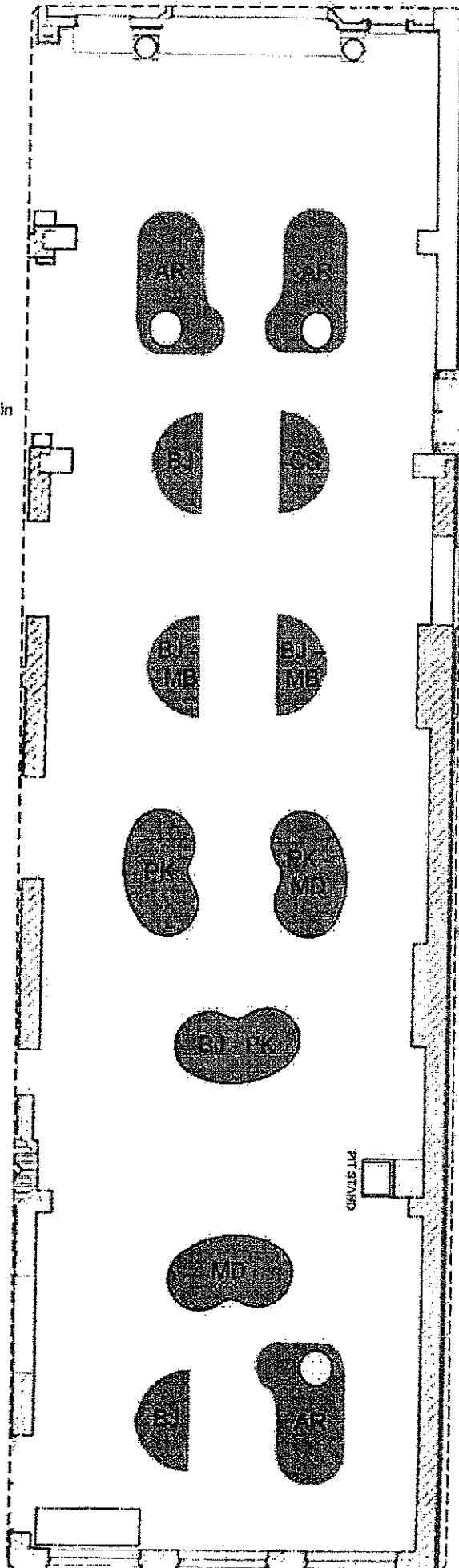
**TABLE GAMES FLOOR PLAN A**

These 12 positions represent Table Game positions at Dumedin Casino

The Licence Holder may only play on individual tables the games specified in the locations shown

The game mixes which may be operated by the Licence Holder are specified in Schedule A

- AR - American Roulette
- BJ - Blackjack
- CS - Caribbean Stud Poker
- MB - Mini Baccarat
- MD - Midi Baccarat
- PK - Poker



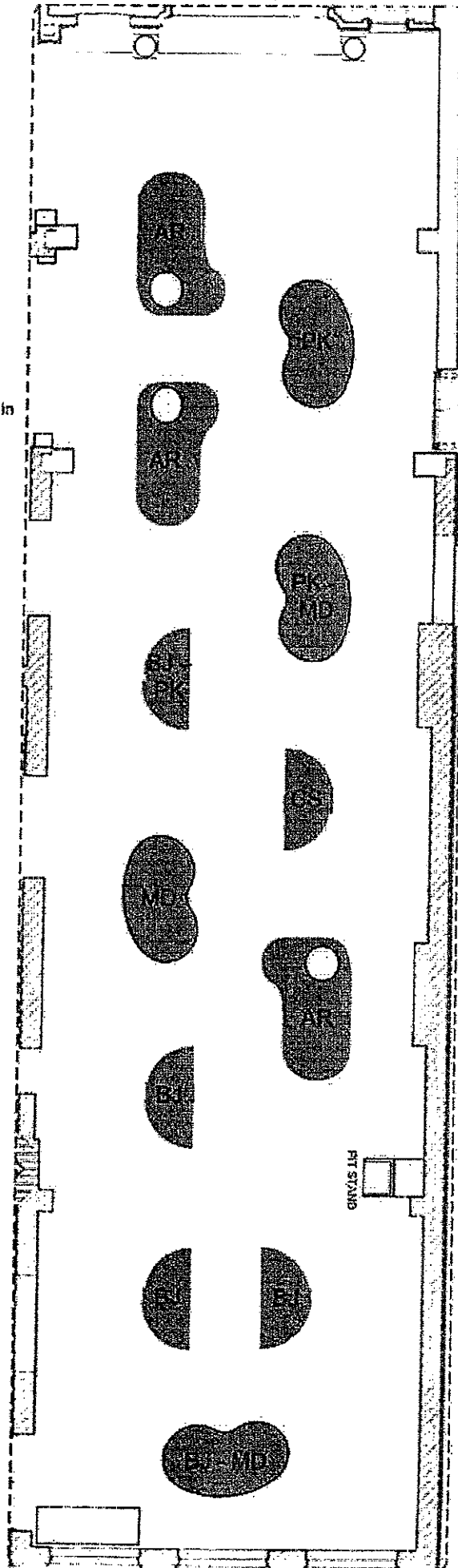
**TABLE GAMES FLOOR PLAN B**

These 12 positions represent Table Game positions at Dunedin Casino

The Licence Holder may only play on individual tables the games specified in the locations shown

The game mixes which may be operated by the Licence Holder are specified in Schedule A

- AR - American Roulette
- BJ - Blackjack
- CS - Caribbean Stud Poker
- MD - Midi Baccarat
- PK - Poker



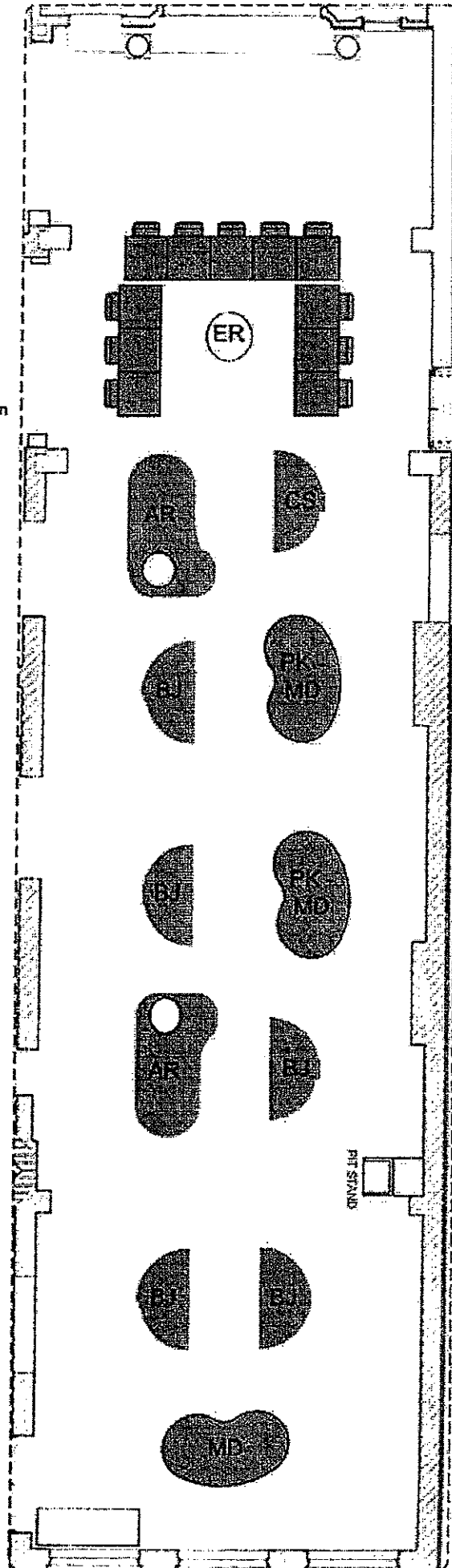
**TABLE GAMES FLOOR PLAN C**

These 12 positions represent Table Game positions at Dumedin Casino

The Licence Holder may only play on individual tables the games specified in the locations shown

The game mixes which may be operated by the Licence Holder are specified in Schedule A

- AR - American Roulette
- BJ - Blackjack
- CS - Caribbean Stud Poker
- MD - Midi Baccarat
- PK - Poker
- ER - Electronic Roulette



**TABLE GAMES FLOOR PLAN D**

These 12 positions represent Table Game positions at Dunedin Casino

The Licence Holder may only play on individual tables the games specified in the locations shown

The game mixes which may be operated by the Licence Holder are specified in Schedule A

- AR - American Roulette
- BJ - Blackjack
- CS - Caribbean Stud Poker
- MD - Midi Baccarat
- PK - Poker
- ER - Electronic Roulette

