

IN THE MATTER of the Gambling Act 2003

AND on an application by **SKYCITY AUCKLAND LIMITED** to redesignate the Gambling Area at the Auckland casino

BEFORE THE GAMBLING COMMISSION

Members: G L Reeves (Chief Gambling Commissioner)
L M Hansen
R D Bell
D C Matahaere-Atariki
W N Harvey

Date of Application: 30 March 2015

Date of Decision: 8 May 2015

Date of Notification
of Decision: 13 May 2015

**DECISION ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED
TO REDESIGNATE THE GAMBLING AREA AT THE AUCKLAND CASINO**

Introduction

1. SKYCITY Auckland Limited ("**SCAL**") applied to the Commission, pursuant to conditions 9 and 9A of SCAL's venue licence, and section 139(2) of the Gambling Act 2003 (the "**Act**"), to redesignate the Gambling Area at the Auckland casino.

Act and licence conditions

2. The relevant licence conditions are as follows:

SCAL's venue licence (Auckland)

9. The current Gambling Area for the casino venue is delineated in the plan attached as Schedule 1 to these conditions. A first alternative Gambling Area is delineated in the plan attached as Schedule 2.

9A. A change of Gambling Area will take effect subject to the Licence Holder providing the Commission and the Inspectorate a minimum of 10 working days prior notice in writing of its intention to adopt one of the approved Gambling Areas referred to in Condition 9 and shown in Schedules 1 and 2.

3. The relevant section of the Gambling Act 2003 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

4. SCAL submitted, in summary, as follows:

- (a) It wants to amend the designated Gambling Area on level 3 of the Auckland casino.
- (b) In March 2015, the Commission approved some design changes to the casino including: the removal of the escalators on the western side of the Gambling Area (which joined the MGF with level 3), the installation of new flooring on level 3 (in the void created by the removal of the escalators), and the relocation of the glass wall and doors representing the southern boundary to the area currently housing the TAB facilities. It now wants to make changes to the level 3 Gambling Area to incorporate these areas.
- (c) The proposal represents a minor increase in the casino's Gambling Area. The new area will be policed for access by minors in the same manner as all other designated Gambling Areas at the casino.
- (d) The increase to the size of the Gambling Area will not increase casino gambling opportunities.
- (e) Subject to the Commission's approval of this application, it will subsequently seek approval of floor plans showing the placement of the gambling product (in the enlarged Gambling Area).

Secretary's submissions

5. The Secretary had no regulatory concerns with the proposal, but noted that he may wish to provide comment when SCAL submits floor plans to the Commission for approval.

Analysis

6. SCAL has applied to the Commission to redesignate the Gambling Area on level 3 of the Auckland casino.
7. The proposal raised no issues of regulatory concern for the Commission. The Commission has previously held that it has the power to redefine a casino's Gambling Area, provided that the amended area does not extend beyond the casino venue, as defined in the casino venue licence, and the licence conditions defining the area are consistent with section 139(2) of the Act.
8. SCAL's venue licence defines the casino venue as the block bounded by Hobson Street, Wellesley Street West, Federal Street and Victoria Street West, less four specific exclusions; namely the underground carpark, the Sky Tower, bus station and the walkway between the Sky Tower and the casino complex. The proposed Gambling Area is clearly within the casino venue.
9. While the licence conditions themselves remained unchanged by SCAL's proposal, it would effect a change to associated Schedules, increasing the size of the designated Gambling Area. The increase would not permit the casino to increase the number, or change the current deployment, of any tables or gaming machines (which would require separately approved changes to its game mix Schedules and approved floor plans respectively), and the location of the increased area in relation to the currently deployed tables and gaming machines did not give rise to any potential for an increase in the opportunities for casino gambling. The Commission was satisfied that the sought redesignation of the Gambling Area was consistent with section 139(2) of the Act.
10. The Commission will consider the deployment of gambling product in a separate application when SKYCITY submits new floor plans for the Commission's consideration.

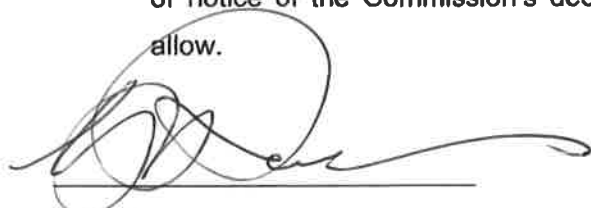
Decision

11. The Commission approved the redesignation of the Gambling Area at the Auckland casino in the manner proposed, under conditions 9 and 9A of SCAL's venue licence, and section 139(2) of the Act. The amended Schedules (Schedules 1 and 2) for level 3 are **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.



Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

13 May 2015



