

IN THE MATTER of the Gambling Act 2003

AND on an application by **SKYCITY CASINO MANAGEMENT LIMITED** for approval of a new game mix Annex for the Auckland casino

BEFORE THE GAMBLING COMMISSION

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

Date of Application: 24 May 2019

Date of Decision: 5 July 2019

Date of Notification of Decision: 11 July 2019

DECISION ON AN APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED FOR APPROVAL OF A NEW GAME MIX ANNEX FOR THE AUCKLAND CASINO

Introduction

1. SKYCITY Casino Management Limited ("**SCML**") applied to the Commission, under condition 9 of SCML's operator's licence for the Auckland casino, for approval to revise Annex A. SCML wants to add a note to the Annex which will allow it to relocate, temporarily, 21 gaming tables from the area known as "Eight" to another part of the casino during some construction and design changes.

Licence condition

2. The relevant licence condition is as follows:

SCML's operator's licence (Auckland)

9. The Licence Holder may operate on casino gaming tables the game types and game mix(es) specified by the Commission in Annex A attached to this Licence. As an alternative to Annex A, the Licence Holder may operate on casino gaming tables the game types and game mix(es) specified by the Commission in any additional annex approved by the Commission and attached to this Licence. The Licence Holder must give the Inspectorate prior notification before it commences operation under a different annex. The game types and game mixes specified in an annex can only be changed by the Commission.

SCML's submissions

3. SCML submitted, in summary, as follows:

- (a) It currently has approval to deploy the game mixes as set out in Annex A of its operator's licence for the Auckland casino. Annex A includes a range of game mixes which may be operated in specified locations.
- (b) By creating location-specific game mixes, it has been able to create a greater number of possible game mixes in a more manageable and meaningful way. There are ten area specific locations; the VIP salons on level 5 of the casino, the area known as "Eight" to the north of the elevators on level 5, the VIP gaming salons in the grand Horizon, and in the Gambling Areas other than those already specified.
- (c) It is proposing to undertake renovation and design changes on levels 5 and 6 of the casino. Once plans are finalised they will be submitted to the Commission for approval. The work involves the VIP salons, "Eight" and the area above them on level 6. The work in relation to the salons and level 6 can be managed with relatively little disruption.
- (d) The work planned in "Eight" is expected to be carried out in two stages, with up to half of the gaming tables currently deployed in that location needing to be removed while initial work is undertaken. Following the completion of stage 1, those tables will be returned, with the second stage involving the removal of further gaming tables affected by this stage of the work.
- (e) It seeks approval to deploy in an alternative location the gaming tables that will be removed temporarily from Eight. There is an area on level 3 of the casino which currently houses Poker tables. Following a decision to deploy the Poker tables in an alternative location, this area will soon be vacated. This empty space provides an opportunity, subject to the Commission's approval, to relocate some of the tables from Eight. Floor plans reflecting the temporary placement of gaming tables to this area will be submitted to the Commission for approval.
- (f) There is a wider issue concerning the location-specific game mixes as set out in Annex A. As noted above, "Eight" has its own specific game mix, as do levels 2 and 3 at the casino. It seeks approval to operate one of the game mixes approved for "Eight" across two locations. Some of the tables would continue to operate in "Eight", while others would operate in the vacated level 3 area. There would be no change to the overall game mix as it would continue to rely on the existing approved

game mixes. The floor plans would be revised to reflect the temporary placement of tables in the vacated level 3 area.

- (g) The temporary nature of this arrangement, and the current uncertainty around timing, suggests that this proposal would be best managed by including an additional note (note 8) to the Annex, shown in mark-up as follows:

Notes for the alternative game mixes:

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. To facilitate design and construction work in the area designated as Eight, the Licence Holder may deploy some of the 21 tables that are deployed in Eight to another gambling area subject to the Commission's prior approval of a floor plan and provided that:
 - (i) the total tables operated across these two locations does not exceed 21; and
 - (ii) the game mix is consistent with an approved table game mix in the area designated as Eight.

The Secretary's submissions

4. The Secretary submitted that he has no regulatory concerns with SCML's proposal provided that the overall regulatory benchmark is not exceeded. In reply, SCML confirmed that there will be no increase in overall opportunities.

Analysis

5. SCML currently operates area-specific game mixes at the Auckland casino. This means that specific game mixes can only be deployed at specific locations at the Auckland casino.
6. While this arrangement has worked well for a number of years, in the present case it has created an issue for SCML as it undertakes construction and design changes, with the ensuing desire to relocate gaming tables away from their approved location.
7. SCML's proposal to relocate gaming tables away from "Eight" raises no issues of regulatory concern. SCML is simply seeking to relocate a number of tables away from their approved location while construction and design work is undertaken. The tables will be restored to their approved location once the construction work has concluded. SCML is not seeking to amend its game mixes so there are no issues in relation to sections 11 and 12 of the Act.
8. The Commission approved SCML's proposal to add a new note to Annex A, with some minor edits, and the addition of a time limit to ensure that the approval is not indefinite.

9. The exact location of the re-deployed tables will be determined once SCML submits an application for approval of new floor plans.

Decision

10. The Commission approved Annex A, under condition 9 of SCML's operator's licence for the Auckland casino. Annex A is **attached**.

Right of appeal

11. 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

11 July 2019



ANNEX A

GAME MIX AS AT 19 SEPTEMBER 2003

Black Jack/Pontoon	44 games
Roulette	24 games
Electronic Roulette	1 game
Caribbean Stud Poker	10 games
Midi Baccarat	17 games
Mini Baccarat	7 games
Pai Gow	4 games
Tai Sai (double sided)	1 game
Tai Sai (single sided)	1 game
Money Wheel (double sided)	1 game
Total:	110 games

Notes for Game Mix as at 19 September 2003

1. The Licence Holder is permitted to operate automatic shufflers on 50% of open Black Jack tables, and all Caribbean Stud Poker and Baccarat tables.
2. The Electronic Roulette table comprises up to 14 player spaces and no manual table.

GAME MIX 'A' AUTHORISED BY NEW ZEALAND INTERNATIONAL CONVENTION CENTRE ACT 2013

Pursuant to condition 9 the following game mix may be operated by the Licence Holder on casino gaming tables, subject to the following conditions noted:

Black Jack/Pontoon (Manual Shuffle)	31 games
Black Jack/Pontoon (Auto Shuffle)	30 games
Caribbean Stud Poker (Auto Shuffle)	13 games
Midi Baccarat (Auto Shuffle)	23 games
Mini Baccarat (Auto Shuffle)	9 games
Money Wheel (Double Side)	3 games
Pai Gow	5 games
Roulette	31 games
Electronic Roulette	3 games
Tai Sai (Double Side)	1 game
Tai Sai (Single Side)	1 game
Total:	150 games

Notes for Game Mix 'A'

1. The Electronic Roulette tables comprise up to 14 player spaces and no manual table.
2. Where table games provide for the use of automatic shufflers, the use of those shufflers shall be discretionary.
3. The Licence Holder is permitted to operate alternative game mixes of up to 150 tables as specified in the Annex.



together with

In gaming salon 88 to the south of the elevators on level 5, any one of the following five table game mixes:

	A3	B3	C3	D3	E3	F3	G3	H3	I3	J3	K3	L3	M3	N3	O3	P3	Q3	R3	S3	T3	U3	V3	W3	X3	Y3	Z3
Midi Baccarat	5	4	4	3	3	3	2	2	2	2	2	3	3	4	3	3	3	2	2	2	2	0	0	0	0	0
Roulette	0	1	0	1	2	0	0	1	1	1	1	1	0	0	0	1	0	1	2	0	2	2	3	4	1	5
Black Jack	0	0	1	1	0	2	1	1	1	2	1	0	1	0	0	0	1	1	0	2	1	3	2	1	4	0
Mini Baccarat	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pai Gow	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3 Card Poker	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Poker	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1	1	1	1	1	0	0	0	0	0	0
Total	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	

	AA3	AB3	AC3	AD3	AE3	AF3
Midi Baccarat	0	2	2	1	1	0
Roulette	0	0	3	4	0	0
Black Jack	5	3	0	0	4	0
Mini Baccarat	0	0	0	0	0	0
Pai Gow	0	0	0	0	0	0
3 Card Poker	0	0	0	0	0	0
Poker	0	0	0	0	0	5
Total	5	5	5	5	5	5



In the gaming salon 81 to the north of the elevators on level 5, any one of the following six table game mixes:

	A4	B4	C4	D4	E4	F4	G4	H4	I4	J4	K4	L4	M4	N4	O4	P4	Q4	R4	S4	T4	U4	V4	W4	X4
Midi Baccarat	6	5	5	4	4	4	2	2	2	2	2	3	4	4	5	3	4	3	3	2	2	2	3	2
Roulette	0	1	0	1	2	0	1	1	1	1	1	1	1	0	0	1	0	1	0	1	2	0	2	2
Black Jack	0	0	1	1	0	2	1	1	2	2	3	1	0	1	0	2	0	0	1	1	0	2	1	2
Mini Baccarat	0	0	0	0	0	0	1	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pai Gow	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3 Card Poker	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0
Poker	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2	2	2	2	2	0
Total	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6

in conjunction with

The gaming area salon 81A to the north of the elevators on level 5, any one of the following two table game mixes:

	A4A	B4A	C4A	D4A	E4A	F4A	G4A	H4A	I4A	J4A	K4A	L4A
Midi Baccarat	2	1	1	0	0	0	0	1	0	0	0	0
Roulette	0	1	0	1	2	0	0	0	0	0	1	0
Black Jack	0	0	1	1	0	2	1	0	0	1	0	0
Mini Baccarat	0	0	0	0	0	0	0	0	1	0	0	0
Pai Gow	0	0	0	0	0	0	0	0	1	1	0	0
3 Card Poker	0	0	0	0	0	0	1	1	0	0	1	0
Poker	0	0	0	0	0	0	0	0	0	0	0	2
Total	2	2	2	2	2	2	2	2	2	2	2	2

together with



In the area designated as Eight to the north of the elevators on level 5, any one of the following twenty one table game mixes:

	A5	B5	C5	D5	E5	F5	G5	H5	I5
Midi Baccarat (9 Box)	10	10	10	10	10	10	10	10	10
Midi Baccarat (7 Box)	4	4	4	4	4	4	6	5	5
Roulette	4	3	3	3	3	4	2	4	3
Electronic Roulette/ Electronic Baccarat/ Electronic Tai Sa	0	0	0	1	1	0	0	0	0
Blackjack (7 Box)	2	4	3	3	2	3	3	2	3
Pai Gow	1	0	0	0	1	0	0	0	0
Caribbean Stud Poker	0	0	1	0	0	0	0	0	0
Total	21	21	21	21	21	21	21	21	21

together with

In the gaming salon Grand Horizon 8 on level 7 of the Grand Hotel, any one of the following four table game mixes:

	A6	B6	C6	D6	E6	F6	G6	H6	I6	J6	K6	L6	M6	N6	O6	P6	Q6	R6	S6	T6
Midi Baccarat	4	3	3	2	2	2	0	0	0	0	0	1	2	2	3	1	1	0	0	0
Roulette	0	1	0	1	2	0	1	1	1	1	1	1	1	0	0	1	2	4	0	2
Black Jack	0	0	1	1	0	2	1	1	2	2	3	1	0	1	0	2	1	0	4	2
Mini Baccarat	0	0	0	0	0	0	1	2	0	1	0	0	0	0	0	0	0	0	0	0
Pai Gow	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0
3 Card Poker	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0	0
Total	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4

together with



In the gaming salon Grand Horizon 18 on level 7 of the Grand Hotel, any one of the following three table game mixes:

	A7	B7	C7	D7	E7	F7	G7	H7	I7	J7	K7
Midi	3	2	2	1	1	1	0	0	0	0	0
Baccarat											
Roulette	0	0	1	1	0	2	2	1	0	3	0
Black Jack	0	1	0	1	2	0	1	2	3	0	0
Poker	0	0	0	0	0	0	0	0	0	0	3
Total	3	3	3	3	3	3	3	3	3	3	3

together with

In the gaming salon Grand Horizon 68 on level 7 of the Grand Hotel, any one of the following two table game mixes:

	A8	B8	C8	D8	E8	F8	G8	H8	I8	J8	K8	L8
Midi	2	1	1	0	0	0	0	1	0	0	0	0
Baccarat												
Roulette	0	1	0	1	2	0	0	0	0	0	1	0
Black Jack	0	0	1	1	0	2	1	0	0	1	0	0
Mini	0	0	0	0	0	0	0	0	1	0	0	0
Baccarat												
Pai Gow	0	0	0	0	0	0	0	0	1	1	0	0
3 Card	0	0	0	0	0	0	1	1	0	0	1	0
Poker												
Poker	0	0	0	0	0	0	0	0	0	0	0	2
Total	2	2	2	2	2	2	2	2	2	2	2	2

together with



In all Gambling Areas other than the five gaming salons and VIP area known as 'Eight' on level 5, and the three VIP gaming salons on level 7 of the Grand Hotel, any one of the following 103 table game mixes:

	A9	B9	C9	D9	E9	F9	G9	H9	I9	J9	K9	L9	M9	N9	O9	P9	Q9	R9	S9
Money Wheel (double side)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Money Wheel (single side)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tai Sai (double side)	1	0	1	0	1	1	0	1	0	1	0	1	0	1	0	1	0	0	1
Tai Sai (single side)	1	3	1	3	1	1	3	1	3	1	3	1	3	1	3	1	3	3	1
Pai Gow	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	1	1	2
Caribbean Stud Poker	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Midi Baccarat	20	20	20	20	16	16	16	16	16	22	22	22	22	23	23	23	23	16	24
Poker	10	10	10	10	25	25	25	25	25	10	10	10	10	10	10	10	10	25	10
Electronic Roulette/Bacc/TS	4	4	4	4	3	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Mini Baccarat	7	7	7	7	7	7	6	6	6	7	7	7	7	7	7	7	7	6	7
Roulette	20	20	20	20	16	16	16	16	16	20	20	20	20	20	20	20	20	16	20
Black Jack (7 Box)	22	25	21	24	20	19	19	19	19	18	21	19	20	18	21	18	19	19	18
Black Jack (5 Box)	4	0	4	0	0	0	0	0	0	6	2	4	2	5	1	4	3	0	4
3 Card Poker	2	2	2	2	2	2	2	2	1	2	2	2	2	2	2	2	2	2	2
Ultimate Texas Hold'em	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Lunar Poker	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Snake Eyes	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Casino War	0	0	1	1	0	0	0	1	1	0	0	1	1	0	0	1	1	1	0
Total	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103



	T9	U9	V9	W9	X9	Y9	Z9	AA9	AB9	AC9	AD9	AE9	AF9	AG9	AH9	AI9	AJ9	AK9
Money Wheel (double side)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Money Wheel (single side)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tai Sai (double side)	0	1	0	0	0	0	0	1	1	1	0	1	0	0	0	0	0	0
Tai Sai (single side)	3	1	3	3	4	4	4	3	3	3	4	3	4	4	5	4	4	5
Pai Gow	1	1	1	2	2	1	1	2	1	2	1	1	2	2	2	2	2	2
Caribbean Stud Poker	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Midi Baccarat	24	24	24	24	23	23	24	23	23	22	16	16	22	22	22	18	18	18
Poker	10	10	10	10	10	10	10	10	10	10	25	25	10	10	10	15	15	15
Electronic Roulette/Bacc/TS	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Mini Baccarat	7	7	6	6	6	7	6	6	7	7	6	6	7	7	6	7	7	6
Roulette	20	20	20	20	20	20	20	20	20	20	16	16	20	20	20	20	20	20
Black Jack (7 Box)	20	18	18	20	19	19	19	18	18	18	18	18	20	20	21	20	20	20
Black Jack (5 Box)	2	4	4	2	2	2	2	3	3	3	0	0	1	1	0	0	0	0
3 Card Poker	2	2	2	2	2	2	2	2	2	2	2	2	2	3	3	2	3	3
Ultimate Texas Hold'em	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Lunar Poker	2	2	2	2	2	2	2	2	2	2	2	2	2	1	1	2	1	1
Snake Eyes	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Casino War	0	1	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Total	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103

Notes for the alternative game mixes:

1. The Licence Holder is permitted to change game mixes subject to providing the Inspectorate with prior notification including notification of the electronic table type(s) associated with that game mix.
2. The Licence Holder is permitted to operate automatic shufflers on each of the Black Jack, Caribbean Stud Poker, Baccarat, Poker, 3-Card Poker, Ultimate Texas Hold'em, Casino War and Lunar Poker tables.
3. At least 50% of the total number of Midi Baccarat games shall be conducted in accordance with dealing style B or (where permitted by the Baccarat rules) dealing style D.
4. All Midi Baccarat games in salon 81, 81A 82, 86, and 88 shall have 7 boxes only.
5. Electronic roulette, electronic baccarat and electronic tai sai tables comprise up to 30 player spaces and no manual table. The games may be used interchangeably.
6. The number of player spaces at poker tables (other than Caribbean Stud Poker Ultimate Texas Hold'em and 3-Card Poker) may not exceed 10, even if game rules provide for more.
7. Electronic dice tumblers may be used on any Tai Sai game and U-Spin devices approved by the Department of Internal Affairs may be used on any Roulette games.



8. To facilitate design and construction work in the area designated as Eight, the Licence Holder may deploy some of the 21 tables that are approved for deployment in Eight to another part of the casino's designated Gambling Area, subject to the Commission's prior approval of a floor plan and provided that:
- (i) the total tables operated across these two locations does not exceed 21; and
 - (ii) the game mix that is deployed has been approved for the area designated as Eight.

Note 8 will cease to be valid from 1 May 2020.

