

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

**AND** on an application by **SKYCITY CASINO MANAGEMENT LIMITED** for approval to deploy mobile EFTPOS terminals at the Hamilton Casino

**BEFORE THE GAMBLING COMMISSION**

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

**Date of Application:** 21 March 2017

**Date of Decision:** 14 July 2017

**Date of Notification of Decision:** 27 July 2017

**DECISION ON AN APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED TO DEPLOY MOBILE EFTPOS TERMINALS AT THE HAMILTON CASINO**

**Introduction**

1. SKYCITY Casino Management Limited ("**SCML**") has made an application to the Commission, under conditions 15 and 16 of its operator's licence for the Hamilton Casino, to deploy one cash-dispensing and two non-cash dispensing mobile EFTPOS terminals at the Hamilton Casino. This particular application is the final part of a composite application seeking three separate orders. The other two applications have already been heard (see decisions GC06/17 and GC10/17).
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 invited submissions from the Ministry of Health, Christchurch Casinos Limited ("**CCL**"), Dunedin Casinos Management Limited, Problem Gambling Foundation and Salvation Army Oasis ("**SA**") in relation to this final section of the application. It received submissions from CCL and SA. The Secretary had previously provided its submissions in relation to this section of the application when it submitted in relation to SCML's application to vary its licence conditions.

### Licence conditions

3. The relevant existing licence conditions for Hamilton Casino are set out below:

#### SCML operator's licence (Hamilton)

15. 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.
16. The Licence Holder is prohibited from dispensing more than \$50 cash per transaction from EFTPOS terminals or like devices within the Casino Venue and must ensure that any cash withdrawals are contemporaneous with a purchase.

#### SCML's submissions

4. SCML submitted, in summary, as follows:

- (a) It wants to deploy three mobile terminals in the Gambling Area.
- (b) It currently has three cash-dispensing EFTPOS terminals (fixed terminals) housed within the Main Cage of the Gambling Area at the Hamilton Casino. It wants to replace one of the fixed terminals with a mobile terminal. Provided the use of the terminal is restricted to the cashiering area, it would not seem to make any difference whether it is mobile or hard-wired.
- (c) It also operates three non-cash dispensing EFTPOS terminals in the Vue Bar and a further three EFTPOS terminals in the No. 8 Bar, which are both in the Gambling Area of the Casino. It wants to replace one of the fixed terminals in each of these locations with a mobile terminal. Provided the use of the terminals is confined to those areas, it would not seem to make any difference whether the terminals are fixed or mobile.
- (d) The current and proposed arrangements are set out below:

	Current arrangement	Proposed arrangement
Main Cage	3 fixed terminals (cash-dispensing)	2 fixed terminals (cash-dispensing) 1 mobile terminal (cash-dispensing)
Vue Bar	3 fixed terminals (non-cash dispensing)	2 fixed terminals (non-cash dispensing) 1 mobile terminal (non-cash dispensing)
No. 8 Bar	3 fixed terminals (non-cash dispensing)	2 fixed terminals (non-cash dispensing) 1 mobile terminal (non-cash dispensing)

- (e) Its proposal to replace a fixed EFTPOS terminal in each of the three locations in which they are housed is based on business continuity reasons. The current fixed terminals are connected to an Auckland wide area network (WAN) and service

continuity is vulnerable to outages in this network. The introduction of mobile terminals addresses this risk and would allow business transactions to continue in the event of an unplanned outage.

- (f) The proposed introduction of the mobile terminals is not designed to enable customers to pay for food and beverage or access cash from the terminals whilst continuing to gamble. Nonetheless, if the Commission is minded to approve this application it may wish to consider attaching conditions to the approval to ensure the mobile terminals would not be used outside of the locations in which they are housed.

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

5. The Secretary submitted, in summary, as follows:
- (a) Any approval by the Commission for a mobile [non-cash dispensing] terminal should define the areas of the Vue Bar and the No. 8 Bar and specify, as per its decision GC23/15, that the EFTPOS facility may only be used to pay for meals and drinks served in those designated areas.
- (b) Any approval to deploy a cash-dispensing mobile EFTPOS terminal be limited to the Main Cage cashiering area.
- (c) He is not opposed to the availability of a mobile EFTPOS terminal (cash-dispensing) within the Main Cage cashiering area of the Hamilton Casino.

#### **CCL's submissions**

6. CCL submitted that it has no concerns with SCML's application.

#### **SA's submissions**

7. SA submitted, in summary, that this application should be declined owing to the risk of increased harm to gamblers.

#### **SCML's submissions in reply**

8. In reply, SCML submitted, in summary, as follows:

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

- (a) SCML has no objection to the Commission defining areas on the floor plan where mobile EFTPOS terminals are permitted to be used (in response to specific applications), nor defining the purpose that they may be used for. However it

sees no rationale for including a condition that cash-dispensing EFTPOS terminals be limited to the Main Cage cashiering area within each casino.

- (b) The Secretary advances no rationale for a requirement that the terminals be restricted to Main Cage areas only. This application to deploy a cash-dispensing mobile terminal in the Hamilton Main Cage would not be affected by this restriction.
- (c) The merits of individual applications should be considered in the absence of any broad restriction which unnecessarily limits the use of such terminals to a single location in the casino.

*SA's submissions*

- (d) SA suggests that the installation of mobile cash-dispensing EFTPOS terminals should be resisted due to the risk of increased harm to gamblers. It does not say why the installation of such terminals would likely result in harm but refers to research that easy access to cash-dispensing terminals is amongst one of the top triggers for regular gamblers to exceed spending limits and that the impact is even greater on high risk gamblers.
- (e) The approval of the proposed variations would simply allow the Commission to consider the suitability of the deployment of mobile terminals on their merits. In terms of the application to deploy mobile terminals in Hamilton, SA has not identified how these installations would be harmful. Notably these installations will not have any bearing on the ease with which cash may be accessed. A customer will still be required to attend the Cage in order to access cash from a terminal. The advantage to SCML in deploying mobile terminals in this case relates to business continuity and not in seeking a relaxation of restrictions on cash access.

**Analysis**

9. SCML is proposing to replace three fixed EFTPOS terminal with three mobile terminals, limited in use to the same area where the fixed terminals are currently in use. The reasons for doing so are for business continuity purposes: it will reduce reliance on the Auckland wide area network.
10. In all cases, the proposed conditions of use of the mobile terminals would not enable customers to avoid taking breaks from gambling in order to make payments. The proposal would therefore not adversely affect the primary reason for the restriction.

11. The Secretary does not oppose the proposal so long as the permitted use of mobile terminals is limited to appropriately defined areas and to particular purposes (namely, restricted to paying for meals and drinks outside the Main Cage). Those restrictions are consistent with the SCML's proposal.
12. The Secretary submitted that cash-dispensing mobile terminals should be restricted to the Main Cage. Again, that is consistent with the proposal as approval for the sole cash dispensing mobile EFTPOS terminal is to be limited to the Main Cage.
13. SA submitted that deployment of mobile EFTPOS devices increases the risk of harm. The Commission has considered the circumstances in which that is a material consideration but has concluded that risk of harm is not increased in the particular circumstances of the proposed approval. As the mobile devices will be limited to the specific areas in which the fixed devices are presently deployed and limited to the same uses as the presently deployed devices, there is no material increase in potential harm.

#### **Decision**

14. The Commission approved SCML's application to deploy one cash-dispensing and two non-cash dispensing mobile EFTPOS terminals at the Hamilton Casino, under conditions 15 and 16 of its operator's licence for the Hamilton Casino. The single cash-dispensing mobile EFTPOS terminal replaces one of the fixed EFTPOS devices in the Main Cage and may only be used in the Main Cage. The two non-cash-dispensing mobile EFTPOS terminals replace fixed EFTPOS devices in the Vue Bar and No 9 Bar respectively and are approved for use only in the designated bar and solely for purchasing food and beverages served in those locations. The permitted areas of use for each bar are shown on the ~~attached~~ diagram.



Graeme Reeves  
Chief Gambling Commissioner

for and on behalf of the  
Gambling Commission

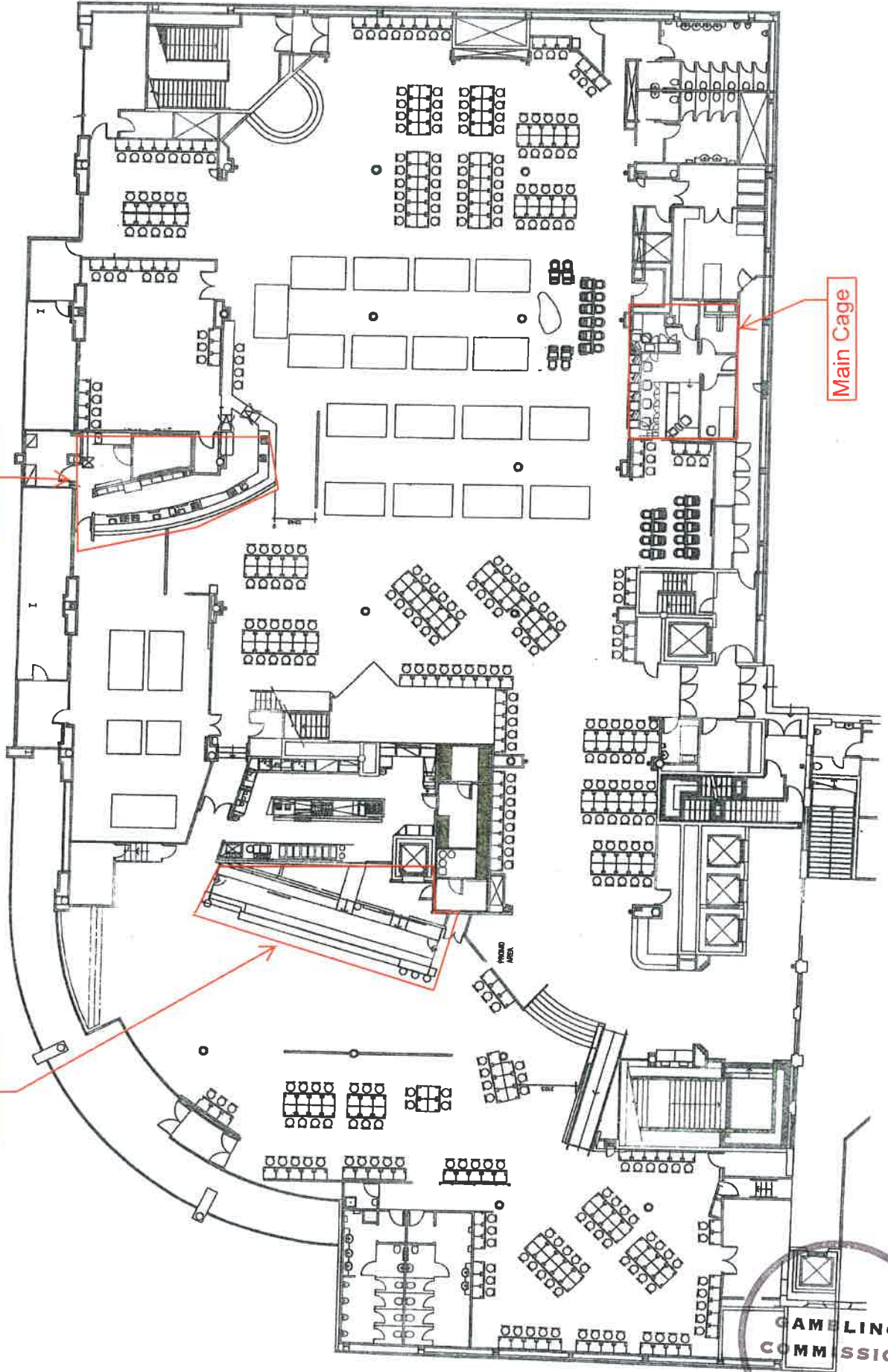
27 July 2017



No 8 Bar

Vue Bar

Main Cage



PROJECT: 2014 RECONSTRUCTION  
 CLIENT: SKYCITY  
 DRAWING NO: 1000172-2  
 DATE: 1.12.2014 @ 4:53  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NO: 1000172-2  
 SHEET NO: 1000172-2-01  
 SHEET TITLE: GAMING FLOOR LAYOUT SUBMISSION - VUE BAR JUL 2014 - DIMENSIONS  
 PROJECT LOCATION: SKYCITY HAMILTON CASINO

SKYCITY HAMILTON  
 GAMING FLOOR LAYOUT SUBMISSION  
 VUE BAR JUL 2014 - DIMENSIONS

SKYCITY HAMILTON  
 346 VICTORIA STREET  
 HAMILTON  
 CASINO



GAMING COMMISSION  
 The Gambling Commission is a statutory body established under the Gambling Act 2005. It is responsible for regulating and controlling gambling in Great Britain. The Commission is an independent body and is not part of the Government.  
 11th Floor, 100 Broad Street, Birmingham, B1 2HT  
 Tel: 0121 634 4600  
 Fax: 0121 634 4601  
 Email: info@gamblingcommission.gov.uk  
 Website: www.gamblingcommission.gov.uk