

**IN THE MATTER** of the Gambling Act 2003  
**AND** on a proposal by the Gambling Commission to vary a licence condition attached to the operators' licences for the Christchurch and Dunedin Casinos

**BEFORE THE GAMBLING COMMISSION**

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

Date of Proposal: 4 July 2017

Date of Decision: 10 August 2017

Date of Notification of Decision: 18 August 2017

**DECISION ON A PROPOSAL BY THE GAMBLING COMMISSION TO VARY  
 A LICENCE CONDITION ATTACHED TO THE OPERATORS' LICENCES  
 FOR THE CHRISTCHURCH AND DUNEDIN CASINOS**

**Introduction**

1. In decision GC10/17, the Commission approved an application by SKYCITY Casino Management Limited ("**SCML**") to vary certain licence conditions, in each of the four casinos that it operated, to provide for the possibility of the Gambling Commission approving, on conditions, the deployment of mobile EFTPOS devices in the Gambling Area. The affected licence conditions were condition 14 for the Auckland and Wharf Casinos and condition 15 for the Hamilton and Queenstown Casinos.
2. The conditions amended in decision GC10/17 were standard conditions in all casino licences. In order to maintain consistency across all six of New Zealand's casinos, the Commission proposed to make similar variations, on its own initiative under section 139(1)(e) of the Gambling Act 2003 (the "**Act**"), to the equivalent conditions for the Christchurch and Dunedin Casinos.
3. Section 140 of the Act provides that the Commission must notify the Secretary for Internal Affairs (the "**Secretary**") and other potentially affected persons of any proposed licence condition change. The Commission invited submissions from Christchurch Casinos Limited ("**CCL**"), Dunedin Casinos Management Limited ("**DCML**"), the Secretary, Ministry of Health, SCML, Problem Gambling Foundation, Salvation Army Oasis and Homecare Medical. It received submissions from SCML and Homecare Medical.

### Licence conditions and relevant section of the Act

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

#### Christchurch Casino – operator’s licence

15. The Licence Holder is prohibited from using mobile EFTPOS terminals (cash or non-cash dispensing) or like devices in the Gambling Area (Schedule 1) at all times and in the Additional Gambling Areas (Schedules 2, 3 or 4) whenever the additional Gambling Areas are activated pursuant to condition 9B 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.

#### Dunedin Casino – operator’s licence

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.

5. 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).

#### SCML’s submission

6. SCML submitted, in summary, that it had no comment.

#### Homecare Medical’s submission

7. Homecare Medical submitted, in summary, that it supports the proposed amendment under the section 139(1)(e) of the Act.

### **Analysis**

8. As part of its deliberations in respect of decision GC10/17, the Commission had considered all submissions received relating to control of the deployment of mobile EFTPOS machines. For the reasons set out in that decision, it decided to amend SCML's operators' licences in the manner in which it now proposes for the remaining two casinos.
9. A critical consideration, then as now, is that the change alone does not authorise any deployment of mobile EFTPOS devices in the Gambling Area. That can only follow a successful application, in the course of which the Commission expects to impose suitable terms as to location and use.
10. The submissions did not raise any objection or any new issues for consideration.
11. The Commission has always tried to maintain consistency, where appropriate, across all casino operators' licences. For that reason and for the reasons set out in decision GC10/17, the Commission decided to amend the operators' licences for the Christchurch and Dunedin Casinos in a similar way to decision GC10/17.

### **Decision**

12. Pursuant to condition 139(e) of the Act, the Commission varied conditions 15 of CCL's and DCML's operator's licence. Condition 15 now reads as follows:

#### **Christchurch Casino – operator's licence**

15. The Licence Holder is prohibited from using mobile EFTPOS terminals (cash or non-cash dispensing) or like devices in the Gambling Area (Schedule 1) at all times and in the Additional Gambling Areas (Schedules 2, 3 or 4) whenever the additional Gambling Areas are activated pursuant to condition 9B 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.

#### **Dunedin Casino – operator's licence**

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.

**Right of appeal**

13. 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.



Lisa Hansen  
Gambling Commissioner

for and on behalf of the  
Gambling Commission

18 August 2017

