

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)
R D Bell
D C Matahaere-Atariki
W N Harvey

Date of Application: 26 June 2015

Date of Decision: 7 August 2015

**Date of Notification
of Decision:** 11 August 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:
 - (a) pursuant to conditions 9 and 9A of SCAL's venue licence and section 139 of the Gambling Act 2003 (the "Act"), to redesignate the Gambling Area at the Auckland casino; and
 - (b) pursuant to section 139(1)(d) of the Act, to vary condition 9 and to delete condition 9A of its venue licence, to reflect the new Gambling Area.

Act and licence conditions

2. The relevant licence conditions, with the proposed variations in mark-up, are as follows:

SCAL's venue licence

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) Pursuant to condition 9 of its venue licence, the current Gambling Area for the Auckland casino is delineated in the plans attached as Schedule 1, with an alternative Gambling Area delineated in the plans attached as Schedule 2. Schedules 1 and 2 each consist of five plans depicting the individual Gambling Areas on levels 1, 2, 3, 5 and 6 of the Auckland casino. Only one of the five plans in Schedule 1 differs from those in Schedule 2; the plan for level 2. The level 2 plan in Schedule 2 depicts a space as Gambling Area which is not included as Gambling Area on the level 2 plan in Schedule 1.
- (b) It no longer intends to use the additional area depicted in Schedule 2 for gaming purposes, so Schedule 2 is effectively redundant. It therefore wants to vary the licence conditions to remove reference to Schedule 2.
- (c) It also wants to make a minor amendment to the designated Gambling Area on level 2. This amendment follows a variation approved by a delegated approval in June of this year; it applied to remove the escalators to the right of the MGF entry, and to develop a new Burger Bar facility on level 2. This new facility extends slightly into the Gambling Area, so it seeks a variation to remove this area from the designated Gambling Area and to incorporate into the Gambling Area, the area housing the escalators.
- (d) It wants to amend conditions 9 and 9A of its venue licence to reflect these variations.

Secretary's submissions

5. The Secretary submitted, in summary, as follows:
- (a) This application follows approved construction and design changes for SCAL to remove the escalators to the right of the MGF level 2 entry, and to develop a Burger Bar in an area currently housing a sports bar;
 - (b) The proposed changes will not increase opportunities for casino gambling; and
 - (c) He has no other regulatory concerns with this proposal.

Analysis

6. In June 2015, SCAL obtained Commission approval for two construction and design changes to the Auckland casino. The first change was to remove the escalators just to the right of the main casino entrance on level 2, while the second was to develop a new Burger Bar on level 2 in an area currently housing a sports bar. In that application, SCAL noted that part of the proposed Burger Bar would extend into the casino's Gambling Area, so it would lodge an application to remove that part of the facility from the Gambling Area.
7. The current applications follow that approval, as SCAL now seeks to redesignate the Gambling Area and consequentially amend its licence conditions.
8. The proposed redesignation raised no issues of regulatory concern for the Commission.
9. 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. The venue licence for the Auckland casino defines the casino venue as all of the land and buildings bounded by Hobson Street, Wellesley Street West, Federal Street and Victoria Street West (excluding the underground carpark, the bus terminal, the Sky Tower and the walkway between the Sky Tower and the casino complex). The variations to the Gambling Area are clearly within the boundaries of the casino venue.
10. The variation to condition 9 and the deletion of condition 9A are consistent with section 139(2) of the Act in that the resulting condition is consistent with the Act, contributes to achieving the purposes of the Act, contributes to the efficient and effective administration of the Act and does not permit an increase in the opportunities for casino gambling.

Decision

11. The Commission approved:



- (a) the redesignation of the Gambling Area at the Auckland casino in the manner proposed, under condition 9 of SCAL's venue licence and section 139 of the Act; and
- (b) the variation to condition 9 and the removal of condition 9A of SCAL's venue licence, under section 139 of the Act. Condition 9 now reads as follows:

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

12. Schedule 1 is attached.

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.



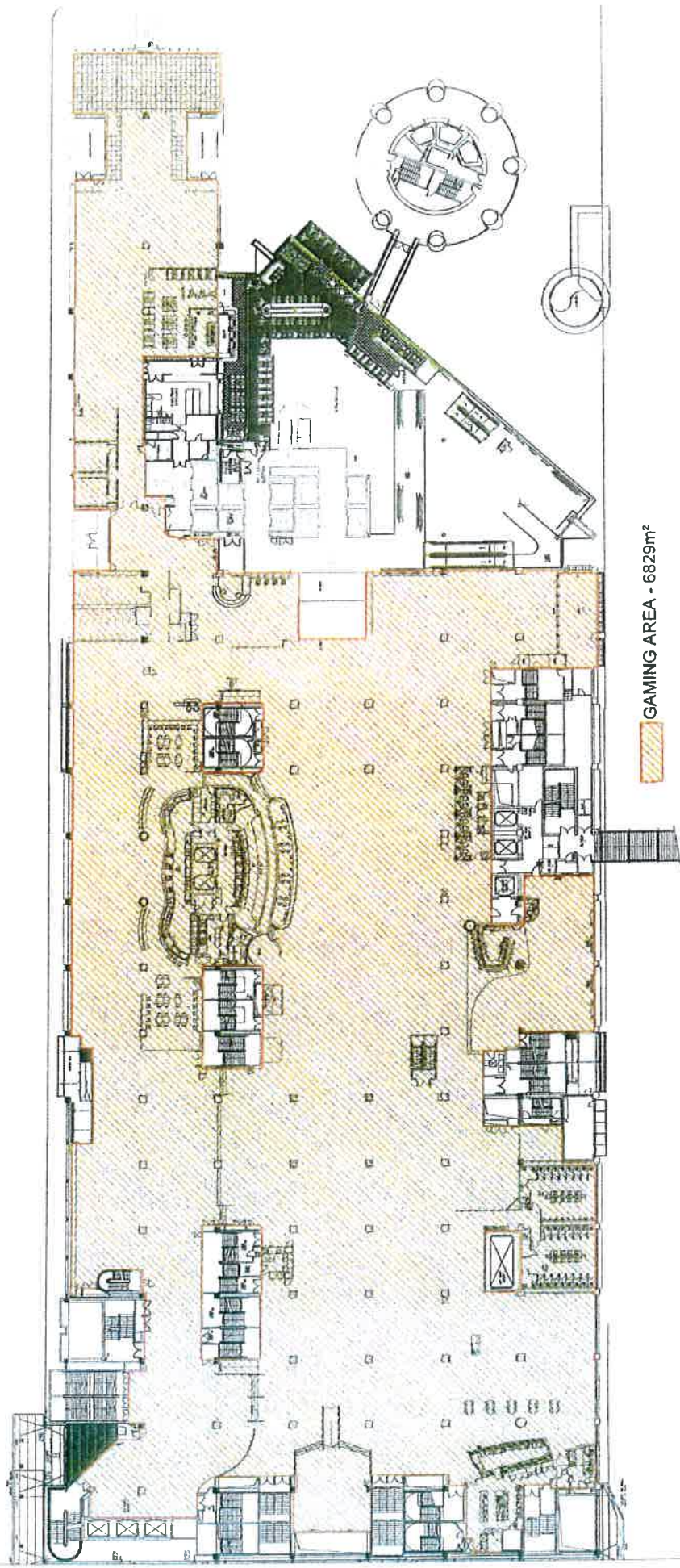
Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission



GAMBLING
COMMISSION

11 August 2015



Main Site Level 2
GAMING AREA in TRANSITION STAGE 1
 Drawing No.E002

