

IN THE MATTER of the Gambling Act 2003

AND

on applications by **SKYCITY CASINOS MANAGEMENT LIMITED** and **SKYCITY AUCKLAND LIMITED** for approval of construction and design changes, to vary the designated Gambling Areas, for approval of new game mixes and for approval of new floor plans

BEFORE THE GAMBLING COMMISSION

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

Date of Application: 31 March 2015

Date of Decision: 7 August 2015

Date of Notification
of Decision: 16 September 2015

DECISION ON APPLICATIONS BY SKYCITY CASINO MANAGEMENT LIMITED AND SKYCITY AUCKLAND LIMITED FOR APPROVAL OF CONSTRUCTION AND DESIGN CHANGES, TO VARY THE DESIGNATED GAMBLING AREAS, FOR APPROVAL OF NEW GAME MIXES AND FOR APPROVAL OF NEW FLOOR PLANS

Introduction

1. SKYCITY Casino Management Limited ("**SCML**") and SKYCITY Auckland Limited ("**SCAL**") (together "**SKYCITY**" or the "**Applicants**") made an application to the Gambling Commission, in respect of the Auckland casino, for the following:
 - (a) approval of construction and design changes, pursuant to licence conditions 6 and 7 of SCAL's venue licence;
 - (b) variation of the designated Gambling Areas, pursuant to condition 9 of SCAL's venue licence and section 139 of the Gambling Act 2003 (the "**Act**");
 - (c) approval of new game mixes, pursuant to condition 9 of SCML's operator's licence; and
 - (d) approval of new floor plans, pursuant to condition 11 of SCML's operator's licence.



2. The applications were brought in anticipation of changes to the licences held by the Applicants which will be effected by the provisions of the New Zealand International Convention Centre Act 2013 (the "**NZICCA**") and on the express basis that, if the applications were granted, their effect would be delayed until the NZICCA licence condition amendments had become legally effective.
3. The Commission consulted widely on the applications, seeking submissions from the Secretary for Internal Affairs (the "**Secretary**"), Ministry of Health, Problem Gambling Foundation, Salvation Army ("**SA**") and Lifeline. The Commission received submissions from the Secretary and SA.

The relationship of the NZICCA to the applications

4. Rather than amending the Gambling Act to alter the legal entitlements of certain participants in casino gambling, Parliament passed the NZICCA which gives legal effect to the New Zealand International Convention Centre Project and Licensing Agreement (the "**Agreement**"), an agreement dated 5 July 2013 between the parent of a casino venue Licence Holder (SCAL), a licensed casino operator (SCML) and the Crown. The Agreement contains provisions to confer certain gambling concessions on the Applicants which were not available under the Act in return for the Applicants' parent, at its cost, developing, building and operating a new International Convention Centre in Auckland.
5. The means by which the additional gambling concessions in the Agreement are given legal effect is Part 2 (Substantive Provisions) of the NZICCA, which, in summary, provides as follows:
 - (a) The regulatory concessions shall be operative at all times upon satisfaction of the applicable contractual conditions (section 6(1)).
 - (b) The regulatory concessions prevail if they are inconsistent with gambling law and the applicable gambling law provisions are modified accordingly (section 6(2)).
 - (c) The provisions in clause 7.3 of the Agreement have the force of law to the extent necessary to give effect to the regulatory concessions and the Agreement (section 7).
 - (d) The gambling law applies to the regulatory concessions, and all gambling conducted under them, as if they were authorised under the gambling law (section 8).

"Gambling law" is defined as the Gambling Act 2003 and related legislation.

6. Section 9 of the NZICCA imposes the following obligations on the Commission:



The Gambling Commission must –

- (a) ensure that the conditions of each licence for SKYCITY Casino are consistent with, and give effect to, the regulatory concessions; and
- (b) exercise its functions and powers under the gambling law consistent with this Act."

"SKYCITY Casino" is defined as the SKYCITY Casino at Auckland.

7. The Agreement sets out the Regulatory Concessions in section 7, specifically clause 7.2, and, in clause 7.3, stipulates the regulatory changes necessary to implement a number of them. Clause 7.3 (which, under section 7 of the NZICCA, has the force of law) sets out a series of specific changes to SCML's operator's licence conditions, the details of which are shown below, both in mark-up and in text. Pursuant to section 7 of the NZICCA and clause 7.3 of the Agreement, the changes to the licence conditions are effected by Parliament directly, not by the Commission exercising its statutory powers under the Act.
8. Pursuant to clause 7.4 of the Agreement, the regulatory concessions only come into effect on and from the date of execution of the Building Works Contract, with no condition precedent under that contract remaining unfulfilled. The execution of an unconditional Building Works Contract, bringing the Regulatory Concessions into immediate legal effect, is expected to occur in the near future.
9. Effective utilisation of the Regulatory Concessions, however, is not possible simply upon their coming into legal effect. Although the casino premises (now venue) licence specifies the period of the licence and defines the casino premises, and the casino operator's licence conditions stipulate the maximum number of tables and gaming machines which may be deployed and changes to those aspects are effected directly by operation of NZICCA, the designated Gambling Area and actual deployment of gaming tables and gaming machines (within those expanded parameters) are controlled under the licences by the Commission. The Commission must define the Gambling Area (being an area within the defined casino premises), and approve both game mixes (controlling the possible mixes of table games) and floor plans (controlling the precise location of tables and machines within the defined Gambling Area). Therefore, to utilise the Regulatory Concessions granted to the Applicants by the NZICCA, the Commission must define a new Gambling Area (if the newly extended casino premises definition is to be used) and approve at least one game mix and at least one floor plan providing for deployment of the extra tables and gaming machines permitted under the Regulatory Concessions.
10. Defining the Gambling Area and approving game mixes and floor plans are matters falling within the Commission's powers, provision for those approvals being made in the relevant licences, namely:

- (a) Gambling Area definition (condition 9, casino venue licence);
- (b) game mix approval (condition 9, casino operator's licence); and
- (c) floor plan approval (condition 11, casino operator's licence).

Applicable licence conditions

11. The Agreement's Regulatory Concessions include express changes to the address and description of the casino premises in the casino venue licence, including removing one of the current exclusions from the original casino block and adding the Grand Hotel premises. The attached licence conditions of relevance to the applications are set out below, with the anticipated NZICCA amendments to the operator's licence shown in mark-up:

SCAL venue licence

6. The Licence Holder must obtain the approval of the Commission prior to:
- (a) construction or design changes to Levels 1, 2, 3, 5 and 6 of the casino venue, including the Gambling Area but excluding the SKYCITY Theatre and foyer area, restaurant and bar areas outside the Gambling Area, hotel rooms and the back of house areas used by staff (unless construction or design changes to any of these excluded areas may impact on matters set out in condition 7 in which case prior approval must be sought);
 - (b) the construction or relocation outside the Gambling Area and within the Casino Venue of bank facilities available to the public excluding ATMs, EFTPOS and like devices;
 - (c) the addition or alteration of signage relating to the casino business on any building, road or structure within the block of land bounded by Hobson Street, Wellesley Street West, Federal Street and Victoria Street West, including the Casino Venue, Sky Tower, car park, bus terminal and walkways between the casino and the Sky Tower and the convention centre.

The process by which the Licence Holder may obtain approval for construction or design changes to Levels 1, 2, 3, 5 and 6 of the casino venue, including the Gambling Area (paragraph (a) above) is set out in condition 7. The Commission will determine any application for approval under 6(b). The Executive Director may approve the addition or alteration of signage relating to the casino business on any building, road or structure within the casino block (paragraph (c) above) if he/she is satisfied the proposed changes will have no potentially adverse effects. If he/she is not so satisfied, the proposed changes must be referred to the Commission for a decision on approval.

7. The Licence Holder must notify the Executive Director of any proposed changes to the construction or design of Levels 1, 2, 3, 5 and 6 of the casino venue, including the Gambling Area but excluding SKYCITY Theatre and foyer area, restaurant and bar areas outside the Gambling Area, hotel rooms and the back of house areas used by staff. Notification must be accompanied by relevant drawings and an assessment of any impacts the alterations may have on:
- (a) the integrity and fairness of games;
 - (b) the effectiveness of security and surveillance;
 - (c) harm prevention, harm minimisation and responsible gambling;

- (d) potential access to the Gambling Area by persons under 20 years of age; and
- (e) compliance by any person with the Act, including section 11.

The Executive Director may approve the proposed changes to the construction or design if he or she is satisfied that there are no adverse impacts in relation to the matters specified in (a)-(e) above. If the Executive Director is not satisfied, he or she will refer the proposal to the Commission for determination.

...

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

SCML operator's licence (Auckland)

- 5. The number of gaming machines in the Gambling Area shall not exceed 1,647. Each terminal or player station of a multi-terminal or multi-player gaming machine shall be treated as one gaming machine.

5A Notwithstanding anything in condition 5, the Licence Holder may install and operate in the Gambling Area, in addition to the gaming machines specified in condition 5, up to 230 additional Single Terminal Gaming Machines.

- 6. The number of gaming tables in the Gambling Area shall not exceed 110, except as permitted by conditions 6A, 6AA, 6AAA and 6B.

6AA. In addition to the gaming tables specified in conditions 6, 6A and 6B the Licence Holder may install and operate in the Gambling Area, up to 40 additional gaming tables.

6AAA. Notwithstanding anything in condition 5, and in addition to the gaming machines specified in conditions 5 and 5A and the gaming tables specified in conditions 6, 6A, 6B and 6AA, the Licence Holder may install and operate in the Gambling Area:

- (a) up to 240 additional Automated Table Game terminals which may not be substituted for Single Terminal Gaming Machines; or in the alternative
- (b) up to 12 further gaming tables, if each such gaming table is substituted for 20 of the Automated Table Game terminals referred to in paragraph (a) above, at the discretion of the Licence Holder.

- 6A. In addition to the gaming tables specified in condition 6, condition 6AA and condition 6AAA, the Licence Holder may install up to eight gaming tables on levels 2, 3 and/or the north side of level 5 to be used as substitutes for the tables in the gaming salons on the south side of level 5 when some or all of those tables are not in use. The location of the substitute tables will be defined in approved floor plans. The substitute tables are subject to the following requirements:

- (a) they must be clearly identified by the letters "ST" in the approved floor plans for levels 2, 3 and/or the north side of level 5;
- (b) each substitute table must be paired with a table shown in an approved floor plan for the south side of level 5;
- (c) a substitute table may only be opened for play may when the paired table is closed;
- (d) each substitute table can only deploy casino games in compliance with an approved game mix for the paired table that is not in use; and
- (e) they must be entered on the SGM system as substitute tables.

- 6B. In addition to the gaming tables specified in condition 6, ~~and condition 6A, condition 6AA and condition 6AAA~~, the Licence Holder may install up to 8 further tables on which casino type games may be played in the Gambling Area, provided those tables are not used for gambling purposes and satisfy the following minimum requirements:
- (a) the layout cloths covering the tables shall bear an inscription to the effect, 'Fun Play Only – Not to be Used for Gambling';
 - (b) they must be clearly identified by the letters "FP" in the approved floor plans for level 2 or 3;
 - (c) the tables may only provide for play on casino type games that form part of the approved game mixes specified in Annex A attached to this Licence;
 - (d) the tables shall not have drop boxes attached to them;
 - (e) the tables shall not have drop box slots for the placement of funds;
 - (f) the tables shall not be entered onto the SGM system or any replacement table management system.
- 6C. Games conducted on the tables permitted by condition 6B shall be conducted in accordance with the approved Rules applicable to that casino game type.
- ~~6D. Notwithstanding anything in conditions 5, 5A, 6, 6AA, 6AAA, 6A, 6B and 6C at no time shall the number of Single Terminal Gaming Machines in the Gambling Area exceed 1877.~~
7. The ratio of gaming machines to gaming tables in the Gambling Area, excluding the tables permitted by conditions 6A and 6B, shall not exceed 15 to 1, except with the approval of the Commission.
- ...
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.
- ...
11. The Licence Holder shall operate in accordance with approved floor layouts showing the position of gaming tables and gaming machines. The Licence Holder shall obtain approval for new floor plans prior to relocating or installing tables or machines in positions not specified in approved floor layouts. When applying, the Licence Holder must submit fresh plans showing the floor layout for the Gambling Area and details of the proposed CCTV layout for consideration. Any change must comply with the Surveillance Standard. The Executive Director and a single Gambling Commissioner may approve the new floor plans if they are satisfied that the floor layout has no potentially adverse effects. If they are not so satisfied, the proposed floor plan must be referred to the Commission for a decision on approval.

Relevant Gambling Act sections

12. The relevant sections of the Gambling Act 2003 are as follows:

3. Purpose

The purpose of this Act is to—

- (a) control the growth of gambling; and
- (b) prevent and minimise harm from gambling, including problem gambling; and
- (c) authorise some gambling and prohibit the rest; and
- (d) facilitate responsible gambling; and
- (e) ensure the integrity and fairness of games; and
- (f) limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and
- (g) ensure that money from gambling benefits the community; and
- (h) facilitate community involvement in decisions about the provision of gambling.

11. No increase in casino gambling

A person must not increase the opportunities for casino gambling.

12. What is increase in casino gambling

- (1) Decisions on what constitutes an increase in the opportunities for casino gambling are a function of the Gambling Commission.
- (2) An increase in the opportunities for casino gambling includes but is not limited to—
 - (a) an increase in the number of gaming machines unless the increase is accompanied by a reduction in the number of table games that the Gambling Commission believes is proportionate;
 - (b) an increase in the number of table games unless the increase is accompanied by a reduction in the number of gaming machines that the Gambling Commission believes is proportionate;
 - (c) an increase in total player space at table games unless the increase is accompanied by a reduction in other opportunities for casino gambling that the Gambling Commission believes is proportionate.
- (3) Opportunities for casino gambling are not increased—
 - (a) by increases, in the Auckland casino, that comply with the Order for the Variation of Conditions of Casino Premises Licence dated 6 December 2002;
 - (b) by gambling conducted by the New Zealand Racing Board referred to in section 120.

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 purpose 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).

140. Procedure for specifying, varying, or revoking casino licence conditions

- (1) The Gambling Commission must notify the holder of the relevant casino licence, the Secretary, and any other person who it considers is affected by a proposal to specify, vary, or revoke the conditions of a casino licence.
- (2) Notification under subsection (1) must include—
 - (a) the reason for the proposal; and
 - (b) the procedure to be followed before the Gambling Commission makes a decision relating to the proposal.
- (3) The holder of the casino licence, the Secretary, and any other person affected may make written submissions to the Gambling Commission concerning the proposal within 20 working days after the date of the notice under subsection (1) or within any longer period that the Gambling Commission allows.
- (4) The Gambling Commission must consider any submissions made under subsection (3) and may, if it considers it appropriate, seek comment from the casino licence holder on the submissions received from the Secretary or other persons affected.
- (5) The Gambling Commission must notify the holder of the casino licence, the Secretary, and other persons affected of—
 - (a) its decision concerning the proposal and the reasons for the decision; and
 - (b) the right to appeal the decision and the process for an appeal.

Submissions by the Applicants

13. The Applicants submitted, in summary, as follows:

- (a) Pursuant to clause 7.4 of the Agreement, the Regulatory Concessions and Further Regulatory Changes in clauses 7.3 and 7.5 shall only come into effect on and from the date the Building Works Contract has been executed and there is no condition under that Building Works Contract remaining to be fulfilled by, or declared satisfied by SKYCITY. The NZICCA gives legal effect to the Agreement.
- (b) Once SKYCITY satisfies the requirements set out in clause 7.4, and any related matters set out in the Agreement, the defined area constituting the casino venue in the venue licence will be amended by the addition of the further area described in Schedule 6 to the Agreement. Further, the conditions attached to SCML's operator's licence will be amended to record the Regulatory Concessions set out in clauses 7.2c, 7.2d and 7.2e of the Agreement.
- (c) In order to deploy the Regulatory Concessions, they seek approvals from the Commission as follows:
 - (i) for approval of construction and design changes to parts of the casino venue and to parts of the complex described in Schedule 6;
 - (ii) to vary the designated Gambling Areas;
 - (iii) for approval of new game mixes, which provide for the operation of up to 150 gaming tables; and

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- (iv) for approval of new floor plans, showing the position of 150 gaming tables and an increased number of gaming machines.
- (d) These matters require the Commission's approval pursuant to existing licence conditions and, in some cases, pursuant to the amended terms of the licence and licence conditions which constitute the Regulatory Concessions.
- (e) In relation to the approvals that are sought pursuant to the amended licence and licence conditions, they ask that these approvals be granted "contingent on the satisfaction of the requirements necessary to give effect to the regulatory concessions [because] [a]ddressing these matters now on a contingent basis will facilitate ongoing planning and ultimately assist in giving effect to the regulatory concessions once the necessary contract has been executed in accordance with the Agreement."

Construction and design changes

- (f) Pursuant to condition 6(a) of SCAL's venue licence, SCAL must obtain the approval of the Commission prior to construction and design changes to Levels 1, 2, 3, 5 and 6 of the casino venue, including the Gambling Area but excluding the SKYCITY Theatre and Foyer area, restaurant and bar areas outside the Gambling Area, hotel rooms and "back of house" areas used by staff (unless construction and design changes to any of these excluded areas may impact on the matters set out in condition 7 of SCAL's venue licence, in which case prior approval must be sought).
- (g) Condition 7 provides that any proposed changes to construction and design should be accompanied by relevant drawings and an assessment of any impacts the alterations may have on:
 - (i) the integrity and fairness of games;
 - (ii) the effectiveness of security and surveillance;
 - (iii) harm prevention, harm minimisation and responsible gambling;
 - (iv) potential access to the Gambling Area by persons under 20 years of age; and
 - (v) compliance by any person with the Act, including section 11.
- (h) SCAL seeks approval for changes to Levels 2 and 3 of the casino, pursuant to condition 6(a) of its venue licence.
- (i) SCAL also wishes to make changes to Level 7 of the Grand Hotel. These changes do not require prior Commission approval as the Hotel does not form

part of the casino venue. However, once the Regulatory Concessions take effect, the area defined as constituting the casino premises in the venue licence will be expanded, in accordance with Schedule 6 of the Agreement, to include the Grand Hotel.

- (j) The Agreement makes no provision for consequential amendments to conditions 6 and 7 of the venue licence, to require SCAL to seek prior approval for changes to the extended casino venue. Any such amendment to the licence conditions would have to be instigated, pursuant to section 139 of the Act by the Commission, the Secretary or SCAL.
- (k) In these circumstances, it is appropriate to outline details of the design changes proposed for Level 7, in the event that this work precedes possible licence condition amendments. While approval is not required for the changes, SCAL will consider any feedback received from the Commission.
- (l) The proposed developments to Level 7 of the Grand Hotel cannot be used for their intended purpose until the Commission approves the area as a designated Gambling Area. This is addressed later in the submissions.

Level 2 of the casino

- (m) In November 2012, SCAL applied for construction and design changes to Level 2 of the casino. The work involved the installation of new escalators in the casino's Atrium, to provide access directly to the Main Gaming Floor ("MGF"). The existing escalators linking the Atrium to Level 2, and those in the north eastern corner of the casino linking Levels 2 and 3, were to be removed and the Atrium area was to have a ceiling installed, which in turn would form a new part of the Gambling Area on Level 2.
- (n) The Commission approved that application in decision GC01/13. Licence conditions designating the area as an alternative Gambling Area forming part of the MGF were also amended. However, those construction and design changes did not proceed, and the licence condition changes designating the new Gambling Area were subsequently reversed on SCAL's application.
- (o) SCAL now wants to proceed with a modified form of the construction and design changes previously approved. It still wants to install the escalator linking the Atrium to the MGF, to remove the escalators in the north-eastern corner of the casino, and to extend the MGF by creating a ceiling over part of the Atrium, but not all of it. It also wants to install a new set of escalators linking Levels 2 and 3,



which would sit above those linking the Atrium to the MGF. Plans showing these developments are attached to the application.

- (p) None of the proposed construction and design changes have any adverse impact on the matters set out in condition 7 of SCAL's venue licence. Access to the expanded MGF will be from the top of the new set of escalators and from the current MGF entry on Level 2 (which will be narrowed). Security staff will be stationed at these areas to prevent access by minors.
- (q) These developments will be carried out in conjunction with wider design changes to the ground floor Atrium (which do not require Commission approval).

Level 3 of the casino

- (r) A further design change is proposed for Level 3, by converting the Jade Dragon restaurant back into Gambling Area. This area was previously used as Gambling Area (known as the Baccarat Room) but the Gambling Area designation was removed when it was converted into a restaurant.
- (s) As the area in question is presently a restaurant outside the defined Gambling Area, design changes would not ordinarily require Commission approval pursuant to condition 6(a), but for the fact that the alterations in question are relevant to the matters highlighted in condition 7.
- (t) No design plans are needed to convert the area back into Gambling Area; the changes simply involve the removal of the restaurant facilities and some general refurbishment in order to create an open room for the placement of gambling facilities.
- (u) Before this area can be used for its intended purpose, it would need to be designated as Gambling Area, a matter addressed later in the submissions.
- (v) If the area were approved as Gambling Area, the room would be accessible from a staircase from the MGF or from a door on Level 3. Those patrons accessing the room from the staircase will have already been screened for age; in cases of access from the door on Level 3, staff will be deployed to ensure that access is restricted to those over 20 years of age.
- (w) The proposed changes have no adverse impact on matters set out in condition 7.

Level 7 Grand Hotel

- (x) Level 7 of the Grand Hotel is currently used as a general function area. The Applicants want to develop this area into three VIP gambling suites with similar

branding to that applied to the VIP suites on Level 5 of the casino building. Sketch drawings of the proposed new suites, together with a plan of the proposed design, were attached to the application.

- (y) Access to the new suites will be appropriately policed to ensure that minors are not admitted, and the rooms will be fitted out with CCTV cameras consistent with the requirements of the Surveillance Standard. The suites will be monitored to prevent and minimise harm in the same way that other areas are.
- (z) If the Grand Hotel were subject to the requirements of condition 6(a), the proposed developments would have no adverse impact on matters set out in condition 7.

Variation of the designated Gambling Areas

- (aa) Pursuant to condition 9 of SCAL's venue licence, the current Gambling Area for the casino is delineated in the plans set out in Schedule 1 of those licence conditions. An alternative Gambling Area is delineated in the plans set out in Schedule 2.
- (bb) SCAL has a separate application before the Commission to vary conditions 9 and 9A, by removing the alternative Gambling Area, as set out in Schedule 2, and replacing the Level 2 plan of Schedule 1.
- (cc) SCAL now proposes further variations to the Gambling Area arising out of the abovementioned construction and design changes. The proposed construction and design changes are primarily designed to create new gambling areas to house the increased gambling facilities permitted by the Regulatory Concessions. Before the new gambling facilities can be used in the areas in question, the areas must first be designated as part of the Gambling Area.
- (dd) SCAL also proposes further amendments to the licence conditions and associated Schedules to recognise the construction and design changes arising from the Regulatory Concessions and the expansion of the Gambling Area to encompass the Grand Hotel. The following amendments are proposed to give effect to these proposals:

- 9. The current Gambling Area for the casino venue is delineated in the plans attached as Schedule 1 to these conditions which features level 1, level 2, level 3, level 5 and level 6 of the casino venue. A first alternative Gambling Area for level 2 is delineated in the plan attached as Schedule 2. A second alternative Gambling Area for level 2 is delineated in the plan attached as Schedule 3. An alternative Gambling Area for level 3 is delineated in the plan attached as Schedule 4.

9A. Any change to the Gambling Area depicted in the plans attached as Schedule 1 will take effect subject to the Licence Holder providing the Commission and the Inspectorate a minimum of 10 working days notice in writing of its intention to adopt one of the alternative Gambling Areas referred to in Condition 9 and shown in Schedules 2, 3 and 4.

~~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 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.~~

9B. At such time as the Grand Hotel becomes a casino venue, the Gambling Area for that part of the casino venue is delineated in the plan attached as Schedule 5 and will take effect subject to the Licence Holder providing the Commission and the Inspectorate a minimum of 10 working days notice in writing of its intention to adopt the new Gambling Area. A first alternative Gambling Area is delineated in the plan attached as Schedule 2.

- (ee) The plans depicted in Schedule 1 are the current approved plans for Levels 1, 3, 5 and 6, together with the Level 2 plan already submitted to the Commission for approval.
- (ff) The Schedule 2 plan (the first alternative Gambling Area for Level 2) recognises the installation of a new escalator accessing the MGF and a narrowing of the Level 2 MGF entry.
- (gg) The Schedule 3 plan (the second alternative Gambling Area for Level 2) recognises the removal of the old escalators providing access to Level 2 and the extension to the Level 2 MGF, which forms a ceiling over part of the Atrium.
- (hh) The Schedule 4 plan, which represents an alternative Gambling Area for Level 3, sees the area currently housing the Jade Dragon restaurant designated as Gambling Area.
- (ii) The Schedule 5 plan provides for the designation of part of Level 7 of the Grand Hotel as Gambling Area.
- (jj) It seeks approval of the Gambling Area Schedules upon the following grounds:
 - (i) SCAL has previously had alternative Gambling Areas approved by the Commission. Alternative Gambling Areas are necessary on Levels 2 and 3 because of the proposed construction and design changes.
 - (ii) The need to specify alternative Gambling Areas relates to timing as each of the proposed new areas will not become operational immediately and designating an area as "Gambling Area" before it is used as such would require it to be policed for access restrictions before that is necessary. On the other hand, to defer making an application until after the construction

and design work is complete provides no certainty that the new developments will receive the necessary designation from the Commission, which creates too much investment risk.

- (iii) Such is the case with the Grand Hotel, where SCAL is proposing to undertake a significant investment in the development of a VIP Gambling Area and requires certainty that the area in question will be designated as Gambling Area before it embarks upon the project.
- (iv) The proposed licence conditions comply with the requirements of section 139(2) of the Act.

New game mixes

- (kk) Pursuant to the consequential amendments to the conditions attached to SCML's operator's licence, recording the Regulatory Concessions (refer section 7.3a(ii) of the Agreement), a new condition 6AA is to be inserted after the current condition 6, as follows:

6AA. In addition to the gaming tables specified in conditions 6, 6A and 6B the Licence Holder may install and operate in the Gambling Area, up to 40 additional gaming tables.

- (ll) Pursuant to condition 9 of SCML's operator's licence, SCML may operate on casino gaming tables the game types and game mixes specified by the Commission in Annex A to its Licence. As an alternative to Annex A, SCML may operate on casino gaming tables the game types and game mixes specified in any additional Annex approved by the Commission.
- (mm) The licence conditions will also be subject to a further consequential amendment by deleting mix A from the Annexes attached to the operator's licence, and inserting the new mix A and new mix A.1 contained in Schedule 12 to the Agreement (refer section 7.3av of the Agreement).
- (nn) The additional 40 gaming tables incorporated into the new game mix A reflect section 7.2d of the Agreement, that the tables must have in aggregate the average gambling opportunities of 40 gaming tables at the date of the Agreement.
- (oo) SCML seeks approval for an additional Annex, Annex B, pursuant to condition 9. The new Annex encompasses the new mix A and the new mix A.1, together with a range of alternative game mixes of up to 150 tables.
- (pp) Annex B provides for the deployment of gambling product in nine different Gambling Areas, six of which are already included in Annex A, with the three new

areas being on Level 7 of the Grand Hotel (Grand Horizon 1, Grand Horizon 2 and Grand Horizon 3).

- (qq) Attached to the application is a comparative table to assist the Commission in assessing the impact of the rate of play in respect of each of the alternative game mixes. By combining the mix of games with the highest player spaces and opportunities from each of the location-specific areas to form one overall mix of 150 games, the player spaces and overall gaming opportunities associated with that mix are less than permitted by the new game mix A. The comparative table confirms that the notional opportunities associated with the alternative game mixes as set out in the new Annex B are less than those associated with the game mix which represents the new regulatory benchmark.
- (rr) The additional Annex will not increase casino gambling opportunities.

New floor layouts

- (ss) The NZICC Regulatory Concessions provide for the installation of 40 additional table games, 230 gaming machines and 240 fully automated table games ("FATGs"), in addition to the 110 gaming tables and 1,647 gaming machines that may currently be operated. Once the Concessions are fully deployed, there will be 150 table games, 1,877 gaming machines and 240 FATGs on the floor.
- (tt) The deployment of the additional tables, gaming machines and FATGs permitted by the Regulatory Concessions will require new floor plans to be approved, pursuant to condition 11 of SCML's operator's licence. Their deployment is to be undertaken in a series of five phases, some involving multiple stages. A phasing summary attached to the application shows the number of tables, gaming machines and FATGs in each of the Gambling Areas prior to the deployment of the additional facilities authorised by the Regulatory Concessions. The table also shows indicative start and finish dates for each stage, the additional facilities to be added to each Gambling Area during each phase, and the ratio of gaming machines to gaming tables (which will never exceed 15 to 1, in accordance with condition 7 of SCML's operator's licence). Start dates will ultimately be determined by the execution of the Building Works Contract and will be adjusted as necessary. All gambling facilities are likely to be deployed within 15 months of the execution of that contract.
- (uu) Additional CCTV cameras will be installed to provide appropriate oversight of the new product consistent with the Surveillance Standard.



- (vv) The proposed floor layouts have been assessed for suitability from a host responsibility perspective and no concerns have been identified.
- (ww) SCML seeks approval, pursuant to condition 11, for 10 floor plans showing the positions of the gaming tables, gaming machines and FATGs. The plans are labelled as follows:
 - NZICC Level 2 Stage 1
 - NZICC Level 2 Stage 2
 - NZICC Level 2 Stage 3
 - NZICC Level 2 Stage 4
 - NZICC Level 3 Stage 1
 - NZICC Level 3 Stage 3
 - NZICC Level 5 Stage 1
 - NZICC Level 5 Stage 2
 - NZICC Level 7 Grand Horizon
- (xx) At each stage of the deployment, the DIA Inspectorate will be notified so that it is clear at all times which specific approved plan the casino operator is operating under.

The Secretary's submissions

14. The Secretary submitted, in summary, as follows:
 - (a) The Applicants have asked that the approvals be granted contingent on the satisfaction of the requirements necessary to give effect to the Regulatory Concessions. Given the absence of a definite date for the Concessions to come into effect, it is reasonable for the Commission to grant contingent approvals in advance. This will allow for a planned, phased approach to the building and floor plan changes, and allow the Applicants to prepare for the implementation of the Concessions.
 - (b) He has considered the proposed construction and design changes, and discussed them with the Applicants. He has no regulatory concerns with the proposed changes, which do not have any impact on condition 7.
 - (c) He has no regulatory concerns with the proposed variations to the Gambling Areas, noting that the Applicants must give at least 10 working days notice prior to adopting one of the alternative Gambling Areas.
 - (d) The Regulatory Concessions contained in the NZICCA provide for up to 40 additional gaming tables, bringing the total number of tables to 150. A new benchmark game mix was incorporated into the Agreement reflecting a requirement in the Agreement that the new tables have, in aggregate, the average

gambling opportunities of 40 gaming tables at the date of the Agreement. He has assessed the proposed game mixes against the new benchmark game mix. None of the proposed game mixes provide more player spaces than the new benchmark game mix and the proposed mixes represent fewer theoretical gambling opportunities than the benchmark game mix.

- (e) Subject to installation of suitable surveillance equipment, he has no regulatory concerns with the proposed floor plans.

SA's submissions

15. SA submitted, in summary, as follows:

- (a) It has made general comments only because it is unable to make technical submissions on the applications. It notes that approval to expand the gambling operations has already been granted through the NZICCA.
- (b) It is concerned about the expansion of the casino's gambling operation and the potential increase in gambling harm that may result. It believes that expansion will likely create more harm for individuals, their families and beyond.
- (c) It requests that the Commission put in place adequate monitoring and reporting practices in order to evaluate any increase in gambling harm arising from the expansion. This should be in addition to the reports already provided to the Commission.
- (d) It understands that there are provisions in the Agreement regarding host responsibility practices at the casino. It notes that these were not reflected in the Host Responsibility Programme (the "HRP") recently put forward for review by the Commission. It requests that these additional host responsibility requirements be put in place to ensure that there is no increase in gambling harm from the additional gambling product.
- (e) The design and floor layout should ensure that the Applicants:
 - (i) have the ability to monitor adequately all access points to the gambling floors;
 - (ii) can undertake appropriate surveillance of the Gambling Areas to support good host responsibility practices, including identification of potential problem gamblers;
 - (iii) provide adequate lighting and access to windows, to ensure gamblers can orient themselves as to the time of day;

- (iv) have the ability to monitor adequately all parts of the Gambling Areas to prevent access by minors and excluded gamblers.
- (f) Another feature of the physical environment it wishes to see improved is exit signs within the casino. It has received complaints from clients who state that, at the end of a gambling session, it can often be confusing and difficult to exit the casino.

Applicants' submissions in response

16. In response to SA's submissions, the Applicants submitted, in summary, as follows:
- (a) In accordance with the Agreement, they have agreed that, prior to the Regulatory Concessions coming into effect, they will incorporate into the HRP the harm minimisation mechanisms set out in that Agreement. In accordance with the conditions attached to SCML's operator's licence for the Auckland casino, SCML may amend the HRP to include appropriate improvements in the delivery of the existing HRP and new host responsibility and responsible gambling initiatives. Where such amendments neither reduce nor remove any current host responsibility or responsible gambling initiatives, they are not subject to the prior approval of the Commission by virtue of licence condition 26.
 - (b) They have yet to amend the HRP to encompass the new harm minimisation mechanisms but, in accordance with the Agreement, they will do so before the Regulatory Concessions take effect. The amended HRP will then be subject to the standard two yearly review process by the Commission.
 - (c) The annual reporting requirement to the Commission on the implementation of the HRP, and the two yearly review, represent an appropriate monitoring and reporting practice and there is no need to file additional reports.
 - (d) In terms of the submissions on the design and floor layout, they confirm the following:
 - (i) all public access points to the floor will be adequately monitored;
 - (ii) CCTV coverage of the gaming floor will be used to support host responsibility practices, including the identification of potential problem gamblers;
 - (iii) natural light is utilised wherever practical, having regard to the light sensitivity of the CCTV system;



- (iv) processes are in place to monitor all parts of the gaming floor to prevent access to minors and excluded persons.
- (e) They note that the SA has proposed the deployment of additional exit signs. It is unclear where those signs should be deployed. They have never been made aware of any confusion around egress from the casino and a walk through the Gambling Areas does not highlight any obvious areas where confusion might arise. While they are always open to suggestions for enhancements to minimise harm, the deployment of the signage in question will not add any value.

Analysis

Considering the applications on a contingent basis

17. In paragraph 7 above, reference was made to the Agreement setting out both the Regulatory Concessions and the specific amendments to SCML's casino operator's licence required to give effect to them. The Regulatory Concessions are set out at clause 7.2 of the Agreement, as follows:

- 7.2 The Regulatory Concessions are:
- a The initial term of the venue Licence is extended from the current expiry date of 1 February 2021 to 30 June 2048.
 - b The areas defined as constituting the Casino Venue in the Venue Licence, is amended by the addition of the further area described in Schedule 6 (Increase in Area of Casino Venue).
 - c In addition to the 1,647 Gaming Machines already permitted under the Conditions of the Casino Operator's Licence, the holder of the Operator's Licence may install and operate in the Gambling Area of the Casino Venue during the opening hours of the Casino up to 230 additional Single Terminal Gaming Machines.
 - d In addition to the 110 gaming tables already permitted under the Conditions of the Casino Operator's Licence (not counting any substitute tables or non-gambling fun play tables approved from time to time by the Gambling Commission), the holder of the Operator's Licence may install and operate in the Gambling Area of the Casino Venue during the opening hours of the Casino up to 40 additional gaming tables, having, in aggregate, the average gambling opportunities of 40 gaming tables at the date of this Agreement.
 - e In addition to the Gaming Machines and gaming tables (already permitted and additional) referred to in clauses 7.2c and 7.2d, the holder of the Operator's Licence may install and operate in the Gambling Area of the Casino Venue during the opening hours of the Casino:
 - i up to 240 additional Automated Table Game terminals which may not be substituted for Single Terminal Gaming Machines; or in the alternative
 - ii up to 12 further gaming tables, if each such gaming table is substituted for 20 of the additional Automated Table Game terminals referred to in clause 7.2ei, at the discretion of the holder of the Operator's Licence.
 - f The maximum denomination of banknotes able to be accepted by up to 359 Gaming Machines (whether Single Terminal Gaming Machines or Automated Table Game terminals, or a mix of both, at the discretion of the holder of the Operator's Licence), to be operated in Restricted Areas only, is increased from \$20 to \$100.
 - g The holder of the Operator's Licence may, in substitution for the current approval under game rules to operate TITO Technology on

300 Gaming Machines, introduce and operate Cashless Card Based Technology and TITO Technology on all Single Terminal Gaming Machines, Automated Table Game terminals, Electronic Table Games and other table games in the Gambling Area of the Casino Venue as set out in Schedule 13 (TITO and Cashless Gaming Technology).

18. Clauses 7.2b-e are relevant to the current applications. The first such clause refers to an increase in the area of the described casino premises as shown in Schedule 6 of the Agreement. The rest of the clauses refer to changes to SCML's casino operator's licence.
19. In order to give effect to some of the Regulatory Concessions, the Agreement provides that the conditions attached to SCML's operator's licence will be amended in the manner set out in clause 7.3a of the Agreement. Clause 7.3a provides as follows:

7.3 The further regulatory changes to implement certain of the Regulatory Concessions are:

a To give effect to the Regulatory Concessions in clauses 7.2c, 7.2d and 7.2e, the Conditions of the Casino Operator's Licence are consequentially amended to record the Regulatory Concessions set out in clauses 7.2c, 7.2d and 7.2e, as follows:

i inserting after the current condition 5 new condition 5A:

5A Notwithstanding anything in condition 5, the Licence Holder may install and operate in the Gambling Area, in addition to the gaming machines specified in condition 5, up to 230 additional Single Terminal Gaming Machines.

ii inserting after the current condition 6 new condition 6AA:

6AA. In addition to the gaming tables specified in conditions 6, 6A and 6B the Licence Holder may install and operate in the Gambling Area, up to 40 additional gaming tables.

iii inserting after the current condition 6AA new condition 6AAA:

6AAA. Notwithstanding anything in condition 5, and in addition to the gaming machines specified in conditions 5 and 5A and the gaming tables specified in conditions 6, 6A, 6B and 6AA, the Licence Holder may install and operate in the Gambling Area:

(a) up to 240 additional Automated Table Game terminals which may not be substituted for Single Terminal Gaming Machines; or in the alternative

(b) up to 12 further gaming tables, if each such gaming table is substituted for 20 of the Automated Table Game terminals referred to in paragraph (a) above, at the discretion of the Licence Holder.

- iv amending condition 6 to read "The number of gaming tables in the Gambling Area shall not exceed 110 except as permitted by conditions 6A, 6AA, 6AAA and 6B";
- v deleting Mix A from the Annexes to the Operator's Licence and inserting the New Mix A and New Mix A.1 contained in Schedule 12 (New Game Mix A and New Game Mix A.1);
- vi inserting new condition 6D which reads as follows:
 - 6D Notwithstanding anything in conditions 5, 5A, 6, 6AA, 6AAA, 6A, 6B and 6C at no time shall the number of Single Terminal Gaming Machines in the Gambling Area exceed 1877.
- vii amending condition 6A to refer to "condition 6, condition 6AA and condition 6AAA";
- viii amending condition 6B to refer to "condition 6, condition 6A, condition 6AA and condition 6AAA"; and
- ix inserting new definitions in condition 4 which read as follows:

The following terms have the meanings set out in the Agreement:

Agreement means the agreement given effect by the New Zealand International Convention Centre Act.

Automated Table Game means a gaming machine which replicates games played on table games and allows more than one person to play at the same time at different terminals.

Single Terminal Gaming Machine means a gaming machine at which only one person may gamble at any time.

The foregoing changes are shown in the marked-up clauses set out in paragraph 11 of this decision.

20. Clauses 7.4 of the Agreement is also relevant to the present applications. It provides as follows:

7.4 Notwithstanding satisfaction of clause 4.1j (NZICC Act), the Regulatory Concessions and the further regulatory changes in clauses 7.3 and 7.5 shall only come into effect on and from the date the Building Works Contract has been executed and there is no condition under the Building Works Contract remaining to be fulfilled by, or declared satisfied by, SKYCITY.

21. The Applicants have sought an amendment to the casino venue licence and approvals from the Commission, provided for under the casino operator's licence, in order to enable them to deploy the additional gambling facilities permitted by the Agreement and the NZICCA. The Applicants have asked the Commission to approve the applications contingently, if appropriate, in advance of the Regulatory Concessions coming into force, in order to assist them with their ongoing planning.

22. The Secretary considered it reasonable to consider the applications in advance. No submissions opposing such an approach were received.
23. The Commission has previously expressed a general reluctance to consider hypothetical applications, or applications aimed solely at gauging the Commission's thinking on an issue. It does not regard the current applications as being of that nature. Although the present approvals are sought well in advance of the likely date of full deployment, the applications are not speculative but will be necessary for the Applicants to utilise the additional gambling facilities conferred by the NZICCA at the Auckland casino.
24. The Commission considers that, having regard to section 9 of the NZICCA, it may issue a decision in advance of the Regulatory Concessions coming into force (so that the Concessions may be utilised on and from that date) so long as the decision to grant the approval to SCML or make the amendment to SCAL's licence is conditional upon the Concessions coming into legal effect and effective only from that date. The Commission is on statutory notice of what the Regulatory Concessions are, the resulting amendments to the licences and how the date for them coming into effect is determined; none of which is a matter under the control of the Commission.

Construction and design changes

Level 2

25. The Applicants sought approval for a number of construction and design changes to Level 2 of the casino. The changes sought were very similar to the construction and design changes approved by the Commission in decision GC01/13, with the main differences being that the entire floor/ceiling area above the Casino's Atrium will not now be "filled in", and a new set of escalators will be installed to link Levels 2 and 3.
26. The Commission considered the proposal against condition 7 of SCAL's venue licence, which provides as follows:
7. The Licence Holder must notify [the Commission of] any proposed changes to the construction or design of Levels 1, 2, 3, 5 and 6 of the casino venue, including the Gambling Area but excluding SKYCITY Theatre and foyer area, restaurant and bar areas outside the Gambling Area, hotel rooms and the back of house areas used by staff. Notification must be accompanied by relevant drawings and an assessment of any impacts the alterations may have on:
 - (a) the integrity and fairness of games;
 - (b) the effectiveness of security and surveillance;
 - (c) harm prevention, harm minimisation and responsible gambling;
 - (d) potential access to the Gambling Area by persons under 20 years of age; and
 - (e) compliance by any person with the Act, including section 11. ...

27. The Commission was satisfied that the proposal would not have an adverse impact on any of the matters listed in condition 7.
28. In decision GC01/13, the Commission considered whether the provision of a more direct route from the casino's entrance to the MGF would have a materially adverse impact on condition 7(c) (harm prevention, harm minimisation and responsible gambling) and was satisfied that it would not. The Commission reached the same conclusion when considering the issue again on the current application. No submissions in opposition were received in relation to this aspect in either application.

Level 3

29. The Applicants proposed a number of construction and design changes to Level 3 of the casino, to convert the Jade Dragon restaurant back into Gambling Area. The Applicants did not provide any plans or drawings in relation to the proposal as the conversion simply comprised the removal of the current restaurant facilities, together with some general refurbishment of the space.
30. The Commission considered the proposal against condition 7 of SCAL's venue licence, and was satisfied that the proposed construction and design changes would not have an adverse impact on any of the matters set out in 7(a)-(e).

Level 7, Grand Hotel

31. The Applicants proposed a number of construction and design changes to Level 7 of the Grand Hotel. As the Applicants noted, Commission approval is, strictly speaking, not required for changes to the area because no part of the Grand Hotel, which is outside the currently defined casino venue, is included within condition 6 as an area requiring prior Commission approval for construction and design changes. The Applicants sought the Commission's approval for the proposed changes on a precautionary basis because Level 7 of the Grand Hotel is included within Schedule 6 as an area that will become part of the Casino Venue after the Regulatory Concessions come into effect, and is the subject of an application for it to form part of the casino's designated Gambling Area (a matter which the Commission will address later in this decision). Understandably the Applicants wished to ensure that they did not carry out work to the area which might later cause the Commission to withhold or delay future designation of the area as part of the Gambling Area because of concerns about how the area had been developed.
32. The Applicants provided detailed sketches and plans of the development of the area into three VIP suites with similar branding to the VIP suites currently in the casino building.
33. The Commission considered the proposed development against condition 7 of SCAL's venue licence and was satisfied that the proposed construction and design changes

would not have an adverse impact on any of the matters set out in 7(a)-(e), if that condition had applied to level 7.

34. As the Applicants submitted, amendments to conditions 6 and 7 of SCAL's venue licence, to incorporate level 7 of the Grand Hotel as an area requiring Commission approval prior to any construction and design changes taking place, would require a proposal to amend the licence conditions to be instigated, under section 139 of the Act, by SCAL, the Secretary or the Commission. SCAL did not seek such an amendment in its application. The Commission intends, at an appropriate point in the future, to propose amendments to conditions 6 and 7, on its own initiative, under section 139(1)(e) of the Act, to incorporate Level 7 of the Grand Hotel as an area requiring Commission approval prior to any construction and design changes taking place.

Variation of the designated Gambling Areas

35. The Applicants have applied to vary the designated Gambling Area provisions of the venue licence to incorporate additional areas, following the construction and design changes to Levels 2 and 3 of the casino, and Level 7 of the Grand Hotel, within the casino's designated Gambling Area.
36. An earlier application was made to the Commission to remove provision in the venue licence conditions for what had become redundant alternative Gambling Area extensions. The Commission earlier approved that application (see decision GC18/15), so the current application is one to amend condition 9 of SCAL's venue licence, pursuant to section 139 of the Act.
37. In previous decisions, the Commission has considered whether it has the power to redefine a casino's Gambling Area, holding that it can do so provided that the amended area does not extend beyond the casino venue, as defined in the casino venue licence, and the amended licence conditions are consistent with section 139(2) of the Act.
38. SCAL's venue licence presently defines the casino venue as the block bounded by Hobson Street, Wellesley Street West, Federal Street and Victoria Street West, less four specifically excluded areas within the block; namely the underground carpark, the Sky Tower, the bus station and the walkway between the Sky Tower and the casino complex.
39. Pursuant to clause 7.2b of the Agreement, the address and description of the casino venue will be amended by the addition of the further area described in Schedule 6 of the Agreement. Schedule 6 provides that:

The area defined as constituting the casino premises in the casino venue licence for the Auckland casino shall include, in addition to the land and buildings already specified ...

All of the land and buildings situated at 86 Federal Street, 65-71 Federal Street and 109-125 Albert Street, Auckland, being the parcels of land comprising

[The legal descriptions of 10 parcels of land]

In addition, that part of the land and buildings already specified in the Venue Licence that is described as the "bus terminal", which is no longer to be excluded.

The Grand Hotel is located within the legal descriptions of the abovementioned 10 parcels of land.

40. The Commission was satisfied that the additional areas on Levels 2 and 3 are within the casino venue, as presently defined, and can be incorporated within the casino's designated Gambling Area. The Commission was also satisfied that, once the Regulatory Concessions become legally effective, level 7 of the Grand Hotel will be within the casino venue, as it will then be defined, and can be incorporated within the casino's designated Gambling Area at that time.
41. The Applicants proposed a number of consequential variations to conditions 9, 9A and 9B of SCAL's venue licence to depict the Gambling Areas on Levels 1, 2, 3, 5 and 6 of the current casino venue, and to incorporate Level 7 of the Grand Hotel. The licence conditions, with the proposed amendments shown in mark-up, are as follows:
- 9. The current Gambling Area for the casino venue is delineated in the plans attached as Schedule 1 to these conditions which features level 1, level 2, level 3, level 5 and level 6 of the casino venue. A first alternative Gambling Area for level 2 is delineated in the plan attached as Schedule 2. A second alternative Gambling Area for level 2 is delineated in the plan attached as Schedule 3. An alternative Gambling Area for level 3 is delineated in the plan attached as Schedule 4.
 - ~~9A. Any change to the Gambling Area depicted in the plans attached as Schedule 1 will take effect subject to the Licence Holder providing the Commission and the Inspectorate a minimum of 10 working days notice in writing of its intention to adopt one of the alternative Gambling Areas referred to in Condition 9 and shown in Schedules 2, 3 and 4.~~
 - ~~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 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.~~
 - ~~9B. At such time as the Grand Hotel becomes a casino venue, the Gambling Area for that part of the casino venue is delineated in the plan attached as Schedule 5 and will take effect subject to the Licence Holder providing the Commission and the Inspectorate a minimum of 10 working days notice in writing of its intention to adopt the new Gambling Area. A first alternative Gambling Area is delineated in the plan attached as Schedule 2.~~
42. The Applicants have sought in the form of several schedules what they describe as alternative Gambling Areas that can be independently activated. Alternative Gambling Areas are usually areas that are intended only for temporary use, being activated and de-activated periodically. What the Applicants seek in fact is the expansion of the current Gambling Area in fixed stages, each to become effective only after the necessary construction work has been completed in each area. There are sound practical reasons

to avoid areas being designated as Gambling Area before they are ready to be used as such but requiring the Applicants to make a series of fresh applications covering each stage of construction would be pointless and administratively inefficient. Sequential activation by the giving of notice results in desirable certainty of designation and practical efficiency.

43. The Commission considered the effect of the proposed licence conditions against section 139(2) of the Act and was satisfied that it would be consistent with the Act and contribute to achieving the purpose of the Act and the efficient administration of the Act. The Commission decided, however, to make changes to the text of the proposed conditions to recognise that only that some of the amendments can be made prior to the Regulatory Concessions coming into effect; others will have to await that event and will only become licence conditions at that point.
44. The Commission has previously considered whether an increase in designated Gambling Area is inconsistent with section 139(2)(d) of the Act; namely that amendment of a licence condition "must not permit an increase in the opportunities for casino gambling", and held that it does not. The expansion of a casino's Gambling Area does not, of itself, increase opportunities for casino gambling. The need for approval of floor plans and game mixes means that redesignation of Gambling Area alone does not allow an operator to place or use any gambling facilities in the extended area.
45. In any event, it is clear that the Regulatory Concessions have the effect of increasing the opportunities for casino gambling. Those increases are permitted by the NZICCA because, in the case of any inconsistency with the Act, the Regulatory Concessions conferred by the NZICCA prevail and the Act is modified accordingly.
46. In previous decisions (see paragraph 17 of decision GC33/10), the Commission noted that expanding the Gambling Area can reduce congestion such that it may increase player spaces at table games which are not subject to rules limiting the maximum number of players, such as Roulette. However, such an assessment can only be made when it considers proposed floor plans and considers their effect. The Commission will address this aspect later in this decision.

New game mixes

47. The Applicants are presently permitted to deploy up to 110 gaming tables and 1,647 gaming machines. In deploying the 110 gaming tables, the Applicants may not deploy any combination of table games that increases the opportunities for casino gambling beyond those permitted to them on 19 September 2003, when section 11 of the Act came into effect. Control over such deployment is affected by approved game mixes under the operator's licence.



48. The Commission's view of the mix of gaming tables that was deployed on 19 September 2003 is shown as "Game mix A" in an Annex attached by the Commission to SCML's operator's licence for the Auckland casino. It has been used as the benchmark against which new proposed game mixes are ultimately compared for the purpose of determining whether the proposal will increase opportunities for casino gambling.
49. Pursuant to clause 7.3av of the Agreement, when the Regulatory Concessions become legally effective, the current game mix A will be deleted from the Annex and replaced with a new Game Mix A, and new Game Mix A.1 which are set out in Schedule 12 to the Agreement. The new Game Mix A, which is to constitute the casino's new benchmark game mix, takes the current benchmark mix for the existing 110 tables and adds an allocation for the additional 40 tables that the Applicants are permitted to deploy, pursuant to clause 7.2d of the Agreement. New Game Mix A is as follows:

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

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.
50. In addition to the 40 new gaming tables, the Applicants are permitted to operate 240 "Automated Table Games" or "FATGs", pursuant to clause 7.2e of the Agreement. A new definition will be inserted into condition 4 of SCML's operator's licence that defines an Automatic Table Game as "a gaming machine which replicates games played on table games and allows more than one person to play at the same time at different terminals."
51. The Agreement provides (clause 6AAA) for the Applicants to be able to deploy 12 additional gaming tables in substitution for the 240 FATGs at the Applicants' discretion as follows:
- 6AAA. Notwithstanding anything in condition 5, and in addition to the gaming machines specified in conditions 5 and 5A and the gaming tables specified in conditions 6, 6A, 6B and 6AA, the Licence Holder may install and operate in the Gambling Area:
- (a) up to 240 additional Automated Table Game terminals which may not be substituted for Single Terminal Gaming Machines; or in the alternative

- (b) up to 12 further gaming tables, if each such gaming table is substituted for 20 of the Automated Table Game terminals referred to in paragraph (a) above, at the discretion of the Licence Holder.

52. Game Mix A.1 represents the permitted mix for the additional 12 tables that the Applicants can deploy in substitution for the FATGs. Game Mix A.1 is as follows:

GAME MIX A.1

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

Black Jack/Pontoon (Auto Shuffle)	3 games
Caribbean Stud Poker (Auto Shuffle)	2 games
Midi Baccarat (Auto Shuffle)	2 games
Mini Baccarat (Auto Shuffle)	2 games
Pai Gow	1 game
Roulette	1 game
Tai Sai (double side)	1 game

Notes for Game Mix A.1

1. Where table games provide for the use of automatic shufflers, the use of those shufflers shall be discretionary.
 2. The Licence Holder is permitted to operate alternative game mixes of up to 12 tables as specified in the Annex.
 3. The Licence Holder is permitted to substitute each table in Game Mix A.1 for up to 20 Automated Table Game terminals.
 4. The Licence Holder may not substitute tables between Game Mix A and Game Mix A.1.
53. The Commission did not need to consider Game Mix A.1 during its deliberations, as SCML was not seeking to deploy any tables in substitution for the FATGs. Rather, SCML was seeking approval for an operational game mix Annex, proposed Annex B, pursuant to condition 9 of its operator's licence, in anticipation of new licence conditions 5A and 6AA and new Game Mix A coming into effect. Proposed Annex B provides for the deployment of 150 gaming tables in nine different locations; namely the six locations already utilised (Salon 81, Salon 82, Salon 86, Salon 88, Eight and Levels 2 and 3 of the casino), together with the three new suites on Level 7 of the Grand Hotel.
54. The Commission's traditional approach in applications for approval of new game mixes is to compare what is proposed with what has been approved in the past, if necessary by reference to the game mix which provides the most opportunities for casino gambling, and to form a view on whether the proposal will increase opportunities for casino gambling. The Commission makes its assessment on a common sense, in the round basis, rather than by using calculations of the type submitted by the Applicants.
55. As SCML's proposal relates to nine area-specific game mixes (rather than a single casino-wide game mix), a variation to the Commission's traditional approach is required. In this circumstance the Commission identifies the individual game mix which appears to generate the most opportunities in each area specific location, combines them, and then compares the combined game mix with the benchmark mix, in order to assess whether the proposal will increase opportunities for casino gambling.

56. The Commission did this, and compared the combination with the new Game Mix A. The Commission was satisfied, in the round, that the combined game mix in proposed Annex B would not increase opportunities for casino gambling compared to new Game Mix A. The total number of player spaces was fewer than those permitted by new Game Mix A and there was nothing in the profile of the combination of games which indicated that game speed would create an issue. The Commission was satisfied that no combination of game mixes deployed in the area-specific locations would increase opportunities for casino gambling compared to what was provided in new Game Mix A. The Commission therefore was prepared to approve Annex B, once new Game Mix A and new conditions 5A and 6AA came into legal effect.

New floor plans

57. Finally, the Applicants sought approval of new floor plans, to depict the precise location of the gambling facilities in the designated Gambling Area of the Auckland casino.
58. SCML sought approval of 10 floor plans, with each plan representing a stage in the process of the Applicants rolling out new gambling facilities into the casino's staged increase in the Gambling Area dealt with above.
59. The proposed floor plans did not raise any issues of regulatory concern for the Commission in terms of condition 11 of SCML's operator's licence, or otherwise. In reaching this conclusion the Commission noted that the Secretary, whose Inspectors oversee the deployment of facilities in the Gambling Areas, was unconcerned by the proposal.
60. Mention was made in paragraph 46 above in relation to the possible increase in opportunities for casino gambling arising from the decongestion of tables which have no player space limitations, such as Roulette. No such issues were apparent to the Commission when it considered the plans proposed by the Applicants.

Harm minimisation

61. SA made a number of submissions in relation to the applications, with its main concern being in relation to harm minimisation. SA noted that there are provisions in the Agreement regarding host responsibility practices at the Auckland casino which are not reflected in the HRP recently submitted to the Commission for review.
62. Clause 6.1 of the Agreement provides that, prior to the Regulatory Concessions coming into effect, the Applicants will incorporate into the Auckland casino HRP the following harm minimisation mechanisms:

- (a) the "Focal model", which will assist the Applicants in identifying risk for problem gambling among casino customers who have loyalty cards;
 - (b) a voluntary pre-commitment system; and
 - (c) coverage of the casino 24 hours per day, seven days per week by host responsibility executives, whose number shall double from three to six.
63. In response, the Applicants accepted that they had not amended the HRP to include the new harm minimisation mechanisms, but noted that the Agreement only requires them to do so before the Regulatory Concessions take effect and does not involve any requirement for the Commission to approve the amendments.
64. The Applicants will need to have made the required changes to the HRP before putting any of the Regulatory Concessions into effect. Although the Commission is not required to approve the changes, the changes are intended to enhance the harm minimisation steps in operation before the gambling facilities are expanded as provided by the NZICCA. Having regard to section 3(b) and (d) of the Act, the Commission considers that the amendments and approvals sought from it, in anticipation of the Regulatory Concessions having legal effect, should not become legally effective until the HRP changes required by the Agreement have been made.
65. SA also made submissions in relation to the Applicants' host responsibility reporting requirements to the Commission. The Commission's view is that this matter is more appropriately addressed as part of the review of the HRP for the Auckland casino, which will take place in the very near future.
66. SA also made a number of submissions in relation to the design and floor layout of the casino, and suggested that the Applicants should have the ability to surveil the Gambling Areas for any issues that may arise. The Applicants addressed SA's concerns in their submissions in reply. The Commission observes that, if the Applicants fall short of their obligations, for example, to prevent access to the Gambling Areas by minors or excluded gamblers or to follow the HRP obligations, significant consequences could follow.
67. Finally, SA raised a concern in relation to customers being confused when exiting the casino at the end of a gambling session. The SA submissions were insufficiently explicit to justify the imposition of conditions as part of the approvals and amendments granted. The Commission encourages SA to liaise directly with the Applicants regarding its concerns about adequacy of signage.

Decision of the Commission

68. The Commission grants with immediate effect the application by SCAL for approval of construction and design changes to Levels 2 and 3 of the casino, pursuant to licence conditions 6 and 7 of SCAL's venue licence, and confirmed the acceptability of the proposed changes notified to Level 7 of the Grand Hotel.
69. Pursuant to section 139 of the Act, the Commission also redesignates the Gambling Area by amending, with immediate effect, SCAL's venue licence, by replacing condition 9 with the following conditions 9 and 9A:
- 9. The current standard Gambling Area for the casino venue is delineated in the plans attached as Schedule 1 to these conditions. Additional Gambling Areas for levels 2 and 3 are delineated in the plans attached as Schedules 2, 3 and 4 and will form part of the Gambling Area only after being activated as provided for in condition 9A.
 - 9A. The Additional Gambling Areas depicted in the plans attached as Schedules 2, 3 and 4 will take effect as part of the Gambling Area only after the Licence Holder has provided the Commission and the Inspectorate with a minimum of 10 working days notice in writing of its intention to activate one or more of the alternative Gambling Areas referred to in Condition 9 and shown in Schedules 2, 3 and 4.

and by attaching Schedules 1, 2, 3 and 4 (**attached hereto**).

70. The Commission made all other decisions on the applications with delayed effect only. As the Commission is only empowered to make the following decisions once the Regulatory Concessions have come into effect (as provided in clause 7.4 of the Agreement), the following decisions will take legal effect only when the conditions set out in clause 7.4 have been satisfied and the Applicants have given written notice, to the Commission and the Secretary, of their satisfaction and of the required prior amendments to the Auckland HRP:
- (a) Pursuant to section 139 of the Act, the Commission redesignates the Gambling Area by amending SCAL's venue licence, by replacing what will then be conditions 9 and 9A with the following conditions 9 and 9A:
- 9. The current standard Gambling Area for the casino venue is delineated in the plans attached as Schedule 1 to these conditions. Additional Gambling Areas for levels 2 and 3 of the casino and level 7 of the Grand Hotel are delineated in the plans attached as Schedules 2, 3, 4 and 5 and will form part of the Gambling Area only after being activated as provided for in condition 9A.
 - 9A. The Additional Gambling Areas depicted in the plans attached as Schedules 2, 3, 4 and 5 will take effect as part of the Gambling Area only after the Licence Holder has provided the Commission and the Inspectorate with a minimum of 10 working days notice in writing of its intention to activate one or more of the alternative Gambling Areas referred to in Condition 9 and shown in Schedules 2, 3, 4 and 5.

and by annexing the further Schedule 5 (**attached** hereto) in addition to what will then be the existing Schedules 1, 2, 3, 4.

- (b) The Commission approves the additional game mix Annex, Annex B (**attached**), pursuant to condition 9 of SCML's operator's licence; and
- (c) The Commission approves the 10 new floor plans (**attached**), pursuant to condition 11 of SCML's operator's licence.

71. The Commission intends to propose, on its own initiative under section 139(1)(e) of the Act, to amend licence conditions 6 and 7 of SCAL's venue licence, to incorporate Level 7 of the Grand Hotel as an area requiring Commission approval prior to any construction and design changes being undertaken.

Right of appeal

72. 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

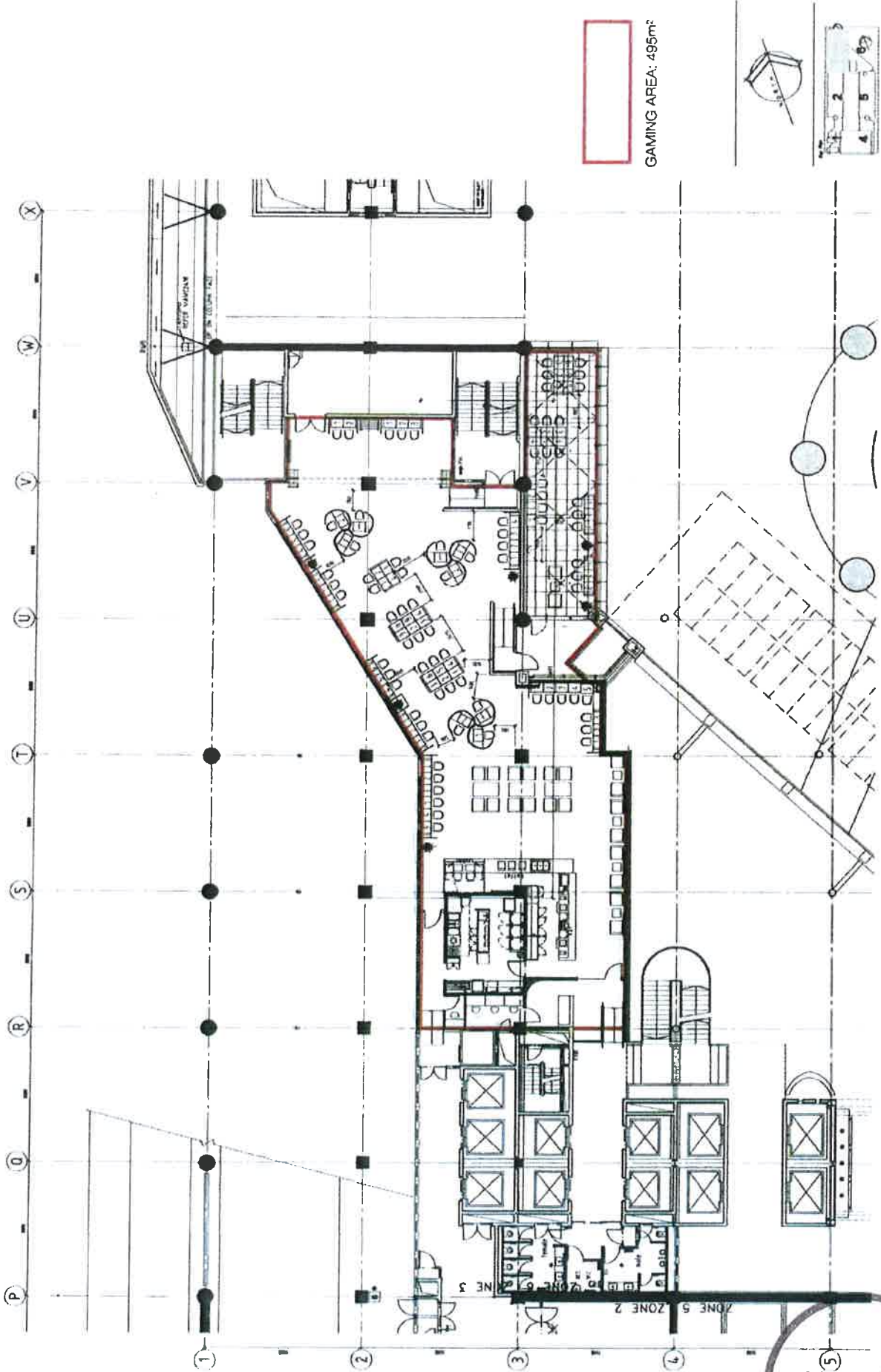
for and on behalf of the
Gambling Commission

16/09/2015

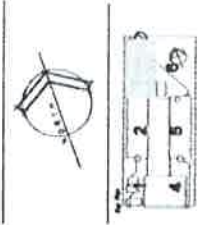


SCHEDULE 1





GAMING AREA: 495m²



GAMBLING COMMISSION

Moller Architects

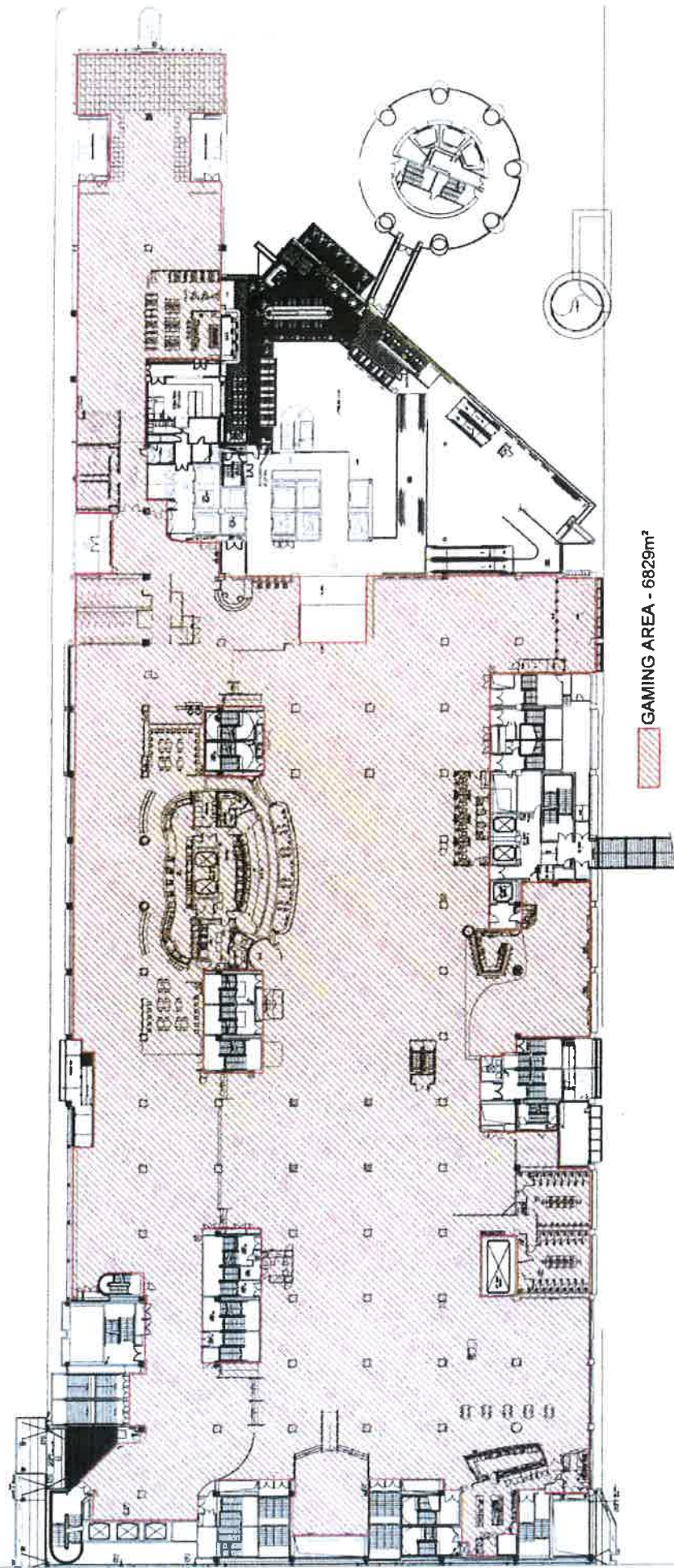
Sky City Entertainment Group

SKY CITY
ENTERTAINMENT GROUP

VIP PLATINUM BLACK GAMING AREA

2 August 2013

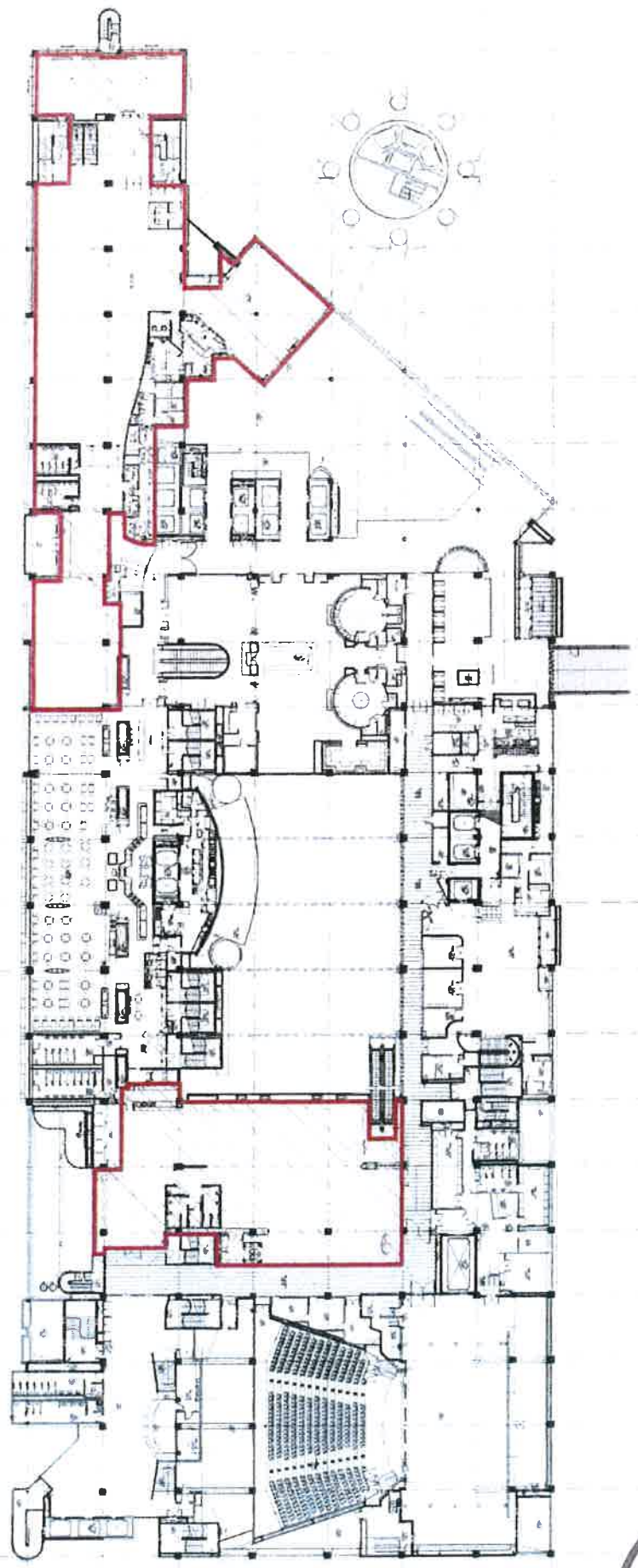
A5335



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



A B C D E F G H I J K L M N O P Q R S T U V W X Y



— GAMING AREA: 1,994m²



SKY CITY ENTERTAINMENT GROUP
GAMING LAYOUTS

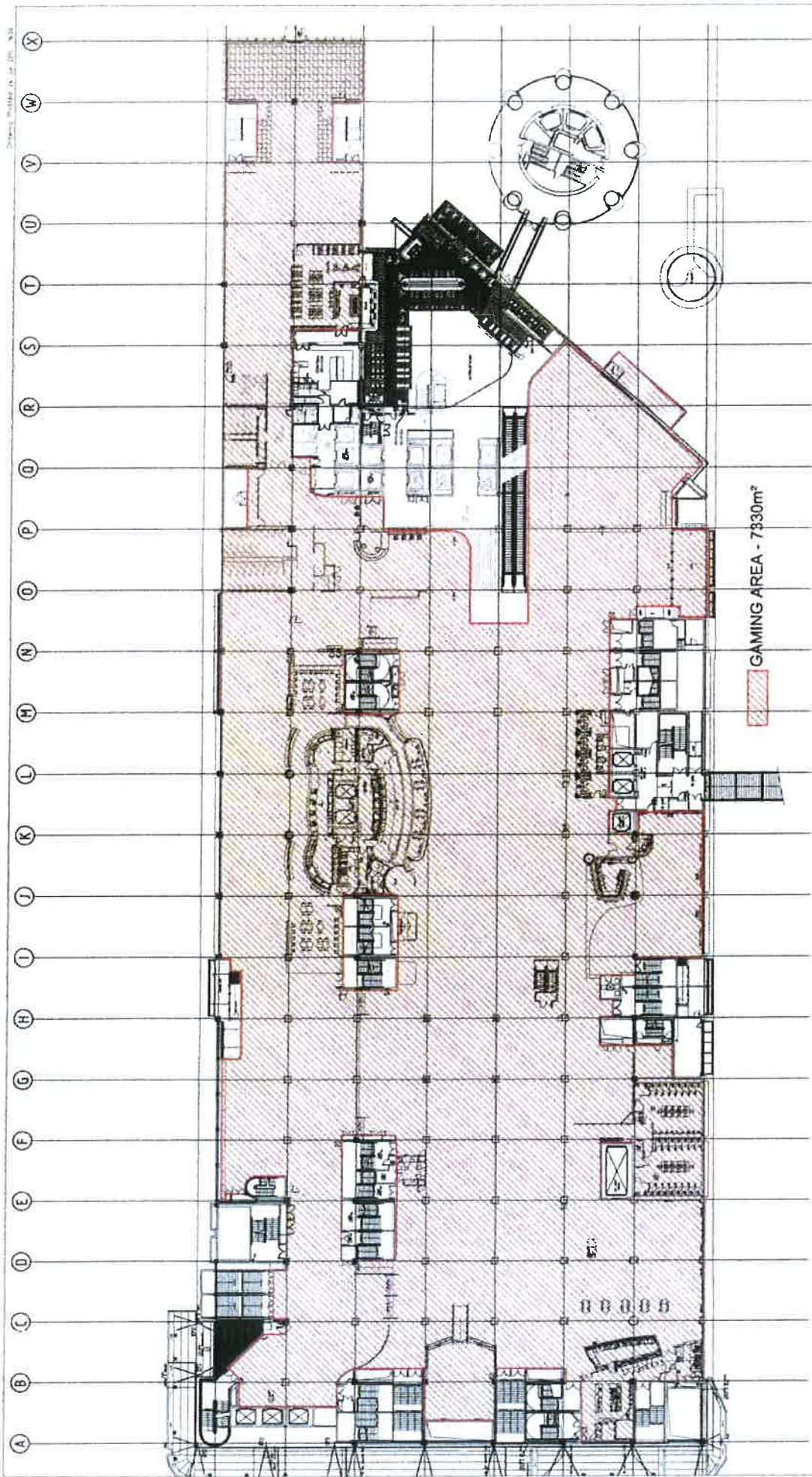
SKY CITY - PODIUM
LEVEL 3 GAMING AREAS incl
Baccarat & Platinum Rm Extn.
18/03/2015

SCHEDULE 2



SCHEDULE 3





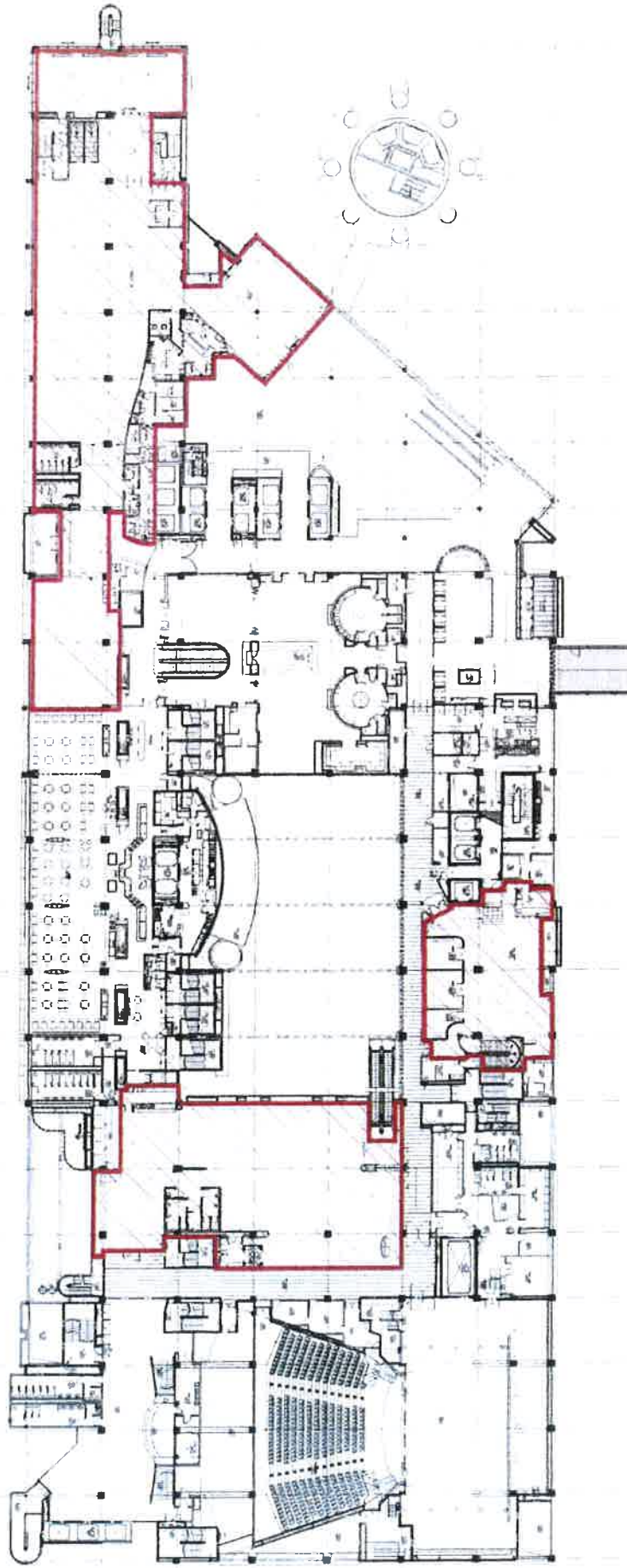
Main Site Level 2
PROPOSED GAMING AREA
 Drawing No.E004



SCHEDULE 4



A B C D E F G H I J K L M N O P Q R S T U V W X Y Z



GAMING AREA: 2.320m²



Call 011 270000
 Call 011 270000
 Fax 011 270000
 Email info@gambling.govt.nz

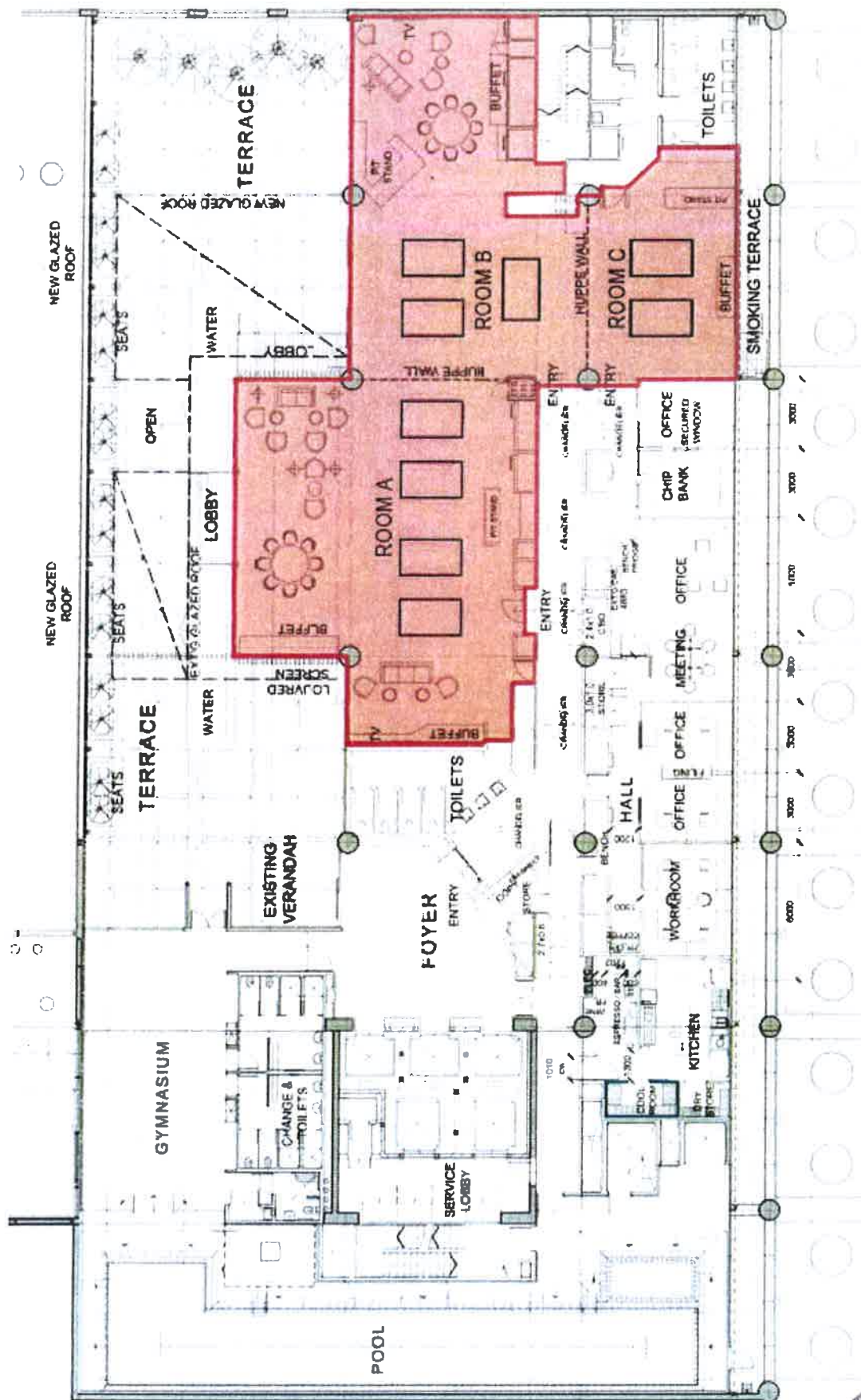
Moller Architects

SKYCITY
 ENTERTAINMENT GROUP
 GAMING LAYOUTS

SKYCITY - PODIUM
 LEVEL 3 GAMING AREAS incl
 Baccarat, Jade & Platinum Rm
 20/04/2015

SCHEDULE 5





ANNEX B

GAME MIX A

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

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.

GAME MIX A.1

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 (Auto Shuffle)	3 games
Caribbean Stud Poker (Auto Shuffle)	2 games
Midi Baccarat (Auto Shuffle)	2 games
Mini Baccarat (Auto Shuffle)	2 games
Pai Gow	1 game
Roulette	1 game
Tai Sai (Double Side)	1 game

Notes for Game Mix A

1. Where table games provide for the use of automatic shufflers, the use of those shufflers shall be discretionary.
2. The Licence Holder is permitted to operate alternative game mixes of up to 12 tables as specified in the Annex.
3. The Licence Holder is permitted to substitute each table in Game Mix A.1 for up to 20 Automated Table Game terminals.
4. The Licence Holder may not substitute tables between Game Mix A and Game Mix A.1.



ALTERNATIVE GAME MIXES (GAME MIX A)

Pursuant to condition 9 the following game mixes may be operated by the Licence Holder on casino gaming tables in the locations specified, subject to the following conditions and requirements noted:

In gaming salon 82 to the south of the elevators on level 5, any one of the following two table game mixes:

	A1	B1	C1	D1	E1	F1	G1	H1	I1	J1	K1	L1
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
Three 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 gaming salon 86 to the south of the elevators on level 5, any one of the following two table game mixes:

	A2	B2	C2	D2	E2	F2	G2	H2	I2	J2	K2	L2
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
Three 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 gaming salon 88 to the south of the elevators on level 5, any one of the following six 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
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	0	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 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	0	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

together with



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

	A5	B5	C5	D5	E5
Midi Baccarat (9 Box)	10	10	10	10	10
Midi Baccarat (7 Box)	4	4	4	3	4
Roulette	4	4	4	4	3
Electronic Roulette/ Electronic Baccarat/ Electronic Tai Sa	0	0	0	1	1
Blackjack (7 Box)	3	4	3	3	3
Pai Gow	1	0	0	1	1
Caribbean Stud Poker	0	0	1	0	0
Total	22	22	22	22	22

together with

In the gaming salon Grand Horizon 1 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	0	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 2 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 Baccarat	3	2	2	1	1	1	0	0	0	0	0
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 3 on level 7 of the Grand Hotel, any one of the following three table game mixes:

	A8	B8	C8	D8	E8	F8	G8	H8	I8	J8	K8	L8
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 all Gambling Areas other than the four 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:

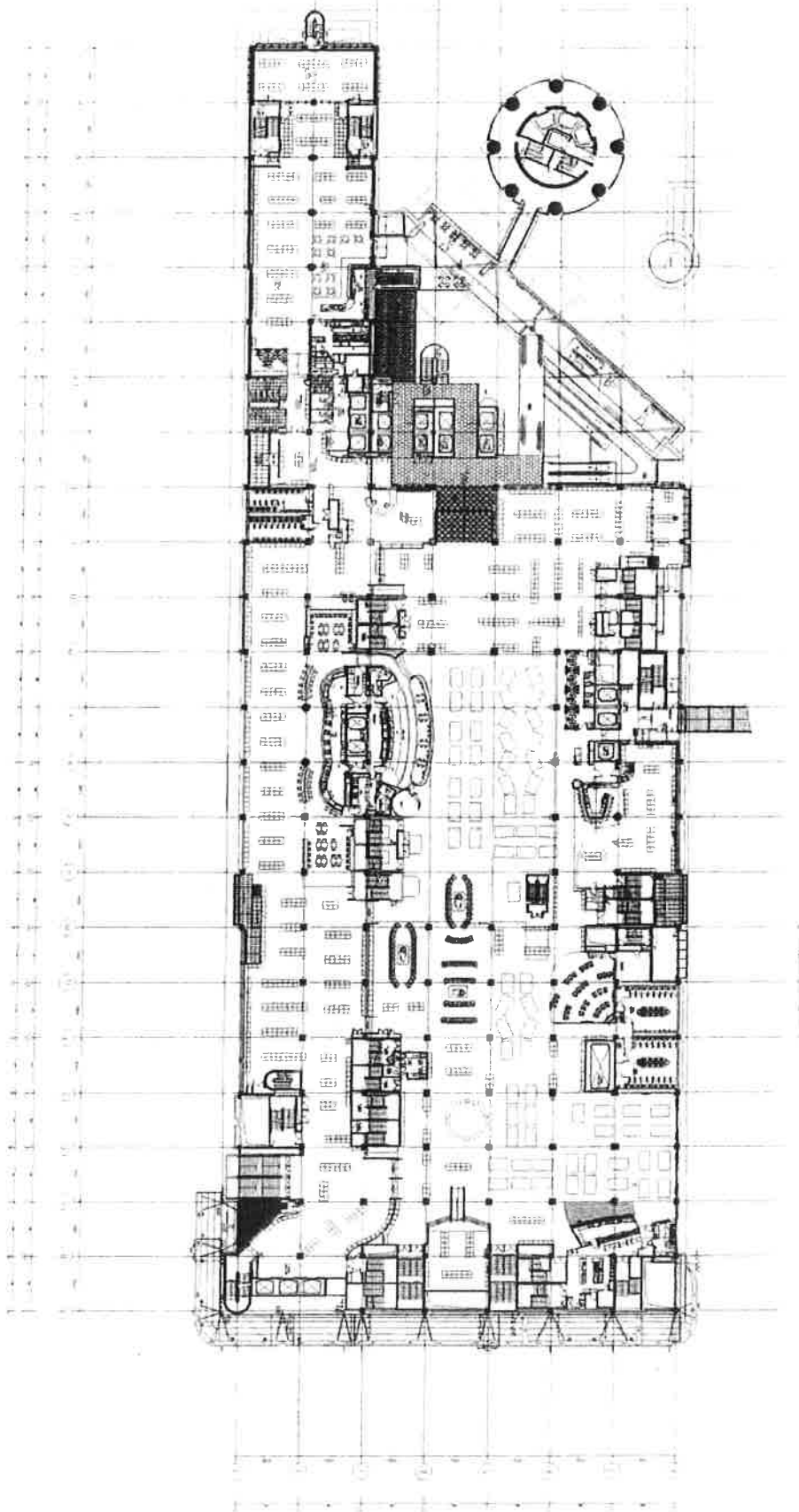
	A9	B9	C9	D9	E9	F9	G9	H9	I9	J9	K9
Money Wheel (double side)	1	1	1	1	1	1	1	1	1	1	1
Tai Sai (double side)	1	1	1	1	1	1	1	1	1	1	1
Tai Sai (single side)	1	0	0	1	1	1	1	1	1	1	1
Pai Gow	1	1	1	1	1	1	1	1	1	1	1
Caribbean Stud Poker	3	4	4	3	4	4	3	4	4	4	3
Midi Baccarat	14	14	14	16	14	14	16	16	16	14	14
Poker	13	13	13	13	13	13	11	11	11	13	17
Electronic Roulette/Electronic Baccarat/Electronic Tai Sai	4	4	4	4	4	4	4	4	4	4	4
Mini Baccarat	8	8	8	8	8	7	8	8	8	8	8
Roulette	18	18	18	18	17	18	18	18	18	18	18
Black Jack (7 Box)	32	32	33	30	32	32	30	31	32	32	28
Black Jack (5 Box)	0	0	0	0	0	0	2	1	0	0	0
3 Card Poker	2	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
Lunar Poker	2	2	1	2	2	2	2	1	1	1	2
Total	103	103	103	103	103	103	103	103	103	103	103

Notes for the alternative game mixes:

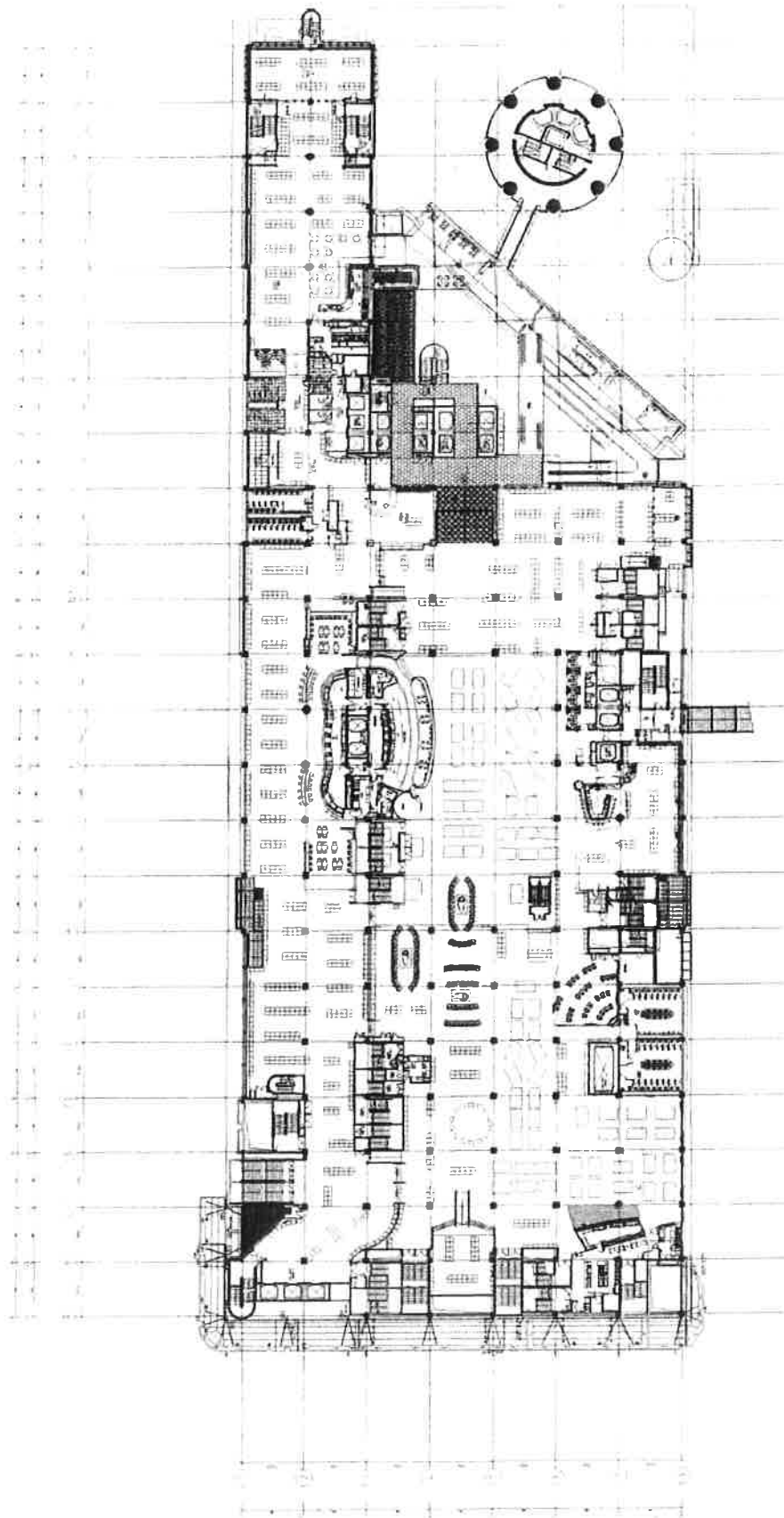
1. The Licence Holder is permitted to change game mixes subject to providing the Inspectorate with prior notification including notification of the electronic table type(s) associated with that game mix.
2. The Licence Holder is permitted to operate automatic shufflers on each of the Black Jack, Caribbean 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, as set out in the rules of Baccarat.
4. All Midi Baccarat games in salon 81, 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 and 3-Card Poker) may not exceed 10, even if game rules provide for more.



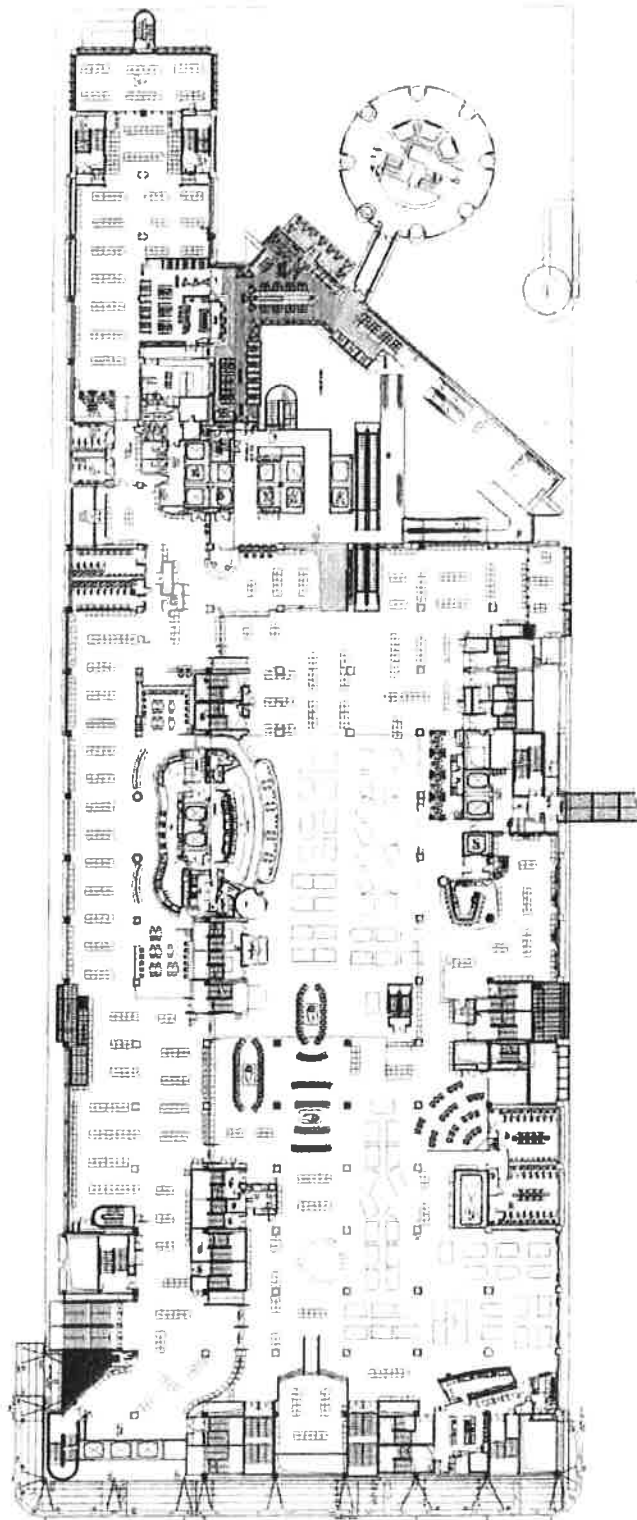
NZICC Level 2 Stage 1



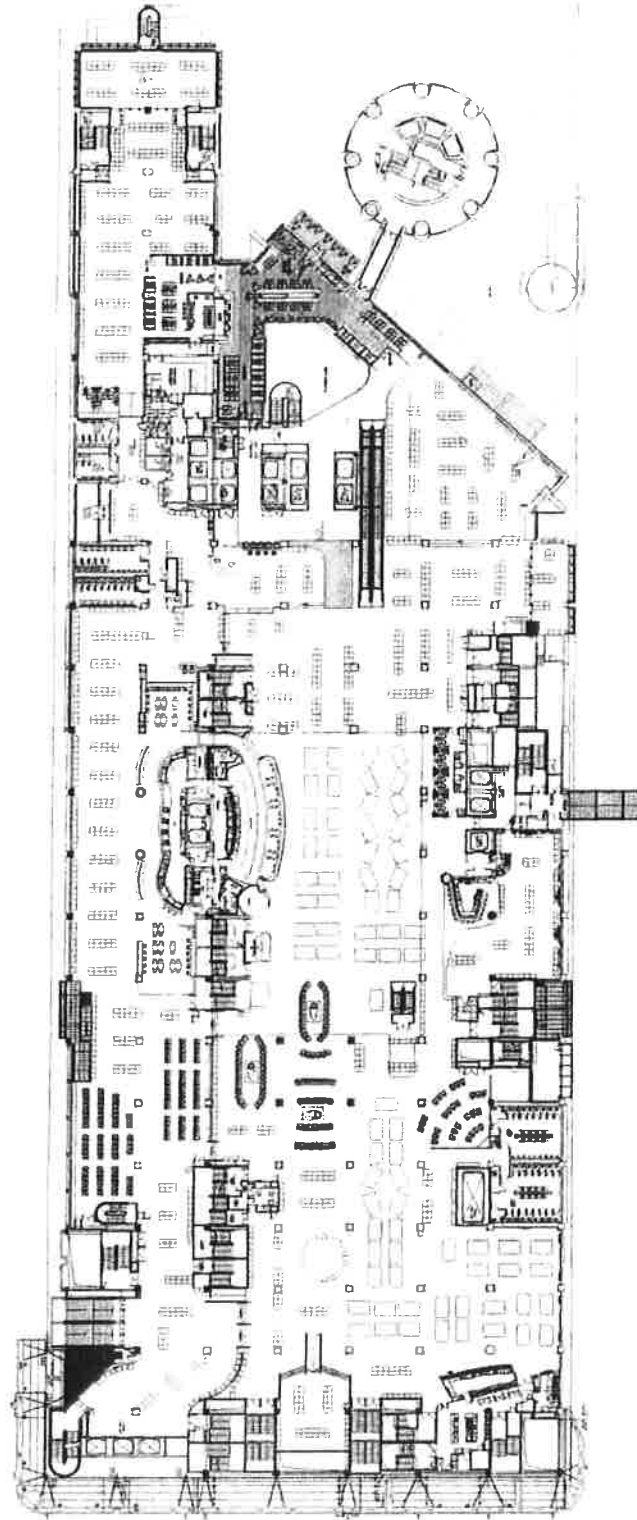
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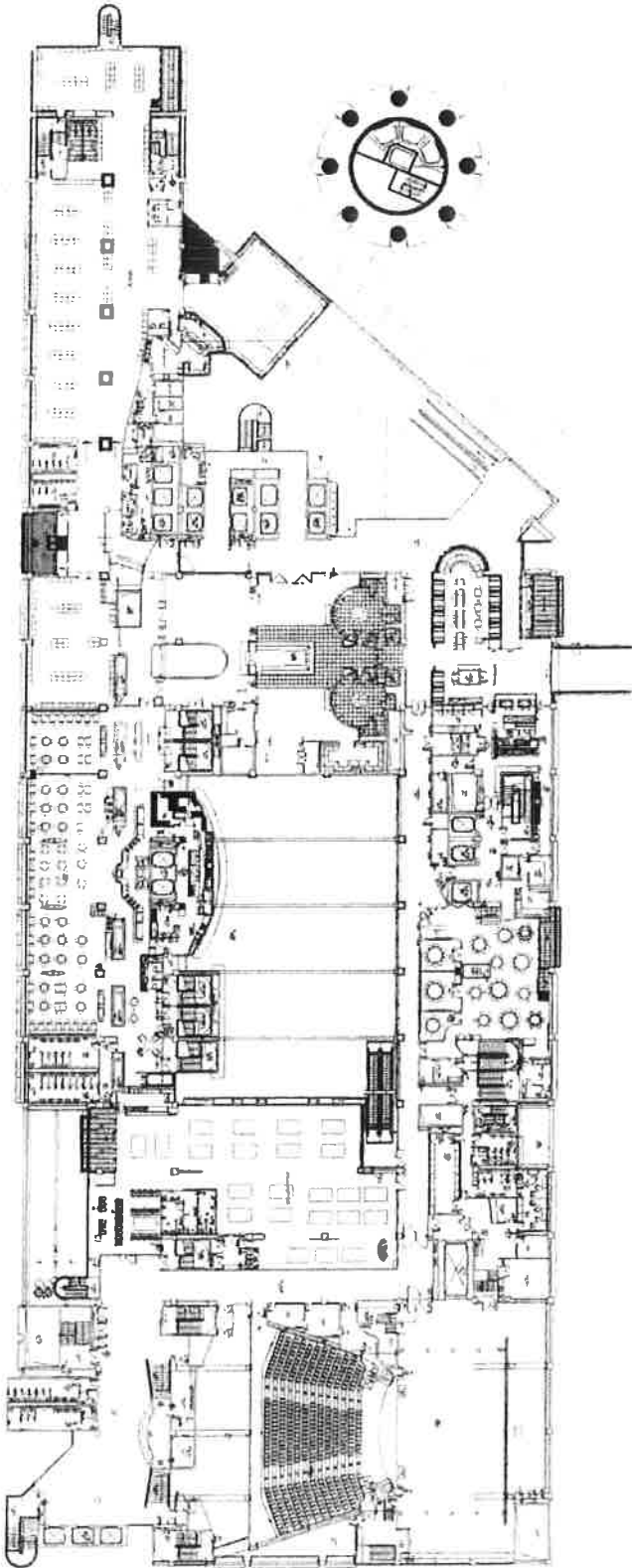


NZICC Level 2 Stage 3

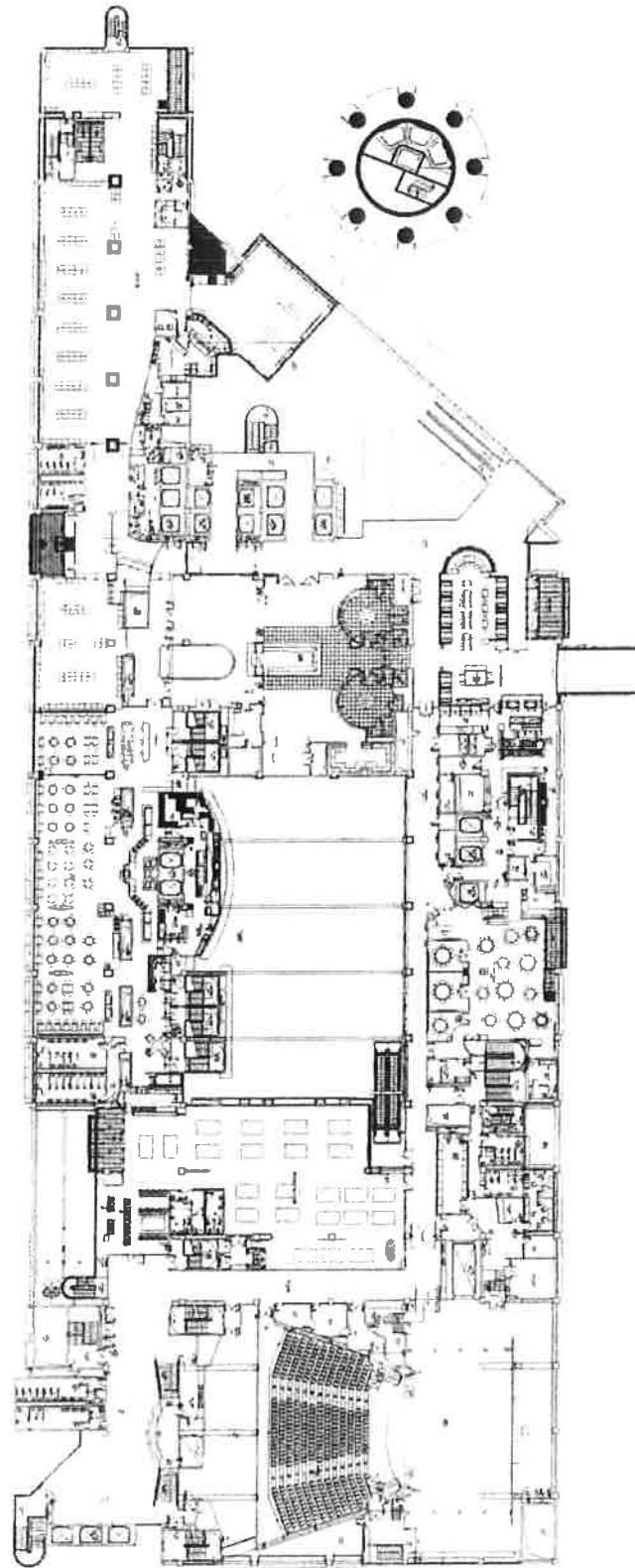


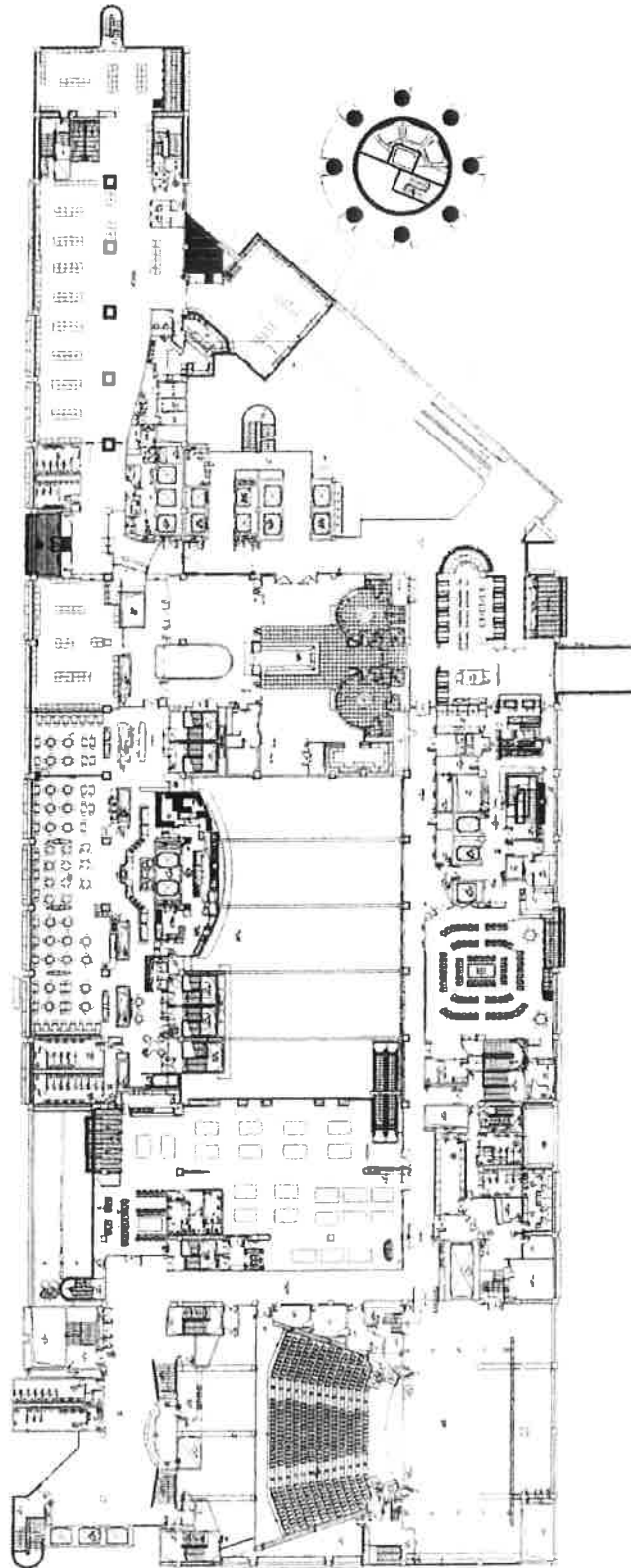
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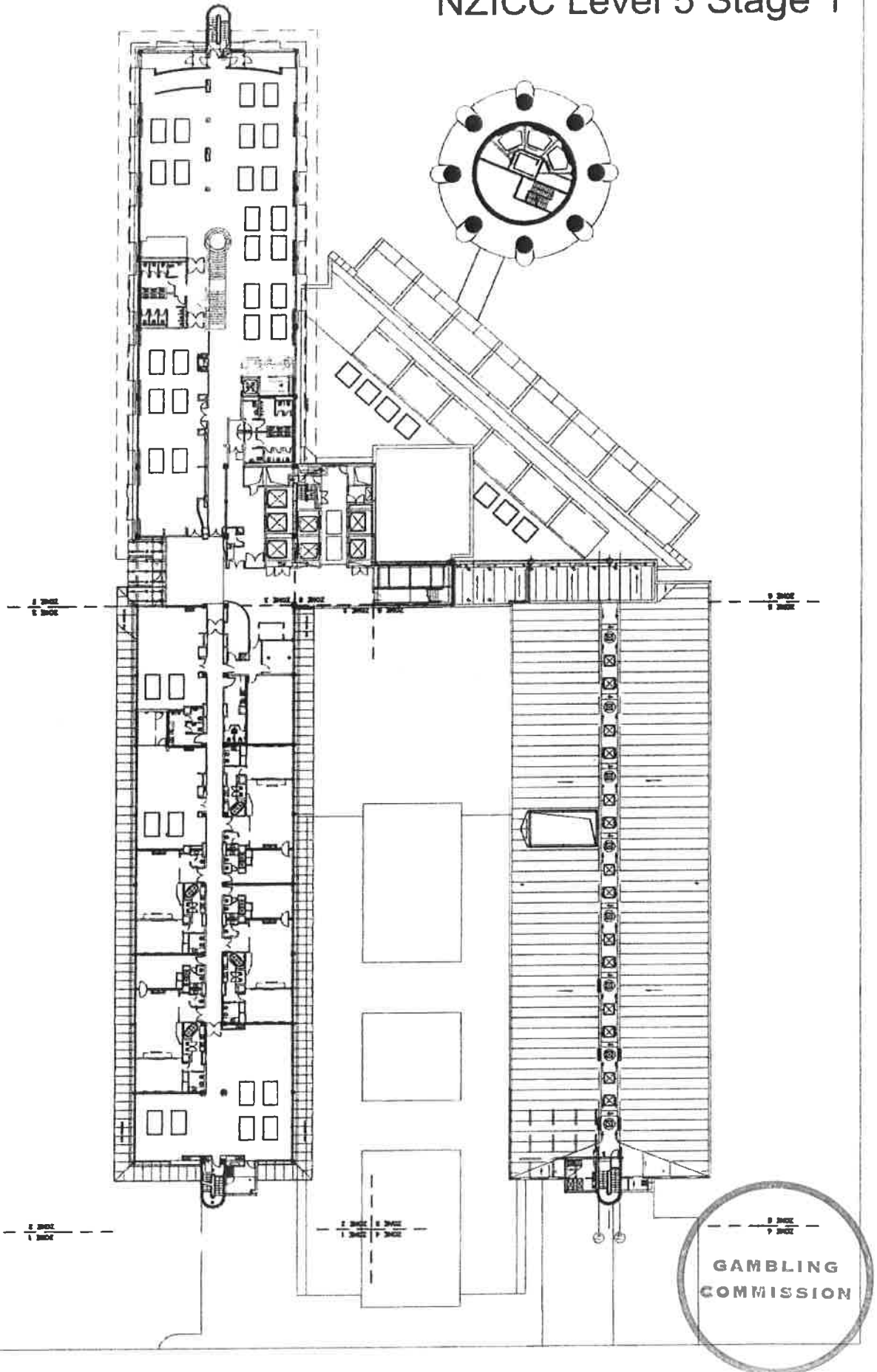


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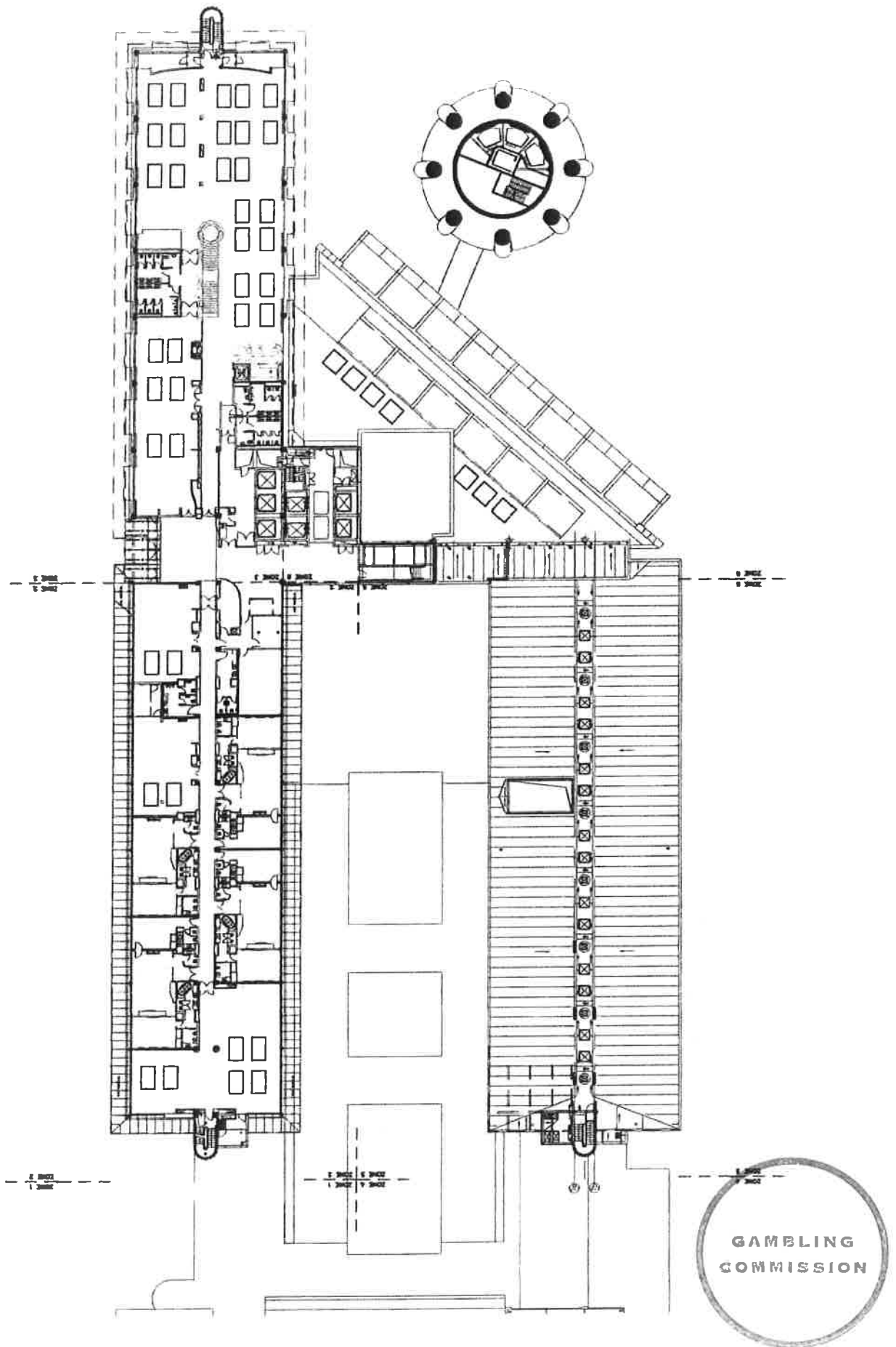




NZICC Level 5 Stage 1



NZICC Level 5 Stage 2



NZICC Level 7 Grand Horizon

