

IN THE MATTER of the Gambling Act 2003

AND on application by **SKYCITY CASINO MANAGEMENT LIMITED**
for approval to install three non-cash dispensing mobile EFTPOS terminals

BEFORE THE GAMBLING COMMISSION

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

Date of Application: 1 October 2015

Date of Decision: 13 November 2015

Date of Notification of Decision: 11th December 2015

**DECISION ON APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED
FOR APPROVAL TO INSTALL THREE NON-CASH DISPENSING
MOBILE EFTPOS TERMINALS**

Introduction

1. SKYCITY Casino Management Limited ("**SCML**") applied to the Commission for approval, under condition 14 of SCML's operator's licence, to install three non-cash dispensing mobile EFTPOS terminals in the Gambling Area at the Auckland casino.

Licence conditions

2. The relevant licence conditions are as follows:

SCML operator's licence (Auckland)

13. The Licence Holder is prohibited from dispensing cash from EFTPOS and like devices in the Gambling Area unless approved by the Commission. The approval of the Commission shall be revocable at the discretion of the Commission and may be subject to such conditions as the Commission may from time to time impose.
14. The Licence Holder is prohibited from using cash-dispensing mobile EFTPOS terminals or similar devices in the Gambling Area. It is prohibited from using non-cash dispensing mobile EFTPOS terminals or similar devices in the Gambling Area, unless approved by the Commission.
15. The Licence Holder is prohibited from dispensing more than \$50 cash per transaction from EFTPOS terminals or like devices outside the Gambling Area and within the Casino Venue and must ensure that any cash withdrawals are contemporaneous with a purchase.

16. Subject to the restrictions specified in conditions 13, 14 and 15 above, EFTPOS terminals or like devices may be installed and removed by the Licence Holder within the Casino Venue.
17. The Licence Holder is required to notify the Commission if it moves ATMs in the Casino Venue or if it installs or moves non-cash dispensing EFTPOS terminals in the Gambling Area.

SCML's submissions

3. SCML submitted, in summary, that:
 - (a) It is developing a new Burger Bar facility on level 2 of the casino. Part of the new facility will be within the Gambling Area, servicing the Diamond Room, and part will be outside of it, servicing a separate family dining area.
 - (b) Drinks will be served from the bar at the new facility but food may be ordered at tables. It wants customers to have the option to pay for food at their tables, including customers in the Diamond Room, so it wants to deploy three mobile EFTPOS terminals in the new facility. The terminals will not be used to dispense cash or to facilitate gambling so their deployment will not give rise to any concerns; they will be used only for Burger Bar transactions.
 - (c) The purpose of the mobile EFTPOS terminals is to allow Burger Bar patrons to pay for their meals from their tables, and while these terminals will be housed in a non-gambling area when they are not being used, each time they are taken into the dining area in the Diamond Room, they will breach the prohibition on using mobile EFTPOS facilities in the Gambling Area unless their use there is approved by the Commission.
 - (d) It will also install four (fixed, non-cash dispensing) EFTPOS terminals in the Burger Bar. It does not require Commission approval to do this but is providing notice pursuant to condition 17 of its operator's licence.
 - (e) If the Commission does not approve the deployment of the three mobile EFTPOS terminals, it will install two additional (fixed, non-cash dispensing) EFTPOS terminals, bringing the total number of fixed terminals in the Burger Bar to six.

Submissions by the Secretary

4. The proposal raised no issues of regulatory concern for the Secretary.

Analysis

5. SCML has sought Commission approval to deploy three non-cash dispensing EFTPOS terminals at a new Burger Bar facility on level 2 of the Auckland casino. Licence conditions do not prohibit the use of non-cash dispensing EFTPOS terminals outside the Gambling Area, but they do prohibit their use within the Gambling Area. SCML is therefore specifically seeking approval to deploy the three terminals in the dining area of the Diamond Room.
6. When the Commission developed the cash access licence conditions for the Auckland casino, it set out clear guidelines to control the availability of cash in the Gambling Areas because of the link between access to cash by patrons and problem gambling. (See the Interim and Final Decisions on a proposal by the Gambling Commission to revoke the conditions attached to the venue licence held by SKYCITY Auckland Limited and the operator's licence held by SCML, and to specify new conditions in their place, dated 23 December 2005 and 27 March 2006 respectively.)
7. In developing these conditions, the Commission initially proposed to prohibit all mobile EFTPOS terminals (ie cash dispensing and non-cash dispensing) from the Gambling Areas, but following receipt of submissions on the proposal, the Commission changed its position; it proposed to prohibit the use of cash-dispensing and non-cash dispensing mobile EFTPOS terminals in the Gambling Areas, but to allow for the deployment of non-cash dispensing terminals in the Gambling Areas to pay for food and beverage purchases, on Commission approval. (See paragraph 15.5 of the Interim Decision.)
8. The Commission sought submissions on its amended position. The Ministry of Health ("MoH") and the Problem Gambling Foundation ("PGF") opposed the amendment as the introduction of non-cash dispensing EFTPOS terminals into the Gambling Areas would be inconsistent with harm prevention and minimisation approaches, and because their deployment would encourage continuous play as patrons would not need to leave their gaming machine or table to purchase food and beverages.
9. The Commission rejected those submissions and retained the discretion to approve the deployment of non-cash dispensing mobile EFTPOS terminals in the Gambling Area for food and beverage purposes.
10. SCML's proposal is for the type of approval anticipated by the Commission when it amended licence condition 14, as discussed above; it is to provide an improved customer service experience in relation to non-gambling activities within the Gambling Area. In this case, it will allow patrons dining at the Burger Bar in the Diamond Room to pay for their meals at their tables.

11. SCML is not seeking approval to deploy the mobile terminals elsewhere in the Diamond Room; their use will be limited to paying for meals at the patrons' tables. There will be no issue of patrons paying for food and beverages while gambling continuously.
12. The proposal raises no other harm minimisation concerns for the Commission (or the Secretary).

Decision

13. The Commission approved, pursuant to condition 14 of SCML's operator's licence, the deployment of three non-cash dispensing mobile EFTPOS terminals on the following conditions:
 - (a) the terminals may be used only in the Burger Bar dining area of the Diamond Room and not elsewhere in the Gambling Area; and
 - (b) the terminals may be used only to pay for meals served in the Burger Bar dining area of the Diamond Room.



Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

11th December 2015

