

IN THE MATTER of the Gambling Act 2003

AND on application by **SKYCITY AUCKLAND LIMITED** to redesignate the Gambling Area at the Auckland casino

BEFORE THE GAMBLING COMMISSION

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

Date of Applications: 29 October 2015, 9 November 2015

Date of Decision: 13 November 2015

Date of Notification of Decision: 17th December 2015

DECISION ON APPLICATION BY SKYCITY AUCKLAND LIMITED TO REDESIGNATE THE GAMBLING AREA AT THE AUCKLAND CASINO

Introduction

1. SKYCITY Auckland Limited ("**SCAL**") applied to the Commission, pursuant to conditions 9 and 9A of SCAL's venue licence and section 139 of the Gambling Act 2003 (the "**Act**"), to redesignate the Gambling Area at the Auckland casino.

Licence conditions and relevant section of the Act

2. The relevant licence conditions are as follows:

SCAL's venue licence

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.

3. The relevant section of the Act is as follows:

139 Conditions of casino licence

- (1) The Gambling Commission may specify the conditions of a casino licence or vary or revoke the conditions of a casino licence in the following circumstances:

- (a) on granting a casino operator's licence;
 - (b) on renewing a casino venue licence;
 - (c) on approving a casino venue agreement or an amendment to it;
 - (d) on application by the holder of the casino licence;
 - (e) on its own initiative or on the request of the Secretary.
- (2) A condition of a casino licence specified under subsection (1)—
- (a) must be consistent with this Act; and
 - (b) must contribute to achieving the purposes of this Act; and
 - (c) must contribute to the efficient and effective administration of this Act; and
 - (d) must not permit an increase in the opportunities for casino gambling; and
 - (e) may relate to any matter, including the matters specified in Schedule 1, within the confines of paragraphs (a) to (d).

SCAL's submissions

4. SCAL submitted, in summary, as follows:

- (a) The current Gambling Area for the Auckland casino is delineated in the plans attached to its licence as Schedule 1. Additional Gambling Areas are delineated in Schedules 2, 3 and 4. It wants to amend Schedules 2 and 3, which depict the Gambling Area on level 2.
- (b) The effect of the proposed amendment is to reduce the level 2 Gambling Area by extending the non-gambling area at the top of the escalators in front of the MGF entry.
- (c) The reduced Gambling Area is the result of a minor design change (which was the subject of a separate application to the Commission) involving the installation of a balustrade at the top of the escalators in order to "wall off" the Gambling Area from the non-gambling area. That is, it wants to align the Gambling Area with the placement of the balustrade.
- (d) The non-gambling area at the top of the escalators will allow any minors to be assessed for age and turned around, if necessary, without entering the Gambling Area. Currently there is not a discrete boundary separating the Gambling Area from the non-gambling area in this part of the casino, so it wants to create one by erecting a balustrade and adjusting the Gambling Area.
- (e) The arrangements for assessing visitors and confirming they satisfy age restrictions will not change, but the area in which that assessment will take place will be extended and better defined.

Submissions by the Secretary

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



Analysis

6. SCAL has applied to re-designate the Gambling Area of the Auckland casino in order to create a space in which casino staff can better assess patrons for age before they are permitted to enter the Gambling Area. It will install balustrading around this space.
7. The proposed redesignation raised no issues of regulatory concern for the Commission.
8. The Commission has previously held that it has the power to redefine a casino's Gambling Area, provided that the immediate area does not extend beyond the casino venue, as defined in the venue licence, and the licence conditions defining the area are consistent with section 139(2) of the Act. The venue licence for the Auckland casino defines the casino venue, where relevant, as "All the land and buildings bounded by Hobson Street, Wellesley Street West, Federal Street and Victoria Street West. ..." The variations to the Gambling Area are clearly within the boundaries of the casino venue.
9. The licence conditions, which will not be amended as a result of this application, will remain consistent with section 139(2) of the Act.

Decision

10. The Commission approved, under conditions 9 and 9A of SCAL's venue licence and section 139 of the Act, the redesignation of the Gambling Area in the manner proposed, at the Auckland casino.
11. Schedules 2 and 3 are **attached**.

Right of appeal

12. 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

11th December 2015



SCHEDULE 2

R

SCHEDULE 3

LA

