

**IN THE MATTER** of the Gambling Act 2003

**AND** on an application by **SKYCITY CASINO MANAGEMENT LIMITED** and **SKYCITY AUCKLAND LIMITED** for approval to amend their casino venue agreement

**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: 31 August 2015

Date of Decision: 13 November 2015

Date of Notification of Decision: 17<sup>th</sup> December 2015

**DECISION ON  
AN APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED AND  
SKYCITY AUCKLAND LIMITED FOR APPROVAL TO AMEND THEIR  
CASINO VENUE AGREEMENT**

**Introduction**

1. SKYCITY Casino Management Limited ("**SCML**") and SKYCITY Auckland Limited ("**SCAL**") (together the "**Applicants**") applied to the Commission, pursuant to section 132 of the Gambling Act 2003 (the "**Act**"), for approval to amend their casino venue agreement (the "**Agreement**").
2. The Applicants also proposed a means by which the Commission could publicly record and display:
  - (a) the amendments to SCAL's venue licence resulting from the statutory amendments effected by the New Zealand International Convention Centre Act 2013 ("**NZICCA**"); and
  - (b) the conditions attached to SCML's operator's licence resulting from the statutory amendments effected by the NZICCA.
3. While the Applicants' proposal to record and display details resulting from the NZICCA does not involve the Commission exercising any of its statutory decision functions, the



Commission has dealt with the proposal in this decision in order to provide clarity on the legal effect of the NZICCA on the venue licence for the Auckland casino and the conditions attached to SCML's operator's licence for the Auckland casino.

### Sections of the Act and licence conditions

4. The relevant sections of the Act are as follows:

#### 119 Requirements for casino gambling

A casino may be operated only by a person who holds a casino operator's licence—

- (a) if the casino gambling occurs at a place for which the person also holds a casino venue licence; or
- (b) if the casino operator has an approved casino venue agreement with another person who holds a casino venue licence.

#### 124 Suitability requirements

(1) A casino operator's licence must not be granted and a casino venue licence must not be renewed unless the Gambling Commission is satisfied that the applicant and persons with a significant influence are suitable.

(2) In considering whether an applicant or person with a significant influence is suitable, the Gambling Commission must take into account the following matters:

- (a) the honesty of the applicant or person with a significant influence, including—
  - (i) whether the applicant or person with a significant influence has been convicted of a relevant offence; and
  - (ii) whether the applicant or person with a significant influence has been disciplined by a professional body for ethical misconduct; and
  - (iii) whether the applicant or person with a significant influence has been disciplined in any way during previous involvement with a casino; and
  - (iv) any other matters raised in the Police report, and the report of any government agency to which the application is referred, provided under section 125; and
- (b) the financial position of the applicant or person with a significant influence, including—
  - (i) whether the applicant or person with a significant influence has ever been adjudged bankrupt; and
  - (ii) whether the applicant or person with a significant influence has been directly involved in the management of a company that went into receivership or liquidation; and
  - (iii) whether the applicant or person with a significant influence has sufficient financial resources; and
  - (iv) whether the applicant or person has been prohibited or disqualified from acting as a director or promoter of, or in any way, whether directly or indirectly, being concerned or taking part in the management of, a company under section 382, 383, or 385 of the Companies Act 1993; and

- (v) whether the applicant or person has been prohibited from acting as a director or directly or indirectly being concerned, or taking part, in the management of a company under section 299 of the Insolvency Act 2006; and
- (c) the business skills of the applicant or person with a significant influence, including—
  - (i) whether the applicant or person with a significant influence has sufficient business management experience; and
  - (ii) whether the applicant or person with a significant influence has sufficient experience in casino operation or the operation of similar ventures; and
  - (iii) whether the applicant or person with a significant influence has qualifications relevant to the operation of a casino; and
- (d) the management structure of the applicant, including—
  - (i) whether that structure is suitably arranged for effective compliance with this Act; and
  - (ii) the nature of all relevant interests in the financial and management structure of the applicant; and
  - (iii) whether all such interests encourage the applicant's effective compliance with the Act; and
- (e) any other matter the Gambling Commission considers relevant.

**125 Gambling Commission must investigate application concerning casino licences**

- (1) On receiving an application for a casino operator's licence or for renewal of a casino venue licence, or for approval of a proposed transferee or alienee of a casino licence, the Gambling Commission must investigate the applicant, the proposed transferee or alienee, and persons with a significant influence.
- (2) Without limiting subsection (1), the Gambling Commission—
  - (a) may require the applicant, the proposed transferee or alienee, and persons with a significant influence to consent to having their photograph and fingerprints taken; and
  - (b) may require the applicant, the proposed transferee or alienee, and persons with a significant influence to provide further information; and
  - (c) must refer a copy of the application, and any photographs, fingerprints, or other information obtained in the investigation, to the Police and any government agency (not including the Inland Revenue Department) that the Gambling Commission considers relevant.
- (3) The Police and any government agency to whom the application is referred must inquire into, and report to the Gambling Commission on, the applicant, the proposed transferee or alienee, and persons with a significant influence.
- (4) The Gambling Commission may refuse to grant a casino operator's licence or renew a casino venue licence or approve a proposed transferee or alienee of a casino licence if the applicant, transferee or alienee, or persons

with a significant influence fail to provide information requested by the Gambling Commission or refuse to have fingerprints or a photograph taken.

- (5) Fingerprints and photographs provided by the Gambling Commission to the Police or other government agency must be returned to the Gambling Commission for destruction under subsection (6).
- (6) Fingerprints and photographs required by the Gambling Commission must be destroyed immediately after the Gambling Commission has made a decision as to whether or not to grant a casino operator's licence or renew a casino venue licence or approve a proposed transferee or alienee of a casino licence.

### 132 Approval of casino venue agreement

- (1) Casino licence holders who propose to enter into a casino venue agreement must apply to the Gambling Commission for approval of the agreement before entering into it.
- (2) A party to a casino venue agreement who seeks to amend that agreement must apply to the Gambling Commission for approval of the amendment before the amendment is made.
- (3) An application for approval under subsection (1) or subsection (2) must be on the relevant form.

### 133 Consideration of application

- (1) An application under section 132 for the approval of a casino venue agreement or of an amendment to a casino venue agreement must be considered by the Gambling Commission.
- (2) The Gambling Commission may require the applicant to provide a copy of the proposed agreement and any other relevant information to assist the Gambling Commission to consider the application.
- (3) In considering an application, the Gambling Commission must have regard to any suitability requirements specified in section 124 that the Gambling Commission considers relevant.
- (4) The Gambling Commission must not approve a casino venue agreement or an amendment to a casino venue agreement unless it is satisfied that the agreement is conducive to the conduct of responsible gambling in the casino.
- (5) A casino venue agreement expires according to its terms or when—
  - (a) a party to the casino venue agreement surrenders the party's casino licence; or
  - (b) the casino venue licence expires and is not renewed; or
  - (c) a casino licence of a party is cancelled; or
  - (d) the Gambling Commission approves a new casino venue agreement; or
  - (e) the casino venue agreement is entered into or amended without the approval of the Gambling Commission.

5. The relevant licence conditions are as follows:

#### SCML's operator's licence (Auckland casino)

- 31. The Licence Holder shall notify the Commission and the Secretary in writing as soon as possible of any change in the state of affairs of the Licence Holder which has a significant bearing on the holding of the Casino

Operator's licence, including any person ceasing to be an associated person of the Licence Holder.

32. The Licence Holder, immediately on becoming aware of such an occurrence, shall notify the Commission and Secretary in writing if the Licence Holder or an associated person of the Licence Holder is involved in any:
- (a) conviction for an offence involving dishonesty;
  - (b) censure or disciplinary action by a professional body for ethical misconduct;
  - (c) censure in any way in relation to a casino in another jurisdiction;
  - (d) current investigation (other than routine or periodical inspections) by any governmental or statutory body; and
  - (e) bankruptcy, receivership or liquidation.

#### **SCAL's venue licence**

17. The Licence Holder shall notify the Commission and the Secretary in writing as soon as possible of any change in the state of affairs of the Licence Holder which has a significant bearing on the holding of the Casino Venue licence, including any person ceasing to be an associated person of the Licence Holder.
18. The Licence Holder, immediately on becoming aware of such an occurrence, shall notify the Commission and Secretary in writing if the Licence Holder or an associated person of the Licence Holder is involved in any:
- (a) conviction for an offence involving dishonesty;
  - (b) censure or disciplinary action by a professional body for ethical misconduct;
  - (c) censure in any way in relation to a casino in another jurisdiction;
  - (d) current investigation (other than routine or periodical inspections) by any governmental or statutory body; and
  - (e) bankruptcy, receivership or liquidation.

#### **Applicants' submissions**

##### *Venue agreement*

6. Section 119 of the Act states that a casino may only be operated by a licensed casino operator who does not also hold the casino venue licence if the casino operator has an approved casino venue agreement with another person who holds a casino venue licence. The Agreement between SCML, who holds a casino operator's licence, and SCAL, who holds the casino venue licence for the Auckland casino, was originally approved by the Casino Control Authority and has been in place ever since.
7. Exhibit A to the Agreement defines the site to which the Agreement relates in the same terms as that set out in the venue licence. As the area comprising the casino venue as

defined in the licence will expand by virtue of the Regulatory Concessions set out in the New Zealand International Convention Centre Project and Licensing Agreement between SKYCITY and the Crown (the “**NZICC Agreement**”), they seek approval to amend the Agreement pursuant to section 132(2) of the Act. The amendments will align the Agreement to the expanded casino venue from the time the Regulatory Concessions take effect. The existing Agreement will continue to apply up to that point.

8. Further, the Agreement has not been reviewed since a variation was made in 2001, so they also want to update it, consistent with the approach adopted when the venue agreement for the Wharf casino was approved by the Commission in 2013.
9. Approval to amend the Agreement is sought under section 132 of the Act. Pursuant to section 133(3), the Commission must have regard to any suitability requirements specified in section 124 that the Commission considers relevant. The suitability requirements set out in section 124 relate to the honesty, financial position and business skills of the applicant or person with a significant influence and the management structure of the applicant and any other matter the Commission considers relevant.
10. SCAL is the holder of the venue licence for the Auckland casino and SCML is the holder of a casino operator’s licence. There is provision under section 144 of the Act for the Secretary to apply to the Commission for an order that a casino licence be suspended or cancelled if the Secretary is satisfied that any of the issues set out under that section have been satisfied. This includes circumstances where the Licence Holder or an Associated Person is no longer suitable to hold the licence or to be an Associated Person having regard to the suitability requirements in section 124. Neither of the Applicants has ever been subject to such an application and there has never been any suggestion from the Secretary that any other persons with significant influence are no longer considered suitable to be an Associated Person.
11. Each of the people below has been approved by the Department of Internal Affairs (“**DIA**”) as an Associated Person. The names and dates that they were approved are as follows:

Richard Tsiang	12 December 2014
Rob Hamilton	9 December 2014
Matthew Ballesty	16 July 2013
John Mortensen	13 June 2013
Grainne Troute	6 November 2012
Richard Didsbury	19 June 2012
Sue Suckling	9 May 2011
Bruce Carter	11 October 2010
Chris Moller	28 August 2008
Phillip Harman	29 August 2008
Ejaaz Dean	29 August 2008
Peter Treacy	29 August 2008

Nigel Morrison                      28 May 2008  
 Peter Cullinane                      17 March 2008

12. Pursuant to the conditions attached to SCAL's venue licence and SCML's operator's licence for the Auckland casino, the respective Licence Holders shall, immediately on becoming aware of such an occurrence, notify the Commission and the Secretary in writing if a Licence Holder or an Associated Person is involved in any:
- (a) conviction for an offence involving dishonesty;
  - (b) censure or disciplinary action by a professional body for ethical misconduct;
  - (c) censure in any way in relation to a casino in another jurisdiction;
  - (d) current investigation (other than routine or periodical inspections) by any governmental body;
  - (e) bankruptcy, receivership or liquidation.

Neither SCAL nor SCML has ever had reason to give such notification to the Commission and the Secretary.

13. Pursuant to section 133(4) of the Act, the Commission must not approve a casino venue agreement, or an amendment to a casino venue agreement, unless it is satisfied that the agreement is conducive to the conduct of responsible gambling in the casino.
14. Section 4.3 of the revised agreement specifies, *inter alia*:

The Manager shall operate, manage and promote the Business in accordance with:

- (ii) the terms and conditions of the operator's licence;
  - (vi) its responsible gambling, harm minimisation, anti-money laundering and other host responsibility obligations lawfully imposed by or under the Act or other legislation.
15. The conditions specified in SCML's operator's licence in respect of the Auckland casino require SCML to comply with the Responsible Gambling Programme approved by the Casino Control Authority on 1 December 2003, as amended in accordance with the procedures set out in those conditions. The Commission is familiar with SCML's host responsibility practices and the revisions to the Agreement are consistent with the conduct of responsible gambling in the casino.

*Venue licence*

16. The Regulatory Concessions effected by the NZICCA include two key changes to the venue licence. These are:
- (a) the extension of the initial term of the licence; and
  - (b) the increase in the area defined as constituting the casino venue.

Once the Regulatory Concessions come into effect, the provisions of the NZICCA will automatically amend the term and area of the licence. Because the licence is a public record, it is desirable for these changes to be recorded in an appropriate way. It proposes that the Commission:

- (a) attaches an annotation to page 2 of the licence recording that the term and area of the licence have been amended by the NZICCA; and
  - (b) inserts, after the licence and before the Schedule containing the licence conditions, a new appendix setting out in full the actual amendments.
17. These steps are not intended to have any substantive legal effect (as the Commission's powers extend only to changing the conditions of a venue licence and do not extend to effecting amendments to the licence itself), but are intended merely to provide an updated (public) record of the changes effected by the NZICCA.

*Conditions attached to SCML's operator's licence*

18. Amendments will also be effected automatically to a number of licence conditions pursuant to sections 6(1), 6(2), 7 and Schedule 3 of the NZICCA. In particular, the Regulatory Concessions set out in clause 7.2c (single terminal gaming machines), 7.2d (gaming tables) and 7.2e (ATGs/tables) are to be implemented by an amendment to the licence conditions. The amendments will take effect when the Regulatory Concessions take effect and are not dependent on the Gambling Commission making a decision under section 139 of the Act. However, it expects the Commission to issue a new set of conditions recording the changes made by statute, consistent with its longstanding practice of updating licence conditions to reflect any changes.
19. The amendments include deletion of mix A from the Annexes to the conditions and insertion of a new mix A and mix A.1 contained in Schedule 12 to the NZICC Agreement.

**Secretary's submissions**

20. The Secretary submitted, in summary, as follows:
- (a) His Department has conducted probity checks on the Associated Persons nominated by the Applicants. He has nothing to bring to the Commission's attention in respect of those individuals.
  - (b) He has no regulatory concerns with the proposed amendments to the Agreement but wants to bring one matter to the Commission's attention; the application states that the proposed amendments would apply from the time that the new Regulatory Concessions come into force and the current Agreement will

continue until that time. However, the amended Agreement does not contain any provision that would ensure that the existing Agreement continues in the way described in the application. The commencement date is defined as the date that the Regulatory Concessions become operative and the term of the Agreement is defined as the period from the commencement date to 30 June 2048. If the Agreement were amended prior to the date that the Regulatory Concessions come into effect, there would be a period where no Agreement is in place. The Commission may wish to consider either requiring a specific clause in the amended Agreement to ensure that the existing provisions continue in force until the Regulatory Concessions come into effect, or delaying the effective date of the approval as the Commission has done with other approvals relating to the Concessions.

### **Analysis**

21. The Applicants have asked the Commission to address several matters arising out of the NZICC Agreement between SKYCITY and the Crown, and the NZICCA, which gives legal effect to that Agreement.

#### *Publishing changes made by the NZICCA to SCML's operator's licence and the venue licence*

22. Dealing first with the conditions attached to SCML's operator's licence, section 139 of the Act empowers the Commission to specify, vary or amend the conditions of a casino licence following an application by the Secretary, the Licence Holder or at the Commission's own initiative. When it does so, the Commission must undertake the procedure required by section 140, which includes notification of its decision and the reasons for it. Each written decision specifies precisely the changes made to the extant conditions.
23. After releasing a decision changing licence conditions, the Commission always immediately updates the published licence conditions incorporating the changes made in the decision. It does so to provide certainty and clarity to the directly interested parties of the currently applicable conditions and to provide a public record of them.
24. SCML has asked the Commission to update the conditions attached to its operator's licence to record the changes made to the conditions by the NZICCA. As the new licence conditions are not the result of amendments made by the Commission pursuant to sections 139 and 140 of the Act, SCML was concerned that the Commission might not publish an update of the current conditions in the case of changes that it had not effected.

25. The Commission agrees that it should publish the currently effective licence conditions. It is within the Commission's jurisdiction to do so. The Commission is authorised, by section 224(1)(g) of the Act, to "exercise any other functions that are given to the Gambling Commission by this Act or by another enactment" and it is required, by section 9 of the NZICCA, "to ensure that the conditions of each licence are consistent with, and give effect to, the regulatory concessions". It is also desirable that licence holders, regulators and the public have the benefit of a published record of the conditions in current effect.
26. The Commission will add a footnote to the licence conditions to make it clear to the reader that the published conditions incorporate the amendments effected by the NZICCA.
27. In the case of the Auckland casino venue licence, the Commission also considers it sensible to publish a document which shows the current legal effect of the licence (i.e. to include the extended term and the expanded casino venue area). However rather than annotating the licence and inserting a new appendix setting out the amendments as proposed by SCAL, the Commission prefers to publish a separate advisory document which shows the legal effect of the Regulatory Concessions on the licence in marked up form.
28. The Commission considers this approach to be preferable because its statutory powers of amendment are limited to licence conditions and NZICCA principally operates by deeming (rather than by amending the Gambling Act 2003 or the Auckland casino venue licence). Section 9 of NZICCA, discussed above, is expressly limited to the conditions attached to the SKYCITY casino licences and does not extend to the licences themselves. Section 6 provides that the Regulatory Concessions "shall be operative at the times and on the conditions that apply to the regulatory concessions in the Agreement", that the Regulatory Concessions "prevail if a regulatory concession is inconsistent with any provision of the gambling law" (which is defined as the Gambling Act and related legislation) and that "the application of the provision of the gambling law is modified accordingly". Pursuant to section 8 of the NZICCA, the Regulatory Concessions apply "as if they were authorised or permitted under the gambling law".
29. The effect of these provisions is that the venue licence itself is not amended but the Regulatory Concessions prevail over the terms of the licence and the application of the licence is modified accordingly. For practical purposes, the Commission must act as if the venue licence had been amended.



30. The Commission agrees with SCAL that it would be beneficial to publish a document which clearly sets out the legal effect of the venue licence and NZICCA. For the reasons set out above, the Commission does not consider that it would be appropriate to attach the Regulatory Concessions as an appendix to the venue licence. In addition, publishing the Regulatory Concessions separately would not provide a particularly useful working document as readers would still need to construct the overall effect in their heads. The Commission considers it preferable to publish a separate composite document, of purely advisory effect, as described above.
31. The advisory document will record that it is not a formal licence document but that it has been published by the Commission in order to show, in one convenient document, the effective licence position following the statutory amendments which change the legal effect of the licence.
32. The Commission will continue to publish the actual venue licence, but will also publish the advisory document to make matters clear to the public.
33. Although the Commission has chosen a different method from that suggested by the Applicants, it results in the public display of the current legal effect of the venue licence, which is the outcome sought.

*Venue agreement*

34. The Applicants have sought Commission approval of an amended Agreement between SCML and SCAL which will incorporate the redefined casino venue, as well as update the document in a manner similar to the amendments approved by the Commission in the agreement between SCML and OCL for the Wharf casino in 2013.
35. Licence Holders who seek to amend an existing casino venue agreement must apply to the Commission for approval pursuant to section 132 of the Act.
36. The process governing the Commission's consideration of the application is set out in section 133. Section 133 provides that the Commission:
  - (a) may require a copy of the proposed venue agreement and any other relevant information to assist it in its consideration of the application;
  - (b) must have regard to any suitability requirements specified in section 124 that the Commission considers relevant; and
  - (c) must not approve an amendment unless it is satisfied that the agreement is conducive to the conduct of responsible gambling in the casino.

*Suitability requirements*

37. Section 124 of the Act requires the Commission to consider whether an applicant or a person with significant influence is suitable.
38. The application of section 124 in relation to the approval of a venue agreement differs from its application to other sections of the Act. When considering an application for the approval of a venue agreement, section 133(3) of the Act provides that:

The Commission must have regard to any suitability requirements specified in section 124 that the Gambling Commission considers relevant.

That is, the Commission need not consider every matter identified by section 124, but only those matters that it considers to be relevant. Sections 130, 135 and 149 do not contain this discretion and the Secretary or the Commission must be satisfied that the appropriate people are suitable in terms of all of the requirements set out in section 124.

39. Section 124(2) provides that, when considering whether an applicant or person with a significant influence is suitable, the Commission can take into account the following matters:
- (a) the honesty of the applicant or person with a significant influence (including whether they have been convicted of a relevant offence, whether they have been disciplined by a professional body, whether they have been disciplined during previous involvement with a casino, and whether there are any other matters raised by the Police or other government agency);
  - (b) the financial position of the applicant or person with a significant influence (including whether they have ever been adjudged bankrupt, whether they have been involved in the management of a company that has gone into receivership or liquidation, and whether they have sufficient financial resources);
  - (c) the business skills of the applicant or person with a significant influence (including whether they have sufficient business management experience, whether they have sufficient experience in operating a casino or similar venture, and whether they have qualifications relevant to operate a casino);
  - (d) the management structure of the applicant (including whether the structure is suitably arranged for effective compliance with the Gambling Act, the nature of all relevant interests in the financial and management structure of the applicant, and whether all such interests encourage effective compliance with the Act); and
  - (e) any other matter the Commission considers relevant.

40. The Commission considered that the requirements specified in section 124(2)(a) to (d) were all relevant to the application. The Commission did not identify any other matter of relevance under section 124(2)(e).
41. When they submitted their application for approval to amend the Agreement, the Applicants provided a copy of the proposed venue agreement and identified people with significant influence at the Auckland casino, but they failed to address the suitability of these people, or the Applicants. Following a request by the Commission for the Applicants to provide additional detail, they did so.
42. The Applicants submitted that the people with significant influence at the Auckland casino have all been approved by the Secretary as Associated Persons under section 149 of the Act, and that neither SCAL or SCML have been required to give notice that any of them have been involved in any of the matters identified by licence conditions; namely:
- (a) conviction for an offence involving dishonesty;
  - (b) censure for disciplinary action by a professional body for acts including misconduct;
  - (c) censure in any way in relation to a casino in another jurisdiction;
  - (d) current investigation (other than routine or periodical inspections) by any government or statutory body);
  - (e) bankruptcy, receivership or liquidation.
43. For the following reasons, the Commission is satisfied about the suitability of the Applicants and the named persons with significant influence.
44. The Applicants have extensive relevant experience. SCML has been operating casinos in New Zealand and Australia for more than a decade, including at SCAL's Auckland site. SCML currently has operational responsibility for four of the six casinos in New Zealand.
45. The Commission has had numerous dealings with the Applicants during this time and this past experience provides it with a sufficient basis to be satisfied about their honesty, financial position, business experience and management structure, and about the honesty and business experience of the persons with significant influence.
46. The Secretary has considered the Associated Persons against the requirements of section 124(2) and approved each as an Associated Person. In providing these approvals, the Secretary was required to consider every requirement under section 124(2) (rather than limiting its consultation to specific matters, as the Commission is permitted to do).

47. Section 124(2)(a)(iv) allows the Commission to take into account information provided by the NZ Police and any Government agency. The Commission asked the NZ Police to provide any information of relevance on the abovementioned 14 people and the Applicants. By letter dated 28 October 2015, the Police reported that “there are no adverse comments in relation to the persons identified in the applications.”
48. The Department of Internal Affairs (as a Government agency) raised no issues of concern in relation to the Applicants or the Associated Persons.

*Conducive to the conduct of responsible gambling in the casino*

49. The Applicants also failed to address the responsible gambling requirements in its initial application, but subsequently did so when prompted by the Commission. The Commission was satisfied that approving the Agreement would be conducive to the conduct of responsible gambling at the Auckland casino. The Commission is familiar with SCML’s host responsibility practices, having undertaken a considerable amount of work in this area with SCML over the previous 10 years, including having just completed a comprehensive review of the Responsible Gambling Programme for the Auckland casino. SCML’s host responsibility practices have been described by an international expert as being “of a higher standard than what is offered by ... casinos [in] Australia ... [and] more rigorous than anything offered in the United States, United Kingdom, and Asia.”

*Proposed venue agreement*

50. The proposed venue agreement is based upon an operational venue agreement between SCML and Otago Casinos Limited in relation to the SKYCITY Wharf casino.
51. The Secretary raised no issues in relation to the proposed venue agreement other than to note that an issue may arise if the Agreement is amended before the date that the Regulatory Concessions come into effect, as there could be a period where no agreement is in place at all.
52. The Secretary’s observation was valid when it was made, but events have since overtaken it as the Regulatory Concessions came into effect on 16 November 2015, meaning that there cannot now be a period in which no valid agreement is in place.

**Decision**

53. The Commission approved, pursuant to section 132 of the Gambling Act 2003, the proposed amendments to the Casino venue agreement between SCML and SCAL.
54. The Commission also decided:

- (a) to record and publish the current conditions attached to SCML's operator's licence, including the amendments effected by the NZICCA. A copy of the licence conditions is **attached** with the amendments shown in mark-up.
- (b) to record and publish a composite advisory document which sets out the current legal effect of SCAL's venue licence in the light of NZICCA. A copy of the document is **attached**.

As noted in paragraph 3 above, the Commission has recorded its decisions on the publication of the changes effected by the NZICCA in order to make public its reasoning for the differing treatment of the changes to the operator's licence conditions and the venue licence.

### **Right of appeal**

- 55. Pursuant to section 235 of the Act, a person affected by the decision recorded in paragraph 53 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.

  
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Graeme Reeves  
Chief Gambling Commissioner  
for and on behalf of the  
Gambling Commission



17<sup>th</sup> December 2015

**CONDITIONS ATTACHED TO CASINO OPERATOR'S LICENCE: OPERATION OF CASINO  
AT WELLESLEY, FEDERAL, VICTORIA AND HOBSON STREETS, AUCKLAND<sup>1</sup>**

**Preamble**

1. The following conditions apply to the operation of the Casino Venue by the Licence Holder.
2. The Licence Holder must comply with these conditions. Failure to do so could result in the suspension or cancellation of this Licence.

**Interpretation**

3. Words and expressions in these conditions shall have the same meaning as defined in the Gambling Act 2003.
4. In these conditions:

**Act** means the Gambling Act 2003.

**Authority** means the Casino Control Authority.

**Casino Venue** shall have the same meaning as defined in condition 4 of the casino premises licence issued to Sky Tower Casino Limited and dated 24 April 1995.

**Commission** means the Gambling Commission.

**Gambling Area** means that part of the Casino Venue specified in condition 9 of the venue licence held by SKYCITY Auckland Limited.

**Licence Holder** means SKYCITY Casino Management Limited.

**Secretary** means the Secretary for Internal Affairs.

**Surveillance Standard** means the Surveillance Policy describing the required standard, type, operation and installation of surveillance facilities, approved by the Authority with effect from 5 December 2003, as may be substituted or amended by the Commission from time to time.

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

**<sup>1</sup> The conditions incorporate the amendments effected by section 7 New Zealand International Convention Centre Act 2013 (clause 7.3, New Zealand International Convention Centre Project and Licensing 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.

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.
8. At least two table games, excluding the tables permitted by condition 6A, shall be open for play when the Casino is operating.
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.
10. The approval of the Commission is required prior to the use by the operator of any electronic version of the game types specified in condition 9 above or electronic aids or enhancements or changes to table game rules which create new wagering opportunities.
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.

#### **ATMs, EFTPOS and like devices**

12. A maximum of 10 automatic teller machines are permitted in the Casino Venue outside the Gambling Area.
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.

#### **Security and Surveillance**

18. The Surveillance Standard may be substituted or amended by the Commission at the request of the Secretary, on an application by the Licence Holder, or at its own initiative. The Commission will seek submissions from the Licence Holder, the Secretary and any other affected person before deciding on a proposed substitution or amendment.
19. The Licence Holder shall provide security and surveillance equipment and facilities in the Gambling Area and surveillance areas which shall at all times meet or exceed the Surveillance Standard in whatever form is currently approved by the Commission. The Commission may at any time institute an audit or require the Licence Holder to report on the standard and/or quality of surveillance equipment to ensure it meets or exceeds the Surveillance Standard.
20. The Licence Holder shall obtain the approval of the Commission prior to the introduction into the Casino of new surveillance technology of a type not currently in operation in the casino. Camera upgrades that comply with the requirements of the Surveillance Standard do not require prior approval.

When applying for approval, the Licence Holder shall supply sufficient information to enable the Commission properly to assess the application under the Surveillance Standard. Information will include details relating to equipment type and operation, and the proposed location of equipment. The Licence Holder shall allow the Commission or

staff of the Commission Secretariat, or any other person authorised by the Commission, to test any technology or equipment.

#### **General specifications for cage/chip bank facilities**

21. (i) The Licence Holder shall maintain at least one principal cashiering facility on each level of the gaming floor which is clearly visible to patrons. Each such cashiering facility shall as a minimum requirement include the following:
- (a) accommodation for general cashiers;
  - (b) storage facilities for cashiering inventory;
  - (c) manually triggered and automatic silent alarm systems connected directly to monitor rooms of the surveillance department.
- (ii) The Licence Holder may provide accommodation for chip bank cashiers in the principal cashiering facility which shall be physically separate from general cashiers unless the Commission approves otherwise.
- (iii) Chips and plaques held in reserve and not used for active gaming shall be housed in a locked compartment within the chip bank.
22. The approval of the Commission is required for the construction and relocation of cashiering facilities additional to the principal facility in other parts of the Gambling Area or casino venue. Any such additional facilities must comply with the surveillance equipment requirements set out in the Surveillance Standard and be fitted with manually triggered and automatic silent alarm systems connected to the surveillance department.

#### **Host Responsibility Programme**

23. The Licence Holder shall ensure that the Casino is operated, whether by itself or pursuant to a casino agreement by another licensee, in compliance with the Responsible Gambling Programme approved by the Authority on 1 December 2003, as amended in accordance with the procedure set out below.
24. The Programme shall be consistent with and impose no lesser requirement than specified in the Act or Regulations. The Programme shall address and not be limited to:
- (a) the provision of information for customers relating to game rules, permissible bets and payment of winning bets pursuant to section 175 of the Act;
  - (b) the provision of signage, brochures and publications, and the effective display and distribution of the same, to inform gamblers of the odds of winning, how to gamble

safely, the characteristics of problem gambling and the availability of counselling and other support services;

- (c) a policy for identifying problem gamblers. This policy shall include, as a minimum, the following:
  - (i) an acceptable definition of problem gambling;
  - (ii) indicators of problem gambling in the gambling venue;
  - (iii) the steps to be taken by the Licence Holder in identifying actual or potential problem gamblers;
- (d) the provision of staff training;
- (e) the provision of exclusion, self-exclusion and limitation programmes;
- (f) assistance to casino employees with managing the potential for personal problem gambling;
- (g) recognition of cultural differences amongst gamblers using the Casino, and the need to tailor delivery of host responsibility obligations to maximise effectiveness for customers;
- (h) guidelines for responsible marketing and advertising of the Casino, including exterior signage, and restriction on jackpot advertising and branding pursuant to Regulations 9 and 10 of the Gambling (Harm Prevention and Minimisation) Regulations 2004;
- (i) responsible practices in the conduct of promotions and inducements to gamble at the Casino;
- (j) design of the Gambling Area to minimise problem gambling behaviour and to maximise the likelihood that episodes of problem gambling will be noticed and addressed by staff;
- (k) promotion of the responsible consumption of alcohol, including provision of staff training in responsible service of alcohol;
- (l) standards of dress and behaviour at the casino;
- (m) liaison with community service organisations, patrons with gambling problems, and family members of patrons with gambling problems; and

- (n) such other matters as the Commission may require.
25. The Licence Holder may amend the Programme to include appropriate improvements in the delivery of the existing programme and new host responsibility and responsible gambling initiatives.
26. The Licence Holder shall obtain the prior approval of the Commission for any amendment to the Programme that proposes to reduce or remove any host responsibility and responsible gambling initiative in the Programme.
27. The Licence Holder will report to the Commission annually on the implementation of the Programme commencing on 1 October 2006. The Commission will review the Programme every two years commencing in October 2006. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment.
28. The Licence Holder will co-operate with the Commission in respect of any inquiry or investigation by the Commission to ensure that the operating procedures and practice of the Casino comply with the Programme.
29. The Licence Holder shall comply with the Advertising Standards Authority advertising code of practice for advertising, gambling, and any relevant regulations in respect of the advertising of the gaming activities at the Casino Venue including, for the purposes of this requirement, Fun Play or similar activities which resemble casino gambling.

#### **Intoxicated Persons**

30. The Licence Holder shall not permit an intoxicated person to gamble in the casino.

#### **Notification requirements**

31. The Licence Holder shall notify the Commission and the Secretary in writing as soon as possible of any change in the state of affairs of the Licence Holder which has a significant bearing on the holding of the Casino Operator's licence, including any person ceasing to be an associated person of the Licence Holder.
32. The Licence Holder, immediately on becoming aware of such an occurrence, shall notify the Commission and Secretary in writing if the Licence Holder or an associated person of the Licence Holder is involved in any:
- (a) conviction for an offence involving dishonesty;
  - (b) censure or disciplinary action by a professional body for ethical misconduct;

- (c) censure in any way in relation to a casino in another jurisdiction;
- (d) current investigation (other than routine or periodical inspections) by any governmental or statutory body; and
- (e) bankruptcy, receivership or liquidation.

### **Casino Agreement**

33. The Licence Holder shall not permit any person to operate the Casino otherwise than in accordance with the terms of the approved Management Agreement between the Licence Holder and SKYCITY Auckland Limited and others dated 26 May 1998, as varied by the Variation to Management Agreement dated 13 November 2001, or such variation thereof or further Casino Agreement as may from time to time be approved by the Commission.

### **Audit**

34. The Commission may at any time request access to the Licence Holder's internal audit information or institute an audit of the Licence Holder's Casino business.
35. The Licence Holder shall submit for the approval of the Commission the name of the person or body of persons appointed from time to time by the Licence Holder as Auditor to audit the Casino business. The approval of the Commission shall be revocable at the discretion of the Commission and shall be subject to such conditions as the Commission from time to time imposes.

### **Bank accounts**

36. The Licence Holder shall keep and maintain a bank account or bank accounts as approved by the Commission at a bank or banks in New Zealand for use for all banking transactions relating to the operation of the Casino. The bank account(s) shall be used exclusively for the operation of the Casino.
37. The Licence Holder shall not open any bank account overseas to facilitate, or in connection with, the operation of the Casino without the approval of the Commission.

### **Provision of information**

38. The Licence Holder shall, within such period as the Commission may require, provide to the Commission, or to any person authorised by the Commission to receive the same, such reports or other information as may be specified by the Commission relating to:
- (a) the operations of the Licence Holder or any entity or person associated with the Licence Holder;

- (b) the operation of the Casino; or
- (c) any associated person of the Licence Holder, being information in the possession of the Licence Holder, as may be specified by the Commission in writing from time to time, within such period as the Commission may require.

39. The Licence Holder shall, if required by the Commission, submit for the approval of the Commission samples of gaming guides authorised for distribution to patrons, patron video tapes, films depicting casino play, and a submission stating the true odds, the house odds and house advantage on bets permitted in each authorised game.

### **Training**

40. The Licence Holder shall, if required by the Commission, provide, for persons having, or who will have, functions in relation to any of the following capacities in the Casino, training courses in the performance of those functions.

41. The capacities referred to in paragraph 40 are those relating to:

- (a) counting money or chips derived from or used in gambling;
- (b) moving money or chips derived from or used in gambling;
- (c) buying or redeeming chips;
- (d) operating, maintaining, constructing or repairing gambling equipment;
- (e) the provision of security or surveillance services;
- (f) supervising or managing any of the activities described in paragraphs (a) to (e).

42. The content, format and duration of such courses shall be from time to time approved by the Commission.

### **Entry**

43. The Licence Holder shall allow the Commission or staff of the Commission Secretariat, or any other person authorised by the Commission, to enter and remain in any part of the Casino Venue at any time for the purpose of his or her official duties under the Act.

### **Address for service**

44. The Licence Holder shall file with the Commission an address in New Zealand for the service of notices upon it.

45. The Licence Holder may, by notice given to the Commission, change its address for the service of notices.

**Consolidated 16 November 2015~~11 October 2013~~**

## ANNEX A

### 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 and requirements noted:

Black Jack/Pontoon	44 games
Roulette	24 games
Electronic Roulette	1 game
Caribbean Stud Poker	40 games
Midi-Baccarat	17 games
Mini-Baccarat	7 games
Pai Gow	4 games
Tai Sai (double side)	1 game
Tai Sai (single side)	1 game
Money Wheel (double side)	1 game

#### Notes for Game Mix A

- The Licence Holder is permitted to operate automatic shufflers on 50% of open Black Jack tables, and all Caribbean Stud Poker and Baccarat tables.
- The Electronic Roulette table comprises up to 44 player spaces and no manual table.

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

- The Electronic Roulette tables comprise up to 14 player spaces and no manual table.
- Where table games provide for the use of automatic shufflers, the use of those shufflers shall be discretionary.
- 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 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.

**Note that this is not a formal licence document. It has been published by the Gambling Commission in order to summarise the licence position as a result of amendments pursuant to the New Zealand International Convention Centre Act 2013, which change the legal effect of the issued licence.**

**CASINO CONTROL AUTHORITY  
CASINO PREMISES LICENCE**

Section 31, Casino Control Act 1990

<b>Name of holder of casino premises licence:</b>	Sky Tower Casino Limited
<b>Address of holder of casino premises licence:</b>	Level 9, CML Building, 22-24 Victoria Street, Wellington, New Zealand
<b>Address and description of casino premises</b> (amended pursuant to the judgment in <i>Auckland Casino Limited v Casino Control Authority</i> (M 81/94, High Court, Auckland Registry, 13 July 1994, Robertson J)):	<p>All of the land and buildings bounded by Hobson Street, Wellesley Street West, Federal Street and Victoria Street West, Auckland, New Zealand, being the parcels of land comprising:</p> <ul style="list-style-type: none"><li>(i) All that parcel of land containing 6342 square metres more or less being Lot 1 Deposited Plan 105225 and being Allotments 23, 24, 25, 33, 34, 35 and 43 and part Allotments 19, 20, 21 and 22, Section 22 City of Auckland (Certificate of Title 58A/312 North Auckland Registry);</li><li>(ii) All that parcel of land containing 5513 square metres more or less being Lot 1 Deposited Plan 108126 and being Allotments 26, 27, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42 and part Allotments 12 and 13, Section 22 City of Auckland (Certificate of Title 60C/167 North Auckland Registry);</li><li>(iii) All that parcel of land containing 834 square metres more or less being Part Allotment 13, Section 22 City of Auckland (Certificate of Title 31C/1327 North Auckland Registry)</li></ul> <p>excluding the underground car park, <del>the bus terminal</del>, the Sky Tower and the walkway between the Sky Tower and the casino complex.</p> <p><u>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 (being certificates of title NA58A/312, NA60C/167 and (now) NA98B/746), the additional areas specified below:</u></p>

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:

- (i) All that parcel of land containing 564 square metres more or less being Lot 2 Deposited Plan 52242 (Certificate of Title NA2C/900 North Auckland Registry);
- (ii) All that parcel of land containing 278 square metres more or less being Part Allotment 7, Section 22 City of Auckland (Certificate of Title NA2D/834 North Auckland Registry);
- (iii) All that parcel of land containing 278 square metres more or less being Lot 1 of the subdivision of Allotment 6, Section 22 City of Auckland (Certificate of Title NA84/278 North Auckland Registry);
- (iv) All that parcel of land containing 567 square metres more or less being Part Allotment 6-7, Section 22 City of Auckland (Certificate of Title NA147/129 North Auckland Registry);
- (v) All that parcel of land containing 845 square metres more or less being Part Allotments 6 and 7, Section 22 Town of Auckland (Certificate of Title NA599/2 North Auckland Registry);
- (vi) All that parcel of land containing 281 square metres more or less being Part Allotment 6, Section 22 Town of Auckland (Certificate of Title NA599/3 North Auckland Registry);
- (vii) All that parcel of land containing 278 square metres more or less being Part Allotment 8, Section 22 Town of Auckland (Certificate of Title NA599/4 North Auckland Registry);
- (viii) All that parcel of land containing 329 square metres more or less being Lot 2 Deposited Plan 28234 (Certificate of Title NA818/165 North Auckland Registry);
- (ix) All that parcel of land containing 316 square metres more or less being Lot 1 Deposited Plan 28234 and Part Allotment 5, Section 22 City of Auckland (Certificate of Title NA819/183 North Auckland Registry); and
- (x) All that parcel of land containing 706 square metres more or less being Lot 1 Deposited Plan 46555 (Certificate of Title NA1654/99 North Auckland Registry).

This licence authorises the use of the premises to which it relates as a casino ~~for a period of 25 years commencing with the date on which the operation of the casino commences~~ until 30 June 2048, and shall then expire, unless –

- (a) The holder of the licence sooner surrenders the licence under section 51 of the Casino Control Act 1990; or

- (b) The licence is sooner cancelled by the Casino Control Authority; or
- (c) The licence lapses under section 26 of the Casino Control Act 1990; or
- (d) The licence is renewed under section 34 of the Casino Control Act 1990.

Conditions

This licence is subject to –

- (a) The conditions contained in the Act; and
- (b) The conditions set out in the Schedule to this licence; and
- (c) Any conditions imposed by regulations made under the Casino Control Act 1990; and
- (d) Any directions given by the Casino Control Authority pursuant to section 70 of the Casino Control Act 1990; and
- (e) A condition that the operation of the casino authorised by this licence shall commence within 2 years after the date on which this licence is granted, namely, the 21<sup>st</sup> day of January 1994; and that if the operation of the casino does not commence within that period, this licence shall lapse unless the Casino Control Authority extends that period in accordance with section 26(2) of the Casino Control Act 1990; and
- (f) Any further conditions attached to this licence by the Casino Control Authority pursuant to section 43 of the Casino Control Act 1990 on granting any approval under section 42 of that Act.

Dated this 24<sup>th</sup> day of April 1995

BY the direction of the Casino Control Authority the seal of the Casino Control Authority is hereunto affixed in the presence of: