

**IN THE MATTER** of the Gambling Act 2003  
**AND** on an application by **SKYCITY CASINO MANAGEMENT LIMITED** for approval of a new game mix Annex, Annex B, for the Auckland casino

**BEFORE THE GAMBLING COMMISSION**

Members: G L Reeves (Chief Gambling Commissioner)  
 L M Hansen  
 W N Harvey  
 S C L Pearson

Date of Application: 29 October 2019

Date of Decision: 6 December 2019

Date of Notification of Decision: 11 December 2019

**DECISION ON AN APPLICATION BY SKYCITY CASINO MANAGEMENT LIMITED FOR APPROVAL OF A NEW GAME MIX ANNEX, ANNEX B, FOR THE AUCKLAND CASINO**

**Introduction**

1. SKYCITY Casino Management Limited ("**SCML**") applied to the Commission, under condition 9 of its operator's licence for the Auckland casino, for approval of a new game mix Annex, Annex B, which will operate as an alternative to the existing game mix Annex, Annex A.

**Licence condition**

2. The relevant licence condition is as follows:

**SCML's operator's licence (Auckland)**

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.

### **SCML's submissions**

3. SCML submitted, in summary, as follows:
  - (a) It currently has approved game mixes as set out in Annex A attached to its operator's licence for the Auckland casino.
  - (b) It wants to provide for further game mix variations by adding Annex B as an alternative to Annex A, as provided for by condition 9 of its operator's licence.
  - (c) The additional game mixes accommodate the completion of the construction and design changes currently taking place in the VIP area known as "Eight", and the subsequent redistribution of gambling product across the Gambling Areas of the MGF and Eight.
  - (d) The long term intention is to move permanently to the game mixes set out in Annex B, at which time it will apply to revoke Annex A. However, it wishes to retain Annex A for the time being, as it may choose to revert to the game mixes in this Annex.
  - (e) Annex B is designed to recognise that one additional table will be deployed in Eight, with one less table deployed on the MGF.
  - (f) In addition, it wants to introduce a fifth electronic game in game mixes E-H and offer players the opportunity to place wagers on a manual Baccarat layout as well as via the Baccarat terminals. This arrangement is provided for in the Electronic Baccarat Rules, but doing so will increase the casino gambling opportunities on this game. However, when the game mix with the most player spaces and opportunities from each of the casino's Gambling Areas is combined, the totals continue to be less than the boundaries established by the regulatory benchmark. In this sense, the new game mixes will not increase the overall gambling opportunities in the casino.

### **The Secretary's submissions**

4. The Secretary submitted that SCML's proposal to introduce a fifth electronic game in game mixes E-H on the MGF will increase opportunities on that game, but will not increase the casino's overall gambling opportunities. He has no regulatory concerns with the proposal.

### **Analysis**

5. SCML wants to introduce Annex B as an alternative to its existing approved game mix Annex, Annex A. Annex B sets out a number of game mixes in the various specific areas, including the addition of a fifth electronic game in four game mixes to be deployed on the

MGF at the Auckland casino. In particular, SCML wants to offer its patrons the ability to wager on a Baccarat table as well as the electronic Baccarat terminals.

6. The Commission's approach when considering a new game mix is to compare what is proposed with the approved game mix that provides the most opportunities for casino gambling and form a view, in the round, on whether it will increase opportunities for casino gambling. As the Auckland Casino has multiple Gambling Areas in which only specific game mixes can be deployed, this approach is varied slightly, requiring the Commission to identify the game mix for each Gambling Area that generates the most opportunities, combine them all, and then compare the combined game mix with the game mix that forms the casino's regulatory benchmark.
7. The Commission undertook this exercise and was satisfied, in the round, that no combination of game mixes could be deployed which would increase opportunities for casino gambling at the Auckland casino. The Commission made this assessment on a common-sense basis, in the round, rather than by calculating opportunities based on tables of data or upon a formula.

#### **Decision**

8. The Commission approved Annex B, under condition 9 of SCML's operator's licence for the Auckland casino. Annex B is **attached**.

#### **Right of appeal**

9. 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.



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Graeme Reeves  
Chief Gambling Commissioner

for and on behalf of the  
Gambling Commission

11 December 2019



## ANNEX B

### GAME MIX AS AT 19 SEPTEMBER 2003

Black Jack/Pontoon	44 games
Roulette	24 games
Electronic Roulette	1 game
Caribbean Stud Poker	10 games
Midi Baccarat	17 games
Mini Baccarat	7 games
Pai Gow	4 games
Tai Sai (double sided)	1 game
Tai Sai (single sided)	1 game
Money Wheel (double sided)	1 game
<b>Total:</b>	<b>110 games</b>

#### Notes for Game Mix As At 19 September 2003

1. The Licence Holder is permitted to operate automatic shufflers on 50% of open Black Jack tables, and all Caribbean Stud Poker and Baccarat tables.
2. The Electronic Roulette table comprises up to 14 player spaces and no manual table

### GAME MIX 'A' AUTHORISED BY NEW ZEALAND INTERNATIONAL CONVENTION CENTRE ACT 2013

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
<b>Total:</b>	<b>150 games</b>

#### 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' AUTHORISED BY NEW ZEALAND INTERNATIONAL CONVENTION CENTRE ACT 2013

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
<b>Total</b>	<b>12 games</b>

### 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.

### 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
<b>Total</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>

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
<b>Total</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>

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together with

In gaming salon 88 to the south of the elevators on level 5, any one of the following five table game mixes:

	A3	B3	C3	D3	E3	F3	G3	H3	I3	J3	K3	L3	M3	N3	O3	P3	Q3	R3
Midi Baccarat	5	4	4	3	3	3	2	2	2	2	2	3	3	4	3	3	3	2
Roulette	0	1	0	1	2	0	0	1	1	1	1	1	0	0	0	1	0	1
Black Jack	0	0	1	1	0	2	1	1	1	2	1	0	1	0	0	0	1	1
Mini Baccarat	0	0	0	0	0	0	1	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
3 Card Poker	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0
Poker	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1	1	1
<b>Total</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>

	S3	T3	U3	V3	W3	X3	Y3	Z3	AA3	AB3	AC3	AD3	AE3	AF3
Midi Baccarat	2	2	2	0	0	0	0	0	0	2	2	1	1	0
Roulette	2	0	2	2	3	4	1	5	0	0	3	4	0	0
Black Jack	0	2	1	3	2	1	4	0	5	3	0	0	4	0
Mini Baccarat	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pai Gow	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	0	0	0
Poker	1	1	0	0	0	0	0	0	0	0	0	0	0	5
<b>Total</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>

In the gaming salon 81 to the north of the elevators on level 5, any one of the following six table game mixes:

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
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	2	2	2	2	2	2	2	0	0
<b>Total</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>

in conjunction with

The gaming area salon 81A to the north of the elevators on level 5, any one of the following two table game mixes:

	A4A	B4A	C4A	D4A	E4A	F4A	G4A	H4A	I4A	J4A	K4A	Z4A
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
<b>Total</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>

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	F5
Midi Baccarat (9 Box)	10	10	10	10	10	10
Midi Baccarat (7 Box)	4	4	4	6	5	7
Roulette	3	4	4	2	4	2
Electronic Roulette/Tai Sai/Baccarat	1	1	0	0	0	0
Blackjack (7 Box)	4	3	4	4	3	3
<b>Total</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>22</b>

together with

**In the gaming salon Grand Horizon 8 on level 7 of the Grand Hotel, any one of the following four table game mixes:**

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	
	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Midi Baccarat	4	3	3	2	2	2	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	
<b>Total</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	

together with

**In the gaming salon Grand Horizon 18 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
<b>Total</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>

together with

**In the gaming salon Grand Horizon 68 on level 7 of the Grand Hotel, any one of the following two 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
<b>Total</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>

together with

**In all Gambling Areas other than the five 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 102 table game mixes:**

	A9	B9	C9	D9	E9	F9	G9	H9
Money Wheel (double side)	1	1	1	1	1	1	1	1
Tai Sai (single side)	4	5	4	5	4	5	4	5
Pai Gow	2	2	1	1	2	2	1	1
Caribbean Stud Poker	3	3	3	3	3	3	3	3
Midi Baccarat	22	21	20	20	22	21	20	20
Poker	10	10	15	15	10	10	15	15
Electronic Roulette/Tai Sai/Baccarat	4	4	4	4	4	4	4	4
Electronic Roulette/Tai Sai/Baccarat & Manual Baccarat	0	0	0	0	1	1	1	1
Mini Baccarat	7	7	7	7	6	6	6	6
Roulette	20	20	18	18	20	20	18	18
Black Jack (7 Box)	20	21	20	20	17	19	21	20
Black Jack (5 Box)	1	0	1	0	4	2	0	0
3 Card Poker	3	3	3	3	3	3	3	3
Ultimate Texas Hold'em	3	3	3	3	3	3	3	3
Lunar Poker	1	1	1	1	1	1	1	1
Snake Eyes	1	1	1	1	1	1	1	1
<b>Total</b>	<b>102</b>	<b>102</b>	<b>102</b>	<b>102</b>	<b>102</b>	<b>102</b>	<b>102</b>	<b>102</b>

**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 or (where permitted by the Baccarat rules) dealing style D.
4. All Midi Baccarat games in salon 81, 81A, 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 the games may be used interchangeably. When relying on game mixes E-H on the MGF (E9-H9), the licence holder may offer players the option of placing wagers on a 7 box manual Baccarat layout as well as via the electronic terminals used in the game of Electronic Baccarat.
6. The number of player spaces at poker tables (other than Caribbean Stud Poker, Ultimate Texas Hold'em and 3-Card Poker) may not exceed 10, even if game rules provide for more.
7. Electronic dice tumblers may be used on any Tai Sai game and U-Spin devices approved by the Department of Internal Affairs may be used on any Roulette games.
8. To facilitate design and construction work in the area designated as Eight, the Licence Holder may deploy some of the 22 tables that are deployed in Eight to another gambling area subject to the Commission's prior approval of a floor plan and provided that:



- (i) the total tables operated across these two locations does not exceed 22 and
  - (ii) the game mix that is deployed has been approved for the area designated as Eight.
9. To facilitate design and construction work in the VIP Salon 82 Sth and VIP Salon 86 Sth on level 5 of the casino venue, the Licence Holder may deploy one or both tables from these respective locations to the Gambling Areas on level 7 of the Grand Hotel, known as Grand Horizon 8 and Grand Horizon 18 subject to the Commission's prior approval of a floor plan provided that:
- (i) the total tables operated across these four locations does not exceed 11 and
  - (ii) any tables redeployed from VIP Salon 82 and VIP Salon 86 to the Grand Horizon Salons form part, or all, of a game mix that has been approved for VIP Salon 82 or VIP Salon 86.

Notes 8 and 9 will cease to be valid from 1 May 2020.

