

# Casino loses case for faster gambling machines

SkyCity has lost an attempt to get the right to speed up play on the games and machines at its Auckland casino.

High Court Justice Mark Cooper has ruled that the Gambling Act's ban on any increase in opportunities for casino gambling cannot be restricted merely to increased numbers of games or machines and player spaces, and new kinds of gambling.

In particular, he said the Gambling Commission was right to consider changes in playing speeds and increased floor space and table size even if those changes were designed purely to relieve congestion without any rise in the numbers of gamblers.

SkyCity has filed an appeal to the Court of Appeal.

Media relations manager Rosalie Nelson said it was „quite normal“ to seek judicial clarification of new laws such as the Gambling Act, which was passed in 2003.

The company, which owns or part-owns five of the country's six casinos, sought a declaratory judgment from the High Court on the definition of an „increase in the opportunities for casino gambling“ after the Gambling Commission turned down its application for changes at the Auckland casino.

It originally sought approval to change its mix of games in a way that would have provided space for seven more players.

The company argued that this increase was offset by the facts that it was using less than its allowable number of places on other games, and planned to replace fast games with slower games.

It told the High Court that game speed was not, in any case, a

factor promoting an increase in gambling opportunities.

The Gambling Act states that an increase in opportunities for gambling „includes but is not limited to“ increases in the numbers of games or machines or player space.

SkyCity lawyers Alan Galbraith, QC, and Gillian Coumbe contended that this clause would be unworkable if it were interpreted as including increased game speed, because speed was affected by the players' behaviour and other factors and could not be compared between different games.

Justice Cooper accepted expert evidence that quantifying game speed was „very difficult“.

However, he said said the Gambling Commission was right to consider it with all other factors that might affect opportunities to gamble.

„In the end, one simply has to construe the statutory provision in accordance with the words used and in the light of the perceived intention of the legislature,“ he said.

„If that exercise results in a restriction on property rights, that is simply a consequence which necessarily follows and a price that individuals have to meet.“