

IN THE MATTER of the Gambling Act 2003

AND on a proposal by the Gambling Commission to vary condition 16 of the venue licence for **SKYCITY HAMILTON LIMITED**

BEFORE THE GAMBLING COMMISSION

Members: P Chin (Chief Gambling Commissioner)
M M Lythe
P J Stanley
G L Reeves

Date of Proposal: 19 February 2010

Date of Decisions: 16 April 2010, 14 May 2010

Date of Notification
of Decisions: 17 May 2010

**DECISION
ON A PROPOSAL BY THE GAMBLING COMMISSION
TO VARY CONDITION 16 OF THE VENUE LICENCE
FOR SKYCITY HAMILTON LIMITED**

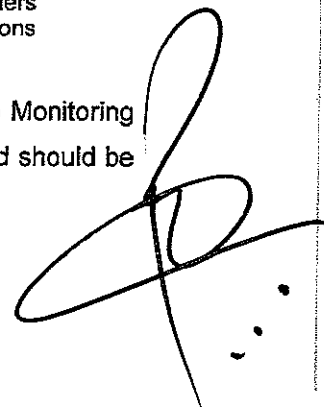
Proposal

- 1 At its meeting on 19 February 2010, the Commission resolved to consider, at a future meeting of the Commission, a proposal on its own initiative, under section 139 of the Gambling Act 2003 (the "Act"), to vary condition 16 of the venue licence held by SKYCITY Hamilton Limited ("**SHL**"), in the manner shown in mark-up below:

Community Liaison~~Casino Monitoring~~ Group

The Licence Holder will meet the reasonably incurred costs (or such share thereof as the Commission considers appropriate) of the Hamilton Community Liaison~~Casino Monitoring~~ Group established under licence conditions by the Authority. The convenor of the Group shall be appointed by the Commission. The membership of the Group shall be determined by the convenor, it being expected that representatives will be sought from the Hamilton City Council, non-governmental welfare agencies operating in Hamilton, Hamilton churches, Hamilton police, Hamilton Chamber of Commerce, Ministry of Social Development (Hamilton), Tainui, and problem gambling treatment providers. The function of the Group is, where requested, to represent community views in the course of consultation and liaison activities undertaken by the Licence Holder, the Commission, the Secretary, and other entities, as the case may be, relating to gambling at the casino. The Group may participate in such consultation and liaison activities to the extent it considers necessary to represent community views and may undertake its own consultations and enquiries for that purpose.

- 2 The reason for the proposal was that the current title of the "Hamilton Casino Monitoring Group" (the "**Group**"), does not accurately reflect the function of the Group and should be varied to do so.



- 3 The Commission notified SHL, the Secretary for Internal Affairs (the "Secretary") and the Group of its proposal, under section 140 of the Act, receiving submissions from each

Relevant sections of the Act

- 4 The relevant sections of the Act are 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)

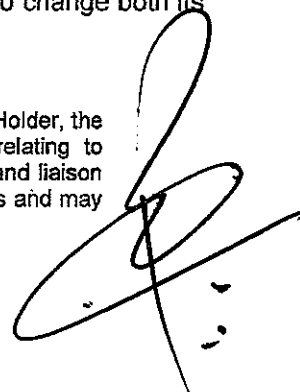
140. Procedure for specifying, varying, or revoking casino licence conditions

- (1) The Gambling Commission must notify the holder of the relevant casino licence, the Secretary, and any other person who it considers is affected by a proposal to specify, vary, or revoke the conditions of a casino licence
- (2) Notification under subsection (1) must include—
- (a) the reason for the proposal; and
 - (b) the procedure to be followed before the Gambling Commission makes a decision relating to the proposal.
- (3) The holder of the casino licence, the Secretary, and any other person affected may make written submissions to the Gambling Commission concerning the proposal within 20 working days after the date of the notice under subsection (1) or within any longer period that the Gambling Commission allows
- (4) The Gambling Commission must consider any submissions made under subsection (3) and may, if it considers it appropriate, seek comment from the casino licence holder on the submissions received from the Secretary or other persons affected.
- (5) The Gambling Commission must notify the holder of the casino licence, the Secretary, and other persons affected of—
- (a) its decision concerning the proposal and the reasons for the decision; and
 - (b) the right to appeal the decision and the process for an appeal

Submissions

- 5 Both the Secretary and SHL submitted that the Commission's proposal was appropriate. The Group reiterated an earlier request to amend the licence condition to change both its name and its functions. Its proposed amendment was as follows:

The function of the Group is, to represent community views to the Licence Holder, the Commission, the Secretary and other entities, as the case may be, relating to gambling at the casino. The Group may participate in such consultation and liaison activities to the extent it considers necessary to represent community views and may



undertake its own consultation and enquiries for the purpose of ensuring that the community has input into any activities of the casino that may have some impact on that community

- 6 The Group submitted that its name should be changed to "Casino Advisory Group"

Analysis

- 7 On 25 November 2009, the Group wrote to the Commission requesting that its functions be extended and that its name be changed. The Commission resolved at its February 2010 meeting that the Group's functions should not change, but that its name should more accurately reflect what the licence condition requires of the Group. The Commission therefore proposed, on its own initiative, that the Group's name be changed to "Community Liaison Group", with the licence condition amended accordingly.

- 8 The Commission considered the proposal to be sensible and reflective of the Group's function.

Decision

- 9 The Commission decided to amend condition 16 of the venue licence (to change the name of the Casino Monitoring Group to "Community Liaison Group"), under section 139 of the Act.

Right of Appeal

- 10 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.

**GAMBLING
COMMISSION**

Peter Chip
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

17 May 2010