

IN THE MATTER of the Gambling Act 2003
AND on a proposal by the Gambling Commission to vary licence conditions and on an application by **OTAGO CASINOS LIMITED** for approval of its Responsible Gambling Programme

BEFORE THE GAMBLING COMMISSION

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

Date of Application: 28 March 2006 (amended 10 August 2006)

Date of Proposal: 12 September 2006

Date of Decision: 13 October 2006

Date of Notification of Decision: 20 October 2006

DECISION
ON A PROPOSAL BY THE GAMBLING COMMISSION TO VARY LICENCE CONDITIONS AND ON AN APPLICATION BY OTAGO CASINOS LIMITED FOR APPROVAL OF ITS RESPONSIBLE GAMBLING PROGRAMME

Introduction

1. Otago Casinos Limited (the "**Applicant**") applied to the Gambling Commission (the "**Commission**"), under condition 8.1 of its operator's licence and condition 5.1 of its venue licence (the "**Conditions**"), for approval of its Responsible Gambling Programme ("**RGP**").
2. The licence conditions provide for the Applicant to submit its RGP for approval by the Casino Control Authority (the "**CCA**"). In order for the Commission to exercise the approval powers formerly exercised by the CCA, it is necessary to amend the licence conditions to substitute "Commission" for "Authority".

3. On 12 September 2006, the Commission proposed to initiate a variation of the licence conditions (to substitute "Commission" for "Authority") and to invite submissions on the proposal from the licence holders and the Secretary for Internal Affairs (the "**Secretary**").

Gambling Act 2003 and Licence Conditions

4. The proposal to vary the licence conditions is made under section 139 of the Gambling Act 2003 (the "**Act**").
5. Licence condition 8 of the Applicant's operator's licence provides as follows:

8. Responsible gambling programme

- 8.1 The licence holder shall, before the casino begins operating, and thereafter annually before the beginning of the licence holder's financial year, submit for the approval of the Authority a responsible gambling programme, which the Authority may at its discretion approve or not approve. The Authority's approval may be subject to such conditions as it thinks fit.
- 8.2 The programme shall provide for:
- (a) signage, brochures and publications to inform gamblers of counselling and other support services,
 - (b) a self-exclusion programme for problem gamblers,
 - (c) guidelines for responsible marketing and advertising of the casino, including exterior casino signage,
 - (d) liaison with community services organisations, whether through the community liaison group established pursuant to the casino premises licence relating to the casino or otherwise, patrons with gambling problems and family members of patrons with gambling problems,
 - (e) responsible practices in the conduct of promotions and inducements to gamble at the casino,
 - (f) training in the responsible provision of gambling for casino staff and management who are in direct contact with patrons in the course of their duties in the casino,
 - (g) standards of dress and behaviour in the casino,
 - (h) reporting to the Authority on the operation of the programme, and
 - (i) such other matters as the Authority may require;
- 8.3 The programme may from time to time be amended, subject to the Authority's approval, which may be subject to such conditions as the Authority thinks fit;
- 8.4 The operating procedures for the casino shall comply with the requirements of the programme, as approved by the Authority from time to time;
- 8.5 Where the Authority is unwilling to approve a programme it shall provide its reasons in writing and invite submissions from the licence holder before making a final decision on the suitability of the programme.

6. Licence condition 5.1 of the Applicant's venue licence includes similar requirements.

Submissions by the Applicant

7. The Applicant supported the Commission's proposal to vary the licence conditions to substitute "Commission" for "Authority".

Submissions by the Secretary

8. The Secretary had no objection to the Commission's proposal to vary the licence conditions and submitted that a review of the Applicant's draft RGP highlighted no major issues requiring immediate action.

Analysis

9. In March 2006, the Applicant submitted an RGP for Commission approval which contained outdated references to the CCA, and omitted to refer to the Gambling Act or the Gambling (Harm Prevention and Minimisation) Regulations 2004.
10. The Commission required the Applicant to update its RGP and resubmit it for Commission approval. The Applicant did this in August 2006.
11. The Applicant's licence conditions provided for the CCA to approve the RGP. In order for the Commission to exercise the approval powers formerly exercised by the CCA, it was necessary to amend licence conditions 5 and 8 (to substitute "Commission" for "Authority"). At its September 2006 meeting, the Commission proposed, on its own initiative, to vary these conditions, pursuant to section 139(1)(e) of the Act, and invited submissions from the Applicant and the Secretary. Both parties supported the variations.
12. The licence conditions stipulate the matters that the RGP must address as a minimum. The Commission was satisfied that the RGP addressed these matters, and included additional host responsibility measures, which the Commission was supportive of.
13. The Commission noted that the Applicant's host responsibility licence conditions would likely be amended in the future to be brought into line with the requirements of the Gambling Act 2003, following a general review of the Applicant's licence conditions.

Decision

14. The Commission decided unanimously to:
- (a) amend condition 5.1 of the venue licence and conditions 8.1-8.5 of the operator's licence, to substitute "Commission" for "Authority";
 - (b) approve the Applicant's RGP.

15. Licence condition 8 of the operator's licence now reads as follows:

8. Responsible gambling programme

- 8.1 The licence holder shall annually, before the beginning of the licence holder's financial year, submit for the approval of the Commission a responsible gambling programme, which the Commission may at its discretion approve or not approve. The Commission's approval may be subject to such conditions as it thinks fit.
- 8.2 The programme shall provide for:
- (a) signage, brochures and publications to inform gamblers of counselling and other support services,
 - (b) a self-exclusion programme for problem gamblers,
 - (c) guidelines for responsible marketing and advertising of the casino, including exterior casino signage,
 - (d) liaison with community services organisations, whether through the community liaison group established pursuant to the casino premises licence relating to the casino or otherwise, patrons with gambling problems and family members of patrons with gambling problems,
 - (e) responsible practices in the conduct of promotions and inducements to gamble at the casino,
 - (f) training in the responsible provision of gambling for casino staff and management who are in direct contact with patrons in the course of their duties in the casino,
 - (g) standards of dress and behaviour in the casino,
 - (h) reporting to the Commission on the operation of the programme, and
 - (i) such other matters as the Commission may require;
- 8.3 The programme may from time to time be amended, subject to the Commission's approval, which may be subject to such conditions as the Commission thinks fit;
- 8.4 The operating procedures for the casino shall comply with the requirements of the programme, as approved by the Commission from time to time;
- 8.5 Where the Commission is unwilling to approve a programme it shall provide its reasons in writing and invite submissions from the licence holder before making a final decision on the suitability of the programme.

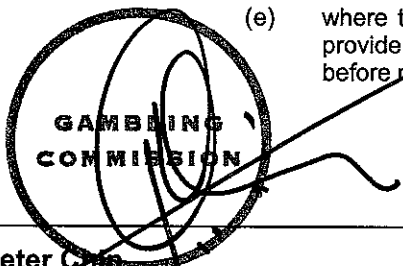
16. Licence condition 5 of the operator's licence now reads as follows:

5.1 Responsible gambling programme

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 following conditions:

- (a) the operator of the casino shall annually, before the beginning of the operator's financial year, submit for the approval of the Commission a responsible gambling programme, which the Commission may at its discretion approve or not approve. The Commission's approval may be subject to such conditions as it thinks fit;

- (b) the programme shall provide for:
- (i) signage, brochures and publications to inform gamblers of counselling and other support services,
 - (ii) a self-exclusion programme for gamblers with problems,
 - (iii) guidelines for responsible marketing and advertising of the casino, including exterior casino signage,
 - (iv) liaison with community services organisations, whether through the community liaison group or otherwise, patrons with gambling problems and family members of patrons with gambling problems,
 - (v) responsible practices in the conduct of promotions and inducements to gamble at the casino,
 - (vi) training in the responsible provision of gambling for casino staff and management who are in direct contact with patrons in the course of their duties in the casino,
 - (vii) standards of dress and behaviour in the casino,
 - (viii) reporting to the Commission on the operation of the programme, and
 - (ix) such other matters as the Commission may require;
- (c) the programme may from time to time be amended, subject to the Commission's approval, which may be subject to such conditions as the Commission thinks fit;
- (d) the operating procedures for the casino shall comply with the requirements of the programme, as approved by the Commission from time to time;
- (e) where the Commission is unwilling to approve a programme it shall provide its reasons in writing and invite submissions from the operator before making a final decision on the suitability of the programme.



Peter Chin
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

20 October 2006