

IN THE MATTER of the Gambling Act 2003
AND on an application by **DUNEDIN CASINOS LIMITED** to amend condition 14 of its venue licence

BEFORE THE GAMBLING COMMISSION

Members: S W Hughes KC (Chief Gambling Commissioner)
S C L Pearson
S T Shaw

Date of Application: 9 September 2025

Dates of Decision: 4 December 2025

Date of Notification of Decision: 20 April 2026

**DECISION ON AN APPLICATION BY DUNEDIN CASINOS LIMITED TO AMEND
CONDITION 14 OF ITS VENUE LICENCE**

Introduction

1. Dunedin Casinos Limited (“**DCL**”) applied to the Commission to amend condition 14 of its venue licence. DCL made the application because it wants to establish a new charitable trust in substitution for its existing charitable trust.
2. The Commission invited submissions on DCL’s proposal from the Secretary for Internal Affairs (the “**Secretary**”), PGF Services and Dunedin City Council. It received a response only from the Secretary.

Licence condition

3. The relevant licence condition, with the proposed amendments in mark-up, is as follows:

Venue licence

14. The Licence Holder shall financially support the Dunedin Casinos Charitable Community Trust established by the Deed of Trust dated ~~16 June 2000~~ [insert exact date that new Trust established] to undertake the objectives and purposes set out in the said Trust Deed. The Licence Holder shall pay to the Trust, in respect of each full year of casino operations, commencing 1 April 2026~~5~~, not less than 1% of the Casino Win. The Licence Holder is required to provide annually to the Commission an audited statement certifying the amount constituting 1% of the Casino Win, the amount paid by the Licence Holder to the Trust, and confirming that payment by the Licence Holder to the Trust has been made in accordance with this condition 14.

4. DCL also proposed to amend the definition of “Trust”, as follows:

Trust means the Dunedin Casinos Charitable Community Trust set up under the ~~Trust Deed of Charitable Trust~~ dated ~~46 June 2000~~ [insert exact date that new Trust established], ~~between Polson Higgs Nominees Limited and Dunedin Casinos Limited~~, as may be varied with the approval of the Commission.

Relevant sections of the Act

5. The relevant sections of the Gambling Act 2003 (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 purpose 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.

DCL's submissions

6. DCL submitted, in summary, as follows:
 - (a) It wants to replace its current charitable trust, the Dunedin Casino Charitable Trust, with a new charitable trust, the Dunedin Casinos Charitable Community Trust. It wants to make the change in order to reduce the payments for external trustee services.
 - (b) The current trustee has been advised of the proposed change, and a new individual has consented to act as trustee for the new trust. The current trustee will work with DCL to transition from the current trust to the new trust and new trustee.

Secretary's response to the Commission

7. In response to the Commission's invitation, the Secretary informed it that he had considered DCL's proposal and saw no reason to object. As such, he said that would not be providing a written submission to the Commission.

Analysis

8. DCL's application to amend condition 14 and the definition of "Trust" raised no issues of regulatory concern for the Commission. The proposed amendments are to replace references to the original trust with references to a new trust to be formed, in order to reduce costs (which would otherwise reduce the amounts available for distribution to the community from the contributions required to be paid by DCL).
9. In order to allow the Commission to consider the implications of the proposed change, DCL provided a copy of the proposed new Deed of Trust for the Commission to review. Although neither the Act nor licence conditions provide for direct approval of the terms of a deed of trust, DCL was right to have done so. The proposal involved ending DCL's obligations to make contributions to the original trust. The trust deed, which is likely to have been reviewed by the Casino Control Authority before granting the original casino premises licence containing the original contribution obligation, so the acceptability of the terms of the proposed new trust deed was a relevant consideration.
10. The Commission exercises ongoing control over all casino licence conditions, through section 139 of the Act. That includes whether the current casino venue licence conditions for

community contributions continue to be appropriate, a consideration that encompasses sufficient satisfaction with the structure and operation of the current community benefits distribution arrangements.

11. Following the Commission's consideration of this matter, it asked DCL to provide it with a copy of the finalised and incorporated Trust Deed, so that the appropriate date could be included within the amended licence conditions. DCL provided a copy of the deed, which was dated 16 March 2026.

Decision

12. The Commission amended condition 14 of DCL's venue licence and the definition of "Trust" to recognise the name and date of the new Trust. The definition of "Trust" and condition 14 now provide as follows:

14. The Licence Holder shall financially support the Dunedin Casinos Charitable Community Trust established by the Deed of Trust dated 16 March 2026 to undertake the objectives and purposes set out in the said Trust Deed. The Licence Holder shall pay to the Trust, in respect of each full year of casino operations, commencing 1 April 2026, not less than 1% of the Casino Win. The Licence Holder is required to provide annually to the Commission an audited statement certifying the amount constituting 1% of the Casino Win, the amount paid by the Licence Holder to the Trust, and confirming that payment by the Licence Holder to the Trust has been made in accordance with this condition 14.

Trust means the Dunedin Casinos Charitable Community Trust set up under the Deed of Charitable Trust dated 16 March 2026, as may be varied with the approval of the Commission.

Right of appeal

13. 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 the notice of the Commission's decision, or any longer period that the High Court may allow.



Susan Hughes KC
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

20 April 2026

