

IN THE MATTER of the Gambling Act 2003

AND on an application by **SKYCITY HAMILTON LIMITED** for approval of a new sign for the Auckland casino

BEFORE THE GAMBLING COMMISSION

Members: G L Reeves (Chief Gambling Commissioner)
P J Stanley
L M Hansen
R D Bell
A K Foote

Date of Application: 4 July 2012

Date of Decision: 13 July 2012

Date of Notification
of Decision: 19th July 2012

**APPLICATION BY SKYCITY HAMILTON LIMITED
FOR APPROVAL OF A NEW SIGN FOR THE HAMILTON CASINO**

Introduction

1. SKYCITY Hamilton Limited ("**SCHL**") applied to the Commission for approval to add a new, temporary, sign at the entrance to the Hamilton casino, under condition 6(c) of SCHL's venue licence.
2. The Commission sought submissions on the application from the Secretary for Internal Affairs (the "**Secretary**") and the Problem Gambling Foundation ("**PGF**"), receiving responses from both.

Relevant licence condition

3. The relevant licence condition is as follows:

SCHL's venue licence

6. The Licence Holder must obtain the approval of the Commission prior to:

(a) ...

(b) ...



- (c) the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue.

The process by which the Licence Holder may obtain approval for construction or design changes to Level 1 of the casino venue (6(a) above) is set out in condition 7. The Commission will determine any application for approval under 6(b) and (c).

Submissions by SCHL

4. SCHL submitted, in summary, as follows:
 - (a) Condition 6(c) of its venue licence requires it to obtain Commission approval prior to the addition or alteration of signage relating to the casino business on the exterior of the casino venue.
 - (b) It wants to erect a sign at the entrance to the Hamilton casino on Victoria Street. However, the Hamilton casino does not have an exterior on Victoria Street as the casino is contained within a wider complex, and it is the complex which has its exterior on Victoria Street.
 - (c) It is therefore unsure if Commission approval is required to erect its sign, but if it is, it seeks that approval.
 - (d) The sign is 2440mm x 900mm, and will be erected from the time it receives the Commission's approval (should approval be given) until the promotion ends on 13 September 2012.

The Secretary's submissions

5. The Secretary submitted that he had no regulatory concerns with SCHL's proposal.

PGF's submissions

6. Before addressing the application substantively, PGF requested additional information on the proposal. On receipt of that information, PGF stated that it would not make a submission.

Analysis

7. SCHL was unsure whether it required Commission approval for its proposal as such approval is required only for signs relating to the casino business that are to be affixed to the exterior of the casino venue. SCHL's proposed location for the sign is not the exterior

of the casino venue, strictly speaking, but rather is at the exterior of a larger building within which the casino is located.

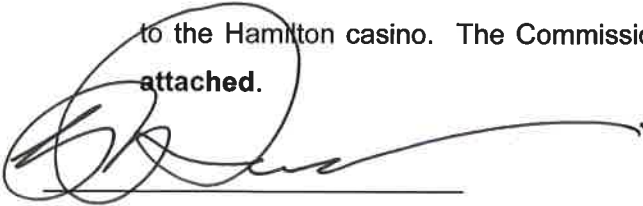
8. The Commission's view is that the intent of condition 6(c) is clear, and that Commission approval is required for SCHL's proposal.
9. Condition 6(c) was attached to the Venue Licence for the Hamilton casino to allow the Commission to maintain oversight over any casino related signage that SCHL may want to erect on the exterior of the casino. The condition was attached following a full review of licence conditions for the Hamilton casino in 2007, and was taken directly from the equivalent condition for the Auckland casino. However, unlike the Auckland casino (which has a dedicated building), the Hamilton casino is housed within a larger building which has a Victoria Street exterior.
10. There was never any discussion during the review of Hamilton's licence conditions that, by reason of that difference, condition 6(c) may not have the same effective application in Hamilton as it does in Auckland, and it was attached to Hamilton's venue licence without amendment.
11. In its deliberations on this application, the Commission noted that an identically worded condition 6(c) was also attached to the venue licences for the Christchurch, Dunedin and two Queenstown casinos. As such, the issue that this application has identified may arise elsewhere should those casinos seek to add signs that relate to their casino business on the exterior of the building in which the casino is located in an area which is not an exterior wall of the casino itself. This is because all these casinos, except for Christchurch, form part of a wider complex with the exterior of the casino venue not necessarily being the exterior of the complex.
12. The Commission will therefore propose, on its own initiative, to amend condition 6 for all casinos in NZ to clarify the issue that this application has identified. The Commission will also propose an amendment to allow the Executive Director to approve the addition of uncontroversial signs on casinos, as is already in place for the Auckland casino.
13. SCHL's proposed sign raised no issues of regulatory concern for the Commission. The Commission therefore approved SCHL adding the proposed sign in the proposed location. The sign is to be removed following completion of the promotion.

DECISION OF THE COMMISSION

14. The Commission decided that Commission approval is required, under condition 6(c) of SCHL's venue licence, for SCHL to add the proposed sign at the Victoria Street entrance



to the Hamilton casino. The Commission granted that approval. The proposed sign is attached.



Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

19th July 2012



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