

IN THE MATTER of the Gambling Act 2003

AND on a proposal by the Gambling Commission to vary host responsibility licence conditions for the Auckland, Hamilton, Christchurch, Dunedin, Queenstown and Wharf casinos

BEFORE THE GAMBLING COMMISSION

Members: G L Reeves (Chief Gambling Commissioner)
L M Hansen
W N Harvey
S C L Pearson

Date of Proposal: 6 June 2019

Date of Decision: 2 August 2019

Date of Notification of Decision: 9 August 2019

**DECISION ON A PROPOSAL BY THE GAMBLING COMMISSION
TO VARY HOST RESPONSIBILITY LICENCE CONDITIONS FOR THE AUCKLAND,
HAMILTON, CHRISTCHURCH, DUNEDIN, QUEENSTOWN AND WHARF CASINOS**

Introduction

1. At its meeting on 16 May 2019, the Gambling Commission resolved to consider, at a future meeting of the Commission, a proposal on its own initiative, under section 139(1)(e) of the Gambling Act 2003 (the "**Act**"), to vary host responsibility licence conditions attached to the operator's licences for the Auckland, Hamilton, Christchurch, Dunedin, Queenstown and Wharf casinos. The Commission proposed to extend the period between the reviews of the Host Responsibility Programmes ("**HRP**") for each casino, from every two years to every three years.
2. The current licence conditions, with the proposed amendments shown in mark-up, are as follows:

SCML's operator's licence – Auckland casino

27. The Licence Holder will report to the Commission annually on the implementation of the Programme commencing on 1 October 2006. The Commission will review the Programme every ~~two~~three years commencing in October 2006. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment.

SCML's operator's licence – Hamilton casino

29. The Licence Holder will report to the Commission annually, commencing on 1 October 2007, on the implementation of the Programme, and any amendments made to it pursuant to condition 27. The Commission will review the Programme at least every ~~two~~three years, the next revision of the Programme to be submitted to the Commission by 1 October 2007 or such later date as the Commission may approve. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment. For the avoidance of doubt, the Commission may amend the Programme at any time, having consulted with the Licence Holder and interested parties, as appropriate.

CCL's operator's licence – Christchurch casino

29. The Licence Holder will report to the Commission annually, commencing on 1 July 2009, on the implementation of the Programme and any amendments made to it pursuant to condition 27. The Commission will review the Programme at least every ~~two~~three years, the next revision of the Programme to be submitted to the Commission by 1 July 2009 or such later date as the Commission may approve. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment. For the avoidance of doubt, the Commission may amend the Programme at any time, having consulted with the Licence Holder and interested parties, as appropriate.

DCML's operator's licence – Dunedin casino

29. The Licence Holder will report to the Commission annually, commencing on 1 December 2008, on the implementation of the Programme and any amendments made to it pursuant to condition 27. The Commission will review the Programme at least every ~~two~~three years, the next revision of the Host Responsibility Programme to be submitted to the Commission commencing on 1 December 2008 or such later date as the Commission may approve. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment. For the avoidance of doubt, the Commission may amend the Programme at any time, having consulted with the Licence Holder and interested parties, as appropriate.

SCML's operator's licence – Queenstown casino

29. The Licence Holder will report to the Commission annually, commencing on 1 October 2007, on the implementation of the Programme, and any amendments made to it pursuant to condition 27. The Commission will review the Programme at least every ~~two~~three years, the next revision of the Programme to be submitted to the Commission by 1 October 2007 or such later date as the Commission may approve. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment. For the avoidance of doubt, the Commission may amend the Programme at any time, having consulted with the Licence Holder and interested parties, as appropriate.

SCML's operator's licence – Wharf casino

28. The Licence Holder will report to the Commission annually, commencing on 1 December 2008, on the implementation of the Programme and any amendments made to it pursuant to condition 26. The Commission will review the Programme at least every ~~two~~three years, the next revision of the Host Responsibility Programme to be submitted to the Commission commencing on 1 December 2008 or such later date as the Commission may approve. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment. For the avoidance of doubt, the Commission may

amend the Programme at any time, having consulted with the Licence Holder and interested parties, as appropriate.

3. The Commission sought submissions on its proposal from SKYCITY Casino Management Limited (“**SCML**”), Christchurch Casinos Limited (“**CCL**”), Dunedin Casinos Management Limited (“**DCML**”), the Secretary for Internal Affairs, Ministry of Health (“**MoH**”), Problem Gambling Foundation and the Salvation Army/Oasis. It received submissions from MoH, SCML, CCL, DCML and the Secretary.

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) ...
 - (b) ...
 - (c) ...
 - (d) ...
 - (e) on its own initiative or on the request of the Secretary.

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.

MoH’s submissions

5. MoH submitted that reviewing the HRP’s every three years would be adequate.

SCML's submissions

6. SCML submitted that it supports the proposal for the reasons identified by the Commission.

CCL's submissions

7. CCL submitted that the proposal makes sense and reflects the greater maturity that the casinos have in relation to host responsibility activities.

DCML's submissions

8. DCML submitted that it supports the proposal as most of the recent HRP amendments have been minimal.

Secretary's submissions

9. The Secretary submitted that he had no concerns with the proposal.

Analysis

10. The Commission undertook a general review of licence conditions for each casino, commencing with the Auckland casino in 2006. At that time, the Commission amended the host responsibility licence conditions for each casino, resulting in licence condition 27 being attached to SCML's operator's licence for the Auckland casino, condition 29 being attached to SCML's operator's licence for the Hamilton casino, condition 29 being attached to the operator's licence for CCL's Christchurch casino, condition 29 being attached to DCML's operator's licence for the Dunedin casino, condition 29 being attached to SCML's operator's licence for the Queenstown casino and condition 28 being attached to SCML's operator's licence for the Wharf casino.
11. The licence conditions require the Commission to review the HRP for each casino every two years. The Commission has undertaken numerous reviews for each casino since specifying these licence conditions.
12. It has become apparent to the Commission, from recent HRP reviews for each casino, that the resulting amendments have become less substantive over time and more in the nature of minor refinements of the existing Programmes.
13. The Commission formed the view that the value in reviewing the HRPs every two years has reduced and that reviewing them every three years rather than every two years, would be adequate. Undertaking a review more frequently than every three years as a matter of course seemed not to be as valuable a use of the time and resources of the Commission, the casino operators and submitters, as it once was.

14. The Commission consulted with interested parties on its proposal, with all submitters being comfortable with the proposed change. The Commission amended the licence conditions accordingly.
15. The Commission has recently completed a review of the HRPs for SCML's four casinos (see decision GC19/19 dated 6 August 2019) and Dunedin casino (see decision GC20/19 dated 7 August 2019). The Commission will next review the HRPs for these casinos in August 2022.
16. The Commission is due to review the HRP for the Christchurch casino in October 2019. The Commission will continue with this review and will commence the new review cycle three years after CCL's new HRP has been approved.

Decision

17. The Commission decided to amend, pursuant to section 139(1)(e) of the Act, host responsibility licence conditions attached to the operator's licences for the Auckland, Hamilton, Christchurch, Dunedin, Queenstown and Wharf casinos in the manner outlined in paragraph 2 above; namely licence condition 27 attached to SCML's operator's licence for the Auckland casino; licence condition 29 attached to SCML's operator's licence for the Hamilton casino; licence condition 29 attached to SCML's operator's licence for the Christchurch casino; licence condition 29 attached to DCML's operator's licence for the Dunedin casino; licence condition 29 attached to SCML's operator's licence for the Queenstown casino and licence condition 28 attached to SCML's operator's licence for the Wharf casino.
18. The new licence conditions are set out in full, as follows:

SCML's operator's licence – Auckland casino

27. The Licence Holder will report to the Commission annually on the implementation of the Programme commencing on 1 October 2006. The Commission will review the Programme every three years commencing in October 2006. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment.

SCML's operator's licence – Hamilton casino

29. The Licence Holder will report to the Commission annually, commencing on 1 October 2007, on the implementation of the Programme, and any amendments made to it pursuant to condition 27. The Commission will review the Programme at least every three years, the next revision of the Programme to be submitted to the Commission by 1 October 2007 or such later date as the Commission may approve. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment. For the avoidance of doubt, the Commission may amend the Programme at any time, having consulted with the Licence Holder and interested parties, as appropriate.

CCL's operator's licence – Christchurch casino

29. The Licence Holder will report to the Commission annually, commencing on 1 July 2009, on the implementation of the Programme and any amendments made to it pursuant to condition 27. The Commission will review the Programme at least every three years, the next revision of the Programme to be submitted to the Commission by 1 July 2009 or such later date as the Commission may approve. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment. For the avoidance of doubt, the Commission may amend the Programme at any time, having consulted with the Licence Holder and interested parties, as appropriate.

DCML's operator's licence – Dunedin casino

29. The Licence Holder will report to the Commission annually, commencing on 1 December 2008, on the implementation of the Programme and any amendments made to it pursuant to condition 27. The Commission will review the Programme at least every three years, the next revision of the Host Responsibility Programme to be submitted to the Commission commencing on 1 December 2008 or such later date as the Commission may approve. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment. For the avoidance of doubt, the Commission may amend the Programme at any time, having consulted with the Licence Holder and interested parties, as appropriate.

SCML's operator's licence – Queenstown casino

29. The Licence Holder will report to the Commission annually, commencing on 1 October 2007, on the implementation of the Programme, and any amendments made to it pursuant to condition 27. The Commission will review the Programme at least every three years, the next revision of the Programme to be submitted to the Commission by 1 October 2007 or such later date as the Commission may approve. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment. For the avoidance of doubt, the Commission may amend the Programme at any time, having consulted with the Licence Holder and interested parties, as appropriate.

SCML's operator's licence – Wharf casino

28. The Licence Holder will report to the Commission annually, commencing on 1 December 2008, on the implementation of the Programme and any amendments made to it pursuant to condition 26. The Commission will review the Programme at least every three years, the next revision of the Host Responsibility Programme to be submitted to the Commission commencing on 1 December 2008 or such later date as the Commission may approve. It will consult with interested parties, as appropriate, and amend the Programme as it determines, after giving the Licence Holder the opportunity to comment. For the avoidance of doubt, the Commission may amend the Programme at any time, having consulted with the Licence Holder and interested parties, as appropriate.

Right of appeal

19. 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.



Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

9 August 2019

