

IN THE MATTER of the Gambling Act 2003

AND on an application by
**QUEENSTOWN CASINOS
LIMITED** for approval to alter its
signage

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: 17 August 2011

Date of Decision: 16 September 2011

Date of Notification of Decision: 14 October 2011

**DECISION ON AN
APPLICATION BY QUEENSTOWN CASINOS LIMITED
FOR APPROVAL TO ALTER ITS SIGNAGE**

Introduction

1. Queenstown Casinos Limited ("**QCL**") applied for approval to alter the signage at the SKYCITY Queenstown casino, under condition 6 of its venue licence. The Commission sought submissions on the application from the Secretary for Internal Affairs (the "**Secretary**") and the Wakatipu Casino Liaison Committee ("**WCLC**"), receiving submissions only from the Secretary.

Licence condition

2. The relevant licence condition is as follows:

Queenstown venue licence

6. The Licence Holder must obtain the approval of the Commission prior to:
...
(c) the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue.

QCL's submissions

3. QCL submitted that:
 - (a) It is currently replacing its existing signage in and around the casino following a rebrand in 2010.

- (b) It wants to alter two signs on the exterior of the casino. It seeks Commission approval for one of the signs ("Skycity Queenstown Casino"), under condition 6(c) (as it relates to the casino business). It is not seeking approval for the other sign ("Wild Thyme Bar and Restaurant") (because it does not relate to the casino business).
- (c) The "Skycity Queenstown Casino" sign will replace an existing sign in the same location. It is satisfied that the new sign will have no adverse impact.
- (d) Queenstown Lakes District Council has confirmed that its approval is not required for the new signs.

Secretary's submissions

- 4. The Secretary submitted that he has no concerns with the signs but is of the view that QCL needs Commission approval for both signs pursuant to condition 6(c) of Queenstown's venue licence, as the "Wild Thyme" sign also relates to the casino business.

QCL's submissions in reply

- 5. In reply, QCL stated that if the Commission considers that both signs require approval, it seeks that approval pursuant to condition 6(c).
- 6. "Casino business" is not defined in the licence conditions, however it is a term associated with a casino's gaming operations rather than its food and beverage operations. Advertising a restaurant within the casino venue and particularly one that is outside the Gambling Area does not relate to casino business. The Queenstown logo on the Wild Thyme sign simply denotes who operates the restaurant and does not in itself constitute advertising relating to the casino business. The Wild Thyme sign does not require Commission approval, but it will defer replacing it until the Commission has determined whether approval is required, and if so, granted that approval.
- 7. QCL also stated that it sought approval of new signs which differed from those originally filed. The new "Skycity Queenstown Casino" sign had the words "Casino, Entertainment, Wild Thyme Bar and Restaurant" removed while the new "Wild Thyme Bar and Restaurant" sign removed a picture and was amended stylistically. The Commission did not re-consult on the new signs as the amendments were insignificant.

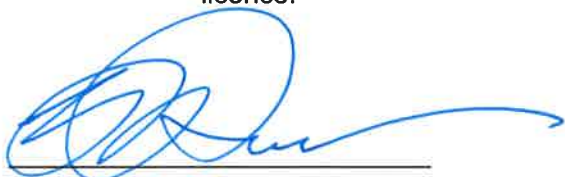
Analysis

8. QCL proposed to replace two signs on the exterior of the casino venue. It initially sought approval for only one of the signs (headed "Skycity Queenstown Casino") as the second sign (headed "Wild Thyme Bar and Restaurant") did not relate to the casino business. However following the Secretary's submissions, QCL stated that it sought approval for both signs if approval of both was required.
9. The Commission first considered whether the "Wild Thyme" sign required Commission approval. Condition 6(c) of the venue licence for the Queenstown casino provides that QCL must obtain Commission approval before "the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue". "Casino business" is not defined in the Act or in licence conditions. QCL submitted that the term relates strictly to the casino's gambling operations, and does not extend to food and beverage services, but the Commission considered this interpretation to be too narrow. In the Commission's view, a "casino" can constitute much more than just gambling – it can include bars, restaurants, music, shopping, dancing, accommodation, convention centres, cinemas, car-parking, theatres and many other forms of entertainment. All of these matters relate to the casino's business if it offers them as part of the casino. The Commission was therefore firmly of the view that the Wild Thyme Bar and Restaurant relates to the business of the Queenstown casino.
10. In the Commission's view a broad approach is consistent with the purpose of the licence conditions in maintaining oversight of signs affixed to the Casino Venue. The need for a broad approach is demonstrated by a sign in the present application. The "Wild Thyme" sign has indicia linking it with the gambling at Queenstown Casino – it shows the logo for "Skycity Queenstown Casino", has an "R20" logo, and displays suits of cards in the bottom left-hand corner.
11. Having determined that both signs require approval, the Commission next considered whether approval should be granted.
12. The Commission approved both signs as neither raises any issues of regulatory concern. The new signs will simply replace existing signs of a similar nature and size.

Decision

13. The Commission decided:
 - (a) that both new signs require Commission approval under section 6(c) of QCL's venue licence; and

(b) to approve both new signs (**attached**), under condition 6(c) of QCL's venue licence.



Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

14 October 2011



Wild thyme
bar and
restaurant



R20



SKYCITY QUEENSTOWN CASINO

R20 GAME RESPONSIBLY



SKYCITY
QUEENSTOWN CASINO

