

IN THE MATTER of the Gambling Act 2003

AND on a proposal by the Gambling Commission to vary condition 27 of the operator's licence held by SKYCITY Casino Management Limited for the Auckland casino

BEFORE THE GAMBLING COMMISSION

Members: G L Reeves (Chief Gambling Commissioner)
A K Foote
R D Bell

Date of Application: 17 September 2013

Date of Decision: 11 October 2013

Date of Notification
of Decision:  October 2013

**DECISION ON A PROPOSAL BY THE GAMBLING COMMISSION TO VARY CONDITION 27
OF THE OPERATOR'S LICENCE HELD BY SKYCITY CASINO MANAGEMENT LIMITED
FOR THE AUCKLAND CASINO**

Introduction

1. In decision GC21/13, the Commission approved a new Host Responsibility Programme ("HRP") for the Auckland casino. At paragraph 165 of that decision, the Commission approved an amendment to the HRP whereby SKYCITY Casino Management Limited ("**SCML**") would report to the Commission on its HRP on an annual basis, rather than every six months as previously required.
2. Despite the change in the HRP, condition 27 of SCML's operator's licence still required SCML to report to the Commission every six months.
3. At its September 2013 meeting, the Gambling Commission resolved, on its own initiative under section 139(1)(e) of the Gambling Act 2003 (the "**Act**"), to vary licence condition 27, to require annual reporting on its HRP from SCML, rather than six-monthly reporting.
4. By letter dated 19 September 2013, the Commission proposed to vary licence condition 27 of SCML's operator's licence, with the proposed variations shown in mark-up, as follows:



27. The Licence Holder ~~shall every six months~~ 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 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.

5. Section 140 of the Act requires the Commission to notify the Licence Holder, the Secretary for Internal Affairs (the "**Secretary**") and other potentially affected persons of the proposed changes. As no other potentially affected parties were identified, the Commission notified only the Licence Holder and the Secretary, receiving submissions from both.

The Secretary's submissions

6. The Secretary submitted that the proposed change is a necessary amendment following the Commission's decision to move to annual reporting in decision GC21/13.

SCML's submissions

7. SCML submitted that it had no concerns with the Commission's proposal.

Analysis

8. The Commission's proposal arose following its decision to approve a new HRP for the Auckland casino. The variation will align condition 27 with the HRP approved in decision GC21/13 and move SCML to annual, rather than six-monthly, reporting on its HRP. Neither SCML nor the Secretary raised objection to the proposal and the Commission is satisfied that the condition, after amendment, will continue to meet the conditions set out in s 139(2) of the Act.

Decision

9. The Commission varied condition 27 of SCML's operator's licence, under section 139(1)(e) of the Act. Condition 27 now provides as follows:

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 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.

Right of appeal

28. 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

24th October 2013

