

IN THE MATTER of the Gambling Act 2003

AND on directions for, and authorisation to appear and be heard at, the Public Hearing of the application by **DUNEDIN CASINOS LIMITED** for renewal of its casino venue licence

BEFORE THE CHIEF GAMBLING COMMISSIONER

Member: S W Hughes KC (Chief Gambling Commissioner)

Date of Directions: 19 August 2024

**DIRECTIONS CONCERNING AUTHORISATION TO APPEAR
AND BE HEARD AT THE PUBLIC HEARING OF THE APPLICATION,
AND FOR THE CONDUCT OF THE HEARING**

Applications

1. Dunedin Casinos Limited (“**DCL**” or “**Applicant**”) filed an application dated 16 June 2023 for renewal of its casino venue licence. The application was preceded by decisions of the Commission in GC02/21 on 25 March 2021, and GC11/21 on 15 July 2021, approving, pursuant to section 134(3) of the Gambling Act 2003 (“**Act**”), independent experts nominated by DCL to prepare a casino impact report. A casino impact report is required, by section 134(2), to accompany an application for renewal of a casino venue licence.
2. Following receipt of the application and some additional information provided subsequently by DCL, the Commission publicly notified the application as required by section 135(1)(b). The public notice also invited written submissions on the application (as required by section 135(1)(c)) and invited people who wished to appear and be heard at a public hearing of the application to apply to the Commission for authorisation (as required by section 135(1)(d)).
3. The Commission is required to hold a public hearing of the application¹ and to give public notice of the hearing (including when and where it will be held).²
4. The Commission received 195 written submissions on the application. Twelve of the written submissions received incorporated an application to appear and be heard at the public hearing.

¹ Section 135(1)(g)

² Section 135(1)(e)

5. The Commission also received a memorandum dated 8 July 2024 from counsel for DCL advising that DCL wished to be heard in support of its application and to call evidence at the public hearing. The memorandum proposed a process to advance the renewal application to a hearing, identified the witnesses whom DCL intended to call and made suggestions for hearing arrangements, including the filing of written evidence in advance.
6. The proposed directions included the following:
 - (a) the hearing should be undertaken in a manner similar to the application by Christchurch Casino to renew its venue licence in 2018;
 - (b) there would be benefit in the evidence being filed in advance of the hearing so that the Commission could be well briefed on the issues that were likely to arise, and consider the questions to be asked of witnesses;
 - (c) DCL should file its evidence in writing 10 days prior to the hearing;
 - (d) two days should be set aside for the hearing.
7. To assist with determining their applications to appear, the Commission Secretariat made inquiries of all 12 parties whose written submission included an application to appear and be heard. Of the 12 parties to whom a communication was sent, one did not respond to the Commission's communication and the remaining 11 advised that they wished to withdraw their applications to appear.
8. The Commission advised counsel for DCL that only DCL had applied to appear and be heard and invited a further memorandum in respect of the hearing. Counsel for DCL filed a further memorandum dated 15 August 2024. This memorandum refined the earlier proposed process to advance the renewal application to a hearing, as follows:
 - (a) As no-one other than DCL wishes to appear and be heard at the hearing, 1 day should be set aside (and it understands that 20 September 2024 is an available date).
 - (b) DCL intends to call 5 witnesses: Dominique Dowding, CEO; Stacey Murray, Compliance Manager; Kerry Taylor, AML Compliance Officer; together with Simon Harris and Carl Davidson, who authored the Casino Impact Report.
 - (c) As no other parties have applied for authorisation to appear and there will be no evidence in opposition, DCL's evidence in writing could be filed only 5 working days prior to the hearing.

Authorisation to appear

9. The Commission is required by section 134(1)(d) to invite and determine applications for authorisation to appear. As no party other than DCL ultimately applied to appear and be heard, the Commission was not required to determine any application to appear by any other party. DCL, as Applicant, is entitled to appear and be heard and does not require authorisation to do so.

Hearing

10. The Chief Gambling Commissioner considers that the hearing of the application will go more smoothly and with better focus if a signed written statement from each witness is filed in advance of the hearing. The Applicant, which has notified its intention to call 5 witnesses, initially suggested that written statements from its witnesses be filed 10 working days in advance. It suggested reducing that period to 5 working days in advance after learning that there would be no other witnesses called. For the reasons articulated in counsel's memorandum dated 8 July 2024, it is preferable for the written evidence to be filed 10 working days in advance (so that Commissioners will be fully briefed on the issues and have considered possible questions for witnesses).
11. Having regard to an appearance only by DCL and witness statements in advance, a one day hearing allocation will be sufficient.

Directions

12. The Applicant only is authorised to appear at the public hearing.
13. The following directions are made for the hearing:
 - (a) Only the Applicant may call evidence in support of its written submissions and may make submissions orally at the hearing.
 - (b) The hearing will take place on Friday, 20 September 2024 commencing at 9am.
 - (c) The Applicant must file signed written statements of its evidence 10 working days in advance of the hearing.
 - (d) The Commission intends to make the witness statements available immediately on the application website.
 - (e) At the hearing, the Commission will require witnesses to confirm their written statements on oath or affirmation. It will otherwise take the statements of evidence as read so witnesses will not read their written statements.

- (f) All witnesses may be subject to questioning by the Commission. Witnesses may then be re-examined by counsel for DCL.
 - (g) The Applicant may make closing submissions.
 - (h) In its discretion, the Commission may depart from the foregoing as appears necessary to it.
14. The Commission will issue a public notice accordingly.



Susan Hughes KC
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

19 August 2024

