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BILL 32

GAMING CONTROL ACT

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Minister of Public Safety and Solicitor General and Deputy Premier

Explanatory Note

This Bill replaces the *Gaming Control Act*, S.B.C. 2002, c. 14. The Bill clarifies the roles and responsibilities of the lottery corporation and the general manager and expands the general manager's powers to regulate the lottery corporation, registered gaming services providers, registered gaming workers, gaming event licensees and horse racing licensees.

BILL 32 – 2022

GAMING CONTROL ACT

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1 – INTERPRETATION

Definitions

1 In this Act:

“**applicant**” means a person applying for any of the following:

- (a) registration or renewal of registration as a registered gaming services provider;
- (b) registration or renewal of registration as a registered gaming worker;
- (c) a gaming event licence;
- (d) a horse racing licence or renewal of a horse racing licence;
- (e) a community gaming grant;

“**associated person**”, in relation to an applicant, other than an applicant for a community gaming grant, and in relation to a licensee or registrant, means a director, officer or employee of the applicant, licensee or registrant, or any other person that, in the general manager’s opinion,

- (a) may have direct or indirect influence over the applicant, licensee or registrant, or
- (b) may be able to affect, directly or indirectly, the activities carried out under the licensee’s licence or registrant’s registration;

“**background investigation**”, except in Part 9 [*Community Gaming Grants*], means a background investigation conducted under section 180 [*background investigations*];

“**gaming event**” has the meaning set out in section 4 [*what is a gaming event*];

“**gaming event licence**” means a licence issued under section 84 (1) (a) [*actions by general manager respecting gaming event licences*];

“**gaming event licensee**” means a person that holds a gaming event licence;

“**gaming services**” means any of the following:

- (a) the operation of a lottery scheme that is conducted and managed by the lottery corporation or a gaming event licensee;
- (b) the operation of a provincial gaming facility;

(c) services, other than services prescribed by the general manager, that are required, used or provided in relation to the operation of a lottery scheme, including, without limitation,

- (i) producing, distributing or otherwise providing gaming supplies, or
- (ii) servicing or testing gaming supplies;

(d) services prescribed by the general manager;

“gaming supplies” means things, other than things excluded by regulation of the general manager, that are used in the operation of a lottery scheme, including, without limitation, computer software, networks or systems;

“general manager” means the individual designated under section 31 (1) [*designation of general manager*] as the general manager;

“grant manager” means the individual designated under section 124 (1) [*designation of grant manager*] as the manager of community gaming grants;

“horse racing” means both of the following:

- (a) the racing of horses in horse races to which Part 7 [*Horse Racing*] applies;
- (b) the related activities and matters referred to in section 93 [*prohibition against unlicensed horse racing*];

“horse racing facility” means any of the following:

- (a) a race track where horse racing takes place;
- (b) a horse racing teletheatre;
- (c) a race horse training centre;

“horse racing licence” means a licence issued under section 101 (1) (a) [*actions by general manager respecting horse racing licences*];

“horse racing licensee” means a person that holds a horse racing licence;

“horse racing rules” means the rules made by the general manager under section 110 [*horse racing rules*];

“horse racing teletheatre” means a place in British Columbia where a live telecast is presented of a horse race taking place in or outside British Columbia;

“licence” means a gaming event licence or horse racing licence;

“licensee” means a gaming event licensee or horse racing licensee;

“lottery corporation” means the British Columbia Lottery Corporation continued under section 6 [*lottery corporation continued*];

“lottery scheme” has the same meaning as in section 207 (4) of the *Criminal Code*;

“lottery ticket” includes a receipt or other record that is used to determine, at the time of purchase of the record or at a later time, whether the purchaser has won a prize as a result of participating in a lottery scheme, which determination is made

- (a) from the face of the record, or
- (b) by comparing the information shown on the face of the record with information provided from another source;

“online gaming scheme” means a provincial gaming scheme in which an individual participates through the use of the lottery corporation’s online platform;

“operator”, in relation to a provincial gaming scheme or provincial gaming facility, means the following:

- (a) if the lottery corporation is operating the provincial gaming scheme or provincial gaming facility, the lottery corporation;
- (b) if a registered gaming services provider is operating the provincial gaming scheme or provincial gaming facility, the registered gaming services provider;
- (c) in the case of a provincial gaming scheme that is operated by the lottery corporation and a registered gaming service provider, both the lottery corporation and the gaming services provider;

“participate”, in relation to a lottery scheme, means participate for a chance to win a prize in the lottery scheme;

“person” includes an unincorporated charitable, religious or other organization;

“provincial gaming facility” means any of the following facilities used for the purpose of operating a provincial gaming scheme:

- (a) a bingo facility;
- (b) a casino;
- (c) a prescribed facility;

“provincial gaming scheme” has the meaning set out in section 3 [*what is a provincial gaming scheme*];

“race horse training centre” means a site prescribed by the general manager as a race horse training centre;

“registered gaming services provider” means a person registered under Part 5 [*Registered Gaming Services Providers and Registered Gaming Workers*] as a registered gaming services provider;

“registered gaming worker” means an individual registered under Part 5 as a registered gaming worker;

“registrant” means a registered gaming services provider or a registered gaming worker.

References to regulations

- 2 Unless a provision of this Act specifies otherwise, a reference in this Act to regulations or a prescribed matter is a reference to regulations of the Lieutenant Governor in Council or to a matter prescribed by the Lieutenant Governor in Council.

What is a provincial gaming scheme

- 3 (1) A provincial gaming scheme is a lottery scheme that is authorized under section 207 (1) (a) of the *Criminal Code* to be conducted and managed by the government of a province.
- (2) Under this Act, provincial gaming schemes are conducted and managed by the lottery corporation on behalf of the government of British Columbia.

What is a gaming event

- 4 (1) A gaming event is a lottery scheme that is authorized under section 207 (1) (b), (c), (d) or (f) of the *Criminal Code* to be conducted and managed pursuant to a licence issued by the Lieutenant Governor in Council or a person specified by the Lieutenant Governor in Council.
- (2) Under this Act, gaming events are conducted and managed in accordance with gaming event licences issued, under Part 6 [*Gaming Events*], by the individual whom the Lieutenant Governor in Council designates as the general manager.

PART 2 – BRITISH COLUMBIA LOTTERY CORPORATION

Division 1 – Lottery Corporation Continued

Definition for Division 1

- 5 In this Division, “**board**” means the lottery corporation’s board of directors appointed under section 9 [*board of directors*].

Lottery corporation continued

- 6 (1) The British Columbia Lottery Corporation is continued as a corporation consisting of a board of directors appointed under section 9 [*board of directors*].
- (2) Despite its incorporation under the *Company Act*, the lottery corporation is a corporation without share capital.
- (3) Unless the regulations provide otherwise, the *Business Corporations Act* does not apply to the lottery corporation.

Lottery corporation is agent of government

- 7 (1) The lottery corporation is, for all purposes, an agent of the government.
- (2) The Minister of Finance is the fiscal agent of the lottery corporation.

Capacity and powers

- 8 Subject to this Act and the regulations, the lottery corporation has the capacity and powers of a natural person of full capacity.

Board of directors

- 9 (1) The lottery corporation is to be managed by a board of directors.
- (2) The board is to consist of not more than 11 directors appointed by the Lieutenant Governor in Council.
- (3) The Lieutenant Governor in Council must designate one of the board members as chair.
- (4) The Lieutenant Governor in Council may set the remuneration of each director and other terms of the director's appointment.
- (5) The board must reimburse the directors for reasonable travelling and out-of-pocket expenses necessarily incurred in carrying out the directors' duties.

Powers of board

- 10 (1) The board must manage the affairs of the lottery corporation or supervise the management of those affairs.
- (2) The board
 - (a) may exercise the powers conferred on the board under this Act,
 - (b) may exercise the powers of the lottery corporation, on behalf of the lottery corporation, and
 - (c) must supervise the delegation of any of its powers or duties.
- (3) The board may pass the resolutions or bylaws it considers necessary or advisable for the management and conduct of the affairs of the lottery corporation and for the exercise of the powers and the performance of the duties of the board.
- (4) A resolution in writing, signed by all of the directors, is as valid as if it had been passed at a meeting of the board properly called and constituted.
- (5) For the purposes of subsections (1) and (2), the board may, by resolution or bylaw, delegate to a person employed by the lottery corporation any power or duty of the board, except
 - (a) the power to pass resolutions or bylaws, and
 - (b) the duty to appoint a chief executive officer.

Chief executive officer

- 11** (1) The board must appoint a chief executive officer of the lottery corporation.
- (2) The chief executive officer
- (a) is responsible for the management and direction of the operations of the lottery corporation and its officers and employees, and
 - (b) must exercise the powers and perform the duties that are specified in the resolutions or bylaws of the board.

Officers and employees

- 12** (1) The chief executive officer may
- (a) appoint the officers and employees of the lottery corporation that are necessary for the lottery corporation to exercise its powers and perform its duties, and
 - (b) subject to the board's resolutions and bylaws,
 - (i) determine the remuneration and the terms and conditions of employment of the officers and employees of the lottery corporation, and
 - (ii) define the powers and duties of the officers and employees of the lottery corporation.
- (2) The *Public Service Act* does not apply to the officers and employees of the lottery corporation.
- (3) Unless the regulations provide otherwise, the *Public Sector Pension Plans Act* and the *Public Service Benefit Plan Act* do not apply to the lottery corporation or the officers and employees of the lottery corporation.

Minister's directives to lottery corporation

- 13** (1) The minister may issue directives to the lottery corporation, including, without limitation, directives respecting the following:
- (a) the lottery corporation's conduct and management of provincial gaming schemes;
 - (b) agreements that may be entered into by the lottery corporation;
 - (c) matters of general policy.
- (2) The lottery corporation must
- (a) comply with the minister's directives, and
 - (b) publish the directives in the prescribed manner.

Division 2 – Powers and Duties of Lottery Corporation

General powers of lottery corporation

- 14** (1) The lottery corporation is responsible for the conduct and management of provincial gaming schemes.
- (2) For the purposes of carrying out its responsibilities under subsection (1), the lottery corporation may do any of the following:
- (a) develop, undertake, organize, conduct, manage or operate a lottery scheme, either alone or in conjunction with the government of another province;
 - (b) provide to any person operational services, computer software, lottery tickets or any other technology, equipment or supplies related to the conduct of lottery schemes in or outside British Columbia;
 - (c) monitor the operation of provincial gaming schemes or provincial gaming facilities, including by placing provincial gaming facilities under video surveillance;
 - (d) exercise other powers that the minister may, by directive, authorize in relation to the conduct and management of provincial gaming schemes.

Minister's approval required for new lottery schemes and new places

- 15** (1) Except with the prior written approval of the minister, the lottery corporation may not conduct, manage or operate a lottery scheme that is in a class of lottery schemes not currently in operation in British Columbia.
- (2) Except with the prior written approval of the minister, the lottery corporation may not conduct, manage or operate a lottery scheme at a place that is in a class of places if the lottery scheme is in a class of lottery schemes not currently in operation at that class of places.

Agreements with Canada and other provinces

- 16** Except with the prior written approval of the minister, the lottery corporation may not enter into an agreement with the government of another province, or with both the government of Canada and another province, respecting the conduct and management of a lottery scheme in both British Columbia and the other province.

Agreements with registered gaming services providers

- 17** An agreement between the lottery corporation and a registered gaming services provider for the provision of gaming services by the registered gaming services provider must require the registered gaming services provider to provide the services under the control of the lottery corporation.

Duty of lottery corporation to make rules

- 18** (1) The lottery corporation must make rules respecting the operation of and participation in provincial gaming schemes.
- (2) The rules must address the following matters:
- (a) the manner of selecting and verifying prize winners;
 - (b) conditions and qualifications for entitlement to prizes;
 - (c) requirements for handling money and money equivalents;
 - (d) requirements for accepting, holding and disbursing funds provided by participants;
 - (e) the value, redemption, validity and use of casino chips.
- (3) The lottery corporation must comply with the regulations of the general manager respecting the rules referred to in subsection (1).
- (4) If a provision of the rules made under this section is inconsistent or in conflict with this Act or a regulation under this Act made by the Lieutenant Governor in Council or the general manager, this Act or the regulation prevails.
- (5) In making the rules, the lottery corporation may make different rules in relation to different classes of provincial gaming schemes.

Duty to comply with rules

- 19** The operator of a provincial gaming scheme and a registered gaming worker who is assisting in the operation of a provincial gaming scheme must comply with the rules made under section 18.

Duty of lottery corporation to monitor compliance with rules

- 20** The lottery corporation must
- (a) monitor compliance of registered gaming services providers with section 19, and
 - (b) notify the general manager if the lottery corporation has reason to believe that a registered gaming services provider has contravened section 19.

Lottery corporation training program

- 21** (1) The lottery corporation must maintain a training program for
- (a) registered gaming workers, and
 - (b) individuals prescribed by the general manager.
- (2) The lottery corporation must comply with the regulations of the general manager respecting the training program.
- (3) The courses offered in the training program may be delivered by the lottery corporation or a person authorized by the lottery corporation.

Division 3 – Gaming Development Projects

Definitions for Division 3

22 In this Division:

“**gaming development project**” means a project to

- (a) develop or use a facility as a provincial gaming facility,
- (b) relocate an existing provincial gaming facility, or
- (c) substantially change the type or extent of provincial gaming schemes that are operated at a provincial gaming facility;

“**host local government**”, in relation to a gaming development project, means the municipality, regional district or Indigenous nation that has authority over land use planning at the site of the project;

“**Indigenous nation**” means any of the following:

- (a) a band as defined in section 2 (1) of the *Indian Act* (Canada);
- (b) the Nisga’a Nation;
- (c) a Nisga’a Village;
- (d) the shíshálh Nation as defined in the *shíshálh Nation Self-Government Act* (Canada);
- (e) the shíshálh Nation Government District referred to in section 17 of the *shíshálh Nation Self-Government Act* (Canada);
- (f) a treaty first nation;
- (g) the Westbank First Nation as defined in the agreement approved under the *Westbank First Nation Self-Government Act* (Canada);
- (h) a prescribed Indigenous entity;

“**neighbouring local government**”, in relation to a gaming development project, means the municipality, regional district or Indigenous nation that has authority over land use planning for an area the boundary of which is, at any point, within the prescribed distance from the site of the project;

“**regional district**” includes a local trust committee as defined in the *Islands Trust Act*;

“**substantially change**” has the prescribed meaning.

Prohibition against unauthorized gaming development project

23 A person, other than the lottery corporation as authorized under section 24, must not carry out, or hold out that the person is authorized to carry out, a gaming development project.

Authority of lottery corporation to carry out gaming development project

- 24 (1) The lottery corporation may, with the prior written approval of the minister, carry out a gaming development project.
- (2) The lottery corporation may not request the minister's approval to carry out a gaming development project unless
- (a) the host local government has approved the project under section 25,
 - (b) the lottery corporation has considered each report filed under section 26 (5), and
 - (c) the lottery corporation has complied with section 26 (7), if applicable.
- (3) On request of the minister, the lottery corporation must provide to the minister any information the minister may require for the purpose of considering a request to approve a gaming development project.
- (4) Before deciding whether to approve a gaming development project, the minister must consider the prescribed matters, if any.

Host local government consultation and approval of gaming development project

- 25 (1) A host local government may approve a gaming development project if the host local government
- (a) has sought and considered input from the community of the host local government, and
 - (b) has, in accordance with the regulations, consulted with each neighbouring local government respecting the prescribed matters.
- (2) An approval under subsection (1) must be in the prescribed form and granted in the prescribed manner.
- (3) A host local government must, within the prescribed period after approving a gaming development project, give to each neighbouring local government written notice of the approval.

Objections and dispute resolution

- 26 (1) This section applies in relation to a gaming development project to
- (a) develop or use a facility as a provincial gaming facility, or
 - (b) relocate an existing provincial gaming facility.
- (2) A neighbouring local government may object to a gaming development project that has been approved by a host local government.

- (3) An objection under subsection (2)
 - (a) may address only the matters prescribed for the purposes of section 25 (1) (b),
 - (b) must be filed with the lottery corporation within the prescribed period after notice is given under section 25 (3), and
 - (c) must be in the form and made in the manner required by the lottery corporation.
- (4) If an objection is filed by a neighbouring local government, the lottery corporation must arrange for a non-binding dispute resolution process between the host local government and the neighbouring local government to address the following:
 - (a) the matters specified in the objection as authorized under subsection (3) (a);
 - (b) the appropriate compensation, if any, to be provided by the host local government to the neighbouring local government for the significant costs that the neighbouring local government demonstrates it will incur, as a result of the gaming development project, in relation to the matters referred to in paragraph (a) of this subsection.
- (5) The host local government must, within the prescribed period, file with the lottery corporation a written report summarizing the results of the dispute resolution process.
- (6) The lottery corporation may specify
 - (a) the form and manner in which the host local government's report must be filed, and
 - (b) the content that must be included in the report.
- (7) Within 30 days after the report is filed under subsection (5), the lottery corporation must
 - (a) decide whether to apply for the minister's approval to carry out the gaming development project, and
 - (b) give the host local government and the neighbouring local government written notice of its decision under paragraph (a) of this subsection.
- (8) The fees and reasonable expenses of a mediator retained by the lottery corporation for the purposes of the non-binding dispute resolution process referred to in subsection (4) must be paid by the lottery corporation.

Division 4 – Lottery Corporation Finances

Financial administration

- 27**
- (1) The lottery corporation must maintain an accounting system satisfactory to the Minister of Finance.
 - (2) The Minister of Finance may require the lottery corporation to provide detailed accounts of the lottery corporation's revenues and expenditures for a specified period.
 - (3) The lottery corporation's books or records of account and other financial records must at all times be open for inspection by the Minister of Finance or by a person designated by that minister.
 - (4) Unless the Auditor General is appointed in accordance with the *Auditor General Act* as the auditor of the lottery corporation, the lottery corporation must appoint an auditor to audit the accounts of the lottery corporation.
 - (5) The accounts of the lottery corporation must be audited at least once each year, and the costs of the audit must be paid by the lottery corporation.
 - (6) The fiscal year of the lottery corporation begins on April 1 in each year and ends on March 31 in the following year.

Lottery corporation to report on operations

- 28**
- (1) Each fiscal year, the lottery corporation must submit to the minister a report on the lottery corporation's operations for the preceding fiscal year.
 - (2) The lottery corporation's annual report must include an audited financial statement.
 - (3) As soon as practicable after receiving the lottery corporation's annual report, the minister must lay the report before the Legislative Assembly.
 - (4) In addition to submitting an annual report, the lottery corporation must report to the minister on other matters that the minister may specify.
 - (5) The minister may specify the form and manner in which, and the dates by which, reports must be submitted by the lottery corporation.

Grants in lieu of taxes

- 29**
- (1) Subject to subsection (2), the lottery corporation may in any year pay to a municipality in which it has property a grant not greater than the amount that would be payable as taxes on the property in that year if the property were not exempt from taxation by the municipality.
 - (2) The regulations may require the lottery corporation to obtain the approval of the Lieutenant Governor in Council before paying a grant under this section.

Application of revenue

- 30** (1) The net income, other than from casino gaming and bingo, in each fiscal year of the lottery corporation, after the lottery corporation makes provision in that fiscal year for any payments it is obliged to make under agreements referred to in section 16 [*agreements with Canada and other provinces*], must be paid into the consolidated revenue fund at the times and in the manner required by order of the Lieutenant Governor in Council.
- (2) The balance of net income in each fiscal year of the lottery corporation, after the lottery corporation makes provision in that fiscal year for payment under subsection (1), must be paid into the consolidated revenue fund at the times and in the manner required by order of the Lieutenant Governor in Council.

PART 3 – GENERAL MANAGER

Designation of general manager

- 31** (1) The Lieutenant Governor in Council may, by order, designate as the general manager an individual appointed under section 12 [*deputy ministers*] of the *Public Service Act*.
- (2) The general manager holds office for 5 years and may be re-designated, once, for a further term of up to 5 years.

Power to delegate

- 32** The general manager may delegate to any person any of the general manager's powers or duties under this Act, except the power to make the following:
- (a) horse racing rules;
 - (b) regulations under Division 2 [*Regulations of General Manager*] of Part 12 [*Regulations*].

Consultants and experts

- 33** (1) The general manager may retain a consultant, expert or other person and may establish the person's remuneration and other terms and conditions of the person's retainer.
- (2) The *Public Service Act* does not apply to a person retained under subsection (1).

Collection of information

- 34** For the purposes of exercising a power or performing a duty of the general manager under this Act, the general manager may collect information from any of the following:
- (a) the lottery corporation;
 - (b) an applicant for a licence or for registration as a registrant;
 - (c) a licensee or registrant;
 - (d) an associated person.

Minister's directives to general manager

- 35** (1) The minister may issue written directives to the general manager on matters of general policy.
- (2) The general manager must
- (a) comply with the minister's directives, and
 - (b) publish the directives in the prescribed manner.

Inquiries, research and reports

- 36** (1) The general manager may make inquiries and conduct research respecting any of the following:
- (a) the conduct, management and operation of lottery schemes or horse racing;
 - (b) any matter that affects or could reasonably be expected to affect the integrity of lottery schemes or horse racing;
 - (c) matters relating to problem gambling.
- (2) The general manager may report to the public in an independent manner on inquiries made or research conducted under this section.

General manager's reports

- 37** (1) In each fiscal year, the general manager must submit to the minister a report that describes the activities carried out by the general manager in the previous fiscal year.
- (2) As soon as practicable after receiving the report submitted under subsection (1), the minister must
- (a) lay the report before the Legislative Assembly if the Legislative Assembly is then sitting, or
 - (b) file the report with the Clerk of the Legislative Assembly if the Legislative Assembly is not sitting.
- (3) In addition to the report under subsection (1), the general manager must report to the minister on any other matter the minister may require.

**PART 4 – GENERAL PROHIBITIONS, DUTIES AND POWERS RESPECTING
LOTTERY SCHEMES**

Division 1 – Definitions

Definitions for Part 4

38 In this Part:

“**buy in**” means purchase an entitlement to participate in a provincial gaming scheme;

“**buy-in limit**” means the amount prescribed by the general manager for the purposes of section 53 [*restrictions on accepting amounts over buy-in limit*];

“**self-excluded individual**” means an individual who, by agreement, is in the program referred to in section 57 [*voluntary self-exclusion program*];

“**source of funds declaration**” means a declaration referred to in section 53 (a).

**Division 2 – General Prohibitions, Duties and Powers
Respecting Lottery Schemes**

**Prohibition against unauthorized conduct, management
or operation of lottery scheme**

- 39** (1) A person must not conduct, manage or operate a lottery scheme except as provided in this section.
- (2) The lottery corporation may conduct, manage or operate a lottery scheme if the general manager has, under Division 3 [*General Manager’s Approval of Lottery Schemes*] of this Part, granted written approval to the lottery corporation to conduct, manage and operate the lottery scheme.
- (3) A gaming event licensee may conduct, manage or operate a lottery scheme if authorized to do so by the licensee’s gaming event licence.
- (4) A registered gaming services provider may operate a lottery scheme if authorized to do so by the registrant’s registration.

**Prohibition against unauthorized representations
respecting lottery scheme**

- 40** A person that is not authorized under this Act to conduct, manage or operate a lottery scheme must not represent or hold out that the person is authorized to conduct, manage or operate the lottery scheme.

Minors – general rules respecting provincial gaming schemes

- 41** (1) The lottery corporation and, if the registered gaming services provider is an operator of the provincial gaming scheme, a registered gaming services provider must not allow a minor to do either of the following:
- (a) participate in a provincial gaming scheme;
 - (b) redeem a chip, card, lottery ticket or other record for a prize in a provincial gaming scheme.
- (2) Unless the regulations provide otherwise, the operator of a provincial gaming facility must not allow a minor to be present on the premises of the provincial gaming facility.

Minors – general rules respecting gaming events

- 42** (1) Unless the regulations provide otherwise, a gaming event licensee that is conducting, managing or operating a gaming event, or a registered gaming services provider that is operating a gaming event, must not allow a minor to do any of the following:
- (a) participate in the gaming event;
 - (b) redeem a chip, card, lottery ticket or other record for a prize in the gaming event;
 - (c) assist in the conduct, management or operation of the gaming event.
- (2) A gaming event licensee that is conducting, managing or operating a gaming event, or a registered gaming services provider that is operating a gaming event, must not allow a minor to be present on the premises where the gaming event is being operated if, under the regulations or another enactment, minors are prohibited from being present on the premises.

Minors – general rules respecting lottery tickets

- 43** A person must not sell or offer to sell a lottery ticket to a minor or purchase a lottery ticket for resale to a minor unless
- (a) the person is a gaming event licensee, and
 - (b) the licensee is authorized to do so by the regulations and the licensee's gaming event licence.

Prohibition against unauthorized sale of lottery ticket to any person

- 44** (1) A person other than the lottery corporation must not do any of the following except as authorized under subsection (3):
- (a) sell or offer to sell a lottery ticket;
 - (b) purchase a lottery ticket for resale.
- (2) Subsection (1) applies whether the lottery ticket originates in or outside British Columbia.

- (3) A person may sell or offer to sell a lottery ticket, or purchase a lottery ticket for resale, if the sale, offer or purchase is authorized
 - (a) by the lottery corporation, or
 - (b) by a gaming event licence.

Duty to comply with advertising standards and requirements

- 45** The lottery corporation, registered gaming services providers and gaming event licensees must comply with the regulations of the general manager respecting the marketing, advertising and promotion of lottery schemes.

Division 3 – General Manager’s Approval of Lottery Schemes

Approval of lottery scheme

- 46** (1) The lottery corporation may apply to the general manager for the general manager’s written approval to conduct, manage and operate a lottery scheme that is in a class of lottery schemes approved by the minister.
- (2) The general manager may grant written approval to the lottery corporation to conduct, manage and operate a lottery scheme if satisfied that
- (a) the lottery scheme is fair and safe, and
 - (b) the gaming supplies to be used in the operation of the lottery scheme are fair, reliable, secure and safe.
- (3) An application under this section must include the information and records and be accompanied by the samples of gaming supplies that the general manager may require.
- (4) The general manager may impose terms and conditions on an approval granted under this section.

Prohibition against unauthorized change to lottery scheme

- 47** The lottery corporation must not make any of the following changes to a lottery scheme without first obtaining the general manager’s written approval under section 48:
- (a) a change to the rules of play that modifies the odds of winning the lottery scheme;
 - (b) a change to the rules of play that modifies how a winner of the lottery scheme is determined;
 - (c) a change in the type, make, model or version of the gaming supplies used in the operation of the lottery scheme.

Approval of change to lottery scheme

- 48** (1) The general manager may, on application, grant written approval to the lottery corporation to make a change referred to in section 47 if, in the general manager's opinion,
- (a) the change would not compromise the fairness and safety of the lottery scheme, and
 - (b) the gaming supplies used in the operation of the lottery scheme would continue to be fair, reliable, secure and safe.
- (2) An application under this section must include the information and records and be accompanied by the samples of gaming supplies that the general manager may require.
- (3) The general manager may impose terms and conditions on an approval granted under this section.

Requirement to give written reasons for refusing approval

- 49** If the general manager refuses to grant an approval under section 46 [*approval of lottery scheme*] or 48, the general manager must give the lottery corporation written reasons for the refusal.

Actions by general manager respecting approval of lottery scheme

- 50** (1) The general manager may do any of the following in respect of an approval granted under section 46 [*approval of lottery scheme*] or 48:
- (a) suspend or rescind the approval;
 - (b) amend the approval, including by
 - (i) amending or rescinding terms or conditions of the approval, or
 - (ii) imposing new terms or conditions on the approval.
- (2) The general manager may take an action under subsection (1) if, in the general manager's opinion,
- (a) the lottery scheme to which the approval relates is no longer fair and safe, or
 - (b) the gaming supplies used in the operation of the lottery scheme are no longer fair, reliable, secure or safe.
- (3) If the general manager takes an action under subsection (1), the general manager must give the lottery corporation written reasons for taking the action.

Duty to comply with terms and conditions of approval

- 51** The lottery corporation must comply with the terms and conditions of an approval granted under section 46 [*approval of lottery scheme*] or 48 [*approval of change to lottery scheme*].

Division 4 – Measures to Prevent Unlawful Activities by Participants in Provincial Gaming Schemes

Measures to prevent and detect unlawful activities

- 52** The lottery corporation and operators of provincial gaming schemes must comply with the regulations of the general manager respecting the prevention and detection of unlawful activities.

Restrictions on accepting amounts over buy-in limit

- 53** An operator, or a registered gaming worker that is employed by that operator, must not accept from an individual, in a single transaction or a series of transactions during the period prescribed by the general manager, an amount to buy in that is more than the buy-in limit unless
- (a) the individual
 - (i) makes a written declaration respecting the source of the funds to be used for the buy-in, and
 - (ii) produces proof of the individual's identity in the form prescribed by the general manager, or
 - (b) the operator or registered gaming worker is authorized to do so by regulation of the general manager.

Source of funds declarations

- 54**
- (1) A source of funds declaration must be
 - (a) in the form and made in the manner required by the general manager, and
 - (b) accompanied by the records prescribed by the general manager.
 - (2) A registered gaming services provider that accepts a source of funds declaration must give the source of funds declaration to the lottery corporation, together with any accompanying records referred to in subsection (1) (b).
 - (3) Source of funds declarations and accompanying records that the lottery corporation receives under subsection (2) or accepts under section 53 must be kept in accordance with the regulations of the general manager.

Prohibition against presenting false or misleading identification or records

- 55** (1) A person must not provide false or misleading information in a source of funds declaration.

- (2) A person must not, for the purposes of buying in, present identification or provide a record referred to in section 54 (1) (b) that
 - (a) has been altered to misrepresent the individual's identity,
 - (b) was issued by the issuing agency to another individual, or
 - (c) is forged or fraudulently made.

Division 5 – Measures to Prevent and Mitigate Problem Gambling

Duty to comply with requirements respecting problem gambling

- 56** The lottery corporation, operators of provincial gaming schemes and gaming event licensees must comply with the regulations of the general manager respecting the detection, mitigation and prevention of problem gambling.

Voluntary self-exclusion program

- 57** (1) The lottery corporation must maintain a program under which an individual may agree not to do any of the following during the period specified in the agreement:
- (a) enter on the premises of a provincial gaming facility or participate in a provincial gaming scheme at a provincial gaming facility;
 - (b) participate in an online gaming scheme;
 - (c) participate in a provincial gaming scheme prescribed by the general manager.
- (2) The lottery corporation must comply with the regulations of the general manager respecting the program referred to in subsection (1).

Duties in relation to self-excluded individuals

- 58** (1) The lottery corporation must take reasonable steps to prevent a self-excluded individual from participating in an online gaming scheme contrary to an agreement referred to in section 57 (1).
- (2) The operator of a provincial gaming facility must take reasonable steps to prevent a self-excluded individual from
- (a) being on the premises of a provincial gaming facility contrary to an agreement referred to in section 57 (1), or
 - (b) participating in a provincial gaming scheme contrary to an agreement referred to in section 57 (1).
- (3) The lottery corporation and operators of provincial gaming facilities must comply with the regulations of the general manager respecting the exclusion of self-excluded individuals from provincial gaming schemes and provincial gaming facilities.

Prohibition against extending credit

- 59 Unless the regulations provide otherwise, the lottery corporation and registered gaming services providers must not extend credit to a person for the purposes of participating in a provincial gaming scheme.

**Division 6 – Duties, Powers and Prohibitions Respecting
Access to Provincial Gaming Facilities and Online Gaming Schemes**

Duty to remove individual from provincial gaming facility

- 60 (1) The operator of a provincial gaming facility must take reasonable steps to remove an individual or cause an individual to be removed from the premises of the provincial gaming facility if the operator has reason to believe that the individual
- (a) is unlawfully on the premises,
 - (b) is on the premises for the purposes of carrying out an unlawful activity, or
 - (c) is engaging in unlawful conduct or an unlawful activity on the premises.
- (2) If, for the purposes of subsection (1), an operator requests an individual to leave the premises and the individual refuses to leave, the operator may remove the individual from the premises through the use of no more force than is necessary.

**Power to remove or exclude individual
from provincial gaming facility**

- 61 (1) The general manager or lottery corporation may take an action under subsection (2) if the general manager or lottery corporation has reason to believe that the presence of an individual on the premises of a provincial gaming facility may
- (a) undermine public confidence in the conduct, management or operation of provincial gaming schemes, including, without limitation, by interfering with the fairness of a provincial gaming scheme, or
 - (b) adversely affect
 - (i) the health or safety of a person, or
 - (ii) the security of property.
- (2) In the circumstances referred to in subsection (1), the general manager or lottery corporation may do one or both of the following:
- (a) request the individual to leave the premises of the provincial gaming facility;
 - (b) by written notice given to the individual, prohibit the individual from entering the premises of a provincial gaming facility during the period specified in the notice.

**Prohibitions against entering
or remaining at provincial gaming facility**

- 62** (1) An individual who is requested under section 60 or 61 to leave the premises of a provincial gaming facility must not
- (a) remain on the premises, or
 - (b) enter the premises within 24 hours after the request is made.
- (2) An individual to whom notice is given under section 61 (2) (b) must not enter the premises of a provincial gaming facility during the period specified in the notice.

Duty to deny access to online gaming scheme

- 63** The lottery corporation must take reasonable steps to prevent an individual from continuing to participate in an online gaming scheme if the lottery corporation has reason to believe that the individual is
- (a) unlawfully participating in the online gaming scheme,
 - (b) participating in the online gaming scheme for the purposes of carrying out an unlawful activity, or
 - (c) engaging in unlawful conduct or an unlawful activity while participating in the online gaming scheme.

Power to deny access to online gaming schemes

- 64** (1) The general manager may take an action under subsection (2), and the lottery corporation may take an action under subsection (3), if the general manager or lottery corporation has reason to believe that the participation by an individual in an online gaming scheme may
- (a) undermine public confidence in the conduct, management or operation of provincial gaming schemes, including, without limitation, by interfering with the fairness of a provincial gaming scheme, or
 - (b) adversely affect the health or safety of a person.
- (2) In the circumstances referred to in subsection (1), the general manager may do one or both of the following:
- (a) direct the lottery corporation to immediately suspend the individual's access to online gaming schemes;
 - (b) by written notice given to the individual, prohibit that individual from participating in online gaming schemes during the period specified in the notice.

- (3) In the circumstances referred to in subsection (1), the lottery corporation may do one or both of the following:
 - (a) immediately suspend the individual's access to online gaming schemes;
 - (b) by written notice given to the individual, prohibit that individual from participating in online gaming schemes during the period specified in the notice.

Prohibition against participating in online gaming scheme

- 65** An individual to whom notice is given under section 64 (2) (b) or (3) (b) must not participate in an online gaming scheme during the period specified in the notice.

Individuals not entitled to prizes

- 66** (1) An individual who is prohibited under section 61 (2) (b) [*power to remove or exclude individual from provincial gaming facility*] from entering the premises of a provincial gaming facility is not entitled to a prize as a result of the individual's participation in a provincial gaming scheme at a provincial gaming facility.
- (2) An individual who is prohibited under section 64 (2) (b) or (3) (b) from participating in online gaming schemes is not entitled to a prize as a result of the individual's participation in an online gaming scheme.
- (3) A self-excluded individual is not entitled to a prize as a result of the individual's participation in a provincial gaming scheme if that participation is contrary to an agreement referred to in section 57 (1) [*voluntary self-exclusion program*].

Security and surveillance of provincial gaming schemes

- 67** Operators of provincial gaming schemes must comply with the regulations of the general manager respecting the security and surveillance of provincial gaming facilities and online gaming schemes.

**PART 5 – REGISTERED GAMING SERVICES PROVIDERS AND
REGISTERED GAMING WORKERS**

**Division 1 – Prohibitions Respecting
Gaming Services and Gaming Work**

**Prohibition against unauthorized
provision of gaming services**

- 68** (1) A person must not provide gaming services unless the person is authorized, as a registered gaming services provider or registered gaming worker, to provide the gaming services.
- (2) Subsection (1) does not apply to
- (a) the lottery corporation, or
 - (b) a person that is exempted from that subsection by regulation of the general manager.

Prohibition against unauthorized use of gaming services

- 69** A gaming event licensee must not use gaming services unless the person providing the gaming services
- (a) is authorized, as a registered gaming services provider, to provide the gaming services, or
 - (b) is exempted from section 68 (1) in relation to the gaming services.

Prohibitions against unauthorized gaming work

- 70** (1) An individual must not accept payment to assist in the conduct, management or operation of a lottery scheme or to carry out an activity prescribed by the general manager unless
- (a) the individual is a registered gaming worker, or
 - (b) the individual is exempted from this subsection by regulation of the general manager.
- (2) The lottery corporation or a registered gaming services provider must not employ or engage an individual to do any of the following unless the individual is a registered gaming worker or is exempted from subsection (1):
- (a) assist in the conduct, management or operation of a lottery scheme;
 - (b) carry out an activity prescribed by the general manager.

- (3) A gaming event licensee must not employ or engage an individual to assist in the conduct, management or operation of a gaming event if
 - (a) the individual is not a registered gaming worker, and
 - (b) the terms and conditions of the licensee's gaming event licence specify that the individual must be registered as a registered gaming worker.

Division 2 – Registration

Application for registration as registered gaming services provider

- 71**
- (1) A person may apply for registration or renewal of registration as a registered gaming services provider by submitting to the general manager
 - (a) the information, application form and other records required by the general manager,
 - (b) the prescribed application fee, unless the regulations exempt the person from the requirement to submit the fee, and
 - (c) if the person is required by the regulations to pay for the costs of a background investigation required under subsection (2), a deposit to cover the costs, as estimated by the general manager, of the background investigation.
 - (2) An applicant for registration as a registered gaming services provider must submit to a background investigation.
 - (3) The deposit referred to in subsection (1) (c) must be held in trust by the Minister of Finance.

Application for registration as registered gaming worker

- 72**
- (1) A person may apply for registration or renewal of registration as a registered gaming worker by submitting to the general manager
 - (a) the information, application form and other records required by the general manager, and
 - (b) the prescribed application fee, unless
 - (i) the fee is waived by the general manager as authorized by the regulations, or
 - (ii) the regulations exempt the person from the requirement to submit the fee.
 - (2) An applicant for registration as a registered gaming worker must submit to a background investigation.

General manager may refuse to accept application for registration

- 73 (1) The general manager may, in the prescribed circumstances, refuse to accept an application for registration or renewal of registration submitted under section 71 or 72.
- (2) If an application is refused under this section, the general manager must give the applicant written reasons for the refusal.

Actions by general manager respecting registration of registered gaming services providers and registered gaming workers

- 74 (1) The general manager may take any of the following actions in relation to a person that is an applicant for registration or renewal of registration as a registered gaming services provider or registered gaming worker:
- (a) register the person and impose terms and conditions on the registration;
 - (b) renew the person's registration and impose terms and conditions on the renewal;
 - (c) refuse to register the person or refuse to renew the person's registration.
- (2) The general manager may take any of the following actions in relation to a person that is a registrant:
- (a) suspend or cancel the person's registration;
 - (b) amend the person's registration, including by
 - (i) imposing new terms or conditions on the registration,
 - (ii) amending or rescinding terms or conditions of the registration, or
 - (iii) extending the term of registration.
- (3) Without limiting the general manager's authority under subsection (1) or (2), the general manager may take an action under subsection (1) (c) or (2) if, in the general manager's opinion, any of the following apply:
- (a) the person, or an associated person,
 - (i) has contravened this Act or a regulation under this Act made by the Lieutenant Governor in Council or the general manager,
 - (ii) has engaged in conduct that shows that the person is unfit to be a registered gaming services provider or registered gaming worker, or
 - (iii) has been convicted of an offence under an enactment, or under a law of another jurisdiction in or outside Canada, for conduct that shows that the person is unfit to be a registered gaming services provider or registered gaming worker;
 - (b) the person has contravened a term or condition of registration;

- (c) in the case of a person that is a registered gaming services provider or an applicant for registration or renewal of registration as a registered gaming services provider,
 - (i) the person does not meet the eligibility requirements prescribed by the general manager, or
 - (ii) the person has breached a contract with the lottery corporation;
- (d) the person has failed to pay, as required under this Act or the *Offence Act*, an amount owing as a monetary penalty or fine.

Requirement to give written notice of action

- 75
- (1) If the general manager takes an action under section 74 (1) (c) or (2), the general manager must give the applicant or registrant written notice of the action.
 - (2) The notice under subsection (1) must include the following:
 - (a) the general manager’s reasons for taking the action;
 - (b) a statement that the action may be reconsidered under section 187 [*reconsideration by general manager*].

Register of registered gaming services providers and registered gaming workers

- 76
- (1) The general manager must maintain a register that sets out the following information about each person that is a registrant:
 - (a) the name of the person;
 - (b) the class of registration in which the person is registered;
 - (c) the term of the person’s registration.
 - (2) The information in the register must be made available to the public.

Division 3 – Terms and Conditions of Registration

Duty to comply with terms and conditions of registration

- 77
- (1) A registrant must comply with the terms and conditions of the registrant’s registration.
 - (2) If a term or condition of a registrant’s registration is inconsistent or in conflict with this Act or a regulation under this Act made by the Lieutenant Governor in Council or the general manager, this Act or the regulation prevails.

Terms and conditions imposed on class of registrations

- 78** (1) The general manager may, in the public interest and without giving prior notice to affected registrants, make any of the following changes to the registrations of all persons in a specified class of registered gaming services providers or registered gaming workers:
- (a) impose a term or condition on the registrations;
 - (b) amend or rescind a term or condition imposed under paragraph (a).
- (2) If the general manager makes a change under subsection (1), the general manager must publish a notice in a manner that will, in the general manager's opinion, bring the change to the attention of all persons registered in the specified class.
- (3) Unless the notice published under subsection (2) provides otherwise, the change takes effect on the date the notice is published.

Terms and conditions imposed on some registrations in class

- 79** (1) The general manager may, in the public interest and without giving prior notice to affected registrants, make any of the following changes to the registration of one or more, but not all, persons in a specified class of registered gaming services providers or registered gaming workers:
- (a) impose a term or condition on the registration or registrations;
 - (b) amend or rescind a term or condition imposed under paragraph (a).
- (2) If the general makes a change under this section, the general manager must give notice of the change to each of the affected registrants.
- (3) Unless the notice given under subsection (2) provides otherwise, the change takes effect on the date the notice is given to the affected registrant.

Division 4 – Reporting Duties of Registered Gaming Services Providers

Duty to report organizational changes

- 80** (1) A registered gaming services provider that is a corporation must give written notice to the general manager if
- (a) there is a change in the directors or officers of the corporation, or
 - (b) a person, or a group of persons acting in concert, acquires or disposes of, whether directly or indirectly, a percentage of the outstanding voting shares in the corporation that exceeds the percentage prescribed by the general manager.
- (2) A registered gaming services provider that is a partnership must give written notice to the general manager of a change in the partners or officers of the partnership.

- (3) The notice under subsection (1) or (2) must be given to the general manager
 - (a) at least 3 months before the change, acquisition or disposition is to take effect, or
 - (b) if the registered gaming services provider is not aware of the change, acquisition or disposition 3 months before it is to take effect, as soon as practicable after the registered gaming services provider becomes aware of the change, acquisition or disposition.

Duty to provide financial statements

- 81**
- (1) A registered gaming services provider must, within 6 months after the end of each fiscal year of the registered gaming services provider, provide to the general manager a financial statement respecting the activities of the registered gaming services provider in that fiscal year.
 - (2) On request of the general manager, a registered gaming services provider must provide a financial statement audited by an auditor approved by the general manager.

PART 6 – GAMING EVENTS

Division 1 – Responsibilities of General Manager

**Responsibilities of general manager
in relation to gaming events**

- 82**
- (1) The general manager may specify the fairs or exhibitions at which gaming events or classes of gaming events may be conducted and managed.
 - (2) Except with the prior written approval of the minister, the general manager may not authorize a gaming event licensee to conduct and manage a lottery scheme that is in a class of lottery schemes not currently conducted and managed by gaming event licensees.

**Division 2 – Making and Determining
Application for Gaming Event Licence**

Application for gaming event licence

- 83**
- A person may apply for a gaming event licence by submitting to the general manager
- (a) the information, application form and other records required by the general manager, and
 - (b) the prescribed application fee.

Actions by general manager respecting gaming event licences

- 84** (1) The general manager may take any of the following actions in relation to a person that is an applicant for a gaming event licence:
- (a) issue a gaming event licence to the person and impose terms and conditions on the licence;
 - (b) refuse to issue a gaming event licence to the person.
- (2) The general manager may take any of the following actions in relation to a person that is a gaming event licensee:
- (a) suspend or cancel the person’s gaming event licence;
 - (b) amend the person’s gaming event licence, including by
 - (i) imposing new terms or conditions on the licence,
 - (ii) amending or rescinding terms or conditions of the licence, or
 - (iii) extending the term of the licence.
- (3) Without limiting the authority of the general manager under subsection (1) or (2), the general manager may take an action under subsection (1) (b) or (2) if, in the general manager’s opinion, any of the following applies:
- (a) the person does not meet the eligibility requirements for holding a gaming event licence, as specified by the general manager;
 - (b) the person, or an associated person,
 - (i) has contravened this Act or a regulation under this Act made by the Lieutenant Governor in Council or the general manager,
 - (ii) has engaged in conduct that shows that the person is unfit to hold a gaming event licence, or
 - (iii) has been convicted of an offence under an enactment, or under a law of another jurisdiction in or outside Canada, for conduct that shows that the person is unfit to hold a gaming event licence;
 - (c) the person has contravened a term or condition of
 - (i) a gaming event licence,
 - (ii) registration as a registered gaming services provider or registered gaming worker, or
 - (iii) a community gaming grant given under Part 9 [*Community Gaming Grants*];
 - (d) the person has failed to pay, as required under this Act or the *Offence Act*, an amount owing as a monetary penalty or fine.
- (4) Without limiting the authority of the general manager under subsection (1) (a) or (2) (b), the terms and conditions of a gaming event licence may require a specified individual who assists in the conduct, management or operation of the gaming event to be registered as a registered gaming worker.

Requirement to give written notice of action

- 85** (1) If the general manager takes an action under section 84 (1) (b) or (2), the general manager must give the applicant or licensee written notice of the action.
- (2) The notice given under subsection (1) must include the following:
- (a) the general manager’s reasons for taking the action;
 - (b) a statement that the action may be reconsidered under section 187 [*reconsideration by general manager*].

Gaming event licence not assignable

- 86** A gaming event licence is not assignable or transferable.

Division 3 – Terms and Conditions of Gaming Event Licences

Duty to comply with terms and conditions of gaming event licence

- 87** (1) A gaming event licensee must comply with the terms and conditions of the licensee’s gaming event licence.
- (2) If a term or condition of a gaming event licence is inconsistent or in conflict with this Act or a regulation under this Act made by the Lieutenant Governor in Council or the general manager, this Act or the regulation prevails.

Changes to terms and conditions imposed on class of licence

- 88** (1) The general manager may, in the public interest and without giving prior notice to affected gaming event licensees, make any of the following changes to all licences in a specified class of gaming event licence:
- (a) impose a term or condition on the licences;
 - (b) amend or rescind a term or condition imposed under paragraph (a).
- (2) If the general manager makes a change under subsection (1), the general manager must publish a notice in a manner that will, in the general manager’s opinion, bring the change to the attention of all gaming event licensees in the specified class.
- (3) Unless the notice published under subsection (2) provides otherwise, the change takes effect on the date the notice is published.

**Changes to terms and conditions imposed
on some licences in class**

- 89** (1) The general manager may, in the public interest and without giving prior notice to affected gaming event licensees, make any of the following changes to one or more, but not all, licences in a specified class of gaming event licence:
- (a) impose a term or condition on the licence or licences;
 - (b) amend or rescind a term or condition imposed under paragraph (a).
- (2) If the general manager makes a change under this section, the general manager must give notice of the change to each of the affected gaming event licensees.
- (3) Unless the notice given under subsection (2) provides otherwise, the change takes effect on the date the notice is given to the affected gaming event licensee.

Division 4 – Duties of Gaming Event Licensees

**Duty respecting conduct, management and
operation of gaming event**

- 90** A gaming event licensee must comply with the regulations of the general manager respecting the conduct, management and operation of gaming events.

**Duty of gaming event licensee to provide
financial reports and statements**

- 91** (1) If required by the regulations of the general manager, a gaming event licensee must provide to the general manager a financial report respecting the activities carried out under the licensee’s gaming event licence.
- (2) On request of the general manager, a gaming event licensee must provide to the general manager a financial statement respecting the licensee’s activities in a fiscal year of the licensee as specified in the request.
- (3) On request of the general manager, a gaming event licensee must provide a financial statement that is audited by an auditor approved by the general manager.

PART 7 – HORSE RACING

Division 1 – Application of Part 7

Application of Part 7

- 92** (1) This Part applies in relation to a horse race and related activities and matters referred to in section 93 only if *pari mutuel* betting takes place in relation to the horse race.

- (2) In this section, “*pari mutuel betting*” means betting that is authorized under section 204 of the *Criminal Code* in relation to a horse race.

Division 2 – Prohibitions, Duties and Powers Respecting Horse Racing and Horse Racing Facilities

Prohibition against unlicensed horse racing

- 93** (1) A person must not do any of the following unless the person is authorized to do so under a horse racing licence:
- (a) hold a horse race;
 - (b) manage or operate a horse racing facility;
 - (c) own a horse that is entered into a horse race;
 - (d) participate in any of the following activities:
 - (i) training a horse at a horse racing facility for the purposes of entering the horse in a horse race;
 - (ii) judging or officiating a horse race;
 - (iii) riding or driving in a horse race;
 - (iv) providing veterinary services at a horse racing facility;
 - (v) providing medical services at a race track;
 - (vi) providing services in relation to the care of horses at a horse racing facility;
 - (vii) an activity prescribed by the general manager.
- (2) Subsection (1) (d) does not apply to a person employed or retained by the government when acting in the course of the person’s duties.

Presence of minors at horse racing facilities

- 94** Unless the regulations provide otherwise, a horse racing licensee that is operating a horse racing facility must not allow a minor to be present on the premises of the horse racing facility.

Duty of horse racing licensee to remove individual from horse racing facility

- 95** (1) A horse racing licensee that is operating a horse racing facility must take reasonable steps to remove an individual or cause an individual to be removed from the premises of the horse racing facility if the licensee has reason to believe that the individual
- (a) is unlawfully on the premises,
 - (b) is on the premises for the purposes of carrying out an unlawful activity,
or
 - (c) is engaging in unlawful conduct or an unlawful activity on the premises.

- (2) If, for the purposes of subsection (1), a horse racing licensee requests an individual to leave the premises and the individual refuses to leave, the licensee may remove the individual from the premises through the use of no more force than is necessary.

**Power of general manager to remove
or exclude individual from horse racing facility**

- 96** (1) The general manager may take an action under subsection (2) if the general manager has reason to believe that the presence of an individual on the premises of a horse racing facility may
- (a) undermine public confidence in horse racing, including, without limitation, by interfering with the fairness of a horse race, or
 - (b) adversely affect
 - (i) the health or safety of a person,
 - (ii) the welfare of horses, or
 - (iii) the security of property.
- (2) In the circumstances referred to in subsection (1), the general manager may do one or both of the following:
- (a) request the individual to leave the premises of the horse racing facility;
 - (b) by written notice given to the individual, prohibit the individual from entering the premises of a horse racing facility during the period specified in the notice.

**Prohibitions against entering
or remaining at horse racing facility**

- 97** (1) An individual who is requested under section 95 or 96 to leave the premises of a horse racing facility must not
- (a) remain on the premises, or
 - (b) enter the premises within 24 hours after the request is made.
- (2) An individual who, by written notice given under section 96 (2) (b), is prohibited from entering the premises of a horse racing facility must not enter the premises of the horse racing facility during the period specified in the notice.

Security and surveillance of horse racing facilities

- 98** A horse racing licensee that is operating a horse racing facility must comply with the regulations of the general manager respecting the security and surveillance of horse racing facilities.

Assignment of race dates

- 99**
- (1) The general manager may
 - (a) assign to a horse racing licensee the dates on which the licensee may hold a horse race, and
 - (b) impose terms and conditions on the assignment.
 - (2) An assignment under subsection (1) must be in writing.
 - (3) The general manager may take any of the following actions in relation to the race dates assigned to a horse racing licensee:
 - (a) revoke a term or condition of the assignment;
 - (b) impose new terms and conditions on the assignment;
 - (c) change the dates or add new dates;
 - (d) cancel a horse race that was to be held on an assigned date.
 - (4) If the general manager takes an action under subsection (3), the general manager must notify the horse racing licensee of the action.
 - (5) A horse racing licensee must not hold a horse race except on a date assigned to the licensee under this section.

Division 3 – Horse Racing Licences

Application for horse racing licence

- 100**
- (1) A person may apply for a horse racing licence or renewal of a horse racing licence by submitting to the general manager
 - (a) the information, application form and other records required by the general manager,
 - (b) the prescribed application fee, unless
 - (i) the fee is waived by the general manager as authorized by the regulations, or
 - (ii) the regulations exempt the person from the requirement to submit the fee, and
 - (c) if the person is required by the regulations to pay for the costs of a background investigation required under subsection (2), a deposit to cover the costs, as estimated by the general manager, of the background investigation.
 - (2) An applicant must submit to a background investigation.
 - (3) The deposit referred to in subsection (1) (c) must be held in trust by the Minister of Finance.
 - (4) The general manager may, in the prescribed circumstances, refuse to accept an application for a horse racing licence or renewal of a horse racing licence.

- (5) If an application is refused under subsection (4), the general manager must give the applicant written reasons for the refusal.

Actions by general manager respecting horse racing licences

- 101** (1) The general manager may take any of the following actions in relation to a person that is an applicant for a horse racing licence or renewal of a horse racing licence:
- (a) issue a horse racing licence to the person and impose terms and conditions on the licence;
 - (b) renew the person's horse racing licence and impose terms and conditions on the renewal;
 - (c) refuse to issue a horse racing licence to the person or refuse to renew the person's horse racing licence.
- (2) The general manager may take any of the following actions in relation to a person that is a horse racing licensee:
- (a) suspend or cancel the person's horse racing licence;
 - (b) amend the person's horse racing licence, including by
 - (i) imposing new terms or conditions on the licence,
 - (ii) amending or rescinding terms or conditions of the licence, or
 - (iii) extending the term of the licence.
- (3) Without limiting the general manager's authority under subsection (1) or (2), the general manager may take an action under subsection (1) (c) or (2) if, in the general manager's opinion, any of the following applies:
- (a) the person, or an associated person,
 - (i) has contravened this Act or a regulation under this Act made by the Lieutenant Governor in Council or the general manager,
 - (ii) has engaged in conduct that shows that the person is unfit to hold a horse racing licence, or
 - (iii) has been convicted of an offence under an enactment, or under a law of another jurisdiction in or outside Canada, that shows that the person is unfit to hold a horse racing licence;
 - (b) the person has contravened a term or condition of
 - (i) a horse racing licence, or
 - (ii) registration as a registered gaming services provider or registered gaming worker;
 - (c) the person has failed to pay, as required under this Act or the *Offence Act*, an amount owing as a monetary penalty or fine;

- (d) the person does not have the education, training, experience or skill necessary to carry out the activities that are or would be authorized under the licence.

Requirement to give written notice of action

- 102** (1) If the general manager takes an action under section 101 (1) (c) or (2), the general manager must give the applicant or horse racing licensee written notice of the action.
- (2) The notice under subsection (1) must include the following:
 - (a) the general manager’s reasons for taking the action;
 - (b) a statement that the action may be reconsidered under section 187 [*reconsideration by general manager*].

Licence not assignable

- 103** A horse racing licence is not assignable or transferable.

Public list of horse racing licensees

- 104** (1) The general manager must maintain a list that sets out the following information about each person that holds a horse racing licence:
 - (a) the name of the person;
 - (b) the category of licence, as established in the horse racing rules, held by the person;
 - (c) the term of the person’s licence.
- (2) The information in the list referred to in subsection (1) must be made available to the public.

Division 4 – Terms and Conditions of Horse Racing Licences

Duty to comply with terms and conditions of horse racing licence

- 105** (1) A horse racing licensee must comply with the terms and conditions of the licensee’s horse racing licence.
- (2) If a term or condition of a horse racing licence is inconsistent or in conflict with this Act or a regulation under this Act made by the Lieutenant Governor in Council or the general manager, this Act or the regulation prevails.

Changes to terms and conditions imposed on class of licence

- 106** (1) The general manager may, in the public interest and without giving prior notice to affected horse racing licensees, make any of the following changes to all licences in a specified class of horse racing licence:
- (a) impose a term or condition on the licences;
 - (b) amend or rescind a term or condition imposed under paragraph (a).
- (2) If the general manager makes a change under subsection (1), the general manager must publish a notice in a manner that will, in the general manager's opinion, bring the change to the attention of all horse racing licensees in the specified class.
- (3) Unless the notice published under subsection (2) provides otherwise, the change takes effect on the date the notice is published.

Changes to terms and conditions imposed on some licences in class

- 107** (1) The general manager may, in the public interest and without giving prior notice to affected horse racing licensees, make any of the following changes to the licences of one or more, but not all, licences in a specified class of horse racing licence:
- (a) impose a term or condition on the licence or licences;
 - (b) amend or rescind a term or condition imposed under paragraph (a).
- (2) If the general manager makes a change under this section, the general manager must give notice of the change to each of the affected horse racing licensees.
- (3) Unless the notice given under subsection (2) provides otherwise, the change takes effect on the date the notice is given to the affected horse racing licensee.

Division 5 – Duties of Horse Racing Licensees

Duty of horse racing licensee to report organizational changes

- 108** (1) If required by the regulations of the general manager, a horse racing licensee that is a corporation must give written notice to the general manager of
- (a) a change in the directors or officers of the corporation, or
 - (b) the acquisition or disposition, whether direct or indirect, by a person or a group of persons acting in concert, of a percentage of the outstanding voting shares in the capital of the corporation that exceeds the percentage prescribed by the general manager.
- (2) If required by the regulations of the general manager, a horse racing licensee that is a partnership must give written notice to the general manager of a change in the partners or officers of the partnership.

Duty of horse racing licensee to provide financial statements

- 109** (1) If required by the regulations of the general manager, after each fiscal year of a horse racing licensee, the licensee must provide to the general manager a financial statement respecting the activities of the licensee in that fiscal year.
- (2) On request of the general manager, a horse racing licensee must provide a financial statement audited by an auditor approved by the general manager.

Horse racing rules

- 110** (1) The general manager may make rules respecting horse racing.
- (2) Without limiting subsection (1), the general manager may make rules respecting any of the following:
- (a) the conduct of horse races;
 - (b) eligibility and procedures for entry into horse races;
 - (c) the disqualification of horses;
 - (d) the handling and distribution of purse money;
 - (e) the professional conduct of horse racing licensees;
 - (f) the training, at a horse racing facility, of horses for horse races;
 - (g) access to and activities permissible in specified areas of a race track;
 - (h) measures to protect the fairness of horse races;
 - (i) the health and safety of horse racing licensees;
 - (j) the health, safety and welfare of horses;
 - (k) the publication of horse race schedules;
 - (l) information that must be reported to the general manager by horse racing licensees;
 - (m) records that must be maintained by horse racing licensees;
 - (n) practices and procedures for the administration of the rules.
- (3) In making rules under this section, the general manager may
- (a) adopt by reference, in whole, in part or with any changes considered appropriate, a law, code, standard or rule
 - (i) enacted as or under a law of another jurisdiction in or outside Canada, or
 - (ii) set by a provincial, national or international body or any other code-, standard- or rule-making bodyas the law, code, standard or rule stands at a specific date, as it stands at the time of adoption or as it is amended from time to time,
 - (b) establish different categories of horse races or horse racing licences, including, without limitation, by reference to activities carried out under the licences, and

- (c) make different rules in relation to different categories of horse races or horse racing licences.
- (4) A horse racing licensee must comply with the horse racing rules.
- (5) If a provision of the horse racing rules is inconsistent or in conflict with this Act or a regulation under this Act made by the Lieutenant Governor in Council or the general manager, this Act or the regulation prevails.

Prohibition against betting on horse races

- 111** A horse racing licensee must comply with the regulations of the general manager respecting the participation by horse racing licensees in betting on horse races.

Prohibition against obstructing general manager

- 112** A horse racing licensee must not obstruct the general manager in the lawful exercise of a power or the performance of a duty under this Part.

Division 6 – Horse Racing Betting Fee

Definitions for Division 6

- 113** In this Division:
- “**betting fee**” means the fee under section 114;
 - “**operator**” means a person that
 - (a) holds a horse race or operates a race track, or
 - (b) is a custodian or depositary of money that is deposited for the purpose of placing a bet in relation to a horse race.

Fee for betting on horse race

- 114** A person who deposits an amount with an operator in British Columbia for the purposes of placing a bet in relation to a horse race held in or outside British Columbia must pay to the government a fee equal to the following:
- (a) in the case of a triactor bet, 4.5% of the amount deposited in the triactor pool;
 - (b) in the case of a bet other than a triactor bet, 2.5% of the amount deposited in the pool.

Collection and remittance of betting fee

- 115**
- (1) An operator must levy and collect the betting fee at the time that a person deposits an amount with the operator for the purposes of placing a bet in relation to a horse race.
 - (2) An operator must remit to the government, on or before the prescribed date and in the prescribed manner, betting fees collected by the operator.

- (3) Interest, calculated at the prescribed rate and in the prescribed manner, is payable by an operator on betting fees owing to the government and not remitted under subsection (2).
- (4) An operator must, in accordance with the regulations, maintain records and provide reports in relation to betting fees collected and remitted under this section.
- (5) An operator is an agent of the government for the purposes of this Division.

Use of horse racing betting fees

- 116** (1) Despite the *Financial Administration Act*, the fees remitted under section 115 of this Act in each fiscal year must be applied as follows:
- (a) by paying into the consolidated revenue fund an amount equal to the cost, as estimated by the minister, of regulating horse racing under this Act in the following fiscal year;
 - (b) after the payment under paragraph (a), by dividing the balance between or among prescribed organizations in accordance with the regulations.
- (2) It is a condition of a payment to an organization under subsection (1) (b) that the organization apply the payment toward one or both of the following:
- (a) the improvement of horse racing in British Columbia;
 - (b) the economic viability of horse racing in British Columbia.

PART 8 – FIRST NATIONS REVENUE SHARING

Definitions for Part 8

- 117** (1) In this Part:
- “**actual net income of the lottery corporation**”, in relation to a fiscal year, means the net income of the lottery corporation as reported in the audited financial statement for the fiscal year submitted by the lottery corporation under section 28 [*lottery corporation to report on operations*]
- (a) less the amount, as reported in the audited financial statement in which the net income of the lottery corporation is reported, that the lottery corporation makes provision for in that fiscal year for any payments it is obliged to make under agreements referred to in section 16 [*agreements with Canada and other provinces*] in respect of lotteries, and
 - (b) as otherwise adjusted in accordance with the long-term agreement;
- “**annual revenue sharing entitlement**” has the same meaning as in the interim agreement;

“**estimated net income of the lottery corporation**”, in relation to a fiscal year, means the estimated net income of the lottery corporation for the fiscal year as presented to the Legislative Assembly in the main estimates under the *Budget Transparency and Accountability Act*;

“**interim agreement**” means the Interim BC First Nations Gaming Revenue Sharing and Financial Agreement dated August 2, 2019, as amended from time to time, between the government, the partnership, the First Nations Summit, the British Columbia Assembly of First Nations and the Union of British Columbia Indian Chiefs;

“**long-term agreement**” means an agreement, as amended from time to time, respecting the sharing of annual provincial gaming revenue between the government, the partnership, the First Nations Summit, the British Columbia Assembly of First Nations and the Union of British Columbia Indian Chiefs, but does not include the interim agreement;

“**partner**” means a limited partner of the partnership;

“**partnership**” means the BC First Nations Gaming Revenue Sharing Limited Partnership or its successors or assigns.

- (2) The minister must publish in the Gazette the interim agreement, the long-term agreement and any agreement amending the interim agreement or the long-term agreement.

Application of Part 8

- 118** (1) Subject to subsection (2), this Part applies
- (a) if there is a long-term agreement in effect, and
 - (b) during the period beginning on April 1, 2021 and ending on the earlier of the following dates:
 - (i) March 31, 2045;
 - (ii) the date on which the long-term agreement referred to in paragraph (a) is terminated.
- (2) The obligations to make payments under sections 119 and 120 do not apply during any period in which payments are suspended in accordance with the long-term agreement.

Partnership’s entitlement to lottery corporation revenue

- 119** (1) For each fiscal year beginning on or after April 1, 2021, the lottery corporation must pay to the partnership, by paying to the government on behalf of the partnership, 7% of the actual net income of the lottery corporation for the fiscal year.

- (2) The following payments for each fiscal year discharge the obligation of the lottery corporation to make payments to the partnership under subsection (1) in that fiscal year:
 - (a) the payments under section 30 [*application of revenue*] into the consolidated revenue fund;
 - (b) the minister's payments under section 120.
- (3) For certainty, the government is not, under this Part, an agent of the partnership.

Annual payments to partnership

- 120**
- (1) On or before April 30 of each fiscal year beginning on or after April 1, 2021, the minister must pay from the consolidated revenue fund to the partnership 7% of the amount that is equal to the estimated net income of the lottery corporation for the fiscal year less any adjustment under subsection (4) for the second preceding fiscal year.
 - (2) For each fiscal year beginning on or after April 1, 2021, if the actual net income of the lottery corporation for the fiscal year exceeds the estimated net income of the lottery corporation for that fiscal year, the minister must pay from the consolidated revenue fund to the partnership the amount that is equal to 7% of the difference between the actual net income of the lottery corporation for that fiscal year and the estimated net income of the lottery corporation for that fiscal year.
 - (3) A payment under subsection (2) for a fiscal year must be made on or before the earlier of the following dates:
 - (a) the date that is 60 days after the public accounts for the fiscal year are made public under the *Budget Transparency and Accountability Act*;
 - (b) the date specified in the long-term agreement.
 - (4) For each fiscal year beginning on or after April 1, 2023, if the actual net income of the lottery corporation for the second preceding fiscal year is less than the estimated net income of the lottery corporation for the second preceding fiscal year, the amount payable under subsection (1) for the fiscal year must be reduced by the amount that is equal to 7% of the difference between the actual net income of the lottery corporation for the second preceding fiscal year and the estimated net income of the lottery corporation for the second preceding fiscal year.
 - (5) At the partnership's written request in relation to a payment for a fiscal year, the minister must pay from the consolidated revenue fund directly to a partner that partner's share determined in accordance with the long-term agreement, in which case the payment to the partnership under subsection (1) or (2) must be reduced by an amount equal to the minister's payment to the partner.

One-time adjustment for interim agreement overpayment

- 121** (1) This section applies if the amount of \$196 840 000 exceeds the total of the partnership’s annual revenue-sharing entitlements for the fiscal years beginning on April 1, 2019 and April 1, 2020.
- (2) For the fiscal year beginning on April 1, 2022, the amount otherwise payable under section 120 (1) for that fiscal year is reduced by the amount of the excess referred to in subsection (1) of this section.

Application of *Financial Administration Act*

- 122** Despite the *Financial Administration Act*, sections 21 (3), 27 (1) (a) and 45 (1) of the *Financial Administration Act* do not apply to an appropriation under section 120 of this Act.

PART 9 – COMMUNITY GAMING GRANTS

Division 1 – Definitions

Definitions for Part 9

- 123** In this Part:
- “**associated person**”, in relation to an applicant for a community gaming grant, means a director, officer or employee of an applicant or any other person that, in the grant manager’s opinion, may have direct or indirect influence over the applicant;
- “**background investigation**” means a background investigation conducted under section 129 [*background investigations by grant manager*];
- “**community gaming grant**” means a grant given under section 130 [*community gaming grants*] to an applicant;
- “**grant recipient**” means an organization that receives a community gaming grant.

Division 2 – Grant Manager

Designation of grant manager

- 124** (1) The minister may designate as the manager of community gaming grants an individual appointed under the *Public Service Act*.
- (2) The grant manager may delegate to any person any of the powers and duties of the grant manager, subject to any terms or conditions the grant manager considers appropriate.
- (3) A delegation under subsection (2) to a person not appointed under the *Public Service Act* must be in writing.

Minister's directives to grant manager

- 125** (1) The minister may issue written directives to the grant manager on matters of general policy.
- (2) The grant manager must
- (a) comply with the directives, and
 - (b) publish each directive in the manner specified in the directive.

Grant manager's report to minister

- 126** (1) Each fiscal year, the grant manager must submit to the minister a report respecting the community gaming grants given during the preceding fiscal year.
- (2) In addition to the report under subsection (1), the grant manager must report to the minister on any other matter the minister may require.

Division 3 – Community Gaming Grants

Eligibility requirements for community gaming grant

- 127** The grant manager must, under the direction of the minister, establish the requirements that an organization must meet to be eligible to receive a community gaming grant.

Application for community gaming grant

- 128** An organization may apply for a community gaming grant by submitting to the grant manager an application in the form and manner required by the grant manager.

Background investigations by grant manager

- 129** (1) For the purposes of assessing an application for a community gaming grant, the grant manager may conduct a background investigation in respect of any of the following:
- (a) the applicant;
 - (b) an associated person.
- (2) A background investigation under this section may include any of the following:
- (a) a criminal record check;
 - (b) inquiries into a person's financial position;
 - (c) other inquiries the grant manager considers necessary.

Community gaming grants

- 130** (1) The grant manager may give a community gaming grant to an applicant that meets the requirements established under section 127 *[eligibility requirements for community gaming grant]*.
- (2) The grant manager may impose terms and conditions on a community gaming grant.
- (3) The terms and conditions imposed under subsection (2) may be different for different grant recipients or different classes of grant recipients.
- (4) A grant recipient must comply with the terms and conditions of the grant recipient's community gaming grant.

Prohibition against providing false or misleading information in application

- 131** An applicant for a community gaming grant must not submit an application that contains false or misleading information or that fails to disclose a material fact.

Division 4 – Compliance and Enforcement

Duty of grant recipient to provide financial statements

- 132** (1) A grant recipient must provide to the grant manager a financial statement that accounts for the grant recipient's use of the money given by way of the grant recipient's community gaming grant.
- (2) The financial statement required under subsection (1)
- (a) must be in the form and include the content required by the grant manager,
 - (b) must cover the period specified by the grant manager, and
 - (c) must be provided within the period specified by the grant manager.
- (3) On request of the grant manager, a grant recipient must provide a financial statement audited by an auditor approved by the grant manager.

Prohibition against providing false or misleading information in financial statement

- 133** A grant recipient must not provide false or misleading information or fail to disclose a material fact in a financial statement provided under section 132.

Purposes of audits and inspections by grant manager

- 134** The grant manager may conduct audits and inspections for the purposes of monitoring and determining a grant recipient's compliance with this Part.

Demand for information by grant manager

- 135** (1) For the purposes of conducting an audit or inspection, the grant manager may, by demand notice, require a grant recipient to provide information or records that the grant manager considers relevant.
- (2) A grant recipient to which a demand notice is given under this section must produce the required information or records in the form and manner and within the period specified in the notice.

Grant manager's powers of entry

- 136** (1) For the purposes of conducting an audit or inspection, the grant manager may, at any reasonable time, enter
- (a) a business premises of a grant recipient, or
 - (b) a place at which the records or things referred to in section 138 are kept.
- (2) The grant manager may not enter a place occupied as a private residence except with the consent of the occupant or as authorized by a warrant issued under section 137 or under another Act.

Warrant to exercise grant manager's audit and inspection powers

- 137** If satisfied that there are reasonable grounds to believe that entry into a place is necessary for the purposes of an audit or inspection, a justice may issue a warrant authorizing the grant manager or another person named in the warrant to enter the place and conduct an audit or inspection.

Grant manager's audit and inspection powers at places

- 138** The grant manager may do any of the following at a place the grant manager is authorized to enter under section 136 or 137:
- (a) audit, inspect or examine records;
 - (b) inspect or examine things;
 - (c) require persons to provide information, records or things;
 - (d) remove records and things for the purpose of making copies or extracts or otherwise recording or marking them for identification.

Duties of grant manager in relation to audit and inspection

- 139** (1) When the grant manager is conducting an audit or inspection at a place the grant manager is authorized to enter under section 136 [*grant manager's powers of entry*] or 137, the grant manager must
- (a) carry proof of identity, and
 - (b) present the proof of identity on request.

- (2) If the grant manager removes a record or thing from a place, the grant manager
 - (a) must provide a receipt for the record or thing,
 - (b) may make alterations to the record or thing that are reasonably necessary for the purposes of the audit or inspection, and
 - (c) must return the record or thing within a reasonable time.

Assistance to grant manager in conduct of audit or inspection

- 140** In conducting an audit or inspection, the grant manager may do any of the following:
- (a) request and receive the assistance of a peace officer;
 - (b) be accompanied and assisted by other persons, including persons who have expert or special knowledge that the grant manager considers relevant to the audit or inspection;
 - (c) bring or use equipment, machines or materials that the grant manager considers necessary to conduct the audit or inspection.

Duty to cooperate with grant manager during audit or inspection

- 141** (1) When the grant manager is conducting an audit or inspection in respect of a grant recipient, the grant recipient must, on request of the grant manager,
- (a) promptly allow the grant manager to enter a place referred to in section 136 [*grant manager's powers of entry*],
 - (b) promptly provide, or produce within the period specified by the grant manager, the information, records or things the grant manager is authorized to audit, inspect or examine under section 135 [*demand for information by grant manager*] or 138 [*grant manager's audit and inspection powers at places*], and
 - (c) allow the grant manager to inspect, audit, examine, or remove the records and things referred to in paragraph (b).
- (2) A person that has possession or control of information, records or things that the grant manager is authorized to audit, inspect, examine, obtain or remove under this Division must produce or provide access to the information, records or things within the period specified by the grant manager.

Prohibition against obstructing or interfering with grant manager's audit or inspection

- 142** A person must not do any of the following in relation to an audit or inspection conducted by the grant manager:
- (a) obstruct, hinder or interfere with the audit or inspection;
 - (b) provide false or misleading information or records to, or fail to disclose a material fact to, the grant manager;
 - (c) withhold, destroy, tamper with, alter, conceal or refuse to produce anything requested for the purposes of the audit or inspection.

Grant manager's order to freeze property

- 143** (1) The grant manager may make an order under this section in respect of a grant recipient if the grant manager reasonably believes all of the following:
- (a) the grant recipient has contravened a term or condition of the grant recipient's community gaming grant;
 - (b) the term or condition referred to in paragraph (a) is in relation to the handling of or accounting for money provided by way of a community gaming grant;
 - (c) one of the following applies:
 - (i) the grant recipient is or will be insolvent or otherwise financially unstable, and the insolvency or instability may result in a failure to account for the money referred to in paragraph (b);
 - (ii) criminal proceedings involving the conduct of the affairs of the grant recipient have been initiated, are being initiated or are about to be initiated.
- (2) An order under this section may, on terms the grant manager considers reasonable, do any of the following:
- (a) require a person to which the order is directed to hold in trust any property of the grant recipient that the person has, in British Columbia, on deposit, under control or for safe keeping;
 - (b) prohibit the grant recipient from withdrawing any of the grant recipient's property from the possession of another person named in the order that has the property on deposit, under control or for safe keeping;
 - (c) prohibit a lessor, to which the order is directed, of safety deposit boxes, safes or compartments in safes from permitting the opening or removal of a safety deposit box, safe or compartment in a safe leased to a person named in the order;

- (d) require a person named in the order to hold the property affected by the order in that person's possession, control or safe keeping or in trust for an interim receiver, custodian, trustee, receiver manager, receiver or liquidator that has been appointed or whose appointment has been applied for under the *Business Corporations Act*, the *Law and Equity Act*, the *Personal Property Security Act*, the *Supreme Court Act*, the *Bankruptcy and Insolvency Act* (Canada) or the *Winding-up and Restructuring Act* (Canada).
- (3) An order under this section may be made without advance notice to a person affected by the order but, promptly after making the order, the grant manager must give a copy of the order to the grant recipient and, if different, the person to which the order is directed.
- (4) On the application of a person affected by the order or on the grant manager's own initiative, the grant manager may vary or rescind an order made under this section.
- (5) An order under this section does not apply in relation to assets in a stock exchange clearing house or to securities in the process of being transferred by a transfer agent unless the order expressly states that it applies in relation to those assets or securities.
- (6) If a bank, trust company or credit union is the holder of property described in subsection (2) (a), an order under that subsection applies only in relation to offices, branches or agencies specified in the order.
- (7) Property affected by an order under this section continues to be affected by the order and remains frozen as provided in the order until the property
 - (a) is released under subsection (4), or
 - (b) is dealt with in accordance with a court order.

Court order respecting disposition of property

- 144**
- (1) A person may, on giving notice to the grant manager, apply to the Supreme Court for an order under subsection (2) if
 - (a) an order made under section 143 is directed to the person and the person is uncertain respecting the application of the order to any property, or
 - (b) the person is not named in an order made under section 143 and makes a claim to property affected by the order.
 - (2) On an application under subsection (1), the court may order the disposition of the property as it considers appropriate.

Court order for compliance

- 145** (1) If, in the grant manager’s opinion, a person has not complied with an order made under section 143 [*grant manager’s order to freeze property*], the grant manager may apply to the Supreme Court for any of the following:
- (a) an order directing the person to comply with the order made under section 143 or restraining the person from violating the order made under section 143;
 - (b) an order directing the directors and officers of the person to cause the person to comply with or to cease violating the order made under section 143.
- (2) On hearing an application under subsection (1), the Supreme Court may make an order that it considers appropriate.

PART 10 – ENFORCEMENT

Division 1 – Definitions

Definitions for Part 10

- 146** In this Part:
- “**licensee**” includes a former licensee;
 - “**registrant**” includes a former registrant.

Division 2 – Audits and Inspections by General Manager

Purposes of audits and inspections by general manager

- 147** Subject to section 134 [*purposes of audits and inspections by grant manager*], the general manager may conduct audits and inspections for the purposes of monitoring and determining compliance with this Act and the regulations under this Act made by the Lieutenant Governor in Council or the general manager.

General manager’s powers of entry

- 148** (1) For the purposes of conducting an audit or inspection, the general manager may, at any reasonable time, enter any of the following places:
- (a) a provincial gaming facility or other place used in the conduct, management or operation of a provincial gaming scheme;
 - (b) a horse racing facility;
 - (c) the business premises of the lottery corporation or a registrant or licensee;
 - (d) a place where records in relation to a person referred to in paragraph (c) are kept;

- (e) a place used by the lottery corporation or a registered gaming services provider for, or in conjunction with, the development, manufacture or testing of gaming supplies;
 - (f) a place where gaming supplies or other things used in the operation of a lottery scheme are kept;
 - (g) a place used for, or in conjunction with, gaming events;
 - (h) a place in respect of which the general manager reasonably believes activities that are not permitted to be carried out, except under a licence or registration, are being carried out by a person that does not have the required licence or registration;
 - (i) a place in respect of which the general manager reasonably believes there are records or things relevant to determining compliance with this Act.
- (2) The general manager may not enter a place occupied as a private residence except with the consent of the occupant or as authorized by a warrant issued under section 149 or under another Act.

Warrant to exercise general manager's audit and inspection powers

- 149** If satisfied that there are reasonable grounds to believe that entry into a place is necessary for the purposes of an audit or inspection, a justice may issue a warrant authorizing the general manager or another person named in the warrant to enter the place and conduct an audit or inspection.

Audit and inspection powers at places

- 150** The general manager may do any of the following at a place the general manager is authorized to enter under section 148 or 149:
- (a) inspect the place or the operations or events carried on there;
 - (b) audit, inspect or examine records, including reports prepared for, or in relation to, the lottery corporation or a licensee or registrant;
 - (c) remove records referred to in paragraph (b) for the purposes of making copies or extracts;
 - (d) inspect, examine or test property or things;
 - (e) remove things referred to in paragraph (d) for the purposes of examination, analysis or testing;
 - (f) examine data;

- (g) for the purposes of examining data under paragraph (f),
 - (i) use a computer system maintained by the lottery corporation,
 - (ii) require persons to establish test accounts for use by the general manager, or
 - (iii) require persons, by using a computer or other device specified by the general manager, to
 - (A) demonstrate a lottery scheme in which an individual may participate through an online platform, or
 - (B) demonstrate other computer systems or features;
- (h) make records, including by taking photographs or making audio or video recordings of persons or things that are at the place;
 - (i) require persons that are at the place to do any of the following:
 - (i) provide information;
 - (ii) produce records or things referred to in paragraph (b) or (d);
 - (iii) provide data referred to in paragraph (f).

Inspection powers in relation to horse racing

- 151** (1) When present on the grounds of a race track for horse racing or race horse training centre, a horse racing licensee must, for the purposes of monitoring and determining compliance with the horse racing rules and ensuring the safety of horse races, submit to the following:
- (a) a search of the licensee’s person;
 - (b) a test of the licensee’s breath or saliva, for alcohol and other drugs.
- (2) The general manager may at any time do the following:
- (a) examine a horse;
 - (b) take from the horse, for testing and analysis, samples of blood, saliva, urine or other substances.
- (3) Testing referred to in subsection (1) (b) and testing and analysis referred to in subsection (2) (b) must be conducted in accordance with the regulations.

Duties of general manager in relation to audit or inspection

- 152** (1) When the general manager is conducting an audit or inspection at a place the general manager is authorized to enter under section 148 [*general manager’s powers of entry*] or 149 [*warrant to exercise general manager’s audit and inspection powers*], the general manager must
- (a) carry proof of identity, and
 - (b) present the proof of identity on request.

- (2) If the general manager removes a record or thing from a place the general manager is authorized to enter under section 148 or 149, the general manager
 - (a) must provide a receipt for the record or thing,
 - (b) may make alterations to the record or thing that are reasonably necessary for the purposes of the audit or inspection, and
 - (c) must return the record or thing within a reasonable time.

Assistance to general manager in conduct of audit or inspection

- 153** In conducting an audit or inspection, the general manager may do any of the following:
- (a) request and receive the assistance of a peace officer;
 - (b) be accompanied and assisted by other persons, including persons who have expert or special knowledge that the general manager considers relevant to the audit or inspection;
 - (c) bring or use equipment, machines or materials that the general manager considers necessary to conduct the audit or inspection.

Video surveillance

- 154** (1) For the purposes referred to in section 147 [*purposes of audits and inspections by general manager*], the general manager may require the lottery corporation or a registered gaming services provider to do any of the following:
- (a) place under video surveillance any of the following:
 - (i) a provincial gaming facility;
 - (ii) a prescribed place used in the conduct, management or operation of a lottery scheme;
 - (iii) a horse racing facility;
 - (iv) a specified part of, or a specified activity carried out at, a place referred to in subparagraph (i), (ii) or (iii);
 - (b) retain a recording of the video surveillance referred to in paragraph (a);
 - (c) provide the general manager with a copy of a recording referred to in paragraph (b).
- (2) Video surveillance must be carried out, recordings must be retained and copies must be provided to the general manager during the periods and at the times that the general manager may specify.

Demand for information by general manager

- 155** For the purposes of conducting an audit or inspection, the general manager may, by demand notice, require the lottery corporation or a licensee or registrant to provide information, records or things that the general manager considers relevant.

Duty to cooperate with general manager during audit or inspection

- 156** (1) When the general manager is conducting an audit or inspection in respect of the lottery corporation or a licensee or registrant, the lottery corporation, licensee or registrant must, on request of the general manager,
- (a) promptly allow the general manager to enter a place referred to in section 148 (1) [*general manager’s powers of entry*],
 - (b) facilitate the audit or inspection, including by providing the general manager with a workspace where information, records or things may be examined in private, and
 - (c) promptly provide, or produce within the period specified by the general manager, the information, records, data, property or things the general manager is authorized to audit, inspect or examine under section 150 [*audit and inspection powers at places*] or 155.
- (2) A person that has possession or control of information, records or things that the general manager is authorized to audit, inspect, examine, obtain or remove under this Division must produce or provide access to the information, records or things within the period specified by the general manager.

Prohibition against obstructing or interfering with general manager’s audit or inspection

- 157** (1) A person must not do any of the following in relation to an audit or inspection conducted by the general manager:
- (a) obstruct, hinder or interfere with the audit or inspection;
 - (b) provide false or misleading information or records to, or fail to disclose a material fact to, the general manager;
 - (c) withhold, destroy, tamper with, alter, conceal or refuse to provide anything requested for the purposes of the audit or inspection.
- (2) This section does not apply in relation to a search or test conducted under section 151 (1) [*inspection powers in relation to horse racing*].

General manager’s order to freeze property

- 158** (1) In this section, “**named registrant or licensee**” means the registrant or licensee named in an order made under this section.
- (2) The general manager may make an order under this section in respect of a registrant or licensee if the general manager reasonably believes all of the following:
- (a) the registrant or licensee failed to comply with a requirement under this Act that relates to the handling of, or accounting for, money derived from a lottery scheme or horse race;

- (b) one of the following applies:
 - (i) the registrant or licensee is or will be insolvent or otherwise financially unstable, and the insolvency or instability may result in a failure to account for money derived from the lottery scheme or horse race referred to in paragraph (a);
 - (ii) criminal proceedings involving the conduct of the affairs of the registrant or licensee have been initiated, are being initiated or are about to be initiated.
- (3) An order under this section may, on terms the general manager considers reasonable, take any of the actions described in section 143 (2) (a) to (d) [*grant manager's order to freeze property*].
- (4) Sections 143 (3) to (7), 144 [*court order respecting disposition of property*] and 145 [*court order for compliance*] apply in relation to an order under this section.
- (5) In applying section 143, 144 or 145 for the purposes of this section,
 - (a) references to “the grant recipient” are to be read as references to “the named registrant or licensee”,
 - (b) references to “grant manager” are to be read as references to “general manager”, and
 - (c) references in sections 144 and 145 to “order made under section 143” are to be read as references to “order made under this section”.

Division 3 – Monetary Penalties

Monetary penalties – registrants and licensees

- 159** (1) The general manager may impose a monetary penalty on a registrant or licensee if the general manager determines, based on information obtained through an audit or inspection or from any other source, that the registrant or licensee has contravened any of the following:
- (a) a provision of the Act referred to in subsection (2);

- (b) a prescribed provision of a regulation made by the general manager for the purposes of any of the following provisions of this Act:
 - (i) section 45 [*duty to comply with advertising standards and requirements*];
 - (ii) section 52 [*measures to prevent and detect unlawful activities*];
 - (iii) section 56 [*duty to comply with requirements respecting problem gambling*];
 - (iv) section 58 (3) [*duties in relation to self-excluded individuals*];
 - (v) section 67 [*security and surveillance of provincial gaming schemes*];
 - (vi) section 90 [*duty respecting conduct, management and operation of gaming event*];
 - (vii) section 98 [*security and surveillance of horse racing facilities*];
 - (c) a prescribed provision of a regulation under this Act made by the Lieutenant Governor in Council or the general manager for purposes other than those referred to in paragraph (b).
- (2) For the purposes of subsection (1) (a), the provisions of the Act are as follows:
- (a) section 19 [*duty to comply with rules*];
 - (b) any of the following provisions of Part 4 [*General Prohibitions, Duties and Powers Respecting Lottery Schemes*]:
 - (i) section 41 (1) or (2) [*minors – general rules respecting provincial gaming schemes*];
 - (ii) section 42 (1) or (2) [*minors – general rules respecting gaming events*];
 - (iii) section 43 [*minors – general rules respecting lottery tickets*];
 - (iv) section 53 [*restrictions on accepting amounts over buy-in limit*];
 - (v) section 58 (1) or (2) [*duties in relation to self-excluded individuals*];
 - (vi) section 59 [*prohibition against extending credit*];
 - (vii) section 60 (1) [*duty to remove individual from provincial gaming facility*];

- (c) any of the following provisions of Part 5 *[Registered Gaming Services Providers and Registered Gaming Workers]*:
 - (i) section 69 *[prohibition against unauthorized use of gaming services]*;
 - (ii) section 70 (2) or (3) *[prohibitions against unauthorized gaming work]*;
 - (iii) section 77 (1) *[duty to comply with terms and conditions of registration]*;
 - (iv) section 80 (1) or (2) *[duty to report organizational changes]*;
 - (v) section 81 (1) or (2) *[duty to provide financial statements]*;
- (d) any of the following provisions of Part 6 *[Gaming Events]*:
 - (i) section 87 (1) *[duty to comply with terms and conditions of gaming event licence]*;
 - (ii) section 91 (1), (2) or (3) *[duty of gaming event licensee to provide financial reports and statements]*;
- (e) any of the following provisions of Part 7 *[Horse Racing]*:
 - (i) section 94 *[presence of minors at horse racing facilities]*;
 - (ii) section 95 (1) *[duty of horse racing licensee to remove individual from horse racing facility]*;
 - (iii) section 99 (5) *[prohibition against holding horse races except on assigned race day]*;
 - (iv) section 105 (1) *[duty to comply with terms and conditions of horse racing licence]*;
 - (v) section 108 (1) or (2) *[duty of horse racing licensee to report organizational changes]*;
 - (vi) section 110 (4) *[duty to comply with horse racing rules]*;
 - (vii) section 111 *[prohibition against betting on horse races]*;
 - (viii) section 115 (1), (2), (3) or (4) *[collection and remittance of betting fee]*;
- (f) any of the following provisions of Parts 10 *[Enforcement]* and 11 *[General Matters and Reconsiderations]*:
 - (i) section 155 *[demand for information by general manager]*;
 - (ii) section 156 (1) or (2) *[duty to cooperate with general manager during audit or inspection]*;
 - (iii) section 157 (1) *[prohibition against obstructing or interfering with general manager's audit or inspection]*;
 - (iv) section 167 *[duty to report commission of offence]*;
 - (v) section 183 *[prohibition against providing false or misleading information for purposes of background investigation]*.

- (3) A monetary penalty imposed for the contravention of a provision referred to in this section must not exceed the amount specified in or determined in accordance with the regulations.

Monetary penalties involving corporate registrants and licensees

- 160** If a registrant or licensee that is a corporation contravenes a provision referred to in section 159, the general manager may also impose a monetary penalty on an officer, director or agent of the corporation who authorizes, permits or acquiesces in the contravention.

Monetary penalties – lottery corporation

- 161** (1) The general manager may impose a monetary penalty on the lottery corporation if the general manager determines, based on information obtained through an audit or inspection or from any other source, that the lottery corporation has contravened any of the following:
- (a) a provision of the Act referred to in subsection (2);
 - (b) a prescribed provision of a regulation made by the general manager for the purposes of any of the following provisions of this Act:
 - (i) section 18 (3) *[duty of lottery corporation to make rules]*;
 - (ii) section 21 (2) *[lottery corporation training program]*;
 - (iii) section 45 *[duty to comply with advertising standards and requirements]*;
 - (iv) section 52 *[measures to prevent and detect unlawful activities]*;
 - (v) section 56 *[duty to comply with requirements respecting problem gambling]*;
 - (vi) section 58 (3) *[duties in relation to self-excluded individuals]*;
 - (vii) section 67 *[security and surveillance of provincial gaming schemes]*;
 - (c) a prescribed provision of a regulation under this Act made by the Lieutenant Governor in Council or the general manager for purposes other than those referred to in paragraph (b).
- (2) For the purposes of subsection (1) (a), the provisions of the Act are as follows:
- (a) any of the following provisions of Part 4 *[General Prohibitions, Duties and Powers Respecting Lottery Schemes]*:
 - (i) section 39 (1) *[prohibition against unauthorized conduct, management or operation of lottery scheme]*;
 - (ii) section 41 (1) or (2) *[minors – general rules respecting provincial gaming schemes]*;
 - (iii) section 47 *[prohibition against unauthorized change to lottery scheme]*;

- (iv) section 51 *[duty to comply with terms and conditions of approval]*;
 - (v) section 53 *[restrictions on accepting amounts over buy-in limit]*;
 - (vi) section 58 (1) or (2) *[duties in relation to self-excluded individuals]*;
 - (vii) section 59 *[prohibition against extending credit]*;
 - (b) section 70 (2) *[prohibitions against unauthorized gaming work]*;
 - (c) any of the following provisions of Part 10 *[Enforcement]*:
 - (i) section 155 *[demand for information by general manager]*;
 - (ii) section 156 (1) or (2) *[duty to cooperate with general manager during audit or inspection]*;
 - (iii) section 157 (1) *[prohibition against obstructing or interfering with general manager's audit or inspection]*;
 - (iv) section 167 *[duty to report commission of offence]*.
- (3) A monetary penalty imposed for the contravention of a provision referred to in this section must not exceed the amount specified in or determined in accordance with the regulations.

Factors to be considered before imposing monetary penalty

- 162** Before the general manager imposes a monetary penalty on a person, the general manager must consider the following:
- (a) previous enforcement actions against the person under this Act;
 - (b) the gravity and magnitude of the contravention;
 - (c) whether the contravention was repeated or continuous;
 - (d) whether the contravention was deliberate;
 - (e) any economic benefit derived by the person from the contravention;
 - (f) the person's efforts to prevent and correct the contravention;
 - (g) prescribed matters, if any.

Notice of monetary penalty

- 163** (1) If the general manager imposes a monetary penalty on a person, the general manager must give the person written notice specifying the following:
- (a) the contravention;
 - (b) the general manager's reasons for imposing the penalty;
 - (c) the amount of the penalty;
 - (d) the date by which the penalty must be paid.

- (2) A notice under subsection (1) must include the following:
 - (a) a copy of each written warning that was issued to the person by the general manager in relation to the contravention;
 - (b) a statement that the decision to impose the penalty may be reconsidered under section 187 [*reconsideration by general manager*].

Due date for payment of monetary penalty

- 164** A person that receives a notice under section 163 must pay the monetary penalty to the government within 30 days after notice is given, unless there is a stay under section 190 [*stay of decision pending reconsideration*] of the decision to impose the monetary penalty on the person.

Recovery of monetary penalty

- 165** (1) A monetary penalty imposed under this Act may be recovered as a debt due to the government.
- (2) If the lottery corporation or a licensee or registrant fails to pay an amount owing to the government in respect of a monetary penalty imposed under this Act, the general manager may issue a certificate setting out the amount owed and the name of the person that owes it.
- (3) A certificate issued under subsection (2) may be filed with the Provincial Court or the Supreme Court.
- (4) A certificate filed under subsection (3) has the same force and effect, and all proceedings may be taken on the certificate, as if it were a judgment of the court in favour of the government for the recovery of a debt in the amount specified in the certificate against the person named in the certificate.

Restriction on imposing monetary penalty

- 166** A monetary penalty for contravening a provision referred to in section 159 [*monetary penalties – registrants and licensees*] or 161 [*monetary penalties – lottery corporation*] may not be imposed on a person if the person has been charged with an offence for the same contravention.

Division 4 – Offences

Duty to report commission of offence

- 167** The lottery corporation, a licensee or a registrant must immediately notify the general manager if the lottery corporation, licensee or registrant has reason to believe any of the following:
- (a) an offence may have been committed under this Act;
 - (b) an offence relating to any of the following may have been committed under the *Criminal Code*:
 - (i) the conduct, management or operation of a lottery scheme;
 - (ii) participation in a lottery scheme;
 - (iii) horse racing.

Higher-penalty offences

- 168** (1) A person that contravenes any of the following commits an offence:
- (a) section 23 [*prohibition against unauthorized gaming development project*];
 - (b) section 39 (1) [*prohibition against unauthorized conduct, management or operation of lottery scheme*];
 - (c) section 40 [*prohibition against unauthorized representations respecting lottery scheme*];
 - (d) section 44 (1) [*prohibition against unauthorized sale of lottery ticket to any person*];
 - (e) section 53 [*restrictions on accepting amounts over buy-in limit*];
 - (f) section 55 (1) or (2) [*prohibition against presenting false or misleading identification or records*];
 - (g) section 68 (1) [*prohibition against unauthorized provision of gaming services*];
 - (h) section 93 (1) [*prohibition against unlicensed horse racing*];
 - (i) section 155 [*demand for information by general manager*];
 - (j) section 156 (2) [*duty to cooperate with general manager during audit or inspection*];
 - (k) section 157 (1) [*prohibition against obstructing or interfering with general manager's audit or inspection*];
 - (l) section 167 [*duty to report commission of offence*];
 - (m) section 177 [*prohibition against providing false or misleading information in application for licence or registration*];
 - (n) section 183 [*prohibition against providing false or misleading information for purposes of background investigation*].

- (2) An individual who commits an offence under subsection (1) is liable
 - (a) on a first conviction, to one or both of the following:
 - (i) a fine of not more than \$100 000;
 - (ii) imprisonment for not more than 6 months, and
 - (b) on each subsequent conviction, to one or both of the following:
 - (i) a fine of not more than \$200 000;
 - (ii) imprisonment for not more than 12 months.
- (3) A person, other than an individual, that commits an offence under subsection (1) is liable
 - (a) on a first conviction, to a fine of not more than \$100 000, and
 - (b) on each subsequent conviction, to a fine of not more than \$200 000.

Lower-penalty offences

- 169** (1) A person that contravenes any of the following commits an offence:
- (a) section 41 (1) or (2) [*minors – general rules respecting provincial gaming schemes*];
 - (b) section 43 [*minors – general rules respecting lottery tickets*];
 - (c) section 62 (1) or (2) [*prohibitions against entering or remaining at provincial gaming facility*];
 - (d) section 65 [*prohibition against participating in online gaming scheme*];
 - (e) section 68 (1) [*prohibition against unauthorized provision of gaming services*];
 - (f) section 70 (1), (2) or (3) [*prohibitions against unauthorized gaming work*];
 - (g) section 81 (1) [*duty to provide financial statements*];
 - (h) section 91 (2) [*duty of gaming event licensee to provide financial reports and statements*];
 - (i) section 94 [*presence of minors at horse racing facilities*];
 - (j) section 97 (1) or (2) [*prohibitions against entering or remaining at horse racing facility*];
 - (k) section 131 [*prohibition against providing false or misleading information in application*];
 - (l) section 133 [*prohibition against providing false or misleading information in financial statement*];
 - (m) section 141 (1) or (2) [*duty to cooperate with grant manager during audit or inspection*];
 - (n) section 142 [*prohibition against obstructing or interfering with grant manager’s audit or inspection*].

- (2) A person that commits an offence under this section is liable to a fine of not more than \$5 000.

Offence in relation to collection and remittance of horse racing betting fee

- 170** (1) A person that contravenes section 115 (1), (2) or (4) [*collection and remittance of fee by operator*] commits an offence.
- (2) A person that commits an offence under subsection (1) is liable
- (a) on a first conviction, to a fine of not more than \$500 and not less than \$200, and
- (b) on each subsequent conviction, to a fine of not more than \$2 000 and not less than \$500.

Offences involving corporations

- 171** If a corporation commits an offence under this Act, an officer, director or agent of the corporation who authorizes, permits or acquiesces in the offence also commits an offence.

Limitation on proceedings

- 172** A person may not be charged with an offence for contravening a provision referred to in this Division if a monetary penalty under Division 3 [*Monetary Penalties*] of this Part has been imposed on the person in respect of the same contravention.

Section 5 of Offence Act does not apply

- 173** Section 5 of the *Offence Act* does not apply to this Act or the regulations.

Court order to comply

- 174** If a person is convicted of an offence under this Act, then, in addition to any punishment the court may impose, the court may order the person to comply with the provisions of this Act or the regulations under this Act made by the Lieutenant Governor in Council or the general manager.

Limitation period for commencing prosecution

- 175** The time limit for laying an information for an offence under this Act is 3 years after the date that the facts on which the information is based arose.

Evidence by certificate

- 176** (1) If the general manager certifies as a true copy a copy of any of the following records, the certified true copy is admissible in evidence to the same extent as, and has the same evidentiary value as, the record of which it is a copy, without proof of the signature of the general manager:
- (a) a licence;
 - (b) an extract of the register maintained under section 76 [*register of registered gaming services providers and registered gaming workers*] and a record setting out the terms and conditions imposed on a registration;
 - (c) an order of the general manager;
 - (d) a record or extract of a record audited or inspected under section 150 [*audit and inspection powers at places*] or 155 [*demand for information by general manager*];
 - (e) any other document created by or submitted to the general manager.
- (2) If the grant manager certifies as a true copy a copy of any of the following records, the certified true copy is admissible in evidence to the same extent as, and has the same evidentiary value as, the record of which it is a copy, without proof of the signature of the grant manager:
- (a) an order of the grant manager;
 - (b) a record or extract of a record audited or inspected under section 135 [*demand for information by grant manager*] or 138 [*grant manager's audit and inspection powers at places*];
 - (c) any other record created by or submitted to the grant manager.
- (3) If the chair of the lottery corporation certifies as a true copy a copy of any of the following records, the certified true copy is admissible in evidence to the same extent as, and has the same evidentiary value as, the record of which it is a copy, without proof of the signature of the chair of the lottery corporation:
- (a) a resolution or bylaw passed by the lottery corporation's board of directors;
 - (b) a rule made by the lottery corporation under section 18 [*duty of lottery corporation to make rules*].

PART 11 – GENERAL MATTERS AND RECONSIDERATIONS

Division 1 – General Matters

Prohibition against providing false or misleading information in application for licence or registration

- 177** A person must not submit an application for a licence or registration that contains false or misleading information or that fails to disclose a material fact.

Form, manner and content requirements

- 178** Unless the regulations made for the purposes of section 179 provide otherwise, information, records or things that are required under this Act to be given, provided, reported or submitted to the general manager must
- (a) be given, provided, reported or submitted in the form and manner required by the general manager, and
 - (b) include the content required by the general manager.

Giving and receiving documents

- 179** (1) Prescribed documents that are required or allowed to be filed or given under this Act must be filed or given in accordance with the regulations, if any.
- (2) A document filed or given in accordance with subsection (1) is conclusively deemed to be filed, given or received as provided in the regulations.

Background investigations

- 180** (1) The general manager may conduct background investigations for the purpose of assessing whether a person is
- (a) fit to hold a gaming event licence or horse racing licence, or
 - (b) fit to be registered as a registered gaming services provider or registered gaming worker.
- (2) A background investigation may be conducted in respect of any of the following:
- (a) an applicant for a licence or registration referred to in subsection (1);
 - (b) a licensee or registrant;
 - (c) an associated person.
- (3) A background investigation in respect of a person referred to in subsection (2) may include any of the following:
- (a) a criminal record check;
 - (b) inquiries into the person's financial position;
 - (c) other inquiries the general manager considers necessary.

Costs of background investigation

- 181** (1) The general manager may give to a person referred to in section 71 (1) (c) [*application for registration as registered gaming services provider*] or 100 (1) [*application for horse racing licence*] a certificate setting out the costs to the government in carrying out a background investigation in respect of the person.
- (2) The costs referred to in subsection (1) include but are not limited to the cost of the time spent by, or fees paid to, any of the following:
- (a) the general manager;
 - (b) an employee of the government;
 - (c) a person retained under section 33 [*consultants and experts*].
- (3) Within 6 months after the certificate is given to the person under subsection (1), the general manager or the person may apply to a master or registrar of the Supreme Court to review the certificate, as if the certificate were a bill of costs.
- (4) On a review under subsection (3), the master or registrar may vary the costs if the master or registrar considers that the costs are
- (a) unreasonable, or
 - (b) unrelated to the background investigation.
- (5) The tariff of costs in the Supreme Court Civil Rules does not apply in relation to a certificate reviewed under this section.
- (6) After review, the certificate may be filed with the Provincial Court or the Supreme Court.
- (7) A certificate filed under subsection (6) has the same force and effect, and all proceedings may be taken on the certificate, as if it were a judgment of the court in favour of the government for the recovery of a debt in the amount specified in the certificate against the person named in the certificate.

Refund of deposit for background investigation

- 182** (1) A deposit submitted under section 71 (1) (c) [*application for registration as registered gaming services provider*] by an applicant for registration as a registered gaming services provider or under section 100 (1) (c) [*application for horse racing licence*] by an applicant for a horse racing licence must be refunded to the applicant if, before the background investigation has been started,
- (a) the applicant withdraws the application, or
 - (b) the general manager refuses to register the applicant.

- (2) If, on the withdrawal of an application, the general manager discontinues a background investigation and the deposit, as submitted under section 71 (1) (c) or 100 (1) (c), exceeds the costs, as determined under section 181, up to the time of the discontinuance, the amount by which the deposit exceeds the costs must be refunded to the applicant.
- (3) If, after a background investigation has been completed, the deposit submitted under section 71 (1) (c) or 100 (1) (c) exceeds the costs determined under section 181, the amount by which the deposit exceeds the costs must be refunded to the applicant.

Prohibition against providing false or misleading information for purposes of background investigation

- 183** A person must not provide false or misleading information or records to the general manager conducting a background investigation under section 180 [*background investigations*].

Sharing of information by general manager for compliance purposes

- 184** (1) The general manager may disclose to the grant manager the name and contact information of a person that is a gaming event licensee for the purpose of determining whether the person is both a grant recipient and a gaming event licensee.
- (2) If the general manager, based on information obtained through an audit or inspection or from any other source, has reason to believe that a person that is both a gaming event licensee and a grant recipient has not complied with Part 9 [*Community Gaming Grants*], the general manager must notify the grant manager of the following:
- (a) the name of the person;
 - (b) the general manager's reasons for believing that the person has not complied with Part 9.
- (3) For the purpose of determining a grant recipient's compliance with Part 9, the general manager may disclose to the grant manager the following information, including personal information, in relation to a person that is both a gaming event licensee and a grant recipient:
- (a) information obtained in the course of an audit or inspection to determine the person's compliance with Part 6 [*Gaming Events*];
 - (b) a description of any actions in respect of the person taken under any of the following sections:
 - (i) section 84 [*actions by general manager respecting gaming event licences*];
 - (ii) section 158 [*general manager's order to freeze property*];
 - (iii) section 159 [*monetary penalties – registrants and licensees*].

Sharing of information by grant manager for compliance purposes

- 185** (1) The grant manager may disclose to the general manager the name and contact information of a person that is a grant recipient for the purpose of determining whether the person is both a gaming event licensee and a grant recipient.
- (2) If the grant manager, based on information obtained through an audit or inspection or from any other source, has reason to believe that a person that is both a grant recipient and a gaming event licensee has not complied with Part 6 [*Gaming Events*], the grant manager must notify the general manager of the following:
- (a) the name of the person;
 - (b) the grant manager’s reasons for believing that the person has not complied with Part 6.
- (3) For the purpose of determining a gaming event licensee’s compliance with this Act, the grant manager may disclose to the general manager the following information, including personal information, in relation to a person that is both a grant recipient and a gaming event licensee:
- (a) information obtained in the course of an audit or inspection to determine the person’s compliance with Part 9 [*Community Gaming Grants*];
 - (b) a description of any orders made by the grant manager under section 143 [*grant manager’s order to freeze property*] in respect of the person.

Division 2 – Reconsiderations

Definitions for Division 2

- 186** In this Division:
- “**horse race ruling**” means an action referred to in section 187 (h), (i) or (j) that is taken by a delegate of the general manager against a horse racing licensee for a contravention of section 110 (4) [*horse racing rules*];
 - “**licensee**” includes a former licensee;
 - “**registrant**” includes a former registrant.

Reconsideration by general manager

- 187** (1) A person that is an applicant, registrant or licensee may apply to the general manager for a reconsideration of a decision of the general manager to take any of the following actions:
- (a) refuse to register the person or refuse to renew the person’s registration under section 74 (1) (c) [*actions by general manager respecting registration of registered gaming services providers and registered gaming workers*];
 - (b) suspend or cancel the person’s registration under section 74 (2) (a);

- (c) change the terms or conditions of the person's registration by taking an action referred to in section 74 (2) (b);
 - (d) refuse to issue a gaming event licence to the person under section 84 (1) (b) [*actions by general manager respecting gaming event licences*];
 - (e) suspend or cancel the person's gaming event licence under section 84 (2) (a);
 - (f) change the terms or conditions of the person's gaming event licence by taking an action referred to in section 84 (2) (b);
 - (g) refuse to issue a horse racing licence to the person or refuse to renew the person's horse racing licence under section 101 (1) (c) [*actions by general manager respecting horse racing licences*];
 - (h) suspend or cancel the person's horse racing licence under section 101 (2) (a);
 - (i) change the terms or conditions of the person's horse racing licence by taking an action referred to in section 101 (2) (b);
 - (j) impose a monetary penalty on the person under section 159 [*monetary penalties – registrants and licensees*].
- (2) The lottery corporation may apply to the general manager for a reconsideration of a decision of the general manager to impose a monetary penalty on the lottery corporation under section 161 [*monetary penalties – lottery corporation*].

Time limits and requirements for applications for reconsideration

- 188**
- (1) Subject to subsection (2), an application for reconsideration of a decision must be made,
 - (a) in the case of a decision other than a horse race ruling, within 30 days after receiving written notice of the decision, or
 - (b) in the case of a horse race ruling, within 10 days after receiving written notice of the decision.
 - (2) The general manager may specify a different time period from the time periods specified in subsection (1) if the general manager is satisfied that
 - (a) special circumstances existed that prevented the person from making the application within the time period required in subsection (1), and
 - (b) an injustice would otherwise result.

- (3) A person that makes an application for reconsideration must
 - (a) submit the application in the form and manner required by the general manager,
 - (b) identify in the application the grounds on which the application is based,
 - (c) include in the application a submission setting out the person's argument respecting each of the grounds identified under paragraph (b), and
 - (d) submit the prescribed fee, if any.

Additional notice for reconsideration of horse racing ruling

- 189** The general manager may, by regulation, provide that a person may not apply for a reconsideration of a horse race ruling unless the person gives the general manager, within the period specified in the regulation, written notice of the person's intention to apply for a reconsideration.

Stay of decision pending reconsideration

- 190** The general manager may grant a stay of the decision that is the subject of an application for reconsideration.

Powers of general manager on reconsideration

- 191** (1) In reconsidering a decision, the general manager may consider new information only if satisfied that the new information
 - (a) is substantial and material to the reconsideration, and
 - (b) did not exist when the decision was made, or did exist at that time but was not discovered and could not, through the exercise of reasonable diligence, have been discovered.
- (2) After reviewing a person's application for reconsideration, the general manager may confirm, vary or rescind the decision.
- (3) The general manager must give the person written notice of the general manager's determination under subsection (2) and the reasons for that determination.

Reconsideration of monetary penalty

- 192** (1) If, under section 191 (2), the general manager confirms, varies or imposes a monetary penalty, the monetary penalty must be paid
 - (a) not later than 30 days after the date the person receives the notice referred to in section 191 (3), or
 - (b) within a longer period specified in the notice.
- (2) If, under section 191 (2), the general manager rescinds or reduces a monetary penalty that has already been paid, the amount of the penalty or reduction must be refunded from the consolidated revenue fund.

PART 12 – REGULATIONS

Division 1 – Regulations of Lieutenant Governor in Council

General regulation-making powers of Lieutenant Governor in Council

- 193** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations respecting any matter for which regulations are contemplated by this Act, other than matters for which regulations are contemplated to be made by the general manager.
- (3) The authority to make regulations under another provision of this Division does not limit subsection (1) or (2).
- (4) In making regulations under this Division, the Lieutenant Governor in Council may do any of the following:
- (a) delegate a matter to a person;
 - (b) confer a discretion on a person;
 - (c) make different regulations in relation to different persons, entities, places, activities, transactions, circumstances, things or other matters, or different classes of persons, entities, places, activities, transactions, circumstances, things or other matters;
 - (d) establish standards, limits, conditions, criteria or procedures;
 - (e) specify the circumstances in which an authorization or exemption applies.

Regulations in relation to lottery corporation

- 194** (1) The Lieutenant Governor in Council may make regulations as follows:
- (a) for the purposes of section 6 (3) [*lottery corporation continued*], applying one or more provisions of the *Business Corporations Act* to the lottery corporation;
 - (b) for the purposes of section 12 (3) [*officers and employees*], applying one or both of the following to the lottery corporation and its employees:
 - (i) the *Public Sector Pension Plans Act*;
 - (ii) the *Public Service Benefit Plan Act*.
- (2) The Lieutenant Governor in Council may make regulations respecting conflicts of interest, whether actual or potential, in relation to directors, officers or employees of the lottery corporation.

- (3) Without limiting subsection (2), a regulation under that subsection may apply any or all of the provisions of Division 3 [*Conflicts of Interest*] of Part 5 [*Management*] of the *Business Corporations Act*, with any changes the Lieutenant Governor in Council considers appropriate.
- (4) For the purposes of section 29 (2) [*grants in lieu of taxes*], the Lieutenant Governor in Council may make regulations requiring the lottery corporation to obtain the approval of the Lieutenant Governor in Council before paying a grant
 - (a) in every year, or
 - (b) in the years specified in the regulation.

Regulations in relation to gaming development projects

- 195**
- (1) For the purposes of section 25 (1) [*host local government consultation and approval of gaming development project*], the Lieutenant Governor in Council may make regulations respecting consultations by host local governments with neighbouring local governments, including, without limitation, regulations that specify or restrict the matters about which consultations may or must be undertaken.
 - (2) For the purposes of section 26 [*objections and dispute resolution*], the Lieutenant Governor in Council may make regulations
 - (a) authorizing the minister to extend the period prescribed for the purposes of section 26 (3) (b), and
 - (b) respecting the matters that may, must or must not be addressed in an objection.

Regulations in relation to minors

- 196**
- The Lieutenant Governor in Council may make regulations as follows:
- (a) for the purposes of section 41 (2) [*minors – general rules respecting provincial gaming schemes*], authorizing operators to allow minors to be present on the premises of provincial gaming facilities;
 - (b) for the purposes of section 42 (1) [*minors – general rules respecting gaming events*], authorizing gaming event licensees or registered gaming services providers to allow minors to do some or all of the things referred to in that section;
 - (c) for the purposes of section 42 (2), prohibiting gaming event licensees or registered gaming services providers from allowing minors to be present on premises where gaming events are being operated.

Regulations in relation to extension of credit

- 197**
- For the purposes of section 59 [*prohibition against extending credit*], the Lieutenant Governor in Council may make regulations respecting the extension of credit.

Regulations in relation to horse racing

- 198** The Lieutenant Governor in Council may make regulations as follows:
- (a) for the purposes of section 94 [*presence of minors at horse racing facilities*], authorizing horse racing licensees to allow minors to be present on the premises of horse racing facilities;
 - (b) for the purposes of sections 115 [*collection and remittance of betting fee*] and 116 [*use of horse racing betting fees*], respecting
 - (i) the collection, remittance and application of betting fees, and
 - (ii) the requirement to keep records under section 115 (4);
 - (c) for the purposes of section 151 (3) [*inspection powers in relation to horse racing*], respecting testing and analysis under section 151 (1) (b) and (2) (b), including, without limitation, regulations respecting
 - (i) the handling, retention and destruction of samples taken for the purposes of testing, and
 - (ii) records relating to the samples.

Regulations in relation to monetary penalties

- 199** (1) For the purposes of sections 159 (3) [*monetary penalties – registrants and licensees*] and 161 (3) [*monetary penalties – lottery corporation*], the Lieutenant Governor in Council may make regulations respecting amounts that may be imposed as monetary penalties.
- (2) Without limiting subsection (1), a regulation under that subsection may do any of the following:
- (a) specify the maximum amount that the general manager may impose as a monetary penalty;
 - (b) specify how the general manager may or must determine the amount of a monetary penalty;
 - (c) authorize the general manager to impose different amounts for different contraventions referred to in section 159 or 161.

Regulations in relation to giving and receiving documents

- 200** For the purposes of section 179 [*giving and receiving documents*] the Lieutenant Governor in Council may make regulations respecting the following:
- (a) the manner in which documents must or may be given or filed;
 - (b) prescribing when documents given or served are deemed to be received.

Regulations authorizing disclosure of enforcement actions, penalties and offences

- 201** The Lieutenant Governor in Council may make regulations authorizing or requiring the general manager to disclose and publish information about any of the following actions taken, for the purposes of this Act, in relation to a person that is the lottery corporation or a registrant, former registrant, licensee or former licensee:
- (a) audits or inspections conducted in relation to the person;
 - (b) enforcement actions taken against the person under any of the following provisions:
 - (i) section 74 (1) (c) or (2) (a) [*actions by general manager respecting registration of registered gaming services providers and registered gaming workers*];
 - (ii) section 84 (1) (b) or (2) (a) [*actions by general manager respecting gaming event licences*];
 - (iii) section 101 (1) (c) or (2) (a) [*actions by general manager respecting horse racing licences*];
 - (c) the reasons for taking the enforcement actions referred to in paragraph (b) of this section;
 - (d) monetary penalties imposed on the person under section 159 [*monetary penalties – registrants and licensees*] or 161 [*monetary penalties – lottery corporation*] and the reasons for imposing those monetary penalties;
 - (e) penalties imposed on the person, under either of the following, for contravening a provision of this Act or the regulations under Division 1 or 2 of this Part:
 - (i) Division 4 [*Offences*] of Part 10 [*Enforcement*];
 - (ii) the *Offence Act*.

Regulations in relation to fees

- 202** (1) The Lieutenant Governor in Council may make regulations respecting fees for the purposes of this Act, including, without limitation, regulations that do any of the following:
- (a) prescribe the fees that must be paid by applicants;
 - (b) require registrants or licensees to pay fees for registration or licences;
 - (c) require persons to pay fees in respect of applications for reconsideration under section 187 [*reconsideration by general manager*];

- (d) for the purposes of sections 71 (1) (b) [*application for registration as registered gaming services provider*], 72 (1) (b) (ii) [*application for registration as registered gaming worker*] and 100 (1) (b) (ii) [*application for horse racing licence*], exempting a person from the requirement to submit a fee;
 - (e) for the purposes of sections 72 (1) (b) (i) and 100 (1) (b) (i), authorizing the general manager to waive a fee.
- (2) A regulation under subsection (1) may do any of the following:
- (a) specify the method for determining the amount of a fee;
 - (b) authorize the general manager to specify a fee not greater than the amount set out in the regulation;
 - (c) establish limits, criteria or conditions in relation to the exemption from or waiver of a fee.

Division 2 – Regulations of General Manager

General regulation-making powers of general manager

- 203**
- (1) The general manager may make regulations referred to in section 41 of the *Interpretation Act*.
 - (2) Without limiting subsection (1), the general manager may make regulations respecting any matter for which regulations are contemplated by this Act to be made by the general manager.
 - (3) The authority of the general manager to make regulations under another provision of this Division does not limit the general manager's authority under subsection (1) or (2).
 - (4) In making regulations under this Division, the general manager may do any of the following:
 - (a) delegate a matter to a person;
 - (b) confer a discretion on a person;
 - (c) make different regulations in relation to different persons, entities, places, activities, transactions, circumstances, things or other matters or different classes of persons, entities, places, activities, transactions, circumstances, things or other matters;
 - (d) establish standards, limits, conditions, criteria or procedures;
 - (e) specify the circumstances in which an authorization or exemption applies.

Regulations in relation to rules of lottery corporation

- 204** The general manager may make regulations respecting the rules that the lottery corporation is required to make under section 18 [*duty of lottery corporation to make rules*], including, without limitation, regulations specifying matters that, in addition to the matters set out in section 18 (2), must be included or addressed in the rules.

Regulations in relation to lottery corporation’s training program

- 205** For the purposes of section 21 (2) [*lottery corporation training program*], the general manager may make regulations respecting the training program referred to in section 21, including, without limitation, regulations that do any of the following:
- (a) for the purposes of section 21 (1) (b), prescribe individuals, including individuals who sell lottery tickets of the lottery corporation, to whom training must be provided;
 - (b) specify courses that must be provided in the training program;
 - (c) specify any of the following in relation to courses specified under paragraph (b):
 - (i) the curriculum content of the courses;
 - (ii) the gaming workers and other individuals to whom the courses must be provided;
 - (iii) when or how often the courses must be provided.

Regulations in relation to prevention of unlawful activities

- 206** (1) For the purposes of section 52 [*measures to prevent and detect unlawful activities*], the general manager may make regulations respecting the prevention and detection of any of the following:
- (a) money laundering;
 - (b) fraud or theft;
 - (c) the use of the proceeds of crime;
 - (d) cheating contrary to section 209 of the *Criminal Code*;
 - (e) other unlawful activities.
- (2) Without limiting subsection (1), a regulation under this section may establish standards or limits in relation to any of the following:
- (a) buy-ins made or attempted to be made by individuals participating in provincial gaming schemes;
 - (b) the disbursement of funds by operators or registered gaming workers to individuals participating in provincial gaming schemes.
- (3) For the purposes of subsection (1) (c), “**proceeds of crime**” has the same meaning as in section 462.3 (1) of the *Criminal Code*.

Regulations in relation to buy-in limits

- 207** The general manager may make regulations as follows:
- (a) for the purposes of section 53 (a) (ii) [*restrictions on accepting amounts over buy-in limit*], prescribing the form of identification that must be produced and the manner in which it must be produced;
 - (b) for the purposes of section 53 (b), authorizing operators or registered gaming workers to accept amounts that are more than the buy-in limit, without obtaining a source of funds declaration or proof of identity.

Regulations in relation to problem gambling

- 208**
- (1) For the purposes of section 56 [*duty to comply with requirements respecting problem gambling*], the general manager may make regulations respecting the detection, mitigation and prevention of problem gambling.
 - (2) Without limiting subsection (1), a regulation under this section may do any of the following:
 - (a) establish time and expenditure limits that must be implemented or made available to individuals participating in provincial gaming schemes;
 - (b) establish standards or limits respecting any of the following:
 - (i) interior and exterior design features at provincial gaming facilities;
 - (ii) the design of gaming supplies or lottery schemes;
 - (iii) the design of the lottery corporation's online platform through which online gaming schemes are operated;
 - (iv) information that must be made available or provided to discourage problem gambling, including information about counselling and other support services;
 - (v) the participation in provincial gaming schemes of individuals showing signs of intoxication from alcohol or drugs;
 - (vi) the use of specified types of financial transactions that increase the risk of problem gambling.

Regulations in relation to voluntary self-exclusion program

- 209** For the purposes of section 57 (2) [*voluntary self-exclusion program*], the general manager may make regulations respecting the lottery corporation's voluntary self-exclusion program, including, without limitation, regulations that do any of the following:
- (a) establish requirements respecting enrolment in the program;
 - (b) specify matters that may or must be addressed in agreements entered into under the program;
 - (c) specify the terms of the agreements;
 - (d) specify measures that may or must be implemented to detect contravention of the agreements.

Regulations in relation to security and surveillance

- 210** For the purposes of sections 67 [*security and surveillance of provincial gaming schemes*] and 98 [*security and surveillance of horse racing facilities*], the general manager may make regulations respecting the security and surveillance of provincial gaming facilities, online gaming schemes and horse racing facilities, including, without limitation, regulations that establish standards or limits respecting any of the following:
- (a) video surveillance;
 - (b) security guards;
 - (c) alarm systems;
 - (d) the security of gaming supplies.

Regulations in relation to exemptions respecting gaming services and gaming work

- 211** (1) For the purposes of section 68 (2) (b) [*prohibition against unauthorized provision of gaming services*], the general manager may make regulations respecting exemptions from section 68 (1).
- (2) For the purposes of section 70 (1) (b) [*prohibitions against unauthorized gaming work*], the general manager may make regulations respecting exemptions from section 70 (1).

Regulations in relation to conduct, management and operation of gaming events

- 212** For the purposes of section 90 [*duty respecting conduct, management and operation of gaming event*], the general manager may make regulations respecting the conduct, management and operation of gaming events, including, without limitation, regulations that establish standards or limits respecting any of the following:
- (a) activities that may be carried out under gaming event licences;
 - (b) the provision of services by registered gaming services providers at gaming events;
 - (c) the security of gaming events, including the security of gaming supplies and prizes;
 - (d) prizes that may be awarded at gaming events;
 - (e) the use of funds received from gaming events.

Regulations in relation to horse racing

- 213** (1) The general manager may make regulations requiring horse racing licensees to give written notice for the purposes of section 108 [*duty of horse racing licensee to report organizational changes*].
- (2) The general manager may make regulations requiring horse racing licensees to provide financial statements for the purposes of section 109 [*duty of horse racing licensee to provide financial statements*], including regulations specifying the period within which a financial statement must be provided to the general manager.
- (3) The general manager may make regulations respecting participation by horse racing licensees in betting on horse races, including regulations that prohibit licensees from betting on horse races.

Regulations in relation to records

- 214** The general manager may make regulations as follows:
- (a) for the purposes of section 54 (3) [*source of funds declarations*], respecting the keeping of source of funds declarations and accompanying records;
 - (b) imposing duties on the lottery corporation, registrants or licensees to keep records for any other purpose that the general manager specifies for the purposes of this Act.

PART 13 – TRANSITIONAL PROVISIONS, REPEAL AND CONSEQUENTIAL AMENDMENTS

Division 1 – Transitional Provisions

Transition – definitions

215 In this Division:

“**effective date**” means the date this section comes into force;

“**former Act**” means the *Gaming Control Act*, S.B.C. 2002, c. 14.

Transition – location, relocation or substantial change of gaming facilities

- 216** (1) In this section, “**pre-existing project**” means a project to do any of the things referred to in section 18 (1) [*location, relocation or substantial change*] of the former Act.
- (2) Subject to subsection (3), this Act applies in relation to a pre-existing project that has not been completed before the effective date.
- (3) In applying this Act in relation to a pre-existing project, the following rules apply:
- (a) if the lottery corporation has received, before the effective date, a written directive of the minister authorizing the pre-existing project, the written directive is deemed to be a written approval for the purposes of section 24 (1) [*authority of lottery corporation to carry out gaming development project*] of this Act;
 - (b) if the lottery corporation has received, before the effective date, approval from the host local government in accordance with section 19 (1) (a) [*local government or first nation approval required for gaming facilities*] of the former Act, the host local government’s approval of the pre-existing project is deemed to be an approval for the purposes of sections 24 (2) (a) and 25 [*host local government consultation and approval of gaming development project*] of this Act.

Transition – lottery schemes approved under former Act

217 (1) In this section:

“**certificate of technical integrity**” means a certificate of technical integrity issued under the former Act, as the certificate of technical integrity read immediately before the effective date;

“**pre-authorized gaming supplies**” means gaming supplies that meet the following criteria:

- (a) the gaming supplies have been authorized under the former Act for use by the lottery corporation in the conduct and management of a lottery scheme;
- (b) the authorization referred to in paragraph (a) is in effect immediately before the effective date;

“**pre-existing lottery scheme**” means a lottery scheme that meets the following criteria:

- (a) the lottery scheme has been authorized under the former Act to be conducted and managed by the lottery corporation;
- (b) the authorization referred to in paragraph (a) is in effect immediately before the effective date.

(2) Written approval under section 46 [*approval of lottery scheme*] of this Act is deemed to have been granted to the lottery corporation to conduct and manage pre-existing lottery schemes.

(3) If pre-authorized gaming supplies are used in the conduct and management of a pre-existing lottery scheme for which written approval is deemed under subsection (2) to have been granted, the terms and conditions set out in the certificate of technical integrity issued for the pre-authorized gaming supplies are deemed to be terms and conditions that have been imposed, under this Act, on that written approval.

Transition – directives under former Act

218 (1) In this section, “**pre-existing directives**” means directives that

(a) have been made under any of the following provisions of the former Act:

- (i) section 6 [*minister’s general policy directions to the lottery corporation*];
- (ii) section 26 [*minister’s general policy directions to the general manager*];
- (iii) section 28 [*directives of the general manager*];
- (iv) section 40.2 [*minister’s general policy directions to the community gaming grants manager*], and

(b) are in effect immediately before the effective date.

(2) On the effective date, the pre-existing directives are repealed.

Transition – rules of lottery corporation under former Act

- 219** (1) In this section, “**pre-existing rules of the lottery corporation**” means the rules that
- (a) have been made by the lottery corporation under section 7 [*lottery corporation’s mandate*] or 8 [*rules of the lottery corporation*] of the former Act, and
 - (b) are in effect immediately before the effective date.
- (2) Unless repealed earlier, the pre-existing rules of the lottery corporation remain in force for 6 months after the effective date.
- (3) If a provision of the pre-existing rules of the lottery corporation is inconsistent or in conflict with this Act or a regulation under this Act made by the Lieutenant Governor in Council or the general manager, this Act or the regulation prevails.

Transition – applications for gaming event licences

- 220** (1) If an application for a gaming event licence has been made under the former Act but the application has not been determined before the effective date, the application must be determined in accordance with Part 6 [*Gaming Events*] of this Act.
- (2) The fee required for an application to which subsection (1) applies is the fee required under the former Act, as it read immediately before the effective date.

Transition – gaming event licences

- 221** The following rules apply in relation to a gaming event licence that has been issued under the former Act and is in effect immediately before the effective date:
- (a) the former Act, as it read immediately before the effective date, continues to apply in relation to the licence;
 - (b) the regulations and rules under the former Act, as those regulations and rules read immediately before the effective date, continue to apply in relation to the licence;
 - (c) subject to the powers that may be exercised by the general manager under the former Act,
 - (i) the conditions under the former Act that applied to the licence immediately before the effective date continue to apply to the licence, and
 - (ii) the licence continues in force until the expiry of its term.

Transition – applications for community gaming grants

- 222** If an application for a community gaming grant has been made under the former Act but the application has not been determined before the effective date, the application must be determined in accordance with Division 3 [*Community Gaming Grants*] of Part 9 [*Community Gaming Grants*] of this Act.

Transition – community gaming grants

- 223** (1) A community gaming grant made under the former Act is deemed to be a community gaming grant given under section 130 [*community gaming grants*] of this Act.
- (2) The conditions that, immediately before the effective date, were attached to a community grant referred to in subsection (1) are deemed to be terms and conditions that have been imposed, under this Act, on the community gaming grant.

Transition – applications for horse racing licences

- 224** (1) If an application for a horse racing licence or renewal of a horse racing licence has been made under the former Act but the application has not been determined before the effective date, the application must be determined in accordance with Division 3 [*Horse Racing Licences*] of Part 7 [*Horse Racing*] of this Act.
- (2) The fee required for an application to which subsection (1) applies is the fee required under the former Act, as it read immediately before the effective date.

Transition – horse racing licences

- 225** (1) If a horse racing licence issued under the former Act is in effect immediately before the effective date, the horse racing licence is deemed to be a horse racing licence issued under section 101 (1) (a) [*actions by general manager respecting horse racing licences*] of this Act.
- (2) The conditions under the former Act that, immediately before the effective date, applied to the horse racing licence referred to in subsection (1) are deemed to be terms and conditions that have been imposed, under this Act, on that horse racing licence.

Transition – race days

- 226** If an assignment of race days made under section 49 (1) [*assignment of race days*] of the former Act is in effect immediately before the effective date, the assignment is deemed to be an assignment of dates made under section 99 (1) [*assignment of race dates*] of this Act.

Transition – applications for registration

- 227** (1) If an application for registration or renewal of registration as a gaming services provider or gaming worker has been made under the former Act but the application has not been determined before the effective date, the application must be determined in accordance with Division 2 [*Registration*] of Part 5 [*Registered Gaming Services Providers and Registered Gaming Workers*] of this Act.
- (2) The fee required for an application to which subsection (1) applies is the fee required under the former Act, as it read immediately before the effective date.

Transition – gaming services providers and gaming workers

- 228** (1) If a person's registration as a gaming services provider under the former Act is in effect immediately before the effective date, the person is deemed to be registered, under Part 5 [*Registered Gaming Services Providers and Registered Gaming Workers*] of this Act, as a registered gaming services provider.
- (2) If a person's registration as a gaming worker under the former Act is in effect immediately before the effective date, the person is deemed to be registered, under Part 5 of this Act, as a registered gaming worker.
- (3) The conditions under the former Act that, immediately before the effective date, applied to the registration of a person referred to in subsection (1) or (2) are deemed to be terms and conditions that have been imposed, under this Act, on that registration.

Transition – reconsiderations

- 229** If a written reply has been filed under section 38 (2) [*written reasons and written reply*] or 70 (2) [*written reasons and written reply*] of the former Act but the general manager has not, before the effective date, made a decision in respect of the matter to which the written reply relates,
- (a) the written reply is deemed to be an application for reconsideration made under section 187 [*reconsideration by general manager*] of this Act, and
 - (b) the matter to which the application referred to in paragraph (a) of this section relates must be determined in accordance with Division 2 [*Reconsiderations*] of Part 11 [*General Matters and Reconsiderations*] of this Act.

Transition – request or notice forbidding entry

- 230** (1) If a request under section 92 (1) (a) [*right to refuse entry*] of the former Act has been made and the 24-hour period referred to in section 93 (1) (b) [*prohibition – unlawfully entering or remaining on premises*] of that Act has not expired before the effective date, the request is deemed to be a request made under section 61 (2) (a) [*power to remove or exclude individual from provincial gaming facility*] of this Act.
- (2) Subsection (1) does not apply if the only basis for making the request was the basis referred to in section 92 (2) of the former Act.
- (3) If a written notice under section 92 (1) (b) of the former Act has been delivered and the period specified in the notice has not expired before the effective date, the written notice is deemed to be a written notice given under section 61 (2) (b) of this Act.
- (4) Subsection (3) does not apply if the only basis for giving the notice was the basis referred to in section 92 (2) of the former Act.

Transition – voluntary self-exclusion program

- 231** (1) If an agreement to participate in the lottery corporation’s voluntary self-exclusion program is in effect immediately before the effective date, the agreement is deemed to be an agreement referred to in section 57 (1) [*voluntary self-exclusion program*] of this Act.
- (2) On the effective date, agreements to which subsection (1) applies are deemed to be amended to reflect that section 93 (2) [*prohibition – unlawfully entering or remaining on premises*] of the former Act no longer applies in relation to self-excluded individuals.

Transition – order to freeze property

- 232** (1) If an order under section 83 [*order to freeze property*] of the former Act has been made in relation to a person that is an eligible organization and the assets affected by the order remain frozen immediately before the effective date, the order is deemed to be an order made, in relation to the person, under section 143 [*grant manager’s order to freeze property*] of this Act.
- (2) If an order under section 83 of the former Act has been made in relation to a person that is a licensee, gaming services provider or gaming worker and the assets affected by the order remain frozen immediately before the effective date, the order is deemed to be an order made, in relation to the person, under section 158 [*general manager’s order to freeze property*] of this Act.

Transition – regulations

- 233** (1) The Lieutenant Governor in Council may make regulations the Lieutenant Governor in Council considers necessary or advisable to
- (a) more effectively bring this Act into operation, or
 - (b) remedy any transitional difficulties, in respect of any matter, encountered in the transition from the operation of the former Act to the operation of this Act.
- (2) A regulation under subsection (1) may be made retroactive to a date not earlier than the date this section comes into force and, if made retroactive, is deemed to have come into force on the specified date.
- (3) This section and any regulations made under it are repealed 3 years after the date this section comes into force.

Division 2 – Repeal and Consequential Amendments

Repeal

- 234** The *Gaming Control Act*, S.B.C. 2002, c. 14, is repealed.

Family Maintenance Enforcement Act

- 235** *Section 25.1 (1) of the Family Maintenance Enforcement Act, R.S.B.C. 1996, c. 127, is amended in the definition of “lottery” by striking out “section 1 (1) of the Gaming Control Act” in both places and substituting “section 1 of the Gaming Control Act”.*

Health Special Account Act

- 236** *Section 2 of the Health Special Account Act, R.S.B.C. 1996, c. 185, is amended by striking out “section 13 of the Gaming Control Act” and substituting “section 30 of the Gaming Control Act”.*

Commencement

- 237** This Act comes into force by regulation of the Lieutenant Governor in Council.