

As of 2014-09-17, this is the most current version available. It is current for the period set out in the footer below. It is the first version and has not been amended.

Le texte figurant ci-dessous constitue la codification la plus récente en date du 2014-09-17. Son contenu était à jour pendant la période indiquée en bas de page. Il s'agit de la première version; elle n'a fait l'objet d'aucune modification.

THE LIQUOR AND GAMING CONTROL ACT
(C.C.S.M. c. L153)

Gaming Regulation

Regulation 62/2014
Registered March 13, 2014

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Definitions

1 The following definitions apply in this regulation.

"approved form" means a form approved by the executive director.

"gaming event licence holder" means a person who holds a gaming event licence.

APPLICATION

Electronic gaming device

2 In respect of the definition "electronic gaming device" in subsection 77(1) of the Act, an electronic device that serves as a patron's interface with live gaming that is conducted and managed by MLLC within its premises or the premises of a gaming operator is prescribed to be electronic gaming device.

Gaming services

3(1) In respect of the definition "gaming service" in subsection 77(1) of the Act, the following are prescribed to be gaming services:

- (a) gaming management services;
- (b) gaming testing services.

Meaning of "gaming management services"

3(2) In this section, "gaming management services" means,

- (a) in respect of MLLC, management or consulting services provided by a person — for consideration or promise of consideration — to MLLC to assist it in conducting and managing provincial gaming;
- (b) in respect of a gaming operator, management or consulting services provided by a person — for consideration or promise of consideration — to the operator to assist the operator in carrying out the obligations of the gaming operator; and
- (c) in respect of a gaming event licence holder, management or consulting services provided by a person — for consideration or promise of consideration — to a holder to assist the holder in conducting and managing its gaming event.

Meaning of "gaming testing services"

3(3) In this section, "gaming testing services" means independent testing, inspection and certification services in respect of any good used in a lottery scheme.

Gaming supplies

4 In respect of the definition "gaming supplies" in subsection 77(1) of the Act, the following supplies, equipment, devices and things are prescribed to be gaming supplies:

- (a) electronic gaming devices;
- (b) gaming tables, being tables used in the operation of provincial gaming;
- (c) gaming paper and products, being bingo cards, bingo paper, breakopen tickets and instant win tickets used in a lottery scheme, but not including raffle tickets;
- (d) security and surveillance systems, being security or surveillance systems used to ensure the gaming integrity in respect of the following premises:

(i) premises where provincial gaming occurs or is monitored electronically, other than the premises of a siteholder or a lottery ticket retailer,

(ii) premises where MLLC stores gaming supplies;

(e) ticket sales and verification devices, being any wireless, hand-held or stationary ticket sales or verification device, plus associated hardware, software and systems, used in a lottery scheme;

(f) provincial gaming equipment, being anything that is designed to be used in provincial gaming, including bingo balls, chips and tokens, playing cards, roulette wheels, card shufflers, table layouts, verification systems and electronic components, but not including supplies, equipment, devices and things that are described in clauses (a) to (e).

Exclusion — MLLC employees who do not require a gaming employee licence

5 A person is not required to hold a gaming employee licence if the person is employed by MLLC and only performs duties at a liquor store operated by MLLC.

GAMING EVENT LICENCES

Gaming event licences

6 The following types of gaming event licences are established:

(a) *bingo*, including *media bingo*: authorizes a bingo event;

(b) *breakopen*: authorizes a lottery scheme in which an individual opens a ticket to determine if a prize has been won;

(c) *raffle*: authorizes a lottery scheme in which tickets are sold for a chance to win a prize;

(d) *Texas Hold'em poker*: authorizes a lottery scheme in which individuals participate in a Texas Hold'em poker tournament, being a poker tournament in which

(i) the players use chips that have no cash value and play until all but one or a few of the players have lost all of their chips, and

(ii) the winner or winners are awarded the prize pool according to pre-determined rules;

(e) *Calcutta*: authorizes a lottery scheme associated with a competitive event in which the possible outcomes are sold by auction to the public and the purchasers of the winning outcomes share a predetermined percentage of the proceeds of the sale;

(f) *sports draft*: authorizes a lottery scheme in which the winner is determined based on the performance of players chosen by the participant during a series of sporting events, and the individuals participating in the scheme exercise some choice in the selection of their players;

(g) *Monte Carlo event*: authorizes a lottery scheme consisting of blackjack table games and wheel of fortune games;

(h) *midway*: authorizes a lottery scheme at a public place of amusement;

(i) *other*: authorizes a lottery scheme not specified in clauses (a) to (h).

REPORTING AND RECORDS

MLLC and Gaming operators — employees and gaming service providers

7 MLLC and a gaming operator must immediately report the following to the executive director:

(a) in the case of a person who holds a gaming employee licence and is employed by MLLC or the operator,

- (i) a change in the person's position or location of employment, or
- (ii) if the person ceases to be an employee;

(b) in the case of a person who holds a gaming service provider licence, the person ceases to be regularly in the premises of MLLC or the gaming operator for the purpose of providing a gaming service.

Gaming operators — financial reporting

8(1) Within 120 days after the end of its fiscal year, a gaming operator must file with the executive director

(a) a financial statement covering the operator's activities during that fiscal year that has been audited in accordance with generally accepted auditing standards by an auditor appointed by the gaming operator; and

(b) a report of the auditor on the audit of the annual financial statement, in accordance with subsection (2).

Auditor's report — additional statements

8(2) An auditor's report on the audit of the financial statement of a gaming operator must include or be accompanied by any statements the auditor considers necessary if, in the auditor's opinion,

- (a) proper accounting records have not been kept by the gaming operator;
- (b) the accounting procedures and controls of the gaming operator are not appropriate;
- (c) the procedures and controls of the gaming operator are not adequate to ensure that the net proceeds of the gaming event are used in a manner that is consistent with the intended use of those proceeds;
- (d) an irregularity or discrepancy came to the auditor's attention during the audit; or
- (e) the auditor has not received all the information and explanations the auditor required from the gaming operator.

The auditor's report may also include recommendations for improving the proper performance of the gaming operator's duties or record keeping.

Qualifications of auditor

8(3) To be eligible to be appointed to audit a financial statement under this section, a person must

- (a) be a registered member in good standing of an association, institute or society of accountants established by an Act of the Legislature; and
- (b) be authorized to perform audits by their association, institute or society.

Reporting by local gaming authority

9 Within 90 days after the end of its fiscal year, a local gaming authority must report the following to the executive director in an approved form:

- (a) the amount of money it received in licence fees;
- (b) the number of gaming event licences it issued, identified by type as prescribed in section 6;
- (c) the following aggregate information for each type of gaming event licence it issued, if the anticipated gross revenue of the gaming event exceeds \$10,000:
 - (i) gross revenue,
 - (ii) the amount or value of prizes awarded,
 - (iii) the amount or value of any prizes that are to be awarded in the future,
 - (iv) expenses associated with the gaming event,
 - (v) the disposition of the net proceeds.

Annual report — siteholder on First Nation reserve

10(1) The annual report published by a holder of a siteholder licence whose premises are located on the reserve of a First Nation must set out the following in respect of the video lottery gaming carried out in the premises during the fiscal year covered by the report:

- (a) the total money wagered;
- (b) the total prizes awarded;
- (c) the expenses incurred by the siteholder in respect of video lottery gaming, including any administrative expenses paid to MLLC;
- (d) the amount of any video lottery gaming proceeds retained by the siteholder;
- (e) the net proceeds, and the disposition of those proceeds.

Publication of annual report

10(2) An annual report containing the information required under subsection (1) must be published, and a copy provided to the authority, on or before the 120th day after the end of the siteholder's fiscal year.

Gaming event licence holder

11(1) A gaming event licence holder must keep the following records in respect of its lottery scheme:

- (a) the gross revenue;
- (b) the amount or value of prizes awarded or to be awarded;
- (c) expenses associated with the lottery scheme;
- (d) the net proceeds;
- (e) the disposition of the net proceeds, including the name and address of each recipient and the amount each received.

Report of gaming event licence holder

11(2) If the anticipated gross revenue under a gaming event licence exceeds \$10,000, the licence holder must, on or before the date specified in the terms and conditions of its licence, file a report in the approved form with the executive director that contains the information specified in subsection (1).

Retention of records and source documents

12 A person must retain the following for at least three years:

- (a) any record the person is required to keep under this regulation;
- (b) any record that the person uses as a source record to produce a report that the person is required to prepare or file with the executive director under this regulation.

OPERATION OF LOTTERY SCHEMES

Information required to be provided to patron

13 The WCLC, MLLC, a gaming operator and the holder of a gaming event licence must provide the following on request of a patron who is participating in a lottery scheme that it is conducting and managing:

- (a) the name of the lottery scheme;
- (b) a description of the lottery scheme;
- (c) the rules of play of the lottery scheme;
- (d) if possible, the actual prize payout of the lottery scheme, including any material restrictions related to the prize offered.

COMING INTO FORCE

Coming into force

14 This regulation comes into force on the same day that Schedule B of *The Manitoba Liquor and Lotteries Corporation Act and Liquor and Gaming Control Act*, S.M. 2013, c. 51 comes into force.

February 28, 2014

Liquor and Gaming Authority of Manitoba:

Donna Roed
Vice-chairperson