

ONTARIO REGULATION 78/12

made under the

GAMING CONTROL ACT, 1992

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GENERAL

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DEFINITIONS

Definitions

1. In this Regulation,

"category 1 gaming assistant" means an individual who is employed in the conduct, management or operation of a lottery scheme or in the operation of a gaming site and who, in the opinion of the Registrar, exercises a significant level of

- decision-making authority or has significant supervisory or training responsibilities with respect to the lottery scheme or the site; (“préposé au jeu de catégorie 1”)
- “category 2 gaming assistant” means an individual who is employed in the conduct, management or operation of a lottery scheme or in the operation of a gaming site and who, in the opinion of the Registrar, does not exercise a significant level of decision-making authority or have significant supervisory or training responsibilities with respect to the lottery scheme or the site; (“préposé au jeu de catégorie 2”)
- “Commission” means the Alcohol and Gaming Commission of Ontario; (“Commission”)
- “Corporation” means the Ontario Lottery and Gaming Corporation; (“Société”)
- “gaming equipment” means products, including bingo paper, break open tickets, lottery tickets, equipment, systems and software, if they are used,
- (a) in the conduct, management or operation of a lottery scheme,
 - (b) to record or transmit information about a lottery scheme or related transactions, or
 - (c) to provide security and surveillance services for a lottery scheme; (“matériel de jeu”)
- “gaming-related supplier” means a person who manufactures, provides, installs, tests, maintains or repairs gaming equipment or who provides consulting or similar services directly related to the playing of a lottery scheme or the operation of a gaming site; (“fournisseur de biens ou de services relatifs au jeu”)
- “lottery ticket” means a chance to participate in a lottery scheme; (“billet de loterie”)
- “non-gaming-related supplier” means a person who provides goods or services that relate to the construction, furnishing, repair, maintenance or business of a gaming site or a related business but that, in the opinion of the Registrar, are not directly related to the playing of a lottery scheme or the operation of a gaming site; (“fournisseur de biens ou de services non relatifs au jeu”)
- “operator” means a person who operates a gaming site; (“exploitant”)
- “seller” means a person who sells a lottery ticket; (“vendeur”)
- “trade union” means a trade union within the meaning of the *Labour Relations Act, 1995* that represents registered gaming assistants employed in or at a gaming site. (“syndicat”)

CLASSES OF REGISTRANTS

Classes of registered suppliers

2. The following classes of suppliers are established for the purposes of registration under the Act:

1. Operator.
2. Seller.
3. Gaming-related supplier.
4. Non-gaming-related supplier.
5. Trade union.

Operator

3. (1) No person, other than the Corporation or a supplier registered as an operator, is authorized to do any of the actions described in the definition of “operator” in section 1.

(2) A person registered, immediately before this Regulation comes into force, as any of the following shall be deemed to be registered as an operator until the person’s registration under the applicable regulation expires:

1. A bingo hall owner or operator under Ontario Regulation 68/94 (Registration of Suppliers and Gaming Assistants — Games of Chance Held under a Licence) made under the Act.
2. A gaming-related supplier under Ontario Regulation 385/99 (Games of Chance Conducted and Managed by the Ontario Lottery and Gaming Corporation) made under the Act who is a person described in clause (d) of the definition of “gaming-related supplier” in section 1 of that regulation.

Seller

4. (1) No person, other than the Corporation or a supplier registered as an operator or seller, is authorized to do any of the actions described in the definition of “seller” in section 1.

(2) A person registered, immediately before this Regulation comes into force, as any of the following shall be deemed to be registered as a seller until the person’s registration under the applicable regulation expires:

1. A break open ticket seller under Ontario Regulation 68/94 (Registration of Suppliers and Gaming Assistants — Games of Chance Held under a Licence) made under the Act.
2. A lottery retailer under Ontario Regulation 281/07 (Lotteries) made under the Act.

Gaming-related supplier

5. (1) No person, other than the Corporation or a supplier registered as an operator or a gaming-related supplier, is authorized to do any of the actions described in the definition of “gaming-related supplier” in section 1.

(2) A person registered, immediately before this Regulation comes into force, as any of the following shall be deemed to be registered as a gaming-related supplier under this Regulation until the person’s registration under the applicable regulation expires:

1. A gaming services supplier, a gaming equipment supplier, a gaming equipment manufacturer or a bingo paper or break open ticket manufacturer under Ontario Regulation 68/94 (Registration of Suppliers and Gaming Assistants — Games of Chance Held under a Licence) made under the Act.
2. A gaming-related supplier under Ontario Regulation 385/99 (Games of Chance Conducted and Managed by the Ontario Lottery and Gaming Corporation) made under the Act who is not a person described in clause (d) of the definition of “gaming-related supplier” in section 1 of that regulation.
3. A lottery equipment supplier under Ontario Regulation 281/07 (Lotteries) made under the Act.

Non-gaming-related supplier

6. (1) No person, other than the Corporation or a supplier registered as an operator, a gaming-related supplier or a non-gaming-related supplier, is authorized to do any of the actions described in the definition of “non-gaming-related supplier” in section 1.

(2) A person registered, immediately before this Regulation comes into force, as a non-gaming-related supplier under Ontario Regulation 385/99 (Games of Chance Conducted and Managed by the Ontario Lottery and Gaming Corporation) made under the Act shall be deemed to be registered as a non-gaming-related supplier under this Regulation until the person’s registration under that regulation expires.

Trade union

7. (1) No person, other than a supplier registered as a trade union, may represent members of a collective bargaining unit comprised of registered gaming assistants.

(2) A trade union registered, immediately before this Regulation comes into force, as a trade union under Ontario Regulation 385/99 (Games of Chance Conducted and Managed by the Ontario Lottery and Gaming Corporation) made under the Act shall be deemed to be registered as a trade union under this Regulation until the registration under that regulation expires.

Classes of gaming assistants

8. The following classes of gaming assistants are established for the purpose of registration under the Act:

1. Category 1 gaming assistant.
2. Category 2 gaming assistant.

Category 1 gaming assistant

9. (1) No person, other than a gaming assistant registered as a category 1 gaming assistant, is authorized to do any of the actions described in the definition of “category 1 gaming assistant” in section 1.

(2) A person registered, immediately before this Regulation comes into force, as any of the following shall be deemed to be registered as a category 1 gaming assistant until the person’s registration under the applicable regulation expires:

1. A gaming premises manager under Ontario Regulation 68/94 (Registration of Suppliers and Gaming Assistants — Games of Chance Held under a Licence) made under the Act.
2. A gaming key employee under Ontario Regulation 385/99 (Games of Chance Conducted and Managed by the Ontario Lottery and Gaming Corporation) made under the Act.
3. A lottery retailer manager under Ontario Regulation 281/07 (Lotteries) made under the Act.

Category 2 gaming assistant

10. (1) No person, other than a gaming assistant registered as a category 2 gaming assistant, is authorized to do any of the actions described in the definition of “category 2 gaming assistant” in section 1.

(2) A person registered, immediately before this Regulation comes into force, as any of the following shall be deemed to be registered as a category 2 gaming assistant until the person’s registration under the applicable regulation expires:

1. A gaming services employee, a bingo caller or a croupier under Ontario Regulation 68/94 (Registration of Suppliers and Gaming Assistants — Games of Chance Held under a Licence) made under the Act.
2. A gaming employee under Ontario Regulation 385/99 (Games of Chance Conducted and Managed by the Ontario Lottery and Gaming Corporation) made under the Act.

EXEMPTIONS FROM REGISTRATION

Exemptions

11. (1) The Interprovincial Lottery Corporation is exempt from registration as a supplier or a gaming assistant.
- (2) The following classes of persons are exempt from registration as suppliers or gaming assistants:
 1. Individuals who provide services with respect to the playing of a lottery scheme for which a licence is required but who do not receive any remuneration or promise of remuneration for any of those services.
 2. Licensees who provide goods or services to themselves.
 3. Full-time employees of a licensee, including those whose primary duty is fundraising, but not including persons whose primary duty is to provide gaming services that a registered supplier or registered gaming assistant would provide.
 4. Owners or operators of premises who grant leases of premises kept for the playing of a lottery scheme conducted and managed pursuant to a licence if the Registrar is satisfied that they are not engaged in any other activities for which a registration is required.
 5. Individuals who are employed as runners at premises that are used solely for lottery schemes for which a licence is issued, unless they are engaged in other activities for which a registration is required.
 6. Charitable organizations to which a municipality or the Registrar has issued a permit or authorization to participate in a lottery scheme conducted and managed by the Corporation pursuant to an agreement approved by the Registrar.
 7. Individuals who provide services for a charitable organization pursuant to the exemption described in paragraph 6 who do not receive any remuneration or promise of remuneration for any of those services.
 8. Employees of a seller unless they are engaged in other activities for which a registration is required.
 9. The Ontario Charitable Gaming Association, which provides goods or services to the Corporation, unless it is engaged in other activities for which a registration is required.

Exemption, non-gaming-related supplier

12. (1) A person described in subsection (2) is exempt from the requirement to register as a non-gaming-related supplier if,
 - (a) the person satisfies the Registrar that,
 - (i) the person's business is not regulated as described in clause (b),
 - (ii) the value of the goods or services that the person has provided or will provide to the Corporation or operators in a 12-month period starting April 1 and ending March 31 of the next year is or will be less than \$750,000, and
 - (iii) the Corporation has carried out a due diligence investigation of the person that satisfies the Registrar that the person would meet the standards and requirements that would apply to the providing of the goods or services if the person were registered;
 - (b) the person satisfies the Registrar that,
 - (i) the person's business is regulated by the Government of Ontario or Canada or an agency of either of them, and
 - (ii) the regulating body has carried out a due diligence investigation of the person that satisfies the Registrar that the person would meet the standards and requirements that would apply to the providing of the goods or services if the person were registered; or
 - (c) the Registrar is of the opinion that,
 - (i) the goods or services that the person provides are not integral to the operation of the lottery scheme or the other business, as the case may be, taking into account the industry sector for which they are provided, their nature and their value, and
 - (ii) the person would meet the standards and requirements that would apply to the providing of the goods or services if the person were registered.
- (2) Subsection (1) applies to a person who provides goods or services for,

- (a) a lottery scheme conducted and managed by the Corporation or any other business operated by, or on behalf of, or under contract with the Corporation in conjunction with such a lottery scheme; or
 - (b) a lottery scheme conducted and managed by a charitable organization under the authority of a licence issued by a municipality or by the Registrar or any other business operated by, or on behalf of, or under contract with the charitable organization in conjunction with such a lottery scheme.
- (3) A person who, immediately before this Regulation comes into force, holds a certificate of exemption issued under subclause 5 (2) (a) (i) of Ontario Regulation 385/99 (Games of Chance Conducted and Managed by the Ontario Lottery and Gaming Corporation) made under the Act shall be deemed to be exempt from registration under clause (1) (a) of this section.
- (4) A person who, immediately before this Regulation comes into force, holds a certificate of exemption issued under subclause 5 (2) (a) (ii) of Ontario Regulation 385/99 shall be deemed to be exempt from registration under clause (1) (b) of this section.
- (5) A person who is exempt from registration under clause (1) (a) ceases to be exempt if,
- (a) the value of the goods or services exceeds \$750,000 in the 12-month period described in that clause; or
 - (b) the Registrar has determined that the person has failed to comply with the standards and requirements that would apply to the providing of the goods or services by the person if the person were registered.
- (6) A person who is exempt from registration under clause (1) (b) ceases to be exempt if the Registrar has determined that the person has failed to comply with the standards and requirements that would apply to the providing of the goods or services by the person if the person were registered.
- (7) A person who is exempt from registration under clause (1) (c) ceases to be exempt if the Registrar is no longer of the opinion that,
- (a) the goods or services that the person provides are not integral to the operation of the lottery scheme or the other business, as the case may be, taking into account the industry sector for which they are provided, their nature and their value; or
 - (b) the person would meet the standards and requirements that would apply to the providing of the goods or services if the person were registered.
- (8) A person who is exempt from registration under subsection (1) shall comply with section 20 as if the person were registered as a non-gaming-related supplier.

Exemption, gaming assistant

- 13.** (1) An individual is exempt from the requirement to register as a gaming assistant if,
- (a) the individual is employed by a supplier registered as a gaming-related supplier who manufactures, provides, installs, tests, maintains or repairs gaming equipment and the individual completes and files with the Registrar the information return that is required under subsection 20 (3);
 - (b) the individual is employed by a supplier registered as a non-gaming-related supplier or a person who, under section 12, is exempt from such registration and the individual is,
 - (i) not an individual whose regular duties of employment require access to a gaming site or other premises used for gaming-related purposes, and
 - (ii) not an individual who supervises an individual described in subclause (i); or
 - (c) the Registrar is of the opinion that,
 - (i) the services that the individual provides are not integral to the operation of the gaming site, taking into account the industry sector for which they are provided, their nature and their value, and
 - (ii) the individual would meet the standards and requirements that would apply to the providing of the goods or services if the individual were registered.
- (2) A person who is exempt from registration under subsection (1) shall comply with section 20 as if the person were registered as a gaming assistant.

Requirements for Corporation

- 14.** The Corporation shall comply with section 20 as if it were a supplier registered as an operator.

APPLICATIONS FOR REGISTRATION OR RENEWAL OF REGISTRATION

Application

15. (1) An application for registration or renewal of registration as a supplier or gaming assistant under this Regulation shall be in a form provided by the Registrar and shall state the class or classes of registration for which the applicant is applying and an address for service.

- (2) An application described in subsection (1) shall be accompanied by the fee established by the Board.
- (3) An application for registration as a gaming assistant shall be accompanied by an offer of employment by,
 - (a) the Corporation;
 - (b) a supplier who is registered as an operator, a gaming-related supplier or a non-gaming-related supplier or who has applied for such registration; or
 - (c) a person who, under section 12, is exempt from registration as a non-gaming-related supplier.
- (4) The offer of employment mentioned in subsection (3),
 - (a) must be signed by an authorized signing official;
 - (b) must be conditional on the application being granted; and
 - (c) must not have been withdrawn before the application is granted.

Response of Registrar

16. (1) Upon receiving a completed application under section 15, the Registrar shall consider the application and either grant it or refuse it.

- (2) Upon granting an application, the Registrar shall issue a certificate of registration to the applicant stating the expiry date of the registration.
- (3) Despite subsection (2), the registration of a gaming assistant shall terminate if,
 - (a) the Registrar refuses an application for registration or renewal of registration of the supplier named in the registrant's registration;
 - (b) the registration of the supplier named in the registrant's registration is terminated; or
 - (c) the registrant's employment with the supplier named in the registrant's registration is terminated.
- (4) The Registrar shall revive the registration of a gaming assistant that has terminated under subsection (3) if,
 - (a) within 30 days after the termination of the registration, the registrant applies to the Registrar to have the name of the registered supplier named in the registration replaced with the name of another registered supplier; and
 - (b) the Registrar grants the application.
- (5) An application described in clause (4) (a) shall be accompanied by an offer of employment by the registered supplier named in the application that,
 - (a) must be signed by an authorized signing official;
 - (b) must be conditional upon the application being granted; and
 - (c) must not have been withdrawn before the application is granted.

Registered suppliers named in registration

17. (1) A registered gaming assistant may have more than one employer named as the assistant's employer named in the registration if the employment is legitimate employment.

(2) A registered gaming assistant who is employed by the Corporation is exempt from the requirement in clause 5 (1) (b) of the Act to have the Corporation named as an employer of the assistant in the registration.

TERMS OF REGISTRATION

Terms of registration

18. The requirements set out in sections 19 and 20 are terms of registration for registrants.

Certificates

19. (1) Every registered supplier shall prominently display the supplier's certificate of registration or ensure that a copy of the certificate is prominently displayed at the business premises identified in the registration or is kept in a place that the Registrar approves where the document is immediately available for inspection.

(2) Every registered gaming assistant shall carry the assistant's certificate of registration when carrying out any duties of employment or, if the Registrar so permits, have it immediately available when carrying out any duties of employment.

Responsibilities for employees and suppliers

20. (1) Every registered supplier shall be responsible for the conduct of every person employed by the supplier in the performance of the person's duties.

(2) Every registered supplier shall ensure that every individual employed by the supplier has the registration required to perform the functions assigned to or carried out by the employee.

(3) Every supplier registered as an operator, seller, gaming-related supplier or non-gaming-related supplier shall ensure that its employees who provide goods or services related to the operation of a gaming site or a related business and who are not required to be registered as gaming assistants, complete and file with the Registrar an information return in the form and within the time specified by the Registrar.

(4) A supplier registered as an operator shall not contract with or employ a person to do anything with respect to the provision of goods or services that the person is not authorized to do under this Regulation.

OPERATION OF LOTTERY SCHEMES

Documentation of age

21. For the purposes of subsection 2 (2) of the Act, the following are prescribed as documentation of age of an individual purchasing a lottery ticket:

1. A driver's licence issued by the Province of Ontario with a photograph of the individual to whom the licence is issued.
2. A Canadian passport.
3. A Canadian citizenship card with a photograph of the individual to whom the card is issued.
4. A Canadian armed forces identification card.
5. A secure certificate of Indian status issued by the Government of Canada.
6. A photo card issued by the Liquor Control Board of Ontario.
7. A permanent resident card issued by the Government of Canada.
8. A photo card issued under the *Photo Card Act, 2008*.
9. Any other form of identification that includes a photograph of the individual, states his or her date of birth and reasonably appears to have been issued by a government.

Exclusions re lottery schemes

22. (1) A seller shall not sell a lottery ticket to any of the following individuals:

1. Individuals who appear to be intoxicated.
2. Officers, directors or partners of the seller.
3. Registered gaming assistants of the seller employed at the gaming site where the seller sells lottery tickets.
4. Executives or staff of a trade union who represent or negotiate on behalf of employees employed at the gaming site where the seller sells lottery tickets.
5. Employees of registered suppliers who maintain or repair gaming equipment at the gaming site where the seller sells lottery tickets.
6. Members or employees of the Commission.

(2) Subsection 2 (3) of the Act does not apply to an individual who is 18 years of age and who enters and remains on,

- (a) a gaming site where a charitable organization, under the authority of a permit or authorization issued by a municipality or by the Registrar, participates in a lottery scheme conducted and managed by the Corporation pursuant to an agreement approved by the Registrar;
- (b) a gaming site where a charitable organization conducts and manages a lottery scheme under the authority of a licence issued by a municipality or by the Registrar; or
- (c) a gaming site that is an electronic channel for the purpose of purchasing a lottery ticket.

(3) Subsection 2 (3) of the Act does not apply to an individual who is under 19 years of age and who enters or remains in a gaming site that is not maintained solely or primarily for the purpose of playing or operating a lottery scheme.

(4) Subsection 2 (4) of the Act does not apply to a person who permits individuals who are 18 years of age to play,

- (a) a lottery scheme in a gaming site where a charitable organization, under the authority of a permit or authorization issued by a municipality or by the Registrar, participates in a lottery scheme conducted and managed by the Corporation pursuant to an agreement approved by the Registrar;

- (b) a lottery scheme in a gaming site where a charitable organization conducts and manages a lottery scheme under the authority of a licence issued by a municipality or by the Registrar; or
 - (c) a lottery ticket in a gaming site that is not maintained solely or primarily for the purpose of playing or operating a lottery scheme or in a gaming site that is an electronic channel if they purchased the ticket in the applicable site.
- (5) An operator of a gaming site and, if the Corporation operates a gaming site, the Corporation shall not permit the following individuals to play a lottery scheme in the site:
1. Individuals who appear to be intoxicated if the site is physical premises.
 2. An individual who the operator or the Corporation has reason to believe has been excluded from the site under subsection 3.6 (1) of the Act.
 3. Every individual who advises the operator or the Corporation that the individual is participating in a self-exclusion process established by the Corporation that applies to the site.
 4. Officers, directors or partners of the operator.
 5. Registered gaming assistants of an operator or the Corporation employed at any gaming site operated by the operator or the Corporation.
 6. Executives or staff of a trade union who represent or negotiate on behalf of employees employed at the site.
 7. Employees of registered suppliers who maintain or repair gaming equipment at the site.
 8. Members or employees of the Commission.
 9. Officers, directors or employees of the Corporation.
- (6) Despite paragraph 9 of subsection (5), an operator of a gaming site, other than the Corporation, may permit employees of the Corporation to play a lottery scheme in the site if:
- (a) they are gaming assistants registered as category 2 gaming assistants; or
 - (b) under the Act or this Regulation, they are not required to register as gaming assistants in order to act as employees of the Corporation.

Criteria for refusing access

23. For the purposes of subsection 3.6 (1) of the Act, the following are prescribed as criteria for refusing an individual access to gaming sites:

1. The individual has been excluded from gaming sites in another jurisdiction.
2. The individual has cheated or attempted to cheat at play.
3. The individual applied for registration or renewal of registration and was denied or the registration was revoked or is suspended.
4. A court has ordered the individual not to participate in lottery schemes.
5. The individual has acted in a way that would adversely affect public confidence or support for lottery schemes and related businesses.

Procedure for issuing direction

24. (1) Before issuing a direction under subsection 3.6 (1) of the Act, the Registrar shall serve a notice of the proposed direction on the individual to the individual's last known address containing the following information:

1. The name of the individual and other identifying information.
2. The reasons for proposing to refuse access to the individual.
3. That the individual may make written submissions to the Registrar as to why the individual should not be refused access to gaming sites.
4. The time period by which the individual may make any submissions.

(2) The Registrar shall consider any submissions provided by the individual and, after considering those submissions, may issue a direction.

(3) A direction issued under subsection (2) shall contain the following information:

1. The name of the individual and other identifying information and any known aliases.
2. The individual's date of birth, if known.
3. The individual's last known home or business address.

(4) A copy of the direction shall be served on the individual's last known address.

Revocation of direction

25. (1) After five years have elapsed since the issuance of a direction under section 24, the individual may request in writing that the Registrar revoke the direction.

(2) The individual shall state the grounds for the request and shall provide all necessary details and documentation to support the request.

(3) If the Registrar is satisfied that the individual has shown cause why the direction should be revoked, the Registrar shall issue a direction to that effect to the Corporation and operators.

MEMBERS OF THE BOARD OF THE CORPORATION

Registrar's inquiry or investigation

26. (1) If, after an inquiry or investigation under subsection 9 (1.1) of the Act, the Registrar is of the preliminary opinion that an individual may not be or is not suitable to be a member of the board of the Corporation or to exercise significant decision-making authority with respect to the conduct, management or operation of lottery schemes, the Registrar shall advise the individual of that fact and the reasons for the preliminary opinion.

(2) The individual is entitled to make submissions to the Registrar in a time frame specified by the Registrar and the Registrar shall consider the submissions before forming a final opinion.

REVOCATIONS AND COMMENCEMENT

Revocations

27. **Ontario Regulations 68/94, 197/95, 385/99 and 281/07 are revoked.**

Commencement

28. **This Regulation comes into force on the later of the day Schedule 17 to the *Better Tomorrow for Ontario Act (Budget Measures), 2011* comes into force and the day this Regulation is filed.**

Français

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