



Secretariat Unit

# Bill Essentials

## The Gambling (Gaming and Betting) Control Bill, 2015

An Act to provide for the establishment of the Gambling (Gaming and Betting) Control Commission (“the Commission”) for the purpose of regulating the Gaming and Betting Sectors which are, both on a global and national level, vulnerable to infiltration by money launderers and terrorist financing.

Bill No: HOR Bill 10 of 2015

Introduced in: The House of Representatives

Introduced on: May 22, 2015

Introduced by: Min Rudranath Indarsingh [Minister of State in the Ministry of Finance and the Economy]



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## Background

The Gambling (Gaming and Betting) Control Bill, 2015<sup>1</sup> was introduced and read for a first time in the House of Representatives on May 22, 2015 by the Minister of State in the Ministry of Finance and the Economy, Minister Rudranath Indarsingh.

## Purpose of the Bill

The Bill provides for the establishment of the Gambling (Gaming and Betting) Control Commission (“the Commission”) for regulating the Gaming and Betting Sectors.

## Legislation mentioned in the Bill

Gambling and Betting Act Chap. 11:19<sup>2</sup>  
Proceeds of Crime Act Chap 11:27<sup>3</sup>  
Registration of Clubs Act Chap. 21:01<sup>4</sup>  
Trinidad and Tobago Racing Authority Act Chap. 21:50<sup>5</sup>  
Betting Levy Board Act Chap. 21:53<sup>6</sup>  
Police Service Act Chap. 15:01<sup>7</sup>  
Supplemental Police Act Chap. 15:02<sup>8</sup>  
Companies Act Chap. 81:01<sup>9</sup>  
Financial Intelligence Unit of Trinidad and Tobago Act Chap. 72:01<sup>10</sup>  
Cohabital Relationships Act Chap. 45:55<sup>11</sup>  
Prevention of Corruption Act Chap. 11:11<sup>12</sup>  
Liquor Licences Act Chap. 84:10<sup>13</sup>  
Firearms Act Chap. 16:01<sup>14</sup>

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<sup>1</sup> <http://www.ttparliament.org/legislations/b2015h10.pdf>

<sup>2</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/11.19.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.19.pdf)

<sup>3</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/11.27.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.27.pdf)

<sup>4</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/21.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/21.01.pdf)

<sup>5</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/21.50.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/21.50.pdf)

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<sup>7</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/15.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/15.01.pdf)

<sup>8</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/15.02.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/15.02.pdf)

<sup>9</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/81.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/81.01.pdf)

<sup>10</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/15.02.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/15.02.pdf)

<sup>11</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/45.55.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/45.55.pdf)

<sup>12</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/11.11.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.11.pdf)

<sup>13</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/84.10.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/84.10.pdf)

<sup>14</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/16.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/16.01.pdf)

*The Gambling (Gaming and Betting) Control Bill, 2015***Major changes proposed by Legislation**

- The establishment of the Gambling (Gaming and Betting Control Commission) to regulate the Gaming and Betting Industry and address the issue of money launders and terrorist financing on this industry.
- The establishment of a Licence Regime that will establish stringent criteria for obtaining a licence which will assist in reducing the potential for money laundering and terrorism financing.

**Key Features of proposed Legislation****Part I- Preliminary**

- Part I of the Bill provides for preliminary matters such as its title and definitions. The Bill defines “amusement machine”, “betting”, “betting shop”, “bookmaker”, “casino”, “casino game”, “equal chance game”, “gambling”, “gambling device”, gambling instrument”, “gaming lounge”, “gambling machine”, “off-tracking betting shop”, “racing”, “stake”, and “totalisator”.
- Section 5 of the Act outline the objects of this Act; namely to–
  - a. protect minors and other vulnerable persons from being harmed or exploited by gambling;
  - b. ensure that gambling is conducted in a fair, open and responsible manner;
  - c. prevent gambling from being a source of, being associated with or being used to support crime;
  - d. ensure compliance with international anti-money laundering and counter-terrorism financing regulations in line with the Financial Action Task Force Recommendations;
  - e. ensure consumer protection; and
  - f. provide for the collection of taxes.

**Part II – Gambling (Gaming and Betting Control Commission)**

- Clause 6 of the Bill provides for the establishment of a body corporate to be known as the the Gambling (Gaming and Betting) Control Commission (“the Commission”) which will be managed by a Board.
- Clause 6(5) of the Bill provides that persons shall be qualified to be members of the Board by reason of their work and experience in the gambling industry or fields relating to law, finance, information technology, economics, management, social work or law enforcement.
- Clause 7 of the Bill would provide for the appointment of the Board. The proposed Board will consist of nine persons appointed by the Minister, consisting of a Chairman and eight other members, one of whom shall be appointed on the recommendation of the Chief Secretary of the Tobago House of Assembly.
- The Bill also Provides for administrative arrangements of the Board relating to:
  - a. the appointment of the Chairman and Deputy Chairman;
  - b. resignations;
  - c. term of office of Board members;

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- d. revocation of appointments;
- e. declaration of members' interests
- f. the filling of vacancies; and
- g. remuneration and allowances.
- The Bill provides for the operation of the Board including:
  - a. meetings of the Board;
  - b. the making of rules to govern its own proceedings; and
  - c. the appointment of a person to perform the functions of Corporate Secretary to the Board.
- Clause 12 of the Bill provides that the Board may appoint committees to examine and report to it on any matter whatsoever arising out of, or connected with, any of its powers and duties under this Act. It also states that the Board shall establish a standing committee to be known as "the Audit and Regulatory Committee" which shall have a compliance oversight role in the specific areas of financial reporting and internal controls implemented within the operations of the licensees.
- Clause 14 outlines the powers and duties of the Commission including *inter alia*:
  - a. regulation and control the operation of gambling in Trinidad and Tobago;
  - b. provision of such information to other regulatory and government agencies, including the Board of Inland Revenue, the Financial Intelligence Unit, the Integrity Commission, the Customs and Excise Division, the Commissioner of Police and the Betting Levy Board, as may be agreed between the Commission and those agencies;
  - c. addressing, through the Rehabilitation and Development Funds, the harmful and negative effects of gambling; and
  - d. granting of licences pursuant to the provisions of this Act;
  - e. inspection of equipment or devices associated with gaming or betting and which is being used or is proposed to be used in a licensed gambling establishment
  - f. collection fees and levies;
  - g. formulation and implementation of policies, codes of practice and other documents for the administration and control of the conduct of gaming and betting; and
  - h. the seizure of any betting machine, gaming machine or gaming device or associated equipment, document or records for the purpose of examination or inspection.
- Clause 15 sets out the provisions for the appointment of a Commissioner, who will be the Chief Executive Officer of the Commission, staffing of the Commission, funding, allowable expenditure of the Commission, audits, annual reports, procurement rules and other matters that the Commission is required to observe.

**Part III – Licensing Regime**

- Part III of the Bill proposes to establish the licensing regime under which the Gambling sector will henceforth be required to operate.

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- Clause 32 identifies the different categories of operating licences and Clauses 33 to 52 establish the framework for applications, investigations, objections, renewals, suspensions, revocations, appeals and all matters pertinent to a licensing framework.

**Part IV - Gaming**

- Part IV of the Bill proposes to address matters peculiar to the Gaming sector.
- Clause 54 is a transitional provision permitting gaming operators to operate until such time as the Commission issues licences in accordance with the proposed legal framework.
- Part IV also addresses, *inter alia*, the issues of the approval of games, prize competitions and the display of gaming rules.

**Part V - Betting**

- Part V of the Bill is specific to the Betting Sector and as with Part III, there is a transitional provision at Clause 63 permitting betting shops, bookmakers and promoters to operate under the existing framework until such time as the Commission issues licences under this proposed legal framework.

**Part VI – Taxes and Funds**

- Part VI of the Bill addresses the payment of taxes by licensees.
- Clause 66 sets out the proposed taxes to be payable with the exception of levy on bets made on live or simulcast horse racing which shall remain the responsibility of the Betting Levy Board.
- Clause 67 proposes the creation of two funds, the Rehabilitation Fund and the Development Fund, for the purposes of aiding victims of gambling addiction as well as assisting in areas of sport development, arts and culture and health respectively. These funds shall be managed by a Committee established under Clause 68 by the Minister who shall appoint the Chairman.
- The Bill proposes that the Rehabilitation and Development Funds Committee shall take applications for assistance and disburse funds according to the merits of the applications. The Committee is required to establish guidelines to guide applicants in making successful applications. The Committee is also required to report to the Minister annually on the management and activities of the Fund.

**Part VII - Enforcement**

- Part VII gives powers to authorised officers for the purpose of ensuring compliance with the Act.
- Clause 70 outlines the powers of such officers, including the power to inspect licensed premises, monitor activities, examine documents, records, and machines and do all such other things as set out in this Part and the Bill generally.
- Clause 71 provides that a magistrate may, on the application of an authorised officer, issue a warrant authorising such officers to enter upon licenced premises to facilitate the execution of their duties.

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**Part VII – Offences and Penalties**

- In Part VIII, infringements are considered offences and subject to the summary jurisdiction of the Courts.
- Clause 73 provides for offences relating to the use of premises for various betting and gambling activities without a licence.
- Clause 74 outlines the restrictions on gambling and provides for the related penalties.
- Clause 75 provides for the offence of using gambling software.
- Clause 76 defines “cheating”, and describes various acts which may equate to cheating, including but not limited to:
  - a. Alteration or misrepresentation of the outcome of a game or other event on which wagers have been made after the outcome is made sure, but before it is revealed to the players;
  - b. placing, increasing, or decreasing a bet or determining the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game
  - c. manipulating, with the intent to cheat, any component of a gambling device in any manner contrary to the designed and normal operational purpose of the component;
  - d. keeping track of cards played or analysing the strategy to be used in a game;
  - e. using or possessing while in a gambling premises, any equipment for the purposes of cheating, including but not limited to, tools, drills, wires, coins or tokens or other gambling instrumentalities attached to strings or wires, or electronic or magnetic devices, to facilitate the alignment of any winning combination or to facilitating the removal from any slot machine any money or contents thereof; or
  - f. by any trick or sleight of hand performance, or by fraud or fraudulent scheme, cards, equipment or device, for himself or another, winning or attempting to win money or property or a representative of either, or reducing a losing wager or attempting to reduce a losing wager in conjunction with gaming.
- Clause 77 provides for the offence of using facilities for gambling without an operating licence.
- Clause 78 provides for the offence of remote gambling and defines “remote gambling equipment”.
- Clause 80 prohibits betting in streets and public places.
- Clauses 81-83 address offences in relation to minors, including inviting, causing or permitting a minor to gamble, inviting a minor to gambling premises and employing a minor to perform any function related to gambling.

**Part IX – Notification and Administrative Penalties**

- Part IX establishes an administrative penalty system whereby offences created under Part VIII can alternatively be dealt with under the administrative penalty system. However, once this option is taken, access to the Courts for resolution is denied.

**Part X - Miscellaneous**

- Part X proposes that the Minister may make Regulations for the purposes of the Act as necessary and imposes requirements as to confidentiality upon the Commission, its officers and employees.

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**Part XI – Consequential Amendments**

- Part XI proposes consequential amendments to related legislation, specifically the Gambling and Betting Act, the Betting Levy Board Act, the Proceeds of Crime Act and the Registration of Clubs Act.

**Schedule 1**

- Schedule 1 provides for the staff of the Commission and addresses issues of secondment and transfer to the Commission, pension fund plan, and declarations of interest.

**Schedule 2**

- Schedule 2 addresses the fit and proper criteria as outlined in Clauses 33 and 42, and provides that every person shall be considered fit and proper if that person is of good character, competent, honest, financially sound, and that in determining whether a person is fit and proper the Board shall have regard to any matter that it considers relevant, including that person's integrity, fairness, honesty and reputation; competence, diligence and capability, and soundness of judgment; and financial soundness.

**Schedule 3**

- Schedule 3 outlines approved systems of internal controls and procedures and accounting systems as required under Clause 53. It addresses the requirement to keep and maintain bank accounts at approved financial institutions in Trinidad and Tobago, keeping accounting records and books, the preparation of statement of accounts and the audit of books accounts and financial statements.

**Schedule 4**

- Schedule 4 provides for the data requirements to be maintained for each gaming device or machine as required under Clause 14.

**Schedule 5**

- Schedule 5 outlines the consequential amendments to other existing legislation, including the Gambling and Betting Act Chap. 11:19, the Proceeds of Crime Act, Chap 11:27, the Registration of Clubs Act Chap 21:01, the Racing Authority Act Chap. 21:50, the Betting Levy Board Act Chap. 21:53. The Gambling and Betting (Licences) Regulations are repealed.



## Considerations

- The Bill is inconsistent with Sections 4 and 5 of the Constitution and therefore needs to be passed by a three-fifths majority in both Houses of Parliament;
- The Bill proposes consequential amendments to the Gambling and Betting Act, the Betting Levy Board Act, the Proceeds of Crime Act and the Registration of Clubs Act;
- Parts I, II and XI and Schedule 1 will come into operation on the date of Assent;
- Parts III, IV, V, VI, VII, VIII, IX and X and Schedules 2, 3, 4 and 5 will come into operation on such date as is fixed by the President by Proclamation.

## Comparative Legislation in other Jurisdictions

Country	Legislation	Remarks
United Kingdom	Gambling Act 2005 <sup>15</sup>	The objectives of the Act are to—  (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, (b) ensuring that gambling is conducted in a fair and open way, and (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.  Part 2 of the Act establishes the Gambling Commission.
Province of Alberta, Canada	Gambling and Liquor Act 2000 <sup>16</sup>	In general gambling is illegal in Canada. However it is legal when it follows Sections 206 and 207 of the Criminal Code <sup>17</sup> and sanctioned under the authority of each province.  Part 1 of the Gambling and Liquor Act 2000 establishes the operations of the Alberta Gambling and Liquor Commission.
Australia	Gambling Racing and Control Act 1999 <sup>18</sup>	An Act to provide for the administration of certain Acts relating to gambling and racing and to create the gambling and racing commission

<sup>15</sup> <http://www.legislation.gov.uk/ukpga/2005/19/introduction>

<sup>16</sup> [http://www.aglc.ca/pdf/legislation/gla\\_act.pdf](http://www.aglc.ca/pdf/legislation/gla_act.pdf)

<sup>17</sup> <http://laws-lois.justice.gc.ca/eng/acts/C-46/index.html#docCont>

<sup>18</sup> <http://www.legislation.act.gov.au/a/1999-46/current/pdf/1999-46.pdf>

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New Zealand	Gambling Act 2003 <sup>19</sup>	<p>The purpose of the Act is to—</p> <ul style="list-style-type: none"> <li>(a) control the growth of gambling;</li> <li>(b) prevent and minimise harm from gambling, including problem gambling;</li> <li>(c) authorise some gambling and prohibit the rest;</li> <li>(d) facilitate responsible gambling;</li> <li>(e) ensure the integrity and fairness of games; and</li> <li>(f) limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling;</li> <li>(g) ensure that money from gambling benefits the community; and</li> <li>(h) facilitate community involvement in decisions about the provision of gambling.</li> </ul> <p>Schedule 3 of the Act addresses the establishment and operations of the Gambling Commission.</p>
Jamaica	Betting, Lotteries and Gaming Act <sup>20</sup>	<p>Part 11 of the Act establishes the Betting, Lotteries and Gaming Commission.</p> <p>According to Section 5 of the Act, the following are the functions of the Commission</p> <p>“5-1) The functions of the Commission shall be to regulate and control the operation of betting and gaming and the conduct of lotteries in the Island; and to carry out such other functions as are assigned to it by or in pursuance of the provisions of this Act or any other enactment, and, in particular, but without prejudice to the generality of the foregoing-</p> <ul style="list-style-type: none"> <li>(a) to examine, in consultation with such organizations and persons as it considers appropriate, problems relating to the operation of betting and gaming and the conduct of lotteries in the Island.</li> <li>(b) to furnish information and advice and to make recommendations to the Minister with respect to the exercise by him of his functions under Part IV, Part V and Part VI;</li> <li>(c) to make investigations and surveys for the purpose of obtaining information of use to it in the exercise of its functions.”</li> </ul>

<sup>19</sup> <http://www.legislation.govt.nz/act/public/2003/0051/latest/DLM207497.html>

<sup>20</sup> [http://moj.gov.jm/sites/default/files/laws/Betting%2C%20Gaming%20and%20Lotteries%20Act\\_0.pdf](http://moj.gov.jm/sites/default/files/laws/Betting%2C%20Gaming%20and%20Lotteries%20Act_0.pdf)

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- Trinidad Newsday Newspaper, August 29 2013 - The gaming industry... Making it relevant<sup>31</sup>
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<sup>22</sup> <http://web.a.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=8d05e736-fc34-4b4d-a525-82fecc224186%40sessionmgr4002&vid=64&hid=4114>

<sup>23</sup> <http://www.umass.edu/seigma/sites/default/files/SEIG%20Report-Williams%20Rehm%20%20Stevens%202011.pdf>

<sup>24</sup> <http://www.trinidadexpress.com/sports/Gaming-Commission-to-take-over-racing-264838261.html>

<sup>25</sup> <http://www.trinidadexpress.com/news/Howai-200000-fee-coming-for-members-clubs-253984681.html>

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<sup>27</sup> <http://www.trinidadexpress.com/business-magazine/Regulating-the-Gambling--220451001.html?m=y&smobile=y>

<sup>28</sup> <http://www.trinidadexpress.com/news/Howai-told---Whe-whe-gambling-making-400-million-annually-219930311.html>

<sup>29</sup> <http://www.trinidadexpress.com/news/12-more-months-needed-to-set-up-gaming-laws-219502601.html>

<sup>30</sup> <http://www.newsday.co.tt/politics/0,211680.html>

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