

The Gambling (Gaming and Betting) Control Act, 2015

REGULATIONS

Made by the Minister under section 95 of the Gambling (Gaming and Betting) Control Act, 2015

The Gambling (Gaming and Betting) Control (Code of Ethics) Regulations, 2016

PART ONE – PRELIMINARY

Citation 1. These regulations may be cited as the Gambling (Gaming and Betting) Control (Gaming Devices and Equipment) Regulations, 2015.

Purpose In the discharge of its powers, duties and responsibilities, the Trinidad and Tobago Gambling Control Commission (Commission) must conduct itself according to high ethical standards. The Commission's members, employees and agents are expected to discharge their duties with loyalty and in such a manner to as to promote and preserve public trust and confidence in the Commission and the regulatory process.

It is therefore essential that the Commission's members, employees and agents must avoid situations where private interest in outside business activities and opportunity for financial or personal gain could influence their decision in giving favoured treatment to any organization or person. They must avoid circumstances and conduct in outside activities that appear questionable to the general public.

The purpose of this Code is to assure that the Commission's members, employees and agents avoid situations, relationships or associations that may lead to or represent a conflict of interest for the Commission or its members, employees and agents. The provisions in this Code are intended to augment statutory provisions. All Commission members, employees and agents should remain aware of their responsibilities under the Gambling (Gaming and Betting) Control Act, 2015 and other laws governing gambling law and ethical conduct of public officials and government employees and agents.

Interpretation 2. In these Regulations,
“the Act” means the Gambling (Gaming and Betting Control) Act, 2015;
“Chief Executive Officer” means the person appointed by the Commission to manage the affairs of the Commission;
“the Commission” means the Trinidad and Tobago Gambling Control Commission;

“direct or indirect interest” means an ownership, stock ownership, loan, property, leasehold or other beneficial interest or holding office as director, officer or trustee in an entity. The term does not include an individual’s interests in less than one percent of publicly traded companies, nor mutual or common investment funds such as employee pension plans and publicly traded mutual funds, unless the individual is involved in the management or investment decisions of such fund or plan or the fund or plan specializes in gambling related issues;

“employee” means

- (A) a person who is hired by the Commission to perform services whether serving with or without compensation, on a full, regular, part-time, or intermittent basis, but shall not include consultants; or
- (B) an employee of another government agency who is assigned to the Commission to perform services relating to the regulation of gambling, whether it be on a full-time or part-time basis;

“financial interest” means an ownership, stock ownership, loan, property, leasehold or other beneficial interest in an entity, or an interest in one’s salary, gratuity, or other compensation or remuneration;

“gambling facility” means any premises where gambling is conducted pursuant to a licence issued by the Commission;

“immediate family” means the spouse, parent, child, brother or sister of an individual.

Applicability 3. This Code shall apply to all Commissioners, employees of the Commission, and where applicable, consultants.

PART TWO – ETHICAL RESPONSIBILITIES

Continuing

Obligation

4. It is the continuing obligation of each Commissioner, employee, and consultant to review and assess their conduct in light of this Code. Commissioners, employees, and consultants have an affirmative obligation to request advice from the Commission’s General Counsel, their immediate supervisor or the Attorney General when they have any reasonable doubt regarding the propriety of their past, present or future conduct or the conduct of any other Commissioner or employee, or if they have any question regarding the applicability or meaning of any provision of this Code or any other restriction.

5. Each member of the Commission and all of its employees are directed to read and comply with this Code of Conduct. Upon accepting an appointment to the Commission or employment with the Commission, each member or employee shall sign a statement acknowledging that they have read the Code of Conduct, understand its terms and agree to abide by its terms as currently adopted or as may be amended from time to time. Should a member of the Commission or employee find himself or herself unable or unwilling to comply with the Code of Conduct as adopted herein or as may be amended, such member or employee shall immediately inform the members of the Commission and the Chief Executive Officer.

6. No Commission member, employee or agent shall use or attempt to use his or her official position to secure any privilege, advantage, favor or influence for himself, herself or others.

7. Commission members, employees and agents of the Commission shall bear responsibility for adherence to this policy and to the specific prohibitions and restrictions set forth in this Code.

8. Certain of the prohibitions in this Chapter affect or extend to the spouses, parents and children of Commission members, employees or agents. For purposes of this Chapter, these represent the lineal relations of Commission members, employees and agents and, in the case of children, legally adopted children. It is recognized that in some cases, a Commission member, employee or agent may have limited influence over the decisions of lineal relatives, and that limited influence will be taken into consideration in evaluating the circumstances of an alleged violation.

PART THREE – DUTY TO AVOID CONFLICT OF INTEREST

9. Commission members, employees and agents and their respective spouses, parents and children have a duty to avoid relationships that may cause or have the appearance of causing a conflict of interest. A conflict of interest means a situation in which a Commission member's, employee's or agent's private interest, whether personal, financial or otherwise, influences or creates the appearance that it may influence the Commission member's, employee's or agent's judgment in the performance of his or her regulatory duties and responsibilities in a fair and impartial manner.

10. Commission members must recuse themselves from any licensing decision in which a potential conflict of interest exists. Commissioners, employees, and consultants must disqualify and recuse themselves, and abstain from participating or voting in any proceeding in which their impartiality may reasonably be questioned, and shall disclose to the Chief Executive Officer or, in the case of the Chief Executive Officer or a Commissioner, to the Chair of the Commission the nature of their disqualifying interest, including but not limited to instances where they have a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding.

PART FOUR – GAMBLING AND OTHER RESTRICTIONS

11. Except as may be required in the conduct of official duties, a Commission member, employee or agent shall not engage in gambling at any gaming facility or lottery location in Trinidad and Tobago, or engage in legalized gambling in any establishment identified by Commission action that, in the judgment of the Commission, could represent a potential for a conflict of interest.

12. Commission members, employees or agents shall not engage in excessive or inappropriate fraternization with licensees and adhere to policies and directives regarding personal conduct while on the premises of any entity subject to licensure or approval by the Commission.

13. No Commissioner, employee or agent shall use or attempt to use their official position to secure for themselves or others unwarranted privileges or exemptions which are not available to members of the general public.

14. No Commissioner, employee or agent shall stay overnight in a guest room at any hotel, in Trinidad and Tobago, owned or operated by a person or entity licensed by the Commission except in the course of their official duties and with the prior approval of the Commission or the Chief Executive Officer. Complimentary provision of such rooms to any Commissioner, employee, or agent is prohibited and any approved use shall be at established governmental rates pre-approved by the Commission. The Chief Executive Officer shall maintain and make accessible a list of all such prohibited facilities.

PART FIVE – OTHER EMPLOYMENT

15. Commission members, employees and agents must not hold or pursue employment, office, position, business or occupation that may conflict with the Commission member, employee or agent's official duties. Commission members, employees and agents may engage in other employment so long as it does not interfere or conflict with their duties, provided that such employment is disclosed to the Chief Executive Officer of the Commission and approved by the Commission or its designee.

16. Disclosure of other employment must be made at the time of appointment to the Commission or at the time the employee is hired to work for the Commission or prior to accepting the other employment. Any Commission member who discloses outside employment to the Commission shall recuse himself or herself from any discussion and decision made by the Commission relative to his/her outside employment.

17. Commission members, employees and agents may not solicit, suggest, request or recommend the appointment of any person to an office, place or position or the hiring of any person for direct or indirect employment to any applicant for or holder of a license issued by the Commission or to any representative or agent of such applicant for or holder of a license issued by the Commission.

PART SIX – RESTRICTIONS ON RECEIVING GIFTS

18. Commission members, employees and agents and their spouses, children and parents may not, directly or indirectly, accept any gift, gratuity, service, compensation, travel, lodging or any thing of value, with the exception of unsolicited items of an incidental nature, from a Commission licensee, applicant, or their affiliates, key personnel and representatives. This prohibition may be extended by Commission action to any entity or individual that, in the judgment of the Commission, could represent a potential for a conflict of interest. Receiving any of the following shall not be considered a violation of this Chapter:

(A) Food or refreshment of nominal value where a Commissioner, employee, or consultant attends a function as an invitee, in their official capacity, that is hosted, sponsored, or subsidized by a current applicant, licensee, permittee, holder of a certification or registration or licensed entity representative thereof and is available to all members of the general public (e.g., opening ceremonies for licensed gambling facilities,

industry showcases and expositions, symposia, seminars, association meetings, and continuing education programs).

(B) Unsolicited advertising or promotional materials of nominal value.

PART SEVEN – PROHIBITION ON OWNERSHIP

19. Commission members, employees or agents and their spouses, children and parents may not, directly or indirectly, hold or acquire or cause or encourage any other person to acquire any actual or contingent form of ownership interest or other financial interest in a Commission licensee, applicant, or its affiliates, key persons and representatives. This prohibition may extend to the holding or acquisition of an interest in any entity identified by Commission action that, in the judgment of the Commission, could represent the potential for or the appearance of a conflict of interest. The holding or acquisition of an interest in such entities through an indirect means – such as through a mutual fund – shall not be prohibited, except that the Commission may identify specific investments or funds that, in its judgment, are so influenced by gambling holdings as to represent the potential for or the appearance of a conflict of interest.

20. A Commission member leaving office, or an employee or agent's termination or resignation from employment with the Commission, is precluded for a period of 1 year from acquiring any actual or contingent form of ownership interest, or other financial interest in, a licensee, applicant, or their affiliates, key personnel and representatives. This prohibition may be extended by Commission action to any entity that, in the judgment of the Commission, could represent a potential for or the appearance of a conflict of interest. The holding or acquisition of an interest in such entities through an indirect means – such as through a mutual fund – shall not be prohibited, except that the Commission may identify specific investments or funds that, in its judgment, are so influenced by gaming holdings as to represent the potential for or the appearance of a conflict of interest.

PART EIGHT – DISCLOSURE OF ECONOMIC ASSOCIATIONS

21. Each Commission member who owns or is employed by a firm or business entity shall, to the best of the member's ability, identify any current economic relationship, whether direct or indirect, which could create the appearance of a conflict of interest that may exist between the Commission member's firm or business entity and any licensee, applicant, their affiliates, key personnel and representatives. The Commission member shall declare his or her intention to refrain from deliberations and voting on questions related to the gambling entity in such relationship. This requirement may be extended by Commission action to any entity or individual that, in the judgment of the Commission, could represent the potential for or the appearance of a conflict of interest.

PART NINE- PROFESSIONAL SERVICE AGENTS

22. For purposes of this provision, professional service agents of the Commission include any person, corporation or organization providing legal, accounting, financial, public relations, auditing, architectural, data processing, gambling regulatory or management consulting services.

23. Professional service agents of the Commission may be subject to terms and conditions relating to restrictions or prohibitions in representation, employment and contracting with licensees, applicants, their affiliates, key personnel or representatives. Such restrictions and prohibitions shall be contained in the professional service contracts of the Commission.

PART TEN – VIOLATIONS

24. Violation of this Code by a member of the Commission may result in written notification to the Office of the Attorney General for consideration of a possible ouster action. Violation of this Code by a Commission employee or agent may result in discipline up to and including termination. Violation of this Code by professional service agents of the Commission may result in warning letters leading up to termination of the professional service agent contract with the Commission.

PART ELEVEN – DUTY TO COOPERATE

25. It is the duty of all Commissioners, employees, and agents to report any conduct that they become aware of in the course of their official duties that a reasonable person would believe to be a violation of the criminal laws, the Gambling (Gaming and Betting) Control Act, 2015 or the rules of the Commission. The individual shall report the conduct to the gambling agent at the gambling facility where the conduct occurred, the Chief Executive Officer, or the Director for Investigations and Enforcement. The identity of the reporting individual shall be withheld from disclosure in accordance with applicable exemptions to the Freedom of Information Act, Chap 22:02.