

# Gaming Control Act

CHAPTER 4 OF THE ACTS OF 1994-95

*as amended by*

2003, c. 4, s. 14; 2008, c. 57; 2010, c. 2, ss. 102, 103;  
2011, c. 63, ss. 1(b), 4, 5; 2012, c. 23; 2014, c. 34, s. 10



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2011, c. 63, ss. 1(b), 4, 5; 2012, c. 23; 2014, c. 34, s. 10

**An Act to Establish  
the Nova Scotia Gaming Corporation and  
the Nova Scotia Gaming Control Commission**

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(The table of contents is not part of the statute)

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### Short title

1 This Act may be cited as the *Gaming Control Act*. 1994-95, c. 4, s. 1.

### Purpose of Act

2 The purpose of this Act is to

(a) establish a framework for conducting, managing, controlling, regulating and investing in casinos, other lottery schemes and related businesses so as to increase the level of sustainable economic activity within the Province and increase the net revenue of the Province;

(b) ensure that casinos and other lottery schemes are conducted in a socially responsible manner; and

(c) ensure that any measures taken with respect to casinos and other lottery schemes are undertaken for the public good and in the best interests of the public and, without limiting the generality of the foregoing,

to minimize the opportunities that give rise to problem gambling and other illnesses, crime and social disruption. 1994-95, c. 4, s. 2; 2012, c. 23, s. 1.

### Interpretation

3 In this Act,

- (a) “Board” means the Board of Directors of the Corporation;
- (b) “casino” means a place that is kept for the purpose of playing or operating blackjack, roulette, baccarat, mini-baccarat, keno, video poker, video blackjack, video keno or similar game of chance or a slot machine and is conducted and managed by the Corporation as an agent of Her Majesty in right of the Province;
- (c) “Commission” means the Nova Scotia Gaming Control Commission;
- (d) “Corporation” means the Nova Scotia Provincial Lotteries and Casino Corporation;
- (e) “designated game of chance” means a game of chance designated by the regulations for the purpose of this Act;
- (f) “designated goods and services” means goods and services designated for the purpose of this Act;
- (g) “Executive Director” means the Executive Director appointed pursuant to Section 41;
- (h) “game of chance” means a game of chance or mixed chance and skill and, for greater certainty, includes a slot machine and includes any game, machine, device or contrivance prescribed by the regulations as a game of chance;
- (i) “gaming event” means an occasion on which a game of chance is played;
- (j) “gaming premises” means a place that is kept for the purpose of playing or operating games of chance and, for greater certainty, includes a casino;
- (k) “licence” means a licence, issued pursuant to this Act and the regulations and the *Criminal Code* (Canada) by or under the authority of the Governor in Council, to conduct and manage a lottery scheme;
- (l) “licensed lottery scheme” means a lottery scheme for which a licence is issued;
- (m) “lottery scheme” means a lottery scheme within the meaning of the *Criminal Code* (Canada);
- (n) “partnership” means a partnership as defined by the *Partnership and Business Names Registration Act*;
- (o) “person” includes a partnership;

- (p) “registered gaming assistant” means a gaming assistant registered pursuant to Part II;
- (q) “registered supplier” means
- (i) the operator of a casino pursuant to an agreement under Part I, or
  - (ii) a supplier of goods and services to a lottery scheme,
- who is registered pursuant to Part II. 1994-95, c. 4, s. 3; 2011, c. 63, s. 1(b); 2012, c. 23, s. 2.

**Act binds Crown**

- 4 This Act binds Her Majesty in right of the Province. 1994-95, c. 4, s. 4.

**Restriction on assignment of administration**

- 5 Notwithstanding the *Public Service Act*, the administration of Parts I and II shall not be assigned to the same member of the Executive Council. 1994-95, c. 4, s. 5.

## PART I

NOVA SCOTIA PROVINCIAL LOTTERIES  
AND CASINO CORPORATION**“Deputy Minister” and “Minister” defined**

- 6 In this Part,
- (a) “Deputy Minister” means the deputy minister assigned responsibility for this Part;
  - (b) “Minister” means the member of the Executive Council assigned responsibility for this Part. 2012, c. 23, s. 4.

**Supervision of Part**

- 7 The Minister has the general supervision and management of this Part. 1994-95, c. 4, s. 7.

**Nova Scotia Provincial Lotteries and Casino Corporation**

- 8 (1) The Nova Scotia Gaming Corporation is hereby continued as a body corporate under the name Nova Scotia Provincial Lotteries and Casino Corporation.
- (2) The members of the Board who held office immediately before the coming into force of this Section cease to hold office upon the coming into force of this Section. 2012, c. 23, s. 5.

**Agent of Crown**

9 The Corporation is for all purposes of this Act an agent of Her Majesty in right of the Province and the powers of the Corporation may only be exercised as such an agent. 1994-95, c. 4, s. 9.

**Objects of Corporation**

10 The objects of the Corporation are to

(a) develop, undertake, organize, conduct and manage casinos and other lottery schemes on behalf of the Province or on behalf of the Province and another province of Canada;

(b) provide for the operation of casinos and any business that the Corporation considers reasonably related to operating a casino, including any business that offers goods or services to persons playing games of chance in a casino;

(c) ensure that lottery schemes conducted and managed by the Corporation are conducted and managed in accordance with the *Criminal Code* (Canada) and this Act and the regulations; and

(d) with the approval of the Minister, do such other things within the expertise of the Corporation in respect of casinos, lottery schemes and lottery and gaming services in order to increase the net revenue of the Province. 1994-95, c. 4, s. 10; 2012, c. 23, s. 6.

**Board of Directors**

11 (1) The Corporation shall be managed by a Board of Directors.

(2) The Board of Directors may make by-laws for the management of the business and affairs of the Corporation. 1994-95, c. 4, s. 11; 2012, c. 23, s. 7.

**Membership of Board**

12 (1) The Board consists of

(a) the Deputy Minister;

(b) the Deputy Minister of Finance;

(c) the Deputy Minister of Health and Wellness or a person designated by the Deputy Minister of Health and Wellness;

(d) a public servant appointed by the Minister; and

(e) where the Governor in Council considers it advisable, not more than three persons appointed by the Governor in Council.

(2) Where the Deputy Minister is the Deputy Minister of Finance or the Deputy Minister of Health and Wellness, the Deputy Minister has and is entitled to exercise two votes.

(3) A member of the Board appointed pursuant to clause (1)(e)



(a) holds office for such term, not exceeding three years, as the Governor in Council determines; and

(b) may be re-appointed, but in no case may a member serve for more than three consecutive terms.

(4) A member of the House of Assembly or the Executive Council or a person who has been a member within the last three years is not eligible to be a member of the Board.

(5) A member of the Commission or a person who has been a member within the last three years is not eligible to be a member of the Board.

(6) A registered supplier, an employee, partner, director, shareholder or owner of a registered supplier, or a registered gaming assistant or a person who has been a registered supplier, an employee, partner, director, shareholder or owner of a registered supplier, or a registered gaming assistant within the last three years is not eligible to be a member of the Board.

(7) No person shall become a registered supplier, an employee, partner, director, shareholder or owner of a registered supplier, or a registered gaming assistant within three years after being a member of the Board. 1994-95, c. 4, s. 12; 2012, c. 23, s. 8.

#### **Chair**

13 (1) The Deputy Minister is the Chair of the Board.

(2) In the absence of the Chair, the members of the Board present at a meeting of the Board shall select one of the members present to preside over the meeting. 2012, c. 23, s. 9.

#### **Quorum**

14 (1) Subject to subsection (2), a majority of the members of the Board constitutes a quorum.

(2) The quorum must include at least three of the members of the Board referred to in clauses 12(1)(a) to (d). 2012, c. 23, s. 10.

#### **Remuneration and expenses**

15 (1) Members of the Board who are not otherwise employed in the public service of the Province shall be paid such remuneration as the Governor in Council determines.

(2) The members of the Board shall be reimbursed for reasonable expenses necessarily incurred in the performance of their duties. 1994-95, c. 4, s. 15.

**Personal liability**

**16** A member of the Board or an employee of the Corporation is not personally liable for anything done or omitted to be done or for any neglect or default in the *bona fide* exercise or purported exercise of a power conferred upon that member or employee, as the case may be, pursuant to this Act. 1994-95, c. 4, s. 16.

**Head office**

**17** The head office of the Corporation shall be at such place in the Province as the Minister determines. 1994-95, c. 4, s. 17; 2012, c. 23, s. 11.

**Chief Executive Officer**

**18 (1)** The Governor in Council shall, on the recommendation of the Board, appoint a Chief Executive Officer of the Corporation.

**(2)** The Chief Executive Officer of the Corporation shall be paid such remuneration as the Governor in Council determines and shall be reimbursed for reasonable expenses necessarily incurred in the performance of the duties of the Chief Executive Officer. 1994-95, c. 4, s. 18.

**Personnel**

**19 (1)** Subject to Section 18, the Corporation may employ, in accordance with Civil Service hiring guidelines, such other officers and employees as are necessary for the proper conduct and management of the affairs of the Corporation.

**(2)** The Corporation may, subject to the Province's tendering guidelines, engage the services of professional persons, technical persons and experts upon such terms and conditions as the Board determines. 1994-95, c. 4, s. 19; 2012, c. 23, s. 12.

**Employee benefits**

**20 (1)** The Chief Executive Officer and other officers and employees of the Corporation shall have the same benefits as persons appointed to the Civil Service of the Province.

**(2)** The Corporation or a person who enters into an agreement with the Corporation pursuant to clause 25(1)(b) or (c) shall

(a) apply the principles of pay equity as set out in the *Pay Equity Act*; and

(b) apply the Government's policies respecting affirmative action in hiring or promoting employees. 1994-95, c. 4, s. 20; 2012, c. 23, s. 13.

**Public Service Superannuation Act**

**21 (1)** For all purposes of the *Public Service Superannuation Act*, the Chief Executive Officer and each full-time officer or employee of the Corporation is and is deemed to be a person employed in the public service of the Province and

full-time service in employment of the Corporation is and is deemed to be public service.

(2) The Corporation shall deduct from the salary of the Chief Executive Officer and each full-time officer or employee of the Corporation such amount as is directed by the Governor in Council to be deducted from the salary of employees in the public service of the Province and shall pay the same to the Minister of Finance, and such amounts when so received shall be paid into and form part of the Superannuation Fund under the *Public Service Superannuation Act*.

(3) Where, by the *Public Service Superannuation Act*, a payment is directed to be made into the Superannuation Fund by the Government or the Minister of Finance or where by that Act a superannuation allowance or other sum is directed to be paid out of the General Revenue Fund of the Province, then, in respect of the Chief Executive Officer or a full-time officer or employee of the Corporation, the payment, superannuation allowance or other sum shall be defrayed by the Corporation and shall form part of the annual expenses of the Corporation.

(4) Each part-time officer or employee of the Corporation is a part-time employee for the purpose of Part III of the *Public Service Superannuation Act* and subsections (1) to (3) apply *mutatis mutandis*. 1994-95, c. 4, s. 21; 2010, c. 2, s. 102.

#### **Oath of office**

22 Members of the Board and the Chief Executive Officer and other officers and employees of the Corporation shall, before taking office or entering into employment, take an oath or affirmation as prescribed by the regulations. 1994-95, c. 4, s. 22.

#### **Security clearance**

23 Members of the Board and the Chief Executive Officer and other officers and employees of the Corporation shall, as a term of their appointment, supply such information and be subject to such investigations and security clearance as the regulations may prescribe and, for greater certainty, subject to the *Members and Public Employees Disclosure Act*. 1994-95, c. 4, s. 23.

#### **Duties of Corporation and tabling of report**

- 24 (1) The Corporation shall
- (a) subject to this Act and the regulations, comply with any direction given to it by the Governor in Council;
  - (b) conduct and manage casinos and other lottery schemes in accordance with this Act and the regulations and the *Criminal Code* (Canada);
  - (c) make available to the public a copy of the rules of play for games of chance offered in a casino as approved pursuant to Part II;

(d) ensure that proper security clearance is given in accordance with the regulations for each member of the Board and the Chief Executive Officer and each other officer and employee of the Corporation;

(e) report forthwith to the Minister and the Commission any defect, abuse, illegality or criminal activity in relation to casinos and other lottery schemes; and

(f) submit annually to the Minister a report respecting the administration, operation and management by or on behalf of the Corporation of casinos or other lottery schemes in the Province, including the matters referred to in clause (e).

(2) Within sixty days of receiving the report referred to in clause (1)(f), the Minister shall table it in the House of Assembly or, if the Assembly is not then sitting, with the Clerk of the Assembly. 1994-95, c. 4, s. 24; 2012, c. 23, s. 14.

### **Powers of Corporation**

**25 (1)** Subject to this Act and the regulations, the Corporation has all of the capacity, rights, powers and privileges of a natural person necessary to carry out its objects in accordance with this Act and the regulations and, without limiting the generality of the foregoing, the Corporation may

(a) with the approval of the Minister, develop, undertake, organize, conduct and manage lottery schemes on behalf of the Government of the Province or on behalf of the Government of the Province and the government of another province of Canada;

(b) with the approval of the Minister, enter into an agreement with a person to operate a casino or other lottery scheme on behalf of the Corporation upon such terms and conditions as the Minister determines;

(c) with the approval of the Minister, enter into an agreement with a person to develop, undertake, organize, conduct and manage a lottery scheme or with the Government of Canada or the government of another province of Canada, or an agent of either of them;

(d) with the approval of the Minister, enter into an agreement for the purpose of this Act with the Government of Canada, the government of another province of Canada or a municipality, or a department or agent of any of them;

(e) with the approval of the Minister, enter into an agreement with a government of another province of Canada, or an agency thereof, to incorporate a body to undertake, conduct and manage a lottery scheme on behalf of the Corporation and that government;

(f) with the approval of the Minister, enter into any other agreement or take any other action that the Board considers neces-

sary, incidental or conducive to meeting its objects or exercising its powers;

(g) conduct and manage lottery schemes within the Province and another province of Canada pursuant to an agreement;

(h) establish bank accounts;

(i) make payments to trust or special funds as authorized by this Act and the regulations;

(j) subject to this Act and the regulations, make by-laws for the management of its affairs including, without restricting the generality of the foregoing, rules for the conduct of the meetings of the Board, the use of its seal, the execution of documents by the Corporation and the establishment of committees.

(2) The *Companies Act* does not apply to the Corporation except to the extent that the Governor in Council determines.

(3) The Corporation may not acquire, hold, sell, lease or otherwise dispose of an interest in real property except with the approval of the Governor in Council.

(4) A person who enters into an agreement with the Corporation pursuant to clause (1)(b), (c) or (f) is, with respect to, and only with respect to, the conduct and management of a lottery scheme in accordance with that agreement, an agent of Her Majesty in right of the Province and

(a) the authority of that person to conduct and manage a lottery scheme pursuant to that agreement may only be exercised as such an agent;

(b) the authority may not be delegated; and

(c) notwithstanding Section 14 of the *Interpretation Act*, the person is bound by all laws applicable in the Province except as otherwise provided by this Act. 1994-95, c. 4, s. 25; 2012, c. 23, s. 15.

### Operating expenses

26 The cost of operating the Corporation, including administration expenses, the cost of operating casinos and other lottery schemes and any cost associated with the exercise of the Corporation's powers pursuant to clause 25(f), shall be paid out of the revenues of the Corporation. 1994-95, c. 4, s. 26; 2012, c. 23, s. 16.

### Taxation

27 (1) The Corporation, its wholly-owned subsidiaries and the property of the Corporation and its wholly-owned subsidiaries are exempt from taxation under or pursuant to any Act of the Legislature.

(2) The Corporation may, with the approval of the Governor in Council, with respect to land owned by the Corporation and on which a casino is located, pay to the municipality in which the land is situate a grant in lieu of property taxes not exceeding the taxes that would be payable if the land were not exempt from taxation. 1994-95, c. 4, s. 27.; 2012, c. 23, s. 17

#### **Fiscal year**

**28** The fiscal year of the Corporation is the same as the fiscal year of the Province. 1994-95, c. 4, s. 28.

#### **Priority of payment of revenue**

**29 (1)** The Corporation shall make payments out of its revenue as follows and in the following order of priority:

- (a) reimbursement to the operator of a casino for payments of winnings to players of games of chance;
- (b) payments required by the regulations to the General Revenue Fund of the Province;
- (c) reimbursement to the operator of a casino for operating expenses as approved by the Corporation;
- (d) payments to the operator of a casino as provided by the agreement between the operator and the Corporation;
- (e) payments pursuant to Section 26;
- (f) payments designated by the regulations to special purpose funds and trust funds established pursuant to the *Finance Act*; and
- (g) payment of the balance to the General Revenue Fund of the Province.

(2) The Minister shall publish in the public accounts of the Province for each fiscal year of the Province a statement showing the disposition of the revenues of the Corporation pursuant to subsection (1) for the Corporation's corresponding fiscal year. 1994-95, c. 4, s. 29; 2010, c. 2, s. 103; 2012, c. 23, s. 18.

#### **Accounting system and financial reports**

**30 (1)** The Corporation shall establish and maintain an accounting system in accordance with generally accepted accounting principles.

(2) The Corporation shall submit quarterly financial reports to the Minister.

(3) The Minister shall table the quarterly financial reports in the House of Assembly within fourteen days of submission to the Minister if the Assembly is then sitting or, if it is not then sitting, with the Clerk of the Assembly. 1994-95, c. 4, s. 30.

**Annual audit**

**31 (1)** The Auditor General shall annually examine and audit and prepare a report on the accounts of the Corporation.

**(2)** The report shall be in such form and contain such information as the Auditor General requires.

**(3)** The Corporation shall submit the report to the Minister within ninety days of the end of the fiscal year to which it relates.

**(4)** The Minister shall table the report in the House of Assembly within fourteen days of its submission to the Minister if the Assembly is then sitting or, if it is not then sitting, with the Clerk of the Assembly. 1994-95, c. 4, s. 31.

**Additional reports**

**32** The Corporation shall submit to the Minister such additional reports as the Minister from time to time requires. 1994-95, c. 4, s. 32.

**Availability and status of documents of operator**

**33 (1)** The Corporation shall ensure that every person, with whom it has entered into an agreement for the operation of a casino or related business on behalf of the Corporation, makes available to the Corporation at all times all reports, accounts, records and other documents in respect to the operation of the casino or related business.

**(2)** The reports, accounts, records and other documents referred to in subsection (1) are deemed to be part of the accounts of the Corporation. 1994-95, c. 4, s. 33.

**Books of account**

**34** The Corporation shall keep and maintain or cause to be kept and maintained proper books and records of its affairs and such records and accounts of its finances as the Minister may require. 1994-95, c. 4, s. 34.

**Further audit or investigation**

**35 (1)** The Governor in Council or the Minister may, at any time, order an audit or investigation into the accounts or affairs of the Corporation.

**(2)** Where the Governor in Council or the Minister orders an audit or investigation pursuant to subsection (1), the Governor in Council or the Minister, as the case may be, shall designate a person to make the audit or investigation.

**(3)** The books, records and accounts of the Corporation shall at all reasonable times be open for inspection by any person acting under the authority of the Governor in Council or the Minister. 1994-95, c. 4, s. 35.

**Proceedings against the Crown Act**

**36 (1)** The *Proceedings against the Crown Act* applies to actions and proceedings against the Corporation.

**(2)** For the purpose of this Section, in the *Proceedings against the Crown Act*

(a) a reference to the Crown shall be construed as a reference to the Corporation; and

(b) a reference to the Minister shall be construed as reference to the Chair of the Board.

**(3)** In the proceedings under this Section, an action shall be brought against the Corporation in the name of the Corporation.

**(4)** Where a document or notice must be served upon or given to the Corporation pursuant to this Section or the *Proceedings against the Crown Act*, it shall be served by delivering a copy to the office of the Attorney General or the Deputy Attorney General or by delivering a copy to a barrister or solicitor designated for that purpose by the Attorney General, and such service is and is deemed to be service upon the Corporation. 1994-95, c. 4, s. 36.

**Duties of casino operator**

**37 (1)** The operator of a casino shall comply with all building code, safety, construction, fire, environmental, health and other standards under any enactment but, for greater certainty,

(a) Parts VIII and IX of the *Municipal Government Act* do not apply to a casino or proposed casino; and

(b) no building permit is required for the construction of, addition to, renovation of or repair of a casino before March 31, 1999.

**(2)** Section 49 of the *Liquor Control Act* does not apply to a casino.

**(3) and (4)** *repealed 2012, c. 23, s. 19.*

1994-95, c. 4, s. 37; 2003, c. 4, s. 14; 2012, c. 23, s. 19.

## PART II

## GAMING CONTROL

**“Department” and “Minister” defined**

**38** In this Part,

(a) “Department” means Service Nova Scotia;



(b) “Minister” means the Minister of Service Nova Scotia. 2011, c. 63, s. 4; 2014, c. 34, s. 10.

### **Supervision of Part**

**39** The Minister has the general supervision of this Part. 1994-95, c. 4, s. 39.

### **Minister responsible**

**40** The Minister is responsible for regulating casinos and other lottery schemes and for administering this Part in the public interest and in accordance with the principles of honesty and integrity. 2011, c. 63, s. 5.

### **Executive Director**

**41 (1)** The Minister shall appoint an Executive Director in accordance with the *Civil Service Act* to perform the duties and functions and exercise the powers and authorities imposed or conferred upon the Executive Director by this Act or the regulations or as otherwise prescribed by the Minister.

**(2)** The Minister may designate a person in the public service to act in the place of the Executive Director due to the absence or incapacity of the Executive Director.

**(3)** The Executive Director may delegate in writing to a person in the public service or a class of persons in the public service any of the powers, duties and functions of the Executive Director and shall, when so delegating, specify the powers to be exercised, the duties or functions to be performed and any conditions imposed on the exercise of the powers or performance of the duties or functions. 2011, c. 63, s. 5.

### **Appointment of Directors**

**42 (1)** The Minister shall appoint

- (a) a Director of Registration; and
- (b) a Director of Investigation and Enforcement,

in accordance with the *Civil Service Act*.

**(2)** A Director appointed pursuant to subsection (1) shall, in addition to the powers and duties set out in this Act, the regulations or the Director’s appointment, exercise any powers and perform any duties of the Executive Director delegated to the Director by the Executive Director, subject to any conditions imposed by the Executive Director.

**(3)** The Minister may designate a person in the public service to act in the place of a Director due to the absence or incapacity of the Director. 2011, c. 63, s. 5.

**Oath of office and security clearance**

**43** The Executive Director, the Director of Registration, the Director of Investigation and Enforcement and any other employee of the Department who is directed to do so by the Executive Director, as a condition of employment, shall

- (a) take the oath or affirmation prescribed by the regulations; and
- (b) supply the information and be subject to the investigations and security clearance prescribed by the regulations. 2011, c. 63, s. 5.

**44 to 55** *repealed 2011, c. 63, s. 5.*

**Duties of Commission, including appeals and tabling of report**

**56 (1)** The Commission shall

- (a) perform such duties as are imposed upon it by this Act or the regulations;
- (b) ensure that casinos and other lottery schemes conducted and managed by the Corporation are conducted and managed in accordance with this Act and the regulations and the *Criminal Code* (Canada);
- (c) carry on a continuous study of the operation and administration of casinos, other lottery schemes and gaming control laws in effect in other jurisdictions, including the *Criminal Code* (Canada), that may affect the operation and administration of casinos or other lottery schemes in the Province;
- (d) carry on a continuous study of the public interest and reaction of residents of the Province to existing and potential features of casinos, other lottery schemes and games of chance;
- (e) carry on a continuous study of the social, health, justice, economic and environmental impact of casinos and other lottery schemes;
- (f) make recommendations to the Minister for changes to this Act and the regulations to correct any defect, abuse, illegality or criminal activity in relation to casinos and other lottery schemes; and
- (g) submit annually to the Minister a report respecting the matters referred to in clauses (b) to (f).

**(2)** Within sixty days of receiving the report referred to in clause (1)(g), the Minister shall table it in the House of Assembly or, if the Assembly is not then sitting, with the Clerk of the Assembly.

**(3)** The Commission may hear appeals of decisions of the Executive Director, the Director of Registration and the Director of Investigation and Enforcement on registrations and compliance orders and on such other matters as may be prescribed by the regulations.

(4) Notwithstanding any appeal to the Commission, the decision under appeal takes effect immediately unless the Commission grants a stay until disposition of the appeal.

(5) For the purpose of any hearing pursuant to this Act, the Commission and each member of the Commission has all the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*. 1994-95, c. 4, s. 56.

#### **Reference to Commission**

57 (1) Where the Executive Director, the Director of Registration or the Director of Investigation and Enforcement is in doubt as to what disposition should be made of any matter that that person is empowered by this Act or the regulations to decide, the Executive Director, the Director of Registration or the Director of Investigation and Enforcement, as the case may be, may refer the matter to the Commission, and the Commission shall hold a hearing and make any decision that it considers proper.

(2) A decision of the Commission pursuant to subsection (1) is final and is not open to question in any court except with respect to jurisdiction and natural justice. 1994-95, c. 4, s. 57.

#### **Jurisdiction of former member re unfinished business**

58 (1) Where a member of the Commission resigns office, retires or is appointed to another position in the public service, the member shall, during such period of time as the Governor in Council designates, in respect of any application, appeal, proceeding, matter or thing heard before the Commission, have and exercise the jurisdiction of a member including the power to complete any unfinished matter and give a decision as if the member had not so resigned, retired or been appointed.

(2) A designation by the Governor in Council pursuant to subsection (1) may be made before or after such resignation, retirement or appointment, and may be retroactive in effect. 1994-95, c. 4, s. 58.

#### **Substitution where conflict of interest**

59 (1) Where a member of the Commission is

(a) so interested in any matter before the Commission that the member or the Chair of the Commission considers that the member cannot act; or

(b) unable to act by reason of illness, absence or other cause,

the Governor in Council, on the request of the Chair, may appoint pursuant to subsection (1) some disinterested person to act as a member in the member's stead in and about such matter or until such disability comes to an end.

(2) A person appointed pursuant to subsection (1) is subject to the same requirements as to oath or affirmation and investigation before assuming office as regular members of the Commission.

(3) A person appointed pursuant to subsection (1) may complete any unfinished business in which that person has taken part, even if the member that is replaced has returned or become able to act.

(4) No determination of the Commission made in good faith shall be set aside solely by reason of the interest in the matter of a member of the Commission at the time the determination was made.

(5) In determining whether a member of the Commission is interested in a matter for the purpose of this Act, the rules or policies made by the regulations apply. 1994-95, c. 4, s. 59.

#### **Specially qualified acting members**

**60** (1) The Governor in Council, on the recommendation of the Chair of the Commission, may, from time to time, appoint as an acting member of the Commission a person who, in the opinion of the Commission, is specially qualified to assist the Commission with respect to any particular proceeding or matter, and the person so appointed has all the powers of a member of the Commission with respect to that proceeding or matter and is entitled to such remuneration as the Governor in Council authorizes.

(2) A person appointed pursuant to subsection (1) is subject to the same requirements as to oath or affirmation and investigation before assuming office as regular members of the Commission. 1994-95, c. 4, s. 60.

#### **Delegation of inquiry to member**

**61** (1) The Chair of the Commission may authorize any member of the Commission to inquire into and report to the Commission upon any matter within the jurisdiction of the Commission or pending before the Commission and, when so authorized, that member has, for the purpose of taking evidence or obtaining information for such report, all the powers of the Commission.

(2) A member of the Commission who has made any inquiry into a matter pursuant to subsection (1) may not sit on any hearing of the Commission in connection with the matter. 1994-95, c. 4, s. 61.

#### **Powers of Commission**

**62** (1) The Commission may

- (a) make general rules respecting practice and procedure in relation to hearings and other matters coming before the Commission;

(b) issue and publish in such manner as the Commission deems appropriate, policy statements, rules and interpretation notes;

(c) publish decisions of the Commission and the Executive Director and publish rulings, orders, motions and other information that the Commission considers ought to be published;

(d) subject to the regulations, adopt rules and policies respecting potential conflicts of interest of members of the Commission, the Executive Director, the Director of Registration, the Director of Investigation and Enforcement and the other employees of the Commission and provide that those rules and policies are binding on and are a term of employment of such members, the Executive Director, the Director of Registration, the Director of Investigation and Enforcement and the other employees of the Commission.

(2) The exercise by the Commission of the authority contained in clauses (1)(a) and (d) are regulations within the meaning of the *Regulations Act*.

(3) Policy statements, rules and interpretation notes issued pursuant to clause (1)(b) are not regulations within the meaning of the *Regulations Act* and do not constitute a predetermined exercise of a discretion pursuant to this Act.

(4) The Commission may hold public consultations or meetings on the exercise of its powers pursuant to subsection (1). 1994-95, c. 4, s. 62.

#### **Duty of Commission on appeal**

**63** In any matter before it, the Commission shall grant an order, either as specified in the application or notice of appeal or as the Commission decides, and may, by order, dismiss the application or appeal. 1994-95, c. 4, s. 63.

#### **Form of order re jurisdiction**

**64** It is not necessary that an order of the Commission show upon its face that any proceeding or notice was had or given or any circumstances existed necessary to give it jurisdiction to make such order. 1994-95, c. 4, s. 64.

#### **Delegation of powers**

**65 (1)** With the approval of the Governor in Council, the Commission may delegate, in writing, any of its powers to the person or persons named in the delegation.

**(2)** A delegation pursuant to subsection (1) is subject to any restrictions, conditions and requirements that are set out in the delegation. 1994-95, c. 4, s. 65.

**Annual report**

**66 (1)** Not later than June 30th in each year, the Commission shall make a report to the Minister on the activities and affairs of the Commission for the year ending on March 31st in that year.

**(2)** The Minister shall table the report in the House of Assembly within fourteen days of its submission to the Minister if the Assembly is then sitting or, if it is not sitting, within fourteen days after it next sits. 1994-95, c. 4, s. 66.

## LICENSED LOTTERY SCHEMES

**Lottery scheme licence**

**67 (1)** Upon application in accordance with the regulations, the Commission may, where authorized by the Governor in Council, issue a licence for a lottery scheme pursuant to paragraph 207(1)(b), (c), (d) or (f) of the *Criminal Code* (Canada).

**(2)** Every applicant for a licence shall notify the Commission of any change in the information contained in the application for the licence within fifteen days of the change.

**(3)** A licence is subject to such terms and conditions as may be prescribed by the regulations or by the Commission. 1994-95, c. 4, s. 67.

**Expiration date**

**67A** Every lottery ticket sold, or offered for sale, in the Province, other than a lottery ticket sold or offered for sale under a licence issued pursuant to subsection 67(1), must have its expiration date marked and clearly visible on it. 2008, c. 57, s. 1.

REGISTRATION OF SUPPLIERS AND  
GAMING ASSISTANTS**Supply of designated goods or services**

- 68 (1)** In this Section, “services” include
- (a) the providing of gaming premises;
  - (b) the providing of management or consulting services with respect to the playing of games of chance;
  - (c) the supplying of the services of a person who, for consideration, participates in or facilitates in any manner the playing of a game of chance;
  - (d) the making, fabricating, printing, distributing or otherwise supplying of materials or equipment for the playing of games of chance; and

(e) the providing of services relating to the construction, maintenance, repair, surveillance and security equipment or business of a casino.

(2) Except as provided in this Act and the regulations, no person shall provide designated goods or services with respect to the playing or operating of a lottery scheme or hold out as providing those goods or services unless that person is a registered supplier and a list of registered suppliers shall be available for public inspection in accordance with Section 83.

(3) Except as provided in this Act and the regulations, no person shall provide designated goods or services to any business operated by, on behalf of or under contract with the Corporation or hold out as providing those goods or services unless that person is a registered supplier and a list of registered suppliers shall be available for public inspection in accordance with Section 83. 1994-95, c. 4, s. 68.

#### **Trade union**

69 In addition to any provision of the *Trade Union Act*, no trade union within the meaning of that Act, that has been certified to represent persons employed in a casino, shall represent persons employed in a casino unless the trade union and such of its officers, officials and agents, as are prescribed by the regulations, are registered suppliers. 1994-95, c. 4, s. 69.

#### **Gaming assistants**

70 (1) Except as provided in this Act and the regulations, no person shall, for consideration, participate in or facilitate in any manner the playing or operating of a designated game of chance unless the person is registered as a gaming assistant.

(2) This Section does not apply to

(a) registered suppliers; or

(b) the employees of registered suppliers who are not operators of casinos,

who are acting in accordance with this Act, the regulations and the terms of their registration.

(3) No person who is not an individual is eligible to be a registered gaming assistant.

(4) No person shall use or provide the services of a gaming assistant unless

(a) that person is a registered supplier; and

(b) the gaming assistant is a registered gaming assistant of that person.

(5) This Section does not apply to the players of a game of chance. 1994-95, c. 4, s. 70.

#### **Registration or renewal**

71 (1) Upon application in accordance with the regulations, the Director of Registration may register or renew the registration of a person, who has attained the age of nineteen years, as a supplier or as a gaming assistant.

(2) An applicant shall supply to the Director of Registration such information with respect to the application, including information relating to personal identification, as the Director determines or the regulations prescribe and in such form as the Director of Registration determines or the regulations prescribe.

(3) The Director of Registration may make such other decisions as the Director considers necessary with respect to the making of applications. 1994-95, c. 4, s. 71.

#### **Person deemed interested in another person**

72 For the purpose of Sections 73 to 75, a person is deemed to be interested in another person if

(a) that person has, or the Director of Registration on reasonable grounds believes that that person has, a beneficial interest in the business of the other person;

(b) that person exercises, or the Director of Registration on reasonable grounds believes that that person exercises, control, either directly or indirectly, over the business of the other person; or

(c) that person has provided, or the Director of Registration on reasonable grounds believes that that person has provided financing, either directly or indirectly, to the business of the other person. 1994-95, c. 4, s. 72.

#### **Investigation by Director of Registration**

73 (1) The Director of Registration may make such inquiries and conduct such investigations into the honesty and integrity, financial history and competence of an applicant for registration or renewal of registration, a registrant or a person interested in the applicant or registrant, as are necessary to determine whether the applicant meets the requirements of this Part and the regulations.

(2) Where an applicant or registrant is a corporation or a partnership, the Director of Registration may make inquiries into or conduct investigations of the officers, directors or partners of the applicant or registrant.

(3) An applicant or registrant shall pay the reasonable costs of the inquiries or investigations required by this Section or provide security to the Director of Registration in a form acceptable to the Director for the payment.



(4) The Director of Registration may require information or material from any person who is the subject of the inquiries or investigations required by this Section and may request information or material from any person who the Director of Registration has reason to believe can provide information or material relevant to the inquiries or investigations.

(5) The Director of Registration may require that any information provided under subsection (4) be verified by statutory declaration.

(6) Notwithstanding the *Freedom of Information Act*, any person requested by the Director of Registration to supply information or material regarding any person who is the subject of an inquiry or investigation shall disclose to the Director of Registration the information or material that the Director of Registration requires under this Section. 1994-95, c. 4, s. 73.

#### Grounds for refusal to register supplier

74 The Director of Registration shall refuse to register an applicant as a supplier or to renew the registration of an applicant as a supplier if

(a) there are reasonable grounds to believe that the applicant will not be financially responsible in the conduct of the business, having regard to the financial history of

(i) the applicant or persons interested in the applicant, or

(ii) the officers, directors or partners of the applicant or, in the case of an applicant that is a corporation or partnership, persons interested in those officers, directors or partners;

(b) there are reasonable grounds to believe that the applicant will not act as a supplier in accordance with the law, with honesty and integrity or in the public interest, having regard to the past conduct of

(i) the applicant or persons interested in the applicant,

(ii) the officers, directors or partners of the applicant or, in the case of an applicant that is a corporation or partnership, persons interested in those officers, directors or partners, or

(iii) in the case of an applicant that is a trade union within the meaning of the *Trade Union Act* and that has been certified to represent persons employed in a casino, officers, officials or agents of the applicant, or such other persons as are prescribed by the regulations;

(c) the applicant is carrying on activities that are, or will be if the applicant is registered, in contravention of this Part, the regulations or the terms of the registration; or

(d) the applicant fails to disclose information or material required by the Director of Registration to conduct inquiries or investigations pursuant to this Act or the regulations. 1994-95, c. 4, s. 74.

**Grounds for refusal to register gaming assistant**

75 The Director of Registration shall refuse to register an applicant as a gaming assistant or to renew the registration of an applicant as a gaming assistant if

(a) there are reasonable grounds to believe that the applicant will not act as a gaming assistant in accordance with law, with honesty and integrity or in the public interest, having regard to the past conduct of the applicant or persons interested in the applicant;

(b) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Part, the regulations or the terms of the registration; or

(c) the applicant fails to disclose information or material required by the Director of registration to conduct inquiries or investigations pursuant to this Act or the regulations. 1994-95, c. 4, s. 75.

**Terms and conditions of registration**

76 (1) A registration is subject to such terms and conditions, to give effect to the purpose of this Part, as the Director of Registration proposes and the applicant consents to, the Commission imposes or the regulations prescribe.

(2) The Director of Registration may require, as a term or condition of registration, that an applicant for registration or renewal of registration pass such examinations or attain such standards, or possess such qualifications and certification, as may be prescribed by the regulations. 1994-95, c. 4, s. 76.

**Suspension or revocation of registration**

77 (1) The Director of Registration may propose to suspend or to revoke a registration for any reason that would disentitle the registrant to registration or renewal of registration under Section 74 or 75 if the registrant were an applicant.

(2) Where a registrant refuses or neglects to comply with this Part or the regulations, the Director of Registration may suspend or revoke the certificate ~~of~~ [of] registration of the registrant or require, for its maintenance renewal or reinstatement, that the registrant fulfil the conditions the Director may require. 1994-95, c. 4, s. 77.

**Notice of proposed order by Director of Registration**

78 (1) Where the Director of Registration refuses to grant or renew a registration or proposes to suspend or revoke a registration, the Director shall serve notice of the proposed order, together with written reasons, on the applicant or registrant.

(2) The notice of a proposed order shall inform the applicant or registrant, as the case may be, that the person is entitled to an informal hearing before the Executive Director and a formal hearing before the Commission.

(3) To request a hearing, the person entitled to the hearing shall serve a written request on the Director of Registration, the Executive Director and the Commission within fifteen days after the Director of Registration serves the notice of the proposed order.

(4) The Director of Registration may make the proposed order if the person does not request a hearing within the time permitted by subsection (3).

(5) Where a person entitled to a hearing requests an informal hearing, the Executive Director shall schedule and hold the hearing.

(6) Where a matter is not resolved by the Executive Director to the satisfaction of the person requesting the informal hearing, the person may request a formal hearing and the Commission shall schedule and hold the hearing.

(7) The Director of Registration, the person who requested a hearing and such other persons as the Executive Director or the Commission may specify are parties to the hearing.

(8) After holding a hearing pursuant to this Section, the Executive Director or the Commission, as the case may be, may, by order,

(a) confirm or set aside the proposed order; or

(b) direct the Director of Registration to take such action as the Executive Director or the Commission, respectively, considers the Director of Registration ought to take to give effect to the purpose of this Part.

(9) In making an order pursuant to subsection (8), the Executive Director or the Commission may substitute the opinion of the Executive Director or the Commission, respectively, for that of the Director of Registration.

(10) The Executive Director or the Commission may attach such terms to an order or to a registration as the Executive Director or the Commission, respectively, considers appropriate.

(11) An order of the Executive Director or the Commission takes effect immediately unless the Executive Director or the Commission, respectively, orders otherwise.

(12) A decision and order of the Commission is final and is not open to question in any court except with respect to jurisdiction and natural justice.

1994-95, c. 4, s. 78.

#### **Immediate suspension of registration**

79 (1) The Director of Registration may, by order, suspend a registration without serving a proposed order under Section 78 if the Director considers it to be necessary in the public interest.

(2) The Director of Registration shall serve a copy of the order made, together with written reasons for it, on the registrant and the order is effective immediately upon being served.

(3) The hearing provisions in Section 78 apply to an order pursuant to subsection (1) in the same way as to a proposed order under that Section.

(4) Where the registrant requests a hearing, the order expires on the day the order of the Commission takes effect.

(5) Where the Director of Registration makes an order pursuant to this Section with respect to a registrant before a hearing is held under Section 78 with respect to a notice of a proposed order that the Director has served on the registrant, the Commission may hold only one hearing to deal with both the order made and the proposed order. 1994-95, c. 4, s. 79.

#### **Continuation of registration**

**80** (4) Where within the time prescribed by the regulations or, where no time is prescribed, before the expiry of the registrant's registration a registrant applies in accordance with the regulations for renewal of registration and pays the fee set out in the regulations, the registration is deemed to continue

(a) if the Director of Registration grants the renewal, until the renewal is granted;

(b) if the Director of Registration refuses to grant the renewal and the registrant does not request a hearing under Section 78, until the time for requesting a hearing has expired; or

(c) if the Director of Registration refuses to grant the renewal and the registrant requests a hearing under Section 78, until the Commission has made its order. 1994-95, c. 4, s. 80

#### **Cancellation of registration on request**

**81** The Director of Registration may cancel a registration upon the request in writing of the registrant and Section 78 does not apply. 1994-95, c. 4, s. 81.

#### **Waiting period after refusal or revocation**

**82** (1) No person who is refused registration, who is refused renewal of a registration or whose registration is revoked may apply to the Director of Registration for registration until at least two years have passed since the refusal or revocation.

(2) No person whose registration is suspended may apply to the Director of Registration for registration during the suspension.

(3) Notwithstanding Section 78, the Director of Registration may, without giving written reasons, reject an application made after the time period specified in subsection (1) if, in the opinion of the Director, the application discloses

no substantial new evidence or no material change in circumstances since the refusal, revocation or suspension took effect. 1994-95, c. 4, s. 82.

### **Register**

**83 (1)** The Commission shall keep a register listing the names, addresses and purpose of all licences and registration certificates issued by the Commission.

**(2)** The register, upon payment of five dollars, shall be open to public inspection during regular business hours of the Commission.

**(3)** The Director of Registration shall make available to the public, in such form as the Director determines, a list of all persons registered under this Part. 1994-95, c. 4, s. 83.

### **Certificate of Director of Registration**

**84 (1)** The Director of Registration may issue a signed certificate that contains information concerning

- (a) the registration or non-registration of any persons;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Director or Registration;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director of Registration;
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing.

**(2)** The certificate is, without proof of the office or signature of the Director of Registration, receivable in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the certificate. 1994-95, c. 4, s. 84.

## **REGULATION OF REGISTERED SUPPLIERS AND GAMING ASSISTANTS**

### **Notice of change of address**

**85** Every registered supplier and registered gaming assistant shall, not later than five days after any change in address for service, serve the Director of Registration with a written notice of the change. 1994-95, c. 4, s. 85.

### **Disclosure of change in officers or directors or interests**

**86 (1)** Within fifteen days of any change in the officers or directors of a corporation that is a registered supplier or in the membership of a partnership that is a registered supplier, the corporation or partnership, as the case may be, shall disclose the change by filing a disclosure form with the Director of Registration.

- (2) Within fifteen days of
- (a) a person acquiring a beneficial interest in the business of the operator of a casino;
  - (b) a person exercising control, either directly or indirectly, over the business of the operator of a casino; or
  - (c) a person providing financing, either directly or indirectly, to the business of the operator of a casino,

the operator of the casino shall disclose that information by filing a disclosure form with the Director of Registration. 1994-95, c. 4, s. 86.

**Name to be used by registered supplier**

**87** No registered supplier shall provide designated goods or services under a name other than the name under which the supplier is registered. 1994-95, c. 4, s. 87.

**Gaming premises to be supplied by registered supplier**

**88** No registered supplier shall provide designated goods and services to gaming premises except at a place that is named in the supplier's registration. 1994-95, c. 4, s. 88.

**Designated goods and services**

**89 (1)** No registered supplier or registered gaming assistant shall provide designated goods or services related to the conduct, management or operation of a lottery scheme, other than those goods or services prescribed by the regulations.

**(2)** A registered supplier or registered gaming assistant, who provides designated goods and services in relation to a lottery scheme, shall ensure that the goods or services do not contravene the requirements or standards prescribed by the regulations or, in the case of a licensed lottery scheme, the terms of the licence for the lottery scheme. 1994-95, c. 4, s. 89.

**Restriction on fees for designated goods or services**

**90 (1)** No registered supplier shall provide or offer to provide any designated goods or services in relation to a lottery scheme on payment of a fee or other consideration that exceeds the amount prescribed by the regulations or, in the case of a licensed lottery scheme, permitted by the licence for the lottery scheme.

**(2)** Where two or more licensees conduct a gaming event in concert with one another, no registered supplier shall charge more for any designated goods or services provided in relation to the event than the fee or other consideration prescribed by the regulations for a single event. 1994-95, c. 4, s. 90.

**Management of gaming premises by registered supplier or gaming assistant**

**91 (1)** A registered supplier who provides gaming premises shall manage the premises directly or shall ensure that the premises are managed by a registered gaming assistant of the supplier.

**(2)** A registered supplier who provides gaming premises shall ensure that the premises are operated in accordance with this Part, the regulations, the terms of the supplier's registration and, in the case of a licensed lottery scheme, the licence for any gaming event held in the premises.

**(3)** A registered gaming assistant who is managing gaming premises shall ensure that the premises are operated in accordance with this Part, the regulations, the terms of the registration of the supplier of the premises, the terms of the registration of the gaming assistant and, in the case of a licensed lottery scheme, the licences for any gaming event held in the premises. 1994-95, c. 4, s. 91.

**Enforcement of rules of play**

**92 (1)** No registered supplier who provides gaming premises, other than a casino, or registered gaming assistant who provides services to the registered supplier shall permit the playing of a game of chance in the premises except in accordance with such rules of play and other requirements as may be prescribed by the regulations for that game of chance.

**(2)** No operator of a casino or registered gaming assistant who provides services to an operator of a casino shall permit the playing of a game of chance in the casino except in accordance with

(a) the rules of play prescribed by the regulations or, where none have been prescribed by the regulations, the rules of play approved in writing by the Commission for the casino; and

~~(e)~~(b) such other requirements as may be prescribed by the regulations,

for that game of chance.

**(3)** No registered supplier who provides services relating to the operation of a casino or registered gaming assistant who provides services to the registered supplier shall handle money or money equivalents received from players of games of chance held in the casino except in accordance with the rules prescribed by the regulations. 1994-95, c. 4, s. 92.

**Inducement of breach of licence or contract or of violation**

**93 (1)** No registered supplier, registered gaming assistant or other person shall induce or cause, or attempt to induce or cause, any breach of the terms of a licence.

**(2)** No registered supplier, registered gaming assistant or other person shall induce, or attempt to induce, any party to a contract for gaming services

to break the contract for the purpose of entering into another contract for gaming services.

(3) No person shall offer or give money or any other consideration to the Corporation or the Commission, or a member or employee thereof, as an inducement to violate this Act or the regulations or as an inducement to violate the honesty and integrity of any such person. 1994-95, c. 4, s. 93.

#### **Identification card**

94 Subject to the regulations, a registered supplier or registered gaming assistant shall, while performing duties, carry an identification card that the Director of Registration has issued to the person under this Act and shall produce it for inspection upon request. 1994-95, c. 4, s. 94.

#### **Records of registered supplier**

95 (1) Every registered supplier shall keep such records as are prescribed by the regulations with respect to each gaming premises named in the supplier's registration and with respect to each lottery scheme for which the supplier provides designated goods or services.

(2) Every registered supplier shall keep financial records in such form and containing such information as is prescribed by the regulations.

(3) Every registered supplier shall keep the records required under this Part in the Province at the business premises identified in the supplier's application for registration.

(4) Notwithstanding subsection (3), the Director of Registration, upon a request in writing, may authorize the records to be kept in any other location on such terms as the Director may impose. 1994-95, c. 4, s. 95.

#### **Trust account**

96 (1) Every registered supplier shall maintain, for the benefit of licensees to whom the supplier provides designated goods or services, an account designated as a trust account in a bank listed in Schedule I or II to the *Bank Act* (Canada), loan or trust corporation or credit union as defined in the *Credit Union Act*.

(2) A registered supplier who receives money described in subsection (3) or (4) shall hold it in trust for the benefit of the licensees to whom the supplier supplies designated goods or services under a contract.

(3) A registered supplier shall deposit in the trust account all money a licensee pays in advance to the supplier under a contract for the supply of designated goods or services and shall not pay it out except for expenses that the supplier actually incurred under the contract or except in accordance with the terms of the supplier's contract with the licensee.



(4) A registered supplier who receives money to pay licence fees on behalf of the licensee shall deposit the money in the trust account and not pay it out except to a licence issuer in accordance with the terms of the supplier's contract with the licensee.

(5) A registered supplier shall at all times keep money held in trust separate from money belonging to the supplier and shall disperse the money only in accordance with this Part and the regulations. 1994-95, c. 4, s. 96.

#### **Audited financial statement and review engagement report**

97 (1) A registered supplier of over five hundred thousand dollars of goods or services annually shall file each year with the Director of Registration an audited financial statement showing the matters specified by the Director.

(2) A registered supplier of five hundred thousand dollars or less of goods or services annually shall file each year with the Director of Registration a review engagement report showing the matters specified by the Director. 1994-95, c. 4, s. 97.

#### **Records of registered gaming assistant**

98 Every registered gaming assistant shall keep such records of the services that the gaming assistant provides to the registered suppliers in relation to gaming events and shall comply with such other requirements as are prescribed by the regulations. 1994-95, c. 4, s. 98.

### GAMING PREMISES

#### **Written direction to refuse access**

99 (1) In accordance with the regulations, the Commission may issue a written direction to the Corporation requiring it to refuse access to a casino to any individual who meets the criteria prescribed by the regulations.

(2) A direction issued pursuant to subsection (1) shall name the individual to whom access to a casino is to be refused.

(3) A direction issued pursuant to subsection (1) is final and not open to question in any court.

(4) Upon issuing a direction, the Commission shall, in accordance with the regulations, serve a copy of it on the individual named in it.

(5) No person named in a direction shall enter or remain in a casino after being served with a copy of the direction. 1994-95, c. 4, s. 99.

#### **Person under age of majority**

100 No person under the age of majority shall play a game of chance in a casino. 1994-95, c. 4, s. 100.

**Rules of play**

**101** The Commission may approve, in writing, rules of play for the playing of games of chance at a gaming event or in a gaming premises if the regulations have not prescribed rules of play for them. 1994-95, c. 4, s. 101.

## INVESTIGATION AND ENFORCEMENT

**Registrants to facilitate investigation**

**102** It is a term of registration that every registered supplier and registered gaming assistant facilitate investigations under this Part. 1994-95, c. 4, s. 102.

**Investigator**

**103 (1)** The Commission may appoint any person to be an investigator for the purpose of determining whether there is compliance with this Act, the regulations, the terms of a licence or the terms of a registration.

**(2)** The Commission shall issue to every investigator a certificate of appointment bearing the Executive Director's signature or a facsimile of it.

**(3)** Peace officers, by virtue of their office, are investigators for the purpose of this Part and the regulations, and subsection (2) does not apply to them.

**(4)** Every investigator who exercises powers under this Part shall, upon request, produce the certificate of appointment as an investigator or identification as a peace officer, as the case may be. 1994-95, c. 4, s. 103.

**“record” defined for Sections 105 to 107**

**104** In Sections 105 to 107, “record” includes a book of account, bank book, voucher, invoice, receipt, contract, correspondence and any other document, regardless of whether the record is on tape or is in electronic, photographic or other form. 1994-95, c. 4, s. 104.

**Powers of investigator**

**105 (1)** For the purpose of carrying out an investigation, an investigator may

(a) subject to subsection (2), enter a gaming premise and any other place that is being used in relation to a gaming event by a licensee, a registered supplier or a registered gaming assistant, if the investigator believes on reasonable grounds that the records or other things relevant to the investigation are located in that place;

(b) inquire into all financial transactions, records and other matters that are relevant to an investigation;

(c) demand the production for inspection of anything relevant to the investigation, including things used in playing games of chance, records and cash;

(d) inspect anything relevant to the investigation, including things used in the playing of games of chance, records and cash;

(e) conduct such tests as are reasonably necessary for the investigation.

(2) For the purpose of carrying out an investigation, an investigator shall not, without the consent of the occupier, exercise a power to enter a place that is being used as a dwelling, except under the authority of a search warrant issued under Section 2B of the *Summary Proceedings Act*.

(3) An investigator shall not use force in carrying out an investigation unless the investigator believes on reasonable grounds that

(a) there is sufficient evidence for the issue of a warrant under Section 2B of the *Summary Proceedings Act*; and

(b) delay in obtaining a warrant could lead to the destruction, removal or loss of the evidence.

(4) In using force to carry out an investigation, an investigator shall use only such force as is necessary to carry out the investigation.

(5) An investigator shall exercise the powers set out in subsection (1) only during normal business hours to enter the gaming premises and any other place that the investigator has entered.

(6) A demand referred to in clause (1)(c) shall be in writing and shall include a statement of the nature of the things required.

(7) Where an investigator makes a demand under clause (1)(c), the person having custody of the things demanded shall produce them to the investigator.

(8) On issuing a written receipt, the investigator may remove the things that are produced and may

(a) review or copy any of them; or

(b) bring them before a justice of the peace, in which case Sections 2E and 2F of the *Summary Proceedings Act* apply.

(9) The investigator shall carry out any reviewing or copying pursuant to subsection (8) with reasonable dispatch, and shall forthwith after the reviewing or copying, return the things to the person who produced them.

(10) A copy, certified by an investigator as a copy made under subsection (8), is admissible in evidence to the same extent, and has the same ~~evidentiary~~ [evidentiary] value, as the thing copied.

(11) An investigator may call upon any expert for such assistance as the investigator considers necessary in carrying out an investigation.

(12) For the purpose of carrying out an investigation, an investigator may use any data storage, processing or retrieval device or system belonging to the persons being investigated, in order to produce a record in readable form. 1994-95, c. 4, s. 105.

### Warrant

**106** (1) A justice of the peace may issue a warrant authorizing an investigator named in the warrant to exercise any of the powers set out in subsection 105(1), with respect to a place described in that subsection and named in the warrant, if the justice of the peace is satisfied on information under oath that there are reasonable grounds to believe that the issuance of a warrant is necessary for the enforcement of this Part or the regulations and

(a) the investigator has been denied entry to the gaming premises and any other place or has been obstructed in exercising any other of those powers with respect to the gaming premises and any other place; or

(b) there are reasonable grounds to believe that the investigator will be denied entry to the gaming premises or any other place or obstructed in exercising any other of those powers with respect to the gaming premises and any other place.

(2) A warrant issued under this Section shall name a date on which it expires, which date shall not be later than thirty days after its issue.

(3) A justice of the peace may extend the date on which a warrant expires for an additional period of not more than thirty days, upon application without notice by the investigator named in the warrant.

(4) A warrant issued under this Section authorizes the investigator named in the warrant to call upon peace officers as necessary and to use whatever force is necessary to execute the warrant.

(5) Unless otherwise ordered, a warrant issued under this Section shall be executed only during normal business hours for the gaming premises or place named in the warrant.

(6) Section 105 applies *mutatis mutandis* to an investigator executing a warrant issued under this Section. 1994-95, c. 4, s. 106.

**Obstruction of or assistance to investigator**

**107 (1)** No person shall obstruct an investigator who is carrying out duties under this Part.

**(2)** A person who is required to produce a record for an investigator shall, on request, provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce the record in a readable form. 1994-95, c. 4, s. 107.

**Exemption from testifying**

**108** No person employed in the administration or enforcement of this Act shall be required to give testimony in any civil proceeding, except in a proceeding under this Act, with regard to information obtained in the discharge of the person's duties. 1994-95, c. 4, s. 108.

**Order to retain money**

**109 (1)** The Director of Investigation and Enforcement may order a person who holds money or other assets on behalf of another person to retain the money or assets if

(a) an individual makes a statutory declaration to the Director in which the individual alleges, setting out facts supporting the allegation, that the person, on whose behalf the money or assets are held,

(i) has contravened, is contravening or is about to contravene this Part or the regulations,

(ii) is subject to criminal proceedings or proceedings in relation to a contravention of any Act that are connected with or arise out of doing things for which registration is required under this Part, or

(iii) is the subject of an investigation under this Part;  
and

(b) the Director, based on the statutory declaration, finds reasonable grounds to believe that the interests of the person on whose behalf the money or assets are held require protection.

**(2)** Where the Director of Investigation and Enforcement believes on reasonable grounds that it is advisable to make an order to ensure that a licensee uses money or assets in accordance with the terms of the licence, the Director may

(a) order the licensee who holds his own money or assets, or the person who holds money or assets of the licensee on behalf of the licensee, to retain the money or assets so held; or

(b) order the licensee to refrain from withdrawing the licensee's own money or assets that another person holds on behalf of the licensee.

(3) An order made under this Section takes effect immediately upon being served on the person against whom it is made.

(4) An order made against a bank, a loan or trust corporation or other financial institution applies only to the office, branch or agency named in the order.

(5) A person ordered to hold money or assets under this Section shall hold the money or assets in trust for the beneficial owner until the Director of Investigation and Enforcement revokes or varies the order or the court makes an order under Section 110.

(6) The Director of Investigation and Enforcement may vary or revoke an order made under this Section and may require that the person, whose money or assets are subject to the order, file with the Director, security in a form and an amount acceptable to the Director. 1994-95, c. 4, s. 109.

#### **Application to Supreme Court**

110 (1) Where the Director of Investigation and Enforcement has made an order under Section 109, any party, on notice to the other parties, may make an application to the Supreme Court of Nova Scotia for an order concerning the disposition of the money or assets.

(2) The parties to an application are

- (a) the Director of Investigation and Enforcement;
- (b) the persons whose money or assets are the subject of the order;
- (c) any person against whom the order is made; and
- (d) any other person specified by the Supreme Court.

(3) On hearing the application, the Supreme Court may direct the disposition of the money or assets, set aside or vary the order of the Director of Investigation and Enforcement, or make any other order it considers appropriate. 1994-95, c. 4, s. 110.

#### **Order of Director of Investigation and Enforcement**

111 (1) The Director of Investigation and Enforcement may propose to make an order that a person stop contravening this Part and the regulations or not contravene this Part and the regulations if

- (a) an individual makes a statutory declaration to the Director in which the individual alleges, setting out facts that support the allegation, that the person is contravening, has contravened or is about to contravene this Part or the regulations; and
- (b) the Director, based on the statutory declaration, finds reasonable grounds to believe the allegation.

(2) The Director of Investigation and Enforcement shall serve notice of the proposed order together with written reasons for it on each person to be named in the order.

(3) The notice of the proposed order shall inform each person receiving it that the person is entitled to request an informal hearing by the Executive Director and a formal hearing by the Commission.

(4) To request a hearing, the person entitled to the hearing shall serve a written request on the Director of Investigation and Enforcement, the Executive Director and the Commission within fifteen days after the Director of Investigation and Enforcement serves the notice of the proposed order.

(5) The Director of Investigation and Enforcement may make the proposed order if the person does not request the hearing within the time permitted by subsection (4). 1994-95, c. 4, s. 111.

#### **Immediate order**

**112 (1)** The Director of Investigation and Enforcement may order a person to stop contravening this Part and the regulations or not to contravene this Part and the regulations without serving a proposed order under Section 111 if

(a) an individual makes a statutory declaration to the Director in which the individual alleges, setting out facts that support the allegation, that the person is contravening, has contravened or is about to contravene this Part or the regulations;

(b) the Director, based on the statutory declaration, finds reasonable grounds to believe the allegation; and

(c) the Director believes it necessary to make an immediate order to protect the public.

(2) The Director of Investigation and Enforcement shall serve a copy of the order made, together with written reasons for it, on each person named in it and the order is effective immediately upon being served.

(3) The copy shall inform each person receiving it that the person is entitled to an informal hearing by the Executive Director and a formal hearing by the Commission.

(4) To request a hearing, the person shall serve a written request on the Director of Investigation and Enforcement, the Executive Director and the Commission within fifteen days after the Director of Investigation and Enforcement serves the copy of the order.

(5) Where a person requests a hearing, the order expires on the day the order of the Commission takes effect under Section 113. 1994-95, c. 4, s. 112.

**Informal hearing**

**113 (1)** Where a person requests a hearing under Section 111 or 112, the Executive Director shall hold an informal hearing on request of that person or the Commission shall schedule and hold the formal hearing.

**(2)** The Director of Investigation and Enforcement, the person who requested the hearing and such other persons as the Executive Director or the Commission may specify are parties to the respective hearing.

- (3)** The Executive Director or the Commission may, by order,
- (a)** confirm or set aside a proposed order of the Director of Investigation and Enforcement; and
  - (b)** order the Director of Investigation and Enforcement to take such action as the Executive Director or Commission respectively considers such Director ought to take to give effect to the purpose of this Part.

**(4)** In making an order, the Executive Director or the Commission may substitute the opinion of the Executive Director or the Commission, respectively, for that of the Director of Investigation and Enforcement.

**(5)** The Executive Director or the Commission may attach any terms or conditions to the order that the Executive Director or the Commission, respectively, considers proper to give effect to the purpose of this Part.

**(6)** An order of the Executive Director or the Commission takes effect immediately unless the Executive Director or the Commission, respectively, orders otherwise.

**(7)** A decision and order of the Commission is final and is not open to question in any court. 1994-95, c. 4, s. 113.

**Duty of licensee or registrant**

**114 (1)** A holder of a licence or certificate of registration shall comply with any terms and conditions imposed respecting the licence or certificate of registration by this Act, the regulations or the Commission.

**(2)** Where a person fails to comply with an order of the Executive Director, the Director of Registration, the Director of Investigation and Enforcement or the Commission made under this Act, the Executive Director, either Director or the Commission may, in addition to any other rights, make an application to a judge of the Supreme Court of Nova Scotia for an order directing the person to comply with the order of the Executive Director, Director of Registration, Director of Investigation and Enforcement or Commission, as the case may be.

**(3)** On hearing the application, the judge may make such order as the judge thinks fit.



(4) An appeal lies to the Nova Scotia Court of Appeal from the judge's order.

(5) No proceedings under this Section shall be instituted except with the consent or under the direction of the Attorney General. 1994-95, c. 4, s. 114.

#### **Administrative penalty**

**115** Where the Commission or Executive Director, after hearing, determines that a person has contravened a provision of this Act or of the regulations or a term or condition of a registration, and considers it to be in the public interest to make the order, the Commission or Executive Director may order the person to pay the Commission an administrative penalty of not more than five thousand dollars in the case of a person other than a corporation and not more than fifty thousand dollars in the case of a corporation. 1994-95, c. 4, s. 115.

#### **Service**

**116 (1)** Anything required to be served under this Part is sufficiently served if delivered personally or sent by registered mail addressed to the person on whom service is required to be made at the latest address for service appearing on the records of the Director of Regulation for the person's registration under this Part or on the application for registration under this Part.

(2) Service made by registered mail is deemed to have been made on the third day after the day of mailing, unless the person being served establishes that the thing being served was not received until a later date because of absence, accident, illness or other cause beyond the person's control.

(3) In addition to the methods of service mentioned in subsection (1), the Commission may order any other method of service in respect of any matter before the Commission. 1994-95, c. 4, s. 116.

#### **Statement as evidence**

**117** For the purpose of this Act and the regulations, a statement as to

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed;
- (c) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material; or
- (d) the date the facts upon which any proceedings are to be based first came to the knowledge of the Executive Director or the Commission, purporting to be certified by the Executive Director or a member of the Commission, respectively,

is, without proof of the office or signature of the person certifying, admissible in evidence, so far as is relevant, for all purposes in any action, proceedings or prosecution. 1994-95, c. 4, s. 117.

**Method of filing**

**118** Where this Act or the regulations require that material be filed, the filing shall be effected, unless provided otherwise herein or in the regulations, by depositing the material, or causing it to be deposited, with the Executive Director. 1994-95, c. 4, s. 118.

## PART III

## GENERAL

**Contravention of Part II**

**119** Every person who contravenes or fails to comply with Part II is guilty of an offence. 1994-95, c. 4, s. 119.

**False information or failing to comply with order**

**120** Every person is guilty of an offence who

(a) knowingly furnishes false information in any application under Part II or in any statement or return required to be furnished under Part II or the regulations; or

(b) fails to comply with any order made under Part II. 1994-95, c. 4, s. 120.

**Person prohibited from playing in casino**

**121 (1)** Every person who is prohibited from playing a game of chance in a casino who plays a game of chance in a casino is guilty of an offence.

(2) Every operator of a casino who knowingly permits a person who is prohibited from playing a game of chance in a casino to play a game of chance is guilty of an offence. 1994-95, c. 4, s. 121.

**Person prohibited from access to casino**

**122 (1)** Every person who is prohibited from access to any casino who enters a casino is guilty of an offence.

(2) Every operator who knowingly permits a person who is prohibited from access to any casino to enter or remain in a casino is guilty of an offence. 1994-95, c. 4, s. 122.

**Penalties respecting Sections 119 to 122**

**123 (1)** Every person convicted of an offence under Section 119, other than with respect to subsection 67(2) or Section 85 or 86, or under Section 120 is liable on summary conviction to

(a) in the case of a person other than a corporation, a fine of not more than twenty-five thousand dollars or to imprisonment for not more than one year, or to both fine and imprisonment; or

(b) in the case of a corporation, a fine of not more than five hundred thousand dollars.

(2) Every person convicted of an offence under Section 119 with respect to subsection 67(2) or Section 85 or 86 or under Section 121 or 122 is liable on summary conviction to

(a) in the case of a person other than a corporation, a fine of not more than five thousand dollars or to imprisonment for not more than two months, or to both fine and imprisonment; or

(b) in the case of a corporation, a fine of not more than fifty thousand dollars.

(3) No proceeding under clause 120(1)(a) shall be commenced more than one year after the facts upon which it is based first came to the knowledge of the Director of Registration.

(4) No proceeding under Section 119, clause 120(1)(b) or subsection 120(2) shall be commenced more than two years after the time when the subject-matter of the proceeding arose. 1994-95, c. 4, s. 123.

#### **Contravention of regulations**

**124** Every person who contravenes or fails to comply with the regulations is guilty of an offence and liable on summary conviction to the penalty set out in subsection 123(1) except where the regulations provide for a lesser penalty. 1994-95, c. 4, s. 124.

#### **Director or officer of corporation**

**125** Every director or officer of a corporation who caused, authorized, permitted, or participated or acquiesced in the commission by the corporation of an offence is guilty of an offence, whether or not the corporation has been prosecuted or convicted, and is liable on summary conviction to

(a) with respect to a provision of this Act other than subsection 67(2) or Section 85, 86, 121 or 122, a fine of not more than twenty-five thousand dollars or to imprisonment for not more than one year, or to both fine and imprisonment;

(b) with respect to subsection 67(2) or Section 85, 86, 121 or 122, a fine of not more than five thousand dollars or to imprisonment for not more than two months, or to both fine and imprisonment; or

(c) with respect to the regulations, a fine of not more than twenty-five thousand dollars or to imprisonment for not more than one year, or to both fine and imprisonment, or such lesser penalty as the regulations may prescribe. 1994-95, c. 4, s. 125.

**Costs of investigation**

**126 (1)** A person convicted of an offence contrary to this Act or the regulations is liable, after the taxing and filing of a certificate pursuant to this Section, for the costs of the investigation of the offence.

**(2)** The Executive Director may prepare a certificate setting out the costs of the investigation of an offence including the cost of the time spent by the members of the Commission, Executive Director, Director of Registration, the Director of Investigation and Enforcement and employees of the Commission and any fees paid to an expert investigator or witness, external auditors or external legal counsel.

**(3)** The Executive Director may apply to the taxing master to tax the certificate pursuant to the *Civil Procedure Rules* as if the certificate were a bill of costs, and on the taxation the taxing master shall review the costs and may vary them if the taxing master considers that they are unreasonable or not related to the investigation.

**(4)** The tariff of costs in the *Civil Procedure Rules* does not apply to a certificate taxed pursuant to this Section.

**(5)** On the taxation, the taxing master shall take into account any fees already paid by the defendant in respect of the same investigation.

**(6)** A tariff of costs for the purpose of this Section may be prescribed by regulation. 1994-95, c. 4, s. 126.

**Regulations**

**127 (1)** The Governor in Council may make regulations

(a) prescribing games, machines, devices or contrivances to be games of chance;

(b) respecting oaths or affirmations to be taken by members of the Board and the Chief Executive Officer and other officers and employees of the Corporation;

(c) prescribing or authorizing the Commission to prescribe information to be supplied by members of the Board and the Chief Executive Officer and other officers and employees of the Corporation and prescribing the investigations and security clearance to which they are subject;

(d) prescribing security, pre-employment and post-employment conflict-of-interest requirements and other requirements for the members of the Board and employees of the Corporation;

(e) respecting agreements entered into by the Corporation;

(f) respecting payments by the Corporation to trust or special funds;

- (g) requiring the Corporation to pay into the Consolidated Fund of the Province specified percentages of the revenue that it receives from its activities reimbursing and paying the operator of a casino as required by this Act and prescribing the time for making such payments;
- (h) establishing and prescribing the terms and conditions of special funds to be designated pursuant to the *Provincial Finance Act*;
- (i) respecting the frequency of payments by the Corporation to the Consolidated Fund of the Province;
- (j) prescribing the types of agreement that the Corporation may enter into for purposes of percentages of revenue to be set aside in special funds under the *Provincial Finance Act*;
- (k) respecting oaths or affirmations to be taken by members of the Commission, the Executive Director and the other officers and employees of the Commission;
- (l) prescribing information to be supplied by members of the Commission, the Executive Director and the other officers and employees of the Commission and prescribing the investigations and security clearance to which they are subject;
- (m) prescribing security, pre-employment and post-employment conflict-of-interest requirements and other requirements for the members and employees of the Commission;
- (n) prescribing additional matters in respect of which the Commission is authorized and empowered to hold hearings;
- (o) prescribing requirements and criteria and authorizing or requiring the Commission to hold hearings for the purpose of subsection 99(1);
- (p) respecting applications for licences;
- (q) prescribing terms and conditions of licences;
- (r) respecting the amounts and values of prizes in licensed lottery schemes and the terms and conditions to be attached thereto;
- (s) respecting the consideration to be paid or given to secure a chance to win prizes in licensed lottery schemes;
- (t) respecting agents and sellers and the fees or commissions to be given to them in respect of the distribution or sale of tickets or other chances in any licensed lottery schemes;
- (u) respecting the manner in which tickets or other chances in any licensed lottery schemes are to be sold or made available to the public;

- (v) governing applications for registration or renewal of registration of suppliers and gaming assistants;
- (w) prescribing terms and conditions of registration for suppliers and gaming assistants;
- (x) authorizing, governing and determining the effect of the interim registration of suppliers and gaming assistants and determining the extent to which other provisions of the regulations apply in respect of interim registration;
- (y) prescribing the fees payable upon application for registration and renewal of registration and any other fees in connection with the administration of Part II and the regulations;
- (z) requiring registrants to provide security in such form and on such terms as are prescribed, and providing for the forfeiture of the security and the disposition of the proceeds;
- (aa) prescribing the goods or services related to the conduct, management or operation of a gaming event that a registered supplier or registered gaming assistant may provide;
- (ab) prescribing the fees or other consideration that registered suppliers may charge;
- (ac) respecting the conduct and management of lottery schemes;
- (ad) notwithstanding any enactment, prescribing the days and hours during which casinos or other gaming premises may be open;
- (ae) notwithstanding clause 3(b), prescribing the kinds of games of chance that may be played in casinos;
- (af) prescribing or authorizing the Commission to prescribe the operation, testing and security requirements for machines and equipment to be used for games of chance in casinos;
- (ag) regulating the use of alcoholic beverages in casinos;
- (ah) prescribing classes of persons who are prohibited from playing games of chance in a casino;
- (ai) prescribing classes of persons who are prohibited from access to any casino;
- (aj) notwithstanding Section 116, prescribing requirements for the service of documents for the purpose of subsection 99(4) and the date on which the service shall be deemed to have been made;
- (ak) requiring and setting standards for security and surveillance at gaming events;
- (al) prescribing rules governing the use of credit extended to players of games of chance held in casinos;

(am) requiring and governing books, accounts and other records to be kept by registered suppliers and registered gaming assistants, including prescribing time schedules for which registered suppliers and registered gaming assistants are to retain those books, accounts and other records;

(an) governing trust accounts of registered suppliers, including the holding and disbursement of money in respect of those accounts;

(ao) prescribing the manner in which registered suppliers maintain their trust accounts and other records;

(ap) requiring registered suppliers or registered gaming assistants to make returns and furnish information to the Director of Registration;

(aq) requiring any information required to be furnished or contained in any form or return to be verified by statutory declaration;

(ar) designating educational institutions in the Province for purposes of training, examining and qualifying employees, staff and gaming assistants;

(as) prescribing or authorizing the Commission to prescribe standards and conditions respecting educational institutions and their instructors and courses or programs of instruction as a prerequisite to designation of an education institution pursuant to clause (as);

(at) prescribing restrictions on advertising of gaming;

(au) prescribing record-keeping and reporting requirements in relation to large cash transactions;

(av) designating games of chance for the purpose of Part II;

(aw) designating goods and services for the purpose of Part II;

(ax) exempting any person or class of persons from any or all of Part II and the regulations;

(ay) prescribing or authorizing the Commission to prescribe forms and providing for their use;

(az) subject to Section 124, prescribing the penalty for the contravention or failure to comply with a provision of the regulations;

(ba) prescribing anything that is referred to in Part II as being prescribed by the regulations;

(bb) defining any word or expression used and not defined in this Act;

(bc) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The Commission may make regulations

(a) prescribing, and requiring the posting of, rules of play for games of chance;

(b) prescribing the requirements for making available copies of rules of play respecting games of chance;

(c) prescribing examinations to be passed, standards to be attained and qualifications and certification to be possessed by suppliers and gaming assistants as a term or condition of registration;

(d) prescribing requirements or standards for goods or services provided by registered suppliers and registered gaming assistants in relation to gaming events;

(e) prescribing educational training requirements for employees of casinos;

(f) prescribing rules related to the scheduling of gaming events;

(g) prescribing rules relating to the handling of money and money equivalents at casinos or other gaming events.

(3) A regulation may apply to all persons, lottery schemes, games of chance, gaming events or gaming premises or to a class of persons, lottery schemes, games of chance, gaming events or gaming premises and there may be different regulations for different classes of persons, lottery schemes, games of chance, gaming events or gaming premises and, without limiting the generality of the foregoing, regulations for licensed lottery schemes different from regulations for lottery schemes conducted and managed by the Corporation as an agent of Her Majesty in right of the Province.

(4) The exercise by the Governor in Council or the Commission of the authority contained in this Section is regulations within the meaning of the *Regulations Act*. 1994-95, c. 4, s. 127.

#### **Dissolution of Lottery Commission and repeal of Lottery Act**

**128 (1)** In this Section, “Lottery Commission” means the Nova Scotia Lottery Commission.

(2) The Lottery Commission is dissolved.

(3) Subject to subsection (4), all right, title and interest of the Lottery Commission in any real or personal property is vested in the Commission.



(4) All rights, obligations and liabilities of the Lottery Commission with respect to the Atlantic Lottery Corporation Inc. are the rights, obligations and liabilities of the Corporation.

(5) Subject to this Act, the rights, obligations and liabilities of the Lottery Commission are the rights, obligations and liabilities of the Commission.

(6) Subject to this Act, a reference in any rule, order, regulation, by-law, ordinance or proceeding or in any document whatsoever to the Lottery Commission, whether such reference is by official name or otherwise, shall, as regards any subsequent transaction, matter or thing, be held and construed to be a reference to the Corporation or the Commission, as the case may be.

(7) For greater certainty, all regulations made by the Governor in Council pursuant to Chapter 266 of the Revised Statutes, 1989, the *Lottery Act*, are, in so far as they are not inconsistent with this Act or regulations made pursuant to this Act, continued until amended or repealed by regulations made pursuant to this Act.

(8) Chapter 266 is repealed. 1994-95, c. 4, s. 128.

**Slot Machine Act repealed**

129 Chapter 428 of the Revised Statutes, 1989, the *Slot Machine Act*, is repealed. 1994-95, c. 4, s. 129.

**Proclamation**

**130** This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 1994-95, c. 4, s. 130.

Proclaimed (ss. 1 and 2, s. 3 with the exception of clauses (c), (g), (p) and (q), ss. 4 and 6-37, ss. 126(1), clauses 127(l)(b)-(g), (i), (j), (bb) and (bc) and ss. 127(3) and (4)) - February 14, 1995

In force (ss. 1 and 2, s. 3 with the exception of clauses (c), (g), (p) and (q), ss. 4 and 6-37, ss. 126(1), clauses 127(l)(b)-(g), (i), (j), (bb) and (bc) and ss. 127(3) and (4)) - February 15, 1995

Proclaimed (clauses 3(c), (g), (p) and (q), ss. 5 and 38-125, ss. 126(2)-(6), clauses 127(l)(a), (h) and (k)-(ba), ss. 127(2) and ss. 128-130) - April 4, 1995

In force (clauses 3(c), (g), (p) and (q), ss. 5 and 38-125, ss. 126(2)-(6), clauses 127(l)(a), (h) and (k)-(ba), ss. 127(2) and ss. 128-130) - April 4, 1995

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