



PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

SECOND SESSION OF THE ELEVENTH PARLIAMENT (2016/2017)

FINAL REPORT
OF
THE JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON THE GAMBLING (GAMING AND
BETTING) CONTROL BILL, 2016

Ordered to be printed

TOGETHER WITH THE MINUTES OF PROCEEDINGS

PARL: 14/3/70

HOR PAPER NO: / 2017

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APPOINTMENT

- 1.1 Pursuant to resolutions of the House of Representatives on Friday February 3, 2017 and Senate on Tuesday February 7, 2017, a Joint Select Committee was established:

“to consider and report on a Bill entitled the ‘Gambling (Gaming and Betting) Control Bill, 2016’; and...to report within six weeks, that is to say, on or before March 17, 2017”.

MEMBERSHIP OF THE COMMITTEE

- 1.2 The following persons were appointed to serve on the Committee:

- Mr. Colm Imbert, MP
- Mr. Faris Al-Rawi, MP
- Mr. Stuart Young, MP
- Ms. Nicole Olivierre, MP
- Mr. Ganga Singh, MP
- Mr. Rudranath Indarsingh, MP
- Ms. Melissa Ramkissoon
- Mr. Foster Cummings
- Mr. W. Michael Coppin¹
- Mr. Wade Mark
- Mrs. Paula Gopee-Scoon
- Mr. Paul Richards

CHAIRMANSHIP

- 1.3 At its first meeting on Monday February 13, 2017, your Committee elected Mr. Colm Imbert to be its Chairman, in accordance with Standing Order 97(3) (House of Representatives) and 87(3) (Senate).

SECRETARIAT

- 1.4 Ms. Chantal La Roche, Legal Officer II, was assigned as Secretary to the Committee and Ms. Vahini Jainarine, Legal Officer I, Assistant Secretary.

¹ On August 24, 2017, Mr. Coppin’s seat as a Senator was declared vacant and as such he ceased to be a Member of the Committee.

MEETINGS

- 1.5 Since its appointment, your Committee held seven (7) meetings on the following dates:
- i. Monday February 13, 2017;
 - ii. Tuesday February 21, 2017;
 - iii. Monday March 13, 2017;
 - iv. Wednesday April 5, 2017;
 - v. Friday May 26, 2017;
 - vi. Tuesday September 5, 2017 & Wednesday September 6, 2017; and
 - vii. Wednesday September 13, 2017
- 1.6 The attendance record and the Minutes for the above meetings of the Committee are attached at **Appendix I**.

INTERIM REPORTS

- 1.7 The Committee has reported to Parliament on three (3) previous occasions that its work was not yet complete. In its 3rd Interim Report, your Committee requested and was granted a further period of eleven (11) weeks to complete its work and to conclude its deliberations.

CONSIDERATION OF THE BILL

APPROACH TO DELIBERATIONS

- 2.1 During preliminary discussions it was agreed that there was a need for significant public consultation on the Bill and that relevant Stakeholders and members of the public should be invited to submit comments on the Bill.
- 2.2 Your Committee also agreed that the assistance of the Chief Parliamentary Counsel as well as experts in the field would be required.
- 2.3 The following persons comprised the Technical Team that was present during the consideration of the Bill:

Office of the Chief Parliamentary Counsel

- Mr. Ian Macintyre, S.C. Chief Parliamentary Counsel
- Ms. Laura Ramnath Senior Parliamentary Counsel

WRITTEN SUBMISSIONS

2.4 Your Committee received written submissions from:

- Central Bank of Trinidad and Tobago;
- Bankers Association of Trinidad and Tobago;
- Trinidad and Tobago Manufacturers' Association;
- Trinidad and Tobago Members' Club Association;
- Betting Levy Board;
- Union of Members Clubs and Lottery Workers;
- Financial Intelligence Unit of Trinidad and Tobago;
- Board of Inland Revenue;
- The Integrity Commission of Trinidad and Tobago;
- Commissioner of Police;
- Customs and Excise Division;
- Trinidad and Tobago Racing Authority;
- Hamel- Smith, Attorneys-at-Law, Trademark & Patents Agents;
- Royal Princess Casino Royal Club;
- Mr. Barney DeFour for The Grace Connection;
- Chico Enterprises Ltd t/a FunStation;
- Ms. Natasha Nunez for Eye on Dependency;
- Duces Private Members Club;
- Amusement Gaming Association;
- Mau Pau Members' Club;

Members of the Public -

- Mr. Gerard Sooklal;
- Mr. Anthony Ramnarine;
- Ms. Ria Ramsingh;
- Ms. Michelle Espinoza;
- Mr. Joshua Jackson;
- Mr. Charles Sookhan; and
- Mr. Arnold Pariag.

2.5 Submissions received are hereto attached at **Appendix II**.

DISCUSSIONS WITH STAKEHOLDERS

3.1 During the Sixth Meeting, which was held on Tuesday September 5, 2017 and Wednesday September 6, 2017 your Committee held discussions with the following Stakeholders:

- Bankers Association of Trinidad and Tobago;
- Financial Intelligence Unit of Trinidad and Tobago;
- Central Bank of Trinidad and Tobago;
- Trinidad and Tobago Members Club Association;
- Integrity Commission of Trinidad and Tobago;
- Betting Levy Board;
- Ma Pau Members Club;
- Union of Members Club and Lottery Workers;
- Mr. Gerard Sooklal;
- Trinidad and Tobago Racing Authority;
- Grace Connection;
- Eye on Dependency;
- Princess Entertainment Corporation;
- Bookmakers Association of Trinidad and Tobago;
- Association for Amusement Gaming Machines;
- Customs and Excise Division; and
- Trinidad and Tobago Police Service.

3.2 During these discussions some key issues raised included:

- i. The need for review of certain definitions and terms contained in the Bill.
- ii. The reconsideration of the criteria of a “fit and proper” test of a person employed within the industry.
- iii. Issues in relation to Problem Gambling, rehabilitation for gambling addiction and other social issues related to the gambling industry.
- iv. Whether Board Members of the Commission should be appointed by the line Minister.
- v. The impact of the Bill on the Horse Racing Industry and Amusement Gaming Association.
- vi. Restrictions on horse racing and by extension, betting, on a Sunday.
- vii. Whether the responsibilities given to Police Officers in the Bill should also be given to Municipal Police Officers and Special Reserve Police Officers.

- viii. The ability of operators in the racing industry to pay 50% of monies collected into the Consolidated Fund.
- ix. Sanctions to be imposed by the Bill.

EXTERNAL EXPERT ADVICE

- 4.1 Having agreed that an expert consultant was necessary to assist in the deliberations of the Committee, advertisements were published locally, regionally and internationally in order to engage a suitable expert.
- 4.2 Your Committee received fifteen (15) applications the following persons:
 - Mr. Ernest C. Matthews;
 - Dr. Emir Crowne;
 - Atlantic Casino Consultants;
 - Mr. Andy Danson;
 - Gaming Laboratories International (GLI);
 - Mr. Stephaun Stanislaus;
 - Mr. Steve Donoughue;
 - Mr. Gerard Sooklal;
 - Ms. Tricia Chin;
 - Mr. Francisco Salazar;
 - Mr. Cleveland Allen and Ms. Audrey Robinson;
 - Mr. Alan Pedley;
 - Governance Associates Limited;
 - Walter Fioravanti; and
 - Mr. Amir Amirsadri.

THE WAY FORWARD

- 5.1 Your Committee was cognizant of the imminent prorogation of the Second Session of the Eleventh Parliament and at its meeting of September 13, 2017 agreed to the following in an effort to advance the work of the Committee:
 - i. Members would review the submissions received from experts and identify suitable candidates for the creation of a shortlist; and
 - ii. The Secretariat would conduct due diligence research into the shortlisted experts.

REPORT

- 6.1 In accordance with Standing Orders 114(1) and 104(1) of the House of Representatives and the Senate, respectively, your Committee wishes to report on the status of its work and to advise that the matter referred remains incomplete in light of its reporting deadline and the imminent prorogation of the Second (2nd) Session of the Eleventh (11th) Parliament.

RECOMMENDATION

- 7.1 Your Committee therefore recommends that:
- i. that the Parliament take note of the progress made by the Committee thus far;
 - ii. a similar Committee be appointed in the Third Session of the Parliament to complete the work commenced by this Committee; and
 - iii. this new Committee be empowered to adopt as part of its records the extensive work done to date.

Respectfully submitted,

Sgd.

Mr. Colm Imbert, MP
Chairman
September 15, 2017

List of Appendices

Appendix I.....	Minutes of Proceedings and Attendance Record
Appendix II.....	Submissions Received by the Committee
Appendix III	Curriculum Vitae of Expert Consultants

MINUTES
OF
PROCEEDINGS
AND
ATTENDANCE RECORD

ATTENDANCE RECORD

JSC ON GAMBLING (GAMING AND BETTING CONTROL) BILL, 2016

Meetings	Mr. Colm Imbert	Mr. Faris Al-Rawi	Mr. Stuart Young	Ms. Nicole Olivierre	Mr. Ganga Singh	Mr. Rudranath Indarsingh	Ms. Melissa Ramkissoon	Mr. Foster Cummings	Mr. W. Michael Coppin	Mr. Wade Mark	Mrs. Paula Gopee-Scoon	Mr. Paul Richards
First Meeting 13.02.2017	✓	✓	Excused	✓	✓	✓	✓	✓	✓	✓	✓	✓
Second Meeting 21.02.2017	✓	✓	✓	Excused	✓	✓	Excused	✓	✓	Excused	✓	✓
Third Meeting 13.03.2017	✓	✓	Excused	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fourth Meeting 05.04.2017	✓	✓	✓	✓	✓	✓	✓	Excused	✓	Excused	Excused	✓
Fifth Meeting 26.05.2017	✓	Excused	✓	Excused	✓	✓	✓	✓	✓	✓	✓	✓
Sixth Meeting 05.09.2017	✓	Excused	✓	Excused	✓	✓	✓	✓	❖	✓	Excused	✓
Sixth Meeting (part II) 06.09.2017	✓	Excused	✓	Excused	✓	✓	✓	Excused	❖	Excused	Excused	✓
Seventh Meeting 13.09.2017	✓	Excused	Excused	Excused	✓	✓	Excused	✓	❖	✓	✓	Excused

❖ Senatorial appointment revoked with effect from _



JOINT SELECT COMMITTEE ON THE GAMBLING (GAMING AND BETTING) CONTROL BILL, 2016

MINUTES OF THE FIRST MEETING HELD IN THE ARNOLD THOMASOS ROOM (EAST), LEVEL 6, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A WRIGHTSON ROAD, PORT OF SPAIN ON FEBRUARY 13, 2017 at 11:00A.M.

PRESENT

Mrs. Brigid Annisette-George - Speaker of the House

Committee Members

Mr. Colm Imbert, MP	-	Member
Ms. Nicole Olivierre, MP	-	Member
Mr. W. Michael Coppin	-	Member
Mr. Ganga Singh, MP	-	Member
Ms. Melissa Ramkissoon	-	Member
Mr. Rudranath Indarsingh, MP	-	Member
Mr. Faris Al-Rawi, MP	-	Member
Mr. Foster Cummings	-	Member
Mr. Wade Mark	-	Member
Mr. Paul Richards	-	Member
Mrs. Paula Gopee-Scoon, MP	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Vahini Jainarine	-	Assistant Secretary

ABSENT/EXCUSED

Mr. Stuart Young, MP	-	Member
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COMMENCEMENT

1.1 The meeting was called to order by the Speaker of the House at 11:10 a.m.

ELECTION OF CHAIRMAN

2.1 The Speaker advised that her role was to facilitate the election of a Chair and she invited nominations.

2.2 Ms. Nicole Olivierre nominated Mr. Colm Imbert for the chairmanship and this nomination was seconded by Mrs. Paula Gopee-Scoon.

2.3 There being no further nominations, Mr. Colm Imbert was declared Chairman.

2.4 The Speaker of the House informed Members that Ms. Chantal La Roche would serve the Committee as Secretary, and Ms. Vahini Jainarine would serve as Assistant Secretary.

2.5 Mr. Colm Imbert was invited to take the Chair.

2.6 The Chairman took the Chair.

QUORUM

3.1 The Chairman proposed a quorum of five (5) persons, inclusive of the Chair, provided that at least one Member from each House was present. The Committee agreed to this proposal.

DISCUSSIONS ON THE WAY FORWARD

4.1 The Chairman proposed that a Vice-Chairman be elected as the Chairman may not be able to attend all meetings.

4.2 The Chairman nominated Mr. Faris Al-Rawi to be the Vice-Chairman and this nomination was seconded by Mr. Ganga Singh.

4.3 The Chairman indicated that Draft Regulations of the Bill will be presented to the Committee and circulated to Stakeholders.

4.4 The Chairman indicated that at the next meeting the Committee shall-

- i. set out the way forward in discussing the Bill;
- ii. set up a work programme; and
- iii. to decide on persons and organisations to be invited.

4.5 The Chairman proposed the next date for meeting be held on Tuesday February 21, 2017 at 11:30am.

ADJOURNMENT

5.1 There being no other business, the Chairman thanked Members and adjourned the meeting to Tuesday February 21, 2017 at 11:30 a.m.

5.2 The adjournment was taken at 11:20 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

February 13, 2017



JOINT SELECT COMMITTEE ON THE GAMBLING (GAMING AND BETTING) CONTROL BILL, 2016

**MINUTES OF THE SECOND MEETING HELD IN THE A.N.R ROBINSON
MEETING ROOM (EAST), LEVEL 9, PARLIAMENT, TOWER D, PORT OF SPAIN
INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF
SPAIN ON FEBRUARY 21ST 2017 AT 11:30 A.M.**

PRESENT

Committee Members

Mr. Colm Imbert, MP	-	Chairman
Mr. Faris Al-Rawi, MP	-	Vice-Chairman
Mr. Stuart Young, MP	-	Member
Mr. Ganga Singh, MP	-	Member
Mr. Rudranath Indarsingh, MP	-	Member
Mr. Foster Cummings	-	Member
Mr. Paul Richards	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Mr. W. Michael Coppin	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Vahini Jainarine	-	Assistant Secretary

ABSENT/EXCUSED

Ms. Nicole Olivierre, MP	-	Member
Mr. Wade Mark	-	Member
Ms. Melissa Ramkissoon	-	Member

COMMENCEMENT

1.1 The meeting was called to order by the Chairman at 11:38 a.m.

CONFIRMATION OF MINUTES

2.1 The Committee considered the Minutes of the First Meeting held on February 13, 2017.

2.2 The motion for the confirmation of the Minutes was moved by Mr. Rudranath Indarsingh and seconded by Mr. Foster Cummings and the Minutes were confirmed by the Committee.

MATTERS ARISING FROM THE MINUTES

Work Plan and Method of Communicating with Stakeholders

3.1 As per Item 4.4 the Chairman invited Members to discuss the work plan and the method of communicating with stakeholders.

3.2 After some discussion, it was agreed that an advertisement calling for written submission from the public would be published using various media including Parliament Radio, Parliament Channel, Parliament website, Parliament Facebook page, Caribbean New Media Group (CNMG) television station, the daily newspapers and radio stations by Friday February 24, 2017.

3.3 The Committee agreed to a deadline for receiving submissions from the public of Wednesday March 8, 2017 at 12:00 noon.

3.4 After some discussion, Chairman suggested and the Committee agreed to invite written submissions from the following Stakeholders:

- National Trade Union Centre and the Joint Trade Union Movement;
- Bankers Association of Trinidad and Tobago;
- Trinidad and Tobago Manufacturers' Association;
- Association of Trinidad and Tobago Insurance Companies;
- The Central Bank of Trinidad and Tobago;
- Financial Intelligence Unit of Trinidad and Tobago;
- Board of Inland Revenue;
- The Integrity Commission of Trinidad and Tobago;
- Commissioner of Police;
- Customs and Excise Division;
- The Betting Levy Board;
- Trinidad and Tobago Horse Racing Authority;
- Punters Associations; and
- The Law Association of Trinidad and Tobago.

3.5 The Chairman informed the Committee that correspondence had been received from the following:

- Union of Members Clubs and Lottery Workers;
- Trinidad and Tobago Members Club Association; and
- Ma Pau Members' Club.

It was agreed that responses would be sent to the letters received.

3.6 The Vice-Chairman informed the Committee that the draft regulations for the Bill should be made available to both the Committee and made available to the public by Thursday February 23, 2017, once completed by the Chief Parliamentary Counsel. It was agreed that if the deadline was not met appropriate adjustments will be made.

OTHER BUSINESS

4.1 The Committee agreed that its Third Meeting will be held on Monday March 13, 2017 at 2:00 p.m.

4.2 The Chairman advised the Committee that at the Third Meeting the written submissions received shall be reviewed.

ADJOURNMENT

5.1 The Chairman thanked Members and adjourned the meeting.

5.2 The adjournment was taken at 11:59 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

February 21, 2017



**JOINT SELECT COMMITTEE ON THE GAMBLING (GAMING AND BETTING)
CONTROL BILL, 2016**

**MINUTES OF THE THIRD MEETING HELD IN THE A.N.R ROBINSON MEETING
ROOM (EAST), LEVEL 9, PARLIAMENT, TOWER D, PORT OF SPAIN
INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF
SPAIN ON MARCH 13TH 2017 AT 2:30PM.**

PRESENT

Committee Members

Mr. Colm Imbert, MP	-	Chairman
Mr. Faris Al-Rawi, MP	-	Vice-Chairman
Mr. Ganga Singh, MP	-	Member
Mr. Rudranath Indarsingh, MP	-	Member
Ms. Nicole Olivierre, MP	-	Member
Mr. Foster Cummings	-	Member
Mr. Paul Richards	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Mr. W. Michael Coppin	-	Member
Mr. Wade Mark	-	Member
Ms. Melissa Ramkissoon	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Vahini Jainarine	-	Assistant Secretary

ABSENT/EXCUSED

Mr. Stuart Young, MP	-	Member
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COMMENCEMENT

1.1 The meeting was called to order by the Chairman at 2:43 p.m.

CONFIRMATION OF MINUTES

2.1 The Committee considered the Minutes of the Second Meeting held on February 21, 2017.

2.2 The following amendments were made to the Minutes of the Second Meeting held on February 21, 2017:

(a) Item 3.2 was redrafted to read: *“After some discussion, it was agreed that an advertisement calling for written submission from the public shall be published using various media including Parliament Radio, Parliament Channel, Parliament website, Parliament Facebook page, Caribbean New Media Group (CNMG) television station, the daily newspapers and radio stations by Friday February 24, 2017”.*

(b) Item 3.6 was redrafted to read: *“The Vice-Chairman informed the Committee that the draft Regulations for the Bill should be made available to both the Committee and made available to the public by Thursday February 23, 2017, once completed by the Chief Parliamentary Counsel. It was agreed that if the deadline is not met appropriate adjustments would be made”.*

2.3 Subject to the amendments a motion for the confirmation of the Minutes was moved by Mr. Ganga Singh and seconded by Mr. Paul Richards and the Minutes were confirmed by the Committee.

MATTERS ARISING FROM THE MINUTES

3.1 As per Item 3.2 the Chairman informed Members that the call for submissions on the Bill was published in the daily newspaper as follows:

- Newsday: Thursday February 23, 2017;
- Trinidad Express: Sunday February 26, 2017;
- Trinidad Guardian: Friday March 3, 2017 and;
- Trinidad Guardian: Wednesday March 8, 2017.

3.2 The Chairman also informed the Committee that the call for written submissions was also placed on the following social media platforms:

- Twitter;
- Parliament Facebook page;
- Parliament Channel;
- Parliament Webpage and
- Google Plus.

3.3 As per Item 3.4 the Chairman informed the Committee that the Secretariat wrote to the following Stakeholders inviting written comments on the Bill:

- National Trade Union Centre and the Joint Trade Union Movement;
- Bankers Association of Trinidad and Tobago;
- Trinidad and Tobago Manufacturers' Association;
- Association of Trinidad and Tobago Insurance Companies;
- The Central Bank of Trinidad and Tobago;
- Financial Intelligence Unit of Trinidad and Tobago;
- Board of Inland Revenue;
- The Integrity Commission of Trinidad and Tobago;
- Commissioner of Police;
- Customs and Excise Division;
- The Betting Levy Board;
- Trinidad and Tobago Horse Racing Authority; and
- The Law Association of Trinidad and Tobago.

3.4 The Chairman advised the Committee that written submissions were received from the following stakeholders:

- Mr. Anthony Ramnarine, (Member of the Public);
- Ms. Michelle Espinoza, (Member of the Public);
- Mr. Gerard Sooklal, (Member of the Public);
- Mr. Arnold Pariag, (Member of the Public);
- Ms. Ria Ramsingh, (Member of the Public);
- Mr. Barney DeFour on behalf of The Grace Connection;
- Mr. John Wallis, (Ma Pau Private Members' Club);
- Betting Levy Board;
- Union of Members Clubs and Lottery Workers;
- Chico Enterprises Ltd. t/a Fun Station;
- Hamel-Smith Attorneys-at-Law, Trademarks & Patents Agents;
- Central Bank of Trinidad and Tobago;
- Trinidad and Tobago Racing Authority;
- Eye on Dependency; and
- Princess Casino Royal Club.

3.5 The Chairman advised that the following entities had requested an extension of time to provide written submissions:

- Instant Winner Members Club;
- Integrity Commission of Trinidad and Tobago (to March 22, 2017);
- Commissioner of Police (to March 22, 2017);
- Duces Private Member's Club and
- Banker's Association of Trinidad and Tobago (to March 17, 2017).

3.6 The Committee agreed to an extension of the deadline for written submissions to March 27, 2017.

3.7 The Chairman advised the Committee that the following Stakeholders had requested the Regulations in order to make written submissions to the Committee:

- Mr. Anoop Sumessar, (Member of the Public);
- Mr. Joshua Johnson, (Member of the Public);
- Mr. Charles Sookhan, (Member of the Public); and
- Duces Private Member's Club.

3.8 The Chairman advised the Committee that the draft Regulations made under the Bill were completed and the Secretariat was instructed to circulate these Regulations to Members.

3.9 The Secretariat was also directed to publish an additional call for submissions by March 14, 2017:

- i. advising of an extension of the deadline for submissions on the Bill to March 27, 2017 and;
- ii. inviting submissions on the Regulations which would be placed on the Parliament's website.

3.10 The Secretariat was also directed to inform Stakeholders that the Regulations were available on the Parliament's website and to invite their comments.

OTHER BUSINESS

4.1 The Chairman invited discussions on the way forward on submissions received to date.

4.2 The Committee agreed that the Secretariat would collate and tabulate all submissions received for ease of reference and circulate the compendium to Members by March 20, 2017.

4.3 The Chairman invited Members to comment on specific Clauses of the Bill which they require further explanation or guidance.

4.4 Based on a request from Mr. Mark, it was agreed that once available, the following documents would be circulated to Members:

- The National Risk Assessment published by the World Bank; and
- A report on the gambling industry (piloted by the late Mr. Patrick Manning).

4.5 The Chairman undertook to circulate the Gambling Laboratories International (GLI) Report to all Members.

4.6 The Committee agreed that an Interim Report should be tabled to bring to the attention of the Parliament that an extension in time is necessary in order for the Committee to complete its deliberations. The Committee agreed to request an extension until May 19, 2017.

4.7 The Chairman directed the Secretariat to circulate the Interim Report of the Committee by round robin for approval by March 14, 2017.

4.8 The Committee agreed that its Fourth Meeting will be held on Wednesday April 5, 2017 at 10:30 a.m.

4.9 The Chairman advised the Committee that at the Fourth Meeting the written submissions received shall be reviewed.

ADJOURNMENT

5.1 The Chairman thanked Members and adjourned the meeting.

5.2 The adjournment was taken at 3:14 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

March 13, 2017



**JOINT SELECT COMMITTEE ON THE GAMBLING (GAMING AND BETTING)
CONTROL BILL, 2016**

**MINUTES OF THE FOURTH MEETING HELD IN THE A.N.R ROBINSON
MEETING ROOM (WEST), LEVEL 9, PARLIAMENT, TOWER D, PORT OF SPAIN
INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF
SPAIN ON April 5, 2017 AT 10:30A.M.**

PRESENT

Committee Members

Mr. Colm Imbert, MP	-	Chairman
Mr. Faris Al-Rawi, MP	-	Vice-Chairman
Mr. Ganga Singh, MP	-	Member
Mr. Rudranath Indarsingh, MP	-	Member
Ms. Nicole Olivierre, MP	-	Member
Mr. Paul Richards	-	Member
Mr. W. Michael Coppin	-	Member
Ms. Melissa Ramkissoon	-	Member
Mr. Stuart Young, MP	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Vahini Jainarine	-	Assistant Secretary

ABSENT/EXCUSED

Mrs. Paula Gopee-Scoon	-	Member
Mr. Wade Mark	-	Member
Mr. Foster Cummings	-	Member

COMMENCEMENT

1.2 The meeting was called to order by the Chairman at 10:45 a.m.

CONFIRMATION OF MINUTES

2.1 The Committee considered the Minutes of the Third Meeting held on March 13, 2017.

2.2 There being no corrections, the motion for the confirmation of the Minutes was moved by Ms. Olivierre and seconded by Mr. Indarsingh and the Minutes were confirmed by the Committee.

MATTERS ARISING FROM THE MINUTES

3.1 The Chairman brought the following matters to the attention of the Committee:

Item 3.8

- a) The draft Regulations were circulated to all Members.

Item 3.10

- b) The draft Regulations were uploaded on the Parliament's website.

Item 4.5

- c) The Secretariat circulated the Gambling Laboratories International (GLI) Report to all Members.

Item 4.6

- d) To date written submissions had been received from twenty-two (22) stakeholders.
- e) The Committee agreed to grant a final extension of time to April 12, 2017 to the following stakeholders to submit written submissions:
 - Instant Winner's Members Club;
 - Duces Private Members' Club;
 - Commissioner of Police of Trinidad and Tobago; and
 - The Banker's Association of Trinidad and Tobago.

OTHER BUSINESS

4.1 Discussion ensued on the way forward in relation to the consideration of submissions received from stakeholders including the invitation of entities to appear before the Committee.

4.2 Mr. Singh suggested that the Committee consider the following reports:

- The Economic Assessment of a Regulated Casino Gaming Sector and;
- Regulating Gaming in Ireland – Report of the Casino Committee.

The Secretariat was directed to circulate these two (2) reports to all Members.

4.3 The Committee agreed to pursue the engagement of a specialist advisor to advise the Committee during its consideration of the Bill.

4.4 It was agreed that Members submit to the Secretariat Terms of Reference and/or qualifications which the specialist advisor should possess on or before April 12, 2017.

ADJOURNMENT

5.1 The Chairman thanked Members and adjourned the meeting to a date to be determined.

5.2 The adjournment was taken at 11:08 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

April 5, 2017



**JOINT SELECT COMMITTEE ON THE GAMBLING (GAMING AND BETTING)
CONTROL BILL, 2016**

**MINUTES OF THE FIFTH MEETING HELD IN THE A.N.R ROBINSON MEETING
ROOM (WEST), LEVEL 9, PARLIAMENT, TOWER D, PORT OF SPAIN
INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF
SPAIN ON FRIDAY MAY 26, 2017 AT 10:00A.M.**

PRESENT

Committee Members

Mr. Colm Imbert, MP	-	Chairman
Mr. Ganga Singh, MP	-	Member
Mr. Rudranath Indarsingh, MP	-	Member
Mr. Paul Richards	-	Member
Mr. W. Michael Coppin	-	Member
Ms. Melissa Ramkisson	-	Member
Mr. Stuart Young, MP	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Mr. Wade Mark	-	Member
Mr. Foster Cummings	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Vahini Jainarine	-	Assistant Secretary

ABSENT/EXCUSED

Mr. Faris Al-Rawi, MP	-	Vice-Chairman
Ms. Nicole Olivierre, MP	-	Member

COMMENCEMENT

1.3 The meeting was called to order by the Chairman at 10:21a.m.

CONFIRMATION OF MINUTES

2.1 The Committee considered the Minutes of the Fourth Meeting held on Wednesday April 5, 2017.

2.2 There being no corrections, the motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Mr. Rudranath Indarsingh and the Minutes were confirmed by the Committee.

MATTERS ARISING FROM THE MINUTES

3.1 As per Item 3.4 the Chairman informed the Committee that written submissions were received from the following stakeholders:

- Instant Winner's Members Club;
- Commissioner of Police of Trinidad and Tobago; and
- The Banker's Association of Trinidad and Tobago

3.2 As per Item 4.4 the Chairman informed the Members that an expert consultant has not yet been engaged to assist the Committee.

3.3 The Chairman directed the Secretariat to advertise for an expert consultant both locally, regionally and internationally via the local newspapers, Parliament Facebook page and/or any other social media platform.

3.4 The Chairman further directed the Secretariat to contact the relevant gambling regulating authorities in Las Vegas, London, Ireland and Puerto Rico to request assistance in the engagement of an expert consultant to assist the Committee.

3.5 The Chairman informed the Members that the advertisement shall be published via various social media platforms for a period of two (2) weeks. Following which an expert consultant shall be engaged within a further two (2) week period.

OTHER BUSINESS

4.1 Discussion ensued on the way forward in relation to the consideration of submissions received from stakeholders including the invitation of entities to appear before the Committee.

4.2 The Chairman informed the Committee that Members are expected to submit their views and/or comments on the final compilation of stakeholder comments as circulated.

4.3 The Chairman directed Members to submit their respective available dates and times from June 1, 2017 to August 31, 2017 in order to facilitate public hearings with the various stakeholders.

4.4 The Committee agreed after Members have indicated their availability, the Committee shall agree by round robin the dates and times for the public hearings with the stakeholders.

4.5 The Chairman invited the Chief Parliamentary Counsel (CPC), Mr. Ian Macintyre to request CPC's assistance in simplifying and explaining the stakeholder submissions from a legal aspect and also to provide references to other jurisdictions with similar provisions.

4.6 The Chairman requested that CPC complete its work by June 9, 2017.

4.7 The Chairman undertook to provide a copy of the following document on or before Monday May 29, 2017-

- Vulnerabilities of Casinos and Gaming Sector-March 2009.

ADJOURNMENT

5.1 The Chairman thanked Members and adjourned the meeting to a date to be determined.

5.2 The adjournment was taken at 10:44 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

May 26, 2017



**JOINT SELECT COMMITTEE ON THE GAMBLING (GAMING AND BETTING)
CONTROL BILL, 2016**

**MINUTES OF THE SIXTH MEETING HELD IN THE A.N.R ROBINSON MEETING
ROOM (WEST) LEVEL 9 AND THE A.N.R. ROBINSON MEETING ROOM (EAST),
LEVEL 9, PARLIAMENT TOWER D, PORT OF SPAIN INTERNATIONAL
WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN ON
TUESDAY SEPTEMBER 5, 2017 AT 10:00A.M.**

PRESENT

Committee Members

Mr. Colm Imbert, MP	-	Chairman
Mr. Stuart Young, MP	-	Member
Mr. Ganga Singh, MP	-	Member
Mr. Rudranath Indarsingh, MP	-	Member
Mr. Foster Cummings	-	Member
Mr. Wade Mark	-	Member
Mr. Paul Richards	-	Member
Ms. Melissa Ramkissoon	-	Member

Secretariat

Mr. Brian Caesar	-	Clerk of the Senate
Ms. Vahini Jainarine	-	Assistant Secretary
Ms. Shanice Ramdhan	-	Legal Research Assistant

Office of the Chief Parliamentary Counsel (CPC)

Ms. Laura Ramnath	-	Senior Parliamentary Counsel (Ag.)
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ABSENT/EXCUSED

Mr. Faris Al-Rawi, MP	-	Vice-Chairman
Mrs. Paula Gopee-Scoon	-	Member
Ms. Nicole Olivierre, MP	-	Member

COMMENCEMENT

1.4 The meeting was called to order by the Chairman at 10:10 a.m.

CONFIRMATION OF MINUTES

2.1 The Committee agreed to defer the confirmation of the Minutes of the Fifth Meeting held on Friday May 26, 2017 to the next meeting scheduled for Wednesday September 6, 2017.

OTHER BUSINESS

3.1 Discussion ensued on the issue of retaining an expert to assist the Committee and it was agreed that further discussions on selecting a consultant would be deferred to a subsequent meeting.

3.2 The Chairman advised Members that the following entities had submitted comments on the Gambling (Gaming and Betting) Control Bill, 2016 ("the Bill") which were circulated to Members:

- i. The Integrity Commission of Trinidad and Tobago;
- ii. The Bankers Association of Trinidad and Tobago;
- iii. The Financial Intelligence Unit;
- iv. The Central Bank of Trinidad and Tobago;
- v. Gerard Sooklal;
- vi. The Betting Levy Board;
- vii. Ma Pau Members Club;
- viii. Trinidad and Tobago Members Club Association; and
- ix. Union of Members Club and Lottery Workers.

The Chairman further advised that representatives from each entity had been invited to appear before the Committee.

3.3 The Chairman invited discussion on the approach that the Committee shall adopt in conducting interviews with the stakeholders. The Committee agreed that each entity would appear individually.

SUSPENSION

4.1 The Meeting was suspended at 10:20 a.m.

[Members proceeded to the A.N.R. Robinson (East) Meeting Room where stakeholders were invited for discussion with the Committee one by one]

RESUMPTION

5.1 The Meeting resumed in the A.N.R. Robinson (East) Meeting Room at 10:30 a.m. and CPC was invited to join the meeting.

DISCUSSION WITH STAKEHOLDERS

Representatives of the Integrity Commission of Trinidad and Tobago were invited to join the meeting at this time

6.1 The Chairman welcomed the representatives of the Integrity Commission of Trinidad and Tobago and asked them to introduce themselves.

6.2 Representing the Integrity Commission were:

- Justice Zainool Hosein Chairman
- Ms. Andella Ramroop Legal Officer II

6.3 Justice Hosein made opening remarks and highlighted the following issues for consideration by the Committee:

- i. The Gaming Commission is not an independent body because Commissioners are appointed by a line Minister and not the President. This is not so in relation to the Integrity Commission.
- ii. Clause 19 of the Bill vests too much power in the Auditor General.

6.4 At the end of the presentation, the Chairman thanked the representatives of the Integrity Commission for their attendance and excused them from the meeting.

Representatives of the Bankers Association of Trinidad and Tobago (BATT) were invited to join the meeting at this time

7.1 The Chairman welcomed the representatives of the BATT and asked them to introduce themselves.

7.2 Representing the BATT were:

- Ms. Kimi Rochard Legal Committee Chair
- Ms. Lindi Ballah-Tull Head Legal, Compliance and Governance, First Citizens Ltd.
- Ms. Kimberly Erriah Senior Manager, Legal Services, Republic Bank Ltd.
- Ms. Kelly Bute-Seaton Executive Director, BATT

7.3 Issues discussed included:

- i. Clause 50 should limit the number of licenses a person can apply for under of the Bill, in order to eliminate criminal elements.
- ii. Pursuant to Clause 39 which deals with the publication of revocations and suspensions of licenses, one consolidated list of revocations and suspensions of licenses should be published.

- iii. The term “duly licensed security staff” leaves too much room for interpretation.
- iv. Each banking institution has a separate risk approach and each transaction is assessed individually. However, in general, all risk assessments are consistent with Anti Money Laundering (AML) and Countering Financing of Terrorism (CFT) regulations.
- v. In the event that an individual wins a large sum of money and wishes to deposit it in the bank, banks must be satisfied that the money is a result from winnings in order to allow the monies to be deposited.

7.4 At the end of the presentation, the Chairman thanked the representatives of the BATT for their attendance and excused them from the meeting.

Representatives of the Financial Intelligence Unit (FIU) were invited to join the meeting at this time

8.1 The Chairman welcomed the representatives of the FIU and asked them to introduce themselves.

8.2 Representing the FIU were:

- Mr. Nigel Stoddard Deputy Director
- Ms. Avelon Perry Director, Compliance and Outreach

8.3 Issues discussed included:

- i. The Deputy Director recommended that the interpretation section be amended to include a definition for the term “beneficial owner” and the definition for “authorized officer” be further reviewed.
- ii. Need to clarify if Clause 70 refers to due diligence or an offence of money laundering.
- iii. If the Gambling Commission to be established would be the sole authority for licensing and inspection of the gambling establishment and whether police officers will also perform the licensing and inspection of the gambling establishment.
- iv. Due to the evolution of online trade, further review required of the issue of including bit coins in the Bill.
- v. Clause 14 does not give the Commission the power and duties of AML and CFT supervisory authority.
- vi. An amendment to Clause 34(1) to include a specific provision that the Gambling Commission has the power to review a licence in cases of suspected contraventions in AML/CFT obligations.
- vii. Review of the necessary amendments to the Proceeds of Crime Act (POCA) to include the gaming industry.

Representatives of Central Bank of Trinidad and Tobago (CBTT) were invited to join the meeting at this time

9.1 The Chairman welcomed the representatives of the CBTT and asked them to introduce themselves.

9.2 Representing CBTT were:

- Ms. Michelle Francis-Pantor Deputy Inspector, Banks, Non-Banks & Payment Systems Oversight
- Ms. Nadira Rahamutula-Rajack Manager, Anti-Money Laundering

9.3 Issues discussed included:

- i. S 7 (4) and (10) needs to be harmonised with the POCA.
- ii. The definition of “authorized officer” should be reviewed.
- iii. Roles of the Commission and the FIU should be clearly stated.
- iv. The definition for “enforcement officer” should be deleted as it does not appear in the Bill and overlaps with the term “authorised officer”.
- v. Appointment of Commissioners should be by the President rather than the line Minister.
- vi. Clause 11, an operator/owner of a casino ought not to be a member of the Commission.
- vii. The delegation to a member or a committee, power and authority to carry out functions as the Board may determine as stated in Clause 12 (7), should be by instrument in writing.
- viii. CBTT suggested that the phrase “or cause to be inspected” be inserted into Clause 14(o).
- ix. Clause 30 be updated to reflect the change from the Central Tenders Board Act to the Public Procurement and Disposal of Public Property Act No. 1 of 2015.
- x. Clause 32(2) needs to be clear on who are key employees.
- xi. Clause 33(3) should be clarified as “operating licence” does not appear to be such a category of licence of the Bill.
- xii. Clause 34(4) should refer to 33 (6) and not 33 (5).
- xiii. It should be stated in Clause 41 (2) (j) who will prescribe an associate and a key employee and whether this would be done by the Commission or the Minister or the Board.
- xiv. Clause 46 (3) the word “revoked” should be replaced by the word “suspended”.
- xv. It should be clarified how the rules of the Commission will be made and enforced pursuant to Clause 58(1).
- xvi. Clause 77 (4), should specify what means of publication would be used to inform persons of any criteria which the Gambling Commission may add

for determining what constitutes or does not constitute the provision of facilities for gambling.

9.4 Mrs. Francis-Pantor made closing remarks and indicated that each financial institution is obligated to conduct its own due diligence in relation to large deposits made by clients.

9.5 The Chairman thanked the representatives of CBTT for their attendance and excused them from the meeting.

Mr. Gerard Sooklal was invited to join the meeting at this time

10.1 The Chairman welcomed Mr. Sooklal.

10.2 The following issues were discussed:

- i. There are no regulations specifically for roulette machines in bars.
- ii. Any person operating gaming machines should be regulated by the FIU, since Members Clubs are regulated by the FIU.
- iii. Since Gaming Laboratories International compliance is already done overseas, doing it a second time in Trinidad and Tobago is unnecessary and costly.

10.3 The Chairman thanked Mr. Sooklal for his attendance and excused him from the meeting.

Representatives from the Betting Levy Board (BLB) were invited to join the meeting at this time

11.1 The Chairman welcomed the representatives of the BLB and asked them to introduce themselves.

11.2 Representing BLB were:

- | | |
|-----------------------|-------------------------|
| ▪ Mr. Kama Maharaj | Chairman |
| ▪ Mr. Richard Jackson | Chief Executive Officer |
| ▪ Mr. Kenwyn Ogeer | Consultant |

11.3 Mr. Maharaj made opening remarks and opined that the horse racing industry and by extension the betting industry, is dying.

11.4 Issues discussed included:

- i. Schedule 5 Section 5 (c) of the Bill on repealing section 12 (1) of the Betting Levy Board Act. Representatives expressed the view that the racing industry is unable to pay 50% of monies collected into the Consolidated Fund.

- ii. The person cheating should also be guilty of an offence as well as the shop owner.

11.5 The Chairman thanked the BLB for their attendance and excused them from the meeting.

ADJOURNMENT

12.1 The Chairman deferred the interviews with Ma Pau Members Club, Trinidad and Tobago Members Club Association and Union of Members Club and Lottery Workers to Wednesday September 6, 2017 at 10:00 a.m.

12.2 The Chairman thanked Members and adjourned the meeting to Wednesday September 6, 2017 in the A.N.R. Robinson Meeting Room (East) and subsequently, the A.N.R. Robinson Meeting Room (West).

12.2 The adjournment was taken at 1:20 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

September 5, 2017



**JOINT SELECT COMMITTEE ON THE GAMBLING (GAMING AND BETTING)
CONTROL BILL, 2016**

**MINUTES OF THE CONTINUATION OF THE SIXTH MEETING HELD IN THE
A.N.R. ROBINSON MEETING ROOM (WEST), LEVEL 9 AND THE A.N.R.
ROBINSON MEETING ROOM (EAST), LEVEL 9, PARLIAMENT TOWER D, PORT
OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON
ROAD, PORT OF SPAIN ON WEDNESDAY SEPTEMBER 6, 2017 AT 10:00A.M.**

PRESENT

Committee Members

Mr. Colm Imbert, MP	-	Chairman
Mr. Stuart Young, MP	-	Member
Mr. Ganga Singh, MP	-	Member
Mr. Rudranath Indarsingh, MP	-	Member
Mr. Paul Richards	-	Member
Ms. Melissa Ramkissoon	-	Member

Secretariat

Mr. Brian Caesar	-	Clerk of the Senate
Ms. Vahini Jainarine	-	Assistant Secretary
Ms. Shanice Ramdhan	-	Legal Research Assistant

Office of the Chief Parliamentary Counsel (CPC)

Ms. Laura Ramnath	-	Senior Parliamentary Counsel (Ag.)
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ABSENT/EXCUSED

Mr. Faris Al-Rawi, MP	-	Vice-Chairman
Mrs. Paula Gopee-Scoon	-	Member
Ms. Nicole Olivierre, MP	-	Member
Mr. Wade Mark	-	Member
Mr. Foster Cummings	-	Member

COMMENCEMENT

1.5 The meeting was called to order by the Chairman at 10:04 a.m. to a subsequent meeting.

CONFIRMATION OF MINUTES

2.1 The Committee agreed to defer the confirmation of the Minutes of the Fifth Meeting held on Friday May 26, 2017.

OTHER BUSINESS

3.1 The Chairman advised Members that the following entities had submitted comments on the Gambling (Gaming and Betting) Control Bill, 2016 ("the Bill") which were circulated to Members:

- x. Ma Pau Members Club;
- xi. The Grace Connection;
- xii. The Eye on Dependency;
- xiii. The Union of Members Club and Lottery Workers;
- xiv. Trinidad and Tobago Racing Authority;
- xv. Trinidad and Tobago Members Club Association;
- xvi. Princess Entertainment Corporation;
- xvii. Bookmakers Association of Trinidad and Tobago;
- xviii. Association for Amusement Gaming Machines;
- xix. Customs and Excise;
- xx. Trinidad and Tobago Police Service; and
- xxi. Hamel-Smith & Co, Attorneys-at-Law, Trademark and Patent Agents.

The Chairman further advised that representatives from each entity had been invited to appear before the Committee.

SUSPENSION

4.1 The Meeting was suspended at 10:06 a.m.

[Members proceeded to the A.N.R. Robinson (East) Meeting Room where stakeholders were invited for discussion with the Committee]

RESUMPTION

5.1 The Meeting resumed in the A.N.R. Robinson (East) Meeting Room at 10:30 a.m. and CPC was invited into the meeting.

DISCUSSION WITH STAKEHOLDERS

Representatives of Ma Pau Members Club were invited to join the meeting at this time

6.1 The Chairman welcomed the representatives of Ma Pau and asked them to introduce themselves.

6.2 Representing Ma Pau were:

- Mr. John Wallis Founder
- Mr. Brian Phillip Manager
- Ms. Grace Clarke Employee

6.3 Mr. Wallis made opening remarks and opined that the industry is being singled out for harsh treatment by this legislation.

6.4 Issues discussed included:

- iii. Casino owners should be members of the Commission.
- iv. Clause 14 (2) (g) on inspection of machines. Mr. Wallis advised that gaming and gambling machines are already inspected by manufacturers.
- v. Clause 14 (r) on the Commissioners' direct access to a computerised internal system, representatives felt it will be a risk to casino operators.
- vi. Regulation 7, Clause 3 (F) of the Gambling (Gaming and Betting) Control (Application for Gaming Licences) Regulations 2015, are too onerous and unnecessary information is required.
- vii. Clause 32 on licenses as a gaming lounge, if bars are to be licensed under this clause it was felt that too many applications for licenses will be made and result in slowing the system down.
- viii. Clause 36 on the duration of a license being increased to ten (10) years due to the major investment in a casino.
- ix. An employee that commits an offence should be liable and not affect the employer.
- x. The onerous nature of fines outlined in Clause 83.
- xi. Whether patrons should be allowed to keep their firearm on their person in casinos.
- xii. Schedule 2, the fit and proper criteria needs to be reviewed.
- xiii. Ma Pau felt that under Part 2 of the Regulations on computerised record keeping five (5) days to test a system was insufficient.
- xiv. Part 4 of the Regulations to the Bill, the self-exclusion programme, a person is not likely to submit themselves.
- xv. Temporary licenses should not be allowed because it will encourage favoritism.
- xvi. Part 5 of the Regulations on specific internet betting provisions. Ma Pau opined that it is too late to have this implemented.

- xvii. The Financial Intelligence Unit (FIU) should be responsible for Anti Money Laundering (AML) not the Commission.

6.5 At the end of the presentation, the Chairman thanked the representatives of Ma Pau for their attendance and excused them from the meeting.

Representatives of the Grace Connection were invited to join the meeting at this time

7.1 The Chairman welcomed the representatives of the Grace Connection and asked them to introduce themselves.

7.2 Representing the Grace Connection were:

- Ms. Barney Georgia DeFour Director
- Ms. Learie DesVignes Minister of the Gospel, New Testament, Church of God, Tunapuna

7.3 The Director of the Grace Connection made opening remarks and stated that the Grace Connection is an organisation that assists prisoners to get back into society.

7.4 The issue discussed was the effects of Problem Gambling and its addictive nature.

7.5 The Committee agreed to allow Grace Connection time to review the Bill and make further submissions on Problem Gambling.

7.6 At the end of the presentation, the Chairman thanked the representatives of the Grace Connection for their attendance and excused them from the meeting.

Representatives of the Eye on Dependency were invited to join the meeting at this time

8.1 The Chairman welcomed the representatives of the Eye on Dependency and asked them to introduce themselves.

8.2 Representing the Eye on Dependency were:

- Ms. Natasha Nunez Host/Producer
- Mr. Garth St. Clair Host/Producer
- Mr. Wayne Lee Case Worker, Gamblers Anonymous

8.3 Issues discussed included:

- i. Each scratch card or lottery ticket should carry a hotline number to assist problem gamblers. Gamblers Anonymous has offered to receive all calls coming to the hotline.
- ii. The Bill should provide sanctions for those caught assisting minors to gamble.

- iii. If minors are caught gambling they should be referred to a psychologist.
- iv. Limiting the flow of roulette machines may assist the above mentioned process.

8.4 At the end of the presentation, the Chairman thanked the representatives of the Eye on Dependency for their attendance and excused them from the meeting.

Representatives of the Union of Members Club and Lottery Workers (the Union) were invited to join the meeting at this time

9.1 The Chairman welcomed the representatives of the Union and asked them to introduce themselves.

9.2 Representing the Union were:

- Mr. Joshua Johnson Assistant General Secretary
- Ms. Veronica Forde Vice President
- Ms. Christibelle Crosby Executive

9.3 Issues discussed included:

- i. Clause 76 (16) on cheating, the owners should pay these fines not an employee. An employee could easily be directed to cheat by a supervisor unknowingly.
- ii. The fit and proper requirement for employees is unnecessary and needs to be reviewed.
- iii. Amusement machines do not generate the same winnings as casinos do therefore there should be a separate regime.

9.4 The Committee requested that the Union of Members Club and Lottery Workers provide statistics on the percentage of workers within the gambling industry who have criminal backgrounds.

9.5 The Chairman thanked the representatives of the Union for their attendance and excused them from the meeting.

Representatives of the Trinidad and Tobago Racing Authority (TTRA) was invited to join the meeting at this time

10.1 The Chairman welcomed the representatives of the TTRA and asked them to introduce themselves.

10.2 Representing the TTRA were:

- Mr. Richard Freeman Board Member
- Mr. Hayden Manzano Board Member
- Ms. Josette McDavid Secretary

- Ms. Kimberleigh Peterson Board Member

10.3 The following issue was discussed:

- i. The subsidisation of the horse racing industry is potentially discouraging foreign investment.

10.4 The Chairman thanked the TTRA for their attendance and excused them from the meeting.

SUSPENSION

11.1 The Meeting was suspended at 12:59 p.m. for lunch.

RESUMPTION

12.1 The Meeting resumed in the A.N.R. Robinson (East) Meeting Room at 1:39 p.m.

Representatives from the Trinidad and Tobago Members Club Association (TTMCA) were invited to join the meeting at this time

13.1 The Chairman welcomed the representatives of the TTMCA and asked them to introduce themselves.

13.2 Representing TTMCA were:

- Ms. Sherry Persad President
- Mr. Murat Pirncciglu Executive Member
- Mr. Jagdeo Singh Attorney at Law

13.3 Mrs. Persad made opening remarks and opined that the industry is already meeting the stringent requirements of attaining a licence and complying with inspections and taxes for equipment. The industry is listed under the Proceeds of Crime Act (POCA) and audited by the Financial Intelligence Unit (FIU). Regulations are in place.

13.4 Issues discussed included:

- i. The need to clarify the duties of the “authorized officer”.
- ii. Consideration of who would be the proper defendant if the authorised officer is the Commissioner of Police. Would the proper defendant be the Gambling Commission or the Commissioner of Police?
- iii. The need for a review of the definition of the term “vulnerable person”.
- iv. Board members should be appointed by the President and not a line Minister.
- v. Clause 18 creates only summary offences.
- vi. A definition of “key personnel” should be inserted.
- vii. Clause 42 (1) there is no need to assess a licensee as fit and proper.

- viii. Clause 45 (2) (b), “criminal offence” should not be open ended. The Committee agreed to look at best practice.
- ix. Clause 70 (2) (d), an officer should not be allowed to take copies of documents from a gambling establishment.
- x. Clause 70 (2) (h), there is no power of arrest.
- xi. Clause 72, this should include a penalty for an offending officer.
- xii. Regulations too bulky and difficult.

13.5 Mr. Singh gave an undertaking to submit an additional response to the Bill with further recommendations.

13.6 The Chairman thanked the TTMCA for their attendance and excused them from the meeting.

Representatives from the Princess Entertainment Corporation (Princess) were invited to join the meeting at this time

14.1 The Chairman welcomed the representatives of Princess and asked them to introduce themselves.

14.2 Representing Princess were:

- Yigit Oktenoglu General Manager
- Tay Fun Kilic General Manager
- Murat Pirinccioglu General Manager

14.3 Issues discussed included:

- i. Part II Clause 4(2)(d) of the Regulations on application for licences, should be deleted, as it requires too much information.
- ii. Part II of the Regulations on application for licences, section 4(4), renewal of licences process should be automatic, original documents should not be required at each renewal. (reference made to the passport renewal system).
- iii. Machines are already inspected by suppliers.
- iv. Machines that are manufactured in Trinidad would need to be certified.
- v. Different chips for each location is unreasonable for a chain such as Princess Entertainment.

14.4 The Chairman thanked the Princess Entertainment Corporation for their attendance and excused them from the meeting.

The President of the Bookmakers Association of Trinidad and Tobago was invited to join the meeting at this time

15.1 The Chairman welcomed the President, Mr. Peter George and allowed him to introduce himself.

15.2 The issues discussed included:

- i. Instead of a 10% tax on bets, there should be a license fee.
- ii. The law forbidding horse racing and by extension, betting, on a Sunday needs to be reviewed.

15.3 The Chairman thanked Mr. George for his attendance and excused him from the meeting.

Representatives from the Association for Amusement Gaming Machines (AAGM) were invited to join the meeting at this time

16.1 The Chairman welcomed the representatives of AAGM and asked them to introduce themselves.

16.2 Representing AAGM were:

- | | |
|-----------------------------|-----------------|
| ▪ Mr. Russell Bahadoorsingh | President |
| ▪ Mr. Kiel Taklalsingh | Attorney at Law |

16.3 Mr. Bahadoorsingh made opening comments and opined that the Bill could completely destroy the amusement gaming sector.

16.4 Issues discussed included:

- i. The Amusement Gaming Sector is regulated under the Liquor Licence Act.
- ii. Amusement machines are programmed to give small cash outs and there are no jackpots or large winnings.
- iii. There are two hundred (200) operators of amusement machines and over 2,000 bars that carry machines for patrons' use.
- iv. Police officers are vested with the authority to inspect licences.

16.5 The Chairman thanked the AAGM for their attendance and excused them from the meeting.

Representatives from the Customs and Excise Division and the Trinidad and Tobago Police Service (TTPS) were invited to join the meeting at this time

17.1 The Chairman welcomed the representatives of both the Customs and Excise Division and the Trinidad and Tobago Police Service (TTPS).

17.2 The Chairman asked the representatives from the Customs and Excise Division to introduce themselves.

17.3 Representing Customs and Excise were:

- | | |
|------------------|-------------------|
| ▪ Mr. Glen Singh | Comptroller (Ag.) |
|------------------|-------------------|

- Mr. Keith Huggins Assistant Comptroller (Ag.)
- Mr. Harricharan Kassie Senior State Counsel (Ag.)
- Mr. Richard Smith Chief Preventive Inspector (Ag.)

17.4 Issues discussed included:

- i. Customs officers should be included as an “authorized officer”.
- ii. The Finance Act 2014, allows persons to import gambling machines.

17.5 The Chairman thanked Customs and Excise for their attendance and excused them from the meeting.

17.6 The Chairman welcomed the representatives of the TTPS and asked them to introduce themselves.

17.7 Representing the TTPS were:

- Mr. Harold Philip Commissioner of Police (Ag.)
- Mr. David Subero Sergeant/Legal Officer
- Mr. Terrance Pierre Inspector
- Mr. Kazim Ali Sergeant/Legal Officer

17.8 Issues discussed included:

- i. Responsibilities given to Police Officers in the Bill should also be given to Municipal Police Officers and Special Reserve Police Officers.
- ii. There should be one Gaming Commission to manage all gaming, including the National Lottery Control Board.
- iii. Definition of “private gaming” needs to be reviewed. If one is in possession of a machine, there needs to be proof that the machine is used for its purpose.
- iv. Definition for “enforcement officer” should be deleted
- v. Clause 47(5) and Clause 51, is this judicial review process or is the High Court to have appellate jurisdiction.
- vi. Clause 78 – definition for a “prohibited area” needs to be examined.

17.9 The Chairman thanked the TTPS for their attendance and excused them from the meeting.

ADJOURNMENT

18.1 The Chairman thanked Members and adjourned the meeting to Wednesday September 13, 2017 at 10:30 a.m. in camera in the A.N.R. Robinson Meeting Room (East), Level 9 Office of the Parliament, International Waterfront Centre, 1A Wrightson Road, Port of Spain.

18.2 The adjournment was taken at 4:14 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

September 06, 2017



**JOINT SELECT COMMITTEE ON THE GAMBLING (GAMING AND BETTING)
CONTROL BILL, 2016**

**MINUTES OF THE SEVENTH MEETING HELD IN THE A.N.R. ROBINSON
MEETING ROOM (WEST), LEVEL 9, PARLIAMENT, TOWER D, PORT OF SPAIN
INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF
SPAIN ON SEPTEMBER 13, 2017 AT 10:30 A.M.**

PRESENT

Committee Members

Mr. Colm Imbert, MP	-	Chairman
Mrs. Paula Gopee-Scoon	-	Member
Mr. Ganga Singh, MP	-	Member
Mr. Rudranath Indarsingh, MP	-	Member
Mr. Wade Mark	-	Member
Mr. Foster Cummings	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Vahini Jainarine	-	Assistant Secretary
Ms. Shanice Ramdhan	-	Legal Research Assistant

ABSENT/EXCUSED

Mr. Faris Al-Rawi, MP	-	Vice-Chairman
Ms. Nicole Olivierre, MP	-	Member
Mr. Paul Richards	-	Member
Ms. Melissa Ramkissoon	-	Member
Mr. Stuart Young, MP	-	Member

COMMENCEMENT

1.1 The meeting was called to order by the Chairman at 10:52 a.m.

CONFIRMATION OF MINUTES OF THE FIFTH MEETING DATED MAY 26, 2017

2.1 The Committee considered the Minutes of the Fifth Meeting held on May 26, 2017.

2.2 The Committee agreed to the following amendment:

- **Page 2, Para. 2.1** the word “forth” be replaced with the word “fourth”.

2.3 There being no further corrections, the motion for the confirmation of the Minutes was moved by Mr. Wade Mark and seconded by Mr. Ganga Singh and the Minutes were confirmed by the Committee.

MATTERS ARISING FROM THE MINUTES OF THE FIFTH MEETING DATED MAY 26, 2017

3.1 The Chairman enquired as to whether there were any matters arising from the Minutes.

3.2 The Chairman brought the following matters to the attention of the Committee:

Item 3.3

- Advertisements for an expert consultant were published as follows:

Daily Newspapers

Trinidad Guardian :	Thursday June 22, 2017 Sunday June 25, 2017
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Trinidad Express :	Friday June 23, 2017 Monday June 26, 2017 Friday June 30, 2017
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Newsday:	Saturday June 24, 2017 Wednesday June 28, 2017
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- Parliament’s Facebook page from June 9, 2017.
- Parliament’s Website from June 8, 2017.
- In response to the advertisement fifteen (15) applications were received:
 1. Mr. Ernest C. Matthews;
 2. Dr. Emir Crowne;
 3. Atlantic Casino Consultants;
 4. Mr. Andy Danson;
 5. Gaming Laboratories International;
 6. Mr. Stephaun Stanislaus;
 7. Mr. Steve Donoughue;

8. Mr. Gerard Sooklal;
9. Ms. Tricia Chin;
10. Mr. Francisco Alcazar;
11. Mr. Cleveland Allen and Ms. Audrey Robinson;
12. Mr. Alan Pedley;
13. Governance Associates Limited;
14. Walter Fioravanti; and
15. Mr. Amir Amirsadri.

Item 3.4

- The Secretariat wrote to the following Gambling Commissions seeking recommendations for an expert consultant –
 - The Casino Gaming Commission of Jamaica;
 - The Gaming and Leisure Association of Ireland;
 - The Gambling Commission of the United Kingdom;
 - Nevada Gaming Control Board Gaming Commission; and
 - The International Association of Gaming Advisors.
- Correspondence was received from the Nevada Gaming Control Board Gaming Commission, The Gambling Commission of the United Kingdom and The Gaming and Leisure Association of Ireland who all indicated that they were unable to provide assistance based on their respective policies.

CONFIRMATION OF MINUTES OF THE SIXTH MEETING DATED TUESDAY SEPTEMBER 5, 2017 AND WEDNESDAY SEPTEMBER 6, 2017

4.1 The Committee considered the Minutes of the Sixth Meeting held on Tuesday September 5, 2017 and Wednesday September 6, 2017.

4.2 There being no corrections, the motion for the confirmation of the Minutes was moved by Mr. Ganga Singh and seconded by Mr. Rudranath Indarsingh and the Minutes were confirmed by the Committee.

MATTERS ARISING FROM THE MINUTES OF THE SIXTH MEETING DATED TUESDAY SEPTEMBER 5, 2017 AND WEDNESDAY SEPTEMBER 6, 2017

5.1 The Chairman enquired whether there were any matters arising from the Minutes.

5.2 There were no matters arising from the Minutes.

OTHER BUSINESS

6.1 Discussion ensued on the way forward in relation to the consideration of the fifteen (15) applications received for an expert consultant.

6.2 The Chairman requested that Members submit to the Secretariat, a list of applicants to be short listed, no later than 4:00 p.m. on Thursday September 14, 2017.

6.3 The Chairman requested that the Secretariat conduct due diligence research on the fifteen (15) applicants.

6.4 The Chairman further requested that the Secretariat create a short list of applicants based on the Members' responses.

6.5 The Committee agreed that in light of the imminent prorogation of the Second (2nd) Session the Chairman will lay the Final Report of the Committee at the next sitting of the House of Representatives on Friday September 15, 2017, recommending that the Committee's work be carried over into the Third Session of the Eleventh Parliament.

ADJOURNMENT

7.1 The Chairman thanked Members and adjourned the meeting to a date to be determined.

7.2 The adjournment was taken at 11:08 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

September 13, 2017

SUBMISSIONS

7th March 2017

Minister Hon. Cohn Imbert, MP
Chairman
Joint Select Committee -GAMING BILL
Parliament of the Republic of Trinidad and Tobago
Wrightson Road
Port of Spain

RE: 2016 Gambling Bill

Chairman Minister Colm Imbert:

I wish to express my extreme displeasure in the manner and way in which the call for public comment on the Gaming Control Bill 2016.

The Parliament of Trinidad & Tobago in developing good law by employing the Joint Select Committee provision of the Standing Orders has an obligation to the population to do so in a manner to solicit the best from a public call for comments.

I find it offensive that the Joint Select Committee that is examining the Gaming and Control Bill 2016, with a duty and responsibility to report to the Parliament where the said Bill will be eventually and ultimately debated to its final conclusion, has failed to make public the correspondent Gaming Regulations. This is, in my view a gross dereliction of duty to the Parliamentary and public made doubly offensive given that while in Opposition the Government had lamented that Regulations needed to be laid along with the Gaming Bill.

As a stakeholder in this Gaming Industry I have reviewed the Bill before the Joint Select Committee and I have formed serious concerns about its practical applicability to the industry. I am however unwilling and unable to present my concerns before the JSC due to the persistent and inescapable void made obvious by the absence of the required Regulations.

I therefore ask the Committee to defer the deadline for submissions on the Gaming Bill until and after the Regulations is made public. Only then will I be in an educated position to make my presentation to the JSC.

Additionally I wish to officially place on the record in what appears to be calculated and mysterious manner in which the advertisement. Placed on Carnival Sunday it was almost as if the JSC was attempting to ensure that persons did not see the advertisement to participate in the process.

For the record I wish to be heard before the Committee when it convenes its hearings on the Bill and Regulations.

I await your response.

Regards
Anoop Sumessar

1. National Lotteries:

The NLCB has to endure a lot of unfair competition from the illegal operators who use the NLCB numbers in their 'business'. These operators do not pay tax, and are to be found in every part of the country, undermining the NLCB and encouraging corruption. They compete with the operations of the Govt-owned NLCB and take business away from the 900 legal NLCB agents who often have to pay rent and staff in order to maintain their concessions. In the old days, persons running the 'bush mark' were penalized heavily by the police and the courts, but today it seems there is no control over these illegal operations. The NLCB has had to come up with new games to compete with the higher rates being paid out (35%) and create its own form of roulette game to compete with the Chinese. The old and new laws should address this scourge of lawlessness in order to maintain a level playing field. These illegal operators should never be granted betting licences for play whe so that the State -run NLCB could capitalize on the entire betting pool for the benefit of the wider society.

2. Horse Racing:

The private betting pools are competing directly with the State-funded Arima Race Club (ARC) for scarce financial resources invested by the betting public. However, these private betting pools operate like a law unto themselves. There are two main issues which deserve attention. Firstly, while the bettor is allowed to bet as much as he wants, the pools limit the payouts which are announced by the race tracks. For example, at Goodwood Racing Service, if a \$1 English exacta pays \$350.00 the winning bettor is paid only a limit of \$250.00 which is arbitrary and illegal. Secondly, these pools do not offer some of the bets which are conducted by the governing ARC such as Superfecta and High5. My contention is that if a horse racing pool has to be granted a licence to operate, it should specify that all payments made on the tracks for which the bet is made have to be honoured, and secondly, all types of betting approved by the ARC in T&T should be mandatory in the private pools, as already applies in the OTBs. These private pools should also be linked electronically to the ARC for co-mingling which would allow for more consistency and accountability between the ARC and the pools, for the benefit of all stakeholders. Some of the private pools still have ways and means of robbing the Govt of the 10% tax, especially for large bets.

The issues mentioned above are a reflection of some of the problems plaguing our betting industry on a daily basis. Both of these loopholes could facilitate money laundering and financing of terrorism. While the new Gambling Bill might be focused on legal and administrative matters, the JSC should take into account comments such as those above to guide the development of the final product.

A Ramnarine

6/3/17

To the Joint Select Committee: THE GAMBLING CONTROLL BILL

To whom it may concern,

I am an operator in the gaming/gambling industry, have a few concerns in the proposed bill as there seems to be double meaning to some areas of the bill involving machines/equipment, licenses, and what is considered amusement and gaming /gambling. I have analysed a few areas where one can clearly see that the equipment/ machines are considered gambling devices cannot and should not be considered AMUSEMENT as amusement is not for gain of cash or anything else other than amusing oneself and gambling is strictly for the intent of cash gain.

AMUSEMENT - The state of being amused, entertained, or pleased. Something that amuses, entertains, or pleases

AMUSEMENT LOUNGE - To move or act in a lazy, relaxed way

AMUSMENT MACHINE – Arcade machine

GAMBLING- play games of chance for money; bet. (Take risky action in the hope of a desired result.)

GAME OF CHANCE a game that involves gambling

GAMING - 1. Gambling, especially casino gambling.

2. The playing of games, especially video reel and teamed .games

SLOT MACHINE -1 A gambling machine operated by inserting coins into a slot and pulling a handle that activates a set of spinning symbols on wheels, the final alignment of which determines the payoff that is released into a receptacle at the bottom.

2. Any machine operated by inserting coins into a slot, as a vending machine.

ROULETTE MACHINE

1. A gambling game in which a ball is dropped on to a revolving wheel with numbered compartments, the players betting on the number at which the ball comes to rest.
2. Players wager money in hope of desired number win pay 34 to 1 bet...

As I have inserted above the meaning of what these words are and how different they are and it shouldn't be classified as the same or similar under gambling period, as under a bar license only spiritual liquor and a game like pool etc. should only be permitted to bars. 83:10 is not a gambling licence.

What about the \$500,000.00 bond the under the 21:01 act that operators has had to pay, why are bars and Chinese restaurant being allowed to conduct gambling in any manner.

Then one can give up their licence under 21:01 and acquire a licence under 83:10 and not pay such a huge bound and gaming taxes and conduct same gambling at a lesser cost to the operator.

It's a big mix up and the interpretation of the entire gambling sector has been misunderstood or misrepresented by key stakeholders in the industry. I am therefore asking to clarify why bars and Chinese restaurant are being allowed to use roulette machine for the purpose of "amusement" with the pay-out value of \$5000.00 which is gambling (**GAMBLING**- play games of chance for money; bet. (Take risky action in the hope of a desired result.)**GAME OF CHANCE** a game that involves gambling **GAMING** - 1. Gambling, especially casino gambling). Clearly there is a huge problem. Private members club are meant to keep gambling private out of the sight of children and the vurnable however that isn't being done as a child going to a Chinese restaurant is opened to gambling and increase crime in these type of illegal operations not withstanding that a child can see gambling taking place in bars throughout Trinidad and Tobago as these roulette machines and cherry masters are placed in plain sight of their doorways and mounted at the front of these bars and restaurant.

So this is my concern and what the JSC will do about it as its overbearing to see the gambling industry is now being used as a "AMUSEMENT" racket to evade taxes and misrepresent what Private Members Club (Casino) should be.

MEMBERS CLUBS TAXES 21:01		VERS	BAR TAXES 83:10	
ROULETTE	\$60,000.00		\$3000.00	(SAME DEVICE)
SLOT MACHINE	\$ 12,000.00		\$3000.00	(SAME DEVICE)
BOND	\$ 500,000.00		N/A	(Both places conduct Gambling)

How is this and why is nothing being done about it?

It's not fair to penalize one and leave the other to do the same under fake misrepresented gestures as its posing crime rate and opened to the plain eyes of children.

Also the evasion of fiu which is placed on members clubs and not bars which I believe has shifted money laundering as bars and restaurants evade fiu regulations.

The due diligence information seems to be highly extensive, more than anywhere else in the world towards its locals. Maybe we can find another way to get the relevant information and background history on said applicants. However, it will be easier to gather information on locals but foreigners now are the ones we would have to conduct extensive investigations on as they are coming into our country and obtaining licences etc. very easily. Additionally we are not sure of who these foreigners are and where they originated from. One must question what their reason for choosing our country and investigate why they want to operate in Trinidad. We must create barriers to entry as they may be the said people who are coming into our country to launder money, traffic drugs and finance terrorism etc.

My final point in this bill is to elaborate on how police can abuse their powers for personal gain if permission is given to them to go into the 'casinos' and get documents or conduct inquiries etc. it is not permitted by the USA or any other country unless there is a court order etc. therefore for Committee to give such authority to the police to enter these establishments will encourage and add to present countless corruption and dishonesty in this industry.

In my closing statement, I am hopeful that the Committee is better able to understand and address the concerns that I have foreseen which would have a huge effect on the gambling industry if not corrected.

Special thanks to those who have took the time and effort to view my concern, I do hope we can all work together to resolve all the weaknesses and flaws in the bill. This bill is fundamental to the success of the industry and needs to be putted into prospective swiftly but then again diligently.

Thank you again for your consideration towards my contribution

Yours respectfully

Gerard Sooklal

7th March 2017

Hon. Colm Imbert, MP

Chairman

Joint Select Committee – GAMING BILL

Parliament of the Republic of Trinidad and Tobago

Wrightson Road

PORT OF SPAIN

Re: Gambling Control Bill

Dear Minister Colm Imbert,

As a Manager in a Private Members Club in East Trinidad I wish to commend the Government of Trinidad and Tobago in bringing legislation in attempt to regulate the industry in which I am employed. For many, many, many years there has been several calls by the responsible and civic minded members of the gaming industry for legislation to regulate the industry.

I am sure Minister Imbert you are aware that the Private Members Club industry is very demanding and time consuming for the management (such as myself). Therefore it should be no surprise that I took advantage of the Carnival season for a short vacation. I only returned to the country following Carnival. Upon my arrival I was informed by my staff that there was an article on Carnival Sunday inviting the public to comment on the legislation that is being reviewed by the Joint Select Committee of the Parliament of the Republic of Trinidad and Tobago. Unfortunately as a result I feel extremely disadvantaged and pressed to respond within the stipulated time-frame. It will be highly appreciative if you can push back the deadline further to allow persons such as myself who were affected by the Carnival season to have the opportunity to engage your Committee on this very important law for our industry.

Further to this Minister Imbert, there appears to be a deficiency which requires your immediate attention and action, so as not to hamper the proper functioning and role your Committee with regards to this particular law under review. The law being studied makes reference to Regulations in several instances but nowhere I have looked to get a copy I was successful. The absence of the very critical legal document to the legislation is imperative to fully understanding how the law will control and regulate the gaming industry. With this in mind I appeal to your Committee to supply myself and all other interested persons a copy of the

Regulations well in advance of the deadline for the public comments. This will facilitate the consideration of the two documents in the manner and way which I am sure will be appreciated by the Committee.

Yours truly,



Joshua Johnson

7th March 2017

Hon. Colm Imbert, MP
Chairman
Joint Select Committee – GAMING BILL
Parliament of the Republic of Trinidad and Tobago
Wrightson Road
Port of Spain

REQUEST FOR AN EXTENSION OF DEADLINE RE : Gambling Control Bill

Minister Colm Imbert:

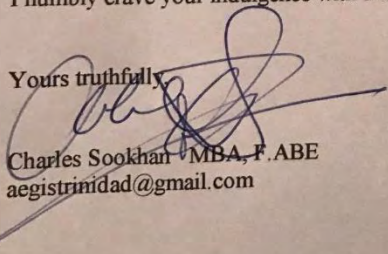
Honourable Minister, I find myself in the unenviable position of having to request of the Joint Select Committee on the Gambling and Control Bill 2016 an extension of time.

I am compelled to make this request due to the fact that I saw the advertisement on Carnival Sunday but unfortunately due to the commitments of my business at that particular time I could not devote the attention to draft an appropriate response in time.

Additionally I find it very difficult to formulate a response of the Bill without having sight of the Regulations which is supposed to work alongside the Bill.

I humbly crave your indulgence with this request.

Yours truthfully,



Charles Sookhan MBA, F.ABE
aegistrinidad@gmail.com

6/3/17

To the Joint Select Committee: THE GAMBLING CONTROL BILL

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12 Santa Rita Trace,

St. Joseph

7th March, 2017.

The Secretary

Joint Select Committee on the
Gambling (Gaming and Betting) Control Bill, 2016.
Office of the Parliament of Trinidad & Tobago
Level G-9, Tower D
International Waterfront Centre
1A Wrightson Road,
Port-of-Spain.

Dear Sir/ Madam,

My name is Michelle Espinoza. I reside in St. Joseph and I am currently employed with a small Private Members Club in the Curepe area.

I am a single parent of two (2) children who are dependents as they are in tertiary level education. I have worked in the Members Club since its formation in 2009. At that point in my life, I was virtually homeless and the job that I had at the time was not able for me to meet my obligations. I am forever grateful for the opportunity that was given to me as I was hired as a Junior Floor Manager. I am now a Senior Floor Manager. My education was very basic as I attended secondary school and achieved a school leaving certificate. If not for this job at the Private Members Club, I do not know what would have happened to me or my children.

It is in this light that I write to this Joint Select Committee on the Gambling (Gaming and Betting) Control Bill, 2016. I have seen the bill and have had a chance to look at some of the items that are contained in this bill.

I am very alarmed as to the levels of fines and jail time contained in this bill. I am very concerned as to my being able to be granted a Personal License so that I can continue to take care of my family. The absence of the Regulations that accompany this bill is of concern to me as this is my livelihood. I am concerned with the fact that due to legislation, if the club that I am employed with was to be forced to close, what would become of my length of service? I am

concerned that the Fit and proper criteria contained in this bill would exclude me because of my education. I am concerned that my parents who like to visit the Members Club to pass their time as it is a safe environment for them can be guilty by association, if they are playing on a table game where collusion that is not within their control happens and they may be deemed to be liable to significant fines and penalties and therefore by extension, this can affect my ability to continue to work in this industry.

I have paid all statutory payments as these were deducted from my salary and paid to the relevant authorities. I have in my little way, contributed to the revenue stream of this country of which I am proud of. This small Members Club has over the years given me interest free loans, advances on my salary when I needed it. I have personally witnessed where many employees were given time off to go and further their studies and all the benefits that were given to me was allowed to all staff. Many staff members who came to the job pregnant was paid maternity benefits even though they were not supposed to be paid as they worked less than a year. I have worked and nurtured many young ladies and gentlemen who came from single parent homes and who would not be given an opportunity to work in other establishments. This industry has been my savior and to many families that I know. Creating a harsh and oppressive Bill will only seek to demoralize the young and vulnerable in our society. Many would lose their jobs and many are also single parents. This small Private Members Club has been like a second home to many of our elderly and senior citizens as they are able to socialize in a safe and controlled environment.

Given my present educational background which is at the bare minimum, I personally believe that I will not be able to start over my career and find a job that will enable me to take care of my family.

I am therefore on behalf of all my fellow workers plea with this Joint Select Committee to be fair with our industry and protect our jobs.

I would like to take this opportunity to thank you for your time and consideration.

Respectfully,

Michelle Espinoza

Michelle Espinoza.

491-7000

SUBMISSION FOR THE JOINT SELECT COMMITTEE ON THE GAMBLING (GAMING AND BETTING) CONTROL BILL 2016

Even if the Government of Trinidad & Tobago sees gambling as a contributor to the national economy; we must keep in mind all the rehabilitative initiatives that the Government and non governmental agencies will have to invest in for recovery due to the damages of addiction. Gambling promises fun and entertainments but delivers financial ruin, broken homes and deprives school children of money for their education.

If we are to take some lessons from Macau which is a special administrative district of China in the South China Sea. Here the gaming industry and legalized gambling is the main contributor to the economy. This invites prostitution and an influx of visitors for this reason. In this regard, young girls are imported to work in the sex trade, while large tourist groups visit the territory for this purpose

Due to legalized gambling Macao has become a gambling enclave. Gaming contracts were granted to only a handful of figureheads linked to each other in a complex network of associations, fierce competition and backstabbing. This leads to crime syndicates and a rise in crime even among persons in law enforcement

- Mental Health Services increase wherever gambling increases
- Juvenile Delinquency
- Family conflict due to a lack of trust and disruption in family life
- When particularly females are addicted this leads to child care issues
- Serious dysfunctional behavioral issues and unproductive habits that affect family life
- The tendency amongst young people to forfeit furthering their education, both school and tertiary education, because of lucrative job opportunities in casinos, while parents who work in the industry typically have ongoing changing work shift schedules that easily disrupt their family life.
- The gaming industry provides easy money; there is no motivation to work for their own well-being—enhance their competences and motivation to look beyond “soft money” that comes easily. A definite lack of motivation for school achievement leads to drop-outs” and the wealth and prosperity brought about by the lure factor of ‘easy money’ and recruiting young persons away from the education system affects family life in particular and has a great impact on people’s way of thinking and their mental development
- Increasing debts. and the depression and low self esteem that leads to the use of drugs.
- “Maxed out” credit cards.
- Overdue utility bills might result in cut-offs.
- Borrowing from family and friends.
- Pawning personal and family valuables.
- Passing bad cheques.
- Eviction and forced home sales.
- Bankruptcy.

Any added revenue to our economy is not worth the costs of the break down in our core values.
Prov 13:34 Righteousness exalts a nation: but sin is a reproach to any people.
Prov 10:22 The blessing of the LORD, it maketh rich, and he addeth no sorrow with it.

Submitted by: Barney DeFour
Director

SUBMISSION OF JOHN WALLIS TO THE JOINT SELECT COMMITTEE ON GAMBLING

Dear Sirs,

Thank you for your email of 3rd. Four days is quite short to prepare my submission in writing and I would still like to be heard if possible as very little time was given to prepare. The announcement on Carnival Sunday effectively gave only 4 working days to prepare and there is much more that could be said. A personal presentation to the JSC would be much appreciated.

A pioneer of casino type and amusement gaming in Trinidad, I am a Citizen of Trinidad and Tobago, steeped in knowledge of other forms of gaming too, both here and elsewhere. I am registered with the FIU, enjoy banking facilities, own several businesses and have never had a criminal conviction.

- Owner of 1st ever land based casino to go online
- Founder of 4th ever internet casino
- Developer and owner of 1st ever mobile phone gambling game as well as other gaming related software
- Family - largest owner of greyhounds, racing in America, Eire and UK
- Nephew of Christmas Wallis who saved racing in Kolkata by reducing tax rate and increasing handle (and taxes)
- Cousin of Stephen Wallis, CEO of Epsom and Newmarket race tracks
- Founder of the 1st Members Club with casino type gaming
- Consulted on 1st ever table tax schedule
- Founder of Mapau Members Club, Carnival City and Club 1
- Owner of casinos in Africa and other Caribbean countries

My purpose in addressing the JSC is to give the benefit of a lifetime involvement and study of gaming. As I see it the issues in T&T are

The importance of making **GOOD LAW** that will continue and expand EMPLOYMENT, encourage TOURISM and create COMMERCE including and expanding **LOCAL MANUFACTURING** and SOFTWARE DEVELOPMENT.

COLLECT TAXES thru all of the above but there are some points to note:

- If the taxes are not equitable the underground gaming will remain and a situation as in Puerto Rico and elsewhere will be created. In Puerto Rico the Casinos are regulated and pay but there are over 20,000 illegal slot machines on the streets <http://www.yogonet.com/international/2017/01/18/puerto-ricos-crumbing-economy-causes-another-casino-closure>
- If the Commission doesn't include the Associations of Members Clubs and Amusement Machines as Partners then the present situation of rampant unpoliceable gaming will continue *

*An example is an exercise undertaken jointly by Customs and Police in El Socorro Feb 17. When they went to the first Bar, runners were sent to all the other bars in the street who all closed their premises. There are two issues 1. If the Amusement Games Association had been a partner the exercise would have begun with the knowledge of how many machines had paid or not paid tax and how many roulette machines and 2. The tax cannot be paid by most Bars because it is too high and a new formula needs to be accepted.

Prevent CRIME such as washing of illegal funds and take potential future criminals off the street thru employment.

PROTECT the vulnerable. There are issues here as the bill collects money to do this but at the same time the bill might reduce the casino gaming limit from 21 to 18 and allow the introduction of VLT Slot Machines in every lottery booth and parlor that are open to children. Without being privy to the regulations (which seemingly are being kept a secret) it is hard to comment further on this issue.

The Bill is primarily a Casino Bill. It does not deal with the unequitable situation whereby NLCB receives only crumbs from a very unequitable contract that has created illegal, untaxed LOTTERY operators who together are nearly as big as the legal game.

HORSE RACING directly employs a few thousand persons yet is left much untouched. Unless the unseen regulations address this then an opportunity is missed to inject life into this sport. The same could be said for RACING POOL BETTING which has seen its numbers dwindle from 83 to a handful.

It is crucial to see the REGULATIONS which operate the law and are the nuts and bolts of it. Seeing only the Bill alone compares to driving at night wearing darkers. Having had the privilege to sit in committee with cabinet members and drafters of this bill and having met many times with the drafters I made observations which could attribute to some of the aforementioned issues:

- A reliance on Foreign Consultants who were misleading to satisfy their own ends and those of their clients or were unemployed and out of touch persons who labelled themselves Consultant.
- A Chairman who wasn't open to other people ideas or experience and who never ever visited a casino.

If the Bill is not amended I believe the following will happen:

- It will take 12 years to vet and issue the 35,000 licenses required by the Act
- The cost of running the Gaming Commission will be \$76,000,000 per annum
- High taxes and costs will cause the loss of 000's of jobs
<http://www.delawarebusinesstimes.com/states-growing-portion-puts-casinos-in-bind/>
- The illegal roulette machines will flourish and continue to proliferate
- The amusement machines Industry will not be able to afford pay their full taxes due
- NLCB will continue to see their income erased as GTECH/IGT convince them into upping the odds as they are now doing
- The illegal Whe Whe bankers will continue to flourish
- There could be corruption within the Commission (see present AG Senate speech 2015 in this Bill)
- The existing stakeholders will be at the whim and fancy of unknowledgeable persons who probably will look down on their entrepreneurship
- The South African experience will be repeated when 95,000 persons lost their job as no existing at the time casinos were given licenses. Instead Ceasars Palace and other megaliths were and before going broke took years to open.

REGULATIONS were written but are not available. It is presumed that the GLI Report will form the changes in Regulation. Many insiders suspect the Regulations are being deliberately kept back. This creates distrust. GLI is a biased company. They are not independent. Their main customer is IGT and other slot machine manufacturers who pay them to verify their software. GLI have convinced governments (in our region Columbia and Jamaica) to let them charge a fee for inspecting games upon entry. In Columbia, the fee is about US\$400. They are receiving this fee twice! The writer met with GLI in 2001 and their intentions were clear even then. The meeting was with one of their customers who came with a proposal from them to encourage the Government of T&T to accept their version of a gaming law to be written.

When GLI visited Trinidad they visited 4 clubs during their one and a half days. I suspect their report might be a 'canned' one that might have been summarized for other jurisdictions.

If the Bill is not amended and the GLI report is accepted as changes in the Regulations I believe the following will happen:

- Locally Manufactured Amusement games will be replaced by expensive VLT Slot machines owned by IGT. These will not make money as the average income on an Amusement machine is TT\$1101 per month
- To counter their losses IGT will reposition these machines in lottery locations where they will be visible and available to children
- The infant local Software Development (which develops collection and monitoring software) will be erased
- Local Operators will be challenged by foreign entities who pay (as recommended by GLI) a quarter of the tax that locals are asked to pay
- There will be a huge demand for Forex as all the profits will need to be sent out of the country

My recommendations:

- That one foreign company be given license to invest in a Hotel/Casino Project so that the local Operators can learn and the country can benefit from a brand. Care must be taken in selecting such a Brand Name.

Competitors are known to tell tales on each other. One paying his full taxes takes umbrage that another doesn't pay all and thus has more money to attract more customers etc. The AMA and TTMCA both have reasons to share information with tax authorities on illegals. Both Associations have inside knowledge what tax limits are feasible.

- That the AMA, TTMCA, NLCB and RPA have one member each on the Gaming Commission. These are the people that know and live the Industry and benefit most by ensuring the tax burden is shared by everyone. The present AG in his Senate speech in 2015 also suggested that persons with knowledge of the Industry should sit on the Commission.

This Act classes every bar with Amusement machines as a casino, requiring the same license. Because there are over 5000 Bars it will require 35,000+ licenses to be applied for, vetted, background checked and issued, requiring a staff of 400 people and a 5 storey building. The bill is essentially about casinos even though it is titled Gambling. The Amusement Machines are in bars. They generate little income. They are not addictive and minors are especially excluded from bars.

- That the Commission only deal with issuing casino licenses at first as this will only take 3 years including time to set up the Commission.
- The law regulating the issuance of Amusement Machine licenses remain for this 3-year period and that the Commission take over the function after that

The Roulette Machines belong in a casino. There is no provision for them under law in Restaurants, Gas Stations etc. They are popular because the odds of winning are best. This makes them addictive and requires the operator to hold large floats. This makes them a target of bandits and encourages crime. Enforcement can best be made with prior information. By partnering with the Associations such information will be easier obtained and used.

Amusement machines are all manufactured locally from wood, screen-print plexi and electronic parts from Taiwan. Recently slot machines started to appear illegally in some bars.

- To protect the young industry, it might be good to specify in the Act that this is what an amusement machine is and that it must be manufactured locally. This will enable easier policing.

If the average Amusement Machine win is TT\$1101 there are some bars making as little as \$150 per month and a few making as much as TT\$7,000 per month. A bar making \$1800 per annum cannot pay \$3,000 tax and a Bar making \$84,000 can afford to pay more

- I suggest the tax on Amusement machines be changes as follows

Bar with 2 or less machines \$500 each one
 Bar with 3 to 5 machines \$1500 each machine
 Bar with 6 to 10 machines \$2000 each machine
 Bar with 11 to 15 machines \$3000 each machine
 Bar with more than 16 and up to 20 machines \$5000 each machine

The fact is the more amusement machines there are then the more profitable a location would be and thus could pay more tax and overall the government will collect \$45,000,000 per annum on Amusement machines.

- The law requires an applicant to have a bank account. This is onerous as it is common knowledge that many do not have banking as banks in Trinidad have been refusing banking due to risk of their correspondent banking relationship. In such circumstances, it is not fair to include this as presumably with legislation and a license issued by the gaming commission then banking would be available.

The application form for an operator is copied from Las Vegas. It is onerous and asks for information that would be hard to find (i.e. every wire transfer the applicant has made over the last 10 years). I have attached the UK Gaming Commission application which is 24 pages but seems short compared to the 66



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pages offered.

INTERNET GAMBLING is banned in the Act. Even though advice was given in the 90's to join this revolution it is now too late so it doesn't matter. The present AG is knowledgeable on the subject and has pointed out several things in his Senate contribution on this Bill in 2015

- His council should be taken less persons and companies are criminally convicted innocently

Below are some other notes to clauses

It is inconclusive to receive the Act without the Regulations which will govern the actual operations of the businesses Industry. Therefore, it is only possible to comment on the Act and once the Regulations are received and studied it would be crucial to have another opportunity to comment.

There are some serious areas in the Bill that can benefit from help. The persons who put together the bill are not from the Industry and without Industry input we could see a developing Industry that employs large numbers and is moving into areas of manufacture and export, severely constrained and stymied. For example, there are multiple licenses required (and from dialogue with the drafters the intention is to limit one type of license to one person in that a technician could not also be licensed as a Distributor who could not be licensed as a Casino etc.).

Such limitations would only affect the growth of Trinidadian companies. For example, IGT (GTECH) operates a lottery in Trinidad. It also sells slot machines in Trinidad and provides technicians to fix them in Trinidad. IGT also operates casino systems and many other areas where it is completely a vertically integrated gaming company. Our local companies should not be limited from growing to become big like IGT by naïve rules. There should be one gaming license which should allow a Holder to do anything below the level of its license.

Already in Trinidad there are companies which manufacture amusement machines, companies that distribute parts, write software, offer technical service etc. These companies are often vertically

integrated into their industries and should not be limited, as IGT and others are not limited. The Bill must be for the benefit of all Trinbagonians and not see us put to the side by huge foreign entities

Part I- Preliminary

If Bars are brought in at this stage to be licensed by the Commission, it will slow it down to a crawl and it will cause the issuance of licenses to take 12 years as there are so many Bars. Although a definition is put here that makes a Bar also a gaming lounge the rest of the Act does not categorize it as such. In fact, every Bar in the country now becomes subject to the same laws as if each were a casino. Each Bar would require all the backup staff and services, rules and regulations of a casino which will cause an outcry amongst Bar owners. Even their customers will not be able to bring their guns inside the bar so security will be risked. Where will their customers deposit their guns? Amusement Machines are low payout, non-addictive games. For the meantime, I suggest Bars be left under the Liquor Licensing Act until the Commission has sorted itself into being and has issued Casino Licenses.

“remote gambling” means gambling in which persons participate by the use of remote communication;

Within a casino gaming is normally played on a portable device using the LAN or WIFI. Roulette wheels often have terminals away from them. Patrons may continue to play their slot machine while seated in the Casino restaurant etc. I suggest any banning of remote gambling except it within the confines of a licensed premises.

electro-mechanical game that has an outcome per game that is random and not dependent on the outcome of previous games;

Dana Seeterhal created the term Amusement Machine when she advised the government. The machine referred to is the ones in bars throughout the country and manufactured locally with game chips (including RNG's) imported from Taiwan. These are low payout machines, non addictive and an important revenue stream for Bar owners and good recreation for some of their patrons. It has to be a video game. The term electro mechanical is wrong. Using such a term will create a loophole to allow slot or even roulette machines to be accepted under law as Amusement Machines. I suggest the definition be amended with the omission of those two words and further that an added definition “manufactured in Trinidad” specify 60% materials , labor and other local input.

PART II

THE GAMBLING (GAMING AND BETTING) CONTROL COMMISSION

Clause 6- The most knowledgeable persons on Trinidad gambling are within the Associations (TTMCA, AGATT, BA). A few years ago, there was some meaningful dialogue and when TTMCA was joined in a Cabinet subcommittee quite a bit of work got done. In the past year, there has been no meaningful consultation. If the Associations have a member each on the Board of the Commission, then the Commission will benefit from inside knowledge and get understand the workings of the Industry it supervises. The Associations will be able to partner with Authority and root out tax dodgers and illegal operators. It is in their interest to do so. There should be no secrecy if the Commission is going to function for the benefit of the Republic. Secrecy could lead to mediocrity.

It is quite important for the Associations, even the Union, to be represented on the Commission. The Board need to be broad and encompass as much local experience as possible. Within the Industry there is also international experience and all this should be harnessed for the betterment of all. An analogy: In Parliament persons, can make laws on industries they might be working for. We have senators in the insurance industry, Senators expert on crime, Clergymen etc. These people bring benefit because of their knowledge and experience. They are not excluded.

The reason Parliament has competing entities on the National carnival Commission is because they are experts. TUCO, Pan Tringago etc are represented . It might be crucial for all stakeholders that someone appointed by each Association sit on the Commission Board.

Clause 14 (2) It is noted that one of the two International companies that inspect gaming software and hardware was hired by the Government to provide an Assessment and Recommendation on T&T Gaming regulation. This company is suspected to recommend itself and its customers for work and situations exist whereby equipment is inspected more than once in different jurisdictions by the same company. This has happened in Columbia, Jamaica and other places. If a slot machine is inspected and approved at source of manufacture (generally the USA) there is no need to inspect it again when it arrives in Trinidad. The argument against this is that it could be altered between the two place. Well if it were possible to alter then it could be altered after a second inspection too.

The reality is that there are millions of lines of code in the software. It would be incredibly hard, and costly, to break into it and there is an easier way to check. It is important that what is promised as a payback to the customer happens. If 94% payback is promised, then reports submitted to and regular checks by the commission should show over a period that is the payback percentage. If it isn't then further costly checks could be done. I suggest: A list of companies be pre-approved by the commission for checking software; Slot machines should only be allowed into T&T that have these company's certification; Casinos must report the payback percentages each of their machines is set at. If there are alarming differences over a 4-month period in their reports and or the checks done by the commission, then the Commission could mandate that the software be sent for analysis to one of the approved companies. Because there are serious concerns of privacy and confidentiality it is imperative that such systems be limited to a location and that auditors may come in and access but may not have online access. Even the access must be limited to figures and not anything that could identify a player. Players must be protected from the activities of criminals who would benefit from such information and target persons to rob. The argument that officers of the Commission will be vetted and sworn in as Police, bank and Army officers are also but much information gets out which had led to kidnappings, robberies and murders.

Clause 16: I agree with the present AG who said they should be liable when he spoke on this same bill in



Faris & Helen
the Senate. Drayton Commentarj

Clause 20- we don't want to create a political cash cow and believe that taxes should be paid direct to the treasury. The good intentions of the act can be usurped by a rich board free spending and such largetaxes should be for the specific benefit of the public thru the consolidated fund.

Why would the commission need to borrow? If it did, then that would negate the purpose of having the Commission or even the Industry which is meant to be a tax cash cow.

PART III

THE LICENSING REGIME

Clause 32- If Bars are required to license as gaming lounges (as well as their normal licensing) a MINIMUM of 33,800 licenses will be required for persons and 10,000 for amusements machines. Probably 35,000 and 12,000 licenses required. It will take 776 weeks (12 years) to complete due diligence, background checks and processing and require a very large organization. If I can speak before the JSC I can detail the figures if asked.

Clause 33. This will damage some companies who already are vertically integrated. Am I right to interpret that an Operator cannot own the building in which it operates? A casino should have the right of having a betting shop within its premises as is normal throughout the Caribbean and is called Sports betting. The company operating a casino should be allowed to distribute machines as some already do. This part of the bill will set the Industry backwards and cause a huge advantage to foreign operators such as IGT/GTECH.

It should be noted that the Lottery is operated by a company that imports, distribute and fixes gaming equipment manufactured by itself. Even the computerized management system is created and managed by the same company! Such double standards should not cause discrimination to the casino industry.

One license should cover all or separate licenses should be available for all.

What we have been shown is incredibly onerous. Details of spouse, ex-spouse and down to grandnephews must be found. The form asks for a list of every wire transfer an applicant has made over the past 10 years. This alone would be impossible to get and whatever information was found could consume many, many pages.

Operators are already subject to FIU scrutiny. The information should be much much less.



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application form - au 23 Gaming Control C

Bars will now have a double licensing under the act and will spend a lot of time and money if included under this act. I really believe this is an Act to deal with casinos and including low payout gaming is going to defeat our effort for now.

Clause 34- The concern is casinos and proper checks need to be done into license applications of those owning or managing casinos. By including Bars at this stage, it is obvious the Commission workers must hurry their checking work and cut corners. Persons who should not be granted a license might fall thru the cracks and get granted due to slack investigation.

Clause 35-

This section mandate that every application has a hearing. If this is to happen then 12 years is optimistic time frame. I suggest that those the commission intends to grant license to be published and only if there is an objection or for some other reason the Commission wants to hold a hearing, should there be a hearing. The Commission should not be allowed to refuse a license application without explaining why in a hearing.

Clause 36-The period of the license should be commensurate with the investment and length of process to obtain. 10 years would be just and equitable.

Clause 38- state 'internal private network' and not 'online' monitoring software. Online would be open to invasion and cause risk.

Clause 40- Why can't a premises and an operator's license be combined? It will be onerous upon Bars should they be included and thus now required to hire 2 security officers. .

Clause 41- An example of bureaucracy. Security staff must be licenced by National Security, Shouldn't; this excuse them? any person operating any gaming equipment directly or indirectly connected to the licensed activities; and

Most of the above can be licensed under one 'casino worker'; license which will make the work of the commission more streamlined. This seems a lot of work. Wouldn't a copy of a person's passport be enough? If each person connected to a Bar must go thru this process it will be onerous, time consuming and expensive.

Clause 47-why should the license be jeopardised by the uncontrollable activities of an employee. He should lose his license but not the whole business and staff be put out of work etc.

The board has no obligation or jurisdiction over creditors or shareholders and its actions alone will have caused enough damage to the company. Such unnecessary meddling which will prevent the company realizing its assets it not the ambit of the board and should not be allowed. The customers become another creditor if they are owed money and their protection might be ensured by the Board not suspending a license.

Clause 48- Someone resigns and the license could be revoked seems punitive.

Clause 53-14 days will be very expensive. 7 days would be sufficient. All of the above would be onerous for a normal size Bar to do. The Act is clearly a casino Act and should remain so until such time as bars can be taken out of the Liquor Licensing Act and put under the Commission. They need to be treated separately and special plans drawn up for them.

PART IV GAMING

Clause 57- be changed to 'gaming amusement machine'.

PART VI TAXES AND FUNDS

Clause 66- we would like this changed to quarterly payments and only on Devices that are on the gaming floor for any part of the quarter. Pay a year tax on a device that might have been there for a month is onerous. We have seen in UK what such benefits such a fund made to their sporting results as shown by their medals at the Olympics. As the licensees and their customers are causing these funds it is fair that representatives of both sit on the committee to ensure it doesn't become a political slush fund.

PART VIII OFFENCES AND PENALTIES

Clause 74-very onerous for what could be a clerical error! The charges seem mixed up and should be separated for relevance and also relevant penalties applied.

Clause 77-5m! isn't this too much

Clause 78-The Act is meant to encourage a new Industry, create new employment and generate new taxes. This section does the opposite at a time when all major countries are moving in the exact opposite direction. Books, Banks, Education and gambling are all moving to the Internet. This Bill should keep T&T in the forefront and not dictate a back seat and allow multinationals to continue to dominate us. Fact is

we have missed the boat of this Industry which is settled in Malta, Costa Rica, Antigua, Isle of Man, Aldernay and Canada. In two of those countries it is their largest industry.

The other issue is what the present AG pointed out in his Senate speech whereby innocents could be caught up if this section is not reworded.

5m again!

Division 3—General Offences

83. (1) Who decides what cooperation is and 500k! Surely this is ridiculously onerous. If a person is licensed why should they not bring their firearm into a casino or bar? Where will they put their firearm? Criminals will benefit from the knowledge that customers cannot have guns. At present, it is a deterrent to them.

Clause 85- Again, 50k randomly applied and 10 PER DAY to an unspecified offence?

85. (1) The Minister may, by Order subject to negative resolution of Parliament, vary the penalties set out in this Act and Regulations made pursuant thereto.

(2) The Minister may, by Order subject to negative resolution of Parliament, amend this Part to amend the list of penalties, the commission of which constitutes an offence.

PART IX- FIT AND PROPER CRITERIA

Schedule 2- The criteria are totally arbitrary, ambiguous and completely open to subjective interpretation. Many persons have risen up from neglected and underprivileged areas to positions of Management and even ownership. It is these people that need to be given a chance in life as they have been given and surely there will be others to follow. The criteria need to be specific, based on law and the Constitution.

In the circumstances every existing owner is vetted by the FIU and each club has been licensed and monitored by Police and Customs for their years of operation. The existing clubs could be grandfathered in.

SCHEDULE 3

(Section 53(2)) INTERNAL CONTROL AND ACCOUNTING SYSTEMS

1. Contents of approved system

Most Members Clubs have all of the above. They are voluminous and will take some time to go thru. If 10,000 bars are included in this Act now and have to provide the above, how will the Commission ever finish going thru all?

2. Banking

Some members don't have bank accounts. How can we change the wording of this to include them?

Thoughts on the application Form:

I am aware that a Fit & Proper test may be necessary for purposes of obtaining a License by the Gaming Control Commission as they have to carry out the necessary due diligence for all license holders.

However, although there are a number of errors albeit, grammar, spelling, punctuation, and formatting I also hold the view that some of the questions may be unnecessary, an invasion of privacy, in some cases not even common knowledge and others being down right ridiculous.

Firstly, the beginning of the form introduces that it is a personal history form however some of the questions taps into a different realm when the applicant has to now find knowledge on extended family members such as in-laws, nieces, nephews, aunts, uncles, etc. In some if not all cases the information being sorted may not be readily available; for instance, some families are without disputes and may or may not keep in contact with each other. At other times family members, and in most cases, based on experience, who do keep in contact do not wish to divulge their personal and business details, investments, etc to other members of the family. Having now to ask these same individuals information will be an invasion of their right to a private life as they have no real interest in the applicants venture to obtain a license.

The form begins with “Any misrepresentation, or the failure to provide requested information, may result in the denial of your application” the thought of me being denied a license based on I just do not know the information being asked is quite frightening. It is basically having me draw the assumption that before I even venture to fill this form out as an applicant I will be denied because I do not know what hypothetically my great grand-mother sister’s husband was doing back in 1840 (supposedly coming off a ship in the Indies from either the Middle East, Africa or India).

Also the lack of assistance to fill this form is also alarming. The application is 66 pages long and there is no guide to the 76 questions posed to the applicant besides a small paragraph as to “Tips For Completing This Form” which is quite vague and doesn’t lend any real assistance. Some of the owners of casino type establishments may not always have the assistance of a graduate that they may trust to fill the form for them when they themselves do not possess graduate level education. A guide to filling the questionnaire will be most helpful.

Please see my notes in red on the Application Form pages as to my thoughts and recommendations. Pages without any red writing are ones that I have no issues with the information being sort or may not be best suited to give a recommendation.

The Gambling (Gambling and Betting) Control (Responsible Gambling) Regulations, 2015 There are only 94

Furthermore, gambling facility operators and theiemployees must refrain from enticing them to a casino this should be changed to include all Gambling Facillitators and not just casinos as all gambling has the same risks with marketing material directed atself-excluders and shall not allow them to join players clubs or cash checks. They should not be able to cash credit or debit cards or play at all.

PART THREE – RESPONSIBLE GAMBLING PLAN REQUIREMENTS

NLCB and ARC must be included as this is a bill for all gambling. Minors are not allowed in PMC’s and Bars by Law. This is not so for Lottery booths. It is very important that all gaming be included especially where minors are allowed. There are far more persons addicted to gaming thru Play Whe than casinos or racing pools which are controlled environments

The Regulation should make it compulsory that ID be shown by gamblers who are not already registered with the establishment which would be any place where gambling is facilitated.

If a person has reached the stage that they cannot be trusted by their family or themselves to use an ATM then clearly that person should be on the banned list. J is a half measure. If there is a problem we all have to deal with it.

“licensees’ should be changed to ‘Operators’ because this will bring in anyone who manages Gambling.

No sensible person will put themselves on such a list if it could result in them having a criminal conviction with all the attendant ramifications of that. This is a disincentive to act.

The process described here is long and tedious. If an individual makes such a decision then it should be quick. He should be able to fill out a simple form instructing the Operator that he no longer wishes to partake in gambling and for how long a period. It should not be for less than 1 year. The Operator must then ban him from entering the premises and submit the record to the Commission who will add him to the list of banned persons. The list should be on the Internet and it must be the responsibility of every Gaming Operator to check the website just as they check the website for Terrorists etc.

Responsible Gaming Operators will also want to ban persons who they see through their experience are damaging themselves and their families. This should be the same procedure except the Operator will forward the name to the Commission after banning the person. The banned person may appeal to the Commission against the ban if they so wish.

Likewise a parent, Spouse or Child must have the right to the same process as a Gaming Operator as the supposed damage is being done most to the Family.

The Drafters might be weighing the Commission down in paperwork and procedure rather than action and now burdening the health services where they were not burdened before. The Commission collects a lot of money. A portion of this could be reserved for Responsible Gambling correction. The Responsible Gaming section of the Commission can afford to have a Psychologist on retainer and even employ a nurse and thus not burden the national health service.

There are 210 PMC's, 4000+ Bars, 1400 NLCB gaming establishments and 1 Racetrack. To safeguard persons excluded from gaming premises it will be necessary for these 5,611 outlets' staff to have access to the database.

Notification would be simple if access is given to a database on the internet.

Would it not be simpler to say that persons required to screen gamblers for access to the gaming premises should have access to the database.

A person addicted to gambling and who is excluded from gaming premises should not be allowed on the same premises as it will be counter productive. In my experience anyone who is banned due to excessive gambling begins their ban by trying to get access to the gaming floor while promising not to gamble. It is a tough period for them and after a long period of time they are grateful for the complete ban.

The Gambling (Gaming and Betting) Control (Application for Gaming Licenses) Regulations, 2015

Should this not include Lottery Terminal and betting terminal personnel and any other gaming device .
In civilized society a license is a right and the burden of not giving should be based on proving why not.

The high cost of licenses and investigations will cause unemployment. There will be large staff retrenchments due to the cost of doing business. Many small casinos will close. Even more Bars will close. Lotto machines will be sent back as the cost of licensing them and the attendant casino and other games played at Lotto locations will be too high.

There is no wagering or admission tax in T&T

Many Bars in T&T do not have Town and Country approval but are allowed to operate by the court as have been in operation for so many years. Over the years rules (such as parking) have changes that would prohibit these bars from being granted T&C approval. At least 800 Bars would be forced to close their machines down which would cause unemployment. Many of them would go bankrupt as a result thus causing more unemployment. Town and Country Planning should not be a requirement for a gaming license.

It is unlikely that many lessors will be willing to submit to these requirements as they are not involved in any aspect of gaming. Hundred of lottery booth WHICH CARRY ON CASINO ROULETTE GAMBLING will be forced to close. At least 1500 bars will close as their landlords might not wish to or might not be able to provide information requested. It would be unfair that persons who for years have carried on their businesses legally are now faced with closure and the attendant unemployment.

This was recommended in the GLI report. Suspicion was cast on this report which seemed to favor foreign multinationals which are GLI clients. The Commission should follow its own rules and not be allowed to show favor. Rules and regulations should be for everyone.

The information in 2a and 2b cannot possibly be known until the investigations have been completed. These favoritism clauses will lead to accusations of corruption and favor and if left in will be problematical and suspicious if enacted upon.

The Commission should not have discretion to award temporary licenses. The Commission must be and be seen to be transparent. Its investigations must complete before it makes a decision.

This clause might deter foreign investment in the Industry. Every license worldwide has a value as it has been paid for and allows the holder to do things that have a value. The rules of revocation must be listed and be clear so as to allow investment. For example a Hotel Casino company investing 9 figures does so in the expectation worldwide that the license is not subject to whim and has a value for its shareholders.

Why would the Commission need to approve the movement of a table or a slot machine (and not an NLCB terminal). There will be hundreds of movements every few months. Will a shipment be held up at Customs pending the Commission authorization for it to be cleared, thus causing additional charges at the Port? Will a gambling device for which tax has been paid, have to remain on the floor of the Operator, broken and unsightly, while communication awaited from the Commission. Gaming Boards and Commissions are known throughout the world as being generally slow and the more authority they are given the less businesslike they become. The Commission needs to know where gaming equipment is. A simple monthly report would suffice and the Commission should not be asked to be involved in the business of machine movements.

The Gambling (Gaming and Betting) Control (Betting and Wagering) Regulations, 2017

This part might be detrimental to local Software development Companies. Development is a process that even in Beta Testing might require months of live testing. 5 days might not work.

The Drafters here are legalizing Interget Gambling. In all meetings and Consultations the drafters were adamant that Internet gambling would be illegal under the Act. If there has been consultation on this the Consultant(s) have omitted important facets. I believe this section should be completely redone:

- Age Verification regulations is crucial to Internet Gambling if there is to be responsible gambling
- Internet Gambling will take the country into competition for international tax dollars. It can be a lucrative income stream for government but the tax rates would have to be competitive. A tax per wager is a non starter in the international space. Without a change in that Trinbagonians will continue to wager on foreign websites where there is no such tax
- For Internet Gambling there need to be laws and regulations concerning websites, certification , termination of wagers etc

The Gambling (Gaming and Betting) Control (Anti- money laundering) (Casino) Regulations, 2015

The Act is a GAMBLING ACT yet so often only addresses CASINOS. The Commission is given powers over all gambling but several references omit which is causing loopholes to allow MONEY LAUNDERING. These loopholes must be closed by including all GAMBLING FACILITATORS (as they are in many section) in the Act and the Regulations.

The following Sections become Regulations only for a (CASINO) LICENSEE. It is known that the largest amount of money laundering is done through Gambling at Play Whe Outlets. ALL facilitators of Gambling must be encompassed within the Act and regulations and the below sections should be changed from licensee to 'FACILITATORS OF GAMBLING'

This part of the regulations make clear the AML duties of a Gambling Facillitator. The Commission will have to pass on information received to the FIU as that is the body that deals with it. By adding another layer (the Commission to receive the information) there is an increased risk of sensitive information being leaked to the person who is being reported and all the inherent risks to the reporter.

These regulations specify casinos only to do the AML reporting whereas they should include all Gambling Facillitors. It is easier to launder money thru Play Whe than PMC's because of the information required for membership.

It will be safe for the Reporter to have his reports sent directly to the FIU instead of to the Commission AND the FIU.

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

This will ensure that Commission Members are ignorant of what is happening on the ground of the Industry they are paid to regulate. Members recuse themselves whenever there is a conflict of interest. Saying they should not gamble or go to gambling places will only keep them blind.

This is pretty hard in a small island country. I suggest the opposite happen. While the 'consultations' we generally short and at least once manipulated, it is the close discussions and personal contact with licensees that generated the more knowledge and even sets of accounts of the licensees.

The best way for the Commission to remain relevant is to have Members of itself who are active in the Gambling Industry. This is the only way to beat illegal gambling, money laundering and have responsible

gambling, by including the Industry in decision making. Members would recuse themselves from voting on issues that in any way conflicted with their interests. My experience is that if unknowledgeable persons are exclusively appointed to a Gaming Commission then the Commission become extremely bureaucratic, out of touch with market trends and eventually counterproductive to national growth. One of the most dynamic countries in the world, Botswana, has gone this route. The Gaming Authority has a large building and a staff numbering a quarter of the amount of staff in the whole industry they are in charge of. There are no Industry persons on the Authority. To get a decision on anything takes at least 6 weeks (approval for moving machines, which form to fill in for change of shareholders, approval for other things etc). For four months we requested inspectors to visit our facility to confirm some changes. For two months we have been asking to use the only form they have for a change of shareholders in the absence of any other form. I am sure that if we do not encompass Industry persons or their representatives on the Commission this is what we will be creating. This is an opportunity for Legislators to create something that will be efficient and solve the problems it can and be creative. T&T is low on the scale of ease of doing business. By putting the Industry to work on the Commissions then Industry will make the commission work and for the betterment of Society. There are precedents set already on Boards and commissions in T&T such as the carnival Commission where competing bodies from the Industry sit.

I believe there will be no difference in appointing Commissioners that appointments of any State Board. There will be political appointments as a reward for loyalty and support. Appointees need to be free to learn about the Industry they are now in charge of. They should be free to mix with Industry insiders. The Industry should be involved as Members of the Commission for all the reasons put forward and also to ensure continuity as governments change.

The Gambling (Gaming and Betting) Control (Gaming Devices and Equipment)

Regulations, 2015

(C) The MOF Drafters hired a company called GLI to do a report on gambling for the MOF. GLI are the largest testing laboratory in the world and as such are biased. They are biased towards their huge clients such as Gtech/IGT and towards themselves for testing business. They have managed to manipulate at least two countries in the region, Jamaica and Columbia into the above regulation. All slot machines manufactured in USA and other parts of the world are tested by GLI. GLI test the software that makes up the game and get paid for it by the manufacturer. There are billions of lines of code in such software which is sealed in a chip. When the software is approved it is put into the chip and put into a slot machine on a game board or hard drive. The game board or hard drive can be replaced into different cabinets over its lifetime. The game board or hard drive holds the actual game. Whether it is cabinet 101 or cabinet 105 makes no difference as this is the game.

GLI recommended in their report the above regulation. The Finance Minister waved the report in parliament and in the debate said the government had been advised by the best experts. But GLI have already inspected and been paid for inspecting the same machines they have recommended this regulation to require another inspection in Trinidad and by the same company! For a casino with only GLI approved machines the Regulation requires that they be inspected again, by GLI and paid for again. The cost to a casino with 250 already GLI approved slot machines will be TT\$750,000+-. There is no point in inspecting these machines and I will explain why.

Slot machines are set to return a set percentage back to the customer. This can be set between 90% payback and 96% payback. Gambling has a cost to cover the expenses involved for the pleasure given.

That cost is losses by a customer whose reward is excitement for a period of play. The higher the payback percentage is set at determines the length of time a customer gets to play on the device. In a competitive environment like we have in Trinidad and Tobago customers will gravitate to places where they have the most enjoyment. The enjoyment is time spent playing during which they win and lose credits and receive exciting bonus'. At the end of the time they will have either won or lost but in the long run there can only be one winner, the house.

The Commission safeguards the customer in many ways , including fairness of play. While GLI use arguments that generate themselves millions of US Dollars they DO NOT SAFEGUARD fairness of play. Only by the Commission monitoring a game while it is on the floor will fairness of play be guaranteed. The Commission monitors simply:

1. It receives reports from Gambling facilitators of the percentage each game is set at
2. The commission receives a weekly, monthly and quarterly report of percentages ACTUALLY reached in each game
3. Should there be a huge variance between Set Percentage and reached percentage then the Commission should investigate. The longer the period the more accurate the percentage will become with the Set Percentage. An expert should decide whether at 3, 4, 6 or longer months a game should be sent for evaluation
4. Gaming Machines use electricity. They perform better in aircondition. Heat and electricity can affect them. Should there be a variation in percentage then the game should be sent for evaluation to a testing laboratory. The cost of this should be to the Manufacturer if under warranty or the Gambling Facilitator and AS DECIDED BY THE COMMISSION.
5. The Commission must approve a percentage change (but not the initial setting) . Before approval a report should be made which shows whether there is any underirable variance between Set Percentage and Actual percentage.

Monitoring performance is the duty of the Commission, not having each Gaming facilitator spend TT\$750,000 and buy FOREX to inspect what has already been inspected. GLI will argue that the game might have been changed since it inspected it but this argument hold no merit as immediately it is inspected it could have been changed again.

Lotto machines should be included in this section. Unlike slot machines in which a random number generated by a machine controls the outcome a lotto machine can more easily be manipulated because the draw is:

- Not automatically generated
 - There are several runs for each draw
 - The potential loss is known before the draw
- Lotto machines should not be able to communicate the potential losses before a draw of Play Whe, Roulette, Lotto or any other game. It is a weakpoint in the procedure and the Commission needs to concentrate on this.

The Drafters learned in meetings they had with Industry that the brain of the machine is the EPROM, compact flash card or other program storage device and state so above. Taking this brain out leaves a box with parts and a number. There should be no necessity to monitor the transportation of this box because it cannot do anything without the brain as described by the drafters and is fact. The record of movement of the box is only necessary because the tax is paid per box. It should be necessary to inform the

Commission when a box is to be moved without the brain but there should be no requirement of waiting too long to receive a permission.

Moving the Brain or the box within a casino likewise should be recorded but not delayed by waiting for a permission.

I do not see why a brain of a slot machine cannot be moved without permission but with notification and by an approved carrier.

Here it says a slot machine cannot be moved within a gaming floor yet 15(2) contradicts this. There is a lot of cut and paste in the Regulations and perhaps by different drafters who don't have time to consult each other?

15(2) is more logical. Whether a slot machine is in licensed area A or licensed area B in a licensed casino can make no difference. The Commission should not be slowed down by having to approve movements within a facility. The Industry should not be held back by waiting long periods to receive permission to move equipment within its licensed premises.

Gaming Systems such as those operated by Gtech/IGT and those provided to Casinos by such companies as Bally, ACE and WIN Systems require access to the servers recording and monitoring the slot machines and other equipment. Generally this access is to resolve issues. Should a floor go down it is urgent to get it back up within minutes and might need the input of the overseas supplier (they are all foreign) who will need access. It is unlikely the commission will operate 24/7 as do these companies and Licensees. Therefore getting prior approval is counter productive and will have a negative effect on Customers, the Industry and employment as a result. Some companies such as WIN Systems operate 24/7 access so that they can alert operators of possible server failures.

It should be required that access is recorded and reported but not in the form suggested.

It is normal that 1st party is Slot Attendant, 2nd party is Slot Supervisor and 3rd party is INTERNAL SLOT ACCOUNTING SYSTEM. This should be specified otherwise it is open for interpretation.

Not every casino in Trinidad has a slot accounting system. The least expensive will cost US\$350,000 plus monthly fees of between US\$5,000 and \$40,000. Apart from preparing the central bank for more demand for FOREX the Industry should be given time to prepare for the expenditure. It is suggested that instead of a July 2017 date being before the act is finalized that a date of 1 year after the Act becomes law is set. This will give licensees a chance to get the funds together, negotiate with foreign suppliers and install.

This protocol enables a regulator to use a laptop and plug into a machine to check the percentage payout, the importance of which was emphasized above. There are still some old machines in T&T which do not support this protocol (about 20%). The laws say existing operators can continue until licensed. Will they have to comply with all these regulations or can they continue as they are until licensed? If they have to retool and spend millions are they guaranteed a license? What happens if they are refused a license? A license has a value, intended or otherwise. Would it not be fairer for existing Gambling facilitators to be given a time to retool and upgrade AFTER they have been given a license?

There is no need to waste the Commission time and have it deliberate on the merits of moving a table within the casino or disposing of it.

This seems to say that foreign manufacturer or distributor doesn't need to get a license but a local one does. That cannot be right as the foreign supplier would not be liable for a faulty part but the local one would be.

This seems a bit demanding unless the Commission has a very large and specialist workforce. Once a machine is approved it stands to reason that original parts for it supplied or manufactured by the manufacturer or supplier should be approved automatically. Only generic parts would need to be approved.

The Gambling (Gaming and Betting) Control (License Denials, Disciplinary Actions and Hearings) Regulations, 2015

A License represents an investment of millions and or the ability to provide for a Family. It is known that we have an irregular postal service and sending by regular mail such a potentially life changing notification is not good. Notification should be by Registered mail or other acknowledged communication.

The Gambling (Gaming and Betting) Control (Accounting and Internal Control) Regulations, 2015

The Drafters have already identified the importance of the brain of the machine being the game which could be on a chip, flash card, hard drive etc. There should be a separate number recorded for this.

Amusement machines are not slot machines. Slot machines are only licensed in casinos and pay a tax of 12,000 per annum. By using the word slot then there will be an expansion of slot machines throughout the country and also the roulette machines (which nearly everybody is against) will also become legal in places outside of a casino. If the intention is not to do this then the term should be Amusement machine Rouse Operator

The Levy rates should be disclosed. Already the cost of getting licensed is prohibitive. The cost of doing business at present is high because of intense competition and a recession. More taxes might make it untenable for some operators to continue. The flat machine and table tax is unfair to smaller operators who earn less but pay the same as a large operator. The present table tax and machine tax should be replaced with an 8% gaming device tax only. Big clubs would thus pay more and smaller clubs will pay less and there will be more employment.

The drafters have excluded old equipment and specified on GAT enabled machines allowable. No machines allowed by the drafters would be allowed to have hoppers. Thus there could be no fills etc. This section needs to be rewritten to reflect what the Drafters have specified in the Act and the regulations.

Once a license is granted the licensee should open to the public. This should state each licence applicant.

Many gambling entities in Trinidad do not enjoy banking facilities. Passing of this Act does not guarantee those that do will continue to enjoy banking facilities. In countries of the region such as Guatemala banking facilities are not available for licensed casinos. Having banking therefore should not be a condition of having a license. The BIR is aware of this and accepts millions of dollars from the industry in cash.

It would be beneficial to the Industry if the Act specified that banks cannot refuse banking to a licensed Gambling facilitator.

No other business in T&T is required to deposit moneys into a bank account to cover taxes that are not due. Every business is allowed to make its money to pay taxes and other expenses. The schedule at the end shows that the Industry is being taxed out of existence. This will only result in unemployment. It is a well known fact that high taxes in the gaming Industry lead to low employment and vice versa.

The Gambling (Gaming and Betting) Control (Amusement Machine Controls) Regulations, 2015

An Amusement game is not a terminal as it is not part of something else or a terminal of something else. It is an Amusement Game machine. Use of the word terminal will create a loophole for Roulette machines to be in Bars.

This was referred to in the regulations above as a Slot Route operator and it was suggested that it be called an Amusement machine Route Operator. A terminal operator suggests a person who looks after a machine only.

This would be the first time in T&T that a business would be limited to how much it could grow. What would the Commissioners base their ruling upon? Is section 18 already aimed at one or other operator whom the drafters might not like?

The Amusement Machine industry is 50% controlled by individual bar owners who buy their machines from local Manufacturers. The other 50% of the market is controlled by 25 Operators whose businesses are mainly vertical in that many of them manufacture, operate routes and also operate their own Bars. Of the 25 there are 4 that control 25% of the total market.

Human nature dictates that Bar owners beginning with other people machines will eventually want to own their own and this is why half the market is Bar owned. As a natural expansion of that 24 Bar owners expanded from just owning a Bar to owning more than one Bar and becoming Route Operators.

It would be unfair for persons who do not know the industry and have mainly studied the more glamorous casino industry to prevent the natural growth of small business persons. Huge companies such as Gtech/IGT and Bally have grown from humble beginnings and blossomed through free enterprise. They would have had little growth if subjected to managed economic environments. It is a socialist principle that never worked. In this case two of our own local companies have expanded to other Caribbean islands. It is important that the industry be allowed to continue its vertical structure and that there be no limitation to any individual ability to grow unless it is also intended to break up the monopoly NLCB has on Lottery and Play Whe.

there is a strong AATT comprising of manufacturers, Bar owners and Route Operators. It is the leaders of that Association that spent their time working with the drafters and their money on legal and other advisors. The Association is required to work with the Commission to close down the illegal roulette operators (who generally also run illegal play whe). The only undue economic concentration is NLCB/Gtech and the Drafters should consider that and not cast aspersions on an Industry that is home grown and hugely diversely owned

The wording suggest a bitterness in one or more of the drafters. Arbitrary Power is given to the commission which should not be. Uncertainty is brought to the Industry by these clauses. Victimisation is suggested by the absolute quiet and disregard to the Lottery, numbers and Racing industries which are monopolies or to the Casino Industry which has no such shackles. Will a Billion Dollar investor who wants

to build a casino hotel (as Hard Rock have requested) be denied because they might dominate the casino industry in T&T?

The institutional investor clauses are confusing and seem to hid an intention of something that is on the cards to happen. The wording might be better suited to the Act itself or to the general sections of the regulations and not just to the Amusement machine Section. On the one hand the Drafters caution against any domination of the sub sector and on the other hand seem to usher in some giant in the wings of what is actually a very diversely owned sub sector.

there should not be varying rules for applying to the same Commission. Apprications procedures should be gathered under one general heading and be the same for all applicants.

what is a distributor. If it is adistributer of parts then everyone will purchase from abroad (as most do) and the 3 parts suppliers will close.

will electical shops that sell wire or lights have to pay 30,000 because they might sell some to a manufacturer

A terminal operator is a Route operator. What does a Supplier supply?

It should be known that this is not possible. There is a percentage payout and not odds of winning. This can be written on the monitor. The program cannot be altered to put that which is required from the ddrafters here just as no game manufacturer is not going to alter their program. There are help screens available which show the payouts . The percentage is not shown and should be affixed to the machine.

The industry is vertical and this happens and is a fact. It is also the same internationally. Gtech/IGT Develop Games, manufacture Games and operate games in T&T. Internationally they also operate routes, casinos etc. There has never been any objection in T&T or Internationally to their vertical structure. It is unfair to penalise local persons while allowing multinationals to operate freely. Vertical companies should be allowed.

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This is unworkable because: the income is too small to cover the cost of installation or operations. The software in the existing 10,000 amusement gaming machines does not cater for this

It is a business transaction and the Commission should not decide whether the location receives a fee or not.

The industry is vertical and this happens and is a fact. It is also the same internationally. Gtech/IGT Develop Games, manufacture Games and operate games in T&T. Internationally they also operate routes, casinos etc. There has never been any objection in T&T or Internationally to their vertical structure. It is unfair to penalise local persons while allowing multinationals to operate freely. Vertical companies should be allowed.

the Amusement Game Industry is fast moving. Bar owners often rent and often sell their bars or their landlords take them back. Many times Bar owners run up bill debts with Route Operators. In all such circumstance Route operators have to be able to move their machines quickly and cannot wait on permission. Many time a bar owner decides to change route operator and removes the machines himself.

The contract is normally a share of the win between the parties. There has to be value to make the contract viable for the Route operator.

This suggests that Amusement Machines are going to be allowed outside of Bars because bars are not allowed to have persons under 18 on their premises. Should Amusement games be allowed elsewhere will be a deliberate expansion of gambling. Should VLT Slot machines be allowed then slot machines will appear in supermarkets and lottery terminals just as they do in Las Vegas.

There us a payout validation device in use . there is no payout device.

All this except the person name is printed on the ticket .

THE ACT AND REGULATIONS WILL PUT THE COST OF OPERATING UP AND INCUR COSTS OF APPLYING

To apply for a license a Casino will need to spend \$1,275,500 and additional taxes and other required costs caused will be \$3,904,000. At least one PMC disclosed their Financials to the drafters who would have realized that the additional costs would wipe out any profit of most existing PMC's. There should not be both a Levy and Fixed machine and Table Taxes. The Levy would be fairer to all and would increase as income increased.

No Bar could afford the cost demanded by the Act. The Amusement machine Industry including Manufacturers, Route Operators etc would collapse and close. Thousands would lose their employment including those in Bars that would close. There are VLT slot machine operators who might step in but they would experience the income achievable and would soon drop aside leaving even more Bars to go bankrupt and close.

Lottery vendors would suffer the same fate due to the cost of becoming compliant. The public would no longer be able to play Roulette, Play Whe and Lotto except at the richest locations.

7th March, 2017

Ms Chantal La Roche
Secretary to the Committee
Joint Select Committee on Gaming
(Gambling and Betting) Control Bill, 2016
Office of the Parliament, Level 3, Tower D
The Port of Spain International Waterfront Centre
1A Wrightson Road
Port of Spain.

Dear Ms La Roche

RE: BLB COMMENTS ON GAMBLING (GAMING AND BETTING) CONTROL BILL 2016

The Betting Levy Board (BLB) was established by Act No.35 of 1989, Section 9 of which states ‘The Board shall collect all taxes, duties, fees or other payments referred to in this Act, and any such sums payable to it under the Gambling and Betting Act’.

Subsection 12(1) of the Act requires the BLB to ‘by means of monthly remittances pay one-half of the monies collected under Section 9, into the Consolidated Fund’, while Subsection 12(2) directs that ‘the remaining half of the monies collected under subsection (1) shall be applied to meet its own expenses incurred in the performance of its function’ as well as ‘to meet the administrative expenses of the Trinidad and Tobago Racing Authority (TTRA)’.

Since the establishment of the BLB 27 years ago, tax collections have realized only a small fraction of what was initially projected. Consequently, and in order to avert the collapse of the industry, successive administrations since 1994, have permitted the BLB to retain all the monies collected.

Since 1989, betting on horse racing has declined considerably with competition for the betting dollar by the NLCB, the Private Member’s Clubs, roulette and slot machines in bars and restaurants and illegal betting. Under the circumstances, if the BLB, under the new Act, is required to remit one-half of monies collected to the Consolidated Fund, there will be less funding available which will inevitably lead to the collapse of the industry.

In the circumstances, the BLB recommends the simultaneous amendment to Section 12 of the BLB Act to allow the Board to retain all of the monies collected for the purpose of meeting the expenditure as stated in Section 12(2).

Yours sincerely
Betting Levy Board

Richard Jackson
Chief Executive Officer



**Bankers Association
of Trinidad & Tobago**

11th April, 2017

The Secretary,

The Joint Select Committee on Gaming (Gaming and Betting) Control Bill 2016

Office of the Parliament

Level 3, Tower D

The Port of Spain International Waterfront Centre

1A Wrightson Road

PORT OF SPAIN

Dear Sir/Madam,

Subject: Stakeholder Submissions: Gaming (Gambling and Betting) Control Bill 2016.

Reference is made to your letter dated March 2, 2017 in which comments were formally requested from the Bankers Association of Trinidad and Tobago (BATT) on the Gaming (Gambling and Betting) Control Bill 2016.

We now enclose for your consideration, the comments of BATT:

REVIEW OF THE GAMBLING (GAMING AND BETTING) CONTROL BILL, 2016

Part III -

Section 33 - Consideration should be paid to limiting to the number of licenses which may be granted to a single person, entity, or group of companies. Similarly, interlocking directorships should also be considered, the objective being to limit the amount of control an individual, a group or persons, a company or group of companies can have over the industry.

Section 39 – It is recommended that the full list of licensees be published periodically, apart from the publication of a specific development such as a grant or revocation. Reference is drawn to Section 6(5) of the Bailiffs Act and Section 20(4) (c) of the Land Surveyors Act.

Section 40 – Reference to “duly licensed and properly trained security staff” is vague compromising enforcement of this clause by the Commission.

Section 46(4) – there is an inconsistency with Section 39. This section should also provide for publication of revocation in two daily newspapers in Trinidad and Tobago

REGISTERED OFFICE: c/o Institute of Banking and Finance of Trinidad and Tobago, 16 Gray Street, St Clair, P.O. Box 1259, Port of Spain,
Tel: (868) 622-0282, 628-2944 Fax: (868) 628-9718 Email: secretariat@batt.org.tt Website: www.batt.org.tt

Communications to: Corporate Secretary c/o Institute of Banking and Finance of Trinidad and Tobago

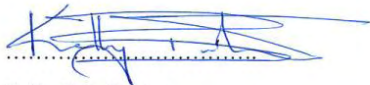
Member Banks: Citibank (Trinidad & Tobago) Ltd., Bank of Baroda (Trinidad and Tobago) Ltd., First Caribbean International Bank (Trinidad & Tobago) Ltd., First Citizens Bank Ltd., Intercommercial Bank Ltd., Republic Bank Ltd., RBC Royal Bank (Trinidad and Tobago) Ltd., Scotiabank Trinidad and Tobago Ltd.

Part VII –

The Bill has attempted to more strictly regulate licensees with the appointment of an authorised officer having broad powers to gather intelligence and conduct investigations as it relates to AML/CTF and other matters, and the Banking Industry is in support of this. Perhaps, a nexus should be included in the Bill to establish a collaboration/ connection between the Commission and CBTT/ FIU, in particular, if a report submitted by the authorised officer addresses AML/CTF infringements, then perhaps said report should be shared with the FIU.

We thank you for your very kind attention and consideration on this matter.

Yours respectfully,

A handwritten signature in blue ink, appearing to read 'Kelly Bute-Seaton', written over a dotted line.

Kelly Bute-Seaton
Executive Director

Bookmakers Association of Trinidad & Tobago

25-27 Chacon Street, Port-Of-Spain, Trinidad, W.I.
Tel: 623-8402 Cell: 681-3223 Fax: 623-2539

30th August, 2017

Parliament of Trinidad and Tobago
Level 3 – Tower D,
1A Wrightson Road,
Port-Of-Spain.

ATTENTION: Secretary of The gaming and Betting Bill- J.S.C.

Dear Sir/Madam,

The Private Betting Shops are in CRISIS. One of the reasons is the 10% turnover tax the "PUNTER HAS TO PAY FOR EVERY BET". This tax particularly over the last few years has created the following serious problems.

1. A huge underground illegal betting network (No Tax charged).
2. Instead of betting locally most of the medium and large punters are BETTING ONLINE OVERSEAS (Tax free).
3. The Casino industry MAINLY SLOT MACHINES are impacting negatively on The Private Betting Shops.
4. Our volume of betting has declined over the last 3 years by 40%, and at the same time our expenses are increasing.

This situation will only get worse if we do not find a solution. Already, many betting shops have closed for business. We respectfully suggest a flat License to replace the 10% turnover tax.

The present law of The Gambling & Betting Act is BAD LAW. Nowhere in the world a 10% turnover tax on betting exists. Our suggestion will stabilize the industry with a tax free environment for the punter which will hopefully increase our volume of betting and at the same time generate a reasonable profit on our investment.

Bookmakers Association of Trinidad & Tobago

25-27 Chacon Street, Port-of-Spain, Trinidad, W.I.

Tel: 623-8402 Cell: 681-3223 Fax: 623-2539

In Barbados No Turnover Tax - 100,000 yearly License & 10 cents on every ticket

In Guyana No Turnover Tax - 1 Million Guyanese yearly License fee

In Jamaica No Turnover Tax - 17% tax on their gross profit yearly

In England No turnover Tax - 17 1/2% tax on their gross profit yearly

At present there are only 10 Private Betting Shops left in operation. At one time there were 28 Private Betting Shops. The Tax collected by the Private Shops play an important role in the survival of Local Horse Racing. We want Local Racing to survive, in the past we have always supported the industry and will continue to do so. We are also concerned for our employees as well as all of the other employees in the industry.

We have no quarrel with the Government or the Betting Levy Board, all we want is a fair and equitable tax system to operate our business with transparency and integrity.

Government intervention in this matter is crucial. We are ready at anytime to meet and discuss the resolution of this situation.

SUGGESTIONS AND SOLUTIONS FOR:-

- 1. PRIVATE BETTING SHOPS - (BOOKMAKERS)**
- 2. ARIMA RACE CLUB – (LOCAL RACING)**

1. PRIVATE BETTING SHOPS:

- A. REMOVAL OF THE 10% TAX on bets.
- B. A flat License or TAX of 1.5M annually.
- C. A 15% TAX on gross Profits yearly.
- D. Removal of the restrictions for companies or partnerships to hold a license.
- E. Allow Private Betting Shops to open for business on a Sunday up to 1pm.

EXPRESS RACING



Peter George: Caroni only hope for industry

\\ Glen Mohammed

CARONI racing complex, which was shelved in 1981 because of the 'houses before horses' chorus, can now be seen as the saviour if the racing industry is to survive.

This analysis was made by Peter George, former racehorse owner and president of the Bookmakers Association.

"In five years' time the industry will be almost dead if they do not approach Government with a blueprint for the industry's survival. To survive they have to move to Ca-

roni," George predicted.

In an exclusive interview with the Express George explained: "Centralisation at Santa Rosa Park did not come with any vast improvement to the horse racing industry, or prize money."

He added: "The infrastructure is old. The Paddock needs significant improvement. The inventory (horse population) needs to be increased, and that is an inherent problem that was never properly addressed."

He then outlined why the sport continues on a downward spiral. "The location is not a centralised

one. Caroni is the centralised location. Santa Rosa Park is too far in the East."

He explained: "We had \$57 million ploughed into Caroni, and it was stopped for political reasons. It still has all the infrastructure and location to make it the ideal area for centralisation, and transforming the site into a family-oriented centre. Some improvements were made to Santa Rosa Park, but not enough for the public comfort."

"It is not a place you could take your family for entertainment. It does not have any proper restaurant,

and the location is located close to criminal activities."

He admitted that present promoters, the management committee of the Arima Race Club (ARC) is doing its best to keep the sport going.

However, he said, "to be blunt, the ARC's management committee...means well, but the sport is not going anywhere, because they do not have any of their own money invested, and do not have anything to lose."

George also predicted, quoting statistics to back up his argument, that the traditional private betting shops are also facing imminent closure in the next five years also.

He explained: "Even now, the private betting shops are in seri-

ous trouble, and are declining rapidly. In 1994 we had 28 betting shops. In 2014 we have 11. Next year we may only have 10, because others are going to close their doors."

ous trouble, and are declining rapidly. In 1994 we had 28 betting shops. In 2014 we have 11. Next year we may only have 10, because others are going to close their doors."

"Our problem is the illegal underground betting network, the 10 per cent tax on all bets, Play Whe' and Lotto, online betting, and casinos which offer no taxes, free eats and drinks."

George suggested that to infuse new thinking and blood into the sport, the Gambling and Betting Act has to be amended, horse racing has to be shifted from Saturdays to Sundays, the removal of the 10 per cent tax, and the introduction of a flat licence for all private betting shops.

'Chrome'
likely for





VAT REG'D NO. 103394

26

TRINIDAD & TOBAGO MANUFACTURERS' ASSOCIATION

"THE VOICE OF BUSINESS ENTERPRISE SINCE 1956"



19th April, 2017

Secretary to the Joint Select Committee
on Gambling (Gaming and Betting) Control Bill, 2016
Office of the Parliament
Level 3
Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road
Port-of-Spain

Dear Sir/ Madam,

The Trinidad and Tobago Manufacturers' Association (TTMA) is in full support of a Regulated Gaming Sector, and there are no major objections to the existing Draft Law.

The definitions are up to date, the general clauses are fair. However, we recognize that enacting any new and dynamic regime will have its challenges.

The term "regulated" meaning a sector that is governed by laws and practices that produce:

- Fair games of chance
- Transparency in accounting
- Efficient tax collection
- Encourages responsible gaming conduct and
- AML/CFT compliance programmes.

Moreover, a controlled environment is necessary to attract investment in the hospitality and tourism sector, which creates good jobs, quality entertainment and enhances government revenue.

Finally, the TTMA believes that greater autonomy/authority must be provided to the Commission to enter unlicensed establishments and seize unauthorized equipment. Such powers would require that the Commission have well-trained, full-time staff dedicated to the enforcement of the Act and regulations.

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Given the above, the TTMA considers Licensed Gaming Operations to have been granted a privilege and expects that the Proposed Commission would act within its remit to oversee all key aspects of the industry.

Respectfully submitted by,


Dr. Mahindra Ramdeen
Chief Executive Officer



JSC on Gaming (Gambling and Betting) Control Bill, 2016
Request for Stakeholder Submissions
Submitted: April 11, 2017

TRINIDAD AND TOBAGO POLICE SERVICE
RESPONSE TO THE
REQUEST FOR STAKEHOLDER SUBMISSIONS:
GAMING (GAMBLING AND BETTING) CONTROL BILL, 2016

This Bill seeks to provide for the Establishment of the Gambling (Gaming and Betting) Control Commission ("The Commission") for the purpose of regulating the Gaming and Betting Sectors, which are, both on a global and national level, vulnerable to infiltration by money launderers and terrorist financiers. The Commission shall establish a licensing framework, which will aid in minimizing the potential for money laundering and terrorism financing due to stringent criteria that will have to be met by anyone desirous of obtaining a license permitting them to work in the gambling sector.

Part I of the Bill provides for preliminary matters such as the title and definitions. It is proposed that this Bill will come into effect upon receiving Presidential assent.

- *Definitions*

- *There is no definition of "Authorized" and "Unauthorized gambling"*
- *The definition should take into consideration instances where gambling is being conducted by underground operators using legitimate or licensed premises; gambling via the internet and from a prohibitive territory.*
- *The current definition of "Authorized officer" is restrictive. It is suggested that consideration be given to expand the definition by including for example a member of the Special Reserve Police. The definition must be clear and specific.*
- *If there is need for a technical investigation, the skills so required may not be resident in those institutions as currently defined.*
- *In its current form, these two types of gambling are inherently difficult for the police to differentiate between a legal and an illegal act when and if so reported.*
- *"Whistle blower" - there is no definition or provision for whistle blowers protection or the responsibility of the police service in this context. This is important as in these circumstances citizens look to the police for protection.*



JSC on Gaming (Gambling and Betting) Control Bill, 2016
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- Section 78, speaks to committing an offence if Gambling is carried on from or to a Prohibited Region.
 - o However, there is no definition of a Prohibited Territory, and what is the procedure for the police to adopt when, an offence is committed under this section.
- *Internet gambling and the issue of a prohibited territory*
 - o There is no cohesive legislative assistance for the police to intervene where an offence is committed over the internet (gambling)
 - o There is no cohesive legislative assistance for the police to intervene where an offence is committed from a prohibited territory.

Part II of the Bill Proposes to establish the Gambling (Gaming and Betting) Control Commission ("The Commission), which will be managed by the Board. Section 13 under this part provides for "Members to Declare their Interest" failure of which creates an offence under s.5

- *Process*
 - o There is no process outlined that gives the police the power to put persons before the Court where a report is made to the police under this section. (e.g. May or May not Arrest without a warrant)

Part III of the Bill proposes to establish the licensing regimes under which the Gambling sector will henceforth be required to operate. Section 31 under this Part creates a specific requirement, which must be in accordance with section 33 under this Part also.

- *No penalty is created under the section;*
- *Nor does the section give police the power to seize any machines found in contravention of this section.*
- Section 33 (6) provides for concerned individuals to note their objections if necessary before the granting of licenses. However, there is no requirement for the police to submit any report, which in the circumstances may be necessary.(e.g. where the person must submit their application to the police for investigation when applying for license from the licensing committee)

Section 34 (3) Where the Commission rejects an application and persons are found operating with fraudulent documents.

- It is suggested that the section should provide powers to police officers to investigate and lay charges. The wording of this section does not clearly create an offence. Therefore the power of the police to take action is restricted.



JSC on Gaming (Gambling and Betting) Control Bill, 2016
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- Since this Act would now require persons to provide specific documents that would require certain documents, consideration should be given to an amendment to the Forgery Act to include any document of the type used by the Commission for the granting of licenses. It is also suggested that there should be an added subsection in this section referring to the Forgery Act for the purpose of having committed and offence of forgery, or uttering a forged document.

Section 37 & 38 provides for licenses to be of a certain form, and persons obtaining licenses should adhere to certain conditions.

- The section does not however provide for creating an offence where persons do not adhere to the conditions and form of the license. Therefore in its current form, the police does not have the jurisdiction to enter such premises, inspect the licenses and if necessary seize the documents for non-compliance and prefer the necessary charges for non-compliance.

Section 47 provides for expiration of licenses.

- It is recommended that
 - o this section should create an offence for operating with an expired license
 - o the police should be able to seize the expired license, equipment and prefer charges for the offence.

Section 44 (4)

- It is recommended that a requirement for police officers to accompany any authorized officer for the purposes of lawful entry be included.

Section 47 4)

- It is recommended that the Police should accompany the authorized officer in order to lawfully seize the documents mentioned (by way of warrant)

Part IV of the Bill proposes to address matters peculiar to the Gaming sector and in that regard, clause 54 is a transitional provision permitting gaming operators to operate until such time as the Commission issues licenses in accordance with the proposed legal framework.

Section 54 (3) under this part provides for the Commission making a report to the police.

- However, the section did not
 - o specifically create an offence; and
 - o outline a procedure that the police can follow after a report was made by the Commission.



JSC on Gaming (Gambling and Betting) Control Bill, 2016
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Section 60 under this part provides for gaming in private.

- It is recommended that consideration be given to where the conditions set out are not adhered to, then the police should have a power under this section to arrest and charge as provided for under S. 4 of the Gambling and Betting Act 11:19

Part V of the Bill is specific to the Betting Sector and as with Part 111; there is a transitional provision at clause 63 permitting betting shops, bookmakers, and promoters to operate under the existing framework until such time as the Commission issues licenses under this proposed legal framework.

Section 63 Sections 3 & 4 under this part provides for where a person fails to notify the Commission of the existence of the Betting Shop, and failure to wait on an impending decision to grant a license then the Commission must make a report to the Police,

- However there is no procedure for the police to adopt in order to bring persons before the court. It is recommended that this be developed and included.

Part VI of the Bill addresses the payment of Taxes by licensees under the Act, In that regard, it is proposed that the Commission shall make taxes payable as set out in clause 66 with the exception of levy on bets made on live or "simulcast" (simultaneous transmission of the same programme on radio and television, or on two or more channels). This Part proposes also the creation of two Funds, the Rehabilitation Fund and the Development Fund, for the purpose of aiding victims of gambling addiction as well as assisting in areas of sport, development, arts, and culture and health, respectively.

Section 70 ss (c) under this part provides for an authorized officer to undertake activities for the purposes of assessing whether an offence under this Act is being or has been committed, also,

Under 70 ss (2) (g) provides for the removal and retaining of anything he (the authorized officer) reasonably believes is being used or has been used to commit an offence under this Act.

- The interpretation of an authorized officer includes police officers, however the authorized officer here does not specify a police officer.
- These provisions under this section appear to involve the police, but there is no procedure to follow should there be a contravention of one of these provisions, which would give the police jurisdiction of any kind.
- It is therefore recommended that there should be an outlined procedure for the police.



Part VII gives powers to authorized officers ("Police Officers" included) for the purpose of ensuring compliance with the Act. Such Officers have power to inspect licensed premises, monitor activities, and examine documents, records, and machines.

Part VIII and IX contain proposals for enforcement. In part **VIII**, infringements are considered offences and subject to the summary Jurisdiction of the Courts, **Part IX** establishes an administrative penalty system whereby offences created under Part VIII can alternatively be dealt with under the administrative penalty system, however, once this option is taken, access to the Courts for resolution is denied.

- This part provides for various offences, however these offences seem to be a duplication of offences that already exist under the Gambling and Betting Act, 11:19.
- It is recommended that there be clear demarcation to provide for specific offences which fall under the both Acts.

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

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

The following are also highlighted as areas for consideration.

- Where an authorized officer is a police officer, this offer should be at the rank of Sergeant or above.
- Thus in any activity where the police are required to submit reports, inspect documents, and or inspect premises as mentioned in the Bill, then that officer would ensure that the same standard is applied when visits are made to Bars and jewelry shops etc. by the district police.
- Further, where Gambling and Betting is carried on in the region one of the main concerns outlined in the region is the ability of persons to gamble via the internet. Our region and in particular, here in Trinidad and Tobago do not possess at this time, an effective regime of internet laws nor do we have any proper legislative framework to adequately deal with internet illegalities. Therefore, if Trinidad and Tobago and by extension the region are to effectively deal with offences of this type, the police service requires effective legislative tools to police these types of offenses to protect and serve the citizens of the Republic.



CUSTOMS & EXCISE DIVISION

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6th April, 2017

Ms. Chantal La Roche
Secretary to the Joint Select Committee on Gaming
(Gambling Betting) Control Bill, 2016
Office of the Parliament
Level 3, Tower D
The Port of Spain International Waterfront Centre
1A Wrightson Road
PORT OF SPAIN

Dear Ms. La Roche,

Re: Request for Stakeholder Submissions: Gambling (Gaming and Betting) Control Bill

I refer to the above matter and yours or even reference dated 2nd March, 2017 and provide the following comments on the said Bill.

It should be noted that the Finance Act No. 4 of 2014 amended –

- (1) The Registration of Clubs Act Chapter 21:01
- (2) The Customs Act Chapter 78:01
- (3) The Liquor Licences Act Chapter 84:10

The amendment to the Customs Act provided among other things that the prohibition Order 1953, in relation to “mechanical games of chance for gambling” is repealed. Section 45(1) (m) was also repealed:-

“Mechanical games or devices set in operation wholly or partly by the insertion of a coin or coins, and so constricted as to return to the person inserting the coin or coins, in certain circumstances, a coin or coins of greater total value than that of the coin or coins inserted.”

The net effect of the repeal of these laws means that the Customs responsibility is limited to the collection of the applicable duties and taxes on the importation of the gambling machines.

The Bill provides a definition of “authorized officer” which does not include “Comptroller” or “Customs Officers.”

According to the Draft Bill at number 31(d) a person shall not import a gaming machine or associated equipment without first acquiring the necessary licence for the Commission pursuant to Section 33.

At present there is no requirement in law for an import licence to import the said items. In this regard, there may be a need to revisit the Bill in relation to the provisions of the Finance Act No. 4 of 2014.

Submitted for your consideration

Yours Respectfully,

.....
Shirley Sheppard
Senior State Counsel
/f/ Comptroller of Customs and Excise

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27th March, 2017

Chairman of the Joint Select Committee on the Gambling (Gaming and Betting) Control Bill 2016
Levels G-8, Tower D
The Port of Spain International Waterfront Centre
1A Wrightson Road
Port of Spain

Dear Sir,

Please see attached the submissions to the Joint Select Committee of Trinidad and Tobago on the Gambling (Gaming and Betting) Control Bill 2016. Having regard to the size and complexity of these regulations we kindly ask that you accept further submissions.

Regards,



Russell Bahadoorsingh



27th March, 2017

Chairman of the Joint Select Committee on the Gambling (Gaming and Betting) Control Bill 2016
Levels G-8, Tower D
The Port of Spain International Waterfront Centre
1A Wrightson Road
Port of Spain

Dear Sir,

**Re: Request for extension to make submissions on the regulations accompanying the
Trinidad and Tobago Gaming and Betting Control Bill 2016**

I hereby request on behalf of the Amusement Gaming Association permission to advance further submissions on the regulations which we have only recently received.

It is the view of our association that given the size and complexity of these regulations that we would require a further 14 days to enable us to provide written representations on these regulations.

We thank you in advance for your understanding and indulgence in this matter.

Regards,



Russell Bahadoorsingh

**SUBMISSIONS TO THE JOINT SELECT COMMITTEE OF
TRINIDAD AND TOBAGO**

1. This submission is delivered on behalf of the Amusement Gaming Association to assist with the formal discussion on the Gambling (Gaming and Betting) Control Bill 2016 (The Bill).
2. The Amusement Gaming industry provides the livelihood for many persons directly or indirectly through the enhancement and expansion of the local bar experience and industry, the creation of employment in terms of personnel required to transport, maintain, monitor and install these machines. With the enforcement of this new Bill, and the replacement of the current regime in the Liquor Licences Act, the Amusement Gaming Industry seems set to be diminished.
3. This industry is currently regulated under a quasi-judicial system, headed by an objective judicial officer. Furthermore, this judicial officer must act in compliance with the requirements of the Financial Intelligence Unit. This dual system it is contended provides a sufficient regulatory framework which can effectively manage and control the Amusement Gaming Machine industry.
4. The implementation of this legislation should be done with caution, proportionality and all times attempting to strike a balance between effective regulation and creating the conditions for a thriving industry. The main aim of this Bill is to terminate money laundering and terrorist financing however, the measures taken to end this are severe and restrictive on the industry. There is no substantive evidence to show that the conduct which this Bill seeks to curb is prevalent or exists within the gaming sector. Furthermore, industries which are more susceptible to money launderers and terrorist financiers, such as the Banking System have less restrictive regulations than those set out in The Bill.
5. Perhaps the most troubling provisions of this Bill for the Amusement Gaming Machine industry are contained within the regulations which seek to severely restrict and curtail the industry as it presently exists.

6. Having considered the provisions of this Bill and the attendant regulations, in particular the regulations concerning amusement machines, what emerges is unfortunately an attempt to simply lump and amalgamate the Amusement Gaming industry (*a burgeoning and boisterous industry on its own*) with the casino industry. In this regard, we urge this Joint Select Committee to ensure it understands and appreciates some of these differences prior to analysis of a Bill which seeks to introduce very abrasive control mechanisms.
7. For instance, the casino type establishments presently operate under the Private Members Club system, with the attendant trappings of larger more affluent facilities, a certain level of exclusivity and an entirely different licensing regime. However, the Amusement Gaming industry, rather than comprising of larger clubs, is in fact a collection of smaller cottage commercial entities which surgically insert economic activity and opportunity within various communities in Trinidad.
8. The Amusement Gaming industry essentially comprises the supply, installation, maintenance and operation of amusement game machines within various bars (rum-shops) throughout Trinidad and Tobago, which provide a forum for persons to enjoy an alternative form of entertainment. Importantly, it must also be appreciated that apart from the more sporadic and diverse locus of this industry, the betting limit of five thousand dollars (\$5000.00) per machine effectively divorces this industry from the scale of operations at which the more established casinos operate.
9. The core arguments which the Association for Amusement Gaming Machines wishes to bring to the attention of the Joint Select Committee are as follows:
 - a) The present licence regime as it functions under the Liquor Licences Act Ch. 84:10 is sufficient to effectively regulate, control and manage the Amusement Gaming industry as it exists;
 - b) There is currently no good reason, certainly none supported by any evidence and/or data, why the system as it exists requires the drastic and cataclysmic overhaul as is being proposed by this Bill that is necessary and could justify the use of precious parliamentary time.

- c) The participants of this industry operate at a much, reduced capacity in relation to the larger casinos with less access to financial and operational resources, the resultant effect of which is that this industry cannot insulate itself from the onerous and debilitating regulatory requirements being imposed by this Bill.
- d) The effect of implementing this Bill into law would ensure the capitulation of this industry, the domino effect of which would be unemployment, reduced economic activity and the removal of a key component in the entertainment services industry within Trinidad and Tobago.

10. The present Amusement Gaming industry has been referred to in some quarters as an unregulated industry in need of legislative intervention and control. This is an unfortunate and greatly misconceived notion which should be rectified in the collective perception of the public, and if needed within the minds of the members of this Joint Select Committee. In this regard one need only have a cursory read of the provisions which exist in the Liquor Licences Act Ch. 84:10.

11. **Section 20A of the Liquor Licenses Act** prefaces the system which it is submitted provides an adequate, proportionate and fair regulatory regime for amusement gaming machines as follows:

"20A. (1) Notwithstanding section 58, licenced premises referred to in section 35(3) or (4) may host amusement games where there are no more than twenty amusement games in operation at any given time."

The clear intent of Section 20A is firstly to confer upon a quasi judicial body (Licensing Committee headed by a Magistrate) the discretion as to whether or not a bar or premises "may" be allowed to operate these machines. The Committee can take into account any number of factors including submissions from the local police, health authority and the views of persons seeking to object to the granting of this licence.

Secondly, there is what is considered by the participants within this industry an unduly limited yet reasonable limit upon the number of machines a single premises can host. This must be seen as nothing less than already robust strictures upon this industry thereby dispelling any notion of an unchecked and unregulated proliferation of amusement gaming machines.

13. Further, once again reasonable limits are placed upon these amusement game machines in terms of a maximum payout and a minimum age for persons seeking this form of entertainment:

"20 A (2) In respect of amusement games referred to in subsection (1), the maximum pay out sum per game of five thousand dollars shall be prominently displayed on each amusement game.

(3) The holder of a licence specified under section 35(3) or (4) who hosts amusement games on his premises, shall not permit an individual who is under the age of eighteen years, to be in that part of the premises where amusement games are conducted or to engage in amusement game activities on his premises."

14. Further, other noteworthy aspects and mandatory requirements of the Liquor Licences Act are:

- a) The prominent display of the words "Individuals under the age of eighteen years are not allowed in this part of the premises and are prohibited from engaging in amusement game activities;*
- b) The prescribing of criminal penalties, including the potential loss of the overarching liquor licence to the owner of the establishment should the age restriction not be enforced;*
- c) The imposition of a gaming tax per machine;*

- d) The registration and consequential supervision of the Board of Inland Revenue of the collection of this tax;
- e) Penalties for the non-compliance with these taxation measures;
- f) Prescribed grounds of objections and/or restrictions for which a licence may be denied, such as if the licensee is convicted of an arrestable offence, if the district is adequately served, if the premises are too close to a school or place of worship or if the premises are unsuitable because of health and/or safety concerns.

15. When one considers the system of supervision articulated by the Liquor Licences Act, it is important to keep in mind that the Amusement Gaming industry essentially exists and thrives within the communal bars. There is a symbiotic relationship that exists wherein these bars provide a ready market for the hosting of these amusement games and the attendant services for them, while the bars are able to provide an enhanced entertainment service which could rival some of the more established clubs and facilities.

16. In essence, the incorporation of these amusement machines is interwoven within the liquor licence requirements as prescribed by the Liquor Licences Act and as such it is more than arguable that the regulatory regime which exists over premises that sell alcohol is an extremely robust, well established and fair system that is more than adequate for the regulation of the Amusement Gaming industry. It must be emphasised that the entire system is essentially supervised by a judicial officer in the form of a Magistrate who has the power to take evidence, allow cross-examination, request further investigation, impose conditions and even personally visit premises when considering the suitability of granting a licence and/or revoking one.

17. It is perhaps worth pointing out that the system which currently exists in the UK is similar to the system which presently operates within Trinidad and Tobago. Schedule 13, subsection 1 (1) of the Gambling Act 2005 UK legislation states as follows:

"A person who applies to a licensing authority (in its capacity as a licensing authority under the Licensing Act 2003 (c.17) for an on-premises alcohol

license or who holds an on-premises alcohol license by a licensing authority (in that capacity) may apply to that licensing authority (in its capacity as a licensing authority under this Act) for a licensed premises gaming machine permit"

18. In the circumstances, it is submitted to this Joint Select Committee that the introduction of an entirely new regime that will encompass amusement machines is unnecessary, without justification and would have the effect of eradicating this industry. The conjoint effect of the definition of "gaming" (*means to play a game of chance for a prize or winnings in money or money's worth*) and the introduction of Section 31 of the Bill which essentially mandates that all participants in gaming, inclusive of persons providing premises for gaming, be licensed by the Commission.
19. In essence therefore any bar or similar facility which sought to house amusement gaming machines would now become subject to regulation by the Commission under the Bill, thereby introducing either a new licence regime and/or duplicating the provisions of the Liquor Licences Act for premises. This becomes an onerous process for bar owners, further these entrepreneurs upon viewing the multiplicity of licences required and the provisions therein may simply choose to remove amusement gaming machines from their premises rather than enter the fray and comply with an overwhelmingly bureaucratic system. In essence this Bill, if implemented into law would make every bar with an amusement gaming machine be deemed for the purposes of the Bill into a casino and subject these small bars to the jurisdiction of the Commission.
20. In this regard it is noteworthy that presently many bars already comply with the provisions of the Liquor Licences Act and pay the prescribed taxes in accordance with same. However, the introduction of a duplicitous and complex system would more than likely result in an substantial number of bars opting to remove these machines thereby reducing the tax base and decreasing the tax income presently being collected for this industry.
21. In considering the proposed Bill, the Amusement Gaming Association firstly and most importantly takes issue with the regulations which seek to regulate the amusement gaming machines.

**The Gambling (Gaming and Betting) Control (Amusement Machine Controls)
Regulations: Part Two- Licensing**

Regulations 1,2,3&4

22. These Regulations are ambiguous and imprecise and can essentially lead to the Chief Executive Officer of the Commission incorporating a wide cross section of people who may have some type of influence over the licensee or licensed premises into obligations under the Act. This would undoubtedly raise a myriad of constitutional issues for citizens who maybe perceived by this CEO to have some of the aforementioned influence but genuinely not have same. Further, there seems to be no justification for such a broad deeming power. The measure is inherently unfair to the Licensee as he should be entitled to know who are the persons within his sphere that may be subject to the jurisdiction of the Commission and mandated to comply with the requirements of Regulation 2.

Regulation 5 (undue economic concentration)

23. This Regulation, apart from once more being vague and uncertain, fundamentally undermines principles of free and fair trade, democracy and capitalism. It essentially seeks to place limits upon an entity's success and expansion without any good reason. Further, due to its ambiguous nature this clause could only lead to abuse by persons within the Commission who may seek to restrict the expansion of a particular business and/or group without just cause.
24. This clause is superfluous and leads to duplicity in administration when one considers that there is already in existence the **Fair Trading Commission** which is designed to investigate monopolistic behaviour and unfair trading practices within Trinidad and Tobago. Further, under the present licensing scheme, the Licensing Committee has as a consideration whether or not the district is adequately served by the licensed purpose.
25. Unfortunately, this Regulation is plagued with particularly poor consideration and/or research. It seems that the term "*economic concentration*" under these regulations is akin

to suppressing competition, impacting economic stability of the gaming industry and negatively impacting the purposes of the Act. These phrases while sounding laudable, is starved of particulars which could properly inform the potential license holder as to what behaviour is expected of him and what practices are forbidden.

26. For instance, if there were provisions which mandated that an entity was prohibited from controlling 60% of the market share within a certain locality or that no person or entity shall have controlling interest in more than a certain number of establishments, these would be provisions that would be certain by which a Licensee could abide. However, the manner in which this provision is drafted leaves too much discretion in the hands of the Commission which could lead to abuse and misfeasance.

27. Further, once more there is absolutely no justification for this provision. Has there been any study and/or statistical enquiry as to which companies are presently supplying and/or operating these amusement machines and does there exist some type of monopoly of market abuse prevailing that warrants this measure being introduced that cannot be managed by the Fair Trade Commission? The point is an important one having regard to the fact this legislation is essentially creating the initial framework for an industry, it should firstly consider whether or not the industry is being adequately served by the suppliers and/or players in the market place prior to placing restrictions through legislation which essentially seeks to limit an individual's right to expand his business.

Regulation 8

28. It is of further concern that in Regulation 8, the Commission is vested with the power to impose conditions upon the licence to prevent economic concentration. However, what is disconcerting is that the regulations seek to limit the scope of the hearing wherein a licensee may seek to persuade the Commission to alter or remove these conditions. Regulation 8, archaically specifies the follow:

"Any hearing concerning such an order shall be limited to the reasonableness of the restrictions or qualifications placed on

amusement terminal operator license to avert undue economic concentration"

29. As a matter of policy, any regulation seeking to place a fetter upon an individual's right to be heard and/or the fairness of a hearing should be rejected. Further, this clause seems sinister in its concoction, as a Licensee should be allowed to bring to the attention of the Commission the illegality of a condition and/or if the condition has been conceptualized in bad faith, rooted in bias or procured as a result of some other nefarious means. To limit such a hearing only to reasonability, wherein a specialist body acting as a decision maker has an almost unassailable discretion. This provision should be struck out completely.

Regulation 12 (Application Procedures)

30. This provision seems to be sermonising rather than providing legal regulations. The preface "*a license is a privilege*" and then the waiver of an applicant potentially accepting liability and other adverse consequences in connection with the application process is misconceived and inappropriate. A license, in the context of the gaming industry, is a device which grants an applicant the right to carry on his commercial activity within the gaming industry. It is not a gift or some charity being disseminated by this proposed Commission, every citizen or company is entitled to apply to it and must be treated equally in the eyes of the law when a determination is made. Statements such as these only serve to foster a god complex in the mind of the Commission and would inevitably lead to the Commission becoming a law unto itself. Indeed, serving on the Commission should be seen as a public service not only to the public at large but also to the participants within the gaming industry.

Regulation 14

31. This Regulation fails to specify how often these fees need to be paid and if there is a renewal procedure in place for these licenses. Further, the licenses are superfluous, all of the various licensed functions can be carried out by one entity, in those circumstances it is absurd that one entity would have to obtain several different licenses when in fact the distinction being made in the regulations are merely artificial.

Regulation 20

32. This regulation fails to specify what are the parameters of a "*background investigation*" and how this impacts upon the suitability to hold a license. This measure is too broad and the factors which prohibit suitability for license should be specified here.

Part Three- Duties and Responsibilities of Licensees

Regulation 1

33. The power to enter a licensee's premises and/or vehicle without reasonable cause being vested in the Commission and its agents is unprecedented and wholly disproportionate. It is open to all manner of abuse and in the least should only be exercised with reasonable cause that some infraction has occurred. The manner in which this regulation is drafted allows the Commission and its unspecified agents to trample upon the rights and freedoms of ordinary citizens without a proper basis to essentially perform a fishing exercise in that it is allowed to take these actions to look for evidence, not even based upon reasonable suspicion that such evidence may be found. This measure could easily be used by an agent for harassment and abuse of legitimate and law-abiding licensees.

Regulation 2 (d)

34. This is simply a regulation which is vague, and difficult to comply with. The Regulation requires a licensee to conduct its gambling operations in a manner which does not offend the *inter alia* general welfare and morals of the people of Trinidad and Tobago. This is quite simply a ridiculous inclusion having regard to the fact that most religious bodies are generally opposed to gambling as such it seems this regulation is essentially setting the industry up to fail if a license can be denied because it offends a sense of morality in some citizens. There must be recognition of freedom of choice within the ambit of the law.

Regulation 3

35. As stated above, the Licensee must be able to identify the persons who would have these reporting conditions. For practical and logical reasons, the class of persons expected to report to the Commission the various things set out in this regulation must be satisfactorily identifiable beyond the criteria of "*persons with significant influence*"

Regulation 5

36. These regulations are ill conceived and questionable. There already exist within this jurisdiction a significant number of machines representing a substantial investment within the industry. To undergo a testing and certification exercise at this point would mean a complete shutdown of the industry for an unquantifiable portion of time. There has to be proper transitional arrangements which would allow for the phasing in of this regime if this is to be a serious consideration within the regulations.

37. Further, Regulation 5 (c) is unduly restrictive of commerce, entrepreneurial spirit and growth in the industry. There is scarcely another sector in the economy where a distributor or operator would be restricted from becoming a supplier. It is therefore unjustifiable for such restrictions to be placed on a business entity which wishes to expand and potentially be the commercial force that could even rival international companies in this field.

Regulation 6

38. These regulations emphasise a lack of understanding of the present conditions in this industry. Firstly, the regulations mandate that a licensee "*maintain a single bank account*". The fact is that banks within this jurisdiction are unwilling to allow gaming establishments to open bank accounts. This regulation is unnecessary unless laws to properly regulate the banking sector are introduced, which is perhaps more needed than laws regulating the gaming industry.

39. At 6 (s) there is *inter alia* an impractical stipulation as to giving **prior** notice. This would be an extremely difficult requirement as in some instances machines may have to be removed and/or replaced quickly to avoid significant commercial losses.

Part Six- Registration, Placement and Destruction of Amusement Gaming Terminals

Regulation 2&3

40. A time limit should be placed on the Commission, to ensure that it completes its duty within a reasonable time to ensure commercial viability of the industry. In this regard it is recommended that a period of 10 days for completion of inspection be imposed upon the commission.
41. The Clauses which are going to cause a problem for the industry are examined hereinafter.
42. In **Part II of the Bill Sections 6-30** establishes a Body Corporate which will be known as the Gambling (Gaming and Betting) Control Corporation. This will provide for a Chairman and eight other members who shall be appointed by the Minister.
43. It is objectionable that these appointments are being made by the political executive. In this regard a more neutral form of appointment must be considered as these commissioners would have vast power to impose sanctions and even terminate licenses of organizations within the gaming industry, while being protected with clauses that restrict their liability.
44. The Bill speaks to the phrase "key personnel" and requires that same be licensed. The concern of the Association for Amusement Gaming Machines are whether or not its personal and technical staff will fall within this category. Technicians and various employees emanate from various walks of life and the imposition of a too burdensome fit and proper requirement could not only deter persons from seeking employment within the industry, but also siphon from the industry its human capital and technical expertise.

Section 16(1) of the Bill

“(1) No personal liability shall attach to any member of the Board for—

(a) any act or omission of the Board; or

(b) anything done or permitted in good faith, in the course of the operations of the Commission, under this Act.”

45. This provision is unfair and unjust. It is the Association's contention that members of the Commission should not be provided with such a blanket immunity. The fact is the potential and possibility of civil action and criminal prosecution acts as a deterrent against persons who hold this type of office from abusing the significant powers with which they are entrusted. Further, there is no system set up which allows the review and performance of this Board such as a service commission or special body. There should be a provision in the least that this commission lay on an annual basis a report on the functioning of the commission and its operations which can be examined by the public.

Section 17 of the Bill

“The Commission shall give effect to such general policy directions of the Minister, in relation to any matter relating to the regulation of gambling as appears to him to be of public interest”.

46. The question for consideration under this section is why should the Minister be allowed to give general policy directions for an industry driven by the private sector. These provisions are usually placed in legislation where special purpose statutory bodies are set up to execute government policy and distribute government services. There is no parallel with the gaming industry and as such this provision is unnecessary and could only lead to political influence and abuse.

Section 41(2) of the Bill

“2) The following persons shall not be involved with any activities for which a Premises Licence or any other licence granted pursuant to this Act is required, unless

having first obtained a Personal Licence:(a) a director; (b) an associate;(c) key employees and officers; (d) security staff at all levels;(e) internal compliance personnel including game supervisors and inspector;(f) accounting staff including cashiers, clerks, assistants and any person dealing with, or recording credit, cash chips, tokens and coins; (g) any person involved in managing, monitoring, supervising or directing any activities;(h) any person administering a game on behalf of the licensee including a croupier; (i) any person operating any gaming equipment directly or indirectly connected to the licensed activities; and (j) such other persons as may be prescribed."

47. These submissions have already touched on what can be termed a proliferation of new licenses which the association deems as unnecessary. It has already been argued that the Liquor Licence Act already provide ample regulation for these machines, and further places restrictions on the operations of same which effectively prevent abuse from taking place.

48. However, the introduction of the concept of a personal licence will exacerbate the complication and bureaucracy which ordinary bar owners will now be subjected. The seemingly wide ambit of this provision would cause bar owners, for fear of prosecution, to abandon the use of amusement gaming machines within their premises, rather than make applications to have every member of their staff comply with a personal licence requirements.

Section 45(2)(b) & Section 45(2)(c) of the Bill

“(2) The Commission may review any matter connected with the provision of gambling as authorised by a licence, where the Commission—

(b) believes that the licensee or a person who exercises a function in connection with the licensed activities has been convicted of a criminal offence;

(c) for any reason— (i) suspects that the licensee may be unsuitable to carry on the licensed activities; or (ii) thinks that a review would be appropriate."

49. This clause seeks to allow the Commission to review the grant of a licence on certain grounds. Firstly, it cannot be the case that a person or entity stands the risk of being deprived of its entire commercial asset because of a minor criminal offence. In this regard if the commission is going to undertake a review based upon a criminal conviction, it should only do so for convictions of serious nature and/or specifically exclude what are considered to be minor offences.

50. Subsection C is extremely troubling as it is unspecific and vague. The purport of this section allows to the commission to reconsider the grant of a licence on mere suspicion without any evidential threshold. This provision could be used as an avenue of abuse against legitimate gaming operations to exert undue influence and commercial pressure.

Section 45(3) of the Bill

“For the purposes of subsection (2)(c), a reason— (a) may, in particular, relate to the receipt of a complaint about the licensee’s activities; or (b) need not relate to any suspicion or belief about the licensee’s activities”.

51. This provision is too broad and does not take into account that with any competitive industry, as the gaming industry will eventually become, malicious acts such as false complaints can easily be fabricated and placed before the commission. There should be a much higher threshold imposed upon a random complaint before the commission embarks upon a review of the grant of a licence to licensee. Further, the licensee should be afforded an opportunity to be heard at each stage of the review through proper notification and a hearing procedure.

Section 47(1)(C)& Section 47(1)(D) & Section 47(1)(I) of the Bill

*“47(1) The Commission may revoke a licence where—
(C) the licensee has provided the Commission with false, misleading or inaccurate information;*

(d) the interests of customers are in any way threatened, whether by the manner in which the licensee is conducting or proposes to conduct its business or for any other reason;

(l) the owner or operator of the business for which a licence has been granted or any member of the key management or any associate has been convicted of a criminal offence whether in relation to said business or not;”

Section 70 (1)(B) of the Bill

“Compliance with any other written law relating to the prevention of money laundering and combating the financing of terrorism;”

52. Section 70 sets out the matters which the enforcement officer may assess and undertake activities in assessing same. However, this activity seems to be a matter better suited for the police and/or FIU. While the act does allow the commission to use police officers in the investigations of these matters, it must be considered that there is no guarantee that trained police officers would be conducting these investigations on behalf of the commission. In these circumstances it would be inappropriate to have these investigations conducted by untrained officers.

Section 70 (2)(a), (c), (d), (e), (h) of the Bill

“70 (2) In pursuance of the activities under subsection (1) the authorised officer may, in respect of licensed premises—

(a) inspect any premises;

(c) examine all machines and equipment;

(d) take copies of any document, record or information, however stored, in such form as he requires;

(e) monitor and record the collection of funds

(h) question any person on the premises, whether at the premises or at the offices of the Commission”

Section 70(6) & Section 71(1) of the Bill

"70(6) An authorised officer may enter any licensed premises in order to carry out any activity under subsection (2)."

"71(1) A Magistrate may, on application of an authorised officer, issue a warrant authorising such officer to enter upon a licensed premises if the Magistrate is satisfied that—

- (a) there are reasonable grounds for suspecting that an offence has been or is being committed;*
- (b) there are reasonable grounds for suspecting that evidence of the commission of an offence may be found on the premises;*
- (c) the authorised officer has requested and been refused entry;*
- (d) the admission to the premises is likely to be refused unless a warrant is produced;*
- (e) that the purpose of entry may be frustrated or seriously prejudiced unless the authorised officer can secure immediate entry; or*
- (f) there is no person on the premises capable of granting admission".*

Section 72 of the Bill

"Within forty-eight hours of entry onto a licensed premises, the authorised officer shall produce a written report for the information of the Commission, which report shall provide details of the inspection that was undertaken, including—

- (a) a list of all persons present at the time of the inspection;*
- (b) details of the time and location of the inspection;*
- (c) a list of documents and other records examined or removed;*
- (d) details of any incidents occurring during the inspection;*
- (e) details of all conversations between the authorised officer and anyone present at the inspection; and*
- (f) any other information that the authorised officer considers pertinent to the investigation"*

53. These wide powers seem to be activated without any proper basis and/or evidential threshold which could establish a reasonable or probable cause that some offence has taken place. These powers could be used by corrupt officers to harass and intimidate law abiding operators and as such there must be a proper requirement before an officer is permitted to invoke these powers.

Section 73(1) of the Bill

“(1) A person commits an offence if, without a licence issued under this Act, he uses or causes or permits premises to be used to—

- (a) operate a betting shop, casino, a gaming lounge or any gambling establishment;*
- (b) make a gambling machine or gambling device available for use;*
- (c) provide facilities of any kind for betting or gaming;*
- (d) manufacture, fabricate, assemble, programme, modify or repair any betting or gaming machine, or any equipment or device associated with gambling; and*
- (e) store, sell, supply or distribute a gambling machine, a gambling device or any equipment or device associated with gambling generally”.*

54. This provision could lead to the complete abandonment of gaming machines by bar owners as many premises used for bars are rented premises. These potential offences may result in many landlords who presently rent to bars being excluded and/or being informed that they will not lease to premises which use amusement gaming machines.
55. It is submitted that for the aforementioned reasons that the regulation of the Amusement Gaming Industry be left under the Liquor Licence Act and further that if there are concerns as to the operations in these machines amendment to that piece of legislation be considered on a stage by stage basis.



Russell Bahadoorsingh
President of Amusement Gaming Association



GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO

FIU Ref: INF/0276/2017/jl

March 28, 2017

Ms. Chantal La. Roche
Secretary to the Committee
Parliament of the Republic of Trinidad & Tobago
G-8 Tower D,
International Waterfront Centre
1A Wrightson Road,
PORT OF SPAIN



Dear Ms. La. Roche

Comments of the Financial Intelligence Unit on the Gaming (Gambling and Betting) Control Bill, 2016

INTRODUCTION:

The FIU's review of the referenced Bill focused primarily on the regulation of the Gaming and Betting Sector from the Anti-Money laundering and Counter Financing of Terrorism (AML/CFT) perspectives.

As well, the review does not include the accompanying regulations to be made under clause 92. When the regulations are made available, further comments and observations may be forthcoming.

GENERAL COMMENTS:

1. AML/CFT SUPERVISION

The persons/entities to be regulated by this Bill are currently operating as Private Members' Clubs (PMCs) or Gambling and Betting shops (G&B) under the Registration of Clubs Act and the Gambling and Betting Act. These persons/entities are now subject to AML/CFT requirements by virtue of their listing in the First Schedule of the Proceeds of Crime Act, Chap. 11:27 (POCA) and are supervised by the FIU for AML/CFT compliance.

The intention of the Bill is to establish the Gambling Control Commission (the Commission) which *inter alia* will give the responsibility to the Commission for ensuring compliance with the AML/CFT laws by PMCs and G&Bs collectively called the gambling sector in the Bill (ref. clauses 5 (d) and 70 (b).

CONSEQUENTIAL AMENDMENTS ARE THEREFORE NEEDED TO:

- i. the First Schedule of POCA to delete "Gaming House", "Pool Betting" and Private Members' Club" so they would not be classified as a "listed business"
- ii. the definition of "Supervisory Authority" under the POCA and Financial Obligations Regulations,
- iii. to the AML/CFT laws (POCA, FIU Act, Anti-Terrorism Act and Regulations made under those Acts, to include a sector called "gambling as a separate reporting entity (e.g. Financial Institutions, Listed Business and Gaming)

to ensure that the Commission is properly designated as the Supervisory Authority for AML/CFT compliance by the gambling sector. The above list is not exhaustive.

2. IS THIS BILL INTENDED TO APPLY TO THE NATIONAL LOTTERIES ON-LINE BETTING GAMES (NLCB)?

NLCB is now subject to AML/CFT requirements by virtue of its listing in the First Schedule of the Proceeds of Crime Act, Chap. 11:27 (POCA) and is supervised by the FIU for AML/CFT compliance. Clause 4 of the Bill defines gaming as "*gaming*" means to play a game of chance for a prize or winnings in money or money's worth". It is submitted therefore, that the activities of NLCB are covered by the Bill and therefore NLCB falls to be supervised by the Commission.

Consequential amendments are therefore needed to the First Schedule of POCA to delete "National Lotteries On-Line Betting Games".

SPECIFIC COMMENTS ON CLAUSES:

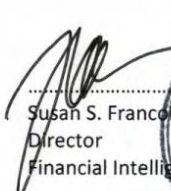
No.	Clause	Item	Issue	Recommendation/ Remarks
1.	4 (Interpretation)	Associate	There is no mention of beneficial owner in the Bill. The definition of "associate" may not cover a beneficial owner. The FATF Rec 28 states "<i>competent authorities should take the necessary legal or regulatory measures to prevent criminals or their associates from holding, (or being the beneficial owner of), a significant or controlling interest, holding a management function in, or being an operator of, a casino.</i>"	Amend the definition to include "beneficial owner"

No.	Clause	Item	Issue	Recommendation/ Remarks
2.	4 (Interpretation)	Authorised Officer	The definition of Authorised Officer to include members of the TTPS and Special Reserve Police Officers is too wide. It gives these Police Officers the same powers as the Commission's Officers e.g. all powers of enforcement under clause 70	The definition of an Authorised Officer should be amended to: Delete (b) and (c)
3.	4 (Interpretation)	Definition of "gambling instrument" or "gambling instrumentality" includes—	(c) electronic transfer of credits or tokens;	Clarify that electronic transfer of credits do not refer to wire transfer of funds to conduct a gaming activity.
4.	14	Powers and Duties of the Commission	The clause <u>does not</u> give the Commission the powers and duties of an AML/CFT Supervisory Authority for the gambling sector when it is the intention of the Bill that the Commission would be.	Include a sub-clause to give the Commission the responsibility for ensuring compliance by the gambling sector with the requirements under the POCA, ATA, i.e. the AML/CFT laws and Regulations and regulations issued under Gaming (Gambling and Betting) Control Act the and guidelines issued by the Commission (refer to section 18F of the FIU Act)
5.	34 (1)	Investigations	i. The requirement for the Commission to assess the applicant as fit and proper is omitted. ii. There is no requirement for investigation to be carried out on the directors and beneficial owners.	Amend to include that the Commission shall assess the applicant as fit and proper, pursuant to the criteria set out in Schedule 2 as a

No.	Clause	Item	Issue	Recommendation/ Remarks
			iii. The requirement for the Commission to assess the applicant as fit and proper is omitted. iv. There is no requirement for investigation to be carried out on the directors and beneficial owners	condition to the granting of a licence. Amend to include directors and beneficial owners to be subject to fit and proper checks
6.	45(1)	Review of the Licence	The Commission is not given a specific power to review a licence where in cases of contraventions of the AML/CFT laws, regulations, guidelines etc.	Amend to include a specific provision that the Commission has the power to review a licence in cases of suspected contraventions in AML/CFT obligations.
7.	52	The Commission shall keep a register	The register that the Commission is mandate to keep is only for entities that has been granted a licence.	The Commission should be mandate to keep a register or record of all applicants who applied for a licence whether the process was completed, refused or granted.
8.	70(2)(k)	Authorised Officers	The following are not regulatory bodies (i) the Financial Investigations Bureau, (ii) the Board of Inland revenue and (iii) the Customs and Excise Division.	Clause 70(2)(k) should be amended to : <i>"require assistance from other regulatory bodies and government agencies, including the Financial Intelligence Unit, the Financial Investigations Branch, the Board of Inland</i>

No.	Clause	Item	Issue	Recommendation/ Remarks
				<i>Revenue and the Customs and Excise Division, with respect to gambling and other related matters."</i>
9.	SCHEDULE 5	Consequential Amendments Clause 2	Clause 2, inserts a new a new item into the First Schedule of the POCA. The effect is to make the gaming and betting business a "listed business". A listed business is supervised by the FIU.	• Delete clause 2. • Include gaming and betting in POCA and the FORs as a separate reporting entity (e.g. Financial Institutions, Listed Business and Gaming) Eg 2(1) of POCA "Supervisory Authority" means the competent authority responsible for ensuring compliance by financial institutions and listed business (include Gaming and Betting here); with requirements to combat money laundering;

Yours faithfully,


 Susan S. Francois
 Director
 Financial Intelligence Unit





MINISTRY OF FINANCE
INLAND REVENUE DIVISION
Office of the Chairman

TRINIDAD HOUSE, ST. VINCENT STREET, PORT OF SPAIN TRINIDAD AND TOBAGO

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Telephone No. 868-623-4921 Fax 868-627-7967

March 28, 2017

Secretary, Joint Select Committee
On Gaming (Gambling and Betting) Control Bill, 2016
Office of the Parliament,
Level 3, Tower D
International Waterfront Centre,
Port of Spain

Dear Sir/Madam,

Re: Comments on the Gaming (Gambling and Betting) Control Bill 2016

The Board of Inland Revenue was established to administer the imposition of a tax on incomes and regulation of its collection; as such the Inland Revenue Division's primary concern is the administration of taxes.

I have reviewed the Bill "An Act to provide for the regulation and control of gaming and betting and matters related thereto" and have the following comments:

The Chairman, Board of Inland Revenue has been represented at the committee level and has made contributions to the Ministry of Finance's Committee on the Gaming and Betting Control Bill, 2016.

Therefore as Chairman of the Board, I am satisfied that our views have been articulated and have been expressed prior to this Bill approaching parliament.

That being said, The Board wishes to express some concerns that was not agreed to in drafting this Bill.

(a) Collection and Enforcement of Gaming Taxes

The situation as is currently, has the Inland Revenue Division as administrator and collector of the gaming taxes from the tables and devices of Private Member's Clubs, however the enforcement of compliance of these taxes reside

in the jurisdiction of the Commissioner of Police. This makes administration and collection of these taxes cumbersome as collection and enforcement resides in two separate and distinct institutions. There is generally duplication of effort and the end result is reduced enforcement.

This Bill seeks to have an “authorised officer” undertake activities for the purpose of assessing. The definition of the authorised officer includes a person appointed by the Gaming Commission to carry on these functions for the purpose of assessing; this enquiry is similar to an audit. This is civil in nature and comes with consequences that the Commission can adjudicate upon.

However it is unclear as to who will conduct investigations, the process of having a Magistrate or Judge and Jury determine the guilt or innocence of a *person* with respect to offences specified under the Bill. In the definition Section of the Bill, there is a definition for “Enforcement officer”, as a member of the Police Service; or A constable appointed under the Supplemental Police Act. Unlike the definition of “Authorised Officer” it does not include a person appointed by the Commission to carry out investigative functions.

So it is the view of the Board that such ambiguity be corrected as the desired intention, to have the commission have control over its investigations may not be achieved and the end result will be as it currently exists where the investigations are now solely in the jurisdiction of the Commissioner of Police.

(b) Information Sharing

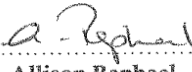
The Bill also seeks to have all *persons* engaged in gaming to be registered under the Commission, to be body incorporated or continued under the Companies Act. This has the advantage of determining beneficial ownership. Once incorporated the Board of Inland Revenue now has authority under the Income Tax Act to audit and examine records of these *persons*; which is normal in the ordinary course of business for the Inland Revenue Division.

Another advantage identified under its provisions of the Bill is that information from the Gaming Commission can be sent to the Inland Revenue Division which will facilitate the audit or examination under the Income Tax Act.

However, unless there is amendment to **Section 4** (Confidentiality Section) of the Income Tax Act, to which the Inland Revenue is bound, they can be no sharing of specific information to external Agencies, inclusive of the Gaming Commission.

The information that is housed at the Inland Revenue Division inclusive of any document, return, or assessment lists or copies of such lists relating to the income or items of income of any person is secret and confidential and as such any requests by the Gaming Commission to the Inland Revenue Division with respect to the audit or examination of any document of identified *persons* shall be denied. This may prove a challenge to the Commission if such information is necessary to the Commission.

These are my comments as requested by the Secretary to the Joint Select Committee on Gaming (Gambling and Betting) Control Bill, 2016. I am hopeful that they may encourage further dialog amongst the Committee.


.....
Ms. Allison Raphael
Chairman,
Board of Inland Revenue

TTMCA

Trinidad & Tobago Members Club Association
#10 Macoya Road, Tunapuna, Trinidad, West Indies
1-868-223-2223-8

27th March 2017

The Secretary
Joint Select Committee on the Gambling (Gaming and Betting) Control Bill, 2016
Office of the Parliament of Trinidad and Tobago
Levels G-9, Tower D
International Waterfront Centre
1A Wrightson Road
Port-of-Spain

RE: Gambling (Gaming and Betting) Control Bill, 2016

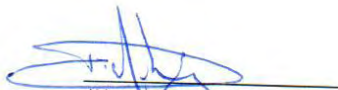
Dear Sir/Madam:

Reference is made to the above captioned subject, please find attached the submissions of the Trinidad and Tobago Members Club Association (TTMCA).

We shall like to also have an opportunity to be heard before the Joint Select Committee where we can further expand on these concerns.

Given our submissions which is a results of intense and wide spread consultations with our Members as well as informed legal opinion, we wish to strongly recommend that our submissions be respectfully adopted by the Committee. We request an opportunity to be, heard before the committee when the committee convenes its public hearings.

Yours Sincerely,



/s/ Sherry Persad
President
Encl.

Re: The Gambling (Gaming and Betting) Control 13111 2016
SUBMISSION TO JOINT SELECT COMMITTEE

1. This submission is made on behalf of the Trinidad and Tobago Members Club Association (TTMCA) with the intent to constructively contribute to the debate and discussion with respect to the proposed introduction of the Gambling (Gaming and Betting) Control Bill 2016 (The Bill).
2. The casino and amusement gaming industry is perceived as a largely unregulated industry within this jurisdiction which has mushroomed over the years with a proliferation of establishments. These establishments are presently operated under the umbrella of Members Clubs and many of them have their annual licences granted under the auspices and provisions of the Liquor Licensing Act.
3. It is the underlying premise of this submission that The Bill presently under consideration seeks to impose requirements which would have a devastating effect on the individual establishments and the industry as a whole. Indeed, it is worth emphasising at the outset that the diminishing of this industry would have direct consequences for on average, 9,000 employees directly employed by this industry and an even larger quantity of indirect employment are dependent upon the gaming industry. Further, one only needs to visit a gaming establishment as presently constituted to observe what can only be described as a microcosm of economic activity. Security services, provision of cuisine, light beverage and alcohol and even a forum for local musicians and other entertainers find an inviting market place in these gaming establishments.
4. In this regard the TTMCA now seeks to respectfully and with due regard and deference to this honourable committee voice its concerns with respect to the continued viability and sustainability of the industry having regard to the vastly different environment that will emerge with the passage of this Bill.
5. It is proposed to conduct a clause by clause review of the provisions of The Bill and then a comprehensive overview at the end to demonstrate how

seriously problematic The Sill as currently framed, could pose serious problems for the industry.

Correcting Misconceived and Erroneous Perceptions about the Industry

6. The TTMCA understands the trepidation and anxiety which legislators may harbour when approaching the question of adopting a casual approach to the Gaming and Amusement Industry. However, it is strenuously submitted that any fear of this industry emanates from the propagation of misinformation, rumour and conjecture being propagated by certain elements of society. In this regard, it is submitted that this committee should approach the implementation of any legislation with caution, fairness and a sense of proportionality externally in relation to other similar industries and internally with respect to relationship between the proposed regulators and operators. Further, and perhaps most importantly this honourable committee should premise its recommendations upon data and facts rather than a slew or prevailing negative sentiment towards this industry.
7. As alluded to above, one of the fundamental problems with The Bill is that it lacks a measure of proportionality in the provisions which seek to address what are the base line assumptions of the legislation. In the explanatory note to The Bill the first paragraph seeks to broadly outline the justification of The Bill and the provisions therein, however, unfortunately. The Bill seems premised upon a misconception. The justification for the unprecedented level of stringency is a purported intent to combat money laundering and terrorist financing.
8. Firstly, in this regard, it is of interest to note that in Trinidad and Tobago no case has ever been successfully prosecuted against anyone involved in the Casino industry for offences of this ilk. Certainly, one could argue that the lack of prosecution cannot on its own be conclusive evidence that these nefarious elements do not exist within the industry. However, it must also be understood that there is simply no evidence that the gaming industry is steeped in, enables or fosters terrorist financing or money laundering.
9. Another misconception which must be addressed is the notion that the gaming industry as it exists presently is unregulated, akin to a ravenous beast devouring the economic resources of vulnerable persons, as it tramples upon

the thickets of laws in this country. The unassailable fact is that the gaming industry is subject to quasi-judicial oversight through a licensing committee headed by an impartial judicial officer and is required to satisfy the reporting and compliance requirements of no less than the Financial Intelligence Unit which is perhaps the paragon of regulatory regimes.

10. The fact is that many other industries are vulnerable to being abused by money launderers and terrorist financiers however, the regulatory requirements to overhaul those industries have not been implemented anywhere near the almost rigorous and ridiculous levels which the requirements demand in this Bill. The explanatory note of The Bill accepts that the industry has the potential to be a major contributor to the economic development of Trinidad and Tobago. The explanatory note of The Bill also acknowledges that the industry also contributes to the development of other industries which may service the Member Clubs sector.
11. The problem with this analysis is that the contribution of the Casino industry to the social economic well-being is capable of being proven by clear and unimpeachable data. The other assumption concerning the vulnerability to money laundering and terrorist financing is simply an assumption which has not been supported by any data concerning persons being prosecuted for those crimes in the industry in Trinidad and Tobago. This is a point which must be made so that the committee is aware that a fundamental assumption of the legislative policy is a flawed one.

Clauses

12. The interpretation section of The Bill is contained in Clause 4 of The Bill. The provisions of this interpretation section are largely unremarkable and mundane. However, some of the provisions require close scrutiny because they may be subject to abuse by the Commission. This is extremely important because the Commission will have the primary responsibility of administering the provisions and regulations and it could be subject to abuse by a biased or unfriendly Commission.

Definition of Associate"

13. The potential for abuse and uncertainty can be immediately appreciated when one considers the meaning ascribed to the term "Associate" in the Bill.

The term "Associate" is defined as: "any person who hold any financial interest in, or can exercise any power, control or influence, over the licensed business."

The wide berth with which this term is defined is especially open to abuse. By the terms of the definition the landlord of licensed premises can technically be caught within the ambit of this provision. The provision does not go on to describe what influence power or control means. In administrative law and criminal law there is an overarching principle which says that a person must be certain of the parameters of permissible conduct. In a situation where those critical terms remain uncertain, unclear and undefined the power to interpret them lies with the Commission. In cases of a perverse interpretation the aggrieved party then has to go to Court to vindicate themselves.

14. The more practical consideration for the gaming industry, having regard to this wide definition, is the reluctance of landlords to be implicated or take on the burden of potentially being construed as an 'associate' and falling within the purview and regulatory powers of the commission. It is submitted that an almost immediate consequence of the passage of this Bill would be an avalanche of expulsions of members of the TTMCA from the present accommodation. In this regard, the only plausible recommendation must be the complete severance of the concept of an "Associate" from the Bill. It is submitted that such a vague and ambiguous definition of class of persons who will become subject to a myriad of regulatory provisions ought not to be allowed to stand as a matter of principle and legislative responsibility.

"Authorised Officer"

15. The Commission will have the power to appoint "authorised officers" to act on its behalf and to carry out functions required by the Commission. The difficulty with these provisions is that it conflicts with the policy of The Silt and creates the conditions for uncertainty, conflicts of interest and absence of accountability. While The Silt, philosophically, attempts to create the appearance of an independent entity (the Commission) acting on its own accord with both investigatory and penal powers, there is an unavoidable conflict if the Commission can co-opt the services of the police service to carry out its mandate.

16. The question arises of whether or not "police officers" would be accountable to the Commission or would they be accountable to the Commissioner of Police. This question becomes an important one for the following reasons:

- I. A duality in the reporting requirements of these officers with the inevitable confusion and conflict of following instructions from two masters. One can imagine the hypothetical scenario where, during the course of an investigation, the Commissioner of Police gives instructions to cease investigation while the Gambling Commission instructs the Authorised officer to proceed with further investigations.
- II. In cases of abuse of power the issue becomes pertinent in ascribing liability to the proper party. The police and the powers exercisable by them are created under a distinct statutory regime separate and apart from this Bill. Actions against the police are brought against the Attorney General however; the Commission being an independent statutory body can sue and be sued in its own right. As such, if potentially an aggrieved operator seeks to take legal action for compensation, the question then arises as to who is the proper party to sue. In essence therefore, the ambiguity of this provision must be properly resolved and cannot be allowed to stand.
- III. As a matter of policy, the local constabulary is unfortunately already overburdened and saturated with investigative policy. It cannot be good policy to further saddle police officers who are presently investigating crimes of murder, possession of fire arms and narcotics to, with the investigation of regulatory offences under this Bill. Even further, one must consider the capacity of the Police Service. It cannot be seriously argued that the members of the police service are trained and equipped to properly investigate an industry which is laden with modern technology and steeped in esoteric gambling practices and procedures.

17. The same reasoning and problems would apply to an "enforcement officer".

This term is defined on The Bill and the following manner:

'(A) a member of the police service or (B) a constable appointed under the Supplemental Police Act.'

By this definition, it would mean that the enforcement officers would have to be police officer. These police officers would effectively, once again, be

serving two masters. The issues of accountability and liability would arise in this instant again. In so far as enforcement officers are concerned there is the additional issue of the preservation of confidentiality. It is likely that police officers acting on behalf of the Commission may likely be called upon by the Commissioner of Police to provide information about casinos. The issue for consideration here is whether the police officer would be bound by some vague notion of confidentiality. The way these provisions are drafted clearly puts the enforcement officers in a position of a conflict of interest wherein they may be forced to compromise their confidentiality obligations.

18. The natural recommendations here is the removal of the powers to incorporate active police officers into the service of the Commission in what seems set to devolve into a moonlighting practice for police officers. The Bill, in order to ensure fair, competent and proper investigations and enforcement, must implement a regime of recruitment which is predicated upon competence, qualification and training. The Bill must specifically make provisions, perhaps through regulations, setting out criteria such as the following:

- a) Annual polygraph testing;
- b) Psychometric testing;
- c) Production annually of a Certificate of Good Character;
- d) Vetting by the special branch of the police service;

If in fact there is genuine intention of the legislature prevent money laundering and financing for terrorism then one must accent that these activities can be easily facilitated through corrupt enforcement and authorised officers and as such these guardians of integrity within the industry must be subject of scrutiny.

Vulnerable Persons

19. The interpretation section seeks to define what is a vulnerable person and it provides that a vulnerable person shall mean the following:

"vulnerable person" ;means a person who exhibits an addiction to gambling as evidenced by - (a) his indebtedness to an extent that he cannot pay gambling related debts; and (I') his inability to - (i) meet his basic needs or family obligations because of gambling related debts; or (ii) "wet the obligations of his job because of his addiction to gambling."

20. Once again this provision is vague, uncertain and potentially subject to abuse by persons who may want to avoid the obligations. In essence, there must be some proportionality and balance in effecting this provision in that while it is understandable that the legislature may wish to protect vulnerable persons, there must be an equal concern for the operators of a legitimate business entity from fraud and abuse.
21. At part (A) the definition of vulnerable person takes into account the level of indebtedness of a person to the extent that he cannot pay his gambling related debts. However, it does not take into account that the source of his indebtedness may be from services other than gambling for instance, the person may have a drug problem a shopping addiction or some other form of lifestyle challenges which increases the level of indebtedness.
22. It is not unfathomable to imagine a scenario where a person enters a Casino, conceals his vulnerability, runs up a huge debt, and then seeks to take refuge in the status of Vulnerable person". The fact is that an operator cannot be expected to investigate the finances of any person who enters the establishment arising from who is indebted as a result of a plethora of reasons.
23. It is wrong to classify a person as vulnerable solely in relation to his inability to pay his gambling debts when you cannot say with any degree of certainty that the person's indebtedness is caused by gambling. It is submitted that this provision ought to be amended so as to make indebtedness resulting solely from gambling an integral part of the definition. Such an amendment would tend certainty to the grounds and/or basis for determining that a person is vulnerable.
24. Part (B) seeks to achieve this type of balance by relating the inability to gambling. Perhaps, it might be advisable to suggest that part (A) be formulated in a like manner.

Part 11

Appointment of Board Members

25. This part of The Bill provides for the establishment of a body Corporate which will be known as the gambling (Gaming and Betting) Control Corporation. This part further provides that the Commission shall compose of a Chairman and eight other members who shall be appointed by the Minister. It is noteworthy that the Attorney General when he was an opposition Senator voiced serious and vehement objection to the manner in which these appointments are to be made. The Honourable Attorney General when he was an opposition

Senator objected to the fact that their appointments were to be pure political appointments and questioned the fairness of such a policy with regard to the regulation of an industry such as the Casino Industry. This submission echoes the sentiments of the learned Senator (as he then was). Trinidad and Tobago is a notoriously divided country politically. It does not take a leap of logic to arrive at the conclusion that because of the pure political nature of these appointments that the Commission is susceptible to being abused by members who may have a malicious intent to victimize a person or persons in the industry.

26. This is especially important given the fact that the members of the Commission each have a statutory immunity from suit for any acts done pursuant to the exercise of the functions under The Bill. The Bill provides that one of the members of the Commission ought to be appointed under the recommendation of the Chief Secretary of the Tobago House of Assembly. That in itself adds to the pure political complexion of these appointments. Why does the Tobago House of Assembly have the power to appoint a nominee but the Association of members do not have a corresponding power?
27. The Composition of the Commission is another matter which the Attorney General took serious issue with in his contribution to the Parliament. One of the areas of qualification which may provide a basis for appointment is persons who are qualified by reason of their "work and experience in the gambling industry". In my respectful view, this is fertile ground for a conflict of interest to arise. Any person who would be qualified by such prescription would necessarily have ties to some companies and/or entities and would have been in competition with others in the industry.
28. It should also be of concern to the Association that wherein the persons who are desirous of obtaining Licenses under the Act have to satisfy the very stringent requirements of the "fit and proper" criteria contained in the second schedule of The Bill. However, it is strange that those urged with administering the Commission are not subject to the fit and proper criteria. Indeed, this is a point which was made by the Attorney General whilst he was leading the change on behalf of the then Opposition. The Honourable Attorney General was quite scathing in his criticism that the Commissioners were not required to satisfy the fit and proper criteria. Indeed so scathing was his criticism that he said that the only requirement for the appointment was the whim of the Minister of Finance. Surely what was wrong in opposition

cannot now be right in Government. It is quite surprising that these broad policy provisions in The Bill which the Attorney General found to be so objectionable have now resurfaced in a Bill which is being supported by the Attorney General.

29. The objectionable nature of the appointment process also manifests itself in the fact that the Minister can impose terms and conditions on the appointment of the members. This again brings into question the issue of just how independent this Commission is likely to be.

30. Section 6(6) purports to deter a class of persons from being eligible appointment to the Commission. This clause is rather loose in its expression. It seeks to deter any person who has "operated" a gambling establishment prior to the commencement of the act. The term operated is not defined in the Act and is thus unclear and uncertain. The question hangs in the air as to whether it applies only to persons who are owners or does it apply equally to managers and other key personnel. Any interpretation of this word must take cognizance of the fact that by virtue of different provisions in The Bill "key personnel" are required to be licensed and to satisfy the fit and proper criteria. If the provision is interpreted in that sense, then any person with experience in the gambling industry would then be disqualified. This provision ought to be redrafted to be more certain and less vague.

'S.6(6) A person who has operated a gambling establishment prior to the coming into force of this Act, who holds a licence issued under this Act or intend to apply for a licence pursuant to the provisions of this Act shall not be eligible for appointment to the Board and, in like case of persons who hold positions on the Board, an application for a licence under this Act, shall be grounds for an automatic termination of the members' appointment on the Board.'

31. Clause 7 of The Bill seeks to make provision for the general manner in which appointments and revocation of appointments to the Board of the Commission are dealt with. Whilst making his contribution to the senate the Honourable Attorney General in his previous role as a senator for the opposition severely criticized the manner in which a member was allowed to resign (7)(4) provides that a member may resign to the Minister. The Honourable Attorney General acting as he then was thought that any member

seeking to resign should do so through the Chairman. This suggestion seems to be more practical. The way the clause is currently drafted one could envisage a situation where the member resigns to the minister but the Chairman is unaware and continues to pass confidential matters to the member. It may be more practically effective if the chairman is the one to receive the resignation.

"S. 7(4) A member may resign by notice in writing to the Minister."

32. Clause 7(6) seeks to set out the solutions in which a member may be removed from the Board 7(6)(d) provides that a person may be removed "if he is guilty of misconduct in relation to his member".

However, this in itself is vague, unclear and uncertain. How is the finding of guilt made and by whom? How is the member to be treated in the intervening period of being first accused and then being found guilty? What is the process for coming to such a conclusion? These are questions which ought to be addressed and properly set out in the enabling legislation.

33. Section 7 (7) and (8) seeks to provide for a situation where a member is unable to participate in the work of the Board. These provisions empower the Minister to appoint someone to act in place of that person. Section 7(8) goes on to provide that upon the return of the person the "replacement" may continue to act in pursuit of unfinished business. However, these provisions ignore the earlier provision that the Board can only comprise nine members including the Chairman. It maybe that it would be better to specifically address this and to make a statutory exception in this regard.

"S7(7) Where a member is unable to participate in the business of the Board, by reason of illness or other cause, the Minister may appoint a person to act as a member in his stead for that occasion or until termination of the disability.

S.7(8) A person appointed temporarily pursuant to subsection (7) may complete any unfinished business of the Commission in which he has taken part, notwithstanding the resumption of duty of the member in whose place he was appointed under this section."

34. With respect to appointments of Board Members it is submitted that a more neutral and less political methodology of appointment is adopted. The potential for abuse by corrupt and/or politically susceptible appointees is exacerbated when one considers that there is no campaign finance legislation in this jurisdiction. Once again, it would not be unimaginable that a politically motivated appointed and beholden board would use the full power of the Commission to force operators to financially contribute to the coffers of a political party. It is therefore submitted that the following alternatives could be considered:

a) Appointment and Selection by the President

b) Appointment by through nomination by various sectors of society, inclusive of members from opposition, government, law society. NCO. independent senate bench etc.

35. Section 11 makes provision for the meetings of the Board and the frequency of such meetings. However, when the provisions are examined with critical scrutiny it is pellucid that the Board will not be able to function without the Chairman and Deputy Chairman. The purport of these provisions makes it plain that meetings can only be chaired by the Chairman or Deputy Chairman. Section 11(4) makes it plain that in order for a quorum of the Board to be legally constituted the Chairman or Deputy Chairman and four other members must be present.

"S.11(4) The Chairman, or in his absence the Deputy Chairman, and four other members shall form a quorum."

36. Section 12 of The Bill gives the Board the power to establish various committees and the following sub-sections identify the committees which must be mandatorily established by the Board.

37. Section 12(2) makes it mandatory for the Board to establish a committee known as the "Audit and Regulatory Committee". The provision goes on to demarcate the role of this committee which is that it shall have "compliance oversight role in the specific areas of financial reporting and internal controls implemented within the operations of the licensees." On the face of it these provisions appear to be routine and if necessary quite frankly, a necessary administrative mechanism to facilitate the purposes of the Board. However, upon closer examination, I am of the view, that the provisions are not exhaustive enough whereas the Bill gives the Board a specific power to co-opt persons to attend meetings and to obtain advice therefrom the provisions which deal with the Committees do not give any such specific power to the

Committees to seek and obtain any such advice. This interpretation is supported by the wording of sub-clause (4) which reads as follows:

"Other Committees appointed by the Board shall consist of at least one member of the Board together with such other persons, whether members of the Board or not, whose assistance or advice the Board may require."

38. The clear legislative intent here is that the other Committees of the Board have the power to co-opt other persons and to receive their advice. However, it is plain that the audit and regulatory Committee does not have a similar or identical power. This means that the expertise of the Committee will be limited to the Members of that Committee. This is especially important when one considers that these Committees are statutory creatures and as such their powers will be circumscribed in the Act. It will be ultra vires or beyond the power of the Committee to do otherwise thereby limiting the effectiveness of the Committee.

39. Section 12(7) of The Bill is a potentially problematic one. By virtue of this provision the Board is empowered to delegate to a Member or a Committee the power and authority to carry out its functions. However, it says nothing about decisions which require a quorum of the Board to make. There is also an issue as to whether the Board can delegate what is essentially a statutorily prescribed collective decision of the Board to a single person.

"S.12(7) Subject to this Act, and to the prior approval of the Minister, the Board may delegate to a member or a committee, power and authority to carry out on its behalf such functions and to exercise such powers as the Board may determine, but any such delegation shall be revocable at will and shall not preclude the Board from acting from time to time as occasion requires."

40. Section 13 of The Bill seeks to deal with situations which may arise where interests of a Member of the Commission may conflict with his private interests.

41. Section 13(1) provides that a Member is mandated to provide to the Minister a declaration outlining whether he has any interest in any licensee or proposed licensee or any business or corporate body doing business with the Commission. However, the provision limits conflict to that of an actual or contingent pecuniary interest. It does not include the need to declare conflict of interests with friends, business associates or extended family.

"S.13. (1) Every member of the Board shall, on appointment and annually thereafter, submit to the Minister a declaration stating whether or not he has an actual or contingent pecuniary interest in any - (a) licensee or proposed licensee regulated or to be regulated by the Commission; or (1') business or body corporate carrying on business with the Commission in the exercise of its functions."

42. The flow in this provision is that it does not seem to make a specific offence of making a false declaration to the Minister. It is unclear whether the declaration is one which has to be made under oath. If such was the case, then it would be easier to prosecute and the penalty could be provided for in the Perjury Act. Although there is provision in the Perjury Act to prosecute for declarations not made under oath these cases are notoriously difficult to prosecute and the penalties are much lower.

43. A strong case could be made out that the offence provided for in Section 13 can only be limited to Section 3(3). The reason for this is that (5) provides for a defence to be available. However, in both limbs of the defence it speaks to the meeting and what was within the knowledge of the person at the time of the meeting. A good and reasonable argument can be made that it would have been the intention of parliament that the criminal proceedings be limited to the occurrences at the meeting in question. In the circumstances, it would not be a criminal offence under this Bill to make a false declaration to the Minister. It is also interesting to note that even though (5) purports to create a criminal offence it does not provide a penalty which the offender is liable to be punished with in the event such an infraction occurs. In this case the offender would be liable to be punished under Section 85 which is an omnibus penalty provision. By virtue of this provision a member of the Board who commits a very serious infraction of the law is subject to a fine. When one compares that to the penalties which the Licensees are subjected to it would be readily apparent that the penalties which the Licensees are subjected to are disproportionately harsher and without justification.

44. A good and reasonable argument may be advanced that those charged with infractions in the administration of the Commission ought to be held to a higher standard than those who are the subjects of the legislation and as such

it submitted that the Members of the Commission be subjected to increased penalties and/or imprisonment as a proper deterrent against abuse.

45. By virtue of Section 14 the wide powers of the Commission are set out. Section 14(1)(B) allows the Commission to provide information to various other law enforcement agencies. However, this power of disclosure is subject to the confidentiality requirements set out in Section 93. That provision mandates that all information received by the Commission must be treated with confidentiality.
46. The provision allows the Commission to disclose such confidential information pursuant to a written law or by virtue of an order of the Court. The Financial Intelligence Unit is empowered by law to request information. However, the other law enforcement agencies are not empowered in law to request disclosure and production of documents. In order for the Commission to disclose this confidential information it would have to make an application to the Court in order to protect itself from a breach of confidentiality action. A similar provision exists in Section 56 of the Central Bank Act.
47. What is unclear is whether the Licensee, whose interests are likely to be adversely affected, must be informed of this application and further be given the opportunity to make representations to the Court in this application. It is submitted that any application pursuant to Section 93 must necessarily be served on the party likely to be affected so that the party can be afforded the right to be heard and basic procedural fairness. It is a basic premise of fairness that any party whose interests are likely to be adversely affected by any order of the Court ought to be given an opportunity to convince a Court as to why such as adverse order ought not to be made. In this legislation those protective considerations are not expressly provided for and it would be argued by the Commission that it ought not to be forced to do so. It is submitted that the highest tenets of procedural fairness be observed. If it were otherwise the Commission would be a virtual law unto itself and the licensees would have no way of knowing whether the Commission has breached its duty of confidentiality.
48. This provision ought to provide for a mechanism to allow the Licensee to approach the Court to vary the order or to circumscribe and limit any

disclosure to be made. In this regard, it is my view that these provisions are too limited and could lead to potential unfairness and abuse by the Commission.

49. Section 16 of The Bill seeks to make provision for a statutory immunity from suit and liability for members of the Board and the staff of the Commission. However, the manner in which these provisions are framed it would appear as though it protects the Board and staff from Acts which may be considered malicious acts in abuse of power and/or in bad faith. The provision seems to provide an absolute blanket of immunity for the Board and staff. Although Section 16(1)(B) makes provision for acts done in good faith Section (6)(1)(A) provides immunity for "arty act or omission". The question which arises here is why would the policy framework of an act of parliament provide such blanket immunity when the corresponding policy framework seems to confer most of the liability offences for which severe penalties are provided on the part of the Casino Operators. The recommendation here, as above, is that this blanket immunity be removed as a deterrent against potential commissioners abusing their power.

50. Section 17 of the Bill makes the Commission wholly susceptible to political interference. This clause provides that the Commission shall give effect to the policy directions of the Minister with regard to the regulation of the gambling industry. According to the Honourable Attorney General, when he was an opposition Senator this industry being a "multibillion dollar" industry ought not to be susceptible to the whim and fancy of politicians. This provision sums to violently contradict the underlying philosophy and policy behind the establishment of a Commission. This provision fortifies the notion of susceptibility to political persuasion and influence because the Members are appointed by the Minister and this provision allows the Minister to give policy directions to the Commission.

51. The traditional thinking which premises the establishment of specialist bodies constituted to regulate specialist industries is that these bodies are usual given a wide berth in the formulation and execution of policy. This has translated into the concept of deference in judicial review. This concept demands that Courts give due deference to the deliberations and decisions of specialist bodies. It is antithetical to this underlying philosophy to allow a

political office holder to be able to give such broad directions to the Board. The Association should not forward the position that the independence of the Board should be fortified rather than be whittled down to the extent that it makes the Commission a glorified political pawn. The analogy can be drawn to professional bodies such as the Medical Council and Law Association which essentially determine the standards upon which its members professional conduct can be judged.

52. Section 18 of the Bill is an abuse. There is no need to restate the application of the Prevention of Corruption Act to acts which fall within its purview. The underlying principle of statutory interpretation is that statutes apply universally and there is no need to specifically apply an act of parliament to acts which would be covered under the Act. If the acts described in S18 all fall within the purview of the Prevention of Corruption Act. The added problem with this provision as framed is that it converts the offences under the Prevention of Corruption Act into summary offences as it relates to gambling. However, these offences under the Prevention of Corruption Act are offences which are triable both by way of summary and indictable trial. This provision is both unnecessary, inelegantly drafted and would undoubtedly lead to confusion in its application.

"S. 18. The provisions of the Prevention of Corruption Act apply where any person demands or accepts any fee, prerequisite, bribe, gratuity, recompense or reward, whether pecuniary or otherwise, from any other person on account of anything done or to be done, omitted or to be omitted by such person, in any way relating to his office or employment or, if such a person attempts to make any collusive agreement to neglect his duty or to conceal or connive at any act whereby any provision of this Act or any other law may be evaded or violated, such person commits an offence and is liable, on summary conviction to imprisonment and a penalty as stipulated in that Act."

Part III

53. Part 111 of The Bill deals with the licensing Regime and it outlines the various types of licenses which are required to be obtained by persons wishing to be involved in the industry.

54. When one looks at Section 31 it appears at first blush to be an innocuous provision in the Bill whereby it seeks to identify the certain classes of persons who must first apply for and obtain a License from the Commission before they can undertake any of the activities described and circumscribed therein. At Section 31(1)(H) the following person must apply for and obtain a License a person would "provide or utilize premises for the purpose of betting and gambling" when one compares this with the provision at Section 32(2)(H) one then sees where this provision is gravely problematic. By virtue of Section 32(2)(H) a person must obtain a premises License. This License shall permit gaming, betting and other activities approved by the Commission to be conducted at these premises.

"S.31(1)(H) provide or utilize premises for the purpose of gaming or betting,
S.32(2)H) a Premises Licence, which shall permit activities approved by the Commission under an operating licence to be conducted at premises stipulated in the licence;"

55. The effect of this is that every casino which is based on rented premises will be subject to the landlord first obtaining a premises License. The Bill does not make it clear whether the owner of the premises has to apply for this License or whether the leaseholder can do so. One can only imagine the chaos that this would cause amongst landlords. The additional consideration is that the landlords may themselves be the subject of the "fit and proper" enquiries before such a License is to be granted.

56. Section 32(2) outlines the various types of Licenses which must be outlined pertaining to different sectors of the industry of particular concern is the distinction which the Bill seeks to draw between owners and operators. These clauses make it necessary for the owners of the casinos to apply for an owners License and then also apply for an operator's License. It does not seek to draw any distinction where the owner is also the operator. In those instances, two Licensees will have to be obtained and the fees attendant thereto will have to be paid.

Key Employee/ Key

57. At Section 32(2)(i) a Personal License will have to be obtained for what is referred to a "key employee", which is not defined in the Bill. The concept of key personnel is derived from the Financial Institution Act. However, that Act defines what is considered to be "key positions" and outlines them in various

sections of the Act in this Bill; no attempt is made to define what is considered to be "key employee".

58. This poses a grave danger to casinos. The Commission by its very wide power may determine that a person is a key employee but the operator may not consider the person to be so. The Commission in those circumstances may then proceed to lay a charge against both the person and the operator for breach of the Licensing requirements. In the circumstances, this provision is vague and uncertain and ought to be amended so that the definition is clear to those failing within the purview of the Bill.

59. Section 33 makes provision for the process by which Licences are to be granted and makes provision whereby Members of the public may object to the grant of a License. Section 33(6) outlines the clauses of persons who may be allowed to object to the grant of a License. The list is quite exhaustive and is subject to abuse. It allows any business owner or resident to object without establishing a standard of objection. This Bill makes provision for what is a legitimate business enterprise and before any person is allowed to object there ought to be some objective standard to be applied. The fact that a business owner may object could lead to anti-competition behaviour in the sense that a business owner may delay or defeat an application License because he is affiliated with a competitor of the applicant.

'S.33(6) Objections to the grant of a licence may be made by the following persons, in writing, to the Commission:

- (a) any resident of or business owner in the area in which the proposed licensed premises are located;
- (b) any school principal, teacher or parent of a student of a school within the area of the proposed licensed premises;
- (c) a representative of any religious group that is located in the area of the proposed licensed premises;
- (d) the Chief Secretary of the Tobago House of Assembly;
- (e) the municipal or regional corporation so defined under the Municipal Corporations Act; or any other interested party.

60. It is an offence under the Bill to permit minors to gamble. The question could be asked as to why then allow a school principal, teacher or parent to object to the grant of a License. If the establishment is breaching the law with regard to minors, then the situation is to persecute them in that regard and then for the Commission to revoke the License. It serves no useful purpose to allow such a broad category

of persons to object to the grant of a License. This is more objectionable when one considers that there is no provision which narrows the scope of the objections which they are allowed to make. In essence therefore this provision could be abused by a rival business and/or busybodies simply seeking to place commercial pressure on legitimate entities under the act.

61. The same reasoning can be applied to a religious group. If parliament has seen it fit to establish a legal framework for gambling, then why must the Court lend countenance to the narrow and inherently biased views of religious groups to object to the Licences? The views of these religious groups on gambling are well documented parliament has chosen to ignore those views and pass laws so the question most then he posed as to why are they being allowed to object and what would be the basis of the objections.
62. Section 33 (6)(f) allows any other intended party to object without clearly defining what is the threshold limit of interest this potential objection has to meet. The law of judicial review is quite clear that a person has to meet a sufficiency of interest requirement. This 8i11 leaves this requirement open ended and any person can simply lodge an objection without meeting a sufficiency of interest requirement akin to the Judicial Review Act and/or Liquor Licence Act. It is submitted that the Bill remove the aforementioned provisions describing various categories of persons who may object to the granting of a licence and instead replace same with a provision such as:
"Any person wishing to object to the ranting of a licence for the operation of a Casino must demonstrate to tire Commission that it has a sufficient interest to sixake such an objection."

Further, the amendment could list objective criteria such as a person residing within close proximity to the proposed Casino.

63. Section 41(2) provides an exhaustive list of persons who are required to obtain a personal licence. An "associate" is required to obtain a personal licence. However, this term is so loosely defined that Casino Operators run the risk of the Commission having a dispute as to whether a person is an associate or not. This is important bearing in mind the power which the commission may exercise where they are of the view that a breach of the law has occurred.

64. Section 41 (2) (C) again requires that "key employees" obtain a licence. Again, it would be useful to note that unlike the Financial Institutions Act no attempt has been made to identify what is meant by key employees and further no guidance as to what considerations must be taken into account. This failure could lead to interpretative uncertainty and could potentially be detrimental to the industry as a whole.
65. The Bill mandates that security staff at all levels" obtain a personal licence. This provision is so widely framed that it would mean that security officers obtained from independent security firms would then be subject to the licence requirements. It would also mean that even the security guard in a car park of a compound would have to obtain a licence. This could easily deter landlords of entities such as malls and/or other complexes from allowing Casinos to operate.

Indirectly Connected

66. Clause (1) of 14(2) refers to persons indirectly connected to the licensed activities. What does "indirectly connected" mean. In legislation, which has a penalty attached for the failure to do an act, the mandated act must be clearly defined within the Act. This provision is uncertain and vague as those who are affected are unsure of exactly what the term indirect may mean.
67. Section 42(1) makes it compulsory that every applicant for a licence must be assessed subject to the fit and proper criteria set out in the second schedule. This is an especially onerous requirement when one considers that many of the persons referred to as requiring a licence will not meet the fit and proper requirement as set out in schedule. There is no good reason why the directors and owners and other high level personnel should be subject to the same fit and proper requirements of low level staff. When one examines these fit and proper requirements and one compares them to the Financial Institutions Act one can see that the requirement under the Financial Institutions Act are less onerous and stringent than under this Bill. Financial institutions are in an identical position to Casinos with regard to money laundering and terrorist financing. If that underlying assumption is adhered to then the requirements for fit and proper ought to be the same and the classes of persons to whom fit and proper ought to be applied ought to be the same.

"S.42. (1) The Commission shall assess the applicant as fit and proper, pursuant to the criteria set out in Schedule 2, as a condition to the granting of a licence."

68. It is wholly unacceptable that 99.9% of the staff of financial institutions are not required to be licenced but this Bill is demanding in effect that almost all staff in a casino will have to be licenced. In reality what is the effective difference between a bank teller and a cashier in a casino. There is no practical difference and just as the majority of bank employees are not required to be licenced the same principle ought to apply to the casino industry.
69. The emphasis in the legislation ought to be on compliance and internal controls. This is the underlying emphasis in the regulation of the financial services sector and there is no good reason why this ought not to apply to the Casino industry as well.
70. S.45(2)(B) provides that the Commission may conduct a review where the Licensee or a person who exercises a function in connection with the Licensed activities has been convicted of a criminal offence. However, it does not go on to define what kind of criminal offences are considered criminal offences. The legislation ought to specify what class of offence would trigger such a review. It would be untenable for the Commission to be able to trigger its review powers for the Commission of minor unrelated offences. However, the way the Bill is drafted there is indeed such a danger thereby opening the doorway to abuse.
71. 5.45 (2)(1) is also a provision which is fraught with difficulty. This provision gives the Commission the authority to invoke the power of review if it suspects that the licensee may be unsuitable to carry on the licenced activities or if it thinks it is appropriate to conduct a review. The issue here is where the level of evidence that the Commission would require to satisfy itself of this suspicion. The Bill is unclear as to what the Commission must be satisfied of. The Bill is unclear as to whether the licensee should be given a right to be heard on the issue of the suspicion. The legislation is setting the evidential threshold at a very low bar. The problematic nature of these provisions is further compounded when one looks at subsection (4) which merely says that all the Commission is statutorily bound to do is to notify the licensee and inform him of the procedure to be followed in the conduct of the

review. It does not suggest that the Commission ought to hear the licensee on the evidence which forms the basis of the suspicion before the decision to review is taken or even further that the proper parameters informing this review are set out. This cannot be a fair process.

72. Subsection (3) seeks to make it clear that the reason for the review under 2(c) need not relate to the licensee's activities. If it does not relate to those activities, then on what basis is the review being undertaken. It seems to me that this is an extremely wide and even disproportionate provision susceptible of serious abuse. The licensee's constitutional right to privacy and property rights may be affected or whimsical or capricious information which may be of questionable perseverance. It is therefore submitted that the legislation should incorporate provisions to establish a procedure whereby the licensee is allowed to make representation with respect to and challenge if necessary

73. S. 46 of the Bill deals with the power of the Commission after a review has been conducted. Most of the sub-clauses of 46 are routine and designed to give the licensee a right to be heard and make provision for a fair procedure in the event that the Commission wishes to make a decision adverse to the licensee.

However, the problem arises where the Commission decides to suspend a licence. Subsection (1) outlines the conditions which can lead to the suspension of a licence. There are four conditions which the Commission can use as a basis for the suspension of the licence and at (<1) the suitability test is given again referred to. Sub clause (8) then proceeds to outline what the Commission may "in particular" have regard to when considering the suitability test. 8 (A) to (D) outlines the different considerations which the Commission may have revised to in considering the "suitability" issue. These can be summarized as follows:

- (A) integrity of the Licensee or any person who exercises a function with or interested in the Licensed activities.

- (B) competence of the licensee or persons referred to in A.

- (C) financial circumstances and the availability of financial resources for the purpose of carrying out the licenced activities.

74. These clauses are all vague and uncertain. In (A) the Commission has to consider the integrity of a person who exercises a "function". It is to be assumed that all persons engaged in the business of the Casino would

indeed exercise a function. The Sill should define what function or at least what class of Function. The way this clause is framed the licensee may have his licence suspended because some low level "functionary" is not of the standard of integrity expected by the Commission. The various considerations also point to a person "interested" in the licensed activities. The term "interested" is not defined in the Bill and it is unclear what exactly it means. The question could arise as to whether it means financial interest, non -financial interest, future interest. The Bill is too vague in this regard and impractical because it simply does not make this clear.

75. At clause (9) of S.46 the right to appeal the decision of the Commission to suspend the licence is conferred on a licensee. However, the consequences of an appeal against suspension is different from that of an appeal against revocation. It can be argued that this is unreasonably onerous. By virtue of 5.47(5) an appeal from the decision of the Commission to revoke a licence operates to suspend the decision to revoke. The appeal from a decision to suspend does not so operate S. 46 does not make provision for an appeal to suspend or stay the decision to suspend.
76. In these circumstances a licensee will have to argue before a High Court Judge that it would be appropriate to stay the suspension order of the Commission. This is usually a very high threshold to meet. The licensee would have to demonstrate that the Commission was wrong in order to obtain a stay of the proceedings. It can be forcefully argued that since suspension is the less harsh of the penalties there is no good reason why an appeal should not also operate as a stay in a suspension case as well. This seems to be an artificial distinction.
77. S. 47 deals with the power of the Commission to revoke licences. These 14 different reasons the Commission can rely upon to revoke a licence. At 47 (c) the Commission can revoke a licence where the licensee has provided the Commission with false, misleading or inaccurate information. A noticeably absent requirement from this provision is framed the licensee can run the risk of the licence being revoked where the information which is false, misleading or inaccurate through no fault of the licensee. It could be a genuine case of error on the part of the licensee.

78. At (d) the Commission can revoke where the "interest" of the customers is threatened by the manner in which the business is conducted. This is unclear, vague and uncertain and likely to be open to a subjective interpretation. The principle of law that offences must outlaw conduct with certainty does not seem to be met in this provision.
79. 47(1)(i) provides that the license may be revoked where the owner, operator, any member of key management or any associate has been convicted of a criminal offence whether or not it is in relation to the business. This provision is patently unfair. The term key management is not defined and as such is again vague and uncertain. The term "associate" as has been pointed out lacks objectivity and also vague and uncertain. There is also the problem of what kind of criminal offence trigger this type of action. As has been pointed out before there is an absurdity in suggesting that any genre of criminal offence would trigger this type of action. As has been pointed out above there is a virtual spectrum of criminal offenses within the laws of Trinidad and Tobago, some archaic in the extreme. Which of those will qualify to trigger the Commission into action in these circumstances is vague and uncertain. It is submitted that this provision be limited to serious offences and/or offences of dishonesty.
80. S.48(1) is yet another example of this Bill imposing an obligation on the licensee without clearly defining and demarcating the parameters of that obligation. Although (2) seeks to put some perspective on what circumstances are to be reported to this is expressed as being without prejudice to the generality of (1). This means that (1) is subject to interpretation and that the circumstances which require to be reported are not circumscribed in (L). In essence the licensee is unsure and to what change is required to be reported.

Part VII

81. Part VII of the Act deals with enforcement of the provisions of the Bill and the powers given to the Enforcement Officers to allow them to give effect to the said enforcement provisions.

Authorised Officer

82. S.70 sets out the matters which the enforcement officer may assess and undertake activities in assessing same. There can be no dispute that an Enforcement Officer ought to be empowered to take such measures which are reasonably necessary to ensure compliance with the provisions of the Act. However, the provision begins to become problematic when one looks at 70(1)(B) which authorises the officer to enforce written laws relating to the prevention of money laundering and combatting the financing of terrorism.

"S.70(l)(b) compliance with any other written law relating to the prevention of money laundering and combating the financing of terrorism;"

83. These areas of law are specifically dealt with in other Acts of parliament Money laundering and the prevention of money laundering is covered by various pieces of legislation such as the proceeds of Crime Act and the F.I.U Act. Terrorist financing is covered by the Anti-terrorism Act. These investigations usually fall within the purview of the police service of Trinidad and Tobago through the Financial Intelligence Bureau. The problem as pointed out before is that this can encourage duplicity of investigations and there will then arise some confusion in law enforcement as to whose task it is to enforce the law in this regard. Issues of jurisdiction and turf could hinder the proper and efficient conduct of investigation which would undermine the industry as a whole. It is recommended that the power of these Enforcement Officers be limited to the regulatory infractions as detailed within the Act.

84. Section 70(2) empowers the authorized officer to do several things pursuant to determining whether any of things identified in 70 (1) are taking place. By virtue of Section 70 (2) Enforcement Officers may inspect the premises. This is another vague and uncertain power. What exactly does inspect the premises mean? What is the level of permissible intrusion and how often would these inspections be. Section (70)(2)(c) empowers the officers to examine all machines and equipment. Again, this provision is vague and uncertain. A casino would have all kinds of equipment unconnected with the core business of gambling such as phones etc. Is the officer authorized to examine any machine or equipment and to examine for what purpose?

"S. 70(2)(c) examine all machines and equipment;

85. Section 70(2)(D) authorizes the officer to take copies of any document, record or information, however stored, in any form that he requires. The width of this power is simply amusing. The invocation of this power is not predicated upon any suspicion, reasonable or otherwise. The way this provision is framed allows an authorized officer to simply walk into an establishment and demand this information and/or copious amounts of documentation. By law, the establishment would have to provide it. If the officer chooses to say he wants photocopies, then who bears the expenses of it. There is nothing in the Bill to prevent repeated requests which can be used as a tool for abuse. In effect this provision can be used and abused as an instrument of harassment. There are also no protective measures to protect the privacy of the persons. The officer will then have untrammelled access to the private dealings of citizens engaged in lawful activities at any time.

"S. 70(2)(d) take copies of any document, record or information, however stored, in such form as he requires;"

86. By virtue of Section 70(e) the officer can and record and monitor the collection of funds. This is a wholly unreasonable power. If the system of accounting and internal controls are to be implemented with the approval of the Commission, then why should there be this far-reaching power to physically monitor the collection of funds. How is this going to work? The mechanics of it are notably absent and it is likely that Casino operators may be bombarded with unreasonable and intrusive demands.

Unreasonable and Disproportionate Search Powers of officers

87. Section 70(2)(h) empowers the officer to question anyone on the premises or at the premises of the Commission. The provision is unclear as to whether the officer is allowed to arrest the person and take him to the premises of the Commission for questioning. This wide power also allows the officer to question the workers of the establishment. The provision does not contain any restriction on the content of the questioning or the parameters of same. It does not establish any boundaries for this "questioning" and as such the officer is liable to ask anything. The submission here is the specific inclusion of a threshold such as reasonable suspicion and/or being in possession of evidence

which provides a basis for this inspection. Further, it is submitted that there should also be included a compensation provision in the event that the inspection was deemed unjustifiable and resulted in the disruption of the operations of the Casino.

"S.70.2 (h) question any person on the premises, whether at the premises or at the offices of the Commission;"

Liability of Officers

88. An area which is of concern and ought to be specifically addressed in the act is the liability of the authorised officer for acts which are unlawful or malicious. The officer has a duty to apply information to the Commission but there is no provision in the Bill which seeks to penalize the officer to supplying false information to the Commission. The licensee can be the subject of criminal proceedings and even lose his license for supplying false information to the Commission. However, there is no corresponding provision which places any such liability on the authorized officer. It is unfair that those charged with administering the law are being held to a lower standard of conduct than those who are the subjects of the law. The lack of a penalty provision for official misconduct would encourage misbehaviour by authorised officers. It is therefore submitted that, given the responsibility and powers of these officers, a substantial penalty involving a term of imprisonment be prescribed which would act as a deterrent to these officers abusing their positions.
89. Section 70(6) authorises the officer to enter the premises to carry out any of the activities described in Section 70(2). The sinister thing about this provision is that it gives the officer an unrestricted right to enter licensed premises on demand. This right to enter premises is not restricted to reasonable suspicion, probable cause or any other common law from arbitrary search and seizure. By virtue of Section 71(1) the officer is only obliged to approach a magistrate to obtain a warrant to permit this entry if he has requested entry and been refused. The provision, as framed does not require the magistrate to be satisfied of any matter other than the fact that entry has been requested and refused. As a matter of fact, the officer is empowered to obtain

a warrant if he satisfies the magistrate that entry will be refused unless he first obtains a warrant. The Bill does not go on to provide what evidence must be provided of the representation. In this regard, the recommendation here must be the inclusion of reasonable suspicion as a pre-requisite to obtaining this warrant and further the complete removal of mere refusal of entry as a ground for obtaining a warrant.

90. By virtue of Section 72 the officer, within 48 hours after entry onto licensed premises must supply to the Commission a report with details of several matters which are outlined in the provision. However, this provision does not provide a penalty where the officer supplies false information to the Commission. The lack of an offense provision is especially important in that it fails to provide a reasonable safeguard to a licensee from the malicious reporting of an officer who has ulterior motive and/or a hidden agenda.
91. The information provided in those reports provides important background information to the Commission on the operations of licensed establishments. There are several provisions throughout the body of the legislation which empowers the Commission to make adverse findings and impose sanctions against Casino operators and other licensees based on the manner in which the business is being conducted. In this regard, the legislation ought to contain provisions which seek to provide a measure of protection to the licensees from malicious acts.

Part VIII

92. Part VIII of the Bill deals with offences and penalties. Section 73 provides that a person commits an offence if, without a license he permits premises to be used to do the following:

- a. Operate a betting shop, Casino or other gaming or gambling establishment.
- b. Making a gambling or gaming device for use.
- c. Provide betting facilities.
- d. Manufacture, repair etc gaming or gambling machines.
- e. Store, sell or distribute a gambling machine.

By virtue of this provision even a storeroom or a warehouse will have to be licensed. Any rented premises will have to be licensed otherwise the landlord would have committed an offence. The pragmatic effect of this is that landlords will be very wary of leasing to Casinos and businesses which require to be licensed under the legislation.

93. Section 74 makes provision for several offences where a person contravenes the provisions of the most of them are unremarkable except for the fact that the penalties are extremely high. However, in Section 74(2)(c) the following offence is provided for:

"A licensee who allows his premises to be used for unlawful gambling or makes such premises available to a person who has committed an offence under this Act or any other written law pertaining to gambling commits an offence....."

94. The purport of this provision is quite remarkable. If one were to apply the usual rules of statutory interpretation to the provision, then the simple act of allowing a person who has been previously convicted of an offence. Under the Act or for a gambling offence to use those premises would be enough to constitute an offence. The provision does not go on to define what is meant by "make available". However, that is not the only problem with this provision. How is the licensee to know who has a criminal record and who doesn't? The purport of this provision is that every person who attempts to enter a Casino will then confer on the Casino operator a positive duty to inspect and/or determine his criminal record. There is no process by which this could be done. The additional problem is that the way the offence is drafted it seems to be one of strict liability. That means that the prosecution will not have to prove that the licensee knew that the person has a previous conviction. This provision should be completely removed from the Bill as it imposes an unfair and onerous duty upon the Casino Operator.

TRANSITIONAL ARRANGEMENT

95. The transitional provisions are contained at S.54 of the bill and it

is submitted that these are completely inadequate to ensure that entities that presently exist, can continue. The application for an operational licence requires the fulfilment of several criteria under this Bill and regulations which would be impractical to achieve in a short space of time. The gaming industry has operated within certain requirements for a substantial period of time under the private members club apparatus. In this regard, a license under this system would be granted to a member of the club rather than an entity such as the potential entities that would be applying for these operational licenses.

96. Therefore, should all of the provisions come into effect immediately upon assent it would result in the complete shutdown of the industry. In this regard, it is submitted that the various requirements of this bill be gradually introduced over a period of time to allow the entities which currently exists to slowly comply with the requirements herein. Further, there needs to be a rethinking of the transitional provisions to allow the members club system to continue to exist while other associated entities apply for their licenses.

Re: The Gambling (Gaming and Betting) Control Bill 2016 (Application for Gaming Licenses Regulations)

97. This submissions concern the particular application of the regulations concerning the Application for Gaming Licenses.
98. It is accepted that there is merit in the contention that, as contained in Regulation 4. a license is a privilege. However, it should also be expressly stated that the Commission has a statutory duty to consider each application on its own merit and discharge its statutory function of granting licenses in a fair, transparent, equitable and reasonable manner. There should be no misconception in these regulations that the Commission could simply deny an application on a whim or upon some vague basis.

99. At **Regulation 4 (2)** the species of information being sought is extremely broad and undefined. For instance, the applicant is required to submit "personal background information" which is vague at best and can encompass all manner of private information.
100. **Regulation 4 (3)** is too intrusive upon a commercial entity having regard to the definition of what is a gaming contract. In the definition section to these regulations, "gaming contract" is defined as "an agreement in which a person does business with or on the licensed premises of a person who is licensed under Section 31 of the Gambling (Gaming and Betting Control) Act 2015. This definition is too open ended as potentially any person the licensee does business with, having nothing to do with gaming, could be subjected to this provision. This may create severe commercial difficulties for the licensee as commercial contracts often include non-disclosure clauses as to the terms of the contract.
101. **Regulation 6(1)** which concerns the investigations to be conducted is ill conceived and disproportionate. Firstly, an applicant who is an investor with finite financial resources cannot be expected to apply for a license and be left uncertain as to the cost of this application. Provisions requiring the applicant to pay all expenses for an investigation would open the door to abuse. Hypothetically, if the applicant had some financial dealing with another entity in another country such as China or Japan, under these provisions the applicant could be expected to finance a holiday for an investigator to travel to China and Japan for a purported investigation.
102. The regulation attempts to give the facade that a rate per hour would be established based upon the prevailing market rate, however there is no prevailing market rate for private investigation services. There must be a reasonable cap on these fees imposed as there is predicting how far a subjective investigator may be willing to extend his investigations

comforted by the fact that all of his expenses are being met in addition to an undefined hourly rate.

103. It is also noteworthy that there is no procedure to challenge the quantification of the cost of these expenses. It must be remembered that the Commission and the State are already to be paid hefty sums of money in license fees and taxes, perhaps it would more appropriate if the Commission paid for these investigations and if there were adverse findings or findings contrary to the information represented by the applicant, then the applicant be called upon to compensate the commission for the investigation.
104. **Regulation 7** purports to oust the jurisdiction of the Freedom of Information Act, via subsidiary legislation which it is submitted may be unenforceable and liable to be struck down by a court of law. The Freedom of Information Act already makes provisions for exempt information and there are various legal tests when considering information of a commercial and/or personal nature. In these circumstances, Regulation 7 may require substantive re drafting.
105. **Regulation 8** firstly requires approvals from the (Occupational Safety and Health Act) OSHA agency which for practical purposes may seem extremely cumbersome. While the existence of safe conditions for patrons is a concern, it is well known that the OSHA department of government is a notoriously slow and understaffed one.
106. At **Regulation 8(4)&(5)** there is a requirement that any party to a lease with the applicant must furnish the commission with information requested in a prompt manner. This is unenforceable by both the Commission and by the applicant. Common sense must prevail here, if an applicant knows at the outset what information is required by the Commission from his landlord then he can obtain same before entering into any binding lease arrangement. However, if the Commission requests information not previously made known to the applicant there is no duty on the landlord to furnish this information and the applicant may be severely prejudiced in those circumstances and suffer financial losses. The procedure

must be that the applicant be specifically informed what information is required by his landlord prior to him making an application for a licence.

107. **Regulation 9** is oppressive and provides too wide a discretion to the Commission to refuse an application for a license. In particular, the section gives to the Commission a power to refuse a licence in the case of an omission. Given the spectrum of information being required under this act and regulation, and further the broad definitions of persons and genre of information which falls for consideration as being required, an omission may be inevitable. Responsibly drafted legislation would be fair to the applicant and allow for reasonable omissions as they may not have the intent of concealing or misleading the Commission. In the circumstances, it is disproportionate in the extreme to allow a mere omission to be used a pretext for the denial of licence.
108. **Regulation 12(2)** which requires the Commission to give its reasons for denial of an application in writing, should require those reasons to be supplied to the applicant within 14 days of such a decision.
109. Regulation 18 imposes an onerous reporting regime upon licensees. At **Regulation 19 (3)** the licensee is burdened with producing a monthly report detailing all of the persons who have and continue to have financial interests in the revenues from gaming. This is an unnecessary reporting requirement which would no doubt lead to increased operational costs and render the management of these establishments cumbersome and complicated. The effect of this section can easily be achieved by notification to the Commission if there is a change of position within a reasonable period after such change comes to the knowledge of the licensee.
110. **Regulation 19 (5)** once again imposes a burdensome reporting requirement. Given the wide meaning of the term 'Associate having to report a drinking and driving offence to the commission is untenable and makes no practical sense. The question must be posed of what relevance is a drunk driving conviction to the commission for the purposes of this act. This

section should be limited to arrestable offences and the definition of 'associate' must be narrowed or replaced with defined persons such as shareholders or directors.

111. In conclusion, it our submission that the clauses of this bill are disproportionate, impractical and in many instances, is too vague resulting unacceptable uncertainty for legislative regime which is seeking to regulate an industry such as gambling. It seems that philosophically the bill is geared towards curbing and restricting the gambling industry rather than creating the conditions which could foster the development a well-regulated industry with the potential to contribute to economic diversification and an earner of much needed foreign exchange.
112. Having regard to the late receipt of the package of regulations which have been incorporated into this Bill, the association wishes to reserve its right to make further clause by clause submissions upon all of the regulations presented. In this regard the association will be grateful for this indulgence and looks forward to further assisting the JSC in its deliberations.

Dated the ²27 day of March, 2017



Sherry Persad
President Trinidad and Tobago Members Club Association



27th March 2017

The Secretary
Joint Select Committee on the Gambling (Gaming and Betting) Control Bill, 2016
Office of the Parliament of Trinidad and Tobago
Levels G-9, Tower D
International Waterfront Centre
1A Wrightson Road
Port-of-Spain

RE: Gambling (Gaming and Betting) Control Bill, 2016

Dear Sir/Madam:

Reference is made to the above captioned subject, please find herein the comments and concerns of the Union of Members Clubs and Lottery Workers (UMCLW). We shall like to also have an opportunity to be heard before the Joint Select Committee where we can further expand on these concerns.

Given our concerns about the impact of the Bill and its correspondent Regulations on the employees and continued employment in the Gaming Sector the UMCLW appeals to the JSC to seriously renovate the architecture of both the Bill and Regulations to be more user friendly towards the workers.

Please see attached our Comments on Regulations The Gambling (Gaming and Betting) Control Act. 2015.

Yours Sincerely,

Lystra Singh
Executive Member
Encl.

UMCLW COMMENTS ON GAMING BILL (2016)

DRAFT BILL

Subclause (16), again on offences, cheating, clause 76: *"A person who contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of one million dollars and to imprisonment for one year."*

THE UNION AGREES WITH THE COMMENTS OF THEN OPPOSITION SENATOR FARIS AL RAWI WHEN HE STATED : **Again, where is the attenuation in terms of the wilful or reckless intention to commit a crime? How does one justify treating things with so high an offence bracket, \$5 million, \$1 million, et cetera, on summary conviction alone? Is it appropriate? Is it defended only by the fact that we have administrative fines in the Bill, which is a useful construct which we use for instance in the insurance industry? It is a useful construct, but that only came about after a careful cost reference of the matrices involved in the offences, and after advice has been received in respect of the excessive criminalization argument. This is potentially extremely dangerous for all of those workers sitting here in Parliament today. If they sit at a computer and carry out activities in the course of their employment, are they going to be visited with \$5 million fine and two years in jail, because they were acting—and an owner or a licensee comes forward and says, "Well, I did not give them the authority to act."? Where is the exception for that?**

Clause 32(2)(i) a personal License will have to be obtained for what is referred to a "key employee" is not defined in the Bill. The Commission may say anyone is a key employee and they be charged as a result. Again in Section 41 (2) (C) again speaks to the key employee without any definition of same with similar legal consequences against the employee.

The Union finds it unacceptable that comparator financial institutions are not required or compelled to licenced their respective staff while nearly staff in a casino will have to be licenced. In addition to this the Fit and Proper Clause is one such that will make it extremely difficult for our members to be employed further in the industry. This criteria ironically is not being similarly applied to the Members of the Commission themselves.

Clause 51 provides for the appeal process. "Any person aggrieved by a decision of the Commission under this Part may, within thirty days of receipt of the Commission's decision in respect thereof, appeal to the High Court."

AGAIN THE UNION REPEATS AND SUPPORT THE STATEMENTS OF THEN OPPOSITION SENTATOR AL RAWI WHEN HE CORRECTLY OBSERVED: Well, why 30 days? Why deviate from the judicial review standard of a longer period? Why 30 days? Are we going to say that there will be rules and procedures for application? What type of approach is to be made to the High Court? How is that going to come about? Is it by way of notice of application? Is it pursuant to similar structures. Madam President, when we go—and I want to jump to a very important aspect. When we are looking at the taxes and funds section and look at the Committee for the Rehabilitation and Development of Funds, why is it that we are saying that that committee shall have a minimum of five, no more than nine and they only have two years of operation subject to reappointment? Why? Why is the tenure of such an important social services sector, which is for the benefit of the workers and players and participants in the industry? Why is that stymied to such a short period of time? I really have no explanation.

Negative vs. Affirmative Resolution

It is the observation of the Union that the Regulation to the Gaming and Control Bill (2016) can be amended by negative resolution in the Parliament of Trinidad and Tobago. It is the recommendation of the Union that the Regulations be only amended via affirmative resolution.

REGULATION 6.(1) *Applicants for all gaming operators licences and Key Person, Operational Management or Suppliers licence and all applicants for renewal of such licenses are responsible for payment of a non-refundable fee in the amounts prescribed by the Commission from time to time and for the full cost of investigation into their backgrounds, suitability and qualification for a Licence that will be conducted by the Commission to verify the applicant's suitability for licensure.*

COMMENT: The high cost investigations will cause unemployment. There will be large staff retrenchments due to the cost of doing business. Many small casinos will close. Even more Bars will close. Lotto machines will be sent back as the cost of licensing their staff and the attendant casino and other games played at Lotto locations will be too high.

REGULATIONS 6.(2) *An applicant for the following licence categories shall meet minimum financial requirements as stipulated by the Commission and pay the designated nonrefundable application fee, except that license fees for employee licenses where the applicant is employed by a gaming facility operator, management company or gaming related vendor, the fee shall be paid by the employer:*

- (A) Key Person – TTD \$33,500.00
- (B) Operational Management - TTD\$13,500.00
- (C) Employee – TTD \$1000.00
- (D) Vendor or Related Person – TTD \$1,500.00.

COMMENT : The high cost of licenses and investigations as nearly all employees will have to pay or have cause to pay a fee for their employment. There is no other comparator in Trinidad and Tobago where the employer has employee fees imposed on them. This as a result as above will cause unemployment. There will be large staff retrenchments due to the cost of doing business. Many small casinos will close. Even more Bars will close. Lotto machines will be sent back as the cost of licensing their staff and the attendant casino and other games played at Lotto locations will be too high.

REGULATIONS 7.(3) Any information concerning the following submitted, collected, or gathered as part of an application to the commission for a licence under this chapter is confidential and not subject to disclosure by any government agency as a record under the Freedom of Information Act, chap 22:02:

- (A) A minor child of an applicant;

COMMENT: This is irrelevant and possibly ruinous of marriages.

(F) The name or address of a previous spouse of the applicant;

COMMENT: Previous spouse address is irrelevant and might not be known.

REGULATIONS (I) *The personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings;*

COMMENT: A person is judged once in civil society. Here it is being asked that a person be judged again and by persons who are not trained in the law or as judges. Maybe this is an error and proceedings should have been 'convictions'.

REGULATIONS (J) *Any information concerning a victim of domestic violence, sexual assault, or stalking;*

COMMENT: Information is hearsay and gossip being asked for in a society of mauve lange and gossip.

REGULATIONS (L) *Any trade secret, medical records, and patents or exclusive licences;*

COMMENT: Some of the requirements seem to have been cut and pasted without consideration as to what they demand. If Angostura applied for a license would they be asked for the Trade Secrets which include Angostura Bitters and have been secret for such a long time. Medical records are irrelevant into the suitability of an applicant for a license.

REGULATIONS (B) *The amount of the wagering tax and admission tax paid daily to the government by a licensed applicant or an operating agent; and*

COMMENT: To date there is no wagering tax except upon Racing Pool bets. This is the first and only reference to a wagering tax. Is this a cut and paste from some other jurisdiction or report? To date there is no admission tax. This is the first and only reference to a admission tax. Is this a cut and paste from some other jurisdiction or report?

REGULATIONS: 8.1.(e) *other information as may be required by the Commission.*

COMMENT: Many Bars in T&T do not have Town and Country approval but are allowed to operate by the court as have been in operation for so many years. Over the years rules (such as parking) have changes that would prohibit these bars from being granted T&C approval. At least 800 Bars would be forced to close their machines down which would cause unemployment. Many of them would go bankrupt as a result thus causing more unemployment. Town and Country Planning should not be a requirement for a gaming license.

REGULATIONS: 8.(6) Failure of the lessor or the prospective lessor to provide the information requested shall be sufficient grounds for the Commission to refuse an application for an operating licence.

COMMENT: It is unlikely that many lessors will be willing to submit to these requirements as they are not involved in any aspect of gaming. Hundred of lottery booth WHICH CARRY ON CASINO ROULETTE GAMBLING will be forced to close. At least 1500 bars will close as their landlords, might not wish to or might not be able to provide information requested. It would be unfair that persons who for years have carried on their businesses legally are now faced with closure and the attendant unemployment.

PART TWO - Electronic Betting Provisions

REGULATIONS: ii) Failure to comply with any of these provisions shall constitute an offence which attracts a fine not exceeding xxxx Dollars and in default of payment thereof to imprisonment for a period of xxxx years

COMMENT: Internet Gambling will bring quality employment to Trinidad and Tobago. In Antigua 5% of the population is employed in it. In Costa Rica there are over 3000 persons employed by it. On the Isle of Man in UK it accounts for 30% of the government income to the Island. The tax structure will need to be change on Internet wagers if this is to succeed in T&T as we are starting 20 years after the others.

PART ELEVEN – DUTY TO COOPERATE

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

COMMENT: The Union strongly requests to have representatives of each Union Segment on the Commission. The main justification of the Gambling Industry is Employment and Taxes. The Union represents the workers and thru them has intrinsic knowledge of what happens in the gambling arena. Leaving this knowledge off of the Commission will be detrimental to the interests of the public.

PART TWO – GAMING DEVICES AND EQUIPMENT

(g) Testing

REGULATIONS: *To be eligible for approval and inclusion in the Commission's database described in Section 3(1) of this rule, a manufacturer or vendor of any device, software, hardware or other technology must submit the device, software, hardware or other technology for scientific testing and technical evaluation by the certified independent testing laboratory under contract with the Commission and obtain certification from such independent testing laboratory that it complies with technical standards approved by the Commission. The cost of such testing shall be paid for by those licensees requesting approval of the any device, software, hardware or other technology.*

COMMENTS: The Union has discussed this section with its senior technical Members and has been told that this exercise is an unnecessary and costly exercise that is not necessary as the machines have been inspected already before leaving the factory of the USA. We believe this will be so costly and encourage Casinos to cut staff in order to pay for it.

REGULATIONS: xii) *Redemption kiosks are devices that accept redeemable ticket vouchers issued from electronic gaming equipment for cash. Redemption kiosks and associated components shall meet the commission's approved technical standards.*

COMMENT: The Union is concerned that existing Members Clubs are grandfathered in and that they can change their ownership or operation to Limited Companies. We are concerned that the Regulations and requirements might prevent existing operators from continuing in business and thus lead to mass unemployment. The requirements for investment in multi million computer monitoring systems and new equipment would not be made by Operators without a license. We think it should be clearer that everyone operating now should be free to continue to operate exactly as they are until they a granted a license. After that they should be given a reasonable time period to comply with all the expensive investments they would then be required to make. We need to protect the workers in the Industry.

PART THREE – DISCIPLINARY ACTIONS

REGULATIONS: 13. *The Chief Executive Officer shall serve the notice of proposed disciplinary action on the licensee by personal service or TPost certified mail or TPost regular mail to the last known address of the licensee. Service is complete four days after mailing.*

COMMENT: Service should be by receipt otherwise workers will be losing their livelihood without knowing there was a hearing.

PART FOUR – REQUESTS FOR HEARING

REGULATIONS : (e) All requests for hearing shall be in writing and shall include an original and one copy. The request shall contain the following:

- The name, current address and current telephone number of the petitioner (the applicant);
- Detailed reasons why and the facts upon which the petitioner will rely to show that the petitioner is suitable for licensure or should not be subject to discipline, including specific responses to any facts enumerated in the Commission's notice of denial or proposed disciplinary action;
- A signature of the petitioner;
- A verification of the petition in the following form:

The undersigned certifies that the statements set forth in this request are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

The request must be notarized.

COMMENT: If the Commission complaint doesn't need to be notarized why should the workers own have to be? That is punitive and serves no purpose.

REGULATIONS: 48) An applicant who has been denied a license and who has requested a hearing under this Subpart shall be considered an applicant for purposes of compliance with applicable statutory provisions and this Part until final resolution of the request for hearing.

COMMENT: There should be no special condition for an appeal against ruling of the Commission. The Commission is comprised of Laymen and not Jurists. Any disagreement with a ruling of the Commission must be available through the Courts and a person must be Innocent unless proven Guilty. Otherwise workers' rights will be erased.

EMPLOYMENT AND LICENSING DATA

16. With regard to the previously listed employment:

- a. Were you ever discharged, suspended or asked to resign from employment?
- b. During the last ten year period, were you ever charged with any infraction in relation to any employment which was the subject of any disciplinary action?

If yes to either question, complete the following chart as to each such time you were discharged, suspended, asked to resign or disciplined:

COMMENT: The Union cannot accept this question as it relates to a charge in a company and not a conviction in a court. The Union will instruct its members to protest and refuse to submit to such unconstitutional questions. It is clear this form is a cut and paste from an American form. The Union insists to sit down with the drafters and design a form suitable to its members whereby they cannot be judged on gossip or innuendos.

The Union would never allow its members to answer questions of whether they were ever charged or arrested. Only if someone has a conviction must they disclose it. The Commission cannot JUDGE persons who have been judged already! THIS APPEARS TO VIOLATE THE CONSTITUTIONAL RIGHTS OF THE CITIZENS OF TRINIDAD AND TOBAGO SEEKING LAWFUL EMPLOYMENT.

34. In the past fifteen (15) years, have you as an individual, member of a partnership, or owner, director, or officer of a corporation, ever been a party to a lawsuit, as either a plaintiff or defendant or an arbitration as either a claimant or defendant? (Include matrimonial matters, negligence matters, auto accident matters, contract matters, collection matters, debt matters, bankruptcies, etc.)

COMMENT: Matrimonial matters, auto accident matters are not the business of the Commission. The questions must be limited to criminal convictions. Our Industry prides itself on providing quality employment to persons from underprivileged areas such as Laventille, Morvant the Train Line in Marabella etc. Many of them will have family who are criminally convicted. Many of them will have convictions for marijuana. They have been judged already and now the Commission is going to judge them again. Should persons be refused licenses because of past things they might have been judged and punished for then there will be an increase in crime and unemployment? Taking a foreign form and applying it to a local scenario is a colonial step which the union cannot accept and unless workers are given licenses without such questions and judgements then the Union will recommend its members how to act.

PART TWO – ACCOUNTING PROCEDURES

REGULATIONS: 20 (2) *Subject to this section, there shall, commencing the enactment of the Gambling (Gaming and Betting) Control Act, be charged on all gaming tables and other gaming devices used or to be used on the premises of the holder of an operating license issued by the Commission, a levy to be known as a gaming device tax at the rates as specified in the Schedule in the Act.*

COMMENT: Already The cost of doing business at present is high because of intense competition and a recession and there have been layoffs in the Industry. More taxes might make it impossible for some operators to continue. The flat machine and table tax should be replaced with an 8% gaming device tax only. Big clubs would thus pay more and smaller clubs will pay less and there will be more employment. Otherwise more workers will surely be sent home.

PART TWO – LICENSING

REGULATIONS: 12. *All applicants for a license issued by the Commission shall pay the following application fees, as applicable, at the time of filing their application:*

- (a) *Manufacturer – \$30,000*
- (b) *Distributor – \$30,000*
- (c) *Terminal Operator – \$30,000*
- (d) *Supplier – \$25,000*
- (e) *Technician – \$650*
- (f) *Terminal Handler – \$300*

COMMENT: The huge taxes will cause unemployment. It is more expensive for a Trinidadian to be allowed to work that it is for a foreigner to get a work permit. A GTECH technician from Trinidad who supplies parts has to pay \$25,650 a year to be able to work while a Technician from UK in the oil industry only has to pay \$10,000 (and his employer really pays this).

PART THREE – DUTIES AND RESPONSIBILITIES OF LICENSEES

REGULATIONS: (4) *In addition to all other duties and obligations required by the Act and this Part, each licensed amusement terminal operator has an ongoing duty to comply with the following:*

COMMENT: There are 4000+ bars that rely on a relatively small income per machine but it generally equals their bar income. It is important to them. Should this expensive rule come into effect the industry would completely go underground. Many Bars would close rather than operate illegally. There will be mass unemployment created – over 6000 persons initially and more to come.

IC: 7/1/3

March 22, 2017

Ms Chantal La Roche
Secretary to the Joint Select Committee on the
Gaming (Gambling and Betting) Control Bill, 2016
Office of the Parliament
Level 3, Tower D
International Waterfront Centre
1A Wrightson Road
PORT OF SPAIN

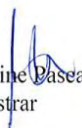
Dear Ms La Roche

Re: Request for Stakeholder Submissions: Gambling (Gaming and Betting) Control Bill, 2016

Your letter dated March 2, 2017 and ours dated March 8, 2017, refer.

Please see attached the comments of the Integrity Commission on the Gambling (Gaming and Betting) Control Bill, 2016.

Yours respectfully


Jasmine Baseal
Registrar

Enc.

**COMMENTS ON THE GAMBLING (GAMING AND BETTING)
CONTROL BILL, 2016**

4. “authorised officer”	The terms “authorised officer” and “authorised person” are used interchangeably in sections 70 and 84
14. (1) The Commission shall – (b) subject to section 93, provide such information to other regulatory and Government agencies, including the Board of Inland Revenue, the Financial Intelligence Unit, the Integrity Commission, the Customs and Excise Division, the Commissioner of Police and the Betting Levy Board, as may be agreed between the Commission and those agencies;	The Integrity Commission should be included as a regulatory agency in this section for the purposes of being provided with information.
15. (1) The Board shall appoint a Chief Executive Officer for a term not exceeding five years on such terms and conditions as are agreed upon between the Board and the Chief Executive Officer. 19. (1) The Commission may employ such persons as it considers necessary for the due and efficient performance of its functions and powers and on such terms and conditions as are agreed upon between the Commission and those persons, subject to such remuneration as the Board may determine. 20. The funds of the Commission shall consist of – (a) such amounts as may be appropriated by Parliament for the purposes specified in section 21;	The Integrity in Public Life Act contains a similar clause to that of 19(1). An issue arises however when persons are employed under this provision. According to the auditor, the section is not sufficient authority for the payment of salaries to persons employed hereunder. The claim is that since monies are being allocated by Parliament (similar to 20(a) of the Gambling Control Bill), these contracts must be Cabinet approved. As a result, the Ministry of Finance does not appropriate funds for payment of salaries of persons employed under this section as it is alleged that these contracts are not Cabinet approved. Similarly, section 15(1) would have the same effect.

30. The Commission shall, in the performance of its functions, be subject to the provisions of the Central Tenders Board Act until such time as the Commission develops its own procurement policies and procedures.

This section should be reworded to take into account the Public Procurement and Disposal of Property Act which is carded to come into effect at the end of March.

March 22, 2017

Submission received from TTRA- Trinidad & Tobago Racing Authority

Dear Ms. La Roche,

This email serves to highlight that there are no comments from the Trinidad and Tobago Racing Authority, as it relates to the Gambling (Gaming and Betting) Control Bill 2016, in its present form.

I am advised by my Chairman to indicate, that we are aware of the request being put forward by the Betting Levy Board, however the position being held by the Trinidad and Tobago Racing Authority is that the proposal should stay - in that 50% be paid by the BLB into the Consolidated Fund.

Thank you.

Kindest Regards,

Josette Mc David (Ms.)

Secretary

Trinidad & Tobago Racing Authority

Santa Rosa Park

O'Meara Road, Arima

Republic of Trinidad and Tobago

Submission received from Eye on Dependency

On behalf of Eye on Dependency, the award-winning radio programme celebrating 15 years in 2017, we wish to submit the following for consideration by the Joint Select Committee's discussion on the captioned Bill.

Our concern for those addicted to the activity of gambling is our primary focus. We have lobbied the NLCB to place a hotline number on the back of every gambling item they produce so that those who may have a problem can seek the help they need. Gambling is an addiction, and must be seen as such in order to offer and direct problem gamblers and their families to treatment. There is a Gamblers Anonymous group where problem gamblers can receive the self-help treatment (12 Step Programme) and counselling services.

The information below was gathered from GamCare, a UK-based non-profit whose leaders we interviewed during our Mission UK 2012 (report attached). Their website is www.gamcare.org.uk. It is meant to explain the issues problem gamblers and their families face and reinforce that while gambling is a pleasurable activity, it can and does become a crippling disease for some. This is why we introduce this aspect of gambling as an activity, so that lawmakers are aware not just of the potential benefits to the economy but also the potential risks to lives and families if the requisite treatment is not offered to problem gamblers.

"Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses become unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling losses.

However, the impacts of problem gambling can be more than losing money. Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a pre-occupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities.

There is often reluctance amongst gamblers to spend money on items of clothing or household goods as such expenditures are often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes.

Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.

A common question for a person with a gambling problem is: 'Why do I do it?'. You may be wondering that about someone you know, and wonder why they are putting themselves and their loved ones through such turmoil. If something is causing such problems, why not just stop and be happier? You might also wonder why some people seem able to gamble within their limits,

and not develop such problems. You might be thinking that your gambling is a sign of weakness, or the inability to cope.

However, the truth of the matter is rarely so simple. Gambling problems are often experienced as being completely outside of the person's control and 'just stopping' isn't felt to be a reasonable option.

Additionally, many people find themselves unable to explain why they continue to gamble despite the problems it causes in their day-to-day lives. The most obvious answer is "for the money" but perhaps you can challenge yourself here: When you win, do you spend your winnings on more gambling? Do you continue to gamble until you have little or no money left?

A lot of gamblers feel they are waiting for the 'big win' which never comes but always seems tantalisingly close. But often, they find having a big win would simply fuel their own desire for more gambling, leaving them feeling trapped into a behaviour with no way out. This would suggest that being 'in action' is the most important thing, rather than winning an amount of money.

There is another way of thinking about gambling, that it represents a symptom of a larger problem in life. While this might sound a bit scary to contemplate, perhaps consider whether you tend to gamble at certain times, or whether gambling is associated with certain feelings for you. It might well have played a large part in your life since you were quite young. If you think of it this way, you might realise that gambling problems are not a sign of weakness, but rather a way of coping with something bigger, in a way that on some level makes a lot of sense."

--

Natasha Nunez

7th March 2017

Hon. Colm Imbert, MP
Chairman
Joint Select Committee – GAMING BILL
Parliament of the Republic of Trinidad and Tobago
Wrightson Road
Port of Spain

RE: Gaming Bill 2016 Adverisment

Dear Minister Imbert, MP

I am a small owner and operator of a Private Members Club located in Port of Spain. I was told this week that an ad was in the Sunday newspaper asking for comments on the Gaming Bill that is presently before the Parliament.

Sir due to the economic downturn I can no longer only rely on one income stream and as such had to explore other options. One of these that I looked at was putting out a section of a particular Band during this year's Carnival. As a result was extremely busy in the days building up too, during and after Carnival and simply did not see the ad placed in the newspaper by the Parliament asking for public comments. When the ad was eventually shown to me the deadline was upon me.

Mr. Chairman I ask that you extend the deadline for public comments as I am sure that you are sensitive and alive to the cultural nuances of society particularly during the Carnival season.

I will be making a very detailed and comprehensive submission to your Committee on this Bill which can have a serious bearing on my business and my continued economic well-being. I am finding it difficult to make such a submission in the absence of obtaining a copy of the Regulations referred to in the body of the Bill. I have called the Parliament to get a copy as I have been unable to find the Regulations online on the Parliament website. I strongly feel that without reviewing the Regulations side by side with the Bill that my submission would be inadequate and perhaps incomplete, and therefore not do justice to myself, my staff or my patrons.

I respectfully ask therefore that the Regulations be supplied to myself and then the deadline for public comment be extended so both the Bill and Regulations to

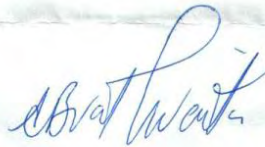
allow both to be studied before submissions made.

I am certain that you will agree that this request is rational and I hopes it meets with you and your committee's approval.

I anxiously await your response.

Regards,

Asha Isha Brathwaite
Duces Private Members Club



Contacts 868-477-1534
868-290-4707

5 TAINIAH Crescent
Federation Park.





8th March 2017

The Secretary
Joint Select Committee on the Gambling (Gaming and Betting) Control Bill, 2016
Office of the Parliament of Trinidad and Tobago
Levels G-9, Tower D
International Waterfront Centre
1A Wrightson Road
Port-of-Spain

RE: Gambling (Gaming and Betting) Control Bill, 2016

Sir/ Madam:

Reference is made to the captioned subject, I wish to indicate that I am the owner/manager of a significant Private Members Club in the Republic of Trinidad and Tobago and as such I wish to state that I will like to have an opportunity to express my concerns on the Gambling Control Bill 2016 as well as make appropriate submissions on said Bill.

I am however unable to make a complete analysis and review of the aforementioned Bill given that I have been artificially handicapped with the absence of the Regulations which are to accompany the Bill.

Outline below are areas underscore where the Regulations expressly articulate with the Bill :

Powers and duties of the Commission Section 14. 1. (d) carry out such other actions in pursuance of the provisions of this Act or any regulations made hereunder. 14.2. (2) Without prejudice to the generality of the foregoing, the Commission shall— (c) engage in consultations in accordance with prescribed regulations;

47. (1) The Commission may revoke a licence where— (m) the licensee has failed to comply with any obligations imposed on it by the Act or Regulations made hereunder or with the terms upon which the license has been granted;



53. (1) The holder of a licence shall put in place a system of controls and accounting procedures when mandated by the Commission. (2) The system of controls and accounting procedures referred to in subsection (1) shall include but not be limited to the following and, for the purpose of Schedule 3 shall also apply: (m) all such other matters as the Board may require, pursuant to the provisions of this Act and regulations made hereunder.

85. A person who contravenes or fails to comply with any provision of this Act or Regulations made pursuant thereto, for which no other penalty is expressly provided, commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for two years and in the case of a continuing offence, to a fine of ten thousand dollars for each day that the offence continues.

86. (1) The Minister may, by Order subject to negative resolution of Parliament, vary the penalties set out in this Act and Regulations made pursuant thereto.

92. The Minister may make Regulations prescribing anything necessary or convenient for carrying out or giving effect to this Act.

93 (2) Disclosures made by the Commission, its officers, employees or any other person under the direction of the Commission, pursuant to the provisions of this Act or any Regulations made hereunder or which the Commission considers necessary in the discharge of its functions, shall not be deemed inconsistent with any duty imposed under this section.

Having regard to the above relevant clauses it is my considered opinion therefore that the Regulation is critical to an appreciation of the Bill. As such I hereby request that the deadline for submission on comments to the Bill be extended until the Regulations are allowed to be reviewed by the public in conjunction with the Bill.

I await your response.

Sincerely,

PRINCESS ENTERTAINMENT CORP
(Trinidad & Tobago) Ltd.
Fiesta Plaza - Movie Towne
Invaders Blvd Audrey Jeffers Highway
Port of Spain.

Comments on the
Gambling (Gaming and Betting) Control Bill, 2016

Submitted March 7, 2017 by:

Chico Enterprises Ltd

13a Lord Street

San Fernando

Phone: 657-4444

Fax: 657-2726

COMMENTS ON THE GAMBLING (GAMING AND BETTING) CONTROL BILL, 2016

GENERAL COMMENT

There needs to be a clear distinction between businesses engaged in gambling activity and those businesses engaged in family entertainment.

Adult Gaming Centres (AGCs) include casinos, gaming lounges, etc. These businesses target adults who wish to partake in games of chance for monetary reward (i.e., gambling activity). The games are not skill-based and the player relies on random chance (e.g. slot machines.) Alcohol is prevalent at these businesses and the environment is generally not suited to families and children.

By contrast, Family Entertainment Centres (FECs) cater to families and children in a family-friendly environment. No alcohol is served and the audiovisual content is appropriate for all ages. FECs operate redemption and video games, which involve a variety of skills from the player, (e.g., throwing a basketball into a hoop, or hitting moles with a soft hammer.) Players play for fun rather than for the prospect of substantial monetary reward. The equipment, ambiance and operations for an FEC is very different to those of an AGC.

FECs do not contain any of the following: slot machines, card tables, dice or other elements associated with gambling.

To summarize, in Family Entertainment Centres:

1. Audio/visual content is appropriate for all ages i.e. “family friendly”
2. No alcohol is served.
3. Players play for fun rather than for the prospect of substantial monetary reward.
4. Equipment is not classified as “game of chance” (the outcome is not random) but “skill based”.
5. Slot machines, cards tables, dice and other gambling elements are not used.
6. Games are not presented as “involving an element of chance”. Images typically associated with gambling (dice, cards, etc) are not present.

COMMENTS REGARDING INTENTION OF BILL

The intention of the proposed Bill is outlined in the preamble as follows:

"WHEREAS gaming and betting are commercial transactions which can be easily infiltrated by criminal elements:"

COMMENT: Gambling activities generally involve substantial sums of cash, whether through placing bets or redeeming winnings. Because of this, and the environment of

Adult Gaming Centres, there have been several instances worldwide where gambling and criminal elements have been allegedly intertwined. However, this is not the case for Family Entertainment Centres. In fact the opposite is true - FECs contribute to building the family unit through providing wholesome family fun.

"And whereas Trinidad and Tobago's international anti-money laundering and counter-terrorist financing obligations demand a framework which addresses the gaming and betting industry's vulnerability to money laundering and terrorist financing:"

COMMENT: The anti-money laundering initiative is clearly intended to focus on Adult Gaming Centres rather than Family Entertainment Centres.

"And whereas gaming and betting have also been shown to have negative effects on vulnerable persons, including minors and problem gamblers:"

COMMENT: Although Adult Gaming Centres (casinos, etc) have been known to be linked to issues such as gambling addiction, Family Entertainment Centres do not share in these issues, as there is no gambling. On the contrary, FECs provide a positive atmosphere where families can relax and enjoy spending time together. Games such as basketball, air hockey and others allow family members to play together in a healthy, safe environment.

Clause 5 of the Bill states that

The objects of this Act are to—

- (a) protect minors and other vulnerable persons from being harmed or exploited by gambling;*
- (b) ensure that gambling is conducted in a fair, open and responsible manner;*
- (c) prevent gambling from being a source of crime, being associated with crime or being used to support crime;*
- (d) ensure compliance with international anti-money laundering and counterterrorism financing regulations in line with the Financial Action Task Force Recommendations;*
- (e) ensure consumer protection; and*
- (f) provide for the collection of taxes*

It is clear from Clause 5 that the intention of this Bill is to regulate Adult Gaming Centres. As discussed above, Family Entertainment Centres do not share the potential issues associated with Adult Gaming Centres that the Bill seeks to address. For example, in AGCs, children are not allowed due to the nature of the activities (i.e., gambling), but FECs are designed for the whole family including minors.

Another issue with the proposed Act for FECs is the definition of "gambling instrument":

(Page 6) PART 1 – PRELIMINARY

"gambling instrument" or "gambling instrumentality" includes—

- (a) tokens;
- (b) machine credits;
- (c) electronic transfer of credits or tokens;
- (d) cash or credit cards; or
- (e) any item of money or money's worth;

This section defines tokens/electronic transfer as “gambling instruments”. This definition is rather wide and since FECs use some of these, it may be construed as “facilitating gambling” even though FEC equipment is not considered “gambling” equipment. The definition for “gambling machine” says:

“gambling machine” means a machine—

- (a) *designed or adapted for use by individuals to gamble whether or not it can be used for other purposes; and*
- (b) *which may be operated wholly or in part by means of a gambling instrument*

Based on the above, does a non-gambling (i.e. FEC) game, fall under the category of “gambling machine” because it uses tokens or electronic card transfer as means of operation? (especially since (a) has the “whether or not it can be used for other purposes” statement.) The Bill does not distinguish between AGCs and FECs with regards to use of tokens or electronic card transfer.

Because of these concerns, we would like to suggest that the Bill specifically exclude Family Entertainment Centres as it is outside the scope of the Bill's intent. As the Bill stands, it is ambiguous as to whether the activities of Family Entertainment Centre would fall under the proposed definition of "gaming activity."

It is worth noting that in most areas of the world FECs and FEC equipment is treated differently from gambling locations/equipment.

We suggest that:

1) The Bill define "Family Entertainment Centre" as an establishment that caters primarily to families and children through the operation of redemption and video games and amusement rides and attractions in a family-friendly environment.

2) The definition of "game of chance" include the following "For the purpose of this Act, a redemption game, video game or vending/prize machine operated by a Family Entertainment Centre is not considered a game of chance."

We trust that these comments have shed some light on the many subtleties and nuances that distinguish Adult Gaming Centres from Family Entertainment Centres. As a result, we hope that the Joint Select Committee will consider the viewpoints herein raised and that the Bill will be amended to enact the above recommendations.

We would be pleased to comment on future revisions of the Bill. Should you require any further information regarding these comments, we can be contacted at:

Chico Enterprises Ltd t/a FunStation

Attn: Steve Maharaj

13a Lord Street

San Fernando

Trinidad

Phone: (868) 657-4444

Fax: (868) 657-2726

Email: *info1@fun.tt*

INSTANT WINNER MEMBERS CLUB

93 OJOE ROAD SANGRE GRANDE

7th March 2017

Hon. Minister Mr. Colm Imbert, MP
Chairman
Joint Select Committee – GAMING BILL
Parliament of the Republic of Trinidad and Tobago
Wrightson Road
Port of Spain

**RE: REQUEST FOR PUBLIC COMMENTS: THE GAMBLING (Gaming and Betting)
CONTROL BILL 2016**

Honourable Minister:

I refer to the matter at caption. I have noted the advertisement which appeared on the newspaper on Carnival Sunday (26th February 2017) inviting submissions to the Joint Select Committee convened to enquire into the Bill.

In this regard, I wish to humbly apply to the Committee for an extension of time to make submissions to the Committee. I do not wish to be seen as obstructing or delaying the work of the Committee in any way however, I am simply unable to meet the deadline as prescribed in the newspaper. You would no doubt agree that the invitation appeared over the Carnival weekend and as such the opportunity to make a meaningful contribution to your Committee was severely curtailed due to the unavailability of staff and other critical recoveries.

I am very interested in the progression of this legislation and as such I would very much like the opportunity to present to the Committee matters which I consider to be of critical importance to the industry. I am of the view that the Committee should give consideration to these matters so as to properly inform its due consideration of the Bill.

As such I hereby request an extension of the deadline by which I am required to submit my comments.

I look forward to a favourable and urgent reply.

Sincerely,



Gerard Sooklal
c.c. All Members of the Committee

Our Ref: LHS/jj

8th March 2017

Joint Select Committee on the Gambling (Gaming and Betting) Control Bill, 2016
Office of the Parliament of Trinidad and Tobago
Levels G-9, Tower D
International Waterfront Centre
1A Wrightson Road
Port-of-Spain

Via Email: jscgcb@tpparliament.org

Attention: The Secretary

Dear Sirs

Re: Gambling (Gaming and Betting) Control Bill 2016

On behalf of a client, we are responding to the Joint Select Committee's invitation for written submissions on the Gambling (Gaming and Betting) Control Bill 2016.

Firstly, we would like to applaud the Government for taking a pragmatic and responsible approach to gaming by introducing this legislation; gaming if managed properly can be a large source of revenue to the Government as well as provide a healthy form of recreation. If left unregulated, however, it can be abused by money launderers and lead to gaming addiction. Attempted prohibition of gambling will only lead to the industry being driven underground where vulnerable persons will be at risk without the assistance that comes with a regulated industry.

We note however that the Gambling (Gaming and Betting) Control Bill envisages taxation on slot machines, gaming machines and amusement machines to be levied on a per machine basis as opposed to a revenue basis. In the view of our client, if such a taxation scheme were implemented the Government would miss out on significant revenue. Further without a proper monitoring system there will no means of ensuring that the odds set in the gaming machines are fair and that patrons are not being swindled.

Partners

Nicole Ferreira-Aaron – Debra Bharath Thompson – Jonathan Walker – M. Glenn Hamel-Smith – Gregory Pantin
Angelique Bart – Luke Hamel-Smith – Fanta Punch – Catherine Ramnarine

Partners Emeritus

Philip Hamel-Smith – Timothy Hamel-Smith – Christopher Hamel-Smith S.C. – Grantley L. Wiltshire

Associates

Giselle Romain – Cherie Gopie – Melissa Inglefield – Linnel Pierre
Krystal Richardson – David Hamel-Smith – Miguel Vasquez

Our client offers a comprehensive central computer monitoring system that will connect to all gaming machines reporting all required data to the Gambling Commission, thus providing a means:

1. to easily and conveniently determine the amount of revenue each machine generates;
2. to impose a revenue based tax on each machine with absolute certainty as to the revenue generated;
3. ensure that the odds of each gaming machine are fair to patrons;
4. to determine whether any of the machines or the monitoring system have been tampered with.

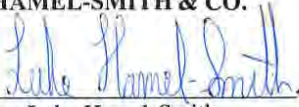
Our client's central computer systems have been implemented with fantastic success in other jurisdictions.

Given the benefits of such a monitoring system to both patrons and the Government, not least of all including maximising revenue from the gaming industry, we respectfully suggest that the Joint Select Committee move from a per machine taxation system to a revenue based taxation system through the use of a comprehensive computer monitoring system connected to each machine and reporting to the Gambling Commission. The system would be regulated by the Gambling Commission and paid for with a percentage of net gaming revenue from each gaming machines.

If you would like further information in respect of our comments please do not hesitate to contact us.

Yours faithfully

M. HAMEL-SMITH & CO.

By: 

Luke Hamel-Smith
Dispute & Risk Management Group
Ext.: 5509

TTMCA

Trinidad & Tobago Members Club Association
#10 Macoya Road, Tunapuna, Trinidad, West Indies
1-868-223-2223-8

7th March 2017

The Secretary
Joint Select Committee on the Gambling (Gaming and Betting)
Control Bill, 2016
Office of the Parliament of
Trinidad and Tobago
Level G-9, Tower
International Waterfront Centre
1A Wrightson Road
Port of Spain

RE: CALL FOR PUBLIC COMMENTS ON GAMING BILL 2016

Honourable Chairman:

The Trinidad & Tobago Members Club Association (TTMCA) attention has been drawn to a newspaper advertisement which appeared in the daily newspaper on Sunday 26th February 2017 requesting public comments on T Gambling (Gaming and Betting) Control Bill 2016 with a deadline for submissions a week later of 8th March 2017.

It is the intention of the TTMCA to fully participate in this process and make a meaningful contribution to the legislative process wherever possible. There are several areas of concern which the TTMCA has about the Draft Bill and as such we wish to apply to the Committee to be heard on these issues.

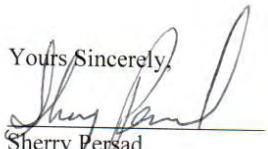
Mr. Chairman as you are no doubt aware this advertisement called for public comments during the Carnival period where our offices were closed, some of our members were outside of the

jurisdiction, and our staff were unavailable. These factors coupled with the short window of opportunity in which were asked to make the said submissions has proven to extremely onerous on our organization. It is the intention of the TTMCA to fully participate in this very important component of the legislative process but the time constraints are challenging. The TTMCA therefore requests an extension of time so that we are in a position to compile and collate our information on the Bill and subsequently submit it for your Committee.

Additionally, Mr. Chairman, the TTMCA has on numerous occasions written to the Ministry of Finance and most recently on February 7th for a copy of the Regulations which are to accompany the Bill. Sadly to date our requests for the said Regulations have not been furnished to the TTMCA. It is our considered opinion which is further buttressed by legal advice that an appreciation and understanding of the Regulations are imperative before comprehensively commenting on the Draft Bill. As such it is our position that the Regulations be published and made available to the public and then the public comments be invited. To comment on the Bill without the correspondent Regulations will not do justice to the proposed legislation operationalization and its impact on the Gaming industry will not be fully appreciated.

The TTMCA wishes to submit for the consideration of the JSC some comments and concerns about the Draft Bill submitted to the Ministry of Finance previously.

Yours Sincerely,


Sherry Persad
President
868-486-9463



**UNION OF MEMEBERS CLUBS
AND LOTTERY WORKERS**
Corner Methuen Street, Woodbrook, Trinidad, West Indies
1-868-222-0088

7th March 2017

The Secretary
Joint Select Committee on the Gambling (Gaming and Betting)
Control Bill, 2016
Office of the Parliament of
Trinidad and Tobago
Level G-9, Tower
International Waterfront Centre
1A Wrightson Road
Port of Spain

RE: CALL FOR PUBLIC COMMENTS

Honourable Chairman:

The Union of Members Clubs and Lottery Workers has become aware of a public call by the Joint Select Committee for comments on the Gambling and Control Bill 2016.

The Union as a major stakeholder in this industry wishes to comment on the Bill but find the timeframe unreasonable and indeed unworkable if not impractical. The call for comments was made on Carnival Sunday and had a deadline of the following week. Given that this period incorporated the very hectic and packed Carnival days the Union was unable to convene an executive meeting to begin and complete its response to the call for public comments.

At a glance at first blush it appears that the Bill is highly unworkable and impractical as well at the same time being draconian and punitive in nature. The employees of the sector are concerned that poor policy will result in massive job loss in the gaming industry. We are fearful that should

the legislation proceed in its current architecture for the industry our membership will be adversely affected.

The Gaming Industry is one which does not depend on the Government of Trinidad and Tobago nor the taxpayers for any subventions or subsidies nor any special considerations that gives it an unfair advantage over any industry. The industry is one which is a productive element in our society positively contributing to many segments of our society. The Parliament will therefore exhibit a high degree of irresponsibility and naked politics if they allow this Bill to pass in its present incarnation.

Despite our deep reservations about commenting on the Bill without the Regulations we wish to make the following observations:

The Provisions

1. S. 70 of the Bill give power to an authorized officer to enter the premises of gaming or gambling establishments under the Act and allows the authorized officers to do several things. By virtue of S. 70.(2) the powers given to an authorized officer are extraordinarily wide. The way the provision is framed the officer has the power to enter upon premises and to inspect those premises at any time. The Act does not say anything about prior notice, frequency or any of the reasonable requirements to which would provide a buffer against harassment. S. 70 (2)(b) also empowers the officer to enter into premises to ensure that the terms and conditions of the licence are being complied with. In my view there can be no quarrel with that as there is a legitimate purpose in ensuring compliance with the terms and conditions of the licence.

2. The provisions becomes even more problematic when one goes on to consider the rest of the provisions. S70 (2)(c) allows the officer to examine all machines and equipment. However, this begs the question as to what exactly is meant by examination and how often. There is nothing in this provision which places any measure to protect the licensee from harassment. The provision as laid out seems to confer a wide and unfettered power of the officer.

3. (D) Empowers the officer to take copies of document, record or information however stored. This in my view is an extremely draconian provision. There is no requirement reasonableness ;[or suspicion and it empowers the officer to take the documents both in print and electronic form. This provision will allow for the officer to have access to all documents of the establishment and the right to privacy of the establishment and the customer will be reduced to zero.

(E) Empowers the authorized officer to monitor and record the collection of funds. By virtue of this provision the officer will have the power to insert his officer into the establishment. This is a wholly unreasonable provision and it is administratively unworkable.

(H) Empowers the officer to question anyone on the premises at the premises or at the offices of the commission. The provision is silent as to how the questioning is to take place and what is to flow where the person refuses to answer questions. Does the officer have the power of arrest to question someone.

(J) Empowers the officer to conduct detailed and complex investigations. The added words complex does not seem to add very much and seems to be mere legislative surplusage.

4. S71 makes provision for the officer to act under the authority of a warrant but there is only a need to apply for a warrant in the circumstances set out therein. This section again does not provide any protective measures which are absent from S.70.

5. By virtue of S.72 the officer must provide a written report of any entry on to licenced premises and give details of the entry. However the provision noticeably fails to make it an offence for an officer to supply false information to the commission.

Part VIII

6. Part VIII of the Bill deals with offences and penalties. S 73 makes it mandatory to ensure that premises used for gambling are licenced and also it seeks regulate the manufacture, distribution and sale of gambling machines.

S.74 whilst on the face of it seeks only to prohibit gambling and the manufacture of equipment is quite insidious and draconian. When one subjects the ambit of the provision to some degree of scrutiny. It seems contradictory to S.75. S.74 makes it illegal to manufacture equipment and software.

7. Without a licence S.75 provides that a person commits an offence if in the course of a business he manufactures software for gambling without a licence. This provision stultifies creativity. What about the computer genius working without the ability to obtain a licence but who only wishes to develop the software for further sale. By that he is guilty of an offence.

S76 (H) is a potentially problematic provision due to the uncertain nature of the behaviour it seeks to criminalize. The statute does not define what is meant by a "sleight of hand" and anything may be used as such. This puts any person in grave danger of being convicted of a potentially serious offence.

8. S76 (7) seems to be incomplete. The "not" seems to have been omitted in error. This error is repeated in (8) and (9). The section as currently worded makes no sense without the word "not". (10) is a potentially problematic provision. It provides that

possession of certain items "may give rise to a rebuttable presumption". In criminal legislation the hallmark is certainty and this provision lacks certainty. It is also problematic in that it take away the right to the presumption of innocence.

9. S.83 is a wholly onerous and disproportionate offence. It is a doubtful whether a Magistrate's court has the power to impose a 15 year sentence and this offence of making a false statement is a summary offence. Any untruthful answer will qualify as an offence under this provision and subject the offender to a 25 Million dollar fine. The way the provision is drafted also seems to want to make it a strict liability offence. "Makes use of" seems to suggest that no mental element is necessary.

10. S. 91 removes the protection of acting through a body corporate and is a provision which must be looked at with extreme care.

11. The directors and managers are jointly and severally liable to be punished for offences.

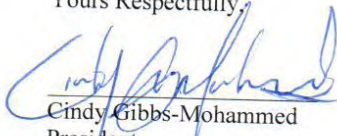
The Union has many more serious concerns about the Draft Bill (such as the Fit and Proper criterion to name one) which time did not permit, and the Union intends to avail ourselves of the entire process made open to the Union by the Parliament and Committee by this public call by requesting an opportunity to present to the JSC.

The Union however notes that to date the Gaming Regulations which are to accompany the Bill are conspicuously absent from the public domain. It is the considered opinion of the Union that both the Bill and the Regulations be simultaneously made available for public comment. One without the other will not do full justice in developing good law and regulation of the gaming industry of Trinidad & Tobago. Our Union is not prepared to do such a disservice to our nation.

As such the Union wishes to submit for your consideration that the Joint Select Committee make available to the public the appropriate Regulations and then extend the deadline for public comment.

The Union hopes that our recommendation meets with the approval of the Committee and we look forward to your positive response.

Yours Respectfully,



Cindy Gibbs-Mohammed
President
868-486-9379

Curriculum Vitae of Expert Consultants



Casino Gaming Commission

8 Winchester Road
Kingston 10 | JAMAICA
www.cgc.gov.jm
Phone: 876-633-7580

10 July 2017

Joint Select Committee on the Gambling Control Bill, 2016
Parliament of the Republic of Trinidad and Tobago
Levels G-9, Tower D
The Port of Spain International Waterfront Centre
1A Wrightson Road, Port of Spain
Trinidad and Tobago



Attention: Ms Chantal La Roche, Secretary to the Committee

Dear Sirs,

**Re: Joint Select Committee on the Gambling (Gaming and Betting) Control Bill, 2016
Expert Consultant**

We refer to our letter of June 14, 2017 on the above matter and your subsequent email response of June 16, 2017.

As advised in our letter of June 14, 2017, your request for our assistance in identifying an expert consultant was brought to the attention of our Board of Commissioners. The Board, having considered the matter, determined the most suitable candidate to be the Chief Executive Officer (Acting) of the Casino Gaming Commission, Mrs. Audrey Robinson, and the recommendation is hereby made for her to undertake the project.

Should this recommendation be accepted, we would appreciate your providing us with the proposed terms of reference and, in particular, an indication of any specific periods of time for which Mrs. Robinson may be required to be absent from her duties at the Commission. This will guide us in making appropriate arrangements.

Mrs. Robinson was the Commission's first employee and was instrumental in establishing the corporate governance policies and implementing the regulatory framework of the Commission. She assisted in developing a probity plan for the Casino Licence Application Project and

Page 2

Joint Select Committee on the Gambling Control Bill, 2016

Re: Joint Select Committee on the Gambling (Gaming and Betting) Control Bill, 2016 Expert Consultant

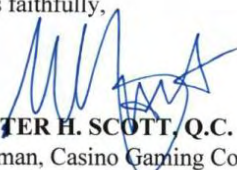
participated in the drafting of conditions of licence; regulations under the Casino Gaming Act; and guidance notes for casino operators under the Proceeds of Crimes Act.

Mrs. Robinson is a member of the Board of Trustees of the International Association of Gaming Regulators (IAGR) and has received extensive training in casino operations and audits from the US Treasury Department, Office of Technical Assistance; the New Jersey Casino Control Commission; and the New Jersey Division of Gaming Enforcement. She is the Commission's representative for the casino gaming sector on the National Anti-Money Laundering Committee (NAMLAC) and has received AML Compliance and MEV Assessment training from the CFATF and the Bank of Jamaica.

We have enclosed her resume which provides full details of her experience and qualifications for the assignment.

We await your response.

Yours faithfully,


WALTER H. SCOTT, Q.C.
Chairman, Casino Gaming Commission

Encl.

Commissioners: W. Scott Q.C. (Chairman); R Collie; A. Lazarus; H. Hamilton; H. Mitchell; I. Murray; M. Naar; R. Russell C.A.
Allen Secretary)

AUDREY B. ROBINSON
9 Ravinia Terrace
Kingston 6
Telephone: 1(876) 538-7175
Email: robinsonaudreyb@gmail.com

An Executive and Legal Professional with significant experience in General Management, Consultancy, Corporate Secretarial, Credit Management, Divestment, Marketing and Project Monitoring.

EXPERIENCE

July 2012 to present: The Casino Gaming Commission – Chief Executive Officer (acting)

The Casino Gaming Commission of Jamaica was established to regulate the casino gaming industry in Jamaica, designated a Competent Authority under the Proceeds of Crimes Act to implement CFATF / AML guidelines and measures.

As the first employee of the Commission, I was instrumental in the establishing of the legal and the regulatory framework of the Commission having worked at various levels to including Chief Executive Officer (acting), General Counsel, Commission Secretary, and Legal Officer as well as being a member of the Board's Legislative Committee. During the last five years, the Commission's Policy on casino gaming was established as well as: (a) drafting of Regulations to support the Act; (b) review of amendments to the principal Act; (c) drafting the Conditions of Licence and (d) the development of a probity plan for the Casino Licence Application Project.

Duties include: Overseeing the finance and legal departments, providing advice and guidance on corporate governance issues, ensuring compliance with governing legislation. Act as the Commission's chief ethics officer.

Currently, I am a member of the Merger Committee established to manage the merger of the three commissions in the Jamaican gaming sector.

April 2012 to present: Part time Lecturer/ Tutor: HEART TRUST (Vocational Training Division) an institution offering degree programs in Information Technology, Sociology and Education. I lecture on Introduction to Law covering three Modules as required by the BSc in Sociology Degree. Areas include: Development of the Common Law, Legal Systems, Precedent, The Legislative Process, the Structure of the Courts, Equity, Constitution, Contract Law, Employer / Employee Relations and the Child Care and Development Act.

March 10, 2010 to June 2012: Development Bank of Jamaica Legal Officer Company Secretary assigned to the Petro Caribe Development Fund. Provide legal advice to the Board, Committees and Management of the Fund and giving guidance in the area of corporate governance and ensuring compliance with the Public Bodies Administration and Accountability Act, other legislation and administrative decisions governing the Fund's operations. Participated in negotiations concerning the Fund and preparing loan documentation for approved loans and grants. Acted as Fund Manager from December 2011 to January 2012.

January 2009 to March 2010: Private legal practitioner.

September 2008 to July 2009: Consultant to the Development Bank of Jamaica
Commensurate with the Terms of Reference, the assignment required the development and implementation of a plan of action for timely resolution of various outstanding issues relating to the Sugar Redundancy Housing Program. Successful completion.

June 2007 to August 2007: The Court of Appeal and the Supreme Court of Jamaica
Satisfactory completion of ten weeks Internship Program as a Judicial Clerk assigned to The President of the Court of Appeal, The President of the Full Court and other High Court Judges. The Program included but was not limited to case analysis, opinion writing, ongoing research and court attendance, followed by performance evaluation done by all supervising judges.

March 2005; November 2005 to February 2006 and November 2015

Consultant to the Caribbean Development Bank, (CDB) Private Sector Development Division. The assignments were primarily to assess and monitor lending agencies, as clients of the CDB in the Caribbean States of Grenada, Antigua & Barbuda, Dominica, St. Lucia, St. Kitts and Montserrat.

Projects included the development and delivery of Training Programs, (b) Workshops (c) Technical assistance, (d) Evaluation of Loan portfolios, (e) Sector studies and Analysis, Strategic planning and loan restructuring. Findings presentations made at the CDB's debriefing sessions followed by the timely preparation and submission comprehensive reports.

July and October 2005

A member of two European Union Monitoring Missions, through Price Waterhouse, Coopers Belgium. The assignments were primarily to monitor and review Government projects funded by the European Union in the Caribbean States of Barbados, Dominica, St. Vincent and the Grenadines, Trinidad and Tobago and Jamaica.

Duties commensurate with the project's Terms of Reference to determine efficiency, effectiveness and sustainability. The assignments required interfacing with the Government Ministries, National Authorizing Officers, Project Management Offices and direct beneficiaries within the relevant sector. Findings presented at European Union debriefing exercise, followed by preparation and submission of reports.

1995 to 2002 – Financial Sector Adjustment Company (Jamaica)

Member of the Executive Management team with responsibility for the intervention and rehabilitation of the institutions within Jamaica's financial services.

Held the positions of General Manager and Chief Operations Officer. Duties included managing the financial schemes of arrangement for repayment to creditors; loan purchase and the establishing a Non-performing loans unit; restructuring of loan and property portfolios, loan recovery and divestment of assets.

Participated in several negotiation exercises for the divestment of non-core assets and the loan portfolios.

The job required ongoing interface with the Central Bank (Bank of Jamaica); Regulatory bodies, Legal and Accounting firms, International Funding Agencies, Consultants and Government departments. Periodic reports were prepared for the International Monetary Fund, The World Bank, Inter American Development Bank, The Bank of Jamaica, The Ministry of Finance and other relevant Government Departments.

1992 to 1995 – Blaise Trust Company and Merchant Bank

Credit Manager with responsibility for the assessment loan applications to determine credit worthiness and make appropriate recommendation to the Board and Credit Committee for disbursement of funds.

1989 to 1991 – Life of Jamaica Limited (now Sagicor Life)

Sales Representative

Administrative Officer / Executive Secretary for executives of:

Life of Jamaica Limited (now Sagicor Life)

Jamaican American Merchant Bank

National Business Equipment Limited

Roy Anthony Jones, (now Judge of the Court Appeal of the Bahamas)

EDUCATION:

2008 –Certificate of Legal Education, the Norman Law School

2006 - Bachelor of Law, University of London

1997 – Masters in Business Administration, Barry University

1992 – Diploma in Marketing, The Chartered Institute of Marketing, London

1986 – Diploma in Marketing, The Jamaican Institute of Management

1983 - Certificate in Supervisory Management, University of Technology (formerly College of Arts Science & Technology)

1980 – Diploma, Duff's Business College, Jamaica

1975 - St. Mary High School, Jamaica

AFFILIATION:

Member of the Board of Trustee of the International Association of Gaming Regulators (IAGR)
Member of the Jamaican Bar Association
Volunteer Legal Officer: Saxthorpe Methodist Church Advisory Bureau.

CONFERENCES:

International Association of Gaming Regulators (2014 and 2016)
Jamaica Bankers Association Annual AML/CFT Conference (2014, 2015 and 2016) - Certificate
Financial Services Commission Annual AML/CFT Conference (2014, 2015) – Certificate
BGLC /Caribbean Gaming Annual Summit

TRAINING COURSES:

US Department of the Treasury, Office of Technical Assistance, (Casino Operations and Audits
The New Jersey Casino Control Commission
New Jersey Division of Gaming Enforcement

PERSONAL:

Marital Status: Divorced
Health: Excellent
Religion: Methodist

REFERENCES:

Mr. Walter Scott, QC
Senior Partner
Rattray Patterson Rattray
Dominica Drive, Kingston 5, Jamaica
Telephone: (876) 990-9852

Mr. Robin Sykes
Technical Director
Financial Investigations Division,
Ministry of Finance & the Public Service
1 Shalimar Avenue, Kingston 3, Jamaica
Telephone: (876) 928-5141

Secretary to the Joint Select Committee
on Gambling (Gaming and Betting) Control Bill, 2016,
Office of the Parliament Level 3, Tower D,
The Port of Spain International Waterfront Centre,
1A Wrightson Road, Port of Spain.

Re: Expert Consultant

To the Hon. Secretary &
Members of the Joint Select Committee:

In response to your call for an expert consultant, please find my cv and supporting materials enclosed for your confidential consideration.

Having been a member of the International Masters of Gaming Law from 2008 – 2013, and an Editorial Board Member of the Gaming Law Review & Economics from 2008 – 2017, I am recognized by my peers as one of the leading authorities in the area.¹ I enclose an anonymous peer review from 2011, where the reviewer indicated that:

“His knowledge of Canadian legal gaming issues equals or surpasses that of any other Canadian gaming attorney...

His analysis of the tort liability of Canadian gaming operators to compulsive gamblers (102 – 117) is among the most thorough I have read...

In conclusion, he is **one of the most respected experts on gaming law in North America** and is acquiring recognition as one of the top world wide scholars in the field of gaming. I strong support his application for tenure at the University of Windsor.” (emphasis added) (See Appendix A).

I have also published and spoken widely in the area of gaming law.

Some of those publications are enclosed in Appendix B.

During the 2009 Canadian Gaming Summit I sat on the opening panel and defended Ontario’s gaming venues, and the Ontario Government, against the putative claims of problem gamblers. In 2015, I spoke at the International Masters of Gaming Law Spring Conference, also on the issue of problem gambling.

I am therefore well placed to advise the Committee on all aspects of gaming, whether legal, regulatory or commercial.

¹ References within the gaming industry, and outside, are available on request.

Given the consultancy's duration, my proposed fee structure is as follows:

- Daily rate: \$500.00 USD².
- Project duration: thirty (30) discontinuous days
over six (6) months
- Total for consultancy: \$500 x 30 days = **\$15,000.00 USD**
Payable in three (3) equal amounts during
consultancy: July 1st, 2017, October 1st,
2017 and January 1st, 2018.

Travel and other disbursements incurred between Jamaica and Trinidad, will be expensed as incurred and payable within thirty (30) days of being incurred. Disbursements shall not, however, exceed **\$5,000.00 USD** for the duration of the consultancy.

Indeed, having since taken up a Senior Lectureship at the University of the West Indies, Mona Campus, and as a citizen of Trinidad & Tobago, it would be a genuine privilege to serve as the expert consultant to the Joint Select Committee. I am available to begin the consultancy with immediate effect.

Sincerely, and with best regards,



Dr. Emir Crowne,
BA, LLB, LLM, PhD, LEC
[Barrister](#), [Attorney-at-Law](#) & Trade-mark Agent
[Senior Lecturer](#), Faculty of Law, UWI, Mona Campus
Email: info@crownes.ca
Tel: +1.877.511.4600 (toll free in North America)
Fax: +1.877.511.3839 (toll free in North America)

² This rate was established by reference to the remuneration [rates](#) for consultants employed by the United Nations, and the specific expertise in gaming law required for this consultancy.

Dr. Emir Crowne

Senior Lecturer, Barrister & Trademark Agent
Admitted to the Bars of Trinidad & Tobago, and Ontario, Canada
www.trini.lawyer | info@trini.lawyer

41 Edward Street, Port-of-Spain, Trinidad
Faculty of Law, UWI, Mona Campus, Kingston, Jamaica

EDUCATION

Doctor of Philosophy (Ph.D.), 2012	Anglia Ruskin University, Cambridge, United Kingdom
Master of Laws (LL.M.), Intellectual Property, 2005	Osgoode Hall Law School, Toronto, Ontario, Canada
Master of Laws (LL.M.), I.T. & Telecommunications Law, 1999	University of Strathclyde Glasgow, United Kingdom
Bachelor of Laws (LL.B.), 2001	University of London London, United Kingdom
Bachelor of Arts (B.A.), Philosophy 1997	University of Western Ontario London, Ontario, Canada

OTHER EDUCATION

Legal Education Certificate, 2015	Hugh Wooding Law School, St. Augustine, Trinidad & Tobago
Negotiation and Leadership Certificate, 2014	Harvard Law School, Program on Negotiation, Cambridge, MA
Alternative Dispute Resolution Certificate, 2012	Stitt Feld Handy Group and the University of Windsor, Faculty of Law

EMPLOYMENT HISTORY

ACADEMIC

2017 – Present	Senior Lecturer, University of the West Indies, Faculty of Law, Mona Campus
2011 – 2015	Associate Professor, with Tenure, University of Windsor, Faculty of Law
2008 – 2011	Assistant Professor, University of Windsor, Faculty of Law
2007 – 2008	Lecturer (Limited Term), Legal Research & Writing, & Sessional Instructor, Internet Law, University of Windsor, Faculty of Law

PRIVATE PRACTICE

2016 – Present Counsel & Scholar-in-Residence, KPA Lawyers PC,
Mississauga, ON. Canada; London, ON. Canada.

Areas of practice: Administrative Law, Complex Litigation & Dispute Resolution, Constitutional Law, Contracts (Drafting & Negotiation), Corporate/Commercial Law, Human Rights, Intellectual Property, Professional Discipline, Sports & Entertainment Law, Telecommunications Law and Technology Law.

2015 – Present Counsel & Intellectual Property Agent, K.R. Lalla & Co.,
Port-of-Spain, Trinidad & Tobago.

Areas of practice: Administrative Law, Complex Litigation & Dispute Resolution, Constitutional Law, Contracts (Drafting & Negotiation), Corporate/Commercial Law, Human Rights, Intellectual Property, Professional Discipline, Sports & Entertainment Law, Telecommunications Law and Technology Law.

2011 – Present Founder & Principal, Crowne Sports Law,
London, ON. Canada; Port-of-Spain, Trinidad & Tobago; Lausanne, Switzerland.

Boutique litigation and arbitration practice focusing exclusively on Sports Law. Represented athletes in more sports disputes than any other Canadian or Caribbean lawyer in the past five (5) years. Appeared before tribunals based in Switzerland, the Rio 2016 Olympics, Canada, Jamaica, Malta and Trinidad on doping matters, disciplinary infractions and team selection disputes.

IN-HOUSE

2005 – 2007 Contracts Specialist, EDS Canada Inc. (now, an HP company).

Manager of EDS' largest contract within Canada. Managed all legal functions – including contract drafting & negotiations, subcontractor & vendor management, access to information requests, and human resource & privacy issues – for EDS Advanced Solutions Inc. (a subsidiary of EDS Canada Inc., located in Victoria, BC). Designated as the intellectual property specialist for EDS Canada Legal Affairs.

2005 Vendor Analyst, Economical Insurance Co.

Drafting contracts and negotiating procurement related agreements (including RFPs, SOWs, etc.).

2002 – 2004 Manager of Intellectual Property & Legal Affairs, Redknee Inc.

Contract negotiations (domestic and multi-national), intellectual property management (including patent and trade-mark filings), and other general legal duties (including company incorporation and indirect tax recovery (SR&ED)). Negotiated general agreements, umbrella agreements, and country-specific adoption agreements, with the O2 Group, Vodafone, and most other major telecommunications companies worldwide.

Drafted the following patents (or their parent applications), among others: US Patent No. 7,515,919 (Method and system for presence determination of mobile devices); US Patent No. 7,505,767 (Method and system for international roaming and call bridging); US Patent No. 7,460,861 (Real-time mobile conferencing solution); US Patent No. 7,457,865 (Method for implementing an internet protocol (IP) charging and rating middleware platform and gateway system); US Patent No. 7,447,219 (System and method for implementing a universal messaging gateway (UMG)); US Patent No. 7,440,441 (Method and system for Multimedia Messaging Service (MMS) rating and billing); US Patent No. 7,409,203

(Method and system for the prevention of unwanted wireless telecommunications); US Patent No. 7,379,737 (Telecommunications subscriber profile management system); US Patent No. 7,369,867 (Method and system for the prevention of unwanted wireless telecommunications); US Patent No. 7,330,725 (Method and system for international roaming and call bridging); and US Patent No. 7,181,210 (Method and system for international roaming and call bridging).

HONOURS, ACHIEVEMENTS & DISTINCTIONS

Listed in Lexpert Magazine as a Corporate Lawyer to Watch in the US/Canada Cross-Border Guide – Corporate, June 2016.

Featured in Canadian Lawyer Magazine for my work in Sports Law, April 2014.

Students' Law Society Faculty Award For Exemplary Teaching and Exceptional Dedication to Windsor Law (commonly referred to as the "**Professor the Year**" award), Students' Law Society, University of Windsor, Faculty of Law, 2012 – 2013.

BLG Research Fellowship, "What is the Standard of Review for Patent Litigation?", 2011.

South Asian Bar Association, Young Practitioner Award, 2010.

Founder of the Donald G. Bowman Moot (Canada's only Tax Moot), 2010.

Students' Law Society Faculty Award For Exemplary Teaching and Exceptional Dedication to Windsor Law (commonly referred to as the "**Professor the Year**" award), Students' Law Society, University of Windsor, Faculty of Law, 2009 – 2010.

Dean's Special Recognition Award for Excellence in Research, Scholarship and Creative Activity, Faculty of Law, February 8th, 2010. (One of only two professors in the Faculty of Law to receive this award).

Nominated for TVO's Best Lecturer Competition, 2009 – 2010.

Students' Law Society Faculty Award For Exemplary Teaching and Exceptional Dedication to Windsor Law (commonly referred to as the "**Professor the Year**" award), Students' Law Society, University of Windsor, Faculty of Law, 2008 – 2009.

Founder of the Harold G. Fox Moot (Canada's only Intellectual Property Moot), 2008.

Founder of the Canadian Law Student Conference (Canada's only LLB or JD level law conference), 2008.

Students' Law Society Faculty Award For Exemplary Teaching and Exceptional Dedication to Windsor Law (commonly referred to as the "**Professor the Year**" award), Students' Law Society, University of Windsor, Faculty of Law, 2007 – 2008.

TEACHING ACTIVITY

GENERAL AREAS OF TEACHING

Intellectual Property, Entertainment Law, Technology Law, Torts, Contracts and International Mooting.

COURSES TAUGHT OR BEING TAUGHT

LAW 1310 – Law of Torts 1, University of the West Indies, Faculty of Law, Mona Campus, 2017 –

LAW 3765 – Law, Technology and the Internet, University of the West Indies, Faculty of Law, Mona Campus, 2017 –

98-803 – Contracts, University of Windsor, Faculty of Law, 2012 – 2013

98-820 – Torts I, University of Windsor, Faculty of Law, 2010 – 2013

98-918 – Patent Law, University of Windsor, Faculty of Law, 2009 – 2013

98-886 – Internet Law, University of Windsor, Faculty of Law, 2008 – 2013

98-971 – Contract Drafting, University of Windsor, Faculty of Law, 2010 – 2012

98-807 – Legal Research and Writing, University of Windsor, Faculty of Law, 2007 – 2008, 2008 – 2009

LW 1900.04 – Legal Research and Writing, Osgoode Hall Law School, York University, 2006 – 2007

Law – 122, Business Law, Ryerson University, School of Continuing Education, 2005 – 2007, 2010.

Law – 123, Issues in Information Technology Law, Ryerson University, School of Continuing Education, 2006

Law – 469, Advanced Intellectual Property, Queen's University, Faculty of Law, Winter 2006 (cross-listed for LLB and LLM students)

SCS – 0091, Legal Issues in E-Commerce, University of Toronto, School of Continuing Studies, 2002 – 2005 (multiple sessions)

SCS – 0973 Business Law, University of Toronto, School of Continuing Studies, 2002 – 2005 (multiple sessions)

X 396.14, Legal Aspects of Information, Privacy, and Technology, UCLA (Extension), 1999 – 2002 (multiple sessions)

GRADUATE COURSES TAUGHT

Law – 469, Advanced Intellectual Property, Queen's University, Faculty of Law, Winter 2006

RESEARCH ACTIVITY

GENERAL AREAS OF RESEARCH

Intellectual Property Law (Domestic, Comparative and International), Information Technology Law (including Privacy, Access to Information and Internet Law), Gaming Law, Sports Law, Torts, Human Rights, Legal Education, and the Legal Profession (particularly, Corporate Counsel, Ethics, Access, Diversity and Equity).

BOOKS AUTHORED (2)

What is an Invention? - An International & Comparative Analysis of Canada's Exclusions to Patentable Subject Matter, Scholars' Press, September, 2014 (ISBN: 978-3-63966-406-5).

The Essential Guide to Mooting: A Handbook for Law Students, jointly authored with Mohamed Hashim, with a foreword by Chief Justice Allan Lutfy of the Federal Court (Canada). Irwin Law: Toronto, Ontario. February, 2010 (ISBN: 978-1-55221-182-3).

CHAPTERS IN BOOKS (1)

"Making an Example of Punitive Damages (Are Punitive Damages Really Excluded from the Concept of Income?)" in Bhavani (ed.) *Punitive Damages: New Dimensions* (Hyderabad: ICFAI University Press, 2008).

REFEREED ARTICLES (16)

"Judicial "Copying" does not affect Independence or Impartiality: Supreme Court of Canada", *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 8, No. 11, 2013.

"Ontario Court of Appeal takes a spin at roulette", jointly authored with Kiratjot Tiwana, *Gaming Law Review & Economics*, Vol. 17, No. 6 (August 2013).

"Clements v. Clements: A Material Contribution to the Jurisprudence - The Supreme Court of Canada Clarifies the Law of Causation", jointly authored with Omar Ha-Redeye, *University of Western Ontario Journal of Legal Studies*, Vol. 2, No. 2 (2012).

"Preserving the Amazon (Patent): Business Methods Patentable in Canada according to Federal Court of Appeal", *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 7, No. 7, 2012.

"What is the Standard of Review for Patent Litigation?", *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 7, No. 3, 2012.

"Copy-right-brain vs. Left-brain: The Use of Musicologists in Canadian Copyright Infringement Cases", jointly authored with Varoujan Arman, *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 6, No. 11, 2011.

"The Patentability of Professional Skills and Business Methods in Canada", *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 5, No. 2, 2010.

"Learning to Act like a *Law Student*: A Response to the Model Code of Professional Responsibility for Law Students", *Journal of Commonwealth Law and Legal Education*, Volume 7, Issue 2 October 2009.

"Protecting Third Party Business Interests under Canadian Freedom of Information Legislation", jointly authored with Mohamed Hashim, *Open Government: A Journal on Freedom of Information*, Vol. 5, No. 2 (2009).

"DRM Roll Please: Is Digital Rights Management Legislation Unconstitutional in Canada?", jointly authored with Yonatan Rozenszajn, *Journal of Information Law & Technology (JILT)*, 2009 (2).

"The (Un)availability of Common Law Remedies for Victims of Online Gambling Fraud", jointly authored with Roberto Andreacchi, *Gaming Law Review and Economics*, Vol. 13, No. 4, 2009.

"Parody as fair dealing in Canada: A guide for lawyers and judges", *Journal of Intellectual Property Law & Practice (Oxford)*, Vol. 4, No. 7, 2009.

"Moral Rights and Mortal Rights in Canada", *Journal of Intellectual Property Law & Practice (Oxford)*, Vol. 4, No. 4, 2009.

"Playing Games With The Jurisprudence: Are Casino Games Patentable In Canada?", *Gaming Law Review and Economics*, Vol. 12, No. 6, 2008.

"The Problem with Problem Gaming: A Response to Sasso and Kalajdzic, in Defense of the Gaming Industry", *Gaming Law Review and Economics*, Vol. 12, No. 4, 2008.

"An Examination of Surveillance Technology and Their Implications for Privacy and Related Issues - The Philosophical Legal Perspective", *Journal of Information Law & Technology (JILT)* 1999 (2).

REFEREED PROCEEDINGS (1)

"Problem Gamblers Pose Problems for Casinos: A Roundtable Discussion", *Gaming Law Review and Economics*, Vol. 14, No. 2, 2010.

EDITED CONFERENCE PROCEEDINGS (1)

"The Selected Proceedings of the 3rd Annual Canadian Law Student Conference", (edited along with S. Alex Constantin), *Windsor Review of Legal and Social Issues*, March 2010.

ARTICLES (24)

"Canada's Anti-Spam Legislation: A Constitutional Analysis", jointly authored with Stephanie Provato, John Marshall *Journal of Information Technology & Privacy Law*, Vol. 31, No. 1, 2014.

"Oil and Gas Law: From Habendum to Patent Law", jointly authored with Michael Barbero, Washington and Lee *Journal of Energy, Climate, and the Environment*, Vol. 5, No. 2, 2014.

"Canada's Inadequate Protection Against Industrial Espionage", jointly authored with Tasha De Freitas, *Chicago-Kent Journal of Intellectual Property*, Vol. 13, No. 1, Fall 2013.

"Veiled Prejudice – Caught in the Cross-Examination: The Niqab and Witness Testimony", jointly authored with Fiorina Santelli and Varoujan Arman, *Advocate's Quarterly*, Vol. 40, No. 1, June 2012.

"Parsing off the Elements of Passing Off", jointly authored with Sepideh Nassabi, *Advocate's Quarterly*, Vol. 39, No. 4, April 2012.

"Fully Appreciating the Ontario Court of Appeal's views on the Summary Judgment Rule", jointly authored with Varoujan Arman and Terry Reid, *Advocate's Quarterly*, Vol. 39, No. 3, February 2012.

"GTL: Gaming, Territoriality, and the Law – Comparative Approaches to Online Gaming: Lessons for Ontario", jointly authored with Anthony Andreopoulos, *University of Nevada, Las Vegas (UNLV) Gaming Law Journal*, Vol. 2, No. 2, Fall 2011.

"Fishing TRIPS: A Look at the History of the Agreement on Trade-Related Aspects of Intellectual Property", *Creighton International and Comparative Law Journal*, Vol. 2, No. 1, Fall/Winter 2011.

"Innovators and Generics: Proposals for Balancing Pharmaceutical Patent Protection & Accessing Cheaper Medicines in Canada (Or, Don't NOC the Players, Hate the Regulations)", jointly authored with Cristina Mihalceanu, *IDEA: The Intellectual Property Law Review*, Vol. 51, No. 4, 2011.

"The Utilitarian Fruits Approach to Justifying Patentable Subject Matter", *John Marshall Review of Intellectual Property Law*, Vol. 10, No. 4, Summer 2011.

"Not Out of the (Fox)Woods Yet: Indian Gaming and the Bankruptcy Code", jointly authored with Andrew Black and S. Alex Constantin, *University of Nevada, Las Vegas (UNLV) Gaming Law Journal*, Vol. 2, No. 1, Spring 2011.

"The EPC Exceptions to Patentable Subject Matter in the United Kingdom", *Journal of the Patent and Trademark Office Society*, Vol. 92, No. 4.

"From Blackacre & Whiteacre to Greyacre: Three Models for Ascribing Virtual Property Rights in Cyberspace", jointly authored with Maxim Kaploun, *University of Baltimore Intellectual Property Law Journal*, Vol. 19, No. 1, Fall 2010.

"No Longer a Moot Point: The Importance of Advocacy in the Law School Curriculum", jointly authored with Mohamed Hashim and Michael Barbero, *Advocate's Quarterly*, Vol. 37, No. 3, November 2010.

"The Value of Islamic Banking in the Current Financial Crisis", jointly authored with Bilal Khan, *the Review of Banking and Financial Law*, Vol. 29, No. 2 (Spring 2010).

"Can You Patent That? A Review of Subject Matter Eligibility in Canada and the United States", *Temple International and Comparative Law Journal*, Vol. 23, No. 2.

"Rewarding Trespass & Other Enigmas: The Strange World of Self-Exclusion & Casino Liability", jointly authored with Meredith Harper, *University of Nevada, Las Vegas (UNLV) Gaming Law Journal*, Vol. 1, No. 1, Spring 2010.

"A Review of the 'as such' Exclusions to Patentable Subject Matter in the United Kingdom: Lessons for Canadian and American Courts", *Albany Law Journal of Science and Technology*, Vol. 20, No. 3, 2010.

"The Copyright Issues Associated With Judicial Decision-Making (Or, Hold On To Your Briefs: Are Judges Required To Cite Material Taken From Briefs?)", *Intellectual Property & Technology Law Journal*, Vol. 22, No. 4, April 2010.

"How Many Times Have You Been Cited By The Supreme Court?", *Advocates' Quarterly*, Vol. 35, 2009.

"How To Really Catch A Predator: A Comparative Look At Online Sexual Predators & The Defences Made Available To Them", jointly authored with Stephane McRoberts, *University of Pittsburgh Journal of Technology Law and Policy*, Volume IX, Fall 2008.

"What Is an Invention? A Review of the Literature on Patentable Subject Matter", XV Richmond Journal of Law and Technology, 2 (2008).

"A Closer Look at the Canadian Copyright Act: Can Corporations Hold Moral Rights?", SCRIPTed (A Journal of Law, Technology & Society), 5:2 (2008).

"L'Ego My Trade-Mark! Mega Blocks to Protection: Lego and the Functionality Doctrine Revisited", Intellectual Property Journal (Canada) (IPJ 21(1)).

"Pounds of Flesh, The Merchants of Parma & Ham-Lets: A Review of the Parma Ham Litigation across Canada and the U.K.", in Intellectual Property Journal (Canada) (IPJ 18(3)).

"Cat in the Hat, a Mouse in the House - Comparative Perspectives on Harvard Mouse", Intellectual Property Journal (Canada) (IPJ 18(2)).

CASE COMMENTS & EDITORIALS (50)

"NAFTA Tribunal upholds 'promise utility doctrine' under Canadian Law", Journal of Intellectual Property Law & Practice (Oxford), Forthcoming, 2017.

"Mice Ate My Licence Agreement': Claims Applicant Before Federal Court of Canada", Journal of Intellectual Property Law & Practice (Oxford), Forthcoming, 2017.

"Federal Court Interprets Canada's Technological Protection Measures For The First Time", Journal of Intellectual Property Law & Practice (Oxford), Forthcoming, 2017.

"Trinidad High Court Allows Defendant to 'Win(e) With No Worries'", Journal of Intellectual Property Law & Practice (Oxford), Forthcoming, 2017.

"No Need To Consider All Potential Uses of a Mark in Opposition Proceedings: Canadian Federal Court of Appeal", Journal of Intellectual Property Law & Practice (Oxford), Forthcoming, 2017.

"High Court of England and Wales not a fan: Eight-second sports clips not protected as fair dealing", Journal of Intellectual Property Law & Practice (Oxford), Vol. 11, No. 7, 2016.

"Anything but tired: the Doctrine of Exhaustion in Canada", Journal of Intellectual Property Law & Practice (Oxford), Vol. 10, No. 11, 2015 (Editorial).

"Sweet success: 'Valentine Secret' not confusing with 'Victoria's Secret', rules Federal Court of Canada", jointly authored with Adrian Werkowski, Journal of Intellectual Property Law & Practice (Oxford), Vol. 10, No. 9, 2015.

"Canadian Federal Court of Appeal denies further particulars in rare industrial designs action", jointly authored with Adrian Werkowski, Journal of Intellectual Property Law & Practice (Oxford), Vol. 10, No. 9, 2015.

"First comprehensive review of metatag liability by a Canadian court", jointly authored with Adrian Werkowski, Journal of Intellectual Property Law & Practice (Oxford), Vol. 10, No. 8, 2015.

"FLIP-TOP not distinctive of Philip Morris, rules Federal Court of Canada", jointly authored with Adrian Werkowski, Journal of Intellectual Property Law & Practice (Oxford), Vol. 10, No. 7, 2015.

"Broadcasters to pay royalties for ephemeral recordings", jointly authored with Adrian Werkowski, *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 10, No. 7, 2015.

"Trade-marks Opposition Board member erred in refusing request to amend statement of opposition", jointly authored with Adrian Werkowski, *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 10, No. 7, 2015.

"Descriptive marks and the importance of counterclaims", jointly authored with Adrian Werkowski, *Journal of Intellectual Property Law & Practice* (Oxford), advance access published on March 5th, 2015.

"LINGAYEN mark descriptive, says Federal Court of Canada", jointly authored with Adrian Werkowski, *Journal of Intellectual Property Law & Practice* (Oxford), advance access published on February 19th, 2015.

"Supreme Court of Canada rules on substantial copying", jointly authored with Kiratjot Tiwana, *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 9, No. 4, 2014.

"Federal Court Declares Canada's 'Official Marks' Scheme Constitutional", jointly authored with Shaun Hashim, *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 8, No. 9, 2013.

"License Agreement Created Sufficient Standing to Bring Claim: Canadian Federal Court of Appeal", jointly authored with Mona Zarifian, *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 8, No. 8, 2013.

"Dexilant not an 'Innovative Drug' under Canada's Food and Drug Regulations: Majority of Federal Court of Appeal", jointly authored with Lida Moazzam, *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 8, No. 7, 2013.

"An Obvious 'Comity of Errors': Canadian Federal Court of Appeal Admonishes Motives of Applications Judge, While Agreeing with the Result", jointly authored with Niousha Ghomashchi, *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 8, No. 5.

"Federal Court of Canada: Newsletter Which Contained Official Mark Was Sufficient Evidence of 'Adoption and Use'", jointly authored with Shaun Hashim, *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 8, No. 4.

"'Private study' need not be done in 'splendid isolation' to be fair dealing", *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 7, No. 12, 2012.

"Denial of tariffs on soundtracks accompanying movies and television shows", *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 7, No. 12, 2012.

"Music previews are 'research' covered under the fair dealing provisions", *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 7, No. 12, 2012.

"Musical work within a downloaded video game attracts no additional royalties", *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 7, No. 12, 2012.

"RIM's BBM service: no confusion with BBM", *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 7, No. 11, 2012.

"Music streaming constitutes a communication 'to the public' and can be appropriately tariffed", *Journal of Intellectual Property Law & Practice* (Oxford), Vol. 7, No. 12, 2012.

"TEACHERS' Not Registrable as a Trade-Mark in Canada, Says Federal Court of Appeal", *Journal of Intellectual*

Property Law & Practice (Oxford), Vol. 7, No. 9, 2012.

"The lion that roared: Canada accepts sound marks", Journal of Intellectual Property Law & Practice (Oxford), Vol. 7, No. 8, 2012.

"Copyright Board denies Crown immunity for proposed tariffs on government reproduction of certain works", jointly authored with Varoujan Arman, Journal of Intellectual Property Law & Practice (Oxford), Vol. 7, No. 7, 2012.

"Infringement for Copying Publicly Filed Court Documents: Class Action Certified in Ontario", jointly authored with Mohamed Hashim, Journal of Intellectual Property Law & Practice, Vol. 7, No. 6, 2012

"The Impo(r)tence of the Specification: Supreme Court of Canada to decide upon the Sufficiency of Viagra's Disclosure", Vol. 7, No. 5, 2012.

"ISPs are not broadcasters according to Supreme Court of Canada", Journal of Intellectual Property Law & Practice (Oxford), Vol. 7, No. 5, 2012.

"Business Methods Patentable in Canada according to Federal Court of Appeal", Journal of Intellectual Property Law & Practice (Oxford), Vol. 7, No. 4, 2012

"Recipe for a new tort? Common law right to privacy in Ontario", Journal of Intellectual Property Law & Practice (Oxford), Vol. 7, No. 2, 2012.

"Greener pastures for Tucows", Journal of Intellectual Property Law & Practice (Oxford), Vol. 6, No. 12, 2011.

"Living Alavida Loca: A Masterpiece of a Decision The Supreme Court of Canada Clarifies the Law on Trade-mark Confusion", jointly authored with Terry Reid and Varoujan Arman, Journal of Intellectual Property Law & Practice (Oxford), Vol. 6, No. 10, 2011.

"Ontario Superior Court Rules on Ways to Recover Domain Names", Journal of Intellectual Property Law & Practice (Oxford), Vol. 6, No. 9, 2011

"Scope of the Patented Medicine Prices Review Board's authority", jointly authored with Varoujan Arman, accepted in the Journal of Intellectual Property Law & Practice (Oxford), Vol. 6, No. 6, 2011.

"Methods of Medical Treatment still Unpatentable according to Federal Court (Canada)", Journal of Intellectual Property Law & Practice (Oxford), Vol. 6, No. 4, 2011.

"Business Methods Patentable in Canada according to Federal Court", jointly authored with Varoujan Arman, Journal of Intellectual Property Law & Practice (Oxford), Vol. 6, No. 2, 2011.

"Canadian Federal Court of Appeal rules on whether listening to music excepts online amounts to fair dealing", jointly authored with Yonatan Rozenszajn, Journal of Intellectual Property Law & Practice (Oxford), Vol. 5, No. 9, 2010.

"Copyright Board of Canada sets tariffs for operators of 'game sites' at 0.8 per cent of revenues (in its simplest calculation)", Journal of Intellectual Property Law & Practice (Oxford), Vol. 5, No. 4, 2010.

"Canadian Patent Appeal Board denies Amazon.com's one-click patent application", Journal of Intellectual Property Law & Practice (Oxford), Vol. 5, No. 1, 2010.

"George Orwell At Work: Technology and Surveillance in Ontario's Workplaces", jointly authored with Sheila Shoghian,

10

Privacy & Data Security Law Journal, Vol. 4, No. 8, August 2009.

"Canadian distillery permitted to register 'Glen Breton' to describe single malt whisky originating from Nova Scotia", Journal of Intellectual Property Law & Practice (Oxford), Vol. 4, No. 9, 2009.

"Rounding Up Plant Patents & Other Growing Patent Concerns: A Comment on *Monsanto v. Schmeiser*", Boston College Intellectual Property & Technology Forum & Journal, published July 5, 2009.

"Payment of maintenance fees is merely mechanical, and need not be paid by patent agent per se and does not give rise to abandonment", Journal of Intellectual Property Law & Practice (Oxford), Vol. 4, No. 8, 2009.

"The Canadian Case Of *R v. Patrick*: Are Your Privacy Rights Out With The Garbage?", jointly authored with Sabrina Fiacco, Sukhvinder Dulay, and Jacqueline Goslett, Privacy & Data Security Law Journal, Vol. 4, No. 2 (February 2009).

BOOK REVIEWS (2)

Patenting Medical and Genetic Diagnostic Methods, Eddy Ventose. Edward Elgar Publishing: Cheltenham, UK. December, 2012 (invited)

Medical Patent Law – The Challenges of Medical Treatment, Eddy Ventose. Edward Elgar Publishing: Cheltenham, UK. October, 2011 (invited).

TECHNICAL REPORTS & BRIEFS (4)

Submission on 'Practice Respecting Inventive Concept, Statutory Subject Matter under the Patent Act, and Claims to Diagnostic Methods and Medical Uses' to the Canadian Intellectual Property Office, April 2012. Author.

Bilski & Warsaw v. Doll (Acting Under Secretary of Commerce for Intellectual Property and Acting Director, Patent and Trademark Office). Brief *Amici Curiae* of 20 Law and Business Professors in Support of Neither Party. Signatory.

"Intellectual Property Institute of Canada (IPIC) Biotechnology Committee Submissions on the Draft Revised Chapters 12 and 13 of the Canadian Intellectual Property Office (CIPO) Manual of Patent Office Practice", July 2009. Reviewer.

"Intellectual Property Institute of Canada (IPIC) Submission on the Patentability of Signal Claims" to the Canadian Intellectual Property Office, June 2008. Co-author.

OTHERS (ANNOTATIONS) (19)

2012 FC 113 *Eurocopter v. Bell Helicopter Textron Canada Limitée*, Canadian Patent Reporter (infringement, punitive damages) (153 pages)

2011 FCA 328 *Attorney General of Canada v. Amazon.com Inc.*, Canadian Patent Reporter (patentable subject matter) (32 pages).

2011 FC 1486 *Apotex Inc. v. Sanofi-Aventis*, Canadian Patent Reporter (impeachment, infringement, consolidation actions) (248 pages).

2011 FC 1290 *1429539 Ontario Ltd. v. Café Mirage Inc.*, Canadian Patent Reporter (trade-mark infringement, copyright infringement) (61 pages).

- 2011 FC 1023 *Astrazeneca Canada Inc. v. Mylan Pharmaceuticals ULC*, Canadian Patent Reporter (notice of compliance, notice of allegation, utility, obviousness) (65 pages).
- 2011 FC 547 *Pfizer Canada Inc. v. Mylan Pharmaceuticals ULC*, Canadian Patent Reporter (notice of compliance, notice of allegation, utility) (127 pages).
- 2010 FC 1265 *Merck & Co. v. Apotex Inc.*, Canadian Patent Reporter (patent infringement) (244 pages).
- 2010 FC 1264 *Apotex Inc. v. Merck & Co.*, Canadian Patent Reporter (section 8 damages) (22 pages).
- 2010 FC 1065 *Eli Lilly Canada Inc. v. Apotex Inc.*, Canadian Patent Reporter (notice of compliance, notice of allegation, mootness) (48 pages).
- 2010 FC 566 *Novopharm Limited v. The Minister of Health and the Attorney General of Canada*, Canadian Patent Reporter (abbreviated new drug submission; confidentiality) (18 pages).
- 2009 FC 648 *Abbott Laboratories v. Canada (Minister of Health)*, Canadian Patent Reporter (notice of compliance, notice of allegation) (64 pages).
- 2009 FC 50 *Bridgeview Manufacturing Inc. v. 931409 Alberta Ltd.*, Canadian Patent Reporter (patent infringement) (60 pages).
- 2009 FC 991 *Eli Lilly et al. v. Apotex Inc.*, Canadian Patent Reporter (patent infringement; conspiracy to lessen competition unduly) (326 pages).
- 2009 FC 725 *Canadian Generic Pharmaceutical Association v. Minister of Health et. al.; Apotex Inc. v. Governor in Council et. al.*, Canadian Patent Reporter (constitutionality of data protection regulations; judicial review) (64 pages).
- 2009 FC 648 *Abbott Laboratories v. Canada (Minister of Health)*, Canadian Patent Reporter (notice of compliance; notice of allegation; obviousness; double patenting) (64 pages).
- 2009 FCA 222 *Laboratoires Servier v. Apotex Inc.*, Canadian Patent Reporter (appeal of trial judge's finding of patent infringement, and dismissal of counter-claim regarding anti-competitive conspiracy) (56 pages).
- 2009 FC 666 *Neugebauer v. Labieniec*, Canadian Patent Reporter (application to expunge registration of copyright; joint authorship) (20 pages).
- 2009 FCA 212 *Apotex Inc. v. Janssen-Ortho Inc.*, Canadian Patent Reporter (notice of compliance; notice of allegation; appeal; abuse of process) (46 pages).
- 2009 FC 58 *Uview Ultraviolet Systems Inc. v. Brasscorp Ltd.*, Canadian Patent Reporter (patent infringement) (114 pages).

OTHERS (COMPETITIVE MOOT PROBLEMS) (4)

Harold G. Fox Moot Problem, 2012 – 2013. An appeal concerning copyright and fair dealing. (Jointly authored with Bruce Stratton and Angela Furlanetto of Dimock Stratton LLP).

Harold G. Fox Moot Problem, 2010 – 2011. An appeal concerning functional trade-marks. (Jointly authored with Bruce Stratton and Angela Furlanetto of Dimock Stratton LLP).

Harold G. Fox Moot Problem, 2009 – 2010. An appeal concerning patentable subject matter. (Jointly authored with Bruce Stratton and Angela Furlanetto of Dimock Stratton LLP).

Harold G. Fox Moot Problem. 2008 – 2009. An appeal concerning a copyright and passing off issue, in the on-line context. (Jointly authored with Bruce Stratton of Dimock Stratton LLP).

CONFERENCES

ARTICLES AND/OR PAPERS PRESENTED

International Masters of Gaming Law Spring Conference at the Canadian Gaming Summit, Windsor (Canada), June 17th, 2015. Problem Gambling Lawsuits.

University of the West Indies, Faculty of Law (St. Augustine), Inaugural Oil & Gas Conference, Port-of-Spain (Trinidad), April 30th – May 1st, 2015. The Patent Aspects of Oil, Gas and Energy Law in the Caribbean.

University of the West Indies, Faculty of Law (Cavehill), 13th Annual Caribbean Commercial Law Workshop, Port-of-Spain (Trinidad), August 10th – 12th, 2014. Panel on Intellectual Property and E-Assets in Re-Building the CARICOM Single Market and Economy.

Canadian IT Law Association and the Law Society of Upper Canada's 11th Annual IT Law Spring Training Program, Law Society of Upper Canada, Toronto (Canada), June 6th – 7th, 2011. Patents Panel.

Canadian IT Law Association and the Law Society of Upper Canada's 10th Annual IT Law Spring Training Program, Law Society of Upper Canada, Toronto (Canada), May 27th – 28th, 2010. Panel on Business Method Patents.

Southeastern Association of Law Schools (SEALS) 62nd Annual Meeting, Palm Beach (USA), Aug. 4th – Aug. 8th, 2009. Workshop on Intellectual Property (Patentable Subject Matter: An Important Doctrine in a State of Flux).

International Masters of Gaming Law Spring Conference at the Canadian Gaming Summit, Windsor (Canada), April 29th, 2009. Duty of Care: Canada's Quandary.

Southeastern Association of Law Schools (SEALS) 61st Annual Meeting, Palm Beach (USA), Jul. 27th – Aug. 1st, 2008. New Scholar Workshop (Patent Law).

INVITED PRESENTATIONS AND/OR DISCUSSIONS

February 2017	<i>How Usain Can Get His Medal Back</i> , UWI Research Days, Mona Campus (Jamaica).
May 2016	<i>An Analysis of the Doping Jurisprudence Involving Caribbean Athletes</i> , UWI's Biennial Conference on Sports, St. Augustine (Trinidad & Tobago).
November 2015	Third Annual Caribbean Corporate Counsel Summit, E-Commerce Law Panel and Intellectual Property Panel, Port-of-Spain (Trinidad & Tobago),
November 2015	<i>The Problem with Human Rights</i> , Hugh Wooding Law School, Human Rights Clinic, St.

	Augustine (Trinidad & Tobago).
November 2015	Roundtable on IP Education, Training and Research, World Intellectual Property Organization, St. Augustine (Trinidad & Tobago).
October 2015	<i>Ins and Outs of International Sports Law</i> , American Bar Association, International Law Section, Montreal (Canada).
November 2014	<i>Experiences from the 'Trench' Representing Athletes</i> , SDRCC Arbitrator and Mediator Conference (Closed Session), Ottawa (Canada).
December 2011	Federal Court of Appeal Decision in <i>Amazon.com</i> , Intellectual Property Institute of Canada.
December 2011	Federal Court of Appeal Decision in <i>Amazon.com</i> , Toronto Computer Lawyers Group.
December 2011	<i>Preserving the Amazon (Patent): Business Methods Patentable in Canada According to Federal Court of Appeal</i> , IT.CAN Roundtable
January 2010	Panelist for Roundtable Discussion on <i>the Duty of Care to Problem Gamblers</i> , Gaming Law Review and Economics.
October 2007	Panel Discussion on <i>Mirrors, Cages and Gateways: Cyber-ethics in Cyberspace</i> , Humanities Research Group, University of Windsor (Canada). Featured on CBC News, October 1 st , 2007.

CONFERENCES ATTENDED

Society of Legal Scholars 102nd Annual Conference, Downing College, Cambridge (UK), Sep. 7th – 8th, 2011.

Southeastern Association of Law Schools (SEALS) 63rd Annual Meeting, Palm Beach (USA), Jul. 30th – Aug. 3rd, 2010. Panel on Copyright (The Crisis in Copyright). Moderator.

OCUFA Workshop on Workplace Violence and Harassment, Royal York Hotel, Toronto (Canada), May 14th, 2010.

Intellectual Property Academy, Campbell House, Toronto (Canada), Nov. 19th – 21st, 2009. Dinner speaker.

Commercialization of innovative research: Implementing solutions that work for Canada, Osgoode Hall Law School, Toronto (Canada), Mar. 20th, 2009. Moderator.

Windsor Law Student Conference, University of Windsor (Canada), Feb. 6th, 2009. Faculty Chair.

Windsor Law Student Conference, University of Windsor (Canada), Faculty of Law, Feb. 1st, 2008. Faculty Chair.

Intellectual Property Academy, University of Western Ontario (London, Canada), Sep. 19th – 21st, 2007.

International Law Conference, University of Western Ontario (London, Canada), Faculty of Law, Sep. 7th, 2007.

Osgoode Course Design Institute (Second Annual), Osgoode Hall Law School, Toronto (Canada), May 17th, 2007.

Graduate Law Students Association Conference, Osgoode Hall Law School, Toronto (Canada), May 4th & 5th, 2007. Co-Chair.

Graduate Law Students Association Conference, Osgoode Hall Law School, Toronto (Canada), May 4th, 2007.
Moderator (Intellectual Property Panel).

International Law Students' Conference, University of Toronto, Faculty of Law (Canada), Feb. 10th, 2007
Moderator (Intellectual Property Panel).

Intellectual Property License Agreements, The Canadian Institute, Toronto (Canada), Dec. 4th & 5th, 2002.

CREATIVE ACTIVITY

RESEARCH RELATED ACTIVITIES

2015 – Present	Editorial Board, Journal of Intellectual Property Law & Practice (Oxford)
2010 – Present	Founder, Donald G. Bowman National Tax Moot Co-Chair, Donald G. Bowman Moot National Tax Moot Committee
2008 – 2017	Editorial Board, Gaming Law Review and Economics (now, the Gaming Law Review)
2009 – 2016	Editorial Board, Canadian Patent Reporter
2008 – Present	Peer Reviewer, Multiple Journals • Alberta Law Review (2008 – present); • Ottawa Law Review (2009 – present); • Windsor Review of Legal and Social Issues (2010 – present); • Journal of International Gambling Studies (2010 – present); • Journal of Intellectual Property Law & Practice (Oxford) (2011 – present)
2011 – 2014	Faculty Advisor, Windsor Review of Legal & Social Issues
2010 – 2011	Chair, Black Law Students' Association of Canada's Diversity Moot
2008 – 2013	Founder, Harold G. Fox Intellectual Property Moot Co-Chair, Harold G. Fox Intellectual Property Moot Committee

GRANTS & FELLOWSHIPS

Summer 2012, Law Foundation of Ontario, Faculty of Law, University of Windsor, for Patent Research, Trade-marks Research and Sports Law Research, \$6,384.00

Fall/Winter 2011-2012, Law Foundation of Ontario, Faculty of Law, University of Windsor, for Patent Research, Trade-marks Research and Gaming Research, \$2,918.00

Summer/Fall 2011, Foundation for Legal Research Grant, for Patent Research, \$5,000.00.

Summer 2011, Law Foundation of Ontario, Faculty of Law, University of Windsor, for Patent Research and Trade-marks Research, \$6,384.00

Summer 2011, BLG Research Fellowship, "What is the Standard of Review for Patent Litigation?", \$12,000.00.

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Summer 2011, Law Foundation of Ontario, Small Grant Application with Emily Carasco, for the Women's Legal Information Initiative. \$14,000.00

Fall/Winter 2010-2011, Law Foundation of Ontario, Faculty of Law, University of Windsor, for Patent Research, Gaming Research and Development of Contract Drafting Course Materials. \$4,148.00

Summer 2010, Law Foundation of Ontario, Faculty of Law, University of Windsor, for research on Patent Law and the Law of Passing Off. \$9,576.00. (Only member of faculty to receive funding for 1.5 students).

Fall/Winter 2009-2010, Law Foundation of Ontario, Faculty of Law, University of Windsor, for Patent Research. \$4,148.00

July 2009, Academic Development Travel Fund Grant (Office of Research Services, University of Windsor), for presenting Patent Research at Conference. \$1,000.00

Summer 2009, Law Foundation of Ontario, Faculty of Law, University of Windsor, for Patent and Gaming Law Research. \$6,384.00

Fall/Winter 2008-2009, Law Foundation of Ontario, Faculty of Law, University of Windsor, for Patent Research. \$3,078.00

Summer 2008, Law Foundation of Ontario, Faculty of Law, University of Windsor, for Patent and Trade-mark Research. \$5,985.00

Summer 2008, Foundation for Legal Research Grant, for Patent Research. \$5,000.00

Sep. 2006 – Apr. 2007, John Graham Fellowship in Communications Law, Osgoode Hall Law School, for Patent Research. \$7,500.00

May 2006, Fund for Scholarly & Professional Development (Sessional Adjuncts), Queen's University, for Course Development & Research (Advanced Intellectual Property). \$1,500.00

OTHER FUNDING

2016 – 2017, Donald G. Bowman Moot, \$40,000.00 (approx.).

2015 – 2016, Donald G. Bowman Moot, \$40,000.00 (approx.).

2014 – 2015, Donald G. Bowman Moot, \$40,000.00 (approx.).

2013 – 2014, Donald G. Bowman Moot, \$40,000.00 (approx.).

2012 – 2013, Donald G. Bowman Moot, \$40,000.00 (approx.).

2011 – 2012, Donald G. Bowman Moot, \$40,000.00 (approx.).

2011 – 2012, Harold G. Fox Moot, \$40,000.00 (approx.).

2010 – 2011, Donald G. Bowman Moot, \$40,000.00 (approx.).

2010 – 2011, Harold G. Fox Moot, \$40,000.00 (approx.).

2009 – 2010, Harold G. Fox Moot, \$40,000.00 (approx.).

2008 – 2009, Harold G. Fox Moot, \$40,000.00 (approx.).

SERVICE ACTIVITY

SERVICE TO THE UNIVERSITY OF THE WEST INDIES

2017 – Senior Management Committee, Faculty of Law

2017 – Caribbean Court of Justice Moot, Faculty of Law
Faculty Advisor & Coach

SERVICE TO THE UNIVERSITY OF WINDSOR

2012 – 2014 Procedures and Discrimination Committee, University of Windsor
Chair

2009 – 2014 Judicial Panel, University of Windsor
Chair

2009 – 2014 Moot Training Program, University of Windsor, Faculty of Law
Faculty Leader

2008 – 2014 Women and the Law, University of Windsor, Faculty of Law,
Faculty Advisor (including White Ribbon Campaign)

2008 – 2014 Windsor Intellectual Property & IT Group, University of Windsor, Faculty of Law
Faculty Advisor

2007 – 2014 Canadian Law Student Conference, University of Windsor, Faculty of Law
Founder and Faculty Chair

2010 – 2011 Executive Committee, Windsor University Faculty Association
VP of Women's Issues, Diversity and Equity

2010 – 2011 Senate, University of Windsor
Senator

2009 – 2011 Status of Women, Diversity & Equity Action Committee, Windsor University Faculty Association
Chair

2009 – 2010 Task Force on Mooting, University of Windsor, Faculty of Law
Chair

2009 – 2010 President's Strategic Planning Advisory Group, University of Windsor
Member

2009 – 2010	Law Foundation Allocation Committee, University of Windsor, Faculty of Law
2009 – 2010	Appointments Committee, University of Windsor, Faculty of Law
2009 – 2010	Academic Planning Committee, University of Windsor, Faculty of Law
2007 – 2010	Graduate Studies Committee, University of Windsor, Faculty of Law

SERVICE TO THE PROFESSIONAL COMMUNITY

2008 – Present	Canadian Intellectual Property Office's Bank of Speakers Specialist Speaker on Intellectual Property
2007 – Present	Justices of the Peace Review Council, Ministry of the Attorney General, Ontario Appointed Member • Deal with matters concerning accommodation of needs, education, training, and alleged misconduct of Justices of the Peace in Ontario; • Panel member for a public hearing under the <i>Justices of the Peace Act</i> – in the matter <i>Re: His Worship Paul A. Welsh</i> (the only non-judicial member of a public hearing to <u>ever</u> co-author a disciplinary decision). • Panel member for a public hearing under the <i>Justices of the Peace Act</i> – in the matter <i>Re: His Worship Tom. L. Foulds</i>. • Panel member for a public hearing under the <i>Justices of the Peace Act</i> – in the matter <i>Re: His Worship Alfred Johnston</i>.
2009 – 2012	Foundations of Canadian Law Examination, National Committee on Accreditation (responsible for setting the syllabus, exams and grading for this new course for foreign trained lawyers)
2008 – 2013	Affiliate Member (Educator), International Masters of Gaming Law
2004 – 2013	Affiliate/Academic Member, Intellectual Property Institute of Canada • Emerging Issues Committee (11 – 13); Bio-Technology Committee (07 – 13); Corporate Practitioners' Committee (09 – 11); Patents Committee (07 – 09); International Intellectual Property Committee (07 – 09); and Editorial Board of Canadian Intellectual Property Review (06 – 07).



ATLANTIC CASINO CONSULTANTS

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Vahini Jainarine

BIO /

J.J.

WOODS/ CONSULTANT

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Proposal for Consulting Services to Parliament Trinidad & Tobago Select Committee on Gambling Control Bill 2016.

Introduction

Atlantic Casino Consultants is responding to the invitation from the Committee to submit its proposal to advise the committee on regulatory, legal and commercial framework that governs the Gambling and Gaming Industry.

Experience has taught us that these preliminary steps are of the utmost importance especially regarding a proposed feasibility study and research into the Gaming business that presently exists in Trinidad & Tobago as the results can directly lead to the delivery of a properly regulated defined and fair new Gaming Legislation

A.C.C. is intent upon deploying suitably qualified and experienced casino experts to execute this consultancy, transferring knowledge and sharing their skills with the team assembled and all concerned in this initiative.

About Atlantic Casino Consultants.

A.C.C. has a number of professional casino consultants to deliver a range of advisory and management services and government agencies. Our lead Consultant has worked on projects Worldwide: Russia, Caribbean, Africa, Europe, and South America, all of which had legislative issues to adhere to.

A.C.C. has a strong network of industry professionals and specialist's on which to draw information and support; from internationally accredited offices to the most reputable companies connected to the gaming industry.

Lead Consultant:

J.J. Woods

JJ began his career in London's Banking sector in the late 70's and after 4 years he left Banking and started his training in the London Casino Industry. He has over 35 yrs of experience working in international gaming and has worked in several different countries. He was part of the team that opened Moscow's first Casino (after Gorbachev). As a Consultant he has opened Casinos in the Caribbean, South America, North Africa and Ireland. He has consulted on several properties and is presently consulting in Central America and Africa on 2 x new projects. He is also a well known Author on gaming and writes for some of the biggest gaming magazines Worldwide including having his own column "Woods Talk" with Infinity Gaming Magazine. He has done several Radio shows and T.V appearances on the subject of gaming and its legislation issues.

More details on final pages of proposal.



Understanding Your Requirements.

1. A.C.C. is already familiar with THE GAMBLING (GAMING AND BETTING) CONTROL BILL, 2016, however we would undertake to investigate and analyse it thoroughly.
2. Examine the cultural elements in Trinidad & Tobago which may define what type of casino regulation & licensing framework is required, keeping in mind that not all Countries operate like for example “Las Vegas” and especially dealing with the gambling community there will be positive aesthetics that the regulation will want to enhance and negative aesthetics that the new frame work must deal with also.
3. Determine an AML (Anti-Money Laundering) compliance that fits the casino/gaming model that is effective and runs hand in hand with the type of regulation the Committee is setting out to achieve.
4. Address and deliver License requirements issues to include, Fit & Proper persons or companies who engage or wish to engage in operating a Casino / Gaming premises.
5. To identify and discuss revenue & taxing from all the different elements that arise from (a) the business of gaming, (b) the licensing of persons , property, and apparatus , including import licensing of gaming equipment and all to do with Casino Gaming in its entirety.
6. To execute all the above in a free exchange of information and close relationship with all of the team that the Committee has selected to work with on this phase of the regulation and licensing framework issue.

Proposed Services Delivery Methodologies

To fulfil the Scope of Services;

1. Prepare a feasibility study for the proposed Licensing framework. This will be done by research from the UK /Ireland office as well as visits to Location.
2. Research into existing on the ground business and type of clientele and understanding the current market.
3. Particular attention would be paid to the current provision of gaming facilities, and their origins.
4. Having ascertained available gaming facilities, consider type of licensing that could /should be provided.
5. Determine how the **AML** (Anti-Money Laundering) compliance is implemented and provide the necessary codes and practises proven successful in other countries.

6. Having determined the current market, demographics and what is available, consider what the effect of new regulation and how it should be provided.
7. Provide information and documentation from other like for like Jurisdictions /Countries who have gone through a similar process of a new gaming legislation and licensing framework.
8. At all times, ACC will liaise with the Committee, and any other professionals on the team, to ensure that the end result is achieved in a fully consultative and transparent manner.



Working With You.

Steps ...

1. Assuming suggestion for an initial feasibility study is agreed upon, then this would form the first body of work to be reported on and analysed by the consultant.
2. The consultant would begin a study into existing legislation as a constant and a comparable to the on the ground business being carried on presently, this would form a greater understanding of the current market and guide us to the possible changes ahead.
3. The consultant will make himself available at all times for meetings and will make the following necessary preparations for the Committee, sending feedback, preparing drafts , prepping for parliamentary meetings, providing speaking notes and industry literature and analysis of the meetings that the consultant attends.
4. The consultant will cover all aspects of Gaming and all the issues that could evolve in defining and setting up a respected and workable framework of regulation that controls and governs the Gambling & Gaming Industry.
5. Share all international contacts, including Governmental, Publishers, Lawyers, Accountancy firms and Gaming Industry decision makers.



Estimated Duration and Cost for Consultancy

A.C.C. Will adhere to the Client target schedule listed as “30 discontinuous days over six months “ and we will make reasonable adjustments should we be required to do so. We will make ourselves available for all meetings and communications, so that the Consultancy is given priority attention at all times.

FIXED FEE

The Fixed Fee for Consultancy Services will be €900.00 Per Day. This fee will be payable to A.C.C. by weekly bank transfer or other acceptable arrangement.

Retainer Fee: ACC normally would normally charge a once off fee to ensure that availability and priority is given to this consultancy and that no similar work will be undertaken until consultancy is complete, the retainer fee is €3,000.00 Euros, **this is a once only payment.**

TRAVEL AND ACCOMMODATION & DAILY COSTS

In addition to the Fixed Fee, there will be expenses incurred during travel which will depend upon the number and location of meetings, the number of visits to Trinidad & Tobago, and length of stay, for research and related work and deliverables.

A.C.C. will submit all expenses prior to travel when it is advised of the itinerary format.



References x 6

OFFICES OF BERTIE AHERN

Drumcondra Business Centre

120 Upper Drumcondra Road
Drumcondra
Dublin 9, Ireland
Telephone: 00-353-1-810 1669
Email: bertieahernoffice@gmail.com

20th June 2017

To Whom it may Concern.

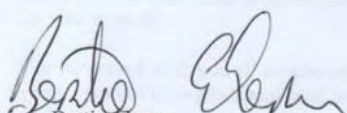
I am writing to confirm that John James Woods, 28 Belmont Park, Raheny, Dublin 5 is know to me as a person who has for thirty five years been involved in the Casino industry internationally.

During his long career in the gaming industry John James has worked in South America, North Africa, The Caribbean, and Europe.

While I was Taoiseach (Prime Minister) of Ireland for over a decade and the Casino industry was a topic of discussion and debate at Government level John James prepared a comprehensive report. It covered all aspects from the history of the debate at its early stages through the years and made key recommendations to the Inter Departmental Group on gaming and gambling. He is also very conversant with legislation and regulation world wide.

I wish him well in his future engagement in this area of industry and know his knowledge, experience and expertise will be valuable to his employers.

Yours sincerely


Bertie Ahern
Former Prime Minister of Ireland.

www.bertieahernoffice.org





Professor emeritus of Public Administration

University of Gaming, Nevada, Las Vegas USA

22/June/2017

I met JJ Woods several years ago as I was conducting research on Private Members Casino Clubs and the prospects for legalizing regular casinos for Ireland. He was the successful operator of clubs including Silks in Dublin. He was very helpful to me in my research which resulted in several articles on casino questions.

I found him to be extremely knowledgeable on all aspects of the industry. JJ Woods is clearly a leader in all aspects of gaming and must be considered a wise advisor on the field for all who seek his help. I strongly support his endeavours on this subject.

Sincerely,
Professor William N. Thompson



PricewaterhouseCoopers : 22/06/17

To whom it may concern,

In 2011, Richard Quirke commissioned PwC to prepare a feasibility study for a large mixed-use complex on a 600 plus acre site in North Tipperary, Ireland. The proposed development incorporated the following elements: a large casino; 500 bedroom hotel; multi-purpose events centre/arena (10,000 - 15,000 capacity); an all weather racecourse track; and 18 hole signature golf course.

In relation to the 'casino' element our client asked us to work with JJ Woods. JJ provided us with expert casino knowledge in terms of:

1. Casino legislation in Ireland and globally;
2. Casino operations; and
3. Worked with us to develop detailed financial projections (income and expenditure) for the proposed casino.

JJ was a pleasure to work with and we would be happy to use him again on a similar project.

Jennifer Gillen

PwC | Senior Manager
Office: +353 (0)1 7928856 | Mobile: + 353 (0) 879664989 | Fax: +353 (0)1 7926766
Email: www.pwc.ie
PricewaterhouseCoopers
jennifer.gillen@ie.pwc.com
<http://www.pwc.ie>

Verbal Reference: 22/06/17

PLEASE CONTACT:

Joe Kelly/Joe heads up the Firm's Gaming and Betting Group.

A&L Goodbody | Partner | **DDI:** +353 1 649 2429 | **Email:** jkelly@algoodbody.com

Address: IFSC, North Wall Quay, Dublin 1 | **Tel:** +353 1 649 2000 | **Fax:** +353 1 649 2649 |
Web: www.algoodbody.com

Our international expertise is underpinned by our presence in the UK and USA, where our lawyers provide Irish legal advice to multi-national corporations and the international business community. This is supported by a number of initiatives specific to jurisdictions including China, India, Germany, Japan and Canada. We also support clients in their work in a range of jurisdictions across the globe.



June 2017

To Whom It May Concern:

In the many years I have known Mr. JJ Woods I have been impressed with his knowledge of gaming procedures, rules and legislative issues. He is an authority on Private Members Clubs and their transition to Casinos.

His company Atlantic Casino Consultants have worked with our company on several occasions and he has written countless pieces on gaming for our magazine "Infinity Gaming" He also has his own column "Woods Talk"

He was chosen as a Judge for the International Gaming Awards in 2014 held at the Savoy Hotel in London.

I also would like to add that his enthusiasm for any project that he has undertaken has been a joy to witness.

Furthermore his list of contacts within the gaming industry is vast.

Sincerely yours,

Colin Thompson

Colin Thompson

Partner

Clever Duck Media Ltd





23rd June 2017

To Whom it may concern,

I have known and worked with JJ Woods over many years and I have always found him to be forthright and honest, with his views on others never petty or judgemental, a consummate Gaming industry professional with outstanding Casino Operations & Legislative business acumen.

It is a pleasure working with JJ; he is one of our best Gaming Industry Journalists. Knowledgeable and dependable, JJ truly is a top-notch team player and is an asset to any organization he joins.

He has contributed many articles to our Gaming Magazine "Casino Life" and is our International Casino & Gaming Correspondent for legislative issues.

Above all, he is an expert on Private Members Gaming Clubs and has worked in this area longer than anyone else in the Industry particularly as this is the accepted form of Gaming presently used in Ireland where he is based.

Yours sincerely

Peter Wilkinson-White
Co-Owner and Director

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Website www.ace123.com

Publishers of Casino Life and Bingo Life magazines

Clennell Carriers Place Blackham Tunbridge Wells Kent TN3 9UQ



We are a dedicated casino consultancy company who specialize in the development of the casino business Worldwide. Based in Dublin we have a number of staff who have over 30 years of casino management & consulting experience and are dedicated to improving both the casino “experience” for the customers and to above all ensure that all gaming is fair and professionally administered according to that Jurisdictions / Country’s gaming legislation and laws .

The **protection of the young and vulnerable** has to be high on the list when a Gaming Legislation is being prepared. Our Director of Operations is a high profile casino management consultant who has for some time and is presently corresponding with the Irish Government to assist them in the drafting of government legislation and licensing for casinos in Ireland.

Present Situation : Ireland is unique to most countries in that it presently operates Casinos under “Private Members Clubs” Atlantic Casinos were involved with these type of clubs from when they were first established and allowed to operate over 15 years ago and has communicated with the authorities and the operators on all the issues relating to this type of business.

AMLC: Anti-Money Laundering Compliance: This came into force in 2009 and European laws (Brussels) insisted that the Private Members Clubs in Ireland must comply. Atlantic Casino Consultants was involved from the off with this initiative to create training and paperwork to comply to what was specific to Casinos / Private Members Clubs. We attended relevant meetings at the Justice offices in Dublin to prepare for this initiative.

Summing up: Legislation and Private Members Clubs, JJ Woods has specialized knowledge and many years of experience with this subject and all the issues that it raises, He has access to

documentation and all that is required to work with a team of likeminded people who want to introduce a proper gaming legislation.



JJ Woods / Casino Gaming Consultant [Atlantic Casino Consultants](#) is a Company set up to deal specifically with the Gaming Consulting and Legislative issues including new Casino Legislation. JJ Woods Director of Operations founded and set up the Company in 2006, He was born in Ireland but left in the Seventies to live in London and for a career in Banking that lasted nearly four years after which he joined the Casino Industry in London where he trained and has over the last 35 years been involved in the Legislation in several jurisdictions during the setting up, design, management, and opening of Casinos around the world including , North Africa, Central Africa, South America, Russia , Albania , Caribbean (Antigua) and Ireland .

J.J. Woods has been corresponding with the Government on the matter of the Legislation of Casinos in Ireland since March 2006, He has also asked to do a Submission on Gaming which was discussed with the various departments of Government at the Clarence Hotel Dublin on the 19th Oct 2006. He has followed this up with two more submissions since. Woods has also done several Radio, Television and Newspaper interviews on the subject of Casinos and gaming law.

He is a Gaming author and has written for all the major gaming magazines worldwide including **Global Gaming** in Las Vegas where he achieved front page status on two occasions.

He was selected to the Judging panel for the **World Gaming Awards** held at the Savoy in London in February 2014, He is above all extremely passionate about the Casino Industry and its responsibility to Customer care and the protection of the young and vulnerable.



END

Secretary to the Joint Select Committee on
Gambling (Gaming and Betting) Control Bill, 2016
Office of the Parliament Level 3, Tower D,
The Port of Spain International Waterfront Centre
1A Wrightson Road
Port of Spain
Trinidad and Tobago

20th June 2017

Dear Sir/Madam

Re: **Joint Select Committee on Gambling (Gaming and Betting) Control Bill 2016**
Call for an Expert Consultant

I am writing on behalf of my colleagues in application for the role of Expert Consultant to advise the Joint Select Committee on Gambling (Gaming and Betting) Control Bill 2016.

We are a consortium of consultants specialising in the operation and regulation of all aspects of the gambling industry and have extensive knowledge of regulatory regimes worldwide. We would like to offer our services to you as if we were a single consultant in terms of the fees that we would charge, but would like to provide you with the combined benefits of our over a century's worth of gambling industry experience.

I have attached our curricula vitae to this letter but in summary we are the following:

- **Steve Donoughue MBA** – management consultant of 22 years providing strategic and political advice to gambling operators and governments. Steve has been the Secretariat of the (British) Parliamentary All Party Betting & Gaming Group for the last decade, was a Special Adviser to the British Parliament's Culture, Media & Sport Select Committee inquiry into the Gambling Act 2005 in 2013 and is in his final year PhD student researching the Gambling Act 2005. Steve has advised the government of the Turks & Caicos Islands, the Netherlands and provides compliance advice for a number of clients. Steve is a regular commentator on gambling regulation and politics at industry conferences and in the industry press.

- **Graham White** OBE – consultant and regulator. Graham was Chief Inspector of the Gaming Board for Great Britain from 1998 to 2006 and until a few months ago, the Chair of the States of Jersey Gambling Commission. Graham is a member of the International Masters of Gaming Law and has advised regulators around the world including Jamaica and the Turks and Caicos. Graham is one of the most experienced gambling regulators in the world today and can provide invaluable advice in every aspect of developing policies, procedures and structures for an up-to-date effective gambling regulator.
- **David Marshall** – consultant and operator. David has over forty years of experience working in casinos in Africa and Europe, culminating in his roles as the International Development Director for France’s leading casino operators. Since then David has been involved in casino ownership and consultancy advising on projects around the world. David was extensively involved in industry consultations over the British Gambling Act 2005 and has spoken widely at industry conferences and written in the industry press.
- **Jake Waller** – consultant and operator. Jake also has a lifetime’s experience in casino operations but with an emphasis on compliance, both technical and regulatory, operations and security. Currently overseeing the management of a casino in the Seychelles and developing a casino in Eastern Europe, Jake provides operational advice to a number of global clients through his company New World Gaming. Jake has operated casinos in Europe, Africa and Asia. Jake holds a UK (PML) Personal Management License

The common thread to all of our histories is an in-depth involvement with the regulation of gambling. We all have a thorough understanding of the regulatory requirements for Anti-Money Laundering and Countering the Funding of Terrorism (AML/CFT), Graham and I having recently advised the government of the Turks & Caicos on it, while David and Jake have implemented its regulations in numerous casinos worldwide. The same can also be said for the latest regulatory requirements for the prevention of problem gambling, the prevention of under-aged gambling, the prevention of fraud and illegal gambling and the development of operator compliance processes for both land-based and online gambling sectors. This means that we can truly call ourselves expert when it comes gambling licensing regimes, having not only advised on their development, but on their implementation, regulation and participated in them both as regulators, operators and their advisers.

Our experience is not just limited to land-based casino gaming, as we have all undertaken many consultancy projects in the internet gambling sector as well. As you will see from our curricula vitae, I have worked extensively in the betting, bingo and lotteries sectors, Jake has worked in slot arcades as well as casinos, David in bingo as well as casinos, while Graham, being a regulator, has had the job over many years of overseeing all the different sectors.

We understand that Trinidad and Tobago has a thriving gambling industry, involving over a dozen casinos, numerous betting shops and many members clubs that offer gaming machines. We feel highly confident that we can provide detailed and knowledgeable advice on what is best practice for their regulation as well as operation. We fully appreciate that the new legislation passed in Trinidad and Tobago now formally regulates the members clubs for the first time from a gambling perspective and that this has expanded the regulatory environment considerably. We have found

this to be a common theme for us in our experience of advising regulators and have considerable experience in how to deal with this issue.

We think you will find our 360 degree perspective, having worked for and been both regulator and operator, invaluable and far more useful than that of simple theoretical legal advice. In all our projects working for governments or for operators, we have been able to not only provide technical expertise but a thorough understanding of the practicalities of implementing regulation. Our experience as consultants means we are practiced as providing this advice in a way that is both understandable and concise. Our extensive history of working with law makers means we know that they want less legal-ese and more easily comprehensible context and workable options to discuss. We pride ourselves on providing our clients exactly with the advice they require, which is on time and for the agreed budget.

We propose to offer Trinidad and Tobago a simple offer for our consultancy:

- One point of contact only. Our deliverables will be the combined output of all four of us, but you will only ever deal with one of us who will be contactable 24/7/365
- A fee of GBP£1,000 per day
- Any travel, accommodation and subsistence to be paid for just one consultant even though we may send more than one
- A consultant available to travel to Trinidad and Tobago whenever requested

In your Call for an Expert Consultant you have requested at least two references and copies of academic qualifications and other relevant documents, we are more than happy to provide these but as there are four of us, would it be possible for you to tell us which particular references and qualifications and documents you would like and we would be happy to provide them.

I would like to conclude by stating how much all of us are looking forward to the opportunity of hopefully working with the Joint Select Committee on Gambling (Gaming and Betting) Control Bill 2016 and should you have any questions please do not hesitate to contact me either by telephone on 00 44 203 304 3742 or by email at sdonoughue@gamblingconsultant.co.uk

Yours faithfully



Steve Donoughue

Director

www.GamblingConsultant.co.uk Limited

on behalf of:

Graham White

Brocklebank Associates

David Marshall
New World Gaming

Jake Waller
New World Gaming



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June 23, 2017

Joint Select Committee on Gambling (Gaming and Betting) Control Bill, 2016
Office of the Parliament Level 3, Tower D
The Port of Spain International Waterfront Centre 1A Wrightson Road
Port of Spain

**RE: Terms of Reference for Joint Select Committee on Gambling
(Gaming and Betting) Control Bill 2016
Call for an Expert Consultant**

Dear Sir or Madam:

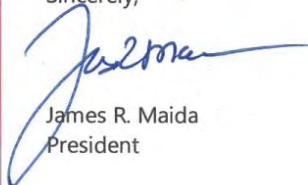
Enclosed please find **Gaming Laboratories International, LLC's (GLI)** response to the Call for an Expert Consultant.

As evidenced by the attached submission, GLI has a proven track record of providing consulting services related to the creation of a regulatory structure for casino gaming, regulation writing, and technical advice in jurisdictions around the world.

This submission demonstrates GLI's commitment in providing the Committee with the highest quality of service. On behalf of our firm of highly qualified professionals, we thank you for your consideration of our proposal.

Should you have any questions or need additional information regarding our response, please feel free to contact Kevin P. Mullally, Vice President of Government Relations and General Counsel, at (702) 236-9508.

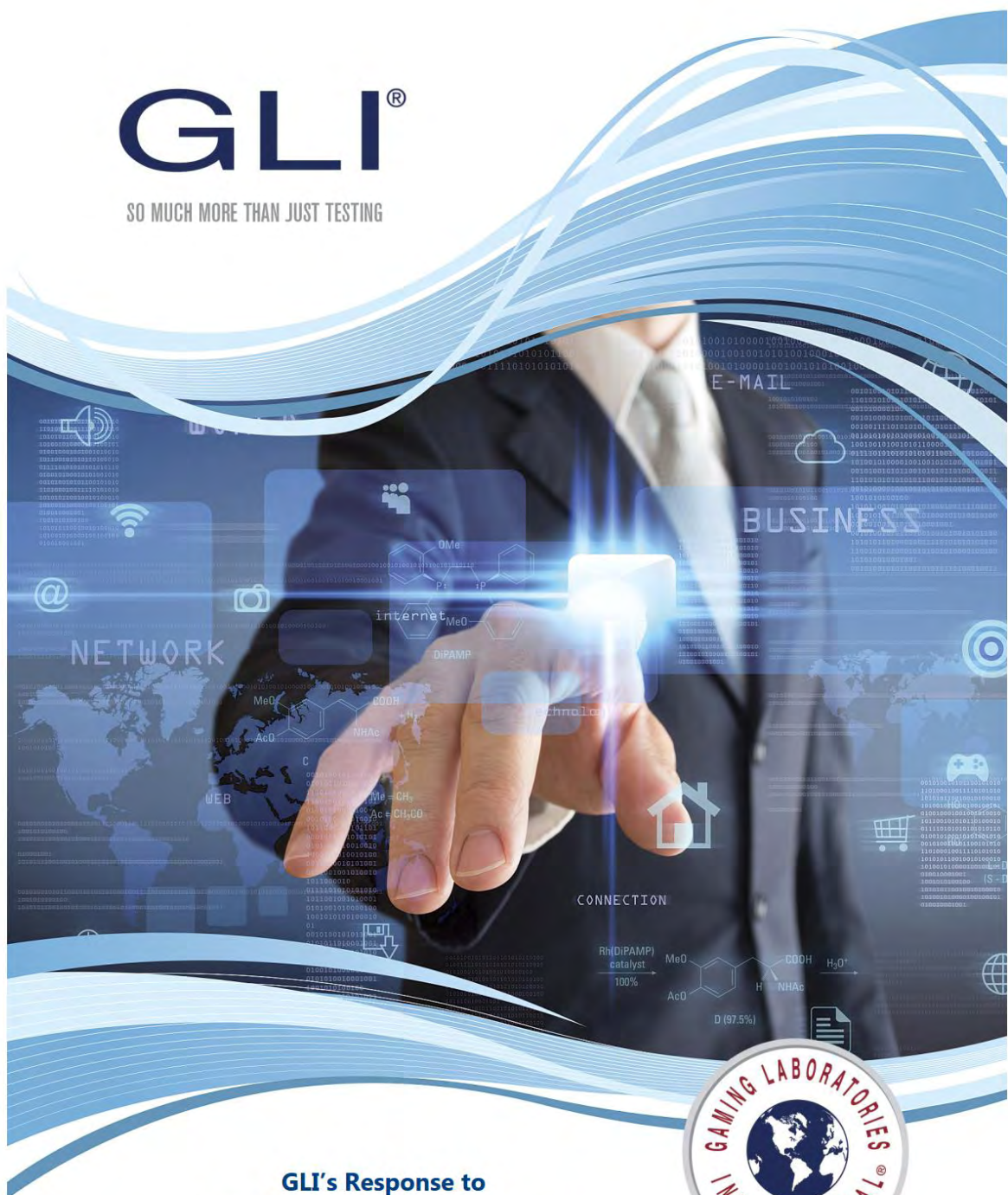
Sincerely,



James R. Maida
President

GLI[®]

SO MUCH MORE THAN JUST TESTING



GLI's Response to
Parliament of Trinidad and Tobago
Joint Select Committee on Gambling (Gaming and
Betting) Control Bill 2016
Call for an Expert Consultant



Submission Deadline:
June 30, 2017



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Overview

The Joint Select Committee on Gambling (Gaming and Betting) Control Bill 2016 (the "Committee") seeks an Expert Consultant to advise the Committee on regulatory, legal, and commercial framework that governs the Gambling and Gaming Industry.

Gaming Laboratories International, LLC's (GLI) **Vice President of Government Relations and General Counsel, Kevin Mullally**, has extensive experience in

drafting gaming legislation, regulations, and developing the organizational structure to implement a successful regulatory environment that protects the public interest while allowing commercial enterprises to thrive and provide crucial economic benefits to the jurisdiction. Mr. Mullally has been involved in numerous legislative processes to regulate gaming in jurisdictions around the world, starting in 1993 when he was the principle drafter of legislation creating the Gaming Commission in the state of Missouri, where he served as Chief Counsel to Sen. Harry Wiggins, the sponsor of the bill.



Since that time, he has been involved in drafting legislation, writing rules or working in concert with other GLI technical and policy experts to provide expert consultation on the development of gaming policy in jurisdictions around the world. Some examples of such work include the jurisdictions of the Bahamas, Bermuda, Bulgaria, California, Czech Republic, Delaware, Florida, Georgia, Kansas, Kentucky, Hawaii, Illinois, Indiana, Ireland, Italy, Maryland, Massachusetts, Mexico, Michigan, New Hampshire, Ohio, Pennsylvania, Romania, St. Maarten, and Texas.

Most importantly, Mr. Mullally has spent considerable time in Trinidad and Tobago studying the existing gaming industry, the local economy, tourism industry, government policies and desired objectives for the gaming sector and the needs of the industry. He has personally visited numerous gaming facilities as part of GLI's consultation with the Ministry of Finance and has met with operators and observed gaming operations in both Trinidad and Tobago. Moreover, he has met with local government officials and non-gaming business interests to develop an understanding of the vast array of issues relating to the development of gaming policy in Trinidad and Tobago.

Mr. Mullally is an internationally renowned expert in gaming policy. He is the author of the chapter entitled "Public Policy Implementation and Regulatory Practice" in the University of Nevada Las Vegas School of Law textbook **Regulating Land-Based Casinos: Policies, Procedures, and Economics**. A copy of the chapter is included in [Appendix A](#) for your reference. Mr. Mullally's close colleague, Stephen Martino edited the chapter with Mr. Mullally. In addition, the chapter has recently been updated for a Second Edition of the textbook to be published this fall.

Mr. Mullally has been a member of the International Masters of Gaming Law (IMGL) since 1998 and in April 2014 was the recipient of IMGL's prestigious President's Award for extraordinary service. He is a member of the Board of Trustees of the International Association of Gaming Advisors and has served as Vice President of the North American Gaming Regulators Association and as Chair of the Gaming Regulators Internet Gambling Study Commission.

As his career experience demonstrates, Mr. Mullally has a particular interest in responsible gaming policy and the protection of the vulnerable. In 1996-1997, he was the author of the first self-exclusion program for problem gamblers. Since that time he has devoted extensive time analyzing and assisting with the development of policies to prevent and treat problem gambling as well as furthering high quality research into problem gambling and related disorders. He chairs the National Council on Problem Gambling's Standards, Policy & Regulation Committee and served for 15 years on the Board of Directors of the National Center for Responsible Gaming, an organization that funds problem gambling research and develops education and prevention materials.

Further details on Mr. Mullally's background are available in the 'Experience' and in his 'Curriculum Vitae'. His recent experience studying and analyzing the Trinidad and Tobago gaming sector make him a particularly good fit for this consultancy. There will be no lag time or learning curve. Mr. Mullally comes to this project well prepared to serve the interests of the Trinidad and Tobago Joint Select Committee on Gambling (Gaming and Betting) Control Bill 2016.

In addition to Mr. Mullally, GLI will also include support from **Mrs. Karen-Sierra-Hughes, GLI's Director of Government Relations and Development for Latin America and the Caribbean**. Mrs. Sierra-Hughes is an attorney and holds a Master in Commercial Law and a Pos Grade in Public Law.

She holds many certificates from international organizations in gaming affairs including the Federal Bureau of Investigation (FBI), University of Nevada Las Vegas and the OTA program from the Treasury Department of USA, among others. Her previous professional experience includes the practice of law at one of the most prestigious law firms in Panama and as Chief of the Legal Department of the "Junta de Control de Juegos" (Gaming Control Board) in Panama, where she also was the acting Executive Secretary.





About GLI

Over the past 27 years, GLI has established itself as the world's leading consultant to gaming regulators and policy makers. During this time, GLI has been bringing our strategic insights and technical expertise to land-based, online gaming and lottery jurisdictions worldwide. GLI understands the vital role of the policy maker and regulator. GLI understands the pressure involved in maintaining the integrity of gaming and to keep the game fair to everyone, while also creating an environment where the industry has the opportunity to prosper and impart important economic benefits to the jurisdiction. We help policy makers and regulators develop systems to ensure the integrity of the gaming industry, and we are proud to say that clients around the world have come to trust GLI.

GLI's global presence and a worldwide team of experts serve more than 475 regulatory jurisdictions. We understand that while the gaming industry is global in nature and thus in need of some level of consistency, each jurisdiction is also unique. GLI has extensive experience in developing an understanding of the specific economic, social and political needs of each jurisdiction and assisting them in developing policies that are customized to meet those needs while still fitting within the global framework of the gaming industry.

We are an independent, impartial third-party, who does not take sides. GLI's consulting professionals are prepared to alleviate complex issues such as rule writing, annual rule and regulation review, development of auditing procedures for account and security plans along with new technology consultation. We are able to assist jurisdictions develop policies that are efficient, effective and measurable. With over 850 employees and 25 offices on six continents, GLI's organized framework allows us to cater to our clients in over 475 jurisdictions, 24 hours a day, and 7 days a week.

Gaming Policy Consulting Experience

GLI is a specialized, privately-owned company with the clear objective of providing gaming regulators with the highest quality professional advice possible. GLI is not in the business of operating casinos, or other gaming facilities, or in developing gaming equipment, or software. GLI does not have a financial interest in any gaming operator or equipment provider. Thus, we are in a rare position of being able to provide our government clients with truly independent advice.

GLI is the only independent gaming consulting company that employs staff with legal, legislative, regulatory, technical, audit, law enforcement and project management experience. GLI works for over 475 regulatory agencies worldwide and has provided expert advice to governments on six continents. The project leader for this engagement is GLI's Vice President of Government Relations and General Counsel, Kevin Mullally who has been involved in writing legislation and administrative rules since 1984. Since 1994, Mr. Mullally has been involved in providing advice to nearly every new gaming jurisdiction in the U.S. and a number of governments in Latin America and Europe.

In 2016, Mr. Mullally made many visits to Trinidad and Tobago to conduct an extensive study of its gaming industry. In the course of his travels, he met with local stakeholders in government, the gaming industry, the business community and local interest groups to develop a thorough



understanding of the economic impact of the gaming that is currently being conducted as well as some of the problems attributed to gaming in Trinidad and Tobago. As a consultant to the Ministry of Finance, Mr. Mullally has drafted proposed policy documents analyzing the gaming sector and worked on draft legislation designed to meet the stated policy objectives communicated by government officials.

GLI's professional team knows exactly how to custom-tailor legislation to suit the unique circumstances of Trinidad and Tobago. We have experience in drafting a Casino Control Act in highly charged political environments as well as drafting Gaming Regulatory Structures, Rules and Regulations, Internal Control Documents, Responsible Gaming Programs and Policy and Procedures manuals. In summary, GLI's team of experts can provide thoughtful, independent advice to take you from the floor of legislative debate to helping define the daily routine of your newly established regulatory agency. GLI's expertise in drafting rules and regulations for governments around the world makes the formidable task of implementing new legislation significantly more efficient and effective.

GLI's goal is to assist you in creating a regulatory structure and implementing practices and techniques that will:

- Achieve good results;
- Adapt to changing risk patterns;
- Include measurable results; and
- Do so with optimum efficiency of public and private resources and government authority.

These efforts require meticulous attention to the creation of the regulatory framework and the way it is administered. For the industry to achieve high compliance rates, participants must have a clear vision of what is expected of them and why it is important.

GLI also recognizes that any regulatory system must have built-in controls to help it adapt over time. Even the most carefully crafted framework needs adjustment from time to time; just as the most meticulously designed engineering plans require change orders. It is important to be mindful that risk is not static, nor is the gaming industry you are choosing to regulate. New technology will continually change the gaming industry's fundamental operations and new ideas, such as introducing alternative currencies or the mobilization and socialization of gaming content, will result in significant, often unpredictable changes in the gaming business. Thus, the regulatory system GLI will assist you in designing will include processes for monitoring risk and providing the ability to quickly organize teams of specialized staff that are able to unravel complex issues and create solutions to address new risks.

The ultimate goal is to achieve a highly responsive, well-focused, accountable, effective risk management system that ensures the integrity of the gaming industry and optimizes its economic and social impact on the communities it serves.

Proposed Approach

GLI's experienced team of gaming regulation experts will provide support during the legislative process to facilitate passage of the Act. Our proposed expert consultant is Vice President of Government Relations and General Counsel, Kevin P. Mullally, Esq. who *has provided his consultation on Gambling (Gaming and Betting) Control Bill, 2016* and expert level knowledge regarding legislation in the Caribbean and Latin America gaming jurisdictions. Joining Mr. Mullally on the GLI consulting team will be Mrs. Karen Sierra-Hughes, GLI's Director of Government Relations & Development for Latin America and the Caribbean. Mrs. Sierra-Hughes is an attorney who holds a Master in Commercial Law and a Pos Grade in Public Law.

GLI will provide technical advice to the Committee to help it understand how the Gambling and Gaming Sector operates and is regulated in a variety of analogous or otherwise relevant jurisdictions. The GLI consulting team will assist the Committee in critically analyzing the Gambling (Gaming and Betting) Bill, 2016 to ensure that it will allow for the development of a thorough, structured regulatory scheme to assure consumer confidence, prevent social harms, and maximize the economic and social benefits of the gaming industry, as well as other concerns identified by the Committee. Our advice will have a particular emphasis on financial crimes prevention and anti-money laundering controls as well as the protection of the vulnerable.

GLI will provide the Committee with ideas for developing regulatory processes that are nimble, focused, efficient, and effective. GLI will focus on the importance of gaining a thorough understanding of the public policy objective of each regulatory requirement before embarking on the procedural requirements to implement it. GLI will also assist in establishing performance metrics that measure the effectiveness of each risk control strategy. This must be accompanied by periodic evaluations of how new strategies are effecting those strategies established previously. Finally, if desired by the Committee, we will assist in developing an understanding of the technology involved with various types of gaming and the technical tools available to regulate it.

The GLI team's familiarity with the Trinidad and Tobago gaming sector means that it will be ready on day one to engage in meaningful dialogue with the Committee and to quickly develop an understanding of its goals and objectives. The GLI team is available for on-site meetings in Trinidad or Tobago. Mr. Mullally's extensive legislative experience as Chief Counsel to a State Senator, as a gaming regulator and as a frequent consultant to public policy makers, means that is well-suited to attend Committee meetings and appear before Parliament if needed.

The GLI team has the experience and skills necessary to develop a Work Plan detailing the methodology for any assignment it might be allocated by the Committee. Furthermore, the GLI team has extensive experience in providing written and/or oral expert advice and is ready to provide it on subjects assigned by the Committee. All reports will be submitted in Microsoft Word and English, unless otherwise directed by the Committee and will be presented in a format approved by the Committee.



Qualifications and Experience

As evidenced by the following Curriculum Vitae, academic qualifications and other relevant documents, the GLI consulting team is uniquely qualified for this engagement. Mr. Mullally has over 28 years of experience as an attorney, with specific experience in gaming for over 24 years. He has experience as a gaming attorney, regulator and consultant and has worked for and on behalf of dozens of jurisdictions globally. He is a long-time member of the International Masters of Gaming Law and is the recipient of its prestigious President's Award. In addition, Mr. Mullally has extensive knowledge and experience in the process for drafting legislation and regulations, having worked as Chief Counsel to Missouri State Senator Harry Wiggins and subsequently advising legislators around the world.

Mrs. Sierra-Hughes is an attorney and holds a Master in Commercial Law and a Pos Grade in Public Law. She holds many certificates from International organizations in gaming affairs including the Federal Bureau of Investigation (FBI), University of Nevada Las Vegas and the OTA program from the Treasury Department of USA, among others. Her previous professional experience includes the practice of law at one of the most prestigious law firms in Panama and as Chief of the Legal Department of the "Junta de Control de Juegos" (Gaming Control Board) in Panama, where she also was the acting Executive Secretary.



Curriculum Vitae

Kevin P. Mullally, Esq.

Vice President of Government Relations and General Counsel

Qualifications

As the Vice President of Government Relations and General Counsel GLI, Mr. Mullally is GLI's chief legal officer, and is responsible for all risk management policies for the company as well as supervision of all outside attorneys and consultants. In addition, he serves internationally as GLI's primary liaison to elected and appointed officials at the federal, state and local level. As such he regularly interacts with regulatory agencies, key organizations devoted to developing gaming policy as well as senior level executives of gaming equipment manufacturing companies, lotteries (brick/mortar and online), pari-mutuel wagering facilities, social gaming companies and casino operators. Mr. Mullally provides GLI with over 30 years of diversified leadership in law, management, public policy, public relations, economic analysis, and organizational administration.

Prior to joining GLI, Mr. Mullally was the Executive Director of the Missouri Gaming Commission. Previously, he served as General Counsel and Chief of Staff to Missouri State Senator Harry Wiggins. Mr. Mullally served on the Board of Directors of the National Center for Responsible Gaming from 2001-2015 and is currently a member of the Board of Trustees of the International Association of Gaming Advisors. He also chairs the National Council on Problem Gambling's Committee on Standards, Policy & Regulation. He is a frequent teacher, author, and speaker on issues relating to administrative and business law topics, public policy development, regulatory issues, problem gambling, and emerging technologies such as online casino gambling, Fantasy Sports and other forms of the advancement of delivery channels for gaming and lottery products.

Mr. Mullally is an accomplished team builder who has a record of successful achievement throughout his career. Mr. Mullally possesses leadership abilities that have been utilized by numerous professional and community organizations, including serving as the Vice-President of the North American Gaming Regulators Association (NAGRA) (2006), Chairman of the NAGRA Policy Committee (2000-06) and Chairman of the Regulator's Internet Gambling Task Force (2006). He is also the author of numerous articles and wrote the chapter on Public Policy Implementation and Regulatory Practice for the University of Nevada-Las Vegas Law School's 2014 treatise entitled **Regulating Land-Based Casinos**.

Summary of Career Achievements

Since joining GLI in 2006, Mr. Mullally has created a Government Relations unit that assists GLI's clients with public policy and regulatory issues relating to the implementation of new gaming technology. In addition, he served as the Project Manager for GLI's consulting to assist the Kansas Lottery and the Kansas Racing and Gaming Commission (KRGC) implement the Kansas Expanded Lottery Act. This work involved assisting the KRGC staff in the development of rules, policies, internal control procedures and workflow processes. Of particular note was Mr.

Mullally's work in helping KRGC establish its breakthrough responsible gaming programs including its innovative self-exclusion program.

In addition to his work for KRGC, Mr. Mullally has served as project manager for consulting work in the Bahamas, Bermuda, Bulgaria, California, Czech Republic, Delaware, Florida, Georgia, Kansas, Kentucky, Hawaii, Illinois, Indiana, Ireland, Italy, Maryland, Massachusetts, Mexico, Michigan, New Hampshire, Ohio, Pennsylvania, Romania, St. Maarten and Texas. Mr. Mullally is the author of GLI's White Paper on Internet Gambling Law, which has been used as a reference by the Regulator's Internet Gambling Task Force. Mr. Mullally is leading discussions relating to the treatment of social gaming and has a thorough understanding of internet gaming regulation, having served as the first Chairman of the Regulator's Internet Gambling Task Force in 2006. Finally, Mr. Mullally has a long history of dealing with lottery policy, having worked on the implementation of the Missouri Lottery while working for Senator Wiggins in 1981. Since that time, he has consulted with lotteries on a variety of technical and legal issues as well as advising them on responsible gaming policy and program implementation.

Prior to joining GLI, Mr. Mullally helped develop the regulatory structure for Missouri's gaming industry. He is one of the principle authors of Senate Bills 10 & 11, creating the Missouri Gaming Commission (MGC) in 1993. During his tenure as Deputy Director and later as Executive Director of MGC, the MGC staff implemented strict but fair policies that gained the public's trust in the regulatory system, thus giving the industry the opportunity to gain widespread community acceptance. The result is a healthy industry that employs more than 11,000 people, has invested over \$2.0 billion in capital into the state, and generates over \$400 million annually in state and local taxes.

Mr. Mullally conceived and drafted the first government-sponsored self-exclusion program for problem gamblers. The program is the largest of its kind, currently serving over 15,000 problem gamblers. It has been imitated in jurisdictions around the world. Mr. Mullally also acted as the lead lobbyist to gain passage of dedicated funding for problem gambling treatment in Missouri. In addition, Mr. Mullally twice served as President of the Missouri Alliance to Curb Problem Gambling. He remains the only person to have held the position two times. Mr. Mullally also served as lead lobbyist for two gaming regulation reform bills in 1994, both of which passed with emergency clauses requiring two-thirds majorities in the House and Senate.

When he departed MGC in 2006 to join GLI, Mr. Mullally's career as a regulator was widely praised. Gaming reporter Rick Alm, of the Kansas City Star commented that *"By any measure, Missouri's social and economic experiment with gambling has succeeded beyond expectations. And against all odds of its Herculean task, extraordinary authority and the enormous temptation of casino industry riches, there has never been even a rumor of agency corruption. Missourians may now applaud as this opening era — let's call it the Mullally Era — of riverboat gambling passes into history."* Similarly, Jeff Simpson of the Las Vegas Sun noted that Mullally's departure was *"A major loss for Missouri; Mullally is highly respected by his regulatory peers and by many casino business insiders."*

During his nine-year tenure as Chief of Staff for Senator Harry Wiggins which began in 1984, Mr. Mullally staffed the handling of the most major legislative initiatives for the Kansas City area as well as key legislation of state-wide significance including the creation of a state Department of Health, mandatory DNA testing of convicted felons, the crime victims compensation act, the nation's first Parents as First Teachers program, major revisions of the Uniform Commercial Code, the Student Hunger Prevention Act, the High Speed Rail Act and many others.

Education & Training

- Graduate, Strategic Management of Regulatory and Enforcement Agencies, Sabbatical Seminar at the Kennedy School of Government, Harvard University, October 2002
- Graduate, Conducting the Trial 40-hour Seminar, National Judicial College, Reno, NV, March 1995
- J.D., Law - University of Missouri-Columbia School of Law. Columbia, Missouri, 1988
- B.A., Political Science - University of Missouri-Columbia. Columbia, Missouri, 1985

Highlights of Published Works

- *Regulating Skill and Hybrid Games*, Global Gaming Business Magazine, March 2017.
- *Public Policy Implementation and Regulatory Practice*, chapter in *Regulating Land Based Casinos*, UNLV Gaming Press, 2014.
- *The Future of Gaming Policy in the U.S.*, Casino Lawyer Magazine, September 2013.
- A Starting Point for Global Online Gaming Technical Standards, iGaming Business North America, May 2012.
- *Guest commentary: Changes can help problem gamblers*, OP-ED for St. Louis Post-Dispatch, September 20, 2011.
- *The Emergence of Self-Exclusion Programs*, Commentary for Volume 5 of the National Center for Responsible Gaming's Increasing the Odds Series, December 2010.
- *Regulating Modern Gaming Technology*, Canadian Gaming Lawyer, October 2009.
- Critical Components of a Robust Responsible Gaming Program: Policy Considerations and Legal Implications, Indian Continuing Legal Education Forum, July 2009.
- *Overview of Gaming Machine Regulation*, Arizona Race Track Industry Program, March 2008.
- *Internet Gambling White Paper*, March 2007. Internet Gambling Resource Guide for the Internet Gambling Task Force, February 2006.
- St. Louis Market Study: Evaluating Proposals for Casino Expansion in the St. Louis Metropolitan Area, (with Jim Oberkirsch), August 2004.
- *Summary of U.S. Gambling Laws* for the Missouri Joint Committee on Gaming & Wagering, November 2004.
- *Self-Exclusion Committee Report* for the National Council on Problem Gambling, June 2003.
- NAGRA Problem Gambling Resource Guide, September 2002.
- "Missouri Riverboat Gaming Laws." 2002 Update Missouri Taxation and Law Practice Desk Book. Missouri Bar, January 2002.
- North American Gaming Association Problem Gambling Resource Guide, June 2001.



- *Editorial Response to "What the Gaming Industry Can Learn from Yucca Mountain"* by Marvin Karlins, Ph.D., The Wager, Internet magazine published by Harvard University Medical School, December 2002.
- *"Building an Alliance of Organizations to Create and Promote Resources to Help Problem Gamblers,"* Paper Presented to the National Council on Problem Gambling Annual Meeting, October 7, 2000, Philadelphia, Pennsylvania.
- St. Louis Market Study: Evaluating Proposals for Casino Expansion in the St. Louis Metropolitan Area, (with Jim Oberkirsch), August 2000.
- *"Missouri Riverboat Gambling Laws"* - 1999 Update Taxation Law and Practice, Volume III, Third Edition, Missouri Bar CLE Deskbook.

Licenses

- Member - Missouri Bar Association, 1989-present
- Member, Chickasaw Bar Association, 2007-present
- Licensed by numerous gaming regulators worldwide

Organizations and Memberships

- **Member, International Masters of Gaming Law (IMGL)**
 - Member of IMGL Nominating Committee for Gaming Regulator of the Year: North America & Latin America
- National Center for Responsible Gaming Board of Directors
- National Council for Problem Gambling (NCPG)
- Chairman, NCPG Standards, Policy, Regulation Interest Group Committee
- International Association of Gaming Advisors Board of Trustees

Awards and Honors

- IMGL President's Award, April 2014
- Outstanding Contributor Award, Missouri Alliance to Curb Problem Gambling, August 2006
- Appreciation of Service Award, North American Gaming Regulator's Association, June 2006
- 40 Under 40 Award, Missouri Chamber of Commerce, August 2002
- Recognition of Service Award, North American Gaming Regulator's Association, May 2000
- Appreciation Award for Work on Creation of Missouri Department of Health from Governor John Ashcroft, Senator Harry Wiggins and Representative Judith O'Connor, July 29, 1985



Karen Sierra-Hughes

Director of Government Relations & Development for Latin America and the Caribbean

Qualifications

Karen Sierra-Hughes is the Director of Government Relations and Development for Latin America and the Caribbean, located in our Las Vegas office. Mrs. Sierra-Hughes is an attorney and holds a Master in Commercial Law and a Pos Grade in Public Law.

She holds many certificates from International organizations in gaming affairs including the Federal Bureau of Investigation (FBI), University of Nevada Las Vegas and the OTA program from the Treasury Department of USA, among others. Her previous professional experience includes the practice of law at one of the most prestigious law firms in Panama and as Chief of the Legal Department of the "Junta de Control de Juegos" (Gaming Control Board) in Panama, where she also was the acting Executive Secretary.

She meets with all the governments of the Latin America and Caribbean Region on a periodic basis in order to promote the regulation of the gaming industry by helping them to understand the importance of a well regulated environment and providing them with valuable information that is then used by them in the development of Laws, Decrees and Resolutions. Mrs. Sierra-Hughes is bilingual in Spanish and English.

Summary of Career Achievements

Since 2004 Mrs. Sierra-Hughes has worked with GLI in the development of new gaming jurisdictions. Her main responsibilities are to procure, supervise and coordinate the jurisdictional development and the relationship with the regulators and manufacturers of the Latin America and Caribbean region.

Mrs. Sierra-Hughes is fully responsible for developing all relationships with the gaming regulators in the region. She analyzes the gaming environment in each jurisdiction throughout Latin America and the Caribbean in order to determine the regulatory development opportunities as well as promote the regulatory training in the technical aspects of the gaming industry. She has created and built a successful partnership with GLI South America in Argentina and NYCE in Mexico.

Mrs. Sierra-Hughes is well-known as a speaker in many of the International Gaming Conferences in the countries of Puerto Rico, Peru, Bolivia, Colombia, Mexico, and Argentina as well as at G2E in the United States.



Relevant Engagements

Gaming Laboratories International, LLC

Director of Government Relations & Development

September 2004 – Present

- Responsible of the development of relations with the gaming Regulators in the Region.
- Main contact between GLI and the Regulatory Agencies in the Region.
- Analysis of the gaming environment in each of the jurisdictions in order to determine the opportunities or probabilities of soon to come gaming regulations.
- Works closely with the Technical Compliance Division regarding consultations from Regulators relating to current technical standards and new regulatory developments.
- Promotes regulatory training in the technical aspects of the gaming industry.
- Coordinates the operational efforts regarding the harmonization of GLI's partners in the Region (GLI South America in Argentina and NYCE in Mexico).
- Visits current GLI client jurisdictions on a regular basis to guarantee the best support and service.

Ministry of Economy and Finance, Gaming Control Board of Panama

Director of Legal Department

October 2002 - September 2004

- Coordinated the efforts of the attorneys of the Legal Department in all of the administrative acts of the Gaming Board such as Contracts between the Government and the Operators, issuing of licenses, imposing of penalties for infringements, producing the responses to appeals to the Resolutions issued by the Gaming Board, as well as others.
- Wrote regulations which in this specific period were focused on the money laundering regulations for all of the gaming activities, standards for the gaming industry, among others.
- Acted as Director of the Gaming Board Ad-Hoc during the absences of the Director.

Sucre Arias & Reyes

Attorney, Department of Administrative, Public and Maritime Law

April 2000 - October 2002

- Areas of specialization included execution of all of the administrative and government procedures in front of the Government entities including, matters related to tax law, gaming law, commercial law, maritime law (registration of merchant ships, obtainment of licenses, etc.), and commercial law.

Education

- 2003 - 2005 Universidad Latinoamericana de Ciencias y Tecnología. Pos Grado in Public Law and Master in Commercial Law (Graduated with Honors). Panama, Republic of Panama.
- 1994 - 1999 Universidad Santa Maria La Antigua, Facultad de Derecho y Ciencias Políticas. Law and Politic Sciences. Graduated with Honors (Cum Laude). Panama, Republic of Panama.

Past Experience and References

Bermuda Casino Gaming Commission

April, 2015 - ongoing

GLI has been providing the Bermuda Ministry of Tourism Development & Transport consulting services relating to the creation of a regulatory structure for casino gaming in Bermuda to be overseen by the Bermuda Casino Gaming Commission. Since April 2015, Mr. Mullally has been working directly with the Commission on matters relating to the creation of the regulatory structure including educational meetings with other regulators, advice regarding staffing structure, job descriptions and budget, the process for vetting casino proposals, rules, regulations, internal policies and training.

Reference:

Wayne Scott, Chief Technology Officer
Crawford House 1st Floor
23 Church Street
Hamilton, HM 11 Bermuda
Phone: (441) 400-2100
Email: wscott@gmail.com

St. Maarten Ministry of Tourism, Economic Affairs, Traffic and Telecommunication ("the Ministry")

May, 2015 – ongoing

GLI has been providing the Ministry consulting services relating to the development of a modern gaming regulatory structure that will facilitate the most efficient and effective oversight of destination resort casinos in St. Maarten. Mr. Mullally has been providing consulting services that include regulation writing, staffing advice and technical advice. Mr. Mullally served as the single point of contact for the entire project.

References:

Shervin Frederick, Policy Advisor
St. Maarten Ministry of Tourism
Y. Yrausquin Blvd. #6 (2nd Floor)
Philipsburg, St. Maarten
Dutch, Caribbean
Phone: (721) 587-8404
Email: Shervin.Frederick@sintmaartengov.org

Miguel de Weever, MA
Secretary General, Ministry of Tourism
Govt. of St. Maarten
Cannegieter Street 51-E
Phone: (721) 542-9251
Email: miguel.deweever@sintmaartengov.org



Turks and Caicos Ministry of Tourism (“the Ministry”)

March 2016 – ongoing

GLI has been providing the Ministry consulting services relating to the development of a modern gaming regulatory structure that will facilitate the most efficient and effective oversight of destination resort casinos in Turks and Caicos. Mr. Mullally has been providing consulting services that include regulation writing, staffing advice and technical advice. Mr. Mullally served as the single point of contact for the entire project.

Reference:

Desmond Ewing, Deputy Chief Inspector
Turks & Caicos Gaming Inspectorate Department
Box 310
Provinciales, Turks & Caicos
Phone: (649) 241-2239
Email: drewing@gov.tc

Ohio Senate and Ohio Casino Control Commission

2011 – ongoing

GLI provided expert advice during the drafting of the Casino Control Act in Ohio in 2011. Upon the appointment of the Commission, GLI served as its initial advisor on the development of staff, regulations, policies and procedures. Since that time, GLI has remained a constant advisor to Ohio policy makers and regulators on gaming policy. It has contracts with the Casino Control Commission, Lottery and Ohio Attorney General's office to provide expert advice and consultancy.

References:

Senator William Coley, Chairman, Senate Oversight & Reform Committee (Gaming)
Ohio State Senate
1 Capitol Square, 1st Floor
Columbus, OH 43215
Phone: (614) 466-8072
Email: wpcoley2@msn.com

John Barron, General Counsel
Ohio Casino Control Commission
10 West Broad Street, 6th Floor
Columbus OH 43215
Phone: (855) 800-0058
Email: John.Barron@casinocontrol.ohio.gov



Financial Proposal

The daily rate for the engagement is \$1,750.00 USD plus expenses.

GLI will bill the Committee monthly and payment is due within 25 days of the date of the invoice. Expenses will be billed according to procedures agreed upon by the Committee and GLI.

For on-site consultation where GLI staff must travel outside their home city at the Committee's request, the following rate structure will apply:

- a) Air and ground travel will be charged back at cost;
- b) Room and board on-site will be charged back at cost; and
- c) Meals will be charged back at cost.

Secretary to the Joint Select Committee on Gambling (Gaming and Betting) Control Bill, 2016

Good day

I would like to offer my advice in the gaming and betting bill as I am in the amusement and gaming business more than 20 + years I am currently operating 2 members club as I was managing a club with technical knowledge in slot machines roulette machines and other type gaming . from 1992 to 1999 I also operated arcade and bar (cherry master) machines as a route operator I have been to vegas at g2e and learnt how Vegas gaming laws works . From 2000 I worked for island club casino as a technician and work my way up to manager in the slots department

Also did technical repairs for other clubs e.g. Zanilas , flamingo , jackpot , Royalton , and many as a slot technician was hard to find . in 2011 I open my first club then in 2013 my 2nd club I also a member of the members club association

Hope this information was helpful enough as I am sure I can be an asset in the resolve of this gaming bill

Thanks

Gerard sooklal

Walter Fioravanti

wfioravanti@gmail.com

2104 - 83 Redpath Ave.,
[357-1139](tel:357-1139)
Toronto, Ontario, M4S OA2

(Cell) [416 - 357-1139](tel:416-357-1139)

SUMMARY

Retired Senior Vice President, Legal, Regulatory and Compliance, General Counsel and Corporate Secretary of the Ontario Lottery and Gaming Corporation (OLG). My accountabilities also included freedom of information and privacy, accessibility, investigations and security.

I have a record of achievement in the gaming industry having been a key leader at the OLG which is considered to be the largest non-tax revenue generator, government agency in the province of Ontario. At one time it was the 24th largest organization (by profit) in Canada.

I have a wealth of experience and familiarity in the modernization and transformation of Lottery regulatory ecosystems across Canada.

PROFESSIONAL EXPERIENCE

- **Senior Vice President, Legal, Regulatory and Compliance,** **Dec 1990-Aug 2015**
General Counsel and Corporate Secretary of the Ontario Lottery and Gaming Corporation (OLG)
 - Vice President, Legal, OLG 2008-2010
 - Vice President, Human Resources, OLG 2000-2007
 - Vice President, Corporate Services, OLC 1997-1999
 - General Counsel, OLC 1992-1996
 - Corporate Solicitor, OLC 1990-1991
- **Legal Counsel - Polysar Inc.** **1989 – 1990**
- **Legal Counsel - Pepsico Canada.** **1987 – 1989**
- **Legal Counsel - Sara Lee Inc.** **1984 – 1987**
- **Legal Counsel - The Goodyear Tire & Rubber Company** **1981 – 1984**

EDUCATION

Mc Master University 2012	Chartered Director (Governance)	2011-
University of Windsor 2001	Certificate in Alternative Dispute Resolution	
University of Toronto 1999	CHRL Human Resource Management	1998-
York University-Osgoode Law School 1979	Juris Doctor (Law)	1976-
University of Toronto 1976	Commerce	1973-

REFERENCES

- George Sweny
- Anup Kumar

Alan Pedley
PO Box 219
Toorak Vic 3142
Australia

Secretary to the Joint Select Committee on Gambling (Gaming and Betting) Control Bill, 2016
Office of the Parliament
Level 3, Tower D, The Port of Spain International Waterfront Centre
1A Wrightson Road
Port of Spain
Trinidad and Tobago

via e-mail: jscgcb@tpparliament.org

2017-06-30 UTC

Dear Secretary

RE: EXPERT CONSULTANT GAMBLING (GAMING & BETTING)

I write in response to the Joint Select Committee on Gambling (Gaming and Betting) Control Bill 2016, *Call for an Expert Consultant*.

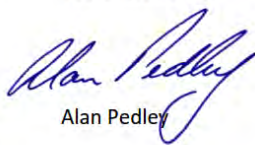
Please accept this application to be considered for the role as Expert Consultant. Please consider the documents herein as an application for that role.

Please find herein:

- a. this covering letter;
- b. contrast of suitability versus terms of reference;
- c. Curriculum Vitae (titled Résumé); and
- d. a summary of suitability including: financial proposal and two referees.

Please contact me with any questions whatsoever.

Yours faithfully



Alan Pedley

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facebook.com/governanceassociates | linkedin.com/company/governance-associates | [skype alanpedley](https://skype.alanpedley) | alan.pedley@associates.ag | facebook.com/al.pedley | au.linkedin.com/in/alanpedley

DOCUMENT "B" CONTRAST OF SUITABILITY VERSUS TERMS OF REFERENCE

Joint Select Committee on Gambling (Gaming and Betting) Control Bill 2016 - Call for an Expert Consultant

Alan Pedley
alan.pedley@associates.ag

CONTRAST OF CAPABILITY VERSUS TERMS OF REFERENCE

2. OBJECTIVES

The objective of this consultancy will be to advise the Committee on regulatory, legal and commercial framework that governs the Gambling and Gaming Industry.

I have been achieving these objectives both as a regulator and consultant for 27 years in the gambling (gaming and betting) industries.

3. SCOPE OF WORKS

The successful candidate will be required to work with the Committee from time to time and upon a 'needs basis' through the following activities:

- *provide in depth knowledge of the Gambling and Gaming Sector in various jurisdictions;*
- *critically analyse the Gambling (Gaming and Betting) Control Bill, 2016 in order to examine the effectiveness of the proposed legislation; and*
- *attend selected Committee meetings at the Parliament when required.*

I have:

- a. pioneered best-practice approaches to gambling regulation in Australia and internationally since the early 1990s;
- b. demonstrated expertise in the critical analysis of gambling laws in several jurisdictions in order to enhance the effectiveness of laws and regulatory approaches; and
- c. participated at all levels of government (Cabinet and Ministers down) in providing technical services and policy analysis.

In the execution of the above mentioned tasks the consultant will be required to adhere to the rules of the Standing Orders of the Parliament in relation to confidentiality.

Noted. All work I have undertaken has been subject to confidentiality requirements stemming back to classified defence matters, to cabinet Papers, and market sensitive information relating to publicly traded companies. I have never breached such confidentiality. My computers are encrypted and adhere to best-practice for confidentiality.

4. DELIVERABLES

The consultant will be required to submit the following:

- *a Work Plan detailing the methodology for any assignment allocated by the Committee; and*
- *written and/or oral expert advice based on the subject matter assigned by the Committee.*

All reports are to be submitted in MSWord and in English, and presented in a format approved by the Committee.

Noted.

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I am experienced and expert in formal project planning and documented, accountable processes.

(It is understood that these documents do not constitute a report and are therefore submitted in PDF and not MSWord).

5. CHARACTERISTICS OF THE CONSULTANCY

Location: Trinidad and Tobago and the consultant's home country

Duration: thirty (30) discontinuous working days over six (6) months, beginning July 1, 2017

Noted.

I may have to undertake some work in a place other than Trinidad and Tobago and my home country (Australia) as I work internationally and travel. This travel will not interfere with obligations to the work described herein.

6. QUALIFICATIONS AND EXPERIENCE

The consultant will have the following experience and capabilities:

- *A minimum of ten (10) years working experience in the gambling, gaming and betting industry as an Attorney at Law, Regulator or Consultant;*
- *Possession of post graduate qualification in Gaming Law and/or Membership in the International Masters of Gaming Law (IMGL) would be considered an asset;*
- *Extensive knowledge of international legislative and regulatory issues in the gaming industry.*

I have 27 years working experience in gambling (gaming and betting) industry as a regulator (8 years) and as a regulatory and compliance consultant (19 years).

I have been a member of the International Masters of Gaming Law and am in the process of renewing that membership now to strengthen compliance with this requirement.

I possess extensive knowledge of international legislative and regulatory issues in the gaming industry and have demonstrated this knowledge with regulators worldwide and within the Caribbean (Antigua & Barbuda, St Kitts & Nevis, and Jamaica).

7. DOCUMENTS TO BE SUBMITTED

Curriculum Vitae including past experience in similar projects and at least two references;

Copies of academic qualifications and other relevant documents, and

Financial Proposal - expected daily rate

Noted.

The documents provided are:

- covering letter;
- contrast of suitability versus terms of reference (this document);
- Curriculum Vitae (titled Résumé); and
- a summary of suitability including: financial proposal and two referees.

DOCUMENT "C" CURRICULUM VITAE (TITLED RÉSUMÉ)

Joint Select Committee on Gambling (Gaming and Betting) Control Bill 2016 - Call for an Expert Consultant

Alan Pedley
alan.pedley@associates.ag

résumé

Alan Pedley has been involved with advanced technology since the end of the 1970's when he was involved with programming F111 automated test stations, testing avionic systems components. A decade later his RAAF career led him to advanced engineering roles on the F/A-18 Hornet where he was responsible for devising new analysis methods using operational flight software during aircraft fault analysis. Alan's advanced processes remain with F/A-18 engineering procedures to this day.

From April 1990 until December 1998 Alan was responsible for the development and regulation of all technology based gambling within the Northern Territory of Australia. Alan was a founding member of the National Standards for Gaming Machine Control, sitting on both the policy steering committee and technical working party for a number of years. His industry knowledge, leadership and project management skills were a significant factor in the Northern Territory implementing a wide area gaming machine industry in just seven months. Alan started with the NT government as the Senior Technical Officer and departed as Executive Officer System.

Circa 1993 Alan performed functions as a "Senior Government Inspector" at the Diamond Beach Casino including registration of know-your-customer (KYC) and customer-due-diligence (CDD) for junket activities, and casino audits. Alan was a member of the executive which migrated 24 * 7 on-site government oversight of casinos to a risk-based approach to casino regulation.

Alan's passion for technology and his senior role within the Racing & Gaming Authority had him writing papers about the potential for a vibrant e-commerce gambling industry in early 1995. As a result the Northern Territory's Legislative Assembly commissioned studies into the impacts of e-commerce gambling that same year.

Under Alan's guidance and management the Northern Territory established a world leading position for regulated e-commerce gambling with both bookmakers and casinos operating on-line by 1999, in a controlled regulated manner. Alan's involvement ranged from detailed policy advice, advice relating to drafting notes for legislation and regulation, to total management of all technological aspects such as devising technical standards and control requirements for systems, regulatory monitoring, oversight, and audit programmes.

In December 1998 Alan left government and started independent consulting, providing advice relating to governance, compliance, and gambling regulation as it applies to technology based activities. Services were fundamentally:

- a. to regulators to ensure an appropriate level of regulation (including legislation, regulations, controls, audit, standards, and evaluation); and
- b. to vendors/operators to enable compliant systems.

Alan appeared before the Senate Select Committee review of Australia's Online Gaming Industry – as an expert witness in 1999¹. Between 1998 and 2004 Alan provided regulatory and compliance consulting services to gambling industry and regulators as the Principal Consultant with WWWagering & Gaming Consultants.

Circa 2004 Alan established Gaming Associates Pty Ltd. Alan continued as CEO and a principal consultant with Gaming Associates until 2014, concentrating on e-commerce gambling governance, compliance, and regulation (including but not limited to AML/CTF matters). Alan has spoken at the following conferences on matters which included AML/CTF: *BiG Africa Gaming Summit 2016* (Capetown South Africa); *Caribbean & Americas Gaming Regulation Forum 2016* (Miami, FL, USA); *Gaming, Racing and Wagering Australia 2016* (Sydney, Australia); *London ICE Totally Gaming 2016* (London, UK); *Caribbean & Americas Gaming Regulation Forum 2015* (Miami, FL, USA); *Gaming, Racing and Wagering Australia 2015* (Sydney, Australia); *Gaming Regulators European Forum 2015* (Vilnius, Lithuania); *Caribbean & Americas Gaming Regulation Forum 2014* (Miami, USA); *Dutch Caribbean Gaming Regulation Forum 2014* (Aruba); *Caribbean Gaming Show & Summit 2014* (San Juan, Puerto Rico); *Caribbean Gaming Authority Regulation 2013* (Nassau, Bahamas); *Gaming, Racing & Wagering Australia 2012* (Sydney, Australia); *Gaming, Racing & Wagering Australia 2010* (Sydney, Australia); *Regulated Online Gambling* (National Gambling Board Conference, Durban, Kwa-Zulu Natal, South Africa); *Anti-Money Laundering & Fraud Prevention Conference 2010* (Deep Bay, Antigua & Barbuda); *Sports-Betting & Lotteries Asia 2010* (Tsim Sha Tsui, Hong Kong); and *Prevention of Money Laundering and Terrorist Financing in Casinos and Online Gambling Venues Conference 2008* (Nassau, The Bahamas); and many more from 1999 relating to gaming and wagering compliance and regulation. Alan was also a participant in the *Gaming Law Review and Economics* roundtable *Money Laundering via Gambling Venues* published in August 2009. Since 1990 he has presented at several other conferences in relation to sports-integrity and risk-based regulatory strategies.

During this period Alan has also provided services to the following regulatory authorities on gambling regulation matters including but not limited to AML/CTF: Alderney Gambling Control Commission, Antigua & Barbuda Financial Services

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Regulatory Commission; Antigua & Barbuda Office of National Drug and Money Laundering Control Policy; Danish Gambling Authority (*Spillemyndigheden*); Great Britain Gambling Commission; Isle of Man Gambling Supervision Commission; Jamaica Betting, Gaming and Lotteries Commission; and the following regulators on gambling regulation (not including AML/CTF) Northern Territory Department of Justice; Northern Territory Racing Commission; Kahnawá:ke Gaming Commission, and Norfolk Island Gambling Authority. Alan is currently negotiating terms with several other gambling regulators.

Alan has been, or is, an Associate Editor of *Gaming Law Review and Economics: Regulation Compliance and Policy*; Associate Member of the *International Masters of Gaming Law* (IMGL); Member *International Association of Gaming Advisors* (IAGA); and is authorised as an external auditor for the purposes of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) by the Australian Transaction Reports and Analysis Control (AUSTRAC) – Australia's AML/CFT financial intelligence unit.

Senior and expert gambling regulation and compliance roles since 1990.

employment history	1976-1990	Royal Australian Air Force (Radio Technician → Air, Avionic Systems Engineer)
	1990-1998	Northern Territory Public Service (Senior Technical Officer → Executive Director Systems)
	1998-2004	WWWagering & Gaming Consultants (CEO, Director, Principal Consultant)
	2004-2015	Gaming Associates (CEO, Director, Principal Consultant)
	2015	Governance Associates (Director, Principal Consultant)

employment activities 1990 → 1992

Commenced with the Northern Territory Racing, Gaming & Liquor Commission as senior technical officer and manager of community gaming. Roles included:

- author, implement, and manage technical standards for community based gaming machines (draw poker, non-cash prizes);
- author, implement, and manage licensing and operational standards for community based gaming machines (draw poker, non-cash prizes);
- author, implement, and manage a performance monitoring programme for all community gaming machines (paper → database);
- establish a technical laboratory for testing of community gaming machine and casino slot machines; and
- establish community gaming licensing and regulatory regime.

1993

Government casino inspector.

- monitoring casino activities pursuant to Northern Territory laws and casino licence terms; and
- develop a slot monitoring system and integrate with casino slot management system – derive revenue, ensure fairness, etc (note this system uncovered a systemic flaw with a model of slot machines which had hitherto been undetected – this was a global flaw).

1994 → Dec 1998

Executive Officer Systems

- responsible for all regulation pertaining to technology based gambling;
 - totalizator (pari-mutuel) wagering;
 - keno (casino-based integrated with community sales);
 - lottery (Tattersalls community sales);
 - casino slot machines and jackpots;
 - community slot machines (wide-area gaming machine monitoring system);
 - online wagering;
 - online gaming;
- founding delegate to National Standards for Gaming Machines (technical) working party;
- founding delegate to National Standards for Gaming Machines (policy) steering committee;
- author, implement, and enforce world's first technical and control systems requirements for online gaming;
- author, implement, and enforce world's first technical and control systems requirements for online wagering;
- acceptance test programme of wide-area slot monitoring system;
- acceptance test programme of totalizator system;

- analysis and monitoring programme for lotteries;
- off-site monitoring programme for online betting operators;
- off-site monitoring programme for online gaming activities; and
- manage systems team: economist, accountant, lawyer, electronic engineers, and info' tech' professionals.

1999 → 2000

Consultant to New South Wales (NSW) Totalizator Administration Board (TAB) – NSWTAB.

- wide area slot machine monitoring system;
- wide area slot jackpot system;
- enhancements tototalizator (pari-mutuel) system;
- online wagering; and
- mobile wagering.

Consultant to ACTTAB – online gaming.

Consultant to Norfolk Island Gambling Authority.

Consultant to Northern Territory Department of Industries & Business and Racing Commission.

2000 → present

Consultant land-based and online gaming regulation, compliance, and governance. Customers include:

- Alderney Gambling Control Commission
- Alexander Gaming Commission
- Antigua & Barbuda Financial Services Regulatory Commission (FSRC)
- Antigua & Barbuda Office of National Drug and Money Laundering Control Policy (ONDPC)
- bet365 (independent review of AML/CFT programme)
- Denmark Gaming Authority (*Spillemyndigheden*)
- Isle of Man Gambling Supervision Commission
- Jamaica Betting, Gaming and Lotteries Commission
- Kahnawá:ke Gaming Commission
- Norfolk Island Gambling Authority
- Northern Territory Licensing Division
- Northern Territory Racing Commission
- The Ritz Club London (compliance manager)
- others

Conduct audits and examinations pursuant to the requirements of:

- Alderney Gambling Control Commission
- Antigua & Barbuda Financial Services Regulatory Commission (FSRC)
- Antigua & Barbuda Office of National Drug and Money Laundering Control Policy (ONDPC)
- Australian Transaction Reports and Analysis Centre (AUSTRAC)
- Denmark Gaming Authority (*Spillemyndigheden*)
- Gibraltar Regulatory Authority
- Isle of Man Gambling Supervision Commission
- Italy Gambling Authority AAMS (*L'Amministrazione autonoma dei monopoli di Stato*)
- Kahnawá:ke Gaming Commission
- Malta Lotteries and Gaming Authority
- Norfolk Island Gambling Authority
- Northern Territory Licensing Division
- Northern Territory Racing Commission
- Spanish Gambling Regulator (*Dirección General de Ordenación del Juego*)
- others

Expert speaker at dozens of international conferences re: risk management in online gambling regulation, integrity in sports (sports-betting), and anti-money laundering & counter-terrorism financing in betting and gaming.

2015 → present

Consultant land-based and online gaming regulation, compliance, governance, audits. Customers include:

- Antigua & Barbuda Financial Services Regulatory Commission (FSRC)
 - Betting.Club (audit ISO27001 Annex A – per Northern Territory requirements)
 - bet365 (AML/CFT independent review AML/CTF programme)
 - CrownBet (AML/CFT independent review AML/CTF programme)
 - Flexihedge (Money Laundering Reporting Officer)
 - Jamaica Betting, Gaming and Lotteries Commission (BGLC)
 - Isle of Man Gambling Supervision Commission (audits of Philippines live studios – multiple)
 - Kahnawá:ke Gaming Commission (audit programme training to KGC inspectors)
 - NYX Gaming Group (ISO27001 ISMS Lead Implementer)
 - Palms Casino Vanuatu (AML/CFT Programme)
 - St Kitts & Nevis Financial Services Regulatory Commission (FSRC) and Financial Intelligence Unit (FIU)
 - Complete University of Nevada Las Vegas (UNLV) Course *Casino Auditing for Gaming Regulators*
 - Obtain Accredited ISO27001 ISMS Lead Implementer status
-

Summary of suitability

I was a gambling regulator in the Northern Territory of Australia from Apr-1990 to Dec-1998. During this period I had several roles: starting as a senior technical officer and gaining experience as a senior government casino inspector, and finally Director of Systems (all technology, gaming machines, online gambling).

Regulator (Apr-1990 → Dec-1998)

Community (non-casino) gaming machines

Gaming machines existed in the Northern Territory in an unregulated manner on my commencement. The need to introduce regulation on this historic industry was the reason for the authority's vacancy which I filled. I developed technical standards, approval; approval protocols, licensing protocols, and accounting processes for existing machines. These were draw poker machines unable to dispense cash prizes.

In the mid-1990s government announced a policy to implement full cash based gaming machines. I was responsible for every aspect of the full scope: policy development, drafting notes to Parliamentary Counsel, licensing programme (operators, maintainers, vendors, key persons); machine acquisition; central monitoring system acquisition; establishing a Gaming Machine Commission (I was Secretary to the Commission); negotiating and implementing installation and maintenance contracts; methodology to machine placement; revenue calculation; and revenue collection.

I was a founding member of the Australia & New Zealand National Standards for Gaming Machine Control (policy steering committee and technical working parties).

Casinos

All technical and accounting aspects of all technology in casinos (gaming machines, links, jackpots, Keno, jurisdiction-wide Keno, etc) – final approval of all technology.

Government casino inspector – control systems supervision and audits, AML/CFT oversight, oversight of all table openings, closing, chip fills, player disputes, stock control, counts, banking, revenue calculation, etc, etc).

Later as *Director – Systems* I formed part of the executive risk management team which oversaw withdrawing 24hr * 7-day on-site government inspection to an off-site monitoring and audit programme. Also a member of the executive team responsible for re-writing casino regulation laws to reflect risk-based regulatory approach.

Betting and wagering (including online)

As the technology specialist I was responsible for all audit trails related to the Northern Territory's sports bookmaker industry.

In 1994 wrote a paper about emerging technologies and wrote policy options analysis, this led to the Government of the Northern Territory adopting regulated online wagering circa 1995, with 1996 systems approval. I was responsible for all legislative and regulatory and audit

approaches to ensuring the integrity and revenue calculation of online sports-betting in the Northern Territory.

Online casinos and gaming

Circa 1996, as *Director – Systems*, I was instructed by the Minister Responsible for Gambling to establish a means to grow gambling in the Northern Territory.

Over the ensuing period I managed every aspect of enabling the Northern Territory to establish the first regulated online casino, going live in early 1999.

Consultant (Dec-1998 → present)

Consulting to gambling regulators relating to gaming machines, casinos, betting, licensing, monitoring, audit, and revenue collection. Provide policy analysis and drafting instructions.

Consult to gambling operators relating to compliance programmes, risk management, information security management systems (ISMS), and AML/CFT.

Regulatory clients have included:

- Alderney Gambling Control Commission
- Alexander Gaming Commission
- Antigua & Barbuda Financial Services Regulatory Commission (FSRC)
- Antigua & Barbuda Office of National Drug and Money Laundering Control Policy (ONDPCP)
- Denmark Gaming Authority (*Spillemyndigheden*)
- Great Britain Gambling Commission
- Isle of Man Gambling Supervision Commission
- Jamaica Betting, Gaming and Lotteries Commission
- Kahnawá:ke Gaming Commission
- Norfolk Island Gambling Authority
- Northern Territory Licensing Division
- Northern Territory Racing Commission
- St Kitts & Nevis Financial Services Regulatory Commission; Police; Financial Intelligence Unit; and others

Alan Pedley
alan.pedley@associates.ag

FINANCIAL PROPOSAL

Governance Associates consultants rates are normalised for the purpose of this submission.

RATES: USD 170 per hour (USD 1,360 per day)

TOTAL FEES: USD 40,800 (30 continuous days over 6 months per Terms of Reference)

AIRFARES: at cost OneWorld Economy Class (Caribbean Air or Liat for travel within CARICOM)¹

PER DIEM: USD 350 per day in Port of Spain (includes all costs: entry visa, transport, communications, meals, accommodation, etc)

REFEREES

André Wilsenach

Executive Director

UNLV International Centre for Gaming Regulation

+1 (702) 895-4510

andre.wilsenach@unlv.edu

Jack Shirley

Immediate past Executive Director

Jamaica Betting, Gaming and Lotteries Commission

+1 (876) 401-3317

jackshirley97@gmail.com

¹ If I am not in Australia at the time of travel then airfare will be based on current location (which will be less than from Australia in all foreseeable circumstances).

Walter Fioravanti

wfioravanti@gmail.com

2104 - 83 Redpath Ave.,
[357-1139](tel:357-1139)
Toronto, Ontario, M4S OA2

(Cell) [416 - 357-1139](tel:416-357-1139)

SUMMARY

Retired Senior Vice President, Legal, Regulatory and Compliance, General Counsel and Corporate Secretary of the Ontario Lottery and Gaming Corporation (OLG). My accountabilities also included freedom of information and privacy, accessibility, investigations and security.

I have a record of achievement in the gaming industry having been a key leader at the OLG which is considered to be the largest non-tax revenue generator, government agency in the province of Ontario. At one time it was the 24th largest organization (by profit) in Canada.

I have a wealth of experience and familiarity in the modernization and transformation of Lottery regulatory ecosystems across Canada.

PROFESSIONAL EXPERIENCE

- **Senior Vice President, Legal, Regulatory and Compliance, 2015** **Dec 1990-Aug**
General Counsel and Corporate Secretary of the Ontario Lottery and Gaming Corporation (OLG)
 - Vice President, Legal, OLG 2008-2010
 - Vice President, Human Resources, OLG 2000-2007
 - Vice President, Corporate Services, OLC 1997-1999
 - General Counsel, OLC 1992-1996
 - Corporate Solicitor, OLC 1990-1991
- **Legal Counsel - Polysar Inc. 1990** **1989 –**
- **Legal Counsel - Pepsico Canada. 1989** **1987 –**
- **Legal Counsel - Sara Lee Inc. 1987** **1984 –**
- **Legal Counsel - The Goodyear Tire & Rubber Company 1984** **1981 –**

EDUCATION

Mc Master University 2012	Chartered Director (Governance)	2011-
University of Windsor 2001	Certificate in Alternative Dispute Resolution	
University of Toronto 1999	CHRL Human Resource Management	1998-
York University-Osgoode Law School 1979	Juris Doctor (Law)	1976-
University of Toronto 1976	Commerce	1973-

REFERENCES

- George Sweny
- Anup Kumar

Via Electronic Mail

August 4, 2017

To Whom It May Concern:

My name is Amir Amirsadri, and I am writing to apply as a consultant for the regulatory, legal and Commercial framework governing gambling and gaming sector. I am especially excited about the prospect of working in Trinidad and Tobago as I am very much familiar with the market and its regulations, which I gained the experience during my time in the past working for IGT/GTECH (International Game Technology) I understand the complexity and competitive market in Trinidad and the attention that needs to be paid in order to navigate the market.

If afforded the opportunity to work in this area, I believe that my skills and experience would serve as a strong asset to your need. My experience in analytics and developing, implementing, and overseeing large international marketing campaigns suits this position particularly well. Additionally, my ability to work collaboratively with others serves to foster teambuilding and navigating through the complexities of the market.

I've enclosed my resumé as an attachment for your convenience, and thank you in advance for your time and consideration. Please do not hesitate to contact me if you have any questions or require any further documentation.

Sincerely,

Amir Amirsadri

Amir Amirsadri
LinkedIn Profile
(401) 996-7225
aamirsadria@gmail.com

SUMMARY

International Sales and Marketing Executive with vast knowledge in analytics, business development, team building and account strategy. Broad knowledge in forecasting, new product launches and optimization with strong leadership, team building, and customer interaction. Over 10 years of extensive retail marketing in the gaming industry.

PROFESSIONAL EXPERIENCE

IGT (formerly GTECH Corporation)

With more than 12,000 employees across the globe, IGT is an end-to-end gaming company, providing the government-sponsored and commercial gaming industry with gaming and lottery products through every channel including retail, web, and mobile.

Vice President Sales & Marketing (Latin America & Caribbean)

2014 - 2017

- Oversee the marketing strategy in 10 accounts across the Latin America and Caribbean region for two different business segments - Games and Transaction Processing strategies.
 - Direct the Analytics, Sales and Marketing organizations across ten different accounts to ensure the execution of strategies and optimum results.
 - Working with Marketing, Technology and Account verticals across Latin America and Caribbean in order to develop a comprehensive product strategy before design and implementation resulting in increased revenue and time management.
 - Develop RFP's for selection of advertising agencies and negotiate multi—year contracts for the implementation of sales and marketing strategies.
 - Directly responsible for the launch and enhancement of several high performing products achieving over US\$500 million in incremental revenue.
 - Implemented a strong discipline in providing marketing strategy across all product units including research and analysis, competitive analysis, market segmentation, key account analysis and advertising strategy.

- Streamlined the content development across the region resulting in the implementation of 15 different products.
- Highly recognized as an expert in the gaming industry.

IGT (formerly GTECH Corporation)

IGT is an end-to-end gaming company, providing the government-sponsored and commercial gaming industry with gaming and lottery products through every channel including retail, web, and mobile.

Senior Director – Content & Analytics

2004 - 2014

- Built a team in order to develop a proprietary marketing database, ultimately saving time and increased efficiency in analysis.
- Managed the marketing database which included data and information for the lottery games and products throughout the industry.
- In charge and responsible for the Content Development organization for the creation, development and planning of new content generating millions of dollars in incremental revenue.
- Streamlined the product development process from origin to execution resulting in significant saving in developmental cost and reducing time to market. During this time, launched multiple highly profitable games, some of which were licensed to non-customers.
- Involved in significant customer interaction for market and product launches and optimization.
- Directly involved in the business development through identifying, analyzing and forecasting new prospects resulting in capturing number of new opportunities.

Earlier Positions with IGT:

Director – Marketing and Analysis

- Consulted and negotiated with customers in the implementation of new products in their respective markets resulting in significant profit increases.
- Led and directed a team of highly skilled analysts in the areas of forecasting, game and market analysis, resulting in significant product optimization.
- Identified and analyzed new product opportunities resulting in multi-million dollars in incremental revenue.

- Directly involved in creation, plan and execution of a multi-state game (Mega Millions) across multiple states. Since its inception Mega Millions has generated billions of dollars in additional sales.

EDUCATION

Masters in Applied Statistics, (Michigan State University)

Bachelor of Science in Mathematics, (Eastern Michigan University)

FRANCISCO J. SALAZAR

fsaldela@gmail.com

5930 Langton Dr.
home

(703) 924-0627

Alexandria, VA 22310
cell.

(561) 596-0362

SUMMARY

Results oriented Marketing Professional with direct experience in Gaming and Lottery products and services. Hands on experience in all aspects of: On-line, Interactive, Instant and Sport betting games. Excel at client relationships and working with a wide range of profiles across multiple cultures and groups.

Expertise in: Managing all aspects of lottery and Gaming, Selling, Developing and implementing marketing and

business plans and budgets, Market Research, Product Marketing and Sales, Product development and roll out, Game design and evaluation, Advertising and promotions, Marketing management and Advertising, Retail network development and optimization of it.

Have direct managerial expertise in the Gaming and Lottery industry in Latin America, the Caribbean, Far East, Europe and Canada. Have close knowledge of the markets in: Canada, USA, Spain, Italy, Portugal, Cambodia, Mexico, Guatemala, El Salvador, Nicaragua, Costa Rica, Panama, Ecuador, Colombia, Chile, Peru, Argentina, Brazil, Venezuela, Jamaica, Puerto Rico, Dominican Republic, Trinidad & Tobago, USVI, Barbados, Bahamas, Antigua & Anguilla, St Kitts & Nevis, Saint Marteen, Curacao and other areas of the Caribbean .

Practical and creative, skilled in handling multiple products and projects simultaneously, track and report on them efficiently. Experienced working with external suppliers, also in leading, coaching and developing personnel to achieve desired results. Skilled in handling multiple products and projects simultaneously, track and report on them efficiently. Fully Bilingual (English/Spanish); good skills in Portuguese.

PROFESSIONAL EXPERIENCE

**Independent Consultant - International Marketing, Virginia
to date**

March 08

- Conducted market evaluations and ad-hoc studies for several clients in the Latin America region: Venezuela, Brazil, Peru, Argentina and Panama.
- Provided Marketing support to a major gaming project in Europe; extending work to the implementation phase for nearly 12 months.
- Participated in the implementation of a new channel of distribution for ONCE in Spain with over 8,500 POS. Including new game development (Instants and on line); draw show; marketing and communication support; retailer network development, training and evaluation; hiring and training of the local management team.
- Assisted in the development of Instant games for the Maryland Lottery for 3 months with PBL.

**Gtech Corporation, Rhode Island
January 08**

June 99 to

Latin American Division, Regional Marketing Manager

- Managed regional marketing and marketing services for the Latin American and Caribbean region.
- Conducted business assessments, implementation of projects for new businesses and game launches/enhancements in the region, with full P &L responsibility.
- Directed and supervised Latin American/Caribbean sites in their marketing activities and Lottery related projects; and non-Lottery services including Bill Payment, Money transfer and remote banking.
- Supported all regional marketing needs, including Advertising, promotions and merchandising.
- Directed all research for game enhancements, promotions and new game development.
- Analyzed product contribution and developed line additions that ensure long term viability.

Khmer Lottery Corporation, Cambodia
98 to April 99

November

Senior Management Consultant

- Contracted to assist in the implementation of a diversified Lottery in Cambodia.
- Supervised market development at the starting phase of the business.
- Planned and executed promotions and new game development.
- Supervised the marketing and sales department activities.

Data & Management Counsel, Pennsylvania
October 98

April 98 to

Vice President

- Lead the development of research in the Hispanic markets in the USA.
- Implemented the creation of new business and diversification of current portfolio of clients in the Americas.
- Prepared bid documents and participated in proposals for research services.

Ontario Lottery Corporation, Sault Ste. Marie
April 98

July 90 to

Senior Product Manager
98

July 94 to April

- Launched daily KENO, INSTANT BINGO and \$20-WINTARIO game.
- Increased sales of instant games by 5% over a 3-year span.
- Reduced budget of games under my responsibility, while sustaining/increasing sales.
- Generated savings of 12% in production and advertising expenditures.
- Developed enhancements for different products to ensure their long-term viability, while integrating them to the entire game portfolio.

**Product Manager
to June 94**

July 90

- Changed and led the evolution of Wintario and Lottario into more modern games; increasing their contribution to the bottom line.
- Repositioned Pick 3 game into the main ethnic market (Chinese, Italian) generating over \$1MM in sales per week.
- Directed the development, production, review and delivery of all pieces of broadcast and print advertising related to the products assigned.

A.C. Nielsen of Canada, Toronto

**Marketing Executive Media Research
to June 90**

November 86

- Provided audience data and special analysis on audience behavior for advertising agencies and TV stations.
- Built and maintained a good rapport with assigned clients, yearly sales of \$1MM, while generating incremental new business from a mix of prospects.
- Developed service plan and achieved target sales volumes according to business plan with annual growth of 4.5%.

EDUCATION

The Pennsylvania State University

Master of Business Administration

ESAN-Business School for Graduates

Magister in Business Administration

UNI- National University of Engineering

Bachelor of Science/Industrial Engineering

See accompanying addendum of Professional Training and Trade Presentations (following page)

COMPUTER SKILLS

Microsoft Windows, Excel, PowerPoint, Word, Adobe illustrator, Email, Internet.

PROFESIONAL AFFILIATIONS

- American Marketing Association – AMA
- Penn State alumni Association – PSU

Additional experience and references available on request

PROFESSIONAL TRAINING

Train the Trainer	Hoffman-La Roche, Colombia
Strategies for Successful Presentations	Hoffman-La Roche, Peru
Broadcast Advertising & Research	Ryerson Polytechnic Institute, Toronto
Marketing Management & Research	York University, Toronto
Six Thinking Hats	E. De Bono Inc, Toronto
New Product Development	York University, Toronto
First Lottery College	NASPL-BRIDGE, Sault Ste. Marie
Stephen Covey:" First things first"	MICA Group, Toronto
Database marketing	York University, Toronto
Erewhon Lottery executive Training	World Lottery Association, Connecticut

Account management Development	Gtech Corporation, Puerto Rico
U.S. Hispanic Market seminar	Synovate Research, Miami
Sports Betting Seminar	World Lottery Association, Munich, Germany

TRADE PRESENTATIONS

Case Study: "The Millennium Game"	II Lottery College, 1995 NASPL-BRIDGE; Sault Ste. Marie
"An ethnic multimedia promotional Campaign for the Chinese market in Ontario	Marketing Magazine Forum, 1996 Toronto
Case Study: "Revisiting the Millennium Game"	IV Lottery College, 1997 NASPL-BRIDGE; Sault Ste. Marie
"Retailer Optimization parts I & II " "Promotions for Lotteries"	CIBELAE, 2000 San Juan, Puerto Rico
"Win in an Instant"	NLCB Annual Meeting, 2000 Trinidad-Tobago
"The New Economy Impact on Lotteries"	ALEA, 2000 Argentina
"The making of a winning Lottery Team"	La Marocaine de Jeux Morocco, 2002

"Social Space Games: Numbers, Keno, etc."	World Lottery Association, 2003, Santiago, Chile Lottery Creativity and Product Development Seminar
"EXTRA, an instant on-line Game"	ALEA, 2004 Buenos Aires, Argentina
"The Marketing of On-line Games"	SVL, February 2005 Kingston, Jamaica
"Expo Gtech II"	ETESA, March 2005 Bogota, Colombia
"Creative ideas development"	World Lottery Association, October 2005 Merida, Mexico Creativity and Product Development Seminar
" New distribution channel development "	Logista. October 9 & 10 , 2009 Madrid, Spain Launch and start – up of National network
"Developing Marketing support"	ONCE, March 1, 2010 Madrid, Spain
"A new beginning for a 75 year old business"	A Coruña, Bilbao, Barcelona, Valencia, Malaga, Sevilla and Madrid; April 16 to 30 , 2010

References

Martin Hadek	GTECH
Alfonso Perez Lizaur	Asociacion Mexicana de operadores de Juego
Maria Martinez	GTECH - Colombia
Yvonne Rendon	GTECH printing
Amir Sadri	GTECH
Marty Morrow	GTECH
Richard Bennet	Decima Research

Tricia Chin

43 Wittet Drive, Central Park, Balmain, Trinidad & Tobago
+868 269 4979 • tricia.suzanne.chin@gmail.com

Profile

- Over 10 years' experience in the areas of procurement, corporate law and corporate governance, for government, government agencies and private companies.
- Currently a Legal Consultant with the Ministry of Public Utilities with responsibility for advising on public procurement, contract and regulatory issues, both for the Ministry and for agencies and entities under its responsibility, including WASA, T&TEC, SWMCOL, TSTT.
- Experience supporting and contributing to regional procurement and corporate governance projects.
- In-depth knowledge of the Public Procurement Act and the associated legal requirements for major public utilities projects.
- Proven experience guiding and mentoring junior Attorneys and support staff.

Career Summary

Legal Consultant	Ministry of Public Utilities	Oct 2016 – Present
Junior Legal Specialist	Aquatech(Trinidad) Ltd for SAFEGE (France)	Jul – Oct 2016
Legal Officer II	Ministry of Finance	2013 – 2016
Consultant	Ministry of Planning	2013
Research Fellow	Inter-American Development Bank	2012
Legal Counsel II	Board of Inland Revenue	2006 – 2011
Judicial Research Consultant	Judiciary	2006
Project Worker	Bureau of Standards	2005 – 2006

Expertise

<i>Procurement Policy, Development & Monitoring</i>	<i>Stakeholder Relationship Management</i>
<i>International Projects & International Law</i>	<i>Corporate Governance</i>
<i>Contract Management</i>	<i>Legal Research</i>
<i>Business Communications</i>	<i>Reporting & Publications</i>

Recent Experience, Responsibilities & Achievements

Legal Consultant – Ministry of Public Utilities

The Ministry of Public Utilities is a government Ministry charged with delivering efficient, affordable and quality public utilities services. In addition to the Ministry it houses the following specialist Divisions : Electrical Inspectorate Division, Meteorological Division. The Ministry has responsibility over public utilities agencies and State enterprises including : Water and Sewerage Authority (WASA), Trinidad and Tobago Electricity Commission (T&TEC), Telecommunications Services of Trinidad and Tobago (TSTT), SWMCOL, MTS, TATT (regulatory body), RIC(regulatory body)

Contract role providing advice on procurement, contracts, loans and regulatory reform.

- Developed a Public Procurement Policy and Manual for the Ministry
- Developed an Implementation Strategy for the Ministry given the requirements of the new Public Procurement Act
- Categorised items of expenditure for specialist bodies like the Meteorology Division using the Kraljic matrix etc
- Developed and delivered a training programme in the new Public Procurement Act for the Ministry and its agencies

Junior Legal Specialist – Aquatech Ltd

Contract role responsible for the provision of advice on corporate governance matters for the reform of the Water and Sewerage Authority (WASA) Trinidad and Tobago under an agreement between SAFEGE (France) and Aquatech (Trinidad & Tobago) Ltd;

Legal Officer II – Ministry of Finance

The Ministry of Finance is a government Ministry managing the Trinidad & Tobago economy through the development and implementation of innovative and effective policies. The Minister is also Corporation Sole and is entrusted with the shareholding of all State Enterprises.

- Represented the Ministry of Finance in all legislative review committees and in Parliament for the passage of the Public Procurement Act.
- Member of the Implementation Committee (Ministry of Finance) for the Public Procurement Act.
- Consulted and advised on public procurement matters, including interactions with UNCITRAL, IADB, CARICOM, UNDP.
- Represented the Ministry of Finance in legislative review for Regulations under the Bankruptcy and Insolvency Act.
- Advised on Bankruptcy and Insolvency matters.
- Member of the Ministry of Finance team in negotiating a Final Shareholders Agreement between GORTT/CLF.
- Managed GORTT/CLF Shareholders Agreement and related GORTT/CLF matters.
- Assisted Ministry of Trade and their external counsel in a Countervailing Duties Investigation as initiated under the USA Department of Commerce.
- Assessed matters pending before the High Court and Court of Appeal for continuance and wrote opinions on these as requested.
- Negotiated loan agreements between the Government of the Republic of Trinidad and Tobago and international lending agencies.

- Monitored the provision of services under agreements for sub-contracted legal services (including interactions with local Senior Counsel and foreign counsel – Freshfields etc).
- Advised on contracts for goods and services as well as employment (industrial) matters;

Education & Professional Development

Diploma in Purchasing and Supply	CIPS (UK)	Current
Certificate in Purchasing and Supply	UNDP CIPS	2015
Certificate in Public Procurement	CPI	2014
Certified Anti-Money Laundering Specialist	Assoc. of AML Specialists	2011
European Masters in Transnational Trade Law & Finance	The University of Deusto, Spain	2010
Legal Education Certificate	Hugh Wooding Law School	2005
Bachelor of Laws (LL.B)	University of the West Indies, Barbados	2003

Additional Information

Nationality:	Trinidad and Tobago citizen	
Publications:	- ‘Public Procurement Legislation and related documents in Trinidad and Tobago- a compilation’ – available on Amazon Kindle - Chapter 5, “Public Procurement: Smaller Developing Economy Considerations” – to be published by UWI Press for UWI Mona Campus. Edited by Patrice Pratt. - Trinidad & Tobago Country Report 2013 for Revenue Watch Index 2013	
Affiliations / Memberships:	Law Association of Trinidad and Tobago National Contract Management Association (USA) Chartered Institute of Purchasing and Supply(UK)	
Referees:	Vishnu Dhanpaul Permanent Secretary Ministry of Finance +868 680 1752	Andrea Julien Senior Legal Officer Ministry of Planning +868 681 1711 Anika Farmer Director of Legal Services

Ministry of Public Utilities

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REF#: 001074
June 20, 2017

To the Secretary to the Joint Select Committee on Gambling (Gaming and Betting) Control Bill, 2016

Office of the Parliament Level 3, Tower D,
The Port of Spain International Waterfront Centre 1A
Wrightson Road
Port of Spain

To the Secretary to the Joint Select Committee on Gambling (Gaming and Betting) Control Bill, 2016:

Doyen Gaming Consultants (DGCL) propose our services to provide expert advice on the regulatory, legal and commercial framework that governs the gambling and gaming sector of Trinidad and Tobago. In compliance with the requirements, I hereby confirm that DGCL is available for the entire duration of the assignment. We at DGCL have extensive experience in all Casino related Operations and Gaming Regulations of various jurisdictions. A team of professionals with over 25 years of experience in Regulatory Approvals, Casino Operations, Risk Prevention, Surveillance, Security and Audit, makes it possible for us to develop a remarkable career within the Casino Industry.

At the core of the team at DGCL is Senior Consultant Mr. Stephaun Stanislaus, Attorney of Law Mr. Colin Selvon and IT Specialist Mr. Jamie Richardson.



Mr. Stephaun Stanislaus (Owner Doyen Gaming Consultants Limited): Having over 20 years of gaming experience, working in the **Caribbean** (Antigua and Barbuda) and **South America** (Suriname) has given me the knowledge of their respective gaming regulations. I am also versed in the Gaming Regulations of Grenada, Jamaica, Guyana, Bahamas and USA.

I specialize in the opening and development of Casino Operations both locally and regionally. Establishing Regulatory Approvals, administering Operating Policies, Procedures, and Programs for Marketing, Slots, Live Games and Food & Beverage.

Developing Security and Surveillance policies, Audit and Compliance, Risk Prevention, Senior Management and Budgets Control. Planning and directing Casino activities including Drop, Hard count, Soft count, Analysis and Revenue reporting and Staffing. Developing Marketing and Promotional strategies to achieve performance goals. Ensuring compliance with both local and regional Gaming Regulations.



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Experience:

- Casanovas Members Club 1991 -1997 Dealer to Assistant Manager (Trinidad and Tobago / Antigua)
- Saracen Members Club 1997 – 1999 Operations and Casino Manager
- Island Club Casino 2001 – 2002 Sportsbook Operations
- Ma Pau Members Club 2003 – 2013 Gaming Director (Trinidad and Tobago and Suriname)
- Caribbean Games 2014 – 2015 Consultant
- Castle Group of Companies – 2016 – 2017 Consultant (Doyen Gaming Consultants Limited)
- Doyen Gaming Consultants Limited - Present

Education:

- Toronto School of Business 1999 – 2000 (Canada)
- University of Nevada, Reno 2010 & 2011 (USA)

Skills:

Gaming Regulations, Budgets, CCTV, Event Management, Food & Beverage, Gaming Industry, Hospitality, Leadership, Managers and Employees Training, Marketing Management, Operation Management, Online Gaming, Pre-Opening, Revenue Analysis, Supervisory Skills, Slots Management Live Games Management and Property Management Systems.

References:

Mr. Harrikrishen Baldeo: Acting Assistant Commissioner of Police Homicide Bureau of Investigation. Riverside Plaza Port of Spain – 1-868-759-4032

Mr. Hubert Thode: FIU Compliance Manager. Sunny Group of Companies, Independence Square, Port of Spain – 1-868-731-6315



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Overview of core team members:

Mr. Colin Selvon LLB (Hons.), LEC (Selvon & Co Attorneys-at-Law): is an innovative and successful Attorney at Law, highly effective at developing creative case strategies and writing persuasive briefs. Thrives in dynamic environments and quickly adapts to the ever-changing demands of the legal field. Detail-oriented, conscientious, and organized with over 19 years' experience achieving favorable outcomes in court cases. Well versed in trial preparation, research and drafting legal documents. Tackles cases with great tenacity and an analytical mindset.

Mr. Jamie Richardson (Owner Institute of Corporate Development): is a professional ICT developer and consultant with over 15 years of complex system integration and implementation. Mr. Richardson spent over seven years developing gaming platforms and implementing large scale gaming operations systems. He is currently focusing on evaluating, designing, building and implementing optimal medium and large software applications specializing in enterprise/web/mobile community development based on complex regulatory frameworks and standards.



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Financial Proposal for Doyen Gaming Consultants:

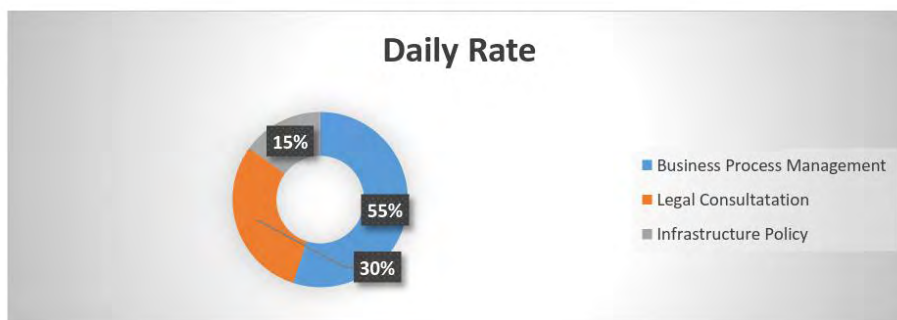
Below is the proposed to execute the work described in this proposal. The budget has been presented in TT Dollars and is inclusive of all necessary cost to do the task. Over the six month period these are the three main aspects of consultancy Areas that has determined the cost of the project.

A Business process management (BPM) approach is needed we will take a systematic approach toward making the gaming industry workflow more effective, more efficient and capable of adapting to an ever-changing environment.

Legal Consultation Professional/Legal opinions regarding the current legislation and regulating the Gaming Industry and procedures of the laws in relation to regional and international standards.

Infrastructure Policy a technical analysis of substructure is needed to forecast the demand for the Gaming Industry's infrastructural services and using specialized models to determine the economic benefits of different infrastructure plans and least-cost planning approaches.

Daily Rate For A 30 Day Period Over Six Months		
Area	Cost	%
Business Process Management	\$ 11,275.00	55%
Legal Consultation	\$ 6,150.00	30%
Infrastructure Policy	\$ 3,075.00	15%
Total	\$ 20,500.00	





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Based on extensive experience from working within the Gaming Industry, including regular trips to Gaming Conventions held in Las Vegas over the years, we at DGCL are equipped to provide expert and in depth knowledge of the Gambling and Gaming Sector in various jurisdictions and critically analyze the present Gambling (Gaming and Betting) Control Bill, 2016.

If there are further questions please do not hesitate to ask.

Thanking you in advance for your kind consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephaun Stanislaus', is placed above the printed name.

Mr. Stephaun Stanislaus
Senior Consultant
DOYEN GAMING CONSULTANTS LIMITED

Annex A : Professional résumés of Governance Associates consultants

A.1 Alan Pedley

Alan is CEO & Principal Consultant.

1976 – 1990	Royal Australian Air Force - Radio Technician, Avionic Systems Engineering
1990 – 1991	Northern Territory Racing, Gaming & Liquor Commission - Senior Technical Officer
1992	Northern Territory Racing & Gaming Authority - Casino Inspector
1993 – 1994	Northern Territory Racing & Gaming Authority - Manager Technology & Community Gaming
1995 – 1998	Northern Territory Racing & Gaming Authority - Executive Officer Systems
1999 – 2004	CEO & Principal Consultant, WWWagering & Gaming Consultants
2004 – 2015	CEO & Principal Consultant, Gaming Associates
2015 →	Principal Consultant, Governance Associates

Alan Pedley has been involved with advanced technology since the end of the 1970's when he was involved with programming F111 automated test stations. A decade later his RAAF career led him to advanced engineering support roles on the F/A-18 Hornet where he was responsible for devising new analysis methods using operational flight software during aircraft fault analysis. Alan's advanced processes remain with F/A-18 engineering procedures to this day.

From April 1990 until December 1998 Alan was responsible for the development and regulation of all technology based gambling within the Northern Territory of Australia¹. Alan was a founding member of the National Standards for Gaming Machine Control, sitting on both the policy steering committee and technical working party for a number of years. His industry knowledge, leadership, and project management skills were a significant factor in the Northern Territory implementing a wide area gaming machine industry in just seven months.

Circa 1993, Alan performed functions as a "senior government inspector" at the Diamond Beach Casino including registration of know-your-customer (KYC) and customer-due-diligence (CDD) for junket activities, and casino audits. Alan was also a member of the executive, which migrated 24 * 7 government oversight of casinos to a risk-based approach.

Alan's passion for technology and his senior role within the Racing & Gaming Authority had him writing papers about the potential for a vibrant e-commerce gambling industry based in Australia (the Northern Territory in particular) in early 1995. As a result, the Northern Territory's Legislative Assembly commissioned studies into the impacts of e-commerce gambling that same year.

Under Alan's guidance and management, the Northern Territory established a world leading position for regulated e-commerce gambling with both bookmakers and casinos operating on-line by 1999, in a controlled regulated manner. Alan's involvement ranged from detailed policy advice, advice relating to drafting notes for

legislation and regulation, to total management of all technological aspects such as devising technical standards and control requirements for systemsⁱⁱ.

In December 1998 Alan left government and started independent consulting, providing advice relating to governance, compliance, and gambling regulation as it applies to technology based activities. Services were fundamentally:

- a. to regulatorsⁱⁱⁱ to ensure an appropriate level of regulation (including legislation, regulations, controls, audit, standards, and evaluation); and
- b. to vendors/operators to enable compliant systems.

Alan appeared before the Senate Select Committee review of Australia's Online Gaming Industry – as an expert witness in 1999^{iv}.

Circa 2004, Alan established Gaming Associates Pty Ltd (50/50 owning partner with Dr Aftab Rizvi). Alan has continued as CEO and a principal consultant with Gaming Associates, concentrating on e-commerce gambling governance, compliance, and regulation (including but not limited to AML/CTF matters). In 2015, Alan migrated from Gaming Associates, which focused on test-house activities to Governance Associates, specializing in consulting and solution delivery.

Alan has spoken at the following **conferences** on matters which included AML/CTF: *Gaming, Racing and Wagering Australia 2015* (GRWA) (Sydney, Australia); *Jamaica Betting, Gaming and Lotteries Commission Gambling Industry Summit 2015* (Kingston Jamaica); *Gaming Regulators European Forum 2015* (GREF) (Vilnius, Lithuania); *Caribbean & Americas Gaming Regulation Forum 2014* (Miami, USA); *Dutch Caribbean Gaming Regulation Forum 2014* (Aruba); *Caribbean Gaming Show & Summit 2014* (San Juan, Puerto Rico); *Caribbean Gaming Authority 2013* (Nassau, Bahamas); *Gaming, Racing & Wagering Australia 2012* (Sydney, Australia); *Gaming, Racing & Wagering Australia 2010* (Sydney, Australia); *Regulated Online Gambling* (National Gambling Board Conference, Durban, Kwa-Zulu Natal, South Africa); *Anti-Money Laundering & Fraud Prevention Conference 2010* (Deep Bay, Antigua & Barbuda); *Sports-Betting & Lotteries Asia 2010* (Tsim Sha Tsui, Hong Kong); and *Prevention of Money Laundering and Terrorist Financing in Casinos and Online Gambling Venues Conference 2008* (Nassau, The Bahamas); and many more from 1999 relating to gaming and wagering compliance and regulation. Alan was also a participant in the *Gaming Law Review and Economics* roundtable *Money Laundering via Gambling Venues* published in August 2009.

During this period Alan has also provided services to the following **regulatory authorities** on gambling regulation matters including but not limited to AML/CTF: Alderney Gambling Control Commission, Antigua & Barbuda Financial Services Regulatory Commission^v; Antigua & Barbuda Office of National Drug and Money Laundering Control Policy^{vi}; Danish Gambling Authority (Spillemyndigheden^{vii}); Great Britain Gambling Commission; Isle of Man Gambling Supervision Commission; Jamaica Betting, Gaming and Lotteries Commission; and the following regulators on gambling regulation (not including AML/CTF) Macao International Law Office; Norfolk Island Gambling Authority; Northern Territory Department of Justice; Northern Territory Racing Commission; and Kahnawá:ke Gaming Commission^{viii}. Alan is currently negotiating terms with several other gambling regulators.

Alan is an Associate Editor of *Gaming Law Review and Economics: Regulation Compliance and Policy*^x. Alan is approved by AUSTRAC as an external auditor for the purposes of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth)^x and a member of the *International Masters of Gaming Law* (IMGL) and the *International Association of Gaming Advisors* (IAGA).

Senior and expert gaming regulation and compliance roles since 1990.

1990 → 1992

Senior Technical Officer / Manager Community Gambling

Commenced with the Northern Territory Racing, Gaming & Liquor Commission as senior technical officer and manager of community gaming. Roles included:

- author, implement, and manage technical standards for community based gaming machines (draw poker, non-cash prizes);
- author, implement, and manage licensing and operational standards for community based gaming machines (draw poker, non-cash prizes);
- author, implement, and manage a performance monitoring programme for all community gaming machines (paper → database);
- establish a technical laboratory for testing of community gaming machine and casino slot machines; and
- establish community gaming licensing and regulatory regime.

1993

Senior Government Casino Inspector

- monitoring casino activities pursuant to Northern Territory laws and casino licence terms; and
- develop a slot monitoring system and integrate with casino slot management system – derive revenue, ensure fairness, etc (note this system uncovered a systemic flaw with a model of slot machines which had hitherto been undetected – this was a global flaw).

1994 → Dec 1998

Executive Officer Systems

- responsible for all regulation pertaining to technology based gambling;
 - totalizator (pari-mutuel) wagering;
 - keno (casino-based integrated with community sales);
 - lottery (Tattersalls community sales);
 - casino slot machines and jackpots;
 - community slot machines (wide-area gaming machine monitoring system);
 - online wagering;
 - online gaming;
- expert witness before Northern Territory Legislative Assembly study into “At home gambling” (1994)
- founding delegate to National Standards for Gaming Machines (technical) working party;
- founding delegate to National Standards for Gaming Machines (policy) steering committee;
- author, implement, and enforce world’s first technical and control systems requirements for online gaming;

- author, implement, and enforce world's first technical and control systems requirements for online wagering;
- acceptance and compliance test programmes for online wagering and online gaming systems;
- acceptance test programme of wide-area slot monitoring system;
- acceptance test programme of totalizator system;
- analysis and monitoring programme for lotteries;
- off-site monitoring programme for online betting operators;
- off-site monitoring programme for online gaming activities; and
- manage staff: economist, accountant, lawyer, electronic engineers, and computer professionals.

1999 → 2000

Consultant

Expert witness before Australian Senate Select Committee study of "Australia's online gambling industries"

Consultant to New South Wales (NSW) Totalizator Administration Board (TAB) – NSW TAB.

- wide area slot machine monitoring system;
- wide area slot jackpot system;
- enhancements tototalizator (pari-mutuel) system;
- online wagering; and
- mobile wagering.

Consultant to:

- ACTTAB – online gaming.
- Norfolk Island Gambling Authority.
- Northern Territory Department of Industries & Business and Racing Commission.

2000 → present

Consultant

Consultant online and terrestrial gaming and betting regulation, compliance, and governance (from legislation, to regulations, technical standards, and regulatory processes). Customers include:

- Alderney Gambling Control Commission
- Alexander Gaming Commission
- Antigua & Barbuda Financial Services Regulatory Commission (FSRC)
- Antigua & Barbuda Office of National Drug and Money Laundering Control Policy (ONDCP)
- bet365 (AML/CTF independent reviewer)
- Denmark Gaming Authority (*Spillemyndigheden*)
- Great Britain Gambling Commission
- Isle of Man Gambling Supervision Commission
- Jamaica Betting, Gaming and Lotteries Commission
- Kahnawá:ke Gaming Commission

- Macao International Law Office
- Norfolk Island Gambling Authority
- Northern Territory Licensing Division
- Northern Territory Racing Commission
- The Ritz Club London (compliance manager)
- Spanish Gambling Regulator (*Dirección General de Ordenación del Juego*)

Conduct audits and examinations pursuant to the requirements of:

- Alderney Gambling Control Commission
- Antigua & Barbuda Financial Services Regulatory Commission (FSRC)
- Antigua & Barbuda Office of National Drug and Money Laundering Control Policy (ONDCP)
- Australian Transaction Reports and Analysis Centre (AUSTRAC)
- Denmark Gaming Authority (*Spillemyndigheden*)
- Gibraltar Regulatory Authority
- Great Britain Gambling Commission
- Isle of Man Gambling Supervision Commission
- Italy Gambling Authority AAMS (*L'Amministrazione autonoma dei monopoli di Stato*)
- Kahnawá:ke Gaming Commission
- Malta Lotteries and Gaming Authority
- Norfolk Island Gambling Authority
- Northern Territory Licensing Division
- Northern Territory Racing Commission
- Spanish Gambling Regulator (*Dirección General de Ordenación del Juego*)

Expert speaker at dozens of international conferences re: risk management in online gambling regulation, integrity in sports (sports-betting), and anti-money laundering & counter-terrorism financing in betting and gaming, and information security management.

2015 → present

Consultant

Consultant online and terrestrial gaming and betting regulation, compliance, and governance (from legislation, to regulations, technical standards, and regulatory processes). Customers include:

- Antigua & Barbuda Financial Services Regulatory Commission (legislation, regulations, licensee examination)
- bet365 (AML/CTF independent reviewer)
- Xela Holdings (AMF/CTF indicators for live-studios)
- Gold Deluxe (live-studio examinations pursuant to Isle of Man Gambling Supervision Commission requirements)
- Isle of Man Gambling Supervision Commission (poker analysis)
- Jamaica Betting, Gaming and Lotteries Commission (various & multiple)

- Flexihedge (Money Laundering Reporting Officer & Gambling Compliance Manager specifications)

Conduct audits and examinations pursuant to the requirements of:

- Antigua & Barbuda Financial Services Regulatory Commission (FSRC)
- Australian Transaction Reports and Analysis Centre (AUSTRAC)
- Isle of Man Gambling Supervision Commission

Expert speaker at dozens of international conferences re: risk management in online gambling regulation, integrity in sports (sports-betting), and anti-money laundering & counter-terrorism financing in betting and gaming, and information security management.

Alan spent 14+ years in the RAAF working with advanced information systems.

From April 1990 until December 1998 Alan was responsible for the development and regulation of all gambling which touched technology within the Northern Territory of Australia^{xi} (NT) (lotteries, bookmakers, pari-mutuel, gaming machines, keno, etc). His industry knowledge, leadership, and project management skills were a significant factor in the NT implementing a wide area gaming machine industry in just seven months. Circa 1992 Alan performed functions as a “casino inspector” including registration of know-your-customer (KYC) and customer-due-diligence (CDD) for junket activities, and casino control system audits.

Alan managed all aspects of the establishment and operation of the Territory-wide slot machine industry: legislation, establishment of Gaming Machine Commission, monitoring, regulation, licensing, acquisition, operation, and maintenance.

Alan’s passion for technology and his senior role within the Racing & Gaming Authority had him writing papers about the potential for a vibrant e-commerce gambling industry based in Australia in early 1995. As a result the NT’s Legislative Assembly commissioned studies into the impacts of e-commerce gambling that same year. He was also on the management committee which devised and implemented formal risk management techniques to enable remote casino monitoring and regulation (in lieu of on-site 24x7 inspectorate).

Under Alan’s guidance and management the NT established a world leading position for regulated e-commerce gambling with both bookmakers and casinos operating on-line by 1999, in a controlled regulated manner. Alan’s involvement ranged from detailed policy advice, advice relating to drafting notes for legislation and regulation, to total management of all technological aspects such as devising technical standards and control requirements for systems^{xii}.

In December 1998 Alan left government and started independent consulting, providing advice relating to governance, compliance, and gambling regulation as it applies to technology based activities. Services were fundamentally:

- to regulators^{xiii} to ensure an appropriate level of regulation (including legislation, regulations, controls, audit, standards, and evaluation); and
- to vendors/operators to enable compliant systems.

Alan appeared before the Senate Select Committee review of Australia’s Online Gaming Industry – as an expert witness in 1999^{xiv}.

Circa 2004 Alan established Gaming Associates Pty Ltd, and in 2015 moved away from testing to focus on consulting through Governance Associates Ltd. Alan is a principal

consultant with Governance Associates, concentrating on e-commerce gambling governance, compliance, and regulation (including but not limited to AML/CTF matters). Alan has spoken at dozens of conferences on matters which included AML/CTF in the gambling industries, including (but not limited to):

Racing, Gaming and Wagering Australia Summit 2015 (Sydney, Australia)^{xv}; Jamaica Betting, Gaming and Lotteries Commission Gambling Industry Summit 2015 (Kingston Jamaica)^{xvi}; Gaming Regulators European Forum 2015 (GREF) (Vilnius, Lithuania)^{xvii}; Caribbean & Americas Gaming Regulation Forum 2014 (Miami, USA); Dutch Caribbean Gaming Regulation Forum 2014 (Aruba); Caribbean Gaming Show & Summit 2014 (San Juan, Puerto Rico)^{xviii}; Caribbean Gaming Authority 2013 (Nassau, Bahamas)^{xix}; Gaming, Racing & Wagering Australia 2012 (Sydney, Australia)^{xx}; Gaming, Racing & Wagering Australia 2010 (Sydney, Australia)^{xxi}; Regulated Online Gambling (National Gambling Board Conference, Durban, Kwa-Zulu Natal, South Africa)^{xxii}; Anti-Money Laundering & Fraud Prevention Conference 2010 (Deep Bay, Antigua & Barbuda)^{xxiii}; Sports-Betting & Lotteries Asia 2010 (Tsim Sha Tsui, Hong Kong)^{xxiv}; and Prevention of Money Laundering and Terrorist Financing in Casinos and Online Gambling Venues Conference 2008 (Nassau, The Bahamas)^{xxv}; and many more from 1999 relating to gaming and wagering compliance and regulation. Alan was also a participant in the Gaming Law Review and Economics roundtable Money Laundering via Gambling Venues published in August 2009^{xxvi}.

During this period Alan has also provided services to the following regulatory authorities on gambling regulation matters including but not limited to AML/CTF: Alderney Gambling Control Commission, Antigua & Barbuda Financial Services Regulatory Commission^{xxvii}, Danish Gambling Authority (Spillemyndigheden^{xxviii}), and Isle of Man Gambling Supervision Commission; and the following regulators on gambling regulation (not including AML/CTF) NT Department of Justice, NT Racing Commission, and Kahnawá:ke Gaming Commission^{xxix}.

- Associate Editor of Gaming Law Review and Economics: Regulation Compliance and Policy^{xxx}
- Authorised external auditor for the purposes of the Australian *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth)^{xxxi}
- Member International Masters of Gaming Law (IMGL).
- Member International Association of Gaming Advisors (IAGA).

A.2 Tony Clark

Tony is a principal consultant.

1988- 1990	Policy Officer: Legislation and Policy Division, NSW Attorney-General's Department
1990 –1992	Senior Policy Officer (Charities and Gaming), NSW Chief Secretary's Department
1992 – 1994	Bills Digester, NSW Parliamentary Research Service, Parliament of New South Wales
1994 – 1996	Senior Policy Officer (Liquor and Gaming), NSW Department of Gaming and Racing
1996 – 1999	Legislative Services Officer, Northern Territory Racing and Gaming Authority
1999 – 2001	Director, Legislative Services Unit, Northern Territory Department of Industries and Business, (specialising in racing, gaming (including lotteries and casinos) , and licensing

2001	Director, Policy and Legislative Development, Planning and Strategic Development Division, Northern Territory Department of Industries and Business (specialising in gambling and licensing)
2002 – 2003	Regulatory, Compliance and Government Relations Manager, Jupiters Limited, and Manager, Regulatory Affairs Centrebet.
2003 – 2012	Executive Officer, Australian Internet Bookmakers Association, Manager, Regulatory Affairs, Centrebet.
2012 – 2015	Principal Consultant, Gaming Associates (focussing on developing AML/CTF programmes for gambling companies)
2015 -	Principal Consultant, Governance Associates.

The principal focus of Tony's working career has been the development of government policy and associated compliance systems.

As a member of the Public Service, his role was the development of policy and the preparation of legislation and other instruments to implement that policy. The policy areas he has been responsible for are extensive, and include:

- rewriting the charities laws in NSW (Chief Secretary's Department);
- gambling laws in NSW (Chief Secretary's Department, later renamed the Department of Liquor Gaming and Racing); and
- gambling, especially internet gambling, and associated business laws in the Northern Territory (Department of Industries and Business). As Director of the Department of Industries and Business, Tony was responsible for the National Competition Policy review and reform of all business laws.

Tony has chaired or been a member of numerous national committees in Australia associated with gambling reform:

- Chair, Australian National Working Party on Interactive Gaming;
- Member, Australian National Working Party on Interactive Wagering;
- Member, Senior Officials Group Supporting the Australian Ministerial Council on Gambling;
- Member, Senior Officials Group Supporting the Council of Australian Governments (COAG), in respect of gambling;
- Member, Australian National Working Party into Gambling Research; and
- Member, Australian National Working Party on Responsible Gambling.

The above list is not exhaustive.

Tony has been involved in the development of internet gambling policy and law reform since 1995, when internet gambling first emerged as an issue for governments, and helped draft the National Regulatory Model for Interactive Home Gambling, one of the first schemes in the world for regulating internet gambling.

He was the Chair of the Group that developed the AusModel, ("Uniform Standards for the Regulation of Interactive Gambling") in 2001, the key elements of which have now adopted by several European countries.

His roles in the Public Service have focused on compliance and regulation, advising both Ministers and Heads of Departments on appropriate responses to issues and incidents.

After joining the private sector, Tony's role was the formulation of policy positions with respect to interactive gambling. This has required submissions to, and interaction with, State and Federal Governments (most recently on proposals to protect the integrity of sports), and bodies such as the Productivity Commission, Australian Crime Commission, Australian Sports Commission and AUSTRAC, as well as sporting, racing authorities across all States and Territories, and community groups interested in gambling issues.

Tony was most recently a member of AUSTRAC's CEO's Consultative Forum, [AUSTRAC is Australia's principal anti-money laundering and counter-terrorism financing agency], and the Executive Officer of the Australian Internet Bookmaker's Association.

He has presented at numerous conferences, and provided evidence to Commissions and Australian Senate inquiries into numerous aspects of gambling law and practice. Importantly, from 1995 onwards, Tony has either been involved with, or been required to maintain a close watch on international developments. His private sector roles have also had a major compliance focus – designing internal systems to ensure corporate compliance with national and international laws. He was the principal point of contact for major compliance issues and queries.

Since commencing with Gaming Associates and now Governance Associates, Tony has worked on several AML/CFT projects developing AML/CFT programmes compliant with Australia's Anti-Money Laundering and Counter Terrorism Financing Act; trained staff of UK online gambling companies with regard to their gambling, AML/CFT, and responsible gambling compliance obligations; trained staff of Financial Intelligence agencies as to gambling risks and threats.

Most recently, Tony was the principal drafts-person of the Gambling Act 2016 of Antigua & Barbuda.

Tony has also provided advice to the Jamaica Betting, Gaming and Lotteries Commission.

ⁱ With the Racing, Gaming & Liquor Commission; Gaming Control Division of Northern Territory Treasury; Racing & Gaming Authority; and finally the Department of Industries and Small Business.

ⁱⁱ "System" means an integrated composite of people, products, and processes that provide a capability to satisfy the stated needs or objectives (derived from US DoD definition).

ⁱⁱⁱ A circa 2002 example (including reference to "Alan Pedley") remains on the NT Government website: http://www.nt.gov.au/justice/licenreg/documents/documents/gaming/fs_ig_applicants_guide.pdf.

^{iv} Australian Government website contains references demonstrating Alan Pedley's appearance before the Senate Select Committee. <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=COMMITTEES;id=committees%2Fcommsen%2F0000349.sgm%2F0006;query=id%3Acommittees%2Fcommsen%2F0000349.sgm%2F0008>
http://www.aph.gov.au/senate/committee?url=it_ctte/completed_inquiries/1999-02/gambling/report/c04.pdf
http://www.aph.gov.au/senate/committee?url=it_ctte/completed_inquiries/1999-02/gambling/report/d01.doc

^v The Financial Services Regulatory Commission's Gaming Division website confirms Alan Pedley was fundamental in establishing a substantial amount of that regulator's regulatory controls [https://www.google.com.au/#q="alan+pedley"+site:antiguagaming.gov.ag](https://www.google.com.au/#q=).

^{vi} Press Release from Antigua & Barbuda's Office of National Drug and Money Laundering Control Policy - <http://ondcp.gov.ag/ondcp-officers-receive-training-from-international-gaming-consultants/>.

- Speaker profile confirms consultancy scope with Spillemyndigheden - <http://www.denmarkonlinegaming.com/speakers.htm>.
- Corroborating evidence that Alan Pedley, from time-to-time, acts as a compliance auditor for the Kahnawake Gaming Commission <http://www.sportsbookreview.com/sbr-news/sportsinteraction-sia-completes-kahnawake-gaming-commission-audit-4989/>.
- The Editorial Board for appears at <http://www.liebertpub.com/editorialboard/gaming-law-review-and-economics-regulation-compliance-and-policy/16/>, confirming Alan Pedley as an Associate Editor.
- AUSTRAC schedule of External Auditors authorised under subsection 164(1) of the AML/CTF Act, citing Alan Pedley's authorisation: http://www.austrac.gov.au/files/authorised_external_auditors_oct2011.pdf.
- With the Racing, Gaming & Liquor Commission; Gaming Control Division of Northern Territory Treasury; Racing & Gaming Authority; and finally the Department of Industries and Small Business.
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- Australian Government website contains references demonstrating Alan Pedley's appearance before the Senate Select Committee.
- <http://searchinfo.nph.gov.au/banhs/search/display/display.asp?db=COMMITTEES&id=committee%2Fcommittee%2F0000349&term%2F0006&query=K%3Acommittee%2Fcommittee%2F0000349&term%2F0008>
- http://www.nph.gov.au/australiancommittee/Publish.cfm?completed_inquiries/1999-02/gamblingreport04.pdf
- http://www.nph.gov.au/australiancommittee/Publish.cfm?completed_inquiries/1999-02/gamblingreport01.pdf
- Alan Pedley's participation in the *Gaming, Racing and Wagering Australia 2015* conference (Sydney, Australia) <http://gamingdownunder.com/2015/speakers/>.
- Alan Pedley's participation in the Betting, Gaming and Lotteries Commission's *Gambling Industry Summit 2015* (Kingston, Jamaica) <http://www.bolg.gov.jm/index/336>.
- Alan Pedley's participation in the *Gambling Regulators European Forum 2015* (Vilnius, Lithuania) <https://grefs.files.wordpress.com/2015/03/gref-vilnius-agenda1.pdf>.
- Alan Pedley's participation in the *Caribbean Gaming Show & Summit 2014* <http://www.yoonet.com/international/fair-and-expos/2014/2014page1>.
- Alan Pedley's participation in the *Caribbean Gaming Summit 2013* (Nassau, Bahamas), <https://docs.com/2013/>.
- Alan Pedley's participation in 2012 Panel titled "Addressing corruption, integrity and regulatory issues in sport", <https://sales.coccol.com/ibeaconevents.com/hk/display/>.
- Conference brochure demonstrating Alan Pedley on the 2010 Panel "Promoting integrity and preventing fraud in online gambling and betting", <http://eslgamblingjournal.org.au/images/brochures/Releases/gamer%20nec.pdf>.
- Magazine article corroborating Alan Pedley's speaking role at the National Gambling Board conference <http://www.mvtribune.com/2010/Gambling-for-Africa/gambling-for-africa-1886-982011052016.htm#>.
- Conference brochure demonstrating Alan Pedley's 2010 presentation "Establishing controls to deal with inherent AML/CTF risks in the gaming industry", <http://ibca-analytica.com/AML%20Compliance%20Seminar%20Brochure%202010.pdf>.
- Conference brochure demonstrating Alan Pedley's 2010 presentation "Latest on fraud detection, screening and identifying cheating in online betting", <http://www.ecogra.org/images/AT577eCOGRA.pdf>.
- Alan Pedley speaking to the 2008 *Conference on the Prevention of Money Laundering and Terrorist Financing at Casinos and Remote Gambling Venues*, <https://www.facebook.com/photo.php?fbid=102572928780766&set=100000241789661&type=3&theater>.
- Alan Pedley's participation in the Gaming Law Review and Economics "How Vigilant Should We Be against Money Laundering: A Roundtable Discussion", published August 2009 - <http://online.liebertpub.com/sia/issue/10.1089/sia.2009.13402>.
- The Financial Services Regulatory Commission's Gaming Division website confirms Alan Pedley was fundamental in establishing a substantial amount of that regulator's regulatory controls <https://www.google.com.au/?q=vilnius-pedley+mlr&rlz=1c14qamgaming.org>.
- Speaker profile confirms consultancy scope with Spillemyndigheden - <http://www.denmarkonlinegaming.com/speakers.htm>.
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