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## **SASKATCHEWAN**

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### **§ 1.01 General Background**

Canadian gaming legislation is rooted in English statute law. Following Confederation, gaming laws were reduced to a general statute and re-enacted in the initial Criminal Code<sup>1</sup> (the “Code”) in 1892.<sup>2</sup> From that time until 1969, only minor amendments were enacted, including the legalization and regulation of raffles held at a bazaar for charitable or religious objects (1901), betting on horses (1910), and gambling events at fairs and exhibitions (1925).<sup>3</sup>

Parliament enacted major changes to gaming legislation in 1969 by conferring authorization on both the federal and provincial governments to conduct and manage lottery schemes. The federal and provincial governments began to use lotteries to fund “worthwhile” activities. The first beneficiary of this activity was the 1976 Montreal Olympics.<sup>4</sup>

In 1985, the Code was amended to give the provinces sole jurisdiction over gaming, with the exception of pari-mutuel wagering.<sup>5</sup> The provinces were granted sole jurisdiction over gaming in exchange for a \$100 million contribution to the 1988 Calgary Olympics and annual contributions to the federal government.<sup>6</sup>

In Saskatchewan, the regulatory body responsible for licensing and regulating gaming is the Saskatchewan Liquor and Gaming Authority (SLGA). The SLGA is also

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<sup>1</sup> Criminal Code, R.S.C. 1985, c. C-46

<sup>2</sup> Judith Osborne and Colin Campbell, “Recent Amendments to Canadian Lottery and Gaming Laws: The Transfer of Power Between Federal and Provincial Governments” (1988), 26 O.H.L.J. 19

<sup>3</sup> C.S. Campbell, T.F. Hartnagel, & G.J. Smith, “The Legalization of Gambling in Canada” (2005), [unpublished, archived at Library and Archives Canada], online: Alberta Gaming Research Institute <[http://www.abgaminginstitute.ualberta.ca/what\\_is\\_a\\_crime.cfm](http://www.abgaminginstitute.ualberta.ca/what_is_a_crime.cfm)> at p.14.

<sup>4</sup> Ibid. at 15.

<sup>5</sup> Ibid. at 17.

<sup>6</sup> Ibid. at 17.

responsible for regulating two gaming corporations: the Saskatchewan Gaming Corporation (“Sask Gaming”) and the Saskatchewan Indian Gaming Authority (SIGA).

Sask Gaming was created by the Saskatchewan Gaming Corporation Act<sup>7</sup> in 1994. The purpose of Sask Gaming is to establish and operate casinos in Saskatchewan; to conduct and manage games of chance in casinos; and to establish and operate, or to provide for the establishment and operation of, any business or activity that it considers reasonably related to operating a casino.<sup>8</sup>

In 1995, the government of Saskatchewan and the Federation of Saskatchewan Indian Nations (FSIN) introduced the Gaming Framework Agreement: legislation designed to protect the interests of First Nations in the area of gaming. In June 1995, the FSIN First Nations Gaming Act was created by the First Nations Governments of Saskatchewan in Legislative Assembly.

Pursuant to the FSIN First Nations Gaming Act, the SIGA was established.<sup>9</sup> The SIGA is a management body responsible for the daily management and operation of accounting and auditing systems, the conduct of casino activities, the procurement and maintenance of gaming equipment and the casino’s game delivery, and security and surveillance.<sup>10</sup>

The first casinos were introduced in Saskatchewan in the early 1960s. These casinos were not provincially run and were not established under the current regulatory framework. The last casino from this era to close was the Emerald Casino, formerly located at Prairieland Park in Saskatoon. The casino closed in 2007 in order to make way for the opening of the Dakota Dunes Casino on the Whitecap First Nation.<sup>11</sup>

Currently, there are eight casinos in Saskatchewan. Sask Gaming operates two casinos and SIGA operates six casinos.<sup>12</sup> SIGA-operated casinos are deemed to be “charitable” casinos.<sup>13</sup> As of March 2008, there were 2,665 slot machines and 97 gaming tables in Saskatchewan casinos.<sup>14</sup>

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<sup>7</sup> Saskatchewan Gaming Corporation Act S.S. 1994, c. S-18.2,

<sup>8</sup> *Ibid.*, s.4(c)

<sup>9</sup> Saskatchewan Indian Gaming Authority Inc., “Sharing Success” SIGA – Corporate, online: Saskatchewan Indian Gaming Authority Inc. <<http://www.siga.sk.ca/corporate.html>>.

<sup>10</sup> *Ibid.*

<sup>11</sup> Government of Saskatchewan, News Release “Government Sets Conditions for Emerald Casino Closure” (26 Sept. 2005), online: Government of Saskatchewan <<http://www.gov.sk.ca/news?newsId=d51196a8-25ad-4978-8008-f452795ca94a>>

<sup>12</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, “How many casinos are there in Saskatchewan?”, *FAQs: Casinos* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.sлга.gov.sk.ca/x3731.xml#howmanycasinos>>.

<sup>13</sup> Canadian Partnership for Responsible Gambling, “Canadian Gambling Digest 2007-2008” (1 April 2009), online: Canadian Partnership for Responsible Gambling at 5 <<http://www.cprg.ca/digest.cfm>>.

<sup>14</sup> Saskatchewan Liquor and Gaming Authority, *Annual Report* (2008 July), online: Saskatchewan Liquor and Gaming Authority at 53 <<http://www.sлга.gov.sk.ca/x3730.xml>>.

The first provincially run casino established in Saskatchewan was Casino Regina. Casino Regina opened in January 1996 and is operated by Sask Gaming.<sup>15</sup> The building was once a train station and is a provincial heritage property.<sup>16</sup> The first casino operated by SIGA was the Gold Eagle Casino. The Gold Eagle Casino is located in North Battleford, Saskatchewan, and opened in February 1996.<sup>17</sup>

The SLGA owns and manages all Video Lottery Terminals (VLTs) and slot machines at SIGA-run casinos.<sup>18</sup>

VLTs have been operating in Saskatchewan since 1993. VLTs are only permitted in age-restricted, liquor-licensed establishments. As of March 2008, there were 3,975 VLTs at 660 sites in 315 communities in Saskatchewan. The maximum number of VLTs permitted by law in Saskatchewan is 4,000.<sup>19</sup> The SLGA operates the VLT program in conjunction with the Western Canada Lottery Corporation (WCLC).<sup>20</sup>

There are three horseracing facilities in Saskatchewan: Marquis Downs Racecourse (Saskatoon), the Melville Agri-Park and the Yorkton Exhibition Park. Saskatchewan has six teletheaters<sup>21</sup> but no “racinos.”<sup>22</sup> As of March 2008, Saskatchewan had 16 bingo halls.<sup>23</sup>

## § 1.02 Size of Industry and Importance to the Economy

### [A] – Net Profits and Distributions

#### **SIGA**

In 2007-08, SIGA’s net profit was approximately \$60.3 million.<sup>24</sup> Fifty percent of net profits from SIGA-operated casinos are given to the First Nations Trust, 25 percent to the General Revenue Fund of the Government of Saskatchewan, and 25 percent to Community Development Corporations.<sup>25</sup>

<sup>15</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, “Who operates casinos Regina and Moose Jaw?”, *FAQs: Casinos* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#jaw>>.

<sup>16</sup> Canada’s Historic Places, “Union Station,” *Canadian Registry of Historic Places*, online: Canada’s Historic Places <[http://www.historicplaces.ca/visit-visite/com-ful\\_e.aspx?id=2782](http://www.historicplaces.ca/visit-visite/com-ful_e.aspx?id=2782)>.

<sup>17</sup> *Supra.* note 14 at 11.

<sup>18</sup> Slot Machine Act, R.S.S. 1978, c. S-50, s. 3.

<sup>19</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, “How many VLTs are there in Saskatchewan?”, *FAQs: VLTs* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#Saskatchewan>>.

<sup>20</sup> *Supra.* note 14 at 10.

<sup>21</sup> *Supra.* note 13 at 2.

<sup>22</sup> Alberta Gaming Research Institute, “Casino and Racino Facilities in Canada by Province,” *Canada Casinos – Alberta Gaming Research Institute – University of Alberta* (December 2008), online: Alberta Gaming Research Institute <[http://www.abgaminginstitute.ualberta.ca/Canada\\_casinos.cfm](http://www.abgaminginstitute.ualberta.ca/Canada_casinos.cfm)>.

<sup>23</sup> *Supra.* note 14 at 53.

<sup>24</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, “Who operates the six First Nations casinos?”, *FAQs: Casino* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#casinos>>.

<sup>25</sup> *Ibid.*

## **Sask Gaming**

In 2007-2008, the net profit earned by Sask Gaming was approximately \$43.8 million.<sup>26</sup> Fifty percent of net profits from Sask Gaming-operated casinos accrue to the General Revenue Fund of the provincial government, 25 percent to the First Nations Trust, and 25 percent to the Community Initiatives Fund.<sup>27</sup>

## **VLTs**

Revenues from VLTs are divided between the provincial government and site contractors (owners of establishments where VLTs are located). The provincial government receives 85 percent of VLT revenues and site contractors receive 15 percent.<sup>28</sup> Provincial net income from VLTs was \$185.2 million in 2007-2008, and site contractor revenues were \$39.9 million.<sup>29</sup>

## **Revenue to Charitable Organizations and Governments**

The First Nations Trust has been in operation since 2003.<sup>30</sup> Disbursements from the First Nations Trust support economic development, social development, justice, health, education, culture and other First Nations initiatives.<sup>31</sup> The General Revenue Fund is used to fund services such as highways, healthcare and education.<sup>32</sup>

Community Development Corporations were created in 2002 under the Gaming Framework Agreement between the Federation of Saskatchewan Indian Nations (FSIN) and the government of Saskatchewan.<sup>33</sup> Monies are given to Community Development Corporations to support charities in the areas where casinos are located.<sup>34</sup> The Community Initiatives Fund provides grants to community initiatives that enhance human development and community vitality.<sup>35</sup>

In the fiscal year ending March 31, 2008, 3 percent of the revenue of the government of Saskatchewan was derived from gaming, the highest percentage of all provinces except Alberta.<sup>36</sup>

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<sup>26</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "Who operates Casinos Regina and Moose Jaw?", *FAQs: Casino* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#jaw>>.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Supra.* note 14 at 28.

<sup>29</sup> *Ibid.* at 53.

<sup>30</sup> First Nations Trust, "A Message From the First Nations Trust Board of Trustees," *First Nations Trust* (2009), online: First Nations Trust <<http://www.firstnationstrust.com/about.html>>.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> First Nations and Metis Relations, "Community Development Corporations," *Government of Saskatchewan* (2009), online: First Nations and Metis Relations <<http://www.fnmr.gov.sk.ca/Default.aspx?DN=fb09d405-3531-4b34-9452-5595d63cc908>>.

<sup>34</sup> *Ibid.*

<sup>35</sup> Tourism, Parks, Culture and Sport, "Community Initiatives Fund (CIF)," *Government of Saskatchewan* (2009), online: Tourism, Parks, Culture and Sport <<http://www.tpcs.gov.sk.ca/CIF>>.

<sup>36</sup> *Supra.* note 13 at 12.

## **[B] – Employment and Household Expenditures**

As of March 31, 2008, 1,716 people were employed in SIGA-run casinos and 1,050 people were employed in casinos operated by Sask Gaming. Of the 1,716 people employed in SIGA-run casinos, 82 percent are of Aboriginal heritage.<sup>37</sup>

Between April 2007 and March 2008, Saskatchewan residents over the age of 18 spent an average of \$816 on government-operated gaming, the second most in Canada (behind Alberta).<sup>38</sup>

## **§ 1.03 Regulation**

### **[A] – Forms of Authorized Gaming**

Charities conduct and manage bingo, raffles, break-open (pull-tab) tickets, Texas Hold 'em poker and Monte Carlo (mock casino) events.<sup>39</sup> The SLGA has authority to conduct and manage lottery schemes in Saskatchewan.<sup>40</sup> Lotteries are conducted and managed by the province and in conjunction with the WCLC. Pari-mutuel horseracing is operated by the province and regulated by the SLGA and the federal government.

Casinos are operated by SIGA and Sask Gaming and are regulated by the SLGA and the Indigenous Gaming Regulators (IGR).

### **[B] – Regulatory Structure**

#### ***Main Regulatory Body***

SLGA: SLGA is the Treasury Board Crown Corporation responsible for the regulation and control of gaming in Saskatchewan. It licenses and regulates casino gaming in the province and most of the related licensing and registration.

#### ***Casino Gaming***

Sask Gaming: Operating under the authority and supervision of the SLGA, Sask Gaming is responsible for two casinos: Casino Regina and Casino Moose Jaw.

SIGA: SIGA is responsible for the daily management and operation of six casinos in Saskatchewan: Gold Eagle Casino in North Battleford, Northern Lights Casino in Prince

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<sup>37</sup> *Supra.* note 24.

<sup>38</sup> *Supra.* note 13 at 7.

<sup>39</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "What does charitable gaming include?", FAQs: *Charitable gaming* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#whatdoescharitable>>.

<sup>40</sup> Alcohol and Gaming Regulation Act, 1997, S.S. 1997, c. A-18.011, s. 12.

Albert, Bear Claw Casino on the White Bear First Nation, Painted Hand Casino in Yorkton, Dakota Dunes Casino on Whitecap Dakota First Nation, and Living Sky Casino in Swift Current.

SIGA's authority is derived from the First Nations Gaming Act, FSIN legislation created pursuant to the Gaming Framework Agreement, and the Casino Operating Agreement entered into by FSIN with the government of Saskatchewan.<sup>41</sup> Certain activities in SIGA-operated casinos are regulated by the IGR under the supervision of the SLGA.

### ***Charitable Gaming***

Charitable gaming in Saskatchewan is regulated by the Charitable Gaming Licensing Branch of the SLGA and the IGR.<sup>42</sup>

Charitable Gaming Licensing Branch: The Charitable Gaming and Licensing Branch issues to charitable or religious organizations licenses for bingo, break-open tickets, raffles, Texas Hold 'em and Monte Carlo.<sup>43</sup>

IGR: Under the 2002 Agreement between FSIN and the provincial government, IGR has exclusive authority on designated First Nations lands to issue charitable gaming licenses.<sup>44</sup> The IGR must receive permission in the form of a Band Council Resolution before the IGR can license and regulate an on-reserve gaming activity.<sup>45</sup> The IGR is not permitted to license or regulate VLTs.<sup>46</sup>

### ***Gaming Employee and Gaming Supplier Registration***

The Regulatory Compliance division of the SLGA is responsible for registering all gaming employees and all suppliers providing gaming and non-gaming products (who are not exempt from registration) in Saskatchewan.<sup>47</sup> The IGR is responsible for licensing on-reserve gaming employees and gaming suppliers.<sup>48</sup>

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<sup>41</sup> *Supra.* note 9.

<sup>42</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "Charitable Gaming Licensing," *Division Information: Regulatory Compliance Division* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3726.xml>>.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Supra.* note 9.

<sup>45</sup> Indigenous Gaming Regulators Inc., "What is the difference between IGR and SLGA?," *Frequently Asked Questions* (28 Jan. 2009), online: Indigenous Gaming Regulators Inc. <[http://www.igr.ca/frequent\\_questions.php](http://www.igr.ca/frequent_questions.php)>.

<sup>46</sup> *Supra.* note 1, s. 207(1)(a).

<sup>47</sup> *Supra.* note 41.

<sup>48</sup> Indigenous Gaming Regulators Inc., "Welcome to the Indigenous Gaming Regulators Website," *Indigenous Gaming Regulators Inc.*, online: Indigenous Gaming Regulators Website <<http://www.igr.ca>>.



## **§ 1.04 Games**

### **[A] – Procedure**

The SLGA is responsible for the approval of table games in Sask Gaming-operated casinos. The IGR is responsible for recommending to the SLGA the approval of table games in SIGA-operated casinos. Before a table game may be offered by Sask Gaming or SIGA, the following information must be submitted for approval by an applicant:

- (i) the rules of play;
- (ii) the types of bets that may be made;
- (iii) the betting limits;
- (iv) how any jackpots will be used;
- (v) the method of play;
- (vi) a description of any equipment used in play;
- (vii) the theoretical advantage of the casino for the game;
- (viii) a copy of the mathematical analysis done by an independent third party used by the corporation to assist in game selection.<sup>49</sup>

### **[B] – Types of Games Allowed**

The following table games are approved for use in Saskatchewan Casinos (as of May 2009): blackjack, progressive blackjack, craps, roulette, (single and double zero), baccarat, mini baccarat, Red Dog, three-card poker, Caribbean poker, Phil 'em Up, Let It Ride, Casino War, Big Wheel, Tres Card Stud and sic-bo.

There are 21 poker tables in Saskatchewan casinos, nine poker tables in casinos operated by Sask Gaming, and 12 tables at SIGA-operated casinos. The approved poker games in Saskatchewan casinos are Texas Hold 'em (limit), Texas Hold 'em (no limit), Seven Card Stud, and Omaha (high) and Omaha (high/low).

There is no pari-mutuel horserace betting offered in Saskatchewan casinos. Bets can be placed at one of Saskatchewan's three racetracks, six teletheaters, or through telephone or Internet betting.<sup>50</sup> Betting is also offered on simulcast machines, which fall under the jurisdiction of the Canadian Pari-mutuel Agency, the federal agency responsible for supervising, regulating and controlling wagering on horse races.

Sports wagering is not available at Saskatchewan casinos. In Canada, betting on sports is done through a sports lottery parlay game offered independently by each gaming jurisdiction. Sports betting in Saskatchewan is operated by the WCLC. The WCLC operates lotteries in Saskatchewan, Alberta and Manitoba.

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<sup>49</sup> The Saskatchewan Gaming Corporation Casino Regulations, 2002, R.R.S. c. A-18.011 Reg. 3, s. 4(1); see also Government of Saskatchewan, 2007 Licensing Agreement Between SLGA and IGR: Terms and Conditions for Saskatchewan Indian Gaming Authority Table games, s.3 <[www.igr.ca/pub\\_docs/appendix/Appendix%20D%20-%20Table%20Games%20T%20&%20C's.pdf](http://www.igr.ca/pub_docs/appendix/Appendix%20D%20-%20Table%20Games%20T%20&%20C's.pdf)>.

<sup>50</sup> See, for example <<http://horseplayerinteractive.com>>.

## **[C] – Betting Limits**

Betting limits for all games of chance must be submitted to the SLGA or IGR for approval. Betting limits must be clearly posted at the site of each game of chance.<sup>51</sup>

## **[D] – Rules**

Rules of play must be submitted to and approved by either the SLGA or IGR.<sup>52</sup> Rules of play and house advantage information must be made available to patrons of the casinos.<sup>53</sup>

## **§ 1.05 Licensing & Registration**

### **[A] – Types**

Gaming employees, suppliers, regulators and directors must be registered with the SLGA.<sup>54</sup> Licenses are granted to authorize charitable gaming, lotteries, horseracing and VLTs. Generally, the licensing branch of the SLGA issues licenses, but for smaller operations, a potential licensee can apply to a local branch of the SLGA to receive a “local authority license.”<sup>55</sup>

### ***Gaming Employees***

All gaming employees must register with the SLGA. Gaming employees are persons employed in a gaming-related capacity by a charitable gaming licensee, a gaming supplier, or a casino or bingo association.<sup>56</sup> Casino board members, certain management employees, and other persons designated by the SLGA must also register as gaming employees.<sup>57</sup>

### ***Gaming Suppliers***

All companies providing gaming supplies must register with the SLGA unless:

- (i) the business of the company is regulated by the government of Saskatchewan or of Canada, or an agency of either of those governments, and the regulating body carries out due diligence investigations that are satisfactory to SLGA; or

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<sup>51</sup> *Supra.* note 49, s. 9

<sup>52</sup> *Ibid.*, s. 5(1)

<sup>53</sup> *Ibid.*, s. 5(2)

<sup>54</sup> *Supra.* note 40, s. 2.

<sup>55</sup> *Supra.* note 40, s. 141

<sup>56</sup> *Supra.* note 40, s. 146(1)(a)

<sup>57</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, “What is a Gaming Employee,” *FAQs: Gaming employee registration* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#employee>>.

- (ii) the company is the member of a professional organization established by law to regulate its members.<sup>58</sup>

If the SLGA determines it to be in the public interest, it may require registration of an otherwise exempt company.<sup>59</sup>

All providers of non-gaming supplies are exempt from registration except those providing:

- (i) casino workers working in the gaming area of a casino, or areas not normally open to the public, on an ongoing basis without escort (e.g., cleaning or maintenance staff);
- (ii) an influence on the layout or design of a casino (e.g., architects); or
- (iii) financial services that are not otherwise regulated by the government of Canada or the government of Saskatchewan.<sup>60</sup>

### ***Gaming Regulators and Gaming Directors***

To become a registered gaming regulator, an applicant must satisfy the SLGA of her or his good character and suitable training and experience.<sup>61</sup> Good character is determined by SLGA after its review of an applicant's personal, financial and criminal history.<sup>62</sup>

### ***Operators***

In Saskatchewan, casinos are operated by either Sask Gaming or SIGA.

### ***Landlords***

If the landlord providing the use or possession of the gaming establishment has an interest in the operation or conduct and management of a lottery scheme carried out in the gaming establishment, the landlord must be registered as a licensed gaming supplier.<sup>63</sup>

### ***Junket Representatives***

Junket representatives are not licensed by the SLGA. Junket services must sign a contract with the casino and be licensed to operate a bus tour in Saskatchewan.

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<sup>58</sup> Ibid.

<sup>59</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "Who needs to register," *FAQs: Gaming supplier registration* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#register>>.

<sup>60</sup> Gaming Regulations, 2007, R.R.S. c. A-18.011 Reg. 5, s. 5(1).

<sup>61</sup> *Supra.* note 40, 146(1)(b).

<sup>62</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "Gaming Employee Application for Certificate of Registration" (January 2007), online: Saskatchewan Liquor and Gaming Authority, at iii <<http://www.slga.gov.sk.ca/x5857.xml>>.

<sup>63</sup> *Supra.* note 60, 140(1)(a).

### ***Information Services***

The category of “information services provider” does not apply in Saskatchewan because there is no sports betting in Saskatchewan casinos.

### ***Service Industries***

There are no registration requirements for industries that service Saskatchewan casinos unless they are classified as a “registered gaming worker” or a “registered gaming supplier.”

### ***Race Books and Sports Pools***

Race books and sports pools are not conducted at licensed Saskatchewan casinos. Certain Saskatchewan casinos have lottery terminals inside the casino facilities where sports lottery parlay bets can be made. See “Games” section herein for an explanation of how bets on horse races and sporting events are conducted in Saskatchewan.

### ***Disseminators***

A disseminator is a person who provides to the operator with race book information that is used to determine winners or payoffs on wagers accepted at the race book.<sup>64</sup> Neither Saskatchewan law nor federal law regulates this activity.

### ***Lenders***

All persons or businesses providing financial services must register as a supplier unless:

- (i) the business is regulated by the government of Saskatchewan or Canada, or by an agency of either of those governments, and the regulating body carries out due diligence investigations that are satisfactory to the authority; or
- (ii) the supplier is a member of a professional organization established by statute to regulate the members of the professional organization.<sup>65</sup>

### ***Labor Organizations***

A labor organization providing gaming workers to a casino must be registered as a gaming supplier.<sup>66</sup>

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<sup>64</sup> Jim Kilby, Jim Fox and Anthony Lucas, *Casino Operations Management* (New York: Wiley & Sons, 1998) at 348.

<sup>65</sup> *Supra.* note 60, s. 5(2)(b).

<sup>66</sup> *Ibid.*, s. 5(1)(a)

## **Charitable Gaming Licenses**

In Saskatchewan, depending on jurisdiction, charitable and religious organizations may apply to the SLGA or the IGR for a charitable gaming license.<sup>67</sup> A charitable gaming license can be issued for raffles, bingo, Texas Hold 'em poker, Monte Carlo events, and break-open tickets.<sup>68</sup>

The four categories of charitable purpose recognized in Canada are:

- (i) relief of poverty;
- (ii) advancement of education;
- (iii) advancement of religion; and
- (iv) other purposes of broad community benefit.<sup>69</sup>

Charitable groups and organizations can apply for a charitable gaming grant, whereby they will receive 25 percent of their net revenues raised from charitable gaming activities.<sup>70</sup> Grants are issued quarterly to charities licensed by the SLGA and the IGR.<sup>71</sup>

### **Bingo**

Bingo licenses can be Class A, B or C, or Class C restricted.<sup>72</sup>

### **Break-Open Tickets**

Applicants approved for a break-open ticket license must purchase their tickets from Pollard Banknote Limited, the sole lawful distributor of break-open tickets in Saskatchewan.<sup>73</sup>

### **Monte Carlo**

Owners of a Monte Carlo (mock casino) license are entitled to have blackjack tables and wheel games only.<sup>74</sup> Monte Carlo licensees are allowed to hold a maximum of twelve Monte Carlo events annually.<sup>75</sup>

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<sup>67</sup> *Supra*. note 60.

<sup>68</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "How do I apply for a charitable gaming license?", *FAQs: Charitable Gaming* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://slga.gov.sk.ca/x3731.xml#licence2>>.

<sup>69</sup> *Amateur Youth Association v. Canada (Revenue Agency)*, [2007] 3 S.C.R. 217, 2007.

<sup>70</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "What is the charitable gaming grant program?", *FAQs: Charitable Gaming Grants* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://slga.gov.sk.ca/x3731.xml#gaminggrantprogram>>.

<sup>71</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "When are the grant payments issued?", *FAQs: Charitable Gaming Grants* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://slga.gov.sk.ca/x3731.xml#grantpaymentsissued>>.

<sup>72</sup> See *Supra*. note 67, s. (2) for the differences between the licenses.

<sup>73</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "Break-open Vending Machine Program" *Division Information: Gaming Operations Division* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3726.xml>>.

### ***Texas Hold 'em***

Owners of a Texas Hold 'em license are entitled to hold a Texas Hold 'em poker night.<sup>76</sup> Texas Hold 'em licensees are allowed to hold a maximum of 12 Texas Hold 'em tournaments annually.<sup>77</sup>

### ***Raffles***

There are four types of raffle licenses: a Municipal Raffle License, a Regular Raffle License, a Large Raffle License, and a Public Amusement Raffle License.<sup>78</sup>

### ***VLT Licenses***

In order to be eligible to participate in the VLT program, the establishment must hold a certain type of liquor permit and have a minimum of 30 seats in the age-restricted area of the establishment.<sup>79</sup> In addition to completing the application form, potential VLT contractors must also undergo a criminal record check, sign an agreement to comply with the rules and responsibilities of being a VLT site contractor, establish an auto pay trust account, and submit a floor plan identifying where VLTs will be situated.<sup>80</sup> VLT sites have between three and 12 VLTs; new sites are allowed three VLTs.

### ***Horseracing License***

Anyone directly involved in horseracing (i.e., owners, jockeys, association employees, stable employees) must be licensed by SLGA.

## **[B] – Entities**

### ***Individuals/Sole Proprietors***

Any person who is a Canadian citizen or lawfully admitted permanent resident of Canada and who is over the age of 19 (16 if applying to work at a bingo hall) is eligible for registration.<sup>81</sup>

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<sup>74</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "Texas Hold 'Em & Monte Carlo" *Division Information: Regulatory Compliance Division – Charitable Gaming Licensing* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x6647.xml>>.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "Application Forms" *Division Information: Regulatory Compliance Division – Charitable Gaming Licensing* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://slga.gov.sk.ca/x3640.xml>>.

<sup>79</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "VLT Handout," *Division Information: Gaming Operations Division – Video Lottery Terminal Program* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://slga.gov.sk.ca/x3614.xml>>.

<sup>80</sup> Ibid.

<sup>81</sup> *Supra.* note 62 at 16.

## ***Corporations***

When a corporation applies for a license or registration, its “key persons” must fill out a personal disclosure form. Key persons include:

- (i) suppliers of gaming and non-gaming supplies and services who are individuals or partners;
- (ii) a person who owns 5 percent or more of a supplier’s business;
- (iii) a person who, in the opinion of the SLGA, has control over, has provided direct or indirect financing to, or has a beneficial interest in the supplier, the supplier’s business or an affiliated corporation of the supplier; and
- (iv) members of the board of directors, key stakeholders, officers and senior executives (including but not limited to the CEO, CFO, executive directors and vice presidents).<sup>82</sup>

A corporation must notify the SLGA of any changes in ownership, officers, directors or shareholders having more than a 5 percent interest in the business. A corporation must also notify the SLGA of any changes in its business location or contact person and changes to the nature of the supplies and services to be provided.<sup>83</sup>

## ***Partnerships***

When a partnership applies for a license or registration, all of the partners must provide their requisite information.<sup>84</sup>

## ***Qualified Institutional Investors***

Certain institutional investors do not have to register as gaming suppliers, as they are regulated under other statutes.<sup>85</sup> These investors include banks and credit unions.<sup>86</sup>

## ***Foreign Investment***

There are no restrictions on foreign investment or ownership in companies that are registered gaming suppliers.<sup>87</sup> It should be noted, however, that any business or key person who has been denied a gaming or non-gaming registration or similar license in another jurisdiction is not eligible for registration.<sup>88</sup> All key persons who are not citizens

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<sup>82</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, “Gaming and Non-Gaming Supplies and Services Application for Certificate of Registration” (June 2008), online: Saskatchewan Liquor and Gaming Authority, at 3 <<http://www.sлга.gov.sk.ca/x7699.xml>>.

<sup>83</sup> *Ibid.* at 9.

<sup>84</sup> *Ibid.* at 3.

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.* at 9.

<sup>88</sup> *Ibid.* at 5.

of Canada and reside outside of Canada must provide a criminal record check from their local police agency.<sup>89</sup>

## **[C] – Qualifications**

### ***Character***

In assessing the eligibility of all registrants, the SLGA will determine whether a person is of good character. This is determined by a review of an applicant's personal, financial and criminal history. The most important factor determining good character is the review of an applicant's criminal history.<sup>90</sup> The review may include, but is not limited to:

- (i) the circumstances of any criminal investigations related to the applicant;
- (ii) the nature of any criminal charges;
- (iii) the disposition or sentence received by the applicant;
- (iv) the amount of time since the applicant's last offense;
- (v) any rehabilitative efforts made by the applicant; and
- (vi) any treatment received.<sup>91</sup>

### ***Training and Experience***

Education and work experience are the primary factors used by SLGA in their review of the training and experience of gaming employee, gaming director and gaming regulators applicant. This review may include, but is not limited to, the applicant's:

- (i) educational qualifications;
- (ii) gaming experience; and
- (iii) recent training.<sup>92</sup>

### ***Financing***

Any person having direct or indirect interest over a gaming supplier is considered a key person and must complete a personal disclosure form.<sup>93</sup> Financial statements from the last three years of the business applying to be a registered gaming supplier must be submitted to the SLGA for review.<sup>94</sup> Applicants must be financially stable with a history of financial solvency.<sup>95</sup> Outstanding loans and financial obligations of an applicant will be considered by the SLGA in evaluating an application.<sup>96</sup>

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<sup>89</sup> Ibid. at 4.

<sup>90</sup> *Supra.* note 62 at iii.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> *Supra.* note 82, at 8.

<sup>95</sup> Ibid, at 4.

<sup>96</sup> Ibid. at 14.



## ***Business Competency***

In addition to being financially stable with a history of financial solvency, a gaming supplier applicant must be capable of providing the required supplies and services.

## ***Ineligibility***

A business is not eligible for registration as a gaming supplier if the business or any of its key persons:

- (i) has been convicted of a criminal offense involving theft, deceit, public morals, gaming, customs, income tax, firearms or drugs;
- (ii) has been found to be liable in a civil court involving fraud, deceit, misrepresentation or breach of trust;
- (iii) has displayed conduct demonstrating a lack of good character;
- (iv) has provided false or misleading information;
- (v) has a history of problem gambling, alcohol or drug abuse;
- (vi) has been denied a gaming or non-gaming registration in another jurisdiction;
- (vii) is insolvent; or
- (viii) has failed to provide documents required by Section 147 of The Alcohol and Gaming Regulation Act, 1997.<sup>97</sup>

## **[D] – Location**

A second casino will not be permitted in a municipality in which a casino already exists.<sup>98</sup>

A casino facility license for a proposed new SIGA operated casino facility in a community will only be issued after the FSIN has met the following requirements:

- (i) a detailed proposal has been presented to the government;
- (ii) the community where the proposed casino is to be located has been notified and consulted;
- (iii) Band Council resolutions approving the proposal have been passed; and
- (iv) government approval has been granted for the specific proposed casino development.<sup>99</sup>

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<sup>97</sup> Ibid. at 5.

<sup>98</sup> Government of Saskatchewan, *2002 Framework Agreement Between the Government and the FSIN* (11 June 2002), Part 3.

<sup>99</sup> Ibid.

## § 1.06 Application

Employee Registration Application: All applicants to be employed as gaming employees, all key management employees, and key persons designated by the SLGA must complete this application.

Gaming and Non-Gaming Supplies and Services Application for Registration: Certain gaming and non-gaming suppliers must complete this application. In addition to the standard application form and personal disclosure form from the key people of the business, the SLGA requires the following information/documents:

- (i) a complete and current list of all the directors of the business;
- (ii) a complete and current list of officers of the business, including their names and titles;
- (iii) a description of the organizational structure of the business;
- (iv) financial statements for the past three years;
- (v) a criminal records check for all non-Canadian residents completing the personal disclosure form;
- (vi) if applicable, proof of registration with Saskatchewan Justice – Corporations Branch;
- (vii) payment of the annual fee; and
- (viii) any additional information requested by the SLGA.<sup>100</sup>

New Applicant Personal Disclosure Form: Key persons involved in a business applying to be a registered gaming or non-gaming supplier must fill out this form. See "Licensing & Registration – Entities" section above for a description of who is considered a "key person."

### **[A] – Costs**

The applicant must pay the costs of due diligence investigations conducted by the SLGA with respect to the application.<sup>101</sup> The SLGA may seek reimbursements of all reasonable costs incurred in the due diligence review of the business and its key people.<sup>102</sup>

### **[B] – Investigation**

SLGA will conduct a due diligence review, which will include inquiring and conducting an investigation with respect to the character, financial responsibility and capability of the business and its key people. The length of time needed to investigate will vary depending on the size of the business, the locations of the offices, and the products and services offered.

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<sup>100</sup> *Supra.* note 82 at 8.

<sup>101</sup> *Ibid.* at 6.

<sup>102</sup> *Ibid.*

## **[C] – Approval Process**

The SLGA is responsible for reviewing and approving licenses and registrations. The initial licensing or registration decision is usually made by examination by the SLGA of the application material and the report of their investigators. The SLGA may refer an application to the Saskatchewan Liquor and Gaming Licensing Commission (the “Commission”) for a hearing when the SLGA is of the opinion that it is in the public interest to do so.<sup>103</sup> If an applicant is not successful in an application, it can appeal to the Commission.

The Commission is an independent, quasi-judicial body responsible for conducting hearings on registration and licensing applications and appeals.<sup>104</sup> The Commission reviews SLGA decisions with respect to licensing, registration, cancellation and suspensions.<sup>105</sup>

To apply for a review of an application or a cancellation of a license or registration, an aggrieved applicant must submit an application for review within 15 days of being notified of the decision.<sup>106</sup> The Commission will conduct an oral hearing only if requested to do so by the applicant.<sup>107</sup>

After a hearing, the Commission may direct the SLGA to issue a license or registration; refuse to issue a license or registration; suspend or revoke a suspension; or cancel or review a license or registration.<sup>108</sup>

## **[D] – Judicial or Other Review**

If an applicant or registrant is not successful in its initial application or after its appeal to the Commission, it is entitled to have its application judicially reviewed. The Saskatchewan Court of Queen’s Bench has exclusive jurisdiction over judicial review of applications.

## **[E] – Post-Approval Obligations**

Once registered as a gaming or non-gaming supplier, a registrant must comply with all Gaming Integrity Standards established by the SLGA.<sup>109</sup>

A registered business is required to inform the SLGA of any change that could affect the “good character” of persons involved with the business and the ability of the

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<sup>103</sup> *Supra.* note 40, s. 19(1)(c).

<sup>104</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, “What if I disagree with a decision made by SLGA?”, *FAQs: Saskatchewan Liquor and Gaming Licensing Commission* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#disagree>>.

<sup>105</sup> *Ibid.*

<sup>106</sup> *Supra.* note 40, s. 30.

<sup>107</sup> *Ibid.*, s. 32(1).

<sup>108</sup> *Ibid.*, s. 35

<sup>109</sup> *Supra.* note 82 at 19.

business to provide suitable gaming and non-gaming supplies and services. Changes a business must report include developments in which a business or any of its key people are:

- (i) being investigated in connection with certain criminal, drug, gaming or income tax offenses, or any offense related to a government financial assistance program;
- (ii) being sued in a civil proceeding based on fraud, deceit, misrepresentation, breach of trust or similar conduct;
- (iii) in bankruptcy; or
- (iv) the subject of a gaming investigation by a regulatory agency other than as an applicant.<sup>110</sup>

A business must also notify the SLGA of changes in ownership, officers, directors or shareholders (having more than a 5 percent interest in the business), changes to the business' location or contact person, and changes in the nature of the supplies and services to be provided.<sup>111</sup>

## **§ 1.07 Accounting**

### **[A] – Record Keeping and Cash Reports**

Casinos must comply with the Proceeds of Crime (Money Laundering) and Terrorist Financing Act by reporting certain transactions to the Financial Transactions and Reports Analysis Center of Canada (FINTRAC) and by retaining records of certain transactions.<sup>112</sup>

Suspicious transactions and cash transactions in excess of \$10,000 must be reported to FINTRAC.<sup>113</sup> A “suspicious transaction” is a financial transaction where a casino facility operator has reasonable grounds to suspect that the transaction is or may be related to the commission of a money laundering or a terrorist activity financing offense.<sup>114</sup> “Reasonable grounds to suspect” is determined by the facility operator according to what is reasonable in the particular circumstances, including normal business practices and systems within the casino industry.<sup>115</sup>

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<sup>110</sup> Ibid. at 9.

<sup>111</sup> Ibid.

<sup>112</sup> Proceeds of Crime (Money Laundering) and Terrorist Financing Act. 2000, c. 17, s. 1; 2001, c. 41, s. 48

<sup>113</sup> Financial Transactions and Reports Analysis Centre of Canada, “Information for Casinos,” *Financial Transactions and Reports Analysis Centre of Canada* (11 May 2009), online: Financial Transactions and Reports Analysis Centre of Canada <<http://www.fintrac-canafe.gc.ca/re-ed/casinos-eng.asp>>.

<sup>114</sup> Financial Transactions and Reports Analysis Centre of Canada, “Guideline 2: Suspicious Transactions,” *Financial Transactions and Reports Analysis Centre of Canada* (December 2008), online: Financial Transactions and Reports Analysis Centre of Canada <<http://www.fintrac-canafe.gc.ca/publications/guide/Guide2/2-eng.asp>>.

<sup>115</sup> Ibid.

Records must be kept of the following:

- (i) large cash transactions;
- (ii) large cash disbursements;
- (iii) signature cards;
- (iv) deposit slips;
- (v) copies of official corporate records (binding provisions);
- (vi) account holder information;
- (vii) records regarding the extension of credit;
- (viii) foreign exchange transaction tickets;
- (ix) account operating agreements;
- (x) debit and credit memos;
- (xi) copies of suspicious transaction reports; and
- (xii) records for the remittance or transmission of \$1,000 or more, including information with certain transfers.<sup>116</sup>

Specific measures must be taken to identify with certainty the following individuals or entities:

- (i) any individual signing a signature card or conducting a large cash transaction;
- (ii) any individual carrying out a foreign exchange transaction of \$3,000 or more or equivalent in foreign currency;
- (iii) any individual who is given a large cash disbursement;
- (iv) any individual who conducts a transaction of \$3,000 or more for which the institution must keep an extension of credit record;
- (v) any corporation or other entity for which the institution opens an account;
- (vi) any individual for whom an amount of \$1,000 or more is remitted or transmitted; and
- (vii) any individual for whom the institution sends a suspicious transaction report (reasonable measures and exceptions apply).<sup>117</sup>

### **[B] – Internal Controls**

The casino facility operator is responsible for the implementation of a compliance regime that complies with the Proceeds of Crime (Money Laundering) and Terrorist Financing Act. The compliance regime must appoint a compliance officer, develop and apply compliance policies and procedures, and assess and document the risks of money laundering and terrorist financing. The casino operator must adopt measures to mitigate high risks, must implement and document an ongoing compliance training program, and must provide on request from the SLGA a documented review of the effectiveness of policies and procedures, the training program, and risk assessment.<sup>118</sup>

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<sup>116</sup> *Supra.* note 113.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

## **[C] – Audits**

In compliance with the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, SLGA Inspectors and Federal Government officials may inspect, audit, examine, and make copies of large transaction records or may temporarily remove them from the premises for those purposes.

Sask Gaming must be audited by the Provincial Auditor or any other auditor or firm of auditors appointed by the Crown Investments Corporation, with the approval of the Lieutenant Governor in Council.<sup>119</sup>

SIGA must appoint an independent auditor who is a member in good standing of a nationally recognized professional accounting association and who is acceptable to SLGA. Within 90 days of the end of SIGA's fiscal year end, the auditor must prepare and submit the following reports to the SLGA:

- (i) detailed financial statements including an audit report on all of SIGA's operations;
- (ii) a report on the rules and procedures, including board governance and corporate operational policies, used by SIGA to safeguard and control its assets and ensure compliance with applicable law and related authorities; and
- (iii) a report on SIGA's compliance with applicable law and related authorities.<sup>120</sup>

## **§ 1.08 Taxes and Fees**

### **[A] – Casino License Fees**

Although the SLGA has the authority to issue two different casino licenses, casino licenses are only issued to Sask Gaming and SIGA, neither of which pays licensing fees, slot fees, table game fees or casino entertainment fees.

### **[B] – Registration Fees**

Gaming Employees: The annual fee to register as a gaming employee is \$25.<sup>121</sup>

Gaming Directors: The annual fee to register as a gaming director is set from time to time by SLGA.<sup>122</sup>

Suppliers: The annual fee to register as a supplier of gaming supplies or services registered by the SLGA to operate a casino conducted and managed pursuant to the

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<sup>119</sup> *Supra.* note 7, s. 12.1.

<sup>120</sup> Government of Saskatchewan, *Casino Operating Agreement Between SLGA and SIGA*, (11 June 2002), Article 11.

<sup>121</sup> *Supra.* note 60, s. 10(1)(a).

<sup>122</sup> *Ibid.*, s. 10(1)(b).

Saskatchewan Gaming Corporation Act is \$5,000.<sup>123</sup> The annual fee to register as a manufacturer and distributor of break-open tickets is \$5,000.<sup>124</sup>

In all other situations, a supplier of gaming supplies or non-gaming services must pay an annual registration fee of \$500.<sup>125</sup> The SLGA has discretion to waive that fee if the value of the supplier's contracts is anticipated to be less than \$10,000 in a year.<sup>126</sup>

### **[C] – Charitable Gaming Fees**

Bingo: Class B and Class C license holders must pay a \$50 licensing fee.<sup>127</sup> The amount of money a Class A bingo licensee must pay depends on the number of events per week the licensee is authorized to conduct and the time of day at which the events are conducted. The licensee must pay an annual fee that is determined by the number of events held per week and additional fees for matinee events, evening events and late night events.<sup>128</sup>

Break-Open Lottery: A licensee must pay a licensing fee of \$20 to conduct and manage a break-open lottery.<sup>129</sup>

Raffle: A licensee must pay a licensing fee of \$20 for a raffle where the prizes awarded will be in excess of the lesser of \$2,000 or the amount prescribed by the Lieutenant Governor in Council pursuant to the Criminal Code respecting the lottery scheme for which the license was issued.<sup>130</sup>

A holder of a public amusement license must pay a licensing fee of \$5 for each raffle conducted and managed pursuant to the license.<sup>131</sup>

Monte Carlo: A licensee must pay a licensing fee of \$20 to conduct and manage a Monte Carlo event.<sup>132</sup>

Texas Hold 'em Poker: A licensee must pay a licensing fee of \$20 to conduct and manage Texas Hold 'em poker.<sup>133</sup>

### **[D] – Other Licenses**

Horseracing License: The annual fee for the first license issued to a party is \$10 and \$5 for each additional license.<sup>134</sup> For example, if a person owns and trains the same

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<sup>123</sup> Ibid., s. 10(1)(c).

<sup>124</sup> Ibid., s. 10(1)(d).

<sup>125</sup> Ibid., s. 10(1)(e).

<sup>126</sup> Ibid., s. 10(2).

<sup>127</sup> Ibid., s. 9(1).

<sup>128</sup> Ibid., s. 9(1)(a).

<sup>129</sup> Ibid., s. 9(1)(d).

<sup>130</sup> Ibid., s. 9(1)(e).

<sup>131</sup> Ibid., s. 9(1)(j).

<sup>132</sup> Ibid., s. 9(1)(f).

<sup>133</sup> Ibid., s. 9(1)(g).

horse, he or she must pay (in 2009) \$10 for an owner's license and \$5 for a trainer's license.<sup>135</sup>

## § 1.09 Gaming Equipment

All gaming supplies must be approved in writing by the SLGA before they can be used in Saskatchewan casinos. All gaming supplies must be purchased from registered gaming suppliers.

Chips and Tokens: All chips and tokens must be approved by the SLGA and must have security features unique to each casino.<sup>136</sup>

Cards: All cards must be approved by the SLGA and must have security features unique to each casino.<sup>137</sup>

Dice: All dice must be approved by the SLGA and be purchased from a registered gaming supplier.

Electronic Devices: Electronic devices must be approved by the SLGA. The SGC must ensure that each slot machine pays out a mathematically demonstrable percentage of all amounts bet on that machine that is not less than 85 percent of all amounts bet on that machine.<sup>138</sup>

Non-Electronic Devices: Gaming tables must be approved by the SLGA before being used in a casino.

## § 1.10 Operational Requirements

### [A] – Hours

The SLGA determines the number of days per week and the number of hours per day that a casino may be open for business, although there are currently no restrictions on the hours casinos in Saskatchewan may operate.<sup>139</sup> No casinos in Saskatchewan are currently (2009) open 24 hours. Casinos close early on Christmas Eve and are closed on Christmas Day.

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<sup>134</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "Who has to be licensed to participate in horse racing?", *FAQs: Horse racing* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#racing>>.

<sup>135</sup> *Ibid.*

<sup>136</sup> *Supra*, note 49, s. 21(k).

<sup>137</sup> *Ibid.*, s. 21(k).

<sup>138</sup> *Ibid.*, s. 6.

<sup>139</sup> *Ibid.*, s. 41.



## **[B] – Facilities**

Sask Gaming and SIGA are responsible for maintaining a written security control plan for each casino that is approved by SLGA or IGR.<sup>140</sup> Casinos must have a security department,<sup>141</sup> a surveillance department<sup>142</sup> and a closed-circuit television system.<sup>143</sup> Table games are maintained by Sask Gaming and SIGA and are regulated by the SLGA and the IGR.

## **[C] – Advertisement**

No advertising may depict minors gambling or induce minors to gamble. Only advertising intended to promote responsible gaming in minors may be directed at that age group.<sup>144</sup>

All advertising must conform to community standards and may not present an unrealistic perception of a player's chance of winning.<sup>145</sup>

## **[D] – Entertainment**

There are no regulations governing casino entertainment.

## **[E] – Exclusions**

### ***Minors***

In Saskatchewan, a person must be 19 years of age to enter a gaming area of a casino or even be in an area of the casino where the gaming area is in view.<sup>146</sup> The gaming area of a casino is the physical area within a casino in which games of chance are located.<sup>147</sup>

### ***Mandatory Exclusions***

Certain individuals, as a result of their connection to either the SLGA or Sask Gaming, are not permitted to play games of chance. Those individuals include:

- (i) the minister responsible for the SLGA;

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<sup>140</sup> Ibid., s. 21.

<sup>141</sup> Ibid., s. 22.

<sup>142</sup> Ibid., s. 24.

<sup>143</sup> Ibid., s. 25.

<sup>144</sup> Ibid., s. 40(1).

<sup>145</sup> Ibid., s. 40(2).

<sup>146</sup> Ibid., s. 12.

<sup>147</sup> Ibid., s. 2.

- (ii) the minister responsible for Sask Gaming;
- (iii) any employee of Sask Gaming or SIGA; or
- (iv) any director or officer of Sask Gaming or SIGA.<sup>148</sup>

Any person who appears to be intoxicated is not permitted to play a game of chance.<sup>149</sup> Additionally, the operator of a casino must refuse access to any person prohibited from entering a casino in Saskatchewan through participation of a self-exclusion program<sup>150</sup> as well as any individual previously caught cheating at a casino.

### ***Discretionary Exclusions***

A casino operator has discretion to ask a person to leave a casino or to deny him or her access to any casino in Saskatchewan if the operator has reason to believe the presence of the person in the casino is undesirable.<sup>151</sup> The casino operator must notify the SLGA in writing of a person whom the operator has refused access to a casino for a period greater than 14 consecutive days.<sup>152</sup>

### ***Voluntary Exclusions***

Sask Gaming and SIGA each run voluntary self-exclusion programs allowing persons who do not wish to participate in casino gaming to be excluded from Saskatchewan casinos.

## **§ 1.11 Gaming Contracts**

### **[A] – Enforcement of Gaming Debts**

Gaming debts and credit agreements are enforceable in Saskatchewan courts, however, casinos in Saskatchewan do not extend credit.

### **[B] – Credit Controls**

Sask Gaming and SIGA do not allow players credit, including credit through use of a credit card.<sup>153</sup>

### **[C] – Markers**

The prohibition of credit in Saskatchewan includes markers. Markers are not permitted in Saskatchewan casinos.

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<sup>148</sup> *Ibid.*, s. 13.

<sup>149</sup> *Ibid.*

<sup>150</sup> *Supra.* note 40, s. 147.2(3).

<sup>151</sup> *Ibid.*, s. 147.2(1).

<sup>152</sup> *Ibid.*, s. 147.2(2).

<sup>153</sup> *Supra.* note 49 at s. 10.

## **[D] – Credit Collection**

Casinos in Saskatchewan do not extend credit; thus, debt collection is a not an issue.

## **[E] – Player Disputes**

Any complaint involving a game of chance must be addressed appropriately.<sup>154</sup>

Disputes between casino patrons and dealers must not be handled by a dealer. Instead, a dealer must refer the dispute to a supervisor. If a supervisor is unable to resolve the issue, it is addressed by the pit manager. Disputes are generally solved by either the supervisor or the pit manager.

If a dispute is not solved by the pit manager, it is referred to the manager of casino operations, then the gaming manager, then to either the director of table games or the director of floor operations. Disputes can also be addressed by the vice president of operations and the acting CEO.

If a player is banned from a casino, he or she is entitled to appeal to the Commission.<sup>155</sup>

## **§ 1.12 Foreign Gaming**

Gaming licensees or registrants are permitted to operate outside of Saskatchewan. Foreign operations will be taken into consideration during the licensing and registration process and will be monitored by the SLGA. The SLGA must be notified of any proceedings, sanctions or penalties that affect the licensees or registrants in foreign jurisdictions and may affect whether a business continues to be licensed or registered in Saskatchewan.

## **§ 1.13 Disciplinary Action**

The SLGA has the authority to suspend or cancel a license, permit, endorsement or certificate of registration, and may assess penalties. The SLGA has the authority to enter upon investigations for these purposes.<sup>156</sup>

Where a permit holder or registrant fails to comply with a term or condition imposed by a permit, endorsement or certificate of registration, the regulations, the SLGA, or the

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<sup>154</sup> Ibid. at s. 20

<sup>155</sup> *Supra.* note 40, s. 147.3(1).

<sup>156</sup> Ibid., s. 19(1).

Commission, the SLGA or Commission may assess a penalty not less than \$100 or more than \$10,000.<sup>157</sup>

Before a penalty is assessed, the SLGA must provide the permit holder or registrant with written notice of the penalty.<sup>158</sup> Once a permit holder or registrant has received written notice, the permit holder or registrant may apply for an oral hearing by completing the prescribed form in the regulations and paying the prescribed fee to appeal.<sup>159</sup>

The Commission has authority to hold an oral hearing when a license, permit or certificate of registration has been suspended, will be suspended, or a fine has been or will be imposed.

When a license or certificate has been cancelled by the Commission, a license or certificate holder must wait one year before another license may be issued to him or her.<sup>160</sup> If a license is cancelled a second time, a person is not eligible to have another license issued to him or her.<sup>161</sup>

## **§ 1.14 Gaming Crimes**

Any person caught cheating with respect to a game of chance must be reported by the gaming facility to the authority.<sup>162</sup> Under the Code it is an indictable offense, with intent to defraud, to cheat while “playing a game or holding the stakes for a game or in betting.”<sup>163</sup> Persons caught cheating will invariably be banned from the casino.

Surveillance plans must be established that include identifying cheating, money laundering, illegal activities, collecting evidence for the purpose of prosecuting, and gathering research and information to share with other jurisdictions.<sup>164</sup>

## **§ 1.15 Social Responsibility Initiatives**

SLGA funds gambling prevention and treatment initiatives sponsored by Saskatchewan Health and provides training for servers in establishments with VLTs.<sup>165</sup> Saskatchewan Health is responsible for coordinating treatment, prevention and education services for problem gambling in conjunction with community

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<sup>157</sup> *Ibid* s. 39.1(1); *Supra*. note 67, s. 11.

<sup>158</sup> *Supra*. note 40, s. 39.1(3).

<sup>159</sup> *Ibid.*, s. 39.1(4).

<sup>160</sup> *Ibid.*, s. 35(3).

<sup>161</sup> *Ibid.*

<sup>162</sup> *Supra*. note 49, 20(b).

<sup>163</sup> *Supra*. note 1, s. 209.

<sup>164</sup> *Supra*. note 49, s. 24.

<sup>165</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, “What social responsibility initiatives does SLGA participate in?” *FAQs: Social Responsibility* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#in>>.

organizations.<sup>166</sup> In 2008–2009, the Saskatchewan government is expected to contribute \$2.5 million for problem gambling initiatives in Saskatchewan and a further \$2.25 million for First Nations problem gambling initiatives.<sup>167</sup>

A problem gambling helpline and free counseling are available for people experiencing problems related to their gambling. A Responsible Gaming Information Centre is open at Casino Regina to assist in the prevention of problem gaming.

Sask Gaming and SIGA do not permit automated banking machines (ABMs) in the gaming areas of a casino.<sup>168</sup> Sask Gaming and SIGA do allow ABMs in the non-gaming areas of the facility housing the casino.

Sask Gaming has recently developed the iCare System, a comprehensive surveillance system that has the ability to identify and track high-risk play in real time, to notify casino management of this play, and to track interventions.<sup>169</sup>

SIGA encourages responsible gaming through staff awareness and training, promotion of available services, and by providing information and resources so customers can make informed gaming decisions.<sup>170</sup> Of the total revenue earned by SIGA, \$2.25 million of casino profits are allocated annually to the First Nations Addictions and Rehabilitation Foundation.<sup>171</sup>

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<sup>166</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "If I think I, or someone I know, has a gambling problem, what should I do?", *FAQs: Social Responsibility* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#rdo>>.

<sup>167</sup> Saskatchewan, Saskatchewan Liquor and Gaming Authority, "How much is spent on problem gambling treatment and prevention?", *FAQs: Social Responsibility* (2009), online: Saskatchewan Liquor and Gaming Authority <<http://www.slga.gov.sk.ca/x3731.xml#rprevention>>.

<sup>168</sup> *Supra*. note 49, s. 39(1).

<sup>169</sup> Honourable Bill Davies, "iCare: Integrating Responsible Gaming Into Casino Operation", (2007), 5 *Int J Ment Health Addiction* 4, 1557-1882.

<sup>170</sup> Saskatchewan Indian Gaming Authority Inc., "Commitment to responsible gaming," *SIGA – Responsible Gaming*, online: Saskatchewan Indian Gaming Authority Inc. <[http://www.siga.sk.ca/responsible\\_gaming.html](http://www.siga.sk.ca/responsible_gaming.html)>.

<sup>171</sup> *Ibid*.