



Ontario
Executive Council
Conseil des ministres

Order in Council
Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit :

WHEREAS the Lieutenant Governor in Council of Ontario may, under the Section 207 of the *Criminal Code (Canada)*, specify an authority to issue or cause to be issued licences to charitable or religious organizations for the purpose of conducting and managing lottery schemes in Ontario where the proceeds are used for a charitable or religious purpose;

AND WHEREAS it is deemed appropriate for the Lieutenant Governor in Council to specify the Council of the Mississauga First Nation Band as an authority to issue licences to eligible charitable or religious organizations for the purpose of conducting and managing lottery schemes at a premises designated by the Registrar of Alcohol and Gaming on the Mississauga River Indian Reserve No. 8 where the proceeds are used for a charitable or religious purpose benefitting the members of the First Nation.

IT IS HEREBY DECLARED THAT the Council of the Mississauga First Nation Band may issue licences to eligible charitable or religious organizations to conduct and manage lottery schemes at a premises designated by the Registrar on the Mississauga River Indian Reserve No. 8 in accordance with the following provisions:

DEFINITIONS

1. In this Order-in-Council:

(a) "charitable object or purpose" means an object or purpose relating to

- (i) the relief of poverty,
- (ii) the advancement of education,

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- (iii) the advancement of religion, or
 - (iv) any other purpose beneficial to the community;
- (b) “charitable organization” means an organization which is created primarily for charitable objects or purposes that are to be carried out primarily on the Mississauga River Indian Reserve No. 8, is operated not for profit, and includes a religious organization;
- (c) “First Nation” means the Mississauga First Nation Band;
- (d) “First Nation Council” means the Council of the Mississauga First Nation Band that is established or chosen under the *Indian Act (Canada)* to manage the affairs of the Mississauga First Nation Band;
- (e) “First Nation Lands” means the tract of land, the legal title to which is vested in Her Majesty (Canada), that has been set apart by Her Majesty (Canada) for the use and benefit of the Mississauga First Nation Band and that is known as the Mississauga River Indian Reserve No. 8;
- (f) “gross proceeds” means all money and other things of value received by a person in the conduct and management of a lottery event;
- (g) “licence” means a licence issued under the *Criminal Code (Canada)* under the authority of this Order-in-Council;
- (h) “licensee” means a person to whom a licence is issued;
- (i) “lottery event” means a single occasion at which a lottery scheme is conducted and managed;

- (j) "lottery scheme" has the same meaning as in the *Criminal Code (Canada)*;
- (k) "person" means a corporation, organization, association or partnership, including a charitable organization.
- (l) "Registrar" means the Registrar of the Alcohol and Gaming under the *Alcohol and Gaming Regulation and Public Protection Act, 1996*;

AUTHORITY TO ISSUE LICENCES

2. The First Nation Council may issue a licence authorizing an eligible charitable organization to conduct and manage the following types of lottery schemes at a premises approved by the First Nation Council and by the Registrar:
 - (a) a bingo lottery event, other than a Super Jackpot bingo event, where the amount or value of the prize or prizes awarded is no greater than \$5,500.00 in total. A bingo lottery event may include one or more individual games that are played in accordance with a schedule of games conducted under the licence during the times specified in the licence. A licence may be issued for a single bingo lottery event or for a number of bingo lottery events no greater than 52 events in one year, or such other limits, if any, set by the First Nation Council. A licensee shall not combine the value of the prize or prizes awarded for two or more bingo lottery licences into one event;
 - (b) a raffle lottery event where the amount or value of the prize or prizes awarded is no greater than \$50,000.00 in total;

- (c) a break open ticket lottery event up to one year to be conducted from one location within the geographical boundaries of the First Nation other than a break open ticket lottery event which is managed and conducted in conjunction with another licensed gaming event;
- (d) a bazaar lottery event during which the only lottery schemes authorized to be played are:
 - (i) a maximum of three wheels of fortune where individual bets are no greater than \$2.00,
 - (ii) a raffle lottery where the prizes are no greater than \$500.00 in value,
 - (iii) a bingo lottery where the prizes are no greater than \$500.00 in value.

3. The First Nation Council may issue a licence where:

- (a) it deems the issuance to be in the best interests of the members of the First Nation;
- (b) the proposed lottery event is to be conducted and managed in accordance with the requirements of the *Gaming Control Act, 1992* and the regulations;
- (c) the charitable organization to which the licence is issued,
 - (i) is located on the First Nation Lands,
 - (ii) carries out its objects and purposes primarily on the First Nation Lands, and for the exclusive and direct benefit of the members of the First Nation, and

- (iii) will conduct and manage the lottery event at a premises approved by the First Nation Council and by the Registrar; and
- (d) the proceeds from the lottery event are to be used,
 - (i) for charitable or religious objects to be carried out primarily on the First Nation Lands which are to be a direct benefit to the members of the First Nation; or
 - (ii) to provide funding to a charitable organization in an adjacent municipality where the organization has charitable objects or purposes that provide direct benefits to the members of the First Nation.

LICENCES

- 4. (a) The application for a licence and the licence shall be in the form prescribed by the Registrar.
- (b) The licence shall specify the name and address of the licensee, the place at which the lottery scheme is to be conducted and managed, the name and *Gaming Control Act, 1992* registration number of the supplier, if applicable, the date or dates of operation, and for a bingo lottery scheme, the starting and finishing times for each bingo event.
- (c) The licence shall specify the value of the prize or prizes awarded consisting of the maximum money or retail value of the prizes to be awarded.

TERMS AND CONDITIONS

- 5. (1) The Registrar may impose terms and condition to any licence.

- (2) The First Nation Council may impose terms and conditions to a licence issued by it.
 - (3) In the event that a term and condition imposed by the First Nation Council is in conflict or inconsistent with a term and condition imposed by the Registrar or by Order-in-Council, the term and condition imposed by the Registrar or Order-in-Council shall apply.
6. In addition to such terms and conditions as may be imposed by the Registrar or the First Nation Council, a licence shall be subject to the following terms and conditions:
- (a) the licensee shall comply with all the terms and conditions and provisions set out in the application for a licence;
 - (b) the gross proceeds from the lottery event shall be used for the charitable or religious objects or purposes set out by the licensee in the application for a licence less the cost of the prizes awarded and such reasonable and necessary expenses actually incurred in the conduct and management of the lottery schemes. The expenses shall be restricted to those expenses that are set out in the terms and conditions to the licence;
 - (c) a prize or prizes not awarded at a lottery event shall not be added to the amount of the prizes to be awarded at a subsequent event or events;
 - (d) the licensee shall provide to the First Nation Council, the Registrar and all peace officers, direct and unencumbered access to all books and records of the licensee pertaining to the nature, management and conduct

of the event for which the licence has been granted at any time, including prior to, during or after the conclusion of the event, and shall deliver to the First Nation Council or the Registrar such books and records upon request; and

- (e) the lottery event shall be conducted and managed only at the premises approved by the First Nation Council and by the Registrar.

SECURITY FOR PAYMENT OF PRIZES AT LOTTERY EVENTS

- 7. (1) The First Nation Council may require licensees to provide security for ensuring that payment of all proposed prizes is guaranteed.
- (2) The security for the guarantee of payment of prizes shall be in the form prescribed by the First Nation Council. The form of security may require that a specified amount be submitted in the form of,
 - (i) an irrevocable letter of credit from a chartered bank of Canada or other registered financial institution in Ontario, payable to the First Nation Council, which expires no sooner than 45 days after the last day of the lottery event as specified in the licence, or
 - (ii) a certified cheque, a bank draft or a money order payable to the First Nation Council.
- (3) The security for the guarantee of payment of prizes shall be held by the First Nation Council until such time as it is satisfied that the lottery event has been completed and the prizes have been paid or awarded to all winners.

- (4) Where the licensee refuses or fails to pay out prizes to winners at a lottery event, the First Nation Council shall cause the amount submitted as security to be realized upon and shall use the proceeds to pay the prizes to the winners.
- (5) The First Nation Council shall determine who is entitled to the prizes referred to in this part and its decision is final.
- (6) Where a prize is not claimed by a winner within a reasonable period of time and, where, in the opinion of the First Nation Council, all reasonable attempts have been made by the licensee to contact the winner, the unclaimed prize shall be held in trust by the licensee for a period of not less than twelve months from the date the prize was awarded. At the end of the twelve month period the total amount of the prize held in trust, including interest, shall be included by the licensee in the gross proceeds from the lottery event.

SUSPENSION OR CANCELLATION OF LICENCE

8. The First Nation Council may refuse to issue a licence and the Registrar or the First Nation Council may at any time suspend or cancel a licence under this Order-in-Council where,
 - (a) there has been a breach of any term or condition,
 - (b) there are reasonable grounds to believe that the licensee will not conduct and manage the lottery scheme in accordance with the law or with honesty and integrity,
 - (c) in his, her or its opinion it is in the public interest to do so, or

- (d) a licensee fails to submit the financial report relating to the conduct of any lottery event which may be or may have been required as a term or condition of a licence.
9. Where the First Nation Council is satisfied that it is in the best interests of the members of the First Nation, it may refuse on reasonable grounds to issue a licence and in doing so may take into account such factors as the number of licences issued and the playing locations already in existence.
 10. The Registrar may at any time suspend or cancel a licence issued by the First Nation Council where the licence was not in accordance with the policies or guidelines of the Registrar or the provisions of this Order-in-Council.
 11. The Lieutenant Governor in Council may at any time revoke the authority to issue licences given under this Order-in-Council.

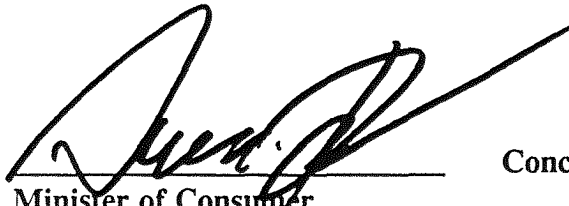
OTHER MATTERS

12. The First Nation Council shall ensure that the lottery event licensed by it is conducted and managed in accordance with the *Criminal Code*, the *Gaming Control Act, 1992* and its Regulations and the terms and conditions of the licence.
13. A copy of each licence issued by the First Nation Council and each report submitted after the conduct of a lottery event shall be kept at a place on the First Nation Lands used for the conduct of the First Nation Council's business and shall be made available for inspection upon the request of the Registrar.

FEES

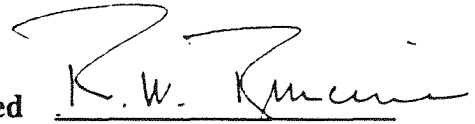
14. The maximum fees to be charged for the issuing of a licence shall be prescribed by the Registrar and all other fees or charges which exceed the maximum fees are prohibited.

Recommended



Minister of Consumer
And Commercial Relations

Concurred

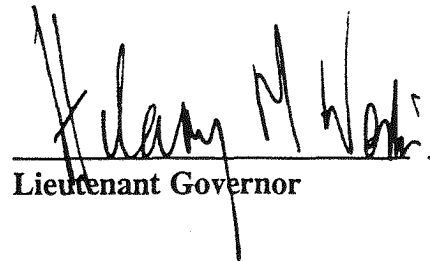


Chair of Cabinet

Approved and Ordered

APR 21 1999

Date



Lieutenant Governor