

Regulations and other acts

Gouvernement du Québec

O.C. 268-2002, 13 March 2002

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6)

CONCERNING the suspension of issuance of operator's licences for video lottery machines site

WHEREAS, in accordance with section 138 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), the Minister of Public Security is responsible for the administration of this Act;

WHEREAS, in accordance with section 2 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., c. R-6.1), the Régie des alcools, des courses et des jeux is responsible for the carrying out of the Act respecting lotteries, publicity contests and amusement machines;

WHEREAS, under paragraph 1 of section 23 of the Act respecting the Régie des alcools, des courses et des jeux and of section 34 of the Act respecting lotteries, publicity contests and amusement machines, the Régie issues operator's licences for video lottery machines site;

WHEREAS, under section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines enacted by section 6 of Chapter 65 of the 2001 Statutes, the Régie in a plenary session may, if the public interest justifies it, suspend, for all or part of the Quebec territory, the issuance of licences for the period it determines but not exceeding one year and excluding from its scope the types of licence application it determines;

WHEREAS, the Régie, meeting in a plenary session on March 12, 2002, decided, in the public interest, to suspend, for the whole territory and for a period of one year as of the date of publication of the suspension measure in the *Gazette officielle du Québec*, the issuance of any operator's licences for video lottery machines site and to exclude from its scope certain types of licence application;

WHEREAS, under the third paragraph of section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines enacted by section 6 of Chapter 65 of the 2001 Statutes, a suspension measure is subject to government approval;

WHEREAS, it is expedient to approve this suspension measure;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT the suspension measure, as imposed by the Régie in plenary session on March 12, 2002, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Decision – Number 5 (2001-2002)

CONCERNING the suspension of issuance of operator's licences for video lottery machines site

WHEREAS, in accordance with section 2 of the Act respecting the Régie des alcools, des courses et des jeux (the "Act") (R.S.Q., c. R-6.1), the Régie des alcools, des courses et des jeux is responsible for the carrying out of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6);

WHEREAS, under the third paragraph of section 2 of the Act, the Régie shall advise the Minister of Public Security on any matter concerning the social impact of, and security measures necessitated by, the activities falling within the scope of the Act respecting lotteries, publicity contests and amusement machines;

WHEREAS, under section 20.1 of the Act respecting lotteries, publicity contests and amusement machines, the Régie may make rules with respect to video lotteries operated elsewhere than in a State casino;

WHEREAS, under paragraph 1 of section 23 of the Act and of section 34 of the Act respecting lotteries, publicity contests and amusement machines, the Régie issues operator's licences for video lottery machines site;

WHEREAS, under section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines enacted by section 6 of Chapter 65 of the 2001 Statutes, the Régie in a plenary session may, if the public interest justifies it, suspend, for all or part of the Quebec territory, the issuance of licences for the period it determines but not exceeding one year, said suspension being eventually renewable under the same terms and excluding from its scope the types of licence application it indicates;

WHEREAS the suspension or the renewal is subject to government approval and becomes effective on the date of its publication in the *Gazette officielle du Québec* or on any later date than the date mentioned therein;

WHEREAS the Régie currently studies the problems related to pathological gambling and could eventually submit an additional opinion to the Minister of Public Security in that respect;

WHEREAS research concerning the problems of pathological gambling have tended to indicate that the accessibility of video lottery machines represents an important risk factor;

WHEREAS the Régie currently reviews various solutions to reduce the negative impacts of gambling and to increase the protection of persons who are considered at risk and of minors, and may enact rules to that effect;

WHEREAS it is in the public interest that the Régie suspend the issuance of operator's licences for video lottery machines site;

NOW THEREFORE, the Régie, meeting in a plenary session on March 12, 2002, decides to suspend, for the whole Québec territory and for a period of one year as of the date of publication of this decision in the *Gazette officielle du Québec*, the issuance of any operator's licences for video lottery machines site.

The above decision to suspend shall apply to any operator's licence for a site received on or before the 15 March 2002 and that are still pending before the Régie.

The decision to suspend shall not however forbid any renewal of a licence.

The decision to suspend does not apply to the applicant for an operator's licence for a video lottery machines site, who is the liquidator of the holder of the licence, his specific legatee, his heir or any person designated by them, a trustee in bankruptcy, a liquidator, a judicial or conventional sequestrator or any trustee who temporarily administers any establishment for which any licence is issued, provided this application does not cover a greater number of licences than the number of licences that were effective before the applicant began to manage the establishment.

By the same token, the decision to suspend does not cover any application for an operator's licence for a video lottery machines site who has filed an application for such licence to the Régie due to the disposition or the location of an establishment or the assumption of possession of the establishment further to the exercise of any taking in payment or the execution of a similar agreement, provided the application does not concern a greater number of licences than the licences in force before any of these events may happen.

Lastly, the decision to suspend does not cover any temporary change of site for any operator's licence for a site which is attached to a liquor permit, as authorized by the Régie under section 84 of the Act respecting liquor permits (R.S.Q., c. P-9.1), due to exceptional circumstances.

ARTUR J. PIRES,
Secretary of the Régie

4923