

Regulations and other acts

Gouvernement du Québec

O.C. 361-2007, 23 May 2007

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

CONCERNING suspension of the issue of bingo licences and bingo hall manager's licences

WHEREAS, under 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 that Act;

WHEREAS, under 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 (the board) is responsible for the carrying out of the Act respecting lotteries, publicity contests and amusement machines;

WHEREAS, under section 23 of the constituent Act of the board and section 34 of the Act respecting lotteries, publicity contests and amusement machines, the board issues the licences required to conduct bingo as a lottery scheme, establishes the conditions attached to such licences, monitors their use and sees to the protection and safety of the public;

WHEREAS, under section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines, the board may, in plenary session, if the public interest so requires, suspend the issue of licences for all or part of the territory of Québec for a period not exceeding one year and may indicate the licence applications that are exempted from the application of such a suspension;

WHEREAS, the board in plenary session on 16 May 2007 decided, in the public interest, to suspend for a period of six months from the effective date of the suspension measures, the issue of bingo licences and bingo hall manager's licences for all of the territory of Québec, except certain parts of the territory and certain types of licence applications;

WHEREAS, under the third paragraph of section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines, a suspension measure must be submitted to the Government for approval and shall take effect on the date of its publication in the *Gazette officielle du Québec* or on any later date mentioned therein;

WHEREAS it is expedient to approve the suspension measures;

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

THAT the suspension measures concerning the issue of bingo licences and bingo hall manager's licences, taken by the Régie des alcools, des courses et des jeux on 16 May 2007 and attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Decision No. 1 (2007-2008)

CONCERNING the suspension of the issue of bingo licences

WHEREAS the board is the body responsible for regulating and issuing bingo licences;

WHEREAS, under section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), hereinafter called "the Act", the board may, in plenary session, if the public interest so requires, suspend the issue of licences for all or part of the territory of Québec for a period, not exceeding one year, determined by the board;

WHEREAS, since 27 September 1997, the board has suspended the issue of bingo licences and, since 25 November 2000, the issue of bingo hall manager's licences, on the conditions prescribed by the applicable texts as they read at all material times, with a view to preventing any aggravation in the situation of the bingo industry in Québec, the last two suspension measures being effective from 29 November 2006 to 28 May 2007;

WHEREAS the bingo sector in the last few years has been undergoing a major reform intended in particular to resolve the various problems encountered by charitable and religious organizations, the main purpose of the reform being to ensure the harmonious development of bingo as a lottery scheme, to enhance the integrity of the game and to maximize the financial gains those organizations may derive from the game;

WHEREAS it is essential, in the public interest, that the issue of bingo licences be suspended by the board once again for part of the territory of Québec for the coming months in which the regulatory process currently in progress will be finalized, including the consultations that are to be held;

WHEREAS certain Native communities maintain their desire to assume greater autonomy over the issue of bingo licences on the territory of their reserve or of their settlement determined by regulation, as authorized by the second paragraph of section 34 of the Act;

WHEREAS it is not advisable to deprive all charitable and religious organizations of the financial benefits derived from the issue of a bingo licence when circumstances allow for the presence of new bingo licences by reason of the satisfactory profitability of the outstanding licences;

WHEREAS the issue of recreational bingo licences under which the total maximum value of the prizes is \$200 has no significant impact on the profitability of the other bingo licences issued in the surrounding territory;

THEREFORE, the board, meeting in plenary session on 16 May 2007, hereby decides to suspend the issue of bingo licences for a period of six months from the effective date of this suspension measure, for all of the territory of Québec, except

(1) a territory where a Native community referred to in the second paragraph of section 34 of the Act resides and for which a local body is duly designated;

(2) the territory consisting of the territory of the following regional county municipalities:

Rimouski-Neigette, Charlevoix-Est, Charlevoix, L'Île-d'Orléans, La Jacques-Cartier, La Nouvelle-Beauce, Robert-Cliche, L'Érable, Mékinac, Bécancour, Coaticook, Memphrémagog, La Haute-Yamaska, Maskinongé, Le Haut-Saint-Laurent, La Vallée-de-la-Gatineau, Témiscamingue, Sept-Rivières and Minganie;

(3) the territory consisting of the territory of the following local municipalities:

Les Îles-de-la-Madeleine, Ville de Shawinigan, Ville de Mirabel, Ville de Lévis, Côte-Nord-du-Golfe-du-Saint-Laurent, Gros-Mécatina, Saint-Augustin, Blanc-Sablon and Bonne-Espérance;

(4) the territory consisting of the territory of the Kativik Regional Government and of the Category I lands of the Cree Community of Whapmagoostui; and

(5) the territory consisting of the territory of the following Native reserves and settlements:

Uashat, Maliothenam, Mingan, Wôlinak, Kitigan Zibi, Timiskaming, Kebaowek, Winneway, Hunter's Point, La Romaine and Pakuashipi.

The suspension measure does not apply to an application for a recreational bingo licence under which the total maximum value of the prizes is \$200.

The suspension measure applies to bingo licence applications received before or after the date on which the suspension measure becomes effective and in respect of which the board has not made a decision.

The suspension measure shall not prevent the board from modifying the operating conditions for bingo licences in force on the date on which the suspension measure becomes effective, particularly with regard to the number of events, the hours, days and place of operation or the value of the prizes offered.

The suspension measure shall not prevent the board from issuing a bingo licence to a holder of a bingo licence in force on the date on which the suspension measure becomes effective.

Subject to its approval by the Government, this suspension measure becomes effective on 16 May 2007 or on the date of its publication in the *Gazette officielle du Québec* if that date is later.

Montréal / Québec, 16 May 2007

FRANÇOIS CÔTÉ,
Secretary of the board

Decision No. 2 (2007-2008)

CONCERNING the suspension of the issue of bingo hall manager's licences

WHEREAS the board is the body responsible for regulating and issuing bingo licences;

WHEREAS, under section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), hereinafter called "the Act", the board may, in plenary session, if the public interest so requires, suspend the issue of licences for all or part of the territory of Québec for a period, not exceeding one year, determined by the board;

WHEREAS, since 27 September 1997, the board has suspended the issue of bingo licences and, since 25 November 2000, the issue of bingo hall manager's licences, on the conditions prescribed by the applicable texts as they read at all material times, with a view to preventing any aggravation in the situation of the bingo industry in Québec, the last two suspension measures being effective from 29 November 2006 to 28 May 2007;

WHEREAS the bingo sector in the last few years has been undergoing a major reform intended in particular to resolve the various problems encountered by charitable and religious organizations, the main purpose of the reform being to ensure the harmonious development of bingo as a lottery scheme, to enhance the integrity of the game and to maximize the financial gains those organizations may derive from the game;

WHEREAS it is essential, in the public interest, that the issue of bingo hall manager's licences be suspended by the board once again for part of the territory of Québec for the coming months in which the regulatory process currently in progress will be finalized, including the consultations that are to be held;

THEREFORE, the board, meeting in plenary session on 16 May 2007, hereby decides to suspend the issue of bingo hall manager's licences for a period six months from the effective date of this suspension measure, for all of the territory of Québec, except

(1) a territory where a Native community referred to in the second paragraph of section 34 of the Act resides and for which a local body is duly designated;

(2) the territory consisting of the territory of the following regional county municipalities:

Rimouski-Neigette, Charlevoix-Est, Charlevoix, L'Île-d'Orléans, La Jacques-Cartier, La Nouvelle-Beauce, Robert-Cliche, L'Érable, Mékinac, Bécancour, Coaticook, Memphrémagog, La Haute-Yamaska, Maskinongé, Le Haut-Saint-Laurent, La Vallée-de-la-Gatineau, Témiscamingue, Sept-Rivières and Minganie;

(3) the territory consisting of the territory of the following local municipalities:

Les Îles-de-la-Madeleine, Ville de Shawinigan, Ville de Mirabel, Ville de Lévis, Côte-Nord-du-Golfe-du-Saint-Laurent, Gros-Mécatina, Saint-Augustin, Blanc-Sablon and Bonne-Espérance;

(4) the territory consisting of the territory of the Kativik Regional Government and of the Category I lands of the Cree Community of Whapmagoostui; and

(5) the territory consisting of the territory of the following Native reserves and settlements:

Uashat, Maliothenam, Mingan, Wôlinak, Kitigan Zibi, Timiskaming, Kebaowek, Winneway, Hunter's Point, La Romaine and Pakuashipi.

The suspension measure applies to bingo hall manager's licence applications received before or after the date on which the suspension measure becomes effective and in respect of which the board has not made a decision.

The suspension measure shall not prevent the board from authorizing a change in the place of operation of a bingo hall manager's licence in force on the date on which the suspension measure becomes effective.

The suspension measure shall not prevent the board from issuing a bingo hall manager's licence to a holder of a bingo hall manager's licence in force on the date on which the suspension measure becomes effective.

The suspension measure shall not prevent the board from issuing a new bingo hall manager's licence on the condition that the issue of the licence does not operate to increase the number of bingo halls and is not contrary to the public interest, within the meaning of the Act itself, if the new licence application is made

(1) by reason of the death of the holder of the licence, by the liquidator of the succession, the legatee by particular title or heir of the holder of the licence or a person designated by them;

(2) by a trustee, a liquidator, a sequestrator or a trustee in bankruptcy who is temporarily administering a bingo hall for which a licence has been issued; or

(3) by any person if, following the cessation of operation of a bingo hall manager's licence, the holders of the bingo licence for that hall have no premises to operate the licence, as required by the regulation.

Subject to its approval by the Government, this suspension measure becomes effective on 16 May 2007 or on the date of its publication in the *Gazette officielle du Québec* if that date is later.

Montréal / Québec, 16 May 2007

FRANÇOIS CÔTÉ,
Secretary of the board

8132