

*Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments*

## LAW GOVERNING THE REGULATION OF GAMING

LAW NO. 2019-xx

[Short title: "Listuguj Gaming Control Law"]

Date enacted:  
Coming into force:

### PREAMBLE

**WHEREAS** the Mi'gmaq of Listuguj, as part of the Mi'gmaq Nation, have previously entered into treaties with the British Crown, including without limitation the November 1760 agreement 10 between Captain Robert Elliott and Ge'ptin Joseph Claude; the February 1761 agreement between Commander of Fort Cumberland, Roderick MacKenzie and delegates of Ge'ptin Joseph Claude; the June 25, 1761 Treaty of Halifax; the Fort Howe Treaty of 1778; the Hervey Treaty of July 20, 1779; the 1779 agreement with Frederick Haldimand, Governor-General of the Province of Quebec; and Francklin's Treaty of September 22, 1779<sup>[KJW1]</sup>;

**AND WHEREAS** the Royal Proclamation of October 7, 1763, which purported to establish the territorial limits of the British colony of Quebec, declared that all Indigenous nations which remained within the borders of any British colony were not to be molested or disturbed in the possession of their traditional territories;

**AND WHEREAS** the Mi'gmaq of Listuguj re-stated the limits of their sovereign territory to the British Crown during the 1765 census;

**AND WHEREAS** the Quebec Governor-in-Council in 1766 confirmed that title to the land of the Mi'gmaq of Listuguj, as part of the Mi'gmaq Nation, had neither been ceded nor sold to the Crown;

**AND WHEREAS** the Mi'gmaq of Listuguj, as part of the Mi'gmaq Nation, are and have always been a sovereign people having historically affirmed and exercised their exclusive jurisdiction over their territory;

**AND WHEREAS** the Listuguj Mi'gmaq Government has the authority to make such laws based on its inherent right of self-government and self-determination, as recognized and affirmed in the domestic laws of Canada, including the *Constitution Act, 1982*;

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

**AND WHEREAS** the *United Nations Declaration on the Rights of Indigenous People* recognizes the right of the Mi'gmaq of Listuguj, as represented by the Listuguj Mi'gmaq Government, to autonomy and self-government in matters relating to their internal and local affairs in the exercise of their right to self-determination, as well as the right to freely pursue and control their economic development;

**AND WHEREAS** the regulation of matters pertaining to safety and security, public health and support for the economic prosperity and well-being of the Mi'gmaq of Listuguj falls within the Listuguj Mi'gmaq Government's exercise of its right to internal self-government;

**AND WHEREAS** the elected Chief and Council of the Listuguj Mi'gmaq Government are the governing body of the Listuguj Lands;

**AND WHEREAS** on October 10, 2018, the Council passed Order-In-Council No. 2419 entitled "Gaming Regulation", the purpose and vision of which is to authorize the establishment of a law and regulatory framework that will serve the community by establishing fairness and security of gaming operations in, by, and for the Mi'gmaq of Listuguj and establish a source of revenue for the community and people;

**AND WHEREAS** after a special meeting called by the Council for the purposes of considering the contents of this Law on [DATE], the majority of Listuguj electors in attendance assented to the present Law;

**NOW THEREFORE** the Chief and Council, in open meeting assembled, enact as follows:

**1. Short Title**

This law may be cited as the "Listuguj Gaming Control Law" (herein, the "Law").

**2. Definitions**

**"Applicant"** means any Person who has applied to the Commission for the grant, extension, renewal or variation of a licence, permit or authorization in accordance with the Law or the Regulations, or for approval of any act or transaction for which approval is required or permitted under the provisions of the Law or the Regulations;

**"Application"** means a request for the grant, extension, renewal or variation of a licence, permit or authorization in accordance with the Law or the Regulations, or for approval of any act or transaction for which approval is required or permitted under the provisions of the Law or the Regulations;

*Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments*

**“Background Investigation”** means any investigation of existing or prospective shareholders, owners, partners, directors, officers, employees and holders of financial interests in an Applicant or a Licensee, including without limitation security, criminal history, litigation history, credential verification, family history and financial background of the Person who is the subject of the investigation;

**“Commission”** means the Listuguj Gaming Commission, as established under section 5 of this Law;

**“Council”** means the elected Chief and Council of the Listuguj Mi'gmaq Government.

**“Directive”** means written procedural rules adopted by the Commission to govern its internal operations and functioning pursuant to section 5.14 of the Law;

**“Gaming”** means any activity, operation or game in which any valuable consideration may be wagered upon the outcome, which outcome is determined by some combination of chance, skill, speed, strength or endurance, and in which any valuable prize is awarded to the player so wagering, including both online and land-based activities, operations and games;

**“Gaming Device”** means any equipment, software or mechanical, electromechanical or electronic device, contrivance, machine or component thereof that is used for Gaming;

**“Gaming Supplier”** means any Person who directly or indirectly manufactures, distributes, supplies, vends, leases, or otherwise purveys goods and services for the conduct of Gaming on Listuguj Lands, including but not limited to electronic gaming machines and devices, cards, dice, gaming chips, gaming signs, prize tokens, dealing shoes, drop boxes, computerized gaming monitoring systems, bill exchanges, voucher machines, security and surveillance equipment and services, and also includes any Person designated as a Gaming Supplier by the Commission;

**“Gaming Venue”** means any place in which Gaming may lawfully take place as designated by the Commission;

**“Enforcement Officer”** means an officer of the Listuguj Police Department, or such other police service and/or security agency as may from time to time be charged by Council with providing policing and/or security services on the Lands of the Mi'gmaq of Listuguj;

**“Licensee”** means the holder of a licence, permit or authorization issued by the Commission;

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

**“Listuguj Lands”** means the Listuguj Mi'gmaq First Nation lands presently under the jurisdiction and control of the Listuguj Mi'gmaq Government and in which all members have a common interest, and any and all lands that may be added thereto in the future;

**“Person”** means any person or entity;

**“Regulation”** means a regulation enacted under this Law by the Commission for the purposes of the application of this Law;

**“Serious Criminal Conviction”** means a conviction in a court proceeding finding that a Person is guilty of any offence that is an indictable offence under the Canadian *Criminal Code*, or that is a felony under the criminal legislation of the United States of America, or any state or territory therein; or that is an equivalent offence under the criminal legislation of any other foreign jurisdiction, including any finding of guilty arising from a guilty plea or a plea of nolo contendere and irrespective of whether the sentence arising therefrom is suspended or deferred by the court, but does not include a conviction that has been the subject of a record suspension, pardon or similar process whereby the conviction has been set aside or expunged in the jurisdiction where the conviction was issued.

### **3. Prohibitions, Penalties and Enforcement**

- 3.1 Except as specifically permitted and provided for in this Law and the Regulations thereto, no Person shall carry out any Gaming or Gaming-related activities on the Listuguj Lands.
- 3.2 Traditional forms of games that have their roots in traditional Mi'gmaq culture, recreation and sport, that are played in a social setting for prizes of minimal value or played in connection with community ceremonies or celebrations, are exempt from the application of this Law and may be played without regulation pursuant to the Law or the Regulations thereto.
- 3.3 Unless a different procedure is provided for in this Law or the Regulations thereto, the summary conviction and indictable offence provisions of the *Criminal Code of Canada*, as amended from time to time, will apply to offences relating to the carrying out of Gaming except as specifically permitted and provided for in this Law and the Regulations thereto.
- 3.4 Enforcement Officers shall have exclusive authority and jurisdiction to enforce the provisions of this Law or the Regulations thereto as against Persons who carry out Gaming or Gaming-related activities on the Listuguj Lands in a manner not specifically permitted and provided for in this Law and the Regulations thereto.

3.5 [FURTHER CONSIDERATION TO BE UNDERTAKEN CONCERNING THE ENFORCEMENT OF THE LAW, CONSISTENT WITH THE MECHANISMS TO BE USED FOR THE CANNABIS LAW.]

[IN THE ABSENCE OF A LISTUGUJ-BASED JUDICIAL OR QUASI-JUDICIAL ENFORCEMENT SYSTEM, LIMITED RECOURSE MAY BE AVAILABLE TO THE QUEBEC COURT SYSTEM WHERE OFFENCES UNDER THE LAW OVERLAP WITH GAMING OFFENCES FOUND IN THE CANADIAN CRIMINAL CODE.]

#### 4. Paramountcy

This Law is intended to be consistent with all other applicable laws and regulations touching or concerning Gaming and Gaming-related activities, including without limitation any laws or regulations of Canada and the Province of Quebec. The provisions of this Law prevail on the Listuguj Lands to the extent of any inconsistency with non-Mi'gmaq applicable laws and regulations.

#### 5. The Commission

- 5.1 The Commission is hereby formed as a regulatory body responsible for administering this Law, enacting Regulations to ensure its application in accordance with the objectives of this Law, and enforcing the Law and the Regulations with respect to Persons who carry out or seek to carry out Gaming or Gaming-related activities on the Listuguj Lands in a manner specifically permitted and provided for in this Law and the Regulations thereto, including without limitation Licensees and Applicants.
- 5.2 The Commission shall commence its operations and assume its duties on a date (X) months following the adoption of this Law, or on an earlier date as determined by the Listuguj Mi'gmaq Government by way of an Order-in-Council. Until the coming of such date, no regulation, imposition of conditions or oversight relating to Gaming may be undertaken by the Commission.
- 5.3 The Commission shall regulate Gaming and Gaming-related activities on the Listuguj Lands in the community interest and in accordance with the principles of honesty and integrity.
- 5.4 The Commission shall be composed of a maximum of seven (7) members to be appointed by Order-in-Council for a term of three (3) years, and renewable for a maximum of one further consecutive term of three (3) years.

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- 5.5 To be eligible for appointment as a member of the Commission, an individual must:
- (a) be a member of the community of Listuguj, residing in the Listuguj Lands or within a distance of less than 20 kilometres therefrom;
  - (b) be at least twenty-five (25) years of age;
  - (c) not be employed by, or have any direct or indirect financial interest in, any business or organization that has an actual or potential interest in Gaming operations within or outside of the Listuguj Lands;
  - (d) have no Serious Criminal Convictions.
- 5.6 The members of the Commission shall appoint a Chair from amongst themselves by majority vote, who shall preside over meetings of the Commission.
- 5.7 A member of the Commission may be removed from office prior to the expiry of his or her term of office by unanimous resolution of the other members of the Commission<sup>[KJW2]</sup>.
- 5.8 A member of the Commission may resign from office prior to the expiry of his or her term of office by providing written notice to the Chair at least thirty (30) days prior to the effective date of such resignation.
- 5.9 The Chair shall inform Council of any changes in the membership of the Commission. Council shall by Order-in-Council appoint individual(s) to replace any member(s) of the Commission who resign or who are deemed unable or unfit to assume membership in the Commission or to continue to serve as a member thereof in accordance with the Directives adopted by the Commission<sup>[KJW3]</sup>.
- 5.10 Meetings of the Commission shall be held with a quorum of not less than four (4) Commission members, and decisions of the Commission shall be made by majority vote comprised of no less than three (3) Commission members present or represented<sup>[KJW4]</sup>. If a quorum is lost due to a conflict of interest(s) that arise in the course of taking a decision, the Commission shall defer the said decision to the next meeting of the Commission.

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- 5.11 The Commission shall hold meetings once every three (3) months, or as directed by the Chair or as directed by a resolution of a majority of the members of the Commission.
- 5.12 Notice of meetings of the Commission and the agenda of such meetings and all documents relevant to such meetings shall be provided to all members of the Commission no later than seven (7) days prior to the scheduled date of each such meeting.
- 5.13 Meetings of the Commission shall be open to the public, unless otherwise directed by the Chair or by a resolution of a majority of the members of the Commission, in which case they will be held *in camera*.
- 5.14 The Commission may by majority vote at a meeting adopt Directives governing its internal operations and functioning, including without limitation codes of conduct, confidentiality, conflict of interest and other governance policies for its members. The Commission may also implement and maintain such internal systems, networks and databases as it deems desirable for the fulfillment of its mandate.
- 5.15 Members of the Commission may receive remuneration for the time required to provide the services associated with their offices, and may receive compensation for expenses incurred in the execution of their duties as members of the Commission, as determined by Council from time to time.
- 5.16 The Commission will, when recruiting, training and hiring employees, give preference to qualified citizens of the Mi'gmaq of Listuguj in all job categories, and particularly in management positions, before hiring non-citizens of the Mi'gmaq of Listuguj.

**6. Authority of the Commission**

- 6.1 The Commission shall license and regulate Gaming in the Listuguj Lands as specified in this Law and the Regulations thereto.
- 6.2 The authority to license and regulate shall include:
- (a) the right to license Persons, businesses and organizations who are associated with the conduct of Gaming taking place within the Listuguj Lands;

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- (b) the right to license sponsoring organizations who desire to conduct, and/or share in the proceeds of Gaming;
- (c) the right to require a financial accounting or an audit from any Person, business or organization that has applied for or been granted a license, permit or authorization, including without limiting the generality of the foregoing the right to require Applicants and Licensees to provide financial statements, including income statements, balance sheets, and statements of cash flows;
- (d) the right to issue, suspend, or cancel any license granted by the Commission for failure to comply with its terms and conditions, this Law and the Regulations thereto, or for any practice that reflects negatively upon the honesty or integrity of Gaming conducted on the Listuguj Lands; and
- (e) the right to pursue disciplinary action against any Licensee for a violation of this Law or the Regulations thereto, or the terms and conditions of any license or permit issued by the Commission.

6.3 In discharging its authority the Commission shall:

- (a) issue, extend, suspend or revoke licences, permits and authorizations as provided for in this Law and the Regulations thereto;
- (b) attach such terms and conditions to any licences, permits and authorizations issued by the Commission as the Commission deems appropriate;
- (c) approve and issue rules and policies governing Gaming as the Commission deems appropriate from time to time;
- (d) regulate, monitor and inspect all Gaming and Gaming-related activities on the Listuguj Lands, including without limitation the premises and activities of all Licensees, on a continuing basis to ensure compliance with this Law, the Regulations thereto, and the terms and conditions of any licences, permits or authorizations;
- (e) monitor the accounting of revenue, expenses and income related to Gaming and Gaming-related activities, including without limiting the generality of the foregoing revenue, expenses and income related to electronic gaming devices;



***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- (f) ensure that all Persons, businesses or organizations involved in Gaming are licensed as required;
  - (g) ensure that all prizes being advertised are secured prior to any Gaming commencing;
  - (h) take such steps as necessary to ensure that the provisions of this Law and the Regulations thereto, and the terms and conditions of any licence, permit or authorization, are observed and pursue any suspected violations of same; and
  - (i) conduct investigations as may be deemed necessary.
- 6.4 The Commission may, in its sole discretion, hold hearings before exercising the authority conferred upon it under this Law and the Regulations thereto. The Commission may by majority vote at a meeting adopt Directives governing the practice and procedure to be observed at such hearings, which shall mandate that the hearings apply the rules of procedural fairness.
- 6.5 The Commission shall employ support staff and shall retain such professional services as are necessary to exercise its authority, in consultation with Council and subject to the approval of Council in relation to the budget for such matters.

## **7. Applications**

- 7.1 All Gaming and Gaming-related activities conducted on the Listuguj Lands must be authorized by way of a licence, permit or authorization issued by the Commission and subject to any terms and conditions attached to such licence, permit or authorization. The Commission may issue a licence, permit or authorization only upon receipt of a complete Application from an eligible Applicant in the prescribed form, with all required fees, expenses, enclosures and attachments, and subject to the procedures set forth in the Law, the Regulations and the Directives.
- 7.2 All Applications must include:
- (a) A fully completed Application form, including form(s) completed by any and all Persons associated with the Applicant as required by the Commission and any and all enclosures and attachments to such form(s) as required by the Commission; and

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- (b) Payment in full of all Application fees required by Council in such amount and payable in such manner as directed by the Commission.
- 7.3 The only individuals and entities eligible to submit an Application to the Commission are:
  - (a) Individual citizens of the Mi'gmaq of Listuguj who are at least eighteen (18) years of age and who are resident on the Lands of the Mi'gmaq of Listuguj;
  - (b) A corporation, partnership or other business entity that is majority-owned and controlled by one or more individual citizens of the Mi'gmaq of Listuguj who are at least eighteen (18) years of age and who are resident on the Listuguj Lands<sup>[KJW5]</sup>; and
  - (c) Gaming Suppliers.
- 7.4 The Commission may, in its sole discretion, upon receiving a complete Application from an eligible Applicant in the prescribed form and with all required fees, expenses, enclosures and attachments, issue a licence, permit or authorization granting permission to conduct a Gaming or Gaming-related activity on the Listuguj Lands, subject to the Law, the Regulations and the Directives, the results of Background Investigations, and subject to such terms and conditions as the Commission may in its sole discretion attach to such licence, permit or authorization.
- 7.5 A Gaming licence, permit or authorization will be set for a fixed term and may be revoked, amended, suspended, or extended as the Commission in its sole discretion deems necessary.
- 7.6 A licence, permit or authorization issued by the Commission may not be sold, transferred or otherwise assigned, otherwise such licence, permit or authorization shall be deemed to be void.
- 7.7 A Gaming licence, permit or authorization will identify:
  - (a) the premises in which the Gaming or Gaming-related activities may be conducted;
  - (b) the name of the Person(s) responsible for operating the Gaming Venue pursuant to such gaming licence;

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- (c) the number and type of games and Gaming Devices that may be operated within the Gaming Venue;
  - (d) the days and hours during which the Gaming Venue may be operated; and
  - (e) such other terms and conditions as the Commission in its sole discretion deems to be appropriate.
- 7.8 Establishments operating pursuant to a licence, permit or authorization granted by the Commission will, when recruiting, training and hiring employees, give preference to qualified citizens of the Mi'gmaq of Listuguj in all job categories, and particularly in management positions, before hiring non-citizens of the Mi'gmaq of Listuguj<sup>[KJW6]</sup>.
- 7.9 Fees collected by the Commission for Applications on behalf of Council shall be considered "community funds" within the meaning of that phrase as it is used in the *Listuguj Mi'gmaq Government Financial Administration By-law* (By-law 2013-001) or any successor legislation thereto.

## **8. Age Restrictions**

- 8.1 No individual under the age of eighteen (18) shall be employed by the Commission or by a Licensee.
- 8.2 No individual under the age of eighteen (18) shall be permitted to place any wager, directly or indirectly, in any Gaming.
- 8.3 No individual under the age of eighteen (18) shall be permitted in any room in a Gaming Venue in which Gaming is being conducted unless the individual is en route to a non-Gaming area of the Gaming Venue.

## **9. Gaming Operation Policies and Procedures**

- 9.1 Subject to review and approval by Commission, all Licensees that have been granted a licence, permit or authorization by the Commission for the purpose of operating one or more Gaming Venues shall adopt policy and procedure manuals including, but not limited to, the following:
  - (a) the physical safety of its employees;

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- (b) the physical safety of patrons in the facility;
  - (c) the physical safeguarding of assets;
  - (d) the physical safeguarding of assets transported to and from the facility and the cashier's cage department;
  - (e) the protection of the patrons, employees, and the property from any illegal activity;
  - (f) protocols for minors found in the possession of alcohol, participating in Gaming, or in any room in a Gaming Venue in which Gaming is being conducted; and
  - (g) the responsibilities and functions of every employee in each department.
- 9.2 Every Licensee that has been granted a licence, permit or authorization by the Commission for the purpose of operating one or more Gaming Venues shall, prior to engaging in any Gaming on Listuguj Lands, describe its administrative and accounting procedures in detail in a written system of internal control. Each Licensee that has been granted a licence, permit or authorization by the Commission for operating one or more Gaming Venues shall submit a copy of its written system of internal control referable to each Gaming Venue to the Commission. The internal control system shall include:
- (a) An organizational chart depicting appropriate segregation of functions and responsibilities;
  - (b) A description of the duties and responsibilities of each position shown on the organizational chart;
  - (c) A detailed, narrative description of the administrative and accounting procedures designated to satisfy the requirements of section 9.1 above;
  - (d) A written statement signed by the Licensee's chief financial officer and/or general manager and/or chief executive officer attesting that the system satisfies the requirement of this section 9;
  - (e) A letter from an independent certified public or general accountant stating that the written system has been reviewed by the accountant and complies with the requirements of this section 9; and
  - (f) Such other items as the Commission, from time to time, may require.

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- 9.3 After a Licensee submits internal controls to the Commission, the Commission shall review the internal controls and determine whether the internal controls submitted by the Licensee meet the requirements of section 9 of the Law. The Commission shall consider approving, rejecting, or requiring modification of the internal control system submitted by the Licensee, and shall advise the Licensee of its decision.
- 9.4 The Commission may prepare internal control procedures of general and specific application, establishing administrative and accounting procedures for exercising effective control over the internal fiscal affairs of a Licensee or multiple Licensees. The Commission shall establish one or more processes by which Persons who have an interest in the conduct of Gaming on the Listuguj Lands may provide advice and recommendations on the contents of these internal control procedures for consideration by the Commission. At least forty-five (45) days prior to adopting or if adopted revising, the internal control procedures, the Commission shall provide a copy of the proposed internal control procedures or revisions to all Licensees, and the Commission shall consider all written statements, arguments, or contentions submitted by interested parties. The Commission shall consider approving, rejecting, or requiring modification of the proposed internal control procedures or revisions, and shall advise all Licensees of its decision with regard to same.

**10. Reporting Requirements<sup>[KJW7]</sup>**

- 10.1 To allow the Commission to appropriately monitor security, financial and licensing requirements, Licensees are required to file certain regular reports and documentation pertaining to any Gaming Venue, with the Commission. In addition, the Commission is required to make reports to the Council.
- 10.2 At a minimum, the following reports and documentation shall be submitted to the Commission by each Licensee on a semi-annual basis:
- (a) list of all patron jackpots;
  - (b) records specified in the Regulations;
  - (c) list of Gaming Suppliers;
  - (d) list of all personnel terminations and reasons specified for each termination;
  - (e) detailed report summarizing all patron disputes and complaints; and

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- (f) all other reports as may be required or requested from time to time by the Commission.

10.3 The information contained in reports and documentation provided to the Commission by Licensees shall be used solely for the purposes set out in the Law, the Regulations and the Directives, and shall not be disclosed to any Person for any other purpose. The Commission shall take all steps that are reasonably necessary to ensure that such information is kept confidential. The members of the Commission are subject to the provisions of section 3.8 (Confidential Information) of the *Listuguj Mi'gmaq Government Code of Ethics and Conflict of Interests for Chief and Council*, and any successor policy addressing similar issues, with respect to any personal or financial information that is disclosed to them in the course of their duties as members of the Commission.

## **11. Audit Requirements**

- 11.1 The Commission bears responsibility for monitoring the fiscal affairs of all Gaming taking place on the Listuguj Lands, which responsibility it shall carry out by whatever means the Commission deems necessary or appropriate, including but not limited to the following:
- (a) requiring Licensees responsible for the operation of Gaming to establish adequate written internal controls and procedures for financial accountability and security of assets, which controls shall be subject to continual review and approval by the Commission;
  - (b) random monitoring of employee actions for compliance with the internal controls and procedures established by the Licensee and approved by the Commission;
  - (c) obtaining and reviewing monthly financial reports;
  - (d) selecting a qualified independent outside auditing firm to conduct an annual audit of the Gaming operations, the results of which must be forwarded to the Commission;
  - (e) hiring consultants or auditors to review procedures, controls, or actual performance and processes at any time deemed appropriate; and

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- (f) conducting investigations into any reported or suspected irregularities or improprieties.
- 11.2 In addition to the audit activities set out in section 11.1, the Commission may retain an independent audit firm to conduct its own internal compliance reviews of Licensee activities on a continual basis and report the results to the Commission and/or Council.
- 11.3 The right of the Commission to carry out audit activities pursuant to sections 11.1 and 11.2 shall be restricted to such audit activities as the Commission, acting reasonably, determines are necessary to ensure the integrity of Gaming on the Listuguj Lands and otherwise to further the purposes of the Law and the Regulations.

**12. Testing and Auditing of Gaming Devices**

- 12.1 The Commission, by its appropriately qualified employees and/or their designees, may at any time conduct tests to verify and validate any computer or software of any Gaming Device to ensure compliance with any standard set by any applicable Regulations.
- 12.2 Any qualified employee or designee of the Commission may inspect and audit the internal and external hardware and records of any Gaming Device at any time to ensure compliance with any standard set by any applicable Regulations.
- 12.3 The Commission may require the laboratory or field-testing and certification of any Gaming Device by an independent testing laboratory as may be selected by the Commission. This testing may occur prior to, during installation of, or after purchase or use of any Gaming Devices. Should the Commission deem it necessary or appropriate to require any such independent lab testing or certification, the entire cost of testing shall be the responsibility of the Licensee. Failure to comply with the provisions of this section shall constitute grounds for immediate termination of licensure.

**13. Regulations**

- 13.1 The Commission may propose to the Council the enactment of such Regulations as it considers necessary to implement the provisions of this Law, including Regulations respecting:

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- (a) the type and number of games and Gaming activities that may be conducted in any particular Gaming Venue;
- (b) the type, components, specifications, and method of operation of video lottery terminals, slot machines and other Gaming Devices;
- (c) rules of play for each Gaming activity or Gaming Device;
- (d) the maximum amount that may be wagered for each turn or play of a Gaming activity or Gaming Device;
- (e) the minimum and maximum odds of winning at each Gaming activity or Gaming Device, the hold and variation of each Gaming activity or Gaming Device;
- (f) the maintenance of public order, security, and the safety of individuals in and around Gaming Venues;
- (g) the types and classes of licences, permits and authorizations that may be granted by the Commission;
- (h) the form and content of Applications and the requirements in respect of each type and class of licence, permit and authorization;
- (i) the conditions and criteria for granting Gaming licences, permits and authorizations, including details of Background Investigations, and the standards, restrictions, or prohibitions relating to the use thereof;
- (j) the carrying or posting of licences, permits and authorizations;
- (k) sunset provisions and grandfathering provisions applicable to Gaming and Gaming-related activities taking place on the Listuguj Lands in the period prior to the enactment of this Law;
- (l) minimal hiring standards required for Gaming Venue personnel and employees;
- (m) the identification of those activities that will, for the purposes of this Law, be deemed to be Gaming;



***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

- (n) the conditions of operations and restrictions applicable to Gaming carried out on the Listuguj Lands, including without limitation hours of operation, maximum wagers and location of Gaming Venues,
- (o) the form and content of Background Investigations;
- (p) any amounts to be collected by the Commission from Applicants and Licensees on behalf of Council or its designate in connection with Applications and the conduct of Gaming and Gaming-related activities, to be received and managed by Council or its designate as “community funds” within the meaning of that phrase as it is used in the *Listuguj Mi'gmaq Government Financial Administration By-law* (By-law 2013-001) or any successor legislation thereto;
- (q) the conduct of online Gaming;
- (r) the requirement that Gaming Venues adopt policies and programs for any individual who is or may be subject to potentially problematic gambling behaviour;
- (s) prohibiting or restricting the extension of credit to participants in Gaming events and governing the extension of credit;
- (t) the conditions applicable to advertising and marketing activities relating to Gaming;
- (u) the designation of smoking and non-smoking areas in Gaming Venues;
- (v) security and surveillance requirements for Gaming Venues;
- (w) procedures for addressing breach of provisions of the Law or the Regulations by any Persons, including Licensees, and applicable sanctions;
- (x) the regulation of alcohol in Gaming Venues; and
- (y) any other regulation necessarily related to the conduct and operation of Gaming on the Listuguj Lands.

13.2 All such Regulations will be enacted in accordance with the laws, practices and procedures governing Gaming taking place on the Listuguj Lands.

***Revised draft Law prepared by Dickinson Wright LLP in accordance with its response to the RFP of the Listuguj Mi'gmaq Government, with new margin comments***

**14. Amendment**

- 14.1 This Law may only be amended following consultation and engagement with the citizens of the Mi'gmaq of Listuguj, and thereafter by the process and procedures established for the enactment of laws by Council.
- 14.2 Notwithstanding section 14.1 of this Law, consultation, engagement and a vote of Council is not required to amend this Law where an amendment does not change the substance of this Law, and is limited to:
- (a) correcting typographical or grammatical errors;
  - (b) minor improvements to language to more clearly define the purpose of this Law;
  - (c) renumbering of sections and clauses; and/or
  - (d) reconciling inconsistencies with other applicable laws of the Listuguj Mi'gmaq Government.

**15. Coming Into Force**

This Law comes into force and effect on the date proclaimed by a Resolution of Council, following a majority vote in favour by the qualified citizens of Listuguj.