



Pathfinder: Gaming Law

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Overview

What do scratch tickets, horseracing and blackjack have in common? All are gaming or gambling and all are subject to complex regulatory oversight. This pathfinder is intended to serve as a starting point for anyone interested in learning about the legal framework surrounding gaming. The primary focus is on Ontario, with more general Canadian or international sources included as available. A brief section on promotional contests is also included.

General Resources

Canadian Encyclopedic Digest (Ontario), 4th ed., looseleaf (Toronto: Carswell, 2009-). (Great Library Digest Room)

See vol. 29, "Gaming"

Provides a fairly current and comprehensive overview of Canadian law, based on case law and legislation. The "Gaming" heading includes information on legislation, criminal offences, rights and obligations, licensed activities and more. This is often an excellent place to start your research. Also available in the Great Library on [Westlaw Canada](#).

Castel, Jacqueline R., *Gaming Control Law in Ontario*, looseleaf (Aurora, Ont.: Canada Law Book, 2001-). ([KF 3992.C37 2001](#))

This up-to-date looseleaf text contains a wealth of useful information. Its detailed history of gaming control in Ontario is of particular note. The text also contains major sections on gaming premises, lotteries and compliance. Many charts and tables illustrate points of interest, such as comparisons of regulatory frameworks between Ontario, Nevada and New Jersey. Detailed discussions include various registration processes, exclusion of individuals from casinos and reporting requirements for large cash transactions. Horseracing and pari-mutuel wagering are also addressed.

Halsbury's Laws of Canada (Markham, Ont.: LexisNexis, 2006-). ([Dig Can](#))

Finding Resources on Your Topic

These subject headings are used in AdvoCAT, the library catalogue, legal indexes such as the *Index to Canadian Legal Literature* (ICLL: available in paper, on Quicklaw or Westlaw Canada) or LegalTrac (available on Great Library computers). ICLL is best for finding Canadian material. However, other jurisdictions such as the U. S., or U.K. may also have useful sources. LegalTrac indexes English-language legal periodicals from a variety of jurisdictions. You can use these subject headings to find journal articles dealing with particular aspects of gaming law. Some of these subject headings are general, and others are more specific. Try experimenting with subject headings to find out which ones are most useful to you. This is not an exhaustive list, but rather is intended to serve as a starting point for your research. You may find resources on gaming law in many different areas of the library, so browsing the shelves is probably not useful.

ICLL and AdvoCAT Headings

Casinos
-- Law and legislation
Compulsive gamblers
Contests
-- Law and legislation
Gamblers

The volume *Criminal Offences and Defences* provides an overview of the criminal law regarding gaming and lotteries.

Jepson, Val, *Canada's Gambling Regulatory Patchwork: A Handbook* (Calgary: Canada West Foundation, 1999). ([KF 3992 J47 1999](#)) Also [online](#).

This brief text contains a short history of the regulation of gambling in Canada, accompanied by useful timelines covering the development of various provincial policies. It is a good basic summary of regulation across the country, but is somewhat dated.

Legal and Business Guide to Gaming in Canada (Toronto: Canadian Institute, 2010). ([KF 3992.A75 C365 2010](#))

Proceedings of a recent CLE seminar by the Canadian Institute. Consists of a collection of papers and PowerPoint presentations addressing topics including online gaming, aboriginal right to gaming and sports betting. Also see previous years at same call number.

[Canada West Foundation](#)

This Foundation has produced and made available online a number of studies and reports on gambling in Canada. Specific topics include online gaming, charitable gaming, and First Nations gaming.

Charitable Gaming

Bourgeois, Donald J., *The Law of Charitable and Casino Gaming* (Toronto: Butterworths, 1999). ([KF 3992 B68 1999](#))

This text includes an examination of what a charity is, eligibility for licences and a guide to the licensing process. In addition, it addresses the management and operation of a lottery, including detailed information on running a charitable bingo function. A point-by-point guide to the registration and regulation processes for lotteries, gaming suppliers and gaming assistants is included. For all topics, extensive case law is discussed. This title is Ontario-focused, although it does touch on other provinces as well. Due to the age of the title, case law and statutes will require updating.

Bourgeois, Donald J., *Charities and Not-for-Profit Fundraising Handbook*, 2nd ed. (Toronto: Butterworths, 2006). ([KF 1389.5 B68 2006](#))

This book of practical advice for charities includes a chapter dealing with fundraising activities, including a brief section on gaming.

Contests

Gambling
 -- Law and legislation
 -- Taxation
 -- Public policy
 -- Social aspects
 -- Government policy
Gambling and crime
 -- Technological innovations
Gambling on Indian reservations
Games
Horse race betting
Indians of North America
 -- Gambling
Internet gambling
 -- Law and legislation
Lotteries
 -- Law and legislation
 -- Public policy
 -- Taxation
Wagers

LegalTrac Headings

Bingo
 -- Laws, regulations and rules
Bookmakers (Gambling)
Casinos
 -- Taxation
Compulsive gambling
Computer sports games
Contests
 -- Laws, regulations and rules
Gamblers
 -- Laws, regulations and rules
Gambling
 -- Taxation
 -- Economic aspects
 -- Social aspects
Gambling equipment
 -- Laws, regulations and rules
Gambling industry
 -- Laws, regulations and rules
 -- Economic aspects
 -- Licensing agreements
Horse race betting
 -- Laws, regulations and rules
Illegal gambling
Lotteries
 -- Taxation
 -- Economic aspects
Native American gaming
 -- Economic aspects
Online gambling
 -- Laws, regulations and rules
Poker
 -- Laws, regulations and rules
 -- Laws, regulations and rules
Slot machines
 -- Laws, regulations and rules
Sports betting
Wagers

Pritchard, Brenda and Susan Vogt, *Advertising and Marketing Law in Canada*, 3rd ed. (Markham, Ont.: LexisNexis, 2009). ([KF 1614 P75 2009](#))

This recent title covers all of Canada with particular attention to Quebec's unique legislative regime. It addresses contests and promotions, Criminal Code issues, the Competition Act and cautions against certain practices. Contains many practical examples.

Shanoff, Alan, "Contests and Promotions" in *Entertainment, Advertising & Media Law Symposium* (Toronto: Law Society of Upper Canada, 2005). ([KF 4290.A75 E57 2005](#))

This is a recent Canadian paper on contests and promotions. It briefly covers important points such as pertinent legislation, consideration issues, skill testing questions, the contract, and practical considerations.

[Competition Bureau](#)

[Information Bulletin on Promotional Contests](#)

[Canadian Marketing Association](#)

Internet Gambling

Abe, Lisa K., *Web Law: Agreements, Guidelines and Use Policies* (Markham, Ont.: Butterworths). ([KF 390.5.I5 A24 2005](#))

This recent Canadian text includes a short chapter on gambling, lotteries, betting and contests in the online context.

[Walters Law Group](#)

This American website includes a variety of articles on online gaming authored by Lawrence Walters, a presenter at multiple Canadian Institute seminars.

Gambling and Harm

Campbell, Colin S. et al., *The Legalization of Gambling in Canada* (Ottawa: Law Commission of Canada, 2005). ([KF 3992.C36 2005](#)) Also [online](#).

This report prepared for the Law Commission of Canada addresses "unwanted behaviours" including related crime and problem gambling. It includes a chronological table showing the evolution of gambling provisions in the Criminal Code and discusses the federal/provincial struggle over regulation. A cross-national comparison with Australia, Great Britain and the United States is included.

Hillyer, H. Bruce T., "Representing Injured Parties: Alcohol, Social Host and Gambling Liability Today" in *Tort Law: New Trends and Causes of Action* (Toronto: Law Society of Upper Canada, 2003). ([KF 1250 .A2 L383 2003](#))

This is a short paper and PowerPoint presentation setting out how basic principles of tort law may evolve in the area of gambling liability.

[Responsible Gambling Council Online Library](#)

Ontario Regulators' Websites

[Alcohol and Gaming Commission of Ontario](#)

[Lottery Licensing Policy Manual](#)

[Charitable Lottery Licensing](#)

[OLG](#) [Ontario Lottery and Gaming Corporation]

[Ontario Racing Commission](#)

Recent Journal Articles

Diamond, Andrew W., "What to Do with a Drunken Sailor and Other Bankrupts with Addictions or What Are Appropriate Conditions to Impose on the Discharges for Bankrupts Suffering from Addiction and Mental Illness? Section 173 Voluntary vs. Involuntary: [Bankruptcy and Insolvency Act]" (2008) 36 *Canadian Bankruptcy Reports* (5th) 167.

Hurt, Christine, "Regulating Public Morals and Private Markets: Online Securities Trading, Internet Gambling, and the Speculation Paradox" (2006) 86 *Boston University Law Review* 371. Also [online](#).

Kyer, C. Ian and Danielle M. Hough "The Legality of Online Gaming in Canada" (2006) 7 *Internet & E-Com. L. Can.* 49.

Melnitzer, Julian, "The Business of Gambling" (2005) 7:2 *Lexpert* 94.

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