

**A BLUEPRINT FOR ACTION TO REFORM CANADIAN
GAMBLING LAW, POLICIES & PRACTICES INTO THOSE THAT
ARE IN THE PUBLIC INTEREST**

by

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**A Call for the Adoption of a Precautionary Approach to Gambling
And a Royal Commission into Gambling in Canada**

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**MESSAGE FOR THE FEDERAL GOVERNMENT OF CANADA AND ALL PROVINCIAL AND
TERRITORIAL GOVERNMENTS, GIVEN THAT:**

- A) There are inherent conflicts-of-interests with the provinces creating gambling polices, conducting, managing and promoting gambling activities while regulating these gambling activities they operate for profit;
- B) Recent media reports and credible research has revealed the real extent of the dangers and addictive qualities of gambling, especially Electronic Gambling Machines (EGMs);
- C) There is credible evidence that preventable harm is occurring from provincially managed and regulated gambling activities;
- D) These dangers pose a serious threat to the Canadian public (including youth) due to disregard for public safety and mismanagement of gambling by the provinces;
- E) Government sanctioned gambling advertising and operations lack adequate or/and have no product safety information or protective measures;
- F) Recent credible research and reports suggest that the operation of EGMs are misleading, deceptive and possibly fraudulent and the provinces have failed to ensure that EGMs do not contravene the Criminal Code of Canada or other federal statutes;
- G) The provinces and gambling operators have put profits ahead of public safety and protection by not disclosing the true nature, operations and potential dangers of gambling, especially EGMs, from the public, and to date have not yet investigated questionable practices; and
- H) Recent media reports suggest that the security of Electronic Gambling Machines have been breached by person(s) unknown raising serious questions as to the integrity of these gambling devices and the provinces' ability to adequately conduct, manage and regulate gambling.

Therefore, EFFECTIVE IMMEDIATELY:

CGWN & CITIZEN VOICE CALL FOR THE ADOPTION OF A PRECAUTIONARY APPROACH TO GAMBLING

The precautionary principal or approach applied to gambling dictates that:

When gambling raises threats of harm to individuals and communities, precautionary measures must be taken even if some cause and effect relationships are not fully understood or established scientifically.

Governments have a duty-of-care to take action now given that there is substantial and credible evidence that harm is occurring, even if the exact nature and full extent of harm is not yet fully understood or proven.

The precautionary principle shifts the burden of proof, insisting that those responsible for gambling and its promotion must vouch for its harmlessness and be held responsible if harm occurs. In this context the proponents of gambling, rather than the public, should bear the burden of proof.

The process of applying the precautionary principle must be open, informed and democratic and must include all potentially affected parties. It must also involve an examination of the full range of alternatives, including strict protective measures or no gambling.

Precautionary decisions must place the highest priority on protecting individuals and society, including parents and youth, and can help develop player protection technologies with effective safeguards and adequate regulatory enforcements. Government and gambling industry decisions must also be based on meaningful citizen input with the highest regard and respect for those who have been and may be impacted by gambling, not for those with financial interests.

Taking a precautionary approach is the only ethical and socially responsible way by which governments, regulators and their gambling operators can ensure the safety of citizens. Precautionary principles must be applied to all aspects of gambling and gambling decision-making, including the reformulation of gambling policies, legislation, regulations and practices. This should include ongoing and independent external audits of gambling operations and regulations. Anything less will further the needless endangerment of the public.

ADDITIONALLY, CGWN AND CITIZEN VOICE CALL FOR A ROYAL COMMISSION INTO GAMBLING IN CANADA AND/OR CRIMINAL INVESTIGATIONS THAT WILL:

1. Investigate and fund a national independent study into the social impact and costs of 20 years of rapid gambling expansion in Canada;
2. Investigate through chief coroners' offices, their mandatory policies and procedures for investigating and publicly reporting gambling related suicides;
3. Investigate how all provinces conduct and manage all aspects of gambling and if provincial gambling laws, regulations, gambling corporations or their operations may be contravening the Criminal Code of Canada or any other federal statutes;
4. Investigate inherent conflicts-of-interests by provinces acting as gambling policy makers, operators and regulators, promoters and profit makers;
5. Investigate how the dangerous properties of gambling, especially Electronic Gambling Machines (EGMs), have not been disclosed, which has unduly endangered the public and caused needless harm;
6. Investigate how anomalies and/or gambling systems in EGMs may have compromised their integrity, security and the safety of citizens;
7. Investigate all those "in the chain of cause" who would be considered responsible and accountable for not disclosing anomalies and the known hazards and dangers of gambling, especially EGMs, not limited to gambling machine manufacturers;
8. Investigate how gambling products can be fitted with player protection, if at all possible; and
9. Recommend the best ways, following precautionary principals, that gambling can be federally regulated, while provincially managed to ensure the highest level of player protection, public safety, integrity and security.

Further, Gambling is still governed by the Criminal Code of Canada, which is the fundamental law of Canada. Therefore, CGWN & Citizen Voice call on the Government of Canada to fully acknowledge its duty-of-care as it relates to gambling activities in Canada and the protection of all citizens. We understand that the Federal Government cannot distance itself from its responsibilities and the consequences of gambling, which is allowed through exemptions in the Criminal Code of Canada. **The federal government must enforce the Criminal Code of Canada** even though responsibility for conducting and managing gambling was passed to the provinces that are now promoting and operating, for profit, gambling products that are known to be potentially hazardous, deceptively addictive or possibly fraudulent. Parliament still maintains ultimate responsibility for enforcement of the Criminal Code of Canada and other federal statutes that may be contravened by the provinces or provincially run gambling, and Parliament has a duty to immediately act to protect all citizens.

CGWN AND CITIZEN VOICE ALSO CALLS ON THE FEDERAL GOVERNMENT OF CANADA, TO IMMEDIATELY AMEND THE CRIMINAL CODE OF CANADA TO ALLOW FOR PARLIAMENT TO IMMEDIATELY TAKE OVER REGULATORY CONTROL OF GAMBLING THROUGH A NATIONAL GAMBLING CONTROL AGENCY. THIS WOULD REMOVE THE INHERENT CONFLICT-OF-INTEREST FROM THE PROVINCES WHO PROMOTE AND PROFIT FROM GAMBLING WHILE REGULATING IT. THIS AGENCY WOULD HAVE A CLEAR MANDATE FOR PUBLIC SAFETY, SECURITY AND HARM PREVENTION AND WOULD FOLLOW ALL RECOMMENDATIONS PUT FORWARD BY THE ROYAL COMMISSION INTO GAMBLING IN CANADA. FURTHER, THE GOVERNMENT OF CANADA MUST ENACT NEW LEGISLATION THAT WILL ENABLE PRECAUTIONARY GAMBLING POLICIES & PRACTICES TO PROTECT CITIZENS THAT:

1. Safeguards the Canadian public by immediately halting all gambling expansion (including current commitments) while arms-length measures are completed to prevent placing any more citizens at preventable risk. This is an absolute moratorium (including a halt of new EGM types);
2. Establishes an independent Gambling Ombudsmen to oversee consumer complaints related to the gambling industry;
3. Supports creation of an independent "Canadian Gambling Control Agency" with a core mandate of citizen inclusion and representation, public safety; security and obligatory harm prevention (ensured by legislation);
4. This Canadian Gambling Control Agency will be independent of Government and have powers over all gambling policy, operations, promotions and regulations;
5. Starting immediately, all gambling products, especially EGMs, must carry:
 - a) Full product safety obligatory information - especially cautions on how the games work (i.e. illusions, distortions of probabilities of winning, virtual reels, virtual reel mapping);
 - b) Addiction potential warnings;
 - c) Known risks;
 - d) Contra-indications; and
 - e) Disclosure of odds of all games per legislated Consumer Protection obligations and the Federal Competition Act requirements.
 - f) Self-assessment and player protection technologies
6. Starting Immediately:
Health Canada will ensure that youth and parents at primary, secondary, post-secondary levels will receive ongoing education regarding prevention of problem gambling as an obligatory part of the core curriculum, as well as providing prevention to the general public.
7. The Canadian Gambling Control Agency will direct all gambling operators to cease all promotions and advertising: Pending assurances that all consumer protection and informed consent obligatory messages are in place. Further, absolute legislative limits on gambling advertising and promotions will be established, including advertising expenditure limits.
8. Effective immediately:
The Canadian Gambling Control Agency will have the mandate and authority to suspend and/or withdraw any public gambling product if harm is detected and/or adequate protective measures are not possible at this time.

Only, in this way, can the Federal Government of Canada ensure the safety and protection of its citizens against known hazardous gambling products and activities.