

GAMING LEGALNEWS

BILL C-290: FROM FAVORITE TO UNDERDOG

by Michael D. Lipton, Q.C., Kevin J. Weber, and Jack I. Tadman

Canadians can place legal, provincially regulated sports bets through lottery terminals found in popular locations such as convenience stores, grocery stores, and shopping malls. According to the *Canadian Gambling Digest*, in 2012 there were 31,215 land-based locations for Canadians to place sports bets. In addition to these 31,215 locations, Canadians resident in British Columbia, Manitoba, Quebec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland can bet on sports online, through provincially regulated websites. Certain Canadian casinos also offer sports betting opportunities.

The breadth of events on which Canadians can bet is limited only by the imagination of sports betting operators. If a person lives in British Columbia or Manitoba and wants to bet on Italian Serie A1 Men's Volleyball, this person can bet on favorite Cuneo at 1.4 or underdog Perugia at 2.55. In some provinces, betting options are not limited to sports. Residents of Quebec may bet on which artist will win the "popular song of the year" award from the *Association québécoise de l'industrie du disque, du spectacle et de la vidéobets* (predictably, Celine Dion is the favorite).

However, despite the numerous betting opportunities in Canada, it is illegal to offer bets on a "single sport event or athletic contest". In other words, only sports parlay betting is available in Canada.

In order to permit single-game sports wagering, the Canadian Criminal Code would have to be amended. On September 28, 2011, Joe Comartin, Member of Parliament for Windsor-Tecumseh, introduced Bill C-290, which would amend the Criminal Code to permit single-game sports betting.

Initially, it appeared that Bill C-290 had a clear path to becoming law, as it passed through the House of Commons without controversy and with the support of all parties on March 2, 2012, and was introduced into the Senate on March 6, 2012. Bill C-290 was debated by the Senate at second reading on May 16, 2012, and following this debate, it was referred to the Standing Committee on Legal and Constitutional Affairs (the Committee).

Committee hearings began on October 4, 2012. Numerous witnesses (including Dickinson Wright's Michael Lipton and Kevin Weber) testified before the Committee. During the Committee hearings, and afterwards in statements reported in the media, a number of Senators expressed concerns about Bill C-290, and in some cases outright opposition. After the Committee referred Bill C-290 back to the Senate, it lingered for many weeks without being brought forward for a vote of



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the Senators on third (and final) reading. Senators continued to debate Bill C-290 until the Senate had its summer break.

On September 13, 2013, Canadian Prime Minister Stephen Harper prorogued Parliament. When Parliament is prorogued, the session of Parliament is discontinued but not resolved. Proroguing affects all bills which have not received "Royal Assent," including Bill C-290. Government bills are generally terminated upon prorogation, but Bill C-290 is a private member's bill rather than a government bill and, as such, it was not terminated by proroguing.

With Parliament having resumed on October 16, 2013, Bill C-290 will not have to be reconsidered by the House of Commons. It remains at its prior status (passed on third reading). Its status before the Senate is not yet known. The rules provide that it can either (i) remain at its prior stage, awaiting third reading vote, if there is unanimous approval of that course of action in the Senate, or (ii) return to first reading in the Senate.

Given the Senate's reluctance to pass Bill C-290, it is unlikely to receive unanimous approval and will likely have to return to the first reading stage. Should this occur, there may be a second round of Committee hearings between the first and second readings, unless the Senate on first reading elects to bypass Committee hearings. A further round of Committee hearings is unlikely, and according to media reports, the Senators opposed to Bill C-290 are quite content to bring it to an "up-or-down" vote on third reading, indicating that they may believe that the present sentiment in the Senate is to reject Bill C-290.

Whereas initially it appeared that Bill C-290 would be able to pass the House of Commons and Senate without controversy, the likelihood of Bill C-290 becoming law has decreased, and according to Windsor West MP Brian Masse, "proroguing Parliament will create more challenges into seeing Bill C-290 signed into law".