



LOTTERY LICENSING ACT

ELIGIBILITY FOR A GAMING LICENCE

Background of gaming

- In Canada, gaming is regulated under the *Criminal Code of Canada*.
- Section 207(1)(b) of the *Criminal Code* allows the Government of Yukon to issue a licence to a charitable or religious organization to conduct and manage a lottery scheme if the proceeds from the activity are used for a charitable or religious purpose or object.
- Charitable gaming in Yukon is regulated through the *Lottery Licensing Act*.
- Eligibility for lottery licences includes a review of common-law with respect to what is or is not charitable, as well as legislation, policies and guidelines that have been established.

Basic eligibility

- Determining basic eligibility can be complex. However, there are key components that the Registrar considers when assessing a group's eligibility for gaming licensing.
 - 1) Primary purpose** – In the law of charity, the court's primary concern is to determine whether the group's primary purpose is charitable. The organization may have more than one purpose, but the primary purpose must be charitable and the activities that the organization is engaged in must be sufficiently related to that purpose to be considered to be furthering them.
 - 2) Structure** – Is it a broad-based volunteer membership and democratic? Do the offered programs benefit a significant segment of the community, not a member's self-interest? Is the organization registered as a society under Yukon's *Societies Act*?
 - 3) Program delivery** – Has the organization been in existence for one year and actively delivering programs during that time? How do the group's programs or services benefit the community?
 - 4) Use of proceeds** – How will the money be spent? Are the expenditures related to the organization's purpose and can they be seen to be furthering that purpose?

Questionnaire

- The questionnaire provides a framework that will provide information which is required to assist the Registrar in determining whether the organizations applying for a charitable gaming licence meets charitable requirements under the *Lottery Licensing Act*.



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| Name of organization |
| Address of organization |
| Purpose of the organization as stated in the society's constitution |

1. The initial test to determine “charitable status” is for an organization to have a charitable objective/primary purpose. The courts have determined that the term “charitable” refers to organizations whose primary purpose is to provide programs/services in one of four categories.

Choose the category that best describes the services that your organization provides:

- Relief of poverty or disease;
- Advancement of education;
- Advancement of religion;
- The advancement of any cultural, recreational, athletic or other activity or program that is beneficial to a Yukon community.

List **(with dates and times)** all of the types of programs or services delivered by the group in that **one** category.
(For example: If the organization chooses “Advancement of education”, list all of the programs that it provides in the community to advance education.)

2. Describe the locations where the organization has delivered programs to the community (*ex. recreation centre, library, school, etc.*) and how many volunteers were involved.

3. How many people from the community participate in the programs or receive services from the organization?
Is a fee charged?

4. How many of the participants or recipients of the organization's programs or services are members of the organization and how many are members of the public?

5. Is membership in the organization open to anyone in the community who wishes to become involved or are there specific criteria to be met in order for someone to be a member? If there are specific criteria, please provide details.

6. Do any of the organization's board of directors/governing body receive compensation for their duties as members of the board of directors?

Yes (provide details below) No

7. How and by whom is the organization's board of directors / governing body chosen?

8. How many persons may potentially benefit from the programs or services offered by your organization?

9. List the programs or services that are restricted to members and those which are open to the general public.

10. Explain why the organization's programs or services are important to the community:

11. Describe how the organization's programs are distinct from any other similar programs already provided in the community:

12. How does the organization plan to use the gaming proceeds?

Contact person: Provide information for a person in the organization who may be contacted about this questionnaire.

Name

Email

Phone

Signature: The president/director of the organization must sign and date this questionnaire to verify the information contained and authorize our office to contact the person named above with any further questions necessary to proceed with the questionnaire.

Print name of president / director

President / director's signature

Date

Additional documents: Enclose a copy of the society's financial statements with the questionnaire. The statements must clearly show that the group has pre-existing financial support in the community and does not rely on gaming funds for program delivery.

Submit: Send this completed questionnaire and your Society's' financial statements to plra@gov.yk.ca or to:
Registrar of Lotteries
Professional Licensing and Regulatory Affairs
Government of Yukon
P.O. Box 2703 (C-5), Whitehorse, YT Y1A 2C6