[Français](http://www.ontario.ca/fr/lois/loi/19a15)

Alcohol and Gaming Commission of Ontario Act, 2019

[S.o.](https://www.ontario.ca/laws/statute/s19015" \l "s3) 2019, chapter 15  
Schedule 1

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Last amendment: [2020, c. 36, Sched. 1](http://www.ontario.ca/laws/statute/S20036" \l "sched1s1).

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Interpretation

Definitions

**1** (1)  In this Act,

“Commission” means the Alcohol and Gaming Commission of Ontario continued under subsection 2 (1); (“Commission”)

“lottery subsidiary” means the subsidiary of the Commission established or continued by regulation under section 6.1; (“filiale des loteries”)

“Minister” means the minister responsible for the administration of this Act; (“ministre”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“Registrar” means the Registrar appointed by the board of directors of the Commission; (“registrateur”)

“regulations” means the regulations made under this Act. (“règlements”) 2019, c. 15, Sched. 1, s. 1 (1); 2020, c. 36, Sched. 1, s. 1.

Alcohol, cannabis, gaming and horse racing statutes

(2)  For the purposes of this Act, the following are the alcohol, cannabis, gaming and horse racing statutes:

1. The Liquor Licence and Control Act, 2019.

2. The Cannabis Licence Act, 2018.

3. The Gaming Control Act, 1992.

4. The Horse Racing Licence Act, 2015. 2019, c. 15, Sched. 1, s. 1 (2).

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 1, s. 1](http://www.ontario.ca/laws/statute/S20036" \l "sched1s1) - 29/11/2021

Crown agent

**1.1**(1)  The Commission is an agent of the Crown in right of Ontario. 2020, c. 36, Sched. 1, s. 2.

Same, subsidiary

(2)  The lottery subsidiary is an agent of the Crown in right of Ontario. 2020, c. 36, Sched. 1, s. 2.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S20036" \l "sched1s2) - 29/11/2021

Alcohol and Gaming Commission of Ontario

Commission continued

**2** (1)  The Alcohol and Gaming Commission of Ontario is continued as a corporation without share capital. 2019, c. 15, Sched. 1, s. 2 (1).

Board of directors

(2)  The Commission shall have a board of directors consisting of the members appointed in accordance with subsection 5 (1). 2019, c. 15, Sched. 1, s. 2 (2).

Non-application of Corporations Information Act

(3)  The Corporations Information Act does not apply to the Commission. 2019, c. 15, Sched. 1, s. 2 (3).

Non-application of Corporations Act

(4)  Subject to subsection (5), the Not-for-Profit Corporations Act, 2010 does not apply to the Commission. 2019, c. 15, Sched. 1, s. 2 (4); 2019, c. 15, Sched. 1, s. 17.

Regulations

(5)  The regulations may specify provisions of the Not-for-Profit Corporations Act, 2010 that apply to the Commission, with or without any prescribed modifications. 2019, c. 15, Sched. 1, s. 2 (5); 2019, c. 15, Sched. 1, s. 17.

**Section Amendments with date in force (d/m/y)**

[2019, c. 15, Sched. 1, s. 17](http://www.ontario.ca/laws/statute/S19015" \l "sched1s17) - 29/11/2021

Objects

**3** (1)  The Commission has the following objects:

1. To exercise the powers and perform the duties assigned under this or any other Act to the Commission.

2. To administer the alcohol, cannabis, gaming and horse racing statutes and the regulations made under them.

3. To oversee the lottery subsidiary’s conduct and management of prescribed online lottery schemes.

4. To ensure that prescribed online lottery schemes are conducted, managed and operated by the lottery subsidiary in accordance with the Criminal Code (Canada), this Act and the Gaming Control Act, 1992 and the regulations made under them.

5. If authorized by the Lieutenant Governor in Council, to enter into agreements to have the lottery subsidiary conduct and manage prescribed online lottery schemes on behalf of, or in conjunction with, the government of one or more provinces of Canada.

6. To engage in such other activities as may be prescribed. 2019, c. 15, Sched. 1, s. 3 (1); 2020, c. 36, Sched. 1, s. 3.

Duty to act in the public interest

(2)  The Commission shall exercise its powers and perform its duties in the public interest and in accordance with the principles of honesty and integrity, and social responsibility. 2019, c. 15, Sched. 1, s. 3 (2).

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 1, s. 3](http://www.ontario.ca/laws/statute/S20036" \l "sched1s3) - 29/11/2021

General powers

**4** (1)  Except as limited by this Act, the Commission has the capacity, rights and powers of a natural person for carrying out its objects.

Cabinet approval

(2)  The Commission shall not exercise the following powers without the approval of the Lieutenant Governor in Council:

1. Acquiring, disposing of, leasing, mortgaging, charging or otherwise transferring or encumbering any interest in real property, except for leasing space that is reasonably necessary for the purposes of the Commission.

2. Borrowing or lending money.

3. Pledging, charging or encumbering any of its personal property.

4. Creating a subsidiary.

Minister’s directives re online lottery schemes

**4.1**(1)  The Minister may issue directives in writing that relate to the conduct and management of prescribed online lottery schemes to the Commission or to the lottery subsidiary in respect of the Commission’s or the lottery subsidiary’s operations. 2020, c. 36, Sched. 1, s. 4.

Implementation

(2)  The board of directors of the Commission or of the lottery subsidiary, as applicable, shall ensure that the directives are implemented promptly and efficiently. 2020, c. 36, Sched. 1, s. 4.

Directive not a regulation

(3)  Part III (Regulations) of the Legislation Act, 2006 does not apply to a directive. 2020, c. 36, Sched. 1, s. 4.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 1, s. 4](http://www.ontario.ca/laws/statute/S20036" \l "sched1s4) - 29/11/2021

Board of Directors

Board of directors

**5** (1)  The board of directors of the Commission consists of not more than 11 members appointed by the Lieutenant Governor in Council.

Remuneration

(2)  The members are entitled to be paid remuneration and reimbursement for reasonable expenses as determined by the Lieutenant Governor in Council.

Chair and vice-chairs

(3)  The Lieutenant Governor in Council shall designate one of the members as the chair and may designate one or more members as vice-chairs.

Acting chair

(4)  If the chair is absent or unable to act, or if the office of the chair is vacant, a vice-chair shall act as the chair.

Same

(5)  If the chair and vice-chairs are absent, the members present shall appoint an acting chair from among themselves.

Quorum

(6)  A majority of the members constitutes a quorum of the board.

Powers and duties of the board

**6** (1)  The board of directors of the Commission shall manage and supervise the activities and affairs of the Commission. 2019, c. 15, Sched. 1, s. 6 (1).

By-laws

(2)  The board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Commission. 2019, c. 15, Sched. 1, s. 6 (2).

Guidelines

(3)  The board may establish guidelines governing the exercise of any of the powers and the performance of any duties under this Act or the administration of this Act and any of the alcohol, cannabis, gaming and horse racing statutes. 2019, c. 15, Sched. 1, s. 6 (3).

Delegation of powers and duties

(4)  The board of directors of the Commission may delegate, in writing, any of its powers and duties to any committee of the board or to one or more officers or employees of the Commission, other than the power to,

(a) make, amend or repeal by-laws of the Commission;

(b) establish fees and charges under section 13; and

(c) establish a schedule of monetary penalties under section 14. 2020, c. 36, Sched. 1, s. 5.

Exception, oversight of prescribed online lottery schemes

(4.1)  Despite subsection (4), the board shall not delegate any powers and duties to the Registrar or a Deputy Registrar that relate to the oversight of the lottery subsidiary. 2020, c. 36, Sched. 1, s. 5.

Conditions

(5)  A delegation made under subsection (4) is subject to any conditions set out in the delegation. 2019, c. 15, Sched. 1, s. 6 (5).

Duty to inform Minister

(6)  The board shall,

(a) inform the Minister of any matters that are of an urgent, critical or relevant nature and that are likely to require action by the Commission or the Minister to ensure that the Commission is able to properly carry out its objects and advise the Minister with respect to such matters; and

(b) advise or report to the Minister on any matter that the Minister may refer to the Commission relating to this Act or to the administration of any of the alcohol, cannabis, gaming and horse racing statutes. 2019, c. 15, Sched. 1, s. 6 (6).

Information

(7)  The board may require that any information related to the administration of this Act or of any of the alcohol, cannabis, gaming and horse racing statutes be provided in a manner approved by the board. 2019, c. 15, Sched. 1, s. 6 (7).

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 1, s. 5](http://www.ontario.ca/laws/statute/S20036" \l "sched1s5) - 29/11/2021

Lottery subsidiary

**6.1**(1)  The Lieutenant Governor in Council may, by regulation, establish or continue a corporation without share capital that is a subsidiary of the Commission that has as its objects and duties,

(a) conducting and managing prescribed online lottery schemes; and

(b) any other prescribed objects or duties. 2020, c. 36, Sched. 1, s. 6 (1).

Operations, etc.

(2)  The lottery subsidiary shall comply with this Act, the regulations and any Ministerial directives in conducting and managing the prescribed online lottery schemes. 2020, c. 36, Sched. 1, s. 6 (1).

Powers of a natural person subject to prescribed limitations

(3)  The lottery subsidiary has the capacity, rights and powers of a natural person, subject to such limitations as may be prescribed. 2020, c. 36, Sched. 1, s. 6 (1).

Revenues and investments

(4)  Despite Part I of the Financial Administration Act, the revenues and investments of the lottery subsidiary do not form part of the Consolidated Revenue Fund. 2020, c. 36, Sched. 1, s. 6 (1).

Application of Business Corporations Act

(5)  The regulations may specify provisions of the Business Corporations Act that apply to the lottery subsidiary and its directors and officers, with or without any prescribed modifications. 2020, c. 36, Sched. 1, s. 6 (1).

Non-application of Corporations Act

(6)  The Not-for-Profit Corporations Act, 2010 does not apply to the lottery subsidiary, except as may be prescribed. 2020, c. 36, Sched. 1, s. 6.

Non-application of Corporations Information Act

(7)  The Corporations Information Act does not apply to the lottery subsidiary. 2020, c. 36, Sched. 1, s. 6 (1).

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 1, s. 6 (1, 2)](http://www.ontario.ca/laws/statute/S20036" \l "sched1s6s1) - 29/11/2021

Registrar, Employees, etc.

Registrar

**7** (1)  The board of directors of the Commission shall appoint a Registrar for the purposes of this Act, the alcohol, cannabis, gaming and horse racing statutes and any regulations made under them.

Deputy Registrars

(2)  The Registrar may appoint one or more Deputy Registrars and may delegate his or her powers or duties to them, subject to any conditions set out in the delegation.

Transition

(3)  The person who is the Registrar for the purposes of the Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996 immediately before this section comes into force is deemed to have been appointed by the board as the Registrar under subsection (1).

Registrar’s certificate

**8** (1)  The Registrar may issue a certificate that contains information concerning any of the following matters with respect to this Act or any of the alcohol, cannabis, gaming and horse racing statutes:

1. The issuance or non-issuance of a licence, permit, authorization or endorsement.

2. The registration or non-registration of any person.

3. The filing or non-filing of any document or material required to be filed with the Commission.

4. The time when the facts upon which a proceeding is based first came to the knowledge of the Registrar.

5. Any other matter pertaining to any licence, permit, authorization, registration or endorsement under the alcohol, cannabis, gaming and horse racing statutes or to the filing or non-filing of any document under those Acts.

Admissibility of certificate

(2)  The certificate is, without proof of the office or signature of the Registrar, receivable in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the certificate.

Employees

**9** (1)  The Commission may appoint such employees as it determines are necessary for the proper conduct of its affairs.

Same

(2)  Subject to the approval of the Lieutenant Governor in Council, the board of directors of the Commission shall establish job categories, salary ranges and terms and conditions of employment for its employees.

Immunity of employees and others

**10** (1)  No cause of action arises against,

(a) a director, officer or employee of the Commission as a result of any act done in good faith in the performance or intended performance of their duties under this Act, any duties related to the lottery subsidiary, any of their duties under the alcohol, cannabis, gaming and horse racing statutes or any alleged neglect or default in the performance in good faith of those duties;

(b) a director, officer or employee of the lottery subsidiary as a result of any act done in good faith in the performance or intended performance of their power to conduct and manage prescribed online lottery schemes; or

(c) the Crown, a minister of the Crown or an employee of the Crown as a result of any act or omission of a person who is not a minister of the Crown or a Crown employee, if the act or omission is related, directly or indirectly, to the Commission’s affairs, to the lottery subsidiary’s affairs or to the administration of this Act or any of the alcohol, cannabis, gaming and horse racing statutes. 2020, c. 36, Sched. 1, s. 7.

No proceeding

(2)  No proceeding shall be instituted against,

(a) a director, officer or employee of the Commission by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in clause (1) (a);

(b) a director, officer or employee of the lottery subsidiary by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in clause (1) (b); or

(c) the Crown, a minister of the Crown or an employee of the Crown by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in clause (1) (c). 2020, c. 36, Sched. 1, s. 7.

Same

(3)  Subsections (1) and (2) do not relieve the Commission or the lottery subsidiary of any liability to which it would otherwise be subject. 2020, c. 36, Sched. 1, s. 7.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 1, s. 7](http://www.ontario.ca/laws/statute/S20036" \l "sched1s7) - 29/11/2021

Financial Matters and Monetary Penalties

Funding

**11** Money required for the purpose of this Act shall be paid out of the money appropriated for that purpose by the Legislature.

Certain financial powers and duties

**12** (1)  Subject to the approval of Treasury Board, the Commission may direct the Ontario Lottery and Gaming Corporation to pay to the Commission such money as it directs, and that money may be used for the purposes of the Commission.

Monetary penalties received

(2)  If the Commission receives money from monetary penalties imposed with respect to contraventions of any of the alcohol, cannabis, gaming and horse racing statutes, the money may only be used for the following purposes:

1. Public awareness, education and training programs for the general public in relation to alcohol, cannabis, gaming and horse racing.

2. Education and training programs for licence holders, permit holders, authorization holders, registrants and other persons governed by the alcohol, cannabis, gaming and horse racing statutes.

Payments from lottery subsidiary

**12.1**The regulations may require the lottery subsidiary to make payments in accordance with the regulations, which may include requiring the lottery subsidiary to make payments in accordance with the Commission’s directions. 2020, c. 36, Sched. 1, s. 8.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 1, s. 8](http://www.ontario.ca/laws/statute/S20036" \l "sched1s8) - 29/11/2021

Fees and charges

**13** (1)  The board of directors of the Commission may,

(a) establish fees or other charges, subject to the approval of the Minister;

(b) provide for the waiver of fees and charges; and

(c) provide for refunds for the purposes of this Act and the administration of any of the alcohol, cannabis, gaming and horse racing statutes or any regulations made under them.

Not regulations

(2)  Part III (Regulations) of the Legislation Act, 2006 does not apply to any document created under subsection (1) governing fees or charges.

Publication

(3)  The Registrar shall publish any document establishing fees or charges on the Commission’s website or by any other method that may be prescribed.

Monetary penalties

Definition

**14** (1)  In this section,

“Tribunal” means the Licence Appeal Tribunal established under the Licence Appeal Tribunal Act, 1999.

Schedule of monetary penalties

(2)  Subject to the approval of the Minister, the board of directors of the Commission may establish a schedule of monetary penalties that may be imposed with respect to contraventions of any of the alcohol, cannabis, gaming and horse racing statutes or any regulations made under them.

Not regulations

(3)  Part III (Regulations) of the Legislation Act, 2006 does not apply to the schedule of monetary penalties.

Publication

(4)  The Registrar shall publish the schedule of monetary penalties on the Commission’s website or by any other method that may be prescribed.

Registrar’s power to impose penalties

(5)  The Registrar may impose monetary penalties set out in the schedule of monetary penalties by serving notice of the monetary penalty.

Guidelines to be considered

(6)  In determining whether to impose a monetary penalty, the Registrar shall have regard to any guidelines governing the imposition of such penalties established by the board under subsection 6 (3).

Appeal

(7)  Subject to subsection (8), a person on whom a monetary penalty is imposed may appeal to the Tribunal by serving a written request on the Tribunal and the Registrar within 15 days after the Registrar serves notice of the monetary penalty.

No appeal re rules of racing

(8)  The Registrar’s decision to impose a monetary penalty for contravening the rules of racing made under the Horse Racing Licence Act, 2015 may not be appealed to the Tribunal.

Procedure on appeal

(9)  A hearing before the Tribunal shall be held in accordance with the Licence Appeal Tribunal Act, 1999.

Powers of Tribunal on hearing

(10)  Upon holding a hearing, the Tribunal may confirm the monetary penalty or set it aside.

Decision final

(11)  A decision of the Tribunal under subsection (10) is final.

Annual report

**15** (1)  The Commission shall prepare an annual report, provide it to the Minister and make it available to the public.

Same

(2)  The Commission shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

(a) the form and content of the annual report;

(b) when to provide it to the Minister; and

(c) when and how to make it available to the public.

Same

(3)  The Commission shall include such additional content in the annual report as the Minister may require.

Tabling of annual report

(4)  The Minister shall table the Commission’s annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

Regulations

Regulations

**16** The Lieutenant Governor in Council may make regulations,

(a) respecting anything that, in this Act, may or must be prescribed, done, specified or provided for in the regulations;

(b) establishing or continuing the lottery subsidiary, which may include continuing a lottery subsidiary that was established under the Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996;

(c) respecting the governance and operations of the lottery subsidiary, including,

(i) governing the board of directors of the lottery subsidiary, including its composition, procedure and quorum, and the powers and duties of the board, including its power to make by-laws,

(ii) governing the mechanism of appointing directors or filling vacancies on the board of directors and the functions, powers, duties and remuneration of directors,

(iii) governing the ability of the board of directors to delegate its powers and duties and to designate the offices of the lottery subsidiary, appoint officers, specify their duties and delegate to them or to committees of the board the powers to manage the activities and affairs of the lottery subsidiary,

(iv) governing committees of the board of directors, including governing the operation and functions of the committees,

(v) governing the authority of the lottery subsidiary to employ, appoint or otherwise engage persons for the proper conduct of its activities,

(vi) governing the functions, powers, duties and remuneration of officers and employees of the lottery subsidiary,

(vii) governing the capacity, rights, powers and privileges of the lottery subsidiary and any restrictions on them,

(viii) establishing requirements respecting the accountability of the lottery subsidiary to the Crown, including requiring the lottery subsidiary to provide specified reports to the Minister,

(ix) establishing conflict of interest rules,

(x) governing audits of the lottery subsidiary and the appointment of the lottery subsidiary’s auditors, which may include required audits by the Minister or the Minister’s delegate,

(xi) governing the winding up and dissolution of the lottery subsidiary and the transfer of its assets, liabilities, rights and obligations;

(d) prescribing online lottery schemes that the lottery subsidiary may conduct and manage, which shall not include any lottery schemes that are conducted and managed by the Ontario Lottery and Gaming Corporation;

(e) governing the ability of officers or employees of the Commission or of the lottery subsidiary to simultaneously be appointed as, work for or provide advice to,

(i) the Registrar, a Deputy Registrar or any other officer or employee who works for or provides advice to the Registrar,

(ii) any officer or employee of the lottery subsidiary who assists in conducting and managing prescribed online lottery schemes;

(f) governing the collection of, and payment out of, revenue that the lottery subsidiary receives, including revenue from prescribed online lottery schemes;

(g) requiring the lottery subsidiary to make payments, including requiring the lottery subsidiary to make payments in accordance with the Commission’s direction;

(h) specifying that any provisions of this Act that relate to the Commission apply to the lottery subsidiary, subject to such modifications as may be prescribed;

(i) governing the operations of any prescribed online lottery scheme that is conducted and managed by the lottery subsidiary, including prescribing requirements that the lottery scheme must meet or restrictions or prohibitions that apply to the lottery scheme;

(j) governing transitional matters that may arise due to the establishment of the lottery subsidiary, any other amendments to this Act made by the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 or the repeal of any provision of the Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996;

(k) respecting any matter necessary to facilitate the implementation of this Act. 2020, c. 36, Sched. 1, s. 9.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 1, s. 9](http://www.ontario.ca/laws/statute/S20036" \l "sched1s9) - 29/11/2021

17Omitted (provides for amendments to this Act).

18-24 Omitted (amends, repeals or revokes other legislation).

25 Omitted (provides for coming into force of provisions of this Act).

26 Omitted (enacts short title of this Act).

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