

# Domestic Gaming Sector Meeting



Friday, May 26th, 2017

at

Financial Services Regulatory Commission



## Welcome

# Meeting Agenda

- \* **Welcome words and Prayer**

- \* Meet the CEO – Mrs Brenda Sheppard and the Regulatory Team
- \* The Gambling Act 2016 (No 22 of 2016) and Amendment (gazetted) including an update on the establishment of the Gambling Authority
- \* Proposed Licensing Structure and Fees – discussions
- \* Coffee Break
- \* Regulations and Codes of Conduct – implications and discussions
- \* CFATF Review (Brief)
- \* Any Other Business

# Welcome

## **Welcome to this Domestic Gaming Sector Meeting.**

We would like to thank you all for attending and we hope that at this meeting we can exchange information and views in an open forum, as we move forward with developing and promoting the sector.

Firstly, we would like to offer a prayer for today's proceedings which will be offered by Ms Bunny Govia-Butler

Please stand

# Gambling Act 2016

(No 22 of 2016)

Officially Gazetted

April 26, 2017

# Gambling Act 2016

## Legislative Changes

- \* The present Betting and Gaming Act ( BGA) dates back to 1963 and was not in accord with FATF standards
- \* A comprehensive review was undertaken of the BGA and after several public consultations the **Gambling Act 2016 (GA) and amendments were enacted by Parliament**
- \* The objectives of the GA are to improve the domestic regulatory platform and provide robust systems, processes and procedures for the sector which are based on international standards and to ensure compliance with FATF standards

# Gambling Act 2016

## Legislative Changes

The GA calls for the establishment and incorporation of a new regulatory body for all gaming and gambling called the **Antigua and Barbuda Gambling Authority** which was established with the following objectives:

- \* That forms of gambling permitted under this Act are conducted honestly and that their management is free from criminal influence
- \* To ensure that practices that could undermine public confidence in gambling are eliminated
- \* To promote tourism, employment and economic development generally in Antigua and Barbuda
- \* To protect Government Revenues and
- \* To promote a balanced contribution by the gambling industry to general community benefit and amenity

# Gambling Act 2016

## Legislative Changes

In doing so the functions of the **Gambling Authority** are

- \* to regulate gambling activities in and on Antigua and Barbuda in accordance with this Act;
- \* to regulate interactive gambling activities in and from Antigua and Barbuda in accordance with the **Interactive Gaming and Interactive Wagering Regulations**, as amended from time to time;
- \* to review gambling laws to ensure their continued relevance and appropriateness;
- \* to manage research and data collection in regard to the social and economic impacts of gambling in Antigua and Barbuda;
- \* to ensure compliance by gambling organisations and persons with payment of fees and tax liabilities;
- \* to manage its resources in an efficient and effective manner;

# Gambling Act 2016

## Legislative Changes

- \* to strive to prevent or eliminate illegal activity within the gambling sector
- \* to support the responsible and sustainable development of the gambling industry within Antigua and Barbuda;
- \* to promote the development of community awareness of the gambling laws;
- \* to consult and co-operate with other institutions, and with persons, associations, organizations and authorities, both within Antigua and Barbuda and internationally, in relation to the provision and regulation of gambling activities; and
- \* to do anything incidental to its functions under these paragraphs

All Gambling activities within and from within Antigua and Barbuda will be regulated by the Gambling Authority.



# Establishment of the Gambling Authority

- \* The effective date of the new **Gambling Act 2016** has not yet been promulgated
- \* Once the Gambling Act 2016 has been given appropriate enactment dates, the laws as detailed are then in force
- \* Firstly, the Board of the Gambling Authority has to be selected and the establishment and incorporation process has to be completed, once that has been effected, the Board can then proceed with enactment dates

# Order of Business for the Gambling Authority

- \* It is envisaged that the **Gambling Act 2016** will be enacted by Chapters (this is why the Act is so large to enable this) over a period of time

The first chapters that will be enacted will be as follows:

- \* Chapter 1 – The Gambling Authority
  - \* Chapter 14 – Responsible Gambling
  - \* Chapter 15 – Community and Charitable Gaming
  - \* Chapter 16 – Penalties, Appeals and Reviews
  - \* Chapter 17 – Taxes, Levies and Fees
  - \* Chapter 18 – Unlawful Gambling Offences
  - \* Chapter 19 – Regulations
  - \* Chapter 20 – Amendments, Repeals and Transitional Provisions
- \* These are Chapters which will establish the ground rules moving forward, the next Chapters for enactment would likely relate to Licensing, Lotteries and Resort Casinos

# The Gambling (Amendment) Act, 2017

(gazetted April 15, 2017)

- \* Whilst the **Gambling Act 2016** was passed through the House of Parliament in late December 2016 and gazetted in April 2017, certain specific areas like taxation, fees and licensing structure had not been finalised with the sector and, as such, could not be included within the Act
- \* Following discussions with members of the sector, decisions were made regarding some of these items and as such the **Gambling Amendment Act 2017** was passed that included a schedule of tax rates along with other amendments. The actual **percentage rates were lower than discussed with the sector** in November 2016.
- \* New regulations will be issued on the Licensing and Fee structure

# Proposed Licensing Structure and Fees

- \* You will recall that the last time we met to review the Gambling Bill we made an undertaking that we will come back to you with the licensing and fee structure .
- \* We indicated that this structure will result in less fees than what is currently in place
- \* We also indicated that operators will be eligible for duty free concessions on the purchase of new machines and equipment
- \* As promised we now share the new licensing and fee structure

# Proposed Licensing Structure and Fees

- \* The licensing structure will be as follows:
  - \* Group One License A Gaming Machines up to 5 EC\$2,400.00 per year

# Proposed Licensing Structure and Fees

\* We propose the structure as follows:

- \* Group One License A Gaming Machines up to 5 EC\$2,400.00 per year
- \* Group One License B Gaming Machines 6 to 12 EC\$6,250.00 per year

# Proposed Licensing Structure and Fees

\* We propose the structure as follows:

- |             |           |                          |                        |
|-------------|-----------|--------------------------|------------------------|
| * Group One | License A | Gaming Machines up to 5  | EC\$2,400.00 per year  |
| * Group One | License B | Gaming Machines 6 to 12  | EC\$6,250.00 per year  |
| * Group One | License C | Gaming Machines 13 to 24 | EC\$12,500.00 per year |

# Proposed Licensing Structure and Fees

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| * Group One | License B | Gaming Machines 6 to 12  | EC\$6,250.00 per year  |
| * Group One | License C | Gaming Machines 13 to 24 | EC\$12,500.00 per year |
| * Group One | License D | Gaming Machines 25 to 49 | EC\$25,000.00 per year |



# Proposed Licensing Structure and Fees

\* We propose the structure as follows:

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|-------------|-----------|-----------------------------|------------------------|
| * Group One | License A | Gaming Machines up to 5     | EC\$2,400.00 per year  |
| * Group One | License B | Gaming Machines 6 to 12     | EC\$6,250.00 per year  |
| * Group One | License C | Gaming Machines 13 to 24    | EC\$12,500.00 per year |
| * Group One | License D | Gaming Machines 25 to 49    | EC\$25,000.00 per year |
| * Group One | License E | Gaming Machines 50 and over | EC\$45,000.00 per year |

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| * Group One | License C | Gaming Machines 13 to 24    | EC\$12,500.00 per year |
| * Group One | License D | Gaming Machines 25 to 49    | EC\$25,000.00 per year |
| * Group One | License E | Gaming Machines 50 and over | EC\$45,000.00 per year |
| * Group Two | License A | GM up to 45/Tables up to 4  | EC\$26,000.00 per year |

# Proposed Licensing Structure and Fees

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- |             |           |                             |                        |
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| * Group One | License A | Gaming Machines up to 5     | EC\$2,400.00 per year  |
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| * Group One | License C | Gaming Machines 13 to 24    | EC\$12,500.00 per year |
| * Group One | License D | Gaming Machines 25 to 49    | EC\$25,000.00 per year |
| * Group One | License E | Gaming Machines 50 and over | EC\$45,000.00 per year |
| * Group Two | License A | GM up to 45/Tables up to 4  | EC\$26,000.00 per year |
| * Group Two | License B | GM 46 to 149/Tables 5 to 8  | EC\$52,000.00 per year |

# Proposed Licensing Structure and Fees

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- |             |           |                             |                        |
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| * Group One | License D | Gaming Machines 25 to 49    | EC\$25,000.00 per year |
| * Group One | License E | Gaming Machines 50 and over | EC\$45,000.00 per year |
| * Group Two | License A | GM up to 45/Tables up to 4  | EC\$26,000.00 per year |
| * Group Two | License B | GM 46 to 149/Tables 5 to 8  | EC\$52,000.00 per year |
| * Group Two | License C | GM 150 + / Tables 9 +       | EC\$78,000.00 per year |

# Proposed Licensing Structure and Fees

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| * Group One  | License C | Gaming Machines 13 to 24    | EC\$12,500.00 per year  |
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| * Group One  | License E | Gaming Machines 50 and over | EC\$45,000.00 per year  |
| * Group Two  | License A | GM up to 45/Tables up to 4  | EC\$26,000.00 per year  |
| * Group Two  | License B | GM 46 to 149/Tables 5 to 8  | EC\$52,000.00 per year  |
| * Group Two  | License C | GM 150 + / Tables 9 +       | EC\$78,000.00 per year  |
| * Commercial Lottery Operations (multiple terminals) |           |                             | EC\$100,000.00 per year |

# Proposed Licensing Structure and Fees

- \* Initially we looked at the Arcade style operations which only have Slot Machine operations with their payment structure being:
  - \* Slot Machine Levy of EC\$30 per machine per week
- \* With the enactment of the Gambling Act 2016, the structure will consist of a
  - \* License Fee
  - \* Slot machine Levy of EC\$30 per month per machine
  - \* Gross Gaming Revenue Tax at 8%
- \* We have provided examples to explain the rationale...

# Proposed Licensing Structure and Fees

FUTURE PROPOSED GAMING REVENUES		LICENSE FEE	GAMING LEVY	GAMING TAX	TOTAL PAYABLE	CURRENT PAYABLE
			\$30/mnth/mch	8%		
<b>Group One</b>						
License A	Gaming Machines up to 5	\$2,400.00	\$1,080.00	\$0.00	\$3,480.00	\$4,680.00
		<b>\$91,150.00</b>	<b>\$48,240.00</b>	<b>\$0.00</b>	<b>\$139,390.00</b>	<b>\$0.00</b>





# Proposed Licensing Structure and Fees

FUTURE PROPOSED GAMING REVENUES		LICENSE FEE	GAMING LEVY	GAMING TAX	TOTAL PAYABLE	CURRENT PAYABLE
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<b>Group One</b>						
License A	Gaming Machines up to 5	\$2,400.00	\$1,080.00	\$0.00	\$3,480.00	\$4,680.00
License B	Gaming Machines 6 to 12	\$6,250.00	\$3,240.00	\$0.00	\$9,490.00	\$14,040.00
License C	Gaming Machines 13 to 24	\$12,500.00	\$6,660.00	\$0.00	\$19,160.00	\$28,860.00
		<b>\$91,150.00</b>	<b>\$48,240.00</b>	<b>\$0.00</b>	<b>\$139,390.00</b>	<b>\$0.00</b>

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License D	Gaming machines 25 to 49	\$25,000.00	\$13,860.00	\$0.00	\$38,860.00	\$60,060.00
		<b>\$91,150.00</b>	<b>\$48,240.00</b>	<b>\$0.00</b>	<b>\$139,390.00</b>	<b>\$0.00</b>

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License D	Gaming machines 25 to 49	\$25,000.00	\$13,860.00	\$0.00	\$38,860.00	\$60,060.00
License E	Gaming Machines 50 and over	\$45,000.00	\$23,400.00	\$0.00	\$68,400.00	\$101,400.00
		<b>\$91,150.00</b>	<b>\$48,240.00</b>	<b>\$0.00</b>	<b>\$139,390.00</b>	<b>\$209,040.00</b>

# Proposed Licensing Structure and Fees

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Remember please that these are annual figures, not daily or weekly

# Proposed Licensing Structure and Fees

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Remember please that these are yearly figures, not daily or weekly but yearly.

and

we do understand that the 8% Gaming Tax is not included in these figures but what it does mean is that BEFORE the Gaming Tax is included there is an advantage as the 8% is added to a lesser figure and not on top of what you were already paying before.

# Proposed Licensing Structure and Fees

		LICENSE FEE	GAMING LEVY	GAMING TAX	TOTAL PAYABLE	CURRENT PAYABLE
			\$30/mnth/mch	8%		
<b>Group Two</b>						
License A	Gaming Machines up to 45	\$26,000.00	\$14,400.00	\$0.00	\$40,400.00	\$50,000.00
	AND/OR up to 4 tables		\$720.00	\$0.00	\$720.00	
License B	Gaming Machines 46 to 149					
	AND/OR 5 to 8 tables					
License C	Gaming Machines 150 and above					
	AND/OR Tables over 9					

# Proposed Licensing Structure and Fees

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	AND/OR up to 4 tables		\$720.00	\$0.00	\$720.00	
License B	Gaming Machines 46 to 149	\$52,000.00	\$36,000.00	\$0.00	\$88,000.00	\$100,000.00
	AND/OR 5 to 8 tables		\$2,160.00	\$0.00	\$2,160.00	
License C	Gaming Machines 150 and above					
	AND/OR Tables over 9					

# Proposed Licensing Structure and Fees

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	AND/OR 5 to 8 tables		\$2,160.00	\$0.00	\$2,160.00	
License C	Gaming Machines 150 and above	\$78,000.00	\$108,000.00	\$0.00	\$186,000.00	\$300,000.00
	AND/OR Tables over 9		\$3,600.00	\$0.00	\$3,600.00	
		<b>\$156,000.00</b>	<b>\$164,880.00</b>	<b>\$0.00</b>	<b>\$320,880.00</b>	<b>\$450,000.00</b>

Again, as you can see, the amount paid BEFORE the Gaming Tax is less than what is currently paid and therefore gives an added advantage to the operator that they will not be having an 8% increase in expenses.

**Any questions please, and I am sure there are .....**



# Land Based Gaming Sector Meeting

## **Coffee Break**

10 minutes please

# The Act, Regulations, Amendments, Guidelines and Codes of Conduct

The strategic planning behind the **Gambling Act 2016** is to have six different levels of governance which can provide the jurisdiction with a Gambling Act that is truly developed for the sector.

They include:

- \* Gambling Act 2016 (No 22 of 2016)
- \* Amendments to the Act 2017
- \* Regulations
- \* Codes of Conduct
- \* Licensing Conditions
- \* Guidelines

Whilst the first four will undoubtedly apply to all licensees, conditions and guidelines will be in place to guide and assist specific licensees in their operations. Long gone are the days when one size fits all and as such the Gambling Act has been developed to allow fine tuning within the sector.

# The Act, Regulations, Amendments, Guidelines and Codes of Conduct

To ensure that you have available all the relevant information, instead of us sending these documents to you by email we have decided that the best way is to upload them to our website for your review.

The documents that will be available are listed on the next page but will include the Gambling Act 2016 and the Gambling (Amendment) Act 2017, the Regulations, Codes of Conduct and Guidelines.

Other documents that will be available soon will include License Application Forms, Employee License Application Forms and Exclusion Forms.

# The Act, Regulations, Amendments, Guidelines and Codes of Conduct

Immediately available on the website will be:

- \* Gambling Act 2016 (No 22 of 2016)
- \* Amendments to the Act 2017
- \* Regulations
  - \* Antigua and Barbuda Gaming Machine Regulations
  - \* Antigua and Barbuda Resort Casino Regulations
  - \* Antigua and Barbuda Monitoring System Regulations
  - \* Antigua and Barbuda Lotteries Regulations
- \* Codes of Conduct
  - \* Antigua and Barbuda Code of Conduct for Responsible Gambling
- \* Guidelines
  - \* Antigua and Barbuda Self Exclusion Guidelines
  - \* Antigua and Barbuda Self Exclusion Form

# The Act, Regulations, Amendments, Guidelines and Codes of Conduct

Available shortly on the website will be:

- \* New License Application Forms
- \* New Employee License Application Forms
- \* Cash Clearance Reports
- \* Gaming Machine Performance Reports
- \* Monthly Gaming Machine Reconciliation Reports
- \* Politically Exposed Persons factsheet
- \* Renewal License Application Form
- \* Renewal Employee Application Form
- \* Machine Supplier/Repairer/Retailer Licence Application Form
- \* Fit and Proper Guidelines

You will be notified as and when these forms become available for download

# CFATF Review

## WHY CHANGES? REGULATION MUST BE “EFFECTIVE”

“The new Methodology adds a new dimension to the evaluation of countries compliance with FATF/CFATF-standards. Whilst all countries must implement the Recommendations of the FATF/CFATF in their legal systems, the new Methodology lays the foundation for a systematic assessment of the **effectiveness** of national systems.

**Lt Col Croft ONDCP**, The Daily Observer 09-Mar-2015

*“No longer will they be satisfied with us being technically compliant.... We will also be assessed on the **effectiveness** of our anti-money laundering and crime task force operations”, he said.*

# CFATF Review

WHY CHANGES? REGULATION MUST BE “EFFECTIVE”

This does Not JUST apply to Antigua and Barbuda

Last year:

- The Bahamas – new gambling legislation 2015
- Jamaica – gambling amendments 2015
- Trinidad & Tobago – gambling amendments 2015
- Guyana – in discussions relating to new gambling legislation
- Antigua and Barbuda - new gambling legislation 2016

# CFATF Review and its implications to the Jurisdiction

Caribbean Financial Action Task Force (CFATF) 4<sup>th</sup> round mutual evaluation: ***compliance & effectiveness***.

- ♣ ***technical compliance*** – completed 05-Dec-2016
- ♣ ***effectiveness*** – 6<sup>th</sup> June 2017 – 17 June 2017 onsite review and interviews



# Land Based Gaming Sector Meeting

**Any Other  
Business?**

# Land Based Gaming Sector Meeting

# **The End**

Thank you for your attendance and a safe journey home.

# Land Based Gaming Sector Meeting

**Additional information  
if required**

**Proceed with Caution**

# Taxation in the Jurisdiction

## discussion

- \* Originally the Betting and Gaming Act from 1963 provided a provision for the Government of 15% tax due daily on the winnings of a gambling house
- \* This was subsequently changed to provide EC\$30 per machine per week plus a license fee for Casino Operations that included Tables, they paid no EC\$30 per Gaming machine purely a License Fee
- \* This now has to change whereby a
  - \* License Fee is paid for the Property which licenses you to a quantifiable number of machines or tables
  - \* a reduced Levy on both Gaming machines and Tables
  - \* and a Gaming Tax which has been mandated into Law at 8% on GGR.

(That is the amount of money that you have left from the deposits after paying out the winnings)

# Taxation in the Jurisdiction

## discussion

- \* The Tax percentages are based on Gross Gaming Revenues.
- \* That is to say.....

Deposits

Less Payouts (winnings)

Equals **Gross Gaming Revenues**

**\$100 deposited less \$85 winnings = \$15 GGR**

# Taxation in the Jurisdiction

## discussion

- \* Other Islands in the Caribbean that have regulated Domestic Gaming operations also have Gaming Machine and Table Levy, Gross Gaming Tax and License Fees
- \* When we compare the fee structure in other Caribbean countries we see a difference and on the next slide we offer a brief description of what is available, what is mandated and how this compares with Antigua and Barbuda

# Taxation in the Jurisdiction

## discussion

Country	License Fee	Machine Levy	Table Levy	GGR
Antigua and Barbuda	from EC\$2,400 to EC\$45,000 for Arcades with Casinos from EC\$26,000 to EC\$78,000 per year	EC\$30 per month per machine	EC\$30 per Table per month	8% GGR
Jamaica				
St Kitts and Nevis				
Dominican Republic				
St Maarten				
Bahama				

# Taxation in the Jurisdiction

## discussion

Country	License Fee	Machine Levy	Table Levy	GGR
Antigua and Barbuda	from EC\$2,400 to EC\$45,000 for Arcades with Casinos from EC\$26,000 to EC\$78,000 per year	EC\$30 per month per machine	EC\$30 per Table per month	8% GGR
Jamaica		US\$1000 per machine per year	US\$1000 per table per year	10% GGR
St Kitts and Nevis				
Dominican Republic				
St Maarten				
Bahama				



# Taxation in the Jurisdiction

## discussion

Country	License Fee	Machine Levy	Table Levy	GGR
Antigua and Barbuda	from EC\$2,400 to EC\$45,000 for Arcades with Casinos from EC\$26,000 to EC\$78,000 per year	EC\$30 per month per machine	EC\$30 per Table per month	8% GGR
Jamaica		US\$1000 per machine per year	US\$1000 per table per year	10% GGR
St Kitts and Nevis	US\$40,000 annual fee plus initial US\$60,000 concession fee	No Levy	No Levy	No Tax
Dominican Republic				
St Maarten				
Bahama				

# Taxation in the Jurisdiction

## discussion

Country	License Fee	Machine Levy	Table Levy	GGR
Antigua and Barbuda	from EC\$2,400 to EC\$45,000 for Arcades with Casinos from EC\$26,000 to EC\$78,000 per year	EC\$30 per month per machine	EC\$30 per Table per month	8% GGR
Jamaica		US\$1000 per machine per year	US\$1000 per table per year	10% GGR
St Kitts and Nevis	US\$40,000 annual fee plus initial US\$60,000 concession fee	No Levy	No Levy	No Tax
Dominican Republic		US\$0.05/US\$21 US\$0.10/US\$42 US\$0.25/US\$85 US\$0.50/US\$128 US\$1/US\$213 per month per machine	1 to15 US\$255 16 to 30 US\$297 over 30 US\$340 per table per month	No Tax
St Maarten				
Bahama				

# Taxation in the Jurisdiction discussion

Country	License Fee	Machine Levy	Table Levy	GGR
Antigua and Barbuda	from EC\$2,400 to EC\$45,000 for Arcades with Casinos from EC\$26,000 to EC\$78,000 per year	EC\$30 per month per machine	EC\$30 per Table per month	8% GGR
Jamaica		US\$1000 per machine per year	US\$1000 per table per year	10% GGR
St Kitts and Nevis	US\$40,000 annual fee plus initial US\$60,000 concession fee	No Levy	No Levy	No Tax
Dominican Republic		US\$0.05/US\$21 US\$0.10/US\$42 US\$0.25/US\$85 US\$0.50/US\$128 US\$1/US\$213 per month per machine	1 to15 US\$255 16 to 30 US\$297 over 30 US\$340 per table per month	No Tax
St Maarten	No information found regarding current legislation	No Information available	No Information available	No Information available
Bahama				

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Bahama	Small Casino less than 5k sq ft US\$50k tax - Medium Casino 5k to 10k sq ft US\$100k tax - Large Casino in excess of 10k sq ft US\$200k tax -			Less than \$10m taxable revenue 10% - if the taxable revenue exceeds 10m the payable is US\$1M PLUS 15% of everything over 10M - over US\$16M then US\$1.9M plus 20% of everything over US\$16M

# Taxation in the Jurisdiction

## discussion

- \* The Tax percentages are based on Gross Gaming Revenues.

Deposits

Less Payouts (winnings)

Equals **Gross Gaming Revenues**

**\$100 deposited less \$85 winnings = \$15 GGR**

Tax Payable on the GGR is **EC\$1.20**

# Land Based Gaming Sector Meeting

**Questions?**

# Land Based Gaming Sector Meeting

**The End**

Thank you for your attendance and a safe journey home.