

UNIVERSITY OF MACAU  
FACULTY OF LAW  
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MMIB/PLIB 012 GAMING LAW

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The first part of this discipline covers the main issues on the regulation of gambling in general and the gaming industry in particular in the Macau SAR. The key purpose is to familiarize students with the various and interdisciplinary sets of legal rules that apply to the gaming industry, focusing especially on *casino games of chance*.

The course has an *interdisciplinary nature* and covers issues of constitutional law, administrative law, tax law, company law, contract law and criminal law.

I. The first topic is a *general introduction*. The interdisciplinary nature of gaming is explored, as well as its history and current constitutional framework.

II. The second topic is a *civil law approach*. From the perspective of contract law, gaming and betting are contracts generating obligations for the parties. The nature and structure of these contracts will be discussed, as well as their enforcement and guarantees.

III. The third topic is *credit* for casino games of chance.

IV. The fourth topic considers the basic actors involved in casino games: *sub/concessionaires*. From the perspective of administrative law, a detailed study will be made of gaming concessions and sub-concessions, supervision of concessionaires, and powers of government intervention. From the perspective of company law, gaming concessionaires are public companies. The course considers aspects of the regulation of public companies as they apply to gaming concessionaires. From the perspective of tax law, the focus is on taxation of concessionaires. All of these matters are considered in relation to management companies too. The new proposal to raise the age of admission to 21 years will be discussed.

V. The fifth topic focuses on *gaming promoters*. From an administrative law perspective, the prime issue is the licensing and regulation of gaming promoters.

VI. The sixth topic is on *crime* issues. From the perspective of criminal law, the course discusses criminal offences related to gaming (unlawful gaming, game cheating) as well as the regulation against money laundering as it applies to gaming.

## OUTLINE

Session 1  
Monday, 30 May 2011

### **I -INTRODUCTION TO MACAU GAMING LAW**

- A. The legal regulation of gaming as an interdisciplinary matter
- B. History of the regulation of casino gaming in Macau
- C. International and constitutional rules
- E. Gaming as an activity subject to administrative authorization and regulation
- D. Distinction of types of games and concessions

Materials:

- *Introduction to Macau Gaming Law*, May 2011
- *Macau Basic Law*

### **II – CONTRACT LAW ISSUES**

- A. Legal effects of gaming and betting

Materials:

- Godinho, Jorge - 'The Regulation of gaming and betting contracts in the 1999 Macau Civil Code', in *Gaming Law Review and Economics*, vol. 11(3), 2007, 572 ff.
- Macau Civil Code

Session 2  
Tuesday, 31 May 2011

### **III- CREDIT FOR GAMING**

- A. The regulation of credit for gaming (Law no. 5/2004)

Materials:

- Godinho, Jorge, 'Credit for gaming in Macau', in *Gaming Law Review and Economics*, vol. 10(4), 2006, 363 ff.
- Godinho, Jorge, 'Should Credit Agreements between casinos and patrons be subject to prior Government approval? A note on Wynn Resorts (Macau) S.A. v. Mong Henry', *Gaming Law Review and Economics*, vol. 14(7), 2010, 541 ff.

- Macau Civil Code
- Law no. 5/2004, of June 14 (concession of credit for gaming)
- *Wynn Resorts (Macau) S.A. v Mong Henry* –Hong Kong HCA 192/2009, 10 August 2009

Sessions 3 and 4  
Wedn and Thu, 1 and 2 June 2011

#### **IV – CASINO GAMES OF FORTUNE: GAMING SUB/CONCESSIONAIRES**

- A. Access to gaming: the concession process
- B. Rights and obligations of sub/concessionaires
  - 1. Scope of concession
  - 2. Taxation
  - 3. Company requirements
  - 4. Auditing and accounting
  - 5. Property issues
- C. Extinction of concessions
- D. Government supervision and enforcement

Materials:

- Law no. 16/2001, of September 24 (casino gaming law)
- Commercial Code (selected provisions)
- Concession contracts (Wynn, Galaxy and SJM) and subconcession contracts (Venetian, MGM and Melco Crown)
- DICJ Instruction on gaming machines, 2004
- Pessanha, Luís – ‘Gaming taxation in Macau’, in *Gaming Law Review*, vol. 12, no. 4, 2008, 344 ff.
- Amendment currently pending in the Legislative Assembly

Session 5  
Mon, 13 June 2011

#### **V – CASINO GAMES OF FORTUNE: GAMING PROMOTERS**

- A. Access to gaming promotion: the authorization process
- B. Rights and obligations of gaming promoters
  - 1. Scope of authorization
  - 2. Taxation
  - 3. Company requirements
  - 4. Auditing and accounting
- C. Extinction of authorization
- D. Government supervision and enforcement

Materials:

- Administrative Regulation no. 6/2002, of March 20 (gaming promoters), as amended in 2009
- Law no. 5/2004, of June 14 (concession of credit for gaming)

## **VI - CRIMINAL LAW ISSUES**

- A. Casino crimes
- B. Crimes related to pari-mutuels
- C. Anti-money laundering rules for the gaming industry
- D. Anti-corruption laws and the gaming industry

Materials:

- Law no. 8/96/M, of July 22 (unlawful gaming)
- Law no. 9/96/M of July 22 (crimes related to animal racing)
- Law no. 6/97/M, of July 30 (organized crime)
- Law no. 2/2006, of April 3 (money laundering)
- Administrative Regulation no. 7/2006 (money laundering)
- DICJ Instruction no. 2/2006 (money laundering)
- Godinho, Jorge, 'Financial strategies of crime control in the Macau SAR', in Jorge Godinho (ed.), *Studies on Macau civil, commercial, constitutional and criminal law*, LexisNexis, Hong Kong, 2010, pp. 249 ff.

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- A list of suggested reading materials for further research is available; please contact the professors for topics and starting points.
- For latest developments, links and other sources please visit the Macau Gaming Law website (<http://macaugaminglaw.blogspot.com/>) and the Gambling and the Law website (<http://www.gamblingandthelaw.com/>).