

UNIVERSITY OF MACAU
FACULTY OF LAW
2009/2010

MMIB/PLIB 012 GAMING LAW

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The second part of this discipline follows the first part given by Prof. I. Nelson Rose, and it 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 field is somewhat complex given that the legal regulation of gaming in Macau arises from various legal disciplines. Consequently, 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 part is a *general introduction*. The interdisciplinary nature of gaming is explored, as well as its history and current constitutional framework.

II. The second part discusses *civil law matters*. 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. In the third part, the important issue of *credit* for casino games of chance is discussed.

IV. The fourth part 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.

V. The fifth part then focuses on the other key actors: *gaming promoters*. From an administrative law perspective, the prime issue is the licensing and regulation of gaming promoters. From a tax law perspective, the rules applying to gaming promoters shall be considered. Finally, the specific company law rules related to them are studied.

VI. The sixth part turns to *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.

VII. Time allowing, the course shall briefly discuss the legal rules applying to the concessions of *pari-mutuels* (horse and dog racing), *lotteries* and *sports betting* in the Macau SAR.

OUTLINE

Session 1
Monday, 14 June 2010

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*, powerpoint presentation, June 2010 (available in the webcourse)
- *Macau Basic Law*

II – CONTRACT LAW ISSUES

- A. Legal effects of gaming and betting

Materials:

- *Legal effects of gaming and betting*, powerpoint presentation, June 2009 (available in the webcourse)
- Godinho, Jorge - 'The Regulation of gaming and betting contracts in the 1999 Macau Civil Code', in *Gaming Law Review*, vol. 11, no. 3, 2007, 572 ff.
- Macau Civil Code; English translation available at <http://ssrn.com/abstract=1280595>

Session 2
Tuesday, 15 June 2010

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*, vol. 10, no. 4, 2006, 363 ff.
- *Credit for gaming*, powerpoint presentation, June 2009 (available in the webcourse)
- Macau Civil Code
- Law no. 5/2004, of June 14 (concession of credit for gaming)

Sessions 3 and 4
Thu and Fri, 17 and 18 June 2010

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)
- Subconcession contracts (Venetian, MGM and Melco Crown)
- DICJ Instruction on gaming machines, 2004
- *Gaming sub/concessionaires*, powerpoint presentation, June 2009 (available in the webcourse)
- *Gaming sub/concessionaires: company law aspects*, powerpoint presentation, June 2009 (available in the webcourse)

- Pessanha, Luís – ‘Gaming taxation in Macau’, in *Gaming Law Review*, vol. 12, no. 4, 2008, 344 ff.

Session 4
Fri, 18 June 2010

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)
- Law no. 5/2004, of June 14 (concession of credit for gaming)
- *Gaming promoters*, powerpoint presentation, June 2009, available in the webcourse

Session 5
Sat, 19 June 2010

VI - CRIMINAL LAW ISSUES

- A. Casino crimes
- B. Crimes related to pari-mutuels
- C. Anti-money laundering in 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, ‘The recent evolution of patrimonial strategies of crime control in the Macau SAR’, in Jorge Godinho (ed.), *The legal system of Macau and its European roots* (forthcoming, 2009) [available at www.ssrn.com]

- *Criminal law issues in the gaming industry*, powerpoint presentation, June 2009, available in the webcourse
- *Anti-money laundering in the gaming industry*, powerpoint presentation, June 2009, available in the webcourse

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Suggested reading materials for further research

- BUTTERFIELD, ROGER — *Gambling and gaming licensing: a practical guide*, Crayford, Kent : Shaw & Sons, 2008. [KD 3527 But 2008]
- CABOT, ANTHONY / KELLY, JOSEPH — *Casino credit and collection*, Las Vegas NV: Trace publications, 2003. [HG 3751 Cab]
- CABOT, ANTHONY N., — *Casino gaming: policy, economics, and regulation*, Las Vegas, NV: UNLV International Gaming Institute, William F. Harrah College of Hotel Administration, 1996. [HV 6711 Cab]
- DUARTE, RUI PINTO — ‘O Direito e o Jogo’, in *Themis. Revista da Faculdade de Direito da Universidade Nova de Lisboa*, year II, no. 3, 2001, pp. 69 ff.
- ERNKVIST, MIRKO – *Creating player appeal. Management of technological innovation and changing pattern of industrial leadership in the US gaming machine manufacturing industry, 1965-2005*, University of Gothenburg School of Business, Economics and Law, Göteborg, 2009.
- FAISS, ROBERT – *Gaming regulation and gaming law in Nevada. As remembered by Robert D. Faiss* (from oral history interview by Dwayne Kling; edited by R. T. King), University of Nevada Oral History Program, Reno NV, 2008.
- GODINHO, JORGE — *Macau business law and legal system*, Hong Kong, LexisNexis, 2007. [K M3 623 God 2007]
- GODINHO, JORGE — ‘The Regulation of gaming and betting contracts in the 1999 Macau Civil Code’, in *Gaming Law Review*, vol. 11, no. 3, 2007, 572 ff.
- GODINHO, JORGE — «Menores em casinos: é necessário alterar a lei?», in *Boletim da Faculdade de Direito da Universidade de Macau* (forthcoming; delivered for publication; available at SSRN: <http://ssrn.com/abstract=1347245>)]
- GOVERNO DE MACAU, *O jogo em Macau*, Macau: Inspeção dos Contratos de Jogos, 1985. [GV 1301 Jog 1985]

- JUDE, OLIVIER — ‘O jogo e as apostas no principado do Mónaco’ [Gaming and betting in the principality of Monaco], in *Formação Jurídica e Judiciária. Colectânea*, Tomo II, 2007; Chinese version available.
- KATCHI, ANTÓNIO — ‘O regime jurídico da exploração de jogos de fortuna ou azar em Macau’ [The legal régime of the operations of games of fortune in Macau], in *Boletim da Faculdade de Direito da Universidade de Macau*, Ano VII, n.º 15, 2003, pp. 65 ff. [Chinese version available]
- KILBY, JIM / FOX, JIM / LUCAS, ANTHONY— *Casino operations management*, Hoboken NJ, Wiley, 2004. [HV 6711 Kil 2004]
- LEONG, ANGELA — ‘The “bate-ficha” business and triads in Macau casinos’, *Queensland University of Technology Law and Justice Journal*, 2002.
- LIONEL SAWYER & COLLINS — *Nevada gaming law*, 3rd edn., Las Vegas NV: Lionel, Sawyer & Collins, 2000. [KFN 985 Nev 2000]
- LITTLER, ALAN and CYRILLE FIJNAUT (eds.)— *The regulation of gambling. European and national perspectives*, Martinus Nijhoff Publishers, Leiden, 2007.
- MARTÍNEZ SANZ, FERNANDO — ‘Some topics on Turism and Gaming Law, in AAVV, *Collection of texts from the EU-Macao cooperation programme in the Legal field*, Macau: Centro de Formação Jurídica e Judiciária, 2007. [K 3824 C6 Col]
- MCMILLEN, JAN (ed.), *Gambling cultures. Studies in history and interpretation*, London and New York: Routledge, 1996. [HV 6710 Gam]
- MIERS, DAVID — *Regulating commercial gambling : past, present, and future*, Oxford, England ; New York: Oxford University Press, 2004. [KD 3527 Mie]
- PALOMAR OLEDA, ALBERTO (coord.) — *Régimen del juego en España*, Codere and Thomson Aranzadi, Cizur Menor (Navarra), 2006.
- PARADISO, MASSIMO – *I contratti di gioco e scommessa*, Giuffrè, Milano, 2003.
- PESSANHA, LUÍS — ‘Os jogos de fortuna e azar e a promoção do investimento em Macau’, in *Administração*, no. 77, Vol. XX, 2007/3, pp. 847 ff. [Chinese version available]
- PINHEIRO, JANUÁRIO — *Lei do jogo anotada e comentada*, Coimbra: Almedina, 2006. [K 915 Pin]
- PINHO, A. — ‘Gambling in Macau’, in R. D. CREMER, *Macau. City of commerce and culture*, Hong Kong: API press, 1991. [DS 796 M3 Mac 1991]

- PINTO, C. MOTA / MONTEIRO, A. PINTO / SILVA, J. CALVÃO DA — *Jogo e Aposta. Subsídios de fundamentação ética e histórico-jurídica*, Coimbra, 1982.
- RADA, TERESA ECHEVARRÍA DE — *Los contratos de juego y apuesta*, Barcelona: Bosch, 1996.
- RAMIS REBASSA, MARIA DE LOURDES — *Regimen juridico del juego*, Madrid: Marcial Pons, 1992. [K 915 Ram]
- RENTO, ALTINA / LAUREANO, ABEL — *Direito do jogo (legislação anotada)*, Lisboa: Quid Juris?, 1991. [K 915 Dir]
- ROHSLER, CARL -- *Gambling Act 2005. A current law statute guide*, London: Thomson / Sweet & Maxwell, 2005. [KD 3527 Roh]
- ROSE, I. NELSON — *Blackjack and the law*, Oakland CA: RGE, 1998. [KF 3992 Ros]
- ROSE, I. NELSON — *Internet gaming law*, 1st edn., Larchmont NY: Mary Ann Liebert, 2005. [KF 3992 Ros 2005]
- ROSE, I. NELSON — *Internet gaming law*, 2nd edn., Larchmont NY: Mary Ann Liebert, 2009.
- SCHWARTZ, DAVID — *Roll the bones. The history of gambling*. New York: Gotham Books, 2006.
- SHEEHAN, JACK — *The players. The men who made Las Vegas*, University of Nevada, Reno, 1997.
- SIU, RICARDO — ‘Formal Rules, Informal Constraints, and Industrial Evolution-The case of the junket operator regulation and the transition of Macau’s casino business’, *UNLV Gaming Research & Review Journal*, Oct 2007; 11, 2, pp. 49 ff.
- SMITH, JOHN L. — *Running scared. The life and treacherous times of Las Vegas casino king Steve Wynn*, Thunder’s Mouth Press, New York, 2001. [HV 6711 Smi]
- TAYLOR, RALPH J. — *Casino crimes and scams*, New York: Vantage Press, 2003. [HV 6711 Tay]
- VARIOUS AUTHORS — *Law, regulation, and control issues of the Asian gaming industry: proceedings of the First Conference of the Asian Academic Network on Commercial Gaming*, Macau: Institute for the Study of Commercial Gaming, University of Macau, 2006. [HV 6708 Asi 2006]
- VARIOUS AUTHORS — *American Jurisprudence Proof of facts. Enforcement of International Gambling Debts*, 87 POF3d 347.

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