



Gaming in Kahnawà:ke

AGRI 20TH ANNUAL CONFERENCE

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An aerial photograph showing the city of Montreal in the background, across a large body of water (St. Lawrence River). In the foreground, the Kahnawà:ke reserve is visible, characterized by dense residential housing and green spaces. A bridge spans the river in the distance. The sky is blue with scattered white clouds.

Montréal

Kahnawà:ke

FIRST NATIONS GAMING IN CANADA

- ▶ Since **1985 amendments** to the *Criminal Code*, only two ways that a First Nation can participate in the gaming industry in Canada:
 1. **Make a deal with a Province** under s. 207(1)(a) or (b) of the *Criminal Code*—IF the Province is willing to do so (Quebec is not)
 2. Exercise the First Nation's **own jurisdiction**—"treaty or aboriginal right" under s. 35(1)
- ▶ Both options have imperfect and have inherent uncertainties
- ▶ **April 27, 2021**: Letters from Minister Lametti
 - ▶ Opening door to consultations with FNs on:
 - ▶ 1979/1985 Fed/Prov agreements re gaming
 - ▶ Bill C-218—amending Code re single events sports wagering

GAMING IN KAHNAWÀ:KE

- ▶ Since 1996, Kahnawà:ke has built a successful gaming industry on the strength of inherent Mohawk jurisdiction
- ▶ Revenue sharing agreement with Quebec has never been an option
- ▶ *Kahnawà:ke Gaming Law* enacted June 10, 1996—25th anniversary in about 2 months
- ▶ Law creates/empowers Kahnawà:ke Gaming Commission ("KGC") to be licensing and regulatory body:
www.gamingcommission.ca

KAHNAWÀ:KE JURISDICTION OVER GAMING

- *Kahnawà:ke Gaming Law* is not an *Indian Act* by-law
- If challenged, defended as an “aboriginal right” under **s. 35(1)** of the Constitution Act, 1982
- Obtained several legal opinions from external counsel
- Comprehensive opinion prepared by OKT Law—assisted by Professor Brian Slattery
- Over past 25 years, no legal challenge of any kind
- One judicial proceeding in Superior Court of Quebec—*Horne v. KGC et al.*—decided in favour of KGC

MODERN-DAY GAMING IN KAHNAWÀ:KE

- ▶ Kahnawà:ke has no land-based “casino”—3 referenda: 1994, 2003 and 2012
- ▶ **1999**—*Regulations concerning Interactive Gaming*
 - ▶ Licenses and regulates third party online gaming operators
 - ▶ In mid-2000’s, almost 60 licensees—presently, approximately 30
 - ▶ **Mohawk Internet Technologies (“MIT”)**
 - ▶ Co-location data centre and internet service provider
- ▶ **2007**—*Regulations concerning Poker Rooms*
 - ▶ Currently, three poker rooms licensed by Commission—Playground Poker is largest in Canada
- ▶ **2011**—*Regulations concerning Raffles*
- ▶ **2018**—*Regulations concerning Electronic Gaming Device*

MOHAWK ONLINE KAHNAWÀ:KE

- **2015**—Mohawk Council of Kahnawà:ke established Mohawk Online as a **socio-economic initiative** for benefit of community
- Mohawk Online is unincorporated band-empowered entity 100% owned by MCK
- Mohawk Online operates **Sports Interaction** www.sportsinteraction.com
 - Sports wagering, casino, poker, other games
- All revenue directed to benefit community of Kahnawà:ke
- Recent donations made for children's water park and Mohawk language immersion program—**expanding donation program to other First Nations**
- **Expanding support service operations to other First Nations**
- Licensed by Kahnawà:ke (KGC) and Jersey (JGC)
- Accepts players only from within Canada

MOHAWK ONLINE KAHNAWÀ:KE

SPORTS

LIVE BETTING

CASINO


LIVE CASINO

GAMES

RACEBOOK

POKER

PROMOS 2



SPORTS
INTERACTION
Licensed & regulated in Canada & Jersey.

SEARCH

HOCKEY

BASKETBALL

BASEBALL

SOCCER

TENNIS

MMA

GOLF

FOOTBALL

TABLE TENNIS

CURLING

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MOST POPULAR

HOCKEY

| | | | | |
|------------|------|----------------|------|---------|
| Buffalo | 3.40 | * NY Rangers | 1.34 | 33 Bets |
| Columbus | 3.33 | * Tampa Bay | 1.35 | 33 Bets |
| * Boston | 1.83 | Pittsburgh | 2.00 | 34 Bets |
| New Jersey | 2.75 | * Philadelphia | 1.48 | 34 Bets |

BASKETBALL

| | | | | |
|------------|------|----------------|------|---------|
| Sacramento | 3.56 | * Golden State | 1.32 | 23 Bets |
|------------|------|----------------|------|---------|

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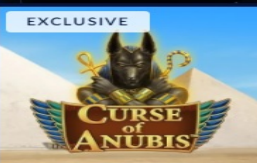






NEW!




EXCLUSIVE









LAND-BASED POKER ROOMS

- Since **2007**: *Regulations concerning Poker Rooms*
- Three licensed poker rooms
- Privately owned/operated by Kahnawa'keró:non
- Licensed and regulated by KGC
- Only poker offered—no blackjack or other table games
- Open 24/7 (closed March 13, 2020 due to COVID)
- Fees and revenues paid to Council for community benefit
- Largest room is Playground Poker—75+ tables
- Employs 300+ staff, including 200+ dealers (all licensed by KGC)
- All staff within poker rooms vetted by KGC

Playground Poker



- 75 poker tables
- largest in Canada
- World Poker Tour events
- employs 300+
- revenue to Council



ELECTRONIC GAMING DEVICES

- Since 2018: *Regulations concerning Electronic Gaming Devices*
- Input from NJ Division of Gaming Enforcement to develop regulations
- EGDs—hybrid between VLTs and slots
- Two EGD facilities—Playground and Magic Palace
- Total of approximately 900 machines at present—plans to expand
- Mandatory player cards—track players and their play
- Open 24/7 (presently closed due to COVID)
- Significant guaranteed revenue to Council—percentage of gross revenue
- Game play and revenue monitored on daily basis by KGC

HOW HAS GAMING BENEFITED KAHNAWÀ:KE?

Since **1996**—gaming industry provided significant benefits to Kahnawà:ke, **all on strength of Kahnawà:ke jurisdiction, resources and ingenuity**

➤ **Recognition of Kahnawà:ke jurisdiction**

- Reciprocal agreements with other regulatory agencies
- Discussions with Canada to find “workable solutions”

➤ **Revenue**

- Over past 24 years, millions of \$\$ in revenue for community
- Licensing fees from KGC
- Direct revenue from MOL, MIT, poker rooms and EGDs
- Mohawk Online: \$20M over past 5 years—\$4M to KERM fund

➤ **Employment and training**

- Hundreds of jobs for inside and outside the Community
- Customer support, network and technical, dealers



Niá:wen Kowa