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SOCIAL CONSTRUCTION OF THE SPORT-GAMBLING RELATIONSHIP: A CASE STUDY OF BILL C-290

by

Jimmy El-Turk

A Thesis

Submitted to the Faculty of Graduate Studies
through the Faculty of Human Kinetics
in Partial Fulfillment of the Requirements for
the Degree of Master of Human Kinetics
at the University of Windsor

Windsor, Ontario, Canada

2014

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A Case Study of Bill C-290

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DECLARATION OF ORIGINALITY

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ABSTRACT

Bill C-290, a federal Private Member's Bill introduced on September 28, 2011, aimed to legalize single event sports betting in Canada. This bill passed unanimously through the House of Commons but has been challenged by Senators and remains in limbo to date. Parliament transcripts, newspaper accounts, and interviews were analyzed to identify select rationales that stakeholders, politicians, and media members used to frame their position on Bill C-290. The social construction of this bill was documented and analyzed using duality of structure. Employing critical policy analysis, dominant rationales from existing literature were used to categorize arguments supporting or opposing single event betting. Findings indicated that the most common rationales in support of Bill C-290 – that regulated sports betting would assist in protecting sport and in limiting the impact of organized crime – did not adequately address the most powerful argument against Bill C-290 – that sports betting jeopardizes the integrity of sport.

DEDICATION

This thesis is dedicated to my family, who has been supportive throughout this process. Dad, thanks for your continued love and support; Mom, thanks for everything because we both know the list is too long; George, thanks for keeping me calm and motivated, your constant belief in me drives me to keep making you proud. A special thanks to the Lancer Men's Volleyball family for helping me keep my sanity through this amazing journey.

ACKNOWLEDGEMENTS

Many people have been by my side throughout this journey and without them, this would not have been possible. I have been shaped by so many great people and for that I am thankful.

First of all I would like to thank my advisor, Dr. Victoria Paraschak. Your continuous support, motivation, and positivity were always greatly appreciated. I am eternally indebted to you for taking a chance on me. Without your belief in me as a student and a person I would not be in the position I am in today. Your approach to life has impacted me tremendously and I hope to never lose sight of the life lessons you have taught me.

I would also like to thank my co-advisor Dr. Jules Woolf. Your critical approach and dedication to education is greatly appreciated. Your ability to push me to think in new ways and to challenge myself as a student and person have assisted me in completing this thesis and for that I say, thank you. Many thanks are due to Dr. Larry Glassford and Dr. Ryan Snelgrove for contributing time, effort and support to the development and completion of this thesis.

Finally, I would like to thank my friends and family: Ally, Will, Loebach, Harri, Kyle, Gravelle, Mom, Dad, and especially George for everything they have done. The laughs, the encouragement, and the conversations were all a big part of making this thesis possible.

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Introduction And Statement Of Problem

I. Introduction

On Wednesday September 28, 2011 Joe Comartin, a member of the New Democratic Party (NDP) and a member of parliament (MP) representing Windsor-Tecumseh stood in front of the Speaker in the House of Commons and introduced Bill C-290, an act to amend the Criminal Code currently restricting Canadians from placing a wager on a single sporting event. MP Comartin's speech to the Speaker was very brief, stating that the legalization of single event betting would increase employment opportunities for cities with a casino and remove the single event betting industry from the hands of organized crime and offshore bookmakers. MP Comartin's motion was deemed adopted by the Speaker; the bill was read for the first time and printed. The proposed amendment reads as follows:

This enactment repeals paragraph 207(4)(b) of the Criminal Code to make it lawful for the government of a province, or a person or entity licensed by the Lieutenant Governor in Council of that province, to conduct and manage a lottery scheme in the province that involves betting on a race or fight or on a single sport event or athletic contest (Criminal Code of Canada, 2013).

Although Bill C-290 was passed unanimously through the House of Commons, currently Bill C-290 resides in the Senate and is being held. Following the parliamentary recess, which ended on October 16, 2013, Bill C-290 was moved back to first reading in the Senate.

Since September 28, 2011 Bill C-290 has drawn much attention from politicians, stakeholder groups such as the professional sports leagues and the Canadian media. Individuals from these three institutions have made varying arguments for or against this proposed legislative change, oftentimes in hopes of affecting the policy process. Research

shows that policy analysis, such as deconstructing the policymaking process (Berg & Chalip, 2013; Chalip 1995; Chalip 1996; Piggin, Jackson, & Lewis, 2009; Sam, 2003; Sam & Jackson, 2006) to determine which ideas mattered and which ideas have been omitted, is key to understanding policy. Social construction as a worldview states that individuals are constantly being shaped by the social world around them while also shaping that same social world through both action and inaction (Giddens, 1984). Exploring the various arguments being made in support of and against altering the current prohibition against single event betting thus can provide insights on the sport-gambling relationship from a socially constructed standpoint.

Through this research, I have explored the following problem:

How have politicians, selected stakeholder groups and the Canadian media framed their rationale(s) for the regulation or prohibition of single event betting?

I have examined the official transcripts of the House of Commons and Senate sitting and committee meetings related to Bill C-290, as well as Canadian newspaper articles using discourse analysis, and carried out interviews with key personnel to aid me in interpreting the manner by which each stakeholder group has attempted to socially construct the policymaking outcome. Examining the rationale for arguments being made by each group enabled me to provide a more complete analysis of relevant social constructions being made about Bill C-290 with a particular focus on the sport and gambling relationship. Furthermore, my intention through this research was to develop a critical appreciation for the policymaking process in general, and specifically the ways that social deconstruction is valuable in critically analyzing policy.

II. Assumptions

- a) *Social construction is the basis for creating individual rationale(s) and a key aspect of critical policy analysis.*

The policymaking process often takes place in a governmental setting but government is not responsible for creating policy; it is the individuals within government who are responsible. These individuals have been socially constructed over the span of their lifetime to think in certain ways based upon the social world around them. The people around us have shaped who we are even though we might not realize it. It is through social construction that an individual's worldview is created and altered. Policymakers, politicians and individual members of stakeholder groups have all been socially constructed to think in certain ways and this can be examined through critical policy analysis and the deconstruction of political events.

- b) *Legislative changes can be examined through policy analysis.*

I have assumed that the terms 'legislation' and 'policy' can be used interchangeably when dealing with a proposed legislative change because issues of policy and policy analysis apply directly to legislation. I realize that the two terms have different meanings and policy cannot necessarily exist without legislation but the process of creating legislation is critical to the creation and implementation of policy. Examining the legislative process through policy analysis has assisted me in comprehending the rationales that shape, and were used in this process.

- c) *A shared responsibility exists between the individuals practicing gambling, the system administering gambling and the politicians creating gambling policy to ensure that best practices are adopted for responsible gambling.*

Individuals, in the end, are the creators of their own actions but when dealing with issues such as alcohol, tobacco, and gambling I believe that it is the responsibility of all stakeholder groups involved to work together in avoiding problematic situations. When proposing legislation, regardless of whether it passes or not, it is important for policymakers to hold the system administering gambling and the individual gamblers accountable as well. Policymakers also share in this accountability in order to promote and administer best practices and avoid situations of addiction.

III. Theoretical and Practical Justification

Critical policy analysis and its accompanying (de)construction of the policy process has become one of the prominent ways of analyzing policy change. Policy issues that have traditionally concerned sport managers include: governance, taxation, franchise location, international relations, athlete eligibility, drug testing, gender equity, procedures for team selection and programs, and access for persons with disabilities (Chalip, 1996). Many scholars have written about these various issues but absent from this list is sports gambling. In Canada, one of many policy issues on the political agenda was the issue of potentially legalizing single event betting. Much of the academic conversation surrounding the legalization of single event betting has revolved around this issue in the United States (e.g., Abarbanel, 2012; Bernhard & Abarbanel, 2011; Binde, 2005; Frey, 1992; Kindt, 1995; Miller & Claussen, 2001; Nelson, 2007; Rodenberg & Kaburakis, 2013) with some work focusing on Australia and Great Britain as well.

The Canadian federal government and its Members of Parliament (MPs) faced a predicament that is unique in North America because sports betting is currently regulated in Canada but single event betting is prohibited. Canadians are able to wager on sports as

long as it includes a combination of two games or more for POINT SPREAD and three games or more for PRO-LINE as opposed to single event betting. There are many rationales supporting the continued prohibition or the potential regulation of single event betting. As Chalip (1995) argued, “an enduring principle of politics holds that government should limit its interventions into social and economic activities” (p. 5). Bill C-290 is relevant to both the social and the economic political agenda. Analyzing the historical process of Bill C-290 and related rationales for the continued prohibition or the potential regulation of single event betting has offered a unique perspective on the topic of single event betting as a prominent policy issue in Canada.

In terms of a practical justification for this study, legalizing single event betting may be viewed as an extension of the current betting system in place in Canada. It offers Canadians another avenue of entertainment, serving as a form of tourism through attracting individuals to cities with casinos. What should not be ignored through the political process are the potential social consequences of legalizing another form of gambling. An analysis of the rationales for the continued prohibition or the potential regulation can be used as one avenue to better comprehend the current decision facing the Senate in relation to this bill. The ability of Canadian citizens to place a bet on a single sporting event may be viewed as an important aspect of Bill C-290. A rationale for the continued prohibition may be the potential negative social outcomes that can be associated with the introduction of a new form of gambling.

It was important for members of the House of Commons and the Senate to weigh the benefits and drawbacks of each rationale to assist in making decisions that they can justify as ones that best serve Canadian citizens. Regardless of the solution to this issue,

individuals interested in the policy process, through this research, have a greater insight into the Canadian legislative process as well as the rationales of the members of the House of Commons and the Senate that have contributed to the policy outcome.

Review of Literature

Examining a policy process as it unfolds requires knowledge about as well as observation of how the policy developed into its final form (Sam, 2003). For example, examining the historical context of the sport and gambling relationship in North America, as well as the way in which a private members' bill (PMB) proceeds through the political process have both contributed towards a better understanding of the impacts that Bill C-290 was perceived to have on Canadians by those involved in this political decision.

I. Private Members' Bills

i. Introduction and First Reading

In Canada, a PMB is a bill introduced in the House of Commons by an MP who is not a cabinet minister. This individual is known as a private member or, in the case of Bill C-290, the sponsoring member. A PMB follows the same legislative process as a government bill, but the time allocated for its consideration is restricted (Private Members' Bill, 2007). There are several stages that frame a PMB and the process, like any type of government bill, can be quite lengthy. The first step in the PMB process is 'The Notice'. The sponsoring member is responsible for drafting the bill and providing a written notice of his or her intention to introduce the bill. The sponsoring member must give 48 hours written notice of this intention and must also indicate the committee to which the bill will be referred following second reading (Private Members' Bill, 2007). The title of the bill and the name of its sponsor (the sponsoring member) are then

published in the Notice Paper. The Notice Paper contains the list of motions and inquiries not yet called for debate (Senate of Canada, 2005). After the 48-hour notice period has expired, the bill is moved from the Notice Paper to the Order Paper. The Order Paper provides the official daily agenda and lists all the items that may be brought forward that day (Senate of Canada, 2005). Once the bill is moved to the Order Paper it may be introduced during Routine Proceedings and is given first reading whenever the member is ready to proceed (Private Members' Bill, 2007).

When the sponsoring member is ready to proceed and introduce the bill, he or she rises during Routine Proceedings when called upon by the Speaker. This process is known as 'The Introduction'. The Speaker will announce the title of the bill and the motion for introduction is automatically adopted, without debate (Private Members' Bill, 2007). The sponsoring member is then permitted to give an explanation outlining the purpose of the bill. Since no debate is permitted during the introduction of a bill, the member often reads the explanatory note in the bill. The bill is then automatically read a first time and ordered to be printed, once again without debate. The bill is then transferred to the list of "Private Members' Business-Items Outside the Order of Precedence" (Private Members' Bill, 2007). The Order of Precedence is

A list of items sponsored by private members, established following a random draw of names. A member's name is entered in the draw provided that he or she does not already have an item in the order of precedence and provided that he or she has at least one item of Private Members' Business on the list of items outside the order of precedence (Private Members' Business, 2000, para. 1).

All PMBs and motions continue from one sitting to the next within the same Parliament, except for the bills and motions that were defeated or withdrawn. However, PMBs and motions do not continue from one Parliament to the next. Recognizing the potential for a

minority government to be brought down by parliamentary vote, resulting in a new election, it is important for bills and motions not to linger in case an election is called and a new Parliament is elected.

ii. Second Reading

‘Seconders’ are known as members who would like to support a bill already appearing on the Order Paper. These members may notify the Clerk of the House in writing that he or she wishes to second the bill (Private Members’ Bill, 2007). The names of the members wishing to support the bill are added to the list of seconders on the Order Paper; up to 20 members may jointly second an item on the Order Paper. No additional names can be added to the seconders’ list once the order for the second reading has been proposed to the House. Additionally, the member who seconds the motions for introduction and first reading of the bill in the House, as well as all subsequent stages, cannot be one of the seconders listed on the Order Paper (Private Members’ Bill, 2007). At this point, the PMB has been agreed to at second reading and is referred to an appropriate committee for detailed study (Private Members’ Bill, 2006a). Committee selection is predetermined based on the category in which the proposed bill best fits. There are many categories that range from treasury and government funding to foreign affairs and justice. Bill C-290 falls into the category of justice so the committees in both the House of Commons and Senate dealing with issues of justice are responsible for discussing this Bill

iii. Committee Stage

The committee must treat a PMB as it would all public bills. The same rules and practices apply to both types of bills. In keeping with those rules and practices, the committee is required to follow one of three options:

- Report the bill back to the House, with or without amendment within 60 sitting days
- Present a report to the House recommending that it not proceed further with the bill
- Request a one-time extension of 30 sitting days to further consider the bill (Private Members' Bill, 2006a)

The committee is required to give reasons for recommending why a bill should not proceed with or without an extension. Should the committee fail to report back to the House as required, the bill is automatically considered reported without revisions (Private Members' Bill, 2006a).

Recommendation Not to Proceed Further

After considering a bill, the committee may report to the House stating that it does not believe the bill should proceed any further (Private Members' Bill, 2006a). Once the report has been presented, a notice of motion to adopt the report is automatically placed on the Order Paper. The member who presented the report is responsible for carrying the motion, which is typically the Chair of the committee (Private Members' Bill, 2006a).

The motion is taken up after the Private Members' Business hour on a day set by the Speaker. The committee has a maximum of one hour to debate the bill before proceeding. At the end of the one hour, or earlier if no further members rise to speak, the Speaker calls the question on the motion (Private Members' Bill, 2006a).

At this point in the process, the House now gains control over the proceedings. If the House adopts the committee's report, it expresses its agreement that the bill should not proceed any further. Therefore, all work on the bill ceases for the remainder of that session (Private Members' Bill, 2006a). The House can also reject the committee's report. This allows the House to overrule the committee's report, expressing its will that the bill should proceed further. The bill is then deemed reported back to the House without revisions and is set down for consideration at the report stage (Private Members' Bill, 2006a).

Extension

If the committee feels it will not be able to complete its consideration of the bill in 60 sitting days, it may request an extension of thirty further sitting days (Private Members' Bill, 2006a). The committee is only allowed one thirty sitting day extension period. If the House agrees to grant the extension, then the committee has an additional thirty sitting days to complete its consideration of the bill. The additional thirty sitting day extension begins immediately after the expiry of the original sixty sitting day limit, as opposed to the day the extension is granted. If the House refuses to grant the extension, but the original sixty sitting day deadline has not yet passed, the committee may continue to consider the bill until the sixtieth sitting day. If the thirty sitting day extension is refused and the sixtieth sitting day has already passed, the bill is deemed reported without revisions (Private Members' Bill, 2006a).

Order of Precedence

At the beginning of a Parliament, and sometimes during the course of a Parliament, the names of all members are drawn to establish a List for the Consideration

of Private Members' Business. All members' names are placed on the List for the Consideration of Private Members' Business, regardless of whether they have submitted an item of Private Members' Business or not (Parliament of Canada, 2008). The Speaker, Deputy Speaker, Ministers and Parliamentary Secretaries are ineligible to take part in Private Members' Business (Parliament of Canada, 2008). The individuals who hold such positions are moved to the bottom of the List, where they will remain as long as they hold office. Joe Comartin is currently the Deputy Speaker, which has moved his name to the bottom of the list as well as forbidden him from speaking publicly about Bill C-290.

The Order of Precedence is created by transferring to it the first 30 eligible names from the List for the Consideration of Private Members' Business. In order to be eligible to be transferred to the Order of Precedence, a member requires one of the following items:

- A bill that has already been introduced and given first reading or;
- A motion that has been placed on notice (Parliament of Canada, 2008).

A member who does not have at least one of the above items in place at the time his or her name is ready to be transferred to Order of Precedence, is dropped from the List for the Consideration of Private Members' Business. The member will only be eligible again once the List for the Consideration of Private Members' Business has been exhausted or at the beginning of a new Parliament (Parliament of Canada, 2008).

Votable and Non-Votable Items

All items of Private Members' Business are votable by default. However, on the basis of the list of criteria established, the Subcommittee on Private Members' Business may "decide that a particular item should not be votable and would then report that

decision to the Clerk of the Standing Committee on Procedure and House Affairs”

(Parliament of Canada, 2008). The criteria to determine non-votability adopted by the

Standing Committee are as follows:

- Bills and motions must not concern questions that are outside federal jurisdiction;
- Bills and motions must not clearly violate the Constitution Acts, 1867 to 1982, including the Canadian Charter of Rights and Freedoms;
- Bills and motions must not concern questions that are substantially the same as ones already voted on by the House of Commons in the current session of Parliament, or as ones preceding them in the Order of Precedence;
- Bills and motions must not concern questions that are currently on the Order Paper or Notice Paper as items of Government business (Private Members’ Business, 2007, para. 5).

Once it has been determined that an item should be designated as non-votable, the Subcommittee on Private Members’ Business is required to present its report to the Clerk of the Standing Committee on Procedure and House Affairs (Private Members’ Business, 2007) (see Appendix A for a summary of the process of PMB’s).

Appeal Process

A member who disagrees with the decision of the Subcommittee on Private Members’ Business that was responsible for designating his or her item non-votable may appeal. This appeal occurs before the committee and a written or oral presentation must be made with reasons why his or her item should be votable. If the Committee agrees with the appealing member, the item remains votable. If the Committee agrees with the Subcommittee, it presents a report to the House, stating that the item should not be votable (Parliament of Canada, 2008).

Debate

Items of Private Members’ Business are debated according to their position in the Order of Precedence on the Order Paper. Only one item is typically considered during

each Private Members' Business Hour (Parliament of Canada, 2008). Votable items are entitled to up to two hours of debate before being adjourned. The item is then moved to the bottom of the Order of Precedence. As subsequent items on the Order of Precedence are debated, the votable item works its way back to the top for its second hour of debate. Non-votable items operate slightly differently than votable items. Non-votable items, including those on which an appeal was lost, are entitled to only one hour of debate.

iv. Report Stage and Third Reading of Bills

When a committee reports a PMB back to the House, the order for consideration of the report stage is placed at the bottom of the Order of Precedence. Once the item reaches the top of the Order of Precedence, two hours, on separate sitting days, are allotted for combined report stage and third reading consideration (Private Members' Bill, 2006b). If there are no motions in amendment at the report stage appearing on the Notice Paper on the first day, the motion for concurrence is put in immediately.

If this motion is adopted, third reading is moved and the debate commences during such time. If there are motions in amendment and debate on these motions concludes before the end of the first hour, the question is put on all motions to dispose of report stage (Private Members' Bill, 2006b). However, if the bill is agreed upon at report stage and the first sitting hour has concluded, the bill is placed at the bottom of the Order of Precedence in order to receive third reading at a subsequent sitting. At the end of the second hour, which occurs on a separate sitting day from the first hour, all questions necessary to dispose of the bill at the remaining stage(s) are raised (Private Members' Bill, 2006b). If a recorded vote is requested, it is automatically deferred to the next Wednesday that the House sits. Some concerns had been raised over the process by which

Bill C-290 made its way through the House of Commons. A letter to Senator Bob Runciman, the sponsoring member of Bill C-290 in the Senate, was drafted by MP Nathan Cullen and MP Nadia Groguhé and sent to assure Senator Runciman that the House of Commons did follow proper legislative procedure (see Appendix B for a copy of the letter to Bob Runciman summarizing the process of Bill C-290).

Senate Consideration and Amendments

If the motion for third reading is put by the Speaker and adopted by the House, the bill is sent to the Senate for further consideration. It is the responsibility of the initial sponsoring member to find a sponsor for the bill in the Senate. For Bill C-290, Bob Runciman is the sponsoring member in the Senate. Once the Senate receives the message relating to the amendments after it passes in the House of Commons, the order for the consideration of its amendments in the Senate regarding the PMB are placed at the bottom of the Order of Precedence. When the item reaches the top of the Order of Precedence it is considered during Private Members' Business Hour. If it is not disposed of at the end of the hour, it is once again placed at the bottom of the Order of Precedence (Parliament of Canada, 2008). The process in the House of Commons is repeated in the Senate until the debate ends and the question can be put on the motion. It is important to note that PMBs are rarely passed through both the House of Commons and Senate and given Royal Assent.

Royal Assent

Once both the House of Commons and the Senate have approved the text of the bill, it has only to be given the Royal Assent on a date determined by the Government.

Thereafter, the Act comes into force unless a date of commencement is provided for in the Act (Parliament of Canada, 2008).

II. History of Gaming in Canada

i. Lottery and the Olympics

Public lotteries are regulated by governments to contribute revenue for the benefit of popular projects. Lottery proceeds have become an important source of funding for sport and recreation projects (Barnes, 1988). The Criminal Code of Canada generally prohibits lotteries and games of chance but does permit a lottery scheme that is operated by provincial governments or charities. This type of government funding was used to help address the massive deficit that accompanied the 1976 Olympic Games in Montreal. Initially the 1976 Games was an “independent venture by the city of Montreal; the federal government had little involvement in the planning or administration, although it provided support in the form of diplomatic, military and security services and house assistance” (Barnes, 1988, p. 19). However, in 1972 the Montreal organizing committee requested assistance from the federal government. The request involved passing legislation to create an Olympic Lottery that would authorize the issuing of special coins and stamps (Barnes, 1988). The revenue generated from the sales of these coins and stamps was to be applied to the cost of the Games.

The Olympic Games in Montreal had a massive deficit. Although Montreal organizers continuously requested financial support to assist in settling the debt, the federal government refused to grant direct aid (Barnes, 1988). In 1976, Loto-Canada Inc., a new lottery corporation, was created by the federal government to operate until 1979. The sole purpose of Loto-Canada was to use the profits generated to assist in addressing

the deficits from the Montreal Games and the 1978 Edmonton Commonwealth Games (Barnes, 1988). In 1979, the federal government removed its ties to Loto-Canada in exchange for “a quarterly payment by the provinces of \$6 million” (Barnes, 1988, p. 20). Administration of Loto-Canada was thus transferred to the provinces in exchange for payments to assist in national sports development.

When the International Olympic Committee (IOC) awarded Calgary the 1988 winter games, the federal government promised \$200 million towards the cost of facilities and proposed to use profits from the “Sport Select” wagering pool to make this payment (Barnes, 1988). The provinces saw this promise from the federal government as a breach of the 1979 agreement when the provinces took over Loto-Canada in exchange for the \$6 million quarterly payments. Along with outrage from the provincial governments, the professional sports leagues also opposed this federal promise. The professional sports leagues objected to the unauthorized use of their product in betting systems (Barnes, 1988). After objections from both the provincial governments and the professional sports leagues, the federal government shifted its channel of contribution. The federal government requested that a \$100 million payment be made by the provinces from lottery proceeds to the Calgary Games. In return for the donation from the provinces, the federal government agreed to a “formal and final removal from the operation of lotteries or similar schemes” (Barnes, 1988, p. 20). This action amended the Criminal Code of Canada, removing the federal government from operating lotteries and bestowed the responsibility of lotteries upon each individual province/territory.

ii. Ontario Lottery and Gaming

In February 1975, the Ontario Provincial Government created the Ontario Lottery Corporation (OLC). The OLC's first lottery game was launched in April 1975, called WINTARIO (Ontario Lottery & Gaming, 2013) (for a full historical chronology of OLG, see Appendix C). The game proceeds were dedicated through the Ministry of Culture and Recreation. The Ministry of Culture and Recreation was responsible for taking the money and promoting physical fitness, sports and cultural and recreational activities. Thus, from the inception of lotteries and gaming in Ontario, there was a direct linkage to sport. WINTARIO remained a flagship product for OLC until 1996 (Ontario Lottery & Gaming, 2013). In 1978, the OLC launched LOTTARIO, Ontario's first on-line terminal lotto game. Shortly after, in June 1982, the Interprovincial Lottery Corporation (ILC) launched LOTTO 6/49, Canada's first nation-wide on-line terminal lottery game. By creating a nation-wide lottery game, ILC contributed towards creating a national culture of gambling, linking Canadians across the country. In March 1984, the OLC launched its first two-dollar Instant game called SHOOT TO SCORE (Ontario Lottery & Gaming, 2013). Creating a lottery game with a sporting term in the title helped further reinforce a direct link between sport and gambling. Whether the OLC was deliberately creating this link or not, it certainly contributed towards the legitimacy of the sport-gambling relationship.

In the fall of 1992, the OLC introduced PROLINE, its newest on-line terminal sports lottery game. PROLINE was an extension of SPORT SELECT, which was established in 1981 and used tickets numbered according to the outcome of professional games (Barnes, 1988). In order to play PROLINE, an individual must place a wager on

the outcome of sporting events. To win, the individual must correctly predict the result of three to six outcomes (Pro-Line, 2013). In 2013, individuals are able to place wagers on hockey, football (both college and the National Football League [NFL]), baseball, college basketball and soccer. Once the OLC had established PROLINE, it continued its expansion of sports betting by introducing OVER/UNDER (see Appendix D for an example).

Starting in January 1995, individuals were now able to place a wager on the total score of a game that was determined by the OLC on the day of the game (Pro-Line, 2013). For example, if two baseball teams were playing and the total score of the game was set at 8.5 runs, an individual could either place a wager on the combined score of the teams being over 8.5 runs or under 8.5 runs. The reason why OLC and all other sports wagering firms place fractional numbers on the total score is to avoid a tie or a push. If an individual wagers on the total score being over 8.5 runs and the final score is 7-3, the individual is deemed a winner because the score adds up to 10 runs. As the OLC continued to grow and offer various forms of lottery and gaming, it offered yet another expansion into sports wagering in 1996, called POINT SPREAD (Pro-Line, 2013).

POINT SPREAD was launched in August 1996 (Ontario Lottery & Gaming, 2013). A point spread is used in sports betting to even the odds between two unevenly matched teams. Each team is given a point total by the oddsmaker, in this case the OLC, which can either be added to or subtracted from the final score, thus factoring in to determine if the bet was won or lost. Point spread is only used in football and basketball (see Appendix D for an example).

III. Duality of Structure

Individuals' actions create every aspect of our social world. People often engage with one another to create solutions. They are the acting agents creating policy and it is important to recognize that media, government and sport, all labeled as institutions, are not responsible for acting; it is the individuals who work within those institutions who are the acting agents. In this study, I examined the political process of Bill C-290 and how individual human action, also known as agency, has created this process. Giddens (1984) states, "to be a human being is to be a purposive agent, who both has reasons for his or her activities and is able, if asked, to elaborate discursively upon those reasons" (p. 3). There may be many reasons why individuals act the way they do but what Giddens proposes is that an individual's history can be largely responsible for shaping current and future actions.

Personal history impacts human beings' daily actions because it creates structural boundaries within which humans operate (Giddens, 1984; Ponc, 2000). According to Giddens' structuration theory, structures encompass two things: 1) rules and 2) resources. Giddens (1984) suggests, "structures not only facilitate the action of agents, but those agents also act to transform and/or maintain structure" (Ponc, 2000, p. 54). Structuration indicates that structure, the 'codes' for social actions, and agency, the activities of individual members of the social systems, exist in a recursive partnership (Busco, 2009). Therefore, while agents continue to draw on structures such as rules (formal and informal) and resources (material, regulatory and interpersonal) during personal interaction, performance of the social activities assist in reproducing this recursive partnership.

Structures are the boundaries within which people live their lives (Ponic, 2000). The first structure is rules, defined as inferred and understood social procedures (Giddens, 1984). Rules are the underlying assumptions and ideologies that drive human action. There are two types of rules: formal and informal. Formal rules are typically documented procedures. The team with the most points scored in a basketball game is deemed the winner; this is an example of a formal rule because it is written in the rulebook for basketball. Informal rules are not documented and often rely on previous instructions and formed habits over time. Raising your hand and waiting to be acknowledged before you answer a question in a lecture is an example of an informal rule. The rule does not need to be documented or written down as an official procedure for individuals to know and abide by this unwritten rule. Rules, both formal and informal, have an impact on how individuals act in certain settings. Informal rules can vary and not all individuals abide by the same informal rules. Although history shapes individual action, agency provides opportunity for change within certain structural conditions (Ponic, 2000).

Resources exist in many forms such as regulatory, material and interpersonal. Giddens (1984) views resources as the facilitators or bases of power to which the agent has access. An example of regulatory resources is policy. Policy is a resource because individuals can use policy and its often-strict guidelines, otherwise known as rules, to assist in formulating rationale and potentially affecting the solution or outcome (Ponic, 2000). Interpersonal resources can be characterized as authority embedded in particular people. In the case of Bill C-290, the House of Commons voted unanimously to pass the legislation proposing the legalization of single event betting. The House of Commons is

only the first of two processes that a proposed bill must go through before becoming official legislation. The Senate is now responsible for Bill C-290 and although the House of Commons voted unanimously to legalize single event betting, the Senate holds a position of authority over the House of Commons and has chosen to exercise that authority to further examine the Bill. Giddens (1984) states that power itself is not a resource but with the acquisition of resources, such as authority, power is able to be exercised. Select politicians and stakeholder groups are currently attempting to legalize single event betting in order to gain access to a new regulatory resource that comes with this proposed legislative change in Canada, while others are attempting to prohibit this proposed legalization in favour of the current system.

Agency is an essential element in social change. Social change is the alteration of underlying structures (rules and resources) and institutions, such as government and media, during specific time periods (Giddens, 1984; Paraschak, 2000; Ponc, 2000). Agency is responsible for social change because individuals are responsible for action, whereas institutions such as government are incapable of action apart from the individuals within it. In order for a solution to be reached by the federal government of Canada regarding Bill C-290, the Senators must each come to an individual conclusion. As the Senators follow the procedures to achieve their desired outcome, they are simultaneously, and oftentimes unknowingly, reproducing the legitimacy of the structures (rules and resources) for others. Once the Senators have each decided upon their individual conclusions, the collective group will rule on whether to legalize single event betting or maintain its current prohibition.

Individuals' decisions are shaped by their practical consciousness, another concept within Giddens' framework. Practical consciousness refers to the level of our lives that we do not necessarily think about or theorize; thoughts that are 'natural' (Giddens, 1984). An example of practical consciousness related to Bill C-290 is the position of the sponsors of the Bill. For Brian Masse and Bob Runciman it is very natural for these individuals to speak about the benefits of the potential legalization of single event betting in Canada. Through their history dealing with the topic, supporting the legalization of Bill C-290 has become a very natural position for them. These individuals are easily able to comment on their rationale for supporting the legalization of single event betting. Through the House of Commons and Senate debates, individuals who do not have a particular stance on the bill or who have not developed rationale that is part of their practical consciousness can potentially be persuaded by arguments made by others. The sponsors of Bill C-290, other Senators and the selected stakeholder groups all have the ability to persuade an individual about an appropriate rationale for or against the legalization of single event betting if those rationale have not yet entered a state of practical consciousness. If they already hold a position that is grounded in their practical consciousness, then changing their ideas about rationale tied to the sport-gambling relationship will be much more difficult.

IV. Policy

Sport managers have long been concerned with matters of policy. Policy issues that have traditionally concerned sport managers include but are not limited to: governance, athlete eligibility, drug testing, gender equity and programs and access for persons with disabilities (Chalip, 1996). Bill C-290 falls into the category of governance.

While sports gambling has not been a major issue on the parliamentary agenda for quite some time, a recent Private Members' Bill has brought this issue to the fore once again. Examining the process of how this bill has moved through federal government channels, and the focus of the debates, can provide insight on how Canadian government politicians are currently viewing the sport-gambling relationship.

i. Developing Sport Policy

Before policy is developed it must garner enough interest to land on the political agenda. This often takes months of government lobbying by businesses and organizations or in the case of Bill C-290, a member of parliament to start the conversation. Regardless of how it happens, proposed policy must capture the attention of policymakers in order to enable legislation to be proposed (Berg & Chalip, 2013). The fact that Bill C-290 has become a prominent topic of discussion on the legislative agenda is reflective of the validation of sports betting in the eyes of some members of the public. However, now that Bill C-290 has gained entry onto the legislative agenda as a legitimate public interest, the boundaries for the policymaking process are set as the discourse has already been framed in a particular way (Berg & Chalip, 2013; Chalip, 1995).

When developing policy, it is important to understand that ideas matter. Ideas matter because they form the basis for framing political judgments and social problems and their meanings are continually translated into future plans and actions (Sam, 2003). The problem with ideas is that they come from individuals or groups of individuals. Individuals have biases and oftentimes omit issues that do not fit within their pre-established ideology, especially when they are involved as stakeholders. Stakeholders sometimes support, but can also challenge or resist particular views, assumptions and

decisions, leading to the omission of certain ideas from discussions of policy in order to positively frame their ideas (Chalip, 1995; Chalip, 1996; Piggin, Jackson & Lewis, 2009; Sam, 2003). The greater issue is that those with policy-making power often ignore or design knowledge in keeping with their particular perspectives (Piggin, Jackson & Lewis, 2009). Considering the level of impact that policy has on the greater population, it is important for the different stakeholders to practice transparency. Piggin et al. (2009) argue that transparency is essential when discussing governance and accountability. Access to information and removal of secrecy allows for a more thorough and diligent decision-making process. They suggest that elected government officials, citizens and stakeholders should all value transparency for its contribution to accountability (Piggin, Jackson & Lewis, 2009). Deconstructing the policymaking process can assist in recognizing omissions, pinpointing rationales and understanding how power is exercised in the development of solutions, which are all aspects that benefit from transparency.

Recognizing that policymaking is not a neutral, pragmatic activity allows us to acknowledge the role of dominant interests and their ideas in setting and defining the “important issues” (Sam, 2003; Sam & Jackson, 2006). When creating policy, it is important to identify and include stakeholders’ perspectives. By including such perspectives, it improves the process and product of policymaking (Chalip, 1996; Sam & Jackson, 2006). The inclusion of numerous stakeholders’ perspectives may not make the policymaking process neutral or pragmatic, but the incorporation of these valued perspectives may help to counterbalance the dominant interests. Bill C-290 addresses a very unique aspect of policymaking: gambling. Policymakers may have preconceived

notions regarding gambling and the moral stigma it carries, which increases the need for the inclusion of various stakeholders' perspectives.

The inclusion of numerous stakeholders' perspectives will generate a more informed approach for Bill C-290. Abarbanel (2012) argues that gambling does not follow traditional channels of power distribution because stakeholder groups typically expect to be told what to do. Abarbanel used a power distance index (PDI) to measure the accepted distance between less powerful members of society and those of higher authority. Abarbanel had hypothesized that there would be a differentiation between stakeholder groups that supported the legalization of online sports betting and those that supported the continued prohibition. The results suggested otherwise, allowing Abarbanel to conclude that gambling does not follow the traditional channels of power distribution. Oftentimes stakeholder groups are granted permission to speak in the committees of the Senate. Stakeholder groups can have a significant influence on the direction of the policy process, particularly those groups who operate within the industry being discussed in the policy discourse (Berg & Chalip, 2013). In the case of Bill C-290, it is important to examine which stakeholder groups, such as the professional sports leagues, were invited to voice their opinion in front of the committee, and by extension, which stakeholders' perspectives were excluded.

The significant influence of select stakeholder groups, for example the professional leagues, has been well documented by newspaper journalists, who cited the leagues as one of the major reasons why Bill C-290 is currently at a standstill. Inviting select stakeholder groups to speak openly and on-record about their position on Bill C-290 in the Senate committee supports the notion that discussions on gambling tend to

ignore the norms of cultural power distribution, since their opinions counter the position expressed unanimously by politicians in the House of Commons on this issue.

It is important to understand the roles of stakeholder groups and distinguish them from other groups, such as clientela groups. Clientela groups, as defined by Enjolras & Waldahl (2007) exist when a stakeholder group “for whatever reason, succeeds in becoming, in the eyes of a given administrative agency, the natural expression and representative of a given social sector” (p. 4). By acquiring access to and creating this relationship, stakeholder groups such as the professional leagues may be able to work more effectively with legislatures, thus creating a relationship that allows them to work inside the political system as advisors to those who wield political power (Chalip, 1995; Chalip, 1996; Enjolras & Waldahl, 2007; Sam & Jackson, 2006). There is a distinct difference between stakeholder groups and clientela groups. Stakeholder groups are interest groups that have been invited to give a perspective. Clientela groups are stakeholder groups who have established themselves enough with the hegemonic groups that they now wield political power. I believe that an interest group cannot become a clientela group without first becoming a stakeholder group in an advisory role. Examining transcripts from the House of Commons and Senate sitting and committee meetings and interviews with the sponsors of Bill C-290 will assist me in identifying stakeholder groups engaged in this political process and their rationale(s) concerning Bill C-290, in terms of whether they favour the continued prohibition or the proposed legalization of single event betting.

V. Regulation or Prohibition

Canadian federal politicians once prohibited the purchase and consumption of alcohol through legislation from 1918-1920, though alcohol was illegal in Prince Edward Island until 1948. When it became apparent that individuals were still consuming alcohol, politicians recognized that a change needed to be made to this law, so they decided to regulate the sale of alcohol. In provinces such as Ontario, The Beer Store and the Liquor Control Board of Ontario (LCBO), who are run and operated by the provincial government, have a monopoly on the alcohol industry. The regulation of alcohol in Ontario was seen as a positive move in part by politicians because it created another taxable revenue source for the government.

Canada is in a comparable situation with Bill C-290. Canadian citizens are currently wagering on single sporting events, just as they drank alcohol, whether it was legal or illegal. Currently, single event betting is prohibited in Canada; Bill C-290 is an attempt by federal politicians to regulate this behaviour. As was the case with alcohol, there is a question as to the role and responsibility of the federal government with respect to the issue of control (Miller & Claussen 2001). Gambling, inclusive of sports betting, is described by individuals in widely divergent ways, ranging from being a source of tax revenue to the scourge of society (Bernhard & Abarbanel, 2011; Frey, 1992). Nevertheless, Bill C-290 has come to the fore because politically there is interest in the growth and regulation of sports betting.

Gambling has become one of the more prominent, yet questionable, forms of entertainment over the past few decades. One of the major components of gambling is sport wagering. With sport wagering now accessible, states, provinces and territories are

looking to cash in on this potential revenue stream. Although sports betting has grown in popularity, some individuals still question its morality. For example, according to Binde (2005), gambling can be viewed as a threat to the integrity of sport, which has long stood as a bastion of honour and strength in North America. As such, sports betting may be treated with unease from a political standpoint, due to an individual's cultural view on sport (Abarbanel, 2012). In 1992, Frey wrote that certain states in the United States were looking to legalize sports betting in hopes of raising revenues for various public service programs during the economic recession. Miller and Claussen (2001) offer more than three arguments in support of the regulation of single event betting but the following three arguments were also supported by other literature that was used: 1) regulated gambling would provide economic benefits to local communities; 2) sport gambling reflects a desired consumer activity in a market-driven economy; and 3) sports betting has not brought about the demise of sport.

i. The case for regulation

In light of several struggling economies in Canada, adding jobs in different cities would certainly assist in decreasing the high unemployment rate. As Miller and Claussen (2001) stated, regulation of the prospering sports gambling industry would provide employment opportunities as well as needed tax revenues and other multiplier benefits that may not otherwise be realized. Although Ontario is not in the midst of an economic recession, the unemployment rate is still very high at 7.3% as of June 2013 (Statistics Canada, 2013a). For example, Windsor, Ontario has a casino in its downtown and could gain plenty of job opportunities if Bill C-290 is legalized. With Windsor's unemployment rate at 9.4% as of June 2013 (Statistics Canada, 2013b), it seems as though this particular

rationale for legalizing sports betting has not changed since Frey's argument in 1992. If the potential arises to assist local economies by providing new employment opportunities or adding a new tax revenue stream to support public projects, then Canadian policymakers will likely be open to considering such a possibility.

Although there are many explanations for the recent international growth of the gambling industry, it is generally accepted that governments have played a crucial role (Delfabbro & King, 2012; Loscalzo & Shapiro, 2000; Miller & Claussen, 2001). Commercial gambling is a service that is sanctioned, taxed and regulated by many governments around the world because governments are looking to preserve the tax revenue derived from legalized forms of gambling (Delfabbro & King, 2012; Loscalzo & Shapiro, 2000). Recognizing that Canadian citizens are currently wagering on single events through offshore betting may assist policymakers in the decision making process. They will focus on the potential local economic benefits that the legalization of Bill C-290 may have from capitalizing on a growing market that is desired by consumers.

Gambling has become big business for countries worldwide. Miller & Claussen (2001) compared sports gambling to other entertainment alternatives, suggesting that businesses should be subject to market demand without severe governmental restrictions, regardless of the type of business. For example, in Great Britain sports gambling is legal. The British government simply attempts to lessen any social harm that may result from the legalization. Since Great Britain legalized single game sports betting, expenditures on all forms of gambling have declined and evidence suggests that citizens have generally gambled responsibly (Miller & Claussen, 2001). In 2007, Great Britain finally implemented its Gambling Act 2005, which transferred authority for licensing gambling

from the Magistrates' Court to local authorities, redefined where gaming machines could be placed and emphasized individual responsibility as a means of controlling behaviour (United Kingdom Legislation, 2005). Reith (2011) stated that this innovative new act swept away its predecessor's principle of unstimulated demand based on the premise that "gambling is a massive global industry and is entitled to a regulatory framework that ensures continued growth" (p. 1). Some may argue that the results experienced in Great Britain would translate well to the Canadian cultural setting in terms of promoting responsible gambling behaviour as well as in supporting a popular form of entertainment.

Regulation of single event betting potentially assists in increasing the resultant economic benefits arising from additional tax revenues and job creation. It also may allow for illegal wagers to now be placed legally, thus removing control of a popular market from the hands of organized crime. Some argue that the regulation of single event betting may not be a wise choice but it is better than prohibition, which is currently driving the industry underground into the hands of illegal bookmakers (Nelson, 2007; Miller & Claussen, 2001; Rodenberg & Kaburakis, 2013). By legalizing single event betting, the Canadian government will be able to regulate this popular activity and potentially decrease links to organized crime that come from illegal bookmakers, while gaining revenues currently going to offshore betting. Despite all of this wagering taking place on sport, some argue that it has not impacted the integrity or product of sport as a whole.

Match fixing has been discussed historically in relation to sport. There have been instances in the past where games have been fixed. Although match fixing and point shaving scandals have occurred, nearly all have been associated with illegal bookmaking

(Miller & Claussen, 2001). In North America, Nevada is the only state, province or territory that allows for single event high stakes wagering on sports. Since there are very few known cases of match fixing or point shaving scandals in relation to the number of sporting contests played per year, it is difficult to argue that sport is becoming corrupt and that sports betting has destroyed the integrity of sport.

It is important to note that sports betting is limited both in scope and by location (Miller & Claussen, 2001) due to the limited opportunities available to legally wager on sports. If Bill C-290 were to be legalized, the opportunity for match fixing or point shaving may increase because of increased accessibility to single event betting in differing communities. In terms of this political conversation revolving around increasing access to gambling, some may argue that it is more accepted in society and it therefore no longer carries the social and moral stigma it once did (Abarbanel, 2012). According to Frey (1992), the decision to legalize sports betting will be made in favour of economic and commercial interests as opposed to aligning with any social or moral positions. It will be important for the Senate to weigh the benefits of potential economic gains and the advantages of regulation against the current system, which favours prohibition.

ii. The case for prohibition

Aside from Las Vegas, an approach that legally prohibits single event betting has dominated states, provinces and territories in North America. Several states and provinces/territories (e.g., New Jersey) have attempted to legalize single event betting but to date, all have failed. Canada is now in a position to potentially regulate single event betting because of Bill C-290's presence on the legislative agenda. However, currently single event betting remains prohibited in Canada and the three main reasons that could

be made to support its prohibition include: gambling represents a regressive tax; gambling jeopardizes the integrity of sport; and single event betting is a risky revenue stream with a small profit margin.

Regressive tax is a uniform tax that takes a larger percentage from low-income families than it does from high-income families (Kindt, 1995). As Kindt states, “legalized gambling operations consist primarily of a transfer of wealth from the many to the few – accompanied by the creation of new socio-economic negatives” (1995, p. 2). Gambling represents this regressive tax because it places the economically deprived in society at a financial disadvantage (Delfabbro & King, 2012; Kindt, 1995; Miller & Claussen, 2001). By offering yet another avenue of potential addiction similar to alcohol and cigarettes, it increases the possibility of causing significant and acute hardship for individuals and their families. Addictions such as gambling can often be “disproportionately burdensome for less socially and economically advanced segments of the community” (Delfabbro & King, 2012, p. 1). Prohibiting potentially addictive forms of entertainment not only assists in avoiding financial hardships that oftentimes accompany addictive behaviours, but it also contributes to the improvement in the psychological and social well being of Canadian citizens. There are many forms of entertainment available to Canadian citizens that do not revolve around gambling and sport, which may assist in maintaining the reputation and integrity of sport.

Many have argued that gambling jeopardizes the integrity of sport. Although there have only been few instances where match fixing or point shaving scandals have been caught, Rodenberg & Kaburakis (2013) argue, “as fans cheer their bets rather than their favourite teams, dark clouds of cynicism and suspicion hang over games, and possibility

of fixes is always in the air” (p. 10). Internet gambling is the most popular avenue for individuals to wager on sports. The anonymity that Internet websites offer to both athletes and non-athletes raises some concerns (Binde, 2005; Miller & Claussen, 2001) because it is easy for individuals to place high stakes wagers, especially when they know they may be able to influence the outcome of a game. For example, college athletes are unpaid athletes who receive the same, if not more recognition than some professional athletes. Miller & Claussen (2001) argue that college athletes are susceptible to bribery, especially with money because of the financial situations that most students are in.

The professional leagues understand that the increase in gambling may not be a benefit to their product so they have been very active in lobbying Senate. In the case of Bill C-290, the professional leagues were invited to speak in front of the Senate committee to state their case for maintaining the prohibition of single event betting. The leagues have recognized that their anti-gambling policies have not effectively deterred gambling in the past, especially when it can be difficult to detect (Miller & Claussen, 2001). Attempting to limit the number of avenues available for individuals to gamble on sports has been the main tactic used by the professional leagues in an effort to protect their product. Policymakers have thus been open to listening to the arguments of the professional sports leagues, among others, as they reflect on the full potential scope of Bill C-290.

The increase in sports broadcasting and the ability to quickly access information on the Internet has generated an increased interest in sports and gambling. Access to podcasts, blogs, email and statistics has made sport wagering an investment opportunity similar to the stock market. Although policymakers vying for the legalization of single

event betting in Canada have referenced an increase in revenue for federal, provincial and municipal governments, statistics seem to contradict that argument. According to Frey (1992), sports betting has the smallest retention percentage of any form of gambling and it produces the lowest net tax revenue for states of any game. In addition, it gives the bettor the greatest chance of winning because of the statistical information that bettors can now access.

According to the Center for Gaming Research at the University of Nevada, Las Vegas (UNLV), from 1984 to 2012, \$60.7 billion has been wagered on sports in Nevada. Of that \$60.7 billion, the net revenue for Nevada sports books is a mere \$2.8 billion (UNLV Center for Gaming Research, 2012). The total profit for the Nevada sports books from 1984-2012 is 4.6%. In an industry where large amounts of money are being wagered, the bettors often have more information than the bookmakers and the risk is inherently high; a profit of 4.6% seems very low. Since the bettors have gained an increase in information to assist themselves, policymakers are now forced to do the same. In order for the Senate to make an informed decision, it must be willing to gather information on regulation and prohibition and make a decision that will best impact the lives of Canadian citizens.

The Senate finds itself in an interesting position regarding Bill C-290. The legalization of single event betting has been on the legislative agendas in both Canada and the United States over the past few years but there has yet to be a breakthrough to set a precedent for other states or provinces/territories aside from Nevada. Governments also experience a conflict of interest when it comes to policymaking involving gambling. Governments are both the funders of policy, research and treatment services for gaming

activities and also the major beneficiaries of tax revenue derived from gambling (Delfabbro & King, 2012; Reith, 2011; Tyawa, 2012). This conflict of interest trickles down to various departments of government as well. Certain departments are concerned with the social impact of gambling, while others are concerned with the maintenance of revenues (Delfabbro & King, 2012). Bill C-290 was presented in a way that eliminates one aspect of this conflict of interest by allowing each province/territory to offer this service in a unique way if they so choose. Since each provincial government will be able to administer this product as they see fit if Bill C-290 passes, provinces/territories can also keep the social well being of their citizens as a priority in their decisions around implementing this change to the Criminal Code.

Policymakers have the difficult task of balancing this potential revenue stream against its potential as yet another form of gambling that may negatively affect the social well being of Canadian citizens. As Delfabbro & King (2012) state, “governments are faced with a dilemma of how to allow consumers their sovereignty to engage in activities of their choosing while also fulfilling their obligation to govern in a way that protects people from potential harm” (p. 1). Oftentimes, legislation places the responsibility for behaviour modification on the individual rather than the industry itself. Instead of implementing laws that reduce or limit the riskiness of various forms of gambling, policymakers tend to create legislation that provides broad recommendations concerning industry practices which can be difficult to enforce (Delfabbro & King, 2012; Reith, 2011). According to Reuter (2003), regulation presents a set of problems with which we are “morally comfortable and a set of instruments that always promise improvement. Prohibition does the opposite” (p. 2). It would thus be useful for policymakers to

acknowledge the inherent limits of regulation and to inquire whether prohibition, if administered in the proper manner, remains the most reasonable choice.

Methodology

The problem I addressed in this research is:

How have politicians, selected stakeholder groups and the Canadian media framed their rationale(s) for the regulation or prohibition of single event betting?

This problem was addressed through two sub-problems, which were explored through various measures:

- 1) What has been the historical process of Bill C-290 from its first reading on September 28, 2011 until August 31, 2013?
- 2) How have the arguments for regulation or prohibition of single event betting been socially constructed through the political process by media, stakeholder groups and politicians?

I explored the passage of a PMB that intended to amend the Criminal Code of Canada in order to legalize betting on a race, a fight, a single sport event or an athletic contest. This event was examined through relevant Canadian newspaper media accounts, and transcripts of House of Commons and Senate sitting and committee meetings and any stakeholder comments in the committee meetings and newspaper articles. I completed a document analysis for both newspaper articles and transcripts of House of Commons and Senate sitting and committee meetings related to Bill C-290. I also conducted five interviews after the completion of my document analysis. I also carried out interviews with the sponsoring politicians in the House of Commons (Joe Comartin and Brian Masse), two executive assistants to politicians responsible for this bill (Kieran McKenzie, the executive assistant to MP Masse and Barry Raison, the policy advisor to Senator Runciman), and the Deputy Chair of the Standing Senate Committee on Legal and Constitutional Affairs (George Baker).

I. Data Collection and Analysis

Sub-Problem #1

What has been the historical process of Bill C-290 from its first reading on September 28, 2011 until August 31, 2013?

The following directional propositions were formulated from the review of literature in relation to sub-problem #1.

- 1) The sponsors of Bill C-290, which include Joe Comartin, Brian Masse and Bob Runciman, will be in favour of the potential legalization and regulation of single event betting due to their historical backgrounds focusing on the economic well being of communities, which aligns with their rationale in support of this legalization.
- 2) Senators oriented towards the continued prohibition of single event betting who are arguing for no change to the Criminal Code are shaped by their historical backgrounds and interactions with others who suggest that sport will be compromised by this change to the Criminal Code, which aligns with their rationale in favour of the continued prohibition.

Sub-Problem #2

How have the arguments for regulation or prohibition of single event betting been socially constructed through the political process by media, stakeholder groups and politicians?

Directional propositions relating to sub-problem #2 included:

- 1) The dominant rationale found in the House of Commons and Senate sitting and committee meetings, Canadian newspaper accounts and interview transcripts supporting the regulation of single event betting will be consistent with economic and commercial interests.
- 2) Politicians and media located in cities such as Windsor, Ontario and Niagara, Ontario, that have existing casinos and stand to gain the most from the

legalization of single event betting will proactively frame Bill C-290 positively and support its regulation.

- 3) Politicians and stakeholder groups supporting the continued prohibition of single event betting will cite gambling as a regressive tax, will argue that gambling jeopardizes the integrity of sport and will contend that single event betting is a risky revenue stream with a small profit margin.

Textual Analysis

With written communication evolving into a dominant form of communication, textual analysis has become a prevailing method of analysis (Markula & Silk, 2011). The focus of my textual analysis was on two main forms of written communication: 1) Canadian newspaper accounts and 2) transcripts of House of Commons and Senate sitting and committee meetings. As Markula & Silk (2011) stated, “a textual analysis focuses on interpreting the content and meaning of already existing texts, most commonly written by someone else” (p. 112). Textual analysis was done through the use of both House of Commons and Senate sitting and committee meeting minutes, and Canadian newspaper accounts.

The House of Commons and Senate sitting and committee meeting minutes are readily available to the public on the Canadian government website. Also, an archive of select Canadian newspaper publications can be found through the University of Windsor’s Leddy Library online newspaper database named Canadian Newsstand. The various documents assisted me in better understanding the process that Bill C-290 went through as a PMB. The documents also give insight into the legalities that are involved with amending a section of the Criminal Code of Canada. As mentioned, the amendment to the Criminal Code would allow individuals to bet on a race, a fight, a single sport event or an athletic contest. Reading about the issues that the members of the House of

Commons and Senate sitting and committees have addressed complimented the information provided in relevant Canadian newspaper accounts. This further assisted me in triangulating the various arguments that surrounded the regulation or prohibition of single event betting.

Critical Policy Analysis

Exploring the federal House of Commons and Senate sitting and committee meeting transcripts using critical policy analysis was useful because it systematically illuminated ways that social constructions directed and constrained policy discourse, thus giving shape to emergent ideas (Chalip, 1996). Examination of the House of Commons and Senate sitting and committee meeting minutes, Canadian newspaper accounts and interview transcripts was important because a key strength of critical policy analysis is its focus on policy discourse (Chalip, 1995; Chalip, 1996). A critical policy analysis not only probes the dominant conceptions of social problems and its resultant social policies but it also directs and constrains economic behaviour (Chalip, 1995; Chalip, 1996); both behaviours were tied to this topic.

Potential rationale(s) for action are voiced by individuals, thus making it critical to include varied stakeholder perspectives to better explain the process and product of policymaking. The dominant conceptions of social problems are usually framed by those who wield political power. In order to broaden available conceptions, critical policy analysis suggests the inclusion of undervalued or excluded stakeholder groups in the process to challenge, where appropriate, otherwise limited and limiting conceptions (Chalip, 1996). Examining the House of Commons and Senate sitting and committee

meetings, Canadian newspaper accounts and interview transcripts will assist me in recording the dominant conceptions and the groups who hold these positions.

II. Methodological Framework

The parliament of Canada website was used to access the House of Commons and Senate sitting and committee meeting transcripts. Accessing information on current and past legislation through the LEGISinfo link provides information on legislation dating back to the 37th Parliament in 2001. I was able to locate all transcripts related to Bill C-290 through the search bar on the LEGISinfo home page. Once Bill C-290 was located, a webpage loaded that included all of the sitting and committee meetings in both the House of Commons and Senate that related to Bill C-290.

Through the use of NVivo, a coding software that allows the user to sort information in a systematic and organized manner, I was able to store each of the sitting and committee meeting transcripts in a separate folder. I created a folder for each sitting or committee meeting in both the House of Commons and Senate. I created sub-folders that kept first reading, second reading, committee and third reading separate in both the House of Commons and Senate in order to best organize the information. I labeled each folder by location in the proper sub-folder. For example, the Senate held four separate second reading debates on Bill C-290. Within the ‘Senate’ folder and the ‘Second Reading’ sub-folder I created a document that was titled “Senate Second Reading – 2012/03/15”, which represented second reading in the Senate held on March 15, 2012. Within each document created, I copied and pasted the appropriate text in order to be able to code the information as well as know where the information came from in case I needed to refer back to the original source.

After completing the folders for the House of Commons and Senate sitting and committee meeting transcripts I created ‘nodes’ for the themes gathered from the literature review. Through the use of a deductive approach I was able to come up with six relevant themes supported by the literature to assist in coding the data. I created a folder for each of the following themes: 1) Gambling jeopardizes the integrity of sport; 2) Gambling represents a regressive tax; 3) Single event betting is a high risk revenue stream; 4) Regulated gambling would provide economic benefits to local communities; 5) Sports gambling reflects a desired consumer activity in a market driven economy; and 6) Sports betting has not brought about the demise of sport. Anytime I found text that related to one of the nodes (themes) when going through the House of Commons and Senate sitting and committee meeting transcripts, I would highlight the appropriate text and place it into the proper node. While sorting through the parliament transcripts and coding when necessary, I found some interesting issues and reoccurring arguments but could not code them because they did not fit within the six nodes that I initially created. I promptly created four new nodes: 1) Other; 2) A race, a fight, a single sport contest or an athletic contest; 3) Fight against organized crime; and 4) Stakeholder groups.

The ‘Other’ node was created for interesting facts that related to issues from the literature review or other interesting facts that I wanted to sort separately in order to be able to easily locate them when analyzing the results. For example, some Senators were convinced that betting illegally through a bookmaker or betting offshore would offer better odds than the legalized, regulated system would be able to offer, which is untrue. The node titled ‘A race, a fight, a single sport contest or an athletic contest’ was created to keep organized all issues relating to the language of the proposed amendment. I

initially had questions about the amendment itself so this node was created but the information sorted in this node was not necessarily used in the results and analysis because it did not connect with the sub-problems or assist in answering the research question. ‘Fight against organized crime’ was created shortly after beginning the coding process because I found that this was an emerging rationale in the House of Commons not mentioned in the literature I reviewed on sports gambling. As I progressed through the House of Commons and into the Senate, I realized that the fight against organized crime was becoming one of the dominant and emergent rationale, in addition to the six initial themes supported by the literature. Finally, the ‘Stakeholder groups’ node was created to keep track of the witnesses that attended committee meetings in both the House of Commons and the Senate. Information related to their position on Bill C-290, whether it was in support of or in opposition to the bill, was documented as well in order to create an appendix with the stakeholders and their overall position on Bill C-290 if it was expressed. I went through both the House of Commons and Senate sitting and committee meeting transcripts twice to ensure that I was able to code all of the relevant information into the proper node without missing valuable or emerging information.

I also conducted interviews throughout the process of coding the House of Commons and Senate sitting and committee meeting transcripts. I obtained Research Ethics Board clearance on September 20, 2013, which allowed me to begin recruiting participants for this research project. I recruited potential interviewees through email, telephone and personal contact. I created an email and a telephone script during my ethics application and I followed the appropriate script when soliciting interviewees. I conducted five interviews, four of which were recorded and three of which were held in

person. I solicited six individuals for an interview, with only one individual, Senator Runciman, unable to participate.

Recorded interviews were conducted with the sponsoring politicians of Bill C-290 in the House of Commons, MP Comartin and MP Masse. These two individuals were selected as interview candidates because of their closeness to Bill C-290 during its introduction in the House of Commons and their ability to offer information that assisted me in answering both sub-problems. Mr. Kieran McKenzie, MP Masse's executive assistant was also interviewed (recorded) because of his knowledge of Bill C-290 and the extensive work he has done in recruiting stakeholders to support the bill. Executive assistants and policy advisors are often important individuals because of the background work that they do in support of the MPs or Senators. Senator George Baker also participated in a recorded interview because of his position within the Senate, as he is a member of both the Senate steering and Senate Legal committees. Senator Baker offered in depth detail surrounding the historical process of Bill C-290, thus assisting in answer sub-problem #1. Finally, Mr. Barry Raison, the policy advisor for Senator Runciman, participated in an unrecorded interview. Mr. Raison was called from my personal phone in a final attempt to recruit Senator Runciman for a brief interview. I was unable to reach Senator Runciman but his policy advisor Mr. Raison agreed to answer a few questions. Mr. Raison also agreed to allow me to take notes, use the information that he gave me and cite his name within the document.

The majority of the interviews held were with individuals who supported the legislation. These individuals were selected because they would be able to offer further insights into the process of Bill C-290 because of the intimate involvement with the bill,

therefore better assisting me in answering sub-problem #1. Individuals who opposed the bill were not necessarily solicited as potential interviewees due to the wide range of individuals opposing the bill, most of them only speaking about the bill during the Senate Legal Committee. The Senate Legal Committee transcripts were used as the main source of identifying what stakeholder groups opposed Bill C-290 and what rationale was used in opposition, therefore better assisting me in answering sub-problem #2.

The interviews that were held in person were recorded using an Olympus WS-500M digital voice recorder. Prior to beginning the interview, the interviewees were asked to sign two forms. The first form was to give consent to participate in the research project as a participant. The second form was consent to audio record the interview. One of the four interviews was conducted via phone. This interview was conducted inside of the interview room in the International Centre for Sport and Leisure Studies located within the Human Kinetics building at the University of Windsor. The consent to participate form as well as the consent to audio record were both sent via email to the interviewee and were signed and returned to me prior to beginning the interview. The phone interview was recorded through a computer system in the interview room. The recording began when the phone was picked up for dialing and ended when the phone was hung up. The audio file was retrieved through a USB external hard drive from the computer.

Interview length ranged between 28 and 56 minutes. An interview script was used thus making the interviews structured in nature; follow up questions were asked to explore certain issues in further detail, therefore making the interview process semi-structured (See Appendix E for the interview script). The interviews were transcribed into

a Microsoft Word document. The VLC player was used to play the audio files at the speed of time. At the completion of each interview transcription, I created a folder in NVivo for each interview. I titled each folder by the name of the interviewee and the date on which the interview was conducted (i.e., Kieran McKenzie Interview – Oct. 30, 2013). The coding process used for the House of Commons and Senate sitting and committee meeting transcripts was also used for the coding of the interview transcripts.

I conducted a search for newspaper articles through the use of the University of Windsor's Leddy Library webpage. ProQuest's Canadian Newsstand Complete was the online database used to conduct the search for newspaper articles. After conducting trial searches that included the terms "sports betting", "sport gambling", and "Bill C-290" I decided to only include "Bill C-290" as a search term. The other two options either did not yield enough results or yielded many irrelevant results. Using the search term "Bill C-290" allowed me to narrow down my focus on articles that directly referenced the title of the bill, thus allowing me to only review relevant articles. I also delimited the search results by placing a restriction on the dates when the newspaper articles were published. The dates used for this search were from September 28, 2011 until August 31, 2013. The search term "Bill C-290" yielded 52 results, some of which were duplicate articles published in multiple newspapers, reducing my count to 27 unique separate articles. I created a folder in NVivo titled 'Media' and then created a separate document for each of the 27 articles. The documents were simply given the title of the newspaper article (i.e., Betting bill: the Senate's big gamble). I also gave a description of each of the newspaper articles that was retrieved. The description included the date of the article, the name of the publisher, and the name of author if applicable. Once I inputted all of the 27

newspaper articles as documents into NVivo I began coding each article. The coding process used for the House of Commons and Senate sitting and committee meeting transcripts and the interview transcripts was also used for the coding of the newspaper articles.

At the conclusion of the coding in NVivo, I took all of the information in each node and placed it into a Microsoft Word document. I initially reviewed the documents to ensure that the information was in the proper node. Once I was able to confirm that, I began to group similar information and quotes together within the House of Commons, Senate, interviews and newspaper articles. This systematic approach assisted me when writing up the results because I was able to draw upon multiple quotes for the same argument as well as introduce counter-arguments when applicable.

III. Delimitations and Associated Limitations

- a) *The individuals selected as interview candidates have a personal interest and close involvement in the development and process of Bill C-290; the majority of those persons have publicly taken a strong stance for the regulation of single event betting.*

These individuals have been selected specifically to offer an insight into the process of a PMB and how Bill C-290 found its way onto their own political agenda. Recognizing that there is a particular bias from most of these individuals in favour of regulation, my interview questions were structured in a clear manner to elicit facts about the process rather than questions based solely around their particular rationale for the bill. These interview candidates were asked to provide rationales for the regulation of single event betting as well as asked to answer questions pertaining to the current system and why prohibition may be a viable option.

However, a resulting limitation is that I did not interview an equal number of those who advocated for prohibition. Doing so might have helped me learn more about the nuances of their rationale.

- b) *This study was delimited to focus solely on the social construction of Bill C-290 as opposed to comparing its process to other private members' bills that have potentially affected the sport industry.*

Bill C-290 seems to have taken a unique path because it was passed unanimously in the House of Commons, then held up in Senate with the possibility that it may be rejected. Past PMB's may, or may not have encountered similar circumstances to those facing Bill C-290. Focusing on the similarities and differences of Bill C-290 to other PMB's may have offered greater insight to the process of PMB's. Rather than focusing on how PMB's are similar or different, I chose to focus on the specific case of Bill C-290 and how its varying stakeholder groups have socially constructed the process. I believe that spotlighting the process of Bill C-290 offered distinctive insights into the process of this specific bill and how gambling is viewed as a policy product. However, a limitation is that insights possible by comparing it to other PMB's that may help further clarify it will not be gathered.

- c) *This study has been delimited to include selected stakeholder groups that have been recorded in the media and in the committee meetings.*

Selected stakeholder groups have found their way into the political process, either by invitation or request into the Senate committee meetings. Stakeholder groups have also been recorded in the media publicly defending their stance for the continued prohibition or regulation of single event betting. Policymakers have allowed selected stakeholder groups to voice their opinions on record in the Senate, and thus to potentially influence the decision-making process of the appointed Senators. Having access to the

Senate committee meetings and Canadian newspaper accounts assisted me in documenting the position for or against the proposed legalization of single event betting of these stakeholder groups.

However, a resulting limitation is that the opinions of other stakeholder groups who have not been granted the opportunity to speak in the Senate or to the Canadian media regarding their stance on the proposed legalization of single event betting were excluded from this analysis.

- d) *The politicians/executive assistants selected as interview candidates will not be offered anonymity.*

Joe Comartin, Brian Masse, George Baker and their executive assistants such as Kieran McKenzie and Barry Raison (policy advisor to Senator Bob Runciman) have played crucial roles in sponsoring and shepherding Bill C-290 from the first reading through the ensuing political process. These individuals are public figures in Canada who have been on record in relation to the Bill and its proposed legalization of single event betting. These individuals were asked to offer rationale supporting the legalization of single event betting. They were also asked to offer rationale supporting the current system prohibiting single event betting, which is a system that these individuals might like to change. However, a limitation is that the interviewees may be less forthcoming in their responses, since anonymity cannot be provided.

Results and Analysis

I. Results - Sub-Problem #1

What has been the historical process of Bill C-290 from its first reading on September 28, 2011 until August 31, 2013?

The proposed amendment reads as follows:

This enactment repeals paragraph 207(4)(b) of the Criminal Code to make it lawful for the government of a province, or a person or entity licensed by the Lieutenant Governor in Council of that province, to conduct and manage a lottery scheme in the province that involves betting on a race or fight or on a single sport event or athletic contest (Criminal Code of Canada, 2013).

When Bill C-290 was read for the first time on September 28, 2011, Joe Comartin introduced it as a very simple bill that would amend a few short lines in the Canadian Criminal Code. As Bill C-290 proceeded through the House of Commons and into the Senate, the attention it received greatly increased. Although Bill C-290 received unanimous, all party support in the House of Commons, many individuals, including Members of Parliament, Senators and individual members of the media have questioned its journey through the House of Commons, particularly the diligence of the process. The interviews were my main resource in answering sub-problem #1. Four recorded interviews were conducted with MP Brian Masse (Seconder of the bill in the House of Commons), Mr. Kieran McKenzie (executive assistant to MP Brian Masse), MP Joe Comartin (Sponsor of the bill in the House of Commons), and Senator George Baker (Deputy Chair of the Senate Legal Committee), as well as an unrecorded but official conversation with Mr. Barry Raison (Policy advisor for Senator Runciman). The Parliament of Canada website was also a source I drew from in answering sub-problem #1 as I was able to analyze various House of Commons and Senate sitting and committee meeting transcripts. As regards the smooth journey Bill C-290 has taken through the

House of Commons (see table below for historical timeline of Bill C-290), the Senate has historically only defeated a bill sent from the House of Commons with unanimous, all party support 8 times in the last 70 years and only 133 times since 1867 (Betting bill: The senate's big gamble, 2012, Nov 15). The unanimous support given to Bill C-290 in the House of Commons followed by the delays in the Senate have been the main reason that it has received so much public attention.

Date	Event
September 28, 2011	Introduction and First Reading of Bill C-290 in the House of Commons. Bill C-290 is adopted and placed on the Order Paper for Second Reading
November 1, 2011	Second Reading and Referral to Committee – House of Commons
February 16, 2012	Standing Committee on Justice and Human Rights meeting – House of Commons
February 27, 2012	Bill C-290 is reported back to the House of Commons with an amendment
March 2, 2012	Report Stage and Third Reading are held on the same day. Bill C-290 is passed unanimously through the House of Commons
March 6, 2012	First Reading in the Senate. Bill C-290 is adopted and placed on the Order Paper for Second Reading
March 15, 2012	Senator Runciman, the Sponsor of the bill, introduces Bill C-290 at Second Reading in the Senate
April 26, 2012	Bill C-290 is debated at Second Reading for the second time
May 15, 2012	Bill C-290 is debated at Second Reading for the third time
May 16, 2012	The questions of whether to adopt the motion or not is posed to the Senate. It is agreed on division. Bill C-290 is agreed and read a second time, on division. Bill C-290 is referred to the Standing Senate Committee on Legal and Constitutional Affairs
September 17, 2012	Joe Comartin is elected Deputy Speaker of the House of Commons. Mr. Comartin is no longer able to sponsor Bill C-290. Mr. Masse takes over as the Sponsor of the bill in the

	House of Commons
October 4, 2012	The first committee meeting for Bill C-290 in the Senate
October 17, 2012	The second committee meeting for Bill C-290 in the Senate
October 18, 2012	The third committee meeting for Bill C-290 in the Senate
October 24, 2012	The fourth committee meeting for Bill C-290 in the Senate
November 8, 2012	The fifth and final committee meeting for Bill C-290 in the Senate. At the conclusion of the committee meeting, Bill C-290 was reported in an official capacity without amendment. Bill C-290 now moves to Third Reading in the Senate
November 29, 2012	Senator Runciman gives his speech at Third Reading in support of Bill C-290
December 4, 2012	Senator White gives his speech at Third Reading in opposition of Bill C-290
December 5, 2012	Senator Ngo gives his speech at Third Reading in opposition of Bill C-290
February 12, 2013	Senator Frum gives her speech at Third Reading in opposition of Bill C-290
March 7, 2013	Senator Plett gives his speech at Third Reading in opposition of Bill C-290
May 1, 2013	Senator Meredith gives his speech at Third Reading in opposition of Bill C-290
June 11, 2013	Senator Mercer gives his speech at Third Reading in support of Bill C-290
September 13, 2013	Governor General David Johnston formally prorogued Parliament

i. The House of Commons Process

On September 28, 2011, Bill C-290 was read for the first time, adopted and ordered to be printed without debate. First reading for PMBs is typically very short in nature; the Sponsor of the bill simply reads a brief description of the bill and the

motivations behind introducing it (Private Members' Bill, 2007). MP Comartin noted two main motivations for introducing Bill C-290. The first motivation was to increase potential jobs in areas with casinos, such as Windsor and Niagara, as well as to introduce a service that is not available in the United States outside of Nevada. MP Comartin claimed that Bill C-290 would increase the number of tourists coming to these bordering regions, thus providing economic benefits to local communities. MP Comartin's second motivation was to attempt to decrease the amount of single event betting that is currently being administered through organized crime. As MP Comartin states,

...It continues to be an area where we can strike a real blow against organized crime and move it out of their control and moving the tax dollars into government hands and the operation, the profits into legitimate businesses rather than that. They use this to help fund some of their other operations including human trafficking and drugs because it's a very profitable segment of the work they do (Comartin, personal communication, Nov. 12, 2013).

Once MP Comartin had completed his brief introduction and description of Bill C-290, it was automatically adopted and put on the Order Paper for second reading.

Second reading for Bill C-290 took place on November 1, 2011. As with any PMB, the bill must have an MP 'Second' the bill in order for it to be moved to the committee. Seconders simply provide evidence that there is support for this bill in the House of Commons. Once the Clerk of the House has been notified of the list of seconders, the bill is agreed to at second reading and is referred to the appropriate committee (Private Members' Bill, 2007). Brian Masse was the official Seconder of Bill C-290 before having to take over as the Sponsor when MP Comartin was named Deputy Speaker of the House on September 17, 2012 (Masse, personal communication, Oct. 15, 2013). Bill C-290 was referred to the Justice and Human Rights committee and Debate

took place in this committee on February 16, 2012 where it received one hour of discussion (Canada, House of Common, 2012, Feb. 16).

According to MP Comartin, the committee only held one hour of debate because there was no opposition to Bill C-290, so members of the committee felt as though further discussion of the bill was unnecessary (Comartin, personal communication, Nov. 12, 2013). Senator George Baker informed me that over the last 20 years, the number of witnesses that appear before the House of Commons committee has diminished greatly, which now typically includes the Sponsor of the bill in the House of Commons and one or two other witnesses (Baker, personal communication, Dec. 11, 2013). In the case of Bill C-290, MP Comartin and two members from the Canadian Gaming Association spoke in support of the bill. Mr. Bill Rutsey, who is the President and Chief Executive Officer (CEO) of the Canadian Gaming Association and Mr. Paul Burns, Vice-President, Public Affairs of the Canadian Gaming Association spoke in favour of Bill C-290 in front of the Justice and Human Rights Committee (Canada, House of Commons, 2012, Feb. 16).

Later, individual Senators raised concerns about the decision not to invite the professional and amateur sports leagues to the committee meetings in the House of Commons, stating that the most important stakeholders are those who are most directly affected by the passing of this bill (Baker, personal communication, Dec. 11, 2013). According to Paul Beeston, President and CEO of the Toronto Blue Jays and Tim Rahilly, Associate Vice-President, Students at Simon Fraser University, they did not hear about Bill C-290 until more than 12 months after the bill was first introduced by MP Comartin in the House of Commons. MP Comartin argued,

None of the professional teams showed up, they all waited until it got to the Senate probably full-well knowing that any opposition that was raised in the House wouldn't have gotten them any place but that they could get to some of the Senators, which they obviously have been successful in doing and they've held it up ever since (Comartin, personal communication, Nov. 12, 2013).

Kieran McKenzie, the executive assistant to MP Masse, is a supporter of Bill C-290 but acknowledged some potential shortcomings of the bill as it moved through the committee stage. Mr. McKenzie stated,

Let me start by saying first there are some Senators that are convinced that this bill did not get its due diligence with respect to proper vetting through the House procedure. And in retrospect, I'm willing to concede that there could have been a higher level of direct engagement from the impacted parties while the bill was going through the House (McKenzie, personal communication, Oct. 30, 2013).

Although Mr. McKenzie understood that the professional and amateur sports leagues could have been consulted in the committee, he defended MP Comartin by arguing that there wasn't a formal, direct engagement of the impacted parties because through MP Comartin's consultation work, he found out that there was a tremendous amount of support in the House of Commons for Bill C-290. Although he supported the passage of Bill C-290, Mr. McKenzie realized that the committee process in the House of Commons could have been more robust, especially with a piece of legislation that has far-reaching ramifications and the potential to impact a large number of stakeholder groups (McKenzie, personal communication, Oct. 30, 2013).

At the conclusion of the committee stage, MP Robert Goguen, who represents the electoral district of Moncton—Riverview—Dieppe, proposed an amendment to Bill C-290. When a bill is ordered to a committee, the members of that committee are able to

offer amendments to the bill. MP Goguen proposed a clause that stated, “This act comes into force on a day to be fixed by order of the Governor in Council” (Canada, House of Commons, 2012, Feb. 16). The amendment was proposed and moved during Bill C-290’s one and only committee meeting.

A bill that receives amendments at the committee stage, similar to Bill C-290, is typically ordered to debate during the report stage. According to Senator Baker, there was no debate on the amendment. Within politics there are rules, both formal and informal, and according to Senator Baker there was a violation of the formal rules of the House of Commons (Baker, personal communication, Dec. 11, 2013). MP Comartin offers a different perspective when he stated,

When it went back to the House for the first hour of debate, the Conservatives who were scheduled to speak opted not to and it was just a straight tactic and so it just went through. That is what we called the debate collapsing, that is if nobody gets up to speak to it then it is put to a vote immediately (Comartin, personal communication, Nov. 12, 2013).

A typical procedure at the end of the report stage once the motion has been accepted, according to Senator Baker, is to state, “when shall this be read a third time?” and the normal term in response is ‘on the morrow’ (Baker, personal communication, Dec. 11, 2013). This is almost always agreed upon considering it is normal procedure in the House of Commons and the bill is placed on the Order Paper for third reading on the next sitting day. Placing a bill on the Order Paper allows for MPs to prepare for speeches, raise questions and be present in order to vote, either in favour of or in opposition to a bill. Senator Baker explained that a member of the NDP, the parliamentary secretary of the Conservative Party and a member of the Liberal party had agreed in advance, as the

evidence from third reading indicates, that they would have third reading on the same day as the report stage, which is atypical of parliamentary proceedings (Baker, personal communication, Dec.11, 2013). The agreement between party members that Senator Baker is referencing was to occur on a Friday afternoon when quorum is not usually held in the House of Commons in order to pass Bill C-290 through the House of Commons without a formal vote.

Mr. McKenzie had a different description and analysis of what happened on the day of report stage. He stated,

In the case of C-290, after you had all 3 parties speak in support, not a single person expressed any dissent to C-290. The Speaker asked the Members who were present if they would be comfortable going forward with just a voice vote rather than a recorded vote or vote on division. Had 5 Members decided to stand up and say, “No, we want the vote on division” they would have done the standing vote. Not a single person that day expressed any dissent so it’s not like there was 4 and not 5, nobody. And also, with respect to the agenda, the agenda is published every couple of weeks. Everybody knows when whatever bill is coming up for debate. All you have to do, if you have something to say about any particular piece of legislation as a Member of Parliament, is be there. That’s all you have to do, just be there. And then when the debate happens, you can be put onto the Speaker’s List and you will speak (McKenzie, personal communication, Oct. 30, 2013).

Thus, the Speaker of the House has the option to take a more informal route and ask the MPs if they would like to move forward with a voice vote rather than a formal vote on division, according to Mr. McKenzie. This situation offers a unique perspective into the interpretation of the political process, as clearly there has been a different understanding about some of the procedures in the House of Commons.

As stated above, the Conservatives who were scheduled to speak opted not to, resulting in the debate collapsing and an immediate vote. MP Comartin stated that the Conservatives therefore wanted to get it through as quickly as possibly,

... Because it would have delayed it probably another month or so before it would have come up for vote because we would have had to have a second hour of debate so it would have been six weeks, maybe eight weeks before it would have come up again. So the two who were scheduled to speak didn't and so it collapsed at that point (Comartin, personal communication, Nov. 12, 2013).

The government is responsible for deciding who gets to speak to PMBs in the House of Commons during third reading (Baker, personal communication, Dec. 11, 2013). The two individuals who were scheduled to speak from the Conservative Party were both in favour of Bill C-290 so they decided not to delay the process knowing that none of the MPs present in the House of Commons on that Friday afternoon were opposed to Bill C-290 (Comartin, personal communication, Nov. 12, 2013). There were other individuals from the Conservative Party who were opposed to Bill C-290 and may have requested a chance to speak, according to MP Comartin (2013), but they may not have been granted that opportunity. Their only chance to speak to it would have been when it came to a formal vote at third reading. However, Bill C-290 never received a formal, recorded vote because MP Comartin and two Conservative members found an informal rule that they could take advantage of in order to speed up the political process (Scheer, 2012, Mar. 2). According to Senator White, there were fewer than 25 of the potential 280 MPs present on the Friday afternoon of the voice vote, creating further controversy surrounding the 'unanimous, all party support' that had been mentioned by many supporters of Bill C-290 (Kinsella, 2012, Nov. 29).

When Bill C-290 was first introduced in the Senate, there were Senators that questioned the integrity of the process of Bill C-290, specifically in relation to the lack of opportunity given to the MPs that opposed Bill C-290. According to Mr. McKenzie,

...There actually isn't a way to stop a Member, or each party, from having an opportunity to speak. All 3 parties in the House got their chance to speak on this bill, so anyone who wanted to speak on C-290, any Member of Parliament, including the Member from Halton Hills, Mr. Chong, who has been its leading opponent, could have spoken against C-290 when it was going through the House. He chose not to do that (McKenzie, personal communication, Oct. 30, 2013).

MP Masse, the Secorder of the bill and the eventual Sponsor of Bill C-290 in the House of Commons believed that the work of the MPs who raised concerns about Bill C-290 after it received unanimous, all party support in the House, specifically Michael Chong, had been disingenuous. MP Masse went on to state,

...If you are opposed to this Bill you could have either spoke against it, attended committee to speak against it, you could have presented that in front of your national caucus and most importantly showed up to force the vote if they really wanted a standing vote on it. Apparently there is a few members of the social conservative caucus that seem to be appeared ideologically against this bill and have been able to successfully warp the interpretation of the bill and eventually its passage through our democracy (Masse, personal communication, Oct. 15, 2013).

Through the multiple interviews conducted, the media accounts reviewed and analysis of government document transcripts, it was very clear that regardless of the position taken, most individuals agreed that those who opposed Bill C-290 in the House of Commons should have come forward when it was their time to speak rather than voicing their opinion once the bill was sent to the Senate. Mr. McKenzie was adamant in stating that the proper procedure was followed in the report stage and third reading, which took place on March 2, 2012, stating,

So the suggestion that debate was shut down, that Members didn't get their opportunity to vote is a fabrication and it's incredibly misleading and in my view, it's irresponsible and I'll even use the word cowardly. Because first of all it's actually convinced several Senators that there actually was something wrong with the way that the bill passed and there was nothing wrong with the way the bill passed. Secondly, it's cowardly in that now you have certain Members of the House of Commons, Members of Parliament, who didn't have the courage of their convictions when it was their legislated opportunity, and I would argue that if they feel this strongly about it, their obligation to stand up and speak and

represent their view, they chose not to avail themselves of that opportunity. And now that the bill is in the Senate, are trying to ask Senators to do the work that they didn't have the courage to do themselves when it was their turn or their time as Members of Parliament to do that (McKenzie, personal communication, Oct. 30, 2013).

The same story can be told in many different ways, depending on the storyteller.

The element of social construction is important when examining interview transcripts and government document transcripts because the perspective of the individual telling the 'story' needs to be taken into account. For example, MP Comartin, the initial sponsor of Bill C-290, may have had a very different experience with regards to the process of Bill C-290 in comparison to others. Attempting to educate myself about the process of Bill C-290 through the House of Commons and Senate before conducting interviews gave me a perspective on the roles and opinions of many key stakeholders and their involvement with Bill C-290. Although the House of Commons unanimously passed Bill C-290, individual Senators have continued to question its process through the House and this has given Bill C-290 a stigma that most bills that enter the Senate do not have. Although the controversy in the House of Commons has been well documented by Senators, stakeholder groups and individual members of the media, the political process of Bill C-290 remained associated with this controversy as it proceeded through the Senate.

ii. The Senate

The process in the Senate is similar to the process in the House of Commons for a PMB. First reading for Bill C-290 in the Senate took place on March 6, 2012. The sponsor of Bill C-290 in the Senate, Senator Runciman, was initially recruited by members of the Conservative Party from the House of Commons, presenting to him the two main motivations for the bill (Raison, personal communication, 2014). Once Senator

Runciman became aware of the motivation connected to decreasing funding for organized crime, he became more interested in sponsoring the bill in the Senate. Senator Runciman was never a believer in the economics of Bill C-290 and he did not see job creation in both Windsor and Niagara as selling points to get the bill passed. Shortly thereafter, MP Comartin approached Senator Runciman and offered more insight into the bill (Raison, personal communication, 2014). Senator Runciman was told that this would be a very easy bill to pass through the Senate because it received unanimous, all party support in the House of Commons. In retrospect, Senator Runciman realized that this was not the case, as he indicated in his third reading speech; “Of course, I was also advised that this would be a slam dunk for passage and that all parties supported it, with no dissenters. I think we can all agree that the last assurance was more than a little misleading” (Kinsella, 2012, Nov. 29). As Bill C-290 moved through the stages of the Senate, it became more apparent that there were individuals who opposed the bill in both the House of Commons and the Senate.

Bill C-290 was adopted by the Senate and moved to second reading, where Senator Consiglio Di Nino offered to be the Seconder of the bill (Kinsella, 2012, Mar. 15). Second reading began on March 15, 2012 with Senator Runciman offering an introductory speech to the bill. Senator Runciman explained the main motivation behind his sponsoring of the bill, which related to diminishing the role of organized crime with the underground world of single event sports betting (Kinsella, 2012, Mar. 15). He also cited that within a regulated environment, it would be easier to detect any potential match-fixings or suspicious betting patterns because of the transparency that a regulated environment would offer. Second reading debate was held four times over the course of

two months. The next second reading debate occurred on April 26, 2012, where Senator George Baker gave a short speech about Bill C-290. This was the first time that concerns about the process of the bill in the House of Commons arose in the Senate. Senator Baker addressed the matter when he stated,

It passed in the House of Commons, apparently with the unanimous consent of all parties. However, it is strange that certain members on this side of the chamber in the Senate have received letters from MPs who say they do not agree with the bill. Yet, they did not speak to the bill in the House of Commons and they did not vote against it. They are hoping, however, that the Senate will somehow reflect their feelings on the bill. I would suggest to the steering committee that we should call these members of Parliament as witnesses before the Senate committee, if they so desire. We do not want to embarrass them or get them into trouble with their leadership, but simply to give them the opportunity to appear before the committee (Kinsella, 2012, Apr. 26).

As Bill C-290 moved into the committee stage, many other Senators supported Senator Baker's concern surrounding the political procedure that Bill C-290 did or did not follow in the House of Commons.

A third debate during second reading took place on May 15, 2012 when Senator Norman Doyle rose to spoke about Bill C-290 (Kinsella, 2012, May 15). For the first time in any substantial capacity, the potential social consequences of further increasing the gambling industry were raised. Some MPs cited the potential social ramifications of Bill C-290 in the House of Commons but did not indicate that they were firmly against the bill due to that reasoning. Senator Doyle addressed the fact that not one speaker in the House of Commons had legitimately addressed the potential social risks of legalizing single event betting,

Honourable senators, the question we could ask is, why should we be concerned? After all, "freedom of choice" are the buzzwords today and, if I want to gamble, then I can gamble. That is fine, but gambling revenues, we are told, come at a very high cost to society. Research shows that government-sponsored gambling

has dangerous social consequences. I am really surprised that none of the speakers I have heard on this so far have bothered to mention a few fairly widespread facts (Kinsella, 2012, May 15).

As debate over Bill C-290 moved through the Senate and into the committee stage, the potential negative social outcomes of legalizing single event sports betting seemed to take over as a main argument against the proposed legislation. On May 16, 2012, Bill C-290 was adopted at second reading and referred to the Standing Senate Committee on Legal and Constitutional Affairs (Legal Committee) (Kinsella, 2012, May 16).

When a bill is referred to committee, a group titled the ‘steering committee’ has a meeting in order to determine which individuals or stakeholder groups the committee would like to hear from and why these people should be called. In the case of Bill C-290, according to Senator Baker,

There are three senators on the legal steering committee: two Conservatives and one Liberal - the Conservative Chair, the Conservative Sponsor of the bill in the Senate and the Opposition Vice Chair of the committee. At the start of each new parliament motions are made to establish the steering committee. The "government side" always must have the majority by custom (Baker, personal communication, Dec. 11, 2013).

In this particular case, the “government side” is the Conservative Party, which must make up the majority of the steering committee. The steering committee for Bill C-290 was made up of Senator Boisvenu (the Conservative Chair), Senator Runciman (Conservative Sponsor of Bill C-290) and Senator Joan Fraser (Opposition Vice Chair of the committee, Liberal) (Baker, personal communication, Dec. 11, 2013). The legal steering committee met and came up with a list of witnesses that they would like to hear from. Once the witness list was finalized, they called these individuals to determine when they may be able to attend committee and give a brief speech about their position regarding the bill, why they have positioned themselves in support of or in opposition to of Bill C-290, as

well as answer any questions from the committee members. The committee met on five different occasions to discuss Bill C-290, starting on October 4, 2012 and ending on November 8, 2012 and heard from both individual witnesses as well as witness groups (See Appendix F for a complete witness list and their position for or against Bill C-290).

The Legal Committee consists of eleven Senators. There are seven Conservatives, three Liberals and one Independent on the committee, according to Senator Baker (Interview, 2013, Dec. 11). The majority of the committee must also be made up of Senators from the “government side”, in this case Senators from the Conservative Party. The Legal Committee met to discuss matters relating to Bill C-290 and to hear from different witnesses. Of all of the witnesses that addressed the Legal Committee, there was one witness that was granted special permission to attend and speak to Bill C-290.

Michael Chong, an MP representing Wellington-Halton Hills, was granted special permission to appear before the Legal Committee in the Senate to discuss his position on Bill C-290. Typically, MPs are not called as witnesses in the Standing Senate committees because they have the opportunity to speak to a bill in the House of Commons. According to Senator Baker, two MPs protesting Bill C-290 and its process in the House of Commons wrote letters to the Senate asking for them to send the bill back to the House. As Senator Baker stated,

Now the problem was this, we got 2 letters from 2 MPs who were protesting and saying to the Senate, you’ve got to hold up this legislation, you’ve got to defeat it, you’ve got to amend it, you’ve got to find some way of sending this back to the House of Commons because we were not given an opportunity, not only not to be able to speak but to actually vote on it. So, we got back to those 2 members, we said to them, look it’s not normal for us during our hearings to be hearing from members of the House of Commons. You should have gone to your own committee; you have your own jurisdiction to take care of. We cannot hear from

you people but since you insist, appoint one person to come and we will hear from that person as a witness before the Senate committee in consideration of the bill (Baker, personal communication, Dec. 11, 2013).

The two MPs got together and they appointed MP Chong to speak in front of the Legal Committee. MP Chong began his speech in front of the committee by stating, “I appreciate the opportunity to speak in front of this committee to register my opposition to Bill C-290, as elected members of Parliament were not given the opportunity to formally vote on this important piece of legislation” (Canada, Senate, 2012, Oct. 18). Once MP Chong completed his speech, which cited issues relating to problem gambling, suicide rates, adverse effects on lower income families and gambling being an inefficient way of increasing revenues, Senator Baker questioned his opening statement about not being able to formally vote on Bill C-290 in the House of Commons.

Senator Baker has been on Parliament Hill for over 40 years and is very informed about the political procedure in both the House of Commons and Senate. Senator Baker pointed out to MP Chong that although House Leaders may have agreed upon the unanimous voting of Bill C-290, it was his responsibility to find a way to attend third reading,

You’ll note by the debates, I gave him a hard time. I said look, you are coming here and you are communal but it was necessary to point out that it was his negligence that caused this because it requires unanimous consent to move to two readings in the same day. They say we can’t be there all the time. I’m sorry but that’s the way the system works (Baker, personal communication, Dec. 11, 2013).

The attention that MP Chong drew to the political procedure that Bill C-290 went through in the House of Commons has resonated with some Senators, causing them to believe that there was something wrong with Bill C-290. Senator Vern White, along with Senator Baker, were adamant in arguing in both debates and committee meetings that Bill C-290

was procedurally mishandled in the House of Commons and that that is grounds to defeat the bill (Canada, Senate, 2012, Oct. 18). There have been mixed reactions about the political process revolving around Bill C-290.

Senator Baker, Senator White and MP Chong have all expressed concerns in the Senate Legal Committee over what they consider was the improper procedure taken in the House of Commons (Canada, Senate, 2012, Oct. 18). MP Masse took a much different approach when he stated, “Well, it’s a bill that demonstrates that we don’t need our Senate anymore really. The democratically elected people in Canada pass this bill and the unelected, unaccountable Senate is stalling it” (Masse, personal communication, Oct. 15, 2013). MP Masse has been very open in stating that the Senate has not been held accountable for the way it has dealt with Bill C-290. Senator Runciman, who is the bill’s Sponsor in the Senate, had a more critical approach during his third reading speech when he challenged both the Senate and the House of Commons by stating,

It passed third reading on a voice vote, and given the absence of any opposition throughout the process, I would say that is fair. Where the house did not do its job was in committee, where it held a brief less than one-hour hearing, I believe, and failed to call anyone who might have a concern regarding the bill. How should the Senate react to that house committee's failure? Well, I would suggest not by voting against the bill but by ensuring that this body makes certain that the legislation is appropriately scrutinized and that all interested parties, pro and con, have an opportunity to be heard. I believe we did that in spades. The committee did good work, even extending its hearings to accommodate witnesses critical of the bill. We should be able to move on and deal with the substance of the bill, not the actions or inactions of the other place. That is up to their members to deal with (Kinsella, 2012, Nov. 29).

Senator Runciman was aware that procedure was followed in the House of Commons, regardless of whether it was the typical procedure or if debate collapsed and no formal vote was recorded. Senator Runciman also knew that Bill C-290 needed to be examined

thoroughly in the committee and that a variety of witnesses needed to be called upon in order to get a full and more clear understanding of the scope of Bill C-290.

As the committee meetings for Bill C-290 ended in November 2012, the Legal Committee was faced with a decision. When a committee has completed its analysis of a bill, it typically offers a recommendation to either proceed or not to proceed and this recommendation is passed along to the Senators (Private Member's Bill, 2006a). The Legal Committee members could have given a recommendation to the Senators based on the claims they heard from the varying witnesses, they could have amended the bill in some way, or they could have offered nothing and allowed for Bill C-290 to be debated at third reading, thus allowing the Senators to decide what to do with the bill through a formal, recorded vote. According to Senator Baker,

The Senate usually goes along with invariably, I don't know of any example where the Senate has not gone along with the recommendation of a Standing Committee. No matter what the subject matter is, you go back a long history; the Senate always follows the recommendation of the Standing Committee (Baker, personal communication, Dec. 11, 2013).

The Senate was stuck in a precarious position because Bill C-290 was supported unanimously in the House of Commons but according to Senator Baker, the recommendation from the Legal Committee would have been to vote against the bill. The reasoning for why the Senate would have recommended not to proceed with Bill C-290 will be reported on shortly.

The first option for the Legal Committee was to decide whether or not it wanted to provide a recommendation to the Senate. According to Barry Raison, the Policy Advisor in the office of Senator Runciman, there were private conversations held between committee members that supported avoiding giving a recommendation on Bill

C-290. The consensus according to Mr. Raison was, “Let’s not fight about this in the committee. Let’s fight over this in the Chamber and let it be debated up at third reading” (Raison, personal communication, 2014). Having Bill C-290 receive unanimous support in the House of Commons put the Legal Committee in an uncomfortable situation because they did not want to be responsible for killing the bill. They would have rather left Bill C-290 without recommendation in order to allow a formal vote during third reading without Senators having to follow the recommendation of the Legal Committee, which would have been not to proceed.

The second option for the Legal Committee was to amend Bill C-290 by offering a few changes to the bill. Senator Baker informed me of a nuance with Bill C-290 that he described in detail,

Here is another interesting note to this particular bill. If we amend it, which there is some talk of this bill coming forward and this is a possibility and we amend it in February (2014) and we send it back to the House of Commons, the rule in the House of Commons is that when a bill is introduced or reintroduced to the Commons after amendment in the Senate, the Sponsor and Co-Sponsor must be the same. In other words, Mr. Comartin, who sponsored the bill, was elevated to Deputy Speaker then it was taken over by another member. Now if that Bill is changed, it goes back to the House of Commons and before it is introduced in the House of Commons, the Sponsor has to be changed. The Deputy Speaker cannot sponsor a bill and neither can the Speaker in the House of Commons. Now, the change of the Sponsor is a procedure that requires unanimous consent. So the difficulty with sending it back is if it is sent back, Mr. Chong and the other opponents of the bill will be watching this very closely now and they, I am informed, may not give unanimous consent to change the Sponsor of the bill, which means that the bill would then again be reintroduced all over again in the House of Commons and go through all of the readings and be reintroduced into the Senate so we have to consider that if we accept the amendment, we will in affect be killing the bill (Baker, personal communication, Dec. 11, 2013).

Bill C-290 has been in the Senate since March 6, 2012 and there has not yet been any indication that the bill will be agreed upon in any capacity. The Legal Committee could

remove this bill from their agenda by suggesting a potential amendment to it, but Senator Baker and the rest of the committee are aware of the potential backlash that may occur if it is sent back to the House of Commons.

The Senate Legal Committee ultimately decided that between the two options available to them, the best and least controversial option would be to offer no recommendations on the bill and allow the third reading debate to proceed. With that being said, Senator Baker described the difference between a PMB and a government bill, allowing further insight into how Bill C-290 would have been handled if it were a government bill,

On all legislation that goes before the Senate committee in my 40 years of being on committees you usually go with those people who are affected by the legislation if it is a private member's bill. If it is a government bill of course you can't defeat a government bill in the Senate. That's just not done. I mean we can amend it, we can suggest amendments, we can send it back with a minor change and with observations but you can't go amending government legislation, you can't go stopping it, you can't delay it as we did with this bill so that it ended up in oblivion never to be dealt with again (Baker, personal communication, Dec. 11, 2013).

Not offering up a recommendation and stalling allowed the Legal Committee to deal with Bill C-290 in a way they thought would keep the bill from becoming legislation; delaying it so that it ended up in oblivion never to be dealt with again. Interestingly enough, Senator Baker went on to say,

I don't know what the chances are, it may pass as it is because perhaps a lot of the... I don't even know the numbers Jimmy; I don't know the numbers because we never did take a vote on it. I would suspect that since the bill passed unanimously in the House of Commons that it would pass in the Senate but that is not guaranteed. However, the bill I think will die on the Order Paper. That way the Senate is exerting its power not to pass a bill without voting it down after it passed unanimously in the Commons.

Regardless of what the individual witnesses and stakeholder groups stated in the Legal Committee meetings, there was still a chance to get Bill C-290 passed through a formal vote. However, the Legal Committee decided to delay the movement of the bill through the Senate. According to Mr. Raison, the Conservative Party will not call a vote on Bill C-290 unless it is confident that the bill will pass for fear of losing a vote on an issue that, as a party, they have supported (Raison, personal communication, 2014). Therefore, Senator Runciman and the rest of the committee decided it would be best to allow Bill C-290 to move to third reading without offering any type of recommendation in order to get a better indication of what the position of the Chamber members might be.

The Sponsor of Bill C-290 in the Senate, Senator Runciman, held the first of seven third reading speeches on November 29, 2012. Senator Runciman's speech was the longest of the seven speeches, taking the entire 45 minutes that are allocated for speeches during third reading. Throughout the seven third reading speeches, many of them did not have any questions from the Chamber but for Senator Runciman, an additional five minutes was requested on top of the 45 minutes in order to address all of the questions (Kinsella, 2012, Nov. 29). Senator Runciman spent the majority of his speech recapping the Legal Committee meetings and addressing issues that supported the proposed legalization of single event betting. At the conclusion of his speech, Senator Runciman received a very modest ovation according to Mr. Raison. I was told that the majority of the Chamber reacted poorly to the speeches that supported Bill C-290, whereas the individuals who spoke against the legislation received a thunderous ovation (Raison, personal communication, 2014).

Senator White, who had been an outspoken adversary of Bill C-290, was the second member of the Chamber to speak about the bill during third reading on December 4, 2012. Senator White referenced the potential social ramifications that may be attached to Bill C-290, which include an increase in youth gambling, an increase in gambling related suicide, issues related to compulsive gambling and protecting the integrity of professional and amateur sport (Kinsella, 2012, Dec. 4). Senator Thanh Hai Ngo, Senator Linda Frum, Senator Donald Neil Plett and Senator Don Meredith all gave speeches during third reading. Each one of those speeches highlighted an issue that did not support the legalization of Bill C-290 and each Senator was open in saying that he or she did not support this legislation. It was not until the final third reading speech on June 11, 2013 that a Senator spoke in support of Bill C-290, when Senator Terry Mercer had a brief speech highlighting his support for Bill C-290 (Kinsella, 2013, June 11). The controversy surrounding Bill C-290 has caused many people in the House of Commons, the Senate, individual members of the media and stakeholders who have interest in this bill to scrutinize and give more attention to this bill than others typically receive. As Senator Runciman, the Sponsor of Bill C-290 in the Senate stated, “In my almost three years in the Senate, I cannot recall legislation generating such public and media interest or that has created such real uncertainty regarding its ultimate fate” (Kinsella, 2012, Nov. 29).

On September 13, 2013 Governor General David Johnston formally prorogued Parliament. Prorogation is the end of a parliamentary session in Canada. The prorogation was set to last for 30 days, starting on September 16, 2013 and ending on October 13, 2013. The prorogation of parliament greatly impacts PMBs that have been introduced within both the House of Commons and the Senate. According to Mr. McKenzie, Private

Members' Business after prorogation goes back to its last completed stage in the House of Commons. Bill C-290 completed third reading in the House of Commons, which means that at the reintroduction of parliament, the bill is restored back to first reading in the Senate. At the conclusion of prorogation, Senators have the ability to restore the bill back to its previous stage if a formal request is made. It is within the power of the Senators to bring forward a motion to restore legislation to its previous stage, pending unanimous consent from the Senators (McKenzie, personal communication, Oct. 30, 2013). The Senators are the ones responsible for filing this formal request because Bill C-290's previous stage was third reading in the Senate before parliament was prorogued. Mr. McKenzie noted that it would be virtually impossible to have Bill C-290 restored to its previous stage because of the circumstances surrounding a current Senate scandal, which was taking priority in Senate business. MP Masse showed frustration when explaining what the prorogation meant for Bill C-290 when he said,

When Harper, Prime Minister Harper, prorogued parliament, the bill went from basically needing to have a vote in the Senate to be passed after a long delay to now having to go back to first reading, unless we get unanimous consent to restore it to its current status or its previous status at the fall of the Senate, so at the fall of parliament, so it's likely we have to go through the whole Senate process again. So that means back to committee and everything. It's ridiculous! (Masse, personal communication, Oct. 15, 2013).

After passing unanimously through the House of Commons, Bill C-290 has been stalled by both the Senate and the government of Canada, making the passing of this legislation much more difficult than initially anticipated after its smooth passage through the House of Commons.

II. Analysis - Sub-Problem #1

i. Formal Rules and Historical Events

In accordance with a duality of structure (Giddens, 1984) framework, individuals (agents) act within the boundaries they can imagine. Rules (both formal and informal) resources, and the individuals' practical consciousness create these boundaries. They thus can shape the actions taken by individuals, contributing to the social construction of the political process of Bill C-290. In both the House of Commons and Senate, it seems that formal rules are the primary shaper of individual action but also allow individuals to use various formal rules to direct policy. Government procedures are well documented and thus guide both MPs and Senators to act within these formal rules. Bill C-290 has ventured through both the House of Commons and the Senate, being reviewed by a variety of individuals acting within the boundaries they can imagine. Both individuals supporting and opposing Bill C-290 have chosen to operate within these strict parliamentary rules in order to move the bill forward, to speak about the bill, or to keep the bill from progressing through the Senate.

Within politics, there can be multiple ways of dealing with the same situation. According to Senator Baker, a formal rule in parliament states that if an amendment is made to a proposed bill, debate must be held at report stage (Baker, personal communication, Dec. 11, 2013). In the case of Bill C-290, an amendment was proposed by Senator Goguen stating, "This act comes into force on a day to be fixed by order of the Governor in Council" (Canada, House of Commons, 2012, Feb. 16). The amendment was adopted during committee stage in the House of Commons. However, debate was not held at report stage for the adopted amendment to Bill C-290. Rather than holding a

debate, none of the members present at report stage rose up to speak, therefore causing the debate to collapse. This can be classified as acting within the boundaries of the formal rules of parliament, as a debate is not mandatory if no member objects to the amendment. Individuals are thus able to act within the formal rules of parliament even when appearing to break another formal rule.

MP Comartin and other supporters from the Conservative Party who were scheduled to speak at third reading opted not to, again forcing the debate to collapse. Comartin claimed that this was a tactic that was used to avoid delaying the passage of a bill, thus also an act that is permitted by the formal rules of parliament (Comartin, personal communication, Nov. 5, 2013). According to Giddens (1984), inaction is also viewed as an action. The omission of speeches during third reading in the House of Commons is considered as action, therefore resulting in agents acting within the boundaries of the formal rules. The Speaker of the House offered a motion to move forward on a voice vote and no objections were made to this motion, thus again supporting the point that inaction is a form of action. The Speaker is able to use his/her best judgment and offer the option of taking a voice vote within the formal rules of parliament. When the voice vote was taken, no member that was present during the vote objected to the passage of Bill C-290 through the House of Commons and into the Senate, therefore providing unanimous support for the bill. The motion of the bill was adopted and Bill C-290 was moved to first reading in the Senate, passing through two readings on the same day in one hour. A bill requires unanimous consent to move through two readings in the same day, yet another formal rule that was followed by the Speaker of the House.

Bill C-290 faced many challenges in its journey through the House of Commons and Senate, but two historical events have created issues for the bill moving forward. When parliament was prorogued on September 13, 2013, the formal rule states that Bill C-290 is restored to its last completed stage in the House of Commons. Therefore, Bill C-290, which was currently at third reading in the Senate, was moved backed to first reading in the Senate. The only way to avoid following this formal rule was to ask for consent to restore the bill to its previous stage, which would require unanimous consent in the Senate. Both MP Masse and Senator Runciman were aware of the difficulty behind getting unanimous consent so they decided to allow the formal rules to take place and move Bill C-290 back to first reading in the Senate (Masse, personal communication, Oct. 24, 2013). This formal rule changed the scope of Bill C-290, a bill that was in a position to be put up for vote. The supporters of the bill were now in a difficult position because they needed to receive support to move the bill through two readings and the Legal Committee before being in a position to hold a formal vote. In essence, the formal rules of parliament have placed Bill C-290 in a difficult position moving forward.

MP Comartin was the initial sponsor of Bill C-290 in the House of Commons. As Bill C-290 moved through the various stages of parliament and into the Senate Legal Committee, a formal rule placed the Legal Committee in a complicated position. MP Comartin's new position as Deputy Speaker of the House of Commons gave the Senate Legal Committee one less option with Bill C-290 because of another formal rule. If Bill C-290 was amended and sent back to the House of Commons, the MPs would have had to provide unanimous consent to name a new sponsor of the bill because MP Comartin, by formal rule, is incapable of sponsoring a bill. This formal rule thus limited the ability of

the Senate to do its job, knowing full well what the consequences would be if Bill C-290 was sent back to the House of Commons. The Senate Legal Committee, according to Senator Baker, exercised its best judgment and did not offer an amendment to the bill even though within parliamentary rules, they had this option of in effect killing the bill without having to give a recommendation not to support Bill C-290 (Baker, personal communication, Dec. 11, 2013).

Formal rules shaped individual action in most settings, especially in the ways that MPs and Senators must operate during debates and committee meetings. Although formal rules play a large part in how government policy is managed, it is important to note that there are other factors that influence individual human action and that formal rules do not work on their own. Oftentimes, formal rules are coupled with the resources made available to the individual and their practical consciousness to further shape the actions of individuals.

ii. Informal Rules

A statistic was presented earlier that stated the Senate has only defeated a bill sent from the House of Commons with unanimous, all party support 8 times in the last 70 years. According to both MP Masse and Senator Baker, a bill that receives unanimous support in the House of Commons is expected to pass through the Senate with minor difficulty. Bill C-290 has taken a different route through the Senate because individuals have raised concerns about the process of the bill. Regardless of what the perceived issues may be with respect to Bill C-290, the Senate is fully aware that it would be difficult to make a recommendation in committee that does not support the passage of the bill. Although this is not a written, documented rule, the Senate is aware that informally,

this is common practice (Baker, personal communication, Dec. 11, 2013). History has shaped the way in which the Senate has had to deal with this bill, particularly in committee. Rather than offering a recommendation in support of or in opposition to Bill C-290, the Senate exercised its right to not offer a recommendation and allow Senators to further debate the bill during third reading.

As debate went on during third reading, it became clearer that the support for Bill C-290 in the Senate was dwindling (Raison, personal communication, 2014). The Senate Committee members were aware of the uniqueness of Bill C-290 because it was supported unanimously through the House of Commons and according to Senator Baker, “The bill I think will die on the Order Paper. That way the Senate is exerting its power not to pass a bill without voting it down after it passed unanimously in the Commons” (Baker, personal communication, Dec. 11, 2013). The Senate members understand that, informally, they are not to vote against a bill that was supported unanimously through the House of Commons. The Senate is thus able to avoid passage of Bill C-290 without voting it down by doing nothing and letting the bill stay untouched on the Order Paper. Once again, the Senators are refusing to act but in keeping with Giddens’ work on structuration and agency, inaction is still a form of action, guided by the Senators operating within the informal rules of parliament.

iii. Interpersonal Resources and Practical Consciousness

Interpersonal resources can be characterized as authority embedded in particular people (Ponic, 2000). During the committee meetings in the House of Commons, individuals from the professional and amateur sports leagues were not invited to speak in support of or in opposition to of Bill C-290. It was not until the bill reached the Senate

that these groups become aware of the proposed legislation. The various professional and amateur sport organizations began writing letters pleading with the Senate to maintain the status quo and to avoid legalizing single event sports betting. The Senate steering committee asked for the leagues to communicate amongst one another and come up with one group to attend the committee and speak on behalf of all professional sporting organizations (Baker, personal communication, Dec. 11, 2013). Once the leagues decided that Mr. Beeston would attend the Senate Legal Committee, the authority and legitimization of the sports leagues as a stakeholder in the policymaking process became confirmed. According to Giddens (1984), power itself is not a resource but with the acquisition of authority as a resource, power can be exercised.

As the Senate heard from more witnesses, it became evident that the opinions of the professional and amateur sports leagues were dominating the discussion on Bill C-290. Senator Baker stated that the most important witnesses in the policymaking process are the stakeholders that would be most directly affected by the legislation (Baker, personal communication, Dec. 11, 2013). The Legal Committee members' practical consciousness was shaped in particular ways when the professional and amateur sports leagues became identified as the most impacted parties, supporting the perception that they were the most authoritative stakeholders. The majority of the Senate Legal Committee began to support the notion that single event sports betting would jeopardize the integrity and purity of sport. The introduction of arguments by the professional and amateur sports leagues into the Senate Legal Committee thus played a major role in challenging (or further supporting) the practical consciousness of Senators in terms of their support for Bill C-290.

III. Results - Sub-Problem #2

How have the arguments for regulation or prohibition of single event betting been socially constructed through the political process by media, stakeholder groups and politicians?

As Bill C-290 made its way through the House of Commons and into the Senate, many individuals were given the opportunity to speak to the bill. Some individuals supported the bill, while others opposed it. Miller & Claussen (2001) cited reasons that argued for both the regulation and prohibition of single event betting and online wagering in the United States. Through the use of a deductive approach, I settled on their three reasons supporting the regulation of single event betting and three reasons supporting the continued prohibition of single event betting. I will begin by discussing the three rationale for supporting the regulation and legalization of single event betting, which are: regulated gambling would provide economic benefits to local communities; sport gambling reflects a desired consumer activity in a market-driven economy; and sports betting has not brought about the demise of sport. The Parliament of Canada website was my main resource for answering sub-problem #2 as I was able to analyze various House of Commons and Senate sitting and committee meeting transcripts. Through the use of Canadian Newsstand I was able to find and review 27 related newspaper articles, mostly from Ontario, and more specifically Windsor. I also conducted four recorded interviews with MP Brian Masse (seconder of the bill in the House of Commons), Mr. Kieran McKenzie (executive assistant to MP Brian Masse), MP Joe Comartin (Sponsor of the bill in the House of Commons) and Senator George Baker (Deputy Chair of the Senate Legal Committee), as well as have an unrecorded but official conversation with Mr. Barry Raison (Policy advisor for Senator Runciman). After reviewing the government transcripts, media accounts and conducting interviews, a fourth theme emerged as the

most prominent argument supporting the legalization of single event betting: legalizing single event sports betting would assist in the fight against organized crime.

i. Regulated gambling would provide economic benefits to local communities

When MP Comartin introduced Bill C-290 to the House of Commons at first reading, one of the reasons he presented as his personal motivation for introducing the bill was its potential economic impact,

The other thing is that there is a national gaming association in Canada. It just completed a study that shows the employment that would be created by making this into a legal business. For instance, in Windsor there will be another 150 jobs either saved or added to the current employment in the Windsor casino. In the riding of the Minister of Justice there is a casino, and a similar number of jobs would either be saved or added. It is job creation (Scheer, 2011, Sept. 28).

At second reading, MP Comartin again referenced the study done by the Canadian Gaming Association, a stakeholder group with which he worked very closely. The study showed the potential job creation that would result from the legalization of single event betting. Not only did MP Comartin reference the casino in his riding, Caesars Windsor, but also the casino in Niagara.

The same is true for the casino in Niagara. The focus on those two casinos is because we are immediately adjacent to the American border. A number of bets would be placed by our American neighbours because this practice is illegal in the United States, with the exception of Nevada. It would be a good economic tool that would draw gaming dollars in from the United States and potentially from other parts of the world, depending on how it is deployed (Scheer, 2011, Nov. 1).

With local economies in both Canada and the United States struggling through a recession at the time when Bill C-290 was introduced, MP Comartin used that as a point of emphasis as well. MP Masse supported that argument further during the second

reading in the House of Commons when he stated that the tourism industry in Canada was diminishing, especially in border cities that had casinos, for a variety of reasons.

The HST being implemented had an affect upon tourism in Canada. Dropping the GST rebate was another blow to the tourism industry. Therefore, it is very important for us to see this as an advantage for us to compete against the United States in the gaming market right now. The U.S. has made efforts and has pushed to bring in single sports betting venues but it has not done so yet, except in Nevada (Scheer, 2011, Nov. 1).

The exchange rate has not been the only issue with getting Americans to visit Canada.

MP Masse pointed out the challenges that the border crossing now offers to travelers,

“After 9/11 (September 11 attack in New York), we saw the border change quite significantly. We now have more difficulty getting people to and from the border. This affects Americans coming into Canada as well as Canadians going out” (Scheer, 2011, Nov. 1). In light of the various economic issues plaguing many Canadian cities today, the supporters of Bill C-290 see the legalization of single event betting as one of the ways to help fix a struggling economy.

Individual members of the media have also noted this motivation for wanting to introduce Bill C-290. They agreed with the arguments relating to increasing job opportunities for cities that have land-based casinos as well as for increasing tourism, especially in border communities. This was evident when a writer from *The Windsor Star* stated,

Over the past year, senators have been doing everything they can to derail this sensible legislation that's intended to give an advantage to provincially run casinos, including Caesars Windsor. Single sports betting would give communities like Windsor a boost in terms of the potential to increase gaming jobs and promote tourism (Senate follies: Get back to work, 2013, Feb. 15).

As Bill C-290 has moved through the House and into the Senate, MP Masse and Mr. McKenzie have worked on recruiting stakeholders to publicly support the passing of the bill (McKenzie, personal communication, Oct. 30, 2013). They were successful in recruiting Matt Marchand, president and CEO of the Windsor-Essex Regional Chamber of Commerce, to support Bill C-290. Marchand was quoted in *The Windsor Star* saying,

With Windsor's proximity to Detroit, our upscale casino and the need for jobs in this region, we would definitely see an improvement to our local and provincial economy should Bill C-290 pass. The chamber coalition supporting Bill C-290 continues to grow across the country with support from the Atlantic Chamber of Commerce and the Federation des chambres de commerce du Quebec (Local chamber supports bill, 2013, May 23).

A writer for *The Windsor Star* spoke with David G. Schwartz, director of the Gaming Research Center at the University of Nevada Las Vegas. The article stated,

Schwartz agrees the effect would be positive, especially in Ontario. "It's a good thing," he said. "It has potential to change it a lot. It would definitely be a draw. It would give people a reason to cross the border. It's something you can do that you can't do in Detroit. I think any time you've got a product that's a little different, it gives you an advantage" (Single bets help casinos need, 2013, Apr. 3).

Although individuals in the House of Commons and members of the media have cited economic reasons as a main driver for legalizing single event betting, the individuals who supported Bill C-290 in the Senate did not maintain that argument as the bill was further debated.

Senator Runciman initially stated that the potential economic benefits of the bill was not a determining factor in deciding to sponsor Bill C-290 in the Senate. In the Legal Committee meeting transcripts, the argument supporting the economic benefits for local communities likewise did not emerge as a dominant point of emphasis. Senator Baker

posed a question to Paul Beeston, President and CEO of the Toronto Blue Jays, regarding the economic benefits.

Senator Baker: The argument for it is that because this is illegal to do in the United States — this is the evidence we have heard, and this is the main argument — that when we make it legal here, people will be rushing across the border. The casino in Windsor claimed they would have 200 new employees. The casino in Niagara claimed they would have 200 new employees just to handle these new bets. Do you think that that will be the effect of it? Does that justify a change in the law like this? (Canada, Senate, 2012, Oct. 24)

Mr. Beeston: Senator Baker, I cannot tell you how much you are making our case for us with that comment. If you can get 200 new employees just by having single game betting and that is what they are saying, then we have a real problem. We are creating a lot more bettors and a lot more societal problems. We are exposing all sports, not just baseball, to potential integrity issues. Trust me. If that is the case, if they are talking in terms of hiring 200 more people, then wow (Canada, Senate, 2012, Oct. 24).

Those individuals who have supported Bill C-290 and referenced the economic benefits likely would have had a very different answer to Senator Baker's question but since the professional and amateur sports leagues were identified by the Senate Legal Committee members as the group that is most directly affected by this legislation, Mr. Beeston's response resonated with the majority of the Senators (Baker, personal communication, Dec. 11, 2013).

ii. Sport gambling reflects a desired consumer activity in a market-driven economy

Sport gambling is one of the largest growing forms of betting worldwide, according to many individuals who have supported Bill C-290. The legalization of single event betting would simply be “catching up with what Canadians are already doing” according to Mr. Rutsey from the Canadian Gaming Association during his speech in the House of Commons committee (Canada, House of Commons, 2012, Feb. 16), which is currently happening through illegal means, predominately through ‘bookies’ or offshore

gambling websites. Mr. Rutsey was also quoted as saying that the growth in sports betting through the Internet has significantly increased over the past decade. Estimates show that Canadians wager almost \$4 billion annually through offshore sports books (Canada, House of Commons, 2012, Feb. 16). This number is difficult to quantify because most Canadian agencies looking for this information do not have access to the offshore sports books but they do have the ability to estimate such figures (McKenzie, personal communication, Oct. 30, 2013). Mr. Rutsey from the Canadian Gaming Association had a very interesting quote, which was also backed up by Mr. McKenzie during an interview when he said,

The revenues from single-event sports betting already exist and continue to grow. The interest in betting on sports is significant and pervasive. Ordinary people, our neighbours and friends, bet on sports every day. Under the existing law, this makes them complicit in illegal activities. These people aren't criminals, and what they are doing is legal in many other countries around the world (Canada, House of Commons, 2012, Feb. 16).

Former Senator David Braley is the owner of the B.C. Lions and Toronto Argonauts of the Canadian Football League (CFL). Senator Braley, in contrast to what other professional and amateur sports leagues have said, is in support of Bill C-290. He is also involved with the General Motors Acceptance Corporation and he was quoted in *The Globe and Mail* about interviewing his autoworkers about their gambling habits. He said,

Fifty-six per cent of my employees - because I went through and asked my employees - bet online offshore. You would have to go around and take the police and put them all in jail. Are you going to put 56 per cent of the population in jail? They are usually under 35 or 40 years of age (Curry, 2012, Nov. 10).

The argument in support of Bill C-290 that sports betting is a desired consumer activity shifted in the Senate Legal Committee meetings as more information was unveiled. Mr. Peter Cohen is the former Executive Commissioner and CEO of the Victorian Commission for Gambling Regulation and is now currently the Director of Regulatory

Affairs with the Agenda Group. He was invited to speak to the Legal Committee through videoconference in support of Bill C-290. Mr. Cohen's main argument was that sports betting is happening and the best way to protect the integrity of sport and the potential match-fixings is to regulate this high demand product (Canada, Senate, 2012, Oct. 4). Other speakers in the Legal Committee who supported Bill C-290 began to piggyback on Mr. Cohen's rationale for legalizing this type of product. Mr. Gerald Boose, Executive Director, Gaming Security Professionals of Canada, concluded his speech to the committee by stating,

The recommended amendment to the Criminal Code would enable the legitimate gaming authorities in Canada to provide this very popular form of wagering to the public in a responsible manner and in a highly regulated environment which ensures the integrity of the system and method of payment (Canada, Senate, 2012, Oct. 18).

Sports betting is occurring in Canada and many supporters of Bill C-290 believe that regulating this popular activity would only be of benefit to Canadians. The argument that a regulated environment would ensure the integrity of the system also became a dominant theme in supporting the claim that sports betting has not brought about the demise of sport.

iii. Sports betting has not brought about the demise of sport

Single event sports betting jeopardizes the integrity of sports; that has been the one argument that has swayed Senators into opposing Bill C-290. Those who have supported Bill C-290 have had to find a way to argue against that point. A line of reasoning that emerged in the House of Commons and carried through to the Senate challenged the notion that legalizing this activity would lead to the corruption of sport. Many different individuals, including Senator Runciman, have stated that regulated

gaming would provide a legitimate and sanctioned activity free from tampering. Mr. Rutsey, CEO of the Canadian Gaming Association, provided an example of why regulating single event betting would assist in identifying and ultimately limiting the corruption in sport,

A famous example is associated with tennis professionals. A couple of years ago the Russian player, Nikolay Davydenko, was playing some bum and all of a sudden, during the course of the match, a huge amount of money was wagered on the bum. The betting companies noticed this right away. They froze all the bets and they launched an investigation in conjunction with the ATP, found the source of the funny betting patterns, turned the information over to law enforcement, and law enforcement proceeded. That's a real advantage, as opposed to people just phoning up their bookie and saying they want to bet on this or that. By making it visible, it really does address your concerns, and then those kinds of anomalies are a lot easier to spot (Canada, House of Commons, 2012, Feb. 16).

As is evident in this example, a regulated betting environment assisted in potentially eliminating a match-fix through the monitoring of betting patterns. Though there have been instances where sporting events have been fixed, those supporting Bill C-290 argue that an unregulated gaming environment would not be able to monitor this type of betting pattern. James Gordon of *The Ottawa Citizen* claims that those supporting the professional and amateur sports leagues need to look elsewhere to maintain the integrity of sport. He wrote an interesting column stating that professional and amateur sport, or the 'Big Five' as he referenced them, have brought about the demise of sport on their own without the introduction of single event betting.

The Big Five, we'll call them, believe themselves to be the guardians of the purity of sport, an argument that would carry a lot of weight if you ignored steroids, perpetual work stoppages over the parsing of customers' money and occasional criminal dalliances by certain professional and college athletes. Why does this matter now? Well, members of the Big Five have suddenly taken a great deal of interest in politics both here and south of the border, using a Pollyannaish caricature of themselves to influence how other businesses make money and how fans spend theirs (Gordon, 2012, Nov. 10).

Many have agreed with Mr. Gordon and have argued that the professional sports leagues have allowed their players to break the law with minimal consequence yet don't view that as being an issue of jeopardizing the integrity of sport. Mr. Burns of the Canadian Gaming Association took a very different approach on this issue of jeopardizing the integrity of sport when he was interviewed by Dave Waddell of *The Windsor Star*,

We've had legal sports betting in Canada for 20 years. To say now you don't like sports betting, is disingenuous. They say it's about the integrity of the game, but it comes down to money. They probably have an issue with others earning revenue off their product (Waddell, 2012, Nov. 8).

Many of the arguments in the Senate referenced that a regulated environment would allow for transparency, similar to the argument made by Mr. Rutsey in the House of Commons committee meeting. Of the arguments made supporting this regulated environment, Mr. Cohen of the Agenda Group provided a descriptive and summative argument that represents the mutual thoughts of those individuals supporting Bill C-290,

Legalized sports betting provides benefits to governments, sporting organizations, gamblers and community. Governments benefit by taxing the betting providers' take and, in some instances, by issuing exclusive betting licences in return for a substantial licence fee. Sports benefit by entering into arrangements with betting providers for the exchange of information, which enhances the sport's integrity. Sporting organizations also benefit financially from entering into agreements with betting providers, who pay the sports for the use of their intellectual property. The community benefits from the enhanced integrity of the sport and because fewer law enforcement resources are required to investigate illegal gambling on sport or the criminal activities associated with unpaid sports betting debts. Gamblers benefit because they can bet safely and with confidence in an environment with appropriate responsible gambling measures (Canada, Senate, 2012, Oct. 4).

Mr. Cohen has monitored a legalized betting system in Victoria, Australia and it has proven to be successful. He thinks that creating a similar type of betting environment in Canada would provide the same benefits that are enjoyed by those in Victoria, while also

upholding the integrity of sport that the professional and amateur sports leagues are concerned about (Canada, Senate, 2012, Oct. 4).

Regardless of the argument being made, the individuals who have supported Bill C-290 recognize that the main opposing arguments have come from the professional and amateur sports leagues. That is why the supporters of Bill C-290 have had to come up with ways to counter those arguments, which is essentially that sports betting has not brought about the demise of sport.

iv. Legalizing single event sports betting would assist in the fight against organized crime

One of MP Comartin's two initial motivations for introducing Bill C-290 to the House of Commons was to reduce or eliminate the market control of single event betting from organized crime (Scheer, 2011, Sept. 28). Currently, if Canadians are interested in participating in single event betting, they must do so through an Internet offshore betting website or an illegal bookmaker, both of which are oftentimes linked to organized crime. According to Mr. McKenzie, and others have cited this as well, the estimated size of the illegal gaming market in North America is between 80 billion dollars and 380 billion dollars (McKenzie, personal communication, Oct. 30, 2013). The estimated size of the Canadian market is between 8 billion and 10 billion dollars wagered annually. This massive range occurs because those attempting to generate these statistics do not have reliable predictors of the underground market. Sports betting is often one of the main sources of funding for organized crime operations that also include human trafficking, drugs, and racketeering, among others (McKenzie, personal communication, Oct. 30, 2013). The supporters of Bill C-290 argued that if Canada legalized this activity, Canadians would be more willing to deal with a legalized, reliable provider of this

service, thus striking a blow at the financing of organized crime (Canada, Senate, 2012, Oct. 4).

The Canadian media has referenced various stakeholder groups and rationale in their accounts relating to Bill C-290, but have not referenced the notion of striking a blow against organized crime. The main argument by members of the media writing about this has supported the potential increase in economic benefits to local communities. In contrast to this, the Senate has been a very big supporter of limiting the involvement of organized crime. That was the biggest reason why Senator Runciman decided to sponsor Bill C-290 in the Senate (Raison, personal communication, 2014). Legally, provincially regulated and operated single event sports betting offers an opportunity to reduce the revenue stream to criminal enterprises, as noted by Senator Runciman in his third reading speech in the Senate (Kinsella, 2012, Nov. 29). Mr. Boose of the Gaming Security Professionals of Canada provided a thorough rationale to the Senate Legal Committee as to why organized crime is involved in sports betting and why the government of Canada needs to accept the proposed amendment,

As societies have evolved so has organized crime, but one thing that has not changed is that bookmaking has remained a reliable profit centre for many of these organizations. As bookmaking remains a key profit centre for segments of organized crime, it may seem to be somewhat of an anachronism, but there are a number of factors in its favour. Demand from the public is high, legal venues are few and/or limited in scope, and the public view is that this is a victimless crime or no crime at all. Investigations are labour intensive and expensive, prosecutions are complex and difficult, it is not a police priority and experts in the field are few. The penalty upon conviction is a maximum of 2 years and generally much less (Canada, Senate, 2012, Oct. 18).

His argument was that with the legal opportunities being limited in scope and location and the demands so great for single event betting, it is not surprising that the gap

is being filled by organized crime. Through their traditional methods and more contemporary means of hiding behind the legally murky area of offshore betting, organized crime organizations have been able to dominate a market that is in high demand. Mr. Rutsey, CEO of the Canadian Gaming Association, argued in the House of Commons committee meeting that it makes eminent sense to ‘turn off the tap’ to such a source of funds for the bad guys and make it available to provincial governments to help fund programs and services for the general good, such as sport and recreation, healthcare and education (Canada, House of Commons, 2012, Feb. 16).

Regardless of what support Bill C-290 has received, it is evident that those opposing the bill are currently in control of the process considering how long the bill has been sitting on the Order Paper in the Senate. Those supporting the continued prohibition of single event betting identified three rationales, which are: gambling represents a regressive tax; gambling jeopardizes the integrity of sport; and single event betting is a risky revenue stream with a small profit margin.

v. Gambling represents a regressive tax

When Bill C-290 was introduced in the House of Commons, it did not take long for the bill to move through the stages of the House. Minimal concerns were raised about the bill, which ultimately assisted in its unanimous passing through the House of Commons. It was not until it arrived in the Senate that Bill C-290 met legitimate resistance, mostly from those who were concerned about the social costs of gambling. Although many of the individuals opposing the legalization of single event betting referenced the negative social outcomes of gambling, an equal amount of individuals argued that legalizing this activity would not produce more gambling. The argument in

existing literature states that gambling represents a regressive tax, yet I found that the argument in the Senate around the social costs of gambling did not necessarily revolve around protecting individuals with low incomes. The main arguments either supported or denied the idea that legalizing yet another source of gambling would most likely create more compulsive gamblers.

Although the argument that gambling represents a regressive tax was not a prominent one, Robert Williams, a research coordinator for the Gambling Research Institution and a health science professor at the University of Lethbridge, was quoted by Senator Doyle during second reading in the Senate. Senator Doyle had this to say about the idea of legalizing single event betting,

The idea may be a boon for professional sports bettors, but not for Canada. We are talking about provinces, which are very often in deficit positions and trying to raise as much money as they can. However, we have to ask if they should be raising these revenues on the backs of the people who can least afford to pay (Kinsella, 2012, May 15).

While this argument supported the rationale that gambling represents a regressive tax, it was one of few comments made in both the House of Commons and Senate sitting and committee meetings that spoke directly to this issue.

Jeffrey Derevensky, a professor at McGill University and also a Co-director of the International Centre for Youth Gambling Problems and High-Risk Behaviours, was one of the first individuals in the Senate Legal Committee to speak to the prominence of gambling. Dr. Derevensky stated that over 80 percent of adults have reportedly gambled for money, with sports wagering being a popular form of gambling, especially amongst males. He also stated that all studies report greater gambling and problem gambling rates

amongst males. As he introduced his thoughts on single event betting he stated the following,

There is little doubt that the ability to wager on single sporting events versus wagering on multiple games simultaneously will increase its popularity, the frequency of wagers and likely the number of people wagering on sports through provincial outlets, especially among young men. This will result in a significant increase in provincial sales and revenues and problem gambling rates will need to be carefully monitored and addressed (Canada, Senate, 2012, Oct. 4).

Dr. Derevensky is an expert in the field of youth and gambling and understands that it can be difficult to control the behaviour of individuals. Even though he stated that the popularity of single event sports betting will increase, he never said that problem gambling rates would increase because of that. In a question posed by Senator Baker, Dr. Derevensky was asked what the negative effects would be if single event betting is legalized and he responded by saying,

I do think that we will see an increase in gambling behaviour, especially among young males. Young males tend to think they are very knowledgeable on sports gambling. We know that when the national hockey league is on strike, provincial sales of lottery tickets related to hockey decrease. It would seem to me that it would naturally increase.

We do not know whether this would produce more pathological gamblers, more problem gamblers. Accessibility generally tends to come with some negative downtime and negative consequences, but if one looks at pathological gambling rates internationally, with the vast expansion of legalized gambling — Internet gambling, land-based casinos, lotteries and horse racing — we have not seen significant changes in the prevalence of pathological gambling (Canada, Senate, 2012, Oct. 4).

Mr. Beeston, President and CEO of the Toronto Blue Jays, arguably gave the most impactful speech in terms of persuading Senators that they should not follow through with the proposed legalization of single event sports betting. An impactful speech or argument is defined by how often that argument was cited by others as the debate of Bill C-290 moved forward. Mr. Beeston stated that legalizing single event betting would

increase the number of gamblers and problem gambling in general. Senator Runciman challenged Mr. Beeston during a Senate Legal Committee hearing,

Senator Runciman: Mr. Beeston, you talked about a couple of things here with respect to problem gambling. You indicated in your presentation that you feel that this will encourage more people to engage in this activity and more problem gambling down the road. We have had some experts appear before us in the last couple of weeks, such as Professor Derevensky, who is an internationally recognized expert on gaming, the CEO of the Responsible Gambling Counsel, and The Ontario Problem Gambling Research Centre. They do not share that view. I am wondering how you arrived at that conclusion. Is there any empirical evidence to back that up, or is this just a supposition on your part?

Mr. Beeston: No, I get it anecdotally, you might say, from our resident agents and security people. Our feeling is that people who are currently betting at the present time through the Internet and illegally will continue to do that. We will just introduce new people to gambling at this present time (Canada, Senate, 2012, Oct. 24).

Many of the supporters of Bill C-290 referenced this quote from Dr. Derevensky, including Senator Runciman in his third reading speech. Although an expert with over 30 years of experience stated his opinion, those who were opposed to Bill C-290 continued to offer their rationale that increased gambling would increase gambling behaviour, and more specifically compulsive gambling.

Gary O'Connor, CEO of the Ontario Problem Gambling Research Centre, spoke to the Senate Legal Committee and provided some statistics for the committee. He claimed that currently Ontarians wager an estimated \$400 million on gambling websites that are not authorized in Ontario. He went on to say that the rate of problem gambling among Internet gamblers in Canada is 17.1% compared to 7.1% in non-Internet gamblers (Canada, Senate, 2012, Oct. 17). Derek Miedema, a researcher at the Institute of Marriage and Family Canada, cited an Australian study that estimated that one problem gambler could affect five to ten people, which would translate to roughly between 4 and 8 million

Canadians (Canada, Senate, 2012, Oct. 18). Mr. O'Connor and Mr. Miedema provided statistics that supported one another and supported the continued prohibition of single event betting, but Senator Pierre-Hugues Boisvenu asked Mr. O'Connor a direct question that assisted in summarizing the arguments in support of Bill C-290.

Senator Boisvenu: Once more, suppose you are legislators; let me give you a legislator's hat. You have an illegal activity, one that involves a lot of money, billions of dollars, leaving the country. You have people you do not know because they are betting anonymously. You can stay with the status quo or you can legalize it and find out who is doing the betting, who may develop the pathology, and whom you have to go after with your prevention programs. Given that we are generous as a government, we are probably going to be putting out millions of dollars to support your efforts. What do you decide?

Mr. O'Connor: Of course, in the way the question is framed, the answer is that you must find ways to bring the gambling out in the open and regulate it, control it and provide for those who need more support. That was the spirit of our presentation. I wholly support your comments (Canada, Senate, 2012, Oct. 17).

Ultimately, individuals who did not support Bill C-290 stuck with arguments pertaining to the negative social costs of gambling, while those who supported the legalization of single event betting attempted to counter these arguments being made. The supporters of the legislation did not necessarily use their defensive arguments as main points but they were willing to counteract the arguments against Bill C-290 in order to provide a different outlook.

vi. Gambling jeopardizes the integrity of sport

The House of Commons had a very brief, one-hour committee meeting, which the professional and amateur sports leagues did not attend. It was not until Bill C-290 reached the Senate that the professional and amateur sports leagues were invited to speak to Bill C-290; Mr. Beeston and Mr. Rahilly, Associate Vice-President, Students at Simon Fraser University (SFU), both stated that they did not hear about Bill C-290 until it had

reached the Senate. In Senator Frum's third reading speech in the Senate, she summarized the positions of the professional and amateur sports leagues by saying,

During our committee hearings, the testimony of the representatives of major league sports — and I repeat the testimony of the organizations that are most directly impacted by this bill — was unequivocal: They strongly and vociferously opposed Bill C-290. The submissions we received from the NBA, NHL, NFL, MLB and the NCAA made it abundantly clear that preserving the integrity of sport is a very real and pressing concern for each and every one of them. They consider Bill C-290 to be an attack on their standards and on their industry (Kinsella, 2013, Feb. 12).

The media referenced many of the initial Senate Legal Committee meetings, offering up quotes from the different stakeholders who opposed Bill C-290. The individual members of the media cited reasons surrounding the potentially irreparable reputation of professional sports if single event betting became a government-sponsored activity (Betting bill: The senate's big gamble, 2012, Nov. 15; Shoalts, 2012, Oct. 26). Many of these quotes came from Mr. Beeston, who attended committee in the Senate to voice his opinion on Bill C-290.

Government-sponsored sports betting runs the real risk of undermining public confidence in the honesty of what transpires on the field. We understand the appeal of it all to those who desire to raise revenues without raising taxes. However, no government should be permitted to create an environment that sheds doubt on the integrity of the game. We are well aware that sports betting is a large industry — largely illegal. We know all too well the extent to which citizens engage in gambling on sports. However, there is a fundamental difference between illegal sports betting, which Major League Baseball tries to monitor and contain, and government-sponsored betting, which confers public approval of a system that is inherently corrupting.

Please bear in mind that when gambling is permitted on team sports, winning the bet may become more important than winning the game; the point spread or the number of runs scored may overshadow the game's outcome and the intricacies of play. If large numbers of our fans come to regard baseball only or even partially as a gambling vehicle, the very nature of the sport will be altered and harmed. We want fans to root for the home team to win. Likewise, we want our athletes to know that they are being cheered to win (Canada, Senate, 2012, Oct. 24).

This was the first time that the Legal Committee had heard a presentation from an individual representing the professional or amateur sports industry. The Legal Committee had received letters from the “Big Five” expressing their concern about Bill C-290 but Mr. Beeston’s presentation was effective in laying out an argument that was shared amongst the “Big Five”.

Mr. Rahilly representing SFU, the first non-American post-secondary institution to apply for and to be granted full membership status in the National Collegiate Athletic Association (NCAA), also attended the Senate Legal Committee. He was clear in stating that SFU was opposed to Bill C-290, citing two reasons: the impact of this bill on the SFU student body and particularly on its abilities to host championships and to be a full-fledged member of the NCAA. As stated by Mr. Rahilly, the NCAA has a clear position on illegal and legal sports wagering by student athletes, officials and administrators. He went on to state the following,

Among the NCAA rules is that championship play may not take place in any jurisdiction that has single game or event wagering in sports. Accordingly, if this bill were to pass, we would not be able to host championship play and our athletes would lose home field advantage. Our campus community would be denied the opportunity to watch its teams play at the highest level. There would be an increased financial burden on teams who would have to increase their travel because they would not play their home games at home. The region in which we live would lose valuable tourism, and SFU would not accrue the anticipated opportunities to bring Americans to our campus in the hopes of increasing our footprint and attracting students and academics to our campus. To host its home games, SFU would be forced to find an institution in a jurisdiction that does not allow for this kind of wagering, and SFU's competitive position in recruiting and retaining its student athletes might be diminished (Canada, Senate, 2012, Nov. 8).

The legalization of single event betting would certainly hurt the ability of SFU to host and compete at the highest level in the NCAA. The NCAA in their written submission to the Senate Legal Committee provided a statement to second Mr. Rahilly's comments,

In August of 2009, the NCAA Executive Committee approved a policy under which no predetermined or non-predetermined session of an NCAA championship may be conducted in a state with legal wagering that is based on single-game betting on the outcome of any event (i.e., high school, college or professional) in a sport in which the NCAA conducts a championship. If Canada allows for this type of sports wagering, the ability for NCAA championships to be conducted in Canada could be jeopardized (Bearby, 2012).

According to Senator Baker, the recommendations offered by the professional and amateur sports leagues carried the most weight because they are the parties most directly impacted by this legislation,

We have a university coming to us saying, you know if we pass this bill you become like Vegas and we will not be able to have, if we happen to come up to the semi-finals or finals in any NCAA sport, we are not allowed to have the championship game even though we are in the finals, in Canada because we have this bloody legislation. This is basically what they're saying; we can't do it. That was the strongest piece of evidence (Baker, personal communication, Dec. 11, 2013).

Senator White also made reference to this point in his third reading speech in the Senate.

As Senator Baker stated, this point became the strongest piece of evidence and was mentioned by multiple Senators on multiple occasions in opposition of Bill C-290.

During Senator White's third reading speech, Senator Runciman asked a question that was answered and then never brought up or addressed by anybody else in the Senate again. He asked,

Is the honourable senator aware that the Western Athletic Conference, the West Coast Conference, the Mountain West Conference and the Pac-12 are all holding their men's basketball championships in Las Vegas, Nevada, in March of next year? These are all NCAA conferences. Further, is the honourable senator aware that the Pac-12, one of the most prestigious leagues in the NCAA, is actually

hosting its event at the MGM Grand Hotel and Casino? What does that say about integrity? (Kinsella, 2012, Dec. 4).

To which Senator White responded,

As for the NCAA, I can only talk about the evidence that was presented by Simon Fraser University. I did not speak to anyone from the NCAA. The witness in that case was clear that if this legislation passed, they would not see tournaments in Canada. That is all I can speak to (Kinsella, 2012, Dec. 4).

As appears evident from this exchange, the professional and amateur sports leagues were successful in persuading members of the Legal Committee in the Senate to oppose Bill C-290, regardless of the evidence brought forward to counter any arguments being made. The professional and amateur sports leagues were deemed to be the stakeholders that were most impacted by the bill. Therefore, their arguments opposing Bill C-290 carried the most weight with the Legal Committee (Baker, personal communication, Dec. 11, 2013).

vii. Single event betting is a risky revenue stream with a small profit margin

Single event betting is seen as a risky revenue stream because of the potential small profit margin that accompanies gambling-related activities when contrasted with potentially high social costs. This argument was the least prominent of the six rationale provided by Miller & Claussen (2001). During the committee meeting in the House of Commons, MP Comartin told the members of the committee that the profit margin on this type of activity is not considerable, “I want to be clear. Depending on how this is rolled out, the amounts are not that significant” (Canada, House of Commons, 2012, Feb. 16). According to Mr. Burns, Vice-President, Public Affairs of the Canadian Gaming Association, one reason is because the sports books run on a very small profit margin,

5%, which means 95% of the money gets returned to the bettor (Canada, House of Commons, 2012, Feb. 16).

According to MP Chong, Canada has a very inefficient way of collecting gambling revenues. MP Chong wrote a piece in *The Guelph Mercury* opposing Bill C-290, in which he stated,

If governments are seeking to increase revenues, doing so through conventional means would be far more efficient and progressive. In 2009, it cost governments across Canada \$7.1 billion to collect \$13.8 billion in gambling revenues, with the remaining \$6.6 billion for government coffers. This is a very inefficient and costly revenue stream (Chong, 2012, Nov. 15).

Senators were made aware of MP Chong's thoughts on the inefficiency of this revenue stream when he appeared before the Legal Committee. The Senate is also aware that single event sports betting is a highly specialized product because of the accuracy needed to run an effective sports book (Canada, Senate, 2012, Oct. 18). This argument may have not been significant in dominating the conversation on Bill C-290, but it was a successful argument in that it was not countered by those supporting the legalization of single event betting in Canada.

The various House of Commons and Senate sitting and committee meeting documents, the numerous media accounts, and the detailed interview transcripts have assisted me in identifying various rationale and pinpointing the position taken in support of or in opposition to Bill C-290 by the many stakeholders that have been involved in the political process. Even though a large majority of the stakeholders who attended the Senate Legal Committee were in support of Bill C-290 (see Appendix F), the bill is currently stalled in the Senate with what appears to be a small chance of passage. Sports gambling reflecting a desired consumer activity was the argument that was most given in

the House of Commons and Senate when urging the legalization of Bill C-290. It was most effective when placed in combination with the fight against organized crime, as supporters of the legislation were able to argue that a regulated environment for this activity would limit the involvement of organized crime, legalize an activity that is popular among the general public, and would actually assist in maintaining the integrity of professional and amateur sport. In contrast, the most effective rationale stated against the bill was that single event sports betting would jeopardize the integrity of the game and the best way to eliminate collusion in sport is to limit the scope and availability of sports betting. Regardless of the arguments made against this latter rationale, the professional and amateur sports leagues appear to have been successful in lobbying the Senators and thereby blocking the legalization of single event betting in Canada.

IV. Analysis – Sub-Problem #2

i. Interpersonal Resources and Practical Consciousness

The Senate steering committee carefully selected a list of witnesses who they thought would be impacted by the proposed legislation (Baker, personal communication, Dec. 11, 2013). In keeping with duality of structure, it is important to note that individuals or individuals representing a group (i.e., Mr. Burns and Mr. Rutsey representing the Canadian Gaming Association) who are used as resources in the policymaking process are viewed as having a particular amount of authority by the Senate Legal Committee. All these individuals approached or were granted permission to speak in front of the House of Commons and/or Senate committees. By being granted permission to speak in front of the committees, these individuals or groups of individuals

were granted authority and were thus able to exercise power when stating their position on Bill C-290.

In the Senate, five separate Legal Committee meetings were held to hear from witnesses and discuss Bill C-290. It is important to note that 14 different stakeholder groups were heard from in the Senate (See Appendix F for the complete list of Senate Legal Committee witnesses). Certain stakeholder groups and individual witnesses had entire committee meetings for themselves, while others had to share that time with multiple witnesses. There were only two witnesses or witness groups that had an entire committee meeting devoted just to them: Mr. Beeston representing the Toronto Blue Jays and MLB and Mr. Rahilly representing Simon Fraser University. It was evident that the Senate Legal Committee saw the professional and amateur sports leagues as being the most impacted party, thus holding more authority than the other witness groups. The Senate provided time as a resource to the professional and amateur sports leagues over the other witnesses in keeping with that perceived authority.

Allowing the sports leagues to have separate sessions in the Senate Legal Committee has socially constructed the political process in a way that valued these two groups over the other witnesses. Also, both Mr. Beeston and Mr. Rahilly were the last two stakeholder groups to appear before the Senate Legal Committee. As the debates and committee meetings in the Senate progressed, the most recent arguments being made by the witness groups were the arguments that appeared to be shaping the opinions of Senators. Therefore, the date and time that each stakeholder group addressed the Senate Legal Committee had a direct correlation to the authority that they were perceived to possess as resources. It was through the Senate Legal Committee that both the witnesses

and the Senators were able to express their opinions on Bill C-290 and in many cases, where their practical consciousness in relation to single event betting became evident.

Regardless of the witness' position on Bill C-290, almost every witness in the Senate Legal Committee was asked a question that revolved around one of two items: 1) would regulating single event sports betting assist in limiting the backlash of match-fixing and corruption in sports; and 2) would legalizing single event betting simply add another avenue of gambling for those individuals who suffer from compulsive gambling as well as introduce new individuals to gambling? The Senators asking the questions almost always framed their question in a way that would make the witnesses aware of their position, either in support of or in opposition to the legislation. For example, Senator White, who was previously chief of the Ottawa Police Services, was consistent in providing his opinion about the bill before asking the witness a question,

You mentioned the United States, so I would like to ask why you are not here suggesting that we put in place an enforcement act such as the U.S. has, which in one day this summer seized almost \$1 billion in assets? Why is that not the suggestion, rather than our legalizing something because money is leaving the country that would allow us to attack this from the end that I would argue, which might be the better end? (Canada, Senate, 2012, Oct. 18).

This happened with multiple individuals but Senator White was most consistent in framing questions in a way that provided his position about the ongoing conversation at the same time.

It was interesting to compare Senate Legal Committee meetings and see how each individual Senator would ask questions and which questions they would ask. Senator Runciman was clearly in support of Bill C-290 as the Sponsor and was very attentive to previous arguments made by witnesses who both supported and opposed the bill. Mr.

Beeston arguably gave the most impactful speech in terms of persuading Senators that they should not follow through with the proposed legalization of single event sports betting. Mr. Beeston stated that legalizing single event betting would increase the number of gamblers and problem gambling in general. Senator Runciman challenged the comments made by Mr. Beeston during a Senate Legal Committee hearing. Senator Runciman referenced the argument made by Dr. Derevensky, stating that there is no accurate way to predict an increase in gambling activity or compulsive gambling through the introduction of a new form of gambling. Mr. Beeston's practical consciousness has impacted his perception of problem gambling, regardless of the information presented by individual experts in the field of problem gambling. Mr. Beeston was convinced that introducing a new form of gambling would increase the number of gamblers as well as problem gambling. This naturalized way of thinking appeared to be shared by many Senators who opposed gambling ideologically.

ii. Regulation

One of the initial motivations for MP Comartin introducing Bill C-290 was the economic benefits the bill would provide to local communities (Frey, 1992; Miller & Claussen, 2001). MP Comartin's motivation was supported by many other MPs in the House of Commons but that quickly changed when Bill C-290 made its way to second reading in the Senate. Senator Runciman was not a supporter of the economic motivation presented by MP Comartin and supported by both Frey (1992) and Miller & Claussen (2001). As Bill C-290 made its way through the Senate debates and committee meetings, the conversation that MP Comartin started with respect to job creation and increased tourism swiftly disappeared. The supporters of Bill C-290 ceased in mentioning the

rationale pertaining to the economic benefits and joined Senator Runciman in arguing that placing single event sports betting into a legalized and regulated environment would provide positive benefits to all stakeholders. According to Mr. Raison, Senators quickly became aware that the economic benefits of Bill C-290 would not be a determining factor in passing the bill (Raison, personal communication, 2014).

The main argument for Senator Runciman in supporting Bill C-290 was twofold: the need to remove single event betting from the hands of organized crime and to put it into the hands of an institution that could properly regulate and support the positives and negatives that accompany gambling. These two arguments indirectly supported a third argument; sports betting has not brought about the demise of sport. Senator Runciman was clear in communicating his position on Bill C-290 to both the witnesses and to the other Senators. Regulating single event betting would make this activity more transparent and would allow for information sharing between the regulators of gambling and the professional sports leagues. In the current system, sports betting is controlled by organized crime and illegal bookmakers, two institutions that are incapable of offering transparency and support to the professional sports leagues (Miller & Claussen, 2001; Nelson, 2007; Rodenberg & Kaburakis, 2013). Eliminating the control of organized crime and introducing a legalized form of gambling that is a highly desired consumer activity (Reith, 2011) would assist in further supporting the notion that sports betting has not brought about the demise of sport. Senator Runciman communicated during third reading that the integrity of professional and amateur sport is much safer in a regulated environment than it is in the current system (Kinsella, 2012, Nov. 29).

Through my investigation of Bill C-290 in the House of Commons and Senate sitting and committee meetings, I have found that the rationale provided by Miller & Claussen (2001) and supported by many others have at times been supported, challenged and extended by the media, the stakeholder groups, and the politicians. Through my research, I have also found that single event sports betting as a legalized product would assist in the fight against organized crime is a key rationale. This was supported by many MPs, Senators, and individuals members of the media in the both the House of Commons and the Senate. Therefore, the literature used to assist in my deductive approach has all been of relevance in one way or another and I have been able to add a line of reasoning to support the legalization of single event betting through my research of Bill C-290, in relation to offering assistance in the fight against organized crime.

iii. Prohibition

The most obvious and highly supported argument used in opposition of Bill C-290 pinpointed the negative social costs of gambling. The MPs, Senators, and individual members of the media who opposed Bill C-290 spoke to issues such as problem gambling, youth gambling, and mental health and addiction, among others. The terminology I used to describe this rationale was taken from Miller & Claussen (2001) that said, “Gambling represents a regressive tax”. This specific argument was raised predominately in the House of Commons during the second reading debate but quickly changed as Bill C-290 progressed through the various stages of parliament. Those in opposition to Bill C-290 began with this argument but they did not sustain the rationale that gambling as an addiction can often be burdensome for less socially and economically advanced families (Delfabbro & King, 2012; Kindt, 1995; Miller & Claussen, 2001).

The argument that gambling represents a regressive tax seemed to disappear and shifted into a conversation about problem gambling and compulsive gambling. Many of the Senators and witnesses opposing Bill C-290 mentioned how they believed that Bill C-290 would introduce more individuals to gambling. In turn, this would increase the number of compulsive gamblers in Canada if Bill C-290 were to pass. Many Senators opposing Bill C-290 used this argument as a defense for their position even though individuals with expertise in mental health and addiction, such as Dr. Derevensky and Mr. O'Connor, stated that there is no significant correlation between the introduction of a new gambling product and an increase in compulsive gambling. Although the literature shows that individuals who oppose single event sports betting may cite gambling as being a regressive tax, my research finding extends the literature to include a concern about all social issues that surround gambling.

Gambling as a driver of negative social costs was the prominent argument but not the most powerful argument. The professional and amateur sports leagues took a stand against Bill C-290 in the Senate and claimed that single event sports betting would jeopardize the integrity of sport. These two stakeholder groups were viewed in the Senate as being most impacted by the bill, thus their arguments were given the greatest consideration according to Senator Baker (Baker, personal communication, Dec. 11, 2013). The state of New Jersey attempted to legalize single event betting and the professional and amateur sports leagues were successful in stopping that attempt, claiming the best way to control this behaviour is to limit its scope and availability (Binde, 2005; Miller & Claussen, 2001). My investigation of Bill C-290 aligns with that literature, while extending its context by using duality of structure as a theoretical

framework to analyze why their arguments were effective, and potentially the relevance of interpersonal resources and practical consciousness.

Discussion

I. Social Construction of Bill C-290

Through an examination of House of Commons and Senate sitting and committee meeting documents, Canadian newspaper accounts and interview transcripts, I was able to describe the historical process, as well as to assess the social construction of the rationales given in support of or in opposition to Bill C-290. Providing a historical account of Bill C-290 and its journey through the House of Commons and Senate assisted me in deconstructing the policy process. Through this deconstruction I was able to determine who the prominent individual stakeholders or stakeholder groups were and what their rationale was in support of or in opposition to Bill C-290. The use of social construction allowed me to better understand how the historical process of Bill C-290 was being shaped and who the main shapers were. As I moved into the analysis of the rationale, coupling duality of structure and social construction assisted me in deconstructing the process of the bill, who the main stakeholders were, and how each individual's practical consciousness impacted the framing, support, and/or opposition of the rationale. Practical consciousness, policy as a social construction, and the dominant rationales in support of or in opposition to Bill C-290 will be used to best explain the policymaking process of Bill C-290.

When developing, creating and presenting policy, it is important to recognize that ideas matter (Sam, 2003). It is also important to see how ideas presented by certain individuals matter over others. The professional and amateur sports leagues, whether it

was a strategic move or not, were the last two stakeholder groups to be heard from in the Senate Legal Committee. It was apparent in both the House of Commons and Senate transcripts that the most recent argument made was the dominant argument. For example, Senator Runciman was convinced by the ability of Bill C-290 to strike a blow against the finances of organized crime and was able to make that point clear on multiple occasions during the Senate Legal Committee meetings.

As Bill C-290 made its way through the Senate Legal Committee meetings, stakeholder groups from the gaming addiction sector, such as the Ontario Problem Gambling Research Centre and Dr. Derevensky from McGill University, spoke in front of the committee. Many Senators who opposed Bill C-290 were under the impression that legalizing yet another avenue of gambling would increase the number of gamblers as well as the number of compulsive gamblers. Through the presentations of Mr. O'Connor from the Ontario Problem Gambling Research Centre and Dr. Derevensky, these experts were able to inform the Senate Legal Committee that they do not have statistically significant evidence that would support the Senators' claims that introducing this new activity would increase gambling in Canada. These two men did support that regulating this type of activity would assist in controlling it from both an integrity perspective and a treatment point of view. They explained that the more money that can be allocated to treatment and research, the more they are capable of assisting those in need. Once again, this argument, being most recent, was not subsequently contradicted by statements of the Senate Legal Committee members or other witness groups.

As is evident through the Senate Legal Committee meeting transcripts, the stakeholder groups who had the most recent contact with the committee were best able to

have an impact on senators through their opinions. In reviewing the historical process of Bill C-290, it is evident that the professional and amateur sports leagues were facilitated by the Senate steering committee to be successful in their opposition of single event sports betting, thus being seen as a clientela group (Enjolras & Waldahl, 2007). This became more evident as I worked through the Senate Legal Committee documents and attempted to discover the rationales in support of or in opposition to Bill C-290.

Stakeholders who are given power - in the case of Bill C-290 this meant the ability to speak in front of the Senate Legal Committee - were provided with the opportunity to omit issues that did not fit within their pre-established ideology in order to best frame their arguments (Chalip, 1995; Chalip, 1996; Piggin, Jackson & Lewis, 2009; Sam, 2003) and this became a more effective tool the later they presented as witnesses, since their comments could not be subsequently challenged by other witnesses. In the House of Commons, those who supported Bill C-290 were able to frame arguments in a way that best fit their position. The term 'unanimous, all party support' was used by many individuals who supported Bill C-290 when referring to the passage of the bill through the House of Commons. Although the bill did receive unanimous, all party support, the term may not be a true indicator of the process because less than 25 out of a potential 280 MPs were present for the voice vote at third reading in the House of Commons. Those who supported the bill were able to successfully frame its unanimous passage in the House of Commons in a way that would potentially propel the bill forward through the Senate. It wasn't until MP Chong raised concerns about the procedure of Bill C-290 did the Senate take a closer look and realize that the term 'unanimous, all party support' was not indicative of passage of Bill C-290 through the House of Commons.

There seem to be advantages to being the last stakeholder group to attend and address the Senate Legal Committee. The professional and amateur sports leagues may have been able to review previous arguments made by other stakeholders, address those issues, and be more prepared to answer questions about the issues. Clearly, the Senate Legal Committee supported the ideas brought forward by the professional sports leagues, even though Senator Runciman did a good job of identifying a few faulty arguments and presenting facts from other witnesses or his own research to counter some of their claims. It is apparent through my research and through my interview with Senator Baker that the Senate Legal Committee viewed the professional and amateur sports leagues as the stakeholders who would be most impacted by the legalization of single event betting (Sam, 2003; Sam & Jackson, 2006). Rather than offering a recommendation not to proceed (because it did not want to defeat a bill that passed through the House of Commons unanimously), the Senate Legal Committee decided to take a strong position against the bill and stall, hoping the bill would ‘die’ on the Order Paper.

The practical consciousness of various individuals is quite evident among both the Senators and the stakeholders selected as witnesses to appear before the Senate Legal Committee. Many different stakeholder groups made strong points with facts, statistics, and research to support their points yet Senators who opposed Bill C-290 maintained their position against the Bill. Since single event betting is currently illegal in Canada and many individuals view gambling in a negative light, the main objective of the supporters of Bill C-290 was to convince the Senate Legal Committee that the rationale for legalizing this gambling activity are legitimate. In most cases, the only way to be successful in convincing the Senate Legal Committee was to challenge and hopefully

shift each individual Senator's practical consciousness who was currently against legalizing single event betting in Canada. However, the naturalized beliefs of these Senators were very strong, with most of them who opposed Bill C-290 being vocal from the outset and their perspective remaining unchanged throughout the process. The supporters of Bill C-290 had great difficulty in changing the position of some Senators, suggesting that an individual's practical consciousness is very difficult to shift. This pattern also shows that if a group of individuals share a similar practical consciousness, they are able to frame a process in their favour that is supposedly meant to be democratic and free of major bias. Unfortunately for the supporters of Bill C-290, their rationale in favour of legalizing single event betting were not strong enough to challenge and shift the practical consciousness of the bill's opponents.

Recognizing that policymaking is not a neutral activity has allowed me to acknowledge the role of dominant interests and how these dominant interests are able to define the important issues (Sam, 2003; Sam & Jackson, 2006). In a personal conversation with Mr. Barry Raison, the Policy Advisor for the office of Senator Runciman, he confirmed that the Senate Legal Committee saw the professional and amateur sports leagues as having the dominant interest in Bill C-290. Mr. Raison also told me that the arguments of the stakeholder groups who had a vested interest in the passing of Bill C-290 did not carry as much weight as others. For example, he claimed that the Canadian Gaming Association and the Ontario Problem Gambling Research Centre had a financial interest in the passage of Bill C-290 for two very different reasons. The Canadian Gaming Association would benefit from the revenues generated by single event sports betting, while the Ontario Problem Gambling Research Centre would gain an

increase in funding for research and treatment as the revenues from gambling increased. Because these two groups have a vested financial interest in the passing of Bill C-290, Raison argued that their dominant interests were not seen to be as legitimate as the interests of the professional and amateur sports leagues. Therefore he argued that the arguments of these vested stakeholder groups carried less significance in the Senate Legal Committee in comparison to the groups who did not have a perceived financial motive in the matter.

II. Rationale Linked to Single Event Sports Betting

The literature on single event sports betting has focused thus far on areas where the activity is legal, specifically Great Britain and Australia (Delfabbro & King; Loscalzo & Shapiro, 2000). The majority of research done on this topic comes from the United States with an emphasis placed on Internet gambling (Bernhard & Abarbanel, 2011; Frey, 1992; Miller & Claussen, 2001). Bill C-290 represents the first time single event sports betting has made its way onto the Canadian political agenda. Many of the rationale provided in the North American literature support or oppose Internet sports betting. I found through the review of House of Commons and Senate sitting and committee meetings, Canadian newspaper accounts and interview transcripts that most rationales used for Internet sports betting are similar to those used in discussions on Bill C-290. However, a few rationales emerged through my research that both extend and challenge the existing literature.

The main rationale cited in my research that support the continued prohibition of single event betting in Canada are: 1) Gambling jeopardizes the integrity of sport; and 2) Gambling represents a regressive tax (Delfabbro & King, 2012; Kindt, 1995; Miller &

Claussen, 2001). The professional and amateur sport leagues were the biggest opponents to Bill C-290, arguing that government sponsored single event betting would jeopardize the integrity of their games. The leagues cited reasons such as match-fixing, point shaving and having fans rooting for the 'point spread' rather than cheering for the home team to win the game. The professional and amateur sports leagues have maintained their position on single event betting, claiming that limiting the number of avenues available for individuals to gamble on sport is the best way to limit corruption and maintain the integrity of their games. This concept was mentioned by Miller & Claussen (2001) and supported through my analysis of the Senate Legal Committee meeting documents. The position of the professional and amateur sports leagues is very consistent, aligning with the current sport gambling literature. An extension to this literature is that the professional and sports leagues did make mention that having single event betting as a government sponsored activity would set a precedent that the leagues themselves are not comfortable with, giving them reason to aggressively oppose Bill C-290.

By definition, gambling certainly does represent a regressive tax. As I collected and analyzed the data, I found that this basic argument in opposition of legalized single event sports betting was not prominent in the context of Bill C-290. Individuals who both supported and opposed Bill C-290 mentioned their awareness about potential negative social outcomes that stem from all forms of gambling. However, the argument that gambling represents a regressive tax and that Bill C-290 places individuals who come from low-income households in further jeopardy was not used as a major point of emphasis (Binde, 2005; Miller & Claussen, 2001). Rather, the potential increase in gamblers as a whole, and more specifically compulsive gamblers regardless of socio-

economic status was the main concern for some MPs and Senators. Whether this argument was legitimate or not based on facts, it was used as a major point of opposition to Bill C-290 by the majority of witnesses and Senators in the Senate Legal Committee. My findings challenge the concept of a regressive tax as a key rationale in support or prohibition, and instead pinpoint a concern that individuals of all socio-economic backgrounds would be potentially negatively affected by increased opportunities to gamble. Although personal income may vary, the argument was made that individuals are all susceptible to addiction, regardless of whether or not legalizing single event betting in Canada would increase the number of compulsive gamblers. This argument was perceived as legitimate enough in support of maintaining the integrity of sport to help stall Bill C-290 in the Senate.

The stakeholders and Senators who supported the passage of Bill C-290 through the House of Commons and Senate cited four main reasons: 1) single event sports betting would bring economic benefits to local communities; 2) sports betting has not brought about the demise of sport; 3) sports betting reflects a desired consumer activity in a market driven economy; and 4) legalized single event sports betting would assist in the fight against organized crime. After collecting and analyzing the data, I was able to find connections that were made by Bill C-290's supporters within the House of Commons to those who supported it in the Senate Legal Committee. Single event sports betting, a high demand product, is currently controlled mostly by organized crime, illegal bookmakers and offshore gambling website owners. The introduction of a regulated system that can control, monitor and administer single event sports betting would significantly reduce the involvement of organized crime, offer this popular activity in a legal environment with

trustworthy payment methods and protect the integrity of sport by sharing information with the professional and amateur sports leagues. Senator Runciman was the first to voice these rationale together after hearing from witnesses such as Dr. Derevensky, a professor at McGill University, and Mr. Peter Cohen, the former Executive Commissioner and Chief Executive Officer of the Victorian Commission for Gambling Regulation. Senator Runciman remained a supporter of Bill C-290 because he argued that it would potentially eliminate this activity from the control of organized crime.

As the conversation expanded on Bill C-290 and further stakeholders addressed the Senate Legal Committee, Senator Runciman began to expand his reasons for supporting this Bill as well. In his third reading speech to the Senate, he laid out three of the four rationale stated above independently of one another but to me, it was a systematic way of gaining the attention of the Senators. Senator Runciman did not include the rationale surrounding the economic benefits because he was not a believer in this rationale. The combination of the other three rationale provided above represents a summary of the arguments made by stakeholders and Senators, but also provides a complete and all-encompassing rationale that supports the idea that single event betting is a legitimate and viable option for Canada to legalize.

After I reviewed the House of Commons and Senate sitting and committee meeting documents and the interview transcripts, I looked again at the Canadian newspaper accounts. I had made myself aware of the rationale provided by both supporters and opponents of Bill C-290 but there was one newspaper article that helped me place all of this information into context. After reading this newspaper article I recognized that the professional and amateur sports leagues were being viewed as more

legitimate in the Senate Legal Committee because of their title. I could see that those who supported Bill C-290 had a difficult task ahead of them because they would have to overcome an opinion that was valued by most journalists regardless of its truth; that sports betting jeopardizes the integrity of sport.

James Gordon of *The Ottawa Citizen* wrote an interesting piece on November 10, 2012 titled "Leagues full of it on bets: Self-importance in pro sports shouldn't kill gambling bill". It was a very critical article that summarized a lot of what policymaking is about with regards to authority and power without ever mentioning it.

Sports leagues do excellent work. They provide hours upon hours of entertainment, they're powerful economic drivers and their devotion to charity is second to none. Players deserve just as much credit for their fundraising, their hospital visits and all the other great work they do that we don't even hear about.

But to suggest their sacred compact with fans remains unbroken is a stunning display of naiveté. Those bonds were broken long ago, in so many ways.

They were broken when the power surge that drew people back to baseball more than a decade after the 1994 strike wiped out the World Series turned out to be a grand, steroid-fuelled deception. They were broken when NFL players posted money on billboards, to be paid out if their opponents were carted off the field. They were broken by the NBA and NFL when they locked out their players in 2011, and they're in tatters as the NHL approaches a holiday season with no Winter Classic.

They're broken every time Little Johnny's favourite player is indicted for drug possession or assault or drunk driving.

Professional sports leagues and their member clubs are private businesses and their athletes are millionaire employees, many of whom don't even want the moniker "role model" attached to them. The NCAA may as well have a licence to print money, even though it considers its product "amateur sport."

If you want to see the purity of sport, go to the rink at the end of your street and watch an impromptu game of shinny or pickup basketball. If you want to find a real role model, your neighbourhood is probably full of volunteer minor league hockey coaches.

Mr. Gordon is very open about his opinion in this piece but a lot of what he says about the professional sports leagues ruining the integrity of the game all on their own

was supported by many members in the Senate Legal Committee. Sport has been socially constructed as a place of purity, fair play, and sportsperson-ship and it is evident through the research I have done on Bill C-290 that professional sport is viewed by many in the same light. The fact that the Senate has essentially allowed the professional sports leagues and the NCAA to dictate the outcome of an item on the Canadian political agenda shows that policymaking is a socially constructed phenomenon with embedded power relations that support some socially constructed ideas about sport much more so than others.

Through the process of collecting, analyzing, and reflecting on the data, I believe that my practical consciousness has been solidified by the arguments made in support of Bill C-290. My practical consciousness has shifted me in a way that allowed me to construct my research and how I reported the findings. I was shifted to support the arguments made by individuals such as Senator Runciman and Dr. Derevensky because I viewed those arguments to be supported by facts, knowledge, expertise, and logic. I believe that legalizing single event betting would be a positive for Canada, but I was only able to come to that conclusion after conducting this research and embracing my role as the researcher. It is important to be aware of your own practical consciousness and to know when it was reproduced, challenged, or extended in order to limit researcher bias or be able to state that my practical consciousness has influenced the final report.

Summary, Contributions, and Recommendations

I. Summary

This research was designed to identify the impacts that politicians, the selected stakeholder groups, and the members of the Canadian media had on the political process of Bill C-290, a proposed amendment to legalize single event sports betting in Canada. Furthermore, in this research I explored the rationale(s) used by the politicians, the selected stakeholder groups, and the members of the Canadian media in support of or in opposition to the legalization of single event sports betting. The research problem was addressed through a historical analysis of Bill C-290's journey through the House of Commons and Senate sitting and committee meetings using a duality of structure framework. The historical analysis of Bill C-290 provided important insights on two different levels. First, the analysis showed how policy is dealt with, passed, or rejected in Canada. Second, the analysis provided insights on the ideas that matter in policy, how arguments can be framed to support or challenge the proposed amendment, and how stakeholder groups gain authority within the policymaking process.

The historical analysis of how formal rules were used and interpreted as Bill C-290 moved through the various stages of parliament provided a basis for further exploring the research question. Interviews with MPs, executive assistants, and Senators revealed the different interpretations of formal rules and how they could be used to frame the political process in a way that supported each individual's position. Even though Bill C-290 passed through the House of Commons unanimously, some who supported the bill acknowledged that the process could have been more robust or that shortcuts were taken to ensure its quick passage. As is evident through the Senate Legal Committee meetings, the interviews, and the newspaper accounts, the unanimous passing of Bill C-290 through

the House of Commons was a key factor in how all parties involved viewed the bill and thus the increased controversy and attention that the bill received in the Senate.

The House of Commons and Senate sitting and committee meeting transcripts and the newspaper accounts provided important insights on the rationales used by the various stakeholder groups in support of or in opposition to Bill C-290. The professional and amateur sports leagues, the leading opponents of Bill C-290, referenced the idea that sports betting jeopardizes the integrity of sport. This was the most powerful argument used by any stakeholder in terms of garnering attention and shifting the political process. Although numerous stakeholders supported the legalization of single event betting, those who were deemed by members of the Senate Legal Committee to have a vested interest in the process were overlooked as they instead assigned greater authority to the professional and amateur sports leagues. It is due to the practical consciousness of the MPs, the Senators, the individual stakeholders, and the members of the media that certain ideas were able to matter more than others. In the case of Bill C-290, the practical consciousness of most of the opponents aligned with the belief that gambling comes at a high social cost to society and, more importantly, that the protection of the “purity” of professional sport is more important to support regardless of the presentation of researched information in the contrary.

II. Research Contributions

Sport and gambling has become a very popular form of entertainment over the past 20 years resulting in more research investigating the topic. Much of the literature currently references areas where single event sports betting is legal, such as Great Britain and Australia. Miller and Claussen’s (2001) work focused on examining the rationales in

support of or in opposition to regulating single event sports betting. This research used a similar framework of rationale to advance the existing knowledge on gambling through the identification of currently known and new rationale in support of single event sports betting. This research critically examined the policymaking process in Canada, the historical process of a PMB, and the rationales used by stakeholder groups to influence the outcome of policy. Therefore, this research advances the literature on sport policy research by critically focusing on sport gambling in the Canadian context and how its stakeholders can impact sport policy.

Using duality of structure as a theoretical framework offers a different insight when examining policy. Duality of structure allows for action or inaction to be viewed from varying perspectives. Rules, both formal and informal, shape and dictate individual action. Policy is filled with formal rules and suggest to the individual working within policy to act in ways that conform to the rules. Another way that action is shaped is through an individual's practical consciousness. More specifically, political issues that are highly specialized such as Bill C-290 may force individuals such as policymakers or stakeholders to draw more on their practical consciousness because they are less informed about the highly specialized topic. Social construction allows for a more critical outlook on individual action, who is shaping the policy process, and what are individuals involved in the process drawing upon for information, reasoning, and questioning, among others.

Individuals given authority over the policy process as interpersonal resources can guide policy in a direction that keeps with their particular perspectives. Regardless of how these stakeholders were granted authority, the professional and amateur sport

leagues offer evidence to support this statement, thus further contributing to the work done by Piggin et al (2009). It is also important to note that regardless of how empirically supported or logical an idea may be, all ideas matter in policy because their meanings are continually translated into future plans and actions (Sam, 2003). In the case of Bill C-290, the strength was not found within the argument but rather found within the individual generating the argument. The professional and amateur sports leagues may not have given complete, factual, and logical ideas or reasoning but because of their perception, their ideas were made to matter more than others.

III. Recommendations for Future Research

The results of this research provide important insights into future potential research on government policy in Canada and how using duality of structure as a theoretical framework can be successful in deconstructing the political process. Although the House of Commons and Senate sitting and committee meeting transcripts were of great use, the potential to conduct more interviews with individuals from both the House of Commons and Senate may be beneficial in learning more about the historical process of the bill. Conducting further interviews may assist in gaining a better understanding of the political underpinnings and how the individuals responsible may have shaped the outcome of Bill C-290.

A deeper look into the personal history of the MPs and Senators as well as a more thorough examination of the role of the political parties may provide further insight into how their practical consciousness was shaped and by whom. The current party in power of the Canadian government (Conservative Party) is known to be tough on crime and

more accepting of bills that deal with justice. For example, when Bill C-290 made its way into the Senate, Senator Runciman used the fight against organized crime as his main rationale in supporting the bill. Further research may want to look into why certain individuals from differing political parties take specific positions on the many bills that enter the House of Commons and Senate. Gaining a better understanding of their personal history, the party they represent, and some of the other bills in which they have been involved in may assist in pinpointing an element of their practical consciousness. Using an interview as a primary source of confirmation may offer a deeper insight into how government policy is socially constructed and who is mainly responsible for shaping its direction.

A more extensive media analysis may better assist in effectively describing the role of media in the policy process. For example, a more thorough research of the background of each journalist will give an insight into his or her personal history, a key factor in influencing an individual's practical consciousness. Another potential influence is the newspaper in which the journalist writes for. Each newspaper takes a certain political approach and this may also influence the practical consciousness of the journalist, which is important because media can also be a shaper of political action. Finally, an examination of the section in the newspaper where the article was found may provide a look into the potential rationale being argued in support of or opposition to the topic on the political agenda. In the case of Bill C-290, an article found in the sports section may offer a very different approach to the topic in comparison to an article found in the political or justice sections of a newspaper. A more thorough media analysis

through the use of duality of structure as a theoretical framework may better assist in determining the practical consciousness of the individual members of the media.

Appendices

Appendix A

Summary of the Process of a Private Members' Bill

Appendix A – Summary of the Process of a Private Members' Bill

STEPS	BILLS	MOTIONS
1. Preparation	Drafting by the parliamentary counsel.	Help from Journals Branch or Private Members' Business Office.
2.	Getting on the Order Paper	<p>Bill sent to Journals Branch, which puts it on Notice Paper. After 48 hours, bill is on <i>Order Paper</i> and may be introduced. After 1st reading, bill is put on List of items outside the Order of Precedence.</p> <p>Motion sent to Journals Branch, which puts it on <i>Notice Paper</i>. After 48 hours, motion is put on List of items outside the Order of Precedence.</p> <p>When called, motion for the production of papers may be transferred for debate and put on List of items outside the Order of Precedence.</p>
3. a)	Establishing the List for the Consideration of Private Members' Business	<p>The names of all Members of Parliament are drawn to establish the List for the Consideration of Private Members' Business.</p> <p>.....</p> <p>Ineligible Members are moved to the bottom of the List.</p> <p>.....</p> <p>When fewer than 15 names remain on the List another draw is held to establish a new List after a minimum of 48 hours' notice.</p> <p>.....</p> <p>Members who want to</p>

		debate their bill must have introduced it in the House prior to their names being transferred to the Order of Precedence.	debate their motion must have placed it on the <i>Notice Paper</i> prior to their names being transferred to the Order of Precedence.
b)	Establishing or replenishing the Order of Precedence	At the beginning of a Parliament, 20 sitting days after the draw for the List for the Consideration of Private Members' Business, the Order of Precedence is established with items from the first 30 Members on the List who have introduced a bill or given notice of a motion.	At the beginning of a Parliament, 20 sitting days after the draw for the List for the Consideration of Private Members' Business, the Order of Precedence is established with items from the first 30 Members on the List who have introduced a bill or given notice of a motion.
<hr/>			
		During a session, the Order of Precedence is replenished whenever less than 15 items remain on the Order of Precedence by adding items from the next 15 Members on the List for the Consideration of Private Members' Business who have introduced a bill or given notice of a motion.	During a session, the Order of Precedence is replenished whenever less than 15 items remain on the Order of Precedence by adding items from the next 15 Members on the List for the Consideration of Private Members' Business who have introduced a bill or given notice of a motion.
4.	Confirm votability of items	The Subcommittee on Private Members' Business may designate a bill as non-votable if it meets one of the criteria set out in Appendix A. The Sponsor of the bill can appeal the decision.	The Subcommittee on Private Members' Business may designate a motion as non-votable if it meets one of the criteria set out in Appendix A. The Sponsor of the motion can appeal the decision.
5.	Debate	A non-votable bill is debated 1 hour then	A non-votable motion is debated 1 hour then

dropped from the *Order
Paper*.

dropped from the *Order
Paper*.

.....

A **votable bill** is debated up to 2 hours at 2nd reading then voted on. If adopted, the bill is sent to committee, then further debate can take place at report stage and 3rd reading.

A **votable motion** is debated up to 2 hours then voted on.

A **motion for papers** is debated up to 2 hours then voted on.

.....

Parliament of Canada (2008)

Appendix B

Letter to Senator Bob Runciman

Appendix B– Letter to Senator Bob Runciman



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

HOUSE LEADER
OF THE OFFICIAL OPPOSITION

LEADER PARLEMENTAIRE
DE L'OPPOSITION OFFICIELLE

November 21, 2012

Honorable Senator Bob Runciman
The Senate of Canada
Ottawa, Ontario
K1A 0A4

Subject: C-290 - An act to Amend the Criminal Code (Sports Betting)

Honourable Senator Bob Runciman

We would like to address some comments that have been made recently in relation to Bill C-290, *An act to Amend the Criminal Code (Sports Betting)*, introduced by Joe Comartin, MP for Windsor Tecumseh, and sponsored in the Senate by the Honorable Senator Bob Runciman.

Some concerns have been raised over the process by which this bill made its way through the House of Commons. The contention is that this bill did not follow the proper legislative process. We would like to address this false assertion and reaffirm that Bill C-290 followed the normal, rigorous legislative process for a Private Members' Business bill.

C-290 was debated at second reading on November 1, 2011. During the debate, all MPs had the opportunity to express themselves on this bill. This opportunity was seized by NDP MPs Joe Comartin (Windsor-Tecumseh) and Brian Masse (Windsor-Ouest), Conservative MPs Robert Goguen (Moncton-Riverview-Dieppe) and Brent Rathgeber (Edmonton – St. Albert) and Liberal MP Sean Casey (Charlottetown). Following these interventions, because no other member rose to speak, the Speaker put the question to the House.

This is the normal procedure anytime debate collapses on a bill. The bill can be adopted or rejected at that point, or a recorded division can be requested by any 5 members in the House. In the case of C-290, there was not a single MP from any party who expressed their opposition to the bill being read a second time and referred to committee.

During the committee study, any MP could have submitted their concerns on the bill, or encouraged the committee members to recommend that the House not proceed with the bill. No member availed themselves of this opportunity and the bill was passed by committee, once again without opposition.

Members had a third opportunity to express themselves at the report stage on March 2, 2012. Indeed, as prescribed in the Standing Orders, when a bill comes back from committee and there are no amendments, the Speaker automatically puts the question at report stage. Once again, the bill passed through this stage without any opposition.

The debate at third reading provided a fourth chance for members to examine and debate the bill. Once again, representatives from all three recognised parties took the opportunity to address the bill. All other members had the chance to give a speech on the bill at this point, but they did not – and for a fourth time, the bill was passed by members of the House without opposition.

It has also been suggested by some that Bill C-290 circumvented the normal rules of the House by way of unanimous consent. Again, to be clear, this was not the case. Once debate on the motions at second and third reading had concluded, the Speaker put the question and the House expressed its will. Never during the debates on C-290 did any MP move a substantive motion to ask the unanimous consent of the House.

Finally, it has also been asserted that it is unheard of for Private Members' Business to go through all the steps without a standing vote. Since the beginning of this Parliament, at least two bills from opposition MPs passed through all stages in the House of Commons without a standing vote. This was the case for C-278, *An Act respecting a day to increase public awareness about epilepsy*, from the Liberal MP for Halifax-West, Geoff Regan, as well as Bill S-201, *An Act respecting a National Philanthropy Day*, from Liberal Senator Terry M. Mercer. This was also the case for Bill C-313 from Patricia Davidson and for motion M-319, from Royal Galipeau. These 4 Private Members' Business items all passed through the legislative process of the House without a standing vote.

Thank you, Honourable Senator Bob Runciman, for your attention to this matter. We hope that this helps assure you that the House made its unopposed decision on this bill with the benefit of full debate that was not in any way curtailed by extraordinary procedural moves. The will of the House is clear, and our hope is that the Senate will make its judgement on this bill based on its merit, not on the false assertions of some that the House made its judgement in undue haste.

Nathan Cullen, MP
House Leader of the Official Opposition

Sadia Groguhé, MP
Deputy House Leader of the Official Opposition

Appendix C

History of Ontario Lottery and Gaming Commission

Appendix C – History of Ontario Lottery and Gaming Commission

Date	Event
February 1975	Ontario Provincial Government creates the Ontario Lottery Corporation (OLC).
April 1975	OLC launches its first lottery game, Wintario. Game proceeds are dedicated through the Ministry of Culture and Recreation to promote physical fitness, sports and cultural and recreational activities.
March 1976	Lottery profits for the first year of OLC operations are \$43 million.
December 1979	Total lottery sales pass the \$1 billion mark.
June 1982	The ILC launches LOTTO 6/49, Canada's first nation-wide lottery game
September 1982	The Ontario Trillium Foundation is created to distribute lottery proceeds through the Ministry of Tourism and Recreation
1984	OLC profits paid to province top \$1 billion.
March 1984	Shoot To Score, the first \$2 scratch game is launched
December 1989	The Ontario government makes lottery profits available for the operation of hospitals.
October 1992	Sport Select launches its newest sports lottery game, Pro-Line
December 1993	Government of Ontario enacts the Ontario Casino Corporation (OCC) Act, 1993, culminating a year of operating policy and program development. The Government identifies Windsor, Ontario as the host community for the province's first pilot commercial casino.
May 1994	Interim Casino Windsor opens on the riverfront in downtown Windsor.
January 1995	Sport Select launches its newest sports lottery game, Over/Under.
December 1995	The Northern Belle Casino riverboat, Canada's first riverboat casino, opens on the riverfront in Windsor to manage overcrowding at the interim Casino Windsor.
August 1996	Sport Select launches its newest sport lottery game, Point Spread.
April 1998	The Ontario government announces a Slot Machine Program with Ontario Horse Racing Industry Association that will se OLC

	introduce slot machines at Ontario's racetracks.
July 1998	The permanent Casino Windsor opens, replacing the interim Casino Windsor and The Northern Belle Casino riverboat.
December 1998	The first slot facility to operate at an Ontario horseracing track opens at Windsor Raceway.
April 2000	The Ontario government merges the OLC and the OCC to form the Ontario Lottery and Gaming Corporation (OLGC).
January 2001	Slots at Windsor Raceway, the first slots-at-racetracks facility to open, receives a \$12 million facelift bringing it to the same standard as other slot facilities in Ontario.
August 2003	Ontario launches a new responsible gaming awareness message, "Know your limit, play within it!"
September 2004	OLGC introduces "Picks, Props and Pools", new avenues to play Ontario's sport wagering game "Pro*Picks".
January 2005	Province of Ontario announces a new strategic direction for OLGC and the future of gaming in Ontario with emphasis on social responsibility and maximizing benefits to the people of Ontario.
February 2005	Province of Ontario announces \$400 million investment to enhance Casino Windsor. The investment includes a new hotel, entertainment complex and conference centre, and upgrades to Casino Windsor.
March 2005	OLGC formally introduces the Responsible Gaming Code of Conduct, an action plan that demonstrates OLGC's commitment to reduce the risk of problem gambling in Ontario.
September 2005	Casino Niagara opens "The Sports Section", a hub for Sports Lottery and off-track wagering occupying 2000 square feet of the casino.
January 2006	OLGC introduces "Quest for Gold", a new instant lottery ticket with ten top prizes of \$1 million. Proceeds will provide funding support for Ontario amateur performance athletes, related high performance programs and services and "Active 2010", Ontario's sport and physical fitness strategy.
August 2006	OLG launches "Quest for Gold 2", the second edition of the premium \$20 instant lottery ticket with proceeds dedicated to funding Ontario amateur athletes.
September 2006	Casino Windsor opens "Legends" Sports Lounge offering casino-

	based sports wagering.
December 2006	Casino Windsor announces rebranding to Caesars Windsor in June 2008, the first casino outside of the United States to adopt the World Class Caesars brand.
October 2007	OLG launches “Quest for Gold 3”, the first edition of the premium \$20 instant lottery ticket with proceeds dedicated to funding Ontario amateur athletics.
November 2008	OLG launches “Quest for Gold 4”, the fourth edition of the premium \$20 instant lottery ticket with proceeds dedicated to funding Ontario amateur athletics.

Ontario Lottery & Gaming (2013)

Appendix D

OLG Pro-Line Sports Lottery Games

Appendix D – OLG Pro-Line Sports Lottery Games

Over/Under Example:

Baseball: Toronto Blue Jays vs. New York Yankees
Over/Under: 8.5 runs.

In order to play Over/Under, the bettor must place a wager on the combined runs scored of both the Toronto Blue Jays and New York Yankees to total more or less than 8.5 runs. If the final score of the game is 4-3, regardless of which team won, those who placed a wager on the total being under 8.5 runs are deemed the winners. If the final score of the game was 6-3, regardless of which team won, those who placed a wager on the total being over 8.5 runs are deemed the winners. The same process is used for basketball and football games (Pro-Line, 2013).

Point Spread Example:

Miami Heat -12
Toronto Raptors +12

The (-) before the 12.5 indicates that the Miami Heat were the point spread favorites. The (+) before the 12 indicates that the Toronto Raptors were the point spread underdogs. If one were to bet on the Miami Heat -12, in order for that wager to be successful the final winning margin must be 13 points or greater. If the bet was placed on the Toronto Raptors +12, the Toronto Raptors must win the game outright or lose by 11 points or less in order for the wager to be successful. If Miami wins by 12 points, the bet is deemed a tie or a push. The same process is used for National Collegiate Athletic Association (NCAA) football and basketball games as well as the NFL (Pro-Line, 2013).

Appendix E

Interview Guide

Appendix E - Interview Guide

What has been the historical process of Bill C-290?

- 1) Why did you get involved with the federal sponsorship of Bill C-290?
 - a. What made you submit it as a private members' bill?
- 2) Can you tell me your impressions about the movement of Bill C-290 through the various stages in the House of Commons?
 - a. Why do you think it passed unanimously in the House of Commons?
 - b. How did you deal with the allegations of Bill C-290 not following the proper legislative process in the House of Commons?
 - c. Who was responsible for raising questions regarding the procedural process of C-290 in the House of Commons?
 - i. Why did they do this?
 - ii. Was there an alternative reason for their objection that differed from the questioning of the procedural process?
- 3) Can you tell me your impressions about the movement of Bill C-290 through the various stages in the Senate?
 - a. Historically, a bill that received unanimous support in the House of Commons typically receives similar support in the Senate. What has caused Bill C-290 to differ?
 - b. What actions have you taken, both successful and unsuccessful, in an attempt to sway the opinions of Senators to support Bill C-290?

How have the stakeholder groups socially constructed their arguments for regulation or prohibition of single event betting?

- 4) What do you feel are some of the potential benefits to legalizing single event betting?
- 5) What do you feel might be some of the potential drawbacks to Bill C-290?
 - a. How would you see these drawbacks being managed?
- 6) Who would you describe as stakeholder groups potentially impacted by this Bill?
- 7) What right do stakeholder groups, such as the professional sports leagues, have to affect the political process of C-290?

- 8) Did you proactively seek out any stakeholder groups to better assist you in arguing for the legalization of single event betting?
 - a. Who were the groups and how do you think the strategy has worked thus far?
- 9) The Prime Minister has prorogued the government. What impact do you believe this will have on the future of Bill C-290?

Appendix F

Senate Legal Committee Witness List

Appendix F – Senate Legal Committee Witness List

Date	Name/Group	Position
2012-10-04	Brian Masse – MP Windsor West	In support of Bill C-290
2012-10-04	Dr. Jeffrey Derevensky – McGill University	In support of Bill C-290
2012-10-04	Woodbine Entertainment Group	In support of Bill C-290
2012-10-04	Mr. Peter Cohen – Agenda Group	In support of Bill C-290
2012-10-17	Mr. Bill Rutsey and Mr. Paul Burns – Canadian Gaming Association	In support of Bill C-290
2012-10-17	Dr. Jon Kelly – Responsible Gambling Council	In support of Bill C-290
2012-10-17	Ms. Lynda Hessey and Mr. Gary O'Connor - Ontario Problem Gambling Research Centre	In support of Bill C-290
2012-10-18	Mr. Michael Lipton and Mr. Kevin Weber – Dickinson Wright LLP	In support of Bill C-290
2012-10-18	Michael Chong – MP Wellington-Halton Hills	In opposition of Bill C-290
2012-10-18	Mr. Derek Miedema – Institute of Marriage and Family Canada	In opposition of Bill C-290
2012-10-18	Mr. Gerald Boose – Gaming Security Professionals of Canada	In support of Bill C-290
2012-10-18	Chief Superintendent Fred Bertucca and Detective Sergeant Bill Sword – Ontario Provincial Police	No position offered
2012-10-24	Mr. Paul Beeston – Toronto Blue Jays	In opposition of Bill C-290
2012-10-24	Mr. Thomas Ostertag – Major League Baseball	In opposition of Bill C-290
2012-11-08	Mr. Tim Rahilly – Simon Fraser University	In opposition of Bill C-290

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