

ORGANISED CRIME, GAMBLING, AND CRIMINAL LAW

UQ/U:VIE/UZH TRANSNATIONAL
ORGANISED CRIME PROGRAM 2019–20

SYLLABUS

Current as on 4 September 2019



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Course description

Short summary

In this course, students undertake directed research on selected topics relating to transnational organised crime. In 2019–20 the focus is on organised crime, gambling, and criminal law. The course explores the criminology and criminal law relating to illegal gambling and to crimes committed to finance gambling, and analyses the laws and regulations to prevent legal forms of gambling being used by criminal elements.

The course is designed for students to conduct independent, guided research in an international context and to equip students with advanced research, communication, presentation, writing and team-work skills, specifically in this field of study. Students in this course gain a general understanding of the criminology, policies, and laws relating to this topic, liaise with key stakeholders in the field, and have an opportunity to present their research findings to an academic audience and publish their written material.

The joint Transnational Organised Crime program at the Universities of Queensland, Vienna, and Zurich

Purpose

The joint Transnational Organised Crime program at the University of Queensland (Brisbane, Australia), the University of Vienna (Austria), and the University of Zurich (Switzerland) involves an international network of emerging and established scholars working within a structured research and learning framework to produce high quality research outcomes on a topic of current, international concern. The research is coordinated by professorial, mid-level and junior academic staff who guide and supervise undergraduate and postgraduate students who are engaged in research-based learning for academic credit.

The objectives of this initiative are to:

- Foster international research and learning cooperation and build strategic partnerships;
- Produce research outcomes (including presentations, books, articles, and websites) on topics of contemporary significance relating to transnational organised crime in the fields of criminal law, criminology, criminal procedure, international criminal law, and associated fields;
- Train undergraduate and postgraduate students in presentation skills, research techniques, academic writing and publication in their field of study;
- Build linkages between undergraduate, postgraduate, and doctoral students and academic staff, both locally and internationally, and create a continuing network of emerging and established scholars;
- Develop a recognised research capacity and an environment suitable for competitive grant applications and industry linkages;
- Promote higher research degrees; and
- Enhance the undergraduate and postgraduate student learning experience.

Concept

Under the overarching theme of 'transnational organised crime', every year a specific research topic of particular significance is chosen by the programme coordinators. In 2019–20 the focus is on organised crime, gambling, and criminal law.

A total of 18 students, six from each university, participate in, and complete the programme for academic credit each year. The participating students are supervised by a minimum of three academic staff who coordinate the teaching component of the programme, guide the research process, supervise the participating students, and, supported by other experts and guest presenters, deliver training on presentation skills, academic writing, and critical analysis of the literature in this field of study. At the end of the student learning component, the academic staff compile, edit, and publish the research outcomes.

Schedule and organisation

Students in the discipline of law (third year or higher) from the participating institutions apply for participation in the programme and will be vetted through a selection process, taking into account, inter alia, students' academic performance, prior research experience, foreign language abilities, and statement of interest.

Students choose and commence their research projects in October and, for the following three months, undertake research under the supervision of the academic staff and meet regularly to discuss their research process and gain additional research and presentation skills training. During this period, students work at their home university. In addition, an online platform is used to enable communication between all participants, provide access to key reading and learning material, and to share resources and research findings.

In February, students and academic staff from the three participating universities come together for a period of one week to present their research projects and initial findings, attend workshops and lectures by the academic staff and guest presenters, critique each other's work, and develop a research plan for the next phase of their projects. In February 2020, the joint teaching will take place at the University of Queensland in Brisbane, Australia between 17 and 21 February 2020. Student presentations (duration 50 mins each including presentation, discussion, and feedback) are graded according to academic standards (of their home institution). Students obtain extensive feedback with instructions for the further direction of their research projects.

From February until late April, students continue their research under the supervision of the academic staff and meet regularly at their home institution to further develop their academic writing skills and learn how to critically engage with the literature and develop observations and recommendations relevant to their projects. Students submit their research papers in early May for assessment by the academic staff.

In May and June, academic staff and students collaborate to edit the papers for publication and compile them in an edited book which will be submitted for publication.

Course coordinators and contact details

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Learning platform, research library, online communication and cooperation

The Moodle learning platform of the University of Vienna will be used for staff and students to communicate and collaborate with each other and to build an electronic library of key primary and secondary sources. Regular cooperation and exchange between all participants will take place through this platform beyond the main teaching dates set out below.

Focus: Organised crime, gambling, and criminal law

Introduction and background

The focus of the 2019-20 program is, broadly speaking, on the nexus between gambling and crime. Since both gambling and organised crime share the purpose of financial gain it is, perhaps, not surprising, that at least since the early 20th century, many reports, cases, myths, and movie representations illustrate how gambling can serve to make illicit gains, launder funds, or exploit people who are often in precarious financial situations.

This course seeks to explore and critically analyse gambling in all its facets and dimensions, with a main focus on the nexus between gambling, organised crime, and criminal law. The course examines the criminology and criminal law relating to illegal gambling and to crimes committed to finance gambling, and analyses the laws and regulations to prevent legal forms of gambling being used by criminal elements. This includes in particular illegal forms of gambling, the use of gambling establishments for the laundering of proceeds of crime and other synergies between gambling and organised crime. New forms of gambling such as online and sports betting are also covered.

A further important facet of the criminology of gambling involves the psychology of gambling, i.e. the motivation of gamblers, problem gambling (and gambling addiction), personal, social, and financial consequences of gambling, and initiatives and practical measures adopted to prevent problem gambling and assist problem gamblers.

The course further looks at a range of regulatory regimes around the world to examine how policy and law makers seek to balance the profitability of gambling venues with the risks of infiltration and misuse by criminal elements and the prevention of problem.

Research topics 2019-20

Students participating in this course can choose their research topic from the list of topics set out below. These topics seek to capture the many criminological, psychological, international and domestic law facets and perspectives of this topic. Students are required to present their research findings in class during the course days in February 2020 and submit a written, fully referenced research paper by 3 May 2020.

In 2019–20 the research topics focus on (1) offences, (2) offending, (3) offenders, (4) regulation and enforcement, and (5) money laundering in relation to organised crime and gambling.

(1) Offences

The following topics explore criminal offences relating to illegal gambling. This encompasses offences relating to unlawful games and unlawful venues; it does not include offences relating to legal games and gambling venues. These projects identify and provide an overview of relevant offences, examine their background and rationale, their origin, introduction, and amendments, analyse their elements and interpretation by the courts and, insofar as possible, reflect on the practical application and impact of these offences,

- 1.1. Offences relating to illegal gambling in Australian criminal law (States and Territories)
- 1.2. Offences relating to illegal gambling in Austrian criminal law
- 1.3. Offences relating to illegal gambling in Swiss criminal law

(2) Offending

The following topics explore various forms and manifestations of illegal gambling. The emphasis of these topics is on the criminology of these offences, i.e. how, why, where and by whom these offences are committed, not on offences and other legislation. Some of the topics focus specifically on various forms of illegal gambling in one jurisdiction, other looks at a particular type of illegal gambling in a general context.

- 2.1. Levels, characteristics, and manifestations of illegal gambling in Australia
- 2.2. Levels, characteristics, and manifestations of illegal gambling in Austria
- 2.3. Levels, characteristics, and manifestations of illegal gambling in Switzerland
- 2.4. Pyramid schemes
- 2.5. Illegal race betting
- 2.6. Illegal sports betting
- 2.7. Match-fixing
- 2.8. Illegal prize fighting involving animals (incl. historical perspectives)
- 2.9. Illegal prize fighting involving persons

(3) Gamblers, Offenders, and Organised Crime

The following topics focus on the individuals and groups involved in gambling, as gamblers or as criminal networks

- 3.1. Profile of gamblers (by category)

This project seeks to profile gamblers, separated by different types of gambling (eg casinos, pocker/slot machines, online betting etc). Who are the 'typical' gamblers, what is their age, gender, background, financial situation, motivation etc.? It is recommended that the project looks at one specific jurisdiction.[Note that problem gambling is the subject of a different project.]
- 3.2. Causes of problem gambling (gambling disorder)

This project specifically looks at the causes and explanations of problem gambling (also referred to as pathological gambling or gambling disorder), i.e. the urge to gamble continuously despite the harmful and negative consequences. It also examines the causes, signs and symptoms, and the evolution of psychological and medical concepts of problem gambling. Not further discussed here are methods to prevent and treat problem gambling.
- 3.3. Socio-economic consequence of problem gambling

This project looks specifically at the consequences of problem gambling not including criminal offences to finance gambling habits. This encompasses consequences for the lives, employment, finances, behaviour etc of the gamblers themselves as well as for their families and personal environment. Rather than making broad generalisations, the project should, where possible,

differentiate between different types of problem gamblers. Not further discussed here are methods to prevent and treat problem gambling.

- 3.4. Offences committed to finance problem gambling
The focus of this project on the financing of problem gambling. What methods are used to finance gambling addiction, what offences are committed to obtain funds, what is known about persons prosecuted and convicted for offences committed in relation to problem gambling?
- 3.5. Problem gambling as a mitigating factor
There is a small body of literature arguing that criminal liability for offences committed as a result of in or association with problem gambling should be reduced or sentences mitigated. This project examines the background of and arguments for and against this position and outlines relevant laws and practices in a range of jurisdictions. It would be desirable that this project be taken by a student who has previously studied criminal procedure and sentencing.
- 3.6. Prevention and treatment of gambling addiction
This project seeks to outline the full range of methods and tools used to prevent and stop problem gambling, including, inter alia, counselling, self-help and peer programs, step-based program, medication, educations and awareness raising, as well as measures implemented by government and industry to prevent and identify problem gambling and assist those affected.
- 3.7. Organised crime and gambling in Australia (not including money laundering)
This project explores the involvement of organised crime in gambling in Australia in historical and contemporary contexts.
- 3.8. Organised crime and gambling in Austria (not including money laundering)
This project explores the involvement of organised crime in gambling in Austria in historical and contemporary contexts.
- 3.9. Organised crime and gambling in Switzerland (not including money laundering)
This project explores the involvement of organised crime in gambling in Switzerland in historical and contemporary contexts.
- 3.10. Organised crime, VIP rooms, and junket operators in Macao's casino industry
A unique feature of Macao's casino industry is the significant role of private VIP gambling rooms which were introduced in the 1980s and contribute more than 60 percent of the total casino gaming revenue. The business model of these VIP rooms, the 'junket operators' who run them, and their patrons' inclination to anonymity in their dealings, has raised concern over the involvement of criminal elements, which are explored in this project.
- 3.11. Corruption and gambling
This project explores the nexus between corruption and (legal and illegal) gambling. Insofar as possible, the project should examine this nexus at a conceptual/theoretical/general level before turning to examples from specific jurisdictions.

(4) Regulation and enforcement

The following topics focus on the legislative and regulatory regimes to permit, restrict, and monitor the operation of specific types of gambling in selected jurisdictions. These projects look broadly at the conditions and requirements to operate the relevant gambling

venue/type of gambling, and specifically at the provisions to prevent the commission of criminal offences and the involvement of criminal elements.

- 4.1 Regulation of the casino industry in Queensland
- 4.2 Regulation of the casino industry in Austria
- 4.3 Regulation of the casino industry in Switzerland
- 4.4 Regulation of the casino industry in Nevada
- 4.5 Regulation of the casino industry in Macao SAR
- 4.6 Regulation of the casino industry in Singapore
- 4.7 Regulation of poker machines in Australia (States and Territories)
- 4.8 Regulation of poker machines in Vienna
- 4.9 Regulation of poker machines in Switzerland
- 4.10 Regulation of the horse racing industry in Australia (States and Territories)
- 4.11 Regulation of online gambling in Australia
- 4.12 Regulation of online gambling in Austria
- 4.13 Regulation of online gambling in Switzerland
- 4.14 Regulation of sports betting in Australia
- 4.15 Regulation of sports betting in Austria
- 4.16 Regulation of sports betting in Switzerland

(5) Money laundering through the gambling industry

The following projects examine the levels, characteristics, and laws relating to money laundering through the gambling industry in selected jurisdictions and internationally. The projects may require a differentiation between different industries and types of gambling.

- 5.1 Evidence/prevalence and laws relating to money laundering through the gambling industry in Australia
- 5.2 Evidence and laws relating to money laundering through the gambling industry in Austria
- 5.3 Evidence and laws relating to money laundering through the gambling industry in Switzerland
- 5.4 International standards relating to money laundering through casinos (esp. the FATF Recommendations)
- 5.5 The 2019 Crown Casino Scandal: In 2019, Melbourne's Crown Casino made international headlines for alleged links to Chinese organised crime and money laundering activities. This project summarises the available open-source information and background on this cases, including the findings, of any, of the ensuing inquiry.

Discussant

Each student will act as the discussant of another student's research project. The role of the discussant is to offer support and feedback and provide some peer review of draft presentations and research papers. The discussant will provide oral feedback on the

presentation of the research project and may provide written feedback on a draft of the research paper. Discussants will be assigned after the initial planning meetings in October.

Schedule 2019–20

Application and selection process

Students in the discipline of law (third year or higher) from the participating institutions are invited to apply for participation in the programme. Students from other relevant disciplines, including, inter alia, international relations, sociology, political science, and journalism, psychology who are not also enrolled in a law degree should contact the course coordinator at their home institution to check their eligibility.

Prerequisites for law student applicants

UQ Successful completion of LAWS2113 or LAWS2700 (Criminal Law) with grade 5 or higher

U:Vie at least three years (six semester) of study; successful completion of Modulprüfung Strafrecht by 1 October 2019 is desirable but not mandatory; doctoral candidates and students from other disciplines may also apply

UZH Successful completion of Strafrecht 1 and 2

Application documents

Application documents must include:

- cover letter not exceeding one page including statement of interest
- full curriculum vitae
- (unofficial) academic transcript (Sammelzeugnis)

Students must submit their application before the deadline stipulated below (c.o.b.) to the course-coordinator at their home institutions.

Selection process

Student applicants will be vetted through a selection process, taking into account, inter alia, students' academic performance, prior research experience, foreign language abilities, their statement of interest relating to the format and topic of the programme, and their availability to conduct the research and complete the milestones required by this programme. Students may be asked to participate in a group or individual interview.

Travel stipends

U:Vie Each successful applicant will receive a travel stipend of EUR 500.

UZH t.b.d.

Timetable 2019–20

(all times are local)	University of Queensland	University of Vienna	University of Zurich
Deadline for student applications	20 September 2019	6 October 2019	10 October 2009
Course introduction, allocation of research topics	27 September 2019 1:00–3:00pm Boardroom W353 Law School	10 October 2019 2:00–5:00pm Seminarraum, Schenkenstrasse 4	11 October 2019 2:00–3:30pm Room t.b.a.
Get-to-know skype call	October 2019 t.b.d.	October 2019 t.b.d.	October 2019 t.b.d.
Research training	22 November 2019 12:00–3:00pm Room t.b.a.	24 October 2019 2:00–5:00pm Juridicum SEM 62	November 2019 Time t.b.a. Room t.b.a.
Discussion of research outline	7 January 2020 12:00–3:00pm Room t.b.a.	26 November 2019 2:00–5:00pm Seminarraum, Schenkenstrasse 4	4 December 2019
Academic presentation training	16 January 2020 12:00–3:00pm Room t.b.a.	21 January 2020 [tbc] 2:00–5:00pm t.b.c. Seminarraum, Schenkenstrasse 4	December 2019 Time t.b.a. Room t.b.a.
Latest arrival in Brisbane	n.a.	16 February 2020	16 February 2020
Joint teaching dates, Brisbane School of Law, The University of Queensland daily schedule below		Monday, 17 February 2020, 10:00am-3:30pm Tuesday, 18 February 2020, 10:00am-3:30pm Wednesday, 19 February 2020, 10:00am-3:30pm Thursday, 20 February 2020, 10:00am-3:30pm Friday, 21 February 2020, 10:00am-3:30pm	
Earliest departure from Brisbane	n.a.	22 February 2020	22 February 2020
Debrief and further development of research project	March 2020	March 2020	March 2020
Academic writing, critical engagement with literature	March 2020	April 2020	March 2020
From paper to publication	April 2020	April 2020	April 2020
Submission of research paper	3 May 2020 2:00pm	3 May 2020 2:00pm	3 May 2020 2:00pm
Publication meeting	Late May Time t.b.d.	Early June Time t.b.d.	Late May Time t.b.d.

(all times are local)	University of Queensland	University of Vienna	University of Zurich
	Room t.b.d	Room t.b.d	Room t.b.d

Joint teaching dates, Brisbane, February 2020

Sunday, 16 February 2020

Arrival of participants

6:00pm Informal welcome drinks (organised by ...)

Monday, 17 February 2020

10:00am Introduction
 10:30am Spectrum of gambling types/categories and legality
 12:00pm Lunch break
 12:40am Student presentation
 1:30pm Student presentation
 2:20pm Coffee break
 2:35pm Student presentation
 3:25pm Reflection, outcomes of the day
 7:00pm Welcome reception (Customs House, Brisbane)

Tuesday, 18 February 2020

10:00am Guest presentation: 'How do casinos make money?', Dr Andy Lee, School of Business, The University of Queensland
 10:45am Coffee break
 11:00am Student presentation
 11:50pm Student presentation
 12:40am Lunch break
 1:10pm Student presentation
 2:00pm Student presentation
 2:50pm Student presentation
 3:40pm Reflection, outcomes of the day

Wednesday, 19 February 2020

10:00am Student presentation

10:50am Student presentation
11:40am Coffee Break
12:00pm Student presentation
12:50pm Lunch Break
1:30pm Local excursion: casino

Thursday, 20 February 2020

10:00am Guest presentation: regulator/psychologist
11:00am Coffee break
11:15am Student presentation
12:05pm Student presentation
12:55pm Lunch break
1:40pm Student presentation
2:30pm Student presentation
3:20pm Reflection, outcomes of the day

Friday, 21 February 2020

10:00am Student presentation
10:50am Student presentation
11:40am Lunch break
12:10pm Student presentation
1:00pm Further work: research papers and publication
2:00pm Course evaluation and discussion
2:30pm Close

Assessment

The assessment involves two pieces: a presentation and a research paper. To receive a passing grade, both pieces must be attempted.

Marks and grades will be awarded according to the following scale.

University of Queensland		University of Vienna		University of Zurich	
Grade	Marks	Grade	Marks	Grade	Marks
7 – high distinction	85–100	1+	95-100	6 – ausgezeichnet	85-100
		1 - sehr gut	91-94		
		1-	87-90		
6 - distinction	75–84	2+	83-86	5.5 - sehr gut	79-84
		2 - gut	79-82		
		2-	75-79	5 - gut	72-78
5 - credit	65–74	3+	71-74	4.5 - recht	61–71
		3 befriedigend	67-70		
		3-	63-66		
4 - pass	50–64	4+	58-62	4 - genügend	51–60
		4 genügend	54-57		
		4-	50-53		
3–1 - fail	49–0	5 – nicht genügend	49-0	3.5-1 – nicht genügend	50–0

Presentation

(UQ + UZH: 40% of final grade; U:Vie: assessment for winter semester)

All students must work on a designated research topic and present their research findings in class. Each topic will be assigned a specific presentation date and time; these are not negotiable.

Students present their projects in a 20-minute presentation, followed by 20 minutes of discussion and 10mins of feedback.

Students have the option to work together on one topic and present as a team. Research papers, however, must be written and submitted individually.

Grading criteria:

- Outline, introduce, explain the research topic;
- Critically analyse and explore relevant issues;
- Structure and weight relevant issues;
- Develop alternative strategies and recommendation for reform;
- Visualise and communicate research outcomes clearly;
- Discuss topical issues in an open forum; and
- Conduct in-depth research using information and literature of highest quality.

Presentations must be held in English only.

Research paper

(UQ + UZH: 60% of final grade; U:Vie: assessment for summer semester, sowie Möglichkeit der Approbation)

Each student must submit an individual, written report of his/her research topic (fully footnoted and referenced according to the *Australian Guide to Legal Citation* (University of Melbourne, 4th edition). All papers must have an introduction, conclusion and a bibliography. The word limit for the papers is 7000 words (for UQ students, and UZH students choosing 6 ECTS; higher requirements apply for students choosing 12 or 18 ECTS for their Masters Thesis at UZH); 50,000 characters (minimum requirement for U:Vie Diploma students)]. The assessment is, however, based on quality, not quantity.

Grading criteria:

- Identify, scope, introduce, and state the significance of the research project;
- Critically analyse and explore relevant issues;
- Structure and weight relevant issues;
- Develop alternative strategies and recommendation for reform;
- Communicate clearly and efficiently in a written paper; and
- Conduct in-depth research using information and literature of highest quality.

Students have a choice to write their paper either in English, French or German.

Due date for submission: 3 May 2020, 2:00pm (14:00) local time.