

**CASINO AND GAMBLING CONTROL
AMENDMENT BILL 2015**

SAMOA

Explanatory Memorandum

Introduction

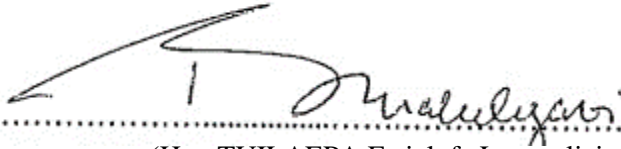
The Bill seeks to amend the Casino and Gambling Control Act 2010 (“principal Act”). The objects of the Bill are:

- (a) to regulate interactive gambling;
- (b) to allow a casino licensee to operate a second casino venue from the same licence;
- (c) to allow the Totalisator Agency Board (“TAB”) to continue to act as the Casino and Gambling Control Authority (“Authority”) for a further two (2) more years whilst the Authority is still being formally set up.

Clauses:

- Clause 1:** - states that, when enacted, the Bill will be called the Casino and Gambling Control Amendment Act 2015, and will commence on the date it is assented to by the Head of State.
- Clause 2:** - amends section 2 of the principal Act to include definitions for “interactive gaming product”, “interactive gaming service” and “telecommunication”.
- Clause 3:** - amends section 23 of the principal Act to allow a casino licensee to operate from a second casino venue.
- Clause 4:** - adds new section 88A of the principal Act to regulate interactive gaming.

Clause 5: - amends section 92 of the principal Act to extend the period in which the TAB is to act as the Authority.



A handwritten signature in black ink, appearing to read 'Tuilaepa', is written above a horizontal dotted line.

(Hon TUILAEPA Fatialofa Lupesoliai
Aiono Neioti Sailele Malielegaoi)

PRIME MINISTER AND MINISTER RESPONSIBLE
FOR THE GAMBLING CONTROL AUTHORITY

**CASINO AND GAMBLING CONTROL
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Arrangement of Provisions

1. Short title and commencement
2. Section 2 amended
3. Section 23 amended
4. New section 88A added
5. Section 92 amended

2015, No.

A BILL INTITULED

AN ACT to amend the Casino and Gambling Control Act 2010 (“principal Act”).

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement-(1) This Act may be cited as the Casino and Gambling Control Amendment Act 2015.

(2) This Act commences on the date of assent by the Head of State.

2. Section 2 amended - For section 2 of the principal Act insert the following definitions in their alphabetical positions:

““interactive gaming licence” means a licence for interactive gaming issued under section 88A;

“interactive gaming product” means a device, software or any other digital or computer based system hardware used for interactive gaming;

“interactive gaming service” means a gambling service that is provided in the course of carrying on a business and the service is provided to customers using any of the following -

- (i) an internet carriage service;
- (ii) a broadcasting service;
- (iii) any other content service;
- (iv) a datacasting service; or
- (v) any other type of carriage service.

“telecommunication device” means:

- (a) a computer adapted for communicating by way of the internet or another communications network; or
- (b) a television receiver adapted to allow the viewer to transmit information by way of a cable television network or other communications device; or
- (c) a telephone; or
- (d) any other electronic device or thing used -
 - (i) for communicating at a distance; or
 - (ii) for any telecommunication services as defined in the Telecommunications Act 2005.”.

3. Section 23 amended - For the principal Act, in section 23, for subsection (2) substitute:

“(2) A casino licence authorises the holder of the casino licence to open and operate subject to subsection (3) one (1) casino.

(3) The Authority may, on application in the form approved by the Authority, authorise the holder of the casino licence to operate from a second venue subject to terms and conditions and to the additional prescribed fee.”.

4. New section 88A added - Before section 89 of the principal Act insert:

“88A. Interactive Gaming-(1) Subject to this section, a person may apply to the Chief Executive Officer, in the prescribed form and together with the prescribed fee, for an interactive gaming licence authorising the person to conduct interactive gaming by means of the internet, subject to any conditions of the licence imposed by the Authority.

(2) A game is an interactive game if:

- (a) a prize consisting of money or something else of value is offered or can be won under the rules of the interactive game; and
- (b) a player -
 - (i) enters the interactive game or takes any step in the interactive game by means of a telecommunications device; and
 - (ii) gives, or undertakes to give, a monetary payment or other valuable consideration to enter the interactive game; and
- (c) the winner of a prize in the interactive game is decided -
 - (i) wholly or partly by chance; or
 - (ii) by a competition or other activity in which the outcome is wholly or partly dependant on the player's skill.

(3) Subject to subsection (4), betting on a race event, sporting event or any other event by means of a telecommunications device is taken to be an interactive game.

(4) A game is not an interactive game if it is prescribed not to be an interactive game.

(5) The Chief Executive Officer may enter into and approve an agreement or arrangement with a person who is offering or intending to sell an interactive gaming product or service under that person's interactive gaming licence, subject to conditions of the licence imposed by the Authority under subsection (1).

(6) An agreement or arrangement made under subsection (5) is effective from the date it is approved by the Chief Executive Officer.

(7) A person who undertakes interactive gaming contrary to subsection (1) commits an offence and is liable on conviction to a fine not exceeding 500 penalty units.”.

5. Section 92 amended - In section 92(2) of the principal Act, for “2 years” substitute “4 years”.
