

**CASINO AND GAMBLING CONTROL
AMENDMENT BILL 2015**

SAMOA

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.

**TULAFONO TAU FAAOFI O TEUTEUGA O LE
TULAFONO O LE FAAFOEGA O KASINO MA
TAALOGA ESEESE TAU TUPE 2015**

SAMOA

Faatulagaina o Aiaiga

1. Igoa puupuu ma le amataga
2. Ua teuteuina le fuaiupu 2
3. Ua teuteuina le fuaiupu 23
4. Ua faaopoopoina le fuaiupu 88A fou
5. Ua teuteuina le fuaiupu 92

2015, Nu.

O SE TULAFONO TAU FAAOFI UA TAUA

O SE TULAFONO e teuteuina ai le Tulafono o le Faafoega o Kasino ma Taaloga Eseese Tau Tupe 2010. (“Tulafono autu”).

UA FAIA e le Fono Aoaofa o Samoa i totonu o le Palemene ua potopoto e faapea:

1. Igoa puupuu ma le amataga-(1) E mafai ona taua leni Tulafono o le Tulafono o Teuteuga o le Tulafono o le Faafoega o Kasino ma Taaloga Eseese Tau Tupe 2015.

(2) O leni Tulafono e amata faamamaluina i le aso e tuuina i ai le maliega a Le Ao o le Malo.

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

2. Ua teuteuina le fuaiupu 2 - Mo le fuaiupu 2 o le Tulafono autu, ia faaofi faamatalaga nei e tusa ai ma le faasologa o le pi faitau faa-Peretania:

““laisene o taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta, e faatagaina ai le faaaogāina o tupe, siaki tupe, siaki tupe faaeletoroni, ma isi mea uma faapena” o lona uiga o se laisene mo taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta ua tuuina atu i lalo o le fuaiupu 88A;

““oloa e faaaogāina mo taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta, e faatagaina ai le faaaogāina o tupe, siaki tupe, siaki tupe faaeletoroni, ma isi mea uma faapena” o lona uiga o se masini, polokalame po o so o se isi lava faiga o masini e faaaogāina ai fuainumera po o se faiga e faaaogāina ai komepiuta mo taaloga eseese tau tupe;

““auaunaga o taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta, e faatagaina ai le faaaogāina o tupe, siaki tupe, siaki tupe faaeletoroni, ma isi mea uma faapena” o lona uiga o le auaunaga o taaloga eseese tau tupe lea e tuuina atu a o faagasolo se pisinisi, ma e tuuina atu le auaunaga i tagata o lo o faaaogāina so o se tasi o tulaga nei -

- (i) auaunaga feaveai faa-itaneti;
- (ii) auaunaga tau faasalalauga;
- (iii) so o se isi lava auaunaga o mea o aofia ai;
- (iv) auaunaga tutotonu o faamatalaga faakomepiuta; po o
- (v) so o se isi lava ituaiga auaunaga feaveai.

“masini tau fesootaiga” o lona uiga:

- (a) o se komepiuta ua faatulagaina mo fesootaiga e ala i le faaaogāina o le itaneti po o se isi fetaulaiga tau fesootaiga; po o

- (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.

- (b) se masini faapipii e maua ai ata televise e faatagaina ai le tagata matamata e feaveai faamatalaga e ala i se fetaulaiga o televise e faaaogāina ai uaea po o isi masini tau fesootaiga; po o

(c) se telefoni; po o

- (d) so o se isi lava masini faaeletoroni po o se mea ua faaaogāina -

(i) mo fesootaiga i se tulaga mamao; po o

(ii) mo so o se auunaga tau fesootaiga e pei ona faamatalaina i totonu o le Tulafono o Fesootaiga 2005.”.

3. Ua teuteuina le fuaiupu 23 - Mo le Tulafono autu, i totonu o le fuaiupu 23, mo le faafuaiupu (2), ia suia e faapea:

“(2) Ua faatagaina i se laisene kasino lē o umia le laisene kasino e tatala ma faagaoioi se kasino e tasi (1), i le noatia ma le fai fuafua i le faafuaiupu (3).

(3) E mafai e le Pulega, i luga o se talosaga i le pepa faatumu ua faamaonia e le Pulega, ona faatagaina lē o umia le laisene kasino, e faagaoioi ai mai se nofoaga lona lua, i le noatia ma le fai fuafua i tuutuuga ma aiaiga ma, e tusa ai ma totogifuapuina faaopoopo ua faatonuina.”.

4. Ua faaopoopoina le fuaiupu 88A fou - A o lumanai ai le fuaiupu 89 o le Tulafono autu, ia faaofi e faapea:

“**88A. Taaloga Eseeese Tau Tupe e Faaaogā ai Fesootaiga Faakomepiuta**-(1) I le noatia ma le fai fuafua i leni fuaiupu, e mafai e se tagata ona talosaga i le Ofisa Sili o Pulega, i le pepa faatumu faatonuina ma faatasi ai ma le totogifuapuina ua faatonuina, mo se laisene o taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta, e faatagaina ai le tagata, e faafoeina taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta, e ala i le faaaogāina o le initaneti, i le noatia ma le fai fuafua i so o se aiaiga o le laisene ua faaeeina atu e le Pulega.

(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.

(2) E avea se taaloga ma taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta pe afai:

(a) ua ofoina atu se faailoga e aofia ai tupe po o se isi mea e i ai se tau aogā, po o e mafai ona manumalo ai i lalo o tulafono faafoe o taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta; ma

(b) o se tagata taalo -

(i) e mafai ona ofi atu i taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta po o le faia o so o se laasaga e taalo ai i taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta e ala i se masini tau fesootaiga; ma

(ii) tuuina atu, po o le malie e tuuina atu se tupe totogi po o isi tau i tau tupe e taalo ai i taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta; ma

(c) e filifili le tagata ua manumalo i se faailoga i taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta -

(i) i se tulaga atoatoa po o se vaega e ala i matematega; po o

(ii) e ala i se tauvaga po o isi gaoioiga ia o lona taunuuga e faalagolago atoa po o sona vaega i le tomai o le tagata taalo.

(3) I le noatia ma le fai fuafua i le faafuaiupu (4), o petipetiga e faia i se tuuga, faatasiga tau taaloga, po o so o se isi lava faatasiga, e ala i se masini tau fesootaiga, ua avea lava e faapea, o se taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta.

(4) E le o se taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta se taaloga, pe afai ua faatonuina e le o se taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta lea taaloga.

(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”.

(5) E mafai e le Ofisa Sili o Pulega ona sainia ma faamaonia se maliega po o se fetuunaiga ma se tagata, o ia lea ua ia ofoina atu po o ua faamoemoe e faatau atu o se oloa o taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta po o se auunaga i lalo o le laisene o lena tagata mo taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta, i le noatia ma le fai fuafua i aiaiga o le laisene ua faaee atu e le Pulega i lalo o le faafuaiupu (1).

(6) O se maliega po o se fetuunaiga ua faia i lalo o le faafuaiupu (5) e aloaia mai le aso ua faamaonia ai e le Ofisa Sili o Pulega.

(7) Ua faia e se tagata se soligatulafono o ia lea ua ia faia taaloga eseese tau tupe e faaaogā ai fesootaiga faakomepiuta ua solia ai le faafuaiupu (1), ma e noatia i luga o moliaga ua faamaonia faaetulafono i se sala tupe e lē silia le 500 iunite tau faasalaga.”.

5. Ua teuteuina le fuaiupu 92 - I totonu o le fuaiupu 92(2) o le Tulafono autu, mo le “2 tausaga”, ia suia i le “4 tausaga”.
