

**CASINO AND GAMBLING CONTROL
AMENDMENT BILL (No. 2) 2017**

SAMOA

Explanatory Memorandum

1.0 Object and reasons:

- 1.1 The Bill seeks to amend the Casino and Gambling Control Act 2010 (“Principal Act”).
- 1.2 The objects of the Bill are:
- (a) to provide for certain provisions to address the gaps currently identified within the Principal Act to ensure the smooth operation and management of matters dealt by the Gambling Control Authority (“Authority”) under the Principal Act; and
 - (b) to exempt the Authority’s income from income Tax under the Income Tax Act 2012.

Clauses:

- Clause 1:** - provides for the short title and commencement date of the Bill.
- Clause 2:** - amends section 2 of the Principal Act by repealing definition for “authorised police officer” and inserting definition for “inspector”.

- Clause 3:** - amends section 5 of the Principal Act by inserting new subsections (4), (5) and (6).
- Clause 4:** - amends section 6 of the Principal Act by repealing subsection (6).
- Clause 5:** - inserts a new section 8A within the Principal Act to deal with “Approved rules, standards, guidelines, operating procedures and codes of practice”.
- Clause 6:** - amends section 9 of the Principal Act by substituting the term “membership” with “Board”.
- Clause 7:** - amends section 19 of the Principal Act by substituting the current subsection (1) with new subsection (1).
- Clause 8:** - amends section 22 of the Principal Act by inserting a new subsection (4) to provide for power of the Chief Executive Officer to appoint certain officers of the Authority to carry out duties as inspectors.
- Clause 9:** - amends section 24 of the Principal Act by inserting a new subsection (5) which provides for penalty whereby a person may be liable if he or she contravenes section 24(3) of the Principal Act.
- Clause 10:** - amends section 37 of the Principal Act.
- Clause 11:** - amends section 49 of the Principal Act by substituting the age requirement of “18” years to “21” years.
- Clause 12:** - amends section 51 of the Principal Act by substituting the age requirement of “18” years to “21” years.
- Clause 13:** - amends sections 52 and 53 of the Principal Act by substituting the current sections with new sections 52 and 53, the new amendment removes the power from Commissioner of Police to exclude certain persons from casino venues and for this power to lie with the Authority.

- Clause 14:** - amends section 57 of the Principal Act by substituting the age requirement of “18” years to “21” years.
- Clause 15:** - amends section 61(2) of the Principal Act.
- Clause 16:** - amends sections 66(1) and (2) of the Principal Act by inserting new paragraphs (c), (d) and (e) which provides for additional powers of officers when inspecting a casino venue.
- Clause 17:** - amends section 84 of the Principal Act.
- Clause 18:** - amends section 88A(1) of the Principal Act.
- Clause 19:** - inserts new sections 88B and 88C into the Principal Act to provide for a person who holds a licence for interactive gaming to pay commission to the Authority and to provide for the Authority’s income to be exempted from income tax under the Income Tax Act 2012.
- Clause 20:** - amends section 89 of the Principal Act by inserting a new paragraph (ua) and increasing penalty units for offences that can be prescribed by Regulations.
- Clause 21:** - inserts new sections 89A and 89B within the Principal Act which provides for “Approved forms and fees” to be approved by the Chief Executive Officer and “Immunities for persons exercising powers under the Principal Act”.
- Clause 22:** - amends section 92 of the Principal Act to provide that the TAB shall continue to exercise powers, duties and functions if the Board of the Authority until ceased by the Head of State.

- Clause 23:** - provides for consequential amendment to the Income Tax Act 2012 to exempt the Authority's income from income tax.

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(Hon LAUTAFI Fio Selafi Purcell)
MINISTER RESPONSIBLE FOR THE
GAMBLING CONTROL AUTHORITY