



ANALYSIS

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1991-92, No. 35

An Act to amend the Gaming Act 1967

(15 April 1992)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same as follows:

1. Short Title and commencement - (1) This Act may be cited as the Gaming (Tattersalls) Amendment Act 1991-92, and shall be read together with and deemed part of the Gaming Act 1967 (hereinafter referred to as "the principal Act").

(2) This Act shall come into force on a date to be fixed by the Minister by notice published in the Gazette.

2. Interpretation - Subsection (2) of the principal Act is amended -

(a) by inserting before the definition of "Minister";
 ""Instant Lottery" means a lottery referred to in section 20A"; and

(b) by inserting after the definition of "Owner".
 ""Pool Betting Scheme" means a lottery referred to in section 20B".

3. New part - The principal Act is amended by inserting after section 20 -

"INSTANT LOTTERIES AND POOL BETTING SCHEMES

20A. Instant lotteries For the purposes of this Act, an instant lottery is a lottery in which a person pays or becomes liable to pay stake money in exchange for a thing that can be manipulated to reveal immediately whether or not a prize has been won.

20B. Pool Betting schemes - (1) For the purposes of this Act, a pool betting scheme is a lottery in which a group of persons bet, otherwise than at fixed odds, on terms that the amount of a prize is wholly or partly determined by reference to the total amount of stake money paid or payable by the persons who constitute the group.

(2) A lottery referred to in subsection (1) is not a pool betting scheme for the purposes of this Act if no more than 100 persons constitute the group and the total amount of stake money paid or payable by the persons who constitute the group does not exceed Five Hundred Dollars.

20C. Agreements about instant lotteries and pool betting schemes - (1) The Minister may, on behalf of the Government of the Cook Islands, enter into any agreement on such terms as the Minister, in his discretion, thinks fit with any person or body of persons under which that person or association is authorised to conduct in the Cook Islands, personally or by agent, an instant lottery or pool betting scheme.

(2) An agreement under subsection (1) may include a term -

(a) that the person or body of persons with whom the agreement is made shall have the exclusive right to conduct in the Cook Islands, personally or by agent, instant lotteries or pool betting schemes, or both, during the period for which the agreement has effect; and

(b) that the Government of the Cook Islands shall have the right to administer and operate any instant lottery.

(3) The Minister shall not enter into an agreement under subsection (1) in respect of a pool betting scheme lawfully conducted under the law of any other State or Territory, except in accordance with an arrangement made between the Minister and the responsible Minister of the other State or Territory.

(4) If an arrangement referred to in subsection (3) ceases to have effect, an agreement under subsection (1) to which the arrangement relates also ceases to have effect.

(5) All funds which are remitted by the other State or Territory to the Government of the Cook Islands pursuant to an arrangement made pursuant to subsection (3) shall be paid to a recognised non-profit or charitable organisation or organisations approved by Cabinet on any conditions that Cabinet considers appropriate.

(6) The Minister shall not grant approval under section 25A for any person or body of persons to conduct a scheme where -

(a) the scheme is an instant lottery or pool betting scheme; and

(b) the authorisation or approval would be inconsistent with an agreement in force under subsection (1).

20D. Evidence of Certificate from Minister - In any proceedings it is evidence of the matters specified if, a certificate is signed by the Minister -

- (a) specifying that an exemption under section 25A has been granted for the conduct of a prescribed scheme mentioned in the certificate, and specifying the conditions, if any, subject to which authorisation or approval was granted; or
- (b) specifying that authorisation to conduct a prescribed scheme has been given under an agreement under subsection 20C(1), and specifying the terms of the agreement.

20E. Contravention of instant lottery or pool betting scheme agreements - (1) A person, whether or not a natural person, who is concerned in the conduct of a scheme that is the subject of an agreement under section 20C(1) shall not knowingly contravene a condition or requirement of the agreement.

(2) Every person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding Five Thousand Dollars and for any second offence, besides such fine is liable to imprisonment for a term not exceeding six months."

4. Amendment to Section 25 - Section 25 of the principal Act is amended by adding after the word "exercise" the words "except any sum of money or valuable thing received by a person, whether or not a natural person, by way of profit, commission or dividend in accordance with an agreement under subsection 20C(1) of this Act".

This Act is administered by the Police Department