

# GAMING

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# Gaming Act 2011

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# Gaming Act 2011

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## TABLE OF AMENDMENTS

The Gaming Act 2011 No 17 was certified on 3 November 2011 and commenced on 3 December 2011 (s 2 and GN No 242/2012; Gaz 56/2012).

<b>Amending Legislation</b>	<b>Certified</b>	<b>Date of Commencement</b>
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021



An Act to regulate gaming and for related purposes.

Enacted by the Parliament of Nauru as follows:

## PART 1 — PRELIMINARY MATTERS

### 1 Short title

This Act may be cited as the *Gaming Act 2011*.

### 2 Commencement

This Act commences 1 month after it receives the certificate of the Speaker under Article 47 and came into effect on 3 December 2011.

### 3 Definitions

In this Act:

*'authorised officer'* means a person appointed under Section 24;

*'betting'* includes the placing or accepting of bets;

*'exempt game'* has the same meaning given to it in Section 4(1);

*'exempt private game'* has the same meaning given to it in Section 4(2);

*'gaming licence'* means a licence granted under Section 6(1);

*'gaming machine'* means a device that is designed:

- (a) for the playing of a game of chance or of mixed chance and skill; and
- (b) for paying out money or tokens or for registering a right to an amount of money or money's worth to be paid;

*'information notice'*, for a decision, means a written notice to a person specifying the following:

- (a) the decision;
- (b) the reasons for the decision; and
- (c) that the person may apply to the Minister for review of the decision within 28 days after receiving the notice;

*'licence fee'*, for a gaming licence, means the prescribed fee for the licence;

*'licensee'*, for a gaming licence, means the person who is granted the licence;

*'lottery'* means a scheme or device, other than bingo, in which the success or otherwise of participants is governed by numbers, tickets or tokens drawn or determined in a way that involves a degree of chance;

*'prescribed'* means prescribed by Regulations;

*'proposed decision notice'*, for a proposed decision, means a written notice to a person specifying the following:

- (a) the proposed decision;
- (b) the reasons for the proposed decision; and
- (c) that the person may make written submissions to the person giving the notice about the proposed decision within 7 days after receiving it;

**'Secretary'** means the Head of Department responsible for this Act;

**'table game'** means a game or a variation of a game, specified in Schedule 1;

**'unlawful betting'** means betting on an unlawful game; and

**'unlawful game'** means a game:

- (a) of chance or of mixed chance and skill, in which money or any other valuable thing is offered as a prize or is staked or risked, by a participant or someone else, on an event or contingency; and
- (b) that is not an exempt game.

#### 4 Meaning of 'exempt game' and 'exempt private game'

- (1) An **'exempt game'** is a game that is:
  - (a) conducted in accordance with a gaming licence;
  - (b) authorised under another written law;
  - (c) an exempt private game; or
  - (d) a raffle or game of karti for which the total value of prizes offered is less than the amount prescribed for this paragraph.
- (2) An **'exempt private game'** is a game that is conducted:
  - (a) otherwise than for a commercial purpose;
  - (b) so that:
    - (i) the only way a participant in the game can make a profit or gain any other benefit as a result of the conduct of the game is by winning a bet; and
    - (ii) the rules of the game provide the same chance of winning a bet for all participants; and
  - (c) in accordance with any prescribed conditions.
- (3) For the purposes of subsection (2)(a), a game is taken to be conducted for a commercial purpose if:
  - (a) a fee is charged to participate in the game or to enter the place where the game is conducted, other than a fee intended to cover the reasonable cost of food or beverages provided at the place; or
  - (b) a charge, commission or fee is deducted from any amount bet or won by a participant in the game.



## PART 2 — GAMING LICENCES

### 5 Application for gaming licence

- (1) A person may apply to the Secretary for a licence to conduct:
  - (a) bingo;
  - (b) betting on sports or other events;
  - (c) a lottery;
  - (d) a game to be played on a gaming machine; or
  - (e) one or more table games.
- (2) The application shall be:
  - (a) in the prescribed form; and
  - (b) accompanied by:
    - (i) evidence of payment of the licence fee for the licence; or
    - (ii) an application for waiver of the licence fee under Section 14.

### 6 Decision on application

- (1) On receiving the application, the Secretary shall:
  - (a) grant the licence; or
  - (b) refuse to grant the licence.
- (2) The Secretary may only grant the licence if he or she is satisfied that:
  - (a) the applicant is a suitable person to hold the licence;
  - (b) the rules of the game to be conducted under the licence are fair and reasonable;
  - (c) the rules and methods of conducting the game can be easily understood by participants;
  - (d) if the application is for a licence to conduct betting on a sport or other event, that the conduct of the sport or event is lawful:
    - (i) if the sport or event is conducted in the Republic — in the Republic; or
    - (ii) if the sport or event is conducted in another place — in the place it is conducted; and
  - (e) any other prescribed criteria for granting the licence are met.
- (3) If the Secretary decides to refuse to grant the licence, the Secretary shall give the applicant an information notice for the decision.

### 7 Suitability of applicant to hold gaming licence

- (1) In deciding, for Section 6(2)(a), whether the applicant is a suitable person to hold the licence, the Secretary may consider any relevant matter, including the following:
  - (a) the character of the applicant;
  - (b) the financial position of the applicant; and
  - (c) any other prescribed matter.
- (2) The applicant is taken not to be a suitable person to hold the licence if:
  - (a) the applicant has been refused a licence or had a licence cancelled, within 12 months before the application is made; or

- (b) the applicant or a person acting in the person's capacity as an agent or employee of the applicant, has contravened this Act within 5 years before the application is made.

## **8 Licence may be granted for period or event**

- (1) A gaming licence may be granted:
- (a) for the conduct of a game over a period; or
  - (b) for a single event.
- (2) A licence to conduct bingo may only be granted for a single event.

## **9 Form of licence**

A gaming licence shall:

- (a) be in writing;
- (b) identify or describe:
  - (i) each game that may be conducted under the licence; and
  - (ii) each place at which the game may be conducted; and
- (c) state:
  - (i) the name of the licensee;
  - (ii) the period of the licence; and
  - (iii) the conditions of the licence.

## **10 Conditions of licence**

A gaming licence is subject to the following conditions:

- (a) the licence shall be displayed at each place at which a game is conducted under the licence;
- (b) the game shall be conducted in a competent and fair manner by a person who is at least 18 years old;
- (c) the licensee shall ensure that each participant in the game is at least 18 years old;
- (d) the licensee shall keep a record of any prescribed information;
- (e) the licensee shall comply with this Act;
- (f) the licensee shall not conduct a game under the licence at any place that is not specified in the licence as a place at which the game may be conducted;
- (g) any other conditions that are specified in the licence or prescribed; and
- (h) if the licence fee for the licence has been waived under Section 14, the additional conditions specified in Section 14(4).

## **11 Renewal of licence**

- (1) This Section does not apply to a gaming licence that is granted for a single event.
- (2) A licensee who wishes to renew a gaming licence shall apply to the Secretary for the renewal at least 1 month before the licence expires.
- (3) If the application is not decided before the licence expires, the licence continues in force until the application is decided.
- (4) Sections 5 to 7 apply to the application as if it were an application for a new licence.

**12 Variation of licence conditions**

- (1) The Secretary may vary the conditions of a gaming licence:
  - (a) on the application of the licensee; or
  - (b) on the Secretary's initiative.
- (2) Before deciding to vary the conditions of a licence under subsection (1)(b), the Secretary shall:
  - (a) give the licensee a proposed decision notice for the decision; and
  - (b) consider any submissions received in response to the notice.
- (3) If the Secretary varies the conditions of a licence, the Secretary shall issue a new copy of the licence to the licensee showing the new conditions.
- (4) If the Secretary decides to vary the conditions of the licence under subsection (1)(b), the Secretary shall give the licensee an information notice for the decision.

**13 Suspension or cancellation of licence**

- (1) The Secretary may suspend a gaming licence if:
  - (a) the Secretary suspects on reasonable grounds that the licensee:
    - (i) has failed to comply with a condition of the licence; or
    - (ii) is no longer a suitable person to hold the licence; and
  - (b) the suspension is necessary while the Secretary determines whether the licence should be cancelled.
- (2) If the Secretary suspends the licence, the Secretary shall give the licensee a notice specifying:
  - (a) the reason for the suspension; and
  - (b) the circumstances in which the suspension will be lifted.
- (3) The Secretary shall cancel a gaming licence if:
  - (a) the licensee is convicted of an offence against Section 22; or
  - (b) the Secretary believes on reasonable grounds that the licensee is no longer a suitable person to hold the licence.
- (4) The Secretary may cancel a gaming licence if the Secretary believes on reasonable grounds that the licensee has failed to comply with a licence condition, even if the licensee has not been charged with or convicted of an offence against Section 22.
- (5) Before deciding to cancel a gaming licence, the Secretary shall:
  - (a) give the licensee a proposed decision notice for the decision; and
  - (b) consider any submissions received in response to the notice.
- (6) If the Secretary decides to cancel the licence, the Secretary shall give the licensee an information notice for the decision.

**14 Waiver of licence fee**

- (1) A person may apply to the Secretary for waiver of the licence fee for a gaming licence to conduct one of the following games for a charitable purpose:
  - (a) a raffle; or
  - (b) karti.
- (2) The Secretary may waive the fee if the Secretary is satisfied that the primary purpose of conducting the game is to raise funds for a charitable purpose.

- (3) The Secretary may only waive the fee in relation to a licence for a single event.
- (4) In addition to the conditions mentioned in Section 10(a) to (g), a gaming licence for which the fee is waived under this Section is subject to the following conditions:
  - (a) the following matters shall be included on all tickets for the game or displayed at all places where tickets for the game can be obtained:
    - (i) the charitable purpose for which funds will be raised, which shall be the same as the charitable purpose stated in the application for the waiver; and
    - (ii) the minimum percentage of funds raised by the game that will be used for the charitable purpose; and
  - (b) the percentage disclosed under paragraph (a), or more, of the funds raised by the game shall be used for the charitable purpose stated in the application for the waiver.

## **15 Refund of licence fee – refusal to grant licence**

- (1) This Section applies if:
  - (a) a person applies for a gaming licence;
  - (b) the person pays the licence fee for the licence; and
  - (c) the Secretary refuses to grant the licence.
- (2) The Secretary shall refund the licence fee to the person.

## **16 Refund of licence fee – return of licence**

- (1) This Section applies if:
  - (a) a person applies for a gaming licence to conduct a game;
  - (b) the person pays the licence fee for the licence; and
  - (c) the person does not conduct a game under the licence at any time:
    - (i) for reasons beyond the person's control; or
    - (ii) because the licence has been issued subject to conditions that the licensee is not willing to accept.
- (2) The person may return the licence to the Secretary within 14 days after it is granted.
- (3) If the person returns the licence under subsection (2), the Secretary shall refund the licence fee to the person.
- (4) For the purposes of subsection (1)(c), a person conducts a game if the person:
  - (a) begins the game; or
  - (b) accepts bets or sells tickets for the game.

### PART 3 — OFFENCES

#### **17 Arranging unlawful gaming and betting**

A person commits an offence if the person arranges:

- (a) an unlawful game; or
- (b) unlawful betting.

Maximum penalty: \$50,000 and 2 years imprisonment.

#### **18 Conducting unlawful gaming or betting**

A person commits an offence if the person conducts:

- (a) an unlawful game; or
- (b) unlawful betting.

Maximum penalty: \$50,000 and 2 years imprisonment.

#### **19 Person in charge of place used for unlawful gaming or betting**

(1) A person commits an offence if the person:

- (a) is in charge of a place being used for the conduct of an unlawful game; and
- (b) knows the place is being used for the conduct of an unlawful game.

Maximum penalty: \$10,000 and 6 months imprisonment.

(2) A person commits an offence if the person:

- (a) is in charge of a place being used for the conduct of unlawful betting; and
- (b) knows the place is being used for the conduct of unlawful betting.

Maximum penalty: \$10,000 and 6 months imprisonment.

#### **20 Advertising unlawful gaming or betting**

A person commits an offence if the person:

- (a) places, displays or broadcasts an advertisement for an unlawful game or unlawful betting; or
- (b) does anything else that promotes or entices a person to participate in, an unlawful game or unlawful betting.

Maximum penalty: \$10,000 and 6 months imprisonment.

#### **21 Participating in unlawful gaming or betting**

(1) A person commits an offence if the person:

- (a) participates in an unlawful game; and
- (b) knows the game is an unlawful game.

Maximum penalty: \$10,000 and 6 months imprisonment.

(2) A person commits an offence if the person:

- (a) participates in unlawful betting; and
- (b) knows the betting is unlawful betting.

Maximum penalty: \$10,000 and 6 months imprisonment.

**22 Failure to comply with licence condition**

A licensee for a gaming licence commits an offence if the licensee fails to comply with a condition of the licence.

Maximum penalty: \$20,000 and 12 months imprisonment.

## PART 4 — REVIEWABLE DECISIONS

### 23 Review of decision

- (1) A person who is entitled to be given an information notice for a decision may apply to the Minister for review of the decision.
- (2) The application for review shall be made within 28 days after:
  - (a) if the person receives an information notice for the decision, the day the person receives the notice; or
  - (b) if the person does not receive an information notice for the decision, the day the person becomes aware of the decision.
- (3) The application shall be in writing and shall set out the reasons for the application.
- (4) The Minister shall, in considering application for review may:
  - (a) affirm;
  - (b) vary;
  - (c) set aside; or
  - (d) substitute,  
a decision.





## PART 5 — ENFORCEMENT

### 24 Appointment of authorised officers

The Secretary may appoint a person to be an authorised officer.

### 25 Identity cards

- (1) The Secretary shall issue to a person appointed as an authorised officer an identity card:
  - (a) specifying the person's name;
  - (b) including a recent photograph of the person; and
  - (c) stating that the person is an authorised officer for this Act.
- (2) A person who has been issued with an identity card under subsection (1) and ceases to be an authorised officer shall return the card to the Secretary as soon as practicable.

Maximum penalty: \$50.

- (3) Subsection (2) does not apply if the person has a reasonable excuse.

### 26 General powers and functions of authorised officers

- (1) An authorised officer has the following powers and functions:
  - (a) to ensure this Act is complied with; and
  - (b) any other powers or functions given to the officer by this Act or another written law.
- (2) When exercising a power or performing a function, an authorised officer is subject to the directions of the Secretary.

### 27 Powers of entry and investigation – authorised officers

For the performance of an authorised officer's functions, an authorised officer may:

- (a) enter:
  - (i) a public place; or
  - (ii) a place that is used as commercial premises, including any part of the place, other than a residential part of the place, to which access is ordinarily restricted to persons who own, manage or are employed at the place; and
- (b) do any of the following:
  - (i) inspect the place or anything found at the place;
  - (ii) open a container, receptacle or package found at the place;
  - (iii) seize and remove anything found at the place;
  - (iv) require a person at the place to answer questions, produce a document or thing under the person's control or give any other assistance the officer requires to carry out his or her functions;
  - (v) examine, copy or take extracts from a document found at the place; or
  - (vi) take photographs, films or audio, video or other recordings.

### 28 Powers of entry and investigation – police officers

A police officer may enter any place, including residential premises, and do

anything mentioned in Section 27(b), if the police officer reasonably believes doing so may disclose evidence of or otherwise relates to an offence against this Act.

**29 Obstruction of authorised officer**

A person shall not obstruct an authorised officer exercising a power or performing a function under this Act or another written law.

Maximum penalty: \$10,000 and 6 months imprisonment.

**30 Complaints about licensee**

A person may complain to the Secretary about the conduct of a licensee.

## PART 6 — ADMINISTRATIVE MATTERS

### 31 Regulations

- (1) The Cabinet may make regulations under this Act.
- (2) Without limiting subsection (1), the regulations may:
  - (a) prescribe the fees payable under this Act;
  - (b) prescribe, as a condition of a gaming licence, a requirement for the licensee to pay a bond, to be held by the Republic, as security for prize money offered by the licensee in relation to a game conducted under the licence;
  - (c) give a person discretion to decide a matter; and
  - (d) apply, adopt or incorporate, with or without changes, the whole or part of a document as in force or existing at a particular time or from time to time.



**SCHEDULE 1**

*[Section 3]*

**TABLE GAMES**

Baccarat  
Blackjack  
Casino war  
Fan-Tan  
Faro  
Poker  
Teen Patti  
Two-up  
Penny-up  
Craps  
Pai Gow  
Sic bo  
Big Six wheel  
Roulette



# Gaming Regulations 2011

## TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Licence fees
4	Prescribed form
5	Exempt games – raffles and karti
6	Transitional matter – games other than bingo
	SCHEDULE 1 — LICENCE FEES
	SCHEDULE 2





# Gaming Regulations 2011

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## TABLE OF AMENDMENTS

The Gaming Regulations 2011 SL 7 were notified on 2 December 2011 and commenced on 3 December 2011 (reg 2).

<b>Amending Legislation</b>	<b>Notified</b>	<b>Date of Commencement</b>
Gaming (Amendment) Regulations 2012 SL 1	30 March 2012	1 April 2012
Gaming (Amendment) Regulations 2016 SL 22	9 September 2016	9 September 2016
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021



The Cabinet makes the following Regulations under Section 31 of the *Gaming Act 2011*:

**1 Citation**

These Regulations may be cited as the *Gaming Regulations 2011*.

**2 Commencement**

These Regulations commence on 3 December 2011.

**3 Licence fees**

For the definition of '*licence fee*' in Section 3 of the Act, the licence fee for a gaming licence to conduct a game specified in Schedule 1, column 2 for the duration specified opposite in column 3 is the amount specified opposite in column 4.

**4 Prescribed form**

For the purposes of Section 5(2)(a) of the Act, the prescribed form for an application for a gaming licence is set out in Schedule 2.

**5 Exempt games – raffles and karti**

For the purposes of Section 4(1)(d) of the Act, the amount prescribed is \$250.

*[Note for regulation 5: This means that a raffle or game of karti for which the total value of prizes offered is less than \$250 is an exempt game under the Act.]*

**6 Transitional matter – games other than bingo**

- (1) This Regulation applies to a game mentioned in Section 5(1) of the Act, other than bingo, that is conducted:
  - (a) after the commencement of these Regulations; and
  - (b) before 1 April 2012.
- (2) The game is taken to be conducted in accordance with a gaming licence.
- (3) This Regulation expires on 1 April 2012.

*[Note for regulation 6: This means that the game is an exempt game until 1 April 2012. If the person who conducts the game does not hold a gaming licence to conduct the game before 1 April 2012 and continues to conduct the game, the game will no longer be an exempt game and will instead be an unlawful game.]*



## SCHEDULE 1

[Regulation 3]

### LICENCE FEES

[Sch 1 subst SL 22 of 2016 reg 4, opn 9 Sep 2016]

<b>Column 1 Item</b>	<b>Column 2 Game</b>	<b>Column 3 Duration of licence</b>	<b>Column 4 Fee</b>
1	Bingo	Single event	15% of the total value of prizes offered \$100 if prizes of minimal value offered
2	Betting on sports or other events	Single event 12 months	\$250 \$10,000 per premises
3	Lottery	Single event 12 months	\$250 \$5,000 per premises
4	Game to be played on a gaming machine	12 months	\$5,000 per premises
5	Table games	Single event 12 months	\$250 \$2,500 per premises



SCHEDULE 2



REPUBLIC OF NAURU

GAMING ACT 2011

[Regulation 4]

APPLICATION FOR GAMING LICENCE

<b>Name of applicant</b>	
<b>Telephone contact</b>	
<b>Email contact</b>	
<b>Place at which game will be conducted under licence</b> <i>Note: If game will be conducted at more than one place, specify each place</i>	
<b>Game to be conducted under licence</b>	
<input type="checkbox"/> Bingo	
<i>Specify total value of prizes offered:</i> _____	
<i>Specify licence fee:</i> _____	
<i>Specify total number of games conducted:</i> _____	
<i>List prizes offered:</i> _____ _____ _____ _____ _____ _____ _____	

\_\_\_\_\_  
\_\_\_\_\_

- Betting on sports or other events

*Specify each sport or event:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Lottery

*Specify type of lottery:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Gaming machine game

*Specify each game:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Specify total number of gaming machines:*

\_\_\_\_\_

- Table games

*Specify each game:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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**Duration of licence**

*Note: For bingo, the only licence available is a single event licence.*

Single event

*Specify date and time of event:*

---

12 months

*Before you submit your application:*

- *pay the licence fee and attach evidence of the payment to this form; OR*
- *if you are applying for a licence to conduct a raffle or karti for a charitable purpose and would like to apply for waiver of the licence fee – attach an application (in the form of a letter) for the waiver, specifying the charitable purpose.*

