

Queensland



LOTTERIES AMENDMENT ACT 1995

Act No. 45 of 1995

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Queensland



Lotteries Amendment Act 1995

Act No. 45 of 1995

*An Act to amend the **Lotteries Act 1994***

[Assented to 22 November 1995]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Lotteries Amendment Act 1995*.

Amended Act

2. This Act amends the *Lotteries Act 1994*.

Amendment of s 13 (Establishment and functions of Board)

3. Section 13(2)—

omit, insert—

‘(2) The board’s primary function is to act, within the limits of the powers delegated to the board by the corporation, as the delegate of the corporation, including for the following—

- (a) setting, and measuring achievement against, financial and non-financial performance targets;
- (b) developing business strategies to optimise the corporation’s commercial performance;
- (c) guiding the corporation’s marketing strategies through advertising and promotion campaigns, distribution strategies and customer service standards;
- (d) researching and developing new gaming schemes and products to maintain and enhance the corporation’s position in the entertainment industry;
- (e) investigating technological initiatives to improve operational efficiency and customer service;
- (f) reviewing decisions made by the corporation that affect agents.

‘(3) The board must perform the other functions prescribed under a regulation.’.

Amendment of s 14 (Appointment of board members)

4.(1) Section 14(1)—

omit, insert—

‘**14.(1)** The Governor in Council may appoint—

- (a) persons to be members of the board; and
- (b) 1 of the members to be the board’s chairperson.’.

Omission of pt 3 (Lottery licences)

5. Part 3—

omit.

Replacement of s 49 (Minimum amount of subscription to be paid as prizes)

6. Section 49—

omit, insert—

‘Prizes

‘**49.(1)** The prizes to be distributed in a drawing of a lottery must be in accordance with—

- (a) the rules for the lottery; and
- (b) to the extent that the rules for the lottery do not specify a prize structure for the lottery, the prize structure approved by the Minister for the lottery.

‘**(2)** However, the total value of the prizes for a drawing must be not less than 50% of the total subscriptions for the drawing.

‘**(3)** If a prize in a drawing of a lottery is property other than money or entry forms for a lottery, the value of the property is taken to be the cost of the property to the corporation.’.

Insertion of new ss 50A–50C

7. After section 50—

insert—

‘Jackpots

‘50A.(1) A rule for a lottery may provide for putting aside an amount (a **“jackpot”**) for a prize for which there is no winner, even though, for a drawing, section 49(2) would not be complied with.

‘(2) The rule must provide for how the jackpot may be won in a subsequent drawing for the lottery.

‘(3) Until a jackpot is distributed, it must be recorded in the corporation’s accounts as a reserve.

‘(4) However, a jackpot may be invested as part of the corporation’s funds.

‘Pooling arrangements

‘50B.(1) This section applies if—

- (a) there is an agreement between the corporation and a foreign agency about the conduct of a gaming scheme (the **“scheme”**) by the corporation and the foreign agency; and
- (b) the scheme is a combination of—
 - (i) a lottery; and
 - (ii) an equivalent gaming scheme conducted by the foreign agency (the **“foreign gaming scheme”**); and
- (c) for the scheme, the following amounts are pooled (the **“pooled amounts”**)—
 - (i) amounts paid as subscriptions for the lottery;
 - (ii) amounts paid by persons to the foreign agency in taking part in the foreign gaming scheme; and
- (d) the scheme has—
 - (i) a single drawing; and

(ii) a single schedule of prizes.

‘(2) Despite section 49(2), the value of prizes paid to persons from whom the corporation receives subscriptions may be less than 50% of the total of the subscriptions if the value of prizes for a drawing under the scheme is not less than 50% of the pooled amounts for the drawing.

‘(3) If a prize in a drawing under the scheme is property other than money or entry forms for the scheme, the value of the property is taken to be the cost of the property to the scheme.

‘(4) To avoid doubt, this section may be applied in conjunction with bonus prize money arrangements, jackpot arrangements, or both.

‘Withdrawal of unsold entry forms in certain circumstances

‘**50C.(1)** This section applies to a lottery if, under the rules for the lottery, a person takes part in the lottery through entry forms that are printed in a way enabling a person to find out immediately whether the person has won a prize.

Example—

A lottery known as instant casket, commonly known as instant scratch-its.

‘(2) The corporation may withdraw all entry forms for a drawing in the lottery, and for which no subscription has been paid, if—

- (a) the drawing for the lottery cannot proceed in a way that is substantially consistent with the prize structure for the drawing because of the way the entry forms have been printed; or
- (b) prizes included in the prize structure for the lottery are no longer—
 - (i) available; or
 - (ii) of any value.

Example for subsection (2)(b)(ii)—

Some of the prizes for the drawing are tickets to a sporting event, but the event is held before all entry forms have been subscribed for.

‘(3) The corporation may withdraw entry forms for a drawing in the lottery if the forms are damaged or stolen.

‘(4) However, the corporation must not withdraw entry forms under this section until it notifies the withdrawal in the gazette.

‘(5) Also, as soon as practicable after entry forms are withdrawn under subsection (2), the corporation must advertise the withdrawal in a newspaper circulating generally in the State, and may advertise the withdrawal in any other way.

‘(6) Subsections (2) and (3) apply despite section 49(2).’.

SCHEDULE

MINOR AMENDMENTS

section 2

1. Section 4, definitions “application for a lottery licence”, “foreign agency”, “licensee”, “licensee payment period”, “lottery licence”, “lottery property”, “selling fee” and “subscription”—

omit.

2. Section 4—

insert—

“**agency agreement**” means an agreement between the corporation and an adult providing for—

- (a) the appointment of the person as an agent for the corporation for the conduct of lotteries; and
- (b) the person’s authority as an agent; and
- (c) the conditions under which the person acts as, and remains, an agent of the corporation; and
- (d) other matters agreed between the corporation and the person.

“**agency payment period**”, for a lottery, means the period prescribed under the rules for the lottery during which a prize in a drawing of the lottery may be claimed from an agent.

“**agent**” means a person appointed under an agency agreement.

“**foreign agency**” means any of the following—

- (a) a department of government of another jurisdiction authorised by the law of the other jurisdiction to conduct a gaming scheme;
- (b) a statutory body or corporation established under the law of another jurisdiction that is authorised by the law of the other

SCHEDULE (continued)

jurisdiction to conduct a gaming scheme;

- (c) another entity permitted by the law of another jurisdiction to conduct a gaming scheme or similar activity.

“**selling fee**” see section 5A.

“**subscription**” see section 5A.’.

3. Section 4, definition “Board”, ‘Advisory’—

omit.

4. Section 5(4), ‘a licensee’—

omit, insert—

‘an agent’.

5. Section 5(5), ‘some, but not all,’—

omit, insert,—

‘some or all’.

6. Part 1—

insert—

‘Meaning of “selling fee” and “subscription fee”

‘**5A.(1)** A person who wishes to take part in a lottery pays an amount made up of a “**selling fee**” and a “**subscription**”.

‘**(2)** The “**selling fee**” is the amount set by the corporation, and notified in the gazette, as the amount to which an agent is entitled for processing the entry form for the person for the lottery.

‘**(3)** The “**subscription**” is the amount set by the corporation, and notified in the gazette, as a subscription for the lottery.’.

SCHEDULE (continued)

7. Part 2, heading, ‘Advisory’—

omit.

8. Section 8(b), ‘lottery licences for lotteries’—

omit, insert—

‘agency agreements’.

9. Section 8(c), ‘license adults under this Act’—

omit, insert—

‘enter into agency agreements’.

10. Section 8(c), ‘the licensees’—

omit, insert—

‘agents’.

11. Section 9(2)(a), ‘agreements with licensees’—

omit, insert—

‘agency agreements’.

12. Section 9(2)(e)—

omit, insert—

‘(e) appoint persons (other than under agency agreements) to act for the corporation; and’.

13. Part 2, div 3, heading, ‘Advisory’—

omit.

SCHEDULE (continued)

14. Section 13(1), ‘Advisory’—

omit.

15. Section 47(4), ‘a licensee’—

omit, insert—

‘an agent’.

16. Sections 47(4) and 52(1), ‘or licensee’—

omit, insert—

‘or agent’.

17. Section 47(6)—

omit.

18. Section 50(1), ‘game of the lottery even though section 49’—

omit, insert—

‘drawing of the lottery even though section 49(2)’.

19. Section 50(5), ‘an accumulation of’—

omit.

20. Section 51(1)—

omit, insert—

‘**51.(1)** In the agency payment period for a lottery, a claim for payment of a prize in the lottery may be made to the corporation or an agent.’.

SCHEDULE (continued)

21. Sections 51(2) and 52(4), ‘licensee’—

omit, insert—

‘agency’.

22. Section 52(1), (3) and (5), ‘a licensee’—

omit, insert—

‘an agent’.

23. Section 52(2)—

omit, insert—

‘(2) However, an agent must not pay a claim for a prize that is more than an amount stated in the agency agreement between the corporation and the agent.’.

24. Section 57—

omit, insert—

‘Investment of funds

‘**57.(1)** The corporation is taken to be a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*, part 5.

‘**(2)** The *Statutory Bodies Financial Arrangements Act 1982*, sections 48 and 50, (other than the provisions already applied under section 50(2) of that Act) are declared to apply, without limit of time, for the corporation for all securities, investments and other financial arrangements.’.

25. Sections 60, 62, 65(3)(c), 66 and 69(1), ‘a licensee’—

omit, insert—

‘an agent’.

SCHEDULE (continued)

26. Section 60, heading, ‘licensee’—

omit, insert—

‘agent’.

27. Section 62(2), ‘or licensee’—

omit, insert—

‘or agent’.

28. Section 65(1)—

omit, insert—

‘**65.(1)** This section does not apply to—

- (a) an agent, to the extent that the agent is authorised under an agency agreement to do a thing proscribed by this section; or
- (b) a person authorised in writing by the corporation to do a thing proscribed by this section.’

29. Sections 67 and 68—

omit.

30. Section 72(4)(a)(i) and (c), ‘a lottery licence’—

omit, insert—

‘an agency agreement’.

31. Sections 72(4)(b) and 77(2)(e), ‘a licensee’—

omit, insert—

‘an agent’.

SCHEDULE (continued)

32. Section 72(4)(d)—

omit.

33. Section 74(1)—

omit, insert—

‘74.(1) The corporation’s seal is to be kept by the chief executive officer and may be used only under the authority of the corporation.’

34. Section 77(2)(b) to (d)—

omit, insert—

- (b) the conduct of the business of the board, including the following—
 - (i) meeting procedures;
 - (ii) ways of voting;
 - (iii) records to be kept;
- (c) entering into agency agreements, including, for example, the matters the corporation must have regard to before entering into an agency agreement;
- (d) fees fixed under agency agreements and other fees fixed by the corporation;’.

35. Section 77(2)(f), ‘licensees’—

omit, insert—

‘agents’.

36. Section 77(2)(g) to (i)—

omit, insert—

SCHEDULE (continued)

‘(g) amounts the corporation may charge an agent, including, for example, handling and delivery charges.’.

37. Part 7—

insert—

‘Numbering and renumbering of Act

‘77A. In the next reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act (other than this section) must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.’.

38. Section 79(1), ‘a lottery licence granted by the Corporation’—

omit, insert—

‘an agency agreement’.

39. Section 82—

omit.

40. Section 79, heading—

omit, insert—

‘Continuation of existing agency agreements’.