

Queensland



Lotteries Act 1997

LOTTERIES REGULATION 1997

**Reprinted as in force on 1 August 1997
(Regulation not amended up to this date)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This regulation is reprinted as at 1 August 1997.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to correct minor errors (s 44).

See endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including table of corrected minor errors.**

Queensland



LOTTERIES REGULATION 1997

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LOTTERIES REGULATION 1997

[reprinted as in force on 1 August 1997]

Short title

1. This regulation may be cited as the *Lotteries Regulation 1997*.

Commencement

2. This regulation commences on the day section 8¹ of the Act commences.

Definitions

3. In this regulation—

“audit computer system” means a computer system, separate from a lotteries computer system, used by a lottery licensee to check the amounts received from the sale of tickets, the number of winners and the prizes payable in each drawing of an approved lottery.

“classified lottery” means—

- (a) a declared lottery; or
- (b) an approved lottery known as instant scratch-its, golden casket or pools.

“declared lottery” means an approved lottery known as oz lotto, powerball, Saturday gold lotto, super 66 or Wednesday gold lotto.

“golden casket winning number generator” means a device designed and used to select, at random and 1 at a time, the winning numbers in a drawing of an approved lottery known as golden casket.

“instant prize” means a prize that is known to be won when the matter printed in a game panel or panels on a ticket is exposed.

¹ Section 8 (Lawful activities)

“instant scratch-its” means a lottery in which—

- (a) instant prizes are decided; and
- (b) additional prizes may be decided.

“lotteries computer system” means a computer system used for the conduct of lotteries by a lottery licensee under a lottery licence.

“lotteries ticket terminal” means a terminal that—

- (a) is part of a lotteries computer system; and
- (b) is used at the point of sale of tickets in an approved lottery.

“monthly gross revenue” see section 8.

“Wednesday gold lotto ball drawing device” means a device used to draw the winning numbers in a drawing of the approved lottery known as Wednesday gold lotto.

Prohibited words—Act, s 6

4. The following words are prescribed for section 6(5)² of the Act—

- casket
- lotto
- powerball
- scratch-it.

Persons with whom lottery licensee may enter into agency agreements—Act, s 79

5.(1) This section prescribes the persons eligible to be lottery agents for section 79(1)³ of the Act.

(2) If section 79(1)(a) of the Act applies, the person prescribed is a person who is the owner and controller of a small business that—

- (a) is a retail business; or

² Section 6 (Requirement for lottery licence)

³ Section 79 (Conditions for entering into agency agreement)

(b) is operated or intended to be operated from retail shopping premises.

(3) If section 79(1)(a) of the Act does not apply because of section 79(2)(a), the person prescribed is the owner and controller of a business in relation to which a previous agency agreement applied.

(4) If section 79(1)(a) of the Act does not apply because of section 79(2)(b), the person prescribed is the owner and controller of a mail order business.

Lottery tax—Act, s 94

6.(1) This section prescribes matters about the calculation and payment of the lottery tax for section 94(2)⁴ of the Act.

(2) The lottery tax is payable for each month.

(3) The lottery tax is to be paid on or before the seventh day of the month immediately following the month for which the tax is payable.

(4) The lottery tax payable for a month is the sum of the following amounts—

- (a) 62% of the lottery licensee's monthly gross revenue for the month from declared lotteries;
- (b) 55% of the lottery licensee's monthly gross revenue for the month from the approved lottery known as instant scratch-its;
- (c) 45% of the lottery licensee's monthly gross revenue for the month from the approved lottery known as golden casket;
- (d) 59% of the lottery licensee's monthly gross revenue for the month from the approved lottery known as pools.

Returns for calculation of lottery tax—Act, s 96

7.(1) This section prescribes matters about returns for section 96 of the Act.

(2) A return must be given for each month.

⁴ Section 94 (Liability to tax)

(3) A return must be given on or before the seventh day of the month immediately following the month to which the return relates.

(4) A return must set out the following details for each classified lottery for the month to which the return relates—

- (a) the total amount paid for tickets for all drawings of the lottery;
- (b) the total amount set aside from the amount mentioned in paragraph (a) for payment of prizes;
- (c) the lottery licensee's monthly gross revenue.

Calculation of monthly gross revenue

8.(1) Monthly gross revenue, for a lottery licensee, for a classified lottery, for a month, is the amount calculated using the following formula—

$$\text{MGR} = \text{A} - \text{P}.$$

(2) In the formula in subsection (1)—

“**MGR**” means the monthly gross revenue.

“**A**” means the total amount (the “**total receipts**”) paid for tickets (excluding mail order fees) for all drawings of the classified lottery that take place in the month.

“**P**” means the total amount set aside from the total receipts for payment of prizes in the classified lottery.

(3) In this section—

“**mail order fee**”, for a ticket in a classified lottery, means any amount, additional to the price of the ticket, charged by a lottery agent for selling the ticket (whether by mail or otherwise) to a person outside Queensland.

Percentages for penalties for late payment—Act, s 97

9.(1) For section 97(2)⁵ of the Act, the percentage prescribed is 5%.

(2) For section 97(4) of the Act, the percentage prescribed is 5%.

⁵ Section 97 (Penalty for late payment)

Places of operation for lottery agents—Act, s 125

10. For section 125(2)⁶ of the Act, the following kinds of places are prescribed as appropriate for a lottery agent—

- (a) retail business premises;
- (b) retail shopping premises;
- (c) other commercial premises or offices.

Requests to resolve claims for payment—Act, s 138

11.(1) This section prescribes, for section 138(4)⁷ of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 138(2) of the Act, to resolve a claim for payment of a prize in an approved lottery.

(2) The chief executive must ask the lottery licensee to immediately try to resolve the claim.

(3) If, within 14 days of making the request under subsection (2), the chief executive is not advised of the resolution of the claim by the lottery licensee or claimant, the chief executive must by written notice given to the licensee invite the licensee, and by written notice given to the claimant invite the claimant, to make a written submission to the chief executive about the claim within 1 month after receiving the notice (the “**submission period**”).

(4) The chief executive may—

- (a) cause an investigation to be made about any matter the chief executive considers is relevant to the claim; and
- (b) request a report of the investigation to be given to the chief executive.

(5) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made in the submission period by the lottery licensee and claimant; and

⁶ Section 125 (Places of operation)

⁷ Section 138 (Claims for payment)

- (b) consider any report given to the chief executive under subsection (4); and
- (c) make a decision about the claim; and
- (d) give the lottery licensee and claimant a written notice stating the decision and the reasons for the decision.

(6) However, the chief executive is not required to take or complete action under subsection (5) if the chief executive is advised of the resolution of the claim by the lottery licensee or claimant.

(7) Nothing in this section affects or prejudices any other right or remedy of a lottery licensee or participant in a lottery.

Requests to review decisions about claims for payment—Act, s 138

12.(1) This section prescribes, for section 138(4)⁸ of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 138(2) of the Act, to review a decision of a lottery licensee (the “**licensee’s decision**”).

(2) The chief executive must either review, or refuse to review, the licensee’s decision.

(3) The chief executive may refuse to review the licensee’s decision only if—

- (a) the request was not made within 10 days after the claimant received the claim result notice for the decision; or
- (b) the chief executive considers the request was not made in good faith or is frivolous.

(4) If the chief executive decides to refuse to review the licensee’s decision, the chief executive must—

- (a) give written notice of the chief executive’s decision to the lottery licensee and claimant; and
- (b) give the claimant a written notice stating the reasons for the chief executive’s decision.

⁸ Section 138 (Claims for payment)

(5) If the chief executive decides to review the licensee's decision, the chief executive must—

- (a) give the lottery licensee a copy of the claimant's request; and
- (b) by written notice given to the licensee invite the licensee, and by written notice given to the claimant invite the claimant, to make a written submission to the chief executive about the licensee's decision within 1 month after receiving the notice (the **"submission period"**).

(6) The chief executive may—

- (a) cause an investigation to be made about any matter the chief executive considers is relevant to the review; and
- (b) request a report of the investigation to be given to the chief executive.

(7) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made in the submission period by the lottery licensee and claimant; and
- (b) consider any report given to the chief executive under subsection (6); and
- (c) make a decision about the review; and
- (d) give the lottery licensee and claimant a written notice stating the decision and the reasons for the decision.

(8) Nothing in this section affects or prejudices any other right or remedy of a lottery licensee or participant in a lottery.

Entities to whom information may be disclosed—Act s 225

13. The entities prescribed for section 225(3)(a)⁹ of the Act are set out in schedule 1.

⁹ Section 225 (Confidentiality of information)

Regulated lottery equipment—Act, sch 3

14. For the definition “**regulated lottery equipment**” in schedule 3¹⁰ of the Act, the lottery equipment specified in schedule 2 is regulated lottery equipment.

Fees

15. The fees payable under the Act are in schedule 3.

¹⁰ Schedule 3 (Dictionary)

SCHEDULE 1**PRESCRIBED ENTITIES**

section 13

Alberta (Canada) Gaming Commission
Australian Bureau of Criminal Intelligence
Australian Capital Territory Casino Surveillance Authority
Australian Capital Territory Gaming and Liquor Authority
Australian Capital Territory Police
Australian Federal Police
Australian Security Intelligence Organisation
Australian Taxation Office
British Colombia (Canada) Public Gaming Branch
Colorado State Police
Colorado (USA) Division of Gaming
Criminal Justice Commission
Gaming Board of Great Britain
Gaming Board of the Commonwealth of the Bahamas
Interpol
National Crime Authority
Nevada (USA) Gaming Commission
Nevada (USA) Gaming Control Board
New Jersey (USA) Casino Control Commission
New Jersey (USA) Division of Gaming Enforcement
New South Wales Casino Control Authority

SCHEDULE 1 (continued)

New South Wales Department of Gaming and Racing

New South Wales Liquor Administration Board

New South Wales State Police

New Zealand Casino Control Authority

New Zealand Department of Internal Affairs

New Zealand Police

Northern Territory Police

Northern Territory Racing and Gaming Authority

Office of Consumer Affairs, Queensland

Queensland Liquor Licensing Division

Queensland Police Service

South Australian Casino Supervisory Authority

South Australian State Police

Tasmanian Racing and Gaming Commission

Tasmanian State Police

Victorian Casino and Gaming Authority

Victorian State Police

Western Australian Gaming Commission

Western Australian Office of Racing and Gaming

Western Australian State Police

SCHEDULE 2**REGULATED LOTTERY EQUIPMENT**

section 14

audit computer system

golden casket winning number generator

lottery tickets in instant scratch-its.

lotteries computer system (hardware and software)

lotteries ticket terminal

Wednesday gold lotto ball drawing device

SCHEDULE 3**FEES**

section 15

\$

- | | | |
|----|--|-----------|
| 1. | Application for lottery licence (s 9(2) of the Act) | 10 000.00 |
| 2. | Application for key person licence (s 47(2)(c) of the Act) | 275.00 |
| 3. | Issue of replacement key person licence (s 57(4) of the
Act) | 13.75 |
| 4. | Evaluation of regulated lottery equipment (s 133(3) of the
Act)—for each hour, or part of an hour, involved in
carrying out the evaluation | 90.00 |

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Lotteries Regulation 1997 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Lotteries Regulation 1997 SL No. 231

notfd gaz 1 August 1997 pp 1552–4

commenced 1 August 1997 (see s 2 and 1997 SL No. 230)

5 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS under the Reprints Act 1992 s 44

Provision	Description
5(1)	om ‘lotttery’ ins ‘lottery’