

# Queensland



## Subordinate Legislation 1997 No. 231

### *Lotteries Act 1997*

# LOTTERIES REGULATION 1997

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**FEES**

**Short title**

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

**Commencement**

2. This regulation commences on the day section 8<sup>1</sup> 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.

**“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.

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<sup>1</sup> Section 8 (Lawful activities)

**“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)<sup>2</sup> 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)<sup>3</sup> 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
- (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

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<sup>2</sup> Section 6 (Requirement for lottery licence)

<sup>3</sup> Section 79 (Conditions for entering into agency agreement)

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)<sup>4</sup> 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.

(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;

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<sup>4</sup> Section 94 (Liability to tax)

- (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)<sup>5</sup> of the Act, the percentage prescribed is 5%.

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

### **Places of operation for lottery agents—Act, s 125**

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

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<sup>5</sup> Section 97 (Penalty for late payment)

<sup>6</sup> Section 125 (Places of operation)

- (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)<sup>7</sup> 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
- (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

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<sup>7</sup> Section 138 (Claims for payment)

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)<sup>8</sup> 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.

(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

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<sup>8</sup> Section 138 (Claims for payment)



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)<sup>9</sup> of the Act are set out in schedule 1.

### **Regulated lottery equipment—Act, sch 3**

14. For the definition **"regulated lottery equipment"** in schedule 3<sup>10</sup> of the Act, the lottery equipment specified in schedule 2 is regulated lottery equipment.

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<sup>9</sup> Section 225 (Confidentiality of information)

<sup>10</sup> Schedule 3 (Dictionary)

**Fees**

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

## **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

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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

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### **ENDNOTES**

1. Made by the Governor in Council on 31 July 1997.
2. Notified in the gazette on 1 August 1997.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Treasury Department.