



Queensland

Gambling Legislation Amendment and Repeal Regulation (No. 1) 2010

Subordinate Legislation 2010 No. 198

made under the

Casino Control Act 1982

Charitable and Non-Profit Gaming Act 1999

Keno Act 1996

Lotteries Act 1997

Wagering Act 1998

Contents

		Page
Part 1	Preliminary	
1	Short title	5
2	Commencement	5
Part 2	Amendment of Casino Control Regulation 1999	
3	Regulation amended	5
4	Amendment of s 3 (Definitions)	5
5	Insertion of new ss 28–29B	5
	28 Conducting tournaments	6
	29 Entry fees for tournament	6
	29A Names of table games and wagers	6
	29B Permissible wagers	7
Part 3	Amendment of Charitable and Non-Profit Gaming Regulation 1999	
6	Regulation amended	8
7	Insertion of new s 2A	8
	2A Definition	8

Contents

8	Insertion of new ss 13–19	8
	13 Prohibition on certain advertisements	8
	14 Players to have equal chance of winning prize.	8
	15 Refunds	9
	16 Tickets to be issued only if correct price paid.	9
	17 Order in which prizes to be drawn	9
	18 Insurance for certain prizes	10
	19 Prohibited prizes.	10
Part 4	Amendment of Keno Regulation 2007	
9	Regulation amended	11
10	Insertion of new s 3A	11
	3A Meaning of keno supervisor	11
11	Insertion of new ss 15A–15M.	12
	15A Names of keno wagers.	12
	15B Drawing equipment.	12
	15C Drawing winning numbers	12
	15D How keno ball drawing device operates.	13
	15E Malfunction by keno ball drawing device	13
	15F Malfunction by keno random number generator.	14
	15G Major prizes	14
	15H Refund	14
	15I Unpaid prize money	15
	15J Meaning of winning wager	15
	15K Unredeemed keno dollars	16
	15L Meaning of jackpot fill.	16
	15M Meaning of keno bonus jackpot prize.	17
12	Amendment of sch 4 (Dictionary).	17
Part 5	Amendment of Lotteries Regulation 2007	
13	Regulation amended	18
14	Insertion of new s 4A	18
	4A Meaning of syndicate	18
15	Insertion of new ss 17AA–17BG	18
	17AA Opening a player account.	19
	17AB Registration as a restricted player	19
	17AC Registration as an unrestricted player	19
	17AD End of registration as a restricted player	20

17AE	Player account transactions	20
17AF	Access to player account	21
17AG	Minimum deposit for player account	21
17AH	Limits on deposits to player accounts	21
17AI	Only cleared funds to be used	22
17AJ	Refusal to accept a deposit or purchase	22
17AK	Restricted players not to make withdrawals or close accounts	22
17AL	Withdrawals by unrestricted players	22
17AM	Closing an unrestricted player's player account	23
17AN	Accounting for account balances for restricted players	23
17AO	Cancellation of a syndicate or syndicate shares	24
17AP	No requirement to check ticket corresponds with entry	24
17AQ	Cancellation of a lottery ticket by a lottery agent	24
17AR	Cancellation of a lottery ticket by a lottery operator	25
17AS	Void lottery tickets	26
17AT	Each drawing to be numbered	26
17AU	Announcement of provisional prize pool	26
17AV	Publication of results	27
17AW	Registered player as prize winner in division 1	27
17AX	Winning multi-week or twinpick lottery tickets and exchange receipts	27
17AY	Paper ticket to be returned if not a winning ticket	29
17AZ	Lottery operator not bound by agreement between members of group	30
17BA	Bonus prize reserve	30
17BB	Payment of bonus prize reserve into the consolidated fund	30
17BC	Pooling arrangements	31
17BD	Jackpot and bonus prize reserve funds to be division 1 prize	31
17BE	Payment of jackpot prize pool into the consolidated fund	32
17BF	Withdrawal of unsold lottery tickets	32
17BG	Guaranteed minimum prize payout for division 1	34
16	Amendment of sch 4 (Dictionary)	34

Contents

Part 6	Amendment of Wagering Regulation 1999	
17	Regulation amended	36
18	Amendment of s 3 (Definitions)	37
19	Insertion of new ss 15–15Y	38
	15 Limit on amount invested	38
	15A Cancellation of investment—fixed odds	39
	15B Cancellation of investment—sports totalisator	39
	15C Cancellation of investment—race totalisator	40
	15D Closing time for accepting investments	41
	15E Printed tickets	41
	15F Application to open deposit account	42
	15G Registration as a restricted investor	42
	15H Registration as an unrestricted investor	43
	15I End of registration as a restricted investor	43
	15J Limit on deposits by restricted investors	43
	15K Restricted investors may not make withdrawals or close accounts	43
	15L Withdrawals by unrestricted investors	44
	15M Refusal to accept a deposit or investment	44
	15N Closing an unrestricted investor’s deposit account	44
	15O Accounting for account balances for restricted investors	45
	15P Cancelling an investment made by telephone, automated device or the internet	45
	15Q Depositing funds for credit with licence operator	46
	15R Use of funds at credit on credit ticket	47
	15S Issue of replacement credit ticket	47
	15T Damaged credit tickets	47
	15U Request to stop payment on credit ticket	48
	15V Payouts, dividends or refunds as soon as practicable	48
	15W Publication of results	49
	15X Bonus prize reserve	49
	15Y Payment of bonus prize reserve into the consolidated fund	50
Part 7	Repeal provision	
20	Repeals	50

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Gambling Legislation Amendment and Repeal Regulation (No. 1) 2010*.

2 Commencement

This regulation commences on 30 July 2010.

Part 2 Amendment of Casino Control Regulation 1999

3 Regulation amended

This part amends the *Casino Control Regulation 1999*.

4 Amendment of s 3 (Definitions)

Section 3—

insert—

‘*rule* means a rule made under the *Casino Control Act 1982*, section 63.

table means a table for playing the game mentioned in the rule.

tournament means a tournament based on the playing of a game provided for in the rule.’

5 Insertion of new ss 28–29B

Part 5, after section 27—

insert—

[s 5]

‘28 Conducting tournaments

- ‘(1) The rules for conducting and playing a game in a tournament are the rules for the game in the rule, as varied by the Minister in a written notice given to the casino operator proposing to conduct the tournament.
- ‘(2) However, the provisions of the rule about conducting and playing a game may be varied only to the extent reasonably necessary to conduct the tournament.
- ‘(3) The chief executive must approve conditions for conducting the tournament, including, for example—
 - (a) the entry form to be used; and
 - (b) the entry fee to be paid.
- ‘(4) The casino operator must ensure—
 - (a) a game in the tournament is conducted and played under the rules applying to the game; and
 - (b) the conditions for conducting the tournament are complied with.

‘29 Entry fees for tournament

- ‘(1) All entry fees received by the casino operator must be included in a prize pool for distribution to the winning players.
- ‘(2) An entry fee or part of a fee must not be refunded unless permitted under the conditions for conducting the tournament.

‘29A Names of table games and wagers

- ‘(1) A casino operator may, with the chief executive’s approval, use any name the casino operator considers appropriate for a table game or a wager under the rule.
- ‘(2) In this section—

table game means a game played at a table.

‘29B Permissible wagers

- ‘(1) If a wager for an amount that is not within the permissible minimum and maximum wagers for a game is inadvertently made and accepted by a casino operator or a casino operator’s employee or agent, the wager—
- (a) if it is less than the permissible minimum—is valid; and
 - (b) if it is more than the permissible maximum—is void only to the extent of the amount more than the permissible maximum.

Note—

A casino patron may make arrangements with a casino operator about permissible minimum and maximum wagers—see the Act, section 64A.

- ‘(2) The casino operator may require wagers to be made in increments of a stated amount that is not more than the permissible minimum wager for the table.
- ‘(3) The amount of the increment must be displayed at the table on the same sign on which the minimum permissible wager is displayed.
- ‘(4) The letters and numbers on the sign showing the permissible minimum and maximum wagers for a table must be at least 8mm high.
- ‘(5) In this section—
- void*, for a wager, means the wager neither wins nor loses but is a stand off.’.

-
- ‘(2) However, subsection (1) does not apply to the following games—
- (a) a lucky envelopes game;
 - (b) a calcutta sweep as it relates to the auction held for the sweep;
 - (c) a promotional game that allows for 1 round in which players are eliminated.

‘15 Refunds

- ‘(1) This section applies if a person pays a fee to enter a game but the person is not issued with a ticket or the person’s ticket for the game is not included in the draw.
- ‘(2) The person conducting the game must refund the fee to the person as soon as practicable.

‘16 Tickets to be issued only if correct price paid

- ‘(1) A ticket for a game may be issued to a player only if the player has paid the correct price for the ticket.
- ‘(2) However, if the game has a series of draws over a period, a ticket may be issued to the player if the player has paid the amount that is enough to entitle the ticket to be entered in the next draw for the game.

‘17 Order in which prizes to be drawn

- ‘(1) If more than 1 prize is offered in a game, the major prize must be drawn first and the other prizes drawn in descending order of the prize number and value.
- ‘(2) However, subsection (1) does not apply if an alternative order of drawing is notified when tickets in the game are issued.
- ‘(3) Also, subsection (1) does not apply to a game involving an instant result ticket.
- ‘(4) In this section—

[s 8]

instant result ticket means a ticket that the player immediately knows if the player has won a prize by scratching or doing something else to it.

‘18 Insurance for certain prizes

‘An existing prize with a value of more than \$5000 must be insured against loss or damage for an amount equal to its current valuation for the period from when tickets for the game go on sale to the day the prize is given to the winner.

‘19 Prohibited prizes

- ‘(1) The following must not be offered as a prize for a game—
- (a) for a lucky envelopes game played using a scratch and reveal lucky envelope ticket—more than \$250 in cash;
 - (b) for another lucky envelopes game—more than \$500 in cash;
 - (c) for a game other than a lucky envelopes game or a promotional game—more than \$10000 in cash;
 - (d) a tobacco product;
 - (e) a weapon or ammunition;
 - (f) a surgical procedure;
 - (g) another item the sale or acquisition of which is restricted by legislation of the State or Commonwealth;
 - (h) a ticket or other chance in a game that is not approved under a gaming Act.
- ‘(2) Also, for a game other than a promotional game, alcohol must not be offered as a prize unless the alcohol has a retail value of \$1000 or less.

- ‘(3) In this section—

scratch and reveal lucky envelope ticket means a ticket which is scratched to reveal numbers, letters or symbols that may entitle the player to a prize.

[s 11]

11 Insertion of new ss 15A–15M

After section 15—

insert—

‘15A Names of keno wagers

‘A keno licensee may, with the chief executive’s approval, use any name the keno licensee considers appropriate for a wager for a keno game.

‘15B Drawing equipment

‘(1) A keno drawing device must be used to select the 20 winning numbers in a keno game.

‘(2) If a keno ball drawing device is used, a keno supervisor must—

- (a) each keno day, replace all balls in the device; and
- (b) regularly inspect the balls for defects and ensure any defective balls are replaced.

‘(3) In this section—

keno day means a period of about 24 hours proposed by a keno licensee and approved by the chief executive.

‘15C Drawing winning numbers

‘(1) As soon as a keno drawing device is activated to draw a keno game, notice must be given in the keno gaming place to advise persons the game is being drawn.

‘(2) If a keno ball drawing device is used to select the winning numbers in a keno game, the drawing must take place in a way that enables persons in the keno gaming place to view the drawing.

‘(3) If a keno random number generator is used to select the winning numbers in a keno game, the keno random number generator must be situated in a place approved by the chief executive.

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- ‘(4) The 20 numbers selected by the keno random number generator or the numbers on the 20 balls selected by the keno ball drawing device are the winning numbers for the game.
 - ‘(5) If a keno ball drawing device is used for the drawing and numbers other than the numbers on the balls selected are displayed, the numbers on the balls selected are the winning numbers.

‘15D How keno ball drawing device operates

‘A keno ball drawing device operates by—

- (a) rotating in 1 direction for at least 1 revolution to allow any balls held in the device’s retaining arms to return to the main body of the device and mix with the remainder of the balls; and
- (b) then rotating in the opposite direction drawing 1 ball only on each revolution until 20 balls are drawn.

‘15E Malfunction by keno ball drawing device

- ‘(1) This section applies if a keno ball drawing device malfunctions during a drawing.
- ‘(2) If the keno ball drawing device is capable of being operated by hand and in the way it is intended to operate, a keno supervisor may operate the device by hand to complete the drawing.
- ‘(3) If the keno ball drawing device is not capable of being operated by hand or of operating in the way it is intended to operate, the drawing is not effective for deciding the winning numbers.
- ‘(4) If a ball breaks and only part of the ball is drawn—
 - (a) the number on the part ball drawn is not a winning number; and
 - (b) the drawing must be completed; and

[s 11]

- (c) at the completion of the drawing, the keno supervisor, in the presence of an inspector, must replace all the balls in the keno ball drawing device.

‘15F Malfunction by keno random number generator

‘If a keno random number generator malfunctions during a drawing—

- (a) any numbers selected are not winning numbers for the drawing; and
- (b) before conducting a new drawing, the keno licensee must seek an inspector’s approval.

‘15G Major prizes

- ‘(1) If the total value of major prizes for a keno game is more than \$3m, the payout for each major prize of more than \$1000 must be abated proportionately, to ensure the total payout for major prizes for the game is not more than \$3m.

Example—

If the major prizes that would be payable in a keno game are prizes of \$1.8m, \$900000 and \$500000, the payouts will abate to \$1687500, \$843750 and \$468750 to ensure the total payout for major prizes is \$3m.

- ‘(2) However, a major prize will not be abated to less than \$1000 even though the total payout for major prizes for the game would be more than \$3m.

‘15H Refund

‘A person may obtain a refund for an amount wagered on a keno game before the keno drawing device is activated to draw the game.

‘15I Unpaid prize money

‘(1) Unpaid prize money must be paid by cheque to the chief executive as soon as practicable after becoming unpaid prize money.

‘(2) In this section—

unpaid prize money means the prize money for a winning wager not paid to, or to the order of, the prize winner within—

- (a) if the chief executive approves a period—the approved period; or
- (b) if the chief executive does not approve a period—5 years after the day on which the wager was made.

winning wager see section 15J.

‘15J Meaning of *winning wager*

‘(1) Subject to subsection (2), a *winning wager* in a keno game is a wager in which—

- (a) a number or numbers selected by a person taking part in the game matches or match a number or numbers selected by the keno drawing device as the winning numbers for the game; and
- (b) the combination of numbers matched and numbers selected by the person is a winning wager in the schedule of prizes.

‘(2) A winning heads wager, tails wager or evens wager is a wager in which the distribution of numbers for the wager correspond with the distribution of numbers selected by the keno drawing device.

‘(3) In this section—

evens wager means a wager in which a person makes a wager that 10 of the 20 numbers selected by the keno drawing device are between numbers 1 and 40 and the remaining 10 numbers selected are between numbers 41 and 80.

[s 11]

heads wager means a wager in which a person makes a wager that 11 or more of the 20 numbers selected by the keno drawing device are between numbers 1 and 40.

schedule of prizes, for a keno game, means the schedule of prizes approved for the game by the chief executive.

tails wager means a wager in which a person makes a wager that 11 or more of the 20 numbers selected by the keno drawing device are between numbers 41 and 80.

‘15K Unredeemed keno dollars

‘(1) Unredeemed keno dollars must be paid by cheque to the chief executive as soon as practicable after becoming unredeemed keno dollars.

‘(2) In this section—

keno dollars means a voucher for use at a keno terminal in place of money to make a wager, give change from a wager or pay winnings.

unredeemed keno dollars means keno dollars not used or redeemed for cash within—

- (a) if the chief executive approves a period—the approved period; or
- (b) if the chief executive does not approve a period—5 years after the day they were issued.

‘15L Meaning of *jackpot fill*

‘(1) A ***jackpot fill***, for a keno game, means a prize of a fixed amount that is approved by the chief executive as a jackpot fill for the game.

‘(2) The fill is payable only in relation to the first \$1 of the wager for the game to which it applies.

Example—

The jackpot fill payable to a person who wagers \$10 would be the same as the jackpot fill payable to a person who wagers \$1.

‘15M Meaning of keno bonus jackpot prize

- ‘(1) A *keno bonus jackpot prize*, for a keno game, means a prize of a fixed amount that is approved by the chief executive as a keno bonus jackpot prize for the game.
- ‘(2) The prize—
- (a) is payable only in relation to the first \$1 of the wager for the game to which it applies; and
- Example for paragraph (a)—*
- The keno bonus jackpot prize payable to a person who wagers \$10 would be the same as the keno bonus jackpot prize payable to a person who wagers \$1.
- (b) is not increased by the multiplier, if any, that applies to the related keno game.’.

12 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

‘jackpot fill see section 15L.

jackpot growth, for a keno game, means a prize that is—

- (a) in the keno computer system as the jackpot growth prize for the game; and
- (b) payable only in relation to the first \$1 of the wager for the game; and

Example for paragraph (b)—

The jackpot growth payable to a person who wagers \$10 would be the same as the jackpot growth payable to a person who wagers \$1.

- (c) calculated in a way approved by the chief executive.

keno bonus jackpot prize see section 15M.

keno drawing device means—

- (a) a keno ball drawing device; or
- (b) a keno random number generator.

‘17AA Opening a player account

- ‘(1) A registered player may apply to a lottery operator to open a player account with the lottery operator by giving the lottery operator the information for a player account as required by the lottery operator’s approved control system.
- ‘(2) A player account may be held in the name of only 1 registered player.
- ‘(3) Subject to sections 17AB and 17AC, the lottery operator may register the person as a restricted player or an unrestricted player.

‘17AB Registration as a restricted player

- ‘(1) A lottery operator must not register a person as a restricted player unless the lottery operator—
 - (a) carries out the registration under the lottery operator’s approved control system; and
 - (b) informs the person of the effect of sections 17AC, 17AD, 17AH, 17AJ(2), 17AK and 17AN(1) and (2).
- ‘(2) If the lottery operator registers a person as a restricted player, the lottery operator must, as soon as practicable after registering the person, give the person a notice stating the effect of sections 17AC, 17AD, 17AH, 17AJ(2), 17AK and 17AN(1) and (2).
- ‘(3) A notice under subsection (2) may be given in electronic form.

‘17AC Registration as an unrestricted player

- ‘A lottery operator must not register a person as an unrestricted player, unless—
- (a) the person’s identity has been authenticated under the lottery operator’s approved control system; and
 - (b) the person’s age has been verified under the lottery operator’s approved control system to be at least 18.

[s 15]

‘17AD End of registration as a restricted player

- ‘(1) A person who is registered as a restricted player may be registered as an unrestricted player.
- ‘(2) If a restricted player is registered as an unrestricted player, the person’s registration as a restricted player is cancelled.
- ‘(3) If a person’s registration as a restricted player is not sooner cancelled under subsection (2), the registration as a restricted player ends 90 days after the day the person was registered as a restricted player.

‘17AE Player account transactions

- ‘(1) A lottery operator may credit the following funds to a person’s player account—
 - (a) an amount deposited by the person;
 - (b) a prize or refund;
 - (c) an amount debited against the account in error.
- ‘(2) A lottery operator may debit the following funds against a person’s player account—
 - (a) an amount payable by the person for buying a lottery ticket;
 - (b) if the person is registered as an unrestricted player—a withdrawal under section 17AL;
 - (c) if the balance of the account is more than the authorised limit—an amount for payment to the person to reduce the balance of the account, calculated under the lottery operator’s approved control system;
 - (d) an amount credited to the account in error;
 - (e) another amount approved by the chief executive;
Example for paragraph (e)—
 - a fee payable by the lottery operator to a financial institution for processing an electronic transfer of funds from the account
 - (f) another amount allowed under this regulation.

‘17AF Access to player account

- ‘(1) This section applies if a person—
 - (a) wishes to use the person’s player account with a lottery operator to authorise a transaction on the account; or
 - (b) seeks information about the account from the lottery operator.
- ‘(2) The person must give the lottery operator the information required by the lottery operator to authenticate the person’s identity.

‘17AG Minimum deposit for player account

‘For depositing funds in a person’s player account, the person must give the lottery operator at least the minimum deposit amount decided by the lottery operator.

‘17AH Limits on deposits to player accounts

- ‘(1) A lottery operator must not allow the total amount of funds deposited by a restricted player to the player’s player account to be more than—
 - (a) \$1000; or
 - (b) if an amount less than \$1000 (an *approved amount*) is stated in the lottery operator’s approved control system as the maximum amount of funds that may be deposited to a restricted player’s player account—the approved amount.
- ‘(2) A lottery operator must not allow a person to deposit funds (a *deposit amount*) to the person’s player account if, the balance of the account, including the deposit amount, would be more than the authorised limit for the account.

[s 15]

‘17AI Only cleared funds to be used

- ‘(1) A person may use the person’s player account to buy a lottery ticket only if the price of the ticket is not more than the cleared funds in the player account.
- ‘(2) If a person attempts to buy a lottery ticket for more than the cleared funds in the person’s player account, the lottery operator must not allow the account to be used to buy the ticket.

‘17AJ Refusal to accept a deposit or purchase

- ‘(1) A lottery operator may refuse to accept a deposit of funds to, or the purchase of a lottery ticket with funds from, a player account, if the lottery operator reasonably believes the account is being, has been, or is about to be used in contravention of a law of a State or the Commonwealth.
- ‘(2) A lottery operator must refuse to accept a deposit of funds to, or the purchase of a lottery ticket with funds from, a restricted player’s player account, if the lottery operator reasonably believes it will not be able to authenticate the player’s identity or verify the player’s age under section 17AC.

‘17AK Restricted players not to make withdrawals or close accounts

‘A restricted player may not make a withdrawal from or close the player’s player account.

‘17AL Withdrawals by unrestricted players

‘An unrestricted player may only make the following withdrawals of funds from the player’s player account with a lottery operator—

- (a) a withdrawal of the whole or part of an amount credited by the lottery operator to the account as payment of a prize or refund;

- (b) a withdrawal of another amount, if the withdrawal is authorised under the lottery operator's approved control system;
- (c) a withdrawal of the balance of funds in the account to close the account.

'17AM Closing an unrestricted player's player account

- '(1) A lottery operator may close an unrestricted player's player account.
- '(2) Subject to subsection (3), if a lottery operator closes an unrestricted player's player account, the lottery operator must send the balance of funds in the account to the player.
- '(3) The lottery operator may deduct an account closing fee, in an amount stated in the lottery operator's approved control system, from the balance of funds sent to the player.
- '(4) This section does not apply to the extent the *Financial Transaction Reports Act 1988* (Cwlth) applies.

'17AN Accounting for account balances for restricted players

- '(1) This section applies if—
 - (a) a person's registration as a restricted player ends under section 17AD(3); and
 - (b) when the registration ends, an amount of funds (the ***account balance***) is standing to the credit of a player account established by a lottery operator in the name of the person.
- '(2) The lottery operator must close the account and pay the account balance to the chief executive.
- '(3) If an amount of the account balance is not paid under subsection (2) by the lottery operator, the State may recover the amount from the lottery operator as a debt.

[s 15]

‘(4) This section does not apply to the extent the *Financial Transaction Reports Act 1988* (Cwlth) applies.

‘17AO Cancellation of a syndicate or syndicate shares

- ‘(1) A syndicate may only be cancelled if all syndicate shares are available for sale.
- ‘(2) A syndicate share may only be cancelled at the place where the share was sold.
- ‘(3) To remove any doubt, it is declared that a syndicate share that is sold but later cancelled, is a share that is for sale.

‘17AP No requirement to check ticket corresponds with entry

‘A lottery agent or a lottery operator is not required to check that the information contained in a lottery ticket corresponds with the information requested by a person for entering a drawing of a lottery.

‘17AQ Cancellation of a lottery ticket by a lottery agent

- ‘(1) This section applies if a lottery agent gives a person a lottery ticket and the person asks the agent to cancel the ticket.
- ‘(2) The lottery agent must cancel the lottery ticket only if—
 - (a) 1 of the following applies—
 - (i) for a ticket for a syndicate share—the cancellation can be made at least 10 minutes before entries close for the drawing of the lottery to which the ticket relates;
 - (ii) for a ticket sold by a multi-week sale—entries have not closed for the first drawing to which the ticket relates;
 - (iii) otherwise—entries have not closed for the drawing to which the ticket relates; and

-
- (b) the agent, using a gaming terminal, is able to identify and cancel the entry for the ticket on the lotteries computer system.
 - ‘(3) If the lottery agent is not able to identify or cancel the entry for the lottery ticket under subsection (2)(b), the agent must ask the lottery operator to cancel the ticket.
 - ‘(4) If the lottery ticket is cancelled under subsection (2) or section 17AR(2), the lottery agent must—
 - (a) endorse the ticket as cancelled; and
 - (b) refund to the person who bought the ticket an amount equal to the price of the ticket.
 - ‘(5) Subsection (3) does not apply to a ticket for a syndicate share that can not be cancelled at least 10 minutes before entries close for the drawing of the lottery to which the ticket relates.

‘17AR Cancellation of a lottery ticket by a lottery operator

- ‘(1) This section applies if—
 - (a) a lottery agent asks a lottery operator to cancel a lottery ticket under section 17AQ(3); or
 - (b) a lottery operator gives a person a lottery ticket and the person asks the lottery operator to cancel the ticket.
- ‘(2) The lottery operator may cancel the lottery ticket only if—
 - (a) 1 of the following applies—
 - (i) for a ticket for a syndicate share—the cancellation can be made at least 10 minutes before entries close for the drawing of the lottery to which the ticket relates;
 - (ii) for a ticket sold by a multi-week sale—entries have not closed for the first drawing to which the ticket relates;
 - (iii) otherwise—entries have not closed for the drawing to which the ticket relates; and

[s 15]

- (b) the lottery operator is able to identify and cancel the entry for the ticket on the lotteries computer system; and
 - (c) the lottery operator considers it is practicable to cancel the ticket having regard to the procedures for cancelling tickets stated in the lottery operator's approved control system.
- '(3) If a lottery operator cancels a lottery ticket issued by the lottery operator, the lottery operator must refund to the person who bought the ticket an amount equal to the price of the ticket.

'17AS Void lottery tickets

- '(1) A lottery ticket is void if—
- (a) the lottery ticket is recorded in the lotteries computer system as cancelled; or
 - (b) information forming part of the lottery ticket is changed other than with the authority of the lottery operator.
- '(2) A person does not have a claim against a lottery operator for a prize based on a void lottery ticket.

'17AT Each drawing to be numbered

'Each drawing of a lottery must be given a number and be identified by the number.

'17AU Announcement of provisional prize pool

- '(1) The amount of the provisional prize pool for a drawing of a lottery must be announced at the drawing.
- '(2) In this section—
- provisional prize pool*, for a drawing of a lottery, means the amount estimated, at the drawing, to be available to pay all winning tickets in the drawing.

‘17AV Publication of results

- ‘(1) As soon as practicable after the drawing of a lottery, a lottery operator must—
 - (a) inform the lottery operator’s lottery agents of the winning numbers; and
 - (b) make the winning numbers available on the lottery operator’s website.
- ‘(2) Each agent must display the numbers at the agent’s place of operation.
- ‘(3) An agent may also display the following information—
 - (a) the amount of the prize pool in each division;
 - (b) the number of prize winners in each division;
 - (c) the estimated value of a prize in division 1 and the value of a prize in each of the other divisions.
- ‘(4) In this section—
place of operation, for a lottery agent, means the agent’s place of operation under the Act, section 125(2).

‘17AW Registered player as prize winner in division 1

‘As soon as practicable after the drawing of a lottery, the lottery operator must use the computer system to find out whether a division 1 prize-winning entry is the entry of a registered player.

‘17AX Winning multi-week or twinpick lottery tickets and exchange receipts

- ‘(1) This section applies if—
 - (a) a person, for payment of a prize in a drawing of a lottery, gives a paper ticket to a lottery operator or lottery agent; and

[s 15]

- (b) the ticket is for an entry in a drawing of the lottery, bought on the basis of a multi-week sale or twinpick sale; and
 - (c) the ticket is still current for 1 or more drawings of the lottery (the *remaining drawings of the lottery*).
- ‘(2) If the lottery’s computer system identifies the ticket as a prize-winning ticket (the *original ticket*), the lottery operator or lottery agent—
- (a) may use a gaming terminal to print the word ‘winner’ on the original ticket; and
 - (b) must—
 - (i) return the original ticket to the person; and
 - (ii) pay the prize to the person; and
 - (iii) give the person another ticket for the remaining drawings of the lottery (the *exchange receipt*).
- ‘(3) The exchange receipt must state—
- (a) the date and time the exchange receipt was given to the person; and
 - (b) the number or numbers identifying the remaining drawings of the lottery; and
 - (c) if the person has entered the drawing of the lottery as a registered player—the person’s player card number; and
 - (d) if the person has used the person’s registered numbers for the entry—the person’s registered numbers; and
 - (e) if paragraph (d) does not apply—the numbers selected in the entry; and
 - (f) if the entry is a standard entry, or system entry, for powerball—the powerball number; and
 - (g) if the entry is a powerhit entry—an indication the entry is a powerhit entry; and

-
- (h) if the entry is a syndicate share—an indication the entry is a syndicate share and the number of syndicate shares; and
 - (i) the name of the lottery agent or lottery operator who gave the exchange receipt; and
 - (j) the receipt number and bar code for the exchange receipt; and
 - (k) other information the lottery operator considers appropriate for the remaining drawings of the lottery.
- ‘(4) The exchange receipt is taken to be the person’s paper ticket for the remaining drawings of the lottery.

‘(5) In this section—

powerball has the meaning given by the rule.

powerhit entry has the meaning given by the rule.

registered numbers—

- (a) for a registered player for a lottery, means the numbers that the player has registered under the rule; or
- (b) for a lottery agent, means the numbers that the lottery agent has registered under the rule.

standard entry has the meaning given by the rule.

system entry has the meaning given by the rule.

‘17AY Paper ticket to be returned if not a winning ticket

- ‘(1) If a person claiming a prize gives a paper ticket to a lottery agent or a lottery operator, the lottery agent or lottery operator must return the ticket if it can not be identified as a winning ticket using a gaming terminal.
- ‘(2) However, subsection (1) does not apply if an investigation by an lottery operator is required under the rule for a lottery ticket that appears to be a prize-winning ticket but is not identified by the lotteries computer system.

[s 15]

‘17AZ Lottery operator not bound by agreement between members of group

‘A lottery operator is not bound by an agreement made between the members of a group of persons on whose behalf a person is a participant in a lottery.

‘17BA Bonus prize reserve

- ‘(1) If the rule provides for a stated part of the total subscriptions for a drawing of a lottery to be put aside to accumulate as part of a bonus prize reserve, the bonus prize reserve must, to the extent that it is not otherwise used for prizes under the rule, be distributed in payment of a prize or an additional prize in the lottery.
- ‘(2) However, if a lottery operator stops conducting a lottery (the *former lottery*) for which there is a bonus prize reserve, the lottery operator must, with the chief executive’s approval, distribute the bonus prize reserve for the former lottery in payment of a prize or an additional prize in another approved lottery.
- ‘(3) The lottery operator must identify the bonus prize reserve in the lottery operator’s accounting records as a bonus prize reserve until it is dealt with under subsection (1) or (2).

‘17BB Payment of bonus prize reserve into the consolidated fund

- ‘(1) This section applies if a person stops being a lottery operator.
- ‘(2) The person must pay to the chief executive the amount of a bonus prize reserve that has not been distributed under section 17BA.
- ‘(3) Subsection (2) does not apply to the bonus prize reserve for a local lottery conducted as part of a scheme mentioned in section 17BC.
- ‘(4) The chief executive must pay the amount received under subsection (2) into the consolidated fund.

‘17BC Pooling arrangements

- ‘(1) This section applies if—
- (a) there is an agreement between a lottery operator and a foreign agency about the operation of a scheme by the lottery operator and agency; and
 - (b) the scheme is a combination of—
 - (i) a lottery (the *local lottery*); and
 - (ii) a gaming scheme (the *foreign gaming scheme*) conducted by the foreign agency that is equivalent to the local lottery; and
 - (c) for the scheme, the following amounts are pooled—
 - (i) amounts paid as subscriptions for the local 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 set of prizes.
- ‘(2) The local lottery may be conducted as part of the scheme, and the provisions of the rule about the local lottery have effect subject to the operation of the scheme.
- ‘(3) For subsection (1)(b), a reference to equivalent, for a local lottery, includes being equivalent with respect to—
- (a) the local lottery’s prize structure; and
 - (b) the percentage the net prize pool for a drawing of the local lottery bears to the total subscriptions for the drawing.

‘17BD Jackpot and bonus prize reserve funds to be division 1 prize

- ‘(1) This section applies if—

[s 15]

- (a) a jackpot prize pool is available for a drawing of a lottery; and
 - (b) the lottery operator must distribute an amount from the bonus prize reserve for the division 1 prize in the same drawing.
- ‘(2) The jackpot prize pool and the amount from the bonus prize reserve are a single prize pool for the drawing and, for making a claim, must be treated as a division 1 prize.
- ‘(3) The lottery operator must identify the jackpot prize pool in the lottery operator’s accounting records as a jackpot prize pool until it is distributed in a drawing of the lottery.

‘17BE Payment of jackpot prize pool into the consolidated fund

- ‘(1) This section applies if a person stops being a lottery operator.
- ‘(2) The person must pay to the chief executive the amount of a jackpot prize pool that has not been distributed in a drawing of a lottery.
- ‘(3) The chief executive must pay the amount received under subsection (2) into the consolidated fund.

‘17BF Withdrawal of unsold lottery tickets

- ‘(1) This section applies to a lottery if a person takes part in the lottery through lottery tickets that are printed to enable the person to find out immediately whether the person has won a prize.

Example—

a lottery known as instant scratch-its

- ‘(2) A lottery operator may withdraw all unsold lottery tickets for a drawing in the lottery—
- (a) if the drawing for the lottery can not proceed in a way that is substantially consistent with the prize structure for the drawing because of the way the tickets have been printed; or

- (b) if the wording on the tickets is ambiguous or may result in confusion about a person's entitlement to a prize; or
- (c) if prizes included in the prize structure for the lottery are no longer—
 - (i) available; or
 - (ii) of any value; or
- (d) on the closure of the lottery; or
- (e) if the chief executive considers it appropriate in all the circumstances to withdraw the tickets.

Example for subsection (2)(c)(ii)—

some of the prizes for the drawing are tickets to a sporting event, but the event is held before all lottery tickets have been sold

- '(3) If lottery tickets for a drawing in the lottery are damaged or stolen, the lottery operator—
 - (a) may withdraw the tickets; and
 - (b) must advise the chief executive of the withdrawal.
- '(4) The lottery operator must not withdraw tickets under subsection (2)(a), (b) or (c) without the chief executive's approval.
- '(5) Despite subsection (4), the lottery operator may withdraw tickets under subsection (2)(a), (b) or (c) without the chief executive's approval if it is not practicable to obtain the chief executive's approval before the withdrawal.
- '(6) If the lottery operator withdraws tickets under subsection (2)(a), (b) or (c) without the chief executive's approval, the lottery operator must, as soon as practicable after the withdrawal, seek the chief executive's approval.
- '(7) As soon as practicable after lottery tickets are withdrawn under subsection (2)(a), (b), (c) or (e), the lottery operator must advertise the withdrawal in a newspaper circulating generally in the State, and may advertise the withdrawal in any other way.

[s 16]

- ‘(8) If lottery tickets are withdrawn under subsection (2), the withdrawal remains effective until—
- (a) the chief executive decides the tickets—
 - (i) are available for sale; or
 - (ii) are to be destroyed; or
 - (b) if the chief executive refuses to approve a withdrawal sought under subsection (6)—the chief executive’s refusal.
- ‘(9) In this section—
instant scratch-its has the meaning given by the rule.

‘17BG Guaranteed minimum prize payout for division 1

- ‘(1) This section applies if—
- (a) a minimum prize payout in division 1 in a drawing of a lottery has been guaranteed; and
 - (b) there is not enough money in the division 1 share of the prize pool and the bonus prize reserve for the payout.
- ‘(2) The lottery operator must make available the shortfall for the payout from the lottery operator’s own funds.
- ‘(3) However, if there is no winner in division 1, the amount made available from the bonus prize reserve or by the lottery operator under subsection (2) must not be used to decide the amount of a jackpot prize pool for a subsequent drawing.
- ‘(4) The lottery operator may be reimbursed from the bonus prize reserve for money made available by the lottery operator under subsection (2).’.

16 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

‘authorised limit means the amount of funds stated in a lottery operator’s approved control system as the maximum amount that may be held in a player account.

division, for a drawing of a lottery, means a prize level identified as a division in the schedule for the lottery.

Example—

The prize levels for powerball range from division 1 down to division 7.

gaming terminal means a terminal that—

- (a) is part of a lotteries computer system; and
- (b) is used to issue paper tickets; and
- (c) can be used by a lottery agent or a lottery operator—
 - (i) to identify whether or not a paper ticket is a winning ticket; or
 - (ii) to access the computer system.

multi-week sale, for a lottery, means—

- (a) for a sale that is recorded on a lotteries computer system as a sale to a registered player—the sale of a lottery ticket for the next 2 to 52 drawings of the lottery after the ticket is sold; or
- (b) for a sale other than a sale under paragraph (a)—the sale of a lottery ticket for the next 2 to 10 drawings of the lottery after the ticket is sold.

paper ticket means a lottery ticket issued by a lottery agent or a lottery operator in paper form.

player account means an account established under section 17AA.

player card means a card a lottery operator gives a person when the lottery operator registers the person as a registered player.

player card number means a unique number allocated by a lottery operator and stated on a player card.

18 Amendment of s 3 (Definitions)

Section 3—

insert—

‘automated device means a device to transmit investments to the licence operator electronically.

closing time has the meaning given by section 15D.

competitor, for an event, means a person, team of persons, animal or object that the licence operator conducting wagering on the event expects to compete in the event.

credit ticket means a voucher for use in place of money to make an investment.

deposit account means an account in the name of an investor with a licence operator.

event means—

- (a) for an event on which wagering is conducted by a licence operator under a race wagering licence, an event that—
 - (i) is, or relates to, a horse, trotting or greyhound race; and
 - (ii) is scheduled to be held at a race meeting at a racing venue; and
- (b) for an event on which wagering is conducted by a licence operator under a sports wagering licence—
 - (i) a sporting event or contingency (whether in Australia or elsewhere); or
 - (ii) another event or contingency that is an approved event or contingency for the licence operator.

odds, for an investment on a selection for an event, means the multiple of the investor’s investment that decides the payout the investor receives if the investor correctly predicts the result of the event.

payout includes the amount of the investment made.

[s 19]

promotional credit has the meaning given by the rule.

race means an event that is a horse, trotting or greyhound race.

race totalisator means a totalisator used for conducting wagering under a race wagering licence.

restricted investor means a person registered with a licence operator as a restricted investor under section 15G(1).

result means the outcome of an event.

rule means a rule made under the *Wagering Act 1998*, section 198.

runner means a competitor in a race.

selection means a result on which an investment is made.

unrestricted investor means a person registered with a licence operator as an unrestricted investor under section 15H.’

19 Insertion of new ss 15–15Y

After section 14—

insert—

‘15 Limit on amount invested

- ‘(1) A person may, by written notice to a licence operator, set a limit on the amount the person may invest by telephone, automated device or the internet.

Examples—

- 1 The person might set a limit by reference to a stated maximum for all events on which wagering is conducted by the licence operator over a stated period (e.g. a limit of \$100 over 1 month).
- 2 The person might set the limit at zero thus effectively preventing the person from investing on events on which wagering is conducted by the licence operator until the limit is relaxed or removed.

- ‘(2) A person who has set a limit under this section may change or revoke the limit by written notice given to the licence operator.

-
- ‘(3) A notice increasing or revoking the limit does not have effect unless—
 - (a) 7 days have passed since the licence operator received the notice; and
 - (b) the person has not notified the licence operator of an intention to withdraw the notice.
 - ‘(4) A notice reducing the limit has effect on its receipt by the licence operator.
 - ‘(5) A licence operator must not accept a wager from a person contrary to a limit set for the person under this section.

‘15A Cancellation of investment—fixed odds

- ‘(1) A licence operator conducting fixed odds wagering must cancel an investment if—
 - (a) the investment made is not the investment the investor intended; and
 - (b) the investor’s request to cancel the investment is made within 2 minutes of making the investment; and
 - (c) the cancellation can be effected before the closing time for accepting investments on the event on which the investment is made.
- ‘(2) If an investment is cancelled, the investment must be refunded in full.
- ‘(3) In this section—
fixed odds wagering means wagering conducted on a fixed odds basis under a wagering licence.

‘15B Cancellation of investment—sports totalisator

- ‘(1) A licence operator is under no obligation to ensure a sports totalisator investment is the investment the investor intended.
- ‘(2) The licence operator must cancel the investment, at the investor’s request, if the cancellation can be effected before

[s 19]

the closing time for accepting investments on the totalisator on which the investment is made.

‘(3) The money used to make the investment must be refunded or, at the investor’s request, may be used to make another investment.

‘(4) In this section—

sports totalisator means a totalisator used for conducting wagering under a sports wagering licence.

‘15C Cancellation of investment—race totalisator

‘(1) This section applies to a race on which an investment is made or, if the investment is made on more than 1 race, the first of the races on which the investment is made.

‘(2) The investment may be cancelled up until 40 minutes before the advertised starting time for the race.

‘(3) An authority operator must cancel an investment presented for cancellation less than 40 minutes before the advertised starting time if—

(a) the investor advises the investment made is not the investment the investor intended; and

(b) the investor’s request to cancel the investment is made within 5 minutes after making the investment; and

(c) the cancellation can be effected before the closing time for accepting investments on the totalisator on which the investment is made.

‘(4) An investment may be cancelled before the closing time if the investment—

(a) involves a scratching; and

(b) is presented for cancellation in time to allow the cancellation to be effected before the closing time.

‘(5) This section applies unless the rule provides that investments may not be cancelled in particular circumstances.

‘(6) If an investment is cancelled, the investment must be refunded in full.

‘(7) In this section—

scratching, for a runner in a race, means a runner that has been scratched before the time, stated by the race club conducting the race, for notifying scratchings.

‘15D Closing time for accepting investments

‘(1) An authority operator may decide the time after which the operator will not accept investments (the *closing time*)—

- (a) on stated selections; or
- (b) on stated wagering options; or
- (c) on stated classes of totalisator; or
- (d) on stated events or classes of events; or
- (e) at stated times during an event; or
- (f) at stated premises.

‘(2) An investment accepted after the closing time must be refunded in full.

‘(3) In this section—

wagering option has the meaning given by the rule.

‘15E Printed tickets

‘(1) If an investor makes an investment using cash or a credit ticket, the authority operator must issue a ticket (a *printed ticket*) to the investor.

‘(2) More than 1 investment may be recorded on a printed ticket if the investment is made using a totalisator.

‘(3) It is the investor’s responsibility to ensure the details on the printed ticket are in accordance with the investment details requested by the investor.

[s 19]

- ‘(4) The investment is taken to have been made when the investment is paid for and the printed ticket issues to the investor.
- ‘(5) The investor may use the printed ticket to claim a payout, dividend or refund payable to the investor in relation to the investment.

‘15F Application to open deposit account

- ‘(1) A person may apply to a licence operator to open a deposit account with the licence operator by giving the licence operator the information required for an account under the licence operator’s approved control system.
- ‘(2) The application must be accompanied by funds to deposit in the account in the amount of at least the minimum deposit amount decided by the licence operator.
- ‘(3) Subject to sections 15G and 15H, the licence operator may register the person as a restricted or an unrestricted investor.

‘15G Registration as a restricted investor

- ‘(1) A licence operator must not register a person as a restricted investor unless the licence operator—
 - (a) carries out the registration under the licence operator’s approved control system; and
 - (b) informs the person of the effect of sections 15H, 15I, 15J, 15K, 15M(2) and 15O(1) and (2).
- ‘(2) If the licence operator registers a person as a restricted investor, the licence operator must, as soon as practicable after registering the person, give the person a written notice stating the effect of sections 15H, 15I, 15J, 15K, 15M(2) and 15O(1) and (2).

‘15H Registration as an unrestricted investor

‘The licence operator must not register a person as an unrestricted investor, unless the licence operator—

- (a) carries out the registration under the licence operator’s approved control system; and
- (b) as required by the licence operator’s approved control system, authenticates the person’s identity and verifies the person is at least 18.

‘15I End of registration as a restricted investor

- ‘(1) A person who is registered as a restricted investor may subsequently be registered as an unrestricted investor.
- ‘(2) If a restricted investor is subsequently registered as an unrestricted investor, the person’s registration as a restricted investor is cancelled.
- ‘(3) If a person’s registration as a restricted investor is not sooner cancelled under subsection (2), the registration ends 90 days after the day the person was registered.

‘15J Limit on deposits by restricted investors

‘A licence operator must not allow a restricted investor to deposit to the investor’s deposit account more than the amount, not more than \$1000, stated in the licence operator’s approved control system for this section.

‘15K Restricted investors may not make withdrawals or close accounts

‘A restricted investor may not make a withdrawal from or close the investor’s deposit account with a licence operator.

[s 19]

‘15L Withdrawals by unrestricted investors

‘An unrestricted investor may only make the following withdrawals from the investor’s deposit account with a licence operator—

- (a) a withdrawal of the whole or part of a payout, dividend or refund credited by the licence operator to the account;
- (b) a withdrawal of funds deposited by the investor, if the withdrawal is authorised under the licence operator’s approved control system;
- (c) a withdrawal of the balance of funds in the account, other than funds consisting of a promotional credit, to close the account.

‘15M Refusal to accept a deposit or investment

‘(1) A licence operator may refuse to accept a deposit to, or an investment from, an investor’s deposit account if the licence operator reasonably believes the account is being, has been, or is about to be used in contravention of a law of a State or the Commonwealth.

‘(2) A licence operator must refuse to accept a deposit to, or an investment from, a restricted investor’s deposit account if the licence operator reasonably believes it will not be able, under section 15H(b), to authenticate the investor’s identity or verify the investor’s age.

‘15N Closing an unrestricted investor’s deposit account

‘(1) A licence operator may close an unrestricted investor’s deposit account.

‘(2) If a licence operator closes an unrestricted investor’s account, the licence operator—

- (a) may deduct the amount of a promotional credit standing to the credit of the investor’s account; and
- (b) must send the balance of funds in the account, after any deduction under paragraph (a), to the investor.

-
- ‘(3) If, after any deduction under subsection (2)(a), there is less than \$20 in the account, the licence operator may send the balance of funds from the account to the investor by credit ticket.
 - ‘(4) A licence operator who closes an unrestricted investor’s deposit account may deduct an account closing fee of \$5 from the balance of funds sent to the investor.
 - ‘(5) This section does not apply to the extent the *Financial Transaction Reports Act 1988* (Cwlth) applies.

‘15O Accounting for account balances for restricted investors

- ‘(1) This section applies if—
 - (a) a person’s registration as a restricted investor ends under section 15I(3); and
 - (b) when the registration ends, an amount (the *account balance*) is standing to the credit of a deposit account established by a licence operator in the name of the person.
- ‘(2) The licence operator must pay the account balance to the chief executive.
- ‘(3) If an amount of the account balance is not paid under subsection (2) by the licence operator, the State may recover the amount from the licence operator as a debt.
- ‘(4) This section does not apply to the extent the *Financial Transaction Reports Act 1988* (Cwlth) applies.

‘15P Cancelling an investment made by telephone, automated device or the internet

- ‘(1) The licence operator must cancel an investment made by telephone, automated device or the internet if—
 - (a) the investment made is not the investment the investor intended; and

[s 19]

- (b) the investor's request to cancel the investment is made during the telephone call, or transmission by automated device or the internet, used to make the investment; and
 - (c) the cancellation can be effected before the closing time for accepting investments on the event on which the investment is made.
- '(2) An investment may be cancelled before the closing time if—
- (a) a competitor that was part of the selection on which the investment was made had withdrawn from the event before the investment was made; and
 - (b) cancellation is requested in time to allow the cancellation to be effected before the closing time.
- '(3) If an investment is cancelled, the investment must be refunded in full.

'15Q Depositing funds for credit with licence operator

- '(1) An investor may deposit funds with a licence operator to establish a credit for making investments with the licence operator.
- '(2) A person who wishes to establish a credit with a licence operator must, if asked by the licence operator, produce evidence of a kind required by the chief executive that the person is at least 18 years of age.
- '(3) The amount of funds deposited to establish a credit must be at least—
- (a) if the chief executive approves an amount—the approved amount; or
 - (b) if the chief executive does not approve an amount—\$5.
- '(4) The licence operator must give the investor a credit ticket.
- '(5) The credit ticket must have the following printed on it—
- (a) the date the ticket was issued;
 - (b) the amount of credit established;

- (c) the number allocated to the ticket by the licence operator;
- (d) the expiry date of the ticket.

‘15R Use of funds at credit on credit ticket

- ‘(1) The licence operator may credit payouts, dividends or refunds from the investor’s investments to the credit ticket.
- ‘(2) The investor may have direct access to funds at credit on the credit ticket only—
 - (a) to obtain the balance of funds at credit and cancel the ticket; or
 - (b) to obtain the whole or part of the amount credited to the ticket as a payout, dividend or refund on an investment; or
 - (c) as authorised by the licence operator or the chief executive.

‘15S Issue of replacement credit ticket

‘Each time the amount at credit on a credit ticket (the *original ticket*) changes, the licence operator must—

- (a) issue a new credit ticket stating the current amount at credit; and
- (b) retain the original ticket.

‘15T Damaged credit tickets

‘A licence operator may refuse to pay funds at credit on a credit ticket or correct a claimed error on a credit ticket if—

- (a) the ticket is damaged or altered; and
- (b) the licence operator can not verify the information on the ticket.

[s 19]

‘15U Request to stop payment on credit ticket

- ‘(1) An investor may ask a licence operator to stop payment on a credit ticket entitling a claimant to the balance of funds at credit on the ticket or a payout or refund on the basis that the ticket has been lost or stolen.
- ‘(2) The request to stop payment must—
 - (a) be on the form supplied by the licence operator; and
 - (b) contain enough information for the licence operator to properly identify the credit ticket; and
 - (c) be accompanied by a search fee of—
 - (i) if the chief executive approves an amount—the approved amount; or
 - (ii) if the chief executive does not approve an amount—\$5.
- ‘(3) The chief executive must not approve an amount that is more than the reasonable cost of conducting the search.
- ‘(4) The licence operator may stop payment on the credit ticket.
- ‘(5) If payment is made before the licence operator is able to stop payment, the licence operator—
 - (a) must tell the investor that the payment has already been made; and
 - (b) must help in any police investigation; and
 - (c) if the licence operator knows the name and address of the person to whom the payment was paid—may tell an investigating police officer the name and address.
- ‘(6) If the licence operator stops payment on a credit ticket under subsection (4), the licence operator must not make a payment until it investigates the ownership of the credit ticket.

‘15V Payouts, dividends or refunds as soon as practicable

- ‘(1) As soon as practicable after the result of an event is announced, the authority operator conducting wagering on the

event must make payouts or pay dividends for winning investments and pay refunds.

‘(2) However, the authority operator must not pay a race totalisator dividend before the steward has declared the correct weight and given the all clear signal.

‘(3) In this section—

steward means the person responsible for supervising the conduct of racing at a race meeting.

‘15W Publication of results

‘(1) As soon as practicable after the result of an event is announced by the entity controlling the event, the authority operator must make the result available—

- (a) at the authority operator’s and all wagering agents’ places of operation; and
- (b) for enquiries by telephone or the internet.

‘(2) Also, if the authority operator conducts totalisator wagering for the event, the authority operator must make the amount of the dividend and the selection on which the dividend is declared available as soon as practicable after the dividend is declared.

‘(3) In this section—

totalisator wagering means wagering conducted, using a totalisator, under a wagering licence.

‘15X Bonus prize reserve

‘(1) For each type of investment, 3.75% of the total of all investments made on the totalisator must be put aside as part of a reserve fund (the *bonus prize reserve*).

‘(2) The bonus prize reserve must be distributed in payment of dividends.

[s 20]

- ‘(3) The licence operator must identify the bonus prize reserve in the licence operator’s accounting records as a bonus prize reserve until it is dealt with under subsection (2).

‘15Y Payment of bonus prize reserve into the consolidated fund

- ‘(1) This section applies if a person who is a licence operator—
- (a) stops conducting wagering under a sports wagering licence using a totalisator; or
 - (b) stops being a licence operator.
- ‘(2) The person must pay to the chief executive the amount of a bonus prize reserve that has not been distributed under section 15X.
- ‘(3) The chief executive must pay the amount received under subsection (2) into the consolidated fund.’.

Part 7 Repeal provision

20 Repeals

The following rules are repealed—

- Casino Gaming Rule 1999, SL No. 150
- Charitable and Non-Profit Gaming Rule 1999, SL No. 298
- Keno Rule 2007, SL No. 231
- Lotteries Rule 1998, SL No. 221
- Wagering Rule 1999, SL No. 206.

ENDNOTES

- 1 Made by the Governor in Council on 29 July 2010.
- 2 Notified in the gazette on 30 July 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Employment, Economic Development and Innovation.

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