



*Lotteries Act 1997*

# **Lotteries Regulation 2007**

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## Queensland

# Lotteries Regulation 2007

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# Lotteries Regulation 2007

## 1 Short title

This regulation may be cited as the *Lotteries Regulation 2007*.

## 2 Commencement

This regulation commences on the day the *Lotteries Amendment Act 2007* commences.

## 3 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

## 4 Meaning of *lottery random number generator*

A *lottery random number generator* is a device designed and used to select at random the numbers for—

- (a) an entry to an approved lottery; or
- (b) the drawing of an approved lottery.

### 4A Meaning of *syndicate*

A *syndicate* is an arrangement under which a type of entry, or combination of types of entries, in a drawing of an approved lottery is divided into a number of equal shares (each a *syndicate share*).

### 4B Meaning of *multi-week sale*

- (1) This section applies in relation to the sale of a lottery ticket for drawings in a lottery.
- (2) The sale of the ticket is a *multi-week sale* for the lottery if it is for the following drawings of the lottery—

- (a) if the sale is recorded on a lotteries computer system as a sale to a registered player—the next 2 to 52 drawings of the lottery after the ticket is sold;
  - (b) otherwise—the next 2 to 10 drawings of the lottery after the ticket is sold.
- (3) However, if the ticket is a set for life lottery ticket, the sale of the ticket is a **multi-week sale** for the lottery if it is for drawings of the lottery that occur within the period starting on the day the 8th next drawing of the lottery happens and ending—
  - (a) if the sale is recorded on a lotteries computer system as a sale to a registered player—52 weeks after the ticket is sold; or
  - (b) otherwise—10 weeks after the ticket is sold.
- (4) In this section—

**set for life lottery ticket** means a ticket for 7 drawings over 7 consecutive days in the approved lottery known as set for life.

## 5 Prohibited words—Act, s 6

The following words are prescribed for section 6(5)(c)(ii) of the Act—

- lotto
- powerball
- scratch-it.

## 6 Persons with whom lottery operator may enter into agency agreements—Act, s 79

- (1) This section prescribes, for section 79(1)(b) of the Act, the persons eligible to be lottery agents.
- (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 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.

## **7 Lottery tax—Act, s 94**

- (1) This section prescribes, for section 94(2) of the Act, the calculation and payment of the lottery tax.
- (2) The lottery tax is payable for each month.
- (3) The lottery tax must be paid on or before the seventh day of the month immediately following the month for which the tax is payable.
- (4) The *gross tax amount* for a month is the total of the following amounts—
  - (a) 73.48% of the lottery operator’s monthly gross revenue for the month from declared lotteries;
  - (b) 55% of the lottery operator’s monthly gross revenue for the month from the approved lottery known as instant scratch-its.
- (5) The lottery tax payable for a month is the gross tax amount for the month minus the smaller of the following amounts—
  - (a) the global GST amount for the month;
  - (b) the gross tax amount for the month.

## **8 Returns for calculation of lottery tax—Act, s 96**

- (1) This section prescribes, for section 96(1) of the Act, the requirements for returns.
- (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 state 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 operator's monthly gross revenue.
- (5) Also, for a classified lottery that is a declared lottery, a return must state the total amount of selling fees for tickets in the lottery for the month to which the return relates.
- (6) In addition, a return must state the lottery operator's global GST amount for the month to which the return relates.

## 9 Calculation of monthly gross revenue

- (1) *Monthly gross revenue*, for a lottery operator, for a classified lottery, for a month, is the amount calculated using the following formula—

$$\mathbf{MGR} = \mathbf{A} - \mathbf{P}$$

where—

*A* means the total amount (the *total receipts*) paid for tickets (excluding mail order fees and, for a relevant lottery, the selling fees for tickets in the lottery) sold by the lottery operator, and the lottery agents for the lottery operator, for all drawings of the classified lottery that take place in the month.

*MGR* means the monthly gross revenue.

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

- (2) 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

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lottery agent for selling the ticket (whether by mail or otherwise) to a person outside Queensland.

**relevant lottery** means a classified lottery that is a declared lottery.

## **10 Percentages for penalties for late payment—Act, s 97**

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

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

For section 125(2)(a) 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.

## **13 Unclaimed major prizes—relevant amount—Act, s 131A**

For section 131A(8), definition *relevant amount*, of the Act, the prescribed amount is \$500,000.

## **14 Evaluation of regulated lottery equipment—Act, s 133**

For section 133 of the Act, an evaluation carried out by the chief executive may include 1 or more of the following types of evaluation—

- (a) basic evaluation;
- (b) intermediate evaluation;
- (c) advanced evaluation.

## **14A Declaration of approved entities—Act, s 134A**

Each entity mentioned in schedule 1A is declared to be an approved entity for section 134A of the Act.

**15 Requests to review decisions on claims for payment—Act, s 138**

- (1) This section prescribes, for section 138(4) of the Act, how 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 operator (the *operator's decision*).
- (2) The chief executive must either review, or refuse to review, the operator's decision.
- (3) The chief executive may refuse to review the operator'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 operator's decision, the chief executive must give—
  - (a) the lottery operator written notice of the chief executive's decision; and
  - (b) the claimant written notice—
    - (i) of the chief executive's decision; and
    - (ii) stating the reasons for the chief executive's decision.
- (5) If the chief executive decides to review the operator's decision, the chief executive must give—
  - (a) the lottery operator—
    - (i) a copy of the claimant's request; and
    - (ii) written notice inviting the lottery operator to make a written submission to the chief executive about the operator's decision within 1 month after receiving the notice (the *submission period*); and
  - (b) the claimant written notice inviting the claimant to make a written submission to the chief executive about the

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operator's decision within 1 month after receiving the notice (also the *submission period*).

- (6) The chief executive may investigate a matter the chief executive considers is relevant to the review.
- (7) As soon as practicable after the end of the submission period for both the lottery operator and the claimant, the chief executive must—
  - (a) consider all written submissions made in the submission period by the lottery operator or claimant; and
  - (b) consider the outcome of any investigation under subsection (6); and
  - (c) make a decision about the review; and
  - (d) give the lottery operator and claimant a written notice stating the decision and the reasons for the decision.

## **16 Requests to resolve claims for payment—Act, s 138**

- (1) This section prescribes, for section 138(4) of the Act, how 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 operator to immediately try to resolve the claim.
- (3) Subsection (4) applies if, within 14 days of making the request under subsection (2), the chief executive is not advised by the lottery operator or the claimant that the claim has been resolved.
- (4) The chief executive must give written notice to the lottery operator and the claimant inviting the operator and claimant to make a written submission to the chief executive about the claim within 1 month after receiving the notice (the *submission period*).
- (5) The chief executive may investigate a matter the chief executive considers is relevant to the claim.

- (6) 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 operator or the claimant; and
  - (b) consider the outcome of any investigation under subsection (5); and
  - (c) make a decision about the claim; and
  - (d) give the lottery operator and the claimant a written notice stating the decision and the reasons for the decision.
- (7) However, the chief executive is not required to take, or complete, action under subsection (6) if the chief executive is satisfied, whether before or after the end of the submission period, that the claim has been resolved.

## **17 Entities to whom information may be disclosed—Act, s 225**

The entities prescribed for section 225(3)(a) of the Act are stated in schedule 1.

### **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 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—

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- (a) carries out the registration under the lottery operator's 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 control system; and
- (b) the person's age has been verified under the lottery operator's control system to be at least 18.

### **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.

### **17ADA Authentication of identity after 90 days**

- (1) This section applies if—

- (a) a person's registration as a restricted player ends under section 17AD(3); and
  - (b) the person's identity is authenticated and age verified under section 17AC more than 90 days but less than 1 year after the day the person was registered as a restricted player.
- (2) The lottery operator must reinstate the person's registration as a restricted player.
- (3) After acting under subsection (2), the lottery operator may register the person as an unrestricted player under section 17AD(1).

### **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 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



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- (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 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.

### **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 control system;

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- (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 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) If, 1 year after the day the person was registered as a restricted player, the person has not been registered as an unrestricted player under section 17AD(1), 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.
- (4) This section does not apply to the extent the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (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) for a ticket sold in a lucky lotteries game or set for life—the request for cancellation is made on the day the ticket was purchased;
    - (iv) 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.

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- (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
  - (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 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—

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- (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
  - (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 lotteries 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 a 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.

### **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—
- (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.
- (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).

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

For schedule 3 of the Act, definition *regulated lottery equipment*, the lottery equipment stated in schedule 2 is declared to be regulated lottery equipment.

### **19 Fees**

- (1) The fees payable under the Act are stated in section 19A and schedule 3.
- (2) A fee stated in schedule 3, item 4 may consist of, or include, an amount for part of an hour that is the equivalent of the relevant proportion of the hourly rate, stated in the schedule, worked out using 15-minute periods (wholly or partly completed).

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**19AA Rounding of amounts expressed as numbers of fee units**

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—
  - (a) if the result is not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or
  - (b) if the result is more than \$100 but not more than \$1,000—to the nearest multiple of 10 cents (rounding one-half upwards); or
  - (c) if the result is more than \$1,000 but not more than \$5,000—to the nearest dollar (rounding one-half upwards); or
  - (d) if the result is more than \$5,000 but not more than \$100,000—to the nearest multiple of 10 dollars (rounding one-half upwards).

*Example—*

If a fee were 35 fee units and the value of a fee unit were \$1.015, the number of dollars obtained by multiplying 35 by \$1.015 would be \$35.525. Because \$35.525 is halfway between \$35.50 and \$35.55, it is rounded upwards, so the amount of the fee would be \$35.55.

**19A Fee for particular investigations**

- (1) This section applies to any of the following persons for whom the chief executive may undertake an investigation under the Act, section 14—
  - (a) an applicant for a primary licence;
  - (b) a business or executive associate of the applicant.
- (2) This section also applies to a person who is a business or executive associate of a primary licensee for whom the chief executive may undertake an investigation under the Act, section 36(2).
- (3) The person must pay to the chief executive the reasonable costs of conducting the investigation.

*Examples of costs of conducting the investigation—*

- costs of outsourcing professional services, for example, legal or accounting services
- internal costs, including staff costs
- travel and accommodation costs incurred inside or outside the State or overseas

## **19B How fee for investigation must be paid**

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 19A for an investigation.
- (2) The chief executive may require, in writing, the relevant person to pay all or part of the fee in advance.
- (3) The chief executive may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the chief executive may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be paid within 28 days after the requirement is made.
- (6) The fee or part of the fee payable in advance must be—
  - (a) an amount not more than the chief executive's estimate or latest estimate of the fee payable under section 19A; and
  - (b) reduced by the amount, if any, already paid by the relevant person to the chief executive under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the chief executive must—
  - (a) give the relevant person a written itemised account of the costs comprising the fee; and
  - (b) either—
    - (i) refund any overpayment to the relevant person; or



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- (ii) require, in writing, the relevant person to pay to the chief executive, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant person under this section and the amount of the fee.
- (8) For subsection (7), an investigation is finished in relation to a relevant person if—
    - (a) both of the following apply—
      - (i) the chief executive considers the relevant person has failed to comply with a requirement made by the chief executive under the Act, section 37 in relation to the investigation;
      - (ii) the chief executive considers the investigation is finished; or
    - (b) the chief executive considers the investigation has been completed for the chief executive’s purposes under the Act, section 36(2).
  - (9) A relevant person given a requirement under subsection (2) or (7)(b)(ii) must comply with the requirement.
  - (10) A failure by the chief executive to comply with subsection (7)(a) or (b) as soon as reasonably practicable after the investigation does not affect the recovery of the amount of any shortfall mentioned in subsection (7)(b)(ii).
  - (11) In a proceeding to recover the amount of a shortfall mentioned in subsection (7)(b)(ii), a written itemised account of the costs given to the relevant person for the investigation under subsection (7)(a) is evidence of the costs.

## 20 Repeal

The Lotteries Regulation 1997, SL No. 231 is repealed.

## **Schedule 1A    Approved entities**

section 14A

BMM Australia Pty Ltd ACN 084 016 044

ENEX Pty Ltd ACN 096 299 099

GTA Pty Ltd ACN 082 989 446

QALAB Pty Ltd ACN 136 553 832

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## Schedule 1      Entities

### section 17

Alberta Gaming, Liquor and Cannabis Commission, Canada  
Alcohol and Gaming Commission of Ontario, Canada  
Australian Border Force  
Australian Communications and Media Authority (ACMA)  
Australian Competition and Consumer Commission  
Australian Crime Commission (commonly known as Australian Criminal Intelligence Commission)  
Australian Federal Police  
Australian Securities and Investments Commission  
Australian Security Intelligence Organisation  
Australian Taxation Office  
Australian Transaction Reports and Analysis Centre (AUSTRAC)  
Bureau of Gambling Control, Department of Justice, California  
Casino Control Commission, New Jersey  
Centrelink  
Commissioner, Consumer and Business Services, South Australia  
Commissioner for Fair Trading, Queensland  
Commissioner of State Revenue, Queensland  
Commissioner, Tasmanian Liquor and Gaming Commission  
Crime and Corruption Commission, Queensland  
Department of Home Affairs  
Department of Industry, Tourism and Trade (Liquor, Racing and Gaming), NT

Department of Internal Affairs, New Zealand  
Department of Justice and Community Safety, Victoria  
Department of Justice, Canada  
Department of Local Government, Sport and Cultural Industries  
(Racing, Gaming & Liquor), Western Australia  
Department of Safety and Homeland Security, Delaware  
Department of Service Nova Scotia and Internal Services (Alcohol,  
Gaming, Fuel and Tobacco Division), Canada  
Department of Treasury and Finance, South Australia  
Department of Treasury and Finance, Tasmania  
Division of Gaming, Colorado  
Division of Gaming Enforcement, New Jersey  
Gambling and Racing Commission, ACT  
Gambling Commission, New Zealand  
Gambling Commission, UK  
Gambling Regulatory Authority of Singapore  
Gaming and Wagering Commission, Western Australia  
Gaming Board for the Bahamas  
Gaming Policy and Enforcement Branch, British Columbia  
Independent Liquor and Gaming Authority, NSW  
Indiana Gaming Commission, USA  
Japan Casino Regulatory Commission  
Liquor & Gaming NSW  
Lotteries Commission, South Australia  
Lotteries Commission, Western Australia  
Louisiana State Police Gaming Enforcement Division, USA  
Mississippi Gaming Commission, USA

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Missouri Gaming Commission, USA  
 Missouri State Highway Patrol, USA  
 Mpumalanga Economic Regulator, South Africa  
 National Indian Gaming Commission, USA  
 Nevada Gaming Commission, USA  
 Nevada Gaming Control Board, USA  
 New South Wales Crime Commission  
 New South Wales Independent Casino Commission  
 New South Wales Police Force  
 New York State Police  
 New Zealand Police  
 Northern Territory Police Force  
 Office of Racing Integrity, Tasmania  
 Pueblo of Isleta Gaming Regulatory Agency, USA  
 QCAT  
 Queensland Police Service  
 South Australia Police  
 South Dakota Commission on Gaming, USA  
 Tasmania Police  
 The International Criminal Police Organization—Interpol  
 Victorian Gambling and Casino Control Commission  
 Victoria Police  
 Western Australia Police Force  
 Western Cape Gambling and Racing Board, South Africa  
 WorkCover Queensland

## **Schedule 2      Regulated lottery equipment**

section 18

audit computer system

lotteries computer system (hardware and software)

lottery random number generator

lottery tickets in instant scratch-its

## Schedule 3 Fees

### section 19

	<b>Fee units</b>
1 Application fee for primary licence (Act, s 9(3))	19,580.00
2 Application fee for key person licence (Act, s 47(2)(c))	566.10
3 Issue of replacement key person licence (Act, s 57(4))	41.65
4 Evaluation by the chief executive of regulated lottery equipment (Act, s 133(3)(a)), for each hour or part of an hour involved in the following—	
(a) carrying out—	
(i) a basic evaluation	234.30
(ii) an intermediate evaluation	292.80
(iii) an advanced evaluation	344.80
(iv) administration for an evaluation	175.60
(b) giving advice for an evaluation	175.60
(c) holding a meeting for an evaluation	175.60

*Note—*

See section 19(2) in relation to a fee for part of an hour.

## Schedule 4 Dictionary

### section 3

***advanced evaluation*** means an evaluation of any of the following things relating to regulated lottery equipment—

- (a) communications protocols;
- (b) monitoring systems;
- (c) random number generators.

***audit computer system*** means a computer system, separate from a lotteries computer system, used by a lottery operator 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.

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

***basic evaluation*** means an evaluation of any of the following things relating to regulated lottery equipment—

- (a) artwork;
- (b) cabinet design;
- (c) documentation, including, for example, operational manuals.

***classified lottery*** means—

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

***declared lottery*** means an approved lottery known as lucky lotteries games, oz lotto, powerball, Saturday gold lotto, set for life, super 66, Weekday Windfall or Monday and Wednesday gold lotto.

***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.

***global GST amount***, for a lottery operator for a month, means the global GST amount, calculated under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), division 126, for the month for the conduct of lotteries under the lottery operator's licence.

***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.

***intermediate evaluation*** means an evaluation of any of the following things relating to regulated lottery equipment—

- (a) hardware, other than hardware subject to basic evaluation;
- (b) software, other than software subject to advanced evaluation;
- (c) the mathematical treatise of the derivation of the theoretical return to a player.

***lotteries computer system*** means a computer system used for the conduct of lotteries by a lottery operator under a lottery operator's licence.

***lottery random number generator*** see section 4.

**monthly gross revenue** see section 9.

**multi-week sale**, for a lottery, see section 4B(2) and (3).

**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.

**prize** includes a share of a prize for the holder of a syndicate share.

**registered player** means a person registered in a lottery operator's players register under the rule.

**restricted player** means a person registered in a lottery operator's players register as a restricted player under section 17AA(3).

**rule** means a rule made under the *Lotteries Act 1997*, section 121.

**selling fee**, for a lottery ticket, means—

- (a) if the ticket is sold by a lottery agent—the amount to which the agent is entitled, under the agent's agency agreement, for selling the ticket; or
- (b) if the ticket is sold by a lottery operator—an amount that is equal to the amount to which a lottery agent would have been entitled under the agent's agency agreement if the agent had sold the ticket.

**subscription** means the amount calculated by deducting the selling fee for a lottery ticket from the purchase price for the ticket.

**syndicate** see section 4A.

**syndicate share** see section 4A.

*unrestricted player* means a person registered in a lottery operator's players register as an unrestricted player under section 17AA(3).