



# Public Lotteries Amendment (Responsible Gambling) Regulation 2001

under the

Public Lotteries Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Lotteries Act 1996*.

J. RICHARD FACE, M.P.,  
Minister for Gaming and Racing

## Explanatory note

The objects of this Regulation are:

- (a) to require the display of brochures approved by the Minister, that contain information about problem gambling, at places where public lottery tickets, entries or subscriptions are sold, and
- (b) to enable a person to request at those places a copy of such a brochure in a community language, and
- (c) to require entry forms and tickets in public lotteries (other than instant lottery tickets) to contain certain information in relation to problem gambling, and
- (d) to require pamphlets on how to enter public lotteries and website information on public lotteries to contain certain information in relation to problem gambling and the chances of winning major prizes, and
- (e) to require notices containing information on problem gambling to be displayed at, or in the vicinity of places at which, public lottery tickets, entries or subscriptions are sold, and

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- (f) to place restrictions on the way in which public lotteries can be advertised and to require problem gambling information to be included in such advertising, and
- (g) to require certain prizes to be paid by crossed cheque or electronic funds transfer.

This Regulation is made under the *Public Lotteries Act 1996*, including sections 39, 83 (the general regulation-making power) and 83A.

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## Public Lotteries Amendment (Responsible Gambling) Regulation 2001

### 1 Name of Regulation

This Regulation is the *Public Lotteries Amendment (Responsible Gambling) Regulation 2001*.

### 2 Commencement

This Regulation commences on 9 November 2001.

### 3 Amendment of Public Lotteries Regulation 1996

The *Public Lotteries Regulation 1996* is amended as set out in Schedule 1.

### 4 Notes

The explanatory note does not form part of this Regulation.

## Schedule 1    Amendment

(Clause 3)

### Part 2A

Insert after Part 2:

### Part 2A Responsible gambling practices

#### 7A Approval of English and other community language player information brochures

- (1) In this clause, *player information* means the following:
  - (a) information concerning the chances of winning a major prize in a public lottery,
  - (b) the G-line (NSW) help line phone number operated under contractual arrangements made by the Department of Gaming and Racing.
- (2) The Minister may approve one or more pamphlets or brochures containing player information in the English language (*a player information brochure*).
- (3) The Minister may approve one or more pamphlets or brochures containing advice in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages that:
  - (a) indicates the substance of the player information contained in a player information brochure, and
  - (b) advises that the information will be supplied by the licensee or an agent of the licensee in the relevant language on request.
- (4) A pamphlet or brochure approved under subclause (3) may be combined with the player information brochure to which it relates.

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- (5) The Minister may approve one or more pamphlets or brochures (a *community language player information brochure*) containing player information in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages.
  - (6) The Minister may vary or withdraw any approval given under this clause.

#### **7B Provision of player information brochures**

- (1) A licensee must:
  - (a) as soon as practicable after the requirements of subclause (2) first apply in relation to an agent of the licensee, provide to the agent sufficient copies of the player information brochures approved by the Minister under clause 7A (2) to enable the agent to comply with those requirements, and
  - (b) provide further copies of the brochures to an agent of the licensee in accordance with a request by the agent.

Maximum penalty: 50 penalty units.

- (2) An agent of a licensee must ensure that:
  - (a) copies of at least one type of player information brochure approved by the Minister under clause 7A (2) are made available at each point of sale (under the control of the agent) for tickets or entries in, or subscriptions to, each public lottery conducted by the licensee, and
  - (b) those copies are displayed in such a manner and in such a place that it would be reasonable to expect that a person purchasing a ticket or entry in, or subscribing to, such a lottery at that point of sale would be alerted to their presence.

Maximum penalty (subclause (2)): 50 penalty units.

**7C Provision of player information brochures in community languages**

- (1) A person may request a licensee or agent of a licensee to supply a community language player information brochure approved under clause 7A (5) in one of the languages specified in that subclause.
- (2) A licensee or agent of a licensee must supply a brochure in accordance with a request made under subclause (1) as soon as practicable after being requested to do so.

Maximum penalty (subclause (2)): 50 penalty units.

**7D Gambling information and warnings**

- (1) A licensee must ensure that each printed entry form (however described) and ticket in a public lottery conducted by the licensee contains the following:

Is gambling a problem for you?  
CALL G-line (NSW)  
counselling service  
1800 633 635

Maximum penalty: 50 penalty units.

- (2) Subclause (1) does not apply to instant lottery tickets (commonly known as “scratchies”).
- (3) A licensee must ensure that any written material provided by the licensee to explain to the public how to enter a public lottery contains:

- (a) an explanation of the chances of winning a major prize in the public lottery or, if there are different prize divisions in the public lottery, an explanation in relation to each of those divisions of the chances of winning a prize in that division, and

- (b) the following:  
Is gambling a problem for you?  
CALL G-line (NSW)  
counselling service  
1800 633 635

Maximum penalty: 50 penalty units.

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- (4) Subclauses (1) and (3) do not apply to any printed entry form, ticket or written material supplied to the licensee concerned under a contract or arrangement entered into before 9 November 2001.

- (5) A licensee or agent of a licensee must not, on or after 9 November 2001, extend the duration of any contract or arrangement entered into before that date for the supply of entry forms or tickets that do not contain the matter required by subclause (1).

Maximum penalty: 50 penalty units.

- (6) A licensee or agent of a licensee must not, on or after 9 November 2001, extend the duration of any contract or arrangement entered into before that date for the supply of written material referred to in subclause (3) that does not contain the matter required by that subclause.

Maximum penalty: 50 penalty units.

- (7) On and from 1 February 2002, a licensee must include the following information on any website used by the licensee to promote or provide information about a public lottery conducted by the licensee:

- (a) the information contained in a player information brochure approved by the Minister under clause 7A (2),
- (b) an explanation of the chances of winning a major prize in the public lottery or, if there are different prize divisions in the public lottery, an explanation in relation to each of those divisions of the chances of winning a prize in that division.

Maximum penalty (subclause (7)): 50 penalty units.

## **7E Counselling signage—notice to be displayed**

- (1) A licensee must:
- (a) as soon as practicable after the requirements of subclause (2) first apply in relation to an agent of the licensee, provide to the agent sufficient copies of a notice that complies with this clause to enable the agent to comply with those requirements, and

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- (b) provide further copies of the notice in accordance with a request by an agent of the licensee.

Maximum penalty: 50 penalty units.

- (2) An agent of a licensee must:

- (a) display a notice that complies with this clause at each point of sale (under the control of the agent) for tickets or entries in, or subscriptions to, each public lottery conducted by the licensee, or in the vicinity of each such point of sale, and
- (b) display each such notice in such a manner that it would be reasonable to expect that a person in the vicinity of the point of sale in relation to which the notice is displayed would be alerted to its contents.

Maximum penalty: 50 penalty units.

- (3) The notice must contain the following:

Is gambling a problem for you?  
CALL G-line (NSW)  
counselling service  
1800 633 635

- (4) Subclause (3) does not prevent a notice under this clause containing other information.
- (5) The notice must be at least 42 centimetres by 29.5 centimetres in size, and the matter contained in the notice must be in letters and figures of not less than 0.6 centimetres in height.
- (6) This clause has effect on and from 1 February 2002.

#### **7F Advertising of public lotteries**

- (1) The requirements of subclauses (2) and (4) are prescribed as requirements for the purposes of section 39 (1) (b) of the Act.

**Note.** Section 39 of the Act makes it an offence for a licensee or other person to publish, or cause to be published, any public lottery advertising that is false, misleading or deceptive or is in contravention of a requirement of the regulations. The maximum penalty for the offence is 50 penalty units.

- (2) A licensee or agent of a licensee must not publish, or cause to be published, any public lottery advertising that:
  - (a) encourages a breach of the law, or



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- (b) depicts children, or
  - (c) suggests that winning will be a definite outcome of participating in a public lottery, or
  - (d) suggests that entering a public lottery will definitely improve a person's financial prospects, or
  - (e) is not conducted in accordance with decency, dignity and good taste and in accordance with the Commercial Television Industry Code of Practice as in force at the time the public lottery advertising is published.
- (3) A licensee or agent of a licensee must ensure that any public lottery advertising in writing published or caused to be published, by the licensee or agent on or after 9 November 2001 in a newspaper, magazine, poster or other printed document contains the following:
- Is gambling a problem for you?  
CALL G-line (NSW)  
counselling service  
1800 633 635
- (4) Subclauses (2) and (3) do not apply to the publication of any public lottery advertising under a contract or arrangement entered into before 9 November 2001.
- (5) A licensee must ensure that any public lottery advertising that:
- (a) is displayed at a point of sale for tickets or entries in, or subscriptions to, a public lottery conducted by the licensee, and
  - (b) does any of the things referred to in subclause (2) (a)–(e),
- is removed before 1 February 2002.
- Maximum penalty: 50 penalty units.
- (6) An agent of a licensee must ensure that any public lottery advertising that:
- (a) is displayed at a point of sale (under the control of the agent) for tickets or entries in, or subscriptions to, a public lottery conducted by the licensee, and

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- (b) does any of the things referred to in subclause (2) (a)–(e),

is removed before 1 February 2002.

Maximum penalty: 50 penalty units.

- (7) On or after 9 November 2001, a licensee or agent of a licensee must not enter into or extend the duration of any contract or arrangement for the publication of public lottery advertising that does any of the things referred to in subclause (2) (a)–(e).

Maximum penalty: 50 penalty units.

- (8) In this clause:

***public lottery advertising*** means advertising that is directly related to the conduct of a public lottery.

***publish*** includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio or television).

#### **7G Payment of prize money by cheque**

- (1) If in a game of keno the total prize money payable to a person exceeds \$1,000, the licensee or agent of the licensee responsible for paying the prize money must pay so much of the total prize money as exceeds \$1,000 by means of:

- (a) a crossed cheque payable to the person (unless paragraph (b) applies), or
- (b) if the person so requests, by means of electronic funds transfer to an account nominated by the person.

Maximum penalty: 50 penalty units.

- (2) If in a public lottery (other than a game of keno) the total prize money payable to a person exceeds \$1,000, the licensee or agent of the licensee responsible for paying the prize money must pay the total prize money by means of:

- (a) a crossed cheque payable to the person (unless paragraph (b) applies), or
- (b) if the person so requests, by means of electronic funds transfer to an account nominated by the person.

Maximum penalty: 50 penalty units.

- (3) In this clause:

***crossed cheque*** means a cheque crossed as referred to in section 53 of the *Cheques Act 1986* of the Commonwealth as in force on 1 March 2002.

***total prize money*** means the total amount of money payable to a person as a result of the person winning money in respect of a single entry in a public lottery (whether or not that entry relates to one, or more than one, game in the public lottery).

- (4) This clause has effect on and from 1 March 2002.