

1995—No. 496

LOTTO ACT 1979—REGULATION

(Lotto Regulation 1995)

NEW SOUTH WALES



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His Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Lotto Act 1979, has been pleased to make the Regulation set forth hereunder.

RICHARD FACE,
Minister for Gaming and Racing.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Lotto Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definition

3. In this Regulation:
“the Act” means the Lotto Act 1979.

PART 2—LOTTO

Application of Part

4. This Part does not apply to games of keno.

Unclaimed lotto prizes

5. (1) In this clause:

“**unclaimed prize**” means a prize that remains unclaimed by the prizewinner for the period of 2 years from the date on which the game of lotto to which the prize relates is conducted.

(2) The licensee is to cause to be published in the Gazette, at least once in each year, a list containing the following particulars of each unclaimed prize of \$50 or more won in a game of lotto:

- (a) the value of the prize;
- (b) the name of the prizewinner, if known;
- (c) the week number or the draw number of the game of lotto.

(3) Particulars of an unclaimed prize of \$50 or more included in a list under this clause need not be included in any subsequent list under this clause.

(4) The licensee who conducted the game and holds an unclaimed prize may dispose of funds arising from it by applying those funds in payment of special or bonus prizes, as determined by the licensee.

(5) The disposal of an unclaimed prize under this clause does not affect a prizewinner’s entitlement to the prize.

PART 3—KENO**Application of Part**

6. This Part applies only to games of keno.

Definitions

7. In this Part:

“**keno licensee**” means a licensee in respect of games of keno;

“**unclaimed prize**” means a prize that remains unclaimed by the prizewinner for the period of 1 year from the date on which the game of keno to which the prize relates is conducted.

Keno key employees

8. (1) Any person who is concerned in any of the following ways in the conduct of games of keno by a keno licensee is a key employee for the purposes of paragraph (c) of the definition of “key employee” in section 2 (1) of the Act:

- (a) involvement, on behalf of the licensee, in the development or operation of any computer system in relation to those games;
- (b) involvement, on behalf of the licensee, in the financial or accounting aspects of the conduct of those games.

(2) The following persons are, for the purposes of paragraph (c) of the definition of “key employee” in section 2 (1) of the Act, persons who are concerned or engaged in the conduct of games of keno by a keno licensee:

- (a) any person who is employed by or on behalf of Club Gaming Systems Pty Ltd in the capacity of, or who performs the duties of, general manager, systems manager, sales and marketing manager, contracts and distribution manager, operations manager or financial controller of that company;
- (b) any person who is employed by or on behalf of Club Gaming Systems (Holdings) Pty Ltd in the capacity of, or who performs the duties of, sales executive or training manager of that company;
- (c) any person involved, on behalf of Club Gaming Systems (Holdings) Pty Ltd, in the development or operation of any computer systems in relation to games of keno conducted by a licensee;
- (d) any person involved; on behalf of Club Gaming Systems (Holdings) Pty Ltd, in the financial or accounting aspects of the conduct of such games.

Unclaimed keno prizes

9. (1) An unclaimed prize won in a game of keno may be disposed of by the keno licensee in a manner approved of in writing by the Minister.

(2) The Minister may approve of the disposal of unclaimed prizes by means of the payment of the amount concerned as special or bonus prizes in other games of keno conducted by the keno licensee or by means of any other “return to player” initiative that the Minister considers appropriate.

(3) An unclaimed prize of \$50 or more is not to be disposed of unless the keno licensee has published the following particulars in the Gazette:

- (a) the date on which, and the place at which, the subscription to the game of keno concerned was made;
- (b) the value of the prize.

(4) The disposal of an unclaimed prize does not affect the prizewinner's entitlement to be paid the amount of the prize and the keno licensee must, if a claim is duly made by the prizewinner, pay to the prizewinner, in accordance with the rules of the game, the amount of the prize.

Disposal of certain money in keno prize fund if licence not in force

10. (1) This clause applies to any money in a keno licensee's prize fund (being money that is not required for payment of prizes won in a game or games of keno) in the case where the licence is no longer in force.

(2) The corporation may distribute money to which this clause applies in such manner as may be determined, with the approval of the Treasurer, by the Minister.

Notification of change in circumstances in relation to licensees

11. (1) The kinds of change set out in Schedule 1 are prescribed for the purposes of section 17 (1) of the Act in relation to licensees for the game of keno.

(2) The particulars to be notified under section 17 (1) of the Act in relation to each kind of change are as set out in Schedule 1 in respect of that kind of change.

PART 4—MISCELLANEOUS

Display of rules of games

12. (1) An agent who accepts entries in any game of lotto (including any game of keno) must display:

- (a) a complete copy of the rules of the game; or
- (b) an extract of the rules of the game,

in a prominent position at each place where those entries are accepted.

(2) An extract of the rules of the game is to be in a form approved of in writing by the Minister.

(3) An agent who, in accordance with this clause, displays an extract only of the rules of the game at any place must keep a complete copy of those rules at that place and must produce them for inspection by any person free of charge on request.

Maximum penalty: 10 penalty units.

Prescribed contracts under sec. 17B of the Act

13. The class of instruments comprising the following agreements and arrangements is prescribed for the purposes of paragraph (d) of the definition of “prescribed contract” in section 17B (8) of the Act:

- (a) the Secured Facility Agreement entered into on 30 October 1991, the Secured Facility Agreement entered into on 19 November 1992, and the Secured Facility Agreement entered into on 18 February 1994, between Club Gaming Systems (Holdings) Pty Ltd, Club Gaming Systems Pty Ltd and the State Bank of New South Wales Ltd;
- (b) the deed of charge entered into on 30 October 1991 between Club Gaming Systems (Holdings) Pty Ltd and the State Bank of New South Wales Ltd;
- (c) the deed of charge entered into on 30 October 1991 between Club Gaming Systems Pty Ltd and the State Bank of New South Wales Ltd;
- (d) the deed of subordination and priority entered into on 30 October 1991, the deed of subordination and priority and the deed of consent entered into on 19 November 1992, and the deed of subordination and priority and the deed of consent entered into on 18 February 1994, between Club Gaming Systems (Holdings) Pty Ltd, Club Gaming Systems Pty Ltd, AWA Ltd and the State Bank of New South Wales Ltd;
- (e) the Clubkeno Holdings Pty Ltd deed of consent entered into on 30 October 1991, the Clubkeno Holdings Pty Ltd deed of consent entered into on 19 November 1992, and the Clubkeno Holdings Pty Ltd deed of consent entered into on 18 February 1994, between Clubkeno Holdings Pty Ltd, Club Gaming Systems (Holdings) Pty Ltd, Club Gaming Systems Pty Ltd and the State Bank of New South Wales Ltd;

- (f) the power of attorney made by Clubkeno Holdings Pty Ltd on 30 October 1991;
- (g) the AWA Ltd deed of consent entered into on 30 October 1991, the AWA Ltd undertaking and deed of consent entered into on 19 November 1992, and the AWA Ltd undertaking and deed of consent entered into on 18 February 1994, between AWA Ltd, Club Gaming Systems Pty Ltd and the State Bank of New South Wales Ltd.

Repeal

14. (1) The Lotto Regulation 1989 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Lotto Regulation 1989, had effect under that Regulation continues to have effect under this Regulation.

SCHEDULE 1—CHANGE OF CIRCUMSTANCES TO BE NOTIFIED

(cl. 11)

<i>Kinds of change</i>	<i>Particulars to be notified</i>
Any change in the name of the licensee, its principal business address or postal address, its telephone number or its facsimile number.	Particulars of those matters as changed.
Any change in the membership of the board of directors of the licensee.	Particulars of the name, address and date of birth of any new director.
Any change in the name or address of any member of the board of directors of the licensee.	Particulars of the new name or address of the director.
The licensee commencing to remunerate an employee of the licensee at a remuneration level of \$100,000 per year or more, whether as salary or remuneration package.	Particulars of the name, address and date of birth of the employee.

Any change in the information entered in the register of members of the licensee.	Particulars of the change, including any addition to or deletion from that information.
Any change in the proportion of the paid up capital of the licensee in which a person holds a beneficial interest and any acquisition by a person of a beneficial interest in the paid up capital of the licensee.	Particulars of the name and address of the person and the proportion of the paid up capital in which the person holds a beneficial interest as changed or acquired.
Any change in the nominal or paid up capital of the licensee.	Particulars of the nominal or paid up capital as changed.
Any change in the objectives or main activities of the licensee.	Particulars of those objectives or main activities as changed.
Any change in any direct or indirect financial interests held by the licensee in any business or enterprise, including the acquisition or disposal of such an interest.	Particulars of the interest both before and after the change.
Any other business or enterprise commencing to have the same registered office as the licensee.	Particulars of the name of the other business or enterprise and the activities in which it engages.
The licensee commencing to carry on any other business or enterprise at any place or the appointment of a person to carry on any other business or enterprise on the licensee's behalf.	Particulars of the address of the place and the business or enterprise carried on there or the name of the person appointed and the business or enterprise to be carried on by the person on the licensee's behalf.
The commencement, settlement, discontinuance or finalisation of civil or criminal proceedings to which the licensee is a party.	Particulars of the nature of the proceedings, the names and addresses of the other parties to civil proceedings, the date of commencement, settlement, discontinuance or finalisation and the terms of settlement (unless terms of settlement are prohibited from being disclosed) or the result of finalisation.
The obtaining of judgment against the licensee, the creation of any charge over any property of the licensee or repossession of any property of the licensee.	Particulars of the terms of the judgment or charge or the reasons for and circumstances of the repossession, and a description of any property affected.

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Any amendment under any law of the Commonwealth of an assessment relating to the licensee under the Income Tax Assessment Act 1936 of the Commonwealth.	Particulars of the amendment.
Any change in the key employees employed by or on behalf of the licensee.	Particulars of the name and address of a person who becomes or ceases to be a key employee and the date that occurs.
The commencement, settlement, discontinuance or finalisation of civil or criminal proceedings to which a key employee of the licensee is a party and of which the licensee is aware.	Particulars of the nature of the proceedings, the names and addresses of the other parties to the proceedings, the date of commencement, settlement, discontinuance or finalisation and the terms of settlement (unless terms of settlement are prohibited from being disclosed) or the result of finalisation.
Each increase of more than \$500,000 in the debts of the licensee.	Particulars of to whom the debt is owed, the amount of the debt as increased, the amount of the increase and the reason for the increase.
Any failure by the licensee to make due payments under a loan or other financing arrangement.	Particulars of the loan or financing arrangement, the amount due and unpaid and the reason for the failure to pay.
The commencement of the winding up of the licensee or the placement of the licensee under official management.	Particulars of the date on which the winding up or official management commenced.
The licensee entering into a compromise or scheme of arrangement with its creditors.	Particulars of the date on which it was entered into and the terms of the compromise or scheme.
The appointment of a receiver or manager, whether by the Supreme Court or otherwise, in respect of the property of the licensee.	particulars of the date and terms of the appointment.

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SCHEDULE 1

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, without any changes in substance, the provisions of the Lotto Regulation 1989. This Regulation makes provision in respect of unclaimed lotto and keno prizes, specifies keno key employees, and requires agents to display lotto and keno rules where entries in such games are accepted.

This Regulation is made under the Lotto Act 1979, including section 22 (the general regulation making power) and sections 14 (8) and (9), 17 and 17B. This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.