



New South Wales

Public Lotteries Regulation 1996

under the
Public Lotteries Act 1996

His 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, and
Minister Assisting the Premier on Hunter Development.

Explanatory note

The object of this Regulation is to provide administrative detail for the purposes of the *Public Lotteries Act 1996*. In the main, the Regulation re-enacts provisions that were previously included in the *Lotto Regulation 1995*, the *New South Wales Lotteries (General) Regulation 1995* or the *Soccer Football Pools (General) Regulation 1996*. These Regulations have been repealed by the *Public Lotteries Act 1996*.

This Regulation contains provisions relating to the following:

- (a) the disposal of unclaimed prizes in public lotteries (clause 5),
- (b) the disposal of money in a prize fund for a public lottery if a licence to conduct the public lottery is no longer in force (clause 6),
- (c) publicity concerning prizewinners (clause 7),
- (d) the prescription of certain persons concerned or engaged in the conduct of games of Keno as key employees (clause 8),
- (e) notification of the change of circumstances of licensees for public lotteries (clause 9),
- (f) the prescription of certain agreements and arrangements as exempt contracts in relation to games of Keno (clause 10),
- (g) the construction of references to legislation repealed by the *Public Lotteries Act 1996* (clause 11),
- (h) machinery provisions (clauses 14).

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Explanatory note

This Regulation is made under the *Public Lotteries Act 1996*, including sections 4 (definitions—meaning of *key employee*), 27 (prize fund account), 38 (publicity concerning prizewinners), 52 (licensees and agents to inform Minister of changed circumstances), 62 (definitions—meaning of *exempt contract*), 83 (the general regulation making power) and clause 1 of Schedule 2 (concerning the making of regulations of a savings or transitional nature).

This Regulation comprises matters of a machinery nature, matters of a savings or transitional nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Public Lotteries Regulation 1996

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Public Lotteries Regulation 1996*.

2 Commencement

This Regulation commences on 1 January 1997.

3 Definitions

In this Regulation:

licensee means the holder of a licence under the Act.

the Act means the *Public Lotteries Act 1996*

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 Prizes

5 Unclaimed public lottery prizes

- (1) In this clause, *unclaimed prize* means a prize that remains unclaimed by the prizewinner for a period of one year after the date on which the public lottery to which the prize relates is conducted.
- (2) A 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 \$200 or more won on a public lottery:
 - (a) the value of the prize,
 - (b) the name of the prizewinner, if known,
 - (c) the game number of the public lottery concerned.

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Part 2 Prizes

- (3) Particulars of an unclaimed prize of \$200 or more included in a list under this clause need not be included in any subsequent list under this clause.
- (4) An unclaimed prize won in a public lottery may be disposed of by the licensee who conducted the public lottery in a manner and for a purpose, for the benefit of subscribers to public lotteries conducted by the licensee, approved of by the Minister.
- (5) The disposal of an unclaimed prize under this clause does not affect a prizewinner's entitlement to the prize.

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

The Minister may, with the approval of the Treasurer, distribute money to which section 27 (10) of the Act refers for the benefit of subscribers to public lotteries generally, by payment to the Consolidated Fund or for such other purposes as the Minister determines.

7 Publicity concerning prizewinners

For the purposes of section 38 (2) of the Act, an entrant in a public lottery may request anonymity:

- (a) by having the request for anonymity recorded by the licensee in accordance with the rules of the public lottery,
Or
- (b) by indicating to the licensee (or an employee of the licensee) when claiming a prize that the person does not want his or her identity published.

Part 3 Miscellaneous

8 Key employees (Keno)

- (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 4 (1) of the Act:

- (a) involvement, on behalf of the licensee, in the development or operation of any computer systems 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) Any of the following persons who are concerned or engaged in the conduct of games of Keno by a Keno licensee are also key employees for the purposes of paragraph (c) of the definition of *key employee* in section 4 (1) of the Act:
- (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.

9 Notification of change of circumstances in relation to licensees

- (1) The kinds of changes set out in Schedule 1 are prescribed for the purposes of section 52 of the Act in relation to licensees for public lotteries.
- (2) The particulars to be notified under section 52 of the Act in relation to each kind of change are as set out in Schedule 1 in respect of that kind of change.

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Clause 10 Public Lotteries Regulation 1996

Part 3 Miscellaneous

10 Exempt contracts (Keno)

The class of instruments comprising the following agreements and arrangements is prescribed, in relation to games of Keno, for the purposes of paragraph (b) of the definition of *exempt contract* in section 62 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.

11 Construction of certain references

- (1) A reference in an Act (other than the *Public Lotteries Act 1996*), in any instrument made under an Act or in any other document to a repealed Act or Regulation, or to rules made under a repealed Act, is to be read:
 - (a) as including a reference to the *Public Lotteries Act 1996*, the regulations and rules made under that Act and any instrument (including a licence) issued under that Act (as applicable) unless it relates to a matter that continues, by reason of the operation of Schedule 2 to that Act, to be dealt with by a repealed Act or Regulation or rules made under a repealed Act, or
 - (b) if it relates to such a matter—as a reference to the applicable repealed Act or Regulation or rules made under the applicable repealed Act.
- (2) In this clause, ***repealed Act or Regulation*** means an Act or Regulation repealed by section 84 of the *Public Lotteries Act 1996*.

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Schedule 1 Change of circumstances to be notified

Schedule 1 Change of circumstances to be notified

(Clause 9)

<i>Kinds of change</i>	<i>Particulars to be notified</i>
Any change in the name of the licensee, the licensee's principal business address or postal address, telephone number or 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.

<i>Kinds of change</i>	<i>Particulars to be notified</i>
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.
Any amendment under any law of the Commonwealth of an assessment relating to the licensee under the <i>Income Tax Assessment Act 1936</i> 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.

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Schedule 1 Change of circumstances to be notified

<i>Kinds of change</i>	<i>Particulars to be notified</i>
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 the licensee's 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.