

Public Lotteries Regulation 2002

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New South Wales

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Contents

| | |
|---|----|
| Part 1 Preliminary | 4 |
| 1 Name of Regulation | 4 |
| 2 Commencement | 4 |
| 3 Definition | 4 |
| Part 2 Prizes | 4 |
| 4 Unclaimed public lottery prizes | 4 |
| 5 Disposal of certain money in prize fund if licence not in force | 5 |
| 6 Publicity concerning prizewinners | 5 |
| Part 3 Responsible gambling practices | 5 |
| 7 Approval of English and other community language player information brochures | 5 |
| 8 Provision of player information brochures | 6 |
| 9 Provision of player information brochures in community languages | 6 |
| 10 Gambling information and warnings..... | 6 |
| 11 Counselling signage—notice to be displayed | 8 |
| 12 Advertising of public lotteries | 8 |
| 13 Payment of prize money by cheque or electronic funds transfer..... | 9 |
| 14 Gambling inducements..... | 10 |
| Part 4 Miscellaneous | 11 |
| 15 Key employees (Keno) | 11 |
| 16 Notification of change of circumstances in relation to licensees | 11 |
| 17 Exempt contracts (Keno) | 11 |

| | |
|--|-----------|
| 18 Review of controlled contracts | 12 |
| 19 Construction of certain references | 12 |
| Schedule 1 Change of circumstances to be notified | 13 |

Public Lotteries Regulation 2002



New South Wales

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

Part 1 Preliminary

1 Name of Regulation

This Regulation is the [Public Lotteries Regulation 2002](#).

2 Commencement

This Regulation commences on 1 September 2002.

Note—

This Regulation replaces the [Public Lotteries Regulation 1996](#) which is repealed on 1 September 2002 under section 10 (2) of the [Subordinate Legislation Act 1989](#).

3 Definition

(1) In this Regulation:

the Act means the [Public Lotteries Act 1996](#).

(2) Notes included in this Regulation are explanatory notes and do not form part of this Regulation.

Part 2 Prizes

4 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 last conducted.

(2) 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 approved by the Minister

for the benefit of subscribers to public lotteries conducted by the licensee, or, in the case of an unclaimed Keno prize, for any other purpose approved of by the Minister.

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

5 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.

6 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 Responsible gambling practices

7 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) helpline 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.

- (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.

8 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 7 (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 7 (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: 50 penalty units.

9 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 7 (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: 50 penalty units.

10 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.

- (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 extend the duration of any contract or arrangement entered into before 9 November 2001 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 extend the duration of any contract or arrangement entered into before 9 November 2001 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) 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 7 (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: 50 penalty units.

11 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
- (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.

12 Advertising of public lotteries

(1) The requirements of subclauses (2) and (3) 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
- (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 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 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.

- (6) 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).

13 Payment of prize money by cheque or electronic funds transfer

- (1) If in a game of keno the prize money payable to a person at the end of a customer session exceeds \$1,000, the licensee or agent of the licensee responsible for paying the prize money:
- (a) if the person so requests, must pay the total prize money by means of:
 - (i) a crossed cheque payable to the person, or
 - (ii) an electronic funds transfer to an account nominated by the person (if those means are available), and

(b) must pay so much of the total prize money as exceeds \$1,000 by means of:

- (i) a crossed cheque payable to the person, or
- (ii) if the person so requests and those means are available, 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, 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:

customer session means the period of time starting when a subscriber:

- (a) makes an entry in a game of Keno, or
- (b) checks a receipt ticket in a game of Keno, or
- (c) cancels an entry into a game of Keno,

and ending when the End Customer terminal key is activated.

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).

14 Gambling inducements

(1) A licensee or agent of a licensee, or an employee of a licensee or agent of a licensee, must not offer or supply any free or discounted liquor as an inducement to participate, or to participate frequently, in any public lottery conducted by the licensee.

Maximum penalty: 50 penalty units.

(2) In subclause (1), **liquor** has the same meaning as in the [Liquor Act 1982](#).

Part 4 Miscellaneous

15 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 Jupiters Gaming (NSW) Pty Limited 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.

16 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.

17 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.

18 Review of controlled contracts

For the purposes of section 63 (3) of the Act, \$2,000 is prescribed as the fee for the review of each controlled contract.

19 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*.

Schedule 1 Change of circumstances to be notified

(Clause 16)

| Kinds of change | Particulars to be notified |
|--|---|
| Any change in the name of the licensee, the licensee's principal business address or postal address, e-mail address, website 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 \$150,000 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. |
| Any amendment under any law of the Commonwealth of an assessment relating to the licensee under taxation legislation 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 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. |