

Public Lotteries Regulation 2016

[2016-519]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
Liquor and Gaming Legislation Amendment Act 2018 No 7 (not commenced)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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Public Lotteries Regulation 2016



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Public Lotteries Regulation 2016*.

2 Commencement

This Regulation commences on 1 September 2016 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Public Lotteries Regulation 2007*, which is to be repealed on 1 September 2016 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

Liquor and Gaming NSW means Liquor and Gaming NSW in the Department of Justice.

Secretary means the Secretary of the Department of Justice.

the Act means the *Public Lotteries Act 1996*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

Part 2 Prizes

4 Period in which prizes may be claimed

A claim for an unclaimed prize must be made:

(a) on or before 1 December 2016, in the case of a prize won in a public lottery

conducted on or before 30 November 2010, or

- (b) on or before the sixth anniversary of the date on which the public lottery to which the prize relates was conducted, in the case of a prize won in a public lottery conducted on or after 1 December 2010.

5 Unclaimed public lottery prizes

- (1) An unclaimed prize 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.
- (2) If the Minister approves of the disposal by a licensee of an unclaimed prize under subclause (1), the licensee must dispose of the unclaimed prize in the manner and for the purpose approved:
 - (a) within the time, if any, specified in the approval, or
 - (b) if a time is not specified in the approval, within 10 days after the day on which the approval is given, or
 - (c) if the approval was given before the commencement of this subclause, within 10 days after that commencement.

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.

8 Prizes paid by agents

For the purposes of section 39A of the Act, the prescribed amount:

- (a) in relation to a game of keno is \$9,999, and
- (b) in relation to a public lottery (other than a game of keno) is \$1,500.

Part 3 Responsible gambling practices

9 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 Gambling Help line phone number operated under contractual arrangements made by Liquor and Gaming NSW.
- (2) The Secretary may approve one or more pamphlets or brochures containing player information in the English language (a **player information brochure**).
- (3) The Secretary may approve one or more pamphlets or brochures containing advice in the Arabic, Chinese, Korean, 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 Secretary may approve one or more pamphlets or brochures (a **community language player information brochure**) containing player information in the Arabic, Chinese, Korean, Turkish and Vietnamese languages.
- (6) The Secretary may vary or withdraw any approval given under this clause.

10 Provision of player information brochures

- (1) A licensee must:
 - (a) provide to the agent sufficient copies of the player information brochures approved by the Secretary under clause 9 (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 Secretary under clause 9 (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.

- (3) The brochures must be in a form approved by the Secretary and be obtained from Liquor and Gaming NSW.

11 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 9 (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.

- (3) The brochures must be in a form approved by the Secretary and be obtained from Liquor and Gaming NSW.

12 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:

Think! About your choices

Call Gambling Help

1800 858 858

www.gamblinghelp.nsw.gov.au

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:

Think! About your choices

Call Gambling Help

1800 858 858

www.gamblinghelp.nsw.gov.au

Maximum penalty: 50 penalty units.

(4) 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 Secretary under clause 9 (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.

13 Counselling signage—notice to be displayed

(1) A licensee must:

(a) 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:

Think! About your choices

Gambling more, enjoying it less?

For free and confidential information and advice about problem gambling, please contact Gambling Help

1800 858 858

www.gamblinghelp.nsw.gov.au

- (4) The notice must be in a form approved by the Secretary and be obtained from Liquor and Gaming NSW.

14 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:

Think! About your choices

Call Gambling Help

1800 858 858

www.gamblinghelp.nsw.gov.au

(4) 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).

15 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 \$5,000, 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 \$5,000 by means of:

- (i) a crossed cheque payable to the person, or
- (ii) if the person so requests and those means are available, 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 \$1,500, the licensee responsible for paying the prize money must pay the prize money by means of:

- (a) a crossed cheque payable to the person, or
- (b) 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.

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.

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).

16 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 this clause, **liquor** has the same meaning as in the [Liquor Act 2007](#).

Part 4 Miscellaneous

17 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.

18 Exempt contracts

- (1) The following contracts, or classes of contracts, are prescribed for the purposes of paragraph (b) of the definition of **exempt contract** in section 62 of the Act:
- (a) a contract of employment,
 - (b) a contract relating to the supply or maintenance of gaming, security or surveillance equipment,
 - (c) a contract relating to the supply of gas, water or electricity, or postal or telecommunications services to a licensee or agent,
 - (d) a contract relating to the supply of legal, accounting, financial, corporate or property advisory services to a licensee or agent,
 - (e) a contract relating to the supply of share registry services to a licensee or agent,
 - (f) a contract relating to the supply of airline services to a licensee or agent,
 - (g) a contract of insurance and a contract relating to the supply of insurance to, or the procurement of insurance for, a licensee or agent,

- (h) a contract relating to the supply of off-site parking for the premises used or to be used by a licensee or agent in connection with the conduct of a public lottery,
 - (i) a contract relating to the supply of ticketing agency services to a licensee or agent,
 - (j) a contract relating to the supply of superannuation services for the benefit of employees of a licensee or agent,
 - (k) a contract relating to the supply of banking or financial services to a licensee or agent,
 - (l) a contract relating to the provision of membership services by an industry representative body to a licensee or agent,
 - (m) a contract relating to the provision of market research, marketing, advertising or promotional goods or services to a licensee or agent,
 - (n) a contract relating to the supply of document destruction services or waste services to a licensee or agent,
 - (o) a contract of sponsorship,
 - (p) a contract relating to the supply of auditing services to a licensee or agent,
 - (q) a contract relating to the supply of information technology services for data governance or cloud-based services to a licensee or agent.
- (2) Despite subclause (1), the following contracts, or classes of contracts, are not exempt contracts:
- (a) any contract relating to the supply of gaming equipment if the amount payable under the contract, or contracts, is \$15,000 or more during any 12-month period,
 - (b) any contract relating to the maintenance of gaming equipment if the amount payable under the contract, or contracts, is \$15,000 or more during any 12-month period,
 - (c) any contract relating to the supply or maintenance of security or surveillance equipment if the amount payable under the contract, or contracts, is \$110,000 or more during any 12-month period.
- (3) In this clause, ***gaming equipment*** has the same meaning as it has in the [Casino Control Act 1992](#).

19 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.

20 Saving of certain matters under expired licences

- (1) This clause applies to and in respect of a licence that expires (***the expired licence***) but is immediately replaced by a new licence that:
 - (a) is in substantially the same terms as the expired licence, and
 - (b) is issued to the person who held the expired licence.
- (2) Any approval by the Minister under the conditions of the expired licence and in force immediately before its expiry is taken to be an approval in force under the conditions of the new licence, unless the terms of the new licence otherwise provide.
- (3) The rules relating to the conduct of a public lottery under the expired licence and in force immediately before its expiry are taken to be rules in force for the purposes of the new licence until such time as rules are made and approved under Part 4 of the Act for the purposes of the new licence.
- (4) Any money kept in a prize fund under the Act for the purposes of the expired licence and that is not required for payment of prizes won in a public lottery is taken to be part of the corresponding prize fund kept for the purposes of the new licence.

21 Saving

Any act, matter or thing that, immediately before the repeal of the [Public Lotteries Regulation 2007](#), had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Change of circumstances to be notified

(Clause 17)

Kind of change	Particulars to be notified
Any change in the name of the licensee, the licensee's principal business address or postal address, email 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.
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.
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 a 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 \$650,000 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 the compromise or scheme of arrangement 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.