

Queensland



LOTTERIES ACT 1994

**Reprinted as in force on 3 May 1996
(includes amendments up to Act No. 45 of 1995)**

Reprint No. 1

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Information about this reprint

This Act is reprinted as at 3 May 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- reorder definitions and other provisions consistent with current drafting practice (ss 30 and 30A)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 40)
- omit the enacting words (s 42A)
- number and renumber provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint including table of renumbered provisions.**

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LOTTERIES ACT 1994

[as amended by all amendments that commenced on or before 3 May 1996]

An Act to provide for the Golden Casket Lottery Corporation and the conduct and administration of lotteries, and for other purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Lotteries Act 1994*.

Commencement

- 2.(1) Section 85 commences on the date of assent.
- (2) The remaining provisions commence on a day to be fixed by proclamation.

Objects

3. The objects of this Act include—
 - (a) regulating the conduct of lotteries under a single Act; and
 - (b) regulating activities that tend to detract from the integrity of the conduct of lotteries.

Definitions

4. In this Act—

“**agency agreement**” means an agreement between the corporation and an adult providing for—

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- (a) the appointment of the person as an agent for the corporation for the conduct of lotteries; and
- (b) the person's authority as an agent; and
- (c) the conditions under which the person acts as, and remains, an agent of the corporation; and
- (d) other matters agreed between the corporation and the person.

“agency payment period”, for a lottery, means the period prescribed under the rules for the lottery during which a prize in a drawing of the lottery may be claimed from an agent.

“agent” means a person appointed under an agency agreement.

“another jurisdiction” means another State, a Territory or a foreign country.

“board” means the Golden Casket Board.

“bonus prize money” see section 21(1).

“chief executive officer” means the corporation's chief executive officer.

“closure”, of a lottery, means—

- (a) if there is a drawing of the lottery—when the computer system does not allow a functioning gaming terminal to issue an entry form for the lottery; or
- (b) in any other case—the day fixed by the corporation for the closure of the lottery by notice displayed at the corporation's offices.

“computer system” see section 5(1).

“conduct” includes advertise, control, develop, manage, operate, organise and promote.

“corporation” means the Golden Casket Lottery Corporation.

“criminal history” of a person means the person's criminal record within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, and, despite section 6 of that Act, includes a conviction to which the section applies.

“employee” of the corporation means—

- (a) the chief executive officer; or

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- (b) anyone else employed as part of the corporation's staff (including temporary staff).

“entry form” means a document or thing that, under this Act, evidences the right of a person to take part in a lottery.

“foreign agency” means any of the following—

- (a) a department of government of another jurisdiction authorised by the law of the other jurisdiction to conduct a gaming scheme;
- (b) a statutory body or corporation established under the law of another jurisdiction that is authorised by the law of the other jurisdiction to conduct a gaming scheme;
- (c) another entity permitted by the law of another jurisdiction to conduct a gaming scheme or similar activity.

“gaming scheme” means a game, scheme or arrangement offering prizes in which the winners are decided—

- (a) wholly or partly by chance; or
- (b) by a competition or another activity having an outcome depending on fate or guessing.

Example of a competition depending on guessing—

In Soccer Football Pools, winning depends on guessing the outcome of soccer football matches.

“gaming terminal” see section 5(3).

“lottery” means a gaming scheme conducted by the corporation under this Act.

“pay a prize” includes deliver the prize.

“prize” for a lottery means money, entry forms in a lottery or other property of any description.

“publishing” an advertisement or notice includes displaying or distributing the advertisement or notice.

“selling fee” see section 6.

“subscriber” means a person who pays, or contributes to paying, a subscription.

“**subscription**” see section 6.

“**symbols**” includes amounts, letters, pictures, numbers and words.

“**unclaimed prize money**” see section 28(1).

Meaning of “computer system”

5.(1) The “**computer system**” is the computer system owned and operated by the corporation—

- (a) to process entry forms in a lottery; and
- (b) to supply a receipt to a subscriber; and
- (c) to identify whether an entry is a winning entry.

(2) The computer system includes—

- (a) the hardware, including, for example, gaming terminals; and
- (b) the software used on the hardware; and
- (c) other equipment used to transfer information.

(3) A “**gaming terminal**” is a terminal that is—

- (a) part of the computer system; and
- (b) used at the point of sale of entry forms in a lottery.

(4) The gaming terminals and other equipment that are part of the computer system are the property of the corporation even though they may be located at the premises of an agent.

(5) The computer system may be used for some or all lotteries.

Meaning of “selling fee” and “subscription fee”

6.(1) A person who wishes to take part in a lottery pays an amount made up of a “**selling fee**” and a “**subscription**”.

(2) The “**selling fee**” is the amount set by the corporation, and notified in the gazette, as the amount to which an agent is entitled for processing the entry form for the person for the lottery.

(3) The “**subscription**” is the amount set by the corporation, and notified in the gazette, as a subscription for the lottery.

PART 2—CORPORATION AND BOARD

Division 1—Golden Casket Lottery Corporation and its functions

Continuance of corporation sole

7.(1) The corporation sole established under the *Golden Casket Art Union Act 1978* by the manager of the Golden Casket Art Union Office is continued under the name Golden Casket Lottery Corporation as a corporation constituted by the chief executive of the department.

(2) The corporation—

- (a) is a corporation sole; and
- (b) has a seal; and
- (c) may sue and be sued in its corporate name.

(3) In constituting the corporation, the chief executive is subject to the Minister.

Corporation represents the State etc.

8.(1) The corporation represents the State.

(2) Without limiting subsection (1), the corporation has all the privileges and immunities of the State and is an exempt public authority under the Corporations Law.

Functions of corporation

9. The corporation's functions are—

- (a) to conduct lotteries efficiently; and
- (b) to decide the number and type of agency agreements; and
- (c) to enter into agency agreements and to ensure that the activities of agents do not impeach the conduct of lotteries or the corporation's reputation; and
- (d) to take part with foreign agencies in conducting lotteries in the

State or other jurisdictions; and

- (e) to increase the corporation's profits by exploring ways of increasing its income from within and outside the State, including, for example, commercially exploiting its property or expertise alone or with someone else; and
- (f) to perform other functions conferred on it under this or another Act.

Division 2—Powers of the corporation

General powers of corporation

10.(1) The corporation has, in performing its functions, all the powers of an individual.

(2) Without limiting subsection (1), the corporation may, for example—

- (a) enter into contracts, including agency agreements; and
- (b) acquire, hold, dispose of and deal with property; and
- (c) employ a chief executive officer and other staff, including temporary staff; and
- (d) engage consultants; and
- (e) appoint persons (other than under agency agreements) to act for the corporation; and
- (f) charge for goods, information and services supplied by it; and
- (g) do all other things necessary or desirable to be done in performing its functions.

(3) The corporation also has the powers conferred on it under this or another Act.

(4) The corporation may exercise its powers within the State or in another jurisdiction.

(5) In this section—

“**power**” includes legal capacity.

Agreement with foreign agency

11.(1) The corporation may make an agreement with a foreign agency about the conduct of a gaming scheme—

- (a) by the corporation; or
- (b) by the foreign agency; or
- (c) by the corporation and the foreign agency.

(2) The corporation may, for example, make an agreement with a foreign agency under which—

- (a) the foreign agency is to provide facilities and managerial or technical help and advice to the corporation; and
- (b) the corporation is to obtain from the foreign agency other help to conduct a gaming scheme.

(3) The corporation may also, for example, make an agreement with a foreign agency under which—

- (a) the corporation is to provide facilities and managerial or technical help and advice to the foreign agency; and
- (b) the foreign agency is to obtain from the corporation other help to conduct a gaming scheme.

(4) This section does not limit by implication the corporation's functions and powers apart from this section.

Corporation may examine character and other matters about certain persons

12.(1) This section applies when—

- (a) the corporation intends employing an individual; or
- (b) an employee's duties in the corporation change.

(2) The corporation must consider the suitability of the individual or employee if the duties of the individual, or the new duties of the employee, involve any of the following—

- (a) access to the corporation's accounting records or computer system;

- (b) access to the corporation's premises after normal working hours;
- (c) dealing with entry forms, including, for example, distributing, processing, selling or storing entry forms;
- (d) paying prizes;
- (e) any other duties the corporation decides may involve a financial risk to the corporation or risk to the integrity of a lottery or lotteries.

(3) In considering the suitability of the individual or employee to perform a duty mentioned in subsection (2), the corporation must have regard to, and may make inquiries about, the person's character and standing, financial position and business and training experience.

Example—

The corporation's inquiries about an individual's character and standing may include asking the commissioner of the police service for a written report about the person's criminal history.

(4) If asked by the corporation, the commissioner of the police service must give the corporation a written report about the criminal history of a person mentioned in subsection (1).

(5) Subsection (4) applies to the criminal history in the commissioner's possession or to which the commissioner has access.

(6) Subsections (3) and (4) do not limit the matters to which the corporation may have regard in considering the suitability of—

- (a) an individual that it intends to employ; or
- (b) an employee whose duties in the corporation are changing.

Power of delegation

13.(1) The corporation may delegate its powers under this Act or another Act to an employee of the corporation, the board or a member of the board.

(2) The corporation may authorise a person to whom it has delegated a power to subdelegate the power to an employee of the corporation.

Division 3—Golden Casket Board**Establishment and functions of board**

14.(1) The corporation may, with the approval of the Governor in Council, establish the Golden Casket Board.

(2) The board's primary function is to act, within the limits of the powers delegated to the board by the corporation, as the delegate of the corporation, including for the following—

- (a) setting, and measuring achievement against, financial and non-financial performance targets;
- (b) developing business strategies to optimise the corporation's commercial performance;
- (c) guiding the corporation's marketing strategies through advertising and promotion campaigns, distribution strategies and customer service standards;
- (d) researching and developing new gaming schemes and products to maintain and enhance the corporation's position in the entertainment industry;
- (e) investigating technological initiatives to improve operational efficiency and customer service;
- (f) reviewing decisions made by the corporation that affect agents.

(3) The board must perform the other functions prescribed under a regulation.

Appointment of board members

15.(1) The Governor in Council may appoint—

- (a) persons to be members of the board; and
- (b) 1 of the members to be the board's chairperson.

(2) The regulations may prescribe—

- (a) the number of members; and

- (b) matters to which the Governor in Council must have regard when appointing members, including, for example, qualifications.

PART 3—CONDUCT OF LOTTERIES

Conduct of lotteries lawful

16.(1) The conduct of lotteries by the corporation is lawful.

(2) If there is a law about gaming schemes or gaming that would make any of the following an offence, the law does not have effect to the extent necessary for the following to be lawful—

- (a) anything done by or for the corporation in the conduct of a lottery;
- (b) subscribing for a lottery;
- (c) doing anything else required or authorised to be done under this Act.

(3) This section has effect despite any other law that deals with gaming schemes or gaming.

Entry forms

17.(1) An entry form is evidence of the subscriber's right to take part in the lottery specified in the entry form or for which the entry form is used.

(2) An entry form remains the corporation's property at all times.

Use of security codes and other tests to check entry forms and prizes

18.(1) The corporation may use security codes or other tests for entry forms—

- (a) to ensure that forged or fraudulently altered entry forms are not taken to be winning entries; and
- (b) to provide a way of deciding whether an entry form is a winning entry and, if so, the amount of the prize.

(2) The corporation may record security codes on entry forms.

(3) The corporation may also put into effect tests for entry forms.

(4) If the corporation or an agent decides that an entry form does not display a valid security code for the entry form, or satisfy other tests relevant to the entry form, the corporation or agent must not pay a prize for the entry form.

(5) Subsection (4) has effect even though the entry form appears to be a valid winning entry.

Independent supervision of lotteries

19.(1) The auditor-general must supervise—

- (a) the systems used to decide winning symbols and prize winners in a lottery to ensure the security and efficient operation of the systems including, for example, the codes and other tests mentioned in section 18 (Use of security codes and other tests to check entry forms and prizes); and
- (b) the operation of the systems for each lottery; and
- (c) the accuracy of the results for each lottery.

(2) If the results of a lottery are to be decided by a drawing in another jurisdiction under the laws of the jurisdiction, the auditor-general need not supervise the drawing.

Prizes

20.(1) The prizes to be distributed in a drawing of a lottery must be in accordance with—

- (a) the rules for the lottery; and
- (b) to the extent that the rules for the lottery do not specify a prize structure for the lottery, the prize structure approved by the Minister for the lottery.

(2) However, the total value of the prizes for a drawing must be not less than 50% of the total subscriptions for the drawing.

(3) If a prize in a drawing of a lottery is property other than money or

entry forms for a lottery, the value of the property is taken to be the cost of the property to the corporation.

Bonus prize money

21.(1) A rule for a lottery may provide for putting aside an amount (“**bonus prize money**”) from the value of prize money to be distributed in a drawing of the lottery even though section 20(2) (Prizes) would not be complied with.

(2) Bonus prize money may be accumulated with bonus prize money for drawing in the same lottery or another lottery.

(3) Bonus prize money must be distributed from time to time in payment of a prize or an additional prize in a lottery.

(4) Until bonus prize money is distributed, it must be recorded in the corporation’s accounts as a reserve.

(5) However, bonus prize money may be invested as part of the corporation’s funds.

Jackpots

22.(1) A rule for a lottery may provide for putting aside an amount (a “**jackpot**”) for a prize for which there is no winner, even though, for a drawing, section 20(2) would not be complied with.

(2) The rule must provide for how the jackpot may be won in a subsequent drawing for the lottery.

(3) Until a jackpot is distributed, it must be recorded in the corporation’s accounts as a reserve.

(4) However, a jackpot may be invested as part of the corporation’s funds.

Pooling arrangements

23.(1) This section applies if—

- (a) there is an agreement between the corporation and a foreign agency about the conduct of a gaming scheme (the “**scheme**”) by

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- the corporation and the foreign agency; and
- (b) the scheme is a combination of—
- (i) a lottery; and
 - (ii) an equivalent gaming scheme conducted by the foreign agency (the “**foreign gaming scheme**”); and
- (c) for the scheme, the following amounts are pooled (the “**pooled amounts**”)—
- (i) amounts paid as subscriptions for the lottery;
 - (ii) amounts paid by persons to the foreign agency in taking part in the foreign gaming scheme; and
- (d) the scheme has—
- (i) a single drawing; and
 - (ii) a single schedule of prizes.

(2) Despite section 20(2), the value of prizes paid to persons from whom the corporation receives subscriptions may be less than 50% of the total of the subscriptions if the value of prizes for a drawing under the scheme is not less than 50% of the pooled amounts for the drawing.

(3) If a prize in a drawing under the scheme is property other than money or entry forms for the scheme, the value of the property is taken to be the cost of the property to the scheme.

(4) To avoid doubt, this section may be applied in conjunction with bonus prize money arrangements, jackpot arrangements, or both.

Withdrawal of unsold entry forms in certain circumstances

24.(1) This section applies to a lottery if, under the rules for the lottery, a person takes part in the lottery through entry forms that are printed in a way enabling a person to find out immediately whether the person has won a prize.

Example—

A lottery known as instant casket, commonly known as instant scratch-its.

(2) The corporation may withdraw all entry forms for a drawing in the lottery, and for which no subscription has been paid, if—

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- (a) the drawing for the lottery cannot proceed in a way that is substantially consistent with the prize structure for the drawing because of the way the entry forms have been printed; or
- (b) prizes included in the prize structure for the lottery are no longer—
 - (i) available; or
 - (ii) of any value.

Example for subsection (2)(b)(ii)—

Some of the prizes for the drawing are tickets to a sporting event, but the event is held before all entry forms have been subscribed for.

(3) The corporation may withdraw entry forms for a drawing in the lottery if the forms are damaged or stolen.

(4) However, the corporation must not withdraw entry forms under this section until it notifies the withdrawal in the gazette.

(5) Also, as soon as practicable after entry forms are withdrawn under subsection (2), the corporation must advertise the withdrawal in a newspaper circulating generally in the State, and may advertise the withdrawal in any other way.

(6) Subsections (2) and (3) apply despite section 20(2).

Claims for prizes

25.(1) In the agency payment period for a lottery, a claim for payment of a prize in the lottery may be made to the corporation or an agent.

(2) After the agency payment period for a lottery ends, a claim for payment of a prize in the lottery may be made only to the corporation.

(3) A subscriber's entitlement to claim a prize in a lottery continues until whichever of the following first happens—

- (a) the prize is paid under the Act;
- (b) the end of 7 years after the lottery closes even though the prize has been dealt with under section 27 (Disposal of unclaimed prizes that are property) or 28 (Unclaimed prizes generally).

(4) The rules of a lottery may provide that a person who is registered

with the corporation for the lottery need not make a claim for payment of a prize to which the person is entitled.

Payment of prizes

26.(1) If the holder of an entry form that has won a prize in a lottery claims the prize and gives the entry form to the corporation or an agent, the corporation or agent may pay the prize to the person or as directed by the person.

(2) However, an agent must not pay a claim for a prize that is more than an amount stated in the agency agreement between the corporation and the agent.

(3) The corporation or an agent need not inquire, and does not incur any liability for failing to inquire, into whether a person from whom an entry form is received—

- (a) is the actual subscriber, or lawful holder, of the entry form; or
- (b) is a minor or otherwise under a legal disability.

(4) After the agency payment period ends, the corporation may pay a prize to, or as directed by, a person registered with it whom the corporation believes to be the subscriber to the prize winning entry.

(5) The obligation of the corporation, or an agent, to pay a prize in a lottery is fully complied with and discharged on payment of the prize under this Act.

Disposal of unclaimed prizes that are property

27.(1) This section applies to a prize in a lottery if—

- (a) it is property other than money or entry forms in a lottery; and
- (b) it is not paid under section 26 (Payment of prizes) within 3 months after the lottery closes.

(2) The corporation—

- (a) may dispose of the property by public auction or tender; and
- (b) pay for the disposal from the proceeds of the sale; and

(c) must keep and deal with the remainder of the proceeds as if the remainder were the prize in the lottery.

(3) On disposal of a prize under subsection (2), entitlement to the prize is converted to an entitlement to the remainder kept under the subsection.

Unclaimed prizes generally

28.(1) If a prize in a lottery is not properly claimed or is not paid under section 26 (Payment of prizes), the corporation must identify the amount of the prize in its accounting records as unclaimed prize money for 1 year after the closure of the lottery.

(2) After unclaimed prize money has been identified under subsection (1) for 1 year, the corporation may use the money for the payment of a prize, or an additional prize, in a lottery.

(3) This section does not affect a person's entitlement to claim a prize in a lottery for 7 years after the closure of the lottery.

PART 4—FINANCIAL PROVISIONS

Application of Financial Administration and Audit Act 1977

29. The corporation is a statutory body within the meaning of the *Financial Administration and Audit Act 1977*.

Payments to the public accounts

30. The corporation must, as directed by the Minister, pay into the public accounts amounts surplus to the corporation's requirements.

Investment of funds

31.(1) The corporation is taken to be a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*, part 5.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, sections 48

and 50, (other than the provisions already applied under section 50(2) of that Act) are declared to apply, without limit of time, for the corporation for all securities, investments and other financial arrangements.

PART 5—OFFENCES

Participation by minors prohibited

32.(1) A person must not accept money for a lottery from a minor.

Maximum penalty—20 penalty units.

(2) It is a defence to a charge against subsection (1) to prove that the defendant had no reason to believe, and did not believe, that the person from whom the money for the lottery was accepted was a minor, and the operation of the Criminal Code, section 24 on the charge is excluded.

(3) In this section—

“money for a lottery” includes a subscription, selling fee or a contribution to a subscription or selling fee.

Ways of forecasting winning entries prohibited unless authorised

33.(1) A person must not, without the corporation’s written approval, supply, for gain or reward, a device, method, plan, scheme or system—

- (a) for which it is stated or implied by or for the person; or
- (b) that implies, is calculated to imply or is likely to be taken as implying;

that, by its use, the chances of a person forecasting winning symbols, or making a winning guess, in a lottery can be improved.

(2) A person must not, without the corporation’s written approval, publish or cause to be published an advertisement or notice that implies, is calculated to imply or is likely to be taken as implying, that the person will, or can, supply, for gain or reward, a device, method, plan, scheme or system that, by its use, the chances of a person forecasting winning

symbols, or making a winning guess, in a lottery can be improved.

Maximum penalty—200 penalty units.

Impersonation of agent

34. A person must not, in Queensland or another jurisdiction, pretend to be an agent.

Maximum penalty—200 penalty units.

Forgery and deception

35.(1) A person must not—

- (a) forge an entry form or other document (“**lottery document**”) of a type used by the corporation for a lottery; or
- (b) knowingly utter a forged entry form or lottery document.

Maximum penalty—200 penalty units.

(2) A person forges a document if the person makes a false document, knowing it to be false, with the intention—

- (a) that it may be used or acted on, in the State or elsewhere, to the prejudice of a person; or
- (b) that a person may, in the belief that it is genuine, be induced to do, or refrain from doing, anything in the State or elsewhere.

(3) Without limiting subsection (2), a genuine document may become a false document because of—

- (a) an alteration of the document in a material respect; or
- (b) an addition to the body of the document in a material respect; or
- (c) an addition of a false date, signature, attestation, seal or other material matter.

(4) A person utters a document if, in the State or another jurisdiction, the person—

- (a) uses or deals with the document; or
- (b) attempts to use or deal with the document; or

- (c) induces a person to use, deal with or act on the document; or
- (d) attempts to induce a person to use, deal with or act on the document.

Offensive terms prohibited etc.

36.(1) A person must not give to the corporation or an agent, for inclusion on an entry form, the name of a subscriber, or another name or designation, that is obscene, indecent or offensive.

Maximum penalty—20 penalty units.

(2) The corporation or an agent may refuse to accept an entry form, name or designation that, in the opinion of the corporation or agent, is given in contravention of subsection (1).

Alteration of entry form prohibited unless authorised

37.(1) A person must not, without the corporation's written authority change, or cause to be changed, a condition printed on an entry form.

Maximum penalty—200 penalty units.

(2) In this section—

“**change**” includes obliterate.

Unauthorised gaming schemes prohibited

38.(1) A person must not conduct a gaming scheme under a name that—

- (a) is the name by which a lottery is conducted; or
- (b) includes a word contained in a name by which a lottery is conducted.

(2) A person must not conduct, or permit to be conducted, a gaming scheme—

- (a) in which a prize-winner is decided by selection of a predecided number of symbols from a larger number of symbols; or
- (b) in which the selection of a predecided number of symbols is the way of deciding a numeral that decides a prize-winner.

(3) A person must not, without the corporation's written authority, for a gaming scheme conducted by a foreign agency—

- (a) sell or offer for sale, or cause to be sold or offered for sale, an entry in the scheme; or
- (b) accept, or cause to be accepted, an amount for the purchase or submission of an entry in the scheme.

(4) A person must not, without the corporation's written authority, publish or cause to be published an advertisement or notice that promotes, is calculated to promote, or is likely to be taken as promoting, a gaming scheme conducted by a foreign agency.

Maximum penalty—200 penalty units.

Offences by certain persons

39.(1) This section does not apply to—

- (a) an agent, to the extent that the agent is authorised under an agency agreement to do a thing proscribed by this section; or
- (b) a person authorised in writing by the corporation to do a thing proscribed by this section.

(2) A person must not, in the State or another jurisdiction—

- (a) for the person's gain or reward—
 - (i) induce anyone else to take part in a lottery; or
 - (ii) offer to anyone else an opportunity to take part in a lottery; or
 - (iii) distribute or supply, or cause to be distributed or supplied, an entry form; or
- (b) advertise or publicly promote subscription to, or taking part in, a lottery.

(3) A person must not charge an amount for—

- (a) filling in an entry form; or
- (b) depositing an entry form, directly or indirectly, with the corporation; or

- (c) submitting, or arranging for submission of, an entry form to the corporation or an agent; or
- (d) accepting a subscription, a selling fee or part of a subscription or selling fee; or
- (e) collecting or distributing a prize.

(4) A person must not, in Queensland or another jurisdiction, hold himself or herself out, by advertisement or in another way, to be available to perform a service mentioned in subsection (3).

Maximum penalty—200 penalty units.

Conduct excluded from s 39 offences

40.(1) A person does not commit an offence against section 39 if, without payment to or as directed by the person of a fee, commission, premium or other remuneration—

- (a) the person does something mentioned in section 39(2), (3) or (4) under an arrangement, not involving payment of remuneration made by the person with anyone else, under which they are to take part in a lottery by way of an entry form; and
- (b) if the action mentioned in section 39(3) is accepting payment of the whole or part of a subscription or selling fee—
 - (i) the amount is paid to the corporation or an agent; and
 - (ii) the entry form concerned is purchased or, if appropriate, is filled in and given to the corporation or an agent.

(2) A person does not commit an offence against section 39(2)(a)(iii) if the distribution or supply is to the corporation or an agent.

Selling entry form after closure of lottery

41.(1) A person (including an agent) must not sell an entry form in a lottery after its closure.

Maximum penalty—200 penalty units.

(2) In this section—
“sell” includes offer for sale.

Attempts to commit offences

42.(1) A person who attempts to commit an offence against this Act commits an offence.

Maximum penalty—half the maximum penalty for committing the attempted offence.

(2) The Criminal Code, section 4 (Attempts to commit offences) applies to the attempt.

Offences are summary offences

43. An offence against this Act is a summary offence.

PART 6—MISCELLANEOUS

Evidentiary provisions

44.(1) This section applies to a proceeding under this Act.

(2) Unless a party, by reasonable notice, requires proof of—

- (a) the appointment of the chief executive officer; or
- (b) the appointment of a person as an employee of the corporation;

the appointment must be assumed.

(3) A signature purporting to be the signature of the chief executive officer is evidence of the signature it purports to be.

(4) A certificate purporting to be signed by the chief executive officer and stating any of the following matters is evidence of the matter—

- (a) a stated document is—
 - (i) an agency agreement; or

- (ii) an approval or authority from the corporation; or
- (iii) an entry form;
- (b) on a stated day, or throughout a stated period, a stated person was or was not an agent;
- (c) an agency agreement was, or was not, in force on a stated day or throughout a stated period;
- (d) a stated fee or other amount is payable by a stated person to the corporation and has not been paid.

Application or otherwise of certain Acts to corporation

45.(1) The corporation is—

- (a) a unit of public administration under the *Criminal Justice Act 1989*; and
- (b) an agency under the *Equal Opportunity in Public Employment Act 1992*; and
- (c) a public authority under the *Libraries and Archives Act 1988*; and
- (d) an agency under the *Parliamentary Commissioner Act 1974*.

(2) The *Public Sector Management Commission Act 1990* and the *Public Service Management and Employment Act 1988* do not apply to the corporation or its employees.

Corporation's seal

46.(1) The corporation's seal is to be kept by the chief executive officer and may be used only under the authority of the corporation.

(2) The impressing of the seal to a document must be witnessed by the chief executive officer or a person authorised by the chief executive officer.

(3) Judicial notice must be taken of the imprint of the seal appearing on a document and the document must be taken to have been properly sealed unless the contrary is proved.

Authentication of documents

47. A document made by the corporation (other than a document required by law to be sealed) is sufficiently authenticated if it is signed by the chief executive officer or a person authorised by the chief executive officer.

Rules

48.(1) The corporation may, with the Minister's approval, make rules with respect to the conduct of, and prizes in, lotteries.

(2) A rule is subordinate legislation.

Regulations

49.(1) The Governor in Council may make regulations under this Act.

(2) Regulations may be made about the following—

- (a) the functions and powers of the corporation and the board;
- (b) the conduct of the business of the board, including the following—
 - (i) meeting procedures;
 - (ii) ways of voting;
 - (iii) records to be kept;
- (c) entering into agency agreements, including, for example, the matters the corporation must have regard to before entering into an agency agreement;
- (d) fees fixed under agency agreements and other fees fixed by the corporation;
- (e) connecting an agent to the computer system, including, for example, the supply, installation, operation and removal of gaming terminals;
- (f) the duties of agents, including, for example, keeping and producing records, and providing other information, to the corporation;

(g) amounts the corporation may charge an agent, including, for example, handling and delivery charges.

(3) A regulation may create offences and prescribe penalties of not more than 100 penalty units for the offences.

PART 7—SAVINGS, TRANSITIONAL AND VALIDATION PROVISIONS

Meaning of “repealed Act”

50. In this part—

“**commencement**” means commencement of this part.

“**repealed Act**” means—

- (a) the *Golden Casket Art Union Act 1978*; or
- (b) the *Lotto Act 1981*; or
- (c) the *Soccer Football Pools Act 1976*.

Continuation of existing agency agreements

51.(1) An agreement or other document that—

- (a) evidences the appointment of a person as an agent under a repealed Act; and
- (b) is in force immediately before the commencement;

has effect after the commencement, according to its terms, as if it were an agency agreement under this Act.

(2) This section expires 1 year after the commencement or, if another date is prescribed by regulation, on that date.

Savings

52.(1) The change in name and constitution of the corporation sole

prescribed by this Act does not affect—

- (a) the continuity of employment of a person who, immediately before the commencement, held an appointment with or was employed by the Golden Casket Art Union Office and who continues to hold an appointment with or to be employed by the corporation; or
- (b) the person's entitlements as an employee.

(2) An agreement made by or for the Golden Casket Art Union Office under or for the purposes of a repealed Act and in force immediately before the commencement is taken to be an agreement made by or for the corporation.

(3) An agreement made about Soccer Football Pools and in force immediately before the commencement is taken to be an agreement made by the corporation under this Act.

(4) A right claimed to arise from the conduct of a lottery by the Golden Casket Art Union Office before the commencement may be met by, and enforced against, the corporation as if the lottery had been conducted under this Act.

(5) Every lottery being conducted, and not concluded, at the commencement is continued and concluded by the corporation under this Act.

(6) Every fee, commission or charge fixed for a purpose under a repealed Act, and payable immediately before the commencement, continues to be the fee, commission or charge for the corresponding purpose under this Act until other provision is made under this Act.

(7) An obligation or indebtedness owed by a person under a repealed Act continues as an obligation or indebtedness of the person under this Act until it is discharged.

References to repealed Acts etc.

53.(1) This section applies to references in Acts and documents in existence at the commencement.

(2) A reference to the following Acts is taken to be a reference to this Act—

- *Golden Casket Art Union Act 1978*
- *Lotto Act 1981*
- *Soccer Football Pools Act 1976.*

(3) A reference to the Golden Casket Art Union Office is taken to be a reference to the corporation.

Existing regulations

54.(1) The regulations in force under a repealed Act immediately before the commencement remain in force, subject to amendment or repeal by a regulation under this Act, for the purposes of this Act and are to be read with the changes necessary to make them consistent with this Act and adapt their operation to the provisions of this Act.

(2) The regulations mentioned in subsection (1), and this section, expire 1 year after the commencement.

Existing rules

55. The rules for a lottery in force under a repealed Act immediately before the commencement remain in force, subject to amendment or repeal by a rule for the lottery under this Act, for the purposes of this Act and are to be read with the changes necessary to make them consistent with this Act and adapt their operation to the provisions of this Act.

(2) The rules for a lottery mentioned in subsection (1), and this section, expire 1 year after the commencement.

Authority for certain activities and expenditures of Golden Casket Art Union Office

85.(1) *The following activities and expenditures by the office during the financial years 1991–92, 1992–93, 1993–94 and 1994–95 are taken to have been authorised by law at the time the activity was engaged in or the expenditure made—*

- (a) *the development of, and expenditure for, a system of paying accounts through agents known as the Government Revenue Collection System; and*

(b) *the development of, and expenditure for, opportunities outside of Queensland for contracts for the art union known as Instant Casket.*

(2) *The office is also authorised by law to engage in an activity, and make expenditure for a matter, mentioned in subsection (1)(b) after the date of assent and before the commencement.*

(3) *In this section, the following terms have the same meaning as they have under the Golden Casket Art Union Act 1978—*

- *agent*
- *art union*
- *instant casket*
- *office.*

(4) *This section is enacted to remove any doubt and expires 1 year after it commences.**

* This provision has expired and is included in this reprint for informational purposes only. It will be omitted in the next reprint.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 3 May 1996. Future amendments of the Lotteries Act 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Lotteries Act 1994 No. 56

date of assent 4 November 1994

ss 1–2, 85 commenced on date of assent (see s 2(1))

remaining provisions commenced 8 December 1995 (1995 SL No. 337)

as amended by—

Lotteries Amendment Act 1995 No. 45

date of assent 22 November 1995

commenced on date of assent

5 List of annotations

This reprint has been renumbered—see table of renumbered provisions in endnote 6.

Definitions

- s 4**
- def “**agency agreement**” ins 1995 No. 45 s 2 sch
 - def “**agency payment period**” ins 1995 No. 45 s 2 sch
 - def “**agent**” ins 1995 No. 45 s 2 sch
 - def “**application for a lottery licence**” om 1995 No. 45 s 2 sch
 - def “**board**” amd 1995 No. 45 s 2 sch
 - def “**foreign agency**” sub 1995 No. 45 s 2 sch
 - def “**licensee**” om 1995 No. 45 s 2 sch
 - def “**licensee payment period**” om 1995 No. 45 s 2 sch
 - def “**lottery licence**” om 1995 No. 45 s 2 sch
 - def “**lottery property**” om 1995 No. 45 s 2 sch
 - def “**selling fee**” sub 1995 No. 45 s 2 sch
 - def “**subscription**” sub 1995 No. 45 s 2 sch

Meaning of “computer system”

- s 5** amd 1995 No. 45 s 2 sch

Meaning of “selling fee” and “subscription fee”

- s 6** ins 1995 No. 45 s 2 sch

PART 2—CORPORATION AND BOARD

- pt hdg** amd 1995 No. 45 s 2 sch

Functions of corporation

- s 9** amd 1995 No. 45 s 2 sch

General powers of corporation

- s 10** amd 1995 No. 45 s 2 sch

Division 3—Golden Casket Board

- div hdg** amd 1995 No. 45 s 2 sch

Establishment and functions of board

- s 14** amd 1995 No. 45 s 3, s 2 sch

Appointment of board members

s 15 amd 1995 No. 45 s 4

PART 3—LOTTERY LICENCES

ss 15–44 om 1995 No. 45 s 5

Use of security codes and other tests to check entry forms and prizes

s 18 amd 1995 No. 45 s 2 sch

Prizes

s 20 sub 1995 No. 45 s 6

Bonus prize money

s 21 amd 1995 No. 45 s 2 sch

Jackpots

s 22 ins 1995 No. 45 s 7

Pooling arrangements

s 23 ins 1995 No. 45 s 7

Withdrawal of unsold entry forms in certain circumstances

s 24 ins 1995 No. 45 s 7

Claims for prizes

s 25 amd 1995 No. 45 s 2 sch

Payment of prizes

s 26 amd 1995 No. 45 s 2 sch

Investment of funds

s 31 sub 1995 No. 45 s 2 sch

Impersonation of agent

prov hdg amd 1995 No. 45 s 2 sch

s 34 amd 1995 No. 45 s 2 sch

Offensive terms prohibited etc.

s 36 amd 1995 No. 45 s 2 sch

Offences by certain persons

s 39 amd 1995 No. 45 s 2 sch

Conduct excluded from s 39 offences

s 40 amd 1995 No. 45 s 2 sch

Certain persons must not charge more than amounts prescribed by regulations

s 67 om 1995 No. 45 s 2 sch

Partially filled in entry forms not to be used

s 68 om 1995 No. 45 s 2 sch

Selling entry form after closure of lottery

s 41 amd 1995 No. 45 s 2 sch

Evidentiary provisions

s 44 amd 1995 No. 45 s 2 sch

Corporation's seal

s 46 amd 1995 No. 45 s 2 sch

Regulations

s 49 amd 1995 No. 45 s 2 sch

Numbering and renumbering of Acts 77A ins 1995 No. 45 s 2 sch
om R1 (see RA s 37)**Continuation of existing agency agreements**

prov hdg sub 1995 No. 45 s 2 sch

s 51 amd 1995 No. 45 s 2 sch

exp 8 December 1996 or on another date prescribed by regulation (see s 51(2))**Application of s 67 delayed for certain mail order operators**

s 82 om 1995 No. 45 s 2 sch

Existing regulationss 54 exp 8 December 1996 (see s 54(2))**Existing rules**s 55 exp 8 December 1996 (see s 55(2))**Authority for certain activities and expenditures of Golden Casket Art Union Office**

s 85 exp 4 November 1995 (see s 85(4))

PART 9—REPEALS AND AMENDMENTS

s 86–87 om R1 (see RA s 40)

SCHEDULE 1—ACTS REPEALED

om R1 (see RA s 40)

SCHEDULE 2—ACT AMENDED

om R1 (see RA s 40)

6 Table of renumbered provisions

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