

Queensland



*Lotteries Act 1997*

# LOTTERIES REGULATION 1997

**Reprinted as in force on 13 June 2002  
(includes amendments up to SL No. 128 of 2002)**

**Reprint No. 2A**

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# Information about this reprint

This regulation is reprinted as at 13 June 2002. 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.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

# Queensland



## LOTTERIES REGULATION 1997

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# LOTTERIES REGULATION 1997

[as amended by all amendments that commenced on or before 13 June 2002]

## 1 Short title

This regulation may be cited as the *Lotteries Regulation 1997*.

## 2 Commencement

This regulation commences on the day section 8<sup>1</sup> of the Act commences.

## 3 Definitions

In this regulation—

**“advanced evaluation”** means an evaluation of any of the following things relating to regulated lottery equipment—

- (a) communications protocols;
- (b) monitoring systems;
- (c) random number generators.

**“audit computer system”** means a computer system, separate from a lotteries computer system, used by a lottery licensee to check the amounts received from the sale of tickets, the number of winners and the prizes payable in each drawing of an approved lottery.

**“basic evaluation”** means an evaluation of any of the following things relating to regulated lottery equipment—

- (a) artwork;
- (b) cabinet design;
- (c) documentation, including for example, operational manuals.

**“classified lottery”** means—

- (a) a declared lottery; or

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<sup>1</sup> Section 8 (Lawful activities) of the Act

- (b) an approved lottery known as instant scratch-its, golden casket or pools.

**“declared lottery”** means an approved lottery known as oz lotto, powerball, Saturday gold lotto, super 66 or Wednesday gold lotto.

**“global GST amount”**, for a lottery licensee for a month, means the global GST amount, calculated under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), division 126, for the month for the conduct of lotteries under the lottery licence.

**“instant prize”** means a prize that is known to be won when the matter printed in a game panel or panels on a ticket is exposed.

**“instant scratch-its”** means a lottery in which—

- (a) instant prizes are decided; and
- (b) additional prizes may be decided.

**“intermediate evaluation”** means an evaluation of any of the following things relating to regulated lottery equipment—

- (a) hardware, other than hardware subject to basic evaluation;
- (b) software, other than software subject to advanced evaluation;
- (c) the mathematical treatise of the derivation of the theoretical return to a player.

**“lotteries computer system”** means a computer system used for the conduct of lotteries by a lottery licensee under a lottery licence.

**“lotteries ticket terminal”** means a terminal that—

- (a) is part of a lotteries computer system; and
- (b) is used at the point of sale of tickets in an approved lottery.

**“lottery random number generator”** means a device designed and used to select, at random and 1 at a time, the winning numbers in a drawing of an approved lottery.

**“monthly gross revenue”** see section 8.

**“Wednesday gold lotto ball drawing device”** means a device used to draw the winning numbers in a drawing of the approved lottery known as Wednesday gold lotto.

#### **4 Prohibited words—Act, s 6**

The following words are prescribed for section 6(5)<sup>2</sup> of the Act—

- casket
- lotto
- powerball
- scratch-it.

#### **5 Persons with whom lottery licensee may enter into agency agreements—Act, s 79**

(1) This section prescribes the persons eligible to be lottery agents for section 79(1)<sup>3</sup> of the Act.

(2) If section 79(1)(a) of the Act applies, the person prescribed is a person who is the owner and controller of a small business that—

- (a) is a retail business; or
- (b) is operated or intended to be operated from retail shopping premises.

(3) If section 79(1)(a) of the Act does not apply because of section 79(2)(a), the person prescribed is the owner and controller of a business in relation to which a previous agency agreement applied.

(4) If section 79(1)(a) of the Act does not apply because of section 79(2)(b), the person prescribed is the owner and controller of a mail order business.

#### **6 Lottery tax—Act, s 94**

(1) This section prescribes matters about the calculation and payment of the lottery tax for section 94(2)<sup>4</sup> of the Act.

(2) The lottery tax is payable for each month.

(3) The lottery tax is to be paid on or before the seventh day of the month immediately following the month for which the tax is payable.

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2 Section 6 (Requirement for lottery licence) of the Act

3 Section 79 (Conditions for entering into agency agreement) of the Act

4 Section 94 (Liability to tax) of the Act

(4) The gross tax amount for a month is the sum of the following amounts—

- (a) 62% of the lottery licensee's monthly gross revenue for the month from declared lotteries;
- (b) 55% of the lottery licensee's monthly gross revenue for the month from the approved lottery known as instant scratch-its;
- (c) 45% of the lottery licensee's monthly gross revenue for the month from the approved lottery known as golden casket;
- (d) 59% of the lottery licensee's monthly gross revenue for the month from the approved lottery known as pools.

(5) The lottery tax payable for a month is the gross tax amount less the lesser of the following amounts—

- (a) the global GST amount for the month;
- (b) the gross tax amount for the month.

## **7 Returns for calculation of lottery tax—Act, s 96**

(1) This section prescribes matters about returns for section 96 of the Act.

(2) A return must be given for each month.

(3) A return must be given on or before the seventh day of the month immediately following the month to which the return relates.

(4) A return must set out the following details for each classified lottery for the month to which the return relates—

- (a) the total amount paid for tickets for all drawings of the lottery;
- (b) the total amount set aside from the amount mentioned in paragraph (a) for payment of prizes;
- (c) the lottery licensee's monthly gross revenue.

(5) A return must also state the lottery licensee's global GST amount for the month to which the return relates.

## **8 Calculation of monthly gross revenue**

(1) Monthly gross revenue, for a lottery licensee, for a classified lottery, for a month, is the amount calculated using the following formula—



**MGR = A - P.**

(2) In the formula in subsection (1)—

“**MGR**” means the monthly gross revenue.

“**A**” means the total amount (the “**total receipts**”) paid for tickets (excluding mail order fees) for all drawings of the classified lottery that take place in the month.

“**P**” means the total amount set aside from the total receipts for payment of prizes in the classified lottery.

(3) In this section—

“**mail order fee**”, for a ticket in a classified lottery, means any amount, additional to the price of the ticket, charged by a lottery agent for selling the ticket (whether by mail or otherwise) to a person outside Queensland.

**9 Percentages for penalties for late payment—Act, s 97**

(1) For section 97(2)<sup>5</sup> of the Act, the percentage prescribed is 5%.

(2) For section 97(4) of the Act, the percentage prescribed is 5%.

**9A Percentage of lottery tax for community investment fund—Act, s 99A(3)**

For section 99A(3)<sup>6</sup> of the Act, the percentage is 8.5%.

**10 Places of operation for lottery agents—Act, s 125**

For section 125(2)<sup>7</sup> of the Act, the following kinds of places are prescribed as appropriate for a lottery agent—

- (a) retail business premises;
- (b) retail shopping premises;
- (c) other commercial premises or offices.

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5 Section 97 (Penalty for late payment) of the Act

6 Section 99A (Application of lottery tax) of the Act

7 Section 125 (Places of operation) of the Act

**10A Designated lottery for claims for prizes—Act, s 129(5)**

For section 129(5)<sup>8</sup> of the Act, definition “reference period”, paragraph (a), Probability Instant Scratch-Its is a designated lottery.

**11 Requests to resolve claims for payment—Act, s 138**

(1) This section prescribes, for section 138(4)<sup>9</sup> of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 138(2) of the Act, to resolve a claim for payment of a prize in an approved lottery.

(2) The chief executive must ask the lottery licensee to immediately try to resolve the claim.

(3) If, within 14 days of making the request under subsection (2), the chief executive is not advised of the resolution of the claim by the lottery licensee or claimant, the chief executive must by written notice given to the licensee invite the licensee, and by written notice given to the claimant invite the claimant, to make a written submission to the chief executive about the claim within 1 month after receiving the notice (the “**submission period**”).

(4) The chief executive may—

- (a) cause an investigation to be made about any matter the chief executive considers is relevant to the claim; and
- (b) request a report of the investigation to be given to the chief executive.

(5) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made in the submission period by the lottery licensee and claimant; and
- (b) consider any report given to the chief executive under subsection (4); and
- (c) make a decision about the claim; and
- (d) give the lottery licensee and claimant a written notice stating the decision and the reasons for the decision.

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8 Section 129 (Claims for prizes) of the Act

9 Section 138 (Claims for payment) of the Act

(6) However, the chief executive is not required to take or complete action under subsection (5) if the chief executive is advised of the resolution of the claim by the lottery licensee or claimant.

(7) Nothing in this section affects or prejudices any other right or remedy of a lottery licensee or participant in a lottery.

## **12 Requests to review decisions about claims for payment—Act, s 138**

(1) This section prescribes, for section 138(4)<sup>10</sup> of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 138(2) of the Act, to review a decision of a lottery licensee (the “**licensee’s decision**”).

(2) The chief executive must either review, or refuse to review, the licensee’s decision.

(3) The chief executive may refuse to review the licensee’s decision only if—

- (a) the request was not made within 10 days after the claimant received the claim result notice for the decision; or
- (b) the chief executive considers the request was not made in good faith or is frivolous.

(4) If the chief executive decides to refuse to review the licensee’s decision, the chief executive must—

- (a) give written notice of the chief executive’s decision to the lottery licensee and claimant; and
- (b) give the claimant a written notice stating the reasons for the chief executive’s decision.

(5) If the chief executive decides to review the licensee’s decision, the chief executive must—

- (a) give the lottery licensee a copy of the claimant’s request; and
- (b) by written notice given to the licensee invite the licensee, and by written notice given to the claimant invite the claimant, to make a written submission to the chief executive about the licensee’s

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<sup>10</sup> Section 138 (Claims for payment) of the Act

decision within 1 month after receiving the notice (the “**submission period**”).

(6) The chief executive may—

- (a) cause an investigation to be made about any matter the chief executive considers is relevant to the review; and
- (b) request a report of the investigation to be given to the chief executive.

(7) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made in the submission period by the lottery licensee and claimant; and
- (b) consider any report given to the chief executive under subsection (6); and
- (c) make a decision about the review; and
- (d) give the lottery licensee and claimant a written notice stating the decision and the reasons for the decision.

(8) Nothing in this section affects or prejudices any other right or remedy of a lottery licensee or participant in a lottery.

### **13 Entities to whom information may be disclosed—Act s 225**

The entities prescribed for section 225(3)(a)<sup>11</sup> of the Act are set out in schedule 1.

### **14 Regulated lottery equipment—Act, sch 3**

For the definition “**regulated lottery equipment**” in schedule 3<sup>12</sup> of the Act, the lottery equipment specified in schedule 2 is regulated lottery equipment.

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11 Section 225 (Confidentiality of information) of the Act

12 Schedule 3 (Dictionary) of the Act

**14A Evaluation of regulated lottery equipment—Act, s 133**

For section 133(2)(a) of the Act, an evaluation carried out by the chief executive may include 1 or more of the following types of evaluation—

- (a) basic evaluation;
- (b) intermediate evaluation;
- (c) advanced evaluation.

**15 Fees**

The fees payable under the Act are in schedule 3.

**SCHEDULE 1****ENTITIES**

section 13

Alberta Gaming and Liquor Commission, Canada  
Australian Bureau of Criminal Intelligence  
Australian Capital Territory Gambling and Racing Commission  
Australian Customs Service  
Australian Federal Police  
Australian Securities and Investments Commission  
Australian Security Intelligence Organisation  
Australian Taxation Office  
British Columbia Gaming Commission, Canada  
Casino Control Authority, New Zealand  
Colorado Division of Gaming, USA  
Colorado State Police, USA  
Criminal Justice Commission, Queensland  
Department of Gaming and Racing, New South Wales  
Department of Industries and Business, Northern Territory  
Department of Internal Affairs, New Zealand  
Department of Treasury and Finance, South Australia  
Gaming Board for Great Britain  
Gaming Board of the Commonwealth of the Bahamas  
Gaming Supervisory Authority, South Australia  
Interpol  
Liquor Licensing Division, Queensland  
Lotteries Commission of South Australia

## SCHEDULE 1 (continued)

Lotteries Commission of Western Australia  
National Crime Authority  
Nevada Gaming Commission, USA  
Nevada Gaming Control Board, USA  
New Jersey Casino Control Commission, USA  
New Jersey Division of Gaming Enforcement, USA  
New South Wales Casino Control Authority  
New South Wales Crime Commission  
New South Wales Liquor Administration Board  
New South Wales Police Service  
New Zealand Police  
Northern Territory Police  
Office of Fair Trading, Queensland  
Office of Racing, Gaming and Liquor, Western Australia  
Office of the Liquor and Gaming Commissioner, South Australia  
Queensland Crime Commission  
Queensland Police Service  
Racing Services Tasmania  
South Australia Police  
Tasmanian Gaming Commission  
Tasmania Police  
Victorian Casino and Gaming Authority  
Victoria Police  
Western Australian Gaming Commission  
Western Australian Police Service

## **SCHEDULE 2**

### **REGULATED LOTTERY EQUIPMENT**

section 14

audit computer system

lotteries computer system (hardware and software)

lotteries ticket terminal

lottery random number generator

lottery tickets in instant scratch-its

Wednesday gold lotto ball drawing device



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## SCHEDULE 3

### FEES

section 15

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1. Application for lottery licence (s 9(2) of the Act) . . . . .	10 759.00
2. Application for key person licence (s 47(2)(c) of the Act) . . . . .	309.00
3. Issue of replacement key person licence (s 57(4) of the Act) . . . . .	21.00
4. Evaluation of regulated lottery equipment (s 133(3)(a) of the Act), for each hour or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic evaluation . . . . .	132.00
(ii) intermediate evaluation . . . . .	165.00
(iii) advanced evaluation . . . . .	198.00
(iv) administration for an evaluation . . . . .	99.00
(b) giving advice for an evaluation . . . . .	99.00
(c) holding meetings for an evaluation . . . . .	99.00

## 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 13 June 2002. Future amendments of the Lotteries Regulation 1997 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	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
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	1 August 1997
1A	to SL No. 13 of 2000	18 February 2000
1B	to SL No. 137 of 2000	14 July 2000
1C	to SL No. 286 of 2000	15 December 2000
1D	to SL No. 270 of 2001	4 January 2002
2	to SL No. 270 of 2001	1 February 2002

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1

## 6 List of legislation

### **Lotteries Regulation 1997 SL No. 231**

made by the Governor in Council on 31 July 1997  
notfd gaz 1 August 1997 pp 1552–4  
commenced 1 August 1997 (see s 2 and 1997 SL No. 230)  
exp 1 September 2007 (see SIA s 54)

amending legislation—

### **Gaming Legislation Amendment Regulation (No. 1) 2000 SL No. 13 pts 1, 5**

notfd gaz 4 February 2000 pp 371–4  
commenced on date of notification

### **Gaming Legislation Amendment Regulation (No. 2) 2000 SL No. 136 pts 1, 7**

notfd gaz 30 June 2000 pp 736–48  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2000 (see s 2)

### **Treasury Legislation Amendment Regulation (No. 1) 2000 SL No. 137 pts 1, 7**

notfd gaz 30 June 2000 pp 736–48  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2000 (see s 2)

### **Gambling Legislation Amendment Regulation (No. 1) 2000 SL No. 286 pts 1, 5**

notfd gaz 17 November 2000 pp 1093–5

ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 December 2000 (see s 2)

**Gambling Legislation Amendment Regulation (No. 1) 2001 SL No. 270 s 1, pt 7**  
 notfd gaz 21 December 2001 pp 1482–8  
 commenced on date of notification

**Gambling Legislation Amendment Regulation (No. 1) 2002 SL No. 128 pts 1, 7**  
 notfd gaz 7 June 2002 pp 575–8  
 commenced on date of notification

## **7 List of annotations**

### **Definitions**

**s 3** def “**advanced evaluation**” ins 2002 SL No. 128 s 22  
 def “**basic evaluation**” ins 2002 SL No. 128 s 22  
 def “**global GST amount**” ins 2000 SL No. 137 s 16  
 def “**golden casket winning number generator**” om 2000 SL No. 13 s 11(1)  
 def “**intermediate evaluation**” ins 2002 SL No. 128 s 22  
 def “**lottery random number generator**” ins 2000 SL No. 13 s 11(2)

### **Lottery tax—Act, s 94**

**s 6** amd 2000 SL No. 137 s 17

### **Returns for calculation of lottery tax—Act, s 96**

**s 7** amd 2000 SL No. 137 s 18

### **Percentage of lottery tax for community investment fund—Act, s 99A(3)**

**s 9A** ins 2000 SL No. 286 s 22

### **Designated lottery for claims for prizes—Act, s 129(5)**

**s 10A** ins 2000 SL No. 13 s 12

### **Evaluation of regulated lottery equipment—Act, s 133**

**s 14A** ins 2002 SL No. 128 s 23

### **SCHEDULE 1—ENTITIES**

sub 2000 SL No. 136 s 63

### **SCHEDULE 2—REGULATED LOTTERY EQUIPMENT**

amd 2000 SL No. 13 s 13

### **SCHEDULE 3—FEES**

amd 2000 SL No. 136 s 64; 2000 SL No. 137 s 19

sub 2001 SL No. 270 s 15

amd 2002 SL No. 128 s 24