



Queensland

# **Lotteries Amendment Act 2007**

**Act No. 22 of 2007**





Queensland

# Lotteries Amendment Act 2007

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Queensland

## **Lotteries Amendment Act 2007**

### **Act No. 22 of 2007**

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**An Act to amend the *Lotteries Act 1997* and other legislation**

**[Assented to 28 May 2007]**

**The Parliament of Queensland enacts—**

## **Part 1                      Preliminary**

### **1            Short title**

This Act may be cited as the *Lotteries Amendment Act 2007*.

### **2            Commencement**

This Act commences on a day to be fixed by proclamation.

## **Part 2                      Amendment of Lotteries Act 1997**

### **3            Act amended in pt 2 and sch 1**

This part and schedule 1 amend the *Lotteries Act 1997*.

### **4            Insertion of new s 2B**

After section 2A—

*insert—*

### **‘2B        Explanation of licensing scheme**

‘This Act establishes a licensing scheme under which a lottery may be conducted only if—

- (a) a person holds a lottery licence for the lottery; and
- (b) another person holds a lottery operator’s licence for the lottery; and
- (c) the lottery is conducted under a lottery operation agreement between the 2 persons.’.

**5 Replacement of pt 2, div 2 hdg (Requirement to hold lottery licence)**

Part 2, division 2, heading—

*omit, insert—*

**‘Division 2 Requirement for lottery to be authorised by lottery licence and lottery operator’s licence’.**

**6 Amendment of s 7 (Foreign gaming schemes)**

Section 7(3), definition *approved arrangement*, after ‘Queensland’—

*insert—*

‘under this Act’.

**7 Amendment of s 8 (Lawful activities)**

(1) Section 8(a)—

*omit, insert—*

‘(a) the conduct, in accordance with this Act, of a lottery stated in a lottery licence and lottery operator’s licence, by the lottery licensee and lottery operator;’.

(2) Section 8(c), ‘a lottery licence’—

*omit, insert—*

‘this Act’.

**8 Insertion of new pt 2A hdg and div 1**

After section 8—

*insert—*

**‘Part 2A Primary licences**

**‘Division 1 Preliminary**

**‘8A Person may not hold both types of primary licence**

- ‘(1) The same person may not hold both a lottery licence and a lottery operator’s licence.
- ‘(2) Subsection (1) does not prevent a body corporate from holding 1 type of primary licence only because a related body corporate holds the other type of primary licence.
- ‘(3) In this section—  
*related body corporate* see the Corporations Act, section 9.

**‘8B What a licence authorises**

- ‘(1) This section applies if a lottery (the *authorised lottery*) is stated in both a lottery licence and a lottery operator’s licence.
- ‘(2) The lottery licence authorises the lottery licensee to conduct the authorised lottery through the lottery operator by entering a lottery operation agreement with the lottery operator.
- ‘(3) The lottery operator’s licence authorises the lottery operator to conduct the authorised lottery under a lottery operation agreement with the lottery licensee.’.

**9 Replacement of pt 2A, div 3 hdg (Applications for, and issue of, lottery licences)**

Part 2A, division 3, heading—

*omit, insert—*

**‘Division 2 Issuing and amending primary licences’.****10 Amendment of s 9 (Application for lottery licence)**

- (1) Section 9(2) and (3)—  
*renumber* as section 9(3) and (4).
- (2) Section 9—  
*insert—*
- ‘(2) The application must state whether it is for a lottery licence or a lottery operator’s licence.’.

- (3) Section 9(4), as renumbered, ‘for a lottery licence’—  
*omit.*

## 11 Amendment of s 11 (Conditions for granting application)

- (1) Section 11(1)—  
*omit, insert—*
- ‘(1) The Minister may grant an application for a primary licence only if the Minister is satisfied—
- (a) the applicant is a suitable person to hold a licence of the type to which the application relates; and
  - (b) each business or executive associate of the applicant is a suitable person to be associated with the operations of the holder of a licence of that type.’.

(2) Section 11—  
*insert—*

‘(3) Without limiting the other matters the Minister may consider in deciding whether to grant an application for a primary licence, the Minister may have regard to the terms of another primary licence in force at the time of the application and any commercial arrangements in place relating to that other licence.’.

## 12 Amendment of s 12 (Suitability of applicant to hold lottery licence)

- (1) Section 12(1), ‘is a suitable person to hold a lottery licence’—  
*omit, insert—*
- ‘or lottery operator’s licence is a suitable person to hold a licence of that type’.
- (2) Section 12(1)(f) and (g)—  
*renumber* as section 12(1)(h) and (i).
- (3) Section 12(1)(e)—  
*omit, insert—*

- (e) for an application for a lottery licence—whether the applicant has the appropriate business ability to enter into, and manage, lottery operation agreements;
  - (f) for an application for a lottery operator’s licence—whether the applicant has the appropriate business ability to conduct lotteries successfully under a lottery operator’s licence;
  - (g) the extent to which the applicant has negotiated a proposed lottery operation agreement;’.
- (4) Section 12(2), definition *appropriate resources*, ‘lottery licence’—
- omit, insert—*
- ‘licence of the type to which the application relates’.

**13 Amendment of s 13 (Suitability of business and executive associates)**

Section 13, ‘a lottery licensee’s operations’—

*omit, insert—*

‘the operations of the holder of a licence of the relevant type’.

**14 Amendment of s 14 (Investigations of suitability of persons)**

- (1) Section 14(1)—

*omit, insert—*

‘(1) The chief executive may investigate an applicant for a primary licence to help the Minister decide whether the applicant is a suitable person to hold a licence of the type to which the application relates.’.

- (2) Section 14(2), ‘a lottery licensee’s operations’—

*omit, insert—*

‘the operations of the holder of a licence of the relevant type’.

**15 Amendment of s 15 (Decision on application)**

Section 15(1)—

*omit, insert—*

- ‘(1) If the Minister decides to grant an application for a primary licence, the Minister must promptly issue a licence of the relevant type to the applicant.’.

**16 Amendment of s 17 (Form of lottery licence)**

- (1) Section 17(2)(b) to (f)—

*renumber* as section 17(2)(c) to (g).

- (2) Section 17(2)(a)—

*omit, insert—*

- ‘(a) the licensee’s name;  
(b) the type of licence;’.

**17 Insertion of new s 17A**

After section 17—

*insert—*

**‘17A Voluntary omission of a lottery stated in a primary licence**

- ‘(1) With a primary licensee’s written approval, the Minister may amend the primary licence to omit a lottery stated in it.  
(2) At a primary licensee’s written request, the Minister must amend the primary licence to omit a lottery stated in it.

*Note—*

A primary licence may also be amended, to omit a lottery stated in it, under division 5.’.

**18 Amendment of s 18 (Changing conditions of lottery licence)**

- (1) Section 18(1), ‘by the lottery licensee’—

*omit, insert—*

‘stated in the licence’.

(2) Section 18(2)—

*omit.*

(3) Section 18(3) and (4)—

*renumber* as section 18(2) and (3).

## **19 Insertion of new ss 18A–18C**

After section 18—

*insert—*

### **‘18A Other amendments of primary licence**

‘The Minister may amend a primary licence, other than to omit a lottery or change a condition, only with the written approval of the primary licensee.’

### **‘18B When amendments take effect**

- ‘(1) If the Minister amends a primary licence under this division, the Minister must give the licensee a notice stating the day the amendment takes effect (the *stated day*).
- ‘(2) For an amendment changing the conditions of the licence, the notice may be included in the condition notice.
- ‘(3) For an amendment omitting a lottery stated in a licence, unless the Minister and primary licensee agree otherwise, the stated day must be 3 months after the day the Minister receives the approval or request for the amendment.

### **‘18C Notice to other interested persons**

‘If a primary licence is being amended under this division, the Minister must give written notice of the amendment, before the stated day under section 18B, to each person with whom the primary licensee has a lottery operation agreement.’.



**20 Amendment of s 19 (Return of licence for endorsement of changed conditions)**

- (1) Section 19, heading, ‘changed conditions’—  
*omit, insert—*  
**‘amendments’.**
- (2) Section 19(1), after ‘change of conditions’—  
*insert—*  
‘or a notice from the Minister requesting the return of the licence to endorse another amendment being made under this division’.
- (3) Section 19(2)(b), after ‘changed conditions’—  
*insert—*  
‘or other amendment’.
- (4) Section 19(3)—  
*omit, insert—*
- ‘(3) An amendment takes effect on the stated day in the notice given under section 18B and does not depend on the primary licence being amended to record the amendment or a replacement licence being issued.’

**21 Omission of s 20 (Amendment of lottery licence)**

Section 20—

*omit.*

**22 Replacement of pt 2A, div 4 hdg (General provisions about lottery licences)**

Part 2A, division 4, heading—

*omit, insert—*

**‘Division 3 General provisions about primary licences’.**

**23 Amendment of s 22 (Mortgage and assignment of lottery licence)**

(1) Section 22(3)—

*omit, insert—*

‘(3) Before the Minister approves the transfer of a primary licence under this section, the Minister must be satisfied—

(a) the proposed transferee is a suitable person to hold a licence of the relevant type; and

(b) each business and executive associate of the proposed transferee is a suitable person to be associated with the operations of the holder of a licence of the relevant type.’.

(2) Section 22(4), ‘the lottery licence’—

*omit, insert—*

‘the primary licence’.

(3) Section 22(4), ‘new lottery licence’—

*omit, insert—*

‘new primary licence of the relevant type’.

(4) Section 22—

*insert—*

‘(6) Before transferring a primary licence, the primary licensee must give written notice of the proposed transfer to each other person with whom the primary licensee has a lottery operation agreement.’.

**24 Amendment of s 23 (Surrender of lottery licence)**

Section 23—

*insert—*

‘(3) Before surrendering a primary licence, the primary licensee must give written notice of the proposed surrender to each other person with whom the primary licensee has a lottery operation agreement.’.

**25 Insertion of new pt 2A, div 4**

After section 23—

*insert—*

**‘Division 4 Obligations to act under primary licences****‘23A Primary licensees must enter lottery operation agreements**

- ‘(1) This section applies if—
- (a) a primary licence stating a lottery is issued; or
  - (b) a primary licence is amended to include a lottery; or
  - (c) a lottery operation agreement for the conduct of a lottery stated in a primary licence stops being in force and the primary licensee is not a party to any other lottery operation agreement for the conduct of the lottery.
- ‘(2) The primary licensee must take all reasonable steps to enter an agreement for the conduct of the lottery and have it approved as a lottery operation agreement as soon as practicable.

**‘23B Lottery operators must actively conduct lotteries**

‘A lottery operator must actively conduct each lottery stated in the lottery operator’s licence.

**‘23C Minister may temporarily excuse non-activity**

- ‘(1) The Minister may excuse a primary licensee from complying with a requirement under section 23A or 23B, for a stated period, if satisfied it would be reasonable in all the circumstances.

*Example—*

The Minister may be satisfied it would be reasonable to excuse a lottery operator from actively conducting a lottery, for a stated period, if the lottery operator is unable to conduct the lottery during the period for operational reasons beyond the lottery operator’s control.

- ‘(2) Sections 23A and 23B apply to the primary licensee subject to the excuse given by the Minister.’.

**26 Replacement of pt 2A, div 5 hdg (Suspension and cancellation of lottery licences)**

Part 2A, division 5, heading—

*omit, insert—*

**‘Division 5 Suspension or cancellation of primary licences and omission of lotteries from primary licences’.**

**27 Amendment of s 24 (Grounds for suspension or cancellation)**

- (1) Section 24(1)(a) and (b)—

*omit, insert—*

‘(a) the primary licensee is not, or is no longer, a suitable person to hold a licence of the relevant type;

(b) a business or executive associate of the primary licensee is not, or is no longer, a suitable person to be associated with the operations of the holder of a licence of the relevant type;’.

- (2) Section 24(1)(g) to (j)—

*renumber* as section 24(1)(h) to (k).

- (3) Section 24(1)—

*insert—*

‘(g) there has been a breach of a lottery operation agreement to which the primary licensee is a party (by any party to the agreement);’.

- (4) Section 24(2), ‘lottery licence’—

*omit, insert—*

‘licence of the relevant type’.

- (5) Section 24(3), ‘a lottery licensee’s operations’—

*omit, insert—*

‘the operations of the holder of a licence of the relevant type’.

(6) Section 24(4), ‘subsection (1)(i)’—

*omit, insert—*

‘subsection (1)(j)’.

## **28 Insertion of new s 24A**

After section 24—

*insert—*

### **‘24A Ground for omitting a lottery from a primary licence**

‘(1) A primary licence may be amended to omit a lottery stated in it on the ground that the primary licensee is, and has been for a continuous period of at least 14 days, contravening division 4 in relation to the lottery.

‘(2) The power to amend a primary licence under this division to omit a lottery, on the ground mentioned in subsection (1), includes the power to amend the licence to omit the only lottery, or all lotteries, stated in the licence on that ground.’.

## **29 Amendment of s 25 (Show cause notice)**

(1) Section 25(1)(c)(i), ‘by the lottery licensee’—

*omit, insert—*

‘stated in the licence’.

(2) Section 25(2) and (3)—

*renumber* as section 25(3) and (4).

(3) Section 25—

*insert—*

‘(2) This section also applies if the Minister believes the ground exists to amend a primary licence by omitting a lottery stated in it.’.

**30 Amendment of s 26 (Copy of show cause notice to be given to interested persons)**

(1) Section 26(1)(a), ‘or cancellation’—

*omit, insert—*

‘, cancellation or amendment’.

(2) Section 26(3)—

*renumber* as section 26(4).

(3) Section 26—

*insert—*

‘(3) Without limiting subsection (1), a person is an interested person if a lottery operation agreement between the person and the primary licensee is in force.’.

**31 Amendment of s 28 (Immediate suspension)**

(1) Section 28(1)(b)(ii), ‘by the lottery licensee’—

*omit, insert—*

‘stated in the licence’.

(2) Section 28—

*insert—*

‘(3) If the Minister gives a suspension notice to a primary licensee, the Minister must give a copy of the suspension notice to each other person with whom the primary licensee has a lottery operation agreement.’.

**32 Amendment of s 31 (Notice by the Minister)**

(1) Section 31(1)(c)(i), ‘by the lottery licensee’—

*omit, insert—*

‘stated in the licence’.

(2) Section 31(2) and (3)—

*renumber* as section 31(3) and (4).

(3) Section 31—

*insert—*

- ‘(2) This section also applies if, after considering the accepted representations for the show cause notice, the Minister still believes the ground exists to amend a primary licence by omitting a lottery stated in it.’.

### **33 Amendment of s 32 (Suspension, cancellation and appointment of administrator)**

- (1) Section 32, heading, after ‘cancellation’—

*insert—*

**‘, amendment’.**

- (2) Section 32(1)—

*insert—*

‘(c) if the proposed action stated in the show cause notice was to amend the primary licence by omitting a lottery stated in it—make the amendment.’.

- (3) Section 32(2), ‘lottery licensee’—

*omit, insert—*

‘primary licensee and to each other person with whom the primary licensee has a lottery operation agreement’.

### **34 Insertion of new s 32A**

After section 32—

*insert—*

#### **‘32A Endorsement of amendment**

- ‘(1) This section applies if—
- (a) a primary licence is amended under section 32(1)(c); and
  - (b) the Minister asks the primary licensee to return the licence within a stated period of at least 7 days so the amendment may be endorsed on the licence.
- ‘(2) The primary licensee must comply with the request, unless the licensee has a reasonable excuse.

Maximum penalty—40 penalty units.

- ‘(3) On receiving the primary licence, the Minister must—
- (a) amend the licence in an appropriate way and return the amended licence to the primary licensee; or
  - (b) if the Minister does not consider it is practicable to amend the licence—issue a replacement licence, incorporating the amendment, to the primary licensee.
- ‘(4) An amendment takes effect on the relevant day under section 32(3) and does not depend on the primary licence being amended to record the amendment or a replacement licence being issued.’.

**35 Amendment of s 34 (Cancellation or reduction of period of suspension)**

Section 34(2), ‘lottery licensee’—

*omit, insert—*

‘primary licensee and to each other person with whom the primary licensee has a lottery operation agreement’.

**36 Amendment of s 36 (Investigations)**

- (1) Section 36(1), ‘lottery licence’—

*omit, insert—*

‘primary licence of the relevant type’.

- (2) Section 36(2) and (4)(a), ‘a lottery licensee’s operations’—

*omit, insert—*

‘the operations of the holder of a primary licence of the relevant type’.

- (3) Section 36(3)(a), ‘lottery licence’—

*omit, insert—*

‘primary licence of the relevant type’.



**37 Insertion of new pt 2B**

Before part 3—

*insert—*

**‘Part 2B Lottery operation agreements****‘39A What is a lottery operation agreement**

- ‘(1) A *lottery operation agreement* is an agreement between a lottery licensee and a lottery operator, for the conduct of a lottery by the lottery operator, approved by the Minister under this part.
- ‘(2) Another person may also be a party to a lottery operation agreement.

*Example for subsection (2)—*

A person may be a party to a lottery operation agreement because the agreement includes provisions under which the person acts as a guarantor for one of the primary licensees.

**‘39B Amendments must also be approved**

‘For this Act, an amendment of a lottery operation agreement is of no effect until it is approved by the Minister.

**‘39C Approval process**

- ‘(1) A lottery licensee may apply to the Minister for approval of a proposed lottery operation agreement or a proposed amendment of a lottery operation agreement.
- ‘(2) The application must be written and accompanied by a copy of the proposed agreement or amendment.
- ‘(3) The Minister must give, or refuse to give, the approval.
- ‘(4) The Minister may refuse to give the approval only if the Minister reasonably believes it is necessary to do so—
- (a) in the public interest; or
  - (b) to protect proper standards of integrity in the conduct of lotteries.

- ‘(5) The Minister must promptly give the lottery licensee written notice of the Minister’s decision.

**‘39D Minister to be notified if agreement ends**

‘If a lottery operation agreement stops being in force, each party to the agreement must immediately give written notice to the Minister.

**‘39E Being a party to more than 1 lottery operation agreement**

- ‘(1) A lottery licensee may be a party to lottery operation agreements with 2 or more lottery operators at the same time, whether for the same or different lotteries.
- ‘(2) A lottery licensee may not be a party to more than 1 lottery operation agreement with the same lottery operator at the same time.
- ‘(3) A lottery operator may not be a party to more than 1 lottery operation agreement at the same time.’.

**38 Amendment of s 40 (Meaning of key employee)**

- (1) Section 40(1)(a), ‘conduct of a lottery’—  
*omit, insert—*  
‘primary licensee’s operations’.
- (2) Section 40(1)(c)—  
*omit, insert—*  
‘(c) for a lottery employee of a lottery operator—occupies or acts in a position designated in the lottery operator’s approved control system as a key position.’.

**39 Amendment of s 41 (Obligation to hold licence)**

Section 41, ‘conduct of a lottery’—  
*omit, insert—*  
‘primary licensee’s operations’.

**40 Amendment of s 60 (Show cause notice)**

Section 60(4)(b), ‘by the lottery licensee’—  
*omit, insert—*  
‘stated in the primary licence’.

**41 Amendment of s 79 (Conditions for entering into agency agreement)**

- (1) Section 79(3)(a)—  
*omit.*
- (2) Section 79(3)(b) and (c)—  
*renumber* as section 79(3)(a) and (b).
- (3) Section 79(5)—  
*renumber* as section 79(7).
- (4) Section 79(4)—  
*omit, insert—*
- ‘(4) The chief executive may, by written notice given to a lottery operator and lottery agent, require them to amend their agency agreement in a stated way.
- ‘(5) A notice under subsection (4) must state—
  - (a) the amendment required; and
  - (b) the reason for the amendment; and
  - (c) the time, not less than 30 days after the notice is given to both parties to the agreement, within which they must comply with the notice; and
  - (d) that the lottery operator or lottery agent may appeal to the Gaming Commission, within 28 days after receiving the notice, against the decision to require the amendment.
- ‘(6) The chief executive must not require the inclusion of a provision in an agency agreement, or an amendment of an agency agreement, unless the chief executive believes on reasonable grounds that the inclusion of the provision or the amendment is reasonably necessary to ensure—

- (a) the integrity of the conduct of lotteries by the lottery operator is not jeopardised in a material way; or
- (b) the public interest is not affected in an adverse and material way.’.

**42 Omission of ss 80 and 81**

Sections 80 and 81—

*omit.*

**43 Amendment of s 82 (Returns about agents)**

Section 82(1), after ‘agents’—

*insert—*

‘and their places of operation’.

**44 Insertion of new s 97A**

After section 97—

*insert—*

**‘97A Liability of lottery operator’s holding companies for unpaid tax, fee or penalty**

- ‘(1) This section applies to any of the following amounts payable by a lottery operator that is a corporation—
  - (a) lottery tax or a licence fee that remains unpaid by the lottery operator at the end of the period allowed for its payment;
  - (b) a penalty payable by the lottery operator under section 97.
- ‘(2) The lottery operator and each holding company of the lottery operator are jointly and severally liable for payment of the amount.
- ‘(3) In this section—  
*holding company* see the Corporations Act, section 9.’.

**45 Insertion of new s 104A**

Part 6, division 2—

*insert—*

**‘104A Application of div 2 to former primary licensees**

‘This division continues to apply to the lottery records for a primary licence after the licence ends and, for that purpose, a reference in this division to a primary licensee includes a person who has stopped being a primary licensee.’.

**46 Amendment of s 107 (Lottery records to be kept for required period)**

(1) Section 107(1)(a), ‘; and’—

*omit, insert—*

‘; or’

(2) Section 107(1)(b)—

*omit, insert—*

‘(b) in the case of any other lottery record—

- (i) if it relates to a lottery for which the only prize, or all prizes, are paid or given on 1 day—for 5 years after that day; or
- (ii) otherwise—for 5 years after the last day on which a prize or part of a prize in the lottery is paid or given to the person entitled to it.

*Example for subparagraph (ii)—*

The prize for a lottery consists of a particular amount paid to the prize winner at the end of each year for 20 years. A lottery record for the lottery must be kept for 5 years after the day the last payment is paid.’.

**47 Amendment of s 116 (Ancillary lottery agreement)**

Section 116(2), after ‘agency agreement’—

*insert—*

‘or a lottery operation agreement’.

**48 Insertion of new s 121A**

After section 121—

*insert—*

**‘121A Rules to be made available**

‘A lottery operator must—

- (a) for each lottery stated in the lottery operator’s licence—make a copy of the rules for the lottery available for public inspection, during ordinary office hours, at the lottery operator’s public office; and
- (b) for each lottery for which a lottery agent of the lottery operator does anything under the agency agreement—give a copy of the rules for the lottery to the lottery agent.

Maximum penalty—40 penalty units.’.

**49 Amendment of s 129 (Claims for prizes)**

- (1) Section 129(2)(b)—

*omit, insert—*

‘(b) the end of 7 years after the closure of the lottery in which the prize is won.’.

- (2) Section 129(4)—

*omit.*

**50 Insertion of new ss 131A and 131B**

After section 131—

*insert—*

**‘131A Payment of unclaimed major prizes into the Treasurer’s unclaimed moneys fund**

- ‘(1) This section applies to a prize in an approved lottery if—
  - (a) it is 3 months since the closure of the lottery; and
  - (b) the prize has not been claimed by the person entitled to it; and

- (c) the prize has a value of at least the relevant amount.
- ‘(2) If it is a monetary prize, the lottery operator must pay the amount of the prize to the chief executive.
- ‘(3) If it is a non-monetary prize, the lottery operator must, as soon as practicable and in any case within 6 months after the closure of the lottery—
- (a) dispose of the prize under section 131; and
  - (b) pay the amount of the proceeds, less the cost of disposal, to the chief executive.
- ‘(4) However, the chief executive may allow a longer time for disposal of a non-monetary prize if the chief executive considers it would be reasonable to do so having regard to all the circumstances including the nature of the prize.
- ‘(5) The chief executive must pay the amount received under subsection (2) or (3) into the Treasurer’s unclaimed moneys fund.
- ‘(6) If, after the amount is paid into the Treasurer’s unclaimed moneys fund, the lottery operator is required under section 130 to pay the prize, the lottery operator may give the chief executive a written request in the approved form to be repaid the amount.
- ‘(7) On receiving a request under subsection (6), the chief executive must—
- (a) pay the amount from the Treasurer’s unclaimed moneys fund; or
  - (b) if the amount has been paid into the consolidated fund under the *Financial Administration and Audit Act 1977*, section 46(3), pay the amount from the consolidated fund without further appropriation.
- ‘(8) In this section—

**relevant amount** means the amount, at least \$500000, prescribed under a regulation for this section.

**Treasurer’s unclaimed moneys fund** means the fund by that name kept under the *Financial Administration and Audit Act 1977*, section 46.

**value**, of a prize, means—

- (a) if it is a monetary prize consisting of 1 payment—the amount of the payment; or
- (b) if it is a monetary prize consisting of 2 or more payments—the total amount of the payments; or
- (c) if it is a non-monetary prize—the amount, or highest amount, claimed to be the prize’s value by the lottery operator in promotional material or other information made publicly available for the lottery.

**‘131B Payment of other unclaimed prizes into the consolidated fund**

- ‘(1) This section applies to a prize in an approved lottery, other than a prize to which section 131A applies, if—
  - (a) it is 7 years since the closure of the lottery; and
  - (b) the prize has not been claimed by the person entitled to it; and
  - (c) the prize has not been used for a prize or additional prize, or in another way, under section 132.
- ‘(2) If it is a monetary prize, the lottery operator must pay the amount of the prize to the chief executive.
- ‘(3) If it is a non-monetary prize, the lottery operator must, as soon as practicable—
  - (a) dispose of the prize under section 131; and
  - (b) pay the amount of the proceeds, less the cost of disposal, to the chief executive.
- ‘(4) The chief executive must pay the amount received under subsection (2) or (3) into the consolidated fund.’.

**51 Insertion of new s 132AA**

After section 132—

*insert—*

**‘132AA Former lottery operators**

- ‘(1) This section applies if a person stops being a lottery operator.



‘(2) This section applies in relation to the following approved lotteries conducted by the person (*relevant lotteries*)—

- (a) a lottery that closed within 7 years before the person stopped being a lottery operator;
- (b) another lottery for which there is any prize money that the person has not paid but is required to pay (including amounts the person is required to pay at a later time).

*Example for paragraph (b)—*

a lottery, closed 10 years ago, for which the prize consisted of a particular amount paid to the prize winner at the end of each year for 20 years

‘(3) The person must pay to the chief executive the amount of all the prize money for relevant lotteries that has not been—

- (a) paid to someone entitled to it as a prize under this Act; or
- (b) paid to the chief executive under this Act; or
- (c) used for a prize or additional prize, or in another way, under section 132.

‘(4) If the person has used an amount for a prize or additional prize, or in another way, under section 132, the chief executive may—

- (a) decide, on the advice of an actuary, the amount of prizes for relevant lotteries that has not yet been claimed under this Act but is likely to be claimed (the *likely claims amount*); and
- (b) if the amount the person has paid to the chief executive is less than the likely claims amount, give the person a notice stating—
  - (i) the likely claims amount; and
  - (ii) how the likely claims amount was decided; and
  - (iii) that the person must make a further payment to the chief executive to meet the likely claims amount; and
  - (iv) the day, not less than 30 days after the notice is given, by which the person must make the payment; and

- (v) that, within 28 days after receiving the notice, the person may apply to the Commercial and Consumer Tribunal for a review of the decision about the likely claims amount; and
  - (vi) how the person may apply for the review.
- ‘(5) The person must comply with a notice under subsection (4)(b).
- ‘(6) A reference in subsection (3) to prize money includes an amount held after dealing with a non-monetary prize under section 131.
- ‘(7) The person must give to the chief executive anything other than money that—
- (a) is a prize for a relevant lottery; and
  - (b) has not been given to someone entitled to it under this Act; and
  - (c) has not been dealt with under section 131.
- ‘(8) Sections 129 to 131 apply, as if the chief executive were the lottery operator, in relation to prizes for relevant lotteries that have been paid or given to the chief executive under this section.
- ‘(9) Amounts received by the chief executive are to be paid into the consolidated fund.
- ‘(10) If, after an amount of a prize is paid into the consolidated fund under this section, the chief executive is required under section 130 to pay the prize, the chief executive must pay the amount from the consolidated fund without further appropriation.’.

**52 Amendment of s 132A (Relationship of provisions about unclaimed prizes with Public Trustee Act)**

Section 132A, ‘and 132’—

*omit, insert—*

‘to 132AA’.

**53 Amendment of s 147 (Relationship of key officials with prospective licensees)**

Section 147(7)—

*omit, insert—*

‘(7) In this section—

*prospective primary licensee* means a person who has applied for a primary licence but whose application has not yet been decided.’.

**54 Amendment of s 181A (Direction about conduct of approved lottery)**

(1) Section 181A(2) and (5), after ‘lottery licensee’—

*insert—*

‘or lottery operator’.

(2) Section 181A(4) and (5), after ‘the licensee’—

*insert—*

‘or lottery operator’.

**55 Amendment of s 185 (Power to require production of documents)**

Section 185(1)(c) and (d)—

*omit, insert—*

‘(c) if the person is a lottery licensee—a document kept by the licensee about the licensee’s operations under the lottery licence; or

(d) if the person is a lottery operator—a document kept by the lottery operator about the conduct of lotteries by the lottery operator; or

(e) if the person is a lottery agent—a document kept by the agent about the conduct of lotteries by the lottery operator by whom the agent is appointed.’.

**56 Amendment of s 188 (Power to require attendance of persons)**

Section 188(2)(c), ‘a lottery agent appointed by the licensee’—

*omit, insert—*

‘if the licensee is a lottery operator—a lottery agent appointed by the lottery operator’.

**57 Amendment of s 193 (Direction about management practice)**

Section 193(1)(b)(i), ‘by the lottery licensee’—

*omit, insert—*

‘stated in the primary licence’.

**58 Amendment of s 206 (Evidentiary aids)**

Section 206(2), definition *licence*, after ‘lottery licence’—

*insert—*

‘, lottery operator’s licence’.

**59 Amendment of s 218 (Appeals by other persons)**

Section 218—

*insert—*

‘(1) Within 28 days after receiving a notice under section 132AA(4)(b), a person may may apply to the Commercial and Consumer Tribunal for a review of the decision under section 132AA(4)(a).’.

**60 Amendment of s 220 (Starting appeal)**

Section 220(1), after ‘An appeal’—

*insert—*

‘to the Gaming Commission’.

**61 Amendment of s 225A (Golden Casket Lottery Corporation Limited exemption from application of Freedom of Information Act 1992)**

Section 225A(1), ‘activities.’—

*omit, insert—*

‘activities before the commencement of section 228D.<sup>1</sup>’.

**62 Insertion of new pt 11A**

After part 11—

*insert—*

**‘Part 11A Transaction involving GCLC**

**‘Division 1 Preliminary**

**‘228A Definitions for pt 11A**

‘In this part—

*commencement day* means the day this part commences.

*constitution* see the Corporations Act, section 9.

*current lottery licence*, of GCLC, means the lottery licence held by GCLC immediately before the commencement day.

*GCLC* means Golden Casket Lottery Corporation Limited ACN 078 785 449.

*GCLC company* means—

- (a) GCLC; or
- (b) a subsidiary of GCLC other than Bounty Limited ACN 096 276 292.

*mandatory constitutional requirements* means—

- (a) the requirement under section 228K that a GCLC company must have a constitution at all times; and

<sup>1</sup> Section 228D (GCLC stops being a company GOC)

- (b) the requirements under section 228K about what must be in a GCLC company's constitution at all times.

*share* means a share in the share capital of a body corporate.

*State company* means Queensland Lottery Corporation Pty Ltd ACN 124 921 311.

*subsidiary* see the Corporations Act, section 9.

*transaction* means the transaction mentioned in section 228B.

### **'228B Object**

'The object of this part is to facilitate a transaction comprising the following—

- (a) GCLC stops being a company GOC;
- (b) the shares in GCLC are transferred;
- (c) GCLC's current lottery licence ends;
- (d) a lottery licence is issued to the State company;
- (e) a lottery operator's licence is issued to GCLC;
- (f) the State company and GCLC enter into an agreement which is approved as a lottery operation agreement;
- (g) the State company starts operating as a lottery licensee;
- (h) GCLC starts operating as a lottery operator in compliance with this part.

## **'Division 2                      Share transfer, licences and other matters for the transaction**

### **'228C Minister's power to execute share transfers**

- '(1) For the transaction, the Minister may execute any document transferring shares in GCLC to a person.
- '(2) Subsection (1) applies even if the shares are held by a Minister other than the Minister.

**‘228D GCLC stops being a company GOC**

- ‘(1) At the beginning of the commencement day, GCLC stops being a company GOC.
- ‘(2) Subsection (1) does not affect GCLC’s registration under the Corporations Act.

**‘228E GCLC’s current lottery licence ends**

‘At the beginning of the commencement day, GCLC is taken to have surrendered its current lottery licence.

**‘228F Issue of licences to the State company and GCLC**

- ‘(1) On the commencement day, the Minister must—
  - (a) issue a lottery licence to the State company; and
  - (b) issue a lottery operator’s licence to GCLC.
- ‘(2) For all purposes, the licences are taken to have been issued at the beginning of the day.
- ‘(3) The term of each licence is the period ending on 31 July 2072.
- ‘(4) Sections 9 to 15 do not apply to the issue of the licences.
- ‘(5) Otherwise, this section does not limit the application of this Act to the licences.

*Examples for subsection (5)—*

- 1 The conditions of a licence may be changed under section 18.
- 2 A licence may be suspended or cancelled, or amended to omit a lottery, under part 2A, division 5.

**‘228G GCLC continuously authorised to conduct lotteries**

‘To remove any doubt, it is declared that there is no time, between holding its current lottery licence and holding the lottery operator’s licence issued under section 228F, at which GCLC does not hold a licence under this Act to conduct a lottery.

**‘228H Lottery operation agreement**

- ‘(1) This section applies if, on or before the commencement day, the State company and GCLC enter into an agreement for the purpose of this section.
- ‘(2) On or as soon as practicable after the commencement day, the State company and GCLC must give a copy of the agreement to the Minister.
- ‘(3) From the beginning of the commencement day, the agreement is taken to be approved by the Minister as a lottery operation agreement under part 2B.

**‘228I Disposal of public records**

- ‘(1) This section applies if—
  - (a) a thing is done as part of the transaction; and
  - (b) the thing is, or involves, a disposal of a public record under the *Public Records Act 2002*.
- ‘(2) To remove any doubt, it is declared that, for the purpose of section 13 of that Act, the public record is disposed of under legal authority, justification or excuse.

**‘Division 3                      Constitutions of GCLC companies  
and related matters****‘228J Application of div 3**

‘This division applies to each GCLC company while a lottery operation agreement is in force between GCLC and the State company.

**‘228K Mandatory constitutional requirements for GCLC companies**

- ‘(1) A GCLC company must have, at all times, a constitution requiring the company’s head office to be located in Queensland.



- ‘(2) Without limiting subsection (1), a constitution does not comply with subsection (1) unless it requires—
- (a) the principal operational offices of the following company officers and personnel, however described, to be located in Queensland—
    - (i) at least 2 of the company’s directors;
    - (ii) the chairperson;
    - (iii) the senior officer having overall management of the company’s affairs;
    - (iv) the senior officer having overall management of the company’s financial affairs;
    - (v) the senior officer having overall management of the company’s lottery operations;
    - (vi) the senior officer having overall management of any of the company services mentioned in paragraph (b)(i) to (vii); and
  - (b) the principal operational offices for the following company services, however described, to be located in Queensland—
    - (i) distribution, sales and marketing;
    - (ii) strategic planning and business and product development;
    - (iii) accounting;
    - (iv) human resource management;
    - (v) risk management, compliance, audit and regulatory affairs;
    - (vi) information technology and related services;
    - (vii) administration and corporate services; and
  - (c) the following meetings of the company to be held in Queensland—
    - (i) each annual general meeting;
    - (ii) a majority of the board meetings in each year.

**‘228L Inconsistent alterations to GCLC companies’  
constitutions have no effect**

- ‘(1) A resolution of a GCLC company that would, apart from this subsection, have the effect of the company ceasing to have a constitution, or of altering the company’s constitution so that it would not comply with section 228K, has no effect.
- ‘(2) A resolution of a GCLC company has no effect if it would—
- (a) if acted on and apart from this subsection—result in a contravention of the mandatory constitutional requirements; or
  - (b) apart from this subsection—ratify an act or omission contravening the mandatory constitutional requirements.

**‘228M Injunctions**

- ‘(1) Subsection (2) applies if a GCLC company or another person has engaged, is engaging or is proposing to engage in conduct constituting—
- (a) a contravention of the mandatory constitutional requirements; or
  - (b) attempting to contravene the mandatory constitutional requirements; or
  - (c) aiding, abetting, counselling or procuring a person to contravene the mandatory constitutional requirements; or
  - (d) inducing or attempting to induce, whether by threats, promises or otherwise, a person to contravene the mandatory constitutional requirements; or
  - (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of the mandatory constitutional requirements; or
  - (f) conspiring with others to contravene the mandatory constitutional requirements.
- ‘(2) On the application of the Minister, the Supreme Court may grant an injunction restraining the company or other person from engaging in the conduct and, if the court considers it

appropriate, requiring the company or other person to do something.

- ‘(3) If a GCLC company or another person has failed, is failing or is proposing to fail to do something that the company or other person is required by the mandatory constitutional requirements to do, the Supreme Court may, on the application of the Minister, grant an injunction requiring the company or other person to do the thing.
- ‘(4) On an application under subsection (2) or (3), the court may grant the injunction sought with the consent of all the parties to the proceeding, whether or not the court is satisfied the subsection applies.
- ‘(5) The court may grant an interim injunction pending a decision on an application under subsection (2) or (3).
- ‘(6) The court may discharge or vary an injunction, and may grant an injunction on conditions.
- ‘(7) The court’s power to grant an injunction restraining a GCLC company or another person from engaging in conduct may be exercised—
  - (a) whether or not it appears to the court that the company or other person intends to engage again, or to continue to engage, in the conduct; and
  - (b) whether or not the company or other person has previously engaged in conduct of that kind; and
  - (c) whether or not there is an imminent danger of substantial damage to a person if the company or other person engages, or continues to engage, in the conduct.
- ‘(8) The court’s power to grant an injunction requiring a GCLC company or another person to do something may be exercised—
  - (a) whether or not it appears to the court that the company or other person intends to fail again, or to continue to fail, to do the thing; and
  - (b) whether or not the company or other person has previously failed to do a thing of that kind; and

- (c) whether or not there is an imminent danger of substantial damage to a person if the company or other person fails, or continues to fail, to do the thing.
- ‘(9) If the Minister makes an application under subsection (2) or (3), the court must not require the Minister, as a condition of granting an interim injunction, to give an undertaking as to damages.

### **‘228N Other powers of Supreme Court**

- ‘(1) Subsection (2) applies if the Supreme Court has power under section 228M to grant an injunction restraining a GCLC company or another person from engaging in particular conduct, or requiring a GCLC company or another person to do a particular thing.
- ‘(2) The court may, either in addition to, or in substitution for, the grant of the injunction, make any other order it considers appropriate against the company or the other person who engaged in the conduct or a person who was involved in the failure to do the thing.

### **‘228O Jurisdiction of Supreme Court**

‘The Supreme Court has jurisdiction for matters arising under this part and that jurisdiction is exclusive of the jurisdiction of all other courts, other than the jurisdiction of the High Court under the Commonwealth Constitution, section 75.<sup>2</sup>

### **‘228P Delegation by Minister**

‘The Minister may delegate the Minister’s powers to apply to the Supreme Court under section 228M to the chief executive.

### **‘228Q Suspension or cancellation of licence for breach of head office provision**

- ‘(1) This section applies if a lottery operation agreement to which GCLC is a party includes a head office provision.

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2 Commonwealth Constitution, section 75 (Original jurisdiction of High Court)

‘(2) The following provisions do not apply in relation to the suspension or cancellation of a primary licence, on the ground stated in section 24(1)(g), for a breach of the head office provision—

- section 25(1)(b) and (c)
- section 31(1)(b) and (c)

‘(3) In this section—

***head office provision*** means a provision of an agreement imposing on a party—

- (a) a requirement that the party must establish and retain in Queensland the national and international headquarters of the party’s lottery business; or
- (b) another requirement that is the same as, or substantially similar to, a requirement that must be contained in the constitution of a GCLC company under section 228K.’

## 63 Insertion of new pt 12, div 6

Part 12—

*insert—*

### ‘Division 6 Transitional provisions for Lotteries Amendment Act 2007

#### ‘253 Definitions for div 6

‘In this division—

***commencement day*** means the day of commencement of the provision in which the term appears.

#### ‘254 Approvals, key person licences, agreements and other documents continue unaffected

‘(1) Each current document continues in force under this Act despite GCLC ceasing to be a lottery licensee and becoming a lottery operator under part 11A.

- ‘(2) Unless the context otherwise requires, a reference in a current document to GCLC as a lottery licensee is taken to be a reference to GCLC as a lottery operator.
- ‘(3) In this section—
- current document** means any of the following in force immediately before the commencement day—
- (a) the chief executive’s approval under section 7<sup>3</sup> of an arrangement to which GCLC is a party;
  - (b) a key person licence, notice or other document relating to GCLC under part 3;<sup>4</sup>
  - (c) an agency agreement between GCLC and another person or other document relating to GCLC under part 4;<sup>5</sup>
  - (d) an approval, submission, direction, notice or other document relating to GCLC under part 6;<sup>6</sup>
  - (e) an approval, notice, direction or other document relating to GCLC under part 7;<sup>7</sup>
  - (f) a requirement, direction or other document relating to GCLC under part 8.<sup>8</sup>

## ‘255 Requirements relating to taxes, fees, records and other matters

- ‘(1) This section applies to any of the following requirements applying to GCLC that relate entirely or partly to its operations before the commencement day—
- (a) a requirement under part 5 to pay a tax, fee or penalty or give a return;

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3 Section 7 (Foreign gaming schemes)

4 Part 3 (Key employees and operators)

5 Part 4 (Lottery agents)

6 Part 6 (Compliance requirements)

7 Part 7 (Conduct of approved lotteries)

8 Part 8 (Investigation and enforcement)

- (b) a requirement under part 6 to keep a record, prepare a statement or account, give a return or report or do another thing;
  - (c) a requirement under part 7, division 4, about prize money;
  - (d) other requirements under part 7 relating to the conduct of an approved lottery or the operations of a lottery agent;
  - (e) a direction or other requirement under part 8.
- ‘(2) The requirement continues or arises under this Act despite GCLC ceasing to be a lottery licensee and becoming a lottery operator under part 11A.

#### ‘256 Payment of prizes

‘Sections 131A, 131B and 132AA do not apply in relation to an approved lottery that closed before the commencement day.’.

#### 64 Amendment of sch 1 (Decisions not subject to appeal)

- (1) Schedule 1, part 1, table, before the first entry for section 32—  
*insert—*

‘32 amending a primary licence to omit a lottery stated in it’.

- (2) Schedule 1, part 2, table—  
*insert—*

‘39C granting or refusing to grant an application for approval of a proposed lottery operation agreement or a proposed amendment of a lottery operation agreement’.

#### 65 Amendment of sch 2 (Decisions of chief executive subject to appeal)

- (1) Schedule 2, part 1—  
*insert—*

‘79 requiring an amendment of an agency agreement’.

- (2) Schedule 2, part 3—

*insert—*

‘79 requiring an amendment of an agency agreement’.

## 66 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *lottery licence* and *show cause period*—

*omit.*

- (2) Schedule 3—

*insert—*

**‘commencement day**—

(a) for part 11A—see section 228A; or

(b) for part 12, division 2—see section 236; or

(c) for part 12, division 6—see section 253.

***constitution***, for part 11A, see section 228A.

***current lottery licence***, for part 11A, see section 228A.

***GCLC*** see section 228A.

***GCLC company***, for part 11A, see section 228A.

***lottery licence*** means a licence under this Act to enter agreements with lottery operators for the conduct of lotteries.

***lottery operator*** means a person who holds a lottery operator’s licence.

***lottery operation agreement*** see section 39A.

***lottery operator’s licence*** means a licence under this Act to conduct a lottery.

***mandatory constitutional requirements***, for part 11A, see section 228A.

***primary licence*** means a lottery licence or lottery operator’s licence.

***primary licensee*** means a lottery licensee or lottery operator.

***share***, for part 11A, see section 228A.



*show cause period*, for part 2A, division 5, see section 25(3)(e).

*State company*, for part 11A, see section 228A.

*subsidiary*, for part 11A, see section 228A.

*transaction*, for part 11A, see section 228A.’.

- (3) Schedule 3, definition *accepted representations*, paragraph (a), ‘part 2’—  
*omit, insert—*  
‘part 2A’.
- (4) Schedule 3, definition *executive associate* of an applicant for a lottery licensee, ‘lottery licensee’—  
*omit, insert—*  
‘primary licence’.
- (5) Schedule 3, definition *official lottery document*, paragraphs (c) and (d)—  
*omit, insert—*  
‘(c) a lottery operator’s licence; or  
(d) a key person licence; or  
(e) an inspector’s identity card.’.
- (6) Schedule 3, definition *related agreement*, paragraph (a), before ‘that’—  
*insert—*  
‘, other than a lottery operation agreement,’.
- (7) Schedule 3, definition *show cause notice*, paragraph (a)—  
*omit, insert—*  
‘(a) for part 2A, division 5—see section 25(3); and’.

## **Part 3                      Amendment of other legislation**

### **67      Legislation amended in sch 2**

Schedule 2 amends the Acts and regulation it mentions.

## Schedule 1      Amendments of Lotteries Act 1997 to change references to 'lottery licensee' and related terms

### section 3

In the table below, a provision of the *Lotteries Act 1997* mentioned in the first column is amended by omitting the words in the second column and inserting the words opposite in the third column.

The provisions are referred to as they were numbered immediately before the commencement of this Act. That is, any renumbering of the provisions elsewhere in this Act is ignored for the purpose of the table.

**Table**

Amended provision	Omit	Insert
sections 6(1), 9(1), 10, 13, 14(2), 15(2), 16, 17(1), 18(1), 18(3), 19(1), 19(2), 21(1), 21(2), 22(2), 22(5), 23(1), 24(1) before paragraph (a), 24(1)(e), 24(1)(j), 25(1)(a), 25(2)(d), 26(1), 28(1), 29(1)(a), 29(2), 30(1)(a), 31(1)(a), 32(1), 33(1), 33(3)(a), 34(1), 36(4), 39(1), 40(1)(b), 95(1), 95(2), 108(a), 109(1), 110(1), 111, 113, 188(2) and 190(1)(a)  schedule 1  schedule 3, definitions <i>business associate</i> of an applicant for a lottery licence, <i>executive associate</i> of an applicant for a lottery licensee and <i>lottery employee</i>	'lottery licence'	'primary licence'

## Schedule 1 (continued)

Amended provision	Omit	Insert
headings to sections 6, 9, 12, 17, 18, 22, 23 and 39	'lottery licence'	<b>'primary licence'</b>
section 21 heading	'Lottery licence'	<b>'Primary licence'</b>
<p>sections 7(3), 18(3), 19(1), 19(2), 22(1), 23(1), 24(1)(c) to (i), 24(4), 25(2), 25(3), 27(a), 28(2)(a), 29(1)(b), 29(3), 30(1)(b), 30(2), 31(2), 32(1)(b)(iii), 32(3)(a), 33(3), 33(5), 36(1), 36(2), 36(3), 36(4), 37(1), 40(2), 40(3), 42, 43, 44(3), 45(1), 46(2), 46(3), 46(4), 46(5), 47(2)(a), 49(2)(c), 51(1)(b), 51(2)(b), 54(1), 55(2)(b), 56(2)(b), 57(5)(b), 58(3), 60(4)(a), 60(5), 60(6), 62(3), 63(4)(b), 64(2)(b)(ii), 65(3), 65A(6), 65B(3)(b), 70, 71(1), 71(4), 72(1), 72(2), 73(1), 73(2), 73(3), 73(4), 73(5), 74(1), 74(2), 75(1), 75(2), 75(3), 75(4), 75(5), 95(1), 97(1), 97(3), 99(1), 99(2), 105(1), 106(1), 107(1), 108, 109(1), 110(1), 110(2), 110(4), 110(5), 110(6), 110(7), 111, 112, 113, 114(1)(b), 115(1), 115(2), 121(3), 145(2)(c), 147(1), 147(3), 148(2), 148(3), 158(c), 180(3), 188(2), 190(1)(a) and 193(2)</p> <p>schedule 1 (except entry for section 193)</p> <p>schedule 3, definitions <i>business associate</i> of a lottery licensee, <i>employee</i>, <i>executive associate</i> of a lottery licensee, <i>lottery employee</i>, <i>lottery record</i> and <i>public office</i></p>	'lottery licensee'	'primary licensee'
section 29 heading	'lottery licensee'	<b>'primary licensee'</b>

## Schedule 1 (continued)

Amended provision	Omit	Insert
sections 35(1), 36(3)(b) and 36(4)(b)	'lottery licensees'	'primary licensees'
sections 26(2)(b), 31(3)(a), 33(4), 33(5) and 43	'lottery licensee's'	'primary licensee's'
section 113 heading	'lottery licensee's'	' <b>primary licensee's</b> '
headings to sections 146 and 148	'lottery licensees and agents'	' <b>primary licensees and lottery agents</b> '
sections 146(1), 146(2), 146(3), 147(2), 148(1) and 148(4)  schedule 1, part 2, table, entry for section 193	'lottery licensee or agent'	'primary licensee or lottery agent'
section 193(1)(a)	'lottery licensee's or agent's'	'primary licensee's or lottery agent's'

## Schedule 1 (continued)

Amended provision	Omit	Insert
sections 59(3)(a), 78, 79(1), 79(3), 82(1), 83(2), 83(3)(c), 84(1)(c)(i), 84(2)(a), 84(4), 84(5), 84(6)(b), 85(1)(b)(ii), 85(5), 86(5), 87(5), 88(1)(c)(i), 88(3), 89(1), 89(2), 89(3), 89(4), 90(1), 90(2), 94(1), 96(1), 100(1), 100(2), 100(3), 101(1), 101(2)(a), 102(1), 102(2)(a), 103(1), 103(3), 103(5), 103(6), 103(7), 104(1), 104(2), 104(3), 116(1), 116(3), 117(1), 117(2), 118(1), 118(3), 119(1)(a), 119(2), 119(6), 120(1)(a), 122, 123(1), 123(2), 124, 125(1), 125A, 126(1), 126(2), 128(2), 129(1), 129(3), 130(1), 130(2), 130(3), 130(4), 130(5), 130(6)(c), 130(7), 131(2), 132(1), 132(2), 133(1), 133(2)(b), 133(3), 133(4)(b), 133(5), 133(6), 134(1), 134(2), 134(3), 137(1), 137(2), 137(3)(b), 137(4)(b), 138(1), 139(1), 139(2)(a), 139(3), 150(1), 150(2), 151(1), 151(2), 152, 188(3) and 214  schedule 2  schedule 3, definitions <i>approved            lottery, closure, computer system,            control system and related            agreement</i>	'lottery licensee'	'lottery operator'
section 122 heading	'lottery licensee'	<b>'lottery operator'</b>
section 152 heading	'Lottery licensee'	<b>'Lottery operator'</b>
sections 8(d) and 151(1)(a)(iii)	'lottery licensees'	'lottery operators'
headings to part 7 division 2, section 214 and schedule 2 part 1	'lottery licensees'	<b>'lottery operators'</b>

## Schedule 1 (continued)

Amended provision	Omit	Insert
sections 101(3), 101(5), 102(3), 103(2), 103(4)(b) and 138(2)	‘lottery licensee’s’	‘lottery operator’s’
sections 82(1), 101(1), 101(5), 102(1), 103(2), 104(1), 104(3), 125(1), 125A and 138(1)(b)(i)  schedule 3, definition <i>closure</i>	‘the licensee’s’	‘the lottery operator’s’
sections 88(3), 89(1), 89(4), 100(1), 103(3), 103(7)(b)(ii), 104(1), 116(1), 118(1), 118(3), 119(2)(d), 125(1)(a), 125A, 128(2), 130(1), 130(4), 130(5), 130(7), 133(1), 137(1), 137(2), 137(3), 138(1), 139(1)(a), 139(3) and 150(2)  schedule 3, definition <i>related agreement</i>	‘the licensee’	‘the lottery operator’
section 128(3)	‘The licensee’	‘The lottery operator’
section 123 heading	‘licensee’	<b>‘lottery operator’</b>
sections 100(1), 101(2)(a) and 158(b)  schedule 3, definition <i>approved lottery</i>	‘lottery licence’	‘lottery operator’s licence’

## **Schedule 2      Amendments of other    legislation**

section 67

### **Commercial and Consumer Tribunal Act 2003**

**1      Schedule 2, definition *empowering Act*—**

*insert—*

- *Lotteries Act 1997*.

### **Government Owned Corporations Regulation 2004**

**1      Schedule 2, ‘Golden Casket Lottery Corporation Limited  
   ACN 078 785 449’—**

*omit.*

### **Interactive Gambling (Player Protection) Act 1998**

**1      Section 6(2)(d), ‘lottery licence’—**

*omit, insert—*

- ‘lottery operator’s licence’.



## Schedule 2 (continued)

**Wagering Act 1998****1 Section 310(4), definition *licensed entity*, paragraph (e),  
'lottery licensee'—**

*omit, insert—*

'lottery operator'.