



Queensland

Lotteries Regulation 2007

Subordinate Legislation 2007 No. 166

made under the

Lotteries Act 1997

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1 Short title

This regulation may be cited as the *Lotteries Regulation 2007*.

2 Commencement

This regulation commences on the day the *Lotteries Amendment Act 2007* commences.

3 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

4 Meaning of *lottery random number generator*

(1) A *lottery random number generator* is a device designed and used to select at random the numbers for—

- (a) an entry to an approved lottery; or
- (b) the drawing of an approved lottery.

(2) Without limiting subsection (1), a Wednesday gold lotto ball drawing device is a lottery random number generator.

(3) In this section—

Wednesday gold lotto ball drawing device means a device used to select the numbers for a drawing of the approved lottery known as Wednesday gold lotto.

5 Prohibited words—Act, s 6

The following words are prescribed for section 6(5)(c)(ii) of the Act—

- casket
- lotto
- powerball
- scratch-it.

6 **Persons with whom lottery operator may enter into agency agreements—Act, s 79**

- (1) This section prescribes, for section 79(1)(b) of the Act, the persons eligible to be lottery agents.
- (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 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.

7 **Lottery tax—Act, s 94**

- (1) This section prescribes, for section 94(2) of the Act, the calculation and payment of the lottery tax.
- (2) The lottery tax is payable for each month.
- (3) The lottery tax must be paid on or before the seventh day of the month immediately following the month for which the tax is payable.
- (4) The *gross tax amount* for a month is the total of the following amounts—
 - (a) 62% of the lottery operator's monthly gross revenue for the month from declared lotteries;
 - (b) 55% of the lottery operator's monthly gross revenue for the month from the approved lottery known as instant scratch-its;
 - (c) 45% of the lottery operator's monthly gross revenue for the month from the approved lottery known as golden casket;

- (d) 59% of the lottery operator'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 for the month minus the smaller of the following amounts—
 - (a) the global GST amount for the month;
 - (b) the gross tax amount for the month.

8 Returns for calculation of lottery tax—Act, s 96

- (1) This section prescribes, for section 96(1) of the Act, the requirements for returns.
- (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 state 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 operator's monthly gross revenue.
- (5) A return must also state the lottery operator's global GST amount for the month to which the return relates.

9 Calculation of monthly gross revenue

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

$$\text{MGR} = \text{A} - \text{P}$$

where—

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.

MGR means the monthly gross revenue.

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

(2) 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.

10 Percentages for penalties for late payment—Act, s 97

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

11 Percentage of lottery tax for community investment fund—Act, s 99A

For section 99A(3) of the Act, the percentage is 8.5%.

12 Places of operation for lottery agents—Act, s 125

For section 125(2)(a) 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.

13 Unclaimed major prizes—relevant amount—Act, s 131A

For section 131A(8), definition *relevant amount*, of the Act, the prescribed amount is \$500000.

14 Evaluation of regulated lottery equipment—Act, s 133

For section 133 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 Requests to review decisions on claims for payment—Act, s 138

- (1) This section prescribes, for section 138(4) of the Act, how 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 operator (the *operator's decision*).
- (2) The chief executive must either review, or refuse to review, the operator's decision.
- (3) The chief executive may refuse to review the operator'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 operator's decision, the chief executive must give—
 - (a) the lottery operator written notice of the chief executive's decision; and
 - (b) the claimant written notice—
 - (i) of the chief executive's decision; and
 - (ii) stating the reasons for the chief executive's decision.
- (5) If the chief executive decides to review the operator's decision, the chief executive must give—
 - (a) the lottery operator—
 - (i) a copy of the claimant's request; and
 - (ii) written notice inviting the lottery operator to make a written submission to the chief executive about the operator's decision within 1 month after receiving the notice (the *submission period*); and

- (b) the claimant written notice inviting the claimant to make a written submission to the chief executive about the operator's decision within 1 month after receiving the notice (also the *submission period*).
- (6) The chief executive may investigate a matter the chief executive considers is relevant to the review.
- (7) As soon as practicable after the end of the submission period for both the lottery operator and the claimant, the chief executive must—
 - (a) consider all written submissions made in the submission period by the lottery operator or claimant; and
 - (b) consider the outcome of any investigation under subsection (6); and
 - (c) make a decision about the review; and
 - (d) give the lottery operator and claimant a written notice stating the decision and the reasons for the decision.

16 Requests to resolve claims for payment—Act, s 138

- (1) This section prescribes, for section 138(4) of the Act, how 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 operator to immediately try to resolve the claim.
- (3) Subsection (4) applies if, within 14 days of making the request under subsection (2), the chief executive is not advised by the lottery operator or the claimant that the claim has been resolved.
- (4) The chief executive must give written notice to the lottery operator and the claimant inviting the operator and claimant to make a written submission to the chief executive about the claim within 1 month after receiving the notice (the *submission period*).
- (5) The chief executive may investigate a matter the chief executive considers is relevant to the claim.

- (6) 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 operator or the claimant; and
 - (b) consider the outcome of any investigation under subsection (5); and
 - (c) make a decision about the claim; and
 - (d) give the lottery operator and the claimant a written notice stating the decision and the reasons for the decision.
- (7) However, the chief executive is not required to take, or complete, action under subsection (6) if the chief executive is satisfied, whether before or after the end of the submission period, that the claim has been resolved.

17 Entities to whom information may be disclosed—Act s 225

The entities prescribed for section 225(3)(a) of the Act are stated in schedule 1.

18 Regulated lottery equipment—Act, sch 3

For schedule 3 of the Act, definition *regulated lottery equipment*, the lottery equipment stated in schedule 2 is declared to be regulated lottery equipment.

19 Fees

The fees payable under the Act are stated in schedule 3.

20 Repeal

The Lotteries Regulation 1997, SL No. 231 is repealed.

Schedule 1 Entities

section 17

Alberta Gaming and Liquor Commission, Canada
Alcohol and Gaming Authority Nova Scotia, Canada
Alcohol and Gaming Commission of Ontario, Canada
Australian Bureau of Criminal Intelligence
Australian Capital Territory Gambling and Racing
Commission
Australian Competition and Consumer Commission
Australian Crime Commission
Australian Customs Service
Australian Federal Police
Australian Securities and Investments Commission
Australian Security Intelligence Organisation
Australian Taxation Office
Australian Transaction Reports and Analysis Centre
(AUSTRAC)
British Columbia Gaming Commission, Canada
Centrelink
Colorado Division of Gaming, USA
Colorado State Police, USA
Competition Bureau, Canada
Crime and Misconduct Commission
Department of Gaming and Racing, New South Wales
Department of Immigration and Multicultural Affairs
Department of Internal Affairs, New Zealand
Department of Justice, Canada

Schedule 1 (continued)

Department of Racing, Gaming and Liquor, Western Australia

Department of Treasury and Finance, South Australia

Gambling Commission, Great Britain

Gambling Commission, New Zealand

Gaming and Censorship Regulation Group, New Zealand

Gaming and Wagering Commission of Western Australia

Gaming Board of the Commonwealth of the Bahamas

Gaming Supervisory Authority, South Australia

Independent Gambling Authority, South Australia

Interpol

Liquor Licensing Division, Queensland

Lotteries Commission of South Australia

Lotterywest

Louisiana State Police, USA

Missouri State Highway Patrol, USA

Mpumalanga Gaming Board, South Africa

National Indian Gaming Commission, USA

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 Licensing Commission

Northern Territory Police

Schedule 1 (continued)

Office of Fair Trading, Queensland
Office of State Revenue, Queensland
Office of the Liquor and Gambling Commissioner, South
Australia
Pueblo of Isleta Gaming Regulatory Agency, USA
Queensland Police Service
Racing, Gaming and Licensing Division, Northern Territory
Racing Services Tasmania
South Australia Police
South Dakota Commission on Gaming, USA
Tasmanian Gaming Commission
Tasmania Police
The Mississippi Gaming Commission, USA
Victorian Commission for Gambling Regulation
Victoria Police
Western Australia Police Service
Western Cape Gambling and Racing Board, South Africa
WorkCover Queensland

Schedule 2 Regulated lottery equipment

section 18

audit computer system

lotteries computer system (hardware and software)

lottery random number generator

lottery tickets in instant scratch-its

Schedule 3 Fees

section 19

	\$
1 Application for primary licence—Act, s 9(3)	12 329.00
2 Application for key person licence—Act, s 47(2)(c)	355.00
3 Issue of replacement key person licence—Act, s 57(4)	26.00
4 Evaluation of regulated lottery equipment—Act, s 133(3)(a), for each hour, or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic evaluation	147.00
(ii) intermediate evaluation	183.00
(iii) advanced evaluation	219.00
(iv) administration for an evaluation	111.00
(b) giving advice for an evaluation	111.00
(c) holding meetings for an evaluation	111.00
5 Filing a notice of appeal—Act, s 220(2)(a)	295.00

Schedule 4 Dictionary

section 3

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 operator 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
- (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 operator 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 operator's licence.

Schedule 4 (continued)

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 operator under a lottery operator's licence.

lottery random number generator see section 4.

monthly gross revenue see section 9.

ENDNOTES

- 1 Made by the Governor in Council on 28 June 2007.
- 2 Notified in the gazette on 29 June 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Treasury Department.