



*Lotteries Act 1997*

# Lotteries Regulation 2007

Reprinted as in force on 30 July 2010

Reprint No. 2

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This regulation is reprinted as at 30 July 2010. 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. Also see list of legislation for any uncommenced amendments.

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

- use standard punctuation consistent with current drafting practice (s 27)
- correct minor errors (s 44).

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

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including table of corrected minor errors**
- **editorial changes made in earlier reprints.**

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## Queensland

# Lotteries Regulation 2007

## Contents

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		Page
1	Short title . . . . .	5
2	Commencement . . . . .	5
3	Definitions . . . . .	5
4	Meaning of lottery random number generator . . . . .	5
4A	Meaning of syndicate . . . . .	5
5	Prohibited words—Act, s 6 . . . . .	6
6	Persons with whom lottery operator may enter into agency agreements—Act, s 79 . . . . .	6
7	Lottery tax—Act, s 94 . . . . .	6
8	Returns for calculation of lottery tax—Act, s 96 . . . . .	7
9	Calculation of monthly gross revenue . . . . .	8
10	Percentages for penalties for late payment—Act, s 97 . . . . .	8
11	Percentage of lottery tax for community investment fund—Act, s 99A . . . . .	8
12	Places of operation for lottery agents—Act, s 125 . . . . .	9
13	Unclaimed major prizes—relevant amount—Act, s 131A . . . . .	9
14	Evaluation of regulated lottery equipment—Act, s 133 . . . . .	9
15	Requests to review decisions on claims for payment—Act, s 138 . . . . .	9
16	Requests to resolve claims for payment—Act, s 138 . . . . .	11
17	Entities to whom information may be disclosed—Act, s 225 . . . . .	12
17AA	Opening a player account . . . . .	12
17AB	Registration as a restricted player . . . . .	12
17AC	Registration as an unrestricted player . . . . .	12
17AD	End of registration as a restricted player . . . . .	13
17AE	Player account transactions . . . . .	13
17AF	Access to player account . . . . .	14
17AG	Minimum deposit for player account . . . . .	14
17AH	Limits on deposits to player accounts . . . . .	14

Contents

---

17AI	Only cleared funds to be used . . . . .	15
17AJ	Refusal to accept a deposit or purchase . . . . .	15
17AK	Restricted players not to make withdrawals or close accounts . . . . .	15
17AL	Withdrawals by unrestricted players . . . . .	15
17AM	Closing an unrestricted player's player account . . . . .	16
17AN	Accounting for account balances for restricted players . . . . .	16
17AO	Cancellation of a syndicate or syndicate shares . . . . .	17
17AP	No requirement to check ticket corresponds with entry . . . . .	17
17AQ	Cancellation of a lottery ticket by a lottery agent . . . . .	17
17AR	Cancellation of a lottery ticket by a lottery operator . . . . .	18
17AS	Void lottery tickets . . . . .	19
17AT	Each drawing to be numbered . . . . .	19
17AU	Announcement of provisional prize pool . . . . .	19
17AV	Publication of results . . . . .	19
17AW	Registered player as prize winner in division 1 . . . . .	20
17AX	Winning multi-week or twinpick lottery tickets and exchange receipts . . . . .	20
17AY	Paper ticket to be returned if not a winning ticket . . . . .	22
17AZ	Lottery operator not bound by agreement between members of group . . . . .	22
17BA	Bonus prize reserve . . . . .	22
17BB	Payment of bonus prize reserve into the consolidated fund . . . . .	23
17BC	Pooling arrangements . . . . .	23
17BD	Jackpot and bonus prize reserve funds to be division 1 prize . . . . .	24
17BE	Payment of jackpot prize pool into the consolidated fund . . . . .	24
17BF	Withdrawal of unsold lottery tickets . . . . .	25
17BG	Guaranteed minimum prize payout for division 1 . . . . .	26
18	Regulated lottery equipment—Act, sch 3 . . . . .	27
19	Fees . . . . .	27
20	Repeal . . . . .	27
<b>Schedule 1</b>	<b>Entities</b> . . . . .	<b>28</b>
<b>Schedule 2</b>	<b>Regulated lottery equipment</b> . . . . .	<b>31</b>
<b>Schedule 3</b>	<b>Fees</b> . . . . .	<b>32</b>
<b>Schedule 4</b>	<b>Dictionary</b> . . . . .	<b>33</b>

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**Endnotes**

1	Index to endnotes . . . . .	37
2	Date to which amendments incorporated . . . . .	37
3	Key . . . . .	38
4	Table of reprints . . . . .	38
5	List of legislation . . . . .	39
6	List of annotations . . . . .	40
7	Table of corrected minor errors . . . . .	42



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# Lotteries Regulation 2007

[as amended by all amendments that commenced on or before 30 July 2010]

## 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.

## 4A Meaning of *syndicate*

A *syndicate* is an arrangement under which a type of entry, or combination of types of entries, in a drawing of an approved

lottery is divided into a number of equal shares (each a *syndicate share*).

## **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.



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- (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) sold by the lottery operator, and the lottery agents for the lottery operator, 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%.

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**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

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- (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—Acts 225**

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

### **17AA Opening a player account**

- (1) A registered player may apply to a lottery operator to open a player account with the lottery operator by giving the lottery operator the information for a player account as required by the lottery operator's approved control system.
- (2) A player account may be held in the name of only 1 registered player.
- (3) Subject to sections 17AB and 17AC, the lottery operator may register the person as a restricted player or an unrestricted player.

### **17AB Registration as a restricted player**

- (1) A lottery operator must not register a person as a restricted player unless the lottery operator—
  - (a) carries out the registration under the lottery operator's approved control system; and
  - (b) informs the person of the effect of sections 17AC, 17AD, 17AH, 17AJ(2), 17AK and 17AN(1) and (2).
- (2) If the lottery operator registers a person as a restricted player, the lottery operator must, as soon as practicable after registering the person, give the person a notice stating the effect of sections 17AC, 17AD, 17AH, 17AJ(2), 17AK and 17AN(1) and (2).
- (3) A notice under subsection (2) may be given in electronic form.

### **17AC Registration as an unrestricted player**

A lottery operator must not register a person as an unrestricted player, unless—

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- (a) the person's identity has been authenticated under the lottery operator's approved control system; and
  - (b) the person's age has been verified under the lottery operator's approved control system to be at least 18.

### **17AD End of registration as a restricted player**

- (1) A person who is registered as a restricted player may be registered as an unrestricted player.
- (2) If a restricted player is registered as an unrestricted player, the person's registration as a restricted player is cancelled.
- (3) If a person's registration as a restricted player is not sooner cancelled under subsection (2), the registration as a restricted player ends 90 days after the day the person was registered as a restricted player.

### **17AE Player account transactions**

- (1) A lottery operator may credit the following funds to a person's player account—
  - (a) an amount deposited by the person;
  - (b) a prize or refund;
  - (c) an amount debited against the account in error.
- (2) A lottery operator may debit the following funds against a person's player account—
  - (a) an amount payable by the person for buying a lottery ticket;
  - (b) if the person is registered as an unrestricted player—a withdrawal under section 17AL;
  - (c) if the balance of the account is more than the authorised limit—an amount for payment to the person to reduce the balance of the account, calculated under the lottery operator's approved control system;
  - (d) an amount credited to the account in error;
  - (e) another amount approved by the chief executive;

*Example for paragraph (e)—*

a fee payable by the lottery operator to a financial institution for processing an electronic transfer of funds from the account

- (f) another amount allowed under this regulation.

### **17AF Access to player account**

- (1) This section applies if a person—
- (a) wishes to use the person's player account with a lottery operator to authorise a transaction on the account; or
  - (b) seeks information about the account from the lottery operator.
- (2) The person must give the lottery operator the information required by the lottery operator to authenticate the person's identity.

### **17AG Minimum deposit for player account**

For depositing funds in a person's player account, the person must give the lottery operator at least the minimum deposit amount decided by the lottery operator.

### **17AH Limits on deposits to player accounts**

- (1) A lottery operator must not allow the total amount of funds deposited by a restricted player to the player's player account to be more than—
- (a) \$1000; or
  - (b) if an amount less than \$1000 (an *approved amount*) is stated in the lottery operator's approved control system as the maximum amount of funds that may be deposited to a restricted player's player account—the approved amount.
- (2) A lottery operator must not allow a person to deposit funds (a *deposit amount*) to the person's player account if the balance of the account, including the deposit amount, would be more than the authorised limit for the account.



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**17AI Only cleared funds to be used**

- (1) A person may use the person's player account to buy a lottery ticket only if the price of the ticket is not more than the cleared funds in the player account.
- (2) If a person attempts to buy a lottery ticket for more than the cleared funds in the person's player account, the lottery operator must not allow the account to be used to buy the ticket.

**17AJ Refusal to accept a deposit or purchase**

- (1) A lottery operator may refuse to accept a deposit of funds to, or the purchase of a lottery ticket with funds from, a player account, if the lottery operator reasonably believes the account is being, has been, or is about to be used in contravention of a law of a State or the Commonwealth.
- (2) A lottery operator must refuse to accept a deposit of funds to, or the purchase of a lottery ticket with funds from, a restricted player's player account, if the lottery operator reasonably believes it will not be able to authenticate the player's identity or verify the player's age under section 17AC.

**17AK Restricted players not to make withdrawals or close accounts**

A restricted player may not make a withdrawal from or close the player's player account.

**17AL Withdrawals by unrestricted players**

An unrestricted player may only make the following withdrawals of funds from the player's player account with a lottery operator—

- (a) a withdrawal of the whole or part of an amount credited by the lottery operator to the account as payment of a prize or refund;

[s 17AM]

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- (b) a withdrawal of another amount, if the withdrawal is authorised under the lottery operator's approved control system;
- (c) a withdrawal of the balance of funds in the account to close the account.

### **17AM Closing an unrestricted player's player account**

- (1) A lottery operator may close an unrestricted player's player account.
- (2) Subject to subsection (3), if a lottery operator closes an unrestricted player's player account, the lottery operator must send the balance of funds in the account to the player.
- (3) The lottery operator may deduct an account closing fee, in an amount stated in the lottery operator's approved control system, from the balance of funds sent to the player.
- (4) This section does not apply to the extent the *Financial Transaction Reports Act 1988* (Cwlth) applies.

### **17AN Accounting for account balances for restricted players**

- (1) This section applies if—
  - (a) a person's registration as a restricted player ends under section 17AD(3); and
  - (b) when the registration ends, an amount of funds (the ***account balance***) is standing to the credit of a player account established by a lottery operator in the name of the person.
- (2) The lottery operator must close the account and pay the account balance to the chief executive.
- (3) If an amount of the account balance is not paid under subsection (2) by the lottery operator, the State may recover the amount from the lottery operator as a debt.
- (4) This section does not apply to the extent the *Financial Transaction Reports Act 1988* (Cwlth) applies.

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**17AO Cancellation of a syndicate or syndicate shares**

- (1) A syndicate may only be cancelled if all syndicate shares are available for sale.
- (2) A syndicate share may only be cancelled at the place where the share was sold.
- (3) To remove any doubt, it is declared that a syndicate share that is sold but later cancelled, is a share that is for sale.

**17AP No requirement to check ticket corresponds with entry**

A lottery agent or a lottery operator is not required to check that the information contained in a lottery ticket corresponds with the information requested by a person for entering a drawing of a lottery.

**17AQ Cancellation of a lottery ticket by a lottery agent**

- (1) This section applies if a lottery agent gives a person a lottery ticket and the person asks the agent to cancel the ticket.
- (2) The lottery agent must cancel the lottery ticket only if—
  - (a) 1 of the following applies—
    - (i) for a ticket for a syndicate share—the cancellation can be made at least 10 minutes before entries close for the drawing of the lottery to which the ticket relates;
    - (ii) for a ticket sold by a multi-week sale—entries have not closed for the first drawing to which the ticket relates;
    - (iii) otherwise—entries have not closed for the drawing to which the ticket relates; and
  - (b) the agent, using a gaming terminal, is able to identify and cancel the entry for the ticket on the lotteries computer system.
- (3) If the lottery agent is not able to identify or cancel the entry for the lottery ticket under subsection (2)(b), the agent must ask the lottery operator to cancel the ticket.

[s 17AR]

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- (4) If the lottery ticket is cancelled under subsection (2) or section 17AR(2), the lottery agent must—
  - (a) endorse the ticket as cancelled; and
  - (b) refund to the person who bought the ticket an amount equal to the price of the ticket.
- (5) Subsection (3) does not apply to a ticket for a syndicate share that can not be cancelled at least 10 minutes before entries close for the drawing of the lottery to which the ticket relates.

### **17AR Cancellation of a lottery ticket by a lottery operator**

- (1) This section applies if—
  - (a) a lottery agent asks a lottery operator to cancel a lottery ticket under section 17AQ(3); or
  - (b) a lottery operator gives a person a lottery ticket and the person asks the lottery operator to cancel the ticket.
- (2) The lottery operator may cancel the lottery ticket only if—
  - (a) 1 of the following applies—
    - (i) for a ticket for a syndicate share—the cancellation can be made at least 10 minutes before entries close for the drawing of the lottery to which the ticket relates;
    - (ii) for a ticket sold by a multi-week sale—entries have not closed for the first drawing to which the ticket relates;
    - (iii) otherwise—entries have not closed for the drawing to which the ticket relates; and
  - (b) the lottery operator is able to identify and cancel the entry for the ticket on the lotteries computer system; and
  - (c) the lottery operator considers it is practicable to cancel the ticket having regard to the procedures for cancelling tickets stated in the lottery operator's approved control system.
- (3) If a lottery operator cancels a lottery ticket issued by the lottery operator, the lottery operator must refund to the person

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who bought the ticket an amount equal to the price of the ticket.

### **17AS Void lottery tickets**

- (1) A lottery ticket is void if—
  - (a) the lottery ticket is recorded in the lotteries computer system as cancelled; or
  - (b) information forming part of the lottery ticket is changed other than with the authority of the lottery operator.
- (2) A person does not have a claim against a lottery operator for a prize based on a void lottery ticket.

### **17AT Each drawing to be numbered**

Each drawing of a lottery must be given a number and be identified by the number.

### **17AU Announcement of provisional prize pool**

- (1) The amount of the provisional prize pool for a drawing of a lottery must be announced at the drawing.
- (2) In this section—

*provisional prize pool*, for a drawing of a lottery, means the amount estimated, at the drawing, to be available to pay all winning tickets in the drawing.

### **17AV Publication of results**

- (1) As soon as practicable after the drawing of a lottery, a lottery operator must—
  - (a) inform the lottery operator's lottery agents of the winning numbers; and
  - (b) make the winning numbers available on the lottery operator's website.

[s 17AW]

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- (2) Each agent must display the numbers at the agent's place of operation.
- (3) An agent may also display the following information—
  - (a) the amount of the prize pool in each division;
  - (b) the number of prize winners in each division;
  - (c) the estimated value of a prize in division 1 and the value of a prize in each of the other divisions.
- (4) In this section—

***place of operation***, for a lottery agent, means the agent's place of operation under the Act, section 125(2).

### **17AW Registered player as prize winner in division 1**

As soon as practicable after the drawing of a lottery, the lottery operator must use the computer system to find out whether a division 1 prize-winning entry is the entry of a registered player.

### **17AX Winning multi-week or twinpick lottery tickets and exchange receipts**

- (1) This section applies if—
  - (a) a person, for payment of a prize in a drawing of a lottery, gives a paper ticket to a lottery operator or lottery agent; and
  - (b) the ticket is for an entry in a drawing of the lottery, bought on the basis of a multi-week sale or twinpick sale; and
  - (c) the ticket is still current for 1 or more drawings of the lottery (the ***remaining drawings of the lottery***).
- (2) If the lotteries computer system identifies the ticket as a prize-winning ticket (the ***original ticket***), the lottery operator or lottery agent—
  - (a) may use a gaming terminal to print the word 'winner' on the original ticket; and

- 
- (b) must—
    - (i) return the original ticket to the person; and
    - (ii) pay the prize to the person; and
    - (iii) give the person another ticket for the remaining drawings of the lottery (the *exchange receipt*).
  - (3) The exchange receipt must state—
    - (a) the date and time the exchange receipt was given to the person; and
    - (b) the number or numbers identifying the remaining drawings of the lottery; and
    - (c) if the person has entered the drawing of the lottery as a registered player—the person’s player card number; and
    - (d) if the person has used the person’s registered numbers for the entry—the person’s registered numbers; and
    - (e) if paragraph (d) does not apply—the numbers selected in the entry; and
    - (f) if the entry is a standard entry, or system entry, for powerball—the powerball number; and
    - (g) if the entry is a powerhit entry—an indication the entry is a powerhit entry; and
    - (h) if the entry is a syndicate share—an indication the entry is a syndicate share and the number of syndicate shares; and
    - (i) the name of the lottery agent or lottery operator who gave the exchange receipt; and
    - (j) the receipt number and bar code for the exchange receipt; and
    - (k) other information the lottery operator considers appropriate for the remaining drawings of the lottery.
  - (4) The exchange receipt is taken to be the person’s paper ticket for the remaining drawings of the lottery.
  - (5) In this section—

*powerball* has the meaning given by the rule.

*powerhit entry* has the meaning given by the rule.

*registered numbers*—

- (a) for a registered player for a lottery, means the numbers that the player has registered under the rule; or
- (b) for a lottery agent, means the numbers that the lottery agent has registered under the rule.

*standard entry* has the meaning given by the rule.

*system entry* has the meaning given by the rule.

### **17AY Paper ticket to be returned if not a winning ticket**

- (1) If a person claiming a prize gives a paper ticket to a lottery agent or a lottery operator, the lottery agent or lottery operator must return the ticket if it can not be identified as a winning ticket using a gaming terminal.
- (2) However, subsection (1) does not apply if an investigation by a lottery operator is required under the rule for a lottery ticket that appears to be a prize-winning ticket but is not identified by the lotteries computer system.

### **17AZ Lottery operator not bound by agreement between members of group**

A lottery operator is not bound by an agreement made between the members of a group of persons on whose behalf a person is a participant in a lottery.

### **17BA Bonus prize reserve**

- (1) If the rule provides for a stated part of the total subscriptions for a drawing of a lottery to be put aside to accumulate as part of a bonus prize reserve, the bonus prize reserve must, to the extent that it is not otherwise used for prizes under the rule, be distributed in payment of a prize or an additional prize in the lottery.



- (2) However, if a lottery operator stops conducting a lottery (the *former lottery*) for which there is a bonus prize reserve, the lottery operator must, with the chief executive's approval, distribute the bonus prize reserve for the former lottery in payment of a prize or an additional prize in another approved lottery.
- (3) The lottery operator must identify the bonus prize reserve in the lottery operator's accounting records as a bonus prize reserve until it is dealt with under subsection (1) or (2).

### **17BB Payment of bonus prize reserve into the consolidated fund**

- (1) This section applies if a person stops being a lottery operator.
- (2) The person must pay to the chief executive the amount of a bonus prize reserve that has not been distributed under section 17BA.
- (3) Subsection (2) does not apply to the bonus prize reserve for a local lottery conducted as part of a scheme mentioned in section 17BC.
- (4) The chief executive must pay the amount received under subsection (2) into the consolidated fund.

### **17BC Pooling arrangements**

- (1) This section applies if—
  - (a) there is an agreement between a lottery operator and a foreign agency about the operation of a scheme by the lottery operator and agency; and
  - (b) the scheme is a combination of—
    - (i) a lottery (the *local lottery*); and
    - (ii) a gaming scheme (the *foreign gaming scheme*) conducted by the foreign agency that is equivalent to the local lottery; and
  - (c) for the scheme, the following amounts are pooled—
    - (i) amounts paid as subscriptions for the local lottery;

[s 17BD]

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- (ii) amounts paid by persons to the foreign agency in taking part in the foreign gaming scheme; and
- (d) the scheme has—
  - (i) a single drawing; and
  - (ii) a single set of prizes.
- (2) The local lottery may be conducted as part of the scheme, and the provisions of the rule about the local lottery have effect subject to the operation of the scheme.
- (3) For subsection (1)(b), a reference to equivalent, for a local lottery, includes being equivalent with respect to—
  - (a) the local lottery's prize structure; and
  - (b) the percentage the net prize pool for a drawing of the local lottery bears to the total subscriptions for the drawing.

### **17BD Jackpot and bonus prize reserve funds to be division 1 prize**

- (1) This section applies if—
  - (a) a jackpot prize pool is available for a drawing of a lottery; and
  - (b) the lottery operator must distribute an amount from the bonus prize reserve for the division 1 prize in the same drawing.
- (2) The jackpot prize pool and the amount from the bonus prize reserve are a single prize pool for the drawing and, for making a claim, must be treated as a division 1 prize.
- (3) The lottery operator must identify the jackpot prize pool in the lottery operator's accounting records as a jackpot prize pool until it is distributed in a drawing of the lottery.

### **17BE Payment of jackpot prize pool into the consolidated fund**

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

- (2) The person must pay to the chief executive the amount of a jackpot prize pool that has not been distributed in a drawing of a lottery.
- (3) The chief executive must pay the amount received under subsection (2) into the consolidated fund.

### **17BF Withdrawal of unsold lottery tickets**

- (1) This section applies to a lottery if a person takes part in the lottery through lottery tickets that are printed to enable the person to find out immediately whether the person has won a prize.

*Example—*

a lottery known as instant scratch-its

- (2) A lottery operator may withdraw all unsold lottery tickets for a drawing in the lottery—
  - (a) if the drawing for the lottery can not proceed in a way that is substantially consistent with the prize structure for the drawing because of the way the tickets have been printed; or
  - (b) if the wording on the tickets is ambiguous or may result in confusion about a person's entitlement to a prize; or
  - (c) if prizes included in the prize structure for the lottery are no longer—
    - (i) available; or
    - (ii) of any value; or
  - (d) on the closure of the lottery; or
  - (e) if the chief executive considers it appropriate in all the circumstances to withdraw the tickets.

*Example for subsection (2)(c)(ii)—*

some of the prizes for the drawing are tickets to a sporting event, but the event is held before all lottery tickets have been sold

- (3) If lottery tickets for a drawing in the lottery are damaged or stolen, the lottery operator—

- (a) may withdraw the tickets; and
  - (b) must advise the chief executive of the withdrawal.
- (4) The lottery operator must not withdraw tickets under subsection (2)(a), (b) or (c) without the chief executive's approval.
- (5) Despite subsection (4), the lottery operator may withdraw tickets under subsection (2)(a), (b) or (c) without the chief executive's approval if it is not practicable to obtain the chief executive's approval before the withdrawal.
- (6) If the lottery operator withdraws tickets under subsection (2)(a), (b) or (c) without the chief executive's approval, the lottery operator must, as soon as practicable after the withdrawal, seek the chief executive's approval.
- (7) As soon as practicable after lottery tickets are withdrawn under subsection (2)(a), (b), (c) or (e), the lottery operator must advertise the withdrawal in a newspaper circulating generally in the State, and may advertise the withdrawal in any other way.
- (8) If lottery tickets are withdrawn under subsection (2), the withdrawal remains effective until—
- (a) the chief executive decides the tickets—
    - (i) are available for sale; or
    - (ii) are to be destroyed; or
  - (b) if the chief executive refuses to approve a withdrawal sought under subsection (6)—the chief executive's refusal.
- (9) In this section—  
*instant scratch-its* has the meaning given by the rule.

### **17BG Guaranteed minimum prize payout for division 1**

- (1) This section applies if—
- (a) a minimum prize payout in division 1 in a drawing of a lottery has been guaranteed; and

- 
- (b) there is not enough money in the division 1 share of the prize pool and the bonus prize reserve for the payout.
  - (2) The lottery operator must make available the shortfall for the payout from the lottery operator's own funds.
  - (3) However, if there is no winner in division 1, the amount made available from the bonus prize reserve or by the lottery operator under subsection (2) must not be used to decide the amount of a jackpot prize pool for a subsequent drawing.
  - (4) The lottery operator may be reimbursed from the bonus prize reserve for money made available by the lottery operator under subsection (2).

**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 Commission of Ontario, Canada  
Alcohol and Gaming Division Nova Scotia, Canada  
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 Policy and Enforcement Branch,  
Canada  
Casino Liquor and Gaming Control Authority, New South  
Wales  
Casino Regulatory Authority of Singapore  
Centrelink  
Colorado Division of Gaming, USA  
Colorado State Patrol, USA  
Competition Bureau, Canada  
Crime and Misconduct Commission, Queensland  
Department of Immigration and Citizenship

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Department of Internal Affairs, New Zealand  
 Department of Justice, Canada  
 Department of Racing, Gaming and Liquor, Western Australia  
 Department of Treasury and Finance, Revenue, Gaming and  
 Licensing Division, Tasmania  
 Department of Treasury and Finance, South Australia  
 Gambling Commission, Great Britain  
 Gambling Commission, New Zealand  
 Gaming and Wagering Commission of Western Australia  
 Gaming Board of the Commonwealth of the Bahamas  
 Independent Gambling Authority, South Australia  
 Interpol  
 Lotteries Commission of South Australia  
 Lotterywest, Western Australia  
 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 Crime Commission  
 New South Wales Liquor Administration Board  
 New South Wales Office of Liquor, Gaming and Racing  
 New South Wales Police Service  
 New Zealand Police  
 Northern Territory Licensing Commission

Northern Territory Police  
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) . . . . .	14 119.20
2	Application for key person licence—Act, s 47(2)(c) . . . . .	406.85
3	Issue of replacement key person licence—Act, s 57(4) . . . . .	29.85
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 . . . . .	167.85
	(ii) intermediate evaluation . . . . .	209.05
	(iii) advanced evaluation . . . . .	250.25
	(iv) administration for an evaluation . . . . .	126.65
	(b) giving advice for an evaluation . . . . .	126.65
	(c) holding meetings for an evaluation . . . . .	126.65

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## 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.

***authorised limit*** means the amount of funds stated in a lottery operator's approved control system as the maximum amount that may be held in a player account.

***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.

***division***, for a drawing of a lottery, means a prize level identified as a division in the schedule for the lottery.

*Example—*

The prize levels for powerball range from division 1 down to division 7.

***gaming terminal*** means a terminal that—

- (a) is part of a lotteries computer system; and
- (b) is used to issue paper tickets; and
- (c) can be used by a lottery agent or a lottery operator—
  - (i) to identify whether or not a paper ticket is a winning ticket; or
  - (ii) to access the computer system.

***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.

***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.

**multi-week sale**, for a lottery, means—

- (a) for a sale that is recorded on a lotteries computer system as a sale to a registered player—the sale of a lottery ticket for the next 2 to 52 drawings of the lottery after the ticket is sold; or
- (b) for a sale other than a sale under paragraph (a)—the sale of a lottery ticket for the next 2 to 10 drawings of the lottery after the ticket is sold.

**paper ticket** means a lottery ticket issued by a lottery agent or a lottery operator in paper form.

**player account** means an account established under section 17AA.

**player card** means a card a lottery operator gives a person when the lottery operator registers the person as a registered player.

**player card number** means a unique number allocated by a lottery operator and stated on a player card.

**prize** includes a share of a prize for the holder of a syndicate share.

**registered player** means a person registered in a lottery operator's players register under the rule.

**restricted player** means a person registered in a lottery operator's players register as a restricted player under section 17AA(3).

**rule** means a rule made under the *Lotteries Act 1997*, section 121.

**selling fee**, for a lottery ticket, means—

- (a) if the ticket is sold by a lottery agent—the amount to which the agent is entitled, under the agent's agency agreement, for selling the ticket; or
- (b) if the ticket is sold by a lottery operator—an amount that is equal to the amount to which a lottery agent would

have been entitled under the agent's agency agreement if the agent had sold the ticket.

***subscription*** means the amount calculated by deducting the selling fee for a lottery ticket from the purchase price for the ticket.

***syndicate*** see section 4A.

***syndicate share*** see section 4A.

***unrestricted player*** means a person registered in a lottery operator's players register as an unrestricted player under section 17AA(3).

# Endnotes

## 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	37
3 Key . . . . .	38
4 Table of reprints . . . . .	38
5 List of legislation . . . . .	39
6 List of annotations . . . . .	40
7 Table of corrected minor errors . . . . .	42

## 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 30 July 2010. Future amendments of the Lotteries Regulation 2007 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)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	29 June 2007	
1A	2007 SL No. 210	1 September 2007	
1B	2008 SL No. 177	1 July 2008	
1C	2008 SL No. 391	5 December 2008	
1D	2009 SL No. 94	19 June 2009	
1E	2009 SL No. 84	1 July 2009	
1F	2009 Act No. 24	1 December 2009	
1G	2010 SL No. 128	1 July 2010	
1H	2010 SL No. 198	30 July 2010	R1H withdrawn, see R2
2	—	30 July 2010	



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## 5 List of legislation

### **Lotteries Regulation 2007 SL No. 166**

made by the Governor in Council on 28 June 2007

notfd gaz 29 June 2007 pp 1157–65

ss 1–2 commenced on date of notification

remaining provisions commenced 29 June 2007 (see s 2 and 2007 SL No. 167)

exp 1 September 2017 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Gambling Legislation Amendment Regulation (No. 2) 2007 SL No. 210 pts 1, 6**

notfd gaz 24 August 2007 pp 2151–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2007 (see s 2)

### **Gambling Legislation Amendment Regulation (No. 1) 2008 SL No. 177 pts 1, 7**

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

### **Gambling Legislation Amendment Regulation (No. 2) 2008 SL No. 391 s 1, pt 3**

notfd gaz 5 December 2008 pp 1840–3

commenced on date of notification

### **Gambling and Other Legislation Amendment Regulation (No. 1) 2009 SL No. 84 pts 1, 8**

notfd gaz 12 June 2009 pp 619–21

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2)

### **Liquor and Other Legislation Amendment Regulation (No. 1) 2009 SL No. 94 ss 1, 20–21**

notfd gaz 19 June 2009 pp 707–11

commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared.

### **Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 5 pt 46**

date of assent 26 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2009 (2009 SL No. 252)

### **Fair Trading and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 128 pts 1, 18**

notfd gaz 18 June 2010 pp 529–35

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

**Gambling Legislation Amendment and Repeal Regulation (No. 1) 2010 SL No. 198  
pts 1, 5**

notfd gaz 30 July 2010 pp 1253–5

ss 1–2 commenced on date of notification

remaining provisions commenced 30 July 2010 (see s 2)

## **6 List of annotations**

### **Meaning of “syndicate”**

s 4A ins 2010 SL No. 198 s 14

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

s 9 amd 2008 SL No. 391 s 9

### **Opening a player account**

s 17AA ins 2010 SL No. 198 s 15

### **Registration as a restricted player**

s 17AB ins 2010 SL No. 198 s 15

### **Registration as an unrestricted player**

s 17AC ins 2010 SL No. 198 s 15

### **End of registration as a restricted player**

s 17AD ins 2010 SL No. 198 s 15

### **Player account transactions**

s 17AE ins 2010 SL No. 198 s 15

### **Access to player account**

s 17AF ins 2010 SL No. 198 s 15

### **Minimum deposit for player account**

s 17AG ins 2010 SL No. 198 s 15

### **Limits on deposits to player accounts**

s 17AH ins 2010 SL No. 198 s 15

### **Only cleared funds to be used**

s 17AI ins 2010 SL No. 198 s 15

### **Refusal to accept a deposit or purchase**

s 17AJ ins 2010 SL No. 198 s 15

### **Restricted players not to make withdrawals or close accounts**

s 17AK ins 2010 SL No. 198 s 15

### **Withdrawals by unrestricted players**

s 17AL ins 2010 SL No. 198 s 15

### **Closing an unrestricted player’s player account**

s 17AM ins 2010 SL No. 198 s 15

**Accounting for account balances for restricted players**

s 17AN ins 2010 SL No. 198 s 15

**Cancellation of a syndicate or syndicate shares**

s 17AO ins 2010 SL No. 198 s 15

**No requirement to check ticket corresponds with entry**

s 17AP ins 2010 SL No. 198 s 15

**Cancellation of a lottery ticket by a lottery agent**

s 17AQ ins 2010 SL No. 198 s 15

**Cancellation of a lottery ticket by a lottery operator**

s 17AR ins 2010 SL No. 198 s 15

**Void lottery tickets**

s 17AS ins 2010 SL No. 198 s 15

**Each drawing to be numbered**

s 17AT ins 2010 SL No. 198 s 15

**Announcement of provisional prize pool**

s 17AU ins 20102008 SL No. 198 s 15

**Publication of results**

s 17AV ins 2010 SL No. 198 s 15

**Registered player as prize winner in division 1**

s 17AW ins 2010 SL No. 198 s 15

**Winning multi-week or twinpick lottery tickets and exchange receipts**

s 17AX ins 2010 SL No. 198 s 15

**Paper ticket to be returned if not a winning ticket**

s 17AY ins 2010 SL No. 198 s 15

**Lottery operator not bound by agreement between members of group**

s 17AZ ins 2010 SL No. 198 s 15

**Bonus prize reserve**

s 17BA ins 2010 SL No. 198 s 15

**Payment of bonus prize reserve into the consolidated fund**

s 17BB ins 2010 SL No. 198 s 15

**Pooling arrangements**

s 17BC ins 2010 SL No. 198 s 15

**Jackpot and bonus prize reserve funds to be division 1 prize**

s 17BD ins 2010 SL No. 198 s 15

**Payment of jackpot prize pool into the consolidated fund**

s 17BE ins 2010 SL No. 198 s 15

**Withdrawal of unsold lottery tickets**

s 17BF ins 2010 SL No. 198 s 15

**Guaranteed minimum prize payout for division 1**

s 17BG ins 2010 SL No. 198 s 15

**SCHEDULE 1—ENTITIES**

amd 2007 SL No. 210 s 14; 2008 SL No. 391 s 10; 2009 SL No. 94 s 21

**SCHEDULE 3—FEES**

sub 2007 SL No. 210 s 15; 2008 SL No. 177 s 15; 2009 SL No. 84 s 19

amd 2009 Act No. 24 s 655

sub 2010 SL No. 128 s 43

**SCHEDULE 4 —DICTIONARY**

def “**authorised limit**” ins 2010 SL No. 198 s 16

def “**division**” ins 2010 SL No. 198 s 16

def “**gaming terminal**” ins 2010 SL No. 198 s 16

def “**multi-week sale**” ins 2010 SL No. 198 s 16

def “**paper ticket**” ins 2010 SL No. 198 s 16

def “**player account**” ins 2010 SL No. 198 s 16

def “**player card**” ins 2010 SL No. 198 s 16

def “**player card number**” ins 2010 SL No. 198 s 16

def “**prize**” ins 2010 SL No. 198 s 16

def “**registered player**” ins 2010 SL No. 198 s 16

def “**restricted player**” ins 2010 SL No. 198 s 16

def “**rule**” ins 2010 SL No. 198 s 16

def “**selling fee**” ins 2010 SL No. 198 s 16

def “**subscription**” ins 2010 SL No. 198 s 16

def “**syndicate**” ins 2010 SL No. 198 s 16

def “**syndicate share**” ins 2010 SL No. 198 s 16

def “**unrestricted player**” ins 2010 SL No. 198 s 16

## 7 Table of corrected minor errors

under the Reprints Act 1992 s 44

Provision	Description
17AY(2)	om ‘an lottery operator’ ins ‘a lottery operator’