

(Reprint No. 6)

SOUTH AUSTRALIA

LOTTERY AND GAMING REGULATIONS 1993

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at **1 July 1999**.*

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REGULATIONS UNDER THE LOTTERY AND GAMING ACT 1936

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being

No. 236 of 1993: *Gaz.* 27 October 1993, p. 1901¹

as varied by

No. 178 of 1994: *Gaz.* 27 October 1994, p. 1322²

No. 167 of 1995: *Gaz.* 3 August 1995, p. 377³

No. 182 of 1995: *Gaz.* 31 August 1995, p. 642⁴

No. 8 of 1996: *Gaz.* 11 January 1996, p. 120⁵

No. 34 of 1998: *Gaz.* 23 April 1998, p. 1971⁶

No. 21 of 1999: *Gaz.* 25 March 1999, p. 1488⁷

No. 143 of 1999: *Gaz.* 1 July 1999, p. 55⁸

¹ Came into operation 27 February 1994: reg. 2.

² Came into operation 27 October 1994: reg. 2.

³ Came into operation 1 September 1995: reg. 2.

⁴ Came into operation 31 August 1995: reg. 2.

⁵ Came into operation 11 January 1996: reg. 2.

⁶ Came into operation 1 May 1998: reg. 2.

⁷ Came into operation 6 April 1999: reg. 2.

⁸ **Came into operation 1 July 1999: reg. 2.**

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the regulations see Appendix 1.

**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Lottery and Gaming Regulations 1993*.

Commencement

2. These regulations will come into operation four months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10aa).

Revocation

3. (1) The *Lottery Regulations 1971* (see *Gazette* 25 February 1971 p. 837), as varied, are revoked.

(2) The *Lottery Regulations 1971*, as varied, are referred to in these regulations as "the revoked regulations".

Interpretation

4. (1) In these regulations, unless the contrary intention appears—

"**the Act**" means the *Lottery and Gaming Act 1936*;

"**administrative expenses**", in relation to the conduct of a lottery—

- (a) includes any commission, salary or other remuneration paid to a person for conducting the lottery or for selling tickets in the lottery; but
- (b) does not include fees payable under these regulations or any other government charges or, in relation to conducting bingo sessions, rent of the premises in which the sessions are conducted;

"**approved purposes**", in relation to a fundraiser lottery, means any of the following purposes:

- (a) a religious, educational, charitable or benevolent purpose;
- (b) the purpose of promoting or encouraging literature, science or the arts;
- (c) the purpose of providing medical treatment or attention, or promoting the interests of persons who have a particular physical, mental or intellectual disability;
- (d) the purpose of establishing, carrying on or improving a community centre, or promoting the interests of a local community or a particular section of a local community;
- (e) the purpose of sport, recreation or amusement;
- (f) the purpose of promoting animal welfare;
- (g) the purpose of conserving resources or preserving any part of the environmental, historical or cultural heritage of the State;
- (h) the purpose of promoting the interests of students or staff of an educational institution;

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- (i) a political purpose;
- (j) the purpose of promoting the common interests of persons who are engaged in, or interested in, a particular business, trade or industry;

"**association**" means any association of persons, whether incorporated or not, that has—

- (a) at least 10 members; and
- (b) a management committee appointed or elected by the members of the association; and
- (c) a written constitution,

but does not include a registered corporation that returns profits to its members;

"**bingo**" means the game of chance known as bingo, housie or housie when played by the method commonly known as "eyes down";

"**bingo session**" means an event at which a series of bingo games is played;

"**Calcutta sweepstakes**" means a sweepstakes conducted on the basis that the winning chances will be auctioned;

"**fundraiser**", in relation to a lottery, means a lottery conducted by an association on the basis that the net proceeds of the lottery are to be applied by the association for one or more approved purposes;

"**instant lottery**" means a lottery—

- (a) the prizes of which do not, in total, exceed \$1 000 in value; and
- (b) in which the right to participate depends on purchasing an instant lottery ticket;

"**instant prize**" means a prize to be won on a ticket—

- (a) that has on it a number, letter or symbol giving rise to a winning chance; and
- (b) that is realisable (without being drawn) immediately after its acquisition by the participant in the lottery,

and includes a prize to be found within the packaging of goods that are the subject of a trade promotion lottery;

"**licensed supplier**" means the holder of an instant lottery ticket supplier's licence;

"**lottery licence**" means a licence issued under these regulations to conduct a major lottery, bingo sessions or an instant lottery;

"**lottery rules**" means the rules under these regulations with which persons conducting lotteries (whether exempted or authorized lotteries) must comply;

"**major lottery**" means a lottery the prizes of which exceed, in total, \$2 000 in value, but does not include an instant lottery, a sweepstakes or a Calcutta sweepstakes;

"**minor lottery**" means a lottery the prizes of which do not, in total, exceed \$2 000 in value, but does not include an instant lottery, a sweepstakes or a Calcutta sweepstakes;

"**net proceeds**", in relation to a lottery, means the gross proceeds of the lottery less the amount of the prizes and administrative expenses of conducting the lottery;

"**registered corporation**" means a body that is a registered corporation under the *Corporations Law*;

"**the revoked regulations**" means the *Lottery Regulations 1971*, revoked by these regulations;

"**supplier's licence**" means an instant lottery ticket supplier's licence;

"**sweepstakes**" does not include a Calcutta sweepstakes;

"**ticket**" means a token of any kind used for the purposes of drawing the prizes in a lottery or claiming an instant prize in a lottery and includes, in relation to a trade promotion lottery—

- (a) a recording, by electronic means or otherwise, of a participant's name or telephone number; and
- (b) the packaging of goods in which an instant prize, or a ticket for an instant prize, may be found;

"**trade promotion (instant prize) lottery**" means a trade promotion lottery all the prizes of which are instant prizes;

"**trade promotion lottery**" includes a trade promotion (instant prize) lottery;

"**trader**", in relation to a trade promotion lottery, means the seller of the goods or services that are the subject of the promotion;

"**value**", in relation to an item that is a prize in a lottery, means—

- (a) if the item is an antique or a piece of artwork, craftwork or collectible bric-a-brac or is secondhand—the price likely to be paid for the item if sold at auction;
- (b) in any other case—the retail price, or a reasonable estimate of the likely retail price, of the item.

(2) For the purposes of these regulations—

- (a) a member of an association will not be taken to receive a benefit from the net proceeds of a lottery conducted by the association by virtue only of the fact that he or she, as a member of the association, shares with the other members in the facilities or services provided by the association; and
- (b) a registered corporation will not be taken to receive a benefit from the net proceeds of a lottery by virtue only of the fact that part of those proceeds is used to acquire goods or services from the corporation; and
- (c) a ticket in a lottery will not be regarded as giving rise to an equal chance of winning a prize in the lottery if the holder of the ticket is required to be present at the drawing of the lottery in order to have a chance to win any particular prize.

Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.

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**PART 2
EXEMPTED LOTTERIES**

DIVISION 1—FUNDRAISER LOTTERIES

Minor lotteries

5. A minor lottery that is a fundraiser is an exempted lottery for the purposes of the Act if—

- (a) the lottery is conducted by an association on its own behalf; and
- (b) the association, in conducting the lottery, complies with the minor lottery rules set out in *regulation 19*.

Bingo played at certain bingo sessions

6. Bingo played at a bingo session that is a fundraiser is an exempted lottery for the purposes of the Act if—

- (a) the bingo session is conducted by an association on its own behalf; and
- (b) the gross proceeds of the session do not exceed \$200; and
- (c) the association, in conducting the bingo session, complies with the bingo rules set out in *regulation 21*.

Sweepstakes

7. A sweepstakes that is a fundraiser and the gross proceeds of which exceed \$10 is an exempted lottery for the purposes of the Act if—

- (a) the sweepstakes is conducted by an association on its own behalf; and
- (b) the gross proceeds of the sweepstakes do not exceed \$1 000; and
- (c) the association, in conducting the sweepstakes, complies with the sweepstakes rules set out in *regulation 23*.

DIVISION 2—NON-FUNDRAISER LOTTERIES

Lotteries where all proceeds go in prizes

8. A lottery (of any kind other than an instant lottery) conducted by any person is an exempted lottery for the purposes of the Act if—

- (a) the gross proceeds of the lottery do not exceed \$1 000; and
- (b) the whole of the proceeds of the lottery, after deduction of the administrative expenses of conducting the lottery, constitute the prize, or prizes, in the lottery; and
- (c) the amount deducted for administrative expenses does not exceed two percent of the gross proceeds of the lottery; and
- (d) each ticket in the lottery gives rise to a fair and equal chance of winning a prize in the lottery.

Minor trade promotion lotteries

9. A trade promotion lottery is an exempted lottery for the purposes of the Act if—

- (a) the total value of all the prizes in the lottery does not exceed \$500; and
- (b) the lottery is not for the purpose of promoting the sale of—
 - (i) cigarettes, cigars, tobacco or any other tobacco product; or
 - (ii) firearms or ammunition; and
- (c) the lottery does not consist of bingo sessions conducted on the premises to which a gaming machine licence under the *Gaming Machines Act 1992* relates; and
- (d) the person conducting the lottery complies with the trade promotion lottery rules set out in *regulation 24A*.

Calcutta sweepstakes

10. A Calcutta sweepstakes (in this regulation referred to as a "Calcutta") the gross proceeds of which exceed \$1 000 is an exempted lottery for the purposes of the Act if—

- (a) the Calcutta is conducted by an association on its own behalf; and
- (b) the gross proceeds of the Calcutta do not exceed \$15 000; and
- (c) the association, in conducting the Calcutta, complies with the Calcutta sweepstakes rules set out in *regulation 24*.

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**PART 3
AUTHORISED LOTTERIES**

DIVISION 1—FUNDRAISER LOTTERIES

Classes of lottery licence

11. The classes of licence that may be issued under these regulations for the conduct of lotteries that are fundraisers are as follows:

- (a) major lottery licence: the holder of a major lottery licence is authorised by the licence to conduct a major lottery subject to and in accordance with these regulations and the conditions of the licence;
- (b) bingo licence: the holder of a bingo licence is authorised by the licence to conduct bingo sessions subject to and in accordance with these regulations and the conditions of the licence;
- (c) instant lottery licence: the holder of an instant lottery licence is authorised by the licence to conduct instant lotteries subject to and in accordance with these regulations and the conditions of the licence.

Eligible applicants

12. (1) An application for a lottery licence may be made only by or on behalf of an association, to conduct lotteries on its own behalf.

(2) A person under the age of 18 years cannot apply on behalf of an association for a lottery licence.

Applications for lottery licence

13. (1) An application for a lottery licence must—

- (a) be made to the Minister in the form set out in *Schedule 1*, *Schedule 2* or *Schedule 3*, as the case may require; and
- (b) contain the information and be accompanied by the documents required by the application form; and
- (c) be accompanied by an application fee of \$5.

(2) The Minister may require an applicant to provide further information about or verification of any matter relevant to the application.

Grant of lottery licences

14. (1) The Minister may, on due application being made, grant a lottery licence to an association that satisfies the Minister, by such evidence as the Minister may require—

- (a) that it is eligible to apply for a lottery licence; and
- (b) that the whole of the net proceeds of any lottery to be conducted pursuant to the licence will be applied for one or more approved purposes; and
- (c) that no part of the net proceeds of any lottery is to be applied for the benefit of—
 - (i) any member of the association; or

- (ii) a registered corporation that returns profits to its members; and
 - (d) that the association is a fit and proper body to conduct lotteries of the kind authorised by the licence; and
 - (e) that, in the case of an application for a major lottery licence, the lottery to which the licence relates appears to be financially viable.
- (2) Without limiting the grounds on which the Minister may refuse an application for a lottery licence, the Minister may refuse an application—
- (a) in the case of an application for a major lottery licence—if the applicant has previously conducted a major lottery that has turned out not to be financially viable and the Minister is of the opinion that, if any further major lottery were to be conducted by the applicant, it is likely that it also would be unviable;
 - (b) in the case of an application for a bingo licence—if the Minister is of the opinion—
 - (i) that there is some relationship or arrangement between the applicant and another association that holds a bingo licence; and
 - (ii) that, by virtue of that relationship or arrangement, proceeds derived by the applicant from conducting bingo sessions would benefit that other association; and
 - (iii) that to grant the licence would therefore give that other association an unfair advantage over other holders of bingo licences.

Duration of licence

15. (1) A major lottery licence expires on the licensee furnishing the Minister, in accordance with these regulations, with a financial statement in respect of the lottery to which the licence relates.

(2) A bingo licence has effect for a term of one year from the day on which it is granted.

(3) An instant lottery licence has effect for a term of one year from the day on which it is granted.

Licence fees

16. (1) Subject to these regulations, the following fees are payable by the holder of a lottery licence:

(a) major lottery licence: four per cent of the gross proceeds of the lottery to which the licence relates, payable by the licensee at the same time as the licensee is required by these regulations to furnish a financial statement in respect of the lottery;

(b) bingo licence: four per cent of the gross proceeds of all bingo sessions conducted pursuant to the licence, payable by the licensee on a quarterly basis on furnishing the quarterly financial statement required by these regulations;

(c) instant lottery licence: two per cent of the total face value of all instant lottery tickets purchased from a licensed supplier, payable by the licensee to that supplier (as collection agent for the Minister)—

- (i) on payment for the tickets; or

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- (ii) one month after the date of supply of the tickets,
whichever first occurs.

(2) The following associations are exempt from the requirement to pay licence fees under these regulations:

- (a) any association that was, immediately prior to the commencement of these regulations, exempt from the liability to pay licence fees by virtue of regulation 7(6)(a) of the revoked regulations;
- (b) any association that has as its principal object—
 - (i) the relief or assistance of persons who have a physical or mental illness, disability or infirmity and the families and carers of such persons; or
 - (ii) the relief or assistance of persons who suffer disadvantage as a result of age, poverty, unemployment or homelessness or as a result of being the victims of crime or abuse; or
 - (iii) the prevention of human disease or disability; or
 - (iv) the relief of distress caused by disaster or war.

Licence conditions

17. (1) A major lottery licence is subject to—

- (a) a condition that the licensee must pay the licence fees for the licence in accordance with these regulations; and
- (b) a condition that the licensee must, in and in relation to conducting the lottery authorised by the licence, comply with the major lottery rules set out in *regulation 20*.

(2) A bingo licence is subject to—

- (a) a condition that the licensee must pay the licence fees for the licence in accordance with these regulations; and
- (b) a condition that the licensee must, in and in relation to conducting bingo sessions pursuant to the licence, comply with the bingo rules set out in *regulation 21*.

(3) An instant lottery licence is subject to—

- (a) a condition that the licensee must pay the licence fees for the licence in accordance with these regulations; and
- (b) a condition that the licensee must, in and in relation to conducting instant lotteries pursuant to the licence, comply with the instant lottery rules set out in *regulation 22*.

DIVISION 2—TRADE PROMOTION LOTTERIES**Licences may be granted for certain trade promotion lotteries**

17A. (1) Licences may be granted for the conduct of trade promotion lotteries in which the total value of all the prizes exceeds \$500.

- (2) A licence cannot, however, be granted for the conduct of—
 - (a) a lottery for the purposes of promoting the sale of—
 - (i) cigarettes, cigars, tobacco or any other tobacco product; or
 - (ii) firearms or ammunition; or
 - (b) a lottery consisting of bingo sessions if the lottery is to be conducted on the premises to which a gaming machine licence under the *Gaming Machines Act 1992* relates.

Application for trade promotion lottery licence

17B. (1) A person may apply for a licence to conduct a lottery for the purpose of promoting the sale of goods or services.

- (2) An application must—
 - (a) be made to the Minister in the form set out in *Schedule 4* not earlier than 4 months or later than 14 days before the proposed date of commencement of the lottery; and
 - (b) contain the information and be accompanied by the documents required by the application form; and
 - (c) be accompanied by a licence fee calculated on the basis of the total value of all the prizes in the lottery, as follows:
 - (i) for a total value of not more than \$10,000 \$ 50;
 - (ii) for a total value of more than \$10,000 but not more than \$50,000 \$ 250;
 - (iii) for a total value of more than \$50,000 but not more than \$100,000 \$ 500;
 - (iv) for a total value of more than \$100,000 \$1,000.

(3) However, if the terms of the lottery provide for allocation of prizes among a number of States or Territories of the Commonwealth, the licence fee is to be calculated on the basis of the total value of only those prizes that are capable of being awarded to winners in this State.

Grant of licence

17C. (1) The Minister may, on due application being made, grant a trade promotion lottery licence to the applicant.

(2) The Minister may refuse an application for a trade promotion lottery licence on any reasonable ground.

Variation of licence

17CA. If the holder of a trade promotion lottery licence applies to the Minister for variation of the terms of the lottery to which the licence applies, the application must be accompanied by an application fee of \$30.

Duration of licence

17D. A trade promotion lottery licence expires on final compliance by the licensee with the conditions of the licence except where the licence has been granted solely for a trade promotion (instant prize) lottery, in which case the licence expires at the close of the lottery.

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Licence conditions

17E. A trade promotion lottery licence is subject to the condition that the licensee must, in and in relation to conducting the lottery authorised by the licence, comply with the trade promotion lottery rules set out in *regulation 24A*.

Trader offences

17F. * * * * *

(2) If participation in a trade promotion lottery is dependent on the purchase of goods or services, the trader must not, while the lottery is open, charge more for those goods or services than the normal price charged by that trader.

Penalty: Division 7 fine.

(3) If a person who conducts a trade promotion lottery on behalf of a trader fails to comply with the trade promotion lottery rules set out in *regulation 24A*, the trader is guilty of an offence.

Penalty: Division 7 fine.

(4) It is a defence for a trader who is charged with an offence against subregulation (3) to prove that the offence did not result from any failure on his or her part to take reasonable care to avoid commission of the offence.

DIVISION 3—LICENCES GENERALLY

Cancellation or suspension of licence

18. (1) The Minister may, by written notice given personally or by post to the licensee, cancel a lottery licence or a trade promotion lottery licence, or suspend it for a specified period—

- (a) if the licence was improperly obtained; or
- (b) if the licensee commits or is found guilty of an offence against the Act or these regulations; or
- (c) if the licensee contravenes a condition to which the licence is subject; or
- (d) if the licensee is in default for more than one month in payment of any amount due by way of fees under these regulations; or
- (e) if, in the case of a major lottery licence, the Minister is of the opinion that the lottery authorised by the licence has become financially unviable.

(2) The Minister may, in a notice of cancellation, give such directions to the licensee as to the winding up of any lottery being conducted pursuant to the licence as the Minister thinks appropriate.

(3) An association that fails to comply with a direction given under subregulation (2) is guilty of an offence.

Penalty: Division 7 fine.

(4) The holder of a licence that has been suspended will be taken to be unlicensed during the period of the suspension.

**PART 4
LOTTERY RULES**

Minor lottery rules

19. The rules with which an association must comply in conducting a minor lottery that is a fundraiser are as follows:

- (aa) an association must not enter a lottery conducted by that association;
- (a) the whole of the net proceeds of the lottery must be applied for one or more approved purposes;
- (b) no part of the net proceeds of the lottery may be applied for the benefit of—
 - (i) a member of the association; or
 - (ii) a registered corporation that returns profits to its members;
- (c) the total value of all prizes in the lottery must be not less than 20 per cent of the total face value of all tickets in the lottery;
- (ca) the cost to the association of all prizes in the lottery must not exceed 75 per cent of the total face value of all tickets in the lottery;
- (d) the administrative expenses of conducting the lottery must not exceed an amount equivalent to 10 per cent of the total face value of all tickets in the lottery;
- (e) the association must keep accurate records of the administrative costs of conducting the lottery;
- (f) each ticket in the lottery must be of equal value and give rise to an equal chance of winning;
- (g) if tickets in the lottery are to be sold before the day on which the lottery is to be drawn or at places other than the place at which the lottery is to be drawn—
 - (i) each ticket and the butt of each ticket must have the name of the association conducting the lottery and the date, place and time for the drawing of the lottery clearly printed on it; and
 - (ii) the butt of each ticket sold in the lottery must have the name and address (or telephone number) of the purchaser of the ticket clearly written on it; and
 - (iii) the lottery must be drawn on the day and at the place and time so specified;
- (h) the first prize in the lottery must be drawn first, the second prize must be drawn second, and so on;
- (i) if the gross proceeds from the lottery are insufficient to meet the cost of the prizes in the lottery, the association must make up the deficiency from its other funds, and must notify the Minister in writing as soon as it becomes apparent that such a deficiency will arise;
- (j) if a prize in the lottery is not delivered to its winner within four days of the drawing of the lottery, written notification must be given before the end of that period to the winner of the nature or amount of the prize and of the time and place at which it can be collected.

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Major lottery rules

20. The rules with which an association must comply in and in relation to conducting the lottery authorised by a major lottery licence held by the association are as follows:

- (aa) an association must not enter a lottery conducted by that association;
- (a) the whole of the net proceeds of the lottery must be applied for the approved purposes that are specified in the licence;
- (b) no part of the net proceeds of the lottery may be applied for the benefit of—
 - (i) any member of the association; or
 - (ii) a registered corporation that returns profits to its members;
- (c) the total value of all prizes in the lottery must be not less than one sixth of the total face value of all tickets in the lottery;
- (d) the total cost to the association of all gifts and rewards (other than the prizes in the lottery and any bonus tickets) available to be given as inducements to participate in the lottery must not exceed 2 per cent of the total face value of all tickets in the lottery;
- (da) the total cost to the association of—
 - (i) the prizes in the lottery; and
 - (ii) the administrative expenses of conducting the lottery; and
 - (iii) the gifts and rewards (including all bonus tickets) available to be given as inducements to participate in the lottery,must not exceed 60 per cent of the total face value of all tickets in the lottery;
- (db) if bonus tickets are to be on offer to purchasers of a certain number of tickets in the lottery—
 - (i) details of the bonus offer must appear on the face of each ticket in the lottery; and
 - (ii) the bonus offer must apply throughout the whole period during which tickets are on sale;
- (e) the prizes in the lottery must consist of cash, goods or services;
- (f) each ticket in the lottery must be of equal value and give rise to an equal chance of winning;
- (g) any advertisement of the lottery must state the number of the lottery licence under which the lottery is conducted;
- (h) the tickets, ticket butts and ticket book covers used in the lottery must be in the form and contain the information as approved by the Minister on granting the licence;
- (i) the number of tickets in the lottery must not exceed the number specified in the licence;

- (j) the licensee must keep a record of—
 - (i) the number of ticket books issued for sale; and
 - (ii) the names and addresses of the persons to whom they were issued for sale; and
 - (iii) the number of tickets sold; and
 - (iv) the number of tickets returned unsold;
- (k) the licensee must require any person to whom ticket books are issued for sale to give a receipt for the books;
- (l) the licensee must issue each person who is to sell tickets in the lottery with a certificate or some other form of authority to sell that can be shown to any purchaser on request;
- (m) no ticket in the lottery may be sold unless the name and address of the purchaser of the ticket is filled in on the butt of the ticket;
- (n) no ticket in the lottery may be sold—
 - (i) before the day specified in the licence for the commencement of the lottery; or
 - (ii) within the period of seven days before the day on which the lottery is drawn;
- (o) a ticket in the lottery must not be given or posted to a person for sale to or by that person without his or her prior consent;
- (p) the licensee must ensure that all unsold tickets, proceeds from ticket sales and butts of sold tickets are in the hands of the licensee no later than seven days prior to the drawing of the lottery;
- (q) the lottery must be drawn—
 - (i) on the day and at the time and place specified in the licence; and
 - (ii) under the supervision of the licensee; and
 - (iii) in the presence of at least two members of the licensee's management committee and a member of the police force, ADI manager or justice of the peace; and
 - (iv) in the presence of such of the ticket holders in the lottery who wish to be present;
- (r) the winners of the prizes in the lottery must be determined by lot with the first prize being drawn first, the second prize being drawn second, and so on;
- (s) if the gross proceeds from the lottery are insufficient to meet the cost of the prizes in the lottery, the licensee must make up the deficiency from its other funds and must notify the Minister in writing as soon as it becomes apparent that such a deficiency will arise;
- (t) if a prize is not delivered to its winner at the time the lottery is drawn, the winner must, within four days of the drawing of the lottery, be notified in writing of the prize he or she has won and the particulars of how the prize is to be delivered or collected;

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- (u) the licensee must, within seven days of the drawing of the lottery, cause the numbers of the prize winning tickets in the lottery to be published in a newspaper circulating generally throughout the State;
- (v) the licensee must—
 - (i) pay all money received from the sale of tickets in the lottery into an ADI account that is separate from all other ADI accounts operated by the licensee; and
 - (ii) keep accurate accounts of all income and expenditure relating to the lottery, being accounts that are separate from the other accounts kept by the licensee; and
 - (iii) cause those accounts to be audited by an auditor nominated by the licensee and approved by the Minister;
- (w) the licensee must, within one month of the drawing of the lottery, furnish the Minister with a financial statement—
 - (i) that is in the form, and contains the information, set out in *Schedule 5*; and
 - (ii) that is certified correct by the auditor who audited the accounts of the lottery.

Bingo rules

21. The rules with which an association must comply in or in relation to conducting a bingo session that is a fundraiser are as follows:

- (a) the whole of the net proceeds of the bingo session must be applied—
 - (i) for one or more approved purposes; and
 - (ii) in the case of a session conducted pursuant to a bingo licence—for such of those purposes as are specified in the licence;
- (b) no part of the net proceeds of the bingo session may be applied for the benefit of—
 - (i) a member of the association; or
 - (ii) a registered corporation that returns profits to its members;
- (c) no more than two bingo sessions may be conducted in any one week;
- (d) if two sessions are conducted on the one day, there must be an interval of at least one hour between those sessions during which no game of bingo is played;
- (e) the bingo session must not exceed three hours in duration;
- (f) no more than 30 bingo games may be played during the session;
- (g) the session must be conducted under the supervision of the association;
- (h) at least two persons who are members of the management committee or staff of the association must be present at the session;
- (i) a charge must not be made for admission to the session;

- (j) as to refreshments—
 - (i) light refreshments (tea, coffee and cool drinks and sandwiches, cake and biscuits) may be made available by the association in connection with the session, free of charge or for a nominal charge;
 - (ii) if any other refreshments are provided (including alcoholic beverages if the association is licensed to do so) the association must charge for the refreshments at reasonable commercial rates;
- (k) the prizes of any other game of chance made available to persons attending the session must not be used to subsidise the bingo prizes;
- (l) the gross proceeds of any game of bingo played at the session must not exceed \$200;
- (m) all bingo sheets must be purchased from a licensed supplier of instant lottery tickets;
- (n) all bingo sheets used in the one game must be priced for the players at the same price, being not less than 10 cents or more than 30 cents, and must give rise to an equal chance of winning;
- (o) no bingo sheet may be offered to a player free of charge;
- (p) the bingo game printed on a bingo sheet must be constituted of 15 different numbers;
- (q) each bingo sheet used in the one game must bear on the face of the sheet the same serial number that is unique to that game;
- (r) the serial number applicable to a game of bingo must be announced to the players in the game immediately prior to the commencement of the game;
- (s) the prizes must not accumulate (or "jackpot") between any game played in one bingo session and a game played in another session;
- (t) if a jackpot is conducted during a session, the amount of the jackpot must not exceed ten per cent of the gross proceeds of the session;
- (u) the prize in every game of bingo must be not less than 50 per cent and not more than 75 per cent of the gross proceeds of the game (less any amount allowed for a jackpot) and must not exceed \$100;
- (ua) the prize in every game of bingo (together with any jackpot won on the game) must be paid in cash immediately after completion of the game and, if more than one person wins the game, the prize must be divided equally between them;
- (v) the administrative expenses of conducting a bingo session (including the costs of refreshments provided free of charge, callers, bingo sheets and advertising) must not exceed an amount equivalent to 20 per cent of the gross proceeds of the session;
- (w) the association must keep all bingo sheets in a secure place;
- (x) the association must not issue the bingo sheets to be used during a bingo session to the person conducting the session more than one bingo session in advance;

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- (y) in relation to bingo sessions conducted pursuant to a licence—
 - (i) the sessions must be conducted at the place and on the days specified in the licence; and
 - (ii) the licensee must not publish or cause to be published any advertisement relating to the conduct of bingo sessions unless the advertisement has been approved by the Minister; and
 - (iii) all bingo sheets not sold for any particular game must be kept by the licensee for one year; and
 - (iv) the licensee must make an accurate record, in a form approved by the Minister, of the bingo sheets used in, and the gross proceeds and prizes of, each game of bingo played during a bingo session immediately after its completion and before the commencement of the next game; and
 - (v) the licensee must keep a copy of the record referred to in subparagraph (iv) for a period of one year and ensure that it is available for inspection by the Minister during that period; and
 - (vi) the net proceeds of all bingo sessions conducted pursuant to the licence must be paid into an ADI account that is kept by the licensee separately from all other accounts; and
 - (vii) the licensee must, within one month of the expiry of each quarter of the licence period, furnish the Minister with a financial statement that is in the form, and contains the information, set out in *Schedule 6* and that is certified correct by a member of the management committee of the licensee authorised by the licensee for the purpose.

Instant lottery rules

22. The rules with which an association must comply in and in relation to conducting an instant lottery pursuant to an instant lottery licence held by the association are as follows:

- (aa) an association must not enter a lottery conducted by that association;
- (a) the whole of the net proceeds of the lottery must be applied for the approved purposes that are specified in the licence;
- (b) no part of the net proceeds of the lottery may be applied for the benefit of—
 - (i) any member of the association; or
 - (ii) a registered corporation that returns profits to its members;
- (c) the tickets for the lottery must be purchased from a licensed supplier of instant lottery tickets;
- (d) the total value of all prizes in the lottery must be not less than 20 per cent of the total face value of all tickets in the lottery;
- (da) the cost to the association of all prizes in the lottery must not exceed 75 per cent of the total face value of all tickets in the lottery;

- (e) the administrative expenses of conducting the lottery must not exceed an amount equivalent to 10 per cent of the total face value of all tickets in the lottery;
- (f) of the amount that may be deducted by way of administrative expenses, the sum allocated for the cost of purchasing the tickets for the lottery must not exceed six per cent of the total face value of all tickets in the lottery;
- (g) each ticket in the lottery must be of equal value and give rise to an equal chance of winning;
- (h) the licensee must display, at or near the place at which the tickets in the lottery are being sold, a sign stating the nature and value of each prize to be won in the lottery, unless that information appears on the tickets;
- (i) the licensee must—
 - (i) pay all money received from the sale of tickets in the lottery into an ADI account that is separate from all other ADI accounts operated by the licensee; and
 - (ii) keep accurate accounts of all income and expenditure relating to the lottery, being accounts that are separate from the other accounts kept by the licensee; and
 - (iii) cause those accounts to be audited annually by an auditor nominated by the licensee and approved by the Minister;
- (j) the licensee must, within one month of the expiry of each licence period, furnish the Minister with a financial statement—
 - (i) that is in the form, and contains the information, set out in *Schedule 7*; and
 - (ii) that is certified correct by the auditor who audited the accounts of the lottery conducted under the licence.

Sweepstakes rules

23. The rules with which an association must comply in conducting a sweepstakes that is a fundraiser are as follows:

- (a) the sweepstakes may only be conducted on the outcome of any of the horse races known as the "Adelaide Cup," "Onkaparinga Great Eastern Steeplechase", "Port Adelaide Cup", "Caulfield Cup" or "Melbourne Cup";
- (b) the whole of the net proceeds of the sweepstakes must be applied for one or more approved purposes;
- (c) no part of the net proceeds of the sweepstakes may be applied for the benefit of—
 - (i) a member of the association; or
 - (ii) a registered corporation that returns profits to its members;
- (d) the total value of the prizes in the sweepstakes must not exceed 50 per cent of the gross proceeds of the sweepstakes;
- (e) the administrative expenses of the sweepstakes must not exceed 10 per cent of the gross proceeds of the sweepstakes;

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- (f) each ticket in the sweepstakes must be of equal value and give rise to an equal chance of winning;
- (g) if tickets in the sweepstakes are to be sold before the day of the draw or at places other than the place at which the draw is to be carried out—
 - (i) each ticket and the butt of each ticket must have the name of the association conducting the sweepstakes, the name of the race and the date, place and time for the draw clearly printed on it; and
 - (ii) the butt of each ticket sold in the sweepstakes must have the name and address (or telephone number) of the purchaser of the ticket clearly written on it; and
 - (iii) the draw must be carried out on the day and at the place and time so specified;
- (h) each person who has been successful in the draw must, before the race to which the sweepstakes relates is run, be notified personally of the name of the horse that he or she has drawn;
- (i) a list of the names of the persons successful in the draw must be read out and exhibited immediately after the draw has been carried out;
- (j) if a prize in the sweepstakes is not delivered to its winner within four days of the race being run, written notification must be given before the end of that period to the winner of the amount of the prize and of the time and place at which it can be collected;
- (k) the association must keep accurate records of the sweepstakes and of the administrative expenses of conducting it.

Calcutta sweepstakes rules

24. The rules with which an association must comply in conducting a Calcutta sweepstakes (in this regulation referred to as a "Calcutta") are as follows:

- (a) the Calcutta may only be conducted on the outcome of—
 - (i) a horse race, harness race or greyhound race (whether run inside or outside this State) in respect of which on-course totalizator betting is authorised under the *Racing Act 1976*; or
 - (ii) the final of the foot race known as the "Bay Sheffield"; or
 - (iii) the motor race known as the "Australian Formula One Grand Prix";
- (b) the whole of the proceeds of the Calcutta (including the amount raised by the auction of the drawn names), after deduction of the administrative expenses of conducting the Calcutta, must constitute the prizes in the Calcutta;
- (c) the administrative expenses of conducting the lottery must not exceed 10 per cent of the gross proceeds of the Calcutta;
- (d) no ticket in the Calcutta may be sold more than three months before the day on which the race to which the Calcutta relates is to be run;
- (e) each ticket in the Calcutta must be of equal value and give rise to an equal chance of winning;

- (f) if tickets in the Calcutta are to be sold before the day of the draw or at places other than the place at which the draw is to be carried out—
 - (i) each ticket and the butt of each ticket must have the name of the association conducting the Calcutta, the name of the race and the date, place and time for the draw clearly printed on it; and
 - (ii) the butt of each ticket sold in the Calcutta must have the name and address (or telephone number) of the purchaser of the ticket clearly written on it; and
 - (iii) the draw must be carried out on the day and at the place and time so specified;
- (g) each person who has been successful in the draw must, before the race to which the Calcutta relates is run, be notified personally of the name that he or she has drawn;
- (h) a list of the names of the persons successful in the draw must be read out and exhibited immediately after the draw has been carried out;
- (i) if a prize in the Calcutta is not delivered to its winner within four days of the race being run, written notification must be given before the end of that period to the winner of the amount of the prize and of the time and place at which it can be collected;
- (j) the association must keep accurate records of the Calcutta and of the administrative expenses of conducting it.

Trade promotion lottery rules

24A. (1) The rules with which a person must comply in and in relation to conducting a trade promotion lottery (other than a trade promotion (instant prize) lottery) are as follows:

- (a) entry in the lottery must be free except that—
 - (i) the right to participate in the lottery may be dependent on the purchase of any of the goods or services the subject of the promotion; and
 - (ii) the cost of entering the lottery by telephone or post may be payable by participants to the maximum amount of 50 cents in the case of entry by telephone call or the cost of ordinary postage in the case of entry by post;
- (b) subject to any test of participants' knowledge, skills or judgment, each ticket in the lottery must give rise to an equal chance of winning a prize in the lottery;
- (ba) if some of the prizes in the lottery are instant prizes, the tickets for those prizes must be manufactured, packaged and stored in a manner that satisfies the Minister that the prizes, or the numbers, letters or symbols that give rise to the winning chance or chances, cannot be detected by any person before the persons participating in the lottery have acquired them;
- (bb) the duration of the lottery must not exceed 12 months;
- (c) all advertisements of the lottery (other than advertisements on television, radio or at the cinema) must contain the following information:
 - (i) the name and address of the trader; and
 - (ii) if the lottery is authorised by a licence—
 - (A) the licence number; and

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- (B) the name and address of the licensee; and
 - (iii) the duration of the lottery; and
 - (iv) the nature and value of the prizes to be won; and
 - (v) the number of draws in the lottery and the date, place and time for the drawing of the lottery; and
 - (vi) the date on which and method by which participants in the lottery will be advised of the results of the drawing of the lottery;
- (ca) the lottery must not be drawn electronically except by way of such a system as may from time to time be approved by the Minister for the purpose;
- (cb) all advertisements of the lottery on television, radio or at the cinema must contain the following information:
- (i) if the lottery is authorised by a licence—the licence number; and
 - (ii) how a person may enter the lottery; and
 - (iii) the nature and value of the prizes to be won; and
 - (iv) how and where to get a copy of the conditions of the lottery;
- (d) the lottery must be drawn—
- (i) on the date and at the time and place specified in the advertisements of the lottery; and
 - (ii) if—
 - (A) the total value of all prizes equals or exceeds \$20 000; or
 - (B) the Minister so directs in any particular case,under the scrutiny of a person authorised by the Minister for the purpose;
- (e) the winners of the drawn prizes in the lottery must be determined by lot, with the first prize being drawn first, the second prize being drawn second, and so on;
- (f) if the lottery is authorised by a licence—
- (i) the name and address of each winner of—
 - (A) a drawn prize in the lottery; or
 - (B) an instant prize the value of which exceeds \$100,must be furnished to the Minister within 14 days of the drawing of the lottery;

- (ii) if a prize is not delivered to its winner at the time the lottery is drawn, the winner must, within 14 days of the drawing of the lottery, be notified in writing of the prize he or she has won and the particulars of how the prize is to be delivered or collected; and
 - (iii) the name and address of each winner of a prize the value of which is over \$100 must (except for any winner who has requested that his or her name and address not be so published) be published within 30 days of the drawing of the lottery—
 - (A) in a newspaper circulating generally throughout the State; or
 - (B) if the lottery has only been advertised in a particular magazine or newspaper, in that magazine or newspaper; and
 - (iv) all ticket butts, entry forms and other records relating to the conduct of the lottery must be retained by the person for at least 3 months after the drawing of the lottery or, where there is more than one drawing of the lottery, the final drawing of the lottery and must be made available for inspection by the Minister, on request, during that period;
- (g) if the lottery is an exempted lottery—
- (i) a list of the drawn prizes and their winners, or the winning ticket numbers, in the lottery must be displayed in a prominent place in the premises at which the lottery was drawn for at least 7 days after the day on which the lottery was drawn; and
 - (ii) if a prize is not delivered to its winner at the time the lottery is drawn and the identity of the winner is known or is reasonably ascertainable, the winner must, within 14 days of the drawing of the lottery, be notified in writing of the prize that he or she has won and the particulars of how the prize is to be delivered or collected; and
 - (iii) all prize winning ticket butts and the list of prizes and their winners (or winning ticket numbers) for the lottery must be retained by the person for at least 3 months after the drawing of the lottery or, where there is more than one drawing of the lottery, the final drawing of the lottery and must be made available for inspection by the Minister, on request, during that period.

(2) The rules with which a person must comply in and in relation to conducting a trade promotion (instant prize) lottery are as follows:

- (a) the right to participate in the lottery may be dependent on the purchase of any of the goods or services the subject of the promotion, but otherwise entry in the lottery must be free;
- (b) each ticket in the lottery must give rise to an equal chance of winning a prize in the lottery;
- (c) the tickets in the lottery must be manufactured, packaged and stored in a manner that satisfies the Minister that the prizes, or the numbers, letters or symbols that give rise to the winning chance or chances, cannot be detected by any person before the persons participating in the lottery have acquired them;
- (d) the duration of the lottery must not exceed 12 months;

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- (e) all advertisements of the lottery must contain the following information:
 - (i) the name and address of the trader; and
 - (ii) if the lottery is authorised by a licence—
 - (A) the licence number; and
 - (B) except in the case of an advertisement on television, radio or at the cinema, the name and address of the licensee; and
 - (iii) the duration of the lottery; and
 - (iv) the nature and value of the prizes to be won;
- (f) if the lottery is authorised by a licence, the name and address of each winner of a prize in the lottery the value of which exceeds \$100—
 - (i) must be furnished to the Minister within 14 days of the close of the lottery; and
 - (ii) must (except for any winner who has requested that his or her name and address not be so published) be published within 30 days of the close of the lottery—
 - (A) in a newspaper circulating generally throughout the State; or
 - (B) if the lottery has only been advertised in a particular magazine or newspaper, in that magazine or newspaper.

Minister may waive compliance with lottery rules

25. (1) The Minister may, on application made by or on behalf of the holder of a lottery licence or a person who conducts or proposes to conduct exempted lotteries, waive compliance with a specified lottery rule, if the Minister is satisfied that to do so would not prejudice the interests of the participants in the lottery or lotteries to which the waiver relates.

(2) A waiver may be granted subject to such conditions as the Minister thinks fit and specifies in the instrument of waiver.

(3) A person who contravenes a condition imposed under subregulation (2) is guilty of an offence.

Penalty: Division 9 fine.

Minister may give directions on winding up or dissolution of licensed association

26. (1) If any application is made or notice is given for the winding up or dissolution of an association that holds a lottery licence, the association—

- (a) must forthwith give written notice of the proposal to the Minister; and
- (b) must comply with such directions as to the furnishing of financial statements, payment of licence fees or any other matter as the Minister may give.

Penalty: Division 7 fine.

(2) If any direction given under subregulation (1) has not been complied with before the association ceases to exist, the person who last occupied the position of treasurer of the association must take such steps as are reasonably practicable to ensure compliance with the direction.

Penalty: Division 7 fine.

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**PART 5
INSTANT LOTTERY TICKET SUPPLIERS' LICENCES**

Application

27. (1) An application for a supplier's licence must be made to the Minister in the form set out in *Schedule 8*.

(2) An application for the grant of the licence under this regulation must be accompanied by a letter from the manager of an ADI used by the applicant in connection with the carrying on of a business certifying as to the applicant's banking record and history with that ADI.

Fees

28. The following fees are payable:

- (a) on application for the grant of a supplier's licence—\$1 000;
- (b) on application for renewal of such a licence—\$100.

Licence conditions

29. (1) A supplier's licence is subject to the following conditions:

- (a) a condition that the licensee must keep proper and accurate records of all transactions carried out in pursuance of the licence and make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose;
- (b) a condition that each series of instant lottery tickets that comprises a lottery must be allocated a unique identifying serial number;
- (c) a condition that each instant lottery ticket supplied by the licence holder in pursuance of the licence must have printed on it—
 - (i) the name and licence number of the licensee; and
 - (ii) the identifying serial number and classification code of the lottery of which the ticket forms a part; and
 - (iii) the price of the ticket; and
 - (iv) if the instant lottery tickets are supplied direct to the holder of an instant lottery licence—the name and licence number of the holder of that licence;
- (d) a condition—
 - (i) that the instant lottery tickets comprising a lottery must be manufactured, packaged and stored in a manner that satisfies the Minister that the numbers, letters or symbols that give rise to the winning chance or chances in the lottery cannot be detected before the persons participating in the lottery have purchased the tickets; and
 - (ii) that two copies (one to be kept by the Minister) of the licensee's production manual, containing the specifications and procedures for the manufacture, packaging, storage and security of instant lottery tickets, must be furnished to the Minister, at his or her request, for approval; and

- (iii) that the licensee must not make any alteration to an approved production manual without the prior approval of the Minister;
- (e) a condition that the licensee must not supply instant lottery tickets in pursuance of the licence except—
 - (i) to another holder of a supplier's licence; or
 - (ii) to the holder of an instant lottery licence; or
 - (iii) to a person authorised in writing to purchase those tickets on behalf of the holder of such a licence;
- (f) a condition that the licensee must, within 14 days of the end of each month of the licence period, furnish the Minister with a financial statement relating to the instant lottery tickets sold direct to the holders of instant lottery licences by the licensee during that month—
 - (i) that is in the form, and contains the information, set out in *Schedule 9*; and
 - (ii) that is, if the licensee has the necessary equipment, in an electronic form acceptable to the Minister;
- (g) a condition that, within 14 days prior to—
 - (i) discontinuing the supply of any particular class of instant lottery tickets; or
 - (ii) commencing the supply of any new class of instant lottery tickets,the licensee must notify the Minister, in writing, of the proposed change.

(2) The Minister will establish classification codes for each class of instant lottery for the purposes of this regulation.

Licensed supplier must collect certain fees on behalf of Minister

30. (1) The holder of a supplier's licence must receive and forward to the Minister, with the monthly financial statement required by these regulations, the amount paid to the supplier by way of licence fees by the holders of instant lottery licences during the month to which the financial statement relates.

(2) The money received by a licensed supplier by way of licence fees paid by the holders of instant lottery licences is held on trust for the Minister and must be paid by the supplier into an ADI account—

- (a) that is separate from all other ADI accounts operated by the supplier and into which no other money is paid; and
- (b) from which the supplier must not make any withdrawal other than for the purpose of forwarding fees to the Minister or applying (for the supplier's benefit) any surplus that may accrue to the account by way of interest (after deduction of charges associated with the maintenance of the account and any government charges in relation to the account).

(3) A licensed supplier must make all records relating to the ADI account referred to in subregulation (2) available for inspection at any reasonable time by a person authorised by the Minister for the purpose.

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(4) The holder of a supplier's licence who contravenes this regulation is guilty of an offence.

Penalty: Division 7 fine.

**PART 6
MISCELLANEOUS**

False or misleading statements

31. A person who knowingly furnishes under these regulations any information that is false or misleading in a material particular is guilty of an offence.

Penalty: Division 7 fine.

Restriction on sale of lottery tickets by children

32. A person must not cause, suffer or permit a child under the age of 15 years to sell lottery tickets, unless the child is accompanied by and under the supervision of an adult.

Penalty: Division 7 fine.

Restriction as to when lottery tickets may be sold

33. A person must not sell or offer for sale lottery tickets door to door on any day before 9.00 a.m. or after 8.00 p.m. or sunset (whichever last occurs).

Penalty: Division 9 fine.

Identification of winning ticket

33A. A person who identifies or discloses the identity of a winning ticket in an instant lottery, or a trade promotion lottery some or all of the tickets of which are instant tickets, before the ticket is acquired by a person entering the lottery is guilty of an offence.

Penalty: Division 7 fine.

Commission agents must pay lottery ticket proceeds by cheque, etc.

34. A person who sells lottery tickets on behalf of an association and charges a commission for doing so must pay the net proceeds of sale to the association by cheque or by deposit in an ADI account kept by the association for the receipt of lottery proceeds.

Penalty: Division 9 fine.

Accounts relating to lotteries conducted by associations must be kept for one year

35. An association must—

- (a) keep the accounts relating to each lottery it conducts and any unsold tickets in the lottery for a period of at least one year from—
 - (i) in the case of a lottery conducted pursuant to a licence—the day on which the licence expires; or
 - (ii) in any other case—the day on which the lottery is drawn; and
- (b) make those accounts available for inspection by the Minister, on request, at any time during that period.

Penalty: Division 9 fine.

Inducements to enter a lottery

36. (1) A person who conducts a lottery (other than a major lottery or trade promotion lottery) must not offer any gift, reward or other benefit (other than the prizes in the lottery) as an inducement to enter or participate in the lottery.

Penalty: Division 9 fine.

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(2) The person conducting a major lottery must not discount the tickets in the lottery except by offering bonus tickets to purchasers of a certain number of tickets to be specified by that person.

Penalty: Division 9 fine.

Unclaimed prizes

37. (1) Subject to this regulation, the person conducting a lottery (other than an exempted trade promotion lottery or a trade promotion (instant prize) lottery)—

- (a) must keep and preserve each prize in the lottery until it is claimed by its winner, or it is disposed of in accordance with this regulation, whichever first occurs; and
- (b) must notify the Minister in writing of any prize in the lottery that remains unclaimed three months after the drawing of the lottery or that has been sold pursuant to subregulation (4).

Penalty: Division 9 fine.

(2) The Minister may, on receiving a notice under subregulation (1), give written directions to the person to take such steps to dispose of any unclaimed prize, or the proceeds of the sale of any unclaimed perishable prize, as the Minister thinks fit.

(3) A person to whom a direction is given under subregulation (2) must comply with the direction.

Penalty: Division 9 fine.

(4) Where a prize is perishable and has not been delivered to or claimed by its winner by the time at which it is likely to deteriorate, the person who conducted the lottery may sell the prize and must keep the proceeds of sale until they are claimed by the winner or disposed of in accordance with a direction given under subregulation (2), whichever first occurs.

(5) Subject to subregulation (7), the person conducting an exempted trade promotion lottery must keep and preserve each prize in the lottery until it is claimed by its winner, or until the end of one month after the drawing of the lottery, whichever first occurs.

Penalty: Division 9 fine.

(6) If a prize in an exempted trade promotion lottery remains unclaimed one month after the drawing of the lottery, the person who conducted the lottery may dispose of the prize and the winner will be taken to have forfeited any right to the prize.

(7) Where a prize in an exempted trade promotion lottery is perishable and has not been claimed by its winner by the time at which it is likely to deteriorate, the person who conducted the lottery may dispose of the prize and the winner will be taken to have forfeited any right to the prize.

(8) If a prize in a trade promotion (instant prize) lottery remains unclaimed at the close of the lottery the person who conducted the lottery may dispose of the prize in such manner as the person thinks fit.

Duty of auditor of lottery accounts

38. An auditor appointed by the holder of a lottery licence to audit the accounts of a lottery in accordance with these regulations—

- (a) must take reasonable steps to ensure that the licence holder keeps records in relation to the lottery that are sufficient to enable the auditor to carry out a proper audit of the lottery; and
- (b) must, in carrying out an audit, audit the tickets in the lottery with a view to determining the number of tickets sold, unsold or lost; and
- (c) must carry out the audit in sufficient time to enable the licence holder to comply with these regulations in relation to the furnishing of a financial statement in respect of the lottery; and
- (d) must, on completing an audit, provide a certificate as to the results of the audit in the form set out in the relevant schedule.

Penalty: Division 7 fine.

Offences committed by an association or corporation

39. Where an association or corporation is guilty of an offence against these regulations, each person who was a member of its management committee or board of directors at the time the offence was committed, and any person who was its chief executive officer at that time or who was an employee of the association or corporation responsible for the conduct of the lottery in relation to which the offence was committed, is guilty of an offence and liable to the same penalty as is prescribed for the principal offence.

Transitional provisions

40. (1) An association that held a major lottery licence immediately prior to the commencement of these regulations is liable to pay the fees for the lottery to which the licence relates in accordance with the revoked regulations.

(2) A person who held a minor lottery licence immediately prior to the commencement of these regulations must, within one month of that commencement, comply with the requirements of regulations 9(1) and 10(10) of the revoked regulations as to the furnishing of a return and the payment of licence fees, as if—

- (a) those regulations were still in force; and
- (b) the minor lottery had expired on that commencement.

Penalty: Division 9 fine.

(3) Despite the revocation of the *Trade-Promotion Lotteries Regulations 1981*, as varied, those regulations continue to apply and to be enforceable in relation to a trade promotion lottery that was opened but not completed before that revocation.

Lottery and Gaming Regulations 1993

SCHEDULE 4

SOUTH AUSTRALIA

LOTTERY AND GAMING REGULATIONS, 1993

Reg 17B

APPLICATION FOR TRADE PROMOTION LOTTERY LICENCE (TOTAL PRIZE VALUE IN EXCESS OF \$500)

OFFICE USE ONLY

Date Received Client No Licence No Approved

Note: This application must be submitted not more than 4 months or less than 14 days prior to the date of commencement of the lottery.

The licence fee must accompany this application. This fee is not refundable.

LICENCE FEES: To be calculated on the total value of all prizes capable of being awarded to winners in S.A., as follows:

- Not more than \$10 000 \$50
More than \$10 000 but not more than \$50 000 \$250
More than \$50 000 but not more than \$100 000 \$500
More than \$100 000 \$1 000

TOTAL PRIZE VALUE: \$

LICENCE FEE: \$

Lottery and Gaming Section GPO Box 771 Adelaide SA 5001

State Administration Centre 200 Victoria Square (East) Adelaide SA 5000 Telephone (08) 8226 9755 Facsimile (08) 8226 9752

PLEASE USE BLOCK LETTERS

1. Name, address and telephone number of applicant (the person, firm or company responsible for conducting the lottery)

Form with lines for name, address, telephone and facsimile numbers.

2. Name and address of trader (the person, firm or company whose goods or services are to be promoted)

Form with lines for trader name and address.

Note: If the trader is the applicant, write "AS ABOVE". If there is more than one trader, all their names and addresses must be supplied (attach a list if insufficient space).

3. Description of goods or services to be promoted

4. Title by which the lottery is to be known

5. Details of the prizes (in descending order of value) of the lottery are as follows:-

Table with 4 columns: NO OF PRIZES, NATURE OF PRIZES, RETAIL VALUE, PRIZES WINNABLE IN S.A. (please tick). Includes a TOTAL row.

(If necessary, use additional sheet)

Lottery and Gaming Regulations 1993

(9) Name of newspaper/magazine and the date when the results are to be published _____

Note: If the value of the prizes equals or exceeds \$20,000, the lottery must be drawn under the scrutiny of a person authorised by the Minister for the purpose.

7. DETAILS OF INSTANT PRIZE TICKETS (To be completed by applicant, if applicable)

(1) Name and address of the manufacturer/printer of the tickets

(2) Name and address of the distributor of the tickets

(3) Method of distribution of the tickets

(4) Name and address of the outlets used (add additional list, if necessary)

(5) Do the instant prize tickets clearly show the following:

(a) the maximum number of tickets to be distributed;	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(b) the rules of entry;	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(c) the total prize structure;	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(d) the licence number when allocated.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

8. The following documents are attached:-

- (1) Copy of proposed entry form *
- (2) Copy of proposed advertisements *
- (3) Letter of authority from trader/s.

* Entry forms and advertisements must include details of the following terms and conditions of entry:

- (1) Method of entry.
- (2) Duration of public participation in the promotion (starting and closing dates).
- (3) Nature and value of prizes.
- (4) Date and time of draw and full street address of the draw venue.
- (5) Name of newspaper/magazine and the date when the results will be published.
- (6) Name and address of trader.
- (7) Licence Number (to be issued).

Lottery and Gaming Regulations 1993

Dated.day of 19. . .

Signed
(Signature of applicant or person signing on behalf of applicant firm
or company)

If signed on behalf of applicant-

- (a) name of signatory
- (b) address of signatory
- (c) office held by signatory in the applicant firm or company
.

Lottery and Gaming Regulations 1993

SECURITY CERTIFICATE

(To be completed by printer in respect of instant prize ticket lotteries)

I certify that:

1 In respect of instant prize tickets, adequate security measures have been adopted to ensure that the tickets have been manufactured, packaged and stored in a manner that prevents the numbers, letters or symbols that give rise to the winning chance or chances in the lottery from being detected before the persons participating in the lottery have acquired them;

2 The name and address of the person or company responsible for preparing and printing the tickets and other game material is:

Name

Address

.....

3 The winning prize patterns will be determined by _____ prior to printing
(Name)

4 The full prize structure to be won is as follows:

(Number of prizes, type of prize and individual prize value)

5 The total number of *(promotional packs, cards, etc)* produced is

Signature of printer Date.

SCHEDULE 8

SOUTH AUSTRALIA

LOTTERY AND GAMING REGULATIONS 1993 (reg. 27)

APPLICATION FOR AN INSTANT LOTTERY TICKET SUPPLIER'S LICENCE

1. NAME OF APPLICANT (Company/natural person)
.....
ADDRESS Business
.....
Tel. No
If applicant is a natural person—
Home address
.....
Tel. No
3. NAME OF BUSINESS
4. NATURE OF APPLICANT'S PRINCIPAL BUSINESS
5. NAME AND ADDRESS OF EACH PERSON WHO HAS A CONTROLLING INFLUENCE OVER THE BUSINESS TO BE CONDUCTED PURSUANT TO SUPPLIER'S LICENCE
.....
.....
.....
6. HAS THE APPLICANT WITHIN THE LAST 10 YEARS—
 - (a) been licensed or registered in any other State or Territory of the Commonwealth in relation to supplying instant lottery tickets? YES/NO
If YES give details
 - (b) been refused the right or restricted in the right to carry on a trade, business or profession for which some form of registration, licence or other authority is required by law (whether in this State or elsewhere)? YES/NO
If YES give details
 - (c) carried on business (in this State or elsewhere) under any name other than the name or names shown on this application? YES/NO
If YES give details
 - (d) been convicted (in this State or elsewhere) of an offence other than traffic or parking offences? YES/NO
If YES give details
 - (e) had judgment given against the applicant (in this State or elsewhere) in civil proceedings in which fraud, misrepresentation or dishonesty was an element? YES/NO
If YES give details

Lottery and Gaming Regulations 1993

(f) been wound up, placed in receivership, declared bankrupt, compounded with creditors or been the subject of any other similar proceedings (in this State or elsewhere) arising out of an inability to pay debts? YES/NO
If YES give details

(g) had experience in the supplying of instant lottery tickets? YES/NO
If YES give details

7. IF APPLICANT IS A COMPANY OR PARTNERSHIP—
WHEN WAS IT FORMED

8. IF APPLICANT IS A NATURAL PERSON—GIVE DETAILS OF APPLICANT’S EMPLOYMENT HISTORY
OVER PAST 5 YEARS:

address of employer	Nature of employment	Name and Period of Employment

9. DETAILS OF CLASSES OF INSTANT LOTTERY TICKETS TO BE SUPPLIED PURSUANT TO THE LICENCE
(samples of each must be provided)
.

10. ANY ADDITIONAL RELEVANT INFORMATION (including any formal qualifications)
.
.
.

DATED this day of 19

Signed
.
(If signed on behalf of a company, give name and office held)

SCHEDULE 9

SOUTH AUSTRALIA

LOTTERY AND GAMING REGULATIONS 1993 (reg. 29)

MONTHLY FINANCIAL STATEMENT—INSTANT LOTTERY TICKET SUPPLIER'S LICENCE

To be lodged with the Lottery and Gaming Section, GPO Box 2277, Adelaide 5001, within 14 days of the end of each month of the licence period.

OFFICE USE ONLY	

Date received _____	
File No _____	
Amount _____	
Receipt No _____	
Checked R ___ C ___	

Name of Supplier

Business Address Business Telephone No

Licence No P.

A. DETAILS OF INSTANT LOTTERY TICKETS SUPPLIED DIRECT TO LICENSED ASSOCIATIONS DURING THE MONTH ENDING.

Name of association conducting the lottery (alphabetical order)	Current Instant Lottery Licence No. (and licence expiry date) of association conducting the lottery	Quantity supplied in each class of lottery	Series number of each lottery	Date of supply	Invoice number and total face value of tickets in lotteries supplied
.....
.....

B. DETAILS OF LICENCE FEES RECEIVED FROM LICENSED ASSOCIATIONS DURING THE MONTH ENDING.

Name of association (alphabetical order)	Current Instant Lottery Licence No. (and licence expiry date) of association	Invoice number	Date received	Amount
.....
.....

(REFER TO ATTACHED SHEET)

I certify that the information contained in this financial statement is correct.

Dated the day of 19

.....

Signature

Name.

Address.

.....

Office held.

APPENDIX 1

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last reprint)

Regulation 4(1):	definition of "approved purposes" varied by 167, 1995, reg. 4(a) definition of "instant lottery" varied by 8, 1996, reg. 3(a) definition of "instant prize" inserted by 34, 1998, reg. 3(a) definition of "lottery rules" varied by 167, 1995, reg. 4(b) definition of "major lottery" varied by 8, 1996, reg. 3(b); 34, 1998, reg. 3(b) definition of "minor lottery" varied by 34, 1998, reg. 3(c) definition of "ticket" varied by 167, 1995, reg. 4(c); substituted by 34, 1998, reg. 3(d) definitions of "trade promotion (instant prize) lottery" and "trade promotion lottery" inserted by 34, 1998, reg. 3(d) definition of "trader" inserted by 167, 1995, reg. 4(d) definition of "value" substituted by 34, 1998, reg. 3(e)
Regulation 4(2):	varied by 167, 1995, reg. 4(e)
Regulation 9:	substituted by 167, 1995, reg. 5
Part 3 heading:	substituted by 167, 1995, reg. 6
Heading preceding regulation 11:	inserted by 167, 1995, reg. 6
Regulation 13:	varied and redesignated as reg. 13(1) by 34, 1998, reg. 4
Regulation 13(2):	inserted by 34, 1998, reg. 4(b)
Regulation 16(1):	varied by 178, 1994, reg. 3; 34, 1998, reg. 5
	Division 2 of Part 3 comprising regs. 17A - 17F and heading inserted by 167, 1995, reg. 7
Regulation 17B(2):	varied by 34, 1998, reg. 6; 21, 1999, reg. 3(a), (b)
Regulation 17B(3):	inserted by 21, 1999, reg. 3(c)
Regulation 17CA:	inserted by 21, 1999, reg. 4
Regulation 17D:	varied by 34, 1998, reg. 7
Regulation 17F(1):	revoked by 182, 1995, reg. 3
Heading preceding regulation 18:	inserted by 167, 1995, reg. 8
Regulation 18(1):	varied by 167, 1995, reg. 9(a)
Regulation 18(2):	varied by 167, 1995, reg. 9(b), (c)
Regulation 18(3):	varied by 167, 1995, reg. 9(d)
Regulation 18(4):	varied by 167, 1995, reg. 9(e)
Regulation 19:	varied by 34, 1998, reg. 8
Regulation 20:	varied by 34, 1998, reg. 9; 143, 1999, reg. 3 (Sched. cl. 15)
Regulation 21:	varied by 8, 1996, reg. 4; 34, 1998, reg. 10; 143, 1999, reg. 3 (Sched. cl. 15)
Regulation 22:	varied by 34, 1998, reg. 11; 143, 1999, reg. 3 (Sched. cl. 15)
Regulation 24:	varied by 178, 1994, reg. 4
Regulation 24A:	inserted by 167, 1995, reg. 10; varied and redesignated as reg. 24A(1) by 34, 1998, reg. 12
Regulation 24A(2):	inserted by 34, 1998, reg. 12(o)
Regulation 25(1):	substituted by 178, 1994, reg. 5; varied by 167, 1995, reg. 11(a)
Regulation 25(3):	varied by 167, 1995, reg. 11(b)
Regulation 26:	varied by 167, 1995, reg. 12
Regulation 27(1):	varied by 34, 1998, reg. 13
Regulation 27(2):	varied by 143, 1999, reg. 3 (Sched. cl. 15)
Regulation 29(1):	varied by 34, 1998, reg. 14
Regulation 30(2):	varied by 34, 1998, reg. 15; 143, 1999, reg. 3 (Sched. cl. 15)
Regulation 30(3):	varied by 143, 1999, reg. 3 (Sched. cl. 15)
Regulation 30(4):	varied by 167, 1995, reg. 13
Regulation 31:	varied by 167, 1995, reg. 14
Regulation 32:	varied by 167, 1995, reg. 15
Regulation 33:	varied by 167, 1995, reg. 16
Regulation 33A:	inserted by 34, 1998, reg. 16
Regulation 34:	varied by 167, 1995, reg. 17; 143, 1999, reg. 3 (Sched. cl. 15)
Regulation 35:	varied by 167, 1995, reg. 18
Regulation 36:	varied by 167, 1995, reg. 19; varied and redesignated as reg. 36(1) by 34, 1998, reg. 17
Regulation 36(2):	inserted by 34, 1998, reg. 17(b)
Regulation 37(1):	varied by 167, 1995, reg. 20(a), (b); 34, 1998, reg. 18(a)

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Regulation 37(3):	varied by 167, 1995, reg. 20(b)
Regulation 37(5) - (7):	inserted by 167, 1995, reg. 20(c)
Regulation 37(8):	inserted by 34, 1998, reg. 18(b)
Regulation 38:	varied by 167, 1995, reg. 21
Regulation 39:	varied by 167, 1995, reg. 22
Regulation 40(2):	varied by 167, 1995, reg. 23(a)
Regulation 40(3):	inserted by 167, 1995, reg. 23(b)
Schedule 1:	substituted by 34, 1998, reg. 19
Schedule 1A:	inserted by 167, 1995, reg. 24; revoked by 34, 1998, reg. 19
Schedules 2 and 3:	substituted by 34, 1998, reg. 19
Schedule 4:	substituted by 34, 1998, reg. 19; varied by 21, 1999, reg. 5(a)
Clause 5:	varied by 21, 1999, reg. 5(b)
Clause 7:	varied by 21, 1999, reg. 5(c)
Schedules 5 - 7:	inserted by 34, 1998, reg. 19
Schedule 5:	varied and redesignated as Schedule 8 by 34, 1998, reg. 20
Schedule 6:	varied and redesignated as Schedule 9 by 34, 1998, reg. 21

APPENDIX 2

DIVISIONAL PENALTIES AND EXPIATION FEES

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	-	\$500	\$100
10	-	\$200	\$75
11	-	\$100	\$50
12	-	\$50	\$25

Note: This appendix is provided for convenience of reference only.