

South Australia

## **Lottery and Gaming Variation Regulations 2009**

under the *Lottery and Gaming Act 1936*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Lottery and Gaming Variation Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on 1 January 2010.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Lottery and Gaming Regulations 2008***

#### **4—Variation of regulation 3—Interpretation**

- (1) Regulation 3(1)—after the definition of *prohibited goods or services* insert:

*registered association* means an association registered under the *Fair Work Act 1994*, the *Workplace Relations Act 1996* of the Commonwealth or an Act of another State or a Territory of the Commonwealth that corresponds to the *Fair Work Act 1994*;

- (2) Regulation 3—after subregulation (4) insert:
- (5) For the purposes of these regulations, an advertisement will not be taken to contain information unless the information is displayed so as to be clearly visible having regard to the nature of the advertisement and its size or length.

### **5—Variation of regulation 14—Grant of lottery licences**

- (1) Regulation 14(1)(c)—before "that no part" insert:
- except in the case of an application for the grant of a lottery licence to a registered association,
- (2) Regulation 14(1)—after paragraph (c) insert:
- (ca) in the case of an application for the grant of a lottery licence to a registered association—that no part of the net proceeds of the lottery will be applied for the benefit of a member of the association except in the application of those proceeds for a purpose set out in paragraph (a) or (c) of the definition of *approved purposes*; and

### **6—Variation of regulation 22—Cancellation, suspension or surrender of licence**

- (1) Regulation 22(1)(h)—delete paragraph (h)
- (2) Regulation 22—after subregulation (1) insert:
- (1a) A licensee may, with the consent of the Minister, surrender a lottery licence or a trade promotion lottery licence.
- (3) Regulation 22(2)—after "notice of cancellation" insert:
- or notice of consent to the surrender of a licence

### **7—Variation of regulation 24—Major lottery rules**

- (1) Regulation 24(r)—delete paragraph (r) and substitute:
- (r) before a lottery draw is held all butts of tickets sold before the draw or other record of the names and addresses of the purchasers of tickets sold before the draw must be in the hands of the licensee;
- (ra) before the lottery is drawn, or if there is more than 1 drawing of the lottery, before the final drawing of the lottery, all unsold tickets and proceeds from ticket sales must be in the hands of the licensee;
- (2) Regulation 24(s)—delete "the lottery must be drawn" and substitute:
- a lottery draw must be held
- (3) Regulation 24(s)(i)—after "specified" insert:
- for the draw
- (4) Regulation 24(v)—delete "the lottery is drawn" and substitute:
- the winning ticket is drawn

- (5) Regulation 24(v)—delete "the drawing of the lottery" and substitute:  
the draw
- (6) Regulation 24(w)—after "the drawing of the lottery" insert:  
or, if there is more than 1 drawing of the lottery, the final drawing of the lottery

### **8—Variation of regulation 30—Minor trade promotion lottery rules**

- (1) Regulation 30(g)—delete paragraph (g) and substitute:
  - (g) a lottery draw must be held on the date and at the time and place specified for the draw in the advertisements of the lottery;
- (2) Regulation 30(i)—after paragraph (i) insert:
  - (ia) the name and address of each winner of a prize the value of which is over \$250 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 or, if there is more than 1 drawing of the lottery, the final 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, newspaper, newsletter or other publication (whether electronic or otherwise) or on a particular website, in that magazine, newspaper, newsletter or other publication or on that website (as the case may be); or
    - (c) if entry in the lottery is only permitted on a particular website, on that website;
- (3) Regulation 30(j)—delete "the lottery is drawn" and substitute:  
the winning ticket is drawn
- (4) Regulation 30(j)—delete "the drawing of the lottery" and substitute:  
the draw

### **9—Variation of regulation 31—Major trade promotion lottery rules**

- (1) Regulation 31(i)—delete paragraph (i) and substitute:
  - (i) a lottery draw must be held on the date and at the time and place specified for the draw in the advertisements of the lottery;
- (2) Regulation 31(l)—after "the drawing of the lottery" insert:  
or, if there is more than 1 drawing of the lottery, the final drawing of the lottery
- (3) Regulation 31(m)—delete "the lottery is drawn" and substitute:  
the winning ticket is drawn
- (4) Regulation 31(m)—delete "the drawing of the lottery" and substitute:  
the draw

(5) Regulation 31(n)—after "the drawing of the lottery" insert:

or, if there is more than 1 drawing of the lottery, the final drawing of the lottery

## **10—Insertion of regulation 32A**

After regulation 32 insert:

### **32A—Modification of lottery rules for fundraising lottery conducted by registered association**

The lottery rules with which a registered association must comply in relation to conducting a fundraising lottery are modified so as to—

- (a) allow the association, in applying the net proceeds of the lottery for a purpose set out in paragraph (a) or (c) of the definition of *approved purposes*, to apply the proceeds for the benefit of a member of the association; and
- (b) if proceeds of the lottery may be applied for the benefit of a member of the association, require the association to disclose that fact—
  - (i) in the case of a minor lottery or major lottery—on each ticket; and
  - (ii) in the case of a bingo session—in an announcement made to the participants in the session before the commencement of the session; and
  - (iii) in the case of an instant lottery—either on each ticket or on the sign that must be displayed under regulation 27(i); and
  - (iv) in any case—in the terms and conditions of the lottery.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

## **Made by the Governor**

with the advice and consent of the Executive Council  
on 17 December 2009

No 300 of 2009

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