

Public Lotteries Legislation Amendment Bill 2004

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make a number of miscellaneous amendments to the *Public Lotteries Act 1996* with respect to the conduct of public lotteries and offences in relation to public lotteries. The Bill also makes a number of ancillary and consequential amendments to that Act and repeals certain redundant provisions of the *New South Wales Lotteries Corporatisation Act 1996*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Public Lotteries Act 1996* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *New South Wales Lotteries Corporatisation Act 1996* set out in Schedule 2.

Schedule 1 Amendment of Public Lotteries Act 1996

Authorisation of agents to charge subscribers for providing ancillary services

Schedule 1 [4] amends section 13 of the *Public Lotteries Act 1996* (the *Principal Act*) to make it clear that licences to conduct public lotteries may include conditions relating to the authorisation of licensees' agents to charge subscribers for providing such ancillary services in connection with subscriptions as may be approved by the Minister.

Schedule 1 [2] substitutes the definition of *subscriptions* in section 4 of the Principal Act to make it clear that the term does not include amounts charged by agents for providing such ancillary services.

Separate prize fund to be kept for each kind of public lottery that a licensee is licensed to conduct

Schedule 1 [6] inserts a new section 25A into the Principal Act which requires a separate prize fund to be kept in respect of a licensee for each kind of public lottery the licensee is licensed to conduct. **Schedule 1 [1], [5] and [7]–[10]** make consequential amendments.

Time limit for claiming unclaimed prizes

Schedule 1 [12] amends section 27 of the Principal Act to allow regulations to be made for or with respect to the time within which claims for unclaimed prizes in public lotteries must be made. **Schedule 1 [24]** (which inserts proposed clause 30 into Schedule 2 to the Act) provides that the amendment extends to existing unclaimed prizes.

Licensees may enter into agreements with interstate authorities to jointly conduct public lotteries

Schedule 1 [13] inserts a new section 37A into the Principal Act which allows licensees to enter into agreements with their interstate counterparts with respect to the joint administration of the conduct of public lotteries. **Schedule 1 [24]** inserts a new clause 31 into Schedule 2 to the Act which validates any such agreement entered into before the commencement of proposed section 37A.

Schedule 1 [11] makes a consequential amendment.

Agents may pay prizes not exceeding the prescribed amount directly to winners

Schedule 1 [14] inserts a new section 39A into the Principal Act to make it clear

that licensees' agents may pay prizes in a public lottery, being prizes that do not exceed the amount prescribed by the regulations in relation to the lottery, directly to the winners. **Schedule 1 [7] and [10]** make consequential amendments.

Licensees may promote or form betting syndicates

Schedule 1 [15] amends section 40 of the Principal Act to extend to a licensee the same right as licensees' agents have under the Act to promote or take part in forming betting syndicates in relation to public lotteries.

Sections 41 and 42 of the Act create offences relating to the promotion or formation of betting syndicates (section 41) and the advertising of betting syndicates (section 42). **Schedule 1 [16] and [17]** amend sections 41 and 42 to extend the defence to those sections to licensees who conduct the public lotteries to which the syndicates relate.

Schedule 1 [24] (which inserts proposed clause 32 into Schedule 2 to the Act) makes a consequential amendment of a savings and transitional nature.

Further offences in relation to public lotteries

Schedule 1 [18] inserts new sections 43A–43D into the Principal Act which create the offences of unauthorised selling of entries in or subscriptions to public lotteries (proposed section 43A), unauthorised promotion or marketing of public lotteries (proposed section 43B), entering or subscribing to public lotteries for or on behalf of another for fee or reward (proposed section 43C) and lodging false claims for prizes in public lotteries (proposed section 43D).

Duty of licensees and agents to inform Minister of changed circumstances

Schedule 1 [21] amends section 52 of the Principal Act to allow licensees and agents who are not aware, and could not reasonably be expected to be aware, of a notifiable change in circumstances at the time the change occurs, to notify the Minister within 14 days of becoming aware of the change. (The section currently requires licensees and agents to notify the Minister of notifiable changes within 14 days of their occurring.)

Minister's decision to withdraw approval or appointment of agents subject to review by ADT

Schedule 1 [22] amends section 79A of the Principal Act to allow a person to apply to the Administrative Decisions Tribunal for a review of a decision of the Minister under the Act to withdraw the approval or appointment of the person as an agent of a licensee.

Other minor and ancillary amendments

Schedule 1 [3] amends section 4 of the Principal Act to insert a definition of *unclaimed prize*.

Schedule 1 [19] and [20] amend sections 48 and 51 of the Principal Act to ensure that certain terms are used consistently throughout the Act.

Schedule 1 [23] amends Schedule 2 to the Principal Act to provide for the making of savings and transitional regulations as a consequence of the proposed amendments to the Act.

Schedule 2 Amendment of New South Wales Lotteries Corporatisation Act 1996

Schedule 2 [2] omits certain redundant provisions from the *New South Wales Lotteries Corporatisation Act 1996* (the *Principal Act*) relating to the transfer of assets, rights and liabilities of the dissolved New South Wales Lotteries to New South Wales Lotteries Corporation. **Schedule 2 [1]** makes a consequential amendment.

Schedule 2 [3] omits from the Principal Act certain redundant provisions of a savings or transitional nature that were inserted as a consequence of the enactment of the Principal Act.