

FIRST PRINT

LOTTO (AMENDMENT) BILL 1992

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Lotto Act 1979:

- to provide for further controls over key employees; and
- to enable the Minister to withdraw the Minister's approval of an agent of a licensee; and
- to prohibit credit betting; and
- to enable regulations to be made providing for the disposal of money in a licensee's prize fund when the licence is no longer in force; and
- to provide for the confidentiality of information obtained in connection with functions under the Act; and
- to make other minor consequential amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 gives effect to the Schedule of amendments to the Lotto Act 1979.

Schedule 1 contains the following amendments to the Lotto Act 1979:

"Key employees"

- The amendment in Schedule 1 (1) recasts the definition of "key employee" to make it clear that the definition is not limited to persons who are directly employed by a licensee or an agent of a licensee.
- The amendment in Schedule 1 (4) recasts section 9B to enable the Minister to give a direction concerning the termination of the employment or association of a key employee to a licensee or other appropriate person (e.g. to the person who is the employer or associate of the key employee) instead of to the licensee only. The substituted section 9B also provides that it is an offence not to give effect to such a direction.

Lotto (Amendment) 1992

- The amendments in Schedule 1 (3) and (5) are consequential.
- Proposed section 17AA (inserted by Schedule 1 (8)) enables the Minister to require a key employee to consent to having his or her finger and palm prints taken and to provide information and documents (as well as authorisations enabling the Minister to obtain further information from other persons about the key employee). The Minister is to refer copies of any photographs, finger and palm prints and supporting information to the Commissioner of Police for further inquiry and report. If the key employee fails to comply with the requirements of the section, the Minister may give a direction to the licensee or other appropriate person to terminate the employment or association of the key employee.

Approval etc. of agents

The amendments in Schedule 1 (2) enable the Minister to withdraw the Minister's nomination or approval of an agent of a licensee (and if so withdrawn, the agent ceases to be an agent of the licensee). The Minister is required to give notice of the proposed withdrawal and allow submissions to be made before the withdrawal is to take effect.

Credit betting

Proposed section 12B (inserted by Schedule 1 (6)) prohibits a person from accepting an entry in or subscription to a game of lotto which is not paid for in cash or by cheque at or before the time the entry or subscription is made.

Disposal of money in prize fund if licence not in force

The amendments in Schedule 1 (7) enable regulations to be made (in the case of a licence that is no longer in force) providing for the disposal of any money in the licensee's prize fund that is not required for payment of prizes won in a game or games of lotto.

Confidentiality of information

- Proposed section 17AB (inserted by Schedule 1 (8)) provides a safeguard for the proper disposal of finger and palm prints obtained by the Minister under proposed section 17AA once the key employee concerned is no longer a key employee.
- Proposed section 19A (inserted by Schedule 1 (9)) prohibits a person who acquires information in the exercise of functions under the Act from making a record of the information or divulging it to another person except in the exercise of functions under the Act. The proposed section ensures the confidentiality of information obtained under the Act.

Savings and transitional provisions

Proposed section 23 (inserted by Schedule 1 (10)) gives effect to the proposed Schedule (inserted by Schedule 1 (11)) containing provisions of a savings and transitional nature. In particular, provision is made to make it clear that the amendment enabling the Minister to withdraw the Minister's nomination or approval of an agent of a licensee extends to an agent appointed or approved before the commencement of the amendment.

FIRST PRINT

LOTTO (AMENDMENT) BILL 1992

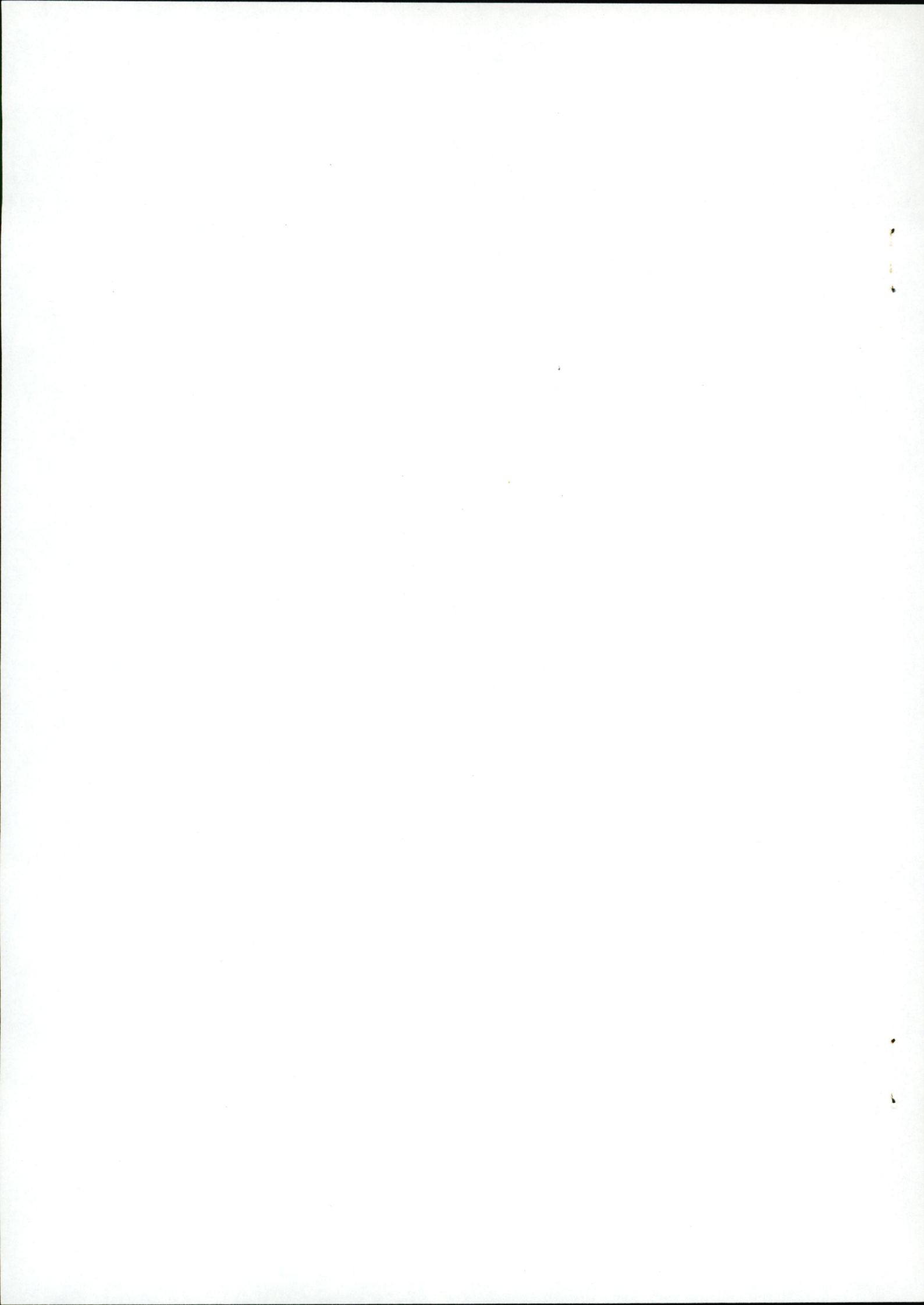
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Lotto Act 1979 No. 53

SCHEDULE 1—AMENDMENTS



LOTTO (AMENDMENT) BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to amend the Lotto Act 1979 with respect to key employees,
approval of agents, credit betting and other matters.

*Lotto (Amendment) 1992***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Lotto (Amendment) Act 1992.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Lotto Act 1979 No. 53

3. The Lotto Act 1979 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 2 (Definitions):

After the definition of "inspector" in section 2 (1), insert:

"key employee" means a person (whether or not employed under a contract of service) who is:

- (a) employed in a managerial or supervisory capacity in relation to the conduct of games of lotto by a licensee; or
- (b) authorised to make decisions, involving the exercise of his or her discretion, that regulate the operations of a licensee or an agent in relation to the conduct of games of lotto by the licensee; or
- (c) concerned or engaged, in any manner prescribed by the regulations, in the conduct of games of lotto by a licensee.

(2) Section 6 (Conditions of licence):

(a) After section 6 (b), insert:

(b1) the withdrawal of any such nomination or approval by the Minister;

(b) At the end of the section, insert:

(2) Without limiting the circumstances in which the Minister may withdraw his or her nomination or approval of an agent of a licensee under the conditions of a licence, the

*Lotto (Amendment) 1992*SCHEDULE 1—AMENDMENTS—*continued*

- Minister may withdraw any such nomination or approval if the Minister is of the opinion that the integrity or apparent integrity of a game or games of lotto conducted by the licensee is likely to be seriously prejudiced because of the criminal record, character or reputation of the agent. 5
- (3) An agent ceases to be an agent of the licensee if the Minister's nomination or approval of the agent is withdrawn.
- (4) The Minister is not to withdraw his or her nomination or approval of an agent unless the Minister: 10
- (a) has given the licensee and the agent notice, in writing, of the proposed withdrawal; and
- (b) has invited the licensee and agent to make representations to the Minister, within such period as is specified in the notice, concerning the proposed withdrawal; and 15
- (c) has, after the expiration of that period, considered any such representations.
- (5) The withdrawal of the Minister's nomination or approval takes effect: 20
- (a) on the day that is 14 days after the day on which a notice, signed by the Minister, advising the licensee and agent of the withdrawal is given to the licensee and the agent; or
- (b) if a later day is specified in the notice—on that day. 25
- (3) Section 9 (**Unlawful conduct of lotto by licensee**)
After "any directions given", insert "to the licensee".
- (4) Section 9B:
Omit the section, insert instead: 30
- Directions concerning key employees**
- 9B. (1) If the Minister is of the opinion that the integrity or apparent integrity of a game or games of lotto conducted by a licensee is likely to be seriously prejudiced:
- (a) because of the criminal record of a key employee; or
- (b) because of the character or reputation of a key employee, 35

*Lotto (Amendment) 1992*SCHEDULE 1—AMENDMENTS—*continued*

5 the Minister may, by notice in writing, give a direction to the licensee or other appropriate person that the employment or association by reason of which the key employee is a key employee of the licensee or that other person be terminated immediately and not be renewed.

10 (2) If a key employee refuses or fails to comply with a requirement of a notice served on the key employee under section 17AA, the Minister may, by notice in writing, give a direction to the licensee or other appropriate person that the employment or association by reason of which the key employee is a key employee of the licensee or that other person be terminated immediately and not be renewed.

15 (3) A person to whom a direction is given under this section must give effect to the direction.

Maximum penalty: 20 penalty units.

20 (4) It is taken to be a condition of any agreement or other arrangement entered into between a person to whom a direction is given under this section and a key employee that the person has such rights as may be necessary to enable the person to give effect to the direction.

25 (5) The termination of an employment or association in accordance with this section has effect despite any other Act or law, or any contract, award or enterprise or other agreement, and the Crown does not incur any liability because of such a termination.

30 (6) The Minister may, by notice in writing served on a person to whom a direction is given under this section, revoke or vary the direction.

(7) The Minister may, by notice in writing served on a person, require the person to furnish to the Minister returns containing:

- 35 (a) the names of any key employees of the person and the positions held by them; and
(b) any other relevant particulars specified in the notice in relation to key employees.

(8) Nothing in this section limits the operation of section 9A.

*Lotto (Amendment) 1992*SCHEDULE 1—AMENDMENTS—*continued*

- (5) Section 10 (**Revocation or suspension of licence**):
After “a direction given” in section 10 (3A), insert “to the licensee”.
- (6) Section 12B: 5
After section 12A, insert:
Credit betting prohibited
12B. (1) A person must not, in connection with a game of lotto, accept an entry in or subscription to the game unless the entry or subscription is paid for in cash or by cheque at or before the time the entry or subscription is made. 10
Maximum penalty: 20 penalty units.
(2) In this section, “cheque” means a cheque that is drawn on a bank for a specific amount payable on demand and that is dated but not post-dated. 15
- (7) Section 14 (**Prize funds**):
(a) At the end of section 14 (7), insert:
; and
(c) in the case of a licence that is no longer in force—in accordance with regulations made under subsection (9). 20
(b) After section 14 (8), insert:
(9) The regulations may make provision for or with respect to the disposal by the corporation of any money in a licensee’s prize fund (being money that is not required for payment of prizes won in a game or games of lotto) in the case where the licence is no longer in force. 25
- (8) Sections 17AA, 17AB:
After section 17A, insert:
Information relating to key employees 30
17AA. (1) The Minister may, by notice in writing served on a key employee, require the key employee:
(a) to consent, in accordance with directions in the notice, to having his or her photograph, finger prints and palm prints taken; and 35

SCHEDULE 1—AMENDMENTS—*continued*

- 5 (b) to provide, in accordance with directions in the notice, such information (verified by statutory declaration) relevant to the key employee as is specified in the notice; and
- 10 (c) to produce, in accordance with directions in the notice, such documents relevant to the key employee as are specified in the notice and to permit examination of the documents, the taking of extracts from them and the making of copies of them; and
- 15 (d) to furnish such authorities and consents as the Minister may require for the purpose of obtaining further information (including financial and other confidential information) from other persons and institutions.
- (2) The Minister is to refer to the Commissioner of Police copies of any photographs, finger prints and palm prints taken in respect of a key employee under this section and any supporting information that the Minister considers to be appropriate for referral to the Commissioner.
- 20 (3) The Commissioner of Police is to inquire into, and report to the Minister on, such matters concerning the key employee as the Minister may request.
- 25 (4) A key employee is not excused from complying with a requirement of a notice under this section on the ground that compliance might tend to incriminate the employee. However, if the employee claims, before complying with the requirement, that compliance might tend to incriminate the employee, information provided in compliance with the requirement is not admissible in evidence against the employee in any criminal proceedings.
- 30 (5) A key employee who complies with a requirement of a notice under this section does not on that account incur a liability to another person.
- 35 (6) Nothing in this section limits the operation of section 17 or 17A.

Destruction of finger and palm prints

- 40 17AB. (1) Any finger prints or palm prints obtained under section 17AA, and any copies of them, are to be destroyed as soon as the key employee from whom they were obtained is no longer a key employee.

*Lotto (Amendment) 1992*SCHEDULE 1—AMENDMENTS—*continued*

(2) A person who has possession of finger prints or palm prints obtained by the Minister under this Act, or copies of them, must deliver them to the Minister, in accordance with the written directions of the Minister, to enable subsection (1) to be complied with. 5

Maximum penalty (subsection (2)): 20 penalty units.

(9) Section 19A:

After section 19, insert:

Secrecy 10

19A. (1) A person who acquires information in the exercise of functions under this Act must not, directly or indirectly, make a record of the information or divulge the information to another person, except in the exercise of functions under this Act. 15

Maximum penalty: 50 penalty units.

(2) Despite subsection (1), information may be divulged:

(a) to a particular person or persons, if the Minister certifies that it is necessary in the public interest that the information be divulged to the person or persons; or 20

(b) to a prescribed person or prescribed authority; or

(c) to a person who is expressly or impliedly authorised to obtain it by the person to whom the information relates. 25

(3) It is not an offence under this section if, in any legal proceedings, a person divulges the information:

(a) in answer to a question that the person is compellable to answer; or

(b) by providing a document or other thing that the person is compellable to produce. 30

(4) An authority or person to whom information is divulged under this section, and a person or employee under the control of that authority or person, are, in respect of that information, subject to the same rights, privileges and duties under this section as they would be if that authority, person 35

*Lotto (Amendment) 1992*SCHEDULE 1—AMENDMENTS—*continued*

or employee were a person exercising functions under this Act and had acquired the information in the exercise of those functions.

5 (5) This section does not apply to the divulging of information to any of the following:

- the Independent Commission Against Corruption;
- the National Crime Authority;
- 10 • the New South Wales Crime Commission;
- the Ombudsman;
- any other person or body prescribed for the purposes of this subsection.

15 (6) This section does not prevent a person being given access to a document in accordance with the Freedom of Information Act 1989, unless the document:

- (a) contains matter the disclosure of which could reasonably be expected to do any of the following:
 - 20 (i) prejudice the investigation of any contravention or possible contravention of the law (including any revenue law) whether generally or in a particular case;
 - (ii) enable the existence or identity of any confidential source of information, in relation to the enforcement or administration of the law, to be ascertained;
 - 25 (iii) prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law (including any revenue law); or
 - 30 (b) is a document the disclosure of which would disclose any of the following information:
 - 35 (i) information concerning the business, commercial, professional or financial affairs of a licensee, agent or key employee;
 - (ii) information obtained in the course of an investigation of a licensee, agent or key employee.

*Lotto (Amendment) 1992*SCHEDULE 1—AMENDMENTS—*continued*

(7) In this section, a reference to the divulging of information includes a reference to the production of a document or other thing and the provision of access to the document or other thing. 5

(10) Section 23:

After section 22, insert:

Savings and transitional provisions

23. Schedule 1 has effect.

(11) Schedule 1:

At the end of the Act, insert:

**SCHEDULE 1—SAVINGS AND TRANSITIONAL
PROVISIONS**

(Sec. 23)

**PART 1—SAVINGS AND TRANSITIONAL
REGULATIONS**

Savings and transitional regulations

1. (1) The regulations may contain provisions of a savings and transitional nature consequent on the enactment of the Lotto (Amendment) Act 1992. 20

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 25

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or 30

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done before the date of its publication.

Lotto (Amendment) 1992

SCHEDULE 1—AMENDMENTS—*continued*

**PART 2—PROVISIONS CONSEQUENT ON THE
LOTTO (AMENDMENT) ACT 1992**

Withdrawal of approval etc. of agents

5

2. The amendment to section 6 made by Schedule 1 (2) (b) to the Lotto (Amendment) Act 1992 extends to an agent appointed or approved before the commencement of that amendment.

LOTTO (AMENDMENT) BILL 1992

SECOND READING SPEECH

LEGISLATIVE COUNCIL

The Hon V A CHADWICK (Minister for Education and Youth Affairs and Minister for Employment and Training): I MOVE:

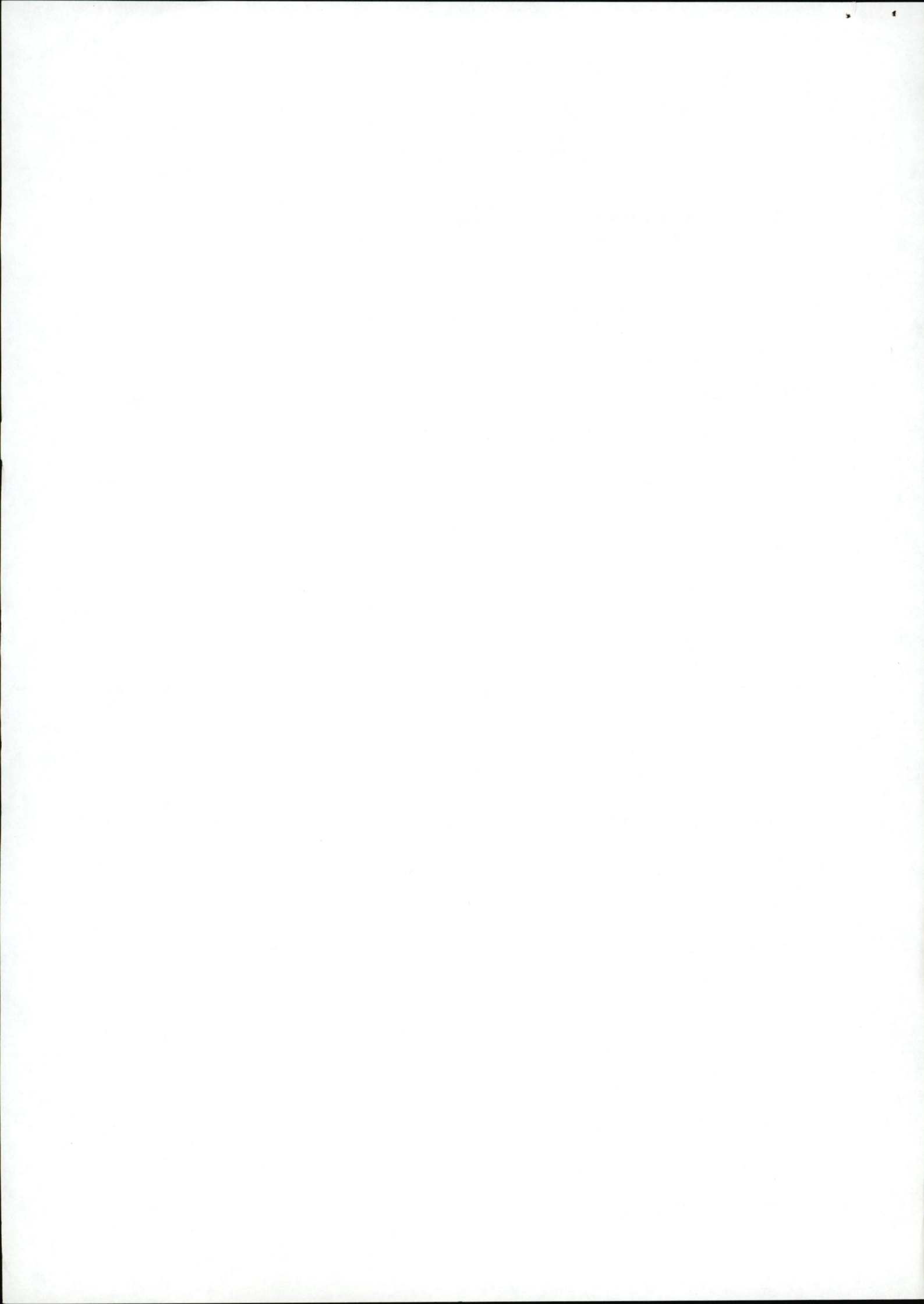
That this bill be now read a second time.

MR PRESIDENT, THE PURPOSE OF THE LOTTO (AMENDMENT) BILL IS TO AMEND THE LOTTO ACT IN RELATION TO THE APPROVAL OF AGENTS; THE ASSESSMENT OF KEY EMPLOYEES; THE DISTRIBUTION OF SURPLUS FUNDS; AND TO PROHIBIT CREDIT BETTING.

THE LOTTO ACT WAS LAST AMENDED IN 1988, FOR THE PURPOSE OF VALIDATING THE LOTTO LICENCE GRANTED BY THE PREVIOUS LABOR GOVERNMENT AND FACILITATING THE INTRODUCTION OF THE GAME OF KENO INTO NEW SOUTH WALES CLUBS.

HONOURABLE MEMBERS WILL BE AWARE THAT THIS GAME, WHICH IS WELL KNOWN AS LOTTO, WILL NOT ONLY BE REGULATED BY THIS LEGISLATION, BUT THAT KENO, WHICH IS BASED ON THE SAME PRINCIPLES AS LOTTO, WILL ALSO BE EMBRACED BY THIS ACT.

BEFORE THE 1988 ELECTION, THIS GOVERNMENT GAVE A COMMITMENT THAT THE GAME OF KENO WOULD BE INTRODUCED AND RUN BY THE REGISTERED CLUB INDUSTRY; IT WOULD BE RUN BY THE CLUBS, FOR THE CLUBS. THAT COMMITMENT WAS HONOURED IN 1988 WHEN THE LOTTO ACT WAS AMENDED TO PROVIDE FOR THE ESTABLISHMENT OF KENO.



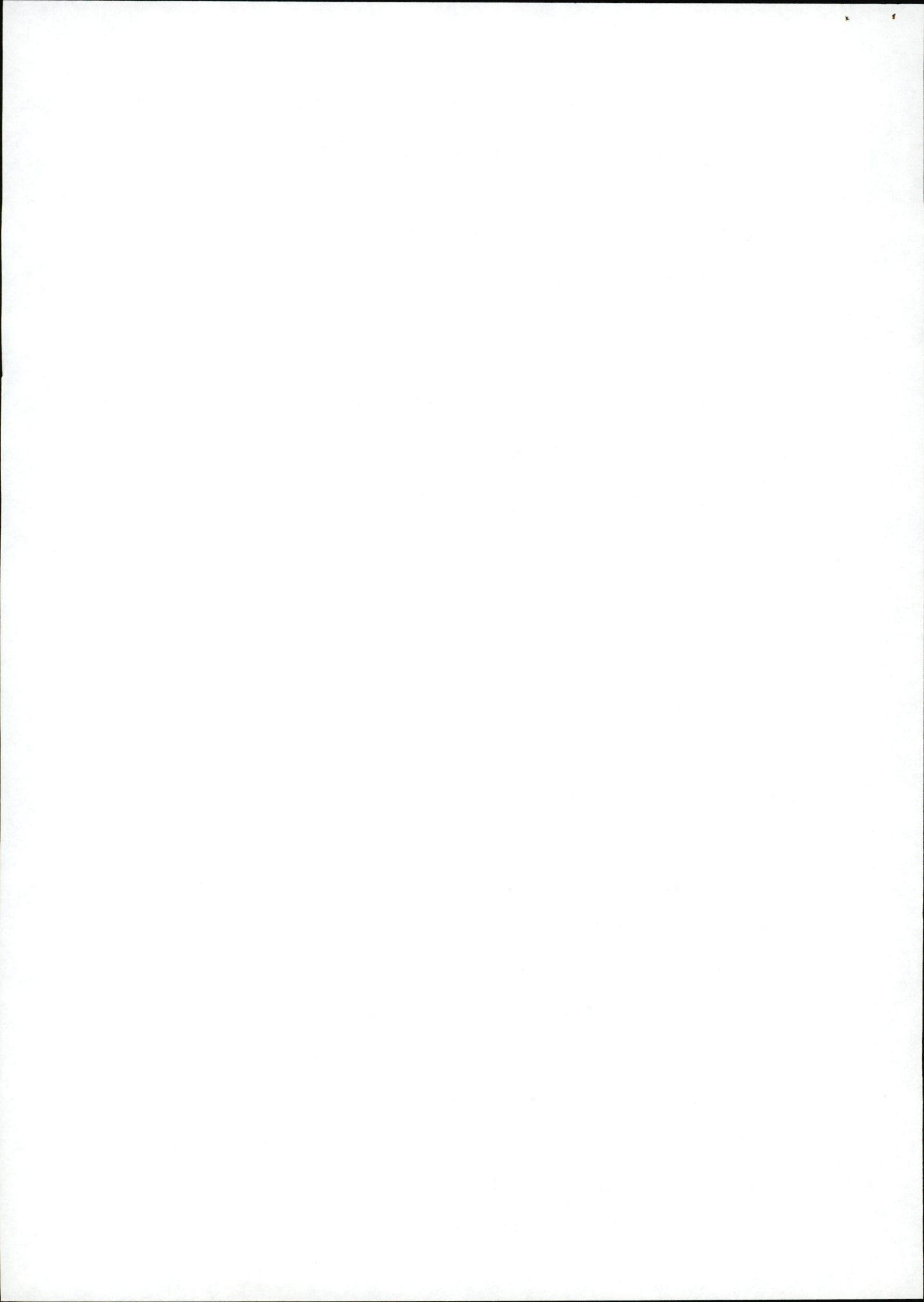
THE BILL NOW BEFORE THE PARLIAMENT REPRESENTS A REFINEMENT OF THE EARLIER LEGISLATION IN THE LIGHT OF EXPERIENCE GAINED.

THE PROVISIONS OF THE BILL WILL ENSURE THAT PROPER CONTROLS ARE MAINTAINED, AND THAT THE INTEGRITY OF GAMBLING IN THIS STATE - WHATEVER FORM IT MAY TAKE - IS OF THE HIGHEST STANDARD.

THE AMENDMENTS TO THE LOTTO ACT IN NOVEMBER 1988 TO GIVE LIFE TO THE GAME OF KENO WERE SUPPORTED UNEQUIVOCALLY BY THE OPPOSITION. THOSE AMENDMENTS PROVIDED A SECURE FRAMEWORK FOR THE INTRODUCTION OF KENO, INCLUDING PROVISIONS FOR THE APPROPRIATE LICENCE TERMS TO PROVIDE THE HIGHEST STANDARDS OF SECURITY FOR ALL ASPECTS OF THE GAME.

IN NEW SOUTH WALES, KENO IS NOW PLAYED EXCLUSIVELY IN PARTICIPATING REGISTERED CLUBS ACROSS THE STATE, AND MORE ARE JOINING EACH WEEK AS AGENTS. THE JOINT LICENCE HOLDERS - A SUBSIDIARY OF AWA AND A COMPANY REPRESENTING THE REGISTERED CLUBS MOVEMENT - HAVE INVESTED SUBSTANTIAL FUNDS IN THE TECHNOLOGY REQUIRED FOR THE IMPLEMENTATION AND OPERATION OF THE GAME. KENO CELEBRATED THE FIRST ANNIVERSARY OF ITS INTRODUCTION INTO NSW CLUBS ON 9 SEPTEMBER THIS YEAR.

SINCE ITS INCEPTION THE GAME OF KENO HAS BEEN STRICTLY CONTROLLED. ALL PARTICIPATING REGISTERED CLUBS ARE APPOINTED AS AGENTS BY THE JOINT LICENSEES AND MUST BE APPROVED BY THE CHIEF SECRETARY OR HER DELEGATE.



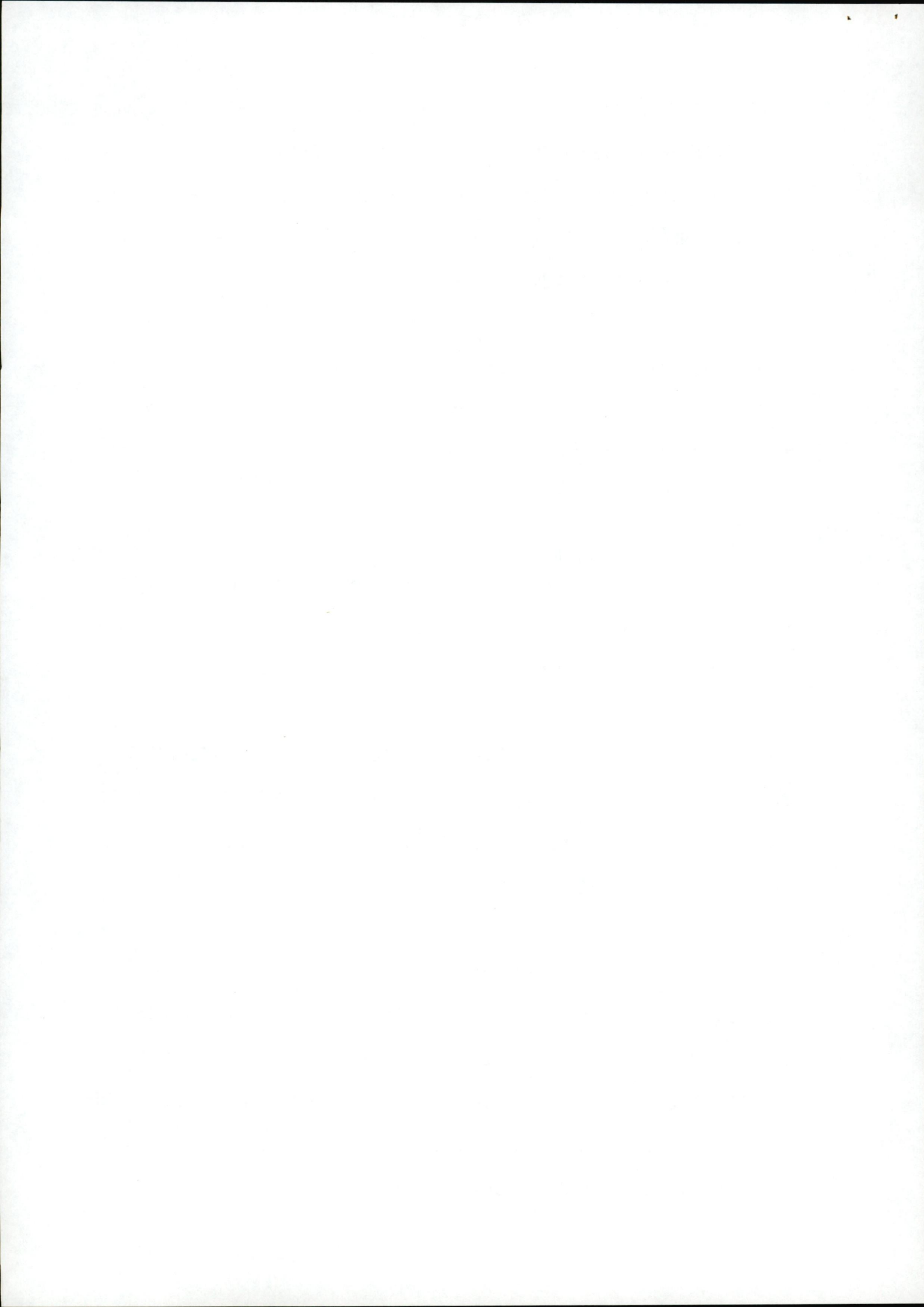
WHEN A CLUB IS ESTABLISHED AS A KENO AGENT, IT ASSUMES A WIDE RANGE OF RESPONSIBILITIES FOR THE GAME'S OPERATION WITHIN THE CLUB. PARTICIPATING CLUBS ARE SUBJECT TO CONTROLS AND OBLIGATIONS AND THEIR COMPLIANCE IS MONITORED BY INSPECTORS OF THE CHIEF SECRETARY'S DEPARTMENT.

AT PRESENT, 265 CLUBS ACROSS NEW SOUTH WALES PROVIDE KENO FOR THE ENJOYMENT OF THEIR PATRONS. THOSE CLUBS ARE LINKED WITH THE CENTRAL COMPUTER SITE IN NORTH RYDE WHERE THE KENO DRAW TAKES PLACE.

TO DATE THE TURNOVER ON KENO IS \$75 MILLION, WITH THE LARGEST SINGLE PRIZE PAID OUT TO DATE BEING \$44,000. AT PRESENT, THE JACKPOT STANDS AT \$1.4 MILLION.

THE GAME OF KENO HAS BEEN ENTHUSIASTICALLY RECEIVED BY BOTH CLUBS AND CLUB PATRONS. KENO OFFERS A DIFFERENT FORM OF GAMBLING FOR PLAYERS WITH THE POSSIBILITY OF WINNING A LARGE AMOUNT OF MONEY FOR A SMALL OUTLAY.

KENO DRAWS ARE UNDERTAKEN UNDER STRICT SECURITY AND SURVEILLANCE BY THE CHIEF SECRETARY'S DEPARTMENT. GAMES ARE DRAWN AND WINNERS ARE DETERMINED EVERY SIX MINUTES FROM 10.00 AM TO AT LEAST MIDNIGHT EACH DAY, AND THE GAME DRAWS ARE DISPLAYED ELECTRONICALLY ON CLUB PREMISES. THE GAME MAY ALSO BE PLAYED FOR AN ADDITIONAL HOUR ON FRIDAY AND SATURDAY NIGHTS.



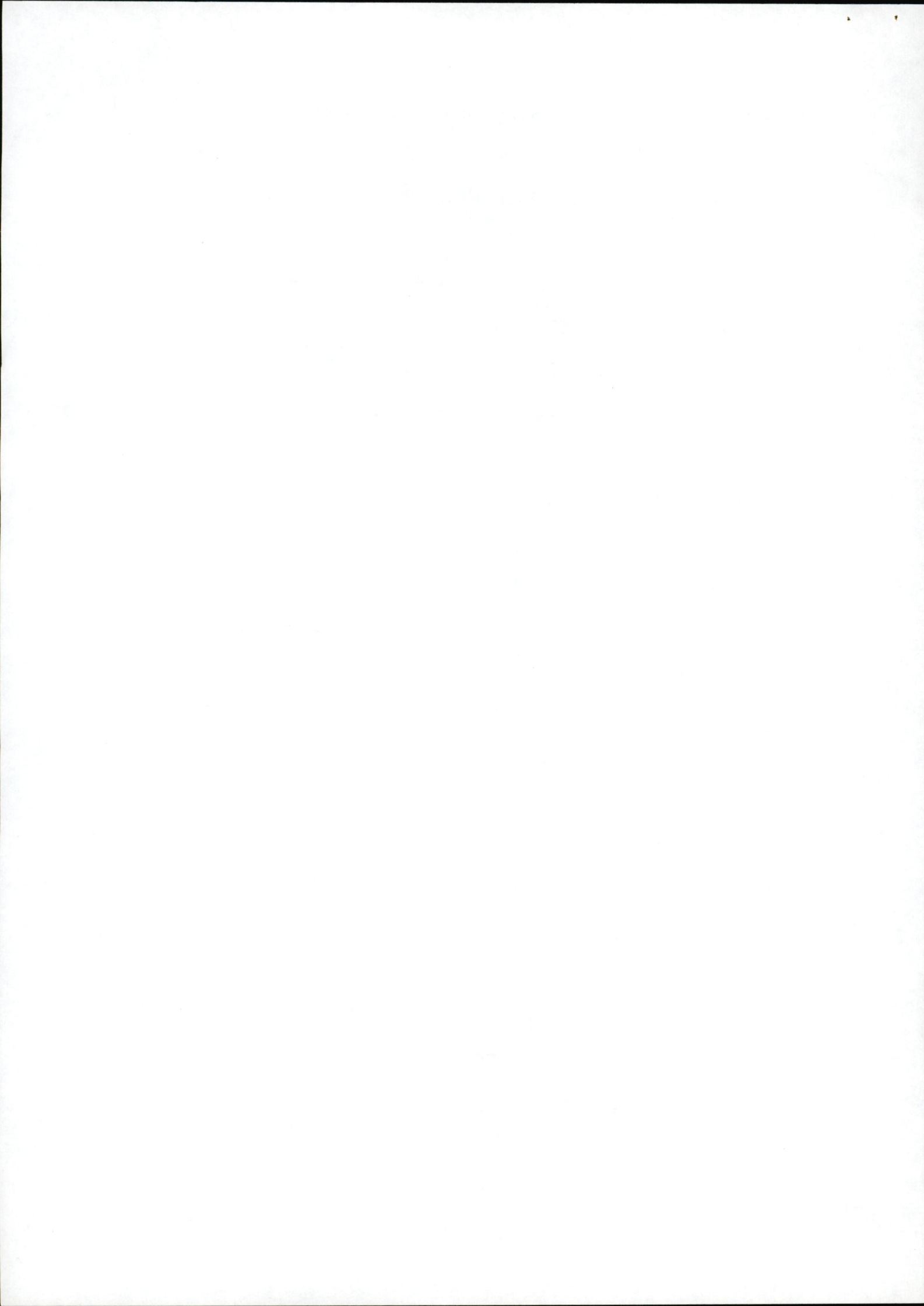
I TURN NOW TO THE DETAILS OF THE LOTTO (AMENDMENT) BILL. THE BILL ADDRESSES A NUMBER OF ISSUES WHICH HAVE ARISEN SINCE THE INTRODUCTION OF THE GAME IN SEPTEMBER LAST YEAR.

CLUBS WHICH OPERATE KENO ARE APPOINTED AS AGENTS UNDER THE LEGISLATION. THE EXISTING LEGISLATION ALLOWS AGENCIES TO BE APPROVED, BUT IT DOES NOT SPECIFICALLY ALLOW AGENCY APPROVALS TO BE REVOKED. I HAVE RECEIVED ADVICE THAT THE STATUTORY POWER TO GRANT AN APPROVAL CARRIES WITH IT AN INHERENT POWER TO REVOKE THAT APPROVAL.

HOWEVER, THE GOVERNMENT TAKES THE VIEW THAT IF THE POWER TO REVOKE AN APPROVAL IS AVAILABLE, IT SHOULD BE CLEARLY SPELT OUT IN THE VERY ACT WHICH COVERS THE CONDUCT OF THE GAME AND THE GRANTING OF THE LICENCE. IN THAT WAY, ALL PARTIES INTENDING TO BE INVOLVED WILL KNOW JUST WHAT THE RULES ARE.

SCHEDULE 1, CLAUSE 2 OF THE BILL OVERCOMES THOSE CONCERNS BY AMENDING THE LOTTO ACT SPECIFICALLY TO PROVIDE THAT AN AGENCY APPROVAL CAN BE WITHDRAWN. I EMPHASISE THAT THE WITHDRAWAL OF AN APPROVAL WILL NOT TAKE PLACE WITHOUT NOTICE BEING GIVEN, ALONG WITH AN OPPORTUNITY FOR THE PERSON INVOLVED TO RESPOND TO THAT NOTICE. A NEW SECTION 6(2) PROVIDES FOR THIS. CLAUSES 3 AND 5 OF SCHEDULE 1 ARE CONSEQUENTIAL TO THIS AMENDMENT.

I NOW DRAW THE ATTENTION OF HONOURABLE MEMBERS TO CLAUSES 1 AND 4 OF THE BILL WHICH DEAL WITH KEY EMPLOYEES.

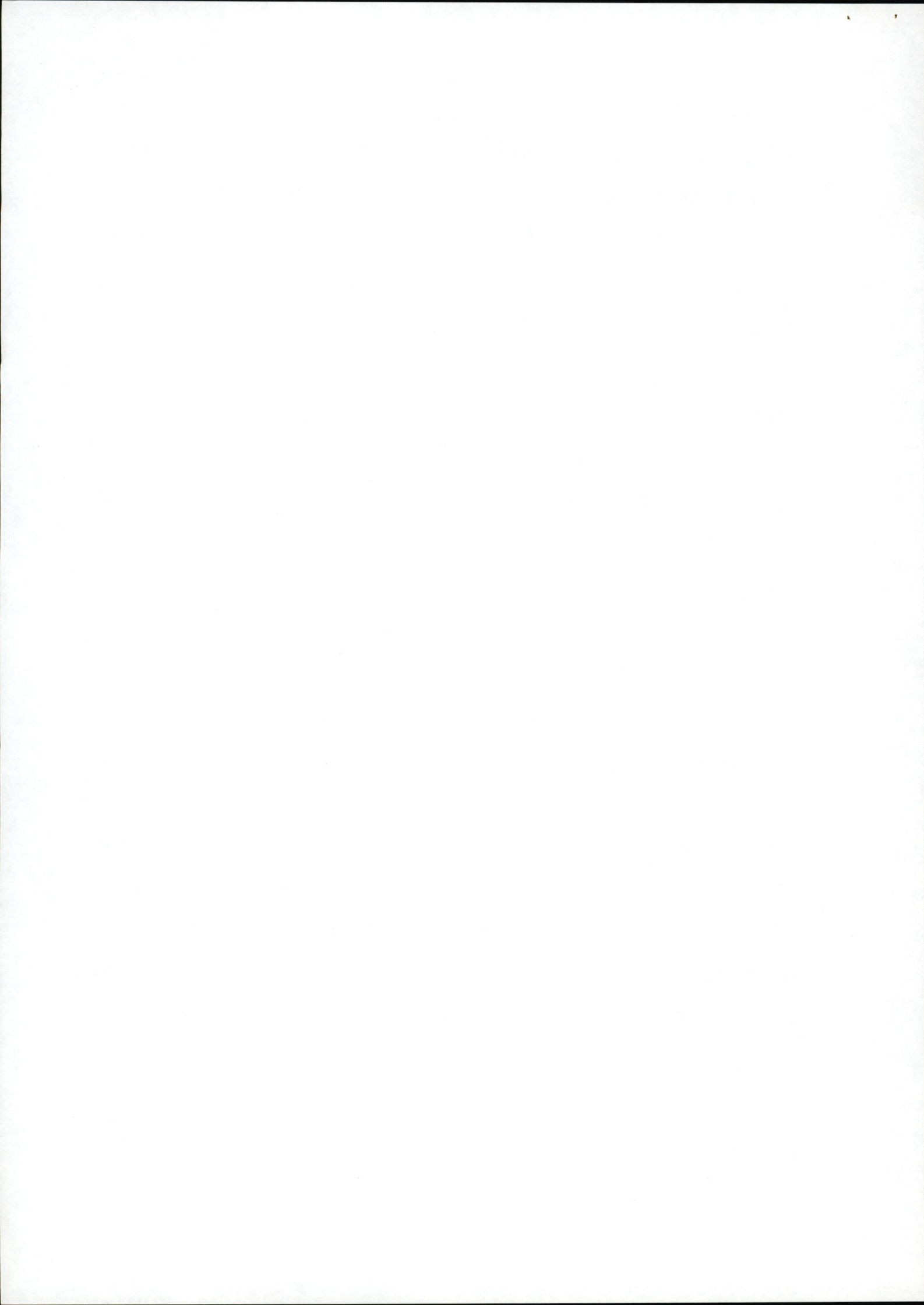


THE GRANT OF A LICENCE TO CONDUCT A GAME SUCH AS THIS NOT ONLY IMPOSES CONTRACTUAL OBLIGATIONS ON THE PARTIES BUT CHARGES THE GOVERNMENT, IN GRANTING SUCH A LICENCE, WITH ENSURING THAT THE PEOPLE OF NEW SOUTH WALES AND THE PLAYERS OF THE GAME ARE PROTECTED FROM PERSONS WHO ARE UNFIT TO BE INVOLVED IN GAMBLING.

EARLIER THIS YEAR, PARLIAMENT APPROVED LEGISLATION FOR THE ESTABLISHMENT OF A CASINO IN NEW SOUTH WALES. THAT LEGISLATION PLACED SIGNIFICANT EMPHASIS ON PROBITY ASSESSMENT FOR PERSONS WHO ARE INVOLVED IN THE OPERATION, MANAGEMENT AND CONDUCT OF THE CASINO.

HONOURABLE MEMBERS WILL BE AWARE THAT THIS GOVERNMENT IS COMMITTED TO ENSURING THE ABSOLUTE INTEGRITY OF GAMING - WHATEVER FORM IT TAKES.

WHEN THE 1988 AMENDMENTS TO FACILITATE THE INTRODUCTION OF KENO WERE INTRODUCED, IT WAS INTENDED THAT THE PROPOSED ADDITION OF SECTION 9B TO THE ACT WOULD ALLOW THE MINISTER TO DISPENSE WITH THE SERVICES OF A PERSON EMPLOYED BY THE LICENSEE IF IT WAS NECESSARY TO ENSURE THE INTEGRITY OF THE GAME.

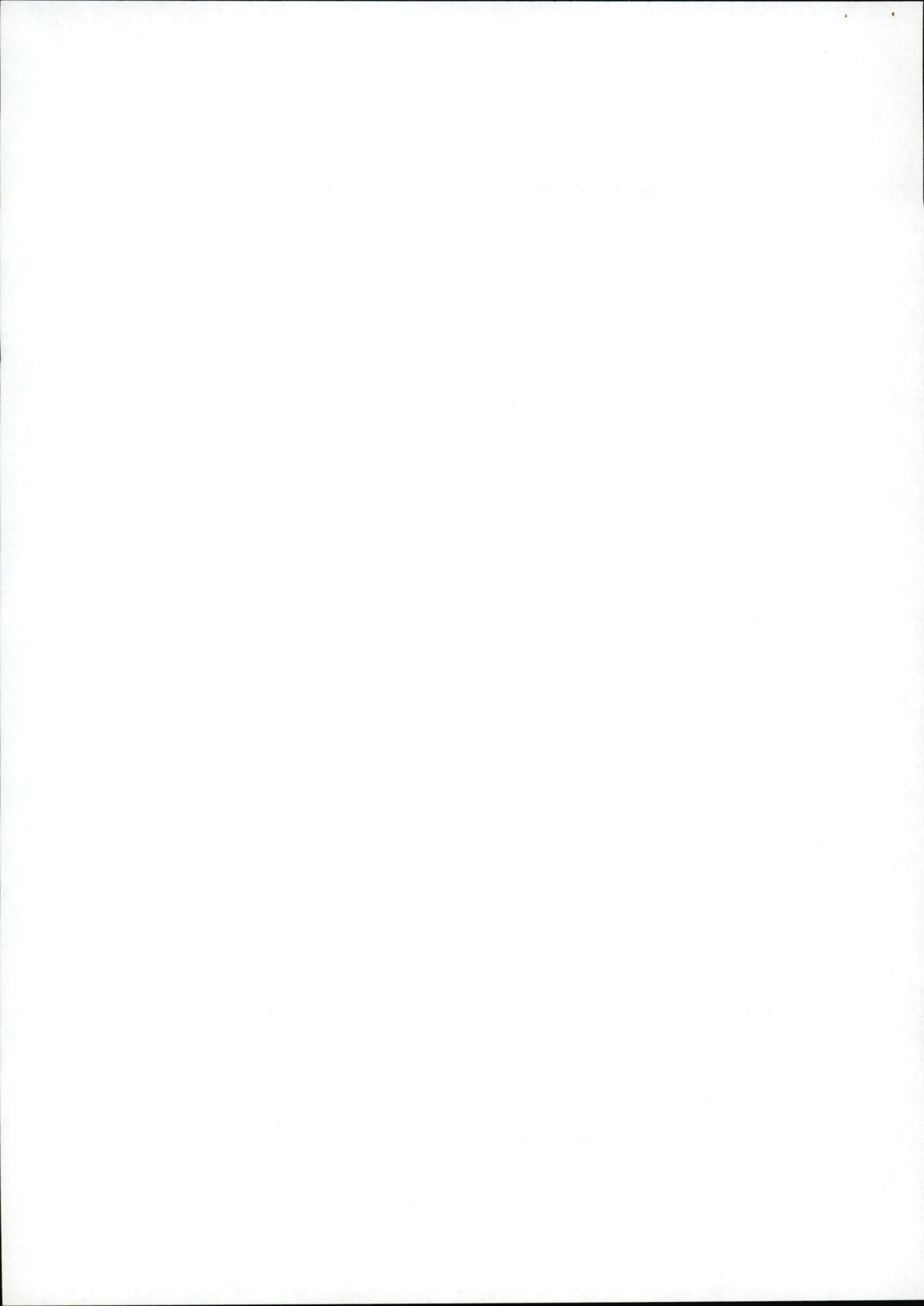


THE COMMERCIAL STRUCTURE SUBSEQUENTLY ADOPTED BY ONE OF THE JOINT KENO LICENSEES INVOLVES, IN THE GAME OF KENO, PERSONS WHO ARE EFFECTIVELY ONE STEP REMOVED FROM THE LICENSEE, THAT IS, THEY ARE NOT DIRECTLY EMPLOYED BY THE LICENSEE BUT ARE EMPLOYED BY A TRUST COMPANY.

THE LOTTO ACT DOES NOT PREVENT THE LICENSEE FROM ADOPTING SUCH A CORPORATE STRUCTURE. HOWEVER, AS KEY EMPLOYEES ARE NOT DIRECTLY EMPLOYED BY THE LICENSEE THEY MAY BE BEYOND THE SCOPE OF THE CONTROLS PRESENTLY CONTAINED IN THE ACT.

THE CURRENT SECTION 9B (1) PRESENTLY ALLOWS PERSONS NOT DIRECTLY EMPLOYED BY THE LICENSEE OR AGENT TO BE PRESCRIBED AS KEY EMPLOYEES. SECTION 9B(2) DESCRIBES THE CIRCUMSTANCES UNDER WHICH THE MINISTER MAY DIRECT THAT THE EMPLOYMENT OR THE ASSOCIATION OF THE KEY EMPLOYEE BE TERMINATED.

HOWEVER, IN ITS DESCRIPTION, SECTION 9B (2) LIMITS THE OPERATION OF THE WHOLE OF SECTION 9B TO KEY EMPLOYEES OF THE LICENSEE OR THE AGENT OF THE LICENSEE. THE SECTION EFFECTIVELY PREVENTS THE MINISTER FROM MAKING ANY DIRECTIONS IN RELATION TO THE KEY EMPLOYEES WHO ARE MOST DIRECTLY INVOLVED IN THE OPERATION OF THE GAME, IN THIS CASE THE EMPLOYEES OF THE TRUST COMPANY ESTABLISHED BY THE LICENSEE. THIS SITUATION WAS CLEARLY NOT INTENDED BY SECTION 9B(1A).



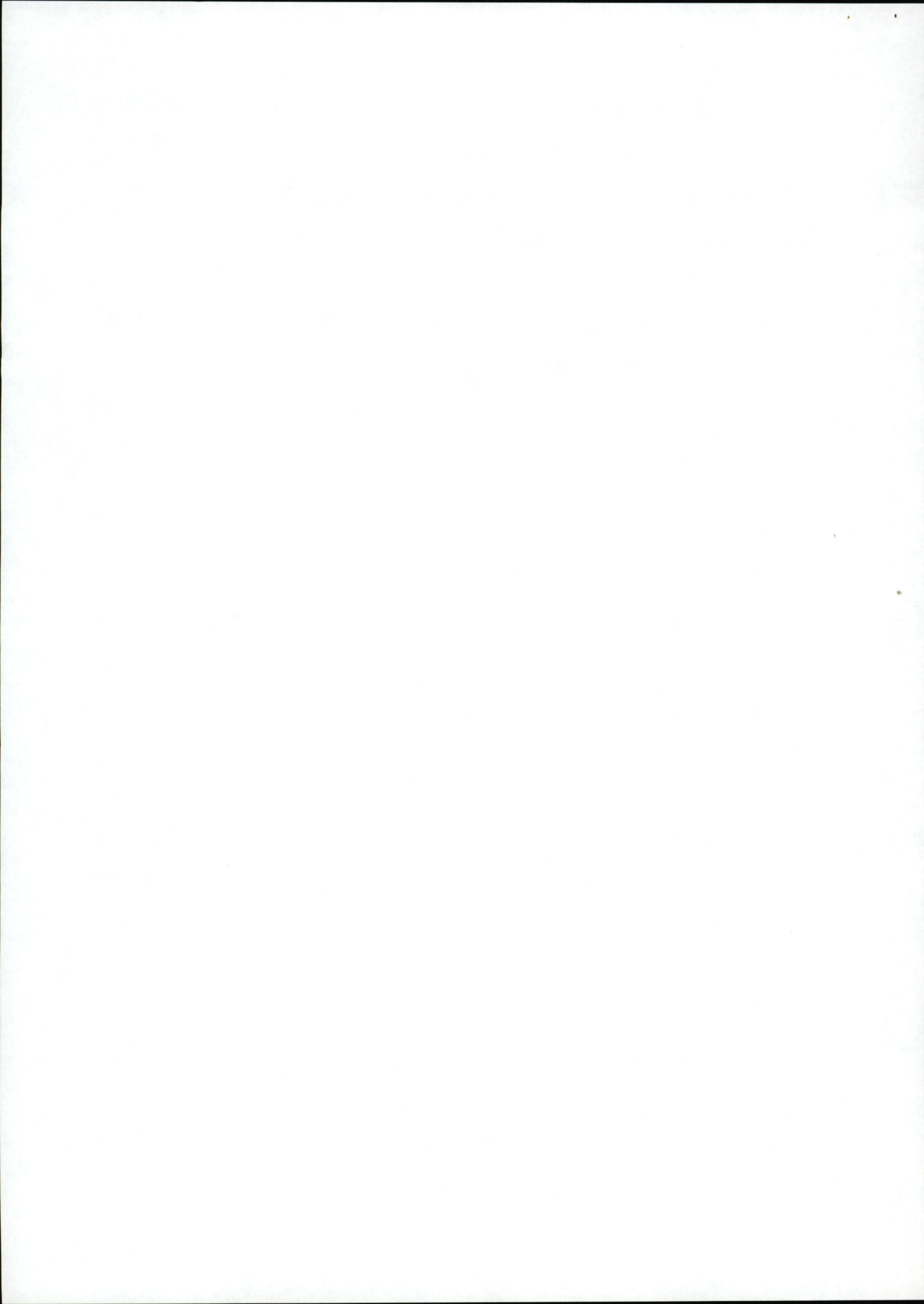
THE PROPOSED AMENDMENT WILL ENSURE THAT THE MINISTER'S POWER TO GIVE DIRECTIONS TO KEY EMPLOYEES INCLUDES ALL KEY EMPLOYEES INVOLVED IN THE RUNNING OF KENO AND IS NOT LIMITED TO KEY EMPLOYEES OF THE LICENSEE OR AGENT.

HONOURABLE MEMBERS WILL NOTE THAT ALTHOUGH THE SECTION REFERS TO LOTTO KEY EMPLOYEES, THE OBJECTIVE IS TO ENSURE THAT THE SECTION CAN BE APPLIED TO KENO PERSONNEL, AND, IN PARTICULAR, TO THOSE EMPLOYED BY THE TRUST COMPANY. THE REGULATIONS WILL PRESCRIBE THE PERSONS TO WHOM THE SECTIONS APPLY.

ONE FURTHER ISSUE RAISED IN RELATION TO THE NEW SECTION 9B IS ITS POTENTIAL APPLICABILITY TO LOTTO AGENTS, THAT IS TO THE NEWSAGENTS WHO SELL LOTTO TICKETS.

IN FACT, THE SECTION DOES NOT ALTER THE EXISTING POWERS UNDER THE PRESENT ACT AND AGREEMENTS BETWEEN THE AGENTS AND THE LICENSEE. THAT AGREEMENT ALLOWS THE LICENSEE TO TERMINATE THE AGREEMENT WHERE AN AGENT FAILS TO COMPLY WITH ANY INSTRUCTION OR DIRECTION GIVEN BY THE LICENSEE.

THE AGREEMENT BETWEEN AGENTS AND LICENSEES SIMPLY REINFORCES THE CURRENT SECTION 9B(4) WHICH DEEMS THAT POWER TO BE PRESENT IN ANY AGREEMENT BETWEEN A LICENSEE AND AN AGENT.



THE SECTION HAS NEVER BEEN APPLIED TO NEWSAGENTS SELLING LOTTO TICKETS, AND IT IS MOST UNLIKELY THAT IT WOULD EVER BE APPLIED TO THEM.

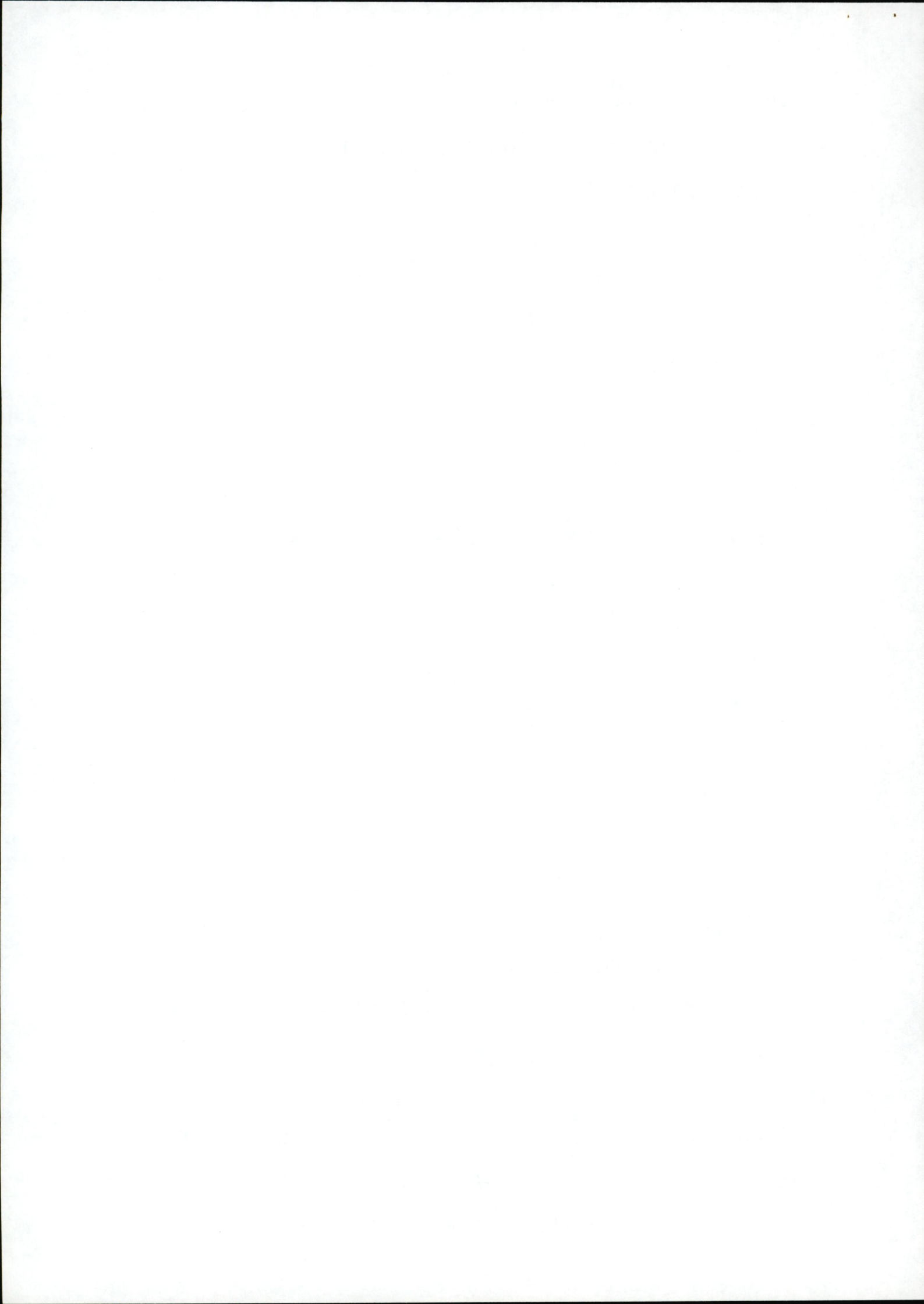
THE INCLUSION OF THE NEW SECTION 17AA HAS ITS GENESIS IN THE 1988 AMENDMENTS TO THE LOTTO ACT AND IN SECTION 49 OF THE CASINO CONTROL ACT.

THE SECTION IS DIRECTED AT "KEY EMPLOYEES" A CONCEPT WHICH WILL NOW BE FAMILIAR TO HONOURABLE MEMBERS. THE INTENTION OF THE AMENDMENTS INTRODUCED IN 1988 WAS TO ENSURE THAT INFORMATION IN RELATION TO KEY EMPLOYEES COULD BE ACQUIRED FOR THE PURPOSES OF PROBITY ASSESSMENT.

THE AMENDMENTS NOW PROPOSED REFINE THOSE REQUIREMENTS AND PROVIDE FOR THE MAINTENANCE OF THE CONFIDENTIALITY OF THAT INFORMATION.

IN FACT, IT HAS BEEN THE CASE THAT ALL PERSONS IN SENIOR MANAGEMENT OF BOTH LICENSEE COMPANIES INVOLVED IN KENO HAVE PROVIDED THIS INFORMATION, AND HAVE ALREADY BEEN SHOWN TO BE FIT AND PROPER PERSONS TO BE INVOLVED IN THE MANAGEMENT OF KENO.

THE SECTION PROVIDES FOR THE ACQUISITION OF INFORMATION IN RELATION TO A PERSON'S AFFAIRS, INCLUDING THE OBTAINING OF FINGERPRINTS, AND INFORMATION IN RELATION TO FINANCIAL MATTERS.



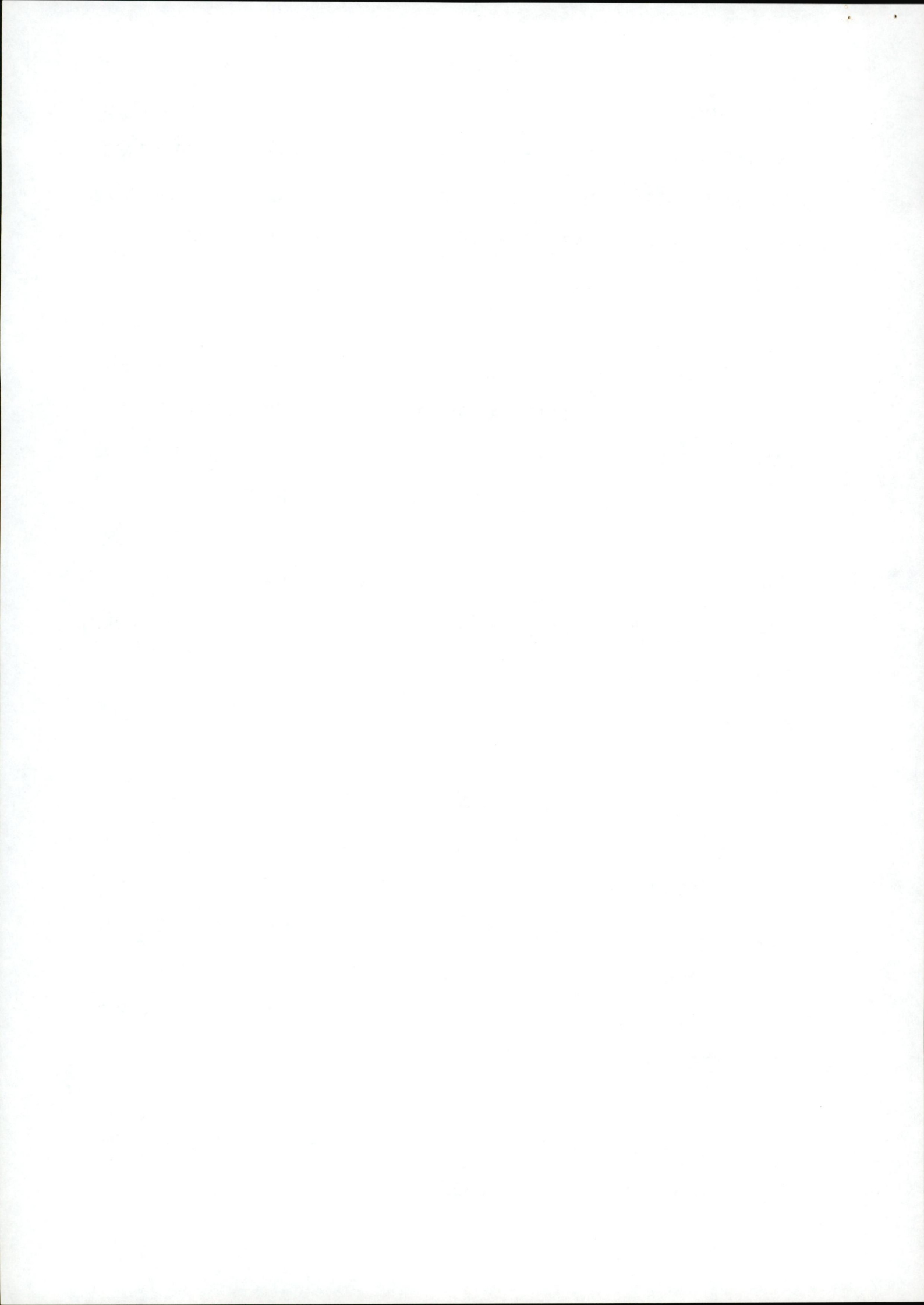
THE AMENDMENTS PRESCRIBE THE MATERIAL WHICH MAY BE ACQUIRED AND THE MANNER IN WHICH IT IS TO BE USED TO ESTABLISH A PERSON'S SUITABILITY FOR INVOLVEMENT IN OPERATING AND CONDUCTING KENO. PROVISION IS ALSO MADE FOR FURTHER INQUIRY AND REPORT TO BE MADE BY THE COMMISSIONER OF POLICE.

IT IS ESSENTIAL THAT THOSE WISHING TO BE INVOLVED IN KEY POSITIONS IN THE ADMINISTRATION OR CONDUCT OF ANY FORM OF GAMBLING, SHOULD BE PERSONS WHOSE INTEGRITY IS UNQUESTIONED, AND WHO HAVE SHOWN THEMSELVES TO BE BEYOND REPROACH.

KEY EMPLOYEES ARE ASSESSED IN TERMS OF THEIR CHARACTER, INTEGRITY, HONESTY AND FINANCIAL STABILITY. THE PROVISIONS CONTAINED IN CLAUSE 8 OF THE BILL WILL ENSURE THAT THIS CONTINUES TO OCCUR.

THE ACQUISITION OF SUCH PERSONAL INFORMATION BY A GOVERNMENT AGENCY ALSO DEMANDS THAT THERE BE SAFEGUARDS TO ENSURE THE INFORMATION IS DESTROYED WHEN THERE IS NO LONGER ANY USE FOR IT. CLAUSE 8 OF THE BILL ALSO ADDS SECTION 17AB TO THE ACT. THE SECTION PROVIDES FOR THE DISPOSAL OF INFORMATION OBTAINED UNDER SECTION 17AA WHEN THE PERSON CEASES TO BE A KEY EMPLOYEE AS DESCRIBED IN SECTION 9B OF THE ACT.

I TURN NOW TO CLAUSE 9 OF THE BILL WHICH IS RELATED TO THE PROVISIONS I HAVE JUST DESCRIBED.



I AM AWARE THAT THE PERSONAL INFORMATION SOUGHT IN RELATION TO THESE AMENDMENTS IS MOST SENSITIVE IN NATURE. ACCESS TO THIS KIND OF INFORMATION IS LIMITED BY THE PROVISIONS CONTAINED IN PROPOSED SECTION 19A OF THE LOTTO ACT.

PROPOSED SECTION 19A IS SIMILAR TO SECTION 148 OF THE CASINO CONTROL ACT. THE SECTION PROVIDES FOR THE MAINTENANCE OF THE CONFIDENTIALITY OF INFORMATION OBTAINED IN THE COURSE OF ADMINISTRATION OF THE ACT. THE BILL ALSO SPECIFIES THE OCCASIONS ON WHICH THE PUBLIC INTEREST WILL REQUIRE THAT EXCEPTIONS BE MADE.

THESE EXCEPTIONS INCLUDE INFORMATION GIVEN IN LEGAL PROCEEDINGS AND THE DIVULGING OF INFORMATION TO AGENCIES SUCH AS THE INDEPENDENT COMMISSION AGAINST CORRUPTION, THE NATIONAL CRIME AUTHORITY, THE NEW SOUTH WALES CRIME COMMISSION AND THE NEW SOUTH WALES OMBUDSMAN.

CLEARLY WHEN A PERSON HAS CONDUCTED HIMSELF OR HERSELF AT ALL TIMES WITH THE UTMOST INTEGRITY, THERE WILL BE NO NEED FOR CONCERN IN RELATION TO THIS SECTION.

THOSE PROVISIONS, IN PART, REFLECT SIMILAR PROVISIONS IN THE FREEDOM OF INFORMATION ACT. THAT LEGISLATION EXEMPTS ACCESS TO MATERIAL CONCERNING A PERSON'S PERSONAL AND BUSINESS AFFAIRS FROM THE OPERATION OF THE ACCESS PROVISIONS OF THE FREEDOM OF INFORMATION ACT.

SIMILARLY, NO PERSON WILL HAVE ACCESS TO SUCH MATERIAL HELD FOR THE PURPOSES OF ASSESSING KEY PERSONNEL UNDER THIS ACT UNLESS AUTHORISED BY THIS ACT TO DO SO.

I TURN NOW TO ONE OF THE MOST IMPORTANT ASPECTS OF THE BILL, THE PROHIBITION ON CREDIT BETTING.

WE HAVE GROWN USED TO THE READY AVAILABILITY OF CREDIT IN ITS MANY FORMS OVER THE LAST TWENTY YEARS OR SO. AS WE ARE ALL AWARE, CREDIT MAKES A MOST USEFUL SERVANT BUT A DEMANDING MASTER.

IN THE CONTEXT OF GAMING, CREDIT HAS NO PLACE.

IT IS THE GOVERNMENT'S VIEW THAT CREDIT BETTING SHOULD BE OUTLAWED.

THERE SHOULD BE AS LITTLE OPPORTUNITY AS POSSIBLE FOR A PERSON WHO MAY HAVE DIFFICULTY CONTROLLING A PREDILECTION FOR GAMBLING TO HAVE ACCESS TO A SOURCE OF FUNDS WHICH HE OR SHE EFFECTIVELY DOES NOT OWN AND ON WHICH INTEREST WILL BE PAYABLE.

THIS GOVERNMENT HAS MOVED TO PROHIBIT CREDIT BETTING IN ALL GAMING LEGISLATION AND THESE AMENDMENTS ARE PART OF THAT PROCESS.



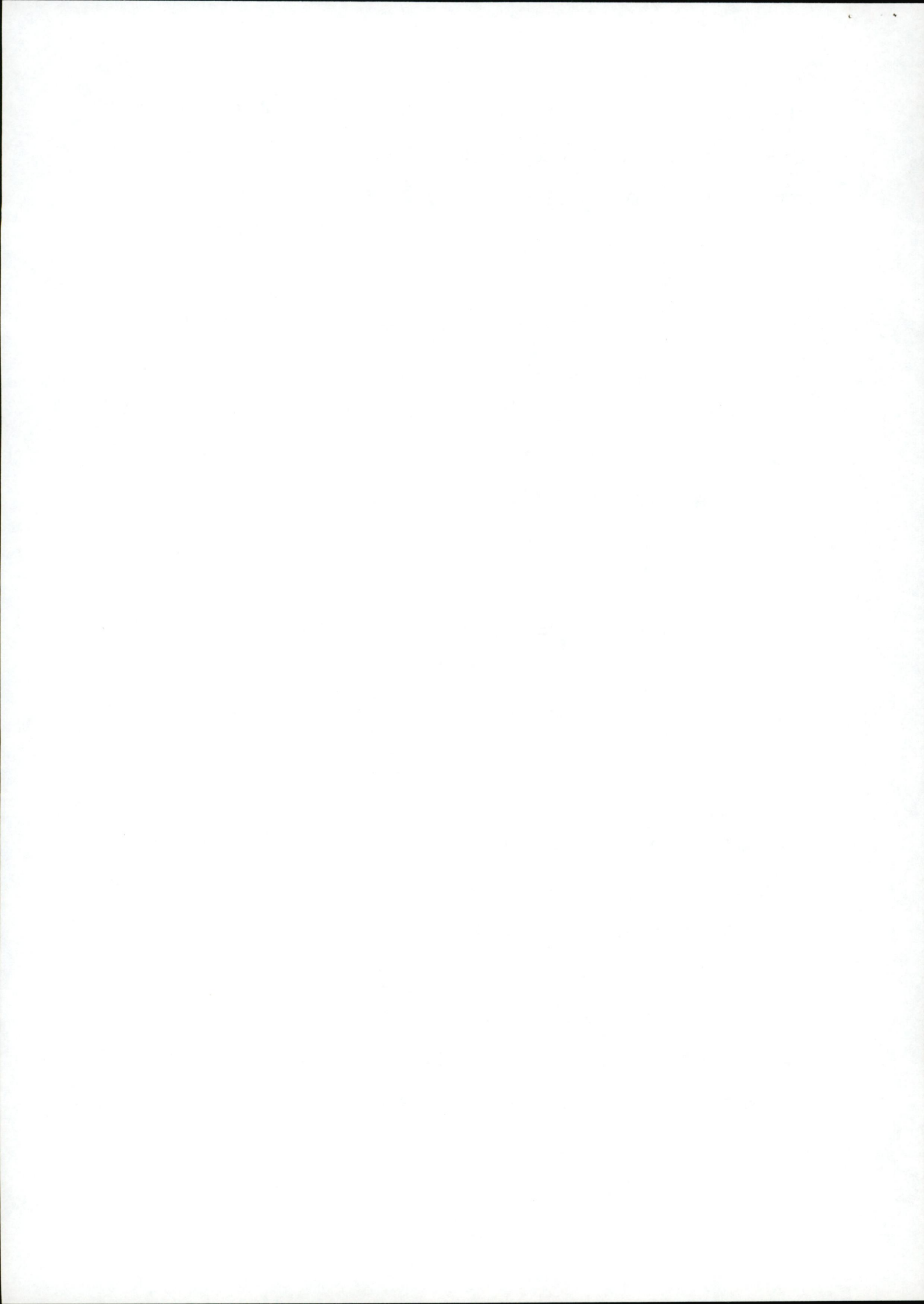
THE PROVISION PROPOSED IN THE LOTTO (AMENDMENT) BILL WILL ENSURE THAT THERE WILL BE NO OPPORTUNITY TO PLAY KENO ON CREDIT PROVIDED EITHER BY A CLUB OR BY THE OPERATOR OF THE GAME.

THE PROVISIONS ENSURE THAT KENO PATRONS CAN ONLY USE CASH OR A CHEQUE TO PLAY THE GAME. THE CLAUSE ADDS A NEW SECTION 12B TO THE PRINCIPAL ACT, MAKING IT AN OFFENCE IF THE OPERATOR ACCEPTS SUBSCRIPTIONS ON ANY OTHER THAN A CASH OR CHEQUE BASIS. THE OFFENCE CARRIES A MAXIMUM PENALTY OF 20 PENALTY UNITS, WHICH AT PRESENT IS \$2000.

THIS AMENDMENT PROVIDES A STATUTORY OFFENCE FOR AN EMPLOYEE OF A LICENSEE OR AN AGENT WHO ALLOWS A CLIENT TO BUY A KENO TICKET WITHOUT PAYING FOR IT BY CASH OR CHEQUE AT THE TIME OF PURCHASE.

THE AMENDMENT WILL ALSO OPERATE AS AN ADDITIONAL SAFEGUARD TO PREVENT EMPLOYEES INVOLVED IN THE CONDUCT OF THE GAME AT THE CLUB FROM ISSUING THEMSELVES WITH FREE TICKETS.

CLAUSE 7 OF THE BILL CONCERNS SURPLUS FUNDS. SECTION 14 OF THE ACT CURRENTLY ALLOWS THE REGULATIONS TO THE ACT TO MAKE PROVISION FOR THE DISPOSAL OF UNCLAIMED PRIZES.



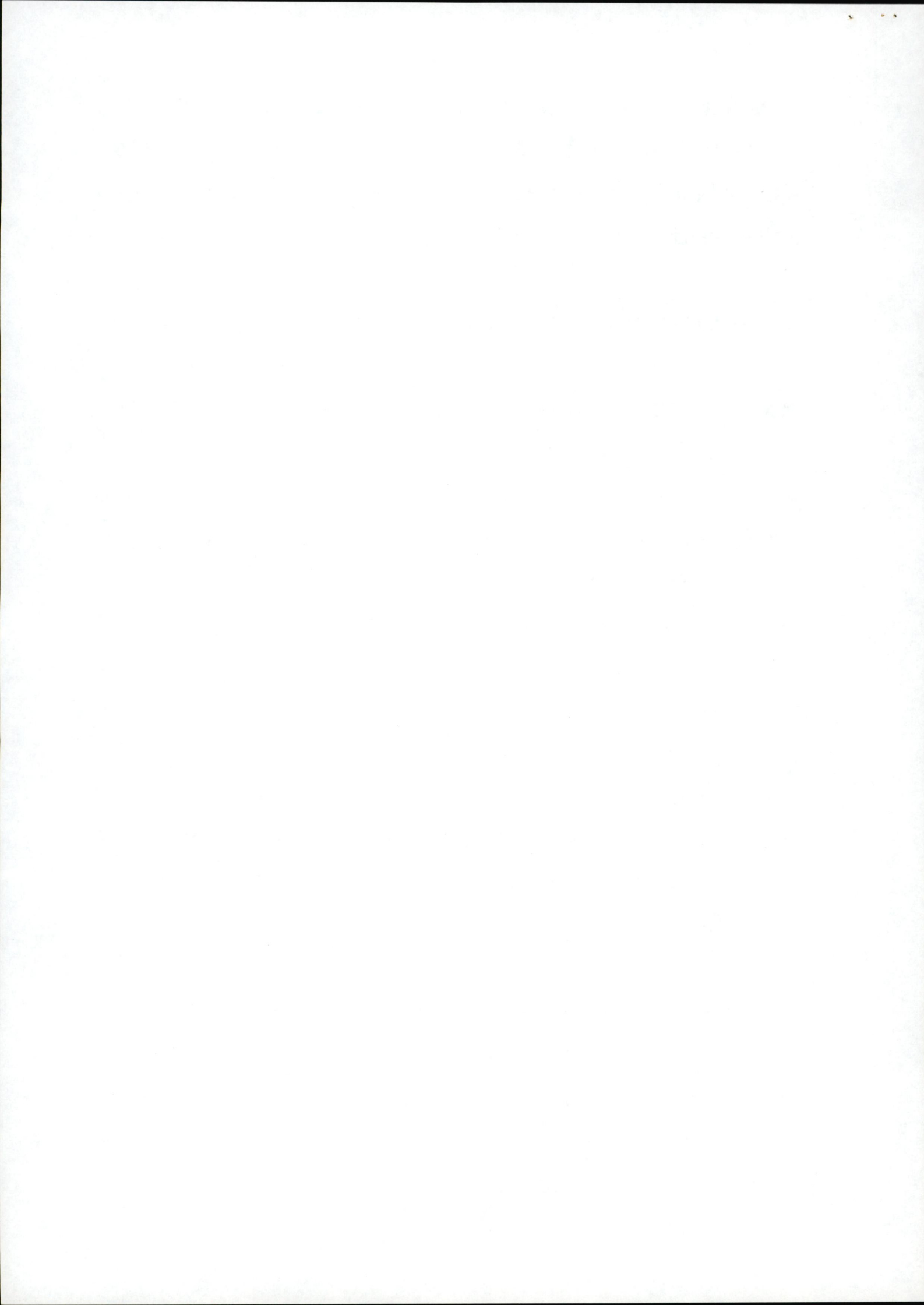
HOWEVER, IN THE EVENT THAT THE LICENCE CEASES TO EXIST, WHETHER THROUGH TERMINATION OR OTHERWISE, THERE IS NO PROVISION WHICH WOULD ALLOW SURPLUS FUNDS TO BE DISTRIBUTED AFTER THE LICENCE IS NO LONGER IN FORCE.

CLEARLY, IT IS PROPER THAT FUNDS WHICH HAVE BEEN SUBSCRIBED TO THE GAME FOR PRIZES BE AVAILABLE TO BE RETURNED TO THOSE WHO PLAY IT. IT IS INTENDED THAT THE REGULATIONS WILL PROVIDE FOR THE DISTRIBUTION OF ANY SURPLUS PRIZE FUNDS.

THE GOVERNMENT'S PRIMARY INTERESTS IN THE GAME OF KENO FROM ITS EARLIEST CONSIDERATION WERE, AS WITH ANY LAWFUL GAME, FIRST, TO SAFEGUARD THE INTERESTS OF PLAYERS; SECOND, TO ENSURE PUBLIC CONFIDENCE IN THE INTEGRITY OF THE GAME; AND, THIRD, TO SECURE THE PROTECTION OF GOVERNMENT REVENUE.

IN MEETING THESE OBJECTIVES, IT IS APPROPRIATE FOR THE GOVERNMENT TO PROVIDE A STRICT FRAMEWORK FOR THE CONDUCT OF GAMBLING IN ITS MANY FORMS, RATHER THAN PROHIBIT THEM OR TO ALLOW THEM TO GO ON IN AN UNCONTROLLED MANNER.

AS I HAVE INDICATED PREVIOUSLY, THESE AMENDMENTS TO THE LOTTO ACT ARE OF A HOUSEKEEPING NATURE. THE SPIRIT OF THE BILL - IF NOT THE ACTUAL WORDS ADOPTED IN THIS BILL - HAS BEEN CONSIDERED BY THE PARLIAMENT ON AT LEAST TWO OTHER OCCASIONS: THAT IS, IN RELATION TO THE LOTTO (AMENDMENT) BILL 1988 AND THE CASINO CONTROL BILL 1992.



THE AMENDMENTS ARE INTENDED TO PROMOTE AND PROTECT THE ABSOLUTE INTEGRITY BOTH OF GAMING GENERALLY, AND THE GAME OF KENO IN PARTICULAR.

THESE CONSIDERATIONS ARE THE MOTIVATING FORCE BEHIND OUR CONTINUED MONITORING AND FINE TUNING OF THE LEGISLATION CONCERNING KENO. THE PROPOSED AMENDMENTS ARE EVIDENCE OF THAT COMMITMENT.

I COMMEND THE BILL.

LOTTO (AMENDMENT) ACT 1992 No. 59

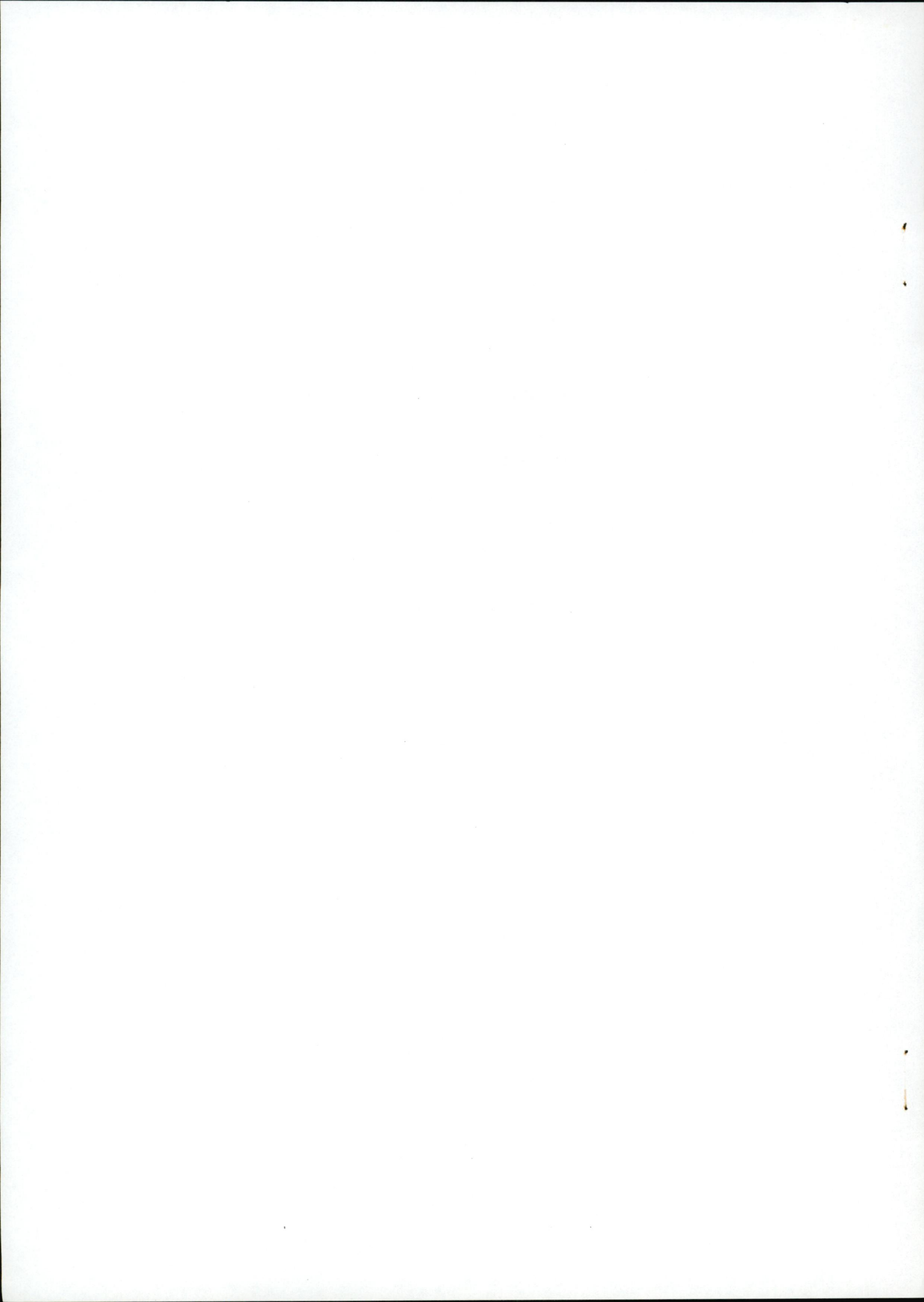
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Lotto Act 1979 No. 53

SCHEDULE 1—AMENDMENTS



LOTTO (AMENDMENT) ACT 1992 No. 59

NEW SOUTH WALES



Act No. 59, 1992

An Act to amend the Lotto Act 1979 with respect to key employees, approval of agents, credit betting and other matters. [Assented to 20 October 1992]

Lotto (Amendment) Act 1992 No. 59

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Lotto (Amendment) Act 1992.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Lotto Act 1979 No. 53

3. The Lotto Act 1979 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 2 (**Definitions**):

After the definition of "inspector" in section 2 (1), insert:

"key employee" means a person (whether or not employed under a contract of service) who is:

- (a) employed in a managerial or supervisory capacity in relation to the conduct of games of lotto by a licensee; or
- (b) authorised to make decisions, involving the exercise of his or her discretion, that regulate the operations of a licensee or an agent in relation to the conduct of games of lotto by the licensee; or
- (c) concerned or engaged, in any manner prescribed by the regulations, in the conduct of games of lotto by a licensee.

(2) Section 6 (**Conditions of licence**):

(a) After section 6 (b), insert:

(b1) the withdrawal of any such nomination or approval by the Minister;

(b) At the end of the section, insert:

(2) Without limiting the circumstances in which the Minister may withdraw his or her nomination or approval of an agent of a licensee under the conditions of a licence, the

Lotto (Amendment) Act 1992 No. 59

SCHEDULE 1—AMENDMENTS—*continued*

Minister may withdraw any such nomination or approval if the Minister is of the opinion that the integrity or apparent integrity of a game or games of lotto conducted by the licensee is likely to be seriously prejudiced because of the criminal record, character or reputation of the agent.

(3) An agent ceases to be an agent of the licensee if the Minister's nomination or approval of the agent is withdrawn.

(4) The Minister is not to withdraw his or her nomination or approval of an agent unless the Minister:

- (a) has given the licensee and the agent notice, in writing, of the proposed withdrawal; and
- (b) has invited the licensee and agent to make representations to the Minister, within such period as is specified in the notice, concerning the proposed withdrawal; and
- (c) has, after the expiration of that period, considered any such representations.

(5) The withdrawal of the Minister's nomination or approval takes effect:

- (a) on the day that is 14 days after the day on which a notice, signed by the Minister, advising the licensee and agent of the withdrawal is given to the licensee and the agent; or
- (b) if a later day is specified in the notice—on that day.

(3) Section 9 (**Unlawful conduct of lotto by licensee**)

After "any directions given", insert "to the licensee".

(4) Section 9B:

Omit the section, insert instead:

Directions concerning key employees

9B. (1) If the Minister is of the opinion that the integrity or apparent integrity of a game or games of lotto conducted by a licensee is likely to be seriously prejudiced:

- (a) because of the criminal record of a key employee; or
- (b) because of the character or reputation of a key employee,

SCHEDULE 1—AMENDMENTS—*continued*

the Minister may, by notice in writing, give a direction to the licensee or other appropriate person that the employment or association by reason of which the key employee is a key employee of the licensee or that other person be terminated immediately and not be renewed.

(2) If a key employee refuses or fails to comply with a requirement of a notice served on the key employee under section 17AA, the Minister may, by notice in writing, give a direction to the licensee or other appropriate person that the employment or association by reason of which the key employee is a key employee of the licensee or that other person be terminated immediately and not be renewed.

(3) A person to whom a direction is given under this section must give effect to the direction.

Maximum penalty: 20 penalty units.

(4) It is taken to be a condition of any agreement or other arrangement entered into between a person to whom a direction is given under this section and a key employee that the person has such rights as may be necessary to enable the person to give effect to the direction.

(5) The termination of an employment or association in accordance with this section has effect despite any other Act or law, or any contract, award or enterprise or other agreement, and the Crown does not incur any liability because of such a termination.

(6) The Minister may, by notice in writing served on a person to whom a direction is given under this section, revoke or vary the direction.

(7) The Minister may, by notice in writing served on a person, require the person to furnish to the Minister returns containing:

- (a) the names of any key employees of the person and the positions held by them; and
- (b) any other relevant particulars specified in the notice in relation to key employees.

(8) Nothing in this section limits the operation of section 9A.

Lotto (Amendment) Act 1992 No. 59

SCHEDULE 1—AMENDMENTS—*continued*

(5) Section 10 (**Revocation or suspension of licence**):

After “a direction given” in section 10 (3A), insert “to the licensee”.

(6) Section 12B:

After section 12A, insert:

Credit betting prohibited

12B. (1) A person must not, in connection with a game of lotto, accept an entry in or subscription to the game unless the entry or subscription is paid for in cash or by cheque at or before the time the entry or subscription is made.

Maximum penalty: 20 penalty units.

(2) In this section, “cheque” means a cheque that is drawn on a bank for a specific amount payable on demand and that is dated but not post-dated.

(7) Section 14 (**Prize funds**):

(a) At the end of section 14 (7), insert:

; and

(c) in the case of a licence that is no longer in force—in accordance with regulations made under subsection (9).

(b) After section 14 (8), insert:

(9) The regulations may make provision for or with respect to the disposal by the corporation of any money in a licensee’s prize fund (being money that is not required for payment of prizes won in a game or games of lotto) in the case where the licence is no longer in force.

(8) Sections 17AA, 17AB:

After section 17A, insert:

Information relating to key employees

17AA. (1) The Minister may, by notice in writing served on a key employee, require the key employee:

(a) to consent, in accordance with directions in the notice, to having his or her photograph, finger prints and palm prints taken; and

SCHEDULE 1—AMENDMENTS—*continued*

- (b) to provide, in accordance with directions in the notice, such information (verified by statutory declaration) relevant to the key employee as is specified in the notice; and
 - (c) to produce, in accordance with directions in the notice, such documents relevant to the key employee as are specified in the notice and to permit examination of the documents, the taking of extracts from them and the making of copies of them; and
 - (d) to furnish such authorities and consents as the Minister may require for the purpose of obtaining further information (including financial and other confidential information) from other persons and institutions.
- (2) The Minister is to refer to the Commissioner of Police copies of any photographs, finger prints and palm prints taken in respect of a key employee under this section and any supporting information that the Minister considers to be appropriate for referral to the Commissioner.
- (3) The Commissioner of Police is to inquire into, and report to the Minister on, such matters concerning the key employee as the Minister may request.
- (4) A key employee is not excused from complying with a requirement of a notice under this section on the ground that compliance might tend to incriminate the employee. However, if the employee claims, before complying with the requirement, that compliance might tend to incriminate the employee, information provided in compliance with the requirement is not admissible in evidence against the employee in any criminal proceedings.
- (5) A key employee who complies with a requirement of a notice under this section does not on that account incur a liability to another person.
- (6) Nothing in this section limits the operation of section 17 or 17A.

Destruction of finger and palm prints

17AB. (1) Any finger prints or palm prints obtained under section 17AA, and any copies of them, are to be destroyed as soon as the key employee from whom they were obtained is no longer a key employee.

Lotto (Amendment) Act 1992 No. 59

SCHEDULE 1—AMENDMENTS—*continued*

(2) A person who has possession of finger prints or palm prints obtained by the Minister under this Act, or copies of them, must deliver them to the Minister, in accordance with the written directions of the Minister, to enable subsection (1) to be complied with.

Maximum penalty (subsection (2)): 20 penalty units.

(9) Section 19A:

After section 19, insert:

Secrecy

19A. (1) A person who acquires information in the exercise of functions under this Act must not, directly or indirectly, make a record of the information or divulge the information to another person, except in the exercise of functions under this Act.

Maximum penalty: 50 penalty units.

(2) Despite subsection (1), information may be divulged:

- (a) to a particular person or persons, if the Minister certifies that it is necessary in the public interest that the information be divulged to the person or persons; or
- (b) to a prescribed person or prescribed authority; or
- (c) to a person who is expressly or impliedly authorised to obtain it by the person to whom the information relates.

(3) It is not an offence under this section if, in any legal proceedings, a person divulges the information:

- (a) in answer to a question that the person is compellable to answer; or
- (b) by providing a document or other thing that the person is compellable to produce.

(4) An authority or person to whom information is divulged under this section, and a person or employee under the control of that authority or person, are, in respect of that information, subject to the same rights, privileges and duties under this section as they would be if that authority, person

Lotto (Amendment) Act 1992 No. 59

SCHEDULE 1—AMENDMENTS—*continued*

or employee were a person exercising functions under this Act and had acquired the information in the exercise of those functions.

(5) This section does not apply to the divulging of information to any of the following:

- the Independent Commission Against Corruption;
- the National Crime Authority;
- the New South Wales Crime Commission;
- the Ombudsman;
- any other person or body prescribed for the purposes of this subsection.

(6) This section does not prevent a person being given access to a document in accordance with the Freedom of Information Act 1989, unless the document:

- (a) contains matter the disclosure of which could reasonably be expected to do any of the following:
 - (i) prejudice the investigation of any contravention or possible contravention of the law (including any revenue law) whether generally or in a particular case;
 - (ii) enable the existence or identity of any confidential source of information, in relation to the enforcement or administration of the law, to be ascertained;
 - (iii) prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law (including any revenue law); or
- (b) is a document the disclosure of which would disclose any of the following information:
 - (i) information concerning the business, commercial, professional or financial affairs of a licensee, agent or key employee;
 - (ii) information obtained in the course of an investigation of a licensee, agent or key employee.

SCHEDULE 1—AMENDMENTS—*continued*

(7) In this section, a reference to the divulging of information includes a reference to the production of a document or other thing and the provision of access to the document or other thing.

(10) Section 23:

After section 22, insert:

Savings and transitional provisions

23. Schedule 1 has effect.

(11) Schedule 1:

At the end of the Act, insert:

**SCHEDULE 1—SAVINGS AND TRANSITIONAL
PROVISIONS**

(Sec. 23)

**PART 1—SAVINGS AND TRANSITIONAL
REGULATIONS**

Savings and transitional regulations

1. (1) The regulations may contain provisions of a savings and transitional nature consequent on the enactment of the Lotto (Amendment) Act 1992.

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done before the date of its publication.

Lotto (Amendment) Act 1992 No. 59

SCHEDULE 1—AMENDMENTS—*continued*

**PART 2—PROVISIONS CONSEQUENT ON THE
LOTTO (AMENDMENT) ACT 1992**

Withdrawal of approval etc. of agents

2. The amendment to section 6 made by Schedule 1 (2) (b) to the Lotto (Amendment) Act 1992 extends to an agent appointed or approved before the commencement of that amendment.

[*Minister's second reading speech made in—
Legislative Assembly on 30 June 1992
Legislative Council on 13 October 1992*]