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Gambling Regulation (Public Lottery Licences) Act 2005†
[Assented to 31 May 2005]

The Parliament of Victoria enacts as follows:

1. Purpose

   The purpose of this Act is to amend the Gambling Regulation Act 2003—

   (a) to restrict a public lottery licence to lotteries, AFL footy tipping competitions and soccer football pools;
   (b) to extend the initial term of a public lottery licence from a maximum of 7 years to a maximum of 10 years;
(c) to provide further for the conditions of a public lottery licence;

(d) to require computer systems and other equipment used by a public lottery licensee to be approved by the Victorian Commission for Gambling Regulation;

(e) to provide for responsible gambling measures in relation to public lotteries;

(f) to amend the restrictions on directors of another licensee under the Gambling Regulation Act 2003 from having a significant interest in certain other bodies;

(g) to provide further for the costs of investigations by the Commission of applications under the Gambling Regulation Act 2003;

(h) to amend the process for applications for a public lottery licence.

2. Commencement

(1) This Act (except section 6) comes into operation on the day after the day on which it receives the Royal Assent.

(2) Section 6 comes into operation on 1 July 2007.

3. Principal Act

In this Act, the Gambling Regulation Act 2003 is called the Principal Act.
4. Listing on the Roll

After section 3.4.61(1)(c)(iii) of the Principal Act insert—
"(iiiia) the holder of a public lottery licence;".

5. Restrictions on directors of the holder of the wagering licence etc.

For section 4.3.28(1)(a) of the Principal Act substitute—
"(a) is a director of, or has a voting power of 5% or more in—
   (i) the holder of a casino licence; or
   (ii) a person that holds a gaming operator's licence; or
   (iii) another person (other than a subsidiary of the licensee) that holds a public lottery licence; or".

6. Definition of "public lottery"

(1) In section 5.1.2 of the Principal Act, for the definition of "public lottery" substitute—

' "public lottery" means—
   (a) a lottery; or
   (b) an AFL footy tipping competition; or
   (c) a soccer football pool.'.

(2) In section 1.3(1) of the Principal Act, in the definitions of "AFL footy tipping competition" and "soccer football pool" omit "public".
7. New section 5.2.1A inserted

After section 5.2.1 of the Principal Act insert—

"5.2.1A Approval of computer system etc.

(1) A public lottery licensee or an appointed subsidiary must not use, or cause or permit to be used—

(a) any instrument or contrivance; or
(b) any computer hardware or software; or
(c) any other equipment—

in connection with a public lottery unless the instrument, contrivance, hardware, software or other equipment has been approved by the Commission.

(2) A public lottery licensee or an appointed subsidiary must not make, or cause or permit to be made, any change in any instrument, contrivance, hardware, software or other equipment approved by the Commission under sub-section (1) unless the change has been approved by the Commission.

(3) In approving an instrument, contrivance, hardware, software or other equipment under this section, the Commission may take into account the certificate of a person listed on the Roll, being a person referred to in section 3.4.61(1)(c).

(4) The Commission may make an approval under this section subject to any conditions that it thinks fit.

(5) The Commission may, for just and reasonable cause, withdraw an approval given under this section by instrument given to the public lottery licensee or the appointed subsidiary, as the case requires.
(6) A function of the Commission under this section may be performed by any commissioner.”.

8. New section 5.3.2A inserted

In Division 2 of Part 3 of Chapter 5 of the Principal Act, before section 5.3.3 insert—

"5.3.2A Registration of interest

(1) The Minister may, from time to time, by notice published in the Government Gazette, call for registrations of interest in the grant of a public lottery licence.

(2) A notice published under sub-section (1) must specify—

(a) the procedure for registering an interest in the grant of a public lottery licence; and

(b) the information required to be provided by a registrant; and

(c) the minimum standards, if any, specified by the Minister that a registrant must meet for the registration of interest to be considered by the Minister; and

(d) the matters concerning a registrant on which the Commission will report to the Minister; and

(e) any other matter that the Minister considers relevant to the registration of interest."
(3) A person who—
   (a) has a physical place of business in Victoria; and
   (b) is not a natural person—
may register interest in the grant of a public lottery licence by—
   (c) following the procedure specified under sub-section (2)(a); and
   (d) providing to the Minister the information specified under sub-section (2)(b).

(4) The Minister must consider each registration of interest and, if the registration of interest satisfies all of the requirements made by or specified under this section, the Minister must refer the registration of interest to the Commission.

(5) If a registrant fails to satisfy a requirement made by or specified under this section, the Minister may refuse to consider, or consider further, the registration of interest or to refer it to the Commission.

(6) The Commission must report to the Minister in writing on the matters specified under sub-section (2)(d) in relation to each registration of interest referred to it by the Minister.

(7) After consideration of the Commission's report under sub-section (6) and any other matters that the Minister considers relevant, the Minister may invite one or more registrants to apply for a public lottery licence."
9. Application for licence

(1) For section 5.3.3(1) of the Principal Act substitute—

"(1) A person who has been invited by the Minister under section 5.3.2A (7) to apply for a public lottery licence may apply to the Minister for such a licence.".

(2) After section 5.3.3(2)(a) of the Principal Act insert—

"(ab) must be lodged in accordance with the procedural requirements, if any, specified by the Minister; and".

10. Term of public lottery licence

In section 5.3.8(1)(b) of the Principal Act, for "7 years" substitute "10 years".

11. New section 5.5.6A inserted

In Division 2 of Part 5 of Chapter 5 of the Principal Act, before section 5.5.7 insert—

"5.5.6A Directions to provide information etc.

(1) The Minister may give a written direction to a public lottery licensee requiring the licensee to provide to the Minister any information or document, or any class of information or document, that is in the possession or under the control of the licensee and that—

(a) relates to any arrangement or agreement between the licensee and one or more parties in Victoria or in any other State or Territory or another country relating to the operation of public lotteries under the licence; or
(b) in the opinion of the Minister relates to the operation of public lotteries under the licence and is considered by the Minister to be relevant to—

(i) a call or proposed call for registrations of interest under section 5.3.2A; or

(ii) an invitation or proposed invitation to apply for a public lottery licence; or

(iii) an application or proposed application for a public lottery licence under section 5.3.3.

(2) A public lottery licensee must comply with a direction under sub-section (1).

(3) The Minister may, subject to any conditions that the Minister thinks fit, disclose any information acquired by the Minister in response to a direction under sub-section (1) to the Commission and to either or both of the following—

(a) persons who register an interest in the grant of a public lottery licence in accordance with section 5.3.2A;

(b) persons who apply for a public lottery licence in accordance with section 5.3.3.

(4) No compensation is payable by the Crown in respect of anything done in accordance with this section.".
12. Protected information

After section 10.1.30(1)(a) of the Principal Act insert—

"(ab) from the Minister after registering an interest in the grant of a public lottery licence or after applying for such a licence; or".

13. Costs of investigating applications

(1) After section 10.4.7(1) of the Principal Act insert—

"(1A) The Commission may, by written notice, require a person who is a registrant under section 5.3.2A to pay to the Commission the amount determined by the Commission, being an amount not exceeding the reasonable costs of investigation of the registration of interest.".

(2) In section 10.4.7(2) of the Principal Act—

(a) after "(1)" insert "or (1A)";

(b) after "granted" insert "or the registrant is invited to apply for a public lottery licence, as the case may be".

(3) After section 10.4.7(2) of the Principal Act insert—

"(3) Costs payable under sub-section (1) or (1A) may by recovered in a court of competent jurisdiction as a debt due to the Crown.".
14. Regulation-making power

In Part 4 of Schedule 1 to the Principal Act, after item 4.4 insert—

"4.5 The activities of public lottery licensees and any company appointed under section 5.3.14.

4.6 Training requirements for employees or agents of a public lottery licensee or of a company appointed under section 5.3.14 or for other persons who accept entries in a public lottery.

4.7 The provision to entrants in a public lottery of information in relation to the public lottery.

4.8 The payment of prizes in a public lottery.

4.9 Advertising and promotions in relation to a public lottery.

4.10 Lottery-related signs.

4.11 Requirements for the conduct of public lotteries and the sale of entries in public lotteries.

4.12 Monitoring or reporting by a public lottery licensee as to its compliance with the regulations.".

15. Transitional provisions

After Part 13 of Schedule 7 to the Principal Act insert—

"PART 14—GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) ACT 2005

14.1 Approval of computer system

Any approval of—

(a) a computer system, or a part of a computer system, used for the conduct of public lotteries; and

(b) any modification of a function or the operation of a computer system referred to in paragraph (a)—

that has been given under condition 5 or 6 of the licence to conduct public lotteries issued under section 90(1) of the Public Lotteries Act 2000 on 1 July 2001 to the trustees of the will..."
and estate of the late George Adams and that was in force immediately before the commencement of section 7 of the Gambling Regulation (Public Lottery Licences) Act 2005 is taken, on and after that commencement, to be an approval of the computer hardware or software (as the case requires) under section 5.2.1A, subject to any conditions to which the approval was subject immediately before that commencement.

14.2 Term of public lottery licence

Section 5.3.8(1)(b) as in force immediately before the commencement of section 10 of the Gambling Regulation (Public Lottery Licences) Act 2005 continues to apply to a public lottery licence that was in force on that commencement.”.
Gambling Regulation (Public Lottery Licences) Act 2005
Act No. 22/2005

ENDNOTES

† Minister’s second reading speech—
Legislative Assembly: 5 May 2005
Legislative Council: 25 May 2005

The long title for the Bill for this Act was "to amend the Gambling Regulation Act 2003 and for other purposes."