

## 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- to enable regulations to be made providing for the disposal of money in a licensee's prize fund when the licence is no longer in force; and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.

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**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 [Act 1992 No. 59]*

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- 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.

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