

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Andrew Wall)

Lotteries Amendment Bill 2015

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Lotteries Amendment Bill 2015

A Bill for

An Act to amend the *Lotteries Act 1964*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Lotteries Amendment Act 2015*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Lotteries Act 1964*.

4 New part 1 heading

before section 1, insert

Part 1 Preliminary

5 New part 2 heading

before section 3, insert

Part 2 Lotteries

**6 Application
Section 4**

relocate to part 1 as section 2B

7 New part 3 heading

before section 8, insert

Part 3 Prohibitions

8 New part 4

before section 12A, insert

Part 4 Lottery agreements

12AA Definitions—pt 4

In this part:

lottery agreement means an agreement between a lottery operator and another person providing for the other person to do 1 or more of the following:

- (a) sell lottery tickets;
- (b) pay prizes;
- (c) promote lotteries conducted by the lottery operator;
- (d) any other activity related to lotteries conducted by the lottery operator.

lottery operator means a person who conducts an approved lottery.

12AB Lottery agreements

- (1) A lottery operator may enter into a lottery agreement with a person only if—
 - (a) the person owns and controls a small business; and
 - (b) the agreement affects the operation of the small business; and
 - (c) the small business—
 - (i) is a retail business; and
 - (ii) operates or intends to operate from retail or commercial premises.

- 1 (2) The lottery agreement must state—
- 2 (a) the names of each party to the agreement; and
- 3 (b) the address of the small business to which the agreement
- 4 applies; and
- 5 (c) the nature of the relationship between the parties, including the
- 6 responsibilities of each of the parties; and
- 7 (d) either—
- 8 (i) the period for which the agreement remains in force; or
- 9 (ii) that the agreement remains in force until terminated; and
- 10 (e) if the agreement provides for its termination by a party to the
- 11 agreement—how and when it can be terminated; and
- 12 (f) any other matter agreed between the person and the lottery
- 13 operator as a condition of the agreement.
- 14 (3) In this section:
- 15 ***full-line supermarket*** means a large supermarket selling a full range
- 16 of goods, including packaged groceries, fresh meat, bakery and
- 17 delicatessen departments, fresh fruit and vegetables and frozen
- 18 foods.
- 19 ***incorporated limited partnership***—see the *Partnership Act 1963*,
- 20 section 51.
- 21 ***partnership***—see the *Partnership Act 1963*, section 6.
- 22 ***person*** includes a partnership other than an incorporated limited
- 23 partnership.
- 24 ***retail business*** means a business involving—
- 25 (a) the sale or hire of goods by retail; or
- 26 (b) the supply of services by retail.

small business—

(a) means a business that—

(i) is wholly owned and controlled by an individual, partnership or corporation or trust; and

(ii) is managed by—

(A) for a business owned and controlled by an individual—the individual; or

(B) for a business owned and controlled by a partnership—the partners; or

(C) for a business owned and controlled by a corporation—the directors; or

(D) for a business owned and controlled by a trust—the trustee; and

(iii) either—

(A) employs 15 or fewer people; or

(B) if more than 15 people are employed—the total number of hours worked by all the employees in a week is 570 or fewer; but

(b) does not include—

(i) a full-line supermarket; or

(ii) a service station.

9 Instant lotteries
Section 12A

relocate to part 2 as section 7B

1 **10 New part 5 heading**

2 *before section 13, insert*

3 **Part 5 Conduct of lotteries**

4 **11 New part 6 heading**

5 *before section 18A, insert*

6 **Part 6 Miscellaneous**

7 **12 Dictionary, note 2**

8 *insert*

- 9 • corporation
10 • individual

11 **13 Dictionary, new definitions**

12 *insert*

13 *lottery agreement*, for part 4 (Lottery agreements)—
14 see section 12AA.

15 *lottery operator*, for part 4 (Lottery agreements)—
16 see section 12AA.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 16 September 2015.

2 Notification

Notified under the [Legislation Act](#) on 2015.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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