

**RACING AND GAMING****RA301****GAMING COMMISSION ACT 1987****GAMING COMMISSION AMENDMENT REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Gaming Commission Amendment Regulations 1993*.

**Principal regulations**

2. In these regulations the *Gaming Commission Amendment Regulations 1988\** are referred to as the principal regulations.

[\*Published in the Gazette of 29 April 1988 at pp. 1295-304. For amendments to 23 March 1993 see 1991 Index to Legislation of Western Australia p. 342 and Gazettes of 27 March and 4 August 1993.]

**Regulation 28 amended**

3. Regulation 28 of the principal regulations is amended—
- (a) in paragraph (a) (i) by deleting "tickets or";
  - (b) in paragraph (b) by deleting "ticket,"; and
  - (c) in paragraph (c) by deleting "tickets or".

**Regulations 28A, 28B and 28C inserted**

4. After regulation 28 of the principal regulations the following regulations are inserted—

**" Expenses**

28A. (1) The expenses of conducting a standard lottery shall not exceed 60% of the value of chances sold or allocated.

(2) For the purposes of this regulation—

- (a) prizes;
- (b) selling commission or salary;
- (c) printing; and
- (d) advertising,

shall be included in the calculation of expenses.

**Value of Chances**

28B. The total value of chances to be sold or allocated in a lottery shall not exceed 5 times the retail value of the prizes.

**Unsolicited lottery chances**

28C. No chance in a lottery, whether represented by the issue of a ticket in that lottery or allocated in the form of a lucky number or in any other way, shall be sent, posted or allocated to any person for the purposes of sale to or by that person unless that person has previously consented to either buy or sell that chance. ”.

**Regulation 29 substituted**

5. Regulation 29 of the principal regulations is repealed and the following regulation substituted—

**“ Completion date for drawing**

29. (1) A permit holder shall complete the drawing of a standard lottery within 14 days of the closing date of the lottery, unless the Commission authorizes a longer time period in the permit for that lottery.

(2) Where under section 104 (3) of the Act the Commission permits a permit holder to postpone the closing date of a standard lottery, the permit holder shall cause the new closing date to be published in the issue of the publication in which the results were to have appeared. ”.

**Regulation 30B inserted**

6. After regulation 30A of the principal regulations the following regulation is inserted—

**“ Purchase of chances by organizations**

30B. (1) A body on behalf of which or for the purposes of which a standard lottery is conducted or a person acting on behalf of that body shall not purchase or otherwise acquire a chance in that standard lottery.

(2) Where a chance in a lottery is purchased or otherwise acquired by a body on behalf of which or for the purposes of which a standard lottery is conducted or by a person acting on behalf of that body, that chance shall be ineligible for any prize in that lottery. ”.

**Regulation 38A inserted**

7. After regulation 38 of the principal regulations the following regulation is inserted—

**“ Offences related to permitted lotteries**

38A. (1) A person who conducts a permitted lottery otherwise than in accordance with any condition imposed in respect of the permit commits an offence.

Penalty: \$500

(2) A person who conducts a standard or continuing lottery other than in accordance with—

(a) the regulations; or

(b) a condition imposed by or under the regulations,

commits an offence.

Penalty: \$500 ”.

**Schedule 2 amended**

8. Schedule 2 to the principal regulations is amended by inserting in the Table headed “Prescribed Penalties Under Section 36 (1)” after the item commencing “95 (4)” the following—

“

Regulation	Description of offence	Modified Penalty
38A (1)	Conducting a permitted lottery otherwise than in accordance with a permit	\$100
38A (2)	Conducting a standard or continuing lottery otherwise than in accordance with the regulations	\$100

”.

**Schedule 4 amended**

9. Schedule 4 to the principal regulations is amended in Part 2, Division 1—

(a) by repealing rule 1 and substituting the following rule—

“ **Chance numbers**

1. Chances shall—

(a) not exceed the total number authorized by the permit; and

(b) be numbered consecutively, whether issued in the form of tickets or allocated in the form of lucky numbers or otherwise. ”;

(b) in rule 2—

(i) by inserting after the rule designation “2.” the subrule designation “ (1) ”;

(ii) in subrule (1) by inserting after “Each” the following—

“ chance in the form of a ”; and

(iii) by inserting after subrule (1) the following subrule—

“ (2) Where the chance is not in the form of a ticket, the information required under subrule (1) shall be printed on the document used by the purchaser of the chance to make that purchase. ”;

(c) by inserting after rule 2 the following rule—

“ **Means of identifying the holder of a chance**

2A. To identify the holder of a chance—

(a) where a ticket is issued, each ticket butt must record—

(i) the surname of the person intended to collect the prize; and

(ii) the postal or residential address of that person;

or

(b) if the chance is allocated otherwise than by the issue of a ticket, the information referred to in paragraph (a) (i) and (ii) may be recorded in a register and manner approved by the Commission. ”;

(d) in rule 3—

(i) by deleting “named in the ticket” and substituting the following—

“ printed in accordance with rule 2 ”; and

(ii) in paragraph (a) by deleting “ticket” and substituting the following—

“ chance ”;

and

(e) by inserting after rule 3 the following rule—

“ **Order in which prizes are to be drawn**

4. When a standard lottery is drawn, prizes shall be awarded as follows—

(a) the first chance drawn shall win the first prize;

(b) the second chance drawn shall win the second prize;

(c) the third chance drawn shall win the third prize; and

(d) if more than 3 prizes are drawn, prizes shall continue to be ranked according to the order of drawing. ”.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.