

1993—No. 311

LOTTO ACT 1979—REGULATION

(Relating to keno key employees, keno prize funds and prescribed contracts)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Lotto Act 1979, has been pleased to make the Regulation set forth hereunder.

MRS ANNE COHEN, M.P.,
Chief Secretary.

Commencement

1. This Regulation commences on 9th July, 1993.

Amendments

2. The Lotto Regulation 1989 is amended:

- (a) by omitting from clause 7 the matter “section 9B” and by inserting instead the words “paragraph (c) of the definition of “key employee” in section 2 (1)”;
- (b) by inserting at the end of clause 7 the following subclause:
 - (2) The following persons are, for the purposes of paragraph (c) of the definition of “key employee” in section 2 (1) of the Act, persons who are concerned or engaged in the conduct of games of keno by a keno licensee:
 - (a) any person who is employed by Club Gaming Systems Pty Ltd in the capacity of, or who performs the duties of, general manager, systems manager, sales and marketing manager, contracts and distribution manager, operations manager or financial controller of that company;

- (b) any person who is employed by Club Gaming Systems (Holdings) Pty Ltd in the capacity of, or who performs the duties of, sales executive or training manager of that company;
 - (c) any person involved, on behalf of Club Gaming Systems (Holdings) Pty Ltd, in the development or operation of any computer systems in relation to games of keno conducted by a licensee;
 - (d) any person involved, on behalf of Club Gaming Systems (Holdings) Pty Ltd, in the financial or accounting aspects of the conduct of such games.
- (c) by inserting after clause 8 the following clause:
- Disposal of certain money in keno prize fund if licence not in force**
- 8A. (1) This clause applies to any money in a keno licensee's prize fund (being money that is not required for payment of prizes won in a game or games of keno) in the case where the licence is no longer in force.
- (2) The corporation may distribute money to which this clause applies in such manner as may be determined, with the approval of the Treasurer, by the Minister.
- (d) by inserting in clause 11 (a) after the matter "1991" the words " , and the Secured Facility Agreement entered into on 9 November 1992,";
 - (e) by inserting in clause 11 (d) after the matter "1991" the words " , and the deed of subordination and priority and the deed of consent entered into on 19 November 1992,";
 - (f) by inserting in clause 11 (e) after the matter "1991" the words " , and the Clubkeno Holdings Pty Ltd deed of consent entered into on 19 November 1992," ;
 - (g) by inserting in clause 11 (g) after the matter "1991" the words " , and the AWA Ltd undertaking and deed of consent entered into on 19 November 1992,".
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EXPLANATORY NOTE

The object of this Regulation is to amend the Lotto Regulation 1989:

- to prescribe a further class of persons as “key employees” in respect of the conduct of games of keno (**clause 2 (a) and (b)**).
- to provide for the distribution of certain money in former keno licensees’ prize funds, being money that is not at any stage required for payment of prizes won in a game of keno, in any manner determined by the Minister with the approval of the Treasurer (**clause 2 (c)**). It is intended that the money to which the new clause 8A will apply is not to include money that consists of subsidies paid by the licensee under the conditions of the licence or unclaimed prizes.
- to exclude certain agreements and arrangements from the definition of “prescribed contract” in section 17B of the Lotto Act 1979 so as to prevent the Minister from terminating those agreements and arrangements under that section (**clause 2 (d)–(g)**).

This Regulation is made under the Lotto Act 1979, including sections 9B (as amended by the Lotto (Amendment) Act 1992), 14 (9) (as inserted by that Act) and 17B.
