

# ***Gambling Regulation Act 2003 (Vic)***

## **Deed of Amendment of Category 1 Public Lottery Ancillary Agreement**

**Dated:** 10 January 2011.

**Parties:**

**Edward O'Donohue MLC**

Minister for Liquor and Gaming Regulation for and  
on behalf of the Crown in right of the State of Victoria

AND

**Tattersall's Sweeps Pty Ltd**

ABN 99 081 925 662

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Deed dated: 10 January 2014.

**Parties:** Edward O'Donohue MLC, Minister for Liquor and Gaming Regulation for and on behalf of the Crown in right of the State of Victoria of 121 Exhibition Street, Melbourne, Victoria 3000  
(the Minister)

AND

Tattersall's Sweeps Pty Ltd ABN 99 081 925 662 of Level 1, 411 Collins Street, Melbourne, Victoria, 3000  
(the Licensee)

## Introduction

- A. The Minister issued a Licence to the Licensee under sections 5.3.2 and 5.3.6 of the *Gambling Regulation Act 2003* (Vic) on 24 October 2007 authorising the Licensee to conduct public lotteries in the State of Victoria.
- B. In order to better facilitate the arrangements between the Minister and the Licensee in relation to certain matters relating to the Conduct of the Authorised Lotteries under the Licence the parties entered into a Public Lottery Ancillary Agreement dated 24 October 2007.
- C. The Licensee made an application to the Minister to amend the Licence to include "Draw Lotteries" as an Authorised Lottery.
- D. The Minister has approved the application of the Licensee referred to in Recital C.
- E. The parties have agreed that an amendment to the Licence requires the terms of the Agreement to be amended which the parties have agreed to do on the terms set out in this Deed.

## It is agreed

### 1. Definitions and Interpretation

#### 1.1 Interpretation

- (1) Capitalised words not otherwise defined in this Deed have the same meaning as in the Agreement or in the Act or in the Licence (as applicable, subject to clause 1.3 of the Agreement), except where a contrary intention appears.

- (2) The provisions of the *Interpretation of Legislation Act 1984* shall apply in the interpretation of the Deed on the basis that it is a subordinate instrument.
- (3) A provision of the Deed must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of the Deed or the inclusion of the provision in the Deed.
- (4) If an act falls to be done on a day which is not a Business Day, it must (except where an act is expressly required to be performed on a day that is not a Business Day) be done instead on or before the next Business Day.

## 1.2 Definitions

**Agreement** means the Public Lottery Ancillary Agreement entered into between the Licensee and the Minister on 24 October 2007 as amended by a Deed of Amendment of Category 1 Public Lottery Ancillary Agreement dated 18 September 2008.

## 2. Variation of the Agreement

The Parties have agreed to vary the Agreement, effective from the date of this Deed by deleting Annexure A of the Agreement and replacing it with Annexure A of this Deed.

## 3. Miscellaneous

### 3.1 Execution of counterparts

This Deed may be executed in any number of counterparts. Each counterpart is an original but the counterparts together are one and the same agreement.

### 3.2 Further assurance

Each party must promptly at its own cost do all things (including executing and if necessary delivering all documents) necessary or desirable to give full effect to this Deed.

### 3.3 Severability

If anything in this Deed is unenforceable, illegal or void, then it is severed and the rest of this Deed remains in force.

### 3.4 Governing law and jurisdiction

The law of Victoria governs this Deed. The parties submit to the non-exclusive jurisdiction of the courts of Victoria and of the Commonwealth of Australia.

**4. Disclosure**

The Minister may release or otherwise publish this Deed in whole or in part including publication on the appropriate Government website without further reference to the Licensee. The Licensee consents to any such release or publication.

**5. Acknowledgement**

The parties acknowledge and agree that Clause 3 of the Agreement relating to Development and Implementation does not apply to the Authorised Lottery known as "Draw Lotteries" which is the subject of the amendment to the Licence approved by the Minister.

Executed as a Deed

Executed by the Minister for Liquor and Gaming Regulation, Edward O'Donohue MLC, for and on behalf of the Crown in the right of the State of Victoria

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of the Minister

\_\_\_\_\_  
Name of Witness  
(BLOCK LETTERS)

Executed by Tattersall's Sweeps Pty Ltd ABN 99 081 925 662 in accordance with section 127 of the *Corporations Act 2001* (Cth) by or in the presence of:

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Signature of Secretary/other Director

\_\_\_\_\_  
Name of Director  
(BLOCK LETTERS)

\_\_\_\_\_  
Name of Secretary/other Director  
(BLOCK LETTERS)

## Annexure A

## Sales Table

Sales Table										
	FY 09	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17	FY 18
Licence Commencement	977,914,000	1,017,539,000	1,049,140,000	1,075,638,000	1,111,535,000	1,135,590,000	1,156,900,000	1,189,903,000	1,216,691,000	1,242,704,000
Monday and Wednesday	48,500,000	70,741,037	79,583,666	79,583,666	83,562,850	83,562,850	83,562,850	87,361,161	87,361,161	87,361,161
<b>Total</b>	<b>1,026,414,000</b>	<b>1,088,280,037</b>	<b>1,128,723,666</b>	<b>1,155,221,666</b>	<b>1,195,097,850</b>	<b>1,219,152,850</b>	<b>1,240,462,850</b>	<b>1,277,264,161</b>	<b>1,304,052,161</b>	<b>1,330,065,161</b>
Draw Lotteries	0	0	0	0	0	4,060,000	14,801,000	16,724,000	18,565,000	19,864,000
<b>Amended Totals</b>	<b>1,026,414,000</b>	<b>1,088,280,037</b>	<b>1,128,723,666</b>	<b>1,155,221,666</b>	<b>1,195,097,850</b>	<b>1,223,202,850</b>	<b>1,255,263,850</b>	<b>1,293,988,161</b>	<b>1,322,617,161</b>	<b>1,349,929,161</b>