

CATEGORY 1 PUBLIC LOTTERY LICENCE

ISSUED UNDER THE *GAMBLING REGULATION ACT 2003* (VIC)

Gambling Regulation Act 2003 (Vic)

Category 1 Public Lottery Licence

Dated 24 October 2007

The Honourable Tony Robinson MP
Minister for Gaming for and on behalf of the Crown in
right of the State of Victoria

In favour of-

Tattersall's Sweeps Pty Ltd
ABN 99 081 925 662

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RECITALS

- A. Under Part 3 of Chapter 5 of the *Gambling Regulation Act 2003 (Vic)* the Minister may issue a licence or licences to Conduct Public Lotteries in the State of Victoria.
- B. The Minister has called for the registration of interest in the grant of such a licence or licences, and has subsequently invited short-listed registrants to apply for a licence or licences to Conduct Public Lotteries in the State of Victoria.
- C. Following his consideration of the licence applications, the Minister has determined under section 5.3.5 of the Act to grant the application for a Public Lottery Licence made by the Licensee and to issue a Public Lottery Licence accordingly.
- D. Under section 5.3.7 of the Act, the Minister may impose any conditions he thinks fit on a Public Lottery Licence. Accordingly, the Minister grants the Licensee a Licence to Conduct Public Lotteries in the State of Victoria, subject to the following conditions.

1. Definitions and Interpretation

1.1 Definitions

Capitalised words not otherwise defined in this Licence have the same meaning as in the Act, except where a contrary intention appears.

Account Manager means an authorised deposit-taking institution under the *Banking Act 1969 (Cth)* approved by the Commission to hold an Approved Account in accordance with clause 7.

Act means the *Gambling Regulation Act 2003 (Vic)*, as amended from time to time.

Additional Financial Statements has the meaning given in clause 8.3 of this Licence.

AFL Footy Tipping Competition has the meaning given in section 1.3 of the Act.

Agent means a person engaged under an agreement, or appointed as an agent of the Licensee under an agreement, to assist in the Conduct of an Authorised Lottery in accordance with clause 12.3 and includes a Distributor.

Agreement means the Public Lottery Ancillary Agreement entered into between the Licensee and the Minister on or about the date of this Licence, including any schedule or annexure to it, and as amended from time to time.

Annual Financial Statements means the financial statements and accounts to be prepared by the Licensee under section 5.5.2 of the Act in accordance with the requirements in clause 8.2 and clause 8.4 of this Licence.

Appointed Subsidiary has the meaning given in section 5.1.2 of the Act.

Approved Account means an account approved by the Commission in accordance with clause 7.

Associate has the meaning given in section 1.4 of the Act.

Australian Accounting Standards means the accounting standards issued by the Australian Accounting Standards Board, and as amended or reissued from time to time.

Authorised Lottery means each Public Lottery that the Minister has authorised the Licensee to Conduct under this Licence, as specified in Annexure A.

Bloc Agreement means an arrangement (whether interstate or international, and whether it is an agreement, arrangement or understanding) between a Licensee, or an Appointed Subsidiary, and a licensee(s) or operator(s) of another lottery or lotteries, to conduct an Authorised Lottery or Lotteries as an identical lottery or lotteries and to create a common prize pool.

Business Day means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the State of Victoria.

Category 1 Public Lotteries has the meaning given in clause 4.3(1)(a).

Category 2 Public Lotteries has the meaning given in clause 4.3(2)(a).

Commission means the Victorian Commission for Gambling Regulation established under the Act or a member of the Commission.

Conduct in relation to an Authorised Lottery includes the doing of all things necessary to conduct and operate that Authorised Lottery in the State of Victoria which, without limitation, includes:

- (1) selling or organising the sale of tickets or entries to the Authorised Lottery, whether directly or indirectly through a Distributor;
- (2) running the Authorised Lottery;
- (3) the payment of prizes to Players who have winning entries to the Authorised Lottery;
- (4) operating a random number generator, carrying out a draw of numbered balls or other things or arranging for a Public Lottery to be connected directly or indirectly to an event that, in accordance with the Lottery Rules, will Determine the winning tickets or entries in the Authorised Lottery; and
- (5) manufacturing or arranging for the manufacture of tickets or entries in an Authorised Lottery (including instant lottery tickets).

Details has the meaning given in clause 3.1(4) of this Licence.

Determination means the determination of the entitlement (if any) of a Player to a prize in an Authorised Lottery (and **Determine** and **Determined** have a similar meaning).

Distribution Approach means the method of distributing and selling tickets or entries in an Authorised Lottery by any means, the nature and general location of Points of Sale and includes any Electronic Distribution Approaches.

Distributor means any person appointed or engaged by the Licensee to accept from a Player an entry or payment for an entry to an Authorised Lottery.

Electronic Distribution Approach means any method of distributing or selling tickets or entries in an Authorised Lottery using any guided or unguided communications network on its own or in combination with any other equipment, including, without limitation, through a computer adapted for communicating by any such communications network, a television transceiver that allows the viewer to transmit information, telephony services, mobile telephony services, electronic messaging services or any other guided or unguided electronic or online devices or services.

Encumbrance means any mortgage, pledge, lien, hypothecation, charge or other form of security interest or interest in the nature of a security interest but for the avoidance of doubt does not include being party to a deed of cross guarantee for the purposes of Australian Securities and Investments Commission (ASIC) Class Order 98/1418 or substantially equivalent individual order or class order issued by ASIC pursuant to the Corporations Act 2001, and does not include being a guarantor within a debt arrangement in which the ultimate parent entity is also a guarantor.

Financial Year means the financial year being the period commencing on 1 July of any year and ending on 30 June of the subsequent year.

Funds has the meaning given in clause 10.2 of this Licence.

Licence Commencement Date means Midnight 30 June 2008.

Licence means this document which is a licence to Conduct each Authorised Lottery specified in this Licence, pursuant to the Act.

Licensee means the company to which this Licence is issued as specified in clause 2.

Lottery Rules has the meaning given in section 5.1.2 of the Act.

Minister means the responsible Minister of the Crown for the time being administering Chapter 5 of the Act.

National Public Lottery Market means a reciprocal arrangement between the State and the government of at least one of the other States or Territories to establish a national public lottery market whereby then existing operators of a public lottery in one State or Territory may access the market of another State or Territory. To avoid doubt this does not include the Bloc Agreements.

Player means a person who enters an Authorised Lottery.

Point of Sale means a location operated by or on behalf of the Licensee where entries to an Authorised Lottery are accepted or sold. If the entries to an Authorised Lottery are issued, made or sold by the means of an Electronic

Distribution Approach then the Point of Sale is the point at which the Player is able to purchase the ticket or entry and includes, without limitation, the website, display or any other interface that is presented to the Player.

Premium Payment means the amount payable under section 5.3.9 of the Act as specified in clause 5.

Preparatory Action has the same meaning as in section 5.3.8A of the Act.

Public Lottery has the meaning given in section 5.1.2 of the Act.

Public Lottery Licence means a public lottery licence issued under Division 2 of Part 3 of Chapter 5 of the Act.

Records means all records, books, accounts, statements and documents relating to the Conduct of an Authorised Lottery, including but not limited to:

- (1) the Licensee's copy of the agreements it has with Distributors relating to the Conduct of Authorised Lotteries;
- (2) all records, books, accounts, statements and documents used to prepare the return referred to in section 5.4.3 of the Act;
- (3) all records, books, accounts, statements and documents used to prepare the Annual Financial Statements;
- (4) the accounts and records referred to in section 5.5.1 of the Act; and
- (5) all records and statements relating to the Approved Accounts.

Regulations means any regulations made under the Act.

Responsible Gambling Conditions means the conditions set out in Annexure B.

State means the Crown in right of the State of Victoria.

Term means the period of time for the operation of this Licence specified in clause 2.2 of this Licence.

Transition Agreement means the agreement entered into between the Licensee and the State referred to in clause 9.2.

1.2 Interpretation

- (1) The provisions of the *Interpretation of Legislation Act 1984 (Vic)* shall apply in the interpretation of this Licence.
- (2) In this Licence a reference to a:
 - (a) section is a reference to the relevant section of the Act; and
 - (b) clause is a reference to a clause of this Licence,unless otherwise stated.

- (3) "Including" and similar expressions are not words of limitation.
- (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.

2. Licence

2.1 Issue of Licence

Under sections 5.3.2 and 5.3.6 of the Act, the Minister issues this Licence on 24 October 2007 to Tattersall's Sweeps Pty Ltd] (**Licensee**) of 615 St Kilda Road, Melbourne, Victoria authorising the Licensee to Conduct the Authorised Lotteries approved by the Minister and set out in Annexure A in accordance with the conditions set out in this Licence, the Act and any Regulations.

2.2 Term of Licence

This Licence shall operate from the Licence Commencement Date until 11.59 p.m. on 30 June 2018, unless this Licence is surrendered or cancelled earlier in accordance with the Act.

2.3 Preparatory Action

In accordance with section 5.3.8A of the Act the Licensee is authorised to undertake the activities set out in Annexure C from the date specified in that Annexure notwithstanding that such activities are before the Licence Commencement Date.

2.4 Conduct of Licensee

The Licensee must at all times act reasonably and in good faith in its dealings with the State.

3. Authorised Lotteries

3.1 Conduct of Authorised Lotteries

- (1) The Licensee is authorised to Conduct only the Authorised Lotteries.
- (2) The Licensee must Conduct each of the Authorised Lotteries on and from the Licence Commencement Date (or as agreed with the Minister and specified in this Licence) and throughout the Term.
- (3) The Licensee must Conduct each of the Authorised Lotteries during the Term in accordance with:
 - (a) the conditions of this Licence;
 - (b) the specific conditions for each Authorised Lottery set out in Annexure A; and
 - (c) the Lottery Rules applicable to each Authorised Lottery.

- (4) The conditions of this Licence in respect of the operation of each Authorised Lottery include:
 - (a) the details specified in Annexure A in respect of that Authorised Lottery (**Details**); and
 - (b) the Distribution Approaches, Distribution Restrictions and Maximum Permitted Frequency for the Determination of each Authorised Lottery as detailed in Annexure A in respect of that Authorised Lottery.
- (5) ¹
- (6) All tickets or other forms of entry to an Authorised Lottery must clearly show the name of the Licensee as the person responsible for the Conduct of the Authorised Lottery.

3.2 Changing Authorised Lotteries

- (1) Subject to the Minister's ability to amend this Licence as part of any disciplinary action under Division 5 of Part 3 of Chapter 5 of the Act², an Authorised Lottery may only be varied, or added to or removed from this Licence by amending this Licence in accordance with the requirements under Division 4 of Part 3 of Chapter 5 of the Act.
- (2) If the Licensee reasonably believes that the conduct of an Authorised Lottery is no longer commercially viable for the Licensee, then in accordance with the requirements under Division 4 of Part 3 of Chapter 5 of the Act, the Licensee may request that the Minister exercise his or her discretion to remove that Authorised Lottery from the list of Authorised Lotteries in Annexure A.
- (3) The Licensee must not claim a refund of all or part of a Premium Payment if the Minister removes or varies an Authorised Lottery from Annexure A. In accordance with section 5.3.19(3) of the Act the Minister may require the Licensee to pay to the State a premium determined by the Minister that reflects the increased value of the Licence as amended, if there are any additions or variations to the Authorised Lotteries.
- (4) Removal of an Authorised Lottery from Annexure A in response to a request from the Licensee does not constitute a waiver by the Minister of the Licensee's obligation to pay to the State all Premium Payments as and when they fall due under clause 5.

3.3 Availability of funds

- (1) Subject to clause 3.3(2), the Licensee must be able to demonstrate, upon written request from, and to the reasonable satisfaction of, the Minister that the Licensee is able to:
 - (a) pay all prizes (whether claimed or unclaimed) upon Determination of an Authorised Lottery;

¹ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003* and effective from 24 October 2013.

² Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003* and effective from 24 October 2013.

- (b) refund all Authorised Lottery entries in respect of any Authorised Lotteries that are not drawn or Determined; and
 - (c) pay any Premium Payments as and when payment falls due.
- (2) Where an Authorised Lottery is the subject of a Bloc Agreement, the Licensee must, if requested by the Minister, demonstrate to the reasonable satisfaction of the Minister that the funds available to all participants in the Bloc Agreement (regardless of whether these amounts are held collectively or individually by each participant) are sufficient to make any payment or refund any amount the Licensee is obliged to pay or refund and that the Licensee is entitled to access such funds for this purpose.
- (3) It is not sufficient for the purposes of this clause 3.3 for the Licensee to demonstrate that it has available to it a line of credit, loan, mortgage or any other similar facility for the purposes of paying prizes or refunding any amount.

3.4 Licensee's obligation to pay prizes

Notwithstanding any Distribution Approach or other arrangement for the sale or distribution of tickets or entries in an Authorised Lottery, the Licensee must pay any prize to a winning Player who has a valid ticket or entry in that Authorised Lottery in accordance with the Lottery Rules unless that payment obligation is discharged by a Distributor or Agent of the Licensee.

3.5 Lottery Rules

- (1) The Licensee must make a copy of all Lottery Rules available for inspection by the members of the public, and free of charge, at all Points of Sale and, in relation to every Authorised Lottery, on the Licensee's internet website.
- (2) The Licensee must maintain at its own cost an internet website at all times during the Term for the purpose of clause 3.5(1). The website should be available to the general public at no cost.
- (3) If the entries to an Authorised Lottery are entered into or sold by means of an Electronic Distribution Approach, then the Licensee must provide the Player with access to the Lottery Rules at no cost to the Player.

4. Scope of the Licence

4.1 Number of Licences

This is a Public Lottery Licence to Conduct the Authorised Lotteries, being Category 1 Public Lotteries subject to additions as contemplated in clause 4.3 and as otherwise varied pursuant to this Licence. Subject to clause 4.2, only one other Public Lottery Licence will be in effect at any one time during the Term.

4.2 Exceptions to Number of Licences

Despite any clauses to the contrary, the Minister may:

- (1) issue a Public Lottery Licence prior to the end of the Term of this Licence authorising the proposed new licensee to take Preparatory Action to assist the transition-in of the proposed new licensee;
- (2) grant additional Public Lottery Licences:
 - (a) for the conduct of an AFL Footy Tipping Competition;
 - (b) as are required for the development and conduct of a National Public Lottery Market, should such a market eventuate; and
 - (c) in the form of a temporary public lottery licence under section 5.3.27 of the Act.

4.3 Number and exclusivity of Public Lottery Licences

- (1) Category 1 Public Lotteries
 - (a) **Category 1 Public Lotteries** means Public Lotteries that were the subject of a Bloc Agreement applicable in Victoria as at 13 July 2005, namely those Public Lotteries currently being conducted under the Bloc Agreement names of Powerball, Oz Lotto, Soccer Pools, Saturday Night Lotto and Super 66.
 - (b) During the term of a Public Lottery Licence to Conduct Category 1 Public Lotteries, the holder of that Public Lottery Licence may apply to the Minister to vary the Public Lottery Licence to authorise the Conduct of a new Public Lottery, provided that the new Public Lottery is (or will be, if and when the Public Lottery Licence is varied):
 - (i) the subject of a Bloc Agreement applicable to Victoria, and
 - (ii) is not already granted to another licensee, unless the Public Lottery already granted to another licensee is the subject of a different Bloc Agreement to the one to which the new Public Lottery is, or is to be, subject.
- (2) Category 2 Public Lotteries
 - (a) **Category 2 Public Lotteries** means any Public Lotteries that are not Category 1 Public Lotteries as at 13 July 2005.
 - (b) During the term of a Public Lottery Licence to Conduct Category 2 Public Lotteries, the holder of that Public Lottery Licence may apply to the Minister to vary the Public Lottery Licence to authorise the Conduct of a new Public Lottery, including but not limited to Public Lotteries that are the subject of a Bloc Agreement, but excluding any Public Lotteries that are already granted to another licensee, unless the Public Lottery already granted to another licensee is the

subject of a different Bloc Agreement to the one to which the new Public Lottery is, or is to be, subject.

4.4 Dealings with another Public Lottery Licensee

The Licensee must at all times act reasonably in its dealings with other holders of a Public Lottery Licence.

5. Premium Payment

5.1 Upfront or Annual Premium

- (1) Pursuant to section 5.3.9 of the Act, the Minister has determined the Premium Payment to be \$19 million comprising of an initial payment of \$13.3 million within 7 Business Days of the date of this Licence with the balance payable to the State in equal instalments over the Term of the licence on each anniversary of the Licence Commencement Date.
- (2) This Licence is conditional upon the Licensee paying to the State the Premium Payment required under clause 5.1(1) above.

6. Compliance

6.1 Compliance with the Act and this Licence

The Licensee must comply with the Act, the Regulations and all other applicable laws and regulations and must strictly observe the conditions of this Licence.

6.2 Compliance with the Agreement

- (1) The Licensee must comply with the Agreement and must strictly observe all provisions of the Agreement.
- (2) Except as provided in the Agreement, a breach of any provision of the Agreement by the Licensee is deemed to be a breach of this Licence by the Licensee.

6.3 Compliance with directions of the Minister or the Commission

The Licensee must promptly observe and comply with any lawful instruction given by the Minister or the Commission.

7. Banking

7.1 Account

- (1) The Licensee must keep an Approved Account or Accounts in the name of the Licensee at a branch of an authorised-deposit taking institution within Victoria throughout the Term for use by the Licensee for all banking transactions arising under the Act or in connection with the Conduct of the Authorised Lotteries (including the deposit of all money received directly by

the Licensee or by the Licensee from Distributors for the sale of tickets or entries in an Authorised Lottery).

- (2) The account(s) and the authorised-deposit taking institution must receive prior approval of the Commission in writing (**Approved Account**).

7.2 Access to Approved Account

- (1) The Licensee must ensure that only the Licensee acting through its duly authorised representatives is permitted to withdraw funds from the Approved Account.

7.3 Encumbrances

The Licensee must not allow, and must ensure that there are no Encumbrances on the whole or any part of the Approved Account or any amount that the Licensee receives in relation to an Authorised Lottery.

7.4 Account Statements

- (1) The Licensee authorises the Account Manager to provide the Commission with a statement of the Approved Account and such other particulars relating to the Approved Account as may be required by the Commission. Upon written request from the Commission, the Licensee must provide the Commission with a letter addressed to the Account Manager confirming the right of the Commission under this clause 7.4.
- (2) The Licensee must pay the reasonable costs of the Account Manager in providing the Commission with the statement and particulars relating to the Approved Account.

8. Records

8.1 Retention of Records

- (1) The Licensee must maintain and keep all Records (in hard copy or electronic form) at the physical place of business in Victoria of the Licensee (or such other place as the Commission approves in writing) for a period of not less than seven (7) years after the Records are created.
- (2) If requested by the Commission in writing, the Licensee must provide the Commission (at the cost of the Licensee) with a copy of any of the Records or any specified parts thereof.
- (3) Where the Commission requests a copy of Records in accordance with clause 8.1(2), the Licensee must, if requested by the Commission, provide certification by an appropriately authorised officer of the Licensee that the copy is a true copy of the Records.

8.2 Preparation of Annual Financial Statements

- (1) The Licensee must ensure that all Records used to prepare Annual Financial Statements are kept and maintained in a manner that will:

- (a) enable true and fair Annual Financial Statements to be prepared for each Financial Year; and
 - (b) allow those Annual Financial Statements to be conveniently and properly audited.
- (2) The Licensee must, as soon as practicable after the end of each Financial Year, prepare the Annual Financial Statements so as to comply with clause 8.4 of this Licence and any other written requirements of the Minister.
- (3) The Licensee must provide to the Minister a copy of the Annual Financial Statements within 3 months (or longer period as agreed to by the Minister) after the end of the Financial Year to which those Annual Financial Statements relate.

8.3 Additional Financial Statements

- (1) In addition to the Annual Financial Statements the Licensee must, upon written request from the Minister or the Commission provide financial statements (**Additional Financial Statements**) for the period specified in the request and covering:
- (a) the Public Lottery business of the Licensee in Victoria in respect of the Authorised Lotteries; or
 - (b) the financial statements of the consolidated entity (as defined in the *Corporations Act 2001 Cth*).
- (2) The Licensee must provide the Additional Financial Statements at the time the Annual Financial Statements are provided or within 10 Business Days for Additional Financial Statements that have previously been requested and for Additional Financial Statements that have not previously been requested within 30 Business Days of being notified by the Minister or the Commission (as the case may be).
- (3) The Additional Financial Statements must be prepared in accordance with clauses 8.4(1), 8.6 and 8.7.

8.4 Content of Annual Financial Statements

- (1) The Annual Financial Statements and any Additional Financial Statements must give a true and fair view of the financial operations and position of the Public Lottery business of the Licensee (as required for the particular financial statement), and in any case the financial statement must include in respect of the Public Lottery business of the Licensee:
- (a) a statement of cash flow for the period of that financial statement;
 - (b) a statement of financial performance for the period of that financial statement; and
 - (c) a statement of financial position as at the date of the financial statement.

- (2) If requested by the Minister upon giving reasonable written notice to the Licensee, the Licensee must also include with the Annual Financial Statements or any Additional Financial Statements, or provide to the Minister at a later date, a statement of financial performance for each Authorised Lottery and/or Authorised Lotteries for the period of that financial statement or for the period specified by the Minister in any notice. For the purposes of this clause, a statement of financial performance will include sales revenue, prizes, taxes, duties and commissions payable to Distributors.

8.5 Audit of Licensee

- (1) The Licensee must, as soon as practicable after the end of each Financial Year, cause the Annual Financial Statements (and the Records where required in writing by the auditor, the Minister or the Commission) of the Licensee to be audited by an auditor approved by the Commission.
- (2) The Licensee must:
 - (a) ensure that the auditor has right of access at all times to the Records of the Licensee;
 - (b) cooperate with the auditor such that the auditor may obtain from an officer, employee or agent of the Licensee, any information, assistance and explanations necessary for the performance of the duties of the auditor in relation to the audit; and
 - (c) take action to obtain the cooperation of any Distributors or any participants in any Bloc Agreement to provide the auditor with any information, assistance and explanations necessary for the performance of the duties of the auditor in relation to the audit.
- (3) The Licensee must cause the auditor's report to be lodged with the Minister within 3 months (or longer period as agreed to by the Minister) after the end of the Financial Year to which the report relates.

8.6 Compliance with accounting standards

The Licensee must ensure that the Annual Financial Statements, any Additional Financial Statements and all associated Records of the Licensee comply with the Australian Accounting Standards.

8.7 Executive declaration

- (1) The Licensee must procure, in respect of each year's Annual Financial Statement and when requested by the Minister in respect of any Additional Financial Statements, a declaration from its Chief Executive Officer and Chief Financial Officer (or equivalent positions), acceptable to the Commission, as to whether, in that person's opinion:
 - (a) the accounts and statements comply with the Australian Accounting Standards;

- (b) the accounts and statements reflect a true and fair view of the financial position of the Licensee, the Authorised Lottery or Authorised Lotteries (as the case requires); and
 - (c) the Licensee has sufficient and effective internal controls to ensure that the person making the declaration would be aware of any material information relating to the production of that Annual Financial Statement or any Additional Financial Statements (as the case requires).
- (2) The Licensee must provide the declarations required under clause 8.7(1) to the Minister together with the Annual Financial Statements or any Additional Financial Statements.

9. Transition

9.1 Lottery Bloc Agreements

If the Licensee is a party to a Bloc Agreement and another person is appointed to operate an Authorised Lottery that is the subject of that Bloc Agreement, then the Licensee must act in good faith and give all reasonable assistance during the Transition Out Period (as defined in the Agreement) for transition of that Authorised Lottery to that person and to facilitate the inclusion of that person in that Bloc Agreement for the purpose of Conducting Authorised Lotteries in Victoria as part of that Bloc Agreement. To avoid doubt the Licensee must not engage in conduct which has the effect or would have the effect of unreasonably excluding any person that is appointed to operate an Authorised Lottery that is the subject of a Bloc Agreement from that Bloc Agreement.

9.2 Transition Out

The Licensee must negotiate with the Commission in good faith and use reasonable endeavours to agree upon the Transition Agreement, in similar general terms to the "Draft Transition Agreement" as set out in Schedule 4 of the Agreement. Such negotiations must commence within one month after the date of the issue of this Licence, and the Transition Agreement must be entered into as a result of those negotiations on or before 1 July 2009 but with the transition not becoming effective until the commencement of the Transition Out Period.

10. Operations

10.1 Physical Place of Business

The Licensee must maintain a physical place of business in Victoria throughout the Term and must advise the Minister and the Commission in writing of any change of address of the physical place of business at least 10 Business Days before any such change.

10.2 Relationship with Distributors

The Licensee must require that each Distributor, on a timely basis, remits to the Approved Account such of the amounts received in respect of each ticket or entry

for an Authorised Lottery that enables the Licensee to comply with its obligations under section 5.4.1 and section 5.4.3 of the Act (**Funds**). If a Distributor is unable to remit the Funds on a timely basis, then the Licensee must use its reasonable endeavours to ensure that the Distributor remits the Funds as soon as possible and that the Distributor holds the Funds on trust for and on behalf of the Licensee until the Funds are remitted.

10.3 Exclusive Arrangements

- (1) The Licensee must not engage in any exclusive distribution arrangements with a Distributor which have the purpose or effect or likely effect of precluding a Distributor from acting as a distributor for another licensee, except where the Licensee controls the Distributor, within the meaning of section 50AA of the Corporations Act 2001 (Cth).
- (2) Clause 10.3(1) does not preclude the Licensee requiring as part of its operational standards and distributor arrangements a Distributor to have a dedicated area within the Distributor's premises to be made available only for the Conduct of the Licensee's Authorised Lotteries.
- (3) Notwithstanding clause 10.3(1), the Licensee may have exclusive arrangements with Licensee Only Distributors as set out in Annexure D, for which the predominant purpose of the Distributor's business at establishment was for the sale of Authorised Lotteries.
- (4) The Licensee will on an annual basis, as part of its reporting under clause 7.1(4) of the Agreement, provide to the Minister an updated list of Licensee Only Distributors, showing any deletions from those listed in Annexure D.

10.4 Commissions to Distributors

The amount of commission or other remuneration paid or payable to a Distributor of the Licensee in respect of each entry into an Authorised Lottery, including for an Electronic Distribution Approach, must not exceed the limit approved by the Minister from time to time (after consultation with the Licensee).

11. Consumer Protection

11.1 Mandatory content of Lottery Rules

The Licensee must at least include and address each of the following items in the Lottery Rules of each Authorised Lottery:

- (1) a description of the general scheme or game for the Authorised Lottery as set out in Annexure A;
- (2) how a Player participates in the Authorised Lottery;
- (3) how a Player may determine whether he or she has a winning entry;
- (4) the method for claiming any prize;
- (5) the dispute resolution procedure and contact details of the Licensee to resolve any dispute in relation to a claim for a prize; and

- (6) the fact that a Player may make a complaint to the Licensee and the Commission.

11.2 No influence on external events

If an Authorised Lottery is Determined by reference to any event, the Licensee must not, and must require and use its reasonable endeavours to ensure that its Distributors and any of their related parties (as defined in the *Corporations Act 2001 (Cth)*) do not, have an influence (whether directly or indirectly) on the outcome of that event.

11.3 Distributors must not provide credit

The Licensee must not, and must require and use its reasonable endeavours to ensure that a Distributor does not, provide any credit to a Player (whether directly or indirectly), including where the Licensee or Distributor accepts an entry to an Authorised Lottery from a Player but has not received full payment in respect of the entry.

11.4 Responsible Gambling Conditions

- (1) The Licensee must ensure that all of its processes, Lottery Rules, Authorised Lotteries, Distribution Approach, marketing materials, marketing plan and Conduct of Authorised Lotteries in general comply with the Responsible Gambling Conditions and any Regulations. The Responsible Gambling Conditions may be amended from time to time by agreement between the Minister and the Licensee.
- (2) If any inconsistency occurs between the Responsible Gambling Conditions and any Regulations then the Regulations will apply to the extent of any inconsistency.
- (3) Without limitation, it shall be a contravention of this Licence enabling the Commission to serve a notice on the Licensee under section 5.3.21 of the Act if the Licensee fails to comply with sub-clause 11.4(1).

12. Appointed Subsidiary and others

12.1 Application of Licence to Appointed Subsidiary

- (1) The Licensee must not appoint a company as an Appointed Subsidiary unless that company enters into an agreement with the State acknowledging the application of the relevant provisions of this Licence and the Agreement to that company, and containing other provisions as may be specified by the Minister.
- (2) The Licensee is deemed to have breached this Licence and the Agreement if any Appointed Subsidiary breaches this Licence or the Agreement (respectively) by not observing or complying with the conditions of this Licence, or not performing, observing or complying with the provisions of the Agreement, that apply to the Appointed Subsidiary, as acknowledged by the Appointed Subsidiary under clause 12.1.

- (3) The Licensee remains primarily liable for any actions or omissions of an Appointed Subsidiary.

12.2 Conduct of Authorised Lottery by other parties

- (1) This Licence does not authorise the Licensee to engage any other person, apart from an Appointed Subsidiary, to Conduct an Authorised Lottery on behalf of the Licensee.
- (2) The Licensee must ensure that an Appointed Subsidiary ceases to Conduct an Authorised Lottery if that company ceases to be an Appointed Subsidiary of the Licensee.

12.3 Compliance by agents and others

- (1) Under section 5.3.15A of the Act the Licensee may engage others on contract, or may appoint them as an agent under an agreement (collectively called **Agents**), to assist in the Conduct of an Authorised Lottery.
- (2) The Licensee must require and use its reasonable endeavours to ensure that none of its agents, employees, sub-contractors and other persons whom it engages in the Conduct of an Authorised Lottery (including any agents or sub-contractors of them) takes any action which, if it was done under this Licence by the Licensee, would amount to a breach of this Licence by the Licensee.
- (3) Any thing done by an agent, employee, sub-contractor or other person whom the Licensee engages in the Conduct of an Authorised Lottery (including any agent or sub-contractor of any of them) which would be a breach of this Licence if done by the Licensee is deemed to constitute a breach of this Licence by the Licensee.

13. Disclosure

13.1 Inspections

The Licensee must at all reasonable times and at its cost permit any person authorised in writing by the Commission or the Minister to inspect and take copies from any Records of the Licensee, or any of their employees, officers, sub-contractors or agents, and give all reasonable assistance requested by that person in respect to the inspection or copying.

13.2 Distribution arrangements

The Licensee must promptly provide to the Minister, upon the Minister's written request, a copy of any document that constitute any arrangements with the Distributors in connection with the Conduct of an Authorised Lottery, as requested by the Minister.

13.3 Bloc Agreements

The Licensee must, upon written request by the Minister, promptly provide the Minister with a copy of all documents that constitute a, or any part of a, Bloc

Agreement to which the Licensee is a party (or to which it becomes a party), including any amendments to those Bloc Agreements.

14. Survival

For the purposes of section 5.3.7(c) of the Act, clauses 4.4, 5, 6, 7, 8, 9, 11.4, 12, 13 and this clause 14 of this Licence will remain in effect after this Licence expires, is surrendered or cancelled or while it is suspended.

15. General

15.1 Assignments

The Licensee may not assign, sub-license, mortgage or otherwise deal with the rights conferred by or under this Licence, the Agreement and any related agreement with the Minister.

15.2 Electronic Provision of Information etc

If required by the Minister or the Commission, the Licensee must provide an electronic copy to the extent practicable (in a format suitable for content extraction) of Records, Annual Financial Statements, Additional Financial Statements, other statements, agreements, accounts, particulars, reports, declarations or other documents or information the Licensee is required to provide under this Licence.

15.3 Notices and Correspondence

The Licensee must accept service of a notice and correspondence from the Minister or the Commission:

- (1) at the physical place of business either by post or facsimile; or
- (2) sent by electronic mail to the electronic mail address of the Licensee.

15.4 Consequences of a breach of Licence

- (1) If the Minister considers that the Licensee has failed to perform or observe a covenant or obligation contained in clause 9.1, or the Licensee is in breach of clause 12.3(3) (other than through its own fault or those of its employees) (**Failure**), then the Minister may give the Licensee a notice in writing (**Notice to Comply**) specifying:
 - (a) that such a Failure has occurred;
 - (b) the events or circumstances constituting the Failure; and
 - (c) if the Failure is capable of being cured or remedied, a reasonable period (no less than 10 Business Days) in which to cure or remedy the Failure (**Cure Period**).
- (2) The Licensee may at any time, request an extension to the Cure Period by notice to the Minister. The notice must specify the reason why the Licensee is not able to cure or remedy the Failure within the existing Cure

Period, the additional time required and any other information relevant to the assessment of the request. The Minister may reject the request at his or her absolute discretion.

- (3) Upon receipt of a Notice to Comply, if the Failure is capable of being cured or remedied, the Licensee must cure or remedy the Failure within the Cure Period.
- (4) Upon receipt of a Notice to Comply, if the Failure is not capable of being cured or remedied, then the Licensee must as soon as practicable, comply to the reasonable satisfaction of the Minister with any alternative arrangements specified by the Minister.
- (5) If the Licensee fails to comply with any one or more of the requirements specified in clause (3) or (4) then such failure to perform or observe a covenant or obligation contained in clauses 9.1 or 12.3(3) shall constitute grounds for disciplinary action under section 5.3.21 of the Act.

Issued by the Minister for Gaming, the Honourable Tony Robinson MP, for and on behalf of the Crown in the right of the State of Victoria

[Signed] Robert Bradford

[Signed] Tony Robinson

Signature of Witness

Signature of the Minister

Robert Bradford

Name of Witness
(BLOCK LETTERS)

Annexure A Authorised Lotteries

Non-instant Authorised Lotteries [Template only]

1. ** Name of the lottery:
2. ** Summary of key aspects of the lottery, including:
 - (i) method by which winning entries will be determined (e.g. draw of balls, type and name of event(s));
 - (ii) number of balls or event 'winners' that determine the odds of winning and winning entries for the first prize and subsequent division prizes;
 - (iii) if the lottery is subject to a Bloc Agreement the names of the other licensees and the jurisdictions in which they are licensed to sell the lottery;
 - (iv) the prize structure, such as the number of divisions for prizes; and
 - (v) day/date and frequency of occurrence of the draw or event that will determine winning entries.
3. ** Shortest possible period of time permitted between result of one lottery and re-purchase of an entry in the next draw/event of that lottery.
4. Distribution Approach / Points of Sale.
5. Distribution restrictions (if any).
6. Maximum Permitted Frequency for the draw or Determination of the Authorised Lottery:

The Authorised Lottery listed must not be drawn or Determined more frequently than the period of time specified opposite it.

<i>Authorised Lottery</i>	<i>Frequency of draw or Determination</i>

Instant Authorised Lotteries [Template only]

1. ** Name of the instant lottery:
2. ** Summary of key aspects of the lottery, including:
 - (i) the theme and images in the art work on the tickets/entries;
 - (ii) the number of individual game panels on the ticket/entry to be scratched or revealed for the opportunity to win a prize;
 - (iii) the method(s) for determining if a prize has been won;
 - (iv) if the lottery is subject to a Bloc Agreement the names of the other licensees and the jurisdictions in which they are licensed to sell the lottery;
 - (v) the prize structure;
 - (vi) the number of prizes that can be won on each ticket/entry; and
 - (vii) whether a ticket/entry contains a bonus draw component and/or is played in conjunction with a specific event or occurrence;
3. Distribution Approach / Points of Sale:
4. Distribution restrictions (if any).
5. Maximum Permitted Frequency for the draw or Determination of the Authorised Lottery:

Notes:

1. The items marked "***" are the Details in respect of the Authorised Lottery.

Non-instant Authorised Lotteries

1. **** Name of the lottery:** Tattslotto (the Public Lottery conducted under the Bloc Agreement name of "Australian Lotto Bloc" (referred to in clause 4.3(1)(a) as "Saturday Night Lotto")).

2. **** Summary of key aspects of the lottery, including:**

(i) **method by which winning entries will be determined (e.g. draw of balls, type and name of event(s));**

In each draw eight balls are drawn from a drawing device containing forty-five balls numbered 1 to 45 inclusive. The first six balls drawn are the winning numbers and seventh and eighth balls drawn are the supplementary numbers.

(ii) **number of balls or event 'winners' that determine the odds of winning and winning entries for the first prize and subsequent division prizes;**

A player's selection of six numbers only from the numbers 1 to 45 inclusive constitutes a game. Winning combinations for each of the six prize divisions³ in a draw are as follows:

- Division One – all six winning numbers in any one game;
- Division Two – any five of the six winning numbers, plus one or both of the supplementary numbers, in any one game;
- Division Three – any five of the six winning numbers in any one game;
- Division Four – any four of the six winning numbers in any one game;
- Division Five - any three of the six winning numbers, plus one or both of the supplementary numbers, in any one game;
- Division Six – either 1 or 2 of the six winning numbers in any one game, plus both supplementary numbers in any one game.

(iii) **if the lottery is subject to a Bloc Agreement the names of the other licensees and the jurisdiction in which they are licensed to sell the lottery;**

Australian Lotto Bloc Agreement:

Lotteries Commission of South Australia – South Australia

Lotteries Commission of Western Australia (LotteryWest) – Western Australia

New South Wales Lotteries Corporation Pty Ltd⁴ – New South Wales and Australian Capital Territory

³ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003* to add a sixth prize division to Tattslotto. Effective from 24 October 2013.

Golden Casket Lottery Corporation Limited - Queensland

Tatts NT Lotteries Pty Ltd⁵ - Northern Territory

(iv) the prize structure, such as the number of divisions for prizes; and

The prize structure is pari-mutuel with the legislated 'return to player' comprising the prize pool distributed in each respective draw and a reserve prize pool which accumulates and is used to guarantee Division One prizes and/or supplement prizes in any or all divisions from time to time.

Each of the six prize divisions receives a percentage based allocation from the total prize pool available for distribution in that draw and all winning games in a prize division share equally in the prize pool for that prize division. Rules for jackpotting or rolling down divisional prize pools apply in circumstances for which there are no winning games in a respective prize division in a draw.

(v) day/date and frequency of occurrence of the draw or event that will determine winning entries:

The draw is conducted once weekly, usually on Saturday evenings.

3. ** Shortest possible period of time permitted between result of one lottery and re-purchase of an entry in the next draw/event of that lottery.

Draw results are available approximately 8:30pm on the night of the draw with minor prize payments and repurchase available the next day. Major prizes for Tattslotto are Division 1 and Division 2 prizes. Prizes for all Divisions are available to be claimed on the day following the draw other than Division 1 Prizes which are available to be claimed no earlier than 14 days from the date of draw⁶.

4. Distribution Approach / Points of Sale.

- Tattersall's full-offer retail outlets (and sub-outlets)
- Partial-offer retail outlets
- Convenience outlets
- Tattersall's internet website

5. Distribution restrictions (if any).

Nil.

6. Maximum Permitted Frequency for the draw or Determination of the Authorised Lottery:

The Authorised Lottery must not be drawn or Determined more frequently than the period of time specified opposite it.

⁴ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

⁵ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

⁶ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

<i>Authorised Lottery</i>	<i>Frequency of draw or Determination</i>
Tattslotto	Weekly/Up to 53 times per Calendar Year

Note:

1. The items marked "***" are the Details in respect of the Authorised Lottery.

1. **** Name of the lottery:** Oz Lotto (the Public Lottery conducted under the Bloc Agreement name of "National Lotto Bloc")⁷.

2. **** Summary of key aspects of the lottery, including:**

(i) **method by which winning entries will be determined (e.g. draw of balls, type and name of event(s));**

In each draw nine balls are drawn from a drawing device containing forty-five balls numbered 1 to 45 inclusive. The first seven balls drawn are the winning numbers and eighth and ninth balls drawn are the supplementary numbers.

(ii) **number of balls or event 'winners' that determine the odds of winning and winning entries for the first prize and subsequent division prizes;**

A player's selection of seven numbers only from the numbers 1 to 45 inclusive constitutes a game. Winning combinations for each of the seven prize divisions in a draw are as follows:

- Division One – all seven winning numbers in any one game;
- Division Two – any six of the seven winning numbers, plus one or both of the supplementary numbers, in any one game;
- Division Three – any six of the seven winning numbers in any one game;
- Division Four – any five of the seven winning numbers, plus one or both of the supplementary numbers, in any one game;
- Division Five - any five of the seven winning numbers in any one game;
- Division Six - any four of the seven winning numbers in any one game;
- Division Seven - any three of the seven winning numbers, plus one or both of the supplementary numbers, in any one game.

(iii) **if the lottery is subject to a Bloc Agreement the names of the other licensees and the jurisdiction in which they are licensed to sell the lottery;**

National Lotto Bloc Agreement:

Lotteries Commission of South Australia – South Australia

Lotteries Commission of Western Australia (LotteryWest) – Western Australia

New South Wales Lotteries Corporation Pty Ltd⁸ – New South Wales and Australian Capital Territory

⁷ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

Golden Casket Lottery Corporation Limited – Queensland

Tatts NT Lotteries Pty Ltd⁹ - Northern Territory

(iv) the prize structure, such as the number of divisions for prizes; and

The prize structure is pari-mutuel with the legislated 'return to player' comprising the prize pool distributed in each respective draw and a reserve prize pool which accumulates and is used to guarantee Division One prizes and/or supplement prizes in any or all divisions from time to time.

Each of the seven prize divisions receives a percentage based allocation from the total prize pool available for distribution in that draw and all winning games in a prize division share equally in the prize pool for that prize division. Rules for jackpotting or rolling down divisional prize pools apply in circumstances for which there are no winning games in a respective prize division in a draw.

(v) day/date and frequency of occurrence of the draw or event that will determine winning entries:

The draw is conducted once weekly, usually on Tuesday evenings.

3. ** Shortest possible period of time permitted between result of one lottery and re-purchase of an entry in the next draw/event of that lottery.

Draw results are available approximately 8:30pm on the night of the draw with minor prize payments and repurchase available the next day. Major prizes for Oz Lotto are Division 1 and Division 2 prizes. Prizes for all Divisions are available to be claimed on the day following the draw other than Division 1 prizes which are available to be claimed no earlier than 14 days from the date of draw¹⁰.

4. Distribution Approach / Points of Sale.

- Tattersall's full-offer retail outlets (and sub-outlets)
- Partial-offer retail outlets
- Convenience outlets
- Tattersall's internet website

5. Distribution restrictions (if any).

Nil.

6. Maximum Permitted Frequency for the draw or Determination of the Authorised Lottery:

The Authorised Lottery must not be drawn or Determined more frequently than the period of time specified opposite it.

⁸ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

⁹ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

¹⁰ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

<i>Authorised Lottery</i>	<i>Frequency of draw or Determination</i>
Oz Lotto	Weekly/ Up to 53 times per Calendar Year

Note:

1. The items marked "***" are the Details in respect of the Authorised Lottery.

1. **** Name of the lottery:** Powerball (the Public Lottery conducted under the Bloc Agreement name of "Powerball Lotto Bloc"¹¹ (referred to in clause 4.3(1)(a) as "Powerball")).

2. **** Summary of key aspects of the lottery, including:**

(i) **method by which winning entries will be determined (e.g. draw of balls, type and name of event(s));**

In each draw six balls are drawn from drawing device 'A' containing forty balls numbered 1 to 40 inclusive. The six numbers drawn are the winning numbers. One ball is then drawn from drawing device 'B' containing twenty balls numbered 1 to 20 inclusive. The one number drawn is the Powerball number.

(ii) **number of balls or event 'winners' that determine the odds of winning and winning entries for the first prize and subsequent division prizes;**

A player's selection of six numbers only from the numbers 1 to 40 inclusive to match with the winning numbers drawn, plus one number from the numbers 1 to 20 inclusive to match with the Powerball number drawn, constitutes a game. Winning combinations for each of the eight prize divisions in a draw are as follows:

- Division One – all six winning numbers plus the Powerball number in any one game;
- Division Two – all six winning numbers in any one game;
- Division Three – any five of the six winning numbers plus the Powerball number in any one game;
- Division Four – any five of the six winning numbers;
- Division Five - any four of the six winning numbers plus the Powerball number in any one game;
- Division Six – any three of the six winning numbers plus the Powerball number in any one game;
- Division Seven – any four of the six winning numbers in any one game;
- Division Eight – any two of the six winning numbers plus the Powerball number in any one game.

(iii) **if the lottery is subject to a Bloc Agreement the names of the other licensees and the jurisdiction in which they are licensed to sell the lottery;**

¹¹ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003* to reduce the number of balls from 45 to 40 in Device A; reduce the number of balls from 45 to 20 in Device B; increase numbers drawn from 5 to 6 from Device A; add an eighth prize division; and change the number of Device A winning numbers in Division One and Two to the first 6 numbers drawn, instead of the first five. Effective from 24 October 2013.

Powerball Bloc Agreement:

Lotteries Commission of South Australia – South Australia

Lotteries Commission of Western Australia (LotteryWest) – Western Australia

New South Wales Lotteries Corporation Pty Ltd¹² – New South Wales and Australian Capital Territory

Golden Casket Lottery Corporation Limited – Queensland

Tatts NT Lotteries Pty Ltd¹³ – Northern Territory

(iv) the prize structure, such as the number of divisions for prizes; and

The prize structure is pari-mutuel with the legislated 'return to player' comprising the prize pool distributed in each respective draw and a reserve prize pool which accumulates and is used to guarantee Division One prizes and/or supplement prizes in any or all divisions from time to time.

Each of the eight prize divisions receives a percentage based allocation from the total prize pool available for distribution in that draw and all winning games in a prize division share equally in the prize pool for that prize division. Rules for jackpotting or rolling down divisional prize pools apply in circumstances for which there are no winning games in a respective prize division in a draw.

(v) day/date and frequency of occurrence of the draw or event that will determine winning entries:

The draw is conducted once weekly, usually on Thursday evenings.

3. ** Shortest possible period of time permitted between result of one lottery and re-purchase of an entry in the next draw/event of that lottery.

Draw results are available approximately 8:30pm on the night of the draw with minor prize payments and repurchase available the next day. Major prizes in Powerball are Division 1 and Division 2 prizes. Prizes for all Divisions are available to be claimed on the day following the draw other than Division 1 prizes which are available to be claimed no earlier than 14 days from the date of draw¹⁴.

4. Distribution Approach / Points of Sale.

- Tattersall's full-offer retail outlets (and sub-outlets)
- Partial-offer retail outlets
- Convenience outlets
- Tattersall's internet website

¹² Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

¹³ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

¹⁴ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

5. Distribution restrictions (if any).

Nil.

6. Maximum Permitted Frequency for the draw or Determination of the Authorised Lottery:

The Authorised Lottery must not be drawn or Determined more frequently than the period of time specified opposite it.

<i>Authorised Lottery</i>	<i>Frequency of draw or Determination</i>
Powerball	Weekly/Up to 53 times per Calendar Year

Note:

1. The items marked "***" are the Details in respect of the Authorised Lottery.

1. **** Name of the lottery:** Super 66 (the Public Lottery conducted under the Bloc Agreement name of "Australian Lotto Bloc" (referred to in clause 4.3(1)(a) as "Super 66")).

2. **** Summary of key aspects of the lottery, including:**

(i) **method by which winning entries will be determined (e.g. draw of balls, type and name of event(s));**

In each draw six balls are drawn from a drawing device with six compartments, each compartment containing ten balls numbered 0 to 9 inclusive. The six balls drawn, together and in the sequence in which they are drawn, comprise the Super 66 number.

(ii) **number of balls or event 'winners' that determine the odds of winning and winning entries for the first prize and subsequent division prizes;**

A game in Super 66 is comprised of a six digit number, with each digit having been selected from the numbers 0 to 9 inclusive by random computer generation. Winning combinations for each of the five prize divisions in a draw are as follows:

- Division One – a game that is identical to and in the same sequence as the Super 66 number;
- Division Two – the first five digits of the game are identical to and in the same sequence as the first five digits of the Super 66 number OR the last five digits of the game are identical to and in the same sequence as the last five digits of the Super 66 number;
- Division Three – the first four digits of the game are identical to and in the same sequence as the first four digits of the Super 66 number OR the last four digits of the game are identical to and in the same sequence as the last four digits of the Super 66 number;
- Division Four– the first three digits of the game are identical to and in the same sequence as the first three digits of the Super 66 number OR the last three digits of the game are identical to and in the same sequence as the last three digits of the Super 66 number;
- Division Five– the first two digits of the game are identical to and in the same sequence as the first two digits of the Super 66 number OR the last two digits of the game are identical to and in the same sequence as the last two digits of the Super 66 number.

(iii) **if the lottery is subject to a Bloc Agreement the names of the other licensees and the jurisdiction in which they are licensed to sell the lottery;**

Australian Lotto Bloc Agreement:

Lotteries Commission of South Australia – South Australia

Lotteries Commission of Western Australia (LotteryWest) – Western Australia

Golden Casket Lottery Corporation Limited – Queensland

Tatts NT Lotteries Pty Ltd¹⁵ - Northern Territory

(iv) the prize structure, such as the number of divisions for prizes; and

The prize structure contains a combination of fixed and pari-mutuel prizes with the legislated 'return to player' comprising the prize pool distributed in each respective draw and a reserve prize pool which accumulates and is used to guarantee and/or supplement prizes in any or all divisions from time to time.

Prizes in Divisions Two through Five inclusive are fixed amounts payable per winning game, with Division Two paying a greater fixed prize than Division Three, Division Three paying a greater fixed prize than Division Four and so on. Division One prizes are the greater of the minimum fixed prize per winning game or the balance of the distributable prize pool (after prizes in Divisions Two through Five have been paid) divided by the number of Division One winning games in that draw. Rules for jackpotting or rolling down the Division One fixed prize apply in circumstances for which there are no Division One winning games in a draw.

(v) day/date and frequency of occurrence of the draw or event that will determine winning entries:

The draw is conducted once weekly, usually on Saturday evenings, in conjunction with and immediately following the conduct of Tattslotto.

3. ** Shortest possible period of time permitted between result of one lottery and re-purchase of an entry in the next draw/event of that lottery.

Draw results are available approximately 8:30pm on the night of the draw with minor prize payments and repurchase available the next day. Major prizes for Super 66 are Division 1 prizes. Prizes for all Divisions are available to be claimed on the day following the draw other than Division 1 prizes which are available to be claimed no earlier than 14 days from the date of draw¹⁶.

4. Distribution Approach / Points of Sale.

- Tattersall's full-offer retail outlets (and sub-outlets)
- Tattersall's internet website

5. Distribution restrictions (if any).

Nil.

6. Maximum Permitted Frequency for the draw or Determination of the Authorised Lottery:

¹⁵ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

¹⁶ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

The Authorised Lottery must not be drawn or Determined more frequently than the period of time specified opposite it.

<i>Authorised Lottery</i>	<i>Frequency of draw or Determination</i>
Super 66	Weekly/Up to 53 times per Calendar Year

Note:

1. The items marked "***" are the Details in respect of the Authorised Lottery.

1. **** Name of the lottery:** The Pools (the Public Lottery conducted under the Bloc Agreement name of "Australian Soccer Pools Bloc" (referred to in clause 4.3(1)(a) as "Soccer Pools")).

2. **** Summary of key aspects of the lottery, including:**

(i) **method by which winning entries will be determined (e.g. draw of balls, type and name of event(s));**

Winning entries are determined by reference to the results, and application of rankings based on those results, of soccer matches played in Australia and elsewhere. In each weekly round, the results of 38 numbered soccer matches appearing on the match list for that round are ranked in accordance with a prescribed method, with the six highest ranking matches determined to be the six winning numbers and the seventh highest ranking match determined to be the supplementary number.

(ii) **number of balls or event 'winners' that determine the odds of winning and winning entries for the first prize and subsequent division prizes;**

Players can make their selection whether by reference to the match list for a particular round or by choosing six numbers from the numbers 1 to 38 inclusive, with the player's selection of six numbers only constituting a game. Winning combinations for each of the five prize divisions in a round are as follows:

- Division One – all six winning numbers in any one game;
- Division Two – any five of the six winning numbers plus the supplementary number in any one game;
- Division Three – any five of the six winning numbers in any one game;
- Division Four – any four of the six winning numbers in any one game;
- Division Five - any three of the six winning numbers plus the supplementary number in any one game.

(iii) **if the lottery is subject to a Bloc Agreement the names of the other licensees and the jurisdiction in which they are licensed to sell the lottery;**

Australian Soccer Pools Bloc Agreement:

Lotteries Commission of South Australia – South Australia

Lotteries Commission of Western Australia (LotteryWest) – Western Australia

New South Wales Lotteries Corporation Pty Ltd¹⁷ – New South Wales and Australian Capital Territory

¹⁷ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

Golden Casket Lottery Corporation Limited – Queensland

Tatts NT Lotteries Pty Ltd¹⁸ – Northern Territory

(iv) the prize structure, such as the number of divisions for prizes; and

The prize structure is pari-mutuel with the legislated 'return to player' comprising the prize pool distributed in each respective draw and a reserve prize pool which accumulates and is used to guarantee Division One prizes and/or supplement prizes in any or all divisions from time to time.

Each of the five prize divisions receives a percentage based allocation from the total prize pool available for distribution in that draw and all winning games in a prize division share equally in the prize pool for that prize division. Rules for jackpotting or rolling down the divisional prize pools apply in circumstances for which there are no winning games in a respective prize division in a round.

(v) day/date and frequency of occurrence of the draw or event that will determine winning entries:

Determination of winning entries occurs once a week, usually on the Monday or Tuesday following the weekend in which the matches comprising the match list for that round were commenced.

3. ** Shortest possible period of time permitted between result of one lottery and re-purchase of an entry in the next draw/event of that lottery.

Results are usually available by 1:00pm on the Monday following the conclusion of the round with minor prize payments and repurchase usually available from 5:00 pm that same day. Major prizes for The Pools are Division 1 and Division 2 prizes. Prizes for all Divisions are available to be claimed on the day following the draw other than Division 1 prizes which are available to be claimed no earlier than 14 days from the date of draw¹⁹.

4. Distribution Approach / Points of Sale.

- Tattersall's full-offer retail outlets (and sub-outlets)
- Tattersall's internet website

5. Distribution restrictions (if any).

Nil.

6. Maximum Permitted Frequency for the draw or Determination of the Authorised Lottery:

The Authorised Lottery must not be drawn or Determined more frequently than the period of time specified opposite it.

¹⁸ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

¹⁹ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

<i>Authorised Lottery</i>	<i>Frequency of draw or Determination</i>
The Pools	Weekly/Up to 53 times per Calendar Year

Note:

1. The items marked "***" are the Details in respect of the Authorised Lottery.

1. **** Name of the lottery:** Monday & Wednesday Lotto (the Public Lottery conducted under the Bloc Agreement name of "Monday & Wednesday Lotto Bloc Agreement").

2. **** Summary of key aspects of the lottery, including:**

(i) **method by which winning entries will be determined (e.g. draw of balls, type and name of event(s));**

In each draw eight balls are drawn from a drawing device containing forty-five balls numbered 1 to 45 inclusive. The first six balls drawn are the winning numbers and the seventh and eighth balls drawn are the supplementary numbers.

(ii) **number of balls or event 'winners' that determine the odds of winning and winning entries for the first prize and subsequent division prizes;**

A player's selection of six numbers only from the numbers 1 to 45 inclusive constitutes a game. Winning combinations for each of the six prize divisions²⁰ in a draw are as follows:

- Division One – all six winning numbers in any one game;
- Division Two – any five of the six winning numbers, plus one or both of the supplementary numbers, in any one game;
- Division Three – any five of the six winning numbers in any one game;
- Division Four – any four of the six winning numbers in any one game;
- Division Five – any three of the six winning numbers, plus one or both of the supplementary numbers, in any one game;
- Division Six – either 1 or 2 of the six winning numbers in any one game, plus both supplementary numbers in any one game.

(iii) **if the lottery is subject to a Bloc Agreement the names of the other licensees and the jurisdiction in which they are licensed to sell the lottery;**

Monday & Wednesday Lotto Bloc Agreement:

Lotteries Commission of South Australia – South Australia

Lotteries Commission of Western Australia (LotteryWest) – Western Australia

²⁰ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003* to add a sixth prize division to Monday & Wednesday Lotto. Effective from 24 October 2013.

New South Wales Lotteries Corporation Pty Ltd²¹ – New South Wales and Australian Capital Territory

Tatts NT Lotteries Pty Ltd²² – Northern Territory

Golden Casket Lottery Corporation Limited²³

(iv) the prize structure, such as the number of divisions for prizes; and

The prize structure is pari-mutuel with the legislated 'return to player' comprising the prize pool distributed in each respective draw and a reserve prize pool which accumulates and is used to guarantee Division One prizes and/or supplement prizes in any or all divisions from time to time.

Each of the prize divisions 2 through 6 receives a percentage based allocation from the total prize pool available for distribution in that draw and all winning games in a prize division share equally in the prize pool for that prize division. Rules for jackpotting or rolling down divisional prize pools apply in circumstances for which there are no winning games in prize divisions 2 through 6 in a draw.

(v) day/date and frequency of occurrence of the draw or event that will determine winning entries:

The draw is conducted twice weekly, usually on Monday and Wednesday evenings.

3. ** Shortest possible period of time permitted between result of one lottery and re-purchase of an entry in the next draw/event of that lottery.

Draw results are available approximately 8:30pm or soon thereafter on the night of the draw with repurchase available anytime thereafter. Major prizes in Monday & Wednesday Lotto are Division 1 and Division 2 prizes. Prizes for all Divisions are available to be claimed on the day following the draw other than Division 1 prizes which are available to be claimed no earlier than 14 days from the date of draw²⁴.

4. Distribution Approach / Points of Sale.

- Tattersall's full-offer retail outlets (and sub-outlets)
- Partial-offer retail outlets
- Convenience outlets
- Tattersall's internet website

5. Distribution restrictions (if any).

²¹ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

²² Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

²³ Amended in accordance with section 5.3.19(1) of the *Gambling Regulation Act 2003*. Effective from 14 October 2013.

²⁴ Amended in accordance with section 5.3.19(1A) of the *Gambling Regulation Act 2003*. Effective from 24 October 2013.

Nil.

6. Maximum Permitted Frequency for the draw or Determination of the Authorised Lottery:

The Authorised Lottery must not be drawn or Determined more frequently than the period of time specified opposite it.

<i>Authorised Lottery</i>	<i>Frequency of draw or Determination</i>
Monday & Wednesday Lotto	Twice Weekly/Up to 106 times per Calendar Year

Note:

1. The items marked "***" are the Details in respect of the Authorised Lottery.

1. **Name of the lottery: Draw Lotteries²⁵** (the Public Lottery conducted under the Draw Lotteries Bloc Agreement).

2. **Summary of key aspects of the lottery, including:**

(i) **method by which winning entries will be determined (e.g. draw of balls, type and name of event(s));**

In each draw there is predetermined number of unique six digit numbers offered for sale. Once the predetermined numbers of entries have been sold, a drawing is conducted to determine the winning six digit numbers.

Two drawings are conducted for each Draw.

The winning six digit numbers are determined by the first drawing conducted by an approved random number generator randomly selecting an amount of unique six digit numbers equivalent to the number of prizes available to be won in the first drawing as set out in the Public Lottery Rules.

An entry containing a winning 6 digit number of wins the prize according to the order in which the entry was drawn by the random number generator i.e. first drawn wins the first prize, second drawn wins the second prize and so on.

A jackpot prize is determined by the conducting of a second drawing (using the random number generator) of only one six digit number from all of the same six digit numbers used in the first drawing. This six digit number is the jackpot number. The jackpot prize is won if the jackpot number is the same as a winning number contained on a Winning Entry in the first drawing.

Consolation prizes are determined by an entry that contains a number that is on either side of a winning 6 digit number as more fully described in the public lottery rules.

(ii) **number of balls or event 'winners' that determine the odds of winning and winning entries for the first prize and subsequent division prizes;**

An entry comprises a unique six digit number which is generated by the lottery system.

The odds of winning are determined by the predetermined number of unique six digit numbers offered for sale and the amount of prizes available to be won as set out in the Public Lottery Rules.

(iii) **if the lottery is subject to a Bloc Agreement the names of the other licensees and the jurisdiction in which they are licensed to sell the lottery;**

New South Wales Lotteries Corporation Limited – New South Wales and Australian Capital Territory

²⁵ Amended in accordance with section 5.3.19(1) of the *Gambling Regulation Act 2003* to introduce Draw Lotteries. Effective from 25 October 2013.

Golden Casket Lottery Corporation Limited – Queensland and Tasmania

Tatts NT Lotteries Pty Ltd – Northern Territory

(iv) the prize structure, such as the number of divisions for prizes; and

The prize structure is a fixed payout structure comprising fixed prizes in accordance with the Prize Table set out in the Public Lottery Rules with the legislated 'return to player' comprising the prize pool distributed in each respective draw and a reserve prize pool which accumulates and is used to guarantee the jackpot prize and consolidation jackpot prize from time to time.

(v) day/date and frequency of occurrence of the draw or event that will determine winning entries:

The draw is conducted as soon as possible on the next business day after all the predetermined number of unique six digit numbers offered for sale into the draw have been sold.

3. Shortest possible period of time permitted between result of one lottery and re-purchase of an entry in the next draw/event of that lottery.

The draw is conducted as soon as possible on the next business day after all the predetermined number of unique six digit numbers offered for sale into the draw have been sold with repurchase of an entry available anytime thereafter.

4. Distribution Approach / Points of Sale.

- Tattersall's full-offer retail outlets (and sub-outlets)
- Partial-offer retail outlets
- Convenience outlets
- Tattersall's internet website

5. Distribution restrictions (if any).

Nil.

6. Maximum Permitted Frequency for the draw or Determination of the Authorised Lottery:

The Authorised Lottery must not be drawn or Determined more frequently than the time that allows for all predetermined number of unique six digit numbers offered for sale into a Draw to be sold.

Annexure B Responsible Gambling Conditions

1. Requirements in the Act

In general, each Public Lottery must not:

- (a) create any continuous forms of play;
- (b) have a strong appeal to minors; or
- (c) be offensive or contrary to the public interest.

2. Point-of-sale environment

The point-of-sale environment should reflect the commitment of the State, the Licensee and Distributors to responsible gambling. It should prevent the sale of Public Lotteries to minors and be a potential point of referral to help services for those who need them. It should not encourage excessive gambling or prey upon the vulnerable.

3. Player information

Information should be available from Distributors and the Licensee's head office for Players about:

- (a) problem gambling services;
- (b) the law relating to the sale of Public Lottery tickets or entries to minors and how members of the public can respond if they suspect a Distributor is selling tickets or entries in a Public Lottery to minors; and
- (c) the odds of winning a first and subsequent division prize and the percentage return to Players.

4. Signage

There should be a prominent display of signs in retail outlets indicating information such as:

- (a) problem gambling services in Victoria;
- (b) the law relating to the sale of Public Lottery tickets or entries to minors and how members of the public can respond if they suspect a Distributor is selling tickets or entries in a Public Lottery to minors; and
- (c) restrictions on providing credit to a Player.

5. Staff training

Staff of Distributors are to be provided with information and appropriate training in the responsible service of Public Lottery products including:

- (a) identification of minors;
- (b) the laws relating to the sale of tickets or entries in a Public Lottery to minors;
- (c) the laws relating to the provision of credit to a Player;
- (d) managing intoxicated players;
- (e) appropriate responses to distressed players and those seeking help for problem gambling;
- (f) prohibition of staff receiving gratuities from Public Lottery prize winners; and
- (g) limits on cash payouts.

6. Financial controls

There should be a restriction on the payment of winnings such as:

- (a) a limit on the amount of winnings which can be paid in cash; and
- (b) Distributors not to cash cheques for prizes.

7. Advertising and promotions:

Advertising and promotions should comply with the "Advertiser Code of Ethics" as prescribed by the Australian Association of National Advertisers (except that, in application to the Authorised Lotteries and these Responsible Gambling Conditions, the term "advertisement" shall mean matter which is published or broadcast, including via internet, mobile phone or other electronic form of communication, direct mail, point of sale or direct distribution to individuals).

Marketing, including advertising and promotions, should not:

- (a) represent an irresponsible trading practice;
- (b) target people not of Public Lottery playing age;
- (c) be false, misleading or deceptive;
- (d) implicitly or explicitly misrepresent the probability of winning a prize;
- (e) give the impression that buying Public Lottery tickets is a reasonable strategy for financial attainment;
- (f) offend prevailing community standards;
- (g) be targeted at vulnerable or disadvantaged groups;
- (h) include misleading statements about odds or prizes;
- (i) publish or cause to be published anything which identifies customers who have won a prize without their prior consent; and

- (j) depict or promote the consumption of alcohol while buying a Public Lottery product.

8. Monitoring

The Licensee must demonstrate that it will have, or can establish by the Licence Commencement Date, an appropriate assurance system (which would be monitored by the Commission) regarding the implementation of, and ongoing compliance with, the Responsible Gambling Conditions or any Regulations.

Annexure C
Preparatory Action before Licence Commencement Date

[clause 2.3 and s.5.3.8A]

<i>Preparatory Action</i>	<i>Specified Date</i>
(Defined action under "Conduct") Selling or organising the sale of tickets or entries to the Authorised Lottery, whether directly or indirectly through a Distributor	Agreement Date (as defined in the Agreement)
Advertising and promotion of Authorised Lotteries	Agreement Date (as defined in the Agreement)
(Defined action under "Conduct") to Conduct the Authorised Lottery other than actions under paragraphs (3) and (4) of the definition of Conduct, subject to compliance with the Act	Agreement Date (as defined in the Agreement)

Annexure D
Distribution Arrangements/Point of Sale