

South Australia

# **Lottery and Gaming (Poker) Variation Regulations 2015**

under the *Lottery and Gaming Act 1936*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Lottery and Gaming (Poker) Variation Regulations 2015*.

### **2—Commencement**

These regulations will come into operation on 1 January 2016.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Lottery and Gaming Regulations 2008***

### **4—Insertion of regulation 3A**

After regulation 3 insert:

#### **3A—Circumstances in which poker is not unlawful gaming**

- (1) In accordance with paragraph (ab) of the definition of *unlawful gaming* in section 4 of the Act, the following are prescribed as circumstances in which playing at or engaging in a game of poker will not constitute unlawful gaming for the purposes of that paragraph:
  - (a) playing at or engaging in a game of poker as part of a tournament conducted in accordance with the general poker tournament requirements set out in subregulation (2);

- (b) playing at or engaging in a game of poker as part of a tournament conducted in accordance with the trade promotion poker tournament requirements set out in subregulation (3);
  - (c) playing at or engaging in a game of poker where no participant in the game could, as a result of so playing or engaging, win any money or other prize.
- (2) The general poker tournament requirements are as follows:
- (a) if any fee is payable by a player to participate in games in the tournament, all players participating must pay the same fee;
  - (b) all players must be given an equal number and value of poker chips at the start of the tournament and no player may purchase or otherwise be supplied with additional poker chips (except by winning them in the course of playing games as part of the tournament);
  - (c) a copy of the rules applicable to players participating in the tournament must be available for inspection by any person at the premises at which the tournament is held at any time during the tournament;
  - (d) the prizes that may be won in the tournament must be determined prior to commencement of the tournament and must be specified in the rules referred to in paragraph (c);
  - (e) prizes may only be awarded to participants in the tournament based on—
    - (i) the poker chips won by a participant as a result of playing games in the tournament, such that the first prize is awarded to the participant who has the highest value of poker chips, the second prize (if any) is awarded to the participant who has the second highest value of poker chips and so forth until all prizes have been distributed; or
    - (ii) a process of elimination as provided for in the rules, such that the first prize is awarded to the participant who has not been eliminated at the end of playing all games in the tournament, the second prize (if any) is awarded to the participant who was eliminated from the tournament immediately before the participant who won the first prize and so forth until all prizes have been distributed.
- (3) The trade promotion poker tournament requirements are as follows:
- (a) no fee is payable by a player to participate in the tournament;

- (b) subject to paragraph (c), all players must be given an equal number and value of poker chips at the start of the tournament and no player may purchase or otherwise be supplied with additional poker chips (except by winning them in the course of playing games as part of the tournament);
- (c) a participant may be supplied with an additional number of poker chips, up to a value of 10% of the value of poker chips the player is to be given at the start of the tournament, in the following circumstances:
  - (i) as an early entry bonus if a participant indicates his or her intention to participate in the tournament at a date earlier than that specified in advertising material for the tournament;
  - (ii) in exchange for purchasing food and beverage at the premises at which the tournament is held;
- (d) a copy of the rules applicable to players participating in the tournament must be available for inspection by any person at the premises at which the tournament is held at any time during the tournament;
- (e) the prizes that may be won in the tournament must be determined prior to commencement of the tournament and must be specified in the rules referred to in paragraph (d);
- (f) prizes may only be awarded to participants in the tournament based on—
  - (i) the poker chips won by a participant as a result of playing games in the tournament, such that the first prize is awarded to the participant who has the highest value of poker chips, the second prize (if any) is awarded to the participant who has the second highest value of poker chips and so forth until all prizes have been distributed; or
  - (ii) a process of elimination as provided for in the rules, such that the first prize is awarded to the participant who has not been eliminated at the end of playing all games in the tournament, the second prize (if any) is awarded to the participant who was eliminated from the tournament immediately before the participant who won the first prize and so forth until all prizes have been distributed.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on

No            of 2015

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