

# NORTHERN TERRITORY LOTTERIES ORDINANCE 1972

1041

No. 8 of 1972

An Ordinance to provide for the promotion and control of lotteries by the Lotteries Commission of the Northern Territory

[Reserved 14 March, 1972]

[Assented to 6 April, 1972]\*

**B**E it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1. This Ordinance may be cited as the *Northern Territory Lotteries Ordinance 1972*. Short title

2. This Ordinance shall come into operation on a date to be fixed by the Administrator in Council by notice in the *Gazette*.<sup>†</sup> Commencement

3. In this Ordinance unless the contrary intention appears— Definitions

“Chairman” means Chairman of the Commission and includes the acting Chairman of the Commission;

“lottery” includes any scheme or device for the gift, disposal or distribution of any money, prize or thing of value or of any right thereto or any share therein depending upon or to be determined by lot or drawing (out of a box or other receptacle) or to be determined by any manner of chance whatsoever;

“the Commission” means the Lotteries Commission of the Northern Territory constituted pursuant to this Ordinance.

4.—(1.) For the purposes of this Ordinance there shall be a Commission which shall be known as the “Lotteries Commission of the Northern Territory”. The Commission

(2.) The Commission—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) subject to this Ordinance, shall be capable of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of real and personal property;

(c) may in its name sue and be sued; and

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\* Notified in the *Northern Territory Government Gazette* No. 16 of 19 April, 1972, page 135.  
† Date not fixed at 1 January, 1974.

*Northern Territory Lotteries*

(d) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Ordinance.

(3.) All courts and persons acting judicially shall take judicial notice of the Common Seal of the Commission affixed to any document and shall presume that it was duly affixed.

(4.) The Commission shall consist of a Chairman and two other members.

(5.) Subject to this Ordinance the members of the Commission shall be appointed by the Administrator in Council by notice in the *Gazette* and hold office from the date of publication of the notice in the *Gazette* or if a later date is specified in the notice, from the date specified.

(6.) The Administrator in Council shall appoint one of the members of the Commission to be Chairman of the Commission.

(7.) The Commission shall be constituted on the day on which the first members take office.

Terms of office

5.—(1.) Subject to this section, a member shall be appointed for a term of office of five years, except that, in the case of the first three members—

(a) the Chairman shall be appointed for a term of office of five years;

(b) one member shall be appointed for a term of office of three years; and

(c) the other member shall be appointed for a term of office of one year,

but a member appointed to fill a casual vacancy shall be appointed only for the balance of the term of office of the member in whose place he is appointed.

(2.) On the expiration of his term of office as a member, a person shall be eligible for re-appointment.

Temporary appointments

6. In the case of illness, suspension or absence of any member the Administrator in Council may appoint a person to act for the member during such illness, suspension or absence, and a person so appointed shall, while so acting, be deemed to be a member of the Commission and shall have all the powers, authority, responsibilities, duties and obligations of the member for whom the person is acting.

Suspension or removal from office

7. The Administrator may, by notice in writing served on a member, suspend him from office for any period not exceeding the balance of his term of office, or remove him, from office, on grounds of misconduct or incapacity to perform his duties or functions as a member.

8. The office of a member shall become vacant if—

Casual vacancies

- (a) he dies;
- (b) he resigns by written notice given to the Administrator;
- (c) he is removed from office by the Administrator pursuant to section 7 of this Ordinance;
- (d) he is absent without leave of the Commission from four consecutive meetings of the Commission;
- (e) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors for less than one hundred cents in the dollar;
- (f) he is convicted of any indictable offence; or
- (g) he is convicted of any other offence and receives a notice in writing from the Administrator discharging him from office on the ground of that conviction.

9.—(1.) The common seal of the Commission shall not be affixed to any instrument except in pursuance of a resolution of the Commission, and the affixing of the seal shall be attested by the signatures of any two members.

Common seal,  
meetings and  
quorums

(2.) The procedure for the calling of meetings of the Commission and for the conduct of business at such meetings shall be as determined by the Commission.

(3.) Any two members shall constitute a quorum at any meeting of the Commission and the members present at any duly convened meeting at which a quorum is present shall be competent to transact any business of the Commission and shall have and may exercise and discharge all the powers, duties, functions and authorities of the Commission.

(4.) If the Chairman is not present at any meeting of the Commission, the members present at that meeting shall elect one of their number to be the Chairman for that meeting and the person so elected shall preside at such meeting and exercise the powers and perform the duties of the duly appointed Chairman.

(5.) A decision carried by a majority of the votes cast by the members present at a meeting of the Commission shall be the decision of the Commission.

10.—(1.) The Chairman shall preside at all meetings of the Commission at which he is present and in addition to a deliberative vote, shall, in the event of an equality of votes, have a second or casting vote.

Chairman

(2.) The Chairman shall cause accurate minutes to be kept of the proceedings at all meetings of the Commission.

Validity of acts  
of Commission

**11.** No act, proceeding or determination of the Commission shall be invalid on the ground only of any vacancy in the office of any member or of any defect in the appointment of any member.

Remuneration of  
members

**12.** A member of the Commission shall be paid out of the Lotteries Fund to be established under section 16 of this Ordinance, such fees or other remuneration, and such travelling or other allowances, as the Administrator in Council determines.

Powers and  
functions

**13.—(1.)** Subject to this Ordinance, the Commission may—

- (a) promote and conduct lotteries within the Territory and do or cause to be done all such things as are necessary for, or incidental or ancillary to, the promotion or conduct of lotteries within the Territory and the exercise, discharge or performance of any of its powers, duties, functions and authorities;
- (b) employ and terminate the services of, officers, servants and agents;
- (c) delegate to any officer of the Commission any of its powers, duties, functions and authorities of the Commission except this power of delegation; and
- (d) do or cause to be done such other things as are necessary or convenient for the administration of this Ordinance or the affairs of the Commission or to give effect to the objects of this Ordinance.

(2.) The Commission may, at any time, revoke any delegation made pursuant to paragraph (c) of sub-section (1.) of this section.

(3.) A delegation under sub-section (1.) of this section does not prevent the exercise of a power, duty, function or authority by the Commission.

(4.) The terms and conditions of employment of persons employed by the Commission under paragraph (b) of sub-section (1.) of this section are such as are determined by the Commission with the approval of the Administrator in Council.

Subscribers free  
from penalties  
&c.

**14.—(1.)** Notwithstanding any other Ordinance or law—

- (a) the promotion and conduct of any lottery under and in accordance with this Ordinance and the doing of anything incidental or ancillary to such promotion and conduct shall be lawful; and
- (b) any person who subscribes or contributes to, or purchases a ticket in, any such lottery or who acts

under the authority or on behalf of such a subscriber, contributor or purchaser and any person who acts under the authority or on behalf of the Commission under this Ordinance or who carries out any duties or functions in relation to or in connexion with the promotion or conduct of a lottery under this Ordinance shall be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law he would be liable, but for this Ordinance, by reason of so subscribing, contributing, purchasing or acting or so carrying out such duties or functions, as the case may be.

(2.) A lottery promoted or conducted under this Ordinance by the Commission shall be deemed not to be a lottery or a sweepstake within the meaning of the *Lottery and Gaming Ordinance 1940-1971*, and the subscription or contribution to, or the purchase of a ticket in, any such lottery or the doing of anything under the authority or on behalf of the Commission under this Ordinance or the carrying out of any duties or functions in relation to or in connexion with the promotion or conduct of a lottery by the Commission shall be deemed not to be unlawful gaming within the meaning of that Ordinance.

**15.—**(1.) The Commission shall at all times keep proper accounts and records in accordance with the accounting principles generally applied in commercial practice showing at all times a true and accurate account of the affairs of the Commission and showing in detail its receipts and payments and a fair estimate of its income and expenditure as at the end of each month.

Accounts and  
audit

(2.) The accounts and records of the financial transactions of the Commission shall be audited by a person appointed by the Commission, being a person who is a registered company auditor under section 9 of the *Companies Ordinance 1963-1969*.

(3.) The auditor appointed under the last preceding subsection shall—

- (a) inspect the books of account and property of the Commission whenever he deems it necessary to do so; and
- (b) as soon as practicable after the end of each month of the year, furnish to the Commission a report on the state of affairs of the Commission as at the end of that month, together with particulars, being particulars that the auditor has certified to be true and correct—

*Northern Territory Lotteries*

- (i) of the receipts and payments and of the income and expenditure, of the Commission during the period commencing on the first day of July immediately preceding the last day of that month to and including the last day of that month; and
- (ii) of any prizes unclaimed for more than six months that have not been paid by the Commission.

(4.) The Commission shall forward to the Administrator a copy of each report furnished to it by its auditor, and the Administrator shall cause the copy to be laid before the Legislative Council within fourteen sitting days after its receipt by him.

Lotteries Fund  
and Charities  
Fund

**16.—(1.)** The Commission shall establish a fund, to be known as the "Lotteries Fund".

(2.) The Commission shall pay into the Lotteries Fund all moneys received by the Commission.

(3.) Such portion only of the moneys received by the Commission in connexion with lotteries promoted or conducted by it as the Administrator in Council approves may be used by the Commission to meet the expenses of administering the affairs of the Commission including the expenses of leasing or acquiring real and personal property for the use of the Commission and of maintaining and improving the same, of making repayments of advances made in accordance with sub-section (7.) of this section and of promoting and conducting lotteries under this Ordinance and of paying prize moneys in relation to such lotteries.

(4.) The balance remaining in the Lotteries Fund from time to time, to the extent that it represents any surplus of income over expenditure, and any prize moneys that have not been claimed for over six months, shall be transferred by the Commission, at least once in each financial year, from the Lotteries Fund to an account known as the "Charities Fund".

(5.) Where any person makes a claim to the Commission for the payment of the amount of any prize money within twelve months after the day when such prize money became payable and the Commission is satisfied—

(a) that the amount of such prize money has been transferred by the Commission to the Charities Fund; and

(b) that the person is the beneficial owner of a prize winning ticket issued by the Commission which would have entitled him to obtain payment of the prize money from the Commission,

the Commission may, pay to that person out of the Charities Fund the amount of that prize money.

(6.) The moneys transferred to the Charities Fund in accordance with sub-section (4.) of this section shall, after making any payments made under sub-section (5.) of this section, be dispersed in such amounts as the Administrator in Council shall approve from time to time, to the charitable organizations listed in the Schedule to this Ordinance.

(7.) The Commission may borrow moneys for the purposes of working capital of the Commission on such terms and conditions as it thinks fit, but so that the amounts borrowed by it at any time do not exceed in the aggregate Fifty thousand dollars, and may give security over any of its assets for the purposes of any such borrowing.

**17.—**(1.) The Commission shall cause an account to be opened and maintained with a bank for the purpose of the Lotteries Fund.

(2.) Payment into the account of moneys payable into the Lotteries Fund shall be deemed to be payment of those moneys into the Lotteries Fund.

**18.** The Commission shall offer as prizes in any lottery conducted under this Ordinance not less than sixty per centum of the value of the tickets offered for sale in that lottery.

Percentage value of tickets for prizes

**19.** The Commission may pay or deliver or cause to be paid or delivered to any person who, in the opinion of the Commission, is the beneficial owner of a prize winning ticket in a lottery conducted by the Commission the prize won by that ticket and, notwithstanding any law to the contrary, whether relating to infants or persons under other legal disability or otherwise, the payment or delivery of the prize pursuant to this section shall constitute full satisfaction by the Commission of its liability under the ticket and a full and valid discharge to the Commission.

Payment or delivery of prize

**20.—**(1.) A person who, with intent to defraud, forges utters or alters a ticket in a lottery, or any paper, instrument or matter purporting to be a ticket in a lottery conducted or to be conducted by the Commission shall be guilty of an offence.

Offences

(2.) A person who fraudulently takes or converts to his own use or benefit or to the use or benefit of any other person any prize or any ticket in a lottery, or purporting to be in a lottery, conducted by the Commission or any moneys subscribed or contributed for a lottery conducted by the Commission shall be guilty of an offence.

(3.) A person who fraudulently alters or falsifies any book, document or voucher relating to a lottery conducted by the

Commission or who fraudulently omits or causes to omit any material particular from any book, document or voucher relating to a lottery conducted by the Commission shall be guilty of an offence.

(4.) The punishment for an offence under sub-section (1.), (2.) or (3.) of this section shall be—

- (a) if the offence is prosecuted summarily, a fine not exceeding two hundred dollars, or imprisonment for a term not exceeding one year, or both; or
- (b) if the offence is prosecuted upon information, a fine not exceeding one thousand dollars, or imprisonment for a term not exceeding five years, or both.

(5.) A person shall not, without the written authority of the Commission, for fee, commission, hire, gain, reward, share or interest of any kind whatever (other than a share in any prize that may be won by the ticket in question) promote or offer to promote or take part in or offer to take part in the formation of a syndicate for the purchase of a ticket in a lottery conducted or to be conducted by the Commission.

Penalty: Two hundred dollars.

(6.) A person shall not by any means advertise that he will accept money for a share in a ticket to be purchased by him or any other person in a lottery conducted or to be conducted by the Commission and no person shall print or publish any such advertisement.

Penalty: Two hundred dollars.

(7.) A person shall not distribute, display or publish or cause to be distributed, displayed or published, by any means, any notice or advertisement which states or from which it could reasonably be inferred—

- (a) that he or any other person is an agent of the Commission;
- (b) that he or any other person is authorized to sell tickets in any lottery; or
- (c) that he or any other person invites any person to purchase from him a ticket in a lottery.

Penalty: Two hundred dollars.

(8.) It shall not be an offence under sub-section (7.) of this section or under any other enactment—

- (a) for any agent of the Commission or any person authorized by the Commission to sell tickets in a lottery conducted by the Commission, to display within or outside premises at which he is so authorized to sell such tickets a notice bearing the words "Lottery Tickets Sold Here" without the addition of any other words, symbols or characters;

- (b) for the Commission to issue, distribute, display or publish—
  - (i) a list of the names and addresses (if any) of prize winners or the numbers of prize winning tickets in any lottery conducted by the Commission; or
  - (ii) a list of the names and addresses of agents of the Commission and other persons authorized by the Commission to sell tickets in a lottery conducted by the Commission;
- (c) for an agent of the Commission or any other person authorized by the Commission to sell tickets in a lottery conducted by the Commission, to distribute or display, at premises at which he is so authorized to sell such tickets, any list issued by the Commission and referred to in paragraph (b) of this sub-section; or
- (d) for any person, who is requested or authorized by the Commission to do so, to print, exhibit or publish, or cause to be printed, exhibited or published, any notice, placard, handbill, card writing, sign or advertisement of any lottery, or of any proposal for any lottery, if the contents of such notice, placard, handbill, card, writing, sign or advertisement are previously approved by the Commission.

(9.) A person who carries out or has carried out any duties or functions in relation to or in connexion with the promotion or conduct of a lottery under this Ordinance shall not fail or refuse to answer truthfully, to the best of his knowledge, information and belief, any questions asked of him by the auditor appointed under sub-section (2.) of section 15 of this Ordinance or a person acting under his authority, notwithstanding that such answer would or might tend to incriminate him, and shall not fail or refuse to disclose to the auditor so appointed or a person acting under his authority all books, documents, vouchers and things which are in his custody or power relating to the lottery or to the promotion or conduct of the lottery.

Penalty: Two hundred dollars.

(10.) An agent of the Commission shall not sell any tickets in a lottery except in premises at which he is authorized by the Commission to sell tickets.

Penalty: Two hundred dollars.

(11.) Notwithstanding anything contained in any other Ordinance, proceedings for any offence against this Ordinance

may be brought within the period of three years after the commission of the alleged offence or, with the consent of the Minister, at any later time.

(12.) Proceedings in respect of any offence which is a contravention of sub-section (5.), (6.), (7.), (9.) or (10.) of this section shall be disposed of summarily.

Annual report

**21.—(1.)** The Commission shall, as soon as practicable after each thirtieth day of June, furnish to the Administrator a report of its operations during the year ended on that date, together with financial statements in respect of that year and a copy of the auditor's report furnished in accordance with the next succeeding sub-section.

(2.) Before furnishing financial statements to the Administrator, the Commission shall submit them to the auditor appointed under sub-section (2.) of section 15 of this Ordinance, who shall report to the Commission—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and show clearly the financial operations and the state of the affairs of the Commission;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Commission during the year have been in accordance with this Ordinance; and
- (d) as to such other matters arising out of the statements as the auditor considers should be reported to the Commission.

(3.) The Administrator shall cause the report and financial statements, together with the report of the auditor, to be laid before the Legislative Council within fourteen sitting days after their receipt by the Administrator.

(4.) The first report and financial statements under this section shall be prepared and furnished as soon as practicable after the thirtieth day of June next following the date on which the Commission is constituted and shall relate to the operations of the Commission during the period that commenced on the date on which the Commission is constituted and ended on that thirtieth day of June.

Independence  
of the  
Commission

**22.** It is not the intention of this Ordinance that the Commission shall be, or shall be regarded as, for any purpose, the servant or agent of the Executive Government of the Commonwealth.

23.—(1.) The Administrator in Council may make such regulations as he considers necessary or expedient for the purpose of giving effect to the provisions and objects of this Ordinance. Regulations

(2.) Without limiting the generality of the provisions of sub-section (1.) of this section, such regulations may—

- (a) prescribe all matters which may or ought to be prescribed for giving effect to the provisions and objects of this Ordinance;
- (b) provide for the prevention of fraud in connexion with lotteries and the promotion and conduct thereof; and
- (c) provide for the payment of prizes in connexion with lotteries conducted by the Commission and the conditions under which prizes shall be paid.

(3.) The regulations may fix a penalty not exceeding two hundred dollars for the breach of any regulation.

(4.) Proceedings in respect of any offence under the regulations shall be disposed of summarily.

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SCHEDULE

Section 16 (6.)

Northern Territory Pensioners Association, Darwin;  
Red Cross Old Pioneers Homes, Katherine;  
Australian Red Cross Old Folks Home, Tennant Creek;  
Australian Inland Mission Old Timers' Homes, Alice Springs;  
Masonic Memorial Village, Darwin;  
Mirambeena Baptist Village for Elderly People, Darwin.

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