

South Australia



STATE LOTTERIES (UNCLAIMED PRIZES) AMENDMENT ACT 1996

No. 49 of 1996

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ELIZABETHAE II REGINAE

A.D. 1996

No. 49 of 1996

An Act to amend the State Lotteries Act 1966.

[Assented to 25 July 1996]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *State Lotteries (Unclaimed Prizes) Amendment Act 1996*.
- (2) The *State Lotteries Act 1966* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 16—The Lotteries Fund and application of proceeds of the Commission

3. Section 16 of the principal Act is amended by inserting in subsection (3) after paragraph (b) the following paragraph:

- (ba) in the application of forfeited prize money in accordance with this Act; and.

Amendment of s. 16B—Unclaimed prizes

4. Section 16B of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

- (1) If a prize in a lottery has not been collected or taken delivery of within 12 months of the relevant day, the prize is forfeited to the Commission.

Insertion of ss. 16C and 16D

5. The following sections are inserted after section 16B of the principal Act:

Unclaimed Prizes Reserve

16C. (1) The Commission must establish a reserve in the Lotteries Fund entitled the *Unclaimed Prizes Reserve*.

- (2) On a prize being forfeited to the Commission, the Commission must transfer the amount of the prize into the *Unclaimed Prizes Reserve*.

(3) The Unclaimed Prizes Reserve consists of—

- (a) the amount held in the Lotteries Fund at the commencement of this section by way of unallocated forfeited prize money; and
- (b) amounts transferred under subsection (2).

(4) The money held in the Unclaimed Prizes Reserve will be applied by the Commission as follows:

- (a) of the amount held in the Reserve by way of amounts transferred under subsection (2)—
 - (i) 50 per cent of the amount derived from unclaimed prizes in sports lotteries or special lotteries will, at intervals determined by the Treasurer, be paid into the Recreation and Sport Fund; and
 - (ii) 50 per cent of the amount derived from unclaimed prizes in other lotteries will, at intervals determined by the Treasurer, be paid into the Hospitals Fund; and
- (b) the balance in the Reserve will be applied by the Commission from time to time for the purposes of—
 - (i) providing additional or increased prizes in a subsequent lottery or lotteries conducted by the Commission; or
 - (ii) providing prizes in promotional lotteries conducted by the Commission; or
 - (iii) making *ex gratia* payments under section 16D.

(5) If an *ex gratia* payment is made in respect of a prize in a sports lottery or a special lottery, the next payment made under subsection (4) into the Recreation and Sport Fund will be reduced by an amount equivalent to 50 per cent of the amount of the *ex gratia* payment.

(6) If an *ex gratia* payment is made in respect of a prize in any other lottery, the next payment made under subsection (4) into the Hospitals Fund will be reduced by an amount equivalent to 50 per cent of the amount of the *ex gratia* payment.

Ex gratia payments

16D. (1) The Commission may, but is not obliged to, make an *ex gratia* payment to a person who satisfies the Commission, by such evidence as the Commission may require, that he or she is the winner of a prize in a lottery conducted by the Commission, despite the fact that—

- (a) the prize has been forfeited to the Commission; or
- (b) the winning ticket has been lost or destroyed; or
- (c) a rule of the lottery relating to giving the Commission notice of a claim for the prize within a particular period has not been complied with.

(2) An *ex gratia* payment may be of an amount equivalent to the whole or part of the amount of the prize.

(3) A decision of the Commission to make, or not to make, an *ex gratia* payment, or as to the amount of an *ex gratia* payment, is final and is not subject to review by any court or tribunal.

(4) This section applies to—

(a) a prize in an instant lottery conducted wholly or partly after 31 October 1994; and

(b) a prize in any other lottery drawn after that date.

Amendment of s. 17—Value of prizes to be offered

6. Section 17 of the principal Act is amended by striking out from subsection (3) "section 16B" and substituting "section 16C".

Amendment of s. 17B—Minors not to participate in lotteries

7. Section 17B of the principal Act is amended by inserting in subsection (3) "or claims or collects, on behalf of the minor, a prize won on a ticket in a lottery promoted or conducted by the Commission," after "on behalf of the minor,".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor