



ANNO TRICESIMO TERTIO

# ELIZABETHAE II REGINAE

A.D. 1984

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No. 93 of 1984

**An Act to amend the State Lotteries Act, 1966; and to make a consequential amendment to the Soccer Football Pools Act, 1981.**

*[Assented to 13 December 1984]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "State Lotteries Act Amendment Act, 1984". Short title.

(2) The State Lotteries Act, 1966, is in this Act referred to as "the principal Act".

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. Section 3 of the principal Act is amended—

(a) by striking out from the definition of "lottery" in subsection (1) the passage "any money, prize or thing of value or of any right thereto or any share therein" and substituting the word "prizes";

(b) by inserting after the definition of "member" in subsection (1) the following definition:

"prize", in relation to a lottery, means any money or thing of value, or any right to or share in any money or thing of value, provided for gift, disposal or distribution to persons entering the lottery;

and

(c) by inserting after the definition of "the Commission" in subsection (1) the following definitions:

"the Hospitals Fund" means the fund of that name kept at the Treasury pursuant to the Racing Act, 1976:

Amendment of  
s. 3—  
Interpretation.

“the Lotteries Fund” means the fund of that name kept at the Treasury pursuant to this Act:

“the Recreation and Sport Fund” means the fund of that name kept at the Treasury pursuant to the Soccer Football Pools Act, 1981:

“the rules of the Commission” means rules made by the Commission pursuant to section 18:

“ticket”, in relation to a lottery, means a ticket, coupon, token or other thing sold or issued by the Commission to a person entering the lottery and by reference to which entitlement to any prize or prizes in the lottery may be determined.

Amendment of  
s. 5—  
Terms of office of  
members of the  
Commission.

4. Section 5 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A member shall be appointed for a term of office not exceeding five years determined by the Governor.

Amendment of  
s. 8—  
Vacancies in  
offices of  
members.

5. Section 8 of the principal Act is amended—

(a) by inserting after paragraph (a) the following paragraph:

(ab) his term of office expires;

and

(b) by inserting after the present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Upon the office of a member becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, a person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Amendment of  
s. 9—  
Common seal,  
meetings and  
quorum.

6. Section 9 of the principal Act is amended—

(a) by striking out from subsection (4) the passage “If the Chairman is not present at any meeting of the Commission” and substituting the passage “The Chairman shall preside at any meeting of the Commission at which he is present and, in his absence from a meeting”;

and

(b) by inserting after subsection (5) the following subsections:

(6) Each member shall be entitled to one vote on a matter arising for decision by the Commission and the person presiding at the meeting shall, in the event of an equality of votes, have a second or casting vote.

(7) The Commission shall cause accurate minutes to be kept of the business conducted at meetings of the Commission.

Repeal of s. 10  
and substitution  
of new section.

7. Section 10 of the principal Act is repealed and the following section is substituted:

10. (1) No personal liability shall attach to a member for an act or omission by him or the Commission in good faith in the exercise, performance or discharge, or purported exercise, performance or discharge, of his or its powers, functions or duties under this Act.

Protection of members.

(2) A liability that would, but for subsection (1), lie against a member shall lie against the Crown.

8. Section 13a of the principal Act is amended by striking out subsection (4) and substituting the following subsection:

Amendment of s. 13a—  
Borrowing and investment powers of Commission.

(4) Any moneys held by the Commission that are not immediately required for any other purpose may be invested by the Commission in such manner as may be approved by the Treasurer.

9. Section 15 of the principal Act is repealed.

Repeal of s. 15.

10. Section 16 of the principal Act is amended by striking out subsections (3) to (8) (inclusive) and substituting the following subsection:

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

(3) The moneys standing to the credit of the Lotteries Fund shall be applied by the Commission as follows:

(a) in payment of amounts required for the provision of prizes in lotteries;

(b) in payment of amounts from time to time approved by the Treasurer for the capital, administrative and operating expenses of the Commission;

(c) in payment into the Recreation and Sport Fund of amounts required to be so paid under section 16a;

and

(d) in payment into the Hospitals Fund, as from time to time required by the Treasurer, of any balance remaining after making allowance for the amounts referred to in paragraphs (a), (b) and (c).

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

Insertion of new ss. 16a and 16b.

16a. (1) The Commission shall, in each financial year, conduct as part of its lotteries for that financial year a series of lotteries to be known as "sports lotteries".

Sports lotteries.

(2) The total value of the prizes offered in the series of sports lotteries for a financial year shall be an amount within a range of amounts determined by the Treasurer in respect of that financial year.

(3) The Treasurer may, if he thinks fit to do so, vary the range of amounts determined under subsection (2) in respect of a financial year.

(4) The Commission shall undertake the planning and promotion of sports lotteries in consultation with the Minister of Recreation and Sport and persons nominated by that Minister.

(5) Upon the determination of the winning entries in each sports lottery, an amount shall be paid from the Lotteries Fund into the Recreation and Sport Fund, being an amount equal to the difference

between the total value of the tickets sold in the lottery and the total value of the prizes won in the lottery.

(6) In this section—

“sports lottery” means a lottery that is one of the series of lotteries conducted by the Commission pursuant to this section.

Unclaimed prizes.

16b. (1) Where a prize in a lottery has not been collected or taken delivery of within twelve months from the relevant day—

(a) the prize is forfeited to the Commission;

and

(b) an amount equal to the value of the prize shall be applied by the Commission for the purpose of additional or increased prizes in a subsequent lottery or lotteries conducted by the Commission.

(2) For the purposes of this section—

(a) where a cheque has been issued by the Commission in payment of a prize in a lottery, the prize shall not be regarded as having been collected or taken delivery of if the cheque has not been presented for payment;

and

(b) a reference to the relevant day is—

(i) in relation to a lottery where the winning entries in the lottery are determined on the same day according to some procedure carried out by or on behalf of the Commission—a reference to the day on which the winning entries are so determined;

or

(ii) in relation to any other lottery—a reference to the day determined under the rules of the Commission applying in relation to the lottery to be the relevant day for the purposes of this section.

(3) This section applies only in relation to lotteries conducted after the commencement of the State Lotteries Act Amendment Act, 1984, and the provisions of section 16 as in force before that commencement relating to the payment of prize moneys and claims for payment of prize moneys shall continue to apply in relation to lotteries conducted before that commencement.

Amendment of s. 17—  
Percentage of value of tickets to be offered as prizes.

12. Section 17 of the principal Act is amended by inserting in subsection (3) after the passage “pursuant to subsection (2)” the passage “or section 16b”.

Repeal of s. 18 and insertion of new sections.

13. Section 18 of the principal Act is repealed and the following sections are substituted:

Rules of Commission as to its practices, procedures and operations.

18. (1) The Commission may, with the approval of the Minister, make rules, not inconsistent with this Act, providing for or regulating the practices, procedures and operations of the Commission, including (without limiting the generality of the foregoing)—

- (a) the conditions of entry and participation in lotteries;
- (b) the prizes to be offered in lotteries;
- (c) the determination of winning entries in lotteries;
- (d) the payment or delivery of prizes in lotteries;
- (e) the action to be taken by the Commission in the event of misconduct or irregularity in relation to lotteries (being action which may include cancellation of a lottery or tickets in a lottery);
- (f) the appointment of agents to sell tickets in lotteries, the duties of such agents and the termination or suspension of their services.

(2) Any rules made under this section may be of general application or limited by reference to particular lotteries or classes of lotteries or any other factors.

(3) The provisions of section 10 of the Subordinate Legislation Act, 1978, shall not apply to or in relation to rules made under this section.

18a. (1) The Commission shall cause proper accounts to be kept of its financial affairs.

Accounts and  
audit.

(2) The Auditor-General may at any time, and shall at least once in each year, audit the accounts of the Commission.

(3) For the purposes of an audit under subsection (2), the Auditor-General may exercise in relation to the accounts of the Commission and the members and officers of the Commission the powers that are vested in the Auditor-General by the Audit Act, 1921, in respect of public accounts and accounting officers.

18b. (1) The Commission shall, on or before the thirtieth day of September in each year, deliver to the Minister a report upon the operations of the Commission during the period of twelve months expiring on the preceding thirtieth day of June.

Annual report.

(2) The report must incorporate the audited statement of accounts of the Commission for the period to which the report relates.

(3) The Minister shall cause a copy of a report furnished to him under subsection (1) to be laid before each House of Parliament within fourteen sitting days of his receipt of the report if Parliament is then in session, but if Parliament is not then in session, within fourteen days of the commencement of the next session of Parliament.

**14. Section 19 of the principal Act is amended—**

- (a) by striking out from paragraph (a) of subsection (4) the passage “two hundred dollars” and substituting the passage “two thousand dollars”;
- (b) by striking out from paragraph (b) of subsection (4) the passage “one thousand dollars” and substituting the passage “five thousand dollars”;
- (c) by striking out from subsection (5) the passage “Two hundred dollars” and substituting the passage “One thousand dollars”;

Amendment of  
s. 19—  
Offences.

- (d) by striking out from subsection (6) the passage "Two hundred dollars" and substituting the passage "One thousand dollars";
- (e) by striking out from subsection (7) the passage "Two hundred dollars" and substituting the passage "One thousand dollars";
- (f) by striking out from paragraph (a) of subsection (8) the passage "bearing the words 'Lottery Tickets Sold Here' without the addition of any other words, symbols or characters" and substituting the passage "to the effect that he is an agent authorized to sell tickets in lotteries conducted by the Commission";
- (g) by striking out from subsection (9) the passage "Two hundred dollars" and substituting the passage "One thousand dollars";
- (h) by striking out from subsection (10) the passage "Two hundred dollars" and substituting the passage "One thousand dollars";
- (i) by striking out from subsection (10a) the passage "as a title or description of a lottery other than a lottery conducted, or to be conducted, by the Commission" and substituting the passage "in connection with a lottery or game (other than a lottery of the Commission) or for any advertising, promotional or commercial purposes";

and

- (j) by striking out from subsection (10a) the passage "Two hundred dollars" and substituting the passage "One thousand dollars".

Amendment of  
s. 20—  
Regulations.

15. Section 20 of the principal Act is amended by striking out from subsection (3) the passage "two hundred dollars" and substituting the passage "one thousand dollars".

Amendment of  
Soccer Football  
Pools Act, 1981.

16. The Soccer Football Pools Act, 1981, is amended by inserting in subsection (3) of section 17 after the passage "pursuant to subsection (2)" the passage "or the provisions of any other Act".

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

D. B. DUNSTAN, Governor