

South Australia

## State Lotteries Act 1966

An Act to provide for the promotion and control of lotteries by the Government of the State; and for other purposes.

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### Legislative history

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## The Parliament of South Australia enacts as follows:

### 1—Short title and commencement

This Act may be cited as the *State Lotteries Act 1966* and shall come into operation on a day to be fixed by proclamation.

### 3—Interpretation

- (1) In this Act, unless the context otherwise requires—

*Authority* means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995*;

*lottery* includes any scheme or device for the gift, disposal or distribution of prizes depending upon or to be determined by lot or drawing (whether out of a box or other receptacle) or to be determined by any manner of chance whatsoever (whether or not an element of knowledge or skill is also involved);

*member* means member of the Commission and includes an acting member of the Commission;

*net proceeds* of a sports lottery or special lottery conducted by the Commission, means 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 less an amount approved by the Treasurer for the administrative and operating expenses of the Commission in conducting the lottery;

*presiding member* means the presiding member of the Commission and includes the acting presiding member of the Commission;

*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;

*special lottery* means a lottery that is one of a series of lotteries (known as *special lotteries*) conducted by the Commission at the direction of the Treasurer pursuant to this Act;

*sports lottery* means a lottery the results of which depend on the outcome of a sporting or recreational activity;

*the Commission* means the Lotteries Commission of South Australia constituted pursuant to this Act;

*the Hospitals Fund* means the fund of that name kept at the Treasury and continued in existence under this Act;

*the Lotteries Fund* means the account of that name kept by the Commission pursuant to this Act;

*the Recreation and Sport Fund* means the fund of that name kept at the Treasury and continued in existence under this Act;

*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.

- (2) A reference in this Act to a lottery promoted or conducted by the Commission includes a lottery promoted or conducted by the Commission jointly with an authority constituted under the law of another State or Territory of the Commonwealth.

#### **4—Constitution of the Commission**

- (1) For the purposes of this Act there shall be a commission which shall be known as the *Lotteries Commission of South Australia*.
- (2) The Commission—
  - (a) shall be a body corporate with perpetual succession and a common seal; and
  - (b) subject to this Act, shall be capable of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of real and personal property; and
  - (c) may in its name sue and be sued; and
  - (d) shall hold all its property for and on behalf of the Crown; and
  - (e) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.
- (3) In the exercise and discharge of its powers, duties, functions and authorities, the Commission shall be subject to the control and directions of the Government of the State acting through the Minister; but no such direction shall be inconsistent with this Act.
- (4) 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.
- (5) Subject to this Act, the Commission shall consist of not less than 3 nor more than 5 members appointed by the Governor, of whom one shall be nominated by the Governor as the presiding member of the Commission.
- (6) The Commission shall be constituted on the day on which the first members take office.
- (7) A member shall not, as such, be subject to the *Public Service Act 1936*, as amended, or any corresponding subsequent enactment, but this provision does not affect the rights, duties and obligations under that Act or enactment of any member who is otherwise subject to that Act or enactment.
- (8) The office of member of the Commission may be held in conjunction with any other appointment or office under the Government.

#### **5—Terms of office of members of the Commission**

- (1) A member shall be appointed for a term of office not exceeding five years determined by the Governor.
- (2) On the expiration of his term of office as a member, a person shall be eligible for re-appointment.

## **6—Temporary appointments**

In the case of the illness, suspension or absence of any member the Governor 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.

## **7—Suspension or removal from office of member**

The Governor 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—Vacancies in offices of members**

- (1) The office of a member shall become vacant if—
  - (a) he dies; or
  - (ab) his term of office expires; or
  - (b) he resigns by written notice given to the Minister; or
  - (c) he is removed from office by the Governor pursuant to section 7 of this Act; or
  - (d) he is absent without leave of the Minister from four consecutive meetings of the Commission; or
  - (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; or
  - (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 Minister discharging him from office on the ground of that conviction.
- (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.

## **9—Quorum**

- (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.
- (2) The procedure for the calling of meetings of the Commission and for the conduct of business at such meetings shall, subject to any directions that may be given by the Minister, be as determined by the Commission.
- (2a) A quorum at a meeting of the Commission is constituted—
  - (a) if the number of members for the time being is five or four, by three members; and

- (b) if the number of members for the time being is three, by two members.
- (3) 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) The presiding member shall preside at any meeting of the Commission at which he is present and, in his absence from a meeting, the members present at that meeting shall elect one of their number to be the presiding member 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 presiding member.
  - (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.
  - (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.

#### **10—Protection of members**

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

#### **11—Validity of acts of Commission**

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.

#### **12—Remuneration of members**

A member of the Commission shall be paid out of the Lotteries Fund, such fees or other remuneration as may from time to time be fixed by the Governor and shall be entitled to receive out of such Fund such travelling and other expenses as are from time to time approved by the Minister.

#### **13—Powers and functions of the Commission**

- (1) Subject to this Act and the directions of the Minister not inconsistent with this Act, the Commission may—
  - (a) promote and conduct lotteries; and
  - (ab) promote and conduct lotteries jointly with an appropriate authority of another State or Territory of the Commonwealth; and
  - (b) employ, or appoint, on such terms and conditions as it thinks fit, and terminate the services of, officers, servants and agents; and

- (c) delegate to any officer of the Commission any of the powers, duties, functions and authorities of the Commission except this power of delegation; and
  - (ca) carry out such other functions as are assigned to it by this Act or by or under any other Act; and
  - (cb) carry out such other functions as are assigned to it by the Minister; and
  - (d) do or cause to be done such other things as are necessary or convenient for the administration of this Act or the affairs of the Commission or to give effect to the objects of this Act.
- (1a) The Treasurer may direct the Commission to conduct as part of its lotteries for a specified financial year a series of lotteries to be known as "special lotteries".
  - (2) The Commission may, or, if so required by the Minister, shall, at any time, revoke any delegation made pursuant to paragraph (c) of subsection (1) of this section.
  - (3) The Commission may, with the approval of the Minister and the consent of the Minister controlling any department of the public service of the State, and on such terms as may be mutually agreed upon, make use of the services of any of the officers or employees of that department.
  - (4) A person whose services are employed by the Commission shall not, for that reason alone, be subject to the *Public Service Act 1936*, as amended, or any corresponding subsequent enactment, but this provision does not affect the rights, privileges, duties and obligations under that Act or enactment of any such person who is otherwise subject to that Act or enactment.

### **13A—Borrowing and investment powers of Commission**

- (1) For the purpose of the exercise of its powers or the performance of its functions the Commission may borrow money from the Treasurer, or with the consent of the Treasurer, from any person.
- (2) Any liability incurred with the consent of the Treasurer referred to in subsection (1) of this section is hereby guaranteed by the Treasurer.
- (3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) of this section shall be satisfied out of the General Revenue of the State which is hereby, to the necessary extent, appropriated accordingly.
- (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.

### **13B—Advertising code of conduct**

The Commission must—

- (a) adopt a code of practice on advertising approved by the Authority; and
- (b) ensure that advertising by the Commission conforms with the code of practice approved under this section.

**13C—Responsible gambling code of practice**

The Commission—

- (a) must adopt a code of practice approved by the Authority dealing with—
  - (i) the display of signs, and the provision of information, at offices, branches and agencies of the Commission relating to responsible gambling and the availability of services to address problems associated with gambling; and
  - (ii) the provision of training of staff relating to responsible gambling and the services available to address problems associated with gambling; and
  - (iii) any other matters designed to reduce the incidence of problem gambling determined by the Authority; and
- (b) must ensure that, in the performance of its functions, the Commission conforms with the code of practice approved under this section.

**13D—Review and alteration of codes**

- (1) The Authority must, in consultation with the Commission, review the codes of practice referred to in this Act at least every 2 years.
- (2) The Authority must seek and consider written submissions from the public when reviewing a code of practice under subsection (1).
- (3) The Authority may, by written notice to the Commission, require a code of practice referred to in this Act to be altered as set out in the notice.
- (4) Before the Authority makes a requirement under subsection (3), the Authority must, unless it considers it contrary to the public interest to do so—
  - (a) give written notice to the Commission of the proposed requirement; and
  - (b) consider any representations made by the Commission about the proposed requirement within 14 days after the notice is given or a longer period allowed in the notice.
- (5) The Commission must ensure that all alterations required to be made under subsection (3) are made in accordance with the notice given under that subsection.

**13E—Codes of practice and alterations to codes disallowable by Parliament**

- (1) On approving a code of practice under this Act or requiring an alteration to be made to a code in accordance with this Act, the Authority must forward a copy of the code or alteration to the Minister.
- (2) The Minister must cause a copy of the code or alteration to be laid before both Houses of Parliament as soon as practicable after receiving it.
- (3) Sections 10 and 10A of the *Subordinate Legislation Act 1978* apply to a code, or an alteration to a code, laid before Parliament under this section as if it were a regulation within the meaning of that Act.
- (4) A code of practice or alteration to a code of practice may provide for the whole or any part of the instrument to come into operation on the day on which it is adopted by the Commission or on a later day, or days, specified in the instrument.

## 14—Subscribers and other persons to be free from penalties etc

- (1) Notwithstanding any other Act or law—
  - (a) the promotion and conduct of any lottery under and in accordance with this Act 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 Minister or the Commission under this Act or who carries out any duties or functions in relation to or in connection with the promotion or conduct of a lottery under this Act shall be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law he would be liable, but for this Act, 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 Act by the Commission shall be deemed not to be a lottery or a sweepstake within the meaning of the *Lottery and Gaming Act 1936* 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 Minister or the Commission under this Act or the carrying out of any duties or functions in relation to or in connection with the promotion or conduct of a lottery by the Commission shall be deemed not to be unlawful gaming within the meaning of that Act.

## 16—The Lotteries Fund

- (1) The Commission must establish an account to be known as the "Lotteries Fund" at an ADI in this State, being an account and ADI approved by the Treasurer.
- (2) The Commission shall pay into the Lotteries Fund all moneys received by the Commission.
- (3) The Lotteries Fund must be applied by the Commission as follows:
  - (a) in payment of prizes in lotteries and for the purpose of holding money in reserve for the payment of prizes in lotteries; and
  - (b) in payment of the GST in respect of net gambling revenue; and
  - (c) in payment to the Recreation and Sport Fund of 41 per cent of net gambling revenue in respect of all sports lotteries and special lotteries conducted by the Commission; and
  - (d) in payment to the Hospitals Fund of 41 per cent of net gambling revenue in respect of all lotteries conducted by the Commission except sports lotteries and special lotteries; and
  - (e) in payment of amounts approved by the Treasurer for the capital, administrative and operating expenses of the Commission; and
  - (f) for the purposes of the Unclaimed Prizes Reserve under section 16C; and
  - (g) in payment to the Recreation and Sport Fund, at intervals determined by the Treasurer, of an amount equivalent to the net proceeds of all sports lotteries and special lotteries conducted by the Commission less—

- (i) the GST paid or payable in respect of those lotteries; and
  - (ii) the amounts paid or payable in respect of those lotteries under paragraph (c); and
  - (h) in payment to the Hospitals Fund, at intervals determined by the Treasurer, of that part of the Fund not required for the purposes of the other paragraphs of this subsection or for the purposes of subsection (4).
- (4) The Commission may retain in the Lotteries Fund such amounts as are approved by the Treasurer as being reasonably required for future capital, administrative and operating expenses of the Commission.
- (5) In this section—
- GST** means the tax payable under the GST law;
- GST law** means—
- (a) *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth; and
  - (b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods, services and other things;
- net gambling revenue** means the total amount subscribed or contributed to, or paid for the purchase of tickets in, a lottery conducted by the Commission less the total amount of the prizes paid in respect of the lottery.

### **16A—Recreation and Sport Fund**

- (1) The Fund entitled the *Recreation and Sport Fund* established at the Treasury will continue in existence under that name.
- (2) The Recreation and Sport Fund may be used to support and develop such recreational and sporting facilities and services within the State as are approved by the Minister who is responsible for matters relating to recreation and sport in this State.

### **16AB—Hospitals Fund**

- (1) The Fund entitled the *Hospitals Fund* established at the Treasury will continue in existence under that name.
- (2) The Hospitals Fund may only be used for the provision, maintenance, development and improvement of public hospitals and equipment for public hospitals by making payments as approved by the Treasurer to the Consolidated Account to match amounts appropriated by Parliament and paid from the Consolidated Account for those purposes.

### **16B—Unclaimed prizes**

- (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.
- (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.

### **16C—Unclaimed Prizes Reserve**

- (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.

#### **16D—Ex gratia payments**

- (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.

#### **17—Value of prizes to be offered**

- (1) The Commission shall offer as prizes in any lottery conducted under this Act not less than the prescribed percentage of the value of the tickets offered for sale in that lottery.
- (2) Notwithstanding the provisions of subsection (1), the Commission may offer as prizes in a lottery less than the prescribed percentage of the value of the tickets offered for sale in the lottery but, if it does so, a portion of the moneys received by the Commission equal to the difference between the value of those prizes and the prescribed percentage of the value of those tickets shall be applied for the purpose of additional or increased prizes in a subsequent lottery or lotteries conducted by the Commission.
- (3) In determining, in relation to a lottery, whether an amount is to be applied in pursuance of subsection (2) for the purpose of additional or increased prizes in a subsequent lottery or lotteries, any amount applied for the purpose of additional or increased prizes in that firstmentioned lottery, pursuant to subsection (2) or section 16C, shall be disregarded.

(4) In this section—

*prescribed percentage* means—

- (a) in relation to a sports lottery or a special lottery—a percentage determined by the Commission from time to time;
- (b) in relation to any other lottery—60%.

(5) The percentage determined by the Commission for the purposes of subsection (4)—

- (a) may vary according to the class of lottery; and
- (b) must not be less than a percentage determined by the Treasurer from time to time in relation to the particular class of lottery.

### 17A—Instant lottery tickets

(1) If a statement relating to an instant lottery is made by, or on behalf of, the Commission to the effect that a prize is won if a specified number of symbols, or identical symbols, printed on a ticket in the lottery or in a panel on a ticket are matched—

- (a) the ticket is a winning ticket only if the ticket or panel (as the case requires) has printed on or in it the specified number of the same symbol; and
- (b) the ticket is not a winning ticket if, for example, the ticket or panel has printed on or in it the specified number of pairs of different symbols, or the specified number of symbols can only be obtained by matching symbols from more than one panel on the ticket; and
- (c) a caption to a symbol is to be taken to be part of the symbol and not a separate symbol.

#### Examples of winning tickets

Example 1—

1 Statement on ticket: "Match 3 numbers and win"

2 Symbols on ticket:

7 Seven	1 One
3 Three	7 Seven
4 Four	7 Seven

**Example 2 (ticket with one (right hand) winning panel)—**

- 1 Statement on ticket: "Match 3 identical amounts within either game panel and that's what you win"
- 2 Symbols on ticket:

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**Examples of non-winning tickets**

**Example 1—**

- 1 Statement on ticket: "Match 3 numbers and win"
- 2 Symbols on ticket:

7	1
Seven	One
3	7
Three	Seven
3	1
Three	One

**Example 2 (ticket with no winning panels)—**

- 1 Statement on ticket: "Match 3 identical amounts within either game panel and that's what you win"
- 2 Symbols on ticket:

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">\$80<sup>00</sup></td> <td style="padding: 2px;">\$200</td> <td style="padding: 2px;">250000</td> </tr> <tr> <td style="padding: 2px;">EIGHTY</td> <td style="padding: 2px;">2HUNDRED</td> <td style="padding: 2px;">250THOUSAND</td> </tr> <tr> <td style="padding: 2px;">\$200</td> <td style="padding: 2px;">250000</td> <td style="padding: 2px;">\$80<sup>00</sup></td> </tr> <tr> <td style="padding: 2px;">2HUNDRED</td> <td style="padding: 2px;">250THOUSAND</td> <td style="padding: 2px;">EIGHTY</td> </tr> </table>	\$80 <sup>00</sup>	\$200	250000	EIGHTY	2HUNDRED	250THOUSAND	\$200	250000	\$80 <sup>00</sup>	2HUNDRED	250THOUSAND	EIGHTY	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">\$200</td> <td style="padding: 2px;">\$20<sup>00</sup></td> <td style="padding: 2px;">\$80<sup>00</sup></td> </tr> <tr> <td style="padding: 2px;">2HUNDRED</td> <td style="padding: 2px;">TWENTY</td> <td style="padding: 2px;">EIGHTY</td> </tr> <tr> <td style="padding: 2px;">\$200</td> <td style="padding: 2px;">250000</td> <td style="padding: 2px;">\$2500</td> </tr> <tr> <td style="padding: 2px;">2HUNDRED</td> <td style="padding: 2px;">250THOUSAND</td> <td style="padding: 2px;">25HUNDRED</td> </tr> </table>	\$200	\$20 <sup>00</sup>	\$80 <sup>00</sup>	2HUNDRED	TWENTY	EIGHTY	\$200	250000	\$2500	2HUNDRED	250THOUSAND	25HUNDRED
\$80 <sup>00</sup>	\$200	250000																							
EIGHTY	2HUNDRED	250THOUSAND																							
\$200	250000	\$80 <sup>00</sup>																							
2HUNDRED	250THOUSAND	EIGHTY																							
\$200	\$20 <sup>00</sup>	\$80 <sup>00</sup>																							
2HUNDRED	TWENTY	EIGHTY																							
\$200	250000	\$2500																							
2HUNDRED	250THOUSAND	25HUNDRED																							

- (2) This section applies whether the statement is made—
  - (a) in a ticket in an instant lottery; or
  - (b) in advertising or promotional material relating to an instant lottery; or
  - (c) in some other way.

- (3) In this section—

**instant lottery** means a lottery promoted or conducted by the Commission in which the tickets are sealed or conceal in some other way the symbols giving rise to the winning chance;

*symbol* includes amount, number, picture or word.

### **17B—Minors not to participate in lotteries**

- (1) A person must not sell a ticket in a lottery promoted or conducted by the Commission to a minor.

Penalty: \$200.

- (2) It is a defence for a person charged with an offence against subsection (1) to prove that he or she believed on reasonable grounds that the person to whom the ticket was sold was of or above the age of 16 years.

- (3) Where a person, acting at the request of a minor, purchases a ticket in a lottery promoted or conducted by the Commission on behalf of the minor, or claims or collects, on behalf of the minor, a prize won on a ticket in a lottery promoted or conducted by the Commission, the person is guilty of an offence.

Penalty: \$200.

- (4) In this section—

*minor* means a person who is under the age of 16 years.

### **18—Rules of Commission as to its practices, procedures and operations**

- (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.

### **18AA—Appeals**

- (1) A participant in a lottery conducted after the commencement of this section who is dissatisfied with a decision of the Commission that a ticket in the lottery held by the participant is not a winning ticket may appeal to the Administrative and Disciplinary Division of the District Court against the decision.

- (2) An appeal under this section must be lodged within one month of—

- (a) the date on which the Commission's decision is made; or

- (b) if the Commission's decision is published—the date of publication.

### **18A—Accounts and audit**

- (1) The Commission shall cause proper accounts to be kept of its financial affairs.
- (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—Annual report**

- (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.
- (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.

### **19—Offences**

- (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.
- (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.
- (3a) A person who enters or participates in a lottery conducted under this Act by operating the Commission's computer system—
  - (a) without paying the appropriate fee for that entry or participation at the required time; or
  - (b) knowing that the entry or participation contravenes or fails to comply with the rules relating to the lottery; or
  - (c) in any other manner not authorised by the Commission,is guilty of an offence.

- (4) The punishment for an offence under subsection (1), (2), (3) or (3a) of this section shall be—
- (a) if the offence is prosecuted summarily, a fine not exceeding two thousand 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 five thousand dollars, or imprisonment for a term not exceeding five years, or both.
- (5) A person must not, without the written authority of the Commission, for fee or reward, promote or take part in the formation of a syndicate to purchase a ticket in a lottery conducted by the Commission.
- Penalty: \$1 000.
- (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: One thousand dollars.
- (9) A person who carries out or has carried out duties or functions in relation to the promotion or conduct of a lottery under this Act—
- (a) must answer questions relating to the lottery or to the promotion or conduct of the lottery asked by the Auditor-General, the General Manager or a person acting under the authority of the Auditor-General or General Manager; and
  - (b) must produce to the Auditor-General, General Manager or person acting under authority all books, documents, vouchers and things which are in the person's custody or power relating to the lottery or to the promotion or conduct of the lottery.
- (9a) A person is not excused from answering a question, or from producing books, documents, vouchers or things under this section on the ground that the answer to the question or the contents of the books, documents, vouchers or things would tend to incriminate him or her but, where the person claims, before answering the question, that the answer might tend to incriminate him or her, the answer is not admissible against the person in criminal proceedings (except in proceedings for an offence against subsection (9c) or other proceedings in respect of the falsity of the answer).
- (9b) The Auditor-General, General Manager or person acting under authority may—
- (a) examine books, documents, vouchers or things produced under subsection (9); and
  - (b) make copies of, or take extracts from, any such books, documents, vouchers or things; and
  - (c) retain the books, documents, vouchers or things for such reasonable period as may be necessary for the purposes referred to above.
- (9c) A person who fails or refuses to answer truthfully questions, or to produce books, documents, vouchers or things, in accordance with subsections (9) and (9a) is guilty of an offence.
- Penalty: \$1 000.

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

Penalty: One thousand dollars.

- (10a) A person shall not, without the written authority of the Commission, distribute, display or publish, or cause to be distributed, displayed or published, by any means, any notice or advertisement in which the word "Lotto" with the addition of the word "Cross" or the letter, symbol or character "X" or any other words, letters, symbols or characters is used in connection with a lottery or game (other than a lottery of the Commission) or for any advertising, promotional or commercial purposes.

Penalty: One thousand dollars.

- (11) Notwithstanding anything contained in any other Act, proceedings for any offence against this Act 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 subsection (5), (6), (7), (9), (10) or (10a) of this section shall be disposed of summarily.

## **20—Regulations**

- (1) The Governor may make such regulations as he considers necessary or expedient for the purpose of giving effect to the provisions and objects of this Act.
- (2) Without limiting the generality of the provisions of subsection (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 Act; and
  - (b) provide for the prevention of fraud in connection with lotteries and the promotion and conduct thereof; and
  - (c) provide for the payment of prizes in connection with lotteries conducted by the Commission and the conditions under which prizes shall be paid.
- (3) The regulations may fix a penalty not exceeding one thousand dollars for the breach of any regulation.
- (4) Proceedings in respect of any offence under the regulations shall be disposed of summarily.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation amended by principal Act

The *State Lotteries Act 1966* amended the following:

*Lottery and Gaming Act 1936*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1966	54	<i>State Lotteries Act 1966</i>	3.11.1966	8.12.1966 ( <i>Gazette 8.12.1966 p2152</i> )
1973	27	<i>State Lotteries Act Amendment Act 1973</i>	20.9.1973	20.9.1973
1974	60	<i>State Lotteries Act Amendment Act 1974</i>	19.9.1974	19.9.1974
1975	118	<i>Statute Law Revision Act (No. 2) 1975</i>	4.12.1975	4.12.1975
1978	104	<i>State Lotteries Act Amendment Act 1978</i>	7.12.1978	7.12.1978
1981	1	<i>State Lotteries Act Amendment Act 1981</i>	20.2.1981	20.2.1981
1983	100	<i>State Lotteries Act Amendment Act 1983</i>	22.12.1983	22.12.1983
1984	93	<i>State Lotteries Act Amendment Act 1984</i>	13.12.1984	13.12.1984 ( <i>Gazette 13.12.1984 p1811</i> )
1986	28	<i>State Lotteries Act Amendment Act 1986</i>	20.3.1986	21.1.1993 ( <i>Gazette 21.1.1993 p224</i> )
1988	22	<i>State Lotteries Act Amendment Act 1988</i>	14.4.1988	14.4.1988
1992	65	<i>State Lotteries (Soccer Pools &amp; Other) Amendment Act 1992</i>	19.11.1992	3.12.1992 ( <i>Gazette 3.12.1992 p1690</i> )
1993	90	<i>State Lotteries (Instant Lotteries) Amendment Act 1993</i>	4.11.1993	8.12.1966: s 2(1)
1994	78	<i>State Lotteries (Scratch Tickets) Amendment Act 1994</i>	8.12.1994	8.12.1966 except ss 4 and 5—8.12.1994: s 2

1996	49	<i>State Lotteries (Unclaimed Prizes) Amendment Act 1996</i>	25.7.1996	25.7.1996 ( <i>Gazette 25.7.1996 p170</i> )
1999	33	<i>Financial Sector Reform (South Australia) Act 1999</i>	17.6.1999	Sch (item 55)—1.7.1999 being the date specified under s 3(16) of the <i>Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999</i> of the Commonwealth as the transfer date for the purposes of that Act: s 2(2)
2000	4	<i>District Court (Administrative and Disciplinary Division) Amendment Act 2000</i>	20.4.2000	Sch 1 (cl 40)—1.6.2000 ( <i>Gazette 18.5.2000 p2554</i> )
2000	26	<i>Statutes Amendment (Lotteries and Racing—GST) Act 2000</i>	29.6.2000	Pt 2 (s 4)—1.7.2000: s 2
2000	94	<i>TAB (Disposal) Act 2000</i>	21.12.2000	Sch 4 (cl 4)—14.12.2001 ( <i>Gazette 6.12.2001 p5267</i> )
2001	18	<i>Statutes Amendment (Gambling Regulation) Act 2001</i>	31.5.2001	Pt 11 (ss 51—53)—1.10.2001 ( <i>Gazette 13.9.2001 p4116</i> ) except s 54—31.5.2003 (s 7(5) <i>Acts Interpretation Act 1915</i> )
2007	13	<i>State Lotteries (Miscellaneous) Amendment Act 2007</i>	5.4.2007	30.4.2007 ( <i>Gazette 26.4.2007 p1351</i> )

### Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 10 of The Public General Acts of South Australia 1837-1975 at page 494.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	31.5.2003
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>31.5.2003</i>
s 3		
s 3(1)	s 3 redesignated as s 3(1) by 1/1981 s 2	20.2.1981
Authority	inserted by 18/2001 s 51(a)	1.10.2001
Chairman	<i>deleted by 18/2001 s 51(a)</i>	<i>1.10.2001</i>
lottery	amended by 93/1984 s 3(a)	13.12.1984
	amended by 65/1992 s 3(a)	3.12.1992
net proceeds	inserted by 65/1992 s 3(b)	3.12.1992
presiding member	inserted by 18/2001 s 51(b)	1.10.2001
prize	inserted by 93/1984 s 3(b)	13.12.1984
special lottery	inserted by 65/1992 s 3(c)	3.12.1992
sports lottery	inserted by 65/1992 s 3(c)	3.12.1992
the Hospitals Fund	inserted by 93/1984 s 3(c)	13.12.1984
	substituted by 94/2000 Sch 4 cl 4(a)	14.12.2001
the Lotteries Fund	inserted by 93/1984 s 3(c)	13.12.1984

	amended by 65/1992 s 3(d)	3.12.1992
the Recreation and Sport Fund	inserted by 93/1984 s 3(c)	13.12.1984
	amended by 65/1992 s 3(e)	3.12.1992
the rules of the Commission	inserted by 93/1984 s 3(c)	13.12.1984
ticket	inserted by 93/1984 s 3(c)	13.12.1984
s 3(2)	inserted by 1/1981 s 2	20.2.1981
s 4		
s 4(5)	amended by 28/1986 s 3	21.1.1993
	amended by 18/2001 s 52	1.10.2001
s 5		
s 5(1)	substituted by 93/1984 s 4	13.12.1984
s 8		
s 8(1)	s 8 amended and redesignated as s 8(1) by 93/1984 s 5	13.12.1984
s 8(2)	inserted by 93/1984 s 5(b)	13.12.1984
s 9		
s 9(2a)	inserted by 28/1986 s 4(a)	21.1.1993
s 9(3)	amended by 28/1986 s 4(b)	21.1.1993
s 9(4)	amended by 93/1984 s 6(a)	13.12.1984
	amended by 18/2001 s 53	1.10.2001
s 9(6) and (7)	inserted by 93/1984 s 6(b)	13.12.1984
s 10	substituted by 93/1984 s 7	13.12.1984
s 12	amended by 65/1992 s 4	3.12.1992
s 13		
s 13(1)	amended by 1/1981 s 3	20.2.1981
	amended by 65/1992 s 5(a), (b)	3.12.1992
s 13(1a)	inserted by 65/1992 s 5(c)	3.12.1992
s 13A		
s 13A(4)	substituted by 93/1984 s 8	13.12.1984
ss 13B—13E	inserted by 18/2001 s 54	31.5.2003
s 15	<i>deleted by 93/1984 s 9</i>	<i>13.12.1984</i>
s 16		
s 16(1)	substituted by 65/1992 s 6(a)	3.12.1992
	substituted by 33/1999 Sch (item 55)	1.7.1999
s 16(3)	substituted by 93/1984 s 10	13.12.1984
	amended by 65/1992 s 16(b), (c)	3.12.1992
	amended by 49/1996 s 3	25.7.1996
	substituted by 26/2000 s 4(a)	1.7.2000
s 16(4)	deleted by 93/1984 s 10	13.12.1984
	inserted by 65/1992 s 6(d)	3.12.1992
s 16(5)	deleted by 93/1984 s 10	13.12.1984
	inserted by 26/2000 s 4(b)	1.7.2000

<i>s 16(6)–(8)</i>	<i>deleted by 93/1984 s 10</i>	<i>13.12.1984</i>
s 16A	inserted by 93/1984 s 11	13.12.1984
	substituted by 65/1992 s 7	3.12.1992
s 16AB	inserted by 94/2000 Sch 4 cl 4(b)	14.12.2001
s 16B	inserted by 93/1984 s 11	13.12.1984
s 16B(1)	amended by 65/1992 s 8	3.12.1992
	substituted by 49/1996 s 4	25.7.1996
ss 16C and 16D	inserted by 49/1996 s 5	25.7.1996
s 17		
s 17(1)	s 17 redesignated as s 17(1) by 100/1983 s 2	22.12.1983
	amended by 65/1992 s 9(a)	3.12.1992
s 17(2)	inserted by 100/1983 s 2	22.12.1983
	amended by 65/1992 s 9(b)	3.12.1992
s 17(3)	inserted by 100/1983 s 2	22.12.1983
	amended by 93/1984 s 12	13.12.1984
	amended by 49/1996 s 6	25.7.1996
s 17(4) and (5)	inserted by 65/1992 s 9(c)	3.12.1992
s 17A	inserted by 90/1993 s 3	8.12.1966
s 17A(1)	amended by 78/1994 s 3	8.12.1966
s 17B	inserted by 78/1994 s 4	8.12.1994
s 17B(3)	amended by 49/1996 s 7	25.7.1996
s 18	substituted by 93/1984 s 13	13.12.1984
s 18AA	inserted by 78/1994 s 5	8.12.1994
s 18AA(1)	amended by 4/2000 s 9(1) (Sch 1 cl 40)	1.6.2000
ss 18A and 18B	inserted by 93/1984 s 13	13.12.1984
s 19		
s 19(3a)	inserted by 65/1992 s 10(a)	3.12.1992
s 19(4)	amended by 93/1984 s 14(a), (b)	13.12.1984
	amended by 65/1992 s 10(b)	3.12.1992
s 19(5)	amended by 93/1984 s 14(c)	13.12.1984
	substituted by 22/1988 s 2	14.4.1988
s 19(6)	amended by 93/1984 s 14(d)	13.12.1984
<i>s 19(7)</i>	<i>amended by 93/1984 s 14(e)</i>	<i>13.12.1984</i>
	<i>deleted by 65/1992 s 10(c)</i>	<i>3.12.1992</i>
<i>s 19(8)</i>	<i>amended by 93/1984 s 14(f)</i>	<i>13.12.1984</i>
	<i>deleted by 65/1992 s 10(c)</i>	<i>3.12.1992</i>
s 19(9)	amended by 93/1984 s 14(g)	13.12.1984
	substituted by 65/1992 s 10(d)	3.12.1992
s 19(9a)–(9c)	inserted by 65/1992 s 10(d)	3.12.1992
s 19(10)	amended by 93/1984 s 14(h)	13.12.1984
s 19(10a)	inserted by 104/1978 s 2(a)	7.12.1978
	amended by 93/1984 s 14(i), (j)	13.12.1984
s 19(12)	amended by 104/1978 s 2(b)	7.12.1978

s 20		
s 20(3)	amended by 93/1984 s 15	13.12.1984
<i>Sch</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	31.5.2003

## **Transitional etc provisions associated with Act or amendments**

### ***State Lotteries (Soccer Pools & Other) Amendment Act 1992, Sch***

#### **2—Transitional provisions**

- (1) On the commencement of this amending Act all money in the fund kept at the Treasury and known as the "Lotteries Fund" must be transferred into the Hospitals Fund.
- (2) On the commencement of this amending Act, an amount equal to 50 per cent of the balance held by the Commission as at 30 June 1992 by way of forfeited unclaimed prizes must be paid by the Commission into the Hospitals Fund.
- (3) The amendment to section 16B of the principal Act made by this amending Act applies in relation to prizes forfeited to the Commission on or after 1 July 1992 and to any prizes forfeited to the Commission before that date but in respect of which an amount had not as at that date been applied by the Commission in accordance with that section as in force immediately before the commencement of this amending Act.

#### **Historical versions**

Reprint No 1—15.1.1992  
Reprint No 2—3.12.1992  
Reprint No 3—21.1.1993  
Reprint No 4—4.11.1993  
Reprint No 5—8.12.1994  
Reprint No 6—25.7.1996  
Reprint No 7—1.7.1999  
Reprint No 8—1.6.2000  
Reprint No 9—1.7.2000  
Reprint No 10—1.10.2001  
Reprint No 11—14.12.2001