

## **Legislative Council—No 91A**

As reported with amendments, recommitted, reports adopted, Standing Orders suspended and passed remaining stages, 27 March 2007

South Australia

# **State Lotteries (Miscellaneous) Amendment Bill 2006**

A BILL FOR

An Act to amend the *State Lotteries Act 1966*.

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

### Part 2—Amendment of *State Lotteries Act 1966*

- 4 Amendment of section 3—Interpretation
- 5 Amendment of section 13—Powers and functions of the Commission
- 6 Insertion of sections 13AA and 13AB
  - 13AA Special lotteries
  - 13AB Special appeal lotteries
- 7 Amendment of section 16—The Lotteries Fund
- 8 Amendment of section 16B—Unclaimed prizes
- 9 Amendment of section 16C—Unclaimed Prizes Reserve
- 10 Amendment of section 17—Value of prizes to be offered
- 11 Amendment of section 17B—Minors not to participate in lotteries
- 12 Amendment of section 19—Offences
- 13 Review of effect of special appeal lotteries

### Schedule 1—Statute Law Revision

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *State Lotteries (Miscellaneous) Amendment Act 2006*.

#### 2—Commencement

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

#### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *State Lotteries Act 1966*

#### 10 4—Amendment of section 3—Interpretation

- (1) Section 3(1)—before the definition of *Authority* insert:

*Australian lotteries body* means—

- (a) a body performing a function corresponding to that of the Commission, constituted under the law of another State or Territory of the Commonwealth; or
- 15

(b) a body declared by the Minister by notice in the Gazette to be included within the ambit of this definition;

(2) Section 3(1)—after the definition of *Authority* insert:

*foreign lotteries body* means—

(a) a body performing a function corresponding to that of the Commission, constituted under the law of a jurisdiction outside of the Commonwealth; or

(b) a body declared by the Minister by notice in the Gazette to be included within the ambit of this definition;

(3) Section 3(1), definition of *net proceeds*—delete "or special lottery" and substitute:  
, special lottery or special appeal lottery

(4) Section 3(1), definition of *net proceeds*—delete "Treasurer" and substitute:  
Minister

(5) Section 3(1), definition of *special lottery*—delete the definition and substitute:

*special appeal lottery*—see section 13AB;

*special lottery*—see section 13AA;

(6) Section 3(2)—delete "with an authority constituted under the law of another State or Territory of the Commonwealth." and substitute:

with—

(a) an Australian lotteries body; or

(b) a foreign lotteries body.

(7) Section 3—after subsection (2) insert:

(3) For the purposes of this Act, a reference to *money* received by the Commission, *net gambling revenue*, *net proceeds* or *prize* in relation to a lottery or lotteries will, in the case of a lottery conducted by the Commission jointly with another body, be taken to be a reference to the part of the money, revenue, proceeds or prize that is related to Commission's functions under this Act relating to the lottery.

(4) The Minister may, by notice in the Gazette—

(a) declare a body to be included within the ambit of the definition of *Australian lotteries body*; or

(b) declare a body to be included within the ambit of the definition of *foreign lotteries body*; or

(c) vary or revoke a declaration under this subsection.

## 5—Amendment of section 13—Powers and functions of the Commission

(1) Section 13(1)(ab)—delete "an appropriate authority of another State or Territory of the Commonwealth" and substitute:

an Australian lotteries body

(2) Section 13(1)—after paragraph (ab) insert:

(ac) with the approval of the Minister, promote and conduct lotteries jointly with a foreign lotteries body; and

(3) Section 13(1a)—delete subsection (1a)

## 6—Insertion of sections 13AA and 13AB

After section 13 insert:

### 13AA—Special lotteries

The Minister 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*.

### 13AB—Special appeal lotteries

(1) The Minister may direct the Commission to conduct in a specified financial year a lottery or lotteries to be known as *special appeal lotteries*.

(2) The Minister must specify a body or bodies established or incorporated in the State for an approved purpose to be the beneficiary or beneficiaries of the net proceeds of each special appeal lottery.

(3) The Minister may specify a period of not less than 1 month within which prizes in a special appeal lottery must be collected or taken delivery of for the purposes of section 16B(1).

(4) If more than 1 body is specified as a beneficiary under subsection (2) in relation to a special appeal lottery, the Minister must specify the proportion of the net proceeds of, and the unclaimed prizes in, the lottery to which each body is entitled, and any payments to be made to the bodies under this Act must be divided between the bodies in those proportions.

(4a) The Commission must, on each ticket in a special appeal lottery, specify the proportion of the net proceeds of the lottery that is to be paid to the beneficiaries of the lottery.

(5) In this section—

*approved purpose* means—

- (a) the relief of disabled, sick, homeless, unemployed or otherwise disadvantaged persons, or the dependants of such persons; or
- (b) the relief of distress caused by natural disaster, war or civil unrest (whether occurring in the State or elsewhere); or
- (c) the provision of welfare services for animals; or
- (d) the support of medical or other scientific research that is likely to benefit South Australians; or
- (e) any other purpose approved by the Minister.

## **7—Amendment of section 16—The Lotteries Fund**

(1) Section 16(3)—after paragraph (c) insert:

(ca) in payment to the body or bodies specified by the Minister under section 13AB(2) as the beneficiary or beneficiaries of a particular special appeal lottery of—

(i) an amount equal to the net proceeds in respect of the special appeal lottery less the GST paid or payable in respect of the lottery; and

(ii) the amount of any unclaimed prizes in respect of the lottery; and

(2) Section 16(3)(d)—delete "and special lotteries" and substitute:

, special lotteries and special appeal lotteries

(3) Section 16(3)(e)—delete "Treasurer" and substitute:

Minister

(4) Section 16(4)—delete "Treasurer" and substitute:

Minister

## **8—Amendment of section 16B—Unclaimed prizes**

(1) Section 16B(1)—after "months" insert:

(or, in the case of a special appeal lottery, such shorter period as may be specified by the Minister under section 13AB(3))

(2) Section 16B—after subsection (3) insert:

(4) For the purposes of this section, a reference to prize being collected or taken delivery of includes, in the case where a prize is to be paid in installments, the collection or taking delivery of the first installment.

## **9—Amendment of section 16C—Unclaimed Prizes Reserve**

(1) Section 16C(2)—after "Commission" first occurring insert:

(other than a prize in a special appeal lottery)

(2) Section 16C(6)—after "lottery" insert:

(including, to avoid doubt, a special appeal lottery)

## **10—Amendment of section 17—Value of prizes to be offered**

(1) Section 17(1)—after "lottery" first occurring insert:

(other than a special appeal lottery)

(2) Section 17—after subsection (1) insert:

(1a) The Commission must offer as prizes in each special appeal lottery the amount (whether expressed as a percentage of the value of the tickets sold or otherwise) specified by the Minister for the purposes of the lottery.

(3) Section 17(2)—after "lottery" first occurring insert:

(other than a special appeal lottery)

(4) Section 17(2)—delete "shall be applied for the purpose of additional or increased prizes in a subsequent lottery or lotteries conducted by the Commission." and substitute:

must be applied for or towards the payment of any of the following:

- (a) prizes in respect of missed prize entries for lotteries conducted by the Commission;
- (b) additional prizes or increased prizes in subsequent lotteries conducted by the Commission.

(5) Section 17—after subsection (2) insert:

(2a) However, the Commission must not apply money to pay a prize in respect of a missed prize entry unless—

- (a) the entry is recorded on the central computer system of the Commission; and
- (b) the entry was included in the prize pool for the lottery; and
- (c) the entry contains a combination of winning numbers; and
- (d) the prize claim in respect of the entry was lodged with the Commission within the period for claiming prizes (as set out in the rules of the Commission).

(6) Section 17(4)—before the definition of *prescribed percentage* insert:

*missed prize entry* means an entry in a lottery that was incorrectly omitted from the winning entries in relation to a particular class of prizes;

(7) Section 17(5)—delete "Treasurer" and substitute:

Minister

### **11—Amendment of section 17B—Minors not to participate in lotteries**

(1) Section 17B(1), penalty provision—delete "\$200" and substitute:

\$5 000

(2) Section 17B(2)—delete "16" and substitute:

18

(3) Section 17B(3), penalty provision—delete "\$200" and substitute:

\$5 000

(4) Section 17B(4)—delete "16" and substitute:

18

### **12—Amendment of section 19—Offences**

(1) Section 19(1) to (3) (inclusive)—delete subsections (1) to (3)

- (2) Section 19(3a)—after its present contents insert:  
Maximum penalty: \$20 000 or imprisonment for 4 years.
- (3) Section 19(4)—delete subsection (4)
- (4) Section 19(5), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.
- (5) Section 19(6)—delete "shall not by any means advertise that he" and substitute:  
must not, without the written authority of the Commission, advertise that the person
- (6) Section 19(6), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.
- (7) Section 19(9)—delete "General Manager" wherever occurring and substitute in each case:  
Chief Executive
- (8) Section 19(9b)—delete "General Manager" and substitute:  
Chief Executive
- (9) Section 19(9c), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.
- (10) Section 19(10), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.
- (11) Section 19(10a), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.
- (12) Section 19—after subsection (10a) insert:  
(10b) A person must not, without the written authority of the Commission, give away, or offer to give away, a ticket in a lottery of the Commission for any advertising, promotional or commercial purposes.  
Maximum penalty: \$5 000.
- (13) Section 19(12)—delete subsection (12)

### **13—Review of effect of special appeal lotteries**

- (1) The Minister must cause a review of the operation of section 13AB of the *State Lotteries Act 1966* (as inserted by section 6 of this Act) to be undertaken as soon as practicable after the second anniversary of the commencement of section 6 of this Act.
- (2) The person undertaking the review must present a report on the review to the Minister within 6 months after commencing the review.
- (3) The report—  
(a) must address the effect (whether detrimental or otherwise) of the conduct of special appeal lotteries on the fund-raising activities of each beneficiary of the lotteries; and

(b) if the person undertaking the review receives any submissions from beneficiaries of special appeal lotteries—must include a response to each submission.

5 (4) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

## Schedule 1—Statute Law Revision

<b>Provision amended</b>	<b>How amended</b>
Section 1	delete "and shall come into operation on a day to be fixed by proclamation"
Section 4(1)	delete subsection (1) and substitute: <p style="margin-left: 40px;">(1) The <i>Lotteries Commission of South Australia</i> is established.</p>
Section 4(2)	delete "shall be" wherever occurring and substitute in each case: <p style="margin-left: 40px;">is</p>
Section 4(2)(d)	delete "shall hold all its" and substitute: <p style="margin-left: 40px;">holds its</p>
Section 4(2)(e)	delete "shall have" and substitute: <p style="margin-left: 40px;">has</p>
Section 4(3)	delete subsection (3) and substitute: <p style="margin-left: 40px;">(3) The Commission is subject to the direction and control of the Minister.</p>
Section 4(5)	delete "shall" wherever occurring and substitute in each case: <p style="margin-left: 40px;">will</p>
Sections 4(6) and (7)	delete subsections (6) and (7)
Section 5	delete "shall" wherever occurring and substitute: <p style="margin-left: 40px;">will</p>
Section 5(2)	after "his" insert: <p style="margin-left: 40px;">or her</p>
Section 6	delete "shall" wherever occurring and substitute in each case: <p style="margin-left: 40px;">will</p>
Section 6	delete "deemed" and substitute: <p style="margin-left: 40px;">taken</p>
Section 7	delete "him" wherever occurring and substitute in each case: <p style="margin-left: 40px;">the member</p>
Section 7	after "his" wherever occurring insert: <p style="margin-left: 40px;">or her</p>
Section 8(1)	delete "he" wherever occurring and substitute in each case: <p style="margin-left: 40px;">the member</p>



<b>Provision amended</b>	<b>How amended</b>
Section 8(1)	delete "his" wherever occurring and substitute in each case: the member's
Section 8(1)(c)	delete "of this Act"
Section 8(1)(g)	delete "him" and substitute: the member
Section 8(2)	delete "shall" first occurring and substitute: will
Section 8(2)	delete "he" and substitute: the member
Section 8(2)	delete "in his place shall be appointed only" and substitute: to fill the vacancy will hold office
Section 9(1)	delete "shall" wherever occurring and substitute in each case: must
Section 9(2)	delete "shall" and substitute: will
Section 9(3)	delete "shall be" and substitute: are
Section 9(3)	delete "shall" second occurring
Section 9(4)	delete "shall" wherever occurring and substitute in each case: must
Section 9(4)	after "he" insert: or she
Section 9(4)	after "his" insert: or her
Section 9(5)	delete "shall be the" and substitute: is a
Section 9(6)	delete "shall be" and substitute: is
Section 9(6)	delete "shall" second occurring and substitute: will
Section 9(7)	delete "shall" and substitute: must
Section 10	delete "shall" wherever occurring and substitute in each case: will
Section 10(1)	delete "him" and substitute: the member

**State Lotteries (Miscellaneous) Amendment Bill 2006**  
Schedule 1—Statute Law Revision

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<b>Provision amended</b>	<b>How amended</b>
Section 10(1)	delete "his" and substitute: the member's
Section 11	delete "shall be" and substitute: is
Section 12	delete "shall be" first occurring and substitute: is to be
Section 12	delete "shall be" second occurring and substitute: is also
Section 13(2)	delete "shall" and substitute: must
Section 13(2)	delete "of this section"
Section 13(4)	delete subsection (4)
Section 13A(2) and (3)	delete "of this section" wherever occurring
Section 13A(3)	delete "shall be satisfied out of the General Revenue of the State which is hereby, to the necessary extent, appropriated accordingly" and substitute: is to be satisfied out of the Consolidated Account, which is appropriated to the necessary extent
Section 13A(4)	delete "moneys held by the Commission that are" and substitute: money held by the Commission that is
Section 14(1)	delete "Notwithstanding" and substitute: Despite
Section 14(1)	delete "shall be" wherever occurring and substitute in each case: is
Section 14(1)(b)	delete "he" and substitute: the person
Section 14(2)	delete "shall be deemed" wherever occurring and substitute: will be taken
Section 16(2)	delete "shall" and substitute: must
Section 16(2)	delete "moneys" and substitute: money
Section 16B(2)(a)	delete "where" and substitute: if
Section 16B(2)(a)	delete "shall" and substitute: will
Section 16B(3)	delete subsection (3)
Section 17	delete "shall" wherever occurring and substitute in each case: must

<b>Provision amended</b>	<b>How amended</b>
Section 17(2)	delete "Notwithstanding the provisions of subsection (1)" and substitute: However
Section 17(2)	delete "moneys" and substitute: money
Section 17(3)	delete "in pursuance of subsection (2)"
Section 17B(3)	delete "Where" and substitute: If
Section 18(3)	delete "The provisions of section 10 of the <i>Subordinate Legislation Act 1978</i> shall not apply to or in relation" and substitute: Section 10 of the <i>Subordinate Legislation Act 1978</i> does not apply
Section 18A	delete "shall" wherever occurring and substitute in each case: must
Section 18A(3)	delete subsection (3)
Section 18B	delete "shall" wherever occurring and substitute in each case: must
Section 18B(3)	delete "furnished to him"
Section 18B(3)	after "his" insert: or her
Section 19(6)	after "him" insert: or her
Section 19(6)	delete "no person shall" and substitute: a person must not
Section 19(10)	delete "shall" and substitute: must
Section 19(10)	after "he" insert: or she
Section 19(10a)	delete "shall" and substitute: must
Section 19(11)	delete "Notwithstanding anything contained in any other Act" and substitute: Despite a provision of any other Act,
Section 20(1)	after "he" insert: or she
Section 20(2)(c)	delete "shall" and substitute: will
Section 20(2)	delete "of this section"
Section 20(4)	delete subsection (4)