

South Australia

# **Lottery and Gaming (Lottery Inspectors) Amendment Act 2003**

An Act to amend the *Lottery and Gaming Act 1936*.

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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 *Lottery and Gaming (Lottery Inspectors) Amendment Act 2003*.

### **2—Commencement**

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 *Lottery and Gaming Act 1936*

### 4—Amendment of section 4—Interpretation

- (1) Section 4—after the definition of *exempted lottery* insert:

*instant lottery ticket* means a lottery ticket—

- (a) that is sealed or in some other way conceals the number, letter or symbol giving rise to the winning chance; and
- (b) that is realisable immediately after its purchase by the participant in the lottery,

but does not include a lottery ticket printed by or on behalf of the Lotteries Commission of South Australia;

- (2) Section 4—after the definition of *lottery* insert:

*lottery inspector*, or *inspector*, means a person authorised in writing by the Minister to exercise the powers of a lottery inspector under Part 4;

### 5—Amendment of section 15—Interpretation

Section 15, definition of *instant lottery ticket*—delete the definition

### 6—Insertion of Part 4

After section 20 insert:

## Part 4—Lottery inspectors

### 21—Appointment of lottery inspectors

- (1) The Minister may appoint such Public Service employees as lottery inspectors as may be necessary for the purposes of this Act.
- (2) The Minister must provide each inspector with a certificate of identity and an inspector must, at the request of a person in relation to whom the inspector has exercised or intends to exercise powers under this Part, produce that certificate.

### 22—Powers of lottery inspectors

- (1) For the purposes of ascertaining whether the provisions of this Act are being complied with and subject to this section, a lottery inspector may enter any place in which the inspector suspects on reasonable grounds—
  - (a) there may be evidence or records connected with the conduct of a lottery; or
  - (b) instant lottery tickets may be manufactured, packaged or stored.
- (2) An inspector must not enter a place used as a residence unless authorised by warrant under subsection (3).

- (3) A magistrate may, if satisfied on the application of an inspector that there is a proper ground for doing so, issue a warrant authorising an inspector to enter a place used as a residence.
- (4) While an inspector is in or on any place pursuant to this section, the inspector may do one or more of the following:
- (a) inspect or search the place or anything in the place;
  - (b) require any person in the place to—
    - (i) produce any equipment or other items, or any books, papers or documents, that are in the person's custody or control; and
    - (ii) answer any questions put by the inspector;
  - (c) inspect any books, papers or documents produced to the inspector and retain them for so long as is reasonably necessary for the purpose of copying or taking extracts from any of them;
  - (d) take photographs;
  - (e) if the inspector suspects on reasonable grounds that an offence has been committed, seize and retain anything that the inspector believes affords evidence of the offence;
  - (f) give such directions as are reasonably necessary for, or as are incidental to, the effective exercise of the inspector's powers under this section.
- (5) An inspector may, in exercising powers under this section, be accompanied by such assistants as are reasonably necessary for the purpose.
- (6) A person who—
- (a) without reasonable excuse, hinders or obstructs an inspector in the exercise of powers under this section; or
  - (b) fails to answer a question put by an inspector to the best of his or her knowledge, information or belief; or
  - (c) fails to comply with any other lawful requirement or direction of an inspector; or
  - (d) uses abusive, threatening or insulting language to an inspector or a person assisting an inspector; or
  - (e) falsely represents, by word or conduct, that he or she is an inspector,
- is guilty of an offence  
Maximum penalty: \$5 000.
- (7) A natural person is not required to answer a question if the answer might tend to incriminate the person, or make the person liable to a penalty.