

SOUTH AUSTRALIA

**STATE LOTTERIES ACT 1966**

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 25 July 1996.*

*It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.*

## SUMMARY OF PROVISIONS

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### SCHEDULE

*Amendment of Lottery and Gaming Act 1936-1966*

### APPENDIX

### LEGISLATIVE HISTORY

# STATE LOTTERIES ACT 1966

being

State Lotteries Act 1966 No. 54 of 1966  
[Assented to 3 November 1966]<sup>1</sup>

as amended by

State Lotteries Act Amendment Act 1973 No. 27 of 1973 [Assented to 20 September 1973]  
State Lotteries Act Amendment Act 1974 No. 60 of 1974 [Assented to 19 September 1974]  
Statute Law Revision Act (No. 2) 1975 No. 118 of 1975 [Assented to 4 December 1975]  
State Lotteries Act Amendment Act 1978 No. 104 of 1978 [Assented to 7 December 1978]  
State Lotteries Act Amendment Act 1981 No. 1 of 1981 [Assented to 20 February 1981]  
State Lotteries Act Amendment Act 1983 No. 100 of 1983 [Assented to 22 December 1983]  
State Lotteries Act Amendment Act 1984 No. 93 of 1984 [Assented to 13 December 1984]<sup>2</sup>  
State Lotteries Act Amendment Act 1986 No. 28 of 1986 [Assented to 20 March 1986]<sup>3</sup>  
State Lotteries Act Amendment Act 1988 No. 22 of 1988 [Assented to 14 April 1988]  
State Lotteries (Soccer Pools & Other) Amendment Act 1992 No. 65 of 1992 [Assented to 19 November 1992]<sup>4</sup>  
State Lotteries (Instant Lotteries) Amendment Act 1993 No. 90 of 1993 [Assented to 4 November 1993]<sup>5</sup>  
State Lotteries (Scratch Tickets) Amendment Act 1994 No. 78 of 1994 [Assented to 8 December 1994]<sup>6</sup>  
State Lotteries (Unclaimed Prizes) Amendment Act 1996 No. 49 of 1996 [Assented to 25 July 1996]<sup>7</sup>

<sup>1</sup> Came into operation 8 December 1966: *Gaz.* 8 December 1966, p. 2152.

<sup>2</sup> Came into operation 13 December 1984: *Gaz.* 13 December 1984, p. 1811.

<sup>3</sup> Came into operation 21 January 1993: *Gaz.* 21 January 1993, p. 224.

<sup>4</sup> Came into operation 3 December 1992: *Gaz.* 3 December 1992, p. 1690.

<sup>5</sup> Came into operation 8 December 1966: s. 2(1).

<sup>6</sup> Came into operation (except ss. 4 and 5) 8 December 1966: s. 2(1); ss. 4 and 5 came into operation on assent: s. 2(2).

<sup>7</sup> Came into operation 25 July 1996: *Gaz.* 25 July 1996, p. 170.

## NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the Act see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.*

**An Act to provide for the promotion and control of lotteries by the Government of the State; to amend the Lottery and Gaming Act 1936-1966 and for other purposes.**

The Parliament of South Australia enacts as follows:

**Short title and commencement**

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

**Amendment of the Lottery and Gaming Act 1936-1966**

2. The *Lottery and Gaming Act 1936-1966* is amended as specified in the Schedule to this Act and, as so amended, may be cited as the *Lottery and Gaming Act 1936-1966*.

**Interpretation**

3. (1) this Act, unless the context otherwise requires—

"**Chairman**" means Chairman of the Commission and includes the acting Chairman of the Commission;

"**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;

"**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 pursuant to the *Racing Act 1976*;

"**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.

#### **Constitution of the Commission**

**4.** (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 Chairman 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.

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

**5.** (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.

**Temporary appointments**

6. 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.

**Suspension or removal from office of member**

7. 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.

**Vacancies in offices of members**

8. (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.

**Quorum**

9. (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 Chairman 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 Chairman 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 Chairman.

(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.

#### **Protection of members**

**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.

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

#### **Validity of acts of Commission**

**11.** 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.

#### **Remuneration of members**

**12.** 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.

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

**13.** (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.

#### **Borrowing and investment powers of Commission**

**13A.** (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.

#### **Subscribers and other persons to be free from penalties, etc.**

**14.** (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 1936-1966* 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.

\* \* \* \* \*

**The Lotteries Fund and application of proceeds of the Commission**

**16.** (1) The Commission must establish a bank account to be known as the "Lotteries Fund" at a bank in this State, being an account and bank approved by the Treasurer.

(2) The Commission shall pay into the Lotteries Fund all moneys received by 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; and
- (b) in payment of amounts from time to time approved by the Treasurer for the capital, administrative and operating expenses of the Commission; and
- (ba) in the application of forfeited prize money in accordance with this Act; and
- (c) in payment into the Recreation and Sport Fund, at intervals determined by the Treasurer, of the net proceeds of all sports lotteries and special lotteries conducted by the Commission; 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 the preceding paragraphs and 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.

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**Recreation and Sport Fund**

**16A.** (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.

**Unclaimed prizes**

**16B.** (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.

#### **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.

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

**17.** (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.

**Instant lottery tickets**

**17A.** (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		1
Seven	One	
3		7
Three	Seven	
4		7
Four	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:

<table style="width: 100%; text-align: center;"> <tr> <td>\$20<sup>00</sup></td> <td>\$8<sup>00</sup></td> <td>250000</td> </tr> <tr> <td>TWENTY</td> <td>EIGHT</td> <td>250THOUSAND</td> </tr> <tr> <td>250000</td> <td>\$8<sup>00</sup></td> <td>\$80<sup>00</sup></td> </tr> <tr> <td>250THOUSAND</td> <td>EIGHT</td> <td>EIGHTY</td> </tr> </table>	\$20 <sup>00</sup>	\$8 <sup>00</sup>	250000	TWENTY	EIGHT	250THOUSAND	250000	\$8 <sup>00</sup>	\$80 <sup>00</sup>	250THOUSAND	EIGHT	EIGHTY	<table style="width: 100%; text-align: center;"> <tr> <td>\$8<sup>00</sup></td> <td>250000</td> <td>\$40<sup>00</sup></td> </tr> <tr> <td>EIGHT</td> <td>250THOUSAND</td> <td>FORTY</td> </tr> <tr> <td>250000</td> <td>250000</td> <td>\$40<sup>00</sup></td> </tr> <tr> <td>250THOUSAND</td> <td>250THOUSAND</td> <td>FORTY</td> </tr> </table>	\$8 <sup>00</sup>	250000	\$40 <sup>00</sup>	EIGHT	250THOUSAND	FORTY	250000	250000	\$40 <sup>00</sup>	250THOUSAND	250THOUSAND	FORTY
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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:

\$80 <sup>00</sup>	\$200	250000	\$200	\$20 <sup>00</sup>	\$80 <sup>00</sup>
EIGHTY	2HUNDRED	250THOUSAND	2HUNDRED	TWENTY	EIGHTY
\$200	250000	\$80 <sup>00</sup>	\$200	250000	\$2500
2HUNDRED	250THOUSAND	EIGHTY	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.

**Minors not to participate in lotteries**

**17B.** (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.

**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.

**Appeals**

**18AA.** (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 Appeals 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.

**Accounts and audit**

**18A.** (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.

**Annual report**

**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.

(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.

**Offences**

**19.** (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.

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(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.

**Regulations**

**20.** (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.

**SCHEDULE**

*Amendment of Lottery and Gaming Act 1936-1966*

The *Lottery and Gaming Act 1936-1966* is amended by inserting in Part 1 and after section 4 thereof the following section:—

**This Act to be read subject to State Lotteries Act 1966**

**4A.** This Act shall be read and construed subject to the provisions of the *State Lotteries Act 1966*.

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**State Lotteries Act 1966**


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**APPENDIX****LEGISLATIVE HISTORY****Repeals**

The *State Lotteries (Soccer Pools & Other) Amendment Act 1992* repealed the *Soccer Football Pools Act 1981*.

**Transitional Provisions**

(*Transitional provision from the State Lotteries (Soccer Pools & Other) Amendment Act 1992, Sched.*)

2. (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.

**Legislative History**

- 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.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 3:	redesignated as s. 3(1) by 1, 1981, s. 2 definition of "lottery" amended by 93, 1984, s. 3(a); 65, 1992, s. 3(a) definition of "net proceeds" inserted by 65, 1992, s. 3(b) definition of "prize" inserted by 93, 1984, s. 3(b) definition of "special lottery" inserted by 65, 1992, s. 3(c) definition of "sports lottery" inserted by 65, 1992, s. 3(c) definition of "the Hospitals Fund" inserted by 93, 1984, s. 3(c) definition of "the Lotteries Fund" inserted by 93, 1984, s. 3(c); amended by 65, 1992, s. 3(d) definition of "the Recreation and Sport Fund" inserted by 93, 1984, s. 3(c); amended by 65, 1992, s. 3(e) definition of "the rules of the Commission" inserted by 93, 1984, s. 3(c) definition of "ticket" inserted by 93, 1984, s. 3(c) inserted by 1, 1981, s. 2
Section 3(2):	amended by 28, 1986, s. 3
Section 4:	substituted by 93, 1984, s. 4
Section 5(1):	amended and redesignated as s. 8(1) by 93, 1984, s. 5
Section 8:	inserted by 93, 1984, s. 5(b)
Section 8(2):	inserted by 28, 1986, s. 4(a)
Section 9(2a):	amended by 28, 1986, s. 4(b)
Section 9(3):	amended by 93, 1984, s. 6(a)
Section 9(4):	inserted by 93, 1984, s. 6(b)
Section 9(6) and (7):	substituted by 93, 1984, s. 7
Section 10:	amended by 65, 1992, s. 4
Section 12:	amended by 1, 1981, s. 3; 65, 1992, s. 5(a), (b)
Section 13(1):	inserted by 65, 1992, s. 5(c)
Section 13(1a):	substituted by 93, 1984, s. 8
Section 13A(4):	repealed by 93, 1984, s. 9
Section 15:	substituted by 65, 1992, s. 6(a)
Section 16(1):	substituted by 93, 1984, s. 10; <b>amended by 65, 1992, s. 16(b), (c); 49, 1996, s. 3</b>
Section 16(4):	repealed by 93, 1984, s. 10; inserted by 65, 1992, s. 6(d)
Section 16(5) - (8):	repealed by 93, 1984, s. 10
Section 16A :	inserted by 93, 1984, s. 11; substituted by 65, 1992, s. 7

Section 16B:	inserted by 93, 1984, s. 11
<b>Section 16B(1):</b>	amended by 65, 1992, s. 8; <b>substituted by 49, 1996, s. 4</b>
<b>Sections 16C and 16D:</b>	<b>inserted by 49, 1996, s. 5</b>
Section 17:	redesignated as s. 17(1) by 100, 1983, s. 2; amended by 65, 1992, s. 9(a)
Section 17(2):	inserted by 100, 1983, s. 2; amended by 65, 1992, s. 9(b)
<b>Section 17(3):</b>	inserted by 100, 1983, s. 2; <b>amended by 93, 1984, s. 12; 49, 1996, s. 6</b>
Section 17(4) and (5):	inserted by 65, 1992, s. 9(c)
Section 17A:	inserted by 90, 1993, s. 3
Section 17A(1):	amended by 78, 1994, s. 3
Section 17B:	inserted by 78, 1994, s. 4
<b>Section 17B(3):</b>	<b>amended by 49, 1996, s. 7</b>
Section 18:	substituted by 93, 1984, s. 13
Section 18AA:	inserted by 78, 1994, s. 5
Sections 18A and 18B:	inserted by 93, 1984, s. 13
Section 19(3a):	inserted by 65, 1992, s. 10(a)
Section 19(4):	amended by 93, 1984, s. 14(a), (b); 65, 1992, s. 10(b)
Section 19(5):	amended by 93, 1984, s. 14(c); substituted by 22, 1988, s. 2
Section 19(6):	amended by 93, 1984, s. 14(d)
Section 19(7):	amended by 93, 1984, s. 14(e); repealed by 65, 1992, s. 10(c)
Section 19(8):	amended by 93, 1984, s. 14(f); repealed by 65, 1992, s. 10(c)
Section 19(9):	amended by 93, 1984, s. 14(g); substituted by 65, 1992, s. 10(d)
Section 19(9a) - (9c):	inserted by 65, 1992, s. 10(d)
Section 19(10):	amended by 93, 1984, s. 14(h)
Section 19(10a):	inserted by 104, 1978, s. 2(a); amended by 93, 1984, s. 14(i), (j)
Section 19(12):	amended by 104, 1978, s. 2(b)
Section 20(3):	amended by 93, 1984, s. 15