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WESTERN AUSTRALIA

**LOTTERIES (CONTROL) ACT 1954**

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WESTERN AUSTRALIA

# LOTTERIES (CONTROL) ACT 1954

AN ACT to make provision for the Conduct and Control of Lotteries and other similar devices and to repeal and re-enact with amendments the *Lotteries (Control) Act 1932*.

## Short title

1. This Act may be cited as the *Lotteries (Control) Act 1954*.<sup>1</sup>

## PART I—PRELIMINARY

### Repeal

2. [Section 2 omitted under *Reprints Act 1984* section 7 (4) (f).]

### Saving provisions

3. Without prejudice to the operation of the other provisions of the *Interpretation Act 1918*<sup>2</sup>, the provisions of sections 15 and 16 of that Act are expressly declared to apply to this Act.

### Interpretation

- 4 (1) In this Act the following terms have the following meanings, unless inconsistent with the context—

“charitable purpose” means any purpose which is designed to raise funds for all or any of the following—

- (a) any public hospital in the State as defined in section 2 of the *Hospitals Act 1927*;
- (b) any free ward at any private hospital in the State;
- (c) the relief of former sailors, soldiers, airmen or nurses of Her Majesty’s sea, land or air forces resident in the State;

- (d) any institution in the State for the instruction or care of the blind, deaf or dumb;
- (e) any orphanage or foundling home in the State;
- (f) any home or institution in the State maintained wholly or in part for the reception of dying or incurable persons in indigent circumstances;
- (g) any body incorporated under the laws of the State which distributes relief to sick, to infirm, and to indigent persons;
- (h) any body whose activities include dispensing voluntary aid or medical or nursing advice to expectant mothers, nursing mothers, and children under the age of 16 years;
- (i) any body incorporated under the laws of the State which provides relief or assistance to the dependants of deceased ex-servicemen;
- (j) any object which in the opinion of the Minister may be fairly classed as charitable;

“closing date”, in relation to a standard lottery, means the last date on which tickets may be sold or subscriptions received from entrants to the standard lottery;

“Commission” means the Lotteries Commission constituted under the provisions of this Act;

“continuing lottery” means a continuing lottery within the meaning of subsection (3);

“date of drawing”, in relation to a standard lottery, means the date fixed for the drawing of, or deciding the result of, the standard lottery;

“drawing”, in relation to a standard lottery, means the determination of the event or events which, according to the conditions of the standard lottery, decide the result thereof;

“foreign lottery” means a lottery which is organized, conducted, drawn or decided wholly or partly outside the State, notwithstanding that the same may be legal according to the law of the place where it is organized, conducted, drawn, or decided;

“illegal lottery” means a lottery in respect of the conduct of which a permit has not been granted under this Act and includes a foreign lottery;

“instant lottery” means an instant lottery within the meaning of subsection (2);

“lottery” has the same meaning as the term “lottery” in section 212 of *The Criminal Code 1913*, and, further, includes any disposition of property under any scheme or competition which the public or any specified section of the public may be or is invited to enter, the nature or conduct of which (though skill on the part of the entrants or competitors is required) is such as in the

circumstances of the case to preclude the fair consideration of the answers of the entrants or competitors and includes all schemes or devices for the disposition of property known as art unions, raffles, guessing competitions, and the like, but does not include—

- (a) a game of lotto within the meaning of the *Lotto Act 1981*;
- (b) except in section 23 (1) (a), (b), and (d) of this Act, a trade promotion lottery as defined in section 212 above-mentioned;
- (c) a soccer football pool within the meaning of the *Soccer Football Pools Act 1984*; or
- (d) an authorized game as defined by the *Casino Control Act 1984* played in accordance with rules approved under that Act in a licensed casino as so defined;

“opening date”, in relation to a standard lottery, means the first day on which tickets in the standard lottery may be sold or on which subscriptions in the standard lottery may be received;

“paragraph” means paragraph of the section or subsection in which the term appears;

“permit” means a permit granted under this Act permitting the conduct of a lottery;

“permit holder” means a person to whom a permit is granted;

“section” means section of this Act;

“standard lottery” means a lottery other than a continuing lottery or an instant lottery;

“subparagraph” means subparagraph of the paragraph in which the term appears;

“subsection” means subsection of the section in which the term appears;

“the rules” means the rules made by the Commission under section 10B.

(2) An instant lottery is a lottery—

- (a) in the first stage of which the holders of tickets remove from the surfaces thereof opaque material covering certain amounts or pictures or figures, letters or other symbols printed on the tickets in order to ascertain whether or not the presentation by them of the tickets to the Commission will entitle them, subject to this Act and to the conditions, if any, subject to which the relevant permit is granted, to receive prizes; and
- (b) in the second stage of which the winners of prizes referred to in paragraph (a) are eligible for further prizes to be awarded on the drawing of a lottery or lotteries in accordance with the rules.

(3) A continuing lottery is a lottery in which the holders of tickets expose certain amounts or pictures or figures, letters, or other symbols that were printed on the tickets and were concealed at the time when the

holders obtained the tickets in order to ascertain whether or not the presentation by them of the tickets to the person conducting the lottery will entitle them, subject to this Act and the terms and conditions, if any, subject to which the permit for the lottery is granted, to receive prizes, but does not include an instant lottery or any stage thereof.

[Section 4 amended by No. 103 of 1981 s. 8; No. 72 of 1982 s. 3; No. 21 of 1983 s. 8; No. 22 of 1984 s. 7; No. 10 of 1985 s. 7; No. 19 of 1985 s. 5.]

## PART II—ADMINISTRATION

### **Lotteries Commission constituted**

5. (1) For the purposes of this Act a Commission is constituted under the name of the “Lotteries Commission”.

(2) The Commission is a body corporate with perpetual succession and a common seal and is capable of suing and being sued in its corporate name, acquiring, holding, disposing and leasing for any term any real property, and of doing and permitting all things which are required by this Act to be done by the Commission or which are necessary and convenient to be done by the Commission for the purpose of carrying out its powers and functions under this Act and giving effect to this Act.

(3) The Commission consists of 4 members appointed by the Minister, one of whom the Minister shall nominate as the chairman of the Commission, and he has both a deliberative and casting vote.

(4) Three members of the Commission form a quorum.

(5) Subject to the provisions of this section, the members of the Commission hold office for such time not exceeding 3 years as the Minister shall fix, and at the expiration of that time, they are eligible for reappointment.

(6) Each member of the Commission is entitled to such allowances and remuneration for his services as may be determined by regulation.

(7) If a member of the Commission—

- (a) is absent from his duties for a period of at least one month without the consent of the Minister;
- (b) becomes of unsound mind, or is declared, under the provisions of any law for the time being relating to mental infirmity, incapable of managing his affairs;
- (c) becomes bankrupt or avails himself as a debtor of any law for the relief of bankrupt debtors;
- (d) is convicted of a breach of any of the provisions of this Act;
- (e) is convicted of a crime or misdemeanour;
- (ea) is dismissed from his office under subsection (8);
- (f) resigns or dies;

his office on the Commission becomes vacant.

(8) A member of the Commission may be dismissed from his office by the Minister if he is guilty of misbehaviour or of incapacity.

[Section 5 amended by No. 72 of 1982 s. 4.]

### **Powers of Commission**

6. (1) The Commission has and shall exercise the following powers and duties—

- (a) to conduct lotteries other than continuing lotteries in the whole or any part of the State in order to raise money for charitable purposes or for the purposes of sport or cultural activities;
- (b) to receive and consider applications to conduct lotteries by persons desiring to conduct them and to exercise such supervision and control over the conduct of lotteries as may be prescribed;
- (c) to hire and dismiss servants, subject to the regulations for the time being in force.

(2) In exercising the power to hire servants under subsection (1) (c), if all things are equal between the applicants for a position, the Commission shall appoint either a returned sailor, soldier, airman or nurse, who is an applicant, to the position.

(3) (a) The Commission having regard to the desire of their servants may either—

- (i) enter into and carry out an agreement with an assurance company for the purpose of providing pensions for any of their servants; or
- (ii) request that the inclusion of the Commission as a department for the purposes of the *Superannuation and Family Benefits Act 1938* be recommended by the Minister having the administration of that Act and approved by the Treasurer.

(b) If a request is made pursuant to paragraph (a) (ii)—

- (i) then notwithstanding the interpretation of the term, “department” in section 6 (1) of the *Superannuation and Family Benefits Act 1938*, the Treasurer, on the recommendation of the Minister mentioned in that interpretation, may, if the Commission enters into the agreement and makes the arrangements required by the proviso to that interpretation, approve the inclusion of the Commission as a department for the purposes of that Act; and
- (ii) the Commission is authorized to enter into and carry out the agreement and the arrangements.

(c) If the Treasurer so approves the inclusion of the Commission as a department, the Commission shall be deemed a department for the purposes of that Act, but no such approval and no provision of this subsection constitutes the Commission a department for any other purpose, or constitutes the Commission a Crown instrumentality.

(d) No servant of the Commission is compelled to become a contributor for pension, superannuation, or benefits, under this section.

[Section 6 amended by No. 71 of 1956 s. 2; No. 72 of 1982 ss. 5 and 13; No. 19 of 1985 s. 6.]

### PART III—LOTTERIES CONDUCTED BY THE COMMISSION

#### **Applications by Commission for permits to conduct lotteries**

7. (1) The Commission shall, when it wishes to conduct a standard lottery or instant lottery, apply in the prescribed form to the Minister for a permit not less than 14 days before the proposed commencement of the lottery.

(2) An application made under subsection (1) shall—

(a) be signed by the chairman or secretary of the Commission;

(b) state—

(i) the total number of tickets to be offered for sale in the lottery concerned or the total number of subscriptions proposed to be called for therein;

(ii) the price of each ticket in, or subscription to, the lottery concerned;

(iii) the total amount of the prize money proposed to be distributed in the lottery concerned;

and

(iv) such particulars, other than those referred to in subparagraphs (i), (ii) and (iii), as are prescribed in relation to applications for permits to conduct standard lotteries or instant lotteries, as the case requires.

(3) On receiving an application made under subsection (1), the Minister may—

(a) subject to such conditions as he thinks fit to impose, grant; or

(b) refuse to grant,

a permit to the Commission in respect of the lottery to which that application relates.

[Section 7 substituted by No. 72 of 1982 s. 6; amended by No. 19 of 1985 s. 7.]

**Provisions relating to lotteries conducted by Commission**

8. (1) Subject to the Commission having obtained a permit as provided by this Act, the Commission may—

- (a) conduct a lottery without fixing or specifying either an opening date or a closing date, or a date of drawing;
- (b) conduct 2 or more lotteries at the same time.

(2) The closing date of a standard lottery conducted by the Commission is the day upon which the standard lottery is fully subscribed.

(3) (a) Where a date of drawing is not fixed or specified by the Commission, the date of drawing of a standard lottery conducted by it is, subject to subsection (4), such day after the closing date as the Commission determines.

(b) The Commission shall publish once in a daily newspaper published in Perth the date of drawing as so determined but where through circumstances beyond its control the Commission is obliged to postpone the date of the drawing, notification of the date of drawing so given is to be regarded as including notification of the postponement and the Commission is not required to give further notification of the postponement.

(4) Notwithstanding the provisions of this section, when a standard lottery is conducted in connection with a race or other particular event the standard lottery shall be closed and drawn before the commencement of the race or other event; if on the closing date the standard lottery is not fully subscribed, the standard lottery may be drawn on a *pro rata* basis.

[Section 8 amended by No. 72 of 1982 ss. 7 and 13.]

**Matters to be observed in connection with lotteries conducted by Commission and application of moneys**

9.<sup>3</sup> (1) With respect to a lottery for which a permit is granted to the Commission—

- (a) the lottery shall be conducted by the Commission in accordance with this Act, and the express conditions of the permit relating to the lottery;
- (b) the Commission shall keep in such forms as may be prescribed a book regularly and promptly posted up, showing a true and accurate account of the receipt and disposal of all property received and disposed of by it in connection with the conduct of the lottery;
- (c) the Commission shall at all times keep all books, papers, documents, accounts and things relating to the lottery at the office of the Commission so as to be readily accessible for audit as provided in this Act;

- (d) all moneys received by the Commission in respect of the lottery shall be paid by it into a separate bank account in the name of the Commission, and all disbursements, except petty disbursements, shall be made by cheque drawn on the account;
- (e) the total expenses of conducting lotteries in any one year including commissions payable on sales or subscriptions and the allowances and remuneration of the members of the Commission, shall not in that year exceed 25 per centum of the gross amount received from the sale of tickets or subscriptions.

(1a) The Commission shall at such intervals not exceeding one year as the Treasurer directs pay into and place to the credit of the fund kept at the Treasury and known as the Hospital Fund 20 per cent. of all moneys received by the Commission in respect of standard lotteries conducted by it under this Act.

(1aa) The Commission shall at such intervals not exceeding one year as the Treasurer directs pay into and place to the credit of an account at the Treasury to be called the Sports-Culture Instant Lottery Account (in this section called the Account) such percentage as is prescribed of all moneys received by the Commission in respect of instant lotteries conducted by it under this Act up to a maximum amount in any financial year of \$6 000 000.

(1b) Whenever moneys are paid into and placed to the credit of the Account under subsection (1aa), the Minister shall forthwith cause those moneys to be paid out of the Account and—

- (a) half of those moneys to be paid to the Minister for Sport and Recreation, who shall distribute or cause to be distributed that half in such proportions as he thinks fit among bodies engaged in the conduct of sport; and
- (b) half of those moneys to be paid to the Minister for the Arts, who shall distribute or cause to be distributed that half in such proportions as he thinks fit among bodies engaged in the conduct of cultural activities and persons engaged in cultural activities,

in the State.

(1c) The Minister for Sport and Recreation and the Minister for the Arts may for the purpose of deciding on the distribution of moneys under subsection (1b) consult such persons and bodies as they think fit and such persons or bodies may be paid, out of the moneys received in respect of instant lotteries conducted by the Commission under this Act, such remuneration and allowances as are determined by the relevant Minister to be appropriate.

(1ca) The Minister for Sport and Recreation and the Minister for the Arts may, for the purpose of distribution of moneys under subsection (1b), make use of such persons, bodies or departments of the Government as they think fit and such persons, bodies or departments shall be paid, out of the moneys received in respect of instant lotteries conducted by

the Commission under this Act, such of the costs and expenses of that distribution as are determined by the Minister to whom the administration of this Act is for the time being committed by the Governor to be appropriate.

(1d) The balance remaining in respect of instant lotteries in a financial year after—

- (a) payment of the prize moneys;
- (b) deduction of the expenses referred to in subsection (1) (e);
- (c) payment of the moneys required to be paid into the Account;
- (d) payment of the remuneration and allowances referred to in subsection (1c); and
- (e) payment of the costs and expenses referred to in subsection (1ca);

shall at such intervals as the Treasurer directs, be paid to and placed to the credit of the fund kept at the Treasury known as the Hospital Fund.

(2) The balance remaining after deduction of the expenses referred to in subsection (1) (e) and payment of the prize moneys and the moneys required to be paid into the fund kept at the Treasury known as the Hospital Fund and into the Account shall, together with the amount of any unclaimed prizes and all other moneys received by the Commission under the provisions of this Act or otherwise, be paid by the Commission to a special bank account in its name or invested in its name in investments authorized by law as those in which trust funds may be invested and thereafter the amounts standing to the credit of the account may from time to time with the approval and consent of the Minister be applied by the Commission to any charitable purpose or in the purchase, acquisition, maintenance and improvements of lands and buildings for the purposes of this Act.

*[Section 9 amended by No. 45 of 1960 s. 2; No. 65 of 1966 s. 2; No. 46 of 1970 s. 2; No. 72 of 1982 s. 8; No. 43 of 1983 s. 3; No. 107 of 1984 s. 3.]*

### **Conditions applicable to standard lotteries conducted by Commission**

**10.** (1) The following conditions apply in respect to standard lotteries conducted by the Commission—

- (a) where a standard lottery is fully subscribed and thereafter applications are received or subscriptions are offered for tickets in the standard lottery, if the amount tendered in the application or offered as a subscription so permits, the Commission shall allot to the applicant tickets in another standard lottery if one is then being conducted by the Commission or in the next standard lottery to be conducted by the Commission, whether or not the tickets are of the same price or the subscriptions are of the same amount as the tickets or subscriptions originally applied for or offered by the applicant;

- (b) all prizes to be distributed in the standard lottery shall be in the form of cash or cheques or tickets in standard lotteries being conducted by the Commission;
- (c) all tickets in the standard lottery shall be printed and numbered consecutively and the Commission shall keep a record of the tickets;
- (d)
  - (i) the Commission may pay out the prize money payable in respect of a prize winning ticket on receipt of the ticket purporting to be endorsed by the person purporting to be the holder of the ticket with his signature and address but, where the person sets up that the ticket is lost or destroyed, the Commission may, on being satisfied, by statutory or other declaration conforming with, and valid under, the law of the place where it is made, that the person was the holder of the ticket and that it is lost or destroyed, pay to that person the prize money in respect of that ticket;
  - (ii) the Commission is not obliged to satisfy itself that the person purporting to be the holder of the ticket is the lawful holder of the ticket, that the signature is genuine, or that he is not an infant or person under other legal disability;
  - (iii) notwithstanding any law to the contrary, whether relating to infants and persons under other legal disability or otherwise, payment of prize money by the Commission pursuant to the provisions of this paragraph, constitutes full satisfaction by and a full and valid discharge to the Commission.

(2) The printer of the tickets referred to in subsection (1) (c) shall forthwith on the completion of the printing of the tickets break the form and distribute the type relating to the printing and make and deliver to the Commission a statutory declaration to that effect.

[Section 10 amended by No. 17 of 1962 s. 2; No. 46 of 1970 s. 3; No. 72 of 1982 ss. 9 and 13.]

### **Requirements applicable to instant lotteries conducted by the Commission**

**10A.** (1) The Commission shall not in any instant lottery conducted by it distribute prizes otherwise than in the form of cash or cheques.

(2) The Commission shall pay the prize money payable in respect of a prize winning ticket in either stage of an instant lottery conducted by it on receipt of that ticket purporting to be endorsed by the person purporting to be the holder of that ticket with his name, address and signature and the name of the syndicate, if any, to which he belongs.

(3) The Commission is not obliged to satisfy itself that—

- (a) the person purporting to be the holder of a prize winning ticket referred to in subsection (2) is the lawful holder of that ticket;
- (b) the signature on that ticket is genuine; or
- (c) the person referred to in paragraph (a) is not an infant or person under other legal disability.

(4) Notwithstanding any law to the contrary, whether relating to infants or persons under other legal disability or otherwise, payment of prize money by the Commission under subsection (2) constitutes full satisfaction by and a full and valid discharge to the Commission.

[Section 10A inserted by No. 72 of 1982 s. 10.]

### **Rules relating to instant lotteries**

**10B.** (1) The Commission may make rules relating to the conduct by itself of instant lotteries and, in particular, to—

- (a) the places at which different prizes or different amounts of prize money may be claimed;
- (b) the publication of the names and addresses of all or any of the winners of prizes;
- (c) the periods within which prizes shall be claimed;
- (d) the circumstances in which a ticket becomes void and therefore incapable of winning a prize;
- (e) the circumstances in which the Commission may substitute a valid ticket for a ticket which is void;
- (f) the means by which tickets are to be delivered to the Commission; and
- (g) the procedure in accordance with which the second stage of an instant lottery is to be conducted.

(2) In the event of any inconsistency between rules made under subsection (1) and regulations made under section 24 or any conditions subject to which a permit is granted in respect of an instant lottery, those regulations or conditions shall prevail to the extent of that inconsistency.

(3) Without prejudice to the operation of the other provisions of the *Interpretation Act 1918*<sup>2</sup>, section 36 of that Act applies to rules made under subsection (1).

[Section 10B inserted by No. 72 of 1982 s. 10.]

### **Restriction on sales of instant lottery tickets**

**10C.** A person shall not—

- (a) sell a ticket in an instant lottery; or
- (b) cause or permit a ticket in an instant lottery to be sold, to a person who has not attained the age of 16 years.

Penalty: \$200.

[Section 10C inserted by No. 29 of 1983 s. 2.]

### **Accounts and audits in connection with lotteries conducted by Commission**

11. (1) The Auditor General shall make a continuous audit of, and report to the Minister from month to month upon, the affairs of the lottery or lotteries conducted or in the course of being conducted by the Commission during the monthly period to which the report relates.

(2) Every monthly report of the Auditor General made in accordance with subsection (1) shall be tabled in each House of Parliament within 14 days after it is received by the Minister if Parliament is then in session, or, if Parliament is not in session, within 14 days after the commencement of the next session of Parliament.

(3) The Commission shall at the end of each month furnish to the Minister a true and accurate account of the receipt and disposal of all property in the conduct of the lotteries conducted by it during the immediately preceding month, and the account shall be accompanied by a certificate of the Auditor General certifying whether or not the conditions of the permit and of this Act have been complied with in respect thereto, and if not, drawing attention to any details of non-compliance.

(4) A copy of every account furnished by the Commission in accordance with subsection (3), together with a copy of the certificate of the Auditor General with respect thereto shall be laid on the table of each House of Parliament within 30 days after the receipt of the account and certificate by the Minister if Parliament is then in session, and, if Parliament is not in session, then within 30 days after the commencement of the next session of Parliament.

(5) The Commission shall at the end of each year present to both Houses of Parliament a schedule setting out the names of all organizations and charities to which money has been granted and the amounts given in each case during that year.

### **PART IV—LOTTERIES CONDUCTED BY A PERSON OTHER THAN THE COMMISSION**

*[Heading amended by No. 72 of 1982 s. 11; No. 19 of 1985 s. 8.]*

#### **Application by a person other than Commission to conduct a standard lottery**

12. (1) Where a person other than the Commission desires to conduct a standard lottery the person shall make application in the prescribed form to the Commission at least 14 days before the opening date.

(2) The Commission shall consider the application and may either approve or reject the application.

(3) The person applying for a permit shall sign the application for the permit which shall state—

- (a) the proposed opening date and closing date and date of drawing;
- (b) the locality in which tickets are to be offered for sale or in which subscriptions may be received;
- (c) the purpose for which the standard lottery is to be conducted;
- (d) the total number of tickets to be offered for sale, or the total number of subscriptions proposed to be called for;
- (e) the price of each ticket or subscription;
- (f) the total amount of the prize money or other prizes proposed to be distributed in the standard lottery;
- (g) such other details as may be prescribed.

*[Section 12 amended by No. 72 of 1982 s. 13.]*

### **Inquiries to be made by Commissioner of Police**

13. (1) The Commission may before considering an application made to it under section 12, refer it to the Commissioner of Police for his investigation and report as to the suitability of the person desiring to conduct the standard lottery the subject of the application and of all persons whom it is proposed shall be associated in the standard lottery.

(2) The Commissioner shall advise and report to the Commission whether or not the persons are suitable persons to conduct a standard lottery or to be associated in it.

(3) The contents of a report made by the Commissioner to the Commission are absolutely privileged from production in any court of law and a person whose official duties may permit him to see the contents of the report shall not divulge its contents to any other person.

*[Section 13 amended by No. 72 of 1982 ss. 12 and 13.]*

### **Commission may cancel permit**

14. The Commission may cancel a permit granted by it and thereupon a person shall not carry on or be concerned in the carrying on of the standard lottery in respect of which the permit is cancelled.

*[Section 14 amended by No. 72 of 1982 s. 13.]*

**Conditions relating to a standard lottery conducted by a person other than the Commission**

15. The following conditions apply in respect to a standard lottery conducted under this Part—

- (a) The closing date shall not be more than 3 months from the opening date.
- (b) Notwithstanding that on the closing date the standard lottery is not filled or fully subscribed, the standard lottery shall be closed on that date and thereafter it shall be drawn and may be drawn on a *pro rata* basis.
- (c) The Commission may at any time and from time to time permit the permit holder to postpone the closing date of the standard lottery for such period as the Commission may determine and the permit holder shall postpone the date of drawing in accordance with the determination.

[Section 15 amended by No. 72 of 1982 s. 13.]

**Matters to be observed in connection with a standard lottery conducted by a person other than the Commission**

16. With respect to a standard lottery for which a permit is granted under this Part—

- (a) the standard lottery shall be carried on and conducted in accordance with this Act and the express conditions of the permit relating to the standard lottery;
- (b) the permit holder shall keep in such form as may be prescribed a book regularly and promptly posted up, showing a true and accurate account of the receipt and disposal of all property received and disposed of in connection with the standard lottery;
- (c) all books, papers, documents, accounts and things relating to the standard lottery shall at all times be kept readily accessible by the permit holder for police inspection or audit as provided in this Act;
- (d) the permit holder shall within 30 days after the date of drawing of the standard lottery conducted by it furnish to the Commission a true and accurate account of the receipt and disposal of all property in the conduct of the standard lottery.

[Section 16 amended by No. 72 of 1982 s. 13.]

**Commission may appoint auditor to make an audit in connection with standard lottery**

17. Where a standard lottery is conducted under this Part—

- (a) the Commission may at any time either during the conduct or after the close of the standard lottery appoint an independent auditor to make an audit of the affairs of the standard lottery;

- (b) a person appointed as auditor is at liberty at all times to enter any place where the books, papers, documents, and things relating to the standard lottery may be or where the standard lottery is being conducted, for the purpose of making such inspection as in his opinion is necessary to ascertain whether the provisions of this Act are being complied with, and the auditor shall report thereon to the Commission in the prescribed manner;
- (c) the persons conducting the standard lottery and all persons assisting therein shall at all times and from time to time furnish to the Commission, the Commissioner of Police and members of the Police Force and any auditor appointed under this Act all information and answer all questions that may be asked by any of them relating to the conduct and management of the standard lottery.

[Section 17 amended by No. 72 of 1982 s. 13.]

**Permits for bazaars, bingo, etc.**

**18.** (1) The Commission may grant a religious body or charitable organization a permit to hold any guessing competition, raffle, or art union or to operate a device commonly known as a chocolate wheel in connection with any bazaar or fair proposed to be held by the religious body or charitable organization, on such terms and conditions as it may think fit to impose.

(1a) Subject to subsection (1aa), the Commission may grant to a religious body or charitable organization a permit to hold or conduct the game of bingo on premises specified in that permit for such length of time and subject to such terms and conditions as the Commission thinks fit to impose.

(1aa) Where the Commission grants a permit under subsection (1a) it is deemed to do so—

- (a) subject to the term and condition that the proceeds (if any) of the game of bingo concerned are applied only for the benefit of the religious body or charitable organization to which the permit is granted and not for the benefit of any other person; and
- (b) where the religious body or charitable organization to which the permit is granted is the holder of an unlicensed club permit, subject to the further term and condition that the only participants in the game of bingo concerned are members of that religious body or charitable organization and their guests, but each such member shall have no more than 3 guests at any one time between such hours and on such days as are authorized by the unlicensed club permit for the sale and supply of liquor.

(1ab) The terms and conditions deemed by subsection (1aa) to be imposed on the grant of certain permits under subsection (1a) are in

addition to and not in substitution for such other terms and conditions as the Commission thinks fit to impose under subsection (1a) on the grant of those permits.

(1b) The Commission may grant to the holder of a club licence, or to the nominee of a club, a permit to hold or conduct the game of bingo on the licensed premises of the club, but subject to the following provisions and restrictions and to such other terms and conditions as the Commission may think fit to impose—

- (a) the proceeds (if any) of that game shall be applied only for the benefit of the club and not for the benefit of any other person;
- (b) the only participants in that game shall be members of the club and their guests, but each member may have no more than 3 guests at any one time;
- (c) where a permit is granted under this subsection to the holder of a club licence, section 157 of the *Liquor Act 1970* shall apply to enable a complaint under this Act to be made against the nominee of the club.

[(1c) repealed.]

(1d) The power conferred on the Commission by subsection (1b) is in addition to such power as it may have to grant a permit under subsection (1a) in respect of premises generally.

(1e) The Commission may grant to a religious body or charitable organization a permit to conduct any continuing lottery for such length of time not exceeding 12 months, and subject to such terms and conditions, as the Commission thinks fit to specify in the permit but a permit shall not be granted under this subsection to a licensed supplier within the meaning of section 108 of the *Stamp Act 1921*.

(2) Where the permit is granted the provisions of section 22 apply.

(3) In this section—

“bingo” means game commonly known as bingo, housie-housie or tombola;

“charitable organization” means any organization which in the opinion of the Commission has for any of its objects the raising of money for charitable purposes, or for the promotion and advancement of social welfare, including public recreation and sport;

“club licence” means club licence under section 35 of the *Liquor Act 1970*;

“function permit” means function permit under section 43 of the *Liquor Act 1970*;

“guest”, except in the case of a club that has its object, or one of its principal objects, the conduct of a competitive sport prescribed for the purposes of section 35 (3) of the *Liquor Act 1970*, means

person whose name and date of attendance as a guest of a member of the club concerned have been entered in a guest book kept by or on behalf of that club, which entry has been subscribed by that person;

“licensed premises” has the meaning given by section 7 of the *Liquor Act 1970*;

“liquor” has the meaning given by section 7 of the *Liquor Act 1970*;

“nominee of a club” means a person nominated by that club under section 50 (2) (c) of the *Liquor Act 1970*;

“unlicensed club permit” means unlicensed club permit under section 42 of the *Liquor Act 1970*;

[Section 18 amended by No. 17 of 1962 s. 3; No. 2 of 1967 s. 2; No. 105 of 1972 s. 2; No. 24 of 1982 s. 2; No. 72 of 1982 s. 13; No. 40 of 1984, s. 4; No. 19 of 1985 s. 9.]

### **Certain ticket vending machines prohibited**

**18A.** (1) Subject to subsection (2) a permit for continuing lotteries granted under section 18 (1e) is deemed to be granted subject to the term and condition that tickets in a continuing lottery shall not be sold or offered for sale by means of a vending machine.

(2) Subsection (1) does not apply in respect of a continuing lottery if—

- (a) all of the tickets in the lottery are sold or offered for sale by means of a vending machine located on premises, or 2 or more vending machines located on the same premises, where those premises are of a kind prescribed in subsection (4); and
- (b) there is not, and is not to be, distributed in the lottery any money or any other prize except in the form of goods or services that are provided in the ordinary course of business at those premises.

(3) In this section “vending machine” means a machine, device, or contrivance that is constructed to contain tickets that may be obtained therefrom by an operation that involves the insertion in the machine, device, or contrivance of a coin, token, or similar object.

(4) The kinds of premises prescribed for the purposes of subsection (2) (a) are premises to which—

- (a) an hotel licence;
- (b) a tavern licence;
- (c) a limited hotel licence;
- (d) a canteen licence;
- (e) a winehouse licence; or
- (f) a club licence,

within the meaning of the *Liquor Act 1970*, relates.

(5) The term and condition deemed by subsection (1) to be imposed on the grant of a permit for continuing lotteries under section 18 (1e) is in addition to and not in substitution for such other terms and conditions as the Commission thinks fit to impose under section 18 (1e) on the grant of the permit.

*[Section 18A inserted by No. 19 of 1985 s. 10.]*

### **Power of Commission to demand account etc., at any time**

19. The Commission may at any time demand a full account from any promoter, secretary, treasurer, or any one of the committee of any religious body or charitable organization holding any guessing competition, raffle, or art union or conducting any continuing lottery under section 18, and may in connection with the account require the production to it of all books, tickets, butts of tickets, documents, vouchers and things relating thereto.

*[Section 19 amended by No. 72 of 1982 s. 13; No. 19 of 1985 s. 11.]*

## **PART V—POLICE SUPERVISION AND POWERS OF POLICE**

### **Powers of police**

20. A member of the Police Force is entitled—

- (a) to be and remain on any premises where a lottery is being conducted under this Act by a person other than the Commission and to examine at any time and from time to time all books, records, documents, and things relating or believed to relate thereto and to scrutinize and inquire into the conduct and working of the lottery;
- (b) to take with him an auditor or other qualified person to assist him in the scrutiny or inquiry.

*[Section 20 amended by No. 72 of 1982 s. 13; No. 19 of 1985 s. 12.]*

### **Justice may grant warrant**

21. If a member of the Police Force has reason to suspect that an illegal lottery is being carried on at any place, or that a lottery in respect of which a permit has been granted is being carried on in contravention of any of the provisions of this Act, or the permit, he may make complaint on oath as to any of the matters to a Justice of the Peace, who may issue his warrant authorizing the member of the Police Force—

- (a) to enter with such assistance as may be found necessary, and also, if necessary, to break into any place where the lottery is being conducted or is supposed to be conducted, or any premises where any thing or record pertaining to the carrying on of the lottery is supposed to be;

- (b) to seize and take possession of all moneys, securities, papers, documents and things used in connection with or relating to the lottery.

PART VI—MISCELLANEOUS

**Indemnity**

22. Notwithstanding the provisions of *The Criminal Code 1913*, or the provisions of the *Police Act 1892*, if a lottery is conducted by a person pursuant to a permit, no person is subject to any penal consequences under those Acts by reason of being a subscriber or contributor to, or carrying on or conducting the lottery, or carrying out any prescribed duties or functions in relation to the conduct of the lottery; but subject to this Act, nothing herein contained affects the provisions of *The Criminal Code 1913*, and the *Police Act 1892*, relating to lotteries and illegal gaming.

**Offences**

23. (1) A person who does any of the following acts or makes any of the following omissions is guilty of an offence—

- (a) with intent to defraud, taking, or by any fraudulent trick, scheme, or device converting to his own use, or to the use of any other person, any prize or moneys raised by a lottery;

Penalty: Imprisonment for 5 years, or a fine of \$1 000;

- (b) with intent to defraud, doing any of the following acts—

- (i) altering or falsifying any book, document, or voucher relating to a lottery; or

- (ii) making or concurring in making any false or fraudulent entry in any book, document, or voucher relating to a lottery; or

- (iii) omitting or concurring in omitting any material particular from any book, document, or voucher relating to a lottery;

Penalty: Imprisonment for 3 years, or a fine of \$600;

- (c) conducting an illegal lottery;

Penalty: Imprisonment for 3 years, or on summary conviction imprisonment for 6 months or a fine of \$200;

- (d) with intent to defraud conducting a lottery in such a way that each entrant or subscriber therein has not an equal chance of winning a prize;

Penalty: Imprisonment for 3 years;

- (e) without the written sanction of the Minister wilfully diverting the funds raised by a lottery for a purpose other than that for which a permit was granted;

Penalty: Imprisonment for one year, or a fine of \$200;

- (f) not conducting a lottery in accordance with the conditions of a permit granted in respect of the lottery;

Penalty: \$100;

- (g) printing, advertising, or distributing any matter or displaying any placard, poster, announcement, or sign relating to an illegal lottery, or inducing persons to take tickets therein or subscribe thereto, or giving any information or assistance to persons with a view to enabling them to take tickets in or subscribe to an illegal lottery;

Penalty: \$100;

- (h) selling or disposing of any ticket, coupon, writing, matter, sign, token, acknowledgement, or voucher in relation to an illegal lottery;

Penalty: \$100;

- (i) receiving money, valuables, or goods for the purpose of any illegal lottery;

Penalty: \$100;

- (j) selling or offering for sale any ticket of admission to any entertainment or meeting which entitles or allows the purchaser to participate in a lottery;

Penalty: \$100;

- (k) hindering any member of the Police Force or any auditor in the execution of their respective powers and duties under this Act;

Penalty: \$100;

- (l) being an auditor under this Act, is guilty of any neglect or breach of duty under this Act;

Penalty: \$100;

- (m) being a person conducting or associated in any manner with a lottery, fails to answer truthfully to the best of his knowledge, information and belief, any question asked of him by an auditor, appointed under this Act, or fails to disclose to the auditor all books, documents, vouchers and things which may be in his custody or power relating to the lottery;

Penalty: \$100.

(2) The offences set out in paragraphs (a) and (b) of subsection (1) of this section are crimes, those set out in paragraphs (c), (d) and (e) of that subsection are misdemeanours.

[Section 23 amended by 113 of 1965 s. 8.]

**Regulations**

**24.** (1) The Governor may make regulations, not inconsistent with this Act, for all or any of the following purposes—

- (a) prescribing the allowances and remuneration of the chairman and members of the Commission;
- (b) prescribing the procedure to be adopted at meetings of the Commission;
- (c) providing for a common seal of the Commission and for the use and custody thereof;
- (d) prescribing the form and manner of applications under this Act, and generally providing forms for use thereunder;
- (e) prescribing the method of keeping accounts by persons conducting lotteries;
- (f) providing for security and the form of security to be given by persons conducting lotteries;
- (g) providing for security and the form of security to be furnished by persons having the receipt, control, or handling of any money or valuable thing received in connection with a lottery;
- (h) prescribing the terms and conditions under which lotteries may be conducted, including the relation between the time of opening, closing, and drawing of the lottery;
- (ha) as to the conduct of continuing lotteries;
- (i) providing for the disposal of unclaimed prizes;
- (j) providing for the forfeiture or disposal of moneys, securities, papers, documents, and things seized by a member of the Police Force under the provisions of section 21 on application to a stipendiary magistrate; and prescribing the practice governing the application;
- (k) providing for the cancellation of permits;
- (l) providing for the advertisement of winning numbers and the notification to the winner of any prize;
- (m) prescribing the conditions governing the employment of agents;
- (n) providing for the prevention of fraud.

(2) The regulations may fix a penalty not exceeding \$200 for the breach of any regulation.

[Section 24 amended by No. 113 of 1965 s. 8; No. 19 of 1985 s. 13.]

**NOTES**

<sup>1</sup> This reprint is a compilation as at 24 June 1986 of the *Lotteries Control Act 1954* and includes all amendments effected by the other Acts referred to in the following Table.

**Table of Acts**

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Lotteries (Control) Act 1954</i>	18 of 1954	28 September 1954	28 September 1954	Section 3 (saving)
<i>Lotteries (Control) Act Amendment Act 1956</i>	71 of 1956	4 January 1957	4 January 1957	
<i>Lotteries (Control) Act Amendment Act 1960</i>	45 of 1960	15 November 1960	15 November 1960	
<i>Lotteries (Control) Act Amendment Act 1962</i>	17 of 1962	1 October 1962	1 October 1962	
<i>Decimal Currency Act 1965</i>	112 of 1965	21 December 1965	Sections 4 to 9 14 February 1966 (See s. 2(2)); balance on 21 December 1965	
<i>Lotteries (Control) Act Amendment Act 1966</i>	65 of 1966	12 December 1966	12 December 1966	
<i>Lotteries (Control) Act Amendment Act 1967</i>	2 of 1967	5 October 1967	5 October 1967	
<i>Lotteries (Control) Act Amendment Act 1970</i>	46 of 1970	8 October 1970	8 October 1970	
<i>Lotteries (Control) Act Amendment Act 1972</i>	105 of 1972	6 December 1972	6 December 1972	
<i>Acts Amendment (Lotto) Act 1981, Part IV</i>	103 of 1981	2 December 1981	18 December 1981	
<i>Lotteries (Control) Amendment Act 1982</i>	24 of 1982	27 May 1982	27 May 1982	
<i>Lotteries (Control) Amendment Act (No. 2) 1982</i>	72 of 1982	29 October 1982	26 November 1982 (See <i>Gazette</i> 26 November 1982 p. 4619)	
<i>Acts Amendment (Trade Promotion Lotteries) Act 1983, Part IV</i>	21 of 1983	22 November 1983	22 November 1983	
<i>Lotteries (Control) Amendment Act 1983</i>	29 of 1983	1 December 1983	1 December 1983	
<i>Lotteries (Control) Amendment Act (No.2) 1983</i>	43 of 1983	5 December 1983	1 July 1983 (See s. 2)	
<i>Acts Amendment (Soccer Football Pools) Act 1984, Part III</i>	22 of 1984	31 May 1984	13 July 1984 (See s. 2)	
<i>Acts Amendment (Bingo) Act 1984, Part II</i>	40 of 1984	20 June 1984	18 July 1984	
<i>Lotteries (Control) Amendment Act 1984</i>	107 of 1984	19 December 1984	1 February 1985 (See <i>Gazette</i> 1 February 1985 p. 411)	

Table of Acts—continued

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Acts Amendment And Validation (Casino Control) Act 1985, Part III</i>	10 of 1985	25 March 1985	19 February 1985 (See s. 2)	Section 44 (validation)
<i>Acts Amendment (Lotteries) Act 1985, Part III</i>	19 of 1985	19 April 1985	Sections 3, 9(a) (b) (c) (d) and (f) and 10, 1 July 1985. (See s. 2(2)); balance 19 April 1985	

<sup>2</sup> Now see the *Interpretation Act 1984*.

<sup>3</sup> Section 9 was affected, by proclamation published in the *Gazette* on 20 December 1985 at p. 4822 and may from time to time be affected by proclamations to be published up to 30 June 1987, for a period from 1 January 1986 to 28 February 1987 by section 4 of Act 102 of 1985 which reads as follows—

“ 4. Section 9 of the principal Act shall be read as if it were amended by the insertion after subsection (2) of the following subsection—

“ (3) Notwithstanding anything in this section but subject to subsection (1), where the Commission conducts an instant lottery by reference to the America’s Cup Yacht Race the Commission shall after—

(a) payment of prize moneys; and

(b) deduction of the expenses referred to in subsection (1) (e),

pay into the Consolidated Revenue Fund the moneys received in respect of such a lottery. ” ”.

