



Western Australia

Lotteries Commission Amendment (COVID-19 Response) Act 2020

As at 20 Apr 2020

No. 15 of 2020
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Lotteries Commission Amendment (COVID-19 Response) Act 2020

No. 15 of 2020

An Act to amend the *Lotteries Commission Act 1990* in response to the COVID-19 pandemic.

[Assented to 20 April 2020]

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Lotteries Commission Amendment (COVID-19 Response) Act 2020*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

This Act amends the *Lotteries Commission Act 1990*.

4. Section 3B inserted

At the end of Part 1 insert:

3B. COVID-19 pandemic: emergency circumstances and emergency period

- (1) In this Act, unless the contrary intention appears —
- emergency circumstances* means prohibitions, restrictions or other adverse circumstances or conditions that arise out of —

- (a) the COVID-19 pandemic; or
- (b) measures taken in response to the COVID-19 pandemic;

emergency period means the period beginning on 16 March 2020 and ending on —

- (a) 15 September 2020; or
- (b) if another day is fixed under subsection (2) — that day.

- (2) The Minister may, during the emergency period, make a declaration in writing varying, or from time to time further varying, the duration of the emergency period by fixing a day on which the emergency period is to end.
- (3) A declaration has effect according to its terms on and from the time it is made.
- (4) As soon as practicable after making a declaration under subsection (2), the Minister must —
 - (a) give the Commission written notice of the declaration; and
 - (b) publish notice of the declaration in the *Gazette*; and
 - (c) publish notice of the declaration for public information in any manner that the Minister considers to be appropriate having regard to the circumstances and what is practicable.
- (5) A failure to comply with subsection (4) does not affect the validity of the declaration.
- (6) Sections 8B(3) and 8C apply to a declaration made under subsection (2) as if it were a direction given under regulations referred to in section 8B(2).

5. Section 6 amended

(1) Before section 6(1) insert:

(1A) In this section —

grant administration services means administration services in relation to a programme of a person or body other than the Commission for making grants of money, including —

- (a) assessing and evaluating applications for grants under the programme; and
- (b) monitoring compliance with conditions attached to grants made under the programme.

(2) In section 6(3)(c) delete “consultancy or advisory services to that person or body, whether for a fee or not.” and insert:

any or all of the following services to that person or body, whether for a fee or not —

- (i) consultancy services;
- (ii) advisory services;
- (iii) grant administration services in relation to a programme of that person or body.

(3) After section 6(4) insert:

(5) Moneys of another person or body allocated or distributed in grants under a programme that is the subject of a contract or arrangement under subsection (3)(c)(iii) are taken not to be moneys received by the Commission for the purposes of section 20 or 24.

- (6) Details of grants made by another person or body under a programme that is the subject of a contract or arrangement under subsection (3)(c)(iii) are not to be set out in the schedule required under section 26(1).

6. Section 15A inserted

After section 15 insert:

15A. Evidence of winning entries: provisions relating to COVID-19 pandemic

- (1) This section applies during the emergency period.
- (2) If the Commission is satisfied that, by reason of emergency circumstances, it is not reasonably practicable for a participant to provide the winning entry, receipted entry form, or other ticket or evidence of participation in accordance with section 15(1), the Commission may pay or deliver a prize in accordance with section 15 if other evidence or information, specified in the rules, is delivered or communicated to it in a manner specified in the rules.
- (3) Evidence or information specified in the rules for the purposes of subsection (2) may include any or all of the following —
 - (a) a copy, image or facsimile of the winning entry, receipted entry form, or other ticket or evidence of participation provided to a participant by the Commission for the lottery;
 - (b) attestation, confirmation, verification or certification of the validity or correctness of the copy, image or facsimile referred to in paragraph (a);

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- (c) evidence of the identity of the participant claiming the prize;
- (d) any other evidence or information necessary or convenient for paying or delivering the prize.

7. Section 16A inserted

After section 16 insert:

16A. Unclaimed prizes: provisions relating to COVID-19 pandemic

- (1) In this section —
closure day, in relation to an instant lottery, means the day on which the last ticket or tickets in each lot of tickets are issued by the Commission to any person in respect of that particular series of instant lottery.
- (2) This section has effect despite anything in section 16.
- (3) The right of a participant to recover a prize in a lottery (other than an instant lottery) conducted by the Commission, and the Commission's liability to pay or deliver that prize, are extinguished if the prize is not claimed by whichever of the following days applies —
 - (a) if the result of the lottery is publicly declared on behalf of the Commission in the period from 16 March 2019 to 15 March 2020 — 16 March 2021;
 - (b) if the result of the lottery is publicly declared on behalf of the Commission in the emergency period — the day which is 24 months after the day on which the result of the lottery is publicly declared.

- (4) The right of a participant to recover a prize in an instant lottery conducted by the Commission, and the Commission's liability to pay or deliver that prize, are extinguished if the prize is not claimed by whichever of the following dates applies —
- (a) if the closure day is in the period from 16 March 2019 to 15 March 2020 — 16 March 2021;
 - (b) if the closure day is in the emergency period — the day which is 24 months after the closure day.
- (5) For the purposes of this section, where a cheque has been issued by the Commission in payment of a prize in a lottery, the prize is not to be regarded as having been claimed if the cheque has not been presented for payment.

8. Section 24A inserted

After section 24 insert:

24A. Distribution of residual moneys to organizations: provisions relating to COVID-19 pandemic

- (1) In this section —
- distributable balance* means the balance of moneys referred to in section 24;
- public authority* means any of the following —
- (a) a Minister of the Crown;
 - (b) an agency or an organisation as those terms are defined in the *Public Sector Management Act 1994* section 3(1);
 - (c) a local government or regional local government;

- (d) a body or instrumentality, whether incorporated or not, or the holder of an office, that is established or continued for a public purpose under a written law and that, under the authority of a written law, performs a statutory function on behalf of the State.
- (2) This section applies despite anything in section 24.
- (3) During the emergency period the distributable balance must be distributed to such eligible organizations and public authorities as the Commission thinks fit and the Minister approves.
- (4) An eligible organization receiving money distributed under subsection (3) must apply the money to such approved purposes as the Commission thinks fit and the Minister approves.
- (5) A public authority receiving money distributed under subsection (3) must apply the money to such purposes as the Commission thinks fit and the Minister approves.
- (6) The schedule presented to each House of Parliament under section 26(1) at the end of each year must include, in respect of each public authority receiving money under subsection (3) during that year, a statement of the purposes to which it has applied or is to apply that money.

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