

**LOTTERIES (CONTROL)
(No. 2).**

No. 72 of 1982.

**AN ACT to amend the Lotteries (Control) Act
1954-1982.**

[Assented to 29 October 1982.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Lotteries (Control) Amendment Act (No. 2) 1982.* Short title and citation.

(2) In this Act the Lotteries (Control) Act 1954-1982 is referred to as the principal Act. Reprinted as approved 19 April 1979 and amended by Acts Nos. 103 of 1981 and 24 of 1982.

(3) The principal Act as amended by this Act may be cited as the Lotteries (Control) Act 1954-1982.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Section 4
amended.

3. Section 4 of the principal Act is amended—

(a) by inserting, after “4.”, the following—

“ (1) ” ;

(b) in the definition of “closing date” by—

(i) inserting, before “means”, the following—

“ , in relation to a standard lottery, ” ; and

(ii) deleting “a lottery” and substituting the following—

“ the standard lottery ” ;

(c) by deleting the definitions of “date of drawing” and “drawing” and substituting the following definitions—

“ “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; ” ;

(d) by inserting, after the definition of “illegal lottery”, the following definition—

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

- (e) in the definition of “opening date” by—
 - (i) inserting, before “means”, the following—
 - “ , in relation to a standard lottery, ” ;
 - (ii) deleting “a lottery” and substituting the following—
 - “ the standard lottery ” ; and
 - (iii) deleting “the lottery” and substituting the following—
 - “ the standard lottery ” ;
- (f) by inserting, after the definition of “opening date”, the following definition—
 - “ “paragraph” means paragraph of the section or subsection in which the term appears; ” ;
- (g) in the definition of “permit holder” by deleting “granted.” and substituting the following—
 - “ granted; ” ;
- (h) by inserting, after the definition of “permit holder”, the following definitions—
 - “ “section” means section of this Act;
 - “standard lottery” means a lottery other than 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. ” ; and

(i) by inserting, after the existing section, the following subsection—

“ (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. ” .

Section 5
amended.

4. Section 5 of the principal Act is amended in subsection (7) by inserting, after paragraph (e), the following paragraph—

“ (ea) is dismissed from his office under subsection (8); ” .

Section 6
amended.

5. Section 6 of the principal Act is amended—

(a) in paragraph (a) of subsection (1) by inserting, after “charitable purposes”, the following—

“ or for the purposes of sport or cultural activities ” ; and

(b) in subsection (3) by deleting “of this subsection” in paragraph (b).

6. Section 7 of the principal Act is repealed and the following section is substituted—

Section 7
repealed and
substituted.

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

Applications
by Commis-
sion for
permits to
conduct
lotteries.

(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 8
amended.

7. Section 8 of the principal Act is amended—

(a) in subsection (1) by deleting “Commission’s obtaining” and substituting the following—

“ Commission having obtained ” ;

(b) in subsection (3) by deleting “the provisions of subsection (4) of this section” in paragraph (a) and substituting the following—

“ subsection (4) ” ; and

(c) in subsection (4) by—

(i) deleting “where the” and substituting the following—

“ when a standard ” ; and

(ii) inserting before “lottery” where it occurs for the second, third and fourth times the following—

“ standard ” .

Section 9
amended.

8. Section 9 of the principal Act is amended—

(a) by deleting “lotteries for which” and substituting the following—

“ a lottery for which ” ;

(b) in subsection (1) by deleting “carried on and” in paragraph (a);

- (c) by repealing subsections (1a), (1b) and (1c) and substituting the following subsections—

“ (1a) The Commission shall at such intervals not exceeding one year as the Treasurer directs pay into and place to the credit of—

- (a) 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;

and

- (b) 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.

(1b) Whenever moneys are paid into and placed to the credit of the Account under subsection (1a), 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 Recreation, who shall distribute 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 Cultural Affairs, who shall

distribute that half in such proportions as he thinks fit among bodies engaged in the conduct of cultural activities,

in the State.

(1c) The Minister for Recreation and the Minister for Cultural Affairs may for the purpose of deciding on the distribution of moneys under subsection (1b) consult such persons and bodies as they think fit. ” ; and

(d) in subsection (2) by deleting—

(i) “of this section and payment” and substituting the following—

“ and payment ” ; and

(ii) “special account under subsection (1a), (1b) or (1c) of this section” and substituting the following—

“ fund referred to in subsection (1a)(a) and into the Account ” .

Section 10
amended.

9. Section 10 of the principal Act is amended in subsection (1) by—

(a) inserting before “lotteries” wherever it occurs in each case the following—

“ standard ” ; and

(b) deleting “cash prizes” in paragraph (b) and substituting the following—

“ in the form of cash or cheques ” .

10. The principal Act is amended by inserting, after section 10, the following sections—

Sections 10A
and 10B
inserted.

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

Require-
ments
applicable to
instant
lotteries
conducted
by the
Commission.

(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.

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

Rules
relating to
instant
lotteries.

- (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, section 36 of that Act applies to rules made under subsection (1). ” .

Heading to
Part IV
amended.

11. The heading to Part IV of the principal Act is amended by inserting, before “LOTTERIES”, the following—

“ STANDARD ” .

Section 13
amended.

12. Section 13 of the principal Act is amended in subsection (3) by deleting “is absolutely” and substituting the following—

“ are absolutely ” .

13. The sections of the principal Act specified ^{Minor} amendments.
in—

- (a) Part I of the Schedule to this Act are amended by deleting “of this section” wherever it occurs;
- (b) Part II of the Schedule to this Act are amended by inserting before “lottery” wherever it occurs in each case the following—
 “ standard ” ; and
- (c) Part III of the Schedule to this Act are amended by deleting “of this Act” wherever it occurs.

SCHEDULE. (Section 13).

MINOR AMENDMENTS.

Part I.

“of this section” deleted

Sections 6 (2), 10 (2) and 18 (1c).

Part II.

“standard” inserted before “lottery”

Sections 8 (2) and (3) (a), 10 (1), 12, 13 (1) and (2), 14, 15, 16, 17 and 20 (a).

Part III.

“of this Act” deleted

Sections 13 (1), 18 (2) and 19.