

LOTTERIES (CONTROL).

2° and 3° GEO. VI., No. XLVI.

No. 46 of 1938.

**AN ACT to amend and continue the Lotteries
(Control) Act, 1932-1937.**

[Assented to 31st January, 1939.]

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

1. This Act may be cited as the *Lotteries (Control) Act Amendment Act, 1938*, and shall be read as one with the Lotteries (Control) Act, 1932 (No. 50 of 1932 as amended by the Acts No. 39 of 1933, No. 33 of 1934, No. 24 of 1935, No. 35 of 1936 and No. 53 of 1937), hereinafter referred to as the principal Act. Short title.

Amendment
of s. 5.

2. Section five of the principal Act is amended by adding to paragraph (c) a proviso as follows:—

Provided that in the case of applications by the Commission for permits to conduct lotteries the provisions of subparagraphs (i) and (ii) of this paragraph shall not apply.

Amendment
of s. 7.

3. Section seven of the principal Act is amended by deleting therefrom the words "Subject to the provisions of section eight" in line one of the section.

Amendment
of s. 8.
Repeal and
new section.
Special provi-
sions relating
to lotteries
conducted by
Commission.

4. Section eight of the principal Act is repealed, and a section is inserted in lieu thereof as follows:—

8. (1) Subject to the obtaining of permits in respect of every lottery 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 in respect of such lottery;
- (b) conduct two or more lotteries at the same time.

(2) Where the Commission conducts a lottery without fixing or specifying a closing date in respect thereof, the closing date of such lottery shall, subject as hereinafter provided, be the day upon which such lottery shall be fully subscribed.

Provided that—

- (i) at any time before a lottery is fully subscribed the Minister may, by a notice in writing sent to the Commission and published in the *Government Gazette*, fix a day as the closing date of such lottery; and
- (ii) when the Minister has fixed a day as the closing date of the lottery as aforesaid, and the lottery is not fully subscribed before such day, the lottery shall close at 6 o'clock in the afternoon of the day fixed by the Minister as aforesaid, notwithstanding that the lottery is not then fully subscribed.

(3) The day upon which one lottery is fully subscribed may be treated as the opening date of another lottery, which the Commission is authorised to conduct, without any specific notification thereof.

(4) The date of drawing in respect of a lottery conducted by the Commission, when no date of drawing has been fixed or specified by the Commission in respect of such lottery, shall, subject to section eleven of this Act and the regulations, be such day after the closing date of the lottery as determined under and in accordance with this section as shall be determined by the Commission. As and when the Commission fixes a date of drawing in respect of any lottery as aforesaid, notification thereof shall be given in accordance with section eleven of this Act and also shall be published in a daily newspaper published in Perth not less than two days before such date of drawing.

(5) Notwithstanding anything to the contrary contained in this section, where the lottery is conducted in connection with any race or other particular event the lottery shall be closed and drawn before the commencement of such race or other event aforesaid.

5. Section ten of the principal Act is amended as follows:—

Amendment
of s. 10.

(a) by adding to paragraph (c) a proviso as follows:—

Provided that, with the approval of the Minister, the amount of any balance aforesaid applied to any charitable purpose specified as aforesaid may be less than the amount stated or otherwise indicated in the application for the permit to conduct the lottery as being the amount proposed to be applied to such charitable purpose;

(b) by deleting paragraph (d) and inserting in lieu thereof a paragraph as follows:—

(d) In any case where the Commission conducts the lottery—

(i) if, after payment of the expenses of conducting the lottery, any part of the total amount of money allocated under the terms of the lottery to the payment of such expenses remains unexpended; or

(ii) if, pursuant to the proviso to paragraph (c) of this section, any part of the receipts of the lottery originally proposed to be

applied to a particular charitable purpose is not so applied; or

(iii) if it be provided by regulations made under this Act that the amount of any unclaimed prizes or any moneys seized by a police officer under the provisions of section fourteen of this Act shall in any prescribed circumstances be paid to or held and be retained by the Commission,

then every one of the amounts aforesaid held or received by the Commission by virtue of this section shall be paid by the Commission to a special bank account in its name, and thereafter may from time to time with the approval and consent of the Minister be applied by the Commission to any charitable purpose;

(c) by deleting paragraph (e) and inserting in lieu thereof a paragraph as follows:—

(e) The closing date of a lottery, other than a lottery conducted by the Commission, shall not exceed three calendar months from the opening date of such lottery;

(d) by deleting paragraph (f) and inserting in lieu thereof a paragraph as follows:—

(f) If, on the closing date of a lottery, other than a lottery conducted by the Commission, or, if, on the date fixed by the Minister as the closing date of a lottery conducted by the Commission, the lottery has not been filled or fully subscribed, the lottery shall be closed on the closing date as aforesaid, and thereafter the lottery shall be drawn and may be drawn on a pro rata basis;

(e) by deleting paragraph (g) and inserting in lieu thereof a paragraph as follows:—

(g) Where a lottery conducted by the Commission has been fully subscribed and thereafter applications are received or subscriptions are offered for tickets in such lottery the Commission shall allot to the applicant tickets in any other lottery then being conducted by the Commission or in the next available lottery to be

conducted by the Commission, of which the tickets are of the same price or the subscriptions are of the same amount as the tickets originally applied for or the subscriptions originally offered as aforesaid.

6. Section eleven of the principal Act is amended by deleting from paragraph (e) the word "seven" in line two of the said paragraph and inserting in lieu thereof the word "two."

Amendment
of s. 11.

7. Section fifteen of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

Amendment
of s. 15.
Repeal and
new section.

15. With respect to every lottery conducted under the authority of this Act—

Accounts and
audit.

(1) Where the lottery is conducted by a permit holder other than the Commission—

(a) the permit holder shall keep 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 such lottery in such form as may be prescribed;

(b) the permit holder shall, on the granting of the permit, appoint some qualified person to be approved by the Minister to audit and report to the Commission in connection with such account and the conduct of the lottery.

Provided that the Minister may at any time, either during the conduct or after the close of the lottery, appoint an independent auditor to make an audit of the affairs of the lottery for his information;

(c) any person appointed as auditor for the purposes of this paragraph, shall be at liberty at all times to enter any place where the books, papers, documents and things relating to the lottery may be or where the lottery is being conducted, for the purpose of making such inspection as in his opinion is necessary to ascertain whether the pro-

visions of this Act and the regulations thereunder are being complied with and such auditor shall report thereon to the Commission or to the Minister in the prescribed manner as the case may require; and

(d) the permit holder shall, within thirty days after the drawing of the lottery, furnish to the Commission a true and accurate account of the receipt and disposal of all property in the conduct of the lottery, and such account shall be accompanied by a certificate of the auditor appointed by the permit holder as aforesaid in regard to such account certifying whether the conditions of the permit and of this Act and the regulations have been complied with, and, if not, drawing attention to any details of non-compliance.

(e) The Commission, upon receipt of the account and certificate mentioned in the next preceding sub-paragraph (d) shall examine the same and as soon as reasonably may be thereafter forward the same to the Minister with such comments as it may think necessary in the circumstances.

(2) Where the lottery is conducted by the Commission:—

(a) The Commission shall keep 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 such lottery in such form as may be prescribed.

(b) 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 during the monthly period to which such report relates;

(c) every monthly report of the Auditor General made in accordance with the next preceding sub-paragraph (b) shall be tabled in each House of the Parliament within

fourteen days after the same is received by the Minister if the Parliament is then in session, or, if the Parliament is not then in session, within fourteen days after the commencement of the next session of the Parliament;

(d) the Commission shall, within thirty days after the drawing of each lottery, furnish to the Minister a true and accurate account of the receipt and disposal of all property in the conduct of the lottery, and such account shall be accompanied by a certificate of the Auditor General in regard thereto certifying whether the conditions of the permit and of this Act and the regulations have been complied with, and, if not, drawing attention to any details of non-compliance;

(e) a copy of every account furnished by the Commission in accordance with the next preceding subparagraph (d), together with a copy of the certificate of the Auditor General in regard thereto shall be laid on the Table of each House of the Parliament within thirty days after the receipt of such account and certificate by the Minister if the Parliament is then in session, and, if not, then within thirty days after the commencement of the next session of the Parliament; and

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

8. Section twenty-one of the principal Act is hereby amended by deleting the words "thirty-eight" in the second and third lines of the section and substituting the words "thirty-nine."

Amendment
of s. 21.

9. The principal Act as amended by this Act may be cited as the Lotteries (Control) Act, 1932-1938.

Citation of
principal Act
as amended.