



Australian Capital Territory

# **Lotteries Ordinance 1964**

**Ord1964-13**

**Republication No 0A (RI)**

**Effective: 23 December 1966 – 28 May 1981**

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Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

This is a republication of the *Lotteries Ordinance 1965* effective from 23 December 1966 to 28 May 1981.

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# AUSTRALIAN CAPITAL TERRITORY

## LOTTERIES ORDINANCE 1964

*Incorporating all amendments by legislation made to 31 March 1979*

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# AUSTRALIAN CAPITAL TERRITORY

## LOTTERIES ORDINANCE 1964

An Ordinance relating to Lotteries

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 1. This Ordinance may be cited as the <i>Lotteries Ordinance</i> 1964. <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Short title             |
| 2. This Ordinance shall come into operation on the first day of September, One thousand nine hundred and sixty-four.                                                                                                                                                                                                                                                                                                                                                                                                                                         | Commencement            |
| 3. (1) The Ordinances specified in Part I of the Schedule to this Ordinance are repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Repeal and transitional |
| (2) The Imperial Acts specified in Part II of the Schedule to this Ordinance cease to apply to the Territory.                                                                                                                                                                                                                                                                                                                                                                                                                                                |                         |
| (3) Notwithstanding the last two preceding sub-sections, the Ordinances and Imperial Acts referred to in those sub-sections continue to apply to and in relation to a lottery that is being conducted at the commencement of this Ordinance, and this Ordinance does not apply to or in relation to such a lottery.                                                                                                                                                                                                                                          |                         |
| 4. (1) In this Ordinance, unless the contrary intention appears—<br>“approved lottery” means a lottery approval for the conducting of which has been granted under section seven of this Ordinance;<br>“association” means an organization, club, society or other body of persons, whether incorporated or not, but does not include a body established or carried on solely or principally for the purpose of conducting a lottery or of gaming or wagering;<br>“unlawful game” has the same meaning as in the <i>Police Offences Ordinance</i> 1930-1961. | Interpretation          |
| (2) For the purposes of this Ordinance, a lottery shall be deemed to be being conducted from the time when the first subscription to the lottery is paid until the time when all the prizes in the lottery have been distributed.                                                                                                                                                                                                                                                                                                                            |                         |
| 5. (1) For the purposes of this Ordinance, a lottery is a scheme or arrangement, whether real or pretended, by which prizes (whether of money or of any other property, benefit, matter or thing) are or are to be, or are represented or understood as capable of being, drawn, thrown or competed for or gained in any other way by lot, dice or any other mode                                                                                                                                                                                            | Lotteries               |

of chance or by reference to any event or contingency depending upon chance, whether the scheme or arrangement is, either in whole or in part, established or conducted or intended or proposed to be established or conducted in the Territory or elsewhere.

(2) A scheme or arrangement that involves the distribution of property that is capable of being fairly apportioned among the owners of the property and is proposed, as far as practicable, to be apportioned equally among those owners is not a lottery for the purposes of this Ordinance.

Exempt  
lotteries  
Sub-section (1)  
amended by  
No. 19, 1966, s. 2

6. (1) For the purposes of this Ordinance, an exempt lottery is—

- (a) a lottery that is authorized by or under, and is, or is to be, conducted in accordance with, the law of a State or of a Territory of the Commonwealth other than the Australian Capital Territory;
- (b) a lottery that is conducted in the course of carrying on a trade or business and in which the prizes consist of the granting of rebates, discounts or other allowances in respect of amounts payable, or the granting of refunds of amounts paid, for goods sold or services performed in the course of carrying on that trade or business;
- (c) a lottery in respect of which—
  - (i) the total value of the prizes does not exceed forty dollars; and
  - (ii) the proceeds of the subscriptions, after payment of any expenses incurred in printing tickets and purchasing prizes, are used wholly and exclusively for charitable purposes; or
- (d) a private lottery,

not being a lottery the prizes of which are, or are capable of being, drawn, thrown or competed for or gained in any other way by or by reference to the playing of an unlawful game.

(2) For the purposes of the last preceding sub-section, a private lottery is a lottery—

- (a) in which chances to win prizes are restricted to persons who—
  - (i) are members of the same association or work or reside in the same premises; and
  - (ii) subscribe to the lottery, whether by the purchase of tickets or otherwise;
- (b) that is conducted—
  - (i) in the case of a lottery in which chances to win prizes are restricted to persons who are members of the same association—by a person who is a member of the association and is authorized by the governing body of the association to conduct the lottery; or

- (ii) in the case of a lottery in which chances to win prizes are restricted to persons who work or reside in the same premises—by a person who works or resides in those premises;
- (c) in which the same amount is payable for each chance to win a prize and, in the case of a lottery to which subscriptions are made by the purchase of tickets, the amount so payable is specified on each ticket;
- (d) in which each subscriber contributes the full amount payable for each of his chances and does not receive a refund of the whole or any part of his contributions;
- (e) that is not advertised except—
  - (i) in the case of a lottery in which chances to win prizes are restricted to persons who are members of the same association—by the exhibition of a notice at premises of the association; or
  - (ii) in the case of a lottery in which chances to win prizes are restricted to persons who work or reside in the same premises—by the exhibition of a notice at those premises;
- (f) in which tickets are not sent to subscribers through the post; and
- (g) in which the proceeds of subscriptions to the lottery, after payment of any expenses incurred in printing tickets for the lottery, are used wholly and exclusively—
  - (i) in the case of a lottery in which chances to win prizes are restricted to persons who work or reside in the same premises—for the provision of prizes; or
  - (ii) in the case of a lottery in which chances to win prizes are restricted to persons who are members of the same association—for the provision of prizes and for the purposes of the association.

7. (1) A person who wishes to conduct a lottery (not being a lottery the prizes of which are, or are capable of being, drawn, thrown or competed for or gained in any other way by or by reference to the playing of an unlawful game) may apply in writing to the Minister for approval for the conducting of the lottery by that person. Approval of lotteries

(2) The Minister may, in his discretion, grant or refuse the approval.

(3) Where the Minister grants approval for the conducting of a lottery, the approval is subject to such conditions, if any, imposing requirements or prohibitions on the person conducting the lottery as the Minister thinks necessary to ensure that, as far as possible, the lottery will be properly conducted and the interests of subscribers to the lottery will be adequately protected.

(4) As soon as practicable after he has granted or refused approval for the conducting of a lottery, the Minister shall cause the person who

applied for approval to be notified in writing of the grant or refusal of approval.

(5) In any proceeding, a certificate under the hand of the Minister specifying whether an approval for the conducting of a lottery specified in the certificate has been granted under this section and, if an approval has been granted, specifying the conditions, if any, to which the approval is subject is evidence of the matters specified.

Prohibition  
of certain  
lotteries, &c.

8. (1) A person shall not conduct a lottery other than an approved lottery or an exempt lottery.

(2) Where an approval granted under the last preceding section for the conducting of a lottery is subject to a condition imposing a requirement or prohibition on the person conducting the lottery, the person shall not contravene or fail to comply with that condition.

Penalty: Two hundred dollars.

Penalty  
amended by  
No. 19, 1966, s. 2

Advertising  
certain  
lotteries  
prohibited  
Amended by  
No. 19, 1966, s. 2

9. A person shall not—

(a) print or publish, or cause or permit to be printed or published; or

(b) display, or cause or permit to be displayed, in any public place or in any place that is visible from a public place,

an advertisement, sign or notice relating to a lottery other than an approved lottery or an exempt lottery.

Penalty: One hundred dollars.

Sale of  
tickets in  
certain  
lotteries  
prohibited  
Amended by  
No. 19, 1966, s. 2

10. A person shall not sell or offer for sale a ticket or a share in a ticket, or accept money in respect of the purchase of a ticket or a share in a ticket, in a lottery other than an approved lottery or an exempt lottery.

Penalty: Ten dollars.

Printing of  
tickets for  
certain  
lotteries  
prohibited  
Amended by  
No. 19, 1966, s. 2

11. A person shall not print, or cause or permit to be printed, a ticket in connexion with a lottery other than an approved lottery or an exempt lottery.

Penalty: Twenty dollars.

Prohibition  
of formation  
of syndicates  
for purchase  
of shares in  
lotteries  
Amended by  
No. 19, 1966, s. 2

12. A person shall not—

(a) for gain or reward, promote, or take part in the formation of, a syndicate for the purchase of a ticket, or a share in a ticket, in a lottery; or

(b) advertise, or cause or permit an advertisement to be printed or published, that he or any other person is prepared to receive money for a ticket, or for a share in a ticket, purchased or to be purchased in a lottery.

Penalty: Two hundred dollars.



13. (1) The Minister may by notice in writing to a person who is or has been concerned in the conduct of a lottery, require the person to furnish to the Minister, within a period specified in the notice—

Audit

- (a) a statement in writing showing the whole of the receipts and disbursements in connexion with the lottery; and
- (b) all books, documents and vouchers relating to the lottery.

(2) The Minister may retain any statements, books, documents or vouchers that are so furnished to him and may cause them to be audited by a person authorized by the Minister for the purpose.

(3) A person so authorized to audit any statements, books, documents or vouchers relating to a lottery may, by notice in writing to a person who is or has been concerned in the conduct of the lottery, require the person, within a period specified in the notice, to furnish him with such information in the possession of the person or to which the person has access, and to answer such questions, as the authorized person considers necessary for the purposes of the audit.

(4) A person to whom a requirement is directed under this section shall comply with the requirement.

Amended by  
No. 19, 1966, s. 2

Penalty: One hundred dollars.

(5) A notice under this section to a person may be given personally to the person or may be sent by post to the last-known place of residence or business of the person.

14. A person shall not, with intent to defraud or deceive any other person—

Falsification  
of books, &c.

- (a) alter or falsify a book, document or voucher relating to a lottery;
- (b) make a false or fraudulent entry in a book, document or voucher relating to a lottery; or
- (c) omit a material particular from a book, document or voucher relating to a lottery.

Penalty: Imprisonment for five years.

15. A person who is concerned in the conduct of a lottery shall not convert to his own use any of the moneys subscribed to, or any of the prizes in, the lottery.

Misappropriation of  
funds or  
prizes

Penalty: One thousand dollars.

Amended by  
No. 19, 1966, s. 2

16. A person shall not, with intent to defraud, conduct the drawing of a lottery in such a manner or under such conditions that the chances of winning prizes are not equally favourable to all persons having tickets in the lottery.

Fraudulent  
drawing, &c.  
Amended by  
No. 19, 1966, s. 2

Penalty: Two hundred dollars.

## Unclaimed prizes

17. A prize in a lottery that is not, before the expiration of three months after the drawing of the lottery, claimed by the person entitled to the prize or a person authorized by the first-mentioned person to claim the prize shall be dealt with in such manner as the Minister directs.

## Supervision of conduct of lottery

18. (1) Where it appears to the Minister to be desirable for the purpose of protecting the interests of subscribers to a lottery that the conduct of the lottery should be supervised, the Minister may, by notice in writing under his hand, authorize a person to supervise the conduct of the lottery.

- (2) A person authorized under the last preceding sub-section may—
- (a) enter any place in which a lottery is being, or is to be drawn; and
  - (b) give to persons who have been or become concerned in the conduct of the lottery such directions in relation to the lottery as he thinks necessary to ensure as far as possible that the interests of the subscribers to the lottery are protected.

## Amended by No. 19, 1966, s. 2

(3) A person shall not, upon being shown the notice of authority given under sub-section (1) of this section—

- (a) hinder or obstruct the person authorized by the notice in the exercise of his powers under this section; or
- (b) contravene or fail to comply with a direction given to him under the last preceding sub-section.

Penalty: One hundred dollars.

## Delegation

19. (1) The Minister may, either generally or otherwise as provided in the instrument of delegation, by writing under his hand, delegate all or any of his powers under this Ordinance, except this power of delegation.

(2) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation.

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Minister.

## Regulations

20. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

THE SCHEDULE

Section 3

PART I

*Lotteries and Art Unions Ordinance 1926*  
*Lotteries and Art Unions Ordinance 1929*  
*Lotteries and Art Unions Ordinance 1933*  
*Lotteries and Art Unions Ordinance 1935*  
*Lotteries and Art Unions Ordinance 1959*  
*Lotteries and Art Unions Ordinance 1961*  
*Lotteries and Art Unions Ordinance 1961*

PART II

An Act for Suppressing of Lotteries 1698 (10 & 11 Wm. III. c. 17)  
 The Lotteries Act 1721 (8 Geo. I. c. 2)  
 The Lotteries Act 1722 (9 Geo. I. c. 19)  
 The Lotteries Act 1733 (6 Geo. II. c. 35)  
 The Lotteries (Little-Go) Act 1802 (42 Geo. III. c. 119)  
 The Lotteries Act 1806 (46 Geo. III. c. 148)  
 The Lotteries Act 1823 (4 Geo. IV. c. 60)

NOTE

1. The *Lotteries Ordinance 1964* (a) as shown in this reprint comprises Ordinance No. 13, 1964 as amended by the other Ordinance specified in the following table:

| Ordinance                                                    | Number and year | Date of notification in <i>Gazette</i> | Date of commencement |
|--------------------------------------------------------------|-----------------|----------------------------------------|----------------------|
| <i>Lotteries Ordinance 1964</i>                              | No. 13, 1964    | 21 Aug 1964                            | 1 Sept 1964          |
| <i>Ordinances Revision (Decimal Currency) Ordinance 1966</i> | No. 19, 1966    | 23 Dec 1966                            | 23 Dec 1966          |

- (a) This citation is provided for by the *Amendments Incorporation Ordinance 1929* and the *Ordinances Citation Ordinance 1976*.