Australian Capital Territory

Lotteries Act 1964

A1964-13

Republication No 2A

Effective: 1 July 1999 – 30 November 1999

Republication date: 4 August 2026

Last amendment made by A1999-38

About this republication

The republished law

This is a republication of the *Lotteries Act 1964* effective from 1 July 1999 to 30 November 1999.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation (Republication) Act 1996*, part 3, division 2 authorised the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation (Republication) Act 1996*, s 14 and s 16). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

Australian Capital Territory

LOTTERIES ACT 1964

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Updated as at 12 July 1999

TABLE OF PROVISIONS

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Australian Capital Territory

LOTTERIES ACT 1964

An Act relating to Lotteries

1. Short title

This Act may be cited as the *Lotteries Act 1964*.[1]

2. Commencement

This Act shall come into operation on 1 September 1964.

3. Repeal and transitional

(1) The Ordinances specified in Part I of the Schedule are repealed.

(2) The Imperial Acts specified in Part II of the Schedule cease to apply to the Territory.

(3) Notwithstanding subsections (1) and (2), the Ordinances and Imperial Acts referred to in those subsections continue to apply to and in relation to a lottery that is being conducted at the commencement of this Act, and this Act does not apply to or in relation to such a lottery.

4. Interpretation

(1) In this Act, unless the contrary intention appears—

"approved lottery" means a lottery approval for the conducting of which has been granted under section 7;

"association" means an organisation, 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;

"determined fee" means the fee (if any) determined under section 18A for the purposes of the provision in which the expression occurs;

"unlawful game" has the same meaning as in the *Unlawful Games Act 1984*.

(2) For the purposes of this Act, 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.

4A. Application

This Act does not apply in relation to a pool betting scheme or a pool betting competition within the meaning of the *Pool Betting Act 1964*.

5. Lotteries

(1) For the purposes of this Act, 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 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 Act.

6. Exempt lotteries

(1) For the purposes of this Act, an exempt lottery is—

(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 the amount determined by the Minister by notice in the *Gazette* for the purposes of this subparagraph; 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 subsection (1), 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 authorised 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 or her chances and does not receive a refund of the whole or any part of his or her 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.

(3) A notice under subparagraph (1) (c) (i) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

7. Approval of lotteries

(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 to the Minister for approval for the conducting of the lottery by that person.

(1A) Subject to section 7A, an application under subsection (1) shall be in writing and accompanied by the determined fee.

(2) The Minister may, in his or her 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 or she 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.

7AA. Variation of approval

(1) A person who has been granted approval to conduct a lottery under section 7 may apply to the Minister for variation of the approval.

(2) An application shall be in writing and accompanied by the determined fee.

7A. Exemption from fees

The Minister may, by notice in the *Gazette*, exempt a person who wishes to conduct a lottery specified in the notice from payment of a fee required under section 7 or 7AA.

8. Prohibition of certain lotteries etc.

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

Penalty:

(a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;

(b) if the offender is a body corporate—250 penalty units.

(2) Where an approval granted under section 7 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 for contravention of subsection (2):

(a) if the offender is a natural person—50 penalty units;

(b) if the offender is a body corporate—250 penalty units.

9. Advertising certain lotteries prohibited

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 the public place,

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

Penalty:

(a) if the offender is a natural person—10 penalty units;

(b) if the offender is a body corporate—50 penalty units.

10. Sale of tickets in certain lotteries prohibited

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:

(a) if the offender is a natural person—10 penalty units;

(b) if the offender is a body corporate—50 penalty units.

11. Printing of tickets for certain lotteries prohibited

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

Penalty:

(a) if the offender is a natural person—5 penalty units;

(b) if the offender is a body corporate—25 penalty units.

12. Prohibition of formation of syndicates for purchase of shares in lotteries

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, she 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:

(a) if the offender is a natural person—10 penalty units;

(b) if the offender is a body corporate—50 penalty units.

12A. Instant lotteries

(1) Where there appears on a ticket in an instant lottery—

(a) the expression “match 3”, “match three”, “match any 3” or “match any three”; or

(b) an expression to a similar effect;

the expression shall be taken to have always had the same meaning as the expression “find 3 of the same”.

(2) In this section—

“instant lottery” means an approved lottery in which prizes are determined (wholly or partly) by exposing the matter in panels on the tickets in the lottery.

13. Audit

(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—

(a) a statement in writing showing the whole of the receipts and disbursements in connection 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 or her and may cause them to be audited by a person authorised by the Minister for the purpose.

(3) A person so authorised 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 or her with such information in the possession of the person or to which the person has access, and to answer such questions, as the authorised 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.

Penalty:

(a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
(b) if the offender is a body corporate—250 penalty units.

(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. Falsification of books etc.

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

(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:

(a) if the offender is a natural person—500 penalty units or imprisonment for 5 years, or both;
(b) if the offender is a body corporate—2500 penalty units.

15. Misappropriation of funds or prizes

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

Penalty:

(a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
(b) if the offender is a body corporate—250 penalty units.

16. Fraudulent drawing etc.

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.

Penalty:

(a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
(b) if the offender is a body corporate—250 penalty units.

17. Unclaimed prizes

A prize in a lottery that is not, before the expiration of 3 months after the drawing of the lottery, claimed by the person entitled to the prize or a person authorised by the first-mentioned person to claim the prize shall be dealt with in such manner as the Minister directs.

18. Supervision of conduct of lottery

(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 or her hand, authorise a person to supervise the conduct of the lottery.

(2) A person authorised under subsection (1) 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 or she thinks necessary to ensure as far as possible that the interests of the subscribers to the lottery are protected.

(3) A person shall not, upon being shown the notice of authority given under subsection (1)—

(a) hinder or obstruct the person authorised by the notice in the exercise of his or her powers under this section; or

(b) contravene or fail to comply with a direction given to him or her under subsection (2).

Penalty:

(a) for contravention of paragraph (3) (a)—

- (i) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (ii) if the offender is a body corporate—250 penalty units; or

(b) for contravention of paragraph (3) (b)—

- (i) if the offender is a natural person—50 penalty units;
- (ii) if the offender is a body corporate—250 penalty units.

18A. Power of Minister to determine fees

The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

19. Delegation

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

20. Regulations

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

21. Transitional provision—certain determinations may be retrospective

(1) Despite section 7 of the *Subordinate Laws Act 1989*, if a determination of a fee under section 18A—

(a) is made before 31 July 1999 for the purposes of subsection 7AA (2); and

(b) is expressed to have effect from a date not earlier than 1 July 1999;

the determination is taken to have effect from that date.

(2) This section ceases to operate on 31 July 1999.

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)

NOTES

1. The *Lotteries Act 1964* as shown in this reprint comprises Act No. 13, 1964 amended as indicated in the Tables below.

   Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

2. The *Legislation (Republication) Act 1996* (No. 51, 1996) authorises the Parliamentary Counsel in preparing a law for republication, to make certain editorial and other formal amendments in accordance with current legislative drafting practice. Those amendments make no change in the law. Amendments made pursuant to that Act do not appear in the Table of Amendments but details may be obtained on request from the Parliamentary Counsel's Office.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in *Gazette*	Date of commencement	Application, saving or transitional provisions
Lotteries Ordinance 1964	13, 1964	21 Aug 1964	1 Sept 1964	
Ordinances Revision (Decimal Currency) Ordinance 1966	19, 1966	23 Dec 1966	23 Dec 1966	—
Lotteries (Amendment) Ordinance 1981	13, 1981	20 May 1981	29 May 1981 (*see Gazette* 1981, No. S103)	—
Lotteries (Amendment) Ordinance 1982	17, 1982	7 May 1982	11 June 1982 (*see Gazette* 1982, No. S117)	—
Lotteries (Amendment) Ordinance 1983	44, 1983	29 Sept 1983	1 Oct 1983	—
Lotteries (Amendment) Ordinance 1984	23, 1984	29 June 1984	1 July 1984 (*see Gazette* 1984, No. S244, p. 2)	—
Self-Government (Consequential Amendments) Ordinance 1989	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (*see* s. 2 (2) and *Gazette* 1989, No. S164)	—

Self-Government day 11 May 1989

Table 2

Table of Acts

Act	Number and year	Date of notification in *Gazette*	Date of commencement	Application, saving or transitional provisions
		(Reprinted as at 31 July 1991)		
Lotteries (Amendment) Act 1994	36, 1994	28 June 1994	28 June 1994	S. 5
Lotteries (Amendment) Act 1996	60, 1996	3 Dec 1996	Ss. 1-3: 3 Dec 1996 Remainder: 13 Dec 1996 (*see Gazette* 1996, No. S331)	—
		(Reprinted as at 30 April 1997)		
Revenue Legislation Amendment Act 1999	38, 1999	12 July 1999	1 July 1999	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
Ss. 2, 3	am. Act No. 36, 1994
S. 4	am. No. 23, 1984; Act No. 36, 1994; No. 60, 1996; 1999 No 38 s10
S. 4A	ad. No. 13, 1981
S. 6	am. No. 19, 1966; No. 17, 1982; Act No. 36, 1994; No. 60, 1996
S. 7	am. No. 44, 1983; Act No. 36, 1994; 1999 No 38 s11
S. 7AA	ad. 1999 No 38 s 12
S. 7A	ad. No. 44, 1983
	am. 1999 No 38 s 13
Ss. 8, 9	am. No. 19, 1966; Act No. 36, 1994; No. 60, 1996
Ss. 10, 11	am. No. 19, 1966; Act No. 60, 1996
S. 12	am. No. 19, 1966; Act No. 36, 1994; No. 60, 1996
S. 12A	ad. Act No. 36, 1994
S. 13	am. No. 19, 1966; Act No. 36, 1994; No. 60, 1996
S. 14	am. Act No. 36, 1994; No. 60, 1996
Ss. 15, 16	am. No. 19, 1966; Act No. 36, 1994; No. 60, 1996
S. 17	am. Act No. 36, 1994; No. 60, 1996

NOTES—continued

Table of Amendments—continued

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
S. 18	am. No. 19, 1966; Act No. 36, 1994; No. 60, 1996
S. 18A	ad. No. 44, 1983
S. 19	am. Act No. 36, 1994
S. 20	am. No. 38, 1989
S. 21	ad. 1999 No 38 s 14