

AUSTRALIAN CAPITAL TERRITORY

LOTTERIES ORDINANCE 1964

EXPLANATORY MEMORANDUM

No. 13 of 1964

The Lotteries Ordinance 1964 will repeal the present law operating in the Australian Capital Territory relating to the conduct of Lotteries and Art Unions and will provide for comprehensive control and administration to be exercised over all lotteries.

The Ordinance is to come into operation on 1st September, 1964.

Lotteries being conducted at the commencement of the Ordinance will continue to be conducted in accordance with the existing law and this Ordinance will not apply in relation to those lotteries.

In order that there will be no conflict between this Ordinance and the Police Offences Ordinance an “un-lawful game” is to have the same meaning as in the Police Offences Ordinance 1930-1961. The interpretation provisions of sub-section (2.) of section 4 provide that a lottery will be deemed to be being conducted from the time when the first subscription is paid until the time when all prizes in the lottery have been distributed.

In order that the Ordinance should deal comprehensively with all matters which may be considered as lotteries a definition has been included in section 5. Under this section a lottery is defined as a scheme or arrangement by which any prizes are drawn, thrown or competed for or gained in any way by lot, dice or another mode of chance or by reference to any event or contingency depending upon chance whether or not the scheme or arrangement is to be established or conducted in the Territory or elsewhere. Sub-section (2.) however, provides that the distribution, by a scheme or arrangement, of property which is capable of being fairly apportioned and is to be apportioned equally among the owners is not a lottery for this purpose.

The conduct of any lottery other than an exempt or an approved lottery is prohibited under section 8 and for this purpose section 6 defines as exempt lotteries those lotteries which do not require the approval of the Minister for their conduct while section 7 provides that the Minister may approve the conduct of any other lottery.

The classes of lottery which are exempted under section 6 (1.) from the need to obtain the Minister’s approval are:—

- lotteries approved under other State or Territory law;
- lotteries conducted in the course of trade or business in which prizes consist of rebates, discounts or other allowances for goods sold;
- lotteries where the total value of the prize does not exceed £20 and the proceeds after payment of expenses are used for charitable purposes;

a private lottery.

Provided that none of these lotteries are ones where the prizes may be gained by reference to the playing of an unlawful game.

For the purposes of sub-section (1.) of section 6 a private lottery is defined as a lottery in which chances to win prizes are restricted to persons who are members of the same association or who work or reside in the same premises and who subscribe to the lottery whether by the purchase of tickets or otherwise.

The conduct of a private lottery is restricted, in the case of members of the same association, to a person who is a member of the association and is authorised by the governing body of the association to conduct the lottery, or, in the case of persons who work or reside in the same premises, the conduct of a private lottery is restricted to a person who works or resides in those premises.

The conditions under which a private lottery may be conducted are:–

- that the same amount is payable for each chance to win a prize, and, where subscriptions are made by the purchase of tickets the amount so payable is specified on each ticket;
- that each subscriber contributes the same amount for each of his chances and does not receive a refund of the whole or any part of his contribution;
- that the lottery is not to be advertised other than by the exhibition of a notice at the premises of the association in the case of a lottery restricted to members of the same association, or, in the case of a lottery restricted to persons who work or reside in the same premises, by the exhibition of a notice at those premises;
- that tickets for the lottery are not to be sent to subscribers through the post;
- that the proceeds of subscriptions to the lottery after payment of any expenses incurred in printing tickets are to be used wholly and exclusively for the provisions of prizes in the case of a lottery restricted to persons who work or reside in the same premises, or in the case of members of the same association, to be for the provision of prizes and for the purposes of the association.

In regard to the conduct of a lottery other than an exempt lottery section 7 provides that a person who wishes to conduct a lottery not being a lottery in which prizes may be gained by reference to the playing of an unlawful game, may apply in

writing to the Minister for approval to conduct a lottery. The Minister in his discretion may grant or refuse the approval.

Where approval is granted the Minister may impose such requirements or prohibitions as he thinks necessary to ensure that the lottery will be properly conducted and the interests of subscribers protected.

The granting or refusal of approval to conduct the lottery will be notified to the applicant in writing as soon as practicable after the decision has been made.

Sections 8 to 16 inclusive provide penalties for :—

- non compliance with or contravention of the conditions under which approval to conduct a lottery has been given;
- advertising of lotteries other than a private or an exempt lottery;
- the printing of tickets for a lottery other than a private lottery or an exempt lottery;
- formation of syndicates to purchase shares in a lottery;
- failure to comply with a notice by the Minister requiring the production of statements in writing showing the whole of the receipts and disbursements in connection with a lottery and all books, documents, and vouchers relating to a lottery;
- falsification of books with intent to defraud or deceive;
- misappropriation of funds or prizes;
- fraudulent drawing of a lottery.

Section 17 provides that prizes unclaimed within 3 months of the drawing of the lottery shall be dealt with in accordance with a direction by the Minister.

Where it appears desirable for the purpose of protecting the interests of subscribers to a lottery that the conduct of a lottery should be supervised, the Minister in pursuance of section 18 may authorise, by a notice in writing under his hand, a person to supervise the conduct of a lottery. The person authorised by the Minister to supervise the lottery may enter any place in which a lottery is being or is to be drawn and give to the persons who are concerned with the conduct of a lottery such directions in relation to the conduct of a lottery as he thinks necessary to ensure as far as possible that the interests of subscribers are protected.

Provision is made for the imposition of a penalty of £50 on any person who, on being shown an authorised person's notice of authority, hinders or obstructs such a person in the exercise of his powers or contravenes or fails to comply with a direction of an authorised person.

Sections 19 and 20 provide that the Minister may delegate any or all of his powers under the Ordinance except the power of delegation and make regulations not inconsistent with the Ordinance for the carrying out or giving effect to the Ordinance.