



Australian Capital Territory

Lotteries Act 1964

A1964-13

Republication No 4

Effective: 9 April 2004 – 10 July 2007

Republication date: 9 April 2004

Last amendment made by A2004-15

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Lotteries Act 1964* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 9 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 9 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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 Act 2001*, part 11.3 authorises 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 Act 2001*, s 115 and s 117). 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.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Lotteries Act 1964

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R4
09/04/04

Lotteries Act 1964
Effective: 09/04/04-10/07/07

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Australian Capital Territory

Lotteries Act 1964

An Act relating to lotteries

1 Name of Act

This Act is the *Lotteries Act 1964*.

2 Interpretation for Act

(1) In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

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.

commission means the gambling and racing commission.

unlawful game—see the *Unlawful Games Act 1984*.

(2) For 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.

4 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 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 on 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 ACT 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 this Act.

6 Exempt lotteries

- (1) For this Act, an *exempt lottery* is—
- (a) 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 relation to 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; or
 - (b) a lottery in relation to which—
 - (i) the total value of the prizes does not exceed an amount determined in writing by the commission; 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
 - (c) a private lottery;
- other than 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) A determination under subsection (1) (b) (i) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) For 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; and
 - (b) that is conducted—
 - (i) for 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) for 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; and
 - (c) in which the same amount is payable for each chance to win a prize and, for a lottery to which subscriptions are made by the purchase of tickets, the amount so payable is specified on each ticket; and
 - (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; and
 - (e) that is not advertised except—
 - (i) for 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) for 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; and

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- (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) for 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) for 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 Approval of lotteries

- (1) A person who wishes to conduct a lottery (other than 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 commission for approval for the conducting of the lottery by that person.

Note A fee may be determined under s 18A (Determination of fees) for an application.

- (2) The commission may, in the commission's discretion, grant or refuse the approval.
- (3) If the commission grants approval for the conducting of a lottery, the approval is subject to the conditions (if any) imposing requirements or prohibitions on the person conducting the lottery that the commission considers 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 the commission has granted or refused approval for the conducting of a lottery, the commission shall notify

in writing the person who applied for approval of the grant or refusal of approval.

- (5) In any proceeding, a certificate issued by the commission 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.

7A Variation of approval

A person who has been granted approval to conduct a lottery under section 7 may apply in writing to the commission for variation of the approval.

Note A fee may be determined under s 18A (Determination of fees) for an application.

8 Prohibition of certain lotteries etc

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

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) If 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 that condition.

Maximum penalty: 50 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.

Maximum penalty: 10 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 relation to the purchase of a ticket or a share in a ticket, in a lottery other than an approved lottery or an exempt lottery.

Maximum penalty: 10 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.

Maximum penalty: 5 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.

Maximum penalty: 10 penalty units.

12A Instant lotteries

- (1) If 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 commission may by written notice to a person who is or has been concerned in the conduct of a lottery, require the person to give to the commission, within a period specified in the notice—
 - (a) a written statement 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 commission may keep any statements, books, documents or vouchers that are so given to the commission and may cause them to be audited by a person authorised by the commission for the purpose.
- (3) A person so authorised to audit any statements, books, documents or vouchers relating to a lottery may, by written notice 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 give the commission the information in the possession of the person or to which the person has access, and to answer the questions, that 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.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (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.

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 money subscribed to, or any of the prizes in, the lottery.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

16 Fraudulent drawing etc

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

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

17 Unclaimed prizes

A prize in a lottery that is not, before the end of 3 months after the drawing of the lottery, claimed by the person entitled to the prize or a person authorised by the firstmentioned person to claim the prize shall be dealt with in the way that the commission directs.

18 Supervision of conduct of lottery

- (1) If it appears to the commission 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 commission may, by written notice, authorise a person to supervise the conduct of the lottery.

- (2) A person authorised under subsection (1) may—
- (a) enter any place where 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 the directions in relation to the lottery that the commission considers necessary to ensure as far as possible that the interests of the subscribers to the lottery are protected.
- (3) A person shall not, on 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 a direction given to him or her under subsection (2).

Maximum penalty:

- (a) for paragraph (a)—50 penalty units, imprisonment for 6 months or both; and
- (b) for paragraph (b)—50 penalty units.

18A Determination of fees

- (1) The commission may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

19 Delegation

- (1) The commission may, in writing, delegate all or any of the commission's 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 commission.

20 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Lotteries Ordinance 1964 A1964-13* (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Lotteries Act 1964 No 13

notified 21 August 1964

commenced 1 September 1964 (s 2)

as amended by

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19

notified 23 December 1966

commenced 23 December 1966

Lotteries (Amendment) Ordinance 1981 No 13

notified 20 May 1981

commenced 29 May 1981 (Cwlth Gaz 1981 No S103)

Lotteries (Amendment) Ordinance 1982 No 17

notified 7 May 1982

commenced 11 June 1982 (Cwlth Gaz 1982 No S117)

Lotteries (Amendment) Ordinance 1983 No 44

notified 29 September 1983

commenced 1 October 1983

Lotteries (Amendment) Ordinance 1984 No 23

notified 29 June 1984

commenced 1 July 1984 (Cwlth Gaz 1984 No S244)

Endnotes

3 Legislation history

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after becoming Territory enactment

Lotteries (Amendment) Act 1994 No 36

notified 28 June 1994 (Gaz 1994 No S114)
commenced 28 June 1994 (s 2)

Lotteries (Amendment) Act 1996 No 60

notified 3 December 1996 (Gaz 1996 No S321)
ss 1-3 commenced 3 December 1996 (s 2 (1))
remainder commenced 13 December 1996 (s 2 (2) and Gaz 1996 No S331)

Revenue Legislation Amendment Act 1999 No 38 pt 3

notified 12 July 1999 (Gaz 1999 No S44)
commenced 1 July 1999 (s 2)

Gambling and Racing Control (Consequential Provisions) Act 1999 No 47 sch, notes

notified 17 September 1999 (Gaz 1999 No S54)
s 1, s 2 commenced 17 September 1999 (s 2 (1))
sch, notes commenced 1 December 1999 (s 2 (2) and Gaz 1999 No S63)

Legislation (Consequential Amendments) Act 2001 No 44 pt 232

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 232 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.53

notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.53 commenced 9 April 2004 (s 2 (1))

4 Amendment history

Interpretation for Act

s 2 orig s 2 am 1994 No 36 sch
om 2001 No 44 amdt 1.2709
(prev s 4) am 1984 No 23
renum R3 LA (see 2001 No 44 amdt 1.2711)
def **approved lottery** am 1994 No 36 sch
def **association** am 1996 No 60 sch
def **commission** ins 1999 No 47 sch
def **determined fee** ins 1999 No 38 s 10
om 2001 No 44 amdt 1.2710

Repeal and transitional

s 3 am 1994 No 36 sch
om 2001 No 44 amdt 1.2709

Application

s 4 (prev s 4A) ins 1981 No 13
renum as R3 LA (see 2001 No 44 amdt 1.2711)

Application

s 4A renum as s 4

Exempt lotteries

s 6 am 1966 No 19; 1982 No 17; 1994 No 36 sch; 1996 No 60 s 4;
1999 No 47 sch; 2001 No 44 amdts 1.2712-1.2714; ss and
pars renum R3 LA (see 2001 No 44 amdt 1.2715)

Approval of lotteries

s 7 am 1983 No 44; 1994 No 36 sch; 1999 No 38 s 11; 1999 No
47 sch; 2001 No 44 amdts 1.2716-1.2718

Variation of approval

s 7AA ins 1999 No 38 s 12
om 2001 No 44 amdt 1.2719

Variation of approval

s 7A ins 1983 No 44
am 1999 No 38 s 13; 1999 No 47 sch
sub 2001 No 44 amdt 1.2719

Prohibition of certain lotteries etc

s 8 am 1966 No 19; 1994 No 36 sch; 1996 No 60 sch

Advertising certain lotteries prohibited

s 9 am 1966 No 19; 1994 No 36 sch; 1996 No 60 sch

Sale of tickets in certain lotteries prohibited

s 10 am 1966 No 19; 1996 No 60 sch

Endnotes

5 Earlier republications

Printing of tickets for certain lotteries prohibited

s 11 am 1966 No 19; 1996 No 60 sch

Prohibition of formation of syndicates for purchase of shares in lotteries

s 12 am 1966 No 19; 1994 No 36 sch; 1996 No 60 sch

Instant lotteries

s 12A ins 1994 No 36 s 4

Audit

s 13 am 1966 No 19; 1994 No 36 sch; 1996 No 60 sch; 1999 No 47 sch

Falsification of books etc

s 14 am 1994 No 36 sch; 1996 No 60 sch
om A2004-15 amdt 2.116

Misappropriation of funds or prizes

s 15 am 1966 No 19; 1994 No 36 sch; 1996 No 60 sch

Fraudulent drawing etc

s 16 am 1966 No 19; 1994 No 36 sch; 1996 No 60 sch

Unclaimed prizes

s 17 am 1994 No 36 sch; 1996 No 60 sch; 1999 No 47 sch

Supervision of conduct of lottery

s 18 am 1966 No 19; 1994 No 36 sch; 1996 No 60 sch; 1999 No 47 sch

Determination of fees

s 18A hdg am 1999 No 47 notes
s 18A ins 1983 No 44
am 1999 No 47 sch
sub 2001 No 44 amdt 1.2720

Delegation

s 19 am 1994 No 36 sch; 1999 No 47 sch

Regulation-making power

s 20 am 1989 No 38 sch 1
sub 2001 No 44 amdt 1.2721

Transitional provision—certain determinations may be retrospective

s 21 ins 1999 No 38 s 14
om 2001 No 44 amdt 1.2721

Repealed Acts and ordinances

sch om 2001 No 44 amdt 1.2722

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Ord 1989 No 38	31 July 1991
2	Act 1996 No 60	30 April 1997
3*	A2001-44	9 August 2002

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