

1994

THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

LOTTERIES (AMENDMENT) BILL 1994

**EXPLANATORY MEMORANDUM**

Circulated by the authority of the Chief Minister and Treasurer  
Rosemary Follett, MLA

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## Lotteries (Amendment) Bill 1994

### Summary

The Lotteries Act 1964 regulates the conduct of a wide range of lottery type activities such as raffles, silver circles, housie and trade promotions. The sale of instant scratch lottery tickets in the ACT is also approved under the Act.

Instant scratch lottery tickets are sold in the ACT through agreements with NSW Lotteries and Tattersals Sweep Consultation. These organisations have requested the assistance of the ACT Government and other governments in introducing legislation to clarify the circumstances in which prizes are payable in instant lotteries in the light of the decision of the NSW Court of Appeal on 19 May 1993 in NSW State Lotteries Office v Burgin.

To this end, amendments are proposed in line with changes made or proposed in other jurisdictions, to confirm that in an instant lottery a statement that a prize is won by matching 3 symbols (or matching 3 identical symbols) means, and is taken always to have meant, that a prize is won if the same symbol appears 3 times. In Burgin's case, it was decided that 3 different pairs of numbers would qualify for a prize. Examples of the operation of the proposed amendments are as follows:

- . 7, 1, 3, 7, 4, 7 - wins a prize;
- . 7, 1, 3, 7, 3, 1 - does not win a prize.

### Financial Implications

As losses were not in contemplation when agreements with NSW and Victoria were negotiated, they do not contain specific mention of how losses would be handled, beyond reducing the Territory's share of net revenue to nil. The ACT's annual revenue from instant lotteries of approximately \$1.72 million is therefore at risk.

Details of the Bill are attached.

## Details of the Lotteries (Amendment) Bill 1994

### **Title**

Clause 1 - provides for the short title for this Act to be the Lotteries (Amendment) Act 1994 (the Act).

### **Commencement**

Clause 2 - provides that this Act commences on the date of Gazettal.

### **Principal Act**

Clause 3 - refers to the Principal Act being amended, being the Lotteries Act 1964.

### **Insertion**

Clause 4 - inserts a new section 12A after section 12 of the Principal Act:

#### **Instant lotteries**

New subsection 12A(1) provides that where, in an instant lottery, an expression appears stating that a prize is won by matching 3 symbols (or 3 identical symbols) this means, and has always taken to have meant, that a prize is won if the same symbol appears 3 times.

New subsection 12A(2) provides a definition for "instant lottery".

### **Application**

Clause 5 - provides that the proposed section 12A applies to tickets in an instant lottery game purchased before or after the

commencement of the Act, and includes any ticket in relation to which proceedings may have already commenced but are as yet undetermined.

**Further amendments**

Clause 6 - provides a schedule of further amendments to the Principal Act essentially for the purpose of removing subsisting sexist references and updating drafting style.