

## No. 15 of 1962.

### An Ordinance to amend the *Lottery and Gaming Ordinance* 1940-1961.

[Assented to 8th June, 1962.]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1961, as follows:—

1 —(1.) This Ordinance may be cited as the *Lottery and Gaming Ordinance* 1962. Short title and citation.

(2.) The *Lottery and Gaming Ordinance* 1940-1961 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Lottery and Gaming Ordinance* 1940-1962.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.\* Commencement.

3. Section nine of the Principal Ordinance is amended by inserting after the word “goods,” (wherever occurring) the word “money,”. Sale or disposal of goods, &c., by lottery or chance prohibited.

4. Section ten of the Principal Ordinance is amended by inserting after the word “goods,” the word “money,”. Advertisement of lottery, &c., prohibited.

5. Section fourteen of the Principal Ordinance is repealed and the following section inserted in its stead:—

“14.—(1.) The Administrator or any person thereto authorized in writing by the Administrator— Supervision of conduct of lottery or raffle.

(a) may, at any time, enter any bazaar or fancy fair, and supervise the conduct of any lottery or raffle in connexion therewith; and

(b) may, at any time, enter any place where lottery or raffle tickets are being sold, or a lottery or raffle is being drawn, and investigate the legality of the sale thereof and supervise the drawing of the lottery or raffle.

“(2.) Any person who obstructs or impedes the Administrator or any person in the exercise of his powers under this section shall be guilty of an offence.

Penalty: Twenty pounds.”

\* The date fixed was 3rd October, 1962 (see *Government Gazette* No. 47 of 3rd October, 1962, p. 179).

6. After section twenty of the Principal Ordinance the following sections are inserted:—

Permission to  
conduct lotteries  
solely for  
charitable  
purposes.

“20A.—(1.) A person who desires to conduct a lottery may apply to the Administrator in Council for permission to do so in accordance with this section.

“ (2.) The application—

- (a) shall be in writing signed by the applicant;
- (b) shall state the charitable or other purpose for which the applicant proposes to conduct the lottery;
- (c) shall contain the full name and address of the person, society, association, institution or corporation whom the applicant nominates to receive the proceeds of the lottery; and
- (d) shall set out details, in relation to the proposed lottery, as to—
  - (i) the anticipated maximum ratio of lottery expenses to lottery income;
  - (ii) where it is proposed to give goods as prizes, the total value of the proposed prizes;
  - (iii) where it is proposed to give money as prizes, the proposed minimum ratio of prizes to lottery income; and
  - (iv) the percentage of the lottery income proposed to be transferred to the person, society, association, institution or corporation nominated to receive the proceeds of the lottery.

“ (3.) The Administrator in Council shall not grant the application unless he is satisfied that the lottery will be conducted for a charitable purpose or for the purpose of distributing as money prizes or goods prizes all the lottery income less only amounts expended in the conduct of the lottery otherwise than as or for prizes.

“ (4.) Where the Administrator in Council grants the application he shall grant it subject to the condition that all the lottery income less only amounts expended in the conduct of the lottery otherwise than as or for prizes shall be applied—

- (a) in the case of a lottery conducted for a charitable purpose—partly as prizes or in purchasing goods to be distributed as prizes and partly for the charitable purpose specified in the application; or
- (b) in any other case—as prizes or in purchasing goods to be distributed as prizes.

“ (5.) Subject to the last two preceding sub-sections, the Administrator may, in his discretion, refuse the permission applied for, grant it or grant it subject to such conditions as he thinks fit and specifies in writing to the applicant.

“ (6.) If—

- (a) the Administrator in Council grants permission to conduct the lottery;
- (b) the lottery is conducted in accordance with the conditions (if any) so specified;
- (c) the lottery is conducted for the purpose specified in the application; and
- (d) the proceeds of the lottery are transferred to the person, society, association, institution or corporation approved by the Administrator in Council to receive them,

no liability to any penalty or proceedings under section nine, ten, eleven or twelve of this Ordinance shall attach to the person to whom the permission is granted, a person who is a subscriber or contributor to the lottery or a person acting under the authority of any of those persons by reason of anything done by any of them in or in relation to the conduct of the lottery.

“ (7.) A person to whom permission to conduct a lottery is granted under this section shall, later than seven days but not later than fourteen days after the prizes of the lottery have been allotted, deliver to the Administrator a statutory declaration setting out—

- (a) the lottery income;
- (b) details of the amounts expended in the conduct of the lottery otherwise than as or for prizes;
- (c) the total of the amounts allotted as or for prizes;
- (d) the total of the amounts paid as or for prizes at the date of the declaration;
- (e) a statement showing the nature and value of each prize that, at the date of the declaration, has not been paid or given to the person who won it, together with the name and address of that person;
- (f) the total of the amounts transferred to the person, society, association, institution or corporation approved by the Administrator in Council to receive them; and

- (g) the name and address of the person to whom or society, association, institution or corporation to which the last mentioned amounts have been transferred.

Penalty: Fifty pounds and in addition Five pounds for each day during which failure or omission to comply with this subsection continues.

“ (8.) The provisions of this section apply notwithstanding anything contained in this Part.

“ (9.) In this section—

‘ lottery expenses ’ means the total of all amounts representing, in the opinion of the Administrator, payments properly made and liabilities properly incurred in the conduct of the lottery;

‘ lottery income ’ means the total of all amounts received in respect of the lottery;

‘ proceeds of the lottery ’ means the lottery income less the lottery expenses.

Unpaid money prizes to be paid to Administrator, &c.

“ 20B. Notwithstanding section twenty-six of this Ordinance, where, three months after a lottery has been conducted in pursuance of permission granted under the last preceding section, an amount payable as a money prize has not been paid to the prize winner entitled to it, the person to whom permission to conduct the lottery was granted shall, within a further period of seven days, deliver to the Administrator—

(a) all amounts payable as prizes that have not been paid to the prize winners entitled to those prizes; and

(b) a statutory declaration setting out the names of the prize winners unpaid at the date of the statement and the amount payable as a prize to each.

Penalty: Fifty pounds and in addition Five pounds for each day during which failure or omission to comply with this section continues.”.

7. After section thirty-one of the Principal Ordinance the following section is inserted in Part II:—

Institution of proceedings under Part II.

“ 31A.—(1.) Proceedings for—

(a) the commitment for trial of any person in respect of indictable offence against the provisions of this Part; or

(b) the summary conviction of any person in respect of an offence against the provisions of this Part punishable on summary conviction,

shall be instituted only by the Administrator or by a person authorized in writing by the Administrator for the purposes of the particular proceedings.

“(2.) The production of a telegram or letter purporting to be signed by the Administrator and purporting to authorize a person to institute such proceedings shall be admissible in evidence in the proceedings and shall be accepted as evidence that the person is authorized in writing by the Administrator for the purposes of the particular proceedings.”

8. Section thirty-four of the Principal Ordinance is amended by adding at the end of sub-section (3A.) the words

Betting or  
wagering  
prohibited.

“Penalty: One hundred pounds or imprisonment for six months.”

9. Section sixty-eight of the Principal Ordinance is amended by omitting from paragraph (b) of the definition of “club” the words “and consisting of not less than fifty members”.

Definitions.

10. Section seventy-one F of the Principal Ordinance is amended by omitting from sub-section (4.) the words “of a fine” and inserting in their stead the words “, by a fine”.

Licensing of  
racecourses.

11. Section seventy-one P of the Principal Ordinance is amended by omitting from sub-section (2.) the word “time” and inserting in its stead the word “times”.

Duties of clubs  
with respect to  
illegal  
bookmaking.