



ANNO DECIMO NONO

**ELIZABETHAE II REGINAE**

A.D. 1970

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**No. 20 of 1970**

An Act to amend the Lottery and Gaming Act, 1936,  
as amended.

*[Assented to 24th September, 1970]*

BE IT ENACTED by the Governor of the State of South  
Australia, with the advice and consent of the Parliament thereof,  
as follows:

Short titles.

1. (1) This Act may be cited as the "Lottery and Gaming Act  
Amendment Act, 1970".

(2) The Lottery and Gaming Act, 1936-1969, as amended by this  
Act, may be cited as the "Lottery and Gaming Act, 1936-1970".

(3) The Lottery and Gaming Act, 1936-1969, is hereinafter referred  
to as "the principal Act".

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by  
proclamation.

Amendment of  
principal Act,  
s. 2—  
Division of  
Act.

3. Section 2 of the principal Act is amended by striking out the  
item—

"PART II—Lotteries"

and inserting in lieu thereof the following items:—

"PART II—Unlawful Lotteries.

PART IIA—Authorized and Exempted Lotteries".

**4. Section 4 of the principal Act is amended—**

**Amendment of  
principal Act,  
s. 4—  
Interpretation.**

- (a) by inserting before the definition of “board” the following definition:—

“authorized lottery” means a lottery for the conduct of which a licence granted under this Act is in force;;

- (b) by inserting after the definition of “court” the following definition:—

“exempted lottery” means a lottery that is for the time being by regulation exempted for the purposes of this Act;;

and

- (c) by striking out the definition of “lottery” and inserting in lieu thereof the following definition:—

“lottery” means a scheme, competition or device for the sale, gift, disposal or distribution of property, real or personal, or money, or any thing or any right thereto or of any share therein depending upon, or to be determined by, lot or drawing, whether out of a box or other receptacle, or by cards, token, coin or dice, or by any machine, ticket, envelope or device or chance whatsoever; and includes a scheme, competition or device for the sale, gift, disposal or distribution of property, real or personal, or money or any thing or any right thereto or of any share therein where—

- (a) entitlement to participation in the scheme, competition or device depends upon the payment of money, the purchase of a ticket or the giving of some other valuable consideration by the participant;

and

- (b) such disposal or distribution depends, at any stage of the scheme, competition or device, upon an element of chance, notwithstanding that such disposal or distribution also depends, at some stage of such scheme, competition or device, upon a genuine or purported display of knowledge or skill;

and also includes any sweepstakes.:

Amendment of heading to Part II of principal Act.

5. The heading to Part II of the principal Act is amended by inserting before the word "LOTTERIES" the word "UNLAWFUL".

Enactment of s. 4b of principal Act—

6. The following section is enacted and inserted in Part II of the principal Act immediately before section 5 thereof:—

This Part not to apply to authorized or exempted lotteries.

4b. This Part does not apply or refer to any authorized lottery or any exempted lottery.

Amendment of principal Act, s. 6—

7. Section 6 of the principal Act is amended—

Opening lotteries, and aiding and playing thereat.

(a) by striking out from subsection (1) the passage "Two hundred dollars" and inserting in lieu thereof the passage "Four hundred dollars";

(b) by striking out from subsection (2) the passage "One hundred dollars" and inserting in lieu thereof the passage "Two hundred dollars";

and

(c) by striking out from subsection (3) the passage "Twenty dollars" and inserting in lieu thereof the passage "Fifty dollars".

Amendment of principal Act, s. 7—

8. Section 7 of the principal Act is amended by striking out the passage "One hundred dollars" and inserting in lieu thereof the passage "Two hundred dollars".

Promises to pay money or deliver goods, etc., on event of lottery.

Amendment of principal Act, s. 8—

9. Section 8 of the principal Act is amended by striking out the passage "One hundred dollars" and inserting in lieu thereof the passage "Two hundred dollars".

Advertising lotteries.

Amendment of principal Act, s. 9—

10. Section 9 of the principal Act is amended by inserting after paragraph (b) the following paragraphs:—

Exceptions from Act.

(c) the distribution of any property among the owners thereof if such property is capable of being fairly apportioned among all the owners thereof and is proposed to be apportioned equally so far as practicable among all the owners thereof;

(d) the disposal or attempted disposal of any property or the allotting of any prize of money by means of any device or game where the participant is entitled gratuitously to participate and to receive such property or prize;

and

- (e) any raffle of a private nature among persons engaged in common employment under the same employer where the net proceeds thereof are intended to be appropriated to the provision of amenities for persons in that employment and the value of the prize does not exceed twenty-five dollars.

**11.** The following headings and sections are enacted and inserted in the principal Act immediately after section 14 thereof:—

Enactment of  
Part IIA of  
principal Act—

## PART IIA

### AUTHORIZED AND EXEMPTED LOTTERIES

14a. It shall not be an offence under this Act or any other Act to conduct or participate in an authorized lottery or an exempted lottery or a lottery of a kind referred to in section 9 of this Act.

No offence  
to conduct or  
participate in  
authorized or  
exempted  
lotteries.

14b. (1) The Governor may make regulations—

Regulations.

- (a) prescribing the lotteries or classes of lotteries for the conduct of which licences may be granted under this Act;
- (b) providing for the granting and refusal of such licences by the Chief Secretary or any person nominated by him;
- (c) prescribing the persons, associations or organizations or classes of persons, associations or organizations or groups of persons, associations or organizations to whom or to which licences or any classes of licences for the conduct of lotteries may be granted under this Act;
- (d) prescribing the conditions under or subject to which any such licence may be granted;
- (e) providing for the cancellation of a licence upon breach of a condition under or subject to which the licence was granted;
- (f) prescribing and providing for the payment of fees and prescribing a scale of fees for any licence or class of licence for any authorized lottery or class of authorized lottery or for any application for any licence or class of licence under this Act;
- (g) prescribing the duties and obligations to be performed and discharged by licensees and their agents and servants;

(h) providing for the furnishing by the promoters of a lottery or class of lottery of such security as may be prescribed for the due performance of the conditions under or subject to which any licence is granted under this Act and of the duties and obligations to be performed by licensees or any of them;

(i) prescribing the nature and amount of such security;

(j) exempting any lottery or class of lottery for the purposes of this Act and cancelling or providing for the cancellation of any such exemption;

and

(k) providing for a penalty not exceeding five hundred dollars or imprisonment for any period not exceeding three months on conviction by a court of summary jurisdiction for a breach of or failure to comply with any provision of a regulation.

(2) Without limiting the generality of the application of paragraph (d) of subsection (1) of this section, a condition that may be prescribed under that paragraph may be a condition precedent or a condition subsequent to the granting of a licence.

Failure to  
comply with  
condition to be  
an offence.

14c. (1) In the event of a breach of or failure to comply with any prescribed condition under or subject to which a licence for the conduct of a lottery is granted under this Act—

(a) the person or persons to whom the licence has been granted;

or

(b) where the licence has been granted to an association or organization, the secretary, manager or other principal executive officer, and each member of the committee or other executive body, of the association or organization;

or

(c) where the licence has been granted to a group of associations or group of organizations, the person or persons for the time being nominated by the governing bodies of the associations or organizations and approved by the Chief Secretary as the person or persons responsible for carrying out and complying with the condition.

shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(2) In any prosecution for an offence under subsection (1) of this section it shall be a sufficient defence if the defendant proves to the satisfaction of the court that he took all reasonable steps to prevent the occurrence of the breach or failure referred to in that subsection and to which the prosecution relates.

14d. Before a licence for the conduct of any lottery is granted to a group of associations or a group of organizations, and before a person nominated and approved under this section is released from his responsibilities under this Part and ceases to be so nominated and approved the committees or other executive bodies of those associations or organizations must, with the consent of the person or persons concerned, jointly nominate to the Chief Secretary, and the Chief Secretary must approve of, a person or persons or some other person or persons, as the case may be, who shall be responsible for carrying out and complying with all conditions under and subject to which the licence may be granted or held.

Group of associations to nominate person responsible for compliance with conditions of licence.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.