

**STATE LOTTERIES (AMENDMENT) ACT, 1981,
No. 36**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 36, 1981.

An Act to amend the State Lotteries Act, 1930, to constitute the Director of State Lotteries a corporation sole, and for other purposes. [Assented to, 15th May, 1981.]

State Lotteries (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "State Lotteries (Amendment) Act, 1981".

Commencement.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 5, in its application to Schedule 1, and Schedule 1 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The State Lotteries Act, 1930, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

State Lotteries (Amendment).

Amendment of Act No. 51, 1930.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Savings provision.

6. A person who was appointed as an officer or employee under section 8 of the Principal Act, as in force before the commencement of Schedule 1, and who was such an officer or employee immediately before that commencement shall be deemed to have been appointed and employed under that section, as substituted by this Act.

Transitional provisions.

7. (1) In this section—

“corporation” means the corporation sole constituted under section 7A of the Principal Act, as amended by this Act;

“Director” means the person holding the office of Director of State Lotteries in his capacity as a licensee or an agent under the Lotto Act, 1979.

(2) Subject to section 7 of the Lotto (Amendment) Act, 1981, on and from the day Schedule 1 commences—

- (a) any licence granted under the Lotto Act, 1979, to the person holding the office of Director of State Lotteries and in force immediately before that day shall be deemed to have been granted to the corporation;
- (b) all real and personal property that, immediately before that day, was vested in or belonged to the Director, and all right and interest therein, and all control and management thereof, shall vest in and belong to the corporation;

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- (c) all money, and all liquidated and unliquidated claims, that, immediately before that day, was payable to, or were recoverable by, the Director shall be money payable to, and liquidated and unliquidated claims recoverable by, the corporation;
- (d) all proceedings commenced before that day by the Director and pending immediately before that day shall be deemed to be proceedings by the corporation pending on that day and all proceedings so commenced by any person against the Director and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the corporation;
- (e) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Director and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the corporation;
- (f) the corporation may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this subsection, and for the prosecution of proceedings so referred to, that would have been available to the Director if this Act had not been enacted;
- (g) the corporation may enforce and realise any security or charge existing immediately before that day in favour of the Director and may exercise and perform any powers, authorities, duties or functions thereby conferred or imposed on the Director as if the security or charge were a security or charge in favour of the corporation;
- (h) all money, and all liquidated and unliquidated claims that, immediately before that day was payable by, or were recoverable against, the Director shall be money payable by, and liquidated and unliquidated claims recoverable against, the corporation; and

State Lotteries (Amendment).

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- (i) a reference in any other Act, or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to the Director shall be construed as a reference to the corporation.
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SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) Section 2, definition of "Corporation"—

Before the definition of "Director", insert :—

"Corporation" means the corporation sole constituted under section 7A.

- (2) Section 7 (5) (c)—

Omit the paragraph, insert instead :—

- (c) absents himself from duty for a period of 28 consecutive days except on leave granted by the Minister;

- (3) Section 7A—

After section 7, insert :—

Director to be corporation sole.

7A. (1) The Director is, for the purpose of exercising and performing the powers, authorities, duties and functions conferred and imposed upon him as a licensee or an agent under the Lotto Act, 1979, hereby incorporated as a corporation sole with the corporate name "Director of State Lotteries".

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) The corporation—

- (a) has perpetual succession;
- (b) shall have an official seal;
- (c) may take proceedings, and be proceeded against, in its corporate name; and
- (d) may do and suffer all other things that a body corporate generally may, by law, do and suffer and that are necessary for, or incidental to, the purposes for which the corporation is constituted.

(3) The seal of the corporation shall not be affixed to any instrument or document except in the presence of the Director, or an officer referred to in section 8 and for the time being authorised by him for the purpose of this section, who shall attest by his signature the fact and date of the affixing of the seal.

(4) All courts and persons acting judicially—

- (a) shall take judicial notice of the seal of the corporation that has been affixed to any instrument or document; and
- (b) shall, until the contrary is proved, presume that the seal was properly affixed.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 8—

Omit the section, insert instead :—

Officers and temporary employees.

8. Such officers and temporary employees as may be necessary for the purposes of this Act (including the purpose referred to in section 7A (1)) shall be appointed and employed under and in accordance with the Public Service Act, 1979.

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

(1) Section 2, definition of “Prescribed”—

Omit the definition.

(2) Section 5—

Omit “Lotteries and Art Unions Act, 1901–1929, as amended by subsequent Acts”, insert instead “Lotteries and Art Unions Act, 1901”.

(3) (a) Section 7 (1A)—

Omit “director”, insert instead “Director”.

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(b) Section 7 (3)—

Omit the subsection, insert instead :—

(3) The Public Service Act, 1979, does not apply to or in respect of the appointment of the Director and the Director is not, in his capacity as the Director, subject to that Act during his term of office.

(c) Section 7 (4)—

Omit “A” where firstly occurring, insert instead “The”.

(d) Section 7 (4)—

Omit “director” wherever occurring, insert instead “Director”.

(e) Section 7 (5)—

Omit “A director”, insert instead “The Director”.

(f) Section 7 (5) (b)—

Omit the paragraph, insert instead :—

(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration or estate for their benefit;

(g) Section 7 (5) (d)—

Omit the paragraph, insert instead :—

(d) becomes a temporary patient, a continued treatment patient, a protected person or an

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(h) Section 7 (6)—

Omit “director” where firstly, secondly and thirdly occurring, insert instead “Director”.

(i) Section 7 (6) (b)—

Omit “such director”, insert instead “he”.

(j) Section 7 (6) (b)—

Omit “as amended by subsequent Acts.”.

(4) (a) Section 9 (1)—

Omit “Public Service Act, 1902, as amended by subsequent Acts”, insert instead “Public Service Act, 1979”.

(b) Section 9 (4)—

Omit the subsection, insert instead :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.