

LOTTO (AMENDMENT) ACT, 1981, No. 37

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 37, 1981.

An Act to amend the Lotto Act, 1979, to authorise the sharing of subscriptions to games of lotto that are paid to persons in States or Territories of the Commonwealth that are declared to be participating areas, and for other purposes. [Assented to, 15th May, 1981.]

See also State Lotteries (Amendment) Act, 1981.

Lotto (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 "Lotto (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 2, and Schedule 2 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 Lotto Act, 1979, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENT TO THE PRINCIPAL ACT
RELATING TO INTERSTATE PARTICIPATION IN GAMES
OF LOTTO.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE PRIZE FUND.

Lotto (Amendment).

Amendment of Act No. 53, 1979.

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

Declaration of Australian Capital Territory under section 15A of the Principal Act, as amended.

6. (1) There shall be deemed to have been published in the Gazette an order under section 15A (2) of the Principal Act, as amended by this Act, taking effect on 1st July, 1980, and declaring the Australian Capital Territory to be a participating area for the purposes of section 15A of that Act, as so amended.

(2) The order, referred to in subsection (1), may be rescinded, revoked, altered or varied by the Minister as if it had been made by him and published in accordance with section 15A (2) of the Principal Act, as amended by this Act.

Vesting of prize fund in Minister.

7. Upon the day appointed and notified under section 2 (2), the bank account kept by the licensee under section 14 (1) of the Principal Act immediately before that day shall be deemed to be the Lotto Prize Fund Account referred to in section 14 (1) of that Act, as amended by this Act, and that account and any investments made under section 14 (2) of that Act and in existence immediately before that day shall vest in and belong to the Minister as the corporation sole constituted under section 14A (1) of that Act, as so amended.

Lotto (Amendment).

SCHEDULE 1.

(Sec. 5.)

**AMENDMENT TO THE PRINCIPAL ACT RELATING TO INTERSTATE
PARTICIPATION IN GAMES OF LOTTO.**

Section 15A—

After section 15, insert :—

Sharing of duty with participating areas.

15A. (1) In this section, “participating area” means any State or Territory of the Commonwealth declared under subsection (2) to be a participating area for the purposes of this section.

(2) The Minister may, by order published in the Gazette, declare to be a participating area for the purposes of this section any State or Territory of the Commonwealth in which it is lawful to conduct games of lotto under this Act.

(3) Out of any duty or additional duty received by him under section 15, the Minister may, in respect of a participating area, pay in accordance with subsection (4) one-half of—

- (a) so much of the duty as, in the opinion of the Minister, was paid to him in respect of subscriptions paid to any person in that participating area, being subscriptions to any game of lotto conducted under this Act; and
- (b) any additional duty that, in the opinion of the Minister, was paid to him and is attributable to the late payment of the portion of any duty referred to in paragraph (a).

(4) Any payment that may be made under subsection (3) in respect of a participating area shall be made to such person, on behalf of the State or Territory of the Commonwealth that is the participating area, as the Minister considers appropriate.

Lotto (Amendment).

SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT RELATING TO
INTERSTATE PARTICIPATION IN GAMES OF LOTTO—*continued.*

(5) Any payment that may be made under or in accordance with subsections (3) and (4) may be made without further appropriation than those subsections.

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PRIZE FUND.

(1) (a) Section 2 (1), definition of "corporation"—

After the definition of "conduct", insert :—

"corporation" means the corporation constituted by section 14A (1);

(b) Section 2 (1), definition of "Lotto Prize Fund Account"—

After the definition of "licensee", insert :—

"Lotto Prize Fund Account" means the bank account, entitled "Lotto Prize Fund Account", kept under section 14 (1);

(c) Section 2 (1), definition of "prize fund"—

Omit "a bank account referred to in section 14 (1)", insert instead "the Lotto Prize Fund Account";

Lotto (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PRIZE FUND—*continued.*

(2) (a) Section 14 (1), (1A), (1B)—

Omit section 14 (1), insert instead :—

(1) The part of the subscriptions referred to in section 13 (a) shall be paid into a bank account, entitled "Lotto Prize Fund Account", kept by the Minister as the corporation.

(1A) The licensee may, for the purpose of subsection (3) or of making any payments under section 3 of the Unclaimed Moneys Act, 1917, as modified by subsection (4), draw on the Lotto Prize Fund Account unless the corporation has given to the bank at which the account is kept a direction in writing not to accommodate drawings on the account made by the licensee.

(1B) Where the corporation has given a direction under subsection (1A), the corporation may draw on the Lotto Prize Fund Account for the purpose of enabling the completion of any game of lotto or of making any reimbursement referred to in subsection (3) (b) or any payments under section 3 of the Unclaimed Moneys Act, 1917, as modified by subsection (4), which the licensee is unable to make from that account by reason of the direction.

(b) Section 14 (2)—

Omit "a bank account referred to in subsection (1)", insert instead "the Lotto Prize Fund Account".

(c) Section 14 (2)—

Omit "by the licensee in such manner as the Minister approves", insert instead "in such manner as the corporation, on the request of the licensee, approves".

Lotto (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PRIZE FUND—*continued.*

(d) Section 14 (2)—

After “investment”, insert “and any proceeds of the realisation of the investment”.

(e) Section 14 (2A)—

After section 14 (2), insert :—

(2A) Upon the request of the licensee, the corporation shall, unless it considers there are special circumstances that warrant its refusing to do so, realise any investment made out of the Lotto Prize Fund Account.

(f) Section 14 (3)—

Omit “a bank account referred to in subsection (1)”, insert instead “the Lotto Prize Fund Account”.

(3) Section 14A—

After section 14, insert :—

Minister to be a corporation sole for certain purposes.

14A. (1) For the purposes of the keeping and administering of the Lotto Prize Fund Account referred to in section 14 (1) and of exercising the powers conferred by section 14 the Minister is hereby incorporated as a corporation sole with the corporate name “Minister administering the Lotto Act, 1979”.

(2) The corporation—

- (a) has perpetual succession;
- (b) shall have an official seal;

Lotto (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PRIZE FUND—*continued.*

- (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 Minister or an officer of the Public Service for the time being authorised by the Minister 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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