



STATE LOTTERIES (SOCCER POOLS & OTHER) AMENDMENT ACT 1992

No. 65 of 1992

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ELIZABETHAE II REGINAE

A.D. 1992

No. 65 of 1992

An Act to amend the State Lotteries Act 1966 and to repeal the Soccer Football Pools Act 1981.

[Assented to 19 November 1992]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *State Lotteries (Soccer Pools & Other) Amendment Act 1992*.

(2) The *State Lotteries Act 1966* is referred to in this Act as “the principal Act”.

Commencement

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

Amendment of s. 3—Interpretation

3. Section 3 of the principal Act is amended—

(a) by inserting “(whether or not an element of knowledge or skill is also involved)” after “whatsoever” in the definition of “lottery” in subsection (1);

(b) by inserting after the definition of “member” in subsection (1) the following definition:

“net proceeds” of a sports lottery or special lottery conducted by the Commission, means an amount equal to the difference between the total value of the tickets sold in the lottery and the total value of the prizes won in the lottery less an amount approved by the Treasurer for the administrative and operating expenses of the Commission in conducting the lottery;;

(c) by inserting after the definition of “prize” in subsection (1) the following definitions:

“special lottery” means a lottery that is one of a series of lotteries (known as “special lotteries”) conducted by the Commission at the direction of the Treasurer pursuant to this Act;

“sports lottery” means a lottery the results of which depend on the outcome of a sporting or recreational activity;;

- (d) by striking out from the definition of “the Lotteries Fund” in subsection (1) “the fund of that name kept at the Treasury” and substituting “the account of that name kept by the Commission”;

and

- (e) by striking out from the definition of “the Recreation and Sport Fund” in subsection (1) “pursuant to the *Soccer Football Pools Act, 1981*” and substituting “and continued in existence under this Act”.

Amendment of s. 12—Remuneration of members

4. Section 12 of the principal Act is amended by striking out “to be established under section 16 of this Act”.

Amendment of s. 13—Powers and functions of the Commission

5. Section 13 of the principal Act is amended—

- (a) by inserting in subsection (1)(b) “, or appoint,” after “employ”;
- (b) by inserting after paragraph (c) of subsection (1) the following paragraphs:
- (ca) carry out such other functions as are assigned to it by this Act or by or under any other Act;
- (cb) carry out such other functions as are assigned to it by the Minister;;

and

- (c) by inserting after subsection (1) the following subsection:

(1a) The Treasurer may direct the Commission to conduct as part of its lotteries for a specified financial year a series of lotteries to be known as “special lotteries”.

Amendment of s. 16—The Lotteries Fund and application of proceeds of the Commission

6. Section 16 of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsection:

(1) The Commission must establish a bank account to be known as the “Lotteries Fund” at a bank in this State, being an account and bank approved by the Treasurer.;

- (b) by striking out paragraph (c) of subsection (3) and substituting the following paragraph:

(c) in payment into the Recreation and Sport Fund, at intervals determined by the Treasurer, of the net proceeds of all sports lotteries and special lotteries conducted by the Commission;;

- (c) by striking out from subsection (3)(d) “paragraphs (a), (b) and (c)” and substituting “the preceding paragraphs and subsection (4)”;

and

- (d) by inserting after subsection (3) the following subsection:

(4) The Commission may retain in the Lotteries Fund such amounts as are approved by the Treasurer as being reasonably required for future capital, administrative and operating expenses of the Commission.

Substitution of s. 16a

7. Section 16a of the principal Act is repealed and the following section is substituted:

Recreation and Sport Fund

16a. (1) The Fund entitled the "Recreation and Sport Fund" established at the Treasury will continue in existence under that name.

(2) The Recreation and Sport Fund may be used to support and develop such recreational and sporting facilities and services within the State as are approved by the Minister who is responsible for matters relating to recreation and sport in this State.

Amendment of s. 16b—Unclaimed prizes

8. Section 16b of the principal Act is amended by inserting in subsection (1)(b) "50 per cent of" after "an amount equal to".

Amendment of s. 17—Value of prizes to be offered

9. Section 17 of the principal Act is amended—

(a) by striking out from subsection (1) "sixty per centum" and substituting "the prescribed percentage";

(b) by striking out from subsection (2) "sixty per centum" twice occurring and substituting, in each case, "the prescribed percentage";

and

(c) by inserting after subsection (3) the following subsections:

(4) In this section—

"prescribed percentage" means—

(a) in relation to a sports lottery or a special lottery—a percentage determined by the Commission from time to time;

(b) in relation to any other lottery—60%.

(5) The percentage determined by the Commission for the purposes of subsection (4)—

(a) may vary according to the class of lottery;

and

(b) must not be less than a percentage determined by the Treasurer from time to time in relation to the particular class of lottery.

Amendment of s. 19—Offences

10. Section 19 of the principal Act is amended—

(a) by inserting after subsection (3) the following subsection:

(3a) A person who enters or participates in a lottery conducted under this Act by operating the Commission's computer system—

(a) without paying the appropriate fee for that entry or participation at the required time;

(b) knowing that the entry or participation contravenes or fails to comply with the rules relating to the lottery;

or

- (c) in any other manner not authorized by the Commission,
is guilty of an offence;
- (b) by striking out from subsection (4) "or (3)" and substituting ", (3) or (3a)";
- (c) by striking out subsections (7) and (8);
- and
- (d) by striking out subsection (9) and substituting the following subsections:

(9) A person who carries out or has carried out duties or functions in relation to the promotion or conduct of a lottery under this Act—

- (a) must answer questions relating to the lottery or to the promotion or conduct of the lottery asked by the Auditor-General, the General Manager or a person acting under the authority of the Auditor-General or General Manager;

and

- (b) must produce to the Auditor-General, General Manager or person acting under authority all books, documents, vouchers and things which are in the person's custody or power relating to the lottery or to the promotion or conduct of the lottery.

(9a) A person is not excused from answering a question, or from producing books, documents, vouchers or things under this section on the ground that the answer to the question or the contents of the books, documents, vouchers or things would tend to incriminate him or her but, where the person claims, before answering the question, that the answer might tend to incriminate him or her, the answer is not admissible against the person in criminal proceedings (except in proceedings for an offence against subsection (9c) or other proceedings in respect of the falsity of the answer).

(9b) The Auditor-General, General Manager or person acting under authority may—

- (a) examine books, documents, vouchers or things produced under subsection (9);
- (b) make copies of, or take extracts from, any such books, documents, vouchers or things;

and

- (c) retain the books, documents, vouchers or things for such reasonable period as may be necessary for the purposes referred to above.

(9c) A person who fails or refuses to answer truthfully questions, or to produce books, documents, vouchers or things, in accordance with subsections (9) and (9a) is guilty of an offence.

Penalty: \$1 000.

SCHEDULE*Repeal of Soccer Football Pools Act 1981*

1. The *Soccer Football Pools Act 1981* is repealed.

Transitional Provisions

2. (1) On the commencement of this amending Act all money in the fund kept at the Treasury and known as the "Lotteries Fund" must be transferred into the Hospitals Fund.

(2) On the commencement of this amending Act, an amount equal to 50 per cent of the balance held by the Commission as at 30 June 1992 by way of forfeited unclaimed prizes must be paid by the Commission into the Hospitals Fund.

(3) The amendment to section 16b of the principal Act made by this amending Act applies in relation to prizes forfeited to the Commission on or after 1 July 1992 and to any prizes forfeited to the Commission before that date but in respect of which an amount had not as at that date been applied by the Commission in accordance with that section as in force immediately before the commencement of this amending Act.

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

ROMA MITCHELL Governor