

NORTHERN TERRITORY OF AUSTRALIA

LOTTERIES AND GAMING ACT
No. 32 of 1982
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NORTHERN TERRITORY OF AUSTRALIA

No. 32 of 1982

AN ACT

To regulate the conduct of lotteries, the use
of gaming machines and the playing
of games of chance

[Assented to 23 June 1982]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART I - INTRODUCTORY

1. SHORT TITLE

This Act may be cited as the *Lotteries and Gaming Act 1982*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. INTERPRETATION

(1) In this Act, unless the contrary intention appears -

"amusement machine" means a mechanical, electrical or electronic machine or device, activated by the insertion of a coin or token, which is intended for the amusement of the player and from which the player can obtain nothing representing money or goods other than the opportunity to continue to use the machine;

"approved" means approved by the Commission;

"approved association" means an association approved under section 8 by the Commission;

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"association" includes a society, club, committee, organization, institution, corporation or other association of persons by whatever name called;

"Commission" means the Racing and Gaming Commission constituted under section 7A of the *Racing and Betting Act*;

"foreign lottery" means a lottery conducted, or to be conducted, outside the Territory which is authorized by or under, and conducted in accordance with, the law of any country or State or Territory of the Commonwealth;

"gaming machine" means a mechanical, electrical or electronic machine or device played, used or operated for the purpose of obtaining by chance or a combination of chance and skill money or goods or credits or tokens representing money or goods;

"instrument of gaming" includes money, coin, notes, cheques, written acknowledgements of a debt and other writings for securing the payment of money, lists, cards and other documents relating to lotteries and gaming, wheels, spinning jinnies, playing cards, housey cards, dice, dice boxes, balls, kips, counters and tables;

"lawful lottery" means a lottery authorized by and conducted in accordance with Part II;

"liquor" has the same meaning as in the *Liquor Act*;

"lottery" means a disposition of real or personal property or a share or interest therein or of a right to a benefit or thing dependent on or to be determined, wholly or partly, by chance, by means of -

(a) tickets, envelopes, marbles, dice, lots, tokens, cards (including marked cards in games such as instant bingo), punchboards, numbers or figures; or

(b) such other cards, devices or objects the use of which for the purpose of that disposition the Minister declares under sub-section (2) to comprise a lottery,

but does not include -

(c) the use of ticket dispensing machines;

(d) the use of amusement or gaming machines;

(e) calcuttas;

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(f) the game of bingo; or

(g) such other games in the nature of a lottery as the Minister declares under section 40(1) not to be a lottery.

"major lottery" means, subject to sub-section (3), a lottery where the total value of tickets available for sale in the lottery exceeds \$600 but does not exceed \$30,000;

"minor lottery" means, subject to sub-section (3), a lottery where the total value of tickets available for sale in the lottery does not exceed \$600;

"nominated officer", in relation to a major lottery, means the person nominated under section 8(3)(c) by the approved association promoting the lottery;

"public place" has the same meaning as in the *Summary Offences Act*;

"ticket" means a chance in a lottery, in whatever form it is issued, and includes a share in a ticket;

"ticket dispensing machine" means a machine or device which dispenses tickets or from which tickets may be obtained, but does not include a punch-board;

"trade lottery" means a lottery conducted by a person in the course of carrying on his trade or business.

(2) The Minister may, by notice in the *Gazette*, declare that the use of specified cards, devices or objects for the purpose of the disposition of real or personal property or a share or interest therein or a right to a benefit or thing dependent on or to be determined, wholly or partly, by chance comprises a lottery.

(3) The Minister may, for the purposes of the definition of "major lottery" and "minor lottery" in sub-section (1), by notice in the *Gazette*, vary the amounts specified in those definitions and those definitions apply as if those amounts, as so varied, were expressed in the definitions.

4. DELEGATIONS

(1) The Minister may, by instrument in writing, delegate to the Commission or a member or officer of the Commission any of his powers and functions under this Act, other than this power of delegation.

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(2) The Commission may, by instrument in writing, delegate to a person any of its powers and functions under this Act, other than this power of delegation.

(3) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Minister or the Commission, as the case may be.

(4) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister or the Commission, as the case may be.

PART II - LOTTERIES

Division 1 - Offences in Relation to Lotteries

5. CONDUCT OF LOTTERY

- (1) A person shall not -
 - (a) sell or dispose of, or agree or promise, whether or not for a consideration, to sell or dispose of, any land, goods or money to a person or among persons by means of;
 - (b) print or cause to be printed a ticket or other writing for use in;
 - (c) sell or distribute or cause to be sold or distributed, offer or advertise for sale or distribution or cause to be offered or advertised for sale or distribution or have in his possession for sale or distribution tickets in;
 - (d) accept money in respect of the sale or distribution of tickets in;
 - (e) print, publish or distribute or cause to be printed, published or distributed, or have in his possession for publication or distribution -
 - (i) an advertisement of;
 - (ii) a list, whether complete or not, of prize winners or winning tickets in; or
 - (iii) any matter descriptive of the drawing or intended drawing of, or otherwise relating to;
 - (f) use premises, or cause or permit premises of which he is the occupier to be used, in connection with the conduct of; or

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- (g) invite a person to participate in, or send to a person for distribution an advertisement concerning, or send to a person for sale or distribution a ticket in,

a lottery knowing it not to be a lawful lottery.

Penalty: \$2,000 or 6 months imprisonment.

(2) For the purposes of this Part, a lawful lottery is -

- (a) a minor lottery conducted by an approved association;
- (b) a major lottery in respect of which the Commission has granted a permit;
- (c) a trade lottery the subject of an approval granted by the Commission under section 13(3);
- (d) a foreign lottery the subject of a permission granted under section 14 by the Minister;
- (e) a raffle conducted in accordance with section 15(1)(a) by or among persons employed by the same employer or, in the course of their employment, occupying the same work place;
- (f) a sweepstake determined by the result of a sporting event, conducted in accordance with section 15(2)(a) by or among persons employed by the same employer or, in the course of their employment, occupying the same work place; or
- (g) a sale of a ticket of admission to a meeting or entertainment, which entitles or allows a person to participate in a draw or raffle.

6. PURCHASE OF TICKET IN UNLAWFUL LOTTERY

A person shall not purchase a ticket in a lottery knowing the lottery not to be a lawful lottery.

Penalty: \$50.

7. DISTRIBUTION OF PROPERTY AMONG OWNERS

This Part does not apply to the distribution of real or personal property among the owners of that property if it is capable of being fairly apportioned, and is proposed to be apportioned equally so far as practicable, among all its owners.

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Division 2 - Approval of Associations

8. APPROVAL OF ASSOCIATIONS

(1) An association having not less than 10 members which is formed and conducted in good faith -

- (a) for the encouragement of the arts;
- (b) for the aid or support of a charitable or public institution or object;
- (c) for charitable, cultural, educational, religious, political, ethnic, social, welfare, recreational or sporting purposes; or
- (d) for any other purpose which is, in the opinion of the Commission, for the public benefit,

may apply to the Commission in the approved form for approval as an approved association.

(2) An association which was, immediately before the commencement of this Act, an approved association within the meaning of section 8 of the *Lottery and Gaming Act* as then in force, shall be deemed to be an approved association for the purposes of this Act.

(3) An association which applies for approval under sub-section (1) shall forward with its application -

- (a) the prescribed fee;
- (b) the deed of partnership, constitution or other instrument constituting the association and setting out the rules and regulations relating to its proceedings;
- (c) the name and residential address of the person nominated by the association to conduct lotteries on its behalf, and a signed acknowledgement by that person that he has accepted the nomination; and
- (d) such other information as the Commission requires.

(4) Subject to sub-section (5), the Commission may, in its discretion, approve as an approved association an association which -

- (a) in its opinion is qualified to apply under sub-section (1); and
- (b) complies with sub-section (3).

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(5) The Commission may, before approving an association under this section, require the association to alter its deed of partnership, constitution or other instrument constituting the association, or its rules or regulations.

9. SUSPENSION OR REVOCATION OF APPROVAL

Upon being satisfied that an approved association -

- (a) has failed to comply with a requirement of, or made under, this Part; or
- (b) has deviated from the purpose in respect of which it was approved under section 8,

the Commission may suspend, for a period not exceeding 6 months, or revoke, the approval.

Division 3 - Particular Types of Lottery

10. MINOR LOTTERIES BY OR FOR APPROVED ASSOCIATIONS

(1) An approved association may conduct a minor lottery for its aid or support.

(2) A minor lottery conducted under sub-section (1) shall be conducted -

- (a) in accordance with this Act and the Regulations;
- (b) for a purpose permitted by this Act in relation to that lottery; and
- (c) so that the proceeds of the lottery are disposed of in the manner authorized by the Regulations.

(3) This section does not authorize the sale of tickets in a minor lottery in a street or public place in contravention of the provisions of any Act, regulations or by-laws applicable to that street or public place.

11. PERMIT TO CONDUCT MAJOR LOTTERY

(1) The nominated officer may apply to the Commission on behalf of an approved association which desires to conduct a major lottery, for a permit to do so.

(2) An application under sub-section (1) shall be -

- (a) in writing in the approved form; and
- (b) accompanied by the prescribed fee.

(3) The Commission shall not grant a permit under this section unless it is satisfied that the lottery will be conducted in good faith for or in connection with a

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purpose in respect of which the association was approved under section 8.

(4) Subject to sub-section (3) and section 12, the Commission may, in its discretion, refuse to grant the permit applied for, grant it, or grant it subject to such conditions as it thinks fit and specifies in writing to the applicant.

(5) A permit granted under this section by the Commission shall state the total number of tickets that may be sold in the lottery.

12. CONDITIONS OF PERMIT

(1) In addition to the conditions, if any, specified under section 11(4), a permit granted under section 11 shall be subject to the conditions that -

- (a) the lottery is conducted for the purpose specified in the application;
- (b) the proceeds of the lottery are disposed of in the manner authorized by the Regulations;
- (c) the value of the prizes distributed shall be not less than one-third of the value of the tickets that may, under section 11(5), be sold in the lottery;
- (d) the period during which tickets in the lottery are on sale shall not exceed the period specified in the permit;
- (e) no commission shall be given, otherwise than in accordance with the Regulations, to any person on the sale of a ticket in the lottery; and
- (f) if no drawing takes place on the date stated on the tickets as the date for the drawing of the lottery or within such extended period as is allowed by the Commission, the nominated officer shall take all practicable steps to ensure that money paid by each person who purchased a ticket in the lottery is returned to him, and all moneys not so returned within 2 months after the advertised date of the drawing shall be paid to the Commission.

(2) For the purposes of sub-section (1)(c), the value of a prize in a lottery shall be the retail price at which the article could be purchased on the date of the grant of the permit in the locality of the place stated on the application for the permit to be where the drawing of the lottery will take place.

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13. TRADE LOTTERIES

(1) A person carrying on a trade or business in the Territory who wishes to conduct a trade lottery may apply to the Commission for approval to do so.

(2) An application under sub-section (1) shall be made in writing in the approved form.

(3) The Commission may, in its discretion, refuse to approve a trade lottery, approve it, or approve it subject to such conditions as it thinks fit and specifies in writing to the applicant.

(4) In addition to the conditions, if any, specified under sub-section (3), an approval under that sub-section of a trade lottery shall be subject to the conditions that -

- (a) the prizes of the lottery are not, or are not capable of being, drawn, thrown or competed for or gained in any way by, or by reference to, the playing of a game the subject of a determination under section 40(1);
- (b) no fee is charged to a person to entitle him to participate in the lottery; and
- (c) the prizes of the lottery do not include liquor or tobacco.

14. FOREIGN LOTTERIES

(1) A person conducting a foreign lottery who wishes tickets in that lottery to be sold in the Territory may apply to the Minister for permission for such sale.

(2) An application under sub-section (1) shall be made in writing in the approved form by the person who proposes to conduct the foreign lottery in the Territory and shall be lodged with the Commission, which, after considering the application, shall forward the application to the Minister with its advice.

(3) The Minister, after considering the application and the advice of the Commission, may, in his discretion, refuse to grant the permission applied for, grant it, or grant it subject to such conditions as he thinks fit and specifies in writing to the applicant.

(4) In addition to the conditions, if any, specified under sub-section (3), a permission granted under this section shall be subject to the conditions that -

- (a) the tickets in the lottery are sold for the purpose specified by the Minister on granting the permission; and

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- (b) the proceeds of the lottery are remitted from the Territory in the manner required by the Regulations.

(5) Without limiting the generality of his power to impose conditions when granting permission for foreign lottery tickets to be sold in the Territory, the Minister may impose a condition that no ticket in the lottery be sold to a person under the age of 18 years.

(6) For the purposes of this section, a person does not sell tickets in the Territory by distributing leaflets, brochures or other printed material inviting persons to purchase elsewhere than in the Territory tickets in an art union or similar drawing.

(7) The person conducting a foreign lottery in which tickets are sold in the Territory shall submit to the Commission, in the approved form, monthly returns of tickets sold in the Territory.

15. RAFFLES AND SWEEPSTAKES

(1) A raffle referred to in section 5(2)(e) shall be conducted so that -

- (a) the value of the tickets sold does not exceed \$100 or such greater amount from time to time determined by the Minister by notice in the Gazette; and
- (b) the net proceeds are appropriated for the provision of social amenities or other benefits for the welfare of persons in that employment.

(2) A sweepstake referred to in section 5(2)(f) shall be conducted so that -

- (a) the value of the tickets sold does not exceed \$250 or such greater amount as from time to time may be determined by the Minister by notice in the Gazette; and
- (b) the proceeds are distributed in full among the participants.

(3) A person who conducts a raffle or sweepstake who -

- (a) appropriates or distributes the proceeds of the raffle or sweepstake; or
- (b) sells, or causes or allows to be sold tickets in the raffle or sweepstake,

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otherwise than in accordance with sub-section (1) or (2) is guilty of an offence.

Penalty: \$200.

Division 4 - Territory-sponsored Lotteries

16. TERRITORY-SPONSORED LOTTERIES

Notwithstanding this or any other law of the Territory -

- (a) the promotion and conduct of a lottery under and in accordance with this Division and the doing of anything incidental or ancillary to such promotion and conduct, is lawful; and
- (b) a person who subscribes or contributes to, or purchases a ticket in, any such lottery or who acts under the authority or on behalf of such a subscriber, contributor or purchaser, and a person who, or approved association which, acts under this Division under the authority or on behalf of the Minister or the Commission or who carries out duties or functions in relation to or in connection with the promotion or conduct of a lottery under this Division, shall be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law he would be liable, but for this Division, by reason of so subscribing, contributing, purchasing or acting or so carrying out such duties or functions.

17. COMMISSION MAY CONDUCT LOTTERIES

(1) Subject to this Act and the directions of the Minister not inconsistent with this Act, the Commission may -

- (a) promote and conduct, whether as principal or agent or through an agent, lotteries within the Territory and enter into agreements and do or cause to be done all things necessary for, or incidental or ancillary to, the promotion or conduct of lotteries within the Territory;
- (b) appoint on such terms and conditions as it thinks fit, and terminate the services of, persons, including approved associations, to act as its agent in the conduct of lotteries; and
- (c) do or cause to be done such other things as are necessary or convenient to be done for the administration of the affairs of the Commission in relation to the promotion and conduct of lotteries.

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(2) The Commission may determine that tickets in a lottery conducted by it or on its behalf shall not be sold to persons who have not attained the age of 18 years, and may accordingly require any agent appointed under sub-section (1)(b) not to sell tickets to persons under the age of 18.

18. LOTTERIES FUND

(1) The Treasurer shall establish under section 59 of the *Financial Administration and Audit Act* an account to be known as the Lotteries Fund.

(2) The Commission shall pay into the Lotteries Fund all moneys received by it -

- (a) in relation to lotteries conducted under this Division;
- (b) as commission on foreign lotteries conducted under Division 3;
- (c) under section 12(1)(f); and
- (d) as unclaimed prizes under section 25.

(3) The moneys paid into the Lotteries Fund shall be applied in -

- (a) paying prize moneys in respect of lotteries conducted under this Division;
- (b) paying to the Consolidated Fund the amount of moneys expended by the Commission in promoting and conducting lotteries under this Division;
- (c) making such other payments to the Consolidated Fund as directed by the Treasurer; and
- (d) paying to the Sports and Recreational Development Fund at the times referred to in sub-section (4) moneys remaining in the Lotteries Fund after payments have been made under paragraphs (a), (b) and (c).

(4) The transfers from the Lotteries Fund to the Consolidated Fund and the Sports and Recreational Development Fund shall be made at such time as the Treasurer directs.

(5) Where a person makes a claim to the Treasurer for the payment of an amount of prize money which, having been paid into the Lotteries Fund under sub-section (2)(d), has been transferred to the Sports and Recreational Development Fund, and the Treasurer is satisfied that the person is the beneficial owner of a prize winning ticket whether issued by the Commission or

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any other person which would have entitled him to obtain payment of the prize money, the Treasurer may authorize the payment to that person out of the Lotteries Fund the amount of that prize money.

19. SPORTS AND RECREATIONAL DEVELOPMENT FUND

(1) The Treasurer shall open a trust account under section 6 of the *Financial Administration and Audit Act* to be known as the Sports and Recreational Development Fund.

(2) The moneys transferred to the Sports and Recreational Development Fund in accordance with section 18(3)(d) shall be used for the provision, maintenance, development and improvement of such sport and sporting and recreational facilities, and in such amounts, as the Minister responsible for sport and recreation, in writing, determines.

20. PERCENTAGE OF VALUE OF TICKETS IN LOTTERY TO BE OFFERED AS PRIZES

The Commission shall offer as prizes in a lottery conducted by it under this Part not less than 60%, or such other percentage as is determined by the Minister by notice in the *Gazette*, of the value of the tickets offered for sale in that lottery.

21. PAYMENT OF PRIZE TO OWNER OF PRIZE WINNING TICKET TO BE VALID DISCHARGE TO THE COMMISSION

The Commission may pay or deliver, or cause to be paid or delivered, to a person who, in its opinion, is the beneficial owner of a ticket entitling him to a prize in a lottery conducted under this Division, the prize won by that ticket and, notwithstanding any law to the contrary, whether relating to infants or persons under other legal disability or otherwise, the payment or delivery of the prize pursuant to this section shall constitute full satisfaction by the Commission of its liability under this Act and a full and valid discharge to the Commission.

22. OFFENCES

(1) A person who, with intent to defraud, forges, utters or alters a ticket in a lottery, or any paper, instrument or matter purporting to be a ticket in a lottery, conducted or to be conducted by the Commission under this Division is guilty of an offence.

Penalty: \$5,000 or imprisonment for 3 years.

(2) A person who fraudulently takes or converts to his own use or benefit or to the use or benefit of any other person a prize or ticket in a lottery, or purporting to be in a lottery, or any money subscribed or contributed

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for a lottery conducted by the Commission under this Division is guilty of an offence.

Penalty: \$5,000 or imprisonment for 3 years.

(3) A person who fraudulently alters or falsifies a book, document or voucher relating to a lottery conducted by the Commission under this Division or who fraudulently omits or causes to be omitted a material particular from a book, document or voucher relating to such a lottery is guilty of an offence.

Penalty: \$5,000 or imprisonment for 3 years.

(4) A person who, without the written authority of the Commission, for fee, commission, hire, gain, reward, share or interest of any kind (other than a share in a prize that may be won by the ticket) promotes or offers to promote, or takes part in or offers to take part in, the formation of a syndicate for the purchase of a ticket in a lottery conducted or to be conducted by the Commission under this Division is guilty of an offence.

Penalty: \$200.

(5) A person who -

- (a) advertises in any manner or by any means; or
- (b) prints or publishes an advertisement, whether on behalf of himself or another person,

that he or that other person will accept money for a share in a ticket to be purchased by him or any other person in a lottery conducted or to be conducted by the Commission is guilty of an offence.

Penalty: \$200.

(6) Subject to sub-section (7) and section 6, a person who distributes, displays or publishes or causes to be distributed, displayed or published, by any means, a notice or advertisement which states or from which it could reasonably be inferred that he or another person -

- (a) is an agent of the Commission;
- (b) is authorized to sell tickets in a lottery; or
- (c) invites any person to purchase from him or that other person a ticket in a lottery,

is guilty of an offence.

Penalty: \$200.

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(7) It shall not be an offence against this section for -

- (a) an agent of the Commission or other person authorized by the Commission to sell tickets in a lottery conducted by the Commission, to display within or outside premises at which he is so authorized to sell such tickets a notice or notices bearing the words "Lottery Tickets Sold Here" without the addition of any other words, symbols or characters;
- (b) the Commission to issue, distribute, display or publish -
 - (i) a list of the names and addresses, if any, of prize winners or the numbers of prize winning tickets in a lottery conducted by the Commission; or
 - (ii) a list of the names and addresses of agents of the Commission and other persons authorized by the Commission to sell tickets in a lottery conducted by the Commission;
- (c) an agent of the Commission or other person authorized by the Commission to sell tickets in a lottery conducted by the Commission, to distribute or display, at premises at which he is so authorized to sell such tickets, a list referred to in paragraph (b); or
- (d) a person, who is requested or authorized by the Commission to do so, to print, exhibit or publish, or cause to be printed, exhibited or published, a notice, placard, handbill, card, writing, sign or advertisement of a lottery, or of any proposal for a lottery, if the contents of such notice, placard, handbill, card, writing, sign or advertisement have been previously approved by the Commission.

(8) An agent of the Commission, or other person authorized by the Commission to sell tickets in a lottery conducted by the Commission, who sells tickets in a lottery except on premises at which he is authorized by the Commission to sell tickets is guilty of an offence.

Penalty: \$200.

(9) Notwithstanding this or any other law of the Territory, proceedings for any offence against this Division may be brought within 3 years after the commission of the alleged offence or, with the consent of the Minister, at any later time.

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(10) Proceedings in respect of any offence against sub-section (4), (5), (6), (7) or (8) shall be dealt with summarily.

Division 5 - Conduct of Lotteries

23. DUTY TO COMPLY WITH CONDITIONS

(1) A person who does an act or thing contrary to, or omits to do an act or thing which he is required to do by, the conditions under which a lawful lottery is required under this Act or the Regulations to be conducted is guilty of an offence.

Penalty: \$200.

(2) Where a permit is required for the sale of tickets in a lottery, and conditions have been imposed under section 11 by the Commission in respect of the sale of tickets in that lottery, a person who sells or causes to be sold, tickets otherwise than in accordance with the conditions imposed by the Commission, is guilty of an offence.

Penalty: \$200.

24. REFUND OF MONEY

Where money has been received in respect of the sale of a ticket in a lottery, and that ticket is not included in the drawing of the lottery, the nominated officer or other person conducting the lottery shall take all practicable steps to ensure that the money paid for the ticket is returned to the purchaser.

Penalty: \$200.

25. UNCLAIMED PRIZES

A prize which has not been claimed by the person holding the ticket entitling him to that prize or by some person duly authorized in that behalf, for a period of 3 months after the drawing of the lottery shall -

- (a) if not a money prize, be sold by public auction under the direction of the Commission and the proceeds paid into the Lotteries Fund established under section 18; or
- (b) if a money prize, be paid into the Lotteries Fund established under section 18.

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26. SALE OF TICKETS, AND AWARD OF PRIZE, TO MINORS

(1) A person shall not, where -

(a) a condition has been imposed under section 14(5) prohibiting the sale of tickets; or

(b) the Commission has required him under section 17(2) not to sell tickets,

to persons under that age, knowingly sell a ticket to a person under the age of 18 years.

Penalty: \$500.

(2) A nominated officer or other person conducting a lottery who gives or causes to be given to a person who has not attained the age of 18 years a prize which is, or contains, liquor is guilty of an offence.

Penalty: \$200.

(3) Where a person under the age of 18 years is the winner of a prize in a lottery which contains liquor, a cash payment equivalent to the retail value of the liquor may instead be awarded to him.

27. DRAWING OF LOTTERY

(1) The drawing of prizes in a major lottery where no conditions are imposed regarding the drawing of prizes shall, unless a person is, under section 33, present at the drawing, be held in the presence of not less than 2 office bearers of the approved association which has conducted the lottery.

(2) A person who, with intent to defraud, conducts, or assists in conducting, the drawing of a lottery in such a manner or under such conditions that all persons who have purchased tickets in the lottery have not an equal chance of receiving a prize, is guilty of an offence.

(3) A person shall not conduct or assist in conducting a lottery other than a lottery referred to in section 5(2)(c) or (g) where the presence of a person holding a ticket in the lottery is required at the drawing of that lottery in order for that second-mentioned person to be entitled to the prize, if any, to which, upon the drawing of that lottery, he would otherwise be entitled to by virtue of being the holder of that ticket.

Penalty: \$200.

(4) Sub-section (1) shall not apply in respect of a ticket in a minor lottery upon which, or in respect of which, the name and address of the person holding the

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ticket does not appear, or is unknown, or is not reasonably ascertainable by the person conducting the lottery to which the ticket relates.

Penalty: \$1,000 or imprisonment for 3 months.

28. PUBLICATION OF RESULTS OF MAJOR LOTTERY

The nominated officer shall, within 14 days after the drawing of a major lottery, publish the winning numbers of the lottery in a newspaper circulating in the area where the drawing took place.

Penalty: \$200.

29. DETAILS TO BE DISCLOSED AFTER MAJOR LOTTERY

The nominated officer shall, not later than 14 days after the prizes of a major lottery have been allotted, deliver to the Commission a statement, in the prescribed form and signed by him, of all receipts and payments relating to that lottery.

Penalty: \$200 and \$10 for each day during which the offence continues.

30. ACCOUNTS, &c.

The Commission may, at any time, by notice in writing, require a nominated officer or other person who has conducted or is conducting a lottery to lodge with it at that person's expense, within the time specified in the notice, a set of accounts showing the whole of the receipts and disbursements in connection with the lottery received or made at the date of the notice and to produce to the Commission, at such time and place specified in the notice, any books, documents and vouchers relating to the lottery.

31. AUDIT OF ACCOUNTS, &c.

(1) Where a set of accounts, books, documents or vouchers have been produced in accordance with a notice under section 30, the Commission may, by notice in writing, require that they be produced within the time specified in the notice to an auditor nominated by it.

(2) An auditor to whom accounts, books, documents or vouchers are produced under sub-section (1) may receive, examine and audit them, and for that purpose make such inquiries as appear to him to be proper and necessary, and report the result of his audit to the Commission.

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32. PENALTIES FOR NON-COMPLIANCE

(1) A person who is required to lodge a set of accounts or to produce books, documents or vouchers, in accordance with section 30 or 31(1) and who fails to do so within the time specified in the notice given to him is guilty of an offence.

Penalty: \$200.

(2) A person of whom an auditor makes inquiries under section 31(2) who fails or refuses to answer those inquiries, is guilty of an offence.

Penalty: \$200.

33. SUPERVISION OF LOTTERIES

(1) The Chairman or an employee of the Commission authorized in writing by him to do so, or a member of the Police Force may, at any time, enter a place where lottery tickets are being sold, or a lottery is being drawn, and may investigate the legality of the sale and supervise the conduct and drawing thereof.

(2) A person who obstructs the Chairman or another person in the exercise of his powers under this section is guilty of an offence.

Penalty: \$500.

34. INTERVENTION IN CASE OF DISPUTE

The Commission may, subject to the Regulations, intervene in disputes between the approved association or other person conducting a lottery and the purchaser of a ticket in that lottery, and may -

- (a) give to the parties its opinion as to their respective obligations and rights; and
- (b) take such other actions under this Act as it thinks fit.

PART III - GAMING MACHINES, TICKET DISPENSING MACHINES AND GAMES IN NATURE OF LOTTERY

35. PROVISION OF CERTAIN MACHINES AND CONDUCT OF CERTAIN GAMES PROHIBITED

Subject to this Part, a person or association shall not -

- (a) on premises owned or occupied by him or it provide or cause or allow to be used, a gaming machine or a ticket dispensing machine; or

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- (b) conduct or cause or allow to be conducted, a calcutta or a game of bingo.

Penalty: \$1,000 or imprisonment for 6 months.

36. APPROVED ASSOCIATION MAY PROVIDE TICKET DISPENSING MACHINE

An approved association may provide on premises owned or occupied by it, or, with the consent of the Commission, on other premises -

- (a) ticket dispensing machines; or
- (b) such other machines or devices, not being gaming machines, as are prescribed,

where the cost of a ticket does not exceed 50 cents or such other amount as is prescribed.

37. PERMIT FOR GAMING MACHINE

(1) Gaming machines may, from time to time, be classified in the Regulations by type or name, and the Regulations may provide that certain gaming machines of the type or name specified therein may, subject to this section, be operated in the Territory.

(2) An approved association or other person may apply to the Commission for a permit to place on its or his premises or on land for the time being occupied by it or him a gaming machine of a type or name specified in the Regulations as being a gaming machine which may be operated in the Territory.

(3) An application under sub-section (1) shall be -

- (a) in writing in the approved form;
- (b) accompanied by the prescribed documents; and
- (c) accompanied by the prescribed fee.

38. CALCUTTAS

An approved association may conduct a calcutta in accordance with the prescribed rules, if any.

39. BINGO

An approved association may conduct games of bingo in accordance with the prescribed rules, if any.

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40. GAMES IN NATURE OF LOTTERY

(1) The Minister may, by notice in the *Gazette*, determine that a game in the nature of a lottery is not a lottery for the purposes of Part II.

(2) Where the Minister has under sub-section (1) determined that a game is not a lottery for the purposes of Part II, he shall in the same notice -

(a) declare it to be an unlawful game; or

(b) declare that the game may be played only -

(i) in such place or places and on such occasions as he specifies in the notice; or

(ii) by an approved association or other person or body in accordance with a permit issued under this Part by the Commission.

(3) An application for a permit under sub-section (2)(b)(ii) shall be in writing in the approved form.

(4) A person who organizes, promotes or conducts a game in respect of which a declaration has been made under sub-section (2)(b) otherwise than in accordance with a notice published under paragraph (i) or of a permit granted under section 41(1), is guilty of an offence.

Penalty: \$500.

(5) A person who plays or takes part in a game in respect of which a declaration has been made under sub-section (2)(b) knowing that the game is being organized, promoted or conducted otherwise than in accordance with a notice under sub-section (2)(b)(i) or of a permit granted under section 41(1), is guilty of an offence.

Penalty: \$200.

41. CONSIDERATION OF APPLICATIONS

(1) The Commission may, on receipt of an application under section 37 or 40 -

(a) grant the application;

(b) grant the application subject to such conditions, not inconsistent with the Regulations, as it thinks fit; or

(c) refuse the application.

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(2) Where an application is granted under sub-section (1), whether subject to conditions or not, a permit shall be issued, in the approved form, to the applicant.

(3) Where an application under section 37 or 40 is refused, notification of the refusal shall be given to the applicant at his address shown in the application.

PART IV - CONTROL OF GAMING

42. UNLAWFUL GAMES

For the purposes of this Part -

(a) the games commonly known as or called the purse-trick, the three-card trick, thimble-rig, pak-a-pu, faro, roulette, keno, banker, fan tan, two-up, pitch and toss, hazard, ins and outs, pi que, crown and anchor, unders and overs and all other similar games;

(b) a game -

(i) which is or is intended to be a game of chance; and

(ii) which is partly chance and partly skill and the proportion of skill does not predominate,

played with an instrument, contrivance or device whereby money is or goods are gained or disposed of or is or are pretended to be or is or are capable of being gained or disposed of;

(c) a game played with an instrument of gaming from which a person derives a percentage, part or share of the amount or amounts wagered, staked or played for; and

(d) a game declared by the Regulations or, under section 40(2)(a), by the Minister to be an unlawful game,

are unlawful games.

43. ORGANIZING, &c., UNLAWFUL GAME

A person who -

(a) organizes or conducts, or assists in organizing or conducting, an unlawful game; or

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- (b) receives a percentage or share of an amount wagered on an unlawful game or any trick or sleight of hand,

is guilty of an offence.

Penalty: \$500 or imprisonment for one month.

44. SELLING TICKET, &c., IN UNLAWFUL GAME

A person who -

- (a) gives or sells a ticket; or
- (b) takes a ticket,

in an unlawful game is guilty of an offence.

Penalty: \$50.

45. PLAYING AT UNLAWFUL GAME

(1) A person who plays at or participates in an unlawful game is guilty of an offence.

Penalty: \$200.

(2) A person who -

- (a) is present at any unlawful gaming or at the playing of an unlawful game;
- (b) is in a place in which any unlawful gaming is taking place, without lawful excuse (the proof of which excuse shall be upon him); or
- (c) bets by way of wagering or gaming on an unlawful game,

is guilty of an offence.

Penalty: \$200.

46. ADVERTISING

A person who -

- (a) placards, posts up or exhibits;
- (b) permits or suffers to be placarded, posted up or exhibited; or
- (c) assists in placarding, posting up, or exhibiting,

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in, on or about any land or premises, any information or notice or list, relating directly or indirectly to an illegal lottery or an unlawful game, is guilty of an offence.

Penalty: \$500.

PART V - MISCELLANEOUS

47. PROTECTION OF PERSONS ADMINISTERING ACT

No action or proceeding, civil or criminal, shall lie against a person acting in the execution or intended execution of this Act, the Regulations or a delegation under this Act, in respect of anything done or omitted to be done in good faith by that person under or for the purposes of this Act or the Regulations.

48. REGULATIONS

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of sub-section (1), the Regulations may make provision for or in relation to -

- (a) applications for approval as an approved association;
- (b) applications for permits under this Act;
- (c) the sale of lottery tickets and the payment of commission on the sale of lottery tickets;
- (d) the prevention of fraud in connection with lotteries and the promotion and conduct of lotteries;
- (e) the rules under which games of bingo and calcuttas may be conducted;
- (f) the conduct of lotteries and drawings, including trade lotteries, and of games of bingo and calcuttas;
- (g) conditions that may be attached to prizes offered in major lotteries;
- (h) the circumstances in which, and the conditions under which, the Commission may intervene in and advise on disputes between approved associations or persons conducting lotteries and purchasers of tickets in lotteries;

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- (j) the payment or delivery of prizes in connection with Territory-sponsored lotteries and the conditions under which prizes shall be paid or delivered; and
 - (k) the declaration of games to be unlawful games.
- (3) The Regulations may provide, in respect of an offence against the Regulations, for the imposition of a fine not exceeding \$500.
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