

NORFOLK



ISLAND

LOTTERIES AND FUNDRAISING AMENDMENT ACT 1988

Act No. 16 of 1988

An Act to amend the *Lotteries and Fundraising Act 1987*

[Assented to 29 June 1988]

BE IT ENACTED by the Legislative Assembly of Norfolk Island as follows —

Short title

1. This Act may be cited as the *Lotteries and Fundraising Amendment Act 1988*.

Commencement

2. This Act shall come into operation on a date fixed by the Administrator by notice published in the Gazette.

Principal Act

3. The *Lotteries and Fundraising Act 1987* is in this Act referred to as the Principal Act.

Interpretation

4. Subsection 5(1) of the Principal Act is amended —

- (a) by inserting after the definition of “game of chance” —
“ ‘instant lottery’ means a lottery referred to in section 26A;”; and
- (b) by inserting after the definition of “person” —
“ ‘pool betting scheme’ means a lottery referred to in section 26B;”.

New Part

5. The Principal Act is amended by inserting after section 26 —

**“PART 3A — INSTANT LOTTERIES AND POOL
BETTING SCHEMES**

Instant lotteries

“ 26A. (1) For the purposes of this Act, an instant lottery is a lottery in which a person pays or becomes liable to pay stake money in exchange for a thing that can be manipulated to reveal immediately whether or not a prize has been won.

(2) A gaming machine within the meaning of the *Gaming Machines Act 1986* is not an instant lottery for the purposes of this Act.

Pool betting schemes

26B. (1) For the purposes of this Act, a pool betting scheme is a lottery in which a group of persons bet, otherwise than at fixed odds, on terms that the amount of a prize is wholly or partly determined by reference to the total amount of stake money paid or payable by the persons who constitute the group.

(2) A lottery referred to in subsection (1) is not a pool betting scheme for the purposes of this Act if —

- (a) no more than 100 persons constitute the group and the total amount of stake money paid or payable by the persons who constitute the group does not exceed a sum equal to 50 fee units; or
- (b) the lottery is a prescribed scheme referred to in section 19.

Agreements about instant lotteries and pool betting schemes

26C. (1) The executive member may, on behalf of the Administration, enter into an agreement with a person or association, whether or not a registered association, under which the person or association with whom or which the agreement is made is authorised to conduct in Norfolk Island, personally or by agent, an instant lottery or pool betting scheme.

(2) Subject to this section, an agreement under subsection (1) may be made on such terms as the executive member, in the executive member's discretion, thinks fit.

(3) Without limiting the generality of subsection (2), an agreement under subsection (1) may include a term —

- (a) that the person or association with whom or which the agreement is made shall have the exclusive right to conduct in Norfolk Island, personally or by agent, instant lotteries or pool betting schemes, or both, during the period for which the agreement has effect; and
- (b) that the Administration shall be an agent, or the only agent, in Norfolk Island of the person or association with whom or which the agreement is made.

(4) The executive member shall not enter into an agreement under subsection (1) in respect of a pool betting scheme lawfully conducted under the law of a State or another Territory, other than a pool betting scheme in which winners are determined wholly by reference to the results of soccer football matches, except in accordance with an arrangement made between the executive member and the responsible Minister of the State or Territory.

(5) If an arrangement referred to in subsection (4) ceases to have effect, an agreement under subsection (1) to which the arrangement relates also ceases to have effect.

(6) The executive member shall not —

- (a) authorise under section 15 a person to conduct a prescribed scheme on behalf of the Administration; or
- (b) grant approval under section 18 for a person or registered association to conduct a prescribed scheme,

where —

- (c) the prescribed scheme is an instant lottery or pool betting scheme; and

- (d) the authorisation or approval would be inconsistent with an agreement in force under subsection (1).”.

Misappropriation of funds, etc

6. Section 28 of the Principal Act is amended by adding at the end —

“ (2) This section does not apply to money received by a person, whether or not a natural person, by way of profit, commission or dividend in accordance with an agreement under subsection 26C(1).”.

New section

7. The Principal Act is amended by inserting after section 29 —

Contravention of instant lottery or pool betting scheme agreements

“ **29A.** A person, whether or not a natural person, who is concerned in the conduct of a prescribed scheme that is the subject of an agreement under subsection 26C(1) shall not knowingly contravene a condition or requirement of the agreement.

Penalty: 40 penalty units or imprisonment for 6 months.”.

Evidentiary provision

8. The Principal Act is amended by omitting section 31 and substituting —

Evidentiary

“ **31.** In any proceedings, a certificate signed by the executive member —

- (a) specifying that authorisation under section 15 or approval under section 18 has been granted for the conduct of a prescribed scheme mentioned in the certificate, and specifying the conditions, if any, subject to which authorisation or approval was granted; or

- (b) specifying that authorisation to conduct a prescribed scheme has been given under an agreement under subsection 26C(1), and specifying the terms of the agreement,

is evidence of the matters specified.”.

Minor and consequential amendments

9. The Principal Act is amended in accordance with the Schedule.

SCHEDULE

Section 9

Item	Provision amended	Amendment
1	Section 11	Omit “approval”, substitute “approval under section 18”
2	Subsection 15(1)	Omit “Where the executive member”, substitute “Subject to subsection 26C(6), where the executive member”
3	Subsection 16(3)	Add at the end “or to a prescribed scheme conducted in accordance with an agreement under subsection 26C(1)”
4	Subsection 18(1)	Omit “On receipt”, substitute “Subject to subsection 26C(6), on receipt”
5	Section 20	Omit “or a prescribed scheme referred to in section 19”, substitute “, a prescribed scheme referred to in section 19 or a prescribed scheme conducted in accordance with an agreement under subsection 26C(1)”
6	Section 21	Omit “or a prescribed scheme referred to in section 19”, substitute “, a prescribed scheme referred to in section 19 or a prescribed scheme conducted in accordance with an agreement under subsection 26C(1)”
7	Section 22	Omit “or a prescribed scheme referred to in section 19”, substitute “, a prescribed scheme referred to in section 19 or a prescribed scheme conducted in accordance with an agreement under subsection 26C(1)”
8	Section 23	Omit “or a prescribed scheme referred to in section 19”, substitute “, a prescribed scheme referred to in section 19 or a prescribed scheme conducted in accordance with an agreement under subsection 26C(1)”
9	Subsection 24(1)	Omit “an approved prescribed scheme”, substitute “a prescribed scheme approved under section 18”

Notified Gazette No. 30, 30 June 1988.

Commenced 1 July 1988 (Gazette No. 30, 30 June 1988).

This enactment amends Act No. 3 of 1987.

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