TERRITORY OF CHRISTMAS ISLAND

Lotteries Commission Amendment Ordinance 2005 (No. 1)

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance under the Christmas Island Act 1958.

Dated 25 May 2005

P. M. JEFFERY
Governor-General

By His Excellency’s Command

JAMES ERIC LLOYD
Minister for Local Government, Territories and Roads
An Ordinance to amend the *Lotteries Commission Act 1990* (WA) (CI) to change the method of calculating the levy on lotteries and for related purposes

1 **Name of Ordinance**

This Ordinance is the *Lotteries Commission Amendment Ordinance 2005* (No. 1).

2 **Commencement**

This Ordinance commences on the day after it is registered.

3 **Amendment of *Lotteries Commission Act 1990* (WA) (CI)**

Schedule 1 amends the *Lotteries Commission Act 1990* (WA) (CI).

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**Schedule 1 Amendments**

*(section 3)*

**[1]** **Subsection 3 (1), definition of *lottery***

*substitute*

*lottery* includes a game of lotto, an instant lottery or another scheme in which the success or otherwise of participants is at least partly dependent on:

(a) a draw or other event involving randomness or chance; or

(b) the result of a sporting event.
[2] **Subsection 3 (1), after definition of permit**

*insert*

player loss, in relation to a lottery, means the total subscriptions paid by all participants to enter the lottery, less:

(a) the sum of all prizes payable from the total amount of subscriptions (other than prizes payable from a jackpot prize pool) and any refunds made to players from the total amount; and

(b) the sum of amounts determined under the rules of the lottery for payment from the total amount to a jackpot prize pool.

[3] **After section 3A**

*insert in Part 1*

3B **Meaning of in the Territory**

For this Act, a lottery is conducted in the Territory if participants in the lottery are in the Territory when they obtain tickets, even if they obtain the tickets using the Internet.

[4] **Section 6**

*substitute*

6 **Functions and powers of Commission**

(1) The functions of the Commission are to perform any function given to it by this Act.

(2) The powers of the Commission include the power to:

(a) conduct lotteries in the Territory; or

(b) in accordance with subsection (4), provide for the conduct of lotteries in the Territory.

(3) The Commission may do all things that are necessary or convenient to be done for or in connection with the performance of its functions and the exercise of its powers.
(4) Subject to subsection (5), for the purpose of providing for the conduct of lotteries, the Commission may, with the Minister’s approval in writing:

(a) make an agreement with a designated authority; and
(b) in accordance with the agreement, authorise the designated authority to conduct lotteries in the Territory.

(5) The Commission must not authorise a designated authority to conduct a lottery unless:

(a) the Minister has made an agreement of the kind referred to in section 24B in relation to the conduct of the lottery; and
(b) the agreement is in force.

[5] Sections 24A and 24B

24A Levy on interstate lotteries

If a designated authority conducts a lottery in the Territory, it must pay to the Commonwealth levy of an amount equal to the percentage of player loss set out in a determination made by the Minister for the purposes of this provision.

24B Agreement for collection of levy by a State or Territory

If a designated authority:

(a) principally conducts a lottery in a State or another Territory; and
(b) also conducts the lottery in the Territory;
the Minister must make an agreement with the appropriate Minister of the State or other Territory;
(c) for collection in the State or other Territory, of levy payable under section 24A in relation to the conduct of the lottery in the Territory; and
(d) for the payment of that levy to the Commonwealth.
Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frii.gov.au.