

Lotteries Commission Amendment (COVID-19 Response) Bill 2020

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Western Australia

LEGISLATIVE ASSEMBLY

**Lotteries Commission Amendment (COVID-19
Response) Bill 2020**

A Bill for

**An Act to amend the *Lotteries Commission Act 1990* in response to
the COVID-19 pandemic.**

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Lotteries Commission Amendment (COVID-19 Response) Act 2020*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

This Act amends the *Lotteries Commission Act 1990*.

4. Section 3B inserted

At the end of Part 1 insert:

3B. COVID-19 pandemic: emergency circumstances and emergency period

- (1) In this Act, unless the contrary intention appears —
- emergency circumstances*** means prohibitions, restrictions or other adverse circumstances or conditions that arise out of —

- (a) the COVID-19 pandemic; or
- (b) measures taken in response to the COVID-19 pandemic;

emergency period means the period beginning on 16 March 2020 and ending on —

- (a) 15 September 2020; or
- (b) if another day is fixed under subsection (2) — that day.

- 1 (2) The Minister may, during the emergency period, make
2 a declaration in writing varying, or from time to time
3 further varying, the duration of the emergency period
4 by fixing a day on which the emergency period is to
5 end.
- 6 (3) A declaration has effect according to its terms on and
7 from the time it is made.
- 8 (4) As soon as practicable after making a declaration under
9 subsection (2), the Minister must —
- 10 (a) give the Commission written notice of the
11 declaration; and
- 12 (b) publish notice of the declaration in the *Gazette*;
13 and
- 14 (c) publish notice of the declaration for public
15 information in any manner that the Minister
16 considers to be appropriate having regard to the
17 circumstances and what is practicable.
- 18 (5) A failure to comply with subsection (4) does not affect
19 the validity of the declaration.
- 20 (6) Sections 8B(3) and 8C apply to a declaration made
21 under subsection (2) as if it were a direction given
22 under regulations referred to in section 8B(2).
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5. Section 6 amended

(1) Before section 6(1) insert:

(1A) In this section —

grant administration services means administration services in relation to a programme of a person or body other than the Commission for making grants of money, including —

- (a) assessing and evaluating applications for grants under the programme; and
- (b) monitoring compliance with conditions attached to grants made under the programme.

(2) In section 6(3)(c) delete “consultancy or advisory services to that person or body, whether for a fee or not.” and insert:

any or all of the following services to that person or body, whether for a fee or not —

- (i) consultancy services;
- (ii) advisory services;
- (iii) grant administration services in relation to a programme of that person or body.

(3) After section 6(4) insert:

(5) Moneys of another person or body allocated or distributed in grants under a programme that is the subject of a contract or arrangement under subsection (3)(c)(iii) are taken not to be moneys received by the Commission for the purposes of section 20 or 24.

- 1 (6) Details of grants made by another person or body under
2 a programme that is the subject of a contract or
3 arrangement under subsection (3)(c)(iii) are not to be
4 set out in the schedule required under section 26(1).
5

6 **6. Section 15A inserted**

7 After section 15 insert:
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9 **15A. Evidence of winning entries: provisions relating to**
10 **COVID-19 pandemic**

- 11 (1) This section applies during the emergency period.
- 12 (2) If the Commission is satisfied that, by reason of
13 emergency circumstances, it is not reasonably
14 practicable for a participant to provide the winning
15 entry, receipted entry form, or other ticket or evidence
16 of participation in accordance with section 15(1), the
17 Commission may pay or deliver a prize in accordance
18 with section 15 if other evidence or information,
19 specified in the rules, is delivered or communicated to
20 it in a manner specified in the rules.
- 21 (3) Evidence or information specified in the rules for the
22 purposes of subsection (2) may include any or all of the
23 following —
- 24 (a) a copy, image or facsimile of the winning entry,
25 receipted entry form, or other ticket or evidence
26 of participation provided to a participant by the
27 Commission for the lottery;
- 28 (b) attestation, confirmation, verification or
29 certification of the validity or correctness of the
30 copy, image or facsimile referred to in
31 paragraph (a);

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- 1 (c) evidence of the identity of the participant
2 claiming the prize;
3 (d) any other evidence or information necessary or
4 convenient for paying or delivering the prize.
5

6 **7. Section 16A inserted**

7 After section 16 insert:
8

9 **16A. Unclaimed prizes: provisions relating to COVID-19**
10 **pandemic**

- 11 (1) In this section —
12 *closure day*, in relation to an instant lottery, means the
13 day on which the last ticket or tickets in each lot of
14 tickets are issued by the Commission to any person in
15 respect of that particular series of instant lottery.
16 (2) This section has effect despite anything in section 16.
17 (3) The right of a participant to recover a prize in a lottery
18 (other than an instant lottery) conducted by the
19 Commission, and the Commission's liability to pay or
20 deliver that prize, are extinguished if the prize is not
21 claimed by whichever of the following days applies —
22 (a) if the result of the lottery is publicly declared
23 on behalf of the Commission in the period from
24 16 March 2019 to 15 March 2020 —
25 16 March 2021;
26 (b) if the result of the lottery is publicly declared
27 on behalf of the Commission in the emergency
28 period — the day which is 24 months after the
29 day on which the result of the lottery is publicly
30 declared.

- 1 (4) The right of a participant to recover a prize in an
2 instant lottery conducted by the Commission, and the
3 Commission's liability to pay or deliver that prize, are
4 extinguished if the prize is not claimed by whichever of
5 the following dates applies —
6 (a) if the closure day is in the period from
7 16 March 2019 to 15 March 2020 —
8 16 March 2021;
9 (b) if the closure day is in the emergency period —
10 the day which is 24 months after the closure
11 day.
12 (5) For the purposes of this section, where a cheque has
13 been issued by the Commission in payment of a prize
14 in a lottery, the prize is not to be regarded as having
15 been claimed if the cheque has not been presented for
16 payment.
17

18 **8. Section 24A inserted**

19 After section 24 insert:
20

21 **24A. Distribution of residual moneys to organizations:**
22 **provisions relating to COVID-19 pandemic**

- 23 (1) In this section —
24 *distributable balance* means the balance of moneys
25 referred to in section 24;
26 *public authority* means any of the following —
27 (a) a Minister of the Crown;
28 (b) an agency or an organisation as those terms are
29 defined in the *Public Sector Management*
30 *Act 1994* section 3(1);
31 (c) a local government or regional local
32 government;

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- 1 (d) a body or instrumentality, whether incorporated
2 or not, or the holder of an office, that is
3 established or continued for a public purpose
4 under a written law and that, under the
5 authority of a written law, performs a statutory
6 function on behalf of the State.
- 7 (2) This section applies despite anything in section 24.
- 8 (3) During the emergency period the distributable balance
9 must be distributed to such eligible organizations and
10 public authorities as the Commission thinks fit and the
11 Minister approves.
- 12 (4) An eligible organization receiving money distributed
13 under subsection (3) must apply the money to such
14 approved purposes as the Commission thinks fit and
15 the Minister approves.
- 16 (5) A public authority receiving money distributed under
17 subsection (3) must apply the money to such purposes
18 as the Commission thinks fit and the Minister
19 approves.
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