

SOUTH AUSTRALIA



RevenueSA

Lottery & Gaming

Circular No. 225

**DISHONEST, DECEPTIVE OR MISLEADING CONDUCT OFFENCE
LOTTERY AND GAMING ACT 1936**

The *Authorised Betting Operations Act 2000*, which was assented to by the Governor on 21 December 2000, introduced a new regulatory regime for totalisator and betting operations and made consequential and administrative amendments to the *Lottery and Gaming Act 1936* (“the Act”). These amendments to the Act became effective from 14 December 2001.

Of particular significance to the administration of lotteries is the introduction of a new offence under the Act. The offence provision, designed to ensure that agents or others who act dishonestly in the course of conducting a lottery are subject to a criminal penalty, reads:

“Dishonest, deceptive or misleading conduct

113A. A person involved (whether as principal, agent or employee) in the conduct of any lawful or unlawful lottery, gaming or betting operations who acts in a dishonest, deceptive or misleading manner in connection with the operations is guilty of an offence.

Maximum penalty: \$50 000 or 2 years imprisonment.”

In addition, the maximum fines for offences against the Act have been increased.

A new evidentiary provision has replaced the former section 98 of the Act. The provision reads:

“Evidentiary provision relating to licences and permits

98. In proceedings for an offence against this Act, an allegation in the complaint –

(a) that a person was or was not at a specified time the holder of a specified licence or permit under another Act; or

(b) that a specified licence or permit under another Act was at a specified time subject to specified conditions,

will be accepted as proved in the absence of proof to the contrary.”

Copies of the *Authorised Betting Operations Act 2000* or the reprinted *Lottery and Gaming Act 1936* can be obtained from InformationSA, Australis Centre, 77 Grenfell Street, Adelaide during business hours.

Further information regarding these amendments may be obtained from RevenueSA.

FURTHER INFORMATION

Location

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COMMISSIONER OF STATE TAXATION