

1992—No. 483

LOTTERIES AND ART UNIONS ACT 1901—REGULATION

(Lotteries and Art Unions (Lotteries and Games of Chance) Regulation 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Lotteries and Art Unions Act 1901, has been pleased to make the Regulation set forth hereunder.

ANNE COHEN
Chief Secretary.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Lotteries and Art Unions (Lotteries and Games of Chance) Regulation 1992.

Commencement

2. This Regulation commences on 1 September 1992.

Definitions

3. In this Regulation:

“lottery” means a lottery in which:

- (a) numbered tickets are sold to entrants in the lottery; and
- (b) a draw is held in which one or more numbers (corresponding to the numbers on the tickets) are selected at random; and
- (c) prizes are distributed to the persons holding the tickets corresponding to the numbers selected;

“**official approval**”, for the purposes of any provision of this Regulation in which the expression occurs, means approval in writing given by the Minister or by an officer of the public service authorised by the Minister to give the approval;

“**organiser**”, in relation to a lottery or game of chance, means any person concerned in the management of the lottery or game of chance;

“**the Act**” means the Lotteries and Act Unions Act 1901.

PART 2—CONDUCT OF LOTTERIES BY CHARITIES ETC.

Division 1—Preliminary

Application

4. This Part applies to lotteries conducted under section 4 of the Act.

Division 2—Lottery tickets

Entry to lottery

5. (1) Entry in a lottery is to be by means of a lottery ticket.

(2) A lottery ticket must not be given to any person otherwise than:

- (a) for money to the amount of the advertised value of that ticket; or
- (b) for other consideration equivalent to that value,

except as provided by subclause (3).

(3) Lottery tickets may be sold at a discount, but only if the fact that they may be so sold is disclosed in all information and publicity relating to the lottery concerned.

Distribution of lottery tickets

6. Lottery tickets are not to be sent to any person (whether for purchase by that person or for sale by that person as agent for the organisers of the lottery) except with the prior consent of the person.

Form of lottery tickets

7. (1) Each series of lottery tickets prepared for use in a lottery must be distinguished (by colour, serial number or otherwise) from each other series of lottery tickets and the lottery tickets within each series must be numbered consecutively.

(2) Each lottery ticket, other than a computer-generated lottery ticket, must consist of a purchaser's portion and a ticket-butts, each of which complies with the requirements of clause 8.

(3) Each computer-generated lottery ticket must include a purchaser's portion (complying with the requirements of clause 8) and may include a ticket-butts.

(4) If a computer-generated lottery ticket (whether partly pre-printed or not) does not contain a ticket-butts, the computer records for the ticket must contain the information required by this Division to be shown on a ticket-butts.

Information to be available to purchasers

8. (1) The purchaser's portion of a lottery ticket must include the serial number of the ticket and, if the total value of the prizes in the lottery exceeds \$5,000, must also include:

- (a) the price of the ticket; and
- (b) the name of the organisation by or on whose behalf the lottery is conducted.

(2) A ticket-butts must show the serial number of the ticket and, if the total value of the prizes in the lottery exceeds \$5,000, must contain provision for the name and address of the purchaser.

(3) The organisers of a lottery must use their best endeavours to ensure that the following additional information is available to potential purchasers of lottery tickets:

- (a) details of the prizes and their value;
- (b) the place, time and date of the draw;
- (c) details of how the prizewinners will be notified;
- (d) if the total value of the prizes in the lottery is \$5,000 or less:
 - the price of a ticket; and
 - the name of the organisation by or on whose behalf the lottery is conducted;
- (e) details of the way in which the results of the draw will be publicised.

(4) It is sufficient compliance with the requirements of subclause (3) if the information is printed on the lottery ticket.

Particulars to be recorded

9. A person who sells a lottery ticket in a lottery in which the total value of the prizes exceeds \$5,000 must, at the time of the sale:

- (a) cause the name and address of the purchaser or purchaser's nominee to be written legibly on the ticket-butt; or
- (b) in the case of a computer-generated ticket—cause the name and address of the purchaser or purchaser's nominee to be entered into the computer records in relation to the ticket.

Return of butts

10. Any person who has agreed to sell lottery tickets must, before the draw, return to the organisers of the lottery:

- (a) all ticket-butts (or appropriate computer-generated documents) relating to lottery tickets sold by the person; and
- (b) all money received from the sale of lottery tickets; and
- (c) all unsold lottery tickets held by the person.

Maximum penalty: \$1,000.

Division 3—Draw for prizes**All lottery tickets sold to be included in draw**

11. (1) The ticket-butts (or relevant computer-generated documents) for all lottery tickets sold are to be included in the draw for the prizes, and each holder of a lottery ticket is to have an equal chance of winning a prize in respect of each ticket that he or she holds.

(2) If the ticket-butt (or relevant computer-generated document) of a lottery ticket is not included in the draw, any money received from the sale of the ticket is to be refunded to the holder of the ticket within 7 days after the draw is held.

Conduct of draw for prizes

12. (1) A mechanical or electronic device must not be used for the purposes of the draw to select numbers to determine the prizewinners in a lottery unless the device has official approval.

(2) Any person who wishes to attend the draw may do so.

Notification of prizewinners

13. (1) The organisers of a lottery must use their best endeavours:

- (a) to advise each prizewinner (within 2 days after the draw) of the prize that the prizewinner has won; and

- (b) in the case of a lottery in which the total value of the prizes exceeds \$5,000 ensure that particulars of the result of the draw are published (within 7 days after the draw) in a newspaper circulating in the region in which the lottery was conducted.
- (2) Subclause (1) does not apply if the organisers have obtained official approval to act otherwise than in accordance with it.

Division 4—Miscellaneous

Money to be banked

- 14. (1)** All money received by the organisers of a lottery in relation to the lottery is to be paid into an account at a bank or building society.
- (2) The money must be paid into the account as soon as practicable, but in any case not later than 2 business days after receipt.

Records to be kept

- 15. (1)** The organisers of a lottery must keep all receipts, invoices and other records concerning costs and other outgoings, and donations and other payments received, in relation to the lottery.
- (2) The organisers of a lottery in which the total value of the prizes is \$5,000 or less must also keep a record of the following:
 - (a) the total amount of money received from the sale of lottery tickets;
 - (b) the total value of the prizes in the lottery.
- (3) The organisers of a lottery in which the total value of the prizes exceeds \$5,000 must also keep a record of the following:
 - (a) the total amount of money received from the sale of lottery tickets;
 - (b) the total value of the prizes in the lottery;
 - (c) the number of lottery tickets printed, obtained or generated for the lottery, together with their serial numbers;
 - (d) the number of lottery tickets sold or distributed for sale, together with their serial numbers;
 - (e) the name and address of each person to whom lottery tickets have been distributed for sale, together with the number of tickets distributed and the serial numbers of those tickets;
 - (f) the names and addresses of all persons who have bought lottery tickets (as shown on the relevant ticket-butts or computer records);

- (g) the names and addresses of all prizewinners, together with details of their prizes;
- (h) the number of lottery tickets unsold and their serial numbers.

Maximum value of prizes

16. For the purposes of section 4 (3) (a) of the Act, the prescribed amount is \$20,000.

Prizes to be received by prizewinners

17. Each prizewinner in a lottery is to receive only the prize that the prizewinner has won.

Application for reduction in percentage of takings to be paid to organisation

18. An application under section 4 (4) of the Act is to be made to the Minister in writing and is to specify the circumstances of an unusual nature which arose in connection with the conduct of the lottery.

PART 3—OTHER LOTTERIES AND GAMES OF CHANCE**Division 1—Games of chance conducted by charities****Application for permit**

19. An application under section 4A of the Act for a permit to conduct a game of chance is to be in a form approved by the Minister.

Maximum value of prizes

20. For the purposes of section 4A (3) (b) of the Act, the prescribed amount is \$500.

Application for reduction in percentage of takings to be paid to organisation

21. An application under section 4A (6) of the Act is to be made to the Minister in writing and is to specify the circumstances of an unusual nature which arose in connection with the conduct of the game of chance.

Division 2—Lotteries and games of chance conducted for promotion of trade**Application for permit**

22. An application under section 4B of the Act for a permit to conduct a lottery or a game of chance is to be in a form approved by the Minister.

Application fee

23. For the purposes of section 4B (4) of the Act, the prescribed fee to accompany an application for a permit is:

- (a) \$50 if the total prize value of the proposed lottery or game of chance does not exceed \$10,000; or
- (b) \$250 if the total prize value of the proposed lottery or game of chance exceeds \$10,000 but does not exceed \$50,000; or
- (c) \$500 if the total prize value of the proposed lottery or game of chance exceeds \$50,000 but does not exceed \$100,000; or
- (d) \$1,000 if the total prize value of the proposed lottery or game of chance exceeds \$100,000.

Division 3—Games of chance conducted by registered clubs**Application for permit**

24. An application under section 4C of the Act for a permit to conduct a game of chance is to be in a form approved by the Minister.

Maximum value of prizes

25. For the purposes of section 4C (3) (b) of the Act, the prescribed amount is \$15.

Division 4—Sweeps and calcuttas**Application for permit**

26. An application under section 4D of the Act for a permit to conduct a sweep or Calcutta is to be made in a form approved by the Minister.

Prescribed events for sweeps and calcuttas

27. For the purposes of paragraph (b) of the definition of “prescribed event” in section 4D (1) of the Act, each event specified in Schedule 1

(being an event conducted by the organisation, if any, specified opposite the event) is prescribed as an event in relation to which both sweeps and calcuttas may be conducted.

PART 4—FURTHER PROVISIONS CONCERNING CERTAIN LOTTERIES AND GAMES OF CHANCE

Application

28. This Part applies to:

- (a) lotteries conducted under section 4 of the Act; and
- (b) games of chance conducted under section 4A or 4C of the Act.

Retention and inspection of records

29. (1) The organisers of a lottery:

- (a) must retain the following material for the prescribed period:
 - all records that this Regulation requires to be kept;
 - all unsold lottery tickets;
 - all accounts and other documents, and all computer records, relating to the conduct of the lottery; and
- (b) must make that material available for inspection, examination and copying by any person authorised by the Minister, the Auditor-General or the Commissioner of Police to inspect, examine or copy it; and
- (c) must cause that material to be produced to any person so authorised at such times and places as that person directs.

Maximum penalty: \$1,000.

(2) The organisers of a game of chance:

- (a) must retain for the prescribed period all financial and accounting records relating to the conduct of the game of chance; and
- (b) must make those records available for inspection, examination and copying by any person authorised by the Minister, the Auditor-General or the Commissioner of Police to inspect, examine or copy them; and
- (c) must cause those records to be produced to any person so authorised at such times and places as that person directs.

Maximum penalty: \$1,000.

(3) A person to whom any such material is produced may retain all or any of it for the purposes of an investigation as to whether there has been

a contravention of the Act or this Regulation and for the purposes of any proceedings arising from such an investigation.

(4) For the purposes of this clause, “**the prescribed period**” is:

- (a) the period of 3 months after the date of the draw, in the case of ticket-butts or corresponding computer-generated documents relating to a lottery; and
- (b) the period of 7 years after the date of the draw, in the case of all other material relating to a lottery; and
- (c) the period of 7 years after the date on which the game was completed, in the case of a game of chance,

or such shorter period as is given official approval either generally or in a particular case.

Commission etc.

30. (1) A person is not to receive any remuneration from the funds received by an organisation conducting a lottery or game of chance, other than commission or remuneration for services rendered in connection with the lottery or game of chance under a written agreement between the person and the organisation concerned.

(2) Such an agreement must specify:

- (a) the service to be rendered; and
- (b) the remuneration to be provided for that service; and
- (c) the period for which the agreement is to be in force.

(3) No remuneration or commission is to be paid in respect of a lottery in which the total value of the prizes does not exceed \$5,000.

Purchase of goods for disposal by lottery etc.

31. (1) Any person purchasing any goods, wares or merchandise by or on behalf of an organisation for sale or disposal by means of a lottery or game of chance must purchase them directly from a person whose business comprises the production or sale of goods, wares or merchandise of that kind, unless the person is given official approval to do otherwise.

(2) Any discount, rebate, commission or other allowance provided in relation to the purchase of goods, wares or merchandise for sale or disposal by means of a lottery or game of chance is taken to be a donation received on behalf of the organisation for whose benefit the lottery or game of chance is conducted.

Deduction of expenses of conduct of lottery etc.

32. The following amounts may be deducted from money received in connection with a lottery or game of chance:

- (a) the cost of purchasing the goods, wares or merchandise constituting prizes in the lottery or game of chance;
- (b) the cost of printing, purchasing or generating the tickets for the lottery or game of chance;
- (c) the reasonable cost of advertising and promoting the lottery or game of chance;
- (d) the reasonable cost of hiring or operating any device, or renting any premises, for use in the conduct of the lottery or game of chance;
- (e) the amount of any prize money to be paid to winners in the lottery or game of chance;
- (f) the amount of any reasonable salaries, wages and commission paid to persons assisting in the conduct of the lottery or game of chance;
- (g) the cost of auditing the accounts relating to the lottery or game of chance;
- (h) any other amount that, pursuant to a permit under the Act, an organisation is permitted to deduct from money received in connection with the lottery or game of chance to which the permit relates.

Unauthorised promotions

33. (1) A person concerned in the conduct of a lottery or game of chance must not suggest that any of the prizes may be exchanged for money.

(2) A person must not, in any information or publicity, refer to a lottery or game of chance as being a lottery or game of chance that is approved or authorised by the Government or by any Government agency.

(3) This clause does not operate so as to prevent the publication of the permit number relating to the lottery.

Prizes to be preserved

34. The organisers of a lottery or game of chance must carefully preserve all prizes in the lottery or game of chance until the prizewinners have taken possession of them or until they have been sold pursuant to section 15 of the Act.

PART 5—MISCELLANEOUS**Duties of organisers of lotteries and games of chance**

35. Any duty imposed by this Regulation on the organisers of a lottery or game of chance:

- (a) is imposed jointly and severally on each of them; and
- (b) may be performed by any one of them.

Repeal

36. The Lotteries and Games of Chance Regulations 1966 are repealed.

SCHEDULE 1—SWEEPS AND CALCUTTAS

(Cl. 27)

Part 1—Principal Annual Cup (horse-racing) events

Each principal annual cup race conducted by a racing club registered in New South Wales under the Rules of Racing of the Australian Jockey Club (for example, the Sydney Cup, the Newcastle Cup and the Fosters Queanbeyan City Cup).

Part 2—Other horse-racing events

Albury Base Hospital Cup	Albury Racing Club
Ballina Bracelet	Ballina Jockey Club
Black Opal Stakes	ACT Racing Club Incorporated
Bracelet	Talmoi Amateur Picnic Race Club
Brambles 2 Year Old Classic	Illawarra Turf Club Limited
Caulfield Cup	Victorian Amateur Turf Club
Central West Stakes	Orange Jockey Club
Coca-Cola Bottlers Classic (Group 3)	Newcastle Jockey Club Limited
Cox Plate	Moonee Valley Racing Club
Doncaster Handicap	Australian Jockey Club
Dorriko Cup	Clarence River Jockey Club Limited
Epsom Handicap	Australian Jockey Club
Golden Slipper Stakes	Sydney Turf Club
Grafton Cup	Clarence River Jockey Club Limited
Harrington Cup	Taree Race Club
Interdominion Champion ship	Australian Harness Racing Council
Invitation Stakes	Cowra Jockey Club
Lady's Bracelet (in combination with the other horse-races run as part of the first day of the Wagga Wagga Picnic Race Meeting)	Wagga Wagga Amateur Picnic Race Club Incorporated

Maclean Cup	Clarence River Jockey Club Limited
Miracle Mile	N.S.W. Harness Racing Club Limited
Morundah Bush Picnic Race	Morundah Bush Picnic Race committee Inc.
President's Cup (in combination with the other horse-races run as part of the second day of the Wagga Wagga Picnic Race Meeting)	Wagga Wagga Amateur Picnic Race Club Incorporated
Prime Television Stakes	Tamworth Jockey Club
Ramornie Cup	Clarence River Jockey Club Limited
Sires Stakes	Moree Race Club
South Grafton Cup	Clarence River Jockey Club Limited
Wellington Boot	Wellington Race Club Incorporated

Part 3—Motor events

Australian Grand Prix
Bathurst 1000
Overall Group A Touring Car
Championship

Part 4—Golfing events

Australian Masters
Australian Match Play Championship
Australian Open
Australian P.G.A. Championship
British Open
Johnnie Walker Classic
NSW Open
Palm Meadows' Cup
U.S. Masters
U.S. Open
U.S. P.G.A. Championship
Yarrawonga & Border Pro-Am

Part 5—Greyhound racing events

Tooheys Maiden

Dapto Agricultural and Horticultural
Greyhound Racing Club

Part 6—Foot racing events

The Botany Bay Gift
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The Coffs Harbour Festival Gift
The Coonabarabran Gift
The Diet Coke Mile—Elite Men's
Race
The Diet Coke Mile—Elite Women's
Race

The Diet Coke Mile—Sporting
Celebrities' Race
The Dubbo Gift
The Gilgandra "Cooee" Festival
Gift
The Harden Gift
The Macksville Gift
The Newcastle Harbour Gift
The North Sydney Gift
The Port Macquarie Gift
The Stroud Gift
The Temora Golden Gift
The Uralla Sports Club Gift
The Young Cherry City Gift

Part 7—Snooker events

Fred Osborne Memorial Invitation Snooker Classic	Commercial Club (Albury) Limited
Australian Open Snooker Championship	Billiards and Snooker Association of NSW Incorporated
Australian Women's Snooker Championship	Billiards and Snooker Association of NSW Incorporated

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SCHEDULE 1—SWEEPS AND CALCUTTAS

EXPLANATORY NOTE

The purpose of this Regulation is to repeal the Lotteries and Games of Chance Regulations 1966 and to remake certain of its provisions in a plain-language form. The new Regulation makes provision for:

- (a) the conduct of lotteries by charities (Part 2); and
- (b) the conduct of other lotteries and games of chance (Part 3), that is:
 - the conduct of games of chance by charities; and
 - the conduct of lotteries and games of chance for promotion of trade; and
 - the conduct of games of chance by registered clubs; and
 - the conduct of sweeps and calcuttas; and
- (c) further provisions concerning certain lotteries and games of chance (Part 4); and
- (d) other ancillary matters (Parts 1 and 5).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
