

1994—No. 299

LOTTERIES AND ART UNIONS ACT 1901—REGULATION

(Relating to the keeping of records, the retention of unsold tickets, and to authorised inspectors)

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.

Mrs Anne Cohen, MP
Chief Secretary.

Commencement

1. This Regulation commences on 1 July 1994.

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

2. The Lotteries and Art Unions (Lotteries and Games of Chance) Regulation 1992 is amended:

- (a) by omitting clauses 15, 185, 27 and 29;
- (b) by inserting after Part 4 the following Part:

PART 4A—KEEPING OF RECORDS

Application

- 34A. (1) This Part applies to a person or organisation that:
- (a) conducts or has conducted a lottery under section 4 of the Act, or a game of chance under section 4D of the Act; and
 - (b) is required to keep, in accordance with section 17B of the Act, records of income and expenditure in relation to each such lottery or game of chance.

(2) For the purposes of section 17B (1) of the Act, a person or organisation that conducts or has conducted a game of chance under section 4D of the Act (being a sweep or Calcutta within the meaning of that section) with ticket sales of \$5,000 or less is exempt from the operation of section 17B.

Particulars to be included in records—lotteries

34B. (1) For the purposes of section 17B (2) (b) of the Act, the following particulars must be included in the records of income and expenditure required to be kept by a person or organisation to which this Part applies that conducts or has conducted a lottery:

- (a) the total amount of money received from the sale of lottery tickets (or, if the lottery is conducted by means of “no-draw” lottery cards, the total amount of money received from the sale of rights to participate in the lottery);
- (b) the total value of the prizes in the lottery.

(2) In the case of a “draw” lottery in which the total value of the prizes is more than \$5,000, the following particulars must also be included in the records of income and expenditure:

- (a) the number of “draw” lottery tickets produced or acquired for the lottery, together with their serial numbers;
- (b) the number of “draw” lottery tickets sold or distributed for sale, together with their serial numbers;
- (c) the name and address of each agent of the person or organisation to which “draw” lottery tickets have been distributed, together with the number of tickets distributed and the serial numbers of those tickets;
- (d) the names and addresses of all persons who have bought “draw” lottery tickets (as shown on the relevant ticket-butts or corresponding computer records);
- (e) the names and addresses of all prizewinners, together with details of their prizes;
- (f) the number of “draw” lottery tickets unsold and their serial numbers.

(3) In the case of a “no-draw” lottery, the following particulars must also be included in the records of income and expenditure:

- (a) the number of “no-draw” lottery tickets or “no-draw” lottery cards produced or acquired for the lottery, together with the relevant serial numbers and the relevant unique identifying series number or symbols;

- (b) the number of “no-draw” lottery tickets or “no-draw” lottery cards distributed and the total number of lottery tickets or rights to participate in the lottery that were sold, together with the relevant serial numbers and the relevant unique identifying series number or symbols;
 - (c) the name and address of each agent of the person or organisation to which “no-draw” lottery tickets or “no-draw” lottery cards has been distributed, together with the number of tickets or cards issued and the relevant serial numbers and the relevant unique identifying series number or symbols;
 - (d) the names and addresses of all prizewinners, together with details of their prizes;
 - (e) the number of tickets or rights to participate in the lottery remaining unsold, and the serial numbers of those tickets or the relevant lottery cards.
- (4) In the case of records comprising ticket-butts or corresponding computer-generated documents in relation to a lottery, the prescribed period for the purposes of section 17B (2) (c) of the Act is at least 3 months after the date the prizewinner or prizewinners are determined.

Particulars to be included in records—sweeps and calcuttas

34C. (1) For the purposes of section 17B (2) (b) of the Act, the following particulars must be included in the records of income and expenditure required to be kept by a person or organisation to which this Part applies that conducts or has conducted a game of chance under section 4D of the Act (being a sweep or Calcutta within the meaning of that section) with ticket sales of more than \$5,000:

- (a) the gross proceeds from ticket sales and, in the case of a Calcutta, the gross proceeds from the auction;
- (b) the total prize pool;
- (c) any deductions as documented by receipts and invoices from gross receipts;
- (d) the distribution of any money invested, itemised as to payee, amount and date of payment;
- (e) the names and addresses of all persons successful in the draw and, in the case of a Calcutta, the names and addresses of all persons who purchased a participant in the Calcutta at the auction;
- (f) the names and addresses of all prizewinners, together with details of their prizes;

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- (g) details of all ticket-butts, and the number of unsold tickets together with the serial numbers of those tickets;
 - (h) if the sweep or Calcutta was conducted on behalf of a prescribed organisation within the meaning of section 4D of the Act—the total amount given to the prescribed organisation, and the details of any receipts from that organisation.
- (2) For the purposes of section 17B (2) (c) of the Act, the prescribed period for keeping records in relation to a sweep or Calcutta is at least 3 months after the conduct of the sweep or Calcutta. However, if the sweep or Calcutta was conducted on behalf of a prescribed organisation, the records are to be kept by that organisation for the period specified in section 17B (2) (c) of the Act.
- (c) by inserting after clause 35 the following clauses:
- Retention of unsold tickets and “no-draw” lottery cards**
- 35A. (1) This clause applies to:
- (a) lotteries conducted under section 4 of the Act; and
 - (b) games of chance conducted under section 4A of the Act; and
 - (c) games of chance conducted under section 4D of the Act (being sweeps or calcuttas within the meaning of that section conducted by or on behalf of any prescribed organisation within the meaning of that section) with ticket sales of more than \$5,000.
- (2) The organisers of a lottery or game of chance must retain all unsold tickets and, in the case of a “no-draw” lottery, all “no-draw” lottery cards (whether or not the participatory rights in those cards are sold or unsold) for at least 7 years (or such shorter period as is given official approval either generally or in a particular case) after the date of the draw or the completion of the game.
- Maximum penalty: 10 penalty units.
- Police authorised to act as inspectors**
- 35B. For the purposes of section 21A (3) of the Act, every police officer of or above the rank of sergeant is authorised to exercise any function of an authorised inspector under Part 5 of the Act.
- (d) by omitting Schedule 1.

Amendment of Lotteries and Art Unions (Art Unions) Regulation 1992

3. The Lotteries and Art Unions (Art Unions) Regulation 1992 is amended:

- (a) by omitting clauses 21 and 22 and by inserting instead the following clauses:

Particulars to be included in records

21. (1) The following particulars must, in accordance with section 17B (2) (b) of the Act, be included in the records of income and expenditure required to be kept in relation to a lottery:

- (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 applied to the art union for lottery tickets;
- (g) the names and addresses of all persons who have bought lottery tickets (as shown on the relevant ticket-butts or computer records);
- (h) the names and addresses of all prizewinners, together with details of their prizes;
- (i) the number of lottery tickets unsold, and their serial numbers;
- (j) details of all donations and payments received by the art union.

In the case of records comprising ticket-butts, drawing-dockets or corresponding computer-generated documents, the prescribed period for the purposes of section 17B (2) (c) of the Act is at least 3 months after the date the prizewinner or prizewinners are determined.

Retention of unsold lottery tickets

22. The organisers of a lottery must retain all unsold lottery tickets for at least 7 years after the draw (or such shorter period as is given official approval either generally or in a particular case).

Maximum penalty: 10 penalty units.

(b) by inserting after clause 31 the following clause:

Police authorised to act as inspectors

31A. For the purposes of section 21A (3) of the Act, every police officer of or above the rank of sergeant is authorised to exercise any function of an authorised inspector under Part 5 of the Act.

EXPLANATORY NOTE

The objects of this Regulation are:

- to prescribe the particulars to be included in the records of income and expenditure required to be kept under section 17B of the Lotteries and Art Unions Act 1901 by persons or organisations that conduct lotteries and certain sweeps and calcuttas
- to require unsold tickets and "no-draw" lottery cards to be retained for a period of at least 7 years
- to prescribe police officers as authorised inspectors for the purposes of conducting investigations and exercising other functions under Part 5 of the Act.

This Regulation is made under the Lotteries and Art Unions Act 1901, including sections 17B, 21A and 23 (1) (d).
