

1994—No. 474

LOTTERIES AND ART UNIONS ACT 1901—REGULATION

(Relating to prizes, penalties for offences and proceeds to be devoted to fundraising objects)

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 September 1994.

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

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

- (a) by omitting from clause 3 the definition of “art union”;
- (b) by omitting from clauses 5, 6 (2), 7, 8 (5), 10, 11, 12 (1), 13, 16, 17, 18 (1), 24, 25, 27, 29 (2) and 30 the matter “\$1,000” wherever occurring and by inserting instead the matter “20 penalty units”;
- (c) by inserting after clause 20 the following clause:

Liquor prizes

20A. For the purposes of section 18B (3) of the Act, the liquor component of all the prizes in a lottery conducted by any art union must not exceed 20 litres.

- (d) by omitting from clause 22 the matter “10 penalty units” and by inserting instead the matter “20 penalty units”;
- (e) by omitting clause 23;
- (f) by omitting clause 28 and by inserting instead the following clause:

Purchase of prizes for disposal by lottery

28. (1) Any person who, on behalf of an art union, purchases an item to be offered as a prize in a lottery must (unless given official approval to do otherwise) purchase the item directly from a person whose business comprises the production or sale of items of that kind.

Maximum penalty: 20 penalty units.

(2) Any discount, rebate, commission or other allowance provided in relation to the purchase of such an item is taken to be a donation received on behalf of the organisation for whose benefit the lottery is conducted.

- (g) by omitting from clause 29 (1) (a) the words “goods, wares or merchandise constituting”;
- (h) by inserting after clause 30 the following clause:

Proceeds to be devoted to fundraising object

30A. For the purposes of section 6 (1) (f) of the Act, the prescribed proportion is 40% of the gross proceeds of any lottery conducted by the art union.

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

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

- (a) by omitting clause 5 (2) and by inserting instead the following subclause:
 - (2) A person who issues a “draw” lottery ticket to another person must only do so:
 - (a) for the amount of money displayed on the ticket concerned; or
 - (b) for other consideration equivalent to that amount.

Maximum penalty: 20 penalty units.

(b) by omitting clause 6 and by inserting instead the following clause:

Distribution of “draw” lottery tickets

6. A person must not send a “draw” lottery ticket to another person (whether for purchase by that other person or for sale by that other person as agent for the organisers of the lottery) except with the prior consent of the person.

Maximum penalty: 20 penalty units.

(c) by omitting from clauses 10, 18G (1) and 35A (2) the matter “10 penalty units” wherever occurring and by inserting instead the matter “20 penalty units”;

(d) by inserting at the end of clauses 9, 13 (1), 33 and 34 the following matter:

Maximum penalty: 20 penalty units.

(e) by inserting after clause 17 the following clauses:

Money component of travel prizes in “draw” lotteries

17A. For the purposes of section 4 (3) (cl) of the Act, the money component of a prize for a “draw” lottery that is offered in conjunction with tickets for tours or journeys must not exceed 20% of the total value of the prize.

Proceeds to be devoted to fundraising object in “draw” lotteries

17B. For the purposes of section 4 (3) (e) of the Act, the prescribed proportion is 40% of the gross proceeds of any “draw” lottery.

(f) by inserting after clause 180 the following clauses:

Money component of travel prizes in “no-draw” lotteries

18P. For the purposes of section 4 (3) (cl) of the Act, the money component of a prize for a “no-draw” lottery that is offered in conjunction with tickets for tours or journeys must not exceed 20% of the total value of the prize.

Proceeds to be devoted to fundraising object in “no-draw” lotteries

18Q. For the purposes of section 4 (3) (e) of the Act, the prescribed proportion is 40% of the gross proceeds of any “no-draw” lottery.

(g) by inserting after clause 20 the following clause:

Proceeds to be devoted to fundraising object—section 4A

20A. (1) For the purposes of section 4A (3) (g) of the Act, the following proportions are prescribed:

- (a) in the case of games of chance known as “Housie”—15% of the gross proceeds of any such game;
- (b) in the case of other games of chance—40% of the gross proceeds of any such game.

(h) by omitting clause 31 and by inserting instead the following clause:

Purchase of prizes for disposal by lottery or game of chance

31. (1) Any person who, on behalf of an organisation conducting a lottery or game of chance, purchases an item to be offered as a prize must (unless given official approval to do otherwise) purchase the item directly from a person whose business comprises the production or sale of items of that kind.

Maximum penalty: 20 penalty units.

(2) Any discount, rebate, commission or other allowance provided in relation to the purchase of such an item is taken to be a donation received on behalf of the organisation for whose benefit the lottery or game of chance is conducted.

- (i) by omitting from clause 32 (a) the words “goods, wares or merchandise constituting”;
- (j) by inserting after clause 35B the following clause:

Liquor prizes

35C. For the purposes of section 18B (3) of the Act, the liquor component of all the prizes in any lottery or game of chance must not exceed 20 litres.

EXPLANATORY NOTE

The objects of this Regulation are:

- to prescribe 20 litres as the maximum quantity of liquor that can be offered as the prize or part of a prize for a lottery, game of chance or art union
- to prescribe 20% of the total value of a travel prize offered in a raffle as the maximum amount of money that can be offered in conjunction with the travel
- to prescribe 20 penalty units (currently, \$2,000) as the maximum penalty for certain offences under the Lotteries and Art Unions (Art Unions) Regulation 1992 and the Lotteries and Art Unions (Lotteries and Games of Chance) Regulation 1992 (“the principal Regulations”)

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- to prescribe the proportion of the gross proceeds of a raffle, certain games of chance or an art union which must be devoted to the fundraising object of that raffle, game of chance or art union
- to remove certain provisions and to update certain references in the principal Regulations as a consequence of the commencement of the uncommenced provisions of the Lotteries and Art Unions (Amendment) Act 1994.

This Regulation is made under the Lotteries and Art Unions Act 1901, including sections 4 (3) (cl) and (e), 4A (3) (g), 6 (1) (f), 18B (3) and 23.
