

LOTTERIES AND ART UNIONS
(AMENDMENT) ACT.

Act No. 15, 1922.

An Act to amend the Lotteries and Art Unions Act, 1901 ; and for other purposes. [Assented to, 19th October, 1922.] George V,
No. 15.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Lotteries and Art Unions (Amendment) Act, 1922." Short title.

(2) This Act shall not come into operation until the first day of January, one thousand nine hundred and twenty-three.

2. The Lotteries and Art Unions Act, 1901, hereinafter in this Act referred to as the Principal Act, is amended in the following respects :— Amendment
of Act No. 34
of 1901.

(1) by inserting in section three the word "land" before the word "goods" wherever occurring in that section ; Sec. 3.

(2) by inserting in subsection three of section five after the word "indirectly" the words "or spirituous or fermented liquors or tobacco in any form." Sec. 5.

3. The Principal Act is further amended by adding to section three the following new subsections :— Addition of new
subsections to
sec. 3.

(3) Whosoever prints or publishes any advertisement, information, or notice relating in any way to **any** Penalty for
advertising
prohibited,
&c.

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any such sale or disposition of land, goods, wares, or merchandise, made or to be made, shall be liable to a penalty not exceeding fifty pounds.

Penalty for
selling
tickets.

(4) Whosoever sells or offers for sale any ticket or share in any lottery or raffle, or accepts any money in respect of the purchase of any such ticket or share, shall be liable to a penalty not exceeding five pounds.

Penalty for
printing
ticket.

(5) Whosoever prints any ticket to be sold in connection with any lottery or raffle shall be liable to a penalty not exceeding ten pounds.

Omission of
sec. 4 and
insertion of new
section.

4. The Principal Act is further amended by omitting section four and in lieu thereof inserting the following new section :—

Sales by
raffle, &c., for
charitable
purposes.

4. (1) Where a bazaar or fancy fair is held for raising funds in aid of any eleemosynary or charitable institution, either separately or in conjunction with or in the same building or enclosed space as an entertainment of any kind held for a like purpose and not for private gain, the sale of goods, wares, and merchandise other than spirituous or fermented liquors or tobacco in any form may be effected at such bazaar or fancy fair by lottery or raffle :

Provided that no goods, wares, or merchandise shall be so sold unless they are exposed for sale at the bazaar or fancy fair, and no shares or tickets in the lottery or raffle shall be sold or offered for sale at any place other than at the bazaar or fancy fair, or in the same building or enclosed space as the case may be.

Section 3
not to
apply.

(2) None of the provisions of the third section of this Act shall be deemed or construed to extend or relate to any such lottery or raffle at a bazaar or fancy fair as is authorised by this section.

Omission of
sec. 9 and
insertion of new
sections.

5. The Principal Act is further amended by omitting section nine and inserting the following new sections :—

New sec. 9.
Penalty for
contraven-
tion of
charter, &c.

9. Whosoever contravenes any of the terms of such charter, deed of partnership, or instrument mentioned in section six of this Act shall be liable to a penalty not exceeding twenty pounds.

10. The Attorney-General may at any time by **George V,** notice in writing under his hand call upon the **No. 15.** association to whom any charter has been granted New sec. 10. or any of the parties to any deed of partnership or Balance-sheets of art unions, &c. other instrument constituting an association for the purposes mentioned in section five of this Act, to lodge with him within a time to be specified in the notice a balance-sheet showing the receipts, disbursements and dispositions of all moneys received by or on behalf of the association, and to produce to such person and at such time or place as is mentioned in the notice all books, documents, and vouchers relating to the lottery conducted by the association.

11. The Attorney-General may at any time by New sec. 11. notice in writing under his hand call upon the Balance-sheet of raffles. promoter, secretary, treasurer, or any one of the committee (or any person who purported to act in any such capacity) of any bazaar or fancy fair to lodge with him a balance-sheet showing the whole of the receipts and disbursements in connection with any raffle or lottery conducted at the bazaar or fancy fair within a time to be specified in the notice, and to produce to such person and at such time and place as is set out in the notice any books, documents, and vouchers relating to the raffle or lottery.

12. When any such balance-sheet, books, documents, or vouchers have been produced in accordance New sec. 12. with a notice given under either of the last two preceding sections the Attorney-General may direct Audit, &c. that the same shall be handed to the Auditor-General, who is hereby authorised and directed to receive, examine, and audit the same and for that purpose to make such inquiries as to him shall seem proper and necessary, and to report the result of his audit to the Attorney-General.

13. (1) Whosoever is required to lodge a balance-sheet or to produce any books, documents, or vouchers in accordance with sections eleven and twelve of this Act, and who fails to do so within the New sec. 13. Penalties for non-compliance.

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time specified in that behalf in the notice given to him shall be liable to a penalty not exceeding fifty pounds.

(2) Whosoever refuses to answer the inquiries made by the Auditor-General shall be liable to a penalty not exceeding fifty pounds.

Falsification
of books, &c.

14. Whosoever with intent to defraud or deceive any other person—

- (a) alters or falsifies any books, documents, or vouchers relating to a lottery or raffle;
- (b) makes or concurs in the making of any false or fraudulent entry in any book, document, or voucher relating to a lottery or raffle; or
- (c) omits or concurs in omitting any material particular from any book, document, voucher or balance-sheet relating to a lottery or raffle,

shall be guilty of an indictable offence and shall be liable to imprisonment for a term not exceeding five years.

Addition of
new sec. 15.

6. The Principal Act is further amended by adding the following new section :—

Unclaimed
prizes.

15. Any prize unclaimed by the person holding the ticket entitling him thereto, or by some person duly authorised in that behalf, for a period of three months after the drawing of the lottery or raffle, shall be sold by public auction under the direction of the Attorney-General, and the proceeds of the sale paid into the fund for which the association was formed, or to the institution in aid of which the bazaar or fancy fair was held, as the case may be.

Addition of
new sec. 16.

7. The Principal Act is further amended by adding the following new heading and section :—

Offences.

Misapprop-
riation of
funds or
prizes.

16. Whosoever is concerned in the conducting of the lottery for which an association has been formed under the provisions of this Act or of any raffle or lottery held at any bazaar or fancy fair and converts
to

to his own use any of the prizes or any part of the moneys raised by means of such lottery or raffle shall be guilty of an indictable offence, and shall be liable to imprisonment for a term not exceeding five years.

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8. The Principal Act is further amended by adding the following new section :—

Addition of
new sec. 17.

17. Whosoever with intent to defraud conducts, or concurs in conducting, the drawing of any lottery or raffle in such a manner or under such conditions that all persons who have purchased tickets or shares in the lottery or raffle have not an equal chance of drawing a prize, shall be liable to a penalty not exceeding one hundred pounds.

Fraudulent
drawing, &c.

9. The Principal Act is further amended by adding the following new section :—

Addition of
new sec. 18.

18. Whosoever—

- (a) in a street, sells or offers for sale any ticket in a lottery; or
- (b) in a right-of-way, doorway, or on any private land adjoining a street, sells or offers for sale to any person in such street, any ticket in a lottery,

Penalty for
selling tickets
in or near
to streets.

shall be liable to a penalty not exceeding ten pounds.

10. The Principal Act is further amended by adding the following new heading and sections :—

Addition of
new secs.
19-21.

Foreign lotteries.

19. The expression foreign lottery in this Act means any lottery conducted or to be conducted outside the State of New South Wales and whether legal in the place where it is conducted or not, or whether it is described as a lottery, or as a sweep, consultation, or golden casket, or called by any other name or designation.

Interpreta-
tion.

20. Whosoever prints or publishes any advertisement, notice, or information relating to a foreign lottery in furtherance of the conduct of the lottery or announcing its result or displays upon any premises in his occupation any card, poster, or notice relating to a foreign lottery in furtherance of

Penalty for
advertising,
&c., foreign
lottery.

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of the conduct of the lottery or announcing its result shall be liable to a penalty not exceeding two hundred pounds.

Penalty for selling ticket, &c., in foreign lottery.

21. Whosoever sells or offers for sale or accepts any money in respect of the purchase of any ticket or share in a foreign lottery shall be liable to a penalty not exceeding twenty pounds.

Addition of new sec. 22.

11. The Principal Act is further amended by adding the following new heading and section :—

Penalties.

Recovery of penalties.

22. Any penalty imposed by this Act may be recovered in a summary way before any stipendiary or police magistrate or any two justices of the peace in petty sessions.