

LOTTERIES AND ART UNIONS (AMENDMENT) ACT.

Act No. 9, 1929.

George V. **No. 9, 1929.** An Act to make further provision for the prevention of lotteries and the control and regulation of art unions and similar associations; to amend the Lotteries and Art Unions Act, 1901, and certain other Acts; and for purposes connected therewith. [Assented to, 5th April, 1929.]

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:—

Short title. **1.** (1) This Act may be cited as the "Lotteries and Art Unions (Amendment) Act, 1929."

Construction. (2) This Act shall be read and construed with the Lotteries and Art Unions Act, 1901, which said Act as amended by subsequent Acts is in this Act referred to as the Principal Act.

Amendment of Act No. 34, 1901. **2.** (1) The Principal Act is amended as follows:—

Sec. 1. (a) by inserting in section one after the figures "1901" the symbol and figures "–1929";

Sec. 3. (b) (i) by omitting from subsection one of section three the words "land goods wares or merchandise whatsoever" and by inserting in lieu thereof the words "property whatsoever real or personal";

(ii) by omitting from the same subsection the words "land goods wares or merchandise are" and by inserting in lieu thereof the words "property is";

(iii)

- (iii) by omitting from subsection two of the same section the words "land goods wares or merchandise whatsoever" and by inserting in lieu thereof the words "property whatsoever real or personal";
- (iv) by omitting from subsection three of the same section the words "of land goods wares or merchandise";
- (v) by inserting at the end of the same section the following new subsections:—

(6) In this section the expression "lottery" shall include any event or contingency of or relating to any horse-race; and shall also include any disposition of property by means of a coupon competition, where the disposition is determined, wholly or in part, by any event or contingency of or relating to any horse-race or by chance, whether any money was received for the issue of the coupon or not, and whether full value was paid for any goods purchased apart from the coupon or not, and the expression "lottery" shall also include any competition the nature, scheme, or conduct of which, though a certain degree of skill on the part of the competitors is required, is such as in the circumstances of the case, to preclude the fair consideration of the answers of the competitors, or to render the correctness of any answer a matter of chance.

(7) Nothing in this Act shall affect the provisions of the Gaming and Betting Act, 1912, as amended by subsequent Acts, or any provisions of any Act regulating the use of the totalizator on racecourses.

- (c) (i) by inserting in subsection one of section Sec. 4. four after the words "fancy fair" where those words first occur the words "complying with the prescribed conditions";
 - (ii)

No. 9, 1929.

- (ii) by inserting in subsection one of section four after the word "institution" the words "or any School of Arts or returned soldiers' institution";
- (iii) by inserting at the end of the same subsection the following proviso:—
 Provided further that no such goods, wares or merchandise shall be so sold by lottery or raffle at a bazaar or fancy fair unless the prescribed permit is first obtained by the promoter of the bazaar or fancy fair upon application in the prescribed manner, and the sale is conducted in accordance with the conditions prescribed in the regulations or in the said permit.
- (iv) by inserting at the end of subsection two of the same section the words "if the lottery or raffle is conducted with the prescribed permit, and in accordance with the conditions prescribed in the regulations or in the permit";
- Sec. 5 (2). (d) by inserting in subsection two of section five after the words "object as aforesaid" the words "and in accordance with the provisions of the regulations made under this Act";
- Sec. 11.
(Balance-sheets.) (e) (i) by inserting in section eleven after the words "in connection with" the words "the bazaar or fancy fair and with";
 (ii) by inserting in the same section after the words "relating to" the words "the bazaar or fancy fair or to";
- Sec. 12.
(Audit.) (f) by omitting from section twelve the words "have been produced in accordance with a notice given under either of the last two preceding sections" and by inserting in lieu thereof the words "have in any way become available to him";
- Sec. 13.
(Ibid.) (g) by omitting from section thirteen the words "eleven and twelve" and by inserting in lieu thereof the words "ten or eleven";
- Sec. 22.
Penalty. (h) by inserting in section twenty-two after the word "Act" the words "or the regulations made thereunder";
- (i)

- (i) by inserting next after section twenty-two the following new section:—

No. 9, 1929.

New s. 23.

23. The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act, and without limiting the generality of the foregoing power in particular in regard to all or any of the following matters:—

Regulations.

- (a) The forms of application to be made for any approval, sanction, or permit required to be obtained under this Act.
- (b) The persons by whom such applications must be made and to whom such approval, sanction, or permit shall be issued.
- (c) The terms and conditions subject to which such approval, sanction, or permit will be granted.
- (d) The conduct and management of any art union, bazaar or fancy fair, or of any entertainment or device or scheme used in conjunction therewith, including the books of account and records to be kept, and the inspection or audit at any stage by authorised persons of such conduct or management, or any such books of account or records.
- (e) The collection and audit of any funds derived from such art union, bazaar or fancy fair, or of any entertainment, or the use of such device or scheme or any matter relating thereto.
- (f) The fees to be paid for any permit or other document.
- (g) The amount to be paid as salary, commission, or wages, or in connection with the organisation, conduct or management of any art union, bazaar or fancy fair, or any entertainment or device or scheme used in conjunction therewith.

(h)

No. 9, 1929.

- (h) The amount paid for rent or hire of any chocolate wheel or device used in connection with a lottery.
- (i) The proportion of the gross takings to be paid to the institution or object in aid or in support of which the art union is formed or the bazaar or fancy fair is conducted.
- (j) The terms of agreement between persons promoting art unions, bazaars, or fancy fairs in aid of any eleemosynary or charitable institution, or any School of Arts or returned soldiers' institution, and the persons controlling such institution.
- (k) The terms upon which persons may be allowed to act as agents for the sale of tickets in any art union.

(2) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof or of the rules and regulations relating to the proceedings of any association formed for the purposes of section five of this Act or of the terms and conditions of any approval, sanction or permit relating to an art union, bazaar, fancy fair, lottery or raffle, or of the terms of any contracts of agency for the sale of tickets in any art union.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PUBLIC