

LOTTERIES AND ART UNIONS (AMENDMENT) ACT.

Act No. 26, 1966.

An Act to amend the law relating to lotteries and art unions; for this purpose to amend the Lotteries and Art Unions Act 1901, as amended by subsequent Acts; and for purposes connected therewith. Elizabeth II,
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[Assented to, 13th April, 1966.]

BE it enacted by the Queen'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, 1966". Short title,
citation
and com-
mencement.
- (2) The Lotteries and Art Unions Act 1901, as amended by subsequent Acts and by this Act, may be cited as the Lotteries and Art Unions Act, 1901-1966.
- (3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Lotteries and Art Unions Act 1901, as amended by subsequent Acts, is amended— Amend-
ment of
Act No.
34, 1901.
- (a) by omitting section four and by inserting in lieu thereof the following sections:— Subst.
sec. 4 and
new secs.
4A, 4B.
4. (1) In this section— Certain
charitable
and non-
profit
organisa-
tions
authorised
to conduct
lotteries
subject to
conditions.
- "Goods, wares or merchandise" includes tickets for admission to any entertainment or for tours or journeys.
- "Lottery" means the disposition of goods, wares or merchandise by lot but does not include a lottery conducted by means of a chocolate wheel

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wheel or a game of chance or the method of disposing of goods, wares or merchandise by the game known as "Housie" or "Lucky Envelopes" or any game or method of disposing of goods, wares or merchandise prescribed by regulations made under this Act.

"Non-profit organisation" means an organisation not formed or conducted for private gain but does not include an organisation—

- (a) whose application for registration under the regulations made under this Act has been refused; or
- (b) which has been, but no longer is, registered under those regulations.

(2) The provisions of section three of this Act do not apply so as to prohibit the conduct of a lottery whereby goods, wares or merchandise are sold, if—

- (a) the lottery is conducted by, or under the authority of, a charity registered, or exempted from registration, under the Charitable Collections Act, 1934, as amended by subsequent Acts, a School of Arts or a non-profit organisation; and
- (b) the conditions specified in subsection three of this section are complied with in respect of the conduct of the lottery.

(3) The conditions referred to in paragraph (b) of subsection two of this section are—

- (a) that the value of the goods, wares or merchandise sold by means of any one lottery shall not exceed—
 - (i) where the lottery is conducted or authorised by a charity registered or exempted from registration as aforesaid, a School of Arts or a non-profit organisation registered under regulations made under this Act—two hundred dollars; and
 - (ii)

- (ii) where the lottery is conducted or authorised by a non-profit organisation not so registered—twenty-five dollars;
- (b) that the lottery is conducted for the purpose of raising funds in aid of the charity, School of Arts or non-profit organisation by which the lottery is conducted or authorised;
- (c) that no payment shall be made to any person by way of salary, wages, commission or other remuneration from the proceeds of the lottery or from any other source in connection with the conduct of the lottery;
- (d) that no prize in the lottery shall consist of or include spirituous or fermented liquors or tobacco in any form;
- (e) that—
- (i) the whole of the profits derived from the lottery; or
 - (ii) not less than fifty per centum, or such lesser percentage as may be determined by the Minister under subsection four of this section, of the gross takings in respect of the lottery,

whichever amount ascertained under subparagraph (i) or (ii) of this paragraph is the greater, shall be paid into the funds of the charity, School of Arts or non-profit organisation in aid of which the lottery was conducted; and

- (f) that any regulations made under this Act and relating to the lottery or any function or device or scheme held or used in conjunction therewith are complied with.

(4) Upon an application made to the Minister within twenty-one days after the conclusion of any lottery referred to in subsection two of this section, the Minister may, if he is satisfied that circumstances
of

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of an unusual nature arose in connection with the conduct of the lottery, by writing under his hand, determine, in relation to that lottery, a percentage less than fifty per centum for the purposes of subparagraph (ii) of paragraph (e) of subsection three of this section.

(5) An application under subsection four of this section shall be made by the person in the manner and within the time prescribed by regulations made under this Act.

Certain charities authorised to conduct games of chance.

4A. (1) In this section—

“Game of chance” includes a game partly of skill and partly of chance and a lottery, not being a lottery within the meaning of section four of this Act.

“Goods, wares or merchandise” includes tickets for admission to any entertainment or for tours or journeys.

(2) The provisions of section three of this Act do not apply so as to prohibit the conduct of a game of chance whereby goods, wares or merchandise are sold, if—

- (a) the game of chance is conducted by, or under the authority of, a charity registered, or exempted from registration, under the Charitable Collections Act, 1934, as amended by subsequent Acts, or a School of Arts; and
- (b) the conditions specified in subsection three of this section are complied with in respect of the game of chance.

(3) The conditions referred to in paragraph (b) of subsection two of this section are—

- (a) that a permit for the conduct of the game has been issued by the Minister;
- (b)

- (b) that the value of the prizes in any one game shall not exceed two hundred dollars or such lesser amount as may be specified in the permit; No. 26, 1966
- (c) that the game is conducted for the purpose of raising funds in aid of the charity or School of Arts by which it is conducted or authorised;
- (d) that any conditions subject to which the permit was issued are complied with;
- (e) that, except where the game is the game known as "Housie" or "Lucky Envelopes" or such other game as may be prescribed by regulations made under this Act, no prize shall be awarded entitling the winner thereof to any money;
- (f) that no prize in the game of chance shall consist of or include spirituous or fermented liquors or tobacco in any form;
- (g) that—
 - (i) the whole of the profits derived from the game; or
 - (ii) not less than fifty per centum, or such lesser percentage as may be determined by the Minister under subsection six of this section, of the gross takings in respect of the game,whichever amount ascertained under subparagraph (i) or (ii) of this paragraph is the greater, shall be paid into the funds of the charity or School of Arts in aid of which the game was conducted; and
- (h) that any regulations made under this Act and relating to the game or any function or device or scheme held or used in conjunction therewith are complied with.

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—

(4) An application for a permit under this section shall be made in writing to the Minister.

(5) A permit may be issued by the Minister under this section without conditions or subject to such conditions as may be imposed by the Minister either generally in respect of permits issued under this section or in any particular case.

(6) Upon an application made to the Minister within twenty-one days after the conclusion of any game of chance referred to in subsection two of this section, the Minister may, if he is satisfied that circumstances of an unusual nature arose in connection with the conduct of the game of chance, by writing under his hand, determine, in relation to that game, a percentage less than fifty per centum for the purposes of subparagraph (ii) of paragraph (g) of subsection three of this section.

Lotteries
and games
of chance
for the
promotion
of trade.

4B. (1) In this section—

“Game of chance” includes a game partly of skill and partly of chance.

“Lottery” means the disposition of any real or personal property by lot.

(2) The provisions of section three of this Act do not apply so as to prohibit the conduct of a lottery or game of chance which is conducted in connection with a competition for the promotion of trade, if the conditions specified in subsection three of this section are complied with in respect of the lottery or game.

(3) The conditions referred to in subsection two of this section are—

- (a) that a permit for the conduct of the lottery or game has been issued by the Minister;
- (b) that any conditions subject to which the permit was issued are complied with;
- (c) that no entry fee is charged in connection with the lottery or game;

(d)

- (d) that no prize in the lottery or game of chance shall consist of or include spirituous or fermented liquors or tobacco in any form; and
- (e) that any regulations made under this Act and relating to the lottery or game or any function, device or scheme held or used in conjunction therewith are complied with.

(4) An application for a permit under this section shall be made in writing to the Minister and shall be accompanied by the prescribed fee.

(5) A permit may be issued by the Minister under this section without conditions or subject to such conditions as may be imposed by the Minister either generally in respect of permits issued under this section or in any particular case.

(6) A permit shall not be issued by the Minister under this section for the conduct of the game known as "Housie," or any like game, where the game is to be conducted by means of radio or television.

- (b) (i) by inserting in paragraph (b) of subsection one of section five after the words "real property" the words "or tickets for admission to any entertainment or for tours or journeys";
- (ii) by omitting from the same paragraph the word "eleemosynary";
- (iii) by inserting at the end of the same subsection the following new paragraph : —

An association referred to in paragraph (b) of this subsection and formed for the purchase of tickets for tours or journeys shall not be deemed not to be a lawful association by reason only that it was also formed for the allocation or distribution to the person or persons to whom those tickets are to be allotted or distributed of a sum of money.

(iv)

Sec. 5.
(Certain
voluntary
associa-
tions
deemed
lawful.)

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(iv) by omitting from subsection two of the same section the word "eleemosynary";

(v) by omitting from the same subsection the words "or of real property" and by inserting in lieu thereof the words ", real property or tickets for admission to any entertainment or for tours or journeys, or tickets for tours or journeys together with sums of money, as referred to in subsection one of this section";

Sec. 6A.
(Power to grant approvals to be discretionary.)

(c) by omitting from section 6A the words "to be allotted and distributed as referred to in the said paragraph" and by inserting in lieu thereof the words "or the tickets for admission to any entertainment or for tours or journeys, to be allotted or distributed as referred to in the said paragraph, or the amount of any money to be allotted or distributed together with any ticket for a tour or journey";

Subst.
sec. 11.

(d) by omitting section eleven and by inserting in lieu thereof the following section : —

Balance-sheets of certain lotteries and games of chance.

11. The Minister may at any time by notice in writing under his hand call upon the promoter, secretary or treasurer—

(a) of any charity, School of Arts or non-profit organisation referred to in section four of this Act, by which, or under whose authority, a lottery, as defined in that section, was conducted; or

(b) of any charity or School of Arts, referred to in section 4A of this Act, by which, or under whose authority, a game of chance, within the meaning of that section, was conducted,

or upon any person concerned in the conduct of any such lottery or game, to lodge with him, within such time as may be specified in the notice, a balance-sheet showing the whole of the receipts and disbursements in connection with the lottery or game or with any function at or in conjunction with

with which the lottery or game was conducted, and to produce to such person and at such time and place as may be set out in the notice any books, documents and vouchers relating to the lottery or game or function.

- (e) by omitting from section fourteen the word "raffle" wherever occurring and by inserting in lieu thereof the words "game of chance conducted by, or under the authority of, a charity, School of Arts or non-profit organisation, referred to in section four or 4A of this Act or a game of chance conducted in connection with a competition for the promotion of trade";
- (f) (i) by omitting from section fifteen the words "or raffle, shall be sold by public auction" and by inserting in lieu thereof the words "or the conclusion of the game of chance, shall be sold";
- (ii) by omitting from the same section the words "the bazaar or fancy fair was held" and by inserting in lieu thereof the words "the lottery or game of chance was conducted";
- (g) by inserting next after section fifteen the following new section :—
- 15A. (1) The Minister may, by writing under his hand, delegate any of his powers or functions under section 4A or 4B, subsection one or (1A) of section five, section six, ten, eleven or fifteen, of this Act to an officer of the Chief Secretary's Department.
- (2) Any delegate when acting in pursuance of any such delegation shall be deemed to be the Minister.
- (3) The Minister may at any time by writing under his hand revoke any such delegation.
- (h) (i) by omitting from section sixteen the words "or of any raffle or lottery held at any bazaar or fancy fair" and by inserting in lieu thereof the words "or of a lottery or game of chance conducted

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Sec. 14.

(Falsification of books, &c.)

Sec. 15.

(Unclaimed prizes.)

New sec. 15A.

Delegation of Minister's powers.

Sec. 16.

(Misappropriation of funds or prizes.)

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conducted by, or under the authority of, a charity, School of Arts or non-profit organisation, referred to in section four or 4A of this Act, or a game of chance conducted in connection with a competition for the promotion of trade,";

- (ii) by omitting from the same section the words "such lottery or raffle" and by inserting in lieu thereof the words "such a lottery or game of chance";

Subst.
sec. 17.

- (i) by omitting section seventeen and by inserting in lieu thereof the following section :—

Fraudulent
conduct of
lotteries
and games
of chance.

17. Any person—

- (a) who with intent to defraud conducts, or assists or participates in the conduct of, any lottery referred to in section four or 4B of this Act, or any game of chance referred to in section 4A or 4B of this Act, not being a game partly of skill and partly of chance, in such a manner or on such conditions that all persons who have purchased tickets or shares in the lottery or have entered the game of chance have not an equal chance of winning a prize; or
- (b) who fraudulently conducts, or assists or participates in the conduct of, a game of chance referred to in section 4A or 4B of this Act, being a game partly of skill and partly of chance,

shall be liable to a penalty not exceeding two hundred dollars.

- (j) (i) by inserting in section eighteen after the word "Whosoever" the words "within the area of any council within the meaning of the Local Government Act, 1919, as amended by subsequent Acts";

(ii)

- (ii) by inserting in the same section after the words "twenty dollars" the words ", unless that council has given permission in writing for the sale of tickets in that lottery as aforesaid";
- (k) by inserting in section nineteen after the word "lottery" where secondly occurring the words ", including a lottery within the meaning of section three of this Act,"; Sec. 19. (Interpretation.)
- (l) by inserting in section twenty-two after the word "thereunder" the words ", not being a penalty for an indictable offence,"; Sec. 22. (Recovery of penalties.)
- (m) (i) by omitting from paragraph (d) of subsection one of section twenty-three the words "bazaar or fancy fair, or of any entertainment or device or scheme used" and by inserting in lieu thereof the words "lottery or game of chance, including a game partly of skill and partly of chance, or of any function or device or scheme held or used"; Sec. 23. (Regulations.)
- (ii) by omitting from paragraph (e) of the same subsection the words "bazaar or fancy fair, or of any entertainment" and by inserting in lieu thereof the words "lottery or game of chance, including a game partly of skill and partly of chance, or any such function";
- (iii) by omitting from paragraph (g) of the same subsection the words "bazaar or fancy fair, or any entertainment or device or scheme used in conjunction therewith" and by inserting in lieu thereof the words "or any function or device or scheme held or used in conjunction with an art union or lottery";
- (iv) by inserting at the end of paragraph (h) of the same subsection the words "or game of chance, including a game partly of skill and partly of chance,";
- (v)

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- (v) by omitting from paragraph (i) of the same subsection the words "bazaar or fancy fair" and by inserting in lieu thereof the words "lottery or game of chance, including a game partly of skill and partly of chance,";
- (vi) by omitting from paragraph (j) of the same subsection the words "promoting art unions, bazaars, or fancy fairs in aid of any eleemosynary or" and by inserting in lieu thereof the following words : —
- "promoting—
- (i) art unions; or
- (ii) functions at or in conjunction with which lotteries or games of chance, including a game partly of skill and partly of chance, are conducted by, or under the authority of, charities, Schools of Arts or non-profit organisations referred to in section four or 4A of this Act,
- in aid of any";
- (vii) by inserting at the end of the same subsection the following new paragraph : —
- (1) The registration of organisations, not being charities as defined in subsection one of section two of the Charitable Collections Act, 1934, as amended by subsequent Acts, formed or conducted otherwise than for private gain, the conditions upon which any such organisation may be registered and the cancellation of the registration of any such organisation.
- (viii) by omitting from subsection two of the same section the words "bazaar, fancy fair, lottery or raffle" and by inserting in lieu thereof the words "game of chance, including a game partly of skill and partly of chance,".