

**LOTTERIES AND ART UNIONS (AMENDMENT)
ACT, 1980, No. 147**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 147, 1980.

An Act to amend the Lotteries and Art Unions Act, 1901, to provide for the substitution of prizes by art unions and similar associations and to increase the penalties which may be imposed under that Act. [Assented to, 10th December, 1980.]

Lotteries and Art Unions (Amendment).

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. This Act may be cited as the "Lotteries and Art Unions (Amendment) Act, 1980". Short title.

2. (1) Except as provided in subsections (2) and (3), this Act shall commence on the date of assent to this Act. Commencement.

(2) Section 5 shall, in its application to a provision of Schedule 1 or 2, commence on the day on which that provision commences.

(3) Schedule 1 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Lotteries and Art Unions Act, 1901, is referred to in this Act as the Principal Act. Principal Act.

4. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO SUBSTITUTION OF PRIZES.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO INCREASES IN MONETARY PENALTIES.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 34, 1901.

Lotteries and Art Unions (Amendment).

Savings. **6.** (1) Without limiting the generality of section 6B of the Principal Act, as to be inserted by this Act, that section applies to a prize (as defined in that section) which is proposed to be allotted or distributed by a voluntary association first deemed to be a lawful association under section 5 (1) of the Principal Act before the day appointed and notified under section 2 (3).

(2) An amendment made to a provision of the Principal Act by section 5 and Schedule 2 does not affect any penalty which may be imposed in respect of an offence committed against that provision before the commencement of that amendment.

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
SUBSTITUTION OF PRIZES.

(1) Section 6B—

After section 6A, insert :—

Substi-
tution
of
prizes.

6B. (1) In this section—

“art union” means a voluntary association to which paragraph (a) or (b) of section 5 (1) applies and which is deemed to be a lawful association under section 5 (1);

“major prize” means a prize of a value exceeding an amount prescribed for the purposes of this definition;

“prize”, in relation to an art union, means whatever was, when the art union was first deemed to be a lawful association under section 5 (1), proposed to be allotted or distributed by the art union by chance or otherwise among the several members, subscribers or contributors forming part of the art union.

Lotteries and Art Unions (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
SUBSTITUTION OF PRIZES—*continued.*

(2) Subject to subsections (4) and (5), the Minister may approve of the substitution by an art union of a prize if he is satisfied that the prize has been lost or destroyed or for any other reason cannot be allotted or distributed by the art union.

(3) An application for the Minister's approval under subsection (2) shall be made in writing to the Minister.

(4) Where a prize is a major prize, the Minister shall not approve of the substitution by an art union of that prize unless—

- (a) he is satisfied that subscribers or contributors to the art union have been given adequate opportunity to withdraw from membership of the art union; and
- (b) he is satisfied that any regulations made under this Act relating to the substitution of prizes and the refund of subscriptions or contributions have been complied with.

(5) Whatever is proposed to be substituted for a prize pursuant to this section must be, in the opinion of the Minister, substantially similar to, and not less in value than, that prize.

(6) Whatever is approved by the Minister under this section to be substituted for a prize shall be deemed to be, and always to have been, that prize.

Lotteries and Art Unions (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
SUBSTITUTION OF PRIZES—*continued.*

(2) Section 23 (1) (n)—

After section 23 (1) (m), insert :—

- (n) The substitution, under section 6B, of prizes by art unions and the refund of subscriptions or contributions where prizes are so substituted, including—
- (i) the making of applications for approval of the substitution of prizes; and
 - (ii) the imposing of terms and conditions subject to which prizes may be substituted.
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Sec. 5.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INCREASES IN MONETARY PENALTIES.

(1) (a) Section 3 (2)—

Omit “two hundred dollars”, insert instead “\$1,000”.

(b) Section 3 (3)—

Omit “one hundred dollars”, insert instead “\$500”.

(c) Section 3 (4)—

Omit “ten dollars”, insert instead “\$50”.

(d) Section 3 (5)—

Omit “twenty dollars”, insert instead “\$50”.

Lotteries and Art Unions (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INCREASES IN MONETARY PENALTIES—*continued.*

(2) Section 5 (1A) (c)—

Omit “two hundred dollars”, insert instead “\$1,000”.

(3) Section 9—

Omit “forty dollars”, insert instead “\$500”.

(4) (a) Section 13 (1)—

Omit “one hundred dollars”, insert instead “\$500”.

(b) Section 13 (2)—

Omit “one hundred dollars”, insert instead “\$500”.

(5) Section 17—

Omit “two hundred dollars”, insert instead “\$1,000”.

(6) Section 18—

Omit “twenty dollars”, insert instead “\$50”.

(7) Section 20—

Omit “four hundred dollars”, insert instead “\$500”.

Lotteries and Art Unions (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INCREASES IN MONETARY PENALTIES—*continued.*

(8) Section 21—

Omit “forty dollars”, insert instead “\$500”.

(9) Section 23 (2)—

Omit “forty dollars”, insert instead “\$200”.
