

LOTTERIES AND ART UNIONS (AMENDMENT) ACT 1990
No. 62

NEW SOUTH WALES



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LOTTERIES AND ART UNIONS (AMENDMENT) ACT 1990
No. 62

NEW SOUTH WALES



Act No. 62,1990

An Act to amend the Lotteries and Art Unions Act 1901 to legalise the conduct of certain sweepstakes on designated occasions and for other purposes. [Assented to 23 October 1990]

The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Lotteries and Art Unions (Amendment) Act 1990.

Commencement

2. This Act commences on the date of assent.

Amendment of Lotteries and Art Unions Act 1901 No. 34

3. The Lotteries and Art Unions Act 1901 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 4D:

After section 4C, insert:

Sweepstakes in relation to the Melbourne Cup and other events

4D. (1) In this section:

“**calcutta**” means a game in which:

- (a) each player pays a fee for a chance to win by lot a right in respect of a participant in a prescribed event; and
- (b) those rights are auctioned, the holder of each right being entitled to elect:
 - (i) to sell the right and receive one half of the proceeds of sale; or
 - (ii) to retain the right by making (and paying one half of) the highest bid; and
- (c) the prize pool, comprising the entrance fees and net auction proceeds (less any deductions permitted under this section), is distributed to the ultimate holders of the rights in respect of successful participants in the prescribed event,

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SCHEDULE 1—AMENDMENTS—*continued*

and includes any game conducted along substantially similar lines;

“prescribed amount” means:

- (a) an amount prescribed by the regulations for the purposes of this section; or
- (b) where no such amount is prescribed—\$2,000;

“prescribed event” means:

- (a) the horse race conducted by the Victoria Racing Club on the first Tuesday in November each year and known as the Melbourne Cup; or
- (b) any event prescribed (or of a class prescribed) by the regulations as an event in relation to which sweeps or calcuttas (or, if the regulations so provide, both sweeps and calcuttas) may be conducted;

“prescribed organisation” means:

- (a) a charity registered, or exempted from registration, under the Charitable Collections Act 1934; or
- (b) any organisation not formed or conducted for private gain; or
- (c) a political party or trade union; or
- (d) a registered club within the meaning of the Registered Clubs Act 1976; or
- (e) a club registered under the Rules of Racing of the Australian Jockey Club; or
- (f) a greyhound racing club within the meaning of the Greyhound Racing Control Board Act 1985; or
- (g) a harness racing club within the meaning of the Harness Racing Authority Act 1977;

“sweep” means a game in which:

- (a) each player pays a fee for a chance to win by lot a right in respect of a participant in a prescribed event; and
- (b) the prize pool, comprising the entrance fees (less any deductions permitted under this section), is distributed to the holders of the rights in respect of successful participants in the prescribed event,

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SCHEDULE 1—AMENDMENTS—*continued*

and includes any game conducted along substantially similar lines.

(2) For the purposes of this Act, calcuttas and sweeps are taken to be games of chance.

(3) The provisions of section 3 do not apply so as to prohibit the conduct of a sweep or calcutta in relation to a prescribed event if the requirements of this section (including any requirement to hold a permit) are complied with in relation to the game.

(4) The following general requirements apply:

- (a) the total amount paid as entrance fees in a sweep must not exceed the prescribed amount;
- (b) a calcutta in which the total amount paid as entrance fees exceeds the prescribed amount may not be conducted except by the holder of a permit from the Minister;
- (c) no payment or other benefit is, for the purpose of participating in the game, to be given or sought for the right to enter any place where the game is to be played;
- (d) no payment or other benefit is to be given or sought for the right to participate in the game (otherwise than by investment of stake money);
- (e) no commission on, percentage of or fee for bets or winnings is to be taken or sought by any person, whether or not a participant in the game;
- (f) all money invested by players of the game is to be paid out as prizes or otherwise returned to players in accordance with the rules of the game, except as otherwise provided by this section;
- (g) persons under the age of 16 years:
 - (i) are not to be allowed to be players in, or assist in the conduct of, the game; and
 - (ii) are not to be allowed to be present during any draw or auction for the purposes of the game.

(5) An application for a permit for the purposes of this section must be made in writing to the Minister and must be accompanied by the prescribed fee, if any.

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(6) The Minister may grant a permit to an applicant unconditionally or subject to conditions, or may refuse to grant the permit.

(7) By notice in writing to the holder of a permit, the Minister may at any time revoke the permit or add conditions to the permit or vary or revoke any existing conditions.

(8) Money invested by players may be applied to costs and expenses properly incurred in connection with the conduct of the game, such as

- (a) the cost of purchasing tickets or stationery; or
- (b) in the case of a game conducted pursuant to a permit under this section—wages or remuneration of persons assisting the promotion of the game.

(9) If the game is conducted by or with the authority of a prescribed organisation, money invested by players of the game and not applied to prize money in connection with the game or applied to costs and expenses referred to in subsection (8) may be applied to the purposes of the organisation.

(10) Nothing in subsection (4) (c) applies to an entrance fee for admission to a licensed racecourse or other ground, so long as the fee is customary and unrelated to the game.

(2) Section 10 (**Production of accounts and records**):

After “section 5 (1)” in section 10 (3), insert “, or who conducts a game of chance pursuant to a permit under section 4D”.

(3) Section 14 (**Falsification of books etc.**):

- (a) From section 14 (a)–(c), omit “or a game” wherever occurring, insert instead “, a game”.
- (b) In section 14 (a)–(c), after “section 4C” wherever occurring, insert “or a game of chance conducted pursuant to a permit under section 4D”.

(4) Section 15A (**Delegation of Minister’s powers**):

From section 15A (1), omit “sections 4,4A, 4B, 4C, 5,6, 10 and 15”, insert instead “this Act”.

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SCHEDULE 1—AMENDMENTS—*continued*

(5) Section 16 (**Misappropriation of funds or prizes**):

After “trade,”, insert “or a game of chance conducted under section 4D,”.

(6) Section 17 (**Fraudulent conduct of lotteries and games of chance**):

From section 17 (a), omit “or 4B”, insert instead “, 4B or 4D”.

*[Minister's second reading speech made in—
Legislative Assembly on 10 October 1990
Legislative Council on 17 October 1990]*