



New South Wales

Lotteries and Art Unions Amendment Act 2000 No 63

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Lotteries and Art Unions Amendment Act 2000 No 63

Act No 63, 2000

An Act to amend the *Lotteries and Art Unions Act 1901* to make lawful the conduct of progressive and gratuitous lotteries, to allow money to be awarded as a prize in certain lotteries, games of chance and art unions and to prohibit the awarding of certain prizes; and for other purposes. [Assented to 5 July 2000]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Lotteries and Art Unions Amendment Act 2000*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Lotteries and Art Unions Act 1901 No 34

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

Schedule 1 Amendments

(Section 3)

[1] Section 2A Definitions

Insert at the end of the definition of *lottery* in section 2A (1):

- , or
- (c) a progressive lottery within the meaning of section 4F conducted as authorised by that section, or
 - (d) a gratuitous lottery within the meaning of section 4G conducted as authorised by that section.

[2] Section 2A (1)

Insert in alphabetical order:

prohibited prize means any of the following:

- (a) tobacco in any form,
- (b) a firearm, or ammunition, within the meaning of the *Firearms Act 1996*,
- (c) a prohibited weapon within the meaning of the *Weapons Prohibition Act 1998*,
- (d) the provision of cosmetic surgery or other similar procedure the main purpose of which is to improve personal appearance or self-esteem,
- (e) any item or service prescribed by the regulations for the purposes of this definition.

[3] Section 4 Certain charitable and non-profit organisations authorised to conduct lotteries

Omit the definition of *Prize* from section 4 (1).

[4] Section 4 (3) (a)

Insert “total” before “value”.

[5] Section 4 (3) (c), (c1) and (d)

Omit the paragraphs. Insert instead:

- (c) that the amount of money awarded as a prize in any one lottery does not exceed the amount prescribed by the regulations,
- (c1) that any spending money awarded in conjunction with a prize comprising tickets for a tour or journey does not exceed the amount, or the proportion of the total value of the prize, prescribed by the regulations,
- (d) that no prize in the lottery consists of or includes a prohibited prize,

[6] Section 4A Certain organisations authorised to conduct games of chance

Omit the definition of *Prize* from section 4A (1).

[7] Section 4A (3) (b)

Insert “total” before “value”.

[8] Section 4A (3) (e), (e1) and (f)

Omit section 4A (3) (e) and (f). Insert instead:

- (e) that the amount of money awarded as a prize in any one game does not exceed the amount prescribed by the regulations,
- (e1) that any spending money awarded in conjunction with a prize comprising tickets for a tour or journey does not exceed the amount, or the proportion of the total value of the prize, prescribed by the regulations,
- (f) that no prize in the game of chance consists of or includes a prohibited prize,

[9] Section 4B Lotteries and games of chance for the promotion of trade

Omit section 4B (3) (d). Insert instead:

- (d) that no prize in the lottery or game of chance consists of or includes a prohibited prize, and

[10] Section 4C Games of chance in registered clubs

Insert “total” before “value” in section 4C (3) (b).

[11] Section 4C (3) (f)

Omit the paragraph. Insert instead:

- (f) that no prize in the game consists of or includes a prohibited prize,

[12] Section 4D Sweepstakes in relation to Melbourne Cup and other events

Insert after section 4D (4) (g):

- (h) no prize in the game is to consist of or include a prohibited prize.

[13] Section 4E Conduct of certain games of housie authorised

Insert “total” before “value” wherever occurring in section 4E (2) (e) and (f).

[14] Section 4E (2) (g)

Omit the paragraph. Insert instead:

- (g) the prizes in the game or session of games do not consist of or include a prohibited prize,

[15] Sections 4F and 4G

Insert after section 4E:

4F Conduct of progressive lotteries authorised

(1) In this section:

progressive lottery means a lottery or game of chance in which a number of draws may be conducted on various dates over a stipulated period of time, and includes:

- (a) a “hundred club”, “silver circles” or any other lottery or game of chance conducted along substantially similar lines, and
- (b) a tipping competition (or other lottery or game of chance conducted along substantially similar lines) in which:

- (i) the participants predict the outcome or results of a sporting or other contingency, and
- (ii) points are awarded for successful predictions, and
- (iii) the prize pool is distributed to the participant who accumulates the most points over a stipulated period, and
- (iv) periodical prizes may be awarded (in accordance with the rules of the competition),

but does not include:

- (c) a sweep, or a calcutta, within the meaning of section 4D, and
 - (d) anything prescribed by the regulations as not being a progressive lottery.
- (2) The provisions of section 3 do not prohibit the conduct of a progressive lottery if the following requirements are complied with in relation to the lottery:
- (a) if the total amount paid as entrance fees in the lottery, or that is otherwise paid to participate in the lottery, exceeds the amount (if any) prescribed by the regulations, the lottery must not be conducted except by the holder of a permit from the Minister,
 - (b) the total amount paid by the participants in the lottery must not exceed the amount (if any) prescribed by the regulations,
 - (c) the total value of the prizes in the lottery must not exceed the amount (if any) prescribed by the regulations,
 - (d) the amount of money awarded as a prize in the lottery must not exceed the amount (if any) prescribed by the regulations,
 - (e) any spending money awarded in conjunction with a prize comprising tickets for a tour or journey must not exceed the amount (if any), or the proportion (if any) of the total value of the prize, prescribed by the regulations,
 - (f) prizes must not consist of or include any prohibited prize,

- (g) a charge or other consideration, for the purposes of participating in the lottery, must not be paid or given to, or be taken by, any person to enter the place where the progressive lottery, or the sporting or other contingency to which the lottery relates, is being conducted,
 - (h) if a person who intends to participate in the lottery is required to call a specified telephone number in order to participate in the lottery, the cost for calling that number must not exceed the amount (if any) prescribed by the regulations, and the person or organisation conducting the lottery must not receive, directly or indirectly, any amount that may be paid for calling the number,
 - (i) all money paid by the participants in the lottery must:
 - (i) be applied towards prizes or otherwise returned to the participants in accordance with the rules of the lottery, or
 - (ii) be partly applied as set out in subparagraph (i) and partly applied towards costs and expenses properly incurred in connection with the conduct of the lottery, or
 - (iii) if the lottery is conducted or authorised by or on behalf of an organisation not formed or conducted for private gain—be applied to the purposes of the organisation in addition to the purposes set out in subparagraph (i) or (ii),
 - (j) a salary, wage, fee, commission, percentage or other benefit (other than a prize) must not be paid or given to, or taken by, any person in connection with the conduct of the lottery,
 - (k) the lottery must be conducted in accordance with the regulations.
- (3) A person may apply to the Minister for a permit under this section.
- (4) An application:
- (a) may only be made by or on behalf of a person who is of or over the age of 18 years, and
 - (b) must be in writing, and

- (c) must be accompanied by the fee (if any) prescribed by the regulations.
- (5) The Minister may:
 - (a) grant a permit to an applicant unconditionally or subject to conditions, or
 - (b) refuse to grant a permit.
- (6) The Minister may, at any time, by notice in writing served on the holder of a permit under this section, revoke the permit or do either or both of the following:
 - (a) vary or revoke any conditions of the permit,
 - (b) impose new conditions on the permit.
- (7) Nothing in subsection (2) (g) applies to an entrance fee for admission to a place so long as the fee is customary and unrelated to the lottery.

4G Conduct of gratuitous (free entry) lotteries authorised

- (1) In this section:
 - gratuitous lottery* means a lottery or game of chance (including such lotteries or games of chance known as “lucky door” or “lucky seat” prizes) in which entry or participation in the lottery or game is free.
- (2) The provisions of section 3 do not prohibit the conduct of a gratuitous lottery if the following requirements are complied with in relation to the lottery:
 - (a) the lottery must not be conducted for the purposes of promoting any trade or business,
 - (b) an entry or participation fee must not be charged in connection with the lottery,
 - (c) prizes must not consist of money or any prohibited prize,
 - (d) the total value of the prizes in the lottery must not exceed the amount (if any) prescribed by the regulations.

[16] Section 5 Art unions

Omit the definition of *prize* from section 5 (1).

[17] Section 6 Conditions and permits for art unions

Omit section 6 (1) (d) and (e). Insert instead:

- (d) that any prize to be allotted or distributed by the art union does not consist of or include a prohibited prize,
- (e) that money raised by the art union is not allotted or distributed on condition that it be spent wholly or partly in purchasing a prohibited prize,

[18] Section 6 (1) (g) and (g1)

Omit section 6 (1) (g). Insert instead:

- (g) that the amount of any money allocated or distributed by the art union to any one member as a prize does not exceed the amount prescribed by the regulations,
- (g1) that any spending money allocated or distributed in conjunction with a prize comprising tickets for a tour or journey does not exceed the amount, or the proportion of the total value of allotment or distribution by the art union, prescribed by the regulations,

[19] Section 6 (4) (a)

Insert “total” before “value”.

[20] Section 6 (4) (b)

Omit the paragraph.

[21] Section 14 Falsification of records

Omit “or 4E” from section 14 (a). Insert instead “, 4E, 4F or 4G”.

[22] Section 16 Misappropriation of funds or prizes

Omit “or 4E” from section 16 (b). Insert instead “, 4E, 4F or 4G”.

[23] Section 17 Fraudulent conduct of lotteries and games of chance

Omit “or 4B” from section 17 (a). Insert instead “, 4B or 4F”.

[24] Section 17 (b)

Omit “or 4E”. Insert instead “, 4E, 4F or 4G”.

[25] Section 23 Regulations

Insert after section 23 (1) (p):

- (q) The conduct of progressive lotteries referred to in section 4F or gratuitous lotteries referred to in section 4G.
- (r) The awarding of money as a prize in any lottery or game of chance, or the allocation or distribution by an art union of money as a prize in the art union.

[Minister's second reading speech made in—
Legislative Assembly on 31 May 2000
Legislative Council on 29 June 2000]