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New South Wales

Lotteries and Art Unions Amendment Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

At present the *Lotteries and Art Unions Act 1901* allows the conduct of housie (or bingo) games for charitable fundraising purposes and as a form of social entertainment for the members and guests of registered clubs. In both cases permits are required.

For many years other games of housie have been conducted by various social groups in places such as retirement villages, community centres, church halls and aged-care centres without authority.

The object of this Bill is to amend the Act to make lawful the conduct of these social games of housie without the need for a permit, but subject to the games being conducted as set out in the Act or in regulations under the Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Lotteries and Art Unions Act 1901* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] amends a definition of *game of chance* to take into account games of housie referred to in new section 4E (to be inserted by Schedule 1 [2]).

Schedule 1 [2] inserts a new section 4E to make lawful the conduct of games of housie if certain requirements are complied with. These include requirements that:

- (a) games are not conducted on licensed premises or the premises of registered clubs, and
- (b) except as prescribed by regulation, no charge or other consideration is made or given for participating in the games, and
- (c) money invested in the games is applied towards prizes and the costs and expenses of conducting games or, if the games are conducted by a non-profit organisation, applied towards those purposes and the purposes of the organisation, and
- (d) any regulations made under the Act in relation to the conduct of the games are complied with.

Schedule 1 [3]–[5] extend the operation of sections of the Act relating to falsification of records, misappropriation and fraudulent conduct to games of housie conducted under the new section.

Schedule 1 [6] extends a regulation-making power so as to authorise the making of regulations in regard to agreements between persons promoting games of housie referred to in the new section and the persons or organisations conducting them.

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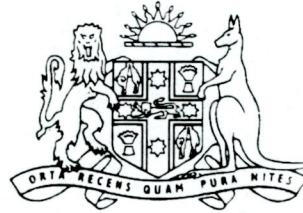


New South Wales

Lotteries and Art Unions Amendment Bill 1998

Contents

| | Page |
|---|------|
| 1 Name of Act | 2 |
| 2 Commencement | 2 |
| 3 Amendment of Lotteries and Art Unions Act 1901 No 34 | 2 |
| Schedule 1 Amendments | 3 |



New South Wales

Lotteries and Art Unions Amendment Bill 1998

No. , 1998

A Bill for

An Act to amend the *Lotteries and Art Unions Act 1901* to make lawful the conduct of certain games of housie.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Lotteries and Art Unions Amendment Act 1998*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation. 5

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 *game of chance* in section 2A (1):

5

, or

- (e) a game of housie conducted as authorised by section 4E.

[2] Section 4E

Insert after section 4D:

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4E Conduct of certain games of housie authorised

- (1) In this section:

game of housie means the game known as "housie" and includes any like game.

session of games means a number of games of housie held in succession on the one occasion and at the one place.

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- (2) The provisions of section 3 do not prohibit the conduct of a game of housie if the following requirements are complied with:

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- (a) the game is not conducted on licensed premises under the *Liquor Act 1982* or on the premises of a club registered under the *Registered Clubs Act 1976*,

- (b) except as prescribed, no charge or other consideration is made or given for participating in the game.

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- (c) no charge or other consideration, for the purpose of participating in the game, is made or given to enter the place where the game is to be conducted,

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- (d) tickets, cards or other materials for the game are distributed only at the place where it is conducted.
 - (e) the amount or value of the prizes in the game is not more than the prescribed amount.
 - (f) the amount or value of any jackpot prizes in the session of games of which the game is part is not more than the prescribed amount. 5
 - (g) the prizes in the game or session of games do not consist of or include tobacco in any form.
 - (h) all money invested by the players of the game is: 10
 - (i) applied towards prizes or otherwise returned to players in accordance with the rules of the game, or
 - (ii) partly applied as set out in subparagraph (i) and partly applied towards costs and expenses properly incurred in connection with the conduct of the game or the session of games of which the game is part, or 15
 - (iii) if the game is conducted or authorised by an organisation not formed or conducted for private gain, applied to the purposes of the organisation in addition to the purposes set out in subparagraph (i) or (ii), 20
 - (i) no salary, wage, fee, commission, percentage or other benefit (other than a prize) is paid or given to, or taken by, any person in connection with the conduct of the game. 25
 - (j) the total amount invested by players in the session of games of which the game is part is not more than the prescribed amount (if any). 30
 - (k) any regulations relating to the conduct of the game or the session of games of which it is part are complied with.

[3] Section 14

Omit the section. Insert instead:

14 Falsification of records

A person who, with intent to defraud or deceive another person: 5

(a) alters or falsifies a record relating to a lottery or game of chance conducted as authorised by section 4, 4A, 4B, 4C, 4D or 4E, or

(b) makes or concurs in the making of a false or fraudulent entry in a record relating to such a lottery or game, or 10

(c) omits or concurs in omitting a material particular from a record relating to such a lottery or game, is guilty of an indictable offence.

Maximum penalty: 200 penalty units or imprisonment for 5 years, or both. 15

[4] Section 16

Omit the section. Insert instead:

16 Misappropriation of funds or prizes

A person who is concerned in the conduct of: 20

(a) a lottery for which an art union has been formed, or

(b) a lottery or game of chance conducted as authorised by section 4, 4A, 4B, 4C, 4D or 4E.

and who converts to his or her own use any money raised by means of the lottery or game or any prizes connected with it is guilty of an indictable offence. 25

Maximum penalty: 200 penalty units or imprisonment for 5 years, or both.

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

Omit "or 4D" wherever occurring. Insert instead ". 4D or 4E".

[6] Section 23 Regulations

Omit section 23 (1) (m). Insert instead:

- (m) The terms of agreement between persons promoting: 5
 - (i) games of chance referred to in section 4C or games of housie referred to in section 4E, or
 - (ii) functions at or in conjunction with which those games are conducted. 10

and the persons, clubs or organisations conducting or authorising the conduct of the games.