

Passed by both Houses



New South Wales

Lotteries and Art Unions Amendment Bill 2003

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2003*



New South Wales

Lotteries and Art Unions Amendment Bill 2003

Act No , 2003

*An Act to amend the *Lotteries and Art Unions Act 1901* to specify the objects of the Act and with respect to the conduct of games of chance by registered clubs and the conduct of foreign lotteries; to make consequential amendments to the *Administrative Decisions Tribunal Act 1997* and the *Licensing and Registration (Uniform Procedures) Act 2002*; and for other purposes.*

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Lotteries and Art Unions Amendment Act 2003*.

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.

4 Consequential amendment of other Acts

The Acts specified in Schedule 2 are amended as set out in that Schedule.

Schedule 1 Amendment of Lotteries and Art Unions Act 1901

(Section 3)

[1] Section 2

Omit the section. Insert instead:

2 Objects of Act

- (1) The principal object of this Act is to ensure that, on balance, the State and the community as a whole benefit from lottery activities.
- (2) This Act seeks to achieve that balance by allowing, in the public interest, the conduct of lottery activities subject to a system of regulation and control designed to protect players and the community through:
 - (a) restricting who may conduct and benefit from lottery activities, and
 - (b) ensuring the integrity and fairness of lottery activities, and
 - (c) ensuring the probity of those involved in the conduct of lottery activities, and
 - (d) minimising the potential for harm from lottery activities.
- (3) Particular objects of this Act include:
 - (a) to set and maintain appropriate standards and levels of accountability for the conduct of lottery activities, and
 - (b) to ensure that the public obtains reasonable net benefits from the conduct of lottery activities, and
 - (c) to ensure that lottery activities are not exploited for personal gain by those conducting the lottery activities, and
 - (d) to maintain and protect the integrity of lottery activities, and
 - (e) to assist the ongoing viability of organisations conducting lottery activities that have developed in the public interest and contribute positively to the community, and

- (f) to ensure that the proceeds and profits of lottery activities are applied to the particular purposes, or go to the persons or organisations, in accordance with representations made during the conduct of the lottery activities.

[2] Section 2A Definitions

Insert in alphabetical order in section 2A (1):

publish means disseminate, exhibit, provide or communicate by oral, visual, written, electronic or other means (for example, by way of newspaper, radio, television or through use of the Internet, subscription TV or other on-line communications system), and includes cause to be published.

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

Insert “or an interstate club within the meaning of section 30 (13) of that Act” after “*Registered Clubs Act 1976*” in section 4B (7).

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

Omit section 4C (3) (a), (4), (4AA), (4A) and (5).

[5] Section 4C (3) (b)

Omit “or such lesser amount as may be specified in the permit referred to in paragraph (a) in respect of the game”.

Insert instead “in respect of the game or type of game”.

[6] Section 4C (3) (d) and (g)

Omit “in the permit referred to in paragraph (a) in respect of the game” wherever occurring.

Insert instead “by or under the regulations in respect of the game or type of game”.

[7] Section 4C (3) (i)

Omit the paragraph. Insert instead:

- (i) any other conditions imposed by or under the regulations in respect of the game or type of game.

[8] Sections 19 and 19A

Omit section 19. Insert instead:

19 Definition of “foreign lottery”

In this Part:

foreign lottery means a lottery (whether it is described as a lottery, or as a sweep, or called by any other name or designation), including a lottery within the meaning of section 3, that:

- (a) is conducted or to be conducted outside Australia and whether or not it is legal in the place where it is or is to be conducted, or
- (b) is conducted or to be conducted in another State or a Territory and is declared by the Minister, by order published in the Gazette, to be a lottery that fails to comply with the standards required of lottery activities conducted in New South Wales.

19A Application of Act to lotteries conducted outside NSW

A lottery (however described) is subject to section 3 and the other provisions of this Act even if it is conducted or to be conducted outside New South Wales (whether or not it is subject to a declaration under paragraph (b) of the definition of *foreign lottery* in section 19).

[9] Sections 22A and 22AA

Omit section 22A. Insert instead:

22A Minister may issue direction prohibiting conduct of lottery activity

- (1) This section applies if the Minister is satisfied:
 - (a) that it is likely that the provisions of this Act or the regulations or the conditions of a permit have not been, or will not be, complied with in relation to a lottery activity, or
 - (b) that it would otherwise be against the public interest for the lottery activity to be conducted.

- (2) The Minister may, by written notice given to the person or organisation conducting the lottery, give a direction prohibiting the conduct of the lottery activity.
- (3) A person or organisation given a direction under subsection (2) must comply with the direction.
Maximum penalty: 50 penalty units.
- (4) A person or organisation given a direction under subsection (2) may apply to the Administrative Decisions Tribunal for a review of the decision by the Minister to give the direction.

22AA Minister may prohibit person or organisation from conducting lottery activities

- (1) This section applies if the Minister is satisfied:
 - (a) that a person or organisation has persistently failed to comply with the provisions of this Act or the regulations or the conditions of a permit, and
 - (b) that the person or organisation is likely to continue to do so.
- (2) The Minister may, by written notice given to the person or organisation, give a direction prohibiting the person or organisation from conducting any lottery activities for a period not exceeding 2 years after the notice is given to the person or organisation.
- (3) A person or organisation given a direction under subsection (2) must comply with the direction.
Maximum penalty: 50 penalty units.
- (4) A person or organisation given a direction under subsection (2) may apply to the Administrative Decisions Tribunal for a review of the decision by the Minister to give the direction.

[10] Schedule 1 Repeals

Omit the Schedule.

[11] Schedule 2 Savings and transitional provisions

Insert at the end of clause 1 (1):

Lotteries and Art Unions Amendment Act 2003

[12] Schedule 2, Part 3

Insert after Part 2:

**Part 3 Provision consequent on enactment of
Lotteries and Art Unions Amendment
Act 2003**

6 Orders under section 22A

An order of the Supreme Court made under section 22A and in force immediately before the commencement of Schedule 1 [9] to the *Lotteries and Art Unions Amendment Act 2003* continues in force after that commencement as if section 22A had not been substituted.

Schedule 2 Consequential amendment of other Acts (Section 4)

2.1 Administrative Decisions Tribunal Act 1997 No 76

Schedule 2 Composition and functions of Divisions

Insert in alphabetical order in clause 2 (1) of Part 4:

Lotteries and Art Unions Act 1901

2.2 Licensing and Registration (Uniform Procedures) Act 2002 No 28

[1] Schedule 4 Amendment of other Acts and statutory rules

Omit Schedule 4.7 [3].

[2] Schedule 4.7 [7]

Omit section 7 (1) (c) of the *Lotteries and Art Unions Act 1901* as proposed to be inserted by that item.