

Second print



New South Wales

# Lotteries and Art Unions Amendment Bill 2003

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,*



New South Wales

## **Lotteries and Art Unions Amendment Bill 2003**

Act No      , 2003

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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.

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***EXAMINED***

*Chairman of Committees*

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Lotteries and Art Unions Amendment Act 2003</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5 6
<b>3 Amendment of Lotteries and Art Unions Act 1901 No 34</b>	7
The <i>Lotteries and Art Unions Act 1901</i> is amended as set out in Schedule 1.	8 9
<b>4 Consequential amendment of other Acts</b>	10
The Acts specified in Schedule 2 are amended as set out in that Schedule.	11 12

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**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.	1 2 3 4 5
<b>[2]</b>	<b>Section 2A Definitions</b>	6
	Insert in alphabetical order in section 2A (1):	7
	<i>publish</i> 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.	8 9 10 11 12
<b>[3]</b>	<b>Section 4B Lotteries and games of chance for the promotion of trade</b>	13 14
	Insert “or an interstate club within the meaning of section 30 (13) of that Act” after “ <i>Registered Clubs Act 1976</i> ” in section 4B (7).	15 16
<b>[4]</b>	<b>Section 4C Games of chance in registered clubs</b>	17
	Omit section 4C (3) (a), (4), (4AA), (4A) and (5).	18
<b>[5]</b>	<b>Section 4C (3) (b)</b>	19
	Omit “or such lesser amount as may be specified in the permit referred to in paragraph (a) in respect of the game”.	20 21
	Insert instead “in respect of the game or type of game”.	22
<b>[6]</b>	<b>Section 4C (3) (d) and (g)</b>	23
	Omit “in the permit referred to in paragraph (a) in respect of the game” wherever occurring.	24 25
	Insert instead “by or under the regulations in respect of the game or type of game”.	26 27
<b>[7]</b>	<b>Section 4C (3) (i)</b>	28
	Omit the paragraph. Insert instead:	29
	(i) any other conditions imposed by or under the regulations in respect of the game or type of game.	30 31

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<b>[8] Sections 19 and 19A</b>	1
Omit section 19. Insert instead:	2
<b>19 Definition of “foreign lottery”</b>	3
In this Part:	4
<i>foreign lottery</i> 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:	5
(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	6
(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.	7
<b>19A Application of Act to lotteries conducted outside NSW</b>	8
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 <i>foreign lottery</i> in section 19).	9
<b>[9] Sections 22A and 22AA</b>	10
Omit section 22A. Insert instead:	11
<b>22A Minister may issue direction prohibiting conduct of lottery activity</b>	12
(1) This section applies if the Minister is satisfied:	13
(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	14
(b) that it would otherwise be against the public interest for the lottery activity to be conducted.	15

(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.	1 2 3
(3)	A person or organisation given a direction under subsection (2) must comply with the direction.  Maximum penalty: 50 penalty units.	4 5 6
(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.	7 8 9
<b>22AA</b>	<b>Minister may prohibit person or organisation from conducting lottery activities</b>	10 11
(1)	This section applies if the Minister is satisfied:	12
(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	13 14 15
(b)	that the person or organisation is likely to continue to do so.	16 17
(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.	18 19 20 21 22
(3)	A person or organisation given a direction under subsection (2) must comply with the direction.  Maximum penalty: 50 penalty units.	23 24 25
(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.	26 27 28
<b>[10]</b>	<b>Schedule 1 Repeals</b>	29
	Omit the Schedule.	30
<b>[11]</b>	<b>Schedule 2 Savings and transitional provisions</b>	31
	Insert at the end of clause 1 (1):	32
	<i>Lotteries and Art Unions Amendment Act 2003</i>	33

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<b>[12] Schedule 2, Part 3</b>	1
Insert after Part 2:	2
<b>Part 3      Provision consequent on enactment of               Lotteries and Art Unions Amendment               Act 2003</b>	3 4 5
<b>6 Orders under section 22A</b>	6
An order of the Supreme Court made under section 22A and in force immediately before the commencement of Schedule 1 [9] to the <i>Lotteries and Art Unions Amendment Act 2003</i> continues in force after that commencement as if section 22A had not been substituted.	7 8 9 10 11

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<b>Schedule 2 Consequential amendment of other Acts</b>	1
(Section 4)	2
<b>2.1 Administrative Decisions Tribunal Act 1997 No 76</b>	3
<b>Schedule 2 Composition and functions of Divisions</b>	4
Insert in alphabetical order in clause 2 (1) of Part 4:	5
<i>Lotteries and Art Unions Act 1901</i>	6
<b>2.2 Licensing and Registration (Uniform Procedures) Act 2002 No 28</b>	7
	8
<b>[1] Schedule 4 Amendment of other Acts and statutory rules</b>	9
Omit Schedule 4.7 [3].	10
<b>[2] Schedule 4.7 [7]</b>	11
Omit section 7 (1) (c) of the <i>Lotteries and Art Unions Act 1901</i> as proposed to be inserted by that item.	12
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