

Queensland



ART UNIONS AND PUBLIC AMUSEMENTS ACT 1992

**Reprinted as in force on 1 February 1993
(Act not amended up to this date)**

Reprint No. 1

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- omit the enacting words as permitted by section 7(1)(a) of that Act;
- use different spelling consistent with current legislative drafting practice as permitted by section 26(2) of that Act;
- use punctuation consistent with current legislative drafting practice as permitted by section 27 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- omit provisions that are no longer required as permitted by sections 39 and 40 of that Act;
- correct minor errors as permitted by section 44 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

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AMUSEMENTS ACT 1992**

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ART UNIONS AND PUBLIC AMUSEMENTS ACT 1992

[reprinted as in force on 1 February 1993²]

An Act to provide for the conduct of art unions and public amusements, and for related purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Art Unions and Public Amusements Act 1992*³⁻⁵.

Commencement

2. This Act commences on a day to be fixed by proclamation.

Objects of Act

3. The objects of the Act include ensuring—
- (a) the maintenance of appropriate standards for the conduct of art unions; and
 - (b) that the community obtains reasonable net benefits from the conduct of art unions; and
 - (c) the integrity of art unions; and
 - (d) that practices that could damage public confidence in art unions are eliminated; and
 - (e) that bingo centre operators provide premises and facilities of a suitable and appropriate standard; and

- (f) that public confidence and trust in the purchase of art union tickets as a worthwhile way of supporting the fundraising activities of eligible associations are maintained; and
- (g) that eligible associations achieve operational efficiencies and reasonable net returns in the conduct of art unions; and
- (h) the maintenance of appropriate standards for the conduct of public amusements and public amusement places; and
- (i) that public amusements and public amusement places are conducted in an inoffensive and orderly way; and
- (j) that the conduct of public amusements and public amusement places does not prejudice the wellbeing and safety of the public (particularly minors).

Definitions

4. In this Act—

“art union” has the meaning given by section 5;

“association” means an association of persons (whether or not incorporated);

“authority” means—

- (a) a permit, licence or approval; or
- (b) an endorsement of a minor art union licence to permit the conduct of minor bingo;

“bingo” means the games known as bingo, housie and housie-housie, and includes a game of a similar kind (whatever it is known as);

“bingo premises” means premises that are used for the conduct of bingo sessions;

“calcutta sweep” has the meaning given by section 17;

“charitable purpose” means—

- (a) the purpose of helping or assisting persons who are residents of the State and—

- (i) are persons with a disability within the meaning of the *Disability Services Act 1992*; or
- (ii) need help or assistance because of their age (whether young or old), sickness, infirmity, bereavement, poverty or unemployment; or
- (iii) need help or assistance because their property has been damaged or destroyed by or because of a natural disaster; or
- (iv) are dependants of persons mentioned in subparagraphs (i) to (iii); or

(b) another purpose prescribed for the purposes of this definition;

“community purpose” means the purpose of promoting the general welfare of the public, or a section of the public, in the State (other than for private or commercial gain);

“conduct” includes promote, organise, manage, control and operate;

“constituent unit” of an eligible association means a branch, sub-branch, committee, council or other body of persons established under the rules (whatever called) of the association;

“educational purpose” means—

(a) the purpose of helping or assisting any of the following—

- (i) a school, college (including a State college within the meaning of the *Vocational Education, Training and Employment Act 1991*), university or other educational institution;
 - (ii) a school of arts or public library;
- established, or proposed to be established, in the State (other than for private or commercial gain); or

(b) another purpose prescribed for the purposes of this definition;

“eligible association” means—

- (a) an association that was formed, and is operated, principally for—
 - (i) a charitable purpose; or
 - (ii) a religious purpose; or

- (iii) an educational purpose; or
- (iv) a patriotic purpose; or
- (v) a sporting purpose; or
- (vi) a community purpose; or
- (b) a parents and citizens association formed under the *Education (General Provisions) Act 1989*; or
- (c) a registered political party within the meaning of the *Electoral Act 1992*;

and includes a constituent unit of the association or party;

“exempt art union” has the meaning given by section 7;

“gross proceeds” of an art union means the total value of tickets sold in the art union;

“high roller session” means a major bingo session in which the gross proceeds for the session may be up to twice the amount permitted under section 48 (Gross proceeds not to exceed prescribed amount) for a bingo session that is not a high roller session;

“holder” of an authority means the person named in the authority as the person to whom the authority is issued;

“issued” includes given;

“licensed premises” means licensed premises within the meaning of the *Liquor Act 1992*;

“lucky envelopes” has the meaning given by section 18;

“major art union” has the meaning given by section 14;

“major bingo” has the meaning given by section 16;

“management committee” of an eligible association means the committee or other body of persons, whatever called, that conducts the affairs of the association;

“minor art union” has the meaning given by section 13;

“minor bingo” has the meaning given by section 15;

“multiple drawing art union” means an art union in which prize winners are determined by way of at least—

- (a) 1 intermediate drawing; and
- (b) a final drawing that takes place at least 1 day later than the intermediate draw or the last intermediate draw;

“non-exempt art union” has the meaning given by section 12;

“nonprofit sweep” has the meaning given by section 8;

“patriotic purpose” means—

- (a) the purpose of helping or assisting members of the Australian Defence Force (the ‘ADF’), or members of the armed forces of another country with whom members of the ADF are serving, by providing—
 - (i) things for the comfort or convenience of the members of the ADF, or the members of the forces of the other country, in the State or outside Australia; or
 - (ii) functions in the State to farewell or welcome the members mentioned in paragraph (a);during a war, defence emergency or United Nations peacekeeping operations in which members of the ADF are involved; or
- (b) another purpose prescribed for the purpose of this definition;

“place” includes vacant land and premises;

“premises” includes—

- (a) a building or structure, or part of a building or structure, of any kind; and
- (b) the land on which a building or structure is situated;

“promoter” of a major art union means the individual who is appointed—

- (a) under section 30 (Special committee and promoter of major art union) as the promoter of the major art union; or
- (b) under section 36 (Vacancy in appointment to be filled) to fill a vacancy in an appointment as promoter;

“public amusement” has the meaning given by section 19;

“religious purpose” means—

- (a) the purpose of helping or assisting a church, mosque, pagoda, synagogue, temple or other religious body that is established, or proposed to be established, in the State; or
- (b) another purpose prescribed for the purposes of this definition;

“retail shopping centre” means a retail shopping centre within the meaning of the *Retail Shop Leases Act 1984*;

“session” of bingo means a period during which the prescribed number of games of bingo are played;

“small private raffle” has the meaning given by section 9;

“social bingo” has the meaning given by section 11;

“special committee” for a major art union means the committee appointed by the relevant eligible association under section 30 (Special committee and promoter of major art union);

“sporting purpose” means—

- (a) the purpose of helping or assisting an association (other than a horse race club, harness race club or greyhound race club within the meaning of the *Racing and Betting Act 1980*) in the promotion, furtherance or control in the State of any sporting activity that is engaged in competitively; or
- (b) another purpose prescribed for the purpose of this definition;

“start” of an art union means the time when the sale or distribution of tickets to ticket holders in the art union begins;

“sweep” means an art union in which the prize winners are determined by the result of a future sporting event;

“ticket”, in relation to an art union, means a document or thing that evidences, or is intended to evidence, a person’s right to take part in the art union.

PART 2—BASIC CONCEPTS

Division 1—What is an art union?

Subdivision A—General

Meaning of “art union”

5.(1) An “art union” is a game, scheme or arrangement offering prizes (whether or not tickets are sold or distributed) in which the winners are determined—

- (a) wholly or partly by chance; or
- (b) by a competition or other activity having an outcome depending on fate, for example, a guessing competition.

(2) “Art unions” include—

- (a) bingo; and
- (b) calcutta sweeps; and
- (c) lotteries; and
- (d) lucky envelopes; and
- (e) raffles; and
- (f) trade promotion art unions; and
- (g) sweeps that are not calcutta sweeps; and
- (h) similar games, schemes or arrangements.

Subdivision B—Types of art union

Types of art union

6.(1) Art unions are—

- (a) exempt art unions; or
- (b) non-exempt art unions.

(2) Subdivision C deals with exempt art unions.

(3) Subdivision D deals with non-exempt art unions.

Subdivision C—Exempt art unions

Meaning of “exempt art union”

7. An “**exempt art union**” is any of the following art unions—

- (a) a nonprofit sweep;
- (b) a small private raffle;
- (c) a trade promotion art union;
- (d) social bingo.

Meaning of “nonprofit sweep”

8. A “**nonprofit sweep**” is a sweep in which—

- (a) the gross proceeds of the sweep are not more than—
 - (i) \$500; or
 - (ii) if a greater amount is prescribed—that amount; and
- (b) the whole of the gross proceeds are distributed to the prize winners in the sweep; and
- (c) all tickets in the sweep are sold on the day of the sporting event to which the sweep relates.

Meaning of “small private raffle”

9. A “**small private raffle**” is a raffle in which—

- (a) tickets are sold only to—
 - (i) persons who all—
 - (A) work or live on the same premises; or
 - (B) work for the same employer; or
 - (ii) persons who are all members of, or are genuine guests of, an association formed for a common purpose; or

- (iii) another class of persons prescribed for the purposes of this section; and
- (b) the gross proceeds of the raffle are not more than—
 - (i) \$500; or
 - (ii) if a greater amount is prescribed—that amount; and
- (c) a proportion (or the whole) of the total gross proceeds of the raffle is to be allocated towards prizes for that raffle and the balance (if any) applied towards furthering the objects of an association; and
- (d) the sale of tickets and the declaration of the results of the raffle take place within 8 days.

Meaning of “trade promotion art union”

10. A “trade promotion art union” is an art union in which—

- (a) the art union is conducted—
 - (i) for the purpose of promoting the sale of goods or services; or
 - (ii) in connection with a competition conducted for the purpose of promoting the sale of goods or services; and
- (b) no entry fee is charged to participate in the art union or in a competition in relation to which the art union is conducted; and
- (c) every notice or advertisement issued in relation to the art union states—
 - (i) the name and address of the person conducting the art union; and
 - (ii) the date when the art union is to be drawn; and
 - (iii) each prize provided in the art union and its recommended retail value; and
 - (iv) any other information that is prescribed; and
- (d) if it is necessary to purchase goods or services to enter the competition—the cost of goods or services must not be more than the prevailing market price; and

- (e) the declaration of the results of the art union takes place within 1 year of the start of the art union; and
- (f) the prescribed conditions (if any) are complied with.

Meaning of “social bingo”

11. “Social bingo” is bingo at which—

- (a) no admission fee is charged to the premises where the bingo is conducted; and
- (b) tickets are sold only to—
 - (i) persons who all—
 - (A) work or live on the same premises; or
 - (B) work for the same employer; or
 - (ii) persons who are all members of, or are genuine guests of, an association formed for a common purpose; or
 - (iii) another class of persons prescribed for the purposes of this section; and
- (c) the price of each card is the same and is not more than—
 - (i) 10 c; or
 - (ii) if a greater amount is prescribed—that amount; and
- (d) all money received from the sale of tickets in a session is returned to the players in that session in the form of prizes; and
- (e) the gross proceeds of all games in the session are not more than—
 - (i) \$500; or
 - (ii) if a greater amount is prescribed—that amount; and
- (f) the premises where the bingo is conducted are not licensed premises.

Subdivision D—Non-exempt art unions

Meaning of “non-exempt art union”

12. A “non-exempt art union” is any of the following art unions—

- (a) a minor art union;
- (b) a major art union;
- (c) minor bingo;
- (d) major bingo;
- (e) a calcutta sweep;
- (f) lucky envelopes.

Meaning of “minor art union”

13. A “minor art union” is an art union the gross proceeds of which are not more than—

- (a) \$5 000; or
- (b) if a greater amount is prescribed—that amount;

but does not include bingo, lucky envelopes or a calcutta sweep.

Meaning of “major art union”

14. A “major art union” is an art union the gross proceeds of which are more than—

- (a) \$5 000; or
- (b) if a greater amount is prescribed—that amount;

but does not include bingo, lucky envelopes or a calcutta sweep.

Meaning of “minor bingo”

15. “Minor bingo” is bingo the gross proceeds of each session of which are not more than—

- (a) \$1 000; or
- (b) if a greater amount is prescribed—that amount.

Meaning of “major bingo”

16. “Major bingo” is bingo the gross proceeds of each session of which are more than—

- (a) \$1 000; or
- (b) if a greater amount is prescribed—that amount.

Meaning of “calcutta sweep”

17. A “calcutta sweep” is a sweep in which the names of the entrants in the sporting event are not allocated for a fixed price to the participants in the sweep but are auctioned off to the highest bidder before the event.

Meaning of “lucky envelopes”

18. “Lucky envelopes” is—

- (a) the game known as lucky envelopes, break-open, pull-tab or lucky numbers; or
- (b) a similar game (whatever called);

the gross proceeds of which do not exceed—

- (c) \$1 500; or
- (d) if a greater amount is prescribed—that amount.

Division 2—What is a public amusement?**Meaning of “public amusement”**

19. A public amusement is a mechanical, electrical or electronic machine, apparatus or device that is—

- (a) conducted for profit; and
- (b) used to play a game irrespective of the purpose of the game;

but does not include a machine, apparatus or device that is—

- (c) conducted by a travelling showperson at a place for not more than 10 consecutive days; or

- (d) an amusement device within the meaning of the *Workplace Health and Safety Act 1989*; or
- (e) a gaming machine within the meaning of the *Gaming Machine Act 1991*.

PART 3—ART UNIONS

Division 1—Conduct of art unions

Conduct of non-exempt art union requires authority

20. A person must not conduct a non-exempt art union unless the person is authorised to conduct the art union under—

- (a) an authority under this Act; or
- (b) another Act.

Maximum penalty—100 penalty units.

Division 2—Authority to conduct minor art union and major art union

Subdivision A—Authority to conduct minor art union

Issue and renewal of authorities to conduct minor art unions

21. The chief executive may—

- (a) issue a permit to conduct a minor art union; and
- (b) issue a licence to conduct minor art unions; and
- (c) renew a licence to conduct minor art unions.

Who may apply for permit to conduct minor art union

22. An eligible association may apply for a permit to conduct a minor art union.

Who may apply for licence to conduct minor art unions

23. An eligible association that is—

- (a) an incorporated eligible association; or
- (b) a parents and citizens association formed under the *Education (General Provisions) Act 1989*; or
- (c) a prescribed eligible association; or
- (d) a constituent unit of an eligible association mentioned in paragraph (a), (b) or (c);

may apply for a licence to conduct minor art unions.

When application must be made for authority or renewal

24.(1) An application for a permit to conduct a minor art union must be made at least 14 days before the proposed start of the minor art union.

(2) An application for the issue of a licence to conduct minor art unions must be made at least 14 days before the proposed start of the first minor art union that the applicant intends to conduct under the licence.

(3) An application for the renewal of a licence to conduct minor art unions must be made at least 30 days, or such shorter time as the chief executive allows in a particular case, before the licence expires.

Term of authority and renewal

25.(1) The term of a permit to conduct a minor art union (other than a multiple drawing art union) is the term (not longer than 4 months) specified by the chief executive in the permit.

(2) The term of a permit to conduct a minor art union that is a multiple drawing art union is the term (not longer than 10 months) specified by the chief executive in the permit.

(3) The term of a licence to conduct minor art unions, and each renewal of the licence, is the term (not longer than 3 years) specified by the chief executive in the licence or renewal.

(4) This section does not prevent the earlier cancellation of a permit or licence.

Subdivision B—Authority to conduct major art union

Issue of permits to conduct major art unions

26. The chief executive may issue a permit to conduct a major art union.

Who may apply for permit to conduct major art union

27. An eligible association may apply for a permit to conduct a major art union.

When application must be made

28. An application for a permit to conduct a major art union must be made at least 21 days before the proposed start of the major art union.

Term of permit

29.(1) The term of a permit to conduct a major art union (other than a multiple drawing art union) is the term (not longer than 4 months) specified by the chief executive in the permit.

(2) If, on the application of the holder of a permit to conduct a major art union (other than a permit to conduct a multiple drawing art union), the chief executive is satisfied that exceptional circumstances exist in relation to the art union, the chief executive may extend the term of the permit for such period as the chief executive considers appropriate.

(3) The total term of a permit extended under subsection (2) must not be longer than 6 months.

(4) The term of a permit to conduct a major art union that is a multiple drawing art union is the term (not longer than 10 months) specified by the

chief executive in the permit.

(5) This section does not prevent the earlier cancellation of a permit.

Special committee and promoter of major art union

30. Before applying for a permit to conduct a major art union, the management committee of an eligible association must appoint—

- (a) 3 or more individuals to form a special committee of the association for the art union; and
- (b) another individual as the promoter of the art union.

Function of promoter

31.(1) The promoter of a major art union is to conduct the art union.

(2) In promoting the art union, the promoter is to be subject to—

- (a) section 75 (Liability of management committee etc. for conduct of art union); and
- (b) a lawful direction relating to the conduct of the art union given by—
 - (i) the management committee of the eligible association that is the holder of the permit to conduct the art union; and
 - (ii) the special committee for the art union.

Function of special committee

32.(1) The special committee for a major art union is to supervise the promoter's conduct of the art union.

(2) In supervising the promoter, the special committee is to be subject to—

- (a) section 75 (Liability of management committee etc. for conduct of art union); and
- (b) a lawful direction relating to the conduct of the art union given by the management committee of the eligible association that is the holder of the permit to conduct the art union.

Disqualifications from appointment to special committee and as promoter

33. A person who—

- (a) is or becomes an undischarged bankrupt or is taking advantage or takes advantage of the laws in force for the time being relating to bankruptcy; or
- (b) has been or is convicted of an offence under—
 - (i) this Act; or
 - (ii) Part 6 of the Criminal Code; or
 - (iii) a law outside Queensland that, if committed in Queensland, would be an offence mentioned in subparagraph (ii); or
- (c) is or becomes a patient within the meaning of the *Mental Health Act 1974*;

is not capable of being, or continuing to be, a member of a special committee for an art union or a promoter of an art union.

Written consent necessary for appointment to special committee or as promoter

34. The management committee of an eligible association may appoint an individual to the special committee for an art union, or as a promoter of an art union, only if the individual agrees in writing to the appointment before it is made.

Resignation from special committee or as promoter

35. A person may resign from an appointment to a special committee for an art union, or as promoter of an art union, by signed notice given to the management committee of the eligible association that has applied for, or holds, the permit to conduct the art union.

Vacancy in appointment to be filled

36.(1) The management committee of an eligible association that has applied for, or holds, a permit to conduct a major art union must ensure that

a vacancy in an appointment to a special committee for the art union, or as promoter of the art union, is filled within 7 days of the appointment becoming vacant.

Maximum penalty—5 penalty units.

(2) Subsection (1) does not require the filling of a vacancy in an appointment to the special committee if, after the vacancy arises, there are still at least 3 members on the special committee.

Subdivision C—General

Matters to be considered by chief executive in deciding whether to issue or renew authority under Division

37.(1) In deciding whether to issue or renew an authority under this Division, the chief executive must consider—

- (a) whether the applicant is capable of complying with this Act and the conditions to which the authority would be subject; and
- (b) whether the applicant is fulfilling or would be able to fulfil the objects for which it was formed; and
- (c) if the application is for a permit to conduct a major art union—whether each member of the special committee for the art union, the promoter of the art union and each person proposed to be engaged in the conduct of, or to provide services directly related to the conduct of, the art union is a fit and proper person.

(2) Subsection (1) does not limit the matters that the chief executive may consider in deciding whether to issue or renew an authority under this Division.

Division 3—Conduct of bingo

Subdivision A—Authority to conduct minor bingo

Issue of authorities to conduct minor bingo

38. The chief executive may—

- (a) issue a permit to conduct minor bingo; and
- (b) endorse a minor art union licence to permit the conduct of minor bingo.

Who may apply for permit or endorsement

39.(1) An eligible association may apply for a permit to conduct minor bingo.

(2) The holder of a minor art union licence may apply to have the licence endorsed to permit the conduct of minor bingo.

When application must be made

40. An application for—

- (a) a permit to conduct minor bingo; or
- (b) the endorsement of a minor art union licence to permit the conduct of minor bingo;

must be made at least 14 days before the first minor bingo session that the applicant proposes to conduct under the permit or the endorsement.

Term of permit or endorsement

41.(1) The term of a permit to conduct minor bingo is the term (not longer than 1 year) specified by the chief executive in the permit.

(2) The term of an endorsement of a minor art union licence to permit the conduct of minor bingo is the term specified in the endorsement (not longer than the balance of the term of the licence).

(3) This section does not prevent the earlier cancellation of a permit or endorsement.

Subdivision B—Authority to conduct major bingo

Issue of permits to conduct major bingo

42. The chief executive may issue a permit to conduct major bingo.

Who may apply for permit

43. An eligible association may apply for a permit to conduct major bingo.

Special committee and promoter of major bingo

44. The following sections apply, with all necessary modifications, to the conduct of major bingo as if major bingo were a major art union—

- (a) section 30 (Special committee and promoter of major art union);
- (b) section 31 (Function of promoter);
- (c) section 32 (Function of special committee);
- (d) section 33 (Disqualifications from appointment to special committee and as promoter);
- (e) section 34 (Written consent necessary for appointment to special committee or as promoter);
- (f) section 35 (Resignation from special committee or as promoter);
- (g) section 36 (Vacancy in appointment to be filled).

When application must be made

45. An application for a permit to conduct major bingo must be made at least 21 days before the first major bingo session that the applicant proposes to conduct under the permit.

Term of permit

46.(1) The term of a permit to conduct major bingo is the term (not longer than 6 months) specified by the chief executive in the permit.

(2) This section does not prevent the earlier cancellation of a permit.

High roller session

47.(1) If the holder of a permit to conduct major bingo satisfies the chief executive that it will, during the term of the permit, conduct at least 22 major bingo sessions at premises other than premises in relation to which a bingo centre licence has been issued under Subdivision C, the chief executive may endorse the permit to authorise the holder of the permit to conduct, during the term of the permit, at specified premises that are not premises in relation to which such a licence has been issued, a maximum of 2 high roller sessions at the times specified in the permit.

(2) The chief executive must not endorse the permit in a way that would authorise the holder to conduct more than 4 high roller sessions in a calendar year.

(3) The holder of a permit to conduct major bingo must not conduct a high roller session unless the session is authorised to be conducted by an endorsement of a permit made under subsection (1).

Maximum penalty—20 penalty units.

Gross proceeds not to exceed prescribed amount

48. The holder of a permit to conduct major bingo must ensure that—

- (a) the gross proceeds of each bingo session conducted under the permit (other than a high roller session) is not more than—
 - (i) \$6 000; or
 - (ii) if a greater amount is prescribed—that amount; or
- (b) the gross proceeds of each high roller session conducted under the permit is not more than twice the amount provided under paragraph (a) for a bingo session that is not a high roller session.

Maximum penalty—20 penalty units.

Subdivision C—Authority to conduct bingo centres**Issue and renewal of bingo centre licences**

49. The chief executive may—

- (a) issue a bingo centre licence in relation to premises; and
- (b) renew a bingo centre licence.

Restriction on use of premises for minor and major bingo

50. Nine or more associations that are authorised under this Division to conduct minor bingo or major bingo must not conduct minor bingo or major bingo at the same premises unless the premises are licensed as a bingo centre.

Owner or occupier must not permit use of premises not licensed as bingo centre

51. An owner or occupier of premises who is not the holder of a bingo centre licence in relation to the premises must not permit or allow 9 or more eligible associations to conduct minor bingo or major bingo at the premises.

Maximum penalty—25 penalty units.

Who may apply for a bingo centre licence

52. A person may apply for a bingo centre licence for premises only if the person is a body corporate—

- (a) the sole members of which are; and
- (b) that is completely controlled by;

the eligible associations that conduct, or intend to conduct, minor bingo or major bingo at the premises.

When application must be made

53.(1) An application for the issue of a bingo centre licence for premises must be made at least 60 days, or such shorter time as the chief executive allows in a particular case, before the premises are proposed to be used as a bingo centre.

(2) An application for renewal of a bingo centre licence must be made at least 30 days, or such shorter time as the chief executive allows in a particular case, before the licence expires.

Term of licence and renewal

54.(1) The term of a bingo centre licence, and each renewal of the licence, is the term (not longer than 1 year) specified by the chief executive in the licence or renewal.

(2) This section does not prevent the earlier cancellation of a permit.

Subdivision D—General**Matters to be considered by chief executive in deciding whether to issue or renew authority under Division**

55.(1) In deciding whether to issue or renew an authority under this Division, the chief executive must consider—

- (a) if the application is for a permit to conduct minor bingo or major bingo—whether—
 - (i) the applicant is capable of complying with this Act and the conditions to which the permit would be subject; and
 - (ii) the applicant is fulfilling or would be able to fulfil the objects for which it was formed; and
- (b) if the application is for a permit to conduct major bingo—whether each member of the special committee for the bingo, the promoter of the bingo and each person proposed to be engaged in the conduct of, or to provide services directly related to the conduct of, the major bingo is a fit and proper person; and
- (c) if the application is for a bingo centre licence—whether—
 - (i) the applicant is capable of complying with this Act and any conditions to which the licence would be subject; and
 - (ii) the practices and procedures followed, or proposed to be followed, by the applicant in the conduct of the bingo centre are adequate to ensure, to the greatest extent reasonably possible—
 - (A) the integrity of bingo games conducted at the bingo centre; and

- (B) the elimination of opportunity for sharp or dishonest practices that could damage public confidence in the bingo games conducted at the bingo centre; and
- (iii) the premises and the facilities provided, or to be provided, at the premises (including facilities for the conduct of bingo) are suitable and of an appropriate standard.

(2) Subsection (1) does not limit the matters that the chief executive may consider in deciding whether to issue or renew an authority under this Division.

Division 4—Authority to conduct calcutta sweep

Definition

56. In this Division—

“**eligible association**” includes—

- (a) a horse race club, harness race club and greyhound race club within the meaning of the *Racing and Betting Act 1980*; and
- (b) any other association.

Issue of permits to conduct calcutta sweeps

57. The chief executive may issue a permit to conduct a calcutta sweep.

Who may apply for calcutta sweep permit

58. An eligible association may apply for a permit to conduct a calcutta sweep.

When application must be made

59. An application for a permit to conduct a calcutta sweep must be made at least 14 days before the proposed start of the calcutta sweep.

Matters to be considered by chief executive in deciding whether to issue calcutta sweep permit

60.(1) In deciding whether to issue a permit to conduct a calcutta sweep, the chief executive must consider whether the applicant is capable of complying with this Act and the conditions to which the permit would be subject.

(2) Subsection (1) does not limit the matters that the chief executive may consider in deciding whether to issue a permit to conduct a calcutta sweep.

Division 5—Lucky envelopes***Subdivision A—Authority to sell lucky envelopes*****Issue and renewal of licences to sell lucky envelopes**

61. The chief executive may—

- (a) issue a licence to sell lucky envelopes; and
- (b) renew a licence to sell lucky envelopes.

Who may apply for a licence

62. An eligible association may apply for a licence to sell lucky envelopes.

When application must be made

63.(1) An application for a licence to sell lucky envelopes must be made at least 14 days before the day on which the applicant first proposes to sell lucky envelopes under the licence.

(2) An application for the renewal of a licence to sell lucky envelopes must be made at least 30 days, or such shorter time as the chief executive allows in a particular case, before the licence expires.

Term of licence and renewal

64.(1) The term of a licence to sell lucky envelopes is from the day of issue of the licence to the next 31 December unless a shorter term is specified by the chief executive in the licence.

(2) The term of each renewal of a licence to sell lucky envelopes is the term (not longer than 1 year) specified by the chief executive in the renewal.

Sale of lucky envelopes from vending machines

65. The holder of a licence to sell lucky envelopes must not sell lucky envelopes from a vending machine unless the vending machine is, or the make and model of the vending machine are, approved by the chief executive.

Maximum penalty—20 penalty units.

Approval of lucky envelope vending machines

66.(1) An application may be made to the chief executive for the approval of—

- (a) a lucky envelope vending machine; or
- (b) a make and model of lucky envelope vending machine.

(2) If the chief executive is satisfied that—

- (a) the supplier of the lucky envelope vending machine is a fit and proper person to be supplying the machine; and
- (b) the machine or the make and model of the machine complies with the prescribed requirements;

the chief executive may approve the machine or the make and model of machine.

Sale of lucky envelopes on licensed premises

67. The holder of a licence to sell lucky envelopes must not sell lucky envelopes on licensed premises other than from a lucky envelope vending machine, or a make and model of lucky envelope vending machine, that has been approved by the chief executive under section 66 (Approval of lucky

envelope vending machines).

Maximum penalty—20 penalty units.

Business of selling lucky envelopes in retail shopping centre prohibited

68. A person must not carry on the business of selling lucky envelopes from premises in a retail shopping centre.

Maximum penalty—50 penalty units.

Subdivision B—Licence to print and supply or supply lucky envelopes

Issue and renewal of licences to print and supply etc. lucky envelopes

69. The chief executive may—

- (a) issue a licence to print and supply lucky envelopes; and
- (b) issue a licence to supply lucky envelopes; and
- (c) renew a licence to print and supply, or supply, lucky envelopes.

Printers and suppliers must be licensed

70. A person must not print or supply lucky envelopes unless the person is licensed to do so.

Maximum penalty—50 penalty units.

Lucky envelopes printed by unlicensed person etc. not to be supplied

71. A person who holds a licence to supply lucky envelopes must not supply lucky envelopes—

- (a) that have been printed by a person who does not hold a licence to print and supply lucky envelopes; or
- (b) that do not have printed legibly on the lucky envelopes the prescribed information.

Maximum penalty—50 penalty units.

When application must be made

72.(1) An application for a licence to print and supply lucky envelopes, or supply lucky envelopes, must be made at least 60 days, or such shorter time as the chief executive allows in a particular case, before the day on which the applicant proposes to print and supply, or supply, lucky envelopes under the licence.

(2) An application for renewal of a licence to print and supply lucky envelopes, or supply lucky envelopes, must be made at least 30 days, or such shorter time that the chief executive allows in a particular case, before the licence expires.

Term of licence

73.(1) The term of a licence to print and supply lucky envelopes, or supply lucky envelopes, is from the day of issue of the licence to the next 31 December unless a shorter term is specified by the chief executive in the licence.

(2) The term of each renewal of a licence to print and supply lucky envelopes, or supply lucky envelopes is the term (not longer than 1 year) specified by the chief executive in the renewal.

(3) This section does not prevent the earlier cancellation of a licence.

Subdivision C—General**Matters to be considered by chief executive in deciding whether to issue or renew licence under Division**

74.(1) In deciding whether to issue or renew a licence under this Division, the chief executive must consider—

- (a) if the application is for a licence to sell lucky envelopes—whether the applicant—
 - (i) is capable of complying with this Act and the conditions to which the licence would be subject; and
 - (ii) is fulfilling or is capable of fulfilling the objects for which it was formed; and

- (b) if the application is for a licence to print and supply, or supply, lucky envelopes—whether—
 - (i) the applicant is capable of complying with this Act and the conditions to which the licence would be subject; and
 - (ii) the facilities provided, or to be provided, by the applicant are adequate for the printing and supplying, or supplying, of lucky envelopes; and
 - (iii) the practices and procedures followed, or proposed to be followed, by the applicant in printing and supplying, or supplying, lucky envelopes are adequate to ensure, to the greatest extent reasonably possible—
 - (A) the integrity of lucky envelopes; and
 - (B) the elimination of opportunity for sharp or dishonest practices that could damage public confidence and trust in the purchase of lucky envelopes as a worthwhile way of supporting the fundraising activities of eligible associations.

(2) Subsection (1) does not limit the matters that the chief executive may consider in deciding whether to issue or renew a licence under this Division.

Division 6—General

Liability of management committee etc. for conduct of art union

75.(1) Each member of the management committee of an eligible association that holds an authority to conduct an art union must ensure that—

- (a) the provisions of this Act are complied with in relation to the art union; and
- (b) the conditions of the authority are complied with.

(2) Each member of the special committee for a major art union or major bingo, and the promoter of a major art union or major bingo, must ensure that—

- (a) the provisions of this Act are complied with in relation to the

major art union or major bingo; and

- (b) the conditions of the authority for the major art union or major bingo are complied with.

Maximum penalty—25 penalty units.

PART 4—PUBLIC AMUSEMENTS

Division 1—Authority to conduct public amusement

Person who conducts public amusement must be licensed etc.

76. A person must not conduct a public amusement unless—

- (a) the person is licensed to do so; and
 (b) the chief executive has approved—
 (i) the public amusement; and
 (ii) each game that is played on it.

Maximum penalty—50 penalty units.

Issue or renewal of licences to conduct public amusements

77. The chief executive may—

- (a) issue a licence to conduct a public amusement; and
 (b) renew a licence to conduct a public amusement.

When application for licence must be made

78.(1) An application for a licence to conduct a public amusement must be made at least 30 days, or such shorter time as the chief executive allows in a particular case, before the day on which the person first proposes to conduct the public amusement.

- (2)** An application for the renewal of a licence to conduct a public

amusement must be made at least 30 days, or such shorter time that the chief executive allows in a particular case, before the licence expires.

Term of licence and renewal

79.(1) The term of a licence to conduct a public amusement is from the day of issue of the licence to the next 31 December unless a shorter term is specified by the chief executive in the licence.

(2) The term of each renewal of a licence to conduct a public amusement is the term (not longer than 1 year) specified by the chief executive in the renewal.

(3) This section does not prevent the earlier cancellation of a licence.

Approval of public amusement

80.(1) A person may apply to the chief executive for the approval of—

- (a) a public amusement; and
- (b) each game that is played on it.

(2) An application for approval under subsection (1) must be made at least 14 days before the day requested by the applicant as the day on which the approval is to take effect.

(3) If the chief executive is satisfied that—

- (a) the public amusement is—
 - (i) not capable of being converted to a gaming machine; and
 - (ii) safe to use; and
- (b) each game that is played on it is not offensive or indecent;

the chief executive may approve the public amusement.

Division 2—Public amusement place licence

Issue and renewal of public amusement place licences

81. The chief executive may—

- (a) issue a public amusement place licence in relation to a place; and
- (b) renew a public amusement place licence in relation to a place.

Place where 4 or more public amusements are conducted to be licensed

82.(1) A person must not conduct 4 or more public amusements at a place unless the place is licensed as a public amusement place.

Maximum penalty—25 penalty units.

(2) The requirement of subsection (1) is in addition to the requirements of section 76 (Person who conducts public amusement must be licensed etc.).

When application must be made

83. An application for a public amusement place licence must be made at least 60 days, or such shorter time as the chief executive allows in a particular case, before the applicant first proposes to conduct 4 or more public amusements at the place.

Term of licence and renewal

84.(1) The term of a public amusement place licence is from the day of issue of the licence to the next 31 December unless a shorter term is specified by the chief executive in the licence.

(2) The term of each renewal of a public amusement place licence is the term (not longer than 3 years) specified by the chief executive in the licence.

(3) This section does not prevent the earlier cancellation of a licence.

Division 3—General

Disqualification from holding licence

85.(1) A person is not qualified to hold a licence under this Part if the person has, at any time, been found guilty of an offence (whether or not a conviction has been recorded) against—

- (a) Part 4 or 5 of the Criminal Code; or
- (b) the *Drugs Misuse Act 1986*; or
- (c) a law outside Queensland that, if committed in Queensland, would be an offence mentioned in paragraph (a) or (b).

(2) Sections 6, 8 and 9 of the *Criminal Law (Rehabilitation of Offenders) Act 1986* do not apply in relation to an applicant for a licence, or the holder of a licence, under this Part.

Matters to be considered by chief executive in deciding whether to issue or renew licence under Part

86.(1) In deciding whether to issue or renew a licence under this Part, the chief executive must consider—

- (a) whether—
 - (i) the applicant is a fit and proper person to hold a licence; and
 - (ii) the applicant is capable of complying with this Act and the conditions to which the licence would be subject; and
 - (iii) in relation to the place where a public amusement is proposed to be conducted, or that is proposed to be licensed as a public amusement place—
 - (A) undue offence, annoyance, disturbance or inconvenience would be likely to happen to persons living, working or doing business in the neighbourhood of the place; or
 - (B) the amenity, quiet or good order of the area in the neighbourhood of the place would be adversely affected; or
 - (C) there is a kindergarten, preschool, school, or college for primary or secondary students nearby; and
- (b) other matters that may be prescribed.

(2) Subsection (1) does not limit the matters that the chief executive may consider in deciding whether to issue or renew a licence under this Part.

(3) The chief executive must not issue or renew a licence under this Part

if the chief executive is of the opinion that it would not be in the best interests of the wellbeing or safety of the public (particularly minors) to do so.

PART 5—GENERAL PROVISIONS RELATING TO AUTHORITIES

Application for authority

87. An application for an authority under this Act, or for the renewal or amendment of an authority under this Act, must be—

- (a) made to the chief executive in a form and way approved by the chief executive; and
- (b) accompanied by—
 - (i) the prescribed fee for the application; and
 - (ii) such information and documents as the chief executive reasonably requires.

Inspection before issue or renewal of authority

88. If an application is made for the issue or renewal of an authority under this Act, an inspector may, for the purposes of the determination of the application, at any reasonable time of the day or night—

- (a) enter and inspect a place that is being used or is licensed, or is proposed to be used or licensed—
 - (i) for the conduct of a non-exempt art union or a public amusement; or
 - (ii) for the printing and supply, or supply, of lucky envelopes; or
 - (iii) as a public amusement place; and
- (b) inspect and test—
 - (i) a machine, apparatus or device that is being, or is proposed to be used—

- (A) in the conduct of a non-exempt art union; or
- (B) in the printing and supply, or supply, of lucky envelopes; or
- (ii) a lucky envelope vending machine; or
- (iii) a public amusement.

Chief executive may require further information

89.(1) At any time—

- (a) after an application mentioned in section 87 (Application for authority) is received; or
- (b) during the term, or within 12 months of the expiry, of an authority issued under this Act;

the chief executive may by written notice given to the applicant or holder, require the applicant or holder to give to the chief executive, within a reasonable time, and in a reasonable way, specified in the notice, such information relevant to the application, holder or authority as the chief executive reasonably requires for the purposes of this Act.

(2) A person must not, without reasonable excuse, fail to comply with a requirement under subsection (1) to the extent that the person is capable of doing so.

Maximum penalty—40 penalty units.

(3) It is a reasonable excuse for a person to fail to comply with a requirement under subsection (1) if complying with the requirement might tend to incriminate the person.

Conditions of authority

90.(1) Every authority issued or renewed under this Act must specify—

- (a) the name and address of the holder; and
- (b) the type of authority; and
- (c) the term of the authority; and
- (d) any prescribed conditions.

(2) An authority may also specify any other conditions that is reasonable for the chief executive to impose in the circumstances.

Amendment of authority

91.(1) The holder of an authority may request the chief executive to amend the authority.

(2) The chief executive may—

- (a) grant the amendment and endorse the authority with the amendment; or
- (b) refuse to make the amendment.

Written notice of refusal to issue authority to be given

92.(1) The chief executive must give written notice to an applicant of a refusal to issue, renew or amend an authority.

(2) The notice must state the reasons for the refusal.

PART 6—FUNCTIONS OF HOLDER OF AUTHORITY

Holder of authority to comply with conditions of authority

93. The holder of an authority under this Act must comply with the conditions of the authority.

Maximum penalty—

- (a) for a first offence—40 penalty units; and
- (b) for a subsequent offence—100 penalty units.

Holder of authority to keep records

94. The holder of an authority under this Act must keep the prescribed records in relation to the authority.

Maximum penalty—20 penalty units.

Direction by chief executive to authority holder to take action

95.(1) The chief executive may, at any time, by written notice to the holder of an authority require the holder to take the action specified in the notice—

- (a) to remedy a breach of this Act or a condition of the authority; or
- (b) to comply with this Act or a condition of the authority.

(2) The notice must specify a time for compliance with the notice.

(3) Subject to subsection (4), the time specified in the notice must be at least 14 days after the giving of the notice.

(4) If the chief executive is of the opinion that it is in the public interest that urgent action be taken, a shorter time may be specified.

(5) The notice must state that if the specified action is not taken—

- (a) proceedings may be started for an offence against this section; and
- (b) steps may be taken to vary, cancel or suspend the authority.

(6) The holder of an authority must not, without reasonable excuse, fail to comply with a notice under this section.

Maximum penalty—40 penalty units.

Cancellation or suspension of authority

96.(1) The chief executive may cancel or suspend an authority if the chief executive is satisfied that—

(a) the holder of it has failed to comply with—

- (i) this Act; or
- (ii) a condition of the authority; or
- (iii) a requirement of the chief executive under section 95 (Direction by chief executive to authority holder to take action); or

(b) any of the following is convicted of an offence against this Act in

relation to the authority—

- (i) the holder;
- (ii) in the case of an art union—a member of the management committee of the holder;
- (iii) in the case of an art union that is a major art union or major bingo—
 - (A) a member of the special committee; or
 - (B) the promoter;
- (iv) a person who is engaged or employed by a holder of the authority; or
- (c) the holder has obtained the authority by fraud or by a false or misleading statement or false or misleading documents; or
- (d) in the case of an authority relating to an art union—the art union is being conducted in such a way as to cause the chief executive reasonable concern for the viability or integrity of the art union; or
- (e) in the case of a permit to print and supply, or supply, lucky envelopes—the printing and supplying, or supplying, of lucky envelopes is being carried out in such a way as to cause the chief executive reasonable concern for the integrity of the lucky envelopes; or
- (f) in the case of a licence to conduct a public amusement or a public amusement place licence issued in relation to a place—the public amusement or place is being conducted in such a way as to cause the chief executive reasonable concern for the wellbeing or safety of the public (particularly minors); or
- (g) the prescribed circumstances exist.

(2) Before deciding whether an authority should be cancelled or suspended under subsection (1), the chief executive must issue a notice calling on the holder to show cause why the authority should not be cancelled or suspended.

(3) A notice to show cause—

- (a) must specify a day, time and place when and where cause may be shown; and

(b) must be given to the holder to whom it is directed.

(4) The holder of an authority to whom a show cause notice is given is entitled to be heard on the matter of its cancellation or suspension.

(5) If at the time and place specified in the notice to show cause, or to which the matter is adjourned, sufficient cause is not shown to the satisfaction of the chief executive, the authority may be cancelled or suspended by order of the chief executive.

(6) An order cancelling or suspending an authority takes effect 14 days after the day on which it is made.

(7) A suspension of an authority continues—

- (a) for the period specified in the order; or
- (b) until the chief executive is satisfied that specified action has been taken; or
- (c) until the suspension is lifted; or
- (d) until the authority expires;

whichever happens first.

Suspension of authority in exceptional circumstances

97.(1) Despite section 96 (Cancellation or suspension of authority), the chief executive may, by signed notice to the holder of an authority, immediately suspend the authority if the chief executive is satisfied that exceptional circumstances exist in relation to the authority to cause the chief executive reasonable concern—

- (a) in the case of an authority relating to an art union—for the viability and integrity of the art union; or
- (b) in the case of a permit to print and supply, or supply, lucky envelopes—for the integrity of the lucky envelopes; or
- (c) in the case of a licence to conduct a public amusement or a public amusement place licence issued in relation to a place—for the wellbeing or safety of the public (particularly minors); or
- (d) for a prescribed reason.

(2) The holder of an authority must comply with a notice under this

section.

Maximum penalty—60 penalty units.

Application for lifting of suspension of authority

98.(1) The holder of a suspended authority may, at any time, apply in writing to the chief executive for the lifting of the suspension.

(2) The application must be made in a form and way approved by the chief executive and be accompanied by any prescribed fee.

Application for lifting of suspension of authority to be determined within 30 days

99.(1) If an application for the lifting of the suspension of an authority is properly made, the chief executive must, by notice given to the applicant within 30 days of receiving the application—

- (a) lift the suspension; or
- (b) lift the suspension subject to conditions; or
- (c) refuse to lift the suspension.

(2) If the chief executive makes a decision under subsection (1)(b) or (c), the notice must give reasons for lifting the suspension subject to conditions or refusing to lift the suspension.

Term of authority to include period of suspension

100. For the purpose of calculating the term of an authority, any time while it was suspended is treated as part of the term.

Appeals

101.(1) If the chief executive makes a decision—

- (a) refusing an application for an authority; or
- (b) issuing an authority that the applicant objects to; or
- (c) suspending or cancelling an authority; or

- (d) refusing an application for renewal of an authority; or
- (e) refusing an application to amend an authority; or
- (f) requiring a holder to take action under section 95 (Direction by chief executive to authority holder to take action);

the applicant or holder may appeal to a Magistrates Court against the decision.

(2) The Magistrates Court that has jurisdiction to hear the appeal is the Court exercising jurisdiction at or nearest—

- (a) if the applicant or holder is an association—the place where the management committee of the association normally meets to conduct the affairs of the association; or
- (b) if the applicant or holder is a person—the place where the person resides or carries on business or proposes to carry on business.

(3) An appeal is instituted by—

- (a) lodging with the Clerk of the Court written notice of the appeal; and
- (b) serving a copy of the notice on the chief executive;

within 30 days after the day on which the applicant or holder receives notice of the decision.

(4) A notice of appeal is to specify fully the grounds of appeal and the facts relied on.

(5) An appeal is to be by way of rehearing.

(6) The power to make rules of court under the *Magistrates Courts Act 1921* includes power to make rules relating to the institution and conduct of appeals under this section.

(7) Until such rules of court are made or so far as the rules made do not extend to a particular case, the Magistrate hearing the appeal may give such directions as to the hearing of the appeal as the Magistrate considers appropriate.

(8) For the purposes of an appeal under this section, the Magistrates Court has all the powers and functions of the chief executive.

(9) If on appeal the Magistrates Court upsets or varies the decision of the

chief executive, the Magistrates Court's decision is taken, for the purposes of this Act, to be that of the chief executive.

PART 7—ADMINISTRATION

Delegation

102. The chief executive may delegate the chief executive's powers under this Act to an officer of the department.

Inspectors

103.(1) The chief executive may appoint officers of the department to be inspectors for the purposes of this Act.

(2) The chief executive may issue an identity card to an inspector.

(3) The identity card must—

- (a) contain a recent photograph of the inspector; and
- (b) be in a form approved by the chief executive.

Proof of identity as inspector

104. An inspector must not exercise any power under this Act in relation to a person unless the inspector first produces his or her identity card for inspection by the person.

Register to be maintained

105.¹(1) *A register called the Art Unions and Public Amusements Register is to be maintained in the department.*

(2) *There must be recorded in the register in relation to each authority issued under Part 3 and Part 4 (including an authority that is suspended,*

¹ This provision not commenced on or before the reprint date.

cancelled or expired) and each application for an authority, the prescribed particulars and such other relevant particulars approved from time to time by the chief executive.

Search and copy from register

106.¹ *A person is entitled, on payment of the prescribed fee—*

- (a) to search the register; or*
- (b) to obtain a copy of any part of the register;*

during ordinary business hours of the department.

PART 8—INVESTIGATION AND ENFORCEMENT

Entry and search—monitoring compliance

107.(1) Subject to subsection (2), an inspector may, for the purpose of finding out whether this Act is being complied with—

- (a) enter any place at any reasonable time of the day or night; and
- (b) exercise the powers set out in section 109 (General powers of inspector in relation to places).

(2) The inspector must not enter a place, or exercise a power under subsection (1), unless—

- (a) the occupier of the place consents to the entry or exercise of the power; or
- (b) the place is a place to which the public are admitted (whether or not for consideration) and the entry is made when members of the public attend or the premises are open for admission by the public; or
- (c) the place is a place or premises or the part of premises, that—
 - (i) are licensed under this Act and the entry is made when the place or premises are open for conduct of business or otherwise open for entry; and

- (ii) are not used exclusively for residential purposes.

Entry and search—evidence of offences

108.(1) Subject to subsection (3), if an inspector has reasonable grounds for suspecting that there is in a place a particular thing ('the evidence') that may afford evidence of the commission of an offence against this Act, the officer may—

- (a) enter the place; and
- (b) exercise the powers set out in section 109 (General powers of inspector in relation to places).

(2) If the inspector enters the place and finds the evidence, the following provisions have effect—

- (a) the inspector may seize the evidence;
- (b) the inspector may keep the evidence for 6 months or, if a prosecution for an offence against this Act in the commission of which the evidence may have been used or otherwise involved is instituted within that period, until the completion of the proceeding for the offence and any appeal in relation to the proceeding;
- (c) if the evidence is a document—while the inspector has possession of the document, the inspector may take extracts from and make copies of the document, but must allow the document to be inspected at any reasonable time by a person who would be entitled to inspect it if it were not in the inspector's possession.

(3) An inspector must not enter the place or exercise a power under subsection (1) unless—

- (a) the occupier of the place consents to the entry or exercise of the power; or
- (b) a warrant under section 110 (Offence related warrants) that was issued in relation to the evidence authorises the entry or exercise of the power.

(4) If, while searching the place under subsection (1) under a warrant under section 110 (Offence related warrants), an inspector—

- (a) finds a thing that the inspector believes, on reasonable grounds, to be—
 - (i) a thing (other than the evidence) that will afford evidence of the commission of the offence mentioned in subsection (1); or
 - (ii) a thing that will afford evidence of the commission of another offence against this Act; and
- (b) the inspector believes, on reasonable grounds, that it is necessary to seize the thing to prevent—
 - (i) its concealment, loss or destruction; or
 - (ii) its use in committing, continuing or repeating the offence mentioned in subsection (1) or the other offence, as the case may be;

subsection (2) applies to the thing as if it were the evidence.

General powers of inspector in relation to places

109.(1) An inspector who enters a place under this Part may exercise any of the following powers—

- (a) search any part of the place;
- (b) inspect, examine, photograph or film anything in or on the place;
- (c) take extracts from, and make copies of, any documents in or on the place;
- (d) take into or onto the place such persons, equipment and materials as the inspector reasonably requires for the purpose of exercising any powers in relation to the place;
- (e) require the occupier or any person in or on the place to give to the inspector reasonable assistance in relation to the exercise of the powers mentioned in paragraphs (a) to (d);
- (f) the powers mentioned in the following provisions—
 - (i) section 112 (Inspector may require name and address);
 - (ii) section 113 (Power to require answers to questions);

(iii) section 114(1) (Other powers of inspectors).

(2) A person must not, without reasonable excuse, fail to comply with a requirement made under subsection (1)(e).

Maximum penalty—40 penalty units.

(3) It is a reasonable excuse for a person to fail to answer a question or produce a document (other than a document required to be kept by the person under a regulation) if answering the question, or producing the document, might tend to incriminate the person.

(4) An inspector who seizes or damages anything under this Part must, as soon as it is reasonably practicable after seizing or damaging the thing, give written notice of particulars of the thing or damage.

(5) The notice must be given to—

- (a) if anything is seized—the person from whom the thing was seized; or
- (b) if damage was caused to anything—the person who appears to the inspector to be the owner of the thing.

(6) On the hearing of a proceeding for an offence against this Act or in a proceeding brought for the recovery of compensation under this section, a court may order the payment of compensation to a person for any loss resulting from the unreasonable exercise of powers under this Part.

(7) This section does not limit any power that an inspector has apart from this section.

Offence related warrants

110.(1) An inspector may apply to a Magistrate for a warrant under this section in relation to a particular place.

(2) Subject to subsection (3), the Magistrate may issue the warrant if the Magistrate is satisfied, by information on oath, that there are reasonable grounds for suspecting that there is, or there may be within the next 7 days, in or on the place a particular thing (‘the evidence’) that may afford evidence of the commission of an offence against this Act.

(3) If the Magistrate requires further information concerning the grounds on which the issue of the warrant is being sought, the Magistrate must not

issue the warrant unless the inspector or another person has given the information to the Magistrate in the form (either orally or by affidavit) that the Magistrate requires.

(4) The warrant must—

- (a) authorise the inspector, with such assistance and by such force as is necessary and reasonable—
 - (i) to enter the place; and
 - (ii) to exercise the powers set out in section 109(1)(a) to (e) (General powers of inspector in relation to places); and
 - (iii) to seize the evidence; and
- (b) state whether the entry is authorised to be made at any time of the day or night or only during specified hours of the day or night; and
- (c) specify the day (not more than 14 days after the issue of the warrant) on which the warrant ceases to have effect; and
- (d) state the purpose for which the warrant is issued.

Warrants may be granted by telephone, facsimile, radio etc.

111.(1) If an inspector considers it necessary to do so because of special circumstances, including, for example, the inspector's remote location, the inspector may, under this section, apply by telephone, facsimile, radio or another form of communication for a warrant under section 110 (Offence related warrants).

(2) Before applying for the warrant, the inspector must prepare an information of the kind mentioned in section 110(2) (Offence related warrants), that sets out the grounds on which the issue of the warrant is sought.

(3) If it is necessary to do so, an inspector may apply for the warrant before the information has been sworn.

(4) If the Magistrate is satisfied—

- (a) after having considered the terms of the information; and
- (b) after having received such further information (if any) as the

Magistrate requires concerning the grounds on which the issue of the warrant is being sought;

that there are reasonable grounds for issuing the warrant, the Magistrate may, under section 110 (Offence related warrants), complete and sign the warrant that the Magistrate would issue under the section if the application had been made under the section.

(5) If the Magistrate completes and signs the warrant, the Magistrate must immediately send a copy of the warrant to the inspector by facsimile or, if it is not reasonably practicable to do so—

- (a) the Magistrate must—
 - (i) tell the inspector what the terms of the warrant are; and
 - (ii) tell the inspector the day and time when the warrant was signed; and
 - (iii) record on the warrant the reasons for granting the warrant; and
- (b) the inspector must—
 - (i) complete a form of warrant in the same terms as the warrant completed and signed by the Magistrate; and
 - (ii) write on the form of warrant the name of the Magistrate and the day and time when the Magistrate signed the warrant.

(6) The inspector must also—

- (a) not later than the day after the day of expiry or execution of the warrant (whichever is the earlier); or
- (b) if it is not practicable to comply with paragraph (a)—as soon as practicable after the day mentioned in the paragraph;

send to the Magistrate—

- (c) the information mentioned in subsection (2), which must have been properly sworn; and
- (d) if a form of warrant was completed by the inspector under subsection (5)(b)—the completed form of warrant.

(7) When the Magistrate receives the documents mentioned in subsection (6), the Magistrate must—

- (a) attach them to the warrant that the Magistrate completed and signed; and
- (b) deal with them in the way in which the Magistrate would have dealt with the information if the application for the warrant had been made under section 110 (Offence related warrants).

(8) A facsimile copy of a warrant, or a form of warrant properly completed by the inspector under subsection (5)(b), is authority for any entry, search, seizure or other exercise of a power that the warrant signed by the Magistrate authorises.

(9) If—

- (a) it is material for a court to be satisfied that an entry, search, seizure or other exercise of power was authorised by this section; and
- (b) the warrant completed and signed by the Magistrate authorising the exercise of power is not produced in evidence;

the court must assume, unless the contrary is proved, that the exercise of power was not authorised by such a warrant.

Inspector may require name and address

112.(1) An inspector who—

- (a) finds a person committing, or finds a person who the inspector has reasonable grounds for suspecting of having committed, an offence against this Act; or
- (b) believes on reasonable grounds that the name and address of a person is required for the purpose of the administration or enforcement of this Act;

may require the person to state the person's name and address and, if the inspector believes on reasonable grounds that the name or address given is false, may require evidence of its correctness.

(2) A person who is required under subsection (1) to state the person's name or address must not—

- (a) fail to comply with the requirement; or
- (b) state a false name or address.

Maximum penalty—40 penalty units.

(3) A person who is required under subsection (1) to give evidence of the correctness of a name or address must not fail to give the evidence or give false evidence.

Maximum penalty—40 penalty units.

(4) If—

- (a) an inspector makes a requirement under subsection (1) on a suspicion of a person having committed an offence; and
- (b) the person is not proved to have committed the offence;

the person is not guilty of an offence against this section.

Power to require answers to questions

113.(1) If an inspector believes on reasonable grounds that a person may be able to provide information relevant to the administration or enforcement of this Act, the officer may require the person to answer a question relevant to the administration or enforcement of this Act.

(2) A person who is required under subsection (1) to answer a question must not, without reasonable excuse, fail to comply with the requirement.

Maximum penalty—50 penalty units.

(3) It is a reasonable excuse for a person to fail to answer a question if answering the question might tend to incriminate the person.

Other powers of inspectors

114.(1) Subject to subsection (2), an inspector may, for the purposes of this Act, exercise any of the following powers—

- (a) require a person to produce to the inspector—
 - (i) any authority held by the person under this Act; or
 - (ii) any document or record required to be kept by the person under this Act;
- (b) inspect, take extracts from, make copies of or keep a document produced to the inspector under paragraph (a);

(c) such other powers as are prescribed.

(2) An inspector may keep a document under subsection (1)(b) only for the purpose of taking copies of the document and must, as soon as practicable after taking the copies, return the document to the person who produced it.

Obstruction of inspectors

115. A person must not obstruct or hinder, or attempt to obstruct or hinder, an inspector in the exercise of a power or performance of a duty under this Act.

Maximum penalty—50 penalty units.

False or misleading information

116.(1) A person must not—

- (a) make a statement to the chief executive in an application for an authority or in any further information given to the chief executive under section 89 (Chief executive may require further information) that the person knows is false or misleading in a material particular; or
- (b) omit from a statement mentioned in paragraph (a) anything without which the statement is to the person's knowledge, misleading in a material particular; or
- (c) make a statement to an inspector that the person knows is false or misleading in a material particular; or
- (d) omit from a statement made to an inspector anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty—100 penalty units.

(2) A complaint against a person for an offence against subsection (1) is sufficient if it states that the information given was false or misleading to the person's knowledge.

False or misleading documents

117. A person must not give to the chief executive or an inspector a document containing information that the person knows is false, misleading or incomplete in a material particular without—

- (a) indicating to the chief executive or the inspector that the document is false, misleading or incomplete and the respect in which the document is false, misleading or incomplete; and
- (b) giving the correct information to the chief executive or the inspector if the person has, or can reasonably obtain, the correct information.

Maximum penalty—100 penalty units.

Fraud in relation to art unions

118. A person must not, with intent to defraud, conduct an art union in such a way that every holder of a ticket in the art union does not have a fair and equal chance of winning every prize in the art union.

Maximum penalty—100 penalty units or imprisonment for 2 years.

Stealing art union prizes and proceeds

119. A person must not fraudulently take, or fraudulently convert to the person's own use or to the use of another person—

- (a) any of the prizes or part of the prizes in an art union; or
- (b) any of the proceeds of an art union.

Maximum penalty—100 penalty units or imprisonment for 2 years.

Impersonation of inspector

120. A person must not pretend to be an inspector.

Maximum penalty—50 penalty units.

Infringement notices

121.(1) If an inspector believes on reasonable grounds that a person has committed an offence against a provision of this Act (other than section 118 or 119), the inspector may serve an infringement notice on the person in relation to the offence.

(2) The infringement notice is to be in a form approved by the chief executive and must—

- (a) be identified by a serial number; and
- (b) specify the full name and address of the person on whom it is served; and
- (c) specify the day, time and place of the commission of the alleged offence; and
- (d) clearly indicate the nature of the alleged offence; and
- (e) contain a notification to the person on whom it is served that, if the person does not wish the matter to be dealt with by a court, the person may pay the amount of the prescribed penalty (not more than 10 penalty units) specified in the notice within—
 - (i) 14 days after the service of the notice; or
 - (ii) such further time as the chief executive allows (whether before or after the end of the period); and
- (f) clearly indicate the place at which, the way in which, and the person to whom, the prescribed penalty may be paid.

Effect of service of infringement notice

122.(1) If an infringement notice has been served on a person and, within—

- (a) the period of 14 days mentioned in the notice; or
- (b) such further time as the chief executive allows (whether before or after the end of the period);

the amount of the prescribed penalty is paid in accordance with the notice—

- (c) any liability of the person in relation to the alleged offence is discharged; and

- (d) no further proceedings may be taken against the person in relation to the alleged offence.

(2) Nothing in this Act prevents the service of more than 1 infringement notice on a person in relation to the same offence, but subsection (1) applies to the person if the person pays the prescribed penalty in accordance with any 1 of the notices.

(3) If the amount of the prescribed penalty in relation to an offence is paid by cheque or payment order, payment is taken to have been made only if the cheque or payment order is honoured on presentation.

(4) Subject to subsection (1), nothing in this section or section 121 (Infringement notices)—

- (a) prejudices or affects the institution or prosecution of proceedings in relation to an alleged offence; or
- (b) limits the amount of the penalty that may be imposed by a court in relation to an offence; or
- (c) requires the serving of an infringement notice on a person; or
- (d) prejudices or affects the liability of a person to be prosecuted in a court for an alleged offence in relation to which a notice has not been served.

PART 9—MISCELLANEOUS

Evidentiary provisions

123.(1) This section applies to any proceeding under or in relation to this Act.

(2) It is not necessary to prove the appointment of an inspector or the authority of an inspector to do anything under this Act.

(3) A signature purporting to be that of the chief executive or an inspector is evidence of the signature it purports to be.

(4) A certificate purporting to be signed by the chief executive stating that—

- (a) a specified document is a copy of an authority or direction issued under this Act; or
- (b) on a specified day, or during a specified period, a specified person was or was not the holder of an authority issued under this Act; or
- (c) an authority was or was not issued for a specified term, or was or was not subject to specified conditions; or
- (d) on a day mentioned in the certificate, a specified person was given a direction under this Act; or
- (e) a specified document is a copy of a part of a register kept under this Act; or
- (f) an amount payable under this Act by a specified person has not been paid; or
- (g) the chief executive allowed, or did not allow, further time, for the purposes of section 122(1) (Effect of service of infringement notice), for the payment of the prescribed penalty in relation to an offence and that the penalty was not paid in accordance with the notice;

is evidence of the matter stated in the certificate.

Chief executive may inquire into applications

124.(1) The chief executive may, in relation to an application for, or renewal of, an authority inquire into—

- (a) if the applicant is an individual—the fame, character and suitability of the applicant; or
- (b) if the applicant is a corporation—the fame, character and suitability of each executive officer of the corporation; or
- (c) if the applicant is an association—the fame, character and suitability of each member of the management committee; or
- (d) if the applicant is applying for a permit to conduct a major art union or major bingo—the fame, character and suitability of each member of the special committee and the promoter.

(2) The chief executive may obtain a report from the Commissioner of Police in respect of the criminal history of the applicant and any of the

persons mentioned in paragraphs (b) to (d).

(3) A report under subsection (2) must include reference to or disclosure of convictions mentioned in section 6 of the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

Confidentiality of information

125. If while performing duties under, or in relation to, this Act a person gets information, the person must not, whether directly or indirectly, disclose or make use of the information except to the extent necessary to perform the person's duties under or in relation to this Act.

Maximum penalty—60 penalty units.

Regulations

126.(1) The Governor in Council may make regulations for the purposes of this Act.

(2) A regulation may be made with respect to any of the following matters—

- (a) the records to be kept and returns to be lodged by the holder of an authority and requirements as to the inspection of the records;
- (b) the matters in respect of which fees, costs, charges and taxes are payable under this Act, the amounts of the fees, costs, charges and taxes, the persons who are liable to pay the fees, costs, charges and taxes, when the fees, costs, charges and taxes are payable, and the recovery of any amount of the fees, costs, charges and taxes not paid;
- (c) the method of giving notices, approvals, directions, orders and other instruments under this Act;
- (d) the conditions to be observed in the conduct of art unions and public amusements;
- (e) the prevention of fraud or cheating in relation to the conduct of art unions and public amusements;
- (f) the security and form of security to be given by applicants for authorities under this Act;

- (g) controlling ticket sellers and the selling of tickets in art unions, providing for accounting of receipts and expenditure, the drawing of art unions and the allocation of prizes;
- (h) the winding-up of art unions that are not finalised;
- (i) offences under a regulation in respect of which a notice may be given to an offender advising that a prescribed penalty may be paid for any such offence without involving court proceedings;
- (j) exemption from compliance with provisions of a regulation;
- (k) prescribing offences for contraventions of a regulation, and fixing a maximum penalty of a fine of not more than 20 penalty units for such a contravention.

PART 11—SAVINGS AND TRANSITIONAL

Definition

129. In this Part—

“**repealed Act**” means the *Art Unions and Amusements Act 1976*.

Permits and approvals etc.

130. A permit, registration, approval or other authority issued or given under the repealed Act and in force immediately before the commencement of Part 10 is taken to have been issued or given under this Act until—

- (a) it expires or is earlier terminated in accordance with its terms; or
- (b) 31 December 1992;

whichever is the earlier.

Transitional regulations

131. The Governor in Council may make regulations with respect to any matter for which—

- (a) it is necessary or convenient to facilitate the transition from the operation of the repealed Act to the operation of this Act; and
- (b) this Part does not make provision or sufficient provision.

ENDNOTES**1 Index to Endnotes**

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2 Date to which amendments incorporated

This is the day mentioned in section 5(c) of the *Reprints Act 1992*. However, no amendments have commenced operation before that day. Future amendments of the *Art Unions and Public Amusements Act 1992* may be made in accordance with this reprint because of section 49 of the *Reprints Act 1992*.

3 List of legislation**Art Unions and Public Amusements Act 1992 No. 34**

date of assent 2 July 1992

ss 1–2 commenced on date of assent

ss 3–60, 75, 87–104, 107–131 commenced 24 July 1992 (1992 SL No. 231)

ss 61–74, 76–86 commenced 1 January 1993 (1992 SL No. 461)

remaining provisions not yet proclaimed into force

4 List of annotations

Key to abbreviations in list of annotations

RA	=	<i>Reprints Act 1992</i>
amd	=	amended
ins	=	inserted
om	=	omitted
renum	=	renumbered
sub	=	substituted
Chap	=	Chapter
Pt hdg	=	Part heading
Div hdg	=	Division heading
Sdiv hdg	=	Subdivision heading
hdg prec	=	heading preceding
prov hdg	=	provision heading
cl	=	clause
prev	=	previous
pres	=	present

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

PART 10—REPEALS AND CONSEQUENTIAL AMENDMENTS

Pt 10 (ss 127–128) om (see s 40 RA)

SCHEDULE 1—ACTS REPEALED

om (see s 40 RA)

SCHEDULE 2—ACTS AMENDED

om (see s 40 RA)

5 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS under section 7(1)(j) of *Reprints Act 1992*

Section	Description
s 3	om ‘including’ ins ‘include’
s 101(2)	om ‘the place’ (first occurring)
s 113(3)	om ‘It is reasonable’ ins ‘It is a reasonable’